

As Re-Referred by the House Rules and Reference Committee

136th General Assembly

Regular Session

2025-2026

Sub. S. B. No. 56

Senator Huffman

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

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
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 108

conviction, judicial finding of guilt, or plea of guilty; 109

(c) A nonspecific qualification such as "moral turpitude" 110
or lack of "moral character"; 111

(d) A disqualifying offense included in the list 112
established under division (B) of this section, if consideration 113
of that offense occurs after the time periods permitted in 114
division (D) of this section. 115

(2) If the individual was convicted of, found guilty 116
pursuant to a judicial finding of guilt of, or pleaded guilty to 117
a disqualifying offense included in the list established under 118
division (B) of this section for the license for which the 119
individual applied, the licensing authority may take the 120
conviction, judicial finding of guilt, or plea of guilty into 121
consideration in accordance with division (D) of this section. 122

(D) (1) A licensing authority that may, under division (C) 123
(2) of this section, consider a conviction of, judicial finding 124
of guilt of, or plea of guilty to an offense in determining 125
whether to refuse to issue an initial license to an individual 126
shall consider all of the following factors and shall use a 127
preponderance of the evidence standard in evaluating those 128
factors to determine whether the conviction, judicial finding of 129
guilt, or plea of guilty disqualifies the individual from 130
receiving the license: 131

(a) The nature and seriousness of the offense for which 132
the individual was convicted, found guilty pursuant to a 133
judicial finding of guilt, or pleaded guilty; 134

(b) The passage of time since the individual committed the 135
offense; 136

(c) The relationship of the offense to the ability, 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 223

explanation of the licensing authority's application of the 224
factors under division (D) of this section to the evidence the 225
licensing authority used to reach the decision; 226

(2) The individual's right to a hearing regarding the 227
licensing authority's decision under section 119.06 of the 228
Revised Code; 229

(3) The earliest date the individual may reapply for a 230
license; 231

(4) Notice that evidence of rehabilitation may be 232
considered on reapplication. 233

(F) In an administrative hearing or civil action reviewing 234
a licensing authority's refusal under divisions (B) to (K) of 235
this section to issue an initial license to an individual, the 236
licensing authority has the burden of proof on the question of 237
whether the individual's conviction of, judicial finding of 238
guilt of, or plea of guilty to an offense directly relates to 239
the licensed occupation. 240

(G) A licensing authority that is authorized by law to 241
limit or otherwise place restrictions on a license may do so to 242
comply with the terms and conditions of a community control 243
sanction, post-release control sanction, or an intervention plan 244
established in accordance with section 2951.041 of the Revised 245
Code. 246

(H) Each licensing authority shall adopt any rules that it 247
determines are necessary to implement divisions (B) to (F) of 248
this section. 249

(I) Divisions (B) to (K) of this section do not apply to 250
any of the following: 251

(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 1318
Revised Code. The rules shall include all of the following: 1319

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

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

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

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

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

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

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

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

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

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

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

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

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

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

accordance with applicable federal law; 1376

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(X) Standards for the testing and , <u>labeling, and</u>	1432
<u>packaging</u> 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
<u>Sec. 928.08. The department of agriculture, in</u>	1443
<u>consultation and in cooperation with the Ohio investigative unit</u>	1444
<u>in the department of public safety, shall enforce this chapter.</u>	1445
<u>Sec. 2953.321. (A) As used in this section:</u>	1446
<u>(1) "Expunge" means to destroy, delete, and erase a record</u>	1447
<u>as appropriate for the record's physical or electronic form or</u>	1448
<u>characteristic so that the record is permanently irretrievable.</u>	1449
<u>(2) "Official records" and "prosecutor" have the same</u>	1450
<u>meanings as in section 2953.31 of the Revised Code.</u>	1451
<u>(B) If a person, prior to the effective date of this</u>	1452
<u>section, was convicted of or has pleaded guilty to a violation</u>	1453
<u>of division (C) (3) or (7) of section 2925.11 of the Revised Code</u>	1454
<u>and the conduct that was the basis of the violation involved</u>	1455
<u>possession of not more than fifteen grams of hashish and not</u>	1456
<u>more than two and one-half ounces of marihuana other than</u>	1457
<u>hashish, the person may file an application under this section</u>	1458
<u>requesting an expungement of the record of conviction.</u>	1459

(C) Any person who is eligible under division (B) of this 1460
section to file an application for expungement may apply to the 1461
sentencing court for the expungement of the record of 1462
conviction. The person may file the application at any time on 1463
or after the effective date of this section. The application 1464
shall do all of the following: 1465

(1) Identify the applicant, the offense for which the 1466
expungement is sought, the date of the conviction of or plea of 1467
guilty to that offense, and the court in which the conviction 1468
occurred or the plea of guilty was entered; 1469

(2) Include evidence that the offense was a violation of 1470
division (C) (3) or (7) of section 2925.11 of the Revised Code, 1471
that the conviction or plea of guilty occurred prior to the 1472
effective date of this section, and that the conduct that was 1473
the basis of the violation involved possession of not more than 1474
fifteen grams of hashish and not more than two and one-half 1475
ounces of marihuana other than hashish; 1476

(3) Include a request for expungement of the record of 1477
conviction of that offense under this section. 1478

(D) (1) Upon the filing of an application under division 1479
(C) of this section and the payment of the fee described in 1480
division (H) of this section if applicable, the court shall set 1481
a date for a hearing and shall notify the prosecutor for the 1482
case of the hearing on the application. The prosecutor may 1483
object to the granting of the application by filing an objection 1484
with the court prior to the date set for the hearing. The 1485
prosecutor shall specify in the objection the reasons for 1486
believing a denial of the application is justified. The court 1487
shall direct its regular probation officer, a state probation 1488
officer, or the department of probation of the county in which 1489

the applicant resides to make inquiries and written reports as 1490
the court requires concerning the applicant. The court shall 1491
hold the hearing scheduled under this division. 1492

(2) The court shall hold the hearing not less than forty- 1493
five days and not more than ninety days after the date of the 1494
filing of the application. 1495

(E) At the hearing held under division (D) of this 1496
section, the court shall do all of the following: 1497

(1) Determine whether the applicant has, prior to the 1498
effective date of this section, been convicted of or pleaded 1499
guilty to a violation of division (C) (3) or (7) of section 1500
2925.11 of the Revised Code and whether the conduct that was the 1501
basis for the violation involved possession of not more than 1502
fifteen grams of hashish and not more than two and one-half 1503
ounces of marihuana other than hashish; 1504

(2) If the prosecutor has filed an objection in accordance 1505
with division (D) of this section, consider the reasons against 1506
granting the application specified by the prosecutor in the 1507
objection; 1508

(3) Weigh the interests of the applicant in having the 1509
record of conviction expunged against the legitimate needs, if 1510
any, of the government to maintain those records. 1511

(F) If the court, after complying with division (E) of 1512
this section, finds that the applicant has, prior to the 1513
effective date of this section, been convicted of or pleaded 1514
guilty to a violation of division (C) (3) or (7) of section 1515
2925.11 of the Revised Code; that the conduct that was the basis 1516
for the violation involved possession of not more than fifteen 1517
grams of hashish and not more than two and one-half ounces of 1518

marihuana other than hashish; and that the interests of the 1519
applicant in having the record of conviction sealed are not 1520
substantially outweighed by any legitimate governmental needs to 1521
maintain those records, both of the following apply: 1522

(1) The court shall order the expungement of all official 1523
records pertaining to the case and the deletion of all index 1524
references to the case and, if it does order the expungement, 1525
shall send notice of the order to each public office or agency 1526
that the court has reason to believe may have an official record 1527
pertaining to the case if the court, after complying with 1528
division (E) of this section, determines that the applicant, 1529
prior to the effective date of this section, had been convicted 1530
of or pleaded guilty to a violation of division (C) (3) or (7) of 1531
section 2925.11 of the Revised Code and that the conduct that 1532
was the basis for the violation involved possession of not more 1533
than fifteen grams of hashish and not more than two and one-half 1534
ounces of marihuana other than hashish. 1535

(2) The proceedings in the case that is the subject of an 1536
order issued under division (F) of this section shall be 1537
considered not to have occurred and the conviction or guilty 1538
plea of the person who is the subject of the proceedings shall 1539
be expunged. The record of the conviction shall not be used for 1540
any purpose, including, but not limited to, a criminal records 1541
check under section 109.572 of the Revised Code. The applicant 1542
may, and the court shall, reply that no record exists with 1543
respect to the applicant upon any inquiry into the matter. 1544

(G) Upon the filing of an application under this section, 1545
the applicant, unless indigent, shall pay a fee of fifty 1546
dollars. The court shall pay thirty dollars of the fee into the 1547
state treasury, with half of that amount credited to the 1548

attorney general reimbursement fund created by section 109.11 of 1549
the Revised Code, and shall pay twenty dollars of the fee into 1550
the county general revenue fund. 1551

Sec. 3376.07. A state institution of higher education, 1552
private college, athletic association, conference, or other 1553
group or organization with authority over intercollegiate 1554
athletics may prohibit a student-athlete from entering into a 1555
contract providing compensation to the student-athlete for use 1556
of the student-athlete's name, image, or likeness if under the 1557
contract the student-athlete's name, image, or likeness is 1558
associated with any of the following: 1559

(A) Any company that manufactures, markets, or sells, or 1560
brand that is associated with, a controlled substance, marihuana 1561
product, medical marijuana product, adult-use marijuana product, 1562
alcoholic product, tobacco product, electronic smoking device, 1563
vapor product, or product or device that consists of or contains 1564
nicotine that can be ingested into the body; 1565

(B) Any medical or adult-use marijuana cultivator, 1566
processor, laboratory, or retail dispensary licensed under 1567
Chapter 3796. of the Revised Code or under the laws of another 1568
state; 1569

(C) Any business engaged in the sale, rental, or 1570
exhibition for any form of consideration of adult entertainment 1571
that is characterized by an emphasis on the exposure or display 1572
of sexual activity; 1573

(D) Any casino or entity that sponsors or promotes 1574
gambling activities; 1575

(E) Any other category of companies, brands, or types of 1576
contracts that are similar to those described in divisions (A) 1577

to (D) of this section that the institution or college 1578
communicates to the student-athlete before the student-athlete 1579
enrolls at the institution or college. 1580

Sec. 3779.01. As used in sections 3779.01 to 3779.10 and 1581
3779.40 to 3779.48 of the Revised Code: 1582

(A) "At retail" means for use or consumption by the 1583
ultimate consumer and not for resale. 1584

(B) "Delta-9 tetrahydrocannabinol," "hemp product," and 1585
"tetrahydrocannabinol" have the same meanings as in section 1586
928.01 of the Revised Code. 1587

(C) (1) "Disqualifying offense" means, subject to divisions 1588
(C) (2) and (3) of this section, committing, attempting to 1589
commit, or aiding and abetting another in committing any of the 1590
following: 1591

(a) Any offense set forth in Chapter 2925., 3719., or 1592
4729. of the Revised Code, the violation of which constitutes a 1593
felony or a misdemeanor of the first degree; 1594

(b) Any theft offense set forth under division (K) of 1595
section 2913.01 of the Revised Code, the violation of which 1596
constitutes a felony; 1597

(c) Any violation for which a penalty is imposed under 1598
section 3715.99 of the Revised Code; 1599

(d) A crime of moral turpitude as defined in section 1600
4776.10 of the Revised Code; 1601

(e) A violation of any former law of this state, any 1602
existing or former law of another state, any existing or former 1603
law applicable in a military court or Indian tribal court, or 1604
any existing or former law of any nation other than the United 1605

States that is or was substantially equivalent to any of the 1606
offenses listed in divisions (C)(1)(a) to (d) of this section. 1607

(2) "Disqualifying offense" does not include a misdemeanor 1608
offense respecting which an applicant for licensure or 1609
employment is convicted of, or pleads guilty to, more than five 1610
years before the date the application is submitted. 1611

(3) "Disqualifying offense" does not include any 1612
misdemeanor offense related to marijuana possession, marijuana 1613
trafficking, illegal cultivation of marijuana, illegal use or 1614
possession of drug paraphernalia or marijuana drug 1615
paraphernalia, or other misdemeanor marijuana-related offenses. 1616

(D) "Identification card" means a driver's or commercial 1617
driver's license, an identification card issued under sections 1618
4507.50 to 4507.52 of the Revised Code or an equivalent 1619
identification card issued by another state, a military 1620
identification card issued by the United States department of 1621
defense, or a United States or foreign passport that displays a 1622
picture of the individual for whom the license, card, or 1623
passport is issued and shows that the person buying is then at 1624
least twenty-one years of age. 1625

(E) "Intoxicating hemp product" means a hemp product 1626
containing more than five-tenths of a milligram of delta-9 1627
tetrahydrocannabinol per serving, two milligrams of delta-9 1628
tetrahydrocannabinol per package, or five-tenths of a milligram 1629
of total non-delta-9 tetrahydrocannabinol per package. 1630
"Intoxicating hemp product" does not include either of the 1631
following: 1632

(1) A hemp product that cannot be ingested, inhaled, 1633
snorted, sniffed, or used sublingually; 1634

(2) A low-level or high-level drinkable cannabinoid 1635
product as defined in section 3779.21 of the Revised Code. 1636

(F) "Ohio investigative unit" means the investigative unit 1637
maintained by the department of public safety under section 1638
5502.13 of the Revised Code. 1639

(G) "Sell" means the exchange, barter, gift, offer for 1640
sale, and sale of an intoxicating hemp product. 1641

(H) "Total non-delta-9 tetrahydrocannabinol" means the 1642
sum, after the application of any necessary conversion factor, 1643
of the percentage by weight of tetrahydrocannabinol, other than 1644
delta-9 tetrahydrocannabinol, and the percentage by weight of 1645
tetrahydrocannabinolic acid. 1646

Sec. 3779.02. (A) (1) No person shall sell an intoxicating 1647
hemp product at retail in this state. 1648

(2) Subject to section 3779.08 of the Revised Code, 1649
division (A) (1) of this section does not apply to the sale of an 1650
intoxicating hemp product at retail in this state by a person to 1651
which both of the following apply: 1652

(a) The person is a hemp dispensary licensed under section 1653
3779.03 of the Revised Code. 1654

(b) The person sells the intoxicating hemp product to an 1655
individual who is twenty-one years of age or older as verified 1656
by examining the individual's identification card. 1657

(3) Notwithstanding any other provision of law to the 1658
contrary, a person who violates division (A) (1) of this section 1659
shall not be prosecuted under any other criminal statute that 1660
otherwise would apply to the person because the person engaged 1661
in the activities prohibited in division (A) (1) of this section. 1662

(B) No person that is a licensed hemp dispensary shall do 1663
any of the following: 1664

(1) Subject to division (D) of section 3779.08 of the 1665
Revised Code, sell an intoxicating hemp product that has not 1666
been tested in compliance with rules adopted under Chapter 3796. 1667
of the Revised Code that otherwise apply to adult-use marijuana; 1668

(2) Sell an intoxicating hemp product that does not comply 1669
with the standards and procedures for packaging and labeling set 1670
forth in rules adopted under Chapter 3796. of the Revised Code 1671
that otherwise apply to adult-use marijuana; 1672

(3) Violate any applicable rules adopted under section 1673
3779.08 of the Revised Code, including rules establishing 1674
advertising requirements governing intoxicating hemp products. 1675

(C) (1) No person shall sell at retail in this state a hemp 1676
product and market it as adult-use marijuana or as medical 1677
marijuana as defined in section 3796.01 of the Revised Code. 1678

(2) No person shall use any terms associated with the sale 1679
at retail in this state of a hemp product that would cause a 1680
consumer to infer that the hemp product is medical marijuana or 1681
adult-use marijuana. 1682

(3) No person shall use any terms associated with the sale 1683
at retail in this state of a hemp product that would cause a 1684
consumer to infer that the person selling the hemp product is a 1685
licensed hemp dispensary. 1686

(4) Division (C) (3) of this section does not apply to a 1687
hemp dispensary licensed under section 3779.03 of the Revised 1688
Code. 1689

(D) No licensed hemp dispensary shall do either of the 1690

following: 1691

(1) Sell any cigarette, tobacco product, vapor product, or 1692
electronic smoking product, as those terms are defined in 1693
section 5743.01 of the Revised Code; 1694

(2) Allow an individual who is under twenty-one years of 1695
age to enter the dispensary. 1696

(E) No person shall sell an intoxicating hemp product that 1697
includes hemp that was not cultivated by one of the following: 1698

(1) A hemp cultivator licensed under Chapter 928. of the 1699
Revised Code in this state or by the United States department of 1700
agriculture if the director of agriculture takes action under 1701
division (A) (2) of section 928.02 of the Revised Code; 1702

(2) A hemp cultivator that is licensed in another state by 1703
the United States department of agriculture; 1704

(3) A hemp cultivator that is licensed in another state by 1705
a governing body of that state whose hemp production plans have 1706
been approved by the United State department of agriculture. 1707

(F) No person shall sell an intoxicating hemp product that 1708
is adulterated with any of the following: 1709

(1) A drug, as defined in section 4729.01 of the Revised 1710
Code; 1711

(2) Contaminants, as defined in rules adopted under 1712
section 3779.08 of the Revised Code; 1713

(3) Other substances that enhance the effects of the 1714
tetrahydrocannabinol included in the product as specified in 1715
rules adopted under section 3779.08 of the Revised Code. 1716

(G) No person who is the ultimate consumer of an edible 1717

intoxicating hemp product shall fail to store the product in the 1718
original packaging at all times when the product is not actively 1719
in use. 1720

Sec. 3779.021. A person shall not be prosecuted or 1721
penalized under section 3779.02 of the Revised Code until the 1722
date that is two hundred and ten days after the effective date 1723
of this section if both of the following apply: 1724

(A) The person is selling an intoxicating hemp product on 1725
the effective date this section. 1726

(B) The facility at which the person is selling the 1727
intoxicating hemp product does not allow individuals under the 1728
age of twenty-one to enter the facility. 1729

Sec. 3779.022. Notwithstanding any provision to the 1730
contrary in sections 3779.01 to 3779.10 of the Revised Code, an 1731
individual who obtains an intoxicating hemp product from a hemp 1732
dispensary licensed under section 3779.03 of the Revised Code 1733
may transfer the intoxicating hemp product to another individual 1734
who is twenty-one years of age or over if both of the following 1735
apply: 1736

(A) The transfer occurs without remuneration. 1737

(B) The transfer occurs on any privately owned real 1738
property that is used primarily for residential or agricultural 1739
purposes, including any dwellings, facilities, improvements, and 1740
appurtenances on such real property. 1741

Sec. 3779.03. (A) An entity that seeks to sell at retail 1742
an intoxicating hemp product in this state shall file an 1743
application for licensure as a hemp dispensary with the division 1744
of cannabis control. The entity shall file an application for 1745
each location from which it seeks to operate. Each application 1746

shall be submitted in accordance with rules adopted under 1747
section 3779.08 of the Revised Code. 1748

(B) The division shall evaluate and prioritize 1749
applications for licensure under this section according to the 1750
applicant's eligibility, suitability, and ability to operate. 1751

(C) The division shall issue a biennial license to an 1752
applicant if all of the following conditions are met: 1753

(1) The report of the criminal records check conducted 1754
pursuant to section 3779.05 of the Revised Code with respect to 1755
the application demonstrates that the person subject to the 1756
criminal records check requirement has not been convicted of or 1757
pleaded guilty to a disqualifying offense. 1758

(2) The applicant demonstrates that none of its current or 1759
prospective owners, officers, board members, administrators, 1760
employees, agents, or affiliates who may significantly influence 1761
or control the applicant's activities have an ownership or 1762
investment interest in or compensation arrangement with a 1763
laboratory specified in division (D) of section 3779.08 of the 1764
Revised Code. 1765

(3) The applicant demonstrates that none of its current or 1766
prospective owners, officers, board members, administrators, 1767
employees, agents, or affiliates who may significantly influence 1768
or control the applicant's activities share any corporate 1769
officers or employees with a laboratory specified in division 1770
(D) of section 3779.08 of the Revised Code. 1771

(4) The applicant demonstrates that the proposed location 1772
or facility will not be located within five hundred feet of a 1773
school, church, public library, public playground, or public 1774
park. 1775

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

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

meets categories is roughly equal, unless doing so is not 1829
possible while conforming to an impartial and evidence-based 1830
process. Applicants that do not meet the eligibility 1831
requirements prescribed by division (C) of this section shall be 1832
placed in the does not meet category. 1833

(3) In conducting the lottery, the division shall give 1834
applicants in the exceeds category double the odds of being 1835
selected as compared to applicants in the meets category. The 1836
division shall give applicants in the highly exceeds category 1837
double the odds of being selected as compared to applicants in 1838
the exceeds category. An applicant grouped in the does not meet 1839
category is ineligible for licensure. 1840

(F) A biennial license may be renewed in accordance with 1841
the procedures established in rules adopted under section 1842
3779.08 of the Revised Code. Prior to the renewal of the 1843
license, the applicant shall pay the renewal fee established 1844
under section 3779.032 of the Revised Code. Applications for 1845
renewal are not subject to the evaluation, prioritization, 1846
ranking, and lottery provisions in divisions (B), (D), and (E) 1847
of this section. 1848

(G) The division shall issue a license under this section 1849
to an entity that sold or offered for sale intoxicating hemp 1850
products on or before June 30, 2025, if both of the following 1851
apply: 1852

(1) The entity's receipts from hemp product and 1853
intoxicating hemp product sales exceeded eighty per cent of its 1854
total gross receipts for either of the following: 1855

(a) Calendar year 2024; 1856

(b) The twelve months immediately prior to the effective 1857

date of this section. 1858

(2) The entity complies with all other requirements for 1859
licensure established under this section and rules adopted under 1860
section 3779.08 of the Revised Code. 1861

Sec. 3779.031. (A) Except as provided in division (B) of 1862
this section, not more than four hundred hemp dispensaries shall 1863
be licensed to operate in this state at any one time. 1864

(B) Notwithstanding division (A) of this section, more 1865
than four hundred hemp dispensaries may be licensed to operate 1866
in this state at any one time if more than four hundred entities 1867
are licensed as a result of division (G) of section 3779.03 of 1868
the Revised Code. In that case, the division shall not issue any 1869
additional licenses until the number of valid licenses that 1870
results from division (G) of section 3779.03 of the Revised Code 1871
is less than four hundred. At such time when the number of 1872
licenses resulting from division (G) of section 3779.03 of the 1873
Revised Code is less than four hundred, division (A) of this 1874
section applies. 1875

Sec. 3779.032. (A) As used in this section, "grandfathered 1876
entity" means an entity that is described in division (G) of 1877
section 3779.03 of the Revised Code. 1878

(B) The division of cannabis control shall charge the 1879
following hemp dispensary fees: 1880

	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>not a grandfathered entity</u>	<u>\$75,000</u>

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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

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those tax laws, and any penalty imposed on the applicant for 1894
such a violation. 1895

(2) The division shall request the information only as it 1896
pertains to an application for licensure that the division, as 1897
applicable, is reviewing. 1898

(3) The department of taxation may charge the division a 1899
reasonable fee to cover the administrative cost of providing the 1900
information. 1901

(B) Information received under this section is 1902
confidential. Except as otherwise permitted by other state law 1903
or federal law, the division shall not make the information 1904
available to any person other than the applicant for licensure 1905
to whom the information applies. 1906

Sec. 3779.05. (A) As used in this section, "criminal 1907
records check" has the same meaning as in section 109.572 of the 1908
Revised Code. 1909

(B) (1) As part of the application process for a license 1910
issued under section 3779.03 of the Revised Code, the division 1911
of cannabis control shall require each of the following to 1912
complete a criminal records check: 1913

(a) An administrator or other person responsible for the 1914
daily operation of the entity seeking the license; 1915

(b) An owner or prospective owner, officer or prospective 1916
officer, or board member or prospective board member of the 1917
entity seeking the license. 1918

(2) If a person subject to the criminal records check 1919
requirement does not present proof of having been a resident of 1920
this state for the five-year period immediately prior to the 1921

date the criminal records check is requested or provide evidence 1922
that within that five-year period the superintendent of the 1923
bureau of criminal identification and investigation has 1924
requested information about the person from the federal bureau 1925
of investigation in a criminal records check, the division shall 1926
request that the person obtain through the superintendent a 1927
criminal records request from the federal bureau of 1928
investigation as part of the criminal records check of the 1929
person. Even if a person presents proof of having been a 1930
resident of this state for the five-year period, the division 1931
may request that the person obtain information through the 1932
superintendent from the federal bureau of investigation in the 1933
criminal records check. 1934

(C) The division shall provide both of the following to 1935
each person who is subject to the criminal records check 1936
requirement: 1937

(1) Information about accessing, completing, and 1938
forwarding to the superintendent of the bureau of criminal 1939
identification and investigation the form prescribed pursuant to 1940
division (C) (1) of section 109.572 of the Revised Code and the 1941
standard impression sheet to obtain fingerprint impressions 1942
prescribed pursuant to division (C) (2) of that section; 1943

(2) Written notification that the person is to instruct 1944
the superintendent to submit the completed report of the 1945
criminal records check directly to the division. 1946

(D) Each person who is subject to the criminal records 1947
check requirement shall pay to the bureau of criminal 1948
identification and investigation the fee prescribed pursuant to 1949
division (C) (3) of section 109.572 of the Revised Code for the 1950
criminal records check conducted of the person. 1951

(E) The report of any criminal records check conducted by 1952
the bureau of criminal identification and investigation in 1953
accordance with section 109.572 of the Revised Code and pursuant 1954
to a request made under this section is not a public record for 1955
the purposes of section 149.43 of the Revised Code and shall not 1956
be made available to any person other than the following: 1957

(1) The person who is the subject of the criminal records 1958
check or the person's representative; 1959

(2) The members and staff of the division; 1960

(3) A court, hearing officer, or other necessary 1961
individual involved in a case dealing with either of the 1962
following: 1963

(a) A license denial resulting from the criminal records 1964
check; 1965

(b) An administrative or criminal action regarding any 1966
violation of sections 3779.01 to 3779.10 of the Revised Code or 1967
rules adopted under those sections. 1968

(F) The division shall deny a license if, after receiving 1969
the information and notification required by this section, a 1970
person subject to the criminal records check requirement fails 1971
to do either of the following: 1972

(1) Access, complete, or forward to the superintendent of 1973
the bureau of criminal identification and investigation the form 1974
prescribed pursuant to division (C) (1) of section 109.572 of the 1975
Revised Code or the standard impression sheet prescribed 1976
pursuant to division (C) (2) of that section; 1977

(2) Instruct the superintendent to submit the completed 1978
report of the criminal records check directly to the division. 1979

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

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

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

(B) The superintendent shall afford a person an opportunity for an adjudication hearing under Chapter 119. of the Revised Code to challenge the superintendent's determination to impose an administrative penalty or taking other enforcement action under this section, the superintendent's imposition of an administrative penalty under this section, or both. The

superintendent's determination, the imposition of the 2010
administrative penalty, and taking other enforcement action may 2011
be appealed in accordance with section 119.12 of the Revised 2012
Code. 2013

Sec. 3779.08. (A) Not later than one hundred eighty days 2014
after the effective date of this section, the superintendent of 2015
cannabis control shall adopt rules in accordance with Chapter 2016
119. of the Revised Code that do all of the following: 2017

(1) Establish application procedures for licenses issued 2018
under section 3779.03 of the Revised Code; 2019

(2) Specify conditions that must be met to be eligible for 2020
issuance of a license under section 3779.03 of the Revised Code; 2021

(3) Establish renewal procedures for licenses issued under 2022
section 3779.03 of the Revised Code; 2023

(4) Specify reasons for which a license may be suspended, 2024
including without prior hearing, be revoked, or not be renewed 2025
or issued and the reasons for which an administrative penalty 2026
may be imposed on a license holder; 2027

(5) Establish standards under which a license suspension 2028
may be lifted; 2029

(6) Establish the amount of administrative penalties to be 2030
imposed by the superintendent under section 3779.07 of the 2031
Revised Code and procedures for imposing such penalties; 2032

(7) Establish a list of contaminants that are prohibited 2033
for inclusion in an intoxicating hemp product for purposes of 2034
division (F) of section 3779.02 of the Revised Code; 2035

(8) Establish a list of substances that enhance the 2036
effects of the tetrahydrocannabinol that are prohibited for 2037

inclusion in an intoxicating hemp product for purposes of 2038
division (F) of section 3779.02 of the Revised Code; 2039

(9) Establish requirements for the advertisement of 2040
intoxicating hemp products consistent with advertisement 2041
requirements for adult-use marijuana and medical marijuana 2042
established under section 3796.32 of the Revised Code. The rules 2043
shall include a requirement that a person that advertises an 2044
intoxicating hemp product submit the advertisement to the 2045
superintendent for the superintendent's approval. The 2046
superintendent shall approve or deny an advertisement not later 2047
than twenty-one business days after submission. 2048

(B) Subject to division (C) of this section, to ensure the 2049
integrity of intoxicating hemp product sales at retail and 2050
operations in this state, the superintendent has jurisdiction 2051
over all persons participating in the distribution and sale of 2052
intoxicating hemp products in this state and, in consultation 2053
and cooperation with the department of agriculture, the 2054
cultivation and processing of intoxicating hemp products for 2055
sale at retail in this state. Such jurisdiction includes the 2056
authority to complete regulating, investigating, and penalizing 2057
those persons in a manner that is consistent with the 2058
superintendent's authority with respect to adult-use marijuana. 2059
To carry out this division, the superintendent, not later than 2060
one hundred eighty days after the effective date of this 2061
section, shall adopt rules under Chapter 119. of the Revised 2062
Code in addition to the rules adopted under division (A) of this 2063
section. 2064

As part of the rules adopted under this division, the 2065
superintendent shall establish limits on the potency, serving 2066
sizes, and package sizes of intoxicating hemp products. The 2067

limits on potency shall include a prohibition against the 2068
inclusion of any synthetic tetrahydrocannabinol in an 2069
intoxicating hemp product. The limits on potency shall not 2070
exceed the potency limits for adult-use marijuana established 2071
under Chapter 3796. of the Revised Code. The superintendent also 2072
shall establish and maintain a list of approved 2073
tetrahydrocannabinols that may be included for use in 2074
intoxicating hemp products. 2075

(C) Notwithstanding Chapter 3796. of the Revised Code and 2076
rules adopted under it to the contrary, the superintendent shall 2077
not require hemp that is processed into an intoxicating hemp 2078
product to be cultivated or processed in this state. 2079

(D) Notwithstanding Chapter 3796. of the Revised Code and 2080
rules adopted under it to the contrary, an intoxicating hemp 2081
product that is sold at retail in this state shall be tested in 2082
a facility licensed in accordance with that chapter and rules 2083
adopted under it or, as approved by the superintendent, in a 2084
facility in another state that meets requirements that are 2085
substantially similar to applicable requirements established 2086
under that chapter and rules adopted under it. 2087

Sec. 3779.09. (A) As used in this section: 2088

(1) "Chauffeured limousine" means a vehicle registered 2089
under section 4503.24 of the Revised Code. 2090

(2) "Street," "highway," and "motor vehicle" have the same 2091
meanings as in section 4511.01 of the Revised Code. 2092

(B) A person may have in the person's possession an opened 2093
container of an intoxicating hemp product that is a beverage in 2094
either of the following locations: 2095

(1) On the premises of a private residence; 2096

(2) In a chauffeured limousine that is located on any 2097
street, highway, or other public or private property open to the 2098
public for purposes of vehicular travel or parking if all the 2099
following apply: 2100

(a) The person, or the guest of the person, pays all or a 2101
portion of the fee imposed for the use of a chauffeured 2102
limousine pursuant to a prearranged contract; 2103

(b) The person or guest is a passenger in the limousine; 2104

(c) The person or guest is located in the limousine but is 2105
not occupying a seat in the front compartment of the limousine 2106
where the operator of the limousine is located. 2107

(C) Except as provided in division (B) of this section, no 2108
person shall have in the person's possession an opened container 2109
of an intoxicating hemp product that is a beverage in any of the 2110
following circumstances: 2111

(1) In any public place; 2112

(2) While operating or being a passenger in or on a motor 2113
vehicle on any street, highway, or other public or private 2114
property open to the public for purposes of vehicular travel or 2115
parking; 2116

(3) While being in or on a stationary motor vehicle on any 2117
street, highway, or other public or private property open to the 2118
public for purposes of vehicular travel or parking. 2119

Sec. 3779.10. (A) Except as provided in division (B) of 2120
this section, the legislative authority of a municipal 2121
corporation or a board of township trustees may adopt an 2122
ordinance or a resolution, to prohibit, or limit the number of, 2123
licensed hemp dispensaries within the municipal corporation or 2124

within the unincorporated territory of the township, 2125
respectively. 2126

(B) The legislative authority of a municipal corporation 2127
or a board of township trustees shall not adopt or enforce an 2128
ordinance or a resolution that does any of the following: 2129

(1) Prohibits or limits the operations of an entity 2130
described under division (G) of section 3779.03 of the Revised 2131
Code, except that a municipal corporation or township may 2132
enforce such an ordinance or such a resolution if it was adopted 2133
on or before June 30, 2025; 2134

(2) Prohibits or limits any activity authorized under 2135
sections 3779.01 to 3779.09 of the Revised Code, except as 2136
expressly permitted under division (A) of this section; 2137

(3) Prohibits or limits research related to intoxicating 2138
hemp conducted at a state university, academic medical center, 2139
or private research and development organization as part of a 2140
research protocol approved by an institutional review board or 2141
equivalent entity. 2142

Sec. 3779.11. A hemp dispensary licensed under section 2143
3779.03 of the Revised Code shall prominently display both of 2144
the following: 2145

(A) A statement that the use of intoxicating hemp products 2146
by individuals under twenty-one years of age is both harmful and 2147
illegal; 2148

(B) Information about the addictive qualities of 2149
intoxicating hemp products and the potential negative health 2150
consequences associated with their use. 2151

Sec. 3779.21. As used in sections 3779.21 to 3779.29 and 2152

<u>3779.40 to 3779.48 of the Revised Code, except as provided in</u>	2153
<u>section 3779.40 of the Revised Code:</u>	2154
<u>(A) "At retail" and "identification card" have the same</u>	2155
<u>meanings as in section 3779.01 of the Revised Code.</u>	2156
<u>(B) "Distributor" means a class B permit holder under</u>	2157
<u>Chapter 4303. of the Revised Code, or the holder of an</u>	2158
<u>equivalent permit or other authorization issued by another</u>	2159
<u>state, that sells, offers for sale, arranges for sale, or</u>	2160
<u>delivers a low-level or high-level drinkable cannabinoid product</u>	2161
<u>to a low-level or high-level retailer located in this state.</u>	2162
<u>"Distributor" does not include either of the following:</u>	2163
<u>(1) A manufacturer;</u>	2164
<u>(2) A person that is a common carrier and that is used to</u>	2165
<u>complete delivery of a low-level or high-level drinkable</u>	2166
<u>cannabinoid product to a retailer.</u>	2167
<u>(C) "Delta-9 tetrahydrocannabinol," "hemp," "hemp</u>	2168
<u>product," and "tetrahydrocannabinol" have the same meanings as</u>	2169
<u>in section 928.01 of the Revised Code.</u>	2170
<u>(D) "High-level drinkable cannabinoid product" or "high-</u>	2171
<u>level DCP" means a liquid hemp product to which all of the</u>	2172
<u>following apply:</u>	2173
<u>(1) The product contains cannabinoids.</u>	2174
<u>(2) The cannabinoids in the product are solely derived</u>	2175
<u>from hemp.</u>	2176
<u>(3) The product is intended to be consumed via ingestion.</u>	2177
<u>(4) The product does not include a drug as defined in</u>	2178
<u>section 4729.01 of the Revised Code.</u>	2179

(5) The product does not contain more than three-tenths 2180
per cent of any tetrahydrocannabinol. 2181

(6) The product contains more than five milligrams of 2182
total tetrahydrocannabinol per serving, but does not contain 2183
more than ten milligrams of total tetrahydrocannabinol per 2184
serving. 2185

(7) The product container does not contain more than one 2186
serving. 2187

"High-level drinkable cannabinoid product" is not an 2188
intoxicating hemp product. 2189

(E) "High-level retailer" means a class C permit holder 2190
under Chapter 4303. of the Revised Code. 2191

(F) "Low-level drinkable cannabinoid product" or "low- 2192
level DCP" means a liquid hemp product to which all of the 2193
following apply: 2194

(1) The product contains cannabinoids. 2195

(2) The cannabinoids in the product are solely derived 2196
from hemp. 2197

(3) The product is prepackaged and intended to be consumed 2198
via ingestion. 2199

(4) The product does not include a drug as defined in 2200
section 4729.01 of the Revised Code. 2201

(5) The product does not contain more than three-tenths 2202
per cent of any tetrahydrocannabinol. 2203

(6) The product does not contain more than five milligrams 2204
of total tetrahydrocannabinol per serving. 2205

(7) The product container does not contain more than one 2206

serving. 2207

"Low-level drinkable cannabinoid product" is not an 2208
intoxicating hemp product. 2209

(G) "Low-level retailer" means an A-1-A or class D permit 2210
holder under Chapter 4303. of the Revised Code. 2211

(H) "Manufacturer" means a person, whether located in this 2212
state or outside of this state, that manufactures a low-level or 2213
high-level drinkable cannabinoid product for sale in this state. 2214

(I) "Sale" and "sell" include exchange, barter, gift, 2215
offer for sale, sale, distribution and delivery of any kind, and 2216
the transfer of title or possession of a low-level or high-level 2217
drinkable cannabinoid product either by constructive or actual 2218
delivery by any means or devices. 2219

(J) "Serving" means twelve fluid ounces. 2220

Sec. 3779.22. (A) (1) A low-level retailer may sell at 2221
retail low-level drinkable cannabinoid products for consumption 2222
on the premises where sold. 2223

(2) A high-level retailer may sell at retail low-level or 2224
high-level drinkable cannabinoid products for consumption off 2225
the premises where sold. 2226

(B) No person shall do any of the following: 2227

(1) Sell at retail a low-level or high-level drinkable 2228
cannabinoid product unless authorized to do so under division 2229
(A) of this section; 2230

(2) If the person is a manufacturer, sell a low-level or 2231
high-level drinkable cannabinoid product unless the manufacturer 2232
is registered under section 3779.24 of the Revised Code; 2233

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

product is a low-level or high-level drinkable cannabinoid 2262

product; 2263

(12) If the person is a manufacturer or distributor, do 2264

either of the following: 2265

(a) Pay to a low-level retailer any payment, credit, or 2266

any other consideration to induce the retailer to advertise or 2267

display a low-level drinkable cannabinoid product in a certain 2268

manner in the retailer's permitted premises; 2269

(b) Pay to a high-level retailer any payment, credit, or 2270

any other consideration to induce the retailer to advertise or 2271

display a low-level or high-level drinkable cannabinoid product 2272

in a certain manner in the retailer's permitted premises. 2273

(13) If the person is a low-level or high-level retailer, 2274

accept any payment, credit, or any other consideration to 2275

advertise or display a low-level or high-level drinkable 2276

cannabinoid product, as applicable, in a certain manner at the 2277

retailer's permitted premises; 2278

(14) If the person is not a low-level retailer, allow an 2279

individual who purchases a drinkable cannabinoid product from 2280

the retailer to consume the drinkable cannabinoid product on the 2281

retailer's premises; 2282

(15) If the person is a low-level or high-level retailer, 2283

sell a low-level or high-level drinkable cannabinoid product, as 2284

applicable, at a price less than the price paid by the retailer 2285

to purchase the product from a distributor; 2286

(16) If the person is a low-level or high-level retailer 2287

and the person is purchasing a low-level or high-level drinkable 2288

cannabinoid product directly, as applicable, from a manufacturer 2289

for subsequent retail sale, sell a low-level or high-level 2290

drinkable cannabinoid product, as applicable, at a price less 2291
than the price paid by the retailer to purchase the product from 2292
the manufacturer; 2293

(17) If the person is a distributor, charge a different 2294
price to a low-level or high-level retailer for low-level or 2295
high-level drinkable cannabinoid products, as applicable, based 2296
upon the quantity of drinkable cannabinoid products sold to the 2297
retailer; 2298

(18) Violate any rule adopted under section 3779.23 of the 2299
Revised Code. 2300

(C) (1) Prior to the effective date of the rules adopted 2301
under section 3779.23 of the Revised Code, a low-level retailer 2302
may sell low-level drinkable cannabinoid products and a high- 2303
level retailer may sell low-level or high-level drinkable 2304
cannabinoid products, a distributor may distribute such 2305
products, and a manufacturer may manufacture such products, 2306
provided both of the following apply: 2307

(a) The low-level or high-level drinkable cannabinoid 2308
products, as applicable, are in compliance with the labeling 2309
requirements specified in section 3779.26 of the Revised Code; 2310

(b) Such sales, distribution, and manufacturing are 2311
otherwise in compliance with applicable statutory provisions of 2312
sections 3779.21 to 3779.30 of the Revised Code. 2313

(2) On and after the effective date of those rules, sales, 2314
distribution, and manufacturing of such products shall be in 2315
full compliance with those rules and with applicable statutory 2316
provisions of sections 3779.21 to 3779.30 of the Revised Code. 2317

Sec. 3779.221. The superintendent of liquor control may 2318
impose an administrative penalty or take other enforcement 2319

actions against a person who violates division (B) of section 2320
3779.22 of the Revised Code or any rules adopted under section 2321
3779.23 of the Revised Code. Administrative penalties shall be 2322
set forth in rules adopted under section 3779.23 of the Revised 2323
Code. 2324

(B) The superintendent shall afford a person an 2325
opportunity for an adjudication hearing under Chapter 119. of 2326
the Revised Code to challenge the superintendent's determination 2327
to impose an administrative penalty or taking other enforcement 2328
action under this section, the superintendent's imposition of an 2329
administrative penalty under this section, or both. The 2330
superintendent's determination, the imposition of the 2331
administrative penalty, and taking other enforcement action may 2332
be appealed in accordance with section 119.12 of the Revised 2333
Code. 2334

Sec. 3779.23. Not later than six months after the 2335
effective date of this section, the superintendent of liquor 2336
control shall adopt rules in accordance with Chapter 119. of the 2337
Revised Code for the administration and enforcement of sections 2338
3779.21 to 3779.30 of the Revised Code, including rules 2339
governing all the following: 2340

(A) Registration of manufacturers under section 3779.24 of 2341
the Revised Code; 2342

(B) The testing of low-level and high-level drinkable 2343
cannabinoid products under section 3779.25 of the Revised Code, 2344
including rules governing the issuance of a certificate of 2345
analysis as required under division (C) of section 3779.25 of 2346
the Revised Code; 2347

(C) The labeling of low-level and high-level drinkable 2348

cannabinoid products under section 3779.26 of the Revised Code; 2349

(D) Establishment and maintenance of a list of approved 2350
tetrahydrocannabinols that may be included for use in low-level 2351
and high-level drinkable cannabinoid products; 2352

(E) Advertisement of low-level and high-level drinkable 2353
cannabinoid products. The rules shall include a requirement that 2354
a person that advertises a low-level or high-level drinkable 2355
cannabinoid product submit the advertisement to the 2356
superintendent for the superintendent's approval. The 2357
superintendent shall approve or deny an advertisement no later 2358
than twenty-one business days after submission. 2359

(F) Establish the amount of administrative penalties to be 2360
imposed by the superintendent under section 3779.221 of the 2361
Revised Code and procedures for imposing such penalties. 2362

Sec. 3779.24. (A) No person shall manufacture a low-level 2363
or high-level drinkable cannabinoid product for sale in this 2364
state without registering with the superintendent of liquor 2365
control in accordance with rules adopted under section 3779.23 2366
of the Revised Code. The superintendent shall issue a 2367
registration under this section if the applicant submits to the 2368
superintendent an application and is in compliance with those 2369
rules. 2370

(B) A registration issued under this section is valid for 2371
one year after issuance and shall be renewed in the same manner 2372
as an initial registration. 2373

Sec. 3779.25. (A) (1) A manufacturer of a low-level or 2374
high-level drinkable cannabinoid product shall test the product 2375
in accordance with rules adopted under section 3779.23 of the 2376
Revised Code prior to selling the product or offering the 2377

product for sale to a distributor. 2378

(2) No manufacturer, distributor, low-level retailer, or 2379
high-level retailer shall sell or offer to sell a low-level or 2380
high-level drinkable cannabinoid product, as applicable, that is 2381
not tested in accordance with this section and rules adopted 2382
under section 3779.23 of the Revised Code or that exceeds the 2383
maximum allowable level for a substance or organism specified in 2384
those rules. 2385

(B) A manufacturer shall contract with a testing 2386
laboratory to provide the testing required under this section. 2387

(C) Notwithstanding Chapter 3796. of the Revised Code and 2388
rules adopted under it to the contrary, a low-level or high- 2389
level drinkable cannabinoid product that is sold in this state 2390
shall be tested in a facility licensed in accordance with 2391
Chapter 3796. of the Revised Code and rules adopted under it or, 2392
as approved by the superintendent of liquor control, in a 2393
facility in another state that meets requirements that are 2394
substantially similar to applicable requirements established 2395
under Chapter 3796. of the Revised Code and rules adopted under 2396
it. For each test conducted, the facility shall issue a 2397
certificate of analysis that includes the results of the test as 2398
required in rules adopted under section 3779.23 of the Revised 2399
Code. 2400

(D) A distributor, low-level retailer, or high-level 2401
retailer is not liable for any violations or causes of action if 2402
a low-level or high-level drinkable cannabinoid product 2403
distributed or sold by the distributor or retailer is not 2404
consistent with testing as represented. 2405

(E) No manufacturer or testing laboratory shall fail to 2406

comply with this section.

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

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

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

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

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

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(5) The number of servings per container;

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(6) A list of ingredients;

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

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(8) The number of calories per container;

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

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(10) A conspicuous warning statement conveying that the
product contains tetrahydrocannabinol, that the effects of
drinking a low-level or high-level drinkable cannabinoid product
are different than those from drinking an alcoholic beverage,

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and that a person should use caution when consuming low-level or 2434
high-level DCPs or mixing the consumption of low-level or high- 2435
level DCPs with alcoholic beverages; 2436

(11) A symbol approved by the superintendent of liquor 2437
control warning potential consumers that the product contains 2438
tetrahydrocannabinol. The symbol may include the American 2439
society for testing and materials intoxicating cannabis products 2440
symbol (D8441/D8441M). 2441

(B) A manufacturer shall include the amount of 2442
tetrahydrocannabinol, in milligrams, as identified in the 2443
certificate of analysis as required under division (C) of 2444
section 3779.25 of the Revised Code, on the container of a low- 2445
level or high-level drinkable cannabinoid product. The amount of 2446
tetrahydrocannabinol included on the container of a low-level or 2447
high-level drinkable cannabinoid product may deviate by ten per 2448
cent of the actual amount on the certificate of analysis. 2449

(C) No manufacturer shall fail to comply with this 2450
section. 2451

Sec. 3779.27. (A) As used in this section, "sales area or 2452
territory" means an exclusive geographic area or territory that 2453
is assigned to a particular distributor and that either has one 2454
or more political subdivisions as its boundaries or consists of 2455
an area of land with readily identifiable geographic boundaries. 2456

(B) Each manufacturer shall assign to each of the 2457
manufacturer's distributors a sales area or territory within 2458
which each distributor shall be the distributor of the brand or 2459
brands of the manufacturer, provided that, if the manufacturer 2460
manufactures more than one brand of low-level or high-level 2461
drinkable cannabinoid product, the manufacturer may assign sales 2462

areas or territories to additional distributors for the 2463
distribution and sale of the additional brand or brands, so long 2464
as not more than one distributor distributes the same brand or 2465
brands within the same sales area or territory. No distributor 2466
shall distribute a specific brand of low-level or high-level 2467
drinkable cannabinoid product in any area or territory other 2468
than the area or territory assigned to the distributor. 2469

Sec. 3779.28. (A) No manufacturer shall aid or assist a 2470
distributor, and no manufacturer or distributor shall aid or 2471
assist a low-level retailer or high-level retailer, by gift or 2472
loan of any money or property of any description or other 2473
valuable thing, or by giving premiums or rebates. No 2474
distributor, low-level retailer, or high-level retailer shall 2475
accept the same. 2476

(B) No manufacturer shall have any financial interest, 2477
directly or indirectly, by stock ownership, or through 2478
interlocking directors in a corporation, or otherwise, in the 2479
establishment, maintenance, or promotion in the business of any 2480
distributor. No low-level retailer or high-level retailer shall 2481
have any interest, directly or indirectly, in the operation of, 2482
or any ownership in, the business of any distributor or 2483
manufacturer. 2484

(C) No manufacturer shall have any financial interest, 2485
directly or indirectly, by stock ownership, or through 2486
interlocking directors in a corporation, or otherwise, in the 2487
establishment, maintenance, or promotion of the business of any 2488
low-level retailer or high-level retailer. No distributor or 2489
employee of a distributor shall have any financial interest, 2490
directly or indirectly, by stock ownership, interlocking 2491
directors in a corporation, or otherwise, in the establishment, 2492

maintenance, or promotion of the business of any low-level 2493
retailer or high-level retailer. No manufacturer or distributor 2494
or any stockholder of a manufacturer or distributor shall 2495
acquire, by ownership in fee, leasehold, mortgage, or otherwise, 2496
directly or indirectly, any interest in the premises on which 2497
the business of any other person engaged in the business of 2498
selling low-level or high-level drinkable cannabinoid products 2499
at retail is occurring. 2500

(D) No manufacturer shall sell or offer to sell to any 2501
distributor or low-level retailer or high-level retailer, no 2502
distributor shall sell or offer to sell to any low-level 2503
retailer or high-level retailer, and no distributor or low-level 2504
retailer or high-level retailer shall purchase or receive from 2505
any manufacturer or distributor any low-level or high-level 2506
drinkable cannabinoid product in the United States except for 2507
cash. No right of action exists to collect any claims for credit 2508
extended contrary to this section. 2509

(E) Divisions (B) and (C) of this section do not apply to 2510
a person licensed under section 3779.03 of the Revised Code. 2511

Sec. 3779.29. (A) As used in this section: 2512

(1) "Chauffeured limousine" means a vehicle registered 2513
under section 4503.24 of the Revised Code. 2514

(2) "Street," "highway," and "motor vehicle" have the same 2515
meanings as in section 4511.01 of the Revised Code. 2516

(B) A person may have in the person's possession an opened 2517
container of a low-level or high-level drinkable cannabinoid 2518
product in either of the following locations: 2519

(1) On the premises of a private residence; 2520

(2) In a chauffeured limousine that is located on any 2521
street, highway, or other public or private property open to the 2522
public for purposes of vehicular travel or parking if all the 2523
following apply: 2524

(a) The person, or the guest of the person, pays all or a 2525
portion of the fee imposed for the use of a chauffeured 2526
limousine pursuant to a prearranged contract. 2527

(b) The person or guest is a passenger in the limousine. 2528

(c) The person or guest is located in the limousine but is 2529
not occupying a seat in the front compartment of the limousine 2530
where the operator of the limousine is located. 2531

(C) A person may have in the person's possession an opened 2532
container of a low-level drinkable cannabinoid product on the 2533
premises of a low-level retailer, provided the low-level 2534
retailer sold the low-level drinkable cannabinoid product to the 2535
person. 2536

(D) Except as provided in divisions (B) and (C) of this 2537
section, no person shall have in the person's possession an 2538
opened container of a low-level or high-level drinkable 2539
cannabinoid product in any of the following circumstances: 2540

(1) In any public place; 2541

(2) While operating or being a passenger in or on a motor 2542
vehicle on any street, highway, or other public or private 2543
property open to the public for purposes of vehicular travel or 2544
parking; 2545

(3) While being in or on a stationary motor vehicle on any 2546
street, highway, or other public or private property open to the 2547
public for purposes of vehicular travel or parking. 2548

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

(4) "Sale" includes exchange, barter, gift, offer for 2576
sale, and distribution, and includes transactions in interstate 2577
or foreign commerce. 2578

(5) "Taxpayer" means any person liable for a tax imposed 2579
under this section. 2580

(6) "Gallon" means one hundred twenty-eight fluid ounces. 2581

(7) "Drinkable cannabinoid product" means a low-level or 2582
high-level drinkable cannabinoid product. 2583

(B) For the purpose of providing for the needs of this 2584
state, a tax is levied on the intoxicating hemp product receipts 2585
received by a licensed dispensary each month at the rate of ten 2586
per cent of such receipts. All revenue from the tax shall be 2587
credited to the general revenue fund. The tax is part of the 2588
price for purposes of sales and use taxes levied under Chapters 2589
5739. and 5741. of the Revised Code. 2590

(C) For the purpose of providing for the needs of this 2591
state, an excise tax is levied on sales by a manufacturer to a 2592
distributor or retailer of drinkable cannabinoid products at the 2593
rate of one dollar and twenty cents per gallon of such products 2594
sold. All revenue from the tax shall be credited to the general 2595
revenue fund. 2596

(D) Not later than thirty days after first receiving 2597
intoxicating hemp product receipts, a licensed dispensary shall 2598
register with the tax commissioner by submitting all of the 2599
following: 2600

(1) A copy of the license or licenses issued to the 2601
registrant under section 3779.03 of the Revised Code; 2602

(2) The registrant's federal employer identification 2603

number or social security number or equivalent, as applicable; 2604

(3) All other information that the commissioner requires 2605
to administer and enforce the tax levied under division (B) of 2606
this section. 2607

(E) Not later than thirty days after first selling a 2608
drinkable cannabinoid product to a distributor or retailer, a 2609
manufacturer shall register with the tax commissioner by 2610
submitting all of the following: 2611

(1) The registrant's federal employer identification 2612
number or social security number or equivalent, as applicable; 2613

(2) All other information that the commissioner requires 2614
to administer and enforce the tax levied under division (C) of 2615
this section. 2616

(F) If the commissioner notifies a licensed dispensary or 2617
manufacturer required to register under this section of such 2618
requirement and of the requirement to remit the tax due under 2619
section 3779.41 of the Revised Code, and the licensed dispensary 2620
or manufacturer fails to so register and remit the tax within 2621
sixty days after the notice, the commissioner may impose an 2622
additional penalty of up to thirty-five per cent of the tax due. 2623

(G) A licensed dispensary that is registered with the tax 2624
commissioner under division (D) of this section shall notify the 2625
commissioner if any of the following occur with respect to a 2626
license issued to the registrant under section 3779.03 of the 2627
Revised Code: 2628

(1) The license expires or is revoked; 2629

(2) A change to the activities in which the registrant is 2630
permitted to engage; 2631

(3) A change in the location or facilities in which the 2632
registrant is permitted to engage in such activities. 2633

Sec. 3779.41. (A) Not later than the twenty-third day of 2634
the month, every taxpayer shall file with the tax commissioner a 2635
return for the preceding calendar month reporting any 2636
information the commissioner finds necessary for the proper 2637
administration of sections 3779.40 to 3779.48 of the Revised 2638
Code, together with remittance of the tax due. In the case of 2639
the tax levied under division (B) of section 3779.40 of the 2640
Revised Code, the tax shall be calculated on the basis of the 2641
taxpayer's intoxicating hemp product receipts received during 2642
the preceding month. In the case of the tax levied under 2643
division (C) of section 3779.40 of the Revised Code, the tax 2644
shall be calculated on the basis of the gallons of drinkable 2645
cannabinoid products sold by the taxpayer to a distributor or 2646
retailer during the preceding month. 2647

(B) Any taxpayer that fails to file a return or pay the 2648
full amount of the tax due within the period prescribed under 2649
this section shall pay a penalty in an amount not exceeding the 2650
greater of fifty dollars or ten per cent of the tax required to 2651
be paid for the month. 2652

(C) (1) If any additional tax is found to be due, the tax 2653
commissioner may impose an additional penalty of up to fifteen 2654
per cent of the additional tax found to be due. 2655

(2) Any delinquent payments made after a taxpayer is 2656
notified of an audit or a tax discrepancy by the commissioner 2657
are subject to the penalty imposed by division (C) (1) of this 2658
section. If an assessment is issued under section 3779.44 of the 2659
Revised Code in connection with such delinquent payments, the 2660
payments shall be credited to the assessment. 2661

(D) The commissioner may collect any penalty or interest 2662
imposed by this section or section 3779.40 of the Revised Code 2663
in the same manner as the applicable tax imposed under that 2664
section. Penalties and interest so collected shall be considered 2665
as revenue arising from that tax. 2666

(E) The commissioner may abate all or a portion of any 2667
penalties imposed under this section or section 3779.40 of the 2668
Revised Code and may adopt rules governing such abatements. 2669

(F) If any tax due is not timely paid within the period 2670
prescribed under this section, the taxpayer shall pay interest, 2671
calculated at the rate per annum prescribed by section 5703.47 2672
of the Revised Code, from the date the tax payment was due to 2673
the date of payment or to the date an assessment was issued, 2674
whichever occurs first. 2675

(G) The commissioner may impose a penalty of up to ten per 2676
cent for any additional tax that is due from a taxpayer that 2677
reports incorrect information. 2678

Sec. 3779.42. (A) Any taxpayer required to file returns 2679
under section 3779.41 of the Revised Code shall remit each tax 2680
payment, and, if required by the tax commissioner, file the tax 2681
return or the annual report, electronically. The commissioner 2682
may require taxpayers to use the Ohio business gateway as 2683
defined in section 718.01 of the Revised Code to file returns 2684
and remit the taxes, or may provide another means for taxpayers 2685
to file and remit the taxes electronically. 2686

(B) A taxpayer required to remit taxes or file returns 2687
electronically under division (A) of this section may apply to 2688
the commissioner, on a form prescribed by the commissioner, to 2689
be excused from that requirement. The commissioner may excuse a 2690

taxpayer from the requirements of this section for good cause. 2691

(C) (1) If a taxpayer required to remit tax or file a 2692
return electronically under division (A) of this section fails 2693
to do so, the commissioner may impose a penalty not to exceed 2694
the following: 2695

(a) For either of the first two months the taxpayer so 2696
fails, the greater of twenty-five dollars or five per cent of 2697
the amount of the payment that was required to be remitted; 2698

(b) For the third and any subsequent months the taxpayer 2699
so fails, the greater of fifty dollars or ten per cent of the 2700
amount of the payment that was required to be remitted. 2701

(2) The penalty imposed under division (C) (1) of this 2702
section shall be considered as revenue arising from the tax 2703
imposed under division (B) or (C) of section 3779.40 of the 2704
Revised Code, as applicable. A penalty may be collected by 2705
assessment in the manner prescribed by section 3779.44 of the 2706
Revised Code. The commissioner may abate all or a portion of 2707
such a penalty. 2708

(D) The commissioner may adopt rules necessary to 2709
administer this section. 2710

Sec. 3779.43. (A) An application for refund to the 2711
taxpayer of amounts imposed under sections 3779.40 to 3779.48 of 2712
the Revised Code that are overpaid, paid illegally or 2713
erroneously, or paid on any illegal or erroneous assessment 2714
shall be filed by the taxpayer with the tax commissioner, on a 2715
form prescribed by the commissioner, within four years after the 2716
date of the illegal or erroneous payment, or within any 2717
additional period allowed under division (F) of section 3779.44 2718
of the Revised Code. The applicant shall provide the amount of 2719

the requested refund along with the claimed reasons for, and 2720
documentation to support, the issuance of a refund. 2721

(B) On the filing of the refund application, the 2722
commissioner shall determine the amount of refund to which the 2723
applicant is entitled. If the amount is not less than that 2724
claimed, the commissioner shall certify the amount to the 2725
director of budget and management and treasurer of state for 2726
payment from the tax refund fund created under section 5703.052 2727
of the Revised Code. If the amount is less than that claimed, 2728
the commissioner shall proceed in accordance with section 2729
5703.70 of the Revised Code. 2730

(C) Interest on a refund applied for under this section, 2731
computed at the rate provided for in section 5703.47 of the 2732
Revised Code, shall be allowed from the later of the date the 2733
amount was paid or when the payment was due. 2734

(D) Except as provided in section 3779.431 of the Revised 2735
Code, the commissioner may, with the consent of the taxpayer, 2736
provide for the crediting, against tax due for any month, of the 2737
amount of any refund due to the taxpayer under this section for 2738
a preceding month. 2739

Sec. 3779.431. As used in this section, "debt to this 2740
state" means unpaid taxes due the state, unpaid workers' 2741
compensation premiums due under section 4123.35 of the Revised 2742
Code, unpaid unemployment compensation contributions due under 2743
section 4141.25 of the Revised Code, unpaid unemployment 2744
compensation payment in lieu of contribution under section 2745
4141.241 of the Revised Code, unpaid fees payable to the state 2746
or to the clerk of courts pursuant to section 4505.06 of the 2747
Revised Code, incorrect payments for medicaid services under the 2748
medicaid program, or any unpaid charge, penalty, or interest 2749

arising from any of the foregoing.

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

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

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(B) Unless the person assessed, within sixty days after
service of the notice of assessment, files with the
commissioner, either personally or by certified mail, a written
petition signed by the person or the person's authorized agent
having knowledge of the facts, the assessment becomes final, and
the amount of the assessment is due and payable from the person
assessed to the treasurer of state. The petition shall indicate

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the objections of the person assessed, but additional objections 2780
may be raised in writing if received by the commissioner before 2781
the date shown on the final determination. 2782

If a petition for reassessment has been properly filed, 2783
the commissioner shall proceed under section 5703.60 of the 2784
Revised Code. 2785

(C) (1) After an assessment becomes final, if any portion 2786
of the assessment, including accrued interest, remains unpaid, a 2787
certified copy of the commissioner's entry making the assessment 2788
final may be filed in the office of the clerk of the court of 2789
common pleas in the county in which the person resides or has 2790
its principal place of business in this state, or in the office 2791
of the clerk of the court of common pleas of Franklin county. 2792

(2) Immediately upon the filing of the entry, the clerk 2793
shall enter judgment for the state against the person assessed 2794
in the amount shown on the entry. The judgment may be filed by 2795
the clerk in a loose-leaf book entitled "special judgments for 2796
the intoxicating hemp product receipts tax" or "special 2797
judgments for the drinkable cannabinoid product tax," as 2798
applicable, and shall have the same effect as other judgments. 2799
Execution shall issue upon the judgment at the request of the 2800
commissioner, and all laws applicable to sales on execution 2801
shall apply to sales made under the judgment. 2802

(3) If the assessment is not paid in its entirety within 2803
sixty days after the day the assessment was issued, the portion 2804
of the assessment consisting of tax due shall bear interest at 2805
the rate per annum prescribed by section 5703.47 of the Revised 2806
Code from the day the commissioner issues the assessment until 2807
it is paid or until it is certified to the attorney general for 2808
collection under section 131.02 of the Revised Code, whichever 2809

comes first. If the unpaid portion of the assessment is 2810
certified to the attorney general for collection, the entire 2811
unpaid portion of the assessment shall bear interest at the rate 2812
per annum prescribed by section 5703.47 of the Revised Code from 2813
the date of certification until the date it is paid in its 2814
entirety. Interest shall be paid in the same manner as the tax 2815
imposed by division (B) or (C) of section 3779.40 of the Revised 2816
Code, as applicable, and may be collected by the issuance of an 2817
assessment under this section. 2818

(D) If the commissioner believes that collection of a tax 2819
imposed by this chapter will be jeopardized unless proceedings 2820
to collect or secure collection of the tax is instituted without 2821
delay, the commissioner may issue a jeopardy assessment against 2822
the person liable for the tax. Immediately upon the issuance of 2823
the jeopardy assessment, the commissioner shall file an entry 2824
with the clerk of the court of common pleas in the manner 2825
prescribed by division (C) of this section. Notice of the 2826
jeopardy assessment shall be served on the person assessed or 2827
the person's authorized agent in the manner provided in section 2828
5703.37 of the Revised Code within five days of the filing of 2829
the entry with the clerk. The total amount assessed is 2830
immediately due and payable unless the person assessed files a 2831
petition for reassessment in accordance with division (B) of 2832
this section and provides security in a form satisfactory to the 2833
commissioner and in an amount sufficient to satisfy the unpaid 2834
balance of the assessment. Full or partial payment of the 2835
assessment does not prejudice the commissioner's consideration 2836
of the petition for reassessment. 2837

(E) The commissioner shall immediately forward to the 2838
treasurer of state all amounts the commissioner receives under 2839
this section, and such amounts shall be considered as revenue 2840

arising from the tax imposed under division (B) or (C) of 2841
section 3779.40 of the Revised Code, as applicable. 2842

(F) Except as otherwise provided in this division, no 2843
assessment shall be made or issued against a taxpayer for a tax 2844
imposed under this chapter more than four years after the due 2845
date for the filing of the return for the tax period for which 2846
the tax was reported, or more than four years after the return 2847
for the tax period was filed, whichever is later. The time limit 2848
may be extended if both the taxpayer and the commissioner 2849
consent in writing to the extension or enter into an agreement 2850
waiving or extending the time limit. Any such extension shall 2851
extend the four-year time limit in division (A) of section 2852
3779.43 of the Revised Code for the same period of time. Nothing 2853
in this division bars an assessment against a taxpayer that 2854
fails to file a return required under section 3779.41 of the 2855
Revised Code or that files a fraudulent return. 2856

(G) If the commissioner possesses information that 2857
indicates that the amount of tax a taxpayer is required to pay 2858
under division (B) or (C) of section 3779.40 of the Revised Code 2859
exceeds the amount the taxpayer paid, the commissioner may audit 2860
a sample of the taxpayer's sales over a representative period of 2861
time to ascertain the amount of tax due, and may issue an 2862
assessment based on the audit. The commissioner shall make a 2863
good faith effort to reach agreement with the taxpayer in 2864
selecting a representative sample. The commissioner may apply a 2865
sampling method only if the commissioner has prescribed the 2866
method by rule. 2867

(H) If the whereabouts of a person subject to this chapter 2868
is not known to the tax commissioner, the commissioner shall 2869
follow the procedures under section 5703.37 of the Revised Code. 2870

Sec. 3779.45. If any person liable for a tax imposed under 2871
section 3779.40 of the Revised Code sells the trade or business, 2872
disposes in any manner other than in the regular course of 2873
business at least seventy-five per cent of assets of the trade 2874
or business, or quits the trade or business, any tax owed by 2875
such person shall become due and payable immediately, and the 2876
person shall pay the tax due under this chapter, including any 2877
applicable penalties and interest, within forty-five days after 2878
the date of selling or quitting the trade or business. The 2879
person's successor shall withhold a sufficient amount of the 2880
purchase money to cover the amount due and unpaid until the 2881
former owner produces a receipt from the tax commissioner 2882
showing that the amounts are paid or a certificate indicating 2883
that no tax is due. If a purchaser fails to withhold purchase 2884
money, that person is personally liable, up to the purchase 2885
money amount, for such amounts that are unpaid during the 2886
operation of the business by the former owner. 2887

The commissioner may adopt rules regarding the issuance of 2888
certificates under this section, including the waiver of the 2889
need for a certificate if certain criteria are met. 2890

Sec. 3779.451. If any person subject to the tax levied 2891
under division (B) of section 3779.40 of the Revised Code fails 2892
to report or pay the tax as required under section 3779.41 of 2893
the Revised Code, or fails to pay any penalty imposed under 2894
sections 3779.40 to 3779.48 of the Revised Code within ninety 2895
days after the time prescribed for payment of the penalty, the 2896
attorney general, on the request of the tax commissioner, shall 2897
commence an action in quo warranto in the court of appeals of 2898
the county in which the person resides or has its principal 2899
place of business to forfeit and annul the person's licenses 2900
issued under section 3779.03 of the Revised Code. If the court 2901

finds that the person is in default for the amount claimed, it 2902
shall render judgment revoking the person's registration and 2903
shall otherwise proceed as provided in Chapter 2733. of the 2904
Revised Code. 2905

Sec. 3779.46. (A) The tax commissioner may prescribe 2906
requirements for the keeping of records and other pertinent 2907
documents, the filing of copies of federal income tax returns 2908
and determinations, and computations reconciling federal income 2909
tax returns with the returns required by section 3779.41 of the 2910
Revised Code. The commissioner may require any person, by rule 2911
or notice served on that person, to keep those records that the 2912
commissioner considers necessary to show whether, and the extent 2913
to which, a person is subject to a tax levied under section 2914
3779.40 of the Revised Code. 2915

(B) Each taxpayer shall maintain complete and accurate 2916
records of all sales and other dispositions of intoxicating hemp 2917
products or drinkable cannabinoid products, as applicable, and 2918
shall procure and retain all invoices, bills of lading, and 2919
other documents relating to the sales and other dispositions of 2920
such products. No person shall make a false entry upon any 2921
invoice or record upon which an entry is required by this 2922
section, and no person shall present any false entry for the 2923
inspection of the commissioner with the intent to evade a tax 2924
levied under section 3779.40 of the Revised Code. 2925

(C) The records described in divisions (A) and (B) of this 2926
section and other documents shall be open during business hours 2927
to the inspection of the commissioner, and shall be preserved 2928
for a period of four years, unless the commissioner, in writing, 2929
consents to their destruction within that period, or by order 2930
requires that they be kept for a longer period. If such records 2931

are normally kept by the person electronically, the person shall 2932
provide such records to the commissioner electronically at the 2933
commissioner's request. 2934

(D) Any information acquired by the commissioner under 2935
this chapter is confidential as provided for in section 5703.21 2936
of the Revised Code, except that the commissioner shall make 2937
public an electronic list of all actively registered persons 2938
required to remit a tax under section 3779.40 of the Revised 2939
Code, including legal names, trade names, addresses, and account 2940
numbers. In addition, the list shall include all persons that 2941
canceled their registrations at any time during the preceding 2942
four calendar years, including the effective date of the 2943
cancellation. 2944

Sec. 3779.47. (A) No person shall prepare for shipment, 2945
ship, transport, deliver, prepare for distribution, distribute, 2946
or sell intoxicating hemp products or drinkable cannabinoid 2947
products, or otherwise engage or participate in the business of 2948
selling intoxicating hemp products or drinkable cannabinoid 2949
products, with the intent to avoid payment of a tax levied by 2950
section 3779.40 of the Revised Code. 2951

(B) The tax commissioner or an agent of the commissioner 2952
may enter and inspect the facilities and records of a person 2953
selling intoxicating hemp products or drinkable cannabinoid 2954
products. Such entrance and inspection requires a properly 2955
issued search warrant if conducted outside the normal business 2956
hours of the person, but does not require a search warrant if 2957
conducted during the normal business hours of the person. No 2958
person shall prevent or hinder the commissioner or an agent of 2959
the commissioner from carrying out the authority granted under 2960
this division. 2961

(C) Whenever the commissioner discovers intoxicating hemp 2962
products or drinkable cannabinoid products that are subject to a 2963
tax levied by this chapter and upon which the tax has not been 2964
or will not be paid or the commissioner has reason to believe 2965
the tax is being avoided, the commissioner may seize and take 2966
possession of the products, which, upon seizure, shall be 2967
forfeited to the state. Within a reasonable time after seizure, 2968
the commissioner may sell the products. From the proceeds of 2969
this sale, the commissioner shall pay the costs incurred in the 2970
seizure and sale, and any proceeds remaining after the sale 2971
shall be considered as revenue arising from the tax. The seizure 2972
and sale do not relieve any person from the fine or imprisonment 2973
provided for a violation of this chapter. The commissioner shall 2974
make the sale where it is most convenient and economical, but 2975
may order the destruction of forfeited products if the quantity 2976
or quality is not sufficient to warrant its sale. 2977

Sec. 3779.48. (A) Any person that is not a taxpayer 2978
registered under section 3779.40 of the Revised Code is liable 2979
for any amounts, including tax, interest, and penalties, imposed 2980
by sections 3779.40 to 3779.48 of the Revised Code in the same 2981
manner as persons that do hold such a registration are liable, 2982
if the person does either of the following: 2983

(1) Receives intoxicating hemp product receipts from the 2984
retail sale of intoxicating hemp; 2985

(2) Sells drinkable cannabinoid products upon which the 2986
tax levied by those sections has not been paid. 2987

(B) The tax commissioner may issue an assessment against a 2988
person described in division (A) of this section for any amount 2989
due under this chapter in the same manner provided under section 2990
3779.44 of the Revised Code. 2991

Sec. 3779.99. (A) Except as provided in division (B) of 2992
this section, whoever recklessly violates division (A)(1) of 2993
section 3779.02 of the Revised Code is guilty of a misdemeanor 2994
of the first degree on a first offense and a felony of the fifth 2995
degree on a second or subsequent offense. 2996

(B) Whoever recklessly violates division (A)(1) of section 2997
3779.02 of the Revised Code that involves the sale of an 2998
intoxicating hemp product to a person under twenty-one years of 2999
age is guilty of a misdemeanor of the first degree on a first 3000
offense and a felony of the fifth degree on a second or 3001
subsequent offense. 3002

(C) Whoever knowingly violates section 3779.09 of the 3003
Revised Code is guilty of a minor misdemeanor. 3004

(D) (1) As used in this section, "licensing authority" 3005
means the following: 3006

(a) For purposes of a license issued under section 3770.05 3007
of the Revised Code, the state lottery commission; 3008

(b) For purposes of sections 5743.15 and 5743.61 of the 3009
Revised Code, the tax commissioner; 3010

(c) For purposes of Chapter 4303. of the Revised Code, the 3011
division of liquor control. 3012

(2) A licensing authority shall adopt rules in accordance 3013
with Chapter 119. of the Revised Code to enforce violations of 3014
this chapter directly against a person who has been issued a 3015
license under section 3770.05, 5743.15, or 5743.61 or has been 3016
issued a permit under Chapter 4303. of the Revised Code, as 3017
applicable. 3018

(E) Whoever recklessly violates division (B)(1) of section 3019

3779.22 of the Revised Code is guilty of a misdemeanor of the 3020
first degree on a first offense and a felony of the fifth degree 3021
on a second or subsequent offense. 3022

(F) Whoever recklessly violates division (B) (8) of section 3023
3779.22 of the Revised Code is guilty of a felony of the fifth 3024
degree. 3025

(G) Whoever knowingly violates section 3779.29 of the 3026
Revised Code is guilty of a minor misdemeanor. 3027

(H) Whoever knowingly files a fraudulent refund claim 3028
under section 3779.43 of the Revised Code shall be fined the 3029
greater of one thousand dollars or the amount of the fraudulent 3030
refund requested, or imprisoned not more than sixty days, or 3031
both. 3032

(I) Except as otherwise provided in this section, whoever 3033
knowingly violates sections 3779.40 to 3779.48 of the Revised 3034
Code shall be fined not more than five hundred dollars, or 3035
imprisoned not more than thirty days, or both. 3036

(J) The penalties provided in divisions (H) and (I) of 3037
this section are in addition to any penalties imposed by the tax 3038
commissioner under sections 3779.40 to 3779.48 of the Revised 3039
Code. 3040

Sec. 3796.01. (A) As used in this chapter: 3041

(1) "Marijuana" means marihuana as defined in section 3042
3719.01 of the Revised Code. 3043

(2) "Medical marijuana" means marijuana that is 3044
cultivated, processed, dispensed, tested, possessed, or used for 3045
a medical purpose in accordance with this chapter. "Medical 3046
marijuana" does not include adult-use marijuana or homegrown 3047

marijuana. 3048

(3) "Academic medical center" has the same meaning as in 3049
section 4731.297 of the Revised Code. 3050

(4) "Drug database" means the database established and 3051
maintained by the state board of pharmacy pursuant to section 3052
4729.75 of the Revised Code. 3053

(5) "Physician" means an individual authorized under 3054
Chapter 4731. of the Revised Code to practice medicine and 3055
surgery or osteopathic medicine and surgery. 3056

(6) "Qualifying medical condition" means any of the 3057
following: 3058

(a) Acquired immune deficiency syndrome; 3059

(b) Alzheimer's disease; 3060

(c) Amyotrophic lateral sclerosis; 3061

(d) Cancer; 3062

(e) Chronic traumatic encephalopathy; 3063

(f) Crohn's disease; 3064

(g) Epilepsy or another seizure disorder; 3065

(h) Fibromyalgia; 3066

(i) Glaucoma; 3067

(j) Hepatitis C; 3068

(k) Inflammatory bowel disease; 3069

(l) Multiple sclerosis; 3070

(m) Pain that is either of the following: 3071

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

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

(18) "Provisional license" means a temporary license 3126
issued to an applicant for a cultivator, processor, retail 3127
dispensary, or laboratory license under this chapter or Chapter 3128
3780. of the Revised Code, as that chapter existed immediately 3129
before the effective date of this amendment, that establishes 3130
the conditions that must be met before the provisional license 3131
holder may engage in the activities authorized by section 3132
3796.18, 3796.19, 3796.20, or 3796.21 of the Revised Code. 3133

(19) "Certificate of operation" means a certificate issued 3134
to the holder of a provisional license that authorizes the 3135
recipient to engage in the activities authorized by section 3136
3796.18, 3796.19, 3796.20, or 3796.21 of the Revised Code. 3137

(20) (a) "Disqualifying offense" means, subject to 3138
divisions (A) (20) (b) and (c) of this section, committing, 3139
attempting to commit, or aiding and abetting another in 3140
committing any of the following: 3141

(i) Any offense set forth in Chapter 2925., 3719., or 3142
4729. of the Revised Code, the violation of which constitutes a 3143
felony or a misdemeanor of the first degree; 3144

(ii) Any theft offense set forth under division (K) of 3145
section 2913.01 of the Revised Code, the violation of which 3146
constitutes a felony; 3147

(iii) Any violation for which a penalty is imposed under 3148
section 3715.99 of the Revised Code; 3149

(iv) A crime of moral turpitude as defined in section 3150
4776.10 of the Revised Code; 3151

(v) A violation of any former law of this state, any 3152
existing or former law of another state, any existing or former 3153
law applicable in a military court or Indian tribal court, or 3154

any existing or former law of any nation other than the United 3155
States that is or was substantially equivalent to any of the 3156
offenses listed in divisions (A) (20) (a) (i) to (iv) of this 3157
section. 3158

(b) "Disqualifying offense" does not include a misdemeanor 3159
offense respecting which an applicant for licensure or 3160
employment is convicted of, or pleads guilty to, more than five 3161
years before the date the application is submitted. 3162

(c) "Disqualifying offense" does not include any 3163
misdemeanor offense related to marijuana possession, marijuana 3164
trafficking, illegal cultivation of marijuana, illegal use or 3165
possession of drug paraphernalia or marijuana drug 3166
paraphernalia, or other misdemeanor marijuana-related offenses. 3167

(21) "Licensed cultivator" means the holder of a current, 3168
valid license issued pursuant to this chapter or Chapter 3780. 3169
of the Revised Code, as that chapter existed immediately before 3170
the effective date of this amendment, to engage in the 3171
activities authorized by section 3796.18 of the Revised Code. 3172

(22) "Licensed processor" means the holder of a current, 3173
valid license issued pursuant to this chapter or Chapter 3780. 3174
of the Revised Code, as that chapter existed immediately before 3175
the effective date of this amendment, to engage in the 3176
activities authorized by section 3796.19 of the Revised Code. 3177

(23) "Licensed dispensary" means the holder of a current, 3178
valid license issued pursuant to this chapter or Chapter 3780. 3179
of the Revised Code, as that chapter existed immediately before 3180
the effective date of this amendment, to engage in the 3181
activities authorized by section 3796.20 of the Revised Code. 3182

(24) "Licensed laboratory" means the holder of a current, 3183

valid license issued pursuant to this chapter or Chapter 3780. 3184
of the Revised Code, as that chapter existed immediately before 3185
the effective date of this amendment, to engage in the 3186
activities authorized by section 3796.21 of the Revised Code. 3187

(25) "License holder" means the holder of a current, valid 3188
license issued under this chapter or Chapter 3780. of the 3189
Revised Code, as that chapter existed immediately before the 3190
effective date of this amendment; 3191

(26) "Intoxicating hemp product" has the same meaning as 3192
in section 3779.01 of the Revised Code. 3193

(27) "Physical control" means being in the operator's 3194
position of a vehicle, streetcar, trackless trolley, watercraft, 3195
or aircraft and having possession of the vehicle's, streetcar's, 3196
trackless trolley's, watercraft's, or aircraft's ignition key or 3197
other ignition device. 3198

(B) As used in the Revised Code, the "division of cannabis 3199
control" means the division of marijuana control and the 3200
"superintendent of cannabis control" means the superintendent of 3201
marijuana control. Whenever the division of cannabis control or 3202
the superintendent of cannabis control is referred to or 3203
designated in any statute, rule, contract, grant, or other 3204
document, the reference or designation shall be deemed to refer 3205
to the division of marijuana control or the superintendent of 3206
marijuana control, as indicated by context. 3207

(C) Notwithstanding any conflicting provision of Chapter 3208
3719. of the Revised Code or the rules adopted under it, for 3209
purposes of this chapter, ~~medical~~-marijuana is a schedule II 3210
controlled substance. 3211

Sec. 3796.02. There is hereby established a division of 3212

marijuana control in the department of commerce under the 3213
supervision and direction of the superintendent of marijuana 3214
control as established under section 121.04 of the Revised Code. 3215

The ~~medical~~-marijuana control program is hereby established in 3216
the division of marijuana control. The division shall provide 3217
for the licensure of ~~medical~~-marijuana cultivators, processors, 3218
retail dispensaries, and laboratories that test ~~medical~~- 3219
marijuana. The division shall also provide for the registration 3220
of patients and their caregivers. The division shall administer 3221
the ~~medical~~-marijuana control program. 3222

Sec. 3796.03. (A) The division of marijuana control shall 3223
adopt rules establishing standards and procedures for the 3224
~~medical~~-marijuana control program. 3225

All rules adopted under this section shall be adopted in 3226
accordance with Chapter 119. of the Revised Code. 3227

(B) The rules shall do all of the following: 3228

(1) Establish application procedures and fees for ~~licenses~~ 3229
~~it issues under this chapter~~licensure; 3230

(2) Specify ~~both of the following:~~ 3231

~~(a) The conditions that must be met to be eligible for~~ 3232
~~licensure;~~ 3233

~~(b) In accordance with section 9.79 of the Revised Code,~~ 3234
~~the criminal offenses for which an applicant will be~~ 3235
~~disqualified from licensure pursuant to that section.~~ 3236

(3) Establish, in accordance with section 3796.05 of the 3237
Revised Code, the number of cultivator licenses ~~and retail~~ 3238
~~dispensary licenses~~ that will be permitted at any one time; 3239

(4) Establish a license renewal schedule, renewal 3240

procedures, and renewal fees; 3241

(5) Specify reasons for which a license may be suspended, 3242
including without prior hearing, revoked, or not be renewed or 3243
issued and the reasons for which a civil penalty may be imposed 3244
on a license holder; 3245

(6) Establish standards under which a license suspension 3246
may be lifted; 3247

(7) Establish procedures for registration of medical 3248
marijuana patients and caregivers and requirements that must be 3249
met to be eligible for registration; 3250

(8) Establish training requirements for employees of 3251
~~retail-licensed~~ dispensaries; 3252

~~(9) Specify if a cultivator, processor, retail dispensary,~~ 3253
~~or laboratory that is licensed under this chapter and that~~ 3254
~~existed at a location before a school, church, public library,~~ 3255
~~public playground, or public park became established within five~~ 3256
~~hundred feet of the cultivator, processor, retail dispensary, or~~ 3257
~~laboratory, may remain in operation or shall relocate or have~~ 3258
~~its license revoked by the division;~~ 3259

~~(10)~~ Specify, by form and tetrahydrocannabinol content, a 3260
maximum ninety-day supply of medical marijuana that may be 3261
possessed; 3262

~~(11)~~ (10) Specify the paraphernalia or other accessories 3263
that may be used in the administration ~~to a registered patient~~ 3264
of medical marijuana, adult-use marijuana, and homegrown 3265
marijuana; 3266

~~(12)~~ (11) Establish procedures for the issuance of patient 3267
or caregiver identification cards; 3268

~~(13)~~ (12) Specify the forms of or methods of using adult- 3269
use marijuana and medical marijuana that are attractive to 3270
children; 3271

~~(14)~~ Specify both of the following: 3272

~~(a) Subject to division (B) (14) (b) of this section, the~~ 3273
~~criminal offenses for which a person will be disqualified from~~ 3274
~~employment with a license holder;~~ 3275

~~(b) Which of the criminal offenses specified pursuant to~~ 3276
~~division (B) (14) (a) of this section will not disqualify a person~~ 3277
~~from employment with a license holder if the person was~~ 3278
~~convicted of or pleaded guilty to the offense more than five~~ 3279
~~years before the date the employment begins.~~ 3280

~~(15)~~ (13) Establish a program to assist medical marijuana 3281
patients who are veterans or indigent in obtaining medical 3282
marijuana in accordance with this chapter; 3283

~~(16)~~ (14) Establish, in accordance with section 3796.05 of 3284
the Revised Code, standards and procedures for the testing of 3285
medical marijuana and adult-use marijuana by a licensed 3286
laboratory ~~licensed under this chapter;~~ 3287

(15) Establish standards and procedures for both of the 3288
following: 3289

(a) Online and mobile ordering of adult-use and medical 3290
marijuana by a licensed dispensary; 3291

(b) Delivery of medical marijuana by a licensed dispensary 3292
or an agent of a licensed dispensary to a registered medical 3293
marijuana patient or caregiver. 3294

(16) Establish standards prohibiting the use of gifts, 3295
samples, or other free or discounted goods or services to induce 3296

or reward a license holder for business or referrals; 3297

(17) Establish standards for non-marijuana ingredients 3298
used in adult-use and medical marijuana products, which may take 3299
into account industry best-practices and criteria set by the 3300
federal food and drug administration for food ingredients, 3301
vitamins, and supplements. The division may prohibit ingredients 3302
that do not meet such standards. 3303

(C) In addition to the rules described in division (B) of 3304
this section, the division may adopt any other rules it 3305
considers necessary for the program's administration and the 3306
implementation and enforcement of this chapter. 3307

(D) When adopting rules under this section, the division 3308
shall consider standards and procedures that have been found to 3309
be best practices relative to the use and regulation of medical 3310
marijuana, adult-use marijuana, and homegrown marijuana. 3311

Sec. 3796.04. (A) Notwithstanding any conflicting 3312
provision of the Revised Code, an adult-use consumer may do all 3313
of the following: 3314

(1) Cultivate, grow, and possess homegrown marijuana 3315
plants at the adult-use consumer's primary residence, if all of 3316
the following apply: 3317

(a) Not more than six homegrown marijuana plants are 3318
cultivated or grown by each adult-use consumer; 3319

(b) Not more than twelve homegrown marijuana plants are 3320
cultivated or grown at a single residence; 3321

(c) Cultivation or growing of homegrown marijuana takes 3322
place only within a secured closet, room, greenhouse, or other 3323
enclosed area in or on the grounds of the residence that 3324

prevents access by individuals under twenty-one years of age, 3325
and which is not visible by normal unaided vision from a public 3326
space; 3327

(d) Cultivation or growing of homegrown marijuana does not 3328
take place at a residence that is any of the following: 3329

(i) A type A family child care home or type B family child 3330
care home, as those terms are defined in section 5104.01 of the 3331
Revised Code; 3332

(ii) A halfway house, community transitional housing 3333
facility, community residential center, or other similar 3334
facility licensed by the division of parole and community 3335
services under section 2967.14 of the Revised Code; 3336

(iii) A residential premises occupied pursuant to a rental 3337
agreement that prohibits the activities otherwise authorized by 3338
this section. 3339

(2) Process homegrown marijuana by manual or mechanical 3340
means. 3341

(3) Store homegrown marijuana and adult-use marijuana at 3342
the adult-use consumer's primary residence. 3343

(4) Use homegrown marijuana grown, cultivated, and 3344
processed at the adult-use consumer's primary residence; 3345

(5) Possess any paraphernalia or accessories that may be 3346
used in the administration of adult-use marijuana or homegrown 3347
marijuana. 3348

(B) This section does not authorize any person to: 3349

(1) Cultivate, grow, or process homegrown marijuana except 3350
at the person's primary residence; 3351

(2) Use, cultivate, process, transfer, or transport adult- 3352
use marijuana or homegrown marijuana before reaching twenty-one 3353
years of age; 3354

(3) Process homegrown by hydrocarbon-based extraction; 3355

(4) Sell, or profit from, homegrown marijuana; 3356

(5) Cultivate, grow, or possess homegrown marijuana on 3357
behalf of another person. 3358

(C) (1) No person shall knowingly cultivate, grow, or 3359
possess homegrown marijuana in a manner that violates division 3360
(A) of this section: 3361

(2) No person shall knowingly consume adult-use marijuana 3362
or homegrown marijuana in a public place; 3363

(3) No person operating a public place shall knowingly 3364
permit the consumption of adult-use marijuana or homegrown 3365
marijuana in that public place. 3366

(D) Subject to division (B) of this section and divisions 3367
(B) and (C) of section 3796.221 of the Revised Code, an adult- 3368
use consumer shall not be subject to arrest or criminal 3369
prosecution for cultivating, growing, possessing, processing, 3370
storing, or using homegrown marijuana, or possessing 3371
paraphernalia or accessories that may be used in the 3372
administration of adult-use or homegrown marijuana, in 3373
accordance with division (A) of this section. 3374

(E) This section does not authorize an adult-use consumer 3375
to operate a vehicle, streetcar, trackless trolley, watercraft, 3376
or aircraft while under the influence of marijuana. 3377

Sec. 3796.05. (A) When establishing the number of 3378
cultivator licenses that will be permitted at any one time, the 3379

division of marijuana control shall consider ~~both~~ all of the 3380
following: 3381

(1) The population of this state; 3382

(2) The number of patients seeking to use medical 3383
marijuana; 3384

(3) The number of adult-use consumers seeking to use 3385
adult-use marijuana. 3386

~~(B) When establishing the number of retail dispensary~~ 3387
~~licenses that will~~ (B) (1) Not more than four hundred licensed 3388
dispensaries shall be permitted to operate in this state at any 3389
one time, the division shall consider all of the following: 3390

~~(1) The population of this state;~~ 3391

~~(2) The number of patients seeking to use medical~~ 3392
~~marijuana;~~ 3393

~~(3) The geographic distribution of dispensary sites in an~~ 3394
~~effort to ensure patient access to medical marijuana.~~ 3395

(2) (a) The division may revoke a dispensary license for 3396
failure to secure a certificate of operation within eighteen 3397
months after issuance of a provisional license. 3398

(b) The holder of a provisional license may apply to the 3399
division for not more than two six-month extensions of the 3400
deadline prescribed by division (B) (2) (a) of this section. The 3401
division shall approve the extension if the provisional license 3402
holder demonstrates that the provisional license holder has made 3403
a good-faith effort to become operational. 3404

(3) When issuing retail dispensary licenses, the division 3405
of marijuana control shall ensure that the geographic 3406

distribution of dispensary sites does not result in the 3407
oversaturation of any geographic area. 3408

(4) The division shall not, on or after the effective date 3409
of this amendment, issue a retail dispensary license for, or 3410
approve the relocation of a licensed retail dispensary to, a 3411
location or facility: 3412

(a) That is within one mile of another licensed 3413
dispensary; 3414

(b) For which a permit has been issued under Chapter 4303. 3415
of the Revised Code to sell beer and intoxicating liquor, as 3416
those terms are defined in section 4301.01 of the Revised Code. 3417

(C) No person shall own or operate more than eight 3418
licensed dispensaries, more than one licensed cultivator, or 3419
more than one licensed processor license at any time. 3420

(D) When establishing standards and procedures for the 3421
testing of medical marijuana and adult-use marijuana, the 3422
division shall do all of the following: 3423

(1) Specify when testing must be conducted; 3424

(2) Determine the minimum amount of medical marijuana or 3425
adult-use marijuana that must be tested; 3426

(3) Specify the manner in which testing is to be conducted 3427
in an effort to ensure uniformity of medical marijuana products 3428
~~processed for and dispensed to patients~~ and adult-use marijuana 3429
products; 3430

(4) Specify the manner in which test results are provided. 3431

Sec. 3796.06. (A) Only the following forms of medical 3432
marijuana may be dispensed under this chapter: 3433

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

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

services under section 2967.14 of the Revised Code; 3484

(c) A residential premises occupied pursuant to a rental 3485
agreement that prohibits the smoking, combustion, or 3486
vaporization of marijuana or intoxicating hemp products; 3487

(d) A public place or place of employment, as those terms 3488
are defined in section 3794.01 of the Revised Code. 3489

~~(3)~~(4) The division may approve additional methods of 3490
using medical marijuana, other than smoking or combustion, under 3491
section 3796.061 of the Revised Code. 3492

~~(C)~~(D) (1) Any form or method of using adult-use marijuana 3493
or medical marijuana that is considered attractive to children, 3494
as specified in rules adopted by the division, is prohibited. 3495

(2) Adult-use marijuana and medical marijuana shall not be 3496
dispensed or sold in a form or shape that bears the likeness or 3497
contains the characteristics of a realistic or fictional human, 3498
animal, or fruit, including artistic, caricature, or cartoon 3499
renderings. 3500

~~(D) With respect to tetrahydrocannabinol content, all of~~ 3501
~~the following apply:~~ 3502

~~(1) Plant material shall have a~~ (E) (1) Except as otherwise 3503
provided in division (E) (3) of this section, the 3504
tetrahydrocannabinol content of medical marijuana dispensed or 3505
sold to patients or caregivers shall not more than thirty-five 3506
exceed: 3507

(a) Thirty-five per cent for plant material; 3508

(b) Seventy per cent for extracts. 3509

(2) ~~Extracts shall have a~~ Except as otherwise provided in 3510

division (E) (3) of this section, the tetrahydrocannabinol 3511
content of adult-use marijuana dispensed or sold to adult-use 3512
consumers shall not ~~more than seventy~~ exceed: 3513

(a) Thirty-five per cent for plant material; 3514

(b) Seventy per cent for extracts. 3515

(3) The division may adopt rules, in accordance with 3516
Chapter 119. of the Revised Code, that do either or both of the 3517
following: 3518

(a) Increase the tetrahydrocannabinol content limits for 3519
extracts prescribed in divisions (E) (1) and (2) of this section; 3520

(b) Establish tetrahydrocannabinol content limits for 3521
adult-use and medical marijuana dispensed or sold under this 3522
chapter by content per serving or per package. 3523

(F) No person shall knowingly give, sell, or distribute 3524
adult-use marijuana or homegrown marijuana to a person under 3525
twenty-one years of age. 3526

(G) No person under the age of twenty one shall knowingly 3527
purchase, use, or possess adult-use marijuana or homegrown 3528
marijuana. 3529

(H) An adult-use consumer, medical marijuana patient, or 3530
medical marijuana caregiver shall store edible adult-use and 3531
medical marijuana products in the original packaging at all 3532
times when the products are not actively in use. 3533

Sec. 3796.062. (A) No person shall knowingly transport 3534
marijuana other than adult-use marijuana, medical marijuana, or 3535
homegrown marijuana in a motor vehicle. 3536

(B) No person shall knowingly transport medical marijuana 3537

or adult-use marijuana in a motor vehicle unless one of the 3538
following applies: 3539

(1) The adult-use marijuana or medical marijuana is in the 3540
original, unopened packaging in which it was dispensed or sold; 3541

(2) If previously opened, the adult-use marijuana or 3542
medical marijuana is stored in the trunk of the motor vehicle 3543
or, if the motor vehicle does not have a trunk, behind the last 3544
upright seat of the motor vehicle or in an area not normally 3545
occupied by the driver or passengers and not easily accessible 3546
by the driver. 3547

(C) No person shall knowingly transport homegrown 3548
marijuana in a motor vehicle unless the homegrown marijuana is 3549
stored in the trunk of the motor vehicle or, if the motor 3550
vehicle does not have a trunk, behind the last upright seat of 3551
the motor vehicle or in an area not normally occupied by the 3552
driver or passengers and not easily accessible by the driver. 3553

(D) No person shall knowingly transport marijuana 3554
paraphernalia in a motor vehicle unless one of the following 3555
applies: 3556

(1) The marijuana paraphernalia is in the original, 3557
unopened packaging in which it was dispensed or sold; 3558

(2) If previously opened, the marijuana paraphernalia is 3559
stored in the trunk of the motor vehicle or, if the motor 3560
vehicle does not have a trunk, behind the last upright seat of 3561
the motor vehicle or in an area not normally occupied by the 3562
driver or passengers and not easily accessible by the driver. 3563

Sec. 3796.07. The ~~department of commerce~~ division of 3564
marijuana control shall establish and maintain an electronic 3565
database to monitor adult-use and medical marijuana from its 3566

seed source through its cultivation, processing, testing, and 3567
dispensing. The ~~department~~ division may contract with a separate 3568
entity to establish and maintain all or any part of the 3569
electronic database on behalf of the department. 3570

The electronic database shall allow for information 3571
regarding adult-use and medical marijuana to be updated 3572
instantaneously. ~~Any cultivator, processor, retail dispensary,~~ 3573
~~or laboratory licensed under this chapter~~ A license holder shall 3574
submit to the ~~department~~ division any information the ~~department~~ 3575
division determines is necessary for maintaining the electronic 3576
database. 3577

Information reported or collected under this section, 3578
including all data contained in the electronic database, is 3579
confidential and is not a public record for the purposes of 3580
section 149.43 of the Revised Code. The ~~department~~ division and 3581
any entity under contract with the ~~department~~ division shall not 3582
make public any information reported to or collected by the 3583
~~department~~ division under this ~~division~~ section that identifies 3584
or would tend to identify any specific adult-use consumer or 3585
medical marijuana patient. Information or data that does not 3586
identify a specific adult-use consumer or medical marijuana 3587
patient may be released in summary, statistical, or aggregate 3588
form. 3589

Sec. 3796.09. (A) An entity that seeks to cultivate ~~or,~~ 3590
~~process medical marijuana,~~ or to conduct laboratory testing of 3591
medical marijuana and adult-use marijuana shall file an 3592
application for licensure with the ~~department~~ division of 3593
~~commerce~~ marijuana control. The entity shall file an application 3594
for each location from which it seeks to operate. Each 3595
application shall be submitted in accordance with rules adopted 3596

under section 3796.03 of the Revised Code. 3597

(B) The division shall evaluate and prioritize 3598
applications for licensure under this section according to the 3599
applicant's eligibility, suitability, and ability to operate. 3600

(C) The ~~department~~ division shall not issue a license to 3601
an applicant if ~~unless~~ all of the following ~~conditions~~ 3602
eligibility requirements are met: 3603

(1) The report of the criminal records check conducted 3604
pursuant to section 3796.12 of the Revised Code with respect to 3605
the application demonstrates that the person subject to the 3606
criminal records check requirement has not been convicted of or 3607
pleaded guilty to any of the a disqualifying offenses specified 3608
in rules adopted under section 9.79 and division (B) (2) (b) of 3609
section 3796.03 of the Revised Code offense. 3610

(2) The If the application is for a cultivator or 3611
processor license, the applicant demonstrates that it does not 3612
none of its current or prospective owners, officers, board 3613
members, administrators, employees, agents, or affiliates who 3614
may significantly influence or control the applicant's 3615
activities have an ownership or investment interest in or 3616
compensation arrangement with any either of the following: 3617

(a) A licensed laboratory ~~licensed under this chapter;~~ 3618

(b) An applicant for a license to conduct laboratory 3619
testing. 3620

(3) The If the application is for a cultivator or 3621
processor license, the applicant demonstrates that it does not 3622
none of its current or prospective owners, officers, board 3623
members, administrators, employees, agents, or affiliates who 3624
may significantly influence or control the applicant's 3625

activities share any corporate officers or employees with ~~any~~ 3626
either of the following: 3627

(a) A licensed laboratory ~~licensed under this chapter;~~ 3628

(b) An applicant for a license to conduct laboratory 3629
testing. 3630

(4) The applicant demonstrates that it will not be located 3631
within five hundred feet of a school, church, public library, 3632
public playground, or public park. 3633

(5) The information provided to the ~~department~~ division 3634
pursuant to section 3796.11 of the Revised Code demonstrates 3635
that the applicant is in compliance with the applicable tax laws 3636
of this state. 3637

(6) The applicant demonstrates sufficient liquid capital 3638
and ability to meet financial responsibility requirements; 3639

(7) The applicant demonstrates that the municipal 3640
corporation or township in which it will be located has not 3641
passed a moratorium or taken any other action that would 3642
prohibit the applicant from operating there; 3643

(8) The application does not contain false, misleading, or 3644
deceptive information and does not omit material information; 3645

(9) The applicant pays any fee required by the division; 3646

(10) The applicant meets all other licensure eligibility 3647
conditions established in rules adopted under section 3796.03 of 3648
the Revised Code. 3649

~~(C)~~ (D) If the number of eligible applicants exceed the 3650
number of available licenses, the division shall use an 3651
impartial and evidence-based process to rank the eligible 3652

applicants. The ranking process shall take into account all of 3653
the following: 3654

(1) The applicant's business plan; 3655

(2) The applicant's operations plan; 3656

(3) The applicant's security plan; 3657

(4) The applicant's financial plan; 3658

(5) The applicant's principal place of business; 3659

(6) The proposed location of the cultivation, processing, 3660
or laboratory facility; 3661

(7) The applicant's plan for generating job and economic 3662
development in this state; 3663

(8) The applicant's environmental plan; 3664

(9) Employment practices, including any plans to inform, 3665
hire, or educate residents of the state, veterans, disabled 3666
persons, women, or minorities; 3667

(10) The criminal records of all persons subject to the 3668
criminal records check requirement; 3669

(11) The civil and administrative history of the applicant 3670
and persons associated with the applicant; 3671

(12) Any other eligibility, suitability, or operations- 3672
based determination specified in this chapter or rules adopted 3673
by the division thereunder. 3674

(E) (1) If the division uses a lottery system to issue 3675
licenses under this section, the applicants shall be grouped 3676
into the following distinct categories: 3677

(a) Highly exceeds; 3678

(b) Exceeds; 3679

(c) Meets; 3680

(d) Does not meet. 3681

(2) The division shall group the applicants such that the 3682
number of applicants in each of the highly exceeds, exceeds, and 3683
meets categories is roughly equal, unless doing so is not 3684
possible while conforming to an impartial and evidence-based 3685
process. Applicants that do not meet the eligibility 3686
requirements prescribed by division (C) of this section shall be 3687
placed in the does not meet category. 3688

(3) In conducting the lottery, the division shall give 3689
applicants in the exceeds category double odds of being selected 3690
as compared to applicants in the meets category. The division 3691
shall give applicants in the highly exceeds category double the 3692
odds of being selected as compared to applicants in the exceeds 3693
category. An applicant grouped in the does not meet category is 3694
ineligible for licensure. 3695

(F) The ~~department~~ division shall issue not less than 3696
fifteen per cent of cultivator, processor, or laboratory 3697
licenses to entities that are owned and controlled by United 3698
States citizens who are residents of this state and are members 3699
of one of the following economically disadvantaged groups: 3700
Blacks or African Americans, American Indians, Hispanics or 3701
Latinos, and Asians. If no applications or an insufficient 3702
number of applications are submitted by such entities that meet 3703
the conditions set forth in division ~~(B)~~(C) of this section, the 3704
licenses shall be issued according to usual procedures. 3705

As used in this division, "owned and controlled" means 3706
that at least fifty-one per cent of the business, including 3707

corporate stock if a corporation, is owned by persons who belong 3708
to one or more of the groups set forth in this division, and 3709
that those owners have control over the management and day-to- 3710
day operations of the business and an interest in the capital, 3711
assets, and profits and losses of the business proportionate to 3712
their percentage of ownership. 3713

~~(D)~~ (G) A license expires according to the renewal 3714
schedule established in rules adopted under section 3796.03 of 3715
the Revised Code and may be renewed in accordance with the 3716
procedures established in those rules. Applications for renewal 3717
are not subject to the evaluation, prioritization, ranking, and 3718
lottery provisions in divisions (B), (D), and (E) of this 3719
section. The division shall not deny an application for renewal 3720
based solely on the location of the applicant's existing 3721
facility in proximity to other license holders. 3722

(H) A provisional license issued under this section is not 3723
transferable. 3724

(I) No person shall knowingly engage in any of the 3725
activities described in section 3796.18, 3796.19, or 3796.21 of 3726
the Revised Code without the proper license issued under this 3727
section or Chapter 3780. of the Revised Code, as that chapter 3728
existed immediately prior to the effective date of this 3729
amendment. 3730

Sec. 3796.10. (A) An entity that seeks to dispense at 3731
retail medical marijuana and adult-use marijuana shall file an 3732
application for licensure with the division of marijuana 3733
control. The entity shall file an application for each location 3734
from which it seeks to operate. Each application shall be 3735
submitted in accordance with rules adopted under section 3796.03 3736
of the Revised Code. 3737

(B) The division shall evaluate and prioritize 3738
applications for licensure under this section according to the 3739
applicant's eligibility, suitability, and ability to operate. 3740

(C) The division shall not issue a license to an applicant 3741
if unless all of the following conditions are met: 3742

(1) The report of the criminal records check conducted 3743
pursuant to section 3796.12 of the Revised Code with respect to 3744
the application demonstrates that the person subject to the 3745
criminal records check requirement has not been convicted of or 3746
pleaded guilty to ~~any of the a~~ disqualifying offenses specified 3747
~~in rules adopted under section 9.79 and division (B) (2) (b) of~~ 3748
~~section 3796.03 of the Revised Code~~ offense. 3749

(2) The applicant demonstrates that ~~it does not~~ none of 3750
its current or prospective owners, officers, board members, 3751
administrators, employees, agents, or affiliates who may 3752
significantly influence or control the applicant's activities 3753
have an ownership or investment interest in or compensation 3754
arrangement with ~~any either~~ of the following: 3755

(a) A licensed laboratory ~~licensed under this chapter;~~ 3756

(b) An applicant for a license to conduct laboratory 3757
testing. 3758

(3) The applicant demonstrates that ~~it does not~~ none of 3759
its current or prospective owners, officers, board members, 3760
administrators, employees, agents, or affiliates who may 3761
significantly influence or control the applicant's activities 3762
share any corporate officers or employees with ~~any either~~ of the 3763
following: 3764

(a) A licensed laboratory ~~licensed under this chapter;~~ 3765

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

conditions established in rules adopted under section 3796.03 of 3793
the Revised Code. 3794

~~(C)~~ (D) If the number of eligible applicants exceed the 3795
number of available licenses, the division shall use an 3796
impartial and evidence-based process to rank the eligible 3797
applicants. The ranking process shall take into account all of 3798
the following: 3799

(1) The applicant's business plan; 3800

(2) The applicant's operations plan; 3801

(3) The applicant's security plan; 3802

(4) The applicant's financial plan; 3803

(5) The applicant's principal place of business; 3804

(6) The proposed location of the cultivation, processing, 3805
or laboratory facility; 3806

(7) The applicant's plan for generating job and economic 3807
development in this state; 3808

(8) The applicant's environmental plan; 3809

(9) Employment practices, including any plans to inform, 3810
hire, or educate residents of the state, veterans, disabled 3811
persons, women, or minorities; 3812

(10) The criminal records of all persons subject to the 3813
criminal records check requirement; 3814

(11) The civil and administrative history of the applicant 3815
and persons associated with the applicant; 3816

(12) Any other eligibility, suitability, or operations- 3817
based determination specified in this chapter or rules adopted 3818

by the division thereunder. 3819

(E) (1) If the division uses a lottery system to issue 3820
licenses under this section, the applicants shall be grouped 3821
into the following distinct categories: 3822

(a) Highly exceeds; 3823

(b) Exceeds; 3824

(c) Meets; 3825

(d) Does not meet. 3826

(2) The division shall group the applicants such that the 3827
number of applicants in each of the highly exceeds, exceeds, and 3828
meets categories is roughly equal, unless doing so is not 3829
possible while conforming to an impartial and evidence-based 3830
process. Applicants that do not meet the eligibility 3831
requirements prescribed by division (C) of this section shall be 3832
placed in the does not meet category. 3833

(3) In conducting the lottery, the division shall give 3834
applicants in the exceeds category double the odds of being 3835
selected as compared to applicants in the meets category. The 3836
division shall give applicants in the highly exceeds category 3837
double the odds of being selected as compared to applicants in 3838
the exceeds category. An applicant grouped in the does not meet 3839
category is ineligible for licensure. 3840

(F) The division shall issue not less than fifteen per 3841
cent of retail dispensary licenses to entities that are owned 3842
and controlled by United States citizens who are residents of 3843
this state and are members of one of the following economically 3844
disadvantaged groups: Blacks or African Americans, American 3845
Indians, Hispanics or Latinos, and Asians. If no applications or 3846

an insufficient number of applications are submitted by such 3847
entities that meet the conditions set forth in division ~~(B)~~(C) 3848
of this section, the licenses shall be issued according to usual 3849
procedures. 3850

As used in this division, "owned and controlled" means 3851
that at least fifty-one per cent of the business, including 3852
corporate stock if a corporation, is owned by persons who belong 3853
to one or more of the groups set forth in this division, and 3854
that those owners have control over the management and day-to- 3855
day operations of the business and an interest in the capital, 3856
assets, and profits and losses of the business proportionate to 3857
their percentage of ownership. 3858

~~(D)~~(G) A license expires according to the renewal 3859
schedule established in rules adopted under section 3796.03 of 3860
the Revised Code and may be renewed in accordance with the 3861
procedures established in those rules. Applications for renewal 3862
are not subject to the evaluation, prioritization, ranking, and 3863
lottery provisions in divisions (B), (D), and (E) of this 3864
section. The division shall not deny an application for renewal 3865
based solely on the location of the applicant's existing 3866
dispensary facility in proximity to other license holders. 3867

(H) A provisional license issued under this section is not 3868
transferable. 3869

(I) No person shall knowingly engage in any of the 3870
activities described in section 3796.20 of the Revised Code 3871
without a dispensary license issued under this section or 3872
Chapter 3780. of the Revised Code, as that chapter existed 3873
immediately prior to the effective date of this amendment. 3874

Sec. 3796.12. (A) As used in this section, "criminal 3875

records check" has the same meaning as in section 109.572 of the 3876
Revised Code. 3877

(B) (1) As part of the application process for a license 3878
issued under this chapter, the division of marijuana control 3879
shall require each of the following to complete a criminal 3880
records check: 3881

(a) An administrator or other person responsible for the 3882
daily operation of the entity seeking the license; 3883

(b) An owner or prospective owner, officer or prospective 3884
officer, or board member or prospective board member of the 3885
entity seeking the license. 3886

(2) If a person subject to the criminal records check 3887
requirement does not present proof of having been a resident of 3888
this state for the five-year period immediately prior to the 3889
date the criminal records check is requested or provide evidence 3890
that within that five-year period the superintendent of the 3891
bureau of criminal identification and investigation has 3892
requested information about the person from the federal bureau 3893
of investigation in a criminal records check, the division shall 3894
request that the person obtain through the superintendent a 3895
criminal records request from the federal bureau of 3896
investigation as part of the criminal records check of the 3897
person. Even if a person presents proof of having been a 3898
resident of this state for the five-year period, the division 3899
may request that the person obtain information through the 3900
superintendent from the federal bureau of investigation in the 3901
criminal records check. 3902

(C) The division shall provide the following to each 3903
person who is subject to the criminal records check requirement: 3904

(1) Information about accessing, completing, and 3905
forwarding to the superintendent of the bureau of criminal 3906
identification and investigation the form prescribed pursuant to 3907
division (C) (1) of section 109.572 of the Revised Code and the 3908
standard impression sheet to obtain fingerprint impressions 3909
prescribed pursuant to division (C) (2) of that section; 3910

(2) Written notification that the person is to instruct 3911
the superintendent to submit the completed report of the 3912
criminal records check directly to the division. 3913

(D) Each person who is subject to the criminal records 3914
check requirement shall pay to the bureau of criminal 3915
identification and investigation the fee prescribed pursuant to 3916
division (C) (3) of section 109.572 of the Revised Code for the 3917
criminal records check conducted of the person. 3918

(E) The report of any criminal records check conducted by 3919
the bureau of criminal identification and investigation in 3920
accordance with section 109.572 of the Revised Code and pursuant 3921
to a request made under this section is not a public record for 3922
the purposes of section 149.43 of the Revised Code and shall not 3923
be made available to any person other than the following: 3924

(1) The person who is the subject of the criminal records 3925
check or the person's representative; 3926

(2) The members and staff of the division; 3927

(3) A court, hearing officer, or other necessary 3928
individual involved in a case dealing with either of the 3929
following: 3930

(a) A license denial resulting from the criminal records 3931
check; 3932

(b) A civil or criminal action regarding the ~~medical-~~ 3933
marijuana control program or any violation of this chapter. 3934

(F) The division shall deny a license if, after receiving 3935
the information and notification required by this section, a 3936
person subject to the criminal records check requirement fails 3937
to do either of the following: 3938

(1) Access, complete, or forward to the superintendent of 3939
the bureau of criminal identification and investigation the form 3940
prescribed pursuant to division (C) (1) of section 109.572 of the 3941
Revised Code or the standard impression sheet prescribed 3942
pursuant to division (C) (2) of that section; 3943

(2) Instruct the superintendent to submit the completed 3944
report of the criminal records check directly to the division. 3945

Sec. 3796.13. (A) Each person seeking employment with an- 3946
~~entity licensed under this chapter~~ a license holder shall comply 3947
with sections 4776.01 to 4776.04 of the Revised Code. Except as 3948
provided in division (B) of this section, such ~~an entity~~ a 3949
license holder shall not employ the person unless the person has 3950
submitted a criminal records check under those sections. ~~The~~ and the 3951
report of the resulting criminal records check shall ~~demonstrate~~ demonstrates 3952
that the person has not been convicted 3953
of or pleaded guilty to any of the disqualifying offenses- 3954
~~specified in rules adopted under division (B) (14) (a) of section~~ 3955
~~3796.03 of the Revised Code if the person is seeking employment~~ 3956
~~with an entity licensed by the division of marijuana control~~ 3957
~~under this chapter.~~ 3958

~~(B) An entity is not prohibited by division (A) of this~~ 3959
~~section from employing a person if the disqualifying offense the~~ 3960
~~person was convicted of or pleaded guilty to is one of the~~ 3961

~~offenses specified in rules adopted under division (B) (14) (b) of~~ 3962
~~section 3796.03 of the Revised Code and the person was convicted~~ 3963
~~of or pleaded guilty to the offense more than five years before~~ 3964
~~the date the employment begins.~~ (B) (1) Notwithstanding division 3965
(A) of this section, the division of marijuana control shall 3966
establish standards for provisional employment of individuals 3967
who have exigent circumstances. 3968

(2) Such standards must include, at minimum, a requirement 3969
that the individual seeking provisional employment submit 3970
evidence of compliance with sections 4776.01 to 4776.04 of the 3971
Revised Code. 3972

(3) A provisional employment authorization made under 3973
division (B) of this division is valid for not longer than three 3974
months, but may be renewed at the discretion of the division of 3975
marijuana control for an additional three months. 3976

(4) The division of marijuana control may use all 3977
available resources in establishing standards for instant 3978
background checks. 3979

Sec. 3796.14. (A) The division of marijuana control may do 3980
any of the following for any reason specified in rules adopted 3981
under section 3796.03 of the Revised Code: 3982

(1) Suspend, suspend without prior hearing, revoke, or 3983
refuse to renew a license or registration it issued under this 3984
~~chapter or a license or a registration the state board of~~ 3985
~~pharmacy issued prior to the transfer of regulatory authority~~ 3986
~~over the medical marijuana control program to the~~ 3987
divisionChapter 3780. of the Revised Code, as that chapter 3988
existed immediately before the effective date of this amendment; 3989

(2) Refuse to issue a license; 3990

(3) Impose on a license holder a civil penalty in an 3991
amount to be determined by the division. 3992

(4) ~~With respect to a suspension of a retail dispensary~~ 3993
~~license without prior hearing, the division may utilize a~~ 3994
~~telephone conference call to review the allegations and take a~~ 3995
~~vote.~~ The division shall suspend a dispensary license without 3996
prior hearing only if it finds clear and convincing evidence 3997
that continued distribution of medical marijuana and adult-use 3998
marijuana by the license holder presents a danger of immediate 3999
and serious harm to others. The suspension shall remain in 4000
effect, unless lifted by the division, until the division issues 4001
its final adjudication order. If the division does not issue the 4002
order within ninety days after the adjudication hearing, the 4003
suspension shall be lifted on the ninety-first day following the 4004
hearing. 4005

The division's actions under division (A) of this section 4006
shall be taken in accordance with Chapter 119. of the Revised 4007
Code. 4008

(B) ~~The~~ Subject to division (E) of this section, the 4009
division and the Ohio investigative unit may inspect all of the 4010
following for any reason specified in rules adopted under 4011
section 3796.03 of the Revised Code without prior notice to the 4012
applicant or license holder: 4013

(1) The premises of a license holder or an applicant for 4014
licensure ~~or holder of a current, valid cultivator, processor,~~ 4015
~~retail dispensary, or laboratory license issued under this~~ 4016
chapter; 4017

(2) All records maintained pursuant to this chapter by a_ 4018
license holder ~~of a current license.~~ 4019

(C) Whenever it appears to the division, from its files, 4020
upon complaint, or otherwise, or to the Ohio investigative unit, 4021
from an inspection or investigation authorized by this section, 4022
that any person or entity has engaged in, is engaged in, or is 4023
about to engage in any practice declared to be illegal or 4024
prohibited by this chapter or the rules adopted under this 4025
chapter, or when the division believes it to be in the best 4026
interest of the public, adult-use consumers, or medical 4027
marijuana patients, the division may do any of the following: 4028

(1) Investigate the person or entity as authorized 4029
pursuant to this chapter or the rules adopted under this 4030
chapter; 4031

(2) Issue subpoenas to any person or entity for the 4032
purpose of compelling either of the following: 4033

(a) The attendance and testimony of witnesses; 4034

(b) The production of books, accounts, papers, records, or 4035
documents. 4036

(D) If a person or entity fails to comply with any order 4037
of the division or the unit or a subpoena issued by the division 4038
or the unit pursuant to this section, a judge of the court of 4039
common pleas of the county in which the person resides or the 4040
entity may be served, on application of the division or the 4041
unit, shall compel obedience by attachment proceedings as for 4042
contempt, as in the case of disobedience with respect to the 4043
requirements of a subpoena issued from such court or a refusal 4044
to testify in such court. 4045

(E) The Ohio investigative unit shall not inspect or 4046
investigate the premises of any person under this section unless 4047
one or both of the following apply: 4048

(1) The person inspected or investigated is a license 4049
holder and either or both of the following apply: 4050

(a) The division of marijuana control requests the unit to 4051
inspect or investigate. 4052

(b) The inspection or investigation involves alleged 4053
criminal activity. 4054

(2) The unit is invited by local law enforcement having 4055
jurisdiction over the person inspected or investigated. 4056

(F) Nothing in this section prohibits the Ohio 4057
investigative unit from investigating criminal activity related 4058
to this chapter outside the premises of a license holder's 4059
cultivation, processing, dispensing, or laboratory facilities. 4060
The authority of the Ohio investigative unit is concurrent to 4061
the jurisdiction of any law enforcement officer to enforce this 4062
chapter. 4063

Sec. 3796.15. (A) The division of marijuana control and 4064
the Ohio investigative unit shall enforce this chapter, or cause 4065
it to be enforced. If Subject to division (E) of section 3796.14 4066
of the Revised Code, if the division or the unit has information 4067
that this chapter or any rule adopted under this chapter has 4068
been violated, it shall investigate the matter and take any 4069
action as it considers appropriate. 4070

~~(B) Nothing in this chapter shall be construed to require~~ 4071
~~the division to enforce minor violations if the division~~ 4072
~~determines that the public interest is adequately served by a~~ 4073
~~notice or warning to the alleged offender.~~ 4074

~~(C) If the division suspends, revokes, or refuses to renew~~ 4075
~~any license or registration issued under this chapter or Chapter~~ 4076
~~3780. of the Revised Code, as that chapter existed immediately~~ 4077

before the effective date of this amendment, and determines that 4078
there is clear and convincing evidence of a danger of immediate 4079
and serious harm to any person, the division may place under 4080
seal all medical marijuana, adult-use marijuana, and homegrown 4081
marijuana owned by or in the possession, custody, or control of 4082
the affected license holder or registrant. Except as provided in 4083
this division, the division of marijuana control shall not 4084
dispose of the medical marijuana, adult-use marijuana, or 4085
homegrown marijuana sealed under this division until the license 4086
holder or registrant exhausts all of the holder's or 4087
registrant's appeal rights under Chapter 119. of the Revised 4088
Code. The court involved in such an appeal may order the 4089
division, during the pendency of the appeal, to sell medical 4090
marijuana or adult-use marijuana that is perishable. The 4091
division shall deposit the proceeds of the sale with the court. 4092

Sec. 3796.17. The division of marijuana control shall 4093
establish a toll-free telephone line to respond to inquiries 4094
from adult-use consumers, medical marijuana patients, 4095
caregivers, and health professionals regarding adverse reactions 4096
to ~~medical~~ marijuana and to provide information about available 4097
services and assistance. The division may contract with a 4098
separate entity to establish and maintain the telephone line on 4099
behalf of the division. 4100

Sec. 3796.18. ~~(A)~~ (A) (1) Notwithstanding any conflicting 4101
provision of the Revised Code and except as provided in division 4102
(B) of this section, a licensed cultivator, including the holder 4103
of a current, valid cultivator license issued under this chapter 4104
before the effective date of this amendment, may do ~~either all~~ 4105
of the following: 4106

~~(1)~~ (a) Cultivate medical marijuana and adult-use 4107

marijuana; 4108

~~(2) (b) Deliver, transfer, or sell medical marijuana and~~ 4109
~~adult-use marijuana to one or more licensed processors~~ 4110
~~other~~ 4111
~~license holders;~~ 4111

(c) Purchase or otherwise obtain medical marijuana and 4112
adult-use marijuana from other license holders; 4113

(d) Acquire seeds, clones, plants, and other genetic 4114
material. 4115

(2) A licensed cultivator engaging in the activities 4116
authorized by this chapter shall do so respecting both medical 4117
marijuana and adult-use marijuana. 4118

(B) A licensed cultivator ~~license holder~~ shall not 4119
cultivate medical marijuana or adult-use marijuana for personal, 4120
family, or household use or on any public land, including a 4121
state park as defined in section 154.01 of the Revised Code. 4122

(C) A licensed cultivator shall identify, package, and 4123
label all medical marijuana and adult-use marijuana products in 4124
accordance with this chapter and any rules adopted thereunder 4125
before delivering or selling the products to a licensed 4126
processor or licensed dispensary. 4127

(D) The division of marijuana control shall issue the 4128
following types of cultivation licenses: 4129

(1) A level I cultivator license that authorizes the 4130
license holder to operate a cultivation area specified by the 4131
division, not to exceed one hundred thousand square feet; 4132

(2) A level II cultivator license that authorizes the 4133
license holder to operate a cultivation area specified by the 4134
division, not to exceed fifteen thousand square feet. 4135

(E) A licensed cultivator may request and receive one or 4136
more expansions to the cultivator's cultivation area, subject to 4137
the approval of the division, so long as the resulting total 4138
cultivation area, including all expansions, does not exceed the 4139
applicable maximum cultivation area prescribed by division (D) 4140
of this section. 4141

Sec. 3796.19. ~~(A)~~ (A) (1) Notwithstanding any conflicting 4142
provision of the Revised Code, a licensed processor, including 4143
the holder of a current, valid processor license issued under 4144
this chapter before the effective date of this amendment, may do 4145
~~any~~ all of the following: 4146

~~(1) Obtain~~ (a) Purchase or otherwise obtain medical 4147
marijuana and adult-use marijuana from ~~one or more licensed~~ 4148
~~cultivators~~ other license holders; 4149

~~(2) (b)~~ Subject to division (B) of this section, process 4150
medical marijuana ~~obtained from one or more licensed cultivators~~ 4151
and adult-use marijuana into a form described in section 3796.06 4152
of the Revised Code; 4153

~~(3) (c)~~ Deliver, transfer, or sell processed medical 4154
marijuana and adult-use marijuana to ~~one or more licensed retail~~ 4155
~~dispensaries~~ other license holders. 4156

(2) A licensed processor engaging in the activities 4157
authorized by this chapter shall do so respecting both medical 4158
marijuana and adult-use marijuana. 4159

~~(B) When processing medical marijuana, a~~ A licensed 4160
processor shall do ~~both~~ all of the following before delivering 4161
or selling medical marijuana or adult-use marijuana to a 4162
licensed dispensary: 4163

(1) Package the medical marijuana or adult-use marijuana 4164

in accordance with child-resistant effectiveness standards 4165
described in 16 C.F.R. 1700.15(b) on September 8, 2016; 4166

(2) Label the ~~medical marijuana~~ packaging with the 4167
product's tetrahydrocannabinol and cannabidiol content; 4168

(3) Comply with any packaging or labeling requirements 4169
established in rules adopted by the division of marijuana 4170
control under ~~section~~ sections 3796.03 and 3796.32 of the 4171
Revised Code. 4172

Sec. 3796.20. ~~(A)~~ (A) (1) Notwithstanding any conflicting 4173
provision of the Revised Code, a licensed dispensary, including 4174
the holder of a current, valid retail dispensary license issued 4175
under this chapter, ~~or previously issued by the state board of~~ 4176
~~pharmacy,~~ before the effective date of this amendment, may do 4177
~~both~~ any of the following: 4178

~~(1) Obtain~~ (a) Purchase or otherwise obtain medical 4179
marijuana and adult-use marijuana from one or more 4180
~~processors~~ other license holders; 4181

~~(2)~~ (b) Dispense or sell medical marijuana in accordance 4182
with division (B) of this section; 4183

(c) Dispense or sell adult-use marijuana in accordance 4184
with division (C) of this section; 4185

(d) Sell paraphernalia that may be used in the 4186
administration of adult-use marijuana or medical marijuana as 4187
specified in rules adopted under section 3796.03 of the Revised 4188
Code; 4189

(e) Provide delivery of medical marijuana in accordance 4190
with the rules adopted under section 3796.03 of the Revised 4191
Code; 4192

(f) Deliver, transfer, or sell medical marijuana and 4193
adult-use marijuana to other license holders. 4194

(2) A licensed dispensary engaged in the activities 4195
authorized by this chapter shall do so respecting both medical 4196
marijuana and adult-use marijuana. 4197

(B) When dispensing or selling medical marijuana, a 4198
licensed ~~retail~~-dispensary shall do all of the following: 4199

(1) Dispense or sell only upon a showing of a current, 4200
valid, government-issued identification card and in accordance 4201
with a written recommendation issued by a physician holding a 4202
certificate to recommend issued by the state medical board under 4203
section 4731.30 of the Revised Code; 4204

(2) Report to the drug database the information required 4205
by section 4729.771 of the Revised Code; 4206

(3) Label the package containing medical marijuana with 4207
the following information: 4208

(a) The name and address of the licensed processor and 4209
retail dispensary; 4210

(b) The name of the patient and caregiver, if any; 4211

(c) The name of the physician who recommended treatment 4212
with medical marijuana; 4213

(d) The directions for use, if any, as recommended by the 4214
physician; 4215

(e) The date on which the medical marijuana was dispensed; 4216

(f) The quantity, strength, kind, or form of medical 4217
marijuana contained in the package. 4218

(4) Maintain an adequate supply of medical marijuana 4219

products to meet typical patient demand for those products. 4220

(C) When dispensing or selling adult-use marijuana to 4221
consumers, all of the following apply: 4222

(1) A licensed dispensary shall dispense or sell adult-use 4223
marijuana only to adult-use consumers who present a current, 4224
valid, government-issued identification card demonstrating proof 4225
that the adult-use consumer is twenty-one years of age or older. 4226

(2) No licensed dispensary shall knowingly dispense or 4227
sell more than the amount of adult-use marijuana that may be 4228
legally possessed by an adult-use consumer under section 4229
3796.221 of the Revised Code to the same adult-use consumer in 4230
the same day. 4231

(3) A licensed dispensary shall ensure that the label of 4232
the package containing adult-use marijuana contains all of the 4233
following information, in accordance with rules adopted by the 4234
division of marijuana control: 4235

(a) The name and address of the licensed processor and 4236
retail dispensary; 4237

(b) A statement that the use of adult-use marijuana by 4238
individuals under twenty-one years of age is both harmful and 4239
illegal; 4240

(c) The quantity, strength, kind, or form of adult-use 4241
marijuana contained in the package. 4242

~~When operating a licensed retail dispensary, both of the~~ 4243
~~following apply:~~ 4244

~~(1)~~ (D) (1) A licensed dispensary shall use only employees 4245
who have met the training requirements established in rules 4246
adopted under section 3796.03 of the Revised Code. 4247

(2) A licensed dispensary shall not make public any 4248
information it collects that identifies or would tend to 4249
identify any specific medical marijuana patient or adult-use 4250
consumer. 4251

(3) A licensed dispensary shall prominently display both 4252
of the following: 4253

(a) A statement that the use of adult-use or homegrown 4254
marijuana by individuals under twenty-one years of age is both 4255
harmful and illegal; 4256

(b) Information about the addictive qualities of marijuana 4257
and the potential negative health consequences associated with 4258
its use. 4259

Sec. 3796.21. (A) Notwithstanding any conflicting 4260
provision of the Revised Code, a licensed laboratory, including 4261
the holder of a current, valid laboratory license issued under 4262
this chapter ~~may~~ before the effective date of this amendment, 4263
shall do both of the following: 4264

(1) Obtain medical marijuana and adult-use marijuana from 4265
one or more licensed cultivators, licensed processors, and 4266
~~retail-licensed dispensaries licensed under this chapter;~~ 4267

(2) Conduct ~~medical marijuana~~ testing in the manner 4268
specified in rules adopted under section 3796.03 of the Revised 4269
Code. 4270

(B) When testing medical marijuana or adult-use marijuana, 4271
a licensed laboratory shall do both of the following: 4272

(1) Test ~~the marijuana~~ for potency, homogeneity, and 4273
contamination; 4274

(2) Prepare a report of the test results. 4275

Sec. 3796.22. (A) Notwithstanding any conflicting 4276
provision of the Revised Code, a patient registered under this 4277
chapter who obtains medical marijuana from a ~~retail-licensed~~ 4278
dispensary ~~licensed under~~ in accordance with this chapter may do 4279
~~both~~ all of the following: 4280

(1) Use medical marijuana; 4281

(2) Possess medical marijuana, subject to division (B) of 4282
this section; 4283

(3) Possess any paraphernalia or accessories that may be 4284
used in the administration of medical marijuana, as specified in 4285
rules adopted under section 3796.03 of the Revised Code. 4286

(B) The amount of medical marijuana possessed by a 4287
registered patient shall not exceed a ninety-day supply, as 4288
specified in rules adopted under section 3796.03 of the Revised 4289
Code. 4290

(C) A registered patient shall not be subject to arrest or 4291
criminal prosecution for doing ~~any~~ either of the following in 4292
accordance with this chapter: 4293

(1) Obtaining, using, or possessing medical marijuana; 4294

(2) Possessing any paraphernalia or accessories that may 4295
be used in the administration of medical marijuana, as specified 4296
in rules adopted under section 3796.03 of the Revised Code. 4297

(D) This section does not authorize a registered patient 4298
to operate a vehicle, streetcar, trackless trolley, watercraft, 4299
or aircraft while under the influence of ~~medical~~-marijuana. 4300

Sec. 3796.221. (A) Notwithstanding any conflicting 4301
provision of the Revised Code, an adult-use consumer who obtains 4302
adult-use marijuana from a licensed dispensary may do all of the 4303

following: 4304

(1) Use adult-use marijuana; 4305

(2) Possess adult-use marijuana, subject to division (B) 4306
of this section; 4307

(3) Possess any paraphernalia or accessories that may be 4308
used in the administration of adult-use marijuana as specified 4309
in rules adopted under section 3796.03 of the Revised Code; 4310

(4) Transfer adult-use and homegrown marijuana to another 4311
adult-use consumer if all of the following apply: 4312

(a) The transfer is without remuneration. 4313

(b) The amount transferred to the same adult-use consumer 4314
in the same day does not exceed either of the following: 4315

(i) Two and one-half ounces of plant material, excluding 4316
any seeds, live plants, or clones being cultivated, grown, or 4317
possessed in accordance with section 3796.04 of the Revised 4318
Code; 4319

(ii) Fifteen grams of extract. 4320

(c) The transfer occurs at privately owned real property 4321
that is used primarily for residential or agricultural purposes, 4322
including any dwellings, facilities, improvements, and 4323
appurtenances on such real property. 4324

(B) No person shall knowingly possess more than the 4325
following cumulative amounts of homegrown marijuana and adult- 4326
use marijuana: 4327

(1) Two and one-half ounces of plant material, excluding 4328
any seeds, live plants, or clones being cultivated, grown, or 4329
possessed in accordance with section 3796.04 of the Revised 4330

Code; 4331

(2) Fifteen grams of extract. 4332

(C) Except as expressly authorized under division (A) (4) 4333
of this section, no person other than a license holder shall 4334
knowingly give, sell, or transfer adult-use or homegrown 4335
marijuana to any other person, with or without remuneration. 4336

(D) Subject to divisions (B) and (C) of this section, an 4337
adult-use consumer is not subject to arrest or criminal 4338
prosecution for engaging in any of the activities described in 4339
division (A) of this section. 4340

(E) This section does not authorize an adult-use consumer 4341
to operate a vehicle, streetcar, trackless trolley, watercraft, 4342
or aircraft while under the influence of marijuana. 4343

Sec. 3796.23. (A) Notwithstanding any conflicting 4344
provision of the Revised Code, a caregiver registered under this 4345
chapter who obtains medical marijuana from a ~~retail-licensed~~ 4346
~~dispensary licensed under this chapter~~ may do ~~both~~ any of the 4347
following: 4348

(1) Possess medical marijuana on behalf of a registered 4349
patient under the caregiver's care, subject to division (B) of 4350
this section; 4351

(2) Assist a registered patient under the caregiver's care 4352
in the use or administration of medical marijuana; 4353

(3) Possess any paraphernalia or accessories specified in 4354
rules adopted under section 3796.03 of the Revised Code. 4355

(B) The amount of medical marijuana possessed by a 4356
registered caregiver on behalf of a registered patient shall not 4357
exceed a ninety-day supply, as specified in rules adopted under 4358

section 3796.03 of the Revised Code. If a caregiver provides 4359
care to more than one registered patient, the caregiver shall 4360
maintain separate inventories of medical marijuana for each 4361
patient. 4362

(C) A registered caregiver shall not be subject to arrest 4363
or criminal prosecution for doing any of following in accordance 4364
with this chapter: 4365

(1) Obtaining or possessing medical marijuana on behalf of 4366
a registered patient; 4367

(2) Assisting a registered patient in the use or 4368
administration of medical marijuana; 4369

(3) Possessing any paraphernalia or accessories specified 4370
in rules adopted under section 3796.03 of the Revised Code. 4371

(D) This section does not permit a registered caregiver to 4372
personally use medical marijuana, unless the caregiver is also a 4373
registered patient. 4374

Sec. 3796.24. (A) The holder of a license, as defined in 4375
section 4776.01 of the Revised Code, is not subject to 4376
professional disciplinary action solely for engaging in 4377
professional or occupational activities related to medical 4378
marijuana. 4379

(B) Unless there is clear and convincing evidence that a 4380
child is unsafe, the use, possession, or administration of 4381
medical marijuana in accordance with this chapter shall not be 4382
the sole or primary basis for any of the following: 4383

(1) An adjudication under section 2151.28 of the Revised 4384
Code determining that a child is an abused, neglected, or 4385
dependent child; 4386

(2) An allocation of parental rights and responsibilities 4387
under section 3109.04 of the Revised Code; 4388

(3) A parenting time order under section 3109.051 or 4389
3109.12 of the Revised Code. 4390

(C) Notwithstanding any conflicting provision of the 4391
Revised Code, the use or possession of medical marijuana in 4392
accordance with this chapter shall not be used as a reason for 4393
disqualifying a patient from medical care or from including a 4394
patient on a transplant waiting list. 4395

(D) Notwithstanding any conflicting provision of the 4396
Revised Code, the use, possession, administration, cultivation, 4397
processing, testing, or dispensing of medical marijuana in 4398
accordance with this chapter shall not be used as the sole or 4399
primary reason for taking action under any criminal or civil 4400
statute in the forfeiture or seizure of any property or asset. 4401

(E) Notwithstanding any conflicting provision of the 4402
Revised Code, ~~a person's status as a registered patient or~~ 4403
~~caregiver engaging in activity authorized by this chapter~~ is not 4404
a sufficient basis for conducting a field sobriety test on the 4405
person or for suspending the person's driver's license. To 4406
conduct any field sobriety test, a law enforcement officer must 4407
have an independent, factual basis giving reasonable suspicion 4408
that the person is operating a vehicle under the influence of 4409
marijuana or with a prohibited concentration of marijuana in the 4410
person's whole blood, blood serum, plasma, breath, or urine. 4411

(F) Notwithstanding any conflicting provision of the 4412
Revised Code, a person's status as a registered patient or 4413
caregiver shall not be used as the sole or primary basis for 4414
rejecting the person as a tenant unless the rejection is 4415

required by federal law. This division does not prohibit a 4416
landlord from prohibiting either of the following, as long as 4417
such prohibition is included in the applicable lease agreement: 4418

(1) Consumption of marijuana in a residential premises or 4419
common areas by smoking, combustion, or vaporization; 4420

(2) Cultivation or growth of homegrown marijuana. 4421

(G) Except for unemployment compensation benefits under 4422
Chapter 4141. of the Revised Code, including as prescribed under 4423
division (B) of section 3796.28 of the Revised Code, the use or 4424
possession of medical marijuana, adult-use marijuana, or 4425
homegrown marijuana in accordance with this chapter shall not be 4426
used as a reason for disqualifying an individual from a public 4427
benefit program administered by any state or local authority, or 4428
for otherwise denying an individual a public benefit 4429
administered by the state or any local government. 4430

(H) This chapter does not do any of the following: 4431

(1) Require a physician to recommend that a patient use 4432
medical marijuana to treat a qualifying medical condition; 4433

(2) Permit the use, possession, or administration of 4434
medical marijuana, adult-use marijuana, or homegrown marijuana 4435
other than as authorized by this chapter; 4436

(3) Permit the use, possession, or administration of 4437
medical marijuana, adult-use marijuana, or homegrown marijuana 4438
on federal land located in this state; 4439

(4) Require any public place to accommodate a registered 4440
patient's use of medical marijuana or an adult-use consumer's 4441
use of adult-use marijuana or homegrown marijuana; 4442

(5) Prohibit any public place from accommodating a 4443

registered patient's use of medical marijuana, except that no 4444
public place shall accommodate consumption of medical marijuana 4445
by smoking, combustion, or vaporization; 4446

(6) Restrict research related to marijuana conducted at a 4447
state university, academic medical center, or private research 4448
and development organization as part of a research protocol 4449
approved by an institutional review board or equivalent entity. 4450

(I) It is the public policy of this state that contracts 4451
related to license holders are enforceable. 4452

Sec. 3796.27. (A) As used in this section: 4453

(1) "Financial institution" means any of the following: 4454

(a) Any bank, trust company, savings and loan association, 4455
savings bank, or credit union or any affiliate, agent, or 4456
employee of a bank, trust company, savings and loan association, 4457
savings bank, or credit union; 4458

(b) Any money transmitter licensed under sections 1315.01 4459
to 1315.18 of the Revised Code or any affiliate, agent, or 4460
employee of such a licensee. 4461

(2) "Financial services" means services that a financial 4462
institution is authorized to provide under Title XI, sections 4463
1315.01 to 1315.18, or Chapter 1733. of the Revised Code, as 4464
applicable. 4465

(B) A financial institution that provides financial 4466
services to any ~~cultivator, processor, retail dispensary, or~~ 4467
~~laboratory licensed under this chapter~~ license holder shall be 4468
exempt from any criminal law of this state an element of which 4469
may be proven by substantiating that a person provides financial 4470
services to a person who possesses, delivers, or manufactures 4471

marijuana or marijuana derived products, including section 4472
2925.05 of the Revised Code and sections 2923.01 and 2923.03 of 4473
the Revised Code as those sections apply to violations of 4474
Chapter 2925. of the Revised Code, if the ~~cultivator, processor,~~ 4475
~~retail dispensary, or laboratory~~ license holder is in compliance 4476
with this chapter and the applicable tax laws of this state. 4477

(C) (1) Notwithstanding section 149.43 of the Revised Code 4478
or any other public records law to the contrary, upon the 4479
request of a financial institution, the division of marijuana 4480
control shall provide to the financial institution all of the 4481
following information: 4482

(a) Whether a person with whom the financial institution 4483
is seeking to do business is a ~~cultivator, processor, retail-~~ 4484
~~dispensary, or laboratory licensed under this chapter~~ license 4485
holder; 4486

(b) The name of any other business or individual 4487
affiliated with the person; 4488

(c) An unredacted copy of the application for a license 4489
under this chapter or under Chapter 3780. of the Revised Code, 4490
as that chapter existed immediately before the effective date of 4491
this amendment, and any supporting documentation, that was 4492
submitted by the person; 4493

(d) If applicable, information relating to sales and 4494
volume of product sold by the person; 4495

(e) Whether the person is in compliance with this chapter; 4496

(f) Any past or pending violation by the person of this 4497
chapter or Chapter 3780. of the Revised Code, as that chapter 4498
existed immediately before the effective date of this amendment, 4499
and any penalty imposed on the person for such a violation. 4500

(2) The division may charge a financial institution a 4501
reasonable fee to cover the administrative cost of providing the 4502
information. 4503

(D) Information received by a financial institution under 4504
division (C) of this section is confidential. Except as 4505
otherwise permitted by other state law or federal law, a 4506
financial institution shall not make the information available 4507
to any person other than the customer to whom the information 4508
applies and any trustee, conservator, guardian, personal 4509
representative, or agent of that customer. 4510

Sec. 3796.28. (A) Nothing in this chapter does any of the 4511
following: 4512

(1) Requires an employer to permit or accommodate an 4513
employee's use, possession, or distribution of ~~medical~~ 4514
marijuana; 4515

(2) Prohibits an employer from refusing to hire, 4516
discharging, disciplining, or otherwise taking an adverse 4517
employment action against a person with respect to hire, tenure, 4518
terms, conditions, or privileges of employment because of that 4519
person's use, possession, or distribution of ~~medical~~-marijuana; 4520

(3) Prohibits an employer from establishing and enforcing 4521
a drug testing policy, drug-free workplace policy, or zero- 4522
tolerance drug policy; 4523

(4) Interferes with any federal restrictions on 4524
employment, including the regulations adopted by the United 4525
States department of transportation in Title 49 of the Code of 4526
Federal Regulations, as amended; 4527

(5) Permits a person to commence a cause of action against 4528
an employer for refusing to hire, discharging, disciplining, 4529

discriminating, retaliating, or otherwise taking an adverse 4530
employment action against a person with respect to hire, tenure, 4531
terms, conditions, or privileges of employment related to 4532
~~medical-marijuana~~; 4533

(6) Affects the authority of the administrator of workers' 4534
compensation to grant rebates or discounts on premium rates to 4535
employers that participate in a drug-free workplace program 4536
established in accordance with rules adopted by the 4537
administrator under Chapter 4123. of the Revised Code. 4538

(B) A person who is discharged from employment because of 4539
that person's use of ~~medical-marijuana~~ shall be considered to 4540
have been discharged for just cause for purposes of division (D) 4541
of section 4141.29 of the Revised Code and shall be ineligible 4542
to serve a waiting period or to be paid benefits for the 4543
duration of the individual's unemployment as described in 4544
division (D) (2) of that section if the person's use of ~~medical-~~ 4545
marijuana was in violation of an employer's drug-free workplace 4546
policy, zero-tolerance policy, or other formal program or policy 4547
regulating the use of ~~medical-marijuana~~. 4548

(C) It is not a violation of division (A), (D), or (E) of 4549
section 4112.02 of the Revised Code if an employer discharges, 4550
refuses to hire, or otherwise discriminates against a person 4551
because of that person's use of ~~medical-marijuana~~ if the 4552
person's use of ~~medical-marijuana~~ is in violation of the 4553
employer's drug-free workplace policy, zero-tolerance policy, or 4554
other formal program or policy regulating the use of ~~medical-~~ 4555
marijuana. 4556

Sec. 3796.29. ~~The~~ (A) Except as otherwise provided in 4557
division (B) of this section, the legislative authority of a 4558
municipal corporation ~~may adopt an ordinance, or a board of~~ 4559

township trustees may adopt an ordinance or a resolution, to 4560
prohibit, or limit the number of, licensed cultivators, licensed 4561
processors, or ~~retail-licensed dispensaries licensed under this~~ 4562
~~chapter~~ within the municipal corporation or within the 4563
unincorporated territory of the township, respectively. 4564

~~This section does not authorize the~~ (B) The legislative 4565
authority of a municipal corporation or a board of township 4566
trustees ~~to~~ shall not adopt or enforce an ordinance or a 4567
resolution limiting that does any of the following: 4568

(1) Prohibits or limits the operations of a license holder 4569
that received a provisional license or certificate of operation 4570
before the effective date of this amendment, except that a 4571
municipal corporation or township may enforce such an ordinance 4572
or such a resolution if it was adopted before the effective date 4573
of this amendment; 4574

(2) Prohibits or limits any activity authorized under this 4575
chapter, except as expressly permitted under division (A) of 4576
this section; 4577

(3) Prohibits or limits research related to marijuana 4578
conducted at a state university, academic medical center, or 4579
private research and development organization as part of a 4580
research protocol approved by an institutional review board or 4581
equivalent entity. 4582

Sec. 3796.30. (A) Except as provided in ~~division~~ 4583
~~(B) divisions~~ (C) and (D) of this section, no ~~medical marijuana~~ 4584
licensed cultivator, licensed processor, retail-licensed 4585
dispensary, or licensed laboratory that tests medical marijuana 4586
shall be located within five hundred feet of the boundaries of a 4587
parcel of real estate having situated on it a school, church, 4588

public library, public playground, or public park. 4589

(B) If the a request for relocation of a facility of a 4590
licensed cultivator, licensed processor, ~~retail-licensed~~ 4591
dispensary, or licensed laboratory licensed under this chapter 4592
~~results would result in the cultivator, processor, retail-~~ 4593
~~dispensary, or laboratory facility~~ being located within five 4594
hundred feet of the boundaries of a parcel of real estate having 4595
situated on it a school, church, public library, public 4596
playground, or public park, the division of marijuana control 4597
shall ~~revoke the license it previously issued to the cultivator,~~ 4598
~~processor, retail dispensary, or laboratory~~deny the request for 4599
relocation. 4600

~~(B)~~ (C) This section does not require relocation or closure 4601
of a facility used by a licensed cultivator, licensed processor, 4602
licensed dispensary, or licensed laboratory, if that facility 4603
has a certificate of operation at the time a school, church, 4604
public library, public playground, or public park relocates, or 4605
is established, on a parcel of real estate, the boundaries of 4606
which are within five hundred feet of that operational facility. 4607

(D) This section does not apply to research related to 4608
marijuana conducted at a state university, academic medical 4609
center, or private research and development organization as part 4610
of a research protocol approved by an institutional review board 4611
or equivalent entity. 4612

~~(C) As used in this section and sections 3796.03 and~~ 4613
~~3796.12 of the Revised Code:—~~ 4614

~~"Church" has the meaning defined in section 1710.01 of the~~ 4615
~~Revised Code.—~~ 4616

~~"Public library" means a library provided for under~~ 4617

~~Chapter 3375. of the Revised Code.~~ 4618

~~"Public park" means a park established by the state or a 4619
political subdivision of the state including a county, township, 4620
municipal corporation, or park district.~~ 4621

~~"Public playground" means a playground established by the 4622
state or a political subdivision of the state including a 4623
county, township, municipal corporation, or park district.~~ 4624

~~"School" means a child care center as defined under 4625
section 5104.01 of the Revised Code, a preschool as defined 4626
under section 2950.034 of the Revised Code, or a public or 4627
nonpublic primary school or secondary school.~~ 4628

Sec. 3796.31. Except as otherwise authorized in the 4629
Revised Code, no political subdivision shall levy do either of 4630
the following: 4631

(A) Levy any tax or fee on cultivators, processors, or 4632
dispensaries license holders that is based on these the license 4633
holder's businesses' gross receipts or that is the same as or 4634
similar to any tax or fee imposed by the state; 4635

(B) Levy any tax, fee, or charge on license holders or 4636
license holders' property that is not generally charged on other 4637
businesses. 4638

Sec. 3796.32. (A) The division of marijuana control may 4639
adopt rules regulating the advertisement of adult-use marijuana 4640
and medical marijuana to prevent advertisements that are false, 4641
misleading, targeted to minors, attractive to minors, promote 4642
excessive use, promote illegal activity, are obscene or 4643
indecent, contain depictions of marijuana use, or promote 4644
marijuana as an intoxicant. 4645

(B) Any rules the division adopts regulating the 4646
advertisement of adult-use marijuana shall be at least as 4647
stringent as the most stringent federal or state laws or rules 4648
governing the advertisement of tobacco or alcohol. 4649

(C) The division may, at any time, conduct an audit of an 4650
applicant's or license holder's published advertisements to 4651
ensure that the applicant or license holder complies with this 4652
chapter and associated rules. 4653

(D) Adult-use marijuana or medical marijuana shall not be 4654
packaged, advertised, or otherwise marketed using any graphic, 4655
picture, or drawing that bears any resemblance to a cartoon 4656
character, or any fictional character or popular culture figure 4657
whose target audience is children or youth. 4658

(E) No person shall place or maintain, or caused to be 4659
placed or maintained, an advertisement that asserts or suggests 4660
that adult-use marijuana has any health or therapeutic benefits. 4661

(F) (1) Subject to division (F) (2) of this section, no 4662
person shall place or maintain, or cause to be placed or 4663
maintained, an advertisement for medical or adult-use marijuana 4664
within five hundred feet of the boundaries of a parcel of real 4665
estate having situated on it a school, church, public library, 4666
public playground, or public park. 4667

(2) Division (F) (1) of this section does not apply to 4668
signage on the facility of a license holder. 4669

(G) (1) No person shall advertise medical or adult-use 4670
marijuana using names, logos, signs, or materials that have not 4671
been submitted to, and approved by, the division in accordance 4672
with rules adopted under this section. 4673

(2) The division shall either approve or deny such names, 4674

logos, signs, or materials within twenty-one business days after 4675
receiving the submission. 4676

(3) If the division does not deny a submission within 4677
twenty-one business days, the submitted names, logos, signs, or 4678
materials shall be considered approved. 4679

(H) If the division determines that a person has violated 4680
this section or any rule adopted in accordance with this 4681
section, the division may require the person to stop using the 4682
advertisement or proceed with any enforcement action it deems 4683
necessary or proper, as outlined in this chapter and associated 4684
rules. 4685

Sec. 3796.33. (A) As used in this section, "equivalent 4686
license" means: 4687

(1) In the case of an adult-use cultivator, a cultivator 4688
license of the same level issued under section 3796.09 of the 4689
Revised Code to engage in the activities authorized by section 4690
3796.18 of the Revised Code; 4691

(2) In the case of an adult-use processor, a processor 4692
license issued under section 3796.09 of the Revised Code to 4693
engage in the activities authorized by section 3796.19 of the 4694
Revised Code; 4695

(3) In the case of an adult-use dispensary, a retail 4696
dispensary license issued under section 3796.10 of the Revised 4697
Code to engage in the activities authorized by section 3796.20 4698
of the Revised Code; 4699

(4) In the case of an adult-use testing laboratory, a 4700
laboratory license issued under section 3796.09 of the Revised 4701
Code to engage in the activities authorized by section 3796.21 4702
of the Revised Code. 4703

(B) A license issued under Chapter 3780. of the Revised 4704
Code, as that chapter existed immediately before the effective 4705
date of this section, shall be treated, for all purposes, as the 4706
equivalent license under this chapter. 4707

(C) The holder of a license described in division (B) of 4708
this section is subject to all procedures, requirements, and 4709
penalties that apply to the holder of the equivalent license 4710
under this chapter. 4711

(D) If a license described in division (B) of this section 4712
is held by the same person and used at the same location as an 4713
equivalent license under this chapter, the division of marijuana 4714
control shall merge the licenses and treat them as the same 4715
license for all purposes, including expiration and renewal. 4716

Sec. 3780.37 3796.34. (A) As used in this section, 4717
"nonprofit corporation" has the same meaning as in section 4718
1702.01 of the Revised Code. 4719

(B) The division of cannabis control shall contract with a 4720
statewide nonprofit corporation for the development and 4721
implementation of cannabis and related drug misuse prevention, 4722
education, and public awareness initiatives driven by data, 4723
evaluation, and research. The contract must include a provision 4724
specifying a percentage of the total funding for the 4725
initiatives, not less than ten per cent, to be raised by the 4726
statewide nonprofit corporation through private contributions. 4727

(C) The initiatives may include all of the following: 4728

(1) Providing evidence-based information on the potential 4729
health effects of cannabis and related drug use among minors; 4730

(2) Disseminating educational resources regarding the 4731
risks associated with cannabis and related drug use during 4732

pregnancy; 4733

(3) Conducting campaigns to inform the public about the 4734
dangers and legal consequences of driving under the influence of 4735
cannabis and related drugs; 4736

(4) Collaborating with employers and industry groups to 4737
develop and distribute evidence-based resources to improve the 4738
health of Ohio's workforce and promote workplace safety and 4739
recovery initiatives focused on cannabis and related drug 4740
misuse. 4741

(D) The division shall oversee and evaluate the 4742
effectiveness of the initiatives undertaken pursuant to this 4743
section and shall ensure that those initiatives align with the 4744
public health and safety objectives of this state. 4745

(E) The division shall annually compile a report detailing 4746
activities, use of funds, and measurable outcomes resulting from 4747
the initiatives undertaken pursuant to this section. The 4748
division shall submit the report to the general assembly in 4749
accordance with section 101.68 of the Revised Code. 4750

Sec. 3796.40. (A) Terms used in this section have the same 4751
meanings as in section 5739.01 of the Revised Code. 4752

(B) For the purpose of funding the needs of the state and 4753
local governments that host adult-use marijuana dispensaries, an 4754
excise tax is levied on the retail sale of adult-use marijuana. 4755
The rate of the tax shall equal ten per cent of the price of 4756
adult-use marijuana and is in addition to taxes levied under 4757
Chapters 5739. and 5741. of the Revised Code. 4758

(C) The tax shall be paid by the consumer to the vendor at 4759
the time of the sale, and the vendor shall report and remit the 4760
tax to the state in the same manner and at the same time the 4761

vendor reports and remits the tax levied under Chapter 5739. of 4762
the Revised Code. The return required by this division shall be 4763
filed on a form prescribed by the tax commissioner, which shall 4764
be separate from the return required to be filed under section 4765
5739.12 of the Revised Code. The tax levied under this section 4766
shall be collected consistent with Chapters 5703. and 5739. of 4767
the Revised Code. 4768

(D) For the same purpose as the tax levied under division 4769
(B) of this section, a tax is levied on a vendor that sells any 4770
marijuana other than adult-use marijuana or medical marijuana to 4771
a consumer. That tax equals ten per cent of the price of such 4772
marijuana, and the consumer and vendor are liable for any 4773
amounts, including tax, interest, and penalties, imposed under 4774
this section and chapter in the same manner as vendors subject 4775
to the tax imposed under division (B) of this section. 4776

(E) All amounts collected from a tax levied under this 4777
section shall be deposited into the marijuana receipts fund, 4778
which is created in the state treasury. Investment earnings of 4779
the marijuana receipts fund shall be credited to that fund. 4780

From the marijuana receipts fund, the director of budget 4781
and management shall transfer as needed to the tax refund fund 4782
amounts equal to the refunds attributable to the tax levied 4783
under this section and certified by the tax commissioner. 4784

(F) After making any transfers required under division (E) 4785
of this section, the director of budget and management shall 4786
transfer amounts remaining in the marijuana receipts fund as 4787
follows: 4788

(1) Sixty-four per cent to the general revenue fund; 4789

(2) Thirty-six per cent to the host community cannabis 4790

fund, which is created in the state treasury, for the benefit of 4791
municipal corporations or townships that have at least one 4792
licensed dispensary. Distributions to such municipal 4793
corporations and townships shall be based on the portion of the 4794
tax levied under division (B) of this section attributable to 4795
each municipal corporation or township. Municipal corporations 4796
and townships receiving funds under this division may use such 4797
funds for any lawful purpose. 4798

Distributions under this division shall be made by the end 4799
of each month based on tax collections from the preceding month. 4800
The tax commissioner shall make data available to the director 4801
of the office of budget and management for this purpose and the 4802
director of budget and management shall provide for payment of 4803
those amounts to municipal corporations and townships as 4804
required. 4805

(G) The tax commissioner may prescribe all forms and adopt 4806
all rules necessary to administer the tax authorized under this 4807
section. 4808

Sec. 3796.99. (A) (1) Whoever violates division (C) (2) of 4809
section 3796.06 of the Revised Code as an operator of the 4810
vehicle, streetcar, trackless trolley, watercraft, or aircraft 4811
is subject to section 1547.11, 4511.19, 4511.194, or 4561.15 of 4812
the Revised Code, as applicable. 4813

(2) Whoever violates division (C) (2) of section 3796.06 of 4814
the Revised Code as a passenger of a vehicle, streetcar, 4815
trackless trolley, watercraft, or aircraft when the operator is 4816
operating or has physical control of the vehicle, streetcar, 4817
trackless trolley, watercraft, or aircraft is guilty of a 4818
misdemeanor of the third degree. 4819

(B) Except as otherwise provided in division (A) of this 4820
section, whoever violates division (C) (2) or (3) of section 4821
3796.06 of the Revised Code is guilty of a minor misdemeanor. 4822

(C) (1) (a) Except as provided in division (C) (1) (b) of this 4823
section, whoever violates division (F) of section 3796.06 of the 4824
Revised Code is guilty of a misdemeanor of the first degree. 4825

(b) An offender who has previously been convicted of, or 4826
pleaded guilty to, a violation of division (F) of section 4827
3796.06 of the Revised Code, is guilty of a felony of the fifth 4828
degree. 4829

(2) The division of marijuana control shall immediately 4830
revoke the license of any license holder under this chapter who 4831
is found guilty of, or who pleads guilty or no contest to, 4832
violating division (F) of section 3796.06 of the Revised Code. 4833

(D) Whoever violates division (B) of section 3796.221 of 4834
the Revised Code is guilty of possession of marijuana under 4835
section 2925.11 of the Revised Code. 4836

(E) Whoever violates division (C) of section 3796.04 of 4837
the Revised Code is guilty of illegal cultivation of marijuana 4838
under section 2925.04 of the Revised Code. 4839

(F) Whoever violates division (I) of section 3796.09, 4840
division (I) of section 3796.10, division (C) (2) of section 4841
3796.20, or division (C) of section 3796.221 of the Revised Code 4842
is guilty of trafficking in marijuana under section 2925.03 of 4843
the Revised Code. 4844

(G) (1) Except as otherwise provided in divisions (G) (2) to 4845
(4) of this section, whoever violates division (G) of section 4846
3796.06 of the Revised Code by knowingly showing or giving false 4847
information concerning the individual's name, age, or other 4848

identification for the purpose of purchasing or otherwise 4849
obtaining adult-use marijuana from an adult-use dispensary 4850
licensed under this chapter is guilty of a misdemeanor of the 4851
first degree. 4852

(2) Except as otherwise provided in divisions (G) (3) and 4853
(4) of this section, whoever violates division (G) of section 4854
3796.06 of the Revised Code by knowingly presenting to an adult- 4855
use dispensary licensed under this chapter a false, fictitious, 4856
or altered identification card, a false or fictitious driver's 4857
license purportedly issued by any state, or a driver's license 4858
issued by any state that has been altered, is guilty of a 4859
misdemeanor of the first degree and, notwithstanding division 4860
(A) (2) of section 2929.28 of the Revised Code, shall be fined 4861
not less than two hundred fifty dollars and not more than one 4862
thousand dollars. 4863

(3) (a) Except as otherwise provided in division (G) (4) of 4864
this section, an offender who has previously been convicted of 4865
or pleaded guilty to a violation of division (G) of section 4866
3796.06 of the Revised Code by knowingly presenting to an adult- 4867
use dispensary licensed under this chapter a false, fictitious, 4868
or altered identification card, a false or fictitious driver's 4869
license purportedly issued by any state, or a driver's license 4870
issued by any state that has been altered, is guilty of a 4871
misdemeanor of the first degree and, notwithstanding division 4872
(A) (2) of section 2929.28 of the Revised Code, shall be fined 4873
not less than five hundred dollars nor more than one thousand 4874
dollars. 4875

(b) (i) The court also may impose a class seven suspension 4876
of the offender's driver's or commercial driver's license or 4877
permit, or nonresident operating privilege, from the range 4878

specified in division (A) (7) of section 4510.02 of the Revised 4879
Code. 4880

(ii) The court, in lieu of suspending the offender's 4881
temporary instruction permit, probationary driver's license, or 4882
driver's license, instead may order the offender to perform a 4883
determinate number of hours of community service, with the court 4884
determining the actual number of hours and the nature of the 4885
community service the offender shall perform. 4886

(4) (a) An offender who has previously been convicted of or 4887
pleaded guilty to two or more violations of division (G) of 4888
section 3796.06 of the Revised Code by knowingly presenting to 4889
an adult-use dispensary licensed under this chapter a false, 4890
fictitious, or altered identification card, a false or 4891
fictitious driver's license purportedly issued by any state, or 4892
a driver's license issued by any state that has been altered, is 4893
guilty of a misdemeanor of the first degree and, notwithstanding 4894
division (A) (2) of section 2929.28 of the Revised Code, shall be 4895
fined not less than five hundred dollars nor more than one 4896
thousand dollars. 4897

(b) (i) The court also may impose a class six suspension of 4898
the offender's driver's or commercial driver's license or permit 4899
or nonresident operating privilege from the range specified in 4900
division (A) (6) of section 4510.02 of the Revised Code, and the 4901
court may order that the suspension or denial remain in effect 4902
until the offender attains the age of twenty-one years. 4903

(ii) The court, in lieu of suspending the offender's 4904
temporary instruction permit, probationary driver's license, or 4905
driver's license, instead may order the offender to perform a 4906
determinate number of hours of community service, with the court 4907
determining the actual number of hours and the nature of the 4908

community service the offender shall perform. 4909

(5) The financial sanctions required by divisions (G) (2) 4910
to (4) of this section are in lieu of the financial sanctions 4911
described in division (A) (2) of section 2929.28 of the Revised 4912
Code but are in addition to any other sanctions or penalties 4913
that may apply to the offender, including other financial 4914
sanctions under that section or a jail term under section 4915
2929.24 of the Revised Code. 4916

(H) (1) Except as otherwise provided in division (H) (2) of 4917
this section, whoever violates division (G) of section 3796.06 4918
of the Revised Code by knowingly soliciting another person to 4919
purchase adult-use marijuana from an adult-use dispensary 4920
licensed under this chapter is guilty of a misdemeanor of the 4921
fourth degree. 4922

(2) An offender who has previously been convicted of or 4923
pleaded guilty to a violation of division (G) of section 3796.06 4924
of the Revised Code by knowingly soliciting another individual 4925
to purchase adult-use marijuana from an adult-use dispensary 4926
licensed under this chapter is guilty of a misdemeanor of the 4927
second degree. 4928

(I) Whoever violates division (A), (B), or (C) of section 4929
3796.062 of the Revised Code is guilty of a minor misdemeanor. 4930

(J) Whoever violates division (D) of section 3796.062 of 4931
the Revised Code is guilty of illegal use or possession of 4932
marijuana drug paraphernalia under section 2925.141 of the 4933
Revised Code. 4934

Sec. 4506.01. As used in this chapter: 4935

(A) "Alcohol concentration" means the concentration of 4936
alcohol in a person's blood, breath, or urine. When expressed as 4937

a percentage, it means grams of alcohol per the following: 4938

(1) One hundred milliliters of whole blood, blood serum, 4939
or blood plasma; 4940

(2) Two hundred ten liters of breath; 4941

(3) One hundred milliliters of urine. 4942

(B) "Commercial driver's license" means a license issued 4943
in accordance with this chapter that authorizes an individual to 4944
drive a commercial motor vehicle. 4945

(C) "Commercial driver's license information system" means 4946
the information system established pursuant to the requirements 4947
of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 4948
3207-171, 49 U.S.C.A. App. 2701. 4949

(D) Except when used in section 4506.25 of the Revised 4950
Code, "commercial motor vehicle" means any motor vehicle 4951
designed or used to transport persons or property that meets any 4952
of the following qualifications: 4953

(1) Any combination of vehicles with a gross vehicle 4954
weight or combined gross vehicle weight rating of twenty-six 4955
thousand one pounds or more, provided the gross vehicle weight 4956
or gross vehicle weight rating of the vehicle or vehicles being 4957
towed is in excess of ten thousand pounds; 4958

(2) Any single vehicle with a gross vehicle weight or 4959
gross vehicle weight rating of twenty-six thousand one pounds or 4960
more; 4961

(3) Any single vehicle or combination of vehicles that is 4962
not a class A or class B vehicle, but is designed to transport 4963
sixteen or more passengers including the driver; 4964

(4) Any school bus with a gross vehicle weight or gross
vehicle weight rating of less than twenty-six thousand one
pounds that is designed to transport fewer than sixteen
passengers including the driver;

(5) Is transporting hazardous materials for which
placarding is required under subpart F of 49 C.F.R. part 172, as
amended;

(6) Any single vehicle or combination of vehicles that is
designed to be operated and to travel on a public street or
highway and is considered by the federal motor carrier safety
administration to be a commercial motor vehicle, including, but
not limited to, a motorized crane, a vehicle whose function is
to pump cement, a rig for drilling wells, and a portable crane.

(E) "Controlled substance" means all of the following:

(1) Any substance classified as a controlled substance
under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21
U.S.C.A. 802(6), as amended;

(2) Any substance included in schedules I through V of 21
C.F.R. part 1308, as amended;

(3) Any drug of abuse.

(F) "Conviction" means an unvacated adjudication of guilt
or a determination that a person has violated or failed to
comply with the law in a court of original jurisdiction or an
authorized administrative tribunal, an unvacated forfeiture of
bail or collateral deposited to secure the person's appearance
in court, a plea of guilty or nolo contendere accepted by the
court, the payment of a fine or court cost, or violation of a
condition of release without bail, regardless of whether or not
the penalty is rebated, suspended, or probated.

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

in physical control of a commercial motor vehicle or is required 5021
to have a commercial driver's license. 5022

(L) "Driver's license" means a license issued by the 5023
bureau of motor vehicles that authorizes an individual to drive. 5024

(M) "Drug of abuse" means any controlled substance, 5025
dangerous drug as defined in section 4729.01 of the Revised 5026
Code, harmful intoxicant as defined in section 2925.01 of the 5027
Revised Code, intoxicating hemp product as defined in section 5028
3779.01 of the Revised Code, drinkable cannabinoid product as 5029
defined in section 3779.21 of the Revised Code, or over-the- 5030
counter medication that, when taken in quantities exceeding the 5031
recommended dosage, can result in impairment of judgment or 5032
reflexes. 5033

(N) "Electronic device" includes a cellular telephone, a 5034
personal digital assistant, a pager, a computer, and any other 5035
device used to input, write, send, receive, or read text. 5036

(O) "Eligible unit of local government" means a village, 5037
township, or county that has a population of not more than three 5038
thousand persons according to the most recent federal census. 5039

(P) "Employer" means any person, including the federal 5040
government, any state, and a political subdivision of any state, 5041
that owns or leases a commercial motor vehicle or assigns a 5042
person to drive such a motor vehicle. 5043

(Q) "Endorsement" means an authorization on a person's 5044
commercial driver's license that is required to permit the 5045
person to operate a specified type of commercial motor vehicle. 5046

(R) "Farm truck" means a truck controlled and operated by 5047
a farmer for use in the transportation to or from a farm, for a 5048
distance of not more than one hundred fifty miles, of products 5049

of the farm, including livestock and its products, poultry and 5050
its products, floricultural and horticultural products, and in 5051
the transportation to the farm, from a distance of not more than 5052
one hundred fifty miles, of supplies for the farm, including 5053
tile, fence, and every other thing or commodity used in 5054
agricultural, floricultural, horticultural, livestock, and 5055
poultry production, and livestock, poultry, and other animals 5056
and things used for breeding, feeding, or other purposes 5057
connected with the operation of the farm, when the truck is 5058
operated in accordance with this division and is not used in the 5059
operations of a motor carrier, as defined in section 4923.01 of 5060
the Revised Code. 5061

(S) "Fatality" means the death of a person as the result 5062
of a motor vehicle accident occurring not more than three 5063
hundred sixty-five days prior to the date of death. 5064

(T) "Felony" means any offense under federal or state law 5065
that is punishable by death or specifically classified as a 5066
felony under the law of this state, regardless of the penalty 5067
that may be imposed. 5068

(U) "Foreign jurisdiction" means any jurisdiction other 5069
than a state. 5070

(V) "Gross vehicle weight rating" means the value 5071
specified by the manufacturer as the maximum loaded weight of a 5072
single or a combination vehicle. The gross vehicle weight rating 5073
of a combination vehicle is the gross vehicle weight rating of 5074
the power unit plus the gross vehicle weight rating of each 5075
towed unit. 5076

(W) "Hazardous materials" means any material that has been 5077
designated as hazardous under 49 U.S.C. 5103 and is required to 5078

be placarded under subpart F of 49 C.F.R. part 172 or any 5079
quantity of a material listed as a select agent or toxin in 42 5080
C.F.R. part 73, as amended. 5081

(X) "Imminent hazard" means the existence of a condition 5082
that presents a substantial likelihood that death, serious 5083
illness, severe personal injury, or a substantial endangerment 5084
to health, property, or the environment may occur before the 5085
reasonably foreseeable completion date of a formal proceeding 5086
begun to lessen the risk of that death, illness, injury, or 5087
endangerment. 5088

(Y) "Medical variance" means one of the following received 5089
by a driver from the federal motor carrier safety administration 5090
that allows the driver to be issued a medical certificate: 5091

(1) An exemption letter permitting operation of a 5092
commercial motor vehicle under 49 C.F.R. 381, subpart C or 49 5093
C.F.R. 391.64; 5094

(2) A skill performance evaluation certificate permitting 5095
operation of a commercial motor vehicle pursuant to 49 C.F.R. 5096
391.49. 5097

(Z) "Mobile telephone" means a mobile communication device 5098
that falls under or uses any commercial mobile radio service as 5099
defined in 47 C.F.R. 20, except that mobile telephone does not 5100
include two-way or citizens band radio services. 5101

(AA) "Motor vehicle" means a vehicle, machine, tractor, 5102
trailer, or semitrailer propelled or drawn by mechanical power 5103
used on highways, except that such term does not include a 5104
vehicle, machine, tractor, trailer, or semitrailer operated 5105
exclusively on a rail. 5106

(BB) "Out-of-service order" means a declaration by an 5107

authorized enforcement officer of a federal, state, local, 5108
Canadian, or Mexican jurisdiction declaring that a driver, 5109
commercial motor vehicle, or commercial motor carrier operation 5110
is out of service as defined in 49 C.F.R. 390.5. 5111

(CC) "Peace officer" has the same meaning as in section 5112
2935.01 of the Revised Code. 5113

(DD) "Portable tank" means a liquid or gaseous packaging 5114
designed primarily to be loaded onto or temporarily attached to 5115
a vehicle and equipped with skids, mountings, or accessories to 5116
facilitate handling of the tank by mechanical means. 5117

(EE) "Public safety vehicle" has the same meaning as in 5118
divisions (E) (1) and (3) of section 4511.01 of the Revised Code. 5119

(FF) "Recreational vehicle" includes every vehicle that is 5120
defined as a recreational vehicle in section 4501.01 of the 5121
Revised Code and is used exclusively for purposes other than 5122
engaging in business for profit. 5123

(GG) "Residence" means any person's residence determined 5124
in accordance with standards prescribed in rules adopted by the 5125
registrar. 5126

(HH) "School bus" has the same meaning as in section 5127
4511.01 of the Revised Code. 5128

(II) "Serious traffic violation" means any of the 5129
following: 5130

(1) A conviction arising from a single charge of operating 5131
a commercial motor vehicle in violation of any provision of 5132
section 4506.03 of the Revised Code; 5133

(2) (a) Except as provided in division (II) (2) (b) of this 5134
section, a violation while operating a commercial motor vehicle 5135

of a law of this state, or any municipal ordinance or county or township resolution, or any other substantially similar law of another state or political subdivision of another state prohibiting either of the following:

(i) Texting while driving;

(ii) Using a handheld mobile telephone.

(b) It is not a serious traffic violation if the person was texting or using a handheld mobile telephone to contact law enforcement or other emergency services.

(3) A conviction arising from the operation of any motor vehicle that involves any of the following:

(a) A single charge of any speed in excess of the posted speed limit by fifteen miles per hour or more;

(b) Violation of section 4511.20 or 4511.201 of the Revised Code or any similar ordinance or resolution, or of any similar law of another state or political subdivision of another state;

(c) Violation of a law of this state or an ordinance or resolution relating to traffic control, other than a parking violation, or of any similar law of another state or political subdivision of another state, that results in a fatal accident;

(d) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license with the proper class or endorsement for the specific vehicle group being operated or for the passengers or type of

cargo being transported; 5164

(e) Violation of section 4506.03 of the Revised Code or a 5165
substantially similar municipal ordinance or county or township 5166
resolution, or of any similar law of another state or political 5167
subdivision of another state, that involves the operation of a 5168
commercial motor vehicle without a valid commercial driver's 5169
license being in the person's possession; 5170

(f) Violation of section 4511.33 or 4511.34 of the Revised 5171
Code, or any municipal ordinance or county or township 5172
resolution substantially similar to either of those sections, or 5173
any substantially similar law of another state or political 5174
subdivision of another state; 5175

(g) Violation of any other law of this state, any law of 5176
another state, or any ordinance or resolution of a political 5177
subdivision of this state or another state that meets both of 5178
the following requirements: 5179

(i) It relates to traffic control, other than a parking 5180
violation; 5181

(ii) It is determined to be a serious traffic violation by 5182
the United States secretary of transportation and is designated 5183
by the director as such by rule. 5184

(JJ) "State" means a state of the United States and 5185
includes the District of Columbia. 5186

(KK) "Tank vehicle" means any commercial motor vehicle 5187
that is designed to transport any liquid or gaseous materials 5188
within a tank or tanks that are either permanently or 5189
temporarily attached to the vehicle or its chassis and have an 5190
individual rated capacity of more than one hundred nineteen 5191
gallons and an aggregate rated capacity of one thousand gallons 5192

or more. "Tank vehicle" does not include a commercial motor 5193
vehicle transporting an empty storage container tank that is not 5194
designed for transportation, has a rated capacity of one 5195
thousand gallons or more, and is temporarily attached to a 5196
flatbed trailer. 5197

(LL) "Tester" means a person or entity acting pursuant to 5198
a valid agreement entered into pursuant to division (B) of 5199
section 4506.09 of the Revised Code. 5200

(MM) "Texting" means manually entering alphanumeric text 5201
into, or reading text from, an electronic device. Texting 5202
includes short message service, e-mail, instant messaging, a 5203
command or request to access a world wide web page, pressing 5204
more than a single button to initiate or terminate a voice 5205
communication using a mobile telephone, or engaging in any other 5206
form of electronic text retrieval or entry, for present or 5207
future communication. Texting does not include the following: 5208

(1) Using voice commands to initiate, receive, or 5209
terminate a voice communication using a mobile telephone; 5210

(2) Inputting, selecting, or reading information on a 5211
global positioning system or navigation system; 5212

(3) Pressing a single button to initiate or terminate a 5213
voice communication using a mobile telephone; or 5214

(4) Using, for a purpose that is not otherwise prohibited 5215
by law, a device capable of performing multiple functions, such 5216
as a fleet management system, a dispatching device, a mobile 5217
telephone, a citizens band radio, or a music player. 5218

(NN) "Texting while driving" means texting while operating 5219
a commercial motor vehicle, with the motor running, including 5220
while temporarily stationary because of traffic, a traffic 5221

control device, or other momentary delays. Texting while driving 5222
does not include operating a commercial motor vehicle with or 5223
without the motor running when the driver has moved the vehicle 5224
to the side of, or off, a highway and is stopped in a location 5225
where the vehicle can safely remain stationary. 5226

(OO) "United States" means the fifty states and the 5227
District of Columbia. 5228

(PP) "Upgrade" means a change in the class of vehicles, 5229
endorsements, or self-certified status as described in division 5230
(A) (1) of section 4506.10 of the Revised Code, that expands the 5231
ability of a current commercial driver's license holder to 5232
operate commercial motor vehicles under this chapter. 5233

(QQ) "Use of a handheld mobile telephone" means: 5234

(1) Using at least one hand to hold a mobile telephone to 5235
conduct a voice communication; 5236

(2) Dialing or answering a mobile telephone by pressing 5237
more than a single button; or 5238

(3) Reaching for a mobile telephone in a manner that 5239
requires a driver to maneuver so that the driver is no longer in 5240
a seated driving position, or restrained by a seat belt that is 5241
installed in accordance with 49 C.F.R. 393.93 and adjusted in 5242
accordance with the vehicle manufacturer's instructions. 5243

(RR) "Vehicle" has the same meaning as in section 4511.01 5244
of the Revised Code. 5245

Sec. 4735.18. (A) Subject to section 4735.32 of the 5246
Revised Code, the superintendent of real estate, upon the 5247
superintendent's own motion, may investigate the conduct of any 5248
licensee. Subject to division (E) of this section and section 5249

4735.32 of the Revised Code, the Ohio real estate commission 5250
shall impose disciplinary sanctions upon any licensee who, 5251
whether or not acting in the licensee's capacity as a real 5252
estate broker or salesperson, or in handling the licensee's own 5253
property, is found to have been convicted of a felony or a crime 5254
of moral turpitude, and may impose disciplinary sanctions upon 5255
any licensee who, in the licensee's capacity as a real estate 5256
broker or salesperson, or in handling the licensee's own 5257
property, is found guilty of: 5258

(1) Knowingly making any misrepresentation; 5259

(2) Making any false promises with intent to influence, 5260
persuade, or induce; 5261

(3) A continued course of misrepresentation or the making 5262
of false promises through agents, salespersons, advertising, or 5263
otherwise; 5264

(4) Acting for more than one party in a transaction except 5265
as permitted by and in compliance with section 4735.71 of the 5266
Revised Code; 5267

(5) Failure within a reasonable time to account for or to 5268
remit any money coming into the licensee's possession which 5269
belongs to others; 5270

(6) Dishonest or illegal dealing, gross negligence, 5271
incompetency, or misconduct; 5272

(7) (a) By final adjudication by a court, a violation of 5273
any municipal or federal civil rights law relevant to the 5274
protection of purchasers or sellers of real estate or, by final 5275
adjudication by a court, any unlawful discriminatory practice 5276
pertaining to the purchase or sale of real estate prohibited by 5277
Chapter 4112. of the Revised Code, provided that such violation 5278

arose out of a situation wherein parties were engaged in bona 5279
fide efforts to purchase, sell, or lease real estate, in the 5280
licensee's practice as a licensed real estate broker or 5281
salesperson; 5282

(b) A second or subsequent violation of any unlawful 5283
discriminatory practice pertaining to the purchase or sale of 5284
real estate prohibited by Chapter 4112. of the Revised Code or 5285
any second or subsequent violation of municipal or federal civil 5286
rights laws relevant to purchasing or selling real estate 5287
whether or not there has been a final adjudication by a court, 5288
provided that such violation arose out of a situation wherein 5289
parties were engaged in bona fide efforts to purchase, sell, or 5290
lease real estate. For any second offense under this division, 5291
the commission shall suspend for a minimum of two months or 5292
revoke the license of the broker or salesperson. For any 5293
subsequent offense, the commission shall revoke the license of 5294
the broker or salesperson. 5295

(8) Procuring a license under this chapter, for the 5296
licensee or any salesperson by fraud, misrepresentation, or 5297
deceit; 5298

(9) Having violated or failed to comply with any provision 5299
of sections 4735.51 to 4735.74 of the Revised Code or having 5300
willfully disregarded or violated any other provisions of this 5301
chapter; 5302

(10) As a real estate broker, having demanded, without 5303
reasonable cause, other than from a broker licensed under this 5304
chapter, a commission to which the licensee is not entitled, or, 5305
as a real estate salesperson, having demanded, without 5306
reasonable cause, a commission to which the licensee is not 5307
entitled; 5308

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

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

(13) Having accepted, given, or charged any undisclosed commission, rebate, or direct profit on expenditures made for a principal;

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

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

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

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

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

(19) Having negotiated the sale, exchange, or lease of any 5338
real property directly with a seller, purchaser, lessor, or 5339
tenant knowing that such seller, purchaser, lessor, or tenant is 5340
represented by another broker under a written exclusive agency 5341
agreement, exclusive right to sell or lease listing agreement, 5342
or exclusive purchaser agency agreement with respect to such 5343
property except as provided for in section 4735.75 of the 5344
Revised Code; 5345

(20) Having offered real property for sale or for lease 5346
without the knowledge and consent of the owner or the owner's 5347
authorized agent, or on any terms other than those authorized by 5348
the owner or the owner's authorized agent; 5349

(21) Having published advertising, whether printed, radio, 5350
display, or of any other nature, which was misleading or 5351
inaccurate in any material particular, or in any way having 5352
misrepresented any properties, terms, values, policies, or 5353
services of the business conducted; 5354

(22) Having knowingly withheld from or inserted in any 5355
statement of account or invoice any statement that made it 5356
inaccurate in any material particular; 5357

(23) Having published or circulated unjustified or 5358
unwarranted threats of legal proceedings which tended to or had 5359
the effect of harassing competitors or intimidating their 5360
customers; 5361

(24) Having failed to keep complete and accurate records 5362
of all transactions for a period of three years from the date of 5363
the transaction, such records to include copies of listing 5364
forms, earnest money receipts, offers to purchase and 5365
acceptances of them, records of receipts and disbursements of 5366

all funds received by the licensee as broker and incident to the 5367
licensee's transactions as such, and records required pursuant 5368
to divisions (C) (4) and (5) of section 4735.20 of the Revised 5369
Code, and any other instruments or papers related to the 5370
performance of any of the acts set forth in the definition of a 5371
real estate broker; 5372

(25) Failure of a real estate broker or salesperson to 5373
furnish all parties involved in a real estate transaction true 5374
copies of all listings and other agreements to which they are a 5375
party, at the time each party signs them; 5376

(26) Failure to maintain at all times a special or trust 5377
bank account in a depository of a state or federally chartered 5378
institution located in this state. The account shall be 5379
noninterest-bearing, separate and distinct from any personal or 5380
other account of the broker, and, except as provided in division 5381
(A) (27) of this section, shall be used for the deposit and 5382
maintenance of all escrow funds, security deposits, and other 5383
moneys received by the broker in a fiduciary capacity. The name, 5384
account number, if any, and location of the depository wherein 5385
such special or trust account is maintained shall be submitted 5386
in writing to the superintendent. Checks drawn on such special 5387
or trust bank accounts are deemed to meet the conditions imposed 5388
by section 1349.21 of the Revised Code. Funds deposited in the 5389
trust or special account in connection with a purchase agreement 5390
shall be maintained in accordance with section 4735.24 of the 5391
Revised Code. 5392

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

funds, and other moneys received by the broker in a fiduciary 5397
capacity in the course of managing real property. This account 5398
shall be separate and distinct from any other account maintained 5399
by the broker. The name, account number, and location of the 5400
depository shall be submitted in writing to the superintendent. 5401
This account may earn interest, which shall be paid to the 5402
property owners on a pro rata basis. 5403

Division (A) (27) of this section does not apply to brokers 5404
who are not engaged in the management of real property on behalf 5405
of real property owners. 5406

(28) Having failed to put definite expiration dates in all 5407
written agency agreements to which the broker is a party; 5408

(29) Having an unsatisfied final judgment or lien in any 5409
court of record against the licensee arising out of the 5410
licensee's conduct as a licensed broker or salesperson; 5411

(30) Failing to render promptly upon demand a full and 5412
complete statement of the expenditures by the broker or 5413
salesperson of funds advanced by or on behalf of a party to a 5414
real estate transaction to the broker or salesperson for the 5415
purpose of performing duties as a licensee under this chapter in 5416
conjunction with the real estate transaction; 5417

(31) Failure within a reasonable time, after the receipt 5418
of the commission by the broker, to render an accounting to and 5419
pay a real estate salesperson the salesperson's earned share of 5420
it; 5421

(32) Performing any service for another constituting the 5422
practice of law, as determined by any court of law; 5423

(33) Having been adjudicated incompetent by a court, as 5424
provided in section 5122.301 of the Revised Code. A license 5425

revoked or suspended under this division shall be reactivated 5426
upon proof to the commission of the removal of the disability. 5427

(34) Having authorized or permitted a person to act as an 5428
agent in the capacity of a real estate broker, or a real estate 5429
salesperson, who was not then licensed as a real estate broker 5430
or real estate salesperson under this chapter or who was not 5431
then operating as an out-of-state commercial real estate broker 5432
or salesperson under section 4735.022 of the Revised Code; 5433

(35) Having knowingly inserted or participated in 5434
inserting any materially inaccurate term in a document, 5435
including naming a false consideration; 5436

(36) Having failed to inform the licensee's client of the 5437
existence of an offer or counteroffer or having failed to 5438
present an offer or counteroffer in a timely manner, unless 5439
otherwise instructed by the client, provided the instruction of 5440
the client does not conflict with any state or federal law; 5441

(37) Having failed to comply with section 4735.24 of the 5442
Revised Code; 5443

(38) Having acted as a broker without authority, impeded 5444
the ability of a principal broker to perform any of the duties 5445
described in section 4735.081 of the Revised Code, or impeded 5446
the ability a management level licensee to perform the 5447
licensee's duties; 5448

(39) Entering into a right-to-list home sale agreement. 5449

(B) Whenever the commission, pursuant to section 4735.051 5450
of the Revised Code, imposes disciplinary sanctions for any 5451
violation of this section, the commission also may impose such 5452
sanctions upon the broker with whom the salesperson is 5453
affiliated if the commission finds that the broker had knowledge 5454

of the salesperson's actions that violated this section. 5455

(C) The commission shall, pursuant to section 4735.051 of 5456
the Revised Code, impose disciplinary sanctions upon any foreign 5457
real estate dealer or salesperson who, in that capacity or in 5458
handling the dealer's or salesperson's own property, is found 5459
guilty of any of the acts or omissions specified or comprehended 5460
in division (A) of this section insofar as the acts or omissions 5461
pertain to foreign real estate. If the commission imposes such 5462
sanctions upon a foreign real estate salesperson for a violation 5463
of this section, the commission also may suspend or revoke the 5464
license of the foreign real estate dealer with whom the 5465
salesperson is affiliated if the commission finds that the 5466
dealer had knowledge of the salesperson's actions that violated 5467
this section. 5468

(D) The commission may suspend, in whole or in part, the 5469
imposition of the penalty of suspension of a license under this 5470
section. 5471

(E) A person licensed under this chapter who represents a 5472
party to a transaction or a proposed transaction involving the 5473
sale, purchase, exchange, lease, or management of real property 5474
that is or will be used in the cultivation, processing, 5475
dispensing, or testing of medical marijuana or adult-use 5476
marijuana under Chapter 3796. of the Revised Code, or who 5477
receives, holds, or disburses funds from a real estate brokerage 5478
trust account in connection with such a transaction, shall not 5479
be subject to disciplinary sanctions under this chapter solely 5480
because the licensed person engaged in activities permitted 5481
under this chapter and related to activities under Chapter 3796. 5482
of the Revised Code. 5483

Sec. 4796.25. This chapter does not apply to any of the 5484

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

(M) Licenses issued under Chapter 4740. of the Revised 5511
Code; 5512

(N) Licenses issued by a political subdivision to an 5513
individual by which the individual has or claims the privilege 5514
to act as a tradesperson as defined in section 4740.01 of the 5515
Revised Code in the political subdivision's jurisdiction. 5516

Sec. 5119.171. The department of behavioral health shall 5517
establish and administer a statewide program to prevent youth 5518
use of cannabis. The program shall do the following: 5519

(A) Use a harm reduction approach; 5520

(B) Include practices aimed at the prevention or reduction 5521
of substance use, substance abuse, substance dependence, and 5522
substance use disorders; 5523

(C) Use other evidence-based approaches selected by the 5524
department. 5525

Sec. 5502.01. (A) The department of public safety shall 5526
administer and enforce the laws relating to the registration, 5527
licensing, sale, and operation of motor vehicles and the laws 5528
pertaining to the licensing of drivers of motor vehicles. 5529

The department shall compile, analyze, and publish 5530
statistics relative to motor vehicle accidents and the causes of 5531
them, prepare and conduct educational programs for the purpose 5532
of promoting safety in the operation of motor vehicles on the 5533
highways, and conduct research and studies for the purpose of 5534
promoting safety on the highways of this state. 5535

(B) The department shall administer the laws and rules 5536
relative to trauma and emergency medical services specified in 5537
Chapter 4765. of the Revised Code and any laws and rules 5538

relative to medical transportation services specified in Chapter 5539
4766. of the Revised Code. 5540

(C) The department shall administer and enforce the laws 5541
contained in Chapters 4301. and 4303. of the Revised Code and 5542
enforce the rules and orders of the liquor control commission 5543
pertaining to retail liquor permit holders. 5544

(D) The department shall administer the laws governing the 5545
state emergency management agency and shall enforce all 5546
additional duties and responsibilities as prescribed in the 5547
Revised Code related to emergency management services. 5548

(E) The department shall conduct investigations pursuant 5549
to Chapter 5101. of the Revised Code in support of the duty of 5550
the department of job and family services to administer the 5551
supplemental nutrition assistance program throughout this state. 5552
The department of public safety shall conduct investigations 5553
necessary to protect the state's property rights and interests 5554
in the supplemental nutrition assistance program. 5555

(F) The department of public safety shall enforce 5556
compliance with orders and rules of the public utilities 5557
commission and applicable laws in accordance with Chapters 5558
4905., 4921., and 4923. of the Revised Code regarding commercial 5559
motor vehicle transportation safety, economic, and hazardous 5560
materials requirements. 5561

(G) Notwithstanding Chapter 4117. of the Revised Code, the 5562
department of public safety may establish requirements for its 5563
enforcement personnel, including its enforcement agents 5564
described in section 5502.14 of the Revised Code, that include 5565
standards of conduct, work rules and procedures, and criteria 5566
for eligibility as law enforcement personnel. 5567

(H) The department shall administer, maintain, and operate 5568
the Ohio criminal justice network. The Ohio criminal justice 5569
network shall be a computer network that supports state and 5570
local criminal justice activities. The network shall be an 5571
electronic repository for various data, which may include arrest 5572
warrants, notices of persons wanted by law enforcement agencies, 5573
criminal records, prison inmate records, stolen vehicle records, 5574
vehicle operator's licenses, and vehicle registrations and 5575
titles. 5576

(I) The department shall coordinate all homeland security 5577
activities of all state agencies and shall be a liaison between 5578
state agencies and local entities for those activities and 5579
related purposes. 5580

(J) The department shall administer and enforce the laws 5581
relative to private investigators and security service providers 5582
specified in Chapter 4749. of the Revised Code. 5583

(K) The department shall administer criminal justice 5584
services in accordance with sections 5502.61 to 5502.66 of the 5585
Revised Code. 5586

(L) The department shall administer the Ohio school safety 5587
and crisis center and the Ohio mobile training team in 5588
accordance with sections 5502.70 to 5502.703 of the Revised 5589
Code. 5590

(M) The department shall coordinate security measures and 5591
operations, and may direct the department of administrative 5592
services to implement any security measures and operations the 5593
department of public safety requires, at the Vern Riffe Center 5594
and the James A. Rhodes state office tower. 5595

Notwithstanding section 125.28 of the Revised Code, the 5596

director of public safety may recover the costs of directing 5597
security measures and operations under this division by either 5598
issuing intrastate transfer voucher billings to the department 5599
of administrative services, which the department shall process 5600
to pay for the costs, or, upon the request of the director of 5601
administrative services, the director of budget and management 5602
may transfer cash in the requested amount from the building 5603
management fund created under section 125.28 of the Revised 5604
Code. Payments received or cash transfers made under this 5605
division for the costs of directing security measures and 5606
operations shall be deposited into the state treasury to the 5607
credit of the security, investigations, and policing fund 5608
created under section 4501.11 of the Revised Code. 5609

(N) The department shall assist the division of marijuana 5610
control in enforcing Chapter 3796. of the Revised Code, as 5611
provided in that chapter. 5612

(O) The department of public safety shall assist the 5613
department of commerce in enforcing Chapter 3779. of the Revised 5614
Code as provided in that chapter. 5615

Sec. 5502.13. The department of public safety shall 5616
maintain an investigative unit in order to conduct 5617
investigations and other enforcement activity authorized by 5618
Chapters 3796., 4301., 4303., 5101., 5107., and 5108. and 5619
sections 2903.12, 2903.13, 2903.14, 2907.09, 2913.46, 2917.11, 5620
2921.13, 2921.31, 2921.32, 2921.33, 2923.12, 2923.121, 2925.11, 5621
2925.13, 2927.02, 3779.03, and 4507.30 of the Revised Code. The 5622
director of public safety shall appoint the employees of the 5623
unit who are necessary, designate the activities to be performed 5624
by those employees, and prescribe their titles and duties. 5625

Sec. 5502.14. (A) As used in this section, "felony" has 5626

the same meaning as in section 109.511 of the Revised Code. 5627

(B) (1) Any person who is employed by the department of 5628
public safety and designated by the director of public safety to 5629
enforce Title XLIII of the Revised Code, and the rules adopted 5630
under it, Chapter 3779. of the Revised Code and the rules 5631
adopted under that chapter, Chapter 3796. of the Revised Code 5632
and the rules adopted under that chapter, and the laws and rules 5633
regulating the use of supplemental nutrition assistance program 5634
benefits shall be known as an enforcement agent. The employment 5635
by the department of public safety and the designation by the 5636
director of public safety of a person as an enforcement agent 5637
shall be subject to division (D) of this section. An enforcement 5638
agent has the authority vested in peace officers pursuant to 5639
section 2935.03 of the Revised Code to keep the peace, to 5640
enforce all of the following: 5641

(a) All applicable laws and rules on any retail liquor 5642
permit premises, or on any other premises of public or private 5643
property, where a violation of Title XLIII of the Revised Code 5644
or any rule adopted under it is occurring, ~~and to enforce all;~~ 5645

(b) All applicable laws and rules on persons and premises 5646
licensed under Chapter 3796. of the Revised Code and on any 5647
other public or private property where a violation of Chapter 5648
3796. or any rule adopted under that chapter is occurring; 5649

(c) All laws and rules governing the use of supplemental 5650
nutrition assistance program benefits, women, infants, and 5651
children's coupons, electronically transferred benefits, or any 5652
other access device that is used alone or in conjunction with 5653
another access device to obtain payments, allotments, benefits, 5654
money, goods, or other things of value, or that can be used to 5655
initiate a transfer of funds, pursuant to the supplemental 5656

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

(2) In addition to the authority conferred by division (B) 5665
(1) of this section, an enforcement agent also may execute 5666
search warrants and seize and take into custody any contraband, 5667
as defined in section 2901.01 of the Revised Code, or any 5668
property that is otherwise necessary for evidentiary purposes 5669
related to any violations of the laws or rules described in 5670
division (B)(1) of this section. An enforcement agent may enter 5671
public or private premises where activity alleged to violate the 5672
laws or rules described in division (B)(1) of this section is 5673
occurring. 5674

(3) Enforcement agents who are on, immediately adjacent 5675
to, or across from retail liquor permit premises or premises 5676
licensed under Chapter 3796. of the Revised Code and who are 5677
performing investigative duties relating to ~~that~~ those premises, 5678
enforcement agents who are on premises that are not liquor 5679
permit premises or premises licensed under Chapter 3796. of the 5680
Revised Code but on which a violation of Title XLIII or Chapter 5681
3796. of the Revised Code or any rule adopted under ~~it~~ that 5682
title or chapter allegedly is occurring, and enforcement agents 5683
who view a suspected violation of Title XLIII or Chapter 3796. 5684
of the Revised Code, of a rule adopted under ~~it~~ that title or 5685
chapter, or of another law or rule described in division (B)(1) 5686
of this section have the authority to enforce the laws and rules 5687

described in division (B) (1) of this section, authority to 5688
enforce any section in Title XXIX of the Revised Code or any 5689
other section of the Revised Code listed in section 5502.13 of 5690
the Revised Code if they witness a violation of the section 5691
under any of the circumstances described in this division, and 5692
authority to make arrests for violations of the laws and rules 5693
described in division (B) (1) of this section and violations of 5694
any of those sections. 5695

(4) The jurisdiction of an enforcement agent under 5696
division (B) of this section shall be concurrent with that of 5697
the peace officers of the county, township, or municipal 5698
corporation in which the violation occurs. 5699

(C) Enforcement agents of the department of public safety 5700
who are engaged in the enforcement of the laws and rules 5701
described in division (B) (1) of this section may carry concealed 5702
weapons when conducting undercover investigations pursuant to 5703
their authority as law enforcement officers and while acting 5704
within the scope of their authority pursuant to this chapter. 5705

(D) (1) The department of public safety shall not employ, 5706
and the director of public safety shall not designate, a person 5707
as an enforcement agent on a permanent basis, on a temporary 5708
basis, for a probationary term, or on other than a permanent 5709
basis if the person previously has been convicted of or has 5710
pleaded guilty to a felony. 5711

(2) (a) The department of public safety shall terminate the 5712
employment of a person who is designated as an enforcement agent 5713
and who does either of the following: 5714

(i) Pleads guilty to a felony; 5715

(ii) Pleads guilty to a misdemeanor pursuant to a 5716

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

(b) The department shall suspend the employment of a 5721
person who is designated as an enforcement agent if the person 5722
is convicted, after trial, of a felony. If the enforcement agent 5723
files an appeal from that conviction and the conviction is 5724
upheld by the highest court to which the appeal is taken or if 5725
no timely appeal is filed, the department shall terminate the 5726
employment of that agent. If the enforcement agent files an 5727
appeal that results in that agent's acquittal of the felony or 5728
conviction of a misdemeanor, or in the dismissal of the felony 5729
charge against the agent, the department shall reinstate the 5730
agent. An enforcement agent who is reinstated under division (D) 5731
(2) (b) of this section shall not receive any back pay unless the 5732
conviction of that agent of the felony was reversed on appeal, 5733
or the felony charge was dismissed, because the court found 5734
insufficient evidence to convict the agent of the felony. 5735

(3) Division (D) of this section does not apply regarding 5736
an offense that was committed prior to January 1, 1997. 5737

(4) The suspension or termination of the employment of a 5738
person designated as an enforcement agent under division (D) (2) 5739
of this section shall be in accordance with Chapter 119. of the 5740
Revised Code. 5741

Sec. 5703.052. (A) There is hereby created in the state 5742
treasury the tax refund fund, from which refunds shall be paid 5743
for amounts illegally or erroneously assessed or collected, or 5744
for any other reason overpaid, with respect to taxes levied by 5745
Chapter 3779., 3796., 4301., 4305., 5726., 5728., 5729., 5731., 5746

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

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

of the same tax, fee, wireless 9-1-1 charge, next generation 9-1-1 access fee, or other amount from which the refund arose.

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

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

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

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

application is enclosed is not later than the last day for 5808
filing the application; 5809

(B) The application is delivered by the postal service, 5810
the only postmark on the cover in which the application is 5811
enclosed was affixed by a private postal meter, the date of that 5812
postmark is not later than the last day for filing the 5813
application, and the application is received within seven days 5814
of such last day; or 5815

(C) The application is delivered by the postal service, no 5816
postmark date was affixed to the cover in which the application 5817
is enclosed or the date of the postmark so affixed is not 5818
legible, and the application is received within seven days of 5819
the last day for making the application. 5820

Sec. 5703.19. (A) To carry out the purposes of the laws 5821
that the tax commissioner is required to administer, the 5822
commissioner or any person employed by the commissioner for that 5823
purpose, upon demand, may inspect books, accounts, records, and 5824
memoranda of any person or public utility subject to those laws, 5825
and may examine under oath any officer, agent, or employee of 5826
that person or public utility. If such books, accounts, records, 5827
or memoranda are kept electronically or available in an 5828
electronic format, the person or public utility shall provide 5829
such records to the commissioner electronically or in an 5830
electronic format at the commissioner's request. Any person 5831
other than the commissioner who makes a demand pursuant to this 5832
section shall produce the person's authority to make the 5833
inspection. 5834

(B) If a person or public utility receives at least ten 5835
days' written notice of a demand made under division (A) of this 5836
section and refuses to comply with that demand, a penalty of 5837

five hundred dollars shall be imposed upon the person or public 5838
utility for each day the person or public utility refuses to 5839
comply with the demand. Penalties imposed under this division 5840
may be assessed and collected in the same manner as assessments 5841
made under Chapter 3769., 4305., 5727., 5728., 5733., 5735., 5842
5736., 5739., 5743., 5745., 5747., 5749., 5751., or 5753., ~~or~~ 5843
~~sections~~ section 718.90, or 3779.44, or sections 3734.90 to 5844
3734.9014, of the Revised Code. 5845

Sec. 5703.263. (A) (1) "Tax return preparer" means any 5846
person other than an accountant or an attorney that operates a 5847
business that prepares, or directly or indirectly employs 5848
another person to prepare, for a taxpayer a tax return or 5849
application for refund in exchange for compensation or 5850
remuneration from the taxpayer or the taxpayer's related member. 5851
The preparation of a substantial portion of a tax return or 5852
application for refund shall be considered to be the same as the 5853
preparation of the return or application for refund. "Tax return 5854
preparer" does not include an individual who performs only one 5855
or more of the following activities: 5856

(a) Furnishes typing, reproducing, or other mechanical 5857
assistance; 5858

(b) Prepares an application for refund or a return on 5859
behalf of an employer by whom the individual is regularly and 5860
continuously employed, or on behalf of an officer or employee of 5861
that employer; 5862

(c) Prepares as a fiduciary an application for refund or a 5863
return; 5864

(d) Prepares an application for refund or a return for a 5865
taxpayer in response to a notice of deficiency issued to the 5866

taxpayer or the taxpayer's related member, or in response to a 5867
waiver of restriction after the commencement of an audit of the 5868
taxpayer or the taxpayer's related member. 5869

(2) "Related member" has the same meaning as in section 5870
5733.042 of the Revised Code. 5871

(3) "Accountant" means any of the following: 5872

(a) An individual who holds both a CPA certificate and an 5873
Ohio permit or Ohio registration issued by the accountancy board 5874
under section 4701.10 of the Revised Code; 5875

(b) An individual who holds a foreign certificate; 5876

(c) An individual who is employed by a public accounting 5877
firm with respect to any return prepared under the supervision 5878
of an individual described in division (A)(3)(a) or (b) of this 5879
section, regardless of whether the public accounting firm is 5880
required to register with the accountancy board under section 5881
4701.04 of the Revised Code. 5882

(4) "CPA certificate" and "foreign certificate" have the 5883
same meanings as in section 4701.01 of the Revised Code. 5884

(5) "Attorney" means an individual who has been admitted 5885
to the bar by order of the supreme court in compliance with its 5886
prescribed and published rules, is permitted to practice as an 5887
attorney and counselor at law in this state under Chapter 4705. 5888
of the Revised Code, and is not currently suspended or removed 5889
from such practice under that chapter. 5890

(6) A tax return preparer engages in "prohibited conduct" 5891
if the preparer does any of the following: 5892

(a) Prepares any return or application for refund that 5893
includes an understatement of a taxpayer's tax liability due to 5894

an unreasonable position or due to willful or reckless conduct. 5895
For the purposes of this division, "unreasonable position" and 5896
"willful or reckless conduct" have the meanings as used in 5897
section 6694 of the Internal Revenue Code. 5898

(b) When required under any provision of Title LVII of the 5899
Revised Code, the preparer fails to do any of the following: 5900

(i) Provide copies of a return or application for refund; 5901

(ii) Provide the preparer's signature or federal preparer 5902
tax identification number on a return or application for refund; 5903

(iii) Retain copies of the preparer's records; 5904

(iv) Provide any information or documents requested by the 5905
tax commissioner; 5906

(v) Act diligently in determining a taxpayer's eligibility 5907
for tax credits, deductions, or exemptions. 5908

(c) Negotiates a check or other negotiable instrument 5909
issued to a taxpayer by the department of taxation without the 5910
permission of the taxpayer; 5911

(d) Engages in any conduct subject to criminal penalties 5912
under Title LVII of the Revised Code; 5913

(e) Misrepresents the preparer's eligibility to file 5914
returns or applications for refund on behalf of taxpayers, or 5915
otherwise misrepresents the preparer's experience or education; 5916

(f) Guarantees the payment of any tax refund or the 5917
allowance of any tax credit, deduction, or exemption; 5918

(g) Engages in any other fraudulent or deceptive conduct 5919
that substantially interferes with the proper administration of 5920
any provision of Title LVII of the Revised Code. 5921

(7) "State" means a state of the United States, the 5922
District of Columbia, the commonwealth of Puerto Rico, or any 5923
territory or possession of the United States. 5924

(B) When a tax return preparer engages in prohibited 5925
conduct, the commissioner, may do either or both of the 5926
following: 5927

(1) If the commissioner has previously warned the tax 5928
return preparer in writing of the consequences of continuing to 5929
engage in prohibited conduct, impose a penalty not exceeding one 5930
hundred dollars per instance of prohibited conduct; 5931

(2) Regardless of whether the commissioner has previously 5932
warned the tax return preparer, request that the attorney 5933
general apply to a court of competent jurisdiction for an 5934
injunction to restrain the preparer from further engaging in the 5935
prohibited conduct. The court may take either of the following 5936
actions: 5937

(a) If the court finds that injunctive relief is 5938
appropriate to prevent the recurrence of the prohibited conduct, 5939
the court shall issue an injunction against the preparer 5940
enjoining the preparer from engaging in such conduct. 5941

(b) If the court finds that the preparer has continually 5942
or repeatedly engaged in prohibited conduct, and that enjoining 5943
the preparer solely from engaging in such conduct would not be 5944
sufficient to prevent the preparer's interference with the 5945
proper administration of any provision of Title LVII of the 5946
Revised Code, the court may issue an injunction against the 5947
preparer enjoining the preparer from acting as a tax return 5948
preparer in this state. 5949

If a tax return preparer has been enjoined from preparing 5950

tax returns or applications for refunds by a federal court or by 5951
another state court in the five years preceding the date on 5952
which an injunction is requested under this section, that prior 5953
injunction shall be sufficient to establish a prima facie case 5954
for the issuance of an injunction under division (B) (2) of this 5955
section. 5956

(C) The commissioner may require a tax return preparer to 5957
include the preparer's name and federal preparer tax 5958
identification number when filing any return or application for 5959
refund. If a tax return preparer fails to include this 5960
information when required to do so by the commissioner, or if 5961
the information provided is false, inaccurate, or incomplete, 5962
the commissioner may impose a penalty of fifty dollars for each 5963
such failure, provided that the maximum penalty imposed on a 5964
preparer under this division in a calendar year shall not exceed 5965
twenty-five thousand dollars. 5966

(D) The penalties imposed under divisions (B) (1) and (C) 5967
of this section may be assessed and collected in the same manner 5968
as assessments made under Chapter 3769., 4305., 5727., 5728., 5969
5733., 5735., 5736., 5739., 5743., 5745., 5747., 5749., 5751., 5970
or 5753., section 718.90 or 3779.44, or sections 3734.90 to 5971
3734.9014 of the Revised Code. The commissioner may abate all or 5972
a portion of any penalty imposed under this section upon the 5973
showing of good cause by the tax return preparer. 5974

Sec. 5703.50. As used in sections 5703.50 to 5703.53 of 5975
the Revised Code: 5976

(A) "Tax" includes only those taxes imposed on tangible 5977
personal property listed in accordance with Chapter 5711. of the 5978
Revised Code, taxes imposed under Chapters 3779., 5733., 5736., 5979
5739., 5741., 5747., and 5751. of the Revised Code, and the tax 5980

administered under sections 718.80 to 718.95 of the Revised Code. 5981
5982

(B) "Taxpayer" means a person subject to or potentially 5983
subject to a tax including an employer required to deduct and 5984
withhold any amount under section 5747.06 of the Revised Code. 5985

(C) "Audit" means the examination of a taxpayer or the 5986
inspection of the books, records, memoranda, or accounts of a 5987
taxpayer for the purpose of determining liability for a tax. 5988

(D) "Assessment" means a notice of underpayment or 5989
nonpayment of a tax issued pursuant to section 718.90, 3779.44, 5990
5711.26, 5711.32, 5733.11, 5736.09, 5739.13, 5741.11, 5741.13, 5991
5747.13, or 5751.09 of the Revised Code. 5992

(E) "County auditor" means the auditor of the county in 5993
which the tangible personal property subject to a tax is 5994
located. 5995

Sec. 5703.70. (A) On the filing of an application for 5996
refund under section 718.91, 3734.905, 3779.43, 4307.05, 5997
4307.07, 5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5998
5735.13, 5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 5999
5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 5751.08, 6000
or 5753.06 of the Revised Code, or an application for 6001
compensation under section 5739.061 of the Revised Code, if the 6002
tax commissioner determines that the amount of the refund or 6003
compensation to which the applicant is entitled is less than the 6004
amount claimed in the application, the commissioner shall give 6005
the applicant written notice electronically or by ordinary mail 6006
of the amount. If sent by ordinary mail, the notice shall be 6007
sent to the address shown on the application unless the 6008
applicant notifies the commissioner of a different address. If 6009

sent electronically, the notice shall be sent to the person or 6010
the person's authorized representative through secure electronic 6011
means associated with the person's or representative's last 6012
known electronic mail address, but only with the person's 6013
consent. The applicant shall have sixty days from the date the 6014
commissioner electronically sends or mails the notice to provide 6015
additional information to the commissioner or request a hearing, 6016
or both. 6017

(B) If the applicant neither requests a hearing nor 6018
provides additional information to the tax commissioner within 6019
the time prescribed by division (A) of this section, the 6020
commissioner shall take no further action, and the refund or 6021
compensation amount denied becomes final. 6022

(C) (1) If the applicant requests a hearing within the time 6023
prescribed by division (A) of this section, the tax commissioner 6024
shall assign a time and place for the hearing and notify the 6025
applicant of such time and place, but the commissioner may 6026
continue the hearing from time to time, as necessary. After the 6027
hearing, the commissioner may make such adjustments to the 6028
refund or compensation as the commissioner finds proper, and 6029
shall issue a final determination thereon. 6030

(2) If the applicant does not request a hearing, but 6031
provides additional information, within the time prescribed by 6032
division (A) of this section, the commissioner shall review the 6033
information, make such adjustments to the refund or compensation 6034
as the commissioner finds proper, and issue a final 6035
determination thereon. The commissioner may review such 6036
information and make such adjustments as many times as the 6037
commissioner finds proper before the issuance of a final 6038
determination. 6039

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

The commissioner shall assign a time and place for the 6048
hearing and notify the applicant of such time and place, but the 6049
commissioner may continue the hearing from time to time, as 6050
necessary. After the hearing, the commissioner may make any 6051
additional adjustments to the refund or compensation as the 6052
commissioner finds proper and shall issue a final determination 6053
thereon. 6054

(4) The commissioner shall serve a copy of the final 6055
determination made under division (C)(1), (2), or (3) of this 6056
section on the applicant in the manner provided in section 6057
5703.37 of the Revised Code, and the decision is final, subject 6058
to appeal under section 5717.02 of the Revised Code. 6059

(D) The tax commissioner shall certify to the director of 6060
budget and management and treasurer of state for payment from 6061
the tax refund fund created by section 5703.052 of the Revised 6062
Code, the amount of the refund to be refunded under division (B) 6063
or (C) of this section. The commissioner also shall certify to 6064
the director and treasurer of state for payment from the general 6065
revenue fund the amount of compensation to be paid under 6066
division (B) or (C) of this section. 6067

Sec. 5703.77. (A) As used in this section: 6068

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

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

(3) "Credit account balance" means the amount that a
taxpayer remits to the state in excess of the amount required to
be remitted, after accounting for factors applicable to the
taxpayer such as accelerated payments, estimated payments, tax
credits, and tax credit balances that may be carried forward.

(4) "Tax debt" means an unpaid tax or fee or any unpaid
penalty, interest, or additional charge on such a tax or fee due
the state.

(B) As soon as practicable, but not later than sixty days
before the expiration of the period of time during which a
taxpayer may file a refund application for a tax or fee, the tax
commissioner shall review the taxpayer's accounts for the tax or
fee and notify the taxpayer of any credit account balance for
which the commissioner is required to issue a refund if the
taxpayer were to file a refund application for that balance,
regardless of whether the taxpayer files a refund application or
amended return with respect to that tax or fee. The notice shall
be made using contact information for the taxpayer on file with
the commissioner.

(C) Notwithstanding sections 128.47, 718.91, 3734.905, 3779.43, 4307.05, 5726.30, 5727.28, 5727.42, 5727.91, 5728.061, 5735.122, 5736.08, 5739.07, 5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 5751.08, 5753.06, and any other section of the

Revised Code governing refunds, the commissioner may apply the
amount of any credit account balance for which the commissioner
is required to issue a refund if the taxpayer were to file a
refund application for that balance as a credit against the
taxpayer's liability for the tax or fee in the taxpayer's next
reporting period for that tax or fee or issue a refund of that
credit account balance to the taxpayer, subject to division (D)
of this section.

(D) Before issuing a refund to a taxpayer under division
(C) of this section, the tax commissioner shall withhold from
that refund the amount of any of the taxpayer's tax debt
certified to the attorney general under section 131.02 of the
Revised Code and the amount of the taxpayer's liability, if any,
for a tax debt. The commissioner shall apply any amount withheld
first in satisfaction of the amount of the taxpayer's certified
tax debt and then in satisfaction of the taxpayer's liability.
If the credit account balance originates from the tax
administered under sections 718.80 to 718.95 of the Revised
Code, it may be applied only against the taxpayer's certified
tax debt or tax liability due under those sections.

(E) The tax commissioner may adopt rules to administer
this section.

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

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

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

year, one or more of the following apply: 6127

(a) The tracts, lots, or parcels of land were devoted 6128
exclusively to commercial animal or poultry husbandry, 6129
aquaculture, algaculture meaning the farming of algae, 6130
apiculture, the cultivation of hemp by a person issued a hemp 6131
cultivation license under section 928.02 of the Revised Code, 6132
the production for a commercial purpose of timber, field crops, 6133
tobacco, fruits, vegetables, nursery stock, ornamental trees, 6134
sod, or flowers, or the growth of timber for a noncommercial 6135
purpose, if the land on which the timber is grown is contiguous 6136
to or part of a parcel of land under common ownership that is 6137
otherwise devoted exclusively to agricultural use. 6138

(b) The tracts, lots, or parcels of land were devoted 6139
exclusively to biodiesel production, biomass energy production, 6140
electric or heat energy production, or biologically derived 6141
methane gas production if the land on which the production 6142
facility is located is contiguous to or part of a parcel of land 6143
under common ownership or leasehold that is otherwise devoted 6144
exclusively to agricultural use, provided that (i) at least 6145
fifty per cent of the feedstock used in the production is 6146
agricultural feedstock, (ii) at least twenty per cent of the 6147
agricultural feedstock used in the production is derived from 6148
parcels of land under common ownership or leasehold, and (iii) 6149
none of the feedstock used in the production consists of human 6150
waste. As used in this division, "agricultural feedstock" means 6151
manure and food waste, and "human waste" includes sludge as 6152
defined in section 6111.01 of the Revised Code. 6153

(c) The tracts, lots, or parcels of land are eligible 6154
conservation land. 6155

(2) Tracts, lots, or parcels of land totaling less than 6156

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

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

(4) Tracts, lots, or parcels of land, or portions thereof 6183
that, during the previous three consecutive calendar years have 6184
been designated as land devoted exclusively to agricultural use, 6185
but such land has been lying idle or fallow because of dredged 6186
material being stored or deposited on such land pursuant to a 6187

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

"Land devoted exclusively to agricultural use" includes 6197
tracts, lots, or parcels of land or portions thereof that are 6198
used for conservation practices, provided that the tracts, lots, 6199
or parcels of land or portions thereof comprise twenty-five per 6200
cent or less of the total of the tracts, lots, or parcels of 6201
land that satisfy the criteria established in division (A) (1), 6202
(2), (3), or (4) of this section together with the tracts, lots, 6203
or parcels of land or portions thereof that are used for 6204
conservation practices. 6205

Notwithstanding any other provision of law to the 6206
contrary, the existence of agritourism on a tract, lot, or 6207
parcel of land that otherwise meets the definition of "land 6208
devoted exclusively to agricultural use" as defined in this 6209
division does not disqualify that tract, lot, or parcel from 6210
valuation under sections 5713.30 to 5713.37 and 5715.01 of the 6211
Revised Code. 6212

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

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

section 3796.01 of the Revised Code, is cultivated or processed 6218
is not land devoted exclusively to agricultural use. 6219

(B) "Conversion of land devoted exclusively to 6220
agricultural use" means any of the following: 6221

(1) The failure of the owner of land devoted exclusively 6222
to agricultural use during the next preceding calendar year to 6223
file a renewal application under section 5713.31 of the Revised 6224
Code without good cause as determined by the board of revision; 6225

(2) The failure of the new owner of such land to file an 6226
initial application under that section without good cause as 6227
determined by the board of revision; 6228

(3) The failure of such land or portion thereof to qualify 6229
as land devoted exclusively to agricultural use for the current 6230
calendar year as requested by an application filed under such 6231
section; 6232

(4) The failure of the owner of the land described in 6233
division (A) (3) or (4) of this section to act on such land in a 6234
manner that is consistent with the return of the land to 6235
agricultural production after three years. 6236

The construction or installation of an energy facility, as 6237
defined in section 5727.01 of the Revised Code, on a portion of 6238
a tract, lot, or parcel of land devoted exclusively to 6239
agricultural use shall not cause the remaining portion of the 6240
tract, lot, or parcel to be regarded as a conversion of land 6241
devoted exclusively to agricultural use if the remaining portion 6242
of the tract, lot, or parcel continues to be devoted exclusively 6243
to agricultural use. 6244

(C) "Tax savings" means the difference between the dollar 6245
amount of real property taxes levied in any year on land valued 6246

and assessed in accordance with its current agricultural use 6247
value and the dollar amount of real property taxes that would 6248
have been levied upon such land if it had been valued and 6249
assessed for such year in accordance with Section 2 of Article 6250
XII, Ohio Constitution. 6251

(D) "Owner" includes, but is not limited to, any person 6252
owning a fee simple, fee tail, or life estate or a buyer on a 6253
land installment contract. 6254

(E) "Conservation practices" are practices used to abate 6255
soil erosion as required in the management of the farming 6256
operation, and include, but are not limited to, the 6257
installation, construction, development, planting, or use of 6258
grass waterways, terraces, diversions, filter strips, field 6259
borders, windbreaks, riparian buffers, wetlands, ponds, and 6260
cover crops for that purpose. 6261

(F) "Wetlands" has the same meaning as in section 6111.02 6262
of the Revised Code. 6263

(G) "Biodiesel" means a mono-alkyl ester combustible 6264
liquid fuel that is derived from vegetable oils or animal fats 6265
or any combination of those reagents and that meets the American 6266
society for testing and materials specification D6751-03a for 6267
biodiesel fuel (B100) blend stock distillate fuels. 6268

(H) "Biologically derived methane gas" means gas from the 6269
anaerobic digestion of organic materials, including animal waste 6270
and agricultural crops and residues. 6271

(I) "Biomass energy" means energy that is produced from 6272
organic material derived from plants or animals and available on 6273
a renewable basis, including, but not limited to, agricultural 6274
crops, tree crops, crop by-products, and residues. 6275

(J) "Electric or heat energy" means electric or heat 6276
energy generated from manure, cornstalks, soybean waste, or 6277
other agricultural feedstocks. 6278

(K) "Dredged material" means material that is excavated or 6279
dredged from waters of this state. "Dredged material" does not 6280
include material resulting from normal farming, silviculture, 6281
and ranching activities, such as plowing, cultivating, seeding, 6282
and harvesting, for production of food, fiber, and forest 6283
products. 6284

(L) "Agritourism" has the same meaning as in section 6285
901.80 of the Revised Code. 6286

(M) "Eligible conservation land" means either of the 6287
following: 6288

(1) A tract, lot, or parcel devoted to and qualified for 6289
payments or other compensation under a land retirement or 6290
conservation program under an agreement with an agency of the 6291
federal government; 6292

(2) A tract, lot, or parcel that meets at least one of the 6293
conditions described in divisions (M) (2) (a) to (c) of this 6294
section and the condition described in division (M) (2) (d) of 6295
this section. 6296

(a) The land is subject to an agricultural water project 6297
or nature water project that receives funding from the H2Ohio 6298
fund created in section 126.60 of the Revised Code. 6299

(b) The land was subject to such a project during the 6300
immediately preceding calendar year. 6301

(c) The land is or was subject to such a project for the 6302
current or one of the two immediately preceding tax years and, 6303

for the current tax year, is subject to either a conservation 6304
easement held by the state or an agency of the state or a 6305
conservation easement held by any other person if such easement 6306
is a condition of a nature water project that is funded through 6307
the H2Ohio fund. 6308

(d) For the tax year that includes or immediately precedes 6309
the year in which the land became subject to the project 6310
described in division (M) (2) (a), (b), or (c) of this section, as 6311
applicable, the land qualified as land devoted exclusively to 6312
agricultural use pursuant to other criteria in divisions (A) (1) 6313
to (4) of this section. 6314

As used in division (M) (2) of this section, "conservation 6315
easement" has the same meaning as in section 5301.67 of the 6316
Revised Code. 6317

Sec. 5743.45. (A) As used in this section, "felony" has 6318
the same meaning as in section 109.511 of the Revised Code. 6319

(B) For purposes of enforcing this chapter and Chapters 6320
3779., 5728., 5735., 5739., 5741., and 5747. of the Revised Code 6321
and subject to division (C) of this section, the tax 6322
commissioner, by journal entry, may delegate any investigation 6323
powers of the commissioner to an employee of the department of 6324
taxation who has been certified by the Ohio peace officer 6325
training commission and who is engaged in the enforcement of 6326
those chapters. A separate journal entry shall be entered for 6327
each employee to whom that power is delegated. Each journal 6328
entry shall be a matter of public record and shall be maintained 6329
in an administrative portion of the journal as provided for in 6330
division (L) of section 5703.05 of the Revised Code. When that 6331
journal entry is completed, the employee to whom it pertains, 6332
while engaged within the scope of the employee's duties in 6333

enforcing the provisions of this chapter or Chapter 3779., 6334
5728., 5735., 5739., 5741., or 5747. of the Revised Code, has 6335
the power of a police officer to carry concealed weapons, make 6336
arrests, and obtain warrants for violations of any provision in 6337
those chapters. The commissioner, at any time, may suspend or 6338
revoke the commissioner's delegation by journal entry. No 6339
employee of the department shall divulge any information 6340
acquired as a result of an investigation pursuant to this 6341
chapter or Chapter 3779., 5728., 5735., 5739., 5741., or 5747. 6342
of the Revised Code, except as may be required by the 6343
commissioner or a court. 6344

(C) (1) The tax commissioner shall not delegate any 6345
investigation powers to an employee of the department of 6346
taxation pursuant to division (B) of this section on a permanent 6347
basis, on a temporary basis, for a probationary term, or on 6348
other than a permanent basis if the employee previously has been 6349
convicted of or has pleaded guilty to a felony. 6350

(2) (a) The tax commissioner shall revoke the delegation of 6351
investigation powers to an employee to whom the delegation was 6352
made pursuant to division (B) of this section if that employee 6353
does either of the following: 6354

(i) Pleads guilty to a felony; 6355

(ii) Pleads guilty to a misdemeanor pursuant to a 6356
negotiated plea agreement as provided in division (D) of section 6357
2929.43 of the Revised Code in which the employee agrees to 6358
surrender the certificate awarded to that employee under section 6359
109.77 of the Revised Code. 6360

(b) The tax commissioner shall suspend the delegation of 6361
investigation powers to an employee to whom the delegation was 6362

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

(3) Division (C) of this section does not apply regarding 6384
an offense that was committed prior to January 1, 1997. 6385

(4) The suspension or revocation of the delegation of 6386
investigation powers to an employee under division (C)(2) of 6387
this section shall be in accordance with Chapter 119. of the 6388
Revised Code. 6389

Section 2. That existing sections 9.79, 109.572, 131.02, 6390
519.21, 715.013, 928.01, 928.03, 3376.07, 3780.37, 3796.01, 6391
3796.02, 3796.03, 3796.05, 3796.06, 3796.07, 3796.09, 3796.10, 6392

3796.12, 3796.13, 3796.14, 3796.15, 3796.17, 3796.18, 3796.19, 6393
3796.20, 3796.21, 3796.22, 3796.23, 3796.24, 3796.27, 3796.28, 6394
3796.29, 3796.30, 3796.31, 4506.01, 4735.18, 4796.25, 5502.01, 6395
5502.13, 5502.14, 5703.052, 5703.053, 5703.19, 5703.263, 6396
5703.50, 5703.70, 5703.77, 5713.30, and 5743.45 of the Revised 6397
Code are hereby repealed. 6398

Section 3. That sections 3780.01, 3780.02, 3780.03, 6399
3780.04, 3780.05, 3780.06, 3780.07, 3780.08, 3780.09, 3780.10, 6400
3780.11, 3780.12, 3780.13, 3780.14, 3780.15, 3780.16, 3780.17, 6401
3780.20, 3780.21, 3780.22, 3780.24, 3780.25, 3780.26, 3780.27, 6402
3780.28, 3780.29, 3780.30, 3780.31, 3780.32, 3780.33, 3780.34, 6403
3780.35, 3780.36, 3780.90, 3780.99, and 3796.021 of the Revised 6404
Code are hereby repealed. 6405

Section 4. The tax levied under division (B) of section 6406
3779.40 of the Revised Code applies to intoxicating hemp 6407
receipts received on and after July 1, 2026. The tax levied 6408
under division (C) of section 3779.40 of the Revised Code 6409
applies to sales of drinkable cannabinoid products occurring on 6410
and after July 1, 2026. 6411

Section 5. (A) All rules adopted by the Division of 6412
Cannabis Control or the Tax Commissioner pursuant to Chapter 6413
3780. of the Revised Code, as that chapter existed immediately 6414
before the effective date of this section, and that are not in 6415
conflict with the requirements of this act, continue in effect 6416
until repealed or amended by the Division of Marijuana Control 6417
or the Tax Commissioner, respectively. At the request of the 6418
Division of Cannabis Control or the Tax Commissioner, the 6419
Director of the Legislative Service Commission shall renumber 6420
rules adopted under Chapter 3780. of the Revised Code to reflect 6421
the transfer of authority to Chapter 3796. of the Revised Code, 6422

as amended by this act. 6423

(B) Any rules that are pending before the Common Sense 6424
Initiative or the Joint Committee on Agency Rule Review on the 6425
effective date of this section that were proposed by the 6426
Division of Cannabis Control under Chapter 3780. of the Revised 6427
Code, as that chapter existed immediately before the effective 6428
date of this section, shall be treated as having been proposed 6429
by the Division of Marijuana Control under Chapter 3796. of the 6430
Revised Code. 6431

(C) Notwithstanding any provision of section 121.95 of the 6432
Revised Code to the contrary, a regulatory restriction contained 6433
in a rule adopted by the Division of Marijuana Control in 6434
accordance with Chapter 3796. of the Revised Code, as amended by 6435
this act, during the period beginning on the effective date of 6436
this section and ending twelve months after that date is not 6437
subject to sections 121.95 to 121.953 of the Revised Code. 6438

Section 6. If any provision of a section of this act or 6439
the application thereof to any person or circumstance is held 6440
invalid, the invalidity does not affect other provisions or 6441
applications of the section or related sections that can be 6442
given effect without the invalid provision or application, and 6443
to this end the provisions are severable. 6444

Section 7. Section 519.21 of the Revised Code is presented 6445
in this act as a composite of the section as amended by both 6446
H.B. 523 and S.B. 75 of the 131st General Assembly. The General 6447
Assembly, applying the principle stated in division (B) of 6448
section 1.52 of the Revised Code that amendments are to be 6449
harmonized if reasonably capable of simultaneous operation, 6450
finds that the composite is the resulting version of the section 6451
in effect prior to the effective date of the section as 6452

presented in this act. 6453

Section 8. All items in this act are hereby appropriated 6454
as designated out of any moneys in the state treasury to the 6455
credit of the designated fund. For all operating appropriations 6456
made in this act, those in the first column are for fiscal year 6457
2026 and those in the second column are for fiscal year 2027. 6458
The operating appropriations made in this act are in addition to 6459
any other operating appropriations made for these fiscal years. 6460

Section 9. 6461
6462

	1	2	3	4	5
A	RDF STATE REVENUE DISTRIBUTIONS				
B	Revenue Distribution Fund Group				
C	7106	110659	Host Community Cannabis Payments	\$47,500,000	\$49,000,000
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 6463

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

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

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