

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**S. B. No. 9**

**Senators Huffman, S., Schuring**

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**A BILL**

To amend sections 102.02, 109.572, 3796.01, 1  
3796.02, 3796.03, 3796.032, 3796.05, 3796.06, 2  
3796.061, 3796.08, 3796.10, 3796.11, 3796.12, 3  
3796.13, 3796.14, 3796.15, 3796.16, 3796.17, 4  
3796.18, 3796.19, 3796.20, 3796.21, 3796.22, 5  
3796.23, 3796.27, 3796.30, 4731.30, and 4776.01; 6  
to enact new section 3796.021 and sections 7  
3796.35, 4731.303, and 4731.304; and to repeal 8  
sections 3796.021, 3796.031, and 3796.04 of the 9  
Revised Code to amend the law related to medical 10  
marijuana. 11

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

**Section 1.** That sections 102.02, 109.572, 3796.01, 12  
3796.02, 3796.03, 3796.032, 3796.05, 3796.06, 3796.061, 3796.08, 13  
3796.10, 3796.11, 3796.12, 3796.13, 3796.14, 3796.15, 3796.16, 14  
3796.17, 3796.18, 3796.19, 3796.20, 3796.21, 3796.22, 3796.23, 15  
3796.27, 3796.30, 4731.30, and 4776.01 be amended and new 16  
section 3796.021 and sections 3796.35, 4731.303, and 4731.304 of 17  
the Revised Code be enacted to read as follows: 18

**Sec. 102.02.** (A) (1) Except as otherwise provided in 19

division (H) of this section, all of the following shall file 20  
with the appropriate ethics commission the disclosure statement 21  
described in this division on a form prescribed by the 22  
appropriate commission: every person who is elected to or is a 23  
candidate for a state, county, or city office and every person 24  
who is appointed to fill a vacancy for an unexpired term in such 25  
an elective office; all members of the state board of education; 26  
the director, assistant directors, deputy directors, division 27  
chiefs, or persons of equivalent rank of any administrative 28  
department of the state; the president or other chief 29  
administrative officer of every state institution of higher 30  
education as defined in section 3345.011 of the Revised Code; 31  
the executive director and the members of the capitol square 32  
review and advisory board appointed or employed pursuant to 33  
section 105.41 of the Revised Code; all members of the Ohio 34  
casino control commission, the executive director of the 35  
commission, all professional employees of the commission, and 36  
all technical employees of the commission who perform an 37  
internal audit function; the individuals set forth in division 38  
(B) (2) of section 187.03 of the Revised Code; the chief 39  
executive officer and the members of the board of each state 40  
retirement system; each employee of a state retirement board who 41  
is a state retirement system investment officer licensed 42  
pursuant to section 1707.163 of the Revised Code; the members of 43  
the Ohio retirement study council appointed pursuant to division 44  
(C) of section 171.01 of the Revised Code; employees of the Ohio 45  
retirement study council, other than employees who perform 46  
purely administrative or clerical functions; the administrator 47  
of workers' compensation and each member of the bureau of 48  
workers' compensation board of directors; the bureau of workers' 49  
compensation director of investments; the chief investment 50  
officer of the bureau of workers' compensation; all members of 51

the board of commissioners on grievances and discipline of the 52  
supreme court and the ethics commission created under section 53  
102.05 of the Revised Code; every business manager, treasurer, 54  
or superintendent of a city, local, exempted village, joint 55  
vocational, or cooperative education school district or an 56  
educational service center; every person who is elected to or is 57  
a candidate for the office of member of a board of education of 58  
a city, local, exempted village, joint vocational, or 59  
cooperative education school district or of a governing board of 60  
an educational service center that has a total student count of 61  
twelve thousand or more as most recently determined by the 62  
department of education pursuant to section 3317.03 of the 63  
Revised Code; every person who is appointed to the board of 64  
education of a municipal school district pursuant to division 65  
(B) or (F) of section 3311.71 of the Revised Code; all members 66  
of the board of directors of a sanitary district that is 67  
established under Chapter 6115. of the Revised Code and 68  
organized wholly for the purpose of providing a water supply for 69  
domestic, municipal, and public use, and that includes two 70  
municipal corporations in two counties; every public official or 71  
employee who is paid a salary or wage in accordance with 72  
schedule C of section 124.15 or schedule E-2 of section 124.152 73  
of the Revised Code; all members appointed to the Ohio livestock 74  
care standards board under section 904.02 of the Revised Code; 75  
all members appointed to the medical marijuana oversight 76  
commission under section 3796.021 of the Revised Code; all 77  
entrepreneurs in residence assigned by the LeanOhio office in 78  
the department of administrative services under section 125.65 79  
of the Revised Code and every other public official or employee 80  
who is designated by the appropriate ethics commission pursuant 81  
to division (B) of this section. 82

(2) The disclosure statement shall include all of the 83  
following: 84

(a) The name of the person filing the statement and each 85  
member of the person's immediate family and all names under 86  
which the person or members of the person's immediate family do 87  
business; 88

(b) (i) Subject to divisions (A) (2) (b) (ii) and (iii) of 89  
this section and except as otherwise provided in section 102.022 90  
of the Revised Code, identification of every source of income, 91  
other than income from a legislative agent identified in 92  
division (A) (2) (b) (ii) of this section, received during the 93  
preceding calendar year, in the person's own name or by any 94  
other person for the person's use or benefit, by the person 95  
filing the statement, and a brief description of the nature of 96  
the services for which the income was received. If the person 97  
filing the statement is a member of the general assembly, the 98  
statement shall identify the amount of every source of income 99  
received in accordance with the following ranges of amounts: 100  
zero or more, but less than one thousand dollars; one thousand 101  
dollars or more, but less than ten thousand dollars; ten 102  
thousand dollars or more, but less than twenty-five thousand 103  
dollars; twenty-five thousand dollars or more, but less than 104  
fifty thousand dollars; fifty thousand dollars or more, but less 105  
than one hundred thousand dollars; and one hundred thousand 106  
dollars or more. Division (A) (2) (b) (i) of this section shall not 107  
be construed to require a person filing the statement who 108  
derives income from a business or profession to disclose the 109  
individual items of income that constitute the gross income of 110  
that business or profession, except for those individual items 111  
of income that are attributable to the person's or, if the 112  
income is shared with the person, the partner's, solicitation of 113

services or goods or performance, arrangement, or facilitation 114  
of services or provision of goods on behalf of the business or 115  
profession of clients, including corporate clients, who are 116  
legislative agents. A person who files the statement under this 117  
section shall disclose the identity of and the amount of income 118  
received from a person who the public official or employee knows 119  
or has reason to know is doing or seeking to do business of any 120  
kind with the public official's or employee's agency. 121

(ii) If the person filing the statement is a member of the 122  
general assembly, the statement shall identify every source of 123  
income and the amount of that income that was received from a 124  
legislative agent during the preceding calendar year, in the 125  
person's own name or by any other person for the person's use or 126  
benefit, by the person filing the statement, and a brief 127  
description of the nature of the services for which the income 128  
was received. Division (A) (2) (b) (ii) of this section requires 129  
the disclosure of clients of attorneys or persons licensed under 130  
section 4732.12 of the Revised Code, or patients of persons 131  
licensed under section 4731.14 of the Revised Code, if those 132  
clients or patients are legislative agents. Division (A) (2) (b) 133  
(ii) of this section requires a person filing the statement who 134  
derives income from a business or profession to disclose those 135  
individual items of income that constitute the gross income of 136  
that business or profession that are received from legislative 137  
agents. 138

(iii) Except as otherwise provided in division (A) (2) (b) 139  
(iii) of this section, division (A) (2) (b) (i) of this section 140  
applies to attorneys, physicians, and other persons who engage 141  
in the practice of a profession and who, pursuant to a section 142  
of the Revised Code, the common law of this state, a code of 143  
ethics applicable to the profession, or otherwise, generally are 144

required not to reveal, disclose, or use confidences of clients, 145  
patients, or other recipients of professional services except 146  
under specified circumstances or generally are required to 147  
maintain those types of confidences as privileged communications 148  
except under specified circumstances. Division (A) (2) (b) (i) of 149  
this section does not require an attorney, physician, or other 150  
professional subject to a confidentiality requirement as 151  
described in division (A) (2) (b) (iii) of this section to disclose 152  
the name, other identity, or address of a client, patient, or 153  
other recipient of professional services if the disclosure would 154  
threaten the client, patient, or other recipient of professional 155  
services, would reveal details of the subject matter for which 156  
legal, medical, or professional advice or other services were 157  
sought, or would reveal an otherwise privileged communication 158  
involving the client, patient, or other recipient of 159  
professional services. Division (A) (2) (b) (i) of this section 160  
does not require an attorney, physician, or other professional 161  
subject to a confidentiality requirement as described in 162  
division (A) (2) (b) (iii) of this section to disclose in the brief 163  
description of the nature of services required by division (A) 164  
(2) (b) (i) of this section any information pertaining to specific 165  
professional services rendered for a client, patient, or other 166  
recipient of professional services that would reveal details of 167  
the subject matter for which legal, medical, or professional 168  
advice was sought or would reveal an otherwise privileged 169  
communication involving the client, patient, or other recipient 170  
of professional services. 171

(c) The name of every corporation on file with the 172  
secretary of state that is incorporated in this state or holds a 173  
certificate of compliance authorizing it to do business in this 174  
state, trust, business trust, partnership, or association that 175

transacts business in this state in which the person filing the 176  
statement or any other person for the person's use and benefit 177  
had during the preceding calendar year an investment of over one 178  
thousand dollars at fair market value as of the thirty-first day 179  
of December of the preceding calendar year, or the date of 180  
disposition, whichever is earlier, or in which the person holds 181  
any office or has a fiduciary relationship, and a description of 182  
the nature of the investment, office, or relationship. Division 183  
(A) (2) (c) of this section does not require disclosure of the 184  
name of any bank, savings and loan association, credit union, or 185  
building and loan association with which the person filing the 186  
statement has a deposit or a withdrawable share account. 187

(d) All fee simple and leasehold interests to which the 188  
person filing the statement holds legal title to or a beneficial 189  
interest in real property located within the state, excluding 190  
the person's residence and property used primarily for personal 191  
recreation; 192

(e) The names of all persons residing or transacting 193  
business in the state to whom the person filing the statement 194  
owes, in the person's own name or in the name of any other 195  
person, more than one thousand dollars. Division (A) (2) (e) of 196  
this section shall not be construed to require the disclosure of 197  
debts owed by the person resulting from the ordinary conduct of 198  
a business or profession or debts on the person's residence or 199  
real property used primarily for personal recreation, except 200  
that the superintendent of financial institutions and any deputy 201  
superintendent of banks shall disclose the names of all state- 202  
chartered banks and all bank subsidiary corporations subject to 203  
regulation under section 1109.44 of the Revised Code to whom the 204  
superintendent or deputy superintendent owes any money. 205

(f) The names of all persons residing or transacting 206  
business in the state, other than a depository excluded under 207  
division (A)(2)(c) of this section, who owe more than one 208  
thousand dollars to the person filing the statement, either in 209  
the person's own name or to any person for the person's use or 210  
benefit. Division (A)(2)(f) of this section shall not be 211  
construed to require the disclosure of clients of attorneys or 212  
persons licensed under section 4732.12 of the Revised Code, or 213  
patients of persons licensed under section 4731.14 of the 214  
Revised Code, nor the disclosure of debts owed to the person 215  
resulting from the ordinary conduct of a business or profession. 216

(g) Except as otherwise provided in section 102.022 of the 217  
Revised Code, the source of each gift of over seventy-five 218  
dollars, or of each gift of over twenty-five dollars received by 219  
a member of the general assembly from a legislative agent, 220  
received by the person in the person's own name or by any other 221  
person for the person's use or benefit during the preceding 222  
calendar year, except gifts received by will or by virtue of 223  
section 2105.06 of the Revised Code, or received from spouses, 224  
parents, grandparents, children, grandchildren, siblings, 225  
nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, 226  
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, 227  
or any person to whom the person filing the statement stands in 228  
loco parentis, or received by way of distribution from any inter 229  
vivos or testamentary trust established by a spouse or by an 230  
ancestor; 231

(h) Except as otherwise provided in section 102.022 of the 232  
Revised Code, identification of the source and amount of every 233  
payment of expenses incurred for travel to destinations inside 234  
or outside this state that is received by the person in the 235  
person's own name or by any other person for the person's use or 236



benefit and that is incurred in connection with the person's 237  
official duties, except for expenses for travel to meetings or 238  
conventions of a national or state organization to which any 239  
state agency, including, but not limited to, any legislative 240  
agency or state institution of higher education as defined in 241  
section 3345.011 of the Revised Code, pays membership dues, or 242  
any political subdivision or any office or agency of a political 243  
subdivision pays membership dues; 244

(i) Except as otherwise provided in section 102.022 of the 245  
Revised Code, identification of the source of payment of 246  
expenses for meals and other food and beverages, other than for 247  
meals and other food and beverages provided at a meeting at 248  
which the person participated in a panel, seminar, or speaking 249  
engagement or at a meeting or convention of a national or state 250  
organization to which any state agency, including, but not 251  
limited to, any legislative agency or state institution of 252  
higher education as defined in section 3345.011 of the Revised 253  
Code, pays membership dues, or any political subdivision or any 254  
office or agency of a political subdivision pays membership 255  
dues, that are incurred in connection with the person's official 256  
duties and that exceed one hundred dollars aggregated per 257  
calendar year; 258

(j) If the disclosure statement is filed by a public 259  
official or employee described in division (B) (2) of section 260  
101.73 of the Revised Code or division (B) (2) of section 121.63 261  
of the Revised Code who receives a statement from a legislative 262  
agent, executive agency lobbyist, or employer that contains the 263  
information described in division (F) (2) of section 101.73 of 264  
the Revised Code or division (G) (2) of section 121.63 of the 265  
Revised Code, all of the nondisputed information contained in 266  
the statement delivered to that public official or employee by 267

the legislative agent, executive agency lobbyist, or employer	268
under division (F) (2) of section 101.73 or (G) (2) of section	269
121.63 of the Revised Code.	270
(3) A person may file a statement required by this section	271
in person, by mail, or by electronic means.	272
(4) A person who is required to file a statement under	273
this section shall file that statement according to the	274
following deadlines, as applicable:	275
(a) Except as otherwise provided in divisions (A) (4) (b),	276
(c), and (d) of this section, the person shall file the	277
statement not later than the fifteenth day of May of each year.	278
(b) A person who is a candidate for elective office shall	279
file the statement no later than the thirtieth day before the	280
primary, special, or general election at which the candidacy is	281
to be voted on, whichever election occurs soonest, except that a	282
person who is a write-in candidate shall file the statement no	283
later than the twentieth day before the earliest election at	284
which the person's candidacy is to be voted on.	285
(c) A person who is appointed to fill a vacancy for an	286
unexpired term in an elective office shall file the statement	287
within fifteen days after the person qualifies for office.	288
(d) A person who is appointed or employed after the	289
fifteenth day of May, other than a person described in division	290
(A) (4) (c) of this section, shall file an annual statement within	291
ninety days after appointment or employment.	292
(5) No person shall be required to file with the	293
appropriate ethics commission more than one statement or pay	294
more than one filing fee for any one calendar year.	295

(6) The appropriate ethics commission, for good cause, may extend for a reasonable time the deadline for filing a statement under this section.

(7) A statement filed under this section is subject to public inspection at locations designated by the appropriate ethics commission except as otherwise provided in this section.

(B) The Ohio ethics commission, the joint legislative ethics committee, and the board of commissioners on grievances and discipline of the supreme court, using the rule-making procedures of Chapter 119. of the Revised Code, may require any class of public officials or employees under its jurisdiction and not specifically excluded by this section whose positions involve a substantial and material exercise of administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws and rules of the state or a county or city, or the execution of other public trusts, to file an annual statement under division (A) of this section. The appropriate ethics commission shall send the public officials or employees written notice of the requirement not less than thirty days before the applicable filing deadline unless the public official or employee is appointed after that date, in which case the notice shall be sent within thirty days after appointment, and the filing shall be made not later than ninety days after appointment.

Disclosure statements filed under this division with the Ohio ethics commission by members of boards, commissions, or bureaus of the state for which no compensation is received other than reasonable and necessary expenses shall be kept confidential. Disclosure statements filed with the Ohio ethics commission under division (A) of this section by business

managers, treasurers, and superintendents of city, local, 326  
exempted village, joint vocational, or cooperative education 327  
school districts or educational service centers shall be kept 328  
confidential, except that any person conducting an audit of any 329  
such school district or educational service center pursuant to 330  
Chapter 117. of the Revised Code may examine the disclosure 331  
statement of any business manager, treasurer, or superintendent 332  
of that school district or educational service center. 333  
Disclosure statements filed with the Ohio ethics commission 334  
under division (A) of this section by the individuals set forth 335  
in division (B) (2) of section 187.03 of the Revised Code shall 336  
be kept confidential. The Ohio ethics commission shall examine 337  
each disclosure statement required to be kept confidential to 338  
determine whether a potential conflict of interest exists for 339  
the person who filed the disclosure statement. A potential 340  
conflict of interest exists if the private interests of the 341  
person, as indicated by the person's disclosure statement, might 342  
interfere with the public interests the person is required to 343  
serve in the exercise of the person's authority and duties in 344  
the person's office or position of employment. If the commission 345  
determines that a potential conflict of interest exists, it 346  
shall notify the person who filed the disclosure statement and 347  
shall make the portions of the disclosure statement that 348  
indicate a potential conflict of interest subject to public 349  
inspection in the same manner as is provided for other 350  
disclosure statements. Any portion of the disclosure statement 351  
that the commission determines does not indicate a potential 352  
conflict of interest shall be kept confidential by the 353  
commission and shall not be made subject to public inspection, 354  
except as is necessary for the enforcement of Chapters 102. and 355  
2921. of the Revised Code and except as otherwise provided in 356  
this division. 357

(C) No person shall knowingly fail to file, on or before 358  
the applicable filing deadline established under this section, a 359  
statement that is required by this section. 360

(D) No person shall knowingly file a false statement that 361  
is required to be filed under this section. 362

(E) (1) Except as provided in divisions (E) (2) and (3) of 363  
this section, the statement required by division (A) or (B) of 364  
this section shall be accompanied by a filing fee of sixty 365  
dollars. 366

(2) The statement required by division (A) of this section 367  
shall be accompanied by the following filing fee to be paid by 368  
the person who is elected or appointed to, or is a candidate 369  
for, any of the following offices: 370

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A	For state office, except member of the state board of education	\$95
B	For office of member of general assembly	\$40
C	For county office	\$60
D	For city office	\$35
E	For office of member of the state board of education	\$35
F	For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board	\$30

G For position of business manager, treasurer, or \$30  
superintendent of a city, local, exempted village,  
joint vocational, or cooperative education school  
district or educational service center

(3) No judge of a court of record or candidate for judge 372  
of a court of record, and no referee or magistrate serving a 373  
court of record, shall be required to pay the fee required under 374  
division (E) (1) or (2) or (F) of this section. 375

(4) For any public official who is appointed to a 376  
nonelective office of the state and for any employee who holds a 377  
nonelective position in a public agency of the state, the state 378  
agency that is the primary employer of the state official or 379  
employee shall pay the fee required under division (E) (1) or (F) 380  
of this section. 381

(F) If a statement required to be filed under this section 382  
is not filed by the date on which it is required to be filed, 383  
the appropriate ethics commission shall assess the person 384  
required to file the statement a late filing fee of ten dollars 385  
for each day the statement is not filed, except that the total 386  
amount of the late filing fee shall not exceed two hundred fifty 387  
dollars. 388

(G) (1) The appropriate ethics commission other than the 389  
Ohio ethics commission and the joint legislative ethics 390  
committee shall deposit all fees it receives under divisions (E) 391  
and (F) of this section into the general revenue fund of the 392  
state. 393

(2) The Ohio ethics commission shall deposit all receipts, 394  
including, but not limited to, fees it receives under divisions 395  
(E) and (F) of this section, investigative or other fees, costs, 396

or other funds it receives as a result of court orders, and all 397  
moneys it receives from settlements under division (G) of 398  
section 102.06 of the Revised Code, into the Ohio ethics 399  
commission fund, which is hereby created in the state treasury. 400  
All moneys credited to the fund shall be used solely for 401  
expenses related to the operation and statutory functions of the 402  
commission. 403

(3) The joint legislative ethics committee shall deposit 404  
all receipts it receives from the payment of financial 405  
disclosure statement filing fees under divisions (E) and (F) of 406  
this section into the joint legislative ethics committee 407  
investigative and financial disclosure fund. 408

(H) Division (A) of this section does not apply to a 409  
person elected or appointed to the office of precinct, ward, or 410  
district committee member under Chapter 3517. of the Revised 411  
Code; a presidential elector; a delegate to a national 412  
convention; village or township officials and employees; any 413  
physician or psychiatrist who is paid a salary or wage in 414  
accordance with schedule C of section 124.15 or schedule E-2 of 415  
section 124.152 of the Revised Code and whose primary duties do 416  
not require the exercise of administrative discretion; or any 417  
member of a board, commission, or bureau of any county or city 418  
who receives less than one thousand dollars per year for serving 419  
in that position. 420

**Sec. 109.572.** (A) (1) Upon receipt of a request pursuant to 421  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 422  
Code, a completed form prescribed pursuant to division (C) (1) of 423  
this section, and a set of fingerprint impressions obtained in 424  
the manner described in division (C) (2) of this section, the 425  
superintendent of the bureau of criminal identification and 426

investigation shall conduct a criminal records check in the 427  
manner described in division (B) of this section to determine 428  
whether any information exists that indicates that the person 429  
who is the subject of the request previously has been convicted 430  
of or pleaded guilty to any of the following: 431

(a) A violation of section 2903.01, 2903.02, 2903.03, 432  
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 433  
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 434  
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 435  
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 436  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 437  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 438  
2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 439  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 440  
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 441  
of the Revised Code, felonious sexual penetration in violation 442  
of former section 2907.12 of the Revised Code, a violation of 443  
section 2905.04 of the Revised Code as it existed prior to July 444  
1, 1996, a violation of section 2919.23 of the Revised Code that 445  
would have been a violation of section 2905.04 of the Revised 446  
Code as it existed prior to July 1, 1996, had the violation been 447  
committed prior to that date, or a violation of section 2925.11 448  
of the Revised Code that is not a minor drug possession offense; 449

(b) A violation of an existing or former law of this 450  
state, any other state, or the United States that is 451  
substantially equivalent to any of the offenses listed in 452  
division (A) (1) (a) of this section; 453

(c) If the request is made pursuant to section 3319.39 of 454  
the Revised Code for an applicant who is a teacher, any offense 455  
specified under section 9.79 of the Revised Code or in section 456



3319.31 of the Revised Code. 457

(2) On receipt of a request pursuant to section 3712.09 or 458  
3721.121 of the Revised Code, a completed form prescribed 459  
pursuant to division (C)(1) of this section, and a set of 460  
fingerprint impressions obtained in the manner described in 461  
division (C)(2) of this section, the superintendent of the 462  
bureau of criminal identification and investigation shall 463  
conduct a criminal records check with respect to any person who 464  
has applied for employment in a position for which a criminal 465  
records check is required by those sections. The superintendent 466  
shall conduct the criminal records check in the manner described 467  
in division (B) of this section to determine whether any 468  
information exists that indicates that the person who is the 469  
subject of the request previously has been convicted of or 470  
pleaded guilty to any of the following: 471

(a) A violation of section 2903.01, 2903.02, 2903.03, 472  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 473  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 474  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 475  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 476  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 477  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 478  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 479  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 480

(b) An existing or former law of this state, any other 481  
state, or the United States that is substantially equivalent to 482  
any of the offenses listed in division (A)(2)(a) of this 483  
section. 484

(3) On receipt of a request pursuant to section 173.27, 485  
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 486

5123.081, or 5123.169 of the Revised Code, a completed form 487  
prescribed pursuant to division (C) (1) of this section, and a 488  
set of fingerprint impressions obtained in the manner described 489  
in division (C) (2) of this section, the superintendent of the 490  
bureau of criminal identification and investigation shall 491  
conduct a criminal records check of the person for whom the 492  
request is made. The superintendent shall conduct the criminal 493  
records check in the manner described in division (B) of this 494  
section to determine whether any information exists that 495  
indicates that the person who is the subject of the request 496  
previously has been convicted of, has pleaded guilty to, or 497  
(except in the case of a request pursuant to section 5164.34, 498  
5164.341, or 5164.342 of the Revised Code) has been found 499  
eligible for intervention in lieu of conviction for any of the 500  
following, regardless of the date of the conviction, the date of 501  
entry of the guilty plea, or (except in the case of a request 502  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 503  
Revised Code) the date the person was found eligible for 504  
intervention in lieu of conviction: 505

(a) A violation of section 959.13, 959.131, 2903.01, 506  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 507  
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 508  
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 509  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 510  
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 511  
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 512  
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 513  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 514  
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 515  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 516  
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 517

2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24,	518
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24,	519
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12,	520
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21,	521
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05,	522
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22,	523
2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11	524
of the Revised Code;	525
(b) Felonious sexual penetration in violation of former	526
section 2907.12 of the Revised Code;	527
(c) A violation of section 2905.04 of the Revised Code as	528
it existed prior to July 1, 1996;	529
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	530
the Revised Code when the underlying offense that is the object	531
of the conspiracy, attempt, or complicity is one of the offenses	532
listed in divisions (A) (3) (a) to (c) of this section;	533
(e) A violation of an existing or former municipal	534
ordinance or law of this state, any other state, or the United	535
States that is substantially equivalent to any of the offenses	536
listed in divisions (A) (3) (a) to (d) of this section.	537
(4) On receipt of a request pursuant to section 2151.86 or	538
2151.904 of the Revised Code, a completed form prescribed	539
pursuant to division (C) (1) of this section, and a set of	540
fingerprint impressions obtained in the manner described in	541
division (C) (2) of this section, the superintendent of the	542
bureau of criminal identification and investigation shall	543
conduct a criminal records check in the manner described in	544
division (B) of this section to determine whether any	545
information exists that indicates that the person who is the	546

subject of the request previously has been convicted of or 547  
pleaded guilty to any of the following: 548

(a) A violation of section 959.13, 2903.01, 2903.02, 549  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 550  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 551  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 552  
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 553  
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 554  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 555  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 556  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 557  
2927.12, or 3716.11 of the Revised Code, a violation of section 558  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 559  
a violation of section 2919.23 of the Revised Code that would 560  
have been a violation of section 2905.04 of the Revised Code as 561  
it existed prior to July 1, 1996, had the violation been 562  
committed prior to that date, a violation of section 2925.11 of 563  
the Revised Code that is not a minor drug possession offense, 564  
two or more OVI or OVUAC violations committed within the three 565  
years immediately preceding the submission of the application or 566  
petition that is the basis of the request, or felonious sexual 567  
penetration in violation of former section 2907.12 of the 568  
Revised Code; 569

(b) A violation of an existing or former law of this 570  
state, any other state, or the United States that is 571  
substantially equivalent to any of the offenses listed in 572  
division (A) (4) (a) of this section. 573

(5) Upon receipt of a request pursuant to section 5104.013 574  
of the Revised Code, a completed form prescribed pursuant to 575  
division (C) (1) of this section, and a set of fingerprint 576

impressions obtained in the manner described in division (C) (2) 577  
of this section, the superintendent of the bureau of criminal 578  
identification and investigation shall conduct a criminal 579  
records check in the manner described in division (B) of this 580  
section to determine whether any information exists that 581  
indicates that the person who is the subject of the request has 582  
been convicted of or pleaded guilty to any of the following: 583

(a) A violation of section 2151.421, 2903.01, 2903.02, 584  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 585  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 586  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 587  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 588  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 589  
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 590  
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 591  
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 592  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 593  
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 594  
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 595  
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 596  
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 597  
3716.11 of the Revised Code, felonious sexual penetration in 598  
violation of former section 2907.12 of the Revised Code, a 599  
violation of section 2905.04 of the Revised Code as it existed 600  
prior to July 1, 1996, a violation of section 2919.23 of the 601  
Revised Code that would have been a violation of section 2905.04 602  
of the Revised Code as it existed prior to July 1, 1996, had the 603  
violation been committed prior to that date, a violation of 604  
section 2925.11 of the Revised Code that is not a minor drug 605  
possession offense, a violation of section 2923.02 or 2923.03 of 606  
the Revised Code that relates to a crime specified in this 607

division, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification.

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would

have been a violation of section 2905.04 of the Revised Code as 638  
it existed prior to July 1, 1996, had the violation been 639  
committed prior to that date, or a violation of section 2925.11 640  
of the Revised Code that is not a minor drug possession offense; 641

(b) A violation of an existing or former law of this 642  
state, any other state, or the United States that is 643  
substantially equivalent to any of the offenses listed in 644  
division (A) (6) (a) of this section. 645

(7) On receipt of a request for a criminal records check 646  
from an individual pursuant to section 4749.03 or 4749.06 of the 647  
Revised Code, accompanied by a completed copy of the form 648  
prescribed in division (C) (1) of this section and a set of 649  
fingerprint impressions obtained in a manner described in 650  
division (C) (2) of this section, the superintendent of the 651  
bureau of criminal identification and investigation shall 652  
conduct a criminal records check in the manner described in 653  
division (B) of this section to determine whether any 654  
information exists indicating that the person who is the subject 655  
of the request has been convicted of or pleaded guilty to any 656  
criminal offense in this state or in any other state. If the 657  
individual indicates that a firearm will be carried in the 658  
course of business, the superintendent shall require information 659  
from the federal bureau of investigation as described in 660  
division (B) (2) of this section. Subject to division (F) of this 661  
section, the superintendent shall report the findings of the 662  
criminal records check and any information the federal bureau of 663  
investigation provides to the director of public safety. 664

(8) On receipt of a request pursuant to section 1321.37, 665  
1321.53, or 4763.05 of the Revised Code, a completed form 666  
prescribed pursuant to division (C) (1) of this section, and a 667

set of fingerprint impressions obtained in the manner described 668  
in division (C) (2) of this section, the superintendent of the 669  
bureau of criminal identification and investigation shall 670  
conduct a criminal records check with respect to any person who 671  
has applied for a license, permit, or certification from the 672  
department of commerce or a division in the department. The 673  
superintendent shall conduct the criminal records check in the 674  
manner described in division (B) of this section to determine 675  
whether any information exists that indicates that the person 676  
who is the subject of the request previously has been convicted 677  
of or pleaded guilty to any criminal offense in this state, any 678  
other state, or the United States. 679

(9) On receipt of a request for a criminal records check 680  
from the treasurer of state under section 113.041 of the Revised 681  
Code or from an individual under section 928.03, 4701.08, 682  
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 683  
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 684  
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 685  
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 686  
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 687  
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 688  
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 689  
Code, accompanied by a completed form prescribed under division 690  
(C) (1) of this section and a set of fingerprint impressions 691  
obtained in the manner described in division (C) (2) of this 692  
section, the superintendent of the bureau of criminal 693  
identification and investigation shall conduct a criminal 694  
records check in the manner described in division (B) of this 695  
section to determine whether any information exists that 696  
indicates that the person who is the subject of the request has 697  
been convicted of or pleaded guilty to any criminal offense in 698



this state or any other state. Subject to division (F) of this 699  
section, the superintendent shall send the results of a check 700  
requested under section 113.041 of the Revised Code to the 701  
treasurer of state and shall send the results of a check 702  
requested under any of the other listed sections to the 703  
licensing board specified by the individual in the request. 704

(10) On receipt of a request pursuant to section 124.74, 705  
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 706  
Code, a completed form prescribed pursuant to division (C) (1) of 707  
this section, and a set of fingerprint impressions obtained in 708  
the manner described in division (C) (2) of this section, the 709  
superintendent of the bureau of criminal identification and 710  
investigation shall conduct a criminal records check in the 711  
manner described in division (B) of this section to determine 712  
whether any information exists that indicates that the person 713  
who is the subject of the request previously has been convicted 714  
of or pleaded guilty to any criminal offense under any existing 715  
or former law of this state, any other state, or the United 716  
States. 717

(11) On receipt of a request for a criminal records check 718  
from an appointing or licensing authority under section 3772.07 719  
of the Revised Code, a completed form prescribed under division 720  
(C) (1) of this section, and a set of fingerprint impressions 721  
obtained in the manner prescribed in division (C) (2) of this 722  
section, the superintendent of the bureau of criminal 723  
identification and investigation shall conduct a criminal 724  
records check in the manner described in division (B) of this 725  
section to determine whether any information exists that 726  
indicates that the person who is the subject of the request 727  
previously has been convicted of or pleaded guilty or no contest 728  
to any offense under any existing or former law of this state, 729

any other state, or the United States that makes the person 730  
ineligible for appointment or retention under section 3772.07 of 731  
the Revised Code or that is a disqualifying offense as defined 732  
in that section or substantially equivalent to a disqualifying 733  
offense, as applicable. 734

(12) On receipt of a request pursuant to section 2151.33 735  
or 2151.412 of the Revised Code, a completed form prescribed 736  
pursuant to division (C)(1) of this section, and a set of 737  
fingerprint impressions obtained in the manner described in 738  
division (C)(2) of this section, the superintendent of the 739  
bureau of criminal identification and investigation shall 740  
conduct a criminal records check with respect to any person for 741  
whom a criminal records check is required under that section. 742  
The superintendent shall conduct the criminal records check in 743  
the manner described in division (B) of this section to 744  
determine whether any information exists that indicates that the 745  
person who is the subject of the request previously has been 746  
convicted of or pleaded guilty to any of the following: 747

(a) A violation of section 2903.01, 2903.02, 2903.03, 748  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 749  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 750  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 751  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 752  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 753  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 754  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 755  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 756

(b) An existing or former law of this state, any other 757  
state, or the United States that is substantially equivalent to 758  
any of the offenses listed in division (A)(12)(a) of this 759

section. 760

(13) On receipt of a request pursuant to section 3796.12 761  
of the Revised Code, a completed form prescribed pursuant to 762  
division (C) (1) of this section, and a set of fingerprint 763  
impressions obtained in a manner described in division (C) (2) of 764  
this section, the superintendent of the bureau of criminal 765  
identification and investigation shall conduct a criminal 766  
records check in the manner described in division (B) of this 767  
section to determine whether any information exists that 768  
indicates that the person who is the subject of the request 769  
previously has been convicted of or pleaded guilty to ~~the~~ 770  
~~following:~~ 771

~~(a) A a disqualifying offense as specified in rules 772  
adopted under section 9.79 and division (B) (2) (b) of section 773  
3796.03 of the Revised Code if the person who is the subject of 774  
the request is an administrator or other person responsible for 775  
the daily operation of, or an owner or prospective owner, 776  
officer or prospective officer, or board member or prospective 777  
board member of, an entity seeking a license from the department 778  
of commerce under Chapter 3796. of the Revised Code;~~ 779

~~(b) A disqualifying offense as specified in rules adopted 780  
under section 9.79 and division (B) (2) (b) of section 3796.04 of 781  
the Revised Code if the person who is the subject of the request 782  
is an administrator or other person responsible for the daily 783  
operation of, or an owner or prospective owner, officer or 784  
prospective officer, or board member or prospective board member 785  
of, an entity seeking a license from the state board of pharmacy 786  
under Chapter 3796. of the Revised Code. 787~~

(14) On receipt of a request required by section 3796.13 788  
of the Revised Code, a completed form prescribed pursuant to 789

division (C) (1) of this section, and a set of fingerprint 790  
impressions obtained in a manner described in division (C) (2) of 791  
this section, the superintendent of the bureau of criminal 792  
identification and investigation shall conduct a criminal 793  
records check in the manner described in division (B) of this 794  
section to determine whether any information exists that 795  
indicates that the person who is the subject of the request 796  
previously has been convicted of or pleaded guilty to ~~the~~ 797  
~~following:~~ 798

~~(a) A~~ a disqualifying offense as specified in rules 799  
adopted under division ~~(B) (8) (a)~~ (B) (10) (a) of section 3796.03 800  
of the Revised Code if the person who is the subject of the 801  
request is seeking employment with an entity licensed by the 802  
department of commerce under Chapter 3796. of the Revised Code~~;~~ 803

~~(b) A disqualifying offense as specified in rules adopted~~ 804  
~~under division (B) (14) (a) of section 3796.04 of the Revised Code~~ 805  
~~if the person who is the subject of the request is seeking~~ 806  
~~employment with an entity licensed by the state board of~~ 807  
~~pharmacy under Chapter 3796. of the Revised Code.~~ 808

(15) On receipt of a request pursuant to section 4768.06 809  
of the Revised Code, a completed form prescribed under division 810  
(C) (1) of this section, and a set of fingerprint impressions 811  
obtained in the manner described in division (C) (2) of this 812  
section, the superintendent of the bureau of criminal 813  
identification and investigation shall conduct a criminal 814  
records check in the manner described in division (B) of this 815  
section to determine whether any information exists indicating 816  
that the person who is the subject of the request has been 817  
convicted of or pleaded guilty to any criminal offense in this 818  
state or in any other state. 819

(16) On receipt of a request pursuant to division (B) of 820  
section 4764.07 or division (A) of section 4735.143 of the 821  
Revised Code, a completed form prescribed under division (C) (1) 822  
of this section, and a set of fingerprint impressions obtained 823  
in the manner described in division (C) (2) of this section, the 824  
superintendent of the bureau of criminal identification and 825  
investigation shall conduct a criminal records check in the 826  
manner described in division (B) of this section to determine 827  
whether any information exists indicating that the person who is 828  
the subject of the request has been convicted of or pleaded 829  
guilty to any criminal offense in any state or the United 830  
States. 831

(17) On receipt of a request for a criminal records check 832  
under section 147.022 of the Revised Code, a completed form 833  
prescribed under division (C) (1) of this section, and a set of 834  
fingerprint impressions obtained in the manner prescribed in 835  
division (C) (2) of this section, the superintendent of the 836  
bureau of criminal identification and investigation shall 837  
conduct a criminal records check in the manner described in 838  
division (B) of this section to determine whether any 839  
information exists that indicates that the person who is the 840  
subject of the request previously has been convicted of or 841  
pleaded guilty or no contest to any criminal offense under any 842  
existing or former law of this state, any other state, or the 843  
United States. 844

(18) Upon receipt of a request pursuant to division (F) of 845  
section 2915.081 or division (E) of section 2915.082 of the 846  
Revised Code, a completed form prescribed under division (C) (1) 847  
of this section, and a set of fingerprint impressions obtained 848  
in the manner described in division (C) (2) of this section, the 849  
superintendent of the bureau of criminal identification and 850

investigation shall conduct a criminal records check in the 851  
manner described in division (B) of this section to determine 852  
whether any information exists indicating that the person who is 853  
the subject of the request has been convicted of or pleaded 854  
guilty or no contest to any offense that is a violation of 855  
Chapter 2915. of the Revised Code or to any offense under any 856  
existing or former law of this state, any other state, or the 857  
United States that is substantially equivalent to such an 858  
offense. 859

(19) On receipt of a request pursuant to section 3775.03 860  
of the Revised Code, a completed form prescribed under division 861  
(C)(1) of this section, and a set of fingerprint impressions 862  
obtained in the manner described in division (C)(2) of this 863  
section, the superintendent of the bureau of criminal 864  
identification and investigation shall conduct a criminal 865  
records check in the manner described in division (B) of this 866  
section and shall request information from the federal bureau of 867  
investigation to determine whether any information exists 868  
indicating that the person who is the subject of the request has 869  
been convicted of any offense under any existing or former law 870  
of this state, any other state, or the United States that is a 871  
disqualifying offense as defined in section 3772.07 of the 872  
Revised Code. 873

(B) Subject to division (F) of this section, the 874  
superintendent shall conduct any criminal records check to be 875  
conducted under this section as follows: 876

(1) The superintendent shall review or cause to be 877  
reviewed any relevant information gathered and compiled by the 878  
bureau under division (A) of section 109.57 of the Revised Code 879  
that relates to the person who is the subject of the criminal 880

records check, including, if the criminal records check was 881  
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 882  
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 883  
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 884  
3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 885  
4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 886  
4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 887  
5123.169, or 5153.111 of the Revised Code, any relevant 888  
information contained in records that have been sealed under 889  
section 2953.32 of the Revised Code; 890

(2) If the request received by the superintendent asks for 891  
information from the federal bureau of investigation, the 892  
superintendent shall request from the federal bureau of 893  
investigation any information it has with respect to the person 894  
who is the subject of the criminal records check, including 895  
fingerprint-based checks of national crime information databases 896  
as described in 42 U.S.C. 671 if the request is made pursuant to 897  
section 2151.86 or 5104.013 of the Revised Code or if any other 898  
Revised Code section requires fingerprint-based checks of that 899  
nature, and shall review or cause to be reviewed any information 900  
the superintendent receives from that bureau. If a request under 901  
section 3319.39 of the Revised Code asks only for information 902  
from the federal bureau of investigation, the superintendent 903  
shall not conduct the review prescribed by division (B)(1) of 904  
this section. 905

(3) The superintendent or the superintendent's designee 906  
may request criminal history records from other states or the 907  
federal government pursuant to the national crime prevention and 908  
privacy compact set forth in section 109.571 of the Revised 909  
Code. 910

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

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

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

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

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

(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is to be conducted under this section. Any person for whom a records check is to be conducted



under this section shall obtain the fingerprint impressions at a 940  
county sheriff's office, municipal police department, or any 941  
other entity with the ability to make fingerprint impressions on 942  
the standard impression sheets prescribed by the superintendent. 943  
The office, department, or entity may charge the person a 944  
reasonable fee for making the impressions. The standard 945  
impression sheets the superintendent prescribes pursuant to this 946  
division may be in a tangible format, in an electronic format, 947  
or in both tangible and electronic formats. 948

(3) Subject to division (D) of this section, the 949  
superintendent shall prescribe and charge a reasonable fee for 950  
providing a criminal records check under this section. The 951  
person requesting the criminal records check shall pay the fee 952  
prescribed pursuant to this division. In the case of a request 953  
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 954  
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 955  
fee shall be paid in the manner specified in that section. 956

(4) The superintendent of the bureau of criminal 957  
identification and investigation may prescribe methods of 958  
forwarding fingerprint impressions and information necessary to 959  
conduct a criminal records check, which methods shall include, 960  
but not be limited to, an electronic method. 961

(D) The results of a criminal records check conducted 962  
under this section, other than a criminal records check 963  
specified in division (A)(7) of this section, are valid for the 964  
person who is the subject of the criminal records check for a 965  
period of one year from the date upon which the superintendent 966  
completes the criminal records check. If during that period the 967  
superintendent receives another request for a criminal records 968  
check to be conducted under this section for that person, the 969

superintendent shall provide the results from the previous 970  
criminal records check of the person at a lower fee than the fee 971  
prescribed for the initial criminal records check. 972

(E) When the superintendent receives a request for 973  
information from a registered private provider, the 974  
superintendent shall proceed as if the request was received from 975  
a school district board of education under section 3319.39 of 976  
the Revised Code. The superintendent shall apply division (A) (1) 977  
(c) of this section to any such request for an applicant who is 978  
a teacher. 979

(F) (1) Subject to division (F) (2) of this section, all 980  
information regarding the results of a criminal records check 981  
conducted under this section that the superintendent reports or 982  
sends under division (A) (7) or (9) of this section to the 983  
director of public safety, the treasurer of state, or the 984  
person, board, or entity that made the request for the criminal 985  
records check shall relate to the conviction of the subject 986  
person, or the subject person's plea of guilty to, a criminal 987  
offense. 988

(2) Division (F) (1) of this section does not limit, 989  
restrict, or preclude the superintendent's release of 990  
information that relates to the arrest of a person who is 991  
eighteen years of age or older, to an adjudication of a child as 992  
a delinquent child, or to a criminal conviction of a person 993  
under eighteen years of age in circumstances in which a release 994  
of that nature is authorized under division (E) (2), (3), or (4) 995  
of section 109.57 of the Revised Code pursuant to a rule adopted 996  
under division (E) (1) of that section. 997

(G) As used in this section: 998

(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section.	999 1000 1001 1002
(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	1003 1004
(3) "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.	1005 1006 1007 1008 1009
(4) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.	1010 1011 1012 1013 1014 1015
<b>Sec. 3796.01.</b> (A) As used in this chapter:	1016
(1) "Marijuana" means marihuana as defined in section 3719.01 of the Revised Code.	1017 1018
(2) "Medical marijuana" means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.	1019 1020 1021
(3) <u>"Medical marijuana-licensed business" means the entity licensed under this chapter as a medical marijuana cultivator, processor, dispensary, or testing laboratory.</u>	1022 1023 1024
(4) <u>"Academic medical center"</u> has the same meaning as in section 4731.297 of the Revised Code.	1025 1026

~~(4)~~ (5) "Drug database" means the database established and 1027  
maintained by the state board of pharmacy pursuant to section 1028  
4729.75 of the Revised Code. 1029

(6) "Institutional investor" means any of the following 1030  
entities owning five per cent or more, but less than fifteen per 1031  
cent, of an ownership interest in a medical marijuana-licensed 1032  
business, operator, management company, or holding company: 1033

(a) A corporation; 1034

(b) A bank; 1035

(c) An insurance company; 1036

(d) A pension fund or pension fund trust; 1037

(e) A retirement fund, including funds administered by a 1038  
public agency, employees' profit-sharing fund, or employees' 1039  
profit-sharing trust; 1040

(f) Any association engaged, as a substantial part of its 1041  
business or operations, in purchasing or holding securities, 1042  
including all of the following: 1043

(i) A hedge fund, mutual fund, or private equity fund; 1044

(ii) Any trust in respect of which a bank is trustee or 1045  
cotrustee; 1046

(iii) An investment company registered under the 1047  
"Investment Company Act of 1940," 15 U.S.C. 80a-1 et seq.; 1048

(iv) A collective investment trust organized by a bank 1049  
under the rules of the comptroller of the currency under 12 1050  
C.F.R. Part 9; 1051

(v) A closed-end investment trust; 1052

<u>(vi) A chartered or licensed life insurance company or</u>	1053
<u>property and casualty insurance company;</u>	1054
<u>(vii) An investment advisor registered under the</u>	1055
<u>"Investment Advisors Act of 1940," 15 U.S.C. 80b-1 et seq.</u>	1056
<u>(g) Any other person the division of marijuana control</u>	1057
<u>reasonably determines to qualify as an institutional investor</u>	1058
<u>for reasons consistent with this chapter, that does not exercise</u>	1059
<u>control over the affairs of a medical marijuana-licensed</u>	1060
<u>business, and its ownership interest in a medical marijuana</u>	1061
<u>licensed business is for investment purposes only.</u>	1062
<u><del>(5)-(7)</del> "Marijuana cultivation area" means the boundaries</u>	1063
<u>of the enclosed areas in which medical marijuana is cultivated</u>	1064
<u>during the vegetative stage and flowering stage of the</u>	1065
<u>cultivation process. For purposes of calculating the marijuana</u>	1066
<u>cultivation area square footage, "marijuana cultivation area"</u>	1067
<u>does not include enclosed areas used solely for the storage and</u>	1068
<u>maintenance of mother plants, clones, or seedlings.</u>	1069
<u>(8) "Physician" means an individual authorized under</u>	1070
<u>Chapter 4731. of the Revised Code to practice medicine and</u>	1071
<u>surgery or osteopathic medicine and surgery.</u>	1072
<u><del>(6)-(9)</del> "Qualifying medical condition" means any of the</u>	1073
<u>following:</u>	1074
<u>(a) Acquired immune deficiency syndrome;</u>	1075
<u>(b) Alzheimer's disease;</u>	1076
<u>(c) Amyotrophic lateral sclerosis;</u>	1077
<u>(d) Cancer;</u>	1078
<u>(e) Chronic traumatic encephalopathy;</u>	1079

(f) Crohn's disease;	1080
(g) Epilepsy or another seizure disorder;	1081
(h) Fibromyalgia;	1082
(i) Glaucoma;	1083
(j) Hepatitis C;	1084
(k) Inflammatory bowel disease;	1085
(l) Multiple sclerosis;	1086
(m) Pain that is either of the following:	1087
(i) Chronic and severe;	1088
(ii) Intractable.	1089
(n) Parkinson's disease;	1090
(o) Positive status for HIV;	1091
(p) Post-traumatic stress disorder;	1092
(q) Sickle cell anemia;	1093
(r) Spinal cord disease or injury;	1094
(s) Tourette's syndrome;	1095
(t) Traumatic brain injury;	1096
(u) Ulcerative colitis;	1097
(v) <u>Arthritis;</u>	1098
<u>(w) Migraines;</u>	1099
<u>(x) Autism spectrum disorder;</u>	1100
<u>(y) Spasticity or chronic muscle spasms;</u>	1101

<u>(z) Hospice care or terminal illness;</u>	1102
<u>(aa) Opioid use disorder;</u>	1103
<u>(bb) Any condition not specified in this division that a recommending physician is qualified to treat and considers, in the physician's sole discretion and medical opinion, as debilitating to the patient as the conditions listed in division (A) (9) of this section;</u>	1104 1105 1106 1107 1108
<u>(cc) Any other disease or condition added by the state medical board under section 4731.302 of the Revised Code.</u>	1109 1110
<u>(7)-(10) "Recommending physician" means a physician certified to recommend medical marijuana for the treatment of a qualifying medical condition pursuant to section 4731.30 of the Revised Code.</u>	1111 1112 1113 1114
<u>(11) "Stand-alone processor" means a licensed processor that has obtained its certificate of operation by October 1, 2021.</u>	1115 1116 1117
<u>(12) "Stand-alone processor cultivation license" means a cultivation license awarded to a stand-alone processor.</u>	1118 1119
<u>(13) "State university" has the same meaning as in section 3345.011 of the Revised Code.</u>	1120 1121
<u>(14) "Medical marijuana license" means a medical marijuana cultivator license, medical marijuana processor license, medical marijuana retail dispensary license, or medical marijuana testing laboratory license.</u>	1122 1123 1124 1125
(B) Notwithstanding any conflicting provision of Chapter 3719. of the Revised Code or the rules adopted under it, for purposes of this chapter, medical marijuana is a schedule II controlled substance.	1126 1127 1128 1129

**Sec. 3796.02.** There is hereby established a ~~medical-~~ 1130  
~~marijuana control program~~ division of marijuana control in the 1131  
department of commerce ~~and the state board of pharmacy~~. The 1132  
~~department~~ division shall provide for the licensure of medical 1133  
marijuana cultivators ~~and, processors,~~ and retail dispensaries, 1134  
and also the licensure of laboratories that test medical 1135  
marijuana. The ~~board~~ division shall provide for ~~the licensure of~~ 1136  
~~retail dispensaries~~ and the registration of patients and their 1137  
caregivers. The ~~department and board~~ division shall administer 1138  
the medical marijuana control program. 1139

**Sec. 3796.021.** (A) The medical marijuana oversight 1140  
commission is hereby created as an independent body within the 1141  
division of marijuana control in the department of commerce. The 1142  
thirteen-member commission shall consist of the following: 1143

(1) A member who is a practicing pharmacist who supports 1144  
the use of marijuana for medical purposes; 1145

(2) A member who is a practicing physician who supports 1146  
the use of marijuana for medical purposes; 1147

(3) A member who represents local law enforcement; 1148

(4) A member who represents employers; 1149

(5) A member who represents labor; 1150

(6) A member who represents an organization involved in 1151  
the treatment of alcohol and drug addiction; 1152

(7) A member who is a nurse; 1153

(8) A member who represents caregivers; 1154

(9) A member who represents patients; 1155

(10) Two members who represent entities licensed under 1156



this chapter; 1157

(11) A member who represents the general public; 1158

(12) A member who engages in academic endocannabinoid 1159  
research. 1160

(B) The governor shall appoint the members described in 1161  
divisions (A) (1), (2), (4), (7), (9), and (11) of this section. 1162  
The senate president shall appoint the members described in 1163  
divisions (A) (3) and (10) of this section. The minority leader 1164  
of the senate shall appoint the member described in division (A) 1165  
(6) of this section. The speaker of the house of representatives 1166  
shall appoint the members described in divisions (A) (8) and (12) 1167  
of this section. The minority leader of the house of 1168  
representatives shall appoint the member described in division 1169  
(A) (5) of this section. 1170

(C) Appointments to the commission shall be made not later 1171  
than thirty days after the effective date of this section. 1172

(D) Each member of the commission shall serve from the 1173  
date of appointment until the member dies, resigns, or is 1174  
removed by the appointing authority. Vacancies shall be filled 1175  
in the same manner as original appointments. 1176

(E) In connection with commission meetings and business, 1177  
each member of the commission shall receive a per diem rate of 1178  
one hundred fifty dollars and the member's necessary travel 1179  
expenses. 1180

(F) The governor shall select a member of the commission 1181  
to serve as its chairperson. 1182

(G) The commission shall hold its initial meeting not 1183  
later than thirty days after the last member of the commission 1184

is appointed. The commission shall adopt internal management 1185  
rules pursuant to section 111.15 of the Revised Code. The 1186  
commission shall develop and oversee the division of marijuana 1187  
control regarding any policies, procedures, regulations, and 1188  
licensing related to the medical marijuana control program and 1189  
the implementation and enforcement of this chapter. The 1190  
commission shall administer the program and may take any action 1191  
necessary to implement and enforce this chapter. 1192

(H) The commission is not subject to sections 101.82 to 1193  
101.87 of the Revised Code. 1194

(I) Members of the commission shall comply with Chapter 1195  
102. and sections 2921.42 and 2921.43 of the Revised Code. 1196

**Sec. 3796.03.** (A) (1) Except as provided in division (A) (2) 1197  
of this section, not later than one year after September 8, 1198  
2016, the ~~department of commerce~~ division of marijuana control 1199  
shall adopt rules establishing standards and procedures for the 1200  
medical marijuana control program. 1201

(2) The ~~department~~ division shall adopt rules establishing 1202  
standards and procedures for the licensure of cultivators not 1203  
later than two hundred forty days after September 8, 2016. 1204

(3) All rules adopted under this section shall be adopted 1205  
in accordance with Chapter 119. of the Revised Code. 1206

(B) The rules shall do all of the following: 1207

(1) Establish application procedures and fees for licenses 1208  
~~it~~ the division issues under this chapter; 1209

(2) Specify ~~both~~ all of the following: 1210

(a) The conditions that must be met to be eligible for 1211  
licensure; 1212

(b) In accordance with section 9.79 of the Revised Code, 1213  
the criminal offenses for which an applicant will be 1214  
disqualified from licensure pursuant to that section; 1215

(c) Which of the criminal offenses specified pursuant to 1216  
division (B) (2) (b) of this section will not disqualify an 1217  
applicant from holding a medical marijuana license if the 1218  
applicant was convicted of or pleaded guilty to the offense more 1219  
than five years before the date the application for licensure is 1220  
filed. 1221

(3) (a) Establish, in accordance with section 3796.05 of 1222  
the Revised Code, the number of cultivator licenses that will be 1223  
permitted at any one time; 1224

(b) (i) Establish, in accordance with section 3796.05 of 1225  
the Revised Code, the number of retail dispensary licenses that 1226  
will be permitted at any one time, endeavoring to achieve a 1227  
ratio of at least one retail dispensary per one thousand 1228  
registered patients up to the first three hundred thousand 1229  
registered patients and then adding additional retail 1230  
dispensaries on an as-needed basis thereafter, to be evaluated 1231  
and awarded at least once every two years. 1232

(ii) Establish that, when determining the number of retail 1233  
dispensaries to license during any licensing event, the division 1234  
shall take into account anticipated growth in patient numbers 1235  
and patient demand based on sales and market data to ensure that 1236  
new retail dispensary openings are timed to meet such demand. 1237

(iii) Establish that a new retail dispensary license will 1238  
not be issued for a location that is within one mile of an 1239  
existing retail dispensary. 1240

(iv) Establish that no person shall own more than five 1241

retail dispensaries in this state or five per cent of the total 1242  
number of retail dispensaries in this state at one time, 1243  
whichever is greater. 1244

(v) Establish that the total number of dispensary licenses 1245  
that one person may hold within a certain geographic region 1246  
shall not be greater than five. 1247

(vi) In order to achieve the minimum ratio described in 1248  
division (B) (3) (b) (i) of this section expeditiously, not later 1249  
than ninety days after the effective date of this amendment, the 1250  
division shall issue dispensary licenses to cultivators that 1251  
meet the requirements of section 3796.10 of the Revised Code. 1252  
The division shall issue two provisional retail dispensary 1253  
licenses to each level I cultivator at such date. The division 1254  
shall issue one provisional retail dispensary to each level II 1255  
cultivator at such date, including both a cultivator who is 1256  
under construction on the effective date of this amendment and a 1257  
stand-alone processor that has successfully submitted an 1258  
application for a stand-alone processor cultivation license. 1259

(c) As used in division (B) (3) (b) (v) of this section, 1260  
"geographic region" means the following: 1261

(i) The northwest region, which includes the counties of 1262  
Allen, Ashland, Auglaize, Crawford, Defiance, Erie, Fulton, 1263  
Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, 1264  
Paulding, Putnam, Richland, Sandusky, Seneca, Van Wert, 1265  
Williams, Wood, and Wyandot; 1266

(ii) The northeast region, which includes the counties of 1267  
Ashtabula, Carroll, Columbiana, Cuyahoga, Geauga, Holmes, Lake, 1268  
Lorain, Mahoning, Medina, Portage, Stark, Summit, Trumbull, 1269  
Tuscarawas, and Wayne; 1270

- (iii) The southeast region, which includes the counties of 1271  
Athens, Belmont, Coshocton, Delaware, Fairfield, Franklin, 1272  
Gallia, Guernsey, Harrison, Hocking, Jackson, Jefferson, Knox, 1273  
Lawrence, Licking, Meigs, Monroe, Morgan, Morrow, Muskingum, 1274  
Noble, Perry, Pickaway, Pike, Ross, Scioto, Vinton, and 1275  
Washington; 1276
- (iv) The southwest region, which includes the counties of 1277  
Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, 1278  
Darke, Fayette, Greene, Hamilton, Highland, Logan, Madison, 1279  
Miami, Montgomery, Preble, Shelby, Union, and Warren. 1280
- (d) Establish that, when reviewing and ranking 1281  
applications for licensure, the division shall do all of the 1282  
following: 1283
- (i) Consider the licensure eligibility conditions 1284  
established in the rules adopted pursuant to this section; 1285
- (ii) Use an impartial and numerical scoring process that 1286  
takes into account the licensure eligibility conditions 1287  
established by the division by rule; 1288
- (iii) Establish a minimum score that an applicant must 1289  
attain to be qualified for licensure; 1290
- (iv) Assign a score to each applicant; 1291
- (v) Otherwise consistently deploy a merit-based request 1292  
for an application process that specifically does not determine 1293  
licensees by lottery or an equivalent randomized selection 1294  
process. 1295
- (e) Establish that the division may contract with a 1296  
separate entity to review and rank applications for licensure. 1297  
If the division contracts with a separate entity, the entity 1298

<u>shall comply with the requirements of division (B) (3) (d) of this section.</u>	1299
	1300
(4) Establish a license renewal schedule, renewal procedures, and renewal fees;	1301
	1302
(5) <u>(a)</u> Specify reasons for which a license may be suspended, including without prior hearing, revoked, or not be renewed or issued and the reasons for which a civil penalty may be imposed on a license holder;	1303
	1304
	1305
	1306
<u>(b) (i) The division may revoke a license for failure to secure a certificate of operation within eighteen months of provisional licensure.</u>	1307
	1308
	1309
<u>(ii) The holder of a provisional license may apply to the division for not more than two six-month extensions of this deadline. The division shall approve the extension if the license holder demonstrates that the license holder has made a good-faith effort at becoming operational.</u>	1310
	1311
	1312
	1313
	1314
(6) Establish standards under which a license suspension may be lifted;	1315
	1316
(7) <u>Establish procedures for registration of patients and caregivers and requirements that must be met to be eligible for registration;</u>	1317
	1318
	1319
<u>(8) Establish training requirements for employees of retail dispensaries;</u>	1320
	1321
<u>(9) Specify if a cultivator, retail dispensary, processor, or laboratory that is licensed under this chapter and that existed at a location before a school, church, public library, public playground, or public park became established within five hundred feet of the cultivator, processor, or laboratory, may</u>	1322
	1323
	1324
	1325
	1326

remain in operation or shall relocate or have its license 1327  
revoked by the ~~board~~division; 1328

~~(8)~~(10) Specify both of the following: 1329

(a) Subject to division ~~(B) (8) (b)~~(B) (10) (b) of this 1330  
section, the criminal offenses for which a person will be 1331  
disqualified from employment with a license holder; 1332

(b) Which of the criminal offenses specified pursuant to 1333  
division ~~(B) (8) (a)~~(B) (10) (a) of this section will not 1334  
disqualify a person from employment with a license holder if the 1335  
person was convicted of or pleaded guilty to the offense more 1336  
than five years before the date the employment begins. 1337

~~(9)~~(11) Establish, in accordance with section 3796.05 of 1338  
the Revised Code, standards and procedures for the testing and 1339  
retesting of medical marijuana by a laboratory licensed under 1340  
this chapter; 1341

(12) Specify, by form and tetrahydrocannabinol content, a 1342  
maximum ninety-day supply of medical marijuana that may be 1343  
possessed; 1344

(13) Specify the paraphernalia or other accessories that 1345  
may be used in the administration of medical marijuana to a 1346  
registered patient; 1347

(14) Establish procedures for the issuance of patient or 1348  
caregiver identification cards; 1349

(15) Specify the forms of or methods of using medical 1350  
marijuana that are attractive to children; 1351

(16) Establish a program to assist patients who are 1352  
veterans or indigent in obtaining medical marijuana in 1353  
accordance with this chapter; 1354

(17) Allow a medical marijuana license holder to 1355  
advertise, on social media or otherwise, without receiving prior 1356  
approval from the division; 1357

(18) Allow licensed dispensaries to display products on 1358  
advertisements and within the dispensary; 1359

(19) Specify that a cultivator, retail dispensary, 1360  
processor, or laboratory that is licensed under this chapter 1361  
shall not include on the label of the product, or publish, or 1362  
disseminate in advertising or marketing, any claims that medical 1363  
marijuana can, or is intended to, diagnose or cure disease; 1364

(20) Impose a fine or other penalties for licensed 1365  
entities that fail to comply with rules adopted under divisions 1366  
(B) (17), (18), and (19) of this section or any other rules 1367  
adopted by the division pertaining to advertisements; 1368

(21) Provide for the dispensing or selling of medical 1369  
marijuana by licensed dispensaries via drive-through or curbside 1370  
pickups; 1371

(22) (a) Establish a new category of cultivator license for 1372  
stand-alone processors; 1373

(b) Any cultivator license issued to a stand-alone 1374  
processor shall be on the same terms and be subject to the same 1375  
conditions and requirements as a level II cultivator license; 1376

(c) A stand-alone processor shall be eligible for a stand- 1377  
alone processor cultivation license if all of the following 1378  
criteria are met: 1379

(i) The processor, or its affiliate, does not already have 1380  
a cultivation license. 1381

(ii) The processor, or its affiliate for purposes of the 1382



original cultivation application, initially applied for a 1383  
cultivation license on the existing site where its processing 1384  
facility currently resides. 1385

(iii) The processor obtained its certificate of operation 1386  
on or before October 1, 2021. 1387

(iv) The processor commits to develop the stand-alone 1388  
processor cultivation facility on the existing site where its 1389  
stand-alone processor facility currently resides. 1390

(23) Authorize the holder of a level II cultivator license 1391  
who does not hold a processor license to apply for and receive a 1392  
processor license; 1393

(24) Establish a standard for the application and approval 1394  
of a change of ownership in a medical marijuana-licensed 1395  
business, including all of the following: 1396

(a) A process for adding or removing owners without 1397  
applying for a change of ownership when the addition or removal 1398  
does not amount to a change in who controls the medical 1399  
marijuana-licensed business; 1400

(b) Allowing for investment in a medical marijuana- 1401  
licensed business by an institutional investor without requiring 1402  
a change of ownership application or the licensing of the 1403  
officers, executives, directors, or board members of the 1404  
institutional investor; 1405

(c) Allowing for the investment or ownership in a medical 1406  
marijuana-licensed business of less than five per cent by any 1407  
person or entity without requiring the person or any officers, 1408  
executives, directors, or board members of the entity to become 1409  
licensed except in such instances when the person or entity will 1410  
exercise control over the affairs of the medical marijuana 1411

licensed business. 1412

(25) Specify that when dispensing or selling medical 1413  
marijuana, a licensed retail dispensary shall dispense or sell 1414  
only upon a showing of a current, valid identification card and 1415  
in accordance with a written recommendation issued by a 1416  
physician. 1417

(C) In addition to the rules described in division (B) of 1418  
this section, the ~~department~~ division may adopt any other rules 1419  
it considers necessary for the program's administration and the 1420  
implementation and enforcement of this chapter. 1421

(D) When adopting rules under this section, the ~~department~~ 1422  
division shall consider standards and procedures that have been 1423  
found to be best practices relative to the use and regulation of 1424  
medical marijuana. 1425

**Sec. 3796.032.** This chapter does not authorize the 1426  
~~department of commerce or the state board of pharmacy~~ division 1427  
of marijuana control to oversee or limit research conducted at a 1428  
state university, academic medical center, or private research 1429  
and development organization that is related to marijuana and is 1430  
approved by an agency, board, center, department, or institute 1431  
of the United States government, including any of the following: 1432

(A) The agency for health care research and quality; 1433

(B) The national institutes of health; 1434

(C) The national academy of sciences; 1435

(D) The centers for medicare and medicaid services; 1436

(E) The United States department of defense; 1437

(F) The centers for disease control and prevention; 1438

(G) The United States department of veterans affairs;	1439
(H) The drug enforcement administration;	1440
(I) The food and drug administration;	1441
(J) Any board recognized by the national institutes of health for the purpose of evaluating the medical value of health care services.	1442 1443 1444
<b>Sec. 3796.05.</b> (A) When establishing the number of cultivator licenses that will be permitted at any one time, the <del>department of commerce</del> <u>division of marijuana control</u> shall consider <del>both</del> <u>all</u> of the following:	1445 1446 1447 1448
(1) The population of this state;	1449
(2) The number of patients seeking to use medical marijuana; <u>  </u>	1450 1451
(3) <u>Whether licensed cultivators have expanded to full capacity.</u>	1452 1453
(B) When establishing the number of retail dispensary licenses that will be permitted at any one time, the <del>state board of pharmacy</del> <u>division</u> shall consider all of the following:	1454 1455 1456
(1) The population of this state;	1457
(2) The number of patients seeking to use medical marijuana; <u>  </u>	1458 1459
(3) The geographic distribution of dispensary sites in an effort to ensure patient access to medical marijuana; <u>  </u>	1460 1461
(4) <u>Projected growth of the patient registry over the next two years.</u>	1462 1463
(C) When establishing standards and procedures for the	1464

testing of medical marijuana, the <del>department</del> <u>division</u> shall do	1465
all of the following:	1466
(1) Specify when testing must be conducted;	1467
(2) Determine the minimum amount of medical marijuana that must be tested;	1468 1469
(3) Specify the manner in which testing is to be conducted in an effort to ensure uniformity of medical marijuana products processed for and dispensed to patients;	1470 1471 1472
(4) Specify the manner in which test results are provided.	1473
<b>Sec. 3796.06.</b> (A) Only the following forms of medical	1474
marijuana may be dispensed under this chapter:	1475
(1) Oils;	1476
(2) Tinctures;	1477
(3) Plant material;	1478
(4) Edibles;	1479
(5) Patches;	1480
(6) <u>Pills;</u>	1481
<u>(7) Capsules and suppositories;</u>	1482
<u>(8) Oral pouches;</u>	1483
<u>(9) Oral strips;</u>	1484
<u>(10) Oral or topical sprays;</u>	1485
<u>(11) Salves, lotions, or similar items;</u>	1486
<u>(12) Inhalers;</u>	1487
<u>(13) Any other form approved by the <del>state board of</del></u>	1488

<del>pharmacy under section 3796.061 of the Revised Code</del> <u>division of</u>	1489
<u>marijuana control.</u>	1490
(B) With respect to the methods of using medical	1491
marijuana, all of the following apply:	1492
(1) The smoking or combustion of medical marijuana is	1493
prohibited.	1494
(2) The vaporization <u>and inhalation of</u> medical marijuana	1495
<del>is</del> <u>are</u> permitted <del>+</del> .	1496
(3) <u>Oral administration of medical marijuana is permitted.</u>	1497
(4) <u>Transdermal administration of medical marijuana is</u>	1498
<u>permitted.</u>	1499
(5) <u>Oral absorption of medical marijuana into the</u>	1500
<u>bloodstream, either buccally or sublingually, is permitted.</u>	1501
(6) <u>The state board of pharmacy</u> <del>division</del> may approve	1502
additional methods of using medical marijuana, other than	1503
smoking or combustion, under section 3796.061 of the Revised	1504
Code.	1505
(C) Any form or method that is considered attractive to	1506
children, as specified in rules adopted by the <del>board</del> <u>division</u> , is	1507
prohibited.	1508
(D) With respect to tetrahydrocannabinol content, all of	1509
the following apply:	1510
(1) Plant material shall have a tetrahydrocannabinol	1511
content of not more than thirty-five per cent.	1512
(2) Extracts shall have a tetrahydrocannabinol content of	1513
not more than <del>seventy</del> <u>ninety</u> per cent.	1514
(E) <u>A ninety-day supply of plant material shall have a</u>	1515

weight of not less than nine ounces. 1516

**Sec. 3796.061.** (A) Any person may submit a petition to the 1517  
~~state board of pharmacy~~ division of marijuana control requesting 1518  
that a form of or method of using medical marijuana be approved 1519  
for the purposes of section 3796.06 of the Revised Code. A 1520  
petition shall be submitted to the ~~board~~ division in a manner 1521  
prescribed by the ~~board~~ division. A petition shall not seek to 1522  
approve a method of using medical marijuana that involves 1523  
smoking or combustion. 1524

(B) On receipt of a petition, the ~~board~~ division shall 1525  
review it to determine whether to approve the form of or method 1526  
of using medical marijuana described in the petition. ~~The board~~ 1527  
~~may consolidate the review of petitions for the same or similar~~ 1528  
~~forms or methods. In making its determination, the board shall~~ 1529  
~~consult with one or more experts and review any relevant~~ 1530  
~~scientific evidence~~ The division shall make its determination 1531  
within sixty days of receiving the petition. 1532

~~(C) The board shall approve or deny the petition in~~ 1533  
~~accordance with any rules adopted by the board under this~~ 1534  
~~section. The board's decision is final.~~ 1535

~~(D)~~ (C) The ~~board~~ division may adopt rules as necessary to 1536  
implement this section. The rules shall be adopted in accordance 1537  
with Chapter 119. of the Revised Code. 1538

**Sec. 3796.08.** (A) (1) ~~A~~ Until sixty days following the 1539  
effective date of this amendment, a patient seeking to use 1540  
medical marijuana or a caregiver seeking to assist a patient in 1541  
the use or administration of medical marijuana shall apply to 1542  
the state board of pharmacy for registration. On and after sixty 1543  
days following the effective date of this amendment, a patient 1544

seeking to use medical marijuana or a caregiver seeking to 1545  
assist a patient in the use or administration of medical 1546  
marijuana shall apply to the division of marijuana control for 1547  
registration. The physician who holds a certificate to recommend 1548  
issued by the state medical board and is treating the patient or 1549  
the physician's delegate shall submit the application on the 1550  
patient's or caregiver's behalf in the manner established in 1551  
rules adopted under section ~~3796.04~~3796.03 of the Revised Code. 1552

(2) The application shall include all of the following: 1553

(a) A statement from the physician certifying all of the 1554  
following: 1555

(i) That a bona fide physician-patient relationship exists 1556  
between the physician and patient; 1557

(ii) That the patient has been diagnosed with a qualifying 1558  
medical condition; 1559

(iii) That the physician or physician delegate has 1560  
requested from the drug database a report of information related 1561  
to the patient that covers at least the twelve months 1562  
immediately preceding the date of the report; 1563

(iv) That the physician has informed the patient of the 1564  
risks and benefits of medical marijuana as it pertains to the 1565  
patient's qualifying medical condition and medical history. 1566

(b) In the case of an application submitted on behalf of a 1567  
patient, the name or names of the one or more caregivers that 1568  
will assist the patient in the use or administration of medical 1569  
marijuana; 1570

(c) In the case of an application submitted on behalf of a 1571  
caregiver, the name of the patient or patients that the 1572

caregiver seeks to assist in the use or administration of 1573  
medical marijuana. 1574

(3) If the application is complete and meets the 1575  
requirements established in rules, the board or division, as 1576  
applicable, shall register the patient or caregiver and issue to 1577  
the patient or caregiver an identification card. 1578

(B) The board or division, as applicable, shall not make 1579  
public any information reported to or collected by the board or 1580  
division, as applicable, under this section that identifies or 1581  
would tend to identify any specific patient. 1582

Information collected by the board or division, as 1583  
applicable, pursuant to this section is confidential and not a 1584  
public record. The board or division, as applicable, may share 1585  
identifying information with a licensed retail dispensary for 1586  
the purpose of confirming that a person has a valid 1587  
registration. Information that does not identify a person may be 1588  
released in summary, statistical, or aggregate form. 1589

(C) A registration expires according to the renewal 1590  
schedule established in rules adopted under section ~~3796.04~~ 1591  
3796.03 of the Revised Code and may be renewed in accordance 1592  
with procedures established in those rules. 1593

**Sec. 3796.10.** (A) An entity that seeks to dispense at 1594  
retail medical marijuana shall file an application for licensure 1595  
with the ~~state board of pharmacy~~division of marijuana control. 1596  
The entity shall file an application for each location from 1597  
which it seeks to operate. Each application shall be submitted 1598  
in accordance with rules adopted under section ~~3796.04~~3796.03 1599  
of the Revised Code. 1600

(B) The ~~board~~division shall issue a license to an 1601



applicant if all of the following conditions are met: 1602

(1) The report of the criminal records check conducted 1603  
pursuant to section 3796.12 of the Revised Code with respect to 1604  
the application demonstrates that the person subject to the 1605  
criminal records check requirement has not been convicted of or 1606  
pleaded guilty to any of the disqualifying offenses specified in 1607  
rules adopted under section 9.79 and division (B) (2) (b) of 1608  
section ~~3796.04~~3796.03 of the Revised Code. 1609

(2) The applicant demonstrates that it does not have an 1610  
ownership or investment interest in or compensation arrangement 1611  
with any of the following: 1612

(a) A laboratory licensed under this chapter; 1613

(b) An applicant for a license to conduct laboratory 1614  
testing. 1615

(3) The applicant demonstrates that it does not share any 1616  
corporate officers or employees with any of the following: 1617

(a) A laboratory licensed under this chapter; 1618

(b) An applicant for a license to conduct laboratory 1619  
testing. 1620

(4) The applicant demonstrates that it will not be located 1621  
within five hundred feet of a school, church, public library, 1622  
public playground, or public park. 1623

(5) The information provided to the ~~board~~division 1624  
pursuant to section 3796.11 of the Revised Code demonstrates 1625  
that the applicant is in compliance with the applicable tax laws 1626  
of this state. 1627

(6) The applicant meets all other licensure eligibility 1628

conditions established in rules adopted under section ~~3796.04~~ 1629  
3796.03 of the Revised Code. 1630

(C) The ~~board~~ division shall issue not less than fifteen 1631  
per cent of retail dispensary licenses to entities that are 1632  
owned and controlled by United States citizens who are residents 1633  
of this state and are members of one of the following 1634  
economically disadvantaged groups: Blacks or African Americans, 1635  
American Indians, Hispanics or Latinos, and Asians. If no 1636  
applications or an insufficient number of applications are 1637  
submitted by such entities that meet the conditions set forth in 1638  
division (B) of this section, the licenses shall be issued 1639  
according to usual procedures. 1640

As used in this division, "owned and controlled" means 1641  
that at least fifty-one per cent of the business, including 1642  
corporate stock if a corporation, is owned by persons who belong 1643  
to one or more of the groups set forth in this division, and 1644  
that those owners have control over the management and day-to- 1645  
day operations of the business and an interest in the capital, 1646  
assets, and profits and losses of the business proportionate to 1647  
their percentage of ownership. 1648

(D) A license expires according to the renewal schedule 1649  
established in rules adopted under section ~~3796.04~~ 3796.03 of 1650  
the Revised Code and may be renewed in accordance with the 1651  
procedures established in those rules. 1652

(E) The medical director of a dispensary licensed under 1653  
this chapter shall be a person authorized under Chapter 4731. of 1654  
the Revised Code to practice medicine and surgery or osteopathic 1655  
medicine and surgery and who meets the requirements of section 1656  
4731.30 of the Revised Code. 1657

(F) Nothing in Chapter 3796. of the Revised Code shall be 1658  
construed as requiring a medical marijuana dispensary to have a 1659  
medical director. 1660

**Sec. 3796.11.** (A) (1) Notwithstanding section 149.43 of the 1661  
Revised Code or any other public records law to the contrary or 1662  
any law relating to the confidentiality of tax return 1663  
information, upon the request of the ~~department of commerce or~~ 1664  
~~state board of pharmacy~~division of marijuana control, the 1665  
department of taxation shall provide to the ~~department of~~ 1666  
~~commerce or board~~division all of the following information: 1667

(a) Whether an applicant for licensure under this chapter 1668  
is in compliance with the applicable tax laws of this state; 1669

(b) Any past or pending violation by the applicant of 1670  
those tax laws, and any penalty imposed on the applicant for 1671  
such a violation. 1672

(2) The ~~department of commerce or board~~division shall 1673  
request the information only as it pertains to an application 1674  
for licensure that the ~~department of commerce or board, as~~ 1675  
~~applicable,~~ division is reviewing. 1676

(3) The department of taxation may charge the ~~department~~ 1677  
~~of commerce or board~~division a reasonable fee to cover the 1678  
administrative cost of providing the information. 1679

(B) Information received under this section is 1680  
confidential. Except as otherwise permitted by other state law 1681  
or federal law, the ~~department of commerce or board~~division 1682  
shall not make the information available to any person other 1683  
than the applicant for licensure to whom the information 1684  
applies. 1685

**Sec. 3796.12.** (A) As used in this section, "criminal 1686

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

(B) (1) As part of the application process for a license issued under this chapter, the ~~department of commerce or state board of pharmacy, whichever is issuing the license,~~ division of marijuana control shall require each of the following to complete a criminal records check:

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

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

(2) If a person subject to the criminal records check requirement does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent of the bureau of criminal identification and investigation has requested information about the person from the federal bureau of investigation in a criminal records check, the ~~department or board~~ division shall request that the person obtain through the superintendent a criminal records request from the federal bureau of investigation as part of the criminal records check of the person. Even if a person presents proof of having been a resident of this state for the five-year period, the ~~department or board~~ division may request that the person obtain information through the superintendent from the federal bureau of investigation in the criminal records check.

(C) The ~~department or board~~ division shall provide the

following to each person who is subject to the criminal records 1716  
check requirement: 1717

(1) Information about accessing, completing, and 1718  
forwarding to the superintendent of the bureau of criminal 1719  
identification and investigation the form prescribed pursuant to 1720  
division (C) (1) of section 109.572 of the Revised Code and the 1721  
standard impression sheet to obtain fingerprint impressions 1722  
prescribed pursuant to division (C) (2) of that section; 1723

(2) Written notification that the person is to instruct 1724  
the superintendent to submit the completed report of the 1725  
criminal records check directly to the ~~department or~~ 1726  
~~board~~division. 1727

(D) Each person who is subject to the criminal records 1728  
check requirement shall pay to the bureau of criminal 1729  
identification and investigation the fee prescribed pursuant to 1730  
division (C) (3) of section 109.572 of the Revised Code for the 1731  
criminal records check conducted of the person. 1732

(E) The report of any criminal records check conducted by 1733  
the bureau of criminal identification and investigation in 1734  
accordance with section 109.572 of the Revised Code and pursuant 1735  
to a request made under this section is not a public record for 1736  
the purposes of section 149.43 of the Revised Code and shall not 1737  
be made available to any person other than the following: 1738

(1) The person who is the subject of the criminal records 1739  
check or the person's representative; 1740

(2) The members and staff of the ~~department or~~ 1741  
~~board~~division; 1742

(3) A court, hearing officer, or other necessary 1743  
individual involved in a case dealing with either of the 1744

following: 1745

(a) A license denial resulting from the criminal records 1746  
check; 1747

(b) A civil or criminal action regarding the medical 1748  
marijuana control program or any violation of this chapter. 1749

(F) The ~~department or board~~ division shall deny a license 1750  
if, after receiving the information and notification required by 1751  
this section, a person subject to the criminal records check 1752  
requirement fails to do either of the following: 1753

(1) Access, complete, or forward to the superintendent of 1754  
the bureau of criminal identification and investigation the form 1755  
prescribed pursuant to division (C) (1) of section 109.572 of the 1756  
Revised Code or the standard impression sheet prescribed 1757  
pursuant to division (C) (2) of that section; 1758

(2) Instruct the superintendent to submit the completed 1759  
report of the criminal records check directly to the ~~department-~~ 1760  
~~or board~~ division. 1761

**Sec. 3796.13.** (A) Each person seeking employment with an 1762  
entity licensed under this chapter shall comply with sections 1763  
4776.01 to 4776.04 of the Revised Code. Except as provided in 1764  
division (B) of this section, such an entity shall not employ 1765  
the person unless the person ~~complies with those sections and~~ 1766  
~~the~~ has submitted a criminal records check under those sections. 1767  
The report of the resulting criminal records check ~~demonstrates-~~ 1768  
shall demonstrate that the person has not been convicted of or 1769  
pleaded guilty to ~~the following:~~ 1770

~~(1) Any~~ any of the disqualifying offenses specified in 1771  
rules adopted under division ~~(B) (8) (a)~~ (B) (10) (a) of section 1772  
3796.03 of the Revised Code if the person is seeking employment 1773

with an entity licensed by the ~~department of commerce~~ division  
of marijuana control under this chapter. 1774  
1775

~~(2) Any of the disqualifying offenses specified in rules~~ 1776  
~~adopted under division (B) (14) (a) of section 3796.04 of the~~ 1777  
~~Revised Code if the person is seeking employment with an entity~~ 1778  
~~licensed by the state board of pharmacy under this chapter.~~ 1779

(B) (1) An entity is not prohibited by division (A) of this 1780  
section from employing a person if ~~the following applies:~~ 1781

~~(1) In the case of a person seeking employment with an~~ 1782  
~~entity licensed by the department of commerce under this~~ 1783  
~~chapter,~~ the disqualifying offense the person was convicted of 1784  
or pleaded guilty to is one of the offenses specified in rules 1785  
adopted under division ~~(B) (8) (b)~~ (B) (10) (b) of section 3796.03 1786  
of the Revised Code and the person was convicted of or pleaded 1787  
guilty to the offense more than five years before the date the 1788  
employment begins. 1789

~~(2) In the case of a person seeking employment with an~~ 1790  
~~entity licensed by the state board of pharmacy under this~~ 1791  
~~chapter,~~ the disqualifying offense the person was convicted of 1792  
or pleaded guilty to is one of the offenses specified in rules 1793  
adopted under division ~~(B) (14) (b)~~ of section 3796.04 of the 1794  
Revised Code and the person was convicted of or pleaded guilty 1795  
to the offense more than five years before the date the 1796  
~~employment begins.~~ The division may issue a person a temporary 1797  
employment badge if the person has submitted a criminal records 1798  
check and the results have not been received by the division 1799  
within ten business days of submission. 1800

**Sec. 3796.14.** (A) (1) The ~~department of commerce~~ division 1801  
of marijuana control may do any of the following for any reason 1802

specified in rules adopted under section 3796.03 of the Revised Code: 1803  
1804

(a) Suspend, suspend without prior hearing, revoke, or 1805  
refuse to renew a license it issued under this chapter or a 1806  
license or registration the state board of pharmacy issued prior 1807  
to transfer of regulatory authority over the marijuana control 1808  
program to the division; 1809

(b) Refuse to issue a license; 1810

(c) Impose on a license holder a civil penalty in an 1811  
amount to be determined by the ~~department~~division. 1812

The ~~department's~~ division's actions under this division 1813  
shall be taken in accordance with Chapter 119. of the Revised 1814  
Code. 1815

(2) The ~~department~~ division may inspect the premises of an 1816  
applicant for licensure or holder of a current, valid 1817  
cultivator, processor, retail dispensary, or laboratory license 1818  
issued under this chapter without prior notice to the applicant 1819  
or license holder. 1820

~~(B) (1) The state board of pharmacy may do any of the~~ 1821  
~~following for any reason specified in rules adopted under~~ 1822  
~~section 3796.04 of the Revised Code:~~ 1823

~~(a) Suspend, suspend without prior hearing, revoke, or~~ 1824  
~~refuse to renew a license or registration it issued under this~~ 1825  
~~chapter;~~ 1826

~~(b) Refuse to issue a license;~~ 1827

~~(c) Impose on a license holder a civil penalty in an~~ 1828  
~~amount to be determined by the board.~~ 1829



~~The board's actions under this division shall be taken in accordance with Chapter 119. of the Revised Code.~~ 1830  
1831

~~(2) The board division may inspect all of the following without prior notice to the applicant or license holder:~~ 1832  
1833

~~(a) The premises of an applicant for licensure;~~ 1834

~~(b) The premises of and all records maintained pursuant to this chapter by a holder of a current, valid retail dispensary license.~~ 1835  
1836  
1837

~~(3) With respect to a suspension without prior hearing, the board may utilize a telephone conference call to review the allegations and take a vote. The board (B) (1) The division shall suspend a license without prior hearing only if it finds clear and convincing evidence that continued distribution or cultivation of medical marijuana, as applicable, by the license holder presents a danger of immediate and serious harm to others. ~~The board~~~~ 1838  
1839  
1840  
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1845

~~(2) The division shall comply with section 119.07 of the Revised Code.~~ 1846  
1847

~~(3) The suspension shall remain in effect, unless lifted by the ~~board~~division, until the ~~board~~division issues its final adjudication order. If the ~~board~~division does not issue the order within ninety days after the adjudication hearing, the suspension shall be lifted on the ninety-first day following the hearing.~~ 1848  
1849  
1850  
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1852  
1853

**Sec. 3796.15.** ~~(A) (A) (1) The state board of pharmacy division of marijuana control shall enforce, or cause to be enforced, sections 3796.08, 3796.10, 3796.20, 3796.22, and 3796.23 of the Revised Code this chapter. If it has information that any provision of ~~those sections~~ this chapter or any rule~~ 1854  
1855  
1856  
1857  
1858

adopted under this chapter has been violated, it shall notify 1859  
the sheriff's office of the county in which the licensee is 1860  
located. The division, in conjunction with the sheriff's office, 1861  
shall investigate the matter and take any action as ~~it considers~~ 1862  
the division or sheriff considers appropriate. 1863

(2) Nothing in this chapter shall be construed as 1864  
authorizing a sheriff to enforce regulatory restrictions 1865  
relating to a medical marijuana license holder under this 1866  
chapter. The sheriff has authority to enforce criminal 1867  
violations relating to medical marijuana. 1868

(B) Nothing in this chapter shall be construed to require 1869  
the ~~state board of pharmacy division~~ to enforce minor violations 1870  
if the ~~board division~~ determines that the public interest is 1871  
adequately served by a notice or warning to the alleged 1872  
offender. 1873

(C) If the ~~board division~~ suspends, revokes, or refuses to 1874  
renew any license or registration issued under this chapter and 1875  
determines that there is clear and convincing evidence of a 1876  
danger of immediate and serious harm to any person, the ~~board~~ 1877  
division may place under seal all medical marijuana owned by or 1878  
in the possession, custody, or control of the affected license 1879  
holder or registrant. Except as provided in this division, the 1880  
~~board division~~ shall not dispose of the medical marijuana sealed 1881  
under this division until the license holder or registrant 1882  
exhausts all of the holder's or registrant's appeal rights under 1883  
Chapter 119. of the Revised Code. The court involved in such an 1884  
appeal may order the ~~board division~~, during the pendency of the 1885  
appeal, to sell medical marijuana that is perishable. The ~~board~~ 1886  
division shall deposit the proceeds of the sale with the court. 1887

**Sec. 3796.16.** ~~(A)(1) The state board of pharmacy shall~~ 1888

~~attempt in good faith to negotiate and enter into a reciprocity- 1889  
agreement with any other state under which a medical marijuana- 1890  
registry identification card or equivalent authorization that is- 1891  
issued by the other state is recognized in this state, if the- 1892  
board determines that both of the following apply: 1893~~

~~(a) The eligibility requirements imposed by the other- 1894  
state for that authorization are substantially comparable to the- 1895  
eligibility requirements for a patient or caregiver registration- 1896  
and identification card issued under this chapter. 1897~~

~~(b) The other state recognizes a patient or caregiver- 1898  
registration and identification card issued under this chapter. 1899~~

~~(2) The board shall not negotiate any agreement with any- 1900  
other state under which an authorization issued by the other- 1901  
state is recognized in this state other than as provided in- 1902  
division (A) (1) of this section. 1903~~

~~(B) If a reciprocity agreement is entered into in- 1904  
accordance with division (A) of this section, the authorization- 1905  
issued by the other state shall be recognized in this state,- 1906  
shall be accepted and valid in this state, and grants the- 1907  
patient or caregiver the same right to use, possess, obtain, or- 1908  
administer medical marijuana in this state as a patient or- 1909  
caregiver who was registered and issued an identification card- 1910  
under this chapter. 1911~~

~~(C)-(A) The division of marijuana control shall establish 1912  
a foreign patient database. 1913~~

~~(B) The purpose of the database is to allow persons who 1914  
are not residents of this state who are holders of a medical 1915  
marijuana recommendation to register with the division for the 1916  
purpose of obtaining medical marijuana in this state. 1917~~

(C) (1) A person who is not a resident of this state who 1918  
holds a medical marijuana recommendation from another state 1919  
shall register with the division via the foreign patient 1920  
database prior to purchasing medical marijuana in this state. 1921

(2) In order to register, a person shall provide both of 1922  
the following: 1923

(a) Proof that the person holds a valid driver's license 1924  
from another state; 1925

(b) Proof that the person holds a valid medical marijuana 1926  
recommendation issued in another state. 1927

(D) A dispensary shall not dispense or sell medical 1928  
marijuana to a person who is not a resident of this state unless 1929  
the dispensary has accessed the database created under this 1930  
section and verified that the person holds a valid driver's 1931  
license and a valid medical marijuana recommendation issued in 1932  
another state. 1933

(E) The ~~board~~ division may adopt any rules as necessary to 1934  
implement this section. 1935

**Sec. 3796.17.** The ~~state board of pharmacy~~ division of 1936  
marijuana control shall establish a toll-free telephone line to 1937  
respond to inquiries from patients, caregivers, and health 1938  
professionals regarding adverse reactions to medical marijuana 1939  
and to provide information about available services and 1940  
assistance. The ~~board~~ division may contract with a separate 1941  
entity to establish and maintain the telephone line on behalf of 1942  
the ~~board~~ division. 1943

**Sec. 3796.18.** (A) Notwithstanding any conflicting 1944  
provision of the Revised Code and except as provided in division 1945  
(B) of this section, the holder of a current, valid cultivator 1946

license issued under this chapter may do ~~either~~ all of the 1947  
following: 1948

(1) Cultivate medical marijuana, including the acquisition 1949  
of seeds or clones necessary to begin cultivation of a 1950  
particular cultivar of medical marijuana from another licensed 1951  
cultivator or from a legal, out-of-state cultivator; 1952

(2) Deliver or sell medical marijuana to one or more 1953  
licensed cultivators, processors, or retail dispensaries; 1954

(3) Register cuttings with the Ohio marijuana enforcement 1955  
tracking reporting and compliance system if both of the 1956  
following are met: 1957

(a) The cuttings were obtained from a legal, out-of-state 1958  
cultivator. 1959

(b) The cuttings have not otherwise been rooted as a 1960  
clone. 1961

(B) A cultivator license holder shall not cultivate 1962  
medical marijuana for personal, family, or household use or on 1963  
any public land, including a state park as defined in section 1964  
154.01 of the Revised Code. 1965

(C) When processing medical marijuana, a licensed 1966  
cultivator shall do all of the following: 1967

(1) Package the medical marijuana in accordance with 1968  
child-resistant effectiveness standards described in 16 C.F.R. 1969  
1700.15(b), as of the effective date of this amendment; 1970

(2) Label the medical marijuana packaging with the 1971  
product's tetrahydrocannabinol and cannabidiol content; 1972

(3) Comply with any packaging or labeling requirements 1973

<u>established in rules adopted by the division of marijuana</u>	1974
<u>control under section 3796.03 of the Revised Code.</u>	1975
<u>(D) The division of marijuana control may issue two levels</u>	1976
<u>of cultivator licenses.</u>	1977
<u>(1) The division may approve a cultivation area of up to</u>	1978
<u>fifty thousand square feet for the holder of a level I</u>	1979
<u>cultivator license.</u>	1980
<u>(2) The division may approve a cultivation area of up to</u>	1981
<u>fifteen thousand square feet for the holder of a level II</u>	1982
<u>cultivator license, including a stand-alone processor holding a</u>	1983
<u>stand-alone processor cultivation license.</u>	1984
<u>(E) (1) A licensed cultivator may apply to the division for</u>	1985
<u>an expansion. The division, at the division's discretion, may</u>	1986
<u>approve an expansion of an existing facility's marijuana</u>	1987
<u>cultivation area, based on cultivator compliance with licensure</u>	1988
<u>requirements, if the population of the state, number of patients</u>	1989
<u>seeking to use medical marijuana, and data from the drug</u>	1990
<u>database regarding patient recommendations and patient usage of</u>	1991
<u>medical marijuana support such expansion. If the division</u>	1992
<u>approves an expansion of a facility's marijuana cultivation</u>	1993
<u>area, the marijuana cultivation area shall not exceed the</u>	1994
<u>following:</u>	1995
<u>(a) One hundred thousand square feet for a level I license</u>	1996
<u>holder;</u>	1997
<u>(b) Twenty thousand square feet for a level II license</u>	1998
<u>holder.</u>	1999
<u>(2) A cultivator shall not submit a request for expansion</u>	2000
<u>more than once during any twelve-month period.</u>	2001

(F) A cultivator seeking to expand its marijuana cultivation area in accordance with division (E) of this section shall submit an expansion plan, that, at a minimum, does all of the following: 2002  
2003  
2004  
2005

(1) Includes plans and specifications for the expansion or alteration in accordance with rules adopted by the division that demonstrate compliance with the requirements of the rules adopted by the board of building standards pursuant to Chapters 3781. and 3791. of the Revised Code and the rules adopted by the state fire marshal pursuant to sections 3737.82 and 3737.86 of the Revised Code; 2006  
2007  
2008  
2009  
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2012

(2) Proposes a timeline for completion of the proposed expansion, which, if approved, will become a mandatory condition; 2013  
2014  
2015

(3) Demonstrates a history of compliance with this chapter and the rules adopted under it, which includes a history of enforcement actions and sanctions issued by the department of commerce or law enforcement agencies against the cultivator; 2016  
2017  
2018  
2019

(4) Provides supporting documentation that the cultivator has consistently met the cultivation requirements established in rules adopted by the division; 2020  
2021  
2022

(5) Demonstrates that the proposed expansion meets the applicable requirements established by the division in rule and that the cultivator will remain in compliance with this chapter and the rules adopted under it, if the expansion is permitted. 2023  
2024  
2025  
2026

(G) Upon the division's receipt of a request for expansion under division (E) of this section, the division has thirty calendar days to review and approve or deny the request for expansion. If the division does not deny the request for 2027  
2028  
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2030

expansion prior to the expiration of thirty calendar days, the 2031  
request is deemed approved. If the request is approved, the 2032  
cultivator is bound to the terms in the request for expansion 2033  
and shall, prior to cultivating medical marijuana in the 2034  
expanded marijuana cultivation area, pass an inspection 2035  
conducted in accordance with rules adopted by the division. A 2036  
cultivator's failure to comply with the approved request for 2037  
expansion may result in the revocation of the division's 2038  
approval or additional sanctions under this chapter or rules 2039  
adopted under it. 2040

(H) When reviewing applicants for a level I license, the 2041  
division shall give preference to level II cultivator license 2042  
holders. 2043

(I) The division shall establish a fee for a level II 2044  
license holder for an expansion beyond fifteen thousand square 2045  
feet. The fee shall be proportional to the increase and shall be 2046  
less than the fee established by the division for a level I 2047  
cultivator license holder. 2048

**Sec. 3796.19.** (A) Notwithstanding any conflicting 2049  
provision of the Revised Code, the holder of a current, valid 2050  
processor license issued under this chapter may do any of the 2051  
following: 2052

(1) (a) Obtain medical marijuana from one or more licensed 2053  
cultivators or processors; 2054

(b) Physically travel to the location of a cultivator and 2055  
directly obtain the medical marijuana from the cultivator; 2056

(2) Subject to division (B) of this section, process 2057  
medical marijuana obtained from one or more licensed cultivators 2058  
or processors into a form described in section 3796.06 of the 2059



Revised Code;	2060
(3) Deliver or sell processed medical marijuana to one or more licensed <u>cultivators, processors, or</u> retail dispensaries.	2061 2062
(B) When processing medical marijuana, a licensed processor shall do both of the following:	2063 2064
(1) Package the medical marijuana in accordance with child-resistant effectiveness standards described in 16 C.F.R. 1700.15(b) <del>on the effective date of this section</del> <u>September 8, 2016;</u>	2065 2066 2067 2068
(2) Label the medical marijuana packaging with the product's tetrahydrocannabinol and cannabidiol content;	2069 2070
(3) Comply with any packaging or labeling requirements established in rules adopted by the <del>department of commerce</del> <u>division of marijuana control</u> under section 3796.03 of the Revised Code.	2071 2072 2073 2074
<b>Sec. 3796.20.</b> (A) Notwithstanding any conflicting provision of the Revised Code, the holder of a current, valid retail dispensary license issued under this chapter may do both of the following:	2075 2076 2077 2078
(1) <u>(a) Obtain or purchase</u> medical marijuana from one or more <u>cultivators or processors;</u>	2079 2080
<u>(b) Obtain or purchase medical marijuana from another retail dispensary if the two retail dispensaries are under common ownership;</u>	2081 2082 2083
(2) Dispense or sell medical marijuana in accordance with division (B) of this section.	2084 2085
(B) When dispensing or selling medical marijuana, a	2086

licensed retail dispensary shall do all of the following: 2087

(1) Dispense or sell only upon a showing of a current, 2088  
valid identification card and in accordance with a written 2089  
recommendation issued by a physician ~~in accordance with an~~ 2090  
holding a certificate to recommend issued by the state medical 2091  
board under section 4731.30 of the Revised Code; 2092

(2) Report to the drug database the information required 2093  
by section 4729.771 of the Revised Code; 2094

(3) Label the package containing medical marijuana with 2095  
the following information: 2096

(a) The name and address of the licensed cultivator or 2097  
processor and retail dispensary; 2098

(b) The name of the patient and caregiver, if any; 2099

(c) The name of the physician who recommended treatment 2100  
with medical marijuana; 2101

(d) The directions for use, if any, as recommended by the 2102  
physician; 2103

(e) The date on which the medical marijuana was dispensed; 2104

(f) The quantity, strength, kind, or form of medical 2105  
marijuana contained in the package. 2106

(C) When dispensing or selling medical marijuana, a 2107  
licensed retail dispensary may dispense or sell the medical 2108  
marijuana by either drive-through or curbside pickup in 2109  
accordance with the rules adopted by the division under section 2110  
3796.03 of the Revised Code. 2111

(D) When operating a licensed retail dispensary, both of 2112  
the following apply: 2113

(1) A dispensary shall use only employees who have met the training requirements established in rules adopted under section ~~3796.04~~ 3796.03 of the Revised Code, including any course of education adopted by the state medical board under section 4731.304 of the Revised Code.

(2) A dispensary shall not make public any information it collects that identifies or would tend to identify any specific patient.

**Sec. 3796.21.** (A) Notwithstanding any conflicting provision of the Revised Code, the holder of a current, valid laboratory license issued under this chapter may do ~~both~~ all of the following:

(1) Obtain medical marijuana from one or more cultivators, processors, and retail dispensaries licensed under this chapter;

(2) Conduct medical marijuana testing in the manner specified in rules adopted under section 3796.03 of the Revised Code;

(3) Conduct research and development testing for cultivators and processors;

(4) In-process testing for processors;

(5) Research and development testing for cultivators and processors.

(B) Licensees may use state-licensed labs to conduct in-process product testing for internal use.

(C) (1) Retesting shall be permitted if the product fails testing or if the product test results fall outside of the typical results for that specific product.

(2) Retesting may be conducted by any licensed laboratory 2141  
on a sample taken from the same batch or lot of product that was 2142  
originally tested. For purposes of testing product, a "batch or 2143  
lot" is either of the following: 2144

(a) All of the plant material of the same strain grown 2145  
together under the same growing conditions; 2146

(b) All of the manufactured product of the same type 2147  
produced from the same oil. 2148

(D) Plant material and products that fall outside of the 2149  
testing limits for contaminants established by the division of 2150  
marijuana control may be refined using a method approved by the 2151  
division. 2152

~~(B)~~ (E) When testing medical marijuana, a licensed 2153  
laboratory shall do ~~both~~ all of the following: 2154

(1) Collect a sample of a size sufficient to conduct the 2155  
requested tests, but equaling not more than twice the amount of 2156  
material needed for such tests; 2157

(2) Test the marijuana for potency, homogeneity, and 2158  
contamination; 2159

~~(2)~~ (3) Prepare a report of the test results; 2160

(4) (a) Comply with the the following standards adopted by 2161  
the American society for testing and materials (ASTM): 2162

(i) ASTM D8375-22; 2163

(ii) ASTM D8399-22; 2164

(iii) ASTM D8196-18; 2165

(iv) ASTM D8222-21a; 2166

<u>(v) ASTM D8244-21a;</u>	2167
<u>(vi) ASTM D8334/D8334M-20.</u>	2168
<u>(b) Comply with the following standards adopted by the</u>	2169
<u>association of official agricultural chemists (AOAC):</u>	2170
<u>(i) AOAC official method 2021.03;</u>	2171
<u>(ii) AOAC SMPR 2019.001;</u>	2172
<u>(iii) AOAC SMPR 2019.002;</u>	2173
<u>(iv) AOAC SMPR 2019.003;</u>	2174
<u>(v) AOAC official method 2018.10;</u>	2175
<u>(vi) AOAC official method 2018.11.</u>	2176
<u>(F) Plant material and processed products tested under</u>	2177
<u>research and development may be sold to patients only after all</u>	2178
<u>required testing is completed and the product passes testing</u>	2179
<u>required for sale.</u>	2180
<b>Sec. 3796.22.</b> (A) Notwithstanding any conflicting	2181
provision of the Revised Code, a patient registered under this	2182
chapter who obtains medical marijuana from a retail dispensary	2183
licensed under this chapter may do both of the following:	2184
(1) Use medical marijuana;	2185
(2) Possess medical marijuana, subject to division (B) of	2186
this section;	2187
(3) Possess any paraphernalia or accessories specified in	2188
rules adopted under section <del>3796.04</del> <u>3796.03</u> of the Revised Code.	2189
(B) The amount of medical marijuana possessed by a	2190
registered patient shall not exceed a ninety-day supply, as	2191
specified in rules adopted under section <del>3796.04</del> <u>3796.03</u> of the	2192

Revised Code.	2193
(C) A registered patient shall not be subject to arrest or criminal prosecution for doing any of the following in accordance with this chapter:	2194 2195 2196
(1) Obtaining, using, or possessing medical marijuana;	2197
(2) Possessing any paraphernalia or accessories specified in rules adopted under section <del>3796.04</del> <u>3796.03</u> of the <del>Revised</del> <u>Revised</u> Code.	2198 2199 2200
(D) This section does not authorize a registered patient to operate a vehicle, streetcar, trackless trolley, watercraft, or aircraft while under the influence of medical marijuana.	2201 2202 2203
<b>Sec. 3796.23.</b> (A) Notwithstanding any conflicting provision of the Revised Code, a caregiver registered under this chapter who obtains medical marijuana from a retail dispensary licensed under this chapter may do both of the following:	2204 2205 2206 2207
(1) Possess medical marijuana on behalf of a registered patient under the caregiver's care, subject to division (B) of this section;	2208 2209 2210
(2) Assist a registered patient under the caregiver's care in the use or administration of medical marijuana;	2211 2212
(3) Possess any paraphernalia or accessories specified in rules adopted under section <del>3796.04</del> <u>3796.03</u> of the Revised Code.	2213 2214
(B) The amount of medical marijuana possessed by a registered caregiver on behalf of a registered patient shall not exceed a ninety-day supply, as specified in rules adopted under section <del>3796.04</del> <u>3796.03</u> of the Revised Code. If a caregiver provides care to more than one registered patient, the caregiver shall maintain separate inventories of medical marijuana for	2215 2216 2217 2218 2219 2220

each patient. 2221

(C) A registered caregiver shall not be subject to arrest 2222  
or criminal prosecution for doing any of following in accordance 2223  
with this chapter: 2224

(1) Obtaining or possessing medical marijuana on behalf of 2225  
a registered patient; 2226

(2) Assisting a registered patient in the use or 2227  
administration of medical marijuana; 2228

(3) Possessing any paraphernalia or accessories specified 2229  
in rules adopted under section ~~3796.04~~3796.03 of the Revised 2230  
Code. 2231

(D) This section does not permit a registered caregiver to 2232  
personally use medical marijuana, unless the caregiver is also a 2233  
registered patient. 2234

**Sec. 3796.27.** (A) As used in this section: 2235

(1) "Financial institution" means any of the following: 2236

(a) Any bank, trust company, savings and loan association, 2237  
savings bank, or credit union or any affiliate, agent, or 2238  
employee of a bank, trust company, savings and loan association, 2239  
savings bank, or credit union; 2240

(b) Any money transmitter licensed under sections 1315.01 2241  
to 1315.18 of the Revised Code or any affiliate, agent, or 2242  
employee of such a licensee. 2243

(2) "Financial services" means services that a financial 2244  
institution is authorized to provide under Title XI, sections 2245  
1315.01 to 1315.18, or Chapter 1733. of the Revised Code, as 2246  
applicable. 2247

(B) A financial institution that provides financial 2248  
services to any cultivator, processor, retail dispensary, or 2249  
laboratory licensed under this chapter shall be exempt from any 2250  
criminal law of this state an element of which may be proven by 2251  
substantiating that a person provides financial services to a 2252  
person who possesses, delivers, or manufactures marijuana or 2253  
marijuana derived products, including section 2925.05 of the 2254  
Revised Code and sections 2923.01 and 2923.03 of the Revised 2255  
Code as those sections apply to violations of Chapter 2925. of 2256  
the Revised Code, if the cultivator, processor, retail 2257  
dispensary, or laboratory is in compliance with this chapter and 2258  
the applicable tax laws of this state. 2259

(C) (1) Notwithstanding section 149.43 of the Revised Code 2260  
or any other public records law to the contrary, upon the 2261  
request of a financial institution, the ~~department of commerce~~ 2262  
~~or state board of pharmacy~~ division of marijuana control shall 2263  
provide to the financial institution all of the following 2264  
information: 2265

(a) Whether a person with whom the financial institution 2266  
is seeking to do business is a cultivator, processor, retail 2267  
dispensary, or laboratory licensed under this chapter; 2268

(b) The name of any other business or individual 2269  
affiliated with the person; 2270

(c) An unredacted copy of the application for a license 2271  
under this chapter, and any supporting documentation, that was 2272  
submitted by the person; 2273

(d) If applicable, information relating to sales and 2274  
volume of product sold by the person; 2275

(e) Whether the person is in compliance with this chapter; 2276



(f) Any past or pending violation by the person of this chapter, and any penalty imposed on the person for such a violation. 2277  
2278  
2279

(2) The ~~department or board~~ division may charge a financial institution a reasonable fee to cover the administrative cost of providing the information. 2280  
2281  
2282

(D) Information received by a financial institution under division (C) of this section is confidential. Except as otherwise permitted by other state law or federal law, a financial institution shall not make the information available to any person other than the customer to whom the information applies and any trustee, conservator, guardian, personal representative, or agent of that customer. 2283  
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**Sec. 3796.30.** (A) Except as provided in division (B) of this section, no medical marijuana cultivator, processor, retail dispensary, or laboratory that tests medical marijuana shall be located 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. 2290  
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If the relocation of a cultivator, processor, retail dispensary, or laboratory licensed under this chapter results in the cultivator, processor, retail dispensary, or laboratory being located 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, the ~~department of commerce or state board of pharmacy~~ division of marijuana control shall revoke the license it previously issued to the cultivator, processor, retail dispensary, or laboratory. 2296  
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(B) This section does not apply to research related to 2305

marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity.

(C) As used in this section and sections ~~3796.04~~3796.03 and 3796.12 of the Revised Code:

"Church" has the meaning defined in section 1710.01 of the Revised Code.

"Public library" means a library provided for under Chapter 3375. of the Revised Code.

"Public park" means a park established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district.

"Public playground" means a playground established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district.

"School" means a child day-care center as defined under section 5104.01 of the Revised Code, a preschool as defined under section 2950.034 of the Revised Code, or a public or nonpublic primary school or secondary school.

**Sec. 3796.35.** (A) As used in this section, "medical cannabis" means "medical marijuana" as defined in section 3796.01 of the Revised Code.

(B) The department of administrative services shall conduct an equity study of the medical cannabis industry and the medical cannabis market to determine whether there is a compelling interest to implement remedial measures, which may include applying the requirements of the minority business

enterprise program described in section 122.921 of the Revised Code, to assist minorities and women in the medical cannabis industry. 2334  
2335  
2336

**Sec. 4731.30.** (A) As used in this section and sections 2337  
4731.301 ~~and 4731.302~~ to 4731.303 of the Revised Code, "medical 2338  
marijuana," "drug database," "physician," and "qualifying 2339  
medical condition" have the same meanings as in section 3796.01 2340  
of the Revised Code. 2341

(B) (1) Except as provided in division (B) (4) of this 2342  
section, a physician seeking to recommend treatment with medical 2343  
marijuana shall apply to the state medical board for a 2344  
certificate to recommend. An application shall be submitted in 2345  
the manner established in rules adopted under section 4731.301 2346  
of the Revised Code. 2347

(2) The board shall grant a certificate to recommend if 2348  
both of the following conditions are met: 2349

(a) The application is complete and meets the requirements 2350  
established in rules. 2351

(b) ~~The~~ Except as provided in division (I) of this 2352  
section, the applicant demonstrates that the applicant does not 2353  
have an ownership or investment interest in or compensation 2354  
arrangement with an entity licensed under Chapter 3796. of the 2355  
Revised Code or an applicant for licensure. 2356

(3) A certificate to recommend expires according to the 2357  
renewal schedule established in rules adopted under section 2358  
4731.301 of the Revised Code and may be renewed in accordance 2359  
with the procedures established in those rules. 2360

(4) This section does not apply to a physician who 2361  
recommends treatment with marijuana or a drug derived from 2362

marijuana under any of the following that is approved by an 2363  
investigational review board or equivalent entity, the United 2364  
States food and drug administration, or the national institutes 2365  
of health or one of its cooperative groups or centers under the 2366  
United States department of health and human services: 2367

(a) A research protocol; 2368

(b) A clinical trial; 2369

(c) An investigational new drug application; 2370

(d) An expanded access submission. 2371

(C) (1) A physician who holds a certificate to recommend 2372  
may recommend that a patient be treated with medical marijuana 2373  
if all of the following conditions are met: 2374

(a) The patient has been diagnosed with a qualifying 2375  
medical condition; 2376

(b) A bona fide physician-patient relationship has been 2377  
established through ~~all~~ both of the following: 2378

(i) ~~An examination of the patient by the physician either~~ 2379  
~~in person or through the use of telehealth services in~~ 2380  
~~accordance with section 4743.09 of the Revised Code;~~ 2381

~~(ii)~~ A review of the patient's medical history by the 2382  
physician; 2383

~~(iii)~~ (ii) An expectation of providing care and receiving 2384  
care on an ongoing basis. 2385

(c) The physician has requested, or a physician delegate 2386  
approved by the state board of pharmacy has requested, from the 2387  
drug database a report of information related to the patient 2388  
that covers at least the twelve months immediately preceding the 2389

date of the report, and the physician has reviewed the report. 2390

(2) In the case of a patient who is a minor, the physician 2391  
may recommend treatment with medical marijuana only after 2392  
obtaining the consent of the patient's parent or other person 2393  
responsible for providing consent to treatment. 2394

(D) (1) When issuing a written recommendation to a patient, 2395  
the physician shall specify any information required in rules 2396  
adopted by the board under section 4731.301 of the Revised Code. 2397

(2) A written recommendation issued to a patient under 2398  
this section is valid for a period of not more than ninety days. 2399  
The physician may renew the recommendation for not more than 2400  
three additional periods of not more than ninety days each. 2401  
Thereafter, the physician may issue another recommendation to 2402  
the patient only upon an examination of the patient as described 2403  
in division (C) (1) (b) (i) of this section. 2404

(E) Annually, the physician shall submit to the state 2405  
medical board a report that describes the physician's 2406  
observations regarding the effectiveness of medical marijuana in 2407  
treating the physician's patients during the year covered by the 2408  
report. When submitting reports, a physician shall not include 2409  
any information that identifies or would tend to identify any 2410  
specific patient. 2411

(F) Each physician who holds a certificate to recommend 2412  
shall complete annually at least two hours of continuing medical 2413  
education in medical marijuana approved by the state medical 2414  
board. 2415

(G) A physician shall not do any of the following: 2416

(1) Personally furnish or otherwise dispense medical 2417  
marijuana; 2418

(2) Issue a recommendation for a family member or the physician's self. 2419  
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(H) A physician is immune from civil liability, is not subject to professional disciplinary action by the state medical board or state board of pharmacy, and is not subject to criminal prosecution for any of the following actions: 2421  
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(1) Advising a patient, patient representative, or caregiver about the benefits and risks of medical marijuana to treat a qualifying medical condition; 2425  
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(2) Recommending that a patient use medical marijuana to treat or alleviate the condition; 2428  
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(3) Monitoring a patient's treatment with medical marijuana. 2430  
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(I) If the medical director of a dispensary licensed under Chapter 3796. of the Revised Code is certified under this section, then the medical director may recommend medical marijuana as a treatment in accordance with the requirement of this section. 2432  
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(J) Nothing in this chapter or Chapter 3796. of the Revised Code requires a public or private payor to pay a claim relating to medical marijuana, including any of the following payors: 2437  
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(1) The department of medicaid, a medicaid managed care organization as defined in section 5167.01 of the Revised Code, or a third-party administrator on behalf of the department or a medicaid managed care organization; 2441  
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(2) The administrator of workers' compensation or a self-insuring employer as defined in section 4123.01 of the Revised 2445  
2446

<u>Code;</u>	2447
<u>(3) A health plan issuer as defined in section 3922.01 of</u>	2448
<u>the Revised Code.</u>	2449
<u>Sec. 4731.303. A physician certified to recommend</u>	2450
<u>treatment of a qualifying medical condition, as defined in</u>	2451
<u>section 3796.01 of the Revised Code, with medical marijuana may</u>	2452
<u>make such a recommendation via telemedicine.</u>	2453
<u>Sec. 4731.304. The state medical board may approve a</u>	2454
<u>course of education for employees of a medical marijuana</u>	2455
<u>dispensary licensed under Chapter 3796. of the Revised Code to</u>	2456
<u>complete.</u>	2457
<u>Sec. 4776.01. As used in this chapter:</u>	2458
(A) "License" means an authorization evidenced by a	2459
license, certificate, registration, permit, card, or other	2460
authority that is issued or conferred by a licensing agency to a	2461
licensee or to an applicant for an initial license by which the	2462
licensee or initial license applicant has or claims the	2463
privilege to engage in a profession, occupation, or occupational	2464
activity, or, except in the case of the state dental board, to	2465
have control of and operate certain specific equipment,	2466
machinery, or premises, over which the licensing agency has	2467
jurisdiction.	2468
(B) Except as provided in section 4776.20 of the Revised	2469
Code, "licensee" means the person to whom the license is issued	2470
by a licensing agency. "Licensee" includes a person who, for	2471
purposes of section 3796.13 of the Revised Code, has complied	2472
with sections 4776.01 to 4776.04 of the Revised Code and has	2473
been determined by the <del>department of commerce or state board of</del>	2474
<del>pharmacy, as the applicable licensing agency,</del> <u>division of</u>	2475

<u>marijuana control</u> to meet the requirements for employment.	2476
(C) Except as provided in section 4776.20 of the Revised Code, "licensing agency" means any of the following:	2477
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(1) The board authorized by Chapters 4701., 4717., 4725., 4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 4753., 4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778., 4779., and 4783. of the Revised Code to issue a license to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specific equipment, machinery, or premises.	2479
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	2485
(2) The state dental board, relative to its authority to issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code;	2486
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(3) The <del>department of commerce or state board of pharmacy</del> <u>division of marijuana control</u> , relative to its authority under Chapter 3796. of the Revised Code and any rules adopted under that chapter with respect to a person who is subject to section 3796.13 of the Revised Code;	2489
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(4) The director of agriculture, relative to the director's authority to issue licenses under Chapter 928. of the Revised Code.	2494
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(D) "Applicant for an initial license" includes persons seeking a license for the first time and persons seeking a license by reciprocity, endorsement, or similar manner of a license issued in another state. "Applicant for an initial license" also includes a person who, for purposes of section 3796.13 of the Revised Code, is required to comply with sections 4776.01 to 4776.04 of the Revised Code.	2497
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(E) "Applicant for a restored license" includes persons	2504



seeking restoration of a license under section 4730.14, 4730.28, 2505  
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 2506  
4761.06, 4761.061, 4762.06, 4762.061, 4774.06, 4774.061, 2507  
4778.07, or 4778.071 of the Revised Code. "Applicant for a 2508  
restored license" does not include a person seeking restoration 2509  
of a license under section 4751.33 of the Revised Code. 2510

(F) "Criminal records check" has the same meaning as in 2511  
section 109.572 of the Revised Code. 2512

**Section 2.** That existing sections 102.02, 109.572, 2513  
3796.01, 3796.02, 3796.03, 3796.032, 3796.05, 3796.06, 3796.061, 2514  
3796.08, 3796.10, 3796.11, 3796.12, 3796.13, 3796.14, 3796.15, 2515  
3796.16, 3796.17, 3796.18, 3796.19, 3796.20, 3796.21, 3796.22, 2516  
3796.23, 3796.27, 3796.30, 4731.30, and 4776.01 of the Revised 2517  
Code are hereby repealed. 2518

**Section 3.** That sections 3796.021, 3796.031, and 3796.04 2519  
of the Revised Code are hereby repealed. 2520

**Section 4.** (A) Not later than sixty days after the 2521  
effective date of this section, the Department of Commerce and 2522  
the State Board of Pharmacy shall transfer regulation of the 2523  
Medical Marijuana Control Program to the Division of Marijuana 2524  
Control in the Department of Commerce. Until the transfer is 2525  
complete, the State Board of Pharmacy retains regulatory 2526  
authority over licensing of retail dispensaries, registering 2527  
patients and caregivers, and related duties. 2528

Upon the completion of the transfer, the Medical Marijuana 2529  
Control Program in the State Board of Pharmacy is abolished. All 2530  
records of the Medical Marijuana Control Program in the State 2531  
Board of Pharmacy shall be transferred to the Division, and all 2532  
of its other assets and liabilities relating to the Medical 2533

Marijuana Control Program shall be transferred to the Division. 2534  
The Division is successor to, and assumes the obligations of, 2535  
the Medical Marijuana Control Program in the State Board of 2536  
Pharmacy. Any business commenced, but not completed by the State 2537  
Board of Pharmacy Medical Marijuana Control Program on the date 2538  
of the completion of the transfer shall be completed by the 2539  
Division in the same manner, and with the same effect, as if 2540  
completed by the State Board of Pharmacy. No validation, cure, 2541  
right, privilege, remedy, obligation, or liability is lost or 2542  
impaired by reason of the transfer required by this section. 2543

(B) Upon this transfer, the Division is responsible for 2544  
adopting rules establishing standards and procedures for the 2545  
Medical Marijuana Control Program. The rules regulating the 2546  
Medical Marijuana Control Program in existence on the effective 2547  
date of this section continue in effect until repealed or 2548  
amended by the Division of Marijuana Control. 2549

(C) Not later than ninety days after the effective date of 2550  
this section, the Division shall review and propose revisions to 2551  
the rules in the Administrative Code related to medical 2552  
marijuana retail dispensaries. 2553

(D) A license to operate as a retail dispensary issued by 2554  
the State Board of Pharmacy pursuant to section 3796.10 of the 2555  
Revised Code as it existed immediately prior to the effective 2556  
date of the amendment to that section by this act, and a 2557  
registration issued by the State Board of Pharmacy pursuant to 2558  
section 3796.08 of the Revised Code as it existed immediately 2559  
prior to the effective date of the amendment to that section by 2560  
this act remain in effect for the remainder of the license's or 2561  
registration's term, unless earlier suspended or revoked. 2562  
Renewals shall be issued by the State Board of Pharmacy until 2563

the transfer is complete, at which time renewals shall be issued 2564  
by the Division of Marijuana Control. 2565

(E) Any form of medical marijuana approved by the State 2566  
Board of Pharmacy under section 3796.061 of the Revised Code as 2567  
it existed immediately prior to the effective date of the 2568  
amendment to that section by this act remain approved until that 2569  
approval is revoked by the Division of Marijuana Control, after 2570  
giving notice to the petitioner described in section 3796.061 of 2571  
the Revised Code. The Division shall post notice of that 2572  
revocation on its web site. 2573

**Section 5.** Section 4776.01 of the Revised Code is 2574  
presented in this act as a composite of the section as amended 2575  
by both H.B. 166 and S.B. 57 of the 133rd General Assembly. The 2576  
General Assembly, applying the principle stated in division (B) 2577  
of section 1.52 of the Revised Code that amendments are to be 2578  
harmonized if reasonably capable of simultaneous operation, 2579  
finds that the composite is the resulting version of the section 2580  
in effect prior to the effective date of the section as 2581  
presented in this act. 2582