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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**

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

3796.40, 3796.99, and 5119.171; and to repeal 23
sections 3780.01, 3780.02, 3780.03, 3780.04, 24
3780.05, 3780.06, 3780.07, 3780.08, 3780.09, 25
3780.10, 3780.11, 3780.12, 3780.13, 3780.14, 26
3780.15, 3780.16, 3780.17, 3780.20, 3780.21, 27
3780.22, 3780.24, 3780.25, 3780.26, 3780.27, 28
3780.28, 3780.29, 3780.30, 3780.31, 3780.32, 29
3780.33, 3780.34, 3780.35, 3780.36, 3780.90, 30
3780.99, and 3796.021 of the Revised Code to 31
revise specified provisions of the liquor 32
control, hemp, and adult-use marijuana laws, to 33
levy taxes on certain hemp products, and to make 34
an appropriation. 35

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

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

3779.29, 3779.30, 3779.40, 3779.41, 3779.42, 3779.43, 3779.431, 50
3779.44, 3779.45, 3779.451, 3779.46, 3779.47, 3779.48, 3779.99, 51
3796.04, 3796.062, 3796.221, 3796.32, 3796.33, 3796.40, 3796.99, 52
and 5119.171 of the Revised Code be enacted to read as follows: 53

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

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

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

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

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

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

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

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

(8) "Fiduciary duty" means a duty to act for someone 76
else's benefit, while subordinating one's personal interest to 77

that of the other person. 78

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

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

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

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

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

(a) Solely or in part on a conviction of, judicial finding 106

of guilt of, or plea of guilty to an offense; 107

(b) A criminal charge that does not result in a 108
conviction, judicial finding of guilt, or plea of guilty; 109

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

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

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

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

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

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

offense; 136

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

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

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

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

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

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

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

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

section. 164

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

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

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

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

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

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

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

release control sanction plus the number of years after the date 193
of final discharge of the community control sanction, parole, or 194
post-release control sanction necessary to equal five years; 195

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

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

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

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

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

writing of all of the following: 222

(1) The grounds and reasons for the refusal, including an 223
explanation of the licensing authority's application of the 224
factors under division (D) of this section to the evidence the 225
licensing authority used to reach the decision; 226

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

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

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

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

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

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

(I) Divisions (B) to (K) of this section do not apply to	250
any of the following:	251
(1) Any position for which appointment requires compliance	252
with section 109.77 of the Revised Code or in which an	253
individual may satisfy the requirements for appointment or	254
election by complying with that section;	255
(2) Any position for which federal law requires	256
disqualification from licensure or employment based on a	257
conviction of, judicial finding of guilt of, or plea of guilty	258
to an offense;	259
(3) Community-based long-term care services certificates	260
and community-based long-term care services contracts or grants	261
issued under section 173.381 of the Revised Code;	262
(4) Certifications of a provider to provide community-	263
based long-term care services under section 173.391 of the	264
Revised Code;	265
(5) Certificates of authority to a health insuring	266
corporation issued under section 1751.05 of the Revised Code;	267
(6) Licenses to operate a home or residential care	268
facility issued under section 3721.07 of the Revised Code;	269
(7) Certificates of authority to make contracts of	270
indemnity issued under section 3931.10 of the Revised Code;	271
(8) Supported living certificates issued under section	272
5123.161 of the Revised Code;	273
(9) Certificates to administer medications and perform	274
health-related activities under section 5123.45 of the Revised	275
Code;	276

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 331
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 332
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 333
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 334
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 335

2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 336
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 337
2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 338
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 339
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 340
of the Revised Code, felonious sexual penetration in violation 341
of former section 2907.12 of the Revised Code, a violation of 342
section 2905.04 of the Revised Code as it existed prior to July 343
1, 1996, a violation of section 2919.23 of the Revised Code that 344
would have been a violation of section 2905.04 of the Revised 345
Code as it existed prior to July 1, 1996, had the violation been 346
committed prior to that date, or a violation of section 2925.11 347
of the Revised Code that is not a minor drug possession offense; 348

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

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

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

shall conduct the criminal records check in the manner described 366
in division (B) of this section to determine whether any 367
information exists that indicates that the person who is the 368
subject of the request previously has been convicted of or 369
pleaded guilty to any of the following: 370

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

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

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

previously has been convicted of, has pleaded guilty to, or 396
(except in the case of a request pursuant to section 5164.34,
5164.341, or 5164.342 of the Revised Code) has been found 397
eligible for intervention in lieu of conviction for any of the 398
following, regardless of the date of the conviction, the date of 399
entry of the guilty plea, or (except in the case of a request 400
pursuant to section 5164.34, 5164.341, or 5164.342 of the 401
Revised Code) the date the person was found eligible for 402
intervention in lieu of conviction: 403
404

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

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

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

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

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

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

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

2923.13, 2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 457
2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 458
2925.31, 2925.32, 2925.36, 2925.37, 2927.12, or 3716.11 of the 459
Revised Code, a violation of section 2905.04 of the Revised Code 460
as it existed prior to July 1, 1996, a violation of section 461
2919.23 of the Revised Code that would have been a violation of 462
section 2905.04 of the Revised Code as it existed prior to July 463
1, 1996, had the violation been committed prior to that date, a 464
violation of section 2925.11 of the Revised Code that is not a 465
minor drug possession offense, two or more OVI or OVUAC 466
violations committed within the three years immediately 467
preceding the submission of the application or petition that is 468
the basis of the request, or felonious sexual penetration in 469
violation of former section 2907.12 of the Revised Code, or a 470
violation of Chapter 2919. of the Revised Code that is a felony; 471

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

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

(a) A violation of section 2151.421, 2903.01, 2903.02, 486

2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 487
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 488
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 489
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 490
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 491
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 492
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 493
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 494
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 495
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 496
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 497
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 498
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 499
3716.11 of the Revised Code, felonious sexual penetration in 500
violation of former section 2907.12 of the Revised Code, a 501
violation of section 2905.04 of the Revised Code as it existed 502
prior to July 1, 1996, a violation of section 2919.23 of the 503
Revised Code that would have been a violation of section 2905.04 504
of the Revised Code as it existed prior to July 1, 1996, had the 505
violation been committed prior to that date, a violation of 506
section 2925.11 of the Revised Code that is not a minor drug 507
possession offense, a violation of section 2923.02 or 2923.03 of 508
the Revised Code that relates to a crime specified in this 509
division, or a second violation of section 4511.19 of the 510
Revised Code within five years of the date of application for 511
licensure or certification. 512

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

(6) Upon receipt of a request pursuant to section 5153.111 517

of the Revised Code, a completed form prescribed pursuant to 518
division (C) (1) of this section, and a set of fingerprint 519
impressions obtained in the manner described in division (C) (2) 520
of this section, the superintendent of the bureau of criminal 521
identification and investigation shall conduct a criminal 522
records check in the manner described in division (B) of this 523
section to determine whether any information exists that 524
indicates that the person who is the subject of the request 525
previously has been convicted of or pleaded guilty to any of the 526
following: 527

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

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

(7) On receipt of a request for a criminal records check 548
from an individual pursuant to section 4749.03 or 4749.06 of the 549
Revised Code, accompanied by a completed copy of the form 550
prescribed in division (C)(1) of this section and a set of 551
fingerprint impressions obtained in a manner described in 552
division (C)(2) of this section, the superintendent of the 553
bureau of criminal identification and investigation shall 554
conduct a criminal records check in the manner described in 555
division (B) of this section to determine whether any 556
information exists indicating that the person who is the subject 557
of the request has been convicted of or pleaded guilty to any 558
criminal offense in this state or in any other state. If the 559
individual indicates that a firearm will be carried in the 560
course of business, the superintendent shall require information 561
from the federal bureau of investigation as described in 562
division (B)(2) of this section. Subject to division (F) of this 563
section, the superintendent shall report the findings of the 564
criminal records check and any information the federal bureau of 565
investigation provides to the director of public safety. 566

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

who is the subject of the request previously has been convicted 579
of or pleaded guilty to any criminal offense in this state, any 580
other state, or the United States. 581

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

(10) On receipt of a request pursuant to section 124.74, 607
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 608
Code, a completed form prescribed pursuant to division (C) (1) of 609

this section, and a set of fingerprint impressions obtained in 610
the manner described in division (C)(2) of this section, the 611
superintendent of the bureau of criminal identification and 612
investigation shall conduct a criminal records check in the 613
manner described in division (B) of this section to determine 614
whether any information exists that indicates that the person 615
who is the subject of the request previously has been convicted 616
of or pleaded guilty to any criminal offense under any existing 617
or former law of this state, any other state, or the United 618
States. 619

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

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

division (C) (2) of this section, the superintendent of the 641
bureau of criminal identification and investigation shall 642
conduct a criminal records check with respect to any person for 643
whom a criminal records check is required under that section. 644
The superintendent shall conduct the criminal records check in 645
the manner described in division (B) of this section to 646
determine whether any information exists that indicates that the 647
person who is the subject of the request previously has been 648
convicted of or pleaded guilty to any of the following: 649

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

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

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

indicates that the person who is the subject of the request 671
previously has been convicted of or pleaded guilty to a 672
disqualifying offense as specified in rules adopted under 673
section 9.79 and division ~~(B) (2) (b)~~ (B) of section 3796.03 of 674
the Revised Code if the person who is the subject of the request 675
is an administrator or other person responsible for the daily 676
operation of, or an owner or prospective owner, officer or 677
prospective officer, or board member or prospective board member 678
of, an entity seeking a license from the department of commerce 679
under Chapter 3796. of the Revised Code. 680

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

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

records check in the manner described in division (B) of this 702
section to determine whether any information exists indicating 703
that the person who is the subject of the request has been 704
convicted of or pleaded guilty to any criminal offense in this 705
state or in any other state. 706

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

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

(18) Upon receipt of a request pursuant to division (F) of 732
section 2915.081 or division (E) of section 2915.082 of the 733
Revised Code, a completed form prescribed under division (C) (1) 734
of this section, and a set of fingerprint impressions obtained 735
in the manner described in division (C) (2) of this section, the 736
superintendent of the bureau of criminal identification and 737
investigation shall conduct a criminal records check in the 738
manner described in division (B) of this section to determine 739
whether any information exists indicating that the person who is 740
the subject of the request has been convicted of or pleaded 741
guilty or no contest to any offense that is a violation of 742
Chapter 2915. of the Revised Code or to any offense under any 743
existing or former law of this state, any other state, or the 744
United States that is substantially equivalent to such an 745
offense. 746

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

(20) On receipt of a request pursuant to section 3779.05 761
of the Revised Code, a completed form prescribed pursuant to 762

division (C) (1) of this section, and a set of fingerprint 763
impressions obtained in a manner described in division (C) (2) of 764
this section, the superintendent of the bureau of criminal 765
identification and investigation shall conduct a criminal 766
records check in the manner described in division (B) of this 767
section to determine whether any information exists that 768
indicates that the person who is the subject of the request 769
previously has been convicted of or pleaded guilty to a 770
disqualifying offense as defined in section 3779.01 of the 771
Revised Code if the person who is the subject of the request is 772
an administrator or other person responsible for the daily 773
operation of, or an owner or prospective owner, officer or 774
prospective officer, or board member or prospective board member 775
of, an entity seeking a license from the division of cannabis 776
control in the department of commerce under section 3779.03 of 777
the Revised Code. 778

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

(B) Subject to division (F) of this section, the 793

superintendent shall conduct any criminal records check to be 794
conducted under this section as follows: 795

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

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

(3) The superintendent or the superintendent's designee 825
may request criminal history records from other states or the 826
federal government pursuant to the national crime prevention and 827
privacy compact set forth in section 109.571 of the Revised 828
Code. 829

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

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

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

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

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

electronic formats. 854

(2) The superintendent shall prescribe standard impression 855
sheets to obtain the fingerprint impressions of any person for 856
whom a criminal records check is to be conducted under this 857
section. Any person for whom a records check is to be conducted 858
under this section shall obtain the fingerprint impressions at a 859
county sheriff's office, municipal police department, or any 860
other entity with the ability to make fingerprint impressions on 861
the standard impression sheets prescribed by the superintendent. 862
The office, department, or entity may charge the person a 863
reasonable fee for making the impressions. The standard 864
impression sheets the superintendent prescribes pursuant to this 865
division may be in a tangible format, in an electronic format, 866
or in both tangible and electronic formats. 867

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

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

(D) The results of a criminal records check conducted 881
under this section, other than a criminal records check 882
specified in division (A) (7) of this section, are valid for the 883

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. 898

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

(2) Division (F)(1) of this section does not limit, 908
restrict, or preclude the superintendent's release of 909
information that relates to the arrest of a person who is 910
eighteen years of age or older, to an adjudication of a child as 911
a delinquent child, or to a criminal conviction of a person 912
under eighteen years of age in circumstances in which a release 913

of that nature is authorized under division (E) (2), (3), or (4) 914
of section 109.57 of the Revised Code pursuant to a rule adopted 915
under division (E) (1) of that section. 916

(G) As used in this section: 917

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

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

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

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

Sec. 131.02. (A) Except as otherwise provided in section 935
4123.37, section 5703.061, and division (K) of section 4123.511 936
of the Revised Code, whenever any amount is payable to the 937
state, the officer, employee, or agent responsible for 938
administering the law under which the amount is payable shall 939
immediately proceed to collect the amount or cause the amount to 940
be collected and shall pay the amount into the state treasury or 941
into the appropriate custodial fund in the manner set forth 942

pursuant to section 113.08 of the Revised Code. Except as 943
otherwise provided in this division, if the amount is not paid 944
within forty-five days after payment is due, the officer, 945
employee, or agent shall certify the amount due to the attorney 946
general, in the form and manner prescribed by the attorney 947
general. In the case of an amount payable by a student enrolled 948
in a state institution of higher education, the amount shall be 949
certified within the later of forty-five days after the amount 950
is due or the tenth day after the beginning of the next academic 951
semester, quarter, or other session following the session for 952
which the payment is payable. The attorney general may assess 953
the collection cost to the amount certified in such manner and 954
amount as prescribed by the attorney general. If an amount 955
payable to a political subdivision is past due, the political 956
subdivision may, with the approval of the attorney general, 957
certify the amount to the attorney general pursuant to this 958
section. 959

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

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

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

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

(4) In the case of a fine or penalty for which a law or administrative rule does not prescribe a time for payment, when the fine or penalty is first assessed.

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

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

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

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

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

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

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

(a) The assessment or case number;

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

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

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

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

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

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

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

(1) Compromise the claim; 1017

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

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

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

agency reporting the claim, may do the following: 1029

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

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

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

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

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

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

a final determination of the commissioner or decision of the 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, 1075
conveyed, or transferred to a private entity pursuant to this 1076
section is confidential pursuant to federal law or a section of 1077
the Revised Code that implements a federal law governing 1078
confidentiality, such information remains subject to that law 1079
during and following the sale, conveyance, or transfer. 1080

(5) The attorney general may adopt rules to aid in the 1081
implementation of this section. 1082

Sec. 519.21. (A) Except as otherwise provided in divisions 1083
(B) and (D) of this section, sections 519.02 to 519.25 of the 1084
Revised Code confer no power on any township zoning commission, 1085
board of township trustees, or board of zoning appeals to 1086
prohibit the use of any land for agricultural purposes or the 1087

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

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

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

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

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

pursuant to section 519.19 of the Revised Code. 1118

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

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

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

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

(3) Biologically derived methane gas production if the 1146

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

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

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

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

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

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

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

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

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

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

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

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

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

as defined in section 5727.01 of the Revised Code; 1206

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

Sec. 928.01. As used in this chapter: 1210

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Tetrahydrocannabinol" does not include the following: 1271

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

(2) Cannabichromene (CBC); 1276

(3) Cannabicyclol (CBL); 1277

(4) Cannabidiol (CBD), 1278

(5) Cannabidivarinol (CBDV); 1279

(6) Cannabielsoin (CBE); 1280

(7) Cannabigerol (CBG); 1281

(8) Cannabigerovarin (CBGV); 1282

(9) Cannabinol (CBN); 1283

(10) Cannabivarin (CBV). 1284

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

accordance with applicable federal law; 1376

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

than fifteen grams of hashish.

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

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

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

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

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nicotine that can be ingested into the body; 1578

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) The transfer occurs without remuneration. 1750

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) The applicant demonstrates that the municipal 1802

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

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

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

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

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

(1) The applicant's business plan; 1818

(2) The applicant's operations plan; 1819

(3) The applicant's security plan; 1820

(4) The applicant's financial plan; 1821

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

(6) The applicant's environmental plan; 1823

(7) Employment practices; 1824

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

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

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

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

(a) Highly exceeds; 1836

(b) Exceeds; 1837

(c) Meets; 1838

(d) Does not meet. 1839

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

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

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

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

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

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

(a) Calendar year 2024; 1869

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

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

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

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

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

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

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

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

not a grandfathered entity

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

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

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

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

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

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

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

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Revised Code. 1922

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) In any public place; 2125

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) A manufacturer; 2177

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

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

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

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

(1) The product contains cannabinoids. 2187

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

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

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

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

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

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

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

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

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

(1) The product contains cannabinoids. 2209

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

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

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

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

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

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

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

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

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

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

delivery by any means or devices. 2233

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

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

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

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

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

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

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

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

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

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

(7) If the person is a distributor, sell a high-level 2260
drinkable cannabinoid product in this state to any person other 2261
than a high-level retailer; 2262

(8) Sell at retail a low-level or high-level drinkable 2263
cannabinoid product to an individual who is under twenty-one 2264
years of age; 2265

(9) Fail to verify that an individual who attempts to 2266
purchase or purchases a low-level or high-level drinkable 2267
cannabinoid product at retail is at least twenty-one years of 2268
age by examining the individual's identification card; 2269

(10) Sell a low-level or high-level drinkable cannabinoid 2270
product that contains alcohol; 2271

(11) If the person is a high-level retailer, fail to store 2272
a low-level or high-level drinkable cannabinoid product for sale 2273
at retail in a display case that is solely used for the sale of 2274
drinkable cannabinoid products and that clearly states that the 2275
product is a low-level or high-level drinkable cannabinoid 2276
product; 2277

(12) If the person is a manufacturer or distributor, do 2278
either of the following: 2279

(a) Pay to a low-level retailer any payment, credit, or 2280
any other consideration to induce the retailer to advertise or 2281
display a low-level drinkable cannabinoid product in a certain 2282
manner in the retailer's permitted premises; 2283

(b) Pay to a high-level retailer any payment, credit, or 2284
any other consideration to induce the retailer to advertise or 2285
display a low-level or high-level drinkable cannabinoid product 2286
in a certain manner in the retailer's permitted premises. 2287

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 3779.221. The superintendent of liquor control may 2344

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) The number of servings per container; 2447

(6) A list of ingredients; 2448

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

(8) The number of calories per container; 2452

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) In any public place; 2567

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

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

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

of the Revised Code. 2602

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

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

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

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

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

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

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

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

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

permitted to engage; 2658

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(E) The commissioner shall immediately forward to the 2865

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3719.01 of the Revised Code. 3071

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

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

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

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

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

- (a) Acquired immune deficiency syndrome; 3087
- (b) Alzheimer's disease; 3088
- (c) Amyotrophic lateral sclerosis; 3089
- (d) Cancer; 3090
- (e) Chronic traumatic encephalopathy; 3091
- (f) Crohn's disease; 3092
- (g) Epilepsy or another seizure disorder; 3093
- (h) Fibromyalgia; 3094
- (i) Glaucoma; 3095

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

section 3715.99 of the Revised Code; 3177

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

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

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

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

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

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

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

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

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

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

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

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

marijuana control, as indicated by context.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11) (10) Specify the paraphernalia or other accessories	3291
that may be used in the administration to a registered patient	3292
of medical marijuana, <u>adult-use marijuana, and homegrown</u>	3293
<u>marijuana;</u>	3294
(12) (11) Establish procedures for the issuance of patient	3295
or caregiver identification cards;	3296
(13) (12) Specify the forms of or methods of using <u>adult-</u>	3297
<u>use marijuana and</u> medical marijuana that are attractive to	3298
children;	3299
(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 <u>medical marijuana</u>	3309
patients who are veterans or indigent in obtaining medical	3310
marijuana in accordance with this chapter;	3311
(16) (14) Establish, in accordance with section 3796.05 of	3312
the Revised Code, standards and procedures for the testing of	3313
medical marijuana <u>and adult-use marijuana</u> by a <u>licensed</u>	3314
laboratory licensed under this chapter;	3315
<u>(15) Establish standards and procedures for both of the</u>	3316
<u>following:</u>	3317
<u>(a) Online and mobile ordering of adult-use and medical</u>	3318

marijuana by a licensed dispensary; 3319

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

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

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

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

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

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

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

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

cultivated or grown by each adult-use consumer; 3347

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The population of this state; 3410

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Specify when testing must be conducted; 3452

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

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

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

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

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

(1) Oils; 3462

(2) Tinctures; 3463

(3) Plant material; 3464

(4) Edibles; 3465

(5) Patches; 3466

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

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

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

(2) Extracts; 3472

(3) Drops; 3473

(4) Lozenges; 3474

(5) Smoking or combustible products; 3475

(6) Vaporization products; 3476

(7) Beverages; 3477

(8) Pills; 3478

(9) Capsules; 3479

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

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

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

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

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

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

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

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

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

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

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

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

(b) Seventy per cent for extracts. 3537

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

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

(b) Seventy per cent for extracts. 3543

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

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

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

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

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

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

times when the products are not actively in use. 3561

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

testing. 3648

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

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

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

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

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

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

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

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

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

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

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

(1) The applicant's business plan; 3683

(2) The applicant's operations plan; 3684

(3) The applicant's security plan; 3685

(4) The applicant's financial plan; 3686

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

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

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

(8) The applicant's environmental plan; 3692

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

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

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

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

based determination specified in this chapter or rules adopted 3701
by the division thereunder. 3702

(E) (1) If the division uses a lottery system to issue 3703
licenses under this section, the applicants shall be grouped 3704
into the following distinct categories: 3705

(a) Highly exceeds; 3706

(b) Exceeds; 3707

(c) Meets; 3708

(d) Does not meet. 3709

(2) The division shall group the applicants such that the 3710
number of applicants in each of the highly exceeds, exceeds, and 3711
meets categories is roughly equal, unless doing so is not 3712
possible while conforming to an impartial and evidence-based 3713
process. Applicants that do not meet the eligibility 3714
requirements prescribed by division (C) of this section shall be 3715
placed in the does not meet category. 3716

(3) In conducting the lottery, the division shall give 3717
applicants in the exceeds category double odds of being selected 3718
as compared to applicants in the meets category. The division 3719
shall give applicants in the highly exceeds category double the 3720
odds of being selected as compared to applicants in the exceeds 3721
category. An applicant grouped in the does not meet category is 3722
ineligible for licensure. 3723

(F) ~~The department~~ division shall issue not less than 3724
fifteen per cent of cultivator, processor, or laboratory 3725
licenses to entities that are owned and controlled by United 3726
States citizens who are residents of this state and are members 3727
of one of the following economically disadvantaged groups: 3728

Blacks or African Americans, American Indians, Hispanics or 3729
Latinos, and Asians. If no applications or an insufficient 3730
number of applications are submitted by such entities that meet 3731
the conditions set forth in division ~~(B)~~(C) of this section, the 3732
licenses shall be issued according to usual procedures. 3733

As used in this division, "owned and controlled" means 3734
that at least fifty-one per cent of the business, including 3735
corporate stock if a corporation, is owned by persons who belong 3736
to one or more of the groups set forth in this division, and 3737
that those owners have control over the management and day-to- 3738
day operations of the business and an interest in the capital, 3739
assets, and profits and losses of the business proportionate to 3740
their percentage of ownership. 3741

~~(D)~~(G) A license expires according to the renewal 3742
schedule established in rules adopted under section 3796.03 of 3743
the Revised Code and may be renewed in accordance with the 3744
procedures established in those rules. Applications for renewal 3745
are not subject to the evaluation, prioritization, ranking, and 3746
lottery provisions in divisions (B), (D), and (E) of this 3747
section. The division shall not deny an application for renewal 3748
based solely on the location of the applicant's existing 3749
facility in proximity to other license holders. 3750

(H) A provisional license issued under this section is not 3751
transferable. 3752

(I) No person shall knowingly engage in any of the 3753
activities described in section 3796.18, 3796.19, or 3796.21 of 3754
the Revised Code without the proper license issued under this 3755
section or Chapter 3780. of the Revised Code, as that chapter 3756
existed immediately prior to the effective date of this 3757
amendment. 3758

Sec. 3796.10. (A) An entity that seeks to dispense at 3759
retail medical marijuana and adult-use marijuana shall file an 3760
application for licensure with the division of marijuana 3761
control. The entity shall file an application for each location 3762
from which it seeks to operate. Each application shall be 3763
submitted in accordance with rules adopted under section 3796.03 3764
of the Revised Code. 3765

(B) The division shall evaluate and prioritize 3766
applications for licensure under this section according to the 3767
applicant's eligibility, suitability, and ability to operate. 3768

(C) The division shall not issue a license to an applicant 3769
~~if~~ unless all of the following conditions are met: 3770

(1) The report of the criminal records check conducted 3771
pursuant to section 3796.12 of the Revised Code with respect to 3772
the application demonstrates that the person subject to the 3773
criminal records check requirement has not been convicted of or 3774
pleaded guilty to ~~any of the a~~ disqualifying offenses specified 3775
~~in rules adopted under section 9.79 and division (B) (2) (b) of~~ 3776
~~section 3796.03 of the Revised Code~~ offense. 3777

(2) The applicant demonstrates that ~~it does not~~ none of 3778
its current or prospective owners, officers, board members, 3779
administrators, employees, agents, or affiliates who may 3780
significantly influence or control the applicant's activities 3781
have an ownership or investment interest in or compensation 3782
arrangement with ~~any~~ either of the following: 3783

(a) A licensed laboratory ~~licensed under this chapter;~~ 3784

(b) An applicant for a license to conduct laboratory 3785
testing. 3786

(3) The applicant demonstrates that ~~it does not~~ none of 3787

its current or prospective owners, officers, board members, 3788
administrators, employees, agents, or affiliates who may 3789
significantly influence or control the applicant's activities 3790
share any corporate officers or employees with ~~any~~ either of the 3791
following: 3792

(a) A licensed laboratory ~~licensed under this chapter;~~ 3793

(b) An applicant for a license to conduct laboratory 3794
testing. 3795

(4) The applicant demonstrates that it will not be located 3796
within five hundred feet of a school, church, public library, 3797
public playground, or public park. 3798

(5) The applicant demonstrates that the proposed location 3799
or facility is not either of the following: 3800

(a) Located within one mile of another licensed 3801
dispensary; 3802

(b) Issued a permit under Chapter 4303. of the Revised 3803
Code to sell beer and intoxicating liquor, as those terms are 3804
defined in section 4301.01 of the Revised Code. 3805

(6) The information provided to the division pursuant to 3806
section 3796.11 of the Revised Code demonstrates that the 3807
applicant is in compliance with the applicable tax laws of this 3808
state. 3809

~~(6)~~-(7) The applicant demonstrates sufficient liquid 3810
capital and ability to meet financial responsibility 3811
requirements; 3812

(8) The applicant demonstrates that the municipal 3813
corporation or township in which it will be located has not 3814
passed a moratorium or taken any other action that would 3815

prohibit the applicant from operating there; 3816

(9) The application does not contain false, misleading, or 3817
deceptive information and does not omit material information; 3818

(10) The applicant pays any fee required by the division; 3819

(11) The applicant meets all other licensure eligibility 3820
conditions established in rules adopted under section 3796.03 of 3821
the Revised Code. 3822

~~(C)~~ (D) If the number of eligible applicants exceed the 3823
number of available licenses, the division shall use an 3824
impartial and evidence-based process to rank the eligible 3825
applicants. The ranking process shall take into account all of 3826
the following: 3827

(1) The applicant's business plan; 3828

(2) The applicant's operations plan; 3829

(3) The applicant's security plan; 3830

(4) The applicant's financial plan; 3831

(5) The applicant's principal place of business; 3832

(6) The proposed location of the cultivation, processing, 3833
or laboratory facility; 3834

(7) The applicant's plan for generating job and economic 3835
development in this state; 3836

(8) The applicant's environmental plan; 3837

(9) Employment practices, including any plans to inform, 3838
hire, or educate residents of the state, veterans, disabled 3839
persons, women, or minorities; 3840

(10) The criminal records of all persons subject to the 3841

criminal records check requirement; 3842

(11) The civil and administrative history of the applicant 3843
and persons associated with the applicant; 3844

(12) Any other eligibility, suitability, or operations- 3845
based determination specified in this chapter or rules adopted 3846
by the division thereunder. 3847

(E) (1) If the division uses a lottery system to issue 3848
licenses under this section, the applicants shall be grouped 3849
into the following distinct categories: 3850

(a) Highly exceeds; 3851

(b) Exceeds; 3852

(c) Meets; 3853

(d) Does not meet. 3854

(2) The division shall group the applicants such that the 3855
number of applicants in each of the highly exceeds, exceeds, and 3856
meets categories is roughly equal, unless doing so is not 3857
possible while conforming to an impartial and evidence-based 3858
process. Applicants that do not meet the eligibility 3859
requirements prescribed by division (C) of this section shall be 3860
placed in the does not meet category. 3861

(3) In conducting the lottery, the division shall give 3862
applicants in the exceeds category double the odds of being 3863
selected as compared to applicants in the meets category. The 3864
division shall give applicants in the highly exceeds category 3865
double the odds of being selected as compared to applicants in 3866
the exceeds category. An applicant grouped in the does not meet 3867
category is ineligible for licensure. 3868

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

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

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

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

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

activities described in section 3796.20 of the Revised Code 3899
without a dispensary license issued under this section or 3900
Chapter 3780. of the Revised Code, as that chapter existed 3901
immediately prior to the effective date of this amendment. 3902

Sec. 3796.12. (A) As used in this section, "criminal 3903
records check" has the same meaning as in section 109.572 of the 3904
Revised Code. 3905

(B) (1) As part of the application process for a license 3906
issued under this chapter, the division of marijuana control 3907
shall require each of the following to complete a criminal 3908
records check: 3909

(a) An administrator or other person responsible for the 3910
daily operation of the entity seeking the license; 3911

(b) An owner or prospective owner, officer or prospective 3912
officer, or board member or prospective board member of the 3913
entity seeking the license. 3914

(2) If a person subject to the criminal records check 3915
requirement does not present proof of having been a resident of 3916
this state for the five-year period immediately prior to the 3917
date the criminal records check is requested or provide evidence 3918
that within that five-year period the superintendent of the 3919
bureau of criminal identification and investigation has 3920
requested information about the person from the federal bureau 3921
of investigation in a criminal records check, the division shall 3922
request that the person obtain through the superintendent a 3923
criminal records request from the federal bureau of 3924
investigation as part of the criminal records check of the 3925
person. Even if a person presents proof of having been a 3926
resident of this state for the five-year period, the division 3927

may request that the person obtain information through the 3928
superintendent from the federal bureau of investigation in the 3929
criminal records check. 3930

(C) The division shall provide the following to each 3931
person who is subject to the criminal records check requirement: 3932

(1) Information about accessing, completing, and 3933
forwarding to the superintendent of the bureau of criminal 3934
identification and investigation the form prescribed pursuant to 3935
division (C)(1) of section 109.572 of the Revised Code and the 3936
standard impression sheet to obtain fingerprint impressions 3937
prescribed pursuant to division (C)(2) of that section; 3938

(2) Written notification that the person is to instruct 3939
the superintendent to submit the completed report of the 3940
criminal records check directly to the division. 3941

(D) Each person who is subject to the criminal records 3942
check requirement shall pay to the bureau of criminal 3943
identification and investigation the fee prescribed pursuant to 3944
division (C)(3) of section 109.572 of the Revised Code for the 3945
criminal records check conducted of the person. 3946

(E) The report of any criminal records check conducted by 3947
the bureau of criminal identification and investigation in 3948
accordance with section 109.572 of the Revised Code and pursuant 3949
to a request made under this section is not a public record for 3950
the purposes of section 149.43 of the Revised Code and shall not 3951
be made available to any person other than the following: 3952

(1) The person who is the subject of the criminal records 3953
check or the person's representative; 3954

(2) The members and staff of the division; 3955

(3) A court, hearing officer, or other necessary 3956
individual involved in a case dealing with either of the 3957
following: 3958

(a) A license denial resulting from the criminal records 3959
check; 3960

(b) A civil or criminal action regarding the ~~medical~~ 3961
marijuana control program or any violation of this chapter. 3962

(F) The division shall deny a license if, after receiving 3963
the information and notification required by this section, a 3964
person subject to the criminal records check requirement fails 3965
to do either of the following: 3966

(1) Access, complete, or forward to the superintendent of 3967
the bureau of criminal identification and investigation the form 3968
prescribed pursuant to division (C)(1) of section 109.572 of the 3969
Revised Code or the standard impression sheet prescribed 3970
pursuant to division (C)(2) of that section; 3971

(2) Instruct the superintendent to submit the completed 3972
report of the criminal records check directly to the division. 3973

Sec. 3796.13. (A) Each person seeking employment with ~~an~~ 3974
~~entity licensed under this chapter~~ a license holder shall comply 3975
with sections 4776.01 to 4776.04 of the Revised Code. Except as 3976
provided in division (B) of this section, such ~~an entity~~ a 3977
license holder shall not employ the person unless the person has 3978
submitted a criminal records check under those sections. ~~The~~ 3979
and the report of the resulting criminal records check ~~shall~~ 3980
~~demonstrate~~ demonstrates that the person has not been convicted 3981
of or pleaded guilty to any of the disqualifying offenses 3982
~~specified in rules adopted under division (B)(14)(a) of section~~ 3983
~~3796.03 of the Revised Code if the person is seeking employment~~ 3984

~~with an entity licensed by the division of marijuana control~~ 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

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
~~division~~ Chapter 3780. of the Revised Code, as that chapter 4016
existed immediately before the effective date of this amendment; 4017

(2) Refuse to issue a license; 4018

(3) Impose on a license holder a civil penalty in an 4019
amount to be determined by the division. 4020

~~(4) With respect to a suspension of a retail dispensary~~ 4021
~~license without prior hearing, the division may utilize a~~ 4022
~~telephone conference call to review the allegations and take a~~ 4023
~~vote.~~ The division shall suspend a dispensary license without 4024
prior hearing only if it finds clear and convincing evidence 4025
that continued distribution of medical marijuana and adult-use 4026
marijuana by the license holder presents a danger of immediate 4027
and serious harm to others. The suspension shall remain in 4028
effect, unless lifted by the division, until the division issues 4029
its final adjudication order. If the division does not issue the 4030
order within ninety days after the adjudication hearing, the 4031
suspension shall be lifted on the ninety-first day following the 4032
hearing. 4033

The division's actions under division (A) of this section 4034
shall be taken in accordance with Chapter 119. of the Revised 4035
Code. 4036

(B) ~~The~~ Subject to division (E) of this section, the 4037
division and the Ohio investigative unit may inspect all of the 4038
following for any reason specified in rules adopted under 4039
section 3796.03 of the Revised Code without prior notice to the 4040
applicant or license holder: 4041

(1) The premises of a license holder or an applicant for 4042

licensure ~~or holder of a current, valid cultivator, processor,~~ 4043
~~retail dispensary, or laboratory license issued under this~~ 4044
chapter; 4045

(2) All records maintained pursuant to this chapter by a_ 4046
license holder ~~of a current license.~~ 4047

(C) Whenever it appears to the division, from its files, 4048
upon complaint, or otherwise, or to the Ohio investigative unit, 4049
from an inspection or investigation authorized by this section, 4050
that any person or entity has engaged in, is engaged in, or is 4051
about to engage in any practice declared to be illegal or 4052
prohibited by this chapter or the rules adopted under this 4053
chapter, or when the division believes it to be in the best 4054
interest of the public, adult-use consumers, or medical 4055
marijuana patients, the division may do any of the following: 4056

(1) Investigate the person or entity as authorized 4057
pursuant to this chapter or the rules adopted under this 4058
chapter; 4059

(2) Issue subpoenas to any person or entity for the 4060
purpose of compelling either of the following: 4061

(a) The attendance and testimony of witnesses; 4062

(b) The production of books, accounts, papers, records, or 4063
documents. 4064

(D) If a person or entity fails to comply with any order 4065
of the division or the unit or a subpoena issued by the division 4066
or the unit pursuant to this section, a judge of the court of 4067
common pleas of the county in which the person resides or the 4068
entity may be served, on application of the division or the 4069
unit, shall compel obedience by attachment proceedings as for 4070
contempt, as in the case of disobedience with respect to the 4071

requirements of a subpoena issued from such court or a refusal 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
inspect or investigate. 4080

(b) The inspection or investigation involves alleged 4081
criminal activity. 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
chapter. 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)~~ (A) (1) Notwithstanding any conflicting 4129

provision of the Revised Code and except as provided in division 4130
(B) of this section, a licensed cultivator, including the holder 4131
of a current, valid cultivator license issued under this chapter 4132
before the effective date of this amendment, may do either all 4133
of the following: 4134

~~(1)~~ (a) Cultivate medical marijuana and adult-use 4135
marijuana; 4136

~~(2)~~ (b) Deliver, transfer, or sell medical marijuana and 4137
adult-use marijuana to one or more licensed processors other 4138
license holders; 4139

(c) Purchase or otherwise obtain medical marijuana and 4140
adult-use marijuana from other license holders; 4141

(d) Acquire seeds, clones, plants, and other genetic 4142
material. 4143

(2) A licensed cultivator engaging in the activities 4144
authorized by this chapter shall do so respecting both medical 4145
marijuana and adult-use marijuana. 4146

(B) A licensed cultivator ~~license holder~~ shall not 4147
cultivate medical marijuana or adult-use marijuana for personal, 4148
family, or household use or on any public land, including a 4149
state park as defined in section 154.01 of the Revised Code. 4150

(C) A licensed cultivator shall identify, package, and 4151
label all medical marijuana and adult-use marijuana products in 4152
accordance with this chapter and any rules adopted thereunder 4153
before delivering or selling the products to a licensed 4154
processor or licensed dispensary. 4155

(D) The division of marijuana control shall issue the 4156
following types of cultivation licenses: 4157

(1) A level I cultivator license that authorizes the 4158
license holder to operate a cultivation area specified by the 4159
division, not to exceed one hundred thousand square feet; 4160

(2) A level II cultivator license that authorizes the 4161
license holder to operate a cultivation area specified by the 4162
division, not to exceed fifteen thousand square feet. 4163

(E) A licensed cultivator may request and receive one or 4164
more expansions to the cultivator's cultivation area, subject to 4165
the approval of the division, so long as the resulting total 4166
cultivation area, including all expansions, does not exceed the 4167
applicable maximum cultivation area prescribed by division (D) 4168
of this section. 4169

Sec. 3796.19. ~~(A)~~ (A) (1) Notwithstanding any conflicting 4170
provision of the Revised Code, a licensed processor, including 4171
the holder of a current, valid processor license issued under 4172
this chapter before the effective date of this amendment, may do 4173
~~any~~ all of the following: 4174

~~(1) Obtain~~ (a) Purchase or otherwise obtain medical 4175
marijuana and adult-use marijuana from ~~one or more licensed~~ 4176
~~cultivators~~ other license holders; 4177

~~(2) (b)~~ Subject to division (B) of this section, process 4178
medical marijuana ~~obtained from one or more licensed cultivators~~ 4179
and adult-use marijuana into a form described in section 3796.06 4180
of the Revised Code; 4181

~~(3) (c)~~ Deliver, transfer, or sell processed medical 4182
marijuana and adult-use marijuana to ~~one or more licensed retail~~ 4183
~~dispensaries~~ other license holders. 4184

(2) A licensed processor engaging in the activities 4185
authorized by this chapter shall do so respecting both medical 4186

marijuana and adult-use marijuana. 4187

(B) ~~When processing medical marijuana, a~~ A licensed 4188
processor shall do ~~both~~ all of the following before delivering 4189
or selling medical marijuana or adult-use marijuana to a 4190
licensed dispensary: 4191

(1) Package the medical marijuana or adult-use marijuana 4192
in accordance with child-resistant effectiveness standards 4193
described in 16 C.F.R. 1700.15(b) on September 8, 2016; 4194

(2) Label the ~~medical marijuana~~ packaging with the 4195
product's tetrahydrocannabinol and cannabidiol content; 4196

(3) Comply with any packaging or labeling requirements 4197
established in rules adopted by the division of marijuana 4198
control under ~~section~~ sections 3796.03 and 3796.32 of the 4199
Revised Code. 4200

Sec. 3796.20. ~~(A)~~ (A) (1) Notwithstanding any conflicting 4201
provision of the Revised Code, a licensed dispensary, including 4202
the holder of a current, valid retail dispensary license issued 4203
under this chapter, ~~or previously issued by the state board of~~ 4204
~~pharmacy,~~ before the effective date of this amendment, may do 4205
~~both~~ any of the following: 4206

~~(1) Obtain~~ (a) Purchase or otherwise obtain medical 4207
marijuana and adult-use marijuana from ~~one or more~~ 4208
~~processors~~ other license holders; 4209

~~(2)~~ (b) Dispense or sell medical marijuana in accordance 4210
with division (B) of this section; 4211

(c) Dispense or sell adult-use marijuana in accordance 4212
with division (C) of this section; 4213

(d) Sell paraphernalia that may be used in the 4214

administration of adult-use marijuana or medical marijuana as 4215
specified in rules adopted under section 3796.03 of the Revised 4216
Code; 4217

(e) Provide delivery of medical marijuana in accordance 4218
with the rules adopted under section 3796.03 of the Revised 4219
Code; 4220

(f) Deliver, transfer, or sell medical marijuana and 4221
adult-use marijuana to other license holders. 4222

(2) A licensed dispensary engaged in the activities 4223
authorized by this chapter shall do so respecting both medical 4224
marijuana and adult-use marijuana. 4225

(B) When dispensing or selling medical marijuana, a 4226
licensed ~~retail~~-dispensary shall do all of the following: 4227

(1) Dispense or sell only upon a showing of a current, 4228
valid, government-issued identification card and in accordance 4229
with a written recommendation issued by a physician holding a 4230
certificate to recommend issued by the state medical board under 4231
section 4731.30 of the Revised Code; 4232

(2) Report to the drug database the information required 4233
by section 4729.771 of the Revised Code; 4234

(3) Label the package containing medical marijuana with 4235
the following information: 4236

(a) The name and address of the licensed processor and 4237
retail dispensary; 4238

(b) The name of the patient and caregiver, if any; 4239

(c) The name of the physician who recommended treatment 4240
with medical marijuana; 4241

(d) The directions for use, if any, as recommended by the physician; 4242
4243

(e) The date on which the medical marijuana was dispensed; 4244

(f) The quantity, strength, kind, or form of medical marijuana contained in the package. 4245
4246

(4) Maintain an adequate supply of medical marijuana products to meet typical patient demand for those products. 4247
4248

(C) When dispensing or selling adult-use marijuana to consumers, all of the following apply: 4249
4250

(1) A licensed dispensary shall dispense or sell adult-use marijuana only to adult-use consumers who present a current, valid, government-issued identification card demonstrating proof that the adult-use consumer is twenty-one years of age or older. 4251
4252
4253
4254

(2) No licensed dispensary shall knowingly dispense or sell more than the amount of adult-use marijuana that may be legally possessed by an adult-use consumer under section 3796.221 of the Revised Code to the same adult-use consumer in the same day. 4255
4256
4257
4258
4259

(3) A licensed dispensary shall ensure that the label of the package containing adult-use marijuana contains all of the following information, in accordance with rules adopted by the division of marijuana control: 4260
4261
4262
4263

(a) The name and address of the licensed processor and retail dispensary; 4264
4265

(b) A statement that the use of adult-use marijuana by individuals under twenty-one years of age is both harmful and illegal; 4266
4267
4268

(c) The quantity, strength, kind, or form of adult-use 4269
marijuana contained in the package. 4270

~~When operating a licensed retail dispensary, both of the~~ 4271
~~following apply:~~ 4272

~~(1)~~ (D) (1) A licensed dispensary shall use only employees 4273
who have met the training requirements established in rules 4274
adopted under section 3796.03 of the Revised Code. 4275

(2) A licensed dispensary shall not make public any 4276
information it collects that identifies or would tend to 4277
identify any specific medical marijuana patient or adult-use 4278
consumer. 4279

(3) A licensed dispensary shall prominently display both 4280
of the following: 4281

(a) A statement that the use of adult-use or homegrown 4282
marijuana by individuals under twenty-one years of age is both 4283
harmful and illegal; 4284

(b) Information about the addictive qualities of marijuana 4285
and the potential negative health consequences associated with 4286
its use. 4287

Sec. 3796.21. (A) Notwithstanding any conflicting 4288
provision of the Revised Code, a licensed laboratory, including 4289
the holder of a current, valid laboratory license issued under 4290
this chapter ~~may before the effective date of this amendment,~~ 4291
shall do both of the following: 4292

(1) Obtain medical marijuana and adult-use marijuana from 4293
one or more licensed cultivators, licensed processors, and 4294
~~retail-licensed dispensaries licensed under this chapter;~~ 4295

(2) Conduct ~~medical marijuana~~ testing in the manner 4296

specified in rules adopted under section 3796.03 of the Revised Code. 4297
4298

(B) When testing medical marijuana or adult-use marijuana, 4299
a licensed laboratory shall do both of the following: 4300

(1) Test ~~the marijuana~~ for potency, homogeneity, and 4301
contamination; 4302

(2) Prepare a report of the test results. 4303

Sec. 3796.22. (A) Notwithstanding any conflicting 4304
provision of the Revised Code, a patient registered under this 4305
chapter who obtains medical marijuana from a ~~retail-licensed~~ 4306
dispensary ~~licensed under~~ in accordance with this chapter may do 4307
~~both~~ all of the following: 4308

(1) Use medical marijuana; 4309

(2) Possess medical marijuana, subject to division (B) of 4310
this section; 4311

(3) Possess any paraphernalia or accessories that may be 4312
used in the administration of medical marijuana, as specified in 4313
rules adopted under section 3796.03 of the Revised Code. 4314

(B) The amount of medical marijuana possessed by a 4315
registered patient shall not exceed a ninety-day supply, as 4316
specified in rules adopted under section 3796.03 of the Revised 4317
Code. 4318

(C) A registered patient shall not be subject to arrest or 4319
criminal prosecution for doing ~~any~~ either of the following in 4320
accordance with this chapter: 4321

(1) Obtaining, using, or possessing medical marijuana; 4322

(2) Possessing any paraphernalia or accessories that may 4323

be used in the administration of medical marijuana, as specified 4324
in rules adopted under section 3796.03 of the Revised Code. 4325

(D) This section does not authorize a registered patient 4326
to operate a vehicle, streetcar, trackless trolley, watercraft, 4327
or aircraft while under the influence of ~~medical~~-marijuana. 4328

Sec. 3796.221. (A) Notwithstanding any conflicting 4329
provision of the Revised Code, an adult-use consumer who obtains 4330
adult-use marijuana from a licensed dispensary may do all of the 4331
following: 4332

(1) Use adult-use marijuana; 4333

(2) Possess adult-use marijuana, subject to division (B) 4334
of this section; 4335

(3) Possess any paraphernalia or accessories that may be 4336
used in the administration of adult-use marijuana as specified 4337
in rules adopted under section 3796.03 of the Revised Code; 4338

(4) Transfer adult-use and homegrown marijuana to another 4339
adult-use consumer if all of the following apply: 4340

(a) The transfer is without remuneration. 4341

(b) The amount transferred to the same adult-use consumer 4342
in the same day does not exceed either of the following: 4343

(i) Two and one-half ounces of plant material, excluding 4344
any seeds, live plants, or clones being cultivated, grown, or 4345
possessed in accordance with section 3796.04 of the Revised 4346
Code; 4347

(ii) Fifteen grams of extract. 4348

(c) The transfer occurs at privately owned real property 4349
that is used primarily for residential or agricultural purposes, 4350

including any dwellings, facilities, improvements, and 4351
appurtenances on such real property. 4352

(B) No person shall knowingly possess more than the 4353
following cumulative amounts of homegrown marijuana and adult- 4354
use marijuana: 4355

(1) Two and one-half ounces of plant material, excluding 4356
any seeds, live plants, or clones being cultivated, grown, or 4357
possessed in accordance with section 3796.04 of the Revised 4358
Code; 4359

(2) Fifteen grams of extract. 4360

(C) Except as expressly authorized under division (A) (4) 4361
of this section, no person other than a license holder shall 4362
knowingly give, sell, or transfer adult-use or homegrown 4363
marijuana to any other person, with or without remuneration. 4364

(D) Subject to divisions (B) and (C) of this section, an 4365
adult-use consumer is not subject to arrest or criminal 4366
prosecution for engaging in any of the activities described in 4367
division (A) of this section. 4368

(E) This section does not authorize an adult-use consumer 4369
to operate a vehicle, streetcar, trackless trolley, watercraft, 4370
or aircraft while under the influence of marijuana. 4371

Sec. 3796.23. (A) Notwithstanding any conflicting 4372
provision of the Revised Code, a caregiver registered under this 4373
chapter who obtains medical marijuana from a ~~retail-licensed~~ 4374
dispensary ~~licensed under this chapter~~ may do ~~both~~ any of the 4375
following: 4376

(1) Possess medical marijuana on behalf of a registered 4377
patient under the caregiver's care, subject to division (B) of 4378

this section; 4379

(2) Assist a registered patient under the caregiver's care 4380
in the use or administration of medical marijuana; 4381

(3) Possess any paraphernalia or accessories specified in 4382
rules adopted under section 3796.03 of the Revised Code. 4383

(B) The amount of medical marijuana possessed by a 4384
registered caregiver on behalf of a registered patient shall not 4385
exceed a ninety-day supply, as specified in rules adopted under 4386
section 3796.03 of the Revised Code. If a caregiver provides 4387
care to more than one registered patient, the caregiver shall 4388
maintain separate inventories of medical marijuana for each 4389
patient. 4390

(C) A registered caregiver shall not be subject to arrest 4391
or criminal prosecution for doing any of following in accordance 4392
with this chapter: 4393

(1) Obtaining or possessing medical marijuana on behalf of 4394
a registered patient; 4395

(2) Assisting a registered patient in the use or 4396
administration of medical marijuana; 4397

(3) Possessing any paraphernalia or accessories specified 4398
in rules adopted under section 3796.03 of the Revised Code. 4399

(D) This section does not permit a registered caregiver to 4400
personally use medical marijuana, unless the caregiver is also a 4401
registered patient. 4402

Sec. 3796.24. (A) The holder of a license, as defined in 4403
section 4776.01 of the Revised Code, is not subject to 4404
professional disciplinary action solely for engaging in 4405
professional or occupational activities related to medical 4406

marijuana. 4407

(B) Unless there is clear and convincing evidence that a 4408
child is unsafe, the use, possession, or administration of 4409
medical marijuana in accordance with this chapter shall not be 4410
the sole or primary basis for any of the following: 4411

(1) An adjudication under section 2151.28 of the Revised 4412
Code determining that a child is an abused, neglected, or 4413
dependent child; 4414

(2) An allocation of parental rights and responsibilities 4415
under section 3109.04 of the Revised Code; 4416

(3) A parenting time order under section 3109.051 or 4417
3109.12 of the Revised Code. 4418

(C) Notwithstanding any conflicting provision of the 4419
Revised Code, the use or possession of medical marijuana in 4420
accordance with this chapter shall not be used as a reason for 4421
disqualifying a patient from medical care or from including a 4422
patient on a transplant waiting list. 4423

(D) Notwithstanding any conflicting provision of the 4424
Revised Code, the use, possession, administration, cultivation, 4425
processing, testing, or dispensing of medical marijuana in 4426
accordance with this chapter shall not be used as the sole or 4427
primary reason for taking action under any criminal or civil 4428
statute in the forfeiture or seizure of any property or asset. 4429

(E) Notwithstanding any conflicting provision of the 4430
Revised Code, ~~a person's status as a registered patient or~~ 4431
~~caregiver~~ engaging in activity authorized by this chapter is not 4432
a sufficient basis for conducting a field sobriety test on the 4433
person or for suspending the person's driver's license. To 4434
conduct any field sobriety test, a law enforcement officer must 4435

have an independent, factual basis giving reasonable suspicion 4436
that the person is operating a vehicle under the influence of 4437
marijuana or with a prohibited concentration of marijuana in the 4438
person's whole blood, blood serum, plasma, breath, or urine. 4439

(F) Notwithstanding any conflicting provision of the 4440
Revised Code, a person's status as a registered patient or 4441
caregiver shall not be used as the sole or primary basis for 4442
rejecting the person as a tenant unless the rejection is 4443
required by federal law. This division does not prohibit a 4444
landlord from prohibiting either of the following, as long as 4445
such prohibition is included in the applicable lease agreement: 4446

(1) Consumption of marijuana in a residential premises or 4447
common areas by smoking, combustion, or vaporization; 4448

(2) Cultivation or growth of homegrown marijuana. 4449

(G) Except for unemployment compensation benefits under 4450
Chapter 4141. of the Revised Code, including as prescribed under 4451
division (B) of section 3796.28 of the Revised Code, the use or 4452
possession of medical marijuana, adult-use marijuana, or 4453
homegrown marijuana in accordance with this chapter shall not be 4454
used as a reason for disqualifying an individual from a public 4455
benefit program administered by any state or local authority, or 4456
for otherwise denying an individual a public benefit 4457
administered by the state or any local government. 4458

(H) This chapter does not do any of the following: 4459

(1) Require a physician to recommend that a patient use 4460
medical marijuana to treat a qualifying medical condition; 4461

(2) Permit the use, possession, or administration of 4462
medical marijuana, adult-use marijuana, or homegrown marijuana 4463
other than as authorized by this chapter; 4464

(3) Permit the use, possession, or administration of 4465
medical marijuana, adult-use marijuana, or homegrown marijuana 4466
on federal land located in this state; 4467

(4) Require any public place to accommodate a registered 4468
patient's use of medical marijuana or an adult-use consumer's 4469
use of adult-use marijuana or homegrown marijuana; 4470

(5) Prohibit any public place from accommodating a 4471
registered patient's use of medical marijuana, except that no 4472
public place shall accommodate consumption of medical marijuana 4473
by smoking, combustion, or vaporization; 4474

(6) Restrict research related to marijuana conducted at a 4475
state university, academic medical center, or private research 4476
and development organization as part of a research protocol 4477
approved by an institutional review board or equivalent entity. 4478

(I) It is the public policy of this state that contracts 4479
related to license holders are enforceable. 4480

Sec. 3796.27. (A) As used in this section: 4481

(1) "Financial institution" means any of the following: 4482

(a) Any bank, trust company, savings and loan association, 4483
savings bank, or credit union or any affiliate, agent, or 4484
employee of a bank, trust company, savings and loan association, 4485
savings bank, or credit union; 4486

(b) Any money transmitter licensed under sections 1315.01 4487
to 1315.18 of the Revised Code or any affiliate, agent, or 4488
employee of such a licensee. 4489

(2) "Financial services" means services that a financial 4490
institution is authorized to provide under Title XI, sections 4491
1315.01 to 1315.18, or Chapter 1733. of the Revised Code, as 4492

applicable. 4493

(B) A financial institution that provides financial 4494
services to any ~~cultivator, processor, retail dispensary, or~~ 4495
~~laboratory licensed under this chapter~~ license holder shall be 4496
exempt from any criminal law of this state an element of which 4497
may be proven by substantiating that a person provides financial 4498
services to a person who possesses, delivers, or manufactures 4499
marijuana or marijuana derived products, including section 4500
2925.05 of the Revised Code and sections 2923.01 and 2923.03 of 4501
the Revised Code as those sections apply to violations of 4502
Chapter 2925. of the Revised Code, if the ~~cultivator, processor,~~ 4503
~~retail dispensary, or laboratory~~ license holder is in compliance 4504
with this chapter and the applicable tax laws of this state. 4505

(C) (1) Notwithstanding section 149.43 of the Revised Code 4506
or any other public records law to the contrary, upon the 4507
request of a financial institution, the division of marijuana 4508
control shall provide to the financial institution all of the 4509
following information: 4510

(a) Whether a person with whom the financial institution 4511
is seeking to do business is a ~~cultivator, processor, retail-~~ 4512
~~dispensary, or laboratory licensed under this chapter~~ license 4513
holder; 4514

(b) The name of any other business or individual 4515
affiliated with the person; 4516

(c) An unredacted copy of the application for a license 4517
under this chapter or under Chapter 3780. of the Revised Code, 4518
as that chapter existed immediately before the effective date of 4519
this amendment, and any supporting documentation, that was 4520
submitted by the person; 4521

(d) If applicable, information relating to sales and 4522
volume of product sold by the person; 4523

(e) Whether the person is in compliance with this chapter; 4524

(f) Any past or pending violation by the person of this 4525
chapter or Chapter 3780. of the Revised Code, as that chapter 4526
existed immediately before the effective date of this amendment, 4527
and any penalty imposed on the person for such a violation. 4528

(2) The division may charge a financial institution a 4529
reasonable fee to cover the administrative cost of providing the 4530
information. 4531

(D) Information received by a financial institution under 4532
division (C) of this section is confidential. Except as 4533
otherwise permitted by other state law or federal law, a 4534
financial institution shall not make the information available 4535
to any person other than the customer to whom the information 4536
applies and any trustee, conservator, guardian, personal 4537
representative, or agent of that customer. 4538

Sec. 3796.28. (A) Nothing in this chapter does any of the 4539
following: 4540

(1) Requires an employer to permit or accommodate an 4541
employee's use, possession, or distribution of ~~medical~~ 4542
marijuana; 4543

(2) Prohibits an employer from refusing to hire, 4544
discharging, disciplining, or otherwise taking an adverse 4545
employment action against a person with respect to hire, tenure, 4546
terms, conditions, or privileges of employment because of that 4547
person's use, possession, or distribution of ~~medical~~-marijuana; 4548

(3) Prohibits an employer from establishing and enforcing 4549

a drug testing policy, drug-free workplace policy, or zero- 4550
tolerance drug policy; 4551

(4) Interferes with any federal restrictions on 4552
employment, including the regulations adopted by the United 4553
States department of transportation in Title 49 of the Code of 4554
Federal Regulations, as amended; 4555

(5) Permits a person to commence a cause of action against 4556
an employer for refusing to hire, discharging, disciplining, 4557
discriminating, retaliating, or otherwise taking an adverse 4558
employment action against a person with respect to hire, tenure, 4559
terms, conditions, or privileges of employment related to 4560
~~medical-marijuana~~; 4561

(6) Affects the authority of the administrator of workers' 4562
compensation to grant rebates or discounts on premium rates to 4563
employers that participate in a drug-free workplace program 4564
established in accordance with rules adopted by the 4565
administrator under Chapter 4123. of the Revised Code. 4566

(B) A person who is discharged from employment because of 4567
that person's use of ~~medical-marijuana~~ shall be considered to 4568
have been discharged for just cause for purposes of division (D) 4569
of section 4141.29 of the Revised Code and shall be ineligible 4570
to serve a waiting period or to be paid benefits for the 4571
duration of the individual's unemployment as described in 4572
division (D) (2) of that section if the person's use of ~~medical-~~ 4573
marijuana was in violation of an employer's drug-free workplace 4574
policy, zero-tolerance policy, or other formal program or policy 4575
regulating the use of ~~medical-marijuana~~. 4576

(C) It is not a violation of division (A), (D), or (E) of 4577
section 4112.02 of the Revised Code if an employer discharges, 4578

refuses to hire, or otherwise discriminates against a person 4579
because of that person's use of ~~medical~~-marijuana if the 4580
person's use of ~~medical~~-marijuana is in violation of the 4581
employer's drug-free workplace policy, zero-tolerance policy, or 4582
other formal program or policy regulating the use of ~~medical~~- 4583
marijuana. 4584

Sec. 3796.29. ~~The~~ (A) Except as otherwise provided in 4585
division (B) of this section, the legislative authority of a 4586
municipal corporation may adopt an ordinance, or a board of 4587
township trustees may adopt an ordinance or a resolution, to 4588
prohibit, or limit the number of, licensed cultivators, licensed 4589
processors, or ~~retail-licensed~~ dispensaries ~~licensed under this~~ 4590
~~chapter~~ within the municipal corporation or within the 4591
unincorporated territory of the township, respectively. 4592

~~This section does not authorize the~~ (B) The legislative 4593
authority of a municipal corporation or a board of township 4594
trustees ~~to~~ shall not adopt or enforce an ordinance or a 4595
resolution ~~limiting~~ that does any of the following: 4596

(1) Prohibits or limits the operations of a license holder 4597
that received a provisional license or certificate of operation 4598
before the effective date of this amendment, except that a 4599
municipal corporation or township may enforce such an ordinance 4600
or such a resolution if it was adopted before the effective date 4601
of this amendment; 4602

(2) Prohibits or limits any activity authorized under this 4603
chapter, except as expressly permitted under division (A) of 4604
this section; 4605

(3) Prohibits or limits research related to marijuana 4606
conducted at a state university, academic medical center, or 4607

private research and development organization as part of a 4608
research protocol approved by an institutional review board or 4609
equivalent entity. 4610

Sec. 3796.30. (A) Except as provided in ~~division~~ 4611
~~(B) divisions~~ (C) and (D) of this section, no ~~medical marijuana~~ 4612
licensed cultivator, licensed processor, retail-licensed 4613
dispensary, or licensed laboratory ~~that tests medical marijuana~~ 4614
shall be located within five hundred feet of the boundaries of a 4615
parcel of real estate having situated on it a school, church, 4616
public library, public playground, or public park. 4617

(B) If the a request for relocation of a facility of a 4618
licensed cultivator, licensed processor, retail-licensed 4619
dispensary, or licensed laboratory ~~licensed under this chapter~~ 4620
~~results would result in the cultivator, processor, retail-~~ 4621
~~dispensary, or laboratory facility~~ being located within five 4622
hundred feet of the boundaries of a parcel of real estate having 4623
situated on it a school, church, public library, public 4624
playground, or public park, the division of marijuana control 4625
shall ~~revoke the license it previously issued to the cultivator,~~ 4626
~~processor, retail dispensary, or laboratory~~ deny the request for 4627
relocation. 4628

~~(B)~~ (C) This section does not require relocation or closure 4629
of a facility used by a licensed cultivator, licensed processor, 4630
licensed dispensary, or licensed laboratory, if that facility 4631
has a certificate of operation at the time a school, church, 4632
public library, public playground, or public park relocates, or 4633
is established, on a parcel of real estate, the boundaries of 4634
which are within five hundred feet of that operational facility. 4635

(D) This section does not apply to research related to 4636
marijuana conducted at a state university, academic medical 4637

center, or private research and development organization as part 4638
of a research protocol approved by an institutional review board 4639
or equivalent entity. 4640

~~(C) As used in this section and sections 3796.03 and 4641
3796.12 of the Revised Code:— 4642~~

~~"Church" has the meaning defined in section 1710.01 of the 4643
Revised Code.— 4644~~

~~"Public library" means a library provided for under 4645
Chapter 3375. of the Revised Code.— 4646~~

~~"Public park" means a park established by the state or a 4647
political subdivision of the state including a county, township, 4648
municipal corporation, or park district.— 4649~~

~~"Public playground" means a playground established by the 4650
state or a political subdivision of the state including a 4651
county, township, municipal corporation, or park district.— 4652~~

~~"School" means a child care center as defined under 4653
section 5104.01 of the Revised Code, a preschool as defined 4654
under section 2950.034 of the Revised Code, or a public or 4655
nonpublic primary school or secondary school.— 4656~~

Sec. 3796.31. Except as otherwise authorized in the 4657
Revised Code, no political subdivision shall levy do either of 4658
the following: 4659

(A) Levy any tax or fee on cultivators, processors, or 4660
dispensaries license holders that is based on these the license 4661
holder's businesses' gross receipts or that is the same as or 4662
similar to any tax or fee imposed by the state; 4663

(B) Levy any tax, fee, or charge on license holders or 4664
license holders' property that is not generally charged on other 4665

businesses.

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Sec. 3796.32. (A) The division of marijuana control may
adopt rules regulating the advertisement of adult-use marijuana
and medical marijuana to prevent advertisements that are false,
misleading, targeted to minors, attractive to minors, promote
excessive use, promote illegal activity, are obscene or
indecent, contain depictions of marijuana use, or promote
marijuana as an intoxicant.

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(B) Any rules the division adopts regulating the
advertisement of adult-use marijuana shall be at least as
stringent as the most stringent federal or state laws or rules
governing the advertisement of tobacco or alcohol.

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(C) The division may, at any time, conduct an audit of an
applicant's or license holder's published advertisements to
ensure that the applicant or license holder complies with this
chapter and associated rules.

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(D) Adult-use marijuana or medical marijuana shall not be
packaged, advertised, or otherwise marketed using any graphic,
picture, or drawing that bears any resemblance to a cartoon
character, or any fictional character or popular culture figure
whose target audience is children or youth.

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(E) No person shall place or maintain, or caused to be
placed or maintained, an advertisement that asserts or suggests
that adult-use marijuana has any health or therapeutic benefits.

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(F) (1) Subject to division (F) (2) of this section, no
person shall place or maintain, or cause to be placed or
maintained, an advertisement for medical or adult-use marijuana
within five hundred feet of the boundaries of a parcel of real
estate having situated on it a school, church, public library,

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public playground, or public park. 4695

(2) Division (F) (1) of this section does not apply to 4696
signage on the facility of a license holder. 4697

(G) (1) No person shall advertise medical or adult-use 4698
marijuana using names, logos, signs, or materials that have not 4699
been submitted to, and approved by, the division in accordance 4700
with rules adopted under this section. 4701

(2) The division shall either approve or deny such names, 4702
logos, signs, or materials within twenty-one business days after 4703
receiving the submission. 4704

(3) If the division does not deny a submission within 4705
twenty-one business days, the submitted names, logos, signs, or 4706
materials shall be considered approved. 4707

(H) If the division determines that a person has violated 4708
this section or any rule adopted in accordance with this 4709
section, the division may require the person to stop using the 4710
advertisement or proceed with any enforcement action it deems 4711
necessary or proper, as outlined in this chapter and associated 4712
rules. 4713

Sec. 3796.33. (A) As used in this section, "equivalent 4714
license" means: 4715

(1) In the case of an adult-use cultivator, a cultivator 4716
license of the same level issued under section 3796.09 of the 4717
Revised Code to engage in the activities authorized by section 4718
3796.18 of the Revised Code; 4719

(2) In the case of an adult-use processor, a processor 4720
license issued under section 3796.09 of the Revised Code to 4721
engage in the activities authorized by section 3796.19 of the 4722

Revised Code; 4723

(3) In the case of an adult-use dispensary, a retail 4724
dispensary license issued under section 3796.10 of the Revised 4725
Code to engage in the activities authorized by section 3796.20 4726
of the Revised Code; 4727

(4) In the case of an adult-use testing laboratory, a 4728
laboratory license issued under section 3796.09 of the Revised 4729
Code to engage in the activities authorized by section 3796.21 4730
of the Revised Code. 4731

(B) A license issued under Chapter 3780. of the Revised 4732
Code, as that chapter existed immediately before the effective 4733
date of this section, shall be treated, for all purposes, as the 4734
equivalent license under this chapter. 4735

(C) The holder of a license described in division (B) of 4736
this section is subject to all procedures, requirements, and 4737
penalties that apply to the holder of the equivalent license 4738
under this chapter. 4739

(D) If a license described in division (B) of this section 4740
is held by the same person and used at the same location as an 4741
equivalent license under this chapter, the division of marijuana 4742
control shall merge the licenses and treat them as the same 4743
license for all purposes, including expiration and renewal. 4744

Sec. 3780.37 3796.34. (A) As used in this section, 4745
"nonprofit corporation" has the same meaning as in section 4746
1702.01 of the Revised Code. 4747

(B) The division of ~~cannabis~~-marijuana control shall 4748
contract with a statewide nonprofit corporation for the 4749
development and implementation of cannabis and related drug 4750
misuse prevention, education, and public awareness initiatives 4751

driven by data, evaluation, and research. The contract must 4752
include a provision specifying a percentage of the total funding 4753
for the initiatives, not less than ten per cent, to be raised by 4754
the statewide nonprofit corporation through private 4755
contributions. 4756

(C) The initiatives may include all of the following: 4757

(1) Providing evidence-based information on the potential 4758
health effects of cannabis and related drug use among minors; 4759

(2) Disseminating educational resources regarding the 4760
risks associated with cannabis and related drug use during 4761
pregnancy; 4762

(3) Conducting campaigns to inform the public about the 4763
dangers and legal consequences of driving under the influence of 4764
cannabis and related drugs; 4765

(4) Collaborating with employers and industry groups to 4766
develop and distribute evidence-based resources to improve the 4767
health of Ohio's workforce and promote workplace safety and 4768
recovery initiatives focused on cannabis and related drug 4769
misuse. 4770

(D) The division shall oversee and evaluate the 4771
effectiveness of the initiatives undertaken pursuant to this 4772
section and shall ensure that those initiatives align with the 4773
public health and safety objectives of this state. 4774

(E) The division shall annually compile a report detailing 4775
activities, use of funds, and measurable outcomes resulting from 4776
the initiatives undertaken pursuant to this section. The 4777
division shall submit the report to the general assembly in 4778
accordance with section 101.68 of the Revised Code. 4779

Sec. 3796.40. (A) Terms used in this section have the same 4780
meanings as in section 5739.01 of the Revised Code. 4781

(B) For the purpose of funding the needs of the state and 4782
local governments that host adult-use marijuana dispensaries, an 4783
excise tax is levied on the retail sale of adult-use marijuana. 4784
The rate of the tax shall equal ten per cent of the price of 4785
adult-use marijuana and is in addition to taxes levied under 4786
Chapters 5739. and 5741. of the Revised Code. 4787

(C) The tax shall be paid by the consumer to the vendor at 4788
the time of the sale, and the vendor shall report and remit the 4789
tax to the state in the same manner and at the same time the 4790
vendor reports and remits the tax levied under Chapter 5739. of 4791
the Revised Code. The return required by this division shall be 4792
filed on a form prescribed by the tax commissioner, which shall 4793
be separate from the return required to be filed under section 4794
5739.12 of the Revised Code. The tax levied under this section 4795
shall be collected consistent with Chapters 5703. and 5739. of 4796
the Revised Code. 4797

(D) For the same purpose as the tax levied under division 4798
(B) of this section, a tax is levied on a vendor that sells any 4799
marijuana other than adult-use marijuana or medical marijuana to 4800
a consumer. That tax equals ten per cent of the price of such 4801
marijuana, and the consumer and vendor are liable for any 4802
amounts, including tax, interest, and penalties, imposed under 4803
this section and chapter in the same manner as vendors subject 4804
to the tax imposed under division (B) of this section. 4805

(E) All amounts collected from a tax levied under this 4806
section shall be deposited into the marijuana receipts fund, 4807
which is created in the state treasury. Investment earnings of 4808
the marijuana receipts fund shall be credited to that fund. 4809

From the marijuana receipts fund, the director of budget 4810
and management shall transfer as needed to the tax refund fund 4811
amounts equal to the refunds attributable to the tax levied 4812
under this section and certified by the tax commissioner. 4813

(F) After making any transfers required under division (E) 4814
of this section, the director of budget and management shall 4815
transfer amounts remaining in the marijuana receipts fund as 4816
follows: 4817

(1) Sixty-four per cent to the general revenue fund; 4818

(2) Thirty-six per cent to the host community cannabis 4819
fund, which is created in the state treasury, for the benefit of 4820
municipal corporations or townships that have at least one 4821
licensed dispensary. Distributions to such municipal 4822
corporations and townships shall be based on the portion of the 4823
tax levied under division (B) of this section attributable to 4824
each municipal corporation or township. Municipal corporations 4825
and townships receiving funds under this division may use such 4826
funds for any lawful purpose. 4827

Distributions under this division shall be made by the end 4828
of each month based on tax collections from the preceding month. 4829
The tax commissioner shall make data available to the director 4830
of the office of budget and management for this purpose and the 4831
director of budget and management shall provide for payment of 4832
those amounts to municipal corporations and townships as 4833
required. 4834

(G) The tax commissioner may prescribe all forms and adopt 4835
all rules necessary to administer the tax authorized under this 4836
section. 4837

Sec. 3796.99. (A) (1) Whoever violates division (C) (2) of 4838

section 3796.06 of the Revised Code as an operator of the 4839
vehicle, streetcar, trackless trolley, watercraft, or aircraft 4840
is subject to section 1547.11, 4511.19, 4511.194, or 4561.15 of 4841
the Revised Code, as applicable. 4842

(2) Whoever violates division (C) (2) of section 3796.06 of 4843
the Revised Code as a passenger of a vehicle, streetcar, 4844
trackless trolley, watercraft, or aircraft when the operator is 4845
operating or has physical control of the vehicle, streetcar, 4846
trackless trolley, watercraft, or aircraft is guilty of a 4847
misdemeanor of the third degree. 4848

(B) Except as otherwise provided in division (A) of this 4849
section, whoever violates division (C) (2) or (3) of section 4850
3796.06 of the Revised Code is guilty of a minor misdemeanor. 4851

(C) (1) (a) Except as provided in division (C) (1) (b) of this 4852
section, whoever violates division (F) of section 3796.06 of the 4853
Revised Code is guilty of a misdemeanor of the first degree. 4854

(b) An offender who has previously been convicted of, or 4855
pleaded guilty to, a violation of division (F) of section 4856
3796.06 of the Revised Code, is guilty of a felony of the fifth 4857
degree. 4858

(2) The division of marijuana control shall immediately 4859
revoke the license of any license holder under this chapter who 4860
is found guilty of, or who pleads guilty or no contest to, 4861
violating division (F) of section 3796.06 of the Revised Code. 4862

(D) Whoever violates division (B) of section 3796.221 of 4863
the Revised Code is guilty of possession of marijuana under 4864
section 2925.11 of the Revised Code. 4865

(E) Whoever violates division (C) of section 3796.04 of 4866
the Revised Code is guilty of illegal cultivation of marijuana 4867

under section 2925.04 of the Revised Code.

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(F) Whoever violates division (I) of section 3796.09,
division (I) of section 3796.10, division (C) (2) of section
3796.20, or division (C) of section 3796.221 of the Revised Code
is guilty of trafficking in marijuana under section 2925.03 of
the Revised Code.

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(G) (1) Except as otherwise provided in divisions (G) (2) to
(4) of this section, whoever violates division (G) of section
3796.06 of the Revised Code by knowingly showing or giving false
information concerning the individual's name, age, or other
identification for the purpose of purchasing or otherwise
obtaining adult-use marijuana from an adult-use dispensary
licensed under this chapter is guilty of a misdemeanor of the
first degree.

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(2) Except as otherwise provided in divisions (G) (3) and
(4) of this section, whoever violates division (G) of section
3796.06 of the Revised Code by knowingly presenting to an adult-
use dispensary licensed under this chapter a false, fictitious,
or altered identification card, a false or fictitious driver's
license purportedly issued by any state, or a driver's license
issued by any state that has been altered, is guilty of a
misdemeanor of the first degree and, notwithstanding division
(A) (2) of section 2929.28 of the Revised Code, shall be fined
not less than two hundred fifty dollars and not more than one
thousand dollars.

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(3) (a) Except as otherwise provided in division (G) (4) of
this section, an offender who has previously been convicted of
or pleaded guilty to a violation of division (G) of section
3796.06 of the Revised Code by knowingly presenting to an adult-
use dispensary licensed under this chapter a false, fictitious,

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or altered identification card, a false or fictitious driver's 4898
license purportedly issued by any state, or a driver's license 4899
issued by any state that has been altered, is guilty of a 4900
misdemeanor of the first degree and, notwithstanding division 4901
(A) (2) of section 2929.28 of the Revised Code, shall be fined 4902
not less than five hundred dollars nor more than one thousand 4903
dollars. 4904

(b) (i) The court also may impose a class seven suspension 4905
of the offender's driver's or commercial driver's license or 4906
permit, or nonresident operating privilege, from the range 4907
specified in division (A) (7) of section 4510.02 of the Revised 4908
Code. 4909

(ii) The court, in lieu of suspending the offender's 4910
temporary instruction permit, probationary driver's license, or 4911
driver's license, instead may order the offender to perform a 4912
determinate number of hours of community service, with the court 4913
determining the actual number of hours and the nature of the 4914
community service the offender shall perform. 4915

(4) (a) An offender who has previously been convicted of or 4916
pleaded guilty to two or more violations of division (G) of 4917
section 3796.06 of the Revised Code by knowingly presenting to 4918
an adult-use dispensary licensed under this chapter a false, 4919
fictitious, or altered identification card, a false or 4920
fictitious driver's license purportedly issued by any state, or 4921
a driver's license issued by any state that has been altered, is 4922
guilty of a misdemeanor of the first degree and, notwithstanding 4923
division (A) (2) of section 2929.28 of the Revised Code, shall be 4924
fined not less than five hundred dollars nor more than one 4925
thousand dollars. 4926

(b) (i) The court also may impose a class six suspension of 4927

the offender's driver's or commercial driver's license or permit 4928
or nonresident operating privilege from the range specified in 4929
division (A) (6) of section 4510.02 of the Revised Code, and the 4930
court may order that the suspension or denial remain in effect 4931
until the offender attains the age of twenty-one years. 4932

(ii) The court, in lieu of suspending the offender's 4933
temporary instruction permit, probationary driver's license, or 4934
driver's license, instead may order the offender to perform a 4935
determinate number of hours of community service, with the court 4936
determining the actual number of hours and the nature of the 4937
community service the offender shall perform. 4938

(5) The financial sanctions required by divisions (G) (2) 4939
to (4) of this section are in lieu of the financial sanctions 4940
described in division (A) (2) of section 2929.28 of the Revised 4941
Code but are in addition to any other sanctions or penalties 4942
that may apply to the offender, including other financial 4943
sanctions under that section or a jail term under section 4944
2929.24 of the Revised Code. 4945

(H) (1) Except as otherwise provided in division (H) (2) of 4946
this section, whoever violates division (G) of section 3796.06 4947
of the Revised Code by knowingly soliciting another person to 4948
purchase adult-use marijuana from an adult-use dispensary 4949
licensed under this chapter is guilty of a misdemeanor of the 4950
fourth degree. 4951

(2) An offender who has previously been convicted of or 4952
pleaded guilty to a violation of division (G) of section 3796.06 4953
of the Revised Code by knowingly soliciting another individual 4954
to purchase adult-use marijuana from an adult-use dispensary 4955
licensed under this chapter is guilty of a misdemeanor of the 4956
second degree. 4957

(I) Whoever violates division (A), (B), or (C) of section 4958
3796.062 of the Revised Code is guilty of a minor misdemeanor. 4959

(J) Whoever violates division (D) of section 3796.062 of 4960
the Revised Code is guilty of illegal use or possession of 4961
marijuana drug paraphernalia under section 2925.141 of the 4962
Revised Code. 4963

Sec. 4506.01. As used in this chapter: 4964

(A) "Alcohol concentration" means the concentration of 4965
alcohol in a person's blood, breath, or urine. When expressed as 4966
a percentage, it means grams of alcohol per the following: 4967

(1) One hundred milliliters of whole blood, blood serum, 4968
or blood plasma; 4969

(2) Two hundred ten liters of breath; 4970

(3) One hundred milliliters of urine. 4971

(B) "Commercial driver's license" means a license issued 4972
in accordance with this chapter that authorizes an individual to 4973
drive a commercial motor vehicle. 4974

(C) "Commercial driver's license information system" means 4975
the information system established pursuant to the requirements 4976
of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 4977
3207-171, 49 U.S.C.A. App. 2701. 4978

(D) Except when used in section 4506.25 of the Revised 4979
Code, "commercial motor vehicle" means any motor vehicle 4980
designed or used to transport persons or property that meets any 4981
of the following qualifications: 4982

(1) Any combination of vehicles with a gross vehicle 4983
weight or combined gross vehicle weight rating of twenty-six 4984

thousand one pounds or more, provided the gross vehicle weight 4985
or gross vehicle weight rating of the vehicle or vehicles being 4986
towed is in excess of ten thousand pounds; 4987

(2) Any single vehicle with a gross vehicle weight or 4988
gross vehicle weight rating of twenty-six thousand one pounds or 4989
more; 4990

(3) Any single vehicle or combination of vehicles that is 4991
not a class A or class B vehicle, but is designed to transport 4992
sixteen or more passengers including the driver; 4993

(4) Any school bus with a gross vehicle weight or gross 4994
vehicle weight rating of less than twenty-six thousand one 4995
pounds that is designed to transport fewer than sixteen 4996
passengers including the driver; 4997

(5) Is transporting hazardous materials for which 4998
placarding is required under subpart F of 49 C.F.R. part 172, as 4999
amended; 5000

(6) Any single vehicle or combination of vehicles that is 5001
designed to be operated and to travel on a public street or 5002
highway and is considered by the federal motor carrier safety 5003
administration to be a commercial motor vehicle, including, but 5004
not limited to, a motorized crane, a vehicle whose function is 5005
to pump cement, a rig for drilling wells, and a portable crane. 5006

(E) "Controlled substance" means all of the following: 5007

(1) Any substance classified as a controlled substance 5008
under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 5009
U.S.C.A. 802(6), as amended; 5010

(2) Any substance included in schedules I through V of 21 5011
C.F.R. part 1308, as amended; 5012

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

(3) Removal of commercial driver's license privileges from 5041
the individual's driver's license; 5042

(4) A change in the commercial driver's license, or 5043
commercial driver's license temporary instruction permit, 5044
holder's privileges as described in division (F)(1) of section 5045
4506.13 of the Revised Code. 5046

(J) "Drive" means to drive, operate, or be in physical 5047
control of a motor vehicle. 5048

(K) "Driver" means any person who drives, operates, or is 5049
in physical control of a commercial motor vehicle or is required 5050
to have a commercial driver's license. 5051

(L) "Driver's license" means a license issued by the 5052
bureau of motor vehicles that authorizes an individual to drive. 5053

(M) "Drug of abuse" means any controlled substance, 5054
dangerous drug as defined in section 4729.01 of the Revised 5055
Code, harmful intoxicant as defined in section 2925.01 of the 5056
Revised Code, intoxicating hemp product as defined in section 5057
3779.01 of the Revised Code, drinkable cannabinoid product as 5058
defined in section 3779.21 of the Revised Code, or over-the- 5059
counter medication that, when taken in quantities exceeding the 5060
recommended dosage, can result in impairment of judgment or 5061
reflexes. 5062

(N) "Electronic device" includes a cellular telephone, a 5063
personal digital assistant, a pager, a computer, and any other 5064
device used to input, write, send, receive, or read text. 5065

(O) "Eligible unit of local government" means a village, 5066
township, or county that has a population of not more than three 5067
thousand persons according to the most recent federal census. 5068

(P) "Employer" means any person, including the federal 5069
government, any state, and a political subdivision of any state, 5070
that owns or leases a commercial motor vehicle or assigns a 5071
person to drive such a motor vehicle. 5072

(Q) "Endorsement" means an authorization on a person's 5073
commercial driver's license that is required to permit the 5074
person to operate a specified type of commercial motor vehicle. 5075

(R) "Farm truck" means a truck controlled and operated by 5076
a farmer for use in the transportation to or from a farm, for a 5077
distance of not more than one hundred fifty miles, of products 5078
of the farm, including livestock and its products, poultry and 5079
its products, floricultural and horticultural products, and in 5080
the transportation to the farm, from a distance of not more than 5081
one hundred fifty miles, of supplies for the farm, including 5082
tile, fence, and every other thing or commodity used in 5083
agricultural, floricultural, horticultural, livestock, and 5084
poultry production, and livestock, poultry, and other animals 5085
and things used for breeding, feeding, or other purposes 5086
connected with the operation of the farm, when the truck is 5087
operated in accordance with this division and is not used in the 5088
operations of a motor carrier, as defined in section 4923.01 of 5089
the Revised Code. 5090

(S) "Fatality" means the death of a person as the result 5091
of a motor vehicle accident occurring not more than three 5092
hundred sixty-five days prior to the date of death. 5093

(T) "Felony" means any offense under federal or state law 5094
that is punishable by death or specifically classified as a 5095
felony under the law of this state, regardless of the penalty 5096
that may be imposed. 5097

(U) "Foreign jurisdiction" means any jurisdiction other 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 5211

the United States secretary of transportation and is designated 5212
by the director as such by rule. 5213

(JJ) "State" means a state of the United States and 5214
includes the District of Columbia. 5215

(KK) "Tank vehicle" means any commercial motor vehicle 5216
that is designed to transport any liquid or gaseous materials 5217
within a tank or tanks that are either permanently or 5218
temporarily attached to the vehicle or its chassis and have an 5219
individual rated capacity of more than one hundred nineteen 5220
gallons and an aggregate rated capacity of one thousand gallons 5221
or more. "Tank vehicle" does not include a commercial motor 5222
vehicle transporting an empty storage container tank that is not 5223
designed for transportation, has a rated capacity of one 5224
thousand gallons or more, and is temporarily attached to a 5225
flatbed trailer. 5226

(LL) "Tester" means a person or entity acting pursuant to 5227
a valid agreement entered into pursuant to division (B) of 5228
section 4506.09 of the Revised Code. 5229

(MM) "Texting" means manually entering alphanumeric text 5230
into, or reading text from, an electronic device. Texting 5231
includes short message service, e-mail, instant messaging, a 5232
command or request to access a world wide web page, pressing 5233
more than a single button to initiate or terminate a voice 5234
communication using a mobile telephone, or engaging in any other 5235
form of electronic text retrieval or entry, for present or 5236
future communication. Texting does not include the following: 5237

(1) Using voice commands to initiate, receive, or 5238
terminate a voice communication using a mobile telephone; 5239

(2) Inputting, selecting, or reading information on a 5240

global positioning system or navigation system; 5241

(3) Pressing a single button to initiate or terminate a 5242
voice communication using a mobile telephone; or 5243

(4) Using, for a purpose that is not otherwise prohibited 5244
by law, a device capable of performing multiple functions, such 5245
as a fleet management system, a dispatching device, a mobile 5246
telephone, a citizens band radio, or a music player. 5247

(NN) "Texting while driving" means texting while operating 5248
a commercial motor vehicle, with the motor running, including 5249
while temporarily stationary because of traffic, a traffic 5250
control device, or other momentary delays. Texting while driving 5251
does not include operating a commercial motor vehicle with or 5252
without the motor running when the driver has moved the vehicle 5253
to the side of, or off, a highway and is stopped in a location 5254
where the vehicle can safely remain stationary. 5255

(OO) "United States" means the fifty states and the 5256
District of Columbia. 5257

(PP) "Upgrade" means a change in the class of vehicles, 5258
endorsements, or self-certified status as described in division 5259
(A) (1) of section 4506.10 of the Revised Code, that expands the 5260
ability of a current commercial driver's license holder to 5261
operate commercial motor vehicles under this chapter. 5262

(QQ) "Use of a handheld mobile telephone" means: 5263

(1) Using at least one hand to hold a mobile telephone to 5264
conduct a voice communication; 5265

(2) Dialing or answering a mobile telephone by pressing 5266
more than a single button; or 5267

(3) Reaching for a mobile telephone in a manner that 5268

requires a driver to maneuver so that the driver is no longer in 5269
a seated driving position, or restrained by a seat belt that is 5270
installed in accordance with 49 C.F.R. 393.93 and adjusted in 5271
accordance with the vehicle manufacturer's instructions. 5272

(RR) "Vehicle" has the same meaning as in section 4511.01 5273
of the Revised Code. 5274

Sec. 4735.18. (A) Subject to section 4735.32 of the 5275
Revised Code, the superintendent of real estate, upon the 5276
superintendent's own motion, may investigate the conduct of any 5277
licensee. Subject to division (E) of this section and section 5278
4735.32 of the Revised Code, the Ohio real estate commission 5279
shall impose disciplinary sanctions upon any licensee who, 5280
whether or not acting in the licensee's capacity as a real 5281
estate broker or salesperson, or in handling the licensee's own 5282
property, is found to have been convicted of a felony or a crime 5283
of moral turpitude, and may impose disciplinary sanctions upon 5284
any licensee who, in the licensee's capacity as a real estate 5285
broker or salesperson, or in handling the licensee's own 5286
property, is found guilty of: 5287

(1) Knowingly making any misrepresentation; 5288

(2) Making any false promises with intent to influence, 5289
persuade, or induce; 5290

(3) A continued course of misrepresentation or the making 5291
of false promises through agents, salespersons, advertising, or 5292
otherwise; 5293

(4) Acting for more than one party in a transaction except 5294
as permitted by and in compliance with section 4735.71 of the 5295
Revised Code; 5296

(5) Failure within a reasonable time to account for or to 5297

remit any money coming into the licensee's possession which 5298
belongs to others; 5299

(6) Dishonest or illegal dealing, gross negligence, 5300
incompetency, or misconduct; 5301

(7) (a) By final adjudication by a court, a violation of 5302
any municipal or federal civil rights law relevant to the 5303
protection of purchasers or sellers of real estate or, by final 5304
adjudication by a court, any unlawful discriminatory practice 5305
pertaining to the purchase or sale of real estate prohibited by 5306
Chapter 4112. of the Revised Code, provided that such violation 5307
arose out of a situation wherein parties were engaged in bona 5308
fide efforts to purchase, sell, or lease real estate, in the 5309
licensee's practice as a licensed real estate broker or 5310
salesperson; 5311

(b) A second or subsequent violation of any unlawful 5312
discriminatory practice pertaining to the purchase or sale of 5313
real estate prohibited by Chapter 4112. of the Revised Code or 5314
any second or subsequent violation of municipal or federal civil 5315
rights laws relevant to purchasing or selling real estate 5316
whether or not there has been a final adjudication by a court, 5317
provided that such violation arose out of a situation wherein 5318
parties were engaged in bona fide efforts to purchase, sell, or 5319
lease real estate. For any second offense under this division, 5320
the commission shall suspend for a minimum of two months or 5321
revoke the license of the broker or salesperson. For any 5322
subsequent offense, the commission shall revoke the license of 5323
the broker or salesperson. 5324

(8) Procuring a license under this chapter, for the 5325
licensee or any salesperson by fraud, misrepresentation, or 5326
deceit; 5327

(9) Having violated or failed to comply with any provision 5328
of sections 4735.51 to 4735.74 of the Revised Code or having 5329
willfully disregarded or violated any other provisions of this 5330
chapter; 5331

(10) As a real estate broker, having demanded, without 5332
reasonable cause, other than from a broker licensed under this 5333
chapter, a commission to which the licensee is not entitled, or, 5334
as a real estate salesperson, having demanded, without 5335
reasonable cause, a commission to which the licensee is not 5336
entitled; 5337

(11) Except as permitted under section 4735.20 of the 5338
Revised Code, having paid commissions or fees to, or divided 5339
commissions or fees with, anyone not licensed as a real estate 5340
broker or salesperson under this chapter or anyone not operating 5341
as an out-of-state commercial real estate broker or salesperson 5342
under section 4735.022 of the Revised Code; 5343

(12) Having falsely represented membership in any real 5344
estate professional association of which the licensee is not a 5345
member; 5346

(13) Having accepted, given, or charged any undisclosed 5347
commission, rebate, or direct profit on expenditures made for a 5348
principal; 5349

(14) Having offered anything of value other than the 5350
consideration recited in the sales contract as an inducement to 5351
a person to enter into a contract for the purchase or sale of 5352
real estate or having offered real estate or the improvements on 5353
real estate as a prize in a lottery or scheme of chance; 5354

(15) Having acted in the dual capacity of real estate 5355
broker and undisclosed principal, or real estate salesperson and 5356

undisclosed principal, in any transaction; 5357

(16) Having guaranteed, authorized, or permitted any 5358
person to guarantee future profits which may result from the 5359
resale of real property; 5360

(17) Having advertised or placed a sign on any property 5361
offering it for sale or for rent without the consent of the 5362
owner or the owner's authorized agent; 5363

(18) Having induced any party to a contract of sale or 5364
lease to break such contract for the purpose of substituting in 5365
lieu of it a new contract with another principal; 5366

(19) Having negotiated the sale, exchange, or lease of any 5367
real property directly with a seller, purchaser, lessor, or 5368
tenant knowing that such seller, purchaser, lessor, or tenant is 5369
represented by another broker under a written exclusive agency 5370
agreement, exclusive right to sell or lease listing agreement, 5371
or exclusive purchaser agency agreement with respect to such 5372
property except as provided for in section 4735.75 of the 5373
Revised Code; 5374

(20) Having offered real property for sale or for lease 5375
without the knowledge and consent of the owner or the owner's 5376
authorized agent, or on any terms other than those authorized by 5377
the owner or the owner's authorized agent; 5378

(21) Having published advertising, whether printed, radio, 5379
display, or of any other nature, which was misleading or 5380
inaccurate in any material particular, or in any way having 5381
misrepresented any properties, terms, values, policies, or 5382
services of the business conducted; 5383

(22) Having knowingly withheld from or inserted in any 5384
statement of account or invoice any statement that made it 5385

inaccurate in any material particular; 5386

(23) Having published or circulated unjustified or 5387
unwarranted threats of legal proceedings which tended to or had 5388
the effect of harassing competitors or intimidating their 5389
customers; 5390

(24) Having failed to keep complete and accurate records 5391
of all transactions for a period of three years from the date of 5392
the transaction, such records to include copies of listing 5393
forms, earnest money receipts, offers to purchase and 5394
acceptances of them, records of receipts and disbursements of 5395
all funds received by the licensee as broker and incident to the 5396
licensee's transactions as such, and records required pursuant 5397
to divisions (C) (4) and (5) of section 4735.20 of the Revised 5398
Code, and any other instruments or papers related to the 5399
performance of any of the acts set forth in the definition of a 5400
real estate broker; 5401

(25) Failure of a real estate broker or salesperson to 5402
furnish all parties involved in a real estate transaction true 5403
copies of all listings and other agreements to which they are a 5404
party, at the time each party signs them; 5405

(26) Failure to maintain at all times a special or trust 5406
bank account in a depository of a state or federally chartered 5407
institution located in this state. The account shall be 5408
noninterest-bearing, separate and distinct from any personal or 5409
other account of the broker, and, except as provided in division 5410
(A) (27) of this section, shall be used for the deposit and 5411
maintenance of all escrow funds, security deposits, and other 5412
moneys received by the broker in a fiduciary capacity. The name, 5413
account number, if any, and location of the depository wherein 5414
such special or trust account is maintained shall be submitted 5415

in writing to the superintendent. Checks drawn on such special 5416
or trust bank accounts are deemed to meet the conditions imposed 5417
by section 1349.21 of the Revised Code. Funds deposited in the 5418
trust or special account in connection with a purchase agreement 5419
shall be maintained in accordance with section 4735.24 of the 5420
Revised Code. 5421

(27) Failure to maintain at all times a special or trust 5422
bank account in a depository of a state or federally chartered 5423
institution in this state, to be used exclusively for the 5424
deposit and maintenance of all rents, security deposits, escrow 5425
funds, and other moneys received by the broker in a fiduciary 5426
capacity in the course of managing real property. This account 5427
shall be separate and distinct from any other account maintained 5428
by the broker. The name, account number, and location of the 5429
depository shall be submitted in writing to the superintendent. 5430
This account may earn interest, which shall be paid to the 5431
property owners on a pro rata basis. 5432

Division (A) (27) of this section does not apply to brokers 5433
who are not engaged in the management of real property on behalf 5434
of real property owners. 5435

(28) Having failed to put definite expiration dates in all 5436
written agency agreements to which the broker is a party; 5437

(29) Having an unsatisfied final judgment or lien in any 5438
court of record against the licensee arising out of the 5439
licensee's conduct as a licensed broker or salesperson; 5440

(30) Failing to render promptly upon demand a full and 5441
complete statement of the expenditures by the broker or 5442
salesperson of funds advanced by or on behalf of a party to a 5443
real estate transaction to the broker or salesperson for the 5444

purpose of performing duties as a licensee under this chapter in 5445
conjunction with the real estate transaction; 5446

(31) Failure within a reasonable time, after the receipt 5447
of the commission by the broker, to render an accounting to and 5448
pay a real estate salesperson the salesperson's earned share of 5449
it; 5450

(32) Performing any service for another constituting the 5451
practice of law, as determined by any court of law; 5452

(33) Having been adjudicated incompetent by a court, as 5453
provided in section 5122.301 of the Revised Code. A license 5454
revoked or suspended under this division shall be reactivated 5455
upon proof to the commission of the removal of the disability. 5456

(34) Having authorized or permitted a person to act as an 5457
agent in the capacity of a real estate broker, or a real estate 5458
salesperson, who was not then licensed as a real estate broker 5459
or real estate salesperson under this chapter or who was not 5460
then operating as an out-of-state commercial real estate broker 5461
or salesperson under section 4735.022 of the Revised Code; 5462

(35) Having knowingly inserted or participated in 5463
inserting any materially inaccurate term in a document, 5464
including naming a false consideration; 5465

(36) Having failed to inform the licensee's client of the 5466
existence of an offer or counteroffer or having failed to 5467
present an offer or counteroffer in a timely manner, unless 5468
otherwise instructed by the client, provided the instruction of 5469
the client does not conflict with any state or federal law; 5470

(37) Having failed to comply with section 4735.24 of the 5471
Revised Code; 5472

(38) Having acted as a broker without authority, impeded 5473
the ability of a principal broker to perform any of the duties 5474
described in section 4735.081 of the Revised Code, or impeded 5475
the ability a management level licensee to perform the 5476
licensee's duties; 5477

(39) Entering into a right-to-list home sale agreement. 5478

(B) Whenever the commission, pursuant to section 4735.051 5479
of the Revised Code, imposes disciplinary sanctions for any 5480
violation of this section, the commission also may impose such 5481
sanctions upon the broker with whom the salesperson is 5482
affiliated if the commission finds that the broker had knowledge 5483
of the salesperson's actions that violated this section. 5484

(C) The commission shall, pursuant to section 4735.051 of 5485
the Revised Code, impose disciplinary sanctions upon any foreign 5486
real estate dealer or salesperson who, in that capacity or in 5487
handling the dealer's or salesperson's own property, is found 5488
guilty of any of the acts or omissions specified or comprehended 5489
in division (A) of this section insofar as the acts or omissions 5490
pertain to foreign real estate. If the commission imposes such 5491
sanctions upon a foreign real estate salesperson for a violation 5492
of this section, the commission also may suspend or revoke the 5493
license of the foreign real estate dealer with whom the 5494
salesperson is affiliated if the commission finds that the 5495
dealer had knowledge of the salesperson's actions that violated 5496
this section. 5497

(D) The commission may suspend, in whole or in part, the 5498
imposition of the penalty of suspension of a license under this 5499
section. 5500

(E) A person licensed under this chapter who represents a 5501

party to a transaction or a proposed transaction involving the 5502
sale, purchase, exchange, lease, or management of real property 5503
that is or will be used in the cultivation, processing, 5504
dispensing, or testing of medical marijuana or adult-use 5505
marijuana under Chapter 3796. of the Revised Code, or who 5506
receives, holds, or disburses funds from a real estate brokerage 5507
trust account in connection with such a transaction, shall not 5508
be subject to disciplinary sanctions under this chapter solely 5509
because the licensed person engaged in activities permitted 5510
under this chapter and related to activities under Chapter 3796. 5511
of the Revised Code. 5512

Sec. 4796.25. This chapter does not apply to any of the 5513
following: 5514

(A) Licenses issued under Chapter 3780. or 3796. of the 5515
Revised Code; 5516

(B) Licenses issued pursuant to rules prescribed under 5517
Section 5 of Article IV, Ohio Constitution; 5518

(C) Commercial fishing licenses issued under section 5519
1533.342 of the Revised Code; 5520

(D) Licenses issued under Chapter 4506. of the Revised 5521
Code; 5522

(E) Physician certificates to recommend treatment with 5523
medical marijuana issued under section 4731.30 of the Revised 5524
Code; 5525

(F) Money transmitter licenses issued under section 5526
1315.04 of the Revised Code; 5527

(G) Lottery sales agent licenses issued under section 5528
3770.05 of the Revised Code; 5529

(H) Licenses issued under Chapter 3905. of the Revised 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
substance use disorders; 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

(B) The department shall administer the laws and rules 5565
relative to trauma and emergency medical services specified in 5566
Chapter 4765. of the Revised Code and any laws and rules 5567
relative to medical transportation services specified in Chapter 5568
4766. of the Revised Code. 5569

(C) The department shall administer and enforce the laws 5570
contained in Chapters 4301. and 4303. of the Revised Code and 5571
enforce the rules and orders of the liquor control commission 5572
pertaining to retail liquor permit holders. 5573

(D) The department shall administer the laws governing the 5574
state emergency management agency and shall enforce all 5575
additional duties and responsibilities as prescribed in the 5576
Revised Code related to emergency management services. 5577

(E) The department shall conduct investigations pursuant 5578
to Chapter 5101. of the Revised Code in support of the duty of 5579
the department of job and family services to administer the 5580
supplemental nutrition assistance program throughout this state. 5581
The department of public safety shall conduct investigations 5582
necessary to protect the state's property rights and interests 5583
in the supplemental nutrition assistance program. 5584

(F) The department of public safety shall enforce 5585

compliance with orders and rules of the public utilities 5586
commission and applicable laws in accordance with Chapters 5587
4905., 4921., and 4923. of the Revised Code regarding commercial 5588
motor vehicle transportation safety, economic, and hazardous 5589
materials requirements. 5590

(G) Notwithstanding Chapter 4117. of the Revised Code, the 5591
department of public safety may establish requirements for its 5592
enforcement personnel, including its enforcement agents 5593
described in section 5502.14 of the Revised Code, that include 5594
standards of conduct, work rules and procedures, and criteria 5595
for eligibility as law enforcement personnel. 5596

(H) The department shall administer, maintain, and operate 5597
the Ohio criminal justice network. The Ohio criminal justice 5598
network shall be a computer network that supports state and 5599
local criminal justice activities. The network shall be an 5600
electronic repository for various data, which may include arrest 5601
warrants, notices of persons wanted by law enforcement agencies, 5602
criminal records, prison inmate records, stolen vehicle records, 5603
vehicle operator's licenses, and vehicle registrations and 5604
titles. 5605

(I) The department shall coordinate all homeland security 5606
activities of all state agencies and shall be a liaison between 5607
state agencies and local entities for those activities and 5608
related purposes. 5609

(J) The department shall administer and enforce the laws 5610
relative to private investigators and security service providers 5611
specified in Chapter 4749. of the Revised Code. 5612

(K) The department shall administer criminal justice 5613
services in accordance with sections 5502.61 to 5502.66 of the 5614

Revised Code. 5615

(L) The department shall administer the Ohio school safety 5616
and crisis center and the Ohio mobile training team in 5617
accordance with sections 5502.70 to 5502.703 of the Revised 5618
Code. 5619

(M) The department shall coordinate security measures and 5620
operations, and may direct the department of administrative 5621
services to implement any security measures and operations the 5622
department of public safety requires, at the Vern Riffe Center 5623
and the James A. Rhodes state office tower. 5624

Notwithstanding section 125.28 of the Revised Code, the 5625
director of public safety may recover the costs of directing 5626
security measures and operations under this division by either 5627
issuing intrastate transfer voucher billings to the department 5628
of administrative services, which the department shall process 5629
to pay for the costs, or, upon the request of the director of 5630
administrative services, the director of budget and management 5631
may transfer cash in the requested amount from the building 5632
management fund created under section 125.28 of the Revised 5633
Code. Payments received or cash transfers made under this 5634
division for the costs of directing security measures and 5635
operations shall be deposited into the state treasury to the 5636
credit of the security, investigations, and policing fund 5637
created under section 4501.11 of the Revised Code. 5638

(N) The department shall assist the division of marijuana 5639
control in enforcing Chapter 3796. of the Revised Code, as 5640
provided in that chapter. 5641

(O) The department of public safety shall assist the 5642
department of commerce in enforcing Chapter 3779. of the Revised 5643

Code as provided in that chapter.

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Sec. 5502.13. The department of public safety shall maintain an investigative unit in order to conduct investigations and other enforcement activity authorized by Chapters 3796., 4301., 4303., 5101., 5107., and 5108. and sections 2903.12, 2903.13, 2903.14, 2907.09, 2913.46, 2917.11, 2921.13, 2921.31, 2921.32, 2921.33, 2923.12, 2923.121, 2925.11, 2925.13, 2927.02, 3779.03, and 4507.30 of the Revised Code. The director of public safety shall appoint the employees of the unit who are necessary, designate the activities to be performed by those employees, and prescribe their titles and duties.

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Sec. 5502.14. (A) As used in this section, "felony" has the same meaning as in section 109.511 of the Revised Code.

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(B) (1) Any person who is employed by the department of public safety and designated by the director of public safety to enforce Title XLIII of the Revised Code, and the rules adopted under it, Chapter 3779. of the Revised Code and the rules adopted under that chapter, Chapter 3796. of the Revised Code and the rules adopted under that chapter, and the laws and rules regulating the use of supplemental nutrition assistance program benefits shall be known as an enforcement agent. The employment by the department of public safety and the designation by the director of public safety of a person as an enforcement agent shall be subject to division (D) of this section. An enforcement agent has the authority vested in peace officers pursuant to section 2935.03 of the Revised Code to keep the peace, to enforce all of the following:

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(a) All applicable laws and rules on any retail liquor permit premises, or on any other premises of public or private property, where a violation of Title XLIII of the Revised Code

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or any rule adopted under it is occurring, ~~and to enforce all~~; 5674

(b) All applicable laws and rules on persons and premises 5675
licensed under Chapter 3796. of the Revised Code and on any 5676
other public or private property where a violation of Chapter 5677
3796. or any rule adopted under that chapter is occurring; 5678

(c) All laws and rules governing the use of supplemental 5679
nutrition assistance program benefits, women, infants, and 5680
children's coupons, electronically transferred benefits, or any 5681
other access device that is used alone or in conjunction with 5682
another access device to obtain payments, allotments, benefits, 5683
money, goods, or other things of value, or that can be used to 5684
initiate a transfer of funds, pursuant to the supplemental 5685
nutrition assistance program established under the Food and 5686
Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) or any 5687
supplemental food program administered by any department of this 5688
state pursuant to the "Child Nutrition Act of 1966," 80 Stat. 5689
885, 42 U.S.C.A. 1786. Enforcement agents, in enforcing 5690
compliance with the laws and rules described in this division, 5691
may keep the peace and make arrests for violations of those laws 5692
and rules. 5693

(2) In addition to the authority conferred by division (B) 5694
(1) of this section, an enforcement agent also may execute 5695
search warrants and seize and take into custody any contraband, 5696
as defined in section 2901.01 of the Revised Code, or any 5697
property that is otherwise necessary for evidentiary purposes 5698
related to any violations of the laws or rules described in 5699
division (B) (1) of this section. An enforcement agent may enter 5700
public or private premises where activity alleged to violate the 5701
laws or rules described in division (B) (1) of this section is 5702
occurring. 5703

(3) Enforcement agents who are on, immediately adjacent 5704
to, or across from retail liquor permit premises or premises 5705
licensed under Chapter 3796. of the Revised Code and who are 5706
performing investigative duties relating to ~~that those~~ premises, 5707
enforcement agents who are on premises that are not liquor 5708
permit premises or premises licensed under Chapter 3796. of the 5709
Revised Code but on which a violation of Title XLIII or Chapter 5710
3796. of the Revised Code or any rule adopted under ~~it that~~ 5711
title or chapter allegedly is occurring, and enforcement agents 5712
who view a suspected violation of Title XLIII or Chapter 3796. 5713
of the Revised Code, of a rule adopted under ~~it that~~ that title or 5714
chapter, or of another law or rule described in division (B)(1) 5715
of this section have the authority to enforce the laws and rules 5716
described in division (B)(1) of this section, authority to 5717
enforce any section in Title XXIX of the Revised Code or any 5718
other section of the Revised Code listed in section 5502.13 of 5719
the Revised Code if they witness a violation of the section 5720
under any of the circumstances described in this division, and 5721
authority to make arrests for violations of the laws and rules 5722
described in division (B)(1) of this section and violations of 5723
any of those sections. 5724

(4) The jurisdiction of an enforcement agent under 5725
division (B) of this section shall be concurrent with that of 5726
the peace officers of the county, township, or municipal 5727
corporation in which the violation occurs. 5728

(C) Enforcement agents of the department of public safety 5729
who are engaged in the enforcement of the laws and rules 5730
described in division (B)(1) of this section may carry concealed 5731
weapons when conducting undercover investigations pursuant to 5732
their authority as law enforcement officers and while acting 5733
within the scope of their authority pursuant to this chapter. 5734

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

(2) (a) The department of public safety shall terminate the 5741
employment of a person who is designated as an enforcement agent 5742
and who does either of the following: 5743

(i) Pleads guilty to a felony; 5744

(ii) Pleads guilty to a misdemeanor pursuant to a 5745
negotiated plea agreement as provided in division (D) of section 5746
2929.43 of the Revised Code in which the enforcement agent 5747
agrees to surrender the certificate awarded to that agent under 5748
section 109.77 of the Revised Code. 5749

(b) The department shall suspend the employment of a 5750
person who is designated as an enforcement agent if the person 5751
is convicted, after trial, of a felony. If the enforcement agent 5752
files an appeal from that conviction and the conviction is 5753
upheld by the highest court to which the appeal is taken or if 5754
no timely appeal is filed, the department shall terminate the 5755
employment of that agent. If the enforcement agent files an 5756
appeal that results in that agent's acquittal of the felony or 5757
conviction of a misdemeanor, or in the dismissal of the felony 5758
charge against the agent, the department shall reinstate the 5759
agent. An enforcement agent who is reinstated under division (D) 5760
(2) (b) of this section shall not receive any back pay unless the 5761
conviction of that agent of the felony was reversed on appeal, 5762
or the felony charge was dismissed, because the court found 5763
insufficient evidence to convict the agent of the felony. 5764

(3) Division (D) of this section does not apply regarding 5765
an offense that was committed prior to January 1, 1997. 5766

(4) The suspension or termination of the employment of a 5767
person designated as an enforcement agent under division (D) (2) 5768
of this section shall be in accordance with Chapter 119. of the 5769
Revised Code. 5770

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

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

(B) (1) Upon certification by the tax commissioner to the 5800
treasurer of state of a tax refund, a wireless 9-1-1 charge 5801
refund, a next generation 9-1-1 access fee refund, or another 5802
amount refunded, or by the superintendent of insurance of a 5803
domestic or foreign insurance tax refund, the treasurer of state 5804
shall place the amount certified to the credit of the fund. The 5805
certified amount transferred shall be derived from the receipts 5806
of the same tax, fee, wireless 9-1-1 charge, next generation 9- 5807
1-1 access fee, or other amount from which the refund arose. 5808

(2) When a refund is for a tax, fee, wireless 9-1-1 5809
charge, next generation 9-1-1 access fee, or other amount that 5810
is not levied by the state or that was illegally or erroneously 5811
distributed to a taxing jurisdiction, the tax commissioner shall 5812
recover the amount of that refund from the next distribution of 5813
that tax, fee, wireless 9-1-1 charge, next generation 9-1-1 5814
access fee, or other amount that otherwise would be made to the 5815
taxing jurisdiction. If the amount to be recovered would exceed 5816
twenty-five per cent of the next distribution of that tax, fee, 5817
wireless 9-1-1 charge, next generation 9-1-1 access fee, or 5818
other amount, the commissioner may spread the recovery over more 5819
than one future distribution, taking into account the amount to 5820
be recovered and the amount of the anticipated future 5821
distributions. In no event may the commissioner spread the 5822
recovery over a period to exceed seventy-two months. 5823

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

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

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

(B) The application is delivered by the postal service, 5839
the only postmark on the cover in which the application is 5840
enclosed was affixed by a private postal meter, the date of that 5841
postmark is not later than the last day for filing the 5842
application, and the application is received within seven days 5843
of such last day; or 5844

(C) The application is delivered by the postal service, no 5845
postmark date was affixed to the cover in which the application 5846
is enclosed or the date of the postmark so affixed is not 5847
legible, and the application is received within seven days of 5848
the last day for making the application. 5849

Sec. 5703.19. (A) To carry out the purposes of the laws 5850
that the tax commissioner is required to administer, the 5851
commissioner or any person employed by the commissioner for that 5852
purpose, upon demand, may inspect books, accounts, records, and 5853
memoranda of any person or public utility subject to those laws, 5854
and may examine under oath any officer, agent, or employee of 5855

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

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

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

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

(5) "Attorney" means an individual who has been admitted 5914
to the bar by order of the supreme court in compliance with its 5915
prescribed and published rules, is permitted to practice as an 5916
attorney and counselor at law in this state under Chapter 4705. 5917
of the Revised Code, and is not currently suspended or removed 5918
from such practice under that chapter. 5919

(6) A tax return preparer engages in "prohibited conduct" 5920
if the preparer does any of the following: 5921

(a) Prepares any return or application for refund that 5922
includes an understatement of a taxpayer's tax liability due to 5923
an unreasonable position or due to willful or reckless conduct. 5924
For the purposes of this division, "unreasonable position" and 5925
"willful or reckless conduct" have the meanings as used in 5926
section 6694 of the Internal Revenue Code. 5927

(b) When required under any provision of Title LVII of the 5928
Revised Code, the preparer fails to do any of the following: 5929

(i) Provide copies of a return or application for refund; 5930

(ii) Provide the preparer's signature or federal preparer 5931
tax identification number on a return or application for refund; 5932

(iii) Retain copies of the preparer's records; 5933

(iv) Provide any information or documents requested by the 5934
tax commissioner; 5935

(v) Act diligently in determining a taxpayer's eligibility 5936
for tax credits, deductions, or exemptions. 5937

(c) Negotiates a check or other negotiable instrument 5938
issued to a taxpayer by the department of taxation without the 5939
permission of the taxpayer; 5940

(d) Engages in any conduct subject to criminal penalties 5941
under Title LVII of the Revised Code; 5942

(e) Misrepresents the preparer's eligibility to file 5943
returns or applications for refund on behalf of taxpayers, or 5944
otherwise misrepresents the preparer's experience or education; 5945

(f) Guarantees the payment of any tax refund or the 5946
allowance of any tax credit, deduction, or exemption; 5947

(g) Engages in any other fraudulent or deceptive conduct 5948
that substantially interferes with the proper administration of 5949
any provision of Title LVII of the Revised Code. 5950

(7) "State" means a state of the United States, the 5951
District of Columbia, the commonwealth of Puerto Rico, or any 5952
territory or possession of the United States. 5953

(B) When a tax return preparer engages in prohibited 5954
conduct, the commissioner, may do either or both of the 5955
following: 5956

(1) If the commissioner has previously warned the tax 5957
return preparer in writing of the consequences of continuing to 5958
engage in prohibited conduct, impose a penalty not exceeding one 5959
hundred dollars per instance of prohibited conduct; 5960

(2) Regardless of whether the commissioner has previously 5961
warned the tax return preparer, request that the attorney 5962
general apply to a court of competent jurisdiction for an 5963
injunction to restrain the preparer from further engaging in the 5964
prohibited conduct. The court may take either of the following 5965
actions: 5966

(a) If the court finds that injunctive relief is 5967
appropriate to prevent the recurrence of the prohibited conduct, 5968

the court shall issue an injunction against the preparer 5969
enjoining the preparer from engaging in such conduct. 5970

(b) If the court finds that the preparer has continually 5971
or repeatedly engaged in prohibited conduct, and that enjoining 5972
the preparer solely from engaging in such conduct would not be 5973
sufficient to prevent the preparer's interference with the 5974
proper administration of any provision of Title LVII of the 5975
Revised Code, the court may issue an injunction against the 5976
preparer enjoining the preparer from acting as a tax return 5977
preparer in this state. 5978

If a tax return preparer has been enjoined from preparing 5979
tax returns or applications for refunds by a federal court or by 5980
another state court in the five years preceding the date on 5981
which an injunction is requested under this section, that prior 5982
injunction shall be sufficient to establish a prima facie case 5983
for the issuance of an injunction under division (B) (2) of this 5984
section. 5985

(C) The commissioner may require a tax return preparer to 5986
include the preparer's name and federal preparer tax 5987
identification number when filing any return or application for 5988
refund. If a tax return preparer fails to include this 5989
information when required to do so by the commissioner, or if 5990
the information provided is false, inaccurate, or incomplete, 5991
the commissioner may impose a penalty of fifty dollars for each 5992
such failure, provided that the maximum penalty imposed on a 5993
preparer under this division in a calendar year shall not exceed 5994
twenty-five thousand dollars. 5995

(D) The penalties imposed under divisions (B) (1) and (C) 5996
of this section may be assessed and collected in the same manner 5997
as assessments made under Chapter 3769., 4305., 5727., 5728., 5998

5733., 5735., 5736., 5739., 5743., 5745., 5747., 5749., 5751., 5999
or 5753., section 718.90 or 3779.44, or sections 3734.90 to 6000
3734.9014 of the Revised Code. The commissioner may abate all or 6001
a portion of any penalty imposed under this section upon the 6002
showing of good cause by the tax return preparer. 6003

Sec. 5703.50. As used in sections 5703.50 to 5703.53 of 6004
the Revised Code: 6005

(A) "Tax" includes only those taxes imposed on tangible 6006
personal property listed in accordance with Chapter 5711. of the 6007
Revised Code, taxes imposed under Chapters 3779., 5733., 5736., 6008
5739., 5741., 5747., and 5751. of the Revised Code, and the tax 6009
administered under sections 718.80 to 718.95 of the Revised 6010
Code. 6011

(B) "Taxpayer" means a person subject to or potentially 6012
subject to a tax including an employer required to deduct and 6013
withhold any amount under section 5747.06 of the Revised Code. 6014

(C) "Audit" means the examination of a taxpayer or the 6015
inspection of the books, records, memoranda, or accounts of a 6016
taxpayer for the purpose of determining liability for a tax. 6017

(D) "Assessment" means a notice of underpayment or 6018
nonpayment of a tax issued pursuant to section 718.90, 3779.44, 6019
5711.26, 5711.32, 5733.11, 5736.09, 5739.13, 5741.11, 5741.13, 6020
5747.13, or 5751.09 of the Revised Code. 6021

(E) "County auditor" means the auditor of the county in 6022
which the tangible personal property subject to a tax is 6023
located. 6024

Sec. 5703.70. (A) On the filing of an application for 6025
refund under section 718.91, 3734.905, 3779.43, 4307.05, 6026
4307.07, 5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 6027

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

(B) If the applicant neither requests a hearing nor 6047
provides additional information to the tax commissioner within 6048
the time prescribed by division (A) of this section, the 6049
commissioner shall take no further action, and the refund or 6050
compensation amount denied becomes final. 6051

(C) (1) If the applicant requests a hearing within the time 6052
prescribed by division (A) of this section, the tax commissioner 6053
shall assign a time and place for the hearing and notify the 6054
applicant of such time and place, but the commissioner may 6055
continue the hearing from time to time, as necessary. After the 6056
hearing, the commissioner may make such adjustments to the 6057
refund or compensation as the commissioner finds proper, and 6058

shall issue a final determination thereon. 6059

(2) If the applicant does not request a hearing, but 6060
provides additional information, within the time prescribed by 6061
division (A) of this section, the commissioner shall review the 6062
information, make such adjustments to the refund or compensation 6063
as the commissioner finds proper, and issue a final 6064
determination thereon. The commissioner may review such 6065
information and make such adjustments as many times as the 6066
commissioner finds proper before the issuance of a final 6067
determination. 6068

(3) If the applicant requests a hearing and provides 6069
additional information within the time prescribed by division 6070
(A) of this section, the commissioner may review the information 6071
and make such adjustments to the refund or compensation as the 6072
commissioner finds proper. The commissioner may review such 6073
information and make such adjustments as many times as the 6074
commissioner finds proper before the issuance of a final 6075
determination. 6076

The commissioner shall assign a time and place for the 6077
hearing and notify the applicant of such time and place, but the 6078
commissioner may continue the hearing from time to time, as 6079
necessary. After the hearing, the commissioner may make any 6080
additional adjustments to the refund or compensation as the 6081
commissioner finds proper and shall issue a final determination 6082
thereon. 6083

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

(D) The tax commissioner shall certify to the director of 6089
budget and management and treasurer of state for payment from 6090
the tax refund fund created by section 5703.052 of the Revised 6091
Code, the amount of the refund to be refunded under division (B) 6092
or (C) of this section. The commissioner also shall certify to 6093
the director and treasurer of state for payment from the general 6094
revenue fund the amount of compensation to be paid under 6095
division (B) or (C) of this section. 6096

Sec. 5703.77. (A) As used in this section: 6097

(1) "Taxpayer" means a person subject to or previously 6098
subject to a tax or fee, a person that remits a tax or fee, or a 6099
person required to or previously required to withhold or collect 6100
and remit a tax or fee on behalf of another person. 6101

(2) "Tax or fee" means a tax or fee administered by the 6102
tax commissioner. 6103

(3) "Credit account balance" means the amount that a 6104
taxpayer remits to the state in excess of the amount required to 6105
be remitted, after accounting for factors applicable to the 6106
taxpayer such as accelerated payments, estimated payments, tax 6107
credits, and tax credit balances that may be carried forward. 6108

(4) "Tax debt" means an unpaid tax or fee or any unpaid 6109
penalty, interest, or additional charge on such a tax or fee due 6110
the state. 6111

(B) As soon as practicable, but not later than sixty days 6112
before the expiration of the period of time during which a 6113
taxpayer may file a refund application for a tax or fee, the tax 6114
commissioner shall review the taxpayer's accounts for the tax or 6115
fee and notify the taxpayer of any credit account balance for 6116
which the commissioner is required to issue a refund if the 6117

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

(C) Notwithstanding sections 128.47, 718.91, 3734.905, 6123
3779.43, 4307.05, 5726.30, 5727.28, 5727.42, 5727.91, 5728.061, 6124
5735.122, 5736.08, 5739.07, 5739.104, 5741.10, 5743.05, 5743.53, 6125
5747.11, 5749.08, 5751.08, 5753.06, and any other section of the 6126
Revised Code governing refunds, the commissioner may apply the 6127
amount of any credit account balance for which the commissioner 6128
is required to issue a refund if the taxpayer were to file a 6129
refund application for that balance as a credit against the 6130
taxpayer's liability for the tax or fee in the taxpayer's next 6131
reporting period for that tax or fee or issue a refund of that 6132
credit account balance to the taxpayer, subject to division (D) 6133
of this section. 6134

(D) Before issuing a refund to a taxpayer under division 6135
(C) of this section, the tax commissioner shall withhold from 6136
that refund the amount of any of the taxpayer's tax debt 6137
certified to the attorney general under section 131.02 of the 6138
Revised Code and the amount of the taxpayer's liability, if any, 6139
for a tax debt. The commissioner shall apply any amount withheld 6140
first in satisfaction of the amount of the taxpayer's certified 6141
tax debt and then in satisfaction of the taxpayer's liability. 6142
If the credit account balance originates from the tax 6143
administered under sections 718.80 to 718.95 of the Revised 6144
Code, it may be applied only against the taxpayer's certified 6145
tax debt or tax liability due under those sections. 6146

(E) The tax commissioner may adopt rules to administer 6147

this section. 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

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

(c) The tracts, lots, or parcels of land are eligible 6183
conservation land. 6184

(2) Tracts, lots, or parcels of land totaling less than 6185
ten acres that, during the three calendar years prior to the 6186
year in which application is filed under section 5713.31 of the 6187
Revised Code and through the last day of May of such year, were 6188
devoted exclusively to commercial animal or poultry husbandry, 6189
aquaculture, algaculture meaning the farming of algae, 6190
apiculture, the cultivation of hemp by a person issued a hemp 6191
cultivation license under section 928.02 of the Revised Code, 6192
the production for a commercial purpose of field crops, tobacco, 6193
fruits, vegetables, timber, nursery stock, ornamental trees, 6194
sod, or flowers where such activities produced an average yearly 6195
gross income of at least twenty-five hundred dollars during such 6196
three-year period or where there is evidence of an anticipated 6197
gross income of such amount from such activities during the tax 6198
year in which application is made, or were eligible conservation 6199
land; 6200

(3) Tracts, lots, or parcels of land, or portions thereof 6201
that, during the previous three consecutive calendar years have 6202
been designated as land devoted exclusively to agricultural use, 6203
but such land has been lying idle or fallow for up to one year 6204
and no action has occurred to such land that is either 6205
inconsistent with the return of it to agricultural production or 6206

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

(4) Tracts, lots, or parcels of land, or portions thereof 6212
that, during the previous three consecutive calendar years have 6213
been designated as land devoted exclusively to agricultural use, 6214
but such land has been lying idle or fallow because of dredged 6215
material being stored or deposited on such land pursuant to a 6216
contract between the land's owner and the department of natural 6217
resources or the United States army corps of engineers and no 6218
action has occurred to the land that is either inconsistent with 6219
the return of it to agricultural production or converts the land 6220
devoted exclusively to agricultural use. Such land shall remain 6221
designated as land devoted exclusively to agricultural use until 6222
the last year in which dredged material is stored or deposited 6223
on the land pursuant to such a contract, but not to exceed five 6224
years. 6225

"Land devoted exclusively to agricultural use" includes 6226
tracts, lots, or parcels of land or portions thereof that are 6227
used for conservation practices, provided that the tracts, lots, 6228
or parcels of land or portions thereof comprise twenty-five per 6229
cent or less of the total of the tracts, lots, or parcels of 6230
land that satisfy the criteria established in division (A) (1), 6231
(2), (3), or (4) of this section together with the tracts, lots, 6232
or parcels of land or portions thereof that are used for 6233
conservation practices. 6234

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

parcel of land that otherwise meets the definition of "land 6237
devoted exclusively to agricultural use" as defined in this 6238
division does not disqualify that tract, lot, or parcel from 6239
valuation under sections 5713.30 to 5713.37 and 5715.01 of the 6240
Revised Code. 6241

A tract, lot, or parcel of land taxed under sections 6242
5713.22 to 5713.26 of the Revised Code is not land devoted 6243
exclusively to agricultural use. 6244

A tract, lot, parcel, or portion thereof on which medical 6245
marijuana or adult-use marijuana, as those terms are defined by 6246
section 3796.01 of the Revised Code, is cultivated or processed 6247
is not land devoted exclusively to agricultural use. 6248

(B) "Conversion of land devoted exclusively to 6249
agricultural use" means any of the following: 6250

(1) The failure of the owner of land devoted exclusively 6251
to agricultural use during the next preceding calendar year to 6252
file a renewal application under section 5713.31 of the Revised 6253
Code without good cause as determined by the board of revision; 6254

(2) The failure of the new owner of such land to file an 6255
initial application under that section without good cause as 6256
determined by the board of revision; 6257

(3) The failure of such land or portion thereof to qualify 6258
as land devoted exclusively to agricultural use for the current 6259
calendar year as requested by an application filed under such 6260
section; 6261

(4) The failure of the owner of the land described in 6262
division (A) (3) or (4) of this section to act on such land in a 6263
manner that is consistent with the return of the land to 6264
agricultural production after three years. 6265

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

(C) "Tax savings" means the difference between the dollar 6274
amount of real property taxes levied in any year on land valued 6275
and assessed in accordance with its current agricultural use 6276
value and the dollar amount of real property taxes that would 6277
have been levied upon such land if it had been valued and 6278
assessed for such year in accordance with Section 2 of Article 6279
XII, Ohio Constitution. 6280

(D) "Owner" includes, but is not limited to, any person 6281
owning a fee simple, fee tail, or life estate or a buyer on a 6282
land installment contract. 6283

(E) "Conservation practices" are practices used to abate 6284
soil erosion as required in the management of the farming 6285
operation, and include, but are not limited to, the 6286
installation, construction, development, planting, or use of 6287
grass waterways, terraces, diversions, filter strips, field 6288
borders, windbreaks, riparian buffers, wetlands, ponds, and 6289
cover crops for that purpose. 6290

(F) "Wetlands" has the same meaning as in section 6111.02 6291
of the Revised Code. 6292

(G) "Biodiesel" means a mono-alkyl ester combustible 6293
liquid fuel that is derived from vegetable oils or animal fats 6294

or any combination of those reagents and that meets the American 6295
society for testing and materials specification D6751-03a for 6296
biodiesel fuel (B100) blend stock distillate fuels. 6297

(H) "Biologically derived methane gas" means gas from the 6298
anaerobic digestion of organic materials, including animal waste 6299
and agricultural crops and residues. 6300

(I) "Biomass energy" means energy that is produced from 6301
organic material derived from plants or animals and available on 6302
a renewable basis, including, but not limited to, agricultural 6303
crops, tree crops, crop by-products, and residues. 6304

(J) "Electric or heat energy" means electric or heat 6305
energy generated from manure, cornstalks, soybean waste, or 6306
other agricultural feedstocks. 6307

(K) "Dredged material" means material that is excavated or 6308
dredged from waters of this state. "Dredged material" does not 6309
include material resulting from normal farming, silviculture, 6310
and ranching activities, such as plowing, cultivating, seeding, 6311
and harvesting, for production of food, fiber, and forest 6312
products. 6313

(L) "Agritourism" has the same meaning as in section 6314
901.80 of the Revised Code. 6315

(M) "Eligible conservation land" means either of the 6316
following: 6317

(1) A tract, lot, or parcel devoted to and qualified for 6318
payments or other compensation under a land retirement or 6319
conservation program under an agreement with an agency of the 6320
federal government; 6321

(2) A tract, lot, or parcel that meets at least one of the 6322

conditions described in divisions (M) (2) (a) to (c) of this 6323
section and the condition described in division (M) (2) (d) of 6324
this section. 6325

(a) The land is subject to an agricultural water project 6326
or nature water project that receives funding from the H2Ohio 6327
fund created in section 126.60 of the Revised Code. 6328

(b) The land was subject to such a project during the 6329
immediately preceding calendar year. 6330

(c) The land is or was subject to such a project for the 6331
current or one of the two immediately preceding tax years and, 6332
for the current tax year, is subject to either a conservation 6333
easement held by the state or an agency of the state or a 6334
conservation easement held by any other person if such easement 6335
is a condition of a nature water project that is funded through 6336
the H2Ohio fund. 6337

(d) For the tax year that includes or immediately precedes 6338
the year in which the land became subject to the project 6339
described in division (M) (2) (a), (b), or (c) of this section, as 6340
applicable, the land qualified as land devoted exclusively to 6341
agricultural use pursuant to other criteria in divisions (A) (1) 6342
to (4) of this section. 6343

As used in division (M) (2) of this section, "conservation 6344
easement" has the same meaning as in section 5301.67 of the 6345
Revised Code. 6346

Sec. 5743.45. (A) As used in this section, "felony" has 6347
the same meaning as in section 109.511 of the Revised Code. 6348

(B) For purposes of enforcing this chapter and Chapters 6349
3779., 5728., 5735., 5739., 5741., and 5747. of the Revised Code 6350
and subject to division (C) of this section, the tax 6351

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

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

(2) (a) The tax commissioner shall revoke the delegation of 6380
investigation powers to an employee to whom the delegation was 6381
made pursuant to division (B) of this section if that employee 6382

does either of the following: 6383

(i) Pleads guilty to a felony; 6384

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

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

(3) Division (C) of this section does not apply regarding 6413
an offense that was committed prior to January 1, 1997. 6414

(4) The suspension or revocation of the delegation of 6415
investigation powers to an employee under division (C) (2) of 6416
this section shall be in accordance with Chapter 119. of the 6417
Revised Code. 6418

Section 2. That existing sections 9.79, 109.572, 131.02, 6419
519.21, 715.013, 928.01, 928.03, 3376.07, 3780.37, 3796.01, 6420
3796.02, 3796.03, 3796.05, 3796.06, 3796.07, 3796.09, 3796.10, 6421
3796.12, 3796.13, 3796.14, 3796.15, 3796.17, 3796.18, 3796.19, 6422
3796.20, 3796.21, 3796.22, 3796.23, 3796.24, 3796.27, 3796.28, 6423
3796.29, 3796.30, 3796.31, 4506.01, 4735.18, 4796.25, 5502.01, 6424
5502.13, 5502.14, 5703.052, 5703.053, 5703.19, 5703.263, 6425
5703.50, 5703.70, 5703.77, 5713.30, and 5743.45 of the Revised 6426
Code are hereby repealed. 6427

Section 3. That sections 3780.01, 3780.02, 3780.03, 6428
3780.04, 3780.05, 3780.06, 3780.07, 3780.08, 3780.09, 3780.10, 6429
3780.11, 3780.12, 3780.13, 3780.14, 3780.15, 3780.16, 3780.17, 6430
3780.20, 3780.21, 3780.22, 3780.24, 3780.25, 3780.26, 3780.27, 6431
3780.28, 3780.29, 3780.30, 3780.31, 3780.32, 3780.33, 3780.34, 6432
3780.35, 3780.36, 3780.90, 3780.99, and 3796.021 of the Revised 6433
Code are hereby repealed. 6434

Section 4. The tax levied under division (B) of section 6435
3779.40 of the Revised Code applies to intoxicating hemp 6436
receipts received on and after July 1, 2026. The tax levied 6437
under division (C) of section 3779.40 of the Revised Code 6438
applies to sales of drinkable cannabinoid products occurring on 6439
and after July 1, 2026. 6440

Section 5. (A) All rules adopted by the Division of 6441

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

(B) Any rules that are pending before the Common Sense 6453
Initiative or the Joint Committee on Agency Rule Review on the 6454
effective date of this section that were proposed by the 6455
Division of Cannabis Control under Chapter 3780. of the Revised 6456
Code, as that chapter existed immediately before the effective 6457
date of this section, shall be treated as having been proposed 6458
by the Division of Marijuana Control under Chapter 3796. of the 6459
Revised Code. 6460

(C) Notwithstanding any provision of section 121.95 of the 6461
Revised Code to the contrary, a regulatory restriction contained 6462
in a rule adopted by the Division of Marijuana Control in 6463
accordance with Chapter 3796. of the Revised Code, as amended by 6464
this act, during the period beginning on the effective date of 6465
this section and ending twelve months after that date is not 6466
subject to sections 121.95 to 121.953 of the Revised Code. 6467

Section 6. If any provision of a section of this act or 6468
the application thereof to any person or circumstance is held 6469
invalid, the invalidity does not affect other provisions or 6470
applications of the section or related sections that can be 6471

given effect without the invalid provision or application, and 6472
to this end the provisions are severable. 6473

Section 7. Section 519.21 of the Revised Code is presented 6474
in this act as a composite of the section as amended by both 6475
H.B. 523 and S.B. 75 of the 131st General Assembly. The General 6476
Assembly, applying the principle stated in division (B) of 6477
section 1.52 of the Revised Code that amendments are to be 6478
harmonized if reasonably capable of simultaneous operation, 6479
finds that the composite is the resulting version of the section 6480
in effect prior to the effective date of the section as 6481
presented in this act. 6482

Section 8. All items in this act are hereby appropriated 6483
as designated out of any moneys in the state treasury to the 6484
credit of the designated fund. For all operating appropriations 6485
made in this act, those in the first column are for fiscal year 6486
2026 and those in the second column are for fiscal year 2027. 6487
The operating appropriations made in this act are in addition to 6488
any other operating appropriations made for these fiscal years. 6489

Section 9. 6490
6491

1	2	3	4	5
A	RDF STATE REVENUE DISTRIBUTIONS			
B	Revenue Distribution Fund Group			
C	7106 110659 Host Community Cannabis		\$47,500,000	\$49,000,000
	Payments			
D	Revenue Distribution Fund Group Total		\$47,500,000	\$49,000,000

E TOTAL ALL BUDGET FUND GROUPS \$47,500,000 \$49,000,000

HOST COMMUNITY CANNABIS PAYMENTS 6492

The foregoing appropriation item 110659, Host Community 6493
Cannabis Payments, shall be used by the Director of Budget and 6494
Management for payments to municipal corporations and townships 6495
as required under section 3796.40 of the Revised Code. If it is 6496
determined that additional appropriations are necessary for this 6497
purpose, such amounts are hereby appropriated. 6498

Section 10. Within the limits set forth in this act, the 6499
Director of Budget and Management shall establish accounts 6500
indicating the source and amount of funds for each appropriation 6501
made in this act, and shall determine the manner in which 6502
appropriation accounts shall be maintained. Expenditures from 6503
operating appropriations contained in this act shall be 6504
accounted for as though made in, and are subject to all 6505
applicable provisions of, H.B. 96 of the 136th General Assembly. 6506