

**I\_136\_1413-18**

**136th General Assembly**

**Regular Session**

**2025-2026**

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

other state, or the United States. 581

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The superintendent shall prescribe standard impression 855

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

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

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

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

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

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

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

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

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

(G) As used in this section: 917

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The assessment or case number; 999

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

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

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

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

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

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

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

(1) Compromise the claim; 1017

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

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

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

agency reporting the claim, may do the following: 1029

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

pursuant to section 519.19 of the Revised Code. 1118

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

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

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

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

(3) Biologically derived methane gas production if the 1146

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

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

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

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

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



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

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

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

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

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

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

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

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

as defined in section 5727.01 of the Revised Code; 1206

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Tetrahydrocannabinol" does not include the following: 1271

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

(2) Cannabichromene (CBC); 1276

(3) Cannabicyclol (CBL); 1277

(4) Cannabidiol (CBD), 1278

(5) Cannabidivarin (CBDV); 1279

(6) Cannabielsoin (CBE); 1280

(7) Cannabigerol (CBG); 1281

(8) Cannabigerovarin (CBGV); 1282

(9) Cannabinol (CBN); 1283

(10) Cannabivarin (CBV). 1284

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

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

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

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

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

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

**Sec. 928.03.** The director of agriculture, in consultation  
with the governor and attorney general, shall adopt rules in  
accordance with Chapter 119. of the Revised Code establishing  
standards and procedures for the regulation of hemp processing.  
The director also shall adopt such rules, in consultation with  
the governor and attorney general, regarding hemp cultivation if  
the director implements a program to monitor and regulate hemp

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

accordance with applicable federal law; 1376

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) If a person, prior to the effective date of this 1452  
section, was the defendant named in a dismissed complaint, 1453  
indictment, or information for or was convicted of or has 1454  
pleaded guilty to either of the following, the person may file 1455  
an application under this section requesting an expungement of 1456  
the record of conviction or official records in the case: 1457

(1) A violation of division (C) (3) (a) or (b) or (C) (7) (a) 1458

or (b) of section 2925.11 of the Revised Code; 1459

(2) A violation of division (C) (7) (c) or (d) of section 1460  
2925.11 of the Revised Code involving possession of not more 1461  
than fifteen grams of hashish. 1462

(C) Any person who is eligible under division (B) of this 1463  
section to file an application for expungement may apply to the 1464  
sentencing court for the expungement of the record of conviction 1465  
or expungement of the person's official records in the case. The 1466  
person may file the application at any time on or after the 1467  
effective date of this section. The application shall do all of 1468  
the following: 1469

(1) Identify the applicant, the offense for which the 1470  
expungement is sought, the date of the conviction of, the plea 1471  
of guilty to, or the dismissal of charges for that offense, and 1472  
the court in which the conviction occurred, the plea of guilty 1473  
was entered, or the charges were dismissed; 1474

(2) Include evidence that the offense or charge was a 1475  
violation of division (C) (3) (a) or (b) or (C) (7) (a) or (b) of 1476  
section 2925.11 of the Revised Code or a violation of division 1477  
(C) (7) (c) or (d) of section 2925.11 of the Revised Code 1478  
involving not more than fifteen grams of hashish and that the 1479  
conviction, plea of guilty, or dismissal occurred prior to the 1480  
effective date of this section; 1481

(3) Include a request for expungement of the record of 1482  
conviction or official records of that offense under this 1483  
section. 1484

(D) (1) Upon the filing of an application under division 1485  
(C) of this section and the payment of the fee described in 1486  
division (H) of this section if applicable, the court shall set 1487

a date for a hearing and shall notify the prosecutor for the 1488  
case of the hearing on the application. The prosecutor may 1489  
object to the granting of the application by filing an objection 1490  
with the court prior to the date set for the hearing. The 1491  
prosecutor shall specify in the objection the reasons for 1492  
believing a denial of the application is justified. The court 1493  
shall direct its regular probation officer, a state probation 1494  
officer, or the department of probation of the county in which 1495  
the applicant resides to make inquiries and written reports as 1496  
the court requires concerning the applicant. The court shall 1497  
hold the hearing scheduled under this division. 1498

(2) The court shall hold the hearing not less than forty- 1499  
five days and not more than ninety days after the date of the 1500  
filing of the application. 1501

(E) At the hearing held under division (D) of this 1502  
section, the court shall do all of the following: 1503

(1) Determine whether the applicant has, prior to the 1504  
effective date of this section, been a defendant named in a 1505  
dismissed complaint, indictment, or information for or been 1506  
convicted of or pleaded guilty to either of the following: 1507

(a) A violation of division (C) (3) (a) or (b) or (C) (7) (a) 1508  
or (b) of section 2925.11 of the Revised Code; 1509

(b) A violation of division (C) (7) (c) or (d) of section 1510  
2925.11 of the Revised Code involving possession of not more 1511  
than fifteen grams of hashish. 1512

(2) If the prosecutor has filed an objection in accordance 1513  
with division (D) of this section, consider the reasons against 1514  
granting the application specified by the prosecutor in the 1515  
objection; 1516

(3) Weigh the interests of the applicant in having the 1517  
record of conviction or official records expunged against the 1518  
legitimate needs, if any, of the government to maintain those 1519  
records. 1520

(F) If the court, after complying with division (E) of 1521  
this section, finds that the applicant has, prior to the 1522  
effective date of this section, been named in a dismissed 1523  
complaint, indictment, or information for or been convicted of 1524  
or pleaded guilty to a violation of division (C) (3) (a) or (b) or 1525  
(C) (7) (a) or (b) of section 2925.11 of the Revised Code or has 1526  
been convicted of or pleaded guilty to a violation of division 1527  
(C) (7) (c) or (d) of section 2925.11 of the Revised Code 1528  
involving possession of not more than fifteen grams of hashish 1529  
and that the interests of the applicant in having the record of 1530  
conviction or official records sealed are not substantially 1531  
outweighed by any legitimate governmental needs to maintain 1532  
those records, both of the following apply: 1533

(1) The court shall order the expungement of all official 1534  
records pertaining to the case and the deletion of all index 1535  
references to the case and, if it does order the expungement, 1536  
shall send notice of the order to each public office or agency 1537  
that the court has reason to believe may have an official record 1538  
pertaining to the case if the court, after complying with 1539  
division (E) of this section, determines that the applicant, 1540  
prior to the effective date of this section, had been a 1541  
defendant named in a dismissed complaint, indictment, or 1542  
information for or convicted of or pleaded guilty to a violation 1543  
of division (C) (3) (a) or (b) or (C) (7) (a) or (b) of section 1544  
2925.11 of the Revised Code or had been convicted of or pleaded 1545  
guilty to a violation of division (C) (7) (c) or (d) of section 1546  
2925.11 of the Revised Code involving possession of not more 1547

than fifteen grams of hashish.

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

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

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

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

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nicotine that can be ingested into the body; 1578

(B) Any medical or adult-use marijuana cultivator, 1579  
processor, laboratory, or retail dispensary licensed under 1580  
Chapter 3796. of the Revised Code or under the laws of another 1581  
state; 1582

(C) Any business engaged in the sale, rental, or 1583  
exhibition for any form of consideration of adult entertainment 1584  
that is characterized by an emphasis on the exposure or display 1585  
of sexual activity; 1586

(D) Any casino or entity that sponsors or promotes 1587  
gambling activities; 1588

(E) Any other category of companies, brands, or types of 1589  
contracts that are similar to those described in divisions (A) 1590  
to (D) of this section that the institution or college 1591  
communicates to the student-athlete before the student-athlete 1592  
enrolls at the institution or college. 1593

Sec. 3779.01. As used in sections 3779.01 to 3779.10 and 1594  
3779.40 to 3779.48 of the Revised Code: 1595

(A) "At retail" means for use or consumption by the 1596  
ultimate consumer and not for resale. 1597

(B) "Delta-9 tetrahydrocannabinol," "hemp product," and 1598  
"tetrahydrocannabinol" have the same meanings as in section 1599  
928.01 of the Revised Code. 1600

(C) (1) "Disqualifying offense" means, subject to divisions 1601  
(C) (2) and (3) of this section, committing, attempting to 1602  
commit, or aiding and abetting another in committing any of the 1603  
following: 1604

(a) Any offense set forth in Chapter 2925., 3719., or 1605

4729. of the Revised Code, the violation of which constitutes a 1606  
felony or a misdemeanor of the first degree; 1607

(b) Any theft offense set forth under division (K) of 1608  
section 2913.01 of the Revised Code, the violation of which 1609  
constitutes a felony; 1610

(c) Any violation for which a penalty is imposed under 1611  
section 3715.99 of the Revised Code; 1612

(d) A crime of moral turpitude as defined in section 1613  
4776.10 of the Revised Code; 1614

(e) A violation of any former law of this state, any 1615  
existing or former law of another state, any existing or former 1616  
law applicable in a military court or Indian tribal court, or 1617  
any existing or former law of any nation other than the United 1618  
States that is or was substantially equivalent to any of the 1619  
offenses listed in divisions (C) (1) (a) to (d) of this section. 1620

(2) "Disqualifying offense" does not include a misdemeanor 1621  
offense respecting which an applicant for licensure or 1622  
employment is convicted of, or pleads guilty to, more than five 1623  
years before the date the application is submitted. 1624

(3) "Disqualifying offense" does not include any 1625  
misdemeanor offense related to marijuana possession, marijuana 1626  
trafficking, illegal cultivation of marijuana, illegal use or 1627  
possession of drug paraphernalia or marijuana drug 1628  
paraphernalia, or other misdemeanor marijuana-related offenses. 1629

(D) "Identification card" means a driver's or commercial 1630  
driver's license, an identification card issued under sections 1631  
4507.50 to 4507.52 of the Revised Code or an equivalent 1632  
identification card issued by another state, a military 1633  
identification card issued by the United States department of 1634



defense, or a United States or foreign passport that displays a 1635  
picture of the individual for whom the license, card, or 1636  
passport is issued and shows that the person buying is then at 1637  
least twenty-one years of age. 1638

(E) "Intoxicating hemp product" means a hemp product 1639  
containing more than five-tenths of a milligram of delta-9 1640  
tetrahydrocannabinol per serving, two milligrams of delta-9 1641  
tetrahydrocannabinol per package, or five-tenths of a milligram 1642  
of total non-delta-9 tetrahydrocannabinol per package. 1643  
"Intoxicating hemp product" does not include either of the 1644  
following: 1645

(1) A hemp product that cannot be ingested, inhaled, 1646  
snorted, sniffed, or used sublingually; 1647

(2) A low-level or high-level drinkable cannabinoid 1648  
product as defined in section 3779.21 of the Revised Code. 1649

(F) "Ohio investigative unit" means the investigative unit 1650  
maintained by the department of public safety under section 1651  
5502.13 of the Revised Code. 1652

(G) "Sell" means the exchange, barter, gift, offer for 1653  
sale, and sale of an intoxicating hemp product. 1654

(H) "Total non-delta-9 tetrahydrocannabinol" means the 1655  
sum, after the application of any necessary conversion factor, 1656  
of the percentage by weight of tetrahydrocannabinol, other than 1657  
delta-9 tetrahydrocannabinol, and the percentage by weight of 1658  
tetrahydrocannabinolic acid. 1659

**Sec. 3779.02.** (A) (1) No person shall sell an intoxicating 1660  
hemp product at retail in this state. 1661

(2) Subject to section 3779.08 of the Revised Code, 1662

division (A) (1) of this section does not apply to the sale of an 1663  
intoxicating hemp product at retail in this state by a person to 1664  
which both of the following apply: 1665

(a) The person is a hemp dispensary licensed under section 1666  
3779.03 of the Revised Code. 1667

(b) The person sells the intoxicating hemp product to an 1668  
individual who is twenty-one years of age or older as verified 1669  
by examining the individual's identification card. 1670

(3) Notwithstanding any other provision of law to the 1671  
contrary, a person who violates division (A) (1) of this section 1672  
shall not be prosecuted under any other criminal statute that 1673  
otherwise would apply to the person because the person engaged 1674  
in the activities prohibited in division (A) (1) of this section. 1675

(B) No person that is a licensed hemp dispensary shall do 1676  
any of the following: 1677

(1) Subject to division (D) of section 3779.08 of the 1678  
Revised Code, sell an intoxicating hemp product that has not 1679  
been tested in compliance with rules adopted under Chapter 3796. 1680  
of the Revised Code that otherwise apply to adult-use marijuana; 1681

(2) Sell an intoxicating hemp product that does not comply 1682  
with the standards and procedures for packaging and labeling set 1683  
forth in rules adopted under Chapter 3796. of the Revised Code 1684  
that otherwise apply to adult-use marijuana; 1685

(3) Violate any applicable rules adopted under section 1686  
3779.08 of the Revised Code, including rules establishing 1687  
advertising requirements governing intoxicating hemp products. 1688

(C) (1) No person shall sell at retail in this state a hemp 1689  
product and market it as adult-use marijuana or as medical 1690

marijuana as defined in section 3796.01 of the Revised Code. 1691

(2) No person shall use any terms associated with the sale 1692  
at retail in this state of a hemp product that would cause a 1693  
consumer to infer that the hemp product is medical marijuana or 1694  
adult-use marijuana. 1695

(3) No person shall use any terms associated with the sale 1696  
at retail in this state of a hemp product that would cause a 1697  
consumer to infer that the person selling the hemp product is a 1698  
licensed hemp dispensary. 1699

(4) Division (C) (3) of this section does not apply to a 1700  
hemp dispensary licensed under section 3779.03 of the Revised 1701  
Code. 1702

(D) No licensed hemp dispensary shall do either of the 1703  
following: 1704

(1) Sell any cigarette, tobacco product, vapor product, or 1705  
electronic smoking product, as those terms are defined in 1706  
section 5743.01 of the Revised Code; 1707

(2) Allow an individual who is under twenty-one years of 1708  
age to enter the dispensary. 1709

(E) No person shall sell an intoxicating hemp product that 1710  
includes hemp that was not cultivated by one of the following: 1711

(1) A hemp cultivator licensed under Chapter 928. of the 1712  
Revised Code in this state or by the United States department of 1713  
agriculture if the director of agriculture takes action under 1714  
division (A) (2) of section 928.02 of the Revised Code; 1715

(2) A hemp cultivator that is licensed in another state by 1716  
the United States department of agriculture; 1717

(3) A hemp cultivator that is licensed in another state by 1718  
a governing body of that state whose hemp production plans have 1719  
been approved by the United State department of agriculture. 1720

(F) No person shall sell an intoxicating hemp product that 1721  
is adulterated with any of the following: 1722

(1) A drug, as defined in section 4729.01 of the Revised 1723  
Code; 1724

(2) Contaminants, as defined in rules adopted under 1725  
section 3779.08 of the Revised Code; 1726

(3) Other substances that enhance the effects of the 1727  
tetrahydrocannabinol included in the product as specified in 1728  
rules adopted under section 3779.08 of the Revised Code. 1729

(G) No person who is the ultimate consumer of an edible 1730  
intoxicating hemp product shall fail to store the product in the 1731  
original packaging at all times when the product is not actively 1732  
in use. 1733

**Sec. 3779.021.** A person shall not be prosecuted or 1734  
penalized under section 3779.02 of the Revised Code until the 1735  
date that is two hundred and ten days after the effective date 1736  
of this section if both of the following apply: 1737

(A) The person is selling an intoxicating hemp product on 1738  
the effective date this section. 1739

(B) The facility at which the person is selling the 1740  
intoxicating hemp product does not allow individuals under the 1741  
age of twenty-one to enter the facility. 1742

**Sec. 3779.022.** Notwithstanding any provision to the 1743  
contrary in sections 3779.01 to 3779.10 of the Revised Code, an 1744  
individual who obtains an intoxicating hemp product from a hemp 1745

dispensary licensed under section 3779.03 of the Revised Code 1746  
may transfer the intoxicating hemp product to another individual 1747  
who is twenty-one years of age or over if both of the following 1748  
apply: 1749

(A) The transfer occurs without remuneration. 1750

(B) The transfer occurs on any privately owned real 1751  
property that is used primarily for residential or agricultural 1752  
purposes, including any dwellings, facilities, improvements, and 1753  
appurtenances on such real property. 1754

**Sec. 3779.03.** (A) An entity that seeks to sell at retail 1755  
an intoxicating hemp product in this state shall file an 1756  
application for licensure as a hemp dispensary with the division 1757  
of cannabis control. The entity shall file an application for 1758  
each location from which it seeks to operate. Each application 1759  
shall be submitted in accordance with rules adopted under 1760  
section 3779.08 of the Revised Code. 1761

(B) The division shall evaluate and prioritize 1762  
applications for licensure under this section according to the 1763  
applicant's eligibility, suitability, and ability to operate. 1764

(C) The division shall issue a biennial license to an 1765  
applicant if all of the following conditions are met: 1766

(1) The report of the criminal records check conducted 1767  
pursuant to section 3779.05 of the Revised Code with respect to 1768  
the application demonstrates that the person subject to the 1769  
criminal records check requirement has not been convicted of or 1770  
pleaded guilty to a disqualifying offense. 1771

(2) The applicant demonstrates that none of its current or 1772  
prospective owners, officers, board members, administrators, 1773  
employees, agents, or affiliates who may significantly influence 1774

or control the applicant's activities have an ownership or 1775  
investment interest in or compensation arrangement with a 1776  
laboratory specified in division (D) of section 3779.08 of the 1777  
Revised Code. 1778

(3) The applicant demonstrates that none of its current or 1779  
prospective owners, officers, board members, administrators, 1780  
employees, agents, or affiliates who may significantly influence 1781  
or control the applicant's activities share any corporate 1782  
officers or employees with a laboratory specified in division 1783  
(D) of section 3779.08 of the Revised Code. 1784

(4) The applicant demonstrates that the proposed location 1785  
or facility will not be located within five hundred feet of a 1786  
school, church, public library, public playground, or public 1787  
park. 1788

(5) The applicant demonstrates that the proposed location 1789  
or facility is not either of the following: 1790

(a) Located within one mile of another licensed hemp 1791  
dispensary; 1792

(b) Issued a permit under Chapter 4303. of the Revised 1793  
Code to sell beer and intoxicating liquor, as those terms are 1794  
defined in section 4301.01 of the Revised Code. 1795

(6) The information provided to the division of cannabis 1796  
control pursuant to section 3779.04 of the Revised Code 1797  
demonstrates that the applicant is in compliance with the 1798  
applicable tax laws of this state. 1799

(7) The applicant demonstrates sufficient liquid capital 1800  
and ability to meet financial responsibility requirements. 1801

(8) The applicant demonstrates that the municipal 1802

corporation or township in which it will be located has not 1803  
passed a moratorium or taken any other action that would 1804  
prohibit the applicant from operating there. 1805

(9) The application does not contain false, misleading, or 1806  
deceptive information and does not omit material information. 1807

(10) The applicant pays the applicable fees established 1808  
under section 3779.032 of the Revised Code. 1809

(11) The applicant meets all other licensure eligibility 1810  
conditions established in rules adopted under section 3779.08 of 1811  
the Revised Code. 1812

(D) If the number of eligible applicants exceeds the 1813  
number of available licenses, the division shall use an 1814  
impartial and evidence-based process to rank the eligible 1815  
applicants. The ranking process shall take into account all of 1816  
the following: 1817

(1) The applicant's business plan; 1818

(2) The applicant's operations plan; 1819

(3) The applicant's security plan; 1820

(4) The applicant's financial plan; 1821

(5) The applicant's principal place of business; 1822

(6) The applicant's environmental plan; 1823

(7) Employment practices; 1824

(8) The criminal records of all persons subject to the 1825  
criminal records check requirement; 1826

(9) The civil and administrative history of the applicant 1827  
and persons associated with the applicant; 1828

(10) Any other eligibility, suitability, or operations 1829  
based determination specified in sections 3779.01 to 3779.10 of 1830  
the Revised Code or rules adopted under section 3779.08 of the 1831  
Revised Code. 1832

(E) (1) If the division uses a lottery system to issue 1833  
licenses under this section, the applicants shall be grouped 1834  
into the following distinct categories: 1835

(a) Highly exceeds; 1836

(b) Exceeds; 1837

(c) Meets; 1838

(d) Does not meet. 1839

(2) The division shall group the applicants such that the 1840  
number of applicants in each of the highly exceeds, exceeds, and 1841  
meets categories is roughly equal, unless doing so is not 1842  
possible while conforming to an impartial and evidence-based 1843  
process. Applicants that do not meet the eligibility 1844  
requirements prescribed by division (C) of this section shall be 1845  
placed in the does not meet category. 1846

(3) In conducting the lottery, the division shall give 1847  
applicants in the exceeds category double the odds of being 1848  
selected as compared to applicants in the meets category. The 1849  
division shall give applicants in the highly exceeds category 1850  
double the odds of being selected as compared to applicants in 1851  
the exceeds category. An applicant grouped in the does not meet 1852  
category is ineligible for licensure. 1853

(F) A biennial license may be renewed in accordance with 1854  
the procedures established in rules adopted under section 1855  
3779.08 of the Revised Code. Prior to the renewal of the 1856



license, the applicant shall pay the renewal fee established 1857  
under section 3779.032 of the Revised Code. Applications for 1858  
renewal are not subject to the evaluation, prioritization, 1859  
ranking, and lottery provisions in divisions (B), (D), and (E) 1860  
of this section. 1861

(G) The division shall issue a license under this section 1862  
to an entity that sold or offered for sale intoxicating hemp 1863  
products on or before August 30, 2025, if both of the following 1864  
apply: 1865

(1) The entity's receipts from hemp product and 1866  
intoxicating hemp product sales exceeded eighty per cent of its 1867  
total gross receipts for either of the following: 1868

(a) Calendar year 2024; 1869

(b) The twelve months immediately prior to the effective 1870  
date of this section. 1871

(2) The entity complies with all other requirements for 1872  
licensure established under this section and rules adopted under 1873  
section 3779.08 of the Revised Code. 1874

**Sec. 3779.031.** (A) Except as provided in division (B) of 1875  
this section, not more than four hundred hemp dispensaries shall 1876  
be licensed to operate in this state at any one time. 1877

(B) Notwithstanding division (A) of this section, more 1878  
than four hundred hemp dispensaries may be licensed to operate 1879  
in this state at any one time if more than four hundred entities 1880  
are licensed as a result of division (G) of section 3779.03 of 1881  
the Revised Code. In that case, the division shall not issue any 1882  
additional licenses until the number of valid licenses that 1883  
results from division (G) of section 3779.03 of the Revised Code 1884  
is less than four hundred. At such time when the number of 1885

licenses resulting from division (G) of section 3779.03 of the  
Revised Code is less than four hundred, division (A) of this  
section applies.

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

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

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

not a grandfathered entity

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

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

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

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

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

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

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**Sec. 3779.05.** (A) As used in this section, "criminal  
records check" has the same meaning as in section 109.572 of the

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Revised Code. 1922

(B) (1) As part of the application process for a license 1923  
issued under section 3779.03 of the Revised Code, the division 1924  
of cannabis control shall require each of the following to 1925  
complete a criminal records check: 1926

(a) An administrator or other person responsible for the 1927  
daily operation of the entity seeking the license; 1928

(b) An owner or prospective owner, officer or prospective 1929  
officer, or board member or prospective board member of the 1930  
entity seeking the license. 1931

(2) If a person subject to the criminal records check 1932  
requirement does not present proof of having been a resident of 1933  
this state for the five-year period immediately prior to the 1934  
date the criminal records check is requested or provide evidence 1935  
that within that five-year period the superintendent of the 1936  
bureau of criminal identification and investigation has 1937  
requested information about the person from the federal bureau 1938  
of investigation in a criminal records check, the division shall 1939  
request that the person obtain through the superintendent a 1940  
criminal records request from the federal bureau of 1941  
investigation as part of the criminal records check of the 1942  
person. Even if a person presents proof of having been a 1943  
resident of this state for the five-year period, the division 1944  
may request that the person obtain information through the 1945  
superintendent from the federal bureau of investigation in the 1946  
criminal records check. 1947

(C) The division shall provide both of the following to 1948  
each person who is subject to the criminal records check 1949  
requirement: 1950

(1) Information about accessing, completing, and 1951  
forwarding to the superintendent of the bureau of criminal 1952  
identification and investigation the form prescribed pursuant to 1953  
division (C) (1) of section 109.572 of the Revised Code and the 1954  
standard impression sheet to obtain fingerprint impressions 1955  
prescribed pursuant to division (C) (2) of that section; 1956

(2) Written notification that the person is to instruct 1957  
the superintendent to submit the completed report of the 1958  
criminal records check directly to the division. 1959

(D) Each person who is subject to the criminal records 1960  
check requirement shall pay to the bureau of criminal 1961  
identification and investigation the fee prescribed pursuant to 1962  
division (C) (3) of section 109.572 of the Revised Code for the 1963  
criminal records check conducted of the person. 1964

(E) The report of any criminal records check conducted by 1965  
the bureau of criminal identification and investigation in 1966  
accordance with section 109.572 of the Revised Code and pursuant 1967  
to a request made under this section is not a public record for 1968  
the purposes of section 149.43 of the Revised Code and shall not 1969  
be made available to any person other than the following: 1970

(1) The person who is the subject of the criminal records 1971  
check or the person's representative; 1972

(2) The members and staff of the division; 1973

(3) A court, hearing officer, or other necessary 1974  
individual involved in a case dealing with either of the 1975  
following: 1976

(a) A license denial resulting from the criminal records 1977  
check; 1978

(b) An administrative or criminal action regarding any 1979  
violation of sections 3779.01 to 3779.10 of the Revised Code or 1980  
rules adopted under those sections. 1981

(F) The division shall deny a license if, after receiving 1982  
the information and notification required by this section, a 1983  
person subject to the criminal records check requirement fails 1984  
to do either of the following: 1985

(1) Access, complete, or forward to the superintendent of 1986  
the bureau of criminal identification and investigation the form 1987  
prescribed pursuant to division (C) (1) of section 109.572 of the 1988  
Revised Code or the standard impression sheet prescribed 1989  
pursuant to division (C) (2) of that section; 1990

(2) Instruct the superintendent to submit the completed 1991  
report of the criminal records check directly to the division. 1992

**Sec. 3779.051.** Each person seeking employment with a hemp 1993  
dispensary licensed under section 3779.03 of the Revised Code 1994  
shall comply with sections 4776.01 to 4776.04 of the Revised 1995  
Code. Such a hemp dispensary shall not employ the person unless 1996  
the person has submitted a criminal records check under those 1997  
sections and the report of the resulting criminal records check 1998  
demonstrates that the person has not been convicted of or 1999  
pleaded guilty to any of the disqualifying offenses. 2000

**Sec. 3779.06.** The Ohio investigative unit shall enforce 2001  
this chapter or cause it to be enforced. If the unit has 2002  
information that this chapter has been violated, it may 2003  
investigate the matter and take any action as it considers 2004  
appropriate. The authority of the Ohio investigative unit is 2005  
concurrent to the jurisdiction of any law enforcement officer to 2006  
enforce this chapter. Nothing in this chapter shall be construed 2007

to limit or supersede the authority of any law enforcement 2008  
officer or agency. 2009

**Sec. 3779.07.** (A) The superintendent of cannabis control 2010  
may impose an administrative penalty or take other enforcement 2011  
actions against a person who violates division (A) (1), (B), (C) 2012  
(1), (C) (2), or (C) (3) of section 3779.02 of the Revised Code or 2013  
any rules adopted under section 3779.08 of the Revised Code. 2014  
Administrative penalties shall be set forth in rules adopted 2015  
under section 3779.08 of the Revised Code. 2016

(B) The superintendent shall afford a person an 2017  
opportunity for an adjudication hearing under Chapter 119. of 2018  
the Revised Code to challenge the superintendent's determination 2019  
to impose an administrative penalty or taking other enforcement 2020  
action under this section, the superintendent's imposition of an 2021  
administrative penalty under this section, or both. The 2022  
superintendent's determination, the imposition of the 2023  
administrative penalty, and taking other enforcement action may 2024  
be appealed in accordance with section 119.12 of the Revised 2025  
Code. 2026

**Sec. 3779.08.** (A) Not later than one hundred eighty days 2027  
after the effective date of this section, the superintendent of 2028  
cannabis control shall adopt rules in accordance with Chapter 2029  
119. of the Revised Code that do all of the following: 2030

(1) Establish application procedures for licenses issued 2031  
under section 3779.03 of the Revised Code; 2032

(2) Specify conditions that must be met to be eligible for 2033  
issuance of a license under section 3779.03 of the Revised Code; 2034

(3) Establish renewal procedures for licenses issued under 2035  
section 3779.03 of the Revised Code; 2036

(4) Specify reasons for which a license may be suspended, 2037  
including without prior hearing, be revoked, or not be renewed 2038  
or issued and the reasons for which an administrative penalty 2039  
may be imposed on a license holder; 2040

(5) Establish standards under which a license suspension 2041  
may be lifted; 2042

(6) Establish the amount of administrative penalties to be 2043  
imposed by the superintendent under section 3779.07 of the 2044  
Revised Code and procedures for imposing such penalties; 2045

(7) Establish a list of contaminants that are prohibited 2046  
for inclusion in an intoxicating hemp product for purposes of 2047  
division (F) of section 3779.02 of the Revised Code; 2048

(8) Establish a list of substances, that enhance the 2049  
effects of the tetrahydrocannabinol, that are prohibited for 2050  
inclusion in an intoxicating hemp product for purposes of 2051  
division (F) of section 3779.02 of the Revised Code; 2052

(9) Establish requirements for the advertisement of 2053  
intoxicating hemp products consistent with advertisement 2054  
requirements for adult-use marijuana and medical marijuana 2055  
established under section 3796.32 of the Revised Code. The rules 2056  
shall include a requirement that a person that advertises an 2057  
intoxicating hemp product submit the advertisement to the 2058  
superintendent for the superintendent's approval. The 2059  
superintendent shall approve or deny an advertisement not later 2060  
than twenty-one business days after submission. 2061

(B) Subject to division (C) of this section, to ensure the 2062  
integrity of intoxicating hemp product sales at retail and 2063  
operations in this state, the superintendent has jurisdiction 2064  
over all persons participating in the distribution and sale of 2065



intoxicating hemp products in this state and, in consultation 2066  
and cooperation with the department of agriculture, the 2067  
cultivation and processing of intoxicating hemp products for 2068  
sale at retail in this state. Such jurisdiction includes the 2069  
authority to complete regulating, investigating, and penalizing 2070  
those persons in a manner that is consistent with the 2071  
superintendent's authority with respect to adult-use marijuana. 2072  
To carry out this division, the superintendent, not later than 2073  
one hundred eighty days after the effective date of this 2074  
section, shall adopt rules under Chapter 119. of the Revised 2075  
Code in addition to the rules adopted under division (A) of this 2076  
section. 2077

As part of the rules adopted under this division, the 2078  
superintendent shall establish limits on the potency, serving 2079  
sizes, and package sizes of intoxicating hemp products. The 2080  
limits on potency shall include a prohibition against the 2081  
inclusion of any synthetic tetrahydrocannabinol in an 2082  
intoxicating hemp product. The limits on potency shall not 2083  
exceed the potency limits for adult-use marijuana established 2084  
under Chapter 3796. of the Revised Code. The superintendent also 2085  
shall establish and maintain a list of approved 2086  
tetrahydrocannabinols that may be included for use in 2087  
intoxicating hemp products. 2088

(C) Notwithstanding Chapter 3796. of the Revised Code and 2089  
rules adopted under it to the contrary, the superintendent shall 2090  
not require hemp that is processed into an intoxicating hemp 2091  
product to be cultivated or processed in this state. 2092

(D) Notwithstanding Chapter 3796. of the Revised Code and 2093  
rules adopted under it to the contrary, an intoxicating hemp 2094  
product that is sold at retail in this state shall be tested in 2095

a facility licensed in accordance with that chapter and rules 2096  
adopted under it or, as approved by the superintendent, in a 2097  
facility in another state that meets requirements that are 2098  
substantially similar to applicable requirements established 2099  
under that chapter and rules adopted under it. 2100

**Sec. 3779.09.** (A) As used in this section: 2101

(1) "Chauffeured limousine" means a vehicle registered 2102  
under section 4503.24 of the Revised Code. 2103

(2) "Street," "highway," and "motor vehicle" have the same 2104  
meanings as in section 4511.01 of the Revised Code. 2105

(B) A person may have in the person's possession an opened 2106  
container of an intoxicating hemp product that is a beverage in 2107  
either of the following locations: 2108

(1) On the premises of a private residence; 2109

(2) In a chauffeured limousine that is located on any 2110  
street, highway, or other public or private property open to the 2111  
public for purposes of vehicular travel or parking if all the 2112  
following apply: 2113

(a) The person, or the guest of the person, pays all or a 2114  
portion of the fee imposed for the use of a chauffeured 2115  
limousine pursuant to a prearranged contract; 2116

(b) The person or guest is a passenger in the limousine; 2117

(c) The person or guest is located in the limousine but is 2118  
not occupying a seat in the front compartment of the limousine 2119  
where the operator of the limousine is located. 2120

(C) Except as provided in division (B) of this section, no 2121  
person shall have in the person's possession an opened container 2122

of an intoxicating hemp product that is a beverage in any of the 2123  
following circumstances: 2124

(1) In any public place; 2125

(2) While operating or being a passenger in or on a motor 2126  
vehicle on any street, highway, or other public or private 2127  
property open to the public for purposes of vehicular travel or 2128  
parking; 2129

(3) While being in or on a stationary motor vehicle on any 2130  
street, highway, or other public or private property open to the 2131  
public for purposes of vehicular travel or parking. 2132

**Sec. 3779.10.** (A) Except as provided in division (B) of 2133  
this section, the legislative authority of a municipal 2134  
corporation or a board of township trustees may adopt an 2135  
ordinance or a resolution, to prohibit, or limit the number of, 2136  
licensed hemp dispensaries within the municipal corporation or 2137  
within the unincorporated territory of the township, 2138  
respectively. 2139

(B) The legislative authority of a municipal corporation 2140  
or a board of township trustees shall not adopt or enforce an 2141  
ordinance or a resolution that does any of the following: 2142

(1) Prohibits or limits the operations of an entity 2143  
described under division (G) of section 3779.03 of the Revised 2144  
Code, except that a municipal corporation or township may 2145  
enforce such an ordinance or such a resolution if it was adopted 2146  
on or before June 30, 2025; 2147

(2) Prohibits or limits any activity authorized under 2148  
sections 3779.01 to 3779.09 of the Revised Code, except as 2149  
expressly permitted under division (A) of this section; 2150

(3) Prohibits or limits research related to intoxicating 2151  
hemp conducted at a state university, academic medical center, 2152  
or private research and development organization as part of a 2153  
research protocol approved by an institutional review board or 2154  
equivalent entity. 2155

**Sec. 3779.11.** A hemp dispensary licensed under section 2156  
3779.03 of the Revised Code shall prominently display both of 2157  
the following: 2158

(A) A statement that the use of intoxicating hemp products 2159  
by individuals under twenty-one years of age is both harmful and 2160  
illegal; 2161

(B) Information about the addictive qualities of 2162  
intoxicating hemp products and the potential negative health 2163  
consequences associated with their use. 2164

**Sec. 3779.21.** As used in sections 3779.21 to 3779.29 and 2165  
3779.40 to 3779.48 of the Revised Code, except as provided in 2166  
section 3779.40 of the Revised Code: 2167

(A) "At retail" and "identification card" have the same 2168  
meanings as in section 3779.01 of the Revised Code. 2169

(B) "Distributor" means a class B permit holder under 2170  
Chapter 4303. of the Revised Code, or the holder of an 2171  
equivalent permit or other authorization issued by another 2172  
state, that sells, offers for sale, arranges for sale, or 2173  
delivers a low-level or high-level drinkable cannabinoid product 2174  
to a low-level or high-level retailer located in this state. 2175  
"Distributor" does not include either of the following: 2176

(1) A manufacturer; 2177

(2) A person that is a common carrier and that is used to 2178

complete delivery of a low-level or high-level drinkable 2179  
cannabinoid product to a retailer. 2180

(C) "Delta-9 tetrahydrocannabinol," "hemp," "hemp 2181  
product," and "tetrahydrocannabinol" have the same meanings as 2182  
in section 928.01 of the Revised Code. 2183

(D) "High-level drinkable cannabinoid product" or "high- 2184  
level DCP" means a liquid hemp product to which all of the 2185  
following apply: 2186

(1) The product contains cannabinoids. 2187

(2) The cannabinoids in the product are solely derived 2188  
from hemp. 2189

(3) The product is prepackaged and intended to be consumed 2190  
via ingestion. 2191

(4) The product does not include a drug as defined in 2192  
section 4729.01 of the Revised Code. 2193

(5) The product does not contain more than three-tenths 2194  
per cent of any tetrahydrocannabinol. 2195

(6) The product contains more than five milligrams of 2196  
total tetrahydrocannabinol per serving, but does not contain 2197  
more than ten milligrams of total tetrahydrocannabinol per 2198  
serving. 2199

(7) The product container does not contain more than one 2200  
serving. 2201

"High-level drinkable cannabinoid product" is not an 2202  
intoxicating hemp product. 2203

(E) "High-level retailer" means a class C permit holder 2204  
under Chapter 4303. of the Revised Code. 2205

(F) "Low-level drinkable cannabinoid product" or "low-level DCP" means a liquid hemp product to which all of the following apply: 2206  
2207  
2208

(1) The product contains cannabinoids. 2209

(2) The cannabinoids in the product are solely derived from hemp. 2210  
2211

(3) The product is prepackaged and intended to be consumed via ingestion. 2212  
2213

(4) The product does not include a drug as defined in section 4729.01 of the Revised Code. 2214  
2215

(5) The product does not contain more than three-tenths per cent of any tetrahydrocannabinol. 2216  
2217

(6) The product does not contain more than five milligrams of total tetrahydrocannabinol per serving. 2218  
2219

(7) The product container does not contain more than one serving. 2220  
2221

"Low-level drinkable cannabinoid product" is not an intoxicating hemp product. 2222  
2223

(G) "Low-level retailer" means an A-1-A, A-1c, or class D permit holder under Chapter 4303. of the Revised Code. 2224  
2225

(H) "Manufacturer" means a person, whether located in this state or outside of this state, that manufactures a low-level or high-level drinkable cannabinoid product for sale in this state. 2226  
2227  
2228

(I) "Sale" and "sell" include exchange, barter, gift, offer for sale, sale, distribution and delivery of any kind, and the transfer of title or possession of a low-level or high-level drinkable cannabinoid product either by constructive or actual 2229  
2230  
2231  
2232

delivery by any means or devices. 2233

(J) "Serving" means twelve fluid ounces. 2234

**Sec. 3779.22.** (A) (1) A low-level retailer may sell at 2235  
retail low-level drinkable cannabinoid products for consumption 2236  
on the premises where sold. 2237

(2) A high-level retailer may sell at retail low-level or 2238  
high-level drinkable cannabinoid products for consumption off 2239  
the premises where sold. 2240

(B) No person shall do any of the following: 2241

(1) Sell at retail a low-level or high-level drinkable 2242  
cannabinoid product unless authorized to do so under division 2243  
(A) of this section; 2244

(2) If the person is a manufacturer, sell a low-level or 2245  
high-level drinkable cannabinoid product unless the manufacturer 2246  
is registered under section 3779.24 of the Revised Code; 2247

(3) If the person is a manufacturer, sell a low-level 2248  
drinkable cannabinoid product to any person other than a low- 2249  
level retailer, high-level retailer, or distributor; 2250

(4) If the person is a manufacturer, sell a high-level 2251  
drinkable cannabinoid product to any person other than a high- 2252  
level retailer or distributor; 2253

(5) Sell for distribution a low-level or high-level 2254  
drinkable cannabinoid product unless the person is a 2255  
distributor; 2256

(6) If the person is a distributor, sell a low-level 2257  
drinkable cannabinoid product in this state to any person other 2258  
than a low-level or high-level retailer; 2259

- (7) If the person is a distributor, sell a high-level 2260  
drinkable cannabinoid product in this state to any person other 2261  
than a high-level retailer; 2262
- (8) Sell at retail a low-level or high-level drinkable 2263  
cannabinoid product to an individual who is under twenty-one 2264  
years of age; 2265
- (9) Fail to verify that an individual who attempts to 2266  
purchase or purchases a low-level or high-level drinkable 2267  
cannabinoid product at retail is at least twenty-one years of 2268  
age by examining the individual's identification card; 2269
- (10) Sell a low-level or high-level drinkable cannabinoid 2270  
product that contains alcohol; 2271
- (11) If the person is a high-level retailer, fail to store 2272  
a low-level or high-level drinkable cannabinoid product for sale 2273  
at retail in a display case that is solely used for the sale of 2274  
drinkable cannabinoid products and that clearly states that the 2275  
product is a low-level or high-level drinkable cannabinoid 2276  
product; 2277
- (12) If the person is a manufacturer or distributor, do 2278  
either of the following: 2279
- (a) Pay to a low-level retailer any payment, credit, or 2280  
any other consideration to induce the retailer to advertise or 2281  
display a low-level drinkable cannabinoid product in a certain 2282  
manner in the retailer's permitted premises; 2283
- (b) Pay to a high-level retailer any payment, credit, or 2284  
any other consideration to induce the retailer to advertise or 2285  
display a low-level or high-level drinkable cannabinoid product 2286  
in a certain manner in the retailer's permitted premises. 2287



(13) If the person is a low-level or high-level retailer, 2288  
accept any payment, credit, or any other consideration to 2289  
advertise or display a low-level or high-level drinkable 2290  
cannabinoid product, as applicable, in a certain manner at the 2291  
retailer's permitted premises; 2292

(14) If the person is not a low-level retailer, allow an 2293  
individual who purchases a drinkable cannabinoid product from 2294  
the retailer to consume the drinkable cannabinoid product on the 2295  
retailer's premises; 2296

(15) If the person is a low-level or high-level retailer, 2297  
sell a low-level or high-level drinkable cannabinoid product, as 2298  
applicable, at a price less than the price paid by the retailer 2299  
to purchase the product from a distributor; 2300

(16) If the person is a low-level or high-level retailer 2301  
and the person is purchasing a low-level or high-level drinkable 2302  
cannabinoid product directly, as applicable, from a manufacturer 2303  
for subsequent retail sale, sell a low-level or high-level 2304  
drinkable cannabinoid product, as applicable, at a price less 2305  
than the price paid by the retailer to purchase the product from 2306  
the manufacturer; 2307

(17) If the person is a distributor, charge a different 2308  
price to a low-level or high-level retailer for low-level or 2309  
high-level drinkable cannabinoid products, as applicable, based 2310  
upon the quantity of drinkable cannabinoid products sold to the 2311  
retailer; 2312

(18) Sell a low-level or high-level drinkable cannabinoid 2313  
product that includes hemp that was not cultivated by one of the 2314  
following: 2315

(a) A hemp cultivator licensed under Chapter 928. of the 2316

Revised Code in this state or by the United States department of 2317  
agriculture if the director of agriculture takes action under 2318  
division (A) (2) of section 928.02 of the Revised Code; 2319

(b) A hemp cultivator that is licensed in another state by 2320  
the United States department of agriculture; 2321

(c) A hemp cultivator that is licensed in another state by 2322  
a governing body of that state whose hemp production plans have 2323  
been approved by the United State department of agriculture. 2324

(19) Violate any rule adopted under section 3779.23 of the 2325  
Revised Code. 2326

(C) (1) Prior to the effective date of the rules adopted 2327  
under section 3779.23 of the Revised Code, a low-level retailer 2328  
may sell low-level drinkable cannabinoid products and a high- 2329  
level retailer may sell low-level or high-level drinkable 2330  
cannabinoid products, a distributor may distribute such 2331  
products, and a manufacturer may manufacture such products, 2332  
provided both of the following apply: 2333

(a) The low-level or high-level drinkable cannabinoid 2334  
products, as applicable, are in compliance with the labeling 2335  
requirements specified in section 3779.26 of the Revised Code; 2336

(b) Such sales, distribution, and manufacturing are 2337  
otherwise in compliance with applicable statutory provisions of 2338  
sections 3779.21 to 3779.30 of the Revised Code. 2339

(2) On and after the effective date of those rules, sales, 2340  
distribution, and manufacturing of such products shall be in 2341  
full compliance with those rules and with applicable statutory 2342  
provisions of sections 3779.21 to 3779.30 of the Revised Code. 2343

**Sec. 3779.221.** The superintendent of liquor control may 2344

impose an administrative penalty or take other enforcement 2345  
actions against a person who violates division (B) of section 2346  
3779.22 of the Revised Code or any rules adopted under section 2347  
3779.23 of the Revised Code. Administrative penalties shall be 2348  
set forth in rules adopted under section 3779.23 of the Revised 2349  
Code. 2350

(B) The superintendent shall afford a person an 2351  
opportunity for an adjudication hearing under Chapter 119. of 2352  
the Revised Code to challenge the superintendent's determination 2353  
to impose an administrative penalty or taking other enforcement 2354  
action under this section, the superintendent's imposition of an 2355  
administrative penalty under this section, or both. The 2356  
superintendent's determination, the imposition of the 2357  
administrative penalty, and taking other enforcement action may 2358  
be appealed in accordance with section 119.12 of the Revised 2359  
Code. 2360

**Sec. 3779.23.** Not later than six months after the 2361  
effective date of this section, the superintendent of liquor 2362  
control shall adopt rules in accordance with Chapter 119. of the 2363  
Revised Code for the administration and enforcement of sections 2364  
3779.21 to 3779.30 of the Revised Code, including rules 2365  
governing all the following: 2366

(A) Registration of manufacturers under section 3779.24 of 2367  
the Revised Code; 2368

(B) The testing of low-level and high-level drinkable 2369  
cannabinoid products under section 3779.25 of the Revised Code, 2370  
including rules governing the issuance of a certificate of 2371  
analysis as required under division (C) of section 3779.25 of 2372  
the Revised Code; 2373

(C) The labeling of low-level and high-level drinkable 2374  
cannabinoid products under section 3779.26 of the Revised Code; 2375

(D) Establishment and maintenance of a list of approved 2376  
tetrahydrocannabinols that may be included for use in low-level 2377  
and high-level drinkable cannabinoid products; 2378

(E) Advertisement of low-level and high-level drinkable 2379  
cannabinoid products. The rules shall include a requirement that 2380  
a person that advertises a low-level or high-level drinkable 2381  
cannabinoid product submit the advertisement to the 2382  
superintendent for the superintendent's approval. The 2383  
superintendent shall approve or deny an advertisement no later 2384  
than twenty-one business days after submission. 2385

(F) Establish the amount of administrative penalties to be 2386  
imposed by the superintendent under section 3779.221 of the 2387  
Revised Code and procedures for imposing such penalties. 2388

**Sec. 3779.24.** (A) No person shall manufacture a low-level 2389  
or high-level drinkable cannabinoid product for sale in this 2390  
state without registering with the superintendent of liquor 2391  
control in accordance with rules adopted under section 3779.23 2392  
of the Revised Code. The superintendent shall issue a 2393  
registration under this section if the applicant submits to the 2394  
superintendent an application and is in compliance with those 2395  
rules. 2396

(B) A registration issued under this section is valid for 2397  
one year after issuance and shall be renewed in the same manner 2398  
as an initial registration. 2399

**Sec. 3779.25.** (A) (1) A manufacturer of a low-level or 2400  
high-level drinkable cannabinoid product shall test the product 2401  
in accordance with rules adopted under section 3779.23 of the 2402

Revised Code prior to selling the product or offering the 2403  
product for sale to a distributor. 2404

(2) No manufacturer, distributor, low-level retailer, or 2405  
high-level retailer shall sell or offer to sell a low-level or 2406  
high-level drinkable cannabinoid product, as applicable, that is 2407  
not tested in accordance with this section and rules adopted 2408  
under section 3779.23 of the Revised Code or that exceeds the 2409  
maximum allowable level for a substance or organism specified in 2410  
those rules. 2411

(B) A manufacturer shall contract with a testing 2412  
laboratory to provide the testing required under this section. 2413

(C) Notwithstanding Chapter 3796. of the Revised Code and 2414  
rules adopted under it to the contrary, a low-level or high- 2415  
level drinkable cannabinoid product that is sold in this state 2416  
shall be tested in a facility licensed in accordance with 2417  
Chapter 3796. of the Revised Code and rules adopted under it or, 2418  
as approved by the superintendent of liquor control, in a 2419  
facility in another state that meets requirements that are 2420  
substantially similar to applicable requirements established 2421  
under Chapter 3796. of the Revised Code and rules adopted under 2422  
it. For each test conducted, the facility shall issue a 2423  
certificate of analysis that includes the results of the test as 2424  
required in rules adopted under section 3779.23 of the Revised 2425  
Code. 2426

(D) A distributor, low-level retailer, or high-level 2427  
retailer is not liable for any violations or causes of action if 2428  
a low-level or high-level drinkable cannabinoid product 2429  
distributed or sold by the distributor or retailer is not 2430  
consistent with testing as represented. 2431

(E) No manufacturer or testing laboratory shall fail to 2432  
comply with this section. 2433

**Sec. 3779.26.** (A) In accordance with rules adopted under 2434  
section 3779.23 of the Revised Code, a manufacturer shall 2435  
include a label on each low-level or high-level drinkable 2436  
cannabinoid product container that it sells or offers for sale 2437  
in this state that includes the following information in legible 2438  
print: 2439

(1) The product name or common name on the front of the 2440  
label; 2441

(2) The brand name on the front of the label; 2442

(3) The size of the container or net count of individual 2443  
items included in the container on the front of the label; 2444

(4) The net weight or volume of the items included in the 2445  
container; 2446

(5) The number of servings per container; 2447

(6) A list of ingredients; 2448

(7) The amount of tetrahydrocannabinol, in milligrams, as 2449  
identified in the certificate of analysis as required under 2450  
division (C) of section 3779.25 of the Revised Code; 2451

(8) The number of calories per container; 2452

(9) The words "This Product is a Low-level Drinkable 2453  
Cannabinoid Product" or "This Product is a High-level Drinkable 2454  
Cannabinoid Product," as applicable; 2455

(10) A conspicuous warning statement conveying that the 2456  
product contains tetrahydrocannabinol, that the effects of 2457  
drinking a low-level or high-level drinkable cannabinoid product 2458

are different than those from drinking an alcoholic beverage, 2459  
and that a person should use caution when consuming low-level or 2460  
high-level DCPs or mixing the consumption of low-level or high- 2461  
level DCPs with alcoholic beverages; 2462

(11) A symbol approved by the superintendent of liquor 2463  
control warning potential consumers that the product contains 2464  
tetrahydrocannabinol. The symbol may include the American 2465  
society for testing and materials intoxicating cannabis products 2466  
symbol (D8441/D8441M). 2467

(B) A manufacturer shall include the amount of 2468  
tetrahydrocannabinol, in milligrams, as identified in the 2469  
certificate of analysis as required under division (C) of 2470  
section 3779.25 of the Revised Code, on the container of a low- 2471  
level or high-level drinkable cannabinoid product. The amount of 2472  
tetrahydrocannabinol included on the container of a low-level or 2473  
high-level drinkable cannabinoid product may deviate by ten per 2474  
cent of the actual amount on the certificate of analysis. 2475

(C) No manufacturer shall fail to comply with this 2476  
section. 2477

**Sec. 3779.27.** (A) As used in this section, "sales area or 2478  
territory" means an exclusive geographic area or territory that 2479  
is assigned to a particular distributor and that either has one 2480  
or more political subdivisions as its boundaries or consists of 2481  
an area of land with readily identifiable geographic boundaries. 2482

(B) Each manufacturer shall assign to each of the 2483  
manufacturer's distributors a sales area or territory within 2484  
which each distributor shall be the distributor of the brand or 2485  
brands of the manufacturer, provided that, if the manufacturer 2486  
manufactures more than one brand of low-level or high-level 2487

drinkable cannabinoid product, the manufacturer may assign sales 2488  
areas or territories to additional distributors for the 2489  
distribution and sale of the additional brand or brands, so long 2490  
as not more than one distributor distributes the same brand or 2491  
brands within the same sales area or territory. No distributor 2492  
shall distribute a specific brand of low-level or high-level 2493  
drinkable cannabinoid product in any area or territory other 2494  
than the area or territory assigned to the distributor. 2495

Sec. 3779.28. (A) No manufacturer shall aid or assist a 2496  
distributor, and no manufacturer or distributor shall aid or 2497  
assist a low-level retailer or high-level retailer, by gift or 2498  
loan of any money or property of any description or other 2499  
valuable thing, or by giving premiums or rebates. No 2500  
distributor, low-level retailer, or high-level retailer shall 2501  
accept the same. 2502

(B) No manufacturer shall have any financial interest, 2503  
directly or indirectly, by stock ownership, or through 2504  
interlocking directors in a corporation, or otherwise, in the 2505  
establishment, maintenance, or promotion in the business of any 2506  
distributor. No low-level retailer or high-level retailer shall 2507  
have any interest, directly or indirectly, in the operation of, 2508  
or any ownership in, the business of any distributor or 2509  
manufacturer. 2510

(C) No manufacturer shall have any financial interest, 2511  
directly or indirectly, by stock ownership, or through 2512  
interlocking directors in a corporation, or otherwise, in the 2513  
establishment, maintenance, or promotion of the business of any 2514  
low-level retailer or high-level retailer. No distributor or 2515  
employee of a distributor shall have any financial interest, 2516  
directly or indirectly, by stock ownership, interlocking 2517



directors in a corporation, or otherwise, in the establishment, 2518  
maintenance, or promotion of the business of any low-level 2519  
retailer or high-level retailer. No manufacturer or distributor 2520  
or any stockholder of a manufacturer or distributor shall 2521  
acquire, by ownership in fee, leasehold, mortgage, or otherwise, 2522  
directly or indirectly, any interest in the premises on which 2523  
the business of any other person engaged in the business of 2524  
selling low-level or high-level drinkable cannabinoid products 2525  
at retail is occurring. 2526

(D) No manufacturer shall sell or offer to sell to any 2527  
distributor or low-level retailer or high-level retailer, no 2528  
distributor shall sell or offer to sell to any low-level 2529  
retailer or high-level retailer, and no distributor or low-level 2530  
retailer or high-level retailer shall purchase or receive from 2531  
any manufacturer or distributor any low-level or high-level 2532  
drinkable cannabinoid product in the United States except for 2533  
cash. No right of action exists to collect any claims for credit 2534  
extended contrary to this section. 2535

(E) Divisions (B) and (C) of this section do not apply to 2536  
a person licensed under section 3779.03 of the Revised Code. 2537

**Sec. 3779.29. (A) As used in this section:** 2538

(1) "Chauffeured limousine" means a vehicle registered 2539  
under section 4503.24 of the Revised Code. 2540

(2) "Street," "highway," and "motor vehicle" have the same 2541  
meanings as in section 4511.01 of the Revised Code. 2542

(B) A person may have in the person's possession an opened 2543  
container of a low-level or high-level drinkable cannabinoid 2544  
product in either of the following locations: 2545

(1) On the premises of a private residence; 2546

(2) In a chauffeured limousine that is located on any 2547  
street, highway, or other public or private property open to the 2548  
public for purposes of vehicular travel or parking if all the 2549  
following apply: 2550

(a) The person, or the guest of the person, pays all or a 2551  
portion of the fee imposed for the use of a chauffeured 2552  
limousine pursuant to a prearranged contract. 2553

(b) The person or guest is a passenger in the limousine. 2554

(c) The person or guest is located in the limousine but is 2555  
not occupying a seat in the front compartment of the limousine 2556  
where the operator of the limousine is located. 2557

(C) A person may have in the person's possession an opened 2558  
container of a low-level drinkable cannabinoid product on the 2559  
premises of a low-level retailer, provided the low-level 2560  
retailer sold the low-level drinkable cannabinoid product to the 2561  
person. 2562

(D) Except as provided in divisions (B) and (C) of this 2563  
section, no person shall have in the person's possession an 2564  
opened container of a low-level or high-level drinkable 2565  
cannabinoid product in any of the following circumstances: 2566

(1) In any public place; 2567

(2) While operating or being a passenger in or on a motor 2568  
vehicle on any street, highway, or other public or private 2569  
property open to the public for purposes of vehicular travel or 2570  
parking; 2571

(3) While being in or on a stationary motor vehicle on any 2572  
street, highway, or other public or private property open to the 2573  
public for purposes of vehicular travel or parking. 2574

<u>Sec. 3779.30. (A) As used in this section:</u>	2575
<u>(1) "Intoxicating hemp product" has the same meaning as in</u>	2576
<u>section 3779.01 of the Revised Code.</u>	2577
<u>(2) "Low-level and high-level drinkable cannabinoid</u>	2578
<u>product" has the same meaning as in section 3779.21 of the</u>	2579
<u>Revised Code.</u>	2580
<u>(3) "Manufacturer" means a person that manufactures a low-</u>	2581
<u>level or high-level drinkable cannabinoid product.</u>	2582
<u>(B) Notwithstanding any provision of the Revised Code to</u>	2583
<u>the contrary, a manufacturer may utilize a byproduct specified</u>	2584
<u>in division (R) of section 928.03 of the Revised Code to do</u>	2585
<u>either of the following:</u>	2586
<u>(1) Manufacture a low-level or high-level drinkable</u>	2587
<u>cannabinoid product;</u>	2588
<u>(2) Manufacture an intoxicating hemp product that is a</u>	2589
<u>beverage that contains more than ten milligrams of total</u>	2590
<u>tetrahydrocannabinol per serving for export outside this state.</u>	2591
<u>Sec. 3779.40. (A) As used in sections 3779.40 to 3779.48</u>	2592
<u>of the Revised Code:</u>	2593
<u>(1) "Licensed dispensary" means a hemp dispensary licensed</u>	2594
<u>under section 3779.03 of the Revised Code.</u>	2595
<u>(2) "Intoxicating hemp product receipts" means the total</u>	2596
<u>amount received by a licensed dispensary, without deduction for</u>	2597
<u>the cost of goods, taxes paid, or other expenses incurred, from</u>	2598
<u>the sale or other disposition of intoxicating hemp products to</u>	2599
<u>any other person.</u>	2600
<u>(3) "Received" has the same meaning as in section 5751.01</u>	2601

of the Revised Code. 2602

(4) "Sale" includes exchange, barter, gift, offer for 2603  
sale, and distribution, and includes transactions in interstate 2604  
or foreign commerce. 2605

(5) "Taxpayer" means any person liable for a tax imposed 2606  
under this section. 2607

(6) "Gallon" means one hundred twenty-eight fluid ounces. 2608

(7) "Drinkable cannabinoid product" means a low-level or 2609  
high-level drinkable cannabinoid product. 2610

(B) For the purpose of providing for the needs of this 2611  
state, a tax is levied on the intoxicating hemp product receipts 2612  
received by a licensed dispensary each month at the rate of ten 2613  
per cent of such receipts. All revenue from the tax shall be 2614  
credited to the general revenue fund. The tax is part of the 2615  
price for purposes of sales and use taxes levied under Chapters 2616  
5739. and 5741. of the Revised Code. 2617

(C) For the purpose of providing for the needs of this 2618  
state, an excise tax is levied on sales by a manufacturer to a 2619  
distributor or retailer of drinkable cannabinoid products at the 2620  
rate of one dollar and twenty cents per gallon of such products 2621  
sold. All revenue from the tax shall be credited to the general 2622  
revenue fund. 2623

(D) Not later than thirty days after first receiving 2624  
intoxicating hemp product receipts, a licensed dispensary shall 2625  
register with the tax commissioner by submitting all of the 2626  
following: 2627

(1) A copy of the license or licenses issued to the 2628  
registrant under section 3779.03 of the Revised Code; 2629

<u>(2) The registrant's federal employer identification</u>	2630
<u>number or social security number or equivalent, as applicable;</u>	2631
<u>(3) All other information that the commissioner requires</u>	2632
<u>to administer and enforce the tax levied under division (B) of</u>	2633
<u>this section.</u>	2634
<u>(E) Not later than thirty days after first selling a</u>	2635
<u>drinkable cannabinoid product to a distributor or retailer, a</u>	2636
<u>manufacturer shall register with the tax commissioner by</u>	2637
<u>submitting all of the following:</u>	2638
<u>(1) The registrant's federal employer identification</u>	2639
<u>number or social security number or equivalent, as applicable;</u>	2640
<u>(2) All other information that the commissioner requires</u>	2641
<u>to administer and enforce the tax levied under division (C) of</u>	2642
<u>this section.</u>	2643
<u>(F) If the commissioner notifies a licensed dispensary or</u>	2644
<u>manufacturer required to register under this section of such</u>	2645
<u>requirement and of the requirement to remit the tax due under</u>	2646
<u>section 3779.41 of the Revised Code, and the licensed dispensary</u>	2647
<u>or manufacturer fails to so register and remit the tax within</u>	2648
<u>sixty days after the notice, the commissioner may impose an</u>	2649
<u>additional penalty of up to thirty-five per cent of the tax due.</u>	2650
<u>(G) A licensed dispensary that is registered with the tax</u>	2651
<u>commissioner under division (D) of this section shall notify the</u>	2652
<u>commissioner if any of the following occur with respect to a</u>	2653
<u>license issued to the registrant under section 3779.03 of the</u>	2654
<u>Revised Code:</u>	2655
<u>(1) The license expires or is revoked;</u>	2656
<u>(2) A change to the activities in which the registrant is</u>	2657

permitted to engage; 2658

(3) A change in the location or facilities in which the 2659  
registrant is permitted to engage in such activities. 2660

**Sec. 3779.41.** (A) Not later than the twenty-third day of 2661  
the month, every taxpayer shall file with the tax commissioner a 2662  
return for the preceding calendar month reporting any 2663  
information the commissioner finds necessary for the proper 2664  
administration of sections 3779.40 to 3779.48 of the Revised 2665  
Code, together with remittance of the tax due. In the case of 2666  
the tax levied under division (B) of section 3779.40 of the 2667  
Revised Code, the tax shall be calculated on the basis of the 2668  
taxpayer's intoxicating hemp product receipts received during 2669  
the preceding month. In the case of the tax levied under 2670  
division (C) of section 3779.40 of the Revised Code, the tax 2671  
shall be calculated on the basis of the gallons of drinkable 2672  
cannabinoid products sold by the taxpayer to a distributor or 2673  
retailer during the preceding month. 2674

(B) Any taxpayer that fails to file a return or pay the 2675  
full amount of the tax due within the period prescribed under 2676  
this section shall pay a penalty in an amount not exceeding the 2677  
greater of fifty dollars or ten per cent of the tax required to 2678  
be paid for the month. 2679

(C) (1) If any additional tax is found to be due, the tax 2680  
commissioner may impose an additional penalty of up to fifteen 2681  
per cent of the additional tax found to be due. 2682

(2) Any delinquent payments made after a taxpayer is 2683  
notified of an audit or a tax discrepancy by the commissioner 2684  
are subject to the penalty imposed by division (C) (1) of this 2685  
section. If an assessment is issued under section 3779.44 of the 2686

Revised Code in connection with such delinquent payments, the 2687  
payments shall be credited to the assessment. 2688

(D) The commissioner may collect any penalty or interest 2689  
imposed by this section or section 3779.40 of the Revised Code 2690  
in the same manner as the applicable tax imposed under that 2691  
section. Penalties and interest so collected shall be considered 2692  
as revenue arising from that tax. 2693

(E) The commissioner may abate all or a portion of any 2694  
penalties imposed under this section or section 3779.40 of the 2695  
Revised Code and may adopt rules governing such abatements. 2696

(F) If any tax due is not timely paid within the period 2697  
prescribed under this section, the taxpayer shall pay interest, 2698  
calculated at the rate per annum prescribed by section 5703.47 2699  
of the Revised Code, from the date the tax payment was due to 2700  
the date of payment or to the date an assessment was issued, 2701  
whichever occurs first. 2702

(G) The commissioner may impose a penalty of up to ten per 2703  
cent for any additional tax that is due from a taxpayer that 2704  
reports incorrect information. 2705

**Sec. 3779.42.** (A) Any taxpayer required to file returns 2706  
under section 3779.41 of the Revised Code shall remit each tax 2707  
payment, and, if required by the tax commissioner, file the tax 2708  
return or the annual report, electronically. The commissioner 2709  
may require taxpayers to use the Ohio business gateway as 2710  
defined in section 718.01 of the Revised Code to file returns 2711  
and remit the taxes, or may provide another means for taxpayers 2712  
to file and remit the taxes electronically. 2713

(B) A taxpayer required to remit taxes or file returns 2714  
electronically under division (A) of this section may apply to 2715

the commissioner, on a form prescribed by the commissioner, to 2716  
be excused from that requirement. The commissioner may excuse a 2717  
taxpayer from the requirements of this section for good cause. 2718

(C) (1) If a taxpayer required to remit tax or file a 2719  
return electronically under division (A) of this section fails 2720  
to do so, the commissioner may impose a penalty not to exceed 2721  
the following: 2722

(a) For either of the first two months the taxpayer so 2723  
fails, the greater of twenty-five dollars or five per cent of 2724  
the amount of the payment that was required to be remitted; 2725

(b) For the third and any subsequent months the taxpayer 2726  
so fails, the greater of fifty dollars or ten per cent of the 2727  
amount of the payment that was required to be remitted. 2728

(2) The penalty imposed under division (C) (1) of this 2729  
section shall be considered as revenue arising from the tax 2730  
imposed under division (B) or (C) of section 3779.40 of the 2731  
Revised Code, as applicable. A penalty may be collected by 2732  
assessment in the manner prescribed by section 3779.44 of the 2733  
Revised Code. The commissioner may abate all or a portion of 2734  
such a penalty. 2735

(D) The commissioner may adopt rules necessary to 2736  
administer this section. 2737

**Sec. 3779.43.** (A) An application for refund to the 2738  
taxpayer of amounts imposed under sections 3779.40 to 3779.48 of 2739  
the Revised Code that are overpaid, paid illegally or 2740  
erroneously, or paid on any illegal or erroneous assessment 2741  
shall be filed by the taxpayer with the tax commissioner, on a 2742  
form prescribed by the commissioner, within four years after the 2743  
date of the illegal or erroneous payment, or within any 2744



additional period allowed under division (F) of section 3779.44 2745  
of the Revised Code. The applicant shall provide the amount of 2746  
the requested refund along with the claimed reasons for, and 2747  
documentation to support, the issuance of a refund. 2748

(B) On the filing of the refund application, the 2749  
commissioner shall determine the amount of refund to which the 2750  
applicant is entitled. If the amount is not less than that 2751  
claimed, the commissioner shall certify the amount to the 2752  
director of budget and management and treasurer of state for 2753  
payment from the tax refund fund created under section 5703.052 2754  
of the Revised Code. If the amount is less than that claimed, 2755  
the commissioner shall proceed in accordance with section 2756  
5703.70 of the Revised Code. 2757

(C) Interest on a refund applied for under this section, 2758  
computed at the rate provided for in section 5703.47 of the 2759  
Revised Code, shall be allowed from the later of the date the 2760  
amount was paid or when the payment was due. 2761

(D) Except as provided in section 3779.431 of the Revised 2762  
Code, the commissioner may, with the consent of the taxpayer, 2763  
provide for the crediting, against tax due for any month, of the 2764  
amount of any refund due to the taxpayer under this section for 2765  
a preceding month. 2766

**Sec. 3779.431.** As used in this section, "debt to this 2767  
state" means unpaid taxes due the state, unpaid workers' 2768  
compensation premiums due under section 4123.35 of the Revised 2769  
Code, unpaid unemployment compensation contributions due under 2770  
section 4141.25 of the Revised Code, unpaid unemployment 2771  
compensation payment in lieu of contribution under section 2772  
4141.241 of the Revised Code, unpaid fees payable to the state 2773  
or to the clerk of courts pursuant to section 4505.06 of the 2774

Revised Code, incorrect payments for medicaid services under the 2775  
medicaid program, or any unpaid charge, penalty, or interest 2776  
arising from any of the foregoing. 2777

If a taxpayer entitled to a refund under section 3779.43 2778  
of the Revised Code owes any debt to this state, the amount 2779  
refundable may be applied in satisfaction of the debt. If the 2780  
amount refundable is less than the amount of the debt, it may be 2781  
applied in partial satisfaction of the debt. If the amount 2782  
refundable is greater than the amount of the debt, the amount 2783  
remaining after satisfaction of the debt shall be refunded. This 2784  
section applies only to debts that have become final. For the 2785  
purposes of this section, a debt becomes final when, under the 2786  
applicable law, any time provided for petition for reassessment, 2787  
request for reconsideration, or other appeal of the legality or 2788  
validity of the amount giving rise to the debt expires without 2789  
an appeal having been filed in the manner provided by law. 2790

**Sec. 3779.44.** (A) The tax commissioner may make an 2791  
assessment, based on any information in the commissioner's 2792  
possession, against any person that fails to file a return or 2793  
pay tax as required under section 3779.41 of the Revised Code. 2794  
The commissioner shall give the person assessed written notice 2795  
of the assessment as provided in section 5703.37 of the Revised 2796  
Code. With the notice, the commissioner shall provide 2797  
instructions on the manner in which to petition for reassessment 2798  
and request a hearing with respect to the petition. 2799

(B) Unless the person assessed, within sixty days after 2800  
service of the notice of assessment, files with the 2801  
commissioner, either personally or by certified mail, a written 2802  
petition signed by the person or the person's authorized agent 2803  
having knowledge of the facts, the assessment becomes final, and 2804

the amount of the assessment is due and payable from the person 2805  
assessed to the treasurer of state. The petition shall indicate 2806  
the objections of the person assessed, but additional objections 2807  
may be raised in writing if received by the commissioner before 2808  
the date shown on the final determination. 2809

If a petition for reassessment has been properly filed, 2810  
the commissioner shall proceed under section 5703.60 of the 2811  
Revised Code. 2812

(C) (1) After an assessment becomes final, if any portion 2813  
of the assessment, including accrued interest, remains unpaid, a 2814  
certified copy of the commissioner's entry making the assessment 2815  
final may be filed in the office of the clerk of the court of 2816  
common pleas in the county in which the person resides or has 2817  
its principal place of business in this state, or in the office 2818  
of the clerk of the court of common pleas of Franklin county. 2819

(2) Immediately upon the filing of the entry, the clerk 2820  
shall enter judgment for the state against the person assessed 2821  
in the amount shown on the entry. The judgment may be filed by 2822  
the clerk in a loose-leaf book entitled "special judgments for 2823  
the intoxicating hemp product receipts tax" or "special 2824  
judgments for the drinkable cannabinoid product tax," as 2825  
applicable, and shall have the same effect as other judgments. 2826  
Execution shall issue upon the judgment at the request of the 2827  
commissioner, and all laws applicable to sales on execution 2828  
shall apply to sales made under the judgment. 2829

(3) If the assessment is not paid in its entirety within 2830  
sixty days after the day the assessment was issued, the portion 2831  
of the assessment consisting of tax due shall bear interest at 2832  
the rate per annum prescribed by section 5703.47 of the Revised 2833  
Code from the day the commissioner issues the assessment until 2834

it is paid or until it is certified to the attorney general for 2835  
collection under section 131.02 of the Revised Code, whichever 2836  
comes first. If the unpaid portion of the assessment is 2837  
certified to the attorney general for collection, the entire 2838  
unpaid portion of the assessment shall bear interest at the rate 2839  
per annum prescribed by section 5703.47 of the Revised Code from 2840  
the date of certification until the date it is paid in its 2841  
entirety. Interest shall be paid in the same manner as the tax 2842  
imposed by division (B) or (C) of section 3779.40 of the Revised 2843  
Code, as applicable, and may be collected by the issuance of an 2844  
assessment under this section. 2845

(D) If the commissioner believes that collection of a tax 2846  
imposed by this chapter will be jeopardized unless proceedings 2847  
to collect or secure collection of the tax is instituted without 2848  
delay, the commissioner may issue a jeopardy assessment against 2849  
the person liable for the tax. Immediately upon the issuance of 2850  
the jeopardy assessment, the commissioner shall file an entry 2851  
with the clerk of the court of common pleas in the manner 2852  
prescribed by division (C) of this section. Notice of the 2853  
jeopardy assessment shall be served on the person assessed or 2854  
the person's authorized agent in the manner provided in section 2855  
5703.37 of the Revised Code within five days of the filing of 2856  
the entry with the clerk. The total amount assessed is 2857  
immediately due and payable unless the person assessed files a 2858  
petition for reassessment in accordance with division (B) of 2859  
this section and provides security in a form satisfactory to the 2860  
commissioner and in an amount sufficient to satisfy the unpaid 2861  
balance of the assessment. Full or partial payment of the 2862  
assessment does not prejudice the commissioner's consideration 2863  
of the petition for reassessment. 2864

(E) The commissioner shall immediately forward to the 2865

treasurer of state all amounts the commissioner receives under 2866  
this section, and such amounts shall be considered as revenue 2867  
arising from the tax imposed under division (B) or (C) of 2868  
section 3779.40 of the Revised Code, as applicable. 2869

(F) Except as otherwise provided in this division, no 2870  
assessment shall be made or issued against a taxpayer for a tax 2871  
imposed under this chapter more than four years after the due 2872  
date for the filing of the return for the tax period for which 2873  
the tax was reported, or more than four years after the return 2874  
for the tax period was filed, whichever is later. The time limit 2875  
may be extended if both the taxpayer and the commissioner 2876  
consent in writing to the extension or enter into an agreement 2877  
waiving or extending the time limit. Any such extension shall 2878  
extend the four-year time limit in division (A) of section 2879  
3779.43 of the Revised Code for the same period of time. Nothing 2880  
in this division bars an assessment against a taxpayer that 2881  
fails to file a return required under section 3779.41 of the 2882  
Revised Code or that files a fraudulent return. 2883

(G) If the commissioner possesses information that 2884  
indicates that the amount of tax a taxpayer is required to pay 2885  
under division (B) or (C) of section 3779.40 of the Revised Code 2886  
exceeds the amount the taxpayer paid, the commissioner may audit 2887  
a sample of the taxpayer's sales over a representative period of 2888  
time to ascertain the amount of tax due, and may issue an 2889  
assessment based on the audit. The commissioner shall make a 2890  
good faith effort to reach agreement with the taxpayer in 2891  
selecting a representative sample. The commissioner may apply a 2892  
sampling method only if the commissioner has prescribed the 2893  
method by rule. 2894

(H) If the whereabouts of a person subject to this chapter 2895

is not known to the tax commissioner, the commissioner shall 2896  
follow the procedures under section 5703.37 of the Revised Code. 2897

**Sec. 3779.45.** If any person liable for a tax imposed under 2898  
section 3779.40 of the Revised Code sells the trade or business, 2899  
disposes in any manner other than in the regular course of 2900  
business at least seventy-five per cent of assets of the trade 2901  
or business, or quits the trade or business, any tax owed by 2902  
such person shall become due and payable immediately, and the 2903  
person shall pay the tax due under this chapter, including any 2904  
applicable penalties and interest, within forty-five days after 2905  
the date of selling or quitting the trade or business. The 2906  
person's successor shall withhold a sufficient amount of the 2907  
purchase money to cover the amount due and unpaid until the 2908  
former owner produces a receipt from the tax commissioner 2909  
showing that the amounts are paid or a certificate indicating 2910  
that no tax is due. If a purchaser fails to withhold purchase 2911  
money, that person is personally liable, up to the purchase 2912  
money amount, for such amounts that are unpaid during the 2913  
operation of the business by the former owner. 2914

The commissioner may adopt rules regarding the issuance of 2915  
certificates under this section, including the waiver of the 2916  
need for a certificate if certain criteria are met. 2917

**Sec. 3779.451.** If any person subject to the tax levied 2918  
under division (B) of section 3779.40 of the Revised Code fails 2919  
to report or pay the tax as required under section 3779.41 of 2920  
the Revised Code, or fails to pay any penalty imposed under 2921  
sections 3779.40 to 3779.48 of the Revised Code within ninety 2922  
days after the time prescribed for payment of the penalty, the 2923  
attorney general, on the request of the tax commissioner, shall 2924  
commence an action in quo warranto in the court of appeals of 2925

the county in which the person resides or has its principal 2926  
place of business to forfeit and annul the person's licenses 2927  
issued under section 3779.03 of the Revised Code. If the court 2928  
finds that the person is in default for the amount claimed, it 2929  
shall render judgment revoking the person's registration and 2930  
shall otherwise proceed as provided in Chapter 2733. of the 2931  
Revised Code. 2932

**Sec. 3779.46.** (A) The tax commissioner may prescribe 2933  
requirements for the keeping of records and other pertinent 2934  
documents, the filing of copies of federal income tax returns 2935  
and determinations, and computations reconciling federal income 2936  
tax returns with the returns required by section 3779.41 of the 2937  
Revised Code. The commissioner may require any person, by rule 2938  
or notice served on that person, to keep those records that the 2939  
commissioner considers necessary to show whether, and the extent 2940  
to which, a person is subject to a tax levied under section 2941  
3779.40 of the Revised Code. 2942

(B) Each taxpayer shall maintain complete and accurate 2943  
records of all sales and other dispositions of intoxicating hemp 2944  
products or drinkable cannabinoid products, as applicable, and 2945  
shall procure and retain all invoices, bills of lading, and 2946  
other documents relating to the sales and other dispositions of 2947  
such products. No person shall make a false entry upon any 2948  
invoice or record upon which an entry is required by this 2949  
section, and no person shall present any false entry for the 2950  
inspection of the commissioner with the intent to evade a tax 2951  
levied under section 3779.40 of the Revised Code. 2952

(C) The records described in divisions (A) and (B) of this 2953  
section and other documents shall be open during business hours 2954  
to the inspection of the commissioner, and shall be preserved 2955

for a period of four years, unless the commissioner, in writing, 2956  
consents to their destruction within that period, or by order 2957  
requires that they be kept for a longer period. If such records 2958  
are normally kept by the person electronically, the person shall 2959  
provide such records to the commissioner electronically at the 2960  
commissioner's request. 2961

(D) Any information acquired by the commissioner under 2962  
this chapter is confidential as provided for in section 5703.21 2963  
of the Revised Code, except that the commissioner shall make 2964  
public an electronic list of all actively registered persons 2965  
required to remit a tax under section 3779.40 of the Revised 2966  
Code, including legal names, trade names, addresses, and account 2967  
numbers. In addition, the list shall include all persons that 2968  
canceled their registrations at any time during the preceding 2969  
four calendar years, including the effective date of the 2970  
cancellation. 2971

**Sec. 3779.47.** (A) No person shall prepare for shipment, 2972  
ship, transport, deliver, prepare for distribution, distribute, 2973  
or sell intoxicating hemp products or drinkable cannabinoid 2974  
products, or otherwise engage or participate in the business of 2975  
selling intoxicating hemp products or drinkable cannabinoid 2976  
products, with the intent to avoid payment of a tax levied by 2977  
section 3779.40 of the Revised Code. 2978

(B) The tax commissioner or an agent of the commissioner 2979  
may enter and inspect the facilities and records of a person 2980  
selling intoxicating hemp products or drinkable cannabinoid 2981  
products. Such entrance and inspection requires a properly 2982  
issued search warrant if conducted outside the normal business 2983  
hours of the person, but does not require a search warrant if 2984  
conducted during the normal business hours of the person. No 2985



person shall prevent or hinder the commissioner or an agent of 2986  
the commissioner from carrying out the authority granted under 2987  
this division. 2988

(C) Whenever the commissioner discovers intoxicating hemp 2989  
products or drinkable cannabinoid products that are subject to a 2990  
tax levied by this chapter and upon which the tax has not been 2991  
or will not be paid or the commissioner has reason to believe 2992  
the tax is being avoided, the commissioner may seize and take 2993  
possession of the products, which, upon seizure, shall be 2994  
forfeited to the state. Within a reasonable time after seizure, 2995  
the commissioner may sell the products. From the proceeds of 2996  
this sale, the commissioner shall pay the costs incurred in the 2997  
seizure and sale, and any proceeds remaining after the sale 2998  
shall be considered as revenue arising from the tax. The seizure 2999  
and sale do not relieve any person from the fine or imprisonment 3000  
provided for a violation of this chapter. The commissioner shall 3001  
make the sale where it is most convenient and economical, but 3002  
may order the destruction of forfeited products if the quantity 3003  
or quality is not sufficient to warrant its sale. 3004

**Sec. 3779.48.** (A) Any person that is not a taxpayer 3005  
registered under section 3779.40 of the Revised Code is liable 3006  
for any amounts, including tax, interest, and penalties, imposed 3007  
by sections 3779.40 to 3779.48 of the Revised Code in the same 3008  
manner as persons that do hold such a registration are liable, 3009  
if the person does either of the following: 3010

(1) Receives intoxicating hemp product receipts from the 3011  
retail sale of intoxicating hemp; 3012

(2) Sells drinkable cannabinoid products upon which the 3013  
tax levied by those sections has not been paid. 3014

(B) The tax commissioner may issue an assessment against a 3015  
person described in division (A) of this section for any amount 3016  
due under this chapter in the same manner provided under section 3017  
3779.44 of the Revised Code. 3018

**Sec. 3779.99.** (A) Except as provided in division (B) of 3019  
this section, whoever recklessly violates division (A)(1) of 3020  
section 3779.02 of the Revised Code is guilty of a misdemeanor 3021  
of the first degree on a first offense and a felony of the fifth 3022  
degree on a subsequent offense. 3023

(B) Whoever recklessly violates division (A)(1) of section 3024  
3779.02 of the Revised Code that involves the sale of an 3025  
intoxicating hemp product to a person under twenty-one years of 3026  
age is guilty of a misdemeanor of the first degree on a first 3027  
offense and a felony of the fifth degree on a subsequent 3028  
offense. 3029

(C) Whoever knowingly violates section 3779.09 of the 3030  
Revised Code is guilty of a minor misdemeanor. 3031

(D) (1) As used in this section, "licensing authority" 3032  
means the following: 3033

(a) For purposes of a license issued under section 3770.05 3034  
of the Revised Code, the state lottery commission; 3035

(b) For purposes of sections 5743.15 and 5743.61 of the 3036  
Revised Code, the tax commissioner; 3037

(c) For purposes of Chapter 4303. of the Revised Code, the 3038  
division of liquor control. 3039

(2) A licensing authority shall adopt rules in accordance 3040  
with Chapter 119. of the Revised Code to enforce violations of 3041  
this chapter directly against a person who has been issued a 3042

license under section 3770.05, 5743.15, or 5743.61 or has been 3043  
issued a permit under Chapter 4303. of the Revised Code, as 3044  
applicable. 3045

(E) Whoever recklessly violates division (B)(1) of section 3046  
3779.22 of the Revised Code is guilty of a misdemeanor of the 3047  
first degree on a first offense and a felony of the fifth degree 3048  
on a second or subsequent offense. 3049

(F) Whoever recklessly violates division (B)(8) of section 3050  
3779.22 of the Revised Code is guilty of a misdemeanor of the 3051  
first degree on a first offense and a felony of the fifth degree 3052  
on a subsequent offense. 3053

(G) Whoever knowingly violates section 3779.29 of the 3054  
Revised Code is guilty of a minor misdemeanor. 3055

(H) Whoever knowingly files a fraudulent refund claim 3056  
under section 3779.43 of the Revised Code shall be fined the 3057  
greater of one thousand dollars or the amount of the fraudulent 3058  
refund requested, or imprisoned not more than sixty days, or 3059  
both. 3060

(I) Except as otherwise provided in this section, whoever 3061  
knowingly violates sections 3779.40 to 3779.48 of the Revised 3062  
Code shall be fined not more than five hundred dollars, or 3063  
imprisoned not more than thirty days, or both. 3064

(J) The penalties provided in divisions (H) and (I) of 3065  
this section are in addition to any penalties imposed by the tax 3066  
commissioner under sections 3779.40 to 3779.48 of the Revised 3067  
Code. 3068

**Sec. 3796.01.** (A) As used in this chapter: 3069

(1) "Marijuana" means marihuana as defined in section 3070

3719.01 of the Revised Code. 3071

(2) "Medical marijuana" means marijuana that is 3072  
cultivated, processed, dispensed, tested, possessed, or used for 3073  
a medical purpose in accordance with this chapter. "Medical 3074  
marijuana" does not include adult-use marijuana or homegrown 3075  
marijuana. 3076

(3) "Academic medical center" has the same meaning as in 3077  
section 4731.297 of the Revised Code. 3078

(4) "Drug database" means the database established and 3079  
maintained by the state board of pharmacy pursuant to section 3080  
4729.75 of the Revised Code. 3081

(5) "Physician" means an individual authorized under 3082  
Chapter 4731. of the Revised Code to practice medicine and 3083  
surgery or osteopathic medicine and surgery. 3084

(6) "Qualifying medical condition" means any of the 3085  
following: 3086

(a) Acquired immune deficiency syndrome; 3087

(b) Alzheimer's disease; 3088

(c) Amyotrophic lateral sclerosis; 3089

(d) Cancer; 3090

(e) Chronic traumatic encephalopathy; 3091

(f) Crohn's disease; 3092

(g) Epilepsy or another seizure disorder; 3093

(h) Fibromyalgia; 3094

(i) Glaucoma; 3095

(j) Hepatitis C;	3096
(k) Inflammatory bowel disease;	3097
(l) Multiple sclerosis;	3098
(m) Pain that is either of the following:	3099
(i) Chronic and severe;	3100
(ii) Intractable.	3101
(n) Parkinson's disease;	3102
(o) Positive status for HIV;	3103
(p) Post-traumatic stress disorder;	3104
(q) Sickle cell anemia;	3105
(r) Spinal cord disease or injury;	3106
(s) Tourette's syndrome;	3107
(t) Traumatic brain injury;	3108
(u) Ulcerative colitis;	3109
(v) Any other disease or condition added by the state	3110
medical board under section 4731.302 of the Revised Code.	3111
(7) "State university" has the same meaning as in section	3112
3345.011 of the Revised Code.	3113
(8) <u>"Adult-use consumer" means an individual who is at</u>	3114
<u>least twenty-one years of age.</u>	3115
(9) <u>"Adult-use marijuana" means marijuana that is</u>	3116
<u>cultivated, processed, dispensed, or tested for, or possessed or</u>	3117
<u>used by, an adult-use consumer, in accordance with this chapter.</u>	3118
<u>"Adult-use marijuana" includes marijuana cultivated, processed,</u>	3119

dispensed, or tested for, or possessed or used by, an adult-use 3120  
consumer before the effective date of this amendment in 3121  
accordance with Chapter 3780. of the Revised Code, as that 3122  
chapter existed immediately prior to the effective date of this 3123  
amendment. "Adult-use marijuana" does not include medical 3124  
marijuana or homegrown marijuana. 3125

(10) "Church" has the meaning defined in section 1710.01 3126  
of the Revised Code. 3127

(11) "Public library" means a library provided for under 3128  
Chapter 3375. of the Revised Code. 3129

(12) "Public park" means a park established by the state 3130  
or a political subdivision of the state, including a county, 3131  
township, municipal corporation, or park district. 3132

(13) "Public playground" means a playground established by 3133  
the state or a political subdivision of the state, including a 3134  
county, township, municipal corporation, or park district. 3135

(14) "School" means a child care center as defined under 3136  
section 5104.01 of the Revised Code, a preschool as defined 3137  
under section 2950.034 of the Revised Code, or a public or 3138  
nonpublic primary school or secondary school. 3139

(15) "Public place" has the same meaning as in section 3140  
3794.01 of the Revised Code. 3141

(16) "Ohio investigative unit" means the investigative 3142  
unit maintained by the department of public safety under section 3143  
5502.13 of the Revised Code. 3144

(17) "Homegrown marijuana" means marijuana cultivated, 3145  
grown, processed, or possessed by an adult-use consumer in 3146  
accordance with section 3796.04 of the Revised Code. "Homegrown 3147

marijuana" includes marijuana cultivated, grown, processed, or 3148  
possessed before the effective date of this amendment under 3149  
former section 3780.28 of the Revised Code, as that section 3150  
existed immediately prior to the effective date of this 3151  
amendment. "Homegrown marijuana" does not include medical 3152  
marijuana or adult-use marijuana. 3153

(18) "Provisional license" means a temporary license 3154  
issued to an applicant for a cultivator, processor, retail 3155  
dispensary, or laboratory license under this chapter or Chapter 3156  
3780. of the Revised Code, as that chapter existed immediately 3157  
before the effective date of this amendment, that establishes 3158  
the conditions that must be met before the provisional license 3159  
holder may engage in the activities authorized by section 3160  
3796.18, 3796.19, 3796.20, or 3796.21 of the Revised Code. 3161

(19) "Certificate of operation" means a certificate issued 3162  
to the holder of a provisional license that authorizes the 3163  
recipient to engage in the activities authorized by section 3164  
3796.18, 3796.19, 3796.20, or 3796.21 of the Revised Code. 3165

(20) (a) "Disqualifying offense" means, subject to 3166  
divisions (A) (20) (b) and (c) of this section, committing, 3167  
attempting to commit, or aiding and abetting another in 3168  
committing any of the following: 3169

(i) Any offense set forth in Chapter 2925., 3719., or 3170  
4729. of the Revised Code, the violation of which constitutes a 3171  
felony or a misdemeanor of the first degree; 3172

(ii) Any theft offense set forth under division (K) of 3173  
section 2913.01 of the Revised Code, the violation of which 3174  
constitutes a felony; 3175

(iii) Any violation for which a penalty is imposed under 3176

section 3715.99 of the Revised Code; 3177

(iv) A crime of moral turpitude as defined in section 3178  
4776.10 of the Revised Code; 3179

(v) A violation of any former law of this state, any 3180  
existing or former law of another state, any existing or former 3181  
law applicable in a military court or Indian tribal court, or 3182  
any existing or former law of any nation other than the United 3183  
States that is or was substantially equivalent to any of the 3184  
offenses listed in divisions (A) (20) (a) (i) to (iv) of this 3185  
section. 3186

(b) "Disqualifying offense" does not include a misdemeanor 3187  
offense respecting which an applicant for licensure or 3188  
employment is convicted of, or pleads guilty to, more than five 3189  
years before the date the application is submitted. 3190

(c) "Disqualifying offense" does not include any 3191  
misdemeanor offense related to marijuana possession, marijuana 3192  
trafficking, illegal cultivation of marijuana, illegal use or 3193  
possession of drug paraphernalia or marijuana drug 3194  
paraphernalia, or other misdemeanor marijuana-related offenses. 3195

(21) "Licensed cultivator" means the holder of a current, 3196  
valid license issued pursuant to this chapter or Chapter 3780. 3197  
of the Revised Code, as that chapter existed immediately before 3198  
the effective date of this amendment, to engage in the 3199  
activities authorized by section 3796.18 of the Revised Code. 3200

(22) "Licensed processor" means the holder of a current, 3201  
valid license issued pursuant to this chapter or Chapter 3780. 3202  
of the Revised Code, as that chapter existed immediately before 3203  
the effective date of this amendment, to engage in the 3204  
activities authorized by section 3796.19 of the Revised Code. 3205



(23) "Licensed dispensary" means the holder of a current, 3206  
valid license issued pursuant to this chapter or Chapter 3780. 3207  
of the Revised Code, as that chapter existed immediately before 3208  
the effective date of this amendment, to engage in the 3209  
activities authorized by section 3796.20 of the Revised Code. 3210

(24) "Licensed laboratory" means the holder of a current, 3211  
valid license issued pursuant to this chapter or Chapter 3780. 3212  
of the Revised Code, as that chapter existed immediately before 3213  
the effective date of this amendment, to engage in the 3214  
activities authorized by section 3796.21 of the Revised Code. 3215

(25) "License holder" means the holder of a current, valid 3216  
license issued under this chapter or Chapter 3780. of the 3217  
Revised Code, as that chapter existed immediately before the 3218  
effective date of this amendment; 3219

(26) "Intoxicating hemp product" has the same meaning as 3220  
in section 3779.01 of the Revised Code. 3221

(27) "Physical control" means being in the operator's 3222  
position of a vehicle, streetcar, trackless trolley, watercraft, 3223  
or aircraft and having possession of the vehicle's, streetcar's, 3224  
trackless trolley's, watercraft's, or aircraft's ignition key or 3225  
other ignition device. 3226

(B) As used in the Revised Code, the "division of cannabis 3227  
control" means the division of marijuana control and the 3228  
"superintendent of cannabis control" means the superintendent of 3229  
marijuana control. Whenever the division of cannabis control or 3230  
the superintendent of cannabis control is referred to or 3231  
designated in any statute, rule, contract, grant, or other 3232  
document, the reference or designation shall be deemed to refer 3233  
to the division of marijuana control or the superintendent of 3234

marijuana control, as indicated by context. 3235

(C) Notwithstanding any conflicting provision of Chapter 3236  
3719. of the Revised Code or the rules adopted under it, for 3237  
purposes of this chapter, ~~medical~~-marijuana is a schedule II 3238  
controlled substance. 3239

**Sec. 3796.02.** There is hereby established a division of 3240  
marijuana control in the department of commerce under the 3241  
supervision and direction of the superintendent of marijuana 3242  
control as established under section 121.04 of the Revised Code. 3243  
The ~~medical~~-marijuana control program is hereby established in 3244  
the division of marijuana control. The division shall provide 3245  
for the licensure of ~~medical~~-marijuana cultivators, processors, 3246  
retail dispensaries, and laboratories that test ~~medical~~- 3247  
marijuana. The division shall also provide for the registration 3248  
of patients and their caregivers. The division shall administer 3249  
the ~~medical~~-marijuana control program. 3250

**Sec. 3796.03.** (A) The division of marijuana control shall 3251  
adopt rules establishing standards and procedures for the 3252  
~~medical~~-marijuana control program. 3253

All rules adopted under this section shall be adopted in 3254  
accordance with Chapter 119. of the Revised Code. 3255

(B) The rules shall do all of the following: 3256

(1) Establish application procedures and fees for ~~licenses~~ 3257  
~~it issues under this chapter~~licensure; 3258

(2) Specify ~~both of the following:~~ 3259

~~(a) The conditions that must be met to be eligible for~~ 3260  
licensure; 3261

~~(b) In accordance with section 9.79 of the Revised Code,~~ 3262

~~the criminal offenses for which an applicant will be~~ 3263  
~~disqualified from licensure pursuant to that section.~~ 3264

(3) Establish, in accordance with section 3796.05 of the 3265  
Revised Code, the number of cultivator licenses ~~and retail~~ 3266  
~~dispensary licenses~~ that will be permitted at any one time; 3267

(4) Establish a license renewal schedule, renewal 3268  
procedures, and renewal fees; 3269

(5) Specify reasons for which a license may be suspended, 3270  
including without prior hearing, revoked, or not be renewed or 3271  
issued and the reasons for which a civil penalty may be imposed 3272  
on a license holder; 3273

(6) Establish standards under which a license suspension 3274  
may be lifted; 3275

(7) Establish procedures for registration of medical 3276  
marijuana patients and caregivers and requirements that must be 3277  
met to be eligible for registration; 3278

(8) Establish training requirements for employees of 3279  
~~retail-licensed~~ dispensaries; 3280

(9) ~~Specify if a cultivator, processor, retail dispensary,~~ 3281  
~~or laboratory that is licensed under this chapter and that~~ 3282  
~~existed at a location before a school, church, public library,~~ 3283  
~~public playground, or public park became established within five~~ 3284  
~~hundred feet of the cultivator, processor, retail dispensary, or~~ 3285  
~~laboratory, may remain in operation or shall relocate or have~~ 3286  
~~its license revoked by the division;~~ 3287

~~(10)~~ Specify, by form and tetrahydrocannabinol content, a 3288  
maximum ninety-day supply of medical marijuana that may be 3289  
possessed; 3290

<del>(11)</del> (10) Specify the paraphernalia or other accessories	3291
that may be used in the administration <del>to a registered patient</del>	3292
of medical marijuana, <u>adult-use marijuana, and homegrown</u>	3293
<u>marijuana;</u>	3294
<del>(12)</del> (11) Establish procedures for the issuance of patient	3295
or caregiver identification cards;	3296
<del>(13)</del> (12) Specify the forms of or methods of using <u>adult-</u>	3297
<u>use marijuana and</u> medical marijuana that are attractive to	3298
children;	3299
<del>(14) Specify both of the following:</del>	3300
<del>(a) Subject to division (B) (14) (b) of this section, the</del>	3301
<del>criminal offenses for which a person will be disqualified from</del>	3302
<del>employment with a license holder;</del>	3303
<del>(b) Which of the criminal offenses specified pursuant to</del>	3304
<del>division (B) (14) (a) of this section will not disqualify a person</del>	3305
<del>from employment with a license holder if the person was</del>	3306
<del>convicted of or pleaded guilty to the offense more than five</del>	3307
<del>years before the date the employment begins.</del>	3308
<del>(15)</del> (13) Establish a program to assist <u>medical marijuana</u>	3309
patients who are veterans or indigent in obtaining medical	3310
marijuana in accordance with this chapter;	3311
<del>(16)</del> (14) Establish, in accordance with section 3796.05 of	3312
the Revised Code, standards and procedures for the testing of	3313
medical marijuana <u>and adult-use marijuana</u> by a <u>licensed</u>	3314
<del>laboratory licensed under this chapter;</del>	3315
<u>(15) Establish standards and procedures for both of the</u>	3316
<u>following:</u>	3317
<u>(a) Online and mobile ordering of adult-use and medical</u>	3318

marijuana by a licensed dispensary; 3319

(b) Delivery of medical marijuana by a licensed dispensary 3320  
or an agent of a licensed dispensary to a registered medical 3321  
marijuana patient or caregiver. 3322

(16) Establish standards prohibiting the use of gifts, 3323  
samples, or other free or discounted goods or services to induce 3324  
or reward a license holder for business or referrals; 3325

(17) Establish standards for non-marijuana ingredients 3326  
used in adult-use and medical marijuana products, which may take 3327  
into account industry best-practices and criteria set by the 3328  
federal food and drug administration for food ingredients, 3329  
vitamins, and supplements. The division may prohibit ingredients 3330  
that do not meet such standards. 3331

(C) In addition to the rules described in division (B) of 3332  
this section, the division may adopt any other rules it 3333  
considers necessary for the program's administration and the 3334  
implementation and enforcement of this chapter. 3335

(D) When adopting rules under this section, the division 3336  
shall consider standards and procedures that have been found to 3337  
be best practices relative to the use and regulation of medical 3338  
marijuana, adult-use marijuana, and homegrown marijuana. 3339

**Sec. 3796.04.** (A) Notwithstanding any conflicting 3340  
provision of the Revised Code, an adult-use consumer may do all 3341  
of the following: 3342

(1) Cultivate, grow, and possess homegrown marijuana 3343  
plants at the adult-use consumer's primary residence, if all of 3344  
the following apply: 3345

(a) Not more than six homegrown marijuana plants are 3346

cultivated or grown by each adult-use consumer; 3347

(b) Not more than twelve homegrown marijuana plants are 3348  
cultivated or grown at a single residence; 3349

(c) Cultivation or growing of homegrown marijuana takes 3350  
place only within a secured closet, room, greenhouse, or other 3351  
enclosed area in or on the grounds of the residence that 3352  
prevents access by individuals under twenty-one years of age, 3353  
and which is not visible by normal unaided vision from a public 3354  
space; 3355

(d) Cultivation or growing of homegrown marijuana does not 3356  
take place at a residence that is any of the following: 3357

(i) A type A family child care home or type B family child 3358  
care home, as those terms are defined in section 5104.01 of the 3359  
Revised Code; 3360

(ii) A halfway house, community transitional housing 3361  
facility, community residential center, or other similar 3362  
facility licensed by the division of parole and community 3363  
services under section 2967.14 of the Revised Code; 3364

(iii) A residential premises occupied pursuant to a rental 3365  
agreement that prohibits the activities otherwise authorized by 3366  
this section. 3367

(2) Process homegrown marijuana by manual or mechanical 3368  
means. 3369

(3) Store homegrown marijuana and adult-use marijuana at 3370  
the adult-use consumer's primary residence. 3371

(4) Use homegrown marijuana grown, cultivated, and 3372  
processed at the adult-use consumer's primary residence; 3373

(5) Possess any paraphernalia or accessories that may be 3374  
used in the administration of adult-use marijuana or homegrown 3375  
marijuana. 3376

(B) This section does not authorize any person to: 3377

(1) Cultivate, grow, or process homegrown marijuana except 3378  
at the person's primary residence; 3379

(2) Use, cultivate, process, transfer, or transport adult- 3380  
use marijuana or homegrown marijuana before reaching twenty-one 3381  
years of age; 3382

(3) Process homegrown by hydrocarbon-based extraction; 3383

(4) Sell, or profit from, homegrown marijuana; 3384

(5) Cultivate, grow, or possess homegrown marijuana on 3385  
behalf of another person. 3386

(C) (1) No person shall knowingly cultivate, grow, or 3387  
possess homegrown marijuana in a manner that violates division 3388  
(A) of this section: 3389

(2) No person shall knowingly consume adult-use marijuana 3390  
or homegrown marijuana in a public place; 3391

(3) No person operating a public place shall knowingly 3392  
permit the consumption of adult-use marijuana or homegrown 3393  
marijuana in that public place. 3394

(D) Subject to division (B) of this section and divisions 3395  
(B) and (C) of section 3796.221 of the Revised Code, an adult- 3396  
use consumer shall not be subject to arrest or criminal 3397  
prosecution for cultivating, growing, possessing, processing, 3398  
storing, or using homegrown marijuana, or possessing 3399  
paraphernalia or accessories that may be used in the 3400

administration of adult-use or homegrown marijuana, in 3401  
accordance with division (A) of this section. 3402

(E) This section does not authorize an adult-use consumer 3403  
to operate a vehicle, streetcar, trackless trolley, watercraft, 3404  
or aircraft while under the influence of marijuana. 3405

**Sec. 3796.05.** (A) When establishing the number of 3406  
cultivator licenses that will be permitted at any one time, the 3407  
division of marijuana control shall consider ~~both~~ all of the 3408  
following: 3409

(1) The population of this state; 3410

(2) The number of patients seeking to use medical 3411  
marijuana; 3412

(3) The number of adult-use consumers seeking to use 3413  
adult-use marijuana. 3414

~~(B) When establishing the number of retail dispensary~~ 3415  
~~licenses that will~~ (B) (1) Not more than four hundred licensed 3416  
dispensaries shall be permitted to operate in this state at any 3417  
one time, the division shall consider all of the following: 3418

~~(1) The population of this state;~~ 3419

~~(2) The number of patients seeking to use medical~~ 3420  
~~marijuana;~~ 3421

~~(3) The geographic distribution of dispensary sites in an~~ 3422  
~~effort to ensure patient access to medical marijuana.~~ 3423

(2) (a) The division may revoke a dispensary license for 3424  
failure to secure a certificate of operation within eighteen 3425  
months after issuance of a provisional license. 3426

(b) The holder of a provisional license may apply to the 3427



division for not more than two six-month extensions of the 3428  
deadline prescribed by division (B) (2) (a) of this section. The 3429  
division shall approve the extension if the provisional license 3430  
holder demonstrates that the provisional license holder has made 3431  
a good-faith effort to become operational. 3432

(3) When issuing retail dispensary licenses, the division 3433  
of marijuana control shall ensure that the geographic 3434  
distribution of dispensary sites does not result in the 3435  
oversaturation of any geographic area. 3436

(4) The division shall not, on or after the effective date 3437  
of this amendment, issue a retail dispensary license for, or 3438  
approve the relocation of a licensed retail dispensary to, a 3439  
location or facility: 3440

(a) That is within one mile of another licensed 3441  
dispensary; 3442

(b) For which a permit has been issued under Chapter 4303. 3443  
of the Revised Code to sell beer and intoxicating liquor, as 3444  
those terms are defined in section 4301.01 of the Revised Code. 3445

(C) No person shall own or operate more than eight 3446  
licensed dispensaries, more than one licensed cultivator, or 3447  
more than one licensed processor license at any time. 3448

(D) When establishing standards and procedures for the 3449  
testing of medical marijuana and adult-use marijuana, the 3450  
division shall do all of the following: 3451

(1) Specify when testing must be conducted; 3452

(2) Determine the minimum amount of medical marijuana or 3453  
adult-use marijuana that must be tested; 3454

(3) Specify the manner in which testing is to be conducted 3455

in an effort to ensure uniformity of medical marijuana products 3456  
~~processed for and dispensed to patients~~ and adult-use marijuana 3457  
products; 3458

(4) Specify the manner in which test results are provided. 3459

**Sec. 3796.06.** (A) Only the following forms of medical 3460  
marijuana may be dispensed under this chapter: 3461

(1) Oils; 3462

(2) Tinctures; 3463

(3) Plant material; 3464

(4) Edibles; 3465

(5) Patches; 3466

(6) Any other form approved by the division of marijuana 3467  
control under section 3796.061 of the Revised Code. 3468

(B) Only the following forms of adult-use marijuana may be 3469  
dispensed under this chapter: 3470

(1) Any form in which medical marijuana may be dispensed; 3471

(2) Extracts; 3472

(3) Drops; 3473

(4) Lozenges; 3474

(5) Smoking or combustible products; 3475

(6) Vaporization products; 3476

(7) Beverages; 3477

(8) Pills; 3478

(9) Capsules; 3479

<u>(10) Suppositories;</u>	3480
<u>(11) Oral pouches;</u>	3481
<u>(12) Oral strips;</u>	3482
<u>(13) Oral and topical sprays;</u>	3483
<u>(14) Salves;</u>	3484
<u>(15) Lotions or similar cosmetic products;</u>	3485
<u>(16) Inhalers;</u>	3486
<u>(17) Seeds;</u>	3487
<u>(18) Live plants;</u>	3488
<u>(19) Clones;</u>	3489
<u>(20) Pre-rolled products.</u>	3490
<u>(C) With respect to the methods of using medical</u>	3491
<u>marijuana, adult-use marijuana, homegrown marijuana, and</u>	3492
<u>intoxicating hemp products, all of the following apply:</u>	3493
<u>(1) The smoking or combustion of medical marijuana is</u>	3494
<u>prohibited.</u>	3495
<u>(2) <del>The</del> No person shall knowingly consume adult-use</u>	3496
<u>marijuana, homegrown marijuana, or intoxicating hemp products by</u>	3497
<u>smoking, combustion, or vaporization or knowingly consume</u>	3498
<u>medical marijuana by vaporization <del>of medical marijuana is</del></u>	3499
<u><del>permitted</del> in any place other than privately owned real property</u>	3500
<u>that is used primarily for residential or agricultural purposes,</u>	3501
<u>including any dwellings, facilities, improvements, and</u>	3502
<u>appurtenances on such real property.</u>	3503
<u>(3) No person shall knowingly smoke, combust, or vaporize</u>	3504
<u>marijuana or intoxicating hemp products in any of the following:</u>	3505

(a) A type A family child care home or type B family child 3506  
care home, as those terms are defined in section 5104.01 of the 3507  
Revised Code; 3508

(b) A halfway house, community transitional housing 3509  
facility, community residential center, or other similar 3510  
facility licensed by the division of parole and community 3511  
services under section 2967.14 of the Revised Code; 3512

(c) A residential premises occupied pursuant to a rental 3513  
agreement that prohibits the smoking, combustion, or 3514  
vaporization of marijuana or intoxicating hemp products; 3515

(d) A public place or place of employment, as those terms 3516  
are defined in section 3794.01 of the Revised Code. 3517

~~(3)~~(4) The division may approve additional methods of 3518  
using medical marijuana, other than smoking or combustion, under 3519  
section 3796.061 of the Revised Code. 3520

~~(C)~~(D) (1) Any form or method of using adult-use marijuana 3521  
or medical marijuana that is considered attractive to children, 3522  
as specified in rules adopted by the division, is prohibited. 3523

(2) Adult-use marijuana and medical marijuana shall not be 3524  
dispensed or sold in a form or shape that bears the likeness or 3525  
contains the characteristics of a realistic or fictional human, 3526  
animal, or fruit, including artistic, caricature, or cartoon 3527  
renderings. 3528

~~(D) With respect to tetrahydrocannabinol content, all of~~ 3529  
~~the following apply:~~ 3530

~~(1) Plant material shall have a~~ (E) (1) Except as otherwise 3531  
provided in division (E) (3) of this section, the 3532  
tetrahydrocannabinol content of medical marijuana dispensed or 3533

sold to patients or caregivers shall not ~~more than thirty-five~~ 3534  
exceed: 3535

(a) Thirty-five per cent for plant material; 3536

(b) Seventy per cent for extracts. 3537

(2) ~~Extracts shall have a~~ Except as otherwise provided in 3538  
division (E) (3) of this section, the tetrahydrocannabinol 3539  
content of adult-use marijuana dispensed or sold to adult-use 3540  
consumers shall not ~~more than seventy~~ exceed: 3541

(a) Thirty-five per cent for plant material; 3542

(b) Seventy per cent for extracts. 3543

(3) The division may adopt rules, in accordance with 3544  
Chapter 119. of the Revised Code, that do either or both of the 3545  
following: 3546

(a) Increase the tetrahydrocannabinol content limits for 3547  
extracts prescribed in divisions (E) (1) and (2) of this section; 3548

(b) Establish tetrahydrocannabinol content limits for 3549  
adult-use and medical marijuana dispensed or sold under this 3550  
chapter by content per serving or per package. 3551

(F) No person shall knowingly give, sell, or distribute 3552  
adult-use marijuana or homegrown marijuana to a person under 3553  
twenty-one years of age. 3554

(G) No person under the age of twenty one shall knowingly 3555  
purchase, use, or possess adult-use marijuana or homegrown 3556  
marijuana. 3557

(H) An adult-use consumer, medical marijuana patient, or 3558  
medical marijuana caregiver shall store edible adult-use and 3559  
medical marijuana products in the original packaging at all 3560

times when the products are not actively in use. 3561

Sec. 3796.062. (A) No person shall knowingly transport 3562  
marijuana other than adult-use marijuana, medical marijuana, or 3563  
homegrown marijuana in a motor vehicle. 3564

(B) No person shall knowingly transport medical marijuana 3565  
or adult-use marijuana in a motor vehicle unless one of the 3566  
following applies: 3567

(1) The adult-use marijuana or medical marijuana is in the 3568  
original, unopened packaging in which it was dispensed or sold; 3569

(2) If previously opened, the adult-use marijuana or 3570  
medical marijuana is stored in the trunk of the motor vehicle 3571  
or, if the motor vehicle does not have a trunk, behind the last 3572  
upright seat of the motor vehicle or in an area not normally 3573  
occupied by the driver or passengers and not easily accessible 3574  
by the driver. 3575

(C) No person shall knowingly transport homegrown 3576  
marijuana in a motor vehicle unless the homegrown marijuana is 3577  
stored in the trunk of the motor vehicle or, if the motor 3578  
vehicle does not have a trunk, behind the last upright seat of 3579  
the motor vehicle or in an area not normally occupied by the 3580  
driver or passengers and not easily accessible by the driver. 3581

(D) No person shall knowingly transport marijuana 3582  
paraphernalia in a motor vehicle unless one of the following 3583  
applies: 3584

(1) The marijuana paraphernalia is in the original, 3585  
unopened packaging in which it was dispensed or sold; 3586

(2) If previously opened, the marijuana paraphernalia is 3587  
stored in the trunk of the motor vehicle or, if the motor 3588

vehicle does not have a trunk, behind the last upright seat of 3589  
the motor vehicle or in an area not normally occupied by the 3590  
driver or passengers and not easily accessible by the driver. 3591

**Sec. 3796.07.** ~~The department of commerce division of~~ 3592  
~~marijuana control~~ shall establish and maintain an electronic 3593  
database to monitor adult-use and medical marijuana from its 3594  
seed source through its cultivation, processing, testing, and 3595  
dispensing. ~~The department division~~ may contract with a separate 3596  
entity to establish and maintain all or any part of the 3597  
electronic database on behalf of the department. 3598

The electronic database shall allow for information 3599  
regarding adult-use and medical marijuana to be updated 3600  
instantaneously. ~~Any cultivator, processor, retail dispensary,~~ 3601  
~~or laboratory licensed under this chapter~~ A license holder shall 3602  
submit to the ~~department division~~ any information the ~~department~~ 3603  
~~division~~ determines is necessary for maintaining the electronic 3604  
database. 3605

Information reported or collected under this section, 3606  
including all data contained in the electronic database, is 3607  
confidential and is not a public record for the purposes of 3608  
section 149.43 of the Revised Code. ~~The department division~~ and 3609  
any entity under contract with the ~~department division~~ shall not 3610  
make public any information reported to or collected by the 3611  
~~department division~~ under this ~~division~~ section that identifies 3612  
or would tend to identify any specific adult-use consumer or 3613  
medical marijuana patient. Information or data that does not 3614  
identify a specific adult-use consumer or medical marijuana 3615  
patient may be released in summary, statistical, or aggregate 3616  
form. 3617

**Sec. 3796.09.** (A) An entity that seeks to cultivate ~~or,~~ 3618

process ~~medical marijuana~~, ~~or to~~ conduct laboratory testing of 3619  
medical marijuana and adult-use marijuana shall file an 3620  
application for licensure with the ~~department~~ division of 3621  
~~commerce~~ marijuana control. The entity shall file an application 3622  
for each location from which it seeks to operate. Each 3623  
application shall be submitted in accordance with rules adopted 3624  
under section 3796.03 of the Revised Code. 3625

(B) The division shall evaluate and prioritize 3626  
applications for licensure under this section according to the 3627  
applicant's eligibility, suitability, and ability to operate. 3628

(C) The ~~department~~ division shall not issue a license to 3629  
an applicant ~~if unless~~ all of the following ~~conditions~~ 3630  
eligibility requirements are met: 3631

(1) The report of the criminal records check conducted 3632  
pursuant to section 3796.12 of the Revised Code with respect to 3633  
the application demonstrates that the person subject to the 3634  
criminal records check requirement has not been convicted of or 3635  
pleaded guilty to ~~any of the a~~ disqualifying offenses specified 3636  
~~in rules adopted under section 9.79 and division (B) (2) (b) of~~ 3637  
~~section 3796.03 of the Revised Code~~ offense. 3638

(2) ~~The~~ If the application is for a cultivator or 3639  
processor license, the applicant demonstrates that ~~it does not~~ 3640  
none of its current or prospective owners, officers, board 3641  
members, administrators, employees, agents, or affiliates who 3642  
may significantly influence or control the applicant's 3643  
activities have an ownership or investment interest in or 3644  
compensation arrangement with ~~any~~ either of the following: 3645

(a) A licensed laboratory ~~licensed under this chapter;~~ 3646

(b) An applicant for a license to conduct laboratory 3647



testing. 3648

(3) ~~The~~ If the application is for a cultivator or 3649  
processor license, the applicant demonstrates that it does not 3650  
none of its current or prospective owners, officers, board 3651  
members, administrators, employees, agents, or affiliates who 3652  
may significantly influence or control the applicant's 3653  
activities share any corporate officers or employees with any 3654  
either of the following: 3655

(a) A licensed laboratory ~~licensed under this chapter;~~ 3656

(b) An applicant for a license to conduct laboratory 3657  
testing. 3658

(4) The applicant demonstrates that it will not be located 3659  
within five hundred feet of a school, church, public library, 3660  
public playground, or public park. 3661

(5) The information provided to the ~~department~~ division 3662  
pursuant to section 3796.11 of the Revised Code demonstrates 3663  
that the applicant is in compliance with the applicable tax laws 3664  
of this state. 3665

(6) The applicant demonstrates sufficient liquid capital 3666  
and ability to meet financial responsibility requirements; 3667

(7) The applicant demonstrates that the municipal 3668  
corporation or township in which it will be located has not 3669  
passed a moratorium or taken any other action that would 3670  
prohibit the applicant from operating there; 3671

(8) The application does not contain false, misleading, or 3672  
deceptive information and does not omit material information; 3673

(9) The applicant pays any fee required by the division; 3674

(10) The applicant meets all other licensure eligibility 3675  
conditions established in rules adopted under section 3796.03 of 3676  
the Revised Code. 3677

~~(C)~~(D) If the number of eligible applicants exceed the 3678  
number of available licenses, the division shall use an 3679  
impartial and evidence-based process to rank the eligible 3680  
applicants. The ranking process shall take into account all of 3681  
the following: 3682

(1) The applicant's business plan; 3683

(2) The applicant's operations plan; 3684

(3) The applicant's security plan; 3685

(4) The applicant's financial plan; 3686

(5) The applicant's principal place of business; 3687

(6) The proposed location of the cultivation, processing, 3688  
or laboratory facility; 3689

(7) The applicant's plan for generating job and economic 3690  
development in this state; 3691

(8) The applicant's environmental plan; 3692

(9) Employment practices, including any plans to inform, 3693  
hire, or educate residents of the state, veterans, disabled 3694  
persons, women, or minorities; 3695

(10) The criminal records of all persons subject to the 3696  
criminal records check requirement; 3697

(11) The civil and administrative history of the applicant 3698  
and persons associated with the applicant; 3699

(12) Any other eligibility, suitability, or operations- 3700

based determination specified in this chapter or rules adopted 3701  
by the division thereunder. 3702

(E) (1) If the division uses a lottery system to issue 3703  
licenses under this section, the applicants shall be grouped 3704  
into the following distinct categories: 3705

(a) Highly exceeds; 3706

(b) Exceeds; 3707

(c) Meets; 3708

(d) Does not meet. 3709

(2) The division shall group the applicants such that the 3710  
number of applicants in each of the highly exceeds, exceeds, and 3711  
meets categories is roughly equal, unless doing so is not 3712  
possible while conforming to an impartial and evidence-based 3713  
process. Applicants that do not meet the eligibility 3714  
requirements prescribed by division (C) of this section shall be 3715  
placed in the does not meet category. 3716

(3) In conducting the lottery, the division shall give 3717  
applicants in the exceeds category double odds of being selected 3718  
as compared to applicants in the meets category. The division 3719  
shall give applicants in the highly exceeds category double the 3720  
odds of being selected as compared to applicants in the exceeds 3721  
category. An applicant grouped in the does not meet category is 3722  
ineligible for licensure. 3723

(F) ~~The department~~ division shall issue not less than 3724  
fifteen per cent of cultivator, processor, or laboratory 3725  
licenses to entities that are owned and controlled by United 3726  
States citizens who are residents of this state and are members 3727  
of one of the following economically disadvantaged groups: 3728

Blacks or African Americans, American Indians, Hispanics or 3729  
Latinos, and Asians. If no applications or an insufficient 3730  
number of applications are submitted by such entities that meet 3731  
the conditions set forth in division ~~(B)~~(C) of this section, the 3732  
licenses shall be issued according to usual procedures. 3733

As used in this division, "owned and controlled" means 3734  
that at least fifty-one per cent of the business, including 3735  
corporate stock if a corporation, is owned by persons who belong 3736  
to one or more of the groups set forth in this division, and 3737  
that those owners have control over the management and day-to- 3738  
day operations of the business and an interest in the capital, 3739  
assets, and profits and losses of the business proportionate to 3740  
their percentage of ownership. 3741

~~(D)~~(G) A license expires according to the renewal 3742  
schedule established in rules adopted under section 3796.03 of 3743  
the Revised Code and may be renewed in accordance with the 3744  
procedures established in those rules. Applications for renewal 3745  
are not subject to the evaluation, prioritization, ranking, and 3746  
lottery provisions in divisions (B), (D), and (E) of this 3747  
section. The division shall not deny an application for renewal 3748  
based solely on the location of the applicant's existing 3749  
facility in proximity to other license holders. 3750

(H) A provisional license issued under this section is not 3751  
transferable. 3752

(I) No person shall knowingly engage in any of the 3753  
activities described in section 3796.18, 3796.19, or 3796.21 of 3754  
the Revised Code without the proper license issued under this 3755  
section or Chapter 3780. of the Revised Code, as that chapter 3756  
existed immediately prior to the effective date of this 3757  
amendment. 3758

Sec. 3796.10. (A) An entity that seeks to dispense at 3759  
retail medical marijuana and adult-use marijuana shall file an 3760  
application for licensure with the division of marijuana 3761  
control. The entity shall file an application for each location 3762  
from which it seeks to operate. Each application shall be 3763  
submitted in accordance with rules adopted under section 3796.03 3764  
of the Revised Code. 3765

(B) The division shall evaluate and prioritize 3766  
applications for licensure under this section according to the 3767  
applicant's eligibility, suitability, and ability to operate. 3768

(C) The division shall not issue a license to an applicant 3769  
~~if unless~~ all of the following conditions are met: 3770

(1) The report of the criminal records check conducted 3771  
pursuant to section 3796.12 of the Revised Code with respect to 3772  
the application demonstrates that the person subject to the 3773  
criminal records check requirement has not been convicted of or 3774  
pleaded guilty to ~~any of the a~~ disqualifying offenses specified 3775  
~~in rules adopted under section 9.79 and division (B) (2) (b) of~~ 3776  
~~section 3796.03 of the Revised Code~~ offense. 3777

(2) The applicant demonstrates that ~~it does not~~ none of 3778  
its current or prospective owners, officers, board members, 3779  
administrators, employees, agents, or affiliates who may 3780  
significantly influence or control the applicant's activities 3781  
have an ownership or investment interest in or compensation 3782  
arrangement with ~~any either~~ of the following: 3783

(a) A licensed laboratory ~~licensed under this chapter~~; 3784

(b) An applicant for a license to conduct laboratory 3785  
testing. 3786

(3) The applicant demonstrates that ~~it does not~~ none of 3787

its current or prospective owners, officers, board members, 3788  
administrators, employees, agents, or affiliates who may 3789  
significantly influence or control the applicant's activities 3790  
share any corporate officers or employees with ~~any~~ either of the 3791  
following: 3792

(a) A licensed laboratory ~~licensed under this chapter;~~ 3793

(b) An applicant for a license to conduct laboratory 3794  
testing. 3795

(4) The applicant demonstrates that it will not be located 3796  
within five hundred feet of a school, church, public library, 3797  
public playground, or public park. 3798

(5) The applicant demonstrates that the proposed location 3799  
or facility is not either of the following: 3800

(a) Located within one mile of another licensed 3801  
dispensary; 3802

(b) Issued a permit under Chapter 4303. of the Revised 3803  
Code to sell beer and intoxicating liquor, as those terms are 3804  
defined in section 4301.01 of the Revised Code. 3805

(6) The information provided to the division pursuant to 3806  
section 3796.11 of the Revised Code demonstrates that the 3807  
applicant is in compliance with the applicable tax laws of this 3808  
state. 3809

~~(6)~~-(7) The applicant demonstrates sufficient liquid 3810  
capital and ability to meet financial responsibility 3811  
requirements; 3812

(8) The applicant demonstrates that the municipal 3813  
corporation or township in which it will be located has not 3814  
passed a moratorium or taken any other action that would 3815

prohibit the applicant from operating there; 3816

(9) The application does not contain false, misleading, or 3817  
deceptive information and does not omit material information; 3818

(10) The applicant pays any fee required by the division; 3819

(11) The applicant meets all other licensure eligibility 3820  
conditions established in rules adopted under section 3796.03 of 3821  
the Revised Code. 3822

~~(C)~~ (D) If the number of eligible applicants exceed the 3823  
number of available licenses, the division shall use an 3824  
impartial and evidence-based process to rank the eligible 3825  
applicants. The ranking process shall take into account all of 3826  
the following: 3827

(1) The applicant's business plan; 3828

(2) The applicant's operations plan; 3829

(3) The applicant's security plan; 3830

(4) The applicant's financial plan; 3831

(5) The applicant's principal place of business; 3832

(6) The proposed location of the cultivation, processing, 3833  
or laboratory facility; 3834

(7) The applicant's plan for generating job and economic 3835  
development in this state; 3836

(8) The applicant's environmental plan; 3837

(9) Employment practices, including any plans to inform, 3838  
hire, or educate residents of the state, veterans, disabled 3839  
persons, women, or minorities; 3840

(10) The criminal records of all persons subject to the 3841

criminal records check requirement; 3842

(11) The civil and administrative history of the applicant 3843  
and persons associated with the applicant; 3844

(12) Any other eligibility, suitability, or operations- 3845  
based determination specified in this chapter or rules adopted 3846  
by the division thereunder. 3847

(E) (1) If the division uses a lottery system to issue 3848  
licenses under this section, the applicants shall be grouped 3849  
into the following distinct categories: 3850

(a) Highly exceeds; 3851

(b) Exceeds; 3852

(c) Meets; 3853

(d) Does not meet. 3854

(2) The division shall group the applicants such that the 3855  
number of applicants in each of the highly exceeds, exceeds, and 3856  
meets categories is roughly equal, unless doing so is not 3857  
possible while conforming to an impartial and evidence-based 3858  
process. Applicants that do not meet the eligibility 3859  
requirements prescribed by division (C) of this section shall be 3860  
placed in the does not meet category. 3861

(3) In conducting the lottery, the division shall give 3862  
applicants in the exceeds category double the odds of being 3863  
selected as compared to applicants in the meets category. The 3864  
division shall give applicants in the highly exceeds category 3865  
double the odds of being selected as compared to applicants in 3866  
the exceeds category. An applicant grouped in the does not meet 3867  
category is ineligible for licensure. 3868



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

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

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

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

(I) No person shall knowingly engage in any of the

activities described in section 3796.20 of the Revised Code 3899  
without a dispensary license issued under this section or 3900  
Chapter 3780. of the Revised Code, as that chapter existed 3901  
immediately prior to the effective date of this amendment. 3902

**Sec. 3796.12.** (A) As used in this section, "criminal 3903  
records check" has the same meaning as in section 109.572 of the 3904  
Revised Code. 3905

(B) (1) As part of the application process for a license 3906  
issued under this chapter, the division of marijuana control 3907  
shall require each of the following to complete a criminal 3908  
records check: 3909

(a) An administrator or other person responsible for the 3910  
daily operation of the entity seeking the license; 3911

(b) An owner or prospective owner, officer or prospective 3912  
officer, or board member or prospective board member of the 3913  
entity seeking the license. 3914

(2) If a person subject to the criminal records check 3915  
requirement does not present proof of having been a resident of 3916  
this state for the five-year period immediately prior to the 3917  
date the criminal records check is requested or provide evidence 3918  
that within that five-year period the superintendent of the 3919  
bureau of criminal identification and investigation has 3920  
requested information about the person from the federal bureau 3921  
of investigation in a criminal records check, the division shall 3922  
request that the person obtain through the superintendent a 3923  
criminal records request from the federal bureau of 3924  
investigation as part of the criminal records check of the 3925  
person. Even if a person presents proof of having been a 3926  
resident of this state for the five-year period, the division 3927

may request that the person obtain information through the 3928  
superintendent from the federal bureau of investigation in the 3929  
criminal records check. 3930

(C) The division shall provide the following to each 3931  
person who is subject to the criminal records check requirement: 3932

(1) Information about accessing, completing, and 3933  
forwarding to the superintendent of the bureau of criminal 3934  
identification and investigation the form prescribed pursuant to 3935  
division (C)(1) of section 109.572 of the Revised Code and the 3936  
standard impression sheet to obtain fingerprint impressions 3937  
prescribed pursuant to division (C)(2) of that section; 3938

(2) Written notification that the person is to instruct 3939  
the superintendent to submit the completed report of the 3940  
criminal records check directly to the division. 3941

(D) Each person who is subject to the criminal records 3942  
check requirement shall pay to the bureau of criminal 3943  
identification and investigation the fee prescribed pursuant to 3944  
division (C)(3) of section 109.572 of the Revised Code for the 3945  
criminal records check conducted of the person. 3946

(E) The report of any criminal records check conducted by 3947  
the bureau of criminal identification and investigation in 3948  
accordance with section 109.572 of the Revised Code and pursuant 3949  
to a request made under this section is not a public record for 3950  
the purposes of section 149.43 of the Revised Code and shall not 3951  
be made available to any person other than the following: 3952

(1) The person who is the subject of the criminal records 3953  
check or the person's representative; 3954

(2) The members and staff of the division; 3955

(3) A court, hearing officer, or other necessary 3956  
individual involved in a case dealing with either of the 3957  
following: 3958

(a) A license denial resulting from the criminal records 3959  
check; 3960

(b) A civil or criminal action regarding the ~~medical~~ 3961  
marijuana control program or any violation of this chapter. 3962

(F) The division shall deny a license if, after receiving 3963  
the information and notification required by this section, a 3964  
person subject to the criminal records check requirement fails 3965  
to do either of the following: 3966

(1) Access, complete, or forward to the superintendent of 3967  
the bureau of criminal identification and investigation the form 3968  
prescribed pursuant to division (C) (1) of section 109.572 of the 3969  
Revised Code or the standard impression sheet prescribed 3970  
pursuant to division (C) (2) of that section; 3971

(2) Instruct the superintendent to submit the completed 3972  
report of the criminal records check directly to the division. 3973

**Sec. 3796.13.** (A) Each person seeking employment with ~~an~~ 3974  
~~entity licensed under this chapter~~ a license holder shall comply 3975  
with sections 4776.01 to 4776.04 of the Revised Code. Except as 3976  
provided in division (B) of this section, such ~~an entity~~ a 3977  
license holder shall not employ the person unless the person has 3978  
submitted a criminal records check under those sections. ~~The~~ 3979  
and the report of the resulting criminal records check ~~shall~~ 3980  
~~demonstrate~~ demonstrates that the person has not been convicted 3981  
of or pleaded guilty to any of the disqualifying offenses 3982  
~~specified in rules adopted under division (B) (14) (a) of section~~ 3983  
~~3796.03 of the Revised Code if the person is seeking employment~~ 3984

~~with an entity licensed by the division of marijuana control~~  
~~under this chapter.~~

~~(B) An entity is not prohibited by division (A) of this~~  
~~section from employing a person if the disqualifying offense the~~  
~~person was convicted of or pleaded guilty to is one of the~~  
~~offenses specified in rules adopted under division (B) (14) (b) of~~  
~~section 3796.03 of the Revised Code and the person was convicted~~  
~~of or pleaded guilty to the offense more than five years before~~  
~~the date the employment begins.~~ (B) (1) Notwithstanding division  
(A) of this section, the division of marijuana control shall  
establish standards for provisional employment of individuals  
who have exigent circumstances.

(2) Such standards must include, at minimum, a requirement  
that the individual seeking provisional employment submit  
evidence of compliance with sections 4776.01 to 4776.04 of the  
Revised Code.

(3) A provisional employment authorization made under  
division (B) of this division is valid for not longer than three  
months, but may be renewed at the discretion of the division of  
marijuana control for an additional three months.

(4) The division of marijuana control may use all  
available resources in establishing standards for instant  
background checks.

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

(1) Suspend, suspend without prior hearing, revoke, or  
refuse to renew a license or registration it issued under this  
chapter or ~~a license or a registration the state board of~~

~~pharmacy issued prior to the transfer of regulatory authority~~ 4014  
~~over the medical marijuana control program to the~~ 4015  
~~division~~ Chapter 3780. of the Revised Code, as that chapter 4016  
existed immediately before the effective date of this amendment; 4017

(2) Refuse to issue a license; 4018

(3) Impose on a license holder a civil penalty in an 4019  
amount to be determined by the division. 4020

~~(4) With respect to a suspension of a retail dispensary~~ 4021  
~~license without prior hearing, the division may utilize a~~ 4022  
~~telephone conference call to review the allegations and take a~~ 4023  
~~vote.~~ The division shall suspend a dispensary license without 4024  
prior hearing only if it finds clear and convincing evidence 4025  
that continued distribution of medical marijuana and adult-use 4026  
marijuana by the license holder presents a danger of immediate 4027  
and serious harm to others. The suspension shall remain in 4028  
effect, unless lifted by the division, until the division issues 4029  
its final adjudication order. If the division does not issue the 4030  
order within ninety days after the adjudication hearing, the 4031  
suspension shall be lifted on the ninety-first day following the 4032  
hearing. 4033

The division's actions under division (A) of this section 4034  
shall be taken in accordance with Chapter 119. of the Revised 4035  
Code. 4036

(B) ~~The~~ Subject to division (E) of this section, the 4037  
division and the Ohio investigative unit may inspect all of the 4038  
following for any reason specified in rules adopted under 4039  
section 3796.03 of the Revised Code without prior notice to the 4040  
applicant or license holder: 4041

(1) The premises of a license holder or an applicant for 4042

~~licensure or holder of a current, valid cultivator, processor,~~ 4043  
~~retail dispensary, or laboratory license issued under this~~ 4044  
chapter; 4045

(2) All records maintained pursuant to this chapter by a\_ 4046  
license holder ~~of a current license.~~ 4047

(C) Whenever it appears to the division, from its files, 4048  
upon complaint, or otherwise, or to the Ohio investigative unit, 4049  
from an inspection or investigation authorized by this section, 4050  
that any person or entity has engaged in, is engaged in, or is 4051  
about to engage in any practice declared to be illegal or 4052  
prohibited by this chapter or the rules adopted under this 4053  
chapter, or when the division believes it to be in the best 4054  
interest of the public, adult-use consumers, or medical 4055  
marijuana patients, the division may do any of the following: 4056

(1) Investigate the person or entity as authorized 4057  
pursuant to this chapter or the rules adopted under this 4058  
chapter; 4059

(2) Issue subpoenas to any person or entity for the 4060  
purpose of compelling either of the following: 4061

(a) The attendance and testimony of witnesses; 4062

(b) The production of books, accounts, papers, records, or 4063  
documents. 4064

(D) If a person or entity fails to comply with any order 4065  
of the division or the unit or a subpoena issued by the division 4066  
or the unit pursuant to this section, a judge of the court of 4067  
common pleas of the county in which the person resides or the 4068  
entity may be served, on application of the division or the 4069  
unit, shall compel obedience by attachment proceedings as for 4070  
contempt, as in the case of disobedience with respect to the 4071

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

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

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

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

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

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

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

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

~~(B) Nothing in this chapter shall be construed to require~~



~~the division to enforce minor violations if the division~~ 4100  
~~determines that the public interest is adequately served by a~~ 4101  
~~notice or warning to the alleged offender.~~ 4102

~~(C)~~ If the division suspends, revokes, or refuses to renew 4103  
any license or registration issued under this chapter or Chapter 4104  
3780. of the Revised Code, as that chapter existed immediately 4105  
before the effective date of this amendment, and determines that 4106  
there is clear and convincing evidence of a danger of immediate 4107  
and serious harm to any person, the division may place under 4108  
seal all medical marijuana, adult-use marijuana, and homegrown 4109  
marijuana owned by or in the possession, custody, or control of 4110  
the affected license holder or registrant. Except as provided in 4111  
this division, the division of marijuana control shall not 4112  
dispose of the medical marijuana, adult-use marijuana, or 4113  
homegrown marijuana sealed under this division until the license 4114  
holder or registrant exhausts all of the holder's or 4115  
registrant's appeal rights under Chapter 119. of the Revised 4116  
Code. The court involved in such an appeal may order the 4117  
division, during the pendency of the appeal, to sell medical 4118  
marijuana or adult-use marijuana that is perishable. The 4119  
division shall deposit the proceeds of the sale with the court. 4120

**Sec. 3796.17.** The division of marijuana control shall 4121  
establish a toll-free telephone line to respond to inquiries 4122  
from adult-use consumers, medical marijuana patients, 4123  
caregivers, and health professionals regarding adverse reactions 4124  
to ~~medical~~ marijuana and to provide information about available 4125  
services and assistance. The division may contract with a 4126  
separate entity to establish and maintain the telephone line on 4127  
behalf of the division. 4128

**Sec. 3796.18.** ~~(A)~~ (A) (1) Notwithstanding any conflicting 4129

provision of the Revised Code and except as provided in division 4130  
(B) of this section, a licensed cultivator, including the holder 4131  
of a current, valid cultivator license issued under this chapter 4132  
before the effective date of this amendment, may do either all 4133  
of the following: 4134

~~(1)~~ (a) Cultivate medical marijuana and adult-use 4135  
marijuana; 4136

~~(2)~~ (b) Deliver, transfer, or sell medical marijuana and 4137  
adult-use marijuana to one or more licensed processors other 4138  
license holders; 4139

(c) Purchase or otherwise obtain medical marijuana and 4140  
adult-use marijuana from other license holders; 4141

(d) Acquire seeds, clones, plants, and other genetic 4142  
material. 4143

(2) A licensed cultivator engaging in the activities 4144  
authorized by this chapter shall do so respecting both medical 4145  
marijuana and adult-use marijuana. 4146

(B) A licensed cultivator ~~license holder~~ shall not 4147  
cultivate medical marijuana or adult-use marijuana for personal, 4148  
family, or household use or on any public land, including a 4149  
state park as defined in section 154.01 of the Revised Code. 4150

(C) A licensed cultivator shall identify, package, and 4151  
label all medical marijuana and adult-use marijuana products in 4152  
accordance with this chapter and any rules adopted thereunder 4153  
before delivering or selling the products to a licensed 4154  
processor or licensed dispensary. 4155

(D) The division of marijuana control shall issue the 4156  
following types of cultivation licenses: 4157

(1) A level I cultivator license that authorizes the 4158  
license holder to operate a cultivation area specified by the 4159  
division, not to exceed one hundred thousand square feet; 4160

(2) A level II cultivator license that authorizes the 4161  
license holder to operate a cultivation area specified by the 4162  
division, not to exceed fifteen thousand square feet. 4163

(E) A licensed cultivator may request and receive one or 4164  
more expansions to the cultivator's cultivation area, subject to 4165  
the approval of the division, so long as the resulting total 4166  
cultivation area, including all expansions, does not exceed the 4167  
applicable maximum cultivation area prescribed by division (D) 4168  
of this section. 4169

**Sec. 3796.19.** ~~(A)~~ (A) (1) Notwithstanding any conflicting 4170  
provision of the Revised Code, a licensed processor, including 4171  
the holder of a current, valid processor license issued under 4172  
this chapter before the effective date of this amendment, may do 4173  
~~any~~ all of the following: 4174

~~(1) Obtain~~ (a) Purchase or otherwise obtain medical 4175  
marijuana and adult-use marijuana from ~~one or more licensed~~ 4176  
~~cultivators~~ other license holders; 4177

~~(2) (b)~~ Subject to division (B) of this section, process 4178  
medical marijuana ~~obtained from one or more licensed cultivators~~ 4179  
and adult-use marijuana into a form described in section 3796.06 4180  
of the Revised Code; 4181

~~(3) (c)~~ Deliver, transfer, or sell processed medical 4182  
marijuana and adult-use marijuana to ~~one or more licensed retail~~ 4183  
~~dispensaries~~ other license holders. 4184

(2) A licensed processor engaging in the activities 4185  
authorized by this chapter shall do so respecting both medical 4186

marijuana and adult-use marijuana. 4187

(B) ~~When processing medical marijuana, a~~ A licensed 4188  
processor shall do ~~both~~ all of the following before delivering 4189  
or selling medical marijuana or adult-use marijuana to a 4190  
licensed dispensary: 4191

(1) Package the medical marijuana or adult-use marijuana 4192  
in accordance with child-resistant effectiveness standards 4193  
described in 16 C.F.R. 1700.15(b) on September 8, 2016; 4194

(2) Label the ~~medical marijuana~~ packaging with the 4195  
product's tetrahydrocannabinol and cannabidiol content; 4196

(3) Comply with any packaging or labeling requirements 4197  
established in rules adopted by the division of marijuana 4198  
control under ~~section~~ sections 3796.03 and 3796.32 of the 4199  
Revised Code. 4200

**Sec. 3796.20.** ~~(A)~~ (A) (1) Notwithstanding any conflicting 4201  
provision of the Revised Code, a licensed dispensary, including 4202  
the holder of a current, valid retail dispensary license issued 4203  
under this chapter, ~~or previously issued by the state board of~~ 4204  
~~pharmacy,~~ before the effective date of this amendment, may do 4205  
~~both~~ any of the following: 4206

~~(1) Obtain~~ (a) Purchase or otherwise obtain medical 4207  
marijuana and adult-use marijuana from ~~one or more~~ 4208  
~~processors~~ other license holders; 4209

~~(2)~~ (b) Dispense or sell medical marijuana in accordance 4210  
with division (B) of this section; 4211

(c) Dispense or sell adult-use marijuana in accordance 4212  
with division (C) of this section; 4213

(d) Sell paraphernalia that may be used in the 4214

administration of adult-use marijuana or medical marijuana as 4215  
specified in rules adopted under section 3796.03 of the Revised 4216  
Code; 4217

(e) Provide delivery of medical marijuana in accordance 4218  
with the rules adopted under section 3796.03 of the Revised 4219  
Code; 4220

(f) Deliver, transfer, or sell medical marijuana and 4221  
adult-use marijuana to other license holders. 4222

(2) A licensed dispensary engaged in the activities 4223  
authorized by this chapter shall do so respecting both medical 4224  
marijuana and adult-use marijuana. 4225

(B) When dispensing or selling medical marijuana, a 4226  
licensed ~~retail~~-dispensary shall do all of the following: 4227

(1) Dispense or sell only upon a showing of a current, 4228  
valid, government-issued identification card and in accordance 4229  
with a written recommendation issued by a physician holding a 4230  
certificate to recommend issued by the state medical board under 4231  
section 4731.30 of the Revised Code; 4232

(2) Report to the drug database the information required 4233  
by section 4729.771 of the Revised Code; 4234

(3) Label the package containing medical marijuana with 4235  
the following information: 4236

(a) The name and address of the licensed processor and 4237  
retail dispensary; 4238

(b) The name of the patient and caregiver, if any; 4239

(c) The name of the physician who recommended treatment 4240  
with medical marijuana; 4241

(d) The directions for use, if any, as recommended by the physician; 4242  
4243

(e) The date on which the medical marijuana was dispensed; 4244

(f) The quantity, strength, kind, or form of medical marijuana contained in the package. 4245  
4246

(4) Maintain an adequate supply of medical marijuana products to meet typical patient demand for those products. 4247  
4248

(C) When dispensing or selling adult-use marijuana to consumers, all of the following apply: 4249  
4250

(1) A licensed dispensary shall dispense or sell adult-use marijuana only to adult-use consumers who present a current, valid, government-issued identification card demonstrating proof that the adult-use consumer is twenty-one years of age or older. 4251  
4252  
4253  
4254

(2) No licensed dispensary shall knowingly dispense or sell more than the amount of adult-use marijuana that may be legally possessed by an adult-use consumer under section 3796.221 of the Revised Code to the same adult-use consumer in the same day. 4255  
4256  
4257  
4258  
4259

(3) A licensed dispensary shall ensure that the label of the package containing adult-use marijuana contains all of the following information, in accordance with rules adopted by the division of marijuana control: 4260  
4261  
4262  
4263

(a) The name and address of the licensed processor and retail dispensary; 4264  
4265

(b) A statement that the use of adult-use marijuana by individuals under twenty-one years of age is both harmful and illegal; 4266  
4267  
4268

(c) The quantity, strength, kind, or form of adult-use 4269  
marijuana contained in the package. 4270

~~When operating a licensed retail dispensary, both of the~~ 4271  
~~following apply:~~ 4272

~~(1)~~ (D) (1) A licensed dispensary shall use only employees 4273  
who have met the training requirements established in rules 4274  
adopted under section 3796.03 of the Revised Code. 4275

(2) A licensed dispensary shall not make public any 4276  
information it collects that identifies or would tend to 4277  
identify any specific medical marijuana patient or adult-use 4278  
consumer. 4279

(3) A licensed dispensary shall prominently display both 4280  
of the following: 4281

(a) A statement that the use of adult-use or homegrown 4282  
marijuana by individuals under twenty-one years of age is both 4283  
harmful and illegal; 4284

(b) Information about the addictive qualities of marijuana 4285  
and the potential negative health consequences associated with 4286  
its use. 4287

**Sec. 3796.21.** (A) Notwithstanding any conflicting 4288  
provision of the Revised Code, a licensed laboratory, including 4289  
the holder of a current, valid laboratory license issued under 4290  
this chapter ~~may before the effective date of this amendment,~~ 4291  
shall do both of the following: 4292

(1) Obtain medical marijuana and adult-use marijuana from 4293  
one or more licensed cultivators, licensed processors, and 4294  
~~retail-licensed dispensaries licensed under this chapter;~~ 4295

(2) Conduct ~~medical marijuana~~ testing in the manner 4296

specified in rules adopted under section 3796.03 of the Revised Code. 4297  
4298

(B) When testing medical marijuana or adult-use marijuana, 4299  
a licensed laboratory shall do both of the following: 4300

(1) Test ~~the marijuana~~ for potency, homogeneity, and 4301  
contamination; 4302

(2) Prepare a report of the test results. 4303

**Sec. 3796.22.** (A) Notwithstanding any conflicting 4304  
provision of the Revised Code, a patient registered under this 4305  
chapter who obtains medical marijuana from a ~~retail-licensed~~ 4306  
dispensary ~~licensed under~~ in accordance with this chapter may do 4307  
~~both~~ all of the following: 4308

(1) Use medical marijuana; 4309

(2) Possess medical marijuana, subject to division (B) of 4310  
this section; 4311

(3) Possess any paraphernalia or accessories that may be 4312  
used in the administration of medical marijuana, as specified in 4313  
rules adopted under section 3796.03 of the Revised Code. 4314

(B) The amount of medical marijuana possessed by a 4315  
registered patient shall not exceed a ninety-day supply, as 4316  
specified in rules adopted under section 3796.03 of the Revised 4317  
Code. 4318

(C) A registered patient shall not be subject to arrest or 4319  
criminal prosecution for doing ~~any~~ either of the following in 4320  
accordance with this chapter: 4321

(1) Obtaining, using, or possessing medical marijuana; 4322

(2) Possessing any paraphernalia or accessories that may 4323



be used in the administration of medical marijuana, as specified 4324  
in rules adopted under section 3796.03 of the Revised Code. 4325

(D) This section does not authorize a registered patient 4326  
to operate a vehicle, streetcar, trackless trolley, watercraft, 4327  
or aircraft while under the influence of ~~medical~~-marijuana. 4328

**Sec. 3796.221.** (A) Notwithstanding any conflicting 4329  
provision of the Revised Code, an adult-use consumer who obtains 4330  
adult-use marijuana from a licensed dispensary may do all of the 4331  
following: 4332

(1) Use adult-use marijuana; 4333

(2) Possess adult-use marijuana, subject to division (B) 4334  
of this section; 4335

(3) Possess any paraphernalia or accessories that may be 4336  
used in the administration of adult-use marijuana as specified 4337  
in rules adopted under section 3796.03 of the Revised Code; 4338

(4) Transfer adult-use and homegrown marijuana to another 4339  
adult-use consumer if all of the following apply: 4340

(a) The transfer is without remuneration. 4341

(b) The amount transferred to the same adult-use consumer 4342  
in the same day does not exceed either of the following: 4343

(i) Two and one-half ounces of plant material, excluding 4344  
any seeds, live plants, or clones being cultivated, grown, or 4345  
possessed in accordance with section 3796.04 of the Revised 4346  
Code; 4347

(ii) Fifteen grams of extract. 4348

(c) The transfer occurs at privately owned real property 4349  
that is used primarily for residential or agricultural purposes, 4350

including any dwellings, facilities, improvements, and 4351  
appurtenances on such real property. 4352

(B) No person shall knowingly possess more than the 4353  
following cumulative amounts of homegrown marijuana and adult- 4354  
use marijuana: 4355

(1) Two and one-half ounces of plant material, excluding 4356  
any seeds, live plants, or clones being cultivated, grown, or 4357  
possessed in accordance with section 3796.04 of the Revised 4358  
Code; 4359

(2) Fifteen grams of extract. 4360

(C) Except as expressly authorized under division (A) (4) 4361  
of this section, no person other than a license holder shall 4362  
knowingly give, sell, or transfer adult-use or homegrown 4363  
marijuana to any other person, with or without remuneration. 4364

(D) Subject to divisions (B) and (C) of this section, an 4365  
adult-use consumer is not subject to arrest or criminal 4366  
prosecution for engaging in any of the activities described in 4367  
division (A) of this section. 4368

(E) This section does not authorize an adult-use consumer 4369  
to operate a vehicle, streetcar, trackless trolley, watercraft, 4370  
or aircraft while under the influence of marijuana. 4371

**Sec. 3796.23.** (A) Notwithstanding any conflicting 4372  
provision of the Revised Code, a caregiver registered under this 4373  
chapter who obtains medical marijuana from a ~~retail-licensed~~ 4374  
dispensary ~~licensed under this chapter~~ may do ~~both~~ any of the 4375  
following: 4376

(1) Possess medical marijuana on behalf of a registered 4377  
patient under the caregiver's care, subject to division (B) of 4378

this section; 4379

(2) Assist a registered patient under the caregiver's care 4380  
in the use or administration of medical marijuana; 4381

(3) Possess any paraphernalia or accessories specified in 4382  
rules adopted under section 3796.03 of the Revised Code. 4383

(B) The amount of medical marijuana possessed by a 4384  
registered caregiver on behalf of a registered patient shall not 4385  
exceed a ninety-day supply, as specified in rules adopted under 4386  
section 3796.03 of the Revised Code. If a caregiver provides 4387  
care to more than one registered patient, the caregiver shall 4388  
maintain separate inventories of medical marijuana for each 4389  
patient. 4390

(C) A registered caregiver shall not be subject to arrest 4391  
or criminal prosecution for doing any of following in accordance 4392  
with this chapter: 4393

(1) Obtaining or possessing medical marijuana on behalf of 4394  
a registered patient; 4395

(2) Assisting a registered patient in the use or 4396  
administration of medical marijuana; 4397

(3) Possessing any paraphernalia or accessories specified 4398  
in rules adopted under section 3796.03 of the Revised Code. 4399

(D) This section does not permit a registered caregiver to 4400  
personally use medical marijuana, unless the caregiver is also a 4401  
registered patient. 4402

**Sec. 3796.24.** (A) The holder of a license, as defined in 4403  
section 4776.01 of the Revised Code, is not subject to 4404  
professional disciplinary action solely for engaging in 4405  
professional or occupational activities related to medical 4406

marijuana. 4407

(B) Unless there is clear and convincing evidence that a 4408  
child is unsafe, the use, possession, or administration of 4409  
medical marijuana in accordance with this chapter shall not be 4410  
the sole or primary basis for any of the following: 4411

(1) An adjudication under section 2151.28 of the Revised 4412  
Code determining that a child is an abused, neglected, or 4413  
dependent child; 4414

(2) An allocation of parental rights and responsibilities 4415  
under section 3109.04 of the Revised Code; 4416

(3) A parenting time order under section 3109.051 or 4417  
3109.12 of the Revised Code. 4418

(C) Notwithstanding any conflicting provision of the 4419  
Revised Code, the use or possession of medical marijuana in 4420  
accordance with this chapter shall not be used as a reason for 4421  
disqualifying a patient from medical care or from including a 4422  
patient on a transplant waiting list. 4423

(D) Notwithstanding any conflicting provision of the 4424  
Revised Code, the use, possession, administration, cultivation, 4425  
processing, testing, or dispensing of medical marijuana in 4426  
accordance with this chapter shall not be used as the sole or 4427  
primary reason for taking action under any criminal or civil 4428  
statute in the forfeiture or seizure of any property or asset. 4429

(E) Notwithstanding any conflicting provision of the 4430  
Revised Code, ~~a person's status as a registered patient or~~ 4431  
~~caregiver~~ engaging in activity authorized by this chapter is not 4432  
a sufficient basis for conducting a field sobriety test on the 4433  
person or for suspending the person's driver's license. To 4434  
conduct any field sobriety test, a law enforcement officer must 4435

have an independent, factual basis giving reasonable suspicion 4436  
that the person is operating a vehicle under the influence of 4437  
marijuana or with a prohibited concentration of marijuana in the 4438  
person's whole blood, blood serum, plasma, breath, or urine. 4439

(F) Notwithstanding any conflicting provision of the 4440  
Revised Code, a person's status as a registered patient or 4441  
caregiver shall not be used as the sole or primary basis for 4442  
rejecting the person as a tenant unless the rejection is 4443  
required by federal law. This division does not prohibit a 4444  
landlord from prohibiting either of the following, as long as 4445  
such prohibition is included in the applicable lease agreement: 4446

(1) Consumption of marijuana in a residential premises or 4447  
common areas by smoking, combustion, or vaporization; 4448

(2) Cultivation or growth of homegrown marijuana. 4449

(G) Except for unemployment compensation benefits under 4450  
Chapter 4141. of the Revised Code, including as prescribed under 4451  
division (B) of section 3796.28 of the Revised Code, the use or 4452  
possession of medical marijuana, adult-use marijuana, or 4453  
homegrown marijuana in accordance with this chapter shall not be 4454  
used as a reason for disqualifying an individual from a public 4455  
benefit program administered by any state or local authority, or 4456  
for otherwise denying an individual a public benefit 4457  
administered by the state or any local government. 4458

(H) This chapter does not do any of the following: 4459

(1) Require a physician to recommend that a patient use 4460  
medical marijuana to treat a qualifying medical condition; 4461

(2) Permit the use, possession, or administration of 4462  
medical marijuana, adult-use marijuana, or homegrown marijuana 4463  
other than as authorized by this chapter; 4464

(3) Permit the use, possession, or administration of 4465  
medical marijuana, adult-use marijuana, or homegrown marijuana 4466  
on federal land located in this state; 4467

(4) Require any public place to accommodate a registered 4468  
patient's use of medical marijuana or an adult-use consumer's 4469  
use of adult-use marijuana or homegrown marijuana; 4470

(5) Prohibit any public place from accommodating a 4471  
registered patient's use of medical marijuana, except that no 4472  
public place shall accommodate consumption of medical marijuana 4473  
by smoking, combustion, or vaporization; 4474

(6) Restrict research related to marijuana conducted at a 4475  
state university, academic medical center, or private research 4476  
and development organization as part of a research protocol 4477  
approved by an institutional review board or equivalent entity. 4478

(I) It is the public policy of this state that contracts 4479  
related to license holders are enforceable. 4480

**Sec. 3796.27.** (A) As used in this section: 4481

(1) "Financial institution" means any of the following: 4482

(a) Any bank, trust company, savings and loan association, 4483  
savings bank, or credit union or any affiliate, agent, or 4484  
employee of a bank, trust company, savings and loan association, 4485  
savings bank, or credit union; 4486

(b) Any money transmitter licensed under sections 1315.01 4487  
to 1315.18 of the Revised Code or any affiliate, agent, or 4488  
employee of such a licensee. 4489

(2) "Financial services" means services that a financial 4490  
institution is authorized to provide under Title XI, sections 4491  
1315.01 to 1315.18, or Chapter 1733. of the Revised Code, as 4492

applicable. 4493

(B) A financial institution that provides financial 4494  
services to any ~~cultivator, processor, retail dispensary, or~~ 4495  
~~laboratory licensed under this chapter~~ license holder shall be 4496  
exempt from any criminal law of this state an element of which 4497  
may be proven by substantiating that a person provides financial 4498  
services to a person who possesses, delivers, or manufactures 4499  
marijuana or marijuana derived products, including section 4500  
2925.05 of the Revised Code and sections 2923.01 and 2923.03 of 4501  
the Revised Code as those sections apply to violations of 4502  
Chapter 2925. of the Revised Code, if the ~~cultivator, processor,~~ 4503  
~~retail dispensary, or laboratory~~ license holder is in compliance 4504  
with this chapter and the applicable tax laws of this state. 4505

(C) (1) Notwithstanding section 149.43 of the Revised Code 4506  
or any other public records law to the contrary, upon the 4507  
request of a financial institution, the division of marijuana 4508  
control shall provide to the financial institution all of the 4509  
following information: 4510

(a) Whether a person with whom the financial institution 4511  
is seeking to do business is a ~~cultivator, processor, retail-~~ 4512  
~~dispensary, or laboratory licensed under this chapter~~ license 4513  
holder; 4514

(b) The name of any other business or individual 4515  
affiliated with the person; 4516

(c) An unredacted copy of the application for a license 4517  
under this chapter or under Chapter 3780. of the Revised Code, 4518  
as that chapter existed immediately before the effective date of 4519  
this amendment, and any supporting documentation, that was 4520  
submitted by the person; 4521

(d) If applicable, information relating to sales and 4522  
volume of product sold by the person; 4523

(e) Whether the person is in compliance with this chapter; 4524

(f) Any past or pending violation by the person of this 4525  
chapter or Chapter 3780. of the Revised Code, as that chapter 4526  
existed immediately before the effective date of this amendment, 4527  
and any penalty imposed on the person for such a violation. 4528

(2) The division may charge a financial institution a 4529  
reasonable fee to cover the administrative cost of providing the 4530  
information. 4531

(D) Information received by a financial institution under 4532  
division (C) of this section is confidential. Except as 4533  
otherwise permitted by other state law or federal law, a 4534  
financial institution shall not make the information available 4535  
to any person other than the customer to whom the information 4536  
applies and any trustee, conservator, guardian, personal 4537  
representative, or agent of that customer. 4538

**Sec. 3796.28.** (A) Nothing in this chapter does any of the 4539  
following: 4540

(1) Requires an employer to permit or accommodate an 4541  
employee's use, possession, or distribution of ~~medical~~ 4542  
marijuana; 4543

(2) Prohibits an employer from refusing to hire, 4544  
discharging, disciplining, or otherwise taking an adverse 4545  
employment action against a person with respect to hire, tenure, 4546  
terms, conditions, or privileges of employment because of that 4547  
person's use, possession, or distribution of ~~medical~~-marijuana; 4548

(3) Prohibits an employer from establishing and enforcing 4549



a drug testing policy, drug-free workplace policy, or zero- 4550  
tolerance drug policy; 4551

(4) Interferes with any federal restrictions on 4552  
employment, including the regulations adopted by the United 4553  
States department of transportation in Title 49 of the Code of 4554  
Federal Regulations, as amended; 4555

(5) Permits a person to commence a cause of action against 4556  
an employer for refusing to hire, discharging, disciplining, 4557  
discriminating, retaliating, or otherwise taking an adverse 4558  
employment action against a person with respect to hire, tenure, 4559  
terms, conditions, or privileges of employment related to 4560  
~~medical-marijuana~~; 4561

(6) Affects the authority of the administrator of workers' 4562  
compensation to grant rebates or discounts on premium rates to 4563  
employers that participate in a drug-free workplace program 4564  
established in accordance with rules adopted by the 4565  
administrator under Chapter 4123. of the Revised Code. 4566

(B) A person who is discharged from employment because of 4567  
that person's use of ~~medical-marijuana~~ shall be considered to 4568  
have been discharged for just cause for purposes of division (D) 4569  
of section 4141.29 of the Revised Code and shall be ineligible 4570  
to serve a waiting period or to be paid benefits for the 4571  
duration of the individual's unemployment as described in 4572  
division (D) (2) of that section if the person's use of ~~medical-~~ 4573  
marijuana was in violation of an employer's drug-free workplace 4574  
policy, zero-tolerance policy, or other formal program or policy 4575  
regulating the use of ~~medical-marijuana~~. 4576

(C) It is not a violation of division (A), (D), or (E) of 4577  
section 4112.02 of the Revised Code if an employer discharges, 4578

refuses to hire, or otherwise discriminates against a person 4579  
because of that person's use of ~~medical~~-marijuana if the 4580  
person's use of ~~medical~~-marijuana is in violation of the 4581  
employer's drug-free workplace policy, zero-tolerance policy, or 4582  
other formal program or policy regulating the use of ~~medical~~- 4583  
marijuana. 4584

**Sec. 3796.29.** ~~The~~ (A) Except as otherwise provided in 4585  
division (B) of this section, the legislative authority of a 4586  
municipal corporation may adopt an ordinance, or a board of 4587  
township trustees may adopt an ordinance or a resolution, to 4588  
prohibit, or limit the number of, licensed cultivators, licensed 4589  
processors, or ~~retail-licensed~~ dispensaries ~~licensed under this~~ 4590  
~~chapter~~ within the municipal corporation or within the 4591  
unincorporated territory of the township, respectively. 4592

~~This section does not authorize the~~ (B) The legislative 4593  
authority of a municipal corporation or a board of township 4594  
trustees ~~to~~ shall not adopt or enforce an ordinance or a 4595  
resolution ~~limiting that~~ does any of the following: 4596

(1) Prohibits or limits the operations of a license holder 4597  
that received a provisional license or certificate of operation 4598  
before the effective date of this amendment, except that a 4599  
municipal corporation or township may enforce such an ordinance 4600  
or such a resolution if it was adopted before the effective date 4601  
of this amendment; 4602

(2) Prohibits or limits any activity authorized under this 4603  
chapter, except as expressly permitted under division (A) of 4604  
this section; 4605

(3) Prohibits or limits research related to marijuana 4606  
conducted at a state university, academic medical center, or 4607

private research and development organization as part of a 4608  
research protocol approved by an institutional review board or 4609  
equivalent entity. 4610

**Sec. 3796.30.** (A) Except as provided in ~~division~~ 4611  
~~(B) divisions~~ (C) and (D) of this section, no ~~medical marijuana~~ 4612  
licensed cultivator, licensed processor, retail-licensed 4613  
dispensary, or licensed laboratory ~~that tests medical marijuana~~ 4614  
shall be located within five hundred feet of the boundaries of a 4615  
parcel of real estate having situated on it a school, church, 4616  
public library, public playground, or public park. 4617

(B) If the a request for relocation of a facility of a 4618  
licensed cultivator, licensed processor, retail-licensed 4619  
dispensary, or licensed laboratory ~~licensed under this chapter~~ 4620  
~~results would result in the cultivator, processor, retail-~~ 4621  
~~dispensary, or laboratory facility~~ being located within five 4622  
hundred feet of the boundaries of a parcel of real estate having 4623  
situated on it a school, church, public library, public 4624  
playground, or public park, the division of marijuana control 4625  
shall ~~revoke the license it previously issued to the cultivator,~~ 4626  
~~processor, retail dispensary, or laboratory~~ deny the request for 4627  
relocation. 4628

~~(B)~~ (C) This section does not require relocation or closure 4629  
of a facility used by a licensed cultivator, licensed processor, 4630  
licensed dispensary, or licensed laboratory, if that facility 4631  
has a certificate of operation at the time a school, church, 4632  
public library, public playground, or public park relocates, or 4633  
is established, on a parcel of real estate, the boundaries of 4634  
which are within five hundred feet of that operational facility. 4635

(D) This section does not apply to research related to 4636  
marijuana conducted at a state university, academic medical 4637

center, or private research and development organization as part 4638  
of a research protocol approved by an institutional review board 4639  
or equivalent entity. 4640

~~(C) As used in this section and sections 3796.03 and 4641  
3796.12 of the Revised Code:— 4642~~

~~"Church" has the meaning defined in section 1710.01 of the 4643  
Revised Code.— 4644~~

~~"Public library" means a library provided for under 4645  
Chapter 3375. of the Revised Code.— 4646~~

~~"Public park" means a park established by the state or a 4647  
political subdivision of the state including a county, township, 4648  
municipal corporation, or park district.— 4649~~

~~"Public playground" means a playground established by the 4650  
state or a political subdivision of the state including a 4651  
county, township, municipal corporation, or park district.— 4652~~

~~"School" means a child care center as defined under 4653  
section 5104.01 of the Revised Code, a preschool as defined 4654  
under section 2950.034 of the Revised Code, or a public or 4655  
nonpublic primary school or secondary school.— 4656~~

**Sec. 3796.31.** Except as otherwise authorized in the 4657  
Revised Code, no political subdivision shall levy do either of 4658  
the following: 4659

(A) Levy any tax or fee on cultivators, processors, or 4660  
dispensaries license holders that is based on these the license 4661  
holder's businesses' gross receipts or that is the same as or 4662  
similar to any tax or fee imposed by the state; 4663

(B) Levy any tax, fee, or charge on license holders or 4664  
license holders' property that is not generally charged on other 4665

businesses.

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Sec. 3796.32. (A) The division of marijuana control may  
adopt rules regulating the advertisement of adult-use marijuana  
and medical marijuana to prevent advertisements that are false,  
misleading, targeted to minors, attractive to minors, promote  
excessive use, promote illegal activity, are obscene or  
indecent, contain depictions of marijuana use, or promote  
marijuana as an intoxicant.

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

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

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(D) Adult-use marijuana or medical marijuana shall not be  
packaged, advertised, or otherwise marketed using any graphic,  
picture, or drawing that bears any resemblance to a cartoon  
character, or any fictional character or popular culture figure  
whose target audience is children or youth.

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

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(F) (1) Subject to division (F) (2) of this section, no  
person shall place or maintain, or cause to be placed or  
maintained, an advertisement for medical or adult-use marijuana  
within five hundred feet of the boundaries of a parcel of real  
estate having situated on it a school, church, public library,

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public playground, or public park. 4695

(2) Division (F)(1) of this section does not apply to 4696  
signage on the facility of a license holder. 4697

(G)(1) No person shall advertise medical or adult-use 4698  
marijuana using names, logos, signs, or materials that have not 4699  
been submitted to, and approved by, the division in accordance 4700  
with rules adopted under this section. 4701

(2) The division shall either approve or deny such names, 4702  
logos, signs, or materials within twenty-one business days after 4703  
receiving the submission. 4704

(3) If the division does not deny a submission within 4705  
twenty-one business days, the submitted names, logos, signs, or 4706  
materials shall be considered approved. 4707

(H) If the division determines that a person has violated 4708  
this section or any rule adopted in accordance with this 4709  
section, the division may require the person to stop using the 4710  
advertisement or proceed with any enforcement action it deems 4711  
necessary or proper, as outlined in this chapter and associated 4712  
rules. 4713

**Sec. 3796.33.** (A) As used in this section, "equivalent 4714  
license" means: 4715

(1) In the case of an adult-use cultivator, a cultivator 4716  
license of the same level issued under section 3796.09 of the 4717  
Revised Code to engage in the activities authorized by section 4718  
3796.18 of the Revised Code; 4719

(2) In the case of an adult-use processor, a processor 4720  
license issued under section 3796.09 of the Revised Code to 4721  
engage in the activities authorized by section 3796.19 of the 4722

Revised Code; 4723

(3) In the case of an adult-use dispensary, a retail 4724  
dispensary license issued under section 3796.10 of the Revised 4725  
Code to engage in the activities authorized by section 3796.20 4726  
of the Revised Code; 4727

(4) In the case of an adult-use testing laboratory, a 4728  
laboratory license issued under section 3796.09 of the Revised 4729  
Code to engage in the activities authorized by section 3796.21 4730  
of the Revised Code. 4731

(B) A license issued under Chapter 3780. of the Revised 4732  
Code, as that chapter existed immediately before the effective 4733  
date of this section, shall be treated, for all purposes, as the 4734  
equivalent license under this chapter. 4735

(C) The holder of a license described in division (B) of 4736  
this section is subject to all procedures, requirements, and 4737  
penalties that apply to the holder of the equivalent license 4738  
under this chapter. 4739

(D) If a license described in division (B) of this section 4740  
is held by the same person and used at the same location as an 4741  
equivalent license under this chapter, the division of marijuana 4742  
control shall merge the licenses and treat them as the same 4743  
license for all purposes, including expiration and renewal. 4744

**Sec. 3780.37 3796.34.** (A) As used in this section, 4745  
"nonprofit corporation" has the same meaning as in section 4746  
1702.01 of the Revised Code. 4747

(B) The division of ~~cannabis~~-marijuana control shall 4748  
contract with a statewide nonprofit corporation for the 4749  
development and implementation of cannabis and related drug 4750  
misuse prevention, education, and public awareness initiatives 4751

driven by data, evaluation, and research. The contract must 4752  
include a provision specifying a percentage of the total funding 4753  
for the initiatives, not less than ten per cent, to be raised by 4754  
the statewide nonprofit corporation through private 4755  
contributions. 4756

(C) The initiatives may include all of the following: 4757

(1) Providing evidence-based information on the potential 4758  
health effects of cannabis and related drug use among minors; 4759

(2) Disseminating educational resources regarding the 4760  
risks associated with cannabis and related drug use during 4761  
pregnancy; 4762

(3) Conducting campaigns to inform the public about the 4763  
dangers and legal consequences of driving under the influence of 4764  
cannabis and related drugs; 4765

(4) Collaborating with employers and industry groups to 4766  
develop and distribute evidence-based resources to improve the 4767  
health of Ohio's workforce and promote workplace safety and 4768  
recovery initiatives focused on cannabis and related drug 4769  
misuse. 4770

(D) The division shall oversee and evaluate the 4771  
effectiveness of the initiatives undertaken pursuant to this 4772  
section and shall ensure that those initiatives align with the 4773  
public health and safety objectives of this state. 4774

(E) The division shall annually compile a report detailing 4775  
activities, use of funds, and measurable outcomes resulting from 4776  
the initiatives undertaken pursuant to this section. The 4777  
division shall submit the report to the general assembly in 4778  
accordance with section 101.68 of the Revised Code. 4779



Sec. 3796.40. (A) Terms used in this section have the same 4780  
meanings as in section 5739.01 of the Revised Code. 4781

(B) For the purpose of funding the needs of the state and 4782  
local governments that host adult-use marijuana dispensaries, an 4783  
excise tax is levied on the retail sale of adult-use marijuana. 4784  
The rate of the tax shall equal ten per cent of the price of 4785  
adult-use marijuana and is in addition to taxes levied under 4786  
Chapters 5739. and 5741. of the Revised Code. 4787

(C) The tax shall be paid by the consumer to the vendor at 4788  
the time of the sale, and the vendor shall report and remit the 4789  
tax to the state in the same manner and at the same time the 4790  
vendor reports and remits the tax levied under Chapter 5739. of 4791  
the Revised Code. The return required by this division shall be 4792  
filed on a form prescribed by the tax commissioner, which shall 4793  
be separate from the return required to be filed under section 4794  
5739.12 of the Revised Code. The tax levied under this section 4795  
shall be collected consistent with Chapters 5703. and 5739. of 4796  
the Revised Code. 4797

(D) For the same purpose as the tax levied under division 4798  
(B) of this section, a tax is levied on a vendor that sells any 4799  
marijuana other than adult-use marijuana or medical marijuana to 4800  
a consumer. That tax equals ten per cent of the price of such 4801  
marijuana, and the consumer and vendor are liable for any 4802  
amounts, including tax, interest, and penalties, imposed under 4803  
this section and chapter in the same manner as vendors subject 4804  
to the tax imposed under division (B) of this section. 4805

(E) All amounts collected from a tax levied under this 4806  
section shall be deposited into the marijuana receipts fund, 4807  
which is created in the state treasury. Investment earnings of 4808  
the marijuana receipts fund shall be credited to that fund. 4809

From the marijuana receipts fund, the director of budget 4810  
and management shall transfer as needed to the tax refund fund 4811  
amounts equal to the refunds attributable to the tax levied 4812  
under this section and certified by the tax commissioner. 4813

(F) After making any transfers required under division (E) 4814  
of this section, the director of budget and management shall 4815  
transfer amounts remaining in the marijuana receipts fund as 4816  
follows: 4817

(1) Sixty-four per cent to the general revenue fund; 4818

(2) Thirty-six per cent to the host community cannabis 4819  
fund, which is created in the state treasury, for the benefit of 4820  
municipal corporations or townships that have at least one 4821  
licensed dispensary. Distributions to such municipal 4822  
corporations and townships shall be based on the portion of the 4823  
tax levied under division (B) of this section attributable to 4824  
each municipal corporation or township. Municipal corporations 4825  
and townships receiving funds under this division may use such 4826  
funds for any lawful purpose. 4827

Distributions under this division shall be made by the end 4828  
of each month based on tax collections from the preceding month. 4829  
The tax commissioner shall make data available to the director 4830  
of the office of budget and management for this purpose and the 4831  
director of budget and management shall provide for payment of 4832  
those amounts to municipal corporations and townships as 4833  
required. 4834

(G) The tax commissioner may prescribe all forms and adopt 4835  
all rules necessary to administer the tax authorized under this 4836  
section. 4837

Sec. 3796.99. (A) (1) Whoever violates division (C) (2) of 4838

section 3796.06 of the Revised Code as an operator of the 4839  
vehicle, streetcar, trackless trolley, watercraft, or aircraft 4840  
is subject to section 1547.11, 4511.19, 4511.194, or 4561.15 of 4841  
the Revised Code, as applicable. 4842

(2) Whoever violates division (C) (2) of section 3796.06 of 4843  
the Revised Code as a passenger of a vehicle, streetcar, 4844  
trackless trolley, watercraft, or aircraft when the operator is 4845  
operating or has physical control of the vehicle, streetcar, 4846  
trackless trolley, watercraft, or aircraft is guilty of a 4847  
misdemeanor of the third degree. 4848

(B) Except as otherwise provided in division (A) of this 4849  
section, whoever violates division (C) (2) or (3) of section 4850  
3796.06 of the Revised Code is guilty of a minor misdemeanor. 4851

(C) (1) (a) Except as provided in division (C) (1) (b) of this 4852  
section, whoever violates division (F) of section 3796.06 of the 4853  
Revised Code is guilty of a misdemeanor of the first degree. 4854

(b) An offender who has previously been convicted of, or 4855  
pleaded guilty to, a violation of division (F) of section 4856  
3796.06 of the Revised Code, is guilty of a felony of the fifth 4857  
degree. 4858

(2) The division of marijuana control shall immediately 4859  
revoke the license of any license holder under this chapter who 4860  
is found guilty of, or who pleads guilty or no contest to, 4861  
violating division (F) of section 3796.06 of the Revised Code. 4862

(D) Whoever violates division (B) of section 3796.221 of 4863  
the Revised Code is guilty of possession of marijuana under 4864  
section 2925.11 of the Revised Code. 4865

(E) Whoever violates division (C) of section 3796.04 of 4866  
the Revised Code is guilty of illegal cultivation of marijuana 4867

under section 2925.04 of the Revised Code.

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(F) Whoever violates division (I) of section 3796.09,  
division (I) of section 3796.10, division (C) (2) of section  
3796.20, or division (C) of section 3796.221 of the Revised Code  
is guilty of trafficking in marijuana under section 2925.03 of  
the Revised Code.

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

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

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(3) (a) Except as otherwise provided in division (G) (4) of  
this section, an offender who has previously been convicted of  
or pleaded guilty to a violation of division (G) of section  
3796.06 of the Revised Code by knowingly presenting to an adult-  
use dispensary licensed under this chapter a false, fictitious,

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or altered identification card, a false or fictitious driver's 4898  
license purportedly issued by any state, or a driver's license 4899  
issued by any state that has been altered, is guilty of a 4900  
misdemeanor of the first degree and, notwithstanding division 4901  
(A) (2) of section 2929.28 of the Revised Code, shall be fined 4902  
not less than five hundred dollars nor more than one thousand 4903  
dollars. 4904

(b) (i) The court also may impose a class seven suspension 4905  
of the offender's driver's or commercial driver's license or 4906  
permit, or nonresident operating privilege, from the range 4907  
specified in division (A) (7) of section 4510.02 of the Revised 4908  
Code. 4909

(ii) The court, in lieu of suspending the offender's 4910  
temporary instruction permit, probationary driver's license, or 4911  
driver's license, instead may order the offender to perform a 4912  
determinate number of hours of community service, with the court 4913  
determining the actual number of hours and the nature of the 4914  
community service the offender shall perform. 4915

(4) (a) An offender who has previously been convicted of or 4916  
pleaded guilty to two or more violations of division (G) of 4917  
section 3796.06 of the Revised Code by knowingly presenting to 4918  
an adult-use dispensary licensed under this chapter a false, 4919  
fictitious, or altered identification card, a false or 4920  
fictitious driver's license purportedly issued by any state, or 4921  
a driver's license issued by any state that has been altered, is 4922  
guilty of a misdemeanor of the first degree and, notwithstanding 4923  
division (A) (2) of section 2929.28 of the Revised Code, shall be 4924  
fined not less than five hundred dollars nor more than one 4925  
thousand dollars. 4926

(b) (i) The court also may impose a class six suspension of 4927

the offender's driver's or commercial driver's license or permit 4928  
or nonresident operating privilege from the range specified in 4929  
division (A) (6) of section 4510.02 of the Revised Code, and the 4930  
court may order that the suspension or denial remain in effect 4931  
until the offender attains the age of twenty-one years. 4932

(ii) The court, in lieu of suspending the offender's 4933  
temporary instruction permit, probationary driver's license, or 4934  
driver's license, instead may order the offender to perform a 4935  
determinate number of hours of community service, with the court 4936  
determining the actual number of hours and the nature of the 4937  
community service the offender shall perform. 4938

(5) The financial sanctions required by divisions (G) (2) 4939  
to (4) of this section are in lieu of the financial sanctions 4940  
described in division (A) (2) of section 2929.28 of the Revised 4941  
Code but are in addition to any other sanctions or penalties 4942  
that may apply to the offender, including other financial 4943  
sanctions under that section or a jail term under section 4944  
2929.24 of the Revised Code. 4945

(H) (1) Except as otherwise provided in division (H) (2) of 4946  
this section, whoever violates division (G) of section 3796.06 4947  
of the Revised Code by knowingly soliciting another person to 4948  
purchase adult-use marijuana from an adult-use dispensary 4949  
licensed under this chapter is guilty of a misdemeanor of the 4950  
fourth degree. 4951

(2) An offender who has previously been convicted of or 4952  
pleaded guilty to a violation of division (G) of section 3796.06 4953  
of the Revised Code by knowingly soliciting another individual 4954  
to purchase adult-use marijuana from an adult-use dispensary 4955  
licensed under this chapter is guilty of a misdemeanor of the 4956  
second degree. 4957

(I) Whoever violates division (A), (B), or (C) of section 4958  
3796.062 of the Revised Code is guilty of a minor misdemeanor. 4959

(J) Whoever violates division (D) of section 3796.062 of 4960  
the Revised Code is guilty of illegal use or possession of 4961  
marijuana drug paraphernalia under section 2925.141 of the 4962  
Revised Code. 4963

**Sec. 4506.01.** As used in this chapter: 4964

(A) "Alcohol concentration" means the concentration of 4965  
alcohol in a person's blood, breath, or urine. When expressed as 4966  
a percentage, it means grams of alcohol per the following: 4967

(1) One hundred milliliters of whole blood, blood serum, 4968  
or blood plasma; 4969

(2) Two hundred ten liters of breath; 4970

(3) One hundred milliliters of urine. 4971

(B) "Commercial driver's license" means a license issued 4972  
in accordance with this chapter that authorizes an individual to 4973  
drive a commercial motor vehicle. 4974

(C) "Commercial driver's license information system" means 4975  
the information system established pursuant to the requirements 4976  
of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 4977  
3207-171, 49 U.S.C.A. App. 2701. 4978

(D) Except when used in section 4506.25 of the Revised 4979  
Code, "commercial motor vehicle" means any motor vehicle 4980  
designed or used to transport persons or property that meets any 4981  
of the following qualifications: 4982

(1) Any combination of vehicles with a gross vehicle 4983  
weight or combined gross vehicle weight rating of twenty-six 4984

thousand one pounds or more, provided the gross vehicle weight 4985  
or gross vehicle weight rating of the vehicle or vehicles being 4986  
towed is in excess of ten thousand pounds; 4987

(2) Any single vehicle with a gross vehicle weight or 4988  
gross vehicle weight rating of twenty-six thousand one pounds or 4989  
more; 4990

(3) Any single vehicle or combination of vehicles that is 4991  
not a class A or class B vehicle, but is designed to transport 4992  
sixteen or more passengers including the driver; 4993

(4) Any school bus with a gross vehicle weight or gross 4994  
vehicle weight rating of less than twenty-six thousand one 4995  
pounds that is designed to transport fewer than sixteen 4996  
passengers including the driver; 4997

(5) Is transporting hazardous materials for which 4998  
placarding is required under subpart F of 49 C.F.R. part 172, as 4999  
amended; 5000

(6) Any single vehicle or combination of vehicles that is 5001  
designed to be operated and to travel on a public street or 5002  
highway and is considered by the federal motor carrier safety 5003  
administration to be a commercial motor vehicle, including, but 5004  
not limited to, a motorized crane, a vehicle whose function is 5005  
to pump cement, a rig for drilling wells, and a portable crane. 5006

(E) "Controlled substance" means all of the following: 5007

(1) Any substance classified as a controlled substance 5008  
under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 5009  
U.S.C.A. 802(6), as amended; 5010

(2) Any substance included in schedules I through V of 21 5011  
C.F.R. part 1308, as amended; 5012



(3) Any drug of abuse.	5013
(F) "Conviction" means an unvacated adjudication of guilt	5014
or a determination that a person has violated or failed to	5015
comply with the law in a court of original jurisdiction or an	5016
authorized administrative tribunal, an unvacated forfeiture of	5017
bail or collateral deposited to secure the person's appearance	5018
in court, a plea of guilty or nolo contendere accepted by the	5019
court, the payment of a fine or court cost, or violation of a	5020
condition of release without bail, regardless of whether or not	5021
the penalty is rebated, suspended, or probated.	5022
(G) "Disqualification" means any of the following:	5023
(1) The suspension, revocation, or cancellation of a	5024
person's privileges to operate a commercial motor vehicle;	5025
(2) Any withdrawal of a person's privileges to operate a	5026
commercial motor vehicle as the result of a violation of state	5027
or local law relating to motor vehicle traffic control other	5028
than parking, vehicle weight, or vehicle defect violations;	5029
(3) A determination by the federal motor carrier safety	5030
administration that a person is not qualified to operate a	5031
commercial motor vehicle under 49 C.F.R. 391.	5032
(H) "Domiciled" means having a true, fixed, principal, and	5033
permanent residence to which an individual intends to return.	5034
(I) "Downgrade" means any of the following, as applicable:	5035
(1) A change in the commercial driver's license, or	5036
commercial driver's license temporary instruction permit,	5037
holder's self-certified status as described in division (A) (1)	5038
of section 4506.10 of the Revised Code;	5039
(2) A change to a lesser class of vehicle;	5040

(3) Removal of commercial driver's license privileges from 5041  
the individual's driver's license; 5042

(4) A change in the commercial driver's license, or 5043  
commercial driver's license temporary instruction permit, 5044  
holder's privileges as described in division (F)(1) of section 5045  
4506.13 of the Revised Code. 5046

(J) "Drive" means to drive, operate, or be in physical 5047  
control of a motor vehicle. 5048

(K) "Driver" means any person who drives, operates, or is 5049  
in physical control of a commercial motor vehicle or is required 5050  
to have a commercial driver's license. 5051

(L) "Driver's license" means a license issued by the 5052  
bureau of motor vehicles that authorizes an individual to drive. 5053

(M) "Drug of abuse" means any controlled substance, 5054  
dangerous drug as defined in section 4729.01 of the Revised 5055  
Code, harmful intoxicant as defined in section 2925.01 of the 5056  
Revised Code, intoxicating hemp product as defined in section 5057  
3779.01 of the Revised Code, drinkable cannabinoid product as 5058  
defined in section 3779.21 of the Revised Code, or over-the- 5059  
counter medication that, when taken in quantities exceeding the 5060  
recommended dosage, can result in impairment of judgment or 5061  
reflexes. 5062

(N) "Electronic device" includes a cellular telephone, a 5063  
personal digital assistant, a pager, a computer, and any other 5064  
device used to input, write, send, receive, or read text. 5065

(O) "Eligible unit of local government" means a village, 5066  
township, or county that has a population of not more than three 5067  
thousand persons according to the most recent federal census. 5068

(P) "Employer" means any person, including the federal 5069  
government, any state, and a political subdivision of any state, 5070  
that owns or leases a commercial motor vehicle or assigns a 5071  
person to drive such a motor vehicle. 5072

(Q) "Endorsement" means an authorization on a person's 5073  
commercial driver's license that is required to permit the 5074  
person to operate a specified type of commercial motor vehicle. 5075

(R) "Farm truck" means a truck controlled and operated by 5076  
a farmer for use in the transportation to or from a farm, for a 5077  
distance of not more than one hundred fifty miles, of products 5078  
of the farm, including livestock and its products, poultry and 5079  
its products, floricultural and horticultural products, and in 5080  
the transportation to the farm, from a distance of not more than 5081  
one hundred fifty miles, of supplies for the farm, including 5082  
tile, fence, and every other thing or commodity used in 5083  
agricultural, floricultural, horticultural, livestock, and 5084  
poultry production, and livestock, poultry, and other animals 5085  
and things used for breeding, feeding, or other purposes 5086  
connected with the operation of the farm, when the truck is 5087  
operated in accordance with this division and is not used in the 5088  
operations of a motor carrier, as defined in section 4923.01 of 5089  
the Revised Code. 5090

(S) "Fatality" means the death of a person as the result 5091  
of a motor vehicle accident occurring not more than three 5092  
hundred sixty-five days prior to the date of death. 5093

(T) "Felony" means any offense under federal or state law 5094  
that is punishable by death or specifically classified as a 5095  
felony under the law of this state, regardless of the penalty 5096  
that may be imposed. 5097

(U) "Foreign jurisdiction" means any jurisdiction other than a state.

(V) "Gross vehicle weight rating" means the value specified by the manufacturer as the maximum loaded weight of a single or a combination vehicle. The gross vehicle weight rating of a combination vehicle is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of each towed unit.

(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 quantity of a material listed as a select agent or toxin in 42 C.F.R. part 73, as amended.

(X) "Imminent hazard" means the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury, or endangerment.

(Y) "Medical variance" means one of the following received by a driver from the federal motor carrier safety administration that allows the driver to be issued a medical certificate:

(1) An exemption letter permitting operation of a commercial motor vehicle under 49 C.F.R. 381, subpart C or 49 C.F.R. 391.64;

(2) A skill performance evaluation certificate permitting operation of a commercial motor vehicle pursuant to 49 C.F.R. 391.49.

(Z) "Mobile telephone" means a mobile communication device 5127  
that falls under or uses any commercial mobile radio service as 5128  
defined in 47 C.F.R. 20, except that mobile telephone does not 5129  
include two-way or citizens band radio services. 5130

(AA) "Motor vehicle" means a vehicle, machine, tractor, 5131  
trailer, or semitrailer propelled or drawn by mechanical power 5132  
used on highways, except that such term does not include a 5133  
vehicle, machine, tractor, trailer, or semitrailer operated 5134  
exclusively on a rail. 5135

(BB) "Out-of-service order" means a declaration by an 5136  
authorized enforcement officer of a federal, state, local, 5137  
Canadian, or Mexican jurisdiction declaring that a driver, 5138  
commercial motor vehicle, or commercial motor carrier operation 5139  
is out of service as defined in 49 C.F.R. 390.5. 5140

(CC) "Peace officer" has the same meaning as in section 5141  
2935.01 of the Revised Code. 5142

(DD) "Portable tank" means a liquid or gaseous packaging 5143  
designed primarily to be loaded onto or temporarily attached to 5144  
a vehicle and equipped with skids, mountings, or accessories to 5145  
facilitate handling of the tank by mechanical means. 5146

(EE) "Public safety vehicle" has the same meaning as in 5147  
divisions (E) (1) and (3) of section 4511.01 of the Revised Code. 5148

(FF) "Recreational vehicle" includes every vehicle that is 5149  
defined as a recreational vehicle in section 4501.01 of the 5150  
Revised Code and is used exclusively for purposes other than 5151  
engaging in business for profit. 5152

(GG) "Residence" means any person's residence determined 5153  
in accordance with standards prescribed in rules adopted by the 5154  
registrar. 5155

(HH) "School bus" has the same meaning as in section 5156  
4511.01 of the Revised Code. 5157

(II) "Serious traffic violation" means any of the 5158  
following: 5159

(1) A conviction arising from a single charge of operating 5160  
a commercial motor vehicle in violation of any provision of 5161  
section 4506.03 of the Revised Code; 5162

(2) (a) Except as provided in division (II) (2) (b) of this 5163  
section, a violation while operating a commercial motor vehicle 5164  
of a law of this state, or any municipal ordinance or county or 5165  
township resolution, or any other substantially similar law of 5166  
another state or political subdivision of another state 5167  
prohibiting either of the following: 5168

(i) Texting while driving; 5169

(ii) Using a handheld mobile telephone. 5170

(b) It is not a serious traffic violation if the person 5171  
was texting or using a handheld mobile telephone to contact law 5172  
enforcement or other emergency services. 5173

(3) A conviction arising from the operation of any motor 5174  
vehicle that involves any of the following: 5175

(a) A single charge of any speed in excess of the posted 5176  
speed limit by fifteen miles per hour or more; 5177

(b) Violation of section 4511.20 or 4511.201 of the 5178  
Revised Code or any similar ordinance or resolution, or of any 5179  
similar law of another state or political subdivision of another 5180  
state; 5181

(c) Violation of a law of this state or an ordinance or 5182

resolution relating to traffic control, other than a parking 5183  
violation, or of any similar law of another state or political 5184  
subdivision of another state, that results in a fatal accident; 5185

(d) Violation of section 4506.03 of the Revised Code or a 5186  
substantially similar municipal ordinance or county or township 5187  
resolution, or of any similar law of another state or political 5188  
subdivision of another state, that involves the operation of a 5189  
commercial motor vehicle without a valid commercial driver's 5190  
license with the proper class or endorsement for the specific 5191  
vehicle group being operated or for the passengers or type of 5192  
cargo being transported; 5193

(e) Violation of section 4506.03 of the Revised Code or a 5194  
substantially similar municipal ordinance or county or township 5195  
resolution, or of any similar law of another state or political 5196  
subdivision of another state, that involves the operation of a 5197  
commercial motor vehicle without a valid commercial driver's 5198  
license being in the person's possession; 5199

(f) Violation of section 4511.33 or 4511.34 of the Revised 5200  
Code, or any municipal ordinance or county or township 5201  
resolution substantially similar to either of those sections, or 5202  
any substantially similar law of another state or political 5203  
subdivision of another state; 5204

(g) Violation of any other law of this state, any law of 5205  
another state, or any ordinance or resolution of a political 5206  
subdivision of this state or another state that meets both of 5207  
the following requirements: 5208

(i) It relates to traffic control, other than a parking 5209  
violation; 5210

(ii) It is determined to be a serious traffic violation by 5211

the United States secretary of transportation and is designated 5212  
by the director as such by rule. 5213

(JJ) "State" means a state of the United States and 5214  
includes the District of Columbia. 5215

(KK) "Tank vehicle" means any commercial motor vehicle 5216  
that is designed to transport any liquid or gaseous materials 5217  
within a tank or tanks that are either permanently or 5218  
temporarily attached to the vehicle or its chassis and have an 5219  
individual rated capacity of more than one hundred nineteen 5220  
gallons and an aggregate rated capacity of one thousand gallons 5221  
or more. "Tank vehicle" does not include a commercial motor 5222  
vehicle transporting an empty storage container tank that is not 5223  
designed for transportation, has a rated capacity of one 5224  
thousand gallons or more, and is temporarily attached to a 5225  
flatbed trailer. 5226

(LL) "Tester" means a person or entity acting pursuant to 5227  
a valid agreement entered into pursuant to division (B) of 5228  
section 4506.09 of the Revised Code. 5229

(MM) "Texting" means manually entering alphanumeric text 5230  
into, or reading text from, an electronic device. Texting 5231  
includes short message service, e-mail, instant messaging, a 5232  
command or request to access a world wide web page, pressing 5233  
more than a single button to initiate or terminate a voice 5234  
communication using a mobile telephone, or engaging in any other 5235  
form of electronic text retrieval or entry, for present or 5236  
future communication. Texting does not include the following: 5237

(1) Using voice commands to initiate, receive, or 5238  
terminate a voice communication using a mobile telephone; 5239

(2) Inputting, selecting, or reading information on a 5240



global positioning system or navigation system; 5241

(3) Pressing a single button to initiate or terminate a 5242  
voice communication using a mobile telephone; or 5243

(4) Using, for a purpose that is not otherwise prohibited 5244  
by law, a device capable of performing multiple functions, such 5245  
as a fleet management system, a dispatching device, a mobile 5246  
telephone, a citizens band radio, or a music player. 5247

(NN) "Texting while driving" means texting while operating 5248  
a commercial motor vehicle, with the motor running, including 5249  
while temporarily stationary because of traffic, a traffic 5250  
control device, or other momentary delays. Texting while driving 5251  
does not include operating a commercial motor vehicle with or 5252  
without the motor running when the driver has moved the vehicle 5253  
to the side of, or off, a highway and is stopped in a location 5254  
where the vehicle can safely remain stationary. 5255

(OO) "United States" means the fifty states and the 5256  
District of Columbia. 5257

(PP) "Upgrade" means a change in the class of vehicles, 5258  
endorsements, or self-certified status as described in division 5259  
(A) (1) of section 4506.10 of the Revised Code, that expands the 5260  
ability of a current commercial driver's license holder to 5261  
operate commercial motor vehicles under this chapter. 5262

(QQ) "Use of a handheld mobile telephone" means: 5263

(1) Using at least one hand to hold a mobile telephone to 5264  
conduct a voice communication; 5265

(2) Dialing or answering a mobile telephone by pressing 5266  
more than a single button; or 5267

(3) Reaching for a mobile telephone in a manner that 5268

requires a driver to maneuver so that the driver is no longer in 5269  
a seated driving position, or restrained by a seat belt that is 5270  
installed in accordance with 49 C.F.R. 393.93 and adjusted in 5271  
accordance with the vehicle manufacturer's instructions. 5272

(RR) "Vehicle" has the same meaning as in section 4511.01 5273  
of the Revised Code. 5274

**Sec. 4735.18.** (A) Subject to section 4735.32 of the 5275  
Revised Code, the superintendent of real estate, upon the 5276  
superintendent's own motion, may investigate the conduct of any 5277  
licensee. Subject to division (E) of this section and section 5278  
4735.32 of the Revised Code, the Ohio real estate commission 5279  
shall impose disciplinary sanctions upon any licensee who, 5280  
whether or not acting in the licensee's capacity as a real 5281  
estate broker or salesperson, or in handling the licensee's own 5282  
property, is found to have been convicted of a felony or a crime 5283  
of moral turpitude, and may impose disciplinary sanctions upon 5284  
any licensee who, in the licensee's capacity as a real estate 5285  
broker or salesperson, or in handling the licensee's own 5286  
property, is found guilty of: 5287

(1) Knowingly making any misrepresentation; 5288

(2) Making any false promises with intent to influence, 5289  
persuade, or induce; 5290

(3) A continued course of misrepresentation or the making 5291  
of false promises through agents, salespersons, advertising, or 5292  
otherwise; 5293

(4) Acting for more than one party in a transaction except 5294  
as permitted by and in compliance with section 4735.71 of the 5295  
Revised Code; 5296

(5) Failure within a reasonable time to account for or to 5297

remit any money coming into the licensee's possession which 5298  
belongs to others; 5299

(6) Dishonest or illegal dealing, gross negligence, 5300  
incompetency, or misconduct; 5301

(7) (a) By final adjudication by a court, a violation of 5302  
any municipal or federal civil rights law relevant to the 5303  
protection of purchasers or sellers of real estate or, by final 5304  
adjudication by a court, any unlawful discriminatory practice 5305  
pertaining to the purchase or sale of real estate prohibited by 5306  
Chapter 4112. of the Revised Code, provided that such violation 5307  
arose out of a situation wherein parties were engaged in bona 5308  
fide efforts to purchase, sell, or lease real estate, in the 5309  
licensee's practice as a licensed real estate broker or 5310  
salesperson; 5311

(b) A second or subsequent violation of any unlawful 5312  
discriminatory practice pertaining to the purchase or sale of 5313  
real estate prohibited by Chapter 4112. of the Revised Code or 5314  
any second or subsequent violation of municipal or federal civil 5315  
rights laws relevant to purchasing or selling real estate 5316  
whether or not there has been a final adjudication by a court, 5317  
provided that such violation arose out of a situation wherein 5318  
parties were engaged in bona fide efforts to purchase, sell, or 5319  
lease real estate. For any second offense under this division, 5320  
the commission shall suspend for a minimum of two months or 5321  
revoke the license of the broker or salesperson. For any 5322  
subsequent offense, the commission shall revoke the license of 5323  
the broker or salesperson. 5324

(8) Procuring a license under this chapter, for the 5325  
licensee or any salesperson by fraud, misrepresentation, or 5326  
deceit; 5327

(9) Having violated or failed to comply with any provision 5328  
of sections 4735.51 to 4735.74 of the Revised Code or having 5329  
willfully disregarded or violated any other provisions of this 5330  
chapter; 5331

(10) As a real estate broker, having demanded, without 5332  
reasonable cause, other than from a broker licensed under this 5333  
chapter, a commission to which the licensee is not entitled, or, 5334  
as a real estate salesperson, having demanded, without 5335  
reasonable cause, a commission to which the licensee is not 5336  
entitled; 5337

(11) Except as permitted under section 4735.20 of the 5338  
Revised Code, having paid commissions or fees to, or divided 5339  
commissions or fees with, anyone not licensed as a real estate 5340  
broker or salesperson under this chapter or anyone not operating 5341  
as an out-of-state commercial real estate broker or salesperson 5342  
under section 4735.022 of the Revised Code; 5343

(12) Having falsely represented membership in any real 5344  
estate professional association of which the licensee is not a 5345  
member; 5346

(13) Having accepted, given, or charged any undisclosed 5347  
commission, rebate, or direct profit on expenditures made for a 5348  
principal; 5349

(14) Having offered anything of value other than the 5350  
consideration recited in the sales contract as an inducement to 5351  
a person to enter into a contract for the purchase or sale of 5352  
real estate or having offered real estate or the improvements on 5353  
real estate as a prize in a lottery or scheme of chance; 5354

(15) Having acted in the dual capacity of real estate 5355  
broker and undisclosed principal, or real estate salesperson and 5356

undisclosed principal, in any transaction; 5357

(16) Having guaranteed, authorized, or permitted any 5358  
person to guarantee future profits which may result from the 5359  
resale of real property; 5360

(17) Having advertised or placed a sign on any property 5361  
offering it for sale or for rent without the consent of the 5362  
owner or the owner's authorized agent; 5363

(18) Having induced any party to a contract of sale or 5364  
lease to break such contract for the purpose of substituting in 5365  
lieu of it a new contract with another principal; 5366

(19) Having negotiated the sale, exchange, or lease of any 5367  
real property directly with a seller, purchaser, lessor, or 5368  
tenant knowing that such seller, purchaser, lessor, or tenant is 5369  
represented by another broker under a written exclusive agency 5370  
agreement, exclusive right to sell or lease listing agreement, 5371  
or exclusive purchaser agency agreement with respect to such 5372  
property except as provided for in section 4735.75 of the 5373  
Revised Code; 5374

(20) Having offered real property for sale or for lease 5375  
without the knowledge and consent of the owner or the owner's 5376  
authorized agent, or on any terms other than those authorized by 5377  
the owner or the owner's authorized agent; 5378

(21) Having published advertising, whether printed, radio, 5379  
display, or of any other nature, which was misleading or 5380  
inaccurate in any material particular, or in any way having 5381  
misrepresented any properties, terms, values, policies, or 5382  
services of the business conducted; 5383

(22) Having knowingly withheld from or inserted in any 5384  
statement of account or invoice any statement that made it 5385

inaccurate in any material particular; 5386

(23) Having published or circulated unjustified or 5387  
unwarranted threats of legal proceedings which tended to or had 5388  
the effect of harassing competitors or intimidating their 5389  
customers; 5390

(24) Having failed to keep complete and accurate records 5391  
of all transactions for a period of three years from the date of 5392  
the transaction, such records to include copies of listing 5393  
forms, earnest money receipts, offers to purchase and 5394  
acceptances of them, records of receipts and disbursements of 5395  
all funds received by the licensee as broker and incident to the 5396  
licensee's transactions as such, and records required pursuant 5397  
to divisions (C) (4) and (5) of section 4735.20 of the Revised 5398  
Code, and any other instruments or papers related to the 5399  
performance of any of the acts set forth in the definition of a 5400  
real estate broker; 5401

(25) Failure of a real estate broker or salesperson to 5402  
furnish all parties involved in a real estate transaction true 5403  
copies of all listings and other agreements to which they are a 5404  
party, at the time each party signs them; 5405

(26) Failure to maintain at all times a special or trust 5406  
bank account in a depository of a state or federally chartered 5407  
institution located in this state. The account shall be 5408  
noninterest-bearing, separate and distinct from any personal or 5409  
other account of the broker, and, except as provided in division 5410  
(A) (27) of this section, shall be used for the deposit and 5411  
maintenance of all escrow funds, security deposits, and other 5412  
moneys received by the broker in a fiduciary capacity. The name, 5413  
account number, if any, and location of the depository wherein 5414  
such special or trust account is maintained shall be submitted 5415

in writing to the superintendent. Checks drawn on such special 5416  
or trust bank accounts are deemed to meet the conditions imposed 5417  
by section 1349.21 of the Revised Code. Funds deposited in the 5418  
trust or special account in connection with a purchase agreement 5419  
shall be maintained in accordance with section 4735.24 of the 5420  
Revised Code. 5421

(27) Failure to maintain at all times a special or trust 5422  
bank account in a depository of a state or federally chartered 5423  
institution in this state, to be used exclusively for the 5424  
deposit and maintenance of all rents, security deposits, escrow 5425  
funds, and other moneys received by the broker in a fiduciary 5426  
capacity in the course of managing real property. This account 5427  
shall be separate and distinct from any other account maintained 5428  
by the broker. The name, account number, and location of the 5429  
depository shall be submitted in writing to the superintendent. 5430  
This account may earn interest, which shall be paid to the 5431  
property owners on a pro rata basis. 5432

Division (A) (27) of this section does not apply to brokers 5433  
who are not engaged in the management of real property on behalf 5434  
of real property owners. 5435

(28) Having failed to put definite expiration dates in all 5436  
written agency agreements to which the broker is a party; 5437

(29) Having an unsatisfied final judgment or lien in any 5438  
court of record against the licensee arising out of the 5439  
licensee's conduct as a licensed broker or salesperson; 5440

(30) Failing to render promptly upon demand a full and 5441  
complete statement of the expenditures by the broker or 5442  
salesperson of funds advanced by or on behalf of a party to a 5443  
real estate transaction to the broker or salesperson for the 5444

purpose of performing duties as a licensee under this chapter in 5445  
conjunction with the real estate transaction; 5446

(31) Failure within a reasonable time, after the receipt 5447  
of the commission by the broker, to render an accounting to and 5448  
pay a real estate salesperson the salesperson's earned share of 5449  
it; 5450

(32) Performing any service for another constituting the 5451  
practice of law, as determined by any court of law; 5452

(33) Having been adjudicated incompetent by a court, as 5453  
provided in section 5122.301 of the Revised Code. A license 5454  
revoked or suspended under this division shall be reactivated 5455  
upon proof to the commission of the removal of the disability. 5456

(34) Having authorized or permitted a person to act as an 5457  
agent in the capacity of a real estate broker, or a real estate 5458  
salesperson, who was not then licensed as a real estate broker 5459  
or real estate salesperson under this chapter or who was not 5460  
then operating as an out-of-state commercial real estate broker 5461  
or salesperson under section 4735.022 of the Revised Code; 5462

(35) Having knowingly inserted or participated in 5463  
inserting any materially inaccurate term in a document, 5464  
including naming a false consideration; 5465

(36) Having failed to inform the licensee's client of the 5466  
existence of an offer or counteroffer or having failed to 5467  
present an offer or counteroffer in a timely manner, unless 5468  
otherwise instructed by the client, provided the instruction of 5469  
the client does not conflict with any state or federal law; 5470

(37) Having failed to comply with section 4735.24 of the 5471  
Revised Code; 5472



(38) Having acted as a broker without authority, impeded 5473  
the ability of a principal broker to perform any of the duties 5474  
described in section 4735.081 of the Revised Code, or impeded 5475  
the ability a management level licensee to perform the 5476  
licensee's duties; 5477

(39) Entering into a right-to-list home sale agreement. 5478

(B) Whenever the commission, pursuant to section 4735.051 5479  
of the Revised Code, imposes disciplinary sanctions for any 5480  
violation of this section, the commission also may impose such 5481  
sanctions upon the broker with whom the salesperson is 5482  
affiliated if the commission finds that the broker had knowledge 5483  
of the salesperson's actions that violated this section. 5484

(C) The commission shall, pursuant to section 4735.051 of 5485  
the Revised Code, impose disciplinary sanctions upon any foreign 5486  
real estate dealer or salesperson who, in that capacity or in 5487  
handling the dealer's or salesperson's own property, is found 5488  
guilty of any of the acts or omissions specified or comprehended 5489  
in division (A) of this section insofar as the acts or omissions 5490  
pertain to foreign real estate. If the commission imposes such 5491  
sanctions upon a foreign real estate salesperson for a violation 5492  
of this section, the commission also may suspend or revoke the 5493  
license of the foreign real estate dealer with whom the 5494  
salesperson is affiliated if the commission finds that the 5495  
dealer had knowledge of the salesperson's actions that violated 5496  
this section. 5497

(D) The commission may suspend, in whole or in part, the 5498  
imposition of the penalty of suspension of a license under this 5499  
section. 5500

(E) A person licensed under this chapter who represents a 5501

party to a transaction or a proposed transaction involving the 5502  
sale, purchase, exchange, lease, or management of real property 5503  
that is or will be used in the cultivation, processing, 5504  
dispensing, or testing of medical marijuana or adult-use 5505  
marijuana under Chapter 3796. of the Revised Code, or who 5506  
receives, holds, or disburses funds from a real estate brokerage 5507  
trust account in connection with such a transaction, shall not 5508  
be subject to disciplinary sanctions under this chapter solely 5509  
because the licensed person engaged in activities permitted 5510  
under this chapter and related to activities under Chapter 3796. 5511  
of the Revised Code. 5512

**Sec. 4796.25.** This chapter does not apply to any of the 5513  
following: 5514

(A) Licenses issued under Chapter 3780. or 3796. of the 5515  
Revised Code; 5516

(B) Licenses issued pursuant to rules prescribed under 5517  
Section 5 of Article IV, Ohio Constitution; 5518

(C) Commercial fishing licenses issued under section 5519  
1533.342 of the Revised Code; 5520

(D) Licenses issued under Chapter 4506. of the Revised 5521  
Code; 5522

(E) Physician certificates to recommend treatment with 5523  
medical marijuana issued under section 4731.30 of the Revised 5524  
Code; 5525

(F) Money transmitter licenses issued under section 5526  
1315.04 of the Revised Code; 5527

(G) Lottery sales agent licenses issued under section 5528  
3770.05 of the Revised Code; 5529

(H) Licenses issued under Chapter 3905. of the Revised Code;	5530 5531
(I) Fantasy contest operator licenses issued under section 3774.02 of the Revised Code;	5532 5533
(J) Teledentistry permits issued under section 4715.43 of the Revised Code;	5534 5535
(K) Physician training certificates issued under section 4731.291 of the Revised Code;	5536 5537
(L) Podiatrist training certificates issued under section 4731.573 of the Revised Code;	5538 5539
(M) Licenses issued under Chapter 4740. of the Revised Code;	5540 5541
(N) Licenses issued by a political subdivision to an individual by which the individual has or claims the privilege to act as a tradesperson as defined in section 4740.01 of the Revised Code in the political subdivision's jurisdiction.	5542 5543 5544 5545
<u>Sec. 5119.171. The department of behavioral health shall establish and administer a statewide program to prevent youth use of cannabis. The program shall do the following:</u>	5546 5547 5548
<u>(A) Use a harm reduction approach;</u>	5549
<u>(B) Include practices aimed at the prevention or reduction of substance use, substance abuse, substance dependence, and substance use disorders;</u>	5550 5551 5552
<u>(C) Use other evidence-based approaches selected by the department.</u>	5553 5554
<b>Sec. 5502.01.</b> (A) The department of public safety shall administer and enforce the laws relating to the registration,	5555 5556

licensing, sale, and operation of motor vehicles and the laws 5557  
pertaining to the licensing of drivers of motor vehicles. 5558

The department shall compile, analyze, and publish 5559  
statistics relative to motor vehicle accidents and the causes of 5560  
them, prepare and conduct educational programs for the purpose 5561  
of promoting safety in the operation of motor vehicles on the 5562  
highways, and conduct research and studies for the purpose of 5563  
promoting safety on the highways of this state. 5564

(B) The department shall administer the laws and rules 5565  
relative to trauma and emergency medical services specified in 5566  
Chapter 4765. of the Revised Code and any laws and rules 5567  
relative to medical transportation services specified in Chapter 5568  
4766. of the Revised Code. 5569

(C) The department shall administer and enforce the laws 5570  
contained in Chapters 4301. and 4303. of the Revised Code and 5571  
enforce the rules and orders of the liquor control commission 5572  
pertaining to retail liquor permit holders. 5573

(D) The department shall administer the laws governing the 5574  
state emergency management agency and shall enforce all 5575  
additional duties and responsibilities as prescribed in the 5576  
Revised Code related to emergency management services. 5577

(E) The department shall conduct investigations pursuant 5578  
to Chapter 5101. of the Revised Code in support of the duty of 5579  
the department of job and family services to administer the 5580  
supplemental nutrition assistance program throughout this state. 5581  
The department of public safety shall conduct investigations 5582  
necessary to protect the state's property rights and interests 5583  
in the supplemental nutrition assistance program. 5584

(F) The department of public safety shall enforce 5585

compliance with orders and rules of the public utilities 5586  
commission and applicable laws in accordance with Chapters 5587  
4905., 4921., and 4923. of the Revised Code regarding commercial 5588  
motor vehicle transportation safety, economic, and hazardous 5589  
materials requirements. 5590

(G) Notwithstanding Chapter 4117. of the Revised Code, the 5591  
department of public safety may establish requirements for its 5592  
enforcement personnel, including its enforcement agents 5593  
described in section 5502.14 of the Revised Code, that include 5594  
standards of conduct, work rules and procedures, and criteria 5595  
for eligibility as law enforcement personnel. 5596

(H) The department shall administer, maintain, and operate 5597  
the Ohio criminal justice network. The Ohio criminal justice 5598  
network shall be a computer network that supports state and 5599  
local criminal justice activities. The network shall be an 5600  
electronic repository for various data, which may include arrest 5601  
warrants, notices of persons wanted by law enforcement agencies, 5602  
criminal records, prison inmate records, stolen vehicle records, 5603  
vehicle operator's licenses, and vehicle registrations and 5604  
titles. 5605

(I) The department shall coordinate all homeland security 5606  
activities of all state agencies and shall be a liaison between 5607  
state agencies and local entities for those activities and 5608  
related purposes. 5609

(J) The department shall administer and enforce the laws 5610  
relative to private investigators and security service providers 5611  
specified in Chapter 4749. of the Revised Code. 5612

(K) The department shall administer criminal justice 5613  
services in accordance with sections 5502.61 to 5502.66 of the 5614

Revised Code. 5615

(L) The department shall administer the Ohio school safety 5616  
and crisis center and the Ohio mobile training team in 5617  
accordance with sections 5502.70 to 5502.703 of the Revised 5618  
Code. 5619

(M) The department shall coordinate security measures and 5620  
operations, and may direct the department of administrative 5621  
services to implement any security measures and operations the 5622  
department of public safety requires, at the Vern Riffe Center 5623  
and the James A. Rhodes state office tower. 5624

Notwithstanding section 125.28 of the Revised Code, the 5625  
director of public safety may recover the costs of directing 5626  
security measures and operations under this division by either 5627  
issuing intrastate transfer voucher billings to the department 5628  
of administrative services, which the department shall process 5629  
to pay for the costs, or, upon the request of the director of 5630  
administrative services, the director of budget and management 5631  
may transfer cash in the requested amount from the building 5632  
management fund created under section 125.28 of the Revised 5633  
Code. Payments received or cash transfers made under this 5634  
division for the costs of directing security measures and 5635  
operations shall be deposited into the state treasury to the 5636  
credit of the security, investigations, and policing fund 5637  
created under section 4501.11 of the Revised Code. 5638

(N) The department shall assist the division of marijuana 5639  
control in enforcing Chapter 3796. of the Revised Code, as 5640  
provided in that chapter. 5641

(O) The department of public safety shall assist the 5642  
department of commerce in enforcing Chapter 3779. of the Revised 5643

Code as provided in that chapter.

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**Sec. 5502.13.** The department of public safety shall  
maintain an investigative unit in order to conduct  
investigations and other enforcement activity authorized by  
Chapters 3796., 4301., 4303., 5101., 5107., and 5108. and  
sections 2903.12, 2903.13, 2903.14, 2907.09, 2913.46, 2917.11,  
2921.13, 2921.31, 2921.32, 2921.33, 2923.12, 2923.121, 2925.11,  
2925.13, 2927.02, 3779.03, and 4507.30 of the Revised Code. The  
director of public safety shall appoint the employees of the  
unit who are necessary, designate the activities to be performed  
by those employees, and prescribe their titles and duties.

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

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(B) (1) Any person who is employed by the department of  
public safety and designated by the director of public safety to  
enforce Title XLIII of the Revised Code, and the rules adopted  
under it, Chapter 3779. of the Revised Code and the rules  
adopted under that chapter, Chapter 3796. of the Revised Code  
and the rules adopted under that chapter, and the laws and rules  
regulating the use of supplemental nutrition assistance program  
benefits shall be known as an enforcement agent. The employment  
by the department of public safety and the designation by the  
director of public safety of a person as an enforcement agent  
shall be subject to division (D) of this section. An enforcement  
agent has the authority vested in peace officers pursuant to  
section 2935.03 of the Revised Code to keep the peace, to  
enforce all of the following:

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(a) All applicable laws and rules on any retail liquor  
permit premises, or on any other premises of public or private  
property, where a violation of Title XLIII of the Revised Code

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or any rule adopted under it is occurring, ~~and to enforce all~~; 5674

(b) All applicable laws and rules on persons and premises 5675  
licensed under Chapter 3796. of the Revised Code and on any 5676  
other public or private property where a violation of Chapter 5677  
3796. or any rule adopted under that chapter is occurring; 5678

(c) All laws and rules governing the use of supplemental 5679  
nutrition assistance program benefits, women, infants, and 5680  
children's coupons, electronically transferred benefits, or any 5681  
other access device that is used alone or in conjunction with 5682  
another access device to obtain payments, allotments, benefits, 5683  
money, goods, or other things of value, or that can be used to 5684  
initiate a transfer of funds, pursuant to the supplemental 5685  
nutrition assistance program established under the Food and 5686  
Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) or any 5687  
supplemental food program administered by any department of this 5688  
state pursuant to the "Child Nutrition Act of 1966," 80 Stat. 5689  
885, 42 U.S.C.A. 1786. Enforcement agents, in enforcing 5690  
compliance with the laws and rules described in this division, 5691  
may keep the peace and make arrests for violations of those laws 5692  
and rules. 5693

(2) In addition to the authority conferred by division (B) 5694  
(1) of this section, an enforcement agent also may execute 5695  
search warrants and seize and take into custody any contraband, 5696  
as defined in section 2901.01 of the Revised Code, or any 5697  
property that is otherwise necessary for evidentiary purposes 5698  
related to any violations of the laws or rules described in 5699  
division (B) (1) of this section. An enforcement agent may enter 5700  
public or private premises where activity alleged to violate the 5701  
laws or rules described in division (B) (1) of this section is 5702  
occurring. 5703



(3) Enforcement agents who are on, immediately adjacent 5704  
to, or across from retail liquor permit premises or premises 5705  
licensed under Chapter 3796. of the Revised Code and who are 5706  
performing investigative duties relating to ~~that~~ those premises, 5707  
enforcement agents who are on premises that are not liquor 5708  
permit premises or premises licensed under Chapter 3796. of the 5709  
Revised Code but on which a violation of Title XLIII or Chapter 5710  
3796. of the Revised Code or any rule adopted under ~~it~~ that 5711  
title or chapter allegedly is occurring, and enforcement agents 5712  
who view a suspected violation of Title XLIII or Chapter 3796. 5713  
of the Revised Code, of a rule adopted under ~~it~~ that title or 5714  
chapter, or of another law or rule described in division (B)(1) 5715  
of this section have the authority to enforce the laws and rules 5716  
described in division (B)(1) of this section, authority to 5717  
enforce any section in Title XXIX of the Revised Code or any 5718  
other section of the Revised Code listed in section 5502.13 of 5719  
the Revised Code if they witness a violation of the section 5720  
under any of the circumstances described in this division, and 5721  
authority to make arrests for violations of the laws and rules 5722  
described in division (B)(1) of this section and violations of 5723  
any of those sections. 5724

(4) The jurisdiction of an enforcement agent under 5725  
division (B) of this section shall be concurrent with that of 5726  
the peace officers of the county, township, or municipal 5727  
corporation in which the violation occurs. 5728

(C) Enforcement agents of the department of public safety 5729  
who are engaged in the enforcement of the laws and rules 5730  
described in division (B)(1) of this section may carry concealed 5731  
weapons when conducting undercover investigations pursuant to 5732  
their authority as law enforcement officers and while acting 5733  
within the scope of their authority pursuant to this chapter. 5734

(D) (1) The department of public safety shall not employ, 5735  
and the director of public safety shall not designate, a person 5736  
as an enforcement agent on a permanent basis, on a temporary 5737  
basis, for a probationary term, or on other than a permanent 5738  
basis if the person previously has been convicted of or has 5739  
pleaded guilty to a felony. 5740

(2) (a) The department of public safety shall terminate the 5741  
employment of a person who is designated as an enforcement agent 5742  
and who does either of the following: 5743

(i) Pleads guilty to a felony; 5744

(ii) Pleads guilty to a misdemeanor pursuant to a 5745  
negotiated plea agreement as provided in division (D) of section 5746  
2929.43 of the Revised Code in which the enforcement agent 5747  
agrees to surrender the certificate awarded to that agent under 5748  
section 109.77 of the Revised Code. 5749

(b) The department shall suspend the employment of a 5750  
person who is designated as an enforcement agent if the person 5751  
is convicted, after trial, of a felony. If the enforcement agent 5752  
files an appeal from that conviction and the conviction is 5753  
upheld by the highest court to which the appeal is taken or if 5754  
no timely appeal is filed, the department shall terminate the 5755  
employment of that agent. If the enforcement agent files an 5756  
appeal that results in that agent's acquittal of the felony or 5757  
conviction of a misdemeanor, or in the dismissal of the felony 5758  
charge against the agent, the department shall reinstate the 5759  
agent. An enforcement agent who is reinstated under division (D) 5760  
(2) (b) of this section shall not receive any back pay unless the 5761  
conviction of that agent of the felony was reversed on appeal, 5762  
or the felony charge was dismissed, because the court found 5763  
insufficient evidence to convict the agent of the felony. 5764

(3) Division (D) of this section does not apply regarding 5765  
an offense that was committed prior to January 1, 1997. 5766

(4) The suspension or termination of the employment of a 5767  
person designated as an enforcement agent under division (D)(2) 5768  
of this section shall be in accordance with Chapter 119. of the 5769  
Revised Code. 5770

**Sec. 5703.052.** (A) There is hereby created in the state 5771  
treasury the tax refund fund, from which refunds shall be paid 5772  
for amounts illegally or erroneously assessed or collected, or 5773  
for any other reason overpaid, with respect to taxes levied by 5774  
Chapter 3779., 3796., 4301., 4305., 5726., 5728., 5729., 5731., 5775  
5733., 5735., 5736., 5739., 5741., 5743., 5747., 5748., 5749., 5776  
5751., or 5753. and sections 3737.71, 3905.35, 3905.36, 4303.33, 5777  
5707.03, 5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 of the 5778  
Revised Code. Refunds for fees levied under sections 3734.90 to 5779  
3734.9014 of the Revised Code, wireless 9-1-1 charges imposed 5780  
under section 128.40 of the Revised Code, next generation 9-1-1 5781  
access fees imposed under sections 128.41 and 128.42 of the 5782  
Revised Code, or any penalties assessed with respect to such 5783  
fees or charges, that are illegally or erroneously assessed or 5784  
collected, or for any other reason overpaid, also shall be paid 5785  
from the fund. Refunds for amounts illegally or erroneously 5786  
assessed or collected by the tax commissioner, or for any other 5787  
reason overpaid, that are due under section 1509.50 of the 5788  
Revised Code shall be paid from the fund. Refunds for amounts 5789  
illegally or erroneously assessed or collected by the 5790  
commissioner, or for any other reason overpaid to the 5791  
commissioner, under sections 718.80 to 718.95 of the Revised 5792  
Code shall be paid from the fund. However, refunds for amounts 5793  
illegally or erroneously assessed or collected by the 5794  
commissioner, or for any other reason overpaid to the 5795

commissioner, with respect to taxes levied under section 5796  
5739.101 of the Revised Code shall not be paid from the tax 5797  
refund fund, but shall be paid as provided in section 5739.104 5798  
of the Revised Code. 5799

(B) (1) Upon certification by the tax commissioner to the 5800  
treasurer of state of a tax refund, a wireless 9-1-1 charge 5801  
refund, a next generation 9-1-1 access fee refund, or another 5802  
amount refunded, or by the superintendent of insurance of a 5803  
domestic or foreign insurance tax refund, the treasurer of state 5804  
shall place the amount certified to the credit of the fund. The 5805  
certified amount transferred shall be derived from the receipts 5806  
of the same tax, fee, wireless 9-1-1 charge, next generation 9- 5807  
1-1 access fee, or other amount from which the refund arose. 5808

(2) When a refund is for a tax, fee, wireless 9-1-1 5809  
charge, next generation 9-1-1 access fee, or other amount that 5810  
is not levied by the state or that was illegally or erroneously 5811  
distributed to a taxing jurisdiction, the tax commissioner shall 5812  
recover the amount of that refund from the next distribution of 5813  
that tax, fee, wireless 9-1-1 charge, next generation 9-1-1 5814  
access fee, or other amount that otherwise would be made to the 5815  
taxing jurisdiction. If the amount to be recovered would exceed 5816  
twenty-five per cent of the next distribution of that tax, fee, 5817  
wireless 9-1-1 charge, next generation 9-1-1 access fee, or 5818  
other amount, the commissioner may spread the recovery over more 5819  
than one future distribution, taking into account the amount to 5820  
be recovered and the amount of the anticipated future 5821  
distributions. In no event may the commissioner spread the 5822  
recovery over a period to exceed seventy-two months. 5823

**Sec. 5703.053.** As used in this section, "postal service" 5824  
means the United States postal service. 5825

An application to the tax commissioner for a tax refund 5826  
under section 3779.43, 4307.05, 4307.07, 718.91, 5726.30, 5827  
5727.28, 5727.91, 5728.061, 5735.122, 5735.13, 5735.14, 5828  
5735.141, 5735.142, 5736.08, 5739.07, 5741.10, 5743.05, 5743.53, 5829  
5745.11, 5749.08, or 5751.08 of the Revised Code or division (B) 5830  
of section 5703.05 of the Revised Code, or a fee refunded under 5831  
section 3734.905 of the Revised Code, that is received after the 5832  
last day for filing under such section shall be considered to 5833  
have been filed in a timely manner if: 5834

(A) The application is delivered by the postal service and 5835  
the earliest postal service postmark on the cover in which the 5836  
application is enclosed is not later than the last day for 5837  
filing the application; 5838

(B) The application is delivered by the postal service, 5839  
the only postmark on the cover in which the application is 5840  
enclosed was affixed by a private postal meter, the date of that 5841  
postmark is not later than the last day for filing the 5842  
application, and the application is received within seven days 5843  
of such last day; or 5844

(C) The application is delivered by the postal service, no 5845  
postmark date was affixed to the cover in which the application 5846  
is enclosed or the date of the postmark so affixed is not 5847  
legible, and the application is received within seven days of 5848  
the last day for making the application. 5849

**Sec. 5703.19.** (A) To carry out the purposes of the laws 5850  
that the tax commissioner is required to administer, the 5851  
commissioner or any person employed by the commissioner for that 5852  
purpose, upon demand, may inspect books, accounts, records, and 5853  
memoranda of any person or public utility subject to those laws, 5854  
and may examine under oath any officer, agent, or employee of 5855

that person or public utility. If such books, accounts, records, 5856  
or memoranda are kept electronically or available in an 5857  
electronic format, the person or public utility shall provide 5858  
such records to the commissioner electronically or in an 5859  
electronic format at the commissioner's request. Any person 5860  
other than the commissioner who makes a demand pursuant to this 5861  
section shall produce the person's authority to make the 5862  
inspection. 5863

(B) If a person or public utility receives at least ten 5864  
days' written notice of a demand made under division (A) of this 5865  
section and refuses to comply with that demand, a penalty of 5866  
five hundred dollars shall be imposed upon the person or public 5867  
utility for each day the person or public utility refuses to 5868  
comply with the demand. Penalties imposed under this division 5869  
may be assessed and collected in the same manner as assessments 5870  
made under Chapter 3769., 4305., 5727., 5728., 5733., 5735., 5871  
5736., 5739., 5743., 5745., 5747., 5749., 5751., or 5753., ~~or~~ 5872  
~~sections~~ section 718.90, or 3779.44, or sections 3734.90 to 5873  
3734.9014, of the Revised Code. 5874

**Sec. 5703.263.** (A) (1) "Tax return preparer" means any 5875  
person other than an accountant or an attorney that operates a 5876  
business that prepares, or directly or indirectly employs 5877  
another person to prepare, for a taxpayer a tax return or 5878  
application for refund in exchange for compensation or 5879  
remuneration from the taxpayer or the taxpayer's related member. 5880  
The preparation of a substantial portion of a tax return or 5881  
application for refund shall be considered to be the same as the 5882  
preparation of the return or application for refund. "Tax return 5883  
preparer" does not include an individual who performs only one 5884  
or more of the following activities: 5885

(a) Furnishes typing, reproducing, or other mechanical	5886
assistance;	5887
(b) Prepares an application for refund or a return on	5888
behalf of an employer by whom the individual is regularly and	5889
continuously employed, or on behalf of an officer or employee of	5890
that employer;	5891
(c) Prepares as a fiduciary an application for refund or a	5892
return;	5893
(d) Prepares an application for refund or a return for a	5894
taxpayer in response to a notice of deficiency issued to the	5895
taxpayer or the taxpayer's related member, or in response to a	5896
waiver of restriction after the commencement of an audit of the	5897
taxpayer or the taxpayer's related member.	5898
(2) "Related member" has the same meaning as in section	5899
5733.042 of the Revised Code.	5900
(3) "Accountant" means any of the following:	5901
(a) An individual who holds both a CPA certificate and an	5902
Ohio permit or Ohio registration issued by the accountancy board	5903
under section 4701.10 of the Revised Code;	5904
(b) An individual who holds a foreign certificate;	5905
(c) An individual who is employed by a public accounting	5906
firm with respect to any return prepared under the supervision	5907
of an individual described in division (A)(3)(a) or (b) of this	5908
section, regardless of whether the public accounting firm is	5909
required to register with the accountancy board under section	5910
4701.04 of the Revised Code.	5911
(4) "CPA certificate" and "foreign certificate" have the	5912
same meanings as in section 4701.01 of the Revised Code.	5913

(5) "Attorney" means an individual who has been admitted 5914  
to the bar by order of the supreme court in compliance with its 5915  
prescribed and published rules, is permitted to practice as an 5916  
attorney and counselor at law in this state under Chapter 4705. 5917  
of the Revised Code, and is not currently suspended or removed 5918  
from such practice under that chapter. 5919

(6) A tax return preparer engages in "prohibited conduct" 5920  
if the preparer does any of the following: 5921

(a) Prepares any return or application for refund that 5922  
includes an understatement of a taxpayer's tax liability due to 5923  
an unreasonable position or due to willful or reckless conduct. 5924  
For the purposes of this division, "unreasonable position" and 5925  
"willful or reckless conduct" have the meanings as used in 5926  
section 6694 of the Internal Revenue Code. 5927

(b) When required under any provision of Title LVII of the 5928  
Revised Code, the preparer fails to do any of the following: 5929

(i) Provide copies of a return or application for refund; 5930

(ii) Provide the preparer's signature or federal preparer 5931  
tax identification number on a return or application for refund; 5932

(iii) Retain copies of the preparer's records; 5933

(iv) Provide any information or documents requested by the 5934  
tax commissioner; 5935

(v) Act diligently in determining a taxpayer's eligibility 5936  
for tax credits, deductions, or exemptions. 5937

(c) Negotiates a check or other negotiable instrument 5938  
issued to a taxpayer by the department of taxation without the 5939  
permission of the taxpayer; 5940



(d) Engages in any conduct subject to criminal penalties 5941  
under Title LVII of the Revised Code; 5942

(e) Misrepresents the preparer's eligibility to file 5943  
returns or applications for refund on behalf of taxpayers, or 5944  
otherwise misrepresents the preparer's experience or education; 5945

(f) Guarantees the payment of any tax refund or the 5946  
allowance of any tax credit, deduction, or exemption; 5947

(g) Engages in any other fraudulent or deceptive conduct 5948  
that substantially interferes with the proper administration of 5949  
any provision of Title LVII of the Revised Code. 5950

(7) "State" means a state of the United States, the 5951  
District of Columbia, the commonwealth of Puerto Rico, or any 5952  
territory or possession of the United States. 5953

(B) When a tax return preparer engages in prohibited 5954  
conduct, the commissioner, may do either or both of the 5955  
following: 5956

(1) If the commissioner has previously warned the tax 5957  
return preparer in writing of the consequences of continuing to 5958  
engage in prohibited conduct, impose a penalty not exceeding one 5959  
hundred dollars per instance of prohibited conduct; 5960

(2) Regardless of whether the commissioner has previously 5961  
warned the tax return preparer, request that the attorney 5962  
general apply to a court of competent jurisdiction for an 5963  
injunction to restrain the preparer from further engaging in the 5964  
prohibited conduct. The court may take either of the following 5965  
actions: 5966

(a) If the court finds that injunctive relief is 5967  
appropriate to prevent the recurrence of the prohibited conduct, 5968

the court shall issue an injunction against the preparer 5969  
enjoining the preparer from engaging in such conduct. 5970

(b) If the court finds that the preparer has continually 5971  
or repeatedly engaged in prohibited conduct, and that enjoining 5972  
the preparer solely from engaging in such conduct would not be 5973  
sufficient to prevent the preparer's interference with the 5974  
proper administration of any provision of Title LVII of the 5975  
Revised Code, the court may issue an injunction against the 5976  
preparer enjoining the preparer from acting as a tax return 5977  
preparer in this state. 5978

If a tax return preparer has been enjoined from preparing 5979  
tax returns or applications for refunds by a federal court or by 5980  
another state court in the five years preceding the date on 5981  
which an injunction is requested under this section, that prior 5982  
injunction shall be sufficient to establish a prima facie case 5983  
for the issuance of an injunction under division (B) (2) of this 5984  
section. 5985

(C) The commissioner may require a tax return preparer to 5986  
include the preparer's name and federal preparer tax 5987  
identification number when filing any return or application for 5988  
refund. If a tax return preparer fails to include this 5989  
information when required to do so by the commissioner, or if 5990  
the information provided is false, inaccurate, or incomplete, 5991  
the commissioner may impose a penalty of fifty dollars for each 5992  
such failure, provided that the maximum penalty imposed on a 5993  
preparer under this division in a calendar year shall not exceed 5994  
twenty-five thousand dollars. 5995

(D) The penalties imposed under divisions (B) (1) and (C) 5996  
of this section may be assessed and collected in the same manner 5997  
as assessments made under Chapter 3769., 4305., 5727., 5728., 5998

5733., 5735., 5736., 5739., 5743., 5745., 5747., 5749., 5751., 5999  
or 5753., section 718.90 or 3779.44, or sections 3734.90 to 6000  
3734.9014 of the Revised Code. The commissioner may abate all or 6001  
a portion of any penalty imposed under this section upon the 6002  
showing of good cause by the tax return preparer. 6003

**Sec. 5703.50.** As used in sections 5703.50 to 5703.53 of 6004  
the Revised Code: 6005

(A) "Tax" includes only those taxes imposed on tangible 6006  
personal property listed in accordance with Chapter 5711. of the 6007  
Revised Code, taxes imposed under Chapters 3779., 5733., 5736., 6008  
5739., 5741., 5747., and 5751. of the Revised Code, and the tax 6009  
administered under sections 718.80 to 718.95 of the Revised 6010  
Code. 6011

(B) "Taxpayer" means a person subject to or potentially 6012  
subject to a tax including an employer required to deduct and 6013  
withhold any amount under section 5747.06 of the Revised Code. 6014

(C) "Audit" means the examination of a taxpayer or the 6015  
inspection of the books, records, memoranda, or accounts of a 6016  
taxpayer for the purpose of determining liability for a tax. 6017

(D) "Assessment" means a notice of underpayment or 6018  
nonpayment of a tax issued pursuant to section 718.90, 3779.44, 6019  
5711.26, 5711.32, 5733.11, 5736.09, 5739.13, 5741.11, 5741.13, 6020  
5747.13, or 5751.09 of the Revised Code. 6021

(E) "County auditor" means the auditor of the county in 6022  
which the tangible personal property subject to a tax is 6023  
located. 6024

**Sec. 5703.70.** (A) On the filing of an application for 6025  
refund under section 718.91, 3734.905, 3779.43, 4307.05, 6026  
4307.07, 5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 6027

5735.13, 5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 6028  
5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 5751.08, 6029  
or 5753.06 of the Revised Code, or an application for 6030  
compensation under section 5739.061 of the Revised Code, if the 6031  
tax commissioner determines that the amount of the refund or 6032  
compensation to which the applicant is entitled is less than the 6033  
amount claimed in the application, the commissioner shall give 6034  
the applicant written notice electronically or by ordinary mail 6035  
of the amount. If sent by ordinary mail, the notice shall be 6036  
sent to the address shown on the application unless the 6037  
applicant notifies the commissioner of a different address. If 6038  
sent electronically, the notice shall be sent to the person or 6039  
the person's authorized representative through secure electronic 6040  
means associated with the person's or representative's last 6041  
known electronic mail address, but only with the person's 6042  
consent. The applicant shall have sixty days from the date the 6043  
commissioner electronically sends or mails the notice to provide 6044  
additional information to the commissioner or request a hearing, 6045  
or both. 6046

(B) If the applicant neither requests a hearing nor 6047  
provides additional information to the tax commissioner within 6048  
the time prescribed by division (A) of this section, the 6049  
commissioner shall take no further action, and the refund or 6050  
compensation amount denied becomes final. 6051

(C) (1) If the applicant requests a hearing within the time 6052  
prescribed by division (A) of this section, the tax commissioner 6053  
shall assign a time and place for the hearing and notify the 6054  
applicant of such time and place, but the commissioner may 6055  
continue the hearing from time to time, as necessary. After the 6056  
hearing, the commissioner may make such adjustments to the 6057  
refund or compensation as the commissioner finds proper, and 6058

shall issue a final determination thereon. 6059

(2) If the applicant does not request a hearing, but 6060  
provides additional information, within the time prescribed by 6061  
division (A) of this section, the commissioner shall review the 6062  
information, make such adjustments to the refund or compensation 6063  
as the commissioner finds proper, and issue a final 6064  
determination thereon. The commissioner may review such 6065  
information and make such adjustments as many times as the 6066  
commissioner finds proper before the issuance of a final 6067  
determination. 6068

(3) If the applicant requests a hearing and provides 6069  
additional information within the time prescribed by division 6070  
(A) of this section, the commissioner may review the information 6071  
and make such adjustments to the refund or compensation as the 6072  
commissioner finds proper. The commissioner may review such 6073  
information and make such adjustments as many times as the 6074  
commissioner finds proper before the issuance of a final 6075  
determination. 6076

The commissioner shall assign a time and place for the 6077  
hearing and notify the applicant of such time and place, but the 6078  
commissioner may continue the hearing from time to time, as 6079  
necessary. After the hearing, the commissioner may make any 6080  
additional adjustments to the refund or compensation as the 6081  
commissioner finds proper and shall issue a final determination 6082  
thereon. 6083

(4) The commissioner shall serve a copy of the final 6084  
determination made under division (C)(1), (2), or (3) of this 6085  
section on the applicant in the manner provided in section 6086  
5703.37 of the Revised Code, and the decision is final, subject 6087  
to appeal under section 5717.02 of the Revised Code. 6088

(D) The tax commissioner shall certify to the director of 6089  
budget and management and treasurer of state for payment from 6090  
the tax refund fund created by section 5703.052 of the Revised 6091  
Code, the amount of the refund to be refunded under division (B) 6092  
or (C) of this section. The commissioner also shall certify to 6093  
the director and treasurer of state for payment from the general 6094  
revenue fund the amount of compensation to be paid under 6095  
division (B) or (C) of this section. 6096

**Sec. 5703.77.** (A) As used in this section: 6097

(1) "Taxpayer" means a person subject to or previously 6098  
subject to a tax or fee, a person that remits a tax or fee, or a 6099  
person required to or previously required to withhold or collect 6100  
and remit a tax or fee on behalf of another person. 6101

(2) "Tax or fee" means a tax or fee administered by the 6102  
tax commissioner. 6103

(3) "Credit account balance" means the amount that a 6104  
taxpayer remits to the state in excess of the amount required to 6105  
be remitted, after accounting for factors applicable to the 6106  
taxpayer such as accelerated payments, estimated payments, tax 6107  
credits, and tax credit balances that may be carried forward. 6108

(4) "Tax debt" means an unpaid tax or fee or any unpaid 6109  
penalty, interest, or additional charge on such a tax or fee due 6110  
the state. 6111

(B) As soon as practicable, but not later than sixty days 6112  
before the expiration of the period of time during which a 6113  
taxpayer may file a refund application for a tax or fee, the tax 6114  
commissioner shall review the taxpayer's accounts for the tax or 6115  
fee and notify the taxpayer of any credit account balance for 6116  
which the commissioner is required to issue a refund if the 6117

taxpayer were to file a refund application for that balance, 6118  
regardless of whether the taxpayer files a refund application or 6119  
amended return with respect to that tax or fee. The notice shall 6120  
be made using contact information for the taxpayer on file with 6121  
the commissioner. 6122

(C) Notwithstanding sections 128.47, 718.91, 3734.905, 6123  
3779.43, 4307.05, 5726.30, 5727.28, 5727.42, 5727.91, 5728.061, 6124  
5735.122, 5736.08, 5739.07, 5739.104, 5741.10, 5743.05, 5743.53, 6125  
5747.11, 5749.08, 5751.08, 5753.06, and any other section of the 6126  
Revised Code governing refunds, the commissioner may apply the 6127  
amount of any credit account balance for which the commissioner 6128  
is required to issue a refund if the taxpayer were to file a 6129  
refund application for that balance as a credit against the 6130  
taxpayer's liability for the tax or fee in the taxpayer's next 6131  
reporting period for that tax or fee or issue a refund of that 6132  
credit account balance to the taxpayer, subject to division (D) 6133  
of this section. 6134

(D) Before issuing a refund to a taxpayer under division 6135  
(C) of this section, the tax commissioner shall withhold from 6136  
that refund the amount of any of the taxpayer's tax debt 6137  
certified to the attorney general under section 131.02 of the 6138  
Revised Code and the amount of the taxpayer's liability, if any, 6139  
for a tax debt. The commissioner shall apply any amount withheld 6140  
first in satisfaction of the amount of the taxpayer's certified 6141  
tax debt and then in satisfaction of the taxpayer's liability. 6142  
If the credit account balance originates from the tax 6143  
administered under sections 718.80 to 718.95 of the Revised 6144  
Code, it may be applied only against the taxpayer's certified 6145  
tax debt or tax liability due under those sections. 6146

(E) The tax commissioner may adopt rules to administer 6147

this section.

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

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

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

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

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

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agricultural feedstock used in the production is derived from 6177  
parcels of land under common ownership or leasehold, and (iii) 6178  
none of the feedstock used in the production consists of human 6179  
waste. As used in this division, "agricultural feedstock" means 6180  
manure and food waste, and "human waste" includes sludge as 6181  
defined in section 6111.01 of the Revised Code. 6182

(c) The tracts, lots, or parcels of land are eligible 6183  
conservation land. 6184

(2) Tracts, lots, or parcels of land totaling less than 6185  
ten acres that, during the three calendar years prior to the 6186  
year in which application is filed under section 5713.31 of the 6187  
Revised Code and through the last day of May of such year, were 6188  
devoted exclusively to commercial animal or poultry husbandry, 6189  
aquaculture, algaculture meaning the farming of algae, 6190  
apiculture, the cultivation of hemp by a person issued a hemp 6191  
cultivation license under section 928.02 of the Revised Code, 6192  
the production for a commercial purpose of field crops, tobacco, 6193  
fruits, vegetables, timber, nursery stock, ornamental trees, 6194  
sod, or flowers where such activities produced an average yearly 6195  
gross income of at least twenty-five hundred dollars during such 6196  
three-year period or where there is evidence of an anticipated 6197  
gross income of such amount from such activities during the tax 6198  
year in which application is made, or were eligible conservation 6199  
land; 6200

(3) Tracts, lots, or parcels of land, or portions thereof 6201  
that, during the previous three consecutive calendar years have 6202  
been designated as land devoted exclusively to agricultural use, 6203  
but such land has been lying idle or fallow for up to one year 6204  
and no action has occurred to such land that is either 6205  
inconsistent with the return of it to agricultural production or 6206

converts the land devoted exclusively to agricultural use as 6207  
defined in this section. Such land shall remain designated as 6208  
land devoted exclusively to agricultural use provided that 6209  
beyond one year, but less than three years, the landowner proves 6210  
good cause as determined by the board of revision. 6211

(4) Tracts, lots, or parcels of land, or portions thereof 6212  
that, during the previous three consecutive calendar years have 6213  
been designated as land devoted exclusively to agricultural use, 6214  
but such land has been lying idle or fallow because of dredged 6215  
material being stored or deposited on such land pursuant to a 6216  
contract between the land's owner and the department of natural 6217  
resources or the United States army corps of engineers and no 6218  
action has occurred to the land that is either inconsistent with 6219  
the return of it to agricultural production or converts the land 6220  
devoted exclusively to agricultural use. Such land shall remain 6221  
designated as land devoted exclusively to agricultural use until 6222  
the last year in which dredged material is stored or deposited 6223  
on the land pursuant to such a contract, but not to exceed five 6224  
years. 6225

"Land devoted exclusively to agricultural use" includes 6226  
tracts, lots, or parcels of land or portions thereof that are 6227  
used for conservation practices, provided that the tracts, lots, 6228  
or parcels of land or portions thereof comprise twenty-five per 6229  
cent or less of the total of the tracts, lots, or parcels of 6230  
land that satisfy the criteria established in division (A) (1), 6231  
(2), (3), or (4) of this section together with the tracts, lots, 6232  
or parcels of land or portions thereof that are used for 6233  
conservation practices. 6234

Notwithstanding any other provision of law to the 6235  
contrary, the existence of agritourism on a tract, lot, or 6236

parcel of land that otherwise meets the definition of "land 6237  
devoted exclusively to agricultural use" as defined in this 6238  
division does not disqualify that tract, lot, or parcel from 6239  
valuation under sections 5713.30 to 5713.37 and 5715.01 of the 6240  
Revised Code. 6241

A tract, lot, or parcel of land taxed under sections 6242  
5713.22 to 5713.26 of the Revised Code is not land devoted 6243  
exclusively to agricultural use. 6244

A tract, lot, parcel, or portion thereof on which medical 6245  
marijuana or adult-use marijuana, as those terms are defined by 6246  
section 3796.01 of the Revised Code, is cultivated or processed 6247  
is not land devoted exclusively to agricultural use. 6248

(B) "Conversion of land devoted exclusively to 6249  
agricultural use" means any of the following: 6250

(1) The failure of the owner of land devoted exclusively 6251  
to agricultural use during the next preceding calendar year to 6252  
file a renewal application under section 5713.31 of the Revised 6253  
Code without good cause as determined by the board of revision; 6254

(2) The failure of the new owner of such land to file an 6255  
initial application under that section without good cause as 6256  
determined by the board of revision; 6257

(3) The failure of such land or portion thereof to qualify 6258  
as land devoted exclusively to agricultural use for the current 6259  
calendar year as requested by an application filed under such 6260  
section; 6261

(4) The failure of the owner of the land described in 6262  
division (A) (3) or (4) of this section to act on such land in a 6263  
manner that is consistent with the return of the land to 6264  
agricultural production after three years. 6265

The construction or installation of an energy facility, as 6266  
defined in section 5727.01 of the Revised Code, on a portion of 6267  
a tract, lot, or parcel of land devoted exclusively to 6268  
agricultural use shall not cause the remaining portion of the 6269  
tract, lot, or parcel to be regarded as a conversion of land 6270  
devoted exclusively to agricultural use if the remaining portion 6271  
of the tract, lot, or parcel continues to be devoted exclusively 6272  
to agricultural use. 6273

(C) "Tax savings" means the difference between the dollar 6274  
amount of real property taxes levied in any year on land valued 6275  
and assessed in accordance with its current agricultural use 6276  
value and the dollar amount of real property taxes that would 6277  
have been levied upon such land if it had been valued and 6278  
assessed for such year in accordance with Section 2 of Article 6279  
XII, Ohio Constitution. 6280

(D) "Owner" includes, but is not limited to, any person 6281  
owning a fee simple, fee tail, or life estate or a buyer on a 6282  
land installment contract. 6283

(E) "Conservation practices" are practices used to abate 6284  
soil erosion as required in the management of the farming 6285  
operation, and include, but are not limited to, the 6286  
installation, construction, development, planting, or use of 6287  
grass waterways, terraces, diversions, filter strips, field 6288  
borders, windbreaks, riparian buffers, wetlands, ponds, and 6289  
cover crops for that purpose. 6290

(F) "Wetlands" has the same meaning as in section 6111.02 6291  
of the Revised Code. 6292

(G) "Biodiesel" means a mono-alkyl ester combustible 6293  
liquid fuel that is derived from vegetable oils or animal fats 6294

or any combination of those reagents and that meets the American 6295  
society for testing and materials specification D6751-03a for 6296  
biodiesel fuel (B100) blend stock distillate fuels. 6297

(H) "Biologically derived methane gas" means gas from the 6298  
anaerobic digestion of organic materials, including animal waste 6299  
and agricultural crops and residues. 6300

(I) "Biomass energy" means energy that is produced from 6301  
organic material derived from plants or animals and available on 6302  
a renewable basis, including, but not limited to, agricultural 6303  
crops, tree crops, crop by-products, and residues. 6304

(J) "Electric or heat energy" means electric or heat 6305  
energy generated from manure, cornstalks, soybean waste, or 6306  
other agricultural feedstocks. 6307

(K) "Dredged material" means material that is excavated or 6308  
dredged from waters of this state. "Dredged material" does not 6309  
include material resulting from normal farming, silviculture, 6310  
and ranching activities, such as plowing, cultivating, seeding, 6311  
and harvesting, for production of food, fiber, and forest 6312  
products. 6313

(L) "Agritourism" has the same meaning as in section 6314  
901.80 of the Revised Code. 6315

(M) "Eligible conservation land" means either of the 6316  
following: 6317

(1) A tract, lot, or parcel devoted to and qualified for 6318  
payments or other compensation under a land retirement or 6319  
conservation program under an agreement with an agency of the 6320  
federal government; 6321

(2) A tract, lot, or parcel that meets at least one of the 6322

conditions described in divisions (M) (2) (a) to (c) of this 6323  
section and the condition described in division (M) (2) (d) of 6324  
this section. 6325

(a) The land is subject to an agricultural water project 6326  
or nature water project that receives funding from the H2Ohio 6327  
fund created in section 126.60 of the Revised Code. 6328

(b) The land was subject to such a project during the 6329  
immediately preceding calendar year. 6330

(c) The land is or was subject to such a project for the 6331  
current or one of the two immediately preceding tax years and, 6332  
for the current tax year, is subject to either a conservation 6333  
easement held by the state or an agency of the state or a 6334  
conservation easement held by any other person if such easement 6335  
is a condition of a nature water project that is funded through 6336  
the H2Ohio fund. 6337

(d) For the tax year that includes or immediately precedes 6338  
the year in which the land became subject to the project 6339  
described in division (M) (2) (a), (b), or (c) of this section, as 6340  
applicable, the land qualified as land devoted exclusively to 6341  
agricultural use pursuant to other criteria in divisions (A) (1) 6342  
to (4) of this section. 6343

As used in division (M) (2) of this section, "conservation 6344  
easement" has the same meaning as in section 5301.67 of the 6345  
Revised Code. 6346

**Sec. 5743.45.** (A) As used in this section, "felony" has 6347  
the same meaning as in section 109.511 of the Revised Code. 6348

(B) For purposes of enforcing this chapter and Chapters 6349  
3779., 5728., 5735., 5739., 5741., and 5747. of the Revised Code 6350  
and subject to division (C) of this section, the tax 6351

commissioner, by journal entry, may delegate any investigation 6352  
powers of the commissioner to an employee of the department of 6353  
taxation who has been certified by the Ohio peace officer 6354  
training commission and who is engaged in the enforcement of 6355  
those chapters. A separate journal entry shall be entered for 6356  
each employee to whom that power is delegated. Each journal 6357  
entry shall be a matter of public record and shall be maintained 6358  
in an administrative portion of the journal as provided for in 6359  
division (L) of section 5703.05 of the Revised Code. When that 6360  
journal entry is completed, the employee to whom it pertains, 6361  
while engaged within the scope of the employee's duties in 6362  
enforcing the provisions of this chapter or Chapter 3779., 6363  
5728., 5735., 5739., 5741., or 5747. of the Revised Code, has 6364  
the power of a police officer to carry concealed weapons, make 6365  
arrests, and obtain warrants for violations of any provision in 6366  
those chapters. The commissioner, at any time, may suspend or 6367  
revoke the commissioner's delegation by journal entry. No 6368  
employee of the department shall divulge any information 6369  
acquired as a result of an investigation pursuant to this 6370  
chapter or Chapter 3779., 5728., 5735., 5739., 5741., or 5747. 6371  
of the Revised Code, except as may be required by the 6372  
commissioner or a court. 6373

(C) (1) The tax commissioner shall not delegate any 6374  
investigation powers to an employee of the department of 6375  
taxation pursuant to division (B) of this section on a permanent 6376  
basis, on a temporary basis, for a probationary term, or on 6377  
other than a permanent basis if the employee previously has been 6378  
convicted of or has pleaded guilty to a felony. 6379

(2) (a) The tax commissioner shall revoke the delegation of 6380  
investigation powers to an employee to whom the delegation was 6381  
made pursuant to division (B) of this section if that employee 6382

does either of the following: 6383

(i) Pleads guilty to a felony; 6384

(ii) Pleads guilty to a misdemeanor pursuant to a 6385  
negotiated plea agreement as provided in division (D) of section 6386  
2929.43 of the Revised Code in which the employee agrees to 6387  
surrender the certificate awarded to that employee under section 6388  
109.77 of the Revised Code. 6389

(b) The tax commissioner shall suspend the delegation of 6390  
investigation powers to an employee to whom the delegation was 6391  
made pursuant to division (B) of this section if that employee 6392  
is convicted, after trial, of a felony. If the employee files an 6393  
appeal from that conviction and the conviction is upheld by the 6394  
highest court to which the appeal is taken or if the employee 6395  
does not file a timely appeal, the commissioner shall revoke the 6396  
delegation of investigation powers to that employee. If the 6397  
employee files an appeal that results in that employee's 6398  
acquittal of the felony or conviction of a misdemeanor, or in 6399  
the dismissal of the felony charge against that employee, the 6400  
commissioner shall reinstate the delegation of investigation 6401  
powers to that employee. The suspension, revocation, and 6402  
reinstatement of the delegation of investigation powers to an 6403  
employee under division (C)(2) of this section shall be made by 6404  
journal entry pursuant to division (B) of this section. An 6405  
employee to whom the delegation of investigation powers is 6406  
reinstated under division (C)(2)(b) of this section shall not 6407  
receive any back pay for the exercise of those investigation 6408  
powers unless that employee's conviction of the felony was 6409  
reversed on appeal, or the felony charge was dismissed, because 6410  
the court found insufficient evidence to convict the employee of 6411  
the felony. 6412



(3) Division (C) of this section does not apply regarding 6413  
an offense that was committed prior to January 1, 1997. 6414

(4) The suspension or revocation of the delegation of 6415  
investigation powers to an employee under division (C) (2) of 6416  
this section shall be in accordance with Chapter 119. of the 6417  
Revised Code. 6418

**Section 2.** That existing sections 9.79, 109.572, 131.02, 6419  
519.21, 715.013, 928.01, 928.03, 3376.07, 3780.37, 3796.01, 6420  
3796.02, 3796.03, 3796.05, 3796.06, 3796.07, 3796.09, 3796.10, 6421  
3796.12, 3796.13, 3796.14, 3796.15, 3796.17, 3796.18, 3796.19, 6422  
3796.20, 3796.21, 3796.22, 3796.23, 3796.24, 3796.27, 3796.28, 6423  
3796.29, 3796.30, 3796.31, 4506.01, 4735.18, 4796.25, 5502.01, 6424  
5502.13, 5502.14, 5703.052, 5703.053, 5703.19, 5703.263, 6425  
5703.50, 5703.70, 5703.77, 5713.30, and 5743.45 of the Revised 6426  
Code are hereby repealed. 6427

**Section 3.** That sections 3780.01, 3780.02, 3780.03, 6428  
3780.04, 3780.05, 3780.06, 3780.07, 3780.08, 3780.09, 3780.10, 6429  
3780.11, 3780.12, 3780.13, 3780.14, 3780.15, 3780.16, 3780.17, 6430  
3780.20, 3780.21, 3780.22, 3780.24, 3780.25, 3780.26, 3780.27, 6431  
3780.28, 3780.29, 3780.30, 3780.31, 3780.32, 3780.33, 3780.34, 6432  
3780.35, 3780.36, 3780.90, 3780.99, and 3796.021 of the Revised 6433  
Code are hereby repealed. 6434

**Section 4.** The tax levied under division (B) of section 6435  
3779.40 of the Revised Code applies to intoxicating hemp 6436  
receipts received on and after July 1, 2026. The tax levied 6437  
under division (C) of section 3779.40 of the Revised Code 6438  
applies to sales of drinkable cannabinoid products occurring on 6439  
and after July 1, 2026. 6440

**Section 5.** (A) All rules adopted by the Division of 6441

Cannabis Control or the Tax Commissioner pursuant to Chapter 6442  
3780. of the Revised Code, as that chapter existed immediately 6443  
before the effective date of this section, and that are not in 6444  
conflict with the requirements of this act, continue in effect 6445  
until repealed or amended by the Division of Marijuana Control 6446  
or the Tax Commissioner, respectively. At the request of the 6447  
Division of Cannabis Control or the Tax Commissioner, the 6448  
Director of the Legislative Service Commission shall renumber 6449  
rules adopted under Chapter 3780. of the Revised Code to reflect 6450  
the transfer of authority to Chapter 3796. of the Revised Code, 6451  
as amended by this act. 6452

(B) Any rules that are pending before the Common Sense 6453  
Initiative or the Joint Committee on Agency Rule Review on the 6454  
effective date of this section that were proposed by the 6455  
Division of Cannabis Control under Chapter 3780. of the Revised 6456  
Code, as that chapter existed immediately before the effective 6457  
date of this section, shall be treated as having been proposed 6458  
by the Division of Marijuana Control under Chapter 3796. of the 6459  
Revised Code. 6460

(C) Notwithstanding any provision of section 121.95 of the 6461  
Revised Code to the contrary, a regulatory restriction contained 6462  
in a rule adopted by the Division of Marijuana Control in 6463  
accordance with Chapter 3796. of the Revised Code, as amended by 6464  
this act, during the period beginning on the effective date of 6465  
this section and ending twelve months after that date is not 6466  
subject to sections 121.95 to 121.953 of the Revised Code. 6467

**Section 6.** If any provision of a section of this act or 6468  
the application thereof to any person or circumstance is held 6469  
invalid, the invalidity does not affect other provisions or 6470  
applications of the section or related sections that can be 6471

given effect without the invalid provision or application, and 6472  
to this end the provisions are severable. 6473

**Section 7.** Section 519.21 of the Revised Code is presented 6474  
in this act as a composite of the section as amended by both 6475  
H.B. 523 and S.B. 75 of the 131st General Assembly. The General 6476  
Assembly, applying the principle stated in division (B) of 6477  
section 1.52 of the Revised Code that amendments are to be 6478  
harmonized if reasonably capable of simultaneous operation, 6479  
finds that the composite is the resulting version of the section 6480  
in effect prior to the effective date of the section as 6481  
presented in this act. 6482

**Section 8.** All items in this act are hereby appropriated 6483  
as designated out of any moneys in the state treasury to the 6484  
credit of the designated fund. For all operating appropriations 6485  
made in this act, those in the first column are for fiscal year 6486  
2026 and those in the second column are for fiscal year 2027. 6487  
The operating appropriations made in this act are in addition to 6488  
any other operating appropriations made for these fiscal years. 6489

**Section 9.** 6490  
6491

1	2	3	4	5
A	RDF STATE REVENUE DISTRIBUTIONS			
B	Revenue Distribution Fund Group			
C	7106 110659 Host Community Cannabis		\$47,500,000	\$49,000,000
	Payments			
D	Revenue Distribution Fund Group Total		\$47,500,000	\$49,000,000

E TOTAL ALL BUDGET FUND GROUPS \$47,500,000 \$49,000,000

HOST COMMUNITY CANNABIS PAYMENTS 6492

The foregoing appropriation item 110659, Host Community 6493  
Cannabis Payments, shall be used by the Director of Budget and 6494  
Management for payments to municipal corporations and townships 6495  
as required under section 3796.40 of the Revised Code. If it is 6496  
determined that additional appropriations are necessary for this 6497  
purpose, such amounts are hereby appropriated. 6498

**Section 10.** Within the limits set forth in this act, the 6499  
Director of Budget and Management shall establish accounts 6500  
indicating the source and amount of funds for each appropriation 6501  
made in this act, and shall determine the manner in which 6502  
appropriation accounts shall be maintained. Expenditures from 6503  
operating appropriations contained in this act shall be 6504  
accounted for as though made in, and are subject to all 6505  
applicable provisions of, H.B. 96 of the 136th General Assembly. 6506