As Reported by the House Judiciary Committee

136th General Assembly

Regular Session 2025-2026

Sub. S. B. No. 56

Senator Huffman

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

То	amend sections 9.79, 109.572, 131.02, 519.21,	1
	715.013, 928.01, 928.03, 3376.07, 3796.01,	2
	3796.02, 3796.03, 3796.05, 3796.06, 3796.07,	3
	3796.09, 3796.10, 3796.12, 3796.13, 3796.14,	4
	3796.15, 3796.17, 3796.18, 3796.19, 3796.20,	5
	3796.21, 3796.22, 3796.23, 3796.24, 3796.27,	6
	3796.28, 3796.29, 3796.30, 3796.31, 4506.01,	7
	4735.18, 4796.25, 5502.01, 5502.13, 5502.14,	8
	5703.052, 5703.053, 5703.19, 5703.263, 5703.50,	9
	5703.70, 5703.77, 5713.30, and 5743.45; to	10
	amend, for the purpose of adopting a new section	11
	number as indicated in parentheses, section	12
	3780.37 (3796.34); to enact sections 928.08,	13
	2953.321, 3779.01, 3779.02, 3779.021, 3779.022,	14
	3779.03, 3779.031, 3779.032, 3779.04, 3779.05,	15
	3779.051, 3779.06, 3779.07, 3779.08, 3779.09,	16
	3779.10, 3779.11, 3779.21, 3779.22, 3779.221,	17
	3779.23, 3779.24, 3779.25, 3779.26, 3779.27,	18
	3779.28, 3779.29, 3779.30, 3779.40, 3779.41,	19
	3779.42, 3779.43, 3779.431, 3779.44, 3779.45,	20
	3779.451, 3779.46, 3779.47, 3779.48, 3779.99,	21
	3796.04, 3796.062, 3796.221, 3796.32, 3796.33,	22
	3796.40, 3796.99, and 5119.171; and to repeal	23
	sections 3780.01, 3780.02, 3780.03, 3780.04,	24
	3780.05, 3780.06, 3780.07, 3780.08, 3780.09,	25

3780.10,	3780.11,	3780.12,	3780.13,	3780.14,	26
3780.15,	3780.16,	3780.17,	3780.20,	3780.21,	27
3780.22,	3780.24,	3780.25,	3780.26,	3780.27,	28
3780.28,	3780.29,	3780.30,	3780.31,	3780.32,	29
3780.33,	3780.34,	3780.35,	3780.36,	3780.90,	30
3780.99,	and 3796.	.021 of th	ne Revised	d Code to	31
revise sp	pecified p	provisions	s of the l	iquor	32
control,	hemp, and	d adult-us	se marijua	ana laws, to	33
levy taxe	es on cert	ain hemp	products,	and to make	34
an approp	oriation.				35

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

Section 1. That sections 9.79, 109.572, 131.02, 519.21,	36
715.013, 928.01, 928.03, 3376.07, 3796.01, 3796.02, 3796.03,	37
3796.05, 3796.06, 3796.07, 3796.09, 3796.10, 3796.12, 3796.13,	38
3796.14, 3796.15, 3796.17, 3796.18, 3796.19, 3796.20, 3796.21,	39
3796.22, 3796.23, 3796.24, 3796.27, 3796.28, 3796.29, 3796.30,	40
3796.31, 4506.01, 4735.18, 4796.25, 5502.01, 5502.13, 5502.14,	41
5703.052, 5703.053, 5703.19, 5703.263, 5703.50, 5703.70,	42
5703.77, 5713.30, and 5743.45 be amended; section 3780.37	43
(3796.34) be amended for the purpose of adopting a new section	44
number as indicated in parentheses; and sections 928.08,	45
2953.321, 3779.01, 3779.02, 3779.021, 3779.022, 3779.03,	46
3779.031, 3779.032, 3779.04, 3779.05, 3779.051, 3779.06,	47
3779.07, 3779.08, 3779.09, 3779.10, 3779.11, 3779.21, 3779.22,	48
3779.221, 3779.23, 3779.24, 3779.25, 3779.26, 3779.27, 3779.28,	49
3779.29, 3779.30, 3779.40, 3779.41, 3779.42, 3779.43, 3779.431,	50
3779.44, 3779.45, 3779.451, 3779.46, 3779.47, 3779.48, 3779.99,	51
3796.04, 3796.062, 3796.221, 3796.32, 3796.33, 3796.40, 3796.99,	52

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to the contrary, subject to division (L) of this section, for	80
each type of license issued or conferred by a licensing	81
authority, the licensing authority shall establish within one	82
hundred eighty days after April 12, 2021, a list of specific	83
criminal offenses for which a conviction, judicial finding of	84
guilt, or plea of guilty may disqualify an individual from	85
obtaining an initial license. The licensing authority shall make	86
the list available to the public on the licensing authority's	87
web site pursuant to division (C) of section 9.78 of the Revised	88
Code. The licensing authority, in adopting the list, shall do	89
both of the following:	90
(a) Identify each disqualifying offense by name or by the	91
Revised Code section number that creates the offense;	92
(b) Include in the list only criminal offenses that are	93
directly related to the duties and responsibilities of the	94
licensed occupation.	95
(2) The licensing authority may include in the list	96
established under division (B)(1) of this section an existing or	97
former municipal ordinance or law of this or any other state or	98
the United States that is substantially equivalent to any	99
section or offense included in the list adopted under division	100
(B)(1) of this section.	101
(C)(1) Except as provided in division (C)(2) or (D) of	102
this section and subject to division (L) of this section, a	103
licensing authority shall not refuse to issue an initial license	104
to an individual based on any of the following:	105
(a) Solely or in part on a conviction of, judicial finding	106
of guilt of, or plea of guilty to an offense;	107

(b) A criminal charge that does not result in a

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plea of guilty to a disqualifying offense that involves a breach	166
of fiduciary duty and that is not an offense of violence or a	167
sexually oriented offense, whichever of the following is later,	168
provided the individual was not convicted of, found guilty	169
pursuant to a judicial finding of guilt of, and did not enter a	170
plea of guilty to any other offense during the applicable	171
period:	172
(i) Ten years from the date of conviction, judicial	173
finding of guilt, or plea of guilty;	174
(ii) Ten years from the date of the release from	175
incarceration;	176
(iii) The time period specified in division (D)(4) of this	177
section.	178
(c) For a conviction of, judicial finding of guilt of, or	179
plea of guilty to a disqualifying offense that is an offense of	180
violence or a sexually oriented offense, any time.	181
(3) If an individual is subject to a community control	182
sanction, parole, or post-release control sanction based on a	183
conviction of, judicial finding of guilt of, or plea of guilty	184
to a disqualifying offense included in the list established	185
under division (B) of this section that is not an offense of	186
violence or a sexually oriented offense, a licensing authority	187
may take the offense into account during the following time	188
periods:	189
(a) If the community control sanction, parole, or post-	190
release control sanction was for a term of less than five years,	191
the period of the community control sanction, parole, or post-	192
release control sanction plus the number of years after the date	193
of final discharge of the community control sanction, parole, or	194

post-release control sanction necessary to equal five years;	195
(b) If the community control sanction, parole, or post-	196
release control sanction was for a term of five years or more,	197
the period of the community control sanction, parole, or post-	198
release control sanction.	199
(4) If an individual is subject to a community control	200
sanction, parole, or post-release control sanction based on a	201
conviction of, judicial finding of guilt of, or plea of guilty	202
to a disqualifying offense included in the list established	203
under division (B) of this section that involved a breach of	204
fiduciary duty and that is not an offense of violence or a	205
sexually oriented offense, a licensing authority may take the	206
offense into account during the following time periods:	207
(a) If the community control sanction, parole, or post-	208
release control sanction was for a term of less than ten years,	209
for the period of the community control sanction, parole, or	210
post-release control sanction plus the number of years after the	211
date of final discharge of the community control sanction,	212
parole, or post-release control sanction necessary to equal ten	213
years;	214
(b) If the community control sanction, parole, or post-	215
release control sanction was for a term of ten years or more,	216
the period of the community control sanction, parole, or post-	217
release control sanction.	218
(E) If a licensing authority refuses to issue an initial	219
license to an individual pursuant to division (D) of this	220
section, the licensing authority shall notify the individual in	221
writing of all of the following:	222
(1) The grounds and reasons for the refusal, including an	223

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

(J) Nothing in divisions (B) to (K) of this section	279
prohibits a licensing authority from considering either of the	280
following when making a determination whether to issue a license	281
to an individual:	282
(1) Past disciplinary action taken by the licensing	283
authority against the individual;	284
(2) Past disciplinary action taken against the individual	285
by an authority in another state that issues a license that is	286
substantially similar to the license for which the individual	287
applies.	288
(K) Notwithstanding any provision of the Revised Code to	289
the contrary, if a licensing authority issues a license to an	290
individual after considering a conviction of, judicial finding	291
of guilt of, or plea of guilty to an offense under division (D)	292
of this section, the licensing authority shall not refuse to	293
renew the individual's license based on that conviction,	294
judicial finding of guilt, or plea of guilty.	295
(L)(1) Notwithstanding any provision of the Revised Code	296
to the contrary, subject to division (G) of this section, during	297
the period commencing on the effective date of this amendment	298
April 4, 2023, and ending on the date that is two years after	299
the effective date of this amendment April 4, 2025, no licensing	300
authority shall refuse to issue a license to a person, limit or	301
otherwise place restrictions on a person's license, or suspend	302
or revoke a person's license under any provision of the Revised	303
Code that takes effect on or after the effective date of this	304
amendment and prior to the date that is two years after the	305
effective date of this amendment and that requires or authorizes	306
such a refusal, limitation, restriction, suspension, or	307
revocation as a result of the person's conviction of, judicial	308

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

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 331 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 332 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 333 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 334 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 335 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 336 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 337 2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 338 division (A)(1)(a) of this section;

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2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22,	339
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11	340
of the Revised Code, felonious sexual penetration in violation	341
of former section 2907.12 of the Revised Code, a violation of	342
section 2905.04 of the Revised Code as it existed prior to July	343
1, 1996, a violation of section 2919.23 of the Revised Code that	344
would have been a violation of section 2905.04 of the Revised	345
Code as it existed prior to July 1, 1996, had the violation been	346
committed prior to that date, or a violation of section 2925.11	347
of the Revised Code that is not a minor drug possession offense;	348
(b) A violation of an existing or former law of this	349
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state, any other state, or the United States that is	350

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

substantially equivalent to any of the offenses listed in

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

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subject of the request previously has been convicted of or	369
pleaded guilty to any of the following:	370
(a) A violation of section 2903.01, 2903.02, 2903.03,	371
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,	372
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05,	373
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31,	374
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02,	375
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11,	376
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25,	377
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11,	378
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;	379
(b) An existing or former law of this state, any other	380
state, or the United States that is substantially equivalent to	381
any of the offenses listed in division (A)(2)(a) of this	382
section.	383
(3) On receipt of a request pursuant to section 173.27,	384
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342,	385
5123.081, or 5123.169 of the Revised Code, a completed form	386
prescribed pursuant to division (C)(1) of this section, and a	387
set of fingerprint impressions obtained in the manner described	388
in division (C)(2) of this section, the superintendent of the	389
bureau of criminal identification and investigation shall	390
conduct a criminal records check of the person for whom the	391
request is made. The superintendent shall conduct the criminal	392
records check in the manner described in division (B) of this	393
section to determine whether any information exists that	394
indicates that the person who is the subject of the request	395

previously has been convicted of, has pleaded guilty to, or

5164.341, or 5164.342 of the Revised Code) has been found

(except in the case of a request pursuant to section 5164.34,

it existed prior to July 1, 1996;

eligible for intervention in lieu of conviction for any of the	399
following, regardless of the date of the conviction, the date of	400
entry of the guilty plea, or (except in the case of a request	401
pursuant to section 5164.34, 5164.341, or 5164.342 of the	402
Revised Code) the date the person was found eligible for	403
intervention in lieu of conviction:	404
(a) A violation of section 959.13, 959.131, 2903.01,	405
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13,	406
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341,	407
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33,	408
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	409
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31,	410
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02,	411
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,	412
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,	413
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	414
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	415
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	416
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24,	417
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24,	418
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12,	419
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21,	420
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05,	421
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23,	422
2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the	423
Revised Code;	424
(b) Felonious sexual penetration in violation of former	425
section 2907.12 of the Revised Code;	426
(c) A violation of section 2905.04 of the Revised Code as	427
(1, 11 1101401011 01 00001011 1100101 01 010 11011004 0040 40	

(d) A violation of section 2923.01, 2923.02, or 2923.03 of	429
the Revised Code when the underlying offense that is the object	430
of the conspiracy, attempt, or complicity is one of the offenses	431
listed in divisions (A)(3)(a) to (c) of this section;	432
(e) A violation of an existing or former municipal	433
ordinance or law of this state, any other state, or the United	434
States that is substantially equivalent to any of the offenses	435
listed in divisions $(A)(3)(a)$ to (d) of this section.	436
(4) On receipt of a request pursuant to section 2151.86,	437
2151.904, or 5103.053 of the Revised Code, a completed form	438
prescribed pursuant to division (C)(1) of this section, and a	439
set of fingerprint impressions obtained in the manner described	440
in division (C)(2) of this section, the superintendent of the	441
bureau of criminal identification and investigation shall	442
conduct a criminal records check in the manner described in	443
division (B) of this section to determine whether any	444
information exists that indicates that the person who is the	445
subject of the request previously has been convicted of or	446
pleaded guilty to any of the following:	447
(a) A violation of section 959.13, 2151.421, 2903.01,	448
2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11,	449
2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22,	450
2903.32, 2903.34, 2905.01, 2905.02, 2905.05, 2905.32, 2907.02,	451
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09,	452
2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32,	453
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22,	454
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49,	455
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12,	456
2923.13, 2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04,	457
2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24,	458

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

- (b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(4)(a) of this section.
- (5) Upon receipt of a request pursuant to section 5104.013 476 of the Revised Code, a completed form prescribed pursuant to 477 division (C)(1) of this section, and a set of fingerprint 478 impressions obtained in the manner described in division (C)(2) 479 of this section, the superintendent of the bureau of criminal 480 identification and investigation shall conduct a criminal 481 records check in the manner described in division (B) of this 482 section to determine whether any information exists that 483 indicates that the person who is the subject of the request has 484 been convicted of or pleaded quilty to any of the following: 485
- (a) A violation of section 2151.421, 2903.01, 2903.02, 486 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 487 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 488

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

- (b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in division (A)(5)(a) of this section.
- (6) Upon receipt of a request pursuant to section 5153.111 517 of the Revised Code, a completed form prescribed pursuant to 518 division (C)(1) of this section, and a set of fingerprint 519

impressions obtained in the manner described in division (C)(2)	520
of this section, the superintendent of the bureau of criminal	521
identification and investigation shall conduct a criminal	522
records check in the manner described in division (B) of this	523
section to determine whether any information exists that	524
indicates that the person who is the subject of the request	525
previously has been convicted of or pleaded guilty to any of the	526
following:	527
(a) A violation of section 2903.01, 2903.02, 2903.03,	528
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,	529
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05,	530
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23,	531
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323,	532
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12,	533
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02,	534
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised	535
Code, felonious sexual penetration in violation of former	536
section 2907.12 of the Revised Code, a violation of section	537
2905.04 of the Revised Code as it existed prior to July 1, 1996,	538
a violation of section 2919.23 of the Revised Code that would	539
have been a violation of section 2905.04 of the Revised Code as	540
it existed prior to July 1, 1996, had the violation been	541
committed prior to that date, or a violation of section 2925.11	542
of the Revised Code that is not a minor drug possession offense;	543
(b) A violation of an existing or former law of this	544
state, any other state, or the United States that is	545
substantially equivalent to any of the offenses listed in	546
division (A)(6)(a) of this section.	547
(7) On receipt of a request for a criminal records check	548
from an individual pursuant to section 4749.03 or 4749.06 of the	549

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

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

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other state, or the United States.

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

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

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

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

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

conduct a criminal records check with respect to any person for	643
whom a criminal records check is required under that section.	644
The superintendent shall conduct the criminal records check in	645
the manner described in division (B) of this section to	646
determine whether any information exists that indicates that the	647
person who is the subject of the request previously has been	648
convicted of or pleaded guilty to any of the following:	649
(a) A violation of section 2903.01, 2903.02, 2903.03,	650
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,	651
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05,	652
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31,	653
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02,	654
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11,	655
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25,	656
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11,	657
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;	658
(b) An existing or former law of this state, any other	659
state, or the United States that is substantially equivalent to	660
any of the offenses listed in division (A)(12)(a) of this	661
section.	662
(13) On receipt of a request pursuant to section 3796.12	663
of the Revised Code, a completed form prescribed pursuant to	664
division (C)(1) of this section, and a set of fingerprint	665
impressions obtained in a manner described in division (C)(2) of	666
this section, the superintendent of the bureau of criminal	667
identification and investigation shall conduct a criminal	668
records check in the manner described in division (B) of this	669
section to determine whether any information exists that	670
indicates that the person who is the subject of the request	671
previously has been convicted of or pleaded quilty to a	672

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

- (14) On receipt of a request required by section 3796.13 681 682 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint 683 impressions obtained in a manner described in division (C)(2) of 684 this section, the superintendent of the bureau of criminal 685 identification and investigation shall conduct a criminal 686 records check in the manner described in division (B) of this 687 section to determine whether any information exists that 688 indicates that the person who is the subject of the request 689 previously has been convicted of or pleaded guilty to a 690 disqualifying offense as specified in rules adopted under 691 section 9.79 and division $\frac{(B)(14)(a)}{(B)}$ (B) of section 3796.03 of 692 the Revised Code if the person who is the subject of the request 693 is seeking employment with an entity licensed by the department 694 of commerce under Chapter 3796. of the Revised Code. 695
- (15) On receipt of a request pursuant to section 4768.06 696 of the Revised Code, a completed form prescribed under division 697 (C)(1) of this section, and a set of fingerprint impressions 698 obtained in the manner described in division (C)(2) of this 699 section, the superintendent of the bureau of criminal 700 identification and investigation shall conduct a criminal 701 records check in the manner described in division (B) of this 702 section to determine whether any information exists indicating 703

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

- (16) On receipt of a request pursuant to division (B) of 707 section 4764.07 or division (A) of section 4735.143 of the 708 Revised Code, a completed form prescribed under division (C)(1) 709 of this section, and a set of fingerprint impressions obtained 710 in the manner described in division (C)(2) of this section, the 711 superintendent of the bureau of criminal identification and 712 investigation shall conduct a criminal records check in the 713 manner described in division (B) of this section to determine 714 whether any information exists indicating that the person who is 715 the subject of the request has been convicted of or pleaded 716 guilty to any criminal offense in any state or the United 717 States. 718
- (17) On receipt of a request for a criminal records check 719 under section 147.022 of the Revised Code, a completed form 720 prescribed under division (C)(1) of this section, and a set of 721 fingerprint impressions obtained in the manner prescribed in 722 division (C)(2) of this section, the superintendent of the 723 bureau of criminal identification and investigation shall 724 conduct a criminal records check in the manner described in 725 division (B) of this section to determine whether any 726 information exists that indicates that the person who is the 727 subject of the request previously has been convicted of or 728 pleaded guilty or no contest to any criminal offense under any 729 existing or former law of this state, any other state, or the 730 United States. 731
- (18) Upon receipt of a request pursuant to division (F) of 732 section 2915.081 or division (E) of section 2915.082 of the 733

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Revised Code, a completed form prescribed under division (C)(1)	134
of this section, and a set of fingerprint impressions obtained	735
in the manner described in division (C)(2) of this section, the	736
superintendent of the bureau of criminal identification and	737
investigation shall conduct a criminal records check in the	738
manner described in division (B) of this section to determine	739
whether any information exists indicating that the person who is	740
the subject of the request has been convicted of or pleaded	741
guilty or no contest to any offense that is a violation of	742
Chapter 2915. of the Revised Code or to any offense under any	743
existing or former law of this state, any other state, or the	744
United States that is substantially equivalent to such an	745
offense.	746
(19) On receipt of a request pursuant to section 3775.03	747
of the Revised Code, a completed form prescribed under division	748
(C)(1) of this section, and a set of fingerprint impressions	749
obtained in the manner described in division (C)(2) of this	750
section, the superintendent of the bureau of criminal	751
identification and investigation shall conduct a criminal	752
records check in the manner described in division (B) of this	753
section and shall request information from the federal bureau of	754
investigation to determine whether any information exists	755
indicating that the person who is the subject of the request has	756
been convicted of any offense under any existing or former law	757
of this state, any other state, or the United States that is a	758
disqualifying offense as defined in section 3772.07 of the	759
Revised Code.	760
(20) On receipt of a request pursuant to section 3779.05	761

of the Revised Code, a completed form prescribed pursuant to

impressions obtained in a manner described in division (C)(2) of

division (C)(1) of this section, and a set of fingerprint

this section, the superintendent of the bureau of criminal	765
identification and investigation shall conduct a criminal	766
records check in the manner described in division (B) of this	767
section to determine whether any information exists that	768
indicates that the person who is the subject of the request	769
previously has been convicted of or pleaded guilty to a	770
disqualifying offense as defined in section 3779.01 of the	771
Revised Code if the person who is the subject of the request is	772
an administrator or other person responsible for the daily	773
operation of, or an owner or prospective owner, officer or	774
prospective officer, or board member or prospective board member	775
of, an entity seeking a license from the division of cannabis	776
control in the department of commerce under section 3779.03 of	777
the Revised Code.	778
(01) 0	770
(21) On receipt of a request required by section 3779.051	779
of the Revised Code, a completed form prescribed pursuant to	780
division (C)(1) of this section, and a set of fingerprint	781
impressions obtained in a manner described in division (C)(2) of	782
this section, the superintendent of the bureau of criminal	783
identification and investigation shall conduct a criminal	784
records check in the manner described in division (B) of this	785
section to determine whether any information exists that	786
indicates that the person who is the subject of the request	787
previously has been convicted of or pleaded guilty to a	788
disqualifying offense as defined in section 3779.01 of the	789
Revised Code if the person who is the subject of the request is	790
seeking employment with an entity licensed by the department of	791
commerce under section 3779.03 of the Revised Code.	792
(B) Subject to division (F) of this section, the	793
superintendent shall conduct any criminal records check to be	794
conducted under this section as follows:	795

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

- (2) If the request received by the superintendent asks for 810 information from the federal bureau of investigation, the 811 superintendent shall request from the federal bureau of 812 investigation any information it has with respect to the person 813 who is the subject of the criminal records check, including 814 fingerprint-based checks of national crime information databases 815 as described in 42 U.S.C. 671 if the request is made pursuant to 816 section 2151.86, 5103.053, or 5104.013 of the Revised Code or if 817 any other Revised Code section requires fingerprint-based checks 818 of that nature, and shall review or cause to be reviewed any 819 information the superintendent receives from that bureau. If a 820 request under section 3319.39 of the Revised Code asks only for 821 information from the federal bureau of investigation, the 822 superintendent shall not conduct the review prescribed by 823 division (B)(1) of this section. 824
- (3) The superintendent or the superintendent's designee 825
 may request criminal history records from other states or the 826

federal government pursuant to the national crime prevention and	827
privacy compact set forth in section 109.571 of the Revised	828
Code.	829
(4) The superintendent shall include in the results of the	830
criminal records check a list or description of the offenses	831
listed or described in the relevant provision of division (A) of	832
this section. The superintendent shall exclude from the results	833
any information the dissemination of which is prohibited by	834
federal law.	835
(5) The superintendent shall send the results of the	836
criminal records check to the person to whom it is to be sent	837
not later than the following number of days after the date the	838
superintendent receives the request for the criminal records	839
check, the completed form prescribed under division (C)(1) of	840
this section, and the set of fingerprint impressions obtained in	841
the manner described in division (C)(2) of this section:	842
(a) If the superintendent is required by division (A) of	843
this section (other than division (A)(3) of this section) to	844
conduct the criminal records check, thirty;	845
(b) If the superintendent is required by division (A)(3)	846
of this section to conduct the criminal records check, sixty.	847
(C)(1) The superintendent shall prescribe a form to obtain	848
the information necessary to conduct a criminal records check	849
from any person for whom a criminal records check is to be	850
conducted under this section. The form that the superintendent	851
prescribes pursuant to this division may be in a tangible	852
format, in an electronic format, or in both tangible and	853
electronic formats.	854
(2) The superintendent shall prescribe standard impression	855

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

- (3) Subject to division (D) of this section, the 868 superintendent shall prescribe and charge a reasonable fee for 869 providing a criminal records check under this section. The 870 person requesting the criminal records check shall pay the fee 871 prescribed pursuant to this division. In the case of a request 872 under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 873 1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 874 fee shall be paid in the manner specified in that section. 875
- (4) The superintendent of the bureau of criminal 876 identification and investigation may prescribe methods of 877 forwarding fingerprint impressions and information necessary to 878 conduct a criminal records check, which methods shall include, 879 but not be limited to, an electronic method. 880
- (D) The results of a criminal records check conducted

 under this section, other than a criminal records check

 specified in division (A)(7) of this section, are valid for the

 person who is the subject of the criminal records check for a

 period of one year from the date upon which the superintendent

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

- (E) When the superintendent receives a request for 892 information from a registered private provider, the 893 superintendent shall proceed as if the request was received from 894 a school district board of education under section 3319.39 of 895 the Revised Code. The superintendent shall apply division (A)(1) 896 (c) of this section to any such request for an applicant who is 897 a teacher.
- (F)(1) Subject to division (F)(2) of this section, all 899 information regarding the results of a criminal records check 900 conducted under this section that the superintendent reports or 901 sends under division (A)(7) or (9) of this section to the 902 director of public safety, the treasurer of state, or the 903 person, board, or entity that made the request for the criminal 904 905 records check shall relate to the conviction of the subject person, or the subject person's plea of guilty to, a criminal 906 offense. 907
- (2) Division (F)(1) of this section does not limit, 908 restrict, or preclude the superintendent's release of 909 information that relates to the arrest of a person who is 910 eighteen years of age or older, to an adjudication of a child as 911 a delinquent child, or to a criminal conviction of a person 912 under eighteen years of age in circumstances in which a release 913 of that nature is authorized under division (E)(2), (3), or (4) 914 of section 109.57 of the Revised Code pursuant to a rule adopted 915

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

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

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

- (1) If a law, including an administrative rule, of this state prescribes the time a payment is required to be made or reported, when the payment is required by that law to be paid or reported.
- (2) If the payment is for services rendered, when the rendering of the services is completed.
- (3) If the payment is reimbursement for a loss, when the 971 loss is incurred. 972
 - (4) In the case of a fine or penalty for which a law or 973

administrative rule does not prescribe a time for payment, when	974
the fine or penalty is first assessed.	975
(5) If the payment arises from a legal finding, judgment,	976
or adjudication order, when the finding, judgment, or order is	977
rendered or issued.	978
(6) If the payment arises from an overpayment of money by	979
the state to another person, when the overpayment is discovered.	980
(7) The date on which the amount for which an individual	981
is personally liable under section 5735.35, section 5739.33, or	982
division (G) of section 5747.07 of the Revised Code is	983
determined.	984
(8) Upon proof of claim being filed in a bankruptcy case.	985
(9) Any other appropriate time determined by the attorney	986
general and the officer, employee, or agent responsible for	987
administering the law under which the amount is payable on the	988
basis of statutory requirements or ordinary business processes	989
of the agency, institution, or political subdivision to which	990
the payment is owed.	991
(B)(1) The attorney general shall give immediate notice by	992
mail or otherwise to the party indebted of the nature and amount	993
of the indebtedness.	994
(2) If the amount payable to this state arises from a tax	995
levied under Chapter 3779., 3796., 5733., 5739., 5741., 5747.,	996
or 5751. of the Revised Code, the notice also shall specify all	997
of the following:	998
(a) The assessment or case number;	999
(b) The tax pursuant to which the assessment is made;	1000

(c) The reason for the liability, including, if	1001
applicable, that a penalty or interest is due;	1002
(d) An explanation of how and when interest will be added	1003
to the amount assessed;	1004
(e) That the attorney general and tax commissioner, acting	1005
together, have the authority, but are not required, to	1006
compromise the claim and accept payment over a reasonable time,	1007
if such actions are in the best interest of the state.	1008
(C) The attorney general shall collect the claim or secure	1009
a judgment and issue an execution for its collection.	1010
(D) Each claim shall bear interest, from the day on which	1011
the claim became due, at the rate per annum required by section	1012
5703.47 of the Revised Code.	1013
(E) The attorney general and the chief officer of the	1014
agency reporting a claim, acting together, may do any of the	1015
following if such action is in the best interests of the state:	1016
(1) Compromise the claim;	1017
(2) Extend for a reasonable period the time for payment of	1018
the claim by agreeing to accept monthly or other periodic	1019
payments. The agreement may require security for payment of the	1020
claim.	1021
(3) Add fees to recover the cost of processing checks or	1022
other draft instruments returned for insufficient funds and the	1023
cost of providing electronic payment options.	1024
(F)(1) Except as provided in division (F)(2) of this	1025
section, if the attorney general finds, after investigation,	1026
that any claim due and owing to the state is uncollectible, the	1027
attorney general, with the consent of the chief officer of the	1028

agency reporting the claim, may do the following:	1029
(a) Sell, convey, or otherwise transfer the claim to one	1030
or more private entities for collection;	1031
(b) Cancel the claim or cause it to be canceled.	1032
(2) The attorney general shall cancel or cause to be	1033
canceled an unsatisfied claim on the date that is forty years	1034
after the date the claim is certified, unless the attorney	1035
general has adopted a rule under division (F)(5) of this section	1036
shortening this time frame with respect to a subset of claims.	1037
(3) No initial action shall be commenced to collect any	1038
tax payable to the state that is administered by the tax	1039
commissioner, whether or not such tax is subject to division (B)	1040
of this section, or any penalty, interest, or additional charge	1041
on such tax, after the expiration of the period ending on the	1042
later of the dates specified in divisions (F)(3)(a) and (b) of	1043
this section, provided that such period shall be extended by the	1044
period of any stay to such collection or by any other period to	1045
which the parties mutually agree. If the initial action in aid	1046
of execution is commenced before the later of the dates	1047
specified in divisions $(F)(3)(a)$ and (b) of this section, any	1048
and all subsequent actions may be pursued in aid of execution of	1049
judgment for as long as the debt exists.	1050
(a) Seven years after the assessment of the tax, penalty,	1051
interest, or additional charge is issued.	1052
(b) Four years after the assessment of the tax, penalty,	1053
interest, or additional charge becomes final. For the purposes	1054
of division $(F)(3)(b)$ of this section, the assessment becomes	1055
final at the latest of the following: upon expiration of the	1056
period to petition for reassessment, or if applicable, to appeal	1057

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a final determination of the commissioner or decision of the	1058
board of tax appeals or a court, or, if applicable, upon	1059
decision of the United States supreme court.	1060

For the purposes of division (F)(3) of this section, an 1061 initial action to collect a tax debt is commenced at the time 1062 when a certified copy of the tax commissioner's entry making an 1063 assessment final has been filed in the office of the clerk of 1064 court of common pleas in the county in which the taxpayer 1065 resides or has its principal place of business in this state, or 1066 in the office of the clerk of court of common pleas of Franklin 1067 county, as provided in section 3779.44, 5739.13, 5741.14, 1068 5747.13, or 5751.09 of the Revised Code or in any other 1069 applicable law requiring such a filing. If an assessment has not 1070 been issued and there is no time limitation on the issuance of 1071 an assessment under applicable law, an action to collect a tax 1072 debt commences when the action is filed in the courts of this 1073 state to collect the liability. 1074

- (4) If information contained in a claim that is sold,

 conveyed, or transferred to a private entity pursuant to this

 section is confidential pursuant to federal law or a section of

 the Revised Code that implements a federal law governing

 confidentiality, such information remains subject to that law

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 during and following the sale, conveyance, or transfer.

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- (5) The attorney general may adopt rules to aid in the implementation of this section.
- Sec. 519.21. (A) Except as otherwise provided in divisions

 (B) and (D) of this section, sections 519.02 to 519.25 of the

 Revised Code confer no power on any township zoning commission,

 board of township trustees, or board of zoning appeals to

 prohibit the use of any land for agricultural purposes or the

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

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

 for agricultural purposes on lots greater than one acre but not

 greater than five acres by: set back building lines; height; and

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

pursuant to section 519.19 of the Revised Code.	1118
Division (B) of this section confers no power on any	1119
township zoning commission, board of township trustees, or board	1120
of zoning appeals to regulate agriculture, buildings or	1121
structures, and dairying and animal and poultry husbandry on	1122
lots greater than five acres.	1123
(C) Such sections confer no power on any township zoning	1124
commission, board of township trustees, or board of zoning	1125
appeals to prohibit in a district zoned for agricultural,	1126
industrial, residential, or commercial uses, the use of any land	1127
for:	1128
(1) A farm market where fifty per cent or more of the	1129
gross income received from the market is derived from produce	1130
raised on farms owned or operated by the market operator in a	1131
normal crop year. However, a board of township trustees, as	1132
provided in section 519.02 of the Revised Code, may regulate	1133
such factors pertaining to farm markets as size of the	1134
structure, size of parking areas that may be required, set back	1135
building lines, and egress or ingress, where such regulation is	1136
necessary to protect the public health and safety.	1137
(2) Biodiesel production, biomass energy production, or	1138
electric or heat energy production if the land on which the	1139
production facility is located qualifies as land devoted	1140
exclusively to agricultural use under sections 5713.30 to	1141
5713.37 of the Revised Code for real property tax purposes. As	1142
used in division (C)(2) of this section, "biodiesel," "biomass	1143
energy," and "electric or heat energy" have the same meanings as	1144
in section 5713.30 of the Revised Code.	1145
(3) Biologically derived methane gas production if the	1146

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land on which the production facility is located qualifies as	1147
land devoted exclusively to agricultural use under sections	1148
5713.30 to 5713.37 of the Revised Code for real property tax	1149
purposes and if the facility that produces the biologically	1150
derived methane gas does not produce more than seventeen million	1151
sixty thousand seven hundred ten British thermal units, five	1152
megawatts, or both.	1153
(4) Agritourism. However, a board of township trustees, as	1154
provided in section 519.02 of the Revised Code, may regulate	1155
such factors pertaining to agritourism, except farm markets as	1156
described in division (C)(1) of this section, as size of a	1157
structure used primarily for agritourism, size of parking areas	1158
that may be required, setback building lines for structures used	1159
primarily for agritourism, and egress or ingress where such	1160
regulation is necessary to protect public health and safety.	1161
Nothing in division (C)(4) of this section confers power	1162
on a township zoning commission, board of township trustees, or	1163
board of zoning appeals to require any parking area to be	1164
improved in any manner, including requirements governing	1165
drainage, parking area base, parking area paving, or any other	1166
improvement.	1167
Nothing in division (C)(4) of this section confers power	1168
on a township zoning commission, board of township trustees, or	1169
board of zoning appeals to prohibit the use of any land or the	1170
construction or use of buildings or structures that are used	1171
primarily for vinting and selling wine that are located on land	1172
any part of which is used for viticulture as provided in	1173
division (A) of this section.	1174

(D) Nothing in this section prohibits a township zoning

commission, board of township trustees, or board of zoning

appeals from regulating the location of medical marijuana	1177
cultivators, processors, or retail dispensaries or from	1178
prohibiting such cultivators, processors, or dispensaries from	1179
being located in the unincorporated territory of the township.	1180
$\frac{\text{(D)}(1)}{\text{(E)}(1)}$ As used in division (C)(3) of this section,	1181
"biologically derived methane gas" has the same meaning as in	1182
section 5713.30 of the Revised Code.	1183
(2) As used in division (C)(4) of this section,	1184
"agritourism" has the same meaning as in section 901.80 of the	1185
Revised Code.	1186
Sec. 715.013. (A) Except as otherwise expressly authorized	1187
by the Revised Code, no municipal corporation shall levy a tax	1188
that is the same as or similar to a tax levied under Chapter	1189
322., 3734., 3769., <u>3779., 3796.,</u> 4123., 4141., 4301., 4303.,	1190
4305., 4307., 4309., 5707., 5725., 5726., 5727., 5728., 5729.,	1191
5731., 5735., 5736., 5737., 5739., 5741., 5743., 5747., 5749.,	1192
or 5751. of the Revised Code.	1193
(B) No municipal corporation may impose any tax, fee,	1194
assessment, or other charge on auxiliary containers, on the	1195
sale, use, or consumption of such containers, or on the basis of	1196
receipts received from the sale of such containers. As used in	1197
this division, "auxiliary container" has the same meaning as in	1198
section 3767.32 of the Revised Code.	1199
(C) This section does not prohibit a municipal corporation	1200
from levying an income tax or withholding tax in accordance with	1201
Chapter 718. of the Revised Code, or a tax on any of the	1202
following:	1203
(1) Amounts received for admission to any place;	1204
(2) The income of an electric company or combined company,	1205

as defined in section 5727.01 of the Revised Code;	1206
(3) On and after January 1, 2004, the income of a	1207
telephone company, as defined in section 5727.01 of the Revised	1208
Code.	1209
Sec. 928.01. As used in this chapter:	1210
(A) "Cannabidiol" means the cannabidiol compound,	1211
containing a delta-9 tetrahydrocannabinol concentration of not	1212
more than three-tenths per cent, derived from hemp.	1213
(B) "Cultivate" or "cultivating" means to plant, water,	1214
grow, fertilize, till, or harvest a plant or crop. "Cultivating"	1215
includes possessing or storing a plant or crop on a premises	1216
where the plant or crop was cultivated until transported to the	1217
first point of sale.	1218
(C) "Hemp" means the plant Cannabis sativa L. and any part	1219
of that plant, including the seeds thereof and all derivatives,	1220
extracts, cannabinoids, isomers, acids, salts, and salts of	1221
isomers, whether growing or not, with a delta-9	1222
tetrahydrocannabinol concentration of not more than three-tenths	1223
per cent on a dry weight basis.	1224
(D) "Hemp cultivation license" means a license to	1225
cultivate hemp issued under section 928.02 of the Revised Code.	1226
(E) "Hemp processing license" means a license to process	1227
hemp issued under section 928.02 of the Revised Code.	1228
(F) "Hemp product" means any product, containing a delta-9	1229
tetrahydrocannabinol concentration of not more than three-tenths	1230
per cent, that is made with hemp. "Hemp product" includes	1231
cosmetics, personal care products, dietary supplements or food	1232
intended for animal or human consumption, cloth, cordage, fiber,	1233

fuel mint many mortialshand many modules many	1 0 2 4
fuel, paint, paper, particleboard, vapor products, processed	1234
<pre>hemp flowers, and any other product containing one or more</pre>	1235
cannabinoids derived from hemp, including cannabidiol. "Hemp	1236
<pre>product" includes any hemp not in the possession of a licensed</pre>	1237
hemp cultivator or hemp processor. "Hemp product" does not	1238
include a non-cannabinoid hemp product.	1239
(G) "Marihuana" has the same meaning as in section 3719.01	1240
of the Revised Code.	1241
(H) "Medical marijuana" has the same meaning as in section	1242
3796.01 of the Revised Code.	1243
(I) "Non-cannabinoid hemp product" means any product that	1244
is made from hemp that does not include cannabinoids. "Non-	1245
cannabinoid hemp product" includes cloth, cordage, fiber, fuel,	1246
paint, paper, particleboard, and foods that have been approved	1247
by the United States food and drug administration as generally	1248
recognized as safe.	1249
(J) "Process" or "processing" means converting hemp into a	1250
hemp product.	1251
$\frac{(J)}{(K)}$ "Delta-9 tetrahydrocannabinol" means the sum of	1252
the percentage by weight of tetrahydrocannabinolic acid	1253
multiplied by 0.877 plus the percentage by weight of delta-9	1254
tetrahydrocannabinol.	1255
(K) (L) "Tetrahydrocannabinol" means naturally occurring	1256
substances contained in the plant, or in the resinous	1257
extractives of cannabis, sp. or derivatives, and their isomers	1258
with similar chemical structure to delta-1-cis or trans	1259
tetrahydrocannabinol, and their optical isomers, salts and salts	1260
of isomers. "Tetrahydrocannabinol" includes, but is not limited	1261
to, delta-8 tetrahydrocannabinol, delta-10 tetrahydrocannabinol,	1262

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

$\frac{\text{(L)}}{\text{(N)}}$ "USDA" means the United States department of	1289
agriculture.	1290
(O) "Adult-use marijuana" and "medical marijuana" have the	1291
same meanings as in section 3796.01 of the Revised Code.	1292
(P) "Electronic smoking device" means any device that can	1293
be used to deliver aerosolized or vaporized hemp or any other	1293
	1294
substance to the person inhaling from the device, including an	
electronic cigarette, electronic cigar, electronic hookah,	1296
vaping pen, or electronic pipe. "Electronic smoking device"	1297
includes any component, part, or accessory of such a device,	1298
whether or not sold separately, and includes any substance	1299
intended to be aerosolized or vaporized during the use of the	1300
<u>device.</u>	1301
(Q) "Vapor product" means a product that contains or is	1302
made or derived from hemp and that is intended and marketed for	1303
human consumption, including by smoking, inhaling, snorting, or	1304
sniffing. "Vapor product" includes any component, part, or	1305
additive that is intended for use in an electronic smoking	1306
device, a mechanical heating element, battery, or electronic	1307
circuit and is used to deliver the product.	1308
(R) "Processed hemp flower" means the flower of a hemp	1309
plant that has been dried or cured.	1310
Sec. 928.03. The director of agriculture, in consultation	1311
with the governor and attorney general, shall adopt rules in	1312
accordance with Chapter 119. of the Revised Code establishing	1313
standards and procedures for the regulation of hemp processing.	1314
The director also shall adopt such rules, in consultation with	1315
the governor and attorney general, regarding hemp cultivation if	1316
the director implements a program to monitor and regulate hemp	1317

cultivation under division (A)(1) of section 928.02 of the	1318
Revised Code. The rules shall include all of the following:	1319
(A) The form of an application for a hemp cultivation	1320
license and hemp processing license and the information required	1321
to be included in each license application;	1322
(B) The amount of an initial application fee that an	1323
applicant shall submit along with an application for a hemp	1324
cultivation license or a hemp processing license, and the amount	1325
of an annual license fee that a licensee shall submit for a hemp	1326
cultivation license or a hemp processing license. In adopting	1327
rules under division (B) of this section, the director shall	1328
ensure both of the following:	1329
(1) That the amount of the application fee and annual	1330
license fee does not exceed an amount sufficient to cover the	1331
costs incurred by the department of agriculture to administer	1332
and enforce this chapter;	1333
(2) That there is one uniform application fee and one	1334
uniform annual license fee that applies to all applicants for a	1335
hemp cultivation license.	1336
(C) Requirements and procedures concerning background	1337
investigations of each applicant for a hemp cultivation license	1338
and each applicant for a hemp processing license. The director	1339
shall include both of the following in the rules adopted under	1340
this division:	1341
(1) A requirement that each applicant comply with sections	1342
4776.01 to 4776.04 of the Revised Code;	1343
(2) Provisions that prohibit the director from issuing a	1344
hemp cultivation license or hemp processing license to an	1345
applicant that has not complied with those sections	1346

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

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

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

(X) Standards for the testing and _, labeling, and	1432
<pre>packaging of hemp and hemp products;</pre>	1433
(Y) Requirements prohibiting the processing of hemp in a	1434
building used as a personal residence or on land that is zoned	1435
for residential use;	1436
(Z) Production standards and manufacturing practices for	1437
processing hemp;	1438
(AA) Procedures and requirements for the transportation	1439
and storage of both hemp and hemp products;	1440
(BB) Any other requirements or procedures necessary to	1441
administer and enforce this chapter.	1442
Sec. 928.08. The department of agriculture, in	1443
consultation and in cooperation with the Ohio investigative unit	1444
in the department of public safety, shall enforce this chapter.	1445
Sec. 2953.321. (A) As used in this section:	1446
(1) "Expunge" means to destroy, delete, and erase a record	1447
as appropriate for the record's physical or electronic form or	1448
characteristic so that the record is permanently irretrievable.	1449
(2) "Official records" and "prosecutor" have the same	1450
meanings as in section 2953.31 of the Revised Code.	1451
(B) If a person, prior to the effective date of this	1452
section, was convicted of or has pleaded guilty to a violation	1453
of division (C)(3) or (7) of section 2925.11 of the Revised Code	1454
and the conduct that was the basis of the violation involved	1455
possession of not more than fifteen grams of hashish and not	1456
more than two and one-half ounces of marihuana other than	1457
hashish, the person may file an application under this section	1458
requesting an expungement of the record of conviction.	1459

(C) Any person who is eligible under division (B) of this	1460
section to file an application for expungement may apply to the	1461
sentencing court for the expungement of the record of	1462
conviction. The person may file the application at any time on	1463
or after the effective date of this section. The application	1464
<pre>shall do all of the following:</pre>	1465
(1) Identify the applicant, the offense for which the	1466
expungement is sought, the date of the conviction of or plea of	1467
guilty to that offense, and the court in which the conviction	1468
occurred or the plea of guilty was entered;	1469
(2) Include evidence that the offense was a violation of	1470
division (C)(3) or (7) of section 2925.11 of the Revised Code,	1471
that the conviction or plea of guilty occurred prior to the	1472
effective date of this section, and that the conduct that was	1473
the basis of the violation involved possession of not more than	1474
fifteen grams of hashish and not more than two and one-half	1475
ounces of marihuana other than hashish;	1476
(3) Include a request for expungement of the record of	1477
conviction of that offense under this section.	1478
(D)(1) Upon the filing of an application under division	1479
(C) of this section and the payment of the fee described in	1480
division (H) of this section if applicable, the court shall set	1481
a date for a hearing and shall notify the prosecutor for the	1482
case of the hearing on the application. The prosecutor may	1483
object to the granting of the application by filing an objection	1484
with the court prior to the date set for the hearing. The	1485
prosecutor shall specify in the objection the reasons for	1486
believing a denial of the application is justified. The court	1487
shall direct its regular probation officer, a state probation	1488
officer, or the department of probation of the county in which	1489

the applicant resides to make inquiries and written reports as	1490
the court requires concerning the applicant. The court shall	1491
hold the hearing scheduled under this division.	1492
(2) The court shall hold the hearing not less than forty-	1493
five days and not more than ninety days after the date of the	1494
filing of the application.	1495
(E) At the hearing held under division (D) of this	1496
section, the court shall do all of the following:	1497
(1) Determine whether the applicant has, prior to the	1498
effective date of this section, been convicted of or pleaded	1499
guilty to a violation of division (C)(3) or (7) of section	1500
2925.11 of the Revised Code and whether the conduct that was the	1501
basis for the violation involved possession of not more than	1502
fifteen grams of hashish and not more than two and one-half	1503
ounces of marihuana other than hashish;	1504
(2) If the prosecutor has filed an objection in accordance	1505
with division (D) of this section, consider the reasons against	1506
granting the application specified by the prosecutor in the	1507
<pre>objection;</pre>	1508
(3) Weigh the interests of the applicant in having the	1509
record of conviction expunged against the legitimate needs, if	1510
any, of the government to maintain those records.	1511
(F) If the court, after complying with division (E) of	1512
this section, finds that the applicant has, prior to the	1513
effective date of this section, been convicted of or pleaded	1514
guilty to a violation of division (C)(3) or (7) of section	1515
2925.11 of the Revised Code; that the conduct that was the basis	1516
for the violation involved possession of not more than fifteen	1517
grams of hashish and not more than two and one-half ounces of	1518

marihuana other than hashish; and that the interests of the	1519
applicant in having the record of conviction sealed are not	1520
substantially outweighed by any legitimate governmental needs to	1521
maintain those records, both of the following apply:	1522
(1) The court chall ender the compression of all efficiel	1 5 0 5
(1) The court shall order the expungement of all official	1523
records pertaining to the case and the deletion of all index	1524
references to the case and, if it does order the expungement,	1525
shall send notice of the order to each public office or agency	1526
that the court has reason to believe may have an official record	1527
pertaining to the case if the court, after complying with	1528
division (E) of this section, determines that the applicant,	1529
prior to the effective date of this section, had been convicted	1530
of or pleaded guilty to a violation of division (C)(3) or (7) of	1531
section 2925.11 of the Revised Code and that the conduct that	1532
was the basis for the violation involved possession of not more	1533
than fifteen grams of hashish and not more than two and one-half	1534
ounces of marihuana other than hashish.	1535
(2) The proceedings in the case that is the subject of an	1536
order issued under division (F) of this section shall be	1537
considered not to have occurred and the conviction or guilty	1538
plea of the person who is the subject of the proceedings shall	1539
be expunged. The record of the conviction shall not be used for	1540
any purpose, including, but not limited to, a criminal records	1541
check under section 109.572 of the Revised Code. The applicant	1542
may, and the court shall, reply that no record exists with	1543
respect to the applicant upon any inquiry into the matter.	1544
(G) Upon the filing of an application under this section,	1545
the applicant, unless indigent, shall pay a fee of fifty	1546
dollars. The court shall pay thirty dollars of the fee into the	1547
state treasury, with half of that amount credited to the	1548

attorney general reimbursement fund created by section 109.11 of	1549
the Revised Code, and shall pay twenty dollars of the fee into	1550
the county general revenue fund.	1551
Sec. 3376.07. A state institution of higher education,	1552
private college, athletic association, conference, or other	1553
group or organization with authority over intercollegiate	1554
athletics may prohibit a student-athlete from entering into a	1555
contract providing compensation to the student-athlete for use	1556
of the student-athlete's name, image, or likeness if under the	1557
contract the student-athlete's name, image, or likeness is	1558
associated with any of the following:	1559
(A) Any company that manufactures, markets, or sells, or	1560
brand that is associated with, a controlled substance, marihuana	1561
product, medical marijuana product, adult-use marijuana product,	1562
alcoholic product, tobacco product, electronic smoking device,	1563
vapor product, or product or device that consists of or contains	1564
nicotine that can be ingested into the body;	1565
(B) Any medical or adult-use marijuana cultivator,	1566
processor, laboratory, or retail dispensary licensed under	1567
Chapter 3796. of the Revised Code or under the laws of another	1568
state;	1569
(C) Any business engaged in the sale, rental, or	1570
exhibition for any form of consideration of adult entertainment	1571
that is characterized by an emphasis on the exposure or display	1572
of sexual activity;	1573
(D) Any casino or entity that sponsors or promotes	1574
gambling activities;	1575
(E) Any other category of companies, brands, or types of	1576
contracts that are similar to those described in divisions (A)	1577

to (D) of this section that the institution or college	1578
communicates to the student-athlete before the student-athlete	1579
enrolls at the institution or college.	1580
Sec. 3779.01. As used in sections 3779.01 to 3779.10 and	1581
3779.40 to 3779.48 of the Revised Code:	1582
(A) "At retail" means for use or consumption by the	1583
ultimate consumer and not for resale.	1584
(B) "Delta-9 tetrahydrocannabinol," "hemp product," and	1585
"tetrahydrocannabinol" have the same meanings as in section	1586
928.01 of the Revised Code.	1587
(C)(1) "Disqualifying offense" means, subject to divisions	1588
(C)(2) and (3) of this section, committing, attempting to	1589
commit, or aiding and abetting another in committing any of the	1590
following:	1591
	4.500
(a) Any offense set forth in Chapter 2925., 3719., or	1592
4729. of the Revised Code, the violation of which constitutes a	1593
felony or a misdemeanor of the first degree;	1594
(b) Any theft offense set forth under division (K) of	1595
section 2913.01 of the Revised Code, the violation of which	1596
<pre>constitutes a felony;</pre>	1597
(c) Any violation for which a penalty is imposed under	1598
section 3715.99 of the Revised Code;	1599
(d) A crime of moral turpitude as defined in section	1600
4776.10 of the Revised Code;	1601
(e) A violation of any former law of this state, any	1602
existing or former law of another state, any existing or former	1603
law applicable in a military court or Indian tribal court, or	1604
any existing or former law of any nation other than the United	1605

States that is or was substantially equivalent to any of the	1606
offenses listed in divisions (C)(1)(a) to (d) of this section.	1607
(2) "Disqualifying offense" does not include a misdemeanor	1608
offense respecting which an applicant for licensure or	1609
employment is convicted of, or pleads guilty to, more than five	1610
years before the date the application is submitted.	1611
(3) "Disqualifying offense" does not include any	1612
misdemeanor offense related to marijuana possession, marijuana	1613
trafficking, illegal cultivation of marijuana, illegal use or	1614
possession of drug paraphernalia or marijuana drug	1615
<pre>paraphernalia, or other misdemeanor marijuana-related offenses.</pre>	1616
(D) "Identification card" means a driver's or commercial	1617
driver's license, an identification card issued under sections	1618
4507.50 to 4507.52 of the Revised Code or an equivalent	1619
identification card issued by another state, a military	1620
identification card issued by the United States department of	1621
defense, or a United States or foreign passport that displays a	1622
picture of the individual for whom the license, card, or	1623
passport is issued and shows that the person buying is then at	1624
<pre>least twenty-one years of age.</pre>	1625
(E) "Intoxicating hemp product" means a hemp product	1626
containing more than five-tenths of a milligram of delta-9	1627
tetrahydrocannabinol per serving, two milligrams of delta-9	1628
tetrahydrocannabinol per package, or five-tenths of a milligram	1629
of total non-delta-9 tetrahydrocannabinol per package.	1630
"Intoxicating hemp product" does not include either of the	1631
<pre>following:</pre>	1632
(1) A hemp product that cannot be ingested, inhaled,	1633
snorted, sniffed, or used sublingually;	1634

(2) A low-level or high-level drinkable cannabinoid	1635
<pre>product as defined in section 3779.21 of the Revised Code.</pre>	1636
(F) "Ohio investigative unit" means the investigative unit	1637
maintained by the department of public safety under section	1638
5502.13 of the Revised Code.	1639
(G) "Sell" means the exchange, barter, gift, offer for	1640
sale, and sale of an intoxicating hemp product.	1641
(H) "Total non-delta-9 tetrahydrocannabinol" means the	1642
sum, after the application of any necessary conversion factor,	1643
of the percentage by weight of tetrahydrocannabinol, other than	1644
delta-9 tetrahydrocannabinol, and the percentage by weight of	1645
tetrahydrocannabinolic acid.	1646
Sec. 3779.02. (A) (1) No person shall sell an intoxicating	1647
<pre>hemp product at retail in this state.</pre>	1648
(2) Subject to section 3779.08 of the Revised Code,	1649
division (A)(1) of this section does not apply to the sale of an	1650
intoxicating hemp product at retail in this state by a person to	1651
which both of the following apply:	1652
(a) The person is a hemp dispensary licensed under section	1653
3779.03 of the Revised Code.	1654
(b) The person sells the intoxicating hemp product to an	1655
individual who is twenty-one years of age or older as verified	1656
by examining the individual's identification card.	1657
(3) Notwithstanding any other provision of law to the	1658
contrary, a person who violates division (A)(1) of this section	1659
shall not be prosecuted under any other criminal statute that	1660
otherwise would apply to the person because the person engaged	1661
in the activities prohibited in division (A)(1) of this section.	1662

(B) No person that is a licensed hemp dispensary shall do	1663
any of the following:	1664
(1) Subject to division (D) of section 3779.08 of the	1665
Revised Code, sell an intoxicating hemp product that has not	1666
been tested in compliance with rules adopted under Chapter 3796.	1667
of the Revised Code that otherwise apply to adult-use marijuana;	1668
(2) Sell an intoxicating hemp product that does not comply	1669
with the standards and procedures for packaging and labeling set	1670
forth in rules adopted under Chapter 3796. of the Revised Code	1671
that otherwise apply to adult-use marijuana;	1672
(3) Violate any applicable rules adopted under section	1673
3779.08 of the Revised Code, including rules establishing	1674
advertising requirements governing intoxicating hemp products.	1675
(C)(1) No person shall sell at retail in this state a hemp	1676
product and market it as adult-use marijuana or as medical	1677
marijuana as defined in section 3796.01 of the Revised Code.	1678
(2) No person shall use any terms associated with the sale	1679
at retail in this state of a hemp product that would cause a	1680
consumer to infer that the hemp product is medical marijuana or	1681
adult-use marijuana.	1682
(3) No person shall use any terms associated with the sale	1683
at retail in this state of a hemp product that would cause a	1684
consumer to infer that the person selling the hemp product is a	1685
licensed hemp dispensary.	1686
(4) Division (C)(3) of this section does not apply to a	1687
hemp dispensary licensed under section 3779.03 of the Revised	1688
Code.	1689
(D) No licensed hemp dispensary shall do either of the	1690

following:	1691
(1) Sell any cigarette, tobacco product, vapor product, or	1692
electronic smoking product, as those terms are defined in	1693
section 5743.01 of the Revised Code;	1694
(2) Allow an individual who is under twenty-one years of	1695
age to enter the dispensary.	1696
(E) No person shall sell an intoxicating hemp product that	1697
includes hemp that was not cultivated by one of the following:	1698
(1) A hemp cultivator licensed under Chapter 928. of the	1699
Revised Code in this state or by the United States department of	1700
agriculture if the director of agriculture takes action under	1701
division (A)(2) of section 928.02 of the Revised Code;	1702
(2) A hemp cultivator that is licensed in another state by	1703
the United States department of agriculture;	1704
(3) A hemp cultivator that is licensed in another state by	1705
a governing body of that state whose hemp production plans have	1706
been approved by the United State department of agriculture.	1707
(F) No person shall sell an intoxicating hemp product that	1708
is adulterated with any of the following:	1709
(1) A drug, as defined in section 4729.01 of the Revised	1710
Code;	1711
(2) Contaminants, as defined in rules adopted under	1712
section 3779.08 of the Revised Code;	1713
(3) Other substances that enhance the effects of the	1714
tetrahydrocannabinol included in the product as specified in	1715
rules adopted under section 3779.08 of the Revised Code.	1716
(G) No person who is the ultimate consumer of an edible	1717

intoxicating hemp product shall fail to store the product in the	1718
original packaging at all times when the product is not actively	1719
in use.	1720
Sec. 3779.021. A person shall not be prosecuted or	1721
penalized under section 3779.02 of the Revised Code until the	1722
date that is two hundred and ten days after the effective date	1723
of this section if both of the following apply:	1724
(A) The person is selling an intoxicating hemp product on	1725
the effective date this section.	1726
(B) The facility at which the person is selling the	1727
intoxicating hemp product does not allow individuals under the	1728
age of twenty-one to enter the facility.	1729
Sec. 3779.022. Notwithstanding any provision to the	1730
contrary in sections 3779.01 to 3779.10 of the Revised Code, an	1731
individual who obtains an intoxicating hemp product from a hemp	1732
dispensary licensed under section 3779.03 of the Revised Code	1733
may transfer the intoxicating hemp product to another individual	1734
who is twenty-one years of age or over if both of the following	1735
<pre>apply:</pre>	1736
(A) The transfer occurs without remuneration.	1737
(B) The transfer occurs on any privately owned real	1738
property that is used primarily for residential or agricultural	1739
purposes, including any dwellings, facilities, improvements, and	1740
appurtenances on such real property.	1741
Sec. 3779.03. (A) An entity that seeks to sell at retail	1742
an intoxicating hemp product in this state shall file an	1743
application for licensure as a hemp dispensary with the division	1744
of cannabis control. The entity shall file an application for	1745
each location from which it seeks to operate. Each application	1746

shall be submitted in accordance with rules adopted under	1747
section 3779.08 of the Revised Code.	1748
(B) The division shall evaluate and prioritize	1749
applications for licensure under this section according to the	1750
applicant's eligibility, suitability, and ability to operate.	1751
(C) The division shall issue a biennial license to an	1752
applicant if all of the following conditions are met:	1753
(1) The report of the criminal records check conducted	1754
pursuant to section 3779.05 of the Revised Code with respect to	1755
the application demonstrates that the person subject to the	1756
criminal records check requirement has not been convicted of or	1757
pleaded guilty to a disqualifying offense.	1758
(2) The applicant demonstrates that none of its current or	1759
prospective owners, officers, board members, administrators,	1760
employees, agents, or affiliates who may significantly influence	1761
or control the applicant's activities have an ownership or	1762
investment interest in or compensation arrangement with a	1763
laboratory specified in division (D) of section 3779.08 of the	1764
Revised Code.	1765
(3) The applicant demonstrates that none of its current or	1766
prospective owners, officers, board members, administrators,	1767
employees, agents, or affiliates who may significantly influence	1768
or control the applicant's activities share any corporate	1769
officers or employees with a laboratory specified in division	1770
(D) of section 3779.08 of the Revised Code.	1771
(4) The applicant demonstrates that the proposed location	1772
or facility will not be located within five hundred feet of a	1773
school, church, public library, public playground, or public	1774
park.	1775

(5) The applicant demonstrates that the proposed location	1776
or facility is not either of the following:	1777
(a) Located within one mile of another licensed hemp	1778
dispensary;	1779
(b) Issued a permit under Chapter 4303. of the Revised	1780
Code to sell beer and intoxicating liquor, as those terms are	1781
defined in section 4301.01 of the Revised Code.	1782
(6) The information provided to the division of cannabis	1783
control pursuant to section 3779.04 of the Revised Code	1784
demonstrates that the applicant is in compliance with the	1785
applicable tax laws of this state.	1786
(7) The applicant demonstrates sufficient liquid capital	1787
and ability to meet financial responsibility requirements.	1788
(8) The applicant demonstrates that the municipal	1789
corporation or township in which it will be located has not	1790
passed a moratorium or taken any other action that would	1791
prohibit the applicant from operating there.	1792
(9) The application does not contain false, misleading, or	1793
deceptive information and does not omit material information.	1794
(10) The applicant pays the applicable fees established	1795
under section 3779.032 of the Revised Code.	1796
(11) The applicant meets all other licensure eligibility	1797
conditions established in rules adopted under section 3779.08 of	1798
the Revised Code.	1799
(D) If the number of eligible applicants exceeds the	1800
number of available licenses, the division shall use an	1801
impartial and evidence-based process to rank the eligible	1802
applicants. The ranking process shall take into account all of	1803

the following:	1804
(1) The applicant's business plan;	1805
(2) The applicant's operations plan;	1806
(3) The applicant's security plan;	1807
(4) The applicant's financial plan;	1808
(5) The applicant's principal place of business;	1809
(6) The applicant's environmental plan;	1810
(7) Employment practices;	1811
(8) The criminal records of all persons subject to the	1812
<pre>criminal records check requirement;</pre>	1813
(9) The civil and administrative history of the applicant	1814
and persons associated with the applicant;	1815
(10) Any other eligibility, suitability, or operations	1816
based determination specified in sections 3779.01 to 3779.10 of	1817
the Revised Code or rules adopted under section 3779.08 of the	1818
Revised Code.	1819
(E)(1) If the division uses a lottery system to issue	1820
licenses under this section, the applicants shall be grouped	1821
<pre>into the following distinct categories:</pre>	1822
(a) Highly exceeds;	1823
(b) Exceeds;	1824
(c) Meets;	1825
(d) Does not meet.	1826
(2) The division shall group the applicants such that the	1827
number of applicants in each of the highly exceeds, exceeds, and	1828

meets categories is roughly equal, unless doing so is not	1829
possible while conforming to an impartial and evidence-based	1830
process. Applicants that do not meet the eligibility	1831
requirements prescribed by division (C) of this section shall be	1832
placed in the does not meet category.	1833
(3) In conducting the lottery, the division shall give	1834
applicants in the exceeds category double the odds of being	1835
selected as compared to applicants in the meets category. The	1836
division shall give applicants in the highly exceeds category	1837
double the odds of being selected as compared to applicants in	1838
the exceeds category. An applicant grouped in the does not meet	1839
<pre>category is ineligible for licensure.</pre>	1840
(F) A biennial license may be renewed in accordance with	1841
the procedures established in rules adopted under section	1842
3779.08 of the Revised Code. Prior to the renewal of the	1843
license, the applicant shall pay the renewal fee established	1844
under section 3779.032 of the Revised Code. Applications for	1845
renewal are not subject to the evaluation, prioritization,	1846
ranking, and lottery provisions in divisions (B), (D), and (E)	1847
of this section.	1848
(G) The division shall issue a license under this section	1849
to an entity that sold or offered for sale intoxicating hemp	1850
products on or before June 30, 2025, if both of the following	1851
<pre>apply:</pre>	1852
(1) The entity's receipts from hemp product and	1853
intoxicating hemp product sales exceeded eighty per cent of its	1854
total gross receipts for either of the following:	1855
(a) Calendar year 2024;	1856
(b) The twelve months immediately prior to the effective	1857

Sub. S. B. No. 56
As Reported by the House Judiciary Committee

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date of this section.	1858
(2) The entity complies with all other requirements for	1859
licensure established under this section and rules adopted under	1860
section 3779.08 of the Revised Code.	1861
Sec. 3779.031. (A) Except as provided in division (B) of	1862
this section, not more than four hundred hemp dispensaries shall	1863
be licensed to operate in this state at any one time.	1864
(B) Notwithstanding division (A) of this section, more	1865
than four hundred hemp dispensaries may be licensed to operate	1866
in this state at any one time if more than four hundred entities	1867
are licensed as a result of division (G) of section 3779.03 of	1868
the Revised Code. In that case, the division shall not issue any	1869
additional licenses until the number of valid licenses that	1870
results from division (G) of section 3779.03 of the Revised Code	1871
is less than four hundred. At such time when the number of	1872
licenses resulting from division (G) of section 3779.03 of the	1873
Revised Code is less than four hundred, division (A) of this	1874
section applies.	1875
Sec. 3779.032. (A) As used in this section, "grandfathered	1876
entity" means an entity that is described in division (G) of	1877
section 3779.03 of the Revised Code.	1878
(B) The division of cannabis control shall charge the	1879
<pre>following hemp dispensary fees:</pre>	1880
	1881
	1882
1 2	

В	Initial first-year license	\$10,000	
	fee for an applicant that is		
	a grandfathered entity		
С	<pre>Initial second-year license</pre>	\$15,000	
	fee for an applicant that is		
	a grandfathered entity		
D	Initial two-year license fee	\$75 , 000	
	for an applicant that is not		
	a grandfathered entity		
E	Two-year renewal license fee	<u>\$35,000</u>	
	for a hemp dispensary that is		
	a grandfathered entity		
F	Two-year renewal license fee	<u>\$75,000</u>	
	for a hemp dispensary that is		
	not a grandfathered entity		
			1883
	Sec. 3779.04. (A)(1) Notwithstanding section	on 149 43 of the	1884
-	d Code or any other public records law to		1885
			1886
	w relating to the confidentiality of tax r		
	ation, upon the request of the division of		1887
	1, the department of taxation shall provid	<u>e to the</u>	1888
divisi	on all of the following information:		1889
-	(a) Whether an applicant for licensure unde	er section_	1890
3779.0	3 of the Revised Code is in compliance wit	h the applicable	1891
tax la	ws of this state;		1892
	(b) Any past or pending violation by the ap	oplicant of_	1893

those tax laws, and any penalty imposed on the applicant for	1894
<pre>such a violation.</pre>	1895
(2) The division shall request the information only as it	1896
pertains to an application for licensure that the division, as	1897
applicable, is reviewing.	1898
(3) The department of taxation may charge the division a	1899
reasonable fee to cover the administrative cost of providing the	1900
information.	1901
(B) Information received under this section is	1902
confidential. Except as otherwise permitted by other state law	1903
or federal law, the division shall not make the information	1904
available to any person other than the applicant for licensure	1905
to whom the information applies.	1906
Sec. 3779.05. (A) As used in this section, "criminal	1907
records check" has the same meaning as in section 109.572 of the	1908
Revised Code.	1909
(B)(1) As part of the application process for a license	1910
issued under section 3779.03 of the Revised Code, the division	1911
of cannabis control shall require each of the following to	1912
<pre>complete a criminal records check:</pre>	1913
(a) An administrator or other person responsible for the	1914
daily operation of the entity seeking the license;	1915
(b) An owner or prospective owner, officer or prospective	1916
officer, or board member or prospective board member of the	1917
entity seeking the license.	1918
(2) If a person subject to the criminal records check	1919
requirement does not present proof of having been a resident of	1920
this state for the five-year period immediately prior to the	1921

date the criminal records check is requested or provide evidence	1922
that within that five-year period the superintendent of the	1923
bureau of criminal identification and investigation has	1924
requested information about the person from the federal bureau	1925
of investigation in a criminal records check, the division shall	1926
request that the person obtain through the superintendent a	1927
criminal records request from the federal bureau of	1928
investigation as part of the criminal records check of the	1929
person. Even if a person presents proof of having been a	1930
resident of this state for the five-year period, the division	1931
may request that the person obtain information through the	1932
superintendent from the federal bureau of investigation in the	1933
criminal records check.	1934
(C) The division shall provide both of the following to	1935
each person who is subject to the criminal records check	1936
requirement:	1937
(1) Information about accessing, completing, and	1938
forwarding to the superintendent of the bureau of criminal	1939
identification and investigation the form prescribed pursuant to	1940
division (C)(1) of section 109.572 of the Revised Code and the	1941
standard impression sheet to obtain fingerprint impressions	1942
prescribed pursuant to division (C)(2) of that section;	1943
(2) Written notification that the person is to instruct	1944
the superintendent to submit the completed report of the	1945
criminal records check directly to the division.	1946
(D) Each person who is subject to the criminal records	1947
check requirement shall pay to the bureau of criminal	1948
identification and investigation the fee prescribed pursuant to	1949
division (C)(3) of section 109.572 of the Revised Code for the	1950
criminal records check conducted of the person.	1951

(E) The report of any criminal records check conducted by	1952
the bureau of criminal identification and investigation in	1953
accordance with section 109.572 of the Revised Code and pursuant	1954
to a request made under this section is not a public record for	1955
the purposes of section 149.43 of the Revised Code and shall not	1956
be made available to any person other than the following:	1957
(1) The person who is the subject of the criminal records	1958
<pre>check or the person's representative;</pre>	1959
(2) The members and staff of the division;	1960
(3) A court, hearing officer, or other necessary	1961
individual involved in a case dealing with either of the	1962
<pre>following:</pre>	1963
(a) A license denial resulting from the criminal records	1964
check;	1965
(b) An administrative or criminal action regarding any	1966
violation of sections 3779.01 to 3779.10 of the Revised Code or	1967
rules adopted under those sections.	1968
(F) The division shall deny a license if, after receiving	1969
the information and notification required by this section, a	1970
person subject to the criminal records check requirement fails	1971
to do either of the following:	1972
(1) Access, complete, or forward to the superintendent of	1973
the bureau of criminal identification and investigation the form	1974
prescribed pursuant to division (C)(1) of section 109.572 of the	1975
Revised Code or the standard impression sheet prescribed	1976
pursuant to division (C)(2) of that section;	1977
(2) Instruct the superintendent to submit the completed	1978
report of the criminal records check directly to the division.	1979

Sec. 3779.051. Each person seeking employment with a hemp	1980
dispensary licensed under section 3779.03 of the Revised Code	1981
shall comply with sections 4776.01 to 4776.04 of the Revised	1982
Code. Such a hemp dispensary shall not employ the person unless	1983
the person has submitted a criminal records check under those	1984
sections and the report of the resulting criminal records check	1985
demonstrates that the person has not been convicted of or	1986
pleaded guilty to any of the disqualifying offenses.	1987
Sec. 3779.06. The Ohio investigative unit shall enforce	1988
this chapter or cause it to be enforced. If the unit has	1989
information that this chapter has been violated, it may	1990
investigate the matter and take any action as it considers	1991
appropriate. The authority of the Ohio investigative unit is	1992
concurrent to the jurisdiction of any law enforcement officer to	1993
enforce this chapter. Nothing in this chapter shall be construed	1994
to limit or supersede the authority of any law enforcement	1995
officer or agency.	1996
Sec. 3779.07. (A) The superintendent of cannabis control	1997
may impose an administrative penalty or take other enforcement	1998
actions against a person who violates division (A)(1), (B), (C)	1999
(1), (C)(2), or (C)(3) of section 3779.02 of the Revised Code or	2000
any rules adopted under section 3779.08 of the Revised Code.	2001
Administrative penalties shall be set forth in rules adopted	2002
under section 3779.08 of the Revised Code.	2003
(B) The superintendent shall afford a person an	2004
opportunity for an adjudication hearing under Chapter 119. of	2005
the Revised Code to challenge the superintendent's determination	2006
to impose an administrative penalty or taking other enforcement	2007
action under this section, the superintendent's imposition of an	2008
administrative penalty under this section, or both. The	2009

superintendent's determination, the imposition of the	2010
administrative penalty, and taking other enforcement action may	2011
be appealed in accordance with section 119.12 of the Revised	2012
Code.	2013
Sec. 3779.08. (A) Not later than one hundred eighty days	2014
after the effective date of this section, the superintendent of	2015
cannabis control shall adopt rules in accordance with Chapter	2016
119. of the Revised Code that do all of the following:	2017
(1) Establish application procedures for licenses issued	2018
under section 3779.03 of the Revised Code;	2019
(2) Specify conditions that must be met to be eligible for	2020
issuance of a license under section 3779.03 of the Revised Code;	2021
(3) Establish renewal procedures for licenses issued under	2022
section 3779.03 of the Revised Code;	2023
(4) Specify reasons for which a license may be suspended,	2024
including without prior hearing, be revoked, or not be renewed	2025
or issued and the reasons for which an administrative penalty	2026
may be imposed on a license holder;	2027
(5) Establish standards under which a license suspension	2028
<pre>may be lifted;</pre>	2029
(6) Establish the amount of administrative penalties to be	2030
imposed by the superintendent under section 3779.07 of the	2031
Revised Code and procedures for imposing such penalties;	2032
(7) Establish a list of contaminants that are prohibited	2033
for inclusion in an intoxicating hemp product for purposes of	2034
division (F) of section 3779.02 of the Revised Code;	2035
(8) Establish a list of substances that enhance the	2036
effects of the tetrahydrocannabinol that are prohibited for	2037

inclusion in an intoxicating hemp product for purposes of	2038
division (F) of section 3779.02 of the Revised Code;	2039
(9) Establish requirements for the advertisement of	2040
intoxicating hemp products consistent with advertisement	2041
requirements for adult-use marijuana and medical marijuana	2042
established under section 3796.32 of the Revised Code. The rules	2043
shall include a requirement that a person that advertises an	2044
intoxicating hemp product submit the advertisement to the	2045
superintendent for the superintendent's approval. The	2046
superintendent shall approve or deny an advertisement not later	2047
than twenty-one business days after submission.	2048
(B) Subject to division (C) of this section, to ensure the	2049
integrity of intoxicating hemp product sales at retail and	2050
operations in this state, the superintendent has jurisdiction	2051
over all persons participating in the distribution and sale of	2052
intoxicating hemp products in this state and, in consultation	2053
and cooperation with the department of agriculture, the	2054
cultivation and processing of intoxicating hemp products for	2055
sale at retail in this state. Such jurisdiction includes the	2056
authority to complete regulating, investigating, and penalizing	2057
those persons in a manner that is consistent with the	2058
superintendent's authority with respect to adult-use marijuana.	2059
To carry out this division, the superintendent, not later than	2060
one hundred eighty days after the effective date of this	2061
section, shall adopt rules under Chapter 119. of the Revised	2062
Code in addition to the rules adopted under division (A) of this	2063
section.	2064
As part of the rules adopted under this division, the	2065
superintendent shall establish limits on the potency, serving	2066
sizes, and package sizes of intoxicating hemp products. The	2067

limits on potency shall include a prohibition against the	2068
inclusion of any synthetic tetrahydrocannabinol in an	2069
intoxicating hemp product. The limits on potency shall not	2070
exceed the potency limits for adult-use marijuana established	2071
under Chapter 3796. of the Revised Code. The superintendent also	2072
shall establish and maintain a list of approved	2073
tetrahydrocannabinols that may be included for use in	2074
<pre>intoxicating hemp products.</pre>	2075
(C) Notwithstanding Chapter 3796. of the Revised Code and	2076
rules adopted under it to the contrary, the superintendent shall	2077
not require hemp that is processed into an intoxicating hemp	2078
<pre>product to be cultivated or processed in this state.</pre>	2079
(D) Notwithstanding Chapter 3796. of the Revised Code and	2080
rules adopted under it to the contrary, an intoxicating hemp	2081
product that is sold at retail in this state shall be tested in	2082
a facility licensed in accordance with that chapter and rules	2083
adopted under it or, as approved by the superintendent, in a	2084
facility in another state that meets requirements that are	2085
substantially similar to applicable requirements established	2086
under that chapter and rules adopted under it.	2087
Sec. 3779.09. (A) As used in this section:	2088
(1) "Chauffeured limousine" means a vehicle registered	2089
under section 4503.24 of the Revised Code.	2090
(2) "Street," "highway," and "motor vehicle" have the same	2091
meanings as in section 4511.01 of the Revised Code.	2092
(B) A person may have in the person's possession an opened	2093
container of an intoxicating hemp product that is a beverage in	2094
either of the following locations:	2095
(1) On the premises of a private residence;	2096

(2) In a chauffeured limousine that is located on any	2097
street, highway, or other public or private property open to the	2098
public for purposes of vehicular travel or parking if all the	2099
following apply:	2100
(a) The person, or the guest of the person, pays all or a	2101
portion of the fee imposed for the use of a chauffeured	2102
limousine pursuant to a prearranged contract;	2103
(b) The person or guest is a passenger in the limousine;	2104
(c) The person or guest is located in the limousine but is	2105
not occupying a seat in the front compartment of the limousine	2106
where the operator of the limousine is located.	2107
(C) Except as provided in division (B) of this section, no	2108
person shall have in the person's possession an opened container	2109
of an intoxicating hemp product that is a beverage in any of the	2110
<pre>following circumstances:</pre>	2111
(1) In any public place;	2112
(2) While operating or being a passenger in or on a motor	2113
vehicle on any street, highway, or other public or private	2114
property open to the public for purposes of vehicular travel or	2115
<pre>parking;</pre>	2116
(3) While being in or on a stationary motor vehicle on any	2117
street, highway, or other public or private property open to the	2118
public for purposes of vehicular travel or parking.	2119
Sec. 3779.10. (A) Except as provided in division (B) of	2120
this section, the legislative authority of a municipal	2121
corporation or a board of township trustees may adopt an	2122
ordinance or a resolution, to prohibit, or limit the number of,	2123
licensed hemp dispensaries within the municipal corporation or	2124

Sec. 3779.21. As used in sections 3779.21 to 3779.29 and

consequences associated with their use.

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As Reported by the House Judiciary Committee

(5) The product does not contain more than three-tenths	2180
per cent of any tetrahydrocannabinol.	2181
(6) The product contains more than five milligrams of	2182
total tetrahydrocannabinol per serving, but does not contain	2183
more than ten milligrams of total tetrahydrocannabinol per	2184
serving.	2185
(7) The product container does not contain more than one	2186
serving.	2187
"High-level drinkable cannabinoid product" is not an	2188
<pre>intoxicating hemp product.</pre>	2189
(E) "High-level retailer" means a class C permit holder	2190
under Chapter 4303. of the Revised Code.	2191
(F) "Low-level drinkable cannabinoid product" or "low-	2192
level DCP" means a liquid hemp product to which all of the	2193
<pre>following apply:</pre>	2194
(1) The product contains cannabinoids.	2195
(2) The cannabinoids in the product are solely derived	2196
<pre>from hemp.</pre>	2197
(3) The product is prepackaged and intended to be consumed	2198
<pre>via ingestion.</pre>	2199
(4) The product does not include a drug as defined in	2200
section 4729.01 of the Revised Code.	2201
(5) The product does not contain more than three-tenths	2202
per cent of any tetrahydrocannabinol.	2203
(6) The product does not contain more than five milligrams	2204
of total tetrahydrocannabinol per serving.	2205
(7) The product container does not contain more than one	2206

serving.	2207
"Low-level drinkable cannabinoid product" is not an	2208
<pre>intoxicating hemp product.</pre>	2209
(G) "Low-level retailer" means an A-1-A or class D permit	2210
holder under Chapter 4303. of the Revised Code.	2211
(H) "Manufacturer" means a person, whether located in this	2212
state or outside of this state, that manufactures a low-level or	2213
high-level drinkable cannabinoid product for sale in this state.	2214
(I) "Sale" and "sell" include exchange, barter, gift,	2215
offer for sale, sale, distribution and delivery of any kind, and	2216
the transfer of title or possession of a low-level or high-level	2217
drinkable cannabinoid product either by constructive or actual	2218
delivery by any means or devices.	2219
(J) "Serving" means twelve fluid ounces.	2220
Sec. 3779.22. (A) (1) A low-level retailer may sell at	2221
retail low-level drinkable cannabinoid products for consumption	2222
on the premises where sold.	2223
(2) A high-level retailer may sell at retail low-level or	2224
high-level drinkable cannabinoid products for consumption off	2225
the premises where sold.	2226
(B) No person shall do any of the following:	2227
(1) Sell at retail a low-level or high-level drinkable	2228
cannabinoid product unless authorized to do so under division	2229
(A) of this section;	2230
(2) If the person is a manufacturer, sell a low-level or	2231
high-level drinkable cannabinoid product unless the manufacturer	2232
is registered under section 3779.24 of the Revised Code;	2233

(3) If the person is a manufacturer, sell a low-level	2234
drinkable cannabinoid product to any person other than a low-	2235
<pre>level retailer, high-level retailer, or distributor;</pre>	2236
(4) If the person is a manufacturer, sell a high-level	2237
drinkable cannabinoid product to any person other than a high-	2238
<pre>level retailer or distributor;</pre>	2239
(5) Sell for distribution a low-level or high-level	2240
drinkable cannabinoid product unless the person is a	2241
distributor;	2242
(6) If the person is a distributor, sell a low-level	2243
drinkable cannabinoid product in this state to any person other	2244
than a low-level or high-level retailer;	2245
(7) If the person is a distributor, sell a high-level	2246
drinkable cannabinoid product in this state to any person other	2247
than a high-level retailer;	2248
(8) Sell at retail a low-level or high-level drinkable	2249
cannabinoid product to an individual who is under twenty-one	2250
<pre>years of age;</pre>	2251
(9) Fail to verify that an individual who attempts to	2252
purchase or purchases a low-level or high-level drinkable	2253
cannabinoid product at retail is at least twenty-one years of	2254
age by examining the individual's identification card;	2255
(10) Sell a low-level or high-level drinkable cannabinoid	2256
product that contains alcohol;	2257
(11) If the person is a high-level retailer, fail to store	2258
a low-level or high-level drinkable cannabinoid product for sale	2259
at retail in a display case that is solely used for the sale of	2260
drinkable cannabinoid products and that clearly states that the	2261

product is a low-level or high-level drinkable cannabinoid	2262
<pre>product;</pre>	2263
(12) If the person is a manufacturer or distributor, do	2264
<pre>either of the following:</pre>	2265
(a) Pay to a low-level retailer any payment, credit, or	2266
any other consideration to induce the retailer to advertise or	2267
display a low-level drinkable cannabinoid product in a certain	2268
<pre>manner in the retailer's permitted premises;</pre>	2269
(b) Pay to a high-level retailer any payment, credit, or	2270
any other consideration to induce the retailer to advertise or	2271
display a low-level or high-level drinkable cannabinoid product	2272
in a certain manner in the retailer's permitted premises.	2273
(13) If the person is a low-level or high-level retailer,	2274
accept any payment, credit, or any other consideration to	2275
advertise or display a low-level or high-level drinkable	2276
cannabinoid product, as applicable, in a certain manner at the	2277
<pre>retailer's permitted premises;</pre>	2278
(14) If the person is not a low-level retailer, allow an	2279
individual who purchases a drinkable cannabinoid product from	2280
the retailer to consume the drinkable cannabinoid product on the	2281
<pre>retailer's premises;</pre>	2282
(15) If the person is a low-level or high-level retailer,	2283
sell a low-level or high-level drinkable cannabinoid product, as	2284
applicable, at a price less than the price paid by the retailer	2285
to purchase the product from a distributor;	2286
(16) If the person is a low-level or high-level retailer	2287
and the person is purchasing a low-level or high-level drinkable	2288
cannabinoid product directly, as applicable, from a manufacturer	2289
for subsequent retail sale, sell a low-level or high-level	2290

drinkable cannabinoid product, as applicable, at a price less	2291
than the price paid by the retailer to purchase the product from	2292
the manufacturer;	2293
(17) If the person is a distributor, charge a different	2294
price to a low-level or high-level retailer for low-level or	2295
high-level drinkable cannabinoid products, as applicable, based	2296
upon the quantity of drinkable cannabinoid products sold to the	2297
<pre>retailer;</pre>	2298
(18) Violate any rule adopted under section 3779.23 of the	2299
Revised Code.	2300
(C)(1) Prior to the effective date of the rules adopted	2301
under section 3779.23 of the Revised Code, a low-level retailer	2302
may sell low-level drinkable cannabinoid products and a high-	2303
level retailer may sell low-level or high-level drinkable	2304
cannabinoid products, a distributor may distribute such	2305
products, and a manufacturer may manufacture such products,	2306
<pre>provided both of the following apply:</pre>	2307
(a) The low-level or high-level drinkable cannabinoid	2308
products, as applicable, are in compliance with the labeling	2309
requirements specified in section 3779.26 of the Revised Code;	2310
(b) Such sales, distribution, and manufacturing are	2311
otherwise in compliance with applicable statutory provisions of	2312
sections 3779.21 to 3779.30 of the Revised Code.	2313
(2) On and after the effective date of those rules, sales,	2314
distribution, and manufacturing of such products shall be in	2315
full compliance with those rules and with applicable statutory	2316
provisions of sections 3779.21 to 3779.30 of the Revised Code.	2317
Sec. 3779.221. The superintendent of liquor control may	2318
impose an administrative penalty or take other enforcement	2319

actions against a person who violates division (B) of section	2320
3779.22 of the Revised Code or any rules adopted under section	2321
3779.23 of the Revised Code. Administrative penalties shall be	2322
set forth in rules adopted under section 3779.23 of the Revised	2323
Code.	2324
(B) The superintendent shall afford a person an	2325
opportunity for an adjudication hearing under Chapter 119. of	2326
the Revised Code to challenge the superintendent's determination	2327
to impose an administrative penalty or taking other enforcement	2328
action under this section, the superintendent's imposition of an	2329
administrative penalty under this section, or both. The	2330
superintendent's determination, the imposition of the	2331
administrative penalty, and taking other enforcement action may	2332
be appealed in accordance with section 119.12 of the Revised	2333
Code.	2334
Sec. 3779.23. Not later than six months after the	2335
effective date of this section, the superintendent of liquor	2336
control shall adopt rules in accordance with Chapter 119. of the	2337
Revised Code for the administration and enforcement of sections	2338
3779.21 to 3779.30 of the Revised Code, including rules	2339
governing all the following:	2340
(A) Registration of manufacturers under section 3779.24 of	2341
the Revised Code;	2342
(B) The testing of low-level and high-level drinkable	2343
cannabinoid products under section 3779.25 of the Revised Code,	2344
including rules governing the issuance of a certificate of	2345
analysis as required under division (C) of section 3779.25 of	2346
the Revised Code;	2347
(C) The labeling of low-level and high-level drinkable	2348

cannabinoid products under section 3779.26 of the Revised Code;	2349
(D) Establishment and maintenance of a list of approved	2350
tetrahydrocannabinols that may be included for use in low-level	2351
and high-level drinkable cannabinoid products;	2352
(E) Advertisement of low-level and high-level drinkable	2353
cannabinoid products. The rules shall include a requirement that	2354
a person that advertises a low-level or high-level drinkable	2355
cannabinoid product submit the advertisement to the	2356
superintendent for the superintendent's approval. The	2357
superintendent shall approve or deny an advertisement no later	2358
than twenty-one business days after submission.	2359
(F) Establish the amount of administrative penalties to be	2360
imposed by the superintendent under section 3779.221 of the	2361
Revised Code and procedures for imposing such penalties.	2362
Sec. 3779.24. (A) No person shall manufacture a low-level	2363
or high-level drinkable cannabinoid product for sale in this	2364
state without registering with the superintendent of liquor	2365
control in accordance with rules adopted under section 3779.23	2366
of the Revised Code. The superintendent shall issue a	2367
registration under this section if the applicant submits to the	2368
superintendent an application and is in compliance with those	2369
rules.	2370
(B) A registration issued under this section is valid for	2371
one year after issuance and shall be renewed in the same manner	2372
as an initial registration.	2373
Sec. 3779.25. (A) (1) A manufacturer of a low-level or	2374
high-level drinkable cannabinoid product shall test the product	2375
in accordance with rules adopted under section 3779.23 of the	2376
Revised Code prior to selling the product or offering the	2377

product for sale to a distributor.	2378
(2) No manufacturer, distributor, low-level retailer, or	2379
high-level retailer shall sell or offer to sell a low-level or	2380
high-level drinkable cannabinoid product, as applicable, that is	2381
not tested in accordance with this section and rules adopted	2382
under section 3779.23 of the Revised Code or that exceeds the	2383
maximum allowable level for a substance or organism specified in	2384
those rules.	2385
(B) A manufacturer shall contract with a testing	2386
laboratory to provide the testing required under this section.	2387
(C) Notwithstanding Chapter 3796. of the Revised Code and	2388
rules adopted under it to the contrary, a low-level or high-	2389
level drinkable cannabinoid product that is sold in this state	2390
shall be tested in a facility licensed in accordance with	2391
Chapter 3796. of the Revised Code and rules adopted under it or,	2392
as approved by the superintendent of liquor control, in a	2393
facility in another state that meets requirements that are	2394
substantially similar to applicable requirements established	2395
under Chapter 3796. of the Revised Code and rules adopted under	2396
it. For each test conducted, the facility shall issue a	2397
certificate of analysis that includes the results of the test as	2398
required in rules adopted under section 3779.23 of the Revised	2399
Code.	2400
(D) A distributor, low-level retailer, or high-level	2401
retailer is not liable for any violations or causes of action if	2402
a low-level or high-level drinkable cannabinoid product	2403
distributed or sold by the distributor or retailer is not	2404
consistent with testing as represented.	2405
(E) No manufacturer or testing laboratory shall fail to	2406

comply with this section.	2407
Sec. 3779.26. (A) In accordance with rules adopted under	2408
section 3779.23 of the Revised Code, a manufacturer shall	2409
include a label on each low-level or high-level drinkable	2410
cannabinoid product container that it sells or offers for sale	2411
in this state that includes the following information in legible	2412
<pre>print:</pre>	2413
(1) The product name or common name on the front of the	2414
<pre>label;</pre>	2415
(2) The brand name on the front of the label;	2416
(3) The size of the container or net count of individual	2417
items included in the container on the front of the label;	2418
(4) The net weight or volume of the items included in the	2419
<pre>container;</pre>	2420
(5) The number of servings per container;	2421
(6) A list of ingredients;	2422
(7) The amount of tetrahydrocannabinol, in milligrams, as	2423
identified in the certificate of analysis as required under	2424
division (C) of section 3779.25 of the Revised Code;	2425
(8) The number of calories per container;	2426
(9) The words "This Product is a Low-level Drinkable	2427
Cannabinoid Product" or "This Product is a High-level Drinkable	2428
<pre>Cannabinoid Product," as applicable;</pre>	2429
(10) A conspicuous warning statement conveying that the	2430
product contains tetrahydrocannabinol, that the effects of	2431
drinking a low-level or high-level drinkable cannabinoid product	2432
are different than those from drinking an alcoholic beverage,	2433

and that a person should use caution when consuming low-level or	2434
high-level DCPs or mixing the consumption of low-level or high-	2435
<pre>level DCPs with alcoholic beverages;</pre>	2436
(11) A symbol approved by the superintendent of liquor	2437
control warning potential consumers that the product contains	2438
tetrahydrocannabinol. The symbol may include the American	2439
society for testing and materials intoxicating cannabis products	2440
<pre>symbol (D8441/D8441M).</pre>	2441
(B) A manufacturer shall include the amount of	2442
tetrahydrocannabinol, in milligrams, as identified in the	2443
certificate of analysis as required under division (C) of	2444
section 3779.25 of the Revised Code, on the container of a low-	2445
level or high-level drinkable cannabinoid product. The amount of	2446
tetrahydrocannabinol included on the container of a low-level or	2447
high-level drinkable cannabinoid product may deviate by ten per	2448
cent of the actual amount on the certificate of analysis.	2449
(C) No manufacturer shall fail to comply with this	2450
section.	2451
Sec. 3779.27. (A) As used in this section, "sales area or	2452
territory" means an exclusive geographic area or territory that	2453
is assigned to a particular distributor and that either has one	2454
or more political subdivisions as its boundaries or consists of	2455
an area of land with readily identifiable geographic boundaries.	2456
(B) Each manufacturer shall assign to each of the	2457
manufacturer's distributors a sales area or territory within	2458
which each distributor shall be the distributor of the brand or	2459
brands of the manufacturer, provided that, if the manufacturer	2460
manufactures more than one brand of low-level or high-level	2461
drinkable cannabinoid product, the manufacturer may assign sales	2462

areas or territories to additional distributors for the	2463
distribution and sale of the additional brand or brands, so long	2464
as not more than one distributor distributes the same brand or	2465
brands within the same sales area or territory. No distributor	2466
shall distribute a specific brand of low-level or high-level	2467
drinkable cannabinoid product in any area or territory other	2468
than the area or territory assigned to the distributor.	2469
Sec. 3779.28. (A) No manufacturer shall aid or assist a	2470
distributor, and no manufacturer or distributor shall aid or	2471
assist a low-level retailer or high-level retailer, by gift or	2472
loan of any money or property of any description or other	2473
valuable thing, or by giving premiums or rebates. No	2474
distributor, low-level retailer, or high-level retailer shall	2475
accept the same.	2476
(D) No manufacture chall have any financial interest	2475
(B) No manufacturer shall have any financial interest,	2477
directly or indirectly, by stock ownership, or through	2478
interlocking directors in a corporation, or otherwise, in the	2479
establishment, maintenance, or promotion in the business of any	2480
distributor. No low-level retailer or high-level retailer shall	2481
have any interest, directly or indirectly, in the operation of,	2482
or any ownership in, the business of any distributor or	2483
manufacturer.	2484
(C) No manufacturer shall have any financial interest,	2485
directly or indirectly, by stock ownership, or through	2486
interlocking directors in a corporation, or otherwise, in the	2487
establishment, maintenance, or promotion of the business of any	2488
low-level retailer or high-level retailer. No distributor or	2489
employee of a distributor shall have any financial interest,	2490
directly or indirectly, by stock ownership, interlocking	2491
directors in a corporation, or otherwise, in the establishment.	2492

maintenance, or promotion of the business of any low-level	2493
retailer or high-level retailer. No manufacturer or distributor	2494
or any stockholder of a manufacturer or distributor shall	2495
acquire, by ownership in fee, leasehold, mortgage, or otherwise,	2496
directly or indirectly, any interest in the premises on which	2497
the business of any other person engaged in the business of	2498
selling low-level or high-level drinkable cannabinoid products	2499
at retail is occurring.	2500
(D) No manufacturer shall sell or offer to sell to any	2501
distributor or low-level retailer or high-level retailer, no	2502
distributor shall sell or offer to sell to any low-level	2503
retailer or high-level retailer, and no distributor or low-level	2504
retailer or high-level retailer shall purchase or receive from	2505
any manufacturer or distributor any low-level or high-level	2506
drinkable cannabinoid product in the United States except for	2507
cash. No right of action exists to collect any claims for credit	2508
<pre>extended contrary to this section.</pre>	2509
(E) Divisions (B) and (C) of this section do not apply to	2510
a person licensed under section 3779.03 of the Revised Code.	2511
Sec. 3779.29. (A) As used in this section:	2512
(1) "Chauffeured limousine" means a vehicle registered	2513
under section 4503.24 of the Revised Code.	2514
(2) "Street," "highway," and "motor vehicle" have the same	2515
meanings as in section 4511.01 of the Revised Code.	2516
(B) A person may have in the person's possession an opened	2517
container of a low-level or high-level drinkable cannabinoid	2518
<pre>product in either of the following locations:</pre>	2519
(1) On the premises of a private residence;	2520

(2) In a chauffeured limousine that is located on any	2521
street, highway, or other public or private property open to the	2522
public for purposes of vehicular travel or parking if all the	2523
<pre>following apply:</pre>	2524
(a) The person, or the guest of the person, pays all or a	2525
portion of the fee imposed for the use of a chauffeured	2526
limousine pursuant to a prearranged contract.	2527
(b) The person or guest is a passenger in the limousine.	2528
(c) The person or guest is located in the limousine but is	2529
not occupying a seat in the front compartment of the limousine	2530
where the operator of the limousine is located.	2531
(C) A person may have in the person's possession an opened	2532
container of a low-level drinkable cannabinoid product on the	2533
premises of a low-level retailer, provided the low-level	2534
retailer sold the low-level drinkable cannabinoid product to the	2535
person.	2536
(D) Except as provided in divisions (B) and (C) of this	2537
section, no person shall have in the person's possession an	2538
opened container of a low-level or high-level drinkable	2539
<pre>cannabinoid product in any of the following circumstances:</pre>	2540
(1) In any public place;	2541
(2) While operating or being a passenger in or on a motor	2542
vehicle on any street, highway, or other public or private	2543
property open to the public for purposes of vehicular travel or	2544
<pre>parking;</pre>	2545
(3) While being in or on a stationary motor vehicle on any	2546
street, highway, or other public or private property open to the	2547
public for purposes of vehicular travel or parking.	2548

Sec. 3779.30. (A) As used in this section:	2549
(1) "Adult-use marijuana" has the same meaning as in	2550
section 3796.01 of the Revised Code.	2551
(2) "Intoxicating hemp product" has the same meaning as in	2552
section 3779.01 of the Revised Code.	2553
(3) "Manufacturer" means a person that manufactures a low-	2554
level or high-level drinkable cannabinoid product.	2555
(B) Notwithstanding any provision of the Revised Code to	2556
the contrary, a manufacturer may possess adult-use marijuana to	2557
do either of the following:	2558
(1) Use the adult-use marijuana to manufacture a low-level	2559
or high-level drinkable cannabinoid product;	2560
(2) Use the adult-use marijuana to manufacture an	2561
intoxicating hemp product that is a beverage that contains more	2562
than ten milligrams of total tetrahydrocannabinol per serving	2563
<pre>for export outside this state.</pre>	2564
Sec. 3779.40. (A) As used in sections 3779.40 to 3779.48	2565
of the Revised Code:	2566
(1) "Licensed dispensary" means a hemp dispensary licensed	2567
under section 3779.03 of the Revised Code.	2568
(2) "Intoxicating hemp product receipts" means the total	2569
amount received by a licensed dispensary, without deduction for	2570
the cost of goods, taxes paid, or other expenses incurred, from	2571
the sale or other disposition of intoxicating hemp products to	2572
any other person.	2573
(3) "Received" has the same meaning as in section 5751.01	2574
of the Revised Code.	2575

(4) "Sale" includes exchange, barter, gift, offer for	2576
sale, and distribution, and includes transactions in interstate	2577
or foreign commerce.	2578
(5) "Taxpayer" means any person liable for a tax imposed	2579
under this section.	2580
(6) "Gallon" means one hundred twenty-eight fluid ounces.	2581
(7) "Drinkable cannabinoid product" means a low-level or	2582
high-level drinkable cannabinoid product.	2583
(B) For the purpose of providing for the needs of this	2584
state, a tax is levied on the intoxicating hemp product receipts	2585
received by a licensed dispensary each month at the rate of ten	2586
per cent of such receipts. All revenue from the tax shall be	2587
credited to the general revenue fund. The tax is part of the	2588
price for purposes of sales and use taxes levied under Chapters	2589
5739. and 5741. of the Revised Code.	2590
(C) For the purpose of providing for the needs of this	2591
state, an excise tax is levied on sales by a manufacturer to a	2592
distributor or retailer of drinkable cannabinoid products at the	2593
rate of one dollar and twenty cents per gallon of such products	2594
sold. All revenue from the tax shall be credited to the general	2595
revenue fund.	2596
(D) Not later than thirty days after first receiving	2597
intoxicating hemp product receipts, a licensed dispensary shall	2598
register with the tax commissioner by submitting all of the	2599
<pre>following:</pre>	2600
(1) A copy of the license or licenses issued to the	2601
registrant under section 3779.03 of the Revised Code;	2602
(2) The registrant's federal employer identification	2603

number or social security number or equivalent, as applicable;	2604
(3) All other information that the commissioner requires	2605
to administer and enforce the tax levied under division (B) of	2606
this section.	2607
(E) Not later than thirty days after first selling a	2608
drinkable cannabinoid product to a distributor or retailer, a	2609
manufacturer shall register with the tax commissioner by	2610
<pre>submitting all of the following:</pre>	2611
(1) The registrant's federal employer identification	2612
number or social security number or equivalent, as applicable;	2613
(2) All other information that the commissioner requires	2614
to administer and enforce the tax levied under division (C) of	2615
this section.	2616
(F) If the commissioner notifies a licensed dispensary or	2617
manufacturer required to register under this section of such	2618
requirement and of the requirement to remit the tax due under	2619
section 3779.41 of the Revised Code, and the licensed dispensary	2620
or manufacturer fails to so register and remit the tax within	2621
sixty days after the notice, the commissioner may impose an	2622
additional penalty of up to thirty-five per cent of the tax due.	2623
(G) A licensed dispensary that is registered with the tax	2624
commissioner under division (D) of this section shall notify the	2625
commissioner if any of the following occur with respect to a	2626
license issued to the registrant under section 3779.03 of the	2627
Revised Code:	2628
(1) The license expires or is revoked;	2629
(2) A change to the activities in which the registrant is	2630
permitted to engage:	2631

(3) A change in the location or facilities in which the	2632
registrant is permitted to engage in such activities.	2633
Sec. 3779.41. (A) Not later than the twenty-third day of	2634
the month, every taxpayer shall file with the tax commissioner a	2635
return for the preceding calendar month reporting any	2636
information the commissioner finds necessary for the proper	2637
administration of sections 3779.40 to 3779.48 of the Revised	2638
Code, together with remittance of the tax due. In the case of	2639
the tax levied under division (B) of section 3779.40 of the	2640
Revised Code, the tax shall be calculated on the basis of the	2641
taxpayer's intoxicating hemp product receipts received during	2642
the preceding month. In the case of the tax levied under	2643
division (C) of section 3779.40 of the Revised Code, the tax	2644
shall be calculated on the basis of the gallons of drinkable	2645
cannabinoid products sold by the taxpayer to a distributor or	2646
retailer during the preceding month.	2647
(B) Any taxpayer that fails to file a return or pay the	2648
full amount of the tax due within the period prescribed under	2649
this section shall pay a penalty in an amount not exceeding the	2650
greater of fifty dollars or ten per cent of the tax required to	2651
be paid for the month.	2652
(C)(1) If any additional tax is found to be due, the tax	2653
commissioner may impose an additional penalty of up to fifteen	2654
per cent of the additional tax found to be due.	2655
(2) Any delinquent payments made after a taxpayer is	2656
notified of an audit or a tax discrepancy by the commissioner	2657
are subject to the penalty imposed by division (C)(1) of this	2658
section. If an assessment is issued under section 3779.44 of the	2659
Revised Code in connection with such delinquent payments, the	2660
payments shall be credited to the assessment.	2661

(D) The commissioner may collect any penalty or interest	2662
imposed by this section or section 3779.40 of the Revised Code	2663
in the same manner as the applicable tax imposed under that	2664
section. Penalties and interest so collected shall be considered	2665
as revenue arising from that tax.	2666
(E) The commissioner may abate all or a portion of any	2667
penalties imposed under this section or section 3779.40 of the	2668
Revised Code and may adopt rules governing such abatements.	2669
(F) If any tax due is not timely paid within the period	2670
prescribed under this section, the taxpayer shall pay interest,	2671
calculated at the rate per annum prescribed by section 5703.47	2672
of the Revised Code, from the date the tax payment was due to	2673
the date of payment or to the date an assessment was issued,	2674
whichever occurs first.	2675
(G) The commissioner may impose a penalty of up to ten per	2676
cent for any additional tax that is due from a taxpayer that	2677
reports incorrect information.	2678
Sec. 3779.42. (A) Any taxpayer required to file returns	2679
under section 3779.41 of the Revised Code shall remit each tax	2680
payment, and, if required by the tax commissioner, file the tax	2681
return or the annual report, electronically. The commissioner	2682
may require taxpayers to use the Ohio business gateway as	2683
defined in section 718.01 of the Revised Code to file returns	2684
and remit the taxes, or may provide another means for taxpayers	2685
to file and remit the taxes electronically.	2686
(B) A taxpayer required to remit taxes or file returns	2687
electronically under division (A) of this section may apply to	2688
the commissioner, on a form prescribed by the commissioner, to	2689
be excused from that requirement. The commissioner may excuse a	2690

taxpayer from the requirements of this section for good cause.	2691
(C)(1) If a taxpayer required to remit tax or file a	2692
return electronically under division (A) of this section fails	2693
to do so, the commissioner may impose a penalty not to exceed	2694
<pre>the following:</pre>	2695
(a) For either of the first two months the taxpayer so	2696
fails, the greater of twenty-five dollars or five per cent of	2697
the amount of the payment that was required to be remitted;	2698
(b) For the third and any subsequent months the taxpayer	2699
so fails, the greater of fifty dollars or ten per cent of the	2700
amount of the payment that was required to be remitted.	2701
(2) The penalty imposed under division (C)(1) of this	2702
section shall be considered as revenue arising from the tax	2703
imposed under division (B) or (C) of section 3779.40 of the	2704
Revised Code, as applicable. A penalty may be collected by	2705
assessment in the manner prescribed by section 3779.44 of the	2706
Revised Code. The commissioner may abate all or a portion of	2707
<pre>such a penalty.</pre>	2708
(D) The commissioner may adopt rules necessary to	2709
administer this section.	2710
Sec. 3779.43. (A) An application for refund to the	2711
taxpayer of amounts imposed under sections 3779.40 to 3779.48 of	2712
the Revised Code that are overpaid, paid illegally or	2713
erroneously, or paid on any illegal or erroneous assessment	2714
shall be filed by the taxpayer with the tax commissioner, on a	2715
form prescribed by the commissioner, within four years after the	2716
date of the illegal or erroneous payment, or within any	2717
additional period allowed under division (F) of section 3779.44	2718
of the Revised Code. The applicant shall provide the amount of	2719

the requested refund along with the claimed reasons for, and	2720
documentation to support, the issuance of a refund.	2721
(B) On the filing of the refund application, the	2722
commissioner shall determine the amount of refund to which the	2723
applicant is entitled. If the amount is not less than that	2724
claimed, the commissioner shall certify the amount to the	2725
director of budget and management and treasurer of state for	2726
payment from the tax refund fund created under section 5703.052	2727
of the Revised Code. If the amount is less than that claimed,	2728
the commissioner shall proceed in accordance with section	2729
5703.70 of the Revised Code.	2730
(C) Interest on a refund applied for under this section,	2731
computed at the rate provided for in section 5703.47 of the	2732
Revised Code, shall be allowed from the later of the date the	2733
amount was paid or when the payment was due.	2734
(D) Except as provided in section 3779.431 of the Revised	2735
Code, the commissioner may, with the consent of the taxpayer,	2736
provide for the crediting, against tax due for any month, of the	2737
amount of any refund due to the taxpayer under this section for	2738
a preceding month.	2739
Sec. 3779.431. As used in this section, "debt to this	2740
state" means unpaid taxes due the state, unpaid workers'	2741
compensation premiums due under section 4123.35 of the Revised	2742
Code, unpaid unemployment compensation contributions due under	2743
section 4141.25 of the Revised Code, unpaid unemployment	2744
compensation payment in lieu of contribution under section	2745
4141.241 of the Revised Code, unpaid fees payable to the state	2746
or to the clerk of courts pursuant to section 4505.06 of the	2747
Revised Code, incorrect payments for medicaid services under the	2748
medicaid program, or any unpaid charge, penalty, or interest	2749

arising from any of the foregoing.	2750
If a taxpayer entitled to a refund under section 3779.43	2751
of the Revised Code owes any debt to this state, the amount	2752
refundable may be applied in satisfaction of the debt. If the	2753
amount refundable is less than the amount of the debt, it may be	2754
applied in partial satisfaction of the debt. If the amount	2755
refundable is greater than the amount of the debt, the amount	2756
remaining after satisfaction of the debt shall be refunded. This	2757
section applies only to debts that have become final. For the	2758
purposes of this section, a debt becomes final when, under the	2759
applicable law, any time provided for petition for reassessment,	2760
request for reconsideration, or other appeal of the legality or	2761
validity of the amount giving rise to the debt expires without	2762
an appeal having been filed in the manner provided by law.	2763
Sec. 3779.44. (A) The tax commissioner may make an	2764
assessment, based on any information in the commissioner's	2765
possession, against any person that fails to file a return or	2766
pay tax as required under section 3779.41 of the Revised Code.	2767
The commissioner shall give the person assessed written notice	2768
of the assessment as provided in section 5703.37 of the Revised	2769
Code. With the notice, the commissioner shall provide	2770
instructions on the manner in which to petition for reassessment	2771
and request a hearing with respect to the petition.	2772
(B) Unless the person assessed, within sixty days after	2773
service of the notice of assessment, files with the	2774
commissioner, either personally or by certified mail, a written	2775
petition signed by the person or the person's authorized agent	2776
having knowledge of the facts, the assessment becomes final, and	2777
the amount of the assessment is due and payable from the person	2778
assessed to the treasurer of state. The petition shall indicate	2779

the objections of the person assessed, but additional objections	2780
may be raised in writing if received by the commissioner before	2781
the date shown on the final determination.	2782
If a petition for reassessment has been properly filed,	2783
the commissioner shall proceed under section 5703.60 of the	2784
Revised Code.	2785
(C)(1) After an assessment becomes final, if any portion	2786
of the assessment, including accrued interest, remains unpaid, a	2787
certified copy of the commissioner's entry making the assessment	2788
final may be filed in the office of the clerk of the court of	2789
common pleas in the county in which the person resides or has	2790
its principal place of business in this state, or in the office	2791
of the clerk of the court of common pleas of Franklin county.	2792
(2) Immediately upon the filing of the entry, the clerk	2793
shall enter judgment for the state against the person assessed	2794
in the amount shown on the entry. The judgment may be filed by	2795
the clerk in a loose-leaf book entitled "special judgments for	2796
the intoxicating hemp product receipts tax" or "special	2797
judgments for the drinkable cannabinoid product tax," as	2798
applicable, and shall have the same effect as other judgments.	2799
Execution shall issue upon the judgment at the request of the	2800
commissioner, and all laws applicable to sales on execution	2801
shall apply to sales made under the judgment.	2802
(3) If the assessment is not paid in its entirety within	2803
sixty days after the day the assessment was issued, the portion	2804
of the assessment consisting of tax due shall bear interest at	2805
the rate per annum prescribed by section 5703.47 of the Revised	2806
Code from the day the commissioner issues the assessment until	2807
it is paid or until it is certified to the attorney general for	2808
collection under section 131.02 of the Revised Code, whichever	2809

comes first. If the unpaid portion of the assessment is	2810
certified to the attorney general for collection, the entire	2811
unpaid portion of the assessment shall bear interest at the rate	2812
per annum prescribed by section 5703.47 of the Revised Code from	2813
the date of certification until the date it is paid in its	2814
entirety. Interest shall be paid in the same manner as the tax	2815
imposed by division (B) or (C) of section 3779.40 of the Revised	2816
Code, as applicable, and may be collected by the issuance of an	2817
assessment under this section.	2818
(D) If the commissioner believes that collection of a tax	2819
imposed by this chapter will be jeopardized unless proceedings	2820
to collect or secure collection of the tax is instituted without	2821
delay, the commissioner may issue a jeopardy assessment against	2822
the person liable for the tax. Immediately upon the issuance of	2823
the jeopardy assessment, the commissioner shall file an entry	2824
with the clerk of the court of common pleas in the manner	2825
prescribed by division (C) of this section. Notice of the	2826
jeopardy assessment shall be served on the person assessed or	2827
the person's authorized agent in the manner provided in section	2828
5703.37 of the Revised Code within five days of the filing of	2829
the entry with the clerk. The total amount assessed is	2830
immediately due and payable unless the person assessed files a	2831
petition for reassessment in accordance with division (B) of	2832
this section and provides security in a form satisfactory to the	2833
commissioner and in an amount sufficient to satisfy the unpaid	2834
balance of the assessment. Full or partial payment of the	2835
assessment does not prejudice the commissioner's consideration	2836
of the petition for reassessment.	2837
(E) The commissioner shall immediately forward to the	2838
treasurer of state all amounts the commissioner receives under	2839
this section, and such amounts shall be considered as revenue	2840

arising from the tax imposed under division (B) or (C) of	2841
section 3779.40 of the Revised Code, as applicable.	2842
(F) Except as otherwise provided in this division, no	2843
assessment shall be made or issued against a taxpayer for a tax	2844
imposed under this chapter more than four years after the due	2845
date for the filing of the return for the tax period for which	2846
the tax was reported, or more than four years after the return	2847
for the tax period was filed, whichever is later. The time limit	2848
may be extended if both the taxpayer and the commissioner	2849
consent in writing to the extension or enter into an agreement	2850
waiving or extending the time limit. Any such extension shall	2851
extend the four-year time limit in division (A) of section	2852
3779.43 of the Revised Code for the same period of time. Nothing	2853
in this division bars an assessment against a taxpayer that	2854
fails to file a return required under section 3779.41 of the	2855
Revised Code or that files a fraudulent return.	2856
(G) If the commissioner possesses information that	2857
indicates that the amount of tax a taxpayer is required to pay	2858
under division (B) or (C) of section 3779.40 of the Revised Code	2859
exceeds the amount the taxpayer paid, the commissioner may audit	2860
a sample of the taxpayer's sales over a representative period of	2861
time to ascertain the amount of tax due, and may issue an	2862
assessment based on the audit. The commissioner shall make a	2863
good faith effort to reach agreement with the taxpayer in	2864
selecting a representative sample. The commissioner may apply a	2865
sampling method only if the commissioner has prescribed the	2866
method by rule.	2867
(H) If the whereabouts of a person subject to this chapter	2868
is not known to the tax commissioner, the commissioner shall	2869
follow the procedures under section 5703.37 of the Revised Code.	2870

Sec. 3779.45. If any person liable for a tax imposed under	2871
section 3779.40 of the Revised Code sells the trade or business,	2872
disposes in any manner other than in the regular course of	2873
business at least seventy-five per cent of assets of the trade	2874
or business, or quits the trade or business, any tax owed by	2875
such person shall become due and payable immediately, and the	2876
person shall pay the tax due under this chapter, including any	2877
applicable penalties and interest, within forty-five days after	2878
the date of selling or quitting the trade or business. The	2879
person's successor shall withhold a sufficient amount of the	2880
purchase money to cover the amount due and unpaid until the	2881
former owner produces a receipt from the tax commissioner	2882
showing that the amounts are paid or a certificate indicating	2883
that no tax is due. If a purchaser fails to withhold purchase	2884
money, that person is personally liable, up to the purchase	2885
money amount, for such amounts that are unpaid during the	2886
operation of the business by the former owner.	2887
The commissioner may adopt rules regarding the issuance of	2888
certificates under this section, including the waiver of the	2889
need for a certificate if certain criteria are met.	2890
Sec. 3779.451. If any person subject to the tax levied	2891
under division (B) of section 3779.40 of the Revised Code fails	2892
to report or pay the tax as required under section 3779.41 of	2893
the Revised Code, or fails to pay any penalty imposed under	2894
sections 3779.40 to 3779.48 of the Revised Code within ninety	2895
days after the time prescribed for payment of the penalty, the	2896
attorney general, on the request of the tax commissioner, shall	2897
commence an action in quo warranto in the court of appeals of	2898
the county in which the person resides or has its principal	2899
place of business to forfeit and annul the person's licenses	2900
issued under section 3779.03 of the Revised Code. If the court	2901

finds that the person is in default for the amount claimed, it	2902
shall render judgment revoking the person's registration and	2903
shall otherwise proceed as provided in Chapter 2733. of the	2904
Revised Code.	2905
Sec. 3779.46. (A) The tax commissioner may prescribe	2906
requirements for the keeping of records and other pertinent	2907
documents, the filing of copies of federal income tax returns	2908
and determinations, and computations reconciling federal income	2909
tax returns with the returns required by section 3779.41 of the	2910
Revised Code. The commissioner may require any person, by rule	2911
or notice served on that person, to keep those records that the	2912
commissioner considers necessary to show whether, and the extent	2913
to which, a person is subject to a tax levied under section	2914
3779.40 of the Revised Code.	2915
(B) Each taxpayer shall maintain complete and accurate	2916
records of all sales and other dispositions of intoxicating hemp	2917
products or drinkable cannabinoid products, as applicable, and	2918
shall procure and retain all invoices, bills of lading, and	2919
other documents relating to the sales and other dispositions of	2920
such products. No person shall make a false entry upon any	2921
invoice or record upon which an entry is required by this	2922
section, and no person shall present any false entry for the	2923
inspection of the commissioner with the intent to evade a tax	2924
levied under section 3779.40 of the Revised Code.	2925
(C) The records described in divisions (A) and (B) of this	2926
section and other documents shall be open during business hours	2927
to the inspection of the commissioner, and shall be preserved	2928
for a period of four years, unless the commissioner, in writing,	2929
consents to their destruction within that period, or by order	2930
requires that they be kept for a longer period. If such records	2931

are normally kept by the person electronically, the person shall	2932
provide such records to the commissioner electronically at the	2933
<pre>commissioner's request.</pre>	2934
(D) Any information acquired by the commissioner under	2935
this chapter is confidential as provided for in section 5703.21	2936
of the Revised Code, except that the commissioner shall make	2937
public an electronic list of all actively registered persons	2938
required to remit a tax under section 3779.40 of the Revised	2939
Code, including legal names, trade names, addresses, and account	2940
numbers. In addition, the list shall include all persons that	2941
canceled their registrations at any time during the preceding	2942
four calendar years, including the effective date of the	2943
<pre>cancellation.</pre>	2944
Sec. 3779.47. (A) No person shall prepare for shipment,	2945
ship, transport, deliver, prepare for distribution, distribute,	2946
or sell intoxicating hemp products or drinkable cannabinoid	2947
products, or otherwise engage or participate in the business of	2948
selling intoxicating hemp products or drinkable cannabinoid	2949
products, with the intent to avoid payment of a tax levied by	2950
section 3779.40 of the Revised Code.	2951
(B) The tax commissioner or an agent of the commissioner	2952
may enter and inspect the facilities and records of a person	2953
selling intoxicating hemp products or drinkable cannabinoid	2954
products. Such entrance and inspection requires a properly	2955
issued search warrant if conducted outside the normal business	2956
hours of the person, but does not require a search warrant if	2957
conducted during the normal business hours of the person. No	2958
person shall prevent or hinder the commissioner or an agent of	2959
the commissioner from carrying out the authority granted under	2960
this division.	2961
	

(C) Whenever the commissioner discovers intoxicating hemp	2962
products or drinkable cannabinoid products that are subject to a	2963
tax levied by this chapter and upon which the tax has not been	2964
or will not be paid or the commissioner has reason to believe	2965
the tax is being avoided, the commissioner may seize and take	2966
possession of the products, which, upon seizure, shall be	2967
forfeited to the state. Within a reasonable time after seizure,	2968
the commissioner may sell the products. From the proceeds of	2969
this sale, the commissioner shall pay the costs incurred in the	2970
seizure and sale, and any proceeds remaining after the sale	2971
shall be considered as revenue arising from the tax. The seizure	2972
and sale do not relieve any person from the fine or imprisonment	2973
provided for a violation of this chapter. The commissioner shall	2974
make the sale where it is most convenient and economical, but	2975
may order the destruction of forfeited products if the quantity	2976
or quality is not sufficient to warrant its sale.	2977
Sec. 3779.48. (A) Any person that is not a taxpayer	2978
registered under section 3779.40 of the Revised Code is liable	2979
for any amounts, including tax, interest, and penalties, imposed	2980
by sections 3779.40 to 3779.48 of the Revised Code in the same	2981
manner as persons that do hold such a registration are liable,	2982
if the person does either of the following:	2983
(1) Receives intoxicating hemp product receipts from the	2984
retail sale of intoxicating hemp;	2985
(2) Sells drinkable cannabinoid products upon which the	2986
tax levied by those sections has not been paid.	2987
(B) The tax commissioner may issue an assessment against a	2988
person described in division (A) of this section for any amount	2989
due under this chapter in the same manner provided under section	2990
3779.44 of the Revised Code.	2991

Sec. 3779.99. (A) Except as provided in division (B) of	2992
this section, whoever recklessly violates division (A)(1) of	2993
section 3779.02 of the Revised Code is guilty of a misdemeanor	2994
of the first degree on a first offense and a felony of the fifth	2995
degree on a second or subsequent offense.	2996
(B) Whoever recklessly violates division (A)(1) of section	2997
3779.02 of the Revised Code that involves the sale of an	2998
intoxicating hemp product to a person under twenty-one years of	2999
age is guilty of a misdemeanor of the first degree on a first	3000
offense and a felony of the fifth degree on a second or	3001
subsequent offense.	3002
(C) Whoever knowingly violates section 3779.09 of the	3003
Revised Code is guilty of a minor misdemeanor.	3004
(D)(1) As used in this section, "licensing authority"	3005
means the following:	3006
(a) For purposes of a license issued under section 3770.05	3007
of the Revised Code, the state lottery commission;	3008
(b) For purposes of sections 5743.15 and 5743.61 of the	3009
Revised Code, the tax commissioner;	3010
(c) For purposes of Chapter 4303. of the Revised Code, the	3011
division of liquor control.	3012
(2) A licensing authority shall adopt rules in accordance	3013
with Chapter 119. of the Revised Code to enforce violations of	3014
this chapter directly against a person who has been issued a	3015
license under section 3770.05, 5743.15, or 5743.61 or has been	3016
issued a permit under Chapter 4303. of the Revised Code, as	3017
applicable.	3018
(E) Whoever recklessly violates division (B)(1) of section	3019

3779.22 of the Revised Code is guilty of a misdemeanor of the	3020
first degree on a first offense and a felony of the fifth degree	3021
on a second or subsequent offense.	3022
(F) Whoever recklessly violates division (B)(8) of section	3023
3779.22 of the Revised Code is guilty of a felony of the fifth	3024
degree.	3025
(G) Whoever knowingly violates section 3779.29 of the	3026
Revised Code is guilty of a minor misdemeanor.	3027
(H) Whoever knowingly files a fraudulent refund claim	3028
under section 3779.43 of the Revised Code shall be fined the	3029
greater of one thousand dollars or the amount of the fraudulent	3030
refund requested, or imprisoned not more than sixty days, or	3031
both.	3032
(I) Except as otherwise provided in this section, whoever	3033
knowingly violates sections 3779.40 to 3779.48 of the Revised	3034
Code shall be fined not more than five hundred dollars, or	3035
imprisoned not more than thirty days, or both.	3036
(J) The penalties provided in divisions (H) and (I) of	3037
this section are in addition to any penalties imposed by the tax	3038
commissioner under sections 3779.40 to 3779.48 of the Revised	3039
Code.	3040
Sec. 3796.01. (A) As used in this chapter:	3041
(1) "Marijuana" means marihuana as defined in section	3042
3719.01 of the Revised Code.	3043
(2) "Medical marijuana" means marijuana that is	3044
cultivated, processed, dispensed, tested, possessed, or used for	3045
a medical purpose in accordance with this chapter. "Medical	3046
marijuana" does not include adult-use marijuana or homegrown	3047

marijuana.	3048
(3) "Academic medical center" has the same meaning as in	3049
section 4731.297 of the Revised Code.	3050
(4) "Drug database" means the database established and	3051
maintained by the state board of pharmacy pursuant to section	3052
4729.75 of the Revised Code.	3053
(5) "Physician" means an individual authorized under	3054
Chapter 4731. of the Revised Code to practice medicine and	3055
surgery or osteopathic medicine and surgery.	3056
(6) "Qualifying medical condition" means any of the	3057
following:	3058
(a) Acquired immune deficiency syndrome;	3059
(b) Alzheimer's disease;	3060
(c) Amyotrophic lateral sclerosis;	3061
(d) Cancer;	3062
(e) Chronic traumatic encephalopathy;	3063
(f) Crohn's disease;	3064
(g) Epilepsy or another seizure disorder;	3065
(h) Fibromyalgia;	3066
(i) Glaucoma;	3067
(j) Hepatitis C;	3068
(k) Inflammatory bowel disease;	3069
(1) Multiple sclerosis;	3070
(m) Pain that is either of the following:	3071

(i) Chronic and severe;	3072
(ii) Intractable.	3073
<pre>(n) Parkinson's disease;</pre>	3074
(o) Positive status for HIV;	3075
(p) Post-traumatic stress disorder;	3076
(q) Sickle cell anemia;	3077
(r) Spinal cord disease or injury;	3078
(s) Tourette's syndrome;	3079
(t) Traumatic brain injury;	3080
(u) Ulcerative colitis;	3081
(v) Any other disease or condition added by the state	3082
medical board under section 4731.302 of the Revised Code.	3083
(7) "State university" has the same meaning as in section	3084
3345.011 of the Revised Code.	3085
(8) "Adult-use consumer" means an individual who is at	3086
least twenty-one years of age.	3087
(9) "Adult-use marijuana" means marijuana that is	3088
cultivated, processed, dispensed, or tested for, or possessed or	3089
used by, an adult-use consumer, in accordance with this chapter.	3090
"Adult-use marijuana" includes marijuana cultivated, processed,	3091
dispensed, or tested for, or possessed or used by, an adult-use	3092
consumer before the effective date of this amendment in	3093
accordance with Chapter 3780. of the Revised Code, as that	3094
chapter existed immediately prior to the effective date of this	3095
amendment. "Adult-use marijuana" does not include medical	3096
marijuana or homegrown marijuana.	3097

(10) "Church" has the meaning defined in section 1710.01	3098
of the Revised Code.	3099
(11) "Public library" means a library provided for under	3100
Chapter 3375. of the Revised Code.	3101
(12) "Public park" means a park established by the state	3102
or a political subdivision of the state, including a county,	3103
township, municipal corporation, or park district.	3104
(13) "Public playground" means a playground established by	3105
the state or a political subdivision of the state, including a	3106
county, township, municipal corporation, or park district.	3107
(14) "School" means a child care center as defined under	3108
section 5104.01 of the Revised Code, a preschool as defined	3109
under section 2950.034 of the Revised Code, or a public or	3110
nonpublic primary school or secondary school.	3111
(15) "Public place" has the same meaning as in section	3112
3794.01 of the Revised Code.	3113
(16) "Ohio investigative unit" means the investigative	3114
unit maintained by the department of public safety under section	3115
5502.13 of the Revised Code.	3116
(17) "Homegrown marijuana" means marijuana cultivated,	3117
grown, processed, or possessed by an adult-use consumer in	3118
accordance with section 3796.04 of the Revised Code. "Homegrown	3119
marijuana" includes marijuana cultivated, grown, processed, or	3120
possessed before the effective date of this amendment under	3121
former section 3780.28 of the Revised Code, as that section	3122
existed immediately prior to the effective date of this	3123
amendment. "Homegrown marijuana" does not include medical	3124
marijuana or adult-use marijuana.	3125

(18) "Provisional license" means a temporary license	3126
issued to an applicant for a cultivator, processor, retail	3127
dispensary, or laboratory license under this chapter or Chapter	3128
3780. of the Revised Code, as that chapter existed immediately	3129
before the effective date of this amendment, that establishes	3130
the conditions that must be met before the provisional license	3131
holder may engage in the activities authorized by section	3132
3796.18, 3796.19, 3796.20, or 3796.21 of the Revised Code.	3133
(19) "Certificate of operation" means a certificate issued	3134
to the holder of a provisional license that authorizes the	3135
recipient to engage in the activities authorized by section	3136
3796.18, 3796.19, 3796.20, or 3796.21 of the Revised Code.	3137
(20)(a) "Disqualifying offense" means, subject to	3138
divisions (A)(20)(b) and (c) of this section, committing,	3139
attempting to commit, or aiding and abetting another in	3140
<pre>committing any of the following:</pre>	3141
(i) Any offense set forth in Chapter 2925., 3719., or	3142
4729. of the Revised Code, the violation of which constitutes a	3143
felony or a misdemeanor of the first degree;	3144
(ii) Any theft offense set forth under division (K) of	3145
section 2913.01 of the Revised Code, the violation of which	3146
<pre>constitutes a felony;</pre>	3147
(iii) Any violation for which a penalty is imposed under	3148
section 3715.99 of the Revised Code;	3149
(iv) A crime of moral turpitude as defined in section	3150
4776.10 of the Revised Code;	3151
(v) A violation of any former law of this state, any	3152
existing or former law of another state, any existing or former	3153
law applicable in a military court or Indian tribal court, or	3154

any existing or former law of any nation other than the United	3155
States that is or was substantially equivalent to any of the	3156
offenses listed in divisions (A)(20)(a)(i) to (iv) of this	3157
section.	3158
(b) "Disqualifying offense" does not include a misdemeanor	3159
offense respecting which an applicant for licensure or	3160
employment is convicted of, or pleads guilty to, more than five	3161
years before the date the application is submitted.	3162
(c) "Disqualifying offense" does not include any	3163
misdemeanor offense related to marijuana possession, marijuana	3164
trafficking, illegal cultivation of marijuana, illegal use or	3165
possession of drug paraphernalia or marijuana drug	3166
paraphernalia, or other misdemeanor marijuana-related offenses.	3167
(21) "Licensed cultivator" means the holder of a current,	3168
valid license issued pursuant to this chapter or Chapter 3780.	3169
of the Revised Code, as that chapter existed immediately before	3170
the effective date of this amendment, to engage in the	3171
activities authorized by section 3796.18 of the Revised Code.	3172
(22) "Licensed processor" means the holder of a current,	3173
valid license issued pursuant to this chapter or Chapter 3780.	3174
of the Revised Code, as that chapter existed immediately before	3175
the effective date of this amendment, to engage in the	3176
activities authorized by section 3796.19 of the Revised Code.	3177
(23) "Licensed dispensary" means the holder of a current,	3178
valid license issued pursuant to this chapter or Chapter 3780.	3179
of the Revised Code, as that chapter existed immediately before	3180
the effective date of this amendment, to engage in the	3181
activities authorized by section 3796.20 of the Revised Code.	3182
(24) "Licensed laboratory" means the holder of a current,	3183

valid license issued pursuant to this chapter or Chapter 3780.	3184
of the Revised Code, as that chapter existed immediately before	3185
the effective date of this amendment, to engage in the	3186
activities authorized by section 3796.21 of the Revised Code.	3187
(25) "License holder" means the holder of a current, valid	3188
license issued under this chapter or Chapter 3780. of the	3189
Revised Code, as that chapter existed immediately before the	3190
effective date of this amendment;	3191
(26) "Intoxicating hemp product" has the same meaning as	3192
in section 3779.01 of the Revised Code.	3193
(27) "Physical control" means being in the operator's	3194
position of a vehicle, streetcar, trackless trolley, watercraft,	3195
or aircraft and having possession of the vehicle's, streetcar's,	3196
trackless trolley's, watercraft's, or aircraft's ignition key or	3197
other ignition device.	3198
(B) As used in the Revised Code, the "division of cannabis	3199
control" means the division of marijuana control and the	3200
"superintendent of cannabis control" means the superintendent of	3201
marijuana control. Whenever the division of cannabis control or	3202
the superintendent of cannabis control is referred to or	3203
designated in any statute, rule, contract, grant, or other	3204
document, the reference or designation shall be deemed to refer	3205
to the division of marijuana control or the superintendent of	3206
marijuana control, as indicated by context.	3207
(C) Notwithstanding any conflicting provision of Chapter	3208
3719. of the Revised Code or the rules adopted under it, for	3209
purposes of this chapter, medical marijuana is a schedule II	3210
controlled substance.	3211
Sec. 3796.02. There is hereby established a division of	3212

marijuana control in the department of commerce under the	3213
supervision and direction of the superintendent of marijuana	3214
control as established under section 121.04 of the Revised Code.	3215
The medical marijuana control program is hereby established in	3216
the division of marijuana control. The division shall provide	3217
for the licensure of medical marijuana cultivators, processors,	3218
retail dispensaries, and laboratories that test medical	3219
marijuana. The division shall also provide for the registration	3220
of patients and their caregivers. The division shall administer	3221
the medical marijuana control program.	3222
Sec. 3796.03. (A) The division of marijuana control shall	3223
adopt rules establishing standards and procedures for the	3224
medical marijuana control program.	3225
All rules adopted under this section shall be adopted in	3226
accordance with Chapter 119. of the Revised Code.	3227
(B) The rules shall do all of the following:	3228
(1) Establish application procedures and fees for licenses	3229
<pre>it issues under this chapterlicensure;</pre>	3230
(2) Specify both of the following:	3231
(a) The conditions that must be met to be eligible for	3232
licensure;	3233
(b) In accordance with section 9.79 of the Revised Code,	3234
the criminal offenses for which an applicant will be-	3235
disqualified from licensure pursuant to that section.	3236
(3) Establish, in accordance with section 3796.05 of the	3237
Revised Code, the number of cultivator licenses and retail	3238
dispensary licenses that will be permitted at any one time;	3239
<u> </u>	
(4) Establish a license renewal schedule, renewal	3240

procedures, and renewal fees;	3241
(5) Specify reasons for which a license may be suspended,	3242
including without prior hearing, revoked, or not be renewed or	3243
issued and the reasons for which a civil penalty may be imposed	3244
on a license holder;	3245
(6) Establish standards under which a license suspension	3246
may be lifted;	3247
(7) Establish procedures for registration of medical_	3248
<pre>marijuana patients and caregivers and requirements that must be</pre>	3249
met to be eligible for registration;	3250
(8) Establish training requirements for employees of	3251
retail_licensed_dispensaries;	3252
(9) Specify if a cultivator, processor, retail dispensary,	3253
or laboratory that is licensed under this chapter and that	3254
existed at a location before a school, church, public library,	3255
public playground, or public park became established within five	3256
hundred feet of the cultivator, processor, retail dispensary, or	3257
laboratory, may remain in operation or shall relocate or have	3258
its license revoked by the division;	3259
(10) Specify, by form and tetrahydrocannabinol content, a	3260
maximum ninety-day supply of medical marijuana that may be	3261
possessed;	3262
$\frac{(11)}{(10)}$ Specify the paraphernalia or other accessories	3263
that may be used in the administration to a registered patient	3264
of medical marijuana, adult-use marijuana, and homegrown	3265
<pre>marijuana;</pre>	3266
$\frac{(12)}{(11)}$ Establish procedures for the issuance of patient	3267
or caregiver identification cards;	3268

$\frac{(13)}{(12)}$ Specify the forms of or methods of using <u>adult-</u>	3269
use marijuana and medical marijuana that are attractive to	3270
children;	3271
(14) Specify both of the following:	3272
(a) Subject to division (B) (14) (b) of this section, the	3273
criminal offenses for which a person will be disqualified from-	3274
employment with a license holder;	3275
(b) Which of the criminal offenses specified pursuant to	3276
division (B)(14)(a) of this section will not disqualify a person	3277
from employment with a license holder if the person was	3278
convicted of or pleaded guilty to the offense more than five	3279
years before the date the employment begins.	3280
(15)(13) Establish a program to assist medical marijuana	3281
patients who are veterans or indigent in obtaining medical	3282
marijuana in accordance with this chapter;	3283
$\frac{(16)}{(14)}$ Establish, in accordance with section 3796.05 of	3284
the Revised Code, standards and procedures for the testing of	3285
medical marijuana and adult-use marijuana by a licensed	3286
laboratory—licensed under this chapter;	3287
(15) Establish standards and procedures for both of the	3288
<pre>following:</pre>	3289
(a) Online and mobile ordering of adult-use and medical	3290
marijuana by a licensed dispensary;	3291
(b) Delivery of medical marijuana by a licensed dispensary	3292
or an agent of a licensed dispensary to a registered medical	3293
marijuana patient or caregiver.	3294
(16) Establish standards prohibiting the use of gifts,	3295
samples, or other free or discounted goods or services to induce	3296

or reward a license holder for business or referrals;	3297
(17) Establish standards for non-marijuana ingredients	3298
used in adult-use and medical marijuana products, which may take	3299
into account industry best-practices and criteria set by the	3300
federal food and drug administration for food ingredients,	3301
vitamins, and supplements. The division may prohibit ingredients	3302
that do not meet such standards.	3303
(C) In addition to the rules described in division (B) of	3304
this section, the division may adopt any other rules it	3305
considers necessary for the program's administration and the	3306
implementation and enforcement of this chapter.	3307
(D) When adopting rules under this section, the division	3308
shall consider standards and procedures that have been found to	3309
be best practices relative to the use and regulation of medical	3310
marijuana, adult-use marijuana, and homegrown marijuana.	3311
Sec. 3796.04. (A) Notwithstanding any conflicting	3312
provision of the Revised Code, an adult-use consumer may do all	3313
of the following:	3314
(1) Cultivate, grow, and possess homegrown marijuana	3315
plants at the adult-use consumer's primary residence, if all of	3316
the following apply:	3317
(a) Not more than six homegrown marijuana plants are	3318
cultivated or grown by each adult-use consumer;	3319
(b) Not more than twelve homegrown marijuana plants are	3320
cultivated or grown at a single residence;	3321
(c) Cultivation or growing of homegrown marijuana takes	3322
place only within a secured closet, room, greenhouse, or other	3323
enclosed area in or on the grounds of the residence that	3324

prevents access by individuals under twenty-one years of age,	3325
and which is not visible by normal unaided vision from a public	3326
space;	3327
(d) Cultivation or growing of homegrown marijuana does not	3328
take place at a residence that is any of the following:	3329
(i) A type A family child care home or type B family child	3330
care home, as those terms are defined in section 5104.01 of the	3331
Revised Code;	3332
(ii) A halfway house, community transitional housing	3333
facility, community residential center, or other similar	3334
facility licensed by the division of parole and community	3335
services under section 2967.14 of the Revised Code;	3336
(iii) A residential premises occupied pursuant to a rental	3337
agreement that prohibits the activities otherwise authorized by	3338
this section.	3339
(2) Process homegrown marijuana by manual or mechanical	3340
means.	3341
(3) Store homegrown marijuana and adult-use marijuana at	3342
the adult-use consumer's primary residence.	3343
(4) Use homegrown marijuana grown, cultivated, and	3344
<pre>processed at the adult-use consumer's primary residence;</pre>	3345
(5) Possess any paraphernalia or accessories that may be	3346
used in the administration of adult-use marijuana or homegrown	3347
marijuana.	3348
(B) This section does not authorize any person to:	3349
(1) Cultivate, grow, or process homegrown marijuana except	3350
at the person's primary residence;	3351

(2) Use, cultivate, process, transfer, or transport adult-	3352
use marijuana or homegrown marijuana before reaching twenty-one	3353
years of age;	3354
(3) Process homegrown by hydrocarbon-based extraction;	3355
(4) Sell, or profit from, homegrown marijuana;	3356
(5) Cultivate, grow, or possess homegrown marijuana on	3357
behalf of another person.	3358
(C)(1) No person shall knowingly cultivate, grow, or	3359
possess homegrown marijuana in a manner that violates division	3360
(A) of this section:	3361
(2) No person shall knowingly consume adult-use marijuana	3362
or homegrown marijuana in a public place;	3363
(3) No person operating a public place shall knowingly	3364
permit the consumption of adult-use marijuana or homegrown	3365
marijuana in that public place.	3366
(D) Subject to division (B) of this section and divisions	3367
(B) and (C) of section 3796.221 of the Revised Code, an adult-	3368
use consumer shall not be subject to arrest or criminal	3369
prosecution for cultivating, growing, possessing, processing,	3370
storing, or using homegrown marijuana, or possessing	3371
paraphernalia or accessories that may be used in the	3372
administration of adult-use or homegrown marijuana, in	3373
accordance with division (A) of this section.	3374
(E) This section does not authorize an adult-use consumer	3375
to operate a vehicle, streetcar, trackless trolley, watercraft,	3376
or aircraft while under the influence of marijuana.	3377
Sec. 3796.05. (A) When establishing the number of	3378
cultivator licenses that will be permitted at any one time the	3370

division of marijuana control shall consider both all of the all 	380
following: 33	381
(1) The population of this state; 33	382
(2) The number of patients seeking to use medical 33	383
marijuana <u>;</u>	384
(3) The number of adult-use consumers seeking to use 33	385
adult-use marijuana.	386
(B) When establishing the number of retail dispensary 33	387
licenses that will (B) (1) Not more than four hundred licensed 33	388
<u>dispensaries shall</u> be permitted <u>to operate in this state</u> at any 33	389
one time, the division shall consider all of the following:	390
(1) The population of this state;	391
(2) The number of patients seeking to use medical 33	392
marijuana; 33	393
(3) The geographic distribution of dispensary sites in an 33	394
effort to ensure patient access to medical marijuana. 33	395
(2) (a) The division may revoke a dispensary license for 33	396
failure to secure a certificate of operation within eighteen 33	397
months after issuance of a provisional license.	398
(b) The holder of a provisional license may apply to the 33	399
division for not more than two six-month extensions of the 34	400
deadline prescribed by division (B)(2)(a) of this section. The	401
division shall approve the extension if the provisional license 34	402
holder demonstrates that the provisional license holder has made 34	403
a good-faith effort to become operational.	404
(3) When issuing retail dispensary licenses, the division 34	405
of marijuana control shall ensure that the geographic 34	406

distribution of dispensary sites does not result in the	3407
oversaturation of any geographic area.	3408
(4) The division shall not, on or after the effective date	3409
of this amendment, issue a retail dispensary license for, or	3410
approve the relocation of a licensed retail dispensary to, a	3411
<pre>location or facility:</pre>	3412
(a) That is within one mile of another licensed	3413
dispensary;	3414
(b) For which a permit has been issued under Chapter 4303.	3415
of the Revised Code to sell beer and intoxicating liquor, as	3416
those terms are defined in section 4301.01 of the Revised Code.	3417
(C) No person shall own or operate more than eight	3418
licensed dispensaries, more than one licensed cultivator, or	3419
more than one licensed processor license at any time.	3420
(D) When establishing standards and procedures for the	3421
testing of medical marijuana and adult-use marijuana, the	3422
division shall do all of the following:	3423
(1) Specify when testing must be conducted;	3424
(2) Determine the minimum amount of medical marijuana or	3425
adult-use marijuana that must be tested;	3426
(3) Specify the manner in which testing is to be conducted	3427
in an effort to ensure uniformity of medical marijuana products	3428
processed for and dispensed to patients and adult-use marijuana	3429
products;	3430
(4) Specify the manner in which test results are provided.	3431
Sec. 3796.06. (A) Only the following forms of medical	3432
marijuana may be dispensed under this chapter:	3433

(1) Oils;	3434
(2) Tinctures;	3435
(3) Plant material;	3436
(4) Edibles;	3437
(5) Patches;	3438
(6) Any other form approved by the division of marijuana control under section 3796.061 of the Revised Code.	3439 3440
(B) Only the following forms of adult-use marijuana may be dispensed under this chapter:	3441 3442
(1) Any form in which medical marijuana may be dispensed;	3443
(2) Extracts;	3444
(3) Drops;	3445
(4) Lozenges;	3446
(5) Smoking or combustible products;	3447
(6) Vaporization products;	3448
(7) Beverages;	3449
(8) Pills;	3450
(9) Capsules;	3451
(10) Suppositories;	3452
(11) Oral pouches;	3453
(12) Oral strips;	3454
(13) Oral and topical sprays;	3455
(14) Salves;	3456

(15) Lotions or similar cosmetic products;	3457
(16) Inhalers;	3458
(17) Seeds;	3459
(18) Live plants;	3460
(19) Clones;	3461
(20) Pre-rolled products.	3462
(C) With respect to the methods of using medical	3463
marijuana, adult-use marijuana, homegrown marijuana, and	3464
intoxicating hemp products, all of the following apply:	3465
(1) The smoking or combustion of medical marijuana is	3466
prohibited.	3467
(2) The No person shall knowingly consume adult-use	3468
marijuana, homegrown marijuana, or intoxicating hemp products by	3469
smoking, combustion, or vaporization or knowingly consume	3470
medical marijuana by vaporization of medical marijuana is	3471
permitted in any place other than privately owned real property	3472
that is used primarily for residential or agricultural purposes,	3473
including any dwellings, facilities, improvements, and	3474
appurtenances on such real property.	3475
(3) No person shall knowingly smoke, combust, or vaporize	3476
marijuana or intoxicating hemp products in any of the following:	3477
(a) A type A family child care home or type B family child	3478
care home, as those terms are defined in section 5104.01 of the	3479
Revised Code;	3480
(b) A halfway house, community transitional housing	3481
facility, community residential center, or other similar	3482
facility licensed by the division of parole and community	3483

services under section 2967.14 of the Revised Code;	3484
(c) A residential premises occupied pursuant to a rental	3485
agreement that prohibits the smoking, combustion, or	3486
vaporization of marijuana or intoxicating hemp products;	3487
(d) A public place or place of employment, as those terms	3488
are defined in section 3794.01 of the Revised Code.	3489
$\frac{(3)}{(4)}$ The division may approve additional methods of	3490
using medical marijuana, other than smoking or combustion, under	3491
section 3796.061 of the Revised Code.	3492
(C) (D)(1) Any form or method of using adult-use marijuana	3493
or medical marijuana that is considered attractive to children,	3494
as specified in rules adopted by the division, is prohibited.	3495
(2) Adult-use marijuana and medical marijuana shall not be	3496
dispensed or sold in a form or shape that bears the likeness or	3497
contains the characteristics of a realistic or fictional human,	3498
animal, or fruit, including artistic, caricature, or cartoon	3499
renderings.	3500
(D) With respect to tetrahydrocannabinol content, all of	3501
the following apply:	3502
(1) Plant material shall have a (E)(1) Except as otherwise	3503
provided in division (E)(3) of this section, the	3504
tetrahydrocannabinol content of medical marijuana dispensed or	3505
sold to patients or caregivers shall not more than thirty-five	3506
exceed:	3507
(a) Thirty-five per cent for plant material;	3508
(b) Seventy per cent for extracts.	3509
(2) Extracts shall have a Except as otherwise provided in	3510

division (E)(3) of this section, the tetrahydrocannabinol	3511
content of adult-use marijuana dispensed or sold to adult-use	3512
<pre>consumers shall not more than seventy exceed:</pre>	3513
(a) Thirty-five per cent for plant material;	3514
(b) Seventy per cent for extracts	3515
(3) The division may adopt rules, in accordance with	3516
Chapter 119. of the Revised Code, that do either or both of the	3517
<pre>following:</pre>	3518
(a) Increase the tetrahyrdrocannabinol content limits for	3519
extracts prescribed in divisions (E)(1) and (2) of this section;	3520
(b) Establish tetrahydrocannabinol content limits for	3521
adult-use and medical marijuana dispensed or sold under this	3522
chapter by content per serving or per package.	3523
(F) No person shall knowingly give, sell, or distribute	3524
adult-use marijuana or homegrown marijuana to a person under	3525
twenty-one years of age.	3526
(G) No person under the age of twenty one shall knowingly	3527
purchase, use, or possess adult-use marijuana or homegrown	3528
marijuana.	3529
(H) An adult-use consumer, medical marijuana patient, or	3530
medical marijuana caregiver shall store edible adult-use and	3531
medical marijuana products in the original packaging at all	3532
times when the products are not actively in use.	3533
Sec. 3796.062. (A) No person shall knowingly transport	3534
marijuana other than adult-use marijuana, medical marijuana, or	3535
homegrown marijuana in a motor vehicle.	3536
(B) No person shall knowingly transport medical marijuana	3537

or adult-use marijuana in a motor vehicle unless one of the	3538
<pre>following applies:</pre>	3539
(1) The adult-use marijuana or medical marijuana is in the	3540
original, unopened packaging in which it was dispensed or sold;	3541
(2) If previously opened, the adult-use marijuana or	3542
medical marijuana is stored in the trunk of the motor vehicle	3543
or, if the motor vehicle does not have a trunk, behind the last	3544
upright seat of the motor vehicle or in an area not normally	3545
occupied by the driver or passengers and not easily accessible	3546
by the driver.	3547
(C) No person shall knowingly transport homegrown	3548
marijuana in a motor vehicle unless the homegrown marijuana is	3549
stored in the trunk of the motor vehicle or, if the motor	3550
vehicle does not have a trunk, behind the last upright seat of	3551
the motor vehicle or in an area not normally occupied by the	3552
driver or passengers and not easily accessible by the driver.	3553
(D) No person shall knowingly transport marijuana	3554
paraphernalia in a motor vehicle unless one of the following	3555
<pre>applies:</pre>	3556
(1) The marijuana paraphernalia is in the original,	3557
unopened packaging in which it was dispensed or sold;	3558
(2) If previously opened, the marijuana paraphernalia is	3559
stored in the trunk of the motor vehicle or, if the motor	3560
vehicle does not have a trunk, behind the last upright seat of	3561
the motor vehicle or in an area not normally occupied by the	3562
driver or passengers and not easily accessible by the driver.	3563
Sec. 3796.07. The department of commerce division of	3564
marijuana control shall establish and maintain an electronic	3565
database to monitor adult-use and medical marijuana from its	3566

seed source through its cultivation, processing, testing, and	3567
dispensing. The department division may contract with a separate	3568
entity to establish and maintain all or any part of the	3569
electronic database on behalf of the department.	3570
The electronic database shall allow for information	3571
regarding adult-use and medical marijuana to be updated	3572
instantaneously. Any cultivator, processor, retail dispensary,	3573
or laboratory licensed under this chapter A license holder shall	3574
submit to the department division any information the department	3575
division determines is necessary for maintaining the electronic	3576
database.	3577
Information reported or collected under this section,	3578
including all data contained in the electronic database, is	3579
confidential and is not a public record for the purposes of	3580
section 149.43 of the Revised Code. The department division and	3581
any entity under contract with the department division shall not	3582
make public any information reported to or collected by the	3583
department division under this division section that identifies	3584
or would tend to identify any specific adult-use consumer or	3585
medical marijuana patient. Information or data that does not	3586
identify a specific adult-use consumer or medical marijuana	3587
patient may be released in summary, statistical, or aggregate	3588
form.	3589
Sec. 3796.09. (A) An entity that seeks to cultivate—or	3590
process -medical marijuana , or to -conduct laboratory testing of	3591
medical marijuana and adult-use marijuana shall file an	3592
application for licensure with the department division of	3593
commercemarijuana control. The entity shall file an application	3594
for each location from which it seeks to operate. Each	3595
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application shall be submitted in accordance with rules adopted

under section 3796.03 of the Revised Code.	3597
(B) The division shall evaluate and prioritize	3598
applications for licensure under this section according to the	3599
applicant's eligibility, suitability, and ability to operate.	3600
(C) The department division shall not issue a license to	3601
an applicant if unless all of the following conditions	3602
<pre>eligibility requirements are met:</pre>	3603
(1) The report of the criminal records check conducted	3604
pursuant to section 3796.12 of the Revised Code with respect to	3605
the application demonstrates that the person subject to the	3606
criminal records check requirement has not been convicted of or	3607
pleaded guilty to any of the a disqualifying offenses specified	3608
in rules adopted under section 9.79 and division (B) (2) (b) of	3609
section 3796.03 of the Revised Code offense.	3610
(2) The If the application is for a cultivator or	3611
<pre>processor license, the applicant demonstrates that it does not</pre>	3612
none of its current or prospective owners, officers, board	3613
members, administrators, employees, agents, or affiliates who	3614
may significantly influence or control the applicant's	3615
activities have an ownership or investment interest in or	3616
compensation arrangement with any-either of the following:	3617
(a) A <u>licensed</u> laboratory— <u>licensed under this chapter;</u>	3618
(b) An applicant for a license to conduct laboratory	3619
testing.	3620
(3) The If the application is for a cultivator or	3621
<pre>processor license, the applicant demonstrates that it does not</pre>	3622
none of its current or prospective owners, officers, board	3623
members, administrators, employees, agents, or affiliates who	3624
may significantly influence or control the applicant's	3625

<u>activities</u> share any corporate officers or employees with any	3626
<pre>either of the following:</pre>	3627
(a) A <u>licensed</u> laboratory— <u>licensed under this chapter;</u>	3628
(b) An applicant for a license to conduct laboratory	3629
testing.	3630
(4) The applicant demonstrates that it will not be located	3631
within five hundred feet of a school, church, public library,	3632
public playground, or public park.	3633
(5) The information provided to the department division	3634
pursuant to section 3796.11 of the Revised Code demonstrates	3635
that the applicant is in compliance with the applicable tax laws	3636
of this state.	3637
(6) The applicant demonstrates sufficient liquid capital	3638
and ability to meet financial responsibility requirements;	3639
(7) The applicant demonstrates that the municipal	3640
corporation or township in which it will be located has not	3641
passed a moratorium or taken any other action that would	3642
prohibit the applicant from operating there;	3643
(8) The application does not contain false, misleading, or	3644
deceptive information and does not omit material information;	3645
(9) The applicant pays any fee required by the division;	3646
(10) The applicant meets all other licensure eligibility	3647
conditions established in rules adopted under section 3796.03 of	3648
the Revised Code.	3649
(C) (D) If the number of eligible applicants exceed the	3650
number of available licenses, the division shall use an	3651
impartial and evidence-based process to rank the eligible	3652

applicants. The ranking process shall take into account all of	3653
<pre>the following:</pre>	3654
(1) The applicant's business plan;	3655
(2) The applicant's operations plan;	3656
(3) The applicant's security plan;	3657
(4) The applicant's financial plan;	3658
(5) The applicant's principal place of business;	3659
(6) The proposed location of the cultivation, processing,	3660
or laboratory facility;	3661
(7) The applicant's plan for generating job and economic	3662
<pre>development in this state;</pre>	3663
(8) The applicant's environmental plan;	3664
(9) Employment practices, including any plans to inform,	3665
hire, or educate residents of the state, veterans, disabled	3666
persons, women, or minorities;	3667
(10) The criminal records of all persons subject to the	3668
<pre>criminal records check requirement;</pre>	3669
(11) The civil and administrative history of the applicant	3670
and persons associated with the applicant;	3671
(12) Any other eligibility, suitability, or operations-	3672
based determination specified in this chapter or rules adopted	3673
by the division thereunder.	3674
(E) (1) If the division uses a lottery system to issue	3675
licenses under this section, the applicants shall be grouped	3676
into the following distinct categories:	3677
(a) Highly exceeds;	3678

(b) Exceeds;	3679
(c) Meets;	3680
(d) Does not meet.	3681
(2) The division shall group the applicants such that the	3682
number of applicants in each of the highly exceeds, exceeds, and	3683
meets categories is roughly equal, unless doing so is not	3684
possible while conforming to an impartial and evidence-based	3685
process. Applicants that do not meet the eligibility	3686
requirements prescribed by division (C) of this section shall be	3687
placed in the does not meet category.	3688
(3) In conducting the lottery, the division shall give	3689
applicants in the exceeds category double odds of being selected	3690
as compared to applicants in the meets category. The division	3691
shall give applicants in the highly exceeds category double the	3692
odds of being selected as compared to applicants in the exceeds	3693
category. An applicant grouped in the does not meet category is	3694
ineligible for licensure.	3695
(F) The department division shall issue not less than	3696
fifteen per cent of cultivator, processor, or laboratory	3697
licenses to entities that are owned and controlled by United	3698
States citizens who are residents of this state and are members	3699
of one of the following economically disadvantaged groups:	3700
Blacks or African Americans, American Indians, Hispanics or	3701
Latinos, and Asians. If no applications or an insufficient	3702
number of applications are submitted by such entities that meet	3703
the conditions set forth in division $\frac{(B)}{(C)}$ of this section, the	3704
licenses shall be issued according to usual procedures.	3705
As used in this division, "owned and controlled" means	3706
that at least fifty-one per cent of the business, including	3707

corporate stock if a corporation, is owned by persons who belong	3708
to one or more of the groups set forth in this division, and	3709
that those owners have control over the management and day-to-	3710
day operations of the business and an interest in the capital,	3711
assets, and profits and losses of the business proportionate to	3712
their percentage of ownership.	3713
$\frac{(D)}{(G)}$ A license expires according to the renewal	3714
schedule established in rules adopted under section 3796.03 of	3715
the Revised Code and may be renewed in accordance with the	3716
procedures established in those rules. Applications for renewal	3717
are not subject to the evaluation, prioritization, ranking, and	3718
lottery provisions in divisions (B), (D), and (E) of this	3719
section. The division shall not deny an application for renewal	3720
based solely on the location of the applicant's existing	3721
facility in proximity to other license holders.	3722
(H) A provisional license issued under this section is not	3723
<u>transferable.</u>	3724
(I) No person shall knowingly engage in any of the	3725
activities described in section 3796.18, 3796.19, or 3796.21 of	3726
the Revised Code without the proper license issued under this	3727
section or Chapter 3780. of the Revised Code, as that chapter	3728
existed immediately prior to the effective date of this	3729
<pre>amendment.</pre>	3730
Sec. 3796.10. (A) An entity that seeks to dispense at	3731
retail medical marijuana and adult-use marijuana shall file an	3732
application for licensure with the division of marijuana	3733
control. The entity shall file an application for each location	3734
from which it seeks to operate. Each application shall be	3735
submitted in accordance with rules adopted under section 3796.03	3736
of the Revised Code.	3737

(B) The division shall evaluate and prioritize	3738
applications for licensure under this section according to the	3739
applicant's eligibility, suitability, and ability to operate.	3740
(C) The division shall not issue a license to an applicant	3741
<u>if unless</u> all of the following conditions are met:	3742
(1) The report of the criminal records check conducted	3743
pursuant to section 3796.12 of the Revised Code with respect to	3744
the application demonstrates that the person subject to the	3745
criminal records check requirement has not been convicted of or	3746
pleaded guilty to any of the a disqualifying offenses specified	3747
in rules adopted under section 9.79 and division (B)(2)(b) of	3748
section 3796.03 of the Revised Code offense.	3749
(2) The applicant demonstrates that it does not none of	3750
its current or prospective owners, officers, board members,	3751
administrators, employees, agents, or affiliates who may	3752
significantly influence or control the applicant's activities	3753
have an ownership or investment interest in or compensation	3754
arrangement with any_either of the following:	3755
(a) A <u>licensed</u> laboratory licensed under this chapter;	3756
(b) An applicant for a license to conduct laboratory	3757
testing.	3758
(3) The applicant demonstrates that it does not none of	3759
its current or prospective owners, officers, board members,	3760
administrators, employees, agents, or affiliates who may	3761
significantly influence or control the applicant's activities	3762
share any corporate officers or employees with any either of the	3763
following:	3764
(a) A licensed laboratory licensed under this chapter;	3765

(b) An applicant for a license to conduct laboratory	3766
testing.	3767
(4) The applicant demonstrates that it will not be located	3768
within five hundred feet of a school, church, public library,	3769
public playground, or public park.	3770
(5) The applicant demonstrates that the proposed location	3771
or facility is not either of the following:	3772
(a) Located within one mile of another licensed	3773
dispensary;	3774
(b) Issued a permit under Chapter 4303. of the Revised	3775
Code to sell beer and intoxicating liquor, as those terms are	3776
defined in section 4301.01 of the Revised Code.	3777
(6) The information provided to the division pursuant to	3778
section 3796.11 of the Revised Code demonstrates that the	3779
applicant is in compliance with the applicable tax laws of this	3780
state.	3781
(6) (7) The applicant demonstrates sufficient liquid	3782
capital and ability to meet financial responsibility	3783
requirements;	3784
(8) The applicant demonstrates that the municipal	3785
corporation or township in which it will be located has not	3786
passed a moratorium or taken any other action that would	3787
<pre>prohibit the applicant from operating there;</pre>	3788
(9) The application does not contain false, misleading, or	3789
deceptive information and does not omit material information;	3790
(10) The applicant pays any fee required by the division;	3791
(11) The applicant meets all other licensure eligibility	3792

conditions established in rules adopted under section 3796.03 of	3793
the Revised Code.	3794
(C) (D) If the number of eligible applicants exceed the	3795
number of available licenses, the division shall use an	3796
impartial and evidence-based process to rank the eligible	3797
applicants. The ranking process shall take into account all of	3798
<pre>the following:</pre>	3799
(1) The applicant's business plan;	3800
(2) The applicant's operations plan;	3801
(3) The applicant's security plan;	3802
(4) The applicant's financial plan;	3803
(5) The applicant's principal place of business;	3804
(6) The proposed location of the cultivation, processing,	3805
or laboratory facility;	3806
(7) The applicant's plan for generating job and economic	3807
development in this state;	3808
(8) The applicant's environmental plan;	3809
(9) Employment practices, including any plans to inform,	3810
hire, or educate residents of the state, veterans, disabled	3811
<pre>persons, women, or minorities;</pre>	3812
(10) The criminal records of all persons subject to the	3813
criminal records check requirement;	3814
(11) The civil and administrative history of the applicant	3815
and persons associated with the applicant;	3816
(12) Any other eligibility, suitability, or operations-	3817
based determination specified in this chapter or rules adopted	3818

by the division thereunder.	3819
(E)(1) If the division uses a lottery system to issue	3820
licenses under this section, the applicants shall be grouped	3821
into the following distinct categories:	3822
(a) Highly exceeds;	3823
	2004
(b) Exceeds;	3824
(c) Meets;	3825
(d) Does not meet.	3826
(2) The division shall group the applicants such that the	3827
number of applicants in each of the highly exceeds, exceeds, and	3828
meets categories is roughly equal, unless doing so is not	3829
possible while conforming to an impartial and evidence-based	3830
process. Applicants that do not meet the eligibility	3831
requirements prescribed by division (C) of this section shall be	3832
placed in the does not meet category.	3833
(3) In conducting the lottery, the division shall give	3834
applicants in the exceeds category double the odds of being	3835
selected as compared to applicants in the meets category. The	3836
division shall give applicants in the highly exceeds category	3837
double the odds of being selected as compared to applicants in	3838
the exceeds category. An applicant grouped in the does not meet	3839
category is ineligible for licensure.	3840
(F) The division shall issue not less than fifteen per	3841
cent of retail dispensary licenses to entities that are owned	3842
and controlled by United States citizens who are residents of	3843
this state and are members of one of the following economically	3844
disadvantaged groups: Blacks or African Americans, American	3845
Indians, Hispanics or Latinos, and Asians. If no applications or	3846

an insufficient number of applications are submitted by such	3847
entities that meet the conditions set forth in division $\frac{(B)}{(C)}$	3848
of this section, the licenses shall be issued according to usual	3849
procedures.	3850
As used in this division, "owned and controlled" means	3851
that at least fifty-one per cent of the business, including	3852
corporate stock if a corporation, is owned by persons who belong	3853
to one or more of the groups set forth in this division, and	3854
that those owners have control over the management and day-to-	3855
day operations of the business and an interest in the capital,	3856
assets, and profits and losses of the business proportionate to	3857
their percentage of ownership.	3858
(D) (G) A license expires according to the renewal	3859
schedule established in rules adopted under section 3796.03 of	3860
the Revised Code and may be renewed in accordance with the	3861
procedures established in those rules. Applications for renewal	3862
are not subject to the evaluation, prioritization, ranking, and	3863
lottery provisions in divisions (B), (D), and (E) of this	3864
section. The division shall not deny an application for renewal	3865
based solely on the location of the applicant's existing	3866
dispensary facility in proximity to other license holders.	3867
(H) A provisional license issued under this section is not	3868
transferable.	3869
(I) No person shall knowingly engage in any of the	3870
activities described in section 3796.20 of the Revised Code	3871
without a dispensary license issued under this section or	3872
Chapter 3780. of the Revised Code, as that chapter existed	3873
immediately prior to the effective date of this amendment.	3874
Sec. 3796.12. (A) As used in this section, "criminal	3875

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records effects flat the bake meaning at in section 103.372 of the	3070
Revised Code.	3877
(B)(1) As part of the application process for a license	3878
issued under this chapter, the division of marijuana control	3879
shall require each of the following to complete a criminal	3880
records check:	3881
(a) An administrator or other person responsible for the	3882
daily operation of the entity seeking the license;	3883
(b) An owner or prospective owner, officer or prospective	3884
officer, or board member or prospective board member of the	3885
entity seeking the license.	3886
(2) If a person subject to the criminal records check	3887
requirement does not present proof of having been a resident of	3888
this state for the five-year period immediately prior to the	3889
date the criminal records check is requested or provide evidence	3890
that within that five-year period the superintendent of the	3891
bureau of criminal identification and investigation has	3892
requested information about the person from the federal bureau	3893
of investigation in a criminal records check, the division shall	3894
request that the person obtain through the superintendent a	3895
criminal records request from the federal bureau of	3896
investigation as part of the criminal records check of the	3897
person. Even if a person presents proof of having been a	3898
resident of this state for the five-year period, the division	3899
may request that the person obtain information through the	3900
superintendent from the federal bureau of investigation in the	3901
criminal records check.	3902
(C) The division shall provide the following to each	3903

person who is subject to the criminal records check requirement:

records check" has the same meaning as in section 109.572 of the

(1) Information about accessing, completing, and	3905
forwarding to the superintendent of the bureau of criminal	3906
identification and investigation the form prescribed pursuant to	3907
division (C)(1) of section 109.572 of the Revised Code and the	3908
standard impression sheet to obtain fingerprint impressions	3909
prescribed pursuant to division (C)(2) of that section;	3910
(2) Written notification that the person is to instruct	3911
the superintendent to submit the completed report of the	3912
criminal records check directly to the division.	3913
(D) Each person who is subject to the criminal records	3914
check requirement shall pay to the bureau of criminal	3915
identification and investigation the fee prescribed pursuant to	3916
division (C)(3) of section 109.572 of the Revised Code for the	3917
criminal records check conducted of the person.	3918
(E) The report of any criminal records check conducted by	3919
the bureau of criminal identification and investigation in	3920
accordance with section 109.572 of the Revised Code and pursuant	3921
to a request made under this section is not a public record for	3922
the purposes of section 149.43 of the Revised Code and shall not	3923
be made available to any person other than the following:	3924
(1) The person who is the subject of the criminal records	3925
check or the person's representative;	3926
(2) The members and staff of the division;	3927
(3) A court, hearing officer, or other necessary	3928
individual involved in a case dealing with either of the	3929
following:	3930
(a) A license denial resulting from the criminal records	3931
check;	3932

(b) A civil or criminal action regarding the medical	3933
marijuana control program or any violation of this chapter.	3934
(F) The division shall deny a license if, after receiving	3935
the information and notification required by this section, a	3936
person subject to the criminal records check requirement fails	3937
to do either of the following:	3938
(1) Access, complete, or forward to the superintendent of	3939
the bureau of criminal identification and investigation the form	3940
prescribed pursuant to division (C)(1) of section 109.572 of the	3941
Revised Code or the standard impression sheet prescribed	3942
pursuant to division (C)(2) of that section;	3943
(2) Instruct the superintendent to submit the completed	3944
report of the criminal records check directly to the division.	3945
Sec. 3796.13. (A) Each person seeking employment with an-	3946
entity licensed under this chapter a license holder shall comply	3947
entity licensed under this chapter a license holder shall comply with sections 4776.01 to 4776.04 of the Revised Code. Except as	3947 3948
with sections 4776.01 to 4776.04 of the Revised Code. Except as	3948
with sections 4776.01 to 4776.04 of the Revised Code. Except as provided in division (B) of this section, such an entity a	3948 3949
with sections 4776.01 to 4776.04 of the Revised Code. Except as provided in division (B) of this section, such an entity a license holder shall not employ the person unless the person has	3948 3949 3950
with sections 4776.01 to 4776.04 of the Revised Code. Except as provided in division (B) of this section, such an entity a license holder shall not employ the person unless the person has submitted a criminal records check under those sections. The	3948 3949 3950 3951
with sections 4776.01 to 4776.04 of the Revised Code. Except as provided in division (B) of this section, such an entity a license holder shall not employ the person unless the person has submitted a criminal records check under those sections. The and the report of the resulting criminal records check shall	3948 3949 3950 3951 3952
with sections 4776.01 to 4776.04 of the Revised Code. Except as provided in division (B) of this section, such an entity a license holder shall not employ the person unless the person has submitted a criminal records check under those sections. The and the report of the resulting criminal records check shall demonstrate demonstrates that the person has not been convicted	3948 3949 3950 3951 3952 3953
with sections 4776.01 to 4776.04 of the Revised Code. Except as provided in division (B) of this section, such an entity a license holder shall not employ the person unless the person has submitted a criminal records check under those sections. The and the report of the resulting criminal records check shall demonstrate demonstrates that the person has not been convicted of or pleaded guilty to any of the disqualifying offenses—	3948 3949 3950 3951 3952 3953 3954
with sections 4776.01 to 4776.04 of the Revised Code. Except as provided in division (B) of this section, such an entity a license holder shall not employ the person unless the person has submitted a criminal records check under those sections. The and the report of the resulting criminal records check shall demonstrate demonstrates that the person has not been convicted of or pleaded guilty to any of the disqualifying offenses—specified in rules adopted under division (B) (14) (a) of section—	3948 3949 3950 3951 3952 3953 3954 3955
with sections 4776.01 to 4776.04 of the Revised Code. Except as provided in division (B) of this section, such an entity a license holder shall not employ the person unless the person has submitted a criminal records check under those sections. The and the report of the resulting criminal records check shall demonstrate demonstrates that the person has not been convicted of or pleaded guilty to any of the disqualifying offenses—specified in rules adopted under division (B) (14) (a) of section 3796.03 of the Revised Code if the person is seeking employment	3948 3949 3950 3951 3952 3953 3954 3955 3956
with sections 4776.01 to 4776.04 of the Revised Code. Except as provided in division (B) of this section, such an entity a license holder shall not employ the person unless the person has submitted a criminal records check under those sections. The and the report of the resulting criminal records check shall demonstrate demonstrates that the person has not been convicted of or pleaded guilty to any of the disqualifying offenses—specified in rules adopted under division (B) (14) (a) of section 3796.03 of the Revised Code if the person is seeking employment with an entity licensed by the division of marijuana control	3948 3949 3950 3951 3952 3953 3954 3955 3956 3957
with sections 4776.01 to 4776.04 of the Revised Code. Except as provided in division (B) of this section, such an entity a license holder shall not employ the person unless the person has submitted a criminal records check under those sections. The and the report of the resulting criminal records check shall demonstrate demonstrates that the person has not been convicted of or pleaded guilty to any of the disqualifying offenses—specified in rules adopted under division (B) (14) (a) of section 3796.03 of the Revised Code if the person is seeking employment with an entity licensed by the division of marijuana control under this chapter.	3948 3949 3950 3951 3952 3953 3954 3955 3956 3957 3958

offenses specified in rules adopted under division (B) (14) (b) of	3962
section 3796.03 of the Revised Code and the person was convicted	3963
of or pleaded guilty to the offense more than five years before-	3964
the date the employment begins. (B) (1) Notwithstanding division	3965
(A) of this section, the division of marijuana control shall	3966
establish standards for provisional employment of individuals	3967
who have exigent circumstances.	3968
(2) Such standards must include, at minimum, a requirement	3969
that the individual seeking provisional employment submit	3970
evidence of compliance with sections 4776.01 to 4776.04 of the	3970
Revised Code.	3972
(3) A provisional employment authorization made under	3973
division (B) of this division is valid for not longer than three	3974
months, but may be renewed at the discretion of the division of	3975
marijuana control for an additional three months.	3976
(4) The division of marijuana control may use all	3977
available resources in establishing standards for instant	3978
background checks.	3979
background checks.	3313
Sec. 3796.14. (A) The division of marijuana control may do	3980
any of the following for any reason specified in rules adopted	3981
under section 3796.03 of the Revised Code:	3982
(1) Suspend, suspend without prior hearing, revoke, or	3983
refuse to renew a license or registration it issued under this	3984
chapter or a license or a registration the state board of	3985
pharmacy issued prior to the transfer of regulatory authority	3986
over the medical marijuana control program to the	3987
divisionChapter 3780. of the Revised Code, as that chapter	3988
existed immediately before the effective date of this amendment;	3989
(2) Refuse to issue a license;	3990

(3) Impose on a license holder a civil penalty in an	3991
amount to be determined by the division.	3992
(4) With respect to a suspension of a retail dispensary	3993
license without prior hearing, the division may utilize a	3994
telephone conference call to review the allegations and take a	3995
vote. The division shall suspend a dispensary license without	3996
prior hearing only if it finds clear and convincing evidence	3997
that continued distribution of medical marijuana and adult-use	3998
marijuana by the license holder presents a danger of immediate	3999
and serious harm to others. The suspension shall remain in	4000
effect, unless lifted by the division, until the division issues	4001
its final adjudication order. If the division does not issue the	4002
order within ninety days after the adjudication hearing, the	4003
suspension shall be lifted on the ninety-first day following the	4004
hearing.	4005
The division's actions under division (A) of this section	4006
shall be taken in accordance with Chapter 119. of the Revised	4007
Code.	4008
(B) The Subject to division (E) of this section, the	4009
division and the Ohio investigative unit may inspect all of the	4010
following for any reason specified in rules adopted under	4011
section 3796.03 of the Revised Code without prior notice to the	4012
	4013
applicant or license holder:	4013
applicant or license holder: (1) The premises of <u>a license holder or</u> an applicant for	4013
(1) The premises of <u>a license holder or</u> an applicant for	4014
(1) The premises of <u>a license holder or</u> an applicant for licensure or holder of a current, valid cultivator, processor,	4014 4015
(1) The premises of <u>a license holder or</u> an applicant for licensure or holder of a current, valid cultivator, processor, retail dispensary, or laboratory license issued under this	4014 4015 4016

(C) Whenever it appears to the division, from its files,	4020
upon complaint, or otherwise, or to the Ohio investigative unit,	4021
from an inspection or investigation authorized by this section,	4022
that any person or entity has engaged in, is engaged in, or is	4023
about to engage in any practice declared to be illegal or	4024
prohibited by this chapter or the rules adopted under this	4025
chapter, or when the division believes it to be in the best	4026
interest of the public, adult-use consumers, or medical	4027
<pre>marijuana patients, the division may do any of the following:</pre>	4028
(1) Investigate the person or entity as authorized	4029
pursuant to this chapter or the rules adopted under this	4030
chapter;	4031
(2) Issue subpoenas to any person or entity for the	4032
purpose of compelling either of the following:	4033
(a) The attendance and testimony of witnesses;	4034
(b) The production of books, accounts, papers, records, or	4035
documents.	4036
(D) If a person or entity fails to comply with any order	4037
of the division or the unit or a subpoena issued by the division	4038
or the unit pursuant to this section, a judge of the court of	4039
common pleas of the county in which the person resides or the	4040
entity may be served, on application of the division or the	4041
unit, shall compel obedience by attachment proceedings as for	4042
contempt, as in the case of disobedience with respect to the	4043
requirements of a subpoena issued from such court or a refusal	4044
to testify in such court.	4045
(E) The Ohio investigative unit shall not inspect or	4046
investigate the premises of any person under this section unless	4047
one or both of the following apply:	4048

(1) The person inspected or investigated is a license	4049
holder and either or both of the following apply:	4050
(a) The division of marijuana control requests the unit to	4051
<pre>inspect or investigate.</pre>	4052
(b) The inspection or investigation involves alleged	4053
<pre>criminal activity.</pre>	4054
(2) The unit is invited by local law enforcement having	4055
jurisdiction over the person inspected or investigated.	4056
(F) Nothing in this section prohibits the Ohio	4057
investigative unit from investigating criminal activity related	4058
to this chapter outside the premises of a license holder's	4059
cultivation, processing, dispensing, or laboratory facilities.	4060
The authority of the Ohio investigative unit is concurrent to	4061
the jurisdiction of any law enforcement officer to enforce this	4062
<pre>chapter.</pre>	4063
Sec. 3796.15. (A) The division of marijuana control and	4064
the Ohio investigative unit shall enforce this chapter, or cause	4065
it to be enforced. If Subject to division (E) of section 3796.14	4066
of the Revised Code, if the division or the unit has information	4067
that this chapter or any rule adopted under this chapter has	4068
been violated, it shall investigate the matter and take any	4069
action as it considers appropriate.	4070
(B) Nothing in this chapter shall be construed to require	4071
the division to enforce minor violations if the division-	4072
determines that the public interest is adequately served by a	4073
notice or warning to the alleged offender.	4074
(C)—If the division suspends, revokes, or refuses to renew	4075
any license or registration issued under this chapter or Chapter	4076
3780. of the Revised Code, as that chapter existed immediately	4077

before the effective date of this amendment, and determines that	4078
there is clear and convincing evidence of a danger of immediate	4079
and serious harm to any person, the division may place under	4080
seal all medical marijuana, adult-use marijuana, and homegrown	4081
marijuana owned by or in the possession, custody, or control of	4082
the affected license holder or registrant. Except as provided in	4083
this division, the division of marijuana control shall not	4084
dispose of the medical marijuana, adult-use marijuana, or	4085
homegrown marijuana sealed under this division until the license	4086
holder or registrant exhausts all of the holder's or	4087
registrant's appeal rights under Chapter 119. of the Revised	4088
Code. The court involved in such an appeal may order the	4089
division, during the pendency of the appeal, to sell medical	4090
marijuana or adult-use marijuana that is perishable. The	4091
division shall deposit the proceeds of the sale with the court.	4092
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Sec. 3796.17. The division of marijuana control shall	4093
establish a toll-free telephone line to respond to inquiries	4094
from adult-use consumers, medical marijuana patients,	4095
caregivers, and health professionals regarding adverse reactions	4096
to medical—marijuana and to provide information about available	4097
services and assistance. The division may contract with a	4098
separate entity to establish and maintain the telephone line on	4099
behalf of the division.	4100
Sec. 3796.18. (A) (1) Notwithstanding any conflicting	4101
Sec. 3790.10. (A) (1) Notwithstanding any confilenceing	4101
	4100
provision of the Revised Code and except as provided in division	4102
provision of the Revised Code and except as provided in division (B) of this section, <u>a licensed cultivator</u> , <u>including</u> the holder	4102 4103
(B) of this section, <u>a licensed cultivator</u> , <u>including</u> the holder	4103
(B) of this section, <u>a licensed cultivator</u> , <u>including</u> the holder of a current, valid cultivator license issued under this chapter	4103 4104

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

<pre>marijuana;</pre>	4108
(2) Deliver, transfer, or sell medical marijuana and	4109
adult-use marijuana to one or more licensed processorsother	4110
<pre>license holders;</pre>	4111
(c) Purchase or otherwise obtain medical marijuana and	4112
adult-use marijuana from other license holders;	4113
(d) Acquire seeds, clones, plants, and other genetic	4114
<pre>material.</pre>	4115
(2) A licensed cultivator engaging in the activities	4116
authorized by this chapter shall do so respecting both medical	4117
marijuana and adult-use marijuana.	4118
(B) A <u>licensed</u> cultivator license holder shall not	4119
cultivate medical marijuana or adult-use marijuana for personal,	4120
family, or household use or on any public land, including a	4121
state park as defined in section 154.01 of the Revised Code.	4122
(C) A licensed cultivator shall identify, package, and	4123
label all medical marijuana and adult-use marijuana products in	4124
accordance with this chapter and any rules adopted thereunder	4125
before delivering or selling the products to a licensed	4126
processor or licensed dispensary.	4127
(D) The division of marijuana control shall issue the	4128
following types of cultivation licenses:	4129
(1) A level I cultivator license that authorizes the	4130
license holder to operate a cultivation area specified by the	4131
division, not to exceed one hundred thousand square feet;	4132
(2) A level II cultivator license that authorizes the	4133
license holder to operate a cultivation area specified by the	4134
division, not to exceed fifteen thousand square feet.	4135

(E) A licensed cultivator may request and receive one or	4136
more expansions to the cultivator's cultivation area, subject to	4137
the approval of the division, so long as the resulting total	4138
cultivation area, including all expansions, does not exceed the	4139
applicable maximum cultivation area prescribed by division (D)	4140
of this section.	4141
Sec. 3796.19. (A) (1) Notwithstanding any conflicting	4142
provision of the Revised Code, <u>a licensed processor</u> , including	4143
the holder of a current, valid processor license issued under	4144
this chapter before the effective date of this amendment, may do	4145
any_all_of the following:	4146
(1) Obtain (a) Purchase or otherwise obtain medical	4147
marijuana and adult-use marijuana from one or more licensed	4148
cultivators other license holders;	4149
(2) (b) Subject to division (B) of this section, process	4150
medical marijuana-obtained from one or more licensed cultivators	4151
and adult-use marijuana into a form described in section 3796.06	4152
of the Revised Code;	4153
(3) (c) Deliver, transfer, or sell processed medical	4154
marijuana and adult-use marijuana to one or more licensed retail	4155
<u>dispensaries</u> other license holders.	4156
(2) A licensed processor engaging in the activities	4157
authorized by this chapter shall do so respecting both medical	4158
marijuana and adult-use marijuana.	4159
(B) When processing medical marijuana, a A licensed	4160
processor shall do both all of the following before delivering	4161
or selling medical marijuana or adult-use marijuana to a	4162
licensed dispensary:	4163
(1) Package the medical marijuana or adult-use marijuana	4164

in accordance with child-resistant effectiveness standards	4165
described in 16 C.F.R. 1700.15(b) on September 8, 2016;	4166
(2) Label the medical marijuana packaging with the	4167
product's tetrahydrocannabinol and cannabidiol content;	4168
(3) Comply with any packaging or labeling requirements	4169
established in rules adopted by the division of marijuana	4170
control under section sections 3796.03 and 3796.32 of the	4171
Revised Code.	4172
Sec. 3796.20. (A) (A) (1) Notwithstanding any conflicting	4173
provision of the Revised Code, <u>a licensed dispensary</u> , including	4174
the holder of a current, valid retail dispensary license issued	4175
under this chapter, or previously issued by the state board of	4176
pharmacy, before the effective date of this amendment, may do	4177
both any of the following:	4178
(1) Obtain (a) Purchase or otherwise obtain medical	4179
marijuana and adult-use marijuana from one or more	4180
processorsother license holders;	4181
(2) Dispense or sell medical marijuana in accordance	4182
with division (B) of this section;	4183
(c) Dispense or sell adult-use marijuana in accordance	4184
with division (C) of this section;	4185
(d) Sell paraphernalia that may be used in the	4186
administration of adult-use marijuana or medical marijuana as	4187
specified in rules adopted under section 3796.03 of the Revised	4188
<pre>Code;</pre>	4189
(e) Provide delivery of medical marijuana in accordance	4190
with the rules adopted under section 3796.03 of the Revised	4191
Code;	4192

(f) Deliver, transfer, or sell medical marijuana and	4193
adult-use marijuana to other license holders.	4194
(2) A licensed dispensary engaged in the activities	4195
authorized by this chapter shall do so respecting both medical	4196
marijuana and adult-use marijuana.	4197
(B) When dispensing or selling medical marijuana, a	4198
licensed retail—dispensary shall do all of the following:	4199
(1) Dispense or sell only upon a showing of a current,	4200
valid, government-issued identification card and in accordance	4201
with a written recommendation issued by a physician holding a	4202
certificate to recommend issued by the state medical board under	4203
section 4731.30 of the Revised Code;	4204
(2) Report to the drug database the information required	4205
by section 4729.771 of the Revised Code;	4206
(3) Label the package containing medical marijuana with	4207
the following information:	4208
(a) The name and address of the licensed processor and	4209
retail dispensary;	4210
(b) The name of the patient and caregiver, if any;	4211
(c) The name of the physician who recommended treatment	4212
with medical marijuana;	4213
(d) The directions for use, if any, as recommended by the	4214
physician;	4215
(e) The date on which the medical marijuana was dispensed;	4216
(f) The quantity, strength, kind, or form of medical	4217
marijuana contained in the package.	4218
(4) Maintain an adequate supply of medical marijuana	4219

products to meet typical patient demand for those products.	4220
(C) When dispensing or selling adult-use marijuana to	4221
<pre>consumers, all of the following apply:</pre>	4222
(1) A licensed dispensary shall dispense or sell adult-use	4223
marijuana only to adult-use consumers who present a current,	4224
valid, government-issued identification card demonstrating proof	4225
that the adult-use consumer is twenty-one years of age or older.	4226
(2) No licensed dispensary shall knowingly dispense or	4227
sell more than the amount of adult-use marijuana that may be	4228
legally possessed by an adult-use consumer under section	4229
3796.221 of the Revised Code to the same adult-use consumer in	4230
the same day.	4231
(3) A licensed dispensary shall ensure that the label of	4232
the package containing adult-use marijuana contains all of the	4233
following information, in accordance with rules adopted by the	4234
division of marijuana control:	4235
(a) The name and address of the licensed processor and	4236
retail dispensary;	4237
(b) A statement that the use of adult-use marijuana by	4238
individuals under twenty-one years of age is both harmful and	4239
<pre>illegal;</pre>	4240
(c) The quantity, strength, kind, or form of adult-use	4241
marijuana contained in the package.	4242
When operating a licensed retail dispensary, both of the	4243
following apply:	4244
(1) (D) (1) A licensed dispensary shall use only employees	4245
who have met the training requirements established in rules	4246
adopted under section 3796.03 of the Revised Code.	4247

(2) A <u>licensed</u> dispensary shall not make public any	4248
information it collects that identifies or would tend to	4249
identify any specific medical marijuana patient or adult-use	4250
consumer.	4251
(3) A licensed dispensary shall prominently display both	4252
<pre>of the following:</pre>	4253
(a) A statement that the use of adult-use or homegrown	4254
marijuana by individuals under twenty-one years of age is both	4255
<pre>harmful and illegal;</pre>	4256
(b) Information about the addictive qualities of marijuana	4257
and the potential negative health consequences associated with	4258
its use.	4259
Sec. 3796.21. (A) Notwithstanding any conflicting	4260
provision of the Revised Code, a licensed laboratory, including	4261
the holder of a current, valid laboratory license issued under	4262
this chapter may before the effective date of this amendment,	4263
<pre>shall do both of the following:</pre>	4264
(1) Obtain medical marijuana and adult-use marijuana from	4265
one or more $\underline{\text{licensed}}$ cultivators, $\underline{\text{licensed}}$ processors, and	4266
retail—licensed dispensaries—licensed under this chapter;	4267
(2) Conduct medical marijuana testing in the manner	4268
specified in rules adopted under section 3796.03 of the Revised	4269
Code.	4270
(B) When testing medical marijuana or adult-use marijuana,	4271
a licensed laboratory shall do both of the following:	4272
(1) Test the marijuana for potency, homogeneity, and	4273
contamination;	4274
(2) Prepare a report of the test results.	4275

Sec. 3796.22. (A) Notwithstanding any conflicting	4276
provision of the Revised Code, a patient registered under this	4277
chapter who obtains medical marijuana from a retail licensed	4278
dispensary licensed under in accordance with this chapter may do	4279
<pre>both_all_of the following:</pre>	4280
(1) Use medical marijuana;	4281
(2) Possess medical marijuana, subject to division (B) of	4282
this section;	4283
(3) Possess any paraphernalia or accessories that may be	4284
used in the administration of medical marijuana, as specified in	4285
rules adopted under section 3796.03 of the Revised Code.	4286
(B) The amount of medical marijuana possessed by a	4287
registered patient shall not exceed a ninety-day supply, as	4288
specified in rules adopted under section 3796.03 of the Revised	4289
Code.	4290
(C) A registered patient shall not be subject to arrest or	4291
criminal prosecution for doing any either of the following in	4292
accordance with this chapter:	4293
(1) Obtaining, using, or possessing medical marijuana;	4294
(2) Possessing any paraphernalia or accessories that may	4295
be used in the administration of medical marijuana, as specified	4296
in rules adopted under section 3796.03 of the Revised Code.	4297
(D) This section does not authorize a registered patient	4298
to operate a vehicle, streetcar, trackless trolley, watercraft,	4299
or aircraft while under the influence of medical marijuana.	4300
Sec. 3796.221. (A) Notwithstanding any conflicting	4301
provision of the Revised Code, an adult-use consumer who obtains	4302
adult-use marijuana from a licensed dispensary may do all of the	4303

<pre>following:</pre>	4304
(1) Use adult-use marijuana;	4305
(2) Possess adult-use marijuana, subject to division (B)	4306
of this section;	4307
(3) Possess any paraphernalia or accessories that may be	4308
used in the administration of adult-use marijuana as specified	4309
in rules adopted under section 3796.03 of the Revised Code;	4310
(4) Transfer adult-use and homegrown marijuana to another_	4311
adult-use consumer if all of the following apply:	4312
(a) The transfer is without remuneration.	4313
(b) The amount transferred to the same adult-use consumer	4314
in the same day does not exceed either of the following:	4315
(i) Two and one-half ounces of plant material, excluding	4316
any seeds, live plants, or clones being cultivated, grown, or	4317
possessed in accordance with section 3796.04 of the Revised	4318
Code;	4319
(ii) Fifteen grams of extract.	4320
(c) The transfer occurs at privately owned real property	4321
that is used primarily for residential or agricultural purposes,	4322
including any dwellings, facilities, improvements, and	4323
appurtenances on such real property.	4324
(B) No person shall knowingly possess more than the	4325
following cumulative amounts of homegrown marijuana and adult-	4326
use marijuana:	4327
(1) Two and one-half ounces of plant material, excluding	4328
any seeds, live plants, or clones being cultivated, grown, or	4329
possessed in accordance with section 3796.04 of the Revised	4330

Code;	4331
(2) Fifteen grams of extract.	4332
(C) Except as expressly authorized under division (A)(4)	4333
of this section, no person other than a license holder shall	4334
knowingly give, sell, or transfer adult-use or homegrown	4335
marijuana to any other person, with or without remuneration.	4336
(D) Subject to divisions (B) and (C) of this section, an	4337
adult-use consumer is not subject to arrest or criminal	4338
prosecution for engaging in any of the activities described in	4339
division (A) of this section.	4340
(E) This section does not authorize an adult-use consumer	4341
to operate a vehicle, streetcar, trackless trolley, watercraft,	4342
or aircraft while under the influence of marijuana.	4343
Sec. 3796.23. (A) Notwithstanding any conflicting	4344
provision of the Revised Code, a caregiver registered under this	4345
chapter who obtains medical marijuana from a <pre>retail_licensed_</pre>	4346
dispensary licensed under this chapter may do both any of the	4347
following:	4348
(1) Possess medical marijuana on behalf of a registered	4349
patient under the caregiver's care, subject to division (B) of	4350
this section;	4351
(2) Assist a registered patient under the caregiver's care	4352
in the use or administration of medical marijuana;	4353
(3) Possess any paraphernalia or accessories specified in	4354
rules adopted under section 3796.03 of the Revised Code.	4355
(B) The amount of medical marijuana possessed by a	4356
registered caregiver on behalf of a registered patient shall not	4357
exceed a ninety-day supply, as specified in rules adopted under	4358

section 3796.03 of the Revised Code. If a caregiver provides	4359
care to more than one registered patient, the caregiver shall	4360
maintain separate inventories of medical marijuana for each	4361
patient.	4362
	42.62
(C) A registered caregiver shall not be subject to arrest	4363
or criminal prosecution for doing any of following in accordance	4364
with this chapter:	4365
(1) Obtaining or possessing medical marijuana on behalf of	4366
a registered patient;	4367
(2) Assisting a registered patient in the use or	4368
	4369
administration of medical marijuana;	4309
(3) Possessing any paraphernalia or accessories specified	4370
in rules adopted under section 3796.03 of the Revised Code.	4371
(D) This section does not permit a registered caregiver to	4372
personally use medical marijuana, unless the caregiver is also a	4373
registered patient.	4374
Sec. 3796.24. (A) The holder of a license, as defined in	4375
section 4776.01 of the Revised Code, is not subject to	4376
professional disciplinary action solely for engaging in	4377
professional or occupational activities related to medical	4378
marijuana.	4379
(D) Unless there is along and convincing avidence that a	4200
(B) Unless there is clear and convincing evidence that a	4380
child is unsafe, the use, possession, or administration of	4381
medical marijuana in accordance with this chapter shall not be	4382
the sole or primary basis for any of the following:	4383
(1) An adjudication under section 2151.28 of the Revised	4384
Code determining that a child is an abused, neglected, or	4385
dependent child;	4386

(2) An allocation of parental rights and responsibilities	4387
under section 3109.04 of the Revised Code;	4388
(3) A parenting time order under section 3109.051 or	4389
3109.12 of the Revised Code.	4390
(C) Notwithstanding any conflicting provision of the	4391
Revised Code, the use or possession of medical marijuana in	4392
accordance with this chapter shall not be used as a reason for	4393
disqualifying a patient from medical care or from including a	4394
patient on a transplant waiting list.	4395
(D) Notwithstanding any conflicting provision of the	4396
Revised Code, the use, possession, administration, cultivation,	4397
processing, testing, or dispensing of medical marijuana in	4398
accordance with this chapter shall not be used as the sole or	4399
primary reason for taking action under any criminal or civil	4400
statute in the forfeiture or seizure of any property or asset.	4401
(E) Notwithstanding any conflicting provision of the	4402
Revised Code, a person's status as a registered patient or	4403
caregiver engaging in activity authorized by this chapter is not	4404
a sufficient basis for conducting a field sobriety test on the	4405
person or for suspending the person's driver's license. To	4406
conduct any field sobriety test, a law enforcement officer must	4407
have an independent, factual basis giving reasonable suspicion	4408
that the person is operating a vehicle under the influence of	4409
marijuana or with a prohibited concentration of marijuana in the	4410
person's whole blood, blood serum, plasma, breath, or urine.	4411
(F) Notwithstanding any conflicting provision of the	4412
Revised Code, a person's status as a registered patient or	4413
caregiver shall not be used as the sole or primary basis for	4414
rejecting the person as a tenant unless the rejection is	4415

required by federal law. This division does not prohibit a	4416
landlord from prohibiting either of the following, as long as	4417
such prohibition is included in the applicable lease agreement:	4418
(1) Consumption of marijuana in a residential premises or	4419
<pre>common areas by smoking, combustion, or vaporization;</pre>	4420
(2) Cultivation or growth of homegrown marijuana.	4421
(G) Except for unemployment compensation benefits under	4422
Chapter 4141. of the Revised Code, including as prescribed under	4423
division (B) of section 3796.28 of the Revised Code, the use or	4424
possession of medical marijuana, adult-use marijuana, or	4425
homegrown marijuana in accordance with this chapter shall not be	4426
used as a reason for disqualifying an individual from a public	4427
benefit program administered by any state or local authority, or	4428
for otherwise denying an individual a public benefit	4429
administered by the state or any local government.	4430
(H) This chapter does not do any of the following:	4431
(1) Require a physician to recommend that a patient use	4432
medical marijuana to treat a qualifying medical condition;	4433
(2) Permit the use, possession, or administration of	4434
medical marijuana, adult-use marijuana, or homegrown marijuana	4435
other than as authorized by this chapter;	4436
(3) Permit the use, possession, or administration of	4437
medical marijuana, adult-use marijuana, or homegrown marijuana	4438
on federal land located in this state;	4439
(4) Require any public place to accommodate a registered	4440
patient's use of medical marijuana or an adult-use consumer's	4441
<pre>use of adult-use marijuana or homegrown marijuana;</pre>	4442
(5) Prohibit any public place from accommodating a	4443

registered patient's use of medical marijuana, except that no	4444
public place shall accommodate consumption of medical marijuana	4445
by smoking, combustion, or vaporization;	4446
(6) Restrict research related to marijuana conducted at a	4447
state university, academic medical center, or private research	4448
and development organization as part of a research protocol	4449
approved by an institutional review board or equivalent entity.	4450
(I) It is the public policy of this state that contracts	4451
related to license holders are enforceable.	4452
Sec. 3796.27. (A) As used in this section:	4453
(1) "Financial institution" means any of the following:	4454
(a) Any bank, trust company, savings and loan association,	4455
savings bank, or credit union or any affiliate, agent, or	4456
employee of a bank, trust company, savings and loan association,	4457
savings bank, or credit union;	4458
(b) Any money transmitter licensed under sections 1315.01	4459
to 1315.18 of the Revised Code or any affiliate, agent, or	4460
employee of such a licensee.	4461
(2) "Financial services" means services that a financial	4462
institution is authorized to provide under Title XI, sections	4463
1315.01 to 1315.18, or Chapter 1733. of the Revised Code, as	4464
applicable.	4465
(B) A financial institution that provides financial	4466
services to any cultivator, processor, retail dispensary, or	4467
laboratory licensed under this chapter license holder shall be	4468
exempt from any criminal law of this state an element of which	4469
may be proven by substantiating that a person provides financial	4470
services to a person who possesses, delivers, or manufactures	4471

marijuana or marijuana derived products, including section	4472
2925.05 of the Revised Code and sections 2923.01 and 2923.03 of	4473
the Revised Code as those sections apply to violations of	4474
Chapter 2925. of the Revised Code, if the cultivator, processor,	4475
retail dispensary, or laboratory license holder is in compliance	4476
with this chapter and the applicable tax laws of this state.	4477
(C)(1) Notwithstanding section 149.43 of the Revised Code	4478
or any other public records law to the contrary, upon the	4479
request of a financial institution, the division of marijuana	4480
control shall provide to the financial institution all of the	4481
following information:	4482
(a) Whether a person with whom the financial institution	4483
is seeking to do business is a cultivator, processor, retail	4484
dispensary, or laboratory licensed under this chapter license	4485
<pre>holder;</pre>	4486
(b) The name of any other business or individual	4487
affiliated with the person;	4488
(c) An unredacted copy of the application for a license	4489
under this chapter or under Chapter 3780. of the Revised Code,	4490
as that chapter existed immediately before the effective date of	4491
this amendment, and any supporting documentation, that was	4492
submitted by the person;	4493
(d) If applicable, information relating to sales and	4494
volume of product sold by the person;	4495
(e) Whether the person is in compliance with this chapter;	4496
(f) Any past or pending violation by the person of this	4497
chapter_or Chapter 3780. of the Revised Code, as that chapter_	4498
existed immediately before the effective date of this amendment,	4499
and any penalty imposed on the person for such a violation.	4500

(2) The division may charge a financial institution a	4501
reasonable fee to cover the administrative cost of providing the	4502
information.	4503
(D) Information received by a financial institution under	4504
division (C) of this section is confidential. Except as	4505
otherwise permitted by other state law or federal law, a	4506
financial institution shall not make the information available	4507
to any person other than the customer to whom the information	4508
applies and any trustee, conservator, guardian, personal	4509
representative, or agent of that customer.	4510
Sec. 3796.28. (A) Nothing in this chapter does any of the	4511
following:	4512
(1) Requires an employer to permit or accommodate an	4513
employee's use, possession, or distribution of medical	4514
marijuana;	4515
(2) Prohibits an employer from refusing to hire,	4516
discharging, disciplining, or otherwise taking an adverse	4517
employment action against a person with respect to hire, tenure,	4518
terms, conditions, or privileges of employment because of that	4519
person's use, possession, or distribution of medical marijuana;	4520
(3) Prohibits an employer from establishing and enforcing	4521
a drug testing policy, drug-free workplace policy, or zero-	4522
tolerance drug policy;	4523
(4) Interferes with any federal restrictions on	4524
employment, including the regulations adopted by the United	4525
States department of transportation in Title 49 of the Code of	4526
Federal Regulations, as amended;	4527
(5) Permits a person to commence a cause of action against	4528
an employer for refusing to hire, discharging, disciplining,	4529

discriminating, retaliating, or otherwise taking an adverse	4530
employment action against a person with respect to hire, tenure,	4531
terms, conditions, or privileges of employment related to	4532
medical marijuana;	4533
(6) Affects the authority of the administrator of workers'	4534
compensation to grant rebates or discounts on premium rates to	4535
employers that participate in a drug-free workplace program	4536
established in accordance with rules adopted by the	4537
administrator under Chapter 4123. of the Revised Code.	4538
(B) A person who is discharged from employment because of	4539
that person's use of medical marijuana shall be considered to	4540
have been discharged for just cause for purposes of division (D)	4541
of section 4141.29 of the Revised Code and shall be ineligible	4542
to serve a waiting period or to be paid benefits for the	4543
duration of the individual's unemployment as described in	4544
division (D)(2) of that section if the person's use of medical	4545
marijuana was in violation of an employer's drug-free workplace	4546
policy, zero-tolerance policy, or other formal program or policy	4547
regulating the use of medical marijuana.	4548
(C) It is not a violation of division (A), (D), or (E) of	4549
section 4112.02 of the Revised Code if an employer discharges,	4550
refuses to hire, or otherwise discriminates against a person	4551
because of that person's use of medical—marijuana if the	4552
person's use of medical marijuana is in violation of the	4553
employer's drug-free workplace policy, zero-tolerance policy, or	4554
other formal program or policy regulating the use of medical	4555
marijuana.	4556
Sec. 3796.29. The (A) Except as otherwise provided in	4557
division (B) of this section, the legislative authority of a	4558
municipal corporation may adopt an ordinance, or a board of	4559

township trustees may adopt an ordinance or a resolution, to	4560
prohibit, or limit the number of, <u>licensed</u> cultivators, <u>licensed</u>	4561
processors, or retail_licensed_dispensaries licensed_under_this_	4562
chapter -within the municipal corporation or within the	4563
unincorporated territory of the township, respectively.	4564
This section does not authorize the (B) The legislative	4565
authority of a municipal corporation or a board of township	4566
trustees to shall not adopt or enforce an ordinance or a	4567
resolution limiting that does any of the following:	4568
(1) Prohibits or limits the operations of a license holder	4569
that received a provisional license or certificate of operation	4570
before the effective date of this amendment, except that a	4571
municipal corporation or township may enforce such an ordinance	4572
or such a resolution if it was adopted before the effective date	4573
of this amendment;	4574
(2) Prohibits or limits any activity authorized under this	4575
chapter, except as expressly permitted under division (A) of	4576
this section;	4577
(3) Prohibits or limits research related to marijuana	4578
conducted at a state university, academic medical center, or	4579
private research and development organization as part of a	4580
research protocol approved by an institutional review board or	4581
equivalent entity.	4582
Sec. 3796.30. (A) Except as provided in division	4583
(B) divisions (C) and (D) of this section, no medical marijuana	4584
<u>licensed</u> cultivator, <u>licensed</u> processor, <u>retail</u> <u>licensed</u>	4585
dispensary, or <u>licensed</u> laboratory that tests medical marijuana	4586
shall be located within five hundred feet of the boundaries of a	4587
parcel of real estate having situated on it a school, church,	4588

public library, public playground, or public park.	4589
(B) If the a request for relocation of a facility of a	4590
<u>licensed</u> cultivator, <u>licensed</u> processor, <u>retail</u> <u>licensed</u>	4591
dispensary, or licensed laboratory licensed under this chapter	4592
results would result in the cultivator, processor, retail	4593
dispensary, or laboratory facility being located within five	4594
hundred feet of the boundaries of a parcel of real estate having	4595
situated on it a school, church, public library, public	4596
playground, or public park, the division of marijuana control	4597
shall revoke the license it previously issued to the cultivator,	4598
processor, retail dispensary, or laboratory deny the request for	4599
relocation.	4600
(B) (C) This section does not require relocation or closure	4601
of a facility used by a licensed cultivator, licensed processor,	4602
licensed dispensary, or licensed laboratory, if that facility	4603
has a certificate of operation at the time a school, church,	4604
public library, public playground, or public park relocates, or	4605
is established, on a parcel of real estate, the boundaries of	4606
which are within five hundred feet of that operational facility.	4607
(D) This section does not apply to research related to	4608
marijuana conducted at a state university, academic medical	4609
center, or private research and development organization as part	4610
of a research protocol approved by an institutional review board	4611
or equivalent entity.	4612
(C) As used in this section and sections 3796.03 and	4613
3796.12 of the Revised Code:	4614
"Church" has the meaning defined in section 1710.01 of the	4615
Revised Code.	4616
"Public library" means a library provided for under	4617

Chapter 3375. of the Revised Code.	4618
"Public park" means a park established by the state or a	4619
political subdivision of the state including a county, township,	4620
municipal corporation, or park district.	4621
"Public playground" means a playground established by the	4622
state or a political subdivision of the state including a	4623
county, township, municipal corporation, or park district.	4624
"School" means a child care center as defined under	4625
section 5104.01 of the Revised Code, a preschool as defined	4626
under section 2950.034 of the Revised Code, or a public or	4627
nonpublic primary school or secondary school.	4628
Sec. 3796.31. Except as otherwise authorized in the	4629
Revised Code, no political subdivision shall levy_do either of	4630
the following:	4631
(A) Levy any tax or fee on cultivators, processors, or	4632
dispensaries license holders that is based on those the license	4633
<pre>holder's businesses' gross receipts or that is the same as or</pre>	4634
similar to any tax or fee imposed by the state;	4635
(B) Levy any tax, fee, or charge on license holders or	4636
license holders' property that is not generally charged on other	4637
businesses.	4638
Sec. 3796.32. (A) The division of marijuana control may	4639
adopt rules regulating the advertisement of adult-use marijuana	4640
and medical marijuana to prevent advertisements that are false,	4641
misleading, targeted to minors, attractive to minors, promote	4642
excessive use, promote illegal activity, are obscene or	4643
indecent, contain depictions of marijuana use, or promote	4644
marijuana as an intoxicant.	4645

(B) Any rules the division adopts regulating the	4646
advertisement of adult-use marijuana shall be at least as	4647
stringent as the most stringent federal or state laws or rules	4648
governing the advertisement of tobacco or alcohol.	4649
(C) The division may, at any time, conduct an audit of an	4650
applicant's or license holder's published advertisements to	4651
ensure that the applicant or license holder complies with this	4652
<pre>chapter and associated rules.</pre>	4653
(D) Adult-use marijuana or medical marijuana shall not be	4654
<pre>packaged, advertised, or otherwise marketed using any graphic,</pre>	4655
picture, or drawing that bears any resemblance to a cartoon	4656
character, or any fictional character or popular culture figure	4657
whose target audience is children or youth.	4658
(E) No person shall place or maintain, or caused to be	4659
placed or maintained, an advertisement that asserts or suggests	4660
that adult-use marijuana has any health or therapeutic benefits.	4661
(F)(1) Subject to division (F)(2) of this section, no	4662
person shall place or maintain, or cause to be placed or	4663
maintained, an advertisement for medical or adult-use marijuana	4664
within five hundred feet of the boundaries of a parcel of real	4665
estate having situated on it a school, church, public library,	4666
<pre>public playground, or public park.</pre>	4667
(2) Division (F)(1) of this section does not apply to	4668
signage on the facility of a license holder.	4669
(G)(1) No person shall advertise medical or adult-use	4670
marijuana using names, logos, signs, or materials that have not	4671
been submitted to, and approved by, the division in accordance	4672
with rules adopted under this section.	4673
(2) The division shall either approve or deny such names,	4674

logos, signs, or materials within twenty-one business days after	4675
receiving the submission.	4676
(3) If the division does not deny a submission within	4677
twenty-one business days, the submitted names, logos, signs, or	4678
materials shall be considered approved.	4679
(H) If the division determines that a person has violated	4680
this section or any rule adopted in accordance with this	4681
section, the division may require the person to stop using the	4682
advertisement or proceed with any enforcement action it deems	4683
necessary or proper, as outlined in this chapter and associated	4684
rules.	4685
Sec. 3796.33. (A) As used in this section, "equivalent	4686
<pre>license" means:</pre>	4687
(1) In the case of an adult-use cultivator, a cultivator	4688
license of the same level issued under section 3796.09 of the	4689
Revised Code to engage in the activities authorized by section	4690
3796.18 of the Revised Code;	4691
(2) In the case of an adult-use processor, a processor	4692
license issued under section 3796.09 of the Revised Code to	4693
engage in the activities authorized by section 3796.19 of the	4694
Revised Code;	4695
(3) In the case of an adult-use dispensary, a retail	4696
dispensary license issued under section 3796.10 of the Revised	4697
Code to engage in the activities authorized by section 3796.20	4698
of the Revised Code;	4699
(4) In the case of an adult-use testing laboratory, a	4700
laboratory license issued under section 3796.09 of the Revised	4701
Code to engage in the activities authorized by section 3796.21	4702
of the Revised Code.	4703

(B) A license issued under Chapter 3780. of the Revised	4704
Code, as that chapter existed immediately before the effective	4705
date of this section, shall be treated, for all purposes, as the	4706
equivalent license under this chapter.	4707
(C) The holder of a license described in division (B) of	4708
this section is subject to all procedures, requirements, and	4709
penalties that apply to the holder of the equivalent license	4710
under this chapter.	4711
(D) If a license described in division (B) of this section	4712
is held by the same person and used at the same location as an	4713
equivalent license under this chapter, the division of marijuana	4714
control shall merge the licenses and treat them as the same	4715
license for all purposes, including expiration and renewal.	4716
Sec. 3780.37 3796.34. (A) As used in this section,	4717
"nonprofit corporation" has the same meaning as in section	4718
1702.01 of the Revised Code.	4719
(B) The division of cannabis control shall contract with a	4720
statewide nonprofit corporation for the development and	4721
implementation of cannabis and related drug misuse prevention,	4722
education, and public awareness initiatives driven by data,	4723
evaluation, and research. The contract must include a provision	4724
specifying a percentage of the total funding for the	4725
initiatives, not less than ten per cent, to be raised by the	4726
statewide nonprofit corporation through private contributions.	4727
(C) The initiatives may include all of the following:	4728
(1) Providing evidence-based information on the potential	4729
health effects of cannabis and related drug use among minors;	4730
(2) Disseminating educational resources regarding the	4731
risks associated with cannabis and related drug use during	4732

pregnancy;	4733
(3) Conducting campaigns to inform the public about the	4734
dangers and legal consequences of driving under the influence of	4735
cannabis and related drugs;	4736
(4) Collaborating with employers and industry groups to	4737
develop and distribute evidence-based resources to improve the	4738
health of Ohio's workforce and promote workplace safety and	4739
recovery initiatives focused on cannabis and related drug	4740
misuse.	4741
(D) The division shall oversee and evaluate the	4742
effectiveness of the initiatives undertaken pursuant to this	4743
section and shall ensure that those initiatives align with the	4744
public health and safety objectives of this state.	4745
(E) The division shall annually compile a report detailing	4746
activities, use of funds, and measurable outcomes resulting from	4747
the initiatives undertaken pursuant to this section. The	4748
division shall submit the report to the general assembly in	4749
accordance with section 101.68 of the Revised Code.	4750
Sec. 3796.40. (A) Terms used in this section have the same	4751
meanings as in section 5739.01 of the Revised Code.	4752
(B) For the purpose of funding the needs of the state and	4753
local governments that host adult-use marijuana dispensaries, an	4754
excise tax is levied on the retail sale of adult-use marijuana.	4755
The rate of the tax shall equal ten per cent of the price of	4756
adult-use marijuana and is in addition to taxes levied under	4757
Chapters 5739. and 5741. of the Revised Code.	4758
(C) The tax shall be paid by the consumer to the vendor at	4759
the time of the sale, and the vendor shall report and remit the	4760
tax to the state in the same manner and at the same time the	4761

vendor reports and remits the tax levied under Chapter 5739. of	4762
the Revised Code. The return required by this division shall be	4763
filed on a form prescribed by the tax commissioner, which shall	4764
be separate from the return required to be filed under section	4765
5739.12 of the Revised Code. The tax levied under this section	4766
shall be collected consistent with Chapters 5703. and 5739. of	4767
the Revised Code.	4768
(D) For the same purpose as the tax levied under division	4769
(B) of this section, a tax is levied on a vendor that sells any	4770
marijuana other than adult-use marijuana or medical marijuana to	4771
a consumer. That tax equals ten per cent of the price of such	4772
marijuana, and the consumer and vendor are liable for any	4773
amounts, including tax, interest, and penalties, imposed under	4774
this section and chapter in the same manner as vendors subject	4775
to the tax imposed under division (B) of this section.	4776
(E) All amounts collected from a tax levied under this	4777
section shall be deposited into the marijuana receipts fund,	4778
which is created in the state treasury. Investment earnings of	4779
the marijuana receipts fund shall be credited to that fund.	4780
From the marijuana receipts fund, the director of budget	4781
and management shall transfer as needed to the tax refund fund	4782
amounts equal to the refunds attributable to the tax levied	4783
under this section and certified by the tax commissioner.	4784
(F) After making any transfers required under division (E)	4785
of this section, the director of budget and management shall	4786
transfer amounts remaining in the marijuana receipts fund as	4787
follows:	4788
(1) Sixty-four per cent to the general revenue fund;	4789
(2) Thirty-six per cent to the host community cannabis	4790

fund, which is created in the state treasury, for the benefit of	4791
municipal corporations or townships that have at least one	4792
licensed dispensary. Distributions to such municipal	4793
corporations and townships shall be based on the portion of the	4794
tax levied under division (B) of this section attributable to	4795
each municipal corporation or township. Municipal corporations	4796
and townships receiving funds under this division may use such	4797
funds for any lawful purpose.	4798
Distributions under this division shall be made by the end	4799
of each month based on tax collections from the preceding month.	4800
The tax commissioner shall make data available to the director	4801
of the office of budget and management for this purpose and the	4802
director of budget and management shall provide for payment of	4803
those amounts to municipal corporations and townships as	4804
required.	4805
(G) The tax commissioner may prescribe all forms and adopt	4806
all rules necessary to administer the tax authorized under this	4807
section.	4808
Sec. 3796.99. (A) (1) Whoever violates division (C) (2) of	4000
	4809
section 3796.06 of the Revised Code as an operator of the	4809
section 3796.06 of the Revised Code as an operator of the	4810
section 3796.06 of the Revised Code as an operator of the vehicle, streetcar, trackless trolley, watercraft, or aircraft	4810 4811
section 3796.06 of the Revised Code as an operator of the vehicle, streetcar, trackless trolley, watercraft, or aircraft is subject to section 1547.11, 4511.19, 4511.194, or 4561.15 of	4810 4811 4812
section 3796.06 of the Revised Code as an operator of the vehicle, streetcar, trackless trolley, watercraft, or aircraft is subject to section 1547.11, 4511.19, 4511.194, or 4561.15 of the Revised Code, as applicable.	4810 4811 4812 4813
section 3796.06 of the Revised Code as an operator of the vehicle, streetcar, trackless trolley, watercraft, or aircraft is subject to section 1547.11, 4511.19, 4511.194, or 4561.15 of the Revised Code, as applicable. (2) Whoever violates division (C)(2) of section 3796.06 of	4810 4811 4812 4813
section 3796.06 of the Revised Code as an operator of the vehicle, streetcar, trackless trolley, watercraft, or aircraft is subject to section 1547.11, 4511.19, 4511.194, or 4561.15 of the Revised Code, as applicable. (2) Whoever violates division (C)(2) of section 3796.06 of the Revised Code as a passenger of a vehicle, streetcar,	4810 4811 4812 4813 4814 4815
section 3796.06 of the Revised Code as an operator of the vehicle, streetcar, trackless trolley, watercraft, or aircraft is subject to section 1547.11, 4511.19, 4511.194, or 4561.15 of the Revised Code, as applicable. (2) Whoever violates division (C)(2) of section 3796.06 of the Revised Code as a passenger of a vehicle, streetcar, trackless trolley, watercraft, or aircraft when the operator is	4810 4811 4812 4813 4814 4815 4816

(B) Except as otherwise provided in division (A) of this	4820
section, whoever violates division (C)(2) or (3) of section	4821
3796.06 of the Revised Code is guilty of a minor misdemeanor.	4822
(C)(1)(a) Except as provided in division (C)(1)(b) of this	4823
section, whoever violates division (F) of section 3796.06 of the	4824
Revised Code is guilty of a misdemeanor of the first degree.	4825
(b) An offender who has previously been convicted of, or	4826
pleaded guilty to, a violation of division (F) of section	4827
3796.06 of the Revised Code, is guilty of a felony of the fifth	4828
degree.	4829
(2) The division of marijuana control shall immediately	4830
revoke the license of any license holder under this chapter who	4831
is found guilty of, or who pleads guilty or no contest to,	4832
violating division (F) of section 3796.06 of the Revised Code.	4833
(D) Whoever violates division (B) of section 3796.221 of	4834
the Revised Code is guilty of possession of marijuana under	4835
section 2925.11 of the Revised Code.	4836
(E) Whoever violates division (C) of section 3796.04 of	4837
the Revised Code is guilty of illegal cultivation of marijuana	4838
under section 2925.04 of the Revised Code.	4839
(F) Whoever violates division (I) of section 3796.09,	4840
division (I) of section 3796.10, division (C)(2) of section	4841
3796.20, or division (C) of section 3796.221 of the Revised Code	4842
is guilty of trafficking in marijuana under section 2925.03 of	4843
the Revised Code.	4844
(G)(1) Except as otherwise provided in divisions (G)(2) to	4845
(4) of this section, whoever violates division (G) of section	4846
3796.06 of the Revised Code by knowingly showing or giving false	4847
information concerning the individual's name, age, or other	4848

identification for the purpose of purchasing or otherwise	4849
obtaining adult-use marijuana from an adult-use dispensary	4850
licensed under this chapter is guilty of a misdemeanor of the	4851
first degree.	4852
(2) Except as otherwise provided in divisions (G)(3) and	4853
(4) of this section, whoever violates division (G) of section	4854
3796.06 of the Revised Code by knowingly presenting to an adult-	4855
use dispensary licensed under this chapter a false, fictitious,	4856
or altered identification card, a false or fictitious driver's	4857
license purportedly issued by any state, or a driver's license	4858
issued by any state that has been altered, is guilty of a	4859
misdemeanor of the first degree and, notwithstanding division	4860
(A)(2) of section 2929.28 of the Revised Code, shall be fined	4861
not less than two hundred fifty dollars and not more than one	4862
thousand dollars.	4863
(3)(a) Except as otherwise provided in division (G)(4) of	4864
this section, an offender who has previously been convicted of	4865
or pleaded guilty to a violation of division (G) of section	4866
3796.06 of the Revised Code by knowingly presenting to an adult-	4867
use dispensary licensed under this chapter a false, fictitious,	4868
or altered identification card, a false or fictitious driver's	4869
license purportedly issued by any state, or a driver's license	4870
issued by any state that has been altered, is guilty of a	4871
misdemeanor of the first degree and, notwithstanding division	4872
(A)(2) of section 2929.28 of the Revised Code, shall be fined	4873
not less than five hundred dollars nor more than one thousand	4874
dollars.	4875
(b)(i) The court also may impose a class seven suspension	4876
of the offender's driver's or commercial driver's license or	4877
permit, or nonresident operating privilege, from the range	4878

specified in division (A)(7) of section 4510.02 of the Revised	4879
Code.	4880
(ii) The court, in lieu of suspending the offender's	4881
temporary instruction permit, probationary driver's license, or	4882
driver's license, instead may order the offender to perform a	4883
determinate number of hours of community service, with the court	4884
determining the actual number of hours and the nature of the	4885
community service the offender shall perform.	4886
(4)(a) An offender who has previously been convicted of or	4887
pleaded guilty to two or more violations of division (G) of	4888
section 3796.06 of the Revised Code by knowingly presenting to	4889
an adult-use dispensary licensed under this chapter a false,	4890
fictitious, or altered identification card, a false or	4891
fictitious driver's license purportedly issued by any state, or	4892
a driver's license issued by any state that has been altered, is	4893
guilty of a misdemeanor of the first degree and, notwithstanding	4894
division (A)(2) of section 2929.28 of the Revised Code, shall be	4895
fined not less than five hundred dollars nor more than one	4896
thousand dollars.	4897
(b)(i) The court also may impose a class six suspension of	4898
the offender's driver's or commercial driver's license or permit	4899
or nonresident operating privilege from the range specified in	4900
division (A)(6) of section 4510.02 of the Revised Code, and the	4901
court may order that the suspension or denial remain in effect	4902
until the offender attains the age of twenty-one years.	4903
(ii) The court, in lieu of suspending the offender's	4904
temporary instruction permit, probationary driver's license, or	4905
driver's license, instead may order the offender to perform a	4906
determinate number of hours of community service, with the court	4907
determining the actual number of hours and the nature of the	4908
deceimining the actual number of hours and the nature of the	4900

community service the offender shall perform.	4909
(5) The financial sanctions required by divisions (G)(2)	4910
to (4) of this section are in lieu of the financial sanctions	4911
described in division (A)(2) of section 2929.28 of the Revised	4912
Code but are in addition to any other sanctions or penalties	4913
that may apply to the offender, including other financial	4914
sanctions under that section or a jail term under section	4915
2929.24 of the Revised Code.	4916
(H)(1) Except as otherwise provided in division (H)(2) of	4917
this section, whoever violates division (G) of section 3796.06	4918
of the Revised Code by knowingly soliciting another person to	4919
purchase adult-use marijuana from an adult-use dispensary	4920
licensed under this chapter is guilty of a misdemeanor of the	4921
fourth degree.	4922
(2) An offender who has previously been convicted of or	4923
pleaded guilty to a violation of division (G) of section 3796.06	4924
of the Revised Code by knowingly soliciting another individual	4925
to purchase adult-use marijuana from an adult-use dispensary	4926
licensed under this chapter is guilty of a misdemeanor of the	4927
second degree.	4928
(I) Whoever violates division (A), (B), or (C) of section	4929
3796.062 of the Revised Code is guilty of a minor misdemeanor.	4930
(J) Whoever violates division (D) of section 3796.062 of	4931
the Revised Code is guilty of illegal use or possession of	4932
marijuana drug paraphernalia under section 2925.141 of the	4933
Revised Code.	4934
Sec. 4506.01. As used in this chapter:	4935
(A) "Alcohol concentration" means the concentration of	4936
alcohol in a person's blood, breath, or urine. When expressed as	4937

a percentage, it means grams of alcohol per the following:	4938
(1) One hundred milliliters of whole blood, blood serum,	4939
or blood plasma;	4940
(2) Two hundred ten liters of breath;	4941
(3) One hundred milliliters of urine.	4942
(B) "Commercial driver's license" means a license issued	4943
in accordance with this chapter that authorizes an individual to	4944
drive a commercial motor vehicle.	4945
(C) "Commercial driver's license information system" means	4946
the information system established pursuant to the requirements	4947
of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat.	4948
3207-171, 49 U.S.C.A. App. 2701.	4949
(D) Except when used in section 4506.25 of the Revised	4950
Code, "commercial motor vehicle" means any motor vehicle	4951
Code, "commercial motor vehicle" means any motor vehicle designed or used to transport persons or property that meets any	4951 4952
designed or used to transport persons or property that meets any	4952
designed or used to transport persons or property that meets any of the following qualifications:	4952 4953
designed or used to transport persons or property that meets any of the following qualifications: (1) Any combination of vehicles with a gross vehicle	4952 4953 4954
designed or used to transport persons or property that meets any of the following qualifications: (1) Any combination of vehicles with a gross vehicle weight or combined gross vehicle weight rating of twenty-six	4952 4953 4954 4955
designed or used to transport persons or property that meets any of the following qualifications: (1) Any combination of vehicles with a gross vehicle weight or combined gross vehicle weight rating of twenty-six thousand one pounds or more, provided the gross vehicle weight	4952 4953 4954 4955 4956
designed or used to transport persons or property that meets any of the following qualifications: (1) Any combination of vehicles with a gross vehicle weight or combined gross vehicle weight rating of twenty-six thousand one pounds or more, provided the gross vehicle weight or gross vehicle weight rating of the vehicle or vehicles being	4952 4953 4954 4955 4956 4957
designed or used to transport persons or property that meets any of the following qualifications: (1) Any combination of vehicles with a gross vehicle weight or combined gross vehicle weight rating of twenty-six thousand one pounds or more, provided the gross vehicle weight or gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand pounds;	4952 4953 4954 4955 4956 4957 4958
designed or used to transport persons or property that meets any of the following qualifications: (1) Any combination of vehicles with a gross vehicle weight or combined gross vehicle weight rating of twenty-six thousand one pounds or more, provided the gross vehicle weight or gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand pounds; (2) Any single vehicle with a gross vehicle weight or	4952 4953 4954 4955 4956 4957 4958
designed or used to transport persons or property that meets any of the following qualifications: (1) Any combination of vehicles with a gross vehicle weight or combined gross vehicle weight rating of twenty-six thousand one pounds or more, provided the gross vehicle weight or gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand pounds; (2) Any single vehicle with a gross vehicle weight or gross vehicle weight rating of twenty-six thousand one pounds or	4952 4953 4954 4955 4956 4957 4958 4959 4960
designed or used to transport persons or property that meets any of the following qualifications: (1) Any combination of vehicles with a gross vehicle weight or combined gross vehicle weight rating of twenty-six thousand one pounds or more, provided the gross vehicle weight or gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand pounds; (2) Any single vehicle with a gross vehicle weight or gross vehicle weight rating of twenty-six thousand one pounds or more;	4952 4953 4954 4955 4956 4957 4958 4959 4960 4961

(4) Any school bus with a gross vehicle weight or gross	4965
vehicle weight rating of less than twenty-six thousand one	4966
pounds that is designed to transport fewer than sixteen	4967
passengers including the driver;	4968
(5) Is transporting hazardous materials for which	4969
placarding is required under subpart F of 49 C.F.R. part 172, as	4970
amended;	4971
(6) Any single vehicle or combination of vehicles that is	4972
designed to be operated and to travel on a public street or	4973
highway and is considered by the federal motor carrier safety	4974
administration to be a commercial motor vehicle, including, but	4975
not limited to, a motorized crane, a vehicle whose function is	4976
to pump cement, a rig for drilling wells, and a portable crane.	4977
(E) "Controlled substance" means all of the following:	4978
(1) Any substance classified as a controlled substance	4979
under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21	4980
U.S.C.A. 802(6), as amended;	4981
(2) Any substance included in schedules I through V of 21	4982
C.F.R. part 1308, as amended;	4983
(3) Any drug of abuse.	4984
(F) "Conviction" means an unvacated adjudication of guilt	4985
or a determination that a person has violated or failed to	4986
comply with the law in a court of original jurisdiction or an	4987
authorized administrative tribunal, an unvacated forfeiture of	4988
bail or collateral deposited to secure the person's appearance	4989
in court, a plea of guilty or nolo contendere accepted by the	4990
court, the payment of a fine or court cost, or violation of a	4991
condition of release without bail, regardless of whether or not	4992
the penalty is rebated, suspended, or probated.	4993

(G) "Disqualification" means any of the following:	4994
(1) The suspension, revocation, or cancellation of a	4995
person's privileges to operate a commercial motor vehicle;	4996
(2) Any withdrawal of a person's privileges to operate a	4997
commercial motor vehicle as the result of a violation of state	4998
or local law relating to motor vehicle traffic control other	4999
than parking, vehicle weight, or vehicle defect violations;	5000
(3) A determination by the federal motor carrier safety	5001
administration that a person is not qualified to operate a	5002
commercial motor vehicle under 49 C.F.R. 391.	5003
(H) "Domiciled" means having a true, fixed, principal, and	5004
permanent residence to which an individual intends to return.	5005
(I) "Downgrade" means any of the following, as applicable:	5006
(1) A change in the commercial driver's license, or	5007
commercial driver's license temporary instruction permit,	5008
holder's self-certified status as described in division (A)(1)	5009
of section 4506.10 of the Revised Code;	5010
(2) A change to a lesser class of vehicle;	5011
(3) Removal of commercial driver's license privileges from	5012
the individual's driver's license;	5013
(4) A change in the commercial driver's license, or	5014
commercial driver's license temporary instruction permit,	5015
holder's privileges as described in division (F)(1) of section	5016
4506.13 of the Revised Code.	5017
(J) "Drive" means to drive, operate, or be in physical	5018
control of a motor vehicle.	5019
(K) "Driver" means any person who drives, operates, or is	5020

in physical control of a commercial motor vehicle or is required	5021
to have a commercial driver's license.	5022
(L) "Driver's license" means a license issued by the	5023
bureau of motor vehicles that authorizes an individual to drive.	5024
(M) "Drug of abuse" means any controlled substance,	5025
dangerous drug as defined in section 4729.01 of the Revised	5026
Code, harmful intoxicant as defined in section 2925.01 of the	5027
Revised Code, intoxicating hemp product as defined in section	5028
3779.01 of the Revised Code, drinkable cannabinoid product as	5029
defined in section 3779.21 of the Revised Code, or over-the-	5030
counter medication that, when taken in quantities exceeding the	5031
recommended dosage, can result in impairment of judgment or	5032
reflexes.	5033
(N) "Electronic device" includes a cellular telephone, a	5034
personal digital assistant, a pager, a computer, and any other	5035
device used to input, write, send, receive, or read text.	5036
(O) "Eligible unit of local government" means a village,	5037
township, or county that has a population of not more than three	5038
thousand persons according to the most recent federal census.	5039
(P) "Employer" means any person, including the federal	5040
government, any state, and a political subdivision of any state,	5041
that owns or leases a commercial motor vehicle or assigns a	5042
person to drive such a motor vehicle.	5043
(Q) "Endorsement" means an authorization on a person's	5044
commercial driver's license that is required to permit the	5045
person to operate a specified type of commercial motor vehicle.	5046
(R) "Farm truck" means a truck controlled and operated by	5047
a farmer for use in the transportation to or from a farm, for a	5048
distance of not more than one hundred fifty miles, of products	5049
distance of not more than one number fifty miles, of products	3043

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of the farm, including livestock and its products, poultry and	5050
its products, floricultural and horticultural products, and in	5051
the transportation to the farm, from a distance of not more than	5052
one hundred fifty miles, of supplies for the farm, including	5053
tile, fence, and every other thing or commodity used in	5054
agricultural, floricultural, horticultural, livestock, and	5055
poultry production, and livestock, poultry, and other animals	5056
and things used for breeding, feeding, or other purposes	5057
connected with the operation of the farm, when the truck is	5058
operated in accordance with this division and is not used in the	5059
operations of a motor carrier, as defined in section 4923.01 of	5060
the Revised Code.	5061
(S) "Fatality" means the death of a person as the result	5062
of a motor vehicle accident occurring not more than three	5063
hundred sixty-five days prior to the date of death.	5064
(T) "Felony" means any offense under federal or state law	5065
that is punishable by death or specifically classified as a	5066
felony under the law of this state, regardless of the penalty	5067
that may be imposed.	5068
(U) "Foreign jurisdiction" means any jurisdiction other	5069
than a state.	5070
(V) "Gross vehicle weight rating" means the value	5071
specified by the manufacturer as the maximum loaded weight of a	5072
single or a combination vehicle. The gross vehicle weight rating	5073
of a combination vehicle is the gross vehicle weight rating of	5074
the power unit plus the gross vehicle weight rating of each	5075
towed unit.	5076

(W) "Hazardous materials" means any material that has been

designated as hazardous under 49 U.S.C. 5103 and is required to

be placarded under subpart F of 49 C.F.R. part 172 or any	5079
quantity of a material listed as a select agent or toxin in 42	5080
C.F.R. part 73, as amended.	5081
(X) "Imminent hazard" means the existence of a condition	5082
that presents a substantial likelihood that death, serious	5083
illness, severe personal injury, or a substantial endangerment	5084
to health, property, or the environment may occur before the	5085
reasonably foreseeable completion date of a formal proceeding	5086
begun to lessen the risk of that death, illness, injury, or	5087
endangerment.	5088
(Y) "Medical variance" means one of the following received	5089
by a driver from the federal motor carrier safety administration	5090
that allows the driver to be issued a medical certificate:	5091
(1) An exemption letter permitting operation of a	5092
commercial motor vehicle under 49 C.F.R. 381, subpart C or 49	5093
C.F.R. 391.64;	5094
(2) A skill performance evaluation certificate permitting	5095
operation of a commercial motor vehicle pursuant to 49 C.F.R.	5096
391.49.	5097
(Z) "Mobile telephone" means a mobile communication device	5098
that falls under or uses any commercial mobile radio service as	5099
defined in 47 C.F.R. 20, except that mobile telephone does not	5100
include two-way or citizens band radio services.	5101
(AA) "Motor vehicle" means a vehicle, machine, tractor,	5102
trailer, or semitrailer propelled or drawn by mechanical power	5103
used on highways, except that such term does not include a	5104
vehicle, machine, tractor, trailer, or semitrailer operated	5105
exclusively on a rail.	5106
(BB) "Out-of-service order" means a declaration by an	5107

authorized enforcement officer of a federal, state, local,	5108
Canadian, or Mexican jurisdiction declaring that a driver,	5109
commercial motor vehicle, or commercial motor carrier operation	5110
is out of service as defined in 49 C.F.R. 390.5.	5111
(CC) "Peace officer" has the same meaning as in section	5112
2935.01 of the Revised Code.	5113
(DD) "Portable tank" means a liquid or gaseous packaging	5114
designed primarily to be loaded onto or temporarily attached to	5115
a vehicle and equipped with skids, mountings, or accessories to	5116
facilitate handling of the tank by mechanical means.	5117
(EE) "Public safety vehicle" has the same meaning as in	5118
divisions (E)(1) and (3) of section 4511.01 of the Revised Code.	5119
(FF) "Recreational vehicle" includes every vehicle that is	5120
defined as a recreational vehicle in section 4501.01 of the	5121
Revised Code and is used exclusively for purposes other than	5122
engaging in business for profit.	5123
(GG) "Residence" means any person's residence determined	5124
in accordance with standards prescribed in rules adopted by the	5125
registrar.	5126
(HH) "School bus" has the same meaning as in section	5127
4511.01 of the Revised Code.	5128
(II) "Serious traffic violation" means any of the	5129
following:	5130
(1) A conviction arising from a single charge of operating	5131
a commercial motor vehicle in violation of any provision of	5132
section 4506.03 of the Revised Code;	5133
(2)(a) Except as provided in division (II)(2)(b) of this	5134
section, a violation while operating a commercial motor vehicle	5135

of a law of this state, or any municipal ordinance or county or	5136
township resolution, or any other substantially similar law of	5137
another state or political subdivision of another state	5138
prohibiting either of the following:	5139
(i) Texting while driving;	5140
(ii) Using a handheld mobile telephone.	5141
(b) It is not a serious traffic violation if the person	5142
was texting or using a handheld mobile telephone to contact law	5143
enforcement or other emergency services.	5144
(3) A conviction arising from the operation of any motor	5145
vehicle that involves any of the following:	5146
(a) A single charge of any speed in excess of the posted	5147
speed limit by fifteen miles per hour or more;	5148
(b) Violation of section 4511.20 or 4511.201 of the	5149
Revised Code or any similar ordinance or resolution, or of any	5150
similar law of another state or political subdivision of another	5151
state;	5152
(c) Violation of a law of this state or an ordinance or	5153
resolution relating to traffic control, other than a parking	5154
violation, or of any similar law of another state or political	5155
subdivision of another state, that results in a fatal accident;	5156
(d) Violation of section 4506.03 of the Revised Code or a	5157
substantially similar municipal ordinance or county or township	5158
resolution, or of any similar law of another state or political	5159
subdivision of another state, that involves the operation of a	5160
commercial motor vehicle without a valid commercial driver's	5161
license with the proper class or endorsement for the specific	5162
vehicle group being operated or for the passengers or type of	5163

cargo being transported;	5164
(e) Violation of section 4506.03 of the Revised Code or a	5165
substantially similar municipal ordinance or county or township	5166
resolution, or of any similar law of another state or political	5167
subdivision of another state, that involves the operation of a	5168
commercial motor vehicle without a valid commercial driver's	5169
license being in the person's possession;	5170
(f) Violation of section 4511.33 or 4511.34 of the Revised	5171
Code, or any municipal ordinance or county or township	5172
resolution substantially similar to either of those sections, or	5173
any substantially similar law of another state or political	5174
subdivision of another state;	5175
(g) Violation of any other law of this state, any law of	5176
another state, or any ordinance or resolution of a political	5177
subdivision of this state or another state that meets both of	5178
the following requirements:	5179
(i) It relates to traffic control, other than a parking	5180
violation;	5181
(ii) It is determined to be a serious traffic violation by	5182
the United States secretary of transportation and is designated	5183
by the director as such by rule.	5184
(JJ) "State" means a state of the United States and	5185
includes the District of Columbia.	5186
(KK) "Tank vehicle" means any commercial motor vehicle	5187
that is designed to transport any liquid or gaseous materials	5188
within a tank or tanks that are either permanently or	5189
temporarily attached to the vehicle or its chassis and have an	5190
individual rated capacity of more than one hundred nineteen	5191
gallons and an aggregate rated capacity of one thousand gallons	5192

or more. "Tank vehicle" does not include a commercial motor	5193
vehicle transporting an empty storage container tank that is not	5194
designed for transportation, has a rated capacity of one	5195
thousand gallons or more, and is temporarily attached to a	5196
flatbed trailer.	5197
(LL) "Tester" means a person or entity acting pursuant to	5198
a valid agreement entered into pursuant to division (B) of	5199
section 4506.09 of the Revised Code.	5200
(MM) "Texting" means manually entering alphanumeric text	5201
into, or reading text from, an electronic device. Texting	5202
includes short message service, e-mail, instant messaging, a	5203
command or request to access a world wide web page, pressing	5204
more than a single button to initiate or terminate a voice	5205
communication using a mobile telephone, or engaging in any other	5206
form of electronic text retrieval or entry, for present or	5207
future communication. Texting does not include the following:	5208
(1) Using voice commands to initiate, receive, or	5209
terminate a voice communication using a mobile telephone;	5210
(2) Inputting, selecting, or reading information on a	5211
global positioning system or navigation system;	5212
(3) Pressing a single button to initiate or terminate a	5213
voice communication using a mobile telephone; or	5214
(4) Using, for a purpose that is not otherwise prohibited	5215
by law, a device capable of performing multiple functions, such	5216
as a fleet management system, a dispatching device, a mobile	5217
telephone, a citizens band radio, or a music player.	5218
(NN) "Texting while driving" means texting while operating	5219
a commercial motor vehicle, with the motor running, including	5220
while temporarily stationary because of traffic, a traffic	5221

control device, or other momentary delays. Texting while driving	5222
does not include operating a commercial motor vehicle with or	5223
without the motor running when the driver has moved the vehicle	5224
to the side of, or off, a highway and is stopped in a location	5225
where the vehicle can safely remain stationary.	5226
(00) "United States" means the fifty states and the	5227
District of Columbia.	5228
(PP) "Upgrade" means a change in the class of vehicles,	5229
endorsements, or self-certified status as described in division	5230
(A)(1) of section 4506.10 of the Revised Code, that expands the	5231
ability of a current commercial driver's license holder to	5232
operate commercial motor vehicles under this chapter.	5233
(QQ) "Use of a handheld mobile telephone" means:	5234
(1) Using at least one hand to hold a mobile telephone to	5235
conduct a voice communication;	5236
(2) Dialing or answering a mobile telephone by pressing	5237
more than a single button; or	5238
(3) Reaching for a mobile telephone in a manner that	5239
requires a driver to maneuver so that the driver is no longer in	5240
a seated driving position, or restrained by a seat belt that is	5241
installed in accordance with 49 C.F.R. 393.93 and adjusted in	5242
accordance with the vehicle manufacturer's instructions.	5243
(RR) "Vehicle" has the same meaning as in section 4511.01	5244
of the Revised Code.	5245
Sec. 4735.18. (A) Subject to section 4735.32 of the	5246
Revised Code, the superintendent of real estate, upon the	5247
superintendent's own motion, may investigate the conduct of any	5248
licensee. Subject to division (E) of this section and section	5249

4735.32 of the Revised Code, the Ohio real estate commission	5250
shall impose disciplinary sanctions upon any licensee who,	5251
whether or not acting in the licensee's capacity as a real	5252
estate broker or salesperson, or in handling the licensee's own	5253
property, is found to have been convicted of a felony or a crime	5254
of moral turpitude, and may impose disciplinary sanctions upon	5255
any licensee who, in the licensee's capacity as a real estate	5256
broker or salesperson, or in handling the licensee's own	5257
property, is found guilty of:	5258
(1) Knowingly making any misrepresentation;	5259
(2) Making any false promises with intent to influence,	5260
persuade, or induce;	5261
(3) A continued course of misrepresentation or the making	5262
of false promises through agents, salespersons, advertising, or	5263
otherwise;	5264
(4) Acting for more than one party in a transaction except	5265
as permitted by and in compliance with section 4735.71 of the	5266
Revised Code;	5267
(5) Failure within a reasonable time to account for or to	5268
remit any money coming into the licensee's possession which	5269
belongs to others;	5270
(6) Dishonest or illegal dealing, gross negligence,	5271
<pre>incompetency, or misconduct;</pre>	5272
(7)(a) By final adjudication by a court, a violation of	5273
any municipal or federal civil rights law relevant to the	5274
protection of purchasers or sellers of real estate or, by final	5275
adjudication by a court, any unlawful discriminatory practice	5276
pertaining to the purchase or sale of real estate prohibited by	5277
Chapter 4112. of the Revised Code, provided that such violation	5278

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arose out of a situation wherein parties were engaged in bona	5279
fide efforts to purchase, sell, or lease real estate, in the	5280
licensee's practice as a licensed real estate broker or	5281
salesperson;	5282
(b) A second or subsequent violation of any unlawful	5283
discriminatory practice pertaining to the purchase or sale of	5284
real estate prohibited by Chapter 4112. of the Revised Code or	5285
any second or subsequent violation of municipal or federal civil	5286
rights laws relevant to purchasing or selling real estate	5287
whether or not there has been a final adjudication by a court,	5288
provided that such violation arose out of a situation wherein	5289
parties were engaged in bona fide efforts to purchase, sell, or	5290
lease real estate. For any second offense under this division,	5291
the commission shall suspend for a minimum of two months or	5292
revoke the license of the broker or salesperson. For any	5293
subsequent offense, the commission shall revoke the license of	5294
the broker or salesperson.	5295
(8) Procuring a license under this chapter, for the	5296
licensee or any salesperson by fraud, misrepresentation, or	5297
deceit;	5298
(9) Having violated or failed to comply with any provision	5299
of sections 4735.51 to 4735.74 of the Revised Code or having	5300
willfully disregarded or violated any other provisions of this	5301
chapter;	5302
(10) As a real estate broker, having demanded, without	5303
reasonable cause, other than from a broker licensed under this	5304
chapter, a commission to which the licensee is not entitled, or,	5305
as a real estate salesperson, having demanded, without	5306
reasonable cause, a commission to which the licensee is not	5307
entitled;	5308

(11) Except as permitted under section 4735.20 of the	5309
Revised Code, having paid commissions or fees to, or divided	5310
commissions or fees with, anyone not licensed as a real estate	5311
broker or salesperson under this chapter or anyone not operating	5312
as an out-of-state commercial real estate broker or salesperson	5313
under section 4735.022 of the Revised Code;	5314
(12) Having falsely represented membership in any real	5315
estate professional association of which the licensee is not a	5316
member;	5317
(13) Having accepted, given, or charged any undisclosed	5318
commission, rebate, or direct profit on expenditures made for a	5319
principal;	5320
(14) Having offered anything of value other than the	5321
consideration recited in the sales contract as an inducement to	5322
a person to enter into a contract for the purchase or sale of	5323
real estate or having offered real estate or the improvements on	5324
real estate as a prize in a lottery or scheme of chance;	5325
(15) Having acted in the dual capacity of real estate	5326
broker and undisclosed principal, or real estate salesperson and	5327
undisclosed principal, in any transaction;	5328
(16) Having guaranteed, authorized, or permitted any	5329
person to guarantee future profits which may result from the	5330
resale of real property;	5331
(17) Having advertised or placed a sign on any property	5332
offering it for sale or for rent without the consent of the	5333
owner or the owner's authorized agent;	5334
(18) Having induced any party to a contract of sale or	5335
lease to break such contract for the purpose of substituting in	5336
lieu of it a new contract with another principal;	5337

(19) Having negotiated the sale, exchange, or lease of any	5338
real property directly with a seller, purchaser, lessor, or	5339
tenant knowing that such seller, purchaser, lessor, or tenant is	5340
represented by another broker under a written exclusive agency	5341
agreement, exclusive right to sell or lease listing agreement,	5342
or exclusive purchaser agency agreement with respect to such	5343
property except as provided for in section 4735.75 of the	5344
Revised Code;	5345
(20) Having offered real property for sale or for lease	5346
without the knowledge and consent of the owner or the owner's	5347
authorized agent, or on any terms other than those authorized by	5348
the owner or the owner's authorized agent;	5349
(21) Having published advertising, whether printed, radio,	5350
display, or of any other nature, which was misleading or	5351
inaccurate in any material particular, or in any way having	5352
misrepresented any properties, terms, values, policies, or	5353
services of the business conducted;	5354
(22) Having knowingly withheld from or inserted in any	5355
statement of account or invoice any statement that made it	5356
inaccurate in any material particular;	5357
(23) Having published or circulated unjustified or	5358
unwarranted threats of legal proceedings which tended to or had	5359
the effect of harassing competitors or intimidating their	5360
customers;	5361
(24) Having failed to keep complete and accurate records	5362
of all transactions for a period of three years from the date of	5363
the transaction, such records to include copies of listing	5364
forms, earnest money receipts, offers to purchase and	5365
acceptances of them, records of receipts and disbursements of	5366

all funds received by the licensee as broker and incident to the	5367
licensee's transactions as such, and records required pursuant	5368
to divisions (C)(4) and (5) of section 4735.20 of the Revised	5369
Code, and any other instruments or papers related to the	5370
performance of any of the acts set forth in the definition of a	5371
real estate broker;	5372
(25) Failure of a real estate broker or salesperson to	5373
furnish all parties involved in a real estate transaction true	5374
copies of all listings and other agreements to which they are a	5375
party, at the time each party signs them;	5376
(26) Failure to maintain at all times a special or trust	5377
bank account in a depository of a state or federally chartered	5378
institution located in this state. The account shall be	5379
noninterest-bearing, separate and distinct from any personal or	5380
other account of the broker, and, except as provided in division	5381
(A)(27) of this section, shall be used for the deposit and	5382
maintenance of all escrow funds, security deposits, and other	5383
moneys received by the broker in a fiduciary capacity. The name,	5384
account number, if any, and location of the depository wherein	5385
such special or trust account is maintained shall be submitted	5386
in writing to the superintendent. Checks drawn on such special	5387
or trust bank accounts are deemed to meet the conditions imposed	5388
by section 1349.21 of the Revised Code. Funds deposited in the	5389
trust or special account in connection with a purchase agreement	5390
shall be maintained in accordance with section 4735.24 of the	5391
Revised Code.	5392

(27) Failure to maintain at all times a special or trust 5393
bank account in a depository of a state or federally chartered 5394
institution in this state, to be used exclusively for the 5395
deposit and maintenance of all rents, security deposits, escrow 5396

funds, and other moneys received by the broker in a fiduciary	5397
capacity in the course of managing real property. This account	5398
shall be separate and distinct from any other account maintained	5399
by the broker. The name, account number, and location of the	5400
depository shall be submitted in writing to the superintendent.	5401
This account may earn interest, which shall be paid to the	5402
property owners on a pro rata basis.	5403
Division (A)(27) of this section does not apply to brokers	5404
who are not engaged in the management of real property on behalf	5405
of real property owners.	5406
(28) Having failed to put definite expiration dates in all	5407
written agency agreements to which the broker is a party;	5408
(29) Having an unsatisfied final judgment or lien in any	5409
court of record against the licensee arising out of the	5410
licensee's conduct as a licensed broker or salesperson;	5411
(30) Failing to render promptly upon demand a full and	5412
complete statement of the expenditures by the broker or	5413
salesperson of funds advanced by or on behalf of a party to a	5414
real estate transaction to the broker or salesperson for the	5415
purpose of performing duties as a licensee under this chapter in	5416
conjunction with the real estate transaction;	5417
(31) Failure within a reasonable time, after the receipt	5418
of the commission by the broker, to render an accounting to and	5419
pay a real estate salesperson the salesperson's earned share of	5420
it;	5421
(32) Performing any service for another constituting the	5422
practice of law, as determined by any court of law;	5423
(33) Having been adjudicated incompetent by a court, as	5424
provided in section 5122.301 of the Revised Code. A license	5425

revoked or suspended under this division shall be reactivated	5426
upon proof to the commission of the removal of the disability.	5427
(34) Having authorized or permitted a person to act as an	5428
agent in the capacity of a real estate broker, or a real estate	5429
salesperson, who was not then licensed as a real estate broker	5430
or real estate salesperson under this chapter or who was not	5431
then operating as an out-of-state commercial real estate broker	5432
or salesperson under section 4735.022 of the Revised Code;	5433
(35) Having knowingly inserted or participated in	5434
inserting any materially inaccurate term in a document,	5435
including naming a false consideration;	5436
(36) Having failed to inform the licensee's client of the	5437
existence of an offer or counteroffer or having failed to	5438
present an offer or counteroffer in a timely manner, unless	5439
otherwise instructed by the client, provided the instruction of	5440
the client does not conflict with any state or federal law;	5441
(37) Having failed to comply with section 4735.24 of the	5442
Revised Code;	5443
(38) Having acted as a broker without authority, impeded	5444
the ability of a principal broker to perform any of the duties	5445
described in section 4735.081 of the Revised Code, or impeded	5446
the ability a management level licensee to perform the	5447
licensee's duties;	5448
(39) Entering into a right-to-list home sale agreement.	5449
(B) Whenever the commission, pursuant to section 4735.051	5450
of the Revised Code, imposes disciplinary sanctions for any	5451
violation of this section, the commission also may impose such	5452
sanctions upon the broker with whom the salesperson is	5453
affiliated if the commission finds that the broker had knowledge	5454

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of the salesperson's actions that violated this section.

- (C) The commission shall, pursuant to section 4735.051 of 5456 the Revised Code, impose disciplinary sanctions upon any foreign 5457 real estate dealer or salesperson who, in that capacity or in 5458 handling the dealer's or salesperson's own property, is found 5459 quilty of any of the acts or omissions specified or comprehended 5460 in division (A) of this section insofar as the acts or omissions 5461 pertain to foreign real estate. If the commission imposes such 5462 sanctions upon a foreign real estate salesperson for a violation 5463 5464 of this section, the commission also may suspend or revoke the license of the foreign real estate dealer with whom the 5465 salesperson is affiliated if the commission finds that the 5466 dealer had knowledge of the salesperson's actions that violated 5467 this section. 5468
- (D) The commission may suspend, in whole or in part, the imposition of the penalty of suspension of a license under this section.
- (E) A person licensed under this chapter who represents a 5472 party to a transaction or a proposed transaction involving the 5473 sale, purchase, exchange, lease, or management of real property 5474 that is or will be used in the cultivation, processing, 5475 dispensing, or testing of medical marijuana or adult-use 5476 marijuana under Chapter 3796. of the Revised Code, or who 5477 receives, holds, or disburses funds from a real estate brokerage 5478 trust account in connection with such a transaction, shall not 5479 be subject to disciplinary sanctions under this chapter solely 5480 because the licensed person engaged in activities permitted 5481 under this chapter and related to activities under Chapter 3796. 5482 of the Revised Code. 5483

Sec. 4796.25. This chapter does not apply to any of the

following:	5485
(A) Licenses issued under Chapter 3780. or 3796. of the	5486
Revised Code;	5487
(B) Licenses issued pursuant to rules prescribed under	5488
Section 5 of Article IV, Ohio Constitution;	5489
(C) Commercial fishing licenses issued under section	5490
1533.342 of the Revised Code;	5491
(D) Licenses issued under Chapter 4506. of the Revised	5492
Code;	5493
(E) Physician certificates to recommend treatment with	5494
medical marijuana issued under section 4731.30 of the Revised	5495
Code;	5496
(F) Money transmitter licenses issued under section	5497
1315.04 of the Revised Code;	5498
(G) Lottery sales agent licenses issued under section	5499
3770.05 of the Revised Code;	5500
(H) Licenses issued under Chapter 3905. of the Revised	5501
Code;	5502
(I) Fantasy contest operator licenses issued under section	5503
3774.02 of the Revised Code;	5504
(J) Teledentistry permits issued under section 4715.43 of	5505
the Revised Code;	5506
(K) Physician training certificates issued under section	5507
4731.291 of the Revised Code;	5508
(L) Podiatrist training certificates issued under section	5509
4731.573 of the Revised Code;	5510

(M) Licenses issued under Chapter 4740. of the Revised	5511
Code;	5512
(N) Licenses issued by a political subdivision to an	5513
individual by which the individual has or claims the privilege	5514
to act as a tradesperson as defined in section 4740.01 of the	5515
Revised Code in the political subdivision's jurisdiction.	5516
Sec. 5119.171. The department of behavioral health shall	5517
establish and administer a statewide program to prevent youth	5518
use of cannabis. The program shall do the following:	5519
(A) Use a harm reduction approach;	5520
(B) Include practices aimed at the prevention or reduction	5521
of substance use, substance abuse, substance dependence, and	5522
<pre>substance use disorders;</pre>	5523
(C) Use other evidence-based approaches selected by the	5524
<pre>department.</pre>	5525
Sec. 5502.01. (A) The department of public safety shall	5526
administer and enforce the laws relating to the registration,	5527
licensing, sale, and operation of motor vehicles and the laws	5528
pertaining to the licensing of drivers of motor vehicles.	5529
The department shall compile, analyze, and publish	5530
statistics relative to motor vehicle accidents and the causes of	5531
them, prepare and conduct educational programs for the purpose	5532
of promoting safety in the operation of motor vehicles on the	5533
highways, and conduct research and studies for the purpose of	5534
promoting safety on the highways of this state.	5535
(B) The department shall administer the laws and rules	5536
relative to trauma and emergency medical services specified in	5537

relative to medical transportation services specified in Chapter	5539
4766. of the Revised Code.	5540
(C) The department shall administer and enforce the laws	5541
contained in Chapters 4301. and 4303. of the Revised Code and	5542
enforce the rules and orders of the liquor control commission	5543
pertaining to retail liquor permit holders.	5544
(D) The department shall administer the laws governing the	5545
state emergency management agency and shall enforce all	5546
additional duties and responsibilities as prescribed in the	5547
Revised Code related to emergency management services.	5548
(E) The department shall conduct investigations pursuant	5549
to Chapter 5101. of the Revised Code in support of the duty of	5550
the department of job and family services to administer the	5551
supplemental nutrition assistance program throughout this state.	5552
The department of public safety shall conduct investigations	5553
necessary to protect the state's property rights and interests	5554
in the supplemental nutrition assistance program.	5555
(F) The department of public safety shall enforce	5556
compliance with orders and rules of the public utilities	5557
commission and applicable laws in accordance with Chapters	5558
4905., 4921., and 4923. of the Revised Code regarding commercial	5559
motor vehicle transportation safety, economic, and hazardous	5560
materials requirements.	5561
(G) Notwithstanding Chapter 4117. of the Revised Code, the	5562
department of public safety may establish requirements for its	5563
enforcement personnel, including its enforcement agents	5564
described in section 5502.14 of the Revised Code, that include	5565
standards of conduct, work rules and procedures, and criteria	5566
for eligibility as law enforcement personnel.	5567

(H) The department shall administer, maintain, and operate	5568
the Ohio criminal justice network. The Ohio criminal justice	5569
network shall be a computer network that supports state and	5570
local criminal justice activities. The network shall be an	5571
electronic repository for various data, which may include arrest	5572
warrants, notices of persons wanted by law enforcement agencies,	5573
criminal records, prison inmate records, stolen vehicle records,	5574
vehicle operator's licenses, and vehicle registrations and	5575
titles.	5576
(I) The department shall coordinate all homeland security	5577
activities of all state agencies and shall be a liaison between	5578
state agencies and local entities for those activities and	5579
related purposes.	5580
(J) The department shall administer and enforce the laws	5581
relative to private investigators and security service providers	5582
specified in Chapter 4749. of the Revised Code.	5583
(K) The department shall administer criminal justice	5584
services in accordance with sections 5502.61 to 5502.66 of the	5585
Revised Code.	5586
(L) The department shall administer the Ohio school safety	5587
and crisis center and the Ohio mobile training team in	5588
accordance with sections 5502.70 to 5502.703 of the Revised	5589
Code.	5590
(M) The department shall coordinate security measures and	5591
operations, and may direct the department of administrative	5592
services to implement any security measures and operations the	5593
department of public safety requires, at the Vern Riffe Center	5594
and the James A. Rhodes state office tower.	5595
Notwithstanding section 125.28 of the Revised Code, the	5596

director of public safety may recover the costs of directing	5591
security measures and operations under this division by either	5598
issuing intrastate transfer voucher billings to the department	5599
of administrative services, which the department shall process	5600
to pay for the costs, or, upon the request of the director of	5601
administrative services, the director of budget and management	5602
may transfer cash in the requested amount from the building	5603
management fund created under section 125.28 of the Revised	5604
Code. Payments received or cash transfers made under this	5605
division for the costs of directing security measures and	5606
operations shall be deposited into the state treasury to the	5607
credit of the security, investigations, and policing fund	5608
created under section 4501.11 of the Revised Code.	5609
(N) The department shall assist the division of marijuana	5610
control in enforcing Chapter 3796. of the Revised Code, as	5611
provided in that chapter.	5612
provided in that chapter.	3012
(O) The department of public safety shall assist the	5613
department of commerce in enforcing Chapter 3779. of the Revised	5614
Code as provided in that chapter.	5615
Sec. 5502.13. The department of public safety shall	5616
maintain an investigative unit in order to conduct	5617
investigations and other enforcement activity authorized by	5618
Chapters <u>3796.,</u> 4301., 4303., 5101., 5107., and 5108. and	5619
sections 2903.12, 2903.13, 2903.14, 2907.09, 2913.46, 2917.11,	5620
2921.13, 2921.31, 2921.32, 2921.33, 2923.12, 2923.121, 2925.11,	5621
2925.13, 2927.02, <u>3779.03,</u> and 4507.30 of the Revised Code. The	5622
director of public safety shall appoint the employees of the	5623
unit who are necessary, designate the activities to be performed	5624
by those employees, and prescribe their titles and duties.	5625

Sec. 5502.14. (A) As used in this section, "felony" has

the same meaning as in section 109.511 of the Revised Code.	5627
(B)(1) Any person who is employed by the department of	5628
public safety and designated by the director of public safety to	5629
enforce Title XLIII of the Revised Code $_{m{ au}}$ and the rules adopted	5630
under it, Chapter 3779. of the Revised Code and the rules	5631
adopted under that chapter, Chapter 3796. of the Revised Code	5632
and the rules adopted under that chapter, and the laws and rules	5633
regulating the use of supplemental nutrition assistance program	5634
benefits shall be known as an enforcement agent. The employment	5635
by the department of public safety and the designation by the	5636
director of public safety of a person as an enforcement agent	5637
shall be subject to division (D) of this section. An enforcement	5638
agent has the authority vested in peace officers pursuant to	5639
section 2935.03 of the Revised Code to keep the peace, to	5640
enforce all of the following:	5641
(a) All applicable laws and rules on any retail liquor	5642
permit premises, or on any other premises of public or private	5643
property, where a violation of Title XLIII of the Revised Code	5644
or any rule adopted under it is occurring, and to enforce all $\underline{;}$	5645
(b) All applicable laws and rules on persons and premises	5646
licensed under Chapter 3796. of the Revised Code and on any	5647
other public or private property where a violation of Chapter	5648
3796. or any rule adopted under that chapter is occurring;	5649
(c) All laws and rules governing the use of supplemental	5650
nutrition assistance program benefits, women, infants, and	5651
children's coupons, electronically transferred benefits, or any	5652
other access device that is used alone or in conjunction with	5653
another access device to obtain payments, allotments, benefits,	5654
money, goods, or other things of value, or that can be used to	5655
initiate a transfer of funds, pursuant to the supplemental	5656

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nutrition assistance program established under the Food and	5657
Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) or any	5658
supplemental food program administered by any department of this	5659
state pursuant to the "Child Nutrition Act of 1966," 80 Stat.	5660
885, 42 U.S.C.A. 1786. Enforcement agents, in enforcing	5661
compliance with the laws and rules described in this division,	5662
may keep the peace and make arrests for violations of those laws	5663
and rules.	5664

- (2) In addition to the authority conferred by division (B)

 (1) of this section, an enforcement agent also may execute search warrants and seize and take into custody any contraband, as defined in section 2901.01 of the Revised Code, or any property that is otherwise necessary for evidentiary purposes related to any violations of the laws or rules described in division (B)(1) of this section. An enforcement agent may enter public or private premises where activity alleged to violate the laws or rules described in division (B)(1) of this section is occurring.
- (3) Enforcement agents who are on, immediately adjacent 5675 to, or across from retail liquor permit premises or premises 5676 licensed under Chapter 3796. of the Revised Code and who are 5677 performing investigative duties relating to that those premises, 5678 enforcement agents who are on premises that are not liquor 5679 permit premises or premises licensed under Chapter 3796. of the 5680 Revised Code but on which a violation of Title XLIII or Chapter 5681 3796. of the Revised Code or any rule adopted under it—that 5682 title or chapter allegedly is occurring, and enforcement agents 5683 who view a suspected violation of Title XLIII or Chapter 3796. 5684 of the Revised Code, of a rule adopted under ithat title or 5685 chapter, or of another law or rule described in division (B)(1) 5686 of this section have the authority to enforce the laws and rules 5687

(i) Pleads guilty to a felony;

(ii) Pleads guilty to a misdemeanor pursuant to a

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described in division (B)(1) of this section, authority to	5688
enforce any section in Title XXIX of the Revised Code or any	5689
other section of the Revised Code listed in section 5502.13 of	5690
the Revised Code if they witness a violation of the section	5691
under any of the circumstances described in this division, and	5692
authority to make arrests for violations of the laws and rules	5693
described in division (B)(1) of this section and violations of	5694
any of those sections.	5695
(4) The jurisdiction of an enforcement agent under	5696
division (B) of this section shall be concurrent with that of	5697
the peace officers of the county, township, or municipal	5698
corporation in which the violation occurs.	5699
(C) Enforcement agents of the department of public safety	5700
who are engaged in the enforcement of the laws and rules	5701
described in division (B)(1) of this section may carry concealed	5702
weapons when conducting undercover investigations pursuant to	5703
their authority as law enforcement officers and while acting	5704
within the scope of their authority pursuant to this chapter.	5705
(D)(1) The department of public safety shall not employ,	5706
and the director of public safety shall not designate, a person	5707
as an enforcement agent on a permanent basis, on a temporary	5708
basis, for a probationary term, or on other than a permanent	5709
basis if the person previously has been convicted of or has	5710
pleaded guilty to a felony.	5711
(2)(a) The department of public safety shall terminate the	5712
employment of a person who is designated as an enforcement agent	5713
and who does either of the following:	5714

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negotiated plea agreement as provided in division (D) of section	5717
2929.43 of the Revised Code in which the enforcement agent	5718
agrees to surrender the certificate awarded to that agent under	5719
section 109.77 of the Revised Code.	5720
(b) The department shall suspend the employment of a	5721

- person who is designated as an enforcement agent if the person 5722 is convicted, after trial, of a felony. If the enforcement agent 5723 files an appeal from that conviction and the conviction is 5724 upheld by the highest court to which the appeal is taken or if 5725 no timely appeal is filed, the department shall terminate the 5726 employment of that agent. If the enforcement agent files an 5727 appeal that results in that agent's acquittal of the felony or 5728 conviction of a misdemeanor, or in the dismissal of the felony 5729 charge against the agent, the department shall reinstate the 5730 agent. An enforcement agent who is reinstated under division (D) 5731 (2) (b) of this section shall not receive any back pay unless the 5732 conviction of that agent of the felony was reversed on appeal, 5733 or the felony charge was dismissed, because the court found 5734 insufficient evidence to convict the agent of the felony. 5735
- (3) Division (D) of this section does not apply regarding 5736 an offense that was committed prior to January 1, 1997. 5737
- (4) The suspension or termination of the employment of a person designated as an enforcement agent under division (D)(2) of this section shall be in accordance with Chapter 119. of the Revised Code.
- Sec. 5703.052. (A) There is hereby created in the state 5742 treasury the tax refund fund, from which refunds shall be paid 5743 for amounts illegally or erroneously assessed or collected, or 5744 for any other reason overpaid, with respect to taxes levied by 5745 Chapter 3779., 3796., 4301., 4305., 5726., 5728., 5729., 5731., 5746

5733., 5735., 5736., 5739., 5741., 5743., 5747., 5748., 5749.,	5747
5751., or 5753. and sections 3737.71, 3905.35, 3905.36, 4303.33,	5748
5707.03, 5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 of the	5749
Revised Code. Refunds for fees levied under sections 3734.90 to	5750
3734.9014 of the Revised Code, wireless 9-1-1 charges imposed	5751
under section 128.40 of the Revised Code, next generation 9-1-1	5752
access fees imposed under sections 128.41 and 128.42 of the	5753
Revised Code, or any penalties assessed with respect to such	5754
fees or charges, that are illegally or erroneously assessed or	5755
collected, or for any other reason overpaid, also shall be paid	5756
from the fund. Refunds for amounts illegally or erroneously	5757
assessed or collected by the tax commissioner, or for any other	5758
reason overpaid, that are due under section 1509.50 of the	5759
Revised Code shall be paid from the fund. Refunds for amounts	5760
illegally or erroneously assessed or collected by the	5761
commissioner, or for any other reason overpaid to the	5762
commissioner, under sections 718.80 to 718.95 of the Revised	5763
Code shall be paid from the fund. However, refunds for amounts	5764
illegally or erroneously assessed or collected by the	5765
commissioner, or for any other reason overpaid to the	5766
commissioner, with respect to taxes levied under section	5767
5739.101 of the Revised Code shall not be paid from the tax	5768
refund fund, but shall be paid as provided in section 5739.104	5769
of the Revised Code.	5770

(B) (1) Upon certification by the tax commissioner to the 5771 treasurer of state of a tax refund, a wireless 9-1-1 charge 5772 refund, a next generation 9-1-1 access fee refund, or another 5773 amount refunded, or by the superintendent of insurance of a 5774 domestic or foreign insurance tax refund, the treasurer of state 5775 shall place the amount certified to the credit of the fund. The 5776 certified amount transferred shall be derived from the receipts 5777

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of t	the same	tax,	fee,	wireless	9-1-1	charge,	next	generation	9-	5778
1-1	access	fee.	or oth	ner amount	from	which t	he ret	fund arose.		5779

(2) When a refund is for a tax, fee, wireless 9-1-1 5780 charge, next generation 9-1-1 access fee, or other amount that 5781 is not levied by the state or that was illegally or erroneously 5782 distributed to a taxing jurisdiction, the tax commissioner shall 5783 recover the amount of that refund from the next distribution of 5784 that tax, fee, wireless 9-1-1 charge, next generation 9-1-1 5785 access fee, or other amount that otherwise would be made to the 5786 taxing jurisdiction. If the amount to be recovered would exceed 5787 twenty-five per cent of the next distribution of that tax, fee, 5788 wireless 9-1-1 charge, next generation 9-1-1 access fee, or 5789 other amount, the commissioner may spread the recovery over more 5790 than one future distribution, taking into account the amount to 5791 be recovered and the amount of the anticipated future 5792 distributions. In no event may the commissioner spread the 5793 recovery over a period to exceed seventy-two months. 5794

Sec. 5703.053. As used in this section, "postal service" means the United States postal service.

An application to the tax commissioner for a tax refund 5797 under section 3779.43, 4307.05, 4307.07, 718.91, 5726.30, 5798 5727.28, 5727.91, 5728.061, 5735.122, 5735.13, 5735.14, 5799 5735.141, 5735.142, 5736.08, 5739.07, 5741.10, 5743.05, 5743.53, 5800 5745.11, 5749.08, or 5751.08 of the Revised Code or division (B) 5801 of section 5703.05 of the Revised Code, or a fee refunded under 5802 section 3734.905 of the Revised Code, that is received after the 5803 last day for filing under such section shall be considered to 5804 have been filed in a timely manner if: 5805

(A) The application is delivered by the postal service and 5806 the earliest postal service postmark on the cover in which the 5807

application is enclosed is not later than the last day for	5808
filing the application;	5809
(B) The application is delivered by the postal service,	5810
the only postmark on the cover in which the application is	5811
enclosed was affixed by a private postal meter, the date of that	5812
postmark is not later than the last day for filing the	5813
application, and the application is received within seven days	5814
of such last day; or	5815
(C) The application is delivered by the postal service, no	5816
postmark date was affixed to the cover in which the application	5817
is enclosed or the date of the postmark so affixed is not	5818
legible, and the application is received within seven days of	5819
the last day for making the application.	5820
Sec. 5703.19. (A) To carry out the purposes of the laws	5821
that the tax commissioner is required to administer, the	5822
commissioner or any person employed by the commissioner for that	5823
purpose, upon demand, may inspect books, accounts, records, and	5824
memoranda of any person or public utility subject to those laws,	5825
and may examine under oath any officer, agent, or employee of	5826
that person or public utility. If such books, accounts, records,	5827
or memoranda are kept electronically or available in an	5828
electronic format, the person or public utility shall provide	5829
such records to the commissioner electronically or in an	5830
electronic format at the commissioner's request. Any person	5831
other than the commissioner who makes a demand pursuant to this	5832
section shall produce the person's authority to make the	5833
inspection.	5834
(B) If a person or public utility receives at least ten	5835
days' written notice of a demand made under division (A) of this	5836
section and refuses to comply with that demand, a penalty of	5837

five hundred dollars shall be imposed upon the person or public	5838
utility for each day the person or public utility refuses to	5839
comply with the demand. Penalties imposed under this division	5840
may be assessed and collected in the same manner as assessments	5841
made under Chapter 3769., 4305., 5727., 5728., 5733., 5735.,	5842
5736., 5739., 5743., 5745., 5747., 5749., 5751., or 5753., or	5843
sections section 718.90, or 3779.44, or sections 3734.90 to	5844
3734.9014, of the Revised Code.	5845
Sec. 5703.263. (A)(1) "Tax return preparer" means any	5846
person other than an accountant or an attorney that operates a	5847
business that prepares, or directly or indirectly employs	5848
another person to prepare, for a taxpayer a tax return or	5849
application for refund in exchange for compensation or	5850
remuneration from the taxpayer or the taxpayer's related member.	5851
The preparation of a substantial portion of a tax return or	5852
application for refund shall be considered to be the same as the	5853
preparation of the return or application for refund. "Tax return	5854
preparer" does not include an individual who performs only one	5855
or more of the following activities:	5856
(a) Furnishes typing, reproducing, or other mechanical	5857
assistance;	5858
(b) Prepares an application for refund or a return on	5859
behalf of an employer by whom the individual is regularly and	5860
continuously employed, or on behalf of an officer or employee of	5861
that employer;	5862
(c) Prepares as a fiduciary an application for refund or a	5863
return;	5864
(d) Prepares an application for refund or a return for a	5865
(a) riepaies an application for refund of a return for a	2003

taxpayer in response to a notice of deficiency issued to the

taxpayer or the taxpayer's related member, or in response to a	5867
waiver of restriction after the commencement of an audit of the	5868
taxpayer or the taxpayer's related member.	5869
(2) "Related member" has the same meaning as in section	5870
5733.042 of the Revised Code.	5871
(3) "Accountant" means any of the following:	5872
(a) An individual who holds both a CPA certificate and an	5873
Ohio permit or Ohio registration issued by the accountancy board	5874
under section 4701.10 of the Revised Code;	5875
(b) An individual who holds a foreign certificate;	5876
(c) An individual who is employed by a public accounting	5877
firm with respect to any return prepared under the supervision	5878
of an individual described in division (A)(3)(a) or (b) of this	5879
section, regardless of whether the public accounting firm is	5880
required to register with the accountancy board under section	5881
4701.04 of the Revised Code.	5882
(4) "CPA certificate" and "foreign certificate" have the	5883
same meanings as in section 4701.01 of the Revised Code.	5884
(5) "Attorney" means an individual who has been admitted	5885
to the bar by order of the supreme court in compliance with its	5886
prescribed and published rules, is permitted to practice as an	5887
attorney and counselor at law in this state under Chapter 4705.	5888
of the Revised Code, and is not currently suspended or removed	5889
from such practice under that chapter.	5890
(6) A tax return preparer engages in "prohibited conduct"	5891
if the preparer does any of the following:	5892
(a) Prepares any return or application for refund that	5893
includes an understatement of a taxpayer's tax liability due to	5894

an unreasonable position or due to willful or reckless conduct.	5895
For the purposes of this division, "unreasonable position" and	5896
"willful or reckless conduct" have the meanings as used in	5897
section 6694 of the Internal Revenue Code.	5898
(b) When required under any provision of Title LVII of the	5899
Revised Code, the preparer fails to do any of the following:	5900
(i) Provide copies of a return or application for refund;	5901
(ii) Provide the preparer's signature or federal preparer	5902
tax identification number on a return or application for refund;	5903
(iii) Retain copies of the preparer's records;	5904
(iv) Provide any information or documents requested by the	5905
tax commissioner;	5906
(v) Act diligently in determining a taxpayer's eligibility	5907
for tax credits, deductions, or exemptions.	5908
(c) Negotiates a check or other negotiable instrument	5909
issued to a taxpayer by the department of taxation without the	5910
permission of the taxpayer;	5911
(d) Engages in any conduct subject to criminal penalties	5912
under Title LVII of the Revised Code;	5913
(e) Misrepresents the preparer's eligibility to file	5914
returns or applications for refund on behalf of taxpayers, or	5915
otherwise misrepresents the preparer's experience or education;	5916
(f) Guarantees the payment of any tax refund or the	5917
allowance of any tax credit, deduction, or exemption;	5918
(g) Engages in any other fraudulent or deceptive conduct	5919
that substantially interferes with the proper administration of	5920
any provision of Title LVII of the Revised Code.	5921

(7) "State" means a state of the United States, the	5922
District of Columbia, the commonwealth of Puerto Rico, or any	5923
territory or possession of the United States.	5924
(B) When a tax return preparer engages in prohibited	5925
conduct, the commissioner, may do either or both of the	5926
following:	5927
10110 Hing.	0327
(1) If the commissioner has previously warned the tax	5928
return preparer in writing of the consequences of continuing to	5929
engage in prohibited conduct, impose a penalty not exceeding one	5930
hundred dollars per instance of prohibited conduct;	5931
(2) Regardless of whether the commissioner has previously	5932
warned the tax return preparer, request that the attorney	5933
general apply to a court of competent jurisdiction for an	5934
injunction to restrain the preparer from further engaging in the	5935
prohibited conduct. The court may take either of the following	5936
actions:	5937
(a) If the court finds that injunctive relief is	5938
appropriate to prevent the recurrence of the prohibited conduct,	5939
the court shall issue an injunction against the preparer	5940
enjoining the preparer from engaging in such conduct.	5941
enjoining the preparer from engaging in such conduct.	3941
(b) If the court finds that the preparer has continually	5942
or repeatedly engaged in prohibited conduct, and that enjoining	5943
the preparer solely from engaging in such conduct would not be	5944
sufficient to prevent the preparer's interference with the	5945
proper administration of any provision of Title LVII of the	5946
Revised Code, the court may issue an injunction against the	5947
preparer enjoining the preparer from acting as a tax return	5948
preparer in this state.	5949
If a tax return preparer has been enjoined from preparing	5950

tax returns or applications for refunds by a federal court or by	5951
another state court in the five years preceding the date on	5952
which an injunction is requested under this section, that prior	5953
injunction shall be sufficient to establish a prima facie case	5954
for the issuance of an injunction under division (B)(2) of this	5955
section.	5956
(C) The commissioner may require a tax return preparer to	5957
include the preparer's name and federal preparer tax	5958
identification number when filing any return or application for	5959
refund. If a tax return preparer fails to include this	5960
information when required to do so by the commissioner, or if	5961
the information provided is false, inaccurate, or incomplete,	5962
the commissioner may impose a penalty of fifty dollars for each	5963
such failure, provided that the maximum penalty imposed on a	5964
preparer under this division in a calendar year shall not exceed	5965
twenty-five thousand dollars.	5966
(D) The penalties imposed under divisions (B)(1) and (C)	5967
of this section may be assessed and collected in the same manner	5968
as assessments made under Chapter 3769., 4305., 5727., 5728.,	5969
5733., 5735., 5736., 5739., 5743., 5745., 5747., 5749., 5751.,	5970
or 5753., section 718.90 <u>or 3779.44</u> , or sections 3734.90 to	5971
3734.9014 of the Revised Code. The commissioner may abate all or	5972
a portion of any penalty imposed under this section upon the	5973
showing of good cause by the tax return preparer.	5974
Sec. 5703.50. As used in sections 5703.50 to 5703.53 of	5975
the Revised Code:	5976
(A) "Tax" includes only those taxes imposed on tangible	5977
personal property listed in accordance with Chapter 5711. of the	5978
Revised Code, taxes imposed under Chapters 3779., 5733., 5736.,	5979

5739., 5741., 5747., and 5751. of the Revised Code, and the tax

administered under sections 718.80 to 718.95 of the Revised

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Code.	5982
(B) "Taxpayer" means a person subject to or potentially	5983
subject to a tax including an employer required to deduct and	5984
withhold any amount under section 5747.06 of the Revised Code.	5985
(C) "Audit" means the examination of a taxpayer or the	5986
inspection of the books, records, memoranda, or accounts of a	5987
-	
taxpayer for the purpose of determining liability for a tax.	5988
(D) "Assessment" means a notice of underpayment or	5989
nonpayment of a tax issued pursuant to section 718.90, 3779.44 ,	5990
5711.26, 5711.32, 5733.11, 5736.09, 5739.13, 5741.11, 5741.13,	5991
5747.13, or 5751.09 of the Revised Code.	5992
(E) "County auditor" means the auditor of the county in	5993
which the tangible personal property subject to a tax is	5994
located.	5995
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Tocateu.	3993
Sec. 5703.70. (A) On the filing of an application for	5996
Sec. 5703.70. (A) On the filing of an application for	5996
Sec. 5703.70. (A) On the filing of an application for refund under section 718.91, 3734.905, 3779.43, 4307.05,	5996 5997
Sec. 5703.70. (A) On the filing of an application for refund under section 718.91, 3734.905, <u>3779.43</u> , 4307.05, 4307.07, 5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122,	5996 5997 5998
Sec. 5703.70. (A) On the filing of an application for refund under section 718.91, 3734.905, 3779.43, 4307.05, 4307.07, 5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07,	5996 5997 5998 5999
Sec. 5703.70. (A) On the filing of an application for refund under section 718.91, 3734.905, 3779.43, 4307.05, 4307.07, 5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 5751.08,	5996 5997 5998 5999 6000
Sec. 5703.70. (A) On the filing of an application for refund under section 718.91, 3734.905, 3779.43, 4307.05, 4307.07, 5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 5751.08, or 5753.06 of the Revised Code, or an application for	5996 5997 5998 5999 6000
Sec. 5703.70. (A) On the filing of an application for refund under section 718.91, 3734.905, 3779.43, 4307.05, 4307.07, 5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 5751.08, or 5753.06 of the Revised Code, or an application for compensation under section 5739.061 of the Revised Code, if the	5996 5997 5998 5999 6000 6001 6002
Sec. 5703.70. (A) On the filing of an application for refund under section 718.91, 3734.905, 3779.43, 4307.05, 4307.07, 5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 5751.08, or 5753.06 of the Revised Code, or an application for compensation under section 5739.061 of the Revised Code, if the tax commissioner determines that the amount of the refund or	5996 5997 5998 5999 6000 6001 6002 6003
Sec. 5703.70. (A) On the filing of an application for refund under section 718.91, 3734.905, 3779.43, 4307.05, 4307.07, 5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 5751.08, or 5753.06 of the Revised Code, or an application for compensation under section 5739.061 of the Revised Code, if the tax commissioner determines that the amount of the refund or compensation to which the applicant is entitled is less than the	5996 5997 5998 5999 6000 6001 6002 6003 6004
Sec. 5703.70. (A) On the filing of an application for refund under section 718.91, 3734.905, 3779.43, 4307.05, 4307.07, 5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 5751.08, or 5753.06 of the Revised Code, or an application for compensation under section 5739.061 of the Revised Code, if the tax commissioner determines that the amount of the refund or compensation to which the applicant is entitled is less than the amount claimed in the application, the commissioner shall give	5996 5997 5998 5999 6000 6001 6002 6003 6004 6005
Sec. 5703.70. (A) On the filing of an application for refund under section 718.91, 3734.905, 3779.43, 4307.05, 4307.07, 5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 5751.08, or 5753.06 of the Revised Code, or an application for compensation under section 5739.061 of the Revised Code, if the tax commissioner determines that the amount of the refund or compensation to which the applicant is entitled is less than the amount claimed in the application, the commissioner shall give the applicant written notice electronically or by ordinary mail	5996 5997 5998 5999 6000 6001 6002 6003 6004 6005 6006
Sec. 5703.70. (A) On the filing of an application for refund under section 718.91, 3734.905, 3779.43, 4307.05, 4307.07, 5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 5751.08, or 5753.06 of the Revised Code, or an application for compensation under section 5739.061 of the Revised Code, if the tax commissioner determines that the amount of the refund or compensation to which the applicant is entitled is less than the amount claimed in the application, the commissioner shall give the applicant written notice electronically or by ordinary mail of the amount. If sent by ordinary mail, the notice shall be	5996 5997 5998 5999 6000 6001 6002 6003 6004 6005 6006 6007

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sent electronically, the notice shall be sent to the person or	6010
the person's authorized representative through secure electronic	6011
means associated with the person's or representative's last	6012
known electronic mail address, but only with the person's	6013
consent. The applicant shall have sixty days from the date the	6014
commissioner electronically sends or mails the notice to provide	6015
additional information to the commissioner or request a hearing,	6016
or both.	6017
(B) If the applicant neither requests a hearing nor	6018
provides additional information to the tax commissioner within	6019
the time prescribed by division (A) of this section, the	6020
commissioner shall take no further action, and the refund or	6021
compensation amount denied becomes final.	6022
(C)(1) If the applicant requests a hearing within the time	6023
(C) (1) If the applicant requests a hearing within the time prescribed by division (A) of this section, the tax commissioner	6023 6024
prescribed by division (A) of this section, the tax commissioner	6024
prescribed by division (A) of this section, the tax commissioner shall assign a time and place for the hearing and notify the	6024
prescribed by division (A) of this section, the tax commissioner shall assign a time and place for the hearing and notify the applicant of such time and place, but the commissioner may	6024 6025 6026
prescribed by division (A) of this section, the tax commissioner shall assign a time and place for the hearing and notify the applicant of such time and place, but the commissioner may continue the hearing from time to time, as necessary. After the	6024 6025 6026 6027
prescribed by division (A) of this section, the tax commissioner shall assign a time and place for the hearing and notify the applicant of such time and place, but the commissioner may continue the hearing from time to time, as necessary. After the hearing, the commissioner may make such adjustments to the	6024 6025 6026 6027 6028
prescribed by division (A) of this section, the tax commissioner shall assign a time and place for the hearing and notify the applicant of such time and place, but the commissioner may continue the hearing from time to time, as necessary. After the hearing, the commissioner may make such adjustments to the refund or compensation as the commissioner finds proper, and	6024 6025 6026 6027 6028 6029
prescribed by division (A) of this section, the tax commissioner shall assign a time and place for the hearing and notify the applicant of such time and place, but the commissioner may continue the hearing from time to time, as necessary. After the hearing, the commissioner may make such adjustments to the refund or compensation as the commissioner finds proper, and shall issue a final determination thereon.	6024 6025 6026 6027 6028 6029 6030
prescribed by division (A) of this section, the tax commissioner shall assign a time and place for the hearing and notify the applicant of such time and place, but the commissioner may continue the hearing from time to time, as necessary. After the hearing, the commissioner may make such adjustments to the refund or compensation as the commissioner finds proper, and shall issue a final determination thereon. (2) If the applicant does not request a hearing, but	6024 6025 6026 6027 6028 6029 6030
prescribed by division (A) of this section, the tax commissioner shall assign a time and place for the hearing and notify the applicant of such time and place, but the commissioner may continue the hearing from time to time, as necessary. After the hearing, the commissioner may make such adjustments to the refund or compensation as the commissioner finds proper, and shall issue a final determination thereon. (2) If the applicant does not request a hearing, but provides additional information, within the time prescribed by	6024 6025 6026 6027 6028 6029 6030

determination thereon. The commissioner may review such

information and make such adjustments as many times as the

commissioner finds proper before the issuance of a final

determination.

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(3) If the applicant requests a hearing and provides	6040
additional information within the time prescribed by division	6041
(A) of this section, the commissioner may review the information	6042
and make such adjustments to the refund or compensation as the	6043
commissioner finds proper. The commissioner may review such	6044
information and make such adjustments as many times as the	6045
commissioner finds proper before the issuance of a final	6046
determination.	6047

The commissioner shall assign a time and place for the hearing and notify the applicant of such time and place, but the commissioner may continue the hearing from time to time, as necessary. After the hearing, the commissioner may make any additional adjustments to the refund or compensation as the commissioner finds proper and shall issue a final determination thereon.

- (4) The commissioner shall serve a copy of the final 6055 determination made under division (C)(1), (2), or (3) of this 6056 section on the applicant in the manner provided in section 6057 5703.37 of the Revised Code, and the decision is final, subject 6058 to appeal under section 5717.02 of the Revised Code. 6059
- (D) The tax commissioner shall certify to the director of 6060 budget and management and treasurer of state for payment from 6061 the tax refund fund created by section 5703.052 of the Revised 6062 Code, the amount of the refund to be refunded under division (B) 6063 or (C) of this section. The commissioner also shall certify to 6064 the director and treasurer of state for payment from the general 6065 revenue fund the amount of compensation to be paid under 6066 division (B) or (C) of this section. 6067

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

(1) "Taxpayer" means a person subject to or previously	6069
subject to a tax or fee, a person that remits a tax or fee, or a	6070
person required to or previously required to withhold or collect	6071
and remit a tax or fee on behalf of another person.	6072
(2) "Tax or fee" means a tax or fee administered by the	6073
tax commissioner.	6074
(3) "Credit account balance" means the amount that a	6075
taxpayer remits to the state in excess of the amount required to	6076
be remitted, after accounting for factors applicable to the	6077
taxpayer such as accelerated payments, estimated payments, tax	6078
credits, and tax credit balances that may be carried forward.	6079
(4) "Tax debt" means an unpaid tax or fee or any unpaid	6080
penalty, interest, or additional charge on such a tax or fee due	6081
the state.	6082
(B) As soon as practicable, but not later than sixty days	6083
before the expiration of the period of time during which a	6084
taxpayer may file a refund application for a tax or fee, the tax	6085
commissioner shall review the taxpayer's accounts for the tax or	6086
fee and notify the taxpayer of any credit account balance for	6087
which the commissioner is required to issue a refund if the	6088
taxpayer were to file a refund application for that balance,	6089
regardless of whether the taxpayer files a refund application or	6090
amended return with respect to that tax or fee. The notice shall	6091
be made using contact information for the taxpayer on file with	6092
the commissioner.	6093
(C) Notwithstanding sections 128.47, 718.91, 3734.905,	6004
3779.43, 4307.05, 5726.30, 5727.28, 5727.42, 5727.91, 5728.061,	6094 6095
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5735.122, 5736.08, 5739.07, 5739.104, 5741.10, 5743.05, 5743.53,	0090

5747.11, 5749.08, 5751.08, 5753.06, and any other section of the

Revised Code governing refunds, the commissioner may apply the	6098
amount of any credit account balance for which the commissioner	6099
is required to issue a refund if the taxpayer were to file a	6100
refund application for that balance as a credit against the	6101
taxpayer's liability for the tax or fee in the taxpayer's next	6102
reporting period for that tax or fee or issue a refund of that	6103
credit account balance to the taxpayer, subject to division (D)	6104
of this section.	6105
(D) Before issuing a refund to a taxpayer under division	6106
(C) of this section, the tax commissioner shall withhold from	6107
that refund the amount of any of the taxpayer's tax debt	6108
certified to the attorney general under section 131.02 of the	6109
Revised Code and the amount of the taxpayer's liability, if any,	6110
for a tax debt. The commissioner shall apply any amount withheld	6111
first in satisfaction of the amount of the taxpayer's certified	6112
tax debt and then in satisfaction of the taxpayer's liability.	6113
If the credit account balance originates from the tax	6114
administered under sections 718.80 to 718.95 of the Revised	6115
Code, it may be applied only against the taxpayer's certified	6116
tax debt or tax liability due under those sections.	6117
(E) The tax commissioner may adopt rules to administer	6118
this section.	6119
Sec. 5713.30. As used in sections 5713.31 to 5713.37 and	6120
5715.01 of the Revised Code:	6121
(A) "Land devoted exclusively to agricultural use" means:	6122
(1) Tracts, lots, or parcels of land totaling not less	6123
than ten acres to which, during the three calendar years prior	6124
to the year in which application is filed under section 5713.31	6125
of the Revised Code, and through the last day of May of such	6126

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year, one or more of the following apply:

- (a) The tracts, lots, or parcels of land were devoted 6128 exclusively to commercial animal or poultry husbandry, 6129 aquaculture, algaculture meaning the farming of algae, 6130 apiculture, the cultivation of hemp by a person issued a hemp 6131 cultivation license under section 928.02 of the Revised Code, 6132 the production for a commercial purpose of timber, field crops, 6133 tobacco, fruits, vegetables, nursery stock, ornamental trees, 6134 sod, or flowers, or the growth of timber for a noncommercial 6135 6136 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 6137 otherwise devoted exclusively to agricultural use. 6138
- (b) The tracts, lots, or parcels of land were devoted 6139 exclusively to biodiesel production, biomass energy production, 6140 electric or heat energy production, or biologically derived 6141 methane gas production if the land on which the production 6142 facility is located is contiquous to or part of a parcel of land 6143 under common ownership or leasehold that is otherwise devoted 6144 exclusively to agricultural use, provided that (i) at least 6145 fifty per cent of the feedstock used in the production is 6146 agricultural feedstock, (ii) at least twenty per cent of the 6147 agricultural feedstock used in the production is derived from 6148 parcels of land under common ownership or leasehold, and (iii) 6149 none of the feedstock used in the production consists of human 6150 waste. As used in this division, "agricultural feedstock" means 6151 manure and food waste, and "human waste" includes sludge as 6152 defined in section 6111.01 of the Revised Code. 6153
- (c) The tracts, lots, or parcels of land are eligible conservation land.
 - (2) Tracts, lots, or parcels of land totaling less than

ten acres that, during the three calendar years prior to the	6157
year in which application is filed under section 5713.31 of the	6158
Revised Code and through the last day of May of such year, were	6159
devoted exclusively to commercial animal or poultry husbandry,	6160
aquaculture, algaculture meaning the farming of algae,	6161
apiculture, the cultivation of hemp by a person issued a hemp	6162
cultivation license under section 928.02 of the Revised Code,	6163
the production for a commercial purpose of field crops, tobacco,	6164
fruits, vegetables, timber, nursery stock, ornamental trees,	6165
sod, or flowers where such activities produced an average yearly	6166
gross income of at least twenty-five hundred dollars during such	6167
three-year period or where there is evidence of an anticipated	6168
gross income of such amount from such activities during the tax	6169
year in which application is made, or were eligible conservation	6170
land;	6171

- (3) Tracts, lots, or parcels of land, or portions thereof 6172 that, during the previous three consecutive calendar years have 6173 been designated as land devoted exclusively to agricultural use, 6174 but such land has been lying idle or fallow for up to one year 6175 and no action has occurred to such land that is either 6176 inconsistent with the return of it to agricultural production or 6177 converts the land devoted exclusively to agricultural use as 6178 defined in this section. Such land shall remain designated as 6179 land devoted exclusively to agricultural use provided that 6180 beyond one year, but less than three years, the landowner proves 6181 good cause as determined by the board of revision. 6182
- (4) Tracts, lots, or parcels of land, or portions thereof 6183 that, during the previous three consecutive calendar years have 6184 been designated as land devoted exclusively to agricultural use, 6185 but such land has been lying idle or fallow because of dredged 6186 material being stored or deposited on such land pursuant to a 6187

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contract between the land's owner and the department of natural	6188
resources or the United States army corps of engineers and no	6189
action has occurred to the land that is either inconsistent with	6190
the return of it to agricultural production or converts the land	6191
devoted exclusively to agricultural use. Such land shall remain	6192
designated as land devoted exclusively to agricultural use until	6193
the last year in which dredged material is stored or deposited	6194
on the land pursuant to such a contract, but not to exceed five	6195
years.	6196

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

Notwithstanding any other provision of law to the 6206 contrary, the existence of agritourism on a tract, lot, or 6207 parcel of land that otherwise meets the definition of "land 6208 devoted exclusively to agricultural use" as defined in this 6209 division does not disqualify that tract, lot, or parcel from 6210 valuation under sections 5713.30 to 5713.37 and 5715.01 of the 6211 Revised Code.

A tract, lot, or parcel of land taxed under sections 6213 5713.22 to 5713.26 of the Revised Code is not land devoted 6214 exclusively to agricultural use. 6215

A tract, lot, parcel, or portion thereof on which medical 6216 marijuana or adult-use marijuana, as those terms are defined by 6217

section 3796.01 of the Revised Code, is cultivated or processed	6218
is not land devoted exclusively to agricultural use.	6219
(B) "Conversion of land devoted exclusively to	6220
agricultural use" means any of the following:	6221
(1) The failure of the owner of land devoted exclusively	6222
to agricultural use during the next preceding calendar year to	6223
file a renewal application under section 5713.31 of the Revised	6224
Code without good cause as determined by the board of revision;	6225
(2) The failure of the new owner of such land to file an	6226
initial application under that section without good cause as	6227
determined by the board of revision;	6228
(3) The failure of such land or portion thereof to qualify	6229
as land devoted exclusively to agricultural use for the current	6230
calendar year as requested by an application filed under such	6231
section;	6232
(4) The failure of the owner of the land described in	6233
division (A)(3) or (4) of this section to act on such land in a	6234
manner that is consistent with the return of the land to	6235
agricultural production after three years.	6236
The construction or installation of an energy facility, as	6237
defined in section 5727.01 of the Revised Code, on a portion of	6238
a tract, lot, or parcel of land devoted exclusively to	6239
agricultural use shall not cause the remaining portion of the	6240
tract, lot, or parcel to be regarded as a conversion of land	6241
devoted exclusively to agricultural use if the remaining portion	6242
of the tract, lot, or parcel continues to be devoted exclusively	6243
to agricultural use.	6244
(C) "Tax savings" means the difference between the dollar	6245
amount of real property taxes levied in any year on land valued	6246

and assessed in accordance with its current agricultural use	6247
value and the dollar amount of real property taxes that would	6248
have been levied upon such land if it had been valued and	6249
assessed for such year in accordance with Section 2 of Article	6250
XII, Ohio Constitution.	6251
(D) "Owner" includes, but is not limited to, any person	6252
owning a fee simple, fee tail, or life estate or a buyer on a	6253
land installment contract.	6254
(E) "Conservation practices" are practices used to abate	6255
soil erosion as required in the management of the farming	6256
operation, and include, but are not limited to, the	6257
installation, construction, development, planting, or use of	6258
grass waterways, terraces, diversions, filter strips, field	6259
borders, windbreaks, riparian buffers, wetlands, ponds, and	6260
cover crops for that purpose.	6261
(F) "Wetlands" has the same meaning as in section 6111.02	6262
of the Revised Code.	6263
(G) "Biodiesel" means a mono-alkyl ester combustible	6264
liquid fuel that is derived from vegetable oils or animal fats	6265
or any combination of those reagents and that meets the American	6266
society for testing and materials specification D6751-03a for	6267
biodiesel fuel (B100) blend stock distillate fuels.	6268
(H) "Biologically derived methane gas" means gas from the	6269
anaerobic digestion of organic materials, including animal waste	6270
and agricultural crops and residues.	6271
(I) "Biomass energy" means energy that is produced from	6272
organic material derived from plants or animals and available on	6273
a renewable basis, including, but not limited to, agricultural	6274
crops, tree crops, crop by-products, and residues.	6275

(J) "Electr	cic or heat energy" means electric or heat	6276
energy generated	from manure, cornstalks, soybean waste, or	6277
other agricultura	al feedstocks.	6278
(K) "Dredge	ed material" means material that is excavated	or 6279
_	ers of this state. "Dredged material" does not	
-	resulting from normal farming, silviculture,	6281
	ivities, such as plowing, cultivating, seeding	
_	for production of food, fiber, and forest	6283
products.	for production of rood, riser, and rorest	6284
produces.		0204
(L) "Agrito	ourism" has the same meaning as in section	6285
901.80 of the Rev	vised Code.	6286
(M) "Eligib	ole conservation land" means either of the	6287
following:		6288
(1) 7 +		6200
	t, lot, or parcel devoted to and qualified for	
	r compensation under a land retirement or	6290
	gram under an agreement with an agency of the	6291
federal governmen	nt;	6292
(2) A tract	t, lot, or parcel that meets at least one of t	he 6293
conditions descri	ibed in divisions $(M)(2)(a)$ to (c) of this	6294
section and the d	condition described in division (M)(2)(d) of	6295
this section.		6296
(a) The lan	nd is subject to an agricultural water project	6297
	project that receives funding from the H2Ohio	6298
	section 126.60 of the Revised Code.	6299
	nd was subject to such a project during the	6300
immediately prece	eding calendar year.	6301
(c) The lan	nd is or was subject to such a project for the	6302
current or one of	f the two immediately preceding tax years and,	6303

for the current tax year, is subject to either a conservation	6304
easement held by the state or an agency of the state or a	6305
conservation easement held by any other person if such easement	6306
is a condition of a nature water project that is funded through	6307
the H2Ohio fund.	6308
(d) For the tax year that includes or immediately precedes	6309
the year in which the land became subject to the project	6310
described in division $(M)(2)(a)$, (b) , or (c) of this section, as	6311
applicable, the land qualified as land devoted exclusively to	6312
agricultural use pursuant to other criteria in divisions (A)(1)	6313
to (4) of this section.	6314
As used in division (M)(2) of this section, "conservation	6315
easement" has the same meaning as in section 5301.67 of the	6316
Revised Code.	6317
Sec. 5743.45. (A) As used in this section, "felony" has	6318
Sec. 5743.45. (A) As used in this section, "felony" has the same meaning as in section 109.511 of the Revised Code.	6318 6319
-	
the same meaning as in section 109.511 of the Revised Code.	6319
the same meaning as in section 109.511 of the Revised Code. (B) For purposes of enforcing this chapter and Chapters	6319 6320
the same meaning as in section 109.511 of the Revised Code. (B) For purposes of enforcing this chapter and Chapters 3779., 5728., 5735., 5739., 5741., and 5747. of the Revised Code	6319 6320 6321
the same meaning as in section 109.511 of the Revised Code. (B) For purposes of enforcing this chapter and Chapters 3779., 5728., 5735., 5739., 5741., and 5747. of the Revised Code and subject to division (C) of this section, the tax	6319 6320 6321 6322
the same meaning as in section 109.511 of the Revised Code. (B) For purposes of enforcing this chapter and Chapters 3779., 5728., 5735., 5739., 5741., and 5747. of the Revised Code and subject to division (C) of this section, the tax commissioner, by journal entry, may delegate any investigation	6319 6320 6321 6322 6323
the same meaning as in section 109.511 of the Revised Code. (B) For purposes of enforcing this chapter and Chapters 3779., 5728., 5735., 5739., 5741., and 5747. of the Revised Code and subject to division (C) of this section, the tax commissioner, by journal entry, may delegate any investigation powers of the commissioner to an employee of the department of	6319 6320 6321 6322 6323 6324
the same meaning as in section 109.511 of the Revised Code. (B) For purposes of enforcing this chapter and Chapters 3779., 5728., 5735., 5739., 5741., and 5747. of the Revised Code and subject to division (C) of this section, the tax commissioner, by journal entry, may delegate any investigation powers of the commissioner to an employee of the department of taxation who has been certified by the Ohio peace officer	6319 6320 6321 6322 6323 6324 6325
the same meaning as in section 109.511 of the Revised Code. (B) For purposes of enforcing this chapter and Chapters 3779., 5728., 5735., 5739., 5741., and 5747. of the Revised Code and subject to division (C) of this section, the tax commissioner, by journal entry, may delegate any investigation powers of the commissioner to an employee of the department of taxation who has been certified by the Ohio peace officer training commission and who is engaged in the enforcement of	6319 6320 6321 6322 6323 6324 6325 6326
the same meaning as in section 109.511 of the Revised Code. (B) For purposes of enforcing this chapter and Chapters 3779., 5728., 5735., 5739., 5741., and 5747. of the Revised Code and subject to division (C) of this section, the tax commissioner, by journal entry, may delegate any investigation powers of the commissioner to an employee of the department of taxation who has been certified by the Ohio peace officer training commission and who is engaged in the enforcement of those chapters. A separate journal entry shall be entered for	6319 6320 6321 6322 6323 6324 6325 6326 6327
the same meaning as in section 109.511 of the Revised Code. (B) For purposes of enforcing this chapter and Chapters 3779., 5728., 5735., 5739., 5741., and 5747. of the Revised Code and subject to division (C) of this section, the tax commissioner, by journal entry, may delegate any investigation powers of the commissioner to an employee of the department of taxation who has been certified by the Ohio peace officer training commission and who is engaged in the enforcement of those chapters. A separate journal entry shall be entered for each employee to whom that power is delegated. Each journal	6319 6320 6321 6322 6323 6324 6325 6326 6327 6328
the same meaning as in section 109.511 of the Revised Code. (B) For purposes of enforcing this chapter and Chapters 3779., 5728., 5735., 5739., 5741., and 5747. of the Revised Code and subject to division (C) of this section, the tax commissioner, by journal entry, may delegate any investigation powers of the commissioner to an employee of the department of taxation who has been certified by the Ohio peace officer training commission and who is engaged in the enforcement of those chapters. A separate journal entry shall be entered for each employee to whom that power is delegated. Each journal entry shall be a matter of public record and shall be maintained	6319 6320 6321 6322 6323 6324 6325 6326 6327 6328 6329
the same meaning as in section 109.511 of the Revised Code. (B) For purposes of enforcing this chapter and Chapters 3779., 5728., 5735., 5739., 5741., and 5747. of the Revised Code and subject to division (C) of this section, the tax commissioner, by journal entry, may delegate any investigation powers of the commissioner to an employee of the department of taxation who has been certified by the Ohio peace officer training commission and who is engaged in the enforcement of those chapters. A separate journal entry shall be entered for each employee to whom that power is delegated. Each journal entry shall be a matter of public record and shall be maintained in an administrative portion of the journal as provided for in	6319 6320 6321 6322 6323 6324 6325 6326 6327 6328 6329 6330

while engaged within the scope of the employee's duties in

enforcing the provisions of this chapter or Chapter 3779.,	6334
5728., 5735., 5739., 5741., or 5747. of the Revised Code, has	6335
the power of a police officer to carry concealed weapons, make	6336
arrests, and obtain warrants for violations of any provision in	6337
those chapters. The commissioner, at any time, may suspend or	6338
revoke the commissioner's delegation by journal entry. No	6339
employee of the department shall divulge any information	6340
acquired as a result of an investigation pursuant to this	6341
chapter or Chapter <u>3779.,</u> 5728., 5735., 5739., 5741., or 5747.	6342
of the Revised Code, except as may be required by the	6343
commissioner or a court.	6344
(C)(1) The tax commissioner shall not delegate any	6345
investigation powers to an employee of the department of	6346
taxation pursuant to division (B) of this section on a permanent	6347
basis, on a temporary basis, for a probationary term, or on	6348
other than a permanent basis if the employee previously has been	6349
convicted of or has pleaded guilty to a felony.	6350
(2)(a) The tax commissioner shall revoke the delegation of	6351
investigation powers to an employee to whom the delegation was	6352
made pursuant to division (B) of this section if that employee	6353
does either of the following:	6354
(i) Pleads guilty to a felony;	6355
(ii) Pleads guilty to a misdemeanor pursuant to a	6356
negotiated plea agreement as provided in division (D) of section	6357
2929.43 of the Revised Code in which the employee agrees to	6358
surrender the certificate awarded to that employee under section	6359
109.77 of the Revised Code.	6360
(b) The tax commissioner shall suspend the delegation of	6361

investigation powers to an employee to whom the delegation was

made pursuant to division (B) of this section if that employee	6363
is convicted, after trial, of a felony. If the employee files an	6364
appeal from that conviction and the conviction is upheld by the	6365
highest court to which the appeal is taken or if the employee	6366
does not file a timely appeal, the commissioner shall revoke the	6367
delegation of investigation powers to that employee. If the	6368
employee files an appeal that results in that employee's	6369
acquittal of the felony or conviction of a misdemeanor, or in	6370
the dismissal of the felony charge against that employee, the	6371
commissioner shall reinstate the delegation of investigation	6372
powers to that employee. The suspension, revocation, and	6373
reinstatement of the delegation of investigation powers to an	6374
employee under division (C)(2) of this section shall be made by	6375
journal entry pursuant to division (B) of this section. An	6376
employee to whom the delegation of investigation powers is	6377
reinstated under division (C)(2)(b) of this section shall not	6378
receive any back pay for the exercise of those investigation	6379
powers unless that employee's conviction of the felony was	6380
reversed on appeal, or the felony charge was dismissed, because	6381
the court found insufficient evidence to convict the employee of	6382
the felony.	6383

- (3) Division (C) of this section does not apply regarding an offense that was committed prior to January 1, 1997.
- (4) The suspension or revocation of the delegation of 6386 investigation powers to an employee under division (C)(2) of 6387 this section shall be in accordance with Chapter 119. of the 6388 Revised Code.
- **Section 2.** That existing sections 9.79, 109.572, 131.02, 6390 519.21, 715.013, 928.01, 928.03, 3376.07, 3780.37, 3796.01, 6391 3796.02, 3796.03, 3796.05, 3796.06, 3796.07, 3796.09, 3796.10, 6392

3796.12, 3796.13, 3796.14, 3796.15, 3796.17, 3796.18, 3796.19,	6393
3796.20, 3796.21, 3796.22, 3796.23, 3796.24, 3796.27, 3796.28,	6394
3796.29, 3796.30, 3796.31, 4506.01, 4735.18, 4796.25, 5502.01,	6395
5502.13, 5502.14, 5703.052, 5703.053, 5703.19, 5703.263,	6396
5703.50, 5703.70, 5703.77, 5713.30, and 5743.45 of the Revised	6397
Code are hereby repealed.	6398
Section 3. That sections 3780.01, 3780.02, 3780.03,	6399
3780.04, 3780.05, 3780.06, 3780.07, 3780.08, 3780.09, 3780.10,	6400
3780.11, 3780.12, 3780.13, 3780.14, 3780.15, 3780.16, 3780.17,	6401
3780.20, 3780.21, 3780.22, 3780.24, 3780.25, 3780.26, 3780.27,	6402
3780.28, 3780.29, 3780.30, 3780.31, 3780.32, 3780.33, 3780.34,	6403
3780.35, 3780.36, 3780.90, 3780.99, and 3796.021 of the Revised	6404
Code are hereby repealed.	6405
Section 4. The tax levied under division (B) of section	6406
3779.40 of the Revised Code applies to intoxicating hemp	6407
receipts received on and after July 1, 2026. The tax levied	6408
under division (C) of section 3779.40 of the Revised Code	6409
applies to sales of drinkable cannabinoid products occurring on	6410
and after July 1, 2026.	6411
Section 5. (A) All rules adopted by the Division of	6412
Cannabis Control or the Tax Commissioner pursuant to Chapter	6413
3780. of the Revised Code, as that chapter existed immediately	6414
before the effective date of this section, and that are not in	6415
conflict with the requirements of this act, continue in effect	6416
until repealed or amended by the Division of Marijuana Control	6417
or the Tax Commissioner, respectively. At the request of the	6418
Division of Cannabis Control or the Tax Commissioner, the	6419
Director of the Legislative Service Commission shall renumber	6420
rules adopted under Chapter 3780. of the Revised Code to reflect	6421
the transfer of authority to Chapter 3796. of the Revised Code,	6422

as amended by this act.

- (B) Any rules that are pending before the Common Sense 6424 Initiative or the Joint Committee on Agency Rule Review on the 6425 effective date of this section that were proposed by the 6426 Division of Cannabis Control under Chapter 3780. of the Revised 6427 Code, as that chapter existed immediately before the effective 6428 date of this section, shall be treated as having been proposed 6429 6430 by the Division of Marijuana Control under Chapter 3796. of the Revised Code. 6431
- (C) Notwithstanding any provision of section 121.95 of the 6432
 Revised Code to the contrary, a regulatory restriction contained 6433
 in a rule adopted by the Division of Marijuana Control in 6434
 accordance with Chapter 3796. of the Revised Code, as amended by 6435
 this act, during the period beginning on the effective date of 6436
 this section and ending twelve months after that date is not 6437
 subject to sections 121.95 to 121.953 of the Revised Code. 6438
- Section 6. If any provision of a section of this act or
 the application thereof to any person or circumstance is held
 6440
 invalid, the invalidity does not affect other provisions or
 applications of the section or related sections that can be
 given effect without the invalid provision or application, and
 to this end the provisions are severable.
 6444

Section 7. Section 519.21 of the Revised Code is presented 6445 in this act as a composite of the section as amended by both 6446 H.B. 523 and S.B. 75 of the 131st General Assembly. The General 6447 Assembly, applying the principle stated in division (B) of 6448 section 1.52 of the Revised Code that amendments are to be 6449 harmonized if reasonably capable of simultaneous operation, 6450 finds that the composite is the resulting version of the section 6451 in effect prior to the effective date of the section as 6452 Section 8. All items in this act are hereby appropriated 6454 as designated out of any moneys in the state treasury to the 6455 credit of the designated fund. For all operating appropriations 6456 made in this act, those in the first column are for fiscal year 6457 2026 and those in the second column are for fiscal year 2027. 6458 The operating appropriations made in this act are in addition to 6459 any other operating appropriations made for these fiscal years. 6460

Section 9. 6461

6453

1 2 3 4 5

A RDF STATE REVENUE DISTRIBUTIONS

B Revenue Distribution Fund Group

E TOTAL ALL BUDGET FUND GROUPS

С	7106 110659 Host Community Cannak	\$47,500,000	\$49,000,000
	Payments		
D	Revenue Distribution Fund Group T	otal \$47,500,000	\$49,000,000

HOST	COMMUNITY	CANNABIS	PAYMENTS	6463	3

\$47,500,000 \$49,000,000

The foregoing appropriation item 110659, Host Community 6464
Cannabis Payments, shall be used by the Director of Budget and 6465
Management for payments to municipal corporations and townships 6466
as required under section 3796.40 of the Revised Code. If it is 6467
determined that additional appropriations are necessary for this 6468
purpose, such amounts are hereby appropriated. 6469

Section 10. Within the limits set forth in this act, the 6470

Sub. S. B. No. 56	Page 227
As Reported by the House Judiciary Committee	_

Director of Budget and Management shall establish accounts	6471
indicating the source and amount of funds for each appropriation	6472
made in this act, and shall determine the manner in which	6473
appropriation accounts shall be maintained. Expenditures from	6474
operating appropriations contained in this act shall be	6475
accounted for as though made in, and are subject to all	6476
applicable provisions of, H.B. 96 of the 136th General Assembly.	6477