

As Reported by the Committee of Conference

136th General Assembly

Regular Session

2025-2026

Am. 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, 121.04, 121.08, 1
131.02, 519.21, 715.013, 928.02, 928.03, 928.04, 2
2925.01, 3376.07, 3719.01, 3719.41, 3796.01, 3
3796.02, 3796.021, 3796.03, 3796.032, 3796.05, 4
3796.06, 3796.061, 3796.07, 3796.08, 3796.09, 5
3796.10, 3796.11, 3796.12, 3796.13, 3796.14, 6
3796.15, 3796.16, 3796.17, 3796.18, 3796.19, 7
3796.20, 3796.21, 3796.22, 3796.23, 3796.24, 8
3796.27, 3796.28, 3796.29, 3796.30, 3796.31, 9
4506.01, 4729.01, 4729.80, 4735.18, 4776.01, 10
4796.25, 5502.01, 5502.13, 5502.14, 5703.052, 11
and 5713.30; to amend, for the purpose of 12
adopting a new section number as indicated in 13
parentheses, section 3780.37 (3796.34); to enact 14
new section 928.01 and sections 928.031, 928.08, 15
2953.321, 3779.21, 3779.211, 3779.22, 3779.23, 16
3779.24, 3779.25, 3779.26, 3779.27, 3779.28, 17
3779.29, 3779.30, 3779.99, 3796.04, 3796.062, 18
3796.221, 3796.32, 3796.33, 3796.40, 3796.99, 19
and 5119.171; and to repeal sections 928.01, 20
3780.01, 3780.02, 3780.03, 3780.04, 3780.05, 21
3780.06, 3780.07, 3780.08, 3780.09, 3780.10, 22

3780.11, 3780.12, 3780.13, 3780.14, 3780.15, 23
3780.16, 3780.17, 3780.20, 3780.21, 3780.22, 24
3780.24, 3780.25, 3780.26, 3780.27, 3780.28, 25
3780.29, 3780.30, 3780.31, 3780.32, 3780.33, 26
3780.34, 3780.35, 3780.36, 3780.90, 3780.99, and 27
3796.021 of the Revised Code; and to repeal the 28
versions of sections 3779.21, 3779.211, 3779.22, 29
3779.23, 3779.24, 3779.25, 3779.26, 3779.27, 30
3779.28, 3779.29, 3779.30, and 3779.99 of the 31
Revised Code enacted by this act effective 32
December 31, 2026, to revise specified 33
provisions of the liquor control, hemp, and 34
adult-use marijuana laws, and to make an 35
appropriation, and to amend section 4506.01 of 36
the Revised Code effective December 31, 2026, to 37
revise the law governing commercial driver's 38
licenses. 39

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

Section 1. That sections 9.79, 109.572, 121.04, 121.08, 40
131.02, 519.21, 715.013, 928.02, 928.03, 928.04, 2925.01, 41
3376.07, 3719.01, 3719.41, 3796.01, 3796.02, 3796.021, 3796.03, 42
3796.032, 3796.05, 3796.06, 3796.061, 3796.07, 3796.08, 3796.09, 43
3796.10, 3796.11, 3796.12, 3796.13, 3796.14, 3796.15, 3796.16, 44
3796.17, 3796.18, 3796.19, 3796.20, 3796.21, 3796.22, 3796.23, 45
3796.24, 3796.27, 3796.28, 3796.29, 3796.30, 3796.31, 4506.01, 46
4729.01, 4729.80, 4735.18, 4776.01, 4796.25, 5502.01, 5502.13, 47
5502.14, 5703.052, and 5713.30 be amended; section 3780.37 48
(3796.34) be amended for the purpose of adopting a new section 49

number as indicated in parentheses; and new section 928.01 and 50
sections 928.031, 928.08, 2953.321, 3779.21, 3779.211, 3779.22, 51
3779.23, 3779.24, 3779.25, 3779.26, 3779.27, 3779.28, 3779.29, 52
3779.30, 3779.99, 3796.04, 3796.062, 3796.221, 3796.32, 3796.33, 53
3796.40, 3796.99, and 5119.171 of the Revised Code be enacted to 54
read as follows: 55

Sec. 9.79. (A) As used in this section: 56

(1) "License" means an authorization evidenced by a 57
license, certificate, registration, permit, card, or other 58
authority that is issued or conferred by a licensing authority 59
to an individual by which the individual has or claims the 60
privilege to engage in a profession, occupation, or occupational 61
activity over which the licensing authority has jurisdiction. 62
"License" does not include a registration under section 101.72, 63
101.92, or 121.62 of the Revised Code. 64

(2) "Licensing authority" means a state agency that issues 65
licenses under Title XLVII or any other provision of the Revised 66
Code to practice an occupation or profession. 67

(3) "Offense of violence" has the same meaning as in 68
section 2901.01 of the Revised Code. 69

(4) "Sexually oriented offense" has the same meaning as in 70
section 2950.01 of the Revised Code. 71

(5) "State agency" has the same meaning as in section 1.60 72
of the Revised Code. 73

(6) "Community control sanction" has the same meaning as 74
in section 2929.01 of the Revised Code. 75

(7) "Post-release control sanction" has the same meaning 76
as in section 2967.01 of the Revised Code. 77

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

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

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

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

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

(C) (1) Except as provided in division (C) (2) or (D) of this section and subject to division (L) of this section, a licensing authority shall not refuse to issue an initial license

to an individual based on any of the following:	107
(a) Solely or in part on a conviction of, judicial finding of guilt of, or plea of guilty to an offense;	108 109
(b) A criminal charge that does not result in a conviction, judicial finding of guilt, or plea of guilty;	110 111
(c) A nonspecific qualification such as "moral turpitude" or lack of "moral character";	112 113
(d) A disqualifying offense included in the list established under division (B) of this section, if consideration of that offense occurs after the time periods permitted in division (D) of this section.	114 115 116 117
(2) If the individual was convicted of, found guilty pursuant to a judicial finding of guilt of, or pleaded guilty to a disqualifying offense included in the list established under division (B) of this section for the license for which the individual applied, the licensing authority may take the conviction, judicial finding of guilt, or plea of guilty into consideration in accordance with division (D) of this section.	118 119 120 121 122 123 124
(D) (1) A licensing authority that may, under division (C) (2) of this section, consider a conviction of, judicial finding of guilt of, or plea of guilty to an offense in determining whether to refuse to issue an initial license to an individual shall consider all of the following factors and shall use a preponderance of the evidence standard in evaluating those factors to determine whether the conviction, judicial finding of guilt, or plea of guilty disqualifies the individual from receiving the license:	125 126 127 128 129 130 131 132 133
(a) The nature and seriousness of the offense for which the individual was convicted, found guilty pursuant to a	134 135

judicial finding of guilt, or pleaded guilty;	136
(b) The passage of time since the individual committed the offense;	137 138
(c) The relationship of the offense to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation;	139 140 141
(d) Any evidence of mitigating rehabilitation or treatment undertaken by the individual, including whether the individual has been issued a certificate of qualification for employment under section 2953.25 of the Revised Code or a certificate of achievement and employability under section 2961.22 of the Revised Code;	142 143 144 145 146 147
(e) Whether the denial of a license is reasonably necessary to ensure public safety.	148 149
(2) A licensing authority may take a disqualifying offense included in the list established under division (B) of this section into account only during the following time periods:	150 151 152
(a) For a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense that does not involve a breach of fiduciary duty and that is not an offense of violence or a sexually oriented offense, whichever of the following is later, provided the individual was not convicted of, found guilty pursuant to a judicial finding of guilt of, and did not enter a plea of guilty to any other offense during the applicable period:	153 154 155 156 157 158 159 160
(i) Five years from the date of conviction, judicial finding of guilt, or plea of guilty;	161 162
(ii) Five years from the date of the release from	163

incarceration;	164
(iii) The time period specified in division (D) (3) of this section.	165 166
(b) For a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense that involves a breach of fiduciary duty and that is not an offense of violence or a sexually oriented offense, whichever of the following is later, provided the individual was not convicted of, found guilty pursuant to a judicial finding of guilt of, and did not enter a plea of guilty to any other offense during the applicable period:	167 168 169 170 171 172 173 174
(i) Ten years from the date of conviction, judicial finding of guilt, or plea of guilty;	175 176
(ii) Ten years from the date of the release from incarceration;	177 178
(iii) The time period specified in division (D) (4) of this section.	179 180
(c) For a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense that is an offense of violence or a sexually oriented offense, any time.	181 182 183
(3) If an individual is subject to a community control sanction, parole, or post-release control sanction based on a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense included in the list established under division (B) of this section that is not an offense of violence or a sexually oriented offense, a licensing authority may take the offense into account during the following time periods:	184 185 186 187 188 189 190 191

(a) If the community control sanction, parole, or post-
release control sanction was for a term of less than five years,
the period of the community control sanction, parole, or post-
release control sanction plus the number of years after the date
of final discharge of the community control sanction, parole, or
post-release control sanction necessary to equal five years;

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

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

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

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

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

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

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

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

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

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

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

(H) Each licensing authority shall adopt any rules that it

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

health-related activities under section 5123.45 of the Revised Code;	277 278
<u>(10) Licenses issued by the division of cannabis control under Chapter 3796. of the Revised Code.</u>	279 280
(J) Nothing in divisions (B) to (K) of this section prohibits a licensing authority from considering either of the following when making a determination whether to issue a license to an individual:	281 282 283 284
(1) Past disciplinary action taken by the licensing authority against the individual;	285 286
(2) Past disciplinary action taken against the individual by an authority in another state that issues a license that is substantially similar to the license for which the individual applies.	287 288 289 290
(K) Notwithstanding any provision of the Revised Code to the contrary, if a licensing authority issues a license to an individual after considering a conviction of, judicial finding of guilt of, or plea of guilty to an offense under division (D) of this section, the licensing authority shall not refuse to renew the individual's license based on that conviction, judicial finding of guilt, or plea of guilty.	291 292 293 294 295 296 297
(L) (1) Notwithstanding any provision of the Revised Code to the contrary, subject to division (G) of this section, during the period commencing on the effective date of this amendment <u>April 4, 2023,</u> and ending on the date that is two years after the effective date of this amendment <u>April 4, 2025,</u> no licensing authority shall refuse to issue a license to a person, limit or otherwise place restrictions on a person's license, or suspend or revoke a person's license under any provision of the Revised	298 299 300 301 302 303 304 305

Code that takes effect on or after the effective date of this 306
amendment and prior to the date that is two years after the 307
effective date of this amendment and that requires or authorizes 308
such a refusal, limitation, restriction, suspension, or 309
revocation as a result of the person's conviction of, judicial 310
finding of guilt of, or plea of guilty to an offense. 311

(2) Divisions (B) to (F), and (H) to (K), of this section 312
do not apply with respect to any provision of the Revised Code 313
that takes effect on or after the effective date of this 314
amendment and prior to the date that is two years after the 315
effective date of this amendment and that requires or authorizes 316
a licensing authority to refuse to issue a license to a person, 317
to limit or otherwise place restrictions on a person's license, 318
or to suspend or revoke a person's license as a result of the 319
person's conviction of, judicial finding of guilt of, or plea of 320
guilty to an offense. 321

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 322
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 323
Code, a completed form prescribed pursuant to division (C) (1) of 324
this section, and a set of fingerprint impressions obtained in 325
the manner described in division (C) (2) of this section, the 326
superintendent of the bureau of criminal identification and 327
investigation shall conduct a criminal records check in the 328
manner described in division (B) of this section to determine 329
whether any information exists that indicates that the person 330
who is the subject of the request previously has been convicted 331
of or pleaded guilty to any of the following: 332

(a) A violation of section 2903.01, 2903.02, 2903.03, 333
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 334
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 335

2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 336
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 337
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 338
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 339
2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 340
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 341
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 342
of the Revised Code, felonious sexual penetration in violation 343
of former section 2907.12 of the Revised Code, a violation of 344
section 2905.04 of the Revised Code as it existed prior to July 345
1, 1996, a violation of section 2919.23 of the Revised Code that 346
would have been a violation of section 2905.04 of the Revised 347
Code as it existed prior to July 1, 1996, had the violation been 348
committed prior to that date, or a violation of section 2925.11 349
of the Revised Code that is not a minor drug possession offense; 350

(b) A violation of an existing or former law of this 351
state, any other state, or the United States that is 352
substantially equivalent to any of the offenses listed in 353
division (A)(1)(a) of this section; 354

(c) If the request is made pursuant to section 3319.39 of 355
the Revised Code for an applicant who is a teacher, any offense 356
specified under section 9.79 of the Revised Code or in section 357
3319.31 of the Revised Code. 358

(2) On receipt of a request pursuant to section 3712.09 or 359
3721.121 of the Revised Code, a completed form prescribed 360
pursuant to division (C)(1) of this section, and a set of 361
fingerprint impressions obtained in the manner described in 362
division (C)(2) of this section, the superintendent of the 363
bureau of criminal identification and investigation shall 364
conduct a criminal records check with respect to any person who 365

has applied for employment in a position for which a criminal 366
records check is required by those sections. The superintendent 367
shall conduct the criminal records check in the manner described 368
in division (B) of this section to determine whether any 369
information exists that indicates that the person who is the 370
subject of the request previously has been convicted of or 371
pleaded guilty to any of the following: 372

(a) A violation of section 2903.01, 2903.02, 2903.03, 373
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 374
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 375
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 376
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 377
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 378
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 379
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 380
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 381

(b) An existing or former law of this state, any other 382
state, or the United States that is substantially equivalent to 383
any of the offenses listed in division (A) (2) (a) of this 384
section. 385

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

section to determine whether any information exists that 396
indicates that the person who is the subject of the request 397
previously has been convicted of, has pleaded guilty to, or 398
(except in the case of a request pursuant to section 5164.34, 399
5164.341, or 5164.342 of the Revised Code) has been found 400
eligible for intervention in lieu of conviction for any of the 401
following, regardless of the date of the conviction, the date of 402
entry of the guilty plea, or (except in the case of a request 403
pursuant to section 5164.34, 5164.341, or 5164.342 of the 404
Revised Code) the date the person was found eligible for 405
intervention in lieu of conviction: 406

(a) A violation of section 959.13, 959.131, 2903.01, 407
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 408
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 409
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 410
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 411
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 412
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 413
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 414
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 415
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 416
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 417
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 418
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 419
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 420
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 421
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 422
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 423
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 424
2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the 425
Revised Code; 426

(b) Felonious sexual penetration in violation of former	427
section 2907.12 of the Revised Code;	428
(c) A violation of section 2905.04 of the Revised Code as	429
it existed prior to July 1, 1996;	430
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	431
the Revised Code when the underlying offense that is the object	432
of the conspiracy, attempt, or complicity is one of the offenses	433
listed in divisions (A) (3) (a) to (c) of this section;	434
(e) A violation of an existing or former municipal	435
ordinance or law of this state, any other state, or the United	436
States that is substantially equivalent to any of the offenses	437
listed in divisions (A) (3) (a) to (d) of this section.	438
(4) On receipt of a request pursuant to section 2151.86,	439
2151.904, or 5103.053 of the Revised Code, a completed form	440
prescribed pursuant to division (C) (1) of this section, and a	441
set of fingerprint impressions obtained in the manner described	442
in division (C) (2) of this section, the superintendent of the	443
bureau of criminal identification and investigation shall	444
conduct a criminal records check in the manner described in	445
division (B) of this section to determine whether any	446
information exists that indicates that the person who is the	447
subject of the request previously has been convicted of or	448
pleaded guilty to any of the following:	449
(a) A violation of section 959.13, 2151.421, 2903.01,	450
2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11,	451
2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22,	452
2903.32, 2903.34, 2905.01, 2905.02, 2905.05, 2905.32, 2907.02,	453
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09,	454
2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32,	455

2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 456
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 457
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 458
2923.13, 2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 459
2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 460
2925.31, 2925.32, 2925.36, 2925.37, 2927.12, or 3716.11 of the 461
Revised Code, a violation of section 2905.04 of the Revised Code 462
as it existed prior to July 1, 1996, a violation of section 463
2919.23 of the Revised Code that would have been a violation of 464
section 2905.04 of the Revised Code as it existed prior to July 465
1, 1996, had the violation been committed prior to that date, a 466
violation of section 2925.11 of the Revised Code that is not a 467
minor drug possession offense, two or more OVI or OVUAC 468
violations committed within the three years immediately 469
preceding the submission of the application or petition that is 470
the basis of the request, or felonious sexual penetration in 471
violation of former section 2907.12 of the Revised Code, or a 472
violation of Chapter 2919. of the Revised Code that is a felony; 473

(b) A violation of an existing or former law of this 474
state, any other state, or the United States that is 475
substantially equivalent to any of the offenses listed in 476
division (A) (4) (a) of this section. 477

(5) Upon receipt of a request pursuant to section 5104.013 478
of the Revised Code, a completed form prescribed pursuant to 479
division (C) (1) of this section, and a set of fingerprint 480
impressions obtained in the manner described in division (C) (2) 481
of this section, the superintendent of the bureau of criminal 482
identification and investigation shall conduct a criminal 483
records check in the manner described in division (B) of this 484
section to determine whether any information exists that 485
indicates that the person who is the subject of the request has 486

been convicted of or pleaded guilty to any of the following: 487

(a) A violation of section 2151.421, 2903.01, 2903.02, 488
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 489
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 490
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 491
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 492
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 493
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 494
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 495
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 496
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 497
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 498
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 499
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 500
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 501
3716.11 of the Revised Code, felonious sexual penetration in 502
violation of former section 2907.12 of the Revised Code, a 503
violation of section 2905.04 of the Revised Code as it existed 504
prior to July 1, 1996, a violation of section 2919.23 of the 505
Revised Code that would have been a violation of section 2905.04 506
of the Revised Code as it existed prior to July 1, 1996, had the 507
violation been committed prior to that date, a violation of 508
section 2925.11 of the Revised Code that is not a minor drug 509
possession offense, a violation of section 2923.02 or 2923.03 of 510
the Revised Code that relates to a crime specified in this 511
division, or a second violation of section 4511.19 of the 512
Revised Code within five years of the date of application for 513
licensure or certification. 514

(b) A violation of an existing or former law of this 515
state, any other state, or the United States that is 516
substantially equivalent to any of the offenses or violations 517

described in division (A) (5) (a) of this section. 518

(6) Upon receipt of a request pursuant to section 5153.111 519
of the Revised Code, a completed form prescribed pursuant to 520
division (C) (1) of this section, and a set of fingerprint 521
impressions obtained in the manner described in division (C) (2) 522
of this section, the superintendent of the bureau of criminal 523
identification and investigation shall conduct a criminal 524
records check in the manner described in division (B) of this 525
section to determine whether any information exists that 526
indicates that the person who is the subject of the request 527
previously has been convicted of or pleaded guilty to any of the 528
following: 529

(a) A violation of section 2903.01, 2903.02, 2903.03, 530
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 531
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 532
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 533
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 534
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 535
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 536
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 537
Code, felonious sexual penetration in violation of former 538
section 2907.12 of the Revised Code, a violation of section 539
2905.04 of the Revised Code as it existed prior to July 1, 1996, 540
a violation of section 2919.23 of the Revised Code that would 541
have been a violation of section 2905.04 of the Revised Code as 542
it existed prior to July 1, 1996, had the violation been 543
committed prior to that date, or a violation of section 2925.11 544
of the Revised Code that is not a minor drug possession offense; 545

(b) A violation of an existing or former law of this 546
state, any other state, or the United States that is 547

substantially equivalent to any of the offenses listed in 548
division (A) (6) (a) of this section. 549

(7) On receipt of a request for a criminal records check 550
from an individual pursuant to section 4749.03 or 4749.06 of the 551
Revised Code, accompanied by a completed copy of the form 552
prescribed in division (C) (1) of this section and a set of 553
fingerprint impressions obtained in a manner described in 554
division (C) (2) of this section, the superintendent of the 555
bureau of criminal identification and investigation shall 556
conduct a criminal records check in the manner described in 557
division (B) of this section to determine whether any 558
information exists indicating that the person who is the subject 559
of the request has been convicted of or pleaded guilty to any 560
criminal offense in this state or in any other state. If the 561
individual indicates that a firearm will be carried in the 562
course of business, the superintendent shall require information 563
from the federal bureau of investigation as described in 564
division (B) (2) of this section. Subject to division (F) of this 565
section, the superintendent shall report the findings of the 566
criminal records check and any information the federal bureau of 567
investigation provides to the director of public safety. 568

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

manner described in division (B) of this section to determine 579
whether any information exists that indicates that the person 580
who is the subject of the request previously has been convicted 581
of or pleaded guilty to any criminal offense in this state, any 582
other state, or the United States. 583

(9) On receipt of a request for a criminal records check 584
from the treasurer of state under section 113.041 of the Revised 585
Code or from an individual under section 928.03, 4701.08, 586
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 587
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 588
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 589
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.21, 590
4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 591
4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 4776.021, 592
4778.04, 4778.07, 4779.091, or 4783.04 of the Revised Code, 593
accompanied by a completed form prescribed under division (C) (1) 594
of this section and a set of fingerprint impressions obtained in 595
the manner described in division (C) (2) of this section, the 596
superintendent of the bureau of criminal identification and 597
investigation shall conduct a criminal records check in the 598
manner described in division (B) of this section to determine 599
whether any information exists that indicates that the person 600
who is the subject of the request has been convicted of or 601
pleaded guilty to any criminal offense in this state or any 602
other state. Subject to division (F) of this section, the 603
superintendent shall send the results of a check requested under 604
section 113.041 of the Revised Code to the treasurer of state 605
and shall send the results of a check requested under any of the 606
other listed sections to the licensing board specified by the 607
individual in the request. 608

(10) On receipt of a request pursuant to section 124.74, 609

718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any criminal offense under any existing or former law of this state, any other state, or the United States.

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

(12) On receipt of a request pursuant to section 2151.33 or 2151.412 of the Revised Code, a completed form prescribed

pursuant to division (C)(1) of this section, and a set of 641
fingerprint impressions obtained in the manner described in 642
division (C)(2) of this section, the superintendent of the 643
bureau of criminal identification and investigation shall 644
conduct a criminal records check with respect to any person for 645
whom a criminal records check is required under that section. 646
The superintendent shall conduct the criminal records check in 647
the manner described in division (B) of this section to 648
determine whether any information exists that indicates that the 649
person who is the subject of the request previously has been 650
convicted of or pleaded guilty to any of the following: 651

(a) A violation of section 2903.01, 2903.02, 2903.03, 652
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 653
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 654
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 655
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 656
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 657
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 658
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 659
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 660

(b) An existing or former law of this state, any other 661
state, or the United States that is substantially equivalent to 662
any of the offenses listed in division (A)(12)(a) of this 663
section. 664

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

records check in the manner described in division (B) of this 671
section to determine whether any information exists that 672
indicates that the person who is the subject of the request 673
previously has been convicted of or pleaded guilty to a 674
disqualifying offense as specified in rules adopted under 675
~~section 9.79 and~~ division (B) (2) (b) of section 3796.03 of the 676
Revised Code if the person who is the subject of the request is 677
an administrator or other person responsible for the daily 678
operation of, or an owner or prospective owner, officer or 679
prospective officer, or board member or prospective board member 680
of, an entity seeking a license from the department of commerce 681
under Chapter 3796. of the Revised Code. 682

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

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

section, the superintendent of the bureau of criminal 702
identification and investigation shall conduct a criminal 703
records check in the manner described in division (B) of this 704
section to determine whether any information exists indicating 705
that the person who is the subject of the request has been 706
convicted of or pleaded guilty to any criminal offense in this 707
state or in any other state. 708

(16) On receipt of a request pursuant to division (B) of 709
section 4764.07 or division (A) of section 4735.143 of the 710
Revised Code, a completed form prescribed under division (C)(1) 711
of this section, and a set of fingerprint impressions obtained 712
in the manner described in division (C)(2) of this section, the 713
superintendent of the bureau of criminal identification and 714
investigation shall conduct a criminal records check in the 715
manner described in division (B) of this section to determine 716
whether any information exists indicating that the person who is 717
the subject of the request has been convicted of or pleaded 718
guilty to any criminal offense in any state or the United 719
States. 720

(17) On receipt of a request for a criminal records check 721
under section 147.022 of the Revised Code, a completed form 722
prescribed under division (C)(1) of this section, and a set of 723
fingerprint impressions obtained in the manner prescribed in 724
division (C)(2) of this section, the superintendent of the 725
bureau of criminal identification and investigation shall 726
conduct a criminal records check in the manner described in 727
division (B) of this section to determine whether any 728
information exists that indicates that the person who is the 729
subject of the request previously has been convicted of or 730
pleaded guilty or no contest to any criminal offense under any 731
existing or former law of this state, any other state, or the 732

United States. 733

(18) Upon receipt of a request pursuant to division (F) of 734
section 2915.081 or division (E) of section 2915.082 of the 735
Revised Code, a completed form prescribed under division (C) (1) 736
of this section, and a set of fingerprint impressions obtained 737
in the manner described in division (C) (2) of this section, the 738
superintendent of the bureau of criminal identification and 739
investigation shall conduct a criminal records check in the 740
manner described in division (B) of this section to determine 741
whether any information exists indicating that the person who is 742
the subject of the request has been convicted of or pleaded 743
guilty or no contest to any offense that is a violation of 744
Chapter 2915. of the Revised Code or to any offense under any 745
existing or former law of this state, any other state, or the 746
United States that is substantially equivalent to such an 747
offense. 748

(19) On receipt of a request pursuant to section 3775.03 749
of the Revised Code, a completed form prescribed under division 750
(C) (1) of this section, and a set of fingerprint impressions 751
obtained in the manner described in division (C) (2) of this 752
section, the superintendent of the bureau of criminal 753
identification and investigation shall conduct a criminal 754
records check in the manner described in division (B) of this 755
section and shall request information from the federal bureau of 756
investigation to determine whether any information exists 757
indicating that the person who is the subject of the request has 758
been convicted of any offense under any existing or former law 759
of this state, any other state, or the United States that is a 760
disqualifying offense as defined in section 3772.07 of the 761
Revised Code. 762

(B) Subject to division (F) of this section, the 763
superintendent shall conduct any criminal records check to be 764
conducted under this section as follows: 765

(1) The superintendent shall review or cause to be 766
reviewed any relevant information gathered and compiled by the 767
bureau under division (A) of section 109.57 of the Revised Code 768
that relates to the person who is the subject of the criminal 769
records check, including, if the criminal records check was 770
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 771
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 772
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 773
3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 774
4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 775
4768.06, 5103.053, 5104.013, 5164.34, 5164.341, 5164.342, 776
5123.081, 5123.169, or 5153.111 of the Revised Code, any 777
relevant information contained in records that have been sealed 778
under section 2953.32 of the Revised Code; 779

(2) If the request received by the superintendent asks for 780
information from the federal bureau of investigation, the 781
superintendent shall request from the federal bureau of 782
investigation any information it has with respect to the person 783
who is the subject of the criminal records check, including 784
fingerprint-based checks of national crime information databases 785
as described in 42 U.S.C. 671 if the request is made pursuant to 786
section 2151.86, 5103.053, or 5104.013 of the Revised Code or if 787
any other Revised Code section requires fingerprint-based checks 788
of that nature, and shall review or cause to be reviewed any 789
information the superintendent receives from that bureau. If a 790
request under section 3319.39 of the Revised Code asks only for 791
information from the federal bureau of investigation, the 792
superintendent shall not conduct the review prescribed by 793

division (B) (1) of this section. 794

(3) The superintendent or the superintendent's designee 795
may request criminal history records from other states or the 796
federal government pursuant to the national crime prevention and 797
privacy compact set forth in section 109.571 of the Revised 798
Code. 799

(4) The superintendent shall include in the results of the 800
criminal records check a list or description of the offenses 801
listed or described in the relevant provision of division (A) of 802
this section. The superintendent shall exclude from the results 803
any information the dissemination of which is prohibited by 804
federal law. 805

(5) The superintendent shall send the results of the 806
criminal records check to the person to whom it is to be sent 807
not later than the following number of days after the date the 808
superintendent receives the request for the criminal records 809
check, the completed form prescribed under division (C) (1) of 810
this section, and the set of fingerprint impressions obtained in 811
the manner described in division (C) (2) of this section: 812

(a) If the superintendent is required by division (A) of 813
this section (other than division (A) (3) of this section) to 814
conduct the criminal records check, thirty; 815

(b) If the superintendent is required by division (A) (3) 816
of this section to conduct the criminal records check, sixty. 817

(C) (1) The superintendent shall prescribe a form to obtain 818
the information necessary to conduct a criminal records check 819
from any person for whom a criminal records check is to be 820
conducted under this section. The form that the superintendent 821
prescribes pursuant to this division may be in a tangible 822

format, in an electronic format, or in both tangible and 823
electronic formats. 824

(2) The superintendent shall prescribe standard impression 825
sheets to obtain the fingerprint impressions of any person for 826
whom a criminal records check is to be conducted under this 827
section. Any person for whom a records check is to be conducted 828
under this section shall obtain the fingerprint impressions at a 829
county sheriff's office, municipal police department, or any 830
other entity with the ability to make fingerprint impressions on 831
the standard impression sheets prescribed by the superintendent. 832
The office, department, or entity may charge the person a 833
reasonable fee for making the impressions. The standard 834
impression sheets the superintendent prescribes pursuant to this 835
division may be in a tangible format, in an electronic format, 836
or in both tangible and electronic formats. 837

(3) Subject to division (D) of this section, the 838
superintendent shall prescribe and charge a reasonable fee for 839
providing a criminal records check under this section. The 840
person requesting the criminal records check shall pay the fee 841
prescribed pursuant to this division. In the case of a request 842
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 843
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 844
fee shall be paid in the manner specified in that section. 845

(4) The superintendent of the bureau of criminal 846
identification and investigation may prescribe methods of 847
forwarding fingerprint impressions and information necessary to 848
conduct a criminal records check, which methods shall include, 849
but not be limited to, an electronic method. 850

(D) The results of a criminal records check conducted 851
under this section, other than a criminal records check 852

specified in division (A) (7) of this section, are valid for the 853
person who is the subject of the criminal records check for a 854
period of one year from the date upon which the superintendent 855
completes the criminal records check. If during that period the 856
superintendent receives another request for a criminal records 857
check to be conducted under this section for that person, the 858
superintendent shall provide the results from the previous 859
criminal records check of the person at a lower fee than the fee 860
prescribed for the initial criminal records check. 861

(E) When the superintendent receives a request for 862
information from a registered private provider, the 863
superintendent shall proceed as if the request was received from 864
a school district board of education under section 3319.39 of 865
the Revised Code. The superintendent shall apply division (A) (1) 866
(c) of this section to any such request for an applicant who is 867
a teacher. 868

(F) (1) Subject to division (F) (2) of this section, all 869
information regarding the results of a criminal records check 870
conducted under this section that the superintendent reports or 871
sends under division (A) (7) or (9) of this section to the 872
director of public safety, the treasurer of state, or the 873
person, board, or entity that made the request for the criminal 874
records check shall relate to the conviction of the subject 875
person, or the subject person's plea of guilty to, a criminal 876
offense. 877

(2) Division (F) (1) of this section does not limit, 878
restrict, or preclude the superintendent's release of 879
information that relates to the arrest of a person who is 880
eighteen years of age or older, to an adjudication of a child as 881
a delinquent child, or to a criminal conviction of a person 882

under eighteen years of age in circumstances in which a release 883
of that nature is authorized under division (E) (2), (3), or (4) 884
of section 109.57 of the Revised Code pursuant to a rule adopted 885
under division (E) (1) of that section. 886

(G) As used in this section: 887

(1) "Criminal records check" means any criminal records 888
check conducted by the superintendent of the bureau of criminal 889
identification and investigation in accordance with division (B) 890
of this section. 891

(2) "Minor drug possession offense" has the same meaning 892
as in section 2925.01 of the Revised Code. 893

(3) "OVI or OVUAC violation" means a violation of section 894
4511.19 of the Revised Code or a violation of an existing or 895
former law of this state, any other state, or the United States 896
that is substantially equivalent to section 4511.19 of the 897
Revised Code. 898

(4) "Registered private provider" means a nonpublic school 899
or entity registered with the department of education and 900
workforce under section 3310.41 of the Revised Code to 901
participate in the autism scholarship program or section 3310.58 902
of the Revised Code to participate in the Jon Peterson special 903
needs scholarship program. 904

Sec. 121.04. Offices are created within the several 905
departments as follows: 906

In the department of commerce: 907

Commissioner of securities; 908

Superintendent of real estate and professional 909
licensing; 910

Superintendent of financial institutions;	911
State fire marshal;	912
Superintendent of industrial compliance;	913
Superintendent of liquor control;	914
Superintendent of unclaimed funds;	915
Superintendent of marijuana - <u>cannabis</u> control.	916
In the department of administrative services:	917
Equal employment opportunity coordinator.	918
In the department of agriculture:	919
Chiefs of divisions as follows:	920
Administration;	921
Animal health;	922
Livestock environmental permitting;	923
Soil and water conservation;	924
Dairy;	925
Food safety;	926
Plant health;	927
Markets;	928
Meat inspection;	929
Consumer protection laboratory;	930
Amusement ride safety;	931
Enforcement;	932

Weights and measures.	933
In the department of natural resources:	934
Chiefs of divisions as follows:	935
Mineral resources management;	936
Oil and gas resources management;	937
Forestry;	938
Natural areas and preserves;	939
Wildlife;	940
Geological survey;	941
Parks and watercraft;	942
Water resources;	943
Engineering.	944
In the department of insurance:	945
Deputy superintendent of insurance;	946
Assistant superintendent of insurance, technical;	947 948
Assistant superintendent of insurance, administrative;	949 950
Assistant superintendent of insurance, research.	951
Sec. 121.08. (A) There is hereby created in the department	952
of commerce the position of deputy director of administration.	953
This officer shall be appointed by the director of commerce,	954
serve under the director's direction, supervision, and control,	955
perform the duties the director prescribes, and hold office	956

during the director's pleasure. The director of commerce may 957
designate an assistant director of commerce to serve as the 958
deputy director of administration. The deputy director of 959
administration shall perform the duties prescribed by the 960
director of commerce in supervising the activities of the 961
division of administration of the department of commerce. 962

(B) Except as provided in section 121.07 of the Revised 963
Code, the department of commerce shall have all powers and 964
perform all duties vested in the deputy director of 965
administration, the state fire marshal, the superintendent of 966
financial institutions, the superintendent of real estate and 967
professional licensing, the superintendent of liquor control, 968
the superintendent of industrial compliance, the superintendent 969
of unclaimed funds, the superintendent of ~~marijuana~~cannabis 970
control, and the commissioner of securities, and shall have all 971
powers and perform all duties vested by law in all officers, 972
deputies, and employees of those offices. Except as provided in 973
section 121.07 of the Revised Code, wherever powers are 974
conferred or duties imposed upon any of those officers, the 975
powers and duties shall be construed as vested in the department 976
of commerce. 977

(C) (1) There is hereby created in the department of 978
commerce a division of financial institutions, which shall have 979
all powers and perform all duties vested by law in the 980
superintendent of financial institutions. Wherever powers are 981
conferred or duties imposed upon the superintendent of financial 982
institutions, those powers and duties shall be construed as 983
vested in the division of financial institutions. The division 984
of financial institutions shall be administered by the 985
superintendent of financial institutions. 986

(2) All provisions of law governing the superintendent of 987
financial institutions shall apply to and govern the 988
superintendent of financial institutions provided for in this 989
section; all authority vested by law in the superintendent of 990
financial institutions with respect to the management of the 991
division of financial institutions shall be construed as vested 992
in the superintendent of financial institutions created by this 993
section with respect to the division of financial institutions 994
provided for in this section; and all rights, privileges, and 995
emoluments conferred by law upon the superintendent of financial 996
institutions shall be construed as conferred upon the 997
superintendent of financial institutions as head of the division 998
of financial institutions. The director of commerce shall not 999
transfer from the division of financial institutions any of the 1000
functions specified in division (C) (2) of this section. 1001

(D) There is hereby created in the department of commerce 1002
a division of liquor control, which shall have all powers and 1003
perform all duties vested by law in the superintendent of liquor 1004
control. Wherever powers are conferred or duties are imposed 1005
upon the superintendent of liquor control, those powers and 1006
duties shall be construed as vested in the division of liquor 1007
control. The division of liquor control shall be administered by 1008
the superintendent of liquor control. 1009

(E) The director of commerce shall not be interested, 1010
directly or indirectly, in any firm or corporation which is a 1011
dealer in securities as defined in sections 1707.01 and 1707.14 1012
of the Revised Code, or in any firm or corporation licensed 1013
under sections 1321.01 to 1321.19 of the Revised Code. 1014

(F) The director of commerce shall not have any official 1015
connection with a savings and loan association, a savings bank, 1016

a bank, a bank holding company, a savings and loan association 1017
holding company, a consumer finance company, or a credit union 1018
that is under the supervision of the division of financial 1019
institutions, or a subsidiary of any of the preceding entities, 1020
or be interested in the business thereof. 1021

(G) There is hereby created in the state treasury the 1022
division of administration fund. The fund shall receive 1023
assessments on the operating funds of the department of commerce 1024
in accordance with procedures prescribed by the director of 1025
commerce. All operating expenses of the division of 1026
administration shall be paid from the division of administration 1027
fund. 1028

(H) There is hereby created in the department of commerce 1029
a division of real estate and professional licensing, which 1030
shall be under the control and supervision of the director of 1031
commerce. The division of real estate and professional licensing 1032
shall be administered by the superintendent of real estate and 1033
professional licensing. The superintendent of real estate and 1034
professional licensing shall exercise the powers and perform the 1035
functions and duties delegated to the superintendent under 1036
Chapters 4735., 4763., 4764., 4767., and 4768. of the Revised 1037
Code. 1038

(I) There is hereby created in the department of commerce 1039
a division of industrial compliance, which shall have all powers 1040
and perform all duties vested by law in the superintendent of 1041
industrial compliance. Wherever powers are conferred or duties 1042
imposed upon the superintendent of industrial compliance, those 1043
powers and duties shall be construed as vested in the division 1044
of industrial compliance. The division of industrial compliance 1045
shall be under the control and supervision of the director of 1046

commerce and be administered by the superintendent of industrial 1047
compliance. 1048

(J) There is hereby created in the department of commerce 1049
a division of unclaimed funds, which shall have all powers and 1050
perform all duties delegated to or vested by law in the 1051
superintendent of unclaimed funds. Wherever powers are conferred 1052
or duties imposed upon the superintendent of unclaimed funds, 1053
those powers and duties shall be construed as vested in the 1054
division of unclaimed funds. The division of unclaimed funds 1055
shall be under the control and supervision of the director of 1056
commerce and shall be administered by the superintendent of 1057
unclaimed funds. The superintendent of unclaimed funds shall 1058
exercise the powers and perform the functions and duties 1059
delegated to the superintendent by the director of commerce 1060
under section 121.07 and Chapter 169. of the Revised Code, and 1061
as may otherwise be provided by law. 1062

(K) There is hereby created in the department of commerce 1063
a division of ~~marijuana~~ cannabis control, which shall have all 1064
powers and perform all duties vested by law in the 1065
superintendent of ~~marijuana~~ cannabis control. Wherever powers 1066
are conferred or duties are imposed upon the superintendent of 1067
~~marijuana~~ cannabis control, those powers and duties shall be 1068
construed as vested in the division of ~~marijuana~~ cannabis 1069
control. The division of ~~marijuana~~ cannabis control shall be 1070
under the control and supervision of the director of commerce 1071
and be administered by the superintendent of ~~marijuana~~ cannabis 1072
control. 1073

(L) The department of commerce or a division of the 1074
department created by the Revised Code that is acting with 1075
authorization on the department's behalf may request from the 1076

bureau of criminal identification and investigation pursuant to 1077
section 109.572 of the Revised Code, or coordinate with 1078
appropriate federal, state, and local government agencies to 1079
accomplish, criminal records checks for the persons whose 1080
identities are required to be disclosed by an applicant for the 1081
issuance or transfer of a permit, license, certificate of 1082
registration, or certification issued or transferred by the 1083
department or division. At or before the time of making a 1084
request for a criminal records check, the department or division 1085
may require any person whose identity is required to be 1086
disclosed by an applicant for the issuance or transfer of such a 1087
license, permit, certificate of registration, or certification 1088
to submit to the department or division valid fingerprint 1089
impressions in a format and by any media or means acceptable to 1090
the bureau of criminal identification and investigation and, 1091
when applicable, the federal bureau of investigation. The 1092
department or division may cause the bureau of criminal 1093
identification and investigation to conduct a criminal records 1094
check through the federal bureau of investigation only if the 1095
person for whom the criminal records check would be conducted 1096
resides or works outside of this state or has resided or worked 1097
outside of this state during the preceding five years, or if a 1098
criminal records check conducted by the bureau of criminal 1099
identification and investigation within this state indicates 1100
that the person may have a criminal record outside of this 1101
state. 1102

In the case of a criminal records check under section 1103
109.572 of the Revised Code, the department or division shall 1104
forward to the bureau of criminal identification and 1105
investigation the requisite form, fingerprint impressions, and 1106
fee described in division (C) of that section. When requested by 1107

the department or division in accordance with this section, the 1108
bureau of criminal identification and investigation shall 1109
request from the federal bureau of investigation any information 1110
it has with respect to the person who is the subject of the 1111
requested criminal records check and shall forward the requisite 1112
fingerprint impressions and information to the federal bureau of 1113
investigation for that criminal records check. After conducting 1114
a criminal records check or receiving the results of a criminal 1115
records check from the federal bureau of investigation, the 1116
bureau of criminal identification and investigation shall 1117
provide the results to the department or division. 1118

The department or division may require any person about 1119
whom a criminal records check is requested to pay to the 1120
department or division the amount necessary to cover the fee 1121
charged to the department or division by the bureau of criminal 1122
identification and investigation under division (C) (3) of 1123
section 109.572 of the Revised Code, including, when applicable, 1124
any fee for a criminal records check conducted by the federal 1125
bureau of investigation. 1126

(M) The director of commerce, or the director's designee, 1127
may adopt rules to enhance compliance with statutes pertaining 1128
to, and rules adopted by, divisions under the direction, 1129
supervision, and control of the department or director by 1130
offering incentive-based programs that ensure safety and 1131
soundness while promoting growth and prosperity in the state. 1132

Sec. 131.02. (A) Except as otherwise provided in section 1133
4123.37, section 5703.061, and division (K) of section 4123.511 1134
of the Revised Code, whenever any amount is payable to the 1135
state, the officer, employee, or agent responsible for 1136
administering the law under which the amount is payable shall 1137

immediately proceed to collect the amount or cause the amount to 1138
be collected and shall pay the amount into the state treasury or 1139
into the appropriate custodial fund in the manner set forth 1140
pursuant to section 113.08 of the Revised Code. Except as 1141
otherwise provided in this division, if the amount is not paid 1142
within forty-five days after payment is due, the officer, 1143
employee, or agent shall certify the amount due to the attorney 1144
general, in the form and manner prescribed by the attorney 1145
general. In the case of an amount payable by a student enrolled 1146
in a state institution of higher education, the amount shall be 1147
certified within the later of forty-five days after the amount 1148
is due or the tenth day after the beginning of the next academic 1149
semester, quarter, or other session following the session for 1150
which the payment is payable. The attorney general may assess 1151
the collection cost to the amount certified in such manner and 1152
amount as prescribed by the attorney general. If an amount 1153
payable to a political subdivision is past due, the political 1154
subdivision may, with the approval of the attorney general, 1155
certify the amount to the attorney general pursuant to this 1156
section. 1157

For the purposes of this section, the attorney general and 1158
the officer, employee, or agent responsible for administering 1159
the law under which the amount is payable shall agree on the 1160
time a payment is due, and that agreed upon time shall be one of 1161
the following times: 1162

(1) If a law, including an administrative rule, of this 1163
state prescribes the time a payment is required to be made or 1164
reported, when the payment is required by that law to be paid or 1165
reported. 1166

(2) If the payment is for services rendered, when the 1167

rendering of the services is completed.	1168
(3) If the payment is reimbursement for a loss, when the loss is incurred.	1169 1170
(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.	1171 1172 1173
(5) If the payment arises from a legal finding, judgment, or adjudication order, when the finding, judgment, or order is rendered or issued.	1174 1175 1176
(6) If the payment arises from an overpayment of money by the state to another person, when the overpayment is discovered.	1177 1178
(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.	1179 1180 1181 1182
(8) Upon proof of claim being filed in a bankruptcy case.	1183
(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.	1184 1185 1186 1187 1188 1189
(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.	1190 1191 1192
(2) If the amount payable to this state arises from a tax levied under Chapter <u>3796.</u> , 5733., 5739., 5741., 5747., or 5751. of the Revised Code, the notice also shall specify all of the	1193 1194 1195

following:	1196
(a) The assessment or case number;	1197
(b) The tax pursuant to which the assessment is made;	1198
(c) The reason for the liability, including, if applicable, that a penalty or interest is due;	1199 1200
(d) An explanation of how and when interest will be added to the amount assessed;	1201 1202
(e) That the attorney general and tax commissioner, acting together, have the authority, but are not required, to compromise the claim and accept payment over a reasonable time, if such actions are in the best interest of the state.	1203 1204 1205 1206
(C) The attorney general shall collect the claim or secure a judgment and issue an execution for its collection.	1207 1208
(D) Each claim shall bear interest, from the day on which the claim became due, at the rate per annum required by section 5703.47 of the Revised Code.	1209 1210 1211
(E) The attorney general and the chief officer of the agency reporting a claim, acting together, may do any of the following if such action is in the best interests of the state:	1212 1213 1214
(1) Compromise the claim;	1215
(2) Extend for a reasonable period the time for payment of the claim by agreeing to accept monthly or other periodic payments. The agreement may require security for payment of the claim.	1216 1217 1218 1219
(3) Add fees to recover the cost of processing checks or other draft instruments returned for insufficient funds and the cost of providing electronic payment options.	1220 1221 1222

(F) (1) Except as provided in division (F) (2) of this 1223
section, if the attorney general finds, after investigation, 1224
that any claim due and owing to the state is uncollectible, the 1225
attorney general, with the consent of the chief officer of the 1226
agency reporting the claim, may do the following: 1227

(a) Sell, convey, or otherwise transfer the claim to one 1228
or more private entities for collection; 1229

(b) Cancel the claim or cause it to be canceled. 1230

(2) The attorney general shall cancel or cause to be 1231
canceled an unsatisfied claim on the date that is forty years 1232
after the date the claim is certified, unless the attorney 1233
general has adopted a rule under division (F) (5) of this section 1234
shortening this time frame with respect to a subset of claims. 1235

(3) No initial action shall be commenced to collect any 1236
tax payable to the state that is administered by the tax 1237
commissioner, whether or not such tax is subject to division (B) 1238
of this section, or any penalty, interest, or additional charge 1239
on such tax, after the expiration of the period ending on the 1240
later of the dates specified in divisions (F) (3) (a) and (b) of 1241
this section, provided that such period shall be extended by the 1242
period of any stay to such collection or by any other period to 1243
which the parties mutually agree. If the initial action in aid 1244
of execution is commenced before the later of the dates 1245
specified in divisions (F) (3) (a) and (b) of this section, any 1246
and all subsequent actions may be pursued in aid of execution of 1247
judgment for as long as the debt exists. 1248

(a) Seven years after the assessment of the tax, penalty, 1249
interest, or additional charge is issued. 1250

(b) Four years after the assessment of the tax, penalty, 1251

interest, or additional charge becomes final. For the purposes 1252
of division (F) (3) (b) of this section, the assessment becomes 1253
final at the latest of the following: upon expiration of the 1254
period to petition for reassessment, or if applicable, to appeal 1255
a final determination of the commissioner or decision of the 1256
board of tax appeals or a court, or, if applicable, upon 1257
decision of the United States supreme court. 1258

For the purposes of division (F) (3) of this section, an 1259
initial action to collect a tax debt is commenced at the time 1260
when a certified copy of the tax commissioner's entry making an 1261
assessment final has been filed in the office of the clerk of 1262
court of common pleas in the county in which the taxpayer 1263
resides or has its principal place of business in this state, or 1264
in the office of the clerk of court of common pleas of Franklin 1265
county, as provided in section 5739.13, 5741.14, 5747.13, or 1266
5751.09 of the Revised Code or in any other applicable law 1267
requiring such a filing. If an assessment has not been issued 1268
and there is no time limitation on the issuance of an assessment 1269
under applicable law, an action to collect a tax debt commences 1270
when the action is filed in the courts of this state to collect 1271
the liability. 1272

(4) If information contained in a claim that is sold, 1273
conveyed, or transferred to a private entity pursuant to this 1274
section is confidential pursuant to federal law or a section of 1275
the Revised Code that implements a federal law governing 1276
confidentiality, such information remains subject to that law 1277
during and following the sale, conveyance, or transfer. 1278

(5) The attorney general may adopt rules to aid in the 1279
implementation of this section. 1280

Sec. 519.21. (A) Except as otherwise provided in divisions 1281

(B) and (D) of this section, sections 519.02 to 519.25 of the Revised Code confer no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture, and no zoning certificate shall be required for any such building or structure.

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

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

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

(3) Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least thirty-five per cent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to

the tax on manufactured and mobile homes under section 4503.06 1312
of the Revised Code. After thirty-five per cent of the lots are 1313
so developed, dairying and animal and poultry husbandry shall be 1314
considered nonconforming use of land and buildings or structures 1315
pursuant to section 519.19 of the Revised Code. 1316

Division (B) of this section confers no power on any 1317
township zoning commission, board of township trustees, or board 1318
of zoning appeals to regulate agriculture, buildings or 1319
structures, and dairying and animal and poultry husbandry on 1320
lots greater than five acres. 1321

(C) Such sections confer no power on any township zoning 1322
commission, board of township trustees, or board of zoning 1323
appeals to prohibit in a district zoned for agricultural, 1324
industrial, residential, or commercial uses, the use of any land 1325
for: 1326

(1) A farm market where fifty per cent or more of the 1327
gross income received from the market is derived from produce 1328
raised on farms owned or operated by the market operator in a 1329
normal crop year. However, a board of township trustees, as 1330
provided in section 519.02 of the Revised Code, may regulate 1331
such factors pertaining to farm markets as size of the 1332
structure, size of parking areas that may be required, set back 1333
building lines, and egress or ingress, where such regulation is 1334
necessary to protect the public health and safety. 1335

(2) Biodiesel production, biomass energy production, or 1336
electric or heat energy production if the land on which the 1337
production facility is located qualifies as land devoted 1338
exclusively to agricultural use under sections 5713.30 to 1339
5713.37 of the Revised Code for real property tax purposes. As 1340
used in division (C) (2) of this section, "biodiesel," "biomass 1341

energy," and "electric or heat energy" have the same meanings as 1342
in section 5713.30 of the Revised Code. 1343

(3) Biologically derived methane gas production if the 1344
land on which the production facility is located qualifies as 1345
land devoted exclusively to agricultural use under sections 1346
5713.30 to 5713.37 of the Revised Code for real property tax 1347
purposes and if the facility that produces the biologically 1348
derived methane gas does not produce more than seventeen million 1349
sixty thousand seven hundred ten British thermal units, five 1350
megawatts, or both. 1351

(4) Agritourism. However, a board of township trustees, as 1352
provided in section 519.02 of the Revised Code, may regulate 1353
such factors pertaining to agritourism, except farm markets as 1354
described in division (C)(1) of this section, as size of a 1355
structure used primarily for agritourism, size of parking areas 1356
that may be required, setback building lines for structures used 1357
primarily for agritourism, and egress or ingress where such 1358
regulation is necessary to protect public health and safety. 1359

Nothing in division (C)(4) of this section confers power 1360
on a township zoning commission, board of township trustees, or 1361
board of zoning appeals to require any parking area to be 1362
improved in any manner, including requirements governing 1363
drainage, parking area base, parking area paving, or any other 1364
improvement. 1365

Nothing in division (C)(4) of this section confers power 1366
on a township zoning commission, board of township trustees, or 1367
board of zoning appeals to prohibit the use of any land or the 1368
construction or use of buildings or structures that are used 1369
primarily for vinting and selling wine that are located on land 1370
any part of which is used for viticulture as provided in 1371

division (A) of this section. 1372

(D) Nothing in this section prohibits a township zoning 1373
commission, board of township trustees, or board of zoning 1374
appeals from regulating the location of ~~medical~~-marijuana 1375
cultivators, processors, or retail dispensaries or from 1376
prohibiting such cultivators, processors, or dispensaries from 1377
being located in the unincorporated territory of the township. 1378

~~(D)(1)~~(E) (1) As used in division (C) (3) of this section, 1379
"biologically derived methane gas" has the same meaning as in 1380
section 5713.30 of the Revised Code. 1381

(2) As used in division (C) (4) of this section, 1382
"agritourism" has the same meaning as in section 901.80 of the 1383
Revised Code. 1384

Sec. 715.013. (A) Except as otherwise expressly authorized 1385
by the Revised Code, no municipal corporation shall levy a tax 1386
that is the same as or similar to a tax levied under Chapter 1387
322., 3734., 3769., 3796., 4123., 4141., 4301., 4303., 4305., 1388
4307., 4309., 5707., 5725., 5726., 5727., 5728., 5729., 5731., 1389
5735., 5736., 5737., 5739., 5741., 5743., 5747., 5749., or 5751. 1390
of the Revised Code. 1391

(B) No municipal corporation may impose any tax, fee, 1392
assessment, or other charge on auxiliary containers, on the 1393
sale, use, or consumption of such containers, or on the basis of 1394
receipts received from the sale of such containers. As used in 1395
this division, "auxiliary container" has the same meaning as in 1396
section 3767.32 of the Revised Code. 1397

(C) This section does not prohibit a municipal corporation 1398
from levying an income tax or withholding tax in accordance with 1399
Chapter 718. of the Revised Code, or a tax on any of the 1400

following: 1401

(1) Amounts received for admission to any place; 1402

(2) The income of an electric company or combined company,
as defined in section 5727.01 of the Revised Code; 1403
1404

(3) On and after January 1, 2004, the income of a
telephone company, as defined in section 5727.01 of the Revised
Code. 1405
1406
1407

Sec. 928.01. As used in this chapter: 1408

(A) "Container" means the innermost wrapping, packaging, 1409
or vessel in direct contact with a final hemp-derived 1410
cannabinoid product in which the final hemp-derived cannabinoid 1411
product is enclosed for retail sale to consumers, such as a jar, 1412
bottle, bag, box, packet, can, carton, or cartridge. "Container" 1413
does not include bulk shipping containers or outer wrappings 1414
that are not essential for the final retail delivery or sale to 1415
an end consumer for personal or household use. 1416

(B) "Cultivate" or "cultivating" means to plant, water, 1417
grow, fertilize, till, or harvest a plant or crop. "Cultivating" 1418
includes possessing or storing a plant or crop on a premises 1419
where the plant or crop was cultivated until transported to the 1420
first point of sale. 1421

(C) "Hemp" means the plant Cannabis sativa L. and any part 1422
of that plant, including the seeds thereof and all derivatives, 1423
extracts, cannabinoids, isomers, acids, salts, and salts of 1424
isomers, whether growing or not, with a total 1425
tetrahydrocannabinols concentration, including 1426
tetrahydrocannabinolic acid, of not more than three-tenths per 1427
cent on a dry weight basis. "Hemp" includes industrial hemp. 1428
"Hemp" does not include any of the following: 1429

(1) Any viable seeds from a Cannabis sativa L. plant that 1430
exceeds a total tetrahydrocannabinols concentration, including 1431
tetrahydrocannabinolic acid, of three-tenths per cent in the 1432
plant on a dry weight basis; 1433

(2) Any intermediate hemp-derived cannabinoid product 1434
containing any of the following: 1435

(a) Cannabinoids that are not capable of being naturally 1436
produced by a Cannabis sativa L. plant; 1437

(b) Cannabinoids that are capable of being naturally 1438
produced by a Cannabis sativa L. plant and were synthesized or 1439
manufactured outside the plant; 1440

(c) More than three-tenths per cent combined total of 1441
total tetrahydrocannabinols, including tetrahydrocannabinolic 1442
acid, and any other cannabinoids that have similar effects or 1443
are marketed to have similar effects on humans or animals as a 1444
tetrahydrocannabinol as established by the superintendent of 1445
cannabis control in lists adopted under section 928.031 of the 1446
Revised Code. 1447

(3) Any intermediate hemp-derived cannabinoid product that 1448
is marketed or sold as a final product or directly to an end 1449
consumer for personal or household use; 1450

(4) Any final hemp-derived cannabinoid product containing 1451
any of the following: 1452

(a) Cannabinoids that are not capable of being naturally 1453
produced by a Cannabis sativa L. plant; 1454

(b) Cannabinoids that are capable of being naturally 1455
produced by a Cannabis sativa L. plant and were synthesized or 1456
manufactured outside the plant; 1457

(c) Greater than four-tenths of a milligram combined total 1458
per container of total tetrahydrocannabinols, including 1459
tetrahydrocannabinolic acid, and any other cannabinoids that 1460
have similar effects, or are marketed to have similar effects, 1461
on humans or animals as a tetrahydrocannabinol as established by 1462
the superintendent of cannabis control in lists adopted under 1463
section 928.031 of the Revised Code. 1464

(D) "Hemp cultivation license" means a license to 1465
cultivate hemp issued under section 928.02 of the Revised Code. 1466

(E) "Hemp-derived cannabinoid product" means any 1467
intermediate or final product derived from hemp, other than 1468
industrial hemp, that contains cannabinoids in any form and is 1469
intended for human or animal use through any means of 1470
application or administration, such as inhalation, ingestion, or 1471
topical application. "Hemp-derived cannabinoid product" does not 1472
include a drug that is the subject of an application approved 1473
under subsection (c) or (j) of 21 U.S.C. 355. 1474

(F) "Hemp processing license" means a license to process 1475
hemp issued under section 928.02 of the Revised Code. 1476

(G) "Industrial hemp" means hemp to which any of the 1477
following apply: 1478

(1) It is grown for the use of the stalk of the plant, 1479
fiber produced from such a stalk, or any other non-cannabinoid 1480
derivative, mixture, preparation, or manufacture of such a 1481
stalk; 1482

(2) It is grown for the use of the whole grain, oil, cake, 1483
nut, hull, or any other non-cannabinoid compound, derivative, 1484
mixture, preparation, or manufacture of the seeds of such plant; 1485

(3) It is grown for purposes of producing microgreens or 1486

other edible hemp leaf products intended for human consumption 1487
that are derived from an immature hemp plant that is grown from 1488
seeds that do not exceed the threshold for total 1489
tetrahydrocannabinols concentration specified in division (C) (1) 1490
of this section; 1491

(4) It is a plant that does not enter the stream of 1492
commerce and is intended to support hemp research at a 1493
university or an independent research institute as the term 1494
"independent research institute" is defined by the director 1495
under section 928.031 of the Revised Code; 1496

(5) It is grown for the use of a viable seed of the plant 1497
produced solely for the production or manufacture of any 1498
material described in division (H) (1) to (4) of this section. 1499

(H) "Intermediate hemp-derived cannabinoid product" means 1500
a hemp-derived cannabinoid product that is either of the 1501
following: 1502

(1) Not yet in the final form or preparation marketed or 1503
intended to be used or consumed by a human or animal; 1504

(2) A powder, liquid, tablet, oil, or other product form 1505
that is intended or marketed to be mixed, dissolved, formulated, 1506
or otherwise added to or prepared with or into any other 1507
substance prior to administration or consumption. 1508

(J) "Marihuana" has the same meaning as in section 3719.01 1509
of the Revised Code. 1510

(I) "Medical marijuana" has the same meaning as in section 1511
3796.01 of the Revised Code. 1512

(J) "Process" or "processing" means converting hemp into a 1513
hemp product. 1514

(K) "University" means an institution of higher education 1515
as defined in section 3345.12 of the Revised Code and a private 1516
nonprofit institution with a certificate of authorization issued 1517
pursuant to Chapter 1713. of the Revised Code. 1518

(L) "USDA" means the United States department of 1519
agriculture. 1520

Sec. 928.02. (A) (1) The director of agriculture may 1521
establish a program to monitor and regulate hemp cultivation and 1522
shall establish a program to monitor and regulate hemp 1523
processing in this state. 1524

(2) If the director establishes a program to monitor and 1525
regulate hemp cultivation in this state and subsequently intends 1526
to transfer authority to the United States department of 1527
agriculture to monitor and regulate hemp cultivation in this 1528
state, the director shall take whatever actions necessary to 1529
effectuate such transfer. 1530

(3) If the director implements a program to monitor and 1531
regulate hemp cultivation under division (A) (1) of this section, 1532
the director shall issue hemp cultivation licenses in accordance 1533
with rules adopted under section 928.03 of the Revised Code. 1534

(4) If the director implements a program to monitor and 1535
regulate hemp cultivation under division (A) (1) of this section 1536
and as authorized by the director, the department of agriculture 1537
or a university may cultivate hemp without a hemp cultivation 1538
license for research purposes. 1539

(5) As authorized by the director, the department of 1540
agriculture or a university may process hemp without a hemp 1541
processing license for research purposes. 1542

(B) If the director implements a program to monitor and 1543

regulate hemp cultivation under division (A) (1) of this section 1544
and except as authorized under division (A) (4) or (E) of this 1545
section, any person that wishes to cultivate hemp shall apply 1546
for and obtain a hemp cultivation license from the director in 1547
accordance with rules adopted under section 928.03 of the 1548
Revised Code. Except as authorized under division (A) (5) or (E) 1549
of this section, any person that wishes to process hemp shall 1550
apply for and obtain a hemp processing license from the director 1551
in accordance with those rules. Such licenses are valid for 1552
three years unless earlier suspended or revoked by the director. 1553

(C) The department, a university, or any person may, 1554
without a hemp cultivation license or hemp processing license, 1555
possess, buy, or sell hemp or a product made with hemp~~product~~. 1556

(D) Notwithstanding any other provision of the Revised 1557
Code to the contrary, the addition of hemp or a product made 1558
with hemp ~~product~~ to any other product does not adulterate that 1559
other product. 1560

(E) If the director implements a program to monitor and 1561
regulate hemp cultivation under division (A) (1) of this section, 1562
the director shall issue a hemp cultivation license in 1563
accordance with Chapter 4796. of the Revised Code to an 1564
individual if either of the following applies: 1565

(1) The individual holds the applicable license in another 1566
state. 1567

(2) The individual has satisfactory work experience, a 1568
government certification, or a private certification as 1569
described in that chapter as a hemp cultivator in a state that 1570
does not issue the applicable license. 1571

(F) The director shall issue a hemp processing license in 1572

accordance with Chapter 4796. of the Revised Code to an 1573
individual if either of the following applies: 1574

(1) The individual holds the applicable license in another 1575
state. 1576

(2) The individual has satisfactory work experience, a 1577
government certification, or a private certification as 1578
described in that chapter as a hemp processor in a state that 1579
does not issue the applicable license. 1580

Sec. 928.03. The director of agriculture, in consultation 1581
with the governor and attorney general, shall adopt rules in 1582
accordance with Chapter 119. of the Revised Code establishing 1583
standards and procedures for the regulation of hemp processing. 1584
The director also shall adopt such rules, in consultation with 1585
the governor and attorney general, regarding hemp cultivation if 1586
the director implements a program to monitor and regulate hemp 1587
cultivation under division (A) (1) of section 928.02 of the 1588
Revised Code. The rules shall include all of the following: 1589

(A) The form of an application for a hemp cultivation 1590
license and hemp processing license and the information required 1591
to be included in each license application; 1592

(B) The amount of an initial application fee that an 1593
applicant shall submit along with an application for a hemp 1594
cultivation license or a hemp processing license, and the amount 1595
of an annual license fee that a licensee shall submit for a hemp 1596
cultivation license or a hemp processing license. In adopting 1597
rules under division (B) of this section, the director shall 1598
ensure both of the following: 1599

(1) That the amount of the application fee and annual 1600
license fee does not exceed an amount sufficient to cover the 1601

costs incurred by the department of agriculture to administer 1602
and enforce this chapter; 1603

(2) That there is one uniform application fee and one 1604
uniform annual license fee that applies to all applicants for a 1605
hemp cultivation license. 1606

(C) Requirements and procedures concerning background 1607
investigations of each applicant for a hemp cultivation license 1608
and each applicant for a hemp processing license. The director 1609
shall include both of the following in the rules adopted under 1610
this division: 1611

(1) A requirement that each applicant comply with sections 1612
4776.01 to 4776.04 of the Revised Code; 1613

(2) Provisions that prohibit the director from issuing a 1614
hemp cultivation license or hemp processing license to an 1615
applicant that has not complied with those sections. 1616

(D) Requirements regarding the experience, equipment, 1617
facilities, or land necessary to obtain a hemp cultivation 1618
license; 1619

(E) Requirements and procedures regarding standards of 1620
financial responsibility for each applicant for a hemp 1621
processing license. 1622

(F) Procedures and requirements for the issuance, renewal, 1623
denial, suspension, and revocation of a hemp cultivation license 1624
and hemp processing license, including providing for a hearing 1625
under Chapter 119. of the Revised Code with regard to such a 1626
denial, suspension, or revocation; 1627

(G) Grounds for the denial, suspension, and revocation of 1628
a hemp cultivation license and of a hemp processing license, 1629

including a requirement that the director revoke a hemp 1630
cultivation license or hemp processing license, for a period of 1631
ten years, of any person who pleads guilty to or is convicted of 1632
a felony relating to a controlled substance; 1633

(H) A requirement that the director shall not issue a hemp 1634
cultivation license or hemp processing license to any person who 1635
has pleaded guilty to or been convicted of a felony relating to 1636
a controlled substance in the ten years immediately prior to the 1637
submission of the application for a license; 1638

(I) A requirement that any person that materially 1639
falsifies information in an application for a hemp cultivation 1640
license or hemp processing license is ineligible to receive 1641
either license; 1642

(J) A practice for maintaining relevant information 1643
regarding land on which hemp is cultivated by hemp cultivation 1644
licensees, including a legal description of the land, in 1645
accordance with applicable federal law; 1646

(K) Requirements prohibiting a hemp cultivation licensee 1647
and a hemp processing licensee from cultivating or processing 1648
marihuana; 1649

(L) A procedure for testing, using post-decarboxylation or 1650
other similarly reliable methods, ~~delta-9~~-tetrahydrocannabinol 1651
concentration levels of plants and products for purposes of 1652
determining compliance with this chapter and rules adopted under 1653
it; 1654

(M) Requirements and procedures for the issuance, 1655
administration, and enforcement of corrective action plans 1656
issued under this chapter; 1657

(N) A procedure for conducting annual inspections of, at a 1658

minimum, a random sample of hemp cultivation license holders to 1659
verify that plants are not being cultivated in violation of this 1660
chapter or rules adopted under it; 1661

(O) A procedure for conducting annual inspections of, at a 1662
minimum, a random sample of hemp processing license holders to 1663
verify that such license holders are not operating in violation 1664
of this chapter or rules adopted under it; 1665

(P) A procedure for complying with enforcement procedures 1666
required under federal law; 1667

(Q) A procedure for the effective disposal of all of the 1668
following: 1669

(1) Plants, whether growing or not, cultivated in 1670
violation of this chapter or rules adopted under it; 1671

(2) Products derived from plants cultivated in violation 1672
of this chapter or rules adopted under it; 1673

(3) Products produced in violation of this chapter or 1674
rules adopted under it. 1675

(R) Requirements and procedures governing the production, 1676
storage, and disposal of hemp byproducts. 1677

For the purposes of this chapter and notwithstanding any 1678
provision of law to the contrary, "hemp product" includes a 1679
byproduct, produced as a result of processing hemp, that 1680
contains a ~~delta-9~~-tetrahydrocannabinol concentration of more 1681
than three-tenths per cent, provided that the byproduct is 1682
produced, stored, and disposed of in accordance with rules 1683
adopted under division (R) of this section. 1684

(S) Procedures for sharing information regarding hemp 1685
cultivation license holders with the secretary of the USDA; 1686

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

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

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

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

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

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

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

(AA) Procedures and requirements for the transportation and storage of both hemp and products made with hemp ~~products~~;

(BB) A definition of "independent research institute" for purposes of section 928.01 of the Revised Code;

(CC) Any other requirements or procedures necessary to administer and enforce this chapter.

Sec. 928.031. (A) The superintendent of cannabis control, 1715
in consultation with the director of agriculture, shall 1716
establish the following lists for purposes of section 928.01 of 1717
the Revised Code: 1718

(1) Cannabinoids known to be capable of being naturally 1719
produced by a Cannabis sativa L. plant; 1720

(2) Tetrahydrocannabinol class cannabinoids known to the 1721
superintendent to be naturally occurring in the plant Cannabis 1722
sativa L.; 1723

(3) All other known cannabinoids with similar effects to, 1724
or marketed to have similar effects to, tetrahydrocannabinol 1725
class cannabinoids; 1726

(4) Any additional cannabinoids that have similar effects 1727
or are marketed to have similar effects on humans or animals as 1728
a tetrahydrocannabinol. 1729

(B) The superintendent, in consultation with the director 1730
of agriculture, shall establish any additional information and 1731
specificity about the term "container" as defined under section 1732
928.01 of the Revised Code. 1733

(C) When congress, or pursuant to the federal hemp laws in 1734
7 U.S.C. 1390, et. seq., the secretary of the United States 1735
department of health and human services, or the United States 1736
food and drug administration, as applicable, adds, changes, or 1737
removes anything from any of the lists of items established in 1738
the division (A) of this section, then such addition, change, or 1739
removal is automatically effected in the corresponding list, 1740
subject to amendment pursuant to division (D) of this section 1741
and the superintendent shall immediately publish an updated list 1742
containing the change. 1743

(D) The superintendent may add, change, or remove any of 1744
the items included in the lists established in division (A) of 1745
this section. In so doing, the superintendent shall review any 1746
determinations made by the federal government in any 1747
corresponding changes it has made and determine whether the 1748
changes are in accordance with Ohio law, the current scientific 1749
knowledge of the material at issue, and the risk to the public 1750
health. 1751

(E) Upon initial publication of the lists established in 1752
division (A) of this section and upon any addition, change, or 1753
removal in division (C) or (D) of this section, the 1754
superintendent, in consultation with the director, shall adopt a 1755
rule under Chapter 119. of the Revised Code, to codify the list. 1756
The rule shall be filed with the joint committee on agency rule 1757
review within six months of the list being adopted or changed. 1758

Sec. 928.04. (A) Except as authorized under division (A) 1759
(4) or (5) of section 928.02 of the Revised Code, no person 1760
shall cultivate hemp without a hemp cultivation license issued 1761
by the director of agriculture under this chapter, if the 1762
director implements a program to monitor and regulate hemp 1763
cultivation under division (A) (1) of section 928.02 of the 1764
Revised Code, or process hemp without a hemp processing license 1765
issued by the director of agriculture under this chapter. 1766

(B) No person who holds a hemp cultivation license or hemp 1767
processing license issued by the director under this chapter 1768
shall violate this chapter or rules adopted under it. 1769

(C) No person subject to a corrective action plan issued 1770
by the director of agriculture under section 928.05 of the 1771
Revised Code shall fail to comply with the plan. 1772

(D) No person shall transport hemp or a product made with 1773
hemp ~~product~~ in violation of rules adopted under section 928.03 1774
of the Revised Code. 1775

Sec. 928.08. The department of agriculture, in 1776
consultation and in cooperation with the Ohio investigative unit 1777
in the department of public safety, shall enforce this chapter. 1778

Sec. 2925.01. As used in this chapter: 1779

(A) "Administer," "controlled substance," "controlled 1780
substance analog," "dispense," "distribute," "hypodermic," 1781
"manufacturer," "official written order," "person," 1782
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 1783
"schedule III," "schedule IV," "schedule V," and "wholesaler" 1784
have the same meanings as in section 3719.01 of the Revised 1785
Code. 1786

(B) "Drug of abuse" and "person with a drug dependency" 1787
have the same meanings as in section 3719.011 of the Revised 1788
Code. 1789

(C) "Drug," "dangerous drug," "licensed health 1790
professional authorized to prescribe drugs," and "prescription" 1791
have the same meanings as in section 4729.01 of the Revised 1792
Code. 1793

(D) "Bulk amount" of a controlled substance means any of 1794
the following: 1795

(1) For any compound, mixture, preparation, or substance 1796
included in schedule I, schedule II, or schedule III, with the 1797
exception of any controlled substance analog, marihuana, 1798
cocaine, L.S.D., heroin, any fentanyl-related compound, and 1799
hashish and except as provided in division (D) (2), (5), or (6) 1800
of this section, whichever of the following is applicable: 1801

- (a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative; 1802
1803
1804
1805
- (b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium; 1806
1807
1808
- (c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a schedule I stimulant or depressant; 1809
1810
1811
1812
1813
- (d) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II opiate or opium derivative; 1814
1815
1816
1817
1818
- (e) An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of phencyclidine; 1819
1820
1821
- (f) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant that is in a final dosage form manufactured by a person authorized by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the federal drug abuse control laws, as defined in section 3719.01 of the Revised Code, that is 1822
1823
1824
1825
1826
1827
1828
1829
1830

or contains any amount of a schedule II depressant substance or 1831
a schedule II hallucinogenic substance; 1832

(g) An amount equal to or exceeding three grams of a 1833
compound, mixture, preparation, or substance that is or contains 1834
any amount of a schedule II stimulant, or any of its salts or 1835
isomers, that is not in a final dosage form manufactured by a 1836
person authorized by the Federal Food, Drug, and Cosmetic Act 1837
and the federal drug abuse control laws. 1838

(2) An amount equal to or exceeding one hundred twenty 1839
grams or thirty times the maximum daily dose in the usual dose 1840
range specified in a standard pharmaceutical reference manual of 1841
a compound, mixture, preparation, or substance that is or 1842
contains any amount of a schedule III or IV substance other than 1843
an anabolic steroid or a schedule III opiate or opium 1844
derivative; 1845

(3) An amount equal to or exceeding twenty grams or five 1846
times the maximum daily dose in the usual dose range specified 1847
in a standard pharmaceutical reference manual of a compound, 1848
mixture, preparation, or substance that is or contains any 1849
amount of a schedule III opiate or opium derivative; 1850

(4) An amount equal to or exceeding two hundred fifty 1851
milliliters or two hundred fifty grams of a compound, mixture, 1852
preparation, or substance that is or contains any amount of a 1853
schedule V substance; 1854

(5) An amount equal to or exceeding two hundred solid 1855
dosage units, sixteen grams, or sixteen milliliters of a 1856
compound, mixture, preparation, or substance that is or contains 1857
any amount of a schedule III anabolic steroid; 1858

(6) For any compound, mixture, preparation, or substance 1859

that is a combination of a fentanyl-related compound and any 1860
other compound, mixture, preparation, or substance included in 1861
schedule III, schedule IV, or schedule V, if the defendant is 1862
charged with a violation of section 2925.11 of the Revised Code 1863
and the sentencing provisions set forth in divisions (C) (10) (b) 1864
and (C) (11) of that section will not apply regarding the 1865
defendant and the violation, the bulk amount of the controlled 1866
substance for purposes of the violation is the amount specified 1867
in division (D) (1), (2), (3), (4), or (5) of this section for 1868
the other schedule III, IV, or V controlled substance that is 1869
combined with the fentanyl-related compound. 1870

(E) "Unit dose" means an amount or unit of a compound, 1871
mixture, or preparation containing a controlled substance that 1872
is separately identifiable and in a form that indicates that it 1873
is the amount or unit by which the controlled substance is 1874
separately administered to or taken by an individual. 1875

(F) "Cultivate" includes planting, watering, fertilizing, 1876
or tilling. 1877

(G) "Drug abuse offense" means any of the following: 1878

(1) A violation of division (A) of section 2913.02 that 1879
constitutes theft of drugs, or a violation of section 2925.02, 1880
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 1881
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 1882
or 2925.37 of the Revised Code; 1883

(2) A violation of an existing or former law of this or 1884
any other state or of the United States that is substantially 1885
equivalent to any section listed in division (G) (1) of this 1886
section; 1887

(3) An offense under an existing or former law of this or 1888

any other state, or of the United States, of which planting, 1889
cultivating, harvesting, processing, making, manufacturing, 1890
producing, shipping, transporting, delivering, acquiring, 1891
possessing, storing, distributing, dispensing, selling, inducing 1892
another to use, administering to another, using, or otherwise 1893
dealing with a controlled substance is an element; 1894

(4) A conspiracy to commit, attempt to commit, or 1895
complicity in committing or attempting to commit any offense 1896
under division (G) (1), (2), or (3) of this section. 1897

(H) "Felony drug abuse offense" means any drug abuse 1898
offense that would constitute a felony under the laws of this 1899
state, any other state, or the United States. 1900

(I) "Harmful intoxicant" does not include beer or 1901
intoxicating liquor but means any of the following: 1902

(1) Any compound, mixture, preparation, or substance the 1903
gas, fumes, or vapor of which when inhaled can induce 1904
intoxication, excitement, giddiness, irrational behavior, 1905
depression, stupefaction, paralysis, unconsciousness, 1906
asphyxiation, or other harmful physiological effects, and 1907
includes, but is not limited to, any of the following: 1908

(a) Any volatile organic solvent, plastic cement, model 1909
cement, fingernail polish remover, lacquer thinner, cleaning 1910
fluid, gasoline, or other preparation containing a volatile 1911
organic solvent; 1912

(b) Any aerosol propellant; 1913

(c) Any fluorocarbon refrigerant; 1914

(d) Any anesthetic gas. 1915

(2) Gamma Butyrolactone; 1916

(3) 1,4 Butanediol.	1917
(J) "Manufacture" means to plant, cultivate, harvest,	1918
process, make, prepare, or otherwise engage in any part of the	1919
production of a drug, by propagation, extraction, chemical	1920
synthesis, or compounding, or any combination of the same, and	1921
includes packaging, repackaging, labeling, and other activities	1922
incident to production.	1923
(K) "Possess" or "possession" means having control over a	1924
thing or substance, but may not be inferred solely from mere	1925
access to the thing or substance through ownership or occupation	1926
of the premises upon which the thing or substance is found.	1927
(L) "Sample drug" means a drug or pharmaceutical	1928
preparation that would be hazardous to health or safety if used	1929
without the supervision of a licensed health professional	1930
authorized to prescribe drugs, or a drug of abuse, and that, at	1931
one time, had been placed in a container plainly marked as a	1932
sample by a manufacturer.	1933
(M) "Standard pharmaceutical reference manual" means the	1934
current edition, with cumulative changes if any, of references	1935
that are approved by the state board of pharmacy.	1936
(N) "Juvenile" means a person under eighteen years of age.	1937
(O) "Counterfeit controlled substance" means any of the	1938
following:	1939
(1) Any drug that bears, or whose container or label	1940
bears, a trademark, trade name, or other identifying mark used	1941
without authorization of the owner of rights to that trademark,	1942
trade name, or identifying mark;	1943
(2) Any unmarked or unlabeled substance that is	1944

represented to be a controlled substance manufactured, 1945
processed, packed, or distributed by a person other than the 1946
person that manufactured, processed, packed, or distributed it; 1947

(3) Any substance that is represented to be a controlled 1948
substance but is not a controlled substance or is a different 1949
controlled substance; 1950

(4) Any substance other than a controlled substance that a 1951
reasonable person would believe to be a controlled substance 1952
because of its similarity in shape, size, and color, or its 1953
markings, labeling, packaging, distribution, or the price for 1954
which it is sold or offered for sale. 1955

(P) An offense is "committed in the vicinity of a school" 1956
if the offender commits the offense on school premises, in a 1957
school building, or within one thousand feet of the boundaries 1958
of any school premises, regardless of whether the offender knows 1959
the offense is being committed on school premises, in a school 1960
building, or within one thousand feet of the boundaries of any 1961
school premises. 1962

(Q) "School" means any school operated by a board of 1963
education, any community school established under Chapter 3314. 1964
of the Revised Code, or any nonpublic school for which the 1965
director of education and workforce prescribes minimum standards 1966
under section 3301.07 of the Revised Code, whether or not any 1967
instruction, extracurricular activities, or training provided by 1968
the school is being conducted at the time a criminal offense is 1969
committed. 1970

(R) "School premises" means either of the following: 1971

(1) The parcel of real property on which any school is 1972
situated, whether or not any instruction, extracurricular 1973

activities, or training provided by the school is being 1974
conducted on the premises at the time a criminal offense is 1975
committed; 1976

(2) Any other parcel of real property that is owned or 1977
leased by a board of education of a school, the governing 1978
authority of a community school established under Chapter 3314. 1979
of the Revised Code, or the governing body of a nonpublic school 1980
for which the director of education and workforce prescribes 1981
minimum standards under section 3301.07 of the Revised Code and 1982
on which some of the instruction, extracurricular activities, or 1983
training of the school is conducted, whether or not any 1984
instruction, extracurricular activities, or training provided by 1985
the school is being conducted on the parcel of real property at 1986
the time a criminal offense is committed. 1987

(S) "School building" means any building in which any of 1988
the instruction, extracurricular activities, or training 1989
provided by a school is conducted, whether or not any 1990
instruction, extracurricular activities, or training provided by 1991
the school is being conducted in the school building at the time 1992
a criminal offense is committed. 1993

(T) "Disciplinary counsel" means the disciplinary counsel 1994
appointed by the board of commissioners on grievances and 1995
discipline of the supreme court under the Rules for the 1996
Government of the Bar of Ohio. 1997

(U) "Certified grievance committee" means a duly 1998
constituted and organized committee of the Ohio state bar 1999
association or of one or more local bar associations of the 2000
state of Ohio that complies with the criteria set forth in Rule 2001
V, section 6 of the Rules for the Government of the Bar of Ohio. 2002

(V) "Professional license" means any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate, or temporary registration that is described in divisions (W) (1) to (37) of this section and that qualifies a person as a professionally licensed person.

(W) "Professionally licensed person" means any of the following:

(1) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Chapter 4701. of the Revised Code and who holds an Ohio permit issued under that chapter;

(2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;

(3) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;

(4) A person licensed under Chapter 4707. of the Revised Code;

(5) A person who has been issued a barber's license, barber instructor's license, assistant barber instructor's license, or independent contractor's license under Chapter 4709. of the Revised Code;

(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;

(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced license to practice cosmetology, advanced license to practice hair design, advanced license to practice manicuring, advanced license to practice esthetics, advanced license to practice natural hair styling, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;

(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;

(9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;

(10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;

(11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;

(12) A person licensed to act as a pawnbroker under

Chapter 4727. of the Revised Code;	2060
(13) A person licensed to act as a precious metals dealer	2061
under Chapter 4728. of the Revised Code;	2062
(14) A person licensed under Chapter 4729. of the Revised	2063
Code as a pharmacist or pharmacy intern or registered under that	2064
chapter as a registered pharmacy technician, certified pharmacy	2065
technician, or pharmacy technician trainee;	2066
(15) A person licensed under Chapter 4729. of the Revised	2067
Code as a manufacturer of dangerous drugs, outsourcing facility,	2068
third-party logistics provider, repackager of dangerous drugs,	2069
wholesale distributor of dangerous drugs, or terminal	2070
distributor of dangerous drugs;	2071
(16) A person who is authorized to practice as a physician	2072
assistant under Chapter 4730. of the Revised Code;	2073
(17) A person who has been issued a license to practice	2074
medicine and surgery, osteopathic medicine and surgery, or	2075
podiatric medicine and surgery under Chapter 4731. of the	2076
Revised Code or has been issued a certificate to practice a	2077
limited branch of medicine under that chapter;	2078
(18) A person licensed as a psychologist, independent	2079
school psychologist, or school psychologist under Chapter 4732.	2080
of the Revised Code;	2081
(19) A person registered to practice the profession of	2082
engineering or surveying under Chapter 4733. of the Revised	2083
Code;	2084
(20) A person who has been issued a license to practice	2085
chiropractic under Chapter 4734. of the Revised Code;	2086
(21) A person licensed to act as a real estate broker or	2087

real estate salesperson under Chapter 4735. of the Revised Code;	2088
(22) A person registered as a registered environmental health specialist under Chapter 3776. of the Revised Code;	2089 2090
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	2091 2092
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	2093 2094
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	2095 2096
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	2097 2098 2099 2100
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	2101 2102 2103
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	2104 2105 2106
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	2107 2108
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	2109 2110 2111
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	2112 2113 2114

(32) A person who is licensed as a licensed professional 2115
clinical counselor, licensed professional counselor, social 2116
worker, independent social worker, independent marriage and 2117
family therapist, or marriage and family therapist, or 2118
registered as a social work assistant under Chapter 4757. of the 2119
Revised Code; 2120

(33) A person issued a license to practice dietetics under 2121
Chapter 4759. of the Revised Code; 2122

(34) A person who has been issued a license or limited 2123
permit to practice respiratory therapy under Chapter 4761. of 2124
the Revised Code; 2125

(35) A person who has been issued a real estate appraiser 2126
certificate under Chapter 4763. of the Revised Code; 2127

(36) A person who has been issued a home inspector license 2128
under Chapter 4764. of the Revised Code; 2129

(37) A person who has been admitted to the bar by order of 2130
the supreme court in compliance with its prescribed and 2131
published rules; 2132

(38) A person who has been issued a license to practice as 2133
a certified mental health assistant under Chapter 4772. of the 2134
Revised Code. 2135

(X) "Cocaine" means any of the following: 2136

(1) A cocaine salt, isomer, or derivative, a salt of a 2137
cocaine isomer or derivative, or the base form of cocaine; 2138

(2) Coca leaves or a salt, compound, derivative, or 2139
preparation of coca leaves, including ecgonine, a salt, isomer, 2140
or derivative of ecgonine, or a salt of an isomer or derivative 2141
of ecgonine; 2142

(3) A salt, compound, derivative, or preparation of a substance identified in division (X) (1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.

(Y) "L.S.D." means lysergic acid diethylamide.

(Z) "Hashish" means a resin or a preparation of a resin to which both of the following apply:

(1) It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent.

"Hashish" does not include a hemp byproduct in the possession of a licensed hemp processor under Chapter 928. of the Revised Code, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under section 928.03 of the Revised Code.

(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.

(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code.

(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code.

(EE) "Minor drug possession offense" means either of the following:

(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;

(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree.

(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.

(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.

(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.

(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.

(JJ) "Deception" has the same meaning as in section

2913.01 of the Revised Code.	2200
(KK) "Fentanyl-related compound" means any of the	2201
following:	2202
(1) Fentanyl;	2203
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-	2204
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-	2205
phenylethyl)-4-(N-propanilido) piperidine);	2206
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-	2207
thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	2208
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-	2209
piperidinyl] -N-phenylpropanamide);	2210
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-	2211
hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-	2212
phenylpropanamide);	2213
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-	2214
piperidyl]-N- phenylpropanamide);	2215
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-	2216
(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	2217
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-	2218
phenethyl)-4- piperidinyl]propanamide;	2219
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-	2220
piperidinyl]- propanamide;	2221
(10) Alfentanil;	2222
(11) Carfentanil;	2223
(12) Remifentanil;	2224
(13) Sufentanil;	2225

- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and 2226
2227
- (15) Any compound that meets all of the following fentanyl 2228
pharmacophore requirements to bind at the mu receptor, as 2229
identified by a report from an established forensic laboratory, 2230
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 2231
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 2232
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 2233
fluorofentanyl: 2234
- (a) A chemical scaffold consisting of both of the 2235
following: 2236
- (i) A five, six, or seven member ring structure containing 2237
a nitrogen, whether or not further substituted; 2238
- (ii) An attached nitrogen to the ring, whether or not that 2239
nitrogen is enclosed in a ring structure, including an attached 2240
aromatic ring or other lipophilic group to that nitrogen. 2241
- (b) A polar functional group attached to the chemical 2242
scaffold, including but not limited to a hydroxyl, ketone, 2243
amide, or ester; 2244
- (c) An alkyl or aryl substitution off the ring nitrogen of 2245
the chemical scaffold; and 2246
- (d) The compound has not been approved for medical use by 2247
the United States food and drug administration. 2248
- (LL) "First degree felony mandatory prison term" means one 2249
of the definite prison terms prescribed in division (A) (1) (b) of 2250
section 2929.14 of the Revised Code for a felony of the first 2251
degree, except that if the violation for which sentence is being 2252
imposed is committed on or after March 22, 2019, it means one of 2253

the minimum prison terms prescribed in division (A) (1) (a) of 2254
that section for a felony of the first degree. 2255

(MM) "Second degree felony mandatory prison term" means 2256
one of the definite prison terms prescribed in division (A) (2) 2257
(b) of section 2929.14 of the Revised Code for a felony of the 2258
second degree, except that if the violation for which sentence 2259
is being imposed is committed on or after March 22, 2019, it 2260
means one of the minimum prison terms prescribed in division (A) 2261
(2) (a) of that section for a felony of the second degree. 2262

(NN) "Maximum first degree felony mandatory prison term" 2263
means the maximum definite prison term prescribed in division 2264
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 2265
the first degree, except that if the violation for which 2266
sentence is being imposed is committed on or after March 22, 2267
2019, it means the longest minimum prison term prescribed in 2268
division (A) (1) (a) of that section for a felony of the first 2269
degree. 2270

(OO) "Maximum second degree felony mandatory prison term" 2271
means the maximum definite prison term prescribed in division 2272
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 2273
the second degree, except that if the violation for which 2274
sentence is being imposed is committed on or after March 22, 2275
2019, it means the longest minimum prison term prescribed in 2276
division (A) (2) (a) of that section for a felony of the second 2277
degree. 2278

(PP) "Delta-9 tetrahydrocannabinol" ~~has the same meaning~~ 2279
~~as in section 928.01 of the Revised Code~~ means the sum of the 2280
percentage by weight of tetrahydrocannabinolic acid multiplied 2281
by 0.877 plus the percentage by weight of delta-9 2282
tetrahydrocannabinol. 2283

(QQ) An offense is "committed in the vicinity of a substance addiction services provider or a recovering addict" if either of the following apply:

(1) The offender commits the offense on the premises of a substance addiction services provider's facility, including a facility licensed prior to June 29, 2019, under section 5119.391 of the Revised Code to provide methadone treatment or an opioid treatment program licensed on or after that date under section 5119.37 of the Revised Code, or within five hundred feet of the premises of a substance addiction services provider's facility and the offender knows or should know that the offense is being committed within the vicinity of the substance addiction services provider's facility.

(2) The offender sells, offers to sell, delivers, or distributes the controlled substance or controlled substance analog to a person who is receiving treatment at the time of the commission of the offense, or received treatment within thirty days prior to the commission of the offense, from a substance addiction services provider and the offender knows that the person is receiving or received that treatment.

(RR) "Substance addiction services provider" means an agency, association, corporation or other legal entity, individual, or program that provides one or more of the following at a facility:

(1) Either alcohol addiction services, or drug addiction services, or both such services that are certified by the director of mental health and addiction services under section 5119.36 of the Revised Code;

(2) Recovery supports that are related to either alcohol

addiction services, or drug addiction services, or both such 2313
services and paid for with federal, state, or local funds 2314
administered by the department of ~~mental health and addiction~~ 2315
~~services~~ behavioral health or a board of alcohol, drug 2316
addiction, and mental health services. 2317

(SS) "Premises of a substance addiction services 2318
provider's facility" means the parcel of real property on which 2319
any substance addiction service provider's facility is situated. 2320

(TT) "Alcohol and drug addiction services" has the same 2321
meaning as in section 5119.01 of the Revised Code. 2322

Sec. 2953.321. (A) As used in this section: 2323

(1) "Expunge" means to destroy, delete, and erase a record 2324
as appropriate for the record's physical or electronic form or 2325
characteristic so that the record is permanently irretrievable. 2326

(2) "Official records" and "prosecutor" have the same 2327
meanings as in section 2953.31 of the Revised Code. 2328

(B) If a person, prior to the effective date of this 2329
section, was the defendant named in a dismissed complaint, 2330
indictment, or information for or was convicted of or has 2331
pleaded guilty to either of the following, the person may file 2332
an application under this section requesting an expungement of 2333
the record of conviction or official records in the case: 2334

(1) A violation of division (C) (3) (a) or (C) (7) (a) or (b) 2335
of section 2925.11 of the Revised Code; 2336

(2) A violation of division (C) (7) (c) or (d) of section 2337
2925.11 of the Revised Code involving possession of not more 2338
than fifteen grams of hashish. 2339

(C) Any person who is eligible under division (B) of this 2340

section to file an application for expungement may apply to the 2341
sentencing court for the expungement of the record of conviction 2342
or expungement of the person's official records in the case. The 2343
person may file the application at any time on or after the 2344
effective date of this section. The application shall do all of 2345
the following: 2346

(1) Identify the applicant, the offense for which the 2347
expungement is sought, the date of the conviction of, the plea 2348
of guilty to, or the dismissal of charges for that offense, and 2349
the court in which the conviction occurred, the plea of guilty 2350
was entered, or the charges were dismissed; 2351

(2) Include evidence that the offense or charge was a 2352
violation of division (C) (3) (a) or (C) (7) (a) or (b) of section 2353
2925.11 of the Revised Code or a violation of division (C) (7) (c) 2354
or (d) of section 2925.11 of the Revised Code involving not more 2355
than fifteen grams of hashish and that the conviction, plea of 2356
guilty, or dismissal occurred prior to the effective date of 2357
this section; 2358

(3) Include a request for expungement of the record of 2359
conviction or official records of that offense under this 2360
section. 2361

(D) (1) Upon the filing of an application under division 2362
(C) of this section and the payment of the fee described in 2363
division (G) of this section if applicable, the court shall set 2364
a date for a hearing and shall notify the prosecutor for the 2365
case of the hearing on the application. The prosecutor may 2366
object to the granting of the application by filing an objection 2367
with the court prior to the date set for the hearing. The 2368
prosecutor shall specify in the objection the reasons for 2369
believing a denial of the application is justified. The court 2370

shall direct its regular probation officer, a state probation officer, or the department of probation of the county in which the applicant resides to make inquiries and written reports as the court requires concerning the applicant. The court shall hold the hearing scheduled under this division. 2371
2372
2373
2374
2375

(2) The court shall hold the hearing not less than forty-five days and not more than ninety days after the date of the filing of the application. 2376
2377
2378

(E) At the hearing held under division (D) of this section, the court shall do all of the following: 2379
2380

(1) Determine whether the applicant has, prior to the effective date of this section, been a defendant named in a dismissed complaint, indictment, or information for or been convicted of or pleaded guilty to either of the following: 2381
2382
2383
2384

(a) A violation of division (C) (3) (a) or (C) (7) (a) or (b) of section 2925.11 of the Revised Code; 2385
2386

(b) A violation of division (C) (7) (c) or (d) of section 2925.11 of the Revised Code involving possession of not more than fifteen grams of hashish. 2387
2388
2389

(2) If the prosecutor has filed an objection in accordance with division (D) of this section, consider the reasons against granting the application specified by the prosecutor in the objection; 2390
2391
2392
2393

(3) Weigh the interests of the applicant in having the record of conviction or official records expunged against the legitimate needs, if any, of the government to maintain those records. 2394
2395
2396
2397

(F) If the court, after complying with division (E) of 2398

this section, finds that the applicant has, prior to the 2399
effective date of this section, been named in a dismissed 2400
complaint, indictment, or information for or been convicted of 2401
or pleaded guilty to a violation of division (C) (3) (a) or (C) (7) 2402
(a) or (b) of section 2925.11 of the Revised Code or has been 2403
convicted of or pleaded guilty to a violation of division (C) (7) 2404
(c) or (d) of section 2925.11 of the Revised Code involving 2405
possession of not more than fifteen grams of hashish and that 2406
the interests of the applicant in having the record of 2407
conviction or official records sealed are not substantially 2408
outweighed by any legitimate governmental needs to maintain 2409
those records, both of the following apply: 2410

(1) The court shall order the expungement of all official 2411
records pertaining to the case and the deletion of all index 2412
references to the case and, if it does order the expungement, 2413
shall send notice of the order to each public office or agency 2414
that the court has reason to believe may have an official record 2415
pertaining to the case if the court, after complying with 2416
division (E) of this section, determines that the applicant, 2417
prior to the effective date of this section, had been a 2418
defendant named in a dismissed complaint, indictment, or 2419
information for or convicted of or pleaded guilty to a violation 2420
of division (C) (3) (a) or (C) (7) (a) or (b) of section 2925.11 of 2421
the Revised Code or had been convicted of or pleaded guilty to a 2422
violation of division (C) (7) (c) or (d) of section 2925.11 of the 2423
Revised Code involving possession of not more than fifteen grams 2424
of hashish. 2425

(2) The proceedings in the case that is the subject of an 2426
order issued under division (F) of this section shall be 2427
considered not to have occurred and the official records, 2428
conviction, or guilty plea of the person who is the subject of 2429

the proceedings shall be expunged. The records shall not be used 2430
for any purpose, including, but not limited to, a criminal 2431
records check under section 109.572 of the Revised Code. The 2432
applicant may, and the court shall, reply that no record exists 2433
with respect to the applicant upon any inquiry into the matter. 2434

(G) Upon the filing of an application under this section, 2435
the applicant, unless indigent, shall pay a fee of fifty 2436
dollars. The court shall pay thirty dollars of the fee into the 2437
state treasury, with half of that amount credited to the 2438
attorney general reimbursement fund created by section 109.11 of 2439
the Revised Code, and shall pay twenty dollars of the fee into 2440
the county general revenue fund. 2441

Sec. 3376.07. A state institution of higher education, 2442
private college, athletic association, conference, or other 2443
group or organization with authority over intercollegiate 2444
athletics may prohibit a student-athlete from entering into a 2445
contract providing compensation to the student-athlete for use 2446
of the student-athlete's name, image, or likeness if under the 2447
contract the student-athlete's name, image, or likeness is 2448
associated with any of the following: 2449

(A) Any company that manufactures, markets, or sells, or 2450
brand that is associated with, a controlled substance, marihuana 2451
product, medical marijuana product, adult-use marijuana product, 2452
alcoholic product, tobacco product, electronic smoking device, 2453
vapor product, or product or device that consists of or contains 2454
nicotine that can be ingested into the body; 2455

(B) Any medical or adult-use marijuana cultivator, 2456
processor, laboratory, or retail dispensary licensed under 2457
Chapter 3796. of the Revised Code or under the laws of another 2458
state; 2459

(C) Any business engaged in the sale, rental, or 2460
exhibition for any form of consideration of adult entertainment 2461
that is characterized by an emphasis on the exposure or display 2462
of sexual activity; 2463

(D) Any casino or entity that sponsors or promotes 2464
gambling activities; 2465

(E) Any other category of companies, brands, or types of 2466
contracts that are similar to those described in divisions (A) 2467
to (D) of this section that the institution or college 2468
communicates to the student-athlete before the student-athlete 2469
enrolls at the institution or college. 2470

Sec. 3719.01. As used in this chapter: 2471

(A) "Administer" means the direct application of a drug, 2472
whether by injection, inhalation, ingestion, or any other means 2473
to a person or an animal. 2474

(B) "Drug enforcement administration" means the drug 2475
enforcement administration of the United States department of 2476
justice or its successor agency. 2477

(C) "Controlled substance" means a drug, compound, 2478
mixture, preparation, or substance included in schedule I, II, 2479
III, IV, or V. 2480

(D) "Dangerous drug" has the same meaning as in section 2481
4729.01 of the Revised Code. 2482

(E) "Dispense" means to sell, leave with, give away, 2483
dispose of, or deliver. 2484

(F) "Distribute" means to deal in, ship, transport, or 2485
deliver but does not include administering or dispensing a drug. 2486

(G) "Drug" has the same meaning as in section 4729.01 of the Revised Code. 2487
2488

(H) "Drug abuse offense" and "felony drug abuse offense" have the same meanings as in section 2925.01 of the Revised Code. 2489
2490
2491

(I) "Federal drug abuse control laws" means the "Comprehensive Drug Abuse Prevention and Control Act of 1970," 84 Stat. 1242, 21 U.S.C. 801, as amended. 2492
2493
2494

(J) "Hospital" means a facility registered as a hospital with the department of health under section 3701.07 of the Revised Code. 2495
2496
2497

(K) "Hypodermic" means a hypodermic syringe or needle, or other instrument or device for the injection of medication. 2498
2499

(L) "Manufacturer" means a person who manufactures a controlled substance, as "manufacture" is defined in section 3715.01 of the Revised Code, and includes a "manufacturer of dangerous drugs" as defined in section 4729.01 of the Revised Code. 2500
2501
2502
2503
2504

(M) "Marihuana" means all parts of a plant of the genus cannabis, whether growing or not; the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture, or preparation of a plant of that type or of its seeds or resin. 2505
2506
2507
2508
2509
"Marihuana" does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of 2510
2511
2512
2513
2514
2515

germination. "Marihuana" does not include "hemp" ~~or a "hemp-~~ 2516
~~product"~~ as those terms are that term is defined in section 2517
928.01 of the Revised Code. 2518

(N) "Narcotic drugs" means coca leaves, opium, 2519
isonipecaine, amidone, isoamidone, ketobemidone, as defined in 2520
this division, and every substance not chemically distinguished 2521
from them and every drug, other than cannabis, that may be 2522
included in the meaning of "narcotic drug" under the federal 2523
drug abuse control laws. As used in this division: 2524

(1) "Coca leaves" includes cocaine and any compound, 2525
manufacture, salt, derivative, mixture, or preparation of coca 2526
leaves, except derivatives of coca leaves, that does not contain 2527
cocaine, ecgonine, or substances from which cocaine or ecgonine 2528
may be synthesized or made. 2529

(2) "Isonipecaine" means any substance identified 2530
chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid 2531
ethyl ester, or any salt thereof, by whatever trade name 2532
designated. 2533

(3) "Amidone" means any substance identified chemically as 2534
4-4-diphenyl-6-dimethylamino-heptanone-3, or any salt thereof, 2535
by whatever trade name designated. 2536

(4) "Isoamidone" means any substance identified chemically 2537
as 4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3, or any salt 2538
thereof, by whatever trade name designated. 2539

(5) "Ketobemidone" means any substance identified 2540
chemically as 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl 2541
ketone hydrochloride, or any salt thereof, by whatever trade 2542
name designated. 2543

(6) "Cocaine" has the same meaning as in section 2925.01 2544

of the Revised Code. 2545

(O) "Official written order" means an order written on a 2546
form provided for that purpose by the director of the United 2547
States drug enforcement administration, under any laws of the 2548
United States making provision for the order, if the order forms 2549
are authorized and required by federal law. 2550

(P) "Person" means any individual, corporation, 2551
government, governmental subdivision or agency, business trust, 2552
estate, trust, partnership, association, or other legal entity. 2553

(Q) "Pharmacist" means a person licensed under Chapter 2554
4729. of the Revised Code to engage in the practice of pharmacy. 2555

(R) "Pharmacy" has the same meaning as in section 4729.01 2556
of the Revised Code. 2557

(S) "Poison" means any drug, chemical, or preparation 2558
likely to be deleterious or destructive to adult human life in 2559
quantities of four grams or less. 2560

(T) "Licensed health professional authorized to prescribe 2561
drugs," "prescriber," and "prescription" have the same meanings 2562
as in section 4729.01 of the Revised Code. 2563

(U) "Sale" includes delivery, barter, exchange, transfer, 2564
or gift, or offer thereof, and each transaction of those natures 2565
made by any person, whether as principal, proprietor, agent, 2566
servant, or employee. 2567

(V) "Schedule I," "schedule II," "schedule III," "schedule 2568
IV," and "schedule V" mean controlled substance schedules I, II, 2569
III, IV, and V, respectively, as established by rule adopted 2570
under section 3719.41 of the Revised Code, as amended pursuant 2571
to section 3719.43 or 3719.44 of the Revised Code, or as 2572

established by emergency rule adopted under section 3719.45 of the Revised Code.	2573 2574
(W) "Wholesaler" means a person who, on official written orders other than prescriptions, supplies controlled substances that the person has not manufactured, produced, or prepared personally and includes a "wholesale distributor of dangerous drugs" as defined in section 4729.01 of the Revised Code.	2575 2576 2577 2578 2579
(X) "Animal shelter" means a facility operated by a humane society or any society organized under Chapter 1717. of the Revised Code or a dog pound operated pursuant to Chapter 955. of the Revised Code.	2580 2581 2582 2583
(Y) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code.	2584 2585
(Z) (1) "Controlled substance analog" means, except as provided in division (Z) (2) of this section, a substance to which both of the following apply:	2586 2587 2588
(a) The chemical structure of the substance is substantially similar to the structure of a controlled substance in schedule I or II.	2589 2590 2591
(b) One of the following applies regarding the substance:	2592
(i) The substance has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II.	2593 2594 2595 2596 2597
(ii) With respect to a particular person, that person represents or intends the substance to have a stimulant, depressant, or hallucinogenic effect on the central nervous	2598 2599 2600

system that is substantially similar to or greater than the 2601
stimulant, depressant, or hallucinogenic effect on the central 2602
nervous system of a controlled substance in schedule I or II. 2603

(2) "Controlled substance analog" does not include any of 2604
the following: 2605

(a) A controlled substance; 2606

(b) Any substance for which there is an approved new drug 2607
application; 2608

(c) With respect to a particular person, any substance if 2609
an exemption is in effect for investigational use for that 2610
person pursuant to federal law to the extent that conduct with 2611
respect to that substance is pursuant to that exemption; 2612

(d) Any substance to the extent it is not intended for 2613
human consumption before the exemption described in division (Z) 2614
(2) (b) of this section takes effect with respect to that 2615
substance. 2616

(AA) "Benzodiazepine" means a controlled substance that 2617
has United States food and drug administration approved labeling 2618
indicating that it is a benzodiazepine, benzodiazepine 2619
derivative, triazolobenzodiazepine, or triazolobenzodiazepine 2620
derivative, including the following drugs and their varying salt 2621
forms or chemical congeners: alprazolam, chlordiazepoxide 2622
hydrochloride, clobazam, clonazepam, clorazepate, diazepam, 2623
estazolam, flurazepam hydrochloride, lorazepam, midazolam, 2624
oxazepam, quazepam, temazepam, and triazolam. 2625

(BB) "Opioid analgesic" means a controlled substance that 2626
has analgesic pharmacologic activity at the opioid receptors of 2627
the central nervous system, including the following drugs and 2628
their varying salt forms or chemical congeners: buprenorphine, 2629

butorphanol, codeine (including acetaminophen and other 2630
combination products), dihydrocodeine, fentanyl, hydrocodone 2631
(including acetaminophen combination products), hydromorphone, 2632
meperidine, methadone, morphine sulfate, oxycodone (including 2633
acetaminophen, aspirin, and other combination products), 2634
oxymorphone, tapentadol, and tramadol. 2635

(CC) "Outsourcing facility," "repackager of dangerous 2636
drugs," and "third-party logistics provider" have the same 2637
meanings as in section 4729.01 of the Revised Code. 2638

Sec. 3719.41. (A) For purposes of administration, 2639
enforcement, and regulation of the manufacture, distribution, 2640
dispensing, and possession of controlled substances, the state 2641
board of pharmacy shall adopt rules in accordance with Chapter 2642
119. of the Revised Code establishing schedule I, schedule II, 2643
schedule III, schedule IV, and schedule V incorporating the five 2644
schedules of controlled substances under the federal drug abuse 2645
control laws. 2646

The board may include in the schedules any compound, 2647
mixture, preparation, or substance that was included in the 2648
schedules immediately prior to March 22, 2020, as long as the 2649
inclusion does not have the effect of providing less stringent 2650
control of the compound, mixture, preparation, or substance than 2651
is provided under the federal drug abuse control laws or 2652
regulations adopted under those laws. 2653

(B) Except as provided in section 3719.45 of the Revised 2654
Code, the board periodically shall update the schedules by rule 2655
adopted in accordance with Chapter 119. of the Revised Code to 2656
correspond to any change in the federal drug abuse control laws 2657
or regulations adopted under those laws, any addition, transfer, 2658
or removal by congress or the attorney general of the United 2659

States as described in section 3719.43 of the Revised Code, and 2660
any addition, transfer, or removal by the board by rule adopted 2661
under section 3719.44 of the Revised Code. 2662

(C) Notwithstanding divisions (A) and (B) of this section, 2663
the board shall not adopt rules including hemp ~~or a hemp product~~ 2664
in a schedule as a controlled substance. 2665

(D) As used in this section, "hemp" and "~~hemp product~~" 2666
~~have~~ has the same ~~meanings~~ meaning as in section 928.01 of the 2667
Revised Code. 2668

Sec. 3779.21. As used in sections 3779.21 to 3779.30 of 2669
the Revised Code: 2670

(A) "AD retailer" means an A-1-A, A-1c, or class D permit 2671
holder under Chapter 4303. of the Revised Code. 2672

(B) "At retail" means for use or consumption by the 2673
ultimate consumer and not for resale. 2674

(C) "C retailer" means a class C permit holder under 2675
Chapter 4303. of the Revised Code. 2676

(D) "Delta-9 tetrahydrocannabinol" means the sum of the 2677
percentage by weight of tetrahydrocannabinolic acid multiplied 2678
by 0.877 plus the percentage by weight of delta-9 2679
tetrahydrocannabinol. 2680

(E) "Distributor" means a class B permit holder under 2681
Chapter 4303. of the Revised Code, or the holder of an 2682
equivalent permit or other authorization issued by another 2683
state, that sells a drinkable cannabinoid product to an AD or C 2684
retailer located in this state. "Distributor" does not include 2685
either of the following: 2686

(1) A manufacturer; 2687

<u>(2) A person that is a common carrier and that is used to</u>	2688
<u>complete delivery of a drinkable cannabinoid product to an AD or</u>	2689
<u>C retailer.</u>	2690
<u>(F) "Drinkable cannabinoid product" means a liquid hemp</u>	2691
<u>product to which all of the following apply:</u>	2692
<u>(1) The product contains cannabinoids.</u>	2693
<u>(2) The cannabinoids in the product are solely derived</u>	2694
<u>from hemp.</u>	2695
<u>(3) The product is prepackaged and intended to be consumed</u>	2696
<u>via ingestion.</u>	2697
<u>(4) The product does not include a drug as defined in</u>	2698
<u>section 4729.01 of the Revised Code.</u>	2699
<u>(5) The product does not contain more than three-tenths</u>	2700
<u>per cent of any tetrahydrocannabinol.</u>	2701
<u>(6) The product does not contain more than five milligrams</u>	2702
<u>of total tetrahydrocannabinol per serving.</u>	2703
<u>(7) The product container does not contain more than one</u>	2704
<u>serving.</u>	2705
<u>(G) "Hemp" means the plant Cannabis sativa L. and any part</u>	2706
<u>of that plant, including the seeds thereof and all derivatives,</u>	2707
<u>extracts, cannabinoids, isomers, acids, salts, and salts of</u>	2708
<u>isomers, whether growing or not, with a delta-9</u>	2709
<u>tetrahydrocannabinol concentration of not more than three-tenths</u>	2710
<u>per cent on a dry weight basis.</u>	2711
<u>(H) "Liquid hemp product" means a liquid product,</u>	2712
<u>containing a delta-9 tetrahydrocannabinol concentration of not</u>	2713
<u>more than three-tenths per cent, that is made with hemp.</u>	2714

(I) "Identification card" means a driver's or commercial driver's license, an identification card issued under sections 4507.50 to 4507.52 of the Revised Code or an equivalent identification card issued by another state, a military identification card issued by the United States department of 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. 2715
2716
2717
2718
2719
2720
2721
2722
2723

(J) "Manufacturer" means a person, whether located in this state or outside of this state, that manufactures a drinkable cannabinoid product for sale in this state. 2724
2725
2726

(K) "Ohio investigative unit" means the investigative unit maintained by the department of public safety under section 5502.13 of the Revised Code. 2727
2728
2729

(L) "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 drinkable cannabinoid product either by constructive or actual delivery by any means or devices. 2730
2731
2732
2733
2734

(M) "Serving" means twelve fluid ounces. 2735

(N) "Tetrahydrocannabinol" means naturally occurring or synthetic equivalents, regardless of whether artificially or naturally derived, of the substances contained in the plant, or in the resinous extractives of cannabis, sp. or derivatives, and their isomers with similar chemical structure to delta-1-cis or trans tetrahydrocannabinol, and their optical isomers, salts and salts of isomers. "Tetrahydrocannabinol" includes, but is not limited to, delta-8 tetrahydrocannabinol, delta-10 2736
2737
2738
2739
2740
2741
2742
2743

tetrahydrocannabinol, tetrahydrocannabinol-o acetate, 2744
tetrahydrocannabiphorol, tetrahydrocannabivarin, 2745
hexahydrocannabinol, delta-6-cis or trans tetrahydrocannabinol, 2746
delta-3, 4-cis or trans tetrahydrocannabinol, 9- 2747
hexahydrocannabinol, and delta-9-tetrahydrocannabinol acetate. 2748
Since nomenclature of these substances is not internationally 2749
standardized, compounds of these structures, regardless of 2750
designation of atomic positions, are included. 2751

"Tetrahydrocannabinol" does not include the following: 2752

(1) Tetrahydrocannabinols approved by the United States 2753
food and drug administration for marketing as a medication or 2754
recognized by the United States food and drug administration as 2755
generally recognized as safe. 2756

(2) Cannabichromene (CBC); 2757

(3) Cannabicyclol (CBL); 2758

(4) Cannabidiol (CBD); 2759

(5) Cannabidivanol (CBDV); 2760

(6) Cannabielsoin (CBE); 2761

(7) Cannabigerol (CBG); 2762

(8) Cannabigerovarin (CBGV); 2763

(9) Cannabinol (CBN); 2764

(10) Cannabivarin (CBV). 2765

Sec. 3779.211. Sections 3779.21 to 3779.30 of the Revised 2766
Code are operative notwithstanding any other provision of the 2767
Revised Code to the contrary, including Chapter 928. of the 2768
Revised Code. 2769

<u>Sec. 3779.22. (A) (1) An AD retailer may sell at retail</u>	2770
<u>drinkable cannabinoid products for consumption on the premises</u>	2771
<u>where sold and for consumption off the premises where sold.</u>	2772
<u>(2) A C retailer may sell at retail drinkable cannabinoid</u>	2773
<u>products for consumption off the premises where sold.</u>	2774
<u>(B) No person shall do any of the following:</u>	2775
<u>(1) Sell at retail a drinkable cannabinoid product unless</u>	2776
<u>authorized to do so under division (A) of this section;</u>	2777
<u>(2) If the person is a manufacturer, sell a drinkable</u>	2778
<u>cannabinoid product to any person other than an AD retailer, C</u>	2779
<u>retailer, or distributor;</u>	2780
<u>(3) Sell for distribution a drinkable cannabinoid product</u>	2781
<u>unless the person is a distributor;</u>	2782
<u>(4) If the person is a distributor, sell a drinkable</u>	2783
<u>cannabinoid product in this state to any person other than an AD</u>	2784
<u>or C retailer;</u>	2785
<u>(5) Sell at retail a drinkable cannabinoid product to an</u>	2786
<u>individual who is under twenty-one years of age;</u>	2787
<u>(6) Fail to verify that an individual who attempts to</u>	2788
<u>purchase or purchases a drinkable cannabinoid product at retail</u>	2789
<u>is at least twenty-one years of age by examining the</u>	2790
<u>individual's identification card;</u>	2791
<u>(7) Sell a drinkable cannabinoid product that contains</u>	2792
<u>alcohol;</u>	2793
<u>(8) If the person is a manufacturer or distributor, pay to</u>	2794
<u>an AD or C retailer any payment, credit, or any other</u>	2795
<u>consideration to induce the retailer to advertise or display a</u>	2796

<u>drinkable cannabinoid product in a certain manner in the</u>	2797
<u>retailer's permitted premises;</u>	2798
<u>(9) If the person is an AD or C retailer, accept any</u>	2799
<u>payment, credit, or any other consideration to advertise or</u>	2800
<u>display a drinkable cannabinoid product in a certain manner at</u>	2801
<u>the retailer's permitted premises;</u>	2802
<u>(10) If the person is not an AD retailer, allow an</u>	2803
<u>individual who purchases a drinkable cannabinoid product from</u>	2804
<u>the retailer to consume the drinkable cannabinoid product on the</u>	2805
<u>retailer's premises;</u>	2806
<u>(11) If the person is an AD or C retailer, sell a</u>	2807
<u>drinkable cannabinoid product at a price less than the price</u>	2808
<u>paid by the retailer to purchase the product from a distributor;</u>	2809
<u>(12) If the person is an AD or C retailer and the person</u>	2810
<u>is purchasing a drinkable cannabinoid product directly from a</u>	2811
<u>manufacturer for subsequent retail sale, sell a drinkable</u>	2812
<u>cannabinoid product at a price less than the price paid by the</u>	2813
<u>retailer to purchase the product from the manufacturer;</u>	2814
<u>(13) If the person is a distributor or manufacturer,</u>	2815
<u>charge a different price to an AD or C retailer for drinkable</u>	2816
<u>cannabinoid products based upon the quantity of drinkable</u>	2817
<u>cannabinoid products sold to the retailer;</u>	2818
<u>(14) Sell a drinkable cannabinoid product that includes</u>	2819
<u>hemp that was not cultivated by one of the following:</u>	2820
<u>(a) A hemp cultivator licensed under Chapter 928. of the</u>	2821
<u>Revised Code in this state or by the United States department of</u>	2822
<u>agriculture if the director of agriculture takes action under</u>	2823
<u>division (A) (2) of section 928.02 of the Revised Code;</u>	2824

<u>(b) A hemp cultivator that is licensed in another state by</u>	2825
<u>the United States department of agriculture;</u>	2826
<u>(c) A hemp cultivator that is licensed in another state by</u>	2827
<u>a governing body of that state whose hemp production plans have</u>	2828
<u>been approved by the United State department of agriculture.</u>	2829
<u>(15) Advertise a drinkable cannabinoid product in a false</u>	2830
<u>or misleading manner;</u>	2831
<u>(16) Advertise a drinkable cannabinoid product in a manner</u>	2832
<u>that is targeted or attractive to minors;</u>	2833
<u>(17) Advertise a drinkable cannabinoid product in a manner</u>	2834
<u>that promotes illegal activity or is obscene or indecent;</u>	2835
<u>(18) Violate any policy adopted under section 3779.24 of</u>	2836
<u>the Revised Code.</u>	2837
<u>Sec. 3779.23. (A) The Ohio investigative unit shall</u>	2838
<u>enforce this chapter or cause it to be enforced. If the unit has</u>	2839
<u>information that this chapter has been violated, it may</u>	2840
<u>investigate the matter and take any action as it considers</u>	2841
<u>appropriate. The authority of the Ohio investigative unit is</u>	2842
<u>concurrent to the jurisdiction of any law enforcement officer to</u>	2843
<u>enforce this chapter. Nothing in this chapter shall be construed</u>	2844
<u>to limit or supersede the authority of any law enforcement</u>	2845
<u>officer or agency.</u>	2846
<u>(B) Except as provided in division (C) of this section,</u>	2847
<u>the superintendent of liquor control may impose an</u>	2848
<u>administrative penalty or take other enforcement actions against</u>	2849
<u>a person that violates sections 3779.21 to 3779.30 of the</u>	2850
<u>Revised Code, including any policies adopted under division (A)</u>	2851
<u>of section 3779.24 of the Revised Code. Administrative penalties</u>	2852
<u>shall be set forth in policies adopted under section 3779.24 of</u>	2853

the Revised Code. 2854

(C) The superintendent of cannabis control may impose an 2855
administrative penalty or take other enforcement actions against 2856
a person that violates a policy established under division (B) 2857
of section 3779.24 of the Revised Code. Administrative penalties 2858
shall be set forth in policies adopted under section 3779.24 of 2859
the Revised Code. 2860

(D) (1) A person that has an administrative penalty imposed 2861
or has other enforcement action taken against the person under 2862
division (B) of this section may appeal the penalty or action to 2863
the liquor control commission in accordance with Chapter 4301. 2864
of the Revised Code and rules adopted under it. 2865

(2) A person that has an administrative penalty imposed or 2866
has other enforcement action taken against the person under 2867
division (C) of this section may appeal the penalty or action in 2868
accordance with the requirements and procedures established in 2869
rules adopted under section 3796.03 of the Revised Code for 2870
medical marijuana and adult-use marijuana. 2871

Sec. 3779.24. (A) On the effective date of this section, 2872
the superintendent of liquor control shall establish policies 2873
for the administration and enforcement of sections 3779.21 to 2874
3779.30 of the Revised Code, including policies governing all 2875
the following: 2876

(1) The labeling of drinkable cannabinoid products under 2877
section 3779.26 of the Revised Code; 2878

(2) The amount of administrative penalties to be imposed 2879
by the superintendent under section 3779.23 of the Revised Code 2880
and procedures for imposing such penalties. 2881

(3) Any other enforcement actions that may be taken by the 2882

<u>superintendent under section 3779.23 of the Revised Code.</u>	2883
<u>(B) On the effective date of this section, the</u>	2884
<u>superintendent of cannabis control shall establish policies for</u>	2885
<u>all of the following:</u>	2886
<u>(1) The testing of drinkable cannabinoid products under</u>	2887
<u>section 3779.25 of the Revised Code, including policies</u>	2888
<u>governing the issuance of a certificate of analysis as required</u>	2889
<u>under section 3779.25 of the Revised Code;</u>	2890
<u>(2) Creation and maintenance of a list of approved</u>	2891
<u>tetrahydrocannabinols that may be included for use in drinkable</u>	2892
<u>cannabinoid products;</u>	2893
<u>(3) The amount of administrative penalties to be imposed</u>	2894
<u>by the superintendent under section 3779.23 of the Revised Code</u>	2895
<u>and procedures for imposing such penalties.</u>	2896
<u>Sec. 3779.25.</u> (A) (1) <u>A manufacturer of a drinkable</u>	2897
<u>cannabinoid product shall test the product in accordance with</u>	2898
<u>policies adopted under section 3779.24 of the Revised Code prior</u>	2899
<u>to selling the product or offering the product for sale to a</u>	2900
<u>distributor.</u>	2901
<u>(2) No manufacturer, distributor, AD retailer, or C</u>	2902
<u>retailer shall sell or offer to sell a drinkable cannabinoid</u>	2903
<u>product that is not tested in accordance with this section and</u>	2904
<u>policies adopted under section 3779.24 of the Revised Code or</u>	2905
<u>that exceeds the maximum allowable level for a substance or</u>	2906
<u>organism specified in those policies.</u>	2907
<u>(B) A manufacturer shall contract with a testing</u>	2908
<u>laboratory to provide the testing required under this section.</u>	2909
<u>(C) Notwithstanding Chapter 3796. of the Revised Code and</u>	2910

rules adopted under it to the contrary, a drinkable cannabinoid 2911
product that is sold in this state shall be tested in a facility 2912
licensed in accordance with Chapter 3796. of the Revised Code 2913
and rules adopted under it or, as approved by the superintendent 2914
of the division of cannabis control, in a facility in another 2915
state that meets requirements that are substantially similar to 2916
applicable requirements established under Chapter 3796. of the 2917
Revised Code and rules adopted under it. For each test 2918
conducted, the facility shall issue a certificate of analysis 2919
that includes the results of the test as required in policies 2920
adopted under section 3779.24 of the Revised Code. The facility 2921
shall retain records relating to the certificate of analysis for 2922
one year after the testing is conducted. 2923

(D) A distributor, AD retailer, or C retailer is not 2924
liable for any violations or causes of action if a drinkable 2925
cannabinoid product distributed or sold by the distributor or 2926
retailer is not consistent with testing as represented. 2927

(E) No manufacturer or testing laboratory shall fail to 2928
comply with this section. 2929

Sec. 3779.26. In accordance with policies established 2930
under section 3779.24 of the Revised Code, a manufacturer shall 2931
include a label on each drinkable cannabinoid product container 2932
that it sells or offers for sale in this state that includes the 2933
amount of tetrahydrocannabinol, in milligrams, as identified in 2934
the certificate of analysis issued under division (C) of section 2935
3779.25 of the Revised Code. 2936

(B) No manufacturer shall fail to comply with this 2937
section. 2938

Sec. 3779.27. (A) As used in this section, "sales area or 2939

territory" means an exclusive geographic area or territory that 2940
is assigned to a particular distributor and that either has one 2941
or more political subdivisions as its boundaries or consists of 2942
an area of land with readily identifiable geographic boundaries. 2943

(B) Each manufacturer shall assign to each of the 2944
manufacturer's distributors a sales area or territory within 2945
which each distributor shall be the distributor of the brand or 2946
brands of the manufacturer, provided that, if the manufacturer 2947
manufactures more than one brand of drinkable cannabinoid 2948
product, the manufacturer may assign sales areas or territories 2949
to additional distributors for the distribution and sale of the 2950
additional brand or brands, so long as not more than one 2951
distributor distributes the same brand or brands within the same 2952
sales area or territory. No distributor shall distribute a 2953
specific brand of drinkable cannabinoid product in any area or 2954
territory other than the area or territory assigned to the 2955
distributor. 2956

Sec. 3779.28. (A) No manufacturer shall aid or assist a 2957
distributor, and no manufacturer or distributor shall aid or 2958
assist an AD retailer or C retailer, by gift or loan of any 2959
money or property of any description or other valuable thing, or 2960
by giving premiums or rebates. No distributor, AD retailer, or C 2961
retailer shall accept the same. 2962

(B) No manufacturer shall sell or offer to sell to any 2963
distributor or AD retailer or C retailer, no distributor shall 2964
sell or offer to sell to any AD retailer or C retailer, and no 2965
distributor or AD retailer or C retailer shall purchase or 2966
receive from any manufacturer or distributor any drinkable 2967
cannabinoid product in the United States except for cash. No 2968
right of action exists to collect any claims for credit extended 2969

contrary to this section. 2970

Sec. 3779.29. (A) As used in this section: 2971

(1) "Chauffeured limousine" means a vehicle registered 2972
under section 4503.24 of the Revised Code. 2973

(2) "Street," "highway," and "motor vehicle" have the same 2974
meanings as in section 4511.01 of the Revised Code. 2975

(B) A person may have in the person's possession an opened 2976
container of a drinkable cannabinoid product in either of the 2977
following locations: 2978

(1) On the premises of a private residence; 2979

(2) In a chauffeured limousine that is located on any 2980
street, highway, or other public or private property open to the 2981
public for purposes of vehicular travel or parking if all the 2982
following apply: 2983

(a) The person, or the guest of the person, pays all or a 2984
portion of the fee imposed for the use of a chauffeured 2985
limousine pursuant to a prearranged contract. 2986

(b) The person or guest is a passenger in the limousine. 2987

(c) The person or guest is located in the limousine but is 2988
not occupying a seat in the front compartment of the limousine 2989
where the operator of the limousine is located. 2990

(C) A person may have in the person's possession an opened 2991
container of a drinkable cannabinoid product on the premises of 2992
an AD retailer, provided the AD retailer sold the drinkable 2993
cannabinoid product to the person. 2994

(D) Except as provided in divisions (B) and (C) of this 2995
section, no person shall have in the person's possession an 2996

opened container of a drinkable cannabinoid product in any of 2997
the following circumstances: 2998

(1) In any public place; 2999

(2) While operating or being a passenger in or on a motor 3000
vehicle on any street, highway, or other public or private 3001
property open to the public for purposes of vehicular travel or 3002
parking; 3003

(3) While being in or on a stationary motor vehicle on any 3004
street, highway, or other public or private property open to the 3005
public for purposes of vehicular travel or parking. 3006

Sec. 3779.30. A person may manufacture a liquid hemp 3007
product that is a beverage intended for human consumption that 3008
is not in compliance with the requirements for drinkable 3009
cannabinoid products established in this chapter, provided the 3010
product is solely for export outside of this state. 3011

Sec. 3779.99. (A) Whoever recklessly violates division (B) 3012
(1) of section 3779.22 of the Revised Code is guilty of a 3013
misdemeanor of the first degree on a first offense and a felony 3014
of the fifth degree on a second or subsequent offense. 3015

(B) Whoever recklessly violates division (B)(5) of section 3016
3779.22 of the Revised Code is guilty of a misdemeanor of the 3017
first degree on a first offense and a felony of the fifth degree 3018
on a subsequent offense. 3019

(C) Whoever knowingly violates section 3779.29 of the 3020
Revised Code is guilty of a minor misdemeanor. 3021

Sec. 3796.01. (A) As used in this chapter: 3022

(1) "Marijuana" means marihuana as defined in section 3023
3719.01 of the Revised Code. 3024

(2) "Medical marijuana" means marijuana that is 3025
cultivated, processed, dispensed, tested, possessed, or used for 3026
a medical purpose in accordance with this chapter. "Medical 3027
marijuana" does not include adult-use marijuana or homegrown 3028
marijuana. 3029

(3) "Academic medical center" has the same meaning as in 3030
section 4731.297 of the Revised Code. 3031

(4) "Drug database" means the database established and 3032
maintained by the state board of pharmacy pursuant to section 3033
4729.75 of the Revised Code. 3034

(5) "Physician" means an individual authorized under 3035
Chapter 4731. of the Revised Code to practice medicine and 3036
surgery or osteopathic medicine and surgery. 3037

(6) "Qualifying medical condition" means any of the 3038
following: 3039

- (a) Acquired immune deficiency syndrome; 3040
- (b) Alzheimer's disease; 3041
- (c) Amyotrophic lateral sclerosis; 3042
- (d) Cancer; 3043
- (e) Chronic traumatic encephalopathy; 3044
- (f) Crohn's disease; 3045
- (g) Epilepsy or another seizure disorder; 3046
- (h) Fibromyalgia; 3047
- (i) Glaucoma; 3048
- (j) Hepatitis C; 3049

(k) Inflammatory bowel disease;	3050
(l) Multiple sclerosis;	3051
(m) Pain that is either of the following:	3052
(i) Chronic and severe;	3053
(ii) Intractable.	3054
(n) Parkinson's disease;	3055
(o) Positive status for HIV;	3056
(p) Post-traumatic stress disorder;	3057
(q) Sickle cell anemia;	3058
(r) Spinal cord disease or injury;	3059
(s) Tourette's syndrome;	3060
(t) Traumatic brain injury;	3061
(u) Ulcerative colitis;	3062
(v) Any other disease or condition added by the state	3063
medical board under section 4731.302 of the Revised Code.	3064
(7) "State university" has the same meaning as in section	3065
3345.011 of the Revised Code.	3066
(8) <u>"Adult-use consumer" means an individual who is at</u>	3067
<u>least twenty-one years of age.</u>	3068
(9) <u>"Adult-use marijuana" means marijuana that is</u>	3069
<u>cultivated, processed, dispensed, or tested for, or possessed or</u>	3070
<u>used by, an adult-use consumer, in accordance with this chapter.</u>	3071
<u>"Adult-use marijuana" includes marijuana cultivated, processed,</u>	3072
<u>dispensed, or tested for, or possessed or used by, an adult-use</u>	3073
<u>consumer before the effective date of this amendment in</u>	3074

accordance with Chapter 3780. of the Revised Code, as that 3075
chapter existed immediately prior to the effective date of this 3076
amendment. "Adult-use marijuana" does not include medical 3077
marijuana or homegrown marijuana. 3078

(10) "Church" has the meaning defined in section 1710.01 3079
of the Revised Code. 3080

(11) "Public library" means a library provided for under 3081
Chapter 3375. of the Revised Code. 3082

(12) "Public park" means a park established by the state 3083
or a political subdivision of the state, including a county, 3084
township, municipal corporation, or park district. 3085

(13) "Public playground" means a playground established by 3086
the state or a political subdivision of the state, including a 3087
county, township, municipal corporation, or park district. 3088

(14) "School" means a child care center as defined under 3089
section 5104.01 of the Revised Code, a preschool as defined 3090
under section 2950.034 of the Revised Code, or a public or 3091
nonpublic primary school or secondary school. 3092

(15) "Public place" has the same meaning as in section 3093
3794.01 of the Revised Code. 3094

(16) "Ohio investigative unit" means the investigative 3095
unit maintained by the department of public safety under section 3096
5502.13 of the Revised Code. 3097

(17) "Homegrown marijuana" means marijuana cultivated, 3098
grown, processed, or possessed by an adult-use consumer in 3099
accordance with section 3796.04 of the Revised Code. "Homegrown 3100
marijuana" includes marijuana cultivated, grown, processed, or 3101
possessed before the effective date of this amendment under 3102

former section 3780.28 of the Revised Code, as that section 3103
existed immediately prior to the effective date of this 3104
amendment. "Homegrown marijuana" does not include medical 3105
marijuana or adult-use marijuana. 3106

(18) "Provisional license" means a temporary license 3107
issued to an applicant for a cultivator, processor, retail 3108
dispensary, or laboratory license under this chapter or Chapter 3109
3780. of the Revised Code, as that chapter existed immediately 3110
before the effective date of this amendment, that establishes 3111
the conditions that must be met before the provisional license 3112
holder may engage in the activities authorized by section 3113
3796.18, 3796.19, 3796.20, or 3796.21 of the Revised Code. 3114

(19) "Certificate of operation" means a certificate issued 3115
to the holder of a provisional license that authorizes the 3116
recipient to engage in the activities authorized by section 3117
3796.18, 3796.19, 3796.20, or 3796.21 of the Revised Code. 3118

(20) "Licensed cultivator" means the holder of a current, 3119
valid license issued pursuant to this chapter or Chapter 3780. 3120
of the Revised Code, as that chapter existed immediately before 3121
the effective date of this amendment, to engage in the 3122
activities authorized by section 3796.18 of the Revised Code. 3123

(21) "Licensed processor" means the holder of a current, 3124
valid license issued pursuant to this chapter or Chapter 3780. 3125
of the Revised Code, as that chapter existed immediately before 3126
the effective date of this amendment, to engage in the 3127
activities authorized by section 3796.19 of the Revised Code. 3128

(22) "Licensed dispensary" means the holder of a current, 3129
valid license issued pursuant to this chapter or Chapter 3780. 3130
of the Revised Code, as that chapter existed immediately before 3131

the effective date of this amendment, to engage in the 3132
activities authorized by section 3796.20 of the Revised Code. 3133

(23) "Licensed laboratory" means the holder of a current, 3134
valid license issued pursuant to this chapter or Chapter 3780. 3135
of the Revised Code, as that chapter existed immediately before 3136
the effective date of this amendment, to engage in the 3137
activities authorized by section 3796.21 of the Revised Code. 3138

(24) "License holder" means the holder of a current, valid 3139
license issued under this chapter or Chapter 3780. of the 3140
Revised Code, as that chapter existed immediately before the 3141
effective date of this amendment; 3142

(25) "Physical control" means being in the operator's 3143
position of a vehicle, streetcar, trackless trolley, watercraft, 3144
or aircraft and having possession of the vehicle's, streetcar's, 3145
trackless trolley's, watercraft's, or aircraft's ignition key or 3146
other ignition device. 3147

(B) As used in the Revised Code, the "division of 3148
marijuana control" means the division of cannabis control and 3149
the "superintendent of marijuana control" means the 3150
superintendent of cannabis control. Whenever the division of 3151
marijuana control or the superintendent of marijuana control is 3152
referred to or designated in any statute, rule, contract, grant, 3153
or other document, the reference or designation shall be deemed 3154
to refer to the division of cannabis control or the 3155
superintendent of cannabis control, as indicated by context. 3156

(C) Notwithstanding any conflicting provision of Chapter 3157
3719. of the Revised Code or the rules adopted under it, for 3158
purposes of this chapter, ~~medical~~-marijuana is a schedule II 3159
controlled substance. 3160

Sec. 3796.02. There is hereby established a division of 3161
~~marijuana-cannabis~~ control in the department of commerce under 3162
the supervision and direction of the superintendent of marijuana 3163
control as established under section 121.04 of the Revised Code. 3164
The ~~medical-marijuana-cannabis~~ control program is hereby 3165
established in the division of ~~marijuana-cannabis~~ control. The 3166
division shall provide for the licensure of ~~medical-marijuana~~ 3167
cultivators, processors, retail dispensaries, and laboratories 3168
that test ~~medical-marijuana~~. The division shall also provide for 3169
the registration of patients and their caregivers. The division 3170
shall administer the ~~medical-marijuana-cannabis~~ control program. 3171

Sec. 3796.021. (A) The medical marijuana advisory 3172
committee is hereby created in the state board of pharmacy. The 3173
committee shall consist of the following: 3174

(1) Two members who are practicing pharmacists, at least 3175
one of whom supports the use of marijuana for medical purposes 3176
and at least one of whom is a member of the board of pharmacy; 3177

(2) Two members who are practicing physicians, at least 3178
one of whom supports the use of marijuana for medical purposes 3179
and at least one of whom is a member of the state medical board; 3180

(3) A member who represents local law enforcement; 3181

(4) A member who represents employers; 3182

(5) A member who represents labor; 3183

(6) A member who represents persons involved in mental 3184
health treatment; 3185

(7) A member who is a nurse; 3186

(8) A member who represents caregivers; 3187

(9) A member who represents patients;	3188
(10) A member who represents agriculture;	3189
(11) A member who represents persons involved in the treatment of alcohol and drug addiction;	3190 3191
(12) A member who engages in academic research.	3192
(B) The governor shall appoint the members described in divisions (A) (1), (2), (4), (10), (11), and (12) of this section. The senate president shall appoint the members described in divisions (A) (3) and (8) of this section. The minority leader of the senate shall appoint the member described in division (A) (7) of this section. The speaker of the house of representatives shall appoint the members described in divisions (A) (6) and (9) of this section. The minority leader of the house of representatives shall appoint the member described in division (A) (5) of this section. Not more than six members shall be of the same political party.	3193 3194 3195 3196 3197 3198 3199 3200 3201 3202 3203
(C) Appointments to the committee shall be made not later than thirty days after the effective date of this section <u>September 8, 2016</u> .	3204 3205 3206
(D) Each member of the committee shall serve from the date of appointment until the committee ceases to exist, except that members serve at the pleasure of the appointing authority. Vacancies shall be filled in the same manner as original appointments.	3207 3208 3209 3210 3211
(E) The governor shall select a member of the committee to serve as its chairperson.	3212 3213
(F) Each member of the committee shall receive a per diem compensation determined in accordance with division (J) of	3214 3215

section 124.15 of the Revised Code. In addition, each member 3216
shall receive actual and necessary travel expenses in connection 3217
with committee meetings and business. 3218

(G) The committee shall hold its initial meeting not later 3219
than thirty days after the last member of the committee is 3220
appointed. The committee may develop and submit to the 3221
department of commerce, state board of pharmacy, and the state 3222
medical board any recommendations related to ~~the~~ medical 3223
marijuana and the cannabis control program and the 3224
implementation and enforcement of Chapter 3796. of the Revised 3225
Code. 3226

(H) The committee is not subject to sections 101.82 to 3227
101.87 of the Revised Code. 3228

(I) The committee shall cease to exist on the date that 3229
occurs five years and thirty days after the effective date of 3230
this act September 8, 2016. 3231

Sec. 3796.03. (A) The division of ~~marijuana~~ cannabis 3232
control shall adopt rules establishing standards and procedures 3233
for the ~~medical marijuana~~ cannabis control program. 3234

All rules adopted under this section shall be adopted in 3235
accordance with Chapter 119. of the Revised Code. 3236

(B) The rules shall do all of the following: 3237

(1) Establish application procedures and fees for ~~licenses~~ 3238
~~it issues under this chapter~~ licensure; 3239

(2) Specify both of the following: 3240

(a) The conditions that must be met to be eligible for 3241
licensure; 3242

- (b) ~~In accordance with section 9.79 of the Revised Code,~~ 3243
~~the~~ The criminal offenses for which that disqualify an applicant 3244
~~will be disqualified from licensure pursuant to that~~ 3245
~~section~~ licensure under this chapter, which shall include, at 3246
minimum, any felony offense. 3247
- (3) Establish, in accordance with section 3796.05 of the 3248
Revised Code, the number of cultivator licenses ~~and retail-~~ 3249
~~dispensary licenses~~ that will be permitted at any one time; 3250
- (4) Establish a license renewal schedule, renewal 3251
procedures, and renewal fees; 3252
- (5) Specify reasons for which a license may be suspended, 3253
including without prior hearing, revoked, or not be renewed or 3254
issued and the reasons for which a civil penalty may be imposed 3255
on a license holder; 3256
- (6) Establish standards under which a license suspension 3257
may be lifted; 3258
- (7) Establish procedures for registration of medical 3259
marijuana patients and caregivers and requirements that must be 3260
met to be eligible for registration; 3261
- (8) Establish training requirements for employees of 3262
~~retail-~~ licensed dispensaries; 3263
- (9) ~~Specify if a cultivator, processor, retail dispensary,~~ 3264
~~or laboratory that is licensed under this chapter and that~~ 3265
~~existed at a location before a school, church, public library,~~ 3266
~~public playground, or public park became established within five~~ 3267
~~hundred feet of the cultivator, processor, retail dispensary, or~~ 3268
~~laboratory, may remain in operation or shall relocate or have~~ 3269
~~its license revoked by the division;~~ 3270

(10) Specify, by form and tetrahydrocannabinol content, a maximum ninety-day supply of medical marijuana that may be possessed;	3271 3272 3273
(11) <u>(10)</u> Specify the paraphernalia or other accessories that may be used in the administration to a registered patient of medical marijuana, <u>adult-use marijuana, and homegrown marijuana</u> ;	3274 3275 3276 3277
(12) <u>(11)</u> Establish procedures for the issuance of patient or caregiver identification cards;	3278 3279
(13) <u>(12)</u> Specify the forms of or methods of using <u>adult-use marijuana and medical marijuana</u> that are attractive to children;	3280 3281 3282
(14) Specify both of the following:	3283
(a) Subject to division (B) (14) (b) of this section, the criminal offenses for which a person will be disqualified from employment with a license holder;	3284 3285 3286
(b) Which of the criminal offenses specified pursuant to division (B) (14) (a) of this section will not disqualify a person from employment with a license holder if the person was convicted of or pleaded guilty to the offense more than five years before the date the employment begins.	3287 3288 3289 3290 3291
(15) <u>(13)</u> Establish a program to assist <u>medical marijuana</u> patients who are veterans or indigent in obtaining medical marijuana in accordance with this chapter;	3292 3293 3294
(16) <u>(14)</u> Establish, in accordance with section 3796.05 of the Revised Code, standards and procedures for the testing of <u>medical marijuana and adult-use marijuana</u> by a <u>licensed</u> laboratory licensed under this chapter ;	3295 3296 3297 3298

<u>(15) Establish standards and procedures for both of the</u>	3299
<u>following:</u>	3300
<u>(a) Online and mobile ordering of adult-use and medical</u>	3301
<u>marijuana by a licensed dispensary;</u>	3302
<u>(b) Delivery of medical marijuana by a licensed dispensary</u>	3303
<u>or an agent of a licensed dispensary to a registered medical</u>	3304
<u>marijuana patient or caregiver.</u>	3305
<u>(16) Establish standards prohibiting the use of gifts,</u>	3306
<u>samples, or other free or discounted goods or services to induce</u>	3307
<u>or reward a license holder for business or referrals;</u>	3308
<u>(17) Establish standards for non-marijuana ingredients</u>	3309
<u>used in adult-use and medical marijuana products, which may take</u>	3310
<u>into account industry best-practices and criteria set by the</u>	3311
<u>federal food and drug administration for food ingredients,</u>	3312
<u>vitamins, and supplements. The division may prohibit ingredients</u>	3313
<u>that do not meet such standards.</u>	3314
(C) In addition to the rules described in division (B) of	3315
this section, the division may adopt any other rules it	3316
considers necessary for the program's administration and the	3317
implementation and enforcement of this chapter.	3318
(D) When adopting rules under this section, the division	3319
shall consider standards and procedures that have been found to	3320
be best practices relative to the use and regulation of medical	3321
marijuana, adult-use marijuana, and homegrown marijuana.	3322
Sec. 3796.032. This chapter does not authorize the	3323
division of marijuana <u>cannabis</u> control to oversee or limit	3324
research conducted at a state university, academic medical	3325
center, or private research and development organization that is	3326
related to marijuana and is approved by an agency, board,	3327

center, department, or institute of the United States	3328
government, including any of the following:	3329
(A) The agency for health care research and quality;	3330
(B) The national institutes of health;	3331
(C) The national academy of sciences;	3332
(D) The centers for medicare and medicaid services;	3333
(E) The United States department of defense;	3334
(F) The centers for disease control and prevention;	3335
(G) The United States department of veterans affairs;	3336
(H) The drug enforcement administration;	3337
(I) The food and drug administration;	3338
(J) Any board recognized by the national institutes of	3339
health for the purpose of evaluating the medical value of health	3340
care services.	3341
<u>Sec. 3796.04. (A) Notwithstanding any conflicting</u>	3342
<u>provision of the Revised Code, an adult-use consumer may do all</u>	3343
<u>of the following:</u>	3344
<u>(1) Cultivate, grow, and possess homegrown marijuana</u>	3345
<u>plants at the adult-use consumer's primary residence, if all of</u>	3346
<u>the following apply:</u>	3347
<u>(a) Not more than six homegrown marijuana plants are</u>	3348
<u>cultivated or grown by each adult-use consumer;</u>	3349
<u>(b) Not more than twelve homegrown marijuana plants are</u>	3350
<u>cultivated or grown at a single residence;</u>	3351
<u>(c) Cultivation or growing of homegrown marijuana takes</u>	3352

place only within a secured closet, room, greenhouse, or other 3353
enclosed area in or on the grounds of the residence that 3354
prevents access by individuals under twenty-one years of age, 3355
and which is not visible by normal unaided vision from a public 3356
space; 3357

(d) Cultivation or growing of homegrown marijuana does not 3358
take place at a residence that is any of the following: 3359

(i) A type A family child care home or type B family child 3360
care home, as those terms are defined in section 5104.01 of the 3361
Revised Code; 3362

(ii) A halfway house, community transitional housing 3363
facility, community residential center, or other similar 3364
facility licensed by the division of parole and community 3365
services under section 2967.14 of the Revised Code; 3366

(iii) A residential premises occupied pursuant to a rental 3367
agreement that prohibits the activities otherwise authorized by 3368
this section. 3369

(2) Process homegrown marijuana by manual or mechanical 3370
means. 3371

(3) Store homegrown marijuana and adult-use marijuana at 3372
the adult-use consumer's primary residence. 3373

(4) Use homegrown marijuana grown, cultivated, and 3374
processed at the adult-use consumer's primary residence; 3375

(5) Possess any paraphernalia or accessories that may be 3376
used in the administration of adult-use marijuana or homegrown 3377
marijuana. 3378

(B) This section does not authorize any person to: 3379

<u>(1) Cultivate, grow, or process homegrown marijuana except</u>	3380
<u>at the person's primary residence;</u>	3381
<u>(2) Use, cultivate, process, transfer, or transport adult-</u>	3382
<u>use marijuana or homegrown marijuana before reaching twenty-one</u>	3383
<u>years of age;</u>	3384
<u>(3) Process homegrown by hydrocarbon-based extraction;</u>	3385
<u>(4) Sell, or profit from, homegrown marijuana;</u>	3386
<u>(5) Cultivate, grow, or possess homegrown marijuana on</u>	3387
<u>behalf of another person.</u>	3388
<u>(C) (1) No person shall knowingly cultivate, grow, or</u>	3389
<u>possess homegrown marijuana in a manner that violates division</u>	3390
<u>(A) of this section:</u>	3391
<u>(2) No person shall knowingly consume adult-use marijuana</u>	3392
<u>or homegrown marijuana in a public place;</u>	3393
<u>(3) No person operating a public place shall knowingly</u>	3394
<u>permit the consumption of adult-use marijuana or homegrown</u>	3395
<u>marijuana in that public place.</u>	3396
<u>(D) Subject to division (B) of this section and divisions</u>	3397
<u>(B) and (C) of section 3796.221 of the Revised Code, an adult-</u>	3398
<u>use consumer shall not be subject to arrest or criminal</u>	3399
<u>prosecution for cultivating, growing, possessing, processing,</u>	3400
<u>storing, or using homegrown marijuana, or possessing</u>	3401
<u>paraphernalia or accessories that may be used in the</u>	3402
<u>administration of adult-use or homegrown marijuana, in</u>	3403
<u>accordance with division (A) of this section.</u>	3404
<u>(E) This section does not authorize an adult-use consumer</u>	3405
<u>to operate a vehicle, streetcar, trackless trolley, watercraft,</u>	3406
<u>or aircraft while under the influence of marijuana.</u>	3407

Sec. 3796.05. (A) When establishing the number of 3408
cultivator licenses that will be permitted at any one time, the 3409
division of ~~marijuana~~ cannabis control shall consider ~~both~~ all 3410
of the following: 3411

(1) The population of this state; 3412

(2) The number of patients seeking to use medical 3413
marijuana; 3414

(3) The number of adult-use consumers seeking to use 3415
adult-use marijuana. 3416

~~(B) When establishing the number of retail dispensary~~ 3417
~~licenses that will~~ (B) (1) Not more than four hundred licensed 3418
dispensaries shall be permitted to operate in this state at any 3419
one time, the division shall consider all of the following: 3420

~~(1) The population of this state;~~ 3421

~~(2) The number of patients seeking to use medical~~ 3422
~~marijuana;~~ 3423

~~(3) The geographic distribution of dispensary sites in an~~ 3424
~~effort to ensure patient access to medical marijuana.~~ 3425

(2) (a) The division may revoke a dispensary license for 3426
failure to secure a certificate of operation within eighteen 3427
months after issuance of a provisional license. 3428

(b) The holder of a provisional license may apply to the 3429
division for not more than two six-month extensions of the 3430
deadline prescribed by division (B) (2) (a) of this section. The 3431
division shall approve the extension if the provisional license 3432
holder demonstrates that the provisional license holder has made 3433
a good-faith effort to become operational. 3434

(3) When issuing retail dispensary licenses, the division 3435
of cannabis control shall ensure that the geographic 3436
distribution of dispensary sites does not result in the 3437
oversaturation of any geographic area. 3438

(4) The division shall not, on or after the effective date 3439
of this amendment, issue a retail dispensary license for, or 3440
approve the relocation of a licensed retail dispensary to, a 3441
location or facility: 3442

(a) That is within one mile of another licensed 3443
dispensary; 3444

(b) For which a permit has been issued under Chapter 4303. 3445
of the Revised Code to sell beer and intoxicating liquor, as 3446
those terms are defined in section 4301.01 of the Revised Code. 3447

(C) No person shall own or operate more than eight 3448
licensed dispensaries, more than one licensed cultivator, or 3449
more than one licensed processor license at any time. 3450

(D) When establishing standards and procedures for the 3451
testing of medical marijuana and adult-use marijuana, the 3452
division shall do all of the following: 3453

(1) Specify when testing must be conducted; 3454

(2) Determine the minimum amount of medical marijuana or 3455
adult-use marijuana that must be tested; 3456

(3) Specify the manner in which testing is to be conducted 3457
in an effort to ensure uniformity of medical marijuana products 3458
~~processed for and dispensed to patients~~ and adult-use marijuana 3459
products; 3460

(4) Specify the manner in which test results are provided. 3461

Sec. 3796.06. (A) Only the following forms of medical marijuana may be dispensed under this chapter:	3462
	3463
(1) Oils;	3464
(2) Tinctures;	3465
(3) Plant material;	3466
(4) Edibles;	3467
(5) Patches;	3468
(6) Any other form approved by the division of marijuana control under section 3796.061 of the Revised Code.	3469
	3470
(B) <u>Only the following forms of adult-use marijuana may be dispensed under this chapter:</u>	3471
	3472
<u>(1) Any form in which medical marijuana may be dispensed;</u>	3473
<u>(2) Extracts;</u>	3474
<u>(3) Drops;</u>	3475
<u>(4) Lozenges;</u>	3476
<u>(5) Smoking or combustible products;</u>	3477
<u>(6) Vaporization products;</u>	3478
<u>(7) Beverages;</u>	3479
<u>(8) Pills;</u>	3480
<u>(9) Capsules;</u>	3481
<u>(10) Suppositories;</u>	3482
<u>(11) Oral pouches;</u>	3483
<u>(12) Oral strips;</u>	3484

<u>(13) Oral and topical sprays;</u>	3485
<u>(14) Salves;</u>	3486
<u>(15) Lotions or similar cosmetic products;</u>	3487
<u>(16) Inhalers;</u>	3488
<u>(17) Seeds;</u>	3489
<u>(18) Live plants;</u>	3490
<u>(19) Clones;</u>	3491
<u>(20) Pre-rolled products.</u>	3492
<u>(C) With respect to the methods of using medical</u>	3493
<u>marijuana, adult-use marijuana and homegrown marijuana, all of</u>	3494
<u>the following apply:</u>	3495
<u>(1) The smoking or combustion of medical marijuana is</u>	3496
<u>prohibited.</u>	3497
<u>(2) The No person shall knowingly consume adult-use</u>	3498
<u>marijuana or homegrown marijuana by smoking, combustion, or</u>	3499
<u>vaporization or knowingly consume medical marijuana by</u>	3500
<u>vaporization of medical marijuana is permitted in any place</u>	3501
<u>other than privately owned real property that is used primarily</u>	3502
<u>for residential or agricultural purposes, including any</u>	3503
<u>dwelling, facilities, improvements, and appurtenances on such</u>	3504
<u>real property.</u>	3505
<u>(3) No person shall knowingly smoke, combust, or vaporize</u>	3506
<u>marijuana in any of the following:</u>	3507
<u>(a) A type A family child care home or type B family child</u>	3508
<u>care home, as those terms are defined in section 5104.01 of the</u>	3509
<u>Revised Code;</u>	3510

(b) A halfway house, community transitional housing facility, community residential center, or other similar facility licensed by the division of parole and community services under section 2967.14 of the Revised Code; 3511
3512
3513
3514

(c) A residential premises occupied pursuant to a rental agreement that prohibits the smoking, combustion, or vaporization of marijuana; 3515
3516
3517

(d) A public place or place of employment, as those terms are defined in section 3794.01 of the Revised Code. 3518
3519

~~(3)~~(4) The division may approve additional methods of using medical marijuana, other than smoking or combustion, under section 3796.061 of the Revised Code. 3520
3521
3522

~~(C)~~(D) (1) Any form or method of using adult-use marijuana or medical marijuana that is considered attractive to children, as specified in rules adopted by the division, is prohibited. 3523
3524
3525

(2) Adult-use marijuana and medical marijuana shall not be dispensed or sold in a form or shape that bears the likeness or contains the characteristics of a realistic or fictional human, animal, or fruit, including artistic, caricature, or cartoon renderings. 3526
3527
3528
3529
3530

~~(D) With respect to tetrahydrocannabinol content, all of the following apply:-~~ 3531
3532

~~(1) Plant material shall have a~~ (E) (1) Except as otherwise provided in division (E) (3) of this section, the tetrahydrocannabinol content of medical marijuana dispensed or sold to patients or caregivers shall not more than thirty-five exceed: 3533
3534
3535
3536
3537

(a) Thirty-five per cent for plant material; 3538

<u>(b) Seventy per cent for extracts.</u>	3539
<u>(2) Extracts shall have a Except as otherwise provided in</u>	3540
<u>division (E) (3) of this section, the tetrahydrocannabinol</u>	3541
<u>content of adult-use marijuana dispensed or sold to adult-use</u>	3542
<u>consumers shall not more than seventy exceed:</u>	3543
<u>(a) Thirty-five per cent for plant material;</u>	3544
<u>(b) Seventy per cent for extracts.</u>	3545
<u>(3) The division may adopt rules, in accordance with</u>	3546
<u>Chapter 119. of the Revised Code, that do either or both of the</u>	3547
<u>following:</u>	3548
<u>(a) Increase the tetrahydrocannabinol content limits for</u>	3549
<u>extracts prescribed in divisions (E) (1) and (2) of this section;</u>	3550
<u>(b) Establish tetrahydrocannabinol content limits for</u>	3551
<u>adult-use and medical marijuana dispensed or sold under this</u>	3552
<u>chapter by content per serving or per package.</u>	3553
<u>(F) No person shall knowingly give, sell, or distribute</u>	3554
<u>adult-use marijuana or homegrown marijuana to a person under</u>	3555
<u>twenty-one years of age.</u>	3556
<u>(G) No person under the age of twenty one shall knowingly</u>	3557
<u>purchase, use, or possess adult-use marijuana or homegrown</u>	3558
<u>marijuana.</u>	3559
<u>(H) An adult-use consumer, medical marijuana patient, or</u>	3560
<u>medical marijuana caregiver shall store edible adult-use and</u>	3561
<u>medical marijuana products in the original packaging at all</u>	3562
<u>times when the products are not actively in use.</u>	3563
Sec. 3796.061. (A) Any person may submit a petition to the	3564
state division of marijuana <u>cannabis</u> control requesting that a	3565

form of or method of using medical marijuana be approved for the 3566
purposes of section 3796.06 of the Revised Code. A petition 3567
shall be submitted to the division in a manner prescribed by the 3568
division. A petition shall not seek to approve a method of using 3569
medical marijuana that involves smoking or combustion. 3570

(B) On receipt of a petition, the division shall review it 3571
to determine whether to approve the form of or method of using 3572
medical marijuana described in the petition. The division may 3573
consolidate the review of petitions for the same or similar 3574
forms or methods. In making its determination, the division 3575
shall consult with one or more experts and review any relevant 3576
scientific evidence. 3577

(C) The division shall approve or deny the petition in 3578
accordance with any rules adopted by the division under this 3579
section. The division's decision is final. 3580

(D) The division may adopt rules as necessary to implement 3581
this section. The rules shall be adopted in accordance with 3582
Chapter 119. of the Revised Code. 3583

Sec. 3796.062. (A) No person shall knowingly transport 3584
marijuana other than adult-use marijuana, medical marijuana, or 3585
homegrown marijuana in a motor vehicle. 3586

(B) No person shall knowingly transport medical marijuana 3587
or adult-use marijuana in a motor vehicle unless one of the 3588
following applies: 3589

(1) The adult-use marijuana or medical marijuana is in the 3590
original, unopened packaging in which it was dispensed or sold; 3591

(2) If previously opened, the adult-use marijuana or 3592
medical marijuana is stored in the trunk of the motor vehicle 3593
or, if the motor vehicle does not have a trunk, behind the last 3594

upright seat of the motor vehicle or in an area not normally 3595
occupied by the driver or passengers and not easily accessible 3596
by the driver. 3597

(C) No person shall knowingly transport homegrown 3598
marijuana in a motor vehicle unless the homegrown marijuana is 3599
stored in the trunk of the motor vehicle or, if the motor 3600
vehicle does not have a trunk, behind the last upright seat of 3601
the motor vehicle or in an area not normally occupied by the 3602
driver or passengers and not easily accessible by the driver. 3603

(D) No person shall knowingly transport marijuana 3604
paraphernalia in a motor vehicle unless one of the following 3605
applies: 3606

(1) The marijuana paraphernalia is in the original, 3607
unopened packaging in which it was dispensed or sold; 3608

(2) If previously opened, the marijuana paraphernalia is 3609
stored in the trunk of the motor vehicle or, if the motor 3610
vehicle does not have a trunk, behind the last upright seat of 3611
the motor vehicle or in an area not normally occupied by the 3612
driver or passengers and not easily accessible by the driver. 3613

Sec. 3796.07. The department of commerce division of 3614
cannabis control shall establish and maintain an electronic 3615
database to monitor adult-use and medical marijuana from its 3616
seed source through its cultivation, processing, testing, and 3617
dispensing. The department division may contract with a separate 3618
entity to establish and maintain all or any part of the 3619
electronic database on behalf of the department. 3620

The electronic database shall allow for information 3621
regarding adult-use and medical marijuana to be updated 3622
instantaneously. Any cultivator, processor, retail dispensary, 3623

~~or laboratory licensed under this chapter~~ A license holder shall 3624
submit to the ~~department~~ division any information the ~~department~~ 3625
division determines is necessary for maintaining the electronic 3626
database. 3627

Information reported or collected under this section, 3628
including all data contained in the electronic database, is 3629
confidential and is not a public record for the purposes of 3630
section 149.43 of the Revised Code. The ~~department~~ division and 3631
any entity under contract with the ~~department~~ division shall not 3632
make public any information reported to or collected by the 3633
~~department~~ division under this ~~division~~ section that identifies 3634
or would tend to identify any specific adult-use consumer or 3635
medical marijuana patient. Information or data that does not 3636
identify a specific adult-use consumer or medical marijuana 3637
patient may be released in summary, statistical, or aggregate 3638
form. 3639

Sec. 3796.08. (A) (1) Until one hundred eighty days 3640
following ~~the effective date of this amendment~~ October 3, 2023, 3641
a patient seeking to use medical marijuana or a caregiver 3642
seeking to assist a patient in the use or administration of 3643
medical marijuana shall apply to the state board of pharmacy for 3644
registration. On and after one hundred eighty days following ~~the~~ 3645
~~effective date of this amendment~~ October 3, 2023, a patient 3646
seeking to use medical marijuana or a caregiver seeking to 3647
assist a patient in the use or administration of medical 3648
marijuana shall apply to the division of ~~marijuana~~ cannabis 3649
control for registration. The physician who holds a certificate 3650
to recommend issued by the state medical board and is treating 3651
the patient or the physician's delegate shall submit the 3652
application on the patient's or caregiver's behalf in the manner 3653
established in rules adopted under section 3796.03 of the 3654

Revised Code. 3655

(2) The application shall include all of the following: 3656

(a) A statement from the physician certifying all of the 3657
following: 3658

(i) That a bona fide physician-patient relationship exists 3659
between the physician and patient; 3660

(ii) That the patient has been diagnosed with a qualifying 3661
medical condition; 3662

(iii) That the physician or physician delegate has 3663
requested from the drug database a report of information related 3664
to the patient that covers at least the twelve months 3665
immediately preceding the date of the report; 3666

(iv) That the physician has informed the patient of the 3667
risks and benefits of medical marijuana as it pertains to the 3668
patient's qualifying medical condition and medical history. 3669

(b) In the case of an application submitted on behalf of a 3670
patient, the name or names of the one or more caregivers that 3671
will assist the patient in the use or administration of medical 3672
marijuana; 3673

(c) In the case of an application submitted on behalf of a 3674
caregiver, the name of the patient or patients that the 3675
caregiver seeks to assist in the use or administration of 3676
medical marijuana. 3677

(3) If the application is complete and meets the 3678
requirements established in rules, the board or division, as 3679
applicable, shall register the patient or caregiver and issue to 3680
the patient or caregiver an identification card. 3681

(B) The board or division, as applicable, shall not make public any information reported to or collected by the board or division, as applicable, under this section that identifies or would tend to identify any specific patient.

Information collected by the board or division, as applicable, pursuant to this section is confidential and not a public record. The board or division, as applicable, may share identifying information with a licensed retail dispensary for the purpose of confirming that a person has a valid registration. Information that does not identify a person may be released in summary, statistical, or aggregate form.

(C) A registration 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 procedures established in those rules.

Sec. 3796.09. (A) An entity that seeks to cultivate ~~or,~~ process ~~medical marijuana,~~ or to conduct laboratory testing of medical marijuana and adult-use marijuana shall file an application for licensure with the ~~department~~ division of ~~commerce~~ cannabis control. The entity shall file an application for each location from which it seeks to operate. Each application shall be submitted in accordance with rules adopted under section 3796.03 of the Revised Code.

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

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

(1) The report of the criminal records check conducted 3711
pursuant to section 3796.12 of the Revised Code with respect to 3712
the application demonstrates that the person subject to the 3713
criminal records check requirement has not been convicted of or 3714
pleaded guilty to ~~any of the a~~ disqualifying offenses ~~offense,~~ 3715
as specified in rules adopted under section 9.79 and division 3716
(B) (2) (b) of section 3796.03 of the Revised Code. 3717

(2) ~~The~~ If the application is for a cultivator or 3718
processor license, the applicant demonstrates that it does not 3719
none of its current or prospective owners, officers, board 3720
members, administrators, employees, agents, or affiliates who 3721
may significantly influence or control the applicant's 3722
activities have an ownership or investment interest in or 3723
compensation arrangement with ~~any either~~ of the following: 3724

(a) A licensed laboratory ~~licensed under this chapter;~~ 3725

(b) An applicant for a license to conduct laboratory 3726
testing. 3727

(3) ~~The~~ If the application is for a cultivator or 3728
processor license, the applicant demonstrates that it does not 3729
none of its current or prospective owners, officers, board 3730
members, administrators, employees, agents, or affiliates who 3731
may significantly influence or control the applicant's 3732
activities share any corporate officers or employees with any 3733
either of the following: 3734

(a) A licensed laboratory ~~licensed under this chapter;~~ 3735

(b) An applicant for a license to conduct laboratory 3736
testing. 3737

(4) The applicant demonstrates that it will not be located 3738
within five hundred feet of a school, church, public library, 3739

public playground, or public park.	3740
(5) <u>The information provided to the department division</u>	3741
pursuant to section 3796.11 of the Revised Code demonstrates	3742
that the applicant is in compliance with the applicable tax laws	3743
of this state.	3744
(6) <u>The applicant demonstrates sufficient liquid capital</u>	3745
<u>and ability to meet financial responsibility requirements;</u>	3746
(7) <u>The applicant demonstrates that the municipal</u>	3747
<u>corporation or township in which it will be located has not</u>	3748
<u>passed a moratorium or taken any other action that would</u>	3749
<u>prohibit the applicant from operating there;</u>	3750
(8) <u>The application does not contain false, misleading, or</u>	3751
<u>deceptive information and does not omit material information;</u>	3752
(9) <u>The applicant pays any fee required by the division;</u>	3753
(10) <u>The applicant meets all other licensure eligibility</u>	3754
conditions established in rules adopted under section 3796.03 of	3755
the Revised Code.	3756
(C) -(D) <u>If the number of eligible applicants exceed the</u>	3757
<u>number of available licenses, the division shall use an</u>	3758
<u>impartial and evidence-based process to rank the eligible</u>	3759
<u>applicants. The ranking process shall take into account all of</u>	3760
<u>the following:</u>	3761
(1) <u>The applicant's business plan;</u>	3762
(2) <u>The applicant's operations plan;</u>	3763
(3) <u>The applicant's security plan;</u>	3764
(4) <u>The applicant's financial plan;</u>	3765
(5) <u>The applicant's principal place of business;</u>	3766

<u>(6) The proposed location of the cultivation, processing,</u>	3767
<u>or laboratory facility;</u>	3768
<u>(7) The applicant's plan for generating job and economic</u>	3769
<u>development in this state;</u>	3770
<u>(8) The applicant's environmental plan;</u>	3771
<u>(9) Employment practices, including any plans to inform,</u>	3772
<u>hire, or educate residents of the state, veterans, disabled</u>	3773
<u>persons, women, or minorities;</u>	3774
<u>(10) The criminal records of all persons subject to the</u>	3775
<u>criminal records check requirement;</u>	3776
<u>(11) The civil and administrative history of the applicant</u>	3777
<u>and persons associated with the applicant;</u>	3778
<u>(12) Any other eligibility, suitability, or operations-</u>	3779
<u>based determination specified in this chapter or rules adopted</u>	3780
<u>by the division thereunder.</u>	3781
<u>(E) (1) If the division uses a lottery system to issue</u>	3782
<u>licenses under this section, the applicants shall be grouped</u>	3783
<u>into the following distinct categories:</u>	3784
<u>(a) Highly exceeds;</u>	3785
<u>(b) Exceeds;</u>	3786
<u>(c) Meets;</u>	3787
<u>(d) Does not meet.</u>	3788
<u>(2) The division shall group the applicants such that the</u>	3789
<u>number of applicants in each of the highly exceeds, exceeds, and</u>	3790
<u>meets categories is roughly equal, unless doing so is not</u>	3791
<u>possible while conforming to an impartial and evidence-based</u>	3792
<u>process. Applicants that do not meet the eligibility</u>	3793

requirements prescribed by division (C) of this section shall be 3794
placed in the does not meet category. 3795

(3) In conducting the lottery, the division shall give 3796
applicants in the exceeds category double odds of being selected 3797
as compared to applicants in the meets category. The division 3798
shall give applicants in the highly exceeds category double the 3799
odds of being selected as compared to applicants in the exceeds 3800
category. An applicant grouped in the does not meet category is 3801
ineligible for licensure. 3802

(F) The ~~department~~ division shall issue not less than 3803
fifteen per cent of cultivator, processor, or laboratory 3804
licenses to entities that are owned and controlled by United 3805
States citizens who are residents of this state and are members 3806
of one of the following economically disadvantaged groups: 3807
Blacks or African Americans, American Indians, Hispanics or 3808
Latinos, and Asians. If no applications or an insufficient 3809
number of applications are submitted by such entities that meet 3810
the conditions set forth in division ~~(B)~~(C) of this section, the 3811
licenses shall be issued according to usual procedures. 3812

As used in this division, "owned and controlled" means 3813
that at least fifty-one per cent of the business, including 3814
corporate stock if a corporation, is owned by persons who belong 3815
to one or more of the groups set forth in this division, and 3816
that those owners have control over the management and day-to- 3817
day operations of the business and an interest in the capital, 3818
assets, and profits and losses of the business proportionate to 3819
their percentage of ownership. 3820

~~(D)~~(G) A license expires according to the renewal 3821
schedule established in rules adopted under section 3796.03 of 3822
the Revised Code and may be renewed in accordance with the 3823

procedures established in those rules. Applications for renewal 3824
are not subject to the evaluation, prioritization, ranking, and 3825
lottery provisions in divisions (B), (D), and (E) of this 3826
section. The division shall not deny an application for renewal 3827
based solely on the location of the applicant's existing 3828
facility in proximity to other license holders. 3829

(H) A provisional license issued under this section is not 3830
transferable. 3831

(I) No person shall knowingly engage in any of the 3832
activities described in section 3796.18, 3796.19, or 3796.21 of 3833
the Revised Code without the proper license issued under this 3834
section or Chapter 3780. of the Revised Code, as that chapter 3835
existed immediately prior to the effective date of this 3836
amendment. 3837

Sec. 3796.10. (A) An entity that seeks to dispense at 3838
retail medical marijuana and adult-use marijuana shall file an 3839
application for licensure with the division of marijuana 3840
control. The entity shall file an application for each location 3841
from which it seeks to operate. Each application shall be 3842
submitted in accordance with rules adopted under section 3796.03 3843
of the Revised Code. 3844

(B) The division shall evaluate and prioritize 3845
applications for licensure under this section according to the 3846
applicant's eligibility, suitability, and ability to operate. 3847

(C) The division shall not issue a license to an applicant 3848
~~if~~ unless all of the following conditions are met: 3849

(1) The report of the criminal records check conducted 3850
pursuant to section 3796.12 of the Revised Code with respect to 3851
the application demonstrates that the person subject to the 3852

criminal records check requirement has not been convicted of or 3853
pleaded guilty to ~~any of the a~~ disqualifying offenses ~~offense,~~ 3854
as specified in rules adopted under ~~section 9.79~~ and division 3855
(B) (2) (b) of section 3796.03 of the Revised Code. 3856

(2) The applicant demonstrates that ~~it does not~~ none of 3857
its current or prospective owners, officers, board members, 3858
administrators, employees, agents, or affiliates who may 3859
significantly influence or control the applicant's activities 3860
have an ownership or investment interest in or compensation 3861
arrangement with ~~any~~ either of the following: 3862

(a) A licensed laboratory ~~licensed under this chapter;~~ 3863

(b) An applicant for a license to conduct laboratory 3864
testing. 3865

(3) The applicant demonstrates that ~~it does not~~ none of 3866
its current or prospective owners, officers, board members, 3867
administrators, employees, agents, or affiliates who may 3868
significantly influence or control the applicant's activities 3869
share any corporate officers or employees with ~~any~~ either of the 3870
following: 3871

(a) A licensed laboratory ~~licensed under this chapter;~~ 3872

(b) An applicant for a license to conduct laboratory 3873
testing. 3874

(4) The applicant demonstrates that it will not be located 3875
within five hundred feet of a school, church, public library, 3876
public playground, or public park. 3877

(5) The applicant demonstrates that the proposed location 3878
or facility is not either of the following: 3879

(a) Located within one mile of another licensed 3880

<u>dispensary;</u>	3881
<u>(b) Issued a permit under Chapter 4303. of the Revised Code to sell beer and intoxicating liquor, as those terms are defined in section 4301.01 of the Revised Code.</u>	3882 3883 3884
<u>(6) The information provided to the division pursuant to section 3796.11 of the Revised Code demonstrates that the applicant is in compliance with the applicable tax laws of this state.</u>	3885 3886 3887 3888
<u>(6)-(7) The applicant demonstrates sufficient liquid capital and ability to meet financial responsibility requirements;</u>	3889 3890 3891
<u>(8) The applicant demonstrates that the municipal corporation or township in which it will be located has not passed a moratorium or taken any other action that would prohibit the applicant from operating there;</u>	3892 3893 3894 3895
<u>(9) The application does not contain false, misleading, or deceptive information and does not omit material information;</u>	3896 3897
<u>(10) The applicant pays any fee required by the division;</u>	3898
<u>(11) The applicant meets all other licensure eligibility conditions established in rules adopted under section 3796.03 of the Revised Code.</u>	3899 3900 3901
<u>(C)-(D) If the number of eligible applicants exceed the number of available licenses, the division shall use an impartial and evidence-based process to rank the eligible applicants. The ranking process shall take into account all of the following:</u>	3902 3903 3904 3905 3906
<u>(1) The applicant's business plan;</u>	3907

<u>(2) The applicant's operations plan;</u>	3908
<u>(3) The applicant's security plan;</u>	3909
<u>(4) The applicant's financial plan;</u>	3910
<u>(5) The applicant's principal place of business;</u>	3911
<u>(6) The proposed location of the cultivation, processing,</u> <u>or laboratory facility;</u>	3912 3913
<u>(7) The applicant's plan for generating job and economic</u> <u>development in this state;</u>	3914 3915
<u>(8) The applicant's environmental plan;</u>	3916
<u>(9) Employment practices, including any plans to inform,</u> <u>hire, or educate residents of the state, veterans, disabled</u> <u>persons, women, or minorities;</u>	3917 3918 3919
<u>(10) The criminal records of all persons subject to the</u> <u>criminal records check requirement;</u>	3920 3921
<u>(11) The civil and administrative history of the applicant</u> <u>and persons associated with the applicant;</u>	3922 3923
<u>(12) Any other eligibility, suitability, or operations-</u> <u>based determination specified in this chapter or rules adopted</u> <u>by the division thereunder.</u>	3924 3925 3926
<u>(E) (1) If the division uses a lottery system to issue</u> <u>licenses under this section, the applicants shall be grouped</u> <u>into the following distinct categories:</u>	3927 3928 3929
<u>(a) Highly exceeds;</u>	3930
<u>(b) Exceeds;</u>	3931
<u>(c) Meets;</u>	3932

(d) Does not meet. 3933

(2) The division shall group the applicants such that the number of applicants in each of the highly exceeds, exceeds, and meets categories is roughly equal, unless doing so is not possible while conforming to an impartial and evidence-based process. Applicants that do not meet the eligibility requirements prescribed by division (C) of this section shall be placed in the does not meet category. 3934
3935
3936
3937
3938
3939
3940

(3) In conducting the lottery, the division shall give applicants in the exceeds category double the odds of being selected as compared to applicants in the meets category. The division shall give applicants in the highly exceeds category double the odds of being selected as compared to applicants in the exceeds category. An applicant grouped in the does not meet category is ineligible for licensure. 3941
3942
3943
3944
3945
3946
3947

(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. 3948
3949
3950
3951
3952
3953
3954
3955
3956
3957

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- 3958
3959
3960
3961
3962

day operations of the business and an interest in the capital, 3963
assets, and profits and losses of the business proportionate to 3964
their percentage of ownership. 3965

~~(D)~~ (G) A license expires according to the renewal 3966
schedule established in rules adopted under section 3796.03 of 3967
the Revised Code and may be renewed in accordance with the 3968
procedures established in those rules. Applications for renewal 3969
are not subject to the evaluation, prioritization, ranking, and 3970
lottery provisions in divisions (B), (D), and (E) of this 3971
section. The division shall not deny an application for renewal 3972
based solely on the location of the applicant's existing 3973
dispensary facility in proximity to other license holders. 3974

(H) A provisional license issued under this section is not 3975
transferable. 3976

(I) No person shall knowingly engage in any of the 3977
activities described in section 3796.20 of the Revised Code 3978
without a dispensary license issued under this section or 3979
Chapter 3780. of the Revised Code, as that chapter existed 3980
immediately prior to the effective date of this amendment. 3981

Sec. 3796.11. (A) (1) Notwithstanding section 149.43 of the 3982
Revised Code or any other public records law to the contrary or 3983
any law relating to the confidentiality of tax return 3984
information, upon the request of the division of ~~marijuana~~ 3985
cannabis control, the department of taxation shall provide to 3986
the division all of the following information: 3987

(a) Whether an applicant for licensure under this chapter 3988
is in compliance with the applicable tax laws of this state; 3989

(b) Any past or pending violation by the applicant of 3990
those tax laws, and any penalty imposed on the applicant for 3991

such a violation. 3992

(2) The division shall request the information only as it 3993
pertains to an application for licensure that the division, as 3994
applicable, is reviewing. 3995

(3) The department of taxation may charge the division a 3996
reasonable fee to cover the administrative cost of providing the 3997
information. 3998

(B) Information received under this section is 3999
confidential. Except as otherwise permitted by other state law 4000
or federal law, the division shall not make the information 4001
available to any person other than the applicant for licensure 4002
to whom the information applies. 4003

Sec. 3796.12. (A) As used in this section, "criminal 4004
records check" has the same meaning as in section 109.572 of the 4005
Revised Code. 4006

(B) (1) As part of the application process for a license 4007
issued under this chapter, the division of ~~marijuana~~cannabis 4008
control shall require each of the following to complete a 4009
criminal records check: 4010

(a) An administrator or other person responsible for the 4011
daily operation of the entity seeking the license; 4012

(b) An owner or prospective owner, officer or prospective 4013
officer, or board member or prospective board member of the 4014
entity seeking the license. 4015

(2) If a person subject to the criminal records check 4016
requirement does not present proof of having been a resident of 4017
this state for the five-year period immediately prior to the 4018
date the criminal records check is requested or provide evidence 4019

that within that five-year period the superintendent of the 4020
bureau of criminal identification and investigation has 4021
requested information about the person from the federal bureau 4022
of investigation in a criminal records check, the division shall 4023
request that the person obtain through the superintendent a 4024
criminal records request from the federal bureau of 4025
investigation as part of the criminal records check of the 4026
person. Even if a person presents proof of having been a 4027
resident of this state for the five-year period, the division 4028
may request that the person obtain information through the 4029
superintendent from the federal bureau of investigation in the 4030
criminal records check. 4031

(C) The division shall provide the following to each 4032
person who is subject to the criminal records check requirement: 4033

(1) Information about accessing, completing, and 4034
forwarding to the superintendent of the bureau of criminal 4035
identification and investigation the form prescribed pursuant to 4036
division (C) (1) of section 109.572 of the Revised Code and the 4037
standard impression sheet to obtain fingerprint impressions 4038
prescribed pursuant to division (C) (2) of that section; 4039

(2) Written notification that the person is to instruct 4040
the superintendent to submit the completed report of the 4041
criminal records check directly to the division. 4042

(D) Each person who is subject to the criminal records 4043
check requirement shall pay to the bureau of criminal 4044
identification and investigation the fee prescribed pursuant to 4045
division (C) (3) of section 109.572 of the Revised Code for the 4046
criminal records check conducted of the person. 4047

(E) The report of any criminal records check conducted by 4048

the bureau of criminal identification and investigation in 4049
accordance with section 109.572 of the Revised Code and pursuant 4050
to a request made under this section is not a public record for 4051
the purposes of section 149.43 of the Revised Code and shall not 4052
be made available to any person other than the following: 4053

(1) The person who is the subject of the criminal records 4054
check or the person's representative; 4055

(2) The members and staff of the division; 4056

(3) A court, hearing officer, or other necessary 4057
individual involved in a case dealing with either of the 4058
following: 4059

(a) A license denial resulting from the criminal records 4060
check; 4061

(b) A civil or criminal action regarding the ~~medical-~~ 4062
~~marijuana~~cannabis control program or any violation of this 4063
chapter. 4064

(F) The division shall deny a license if, after receiving 4065
the information and notification required by this section, a 4066
person subject to the criminal records check requirement fails 4067
to do either of the following: 4068

(1) Access, complete, or forward to the superintendent of 4069
the bureau of criminal identification and investigation the form 4070
prescribed pursuant to division (C)(1) of section 109.572 of the 4071
Revised Code or the standard impression sheet prescribed 4072
pursuant to division (C)(2) of that section; 4073

(2) Instruct the superintendent to submit the completed 4074
report of the criminal records check directly to the division. 4075

Sec. 3796.13. (A) Each person seeking employment with ~~an~~ 4076

~~entity licensed under this chapter a license holder shall comply~~ 4077
~~with sections 4776.01 to 4776.04 of the Revised Code. Except as~~ 4078
~~provided in division (B) of this section, such an entity a~~ 4079
~~license holder shall not employ the person unless the person has~~ 4080
~~submitted a criminal records check under those sections. The~~ 4081
~~and the report of the resulting criminal records check shall~~ 4082
~~demonstrate demonstrates that the person has not been convicted~~ 4083
~~of or pleaded guilty to any of the disqualifying offenses~~ 4084
~~specified in rules adopted under division (B) (14) (a) of section~~ 4085
~~3796.03 of the Revised Code if the person is seeking employment~~ 4086
~~with an entity licensed by the division of marijuana control~~ 4087
~~under this chapter.~~ 4088

~~(B) An entity is not prohibited by division (A) of this~~ 4089
~~section from employing a person if the disqualifying offense the~~ 4090
~~person was convicted of or pleaded guilty to is one of the~~ 4091
~~offenses specified in rules adopted under division (B) (14) (b) of~~ 4092
~~section 3796.03 of the Revised Code and the person was convicted~~ 4093
~~of or pleaded guilty to the offense more than five years before~~ 4094
~~the date the employment begins. (B) (1) Notwithstanding division~~ 4095
~~(A) of this section, the division of cannabis control shall~~ 4096
~~establish standards for provisional employment of individuals~~ 4097
~~who have exigent circumstances.~~ 4098

(2) Such standards must include, at minimum, a requirement 4099
that the individual seeking provisional employment submit 4100
evidence of compliance with sections 4776.01 to 4776.04 of the 4101
Revised Code. 4102

(3) A provisional employment authorization made under 4103
division (B) of this division is valid for not longer than three 4104
months, but may be renewed at the discretion of the division of 4105
cannabis control for an additional three months. 4106

(4) The division of cannabis control may use all available 4107
resources in establishing standards for instant background 4108
checks. 4109

Sec. 3796.14. (A) The division of ~~marijuana~~cannabis 4110
control may do any of the following for any reason specified in 4111
rules adopted under section 3796.03 of the Revised Code: 4112

(1) Suspend, suspend without prior hearing, revoke, or 4113
refuse to renew a license or registration it issued under this 4114
chapter or ~~a license or a registration the state board of~~ 4115
~~pharmacy issued prior to the transfer of regulatory authority~~ 4116
~~over the medical marijuana control program to the~~ 4117
~~division~~Chapter 3780. of the Revised Code, as that chapter 4118
existed immediately before the effective date of this amendment; 4119

(2) Refuse to issue a license; 4120

(3) Impose on a license holder a civil penalty in an 4121
amount to be determined by the division. 4122

(4) ~~With respect to a suspension of a retail dispensary~~ 4123
~~license without prior hearing, the division may utilize a~~ 4124
~~telephone conference call to review the allegations and take a~~ 4125
~~vote.~~ The division shall suspend a dispensary license without 4126
prior hearing only if it finds clear and convincing evidence 4127
that continued distribution of medical marijuana and adult-use 4128
marijuana by the license holder presents a danger of immediate 4129
and serious harm to others. The suspension shall remain in 4130
effect, unless lifted by the division, until the division issues 4131
its final adjudication order. If the division does not issue the 4132
order within ninety days after the adjudication hearing, the 4133
suspension shall be lifted on the ninety-first day following the 4134
hearing. 4135

The division's actions under division (A) of this section 4136
shall be taken in accordance with Chapter 119. of the Revised 4137
Code. 4138

(B) ~~The~~ Subject to division (E) of this section, the 4139
division and the Ohio investigative unit may inspect all of the 4140
following for any reason specified in rules adopted under 4141
section 3796.03 of the Revised Code without prior notice to the 4142
applicant or license holder: 4143

(1) The premises of a license holder or an applicant for 4144
~~licensure or holder of a current, valid cultivator, processor,~~ 4145
~~retail dispensary, or laboratory license issued under this~~ 4146
chapter; 4147

(2) All records maintained pursuant to this chapter by a 4148
license holder ~~of a current license.~~ 4149

(C) Whenever it appears to the division, from its files, 4150
upon complaint, or otherwise, or to the Ohio investigative unit, 4151
from an inspection or investigation authorized by this section, 4152
that any person or entity has engaged in, is engaged in, or is 4153
about to engage in any practice declared to be illegal or 4154
prohibited by this chapter or the rules adopted under this 4155
chapter, or when the division believes it to be in the best 4156
interest of the public, adult-use consumers, or medical 4157
marijuana patients, the division may do any of the following: 4158

(1) Investigate the person or entity as authorized 4159
pursuant to this chapter or the rules adopted under this 4160
chapter; 4161

(2) Issue subpoenas to any person or entity for the 4162
purpose of compelling either of the following: 4163

(a) The attendance and testimony of witnesses; 4164

(b) The production of books, accounts, papers, records, or documents. 4165
4166

(D) If a person or entity fails to comply with any order of the division or the unit or a subpoena issued by the division or the unit pursuant to this section, a judge of the court of common pleas of the county in which the person resides or the entity may be served, on application of the division or the unit, shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience with respect to the requirements of a subpoena issued from such court or a refusal to testify in such court. 4167
4168
4169
4170
4171
4172
4173
4174
4175

(E) The Ohio investigative unit shall not inspect or investigate the premises of any person under this section unless one or both of the following apply: 4176
4177
4178

(1) The person inspected or investigated is a license holder and either or both of the following apply: 4179
4180

(a) The division of cannabis control requests the unit to inspect or investigate. 4181
4182

(b) The inspection or investigation involves alleged criminal activity. 4183
4184

(2) The unit is invited by local law enforcement having jurisdiction over the person inspected or investigated. 4185
4186

(F) Nothing in this section prohibits the Ohio investigative unit from investigating criminal activity related to this chapter outside the premises of a license holder's cultivation, processing, dispensing, or laboratory facilities. The authority of the Ohio investigative unit is concurrent to the jurisdiction of any law enforcement officer to enforce this chapter. 4187
4188
4189
4190
4191
4192
4193

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

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

~~(C)~~ If the division suspends, revokes, or refuses to renew any license or registration issued under this chapter or Chapter 3780. of the Revised Code, as that chapter existed immediately before the effective date of this amendment, and determines that there is clear and convincing evidence of a danger of immediate and serious harm to any person, the division may place under seal all medical marijuana, adult-use marijuana, and homegrown marijuana owned by or in the possession, custody, or control of the affected license holder or registrant. Except as provided in this division, the division of ~~marijuana~~cannabis control shall not dispose of the medical marijuana, adult-use marijuana, or homegrown marijuana sealed under this division until the license holder or registrant exhausts all of the holder's or registrant's appeal rights under Chapter 119. of the Revised Code. The court involved in such an appeal may order the division, during the pendency of the appeal, to sell medical marijuana or adult-use marijuana that is perishable. The division shall deposit the proceeds of the sale with the court.

Sec. 3796.16. (A) (1) The division of ~~marijuana~~cannabis

control shall attempt in good faith to negotiate and enter into 4224
a reciprocity agreement with any other state under which a 4225
medical marijuana registry identification card or equivalent 4226
authorization that is issued by the other state is recognized in 4227
this state, if the division determines that both of the 4228
following apply: 4229

(a) The eligibility requirements imposed by the other 4230
state for that authorization are substantially comparable to the 4231
eligibility requirements for a patient or caregiver registration 4232
and identification card issued under this chapter. 4233

(b) The other state recognizes a patient or caregiver 4234
registration and identification card issued under this chapter. 4235

(2) The division shall not negotiate any agreement with 4236
any other state under which an authorization issued by the other 4237
state is recognized in this state other than as provided in 4238
division (A) (1) of this section. 4239

(B) If a reciprocity agreement is entered into in 4240
accordance with division (A) of this section, the authorization 4241
issued by the other state shall be recognized in this state, 4242
shall be accepted and valid in this state, and grants the 4243
patient or caregiver the same right to use, possess, obtain, or 4244
administer medical marijuana in this state as a patient or 4245
caregiver who was registered and issued an identification card 4246
under this chapter. 4247

(C) The division may adopt any rules as necessary to 4248
implement this section. 4249

Sec. 3796.17. The division of ~~marijuana~~cannabis control 4250
shall establish a toll-free telephone line to respond to 4251
inquiries from adult-use consumers, medical marijuana patients, 4252

caregivers, and health professionals regarding adverse reactions 4253
to ~~medical~~ marijuana and to provide information about available 4254
services and assistance. The division may contract with a 4255
separate entity to establish and maintain the telephone line on 4256
behalf of the division. 4257

Sec. 3796.18. ~~(A)~~ (A) (1) Notwithstanding any conflicting 4258
provision of the Revised Code and except as provided in division 4259
(B) of this section, a licensed cultivator, including the holder 4260
of a current, valid cultivator license issued under this chapter 4261
before the effective date of this amendment, may do either all 4262
of the following: 4263

~~(1)~~ (a) Cultivate medical marijuana and adult-use 4264
marijuana; 4265

~~(2)~~ (b) Deliver, transfer, or sell medical marijuana and 4266
adult-use marijuana to one or more licensed processors other 4267
license holders; 4268

(c) Purchase or otherwise obtain medical marijuana and 4269
adult-use marijuana from other license holders; 4270

(d) Acquire seeds, clones, plants, and other genetic 4271
material. 4272

(2) A licensed cultivator engaging in the activities 4273
authorized by this chapter shall do so respecting both medical 4274
marijuana and adult-use marijuana. 4275

(B) A licensed cultivator license holder shall not 4276
cultivate medical marijuana or adult-use marijuana for personal, 4277
family, or household use or on any public land, including a 4278
state park as defined in section 154.01 of the Revised Code. 4279

(C) A licensed cultivator shall identify, package, and 4280

label all medical marijuana and adult-use marijuana products in 4281
accordance with this chapter and any rules adopted thereunder 4282
before delivering or selling the products to a licensed 4283
processor or licensed dispensary. 4284

(D) The division of cannabis control shall issue the 4285
following types of cultivation licenses: 4286

(1) A level I cultivator license that authorizes the 4287
license holder to operate a cultivation area specified by the 4288
division, not to exceed one hundred thousand square feet; 4289

(2) A level II cultivator license that authorizes the 4290
license holder to operate a cultivation area specified by the 4291
division, not to exceed fifteen thousand square feet. 4292

(E) A licensed cultivator may request and receive one or 4293
more expansions to the cultivator's cultivation area, subject to 4294
the approval of the division, so long as the resulting total 4295
cultivation area, including all expansions, does not exceed the 4296
applicable maximum cultivation area prescribed by division (D) 4297
of this section. 4298

Sec. 3796.19. ~~(A)~~(A) (1) Notwithstanding any conflicting 4299
provision of the Revised Code, a licensed processor, including 4300
the holder of a current, valid processor license issued under 4301
this chapter before the effective date of this amendment, may do 4302
~~any~~all of the following: 4303

~~(1) Obtain~~ (a) Purchase or otherwise obtain medical 4304
marijuana and adult-use marijuana from ~~one or more licensed~~ 4305
~~cultivators~~other license holders; 4306

~~(2)~~ (b) Subject to division (B) of this section, process 4307
medical marijuana ~~obtained from one or more licensed cultivators~~ 4308
and adult-use marijuana into a form described in section 3796.06 4309

of the Revised Code; 4310

~~(3)~~ (c) Deliver, transfer, or sell processed medical 4311
marijuana and adult-use marijuana to one or more licensed retail 4312
dispensariesother license holders. 4313

(2) A licensed processor engaging in the activities 4314
authorized by this chapter shall do so respecting both medical 4315
marijuana and adult-use marijuana. 4316

(B) ~~When processing medical marijuana, a~~ A licensed 4317
processor shall do both all of the following before delivering 4318
or selling medical marijuana or adult-use marijuana to a 4319
licensed dispensary: 4320

(1) Package the medical marijuana or adult-use marijuana 4321
in accordance with child-resistant effectiveness standards 4322
described in 16 C.F.R. 1700.15(b) on September 8, 2016; 4323

(2) Label the ~~medical marijuana~~ packaging with the 4324
product's tetrahydrocannabinol and cannabidiol content; 4325

(3) Comply with any packaging or labeling requirements 4326
established in rules adopted by the division of marijuana 4327
control under ~~section~~ sections 3796.03 and 3796.32 of the 4328
Revised Code. 4329

Sec. 3796.20. ~~(A)~~ (A) (1) Notwithstanding any conflicting 4330
provision of the Revised Code, a licensed dispensary, including 4331
the holder of a current, valid retail dispensary license issued 4332
under this chapter, ~~or previously issued by the state board of~~ 4333
~~pharmacy,~~ before the effective date of this amendment, may do 4334
~~both~~ any of the following: 4335

~~(1)~~ Obtain (a) Purchase or otherwise obtain medical 4336
marijuana and adult-use marijuana from one or more 4337

processors <u>other license holders;</u>	4338
(2) <u>(b) Dispense or sell medical marijuana in accordance with division (B) of this section;</u>	4339 4340
<u>(c) Dispense or sell adult-use marijuana in accordance with division (C) of this section;</u>	4341 4342
<u>(d) Sell paraphernalia that may be used in the administration of adult-use marijuana or medical marijuana as specified in rules adopted under section 3796.03 of the Revised Code;</u>	4343 4344 4345 4346
<u>(e) Provide delivery of medical marijuana in accordance with the rules adopted under section 3796.03 of the Revised Code;</u>	4347 4348 4349
<u>(f) Deliver, transfer, or sell medical marijuana and adult-use marijuana to other license holders.</u>	4350 4351
<u>(2) A licensed dispensary engaged in the activities authorized by this chapter shall do so respecting both medical marijuana and adult-use marijuana.</u>	4352 4353 4354
(B) When dispensing or selling medical marijuana, a licensed retail -dispensary shall do all of the following:	4355 4356
(1) Dispense or sell only upon a showing of a current, valid, <u>government-issued</u> identification card and in accordance with a written recommendation issued by a physician holding a certificate to recommend issued by the state medical board under section 4731.30 of the Revised Code;	4357 4358 4359 4360 4361
(2) Report to the drug database the information required by section 4729.771 of the Revised Code;	4362 4363
(3) Label the package containing medical marijuana with	4364

the following information: 4365

(a) The name and address of the licensed processor and 4366
retail dispensary; 4367

(b) The name of the patient and caregiver, if any; 4368

(c) The name of the physician who recommended treatment 4369
with medical marijuana; 4370

(d) The directions for use, if any, as recommended by the 4371
physician; 4372

(e) The date on which the medical marijuana was dispensed; 4373

(f) The quantity, strength, kind, or form of medical 4374
marijuana contained in the package. 4375

(4) Maintain an adequate supply of medical marijuana 4376
products to meet typical patient demand for those products. 4377

(C) When dispensing or selling adult-use marijuana to 4378
consumers, all of the following apply: 4379

(1) A licensed dispensary shall dispense or sell adult-use 4380
marijuana only to adult-use consumers who present a current, 4381
valid, government-issued identification card demonstrating proof 4382
that the adult-use consumer is twenty-one years of age or older. 4383

(2) No licensed dispensary shall knowingly dispense or 4384
sell more than the amount of adult-use marijuana that may be 4385
legally possessed by an adult-use consumer under section 4386
3796.221 of the Revised Code to the same adult-use consumer in 4387
the same day. 4388

(3) A licensed dispensary shall ensure that the label of 4389
the package containing adult-use marijuana contains all of the 4390
following information, in accordance with rules adopted by the 4391

<u>division of cannabis control:</u>	4392
<u>(a) The name and address of the licensed processor and retail dispensary;</u>	4393
<u>(b) A statement that the use of adult-use marijuana by individuals under twenty-one years of age is both harmful and illegal;</u>	4395
<u>(c) The quantity, strength, kind, or form of adult-use marijuana contained in the package.</u>	4396
When operating a licensed retail dispensary, both of the following apply:	4397
(1) (D) (1) A licensed dispensary shall use only employees who have met the training requirements established in rules adopted under section 3796.03 of the Revised Code.	4398
(2) A licensed dispensary shall not make public any information it collects that identifies or would tend to identify any specific medical marijuana patient or adult-use consumer.	4399
(3) A licensed dispensary shall prominently display both of the following:	4400
(a) A statement that the use of adult-use or homegrown marijuana by individuals under twenty-one years of age is both harmful and illegal;	4401
(b) Information about the addictive qualities of marijuana and the potential negative health consequences associated with its use.	4402
Sec. 3796.21. (A) Notwithstanding any conflicting provision of the Revised Code, <u>a licensed laboratory, including</u>	4403
	4404
	4405
	4406
	4407
	4408
	4409
	4410
	4411
	4412
	4413
	4414
	4415
	4416
	4417
	4418

the holder of a current, valid laboratory license issued under 4419
this chapter ~~may~~ before the effective date of this amendment, 4420
shall do both of the following: 4421

(1) Obtain medical marijuana and adult-use marijuana from 4422
one or more licensed cultivators, licensed processors, and 4423
~~retail-licensed~~ dispensaries ~~licensed under this chapter;~~ 4424

(2) Conduct ~~medical marijuana~~ testing in the manner 4425
specified in rules adopted under section 3796.03 of the Revised 4426
Code. 4427

(B) When testing medical marijuana or adult-use marijuana, 4428
a licensed laboratory shall do both of the following: 4429

(1) Test ~~the marijuana~~ for potency, homogeneity, and 4430
contamination; 4431

(2) Prepare a report of the test results. 4432

Sec. 3796.22. (A) Notwithstanding any conflicting 4433
provision of the Revised Code, a patient registered under this 4434
chapter who obtains medical marijuana from a ~~retail-licensed~~ 4435
dispensary licensed under in accordance with this chapter may do 4436
~~both~~ all of the following: 4437

(1) Use medical marijuana; 4438

(2) Possess medical marijuana, subject to division (B) of 4439
this section; 4440

(3) Possess any paraphernalia or accessories that may be 4441
used in the administration of medical marijuana, as specified in 4442
rules adopted under section 3796.03 of the Revised Code. 4443

(B) The amount of medical marijuana possessed by a 4444
registered patient shall not exceed a ninety-day supply, as 4445

specified in rules adopted under section 3796.03 of the Revised Code. 4446
4447

(C) A registered patient shall not be subject to arrest or 4448
criminal prosecution for doing ~~any~~ either of the following in 4449
accordance with this chapter: 4450

(1) Obtaining, using, or possessing medical marijuana; 4451

(2) Possessing any paraphernalia or accessories that may 4452
be used in the administration of medical marijuana, as specified 4453
in rules adopted under section 3796.03 of the Revised Code. 4454

(D) This section does not authorize a registered patient 4455
to operate a vehicle, streetcar, trackless trolley, watercraft, 4456
or aircraft while under the influence of ~~medical~~ marijuana. 4457

Sec. 3796.221. (A) Notwithstanding any conflicting 4458
provision of the Revised Code, an adult-use consumer who obtains 4459
adult-use marijuana from a licensed dispensary may do all of the 4460
following: 4461

(1) Use adult-use marijuana; 4462

(2) Possess adult-use marijuana, subject to division (B) 4463
of this section; 4464

(3) Possess any paraphernalia or accessories that may be 4465
used in the administration of adult-use marijuana as specified 4466
in rules adopted under section 3796.03 of the Revised Code; 4467

(4) Transfer adult-use and homegrown marijuana to another 4468
adult-use consumer if all of the following apply: 4469

(a) The transfer is without remuneration. 4470

(b) The amount transferred to the same adult-use consumer 4471
in the same day does not exceed either of the following: 4472

(i) Two and one-half ounces of plant material, excluding 4473
any seeds, live plants, or clones being cultivated, grown, or 4474
possessed in accordance with section 3796.04 of the Revised 4475
Code; 4476

(ii) Fifteen grams of extract. 4477

(c) The transfer occurs at privately owned real property 4478
that is used primarily for residential or agricultural purposes, 4479
including any dwellings, facilities, improvements, and 4480
appurtenances on such real property. 4481

(B) No person shall knowingly possess more than the 4482
following cumulative amounts of homegrown marijuana and adult- 4483
use marijuana: 4484

(1) Two and one-half ounces of plant material, excluding 4485
any seeds, live plants, or clones being cultivated, grown, or 4486
possessed in accordance with section 3796.04 of the Revised 4487
Code; 4488

(2) Fifteen grams of extract. 4489

(C) Except as expressly authorized under division (A) (4) 4490
of this section, no person other than a license holder shall 4491
knowingly give, sell, or transfer adult-use or homegrown 4492
marijuana to any other person, with or without remuneration. 4493

(D) Subject to divisions (B) and (C) of this section, an 4494
adult-use consumer is not subject to arrest or criminal 4495
prosecution for engaging in any of the activities described in 4496
division (A) of this section. 4497

(E) This section does not authorize an adult-use consumer 4498
to operate a vehicle, streetcar, trackless trolley, watercraft, 4499
or aircraft while under the influence of marijuana. 4500

Sec. 3796.23. (A) Notwithstanding any conflicting 4501
provision of the Revised Code, a caregiver registered under this 4502
chapter who obtains medical marijuana from a ~~retail-licensed~~ 4503
dispensary ~~licensed under this chapter~~ may do ~~both~~ any of the 4504
following: 4505

(1) Possess medical marijuana on behalf of a registered 4506
patient under the caregiver's care, subject to division (B) of 4507
this section; 4508

(2) Assist a registered patient under the caregiver's care 4509
in the use or administration of medical marijuana; 4510

(3) Possess any paraphernalia or accessories specified in 4511
rules adopted under section 3796.03 of the Revised Code. 4512

(B) The amount of medical marijuana possessed by a 4513
registered caregiver on behalf of a registered patient shall not 4514
exceed a ninety-day supply, as specified in rules adopted under 4515
section 3796.03 of the Revised Code. If a caregiver provides 4516
care to more than one registered patient, the caregiver shall 4517
maintain separate inventories of medical marijuana for each 4518
patient. 4519

(C) A registered caregiver shall not be subject to arrest 4520
or criminal prosecution for doing any of following in accordance 4521
with this chapter: 4522

(1) Obtaining or possessing medical marijuana on behalf of 4523
a registered patient; 4524

(2) Assisting a registered patient in the use or 4525
administration of medical marijuana; 4526

(3) Possessing any paraphernalia or accessories specified 4527
in rules adopted under section 3796.03 of the Revised Code. 4528

(D) This section does not permit a registered caregiver to 4529
personally use medical marijuana, unless the caregiver is also a 4530
registered patient. 4531

Sec. 3796.24. (A) The holder of a license, as defined in 4532
section 4776.01 of the Revised Code, is not subject to 4533
professional disciplinary action solely for engaging in 4534
professional or occupational activities related to medical 4535
marijuana. 4536

(B) Unless there is clear and convincing evidence that a 4537
child is unsafe, the use, possession, or administration of 4538
medical marijuana in accordance with this chapter shall not be 4539
the sole or primary basis for any of the following: 4540

(1) An adjudication under section 2151.28 of the Revised 4541
Code determining that a child is an abused, neglected, or 4542
dependent child; 4543

(2) An allocation of parental rights and responsibilities 4544
under section 3109.04 of the Revised Code; 4545

(3) A parenting time order under section 3109.051 or 4546
3109.12 of the Revised Code. 4547

(C) Notwithstanding any conflicting provision of the 4548
Revised Code, the use or possession of medical marijuana in 4549
accordance with this chapter shall not be used as a reason for 4550
disqualifying a patient from medical care or from including a 4551
patient on a transplant waiting list. 4552

(D) Notwithstanding any conflicting provision of the 4553
Revised Code, the use, possession, administration, cultivation, 4554
processing, testing, or dispensing of medical marijuana in 4555
accordance with this chapter shall not be used as the sole or 4556
primary reason for taking action under any criminal or civil 4557

statute in the forfeiture or seizure of any property or asset. 4558

(E) Notwithstanding any conflicting provision of the 4559
Revised Code, a person's status as a registered patient or 4560
caregiver is not a sufficient basis for conducting a field 4561
sobriety test on the person or for suspending the person's 4562
driver's license. To conduct any field sobriety test, a law 4563
enforcement officer must have an independent, factual basis 4564
giving reasonable suspicion that the person is operating a 4565
vehicle under the influence of marijuana or with a prohibited 4566
concentration of marijuana in the person's whole blood, blood 4567
serum, plasma, breath, or urine. 4568

(F) Notwithstanding any conflicting provision of the 4569
Revised Code, a person's status as a registered patient or 4570
caregiver shall not be used as the sole or primary basis for 4571
rejecting the person as a tenant unless the rejection is 4572
required by federal law. This division does not prohibit a 4573
landlord from prohibiting either of the following, as long as 4574
such prohibition is included in the applicable lease agreement: 4575

(1) Consumption of marijuana in a residential premises or 4576
common areas by smoking, combustion, or vaporization; 4577

(2) Cultivation or growth of homegrown marijuana. 4578

(G) Except for unemployment compensation benefits under 4579
Chapter 4141. of the Revised Code, including as prescribed under 4580
division (B) of section 3796.28 of the Revised Code, the use or 4581
possession of medical marijuana, adult-use marijuana, or 4582
homegrown marijuana in accordance with this chapter shall not be 4583
used as a reason for disqualifying an individual from a public 4584
benefit program administered by any state or local authority, or 4585
for otherwise denying an individual a public benefit 4586

administered by the state or any local government. 4587

(H) This chapter does not do any of the following: 4588

(1) Require a physician to recommend that a patient use 4589
medical marijuana to treat a qualifying medical condition; 4590

(2) Permit the use, possession, or administration of 4591
medical marijuana, adult-use marijuana, or homegrown marijuana 4592
other than as authorized by this chapter; 4593

(3) Permit the use, possession, or administration of 4594
medical marijuana, adult-use marijuana, or homegrown marijuana 4595
on federal land located in this state; 4596

(4) Require any public place to accommodate a registered 4597
patient's use of medical marijuana or an adult-use consumer's 4598
use of adult-use marijuana or homegrown marijuana; 4599

(5) Prohibit any public place from accommodating a 4600
registered patient's use of medical marijuana, except that no 4601
public place shall accommodate consumption of medical marijuana 4602
by smoking, combustion, or vaporization; 4603

(6) Restrict research related to marijuana conducted at a 4604
state university, academic medical center, or private research 4605
and development organization as part of a research protocol 4606
approved by an institutional review board or equivalent entity. 4607

(I) It is the public policy of this state that contracts 4608
related to license holders are enforceable. 4609

Sec. 3796.27. (A) As used in this section: 4610

(1) "Financial institution" means any of the following: 4611

(a) Any bank, trust company, savings and loan association, 4612
savings bank, or credit union or any affiliate, agent, or 4613

employee of a bank, trust company, savings and loan association, 4614
savings bank, or credit union; 4615

(b) Any money transmitter licensed under sections 1315.01 4616
to 1315.18 of the Revised Code or any affiliate, agent, or 4617
employee of such a licensee. 4618

(2) "Financial services" means services that a financial 4619
institution is authorized to provide under Title XI, sections 4620
1315.01 to 1315.18, or Chapter 1733. of the Revised Code, as 4621
applicable. 4622

(B) A financial institution that provides financial 4623
services to any ~~cultivator, processor, retail dispensary, or~~ 4624
~~laboratory licensed under this chapter~~ license holder shall be 4625
exempt from any criminal law of this state an element of which 4626
may be proven by substantiating that a person provides financial 4627
services to a person who possesses, delivers, or manufactures 4628
marijuana or marijuana derived products, including section 4629
2925.05 of the Revised Code and sections 2923.01 and 2923.03 of 4630
the Revised Code as those sections apply to violations of 4631
Chapter 2925. of the Revised Code, if the ~~cultivator, processor,~~ 4632
~~retail dispensary, or laboratory~~ license holder is in compliance 4633
with this chapter and the applicable tax laws of this state. 4634

(C) (1) Notwithstanding section 149.43 of the Revised Code 4635
or any other public records law to the contrary, upon the 4636
request of a financial institution, the division of marijuana 4637
control shall provide to the financial institution all of the 4638
following information: 4639

(a) Whether a person with whom the financial institution 4640
is seeking to do business is a ~~cultivator, processor, retail-~~ 4641
~~dispensary, or laboratory licensed under this chapter~~ license 4642

holder; 4643

(b) The name of any other business or individual 4644
affiliated with the person; 4645

(c) An unredacted copy of the application for a license 4646
under this chapter or under Chapter 3780. of the Revised Code, 4647
as that chapter existed immediately before the effective date of 4648
this amendment, and any supporting documentation, that was 4649
submitted by the person; 4650

(d) If applicable, information relating to sales and 4651
volume of product sold by the person; 4652

(e) Whether the person is in compliance with this chapter; 4653

(f) Any past or pending violation by the person of this 4654
chapter or Chapter 3780. of the Revised Code, as that chapter 4655
existed immediately before the effective date of this amendment, 4656
and any penalty imposed on the person for such a violation. 4657

(2) The division may charge a financial institution a 4658
reasonable fee to cover the administrative cost of providing the 4659
information. 4660

(D) Information received by a financial institution under 4661
division (C) of this section is confidential. Except as 4662
otherwise permitted by other state law or federal law, a 4663
financial institution shall not make the information available 4664
to any person other than the customer to whom the information 4665
applies and any trustee, conservator, guardian, personal 4666
representative, or agent of that customer. 4667

Sec. 3796.28. (A) Nothing in this chapter does any of the 4668
following: 4669

(1) Requires an employer to permit or accommodate an 4670

employee's use, possession, or distribution of ~~medical-~~ 4671
marijuana; 4672

(2) Prohibits an employer from refusing to hire, 4673
discharging, disciplining, or otherwise taking an adverse 4674
employment action against a person with respect to hire, tenure, 4675
terms, conditions, or privileges of employment because of that 4676
person's use, possession, or distribution of ~~medical-~~marijuana; 4677

(3) Prohibits an employer from establishing and enforcing 4678
a drug testing policy, drug-free workplace policy, or zero- 4679
tolerance drug policy; 4680

(4) Interferes with any federal restrictions on 4681
employment, including the regulations adopted by the United 4682
States department of transportation in Title 49 of the Code of 4683
Federal Regulations, as amended; 4684

(5) Permits a person to commence a cause of action against 4685
an employer for refusing to hire, discharging, disciplining, 4686
discriminating, retaliating, or otherwise taking an adverse 4687
employment action against a person with respect to hire, tenure, 4688
terms, conditions, or privileges of employment related to 4689
~~medical-~~marijuana; 4690

(6) Affects the authority of the administrator of workers' 4691
compensation to grant rebates or discounts on premium rates to 4692
employers that participate in a drug-free workplace program 4693
established in accordance with rules adopted by the 4694
administrator under Chapter 4123. of the Revised Code. 4695

(B) A person who is discharged from employment because of 4696
that person's use of ~~medical-~~marijuana shall be considered to 4697
have been discharged for just cause for purposes of division (D) 4698
of section 4141.29 of the Revised Code and shall be ineligible 4699

to serve a waiting period or to be paid benefits for the 4700
duration of the individual's unemployment as described in 4701
division (D) (2) of that section if the person's use of ~~medical-~~ 4702
marijuana was in violation of an employer's drug-free workplace 4703
policy, zero-tolerance policy, or other formal program or policy 4704
regulating the use of ~~medical-~~marijuana. 4705

(C) It is not a violation of division (A), (D), or (E) of 4706
section 4112.02 of the Revised Code if an employer discharges, 4707
refuses to hire, or otherwise discriminates against a person 4708
because of that person's use of ~~medical-~~marijuana if the 4709
person's use of ~~medical-~~marijuana is in violation of the 4710
employer's drug-free workplace policy, zero-tolerance policy, or 4711
other formal program or policy regulating the use of ~~medical-~~ 4712
marijuana. 4713

Sec. 3796.29. ~~The~~ (A) Except as otherwise provided in 4714
division (B) of this section, the legislative authority of a 4715
municipal corporation ~~may adopt an ordinance, or a board of~~ 4716
township trustees may adopt an ordinance or a resolution, to 4717
prohibit, or limit the number of, licensed cultivators, licensed 4718
processors, or ~~retail-licensed dispensaries licensed under this~~ 4719
~~chapter~~ within the municipal corporation or within the 4720
unincorporated territory of the township, respectively. 4721

~~This section does not authorize the~~ (B) The legislative 4722
authority of a municipal corporation or a board of township 4723
trustees ~~to shall not adopt or enforce an ordinance or a~~ 4724
resolution limiting that does any of the following: 4725

(1) Prohibits or limits the operations of a license holder 4726
that received a provisional license or certificate of operation 4727
before the effective date of this amendment, except that a 4728
municipal corporation or township may enforce such an ordinance 4729

or such a resolution if it was adopted before the effective date 4730
of this amendment; 4731

(2) Prohibits or limits any activity authorized under this 4732
chapter, except as expressly permitted under division (A) of 4733
this section; 4734

(3) Prohibits or limits research related to marijuana 4735
conducted at a state university, academic medical center, or 4736
private research and development organization as part of a 4737
research protocol approved by an institutional review board or 4738
equivalent entity. 4739

Sec. 3796.30. (A) Except as provided in ~~division~~ 4740
~~(B) divisions (C) and (D)~~ of this section, no ~~medical marijuana~~ 4741
~~licensed cultivator, licensed processor, retail licensed~~ 4742
~~dispensary, or licensed laboratory that tests medical marijuana~~ 4743
shall be located within five hundred feet of the boundaries of a 4744
parcel of real estate having situated on it a school, church, 4745
public library, public playground, or public park. 4746

(B) If ~~the~~ a request for relocation of a facility of a 4747
licensed cultivator, licensed processor, retail licensed 4748
dispensary, or licensed laboratory licensed under this chapter 4749
results would result in the cultivator, processor, retail 4750
dispensary, or laboratory facility being located within five 4751
hundred feet of the boundaries of a parcel of real estate having 4752
situated on it a school, church, public library, public 4753
playground, or public park, the division of ~~marijuana~~cannabis 4754
control shall ~~revoke the license it previously issued to the~~ 4755
~~cultivator, processor, retail dispensary, or laboratory~~deny the 4756
request for relocation. 4757

~~(B)~~(C) This section does not require relocation or closure 4758

of a facility used by a licensed cultivator, licensed processor, 4759
licensed dispensary, or licensed laboratory, if that facility 4760
has a certificate of operation at the time a school, church, 4761
public library, public playground, or public park relocates, or 4762
is established, on a parcel of real estate, the boundaries of 4763
which are within five hundred feet of that operational facility. 4764

(D) This section does not apply to research related to 4765
marijuana conducted at a state university, academic medical 4766
center, or private research and development organization as part 4767
of a research protocol approved by an institutional review board 4768
or equivalent entity. 4769

~~(C) As used in this section and sections 3796.03 and~~ 4770
~~3796.12 of the Revised Code:—~~ 4771

~~"Church" has the meaning defined in section 1710.01 of the~~ 4772
~~Revised Code.—~~ 4773

~~"Public library" means a library provided for under~~ 4774
~~Chapter 3375. of the Revised Code.—~~ 4775

~~"Public park" means a park established by the state or a~~ 4776
~~political subdivision of the state including a county, township,~~ 4777
~~municipal corporation, or park district.—~~ 4778

~~"Public playground" means a playground established by the~~ 4779
~~state or a political subdivision of the state including a~~ 4780
~~county, township, municipal corporation, or park district.—~~ 4781

~~"School" means a child care center as defined under~~ 4782
~~section 5104.01 of the Revised Code, a preschool as defined~~ 4783
~~under section 2950.034 of the Revised Code, or a public or~~ 4784
~~nonpublic primary school or secondary school.—~~ 4785

Sec. 3796.31. Except as otherwise authorized in the 4786

Revised Code, no political subdivision shall ~~levy~~ do either of 4787
the following: 4788

(A) Levy any tax or fee on cultivators, processors, or 4789
dispensaries license holders that is based on these the license 4790
holder's businesses' gross receipts or that is the same as or 4791
similar to any tax or fee imposed by the state; 4792

(B) Levy any tax, fee, or charge on license holders or 4793
license holders' property that is not generally charged on other 4794
businesses. 4795

Sec. 3796.32. (A) The division of cannabis control may 4796
adopt rules regulating the advertisement of adult-use marijuana 4797
and medical marijuana to prevent advertisements that are false, 4798
misleading, targeted to minors, attractive to minors, promote 4799
excessive use, promote illegal activity, are obscene or 4800
indecent, contain depictions of marijuana use, or promote 4801
marijuana as an intoxicant. 4802

(B) Any rules the division adopts regulating the 4803
advertisement of adult-use marijuana shall be at least as 4804
stringent as the most stringent federal or state laws or rules 4805
governing the advertisement of tobacco or alcohol. 4806

(C) The division may, at any time, conduct an audit of an 4807
applicant's or license holder's published advertisements to 4808
ensure that the applicant or license holder complies with this 4809
chapter and associated rules. 4810

(D) Adult-use marijuana or medical marijuana shall not be 4811
packaged, advertised, or otherwise marketed using any graphic, 4812
picture, or drawing that bears any resemblance to a cartoon 4813
character, or any fictional character or popular culture figure 4814
whose target audience is children or youth. 4815

(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. 4816
4817
4818

(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, public playground, or public park. 4819
4820
4821
4822
4823
4824

(2) Division (F) (1) of this section does not apply to signage on the facility of a license holder. 4825
4826

(G) (1) No person shall advertise medical or adult-use marijuana using names, logos, signs, or materials that have not been submitted to, and approved by, the division in accordance with rules adopted under this section. 4827
4828
4829
4830

(2) The division shall either approve or deny such names, logos, signs, or materials within twenty-one business days after receiving the submission. 4831
4832
4833

(3) If the division does not deny a submission within twenty-one business days, the submitted names, logos, signs, or materials shall be considered approved. 4834
4835
4836

(H) If the division determines that a person has violated this section or any rule adopted in accordance with this section, the division may require the person to stop using the advertisement or proceed with any enforcement action it deems necessary or proper, as outlined in this chapter and associated rules. 4837
4838
4839
4840
4841
4842

Sec. 3796.33. (A) As used in this section, "equivalent license" means: 4843
4844

(1) In the case of an adult-use cultivator, a cultivator license of the same level issued under section 3796.09 of the Revised Code to engage in the activities authorized by section 3796.18 of the Revised Code; 4845
4846
4847
4848

(2) In the case of an adult-use processor, a processor license issued under section 3796.09 of the Revised Code to engage in the activities authorized by section 3796.19 of the Revised Code; 4849
4850
4851
4852

(3) In the case of an adult-use dispensary, a retail dispensary license issued under section 3796.10 of the Revised Code to engage in the activities authorized by section 3796.20 of the Revised Code; 4853
4854
4855
4856

(4) In the case of an adult-use testing laboratory, a laboratory license issued under section 3796.09 of the Revised Code to engage in the activities authorized by section 3796.21 of the Revised Code. 4857
4858
4859
4860

(B) A license issued under Chapter 3780. of the Revised Code, as that chapter existed immediately before the effective date of this section, shall be treated, for all purposes, as the equivalent license under this chapter. 4861
4862
4863
4864

(C) The holder of a license described in division (B) of this section is subject to all procedures, requirements, and penalties that apply to the holder of the equivalent license under this chapter. 4865
4866
4867
4868

(D) If a license described in division (B) of this section is held by the same person and used at the same location as an equivalent license under this chapter, the division of marijuana control shall merge the licenses and treat them as the same license for all purposes, including expiration and renewal. 4869
4870
4871
4872
4873

Sec. ~~3780.37~~ 3796.34. (A) As used in this section, 4874
"nonprofit corporation" has the same meaning as in section 4875
1702.01 of the Revised Code. 4876

(B) The division of ~~cannabis-marijuana~~ control shall 4877
contract with a statewide nonprofit corporation for the 4878
development and implementation of cannabis and related drug 4879
misuse prevention, education, and public awareness initiatives 4880
driven by data, evaluation, and research. The contract must 4881
include a provision specifying a percentage of the total funding 4882
for the initiatives, not less than ten per cent, to be raised by 4883
the statewide nonprofit corporation through private 4884
contributions. 4885

(C) The initiatives may include all of the following: 4886

(1) Providing evidence-based information on the potential 4887
health effects of cannabis and related drug use among minors; 4888

(2) Disseminating educational resources regarding the 4889
risks associated with cannabis and related drug use during 4890
pregnancy; 4891

(3) Conducting campaigns to inform the public about the 4892
dangers and legal consequences of driving under the influence of 4893
cannabis and related drugs; 4894

(4) Collaborating with employers and industry groups to 4895
develop and distribute evidence-based resources to improve the 4896
health of Ohio's workforce and promote workplace safety and 4897
recovery initiatives focused on cannabis and related drug 4898
misuse. 4899

(D) The division shall oversee and evaluate the 4900
effectiveness of the initiatives undertaken pursuant to this 4901
section and shall ensure that those initiatives align with the 4902

public health and safety objectives of this state. 4903

(E) The division shall annually compile a report detailing 4904
activities, use of funds, and measurable outcomes resulting from 4905
the initiatives undertaken pursuant to this section. The 4906
division shall submit the report to the general assembly in 4907
accordance with section 101.68 of the Revised Code. 4908

Sec. 3796.40. (A) Terms used in this section have the same 4909
meanings as in section 5739.01 of the Revised Code. 4910

(B) For the purpose of funding the needs of the state and 4911
local governments that host adult-use marijuana dispensaries, an 4912
excise tax is levied on the retail sale of adult-use marijuana. 4913
The rate of the tax shall equal ten per cent of the price of 4914
adult-use marijuana and is in addition to taxes levied under 4915
Chapters 5739. and 5741. of the Revised Code. 4916

(C) The tax shall be paid by the consumer to the vendor at 4917
the time of the sale, and the vendor shall report and remit the 4918
tax to the state in the same manner and at the same time the 4919
vendor reports and remits the tax levied under Chapter 5739. of 4920
the Revised Code. The return required by this division shall be 4921
filed on a form prescribed by the tax commissioner, which shall 4922
be separate from the return required to be filed under section 4923
5739.12 of the Revised Code. The tax levied under this section 4924
shall be collected consistent with Chapters 5703. and 5739. of 4925
the Revised Code. 4926

(D) For the same purpose as the tax levied under division 4927
(B) of this section, a tax is levied on a vendor that sells any 4928
marijuana other than adult-use marijuana or medical marijuana to 4929
a consumer. That tax equals ten per cent of the price of such 4930
marijuana, and the consumer and vendor are liable for any 4931

amounts, including tax, interest, and penalties, imposed under 4932
this section and chapter in the same manner as vendors subject 4933
to the tax imposed under division (B) of this section. 4934

(E) All amounts collected from a tax levied under this 4935
section shall be deposited into the adult use tax fund, which is 4936
created in the state treasury. 4937

From the adult use tax fund, the director of budget and 4938
management shall transfer as needed to the tax refund fund 4939
amounts equal to the refunds attributable to the tax levied 4940
under this section and certified by the tax commissioner. 4941

(F) After making any transfers required under division (E) 4942
of this section, the director of budget and management shall 4943
transfer amounts remaining in the adult use tax fund as follows: 4944

(1) Sixty-four per cent to the general revenue fund; 4945

(2) Thirty-six per cent to the host community cannabis 4946
fund, which is created in the state treasury, for the benefit of 4947
municipal corporations or townships that have at least one 4948
licensed dispensary. Distributions to such municipal 4949
corporations and townships shall be based on the portion of the 4950
tax levied under division (B) of this section attributable to 4951
each municipal corporation or township. Municipal corporations 4952
and townships receiving funds under this division may use such 4953
funds for any lawful purpose. 4954

The tax commissioner shall make distributions under this 4955
division by the end of each month based on tax collections from 4956
the preceding month. 4957

(G) The tax commissioner may prescribe all forms and adopt 4958
all rules necessary to administer the tax authorized under this 4959
section. 4960

Sec. 3796.99. (A) (1) Whoever violates division (C) (2) of 4961
section 3796.06 of the Revised Code as an operator of the 4962
vehicle, streetcar, trackless trolley, watercraft, or aircraft 4963
is subject to section 1547.11, 4511.19, 4511.194, or 4561.15 of 4964
the Revised Code, as applicable. 4965

(2) Whoever violates division (C) (2) of section 3796.06 of 4966
the Revised Code as a passenger of a vehicle, streetcar, 4967
trackless trolley, watercraft, or aircraft when the operator is 4968
operating or has physical control of the vehicle, streetcar, 4969
trackless trolley, watercraft, or aircraft is guilty of a 4970
misdemeanor of the third degree. 4971

(B) Except as otherwise provided in division (A) of this 4972
section, whoever violates division (C) (2) or (3) (a), (b), or (d) 4973
of section 3796.06 of the Revised Code is guilty of a minor 4974
misdemeanor. 4975

(C) (1) (a) Except as provided in division (C) (1) (b) of this 4976
section, whoever violates division (F) of section 3796.06 of the 4977
Revised Code is guilty of a misdemeanor of the first degree. 4978

(b) An offender who has previously been convicted of, or 4979
pleaded guilty to, a violation of division (F) of section 4980
3796.06 of the Revised Code, is guilty of a felony of the fifth 4981
degree. 4982

(2) The division of cannabis control shall immediately 4983
revoke the license of any license holder under this chapter who 4984
is found guilty of, or who pleads guilty or no contest to, 4985
violating division (F) of section 3796.06 of the Revised Code. 4986

(D) Whoever violates division (B) of section 3796.221 of 4987
the Revised Code is guilty of possession of marijuana under 4988
section 2925.11 of the Revised Code. 4989

(E) Whoever violates division (C) of section 3796.04 of 4990
the Revised Code is guilty of illegal cultivation of marijuana 4991
under section 2925.04 of the Revised Code. 4992

(F) Whoever violates division (I) of section 3796.09, 4993
division (I) of section 3796.10, division (C) (2) of section 4994
3796.20, or division (C) of section 3796.221 of the Revised Code 4995
is guilty of trafficking in marijuana under section 2925.03 of 4996
the Revised Code. 4997

(G) (1) Except as otherwise provided in divisions (G) (2) to 4998
(4) of this section, whoever violates division (G) of section 4999
3796.06 of the Revised Code by knowingly showing or giving false 5000
information concerning the individual's name, age, or other 5001
identification for the purpose of purchasing or otherwise 5002
obtaining adult-use marijuana from an adult-use dispensary 5003
licensed under this chapter is guilty of a misdemeanor of the 5004
first degree. 5005

(2) Except as otherwise provided in divisions (G) (3) and 5006
(4) of this section, whoever violates division (G) of section 5007
3796.06 of the Revised Code by knowingly presenting to an adult- 5008
use dispensary licensed under this chapter a false, fictitious, 5009
or altered identification card, a false or fictitious driver's 5010
license purportedly issued by any state, or a driver's license 5011
issued by any state that has been altered, is guilty of a 5012
misdemeanor of the first degree and, notwithstanding division 5013
(A) (2) of section 2929.28 of the Revised Code, shall be fined 5014
not less than two hundred fifty dollars and not more than one 5015
thousand dollars. 5016

(3) (a) Except as otherwise provided in division (G) (4) of 5017
this section, an offender who has previously been convicted of 5018
or pleaded guilty to a violation of division (G) of section 5019

3796.06 of the Revised Code by knowingly presenting to an adult- 5020
use dispensary licensed under this chapter a false, fictitious, 5021
or altered identification card, a false or fictitious driver's 5022
license purportedly issued by any state, or a driver's license 5023
issued by any state that has been altered, is guilty of a 5024
misdemeanor of the first degree and, notwithstanding division 5025
(A) (2) of section 2929.28 of the Revised Code, shall be fined 5026
not less than five hundred dollars nor more than one thousand 5027
dollars. 5028

(b) (i) The court also may impose a class seven suspension 5029
of the offender's driver's or commercial driver's license or 5030
permit, or nonresident operating privilege, from the range 5031
specified in division (A) (7) of section 4510.02 of the Revised 5032
Code. 5033

(ii) The court, in lieu of suspending the offender's 5034
temporary instruction permit, probationary driver's license, or 5035
driver's license, instead may order the offender to perform a 5036
determinate number of hours of community service, with the court 5037
determining the actual number of hours and the nature of the 5038
community service the offender shall perform. 5039

(4) (a) An offender who has previously been convicted of or 5040
pleaded guilty to two or more violations of division (G) of 5041
section 3796.06 of the Revised Code by knowingly presenting to 5042
an adult-use dispensary licensed under this chapter a false, 5043
fictitious, or altered identification card, a false or 5044
fictitious driver's license purportedly issued by any state, or 5045
a driver's license issued by any state that has been altered, is 5046
guilty of a misdemeanor of the first degree and, notwithstanding 5047
division (A) (2) of section 2929.28 of the Revised Code, shall be 5048
fined not less than five hundred dollars nor more than one 5049

thousand dollars. 5050

(b) (i) The court also may impose a class six suspension of 5051
the offender's driver's or commercial driver's license or permit 5052
or nonresident operating privilege from the range specified in 5053
division (A) (6) of section 4510.02 of the Revised Code, and the 5054
court may order that the suspension or denial remain in effect 5055
until the offender attains the age of twenty-one years. 5056

(ii) The court, in lieu of suspending the offender's 5057
temporary instruction permit, probationary driver's license, or 5058
driver's license, instead may order the offender to perform a 5059
determinate number of hours of community service, with the court 5060
determining the actual number of hours and the nature of the 5061
community service the offender shall perform. 5062

(5) The financial sanctions required by divisions (G) (2) 5063
to (4) of this section are in lieu of the financial sanctions 5064
described in division (A) (2) of section 2929.28 of the Revised 5065
Code but are in addition to any other sanctions or penalties 5066
that may apply to the offender, including other financial 5067
sanctions under that section or a jail term under section 5068
2929.24 of the Revised Code. 5069

(H) (1) Except as otherwise provided in division (H) (2) of 5070
this section, whoever violates division (G) of section 3796.06 5071
of the Revised Code by knowingly soliciting another person to 5072
purchase adult-use marijuana from an adult-use dispensary 5073
licensed under this chapter is guilty of a misdemeanor of the 5074
fourth degree. 5075

(2) An offender who has previously been convicted of or 5076
pleaded guilty to a violation of division (G) of section 3796.06 5077
of the Revised Code by knowingly soliciting another individual 5078

to purchase adult-use marijuana from an adult-use dispensary 5079
licensed under this chapter is guilty of a misdemeanor of the 5080
second degree. 5081

(I) Whoever violates division (A), (B), or (C) of section 5082
3796.062 of the Revised Code is guilty of a minor misdemeanor. 5083

(J) Whoever violates division (D) of section 3796.062 of 5084
the Revised Code is guilty of illegal use or possession of 5085
marijuana drug paraphernalia under section 2925.141 of the 5086
Revised Code. 5087

Sec. 4506.01. As used in this chapter: 5088

(A) "Alcohol concentration" means the concentration of 5089
alcohol in a person's blood, breath, or urine. When expressed as 5090
a percentage, it means grams of alcohol per the following: 5091

(1) One hundred milliliters of whole blood, blood serum, 5092
or blood plasma; 5093

(2) Two hundred ten liters of breath; 5094

(3) One hundred milliliters of urine. 5095

(B) "Commercial driver's license" means a license issued 5096
in accordance with this chapter that authorizes an individual to 5097
drive a commercial motor vehicle. 5098

(C) "Commercial driver's license information system" means 5099
the information system established pursuant to the requirements 5100
of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 5101
3207-171, 49 U.S.C.A. App. 2701. 5102

(D) Except when used in section 4506.25 of the Revised 5103
Code, "commercial motor vehicle" means any motor vehicle 5104
designed or used to transport persons or property that meets any 5105

of the following qualifications: 5106

(1) Any combination of vehicles with a gross vehicle 5107
weight or combined gross vehicle weight rating of twenty-six 5108
thousand one pounds or more, provided the gross vehicle weight 5109
or gross vehicle weight rating of the vehicle or vehicles being 5110
towed is in excess of ten thousand pounds; 5111

(2) Any single vehicle with a gross vehicle weight or 5112
gross vehicle weight rating of twenty-six thousand one pounds or 5113
more; 5114

(3) Any single vehicle or combination of vehicles that is 5115
not a class A or class B vehicle, but is designed to transport 5116
sixteen or more passengers including the driver; 5117

(4) Any school bus with a gross vehicle weight or gross 5118
vehicle weight rating of less than twenty-six thousand one 5119
pounds that is designed to transport fewer than sixteen 5120
passengers including the driver; 5121

(5) Is transporting hazardous materials for which 5122
placarding is required under subpart F of 49 C.F.R. part 172, as 5123
amended; 5124

(6) Any single vehicle or combination of vehicles that is 5125
designed to be operated and to travel on a public street or 5126
highway and is considered by the federal motor carrier safety 5127
administration to be a commercial motor vehicle, including, but 5128
not limited to, a motorized crane, a vehicle whose function is 5129
to pump cement, a rig for drilling wells, and a portable crane. 5130

(E) "Controlled substance" means all of the following: 5131

(1) Any substance classified as a controlled substance 5132
under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 5133

U.S.C.A. 802(6), as amended;	5134
(2) Any substance included in schedules I through V of 21 C.F.R. part 1308, as amended;	5135 5136
(3) Any drug of abuse.	5137
(F) "Conviction" means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.	5138 5139 5140 5141 5142 5143 5144 5145 5146
(G) "Disqualification" means any of the following:	5147
(1) The suspension, revocation, or cancellation of a person's privileges to operate a commercial motor vehicle;	5148 5149
(2) Any withdrawal of a person's privileges to operate a commercial motor vehicle as the result of a violation of state or local law relating to motor vehicle traffic control other than parking, vehicle weight, or vehicle defect violations;	5150 5151 5152 5153
(3) A determination by the federal motor carrier safety administration that a person is not qualified to operate a commercial motor vehicle under 49 C.F.R. 391.	5154 5155 5156
(H) "Domiciled" means having a true, fixed, principal, and permanent residence to which an individual intends to return.	5157 5158
(I) "Downgrade" means any of the following, as applicable:	5159
(1) A change in the commercial driver's license, or	5160

commercial driver's license temporary instruction permit,	5161
holder's self-certified status as described in division (A) (1)	5162
of section 4506.10 of the Revised Code;	5163
(2) A change to a lesser class of vehicle;	5164
(3) Removal of commercial driver's license privileges from	5165
the individual's driver's license;	5166
(4) A change in the commercial driver's license, or	5167
commercial driver's license temporary instruction permit,	5168
holder's privileges as described in division (F) (1) of section	5169
4506.13 of the Revised Code.	5170
(J) "Drive" means to drive, operate, or be in physical	5171
control of a motor vehicle.	5172
(K) "Driver" means any person who drives, operates, or is	5173
in physical control of a commercial motor vehicle or is required	5174
to have a commercial driver's license.	5175
(L) "Driver's license" means a license issued by the	5176
bureau of motor vehicles that authorizes an individual to drive.	5177
(M) "Drug of abuse" means any controlled substance,	5178
dangerous drug as defined in section 4729.01 of the Revised	5179
Code, harmful intoxicant as defined in section 2925.01 of the	5180
Revised Code, <u>drinkable cannabinoid product as defined in</u>	5181
<u>section 3779.21 of the Revised Code,</u> or over-the-counter	5182
medication that, when taken in quantities exceeding the	5183
recommended dosage, can result in impairment of judgment or	5184
reflexes.	5185
(N) "Electronic device" includes a cellular telephone, a	5186
personal digital assistant, a pager, a computer, and any other	5187
device used to input, write, send, receive, or read text.	5188

(O) "Eligible unit of local government" means a village, 5189
township, or county that has a population of not more than three 5190
thousand persons according to the most recent federal census. 5191

(P) "Employer" means any person, including the federal 5192
government, any state, and a political subdivision of any state, 5193
that owns or leases a commercial motor vehicle or assigns a 5194
person to drive such a motor vehicle. 5195

(Q) "Endorsement" means an authorization on a person's 5196
commercial driver's license that is required to permit the 5197
person to operate a specified type of commercial motor vehicle. 5198

(R) "Farm truck" means a truck controlled and operated by 5199
a farmer for use in the transportation to or from a farm, for a 5200
distance of not more than one hundred fifty miles, of products 5201
of the farm, including livestock and its products, poultry and 5202
its products, floricultural and horticultural products, and in 5203
the transportation to the farm, from a distance of not more than 5204
one hundred fifty miles, of supplies for the farm, including 5205
tile, fence, and every other thing or commodity used in 5206
agricultural, floricultural, horticultural, livestock, and 5207
poultry production, and livestock, poultry, and other animals 5208
and things used for breeding, feeding, or other purposes 5209
connected with the operation of the farm, when the truck is 5210
operated in accordance with this division and is not used in the 5211
operations of a motor carrier, as defined in section 4923.01 of 5212
the Revised Code. 5213

(S) "Fatality" means the death of a person as the result 5214
of a motor vehicle accident occurring not more than three 5215
hundred sixty-five days prior to the date of death. 5216

(T) "Felony" means any offense under federal or state law 5217

that is punishable by death or specifically classified as a 5218
felony under the law of this state, regardless of the penalty 5219
that may be imposed. 5220

(U) "Foreign jurisdiction" means any jurisdiction other 5221
than a state. 5222

(V) "Gross vehicle weight rating" means the value 5223
specified by the manufacturer as the maximum loaded weight of a 5224
single or a combination vehicle. The gross vehicle weight rating 5225
of a combination vehicle is the gross vehicle weight rating of 5226
the power unit plus the gross vehicle weight rating of each 5227
towed unit. 5228

(W) "Hazardous materials" means any material that has been 5229
designated as hazardous under 49 U.S.C. 5103 and is required to 5230
be placarded under subpart F of 49 C.F.R. part 172 or any 5231
quantity of a material listed as a select agent or toxin in 42 5232
C.F.R. part 73, as amended. 5233

(X) "Imminent hazard" means the existence of a condition 5234
that presents a substantial likelihood that death, serious 5235
illness, severe personal injury, or a substantial endangerment 5236
to health, property, or the environment may occur before the 5237
reasonably foreseeable completion date of a formal proceeding 5238
begun to lessen the risk of that death, illness, injury, or 5239
endangerment. 5240

(Y) "Medical variance" means one of the following received 5241
by a driver from the federal motor carrier safety administration 5242
that allows the driver to be issued a medical certificate: 5243

(1) An exemption letter permitting operation of a 5244
commercial motor vehicle under 49 C.F.R. 381, subpart C or 49 5245
C.F.R. 391.64; 5246

(2) A skill performance evaluation certificate permitting 5247
operation of a commercial motor vehicle pursuant to 49 C.F.R. 5248
391.49. 5249

(Z) "Mobile telephone" means a mobile communication device 5250
that falls under or uses any commercial mobile radio service as 5251
defined in 47 C.F.R. 20, except that mobile telephone does not 5252
include two-way or citizens band radio services. 5253

(AA) "Motor vehicle" means a vehicle, machine, tractor, 5254
trailer, or semitrailer propelled or drawn by mechanical power 5255
used on highways, except that such term does not include a 5256
vehicle, machine, tractor, trailer, or semitrailer operated 5257
exclusively on a rail. 5258

(BB) "Out-of-service order" means a declaration by an 5259
authorized enforcement officer of a federal, state, local, 5260
Canadian, or Mexican jurisdiction declaring that a driver, 5261
commercial motor vehicle, or commercial motor carrier operation 5262
is out of service as defined in 49 C.F.R. 390.5. 5263

(CC) "Peace officer" has the same meaning as in section 5264
2935.01 of the Revised Code. 5265

(DD) "Portable tank" means a liquid or gaseous packaging 5266
designed primarily to be loaded onto or temporarily attached to 5267
a vehicle and equipped with skids, mountings, or accessories to 5268
facilitate handling of the tank by mechanical means. 5269

(EE) "Public safety vehicle" has the same meaning as in 5270
divisions (E) (1) and (3) of section 4511.01 of the Revised Code. 5271

(FF) "Recreational vehicle" includes every vehicle that is 5272
defined as a recreational vehicle in section 4501.01 of the 5273
Revised Code and is used exclusively for purposes other than 5274
engaging in business for profit. 5275

(GG) "Residence" means any person's residence determined	5276
in accordance with standards prescribed in rules adopted by the	5277
registrar.	5278
(HH) "School bus" has the same meaning as in section	5279
4511.01 of the Revised Code.	5280
(II) "Serious traffic violation" means any of the	5281
following:	5282
(1) A conviction arising from a single charge of operating	5283
a commercial motor vehicle in violation of any provision of	5284
section 4506.03 of the Revised Code;	5285
(2) (a) Except as provided in division (II) (2) (b) of this	5286
section, a violation while operating a commercial motor vehicle	5287
of a law of this state, or any municipal ordinance or county or	5288
township resolution, or any other substantially similar law of	5289
another state or political subdivision of another state	5290
prohibiting either of the following:	5291
(i) Texting while driving;	5292
(ii) Using a handheld mobile telephone.	5293
(b) It is not a serious traffic violation if the person	5294
was texting or using a handheld mobile telephone to contact law	5295
enforcement or other emergency services.	5296
(3) A conviction arising from the operation of any motor	5297
vehicle that involves any of the following:	5298
(a) A single charge of any speed in excess of the posted	5299
speed limit by fifteen miles per hour or more;	5300
(b) Violation of section 4511.20 or 4511.201 of the	5301
Revised Code or any similar ordinance or resolution, or of any	5302

similar law of another state or political subdivision of another state; 5303
5304

(c) Violation of a law of this state or an ordinance or resolution relating to traffic control, other than a parking violation, or of any similar law of another state or political subdivision of another state, that results in a fatal accident; 5305
5306
5307
5308

(d) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license with the proper class or endorsement for the specific vehicle group being operated or for the passengers or type of cargo being transported; 5309
5310
5311
5312
5313
5314
5315
5316

(e) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license being in the person's possession; 5317
5318
5319
5320
5321
5322

(f) Violation of section 4511.33 or 4511.34 of the Revised Code, or any municipal ordinance or county or township resolution substantially similar to either of those sections, or any substantially similar law of another state or political subdivision of another state; 5323
5324
5325
5326
5327

(g) Violation of any other law of this state, any law of another state, or any ordinance or resolution of a political subdivision of this state or another state that meets both of the following requirements: 5328
5329
5330
5331

(i) It relates to traffic control, other than a parking violation;	5332 5333
(ii) It is determined to be a serious traffic violation by the United States secretary of transportation and is designated by the director as such by rule.	5334 5335 5336
(JJ) "State" means a state of the United States and includes the District of Columbia.	5337 5338
(KK) "Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks that are either permanently or temporarily attached to the vehicle or its chassis and have an individual rated capacity of more than one hundred nineteen gallons and an aggregate rated capacity of one thousand gallons or more. "Tank vehicle" does not include a commercial motor vehicle transporting an empty storage container tank that is not designed for transportation, has a rated capacity of one thousand gallons or more, and is temporarily attached to a flatbed trailer.	5339 5340 5341 5342 5343 5344 5345 5346 5347 5348 5349
(LL) "Tester" means a person or entity acting pursuant to a valid agreement entered into pursuant to division (B) of section 4506.09 of the Revised Code.	5350 5351 5352
(MM) "Texting" means manually entering alphanumeric text into, or reading text from, an electronic device. Texting includes short message service, e-mail, instant messaging, a command or request to access a world wide web page, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone, or engaging in any other form of electronic text retrieval or entry, for present or future communication. Texting does not include the following:	5353 5354 5355 5356 5357 5358 5359 5360

- (1) Using voice commands to initiate, receive, or terminate a voice communication using a mobile telephone; 5361
5362
- (2) Inputting, selecting, or reading information on a global positioning system or navigation system; 5363
5364
- (3) Pressing a single button to initiate or terminate a voice communication using a mobile telephone; or 5365
5366
- (4) Using, for a purpose that is not otherwise prohibited by law, a device capable of performing multiple functions, such as a fleet management system, a dispatching device, a mobile telephone, a citizens band radio, or a music player. 5367
5368
5369
5370
- (NN) "Texting while driving" means texting while operating a commercial motor vehicle, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Texting while driving does not include operating a commercial motor vehicle with or without the motor running when the driver has moved the vehicle to the side of, or off, a highway and is stopped in a location where the vehicle can safely remain stationary. 5371
5372
5373
5374
5375
5376
5377
5378
- (OO) "United States" means the fifty states and the District of Columbia. 5379
5380
- (PP) "Upgrade" means a change in the class of vehicles, endorsements, or self-certified status as described in division (A) (1) of section 4506.10 of the Revised Code, that expands the ability of a current commercial driver's license holder to operate commercial motor vehicles under this chapter. 5381
5382
5383
5384
5385
- (QQ) "Use of a handheld mobile telephone" means: 5386
- (1) Using at least one hand to hold a mobile telephone to conduct a voice communication; 5387
5388

(2) Dialing or answering a mobile telephone by pressing more than a single button; or	5389 5390
(3) Reaching for a mobile telephone in a manner that requires a driver to maneuver so that the driver is no longer in a seated driving position, or restrained by a seat belt that is installed in accordance with 49 C.F.R. 393.93 and adjusted in accordance with the vehicle manufacturer's instructions.	5391 5392 5393 5394 5395
(RR) "Vehicle" has the same meaning as in section 4511.01 of the Revised Code.	5396 5397
Sec. 4729.01. As used in this chapter:	5398
(A) "Pharmacy," except when used in a context that refers to the practice of pharmacy, means any area, room, rooms, place of business, department, or portion of any of the foregoing where the practice of pharmacy is conducted.	5399 5400 5401 5402
(B) "Practice of pharmacy" means providing pharmacist care requiring specialized knowledge, judgment, and skill derived from the principles of biological, chemical, behavioral, social, pharmaceutical, and clinical sciences. As used in this division, "pharmacist care" includes the following:	5403 5404 5405 5406 5407
(1) Interpreting prescriptions;	5408
(2) Dispensing drugs and drug therapy related devices;	5409
(3) Compounding drugs;	5410
(4) Counseling individuals with regard to their drug therapy, recommending drug therapy related devices, and assisting in the selection of drugs and appliances for treatment of common diseases and injuries and providing instruction in the proper use of the drugs and appliances;	5411 5412 5413 5414 5415

- (5) Performing drug regimen reviews with individuals by 5416
discussing all of the drugs that the individual is taking and 5417
explaining the interactions of the drugs; 5418
- (6) Performing drug utilization reviews with licensed 5419
health professionals authorized to prescribe drugs when the 5420
pharmacist determines that an individual with a prescription has 5421
a drug regimen that warrants additional discussion with the 5422
prescriber; 5423
- (7) Advising an individual and the health care 5424
professionals treating an individual with regard to the 5425
individual's drug therapy; 5426
- (8) Acting pursuant to a consult agreement, if an 5427
agreement has been established; 5428
- (9) Engaging in the administration of immunizations to the 5429
extent authorized by section 4729.41 of the Revised Code; 5430
- (10) Engaging in the administration of drugs to the extent 5431
authorized by section 4729.45 of the Revised Code. 5432
- (C) "Compounding" means the preparation, mixing, 5433
assembling, packaging, and labeling of one or more drugs in any 5434
of the following circumstances: 5435
- (1) Pursuant to a prescription issued by a licensed health 5436
professional authorized to prescribe drugs; 5437
- (2) Pursuant to the modification of a prescription made in 5438
accordance with a consult agreement; 5439
- (3) As an incident to research, teaching activities, or 5440
chemical analysis; 5441
- (4) In anticipation of orders for drugs pursuant to 5442

prescriptions, based on routine, regularly observed dispensing 5443
patterns; 5444

(5) Pursuant to a request made by a licensed health 5445
professional authorized to prescribe drugs for a drug that is to 5446
be used by the professional for the purpose of direct 5447
administration to patients in the course of the professional's 5448
practice, if all of the following apply: 5449

(a) At the time the request is made, the drug is not 5450
commercially available regardless of the reason that the drug is 5451
not available, including the absence of a manufacturer for the 5452
drug or the lack of a readily available supply of the drug from 5453
a manufacturer. 5454

(b) A limited quantity of the drug is compounded and 5455
provided to the professional. 5456

(c) The drug is compounded and provided to the 5457
professional as an occasional exception to the normal practice 5458
of dispensing drugs pursuant to patient-specific prescriptions. 5459

(D) "Consult agreement" means an agreement that has been 5460
entered into under section 4729.39 of the Revised Code. 5461

(E) "Drug" means: 5462

(1) Any article recognized in the United States 5463
pharmacopoeia and national formulary, or any supplement to them, 5464
intended for use in the diagnosis, cure, mitigation, treatment, 5465
or prevention of disease in humans or animals; 5466

(2) Any other article intended for use in the diagnosis, 5467
cure, mitigation, treatment, or prevention of disease in humans 5468
or animals; 5469

(3) Any article, other than food, intended to affect the 5470

structure or any function of the body of humans or animals; 5471

(4) Any article intended for use as a component of any 5472
article specified in division (E) (1), (2), or (3) of this 5473
section; but does not include devices or their components, 5474
parts, or accessories. 5475

"Drug" does not include "hemp" ~~or a "hemp product"~~ as 5476
~~these terms are~~ that term is defined in section 928.01 of the 5477
Revised Code. 5478

(F) "Dangerous drug" means any of the following: 5479

(1) Any drug to which either of the following applies: 5480

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 5481
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 5482
required to bear a label containing the legend "Caution: Federal 5483
law prohibits dispensing without prescription" or "Caution: 5484
Federal law restricts this drug to use by or on the order of a 5485
licensed veterinarian" or any similar restrictive statement, or 5486
the drug may be dispensed only upon a prescription; 5487

(b) Under Chapter 3715. or 3719. of the Revised Code, the 5488
drug may be dispensed only upon a prescription. 5489

(2) Any drug that contains a schedule V controlled 5490
substance and that is exempt from Chapter 3719. of the Revised 5491
Code or to which that chapter does not apply; 5492

(3) Any drug intended for administration by injection into 5493
the human body other than through a natural orifice of the human 5494
body; 5495

(4) Any drug that is a biological product, as defined in 5496
section 3715.01 of the Revised Code. 5497

(G) "Federal drug abuse control laws" has the same meaning	5498
as in section 3719.01 of the Revised Code.	5499
(H) "Prescription" means all of the following:	5500
(1) A written, electronic, or oral order for drugs or	5501
combinations or mixtures of drugs to be used by a particular	5502
individual or for treating a particular animal, issued by a	5503
licensed health professional authorized to prescribe drugs;	5504
(2) For purposes of sections 4723.4810, 4729.282,	5505
4730.432, and 4731.93 of the Revised Code, a written,	5506
electronic, or oral order for a drug to treat chlamydia,	5507
gonorrhoea, or trichomoniasis issued to and in the name of a	5508
patient who is not the intended user of the drug but is the	5509
sexual partner of the intended user;	5510
(3) For purposes of sections 3313.7110, 3313.7111,	5511
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433,	5512
4731.96, and 5180.26 of the Revised Code, a written, electronic,	5513
or oral order for an epinephrine autoinjector issued to and in	5514
the name of a school, school district, or camp;	5515
(4) For purposes of Chapter 3728. and sections 4723.483,	5516
4729.88, 4730.433, and 4731.96 of the Revised Code, a written,	5517
electronic, or oral order for an epinephrine autoinjector issued	5518
to and in the name of a qualified entity, as defined in section	5519
3728.01 of the Revised Code;	5520
(5) For purposes of sections 3313.7115, 3313.7116,	5521
3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and	5522
5180.262 of the Revised Code, a written, electronic, or oral	5523
order for injectable or nasally administered glucagon in the	5524
name of a school, school district, or camp.	5525
(I) "Licensed health professional authorized to prescribe	5526

drugs" or "prescriber" means an individual who is authorized by 5527
law to prescribe drugs or dangerous drugs or drug therapy 5528
related devices in the course of the individual's professional 5529
practice, including only the following: 5530

(1) A dentist licensed under Chapter 4715. of the Revised 5531
Code; 5532

(2) A clinical nurse specialist, certified nurse-midwife, 5533
or certified nurse practitioner who holds a current, valid 5534
license issued under Chapter 4723. of the Revised Code to 5535
practice nursing as an advanced practice registered nurse; 5536

(3) A certified registered nurse anesthetist who holds a 5537
current, valid license issued under Chapter 4723. of the Revised 5538
Code to practice nursing as an advanced practice registered 5539
nurse, but only to the extent of the nurse's authority under 5540
sections 4723.43 and 4723.434 of the Revised Code; 5541

(4) An optometrist licensed under Chapter 4725. of the 5542
Revised Code to practice optometry; 5543

(5) A physician authorized under Chapter 4731. of the 5544
Revised Code to practice medicine and surgery, osteopathic 5545
medicine and surgery, or podiatric medicine and surgery; 5546

(6) A physician assistant who holds a license to practice 5547
as a physician assistant issued under Chapter 4730. of the 5548
Revised Code, holds a valid prescriber number issued by the 5549
state medical board, and has been granted physician-delegated 5550
prescriptive authority; 5551

(7) A veterinarian licensed under Chapter 4741. of the 5552
Revised Code; 5553

(8) A certified mental health assistant licensed under 5554

Chapter 4772. of the Revised Code who has been granted 5555
physician-delegated prescriptive authority by the physician 5556
supervising the certified mental health assistant. 5557

(J) "Sale" or "sell" includes any transaction made by any 5558
person, whether as principal proprietor, agent, or employee, to 5559
do or offer to do any of the following: deliver, distribute, 5560
broker, exchange, gift or otherwise give away, or transfer, 5561
whether the transfer is by passage of title, physical movement, 5562
or both. 5563

(K) "Wholesale sale" and "sale at wholesale" mean any sale 5564
in which the purpose of the purchaser is to resell the article 5565
purchased or received by the purchaser. 5566

(L) "Retail sale" and "sale at retail" mean any sale other 5567
than a wholesale sale or sale at wholesale. 5568

(M) "Retail seller" means any person that sells any 5569
dangerous drug to consumers without assuming control over and 5570
responsibility for its administration. Mere advice or 5571
instructions regarding administration do not constitute control 5572
or establish responsibility. 5573

(N) "Price information" means the price charged for a 5574
prescription for a particular drug product and, in an easily 5575
understandable manner, all of the following: 5576

(1) The proprietary name of the drug product; 5577

(2) The established (generic) name of the drug product; 5578

(3) The strength of the drug product if the product 5579
contains a single active ingredient or if the drug product 5580
contains more than one active ingredient and a relevant strength 5581
can be associated with the product without indicating each 5582

active ingredient. The established name and quantity of each 5583
active ingredient are required if such a relevant strength 5584
cannot be so associated with a drug product containing more than 5585
one ingredient. 5586

(4) The dosage form; 5587

(5) The price charged for a specific quantity of the drug 5588
product. The stated price shall include all charges to the 5589
consumer, including, but not limited to, the cost of the drug 5590
product, professional fees, handling fees, if any, and a 5591
statement identifying professional services routinely furnished 5592
by the pharmacy. Any mailing fees and delivery fees may be 5593
stated separately without repetition. The information shall not 5594
be false or misleading. 5595

(O) "Wholesale distributor of dangerous drugs" or 5596
"wholesale distributor" means a person engaged in the sale of 5597
dangerous drugs at wholesale and includes any agent or employee 5598
of such a person authorized by the person to engage in the sale 5599
of dangerous drugs at wholesale. 5600

(P) "Manufacturer of dangerous drugs" or "manufacturer" 5601
means a person, other than a pharmacist or prescriber, who 5602
manufactures dangerous drugs and who is engaged in the sale of 5603
those dangerous drugs. 5604

(Q) "Terminal distributor of dangerous drugs" or "terminal 5605
distributor" means a person who is engaged in the sale of 5606
dangerous drugs at retail, or any person, other than a 5607
manufacturer, repackager, outsourcing facility, third-party 5608
logistics provider, wholesale distributor, or pharmacist, who 5609
has possession, custody, or control of dangerous drugs for any 5610
purpose other than for that person's own use and consumption. 5611

"Terminal distributor" includes pharmacies, hospitals, nursing homes, and laboratories and all other persons who procure dangerous drugs for sale or other distribution by or under the supervision of a pharmacist, licensed health professional authorized to prescribe drugs, or other person authorized by the state board of pharmacy.

(R) "Promote to the public" means disseminating a representation to the public in any manner or by any means, other than by labeling, for the purpose of inducing, or that is likely to induce, directly or indirectly, the purchase of a dangerous drug at retail.

(S) "Person" includes any individual, partnership, association, limited liability company, or corporation, the state, any political subdivision of the state, and any district, department, or agency of the state or its political subdivisions.

(T) (1) "Animal shelter" means a facility operated by a humane society or any society organized under Chapter 1717. of the Revised Code or a dog pound operated pursuant to Chapter 955. of the Revised Code.

(2) "County dog warden" means a dog warden or deputy dog warden appointed or employed under section 955.12 of the Revised Code.

(U) "Food" has the same meaning as in section 3715.01 of the Revised Code.

(V) "Pain management clinic" has the same meaning as in section 4731.054 of the Revised Code.

(W) "Investigational drug or product" means a drug or product that has successfully completed phase one of the United

States food and drug administration clinical trials and remains 5641
under clinical trial, but has not been approved for general use 5642
by the United States food and drug administration. 5643

"Investigational drug or product" does not include controlled 5644
substances in schedule I, as defined in section 3719.01 of the 5645
Revised Code. 5646

(X) "Product," when used in reference to an 5647
investigational drug or product, means a biological product, 5648
other than a drug, that is made from a natural human, animal, or 5649
microorganism source and is intended to treat a disease or 5650
medical condition. 5651

(Y) "Third-party logistics provider" means a person that 5652
provides or coordinates warehousing or other logistics services 5653
pertaining to dangerous drugs including distribution, on behalf 5654
of a manufacturer, wholesale distributor, or terminal 5655
distributor of dangerous drugs, but does not take ownership of 5656
the drugs or have responsibility to direct the sale or 5657
disposition of the drugs. 5658

(Z) "Repackager of dangerous drugs" or "repackager" means 5659
a person that repacks and relabels dangerous drugs for sale or 5660
distribution. 5661

(AA) "Outsourcing facility" means a facility that is 5662
engaged in the compounding and sale of sterile drugs and is 5663
registered as an outsourcing facility with the United States 5664
food and drug administration. 5665

(BB) "Laboratory" means a laboratory licensed under this 5666
chapter as a terminal distributor of dangerous drugs and 5667
entrusted to have custody of any of the following drugs and to 5668
use the drugs for scientific and clinical purposes and for 5669

purposes of instruction: dangerous drugs that are not controlled 5670
substances, as defined in section 3719.01 of the Revised Code; 5671
dangerous drugs that are controlled substances, as defined in 5672
that section; and controlled substances in schedule I, as 5673
defined in that section. 5674

(CC) "Overdose reversal drug" means both of the following: 5675

(1) Naloxone; 5676

(2) Any other drug that the state board of pharmacy, 5677
through rules adopted in accordance with Chapter 119. of the 5678
Revised Code, designates as a drug that is approved by the 5679
federal food and drug administration for the reversal of a known 5680
or suspected opioid-related overdose. 5681

Sec. 4729.80. (A) If the state board of pharmacy 5682
establishes and maintains a drug database pursuant to section 5683
4729.75 of the Revised Code, the board is authorized or required 5684
to provide information from the database only as follows: 5685

(1) On receipt of a request from a designated 5686
representative of a government entity responsible for the 5687
licensure, regulation, or discipline of health care 5688
professionals with authority to prescribe, administer, or 5689
dispense drugs, the board may provide to the representative 5690
information from the database relating to the professional who 5691
is the subject of an active investigation being conducted by the 5692
government entity or relating to a professional who is acting as 5693
an expert witness for the government entity in such an 5694
investigation. 5695

(2) On receipt of a request from a federal officer, or a 5696
state or local officer of this or any other state, whose duties 5697
include enforcing laws relating to drugs, the board shall 5698

provide to the officer information from the database relating to 5699
the person who is the subject of an active investigation of a 5700
drug abuse offense, as defined in section 2925.01 of the Revised 5701
Code, being conducted by the officer's employing government 5702
entity. 5703

(3) Pursuant to a subpoena issued by a grand jury, the 5704
board shall provide to the grand jury information from the 5705
database relating to the person who is the subject of an 5706
investigation being conducted by the grand jury. 5707

(4) Pursuant to a subpoena, search warrant, or court order 5708
in connection with the investigation or prosecution of a 5709
possible or alleged criminal offense, the board shall provide 5710
information from the database as necessary to comply with the 5711
subpoena, search warrant, or court order. 5712

(5) On receipt of a request from a prescriber or the 5713
prescriber's delegate approved by the board, the board shall 5714
provide to the prescriber a report of information from the 5715
database relating to a patient who is either a current patient 5716
of the prescriber or a potential patient of the prescriber based 5717
on a referral of the patient to the prescriber, if all of the 5718
following conditions are met: 5719

(a) The prescriber certifies in a form specified by the 5720
board that it is for the purpose of providing medical treatment 5721
to the patient who is the subject of the request; 5722

(b) The prescriber has not been denied access to the 5723
database by the board. 5724

(6) On receipt of a request from a pharmacist or the 5725
pharmacist's delegate approved by the board, the board shall 5726
provide to the pharmacist information from the database relating 5727

to a current patient of the pharmacist, if the pharmacist 5728
certifies in a form specified by the board that it is for the 5729
purpose of the pharmacist's practice of pharmacy involving the 5730
patient who is the subject of the request and the pharmacist has 5731
not been denied access to the database by the board. 5732

(7) On receipt of a request from an individual seeking the 5733
individual's own database information in accordance with the 5734
procedure established in rules adopted under section 4729.84 of 5735
the Revised Code, the board may provide to the individual the 5736
individual's own prescription history. 5737

(8) On receipt of a request from a medical director or a 5738
pharmacy director of a managed care organization that has 5739
entered into a contract with the department of medicaid under 5740
section 5167.10 of the Revised Code and a data security 5741
agreement with the board required by section 5167.14 of the 5742
Revised Code, the board shall provide to the medical director or 5743
the pharmacy director information from the database relating to 5744
a medicaid recipient enrolled in the managed care organization, 5745
including information in the database related to prescriptions 5746
for the recipient that were not covered or reimbursed under a 5747
program administered by the department of medicaid. 5748

(9) On receipt of a request from the medicaid director, 5749
the board shall provide to the director information from the 5750
database relating to a recipient of a program administered by 5751
the department of medicaid, including information in the 5752
database related to prescriptions for the recipient that were 5753
not covered or paid by a program administered by the department. 5754

(10) On receipt of a request from a medical director of a 5755
managed care organization that has entered into a contract with 5756
the administrator of workers' compensation under division (B) (4) 5757

of section 4121.44 of the Revised Code and a data security 5758
agreement with the board required by section 4121.447 of the 5759
Revised Code, the board shall provide to the medical director 5760
information from the database relating to a claimant under 5761
Chapter 4121., 4123., 4127., or 4131. of the Revised Code 5762
assigned to the managed care organization, including information 5763
in the database related to prescriptions for the claimant that 5764
were not covered or reimbursed under Chapter 4121., 4123., 5765
4127., or 4131. of the Revised Code, if the administrator of 5766
workers' compensation confirms, upon request from the board, 5767
that the claimant is assigned to the managed care organization. 5768

(11) On receipt of a request from the administrator of 5769
workers' compensation, the board shall provide to the 5770
administrator information from the database relating to a 5771
claimant under Chapter 4121., 4123., 4127., or 4131. of the 5772
Revised Code, including information in the database related to 5773
prescriptions for the claimant that were not covered or 5774
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 5775
Revised Code. 5776

(12) On receipt of a request from a prescriber or the 5777
prescriber's delegate approved by the board, the board shall 5778
provide to the prescriber information from the database relating 5779
to a patient's mother, if the prescriber certifies in a form 5780
specified by the board that it is for the purpose of providing 5781
medical treatment to a newborn or infant patient diagnosed as 5782
opioid dependent and the prescriber has not been denied access 5783
to the database by the board. 5784

(13) On receipt of a request from the director of health, 5785
the board shall provide to the director information from the 5786
database relating to the duties of the director or the 5787

department of health in implementing the Ohio violent death 5788
reporting system established under section 3701.93 of the 5789
Revised Code. 5790

(14) On receipt of a request from a requestor described in 5791
division (A)(1), (2), (5), or (6) of this section who is from or 5792
participating with another state's prescription monitoring 5793
program, the board may provide to the requestor information from 5794
the database, but only if there is a written agreement under 5795
which the information is to be used and disseminated according 5796
to the laws of this state. 5797

(15) On receipt of a request from a delegate of a retail 5798
dispensary licensed under Chapter 3796. of the Revised Code who 5799
is approved by the board to serve as the dispensary's delegate, 5800
the board shall provide to the delegate a report of information 5801
from the database pertaining only to a patient's use of medical 5802
marijuana, if both of the following conditions are met: 5803

(a) The delegate certifies in a form specified by the 5804
board that it is for the purpose of dispensing medical marijuana 5805
for use in accordance with Chapter 3796. of the Revised Code. 5806

(b) The retail dispensary or delegate has not been denied 5807
access to the database by the board. 5808

(16) On receipt of a request from a judge of a program 5809
certified by the Ohio supreme court as a specialized docket 5810
program for drugs, the board shall provide to the judge, or an 5811
employee of the program who is designated by the judge to 5812
receive the information, information from the database that 5813
relates specifically to a current or prospective program 5814
participant. 5815

(17) On receipt of a request from a coroner, deputy 5816

coroner, or coroner's delegate approved by the board, the board 5817
shall provide to the requestor information from the database 5818
relating to a deceased person about whom the coroner is 5819
conducting or has conducted an autopsy or investigation. 5820

(18) On receipt of a request from a prescriber, the board 5821
may provide to the prescriber a summary of the prescriber's 5822
prescribing record if such a record is created by the board. 5823
Information in the summary is subject to the confidentiality 5824
requirements of this chapter. 5825

(19) On receipt of a request from a pharmacy's responsible 5826
person designated under section 4729.54 of the Revised Code, the 5827
board may provide to the responsible person a summary of the 5828
pharmacy's dispensing record if such a record is created by the 5829
board. Information in the summary is subject to the 5830
confidentiality requirements of this chapter. 5831

(20) The board may provide information from the database 5832
without request to a prescriber or pharmacist who is authorized 5833
to use the database pursuant to this chapter. 5834

(21) (a) On receipt of a request from a prescriber or 5835
pharmacist, or the prescriber's or pharmacist's delegate, who is 5836
a designated representative of a peer review committee, the 5837
board shall provide to the committee information from the 5838
database relating to a prescriber who is subject to the 5839
committee's evaluation, supervision, or discipline if the 5840
information is to be used for one of those purposes. The board 5841
shall provide only information that it determines, in accordance 5842
with rules adopted under section 4729.84 of the Revised Code, is 5843
appropriate to be provided to the committee. 5844

(b) As used in division (A) (21) (a) of this section, "peer 5845

review committee" has the same meaning as in section 2305.25 of 5846
the Revised Code, except that it includes only a peer review 5847
committee of a hospital or a peer review committee of a 5848
nonprofit health care corporation that is a member of the 5849
hospital or of which the hospital is a member. 5850

(22) On receipt of a request from a requestor described in 5851
division (A) (5) or (6) of this section who is from or 5852
participating with a prescription monitoring program that is 5853
operated by a federal agency and approved by the board, the 5854
board may provide to the requestor information from the 5855
database, but only if there is a written agreement under which 5856
the information is to be used and disseminated according to the 5857
laws of this state. 5858

(23) Any personal health information submitted to the 5859
board pursuant to section 4729.772 of the Revised Code may be 5860
provided by the board only as authorized by the submitter of the 5861
information and in accordance with rules adopted under section 5862
4729.84 of the Revised Code. 5863

(24) On receipt of a request from a person described in 5864
division (A) (5), (6), or (17) of this section who is 5865
participating in a drug overdose fatality review committee 5866
described in section 307.631 of the Revised Code, the board may 5867
provide to the requestor information from the database, but only 5868
if there is a written agreement under which the information is 5869
to be used and disseminated according to the laws of this state. 5870

(25) On receipt of a request from a person described in 5871
division (A) (5), (6), or (17) of this section who is 5872
participating in a suicide fatality review committee described 5873
in section 307.641 of the Revised Code, the board may provide to 5874
the requestor information from the database, but only if there 5875

is a written agreement under which the information is to be used 5876
and disseminated according to the laws of this state. 5877

(26) On receipt of a request from a designated 5878
representative of the division of ~~marijuana~~ cannabis control in 5879
the department of commerce, the board shall provide to the 5880
representative information from the database relating to an 5881
individual who, or entity that, is the subject of an active 5882
investigation being conducted by the division. 5883

(B) The state board of pharmacy shall maintain a record of 5884
each individual or entity that requests information from the 5885
database pursuant to this section. In accordance with rules 5886
adopted under section 4729.84 of the Revised Code, the board may 5887
use the records to document and report statistics and law 5888
enforcement outcomes. 5889

The board may provide records of an individual's requests 5890
for database information only to the following: 5891

(1) A designated representative of a government entity 5892
that is responsible for the licensure, regulation, or discipline 5893
of health care professionals with authority to prescribe, 5894
administer, or dispense drugs who is involved in an active 5895
criminal or disciplinary investigation being conducted by the 5896
government entity of the individual who submitted the requests 5897
for database information; 5898

(2) A federal officer, or a state or local officer of this 5899
or any other state, whose duties include enforcing laws relating 5900
to drugs and who is involved in an active investigation being 5901
conducted by the officer's employing government entity of the 5902
individual who submitted the requests for database information; 5903

(3) A designated representative of the department of 5904

medicaid regarding a prescriber who is treating or has treated a 5905
recipient of a program administered by the department and who 5906
submitted the requests for database information. 5907

(C) Information contained in the database and any 5908
information obtained from it is confidential and is not a public 5909
record. Information contained in the records of requests for 5910
information from the database is confidential and is not a 5911
public record. Information contained in the database that does 5912
not identify a person, including any licensee or registrant of 5913
the board or other entity, may be released in summary, 5914
statistical, or aggregate form. 5915

(D) A pharmacist or prescriber shall not be held liable in 5916
damages to any person in any civil action for injury, death, or 5917
loss to person or property on the basis that the pharmacist or 5918
prescriber did or did not seek or obtain information from the 5919
database. 5920

Sec. 4735.18. (A) Subject to section 4735.32 of the 5921
Revised Code, the superintendent of real estate, upon the 5922
superintendent's own motion, may investigate the conduct of any 5923
licensee. Subject to division (E) of this section and section 5924
4735.32 of the Revised Code, the Ohio real estate commission 5925
shall impose disciplinary sanctions upon any licensee who, 5926
whether or not acting in the licensee's capacity as a real 5927
estate broker or salesperson, or in handling the licensee's own 5928
property, is found to have been convicted of a felony or a crime 5929
of moral turpitude, and may impose disciplinary sanctions upon 5930
any licensee who, in the licensee's capacity as a real estate 5931
broker or salesperson, or in handling the licensee's own 5932
property, is found guilty of: 5933

(1) Knowingly making any misrepresentation; 5934

(2) Making any false promises with intent to influence,	5935
persuade, or induce;	5936
(3) A continued course of misrepresentation or the making	5937
of false promises through agents, salespersons, advertising, or	5938
otherwise;	5939
(4) Acting for more than one party in a transaction except	5940
as permitted by and in compliance with section 4735.71 of the	5941
Revised Code;	5942
(5) Failure within a reasonable time to account for or to	5943
remit any money coming into the licensee's possession which	5944
belongs to others;	5945
(6) Dishonest or illegal dealing, gross negligence,	5946
incompetency, or misconduct;	5947
(7) (a) By final adjudication by a court, a violation of	5948
any municipal or federal civil rights law relevant to the	5949
protection of purchasers or sellers of real estate or, by final	5950
adjudication by a court, any unlawful discriminatory practice	5951
pertaining to the purchase or sale of real estate prohibited by	5952
Chapter 4112. of the Revised Code, provided that such violation	5953
arose out of a situation wherein parties were engaged in bona	5954
fide efforts to purchase, sell, or lease real estate, in the	5955
licensee's practice as a licensed real estate broker or	5956
salesperson;	5957
(b) A second or subsequent violation of any unlawful	5958
discriminatory practice pertaining to the purchase or sale of	5959
real estate prohibited by Chapter 4112. of the Revised Code or	5960
any second or subsequent violation of municipal or federal civil	5961
rights laws relevant to purchasing or selling real estate	5962
whether or not there has been a final adjudication by a court,	5963

provided that such violation arose out of a situation wherein 5964
parties were engaged in bona fide efforts to purchase, sell, or 5965
lease real estate. For any second offense under this division, 5966
the commission shall suspend for a minimum of two months or 5967
revoke the license of the broker or salesperson. For any 5968
subsequent offense, the commission shall revoke the license of 5969
the broker or salesperson. 5970

(8) Procuring a license under this chapter, for the 5971
licensee or any salesperson by fraud, misrepresentation, or 5972
deceit; 5973

(9) Having violated or failed to comply with any provision 5974
of sections 4735.51 to 4735.74 of the Revised Code or having 5975
willfully disregarded or violated any other provisions of this 5976
chapter; 5977

(10) As a real estate broker, having demanded, without 5978
reasonable cause, other than from a broker licensed under this 5979
chapter, a commission to which the licensee is not entitled, or, 5980
as a real estate salesperson, having demanded, without 5981
reasonable cause, a commission to which the licensee is not 5982
entitled; 5983

(11) Except as permitted under section 4735.20 of the 5984
Revised Code, having paid commissions or fees to, or divided 5985
commissions or fees with, anyone not licensed as a real estate 5986
broker or salesperson under this chapter or anyone not operating 5987
as an out-of-state commercial real estate broker or salesperson 5988
under section 4735.022 of the Revised Code; 5989

(12) Having falsely represented membership in any real 5990
estate professional association of which the licensee is not a 5991
member; 5992

(13) Having accepted, given, or charged any undisclosed commission, rebate, or direct profit on expenditures made for a principal;	5993 5994 5995
(14) Having offered anything of value other than the consideration recited in the sales contract as an inducement to a person to enter into a contract for the purchase or sale of real estate or having offered real estate or the improvements on real estate as a prize in a lottery or scheme of chance;	5996 5997 5998 5999 6000
(15) Having acted in the dual capacity of real estate broker and undisclosed principal, or real estate salesperson and undisclosed principal, in any transaction;	6001 6002 6003
(16) Having guaranteed, authorized, or permitted any person to guarantee future profits which may result from the resale of real property;	6004 6005 6006
(17) Having advertised or placed a sign on any property offering it for sale or for rent without the consent of the owner or the owner's authorized agent;	6007 6008 6009
(18) Having induced any party to a contract of sale or lease to break such contract for the purpose of substituting in lieu of it a new contract with another principal;	6010 6011 6012
(19) Having negotiated the sale, exchange, or lease of any real property directly with a seller, purchaser, lessor, or tenant knowing that such seller, purchaser, lessor, or tenant is represented by another broker under a written exclusive agency agreement, exclusive right to sell or lease listing agreement, or exclusive purchaser agency agreement with respect to such property except as provided for in section 4735.75 of the Revised Code;	6013 6014 6015 6016 6017 6018 6019 6020
(20) Having offered real property for sale or for lease	6021

without the knowledge and consent of the owner or the owner's 6022
authorized agent, or on any terms other than those authorized by 6023
the owner or the owner's authorized agent; 6024

(21) Having published advertising, whether printed, radio, 6025
display, or of any other nature, which was misleading or 6026
inaccurate in any material particular, or in any way having 6027
misrepresented any properties, terms, values, policies, or 6028
services of the business conducted; 6029

(22) Having knowingly withheld from or inserted in any 6030
statement of account or invoice any statement that made it 6031
inaccurate in any material particular; 6032

(23) Having published or circulated unjustified or 6033
unwarranted threats of legal proceedings which tended to or had 6034
the effect of harassing competitors or intimidating their 6035
customers; 6036

(24) Having failed to keep complete and accurate records 6037
of all transactions for a period of three years from the date of 6038
the transaction, such records to include copies of listing 6039
forms, earnest money receipts, offers to purchase and 6040
acceptances of them, records of receipts and disbursements of 6041
all funds received by the licensee as broker and incident to the 6042
licensee's transactions as such, and records required pursuant 6043
to divisions (C) (4) and (5) of section 4735.20 of the Revised 6044
Code, and any other instruments or papers related to the 6045
performance of any of the acts set forth in the definition of a 6046
real estate broker; 6047

(25) Failure of a real estate broker or salesperson to 6048
furnish all parties involved in a real estate transaction true 6049
copies of all listings and other agreements to which they are a 6050

party, at the time each party signs them; 6051

(26) Failure to maintain at all times a special or trust 6052
bank account in a depository of a state or federally chartered 6053
institution located in this state. The account shall be 6054
noninterest-bearing, separate and distinct from any personal or 6055
other account of the broker, and, except as provided in division 6056
(A) (27) of this section, shall be used for the deposit and 6057
maintenance of all escrow funds, security deposits, and other 6058
moneys received by the broker in a fiduciary capacity. The name, 6059
account number, if any, and location of the depository wherein 6060
such special or trust account is maintained shall be submitted 6061
in writing to the superintendent. Checks drawn on such special 6062
or trust bank accounts are deemed to meet the conditions imposed 6063
by section 1349.21 of the Revised Code. Funds deposited in the 6064
trust or special account in connection with a purchase agreement 6065
shall be maintained in accordance with section 4735.24 of the 6066
Revised Code. 6067

(27) Failure to maintain at all times a special or trust 6068
bank account in a depository of a state or federally chartered 6069
institution in this state, to be used exclusively for the 6070
deposit and maintenance of all rents, security deposits, escrow 6071
funds, and other moneys received by the broker in a fiduciary 6072
capacity in the course of managing real property. This account 6073
shall be separate and distinct from any other account maintained 6074
by the broker. The name, account number, and location of the 6075
depository shall be submitted in writing to the superintendent. 6076
This account may earn interest, which shall be paid to the 6077
property owners on a pro rata basis. 6078

Division (A) (27) of this section does not apply to brokers 6079
who are not engaged in the management of real property on behalf 6080

of real property owners. 6081

(28) Having failed to put definite expiration dates in all 6082
written agency agreements to which the broker is a party; 6083

(29) Having an unsatisfied final judgment or lien in any 6084
court of record against the licensee arising out of the 6085
licensee's conduct as a licensed broker or salesperson; 6086

(30) Failing to render promptly upon demand a full and 6087
complete statement of the expenditures by the broker or 6088
salesperson of funds advanced by or on behalf of a party to a 6089
real estate transaction to the broker or salesperson for the 6090
purpose of performing duties as a licensee under this chapter in 6091
conjunction with the real estate transaction; 6092

(31) Failure within a reasonable time, after the receipt 6093
of the commission by the broker, to render an accounting to and 6094
pay a real estate salesperson the salesperson's earned share of 6095
it; 6096

(32) Performing any service for another constituting the 6097
practice of law, as determined by any court of law; 6098

(33) Having been adjudicated incompetent by a court, as 6099
provided in section 5122.301 of the Revised Code. A license 6100
revoked or suspended under this division shall be reactivated 6101
upon proof to the commission of the removal of the disability. 6102

(34) Having authorized or permitted a person to act as an 6103
agent in the capacity of a real estate broker, or a real estate 6104
salesperson, who was not then licensed as a real estate broker 6105
or real estate salesperson under this chapter or who was not 6106
then operating as an out-of-state commercial real estate broker 6107
or salesperson under section 4735.022 of the Revised Code; 6108

(35) Having knowingly inserted or participated in 6109
inserting any materially inaccurate term in a document, 6110
including naming a false consideration; 6111

(36) Having failed to inform the licensee's client of the 6112
existence of an offer or counteroffer or having failed to 6113
present an offer or counteroffer in a timely manner, unless 6114
otherwise instructed by the client, provided the instruction of 6115
the client does not conflict with any state or federal law; 6116

(37) Having failed to comply with section 4735.24 of the 6117
Revised Code; 6118

(38) Having acted as a broker without authority, impeded 6119
the ability of a principal broker to perform any of the duties 6120
described in section 4735.081 of the Revised Code, or impeded 6121
the ability a management level licensee to perform the 6122
licensee's duties; 6123

(39) Entering into a right-to-list home sale agreement. 6124

(B) Whenever the commission, pursuant to section 4735.051 6125
of the Revised Code, imposes disciplinary sanctions for any 6126
violation of this section, the commission also may impose such 6127
sanctions upon the broker with whom the salesperson is 6128
affiliated if the commission finds that the broker had knowledge 6129
of the salesperson's actions that violated this section. 6130

(C) The commission shall, pursuant to section 4735.051 of 6131
the Revised Code, impose disciplinary sanctions upon any foreign 6132
real estate dealer or salesperson who, in that capacity or in 6133
handling the dealer's or salesperson's own property, is found 6134
guilty of any of the acts or omissions specified or comprehended 6135
in division (A) of this section insofar as the acts or omissions 6136
pertain to foreign real estate. If the commission imposes such 6137

sanctions upon a foreign real estate salesperson for a violation 6138
of this section, the commission also may suspend or revoke the 6139
license of the foreign real estate dealer with whom the 6140
salesperson is affiliated if the commission finds that the 6141
dealer had knowledge of the salesperson's actions that violated 6142
this section. 6143

(D) The commission may suspend, in whole or in part, the 6144
imposition of the penalty of suspension of a license under this 6145
section. 6146

(E) A person licensed under this chapter who represents a 6147
party to a transaction or a proposed transaction involving the 6148
sale, purchase, exchange, lease, or management of real property 6149
that is or will be used in the cultivation, processing, 6150
dispensing, or testing of medical marijuana or adult-use 6151
marijuana under Chapter 3796. of the Revised Code, or who 6152
receives, holds, or disburses funds from a real estate brokerage 6153
trust account in connection with such a transaction, shall not 6154
be subject to disciplinary sanctions under this chapter solely 6155
because the licensed person engaged in activities permitted 6156
under this chapter and related to activities under Chapter 3796. 6157
of the Revised Code. 6158

Sec. 4776.01. As used in this chapter: 6159

(A) "License" means an authorization evidenced by a 6160
license, certificate, registration, permit, card, or other 6161
authority that is issued or conferred by a licensing agency to a 6162
licensee or to an applicant for an initial license by which the 6163
licensee or initial license applicant has or claims the 6164
privilege to engage in a profession, occupation, or occupational 6165
activity, or, except in the case of the state dental board, to 6166
have control of and operate certain specific equipment, 6167

machinery, or premises, over which the licensing agency has 6168
jurisdiction. 6169

(B) Except as provided in section 4776.20 of the Revised 6170
Code, "licensee" means the person to whom the license is issued 6171
by a licensing agency. "Licensee" includes a person who, for 6172
purposes of section 3796.13 of the Revised Code, has complied 6173
with sections 4776.01 to 4776.04 of the Revised Code and has 6174
been determined by the division of ~~marijuana~~ cannabis control, 6175
as the applicable licensing agency, to meet the requirements for 6176
employment. 6177

(C) Except as provided in section 4776.20 of the Revised 6178
Code, "licensing agency" means any of the following: 6179

(1) The board authorized by Chapters 4701., 4717., 4725., 6180
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 6181
4753., 4755., 4757., 4759., 4760., 4761., 4762., 4772., 4774., 6182
4778., 4779., and 4783. of the Revised Code to issue a license 6183
to engage in a specific profession, occupation, or occupational 6184
activity, or to have charge of and operate certain specific 6185
equipment, machinery, or premises. 6186

(2) The state dental board, relative to its authority to 6187
issue a license pursuant to section 4715.12, 4715.16, 4715.21, 6188
or 4715.27 of the Revised Code; 6189

(3) The division of marijuana control, relative to its 6190
authority under Chapter 3796. of the Revised Code and any rules 6191
adopted under that chapter with respect to a person who is 6192
subject to section 3796.13 of the Revised Code; 6193

(4) The director of agriculture, relative to the 6194
director's authority to issue licenses under Chapter 928. of the 6195
Revised Code. 6196

(D) "Applicant for an initial license" includes persons 6197
seeking a license for the first time and persons seeking a 6198
license by reciprocity, endorsement, or similar manner of a 6199
license issued in another state. "Applicant for an initial 6200
license" also includes a person who, for purposes of section 6201
3796.13 of the Revised Code, is required to comply with sections 6202
4776.01 to 4776.04 of the Revised Code. 6203

(E) "Applicant for a restored license" includes persons 6204
seeking restoration of a license under section 4730.14, 4730.28, 6205
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 6206
4761.06, 4761.061, 4762.06, 4762.061, 4772.08, 4772.082, 6207
4774.06, 4774.061, 4778.07, or 4778.071 of the Revised Code. 6208
"Applicant for a restored license" does not include a person 6209
seeking restoration of a license under section 4751.33 of the 6210
Revised Code. 6211

(F) "Criminal records check" has the same meaning as in 6212
section 109.572 of the Revised Code. 6213

Sec. 4796.25. This chapter does not apply to any of the 6214
following: 6215

(A) Licenses issued under Chapter 3780. or 3796. of the 6216
Revised Code; 6217

(B) Licenses issued pursuant to rules prescribed under 6218
Section 5 of Article IV, Ohio Constitution; 6219

(C) Commercial fishing licenses issued under section 6220
1533.342 of the Revised Code; 6221

(D) Licenses issued under Chapter 4506. of the Revised 6222
Code; 6223

(E) Physician certificates to recommend treatment with 6224

medical marijuana issued under section 4731.30 of the Revised Code;	6225 6226
(F) Money transmitter licenses issued under section 1315.04 of the Revised Code;	6227 6228
(G) Lottery sales agent licenses issued under section 3770.05 of the Revised Code;	6229 6230
(H) Licenses issued under Chapter 3905. of the Revised Code;	6231 6232
(I) Fantasy contest operator licenses issued under section 3774.02 of the Revised Code;	6233 6234
(J) Teledentistry permits issued under section 4715.43 of the Revised Code;	6235 6236
(K) Physician training certificates issued under section 4731.291 of the Revised Code;	6237 6238
(L) Podiatrist training certificates issued under section 4731.573 of the Revised Code;	6239 6240
(M) Licenses issued under Chapter 4740. of the Revised Code;	6241 6242
(N) Licenses issued by a political subdivision to an individual by which the individual has or claims the privilege to act as a tradesperson as defined in section 4740.01 of the Revised Code in the political subdivision's jurisdiction.	6243 6244 6245 6246
<u>Sec. 5119.171. The department of behavioral health shall establish and administer a statewide program to prevent youth use of cannabis. The program shall do the following:</u>	6247 6248 6249
<u>(A) Use a harm reduction approach;</u>	6250
<u>(B) Include practices aimed at the prevention or reduction</u>	6251

of substance use, substance abuse, substance dependence, and 6252
substance use disorders; 6253

(C) Use other evidence-based approaches selected by the 6254
department. 6255

Sec. 5502.01. (A) The department of public safety shall 6256
administer and enforce the laws relating to the registration, 6257
licensing, sale, and operation of motor vehicles and the laws 6258
pertaining to the licensing of drivers of motor vehicles. 6259

The department shall compile, analyze, and publish 6260
statistics relative to motor vehicle accidents and the causes of 6261
them, prepare and conduct educational programs for the purpose 6262
of promoting safety in the operation of motor vehicles on the 6263
highways, and conduct research and studies for the purpose of 6264
promoting safety on the highways of this state. 6265

(B) The department shall administer the laws and rules 6266
relative to trauma and emergency medical services specified in 6267
Chapter 4765. of the Revised Code and any laws and rules 6268
relative to medical transportation services specified in Chapter 6269
4766. of the Revised Code. 6270

(C) The department shall administer and enforce the laws 6271
contained in Chapters 4301. and 4303. of the Revised Code and 6272
enforce the rules and orders of the liquor control commission 6273
pertaining to retail liquor permit holders. 6274

(D) The department shall administer the laws governing the 6275
state emergency management agency and shall enforce all 6276
additional duties and responsibilities as prescribed in the 6277
Revised Code related to emergency management services. 6278

(E) The department shall conduct investigations pursuant 6279
to Chapter 5101. of the Revised Code in support of the duty of 6280

the department of job and family services to administer the 6281
supplemental nutrition assistance program throughout this state. 6282
The department of public safety shall conduct investigations 6283
necessary to protect the state's property rights and interests 6284
in the supplemental nutrition assistance program. 6285

(F) The department of public safety shall enforce 6286
compliance with orders and rules of the public utilities 6287
commission and applicable laws in accordance with Chapters 6288
4905., 4921., and 4923. of the Revised Code regarding commercial 6289
motor vehicle transportation safety, economic, and hazardous 6290
materials requirements. 6291

(G) Notwithstanding Chapter 4117. of the Revised Code, the 6292
department of public safety may establish requirements for its 6293
enforcement personnel, including its enforcement agents 6294
described in section 5502.14 of the Revised Code, that include 6295
standards of conduct, work rules and procedures, and criteria 6296
for eligibility as law enforcement personnel. 6297

(H) The department shall administer, maintain, and operate 6298
the Ohio criminal justice network. The Ohio criminal justice 6299
network shall be a computer network that supports state and 6300
local criminal justice activities. The network shall be an 6301
electronic repository for various data, which may include arrest 6302
warrants, notices of persons wanted by law enforcement agencies, 6303
criminal records, prison inmate records, stolen vehicle records, 6304
vehicle operator's licenses, and vehicle registrations and 6305
titles. 6306

(I) The department shall coordinate all homeland security 6307
activities of all state agencies and shall be a liaison between 6308
state agencies and local entities for those activities and 6309
related purposes. 6310

(J) The department shall administer and enforce the laws 6311
relative to private investigators and security service providers 6312
specified in Chapter 4749. of the Revised Code. 6313

(K) The department shall administer criminal justice 6314
services in accordance with sections 5502.61 to 5502.66 of the 6315
Revised Code. 6316

(L) The department shall administer the Ohio school safety 6317
and crisis center and the Ohio mobile training team in 6318
accordance with sections 5502.70 to 5502.703 of the Revised 6319
Code. 6320

(M) The department shall coordinate security measures and 6321
operations, and may direct the department of administrative 6322
services to implement any security measures and operations the 6323
department of public safety requires, at the Vern Riffe Center 6324
and the James A. Rhodes state office tower. 6325

Notwithstanding section 125.28 of the Revised Code, the 6326
director of public safety may recover the costs of directing 6327
security measures and operations under this division by either 6328
issuing intrastate transfer voucher billings to the department 6329
of administrative services, which the department shall process 6330
to pay for the costs, or, upon the request of the director of 6331
administrative services, the director of budget and management 6332
may transfer cash in the requested amount from the building 6333
management fund created under section 125.28 of the Revised 6334
Code. Payments received or cash transfers made under this 6335
division for the costs of directing security measures and 6336
operations shall be deposited into the state treasury to the 6337
credit of the security, investigations, and policing fund 6338
created under section 4501.11 of the Revised Code. 6339

(N) The department shall assist the division of marijuana control in enforcing Chapter 3796. of the Revised Code, as provided in that chapter. 6340
6341
6342

(O) The department of public safety shall assist the department of commerce in enforcing Chapter 3779. of the Revised Code as provided in that chapter. 6343
6344
6345

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 3779., 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, 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. 6346
6347
6348
6349
6350
6351
6352
6353
6354
6355

Sec. 5502.14. (A) As used in this section, "felony" has the same meaning as in section 109.511 of the Revised Code. 6356
6357

(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 policies established 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 6358
6359
6360
6361
6362
6363
6364
6365
6366
6367
6368
6369

officers pursuant to section 2935.03 of the Revised Code to keep 6370
the peace, to enforce all of the following: 6371

(a) All applicable laws and rules on any retail liquor 6372
permit premises, or on any other premises of public or private 6373
property, where a violation of Title XLIII of the Revised Code 6374
or any rule adopted under it is occurring, ~~and to enforce all;~~ 6375

(b) All applicable laws and rules on persons and premises 6376
licensed under Chapter 3796. of the Revised Code and on any 6377
other public or private property where a violation of Chapter 6378
3796. or any rule adopted under that chapter is occurring; 6379

(c) All laws and rules governing the use of supplemental 6380
nutrition assistance program benefits, women, infants, and 6381
children's coupons, electronically transferred benefits, or any 6382
other access device that is used alone or in conjunction with 6383
another access device to obtain payments, allotments, benefits, 6384
money, goods, or other things of value, or that can be used to 6385
initiate a transfer of funds, pursuant to the supplemental 6386
nutrition assistance program established under the Food and 6387
Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) or any 6388
supplemental food program administered by any department of this 6389
state pursuant to the "Child Nutrition Act of 1966," 80 Stat. 6390
885, 42 U.S.C.A. 1786. Enforcement agents, in enforcing 6391
compliance with the laws and rules described in this division, 6392
may keep the peace and make arrests for violations of those laws 6393
and rules. 6394

(2) In addition to the authority conferred by division (B) 6395
(1) of this section, an enforcement agent also may execute 6396
search warrants and seize and take into custody any contraband, 6397
as defined in section 2901.01 of the Revised Code, or any 6398
property that is otherwise necessary for evidentiary purposes 6399

related to any violations of the laws or rules described in 6400
division (B) (1) of this section. An enforcement agent may enter 6401
public or private premises where activity alleged to violate the 6402
laws or rules described in division (B) (1) of this section is 6403
occurring. 6404

(3) Enforcement agents who are on, immediately adjacent 6405
to, or across from retail liquor permit premises or premises 6406
licensed under Chapter 3796. of the Revised Code and who are 6407
performing investigative duties relating to ~~that~~ those premises, 6408
enforcement agents who are on premises that are not liquor 6409
permit premises or premises licensed under Chapter 3796. of the 6410
Revised Code but on which a violation of Title XLIII or Chapter 6411
3796. of the Revised Code or any rule adopted under ~~it~~ that 6412
title or chapter allegedly is occurring, and enforcement agents 6413
who view a suspected violation of Title XLIII or Chapter 3796. 6414
of the Revised Code, of a rule adopted under ~~it~~ that title or 6415
chapter, or of another law or rule described in division (B) (1) 6416
of this section have the authority to enforce the laws and rules 6417
described in division (B) (1) of this section, authority to 6418
enforce any section in Title XXIX of the Revised Code or any 6419
other section of the Revised Code listed in section 5502.13 of 6420
the Revised Code if they witness a violation of the section 6421
under any of the circumstances described in this division, and 6422
authority to make arrests for violations of the laws and rules 6423
described in division (B) (1) of this section and violations of 6424
any of those sections. 6425

(4) The jurisdiction of an enforcement agent under 6426
division (B) of this section shall be concurrent with that of 6427
the peace officers of the county, township, or municipal 6428
corporation in which the violation occurs. 6429

(C) Enforcement agents of the department of public safety 6430
who are engaged in the enforcement of the laws and rules 6431
described in division (B) (1) of this section may carry concealed 6432
weapons when conducting undercover investigations pursuant to 6433
their authority as law enforcement officers and while acting 6434
within the scope of their authority pursuant to this chapter. 6435

(D) (1) The department of public safety shall not employ, 6436
and the director of public safety shall not designate, a person 6437
as an enforcement agent on a permanent basis, on a temporary 6438
basis, for a probationary term, or on other than a permanent 6439
basis if the person previously has been convicted of or has 6440
pleaded guilty to a felony. 6441

(2) (a) The department of public safety shall terminate the 6442
employment of a person who is designated as an enforcement agent 6443
and who does either of the following: 6444

(i) Pleads guilty to a felony; 6445

(ii) Pleads guilty to a misdemeanor pursuant to a 6446
negotiated plea agreement as provided in division (D) of section 6447
2929.43 of the Revised Code in which the enforcement agent 6448
agrees to surrender the certificate awarded to that agent under 6449
section 109.77 of the Revised Code. 6450

(b) The department shall suspend the employment of a 6451
person who is designated as an enforcement agent if the person 6452
is convicted, after trial, of a felony. If the enforcement agent 6453
files an appeal from that conviction and the conviction is 6454
upheld by the highest court to which the appeal is taken or if 6455
no timely appeal is filed, the department shall terminate the 6456
employment of that agent. If the enforcement agent files an 6457
appeal that results in that agent's acquittal of the felony or 6458

conviction of a misdemeanor, or in the dismissal of the felony 6459
charge against the agent, the department shall reinstate the 6460
agent. An enforcement agent who is reinstated under division (D) 6461
(2) (b) of this section shall not receive any back pay unless the 6462
conviction of that agent of the felony was reversed on appeal, 6463
or the felony charge was dismissed, because the court found 6464
insufficient evidence to convict the agent of the felony. 6465

(3) Division (D) of this section does not apply regarding 6466
an offense that was committed prior to January 1, 1997. 6467

(4) The suspension or termination of the employment of a 6468
person designated as an enforcement agent under division (D) (2) 6469
of this section shall be in accordance with Chapter 119. of the 6470
Revised Code. 6471

Sec. 5703.052. (A) There is hereby created in the state 6472
treasury the tax refund fund, from which refunds shall be paid 6473
for amounts illegally or erroneously assessed or collected, or 6474
for any other reason overpaid, with respect to taxes levied by 6475
Chapter 3796., 4301., 4305., 5726., 5728., 5729., 5731., 5733., 6476
5735., 5736., 5739., 5741., 5743., 5747., 5748., 5749., 5751., 6477
or 5753. and sections 3737.71, 3905.35, 3905.36, 4303.33, 6478
5707.03, 5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 of the 6479
Revised Code. Refunds for fees levied under sections 3734.90 to 6480
3734.9014 of the Revised Code, wireless 9-1-1 charges imposed 6481
under section 128.40 of the Revised Code, next generation 9-1-1 6482
access fees imposed under sections 128.41 and 128.42 of the 6483
Revised Code, or any penalties assessed with respect to such 6484
fees or charges, that are illegally or erroneously assessed or 6485
collected, or for any other reason overpaid, also shall be paid 6486
from the fund. Refunds for amounts illegally or erroneously 6487
assessed or collected by the tax commissioner, or for any other 6488

reason overpaid, that are due under section 1509.50 of the Revised Code shall be paid from the fund. Refunds for amounts illegally or erroneously assessed or collected by the commissioner, or for any other reason overpaid to the commissioner, under sections 718.80 to 718.95 of the Revised Code shall be paid from the fund. However, refunds for amounts illegally or erroneously assessed or collected by the commissioner, or for any other reason overpaid to the commissioner, with respect to taxes levied under section 5739.101 of the Revised Code shall not be paid from the tax refund fund, but shall be paid as provided in section 5739.104 of the Revised Code.

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

(2) When a refund is for a tax, fee, wireless 9-1-1 charge, next generation 9-1-1 access fee, or other amount that is not levied by the state or that was illegally or erroneously distributed to a taxing jurisdiction, the tax commissioner shall recover the amount of that refund from the next distribution of that tax, fee, wireless 9-1-1 charge, next generation 9-1-1 access fee, or other amount that otherwise would be made to the taxing jurisdiction. If the amount to be recovered would exceed twenty-five per cent of the next distribution of that tax, fee, wireless 9-1-1 charge, next generation 9-1-1 access fee, or

other amount, the commissioner may spread the recovery over more 6520
than one future distribution, taking into account the amount to 6521
be recovered and the amount of the anticipated future 6522
distributions. In no event may the commissioner spread the 6523
recovery over a period to exceed seventy-two months. 6524

Sec. 5713.30. As used in sections 5713.31 to 5713.37 and 6525
5715.01 of the Revised Code: 6526

(A) "Land devoted exclusively to agricultural use" means: 6527

(1) Tracts, lots, or parcels of land totaling not less 6528
than ten acres to which, during the three calendar years prior 6529
to the year in which application is filed under section 5713.31 6530
of the Revised Code, and through the last day of May of such 6531
year, one or more of the following apply: 6532

(a) The tracts, lots, or parcels of land were devoted 6533
exclusively to commercial animal or poultry husbandry, 6534
aquaculture, algaculture meaning the farming of algae, 6535
apiculture, the cultivation of hemp by a person issued a hemp 6536
cultivation license under section 928.02 of the Revised Code, 6537
the production for a commercial purpose of timber, field crops, 6538
tobacco, fruits, vegetables, nursery stock, ornamental trees, 6539
sod, or flowers, or the growth of timber for a noncommercial 6540
purpose, if the land on which the timber is grown is contiguous 6541
to or part of a parcel of land under common ownership that is 6542
otherwise devoted exclusively to agricultural use. 6543

(b) The tracts, lots, or parcels of land were devoted 6544
exclusively to biodiesel production, biomass energy production, 6545
electric or heat energy production, or biologically derived 6546
methane gas production if the land on which the production 6547
facility is located is contiguous to or part of a parcel of land 6548

under common ownership or leasehold that is otherwise devoted 6549
exclusively to agricultural use, provided that (i) at least 6550
fifty per cent of the feedstock used in the production is 6551
agricultural feedstock, (ii) at least twenty per cent of the 6552
agricultural feedstock used in the production is derived from 6553
parcels of land under common ownership or leasehold, and (iii) 6554
none of the feedstock used in the production consists of human 6555
waste. As used in this division, "agricultural feedstock" means 6556
manure and food waste, and "human waste" includes sludge as 6557
defined in section 6111.01 of the Revised Code. 6558

(c) The tracts, lots, or parcels of land are eligible 6559
conservation land. 6560

(2) Tracts, lots, or parcels of land totaling less than 6561
ten acres that, during the three calendar years prior to the 6562
year in which application is filed under section 5713.31 of the 6563
Revised Code and through the last day of May of such year, were 6564
devoted exclusively to commercial animal or poultry husbandry, 6565
aquaculture, algaculture meaning the farming of algae, 6566
apiculture, the cultivation of hemp by a person issued a hemp 6567
cultivation license under section 928.02 of the Revised Code, 6568
the production for a commercial purpose of field crops, tobacco, 6569
fruits, vegetables, timber, nursery stock, ornamental trees, 6570
sod, or flowers where such activities produced an average yearly 6571
gross income of at least twenty-five hundred dollars during such 6572
three-year period or where there is evidence of an anticipated 6573
gross income of such amount from such activities during the tax 6574
year in which application is made, or were eligible conservation 6575
land; 6576

(3) Tracts, lots, or parcels of land, or portions thereof 6577
that, during the previous three consecutive calendar years have 6578

been designated as land devoted exclusively to agricultural use, 6579
but such land has been lying idle or fallow for up to one year 6580
and no action has occurred to such land that is either 6581
inconsistent with the return of it to agricultural production or 6582
converts the land devoted exclusively to agricultural use as 6583
defined in this section. Such land shall remain designated as 6584
land devoted exclusively to agricultural use provided that 6585
beyond one year, but less than three years, the landowner proves 6586
good cause as determined by the board of revision. 6587

(4) Tracts, lots, or parcels of land, or portions thereof 6588
that, during the previous three consecutive calendar years have 6589
been designated as land devoted exclusively to agricultural use, 6590
but such land has been lying idle or fallow because of dredged 6591
material being stored or deposited on such land pursuant to a 6592
contract between the land's owner and the department of natural 6593
resources or the United States army corps of engineers and no 6594
action has occurred to the land that is either inconsistent with 6595
the return of it to agricultural production or converts the land 6596
devoted exclusively to agricultural use. Such land shall remain 6597
designated as land devoted exclusively to agricultural use until 6598
the last year in which dredged material is stored or deposited 6599
on the land pursuant to such a contract, but not to exceed five 6600
years. 6601

"Land devoted exclusively to agricultural use" includes 6602
tracts, lots, or parcels of land or portions thereof that are 6603
used for conservation practices, provided that the tracts, lots, 6604
or parcels of land or portions thereof comprise twenty-five per 6605
cent or less of the total of the tracts, lots, or parcels of 6606
land that satisfy the criteria established in division (A) (1), 6607
(2), (3), or (4) of this section together with the tracts, lots, 6608
or parcels of land or portions thereof that are used for 6609

conservation practices. 6610

Notwithstanding any other provision of law to the 6611
contrary, the existence of agritourism on a tract, lot, or 6612
parcel of land that otherwise meets the definition of "land 6613
devoted exclusively to agricultural use" as defined in this 6614
division does not disqualify that tract, lot, or parcel from 6615
valuation under sections 5713.30 to 5713.37 and 5715.01 of the 6616
Revised Code. 6617

A tract, lot, or parcel of land taxed under sections 6618
5713.22 to 5713.26 of the Revised Code is not land devoted 6619
exclusively to agricultural use. 6620

A tract, lot, parcel, or portion thereof on which medical 6621
marijuana or adult-use marijuana, as those terms are defined by 6622
section 3796.01 of the Revised Code, is cultivated or processed 6623
is not land devoted exclusively to agricultural use. 6624

(B) "Conversion of land devoted exclusively to 6625
agricultural use" means any of the following: 6626

(1) The failure of the owner of land devoted exclusively 6627
to agricultural use during the next preceding calendar year to 6628
file a renewal application under section 5713.31 of the Revised 6629
Code without good cause as determined by the board of revision; 6630

(2) The failure of the new owner of such land to file an 6631
initial application under that section without good cause as 6632
determined by the board of revision; 6633

(3) The failure of such land or portion thereof to qualify 6634
as land devoted exclusively to agricultural use for the current 6635
calendar year as requested by an application filed under such 6636
section; 6637

(4) The failure of the owner of the land described in 6638
division (A) (3) or (4) of this section to act on such land in a 6639
manner that is consistent with the return of the land to 6640
agricultural production after three years. 6641

The construction or installation of an energy facility, as 6642
defined in section 5727.01 of the Revised Code, on a portion of 6643
a tract, lot, or parcel of land devoted exclusively to 6644
agricultural use shall not cause the remaining portion of the 6645
tract, lot, or parcel to be regarded as a conversion of land 6646
devoted exclusively to agricultural use if the remaining portion 6647
of the tract, lot, or parcel continues to be devoted exclusively 6648
to agricultural use. 6649

(C) "Tax savings" means the difference between the dollar 6650
amount of real property taxes levied in any year on land valued 6651
and assessed in accordance with its current agricultural use 6652
value and the dollar amount of real property taxes that would 6653
have been levied upon such land if it had been valued and 6654
assessed for such year in accordance with Section 2 of Article 6655
XII, Ohio Constitution. 6656

(D) "Owner" includes, but is not limited to, any person 6657
owning a fee simple, fee tail, or life estate or a buyer on a 6658
land installment contract. 6659

(E) "Conservation practices" are practices used to abate 6660
soil erosion as required in the management of the farming 6661
operation, and include, but are not limited to, the 6662
installation, construction, development, planting, or use of 6663
grass waterways, terraces, diversions, filter strips, field 6664
borders, windbreaks, riparian buffers, wetlands, ponds, and 6665
cover crops for that purpose. 6666

(F) "Wetlands" has the same meaning as in section 6111.02 6667
of the Revised Code. 6668

(G) "Biodiesel" means a mono-alkyl ester combustible 6669
liquid fuel that is derived from vegetable oils or animal fats 6670
or any combination of those reagents and that meets the American 6671
society for testing and materials specification D6751-03a for 6672
biodiesel fuel (B100) blend stock distillate fuels. 6673

(H) "Biologically derived methane gas" means gas from the 6674
anaerobic digestion of organic materials, including animal waste 6675
and agricultural crops and residues. 6676

(I) "Biomass energy" means energy that is produced from 6677
organic material derived from plants or animals and available on 6678
a renewable basis, including, but not limited to, agricultural 6679
crops, tree crops, crop by-products, and residues. 6680

(J) "Electric or heat energy" means electric or heat 6681
energy generated from manure, cornstalks, soybean waste, or 6682
other agricultural feedstocks. 6683

(K) "Dredged material" means material that is excavated or 6684
dredged from waters of this state. "Dredged material" does not 6685
include material resulting from normal farming, silviculture, 6686
and ranching activities, such as plowing, cultivating, seeding, 6687
and harvesting, for production of food, fiber, and forest 6688
products. 6689

(L) "Agritourism" has the same meaning as in section 6690
901.80 of the Revised Code. 6691

(M) "Eligible conservation land" means either of the 6692
following: 6693

(1) A tract, lot, or parcel devoted to and qualified for 6694

payments or other compensation under a land retirement or 6695
conservation program under an agreement with an agency of the 6696
federal government; 6697

(2) A tract, lot, or parcel that meets at least one of the 6698
conditions described in divisions (M) (2) (a) to (c) of this 6699
section and the condition described in division (M) (2) (d) of 6700
this section. 6701

(a) The land is subject to an agricultural water project 6702
or nature water project that receives funding from the H2Ohio 6703
fund created in section 126.60 of the Revised Code. 6704

(b) The land was subject to such a project during the 6705
immediately preceding calendar year. 6706

(c) The land is or was subject to such a project for the 6707
current or one of the two immediately preceding tax years and, 6708
for the current tax year, is subject to either a conservation 6709
easement held by the state or an agency of the state or a 6710
conservation easement held by any other person if such easement 6711
is a condition of a nature water project that is funded through 6712
the H2Ohio fund. 6713

(d) For the tax year that includes or immediately precedes 6714
the year in which the land became subject to the project 6715
described in division (M) (2) (a), (b), or (c) of this section, as 6716
applicable, the land qualified as land devoted exclusively to 6717
agricultural use pursuant to other criteria in divisions (A) (1) 6718
to (4) of this section. 6719

As used in division (M) (2) of this section, "conservation 6720
easement" has the same meaning as in section 5301.67 of the 6721
Revised Code. 6722

Section 2. That existing sections 9.79, 109.572, 121.04, 6723

121.08, 131.02, 519.21, 715.013, 928.02, 928.03, 928.04, 6724
2925.01, 3376.07, 3719.01, 3719.41, 3780.37, 3796.01, 3796.02, 6725
3796.021, 3796.03, 3796.032, 3796.05, 3796.06, 3796.061, 6726
3796.07, 3796.08, 3796.09, 3796.10, 3796.11, 3796.12, 3796.13, 6727
3796.14, 3796.15, 3796.16, 3796.17, 3796.18, 3796.19, 3796.20, 6728
3796.21, 3796.22, 3796.23, 3796.24, 3796.27, 3796.28, 3796.29, 6729
3796.30, 3796.31, 4506.01, 4729.01, 4729.80, 4735.18, 4776.01, 6730
4796.25, 5502.01, 5502.13, 5502.14, 5703.052, and 5713.30 of the 6731
Revised Code are hereby repealed. 6732

Section 3. That sections 928.01, 3780.01, 3780.02, 6733
3780.03, 3780.04, 3780.05, 3780.06, 3780.07, 3780.08, 3780.09, 6734
3780.10, 3780.11, 3780.12, 3780.13, 3780.14, 3780.15, 3780.16, 6735
3780.17, 3780.20, 3780.21, 3780.22, 3780.24, 3780.25, 3780.26, 6736
3780.27, 3780.28, 3780.29, 3780.30, 3780.31, 3780.32, 3780.33, 6737
3780.34, 3780.35, 3780.36, 3780.90, 3780.99, and 3796.021 of the 6738
Revised Code are hereby repealed. 6739

Section 4. That sections 3779.21, 3779.211, 3779.22, 6740
3779.23, 3779.24, 3779.25, 3779.26, 3779.27, 3779.28, 3779.29, 6741
3779.30, and 3779.99 of the Revised Code are hereby repealed, 6742
effective December 31, 2026. 6743

Section 5. That existing section 4506.01 of the Revised 6744
Code amended by Section 1 of this act be amended to read as 6745
follows: 6746

Sec. 4506.01. As used in this chapter: 6747

(A) "Alcohol concentration" means the concentration of 6748
alcohol in a person's blood, breath, or urine. When expressed as 6749
a percentage, it means grams of alcohol per the following: 6750

(1) One hundred milliliters of whole blood, blood serum, 6751
or blood plasma; 6752

- (2) Two hundred ten liters of breath; 6753
- (3) One hundred milliliters of urine. 6754
- (B) "Commercial driver's license" means a license issued 6755
in accordance with this chapter that authorizes an individual to 6756
drive a commercial motor vehicle. 6757
- (C) "Commercial driver's license information system" means 6758
the information system established pursuant to the requirements 6759
of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 6760
3207-171, 49 U.S.C.A. App. 2701. 6761
- (D) Except when used in section 4506.25 of the Revised 6762
Code, "commercial motor vehicle" means any motor vehicle 6763
designed or used to transport persons or property that meets any 6764
of the following qualifications: 6765
- (1) Any combination of vehicles with a gross vehicle 6766
weight or combined gross vehicle weight rating of twenty-six 6767
thousand one pounds or more, provided the gross vehicle weight 6768
or gross vehicle weight rating of the vehicle or vehicles being 6769
towed is in excess of ten thousand pounds; 6770
- (2) Any single vehicle with a gross vehicle weight or 6771
gross vehicle weight rating of twenty-six thousand one pounds or 6772
more; 6773
- (3) Any single vehicle or combination of vehicles that is 6774
not a class A or class B vehicle, but is designed to transport 6775
sixteen or more passengers including the driver; 6776
- (4) Any school bus with a gross vehicle weight or gross 6777
vehicle weight rating of less than twenty-six thousand one 6778
pounds that is designed to transport fewer than sixteen 6779
passengers including the driver; 6780

(5) Is transporting hazardous materials for which 6781
placarding is required under subpart F of 49 C.F.R. part 172, as 6782
amended; 6783

(6) Any single vehicle or combination of vehicles that is 6784
designed to be operated and to travel on a public street or 6785
highway and is considered by the federal motor carrier safety 6786
administration to be a commercial motor vehicle, including, but 6787
not limited to, a motorized crane, a vehicle whose function is 6788
to pump cement, a rig for drilling wells, and a portable crane. 6789

(E) "Controlled substance" means all of the following: 6790

(1) Any substance classified as a controlled substance 6791
under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 6792
U.S.C.A. 802(6), as amended; 6793

(2) Any substance included in schedules I through V of 21 6794
C.F.R. part 1308, as amended; 6795

(3) Any drug of abuse. 6796

(F) "Conviction" means an unvacated adjudication of guilt 6797
or a determination that a person has violated or failed to 6798
comply with the law in a court of original jurisdiction or an 6799
authorized administrative tribunal, an unvacated forfeiture of 6800
bail or collateral deposited to secure the person's appearance 6801
in court, a plea of guilty or nolo contendere accepted by the 6802
court, the payment of a fine or court cost, or violation of a 6803
condition of release without bail, regardless of whether or not 6804
the penalty is rebated, suspended, or probated. 6805

(G) "Disqualification" means any of the following: 6806

(1) The suspension, revocation, or cancellation of a 6807
person's privileges to operate a commercial motor vehicle; 6808

(2) Any withdrawal of a person's privileges to operate a commercial motor vehicle as the result of a violation of state or local law relating to motor vehicle traffic control other than parking, vehicle weight, or vehicle defect violations;

(3) A determination by the federal motor carrier safety administration that a person is not qualified to operate a commercial motor vehicle under 49 C.F.R. 391.

(H) "Domiciled" means having a true, fixed, principal, and permanent residence to which an individual intends to return.

(I) "Downgrade" means any of the following, as applicable:

(1) A change in the commercial driver's license, or commercial driver's license temporary instruction permit, holder's self-certified status as described in division (A)(1) of section 4506.10 of the Revised Code;

(2) A change to a lesser class of vehicle;

(3) Removal of commercial driver's license privileges from the individual's driver's license;

(4) A change in the commercial driver's license, or commercial driver's license temporary instruction permit, holder's privileges as described in division (F)(1) of section 4506.13 of the Revised Code.

(J) "Drive" means to drive, operate, or be in physical control of a motor vehicle.

(K) "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle or is required to have a commercial driver's license.

(L) "Driver's license" means a license issued by the

bureau of motor vehicles that authorizes an individual to drive. 6836

(M) "Drug of abuse" means any controlled substance, 6837
dangerous drug as defined in section 4729.01 of the Revised 6838
Code, harmful intoxicant as defined in section 2925.01 of the 6839
Revised Code, ~~drinkable cannabinoid product as defined in~~ 6840
~~section 3779.21 of the Revised Code,~~ or over-the-counter 6841
medication that, when taken in quantities exceeding the 6842
recommended dosage, can result in impairment of judgment or 6843
reflexes. 6844

(N) "Electronic device" includes a cellular telephone, a 6845
personal digital assistant, a pager, a computer, and any other 6846
device used to input, write, send, receive, or read text. 6847

(O) "Eligible unit of local government" means a village, 6848
township, or county that has a population of not more than three 6849
thousand persons according to the most recent federal census. 6850

(P) "Employer" means any person, including the federal 6851
government, any state, and a political subdivision of any state, 6852
that owns or leases a commercial motor vehicle or assigns a 6853
person to drive such a motor vehicle. 6854

(Q) "Endorsement" means an authorization on a person's 6855
commercial driver's license that is required to permit the 6856
person to operate a specified type of commercial motor vehicle. 6857

(R) "Farm truck" means a truck controlled and operated by 6858
a farmer for use in the transportation to or from a farm, for a 6859
distance of not more than one hundred fifty miles, of products 6860
of the farm, including livestock and its products, poultry and 6861
its products, floricultural and horticultural products, and in 6862
the transportation to the farm, from a distance of not more than 6863
one hundred fifty miles, of supplies for the farm, including 6864

tile, fence, and every other thing or commodity used in 6865
agricultural, floricultural, horticultural, livestock, and 6866
poultry production, and livestock, poultry, and other animals 6867
and things used for breeding, feeding, or other purposes 6868
connected with the operation of the farm, when the truck is 6869
operated in accordance with this division and is not used in the 6870
operations of a motor carrier, as defined in section 4923.01 of 6871
the Revised Code. 6872

(S) "Fatality" means the death of a person as the result 6873
of a motor vehicle accident occurring not more than three 6874
hundred sixty-five days prior to the date of death. 6875

(T) "Felony" means any offense under federal or state law 6876
that is punishable by death or specifically classified as a 6877
felony under the law of this state, regardless of the penalty 6878
that may be imposed. 6879

(U) "Foreign jurisdiction" means any jurisdiction other 6880
than a state. 6881

(V) "Gross vehicle weight rating" means the value 6882
specified by the manufacturer as the maximum loaded weight of a 6883
single or a combination vehicle. The gross vehicle weight rating 6884
of a combination vehicle is the gross vehicle weight rating of 6885
the power unit plus the gross vehicle weight rating of each 6886
towed unit. 6887

(W) "Hazardous materials" means any material that has been 6888
designated as hazardous under 49 U.S.C. 5103 and is required to 6889
be placarded under subpart F of 49 C.F.R. part 172 or any 6890
quantity of a material listed as a select agent or toxin in 42 6891
C.F.R. part 73, as amended. 6892

(X) "Imminent hazard" means the existence of a condition 6893

that presents a substantial likelihood that death, serious 6894
illness, severe personal injury, or a substantial endangerment 6895
to health, property, or the environment may occur before the 6896
reasonably foreseeable completion date of a formal proceeding 6897
begun to lessen the risk of that death, illness, injury, or 6898
endangerment. 6899

(Y) "Medical variance" means one of the following received 6900
by a driver from the federal motor carrier safety administration 6901
that allows the driver to be issued a medical certificate: 6902

(1) An exemption letter permitting operation of a 6903
commercial motor vehicle under 49 C.F.R. 381, subpart C or 49 6904
C.F.R. 391.64; 6905

(2) A skill performance evaluation certificate permitting 6906
operation of a commercial motor vehicle pursuant to 49 C.F.R. 6907
391.49. 6908

(Z) "Mobile telephone" means a mobile communication device 6909
that falls under or uses any commercial mobile radio service as 6910
defined in 47 C.F.R. 20, except that mobile telephone does not 6911
include two-way or citizens band radio services. 6912

(AA) "Motor vehicle" means a vehicle, machine, tractor, 6913
trailer, or semitrailer propelled or drawn by mechanical power 6914
used on highways, except that such term does not include a 6915
vehicle, machine, tractor, trailer, or semitrailer operated 6916
exclusively on a rail. 6917

(BB) "Out-of-service order" means a declaration by an 6918
authorized enforcement officer of a federal, state, local, 6919
Canadian, or Mexican jurisdiction declaring that a driver, 6920
commercial motor vehicle, or commercial motor carrier operation 6921
is out of service as defined in 49 C.F.R. 390.5. 6922

(CC) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	6923 6924
(DD) "Portable tank" means a liquid or gaseous packaging designed primarily to be loaded onto or temporarily attached to a vehicle and equipped with skids, mountings, or accessories to facilitate handling of the tank by mechanical means.	6925 6926 6927 6928
(EE) "Public safety vehicle" has the same meaning as in divisions (E) (1) and (3) of section 4511.01 of the Revised Code.	6929 6930
(FF) "Recreational vehicle" includes every vehicle that is defined as a recreational vehicle in section 4501.01 of the Revised Code and is used exclusively for purposes other than engaging in business for profit.	6931 6932 6933 6934
(GG) "Residence" means any person's residence determined in accordance with standards prescribed in rules adopted by the registrar.	6935 6936 6937
(HH) "School bus" has the same meaning as in section 4511.01 of the Revised Code.	6938 6939
(II) "Serious traffic violation" means any of the following:	6940 6941
(1) A conviction arising from a single charge of operating a commercial motor vehicle in violation of any provision of section 4506.03 of the Revised Code;	6942 6943 6944
(2) (a) Except as provided in division (II) (2) (b) of this section, a violation while operating a commercial motor vehicle of a law of this state, or any municipal ordinance or county or township resolution, or any other substantially similar law of another state or political subdivision of another state prohibiting either of the following:	6945 6946 6947 6948 6949 6950

(i) Texting while driving;	6951
(ii) Using a handheld mobile telephone.	6952
(b) It is not a serious traffic violation if the person was texting or using a handheld mobile telephone to contact law enforcement or other emergency services.	6953 6954 6955
(3) A conviction arising from the operation of any motor vehicle that involves any of the following:	6956 6957
(a) A single charge of any speed in excess of the posted speed limit by fifteen miles per hour or more;	6958 6959
(b) Violation of section 4511.20 or 4511.201 of the Revised Code or any similar ordinance or resolution, or of any similar law of another state or political subdivision of another state;	6960 6961 6962 6963
(c) Violation of a law of this state or an ordinance or resolution relating to traffic control, other than a parking violation, or of any similar law of another state or political subdivision of another state, that results in a fatal accident;	6964 6965 6966 6967
(d) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license with the proper class or endorsement for the specific vehicle group being operated or for the passengers or type of cargo being transported;	6968 6969 6970 6971 6972 6973 6974 6975
(e) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political	6976 6977 6978

subdivision of another state, that involves the operation of a 6979
commercial motor vehicle without a valid commercial driver's 6980
license being in the person's possession; 6981

(f) Violation of section 4511.33 or 4511.34 of the Revised 6982
Code, or any municipal ordinance or county or township 6983
resolution substantially similar to either of those sections, or 6984
any substantially similar law of another state or political 6985
subdivision of another state; 6986

(g) Violation of any other law of this state, any law of 6987
another state, or any ordinance or resolution of a political 6988
subdivision of this state or another state that meets both of 6989
the following requirements: 6990

(i) It relates to traffic control, other than a parking 6991
violation; 6992

(ii) It is determined to be a serious traffic violation by 6993
the United States secretary of transportation and is designated 6994
by the director as such by rule. 6995

(JJ) "State" means a state of the United States and 6996
includes the District of Columbia. 6997

(KK) "Tank vehicle" means any commercial motor vehicle 6998
that is designed to transport any liquid or gaseous materials 6999
within a tank or tanks that are either permanently or 7000
temporarily attached to the vehicle or its chassis and have an 7001
individual rated capacity of more than one hundred nineteen 7002
gallons and an aggregate rated capacity of one thousand gallons 7003
or more. "Tank vehicle" does not include a commercial motor 7004
vehicle transporting an empty storage container tank that is not 7005
designed for transportation, has a rated capacity of one 7006
thousand gallons or more, and is temporarily attached to a 7007

flatbed trailer. 7008

(LL) "Tester" means a person or entity acting pursuant to 7009
a valid agreement entered into pursuant to division (B) of 7010
section 4506.09 of the Revised Code. 7011

(MM) "Texting" means manually entering alphanumeric text 7012
into, or reading text from, an electronic device. Texting 7013
includes short message service, e-mail, instant messaging, a 7014
command or request to access a world wide web page, pressing 7015
more than a single button to initiate or terminate a voice 7016
communication using a mobile telephone, or engaging in any other 7017
form of electronic text retrieval or entry, for present or 7018
future communication. Texting does not include the following: 7019

(1) Using voice commands to initiate, receive, or 7020
terminate a voice communication using a mobile telephone; 7021

(2) Inputting, selecting, or reading information on a 7022
global positioning system or navigation system; 7023

(3) Pressing a single button to initiate or terminate a 7024
voice communication using a mobile telephone; or 7025

(4) Using, for a purpose that is not otherwise prohibited 7026
by law, a device capable of performing multiple functions, such 7027
as a fleet management system, a dispatching device, a mobile 7028
telephone, a citizens band radio, or a music player. 7029

(NN) "Texting while driving" means texting while operating 7030
a commercial motor vehicle, with the motor running, including 7031
while temporarily stationary because of traffic, a traffic 7032
control device, or other momentary delays. Texting while driving 7033
does not include operating a commercial motor vehicle with or 7034
without the motor running when the driver has moved the vehicle 7035
to the side of, or off, a highway and is stopped in a location 7036

where the vehicle can safely remain stationary. 7037

(OO) "United States" means the fifty states and the 7038
District of Columbia. 7039

(PP) "Upgrade" means a change in the class of vehicles, 7040
endorsements, or self-certified status as described in division 7041
(A) (1) of section 4506.10 of the Revised Code, that expands the 7042
ability of a current commercial driver's license holder to 7043
operate commercial motor vehicles under this chapter. 7044

(QQ) "Use of a handheld mobile telephone" means: 7045

(1) Using at least one hand to hold a mobile telephone to 7046
conduct a voice communication; 7047

(2) Dialing or answering a mobile telephone by pressing 7048
more than a single button; or 7049

(3) Reaching for a mobile telephone in a manner that 7050
requires a driver to maneuver so that the driver is no longer in 7051
a seated driving position, or restrained by a seat belt that is 7052
installed in accordance with 49 C.F.R. 393.93 and adjusted in 7053
accordance with the vehicle manufacturer's instructions. 7054

(RR) "Vehicle" has the same meaning as in section 4511.01 7055
of the Revised Code. 7056

Section 6. That existing section 4506.01 of the Revised 7057
Code as amended by Section 1 of this act is hereby repealed. 7058

Section 7. Sections 5 and 6 of this act take effect 7059
December 31, 2026. 7060

Section 8. (A) All rules adopted by the Division of 7061
Cannabis Control or the Tax Commissioner pursuant to Chapter 7062
3780. of the Revised Code, as that chapter existed immediately 7063

before the effective date of this section, and that are not in 7064
conflict with the requirements of this act, continue in effect 7065
until repealed or amended by the Division or the Tax 7066
Commissioner, respectively. At the request of the Division of 7067
Cannabis Control or the Tax Commissioner, the Director of the 7068
Legislative Service Commission shall renumber rules adopted 7069
under Chapter 3780. of the Revised Code to reflect the transfer 7070
of authority to Chapter 3796. of the Revised Code, as amended by 7071
this act. 7072

(B) Any rules that are pending before the Common Sense 7073
Initiative or the Joint Committee on Agency Rule Review on the 7074
effective date of this section that were proposed by the 7075
Division of Cannabis Control under Chapter 3780. of the Revised 7076
Code, as that chapter existed immediately before the effective 7077
date of this section, shall be treated as having been proposed 7078
by the Division under Chapter 3796. of the Revised Code. 7079

(C) Notwithstanding any provision of section 121.95 of the 7080
Revised Code to the contrary, a regulatory restriction contained 7081
in a rule adopted by the Division of Cannabis Control in 7082
accordance with Chapter 3796. of the Revised Code, as amended by 7083
this act, during the period beginning on the effective date of 7084
this section and ending twelve months after that date is not 7085
subject to sections 121.95 to 121.953 of the Revised Code. 7086

Section 9. If any provision of a section of this act or 7087
the application thereof to any person or circumstance is held 7088
invalid, the invalidity does not affect other provisions or 7089
applications of the section or related sections that can be 7090
given effect without the invalid provision or application, and 7091
to this end the provisions are severable. 7092

Section 10. Section 519.21 of the Revised Code is 7093

presented in this act as a composite of the section as amended 7094
 by both H.B. 523 and S.B. 75 of the 131st General Assembly. The 7095
 General Assembly, applying the principle stated in division (B) 7096
 of section 1.52 of the Revised Code that amendments are to be 7097
 harmonized if reasonably capable of simultaneous operation, 7098
 finds that the composite is the resulting version of the section 7099
 in effect prior to the effective date of the section as 7100
 presented in this act. 7101

Section 11. All items in this act are hereby appropriated 7102
 as designated out of any moneys in the state treasury to the 7103
 credit of the designated fund. For all operating appropriations 7104
 made in this act, those in the first column are for fiscal year 7105
 2026 and those in the second column are for fiscal year 2027. 7106
 The operating appropriations made in this act are in addition to 7107
 any other operating appropriations made for these fiscal years. 7108

Section 12. 7109
 7110

	1	2	3	4	5
A	RDF STATE REVENUE DISTRIBUTIONS				
B	Revenue Distribution Fund Group				
C	7106	110659	Host Community Cannabis Payments	\$47,500,000	\$49,000,000
D	Revenue Distribution Fund Group Total			\$47,500,000	\$49,000,000
E	TOTAL ALL BUDGET FUND GROUPS			\$47,500,000	\$49,000,000

HOST COMMUNITY CANNABIS PAYMENTS 7111

The foregoing appropriation item 110659, Host Community 7112

Cannabis Payments, shall be used by the Tax Commissioner for 7113
payments to municipal corporations and townships as required 7114
under section 3796.40 of the Revised Code. If it is determined 7115
that additional appropriations are necessary for this purpose, 7116
such amounts are hereby appropriated. 7117

Section 13. Within the limits set forth in this act, the 7118
Director of Budget and Management shall establish accounts 7119
indicating the source and amount of funds for each appropriation 7120
made in this act, and shall determine the manner in which 7121
appropriation accounts shall be maintained. Expenditures from 7122
operating appropriations contained in this act shall be 7123
accounted for as though made in, and are subject to all 7124
applicable provisions of, H.B. 96 of the 136th General Assembly. 7125

Section 14. Should the federal government legalize hemp 7126
beverages at tetrahydrocannabinol limits greater than those 7127
allowable under the version of 7 U.S.C. 1639o, et seq., set to 7128
take effect on November 12, 2026, it is the intent of the 7129
General Assembly to review the federal enactment and consider a 7130
more robust regulatory framework of these products, including 7131
licensure, registration, taxation, and responsible consumer and 7132
child protections in an effort to legalize hemp beverages for 7133
sale and consumption in Ohio beyond December 31, 2026. Nothing 7134
in this section shall be interpreted to legalize drinkable 7135
cannabinoid products, as defined in section 3779.21 of the 7136
Revised Code, or hemp beverages beyond December 31, 2026. 7137