As Passed by the House

136th General Assembly

Regular Session 2025-2026

Sub. S. B. No. 56

Senator Huffman

Cosponsors: Senators Brenner, Cirino, Reineke, Reynolds, Schaffer, Wilson Representatives Stewart, Willis, Brennan, Brewer, Brownlee, Callender, Fowler Arthur, Humphrey, John, Newman, Odioso, Plummer, Sigrist, Synenberg, Williams, Young

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

3796.40,	3796.99,	and 5119.	171; and	to repeal	23
sections	3780.01,	3780.02,	3780.03,	3780.04,	24
3780.05,	3780.06,	3780.07,	3780.08,	3780.09,	25
3780.10,	3780.11,	3780.12,	3780.13,	3780.14,	26
3780.15,	3780.16,	3780.17,	3780.20,	3780.21,	27
3780.22,	3780.24,	3780.25,	3780.26,	3780.27,	28
3780.28,	3780.29,	3780.30,	3780.31,	3780.32,	29
3780.33,	3780.34,	3780.35,	3780.36,	3780.90,	30
3780.99,	and 3796.	021 of th	ne Revised	d Code to	31
revise sp	pecified p	provisions	of the l	iquor	32
control,	hemp, and	d adult-us	se marijua	ana laws, to	33
levy taxe	es on cert	ain hemp	products,	and to make	34
an approp	oriation.				35

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

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Section 1. That sections 9.79, 109.572, 131.02, 519.21,
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715.013, 928.01, 928.03, 3376.07, 3796.01, 3796.02, 3796.03,
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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,
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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,
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5703.052, 5703.053, 5703.19, 5703.263, 5703.50, 5703.70,
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5703.77, 5713.30, and 5743.45 be amended; section 3780.37
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(3796.34) be amended for the purpose of adopting a new section
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number as indicated in parentheses; and sections 928.08,
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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,
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else's benefit, while subordinating one's personal interest to

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that of the other person.

- (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 quilt, or plea of quilty 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 established under division (B)(1) of this section an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any section or offense included in the list adopted under division (B)(1) of this section.
- (C)(1) Except as provided in division (C)(2) or (D) of this section and subject to division (L) of this section, a licensing authority shall not refuse to issue an initial license to an individual based on any of the following:
 - (a) Solely or in part on a conviction of, judicial finding

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.

(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

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

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(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
200000 0002 0.00200 02 0012000 0000,	
(4) Certifications of a provider to provide community-	263
based long-term care services under section 173.391 of the	264
Revised Code;	265
	0.66
(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
	2 -
(9) Certificates to administer medications and perform	274
health-related activities under section 5123.45 of the Revised	275
Code;	276

(10) Licenses issued by the division of marijuana control	277
under Chapter 3796. of the Revised Code.	278
(J) Nothing in divisions (B) to (K) of this section	279
prohibits a licensing authority from considering either of the	280
following when making a determination whether to issue a license	281
to an individual:	282
(1) Past disciplinary action taken by the licensing	283
authority against the individual;	284
(2) Past disciplinary action taken against the individual	285
by an authority in another state that issues a license that is	286
substantially similar to the license for which the individual	287
applies.	288
(K) Notwithstanding any provision of the Revised Code to	289
the contrary, if a licensing authority issues a license to an	290
individual after considering a conviction of, judicial finding	291
of guilt of, or plea of guilty to an offense under division (D)	292
of this section, the licensing authority shall not refuse to	293
renew the individual's license based on that conviction,	294
judicial finding of guilt, or plea of guilty.	295
(L)(1) Notwithstanding any provision of the Revised Code	296
to the contrary, subject to division (G) of this section, during	297
the period commencing on the effective date of this amendment-	298
April 4, 2023, and ending on the date that is two years after	299
the effective date of this amendment April 4, 2025, no licensing	300
authority shall refuse to issue a license to a person, limit or	301
otherwise place restrictions on a person's license, or suspend	302
or revoke a person's license under any provision of the Revised	303
Code that takes effect on or after the effective date of this	304
amendment and prior to the date that is two years after the	305

effective date of this amendment and that requires or authorizes	306
such a refusal, limitation, restriction, suspension, or	307
revocation as a result of the person's conviction of, judicial	308
finding of guilt of, or plea of guilty to an offense.	309
(2) Divisions (B) to (F), and (H) to (K), of this section	310
(2) DIVISIONS (B) to (r), and (n) to (k), or this section	310
do not apply with respect to any provision of the Revised Code	311

do not apply with respect to any provision of the Revised Code that takes effect on or after the effective date of this amendment and prior to the date that is two years after the effective date of this amendment and that requires or authorizes a licensing authority to refuse to issue a license to a person, to limit or otherwise place restrictions on a person's license, or to suspend or revoke a person's license as a result of the person's conviction of, judicial finding of guilt of, or plea of

guilty to an offense. 319

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

(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

division (A)(1)(a) of this section;

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

- (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.
- (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

section 2907.12 of the Revised Code;

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

(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,

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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

described in division (A)(5)(a) of this section.

substantially equivalent to any of the offenses or violations

(6) Upon receipt of a request pursuant to section 5153.111

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

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(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

of or pleaded guilty to any criminal offense in this state, any

other state, or the United States.

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- (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 598 599 who is the subject of the request has been convicted of or pleaded quilty 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 quilty 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 $\frac{(B)(2)(b)}{(B)}$ of section 3796.03 of	674
the Revised Code if the person who is the subject of the request	675
is an administrator or other person responsible for the daily	676
operation of, or an owner or prospective owner, officer or	677
prospective officer, or board member or prospective board member	678
of, an entity seeking a license from the department of commerce	679
under Chapter 3796. of the Revised Code.	680

(14) On receipt of a request required by section 3796.13 681 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 688 689 indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to a 690 disqualifying offense as specified in rules adopted under 691 section 9.79 and division $\frac{(B)(14)(a)}{(B)}$ (B) of section 3796.03 of 692 the Revised Code if the person who is the subject of the request 693 is seeking employment with an entity licensed by the department 694 of commerce under Chapter 3796. of the Revised Code. 695

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

records check in the manner described in division (B) of this 702 section to determine whether any information exists indicating 703 that the person who is the subject of the request has been 704 convicted of or pleaded guilty to any criminal offense in this 705 state or in any other state.

- (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 711 712 superintendent of the bureau of criminal identification and 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 722 723 division (C)(2) of this section, the superintendent of the 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

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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

(18) Upon receipt of a request pursuant to division (F) of

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
<pre>commerce under section 3779.03 of the Revised Code.</pre>	792

(B) Subject to division (F) of this section, the

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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.

- (2) The superintendent shall prescribe standard impression 855 sheets to obtain the fingerprint impressions of any person for 856 whom a criminal records check is to be conducted under this 857 section. Any person for whom a records check is to be conducted 858 under this section shall obtain the fingerprint impressions at a 859 county sheriff's office, municipal police department, or any 860 other entity with the ability to make fingerprint impressions on 861 the standard impression sheets prescribed by the superintendent. 862 863 The office, department, or entity may charge the person a reasonable fee for making the impressions. The standard 864 impression sheets the superintendent prescribes pursuant to this 865 division may be in a tangible format, in an electronic format, 866 or in both tangible and electronic formats. 867
- (3) Subject to division (D) of this section, the 868 superintendent shall prescribe and charge a reasonable fee for 869 providing a criminal records check under this section. The 870 person requesting the criminal records check shall pay the fee 871 prescribed pursuant to this division. In the case of a request 872 under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 873 1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 874 fee shall be paid in the manner specified in that section. 875
- (4) The superintendent of the bureau of criminal 876 identification and investigation may prescribe methods of 877 forwarding fingerprint impressions and information necessary to 878 conduct a criminal records check, which methods shall include, 879 but not be limited to, an electronic method. 880
- (D) The results of a criminal records check conducted

 under this section, other than a criminal records check

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

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person who is the subject of the criminal records check for a 884 period of one year from the date upon which the superintendent 885 completes the criminal records check. If during that period the 886 superintendent receives another request for a criminal records 887 check to be conducted under this section for that person, the 888 superintendent shall provide the results from the previous 889 criminal records check of the person at a lower fee than the fee 890 prescribed for the initial criminal records check. 891

- (E) When the superintendent receives a request for 892 information from a registered private provider, the 893 superintendent shall proceed as if the request was received from 894 a school district board of education under section 3319.39 of 895 the Revised Code. The superintendent shall apply division (A)(1) 896 (c) of this section to any such request for an applicant who is 897 a teacher.
- (F)(1) Subject to division (F)(2) of this section, all 899 information regarding the results of a criminal records check 900 conducted under this section that the superintendent reports or 901 sends under division (A)(7) or (9) of this section to the 902 director of public safety, the treasurer of state, or the 903 person, board, or entity that made the request for the criminal 904 905 records check shall relate to the conviction of the subject person, or the subject person's plea of guilty to, a criminal 906 offense. 907
- (2) Division (F)(1) of this section does not limit,

 restrict, or preclude the superintendent's release of

 information that relates to the arrest of a person who is

 eighteen years of age or older, to an adjudication of a child as

 a delinquent child, or to a criminal conviction of a person

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 under eighteen years of age in circumstances in which a release

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

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

(4) In the case of a fine or penalty for which a law or	973
administrative rule does not prescribe a time for payment, when	974
the fine or penalty is first assessed.	975
(5) If the payment arises from a legal finding, judgment,	976
or adjudication order, when the finding, judgment, or order is	977
rendered or issued.	978
(6) If the payment arises from an overpayment of money by	979
the state to another person, when the overpayment is discovered.	980
(7) The date on which the amount for which an individual	981
is personally liable under section 5735.35, section 5739.33, or	982
division (G) of section 5747.07 of the Revised Code is	983
determined.	984
(8) Upon proof of claim being filed in a bankruptcy case.	985
(9) Any other appropriate time determined by the attorney	986
general and the officer, employee, or agent responsible for	987
administering the law under which the amount is payable on the	988
basis of statutory requirements or ordinary business processes	989
of the agency, institution, or political subdivision to which	990
the payment is owed.	991
(B)(1) The attorney general shall give immediate notice by	992
mail or otherwise to the party indebted of the nature and amount	993
of the indebtedness.	994
(2) If the amount payable to this state arises from a tax	995
levied under Chapter <u>3779., 3796.,</u> 5733., 5739., 5741., 5747.,	996
or 5751. of the Revised Code, the notice also shall specify all	997
of the following:	998
(a) The assessment or case number;	999
(b) The tax pursuant to which the assessment is made;	1000

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

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

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

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

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

 conveyed, or transferred to a private entity pursuant to this

 section is confidential pursuant to federal law or a section of

 the Revised Code that implements a federal law governing

 confidentiality, such information remains subject to that law

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 during and following the sale, conveyance, or transfer.

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

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

 Revised Code confer no power on any township zoning commission,

 board of township trustees, or board of zoning appeals to

 prohibit the use of any land for agricultural purposes or the

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

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

 for agricultural purposes on lots greater than one acre but not

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

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

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

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land on which the production facility is located qualifies as	1147
land devoted exclusively to agricultural use under sections	1148
5713.30 to 5713.37 of the Revised Code for real property tax	1149
purposes and if the facility that produces the biologically	1150
derived methane gas does not produce more than seventeen million	1151
sixty thousand seven hundred ten British thermal units, five	1152
megawatts, or both.	1153
(4) Agritourism. However, a board of township trustees, as	1154
provided in section 519.02 of the Revised Code, may regulate	1155
such factors pertaining to agritourism, except farm markets as	1156
described in division (C)(1) of this section, as size of a	1157
structure used primarily for agritourism, size of parking areas	1158
that may be required, setback building lines for structures used	1159
primarily for agritourism, and egress or ingress where such	1160
regulation is necessary to protect public health and safety.	1161
Nothing in division (C)(4) of this section confers power	1162
on a township zoning commission, board of township trustees, or	1163
board of zoning appeals to require any parking area to be	1164
improved in any manner, including requirements governing	1165
drainage, parking area base, parking area paving, or any other	1166
improvement.	1167
Nothing in division (C)(4) of this section confers power	1168
on a township zoning commission, board of township trustees, or	1169
board of zoning appeals to prohibit the use of any land or the	1170
construction or use of buildings or structures that are used	1171
primarily for vinting and selling wine that are located on land	1172
any part of which is used for viticulture as provided in	1173
division (A) of this section.	1174
(D) Nothing in this section prohibits a township zoning	1175

commission, board of township trustees, or board of zoning

appeals from regulating the location of medical marijuana	1177
cultivators, processors, or retail dispensaries or from	1178
prohibiting such cultivators, processors, or dispensaries from	1179
being located in the unincorporated territory of the township.	1180
$\frac{(D)(1)}{(E)(1)}$ 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., <u>3779., 3796.,</u> 4123., 4141., 4301., 4303.,	1190
4305., 4307., 4309., 5707., 5725., 5726., 5727., 5728., 5729.,	1191
5731., 5735., 5736., 5737., 5739., 5741., 5743., 5747., 5749.,	1192
or 5751. of the Revised Code.	1193
(B) No municipal corporation may impose any tax, fee,	1194
assessment, or other charge on auxiliary containers, on the	1195
sale, use, or consumption of such containers, or on the basis of	1196
receipts received from the sale of such containers. As used in	1197
this division, "auxiliary container" has the same meaning as in	1198
section 3767.32 of the Revised Code.	1199
(C) This section does not prohibit a municipal corporation	1200
from levying an income tax or withholding tax in accordance with	1201
Chapter 718. of the Revised Code, or a tax on any of the	1202
following:	1203
(1) Amounts received for admission to any place;	1204
(2) The income of an electric company or combined company,	1205

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

fuel, 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
$\frac{(J)}{(K)}$ "Delta-9 tetrahydrocannabinol" means the sum of	1252
the percentage by weight of tetrahydrocannabinolic acid	1253
multiplied by 0.877 plus the percentage by weight of delta-9	1254
tetrahydrocannabinol.	1255
(K) (L) "Tetrahydrocannabinol" means naturally occurring	1256
substances contained in the plant, or in the resinous	1257
extractives of cannabis, sp. or derivatives, and their isomers	1258
with similar chemical structure to delta-1-cis or trans	1259
tetrahydrocannabinol, and their optical isomers, salts and salts	1260
of isomers. "Tetrahydrocannabinol" includes, but is not limited	1261
to, delta-8 tetrahydrocannabinol, delta-10 tetrahydrocannabinol,	1262

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

(L) (N) "USDA" means the United States department of	1289
agriculture.	1290
(O) "Adult-use marijuana" and "medical marijuana" have the	1291
same meanings as in section 3796.01 of the Revised Code.	1292
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(P) "Electronic smoking device" means any device that can	1293
be used to deliver aerosolized or vaporized hemp or any other	1294
substance to the person inhaling from the device, including an	1295
electronic cigarette, electronic cigar, electronic hookah,	1296
vaping pen, or electronic pipe. "Electronic smoking device"	1297
includes any component, part, or accessory of such a device,	1298
whether or not sold separately, and includes any substance	1299
intended to be aerosolized or vaporized during the use of the	1300
device.	1301
(Q) "Vapor product" means a product that contains or is	1302
made or derived from hemp and that is intended and marketed for	1303
human consumption, including by smoking, inhaling, snorting, or	1304
sniffing. "Vapor product" includes any component, part, or	1305
additive that is intended for use in an electronic smoking	1306
device, a mechanical heating element, battery, or electronic	1307
circuit and is used to deliver the product.	1308
(R) "Processed hemp flower" means the flower of a hemp	1309
plant that has been dried or cured.	1310
Sec. 928.03. The director of agriculture, in consultation	1311
with the governor and attorney general, shall adopt rules in	1312
accordance with Chapter 119. of the Revised Code establishing	1313
standards and procedures for the regulation of hemp processing.	1314
The director also shall adopt such rules, in consultation with	1315
the governor and attorney general, regarding hemp cultivation if	1316
the director implements a program to monitor and regulate hemp	1317
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cultivation under division (A)(1) of section 928.02 of the	1318
Revised Code. The rules shall include all of the following:	1319
(A) The form of an application for a hemp cultivation	1320
license and hemp processing license and the information required	1321
to be included in each license application;	1322
(B) The amount of an initial application fee that an	1323
applicant shall submit along with an application for a hemp	1324
cultivation license or a hemp processing license, and the amount	1325
of an annual license fee that a licensee shall submit for a hemp	1326
cultivation license or a hemp processing license. In adopting	1327
rules under division (B) of this section, the director shall	1328
ensure both of the following:	1329
(1) That the amount of the application fee and annual	1330
license fee does not exceed an amount sufficient to cover the	1331
costs incurred by the department of agriculture to administer	1332
and enforce this chapter;	1333
(2) That there is one uniform application fee and one	1334
uniform annual license fee that applies to all applicants for a	1335
hemp cultivation license.	1336
(C) Requirements and procedures concerning background	1337
investigations of each applicant for a hemp cultivation license	1338
and each applicant for a hemp processing license. The director	1339
shall include both of the following in the rules adopted under	1340
this division:	1341
(1) A requirement that each applicant comply with sections	1342
4776.01 to 4776.04 of the Revised Code;	1343
(2) Provisions that prohibit the director from issuing a	1344
hemp cultivation license or hemp processing license to an	1345
applicant that has not complied with those sections	1346

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

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

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

(X) Standards for the testing and , labeling, and	1432
<pre>packaging of hemp and hemp products;</pre>	1433
(Y) Requirements prohibiting the processing of hemp in a	1434
building used as a personal residence or on land that is zoned	1435
for residential use;	1436
(Z) Production standards and manufacturing practices for	1437
<pre>processing hemp;</pre>	1438
(AA) Procedures and requirements for the transportation	1439
and storage of both hemp and hemp products;	1440
(BB) Any other requirements or procedures necessary to	1441
administer and enforce this chapter.	1442
Sec. 928.08. The department of agriculture, in	1443
consultation and in cooperation with the Ohio investigative unit	1444
in the department of public safety, shall enforce this chapter.	1445
Sec. 2953.321. (A) As used in this section:	1446
(1) "Expunge" means to destroy, delete, and erase a record	1447
as appropriate for the record's physical or electronic form or	1448
characteristic so that the record is permanently irretrievable.	1449
(2) "Official records" and "prosecutor" have the same	1450
meanings as in section 2953.31 of the Revised Code.	1451
(B) If a person, prior to the effective date of this	1452
section, was the defendant named in a dismissed complaint,	1453
indictment, or information for or was convicted of or has	1454
pleaded guilty to either of the following, the person may file	1455
an application under this section requesting an expungement of	1456
the record of conviction or official records in the case:	1457
(1) A violation of division (C)(3)(a) or (b) or (C)(7)(a)	1458

or (b) of section 2925.11 of the Revised Code;	1459
(2) A violation of division (C)(7)(c) or (d) of section	1460
2925.11 of the Revised Code involving possession of not more	1461
than fifteen grams of hashish.	1462
(C) Any person who is eligible under division (B) of this	1463
section to file an application for expungement may apply to the	1464
sentencing court for the expungement of the record of conviction	1465
or expungement of the person's official records in the case. The	1466
person may file the application at any time on or after the	1467
effective date of this section. The application shall do all of	1468
<pre>the following:</pre>	1469
(1) Identify the applicant, the offense for which the	1470
expungement is sought, the date of the conviction of, the plea	1471
of guilty to, or the dismissal of charges for that offense, and	1472
the court in which the conviction occurred, the plea of guilty	1473
was entered, or the charges were dismissed;	1474
(2) Include evidence that the offense or charge was a	1475
violation of division (C)(3)(a) or (b) or (C)(7)(a) or (b) of	1476
section 2925.11 of the Revised Code or a violation of division	1477
(C)(7)(c) or (d) of section 2925.11 of the Revised Code	1478
involving not more than fifteen grams of hashish and that the	1479
conviction, plea of guilty, or dismissal occurred prior to the	1480
effective date of this section;	1481
(3) Include a request for expungement of the record of	1482
conviction or official records of that offense under this	1483
section.	1484
(D)(1) Upon the filing of an application under division	1485
(C) of this section and the payment of the fee described in	1486
division (H) of this section if applicable, the court shall set	1487

a date for a hearing and shall notify the prosecutor for the	1488
case of the hearing on the application. The prosecutor may	1489
object to the granting of the application by filing an objection	1490
with the court prior to the date set for the hearing. The	1491
prosecutor shall specify in the objection the reasons for	1492
believing a denial of the application is justified. The court	1493
shall direct its regular probation officer, a state probation	1494
officer, or the department of probation of the county in which	1495
the applicant resides to make inquiries and written reports as	1496
the court requires concerning the applicant. The court shall	1497
hold the hearing scheduled under this division.	1498
(2) The court shall hold the hearing not less than forty-	1499
filing of the application	1500
filing of the application.	1501
(E) At the hearing held under division (D) of this	1502
section, the court shall do all of the following:	1503
(1) Determine whether the applicant has, prior to the	1504
effective date of this section, been a defendant named in a	1505
dismissed complaint, indictment, or information for or been	1506
convicted of or pleaded guilty to either of the following:	1507
onvious of of product garie, to crosse of the rottowing.	1007
(a) A violation of division (C)(3)(a) or (b) or (C)(7)(a)	1508
or (b) of section 2925.11 of the Revised Code;	1509
(b) A violation of division (C)(7)(c) or (d) of section	1510
2925.11 of the Revised Code involving possession of not more	1511
than fifteen grams of hashish.	1512
(2) If the prosecutor has filed an objection in accordance	1513
with division (D) of this section, consider the reasons against	1514
granting the application specified by the prosecutor in the	1515
objection;	1516

(3) Weigh the interests of the applicant in having the	1517
record of conviction or official records expunged against the	1518
legitimate needs, if any, of the government to maintain those	1519
records.	1520
(F) If the court, after complying with division (E) of	1521
this section, finds that the applicant has, prior to the	1522
effective date of this section, been named in a dismissed	1523
complaint, indictment, or information for or been convicted of	1524
or pleaded guilty to a violation of division (C)(3)(a) or (b) or	1525
(C)(7)(a) or (b) of section 2925.11 of the Revised Code or has	1526
been convicted of or pleaded guilty to a violation of division	1527
(C)(7)(c) or (d) of section 2925.11 of the Revised Code	1528
involving possession of not more than fifteen grams of hashish	1529
and that the interests of the applicant in having the record of	1530
conviction or official records sealed are not substantially	1531
outweighed by any legitimate governmental needs to maintain	1532
those records, both of the following apply:	1533
(1) The court shall order the expungement of all official	1534
records pertaining to the case and the deletion of all index	1535
references to the case and, if it does order the expungement,	1536
shall send notice of the order to each public office or agency	1537
that the court has reason to believe may have an official record	1538
pertaining to the case if the court, after complying with	1539
division (E) of this section, determines that the applicant,	1540
prior to the effective date of this section, had been a	1541
defendant named in a dismissed complaint, indictment, or	1542
information for or convicted of or pleaded guilty to a violation	1543
of division (C)(3)(a) or (b) or (C)(7)(a) or (b) of section	1544
2925.11 of the Revised Code or had been convicted of or pleaded	1545
guilty to a violation of division (C)(7)(c) or (d) of section	1546
2925.11 of the Revised Code involving possession of not more	1547

than fifteen grams of hashish.	1548
(2) The proceedings in the case that is the subject of an	1549
order issued under division (F) of this section shall be	1550
considered not to have occurred and the official records,	1551
conviction, or guilty plea of the person who is the subject of	1552
the proceedings shall be expunded. The records shall not be used	1553
for any purpose, including, but not limited to, a criminal	1554
records check under section 109.572 of the Revised Code. The	1555
applicant may, and the court shall, reply that no record exists	1556
with respect to the applicant upon any inquiry into the matter.	1557
(G) Upon the filing of an application under this section,	1558
the applicant, unless indigent, shall pay a fee of fifty	1559
dollars. The court shall pay thirty dollars of the fee into the	1560
state treasury, with half of that amount credited to the	1561
attorney general reimbursement fund created by section 109.11 of	1562
the Revised Code, and shall pay twenty dollars of the fee into	1563
the county general revenue fund.	1564
Sec. 3376.07. A state institution of higher education,	1565
private college, athletic association, conference, or other	1566
group or organization with authority over intercollegiate	1567
athletics may prohibit a student-athlete from entering into a	1568
contract providing compensation to the student-athlete for use	1569
of the student-athlete's name, image, or likeness if under the	1570
contract the student-athlete's name, image, or likeness is	1571
associated with any of the following:	1572
(A) Any company that manufactures, markets, or sells, or	1573
brand that is associated with, a controlled substance, marihuana	1574
product, medical marijuana product, adult-use marijuana product,	1575
alcoholic product, tobacco product, electronic smoking device,	1576
vapor product, or product or device that consists of or contains	1577

nicotine that can be ingested into the body;	1578
(B) Any medical or adult-use marijuana cultivator,	1579
processor, laboratory, or retail dispensary licensed under	1580
Chapter 3796. of the Revised Code or under the laws of another	1581
state;	1582
(C) Any business engaged in the sale, rental, or	1583
exhibition for any form of consideration of adult entertainment	1584
that is characterized by an emphasis on the exposure or display	1585
of sexual activity;	1586
(D) Any casino or entity that sponsors or promotes	1587
gambling activities;	1588
(E) Any other category of companies, brands, or types of	1589
contracts that are similar to those described in divisions (A)	1590
to (D) of this section that the institution or college	1591
communicates to the student-athlete before the student-athlete	1592
enrolls at the institution or college.	1593
Sec. 3779.01. As used in sections 3779.01 to 3779.10 and	1594
3779.40 to 3779.48 of the Revised Code:	1595
(A) "At retail" means for use or consumption by the	1596
ultimate consumer and not for resale.	1597
(B) "Delta-9 tetrahydrocannabinol," "hemp product," and	1598
"tetrahydrocannabinol" have the same meanings as in section	1599
928.01 of the Revised Code.	1600
(C) (1) "Disqualifying offense" means, subject to divisions	1601
(C)(2) and (3) of this section, committing, attempting to	1602
commit, or aiding and abetting another in committing any of the	1603
<pre>following:</pre>	1604
(a) Any offense set forth in Chapter 2925., 3719., or	1605

4729. of the Revised Code, the violation of which constitutes a	1606
felony or a misdemeanor of the first degree;	1607
(b) Any theft offense set forth under division (K) of	1608
section 2913.01 of the Revised Code, the violation of which	1609
<pre>constitutes a felony;</pre>	1610
(c) Any violation for which a penalty is imposed under	1611
section 3715.99 of the Revised Code;	1612
(d) A crime of moral turpitude as defined in section	1613
4776.10 of the Revised Code;	1614
(e) A violation of any former law of this state, any	1615
existing or former law of another state, any existing or former	1616
law applicable in a military court or Indian tribal court, or	1617
any existing or former law of any nation other than the United	1618
States that is or was substantially equivalent to any of the	1619
offenses listed in divisions (C)(1)(a) to (d) of this section.	1620
(2) "Disqualifying offense" does not include a misdemeanor	1621
offense respecting which an applicant for licensure or	1622
employment is convicted of, or pleads guilty to, more than five	1623
years before the date the application is submitted.	1624
(3) "Disqualifying offense" does not include any	1625
misdemeanor offense related to marijuana possession, marijuana	1626
trafficking, illegal cultivation of marijuana, illegal use or	1627
possession of drug paraphernalia or marijuana drug	1628
paraphernalia, or other misdemeanor marijuana-related offenses.	1629
(D) "Identification card" means a driver's or commercial	1630
driver's license, an identification card issued under sections	1631
4507.50 to 4507.52 of the Revised Code or an equivalent	1632
identification card issued by another state, a military	1633
identification card issued by the United States department of	1634

defense, or a United States or foreign passport that displays a	1635
picture of the individual for whom the license, card, or	1636
passport is issued and shows that the person buying is then at	1637
least twenty-one years of age.	1638
(E) "Intoxicating hemp product" means a hemp product	1639
containing more than five-tenths of a milligram of delta-9	1640
tetrahydrocannabinol per serving, two milligrams of delta-9	1641
tetrahydrocannabinol per package, or five-tenths of a milligram	1642
of total non-delta-9 tetrahydrocannabinol per package.	1643
"Intoxicating hemp product" does not include either of the	1644
following:	1645
(1) A hemp product that cannot be ingested, inhaled,	1646
snorted, sniffed, or used sublingually;	1647
(2) A low-level or high-level drinkable cannabinoid	1648
product as defined in section 3779.21 of the Revised Code.	1649
(F) "Ohio investigative unit" means the investigative unit	1650
maintained by the department of public safety under section	1651
5502.13 of the Revised Code.	1652
(G) "Sell" means the exchange, barter, gift, offer for	1653
sale, and sale of an intoxicating hemp product.	1654
(H) "Total non-delta-9 tetrahydrocannabinol" means the	1655
sum, after the application of any necessary conversion factor,	1656
of the percentage by weight of tetrahydrocannabinol, other than	1657
delta-9 tetrahydrocannabinol, and the percentage by weight of	1658
tetrahydrocannabinolic acid.	1659
Sec. 3779.02. (A) (1) No person shall sell an intoxicating	1660
hemp product at retail in this state.	1661
(2) Subject to section 3779 08 of the Revised Code.	1662

division (A)(1) of this section does not apply to the sale of an	1663
intoxicating hemp product at retail in this state by a person to	1664
which both of the following apply:	1665
(a) The person is a hemp dispensary licensed under section	1666
3779.03 of the Revised Code.	1667
(b) The person sells the intoxicating hemp product to an	1668
individual who is twenty-one years of age or older as verified	1669
by examining the individual's identification card.	1670
(3) Notwithstanding any other provision of law to the	1671
contrary, a person who violates division (A)(1) of this section	1672
shall not be prosecuted under any other criminal statute that	1673
otherwise would apply to the person because the person engaged	1674
in the activities prohibited in division (A)(1) of this section.	1675
(B) No person that is a licensed hemp dispensary shall do	1676
any of the following:	1677
(1) Subject to division (D) of section 3779.08 of the	1678
Revised Code, sell an intoxicating hemp product that has not	1679
been tested in compliance with rules adopted under Chapter 3796.	1680
of the Revised Code that otherwise apply to adult-use marijuana;	1681
(2) Sell an intoxicating hemp product that does not comply	1682
with the standards and procedures for packaging and labeling set	1683
forth in rules adopted under Chapter 3796. of the Revised Code	1684
that otherwise apply to adult-use marijuana;	1685
(3) Violate any applicable rules adopted under section	1686
3779.08 of the Revised Code, including rules establishing	1687
advertising requirements governing intoxicating hemp products.	1688
(C)(1) No person shall sell at retail in this state a hemp	1689
product and market it as adult-use marijuana or as medical	1690

marijuana as defined in section 3796.01 of the Revised Code.	1691
(2) No person shall use any terms associated with the sale	1692
at retail in this state of a hemp product that would cause a	1693
consumer to infer that the hemp product is medical marijuana or	1694
adult-use marijuana.	1695
(3) No person shall use any terms associated with the sale	1696
at retail in this state of a hemp product that would cause a	1697
consumer to infer that the person selling the hemp product is a	1698
licensed hemp dispensary.	1699
(4) Division (C)(3) of this section does not apply to a	1700
hemp dispensary licensed under section 3779.03 of the Revised	1701
Code.	1702
(D) No licensed hemp dispensary shall do either of the	1703
<pre>following:</pre>	1704
(1) Sell any cigarette, tobacco product, vapor product, or	1705
electronic smoking product, as those terms are defined in	1706
section 5743.01 of the Revised Code;	1707
(2) Allow an individual who is under twenty-one years of	1708
age to enter the dispensary.	1709
(E) No person shall sell an intoxicating hemp product that	1710
includes hemp that was not cultivated by one of the following:	1711
(1) A hemp cultivator licensed under Chapter 928. of the	1712
Revised Code in this state or by the United States department of	1713
agriculture if the director of agriculture takes action under	1714
division (A)(2) of section 928.02 of the Revised Code;	1715
(2) A hemp cultivator that is licensed in another state by	1716
the United States department of agriculture;	1717

(3) A hemp cultivator that is licensed in another state by	1718
a governing body of that state whose hemp production plans have	1719
been approved by the United State department of agriculture.	1720
(F) No person shall sell an intoxicating hemp product that	1721
is adulterated with any of the following:	1722
(1) A drug, as defined in section 4729.01 of the Revised	1723
<pre>Code;</pre>	1724
(2) Contaminants, as defined in rules adopted under	1725
<pre>section 3779.08 of the Revised Code;</pre>	1726
(3) Other substances that enhance the effects of the	1727
tetrahydrocannabinol included in the product as specified in	1728
rules adopted under section 3779.08 of the Revised Code.	1729
(G) No person who is the ultimate consumer of an edible	1730
intoxicating hemp product shall fail to store the product in the	1731
original packaging at all times when the product is not actively	1732
in use.	1733
Sec. 3779.021. A person shall not be prosecuted or	1734
penalized under section 3779.02 of the Revised Code until the	1735
date that is two hundred and ten days after the effective date	1736
of this section if both of the following apply:	1737
(A) The person is selling an intoxicating hemp product on	1738
the effective date this section.	1739
(B) The facility at which the person is selling the	1740
intoxicating hemp product does not allow individuals under the	1741
age of twenty-one to enter the facility.	1742
Sec. 3779.022. Notwithstanding any provision to the	1743
contrary in sections 3779.01 to 3779.10 of the Revised Code, an	1744
individual who obtains an intoxicating hemp product from a hemp	1745

dispensary licensed under section 3779.03 of the Revised Code	1746
may transfer the intoxicating hemp product to another individual	1747
who is twenty-one years of age or over if both of the following	1748
<pre>apply:</pre>	1749
(A) The transfer occurs without remuneration.	1750
(B) The transfer occurs on any privately owned real	1751
property that is used primarily for residential or agricultural	1752
purposes, including any dwellings, facilities, improvements, and	1753
appurtenances on such real property.	1754
Sec. 3779.03. (A) An entity that seeks to sell at retail	1755
an intoxicating hemp product in this state shall file an	1756
application for licensure as a hemp dispensary with the division	1757
of cannabis control. The entity shall file an application for	1758
each location from which it seeks to operate. Each application	1759
shall be submitted in accordance with rules adopted under	1760
section 3779.08 of the Revised Code.	1761
(B) The division shall evaluate and prioritize	1762
applications for licensure under this section according to the	1763
applicant's eligibility, suitability, and ability to operate.	1764
(C) The division shall issue a biennial license to an	1765
applicant if all of the following conditions are met:	1766
(1) The report of the criminal records check conducted	1767
pursuant to section 3779.05 of the Revised Code with respect to	1768
the application demonstrates that the person subject to the	1769
criminal records check requirement has not been convicted of or	1770
pleaded guilty to a disqualifying offense.	1771
(2) The applicant demonstrates that none of its current or	1772
prospective owners, officers, board members, administrators,	1773
employees, agents, or affiliates who may significantly influence	1774

or control the applicant's activities have an ownership or	1775
investment interest in or compensation arrangement with a	1776
laboratory specified in division (D) of section 3779.08 of the	1777
Revised Code.	1778
(3) The applicant demonstrates that none of its current or	1779
prospective owners, officers, board members, administrators,	1780
employees, agents, or affiliates who may significantly influence	1781
or control the applicant's activities share any corporate	1782
officers or employees with a laboratory specified in division	1783
(D) of section 3779.08 of the Revised Code.	1784
(4) The applicant demonstrates that the proposed location	1785
or facility will not be located within five hundred feet of a	1786
school, church, public library, public playground, or public	1787
park.	1788
(5) The applicant demonstrates that the proposed location	1789
or facility is not either of the following:	1790
(a) Located within one mile of another licensed hemp	1791
dispensary;	1792
(b) Issued a permit under Chapter 4303. of the Revised	1793
Code to sell beer and intoxicating liquor, as those terms are	1794
defined in section 4301.01 of the Revised Code.	1795
(6) The information provided to the division of cannabis	1796
control pursuant to section 3779.04 of the Revised Code	1797
demonstrates that the applicant is in compliance with the	1798
applicable tax laws of this state.	1799
(7) The applicant demonstrates sufficient liquid capital	1800
and ability to meet financial responsibility requirements.	1801
(8) The applicant demonstrates that the municipal	1802

corporation or township in which it will be located has not	1803
passed a moratorium or taken any other action that would	1804
prohibit the applicant from operating there.	1805
(9) The application does not contain false, misleading, or	1806
deceptive information and does not omit material information.	1807
(10) The applicant pays the applicable fees established	1808
under section 3779.032 of the Revised Code.	1809
(11) The applicant meets all other licensure eligibility	1810
conditions established in rules adopted under section 3779.08 of	1811
the Revised Code.	1812
(D) If the number of eligible applicants exceeds the	1813
number of available licenses, the division shall use an	1814
impartial and evidence-based process to rank the eligible	1815
applicants. The ranking process shall take into account all of	1816
the following:	1817
(1) The applicant's business plan;	1818
(2) The applicant's operations plan;	1819
(3) The applicant's security plan;	1820
(4) The applicant's financial plan;	1821
(5) The applicant's principal place of business;	1822
(6) The applicant's environmental plan;	1823
(7) Employment practices;	1824
(8) The criminal records of all persons subject to the	1825
criminal records check requirement;	1826
(9) The civil and administrative history of the applicant	1827
and persons associated with the applicant;	1828

(10) Any other eligibility, suitability, or operations	1829
based determination specified in sections 3779.01 to 3779.10 of	1830
the Revised Code or rules adopted under section 3779.08 of the	1831
Revised Code.	1832
(E) (1) If the division uses a lottery system to issue	1833
licenses under this section, the applicants shall be grouped	1834
into the following distinct categories:	1835
(a) Highly exceeds;	1836
(b) Exceeds;	1837
(c) Meets;	1838
(d) Does not meet.	1839
(2) The division shall group the applicants such that the	1840
number of applicants in each of the highly exceeds, exceeds, and	1841
meets categories is roughly equal, unless doing so is not	1842
possible while conforming to an impartial and evidence-based	1843
process. Applicants that do not meet the eligibility	1844
requirements prescribed by division (C) of this section shall be	1845
placed in the does not meet category.	1846
(3) In conducting the lottery, the division shall give	1847
applicants in the exceeds category double the odds of being	1848
selected as compared to applicants in the meets category. The	1849
division shall give applicants in the highly exceeds category	1850
double the odds of being selected as compared to applicants in	1851
the exceeds category. An applicant grouped in the does not meet	1852
category is ineligible for licensure.	1853
(F) A biennial license may be renewed in accordance with	1854
the procedures established in rules adopted under section	1855
3779 08 of the Revised Code Prior to the renewal of the	1856

license, the applicant shall pay the renewal fee established	1857
under section 3779.032 of the Revised Code. Applications for	1858
renewal are not subject to the evaluation, prioritization,	1859
ranking, and lottery provisions in divisions (B), (D), and (E)	1860
of this section.	1861
(G) The division shall issue a license under this section	1862
to an entity that sold or offered for sale intoxicating hemp	1863
products on or before August 30, 2025, if both of the following	1864
<pre>apply:</pre>	1865
(1) The entity's receipts from hemp product and	1866
intoxicating hemp product sales exceeded eighty per cent of its	1867
total gross receipts for either of the following:	1868
(a) Calendar year 2024;	1869
(b) The twelve months immediately prior to the effective	1870
date of this section.	1871
(2) The entity complies with all other requirements for	1872
licensure established under this section and rules adopted under	1873
section 3779.08 of the Revised Code.	1874
Sec. 3779.031. (A) Except as provided in division (B) of	1875
this section, not more than four hundred hemp dispensaries shall	1876
be licensed to operate in this state at any one time.	1877
(B) Notwithstanding division (A) of this section, more	1878
than four hundred hemp dispensaries may be licensed to operate	1879
in this state at any one time if more than four hundred entities	1880
are licensed as a result of division (G) of section 3779.03 of	1881
the Revised Code. In that case, the division shall not issue any	1882
additional licenses until the number of valid licenses that	1883
results from division (G) of section 3779.03 of the Revised Code	1884
is less than four hundred. At such time when the number of	1885

licens	ses resulting from division (G) of section	3779.03 of the	1886
Revised Code is less than four hundred, division (A) of this		1887	
section applies.		1888	
	Sec. 3779.032. (A) As used in this section	n, "grandfathered	1889
	y" means an entity that is described in div		1890
	on 3779.03 of the Revised Code.		1891
	(B) The division of cannabis control shall	charge the	1892
follow	ving hemp dispensary fees:		1893
			1894
			1895
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А	Application fee	\$5,000	
В	Initial first-year license	\$10,000	
	fee for an applicant that is		
	a grandfathered entity		
С	Initial second-year license	\$15 , 000	
	fee for an applicant that is	120/000	
	a grandfathered entity		
	<u></u>		
D	Initial two-year license fee	<u>\$75,000</u>	
	for an applicant that is not		
	a grandfathered entity		
E	Two-year renewal license fee	<u>\$35,000</u>	
	for a hemp dispensary that is		
	<u>a grandfathered entity</u>		
F	Two-year renewal license fee	\$75 , 000	
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for a hemp dispensary that is

not a grandfathered entity

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Sec. 3779.04. (A) (1) Notwithstanding section 149.43 of the	1897
Revised Code or any other public records law to the contrary or	1898
any law relating to the confidentiality of tax return	1899
information, upon the request of the division of cannabis	1900
control, the department of taxation shall provide to the	1901
division all of the following information:	1902
(a) Whether an applicant for licensure under section	1903
3779.03 of the Revised Code is in compliance with the applicable	1904
<pre>tax laws of this state;</pre>	1905
(b) Any past or pending violation by the applicant of	1906
those tax laws, and any penalty imposed on the applicant for	1907
such a violation.	1908
(2) The division shall request the information only as it	1909
pertains to an application for licensure that the division, as	1910
applicable, is reviewing.	1911
(3) The department of taxation may charge the division a	1912
reasonable fee to cover the administrative cost of providing the	1913
<u>information</u> .	1914
(B) Information received under this section is	1915
confidential. Except as otherwise permitted by other state law	1916
or federal law, the division shall not make the information	1917
available to any person other than the applicant for licensure	1918
to whom the information applies.	1919
Sec. 3779.05. (A) As used in this section, "criminal	1920
records check" has the same meaning as in section 109.572 of the	1921

Revised Code.	1922
(B)(1) As part of the application process for a license	1923
issued under section 3779.03 of the Revised Code, the division	1924
of cannabis control shall require each of the following to	1925
<pre>complete a criminal records check:</pre>	1926
(a) An administrator or other person responsible for the	1927
daily operation of the entity seeking the license;	1928
(b) An owner or prospective owner, officer or prospective	1929
officer, or board member or prospective board member of the	1930
entity seeking the license.	1931
(2) If a person subject to the criminal records check	1932
requirement does not present proof of having been a resident of	1933
this state for the five-year period immediately prior to the	1934
date the criminal records check is requested or provide evidence	1935
that within that five-year period the superintendent of the	1936
bureau of criminal identification and investigation has	1937
requested information about the person from the federal bureau	1938
of investigation in a criminal records check, the division shall	1939
request that the person obtain through the superintendent a	1940
criminal records request from the federal bureau of	1941
investigation as part of the criminal records check of the	1942
person. Even if a person presents proof of having been a	1943
resident of this state for the five-year period, the division	1944
may request that the person obtain information through the	1945
superintendent from the federal bureau of investigation in the	1946
criminal records check.	1947
(C) The division shall provide both of the following to	1948
each person who is subject to the criminal records check	1949
requirement:	1950

(1) Information about accessing, completing, and	1951
forwarding to the superintendent of the bureau of criminal	1952
identification and investigation the form prescribed pursuant to	1953
division (C)(1) of section 109.572 of the Revised Code and the	1954
standard impression sheet to obtain fingerprint impressions	1955
<pre>prescribed pursuant to division (C)(2) of that section;</pre>	1956
(2) Written notification that the person is to instruct	1957
the superintendent to submit the completed report of the	1958
criminal records check directly to the division.	1959
(D) Each person who is subject to the criminal records	1960
<pre>check requirement shall pay to the bureau of criminal_</pre>	1961
identification and investigation the fee prescribed pursuant to	1962
division (C)(3) of section 109.572 of the Revised Code for the	1963
criminal records check conducted of the person.	1964
(E) The report of any criminal records check conducted by	1965
the bureau of criminal identification and investigation in	1966
accordance with section 109.572 of the Revised Code and pursuant	1967
to a request made under this section is not a public record for	1968
the purposes of section 149.43 of the Revised Code and shall not	1969
be made available to any person other than the following:	1970
(1) The person who is the subject of the criminal records	1971
<pre>check or the person's representative;</pre>	1972
(2) The members and staff of the division;	1973
(3) A court, hearing officer, or other necessary	1974
individual involved in a case dealing with either of the	1975
<pre>following:</pre>	1976
(a) A license denial resulting from the criminal records	1977
check;	1978

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to limit or supersede the authority of any law enforcement	2008
officer or agency.	2009
Sec. 3779.07. (A) The superintendent of cannabis control	2010
may impose an administrative penalty or take other enforcement	2011
actions against a person who violates division (A)(1), (B), (C)	2012
(1), (C)(2), or (C)(3) of section 3779.02 of the Revised Code or	2013
any rules adopted under section 3779.08 of the Revised Code.	2014
Administrative penalties shall be set forth in rules adopted	2015
under section 3779.08 of the Revised Code.	2016
(B) The superintendent shall afford a person an	2017
opportunity for an adjudication hearing under Chapter 119. of	2018
the Revised Code to challenge the superintendent's determination	2019
to impose an administrative penalty or taking other enforcement	2020
action under this section, the superintendent's imposition of an	2021
administrative penalty under this section, or both. The	2022
superintendent's determination, the imposition of the	2023
administrative penalty, and taking other enforcement action may	2024
be appealed in accordance with section 119.12 of the Revised	2025
Code.	2026
Sec. 3779.08. (A) Not later than one hundred eighty days	2027
after the effective date of this section, the superintendent of	2028
cannabis control shall adopt rules in accordance with Chapter	2029
119. of the Revised Code that do all of the following:	2030
(1) Establish application procedures for licenses issued	2031
under section 3779.03 of the Revised Code;	2032
(2) Specify conditions that must be met to be eligible for	2033
issuance of a license under section 3779.03 of the Revised Code;	2034
(3) Establish renewal procedures for licenses issued under	2035
section 3779.03 of the Revised Code;	2036

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(4) Specify reasons for which a license may be suspended,	2037
including without prior hearing, be revoked, or not be renewed	2038
or issued and the reasons for which an administrative penalty	2039
may be imposed on a license holder;	2040
(5) Establish standards under which a license suspension	2041
may be lifted;	2042
(6) Establish the amount of administrative penalties to be	2043
imposed by the superintendent under section 3779.07 of the	2044
Revised Code and procedures for imposing such penalties;	2045
(7) Establish a list of contaminants that are prohibited	2046
for inclusion in an intoxicating hemp product for purposes of	2047
division (F) of section 3779.02 of the Revised Code;	2048
(8) Establish a list of substances, that enhance the	2049
effects of the tetrahydrocannabinol, that are prohibited for	2050
inclusion in an intoxicating hemp product for purposes of	2051
division (F) of section 3779.02 of the Revised Code;	2052
(9) Establish requirements for the advertisement of	2053
intoxicating hemp products consistent with advertisement	2054
requirements for adult-use marijuana and medical marijuana	2055
established under section 3796.32 of the Revised Code. The rules	2056
shall include a requirement that a person that advertises an	2057
intoxicating hemp product submit the advertisement to the	2058
superintendent for the superintendent's approval. The	2059
superintendent shall approve or deny an advertisement not later	2060
than twenty-one business days after submission.	2061
(B) Subject to division (C) of this section, to ensure the	2062
integrity of intoxicating hemp product sales at retail and	2063
operations in this state, the superintendent has jurisdiction	2064
over all persons participating in the distribution and sale of	2065

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intoxicating hemp products in this state and, in consultation	2066
and cooperation with the department of agriculture, the	2067
cultivation and processing of intoxicating hemp products for	2068
sale at retail in this state. Such jurisdiction includes the	2069
authority to complete regulating, investigating, and penalizing	2070
those persons in a manner that is consistent with the	2071
superintendent's authority with respect to adult-use marijuana.	2072
To carry out this division, the superintendent, not later than	2073
one hundred eighty days after the effective date of this	2074
section, shall adopt rules under Chapter 119. of the Revised	2075
Code in addition to the rules adopted under division (A) of this	2076
section.	2077
As part of the rules adopted under this division, the	2078
superintendent shall establish limits on the potency, serving	2079
sizes, and package sizes of intoxicating hemp products. The	2080
limits on potency shall include a prohibition against the	2081
inclusion of any synthetic tetrahydrocannabinol in an	2082
intoxicating hemp product. The limits on potency shall not	2083
exceed the potency limits for adult-use marijuana established	2084
under Chapter 3796. of the Revised Code. The superintendent also	2085
shall establish and maintain a list of approved	2086
tetrahydrocannabinols that may be included for use in	2087
<pre>intoxicating hemp products.</pre>	2088
(C) Notwithstanding Chapter 3796. of the Revised Code and	2089
rules adopted under it to the contrary, the superintendent shall	2090
not require hemp that is processed into an intoxicating hemp	2091
product to be cultivated or processed in this state.	2092
(D) Notwithstanding Chapter 3796. of the Revised Code and	2093
rules adopted under it to the contrary, an intoxicating hemp	2094
product that is sold at retail in this state shall be tested in	2095

a facility licensed in accordance with that chapter and rules	2096
adopted under it or, as approved by the superintendent, in a	2097
facility in another state that meets requirements that are	2098
substantially similar to applicable requirements established	2099
under that chapter and rules adopted under it.	2100
Sec. 3779.09. (A) As used in this section:	2101
(1) "Chauffeured limousine" means a vehicle registered	2102
under section 4503.24 of the Revised Code.	2103
(2) "Street," "highway," and "motor vehicle" have the same	2104
meanings as in section 4511.01 of the Revised Code.	2105
(B) A person may have in the person's possession an opened	2106
container of an intoxicating hemp product that is a beverage in	2107
either of the following locations:	2108
(1) On the premises of a private residence;	2109
(2) In a chauffeured limousine that is located on any	2110
street, highway, or other public or private property open to the	2111
public for purposes of vehicular travel or parking if all the	2112
following apply:	2113
(a) The person, or the guest of the person, pays all or a	2114
portion of the fee imposed for the use of a chauffeured	2115
<pre>limousine pursuant to a prearranged contract;</pre>	2116
(b) The person or guest is a passenger in the limousine;	2117
(c) The person or guest is located in the limousine but is	2118
not occupying a seat in the front compartment of the limousine	2119
where the operator of the limousine is located.	2120
(C) Except as provided in division (B) of this section, no	2121
person shall have in the person's possession an opened container	2122

of an intoxicating hemp product that is a beverage in any of the	2123
<pre>following circumstances:</pre>	2124
(1) In any public place;	2125
(2) While operating or being a passenger in or on a motor	2126
vehicle on any street, highway, or other public or private	2127
property open to the public for purposes of vehicular travel or	2128
<pre>parking;</pre>	2129
(3) While being in or on a stationary motor vehicle on any	2130
street, highway, or other public or private property open to the	2131
public for purposes of vehicular travel or parking.	2132
Sec. 3779.10. (A) Except as provided in division (B) of	2133
this section, the legislative authority of a municipal	2134
corporation or a board of township trustees may adopt an	2135
ordinance or a resolution, to prohibit, or limit the number of,	2136
licensed hemp dispensaries within the municipal corporation or	2137
within the unincorporated territory of the township,	2138
respectively.	2139
(B) The legislative authority of a municipal corporation	2140
or a board of township trustees shall not adopt or enforce an	2141
ordinance or a resolution that does any of the following:	2142
(1) Prohibits or limits the operations of an entity	2143
described under division (G) of section 3779.03 of the Revised	2144
Code, except that a municipal corporation or township may	2145
enforce such an ordinance or such a resolution if it was adopted	2146
on or before June 30, 2025;	2147
(2) Prohibits or limits any activity authorized under	2148
sections 3779.01 to 3779.09 of the Revised Code, except as	2149
expressly permitted under division (A) of this section;	2150

(3) Prohibits or limits research related to intoxicating	2151
hemp conducted at a state university, academic medical center,	2152
or private research and development organization as part of a	2153
research protocol approved by an institutional review board or	2154
equivalent entity.	2155
Sec. 3779.11. A hemp dispensary licensed under section	2156
3779.03 of the Revised Code shall prominently display both of	2157
the following:	2158
(A) A statement that the use of intoxicating hemp products	2159
by individuals under twenty-one years of age is both harmful and	2160
<pre>illegal;</pre>	2161
(B) Information about the addictive qualities of	2162
intoxicating hemp products and the potential negative health	2163
consequences associated with their use.	2164
Sec. 3779.21. As used in sections 3779.21 to 3779.29 and	2165
3779.40 to 3779.48 of the Revised Code, except as provided in	2166
section 3779.40 of the Revised Code:	2167
(A) "At retail" and "identification card" have the same	2168
meanings as in section 3779.01 of the Revised Code.	2169
(B) "Distributor" means a class B permit holder under	2170
Chapter 4303. of the Revised Code, or the holder of an	2171
equivalent permit or other authorization issued by another	2172
state, that sells, offers for sale, arranges for sale, or	2173
delivers a low-level or high-level drinkable cannabinoid product	2174
to a low-level or high-level retailer located in this state.	2175
"Distributor" does not include either of the following:	2176
(1) A manufacturer;	2177
(2) A person that is a common carrier and that is used to	2178

<pre>complete delivery of a low-level or high-level drinkable</pre>	2179
cannabinoid product to a retailer.	2180
(C) "Delta-9 tetrahydrocannabinol," "hemp," "hemp	2181
product," and "tetrahydrocannabinol" have the same meanings as	2182
in section 928.01 of the Revised Code.	2183
(D) "High-level drinkable cannabinoid product" or "high-	2184
level DCP" means a liquid hemp product to which all of the	2185
<pre>following apply:</pre>	2186
(1) The product contains cannabinoids.	2187
(2) The cannabinoids in the product are solely derived	2188
<pre>from hemp.</pre>	2189
(3) The product is prepackaged and intended to be consumed	2190
via ingestion.	2191
(4) The product does not include a drug as defined in	2192
section 4729.01 of the Revised Code.	2193
(5) The product does not contain more than three-tenths	2194
<pre>per cent of any tetrahydrocannabinol.</pre>	2195
(6) The product contains more than five milligrams of	2196
total tetrahydrocannabinol per serving, but does not contain	2197
more than ten milligrams of total tetrahydrocannabinol per	2198
serving.	2199
(7) The product container does not contain more than one	2200
serving.	2201
"High-level drinkable cannabinoid product" is not an	2202
intoxicating hemp product.	2203
(E) "High-level retailer" means a class C permit holder	2204
under Chapter 4303, of the Revised Code.	2205

(F) "Low-level drinkable cannabinoid product" or "low-	2206
level DCP" means a liquid hemp product to which all of the	2207
<pre>following apply:</pre>	2208
(1) The product contains cannabinoids.	2209
(2) The cannabinoids in the product are solely derived	2210
<pre>from hemp.</pre>	2211
(3) The product is prepackaged and intended to be consumed	2212
via ingestion.	2213
(4) The product does not include a drug as defined in	2214
section 4729.01 of the Revised Code.	2215
(5) The product does not contain more than three-tenths	2216
per cent of any tetrahydrocannabinol.	2217
(6) The product does not contain more than five milligrams	2218
of total tetrahydrocannabinol per serving.	2219
(7) The product container does not contain more than one	2220
serving.	2221
"Low-level drinkable cannabinoid product" is not an	2222
<pre>intoxicating hemp product.</pre>	2223
(G) "Low-level retailer" means an A-1-A, A-1c, or class D	2224
permit holder under Chapter 4303. of the Revised Code.	2225
(H) "Manufacturer" means a person, whether located in this	2226
state or outside of this state, that manufactures a low-level or	2227
high-level drinkable cannabinoid product for sale in this state.	2228
(I) "Sale" and "sell" include exchange, barter, gift,	2229
offer for sale, sale, distribution and delivery of any kind, and	2230
the transfer of title or possession of a low-level or high-level	2231
drinkable cannabinoid product either by constructive or actual	2232

delivery by any means or devices.	2233
(J) "Serving" means twelve fluid ounces.	2234
Sec. 3779.22. (A) (1) A low-level retailer may sell at	2235
retail low-level drinkable cannabinoid products for consumption	2236
on the premises where sold.	2237
(2) A high-level retailer may sell at retail low-level or	2238
high-level drinkable cannabinoid products for consumption off	2239
the premises where sold.	2240
(B) No person shall do any of the following:	2241
(1) Sell at retail a low-level or high-level drinkable	2242
cannabinoid product unless authorized to do so under division	2243
(A) of this section;	2244
(2) If the person is a manufacturer, sell a low-level or	2245
high-level drinkable cannabinoid product unless the manufacturer	2246
is registered under section 3779.24 of the Revised Code;	2247
(3) If the person is a manufacturer, sell a low-level	2248
drinkable cannabinoid product to any person other than a low-	2249
<pre>level retailer, high-level retailer, or distributor;</pre>	2250
(4) If the person is a manufacturer, sell a high-level	2251
drinkable cannabinoid product to any person other than a high-	2252
<pre>level retailer or distributor;</pre>	2253
(5) Sell for distribution a low-level or high-level	2254
drinkable cannabinoid product unless the person is a	2255
distributor;	2256
(6) If the person is a distributor, sell a low-level	2257
drinkable cannabinoid product in this state to any person other	2258
than a low-level or high-level retailer;	2259

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

(13) If the person is a low-level or high-level retailer,	2288
accept any payment, credit, or any other consideration to	2289
advertise or display a low-level or high-level drinkable	2290
cannabinoid product, as applicable, in a certain manner at the	2291
<pre>retailer's permitted premises;</pre>	2292
(14) If the person is not a low-level retailer, allow an	2293
individual who purchases a drinkable cannabinoid product from	2294
the retailer to consume the drinkable cannabinoid product on the	2295
<pre>retailer's premises;</pre>	2296
(15) If the person is a low-level or high-level retailer,	2297
sell a low-level or high-level drinkable cannabinoid product, as	2298
applicable, at a price less than the price paid by the retailer	2299
to purchase the product from a distributor;	2300
(16) If the person is a low-level or high-level retailer	2301
and the person is purchasing a low-level or high-level drinkable	2302
cannabinoid product directly, as applicable, from a manufacturer	2303
for subsequent retail sale, sell a low-level or high-level	2304
drinkable cannabinoid product, as applicable, at a price less	2305
than the price paid by the retailer to purchase the product from	2306
the manufacturer;	2307
(17) If the person is a distributor, charge a different	2308
<pre>price to a low-level or high-level retailer for low-level or</pre>	2309
high-level drinkable cannabinoid products, as applicable, based	2310
upon the quantity of drinkable cannabinoid products sold to the	2311
retailer;	2312
(18) Sell a low-level or high-level drinkable cannabinoid	2313
product that includes hemp that was not cultivated by one of the	2314
<pre>following:</pre>	2315
(a) A hemp cultivator licensed under Chapter 928. of the	2316

Revised Code in this state or by the United States department of	2317
agriculture if the director of agriculture takes action under	2318
division (A)(2) of section 928.02 of the Revised Code;	2319
(b) A hemp cultivator that is licensed in another state by	2320
the United States department of agriculture;	2321
(c) A hemp cultivator that is licensed in another state by	2322
a governing body of that state whose hemp production plans have	2323
been approved by the United State department of agriculture.	2324
(19) Violate any rule adopted under section 3779.23 of the	2325
Revised Code.	2326
(C) (1) Prior to the effective date of the rules adopted	2327
under section 3779.23 of the Revised Code, a low-level retailer	2328
may sell low-level drinkable cannabinoid products and a high-	2329
level retailer may sell low-level or high-level drinkable	2330
cannabinoid products, a distributor may distribute such	2331
products, and a manufacturer may manufacture such products,	2332
provided both of the following apply:	2333
(a) The low-level or high-level drinkable cannabinoid	2334
products, as applicable, are in compliance with the labeling	2335
requirements specified in section 3779.26 of the Revised Code;	2336
(b) Such sales, distribution, and manufacturing are	2337
otherwise in compliance with applicable statutory provisions of	2338
sections 3779.21 to 3779.30 of the Revised Code.	2339
(2) On and after the effective date of those rules, sales,	2340
distribution, and manufacturing of such products shall be in	2341
full compliance with those rules and with applicable statutory	2342
provisions of sections 3779.21 to 3779.30 of the Revised Code.	2343
Sec. 3779.221. The superintendent of liquor control may	2344

impose an administrative penalty or take other enforcement	2345
actions against a person who violates division (B) of section	2346
3779.22 of the Revised Code or any rules adopted under section	2347
3779.23 of the Revised Code. Administrative penalties shall be	2348
set forth in rules adopted under section 3779.23 of the Revised	2349
Code.	2350
(B) The superintendent shall afford a person an	2351
opportunity for an adjudication hearing under Chapter 119. of	2352
the Revised Code to challenge the superintendent's determination	2353
to impose an administrative penalty or taking other enforcement	2354
action under this section, the superintendent's imposition of an	2355
administrative penalty under this section, or both. The	2356
superintendent's determination, the imposition of the	2357
administrative penalty, and taking other enforcement action may	2358
be appealed in accordance with section 119.12 of the Revised	2359
Code.	2360
Sec. 3779.23. Not later than six months after the	2361
effective date of this section, the superintendent of liquor	2362
control shall adopt rules in accordance with Chapter 119. of the	2363
Revised Code for the administration and enforcement of sections	2364
3779.21 to 3779.30 of the Revised Code, including rules	2365
governing all the following:	2366
(A) Registration of manufacturers under section 3779.24 of	2367
the Revised Code;	2368
(B) The testing of low-level and high-level drinkable	2369
cannabinoid products under section 3779.25 of the Revised Code,	2370
including rules governing the issuance of a certificate of	2371
analysis as required under division (C) of section 3779.25 of	2372
the Revised Code;	2373

(C) The labeling of low-level and high-level drinkable	2374
cannabinoid products under section 3779.26 of the Revised Code;	2375
(D) Establishment and maintenance of a list of approved	2376
tetrahydrocannabinols that may be included for use in low-level_	2377
and high-level drinkable cannabinoid products;	2378
(E) Advertisement of low-level and high-level drinkable	2379
cannabinoid products. The rules shall include a requirement that	2380
a person that advertises a low-level or high-level drinkable	2381
cannabinoid product submit the advertisement to the	2382
superintendent for the superintendent's approval. The	2383
superintendent shall approve or deny an advertisement no later	2384
than twenty-one business days after submission.	2385
(F) Establish the amount of administrative penalties to be	2386
imposed by the superintendent under section 3779.221 of the	2387
Revised Code and procedures for imposing such penalties.	2388
Sec. 3779.24. (A) No person shall manufacture a low-level	2389
or high-level drinkable cannabinoid product for sale in this	2390
state without registering with the superintendent of liquor	2391
control in accordance with rules adopted under section 3779.23	2392
of the Revised Code. The superintendent shall issue a	2393
registration under this section if the applicant submits to the	2394
superintendent an application and is in compliance with those	2395
rules.	2396
(B) A registration issued under this section is valid for	2397
one year after issuance and shall be renewed in the same manner	2398
as an initial registration.	2399
Sec. 3779.25. (A) (1) A manufacturer of a low-level or	2400
high-level drinkable cannabinoid product shall test the product	2401
in accordance with rules adopted under section 3779.23 of the	2402

Revised Code prior to selling the product or offering the	2403
<pre>product for sale to a distributor.</pre>	2404
(2) No manufacturer, distributor, low-level retailer, or	2405
high-level retailer shall sell or offer to sell a low-level or	2406
high-level drinkable cannabinoid product, as applicable, that is	2407
not tested in accordance with this section and rules adopted	2408
under section 3779.23 of the Revised Code or that exceeds the	2409
maximum allowable level for a substance or organism specified in	2410
<pre>those rules.</pre>	2411
(B) A manufacturer shall contract with a testing	2412
laboratory to provide the testing required under this section.	2413
(C) Notwithstanding Chapter 3796. of the Revised Code and	2414
rules adopted under it to the contrary, a low-level or high-	2415
level drinkable cannabinoid product that is sold in this state	2416
shall be tested in a facility licensed in accordance with	2417
Chapter 3796. of the Revised Code and rules adopted under it or,	2418
as approved by the superintendent of liquor control, in a	2419
facility in another state that meets requirements that are	2420
substantially similar to applicable requirements established	2421
under Chapter 3796. of the Revised Code and rules adopted under	2422
it. For each test conducted, the facility shall issue a	2423
certificate of analysis that includes the results of the test as	2424
required in rules adopted under section 3779.23 of the Revised	2425
<pre>Code.</pre>	2426
(D) A distributor, low-level retailer, or high-level	2427
retailer is not liable for any violations or causes of action if	2428
a low-level or high-level drinkable cannabinoid product	2429
distributed or sold by the distributor or retailer is not	2430
consistent with testing as represented.	2431

(E) No manufacturer or testing laboratory shall fail to	2432
comply with this section.	2433
Sec. 3779.26. (A) In accordance with rules adopted under	2434
section 3779.23 of the Revised Code, a manufacturer shall	2435
include a label on each low-level or high-level drinkable	2436
cannabinoid product container that it sells or offers for sale	2437
in this state that includes the following information in legible	2438
<pre>print:</pre>	2439
(1) The product name or common name on the front of the	2440
<pre>label;</pre>	2441
(2) The brand name on the front of the label;	2442
(3) The size of the container or net count of individual	2443
items included in the container on the front of the label;	2444
(4) The net weight or volume of the items included in the	2445
<pre>container;</pre>	2446
(5) The number of servings per container;	2447
(6) A list of ingredients;	2448
(7) The amount of tetrahydrocannabinol, in milligrams, as	2449
identified in the certificate of analysis as required under	2450
division (C) of section 3779.25 of the Revised Code;	2451
(8) The number of calories per container;	2452
(9) The words "This Product is a Low-level Drinkable	2453
Cannabinoid Product" or "This Product is a High-level Drinkable	2454
Cannabinoid Product," as applicable;	2455
(10) A conspicuous warning statement conveying that the	2456
product contains tetrahydrocannabinol, that the effects of	2457
drinking a low-level or high-level drinkable cannabinoid product	2458

are different than those from drinking an alcoholic beverage,	2459
and that a person should use caution when consuming low-level or	2460
high-level DCPs or mixing the consumption of low-level or high-	2461
level DCPs with alcoholic beverages;	2462
(11) A symbol approved by the superintendent of liquor	2463
control warning potential consumers that the product contains	2464
tetrahydrocannabinol. The symbol may include the American	2465
society for testing and materials intoxicating cannabis products	2466
symbol (D8441/D8441M).	2467
(B) A manufacturer shall include the amount of	2468
tetrahydrocannabinol, in milligrams, as identified in the	2469
certificate of analysis as required under division (C) of	2470
section 3779.25 of the Revised Code, on the container of a low-	2471
level or high-level drinkable cannabinoid product. The amount of	2472
tetrahydrocannabinol included on the container of a low-level or	2473
high-level drinkable cannabinoid product may deviate by ten per	2474
cent of the actual amount on the certificate of analysis.	2475
(C) No manufacturer shall fail to comply with this	2476
section.	2477
Sec. 3779.27. (A) As used in this section, "sales area or	2478
territory" means an exclusive geographic area or territory that	2479
is assigned to a particular distributor and that either has one	2480
or more political subdivisions as its boundaries or consists of	2481
an area of land with readily identifiable geographic boundaries.	2482
(B) Each manufacturer shall assign to each of the	2483
manufacturer's distributors a sales area or territory within	2484
which each distributor shall be the distributor of the brand or	2485
brands of the manufacturer, provided that, if the manufacturer	2486
manufactures more than one brand of low-level or high-level	2487

drinkable cannabinoid product, the manufacturer may assign sales	2488
areas or territories to additional distributors for the	2489
distribution and sale of the additional brand or brands, so long	2490
as not more than one distributor distributes the same brand or	2491
brands within the same sales area or territory. No distributor	2492
shall distribute a specific brand of low-level or high-level	2493
drinkable cannabinoid product in any area or territory other	2494
than the area or territory assigned to the distributor.	2495
Sec. 3779.28. (A) No manufacturer shall aid or assist a	2496
distributor, and no manufacturer or distributor shall aid or	2497
assist a low-level retailer or high-level retailer, by gift or	2498
loan of any money or property of any description or other	2499
valuable thing, or by giving premiums or rebates. No	2500
distributor, low-level retailer, or high-level retailer shall	2501
accept the same.	2502
(B) No manufacturer shall have any financial interest,	2503
directly or indirectly, by stock ownership, or through	2504
interlocking directors in a corporation, or otherwise, in the	2505
establishment, maintenance, or promotion in the business of any	2506
distributor. No low-level retailer or high-level retailer shall	2507
have any interest, directly or indirectly, in the operation of,	2508
or any ownership in, the business of any distributor or	2509
manufacturer.	2510
(C) No manufacturer shall have any financial interest,	2511
directly or indirectly, by stock ownership, or through_	2512
interlocking directors in a corporation, or otherwise, in the	2513
establishment, maintenance, or promotion of the business of any	2514
low-level retailer or high-level retailer. No distributor or	2515
employee of a distributor shall have any financial interest,	2516
directly or indirectly by stock ownership interlocking	2517

directors in a corporation, or otherwise, in the establishment,	2518
maintenance, or promotion of the business of any low-level	2519
retailer or high-level retailer. No manufacturer or distributor	2520
or any stockholder of a manufacturer or distributor shall	2521
acquire, by ownership in fee, leasehold, mortgage, or otherwise,	2522
directly or indirectly, any interest in the premises on which	2523
the business of any other person engaged in the business of	2524
selling low-level or high-level drinkable cannabinoid products	2525
at retail is occurring.	2526
(D) No manufacturer shall sell or offer to sell to any	2527
distributor or low-level retailer or high-level retailer, no	2528
distributor shall sell or offer to sell to any low-level	2529
retailer or high-level retailer, and no distributor or low-level	2530
retailer or high-level retailer shall purchase or receive from	2531
any manufacturer or distributor any low-level or high-level	2532
drinkable cannabinoid product in the United States except for	2533
cash. No right of action exists to collect any claims for credit	2534
extended contrary to this section.	2535
(E) Divisions (B) and (C) of this section do not apply to	2536
a person licensed under section 3779.03 of the Revised Code.	2537
Sec. 3779.29. (A) As used in this section:	2538
(1) "Chauffeured limousine" means a vehicle registered	2539
under section 4503.24 of the Revised Code.	2540
(2) "Street," "highway," and "motor vehicle" have the same	2541
meanings as in section 4511.01 of the Revised Code.	2542
(B) A person may have in the person's possession an opened	2543
container of a low-level or high-level drinkable cannabinoid	2544
product in either of the following locations:	2545
(1) On the premises of a private residence:	2546

(2) In a chauffeured limousine that is located on any	2547
street, highway, or other public or private property open to the	2548
public for purposes of vehicular travel or parking if all the	2549
following apply:	2550
(a) The person, or the guest of the person, pays all or a	2551
portion of the fee imposed for the use of a chauffeured	2552
limousine pursuant to a prearranged contract.	2553
(b) The person or guest is a passenger in the limousine.	2554
(c) The person or guest is located in the limousine but is	2555
not occupying a seat in the front compartment of the limousine	2556
where the operator of the limousine is located.	2557
(C) A person may have in the person's possession an opened	2558
container of a low-level drinkable cannabinoid product on the	2559
premises of a low-level retailer, provided the low-level	2560
retailer sold the low-level drinkable cannabinoid product to the	2561
person.	2562
(D) Except as provided in divisions (B) and (C) of this	2563
section, no person shall have in the person's possession an	2564
opened container of a low-level or high-level drinkable	2565
cannabinoid product in any of the following circumstances:	2566
(1) In any public place;	2567
(2) While operating or being a passenger in or on a motor	2568
vehicle on any street, highway, or other public or private	2569
property open to the public for purposes of vehicular travel or	2570
parking;	2571
(3) While being in or on a stationary motor vehicle on any	2572
street, highway, or other public or private property open to the	2573
public for purposes of vehicular travel or parking	2574

Sec. 3779.30. (A) As used in this section:	2575
(1) "Intoxicating hemp product" has the same meaning as in	2576
section 3779.01 of the Revised Code.	2577
(2) "Low-level and high-level drinkable cannabinoid	2578
product" has the same meaning as in section 3779.21 of the	2579
Revised Code.	2580
(3) "Manufacturer" means a person that manufactures a low-	2581
level or high-level drinkable cannabinoid product.	2582
(B) Notwithstanding any provision of the Revised Code to	2583
the contrary, a manufacturer may utilize a byproduct specified	2584
in division (R) of section 928.03 of the Revised Code to do	2585
<pre>either of the following:</pre>	2586
(1) Manufacture a low-level or high-level drinkable	2587
<pre>cannabinoid product;</pre>	2588
(2) Manufacture an intoxicating hemp product that is a	2589
beverage that contains more than ten milligrams of total	2590
tetrahydrocannabinol per serving for export outside this state.	2591
Sec. 3779.40. (A) As used in sections 3779.40 to 3779.48	2592
of the Revised Code:	2593
(1) "Licensed dispensary" means a hemp dispensary licensed	2594
under section 3779.03 of the Revised Code.	2595
(2) "Intoxicating hemp product receipts" means the total	2596
amount received by a licensed dispensary, without deduction for	2597
the cost of goods, taxes paid, or other expenses incurred, from	2598
the sale or other disposition of intoxicating hemp products to	2599
any other person.	2600
(3) "Received" has the same meaning as in section 5751 01	2601

of the Revised Code.	2602
(4) "Sale" includes exchange, barter, gift, offer for	2603
sale, and distribution, and includes transactions in interstate	2604
or foreign commerce.	2605
(5) "Taxpayer" means any person liable for a tax imposed	2606
under this section.	2607
(6) "Gallon" means one hundred twenty-eight fluid ounces.	2608
(7) "Drinkable cannabinoid product" means a low-level or	2609
high-level drinkable cannabinoid product.	2610
(B) For the purpose of providing for the needs of this	2611
state, a tax is levied on the intoxicating hemp product receipts	2612
received by a licensed dispensary each month at the rate of ten	2613
per cent of such receipts. All revenue from the tax shall be	2614
credited to the general revenue fund. The tax is part of the	2615
price for purposes of sales and use taxes levied under Chapters	2616
5739. and 5741. of the Revised Code.	2617
(C) For the purpose of providing for the needs of this	2618
state, an excise tax is levied on sales by a manufacturer to a	2619
distributor or retailer of drinkable cannabinoid products at the	2620
rate of one dollar and twenty cents per gallon of such products	2621
sold. All revenue from the tax shall be credited to the general	2622
revenue fund.	2623
(D) Not later than thirty days after first receiving	2624
intoxicating hemp product receipts, a licensed dispensary shall	2625
register with the tax commissioner by submitting all of the	2626
<pre>following:</pre>	2627
(1) A copy of the license or licenses issued to the	2628
registrant under section 3779 03 of the Revised Code:	2629

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

<pre>permitted to engage;</pre>	2658
(3) A change in the location or facilities in which the	2659
registrant is permitted to engage in such activities.	2660
Sec. 3779.41. (A) Not later than the twenty-third day of	2661
the month, every taxpayer shall file with the tax commissioner a	2662
return for the preceding calendar month reporting any	2663
information the commissioner finds necessary for the proper	2664
administration of sections 3779.40 to 3779.48 of the Revised	2665
	2666
Code, together with remittance of the tax due. In the case of	2667
the tax levied under division (B) of section 3779.40 of the	
Revised Code, the tax shall be calculated on the basis of the	2668
taxpayer's intoxicating hemp product receipts received during	2669
the preceding month. In the case of the tax levied under	2670
division (C) of section 3779.40 of the Revised Code, the tax	2671
shall be calculated on the basis of the gallons of drinkable	2672
cannabinoid products sold by the taxpayer to a distributor or	2673
retailer during the preceding month.	2674
(B) Any taxpayer that fails to file a return or pay the	2675
full amount of the tax due within the period prescribed under	2676
this section shall pay a penalty in an amount not exceeding the	2677
greater of fifty dollars or ten per cent of the tax required to	2678
be paid for the month.	2679
(C)(1) If any additional tax is found to be due, the tax	2680
commissioner may impose an additional penalty of up to fifteen	2681
per cent of the additional tax found to be due.	2682
(2) Any delinquent payments made after a taxpayer is	2683
notified of an audit or a tax discrepancy by the commissioner	2684
are subject to the penalty imposed by division (C)(1) of this	2685
section. If an assessment is issued under section 3779.44 of the	2686
peceton, it an appearment is insuca anali section 2//2.if of the	2000

Revised Code in connection with such delinquent payments, the	2687
payments shall be credited to the assessment.	2688
(D) The commissioner may collect any penalty or interest	2689
imposed by this section or section 3779.40 of the Revised Code	2690
in the same manner as the applicable tax imposed under that	2691
section. Penalties and interest so collected shall be considered	2692
as revenue arising from that tax.	2693
(E) The commissioner may abate all or a portion of any	2694
penalties imposed under this section or section 3779.40 of the	2695
Revised Code and may adopt rules governing such abatements.	2696
(F) If any tax due is not timely paid within the period	2697
prescribed under this section, the taxpayer shall pay interest,	2698
calculated at the rate per annum prescribed by section 5703.47	2699
of the Revised Code, from the date the tax payment was due to	2700
the date of payment or to the date an assessment was issued,	2701
whichever occurs first.	2702
(G) The commissioner may impose a penalty of up to ten per	2703
cent for any additional tax that is due from a taxpayer that	2704
reports incorrect information.	2705
Sec. 3779.42. (A) Any taxpayer required to file returns	2706
under section 3779.41 of the Revised Code shall remit each tax	2707
payment, and, if required by the tax commissioner, file the tax	2708
return or the annual report, electronically. The commissioner	2709
may require taxpayers to use the Ohio business gateway as	2710
defined in section 718.01 of the Revised Code to file returns	2711
and remit the taxes, or may provide another means for taxpayers	2712
to file and remit the taxes electronically.	2713
(B) A taxpayer required to remit taxes or file returns	2714
electronically under division (A) of this section may apply to	2715

the commissioner, on a form prescribed by the commissioner, to	2716
be excused from that requirement. The commissioner may excuse a	2717
taxpayer from the requirements of this section for good cause.	2718
(C)(1) If a taxpayer required to remit tax or file a	2719
return electronically under division (A) of this section fails	2720
to do so, the commissioner may impose a penalty not to exceed	2721
the following:	2722
(a) For either of the first two months the taxpayer so	2723
fails, the greater of twenty-five dollars or five per cent of	2724
the amount of the payment that was required to be remitted;	2725
(b) For the third and any subsequent months the taxpayer_	2726
so fails, the greater of fifty dollars or ten per cent of the	2727
amount of the payment that was required to be remitted.	2728
(2) The penalty imposed under division (C)(1) of this	2729
section shall be considered as revenue arising from the tax	2730
imposed under division (B) or (C) of section 3779.40 of the	2731
Revised Code, as applicable. A penalty may be collected by	2732
assessment in the manner prescribed by section 3779.44 of the	2733
Revised Code. The commissioner may abate all or a portion of	2734
such a penalty.	2735
(D) The commissioner may adopt rules necessary to	2736
administer this section.	2737
Sec. 3779.43. (A) An application for refund to the	2738
taxpayer of amounts imposed under sections 3779.40 to 3779.48 of	2739
the Revised Code that are overpaid, paid illegally or	2740
erroneously, or paid on any illegal or erroneous assessment	2741
shall be filed by the taxpayer with the tax commissioner, on a	2742
form prescribed by the commissioner, within four years after the	2743
date of the illegal or erroneous payment, or within any	2744

additional period allowed under division (F) of section 3779.44	2745
of the Revised Code. The applicant shall provide the amount of	2746
the requested refund along with the claimed reasons for, and	2747
documentation to support, the issuance of a refund.	2748
(B) On the filing of the refund application, the	2749
commissioner shall determine the amount of refund to which the	2750
applicant is entitled. If the amount is not less than that	2751
claimed, the commissioner shall certify the amount to the	2752
director of budget and management and treasurer of state for	2753
payment from the tax refund fund created under section 5703.052	2754
of the Revised Code. If the amount is less than that claimed,	2755
the commissioner shall proceed in accordance with section	2756
5703.70 of the Revised Code.	2757
(C) Interest on a refund applied for under this section,	2758
computed at the rate provided for in section 5703.47 of the	2759
Revised Code, shall be allowed from the later of the date the	2760
amount was paid or when the payment was due.	2761
(D) Except as provided in section 3779.431 of the Revised	2762
Code, the commissioner may, with the consent of the taxpayer,	2763
provide for the crediting, against tax due for any month, of the	2764
amount of any refund due to the taxpayer under this section for	2765
a preceding month.	2766
Sec. 3779.431. As used in this section, "debt to this	2767
state" means unpaid taxes due the state, unpaid workers'	2768
compensation premiums due under section 4123.35 of the Revised	2769
Code, unpaid unemployment compensation contributions due under	2770
section 4141.25 of the Revised Code, unpaid unemployment	2771
compensation payment in lieu of contribution under section	2772
4141.241 of the Revised Code, unpaid fees payable to the state	2773
or to the clerk of courts pursuant to section 4505.06 of the	2774

Revised Code, incorrect payments for medicaid services under the	2775
medicaid program, or any unpaid charge, penalty, or interest	2776
arising from any of the foregoing.	2777
If a taxpayer entitled to a refund under section 3779.43	2778
of the Revised Code owes any debt to this state, the amount	2779
refundable may be applied in satisfaction of the debt. If the	2780
amount refundable is less than the amount of the debt, it may be	2781
applied in partial satisfaction of the debt. If the amount	2782
refundable is greater than the amount of the debt, the amount	2783
remaining after satisfaction of the debt shall be refunded. This	2784
section applies only to debts that have become final. For the	2785
purposes of this section, a debt becomes final when, under the	2786
applicable law, any time provided for petition for reassessment,	2787
request for reconsideration, or other appeal of the legality or	2788
validity of the amount giving rise to the debt expires without	2789
an appeal having been filed in the manner provided by law.	2790
Sec. 3779.44. (A) The tax commissioner may make an	2791
assessment, based on any information in the commissioner's	2792
possession, against any person that fails to file a return or	2793
pay tax as required under section 3779.41 of the Revised Code.	2794
The commissioner shall give the person assessed written notice	2795
of the assessment as provided in section 5703.37 of the Revised	2796
Code. With the notice, the commissioner shall provide	2797
instructions on the manner in which to petition for reassessment	2798
and request a hearing with respect to the petition.	2799
(B) Unless the person assessed, within sixty days after	2800
service of the notice of assessment, files with the	2801
commissioner, either personally or by certified mail, a written	2802
petition signed by the person or the person's authorized agent	2803
having knowledge of the facts, the assessment becomes final, and	2804

the amount of the assessment is due and payable from the person	2805
assessed to the treasurer of state. The petition shall indicate	2806
the objections of the person assessed, but additional objections	2807
may be raised in writing if received by the commissioner before	2808
the date shown on the final determination.	2809
If a petition for reassessment has been properly filed,	2810
the commissioner shall proceed under section 5703.60 of the	2811
Revised Code.	2812
(C)(1) After an assessment becomes final, if any portion	2813
of the assessment, including accrued interest, remains unpaid, a	2814
certified copy of the commissioner's entry making the assessment	2815
final may be filed in the office of the clerk of the court of	2816
common pleas in the county in which the person resides or has	2817
its principal place of business in this state, or in the office	2818
of the clerk of the court of common pleas of Franklin county.	2819
(2) Immediately upon the filing of the entry, the clerk	2820
shall enter judgment for the state against the person assessed	2821
in the amount shown on the entry. The judgment may be filed by	2822
the clerk in a loose-leaf book entitled "special judgments for	2823
the intoxicating hemp product receipts tax" or "special	2824
judgments for the drinkable cannabinoid product tax," as	2825
applicable, and shall have the same effect as other judgments.	2826
Execution shall issue upon the judgment at the request of the	2827
commissioner, and all laws applicable to sales on execution	2828
shall apply to sales made under the judgment.	2829
(3) If the assessment is not paid in its entirety within	2830
sixty days after the day the assessment was issued, the portion	2831
of the assessment consisting of tax due shall bear interest at	2832
the rate per annum prescribed by section 5703.47 of the Revised	2833
Code from the day the commissioner issues the assessment until	2834

it is paid or until it is certified to the attorney general for	2835
collection under section 131.02 of the Revised Code, whichever	2836
comes first. If the unpaid portion of the assessment is	2837
certified to the attorney general for collection, the entire	2838
unpaid portion of the assessment shall bear interest at the rate	2839
per annum prescribed by section 5703.47 of the Revised Code from	2840
the date of certification until the date it is paid in its	2841
entirety. Interest shall be paid in the same manner as the tax	2842
imposed by division (B) or (C) of section 3779.40 of the Revised	2843
Code, as applicable, and may be collected by the issuance of an	2844
assessment under this section.	2845
(D) If the commissioner believes that collection of a tax	2846
imposed by this chapter will be jeopardized unless proceedings	2847
to collect or secure collection of the tax is instituted without	2848
delay, the commissioner may issue a jeopardy assessment against	2849
the person liable for the tax. Immediately upon the issuance of	2850
the jeopardy assessment, the commissioner shall file an entry	2851
with the clerk of the court of common pleas in the manner	2852
prescribed by division (C) of this section. Notice of the	2853
jeopardy assessment shall be served on the person assessed or	2854
the person's authorized agent in the manner provided in section	2855
5703.37 of the Revised Code within five days of the filing of	2856
the entry with the clerk. The total amount assessed is	2857
immediately due and payable unless the person assessed files a	2858
petition for reassessment in accordance with division (B) of	2859
this section and provides security in a form satisfactory to the	2860
commissioner and in an amount sufficient to satisfy the unpaid	2861
balance of the assessment. Full or partial payment of the	2862
assessment does not prejudice the commissioner's consideration	2863
of the petition for reassessment.	2864
(E) The commissioner shall immediately forward to the	2865

treasurer of state all amounts the commissioner receives under	2866
this section, and such amounts shall be considered as revenue	2867
arising from the tax imposed under division (B) or (C) of	2868
section 3779.40 of the Revised Code, as applicable.	2869
(F) Except as otherwise provided in this division, no	2870
assessment shall be made or issued against a taxpayer for a tax	2871
imposed under this chapter more than four years after the due	2872
date for the filing of the return for the tax period for which	2873
the tax was reported, or more than four years after the return	2874
for the tax period was filed, whichever is later. The time limit	2875
may be extended if both the taxpayer and the commissioner	2876
consent in writing to the extension or enter into an agreement	2877
waiving or extending the time limit. Any such extension shall	2878
extend the four-year time limit in division (A) of section	2879
3779.43 of the Revised Code for the same period of time. Nothing	2880
in this division bars an assessment against a taxpayer that	2881
fails to file a return required under section 3779.41 of the	2882
Revised Code or that files a fraudulent return.	2883
(G) If the commissioner possesses information that	2884
indicates that the amount of tax a taxpayer is required to pay	2885
under division (B) or (C) of section 3779.40 of the Revised Code	2886
exceeds the amount the taxpayer paid, the commissioner may audit	2887
a sample of the taxpayer's sales over a representative period of	2888
time to ascertain the amount of tax due, and may issue an	2889
assessment based on the audit. The commissioner shall make a	2890
good faith effort to reach agreement with the taxpayer in	2891
selecting a representative sample. The commissioner may apply a	2892
sampling method only if the commissioner has prescribed the	2893
method by rule.	2894
(H) If the whereabouts of a person subject to this chapter	2895

is not known to the tax commissioner, the commissioner shall	2896
follow the procedures under section 5703.37 of the Revised Code.	2897
Sec. 3779.45. If any person liable for a tax imposed under	2898
section 3779.40 of the Revised Code sells the trade or business,	2899
disposes in any manner other than in the regular course of	2900
business at least seventy-five per cent of assets of the trade	2901
or business, or quits the trade or business, any tax owed by	2902
such person shall become due and payable immediately, and the	2903
person shall pay the tax due under this chapter, including any	2904
applicable penalties and interest, within forty-five days after	2905
the date of selling or quitting the trade or business. The	2906
person's successor shall withhold a sufficient amount of the	2907
purchase money to cover the amount due and unpaid until the	2908
former owner produces a receipt from the tax commissioner	2909
showing that the amounts are paid or a certificate indicating	2910
that no tax is due. If a purchaser fails to withhold purchase	2911
money, that person is personally liable, up to the purchase	2912
money amount, for such amounts that are unpaid during the	2913
operation of the business by the former owner.	2914
The commissioner may adopt rules regarding the issuance of	2915
certificates under this section, including the waiver of the	2916
need for a certificate if certain criteria are met.	2917
Sec. 3779.451. If any person subject to the tax levied	2918
under division (B) of section 3779.40 of the Revised Code fails	2919
to report or pay the tax as required under section 3779.41 of	2920
the Revised Code, or fails to pay any penalty imposed under	2921
sections 3779.40 to 3779.48 of the Revised Code within ninety	2922
days after the time prescribed for payment of the penalty, the	2923
attorney general, on the request of the tax commissioner, shall	2924
commence an action in quo warranto in the court of appeals of	2925

the county in which the person resides or has its principal	2926
place of business to forfeit and annul the person's licenses	2927
issued under section 3779.03 of the Revised Code. If the court	2928
finds that the person is in default for the amount claimed, it	2929
shall render judgment revoking the person's registration and	2930
shall otherwise proceed as provided in Chapter 2733. of the	2931
Revised Code.	2932
Sec. 3779.46. (A) The tax commissioner may prescribe	2933
requirements for the keeping of records and other pertinent	2934
documents, the filing of copies of federal income tax returns	2935
and determinations, and computations reconciling federal income	2936
tax returns with the returns required by section 3779.41 of the	2937
Revised Code. The commissioner may require any person, by rule	2938
or notice served on that person, to keep those records that the	2939
commissioner considers necessary to show whether, and the extent	2940
to which, a person is subject to a tax levied under section	2941
3779.40 of the Revised Code.	2942
(B) Each taxpayer shall maintain complete and accurate	2943
records of all sales and other dispositions of intoxicating hemp	2944
products or drinkable cannabinoid products, as applicable, and	2945
shall procure and retain all invoices, bills of lading, and	2946
other documents relating to the sales and other dispositions of	2947
such products. No person shall make a false entry upon any	2948
invoice or record upon which an entry is required by this	2949
section, and no person shall present any false entry for the	2950
inspection of the commissioner with the intent to evade a tax	2951
levied under section 3779.40 of the Revised Code.	2952
(C) The records described in divisions (A) and (B) of this	2953
section and other documents shall be open during business hours	2954
to the inspection of the commissioner, and shall be preserved	2955

for a period of four years, unless the commissioner, in writing,	2956
consents to their destruction within that period, or by order	2957
requires that they be kept for a longer period. If such records	2958
are normally kept by the person electronically, the person shall	2959
provide such records to the commissioner electronically at the	2960
commissioner's request.	2961
(D) Any information acquired by the commissioner under	2962
this chapter is confidential as provided for in section 5703.21	2963
of the Revised Code, except that the commissioner shall make	2964
public an electronic list of all actively registered persons	2965
required to remit a tax under section 3779.40 of the Revised	2966
Code, including legal names, trade names, addresses, and account	2967
numbers. In addition, the list shall include all persons that	2968
canceled their registrations at any time during the preceding	2969
four calendar years, including the effective date of the	2970
cancellation.	2971
Sec. 3779.47. (A) No person shall prepare for shipment,	2972
ship, transport, deliver, prepare for distribution, distribute,	2973
or sell intoxicating hemp products or drinkable cannabinoid	2974
products, or otherwise engage or participate in the business of	2975
selling intoxicating hemp products or drinkable cannabinoid	2976
products, with the intent to avoid payment of a tax levied by	2977
section 3779.40 of the Revised Code.	2978
(B) The tax commissioner or an agent of the commissioner	2979
may enter and inspect the facilities and records of a person	2980
selling intoxicating hemp products or drinkable cannabinoid	2981
products. Such entrance and inspection requires a properly	2982
issued search warrant if conducted outside the normal business	2983
hours of the person, but does not require a search warrant if	2984
conducted during the normal business hours of the person. No	2985

person shall prevent or hinder the commissioner or an agent of	2986
the commissioner from carrying out the authority granted under	2987
this division.	2988
(C) Whenever the commissioner discovers intoxicating hemp	2989
products or drinkable cannabinoid products that are subject to a	2990
	2991
tax levied by this chapter and upon which the tax has not been	2991
or will not be paid or the commissioner has reason to believe	
the tax is being avoided, the commissioner may seize and take	2993
possession of the products, which, upon seizure, shall be	2994
forfeited to the state. Within a reasonable time after seizure,	2995
the commissioner may sell the products. From the proceeds of	2996
this sale, the commissioner shall pay the costs incurred in the	2997
seizure and sale, and any proceeds remaining after the sale	2998
shall be considered as revenue arising from the tax. The seizure	2999
and sale do not relieve any person from the fine or imprisonment	3000
provided for a violation of this chapter. The commissioner shall	3001
make the sale where it is most convenient and economical, but	3002
may order the destruction of forfeited products if the quantity	3003
or quality is not sufficient to warrant its sale.	3004
Sec. 3779.48. (A) Any person that is not a taxpayer	3005
registered under section 3779.40 of the Revised Code is liable	3006
for any amounts, including tax, interest, and penalties, imposed	3007
	3007
by sections 3779.40 to 3779.48 of the Revised Code in the same	
manner as persons that do hold such a registration are liable,	3009
if the person does either of the following:	3010
(1) Receives intoxicating hemp product receipts from the	3011
retail sale of intoxicating hemp;	3012
(2) Sells drinkable cannabinoid products upon which the	3013
tax levied by those sections has not been paid.	3014

(B) The tax commissioner may issue an assessment against a	3015
person described in division (A) of this section for any amount	3016
due under this chapter in the same manner provided under section	3017
3779.44 of the Revised Code.	3018
Sec. 3779.99. (A) Except as provided in division (B) of	3019
this section, whoever recklessly violates division (A)(1) of	3020
section 3779.02 of the Revised Code is guilty of a misdemeanor	3021
of the first degree on a first offense and a felony of the fifth	3022
degree on a subsequent offense.	3023
(B) Whoever recklessly violates division (A)(1) of section	3024
3779.02 of the Revised Code that involves the sale of an	3025
intoxicating hemp product to a person under twenty-one years of	3026
age is guilty of a misdemeanor of the first degree on a first	3027
offense and a felony of the fifth degree on a subsequent	3028
offense.	3029
(C) Whoever knowingly violates section 3779.09 of the	3030
Revised Code is guilty of a minor misdemeanor.	3031
(D)(1) As used in this section, "licensing authority"	3032
means the following:	3033
(a) For purposes of a license issued under section 3770.05	3034
of the Revised Code, the state lottery commission;	3035
(b) For purposes of sections 5743.15 and 5743.61 of the	3036
Revised Code, the tax commissioner;	3037
(c) For purposes of Chapter 4303. of the Revised Code, the	3038
division of liquor control.	3039
(2) A licensing authority shall adopt rules in accordance	3040
with Chapter 119. of the Revised Code to enforce violations of	3041
this chapter directly against a person who has been issued a	3042

license under section 3770.05, 5743.15, or 5743.61 or has been	3043
issued a permit under Chapter 4303. of the Revised Code, as	3044
applicable.	3045
(E) Whoever recklessly violates division (B)(1) of section	3046
3779.22 of the Revised Code is guilty of a misdemeanor of the	3047
first degree on a first offense and a felony of the fifth degree	3048
on a second or subsequent offense.	3049
(F) Whoever recklessly violates division (B) (8) of section	3050
3779.22 of the Revised Code is guilty of a misdemeanor of the	3051
first degree on a first offense and a felony of the fifth degree	3052
on a subsequent offense.	3053
(G) Whoever knowingly violates section 3779.29 of the	3054
Revised Code is guilty of a minor misdemeanor.	3055
(H) Whoever knowingly files a fraudulent refund claim	3056
under section 3779.43 of the Revised Code shall be fined the	3057
greater of one thousand dollars or the amount of the fraudulent	3058
refund requested, or imprisoned not more than sixty days, or	3059
both.	3060
(I) Except as otherwise provided in this section, whoever	3061
knowingly violates sections 3779.40 to 3779.48 of the Revised	3062
Code shall be fined not more than five hundred dollars, or	3063
imprisoned not more than thirty days, or both.	3064
(J) The penalties provided in divisions (H) and (I) of	3065
this section are in addition to any penalties imposed by the tax	3066
commissioner under sections 3779.40 to 3779.48 of the Revised	3067
Code.	3068
Sec. 3796.01. (A) As used in this chapter:	3069
(1) "Marijuana" means marihuana as defined in section	3070

3719.01 of the Revised Code.	3071
(2) "Medical marijuana" means marijuana that is	3072
cultivated, processed, dispensed, tested, possessed, or used for	3073
a medical purpose in accordance with this chapter. "Medical	3074
marijuana" does not include adult-use marijuana or homegrown	3075
marijuana.	3076
(3) "Academic medical center" has the same meaning as in	3077
section 4731.297 of the Revised Code.	3078
(4) "Drug database" means the database established and	3079
maintained by the state board of pharmacy pursuant to section	3080
4729.75 of the Revised Code.	3081
(5) "Physician" means an individual authorized under	3082
Chapter 4731. of the Revised Code to practice medicine and	3083
surgery or osteopathic medicine and surgery.	3084
(6) "Qualifying medical condition" means any of the	3085
following:	3086
(a) Acquired immune deficiency syndrome;	3087
(b) Alzheimer's disease;	3088
(c) Amyotrophic lateral sclerosis;	3089
(d) Cancer;	3090
(e) Chronic traumatic encephalopathy;	3091
(f) Crohn's disease;	3092
(g) Epilepsy or another seizure disorder;	3093
(h) Fibromyalgia;	3094
(i) Glaucoma;	3095

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

dispensed, or tested for, or possessed or used by, an adult-use	3120
consumer before the effective date of this amendment in	3121
accordance with Chapter 3780. of the Revised Code, as that	3122
chapter existed immediately prior to the effective date of this	3123
amendment. "Adult-use marijuana" does not include medical	3124
marijuana or homegrown marijuana.	3125
(10) "Church" has the meaning defined in section 1710.01	3126
of the Revised Code.	3127
(11) "Public library" means a library provided for under	3128
Chapter 3375. of the Revised Code.	3129
(12) "Public park" means a park established by the state	3130
or a political subdivision of the state, including a county,	3131
township, municipal corporation, or park district.	3132
(13) "Public playground" means a playground established by	3133
the state or a political subdivision of the state, including a	3134
county, township, municipal corporation, or park district.	3135
(14) "School" means a child care center as defined under	3136
section 5104.01 of the Revised Code, a preschool as defined	3137
under section 2950.034 of the Revised Code, or a public or	3138
nonpublic primary school or secondary school.	3139
(15) "Public place" has the same meaning as in section	3140
3794.01 of the Revised Code.	3141
(16) "Ohio investigative unit" means the investigative	3142
unit maintained by the department of public safety under section	3143
5502.13 of the Revised Code.	3144
(17) "Homegrown marijuana" means marijuana cultivated,	3145
grown, processed, or possessed by an adult-use consumer in	3146
accordance with section 3796.04 of the Revised Code. "Homegrown	3147

marijuana" includes marijuana cultivated, grown, processed, or	3148
possessed before the effective date of this amendment under	3149
former section 3780.28 of the Revised Code, as that section	3150
existed immediately prior to the effective date of this	3151
amendment. "Homegrown marijuana" does not include medical	3152
marijuana or adult-use marijuana.	3153
(18) "Provisional license" means a temporary license	3154
issued to an applicant for a cultivator, processor, retail	3155
dispensary, or laboratory license under this chapter or Chapter	3156
3780. of the Revised Code, as that chapter existed immediately	3157
before the effective date of this amendment, that establishes	3158
the conditions that must be met before the provisional license	3159
holder may engage in the activities authorized by section	3160
3796.18, 3796.19, 3796.20, or 3796.21 of the Revised Code.	3161
(19) "Certificate of operation" means a certificate issued	3162
to the holder of a provisional license that authorizes the	3163
recipient to engage in the activities authorized by section	3164
3796.18, 3796.19, 3796.20, or 3796.21 of the Revised Code.	3165
(20)(a) "Disqualifying offense" means, subject to	3166
divisions (A)(20)(b) and (c) of this section, committing,	3167
attempting to commit, or aiding and abetting another in	3168
committing any of the following:	3169
(i) Any offense set forth in Chapter 2925., 3719., or	3170
4729. of the Revised Code, the violation of which constitutes a	3171
felony or a misdemeanor of the first degree;	3172
(ii) Any theft offense set forth under division (K) of	3173
section 2913.01 of the Revised Code, the violation of which	3174
constitutes a felony;	3175
(iii) Any violation for which a penalty is imposed under	3176

section 3715.99 of the Revised Code;	3177
(iv) A crime of moral turpitude as defined in section	3178
4776.10 of the Revised Code;	3179
(v) A violation of any former law of this state, any	3180
existing or former law of another state, any existing or former	3181
law applicable in a military court or Indian tribal court, or	3182
any existing or former law of any nation other than the United	3183
States that is or was substantially equivalent to any of the	3184
offenses listed in divisions (A)(20)(a)(i) to (iv) of this	3185
section.	3186
(b) "Disqualifying offense" does not include a misdemeanor	3187
offense respecting which an applicant for licensure or	3188
employment is convicted of, or pleads guilty to, more than five	3189
years before the date the application is submitted.	3190
(c) "Disqualifying offense" does not include any	3191
misdemeanor offense related to marijuana possession, marijuana	3192
trafficking, illegal cultivation of marijuana, illegal use or	3193
possession of drug paraphernalia or marijuana drug	3194
<pre>paraphernalia, or other misdemeanor marijuana-related offenses.</pre>	3195
(21) "Licensed cultivator" means the holder of a current,	3196
valid license issued pursuant to this chapter or Chapter 3780.	3197
of the Revised Code, as that chapter existed immediately before	3198
the effective date of this amendment, to engage in the	3199
activities authorized by section 3796.18 of the Revised Code.	3200
(22) "Licensed processor" means the holder of a current,	3201
valid license issued pursuant to this chapter or Chapter 3780.	3202
of the Revised Code, as that chapter existed immediately before	3203
the effective date of this amendment, to engage in the	3204
activities authorized by section 3796.19 of the Revised Code.	3205

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(23) "Licensed dispensary" means the holder of a current,	3206
valid license issued pursuant to this chapter or Chapter 3780.	3207
of the Revised Code, as that chapter existed immediately before	3208
the effective date of this amendment, to engage in the	3209
activities authorized by section 3796.20 of the Revised Code.	3210
(24) "Licensed laboratory" means the holder of a current,	3211
valid license issued pursuant to this chapter or Chapter 3780.	3212
of the Revised Code, as that chapter existed immediately before	3213
the effective date of this amendment, to engage in the	3214
activities authorized by section 3796.21 of the Revised Code.	3215
(25) "License holder" means the holder of a current, valid	3216
license issued under this chapter or Chapter 3780. of the	3217
Revised Code, as that chapter existed immediately before the	3218
effective date of this amendment;	3219
(26) "Intoxicating hemp product" has the same meaning as	3220
in section 3779.01 of the Revised Code.	3221
(27) "Physical control" means being in the operator's	3222
position of a vehicle, streetcar, trackless trolley, watercraft,	3223
or aircraft and having possession of the vehicle's, streetcar's,	3224
trackless trolley's, watercraft's, or aircraft's ignition key or	3225
other ignition device.	3226
(B) As used in the Revised Code, the "division of cannabis	3227
control" means the division of marijuana control and the	3228
"superintendent of cannabis control" means the superintendent of	3229
marijuana control. Whenever the division of cannabis control or	3230
the superintendent of cannabis control is referred to or	3231
designated in any statute, rule, contract, grant, or other	3232
document, the reference or designation shall be deemed to refer	3233
to the division of marijuana control or the superintendent of	3234

marijuana control, as indicated by context.	3235
(C) Notwithstanding any conflicting provision of Chapter	3236
3719. of the Revised Code or the rules adopted under it, for	3237
purposes of this chapter, medical marijuana is a schedule II	3238
controlled substance.	3239
Sec. 3796.02. There is hereby established a division of	3240
marijuana control in the department of commerce_under the_	3241
supervision and direction of the superintendent of marijuana	3242
control as established under section 121.04 of the Revised Code.	3243
The medical marijuana control program is hereby established in	3244
the division of marijuana control. The division shall provide	3245
for the licensure of medical marijuana cultivators, processors,	3246
retail dispensaries, and laboratories that test medical	3247
marijuana. The division shall also provide for the registration	3248
of patients and their caregivers. The division shall administer	3249
the medical marijuana control program.	3250
Sec. 3796.03. (A) The division of marijuana control shall	3251
adopt rules establishing standards and procedures for the	3252
medical marijuana control program.	3253
All rules adopted under this section shall be adopted in	3254
accordance with Chapter 119. of the Revised Code.	3255
(B) The rules shall do all of the following:	3256
(1) Establish application procedures and fees for licenses	3257
<pre>it issues under this chapterlicensure;</pre>	3258
(2) Specify both of the following:	3259
(a) The conditions that must be met to be eligible for	3260
licensure;	3261
(b) In accordance with section 9.79 of the Revised Code,	3262

the criminal offenses for which an applicant will be	3263
disqualified from licensure pursuant to that section.	3264
(3) Establish, in accordance with section 3796.05 of the	3265
Revised Code, the number of cultivator licenses and retail	3266
dispensary licenses—that will be permitted at any one time;	3267
(4) Establish a license renewal schedule, renewal	3268
procedures, and renewal fees;	3269
(5) Specify reasons for which a license may be suspended,	3270
including without prior hearing, revoked, or not be renewed or	3271
issued and the reasons for which a civil penalty may be imposed	3272
on a license holder;	3273
(6) Establish standards under which a license suspension	3274
<pre>may be lifted;</pre>	3275
(7) Establish procedures for registration of medical	3276
marijuana patients and caregivers and requirements that must be	3277
met to be eligible for registration;	3278
(8) Establish training requirements for employees of	3279
retail licensed dispensaries;	3280
(9) Specify if a cultivator, processor, retail dispensary,	3281
or laboratory that is licensed under this chapter and that	3282
existed at a location before a school, church, public library,	3283
public playground, or public park became established within five	3284
hundred feet of the cultivator, processor, retail dispensary, or	3285
laboratory, may remain in operation or shall relocate or have-	3286
its license revoked by the division;	3287
(10) Specify, by form and tetrahydrocannabinol content, a	3288
maximum ninety-day supply of medical marijuana that may be	3289
possessed;	3290

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

marijuana by a licensed dispensary;	3319
(b) Delivery of medical marijuana by a licensed dispensary	3320
or an agent of a licensed dispensary to a registered medical	3321
marijuana patient or caregiver.	3322
(16) Establish standards prohibiting the use of gifts,	3323
samples, or other free or discounted goods or services to induce	3324
or reward a license holder for business or referrals;	3325
(17) Establish standards for non-marijuana ingredients	3326
used in adult-use and medical marijuana products, which may take	3327
into account industry best-practices and criteria set by the	3328
federal food and drug administration for food ingredients,	3329
vitamins, and supplements. The division may prohibit ingredients	3330
that do not meet such standards.	3331
(C) In addition to the rules described in division (B) of	3332
this section, the division may adopt any other rules it	3333
considers necessary for the program's administration and the	3334
implementation and enforcement of this chapter.	3335
(D) When adopting rules under this section, the division	3336
shall consider standards and procedures that have been found to	3337
be best practices relative to the use and regulation of medical	3338
marijuana, adult-use marijuana, and homegrown marijuana.	3339
Sec. 3796.04. (A) Notwithstanding any conflicting	3340
provision of the Revised Code, an adult-use consumer may do all	3341
of the following:	3342
(1) Cultivate, grow, and possess homegrown marijuana	3343
plants at the adult-use consumer's primary residence, if all of	3344
the following apply:	3345
(a) Not more than six homegrown marijuana plants are	3346

cultivated or grown by each adult-use consumer;	3347
(b) Not more than twelve homegrown marijuana plants are	3348
cultivated or grown at a single residence;	3349
(c) Cultivation or growing of homegrown marijuana takes	3350
place only within a secured closet, room, greenhouse, or other	3351
enclosed area in or on the grounds of the residence that	3352
prevents access by individuals under twenty-one years of age,	3353
and which is not visible by normal unaided vision from a public	3354
<pre>space;</pre>	3355
(d) Cultivation or growing of homegrown marijuana does not	3356
take place at a residence that is any of the following:	3357
(i) A type A family child care home or type B family child	3358
care home, as those terms are defined in section 5104.01 of the	3359
<pre>Revised Code;</pre>	3360
(ii) A halfway house, community transitional housing	3361
facility, community residential center, or other similar	3362
facility licensed by the division of parole and community	3363
services under section 2967.14 of the Revised Code;	3364
(iii) A residential premises occupied pursuant to a rental	3365
agreement that prohibits the activities otherwise authorized by	3366
this section.	3367
(2) Process homegrown marijuana by manual or mechanical	3368
means.	3369
(3) Store homegrown marijuana and adult-use marijuana at	3370
the adult-use consumer's primary residence.	3371
(4) Use homegrown marijuana grown, cultivated, and	3372
processed at the adult-use consumer's primary residence;	3373

(5) Possess any paraphernalia or accessories that may be	3374
used in the administration of adult-use marijuana or homegrown	3375
marijuana.	3376
(B) This section does not authorize any person to:	3377
(1) Cultivate, grow, or process homegrown marijuana except	3378
at the person's primary residence;	3379
(2) Use, cultivate, process, transfer, or transport adult-	3380
use marijuana or homegrown marijuana before reaching twenty-one	3381
years of age;	3382
(3) Process homegrown by hydrocarbon-based extraction;	3383
(4) Sell, or profit from, homegrown marijuana;	3384
(5) Cultivate, grow, or possess homegrown marijuana on	3385
behalf of another person.	3386
(C)(1) No person shall knowingly cultivate, grow, or	3387
possess homegrown marijuana in a manner that violates division	3388
(A) of this section:	3389
(2) No person shall knowingly consume adult-use marijuana	3390
or homegrown marijuana in a public place;	3391
(3) No person operating a public place shall knowingly	3392
permit the consumption of adult-use marijuana or homegrown	3393
marijuana in that public place.	3394
(D) Subject to division (B) of this section and divisions	3395
(B) and (C) of section 3796.221 of the Revised Code, an adult-	3396
use consumer shall not be subject to arrest or criminal	3397
prosecution for cultivating, growing, possessing, processing,	3398
storing, or using homegrown marijuana, or possessing	3399
paraphernalia or accessories that may be used in the	3400

administration of adult-use or homegrown marijuana, in	3401
accordance with division (A) of this section.	3402
(E) This section does not authorize an adult-use consumer	3403
to operate a vehicle, streetcar, trackless trolley, watercraft,	3404
or aircraft while under the influence of marijuana.	3405
Sec. 3796.05. (A) When establishing the number of	3406
cultivator licenses that will be permitted at any one time, the	3407
division of marijuana control shall consider both all of the	3408
following:	3409
(1) The population of this state;	3410
(2) The number of patients seeking to use medical	3411
marijuana <u>;</u>	3412
(3) The number of adult-use consumers seeking to use	3413
adult-use marijuana.	3414
(B) When establishing the number of retail dispensary	3415
licenses that will (B) (1) Not more than four hundred licensed	3416
<u>dispensaries shall</u> be permitted <u>to operate in this state</u> at any	3417
one time, the division shall consider all of the following:	3418
(1) The population of this state;	3419
(2) The number of patients seeking to use medical	3420
marijuana;	3421
(3) The geographic distribution of dispensary sites in an-	3422
effort to ensure patient access to medical marijuana.	3423
(2) (a) The division may revoke a dispensary license for	3424
failure to secure a certificate of operation within eighteen	3425
months after issuance of a provisional license.	3426
(b) The holder of a provisional license may apply to the	3427

division for not more than two six-month extensions of the	3428
deadline prescribed by division (B)(2)(a) of this section. The	3429
division shall approve the extension if the provisional license	3430
holder demonstrates that the provisional license holder has made	3431
a good-faith effort to become operational.	3432
(3) When issuing retail dispensary licenses, the division	3433
of marijuana control shall ensure that the geographic	3434
distribution of dispensary sites does not result in the	3435
oversaturation of any geographic area.	3436
(4) The division shall not, on or after the effective date	3437
of this amendment, issue a retail dispensary license for, or	3438
approve the relocation of a licensed retail dispensary to, a	3439
location or facility:	3440
(a) That is within one mile of another licensed	3441
dispensary;	3442
(b) For which a permit has been issued under Chapter 4303.	3443
of the Revised Code to sell beer and intoxicating liquor, as	3444
those terms are defined in section 4301.01 of the Revised Code.	3445
(C) No person shall own or operate more than eight	3446
licensed dispensaries, more than one licensed cultivator, or	3447
more than one licensed processor license at any time.	3448
(D) When establishing standards and procedures for the	3449
testing of medical marijuana and adult-use marijuana, the	3450
division shall do all of the following:	3451
(1) Specify when testing must be conducted;	3452
(2) Determine the minimum amount of medical marijuana_or_	3453
adult-use marijuana that must be tested;	3454
(3) Specify the manner in which testing is to be conducted	3455

in an effort to ensure uniformity of medical marijuana products	3456
processed for and dispensed to patients and adult-use marijuana	3457
products;	3458
(4) Specify the manner in which test results are provided.	3459
Sec. 3796.06. (A) Only the following forms of medical	3460
marijuana may be dispensed under this chapter:	3461
(1) Oils;	3462
(2) Tinctures;	3463
(3) Plant material;	3464
(4) Edibles;	3465
(5) Patches;	3466
(6) Any other form approved by the division of marijuana	3467
control under section 3796.061 of the Revised Code.	3468
(B) Only the following forms of adult-use marijuana may be	3469
dispensed under this chapter:	3470
(1) Any form in which medical marijuana may be dispensed;	3471
(2) Extracts;	3472
(3) Drops;	3473
(4) Lozenges;	3474
(5) Smoking or combustible products;	3475
(6) Vaporization products;	3476
(7) Beverages;	3477
(8) Pills;	3478
(9) Capsules;	3479

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

(a) A type A family child care home or type B family child	3506
care home, as those terms are defined in section 5104.01 of the	3507
Revised Code;	3508
(b) A halfway house, community transitional housing	3509
facility, community residential center, or other similar	3510
facility licensed by the division of parole and community	3511
services under section 2967.14 of the Revised Code;	3512
(c) A residential premises occupied pursuant to a rental	3513
agreement that prohibits the smoking, combustion, or	3514
vaporization of marijuana or intoxicating hemp products;	3515
(d) A public place or place of employment, as those terms	3516
are defined in section 3794.01 of the Revised Code.	3517
$\frac{(3)}{(4)}$ The division may approve additional methods of	3518
using medical marijuana, other than smoking or combustion, under	3519
section 3796.061 of the Revised Code.	3520
(C) (D) (1) Any form or method of using adult-use marijuana	3521
or medical marijuana that is considered attractive to children,	3522
as specified in rules adopted by the division, is prohibited.	3523
(2) Adult-use marijuana and medical marijuana shall not be	3524
dispensed or sold in a form or shape that bears the likeness or	3525
contains the characteristics of a realistic or fictional human,	3526
animal, or fruit, including artistic, caricature, or cartoon	3527
renderings.	3528
(D) With respect to tetrahydrocannabinol content, all of	3529
the following apply:	3530
(1) Plant material shall have a (E) (1) Except as otherwise	3531
provided in division (E)(3) of this section, the	3532
tetrahydrocannabinol content of medical marijuana dispensed or	3533

sold to patients or caregivers shall not more than thirty-five	3534
exceed:	3535
(a) Thirty-five per cent_for plant material;	3536
(b) Seventy per cent for extracts.	3537
(2) Extracts shall have a Except as otherwise provided in	3538
division (E)(3) of this section, the tetrahydrocannabinol	3539
content of adult-use marijuana dispensed or sold to adult-use	3540
<pre>consumers shall not more than seventy exceed:</pre>	3541
(a) Thirty-five per cent for plant material;	3542
(b) Seventy per cent for extracts	3543
(3) The division may adopt rules, in accordance with	3544
Chapter 119. of the Revised Code, that do either or both of the	3545
<pre>following:</pre>	3546
(a) Increase the tetrahyrdrocannabinol content limits for	3547
extracts prescribed in divisions (E)(1) and (2) of this section;	3548
(b) Establish tetrahydrocannabinol content limits for	3549
adult-use and medical marijuana dispensed or sold under this	3550
chapter by content per serving or per package.	3551
(F) No person shall knowingly give, sell, or distribute	3552
adult-use marijuana or homegrown marijuana to a person under	3553
twenty-one years of age.	3554
(G) No person under the age of twenty one shall knowingly	3555
purchase, use, or possess adult-use marijuana or homegrown	3556
marijuana.	3557
(H) An adult-use consumer, medical marijuana patient, or	3558
medical marijuana caregiver shall store edible adult-use and	3559
medical marijuana products in the original packaging at all	3560

times when the products are not actively in use.	3561
Sec. 3796.062. (A) No person shall knowingly transport	3562
marijuana other than adult-use marijuana, medical marijuana, or	3563
homegrown marijuana in a motor vehicle.	3564
(B) No person shall knowingly transport medical marijuana	3565
or adult-use marijuana in a motor vehicle unless one of the	3566
<pre>following applies:</pre>	3567
(1) The adult-use marijuana or medical marijuana is in the	3568
original, unopened packaging in which it was dispensed or sold;	3569
(2) If previously opened, the adult-use marijuana or	3570
medical marijuana is stored in the trunk of the motor vehicle	3571
or, if the motor vehicle does not have a trunk, behind the last	3572
upright seat of the motor vehicle or in an area not normally	3573
occupied by the driver or passengers and not easily accessible	3574
by the driver.	3575
(C) No person shall knowingly transport homegrown	3576
marijuana in a motor vehicle unless the homegrown marijuana is	3577
stored in the trunk of the motor vehicle or, if the motor	3578
vehicle does not have a trunk, behind the last upright seat of	3579
the motor vehicle or in an area not normally occupied by the	3580
driver or passengers and not easily accessible by the driver.	3581
(D) No person shall knowingly transport marijuana	3582
paraphernalia in a motor vehicle unless one of the following	3583
<pre>applies:</pre>	3584
(1) The marijuana paraphernalia is in the original,	3585
unopened packaging in which it was dispensed or sold;	3586
(2) If previously opened, the marijuana paraphernalia is	3587
stored in the trunk of the motor vehicle or, if the motor	3588

vehicle does not have a trunk, behind the last upright seat of	3589
the motor vehicle or in an area not normally occupied by the	3590
driver or passengers and not easily accessible by the driver.	3591
Sec. 3796.07. The department of commerce division of	3592
marijuana control shall establish and maintain an electronic	3593
database to monitor <u>adult-use and</u> medical marijuana from its	3594
seed source through its cultivation, processing, testing, and	3595
dispensing. The department division may contract with a separate	3596
entity to establish and maintain all or any part of the	3597
electronic database on behalf of the department.	3598
The electronic database shall allow for information	3599
regarding adult-use and medical marijuana to be updated	3600
instantaneously. Any cultivator, processor, retail dispensary,	3601
or laboratory licensed under this chapter A license holder shall	3602
submit to the department division any information the department	3603
division determines is necessary for maintaining the electronic	3604
database.	3605
Information reported or collected under this section,	3606
including all data contained in the electronic database, is	3607
confidential and is not a public record for the purposes of	3608
section 149.43 of the Revised Code. The department division and	3609
any entity under contract with the department division shall not	3610
make public any information reported to or collected by the	3611
department division under this division section that identifies	3612
or would tend to identify any specific adult-use consumer or	3613
medical marijuana patient. Information or data that does not	3614
identify a specific adult-use consumer or medical marijuana	3615
patient may be released in summary, statistical, or aggregate	3616
form.	3617
Sec. 3796.09. (A) An entity that seeks to cultivate—or_,	3618

process -medical marijuana <u>,</u> or to- conduct laboratory testing of	3619
medical marijuana and adult-use marijuana shall file an	3620
application for licensure with the <u>department</u> _division_of	3621
commerce marijuana control. The entity shall file an application	3622
for each location from which it seeks to operate. Each	3623
application shall be submitted in accordance with rules adopted	3624
under section 3796.03 of the Revised Code.	3625
(B) The division shall evaluate and prioritize	3626
applications for licensure under this section according to the	3627
applicant's eligibility, suitability, and ability to operate.	3628
(C) The department division shall not issue a license to	3629
an applicant <u>if</u> <u>unless</u> all of the following conditions	3630
<pre>eligibility requirements are met:</pre>	3631
(1) The report of the criminal records check conducted	3632
pursuant to section 3796.12 of the Revised Code with respect to	3633
the application demonstrates that the person subject to the	3634
criminal records check requirement has not been convicted of or	3635
pleaded guilty to any of the a disqualifying offenses specified	3636
in rules adopted under section 9.79 and division (B)(2)(b) of	3637
section 3796.03 of the Revised Code offense.	3638
(2) The If the application is for a cultivator or	3639
processor license, the applicant demonstrates that it does not	3640
none of its current or prospective owners, officers, board	3641
members, administrators, employees, agents, or affiliates who	3642
may significantly influence or control the applicant's	3643
activities have an ownership or investment interest in or	3644
compensation arrangement with any-either of the following:	3645
(a) A <u>licensed</u> laboratory <u>licensed under this chapter;</u>	3646
(b) An applicant for a license to conduct laboratory	3647

testing.	3648
(3) The—If the application is for a cultivator or	3649
processor license, the applicant demonstrates that it does not	3650
none of its current or prospective owners, officers, board	3651
members, administrators, employees, agents, or affiliates who	3652
may significantly influence or control the applicant's	3653
activities share any corporate officers or employees with any	3654
<pre>either of the following:</pre>	3655
(a) A <u>licensed</u> laboratory— <u>licensed under this chapter;</u>	3656
(b) An applicant for a license to conduct laboratory	3657
testing.	3658
(4) The applicant demonstrates that it will not be located	3659
within five hundred feet of a school, church, public library,	3660
public playground, or public park.	3661
(5) The information provided to the department_division_	3662
pursuant to section 3796.11 of the Revised Code demonstrates	3663
that the applicant is in compliance with the applicable tax laws	3664
of this state.	3665
(6) The applicant demonstrates sufficient liquid capital	3666
and ability to meet financial responsibility requirements;	3667
(7) The applicant demonstrates that the municipal_	3668
corporation or township in which it will be located has not	3669
passed a moratorium or taken any other action that would	3670
<pre>prohibit the applicant from operating there;</pre>	3671
(8) The application does not contain false, misleading, or	3672
deceptive information and does not omit material information;	3673
(9) The applicant pays any fee required by the division;	3674

(10) The applicant meets all other licensure eligibility	3675
conditions established in rules adopted under section 3796.03 of	3676
the Revised Code.	3677
(C) (D) If the number of eligible applicants exceed the	3678
number of available licenses, the division shall use an	3679
impartial and evidence-based process to rank the eligible	3680
applicants. The ranking process shall take into account all of	3681
the following:	3682
(1) The applicant's business plan;	3683
(2) The applicant's operations plan;	3684
(3) The applicant's security plan;	3685
(4) The applicant's financial plan;	3686
(5) The applicant's principal place of business;	3687
(6) The proposed location of the cultivation, processing,	3688
or laboratory facility;	3689
(7) The applicant's plan for generating job and economic	3690
development in this state;	3691
(8) The applicant's environmental plan;	3692
(9) Employment practices, including any plans to inform,	3693
hire, or educate residents of the state, veterans, disabled	3694
persons, women, or minorities;	3695
(10) The criminal records of all persons subject to the	3696
criminal records check requirement;	3697
(11) The civil and administrative history of the applicant	3698
and persons associated with the applicant;	3699
(12) Any other eligibility, suitability, or operations-	3700

based determination specified in this chapter or rules adopted	3701
by the division thereunder.	3702
(E) (1) If the division uses a lottery system to issue	3703
licenses under this section, the applicants shall be grouped	3704
<pre>into the following distinct categories:</pre>	3705
(a) Highly exceeds;	3706
(b) Exceeds;	3707
(c) Meets;	3708
(d) Does not meet.	3709
(2) The division shall group the applicants such that the	3710
number of applicants in each of the highly exceeds, exceeds, and	3711
meets categories is roughly equal, unless doing so is not	3712
possible while conforming to an impartial and evidence-based	3713
process. Applicants that do not meet the eligibility	3714
requirements prescribed by division (C) of this section shall be	3715
placed in the does not meet category.	3716
(3) In conducting the lottery, the division shall give	3717
applicants in the exceeds category double odds of being selected	3718
as compared to applicants in the meets category. The division	3719
shall give applicants in the highly exceeds category double the	3720
odds of being selected as compared to applicants in the exceeds	3721
category. An applicant grouped in the does not meet category is	3722
ineligible for licensure.	3723
(F) The department division shall issue not less than	3724
fifteen per cent of cultivator, processor, or laboratory	3725
licenses to entities that are owned and controlled by United	3726
States citizens who are residents of this state and are members	3727
of one of the following economically disadvantaged groups:	3728

Blacks or African Americans, American Indians, Hispanics or	3729
Latinos, and Asians. If no applications or an insufficient	3730
number of applications are submitted by such entities that meet	3731
the conditions set forth in division $\frac{B}{C}$ of this section, the	3732
licenses shall be issued according to usual procedures.	3733
As used in this division, "owned and controlled" means	3734
that at least fifty-one per cent of the business, including	3735
corporate stock if a corporation, is owned by persons who belong	3736
to one or more of the groups set forth in this division, and	3737
that those owners have control over the management and day-to-	3738
day operations of the business and an interest in the capital,	3739
assets, and profits and losses of the business proportionate to	3740
their percentage of ownership.	3741
$\frac{(D)}{(G)}$ A license expires according to the renewal	3742
schedule established in rules adopted under section 3796.03 of	3743
the Revised Code and may be renewed in accordance with the	3744
procedures established in those rules. Applications for renewal	3745
are not subject to the evaluation, prioritization, ranking, and	3746
lottery provisions in divisions (B), (D), and (E) of this	3747
section. The division shall not deny an application for renewal	3748
based solely on the location of the applicant's existing	3749
facility in proximity to other license holders.	3750
(H) A provisional license issued under this section is not	3751
transferable.	3752
(I) No person shall knowingly engage in any of the	3753
activities described in section 3796.18, 3796.19, or 3796.21 of	3754
the Revised Code without the proper license issued under this	3755
section or Chapter 3780. of the Revised Code, as that chapter	3756
existed immediately prior to the effective date of this	3757
amendment.	3758

Sec. 3796.10. (A) An entity that seeks to dispense at	3759
retail medical marijuana and adult-use marijuana shall file an	3760
application for licensure with the division of marijuana	3761
control. The entity shall file an application for each location	3762
from which it seeks to operate. Each application shall be	3763
submitted in accordance with rules adopted under section 3796.03	3764
of the Revised Code.	3765
(B) The division shall evaluate and prioritize	3766
applications for licensure under this section according to the	3767
applicant's eligibility, suitability, and ability to operate.	3768
(C) The division shall not issue a license to an applicant	3769
if unless all of the following conditions are met:	3770
(1) The report of the criminal records check conducted	3771
pursuant to section 3796.12 of the Revised Code with respect to	3772
the application demonstrates that the person subject to the	3773
criminal records check requirement has not been convicted of or	3774
pleaded guilty to any of the a disqualifying offenses specified	3775
in rules adopted under section 9.79 and division (B)(2)(b) of	3776
section 3796.03 of the Revised Code offense.	3777
(2) The applicant demonstrates that it does not none of	3778
its current or prospective owners, officers, board members,	3779
administrators, employees, agents, or affiliates who may	3780
significantly influence or control the applicant's activities	3781
have an ownership or investment interest in or compensation	3782
arrangement with any either of the following:	3783
(a) A <u>licensed</u> laboratory licensed under this chapter;	3784
(b) An applicant for a license to conduct laboratory	3785
testing.	3786
(3) The applicant demonstrates that it does not none of	3787

its current or prospective owners, officers, board members,	3788
administrators, employees, agents, or affiliates who may	3789
significantly influence or control the applicant's activities	3790
share any corporate officers or employees with any_either of the	3791
following:	3792
(a) A <u>licensed</u> laboratory licensed under this chapter;	3793
(b) An applicant for a license to conduct laboratory	3794
testing.	3795
(4) The applicant demonstrates that it will not be located	3796
within five hundred feet of a school, church, public library,	3797
public playground, or public park.	3798
(5) The applicant demonstrates that the proposed location	3799
or facility is not either of the following:	3800
(a) Located within one mile of another licensed	3801
dispensary;	3802
(b) Issued a permit under Chapter 4303. of the Revised	3803
Code to sell beer and intoxicating liquor, as those terms are	3804
defined in section 4301.01 of the Revised Code.	3805
(6) The information provided to the division pursuant to	3806
section 3796.11 of the Revised Code demonstrates that the	3807
applicant is in compliance with the applicable tax laws of this	3808
state.	3809
(6) (7) The applicant demonstrates sufficient liquid	3810
capital and ability to meet financial responsibility	3811
<pre>requirements;</pre>	3812
(8) The applicant demonstrates that the municipal	3813
corporation or township in which it will be located has not	3814
passed a moratorium or taken any other action that would	3815

prohibit the applicant from operating there;	3816
(9) The application does not contain false, misleading, or	3817
deceptive information and does not omit material information;	3818
(10) The applicant pays any fee required by the division;	3819
(11) The applicant meets all other licensure eligibility	3820
conditions established in rules adopted under section 3796.03 of	3821
the Revised Code.	3822
(C) (D) If the number of eligible applicants exceed the	3823
number of available licenses, the division shall use an	3824
impartial and evidence-based process to rank the eligible	3825
applicants. The ranking process shall take into account all of	3826
<pre>the following:</pre>	3827
(1) The applicant's business plan;	3828
(2) The applicant's operations plan;	3829
(3) The applicant's security plan;	3830
(4) The applicant's financial plan;	3831
(5) The applicant's principal place of business;	3832
(6) The proposed location of the cultivation, processing,	3833
or laboratory facility;	3834
(7) The applicant's plan for generating job and economic	3835
<pre>development in this state;</pre>	3836
(8) The applicant's environmental plan;	3837
(9) Employment practices, including any plans to inform,	3838
hire, or educate residents of the state, veterans, disabled	3839
<pre>persons, women, or minorities;</pre>	3840
(10) The criminal records of all persons subject to the	3841

<pre>criminal records check requirement;</pre>	3842
(11) The civil and administrative history of the applicant	3843
and persons associated with the applicant;	3844
(12) Any other eligibility, suitability, or operations-	3845
based determination specified in this chapter or rules adopted	3846
by the division thereunder.	3847
(E)(1) If the division uses a lottery system to issue	3848
licenses under this section, the applicants shall be grouped	3849
<pre>into the following distinct categories:</pre>	3850
(a) Highly exceeds;	3851
(b) Exceeds;	3852
(c) Meets;	3853
(d) Does not meet.	3854
(2) The division shall group the applicants such that the	3855
number of applicants in each of the highly exceeds, exceeds, and	3856
meets categories is roughly equal, unless doing so is not	3857
possible while conforming to an impartial and evidence-based	3858
process. Applicants that do not meet the eligibility	3859
requirements prescribed by division (C) of this section shall be	3860
placed in the does not meet category.	3861
(3) In conducting the lottery, the division shall give	3862
applicants in the exceeds category double the odds of being	3863
selected as compared to applicants in the meets category. The	3864
division shall give applicants in the highly exceeds category	3865
double the odds of being selected as compared to applicants in	3866
the exceeds category. An applicant grouped in the does not meet	3867
category is ineligible for licensure.	3868

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(F) The division shall issue not less than fifteen per	3869
cent of retail dispensary licenses to entities that are owned	3870
and controlled by United States citizens who are residents of	3871
this state and are members of one of the following economically	3872
disadvantaged groups: Blacks or African Americans, American	3873
Indians, Hispanics or Latinos, and Asians. If no applications or	3874
an insufficient number of applications are submitted by such	3875
entities that meet the conditions set forth in division $\frac{(B)}{(C)}$	3876
of this section, the licenses shall be issued according to usual	3877
procedures.	3878
As used in this division, "owned and controlled" means	3879
that at least fifty-one per cent of the business, including	3880
corporate stock if a corporation, is owned by persons who belong	3881
to one or more of the groups set forth in this division, and	3882
that those owners have control over the management and day-to-	3883
day operations of the business and an interest in the capital,	3884
assets, and profits and losses of the business proportionate to	3885
their percentage of ownership.	3886
(D) A license expires according to the renewal	3887
schedule established in rules adopted under section 3796.03 of	3888
the Revised Code and may be renewed in accordance with the	3889
procedures established in those rules. Applications for renewal	3890
are not subject to the evaluation, prioritization, ranking, and	3891
lottery provisions in divisions (B), (D), and (E) of this	3892
section. The division shall not deny an application for renewal	3893
based solely on the location of the applicant's existing	3894
dispensary facility in proximity to other license holders.	3895
(H) A provisional license issued under this section is not	3896
<u>transferable.</u>	3897

(I) No person shall knowingly engage in any of the

activities described in section 3796.20 of the Revised Code	3899
without a dispensary license issued under this section or	3900
Chapter 3780. of the Revised Code, as that chapter existed	3901
immediately prior to the effective date of this amendment.	3902
Sec. 3796.12. (A) As used in this section, "criminal	3903
records check" has the same meaning as in section 109.572 of the	3904
Revised Code.	3905
(B)(1) As part of the application process for a license	3906
issued under this chapter, the division of marijuana control	3907
shall require each of the following to complete a criminal	3908
records check:	3909
(a) An administrator or other person responsible for the	3910
daily operation of the entity seeking the license;	3911
(b) An owner or prospective owner, officer or prospective	3912
officer, or board member or prospective board member of the	3913
entity seeking the license.	3914
(2) If a person subject to the criminal records check	3915
requirement does not present proof of having been a resident of	3916
this state for the five-year period immediately prior to the	3917
date the criminal records check is requested or provide evidence	3918
that within that five-year period the superintendent of the	3919
bureau of criminal identification and investigation has	3920
requested information about the person from the federal bureau	3921
of investigation in a criminal records check, the division shall	3922
request that the person obtain through the superintendent a	3923
criminal records request from the federal bureau of	3924
investigation as part of the criminal records check of the	3925
person. Even if a person presents proof of having been a	3926
resident of this state for the five-year period, the division	3927

may request that the person obtain information through the	3928
superintendent from the federal bureau of investigation in the	3929
criminal records check.	3930
(C) The division shall provide the following to each	3931
person who is subject to the criminal records check requirement:	3932
(1) Information about accessing, completing, and	3933
forwarding to the superintendent of the bureau of criminal	3934
identification and investigation the form prescribed pursuant to	3935
division (C)(1) of section 109.572 of the Revised Code and the	3936
standard impression sheet to obtain fingerprint impressions	3937
prescribed pursuant to division (C)(2) of that section;	3938
(2) Written notification that the person is to instruct	3939
the superintendent to submit the completed report of the	3940
criminal records check directly to the division.	3941
(D) Each person who is subject to the criminal records	3942
(D) Each person who is subject to the criminal records check requirement shall pay to the bureau of criminal	3942 3943
check requirement shall pay to the bureau of criminal	3943
check requirement shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to	3943
check requirement shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for the	3943 3944 3945
check requirement shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for the criminal records check conducted of the person.	3943 3944 3945 3946
check requirement shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for the criminal records check conducted of the person. (E) The report of any criminal records check conducted by the bureau of criminal identification and investigation in	3943 3944 3945 3946
check requirement shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for the criminal records check conducted of the person. (E) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant	3943 3944 3945 3946 3947 3948 3949
check requirement shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for the criminal records check conducted of the person. (E) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under this section is not a public record for	3943 3944 3945 3946 3947 3948 3949 3950
check requirement shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for the criminal records check conducted of the person. (E) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not	3943 3944 3945 3946 3947 3948 3949 3950 3951
check requirement shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for the criminal records check conducted of the person. (E) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:	3943 3944 3945 3946 3947 3948 3949 3950
check requirement shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for the criminal records check conducted of the person. (E) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not	3943 3944 3945 3946 3947 3948 3949 3950 3951
check requirement shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for the criminal records check conducted of the person. (E) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:	3943 3944 3945 3946 3947 3948 3949 3950 3951 3952

(3) A court, hearing officer, or other necessary	3956
individual involved in a case dealing with either of the	3957
following:	3958
(a) A license denial resulting from the criminal records	3959
check;	3960
(b) A civil or criminal action regarding the medical	3961
marijuana control program or any violation of this chapter.	3962
(F) The division shall deny a license if, after receiving	3963
the information and notification required by this section, a	3964
person subject to the criminal records check requirement fails	3965
to do either of the following:	3966
(1) Access, complete, or forward to the superintendent of	3967
the bureau of criminal identification and investigation the form	3968
prescribed pursuant to division (C)(1) of section 109.572 of the	3969
Revised Code or the standard impression sheet prescribed	3970
pursuant to division (C)(2) of that section;	3971
(2) Instruct the superintendent to submit the completed	3972
report of the criminal records check directly to the division.	3973
Sec. 3796.13. (A) Each person seeking employment with an	3974
entity licensed under this chapter a license holder shall comply	3975
with sections 4776.01 to 4776.04 of the Revised Code. Except as	3976
provided in division (B) of this section, such $\frac{an - entity}{a}$	3977
<u>license holder</u> shall not employ the person unless the person has	3978
submitted a criminal records check under those sections. The	3979
and the report of the resulting criminal records check shall—	3980
demonstrate demonstrates that the person has not been convicted	3981
of or pleaded guilty to any of the disqualifying offenses—	3982
specified in rules adopted under division (B) (14) (a) of section-	3983
3796.03 of the Revised Code if the person is seeking employment	3984

with an entity licensed by the division of marijuana control	3985
under this chapter.	3986
(B) An entity is not prohibited by division (A) of this-	3987
section from employing a person if the disqualifying offense the	3988
person was convicted of or pleaded guilty to is one of the	3989
offenses specified in rules adopted under division (B) (14) (b) of	3990
section 3796.03 of the Revised Code and the person was convicted	3991
of or pleaded guilty to the offense more than five years before	3992
the date the employment begins.(B)(1) Notwithstanding division	3993
(A) of this section, the division of marijuana control shall	3994
establish standards for provisional employment of individuals	3995
who have exigent circumstances.	3996
(2) Such standards must include, at minimum, a requirement	3997
that the individual seeking provisional employment submit	3998
evidence of compliance with sections 4776.01 to 4776.04 of the	3999
Revised Code.	4000
(3) A provisional employment authorization made under	4001
division (B) of this division is valid for not longer than three	4002
months, but may be renewed at the discretion of the division of	4003
marijuana control for an additional three months.	4004
(4) The division of marijuana control may use all	4005
available resources in establishing standards for instant	4006
background checks.	4007
G	4000
Sec. 3796.14. (A) The division of marijuana control may do	4008
any of the following for any reason specified in rules adopted	4009
under section 3796.03 of the Revised Code:	4010
(1) Suspend, suspend without prior hearing, revoke, or	4011
refuse to renew a license or registration it issued under this	4012
chapter or a license or a registration the state board of	4013

pharmacy issued prior to the transfer of regulatory authority	4014
over the medical marijuana control program to the	4015
divisionChapter 3780. of the Revised Code, as that chapter	4016
existed immediately before the effective date of this amendment;	4017
(2) Refuse to issue a license;	4018
(3) Impose on a license holder a civil penalty in an	4019
amount to be determined by the division.	4020
(4) With respect to a suspension of a retail dispensary	4021
license without prior hearing, the division may utilize a	4022
telephone conference call to review the allegations and take a	4023
vote. The division shall suspend a dispensary license without	4024
prior hearing only if it finds clear and convincing evidence	4025
that continued distribution of medical marijuana and adult-use	4026
marijuana by the license holder presents a danger of immediate	4027
and serious harm to others. The suspension shall remain in	4028
effect, unless lifted by the division, until the division issues	4029
its final adjudication order. If the division does not issue the	4030
order within ninety days after the adjudication hearing, the	4031
suspension shall be lifted on the ninety-first day following the	4032
hearing.	4033
The division's actions under division (A) of this section	4034
shall be taken in accordance with Chapter 119. of the Revised	4035
Code.	4036
(B) The Subject to division (E) of this section, the	4037
division and the Ohio investigative unit may inspect all of the	4038
following for any reason specified in rules adopted under	4039
section 3796.03 of the Revised Code without prior notice to the	4040
applicant or license holder:	4041
(1) The premises of a license holder or an applicant for	4042

licensure or holder of a current, valid cultivator, processor,	4043
retail dispensary, or laboratory license issued under this	4044
chapter;	4045
(2) All records maintained pursuant to this chapter by a	4046
license holder-of a current license.	4047
(C) Whenever it appears to the division, from its files,	4048
upon complaint, or otherwise, or to the Ohio investigative unit,	4049
from an inspection or investigation authorized by this section,	4050
that any person or entity has engaged in, is engaged in, or is	4051
about to engage in any practice declared to be illegal or	4052
prohibited by this chapter or the rules adopted under this	4053
chapter, or when the division believes it to be in the best	4054
interest of the public, adult-use consumers, or medical	4055
marijuana patients, the division may do any of the following:	4056
(1) Investigate the person or entity as authorized	4057
pursuant to this chapter or the rules adopted under this	4058
chapter;	4059
(2) Issue subpoenas to any person or entity for the	4060
purpose of compelling either of the following:	4061
(a) The attendance and testimony of witnesses;	4062
(b) The production of books, accounts, papers, records, or	4063
documents.	4064
(D) If a person or entity fails to comply with any order	4065
of the division or the unit or a subpoena issued by the division	4066
or the unit pursuant to this section, a judge of the court of	4067
common pleas of the county in which the person resides or the	4068
entity may be served, on application of the division or the	4069
unit, shall compel obedience by attachment proceedings as for	4070
contempt, as in the case of disobedience with respect to the	4071

requirements of a subpoena issued from such court or a refusal	4072
to testify in such court.	4073
(E) The Ohio investigative unit shall not inspect or	4074
investigate the premises of any person under this section unless	4075
one or both of the following apply:	4076
(1) The person inspected or investigated is a license	4077
holder and either or both of the following apply:	4078
(a) The division of marijuana control requests the unit to	4079
<pre>inspect or investigate.</pre>	4080
(b) The inspection or investigation involves alleged	4081
<pre>criminal activity.</pre>	4082
(2) The unit is invited by local law enforcement having	4083
jurisdiction over the person inspected or investigated.	4084
(F) Nothing in this section prohibits the Ohio	4085
investigative unit from investigating criminal activity related	4086
to this chapter outside the premises of a license holder's	4087
cultivation, processing, dispensing, or laboratory facilities.	4088
The authority of the Ohio investigative unit is concurrent to	4089
the jurisdiction of any law enforcement officer to enforce this	4090
<pre>chapter.</pre>	4091
Sec. 3796.15. (A) The division of marijuana control and	4092
the Ohio investigative unit shall enforce this chapter, or cause	4093
it to be enforced. If Subject to division (E) of section 3796.14	4094
of the Revised Code, if the division or the unit has information	4095
that this chapter or any rule adopted under this chapter has	4096
been violated, it shall investigate the matter and take any	4097
action as it considers appropriate.	4098
(B) Nothing in this chapter shall be construed to require	4099

the division to enforce minor violations if the division-	4100
determines that the public interest is adequately served by a	4101
notice or warning to the alleged offender.	4102
(C)—If the division suspends, revokes, or refuses to renew	4103
any license or registration issued under this chapter or Chapter	4104
3780. of the Revised Code, as that chapter existed immediately	4105
before the effective date of this amendment, and determines that	4106
there is clear and convincing evidence of a danger of immediate	4107
and serious harm to any person, the division may place under	4108
seal all medical marijuana, adult-use marijuana, and homegrown	4109
marijuana owned by or in the possession, custody, or control of	4110
the affected license holder or registrant. Except as provided in	4111
this division, the division of marijuana control shall not	4112
dispose of the medical marijuana, adult-use marijuana, or	4113
homegrown marijuana sealed under this division until the license	4114
holder or registrant exhausts all of the holder's or	4115
registrant's appeal rights under Chapter 119. of the Revised	4116
Code. The court involved in such an appeal may order the	4117
division, during the pendency of the appeal, to sell medical	4118
marijuana or adult-use marijuana that is perishable. The	4119
division shall deposit the proceeds of the sale with the court.	4120
Sec. 3796.17. The division of marijuana control shall	4121
establish a toll-free telephone line to respond to inquiries	4122
from adult-use consumers, medical marijuana patients,	4123
caregivers, and health professionals regarding adverse reactions	4124
to medical—marijuana and to provide information about available	4125
services and assistance. The division may contract with a	4126
separate entity to establish and maintain the telephone line on	4127
behalf of the division.	4128
Sec. 3796.18. (A)(1) Notwithstanding any conflicting	4129

provision of the Revised Code and except as provided in division	4130
(B) of this section, a licensed cultivator, including the holder	4131
of a current, valid cultivator license issued under this chapter	4132
before the effective date of this amendment, may do either all	4133
of the following:	4134
(1) Cultivate medical marijuana and adult-use	4135
marijuana;	4136
(2) Deliver, transfer, or sell medical marijuana and	4137
adult-use marijuana to one or more licensed processorsother	4138
license holders;	4139
(c) Purchase or otherwise obtain medical marijuana and	4140
adult-use marijuana from other license holders;	4141
(d) Acquire seeds, clones, plants, and other genetic	4142
material.	4143
(2) A licensed cultivator engaging in the activities	4144
authorized by this chapter shall do so respecting both medical	4145
marijuana and adult-use marijuana.	4146
(B) A <u>licensed</u> cultivator license holder shall not	4147
cultivate medical marijuana or adult-use marijuana for personal,	4148
family, or household use or on any public land, including a	4149
state park as defined in section 154.01 of the Revised Code.	4150
(C) A licensed cultivator shall identify, package, and	4151
label all medical marijuana and adult-use marijuana products in	4152
accordance with this chapter and any rules adopted thereunder	4153
before delivering or selling the products to a licensed	4154
processor or licensed dispensary.	4155
(D) The division of marijuana control shall issue the	4156
following types of cultivation licenses:	4157

(1) A level I cultivator license that authorizes the	4158
license holder to operate a cultivation area specified by the	4159
division, not to exceed one hundred thousand square feet;	4160
(2) A level II cultivator license that authorizes the	4161
license holder to operate a cultivation area specified by the	4162
division, not to exceed fifteen thousand square feet.	4163
(E) A licensed cultivator may request and receive one or	4164
more expansions to the cultivator's cultivation area, subject to	4165
the approval of the division, so long as the resulting total	4166
cultivation area, including all expansions, does not exceed the	4167
applicable maximum cultivation area prescribed by division (D)	4168
of this section.	4169
Sec. 3796.19. $\frac{A}{A}$ (A) (1) Notwithstanding any conflicting	4170
provision of the Revised Code, <u>a licensed processor</u> , including	4171
the holder of a current, valid processor license issued under	4172
this chapter <u>before the effective date of this amendment</u> , may do	4173
<pre>any_all_of the following:</pre>	4174
(1) Obtain (a) Purchase or otherwise obtain medical	4175
marijuana and adult-use marijuana from one or more licensed-	4176
<pre>cultivatorsother license holders;</pre>	4177
(2) (b) Subject to division (B) of this section, process	4178
medical marijuana-obtained from one or more licensed cultivators	4179
and adult-use marijuana into a form described in section 3796.06	4180
of the Revised Code;	4181
(3) (c) Deliver, transfer, or sell processed medical	4182
marijuana and adult-use marijuana to one or more licensed retail	4183
dispensaries other license holders.	4184
(2) A licensed processor engaging in the activities	4185
authorized by this chapter shall do so respecting both medical	4186

marijuana and adult-use marijuana.	4187
(B) When processing medical marijuana, a A licensed	4188
processor shall do both all of the following before delivering	4189
or selling medical marijuana or adult-use marijuana to a	4190
<pre>licensed dispensary:</pre>	4191
(1) Package the medical marijuana or adult-use marijuana	4192
in accordance with child-resistant effectiveness standards	4193
described in 16 C.F.R. 1700.15(b) on September 8, 2016;	4194
(2) Label the medical marijuana packaging with the	4195
product's tetrahydrocannabinol and cannabidiol content;	4196
(3) Comply with any packaging or labeling requirements	4197
established in rules adopted by the division of marijuana	4198
control under <u>section</u> _ <u>sections</u> _3796.03 <u>and</u> 3796.32 of the	4199
Revised Code.	4200
Sec. 3796.20. $\frac{(A)}{(A)}$ (A) (1) Notwithstanding any conflicting	4201
provision of the Revised Code, <u>a licensed dispensary</u> , including	4202
the holder of a current, valid retail dispensary license issued	4203
under this chapter, or previously issued by the state board of-	4204
pharmacy, before the effective date of this amendment, may do	4205
both any of the following:	4206
(1) Obtain (a) Purchase or otherwise obtain medical	4207
marijuana_and adult-use marijuana from one or more	4208
processorsother license holders;	4209
(2) Dispense or sell medical marijuana in accordance	4210
with division (B) of this section;	4211
(c) Dispense or sell adult-use marijuana in accordance	4212
with division (C) of this section;	4213
(d) Sell paraphernalia that may be used in the	4214

administration of adult-use marijuana or medical marijuana as	4215
specified in rules adopted under section 3796.03 of the Revised	4216
Code;	4217
(e) Provide delivery of medical marijuana in accordance	4218
with the rules adopted under section 3796.03 of the Revised	4219
Code;	4220
(f) Deliver, transfer, or sell medical marijuana and	4221
adult-use marijuana to other license holders.	4222
(2) A licensed dispensary engaged in the activities	4223
authorized by this chapter shall do so respecting both medical	4224
marijuana and adult-use marijuana.	4225
(B) When dispensing or selling medical marijuana, a	4226
licensed retail—dispensary shall do all of the following:	4227
(1) Dispense or sell only upon a showing of a current,	4228
valid, government-issued identification card and in accordance	4229
with a written recommendation issued by a physician holding a	4230
certificate to recommend issued by the state medical board under	4231
section 4731.30 of the Revised Code;	4232
(2) Report to the drug database the information required	4233
by section 4729.771 of the Revised Code;	4234
(3) Label the package containing medical marijuana with	4235
the following information:	4236
(a) The name and address of the licensed processor and	4237
retail dispensary;	4238
(b) The name of the patient and caregiver, if any;	4239
(c) The name of the physician who recommended treatment	4240
with medical marijuana;	4241

(d) The directions for use, if any, as recommended by the	4242
physician;	4243
(e) The date on which the medical marijuana was dispensed;	4244
(f) The quantity, strength, kind, or form of medical	4245
marijuana contained in the package.	4246
(4) Maintain an adequate supply of medical marijuana	4247
products to meet typical patient demand for those products.	4248
(C) When dispensing or selling adult-use marijuana to	4249
<pre>consumers, all of the following apply:</pre>	4250
(1) A licensed dispensary shall dispense or sell adult-use	4251
marijuana only to adult-use consumers who present a current,	4252
valid, government-issued identification card demonstrating proof	4253
that the adult-use consumer is twenty-one years of age or older.	4254
(2) No licensed dispensary shall knowingly dispense or	4255
sell more than the amount of adult-use marijuana that may be	4256
legally possessed by an adult-use consumer under section	4257
3796.221 of the Revised Code to the same adult-use consumer in	4258
the same day.	4259
(3) A licensed dispensary shall ensure that the label of	4260
the package containing adult-use marijuana contains all of the	4261
following information, in accordance with rules adopted by the	4262
division of marijuana control:	4263
(a) The name and address of the licensed processor and	4264
retail dispensary;	4265
(b) A statement that the use of adult-use marijuana by	4266
individuals under twenty-one years of age is both harmful and	4267
illegal;	4268

(c) The quantity, strength, kind, or form of adult-use	4269
marijuana contained in the package.	4270
When operating a licensed retail dispensary, both of the	4271
following apply:	4272
(1)(D)(1) A licensed dispensary shall use only employees	4273
who have met the training requirements established in rules	4274
adopted under section 3796.03 of the Revised Code.	4275
(2) A <u>licensed</u> dispensary shall not make public any	4276
information it collects that identifies or would tend to	4277
identify any specific medical marijuana patient or adult-use	4278
consumer.	4279
(3) A licensed dispensary shall prominently display both	4280
of the following:	4281
(a) A statement that the use of adult-use or homegrown	4282
marijuana by individuals under twenty-one years of age is both	4283
<pre>harmful and illegal;</pre>	4284
(b) Information about the addictive qualities of marijuana	4285
and the potential negative health consequences associated with	4286
its use.	4287
Sec. 3796.21. (A) Notwithstanding any conflicting	4288
provision of the Revised Code, a licensed laboratory, including	4289
the holder of a current, valid laboratory license issued under	4290
this chapter may before the effective date of this amendment,	4291
<pre>shall do both of the following:</pre>	4292
(1) Obtain medical marijuana and adult-use marijuana from	4293
one or more <u>licensed</u> cultivators, <u>licensed</u> processors, and	4294
retail licensed dispensaries licensed under this chapter;	4295
(2) Conduct modical marijuana testing in the manner	4296

specified in rules adopted under section 3796.03 of the Revised	4297
Code.	4298
(B) When testing medical marijuana or adult-use marijuana,	4299
a licensed laboratory shall do both of the following:	4300
(1) Test the marijuana for potency, homogeneity, and	4301
contamination;	4302
(2) Prepare a report of the test results.	4303
Sec. 3796.22. (A) Notwithstanding any conflicting	4304
provision of the Revised Code, a patient registered under this	4305
chapter who obtains medical marijuana from a retail licensed	4306
dispensary licensed under in accordance with this chapter may do	4307
both_all_of the following:	4308
(1) Use medical marijuana;	4309
(2) Possess medical marijuana, subject to division (B) of	4310
this section;	4311
(3) Possess any paraphernalia or accessories that may be	4312
used in the administration of medical marijuana, as specified in	4313
rules adopted under section 3796.03 of the Revised Code.	4314
(B) The amount of medical marijuana possessed by a	4315
registered patient shall not exceed a ninety-day supply, as	4316
specified in rules adopted under section 3796.03 of the Revised	4317
Code.	4318
(C) A registered patient shall not be subject to arrest or	4319
criminal prosecution for doing any either of the following in	4320
accordance with this chapter:	4321
(1) Obtaining, using, or possessing medical marijuana;	4322
(2) Possessing any paraphernalia or accessories that may	4323

be used in the administration of medical marijuana, as specified	4324
in rules adopted under section 3796.03 of the Revised Code.	4325
(D) This section does not authorize a registered patient	4326
to operate a vehicle, streetcar, trackless trolley, watercraft,	4327
or aircraft while under the influence of medical marijuana.	4328
Sec. 3796.221. (A) Notwithstanding any conflicting	4329
provision of the Revised Code, an adult-use consumer who obtains	4330
adult-use marijuana from a licensed dispensary may do all of the	4331
<pre>following:</pre>	4332
(1) Use adult-use marijuana;	4333
(2) Possess adult-use marijuana, subject to division (B)	4334
of this section;	4335
(3) Possess any paraphernalia or accessories that may be	4336
used in the administration of adult-use marijuana as specified	4337
in rules adopted under section 3796.03 of the Revised Code;	4338
(4) Transfer adult-use and homegrown marijuana to another	4339
adult-use consumer if all of the following apply:	4340
(a) The transfer is without remuneration.	4341
(b) The amount transferred to the same adult-use consumer	4342
in the same day does not exceed either of the following:	4343
(i) Two and one-half ounces of plant material, excluding	4344
any seeds, live plants, or clones being cultivated, grown, or	4345
possessed in accordance with section 3796.04 of the Revised	4346
<pre>Code;</pre>	4347
(ii) Fifteen grams of extract.	4348
(c) The transfer occurs at privately owned real property	4349
that is used primarily for residential or agricultural purposes,	4350

including any dwellings, facilities, improvements, and	4351
appurtenances on such real property.	4352
(B) No person shall knowingly possess more than the	4353
following cumulative amounts of homegrown marijuana and adult-	4354
<pre>use marijuana:</pre>	4355
(1) Two and one-half ounces of plant material, excluding	4356
any seeds, live plants, or clones being cultivated, grown, or	4357
possessed in accordance with section 3796.04 of the Revised	4358
<pre>Code;</pre>	4359
(2) Fifteen grams of extract.	4360
(C) Except as expressly authorized under division (A)(4)	4361
of this section, no person other than a license holder shall	4362
knowingly give, sell, or transfer adult-use or homegrown	4363
marijuana to any other person, with or without remuneration.	4364
(D) Subject to divisions (B) and (C) of this section, an	4365
adult-use consumer is not subject to arrest or criminal	4366
prosecution for engaging in any of the activities described in	4367
division (A) of this section.	4368
(E) This section does not authorize an adult-use consumer	4369
to operate a vehicle, streetcar, trackless trolley, watercraft,	4370
or aircraft while under the influence of marijuana.	4371
Sec. 3796.23. (A) Notwithstanding any conflicting	4372
provision of the Revised Code, a caregiver registered under this	4373
chapter who obtains medical marijuana from a <pre>retail_licensed_</pre>	4374
dispensary licensed under this chapter may do both any of the	4375
following:	4376
(1) Possess medical marijuana on behalf of a registered	4377
patient under the caregiver's care, subject to division (B) of	4378

this section;	4379
(2) Assist a registered patient under the caregiver's care	4380
in the use or administration of medical marijuana;	4381
(3) Possess any paraphernalia or accessories specified in	4382
rules adopted under section 3796.03 of the Revised Code.	4383
(B) The amount of medical marijuana possessed by a	4384
registered caregiver on behalf of a registered patient shall not	4385
exceed a ninety-day supply, as specified in rules adopted under	4386
section 3796.03 of the Revised Code. If a caregiver provides	4387
care to more than one registered patient, the caregiver shall	4388
maintain separate inventories of medical marijuana for each	4389
patient.	4390
(C) A registered caregiver shall not be subject to arrest	4391
or criminal prosecution for doing any of following in accordance	4392
with this chapter:	4393
(1) Obtaining or possessing medical marijuana on behalf of	4394
a registered patient;	4395
(2) Assisting a registered patient in the use or	4396
administration of medical marijuana;	4397
(3) Possessing any paraphernalia or accessories specified	4398
in rules adopted under section 3796.03 of the Revised Code.	4399
(D) This section does not permit a registered caregiver to	4400
personally use medical marijuana, unless the caregiver is also a	4401
registered patient.	4402
Sec. 3796.24. (A) The holder of a license, as defined in	4403
section 4776.01 of the Revised Code, is not subject to	4404
professional disciplinary action solely for engaging in	4405
professional or occupational activities related to medical	4406

marijuana.	4407
(B) Unless there is clear and convincing evidence that a	4408
child is unsafe, the use, possession, or administration of	4409
medical marijuana in accordance with this chapter shall not be	4410
the sole or primary basis for any of the following:	4411
(1) An adjudication under section 2151.28 of the Revised	4412
Code determining that a child is an abused, neglected, or	4413
dependent child;	4414
(2) An allocation of parental rights and responsibilities	4415
under section 3109.04 of the Revised Code;	4416
(3) A parenting time order under section 3109.051 or	4417
3109.12 of the Revised Code.	4418
(C) Notwithstanding any conflicting provision of the	4419
Revised Code, the use or possession of medical marijuana in	4420
accordance with this chapter shall not be used as a reason for	4421
disqualifying a patient from medical care or from including a	4422
patient on a transplant waiting list.	4423
(D) Notwithstanding any conflicting provision of the	4424
Revised Code, the use, possession, administration, cultivation,	4425
processing, testing, or dispensing of medical marijuana in	4426
accordance with this chapter shall not be used as the sole or	4427
primary reason for taking action under any criminal or civil	4428
statute in the forfeiture or seizure of any property or asset.	4429
(E) Notwithstanding any conflicting provision of the	4430
Revised Code, a person's status as a registered patient or-	4431
earegiver engaging in activity authorized by this chapter is not	4432
a sufficient basis for conducting a field sobriety test on the	4433
person or for suspending the person's driver's license. To	4434
conduct any field sobriety test, a law enforcement officer must	4435

have an independent, factual basis giving reasonable suspicion	4436
that the person is operating a vehicle under the influence of	4437
marijuana or with a prohibited concentration of marijuana in the	4438
person's whole blood, blood serum, plasma, breath, or urine.	4439
(F) Notwithstanding any conflicting provision of the	4440
Revised Code, a person's status as a registered patient or	4441
caregiver shall not be used as the sole or primary basis for	4442
rejecting the person as a tenant unless the rejection is	4443
required by federal law. This division does not prohibit a	4444
landlord from prohibiting either of the following, as long as	4445
such prohibition is included in the applicable lease agreement:	4446
(1) Consumption of marijuana in a residential premises or	4447
common areas by smoking, combustion, or vaporization;	4448
(2) Cultivation or growth of homegrown marijuana.	4449
(G) Except for unemployment compensation benefits under	4450
Chapter 4141. of the Revised Code, including as prescribed under	4451
division (B) of section 3796.28 of the Revised Code, the use or	4452
possession of medical marijuana, adult-use marijuana, or	4453
homegrown marijuana in accordance with this chapter shall not be	4454
used as a reason for disqualifying an individual from a public	4455
benefit program administered by any state or local authority, or	4456
for otherwise denying an individual a public benefit	4457
administered by the state or any local government.	4458
(H) This chapter does not do any of the following:	4459
(1) Require a physician to recommend that a patient use	4460
medical marijuana to treat a qualifying medical condition;	4461
(2) Permit the use, possession, or administration of	4462
medical marijuana, adult-use marijuana, or homegrown marijuana	4463
other than as authorized by this chapter;	4464

(3) Permit the use, possession, or administration of	4465
medical marijuana, adult-use marijuana, or homegrown marijuana	4466
on federal land located in this state;	4467
(4) Require any public place to accommodate a registered	4468
patient's use of medical marijuana or an adult-use consumer's	4469
<pre>use of adult-use marijuana or homegrown marijuana;</pre>	4470
(5) Prohibit any public place from accommodating a	4471
registered patient's use of medical marijuana, except that no	4472
public place shall accommodate consumption of medical marijuana	4473
<pre>by smoking, combustion, or vaporization;</pre>	4474
(6) Restrict research related to marijuana conducted at a	4475
state university, academic medical center, or private research	4476
and development organization as part of a research protocol	4477
approved by an institutional review board or equivalent entity.	4478
(I) It is the public policy of this state that contracts	4479
related to license holders are enforceable.	4480
Sec. 3796.27. (A) As used in this section:	4481
(1) "Financial institution" means any of the following:	4482
(a) Any bank, trust company, savings and loan association,	4483
savings bank, or credit union or any affiliate, agent, or	4484
employee of a bank, trust company, savings and loan association,	4485
savings bank, or credit union;	4486
(b) Any money transmitter licensed under sections 1315.01	4487
to 1315.18 of the Revised Code or any affiliate, agent, or	4488
employee of such a licensee.	4489
(2) "Financial services" means services that a financial	4490
institution is authorized to provide under Title XI, sections	4491
1315.01 to 1315.18, or Chapter 1733. of the Revised Code, as	4492

applicable.	4493
(B) A financial institution that provides financial	4494
services to any cultivator, processor, retail dispensary, or	4495
laboratory licensed under this chapter license holder shall be	4496
exempt from any criminal law of this state an element of which	4497
may be proven by substantiating that a person provides financial	4498
services to a person who possesses, delivers, or manufactures	4499
marijuana or marijuana derived products, including section	4500
2925.05 of the Revised Code and sections 2923.01 and 2923.03 of	4501
the Revised Code as those sections apply to violations of	4502
Chapter 2925. of the Revised Code, if the cultivator, processor,	4503
retail dispensary, or laboratory license holder is in compliance	4504
with this chapter and the applicable tax laws of this state.	4505
(C)(1) Notwithstanding section 149.43 of the Revised Code	4506
or any other public records law to the contrary, upon the	4507
request of a financial institution, the division of marijuana	4508
control shall provide to the financial institution all of the	4509
following information:	4510
(a) Whether a person with whom the financial institution	4511
is seeking to do business is a cultivator, processor, retail	4512
dispensary, or laboratory licensed under this chapter license	4513
<pre>holder;</pre>	4514
(b) The name of any other business or individual	4515
affiliated with the person;	4516
(c) An unredacted copy of the application for a license	4517
under this chapter or under Chapter 3780. of the Revised Code,	4518
as that chapter existed immediately before the effective date of	4519
this amendment, and any supporting documentation, that was	4520
submitted by the person;	4521

(d) If applicable, information relating to sales and	4522
volume of product sold by the person;	4523
(e) Whether the person is in compliance with this chapter;	4524
(f) Any past or pending violation by the person of this	4525
chapter or Chapter 3780. of the Revised Code, as that chapter	4526
existed immediately before the effective date of this amendment,	4527
and any penalty imposed on the person for such a violation.	4528
(2) The division may charge a financial institution a	4529
reasonable fee to cover the administrative cost of providing the	4530
information.	4531
(D) Information received by a financial institution under	4532
division (C) of this section is confidential. Except as	4533
otherwise permitted by other state law or federal law, a	4534
financial institution shall not make the information available	4535
to any person other than the customer to whom the information	4536
applies and any trustee, conservator, guardian, personal	4537
representative, or agent of that customer.	4538
Sec. 3796.28. (A) Nothing in this chapter does any of the	4539
following:	4540
(1) Requires an employer to permit or accommodate an	4541
employee's use, possession, or distribution of medical	4542
marijuana;	4543
(2) Prohibits an employer from refusing to hire,	4544
discharging, disciplining, or otherwise taking an adverse	4545
employment action against a person with respect to hire, tenure,	4546
terms, conditions, or privileges of employment because of that	4547
person's use, possession, or distribution of medical marijuana;	4548
(3) Prohibits an employer from establishing and enforcing	4549

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tolerance drug policy;	4551
(4) Interferes with any federal restrictions on	4552
employment, including the regulations adopted by the United	4553
States department of transportation in Title 49 of the Code of	4554
Federal Regulations, as amended;	4555
(5) Permits a person to commence a cause of action against	4556
an employer for refusing to hire, discharging, disciplining,	4557
discriminating, retaliating, or otherwise taking an adverse	4558
employment action against a person with respect to hire, tenure,	4559
terms, conditions, or privileges of employment related to	4560
medical marijuana;	4561
(6) Affects the authority of the administrator of workers'	4562
compensation to grant rebates or discounts on premium rates to	4563
employers that participate in a drug-free workplace program	4564
established in accordance with rules adopted by the	4565
administrator under Chapter 4123. of the Revised Code.	4566
(B) A person who is discharged from employment because of	4567
that person's use of medical marijuana shall be considered to	4568
have been discharged for just cause for purposes of division (D)	4569
of section 4141.29 of the Revised Code and shall be ineligible	4570
to serve a waiting period or to be paid benefits for the	4571
duration of the individual's unemployment as described in	4572
division (D)(2) of that section if the person's use of medical	4573
marijuana was in violation of an employer's drug-free workplace	4574
policy, zero-tolerance policy, or other formal program or policy	4575
regulating the use of medical marijuana.	4576
(C) It is not a violation of division (A), (D), or (E) of	4577

section 4112.02 of the Revised Code if an employer discharges,

a drug testing policy, drug-free workplace policy, or zero-

refuses to hire, or otherwise discriminates against a person	4579
because of that person's use of medical marijuana if the	4580
person's use of medical marijuana is in violation of the	4581
employer's drug-free workplace policy, zero-tolerance policy, or	4582
other formal program or policy regulating the use of medical—	4583
marijuana.	4584
Sec. 3796.29. The (A) Except as otherwise provided in	4585
division (B) of this section, the legislative authority of a	4586
municipal corporation may adopt an ordinance, or a board of	4587
township trustees may adopt an ordinance or a resolution, to	4588
prohibit, or limit the number of, <u>licensed</u> cultivators, <u>licensed</u>	4589
processors, or retail_licensed_dispensaries licensed_under_this_	4590
chapter within the municipal corporation or within the	4591
unincorporated territory of the township, respectively.	4592
This section does not authorize the (B) The legislative	4593
authority of a municipal corporation or a board of township	4594
trustees to <u>shall not adopt</u> or enforce an ordinance or <u>a</u>	4595
resolution limiting that does any of the following:	4596
(1) Prohibits or limits the operations of a license holder	4597
that received a provisional license or certificate of operation	4598
before the effective date of this amendment, except that a	4599
municipal corporation or township may enforce such an ordinance	4600
or such a resolution if it was adopted before the effective date	4601
of this amendment;	4602
(2) Prohibits or limits any activity authorized under this	4603
chapter, except as expressly permitted under division (A) of	4604
this section;	4605
(3) Prohibits or limits research related to marijuana	4606
conducted at a state university, academic medical center, or	4607

private research and development organization as part of a	4608
research protocol approved by an institutional review board or	4609
equivalent entity.	4610
Sec. 3796.30. (A) Except as provided in division	4611
(B) divisions (C) and (D) of this section, no medical marijuana	4612
<u>licensed</u> cultivator, <u>licensed</u> processor, <u>retail</u> <u>licensed</u>	4613
dispensary, or licensed laboratory that tests medical marijuana	4614
shall be located within five hundred feet of the boundaries of a	4615
parcel of real estate having situated on it a school, church,	4616
public library, public playground, or public park.	4617
(B) If the a request for relocation of a facility of a	4618
<u>licensed</u> cultivator, <u>licensed</u> processor, <u>retail</u> <u>licensed</u>	4619
dispensary, or <u>licensed</u> laboratory licensed under this chapter	4620
results would result in the cultivator, processor, retail	4621
dispensary, or laboratory facility being located within five	4622
hundred feet of the boundaries of a parcel of real estate having	4623
situated on it a school, church, public library, public	4624
playground, or public park, the division of marijuana control	4625
shall revoke the license it previously issued to the cultivator,	4626
processor, retail dispensary, or laboratory deny the request for	4627
relocation.	4628
(B) (C) This section does not require relocation or closure	4629
of a facility used by a licensed cultivator, licensed processor,	4630
licensed dispensary, or licensed laboratory, if that facility	4631
has a certificate of operation at the time a school, church,	4632
<pre>public library, public playground, or public park relocates, or</pre>	4633
is established, on a parcel of real estate, the boundaries of	4634
which are within five hundred feet of that operational facility.	4635
(D) This section does not apply to research related to	4636
marijuana conducted at a state university, academic medical	4637

center, or private research and development organization as part	4638
of a research protocol approved by an institutional review board	4639
or equivalent entity.	4640
(C) As used in this section and sections 3796.03 and	4641
3796.12 of the Revised Code:	4642
"Church" has the meaning defined in section 1710.01 of the	4643
Revised Code.	4644
"Public library" means a library provided for under-	4645
Chapter 3375. of the Revised Code.	4646
"Public park" means a park established by the state or a	4647
political subdivision of the state including a county, township,	4648
municipal corporation, or park district.	4649
"Public playground" means a playground established by the	4650
state or a political subdivision of the state including a	4651
county, township, municipal corporation, or park district.	4652
"School" means a child care center as defined under-	4653
section 5104.01 of the Revised Code, a preschool as defined	4654
under section 2950.034 of the Revised Code, or a public or	4655
nonpublic primary school or secondary school.	4656
Sec. 3796.31. Except as otherwise authorized in the	4657
Revised Code, no political subdivision shall levy_do either of	4658
the following:	4659
(A) Levy any tax or fee on cultivators, processors, or	4660
dispensaries license holders that is based on those the license	4661
<pre>holder's businesses' gross receipts or that is the same as or</pre>	4662
similar to any tax or fee imposed by the state;	4663
(B) Levy any tax, fee, or charge on license holders or	4664
license holders' property that is not generally charged on other	4665

<u>businesses</u> .	4666
Sec. 3796.32. (A) The division of marijuana control may	4667
adopt rules regulating the advertisement of adult-use marijuana	4668
and medical marijuana to prevent advertisements that are false,	4669
misleading, targeted to minors, attractive to minors, promote	4670
excessive use, promote illegal activity, are obscene or	4671
indecent, contain depictions of marijuana use, or promote	4672
<pre>marijuana as an intoxicant.</pre>	4673
(B) Any rules the division adopts regulating the	4674
advertisement of adult-use marijuana shall be at least as	4675
stringent as the most stringent federal or state laws or rules	4676
governing the advertisement of tobacco or alcohol.	4677
(C) The division may, at any time, conduct an audit of an	4678
applicant's or license holder's published advertisements to	4679
ensure that the applicant or license holder complies with this	4680
<pre>chapter and associated rules.</pre>	4681
(D) Adult-use marijuana or medical marijuana shall not be	4682
packaged, advertised, or otherwise marketed using any graphic,	4683
picture, or drawing that bears any resemblance to a cartoon	4684
character, or any fictional character or popular culture figure	4685
whose target audience is children or youth.	4686
(E) No person shall place or maintain, or caused to be	4687
placed or maintained, an advertisement that asserts or suggests	4688
that adult-use marijuana has any health or therapeutic benefits.	4689
(F)(1) Subject to division (F)(2) of this section, no	4690
person shall place or maintain, or cause to be placed or	4691
maintained, an advertisement for medical or adult-use marijuana	4692
within five hundred feet of the boundaries of a parcel of real	4693
estate having situated on it a school, church, public library,	4694

public playground, or public park.	4695
(2) Division (F)(1) of this section does not apply to	4696
signage on the facility of a license holder.	4697
(G)(1) No person shall advertise medical or adult-use	4698
marijuana using names, logos, signs, or materials that have not	4699
been submitted to, and approved by, the division in accordance	4700
with rules adopted under this section.	4701
(2) The division shall either approve or deny such names,	4702
logos, signs, or materials within twenty-one business days after	4703
receiving the submission.	4704
(3) If the division does not deny a submission within	4705
twenty-one business days, the submitted names, logos, signs, or	4706
<pre>materials shall be considered approved.</pre>	4707
(H) If the division determines that a person has violated	4708
this section or any rule adopted in accordance with this	4709
section, the division may require the person to stop using the	4710
advertisement or proceed with any enforcement action it deems	4711
necessary or proper, as outlined in this chapter and associated	4712
rules.	4713
Sec. 3796.33. (A) As used in this section, "equivalent	4714
<pre>license" means:</pre>	4715
(1) In the case of an adult-use cultivator, a cultivator	4716
license of the same level issued under section 3796.09 of the	4717
Revised Code to engage in the activities authorized by section	4718
3796.18 of the Revised Code;	4719
(2) In the case of an adult-use processor, a processor	4720
license issued under section 3796.09 of the Revised Code to	4721
engage in the activities authorized by section 3796.19 of the	4722

Revised Code;	4723
(3) In the case of an adult-use dispensary, a retail	4724
dispensary license issued under section 3796.10 of the Revised	4725
Code to engage in the activities authorized by section 3796.20	4726
of the Revised Code;	4727
(4) In the case of an adult-use testing laboratory, a	4728
laboratory license issued under section 3796.09 of the Revised	4729
Code to engage in the activities authorized by section 3796.21	4730
of the Revised Code.	4731
(B) A license issued under Chapter 3780. of the Revised	4732
Code, as that chapter existed immediately before the effective	4733
date of this section, shall be treated, for all purposes, as the	4734
equivalent license under this chapter.	4735
(C) The holder of a license described in division (B) of	4736
this section is subject to all procedures, requirements, and	4737
penalties that apply to the holder of the equivalent license	4738
under this chapter.	4739
(D) If a license described in division (B) of this section	4740
is held by the same person and used at the same location as an	4741
equivalent license under this chapter, the division of marijuana	4742
control shall merge the licenses and treat them as the same	4743
license for all purposes, including expiration and renewal.	4744
Sec. 3780.37 3796.34. (A) As used in this section,	4745
"nonprofit corporation" has the same meaning as in section	4746
1702.01 of the Revised Code.	4747
(B) The division of cannabis marijuana control shall	4748
contract with a statewide nonprofit corporation for the	4749
development and implementation of cannabis and related drug	4750
misuse prevention, education, and public awareness initiatives	4751

driven by data, evaluation, and research. The contract must	4752
include a provision specifying a percentage of the total funding	4753
for the initiatives, not less than ten per cent, to be raised by	4754
the statewide nonprofit corporation through private	4755
contributions.	4756
(C) The initiatives may include all of the following:	4757
(1) Providing evidence-based information on the potential	4758
health effects of cannabis and related drug use among minors;	4759
(2) Disseminating educational resources regarding the	4760
risks associated with cannabis and related drug use during	4761
pregnancy;	4762
(3) Conducting campaigns to inform the public about the	4763
dangers and legal consequences of driving under the influence of	4764
cannabis and related drugs;	4765
(4) Collaborating with employers and industry groups to	4766
develop and distribute evidence-based resources to improve the	4767
health of Ohio's workforce and promote workplace safety and	4768
recovery initiatives focused on cannabis and related drug	4769
misuse.	4770
(D) The division shall oversee and evaluate the	4771
effectiveness of the initiatives undertaken pursuant to this	4772
section and shall ensure that those initiatives align with the	4773
public health and safety objectives of this state.	4774
(E) The division shall annually compile a report detailing	4775
activities, use of funds, and measurable outcomes resulting from	4776
the initiatives undertaken pursuant to this section. The	4777
division shall submit the report to the general assembly in	4778
accordance with section 101.68 of the Revised Code.	4779

Sec. 3796.40. (A) Terms used in this section have the same	4780
meanings as in section 5739.01 of the Revised Code.	4781
(B) For the purpose of funding the needs of the state and	4782
local governments that host adult-use marijuana dispensaries, an	4783
excise tax is levied on the retail sale of adult-use marijuana.	4784
The rate of the tax shall equal ten per cent of the price of	4785
adult-use marijuana and is in addition to taxes levied under	4786
Chapters 5739. and 5741. of the Revised Code.	4787
(C) The tax shall be paid by the consumer to the vendor at	4788
the time of the sale, and the vendor shall report and remit the	4789
tax to the state in the same manner and at the same time the	4790
vendor reports and remits the tax levied under Chapter 5739. of	4791
the Revised Code. The return required by this division shall be	4792
filed on a form prescribed by the tax commissioner, which shall	4793
be separate from the return required to be filed under section	4794
5739.12 of the Revised Code. The tax levied under this section	4795
shall be collected consistent with Chapters 5703. and 5739. of	4796
the Revised Code.	4797
(D) For the same purpose as the tax levied under division	4798
(B) of this section, a tax is levied on a vendor that sells any	4799
marijuana other than adult-use marijuana or medical marijuana to	4800
a consumer. That tax equals ten per cent of the price of such	4801
marijuana, and the consumer and vendor are liable for any	4802
amounts, including tax, interest, and penalties, imposed under	4803
this section and chapter in the same manner as vendors subject	4804
to the tax imposed under division (B) of this section.	4805
(E) All amounts collected from a tax levied under this	4806
section shall be deposited into the marijuana receipts fund,	4807
which is created in the state treasury. Investment earnings of	4808
the marijuana receipts fund shall be credited to that fund.	4809

From the marijuana receipts fund, the director of budget	4810
and management shall transfer as needed to the tax refund fund	4811
amounts equal to the refunds attributable to the tax levied	4812
under this section and certified by the tax commissioner.	4813
(F) After making any transfers required under division (E)	4814
of this section, the director of budget and management shall	4815
transfer amounts remaining in the marijuana receipts fund as	4816
follows:	4817
(1) Sixty-four per cent to the general revenue fund;	4818
(2) Thirty-six per cent to the host community cannabis	4819
fund, which is created in the state treasury, for the benefit of	4820
municipal corporations or townships that have at least one	4821
licensed dispensary. Distributions to such municipal	4822
corporations and townships shall be based on the portion of the	4823
tax levied under division (B) of this section attributable to	4824
each municipal corporation or township. Municipal corporations	4825
and townships receiving funds under this division may use such	4826
funds for any lawful purpose.	4827
Distributions under this division shall be made by the end	4828
of each month based on tax collections from the preceding month.	4829
The tax commissioner shall make data available to the director	4830
of the office of budget and management for this purpose and the	4831
director of budget and management shall provide for payment of	4832
those amounts to municipal corporations and townships as	4833
required.	4834
(G) The tax commissioner may prescribe all forms and adopt	4835
all rules necessary to administer the tax authorized under this	4836
section.	4837
Sec. 3796.99. (A)(1) Whoever violates division (C)(2) of	4838

section 3796.06 of the Revised Code as an operator of the	4839
vehicle, streetcar, trackless trolley, watercraft, or aircraft	4840
is subject to section 1547.11, 4511.19, 4511.194, or 4561.15 of	4841
the Revised Code, as applicable.	4842
(2) Whoever violates division (C)(2) of section 3796.06 of	4843
the Revised Code as a passenger of a vehicle, streetcar,	4844
trackless trolley, watercraft, or aircraft when the operator is	4845
operating or has physical control of the vehicle, streetcar,	4846
trackless trolley, watercraft, or aircraft is guilty of a	4847
misdemeanor of the third degree.	4848
(B) Except as otherwise provided in division (A) of this	4849
section, whoever violates division (C)(2) or (3) of section	4850
3796.06 of the Revised Code is guilty of a minor misdemeanor.	4851
(C)(1)(a) Except as provided in division (C)(1)(b) of this	4852
section, whoever violates division (F) of section 3796.06 of the	4853
Revised Code is guilty of a misdemeanor of the first degree.	4854
(b) An offender who has previously been convicted of, or	4855
pleaded guilty to, a violation of division (F) of section	4856
3796.06 of the Revised Code, is guilty of a felony of the fifth	4857
degree.	4858
	4050
(2) The division of marijuana control shall immediately	4859
revoke the license of any license holder under this chapter who	4860
is found guilty of, or who pleads guilty or no contest to,	4861
violating division (F) of section 3796.06 of the Revised Code.	4862
(D) Whoever violates division (B) of section 3796.221 of	4863
the Revised Code is guilty of possession of marijuana under	4864
section 2925.11 of the Revised Code.	4865
(E) Whoever violates division (C) of section 3796.04 of	4866
the Revised Code is guilty of illegal cultivation of marijuana	4867

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under section 2925.04 of the Revised Code.	4868
(F) Whoever violates division (I) of section 3796.09,	4869
division (I) of section 3796.10, division (C)(2) of section	4870
3796.20, or division (C) of section 3796.221 of the Revised Code	4871
is guilty of trafficking in marijuana under section 2925.03 of	4872
the Revised Code.	4873
(G)(1) Except as otherwise provided in divisions (G)(2) to	4874
(4) of this section, whoever violates division (G) of section	4875
3796.06 of the Revised Code by knowingly showing or giving false	4876
information concerning the individual's name, age, or other	4877
identification for the purpose of purchasing or otherwise	4878
obtaining adult-use marijuana from an adult-use dispensary	4879
licensed under this chapter is guilty of a misdemeanor of the	4880
first degree.	4881
(2) Except as otherwise provided in divisions (G)(3) and	4882
(4) of this section, whoever violates division (G) of section	4883
3796.06 of the Revised Code by knowingly presenting to an adult-	4884
use dispensary licensed under this chapter a false, fictitious,	4885
or altered identification card, a false or fictitious driver's	4886
license purportedly issued by any state, or a driver's license	4887
issued by any state that has been altered, is guilty of a	4888
misdemeanor of the first degree and, notwithstanding division	4889
(A)(2) of section 2929.28 of the Revised Code, shall be fined	4890
not less than two hundred fifty dollars and not more than one	4891
thousand dollars.	4892
(3)(a) Except as otherwise provided in division (G)(4) of	4893
this section, an offender who has previously been convicted of	4894
or pleaded guilty to a violation of division (G) of section	4895
3796.06 of the Revised Code by knowingly presenting to an adult-	4896
use dispensary licensed under this chapter a false, fictitious,	4897

or altered identification card, a false or fictitious driver's	4898
license purportedly issued by any state, or a driver's license	4899
issued by any state that has been altered, is guilty of a	4900
misdemeanor of the first degree and, notwithstanding division	4901
(A)(2) of section 2929.28 of the Revised Code, shall be fined	4902
not less than five hundred dollars nor more than one thousand	4903
dollars.	4904
(b)(i) The court also may impose a class seven suspension	4905
of the offender's driver's or commercial driver's license or	4906
permit, or nonresident operating privilege, from the range	4907
specified in division (A)(7) of section 4510.02 of the Revised	4908
Code.	4909
(ii) The court, in lieu of suspending the offender's	4910
temporary instruction permit, probationary driver's license, or	4911
driver's license, instead may order the offender to perform a	4912
determinate number of hours of community service, with the court	4913
determining the actual number of hours and the nature of the	4914
community service the offender shall perform.	4915
(4)(a) An offender who has previously been convicted of or	4916
pleaded guilty to two or more violations of division (G) of	4917
section 3796.06 of the Revised Code by knowingly presenting to	4918
an adult-use dispensary licensed under this chapter a false,	4919
fictitious, or altered identification card, a false or	4920
fictitious driver's license purportedly issued by any state, or	4921
a driver's license issued by any state that has been altered, is	4922
guilty of a misdemeanor of the first degree and, notwithstanding	4923
division (A)(2) of section 2929.28 of the Revised Code, shall be	4924
fined not less than five hundred dollars nor more than one	4925
thousand dollars.	4926
(b)(i) The court also may impose a class six suspension of	4927

the offender's driver's or commercial driver's license or permit	4928
or nonresident operating privilege from the range specified in	4929
division (A)(6) of section 4510.02 of the Revised Code, and the	4930
court may order that the suspension or denial remain in effect	4931
until the offender attains the age of twenty-one years.	4932
(ii) The court, in lieu of suspending the offender's	4933
temporary instruction permit, probationary driver's license, or	4934
driver's license, instead may order the offender to perform a	4935
determinate number of hours of community service, with the court	4936
determining the actual number of hours and the nature of the	4937
community service the offender shall perform.	4938
(5) The financial sanctions required by divisions (G)(2)	4939
to (4) of this section are in lieu of the financial sanctions	4940
described in division (A)(2) of section 2929.28 of the Revised	4941
Code but are in addition to any other sanctions or penalties	4942
that may apply to the offender, including other financial	4943
sanctions under that section or a jail term under section	4944
2929.24 of the Revised Code.	4945
(H)(1) Except as otherwise provided in division (H)(2) of	4946
this section, whoever violates division (G) of section 3796.06	4947
of the Revised Code by knowingly soliciting another person to	4948
purchase adult-use marijuana from an adult-use dispensary	4949
licensed under this chapter is guilty of a misdemeanor of the	4950
fourth degree.	4951
(2) An offender who has previously been convicted of or	4952
pleaded guilty to a violation of division (G) of section 3796.06	4953
of the Revised Code by knowingly soliciting another individual	4954
to purchase adult-use marijuana from an adult-use dispensary	4955
licensed under this chapter is guilty of a misdemeanor of the	4956
second degree.	4957

(I) Whoever violates division (A), (B), or (C) of section	4958
3796.062 of the Revised Code is guilty of a minor misdemeanor.	4959
(J) Whoever violates division (D) of section 3796.062 of	4960
the Revised Code is guilty of illegal use or possession of	4961
marijuana drug paraphernalia under section 2925.141 of the	4962
Revised Code.	4963
Sec. 4506.01. As used in this chapter:	4964
(A) "Alcohol concentration" means the concentration of	4965
alcohol in a person's blood, breath, or urine. When expressed as	4966
a percentage, it means grams of alcohol per the following:	4967
(1) One hundred milliliters of whole blood, blood serum,	4968
or blood plasma;	4969
(2) Two hundred ten liters of breath;	4970
(3) One hundred milliliters of urine.	4971
(B) "Commercial driver's license" means a license issued	4972
in accordance with this chapter that authorizes an individual to	4973
drive a commercial motor vehicle.	4974
(C) "Commercial driver's license information system" means	4975
the information system established pursuant to the requirements	4976
of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat.	4977
3207-171, 49 U.S.C.A. App. 2701.	4978
(D) Except when used in section 4506.25 of the Revised	4979
Code, "commercial motor vehicle" means any motor vehicle	4980
designed or used to transport persons or property that meets any	4981
of the following qualifications:	4982
(1) Any combination of vehicles with a gross vehicle	4983
weight or combined gross vehicle weight rating of twenty-six	4984

thousand one pounds or more, provided the gross vehicle weight	4985
or gross vehicle weight rating of the vehicle or vehicles being	4986
towed is in excess of ten thousand pounds;	4987
(2) Any single vehicle with a gross vehicle weight or	4988
gross vehicle weight rating of twenty-six thousand one pounds or	4989
more;	4990
(3) Any single vehicle or combination of vehicles that is	4991
not a class A or class B vehicle, but is designed to transport	4992
sixteen or more passengers including the driver;	4993
(4) Any school bus with a gross vehicle weight or gross	4994
vehicle weight rating of less than twenty-six thousand one	4995
pounds that is designed to transport fewer than sixteen	4996
passengers including the driver;	4997
(5) Is transporting hazardous materials for which	4998
placarding is required under subpart F of 49 C.F.R. part 172, as	4999
amended;	5000
(6) Any single vehicle or combination of vehicles that is	5001
designed to be operated and to travel on a public street or	5002
highway and is considered by the federal motor carrier safety	5003
administration to be a commercial motor vehicle, including, but	5004
not limited to, a motorized crane, a vehicle whose function is	5005
to pump cement, a rig for drilling wells, and a portable crane.	5006
(E) "Controlled substance" means all of the following:	5007
(1) Any substance classified as a controlled substance	5008
under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21	5009
U.S.C.A. 802(6), as amended;	5010
(2) Any substance included in schedules I through V of 21	5011
C.F.R. part 1308, as amended;	5012

(3) Any drug of abuse.	5013
(F) "Conviction" means an unvacated adjudication of guilt	5014
or a determination that a person has violated or failed to	5015
comply with the law in a court of original jurisdiction or an	5016
authorized administrative tribunal, an unvacated forfeiture of	5017
bail or collateral deposited to secure the person's appearance	5018
in court, a plea of guilty or nolo contendere accepted by the	5019
court, the payment of a fine or court cost, or violation of a	5020
condition of release without bail, regardless of whether or not	5021
the penalty is rebated, suspended, or probated.	5022
(G) "Disqualification" means any of the following:	5023
(1) The suspension, revocation, or cancellation of a	5024
person's privileges to operate a commercial motor vehicle;	5025
(2) Any withdrawal of a person's privileges to operate a	5026
commercial motor vehicle as the result of a violation of state	5027
or local law relating to motor vehicle traffic control other	5028
than parking, vehicle weight, or vehicle defect violations;	5029
(3) A determination by the federal motor carrier safety	5030
administration that a person is not qualified to operate a	5031
commercial motor vehicle under 49 C.F.R. 391.	5032
(H) "Domiciled" means having a true, fixed, principal, and	5033
permanent residence to which an individual intends to return.	5034
(I) "Downgrade" means any of the following, as applicable:	5035
(1) A change in the commercial driver's license, or	5036
commercial driver's license temporary instruction permit,	5037
holder's self-certified status as described in division (A)(1)	5038
of section 4506.10 of the Revised Code;	5039
(2) A change to a lesser class of vehicle;	5040

(3) Removal of commercial driver's license privileges from	5041
the individual's driver's license;	5042
(4) A change in the commercial driver's license, or	5043
commercial driver's license temporary instruction permit,	5044
holder's privileges as described in division (F)(1) of section	5045
4506.13 of the Revised Code.	5046
(J) "Drive" means to drive, operate, or be in physical	5047
control of a motor vehicle.	5048
(K) "Driver" means any person who drives, operates, or is	5049
in physical control of a commercial motor vehicle or is required	5050
to have a commercial driver's license.	5051
(L) "Driver's license" means a license issued by the	5052
bureau of motor vehicles that authorizes an individual to drive.	5053
(M) "Drug of abuse" means any controlled substance,	5054
dangerous drug as defined in section 4729.01 of the Revised	5055
Code, harmful intoxicant as defined in section 2925.01 of the	5056
Revised Code, intoxicating hemp product as defined in section	5057
3779.01 of the Revised Code, drinkable cannabinoid product as	5058
defined in section 3779.21 of the Revised Code, or over-the-	5059
counter medication that, when taken in quantities exceeding the	5060
recommended dosage, can result in impairment of judgment or	5061
reflexes.	5062
(N) "Electronic device" includes a cellular telephone, a	5063
personal digital assistant, a pager, a computer, and any other	5064
device used to input, write, send, receive, or read text.	5065
(O) "Eligible unit of local government" means a village,	5066
township, or county that has a population of not more than three	5067
thousand persons according to the most recent federal census.	5068

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(P) "Employer" means any person, including the federal	5069
government, any state, and a political subdivision of any state,	5070
that owns or leases a commercial motor vehicle or assigns a	5071
person to drive such a motor vehicle.	5072
(Q) "Endorsement" means an authorization on a person's	5073
commercial driver's license that is required to permit the	5074
person to operate a specified type of commercial motor vehicle.	5075
(R) "Farm truck" means a truck controlled and operated by	5076
a farmer for use in the transportation to or from a farm, for a	5077
distance of not more than one hundred fifty miles, of products	5078
of the farm, including livestock and its products, poultry and	5079
its products, floricultural and horticultural products, and in	5080
the transportation to the farm, from a distance of not more than	5081
one hundred fifty miles, of supplies for the farm, including	5082
tile, fence, and every other thing or commodity used in	5083
agricultural, floricultural, horticultural, livestock, and	5084
poultry production, and livestock, poultry, and other animals	5085
and things used for breeding, feeding, or other purposes	5086
connected with the operation of the farm, when the truck is	5087
operated in accordance with this division and is not used in the	5088
operations of a motor carrier, as defined in section 4923.01 of	5089
the Revised Code.	5090
(S) "Fatality" means the death of a person as the result	5091
of a motor vehicle accident occurring not more than three	5092

- of a motor vehicle accident occurring not more than three hundred sixty-five days prior to the date of death.
- (T) "Felony" means any offense under federal or state law that is punishable by death or specifically classified as a felony under the law of this state, regardless of the penalty that may be imposed.

(U) "Foreign jurisdiction" means any jurisdiction other	5098
than a state.	5099
(V) "Gross vehicle weight rating" means the value	5100
specified by the manufacturer as the maximum loaded weight of a	5101
single or a combination vehicle. The gross vehicle weight rating	5102
of a combination vehicle is the gross vehicle weight rating of	5103
the power unit plus the gross vehicle weight rating of each	5104
towed unit.	5105
(W) "Hazardous materials" means any material that has been	5106
designated as hazardous under 49 U.S.C. 5103 and is required to	5107
be placarded under subpart F of 49 C.F.R. part 172 or any	5108
quantity of a material listed as a select agent or toxin in 42	5109
C.F.R. part 73, as amended.	5110
(X) "Imminent hazard" means the existence of a condition	5111
that presents a substantial likelihood that death, serious	5112
illness, severe personal injury, or a substantial endangerment	5113
to health, property, or the environment may occur before the	5114
reasonably foreseeable completion date of a formal proceeding	5115
begun to lessen the risk of that death, illness, injury, or	5116
endangerment.	5117
(Y) "Medical variance" means one of the following received	5118
by a driver from the federal motor carrier safety administration	5119
that allows the driver to be issued a medical certificate:	5120
(1) An exemption letter permitting operation of a	5121
commercial motor vehicle under 49 C.F.R. 381, subpart C or 49	5122
C.F.R. 391.64;	5123
(2) A skill performance evaluation certificate permitting	5124
operation of a commercial motor vehicle pursuant to 49 C.F.R.	5125
391.49.	5126

(Z) "Mobile telephone" means a mobile communication device	5127
that falls under or uses any commercial mobile radio service as	5128
defined in 47 C.F.R. 20, except that mobile telephone does not	5129
include two-way or citizens band radio services.	5130
(AA) "Motor vehicle" means a vehicle, machine, tractor,	5131
trailer, or semitrailer propelled or drawn by mechanical power	5132
used on highways, except that such term does not include a	5133
vehicle, machine, tractor, trailer, or semitrailer operated	5134
exclusively on a rail.	5135
(BB) "Out-of-service order" means a declaration by an	5136
authorized enforcement officer of a federal, state, local,	5137
Canadian, or Mexican jurisdiction declaring that a driver,	5138
commercial motor vehicle, or commercial motor carrier operation	5139
is out of service as defined in 49 C.F.R. 390.5.	5140
(CC) "Peace officer" has the same meaning as in section	5141
2935.01 of the Revised Code.	5142
(DD) "Portable tank" means a liquid or gaseous packaging	5143
designed primarily to be loaded onto or temporarily attached to	5144
a vehicle and equipped with skids, mountings, or accessories to	5145
facilitate handling of the tank by mechanical means.	5146
(EE) "Public safety vehicle" has the same meaning as in	5147
divisions (E)(1) and (3) of section 4511.01 of the Revised Code.	5148
(FF) "Recreational vehicle" includes every vehicle that is	5149
defined as a recreational vehicle in section 4501.01 of the	5150
Revised Code and is used exclusively for purposes other than	5151
engaging in business for profit.	5152
(GG) "Residence" means any person's residence determined	5153
in accordance with standards prescribed in rules adopted by the	5154
registrar.	5155

(HH) "School bus" has the same meaning as in section	5156
4511.01 of the Revised Code.	5157
(II) "Serious traffic violation" means any of the	5158
following:	5159
(1) A conviction arising from a single charge of operating	5160
a commercial motor vehicle in violation of any provision of	5161
section 4506.03 of the Revised Code;	5162
(2)(a) Except as provided in division (II)(2)(b) of this	5163
section, a violation while operating a commercial motor vehicle	5164
of a law of this state, or any municipal ordinance or county or	5165
township resolution, or any other substantially similar law of	5166
another state or political subdivision of another state	5167
prohibiting either of the following:	5168
(i) Texting while driving;	5169
(ii) Using a handheld mobile telephone.	5170
(b) It is not a serious traffic violation if the person	5171
was texting or using a handheld mobile telephone to contact law	5172
enforcement or other emergency services.	5173
(3) A conviction arising from the operation of any motor	5174
vehicle that involves any of the following:	5175
(a) A single charge of any speed in excess of the posted	5176
speed limit by fifteen miles per hour or more;	5177
(b) Violation of section 4511.20 or 4511.201 of the	5178
Revised Code or any similar ordinance or resolution, or of any	5179
similar law of another state or political subdivision of another	5180
state;	5181
(c) Violation of a law of this state or an ordinance or	5182

resolution relating to traffic control, other than a parking	5183
violation, or of any similar law of another state or political	5184
subdivision of another state, that results in a fatal accident;	5185
(d) Violation of section 4506.03 of the Revised Code or a	5186
substantially similar municipal ordinance or county or township	5187
resolution, or of any similar law of another state or political	5188
subdivision of another state, that involves the operation of a	5189
commercial motor vehicle without a valid commercial driver's	5190
license with the proper class or endorsement for the specific	5191
vehicle group being operated or for the passengers or type of	5192
cargo being transported;	5193
(e) Violation of section 4506.03 of the Revised Code or a	5194
substantially similar municipal ordinance or county or township	5195
resolution, or of any similar law of another state or political	5196
subdivision of another state, that involves the operation of a	5197
commercial motor vehicle without a valid commercial driver's	5198
license being in the person's possession;	5199
(f) Violation of section 4511.33 or 4511.34 of the Revised	5200
Code, or any municipal ordinance or county or township	5201
resolution substantially similar to either of those sections, or	5202
any substantially similar law of another state or political	5203
subdivision of another state;	5204
(g) Violation of any other law of this state, any law of	5205
another state, or any ordinance or resolution of a political	5206
subdivision of this state or another state that meets both of	5207
the following requirements:	5208
(i) It relates to traffic control, other than a parking	5209
violation;	5210

(ii) It is determined to be a serious traffic violation by

the United States secretary of transportation and is designated	5212
by the director as such by rule.	5213
(JJ) "State" means a state of the United States and	5214
includes the District of Columbia.	5215
(KK) "Tank vehicle" means any commercial motor vehicle	5216
that is designed to transport any liquid or gaseous materials	5217
within a tank or tanks that are either permanently or	5218
temporarily attached to the vehicle or its chassis and have an	5219
individual rated capacity of more than one hundred nineteen	5220
gallons and an aggregate rated capacity of one thousand gallons	5221
or more. "Tank vehicle" does not include a commercial motor	5222
vehicle transporting an empty storage container tank that is not	5223
designed for transportation, has a rated capacity of one	5224
thousand gallons or more, and is temporarily attached to a	5225
flatbed trailer.	5226
(LL) "Tester" means a person or entity acting pursuant to	5227
a valid agreement entered into pursuant to division (B) of	5228
section 4506.09 of the Revised Code.	5229
(MM) "Texting" means manually entering alphanumeric text	5230
into, or reading text from, an electronic device. Texting	5231
includes short message service, e-mail, instant messaging, a	5232
command or request to access a world wide web page, pressing	5233
more than a single button to initiate or terminate a voice	5234
communication using a mobile telephone, or engaging in any other	5235
form of electronic text retrieval or entry, for present or	5236
future communication. Texting does not include the following:	5237
(1) Using voice commands to initiate, receive, or	5238
terminate a voice communication using a mobile telephone;	5239
(2) Inputting, selecting, or reading information on a	5240

global positioning system or navigation system;	5241
(3) Pressing a single button to initiate or terminate a	5242
voice communication using a mobile telephone; or	5243
(4) Using, for a purpose that is not otherwise prohibited	5244
by law, a device capable of performing multiple functions, such	5245
as a fleet management system, a dispatching device, a mobile	5246
telephone, a citizens band radio, or a music player.	5247
(NN) "Texting while driving" means texting while operating	5248
a commercial motor vehicle, with the motor running, including	5249
while temporarily stationary because of traffic, a traffic	5250
control device, or other momentary delays. Texting while driving	5251
does not include operating a commercial motor vehicle with or	5252
without the motor running when the driver has moved the vehicle	5253
to the side of, or off, a highway and is stopped in a location	5254
where the vehicle can safely remain stationary.	5255
(00) "United States" means the fifty states and the	5256
District of Columbia.	5257
(PP) "Upgrade" means a change in the class of vehicles,	5258
endorsements, or self-certified status as described in division	5259
(A) (1) of section 4506.10 of the Revised Code, that expands the	5260
ability of a current commercial driver's license holder to	5261
operate commercial motor vehicles under this chapter.	5262
(QQ) "Use of a handheld mobile telephone" means:	5263
(1) Using at least one hand to hold a mobile telephone to	5264
conduct a voice communication;	5265
(2) Dialing or answering a mobile telephone by pressing	5266
more than a single button; or	5267
(3) Reaching for a mobile telephone in a manner that	5268

requires a driver to maneuver so that the driver is no longer in	5269
a seated driving position, or restrained by a seat belt that is	5270
installed in accordance with 49 C.F.R. 393.93 and adjusted in	5271
accordance with the vehicle manufacturer's instructions.	5272
(RR) "Vehicle" has the same meaning as in section 4511.01	5273
of the Revised Code.	5274
Sec. 4735.18. (A) Subject to section 4735.32 of the	5275
Revised Code, the superintendent of real estate, upon the	5276
superintendent's own motion, may investigate the conduct of any	5277
licensee. Subject to division (E) of this section and section	5278
4735.32 of the Revised Code, the Ohio real estate commission	5279
shall impose disciplinary sanctions upon any licensee who,	5280
whether or not acting in the licensee's capacity as a real	5281
estate broker or salesperson, or in handling the licensee's own	5282
property, is found to have been convicted of a felony or a crime	5283
of moral turpitude, and may impose disciplinary sanctions upon	5284
any licensee who, in the licensee's capacity as a real estate	5285
broker or salesperson, or in handling the licensee's own	5286
property, is found guilty of:	5287
(1) Knowingly making any misrepresentation;	5288
(2) Making any false promises with intent to influence,	5289
persuade, or induce;	5290
(3) A continued course of misrepresentation or the making	5291
of false promises through agents, salespersons, advertising, or	5292
otherwise;	5293
(4) Acting for more than one party in a transaction except	5294
as permitted by and in compliance with section 4735.71 of the	5295
Revised Code;	5296
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(5) Failure within a reasonable time to account for or to

remit any money coming into the licensee's possession which	5298
belongs to others;	5299
(6) Dishonest or illegal dealing, gross negligence,	5300
<pre>incompetency, or misconduct;</pre>	5301
(7)(a) By final adjudication by a court, a violation of	5302
any municipal or federal civil rights law relevant to the	5303
protection of purchasers or sellers of real estate or, by final	5304
adjudication by a court, any unlawful discriminatory practice	5305
pertaining to the purchase or sale of real estate prohibited by	5306
Chapter 4112. of the Revised Code, provided that such violation	5307
arose out of a situation wherein parties were engaged in bona	5308
fide efforts to purchase, sell, or lease real estate, in the	5309
licensee's practice as a licensed real estate broker or	5310
salesperson;	5311
(b) A second or subsequent violation of any unlawful	5312
discriminatory practice pertaining to the purchase or sale of	5313
real estate prohibited by Chapter 4112. of the Revised Code or	5314
any second or subsequent violation of municipal or federal civil	5315
rights laws relevant to purchasing or selling real estate	5316
whether or not there has been a final adjudication by a court,	5317
provided that such violation arose out of a situation wherein	5318
parties were engaged in bona fide efforts to purchase, sell, or	5319
lease real estate. For any second offense under this division,	5320
the commission shall suspend for a minimum of two months or	5321
revoke the license of the broker or salesperson. For any	5322
subsequent offense, the commission shall revoke the license of	5323
the broker or salesperson.	5324
(8) Procuring a license under this chapter, for the	5325
licensee or any salesperson by fraud, misrepresentation, or	5326
deceit;	5327

(9) Having violated or failed to comply with any provision	5328
of sections 4735.51 to 4735.74 of the Revised Code or having	5329
willfully disregarded or violated any other provisions of this	5330
chapter;	5331
(10) As a real estate broker, having demanded, without	5332
reasonable cause, other than from a broker licensed under this	5333
chapter, a commission to which the licensee is not entitled, or,	5334
as a real estate salesperson, having demanded, without	5335
reasonable cause, a commission to which the licensee is not	5336
entitled;	5337
(11) Except as permitted under section 4735.20 of the	5338
Revised Code, having paid commissions or fees to, or divided	5339
commissions or fees with, anyone not licensed as a real estate	5340
broker or salesperson under this chapter or anyone not operating	5341
as an out-of-state commercial real estate broker or salesperson	5342
under section 4735.022 of the Revised Code;	5343
(12) Having falsely represented membership in any real	5344
estate professional association of which the licensee is not a	5345
member;	5346
(13) Having accepted, given, or charged any undisclosed	5347
commission, rebate, or direct profit on expenditures made for a	5348
<pre>principal;</pre>	5349
(14) Having offered anything of value other than the	5350
consideration recited in the sales contract as an inducement to	5351
a person to enter into a contract for the purchase or sale of	5352
real estate or having offered real estate or the improvements on	5353
real estate as a prize in a lottery or scheme of chance;	5354
(15) Having acted in the dual capacity of real estate	5355
broker and undisclosed principal, or real estate salesperson and	5356

undisclosed principal, in any transaction;	5357
(16) Having guaranteed, authorized, or permitted any	5358
person to guarantee future profits which may result from the	5359
resale of real property;	5360
(17) Having advertised or placed a sign on any property	5361
offering it for sale or for rent without the consent of the	5362
owner or the owner's authorized agent;	5363
(18) Having induced any party to a contract of sale or	5364
lease to break such contract for the purpose of substituting in	5365
lieu of it a new contract with another principal;	5366
(19) Having negotiated the sale, exchange, or lease of any	5367
real property directly with a seller, purchaser, lessor, or	5368
tenant knowing that such seller, purchaser, lessor, or tenant is	5369
represented by another broker under a written exclusive agency	5370
agreement, exclusive right to sell or lease listing agreement,	5371
or exclusive purchaser agency agreement with respect to such	5372
property except as provided for in section 4735.75 of the	5373
Revised Code;	5374
(20) Having offered real property for sale or for lease	5375
without the knowledge and consent of the owner or the owner's	5376
authorized agent, or on any terms other than those authorized by	5377
the owner or the owner's authorized agent;	5378
(21) Having published advertising, whether printed, radio,	5379
display, or of any other nature, which was misleading or	5380
inaccurate in any material particular, or in any way having	5381
misrepresented any properties, terms, values, policies, or	5382
services of the business conducted;	5383
(22) Having knowingly withheld from or inserted in any	5384
statement of account or invoice any statement that made it	5385

inaccurate in any material particular;	5386
(23) Having published or circulated unjustified or	5387
unwarranted threats of legal proceedings which tended to or had	5388
the effect of harassing competitors or intimidating their	5389
customers;	5390
(24) Having failed to keep complete and accurate records	5391
of all transactions for a period of three years from the date of	5392
the transaction, such records to include copies of listing	5393
forms, earnest money receipts, offers to purchase and	5394
acceptances of them, records of receipts and disbursements of	5395
all funds received by the licensee as broker and incident to the	5396
licensee's transactions as such, and records required pursuant	5397
to divisions (C)(4) and (5) of section 4735.20 of the Revised	5398
Code, and any other instruments or papers related to the	5399
performance of any of the acts set forth in the definition of a	5400
real estate broker;	5401
(25) Failure of a real estate broker or salesperson to	5402
furnish all parties involved in a real estate transaction true	5403
copies of all listings and other agreements to which they are a	5404
party, at the time each party signs them;	5405
(26) Failure to maintain at all times a special or trust	5406
bank account in a depository of a state or federally chartered	5407
institution located in this state. The account shall be	5408
noninterest-bearing, separate and distinct from any personal or	5409
other account of the broker, and, except as provided in division	5410
(A)(27) of this section, shall be used for the deposit and	5411
maintenance of all escrow funds, security deposits, and other	5412
moneys received by the broker in a fiduciary capacity. The name,	5413
account number, if any, and location of the depository wherein	5414
such special or trust account is maintained shall be submitted	5/15

in writing to the superintendent. Checks drawn on such special	5416
or trust bank accounts are deemed to meet the conditions imposed	5417
by section 1349.21 of the Revised Code. Funds deposited in the	5418
trust or special account in connection with a purchase agreement	5419
shall be maintained in accordance with section 4735.24 of the	5420
Revised Code.	5421
(27) Failure to maintain at all times a special or trust	5422
bank account in a depository of a state or federally chartered	5423
institution in this state, to be used exclusively for the	5424
deposit and maintenance of all rents, security deposits, escrow	5425
funds, and other moneys received by the broker in a fiduciary	5426
capacity in the course of managing real property. This account	5427
shall be separate and distinct from any other account maintained	5428
by the broker. The name, account number, and location of the	5429
depository shall be submitted in writing to the superintendent.	5430
This account may earn interest, which shall be paid to the	5431
property owners on a pro rata basis.	5432
Division (A)(27) of this section does not apply to brokers	5433
who are not engaged in the management of real property on behalf	5434
of real property owners.	5435
(28) Having failed to put definite expiration dates in all	5436
written agency agreements to which the broker is a party;	5437
(29) Having an unsatisfied final judgment or lien in any	5438
court of record against the licensee arising out of the	5439
licensee's conduct as a licensed broker or salesperson;	5440
(30) Failing to render promptly upon demand a full and	5441
complete statement of the expenditures by the broker or	5442
salesperson of funds advanced by or on behalf of a party to a	5443
real estate transaction to the broker or salesperson for the	5444

purpose of performing duties as a licensee under this chapter in	5445
conjunction with the real estate transaction;	5446
(31) Failure within a reasonable time, after the receipt	5447
of the commission by the broker, to render an accounting to and	5448
pay a real estate salesperson the salesperson's earned share of	5449
it;	5450
(32) Performing any service for another constituting the	5451
practice of law, as determined by any court of law;	5452
(33) Having been adjudicated incompetent by a court, as	5453
provided in section 5122.301 of the Revised Code. A license	5454
revoked or suspended under this division shall be reactivated	5455
upon proof to the commission of the removal of the disability.	5456
(34) Having authorized or permitted a person to act as an	5457
agent in the capacity of a real estate broker, or a real estate	5458
salesperson, who was not then licensed as a real estate broker	5459
or real estate salesperson under this chapter or who was not	5460
then operating as an out-of-state commercial real estate broker	5461
or salesperson under section 4735.022 of the Revised Code;	5462
(35) Having knowingly inserted or participated in	5463
inserting any materially inaccurate term in a document,	5464
including naming a false consideration;	5465
(36) Having failed to inform the licensee's client of the	5466
existence of an offer or counteroffer or having failed to	5467
present an offer or counteroffer in a timely manner, unless	5468
otherwise instructed by the client, provided the instruction of	5469
the client does not conflict with any state or federal law;	5470
(37) Having failed to comply with section 4735.24 of the	5471
Revised Code;	5472

(38) Having acted as a broker without authority, impeded	5473
the ability of a principal broker to perform any of the duties	5474
described in section 4735.081 of the Revised Code, or impeded	5475
the ability a management level licensee to perform the	5476
licensee's duties;	5477
(39) Entering into a right-to-list home sale agreement.	5478
(B) Whenever the commission, pursuant to section 4735.051	5479
of the Revised Code, imposes disciplinary sanctions for any	5480
violation of this section, the commission also may impose such	5481
sanctions upon the broker with whom the salesperson is	5482
affiliated if the commission finds that the broker had knowledge	5483
of the salesperson's actions that violated this section.	5484
(C) The commission shall, pursuant to section 4735.051 of	5485
the Revised Code, impose disciplinary sanctions upon any foreign	5486
real estate dealer or salesperson who, in that capacity or in	5487
handling the dealer's or salesperson's own property, is found	5488
guilty of any of the acts or omissions specified or comprehended	5489
in division (A) of this section insofar as the acts or omissions	5490
pertain to foreign real estate. If the commission imposes such	5491
sanctions upon a foreign real estate salesperson for a violation	5492
of this section, the commission also may suspend or revoke the	5493
license of the foreign real estate dealer with whom the	5494
salesperson is affiliated if the commission finds that the	5495
dealer had knowledge of the salesperson's actions that violated	5496
this section.	5497
(D) The commission may suspend, in whole or in part, the	5498
imposition of the penalty of suspension of a license under this	5499
section.	5500

(E) A person licensed under this chapter who represents a

party to a transaction or a proposed transaction involving the	5502
sale, purchase, exchange, lease, or management of real property	5503
that is or will be used in the cultivation, processing,	5504
dispensing, or testing of medical marijuana or adult-use	5505
marijuana under Chapter 3796. of the Revised Code, or who	5506
receives, holds, or disburses funds from a real estate brokerage	5507
trust account in connection with such a transaction, shall not	5508
be subject to disciplinary sanctions under this chapter solely	5509
because the licensed person engaged in activities permitted	5510
under this chapter and related to activities under Chapter 3796.	5511
of the Revised Code.	5512
Sec. 4796.25. This chapter does not apply to any of the	5513
following:	5514
(A) Licenses issued under Chapter <u>3780. or</u> 3796. of the	5515
Revised Code;	5516
(B) Licenses issued pursuant to rules prescribed under	5517
Section 5 of Article IV, Ohio Constitution;	5518
(C) Commercial fighing licenses issued under section	5519
(C) Commercial fishing licenses issued under section 1533.342 of the Revised Code;	5520
1333.342 Of the Revised Code;	3320
(D) Licenses issued under Chapter 4506. of the Revised	5521
Code;	5522
(E) Physician certificates to recommend treatment with	5523
medical marijuana issued under section 4731.30 of the Revised	5524
Code;	5525
(F) Money transmitter licenses issued under section	5526
1315.04 of the Revised Code;	5527
(G) Lottery sales agent licenses issued under section	5528
3770.05 of the Revised Code;	5529

(H) Licenses issued under Chapter 3905. of the Revised	5530
Code;	5531
(I) Fantasy contest operator licenses issued under section	5532
3774.02 of the Revised Code;	5533
(J) Teledentistry permits issued under section 4715.43 of	5534
the Revised Code;	5535
(K) Physician training certificates issued under section	5536
4731.291 of the Revised Code;	5537
(L) Podiatrist training certificates issued under section	5538
4731.573 of the Revised Code;	5539
(M) Licenses issued under Chapter 4740. of the Revised	5540
Code;	5541
(N) Licenses issued by a political subdivision to an	5542
individual by which the individual has or claims the privilege	5543
to act as a tradesperson as defined in section 4740.01 of the	5544
Revised Code in the political subdivision's jurisdiction.	5545
Sec. 5119.171. The department of behavioral health shall	5546
establish and administer a statewide program to prevent youth	5547
use of cannabis. The program shall do the following:	5548
(A) Use a harm reduction approach;	5549
(B) Include practices aimed at the prevention or reduction	5550
of substance use, substance abuse, substance dependence, and	5551
<pre>substance use disorders;</pre>	5552
(C) Use other evidence-based approaches selected by the	5553
department.	5554
Sec. 5502.01. (A) The department of public safety shall	5555
administer and enforce the laws relating to the registration,	5556

licensing, sale, and operation of motor vehicles and the laws	5557
pertaining to the licensing of drivers of motor vehicles.	5558
The department shall compile, analyze, and publish	5559
statistics relative to motor vehicle accidents and the causes of	5560
them, prepare and conduct educational programs for the purpose	5561
of promoting safety in the operation of motor vehicles on the	5562
highways, and conduct research and studies for the purpose of	5563
promoting safety on the highways of this state.	5564
	F.F.C.F
(B) The department shall administer the laws and rules	5565
relative to trauma and emergency medical services specified in	5566
Chapter 4765. of the Revised Code and any laws and rules	5567
relative to medical transportation services specified in Chapter	5568
4766. of the Revised Code.	5569
(C) The department shall administer and enforce the laws	5570
contained in Chapters 4301. and 4303. of the Revised Code and	5571
enforce the rules and orders of the liquor control commission	5572
pertaining to retail liquor permit holders.	5573
(D) The department shall administer the laws governing the	5574
state emergency management agency and shall enforce all	5575
additional duties and responsibilities as prescribed in the	5576
Revised Code related to emergency management services.	5577
(E) The department shall conduct investigations pursuant	5578
to Chapter 5101. of the Revised Code in support of the duty of	5579
the department of job and family services to administer the	5580
supplemental nutrition assistance program throughout this state.	5581
The department of public safety shall conduct investigations	5582
necessary to protect the state's property rights and interests	5583
in the supplemental nutrition assistance program.	5584
(F) The department of public safety shall enforce	5585

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compliance with orders and rules of the public utilities	5586
commission and applicable laws in accordance with Chapters	5587
4905., 4921., and 4923. of the Revised Code regarding commercial	5588
motor vehicle transportation safety, economic, and hazardous	5589
materials requirements.	5590
(G) Notwithstanding Chapter 4117. of the Revised Code, the	5591
department of public safety may establish requirements for its	5592
enforcement personnel, including its enforcement agents	5593
described in section 5502.14 of the Revised Code, that include	5594
standards of conduct, work rules and procedures, and criteria	5595
for eligibility as law enforcement personnel.	5596
(H) The department shall administer, maintain, and operate	5597
the Ohio criminal justice network. The Ohio criminal justice	5598
network shall be a computer network that supports state and	5599
local criminal justice activities. The network shall be an	5600
electronic repository for various data, which may include arrest	5601
warrants, notices of persons wanted by law enforcement agencies,	5602
criminal records, prison inmate records, stolen vehicle records,	5603
vehicle operator's licenses, and vehicle registrations and	5604
titles.	5605
(I) The department shall coordinate all homeland security	5606
activities of all state agencies and shall be a liaison between	5607
state agencies and local entities for those activities and	5608
related purposes.	5609
(J) The department shall administer and enforce the laws	5610
relative to private investigators and security service providers	5611

specified in Chapter 4749. of the Revised Code.

(K) The department shall administer criminal justice

services in accordance with sections 5502.61 to 5502.66 of the

Revised Code.	5615			
(L) The department shall administer the Ohio school safety	5616			
and crisis center and the Ohio mobile training team in	5617			
accordance with sections 5502.70 to 5502.703 of the Revised				
Code.	5619			
(M) The department shall coordinate security measures and	5620			
operations, and may direct the department of administrative	5621			
services to implement any security measures and operations the	5622			
department of public safety requires, at the Vern Riffe Center	5623			
and the James A. Rhodes state office tower.	5624			
Notwithstanding section 125.28 of the Revised Code, the	5625			
director of public safety may recover the costs of directing	5626			
security measures and operations under this division by either	5627			
issuing intrastate transfer voucher billings to the department	5628			
of administrative services, which the department shall process	5629			
to pay for the costs, or, upon the request of the director of	5630			
administrative services, the director of budget and management	5631			
may transfer cash in the requested amount from the building	5632			
management fund created under section 125.28 of the Revised	5633			
Code. Payments received or cash transfers made under this	5634			
division for the costs of directing security measures and	5635			
operations shall be deposited into the state treasury to the	5636			
credit of the security, investigations, and policing fund	5637			
created under section 4501.11 of the Revised Code.	5638			
(N) The department shall assist the division of marijuana	5639			
control in enforcing Chapter 3796. of the Revised Code, as	5640			
provided in that chapter.	5641			
(O) The department of public safety shall assist the	5642			
department of commerce in enforcing Chapter 3779. of the Revised	5643			

Code as provided in that chapter.	5644			
Sec. 5502.13. The department of public safety shall	5645			
maintain an investigative unit in order to conduct				
investigations and other enforcement activity authorized by	5647			
Chapters 3796., 4301., 4303., 5101., 5107., and 5108. and	5648			
sections 2903.12, 2903.13, 2903.14, 2907.09, 2913.46, 2917.11,	5649			
2921.13, 2921.31, 2921.32, 2921.33, 2923.12, 2923.121, 2925.11,	5650			
2925.13, 2927.02, 3779.03 , and 4507.30 of the Revised Code. The	5651			
director of public safety shall appoint the employees of the	5652			
unit who are necessary, designate the activities to be performed	5653			
by those employees, and prescribe their titles and duties.	5654			
Sec. 5502.14. (A) As used in this section, "felony" has	5655			
the same meaning as in section 109.511 of the Revised Code.	5656			
(B)(1) Any person who is employed by the department of	5657			
public safety and designated by the director of public safety to	5658			
enforce Title XLIII of the Revised Code, and the rules adopted				
under it, Chapter 3779. of the Revised Code and the rules	5660			
adopted under that chapter, Chapter 3796. of the Revised Code	5661			
and the rules adopted under that chapter, and the laws and rules	5662			
regulating the use of supplemental nutrition assistance program	5663			
benefits shall be known as an enforcement agent. The employment	5664			
by the department of public safety and the designation by the	5665			
director of public safety of a person as an enforcement agent	5666			
shall be subject to division (D) of this section. An enforcement	5667			
agent has the authority vested in peace officers pursuant to	5668			
section 2935.03 of the Revised Code to keep the peace, to	5669			
enforce all of the following:	5670			
(a) All applicable laws and rules on any retail liquor	5671			
permit premises, or on any other premises of public or private	5672			
property, where a violation of Title XLIII of the Revised Code				

or any rule adopted under it is occurring, and to enforce all ;	3674
(b) All applicable laws and rules on persons and premises	5675
licensed under Chapter 3796. of the Revised Code and on any	5676
other public or private property where a violation of Chapter	5677
3796. or any rule adopted under that chapter is occurring;	5678
(c) All laws and rules governing the use of supplemental	5679
nutrition assistance program benefits, women, infants, and	5680
children's coupons, electronically transferred benefits, or any	5681
other access device that is used alone or in conjunction with	5682
another access device to obtain payments, allotments, benefits,	5683
money, goods, or other things of value, or that can be used to	5684
initiate a transfer of funds, pursuant to the supplemental	5685
nutrition assistance program established under the Food and	5686
Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) or any	5687
supplemental food program administered by any department of this	5688
state pursuant to the "Child Nutrition Act of 1966," 80 Stat.	5689
885, 42 U.S.C.A. 1786. Enforcement agents, in enforcing	5690
compliance with the laws and rules described in this division,	5691
may keep the peace and make arrests for violations of those laws	5692
and rules.	5693
(2) In addition to the authority conferred by division (B)	5694
(1) of this section, an enforcement agent also may execute	5695
search warrants and seize and take into custody any contraband,	5696
as defined in section 2901.01 of the Revised Code, or any	5697
property that is otherwise necessary for evidentiary purposes	5698
related to any violations of the laws or rules described in	5699
division (B)(1) of this section. An enforcement agent may enter	5700
public or private premises where activity alleged to violate the	5701
laws or rules described in division (B)(1) of this section is	5702
occurring.	5703

(3) Enforcement agents who are on, immediately adjacent	5704			
to, or across from retail liquor permit premises or premises	5705			
licensed under Chapter 3796. of the Revised Code and who are	5706			
performing investigative duties relating to that those premises,	5707			
enforcement agents who are on premises that are not liquor				
permit premises or premises licensed under Chapter 3796. of the				
Revised Code but on which a violation of Title XLIII or Chapter	5710			
3796. of the Revised Code or any rule adopted under it that	5711			
title or chapter allegedly is occurring, and enforcement agents	5712			
who view a suspected violation of Title XLIII or Chapter 3796.	5713			
of the Revised Code, of a rule adopted under <pre>it</pre> that title or	5714			
<pre>chapter, or of another law or rule described in division (B)(1)</pre>	5715			
of this section have the authority to enforce the laws and rules	5716			
described in division (B)(1) of this section, authority to	5717			
enforce any section in Title XXIX of the Revised Code or any	5718			
other section of the Revised Code listed in section 5502.13 of	5719			
the Revised Code if they witness a violation of the section	5720			
under any of the circumstances described in this division, and	5721			
authority to make arrests for violations of the laws and rules	5722			
described in division (B)(1) of this section and violations of	5723			
any of those sections.	5724			

- (4) The jurisdiction of an enforcement agent under 5725 division (B) of this section shall be concurrent with that of 5726 the peace officers of the county, township, or municipal 5727 corporation in which the violation occurs. 5728
- (C) Enforcement agents of the department of public safety 5729 who are engaged in the enforcement of the laws and rules 5730 described in division (B)(1) of this section may carry concealed 5731 weapons when conducting undercover investigations pursuant to 5732 their authority as law enforcement officers and while acting 5733 within the scope of their authority pursuant to this chapter. 5734

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(D)(1) The department of public safety shall not employ,	5735
and the director of public safety shall not designate, a person	5736
as an enforcement agent on a permanent basis, on a temporary	5737
basis, for a probationary term, or on other than a permanent	5738
basis if the person previously has been convicted of or has	5739
pleaded guilty to a felony.	5740

- (2) (a) The department of public safety shall terminate the employment of a person who is designated as an enforcement agent and who does either of the following:
 - (i) Pleads guilty to a felony;
- (ii) Pleads guilty to a misdemeanor pursuant to a 5745 negotiated plea agreement as provided in division (D) of section 5746 2929.43 of the Revised Code in which the enforcement agent 5747 agrees to surrender the certificate awarded to that agent under 5748 section 109.77 of the Revised Code. 5749
- (b) The department shall suspend the employment of a 5750 person who is designated as an enforcement agent if the person 5751 is convicted, after trial, of a felony. If the enforcement agent 5752 files an appeal from that conviction and the conviction is 5753 upheld by the highest court to which the appeal is taken or if 5754 5755 no timely appeal is filed, the department shall terminate the 5756 employment of that agent. If the enforcement agent files an appeal that results in that agent's acquittal of the felony or 5757 conviction of a misdemeanor, or in the dismissal of the felony 5758 charge against the agent, the department shall reinstate the 5759 agent. An enforcement agent who is reinstated under division (D) 5760 (2) (b) of this section shall not receive any back pay unless the 5761 conviction of that agent of the felony was reversed on appeal, 5762 or the felony charge was dismissed, because the court found 5763 insufficient evidence to convict the agent of the felony. 5764

	(3)	Division	(D) of	this section	n does not	apply regarding	5765
an	offense	e that was	s commit	tted prior t	o January 1	1, 1997.	5766

(4) The suspension or termination of the employment of a 5767 person designated as an enforcement agent under division (D)(2) 5768 of this section shall be in accordance with Chapter 119. of the 5769 Revised Code.

Sec. 5703.052. (A) There is hereby created in the state 5771 treasury the tax refund fund, from which refunds shall be paid 5772 for amounts illegally or erroneously assessed or collected, or 5773 for any other reason overpaid, with respect to taxes levied by 5774 Chapter 3779., 3796., 4301., 4305., 5726., 5728., 5729., 5731., 5775 5733., 5735., 5736., 5739., 5741., 5743., 5747., 5748., 5749., 5776 5751., or 5753. and sections 3737.71, 3905.35, 3905.36, 4303.33, 5777 5707.03, 5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 of the 5778 Revised Code. Refunds for fees levied under sections 3734.90 to 5779 3734.9014 of the Revised Code, wireless 9-1-1 charges imposed 5780 under section 128.40 of the Revised Code, next generation 9-1-1 5781 access fees imposed under sections 128.41 and 128.42 of the 5782 Revised Code, or any penalties assessed with respect to such 5783 fees or charges, that are illegally or erroneously assessed or 5784 collected, or for any other reason overpaid, also shall be paid 5785 from the fund. Refunds for amounts illegally or erroneously 5786 assessed or collected by the tax commissioner, or for any other 5787 reason overpaid, that are due under section 1509.50 of the 5788 Revised Code shall be paid from the fund. Refunds for amounts 5789 illegally or erroneously assessed or collected by the 5790 commissioner, or for any other reason overpaid to the 5791 commissioner, under sections 718.80 to 718.95 of the Revised 5792 Code shall be paid from the fund. However, refunds for amounts 5793 illegally or erroneously assessed or collected by the 5794 commissioner, or for any other reason overpaid to the 5795

commissioner, with respect to taxes levied under section	5796
5739.101 of the Revised Code shall not be paid from the tax	5797
refund fund, but shall be paid as provided in section 5739.104	5798
of the Revised Code.	5799

- (B) (1) Upon certification by the tax commissioner to the 5800 treasurer of state of a tax refund, a wireless 9-1-1 charge 5801 refund, a next generation 9-1-1 access fee refund, or another 5802 amount refunded, or by the superintendent of insurance of a 5803 domestic or foreign insurance tax refund, the treasurer of state 5804 shall place the amount certified to the credit of the fund. The 5805 certified amount transferred shall be derived from the receipts 5806 of the same tax, fee, wireless 9-1-1 charge, next generation 9-5807 1-1 access fee, or other amount from which the refund arose. 5808
- (2) When a refund is for a tax, fee, wireless 9-1-1 5809 charge, next generation 9-1-1 access fee, or other amount that 5810 is not levied by the state or that was illegally or erroneously 5811 distributed to a taxing jurisdiction, the tax commissioner shall 5812 recover the amount of that refund from the next distribution of 5813 that tax, fee, wireless 9-1-1 charge, next generation 9-1-1 5814 access fee, or other amount that otherwise would be made to the 5815 taxing jurisdiction. If the amount to be recovered would exceed 5816 twenty-five per cent of the next distribution of that tax, fee, 5817 wireless 9-1-1 charge, next generation 9-1-1 access fee, or 5818 other amount, the commissioner may spread the recovery over more 5819 than one future distribution, taking into account the amount to 5820 be recovered and the amount of the anticipated future 5821 distributions. In no event may the commissioner spread the 5822 recovery over a period to exceed seventy-two months. 5823

Sec. 5703.053. As used in this section, "postal service" 5824 means the United States postal service. 5825

An application to the tax commissioner for a tax refund	5826
under section 3779.43, 4307.05, 4307.07, 718.91, 5726.30,	5827
5727.28, 5727.91, 5728.061, 5735.122, 5735.13, 5735.14,	5828
5735.141, 5735.142, 5736.08, 5739.07, 5741.10, 5743.05, 5743.53,	5829
5745.11, 5749.08, or 5751.08 of the Revised Code or division (B)	5830
of section 5703.05 of the Revised Code, or a fee refunded under	5831
section 3734.905 of the Revised Code, that is received after the	5832
last day for filing under such section shall be considered to	5833
have been filed in a timely manner if:	5834

- (A) The application is delivered by the postal service and 5835 the earliest postal service postmark on the cover in which the 5836 application is enclosed is not later than the last day for 5837 filing the application; 5838
- (B) The application is delivered by the postal service,

 the only postmark on the cover in which the application is

 enclosed was affixed by a private postal meter, the date of that

 postmark is not later than the last day for filing the

 application, and the application is received within seven days

 of such last day; or

 5839
- (C) The application is delivered by the postal service, no 5845 postmark date was affixed to the cover in which the application 5846 is enclosed or the date of the postmark so affixed is not 5847 legible, and the application is received within seven days of 5848 the last day for making the application. 5849
- Sec. 5703.19. (A) To carry out the purposes of the laws 5850 that the tax commissioner is required to administer, the 5851 commissioner or any person employed by the commissioner for that 5852 purpose, upon demand, may inspect books, accounts, records, and 5853 memoranda of any person or public utility subject to those laws, 5854 and may examine under oath any officer, agent, or employee of 5855

that person or public utility. If such books, accounts, records,	5856
or memoranda are kept electronically or available in an	5857
electronic format, the person or public utility shall provide	5858
such records to the commissioner electronically or in an	5859
electronic format at the commissioner's request. Any person	5860
other than the commissioner who makes a demand pursuant to this	5861
section shall produce the person's authority to make the	5862
inspection.	5863

(B) If a person or public utility receives at least ten 5864 days' written notice of a demand made under division (A) of this 5865 section and refuses to comply with that demand, a penalty of 5866 five hundred dollars shall be imposed upon the person or public 5867 utility for each day the person or public utility refuses to 5868 comply with the demand. Penalties imposed under this division 5869 may be assessed and collected in the same manner as assessments 5870 made under Chapter 3769., 4305., 5727., 5728., 5733., 5735., 5871 5736., 5739., 5743., 5745., 5747., 5749., 5751., or 5753., or 5872 sections—section 718.90,— or 3779.44, or sections 3734.90 to 5873 3734.9014, of the Revised Code. 5874

Sec. 5703.263. (A) (1) "Tax return preparer" means any 5875 person other than an accountant or an attorney that operates a 5876 5877 business that prepares, or directly or indirectly employs another person to prepare, for a taxpayer a tax return or 5878 application for refund in exchange for compensation or 5879 remuneration from the taxpayer or the taxpayer's related member. 5880 The preparation of a substantial portion of a tax return or 5881 application for refund shall be considered to be the same as the 5882 preparation of the return or application for refund. "Tax return 5883 preparer" does not include an individual who performs only one 5884 or more of the following activities: 5885

(a) Furnishes typing, reproducing, or other mechanical	5886
assistance;	5887
(b) Prepares an application for refund or a return on	5888
behalf of an employer by whom the individual is regularly and	5889
continuously employed, or on behalf of an officer or employee of	5890
that employer;	5891
(c) Prepares as a fiduciary an application for refund or a	5892
return;	5893
(d) Prepares an application for refund or a return for a	5894
taxpayer in response to a notice of deficiency issued to the	5895
taxpayer or the taxpayer's related member, or in response to a	5896
waiver of restriction after the commencement of an audit of the	5897
taxpayer or the taxpayer's related member.	5898
(2) "Related member" has the same meaning as in section	5899
5733.042 of the Revised Code.	5900
(3) "Accountant" means any of the following:	5901
(a) An individual who holds both a CPA certificate and an	5902
Ohio permit or Ohio registration issued by the accountancy board	5903
under section 4701.10 of the Revised Code;	5904
(b) An individual who holds a foreign certificate;	5905
(c) An individual who is employed by a public accounting	5906
firm with respect to any return prepared under the supervision	5907
of an individual described in division (A)(3)(a) or (b) of this	5908
section, regardless of whether the public accounting firm is	5909
required to register with the accountancy board under section	5910
4701.04 of the Revised Code.	5911
(4) "CPA certificate" and "foreign certificate" have the	5912
same meanings as in section 4701.01 of the Revised Code.	5913

(5) "Attorney" means an individual who has been admitted	5914
to the bar by order of the supreme court in compliance with its	5915
prescribed and published rules, is permitted to practice as an	5916
attorney and counselor at law in this state under Chapter 4705.	5917
of the Revised Code, and is not currently suspended or removed	5918
from such practice under that chapter.	5919
(6) A tax return preparer engages in "prohibited conduct"	5920
if the preparer does any of the following:	5921
(a) Prepares any return or application for refund that	5922
includes an understatement of a taxpayer's tax liability due to	5923
an unreasonable position or due to willful or reckless conduct.	5924
For the purposes of this division, "unreasonable position" and	5925
"willful or reckless conduct" have the meanings as used in	5926
section 6694 of the Internal Revenue Code.	5927
(b) When required under any provision of Title LVII of the	5928
Revised Code, the preparer fails to do any of the following:	5929
(i) Provide copies of a return or application for refund;	5930
(ii) Provide the preparer's signature or federal preparer	5931
tax identification number on a return or application for refund;	5932
(iii) Retain copies of the preparer's records;	5933
(iv) Provide any information or documents requested by the	5934
tax commissioner;	5935
(v) Act diligently in determining a taxpayer's eligibility	5936
for tax credits, deductions, or exemptions.	5937
(c) Negotiates a check or other negotiable instrument	5938
issued to a taxpayer by the department of taxation without the	5939
permission of the taxpayer;	5940

(d) Engages in any conduct subject to criminal penalties	5941
under Title LVII of the Revised Code;	5942
(e) Misrepresents the preparer's eligibility to file	5943
returns or applications for refund on behalf of taxpayers, or	5944
otherwise misrepresents the preparer's experience or education;	5945
(f) Guarantees the payment of any tax refund or the	5946
allowance of any tax credit, deduction, or exemption;	5947
(g) Engages in any other fraudulent or deceptive conduct	5948
that substantially interferes with the proper administration of	5949
any provision of Title LVII of the Revised Code.	5950
(7) "State" means a state of the United States, the	5951
District of Columbia, the commonwealth of Puerto Rico, or any	5952
territory or possession of the United States.	5953
(B) When a tax return preparer engages in prohibited	5954
conduct, the commissioner, may do either or both of the	5955
following:	5956
(1) If the commissioner has previously warned the tax	5957
return preparer in writing of the consequences of continuing to	5958
engage in prohibited conduct, impose a penalty not exceeding one	5959
hundred dollars per instance of prohibited conduct;	5960
(2) Regardless of whether the commissioner has previously	5961
warned the tax return preparer, request that the attorney	5962
general apply to a court of competent jurisdiction for an	5963
injunction to restrain the preparer from further engaging in the	5964
prohibited conduct. The court may take either of the following	5965
actions:	5966
(a) If the court finds that injunctive relief is	5967
appropriate to prevent the recurrence of the prohibited conduct,	5968

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the court shall	issue an injunction	against the preparer	5969
enjoining the p	reparer from engagin	g in such conduct.	5970

- (b) If the court finds that the preparer has continually 5971 or repeatedly engaged in prohibited conduct, and that enjoining 5972 the preparer solely from engaging in such conduct would not be 5973 sufficient to prevent the preparer's interference with the 5974 proper administration of any provision of Title LVII of the 5975 Revised Code, the court may issue an injunction against the 5976 preparer enjoining the preparer from acting as a tax return 5977 preparer in this state. 5978
- If a tax return preparer has been enjoined from preparing tax returns or applications for refunds by a federal court or by another state court in the five years preceding the date on which an injunction is requested under this section, that prior injunction shall be sufficient to establish a prima facie case for the issuance of an injunction under division (B)(2) of this section.
- (C) The commissioner may require a tax return preparer to 5986 include the preparer's name and federal preparer tax 5987 identification number when filing any return or application for 5988 refund. If a tax return preparer fails to include this 5989 information when required to do so by the commissioner, or if 5990 the information provided is false, inaccurate, or incomplete, 5991 the commissioner may impose a penalty of fifty dollars for each 5992 such failure, provided that the maximum penalty imposed on a 5993 preparer under this division in a calendar year shall not exceed 5994 twenty-five thousand dollars. 5995
- (D) The penalties imposed under divisions (B) (1) and (C) 5996 of this section may be assessed and collected in the same manner 5997 as assessments made under Chapter 3769., 4305., 5727., 5728., 5998

5733., 5735., 5736., 5739., 5743., 5745., 5747., 5749., 5751.,	5999
or 5753., section 718.90 <u>or 3779.44</u> , or sections 3734.90 to	6000
3734.9014 of the Revised Code. The commissioner may abate all or	6001
a portion of any penalty imposed under this section upon the	6002
showing of good cause by the tax return preparer.	6003
Sec. 5703.50. As used in sections 5703.50 to 5703.53 of	6004
the Revised Code:	6005
(A) "Tax" includes only those taxes imposed on tangible	6006
personal property listed in accordance with Chapter 5711. of the	6007
Revised Code, taxes imposed under Chapters 3779., 5733., 5736.,	6008
5739., 5741., 5747., and 5751. of the Revised Code, and the tax	6009
administered under sections 718.80 to 718.95 of the Revised	6010
Code.	6011
(B) "Taxpayer" means a person subject to or potentially	6012
subject to a tax including an employer required to deduct and	6013
withhold any amount under section 5747.06 of the Revised Code.	6014
(C) "Audit" means the examination of a taxpayer or the	6015
inspection of the books, records, memoranda, or accounts of a	6016
taxpayer for the purpose of determining liability for a tax.	6017
(D) "Assessment" means a notice of underpayment or	6018
nonpayment of a tax issued pursuant to section 718.90, 3779.44 ,	6019
5711.26, 5711.32, 5733.11, 5736.09, 5739.13, 5741.11, 5741.13,	6020
5747.13, or 5751.09 of the Revised Code.	6021
(E) "County auditor" means the auditor of the county in	6022
which the tangible personal property subject to a tax is	6023
located.	6024
Sec. 5703.70. (A) On the filing of an application for	6025
refund under section 718.91, 3734.905, <u>3779.43,</u> 4307.05,	6026
4307.07, 5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122,	6027

5735.13, 5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07,	6028
5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 5751.08,	6029
or 5753.06 of the Revised Code, or an application for	6030
compensation under section 5739.061 of the Revised Code, if the	6031
tax commissioner determines that the amount of the refund or	6032
compensation to which the applicant is entitled is less than the	6033
amount claimed in the application, the commissioner shall give	6034
the applicant written notice electronically or by ordinary mail	6035
of the amount. If sent by ordinary mail, the notice shall be	6036
sent to the address shown on the application unless the	6037
applicant notifies the commissioner of a different address. If	6038
sent electronically, the notice shall be sent to the person or	6039
the person's authorized representative through secure electronic	6040
means associated with the person's or representative's last	6041
known electronic mail address, but only with the person's	6042
consent. The applicant shall have sixty days from the date the	6043
commissioner electronically sends or mails the notice to provide	6044
additional information to the commissioner or request a hearing,	6045
or both.	6046

- (B) If the applicant neither requests a hearing nor 6047 provides additional information to the tax commissioner within 6048 the time prescribed by division (A) of this section, the 6049 commissioner shall take no further action, and the refund or 6050 compensation amount denied becomes final. 6051
- (C) (1) If the applicant requests a hearing within the time 6052 prescribed by division (A) of this section, the tax commissioner 6053 shall assign a time and place for the hearing and notify the 6054 applicant of such time and place, but the commissioner may 6055 continue the hearing from time to time, as necessary. After the 6056 hearing, the commissioner may make such adjustments to the 6057 refund or compensation as the commissioner finds proper, and 6058

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shall issue a final determination thereon.

(2) If the applicant does not request a hearing, but provides additional information, within the time prescribed by division (A) of this section, the commissioner shall review the information, make such adjustments to the refund or compensation as the commissioner finds proper, and issue a final determination thereon. The commissioner may review such information and make such adjustments as many times as the commissioner finds proper before the issuance of a final determination.

(3) If the applicant requests a hearing and provides additional information within the time prescribed by division

(A) of this section, the commissioner may review the information and make such adjustments to the refund or compensation as the commissioner finds proper. The commissioner may review such information and make such adjustments as many times as the commissioner finds proper before the issuance of a final determination.

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

(4) The commissioner shall serve a copy of the final 6084 determination made under division (C)(1), (2), or (3) of this 6085 section on the applicant in the manner provided in section 6086 5703.37 of the Revised Code, and the decision is final, subject 6087 to appeal under section 5717.02 of the Revised Code. 6088

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(D) The tax commissioner shall certify to the director of	6089
budget and management and treasurer of state for payment from	6090
the tax refund fund created by section 5703.052 of the Revised	6091
Code, the amount of the refund to be refunded under division (B)	6092
or (C) of this section. The commissioner also shall certify to	6093
the director and treasurer of state for payment from the general	6094
revenue fund the amount of compensation to be paid under	6095
division (B) or (C) of this section.	6096
Sec. 5703.77. (A) As used in this section:	6097
(1) "Taxpayer" means a person subject to or previously	6098
subject to a tax or fee, a person that remits a tax or fee, or a	6099
person required to or previously required to withhold or collect	6100
and remit a tax or fee on behalf of another person.	6101
(2) "Tax or fee" means a tax or fee administered by the	6102
tax commissioner.	6103
(3) "Credit account balance" means the amount that a	6104
taxpayer remits to the state in excess of the amount required to	6105
be remitted, after accounting for factors applicable to the	6106
taxpayer such as accelerated payments, estimated payments, tax	6107
credits, and tax credit balances that may be carried forward.	6108
(4) "Tax debt" means an unpaid tax or fee or any unpaid	6109
penalty, interest, or additional charge on such a tax or fee due	6110
the state.	6111
(B) As soon as practicable, but not later than sixty days	6112
before the expiration of the period of time during which a	6113
taxpayer may file a refund application for a tax or fee, the tax	6114
commissioner shall review the taxpayer's accounts for the tax or	6115

fee and notify the taxpayer of any credit account balance for

which the commissioner is required to issue a refund if the

taxpayer were to file a refund application for that balance,	6118
regardless of whether the taxpayer files a refund application or	6119
amended return with respect to that tax or fee. The notice shall	6120
be made using contact information for the taxpayer on file with	6121
the commissioner.	6122

- (C) Notwithstanding sections 128.47, 718.91, 3734.905, 6123 3779.43, 4307.05, 5726.30, 5727.28, 5727.42, 5727.91, 5728.061, 6124 5735.122, 5736.08, 5739.07, 5739.104, 5741.10, 5743.05, 5743.53, 6125 5747.11, 5749.08, 5751.08, 5753.06, and any other section of the 6126 Revised Code governing refunds, the commissioner may apply the 6127 6128 amount of any credit account balance for which the commissioner is required to issue a refund if the taxpayer were to file a 6129 refund application for that balance as a credit against the 6130 taxpayer's liability for the tax or fee in the taxpayer's next 6131 reporting period for that tax or fee or issue a refund of that 6132 credit account balance to the taxpayer, subject to division (D) 6133 of this section. 6134
- (D) Before issuing a refund to a taxpayer under division 6135 (C) of this section, the tax commissioner shall withhold from 6136 that refund the amount of any of the taxpayer's tax debt 6137 certified to the attorney general under section 131.02 of the 6138 Revised Code and the amount of the taxpayer's liability, if any, 6139 for a tax debt. The commissioner shall apply any amount withheld 6140 first in satisfaction of the amount of the taxpayer's certified 6141 tax debt and then in satisfaction of the taxpayer's liability. 6142 If the credit account balance originates from the tax 6143 administered under sections 718.80 to 718.95 of the Revised 6144 Code, it may be applied only against the taxpayer's certified 6145 tax debt or tax liability due under those sections. 6146
 - (E) The tax commissioner may adopt rules to administer

this section.	6148
Sec. 5713.30. As used in sections 5713.31 to 5713.37 and	6149
5715.01 of the Revised Code:	6150
(A) "Land devoted exclusively to agricultural use" means:	6151
(1) Tracts, lots, or parcels of land totaling not less	6152
than ten acres to which, during the three calendar years prior	6153
to the year in which application is filed under section 5713.31	6154
of the Revised Code, and through the last day of May of such	6155
year, one or more of the following apply:	6156
(a) The tracts, lots, or parcels of land were devoted	6157
exclusively to commercial animal or poultry husbandry,	6158
aquaculture, algaculture meaning the farming of algae,	6159
apiculture, the cultivation of hemp by a person issued a hemp	6160
cultivation license under section 928.02 of the Revised Code,	6161
the production for a commercial purpose of timber, field crops,	6162
tobacco, fruits, vegetables, nursery stock, ornamental trees,	6163
sod, or flowers, or the growth of timber for a noncommercial	6164
purpose, if the land on which the timber is grown is contiguous	6165
to or part of a parcel of land under common ownership that is	6166
otherwise devoted exclusively to agricultural use.	6167
(b) The tracts, lots, or parcels of land were devoted	6168
exclusively to biodiesel production, biomass energy production,	6169
electric or heat energy production, or biologically derived	6170
methane gas production if the land on which the production	6171
facility is located is contiguous to or part of a parcel of land	6172
under common ownership or leasehold that is otherwise devoted	6173
exclusively to agricultural use, provided that (i) at least	6174
fifty per cent of the feedstock used in the production is	6175
agricultural feedstock, (ii) at least twenty per cent of the	6176

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agricultural feedstock used in the production is derived from	6177
parcels of land under common ownership or leasehold, and (iii)	6178
none of the feedstock used in the production consists of human	6179
waste. As used in this division, "agricultural feedstock" means	6180
manure and food waste, and "human waste" includes sludge as	6181
defined in section 6111.01 of the Revised Code.	6182

- (c) The tracts, lots, or parcels of land are eligible 6183 conservation land.
- (2) Tracts, lots, or parcels of land totaling less than 6185 ten acres that, during the three calendar years prior to the 6186 year in which application is filed under section 5713.31 of the 6187 Revised Code and through the last day of May of such year, were 6188 devoted exclusively to commercial animal or poultry husbandry, 6189 aquaculture, algaculture meaning the farming of algae, 6190 apiculture, the cultivation of hemp by a person issued a hemp 6191 cultivation license under section 928.02 of the Revised Code, 6192 the production for a commercial purpose of field crops, tobacco, 6193 fruits, vegetables, timber, nursery stock, ornamental trees, 6194 sod, or flowers where such activities produced an average yearly 6195 gross income of at least twenty-five hundred dollars during such 6196 three-year period or where there is evidence of an anticipated 6197 gross income of such amount from such activities during the tax 6198 year in which application is made, or were eligible conservation 6199 land; 6200
- (3) Tracts, lots, or parcels of land, or portions thereof 6201 that, during the previous three consecutive calendar years have 6202 been designated as land devoted exclusively to agricultural use, 6203 but such land has been lying idle or fallow for up to one year 6204 and no action has occurred to such land that is either 6205 inconsistent with the return of it to agricultural production or 6206

converts the land devoted exclusively to agricultural use as	6207
defined in this section. Such land shall remain designated as	6208
land devoted exclusively to agricultural use provided that	6209
beyond one year, but less than three years, the landowner proves	6210
good cause as determined by the board of revision.	6211

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

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

Notwithstanding any other provision of law to the 6235 contrary, the existence of agritourism on a tract, lot, or 6236

parcel of land that otherwise meets the definition of "land	6237
devoted exclusively to agricultural use" as defined in this	6238
division does not disqualify that tract, lot, or parcel from	6239
valuation under sections 5713.30 to 5713.37 and 5715.01 of the	6240
Revised Code.	6241
A tract, lot, or parcel of land taxed under sections	6242
5713.22 to 5713.26 of the Revised Code is not land devoted	6243
exclusively to agricultural use.	6244
A tract, lot, parcel, or portion thereof on which medical	6245
marijuana or adult-use marijuana, as those terms are defined by	6246
section 3796.01 of the Revised Code, is cultivated or processed	6247
is not land devoted exclusively to agricultural use.	6248
(B) "Conversion of land devoted exclusively to	6249
agricultural use" means any of the following:	6250
(1) The failure of the owner of land devoted exclusively	6251
to agricultural use during the next preceding calendar year to	6252
file a renewal application under section 5713.31 of the Revised	6253
Code without good cause as determined by the board of revision;	6254
(2) The failure of the new owner of such land to file an	6255
initial application under that section without good cause as	6256
determined by the board of revision;	6257
(3) The failure of such land or portion thereof to qualify	6258
as land devoted exclusively to agricultural use for the current	6259
calendar year as requested by an application filed under such	6260
section;	6261
Section,	0201
(4) The failure of the owner of the land described in	6262
division (A)(3) or (4) of this section to act on such land in a	6263
manner that is consistent with the return of the land to	6264
agricultural production after three years.	6265

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The construction or installation of an energy facility, as	6266
defined in section 5727.01 of the Revised Code, on a portion of	6267
a tract, lot, or parcel of land devoted exclusively to	6268
agricultural use shall not cause the remaining portion of the	6269
tract, lot, or parcel to be regarded as a conversion of land	6270
devoted exclusively to agricultural use if the remaining portion	6271
of the tract, lot, or parcel continues to be devoted exclusively	6272
to agricultural use.	6273

- (C) "Tax savings" means the difference between the dollar 6274 amount of real property taxes levied in any year on land valued 6275 and assessed in accordance with its current agricultural use 6276 value and the dollar amount of real property taxes that would 6277 have been levied upon such land if it had been valued and 6278 assessed for such year in accordance with Section 2 of Article 6279 XII, Ohio Constitution. 6280
- (D) "Owner" includes, but is not limited to, any person 6281 owning a fee simple, fee tail, or life estate or a buyer on a 6282 land installment contract.
- (E) "Conservation practices" are practices used to abate 6284 soil erosion as required in the management of the farming 6285 operation, and include, but are not limited to, the 6286 installation, construction, development, planting, or use of 6287 grass waterways, terraces, diversions, filter strips, field 6288 borders, windbreaks, riparian buffers, wetlands, ponds, and 6289 cover crops for that purpose.
- (F) "Wetlands" has the same meaning as in section 6111.02 6291 of the Revised Code.
- (G) "Biodiesel" means a mono-alkyl ester combustible 6293 liquid fuel that is derived from vegetable oils or animal fats 6294

or any combination of those reagents and that meets the American	6295
society for testing and materials specification D6751-03a for	6296
biodiesel fuel (B100) blend stock distillate fuels.	6297
(H) "Biologically derived methane gas" means gas from the	6298
anaerobic digestion of organic materials, including animal waste	6299
and agricultural crops and residues.	6300
(I) "Biomass energy" means energy that is produced from	6301
organic material derived from plants or animals and available on	6302
a renewable basis, including, but not limited to, agricultural	6303
crops, tree crops, crop by-products, and residues.	6304
(J) "Electric or heat energy" means electric or heat	6305
energy generated from manure, cornstalks, soybean waste, or	6306
other agricultural feedstocks.	6307
(K) "Dredged material" means material that is excavated or	6308
dredged from waters of this state. "Dredged material" does not	6309
include material resulting from normal farming, silviculture,	6310
and ranching activities, such as plowing, cultivating, seeding,	6311
and harvesting, for production of food, fiber, and forest	6312
products.	6313
(L) "Agritourism" has the same meaning as in section	6314
901.80 of the Revised Code.	6315
(M) "Eligible conservation land" means either of the	6316
following:	6317
(1) A tract, lot, or parcel devoted to and qualified for	6318
payments or other compensation under a land retirement or	6319
conservation program under an agreement with an agency of the	6320
<pre>federal government;</pre>	6321
(2) A tract, lot, or parcel that meets at least one of the	6322

conditions described in divisions (M)(2)(a) to (c) of this	6323
section and the condition described in division (M)(2)(d) of	6324
this section.	6325
(a) The land is subject to an agricultural water project	6326
or nature water project that receives funding from the H2Ohio	6327
fund created in section 126.60 of the Revised Code.	6328
(b) The land was subject to such a project during the	6329
immediately preceding calendar year.	6330
(c) The land is or was subject to such a project for the	6331
current or one of the two immediately preceding tax years and,	6332
for the current tax year, is subject to either a conservation	6333
easement held by the state or an agency of the state or a	6334
conservation easement held by any other person if such easement	6335
is a condition of a nature water project that is funded through	6336
the H2Ohio fund.	6337
(d) For the tax year that includes or immediately precedes	6338
the year in which the land became subject to the project	6339
described in division $(M)(2)(a)$, (b) , or (c) of this section, as	6340
applicable, the land qualified as land devoted exclusively to	6341
agricultural use pursuant to other criteria in divisions (A)(1)	6342
to (4) of this section.	6343
As used in division (M)(2) of this section, "conservation	6344
easement" has the same meaning as in section 5301.67 of the	6345
Revised Code.	6346
Sec. 5743.45. (A) As used in this section, "felony" has	6347
the same meaning as in section 109.511 of the Revised Code.	6348
(B) For purposes of enforcing this chapter and Chapters	6349
<u>3779.,</u> 5728., 5735., 5739., 5741., and 5747. of the Revised Code	6350
and subject to division (C) of this section, the tax	6351

commissioner, by journal entry, may delegate any investigation	6352
powers of the commissioner to an employee of the department of	6353
taxation who has been certified by the Ohio peace officer	6354
training commission and who is engaged in the enforcement of	6355
those chapters. A separate journal entry shall be entered for	6356
each employee to whom that power is delegated. Each journal	6357
entry shall be a matter of public record and shall be maintained	6358
in an administrative portion of the journal as provided for in	6359
division (L) of section 5703.05 of the Revised Code. When that	6360
journal entry is completed, the employee to whom it pertains,	6361
while engaged within the scope of the employee's duties in	6362
enforcing the provisions of this chapter or Chapter $3779.,$	6363
5728., 5735., 5739., 5741., or 5747. of the Revised Code, has	6364
the power of a police officer to carry concealed weapons, make	6365
arrests, and obtain warrants for violations of any provision in	6366
those chapters. The commissioner, at any time, may suspend or	6367
revoke the commissioner's delegation by journal entry. No	6368
employee of the department shall divulge any information	6369
acquired as a result of an investigation pursuant to this	6370
chapter or Chapter <u>3779.,</u> 5728., 5735., 5739., 5741., or 5747.	6371
of the Revised Code, except as may be required by the	6372
commissioner or a court.	6373

- (C) (1) The tax commissioner shall not delegate any 6374 investigation powers to an employee of the department of 6375 taxation pursuant to division (B) of this section on a permanent 6376 basis, on a temporary basis, for a probationary term, or on 6377 other than a permanent basis if the employee previously has been 6378 convicted of or has pleaded guilty to a felony. 6379
- (2) (a) The tax commissioner shall revoke the delegation of
 investigation powers to an employee to whom the delegation was
 made pursuant to division (B) of this section if that employee
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does either of the following:

(i) Pleads guilty to a felony;

(ii) Pleads guilty to a misdemeanor pursuant to a 6385 negotiated plea agreement as provided in division (D) of section 6386 2929.43 of the Revised Code in which the employee agrees to 6387 surrender the certificate awarded to that employee under section 6388 109.77 of the Revised Code. 6389

6390 (b) The tax commissioner shall suspend the delegation of investigation powers to an employee to whom the delegation was 6391 made pursuant to division (B) of this section if that employee 6392 is convicted, after trial, of a felony. If the employee files an 6393 appeal from that conviction and the conviction is upheld by the 6394 highest court to which the appeal is taken or if the employee 6395 does not file a timely appeal, the commissioner shall revoke the 6396 delegation of investigation powers to that employee. If the 6397 employee files an appeal that results in that employee's 6398 acquittal of the felony or conviction of a misdemeanor, or in 6399 the dismissal of the felony charge against that employee, the 6400 commissioner shall reinstate the delegation of investigation 6401 powers to that employee. The suspension, revocation, and 6402 reinstatement of the delegation of investigation powers to an 6403 employee under division (C)(2) of this section shall be made by 6404 journal entry pursuant to division (B) of this section. An 6405 employee to whom the delegation of investigation powers is 6406 reinstated under division (C)(2)(b) of this section shall not 6407 receive any back pay for the exercise of those investigation 6408 powers unless that employee's conviction of the felony was 6409 reversed on appeal, or the felony charge was dismissed, because 6410 the court found insufficient evidence to convict the employee of 6411 the felony. 6412

(3) Division (C) of this section does not apply regarding	6413
an offense that was committed prior to January 1, 1997.	6414
(4) The suspension or revocation of the delegation of	6415
investigation powers to an employee under division (C)(2) of	6416
this section shall be in accordance with Chapter 119. of the	6417
Revised Code.	6418
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Section 2. That existing sections 9.79, 109.572, 131.02,	6419
519.21, 715.013, 928.01, 928.03, 3376.07, 3780.37, 3796.01,	6420
3796.02, 3796.03, 3796.05, 3796.06, 3796.07, 3796.09, 3796.10,	6421
3796.12, 3796.13, 3796.14, 3796.15, 3796.17, 3796.18, 3796.19,	6422
3796.20, 3796.21, 3796.22, 3796.23, 3796.24, 3796.27, 3796.28,	6423
3796.29, 3796.30, 3796.31, 4506.01, 4735.18, 4796.25, 5502.01,	6424
5502.13, 5502.14, 5703.052, 5703.053, 5703.19, 5703.263,	6425
5703.50, 5703.70, 5703.77, 5713.30, and 5743.45 of the Revised	6426
Code are hereby repealed.	6427
Section 3. That sections 3780.01, 3780.02, 3780.03,	6428
3780.04, 3780.05, 3780.06, 3780.07, 3780.08, 3780.09, 3780.10,	6429
3780.11, 3780.12, 3780.13, 3780.14, 3780.15, 3780.16, 3780.17,	6430
3780.20, 3780.21, 3780.22, 3780.24, 3780.25, 3780.26, 3780.27,	6431
3780.28, 3780.29, 3780.30, 3780.31, 3780.32, 3780.33, 3780.34,	6432
3780.35, 3780.36, 3780.90, 3780.99, and 3796.021 of the Revised	6433
Code are hereby repealed.	6434
Section 4. The tax levied under division (B) of section	6435
3779.40 of the Revised Code applies to intoxicating hemp	6436
receipts received on and after July 1, 2026. The tax levied	6437
under division (C) of section 3779.40 of the Revised Code	6438
applies to sales of drinkable cannabinoid products occurring on	6439
and after July 1, 2026.	6440
Section 5. (A) All rules adopted by the Division of	6441

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Cannabis Control or the Tax Commissioner pursuant to Chapter	6442
3780. of the Revised Code, as that chapter existed immediately	6443
before the effective date of this section, and that are not in	6444
conflict with the requirements of this act, continue in effect	6445
until repealed or amended by the Division of Marijuana Control	6446
or the Tax Commissioner, respectively. At the request of the	6447
Division of Cannabis Control or the Tax Commissioner, the	6448
Director of the Legislative Service Commission shall renumber	6449
rules adopted under Chapter 3780. of the Revised Code to reflect	6450
the transfer of authority to Chapter 3796. of the Revised Code,	6451
as amended by this act.	6452

- (B) Any rules that are pending before the Common Sense
 Initiative or the Joint Committee on Agency Rule Review on the
 effective date of this section that were proposed by the
 Division of Cannabis Control under Chapter 3780. of the Revised
 Code, as that chapter existed immediately before the effective
 date of this section, shall be treated as having been proposed
 by the Division of Marijuana Control under Chapter 3796. of the
 Revised Code.
- (C) Notwithstanding any provision of section 121.95 of the 6461
 Revised Code to the contrary, a regulatory restriction contained 6462
 in a rule adopted by the Division of Marijuana Control in 6463
 accordance with Chapter 3796. of the Revised Code, as amended by 6464
 this act, during the period beginning on the effective date of 6465
 this section and ending twelve months after that date is not 6466
 subject to sections 121.95 to 121.953 of the Revised Code. 6467
- Section 6. If any provision of a section of this act or
 the application thereof to any person or circumstance is held
 invalid, the invalidity does not affect other provisions or
 applications of the section or related sections that can be
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given effect without the invalid provision or application, and	6472
to this end the provisions are severable.	6473
Section 7. Section 519.21 of the Revised Code is presented	6474
in this act as a composite of the section as amended by both	6475
H.B. 523 and S.B. 75 of the 131st General Assembly. The General	6476
Assembly, applying the principle stated in division (B) of	6477
section 1.52 of the Revised Code that amendments are to be	6478
harmonized if reasonably capable of simultaneous operation,	6479
finds that the composite is the resulting version of the section	6480
in effect prior to the effective date of the section as	6481
presented in this act.	6482
	6400
Section 8. All items in this act are hereby appropriated	6483
as designated out of any moneys in the state treasury to the	6484
credit of the designated fund. For all operating appropriations	6485
made in this act, those in the first column are for fiscal year	6486
2026 and those in the second column are for fiscal year 2027.	6487
The operating appropriations made in this act are in addition to	6488
any other operating appropriations made for these fiscal years.	6489
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Section 9.	6490
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A RDF STATE REVENUE DISTRIBUTIONS	
B Revenue Distribution Fund Group	
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C 7106 110659 Host Community Cannabis \$47,500,000 \$49,000,000 Payments

D Revenue Distribution Fund Group Total \$47,500,000 \$49,000,000

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

Sub. S. B. No. 56 As Passed by the House

E TOTAL ALL BUDGET FUND GROUPS

HOST COMMUNITY CANNABIS PAYMENTS	6492
The foregoing appropriation item 110659, Host Community	6493
Cannabis Payments, shall be used by the Director of Budget and	6494
Management for payments to municipal corporations and townships	6495
as required under section 3796.40 of the Revised Code. If it is	6496
determined that additional appropriations are necessary for this	6497
purpose, such amounts are hereby appropriated.	6498
Section 10. Within the limits set forth in this act, the	6499
Director of Budget and Management shall establish accounts	6500
bilector of budget and Management Sharr establish accounts	0300
indicating the source and amount of funds for each appropriation	6501
made in this act, and shall determine the manner in which	6502
appropriation accounts shall be maintained. Expenditures from	6503
operating appropriations contained in this act shall be	6504
accounted for as though made in, and are subject to all	6505
applicable provisions of, H.B. 96 of the 136th General Assembly.	6506