

**I\_135\_1945-4**

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

**Sub. H. B. No. 86**

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**A BILL**

To amend sections 121.95, 121.951, 519.21, 928.01, 1  
928.03, 2925.01, 3376.07, 3719.01, 3796.01, 2  
3796.02, 3796.03, 3796.05, 3796.06, 3796.07, 3  
3796.09, 3796.10, 3796.12, 3796.14, 3796.15, 4  
3796.17, 3796.18, 3796.19, 3796.20, 3796.21, 5  
3796.22, 3796.24, 3796.28, 3796.29, 3796.30, 6  
4301.17, 4301.171, 4303.041, 4303.184, 4399.15, 7  
4735.18, 5119.10, 5502.01, 5502.13, 5502.14, 8  
5713.30, 5739.21, and 5739.99; to enact sections 9  
109.44, 2953.321, 3796.04, 3796.062, 3796.221, 10  
3796.32, 3796.33, 3796.99, 5119.81, 5119.82, 11  
5119.83, 5120.81, 5739.27, 5739.271, and 12  
5739.272; and to repeal sections 3780.01, 13  
3780.02, 3780.03, 3780.04, 3780.05, 3780.06, 14  
3780.07, 3780.08, 3780.09, 3780.10, 3780.11, 15  
3780.12, 3780.13, 3780.14, 3780.15, 3780.16, 16  
3780.17, 3780.18, 3780.19, 3780.20, 3780.21, 17  
3780.22, 3780.23, 3780.24, 3780.25, 3780.26, 18  
3780.27, 3780.28, 3780.29, 3780.30, 3780.31, 19  
3780.32, 3780.33, 3780.34, 3780.35, 3780.36, 20  
3780.90, 3780.99, and 3796.021 of the Revised 21  
Code to revise specified provisions of the 22



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liquor control, hemp, and adult-use marijuana 23  
laws and to levy taxes on marijuana. 24

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

**Section 1.** That sections 121.95, 121.951, 519.21, 928.01, 25  
928.03, 2925.01, 3376.07, 3719.01, 3796.01, 3796.02, 3796.03, 26  
3796.05, 3796.06, 3796.07, 3796.09, 3796.10, 3796.12, 3796.14, 27  
3796.15, 3796.17, 3796.18, 3796.19, 3796.20, 3796.21, 3796.22, 28  
3796.24, 3796.28, 3796.29, 3796.30, 4301.17, 4301.171, 4303.041, 29  
4303.184, 4399.15, 4735.18, 5119.10, 5502.01, 5502.13, 5502.14, 30  
5713.30, 5739.21, and 5739.99 be amended and sections 109.44, 31  
2953.321, 3796.04, 3796.062, 3796.221, 3796.32, 3796.33, 32  
3796.99, 5119.81, 5119.82, 5119.83, 5120.81, 5739.27, 5739.271, 33  
and 5739.272 of the Revised Code be enacted to read as follows: 34

**Sec. 109.44.** The attorney general shall adopt rules under 35  
Chapter 119. of the Revised Code to create a process whereby 36  
applicants for expungement under section 2953.321 of the Revised 37  
Code may be reimbursed for the costs of the application and 38  
legal aid societies involved with expungement assistance under 39  
that section may be reimbursed for costs associated with that 40  
assistance, from the marijuana expungement fund created in 41  
section 5739.271 of the Revised Code. The attorney general shall 42  
not provide reimbursement under this section after the date that 43  
is five years after the effective date of this section. On the 44  
day after that date, the director of budget and management shall 45  
transfer sixty per cent of the remaining balance of the 46  
marijuana expungement fund to the department of public safety 47  
law enforcement training fund and forty per cent of the balance 48  
to the substance abuse, treatment, and prevention fund. 49

**Sec. 121.95.** (A) As used in sections 121.95, 121.951, 121.952, 121.953, and 121.954 of the Revised Code, "state agency" means an administrative department created under section 121.02 of the Revised Code, an administrative department head appointed under section 121.03 of the Revised Code, and a state agency organized under an administrative department or administrative department head. "State agency" also includes the department of education and workforce, the state lottery commission, the Ohio casino control commission, the state racing commission, and the public utilities commission of Ohio. Rules adopted by an otherwise independent official or entity organized under a state agency shall be attributed to the agency under which the official or entity is organized for the purposes of sections 121.95, 121.951, 121.952, 121.953, and 121.954 of the Revised Code.

(B) Not later than December 31, 2019, a state agency shall review its existing rules to identify rules having one or more regulatory restrictions that require or prohibit an action and prepare a base inventory of the regulatory restrictions in its existing rules. Rules that include the words "shall," "must," "require," "shall not," "may not," and "prohibit" shall be considered to contain regulatory restrictions.

(C) In the base inventory, the state agency shall indicate all of the following concerning each regulatory restriction:

- (1) A description of the regulatory restriction;
- (2) The rule number of the rule in which the regulatory restriction appears;
- (3) The statute under which the regulatory restriction was adopted;

(4) Whether state or federal law expressly and	79
specifically requires the agency to adopt the regulatory	80
restriction or the agency adopted the regulatory restriction	81
under the agency's general authority;	82
(5) Whether removing the regulatory restriction would	83
require a change to state or federal law, provided that removing	84
a regulatory restriction adopted under a law granting the agency	85
general authority shall be presumed not to require a change to	86
state or federal law;	87
(6) Any other information the joint committee on agency	88
rule review considers necessary.	89
(D) The state agency shall compute and state the total	90
number of regulatory restrictions indicated in the base	91
inventory, shall post the base inventory on its web site, and	92
shall electronically transmit a copy of the inventory to the	93
joint committee. The joint committee shall review the base	94
inventory, then transmit it electronically to the speaker of the	95
house of representatives and the president of the senate.	96
(E) The following types of rules or regulatory	97
restrictions are not required to be included in a state agency's	98
inventory of regulatory restrictions:	99
(1) An internal management rule;	100
(2) An emergency rule;	101
(3) A rule that state or federal law requires the state	102
agency to adopt verbatim;	103
(4) A regulatory restriction contained in materials or	104
documents incorporated by reference into a rule pursuant to	105
sections 121.71 to 121.75 of the Revised Code;	106

(5) A rule adopted pursuant to section 1347.15 of the Revised Code;	107 108
(6) A rule concerning instant lottery games;	109
(7) A rule adopted by the Ohio casino control commission or the state lottery commission concerning sports gaming;	110 111
(8) Any other rule that is not subject to review under Chapter 106. of the Revised Code.	112 113
(F) <del>Beginning</del> <u>Except as otherwise provided in division (G) of this section, beginning on October 17, 2019, and ending on June 30, 2025, a state agency may not adopt a new regulatory restriction unless it simultaneously removes two or more other existing regulatory restrictions. The state agency may not satisfy this section by merging two or more existing regulatory restrictions into a single surviving regulatory restriction.</u>	114 115 116 117 118 119 120
<u>(G) Division (F) of this section does not apply to rules adopted by the division of marijuana control in accordance with Chapter 3796. of the Revised Code during the period beginning on the effective date of this amendment and ending twelve months after that date.</u>	121 122 123 124 125
<b>Sec. 121.951.</b> (A) (1) Using the criteria listed in division (A) of section 106.03 of the Revised Code, a state agency shall amend or rescind rules identified in its base inventory of regulatory restrictions prepared under section 121.95 of the Revised Code as necessary to reduce the total number of regulatory restrictions by thirty per cent, according to the following schedule:	126 127 128 129 130 131 132
(a) A ten per cent reduction not later than June 30, 2023;	133
(b) A twenty per cent reduction not later than June 30,	134

2024; and	135
(c) The thirty per cent reduction not later than June 30, 2025.	136 137
When a state agency has achieved a reduction of any percentage in regulatory restrictions, whether or not as specified in this section, the state agency may not adopt or maintain regulatory restrictions that would negate the reduction.	138 139 140 141 142
(2) Beginning July 1, 2025, a state agency that has not achieved the specified thirty per cent reduction may not adopt a new regulatory restriction unless it simultaneously removes two or more other existing regulatory restrictions, until the specified thirty per cent reduction has been achieved. The state agency may not fulfill this requirement by merging two or more existing regulatory restrictions into a single surviving regulatory restriction.	143 144 145 146 147 148 149 150
(3) A state agency is encouraged to continue to reduce regulatory restrictions after it has achieved the specified thirty per cent reduction.	151 152 153
(B) (1) Not later than September 15, 2022, a state agency shall prepare an historical report of its progress in reducing regulatory restrictions over the period of time beginning when the agency prepared its base inventory under section 121.95 of the Revised Code and ending on June 30, 2022. Annually thereafter, a state agency shall prepare an historical report of its progress in reducing regulatory restrictions over the preceding fiscal year. The state agency shall explain in the report how it applied the criteria described in division (A) of section 106.03 of the Revised Code to its determinations as to	154 155 156 157 158 159 160 161 162 163

which regulatory restrictions to amend or rescind. The state 164  
agency shall include a revised inventory of regulatory 165  
restrictions with the report. 166

(2) In the revised inventory, in addition to the 167  
information required by section 121.95 of the Revised Code, the 168  
state agency shall compute the percentage net reduction in 169  
regulatory restrictions by subtracting the current number of 170  
regulatory restrictions from the number of regulatory 171  
restrictions identified in the base inventory and then dividing 172  
the resulting number by the number of regulatory restrictions in 173  
the base inventory. 174

(3) The state agency shall transmit the report 175  
electronically to the joint committee on agency rule review. The 176  
joint committee shall review the report and shall transmit it 177  
electronically to the speaker of the house of representatives 178  
and the president of the senate. The state agency shall continue 179  
preparing and transmitting annual reports until it has reported 180  
that it has achieved the required reduction in regulatory 181  
restrictions. 182

(C) Division (A) of this section does not apply to rules 183  
adopted by the division of marijuana control in accordance with 184  
Chapter 3796. of the Revised Code during the period beginning on 185  
the effective date of this amendment and ending twelve months 186  
after that date. 187

**Sec. 519.21.** (A) Except as otherwise provided in divisions 188  
(B) and (D) of this section, sections 519.02 to 519.25 of the 189  
Revised Code confer no power on any township zoning commission, 190  
board of township trustees, or board of zoning appeals to 191  
prohibit the use of any land for agricultural purposes or the 192  
construction or use of buildings or structures incident to the 193

use for agricultural purposes of the land on which such 194  
buildings or structures are located, including buildings or 195  
structures that are used primarily for vinting and selling wine 196  
and that are located on land any part of which is used for 197  
viticulture, and no zoning certificate shall be required for any 198  
such building or structure. 199

(B) A township zoning resolution, or an amendment to such 200  
resolution, may in any platted subdivision approved under 201  
section 711.05, 711.09, or 711.10 of the Revised Code, or in any 202  
area consisting of fifteen or more lots approved under section 203  
711.131 of the Revised Code that are contiguous to one another, 204  
or some of which are contiguous to one another and adjacent to 205  
one side of a dedicated public road, and the balance of which 206  
are contiguous to one another and adjacent to the opposite side 207  
of the same dedicated public road regulate: 208

(1) Agriculture on lots of one acre or less; 209

(2) Buildings or structures incident to the use of land 210  
for agricultural purposes on lots greater than one acre but not 211  
greater than five acres by: set back building lines; height; and 212  
size; 213

(3) Dairying and animal and poultry husbandry on lots 214  
greater than one acre but not greater than five acres when at 215  
least thirty-five per cent of the lots in the subdivision are 216  
developed with at least one building, structure, or improvement 217  
that is subject to real property taxation or that is subject to 218  
the tax on manufactured and mobile homes under section 4503.06 219  
of the Revised Code. After thirty-five per cent of the lots are 220  
so developed, dairying and animal and poultry husbandry shall be 221  
considered nonconforming use of land and buildings or structures 222  
pursuant to section 519.19 of the Revised Code. 223



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

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

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

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

(3) Biologically derived methane gas production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under sections

5713.30 to 5713.37 of the Revised Code for real property tax 254  
purposes and if the facility that produces the biologically 255  
derived methane gas does not produce more than seventeen million 256  
sixty thousand seven hundred ten British thermal units, five 257  
megawatts, or both. 258

(4) Agritourism. However, a board of township trustees, as 259  
provided in section 519.02 of the Revised Code, may regulate 260  
such factors pertaining to agritourism, except farm markets as 261  
described in division (C) (1) of this section, as size of a 262  
structure used primarily for agritourism, size of parking areas 263  
that may be required, setback building lines for structures used 264  
primarily for agritourism, and egress or ingress where such 265  
regulation is necessary to protect public health and safety. 266

Nothing in division (C) (4) of this section confers power 267  
on a township zoning commission, board of township trustees, or 268  
board of zoning appeals to require any parking area to be 269  
improved in any manner, including requirements governing 270  
drainage, parking area base, parking area paving, or any other 271  
improvement. 272

Nothing in division (C) (4) of this section confers power 273  
on a township zoning commission, board of township trustees, or 274  
board of zoning appeals to prohibit the use of any land or the 275  
construction or use of buildings or structures that are used 276  
primarily for vinting and selling wine that are located on land 277  
any part of which is used for viticulture as provided in 278  
division (A) of this section. 279

(D) Nothing in this section prohibits a township zoning 280  
commission, board of township trustees, or board of zoning 281  
appeals from regulating the location of ~~medical~~-marijuana 282  
cultivators, processors, or retail dispensaries or from 283

prohibiting such cultivators, processors, or dispensaries from 284  
being located in the unincorporated territory of the township. 285

~~(D)(1)~~ (E)(1) As used in division (C)(3) of this section, 286  
"biologically derived methane gas" has the same meaning as in 287  
section 5713.30 of the Revised Code. 288

(2) As used in division (C)(4) of this section, 289  
"agritourism" has the same meaning as in section 901.80 of the 290  
Revised Code. 291

**Sec. 928.01.** As used in this chapter: 292

(A) "Cannabidiol" means the cannabidiol compound, 293  
containing a delta-9 tetrahydrocannabinol concentration of not 294  
more than three-tenths per cent, derived from hemp. 295

(B) "Cannabinoid hemp product" means any product that 296  
includes cannabinoids derived from hemp and that contains a 297  
delta-9 tetrahydrocannabinol concentration of not more than 298  
three-tenths per cent. "Cannabinoid hemp product" includes food 299  
intended for animal or human consumption, dietary supplements, 300  
electronic smoking products, or any other product containing one 301  
or more cannabinoids derived from hemp. 302

"Cannabinoid hemp product" does not include either of the 303  
following: 304

(1) Floral or topical hemp products; 305

(2) Any item containing more than five-tenths of a 306  
milligram of delta-9 tetrahydrocannabinol per serving, two 307  
milligrams of delta-9 tetrahydrocannabinol per package, or any 308  
other tetrahydrocannabinol. 309

(C) "Cultivate" or "cultivating" means to plant, water, 310  
grow, fertilize, till, or harvest a plant or crop. "Cultivating" 311

includes possessing or storing a plant or crop on a premises 312  
where the plant or crop was cultivated until transported to the 313  
first point of sale. 314

~~(C)~~ (D) "Floral hemp product" means hemp plant material 315  
with a delta-9 tetrahydrocannabinol concentration of not more 316  
than three-tenths per cent. "Floral hemp product" includes hemp 317  
buds, flowers, cigarettes, cigars, and shredded hemp. "Floral 318  
hemp product" does not include any item that contains any 319  
additional tetrahydrocannabinol additives. 320

(E) "Hemp" means the plant Cannabis sativa L. and any part 321  
of that plant, including the seeds thereof and all derivatives, 322  
extracts, cannabinoids, isomers, acids, salts, and salts of 323  
isomers, whether growing or not, ~~with~~ containing a delta-9 324  
tetrahydrocannabinol concentration of not more than three-tenths 325  
per cent on a dry weight basis. "Hemp" does not include any 326  
plant material with any additional tetrahydrocannabinol 327  
additives. 328

~~(D)~~ (F) "Hemp cultivation license" means a license to 329  
cultivate hemp issued under section 928.02 of the Revised Code. 330

~~(E)~~ (G) "Hemp processing license" means a license to 331  
process hemp issued under section 928.02 of the Revised Code. 332

~~(F)~~ (H) "Hemp product" means ~~any product, containing a~~ 333  
~~delta-9 tetrahydrocannabinol concentration of not more than~~ 334  
~~three-tenths per cent, that is made with hemp. "Hemp product"~~ 335  
~~includes cosmetics, personal care products, dietary supplements~~ 336  
~~or food intended for animal or human consumption, cloth,~~ 337  
~~cordage, fiber, fuel, paint, paper, particleboard, and any other~~ 338  
~~product containing one or more cannabinoids derived from hemp,~~ 339  
~~including cannabidiol~~ cannabinoid hemp products, floral hemp 340

products, topical hemp products, and non-cannabinoid hemp 341  
products. "Hemp product" includes any hemp not in the possession 342  
of a licensed hemp cultivator or hemp processor. 343

~~(G)~~(I) "Marihuana" has the same meaning as in section 344  
3719.01 of the Revised Code. 345

~~(H)~~(J) "Medical marijuana" has the same meaning as in 346  
section 3796.01 of the Revised Code. 347

~~(I)~~(K) "Non-cannabinoid hemp product" means any product 348  
that is made from hemp that does not include cannabinoids. "Non- 349  
cannabinoid hemp product" includes cloth, cordage, fiber, fuel, 350  
paint, paper, particleboard, and foods that have been approved 351  
by the United States food and drug administration as generally 352  
recognized as safe. 353

(L) "Process" or "processing" means converting hemp into a 354  
hemp product. 355

~~(J)~~(M) "Topical hemp product" means any product, intended 356  
for topical application, that is made from hemp and with a 357  
delta-9 tetrahydrocannabinol concentration of not more than 358  
three-tenths per cent. "Topical hemp product" includes a 359  
cosmetic as defined under section 3715.01 of the Revised Code. 360

"Topical hemp product" does not include items containing 361  
more than 2 milligrams of delta-9 tetrahydrocannabinol per 362  
package or any other tetrahydrocannabinol. 363

(N) "Delta-9 tetrahydrocannabinol" means the sum of the 364  
percentage by weight of tetrahydrocannabinolic acid multiplied 365  
by 0.877 plus the percentage by weight of delta-9 366  
tetrahydrocannabinol. 367

~~(K)~~(O) "Tetrahydrocannabinol" means naturally occurring 368

or synthetic equivalents, regardless of whether artificially or 369  
naturally derived, of the substances contained in the plant, or 370  
in the resinous extractives of cannabis, sp. or derivatives, and 371  
their isomers with similar chemical structure to delta-1-cis or 372  
trans tetrahydrocannabinol, and their optical isomers, salts and 373  
salts of isomers. "Tetrahydrocannabinol" includes, but is not 374  
limited to, delta-6-cis or trans tetrahydrocannabinol, delta- 375  
3,4-cis or trans tetrahydrocannabinol, 9-hexahydrocannabinol, 376  
and delta-9-tetrahydrocannabinol acetate. Since nomenclature of 377  
these substances is not internationally standardized, compounds 378  
of these structures, regardless of numerical designation of 379  
atomic positions, are included. 380

"Tetrahydrocannabinol" does not include the following: 381

(1) Tetrahydrocannabinols approved by the United States 382  
food and drug administration for marketing as a medication or 383  
recognized by the United States food and drug administration as 384  
generally recognized as safe. 385

(2) Cannabichromene (CBC); 386

(3) Cannabicyclol (CBL); 387

(4) Cannabidiol (CBD), 388

(5) Cannabidivanol (CBDV); 389

(6) Cannabielsoin (CBE); 390

(7) Cannabigerol (CBG); 391

(8) Cannabigerovarin (CBGV); 392

(9) Cannabinol (CBN); 393

(10) Cannabivarin (CBV). 394

(P) "University" means an institution of higher education 395

as defined in section 3345.12 of the Revised Code and a private 396  
nonprofit institution with a certificate of authorization issued 397  
pursuant to Chapter 1713. of the Revised Code. 398

~~(I)~~(Q) "USDA" means the United States department of 399  
agriculture. 400

**Sec. 928.03.** The director of agriculture, in consultation 401  
with the governor and attorney general, shall adopt rules in 402  
accordance with Chapter 119. of the Revised Code establishing 403  
standards and procedures for the regulation of hemp cultivation 404  
and processing. The rules shall include all of the following: 405

(A) The form of an application for a hemp cultivation 406  
license and hemp processing license and the information required 407  
to be included in each license application; 408

(B) The amount of an initial application fee that an 409  
applicant shall submit along with an application for a hemp 410  
cultivation license or a hemp processing license, and the amount 411  
of an annual license fee that a licensee shall submit for a hemp 412  
cultivation license or a hemp processing license. In adopting 413  
rules under division (B) of this section, the director shall 414  
ensure both of the following: 415

(1) That the amount of the application fee and annual 416  
license fee does not exceed an amount sufficient to cover the 417  
costs incurred by the department of agriculture to administer 418  
and enforce this chapter; 419

(2) That there is one uniform application fee and one 420  
uniform annual license fee that applies to all applicants for a 421  
hemp cultivation license. 422

(C) Requirements and procedures concerning background 423  
investigations of each applicant for a hemp cultivation license 424

and each applicant for a hemp processing license. The director 425  
shall include both of the following in the rules adopted under 426  
this division: 427

(1) A requirement that each applicant comply with sections 428  
4776.01 to 4776.04 of the Revised Code; 429

(2) Provisions that prohibit the director from issuing a 430  
hemp cultivation license or hemp processing license to an 431  
applicant that has not complied with those sections. 432

(D) Requirements regarding the experience, equipment, 433  
facilities, or land necessary to obtain a hemp cultivation 434  
license; 435

(E) Requirements and procedures regarding standards of 436  
financial responsibility for each applicant for a hemp 437  
processing license. 438

(F) Procedures and requirements for the issuance, renewal, 439  
denial, suspension, and revocation of a hemp cultivation license 440  
and hemp processing license, including providing for a hearing 441  
under Chapter 119. of the Revised Code with regard to such a 442  
denial, suspension, or revocation; 443

(G) Grounds for the denial, suspension, and revocation of 444  
a hemp cultivation license and of a hemp processing license, 445  
including a requirement that the director revoke a hemp 446  
cultivation license or hemp processing license, for a period of 447  
ten years, of any person who pleads guilty to or is convicted of 448  
a felony relating to a controlled substance; 449

(H) A requirement that the director shall not issue a hemp 450  
cultivation license or hemp processing license to any person who 451  
has pleaded guilty to or been convicted of a felony relating to 452  
a controlled substance in the ten years immediately prior to the 453



submission of the application for a license;	454
(I) A requirement that any person that materially	455
falsifies information in an application for a hemp cultivation	456
license or hemp processing license is ineligible to receive	457
either license;	458
(J) A practice for maintaining relevant information	459
regarding land on which hemp is cultivated by hemp cultivation	460
licensees, including a legal description of the land, in	461
accordance with applicable federal law;	462
(K) Requirements prohibiting a hemp cultivation licensee	463
and a hemp processing licensee from cultivating or processing	464
marihuana;	465
(L) A procedure for testing, using post-decarboxylation or	466
other similarly reliable methods, delta-9 tetrahydrocannabinol	467
concentration levels of plants and products for purposes of	468
determining compliance with this chapter and rules adopted under	469
it;	470
(M) Requirements and procedures for the issuance,	471
administration, and enforcement of corrective action plans	472
issued under this chapter;	473
(N) A procedure for conducting annual inspections of, at a	474
minimum, a random sample of hemp cultivation license holders to	475
verify that plants are not being cultivated in violation of this	476
chapter or rules adopted under it;	477
(O) A procedure for conducting annual inspections of, at a	478
minimum, a random sample of hemp processing license holders to	479
verify that such license holders are not operating in violation	480
of this chapter or rules adopted under it;	481

(P) A procedure for complying with enforcement procedures required under federal law;	482 483
(Q) A procedure for the effective disposal of all of the following:	484 485
(1) Plants, whether growing or not, cultivated in violation of this chapter or rules adopted under it;	486 487
(2) Products derived from plants cultivated in violation of this chapter or rules adopted under it;	488 489
(3) Products produced in violation of this chapter or rules adopted under it.	490 491
(R) Requirements and procedures governing the production, storage, and disposal of hemp byproducts.	492 493
For the purposes of this chapter and notwithstanding any provision of law to the contrary, "hemp product" includes a byproduct, produced as a result of processing hemp, that contains a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent, provided that the byproduct is produced, stored, and disposed of in accordance with rules adopted under division (R) of this section.	494 495 496 497 498 499 500
(S) Procedures for sharing information regarding hemp cultivation license holders with the secretary of the USDA;	501 502
(T) A setback distance requirement that specifies the distance that a hemp cultivation license holder shall locate hemp plants from a location where <u>medical marijuana</u> or <u>adult-use marijuana</u> is being cultivated. The requirement does not apply to a hemp cultivation license holder with regard to a <del>medical</del> marijuana cultivator that locates <u>medical marijuana</u> or <u>adult-use marijuana</u> within the established setback distance requirement	503 504 505 506 507 508 509

after the hemp cultivation license holder begins operation.	510
(U) Annual reporting requirements and procedures for hemp cultivation license holders and hemp processing license holders;	511 512
(V) Recordkeeping and documentation maintenance requirements and procedures for hemp cultivation license holders and hemp processing license holders;	513 514 515
(W) Fees for the laboratory testing of plants and products;	516 517
(X) Standards for the testing and labeling of hemp and hemp products;	518 519
(Y) Requirements prohibiting the processing of hemp in a building used as a personal residence or on land that is zoned for residential use;	520 521 522
(Z) Production standards and manufacturing practices for processing hemp;	523 524
(AA) Procedures and requirements for the transportation and storage of both hemp and hemp products;	525 526
(BB) Any other requirements or procedures necessary to administer and enforce this chapter.	527 528
<b>Sec. 2925.01.</b> As used in this chapter:	529
(A) "Administer," "controlled substance," "controlled substance analog," "dispense," "distribute," "hypodermic," "manufacturer," "official written order," "person," "pharmacist," "pharmacy," "sale," "schedule I," "schedule II," "schedule III," "schedule IV," "schedule V," and "wholesaler" have the same meanings as in section 3719.01 of the Revised Code.	530 531 532 533 534 535 536

(B) "Drug of abuse" and "person with a drug dependency" 537  
have the same meanings as in section 3719.011 of the Revised 538  
Code. 539

(C) "Drug," "dangerous drug," "licensed health 540  
professional authorized to prescribe drugs," and "prescription" 541  
have the same meanings as in section 4729.01 of the Revised 542  
Code. 543

(D) "Bulk amount" of a controlled substance means any of 544  
the following: 545

(1) For any compound, mixture, preparation, or substance 546  
included in schedule I, schedule II, or schedule III, with the 547  
exception of any controlled substance analog, marihuana, 548  
cocaine, L.S.D., heroin, any fentanyl-related compound, and 549  
hashish and except as provided in division (D)(2), (5), or (6) 550  
of this section, whichever of the following is applicable: 551

(a) An amount equal to or exceeding ten grams or twenty- 552  
five unit doses of a compound, mixture, preparation, or 553  
substance that is or contains any amount of a schedule I opiate 554  
or opium derivative; 555

(b) An amount equal to or exceeding ten grams of a 556  
compound, mixture, preparation, or substance that is or contains 557  
any amount of raw or gum opium; 558

(c) An amount equal to or exceeding thirty grams or ten 559  
unit doses of a compound, mixture, preparation, or substance 560  
that is or contains any amount of a schedule I hallucinogen 561  
other than tetrahydrocannabinol or lysergic acid amide, or a 562  
schedule I stimulant or depressant; 563

(d) An amount equal to or exceeding twenty grams or five 564  
times the maximum daily dose in the usual dose range specified 565

in a standard pharmaceutical reference manual of a compound, 566  
mixture, preparation, or substance that is or contains any 567  
amount of a schedule II opiate or opium derivative; 568

(e) An amount equal to or exceeding five grams or ten unit 569  
doses of a compound, mixture, preparation, or substance that is 570  
or contains any amount of phencyclidine; 571

(f) An amount equal to or exceeding one hundred twenty 572  
grams or thirty times the maximum daily dose in the usual dose 573  
range specified in a standard pharmaceutical reference manual of 574  
a compound, mixture, preparation, or substance that is or 575  
contains any amount of a schedule II stimulant that is in a 576  
final dosage form manufactured by a person authorized by the 577  
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 578  
U.S.C.A. 301, as amended, and the federal drug abuse control 579  
laws, as defined in section 3719.01 of the Revised Code, that is 580  
or contains any amount of a schedule II depressant substance or 581  
a schedule II hallucinogenic substance; 582

(g) An amount equal to or exceeding three grams of a 583  
compound, mixture, preparation, or substance that is or contains 584  
any amount of a schedule II stimulant, or any of its salts or 585  
isomers, that is not in a final dosage form manufactured by a 586  
person authorized by the Federal Food, Drug, and Cosmetic Act 587  
and the federal drug abuse control laws. 588

(2) An amount equal to or exceeding one hundred twenty 589  
grams or thirty times the maximum daily dose in the usual dose 590  
range specified in a standard pharmaceutical reference manual of 591  
a compound, mixture, preparation, or substance that is or 592  
contains any amount of a schedule III or IV substance other than 593  
an anabolic steroid or a schedule III opiate or opium 594  
derivative; 595

(3) An amount equal to or exceeding twenty grams or five 596  
times the maximum daily dose in the usual dose range specified 597  
in a standard pharmaceutical reference manual of a compound, 598  
mixture, preparation, or substance that is or contains any 599  
amount of a schedule III opiate or opium derivative; 600

(4) An amount equal to or exceeding two hundred fifty 601  
milliliters or two hundred fifty grams of a compound, mixture, 602  
preparation, or substance that is or contains any amount of a 603  
schedule V substance; 604

(5) An amount equal to or exceeding two hundred solid 605  
dosage units, sixteen grams, or sixteen milliliters of a 606  
compound, mixture, preparation, or substance that is or contains 607  
any amount of a schedule III anabolic steroid; 608

(6) For any compound, mixture, preparation, or substance 609  
that is a combination of a fentanyl-related compound and any 610  
other compound, mixture, preparation, or substance included in 611  
schedule III, schedule IV, or schedule V, if the defendant is 612  
charged with a violation of section 2925.11 of the Revised Code 613  
and the sentencing provisions set forth in divisions (C)(10)(b) 614  
and (C)(11) of that section will not apply regarding the 615  
defendant and the violation, the bulk amount of the controlled 616  
substance for purposes of the violation is the amount specified 617  
in division (D)(1), (2), (3), (4), or (5) of this section for 618  
the other schedule III, IV, or V controlled substance that is 619  
combined with the fentanyl-related compound. 620

(E) "Unit dose" means an amount or unit of a compound, 621  
mixture, or preparation containing a controlled substance that 622  
is separately identifiable and in a form that indicates that it 623  
is the amount or unit by which the controlled substance is 624  
separately administered to or taken by an individual. 625

(F) "Cultivate" includes planting, watering, fertilizing,	626
or tilling.	627
(G) "Drug abuse offense" means any of the following:	628
(1) A violation of division (A) of section 2913.02 that	629
constitutes theft of drugs, or a violation of section 2925.02,	630
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12,	631
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36,	632
or 2925.37 of the Revised Code;	633
(2) A violation of an existing or former law of this or	634
any other state or of the United States that is substantially	635
equivalent to any section listed in division (G) (1) of this	636
section;	637
(3) An offense under an existing or former law of this or	638
any other state, or of the United States, of which planting,	639
cultivating, harvesting, processing, making, manufacturing,	640
producing, shipping, transporting, delivering, acquiring,	641
possessing, storing, distributing, dispensing, selling, inducing	642
another to use, administering to another, using, or otherwise	643
dealing with a controlled substance is an element;	644
(4) A conspiracy to commit, attempt to commit, or	645
complicity in committing or attempting to commit any offense	646
under division (G) (1), (2), or (3) of this section.	647
(H) "Felony drug abuse offense" means any drug abuse	648
offense that would constitute a felony under the laws of this	649
state, any other state, or the United States.	650
(I) "Harmful intoxicant" does not include beer or	651
intoxicating liquor but means any of the following:	652
(1) Any compound, mixture, preparation, or substance the	653

gas, fumes, or vapor of which when inhaled can induce 654  
intoxication, excitement, giddiness, irrational behavior, 655  
depression, stupefaction, paralysis, unconsciousness, 656  
asphyxiation, or other harmful physiological effects, and 657  
includes, but is not limited to, any of the following: 658

(a) Any volatile organic solvent, plastic cement, model 659  
cement, fingernail polish remover, lacquer thinner, cleaning 660  
fluid, gasoline, or other preparation containing a volatile 661  
organic solvent; 662

(b) Any aerosol propellant; 663

(c) Any fluorocarbon refrigerant; 664

(d) Any anesthetic gas. 665

(2) Gamma Butyrolactone; 666

(3) 1,4 Butanediol. 667

(J) "Manufacture" means to plant, cultivate, harvest, 668  
process, make, prepare, or otherwise engage in any part of the 669  
production of a drug, by propagation, extraction, chemical 670  
synthesis, or compounding, or any combination of the same, and 671  
includes packaging, repackaging, labeling, and other activities 672  
incident to production. 673

(K) "Possess" or "possession" means having control over a 674  
thing or substance, but may not be inferred solely from mere 675  
access to the thing or substance through ownership or occupation 676  
of the premises upon which the thing or substance is found. 677

(L) "Sample drug" means a drug or pharmaceutical 678  
preparation that would be hazardous to health or safety if used 679  
without the supervision of a licensed health professional 680  
authorized to prescribe drugs, or a drug of abuse, and that, at 681



one time, had been placed in a container plainly marked as a 682  
sample by a manufacturer. 683

(M) "Standard pharmaceutical reference manual" means the 684  
current edition, with cumulative changes if any, of references 685  
that are approved by the state board of pharmacy. 686

(N) "Juvenile" means a person under eighteen years of age. 687

(O) "Counterfeit controlled substance" means any of the 688  
following: 689

(1) Any drug that bears, or whose container or label 690  
bears, a trademark, trade name, or other identifying mark used 691  
without authorization of the owner of rights to that trademark, 692  
trade name, or identifying mark; 693

(2) Any unmarked or unlabeled substance that is 694  
represented to be a controlled substance manufactured, 695  
processed, packed, or distributed by a person other than the 696  
person that manufactured, processed, packed, or distributed it; 697

(3) Any substance that is represented to be a controlled 698  
substance but is not a controlled substance or is a different 699  
controlled substance; 700

(4) Any substance other than a controlled substance that a 701  
reasonable person would believe to be a controlled substance 702  
because of its similarity in shape, size, and color, or its 703  
markings, labeling, packaging, distribution, or the price for 704  
which it is sold or offered for sale. 705

(P) An offense is "committed in the vicinity of a school" 706  
if the offender commits the offense on school premises, in a 707  
school building, or within one thousand feet of the boundaries 708  
of any school premises, regardless of whether the offender knows 709

the offense is being committed on school premises, in a school 710  
building, or within one thousand feet of the boundaries of any 711  
school premises. 712

(Q) "School" means any school operated by a board of 713  
education, any community school established under Chapter 3314. 714  
of the Revised Code, or any nonpublic school for which the 715  
director of education and workforce prescribes minimum standards 716  
under section 3301.07 of the Revised Code, whether or not any 717  
instruction, extracurricular activities, or training provided by 718  
the school is being conducted at the time a criminal offense is 719  
committed. 720

(R) "School premises" means either of the following: 721

(1) The parcel of real property on which any school is 722  
situated, whether or not any instruction, extracurricular 723  
activities, or training provided by the school is being 724  
conducted on the premises at the time a criminal offense is 725  
committed; 726

(2) Any other parcel of real property that is owned or 727  
leased by a board of education of a school, the governing 728  
authority of a community school established under Chapter 3314. 729  
of the Revised Code, or the governing body of a nonpublic school 730  
for which the director of education and workforce prescribes 731  
minimum standards under section 3301.07 of the Revised Code and 732  
on which some of the instruction, extracurricular activities, or 733  
training of the school is conducted, whether or not any 734  
instruction, extracurricular activities, or training provided by 735  
the school is being conducted on the parcel of real property at 736  
the time a criminal offense is committed. 737

(S) "School building" means any building in which any of 738

the instruction, extracurricular activities, or training 739  
provided by a school is conducted, whether or not any 740  
instruction, extracurricular activities, or training provided by 741  
the school is being conducted in the school building at the time 742  
a criminal offense is committed. 743

(T) "Disciplinary counsel" means the disciplinary counsel 744  
appointed by the board of commissioners on grievances and 745  
discipline of the supreme court under the Rules for the 746  
Government of the Bar of Ohio. 747

(U) "Certified grievance committee" means a duly 748  
constituted and organized committee of the Ohio state bar 749  
association or of one or more local bar associations of the 750  
state of Ohio that complies with the criteria set forth in Rule 751  
V, section 6 of the Rules for the Government of the Bar of Ohio. 752

(V) "Professional license" means any license, permit, 753  
certificate, registration, qualification, admission, temporary 754  
license, temporary permit, temporary certificate, or temporary 755  
registration that is described in divisions (W) (1) to (37) of 756  
this section and that qualifies a person as a professionally 757  
licensed person. 758

(W) "Professionally licensed person" means any of the 759  
following: 760

(1) A person who has received a certificate or temporary 761  
certificate as a certified public accountant or who has 762  
registered as a public accountant under Chapter 4701. of the 763  
Revised Code and who holds an Ohio permit issued under that 764  
chapter; 765

(2) A person who holds a certificate of qualification to 766  
practice architecture issued or renewed and registered under 767

Chapter 4703. of the Revised Code;	768
(3) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;	769 770 771
(4) A person licensed under Chapter 4707. of the Revised Code;	772 773
(5) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	774 775 776
(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	777 778 779
(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	780 781 782 783 784 785 786 787 788 789 790
(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	791 792 793 794 795
(9) A person who has been issued an embalmer's license, a	796

funeral director's license, a funeral home license, or a	797
crematory license, or who has been registered for an embalmer's	798
or funeral director's apprenticeship under Chapter 4717. of the	799
Revised Code;	800
(10) A person who has been licensed as a registered nurse	801
or practical nurse, or who has been issued a certificate for the	802
practice of nurse-midwifery under Chapter 4723. of the Revised	803
Code;	804
(11) A person who has been licensed to practice optometry	805
or to engage in optical dispensing under Chapter 4725. of the	806
Revised Code;	807
(12) A person licensed to act as a pawnbroker under	808
Chapter 4727. of the Revised Code;	809
(13) A person licensed to act as a precious metals dealer	810
under Chapter 4728. of the Revised Code;	811
(14) A person licensed under Chapter 4729. of the Revised	812
Code as a pharmacist or pharmacy intern or registered under that	813
chapter as a registered pharmacy technician, certified pharmacy	814
technician, or pharmacy technician trainee;	815
(15) A person licensed under Chapter 4729. of the Revised	816
Code as a manufacturer of dangerous drugs, outsourcing facility,	817
third-party logistics provider, repackager of dangerous drugs,	818
wholesale distributor of dangerous drugs, or terminal	819
distributor of dangerous drugs;	820
(16) A person who is authorized to practice as a physician	821
assistant under Chapter 4730. of the Revised Code;	822
(17) A person who has been issued a license to practice	823
medicine and surgery, osteopathic medicine and surgery, or	824

podiatric medicine and surgery under Chapter 4731. of the 825  
Revised Code or has been issued a certificate to practice a 826  
limited branch of medicine under that chapter; 827

(18) A person licensed as a psychologist, independent 828  
school psychologist, or school psychologist under Chapter 4732. 829  
of the Revised Code; 830

(19) A person registered to practice the profession of 831  
engineering or surveying under Chapter 4733. of the Revised 832  
Code; 833

(20) A person who has been issued a license to practice 834  
chiropractic under Chapter 4734. of the Revised Code; 835

(21) A person licensed to act as a real estate broker or 836  
real estate salesperson under Chapter 4735. of the Revised Code; 837

(22) A person registered as a registered environmental 838  
health specialist under Chapter 3776. of the Revised Code; 839

(23) A person licensed to operate or maintain a junkyard 840  
under Chapter 4737. of the Revised Code; 841

(24) A person who has been issued a motor vehicle salvage 842  
dealer's license under Chapter 4738. of the Revised Code; 843

(25) A person who has been licensed to act as a steam 844  
engineer under Chapter 4739. of the Revised Code; 845

(26) A person who has been issued a license or temporary 846  
permit to practice veterinary medicine or any of its branches, 847  
or who is registered as a graduate animal technician under 848  
Chapter 4741. of the Revised Code; 849

(27) A person who has been issued a hearing aid dealer's 850  
or fitter's license or trainee permit under Chapter 4747. of the 851

Revised Code;	852
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	853 854 855
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	856 857
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	858 859 860
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	861 862 863
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	864 865 866 867 868 869
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	870 871
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	872 873 874
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	875 876
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	877 878

(37) A person who has been admitted to the bar by order of 879  
the supreme court in compliance with its prescribed and 880  
published rules. 881

(X) "Cocaine" means any of the following: 882

(1) A cocaine salt, isomer, or derivative, a salt of a 883  
cocaine isomer or derivative, or the base form of cocaine; 884

(2) Coca leaves or a salt, compound, derivative, or 885  
preparation of coca leaves, including ecgonine, a salt, isomer, 886  
or derivative of ecgonine, or a salt of an isomer or derivative 887  
of ecgonine; 888

(3) A salt, compound, derivative, or preparation of a 889  
substance identified in division (X)(1) or (2) of this section 890  
that is chemically equivalent to or identical with any of those 891  
substances, except that the substances shall not include 892  
decocainized coca leaves or extraction of coca leaves if the 893  
extractions do not contain cocaine or ecgonine. 894

(Y) "L.S.D." means lysergic acid diethylamide. 895

(Z) "Hashish" means a resin or a preparation of a resin to 896  
which both of the following apply: 897

(1) It is ~~contained in or derived from any part of the~~ 898  
~~plant of the genus cannabis, whether~~ in solid form or in a 899  
liquid concentrate, liquid extract, or liquid distillate form. 900

(2) It has a delta-9 tetrahydrocannabinol concentration of 901  
more than three-tenths per cent. 902

"Hashish" does not include a hemp byproduct in the 903  
possession of a licensed hemp processor under Chapter 928. of 904  
the Revised Code, provided that the hemp byproduct is being 905  
produced, stored, and disposed of in accordance with rules 906



adopted under section 928.03 of the Revised Code. 907

(AA) "Marihuana" has the same meaning as in section 908  
3719.01 of the Revised Code, except that it does not include 909  
hashish. 910

(BB) An offense is "committed in the vicinity of a 911  
juvenile" if the offender commits the offense within one hundred 912  
feet of a juvenile or within the view of a juvenile, regardless 913  
of whether the offender knows the age of the juvenile, whether 914  
the offender knows the offense is being committed within one 915  
hundred feet of or within view of the juvenile, or whether the 916  
juvenile actually views the commission of the offense. 917

(CC) "Presumption for a prison term" or "presumption that 918  
a prison term shall be imposed" means a presumption, as 919  
described in division (D) of section 2929.13 of the Revised 920  
Code, that a prison term is a necessary sanction for a felony in 921  
order to comply with the purposes and principles of sentencing 922  
under section 2929.11 of the Revised Code. 923

(DD) "Major drug offender" has the same meaning as in 924  
section 2929.01 of the Revised Code. 925

(EE) "Minor drug possession offense" means either of the 926  
following: 927

(1) A violation of section 2925.11 of the Revised Code as 928  
it existed prior to July 1, 1996; 929

(2) A violation of section 2925.11 of the Revised Code as 930  
it exists on and after July 1, 1996, that is a misdemeanor or a 931  
felony of the fifth degree. 932

(FF) "Mandatory prison term" has the same meaning as in 933  
section 2929.01 of the Revised Code. 934

(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	935 936
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	937 938 939
(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.	940 941 942 943 944
(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.	945 946
(KK) "Fentanyl-related compound" means any of the following:	947 948
(1) Fentanyl;	949
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	950 951 952
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	953 954
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);	955 956
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	957 958 959
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	960 961

- (7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide); 962  
963
- (8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide; 964  
965
- (9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide; 966  
967
- (10) Alfentanil; 968
- (11) Carfentanil; 969
- (12) Remifentanil; 970
- (13) Sufentanil; 971
- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and 972  
973
- (15) Any compound that meets all of the following fentanyl 974  
pharmacophore requirements to bind at the mu receptor, as 975  
identified by a report from an established forensic laboratory, 976  
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 977  
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 978  
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 979  
fluorofentanyl: 980
- (a) A chemical scaffold consisting of both of the 981  
following: 982
- (i) A five, six, or seven member ring structure containing 983  
a nitrogen, whether or not further substituted; 984
- (ii) An attached nitrogen to the ring, whether or not that 985  
nitrogen is enclosed in a ring structure, including an attached 986  
aromatic ring or other lipophilic group to that nitrogen. 987
- (b) A polar functional group attached to the chemical 988

scaffold, including but not limited to a hydroxyl, ketone, 989  
amide, or ester; 990

(c) An alkyl or aryl substitution off the ring nitrogen of 991  
the chemical scaffold; and 992

(d) The compound has not been approved for medical use by 993  
the United States food and drug administration. 994

(LL) "First degree felony mandatory prison term" means one 995  
of the definite prison terms prescribed in division (A) (1) (b) of 996  
section 2929.14 of the Revised Code for a felony of the first 997  
degree, except that if the violation for which sentence is being 998  
imposed is committed on or after March 22, 2019, it means one of 999  
the minimum prison terms prescribed in division (A) (1) (a) of 1000  
that section for a felony of the first degree. 1001

(MM) "Second degree felony mandatory prison term" means 1002  
one of the definite prison terms prescribed in division (A) (2) 1003  
(b) of section 2929.14 of the Revised Code for a felony of the 1004  
second degree, except that if the violation for which sentence 1005  
is being imposed is committed on or after March 22, 2019, it 1006  
means one of the minimum prison terms prescribed in division (A) 1007  
(2) (a) of that section for a felony of the second degree. 1008

(NN) "Maximum first degree felony mandatory prison term" 1009  
means the maximum definite prison term prescribed in division 1010  
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 1011  
the first degree, except that if the violation for which 1012  
sentence is being imposed is committed on or after March 22, 1013  
2019, it means the longest minimum prison term prescribed in 1014  
division (A) (1) (a) of that section for a felony of the first 1015  
degree. 1016

(OO) "Maximum second degree felony mandatory prison term" 1017

means the maximum definite prison term prescribed in division 1018  
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 1019  
the second degree, except that if the violation for which 1020  
sentence is being imposed is committed on or after March 22, 1021  
2019, it means the longest minimum prison term prescribed in 1022  
division (A) (2) (a) of that section for a felony of the second 1023  
degree. 1024

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 1025  
as in section 928.01 of the Revised Code. 1026

(QQ) An offense is "committed in the vicinity of a 1027  
substance addiction services provider or a recovering addict" if 1028  
either of the following apply: 1029

(1) The offender commits the offense on the premises of a 1030  
substance addiction services provider's facility, including a 1031  
facility licensed prior to June 29, 2019, under section 5119.391 1032  
of the Revised Code to provide methadone treatment or an opioid 1033  
treatment program licensed on or after that date under section 1034  
5119.37 of the Revised Code, or within five hundred feet of the 1035  
premises of a substance addiction services provider's facility 1036  
and the offender knows or should know that the offense is being 1037  
committed within the vicinity of the substance addiction 1038  
services provider's facility. 1039

(2) The offender sells, offers to sell, delivers, or 1040  
distributes the controlled substance or controlled substance 1041  
analog to a person who is receiving treatment at the time of the 1042  
commission of the offense, or received treatment within thirty 1043  
days prior to the commission of the offense, from a substance 1044  
addiction services provider and the offender knows that the 1045  
person is receiving or received that treatment. 1046

(RR) "Substance addiction services provider" means an 1047  
agency, association, corporation or other legal entity, 1048  
individual, or program that provides one or more of the 1049  
following at a facility: 1050

(1) Either alcohol addiction services, or drug addiction 1051  
services, or both such services that are certified by the 1052  
director of mental health and addiction services under section 1053  
5119.36 of the Revised Code; 1054

(2) Recovery supports that are related to either alcohol 1055  
addiction services, or drug addiction services, or both such 1056  
services and paid for with federal, state, or local funds 1057  
administered by the department of mental health and addiction 1058  
services or a board of alcohol, drug addiction, and mental 1059  
health services. 1060

(SS) "Premises of a substance addiction services 1061  
provider's facility" means the parcel of real property on which 1062  
any substance addiction service provider's facility is situated. 1063

(TT) "Alcohol and drug addiction services" has the same 1064  
meaning as in section 5119.01 of the Revised Code. 1065

**Sec. 2953.321.** (A) As used in this section: 1066

(1) "Expunge" means to destroy, delete, and erase a record 1067  
as appropriate for the record's physical or electronic form or 1068  
characteristic so that the record is permanently irretrievable. 1069

(2) "Official records" and "prosecutor" have the same 1070  
meanings as in section 2953.31 of the Revised Code. 1071

(B) If a person, prior to the effective date of this 1072  
section, was convicted of or has pleaded guilty to a violation 1073  
of division (C) (3) or (7) of section 2925.11 of the Revised 1074

Code, the conduct that was the basis of the violation involved 1075  
possession of not more than fifteen grams of hashish and not 1076  
more than two and one-half ounces of marihuana other than 1077  
hashish, and the person did not violate the provisions of any 1078  
community control sanction imposed for the violation, the person 1079  
may file an application under this section requesting an 1080  
expungement of the record of conviction. 1081

(C) Any person who is eligible under division (B) of this 1082  
section to file an application for expungement may apply to the 1083  
sentencing court for the expungement of the record of 1084  
conviction. The person may file the application at any time on 1085  
or after the effective date of this section. The application 1086  
shall do all of the following: 1087

(1) Identify the applicant, the offense for which the 1088  
expungement is sought, the date of the conviction of or plea of 1089  
guilty to that offense, and the court in which the conviction 1090  
occurred or the plea of guilty was entered; 1091

(2) Include evidence that the offense was a violation of 1092  
division (C) (3) or (7) of section 2925.11 of the Revised Code, 1093  
that the conviction or plea of guilty occurred prior to the 1094  
effective date of this section, that the conduct that was the 1095  
basis of the violation involved possession of not more than 1096  
fifteen grams of hashish and not more than two and one-half 1097  
ounces of marihuana other than hashish, and that the person did 1098  
not violate the provisions of any community control sanction 1099  
imposed for the violation; 1100

(3) Include a request for expungement of the record of 1101  
conviction of that offense under this section. 1102

(D) Upon the filing of an application under division (C) 1103

of this section and the payment of the fee described in division 1104  
(H) of this section if applicable, the court shall set a date 1105  
for a hearing and shall notify the prosecutor for the case of 1106  
the hearing on the application. The prosecutor may object to the 1107  
granting of the application by filing an objection with the 1108  
court prior to the date set for the hearing. The prosecutor 1109  
shall specify in the objection the reasons for believing a 1110  
denial of the application is justified. The court shall direct 1111  
its regular probation officer, a state probation officer, or the 1112  
department of probation of the county in which the applicant 1113  
resides to make inquiries and written reports as the court 1114  
requires concerning the applicant. The court shall hold the 1115  
hearing scheduled under this division. 1116

(E) At the hearing held under division (D) of this 1117  
section, the court shall do both of the following: 1118

(1) Determine whether the applicant has, prior to the 1119  
effective date of this section, been convicted of or pleaded 1120  
guilty to a violation of division (C)(3) or (7) of section 1121  
2925.11 of the Revised Code, whether the conduct that was the 1122  
basis for the violation involved possession of not more than 1123  
fifteen grams of hashish and not more than two and one-half 1124  
ounces of marihuana other than hashish, and whether the 1125  
applicant has violated the provisions of any community control 1126  
sanction imposed for the violation; 1127

(2) If the prosecutor has filed an objection in accordance 1128  
with division (D) of this section, consider the reasons against 1129  
granting the application specified by the prosecutor in the 1130  
objection. 1131

(F) The court shall order the expungement of all official 1132  
records pertaining to the case and the deletion of all index 1133



references to the case and, if it does order the expungement, 1134  
shall send notice of the order to each public office or agency 1135  
that the court has reason to believe may have an official record 1136  
pertaining to the case if the court, after complying with 1137  
division (E) of this section, determines that the applicant, 1138  
prior to the effective date of this section, had been convicted 1139  
of or pleaded guilty to a violation of division (C) (3) or (7) of 1140  
section 2925.11 of the Revised Code, that the conduct that was 1141  
the basis for the violation involved possession of not more than 1142  
fifteen grams of hashish and not more than two and one-half 1143  
ounces of marihuana other than hashish, and that the person did 1144  
not violate the provisions of any community control sanction 1145  
imposed for the violation. 1146

(G) The proceedings in the case that is the subject of an 1147  
order issued under division (F) of this section shall be 1148  
considered not to have occurred and the conviction or guilty 1149  
plea of the person who is the subject of the proceedings shall 1150  
be expunged. The record of the conviction shall not be used for 1151  
any purpose, including, but not limited to, a criminal records 1152  
check under section 109.572 of the Revised Code. The applicant 1153  
may, and the court shall, reply that no record exists with 1154  
respect to the applicant upon any inquiry into the matter. 1155

(H) Upon the filing of an application under this section, 1156  
the applicant, unless indigent, shall pay a fee of fifty 1157  
dollars. The court shall pay thirty dollars of the fee into the 1158  
state treasury and shall pay twenty dollars of the fee into the 1159  
county general revenue fund. 1160

**Sec. 3376.07.** A state institution of higher education, 1161  
private college, athletic association, conference, or other 1162  
group or organization with authority over intercollegiate 1163

athletics may prohibit a student who participates in 1164  
intercollegiate athletics from entering into a contract 1165  
providing compensation to the student for use of the student's 1166  
name, image, or likeness if under the contract the student's 1167  
name, image, or likeness is associated with any of the 1168  
following: 1169

(A) Any company that manufactures, markets, or sells, or 1170  
brand that is associated with, a controlled substance, marihuana 1171  
product, medical marijuana product, adult-use marijuana product, 1172  
alcoholic product, tobacco product, electronic smoking device, 1173  
vapor product, or product or device that consists of or contains 1174  
nicotine that can be ingested into the body; 1175

(B) Any ~~medical~~-marijuana cultivator, processor, 1176  
laboratory, or retail dispensary licensed under Chapter 3796. of 1177  
the Revised Code or under the laws of another state; 1178

(C) Any business engaged in the sale, rental, or 1179  
exhibition for any form of consideration of adult entertainment 1180  
that is characterized by an emphasis on the exposure or display 1181  
of sexual activity; 1182

(D) Any casino or entity that sponsors or promotes 1183  
gambling activities; 1184

(E) Any other category of companies, brands, or types of 1185  
contracts that are similar to those described in divisions (A) 1186  
to (D) of this section that the institution or college 1187  
communicates to the student before the student enrolls at the 1188  
institution or college. 1189

**Sec. 3719.01.** As used in this chapter: 1190

(A) "Administer" means the direct application of a drug, 1191  
whether by injection, inhalation, ingestion, or any other means 1192

to a person or an animal.	1193
(B) "Drug enforcement administration" means the drug enforcement administration of the United States department of justice or its successor agency.	1194 1195 1196
(C) "Controlled substance" means a drug, compound, mixture, preparation, or substance included in schedule I, II, III, IV, or V.	1197 1198 1199
(D) "Dangerous drug" has the same meaning as in section 4729.01 of the Revised Code.	1200 1201
(E) "Dispense" means to sell, leave with, give away, dispose of, or deliver.	1202 1203
(F) "Distribute" means to deal in, ship, transport, or deliver but does not include administering or dispensing a drug.	1204 1205
(G) "Drug" has the same meaning as in section 4729.01 of the Revised Code.	1206 1207
(H) "Drug abuse offense" and "felony drug abuse offense" have the same meanings as in section 2925.01 of the Revised Code.	1208 1209 1210
(I) "Federal drug abuse control laws" means the "Comprehensive Drug Abuse Prevention and Control Act of 1970," 84 Stat. 1242, 21 U.S.C. 801, as amended.	1211 1212 1213
(J) "Hospital" means a facility registered as a hospital with the department of health under section 3701.07 of the Revised Code.	1214 1215 1216
(K) "Hypodermic" means a hypodermic syringe or needle, or other instrument or device for the injection of medication.	1217 1218
(L) "Manufacturer" means a person who manufactures a	1219

controlled substance, as "manufacture" is defined in section 1220  
3715.01 of the Revised Code, and includes a "manufacturer of 1221  
dangerous drugs" as defined in section 4729.01 of the Revised 1222  
Code. 1223

(M) "Marihuana" means all parts of a plant of the genus 1224  
cannabis, whether growing or not; the seeds of a plant of that 1225  
type; the resin extracted from a part of a plant of that type; 1226  
and every compound, manufacture, salt, derivative, mixture, or 1227  
preparation of a plant of that type or of its seeds or resin. 1228  
"Marihuana" does not include the mature stalks of the plant, 1229  
fiber produced from the stalks, oils or cake made from the seeds 1230  
of the plant, or any other compound, manufacture, salt, 1231  
derivative, mixture, or preparation of the mature stalks, except 1232  
the resin extracted from the mature stalks, fiber, oil or cake, 1233  
or the sterilized seed of the plant that is incapable of 1234  
germination. "Marihuana" does not include "hemp" or a "hemp 1235  
product" as those terms are defined in section 928.01 of the 1236  
Revised Code. 1237

(N) "Narcotic drugs" means coca leaves, opium, 1238  
isonipecaine, amidone, isoamidone, ketobemidone, as defined in 1239  
this division, and every substance not chemically distinguished 1240  
from them and every drug, other than cannabis, that may be 1241  
included in the meaning of "narcotic drug" under the federal 1242  
drug abuse control laws. As used in this division: 1243

(1) "Coca leaves" includes cocaine and any compound, 1244  
manufacture, salt, derivative, mixture, or preparation of coca 1245  
leaves, except derivatives of coca leaves, that does not contain 1246  
cocaine, ecgonine, or substances from which cocaine or ecgonine 1247  
may be synthesized or made. 1248

(2) "Isonipecaine" means any substance identified 1249

chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid 1250  
ethyl ester, or any salt thereof, by whatever trade name 1251  
designated. 1252

(3) "Amidone" means any substance identified chemically as 1253  
4-4-diphenyl-6-dimethylamino-heptanone-3, or any salt thereof, 1254  
by whatever trade name designated. 1255

(4) "Isoamidone" means any substance identified chemically 1256  
as 4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3, or any salt 1257  
thereof, by whatever trade name designated. 1258

(5) "Ketobemidone" means any substance identified 1259  
chemically as 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl 1260  
ketone hydrochloride, or any salt thereof, by whatever trade 1261  
name designated. 1262

(6) "Cocaine" has the same meaning as in section 2925.01 1263  
of the Revised Code. 1264

(O) "Official written order" means an order written on a 1265  
form provided for that purpose by the director of the United 1266  
States drug enforcement administration, under any laws of the 1267  
United States making provision for the order, if the order forms 1268  
are authorized and required by federal law. 1269

(P) "Person" means any individual, corporation, 1270  
government, governmental subdivision or agency, business trust, 1271  
estate, trust, partnership, association, or other legal entity. 1272

(Q) "Pharmacist" means a person licensed under Chapter 1273  
4729. of the Revised Code to engage in the practice of pharmacy. 1274

(R) "Pharmacy" has the same meaning as in section 4729.01 1275  
of the Revised Code. 1276

(S) "Poison" means any drug, chemical, or preparation 1277

likely to be deleterious or destructive to adult human life in 1278  
quantities of four grams or less. 1279

(T) "Licensed health professional authorized to prescribe 1280  
drugs," "prescriber," and "prescription" have the same meanings 1281  
as in section 4729.01 of the Revised Code. 1282

(U) "Sale" includes delivery, barter, exchange, transfer, 1283  
or gift, or offer thereof, and each transaction of those natures 1284  
made by any person, whether as principal, proprietor, agent, 1285  
servant, or employee. 1286

(V) "Schedule I," "schedule II," "schedule III," "schedule 1287  
IV," and "schedule V" mean controlled substance schedules I, II, 1288  
III, IV, and V, respectively, as established by rule adopted 1289  
under section 3719.41 of the Revised Code, as amended pursuant 1290  
to section 3719.43 or 3719.44 of the Revised Code, or as 1291  
established by emergency rule adopted under section 3719.45 of 1292  
the Revised Code. 1293

(W) "Wholesaler" means a person who, on official written 1294  
orders other than prescriptions, supplies controlled substances 1295  
that the person has not manufactured, produced, or prepared 1296  
personally and includes a "wholesale distributor of dangerous 1297  
drugs" as defined in section 4729.01 of the Revised Code. 1298

(X) "Animal shelter" means a facility operated by a humane 1299  
society or any society organized under Chapter 1717. of the 1300  
Revised Code or a dog pound operated pursuant to Chapter 955. of 1301  
the Revised Code. 1302

(Y) "Terminal distributor of dangerous drugs" has the same 1303  
meaning as in section 4729.01 of the Revised Code. 1304

(Z) (1) "Controlled substance analog" means, except as 1305  
provided in division (Z) (2) of this section, a either of the 1306

following: 1307

(a) A substance to which both of the following apply: 1308

~~(a)(i)~~ The chemical structure of the substance is 1309  
substantially similar to the structure of a controlled substance 1310  
in schedule I or II. 1311

~~(b)(ii)~~ One of the following applies regarding the 1312  
substance: 1313

~~(i)(I)~~ The substance has a stimulant, depressant, or 1314  
hallucinogenic effect on the central nervous system that is 1315  
substantially similar to or greater than the stimulant, 1316  
depressant, or hallucinogenic effect on the central nervous 1317  
system of a controlled substance in schedule I or II. 1318

~~(ii)(II)~~ With respect to a particular person, that person 1319  
represents or intends the substance to have a stimulant, 1320  
depressant, or hallucinogenic effect on the central nervous 1321  
system that is substantially similar to or greater than the 1322  
stimulant, depressant, or hallucinogenic effect on the central 1323  
nervous system of a controlled substance in schedule I or II. 1324

~~(2)(b)~~ Any substance with a similar chemical structure to 1325  
delta-1-cis or trans tetrahydrocannabinol, and their optical 1326  
isomers, salts and salts of isomers. This division includes, but 1327  
is not limited to 9-hexahydrocannabinol, and delta-9- 1328  
tetrahydrocannabinol acetate. Since nomenclature of these 1329  
substances is not internationally standardized, compounds of 1330  
these structures, regardless of numerical designation of atomic 1331  
positions, are included. 1332

(2) "Controlled substance analog" does not include any of 1333  
the following: 1334

- (a) A controlled substance; 1335
- (b) Any substance for which there is an approved new drug application; 1336  
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- (c) With respect to a particular person, any substance if an exemption is in effect for investigational use for that person pursuant to federal law to the extent that conduct with respect to that substance is pursuant to that exemption; 1338  
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- (d) Any substance to the extent it is not intended for human consumption before the exemption described in division (2) (b) of this section takes effect with respect to that substance. 1342  
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- (e) Delta-1-cis or trans tetrahydrocannabinol, cannabichromene (CBC), cannabicyclol (CBL), cannabidiol (CBD), cannabidivanol, cannabielsoin (CBE), cannabigerol (CBG), cannabigerovarin (CBGV), cannabinol (CBN), or cannabivarin (CBV). 1346  
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- (f) With respect to a cultivator, processor, or testing laboratory licensed pursuant to Chapter 3796. of the Revised Code, any tetrahydrocannabinol produced in accordance with that chapter. 1351  
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- (AA) "Benzodiazepine" means a controlled substance that has United States food and drug administration approved labeling indicating that it is a benzodiazepine, benzodiazepine derivative, triazolobenzodiazepine, or triazolobenzodiazepine derivative, including the following drugs and their varying salt forms or chemical congeners: alprazolam, chlordiazepoxide hydrochloride, clobazam, clonazepam, clorazepate, diazepam, estazolam, flurazepam hydrochloride, lorazepam, midazolam, oxazepam, quazepam, temazepam, and triazolam. 1355  
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(BB) "Opioid analgesic" means a controlled substance that  
has analgesic pharmacologic activity at the opioid receptors of  
the central nervous system, including the following drugs and  
their varying salt forms or chemical congeners: buprenorphine,  
butorphanol, codeine (including acetaminophen and other  
combination products), dihydrocodeine, fentanyl, hydrocodone  
(including acetaminophen combination products), hydromorphone,  
meperidine, methadone, morphine sulfate, oxycodone (including  
acetaminophen, aspirin, and other combination products),  
oxymorphone, tapentadol, and tramadol.

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

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

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

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

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

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

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

(6) "Qualifying medical condition" means any of the	1393
following:	1394
(a) Acquired immune deficiency syndrome;	1395
(b) Alzheimer's disease;	1396
(c) Amyotrophic lateral sclerosis;	1397
(d) Cancer;	1398
(e) Chronic traumatic encephalopathy;	1399
(f) Crohn's disease;	1400
(g) Epilepsy or another seizure disorder;	1401
(h) Fibromyalgia;	1402
(i) Glaucoma;	1403
(j) Hepatitis C;	1404
(k) Inflammatory bowel disease;	1405
(l) Multiple sclerosis;	1406
(m) Pain that is either of the following:	1407
(i) Chronic and severe;	1408
(ii) Intractable.	1409
(n) Parkinson's disease;	1410
(o) Positive status for HIV;	1411
(p) Post-traumatic stress disorder;	1412
(q) Sickle cell anemia;	1413
(r) Spinal cord disease or injury;	1414
(s) Tourette's syndrome;	1415

(t) Traumatic brain injury;	1416
(u) Ulcerative colitis;	1417
(v) Any other disease or condition added by the state medical board under section 4731.302 of the Revised Code.	1418 1419
(7) "State university" has the same meaning as in section 3345.011 of the Revised Code.	1420 1421
<u>(8) "Adult-use consumer" means an individual who is at least twenty-one years of age.</u>	1422 1423
<u>(9) "Adult-use marijuana" means marijuana that is cultivated, processed, dispensed, or tested for, or possessed or used by, an adult-use consumer, in accordance with this chapter. "Adult-use marijuana" does not include medical marijuana or homegrown marijuana.</u>	1424 1425 1426 1427 1428
<u>(10) "Church" has the meaning defined in section 1710.01 of the Revised Code.</u>	1429 1430
<u>(11) "Public library" means a library provided for under Chapter 3375. of the Revised Code.</u>	1431 1432
<u>(12) "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.</u>	1433 1434 1435
<u>(13) "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.</u>	1436 1437 1438
<u>(14) "School" means a child 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.</u>	1439 1440 1441 1442

(15) "Public place" has the same meaning as in section 3794.01 of the Revised Code. 1443  
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(16) "Ohio investigative unit" means the investigative unit maintained by the department of public safety under section 5502.13 of the Revised Code. 1445  
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(17) "Homegrown marijuana" means marijuana cultivated, grown, processed, or possessed by an adult-use consumer in accordance with section 3796.04 of the Revised Code. "Homegrown marijuana" does not include medical marijuana or adult-use marijuana. 1448  
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(18) "Provisional license" means a temporary license issued by the division of marijuana control to an applicant for a cultivator, processor, retail dispensary, or laboratory license under this chapter that establishes the conditions that must be met before the provisional license holder may engage in the activities authorized by section 3796.18, 3796.19, 3796.20, or 3796.21 of the Revised Code. 1453  
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(19) "Certificate of operation" means a certificate issued by the division to the holder of a provisional license that authorizes the recipient to engage in the activities authorized by section 3796.18, 3796.19, 3796.20, or 3796.21 of the Revised Code. 1460  
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(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. 1465  
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**Sec. 3796.02.** There is hereby established a division of marijuana control in the department of commerce under the supervision and direction of the superintendent of marijuana 1469  
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control as established under section 121.04 of the Revised Code. 1472

The ~~medical~~-marijuana control program is hereby established in 1473  
the division of marijuana control. The division shall provide 1474  
for the licensure of ~~medical~~-marijuana cultivators, processors, 1475  
retail dispensaries, and laboratories that test ~~medical~~- 1476  
marijuana. The division shall also provide for the registration 1477  
of patients and their caregivers. The division shall administer 1478  
the ~~medical~~-marijuana control program. 1479

**Sec. 3796.03.** (A) The division of marijuana control shall 1480  
adopt rules establishing standards and procedures for the 1481  
~~medical~~-marijuana control program. 1482

All rules adopted under this section shall be adopted in 1483  
accordance with Chapter 119. of the Revised Code. 1484

(B) The rules shall do all of the following: 1485

(1) Establish application procedures and fees for licenses 1486  
it issues under this chapter; 1487

(2) Specify both of the following: 1488

(a) The conditions that must be met to be eligible for 1489  
licensure; 1490

(b) In accordance with section 9.79 of the Revised Code, 1491  
the criminal offenses for which an applicant will be 1492  
disqualified from licensure pursuant to that section. 1493

(3) Establish, in accordance with section 3796.05 of the 1494  
Revised Code, the number of cultivator licenses ~~and retail~~- 1495  
~~dispensary licenses~~ that will be permitted at any one time; 1496

(4) Establish a license renewal schedule, renewal 1497  
procedures, and renewal fees; 1498

- (5) 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;
- (6) Establish standards under which a license suspension may be lifted;
- (7) Establish procedures for registration of medical marijuana patients and caregivers and requirements that must be met to be eligible for registration;
- (8) Establish training requirements for employees of retail dispensaries;
- (9) Specify if a cultivator, processor, retail dispensary, 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, retail dispensary, or laboratory, may remain in operation or shall relocate or have its license revoked by the division;
- (10) Specify, by form and tetrahydrocannabinol content, a maximum ninety-day supply of medical marijuana that may be possessed;
- (11) Specify the paraphernalia or other accessories that may be used in the administration to a registered patient of medical marijuana;
- (12) Establish procedures for the issuance of patient or caregiver identification cards;
- (13) Specify the forms of or methods of using medical marijuana that are attractive to children;

(14) Specify both of the following:	1527
(a) Subject to division (B) (14) (b) of this section, the criminal offenses for which a person will be disqualified from employment with a license holder;	1528 1529 1530
(b) Which of the criminal offenses specified pursuant to division (B) (14) (a) of this section will not disqualify a person from employment with a license holder if the person was convicted of or pleaded guilty to the offense more than five years before the date the employment begins.	1531 1532 1533 1534 1535
(15) Establish a program to assist <u>medical marijuana</u> patients who are veterans or indigent in obtaining medical marijuana in accordance with this chapter;	1536 1537 1538
(16) Establish, in accordance with section 3796.05 of the Revised Code, standards and procedures for the testing of <u>medical marijuana and adult-use marijuana</u> by a laboratory licensed under this chapter.	1539 1540 1541 1542
(C) In addition to the rules described in division (B) of this section, the division may adopt any other rules it considers necessary for the program's administration and the implementation and enforcement of this chapter.	1543 1544 1545 1546
(D) When adopting rules under this section, the division shall consider standards and procedures that have been found to be best practices relative to the use and regulation of <u>medical marijuana, adult-use marijuana, and homegrown marijuana.</u>	1547 1548 1549 1550
<u>Sec. 3796.04. (A) Notwithstanding any other provision of the Revised Code, an adult-use consumer may do all of the following:</u>	1551 1552 1553
<u>(1) Cultivate, grow, and possess not more than six</u>	1554

homegrown marijuana plants at the adult-use consumer's primary residence, if all of the following apply: 1555  
1556

(a) Not more than six homegrown marijuana plants are cultivated or grown at a single residence; 1557  
1558

(b) Cultivation or growing of homegrown marijuana takes place only within a secured closet, room, greenhouse, or other enclosed area in or on the grounds of the residence that prevents access by individuals under twenty-one years of age, and which is not visible by normal unaided vision from a public space; 1559  
1560  
1561  
1562  
1563  
1564

(c) Cultivation or growing of homegrown marijuana does not take place at a residence that is a type A family child care home or type B family child care home, as those terms are defined in section 5104.01 of the Revised Code; 1565  
1566  
1567  
1568

(d) Cultivation or growing of homegrown marijuana does not take place at a residence occupied pursuant to a rental agreement that prohibits the activities otherwise authorized by this section. 1569  
1570  
1571  
1572

(2) Process by manual or mechanical means homegrown marijuana cultivated or grown in accordance with this section. 1573  
1574

(3) Store at the adult-use consumer's primary residence adult-use marijuana that was purchased from a dispensary licensed under this chapter or homegrown marijuana produced by the adult-use consumer in accordance with this section. 1575  
1576  
1577  
1578

(4) Use homegrown marijuana grown, cultivated, and processed at the adult-use consumer's primary residence in accordance with this section; 1579  
1580  
1581

(5) Possess any paraphernalia or accessories that may be 1582



used in the administration of adult-use marijuana. 1583

(B) No person shall give, sell, or transfer homegrown marijuana to any other person, with or without remuneration. 1584  
1585

(C) This section does not authorize any person to: 1586

(1) Cultivate, grow, or process homegrown marijuana except at the person's primary residence; 1587  
1588

(2) Use, cultivate, process, transfer, or transport adult-use marijuana or homegrown marijuana before reaching twenty-one years of age; 1589  
1590  
1591

(3) Process homegrown by hydrocarbon-based extraction; 1592

(4) Sell, or profit from, homegrown marijuana; 1593

(5) Cultivate, grow, or possess homegrown marijuana on behalf of another person. 1594  
1595

(D) The total amount of homegrown marijuana and adult-use marijuana possessed by an adult-use consumer shall not exceed: 1596  
1597

(1) Two and one-half ounces of plant material, excluding any seeds, live plants, or clones being cultivated, grown, or processed in accordance with this section; 1598  
1599  
1600

(2) Fifteen grams of extract. 1601

(E) Subject to divisions (B), (C), and (D) of this section, an adult-use consumer shall not be subject to arrest or criminal prosecution for engaging in any of the activities described in division (A) of this section. 1602  
1603  
1604  
1605

(F) This section does not authorize an adult-use consumer to operate a vehicle, streetcar, trackless trolley, watercraft, or aircraft while under the influence of homegrown marijuana. 1606  
1607  
1608

Sec. 3796.05. (A) When establishing the number of 1609  
cultivator licenses that will be permitted at any one time, the 1610  
division of marijuana control shall consider ~~both~~ all of the 1611  
following: 1612

(1) The population of this state; 1613

(2) The number of patients seeking to use medical 1614  
marijuana; 1615

(3) The number of adult-use consumers seeking to use 1616  
adult-use marijuana. 1617

~~(B) When establishing the number of (B) (1) Not more than 1618  
three hundred fifty retail dispensary licenses that will shall 1619  
be permitted at any one time, the division shall consider all of 1620  
the following: 1621~~

~~(1) The population of this state; 1622~~

~~(2) The number of patients seeking to use medical 1623  
marijuana; 1624~~

~~(3) The geographic distribution of dispensary sites in an 1625  
effort to ensure patient access to medical marijuana. 1626~~

(2) (a) The division may revoke a retail dispensary license 1627  
for failure to secure a certificate of operation within eighteen 1628  
months after provisional licensure. 1629

(b) The holder of a provisional license may apply to the 1630  
division for not more than two six-month extensions of the 1631  
deadline prescribed by division (B) (2) (b) of this section. The 1632  
division shall approve the extension if the provisional license 1633  
holder demonstrates that the provisional license holder has made 1634  
a good-faith effort to become operational. 1635

(3) When issuing retail dispensary licenses, the division 1636  
of marijuana control shall ensure that the geographic 1637  
distribution of dispensary sites does not result in the 1638  
oversaturation of any geographic area. 1639

(4) The division shall not, on or after the effective date 1640  
of this amendment, issue a retail dispensary license for, or 1641  
approve the relocation of a licensed retail dispensary to, a 1642  
location or facility: 1643

(a) That is within one-half mile of another licensed 1644  
retail dispensary; 1645

(b) For which a permit has been issued under Chapter 4303. 1646  
of the Revised Code to sell beer and intoxicating liquor, as 1647  
those terms are defined in section 4301.01 of the Revised Code. 1648

(C) When establishing standards and procedures for the 1649  
testing of medical marijuana and adult-use marijuana, the 1650  
division shall do all of the following: 1651

(1) Specify when testing must be conducted; 1652

(2) Determine the minimum amount of medical marijuana or 1653  
adult-use marijuana that must be tested; 1654

(3) Specify the manner in which testing is to be conducted 1655  
in an effort to ensure uniformity of medical marijuana products 1656  
processed for and dispensed to patients and adult-use marijuana 1657  
products; 1658

(4) Specify the manner in which test results are provided. 1659

**Sec. 3796.06.** (A) Only the following forms of medical 1660  
marijuana may be dispensed under this chapter: 1661

(1) Oils; 1662

(2) Tinctures;	1663
(3) Plant material;	1664
(4) Edibles;	1665
(5) Patches;	1666
(6) Any other form approved by the division of marijuana control under section 3796.061 of the Revised Code.	1667 1668
(B) <u>Only the following forms of adult-use marijuana may be dispensed under this chapter:</u>	1669 1670
<u>(1) Any form in which medical marijuana may be dispensed;</u>	1671
<u>(2) Extracts;</u>	1672
<u>(3) Drops;</u>	1673
<u>(4) Lozenges;</u>	1674
<u>(5) Smoking or combustible products;</u>	1675
<u>(6) Vaporization products;</u>	1676
<u>(7) Beverages;</u>	1677
<u>(8) Pills;</u>	1678
<u>(9) Capsules;</u>	1679
<u>(10) Suppositories;</u>	1680
<u>(11) Oral pouches;</u>	1681
<u>(12) Oral strips;</u>	1682
<u>(13) Oral and topical sprays;</u>	1683
<u>(14) Salves;</u>	1684
<u>(15) Lotions or similar cosmetic products;</u>	1685

<u>(16) Inhalers;</u>	1686
<u>(17) Seeds;</u>	1687
<u>(18) Live plants;</u>	1688
<u>(19) Clones.</u>	1689
<u>(C) With respect to the methods of using medical</u>	1690
<u>marijuana, adult-use marijuana, and homegrown marijuana, all of</u>	1691
<u>the following apply:</u>	1692
(1) The smoking or combustion of medical marijuana is	1693
prohibited.	1694
(2) The <u>smoking, combustion, and vaporization of adult-use</u>	1695
<u>marijuana and homegrown marijuana, and the vaporization of</u>	1696
<u>medical marijuana, is permitted only in a private residence that</u>	1697
<u>is not either of the following:</u>	1698
<u>(a) A type A family child care home or type B family child</u>	1699
<u>care home, as those terms are defined in section 5104.01 of the</u>	1700
<u>Revised Code;</u>	1701
<u>(b) A residential premises occupied pursuant to a rental</u>	1702
<u>agreement that prohibits smoking, combustion, or vaporization of</u>	1703
<u>marijuana.</u>	1704
(3) The division may approve additional methods of using	1705
medical marijuana, other than smoking or combustion, under	1706
section 3796.061 of the Revised Code.	1707
<del>(C)</del> <u>(D) (1) Any form or method of using medical marijuana</u>	1708
<u>that is considered attractive to children, as specified in rules</u>	1709
<u>adopted by the division, is prohibited.</u>	1710
<u>(2) Adult-use marijuana shall not be dispensed or sold in</u>	1711
<u>a form or shape that bears the likeness or contains the</u>	1712

characteristics of a realistic or fictional human, animal, or 1713  
fruit, including artistic, caricature, or cartoon renderings. 1714

~~(D) With respect to tetrahydrocannabinol content, all of~~ 1715  
~~the following apply:~~ 1716

~~(1) Plant material shall have a~~ (E) (1) The 1717  
tetrahydrocannabinol content of medical marijuana dispensed or 1718  
sold to patients or caregivers shall not more than thirty-five 1719  
exceed: 1720

(a) Thirty-five per cent for plant material; 1721

(b) Seventy per cent for extracts. 1722

~~(2) Extracts shall have a~~ Except as otherwise provided in 1723  
division (F) of this section, the tetrahydrocannabinol content 1724  
of adult-use marijuana dispensed or sold to adult-use consumers 1725  
shall not more than seventy exceed: 1726

(a) Thirty-five per cent for plant material; 1727

(b) Fifty per cent for extracts. 1728

(3) The amount of tetrahydrocannabinol in adult-use 1729  
marijuana dispensed or sold to adult-use consumers shall not 1730  
exceed either of the following: 1731

(a) Ten milligrams per serving; 1732

(b) One hundred milligrams per package. 1733

(F) The division of marijuana control may adopt rules, in 1734  
accordance with Chapter 119. of the Revised Code, that do either 1735  
or both of the following so long as such rules are supported by 1736  
scientific evidence and consistent with industry standards: 1737

(1) Allow, notwithstanding division (E) (2) (b) of this 1738  
section, adult-use marijuana extracts intended for use or 1739

consumption by vaporization to be dispensed or sold to adult-use 1740  
consumers with a tetrahydrocannabinol content in excess of fifty 1741  
per cent; 1742

(2) Establish, subject to division (E) (3) of this section, 1743  
tetrahydrocannabinol content limits for adult-use marijuana 1744  
dispensed or sold to adult-use consumers as a percentage by 1745  
weight, content per unit, or content per package. 1746

(G) No person shall knowingly give, sell, or distribute 1747  
adult-use marijuana, or homegrown marijuana to a person under 1748  
twenty-one years of age. 1749

(H) No person under the age of twenty one shall knowingly 1750  
purchase, use, or possess adult-use marijuana or homegrown 1751  
marijuana. 1752

**Sec. 3796.062.** (A) No person shall transport marijuana 1753  
other than adult-use marijuana, medical marijuana, or homegrown 1754  
marijuana in a motor vehicle. 1755

(B) No person shall transport adult-use marijuana or 1756  
medical marijuana in a motor vehicle unless either or both of 1757  
the following apply: 1758

(1) The adult-use marijuana or medical marijuana is in the 1759  
original, unopened packaging in which it was dispensed or sold; 1760

(2) The adult-use marijuana or medical marijuana is stored 1761  
in the trunk of the motor vehicle or, if the motor vehicle does 1762  
not have a trunk, behind the last upright seat of the motor 1763  
vehicle or in an area not normally occupied by the driver or 1764  
passengers and not easily accessible by the driver. 1765

(C) No person shall transport homegrown marijuana in a 1766  
motor vehicle unless the homegrown marijuana is stored in the 1767

trunk of the motor vehicle or, if the motor vehicle does not 1768  
have a trunk, behind the last upright seat of the motor vehicle 1769  
or in an area not normally occupied by the driver or passengers 1770  
and not easily accessible by the driver. 1771

(D) No person shall transport marijuana paraphernalia in a 1772  
motor vehicle unless either or both of the following apply: 1773

(1) The marijuana paraphernalia is in the original, 1774  
unopened packaging in which it was dispensed or sold; 1775

(2) The marijuana paraphernalia is stored in the trunk of 1776  
the motor vehicle or, if the motor vehicle does not have a 1777  
trunk, behind the last upright seat of the motor vehicle or in 1778  
an area not normally occupied by the driver or passengers and 1779  
not easily accessible by the driver. 1780

**Sec. 3796.07.** The ~~department of commerce~~ division of 1781  
marijuana control shall establish and maintain an electronic 1782  
database to monitor medical marijuana, other than medical 1783  
marijuana dispensed under section 3796.33 of the Revised Code, 1784  
from its seed source through its cultivation, processing, 1785  
testing, and dispensing. The ~~department~~ division may contract 1786  
with a separate entity to establish and maintain all or any part 1787  
of the electronic database on behalf of the department. 1788

The electronic database shall allow for information 1789  
regarding medical marijuana to be updated instantaneously. Any 1790  
cultivator, processor, retail dispensary, or laboratory licensed 1791  
under this chapter shall submit to the ~~department~~ division any 1792  
information the ~~department~~ division determines is necessary for 1793  
maintaining the electronic database. 1794

Information reported or collected under this section, 1795  
including all data contained in the electronic database, is 1796



confidential and is not a public record for the purposes of 1797  
section 149.43 of the Revised Code. The ~~department~~ division and 1798  
any entity under contract with the ~~department~~ division shall not 1799  
make public any information reported to or collected by the 1800  
~~department~~ division under this ~~division~~ section that identifies 1801  
or would tend to identify any specific patient. Information or 1802  
data that does not identify a specific patient may be released 1803  
in summary, statistical, or aggregate form. 1804

**Sec. 3796.09.** (A) An entity that seeks to cultivate ~~or,~~ 1805  
~~process medical marijuana,~~ or to conduct laboratory testing of 1806  
medical marijuana and adult-use marijuana shall file an 1807  
application for licensure with the ~~department~~ division of 1808  
~~commerce~~ marijuana control. The entity shall file an application 1809  
for each location from which it seeks to operate. Each 1810  
application shall be submitted in accordance with rules adopted 1811  
under section 3796.03 of the Revised Code. 1812

(B) The division shall evaluate and prioritize 1813  
applications for licensure under this section according to the 1814  
applicant's eligibility, suitability, and ability to operate. 1815

(C) The ~~department~~ division shall not issue a license to 1816  
an applicant ~~if~~ unless all of the following ~~conditions~~ 1817  
eligibility requirements are met: 1818

(1) The report of the criminal records check conducted 1819  
pursuant to section 3796.12 of the Revised Code with respect to 1820  
the application demonstrates that the person subject to the 1821  
criminal records check requirement has not been convicted of or 1822  
pleaded guilty to any of the disqualifying offenses specified in 1823  
rules adopted under section 9.79 and division (B)(2)(b) of 1824  
section 3796.03 of the Revised Code. 1825

- (2) ~~The~~ If the application is for a cultivator or processor license, the applicant demonstrates that it does not none of its current or prospective owners, officers, board members, administrators, employees, agents, or affiliates who may significantly influence or control the applicant's activities have an ownership or investment interest in or compensation arrangement with ~~any~~ either of the following: 1826-1832
- (a) A laboratory licensed under this chapter; 1833
  - (b) An applicant for a license to conduct laboratory testing. 1834-1835
- (3) ~~The~~ If the application is for a cultivator or processor license, the applicant demonstrates that it does not none of its current or prospective owners, officers, board members, administrators, employees, agents, or affiliates who may significantly influence or control the applicant's activities share any corporate officers or employees with ~~any~~ either of the following: 1836-1842
- (a) A laboratory licensed under this chapter; 1843
  - (b) An applicant for a license to conduct laboratory testing. 1844-1845
- (4) The applicant demonstrates that it will not be located within five hundred feet of a school, church, public library, public playground, or public park. 1846-1848
- (5) The information provided to the ~~department~~ division pursuant to section 3796.11 of the Revised Code demonstrates that the applicant is in compliance with the applicable tax laws of this state. 1849-1852
- (6) The applicant demonstrates sufficient liquid capital 1853

and ability to meet financial responsibility requirements; 1854

(7) The applicant demonstrates that the municipal 1855  
corporation or township in which it will be located has not 1856  
passed a moratorium or taken any other action that would 1857  
prohibit the applicant from operating there; 1858

(8) The application does not contain false, misleading, or 1859  
deceptive information and does not omit material information; 1860

(9) The applicant pays any fee required by the division; 1861

(10) The applicant meets all other licensure eligibility 1862  
conditions established in rules adopted under section 3796.03 of 1863  
the Revised Code. 1864

~~(C)~~(D) If the number of eligible applicants exceed the 1865  
number of available licenses, the division shall use an 1866  
impartial and evidence-based process to rank the eligible 1867  
applicants. The ranking process shall take into account all of 1868  
the following: 1869

(1) The applicant's business plan; 1870

(2) The applicant's operations plan; 1871

(3) The applicant's security plan; 1872

(4) The applicant's financial plan; 1873

(5) The applicant's principal place of business; 1874

(6) The proposed location of the cultivation, processing, 1875  
or laboratory facility; 1876

(7) The applicant's plan for generating job and economic 1877  
development in this state; 1878

(8) The applicant's environmental plan; 1879

(9) Employment practices, including any plans to inform, 1880  
hire, or educate residents of the state, veterans, disabled 1881  
persons, women, or minorities; 1882

(10) The criminal records of all persons subject to the 1883  
criminal records check requirement; 1884

(11) The civil and administrative history of the applicant 1885  
and persons associated with the applicant; 1886

(12) Any other eligibility, suitability, or operations- 1887  
based determination specified in this chapter or rules adopted 1888  
by the division thereunder. 1889

(E) (1) If the division uses a lottery system to issue 1890  
licenses under this section, the applicants shall be grouped 1891  
into the following distinct categories: 1892

(a) Highly exceeds; 1893

(b) Exceeds; 1894

(c) Meets; 1895

(d) Does not meet. 1896

(2) The division shall group the applicants such that the 1897  
number of applicants in each of the highly exceeds, exceeds, and 1898  
meets categories is roughly equal, unless doing so is not 1899  
possible while conforming to an impartial and evidence-based 1900  
process. Applicants that do not meet the eligibility 1901  
requirements prescribed by division (C) of this section shall be 1902  
placed in the does not meet category. 1903

(3) In conducting the lottery, the division shall give 1904  
applicants in the exceeds category double odds of being selected 1905  
as compared to applicants in the meets category. The division 1906

shall give applicants in the highly exceeds category double the odds of being selected as compared to applicants in the exceeds category. An applicant grouped in the does not meet category is ineligible for licensure. 1907  
1908  
1909  
1910

(F) The ~~department~~ division shall issue not less than fifteen per cent of cultivator, processor, or laboratory licenses to entities that are owned and controlled by United States citizens who are residents of this state and are members of one of the following economically disadvantaged groups: Blacks or African Americans, American Indians, Hispanics or Latinos, and Asians. If no applications or an insufficient number of applications are submitted by such entities that meet the conditions set forth in division (B) of this section, the licenses shall be issued according to usual procedures. 1911  
1912  
1913  
1914  
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1920

As used in this division, "owned and controlled" means that at least fifty-one per cent of the business, including corporate stock if a corporation, is owned by persons who belong to one or more of the groups set forth in this division, and that those owners have control over the management and day-to-day operations of the business and an interest in the capital, assets, and profits and losses of the business proportionate to their percentage of ownership. 1921  
1922  
1923  
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~~(D)~~ (G) A license expires according to the renewal schedule established in rules adopted under section 3796.03 of the Revised Code and may be renewed in accordance with the procedures established in those rules. 1929  
1930  
1931  
1932

(H) A license issued under this section is not transferable. 1933  
1934

**Sec. 3796.10.** (A) An entity that seeks to dispense at 1935

retail medical marijuana and adult-use marijuana shall file an 1936  
application for licensure with the division of marijuana 1937  
control. The entity shall file an application for each location 1938  
from which it seeks to operate. Each application shall be 1939  
submitted in accordance with rules adopted under section 3796.03 1940  
of the Revised Code. 1941

(B) The division shall evaluate and prioritize 1942  
applications for licensure under this section according to the 1943  
applicant's eligibility, suitability, and ability to operate. 1944

(C) The division shall not issue a license to an applicant 1945  
if-unless all of the following conditions are met: 1946

(1) The report of the criminal records check conducted 1947  
pursuant to section 3796.12 of the Revised Code with respect to 1948  
the application demonstrates that the person subject to the 1949  
criminal records check requirement has not been convicted of or 1950  
pleaded guilty to any of the disqualifying offenses specified in 1951  
rules adopted under section 9.79 and division (B) (2) (b) of 1952  
section 3796.03 of the Revised Code. 1953

(2) The applicant demonstrates that it does not none of 1954  
its current or prospective owners, officers, board members, 1955  
administrators, employees, agents, or affiliates who may 1956  
significantly influence or control the applicant's activities 1957  
have an ownership or investment interest in or compensation 1958  
arrangement with any-either of the following: 1959

(a) A laboratory licensed under this chapter; 1960

(b) An applicant for a license to conduct laboratory 1961  
testing. 1962

(3) The applicant demonstrates that it does not none of 1963  
its current or prospective owners, officers, board members, 1964

administrators, employees, agents, or affiliates who may 1965  
significantly influence or control the applicant's activities 1966  
share any corporate officers or employees with ~~any~~ either of the 1967  
following: 1968

(a) A laboratory licensed under this chapter; 1969

(b) An applicant for a license to conduct laboratory 1970  
testing. 1971

(4) The applicant demonstrates that it will not be located 1972  
within five hundred feet of a school, church, public library, 1973  
public playground, or public park. 1974

(5) The applicant demonstrates that the proposed location 1975  
or facility is not either of the following: 1976

(a) Located within one-half mile of another licensed 1977  
retail dispensary; 1978

(b) Issued a permit under Chapter 4303. of the Revised 1979  
Code to sell beer and intoxicating liquor, as those terms are 1980  
defined in section 4301.01 of the Revised Code. 1981

(6) The information provided to the division pursuant to 1982  
section 3796.11 of the Revised Code demonstrates that the 1983  
applicant is in compliance with the applicable tax laws of this 1984  
state. 1985

~~(6)~~-(7) The applicant demonstrates sufficient liquid 1986  
capital and ability to meet financial responsibility 1987  
requirements; 1988

(8) The applicant demonstrates that the municipal 1989  
corporation or township in which it will be located has not 1990  
passed a moratorium or taken any other action that would 1991  
prohibit the applicant from operating there; 1992

<u>(9) The application does not contain false, misleading, or deceptive information and does not omit material information;</u>	1993
	1994
<u>(10) The applicant pays any fee required by the division;</u>	1995
<u>(11) The applicant meets all other licensure eligibility conditions established in rules adopted under section 3796.03 of the Revised Code.</u>	1996
	1997
	1998
<del>(C)</del> <u>(D) If the number of eligible applicants exceed the number of available licenses, the division shall use an impartial and evidence-based process to rank the eligible applicants. The ranking process shall take into account all of the following:</u>	1999
	2000
	2001
	2002
	2003
<u>(1) The applicant's business plan;</u>	2004
<u>(2) The applicant's operations plan;</u>	2005
<u>(3) The applicant's security plan;</u>	2006
<u>(4) The applicant's financial plan;</u>	2007
<u>(5) The applicant's principal place of business;</u>	2008
<u>(6) The proposed location of the cultivation, processing, or laboratory facility;</u>	2009
	2010
<u>(7) The applicant's plan for generating job and economic development in this state;</u>	2011
	2012
<u>(8) The applicant's environmental plan;</u>	2013
<u>(9) Employment practices, including any plans to inform, hire, or educate residents of the state, veterans, disabled persons, women, or minorities;</u>	2014
	2015
	2016
<u>(10) The criminal records of all persons subject to the criminal records check requirement;</u>	2017
	2018



(11) The civil and administrative history of the applicant 2019  
and persons associated with the applicant; 2020

(12) Any other eligibility, suitability, or operations- 2021  
based determination specified in this chapter or rules adopted 2022  
by the division thereunder. 2023

(E) (1) If the division uses a lottery system to issue 2024  
licenses under this section, the applicants shall be grouped 2025  
into the following distinct categories: 2026

(a) Highly exceeds; 2027

(b) Exceeds; 2028

(c) Meets; 2029

(d) Does not meet. 2030

(2) The division shall group the applicants such that the 2031  
number of applicants in each of the highly exceeds, exceeds, and 2032  
meets categories is roughly equal, unless doing so is not 2033  
possible while conforming to an impartial and evidence-based 2034  
process. Applicants that do not meet the eligibility 2035  
requirements prescribed by division (C) of this section shall be 2036  
placed in the does not meet category. 2037

(3) In conducting the lottery, the division shall give 2038  
applicants in the exceeds category double the odds of being 2039  
selected as compared to applicants in the meets category. The 2040  
division shall give applicants in the highly exceeds category 2041  
double the odds of being selected as compared to applicants in 2042  
the exceeds category. An applicant grouped in the does not meet 2043  
category is ineligible for licensure. 2044

(F) The division shall issue not less than fifteen per 2045  
cent of retail dispensary licenses to entities that are owned 2046

and controlled by United States citizens who are residents of 2047  
this state and are members of one of the following economically 2048  
disadvantaged groups: Blacks or African Americans, American 2049  
Indians, Hispanics or Latinos, and Asians. If no applications or 2050  
an insufficient number of applications are submitted by such 2051  
entities that meet the conditions set forth in division (B) of 2052  
this section, the licenses shall be issued according to usual 2053  
procedures. 2054

As used in this division, "owned and controlled" means 2055  
that at least fifty-one per cent of the business, including 2056  
corporate stock if a corporation, is owned by persons who belong 2057  
to one or more of the groups set forth in this division, and 2058  
that those owners have control over the management and day-to- 2059  
day operations of the business and an interest in the capital, 2060  
assets, and profits and losses of the business proportionate to 2061  
their percentage of ownership. 2062

~~(D)~~ (G) A license expires according to the renewal 2063  
schedule established in rules adopted under section 3796.03 of 2064  
the Revised Code and may be renewed in accordance with the 2065  
procedures established in those rules. 2066

(H) A license issued under this section is not 2067  
transferable. 2068

**Sec. 3796.12.** (A) As used in this section, "criminal 2069  
records check" has the same meaning as in section 109.572 of the 2070  
Revised Code. 2071

(B) (1) As part of the application process for a license 2072  
issued under this chapter, the division of marijuana control 2073  
shall require each of the following to complete a criminal 2074  
records check: 2075

(a) An administrator or other person responsible for the 2076  
daily operation of the entity seeking the license; 2077

(b) An owner or prospective owner, officer or prospective 2078  
officer, or board member or prospective board member of the 2079  
entity seeking the license. 2080

(2) If a person subject to the criminal records check 2081  
requirement does not present proof of having been a resident of 2082  
this state for the five-year period immediately prior to the 2083  
date the criminal records check is requested or provide evidence 2084  
that within that five-year period the superintendent of the 2085  
bureau of criminal identification and investigation has 2086  
requested information about the person from the federal bureau 2087  
of investigation in a criminal records check, the division shall 2088  
request that the person obtain through the superintendent a 2089  
criminal records request from the federal bureau of 2090  
investigation as part of the criminal records check of the 2091  
person. Even if a person presents proof of having been a 2092  
resident of this state for the five-year period, the division 2093  
may request that the person obtain information through the 2094  
superintendent from the federal bureau of investigation in the 2095  
criminal records check. 2096

(C) The division shall provide the following to each 2097  
person who is subject to the criminal records check requirement: 2098

(1) Information about accessing, completing, and 2099  
forwarding to the superintendent of the bureau of criminal 2100  
identification and investigation the form prescribed pursuant to 2101  
division (C) (1) of section 109.572 of the Revised Code and the 2102  
standard impression sheet to obtain fingerprint impressions 2103  
prescribed pursuant to division (C) (2) of that section; 2104

(2) Written notification that the person is to instruct 2105  
the superintendent to submit the completed report of the 2106  
criminal records check directly to the division. 2107

(D) Each person who is subject to the criminal records 2108  
check requirement shall pay to the bureau of criminal 2109  
identification and investigation the fee prescribed pursuant to 2110  
division (C) (3) of section 109.572 of the Revised Code for the 2111  
criminal records check conducted of the person. 2112

(E) The report of any criminal records check conducted by 2113  
the bureau of criminal identification and investigation in 2114  
accordance with section 109.572 of the Revised Code and pursuant 2115  
to a request made under this section is not a public record for 2116  
the purposes of section 149.43 of the Revised Code and shall not 2117  
be made available to any person other than the following: 2118

(1) The person who is the subject of the criminal records 2119  
check or the person's representative; 2120

(2) The members and staff of the division; 2121

(3) A court, hearing officer, or other necessary 2122  
individual involved in a case dealing with either of the 2123  
following: 2124

(a) A license denial resulting from the criminal records 2125  
check; 2126

(b) A civil or criminal action regarding the ~~medical~~ 2127  
marijuana control program or any violation of this chapter. 2128

(F) The division shall deny a license if, after receiving 2129  
the information and notification required by this section, a 2130  
person subject to the criminal records check requirement fails 2131  
to do either of the following: 2132

(1) Access, complete, or forward to the superintendent of 2133  
the bureau of criminal identification and investigation the form 2134  
prescribed pursuant to division (C) (1) of section 109.572 of the 2135  
Revised Code or the standard impression sheet prescribed 2136  
pursuant to division (C) (2) of that section; 2137

(2) Instruct the superintendent to submit the completed 2138  
report of the criminal records check directly to the division. 2139

**Sec. 3796.14.** (A) The division of marijuana control may do 2140  
any of the following for any reason specified in rules adopted 2141  
under section 3796.03 of the Revised Code: 2142

(1) Suspend, suspend without prior hearing, revoke, or 2143  
refuse to renew a license or registration it issued under this 2144  
chapter or a license or ~~a~~-registration the state board of 2145  
pharmacy issued prior to the transfer of regulatory authority 2146  
over the ~~medical~~-marijuana control program to the division; 2147

(2) Refuse to issue a license; 2148

(3) Impose on a license holder a civil penalty in an 2149  
amount to be determined by the division. 2150

(4) ~~With respect to a suspension of a retail dispensary~~ 2151  
~~license without prior hearing, the division may utilize a~~ 2152  
~~telephone conference call to review the allegations and take a~~ 2153  
~~vote.~~ The division shall suspend a retail dispensary license 2154  
without prior hearing only if it finds clear and convincing 2155  
evidence that continued distribution of medical marijuana and 2156  
adult-use marijuana by the license holder presents a danger of 2157  
immediate and serious harm to others. The suspension shall 2158  
remain in effect, unless lifted by the division, until the 2159  
division issues its final adjudication order. If the division 2160  
does not issue the order within ninety days after the 2161

adjudication hearing, the suspension shall be lifted on the 2162  
ninety-first day following the hearing. 2163

The division's actions under division (A) of this section 2164  
shall be taken in accordance with Chapter 119. of the Revised 2165  
Code. 2166

(B) ~~The Subject to division (E) of this section, the~~ 2167  
division and the Ohio investigative unit may inspect all of the 2168  
following for any reason specified in rules adopted under 2169  
section 3796.03 of the Revised Code without prior notice to the 2170  
applicant or license holder: 2171

(1) The premises of an applicant for licensure or holder 2172  
of a current, valid cultivator, processor, retail dispensary, or 2173  
laboratory license issued under this chapter; 2174

(2) All records maintained pursuant to this chapter by a 2175  
holder of a current license. 2176

(C) Whenever it appears to the division or the unit, from 2177  
its files, upon complaint, or otherwise, that any person or 2178  
entity has engaged in, is engaged in, or is about to engage in 2179  
any practice declared to be illegal or prohibited by this 2180  
chapter or the rules adopted under this chapter, or when the 2181  
division believes it to be in the best interest of the public,  2182  
adult-use consumers, or medical marijuana patients, the division 2183  
may do any of the following: 2184

(1) Investigate the person or entity as authorized 2185  
pursuant to this chapter or the rules adopted under this 2186  
chapter; 2187

(2) Issue subpoenas to any person or entity for the 2188  
purpose of compelling either of the following: 2189

(a) The attendance and testimony of witnesses;	2190
(b) The production of books, accounts, papers, records, or documents.	2191 2192
(D) If a person or entity fails to comply with any order of the division <u>or the unit</u> or a subpoena issued by the division <u>or the unit</u> pursuant to this section, a judge of the court of common pleas of the county in which the person resides or the entity may be served, on application of the division <u>or the unit</u> , shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience with respect to the requirements of a subpoena issued from such court or a refusal to testify in such court.	2193 2194 2195 2196 2197 2198 2199 2200 2201
<u>(E) The Ohio investigative unit shall not inspect or investigate the premises of any person under this section unless one or both of the following apply:</u>	2202 2203 2204
<u>(1) The person inspected or investigated is licensed under this chapter.</u>	2205 2206
<u>(2) The unit is invited by local law enforcement having jurisdiction over the person inspected or investigated.</u>	2207 2208
<b>Sec. 3796.15.</b> (A) The division of marijuana control <u>and the Ohio investigative unit</u> shall enforce this chapter, or cause it to be enforced. <del>If</del> <u>Subject to division (E) of section 3796.14 of the Revised Code, if the division or the unit</u> has information that this chapter or any rule adopted under this chapter has been violated, it shall investigate the matter and take any action as it considers appropriate.	2209 2210 2211 2212 2213 2214 2215
(B) <del>Nothing in this chapter shall be construed to require the division to enforce minor violations if the division determines that the public interest is adequately served by a</del>	2216 2217 2218

~~notice or warning to the alleged offender.~~ 2219

~~(C)~~ If the division suspends, revokes, or refuses to renew 2220  
any license or registration issued under this chapter and 2221  
determines that there is clear and convincing evidence of a 2222  
danger of immediate and serious harm to any person, the division 2223  
may place under seal all medical marijuana, adult-use marijuana, 2224  
and homegrown marijuana owned by or in the possession, custody, 2225  
or control of the affected license holder or registrant. Except 2226  
as provided in this division, the division of marijuana control 2227  
shall not dispose of the medical marijuana, adult-use marijuana, 2228  
or homegrown marijuana sealed under this division until the 2229  
license holder or registrant exhausts all of the holder's or 2230  
registrant's appeal rights under Chapter 119. of the Revised 2231  
Code. The court involved in such an appeal may order the 2232  
division, during the pendency of the appeal, to sell medical 2233  
marijuana or adult-use marijuana that is perishable. The 2234  
division shall deposit the proceeds of the sale with the court. 2235

**Sec. 3796.17.** The division of marijuana control shall 2236  
establish a toll-free telephone line to respond to inquiries 2237  
from adult-use consumers, medical marijuana patients, 2238  
caregivers, and health professionals regarding adverse reactions 2239  
to ~~medical~~ marijuana and to provide information about available 2240  
services and assistance. The division may contract with a 2241  
separate entity to establish and maintain the telephone line on 2242  
behalf of the division. 2243

**Sec. 3796.18.** ~~(A)~~ (A) (1) Notwithstanding any conflicting 2244  
provision of the Revised Code and except as provided in division 2245  
(B) of this section, the holder of a current, valid cultivator 2246  
license issued under this chapter may do either of the 2247  
following: 2248



<u>(1) (a) Cultivate medical marijuana and adult-use marijuana;</u>	2249
	2250
<u>(2) (b) Deliver or sell medical marijuana and adult-use marijuana to one or more licensed processors.</u>	2251
	2252
<u>(2) A licensed cultivator engaging in the activities authorized by this chapter shall do so respecting both medical marijuana and adult-use marijuana.</u>	2253
	2254
	2255
(B) A cultivator license holder shall not cultivate medical marijuana or adult-use marijuana for personal, family, or household use or on any public land, including a state park as defined in section 154.01 of the Revised Code.	2256
	2257
	2258
	2259
<u>(C) A cultivator license holder shall identify, package, and label all medical marijuana and adult-use marijuana products in accordance with this chapter and any rules adopted thereunder before delivering or selling the products to a licensed processor.</u>	2260
	2261
	2262
	2263
	2264
<u>(D) The division of marijuana control shall issue the following types of cultivation licenses:</u>	2265
	2266
<u>(1) (a) A level I cultivator license that, except as otherwise provided in division (D) (1) (b) of this section, authorizes the license holder to operate a cultivation area of up to twenty-five thousand square feet.</u>	2267
	2268
	2269
	2270
<u>(b) At the discretion of the division, a level I cultivator may request and receive one or more expansions to the cultivator's cultivation area so long as the resulting total cultivation area, including all expansions, does not exceed seventy-five thousand square feet.</u>	2271
	2272
	2273
	2274
	2275
<u>(2) (a) A level II cultivator license that, except as</u>	2276

otherwise provided in division (D) (2) (b) of this section, 2277  
authorizes the license holder to operate a cultivation area of 2278  
up to three thousand square feet. 2279

(b) At the discretion of the division, a level II 2280  
cultivator may request and receive one or more expansions to the 2281  
cultivator's cultivation area so long as the resulting total 2282  
cultivation area, including all expansions, does not exceed nine 2283  
thousand square feet. 2284

**Sec. 3796.19.** ~~(A)~~ (1) Notwithstanding any conflicting 2285  
provision of the Revised Code, the holder of a current, valid 2286  
processor license issued under this chapter may do any of the 2287  
following: 2288

~~(1)~~ (a) Obtain medical marijuana and adult-use marijuana 2289  
from one or more licensed cultivators; 2290

~~(2)~~ (b) Subject to division (B) of this section, process 2291  
medical marijuana and adult-use marijuana obtained from one or 2292  
more licensed cultivators into a form described in section 2293  
3796.06 of the Revised Code; 2294

~~(3)~~ (c) Deliver or sell processed medical marijuana and 2295  
adult-use marijuana to one or more licensed retail dispensaries. 2296

(2) A licensed processor engaging in the activities 2297  
authorized by this chapter shall do so respecting both medical 2298  
marijuana and adult-use marijuana. 2299

(B) ~~When processing medical marijuana, a~~ A licensed 2300  
processor shall do ~~both~~ all of the following before delivering 2301  
or selling medical marijuana or adult-use marijuana to a 2302  
licensed retail dispensary: 2303

(1) Package the medical marijuana or adult-use marijuana 2304

in accordance with child-resistant effectiveness standards 2305  
described in 16 C.F.R. 1700.15(b) on September 8, 2016; 2306

(2) Label the ~~medical marijuana~~ packaging with the 2307  
product's tetrahydrocannabinol and cannabidiol content; 2308

(3) Comply with any packaging or labeling requirements 2309  
established in rules adopted by the division of marijuana 2310  
control under section 3796.03 of the Revised Code. 2311

**Sec. 3796.20.** ~~(A)~~ (1) Notwithstanding any conflicting 2312  
provision of the Revised Code, the holder of a current, valid 2313  
retail dispensary license issued under this chapter, or 2314  
previously issued by the state board of pharmacy, may do ~~both of~~ 2315  
the following: 2316

~~(1)~~ (a) Obtain medical marijuana and adult-use marijuana 2317  
from one or more processors; 2318

~~(2)~~ (b) Dispense or sell medical marijuana in accordance 2319  
with division (B) of this section; 2320

(c) Dispense or sell adult-use marijuana in accordance 2321  
with division (C) of this section. 2322

(2) A licensed dispensary engaged in the activities 2323  
authorized by this chapter shall do so respecting both medical 2324  
marijuana and adult-use marijuana. 2325

(B) When dispensing or selling medical marijuana, a 2326  
licensed retail dispensary shall do all of the following: 2327

(1) Dispense or sell only upon a showing of a current, 2328  
valid, government-issued identification card and in accordance 2329  
with a written recommendation issued by a physician holding a 2330  
certificate to recommend issued by the state medical board under 2331  
section 4731.30 of the Revised Code; 2332

(2) Report to the drug database the information required	2333
by section 4729.771 of the Revised Code;	2334
(3) Label the package containing medical marijuana with	2335
the following information:	2336
(a) The name and address of the licensed processor and	2337
retail dispensary;	2338
(b) The name of the patient and caregiver, if any;	2339
(c) The name of the physician who recommended treatment	2340
with medical marijuana;	2341
(d) The directions for use, if any, as recommended by the	2342
physician;	2343
(e) The date on which the medical marijuana was dispensed;	2344
(f) The quantity, strength, kind, or form of medical	2345
marijuana contained in the package.	2346
<u>(4) Maintain an adequate supply of medical marijuana</u>	2347
<u>products to meet typical patient demand for those products;</u>	2348
<u>(5) Ensure medical marijuana products are kept separate</u>	2349
<u>from adult-use marijuana, properly demarcated as medical</u>	2350
<u>marijuana, and prominently displayed in the dispensary.</u>	2351
(C) <u>When dispensing or selling adult-use marijuana, a</u>	2352
<u>licensed retail dispensary shall do all of the following:</u>	2353
<u>(1) Dispense or sell adult-use marijuana only to adult-use</u>	2354
<u>consumers who present a current, valid, government-issued</u>	2355
<u>identification card demonstrating proof that the adult-use</u>	2356
<u>consumer is twenty-one years of age or older;</u>	2357
<u>(2) Dispense or sell not more than the amount of adult-use</u>	2358
<u>marijuana that may be legally possessed by an adult-use consumer</u>	2359

under section 3796.221 of the Revised Code to the same adult-use 2360  
consumer in the same day; 2361

(3) Label the package containing adult-use marijuana with 2362  
the following information: 2363

(a) The name and address of the licensed processor and 2364  
retail dispensary; 2365

(b) A statement that the use of adult-use marijuana by 2366  
individuals under twenty-one years of age is both harmful and 2367  
illegal; 2368

(c) The quantity, strength, kind, or form of adult-use 2369  
marijuana contained in the package. 2370

(D) When operating a licensed retail dispensary, ~~both~~ all 2371  
of the following apply: 2372

(1) A dispensary shall use only employees who have met the 2373  
training requirements established in rules adopted under section 2374  
3796.03 of the Revised Code. 2375

(2) A dispensary shall not make public any information it 2376  
collects that identifies or would tend to identify any specific 2377  
medical marijuana patient or adult-use consumer. 2378

(3) A dispensary shall prominently display both of the 2379  
following: 2380

(a) A statement that the use of adult-use or homegrown 2381  
marijuana by individuals under twenty-one years of age is both 2382  
harmful and illegal; 2383

(b) Information about the addictive qualities of marijuana 2384  
and the potential negative health consequences associated with 2385  
its use. 2386

**Sec. 3796.21.** (A) Notwithstanding any conflicting 2387  
provision of the Revised Code, the holder of a current, valid 2388  
laboratory license issued under this chapter ~~may~~ shall do both 2389  
of the following: 2390

(1) Obtain medical marijuana and adult-use marijuana from 2391  
one or more cultivators, processors, and retail dispensaries 2392  
licensed under this chapter; 2393

(2) Conduct ~~medical marijuana~~ testing in the manner 2394  
specified in rules adopted under section 3796.03 of the Revised 2395  
Code. 2396

(B) When testing medical marijuana or adult-use marijuana, 2397  
a licensed laboratory shall do both of the following: 2398

(1) Test ~~the marijuana~~ for potency, homogeneity, and 2399  
contamination; 2400

(2) Prepare a report of the test results. 2401

**Sec. 3796.22.** (A) Notwithstanding any conflicting 2402  
provision of the Revised Code, a patient registered under this 2403  
chapter who obtains medical marijuana from a licensed retail 2404  
dispensary ~~licensed under~~ in accordance with this chapter may do 2405  
~~both~~ all of the following: 2406

(1) Use medical marijuana; 2407

(2) Possess medical marijuana, subject to division (B) of 2408  
this section; 2409

(3) Possess any paraphernalia or accessories that may be 2410  
used in the administration of medical marijuana, as specified in 2411  
rules adopted under section 3796.03 of the Revised Code. 2412

(B) The amount of medical marijuana possessed by a 2413

registered patient shall not exceed a ninety-day supply, as 2414  
specified in rules adopted under section 3796.03 of the Revised 2415  
Code. 2416

(C) A registered patient shall not be subject to arrest or 2417  
criminal prosecution for doing ~~any~~either of the following in 2418  
accordance with this chapter: 2419

(1) Obtaining, using, or possessing medical marijuana; 2420

(2) Possessing any paraphernalia or accessories that may 2421  
be used in the administration of medical marijuana, as specified 2422  
in rules adopted under section 3796.03 of the Revised Code. 2423

(D) This section does not authorize a registered patient 2424  
to operate a vehicle, streetcar, trackless trolley, watercraft, 2425  
or aircraft while under the influence of medical marijuana. 2426

Sec. 3796.221. (A) Notwithstanding any conflicting 2427  
provision of the Revised Code, an adult-use consumer who obtains 2428  
adult-use marijuana from a licensed retail dispensary in 2429  
accordance with this chapter may do all of the following: 2430

(1) Use adult-use marijuana; 2431

(2) Possess adult-use marijuana, subject to divisions (B) 2432  
and (C) of this section; 2433

(3) Possess any paraphernalia or accessories that may be 2434  
used in the administration of adult-use marijuana. 2435

(B) The amount of adult-use marijuana possessed by an 2436  
adult-use consumer shall not exceed: 2437

(1) Two and one-half ounces of plant material; 2438

(2) Fifteen grams of extract. 2439

(C) An adult-use consumer shall store adult-use marijuana 2440

possessed in accordance with this section in its original 2441  
packaging at all times the adult-use marijuana is not actively 2442  
being used. 2443

(D) Subject to divisions (B) and (C) of this section, an 2444  
adult-use consumer is not subject to arrest or criminal 2445  
prosecution for engaging in any of the activities described in 2446  
division (A) of this section. 2447

(E) This section does not authorize an adult-use consumer 2448  
to operate a vehicle, streetcar, trackless trolley, watercraft, 2449  
or aircraft while under the influence of adult-use marijuana. 2450

**Sec. 3796.24.** (A) The holder of a license, as defined in 2451  
section 4776.01 of the Revised Code, is not subject to 2452  
professional disciplinary action solely for engaging in 2453  
professional or occupational activities related to medical 2454  
marijuana. 2455

(B) Unless there is clear and convincing evidence that a 2456  
child is unsafe, the use, possession, or administration of 2457  
medical marijuana in accordance with this chapter shall not be 2458  
the sole or primary basis for any of the following: 2459

(1) An adjudication under section 2151.28 of the Revised 2460  
Code determining that a child is an abused, neglected, or 2461  
dependent child; 2462

(2) An allocation of parental rights and responsibilities 2463  
under section 3109.04 of the Revised Code; 2464

(3) A parenting time order under section 3109.051 or 2465  
3109.12 of the Revised Code. 2466

(C) Notwithstanding any conflicting provision of the 2467  
Revised Code, the use or possession of medical marijuana in 2468



accordance with this chapter shall not be used as a reason for 2469  
disqualifying a patient from medical care or from including a 2470  
patient on a transplant waiting list. 2471

(D) Notwithstanding any conflicting provision of the 2472  
Revised Code, the use, possession, administration, cultivation, 2473  
processing, testing, or dispensing of medical marijuana in 2474  
accordance with this chapter shall not be used as the sole or 2475  
primary reason for taking action under any criminal or civil 2476  
statute in the forfeiture or seizure of any property or asset. 2477

(E) Notwithstanding any conflicting provision of the 2478  
Revised Code, a person's status as a registered patient or 2479  
caregiver is not a sufficient basis for conducting a field 2480  
sobriety test on the person or for suspending the person's 2481  
driver's license. To conduct any field sobriety test, a law 2482  
enforcement officer must have an independent, factual basis 2483  
giving reasonable suspicion that the person is operating a 2484  
vehicle under the influence of marijuana or with a prohibited 2485  
concentration of marijuana in the person's whole blood, blood 2486  
serum, plasma, breath, or urine. 2487

(F) Notwithstanding any conflicting provision of the 2488  
Revised Code, a person's status as a registered patient or 2489  
caregiver shall not be used as the sole or primary basis for 2490  
rejecting the person as a tenant unless the rejection is 2491  
required by federal law. 2492

(G) This chapter does not do any of the following: 2493

(1) Require a physician to recommend that a patient use 2494  
medical marijuana to treat a qualifying medical condition; 2495

(2) Permit the use, possession, or administration of 2496  
medical marijuana, adult-use marijuana, or homegrown marijuana 2497

other than as authorized by this chapter;	2498
(3) Permit the use, possession, or administration of	2499
medical marijuana, <u>adult-use marijuana, or homegrown marijuana</u>	2500
on federal land located in this state;	2501
(4) Require any public place to accommodate a registered	2502
patient's use of medical marijuana <u>or an adult-use consumer's</u>	2503
<u>use of adult-use marijuana or homegrown marijuana;</u>	2504
(5) <del>Prohibit</del> <u>Subject to section 3796.06 of the Revised</u>	2505
<u>Code, prohibit</u> any public place from accommodating a registered	2506
patient's use of medical marijuana <u>or an adult-use consumer's</u>	2507
<u>use of adult-use marijuana or homegrown marijuana, other than by</u>	2508
<u>smoking, combustion, or vaporization;</u>	2509
(6) Restrict research related to marijuana conducted at a	2510
state university, academic medical center, or private research	2511
and development organization as part of a research protocol	2512
approved by an institutional review board or equivalent entity.	2513
<b>Sec. 3796.28.</b> (A) Nothing in this chapter does any of the	2514
following:	2515
(1) Requires an employer to permit or accommodate an	2516
employee's use, possession, or distribution of <del>medical</del>	2517
marijuana;	2518
(2) Prohibits an employer from refusing to hire,	2519
discharging, disciplining, or otherwise taking an adverse	2520
employment action against a person with respect to hire, tenure,	2521
terms, conditions, or privileges of employment because of that	2522
person's use, possession, or distribution of <del>medical</del> marijuana;	2523
(3) Prohibits an employer from establishing and enforcing	2524
a drug testing policy, drug-free workplace policy, or zero-	2525

tolerance drug policy;	2526
(4) Interferes with any federal restrictions on	2527
employment, including the regulations adopted by the United	2528
States department of transportation in Title 49 of the Code of	2529
Federal Regulations, as amended;	2530
(5) Permits a person to commence a cause of action against	2531
an employer for refusing to hire, discharging, disciplining,	2532
discriminating, retaliating, or otherwise taking an adverse	2533
employment action against a person with respect to hire, tenure,	2534
terms, conditions, or privileges of employment related to	2535
<del>medical-marijuana</del> ;	2536
(6) Affects the authority of the administrator of workers'	2537
compensation to grant rebates or discounts on premium rates to	2538
employers that participate in a drug-free workplace program	2539
established in accordance with rules adopted by the	2540
administrator under Chapter 4123. of the Revised Code.	2541
(B) A person who is discharged from employment because of	2542
that person's use of <del>medical-marijuana</del> shall be considered to	2543
have been discharged for just cause for purposes of division (D)	2544
of section 4141.29 of the Revised Code <u>and shall be ineligible</u>	2545
<u>to serve a waiting period or to be paid benefits for the</u>	2546
<u>duration of the individual's unemployment as described in</u>	2547
<u>division (D) (2) of that section</u> if the person's use of <del>medical-</del>	2548
marijuana was in violation of an employer's drug-free workplace	2549
policy, zero-tolerance policy, or other formal program or policy	2550
regulating the use of <del>medical-marijuana</del> .	2551
(C) It is not a violation of division (A), (D), or (E) of	2552
section 4112.02 of the Revised Code if an employer discharges,	2553
refuses to hire, or otherwise discriminates against a person	2554

because of that person's use of ~~medical~~-marijuana if the 2555  
person's use of ~~medical~~-marijuana is in violation of the 2556  
employer's drug-free workplace policy, zero-tolerance policy, or 2557  
other formal program or policy regulating the use of ~~medical~~- 2558  
marijuana. 2559

**Sec. 3796.29.** ~~The~~ (A) Except as otherwise provided in 2560  
divisions (B) and (C) of this section, the legislative authority 2561  
of a municipal corporation may adopt an ordinance, or a board of 2562  
township trustees may adopt a resolution, to prohibit, or limit 2563  
the number of, cultivators, processors, or retail dispensaries 2564  
licensed under this chapter within the municipal corporation or 2565  
within the unincorporated territory of the township, 2566  
respectively. 2567

(B) The legislative authority of a municipal corporation 2568  
shall not adopt an ordinance, and a board of township trustees 2569  
shall not adopt a resolution, that prohibits or limits the 2570  
operations of a cultivator, processor, or retail dispensary 2571  
licensed under this chapter on or before the effective date of 2572  
this amendment. This division does not prohibit the enforcement 2573  
of a municipal ordinance or township resolution adopted before 2574  
the effective date of this amendment. 2575

(C) This section does not authorize the legislative 2576  
authority of a municipal corporation or a board of township 2577  
trustees to adopt an ordinance or resolution limiting research 2578  
related to marijuana conducted at a state university, academic 2579  
medical center, or private research and development organization 2580  
as part of a research protocol approved by an institutional 2581  
review board or equivalent entity. 2582

**Sec. 3796.30.** (A) Except as provided in division (B) of 2583  
this section, no ~~medical~~-marijuana cultivator, processor, retail 2584

dispensary, or laboratory that tests ~~medical~~-marijuana shall be 2585  
located within five hundred feet of the boundaries of a parcel 2586  
of real estate having situated on it a school, church, public 2587  
library, public playground, or public park. 2588

If the relocation of a cultivator, processor, retail 2589  
dispensary, or laboratory licensed under this chapter results in 2590  
the cultivator, processor, retail dispensary, or laboratory 2591  
being located within five hundred feet of the boundaries of a 2592  
parcel of real estate having situated on it a school, church, 2593  
public library, public playground, or public park, the division 2594  
of marijuana control shall revoke the license it previously 2595  
issued to the cultivator, processor, retail dispensary, or 2596  
laboratory. 2597

(B) This section does not apply to research related to 2598  
marijuana conducted at a state university, academic medical 2599  
center, or private research and development organization as part 2600  
of a research protocol approved by an institutional review board 2601  
or equivalent entity. 2602

~~(C) As used in this section and sections 3796.03 and~~ 2603  
~~3796.12 of the Revised Code:—~~ 2604

~~"Church" has the meaning defined in section 1710.01 of the~~ 2605  
~~Revised Code.—~~ 2606

~~"Public library" means a library provided for under~~ 2607  
~~Chapter 3375. of the Revised Code.—~~ 2608

~~"Public park" means a park established by the state or a~~ 2609  
~~political subdivision of the state including a county, township,~~ 2610  
~~municipal corporation, or park district.—~~ 2611

~~"Public playground" means a playground established by the~~ 2612  
~~state or a political subdivision of the state including a~~ 2613

~~county, township, municipal corporation, or park district.~~ 2614

~~"School" means a child care center as defined under 2615  
section 5104.01 of the Revised Code, a preschool as defined 2616  
under section 2950.034 of the Revised Code, or a public or 2617  
nonpublic primary school or secondary school.~~ 2618

Sec. 3796.32. (A) The division of marijuana control may 2619  
adopt rules regulating the advertisement of adult-use marijuana 2620  
to prevent advertisements that are false, misleading, targeted 2621  
to minors, promote excessive use, promote illegal activity, are 2622  
obscene or indecent, contain depictions of marijuana use, or 2623  
promote marijuana as an intoxicant. 2624

(B) Any rules the division adopts regulating the 2625  
advertisement of adult-use marijuana shall be at least as 2626  
stringent as the most stringent federal or state laws or rules 2627  
governing the advertisement of tobacco or alcohol. 2628

(C) The division may, at any time, conduct an audit of an 2629  
applicant's or license holder's published advertisements to 2630  
ensure that the applicant or license holder complies with this 2631  
chapter and associated rules. 2632

(D) Adult-use marijuana shall not be packaged, advertised, 2633  
or otherwise marketed using any graphic, picture, or drawing 2634  
that bears any resemblance to a cartoon character, or any 2635  
fictional character or popular culture figure whose target 2636  
audience is children or youth. 2637

(E) If the division determines that a person has violated 2638  
this section or any rule adopted in accordance with this 2639  
section, the division may require the person to stop using the 2640  
advertisement or proceed with any enforcement action it deems 2641  
necessary or proper, as outlined in this chapter and associated 2642

rules. 2643

Sec. 3796.33. Notwithstanding any contrary provision of 2644  
the Revised Code, beginning on the effective date of this 2645  
section and ending on the date prescribed by rule of the 2646  
division of marijuana control, which shall be not later than one 2647  
year after the effective date of this section, all of the 2648  
following apply: 2649

(A) A retail dispensary may dispense or sell medical 2650  
marijuana to any adult-use consumer, so long as the adult-use 2651  
consumer presents a current, valid, government-issued 2652  
identification card demonstrating proof that the adult-use 2653  
consumer is twenty-one years of age or older. 2654

(B) Medical marijuana dispensed or sold to an adult-use 2655  
consumer under this section shall be considered adult-use 2656  
marijuana for the purposes of this chapter after it is sold or 2657  
dispensed. An adult-use consumer who possesses or uses medical 2658  
marijuana dispensed or sold under this section is subject to all 2659  
requirements and penalties prescribed by this chapter for adult- 2660  
use marijuana, except that the possession and 2661  
tetrahydrocannabinol content limits for medical marijuana apply 2662  
in lieu of those prescribed for adult-use marijuana. 2663

(C) Medical marijuana dispensed or sold under this section 2664  
shall not be monitored in the electronic database established 2665  
under section 3796.07 of the Revised Code. 2666

(D) All rules adopted in accordance with this chapter that 2667  
apply to medical marijuana also apply to medical marijuana 2668  
dispensed under this section, to the extent those rules do not 2669  
conflict with this section or any provision of this chapter 2670  
specific to adult-use marijuana. 2671

Sec. 3796.99. (A)(1) Whoever violates division (C)(2) of 2672  
section 3796.06 of the Revised Code as an operator of the 2673  
vehicle, streetcar, trackless trolley, watercraft, or aircraft 2674  
is subject to section 1547.11, 4511.19, or 4561.15 of the 2675  
Revised Code, as applicable. 2676

(2) Whoever violates division (C)(2) of section 3796.06 of 2677  
the Revised Code as a passenger of the vehicle, streetcar, 2678  
trackless trolley, watercraft, or aircraft shall be sentenced as 2679  
follows: 2680

(a) Except as otherwise provided in division (A)(2)(b), 2681  
(c), (d), or (e) of this section, the offender is guilty of a 2682  
 misdemeanor of the first degree. The court shall sentence the 2683  
 offender to a mandatory jail term of three consecutive days. The 2684  
 court may impose a jail term in addition to the three-day 2685  
 mandatory jail term. However, in no case shall the cumulative 2686  
 jail term imposed for the offense exceed six months. In 2687  
 addition, the court shall impose upon the offender a fine of not 2688  
 less than three hundred seventy-five and not more than one 2689  
 thousand seventy-five dollars. The court shall impose a class 2690  
 seven suspension of the offender's license, permit, or 2691  
 privileges from the range specified in division (A)(7) of 2692  
 section 4510.02 of the Revised Code. 2693

(b) Except as otherwise provided in division (A)(2)(c), 2694  
(d), or (e) of this section, an offender who, within ten years 2695  
 of the offense, previously has been convicted of or pleaded 2696  
 guilty to one violation of division (C)(2) of section 3796.06 of 2697  
 the Revised Code as a passenger of a vehicle, streetcar, 2698  
 trackless trolley, watercraft, or aircraft is guilty of a 2699  
 misdemeanor of the first degree. The court shall sentence the 2700  
 offender to a mandatory jail term of ten consecutive days. The 2701



court may impose a jail term in addition to the ten-day 2702  
mandatory jail term. However, in no case shall the cumulative 2703  
jail term imposed for the offense exceed six months. In 2704  
addition, notwithstanding the fines set forth in Chapter 2929. 2705  
of the Revised Code, the court shall impose upon the offender a 2706  
fine of not less than five hundred twenty-five and not more than 2707  
one thousand six hundred twenty-five dollars. The court shall 2708  
impose a class six suspension of the offender's license, permit, 2709  
or privileges from the range specified in division (A)(6) of 2710  
section 4510.02 of the Revised Code. 2711

(c) Except as otherwise provided in division (A)(2)(d) or 2712  
(e) of this section, an offender who, within ten years of the 2713  
offense, previously has been convicted of or pleaded guilty to 2714  
two violations of division (C)(2) of section 3796.06 of the 2715  
Revised Code as a passenger of a vehicle, streetcar, trackless 2716  
trolley, watercraft, or aircraft is guilty of a misdemeanor of 2717  
the first degree. The court shall sentence the offender to a 2718  
mandatory jail term of thirty consecutive days. The court may 2719  
impose a jail term in addition to the thirty-day mandatory jail 2720  
term. Notwithstanding the jail terms set forth in sections 2721  
2929.21 to 2929.28 of the Revised Code, the additional jail term 2722  
shall not exceed one year, and the cumulative jail term imposed 2723  
for the offense shall not exceed one year. In addition, 2724  
notwithstanding the fines set forth in Chapter 2929. of the 2725  
Revised Code, the court shall impose upon the offender a fine of 2726  
not less than eight hundred fifty and not more than two thousand 2727  
seven hundred fifty dollars. The court shall impose a class five 2728  
suspension of the offender's license, permit, or privileges from 2729  
the range specified in division (A)(5) of section 4510.02 of the 2730  
Revised Code. 2731

(d) Except as otherwise provided in division (A)(2)(e) of 2732

this section, an offender who, within ten years of the offense, 2733  
previously has been convicted of or pleaded guilty to three 2734  
violations of division (C) (2) of section 3796.06 of the Revised 2735  
Code as a passenger of a vehicle, streetcar, trackless trolley, 2736  
watercraft, or aircraft is guilty of a felony of the fourth 2737  
degree. Notwithstanding the prison terms set forth in Chapter 2738  
2929. of the Revised Code, the court shall sentence the offender 2739  
to a mandatory prison term of one, two, three, four, or five 2740  
years. Additionally, notwithstanding section 2929.18 of the 2741  
Revised Code, the court shall impose a fine of not less than one 2742  
thousand three hundred fifty nor more than ten thousand five 2743  
hundred dollars. The court shall impose a class four suspension 2744  
of the offender's license, permit, or privileges from the range 2745  
specified in division (A) (4) of section 4510.02 of the Revised 2746  
Code. 2747

(e) An offender who previously has been convicted of or 2748  
pleaded guilty to a felony violation of division (C) (2) of 2749  
section 3796.06 of the Revised Code as a passenger of a vehicle, 2750  
streetcar, trackless trolley, watercraft, or aircraft, 2751  
regardless of when the violation and the conviction or guilty 2752  
plea occurred, is guilty of a felony of the third degree. 2753  
Notwithstanding the prison terms set forth in Chapter 2929. of 2754  
the Revised Code, the court shall sentence the offender to a 2755  
mandatory prison term of one, two, three, four, or five years. 2756  
Additionally, notwithstanding section 2929.18 of the Revised 2757  
Code, the court shall impose a fine of not less than one 2758  
thousand three hundred fifty nor more than ten thousand five 2759  
hundred dollars. The court shall impose a class three suspension 2760  
of the offender's license, permit, or privileges from the range 2761  
specified in division (A) (3) of section 4510.02 of the Revised 2762  
Code. 2763

(B) Except as otherwise provided in division (A) of this section, whoever violates division (C) (2) of section 3796.06 of the Revised Code is guilty of a minor misdemeanor. 2764  
2765  
2766

(C) (1) (a) Except as provided in division (C) (1) (b) of this section, whoever violates division (G) of section 3796.06 of the Revised Code is guilty of a misdemeanor of the first degree. 2767  
2768  
2769

(b) An offender who has previously been convicted of, or pleaded guilty to, a violation of division (G) of section 3796.06 of the Revised Code, is guilty of a felony of the fifth degree. 2770  
2771  
2772  
2773

(2) The division of marijuana control shall immediately revoke the license of any license holder under this chapter who is found guilty of, or who pleads guilty or no contest to, violating division (G) of section 3796.06 of the Revised Code. 2774  
2775  
2776  
2777

(D) Whoever violates division (B) of section 3796.221 or division (A) (1) or (D) of section 3796.04 of the Revised Code is guilty of possession of marijuana under section 2925.11 of the Revised Code. 2778  
2779  
2780  
2781

(E) Whoever engages in any of the activities described in section 3796.18, 3796.19, 3796.20, or 3796.21 of the Revised Code without the proper license under this chapter is guilty of trafficking in marijuana under section 2925.03 of the Revised Code or illegal cultivation of marijuana under section 2925.04 of the Revised Code. 2782  
2783  
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2785  
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(F) Whoever violates division (C) (2) of section 3796.20 of the Revised Code is guilty of trafficking in marijuana under section 2925.03 of the Revised Code. 2788  
2789  
2790

(G) (1) Except as otherwise provided in divisions (G) (2) to (4) of this section, whoever violates division (H) of section 2791  
2792

3796.06 of the Revised Code by knowingly showing or giving false 2793  
information concerning the individual's name, age, or other 2794  
identification for the purpose of purchasing or otherwise 2795  
obtaining adult-use marijuana from an adult-use dispensary 2796  
licensed under this chapter is guilty of a misdemeanor of the 2797  
first degree. 2798

(2) Except as otherwise provided in divisions (G) (3) and 2799  
(4) of this section, whoever violates division (H) of section 2800  
3796.06 of the Revised Code by knowingly presenting to an adult- 2801  
use dispensary licensed under this chapter a false, fictitious, 2802  
or altered identification card, a false or fictitious driver's 2803  
license purportedly issued by any state, or a driver's license 2804  
issued by any state that has been altered, is guilty of a 2805  
misdemeanor of the first degree and, notwithstanding division 2806  
(A) (2) of section 2929.28 of the Revised Code, shall be fined 2807  
not less than two hundred fifty dollars and not more than one 2808  
thousand dollars. 2809

(3) (a) Except as otherwise provided in division (G) (4) of 2810  
this section, an offender who has previously been convicted of 2811  
or pleaded guilty to a violation of division (H) of section 2812  
3796.06 of the Revised Code by knowingly presenting to an adult- 2813  
use dispensary licensed under this chapter a false, fictitious, 2814  
or altered identification card, a false or fictitious driver's 2815  
license purportedly issued by any state, or a driver's license 2816  
issued by any state that has been altered, is guilty of a 2817  
misdemeanor of the first degree and, notwithstanding division 2818  
(A) (2) of section 2929.28 of the Revised Code, shall be fined 2819  
not less than five hundred dollars nor more than one thousand 2820  
dollars. 2821

(b) (i) The court also may impose a class seven suspension 2822

of the offender's driver's or commercial driver's license or 2823  
permit, or nonresident operating privilege, from the range 2824  
specified in division (A) (7) of section 4510.02 of the Revised 2825  
Code. 2826

(ii) The court, in lieu of suspending the offender's 2827  
temporary instruction permit, probationary driver's license, or 2828  
driver's license, instead may order the offender to perform a 2829  
determinate number of hours of community service, with the court 2830  
determining the actual number of hours and the nature of the 2831  
community service the offender shall perform. 2832

(4) (a) An offender who has previously been convicted of or 2833  
pleaded guilty to two or more violations of division (H) of 2834  
section 3796.06 of the Revised Code by knowingly presenting to 2835  
an adult-use dispensary licensed under this chapter a false, 2836  
fictitious, or altered identification card, a false or 2837  
fictitious driver's license purportedly issued by any state, or 2838  
a driver's license issued by any state that has been altered, is 2839  
guilty of a misdemeanor of the first degree and, notwithstanding 2840  
division (A) (2) of section 2929.28 of the Revised Code, shall be 2841  
fined not less than five hundred dollars nor more than one 2842  
thousand dollars. 2843

(b) (i) The court also may impose a class six suspension of 2844  
the offender's driver's or commercial driver's license or permit 2845  
or nonresident operating privilege from the range specified in 2846  
division (A) (6) of section 4510.02 of the Revised Code, and the 2847  
court may order that the suspension or denial remain in effect 2848  
until the offender attains the age of twenty-one years. 2849

(ii) The court, in lieu of suspending the offender's 2850  
temporary instruction permit, probationary driver's license, or 2851  
driver's license, instead may order the offender to perform a 2852

determinate number of hours of community service, with the court 2853  
determining the actual number of hours and the nature of the 2854  
community service the offender shall perform. 2855

(5) The financial sanctions required by divisions (G) (2) 2856  
to (4) of this section are in lieu of the financial sanctions 2857  
described in division (A) (2) of section 2929.28 of the Revised 2858  
Code but are in addition to any other sanctions or penalties 2859  
that may apply to the offender, including other financial 2860  
sanctions under that section or a jail term under section 2861  
2929.24 of the Revised Code. 2862

(H) (1) Except as otherwise provided in division (H) (2) of 2863  
this section, whoever violates division (H) of section 3796.06 2864  
of the Revised Code by knowingly soliciting another person to 2865  
purchase adult-use marijuana from an adult-use dispensary 2866  
licensed under this chapter is guilty of a misdemeanor of the 2867  
fourth degree. 2868

(2) An offender who has previously been convicted of or 2869  
pleaded guilty to a violation of division (H) of section 3796.06 2870  
of the Revised Code by knowingly soliciting another individual 2871  
to purchase adult-use marijuana from an adult-use dispensary 2872  
licensed under this chapter is guilty of a misdemeanor of the 2873  
second degree. 2874

(I) Whoever violates division (A), (B), or (C) of section 2875  
3796.062 of the Revised Code is guilty of a minor misdemeanor. 2876

(J) Whoever violates division (D) of section 3796.062 of 2877  
the Revised Code is guilty of illegal use or possession of 2878  
marijuana drug paraphernalia under section 2925.141 of the 2879  
Revised Code. 2880

**Sec. 4301.17.** (A) (1) Subject to local option as provided 2881

in sections 4301.32 to 4301.40 of the Revised Code, five state 2882  
liquor stores or agencies may be established in each county. One 2883  
additional store may be established in any county for each 2884  
twenty thousand of population of that county or major fraction 2885  
thereof in excess of the first forty thousand, according to the 2886  
last preceding federal decennial census or according to the 2887  
population estimates certified by the department of development 2888  
between decennial censuses. A person engaged in a mercantile 2889  
business may act as the agent for the division of liquor control 2890  
for the sale of spirituous liquor in a municipal corporation, in 2891  
the unincorporated area of a township, or in an area designated 2892  
and approved as a resort area under section 4303.262 of the 2893  
Revised Code. The division shall fix the compensation for such 2894  
an agent in the manner it considers best, but the compensation 2895  
shall not exceed seven per cent of the gross sales made by the 2896  
agent in any one year. 2897

(2) The division shall adopt rules in accordance with 2898  
Chapter 119. of the Revised Code governing the allocation and 2899  
equitable distribution of agency store contracts. The division 2900  
shall comply with the rules when awarding a contract under 2901  
division (A) (1) of this section. 2902

(3) Pursuant to an agency store's contract, an agency 2903  
store may be issued a D-1 permit to sell beer, a D-2 permit to 2904  
sell wine and mixed beverages, and a D-5 permit to sell beer, 2905  
wine, mixed beverages, and spirituous liquor. 2906

(4) Pursuant to an agency store's contract, an agency 2907  
store may be issued a D-3 permit to sell spirituous liquor if 2908  
the agency store contains at least ten thousand square feet of 2909  
sales floor area. A D-3 permit issued to an agency store shall 2910  
not be transferred to a new location. The division shall revoke 2911

any D-3 permit issued to an agency store under division (A) (4) 2912  
of this section if the agent no longer operates the agency 2913  
store. The division shall not issue a D-3a permit to an agency 2914  
store. 2915

(5) An agency store to which a D-8 permit has been issued 2916  
may allow the ~~sale~~consumption of tasting samples of spirituous 2917  
liquor in accordance with section 4301.171 of the Revised Code. 2918

(6) An agency store may sell beer, wine, mixed beverages, 2919  
and spirituous liquor only between the hours of nine a.m. and 2920  
eleven p.m. 2921

(B) When an agency contract is proposed, when an existing 2922  
agency contract is assigned, when an existing agency proposes to 2923  
relocate, or when an existing agency is relocated and assigned, 2924  
before entering into any contract, consenting to any assignment, 2925  
or consenting to any relocation, the division shall notify the 2926  
legislative authority of the municipal corporation in which the 2927  
agency store is to be located, or the board of county 2928  
commissioners and the board of township trustees of the county 2929  
and the township in which the agency store is to be located if 2930  
the agency store is to be located outside the corporate limits 2931  
of a municipal corporation, of the proposed contract, 2932  
assignment, or relocation, and an opportunity shall be provided 2933  
officials or employees of the municipal corporation or county 2934  
and township for a complete hearing upon the advisability of 2935  
entering into the contract or consenting to the assignment or 2936  
relocation. When the division sends notice to the legislative 2937  
authority of the political subdivision, the division shall 2938  
notify the chief peace officer of the political subdivision, who 2939  
may appear and testify, either in person or through a 2940  
representative, at any hearing held on the advisability of 2941



entering into the contract or consenting to the assignment or 2942  
relocation. 2943

If the proposed agency store, the assignment of an agency 2944  
contract, or the relocation of an agency store would be located 2945  
within five hundred feet of a school, church, library, public 2946  
playground, or township park, the division shall not enter into 2947  
an agency contract until it has provided notice of the proposed 2948  
contract to the authorities in control of the school, church, 2949  
library, public playground, or township park and has provided 2950  
those authorities with an opportunity for a complete hearing 2951  
upon the advisability of entering into the contract. If an 2952  
agency store so located is operating under an agency contract, 2953  
the division may consent to relocation of the agency store or to 2954  
the assignment of that contract to operate an agency store at 2955  
the same location. The division may also consent to the 2956  
assignment of an existing agency contract simultaneously with 2957  
the relocation of the agency store. In any such assignment or 2958  
relocation, the assignee and the location shall be subject to 2959  
the same requirements that the existing location met at the time 2960  
that the contract was first entered into as well as any 2961  
additional requirements imposed by the division in rules adopted 2962  
by the superintendent of liquor control. The division shall not 2963  
consent to an assignment or relocation of an agency store until 2964  
it has notified the authorities in control of the school, 2965  
church, library, public playground, or township park and has 2966  
provided those authorities with an opportunity for a complete 2967  
hearing upon the advisability of consenting to the assignment or 2968  
relocation. 2969

Any hearing provided for in this division shall be held in 2970  
the central office of the division, except that upon written 2971  
request of the legislative authority of the municipal 2972

corporation, the board of county commissioners, the board of 2973  
township trustees, or the authorities in control of the school, 2974  
church, library, public playground, or township park, the 2975  
hearing shall be held in the county seat of the county where the 2976  
proposed agency store is to be located. 2977

(C) All agency contracts entered into by the division 2978  
pursuant to this section shall be in writing and shall contain a 2979  
clause providing for the termination of the contract at will by 2980  
the division upon its giving ninety days' notice in writing to 2981  
the agent of its intention to do so. Any agency contract may 2982  
include a clause requiring the agent to report to the 2983  
appropriate law enforcement agency the name and address of any 2984  
individual under twenty-one years of age who attempts to make an 2985  
illegal purchase. 2986

The division shall issue a C-1 and C-2 permit to each 2987  
agent who prior to November 1, 1994, had not been issued both of 2988  
these permits, notwithstanding the population quota restrictions 2989  
contained in section 4303.29 of the Revised Code or in any rule 2990  
of the liquor control commission and notwithstanding the 2991  
requirements of section 4303.31 of the Revised Code. The 2992  
location of a C-1 or C-2 permit issued to such an agent shall 2993  
not be transferred. The division shall revoke any C-1 or C-2 2994  
permit issued to an agent under this paragraph if the agent no 2995  
longer operates an agency store. 2996

The division may enter into agreements with the department 2997  
of development to implement a minority loan program to provide 2998  
low-interest loans to minority business enterprises, as defined 2999  
in section 122.71 of the Revised Code, that are awarded liquor 3000  
agency contracts or assignments. 3001

(D) If the division closes a state liquor store and 3002

replaces that store with an agency store, any employees of the 3003  
division employed at that state liquor store who lose their jobs 3004  
at that store as a result shall be given preference by the agent 3005  
who operates the agency store in filling any vacancies that 3006  
occur among the agent's employees, if that preference does not 3007  
conflict with the agent's obligations pursuant to a collective 3008  
bargaining agreement. 3009

If the division closes a state liquor store and replaces 3010  
the store with an agency store, any employees of the division 3011  
employed at the state liquor store who lose their jobs at that 3012  
store as a result may displace other employees as provided in 3013  
sections 124.321 to 124.328 of the Revised Code. If an employee 3014  
cannot displace other employees and is laid off, the employee 3015  
shall be reinstated in another job as provided in sections 3016  
124.321 to 124.328 of the Revised Code, except that the 3017  
employee's rights of reinstatement in a job at a state liquor 3018  
store shall continue for a period of two years after the date of 3019  
the employee's layoff and shall apply to jobs at state liquor 3020  
stores located in the employee's layoff jurisdiction and any 3021  
layoff jurisdiction adjacent to the employee's layoff 3022  
jurisdiction. 3023

(E) The division shall require every agent to give bond 3024  
with surety to the satisfaction of the division, in the amount 3025  
the division fixes, conditioned for the faithful performance of 3026  
the agent's duties as prescribed by the division. 3027

**Sec. 4301.171.** (A) As used in this section: 3028

(1) "Broker" and "solicitor" have the same meanings as in 3029  
rules adopted by the superintendent of liquor control under 3030  
section 4303.25 of the Revised Code. 3031

(2) "Tasting sample" means a small amount of spirituous 3032  
liquor that is provided in a serving of not more than a quarter 3033  
ounce of spirituous liquor and, if provided, not more than one 3034  
ounce of nonalcoholic mixer to an authorized ~~purchaser~~ person 3035  
and that allows the ~~purchaser~~ person to determine, by tasting 3036  
only, the quality and character of the beverage. 3037

(3) "Trade marketing company" means a company that 3038  
solicits the purchase of beer and intoxicating liquor and 3039  
educates the public about beer and intoxicating liquor. 3040

(4) "Trade marketing professional" means an individual who 3041  
is an employee of, or is under contract with, a trade marketing 3042  
company and who has successfully completed a training program 3043  
described in section 4301.253 of the Revised Code. 3044

(B) Notwithstanding section 4301.24 of the Revised Code, 3045  
an agency store to which a D-8 permit has been issued may allow 3046  
a trade marketing professional, broker, or solicitor to offer 3047  
~~for sale~~ tasting samples of spirituous liquor when conducted in 3048  
accordance with this section. A tasting sample shall not be ~~sold~~ 3049  
provided for the purpose of general consumption. 3050

(C) Tasting samples of spirituous liquor may be offered 3051  
~~for sale~~ at an agency store by a trade marketing professional, 3052  
broker, or solicitor if all of the following apply: 3053

(1) The tasting samples are ~~sold~~ provided only in the area 3054  
of the agency store in which spirituous liquor is sold and that 3055  
area is open to the public. 3056

(2) The tasting samples are ~~sold~~ provided only by the 3057  
trade marketing professional, broker, or solicitor. 3058

(3) The spirituous liquor is registered under division (A) 3059  
(8) of section 4301.10 of the Revised Code. 3060

(4) Not less than ten business days prior to the 3061  
~~salesampling~~, the trade marketing professional, broker, or 3062  
solicitor has provided written notice to the division of liquor 3063  
control of the date and time of the sampling, and of the type 3064  
and brand of spirituous liquor to be sampled at the agency 3065  
store. 3066

(D) ~~A sale~~ The provision of tasting samples of spirituous 3067  
liquor is subject to rules adopted by the superintendent of 3068  
liquor control or the liquor control commission. 3069

(E) An offering ~~for sale~~ of tasting samples of spirituous 3070  
liquor shall be limited to a period of not more than two hours. 3071

(F) For purposes of offering ~~for sale~~ tasting samples of 3072  
spirituous liquor, a trade marketing professional, broker, or 3073  
solicitor shall purchase the spirituous liquor from the agency 3074  
store at the current retail price. An authorized ~~purchaser~~ 3075  
person shall not be charged ~~not less than fifty cents for each a~~ 3076  
tasting sample of spirituous liquor. When ~~the sale of tasting~~ 3077  
~~samples sampling~~ of spirituous liquor at an agency store is 3078  
completed, any bottles of spirituous liquor used to provide 3079  
tasting samples that are not empty shall be marked as "sample" 3080  
and removed from the agency store by the trade marketing 3081  
professional, broker, or solicitor, as applicable. 3082

(G) No trade marketing professional, broker, or solicitor 3083  
shall do any of the following: 3084

(1) Advertise the offering ~~for sale~~ of tasting samples of 3085  
spirituous liquor other than at the agency store where the 3086  
tasting samples will be offered or as provided in section 3087  
4301.245 of the Revised Code; 3088

(2) Solicit orders or ~~make sales of~~ offer tasting samples 3089

of spirituous liquor ~~for in~~ quantities greater than those 3090  
specified in division (G) (3) of this section; 3091

(3) Allow any authorized ~~purchaser person~~ to consume more 3092  
than four tasting samples of spirituous liquor per day. 3093

(H) The ~~purchase consumption~~ of a tasting sample of 3094  
spirituous liquor shall not be contingent upon the purchase of 3095  
any other product from an agency store. 3096

(I) No employee of an agency store that allows the ~~sale~~ 3097  
~~consumption~~ of tasting samples of spirituous liquor shall 3098  
~~purchase or~~ consume a tasting sample while on duty. 3099

(J) If an employee of an agency store that allows the ~~sale~~ 3100  
~~consumption~~ of tasting samples of spirituous liquor consumes a 3101  
tasting sample of spirituous liquor, the employee shall not 3102  
perform the employee's duties and responsibilities at the agency 3103  
store on the day the tasting sample is consumed. 3104

(K) No person under twenty-one years of age shall consume 3105  
a tasting sample of spirituous liquor. 3106

(L) Not more than ten events at which ~~the sale of~~ tasting 3107  
samples of spirituous liquor are offered shall occur at an 3108  
agency store in a calendar month provided that: 3109

(1) Not more than two events shall occur in the same day; 3110  
and 3111

(2) There is not less than one hour between the end of one 3112  
event and the beginning of the next event. 3113

(M) No trade marketing professional, trade marketing 3114  
company, broker, solicitor, owner or operator of an agency 3115  
store, or an agent or employee of the owner or operator shall 3116  
violate this section or any rules adopted by the superintendent 3117

or the commission for the purposes of this section. 3118

**Sec. 4303.041.** ~~(A) An~~ (A) (1) Except as provided in 3119  
division (A) (2) of this section, an A-3a permit may be issued to 3120  
a distiller that manufactures less than one hundred thousand 3121  
gallons of spirituous liquor per year. ~~An~~ 3122

(2) An A-3a permit holder issued an A-3a permit prior to 3123  
the effective date of this amendment may manufacture any amount 3124  
of spirituous liquor per year on and after the effective date of 3125  
this amendment, regardless of whether the permit premises 3126  
location or ownership of the permit premises is transferred and 3127  
the permit holder is issued a new A-3a permit. 3128

(3) An A-3a permit holder may sell to a personal consumer, 3129  
in sealed containers for consumption off the premises where 3130  
manufactured, spirituous liquor that the permit holder 3131  
manufactures, but sales to the personal consumer may occur only 3132  
by an in-person transaction at the permit premises. The A-3a 3133  
permit holder shall not ship, send, or use an H permit holder to 3134  
deliver spirituous liquor to the personal consumer. 3135

"Distiller" means a person in this state who mashes, 3136  
ferments, distills, and ages spirituous liquor. 3137

(B) (1) Except as otherwise provided in this section, no A- 3138  
3a permit shall be issued unless the sale of spirituous liquor 3139  
by the glass for consumption on the premises or by the package 3140  
for consumption off the premises is authorized in the election 3141  
precinct in which the A-3a permit is proposed to be located. 3142

(2) Division (B) (1) of this section does not prohibit the 3143  
issuance of an A-3a permit to an applicant for such a permit who 3144  
has filed an application with the division of liquor control 3145  
before March 22, 2012. 3146

(C) (1) An A-3a permit holder may offer for sale tasting 3147  
samples of spirituous liquor. The A-3a permit holder shall not 3148  
serve more than four tasting samples of spirituous liquor per 3149  
person per day. A tasting sample shall not exceed a quarter 3150  
ounce. Tasting samples shall be only for the purpose of allowing 3151  
a purchaser to determine, by tasting only, the quality and 3152  
character of the spirituous liquor. The tasting samples shall be 3153  
offered for sale in accordance with rules adopted by the 3154  
division of liquor control. 3155

(2) An A-3a permit holder shall sell not more than three 3156  
liters of spirituous liquor per day from the permit premises to 3157  
the same personal consumer. 3158

An A-3a permit holder may sell spirituous liquor in sealed 3159  
containers for consumption off the premises where manufactured 3160  
as an independent contractor under agreement, by virtue of the 3161  
permit, with the division of liquor control. The price at which 3162  
the A-3a permit holder shall sell each spirituous liquor product 3163  
to a personal consumer is to be determined by the division of 3164  
liquor control. For an A-3a permit holder to purchase and then 3165  
offer spirituous liquor for retail sale, the spirituous liquor 3166  
need not first leave the physical possession of the A-3a permit 3167  
holder to be so registered. The spirituous liquor that the A-3a 3168  
permit holder buys from the division of liquor control shall be 3169  
maintained in a separate area of the permit premises for sale to 3170  
personal consumers. The A-3a permit holder shall sell such 3171  
spirituous liquor in sealed containers for consumption off the 3172  
premises where manufactured as an independent contractor by 3173  
virtue of the permit issued by the division of liquor control, 3174  
but the permit holder shall not be compensated as provided in 3175  
division (A) (1) of section 4301.17 of the Revised Code. Each A- 3176  
3a permit holder shall be subject to audit by the division of 3177



liquor control.	3178
(D) The fee for the A-3a permit is two dollars per fifty-gallon barrel.	3179 3180
(E) The holder of an A-3a permit may also exercise the same privileges as the holder of an A-3 permit.	3181 3182
<b>Sec. 4303.184.</b> (A) Subject to division (B) of this section, a D-8 permit may be issued to any of the following:	3183 3184
(1) An agency store;	3185
(2) The holder of a C-1, C-2, or C-2x permit issued to a retail store that has any of the following characteristics:	3186 3187
(a) The store has at least five thousand five hundred square feet of floor area, and it generates more than sixty per cent of its sales in general merchandise items and food for consumption off the premises where sold.	3188 3189 3190 3191
(b) The store is located in a municipal corporation or township with a population of five thousand or less, has at least four thousand five hundred square feet of floor area, and generates more than sixty per cent of its sales in general merchandise items and food for consumption off the premises where sold.	3192 3193 3194 3195 3196 3197
(c) Wine constitutes at least sixty per cent of the value of the store's inventory.	3198 3199
(3) The holder of both a C-1 and C-2 permit, or the holder of a C-2x permit, issued to a retail store that is located within a municipal corporation or township with a population of fifteen thousand or less.	3200 3201 3202 3203
(B) A D-8 permit may be issued to the holder of a C-1, C-	3204

2, or C-2x permit only if the premises of the permit holder are 3205  
located in a precinct, or at a particular location in a 3206  
precinct, in which the sale of beer, wine, or mixed beverages is 3207  
permitted for consumption off the premises where sold. Sales 3208  
under a D-8 permit are not affected by whether sales for 3209  
consumption on the premises where sold are permitted in the 3210  
precinct or at the particular location where the D-8 premises 3211  
are located. 3212

(C) (1) The holder of a D-8 permit described in division 3213  
(A) (2) or (3) of this section may sell tasting samples of beer, 3214  
wine, and mixed beverages, but not spirituous liquor, at retail, 3215  
for consumption on the premises where sold in an amount not to 3216  
exceed two ounces or another amount designated by rule of the 3217  
liquor control commission. A tasting sample shall not be sold 3218  
for general consumption. 3219

(2) The holder of a D-8 permit described in division (A) 3220  
(1) of this section may allow the ~~sale~~consumption of tasting 3221  
samples of spirituous liquor in accordance with section 4301.171 3222  
of the Revised Code. 3223

(3) No D-8 permit holder described in division (A) (2) or 3224  
(3) of this section shall allow any authorized purchaser to 3225  
consume more than four tasting samples of beer, wine, or mixed 3226  
beverages, or any combination of beer, wine, or mixed beverages, 3227  
per day. 3228

(D) (1) Notwithstanding sections 4303.11 and 4303.121 of 3229  
the Revised Code, the holder of a D-8 permit described in 3230  
division (A) (2) or (3) of this section may sell beer that is 3231  
dispensed from containers that have a capacity equal to or 3232  
greater than five and one-sixth gallons if all of the following 3233  
conditions are met: 3234

(a) A product registration fee for the beer has been paid 3235  
as required in division (A) (8) (b) of section 4301.10 of the 3236  
Revised Code. 3237

(b) The beer is dispensed only in glass containers whose 3238  
capacity does not exceed one gallon and not for consumption on 3239  
the premises where sold. 3240

(c) The containers are sealed, marked, and transported in 3241  
accordance with division (E) of section 4301.62 of the Revised 3242  
Code. 3243

(d) The containers have been cleaned immediately before 3244  
being filled in accordance with rule 4301:1-1-28 of the 3245  
Administrative Code. 3246

(2) Beer that is sold and dispensed under division (D) (1) 3247  
of this section is subject to both of the following: 3248

(a) All applicable rules adopted by the liquor control 3249  
commission, including, but not limited to, rule 4301:1-1-27 and 3250  
rule 4301:1-1-72 of the Administrative Code; 3251

(b) All applicable federal laws and regulations. 3252

(E) The privileges authorized for the holder of a D-8 3253  
permit described in division (A) (2) or (3) of this section may 3254  
only be exercised in conjunction with and during the hours of 3255  
operation authorized by a C-1, C-2, C-2x, or D-6 permit. 3256

(F) A D-8 permit shall not be transferred to another 3257  
location. 3258

(G) The fee for the D-8 permit is five hundred dollars. 3259

**Sec. 4399.15.** No person, for the purpose of sale, shall 3260  
adulterate spirituous liquor, alcoholic liquor, or beer used or 3261

intended for drink or medicinal or mechanical purposes, with 3262  
cocculus indicus, vitriol, ~~grains of paradise~~, opium, alum, 3263  
capsicum, copperas, laurel water, logwood, Brazilwood, 3264  
cochineal, sugar of lead, aloes, glucose, tannic acid, or any 3265  
other substance that is poisonous or injurious to health, or 3266  
with a substance not a necessary ingredient in the manufacture 3267  
of the spirituous liquor, alcoholic liquor, or beer, or sell, 3268  
offer, or keep for sale spirituous liquor, alcoholic liquor, or 3269  
beer that is so adulterated. 3270

In addition to the penalties provided in division (E) of 3271  
section 4399.99 of the Revised Code, a person convicted of 3272  
violating this section shall pay all necessary costs and 3273  
expenses incurred in inspecting and analyzing spirituous liquor, 3274  
alcoholic liquor, or beer that is so adulterated, sold, kept, or 3275  
offered for sale. 3276

**Sec. 4735.18.** (A) Subject to section 4735.32 of the 3277  
Revised Code, the superintendent of real estate, upon the 3278  
superintendent's own motion, may investigate the conduct of any 3279  
licensee. Subject to division (E) of this section and section 3280  
4735.32 of the Revised Code, the Ohio real estate commission 3281  
shall impose disciplinary sanctions upon any licensee who, 3282  
whether or not acting in the licensee's capacity as a real 3283  
estate broker or salesperson, or in handling the licensee's own 3284  
property, is found to have been convicted of a felony or a crime 3285  
of moral turpitude, and may impose disciplinary sanctions upon 3286  
any licensee who, in the licensee's capacity as a real estate 3287  
broker or salesperson, or in handling the licensee's own 3288  
property, is found guilty of: 3289

(1) Knowingly making any misrepresentation; 3290

(2) Making any false promises with intent to influence, 3291

persuade, or induce;	3292
(3) A continued course of misrepresentation or the making of false promises through agents, salespersons, advertising, or otherwise;	3293 3294 3295
(4) Acting for more than one party in a transaction except as permitted by and in compliance with section 4735.71 of the Revised Code;	3296 3297 3298
(5) Failure within a reasonable time to account for or to remit any money coming into the licensee's possession which belongs to others;	3299 3300 3301
(6) Dishonest or illegal dealing, gross negligence, incompetency, or misconduct;	3302 3303
(7) (a) By final adjudication by a court, a violation of any municipal or federal civil rights law relevant to the protection of purchasers or sellers of real estate or, by final adjudication by a court, any unlawful discriminatory practice pertaining to the purchase or sale of real estate prohibited by Chapter 4112. of the Revised Code, provided that such violation arose out of a situation wherein parties were engaged in bona fide efforts to purchase, sell, or lease real estate, in the licensee's practice as a licensed real estate broker or salesperson;	3304 3305 3306 3307 3308 3309 3310 3311 3312 3313
(b) A second or subsequent violation of any unlawful discriminatory practice pertaining to the purchase or sale of real estate prohibited by Chapter 4112. of the Revised Code or any second or subsequent violation of municipal or federal civil rights laws relevant to purchasing or selling real estate whether or not there has been a final adjudication by a court, provided that such violation arose out of a situation wherein	3314 3315 3316 3317 3318 3319 3320

parties were engaged in bona fide efforts to purchase, sell, or 3321  
lease real estate. For any second offense under this division, 3322  
the commission shall suspend for a minimum of two months or 3323  
revoke the license of the broker or salesperson. For any 3324  
subsequent offense, the commission shall revoke the license of 3325  
the broker or salesperson. 3326

(8) Procuring a license under this chapter, for the 3327  
licensee or any salesperson by fraud, misrepresentation, or 3328  
deceit; 3329

(9) Having violated or failed to comply with any provision 3330  
of sections 4735.51 to 4735.74 of the Revised Code or having 3331  
willfully disregarded or violated any other provisions of this 3332  
chapter; 3333

(10) As a real estate broker, having demanded, without 3334  
reasonable cause, other than from a broker licensed under this 3335  
chapter, a commission to which the licensee is not entitled, or, 3336  
as a real estate salesperson, having demanded, without 3337  
reasonable cause, a commission to which the licensee is not 3338  
entitled; 3339

(11) Except as permitted under section 4735.20 of the 3340  
Revised Code, having paid commissions or fees to, or divided 3341  
commissions or fees with, anyone not licensed as a real estate 3342  
broker or salesperson under this chapter or anyone not operating 3343  
as an out-of-state commercial real estate broker or salesperson 3344  
under section 4735.022 of the Revised Code; 3345

(12) Having falsely represented membership in any real 3346  
estate professional association of which the licensee is not a 3347  
member; 3348

(13) Having accepted, given, or charged any undisclosed 3349

commission, rebate, or direct profit on expenditures made for a principal; 3350  
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(14) Having offered anything of value other than the consideration recited in the sales contract as an inducement to a person to enter into a contract for the purchase or sale of real estate or having offered real estate or the improvements on real estate as a prize in a lottery or scheme of chance; 3352  
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(15) Having acted in the dual capacity of real estate broker and undisclosed principal, or real estate salesperson and undisclosed principal, in any transaction; 3357  
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(16) Having guaranteed, authorized, or permitted any person to guarantee future profits which may result from the resale of real property; 3360  
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(17) Having advertised or placed a sign on any property offering it for sale or for rent without the consent of the owner or the owner's authorized agent; 3363  
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(18) Having induced any party to a contract of sale or lease to break such contract for the purpose of substituting in lieu of it a new contract with another principal; 3366  
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(19) Having negotiated the sale, exchange, or lease of any real property directly with a seller, purchaser, lessor, or tenant knowing that such seller, purchaser, lessor, or tenant is represented by another broker under a written exclusive agency agreement, exclusive right to sell or lease listing agreement, or exclusive purchaser agency agreement with respect to such property except as provided for in section 4735.75 of the Revised Code; 3369  
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(20) Having offered real property for sale or for lease without the knowledge and consent of the owner or the owner's 3377  
3378

authorized agent, or on any terms other than those authorized by 3379  
the owner or the owner's authorized agent; 3380

(21) Having published advertising, whether printed, radio, 3381  
display, or of any other nature, which was misleading or 3382  
inaccurate in any material particular, or in any way having 3383  
misrepresented any properties, terms, values, policies, or 3384  
services of the business conducted; 3385

(22) Having knowingly withheld from or inserted in any 3386  
statement of account or invoice any statement that made it 3387  
inaccurate in any material particular; 3388

(23) Having published or circulated unjustified or 3389  
unwarranted threats of legal proceedings which tended to or had 3390  
the effect of harassing competitors or intimidating their 3391  
customers; 3392

(24) Having failed to keep complete and accurate records 3393  
of all transactions for a period of three years from the date of 3394  
the transaction, such records to include copies of listing 3395  
forms, earnest money receipts, offers to purchase and 3396  
acceptances of them, records of receipts and disbursements of 3397  
all funds received by the licensee as broker and incident to the 3398  
licensee's transactions as such, and records required pursuant 3399  
to divisions (C) (4) and (5) of section 4735.20 of the Revised 3400  
Code, and any other instruments or papers related to the 3401  
performance of any of the acts set forth in the definition of a 3402  
real estate broker; 3403

(25) Failure of a real estate broker or salesperson to 3404  
furnish all parties involved in a real estate transaction true 3405  
copies of all listings and other agreements to which they are a 3406  
party, at the time each party signs them; 3407



(26) Failure to maintain at all times a special or trust bank account in a depository of a state or federally chartered institution located in this state. The account shall be noninterest-bearing, separate and distinct from any personal or other account of the broker, and, except as provided in division (A) (27) of this section, shall be used for the deposit and maintenance of all escrow funds, security deposits, and other moneys received by the broker in a fiduciary capacity. The name, account number, if any, and location of the depository wherein such special or trust account is maintained shall be submitted in writing to the superintendent. Checks drawn on such special or trust bank accounts are deemed to meet the conditions imposed by section 1349.21 of the Revised Code. Funds deposited in the trust or special account in connection with a purchase agreement shall be maintained in accordance with section 4735.24 of the Revised Code.

(27) Failure to maintain at all times a special or trust bank account in a depository of a state or federally chartered institution in this state, to be used exclusively for the deposit and maintenance of all rents, security deposits, escrow funds, and other moneys received by the broker in a fiduciary capacity in the course of managing real property. This account shall be separate and distinct from any other account maintained by the broker. The name, account number, and location of the depository shall be submitted in writing to the superintendent. This account may earn interest, which shall be paid to the property owners on a pro rata basis.

Division (A) (27) of this section does not apply to brokers who are not engaged in the management of real property on behalf of real property owners.

- (28) Having failed to put definite expiration dates in all written agency agreements to which the broker is a party;
- (29) Having an unsatisfied final judgment or lien in any court of record against the licensee arising out of the licensee's conduct as a licensed broker or salesperson;
- (30) Failing to render promptly upon demand a full and complete statement of the expenditures by the broker or salesperson of funds advanced by or on behalf of a party to a real estate transaction to the broker or salesperson for the purpose of performing duties as a licensee under this chapter in conjunction with the real estate transaction;
- (31) Failure within a reasonable time, after the receipt of the commission by the broker, to render an accounting to and pay a real estate salesperson the salesperson's earned share of it;
- (32) Performing any service for another constituting the practice of law, as determined by any court of law;
- (33) Having been adjudicated incompetent by a court, as provided in section 5122.301 of the Revised Code. A license revoked or suspended under this division shall be reactivated upon proof to the commission of the removal of the disability.
- (34) Having authorized or permitted a person to act as an agent in the capacity of a real estate broker, or a real estate salesperson, who was not then licensed as a real estate broker or real estate salesperson under this chapter or who was not then operating as an out-of-state commercial real estate broker or salesperson under section 4735.022 of the Revised Code;
- (35) Having knowingly inserted or participated in inserting any materially inaccurate term in a document,

including naming a false consideration; 3467

(36) Having failed to inform the licensee's client of the 3468  
existence of an offer or counteroffer or having failed to 3469  
present an offer or counteroffer in a timely manner, unless 3470  
otherwise instructed by the client, provided the instruction of 3471  
the client does not conflict with any state or federal law; 3472

(37) Having failed to comply with section 4735.24 of the 3473  
Revised Code; 3474

(38) Having acted as a broker without authority, impeded 3475  
the ability of a principal broker to perform any of the duties 3476  
described in section 4735.081 of the Revised Code, or impeded 3477  
the ability a management level licensee to perform the 3478  
licensee's duties; 3479

(39) Entering into a right-to-list home sale agreement. 3480

(B) Whenever the commission, pursuant to section 4735.051 3481  
of the Revised Code, imposes disciplinary sanctions for any 3482  
violation of this section, the commission also may impose such 3483  
sanctions upon the broker with whom the salesperson is 3484  
affiliated if the commission finds that the broker had knowledge 3485  
of the salesperson's actions that violated this section. 3486

(C) The commission shall, pursuant to section 4735.051 of 3487  
the Revised Code, impose disciplinary sanctions upon any foreign 3488  
real estate dealer or salesperson who, in that capacity or in 3489  
handling the dealer's or salesperson's own property, is found 3490  
guilty of any of the acts or omissions specified or comprehended 3491  
in division (A) of this section insofar as the acts or omissions 3492  
pertain to foreign real estate. If the commission imposes such 3493  
sanctions upon a foreign real estate salesperson for a violation 3494  
of this section, the commission also may suspend or revoke the 3495

license of the foreign real estate dealer with whom the 3496  
salesperson is affiliated if the commission finds that the 3497  
dealer had knowledge of the salesperson's actions that violated 3498  
this section. 3499

(D) The commission may suspend, in whole or in part, the 3500  
imposition of the penalty of suspension of a license under this 3501  
section. 3502

(E) A person licensed under this chapter who represents a 3503  
party to a transaction or a proposed transaction involving the 3504  
sale, purchase, exchange, lease, or management of real property 3505  
that is or will be used in the cultivation, processing, 3506  
dispensing, or testing of medical marijuana or adult-use 3507  
marijuana under Chapter 3796. of the Revised Code, or who 3508  
receives, holds, or disburses funds from a real estate brokerage 3509  
trust account in connection with such a transaction, shall not 3510  
be subject to disciplinary sanctions under this chapter solely 3511  
because the licensed person engaged in activities permitted 3512  
under this chapter and related to activities under Chapter 3796. 3513  
of the Revised Code. 3514

**Sec. 5119.10.** (A) The director of mental health and 3515  
addiction services is the chief executive and appointing 3516  
authority of the department of mental health and addiction 3517  
services. The director may organize the department for its 3518  
efficient operation, including creating divisions or offices as 3519  
necessary. The director may establish procedures for the 3520  
governance of the department, conduct of its employees and 3521  
officers, performance of its business, and custody, use, and 3522  
preservation of departmental records, papers, books, documents, 3523  
and property. Whenever the Revised Code imposes a duty upon or 3524  
requires an action of the department or any of its institutions, 3525

the director or the director's designee shall perform the action 3526  
or duty in the name of the department, except that the medical 3527  
director appointed pursuant to section 5119.11 of the Revised 3528  
Code shall be responsible for decisions relating to medical 3529  
diagnosis, treatment, rehabilitation, quality assurance, and the 3530  
clinical aspects of the following: licensure of hospitals and 3531  
residential facilities, research, community addiction and mental 3532  
health plans, and certification and delivery of addiction 3533  
services and mental health services. 3534

(B) The director shall: 3535

(1) Adopt rules for the proper execution of the powers and 3536  
duties of the department with respect to the institutions under 3537  
its control, and require the performance of additional duties by 3538  
the officers of the institutions as necessary to fully meet the 3539  
requirements, intents, and purposes of this chapter. In case of 3540  
an apparent conflict between the powers conferred upon any 3541  
managing officer and those conferred by such sections upon the 3542  
department, the presumption shall be conclusive in favor of the 3543  
department. 3544

(2) Adopt rules for the nonpartisan management of the 3545  
institutions under the department's control. An officer or 3546  
employee of the department or any officer or employee of any 3547  
institution under its control who, by solicitation or otherwise, 3548  
exerts influence directly or indirectly to induce any other 3549  
officer or employee of the department or any of its institutions 3550  
to adopt the exerting officer's or employee's political views or 3551  
to favor any particular person, issue, or candidate for office 3552  
shall be removed from the exerting officer's or employee's 3553  
office or position, by the department in case of an officer or 3554  
employee, and by the governor in case of the director. 3555

- (3) Appoint such employees, including the medical director, as are necessary for the efficient conduct of the department, and prescribe their titles and duties;
- (4) Prescribe the forms of affidavits, applications, medical certificates, orders of hospitalization and release, and all other forms, reports, and records that are required in the hospitalization or admission and release of all persons to the institutions under the control of the department, or are otherwise required under this chapter or Chapter 5122. of the Revised Code;
- (5) Exercise the powers and perform the duties relating to addiction and mental health facilities, addiction services, mental health services, 9-8-8 suicide and crisis response, and recovery supports that are assigned to the director under this chapter and Chapter 340. of the Revised Code;
- (6) Develop and implement clinical evaluation and monitoring of services that are operated by the department;
- (7) Adopt rules establishing standards for the performance of evaluations by a forensic center or other psychiatric program or facility of the mental condition of defendants ordered by the court under section 2919.271, or 2945.371 of the Revised Code, and for the treatment of defendants who have been found incompetent to stand trial and ordered by the court under section 2945.38, 2945.39, 2945.401, or 2945.402 of the Revised Code to receive treatment in facilities;
- (8) On behalf of the department, have the authority and responsibility for entering into contracts and other agreements with providers, agencies, institutions, and other entities, both public and private, as necessary for the department to carry out

its duties under this chapter and Chapters 340., 2919., 2945., 3585  
and 5122. of the Revised Code. Chapter 125. of the Revised Code 3586  
does not apply to contracts the director enters into under this 3587  
section for addiction services, mental health services, or 3588  
recovery supports provided to individuals who have an addiction 3589  
or mental illness by providers, agencies, institutions, and 3590  
other entities not owned or operated by the department. 3591

(9) Adopt rules in accordance with Chapter 119. of the 3592  
Revised Code specifying the supplemental services that may be 3593  
provided through a trust authorized by section 5815.28 of the 3594  
Revised Code; 3595

(10) Adopt rules in accordance with Chapter 119. of the 3596  
Revised Code establishing standards for the maintenance and 3597  
distribution to a beneficiary of assets of a trust authorized by 3598  
section 5815.28 of the Revised Code. 3599

(C) The director may contract with hospitals licensed by 3600  
the department under section 5119.33 of the Revised Code for the 3601  
care and treatment of patients with mental illnesses, or with 3602  
persons, organizations, or agencies for the custody, evaluation, 3603  
supervision, care, or treatment of persons with mental illnesses 3604  
receiving services elsewhere than within the enclosure of a 3605  
hospital operated under section 5119.14 of the Revised Code. 3606

Sec. 5119.81. As used in sections 5119.81 to 5119.85 of 3607  
the Revised Code: 3608

(A) "9-8-8 administrator" means the administrator of the 3609  
9-8-8 suicide prevention and mental health crisis hotline 3610  
system, as established in section 5119.82 of the Revised Code. 3611

(B) "9-8-8 suicide prevention and mental health crisis 3612  
hotline" or "9-8-8 hotline" means the 9-8-8 universal telephone 3613

number in the United States, as established under 47 U.S.C. 3614  
251(e), for the purpose of the national suicide prevention and 3615  
mental health crisis hotline system. 3616

**Sec. 5119.82.** There is hereby established a 9-8-8 3617  
administrator within the department of mental health and 3618  
addiction services to oversee the administration of the 9-8-8 3619  
suicide prevention and mental health crisis hotline system 3620  
statewide. 3621

**Sec. 5119.83.** (A) Not later than one year after the 3622  
effective date of this section and annually thereafter, the 9-8- 3623  
8 administrator shall compile an annual report regarding the 3624  
operation of the 9-8-8 national suicide prevention and mental 3625  
health crisis hotline in this state. 3626

(B) Each annual report shall, at a minimum, specify all of 3627  
the following: 3628

(1) The total number of 9-8-8 call centers in this state 3629  
to which calls, texts, and chats are routed when individuals 3630  
contact the 9-8-8 national suicide prevention and mental health 3631  
crisis hotline; 3632

(2) The total number of telephone calls, texts, and chats 3633  
received by each 9-8-8 call center; 3634

(3) The rate at which in-state calls are answered by the 3635  
9-8-8 call centers; 3636

(4) The average time taken by 9-8-8 call centers to answer 3637  
calls. 3638

(C) The 9-8-8 administrator shall submit the report to 3639  
both of the following: 3640

(1) The general assembly, in accordance with section 3641



101.68 of the Revised Code; 3642

(2) The governor. 3643

**Sec. 5120.81.** (A) The director of rehabilitation and 3644  
correction shall use money in the county jail construction fund 3645  
created under section 5739.271 of the Revised Code to annually 3646  
award grants under this section for the construction and 3647  
renovation of county jails. To determine which projects will 3648  
receive funding, the director shall rank each county based on 3649  
its financial need with a percentile ranking using the following 3650  
funding formula, as calculated by the tax commissioner: 3651

(1) The commissioner shall determine the total value of 3652  
all property in the county listed and assessed for taxation on 3653  
the tax list as reported by the commissioner in the preceding 3654  
tax year, and list each county in order of total value, 3655  
ascending, so that the county with the lowest value is number 3656  
one on the list, which shall be called its property tax ranking. 3657

(2) The commissioner shall rank each county based on the 3658  
estimate of the gross amount of taxable retail sales sourced to 3659  
the county as reported by the commissioner for the preceding 3660  
calendar year, computed by dividing the total amount of tax 3661  
revenue received by the county during that period from taxes 3662  
levied under sections 5739.021, 5739.026, 5741.021, and 5741.023 3663  
of the Revised Code by the aggregate tax rate levied by the 3664  
county under sections 5739.021 and 5739.026 of the Revised Code 3665  
on the last day of the preceding calendar year, and list each 3666  
county in order of total value, ascending, so that the county 3667  
with the lowest value is number one on the list, except that any 3668  
county that does not currently levy taxes under section 5739.021 3669  
or 5739.026 of the Revised Code shall be ranked at number 3670  
eighty-eight on the list. This ranking shall be called its sales 3671

tax ranking. 3672

(3) The commissioner shall then, for each county, add the 3673  
property tax ranking to the sales tax ranking, and shall order 3674  
the counties according to the sum of the two rankings, the 3675  
county with the lowest sum being number one on the list, to 3676  
determine the county's final ranking. The percentile ranking 3677  
shall be determined by taking the county's final ranking, 3678  
dividing it by eighty-eight, and multiplying it by one hundred. 3679

If the final ranking is the same for two or more counties, 3680  
the county with the lowest population shall receive the lowest 3681  
final ranking. The final ranking for the counties shall be 3682  
numbers one through eighty-eight, the lowest ranking county 3683  
being number one, and the highest number eighty-eight. 3684

(B) Upon receiving the final ranking under division (A) (3) 3685  
of this section, the director of rehabilitation and correction 3686  
shall select a number of counties among the lowest ranking 3687  
counties and invite the selected counties to apply for 3688  
assistance. Two or more counties may jointly apply for 3689  
assistance as long as at least one of the counties was invited 3690  
to apply. 3691

The director shall adopt guidelines to accept and review 3692  
applications and designate projects. The guidelines shall 3693  
require the county or counties to justify the need for the 3694  
project and to comply with timelines for the submission of 3695  
documentation pertaining to the project and project location. 3696

(C) Upon the application of a county invited to apply 3697  
under division (B) of this section, the director of 3698  
rehabilitation and correction shall proceed with a needs 3699  
assessment under this division, pursuant to which the director 3700

shall make a determination of all of the following: 3701

(1) The need of the county for additional jail facilities, 3702  
or for renovations or improvements to existing jail facilities, 3703  
based on whether and to what extent existing facilities comply 3704  
with the standards in section 5120.10 of the Revised Code, 3705  
including the age and condition of the jail facilities; 3706

(2) The number of jail facilities to be included in a 3707  
project; 3708

(3) The estimated annual, monthly, or daily cost of 3709  
operating the facility once it is operational, as reported and 3710  
certified by the county auditor; 3711

(4) The estimated basic project cost of constructing, 3712  
acquiring, reconstructing, or making additions to each facility; 3713

(5) Whether the county has recently received a grant from 3714  
the state to construct or renovate jail facilities. 3715

(D) The director, following the completion of a needs 3716  
assessment under division (C) of this section, shall make a 3717  
determination in favor of constructing, acquiring, 3718  
reconstructing, or making additions to a jail facility only upon 3719  
evidence that the proposed project conforms to the construction 3720  
and renovation standards described in divisions (D) and (E) of 3721  
section 5120.10 of the Revised Code, and that it keeps with the 3722  
needs of the county or counties as determined by the needs 3723  
assessment. Exceptions shall be authorized only in those areas 3724  
where topography, sparsity of population, and other factors make 3725  
larger jail facilities impracticable. 3726

Except as otherwise provided in this section, the portion 3727  
of the basic project cost supplied by the state for each 3728  
approved county shall be the difference between one hundred per 3729

cent, and a per cent equal to one per cent of the basic project 3730  
costs times the percentile in which the county ranks according 3731  
to the percentile ranking under this section, for the fiscal 3732  
year preceding the fiscal year in which the director approved 3733  
the county's or counties' project. 3734

At no time shall the state's portion of the basic project 3735  
cost be less than twenty-five per cent of the total basic 3736  
project cost. If a county's portion of the basic project cost is 3737  
calculated to be greater than seventy-five per cent of the total 3738  
basic project cost, the county's portion shall be seventy-five 3739  
per cent of the basic project cost. In the case of a multicounty 3740  
jail facility, if the sum of two or more counties' portions of 3741  
the total basic project cost are calculated to be greater than 3742  
seventy-five per cent of the total basic project cost, the 3743  
counties' portions shall be determined pro rata, so that the sum 3744  
of their portions shall be equal to seventy-five per cent of the 3745  
total basic project cost. 3746

(E) The director of rehabilitation and correction shall 3747  
not award any grant under this section after the date that is 3748  
ten years after the effective date of this section. On the day 3749  
after that date, the director of budget and management shall 3750  
transfer the balance of the county jail construction fund to the 3751  
general revenue fund and the county jail construction fund shall 3752  
cease to exist. 3753

**Sec. 5502.01.** (A) The department of public safety shall 3754  
administer and enforce the laws relating to the registration, 3755  
licensing, sale, and operation of motor vehicles and the laws 3756  
pertaining to the licensing of drivers of motor vehicles. 3757

The department shall compile, analyze, and publish 3758  
statistics relative to motor vehicle accidents and the causes of 3759

them, prepare and conduct educational programs for the purpose 3760  
of promoting safety in the operation of motor vehicles on the 3761  
highways, and conduct research and studies for the purpose of 3762  
promoting safety on the highways of this state. 3763

(B) The department shall administer the laws and rules 3764  
relative to trauma and emergency medical services specified in 3765  
Chapter 4765. of the Revised Code and any laws and rules 3766  
relative to medical transportation services specified in Chapter 3767  
4766. of the Revised Code. 3768

(C) The department shall administer and enforce the laws 3769  
contained in Chapters 4301. and 4303. of the Revised Code and 3770  
enforce the rules and orders of the liquor control commission 3771  
pertaining to retail liquor permit holders. 3772

(D) The department shall administer the laws governing the 3773  
state emergency management agency and shall enforce all 3774  
additional duties and responsibilities as prescribed in the 3775  
Revised Code related to emergency management services. 3776

(E) The department shall conduct investigations pursuant 3777  
to Chapter 5101. of the Revised Code in support of the duty of 3778  
the department of job and family services to administer the 3779  
supplemental nutrition assistance program throughout this state. 3780  
The department of public safety shall conduct investigations 3781  
necessary to protect the state's property rights and interests 3782  
in the supplemental nutrition assistance program. 3783

(F) The department of public safety shall enforce 3784  
compliance with orders and rules of the public utilities 3785  
commission and applicable laws in accordance with Chapters 3786  
4905., 4921., and 4923. of the Revised Code regarding commercial 3787  
motor vehicle transportation safety, economic, and hazardous 3788

materials requirements. 3789

(G) Notwithstanding Chapter 4117. of the Revised Code, the 3790  
department of public safety may establish requirements for its 3791  
enforcement personnel, including its enforcement agents 3792  
described in section 5502.14 of the Revised Code, that include 3793  
standards of conduct, work rules and procedures, and criteria 3794  
for eligibility as law enforcement personnel. 3795

(H) The department shall administer, maintain, and operate 3796  
the Ohio criminal justice network. The Ohio criminal justice 3797  
network shall be a computer network that supports state and 3798  
local criminal justice activities. The network shall be an 3799  
electronic repository for various data, which may include arrest 3800  
warrants, notices of persons wanted by law enforcement agencies, 3801  
criminal records, prison inmate records, stolen vehicle records, 3802  
vehicle operator's licenses, and vehicle registrations and 3803  
titles. 3804

(I) The department shall coordinate all homeland security 3805  
activities of all state agencies and shall be a liaison between 3806  
state agencies and local entities for those activities and 3807  
related purposes. 3808

(J) The department shall administer and enforce the laws 3809  
relative to private investigators and security service providers 3810  
specified in Chapter 4749. of the Revised Code. 3811

(K) The department shall administer criminal justice 3812  
services in accordance with sections 5502.61 to 5502.66 of the 3813  
Revised Code. 3814

(L) The department shall administer the Ohio school safety 3815  
and crisis center and the Ohio mobile training team in 3816  
accordance with sections 5502.70 to 5502.703 of the Revised 3817

Code. 3818

(M) The department shall coordinate security measures and 3819  
operations, and may direct the department of administrative 3820  
services to implement any security measures and operations the 3821  
department of public safety requires, at the Vern Riffe Center 3822  
and the James A. Rhodes state office tower. 3823

Notwithstanding section 125.28 of the Revised Code, the 3824  
director of public safety may recover the costs of directing 3825  
security measures and operations under this division by either 3826  
issuing intrastate transfer voucher billings to the department 3827  
of administrative services, which the department shall process 3828  
to pay for the costs, or, upon the request of the director of 3829  
administrative services, the director of budget and management 3830  
may transfer cash in the requested amount from the building 3831  
management fund created under section 125.28 of the Revised 3832  
Code. Payments received or cash transfers made under this 3833  
division for the costs of directing security measures and 3834  
operations shall be deposited into the state treasury to the 3835  
credit of the security, investigations, and policing fund 3836  
created under section 4501.11 of the Revised Code. 3837

(N) The department shall assist the division of marijuana 3838  
control in enforcing Chapter 3796. of the Revised Code, as 3839  
provided in that chapter. 3840

**Sec. 5502.13.** The department of public safety shall 3841  
maintain an investigative unit in order to conduct 3842  
investigations and other enforcement activity authorized by 3843  
Chapters 3796., 4301., 4303., 5101., 5107., and 5108. and 3844  
sections 2903.12, 2903.13, 2903.14, 2907.09, 2913.46, 2917.11, 3845  
2921.13, 2921.31, 2921.32, 2921.33, 2923.12, 2923.121, 2925.11, 3846  
2925.13, 2927.02, and 4507.30 of the Revised Code. The director 3847

of public safety shall appoint the employees of the unit who are 3848  
necessary, designate the activities to be performed by those 3849  
employees, and prescribe their titles and duties. 3850

**Sec. 5502.14.** (A) As used in this section, "felony" has 3851  
the same meaning as in section 109.511 of the Revised Code. 3852

(B) (1) Any person who is employed by the department of 3853  
public safety and designated by the director of public safety to 3854  
enforce Title XLIII of the Revised Code, and the rules adopted 3855  
under it, Chapter 3796. of the Revised Code and the rules 3856  
adopted under that chapter, and the laws and rules regulating 3857  
the use of supplemental nutrition assistance program benefits 3858  
shall be known as an enforcement agent. The employment by the 3859  
department of public safety and the designation by the director 3860  
of public safety of a person as an enforcement agent shall be 3861  
subject to division (D) of this section. An enforcement agent 3862  
has the authority vested in peace officers pursuant to section 3863  
2935.03 of the Revised Code to keep the peace, to enforce all of 3864  
the following: 3865

(a) All applicable laws and rules on any retail liquor 3866  
permit premises, or on any other premises of public or private 3867  
property, where a violation of Title XLIII of the Revised Code 3868  
or any rule adopted under it is occurring, ~~and to enforce all;~~ 3869

(b) All applicable laws and rules on persons and premises 3870  
licensed under Chapter 3796. of the Revised Code and, if invited 3871  
by local law enforcement having jurisdiction, on any other 3872  
public or private property where a violation of Chapter 3796. or 3873  
any rule adopted under that chapter is occurring; 3874

(c) All laws and rules governing the use of supplemental 3875  
nutrition assistance program benefits, women, infants, and 3876



children's coupons, electronically transferred benefits, or any 3877  
other access device that is used alone or in conjunction with 3878  
another access device to obtain payments, allotments, benefits, 3879  
money, goods, or other things of value, or that can be used to 3880  
initiate a transfer of funds, pursuant to the supplemental 3881  
nutrition assistance program established under the Food and 3882  
Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) or any 3883  
supplemental food program administered by any department of this 3884  
state pursuant to the "Child Nutrition Act of 1966," 80 Stat. 3885  
885, 42 U.S.C.A. 1786. Enforcement agents, in enforcing 3886  
compliance with the laws and rules described in this division, 3887  
may keep the peace and make arrests for violations of those laws 3888  
and rules. 3889

(2) In addition to the authority conferred by division (B) 3890  
(1) of this section, an enforcement agent also may execute 3891  
search warrants and seize and take into custody any contraband, 3892  
as defined in section 2901.01 of the Revised Code, or any 3893  
property that is otherwise necessary for evidentiary purposes 3894  
related to any violations of the laws or rules described in 3895  
division (B)(1) of this section. An enforcement agent may enter 3896  
public or private premises where activity alleged to violate the 3897  
laws or rules described in division (B)(1) of this section is 3898  
occurring. 3899

(3) Enforcement agents who are on, immediately adjacent 3900  
to, or across from retail liquor permit premises or premises 3901  
licensed under Chapter 3796. of the Revised Code and who are 3902  
performing investigative duties relating to ~~that~~ those premises, 3903  
enforcement agents who are on premises that are not liquor 3904  
permit premises or premises licensed under Chapter 3796. of the 3905  
Revised Code but on which a violation of Title XLIII or Chapter 3906  
3796. of the Revised Code or any rule adopted under ~~it~~ that 3907

title or chapter allegedly is occurring, and enforcement agents 3908  
who view a suspected violation of Title XLIII or Chapter 3796. 3909  
of the Revised Code, of a rule adopted under ~~it~~that title or 3910  
chapter, or of another law or rule described in division (B) (1) 3911  
of this section have the authority to enforce the laws and rules 3912  
described in division (B) (1) of this section, authority to 3913  
enforce any section in Title XXIX of the Revised Code or any 3914  
other section of the Revised Code listed in section 5502.13 of 3915  
the Revised Code if they witness a violation of the section 3916  
under any of the circumstances described in this division, and 3917  
authority to make arrests for violations of the laws and rules 3918  
described in division (B) (1) of this section and violations of 3919  
any of those sections. 3920

(4) The jurisdiction of an enforcement agent under 3921  
division (B) of this section shall be concurrent with that of 3922  
the peace officers of the county, township, or municipal 3923  
corporation in which the violation occurs. 3924

(C) Enforcement agents of the department of public safety 3925  
who are engaged in the enforcement of the laws and rules 3926  
described in division (B) (1) of this section may carry concealed 3927  
weapons when conducting undercover investigations pursuant to 3928  
their authority as law enforcement officers and while acting 3929  
within the scope of their authority pursuant to this chapter. 3930

(D) (1) The department of public safety shall not employ, 3931  
and the director of public safety shall not designate, a person 3932  
as an enforcement agent on a permanent basis, on a temporary 3933  
basis, for a probationary term, or on other than a permanent 3934  
basis if the person previously has been convicted of or has 3935  
pleaded guilty to a felony. 3936

(2) (a) The department of public safety shall terminate the 3937

employment of a person who is designated as an enforcement agent 3938  
and who does either of the following: 3939

(i) Pleads guilty to a felony; 3940

(ii) Pleads guilty to a misdemeanor pursuant to a 3941  
negotiated plea agreement as provided in division (D) of section 3942  
2929.43 of the Revised Code in which the enforcement agent 3943  
agrees to surrender the certificate awarded to that agent under 3944  
section 109.77 of the Revised Code. 3945

(b) The department shall suspend the employment of a 3946  
person who is designated as an enforcement agent if the person 3947  
is convicted, after trial, of a felony. If the enforcement agent 3948  
files an appeal from that conviction and the conviction is 3949  
upheld by the highest court to which the appeal is taken or if 3950  
no timely appeal is filed, the department shall terminate the 3951  
employment of that agent. If the enforcement agent files an 3952  
appeal that results in that agent's acquittal of the felony or 3953  
conviction of a misdemeanor, or in the dismissal of the felony 3954  
charge against the agent, the department shall reinstate the 3955  
agent. An enforcement agent who is reinstated under division (D) 3956  
(2) (b) of this section shall not receive any back pay unless the 3957  
conviction of that agent of the felony was reversed on appeal, 3958  
or the felony charge was dismissed, because the court found 3959  
insufficient evidence to convict the agent of the felony. 3960

(3) Division (D) of this section does not apply regarding 3961  
an offense that was committed prior to January 1, 1997. 3962

(4) The suspension or termination of the employment of a 3963  
person designated as an enforcement agent under division (D) (2) 3964  
of this section shall be in accordance with Chapter 119. of the 3965  
Revised Code. 3966

Sec. 5713.30. As used in sections 5713.31 to 5713.37 and 3967  
5715.01 of the Revised Code: 3968

(A) "Land devoted exclusively to agricultural use" means: 3969

(1) Tracts, lots, or parcels of land totaling not less 3970  
than ten acres to which, during the three calendar years prior 3971  
to the year in which application is filed under section 5713.31 3972  
of the Revised Code, and through the last day of May of such 3973  
year, one or more of the following apply: 3974

(a) The tracts, lots, or parcels of land were devoted 3975  
exclusively to commercial animal or poultry husbandry, 3976  
aquaculture, algaculture meaning the farming of algae, 3977  
apiculture, the cultivation of hemp by a person issued a hemp 3978  
cultivation license under section 928.02 of the Revised Code, 3979  
the production for a commercial purpose of timber, field crops, 3980  
tobacco, fruits, vegetables, nursery stock, ornamental trees, 3981  
sod, or flowers, or the growth of timber for a noncommercial 3982  
purpose, if the land on which the timber is grown is contiguous 3983  
to or part of a parcel of land under common ownership that is 3984  
otherwise devoted exclusively to agricultural use. 3985

(b) The tracts, lots, or parcels of land were devoted 3986  
exclusively to biodiesel production, biomass energy production, 3987  
electric or heat energy production, or biologically derived 3988  
methane gas production if the land on which the production 3989  
facility is located is contiguous to or part of a parcel of land 3990  
under common ownership or leasehold that is otherwise devoted 3991  
exclusively to agricultural use, provided that (i) at least 3992  
fifty per cent of the feedstock used in the production is 3993  
agricultural feedstock, (ii) at least twenty per cent of the 3994  
agricultural feedstock used in the production is derived from 3995  
parcels of land under common ownership or leasehold, and (iii) 3996

none of the feedstock used in the production consists of human waste. As used in this division, "agricultural feedstock" means manure and food waste, and "human waste" includes sludge as defined in section 6111.01 of the Revised Code.

(c) The tracts, lots, or parcels of land were devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with an agency of the federal government.

(2) Tracts, lots, or parcels of land totaling less than ten acres that, during the three calendar years prior to the year in which application is filed under section 5713.31 of the Revised Code and through the last day of May of such year, were devoted exclusively to commercial animal or poultry husbandry, aquaculture, algaculture meaning the farming of algae, apiculture, the cultivation of hemp by a person issued a hemp cultivation license under section 928.02 of the Revised Code, the production for a commercial purpose of field crops, tobacco, fruits, vegetables, timber, nursery stock, ornamental trees, sod, or flowers where such activities produced an average yearly gross income of at least twenty-five hundred dollars during such three-year period or where there is evidence of an anticipated gross income of such amount from such activities during the tax year in which application is made, or were devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with an agency of the federal government;

(3) Tracts, lots, or parcels of land, or portions thereof that, during the previous three consecutive calendar years have been designated as land devoted exclusively to agricultural use, but such land has been lying idle or fallow for up to one year

and no action has occurred to such land that is either 4027  
inconsistent with the return of it to agricultural production or 4028  
converts the land devoted exclusively to agricultural use as 4029  
defined in this section. Such land shall remain designated as 4030  
land devoted exclusively to agricultural use provided that 4031  
beyond one year, but less than three years, the landowner proves 4032  
good cause as determined by the board of revision. 4033

(4) Tracts, lots, or parcels of land, or portions thereof 4034  
that, during the previous three consecutive calendar years have 4035  
been designated as land devoted exclusively to agricultural use, 4036  
but such land has been lying idle or fallow because of dredged 4037  
material being stored or deposited on such land pursuant to a 4038  
contract between the land's owner and the department of natural 4039  
resources or the United States army corps of engineers and no 4040  
action has occurred to the land that is either inconsistent with 4041  
the return of it to agricultural production or converts the land 4042  
devoted exclusively to agricultural use. Such land shall remain 4043  
designated as land devoted exclusively to agricultural use until 4044  
the last year in which dredged material is stored or deposited 4045  
on the land pursuant to such a contract, but not to exceed five 4046  
years. 4047

"Land devoted exclusively to agricultural use" includes 4048  
tracts, lots, or parcels of land or portions thereof that are 4049  
used for conservation practices, provided that the tracts, lots, 4050  
or parcels of land or portions thereof comprise twenty-five per 4051  
cent or less of the total of the tracts, lots, or parcels of 4052  
land that satisfy the criteria established in division (A) (1), 4053  
(2), (3), or (4) of this section together with the tracts, lots, 4054  
or parcels of land or portions thereof that are used for 4055  
conservation practices. 4056

Notwithstanding any other provision of law to the 4057  
contrary, the existence of agritourism on a tract, lot, or 4058  
parcel of land that otherwise meets the definition of "land 4059  
devoted exclusively to agricultural use" as defined in this 4060  
division does not disqualify that tract, lot, or parcel from 4061  
valuation under sections 5713.30 to 5713.37 and 5715.01 of the 4062  
Revised Code. 4063

A tract, lot, or parcel of land taxed under sections 4064  
5713.22 to 5713.26 of the Revised Code is not land devoted 4065  
exclusively to agricultural use. 4066

A tract, lot, parcel, or portion thereof on which medical 4067  
marijuana or adult-use marijuana, as those terms are defined by 4068  
section 3796.01 of the Revised Code, is cultivated or processed 4069  
is not land devoted exclusively to agricultural use. 4070

(B) "Conversion of land devoted exclusively to 4071  
agricultural use" means any of the following: 4072

(1) The failure of the owner of land devoted exclusively 4073  
to agricultural use during the next preceding calendar year to 4074  
file a renewal application under section 5713.31 of the Revised 4075  
Code without good cause as determined by the board of revision; 4076

(2) The failure of the new owner of such land to file an 4077  
initial application under that section without good cause as 4078  
determined by the board of revision; 4079

(3) The failure of such land or portion thereof to qualify 4080  
as land devoted exclusively to agricultural use for the current 4081  
calendar year as requested by an application filed under such 4082  
section; 4083

(4) The failure of the owner of the land described in 4084  
division (A) (3) or (4) of this section to act on such land in a 4085

manner that is consistent with the return of the land to 4086  
agricultural production after three years. 4087

The construction or installation of an energy facility, as 4088  
defined in section 5727.01 of the Revised Code, on a portion of 4089  
a tract, lot, or parcel of land devoted exclusively to 4090  
agricultural use shall not cause the remaining portion of the 4091  
tract, lot, or parcel to be regarded as a conversion of land 4092  
devoted exclusively to agricultural use if the remaining portion 4093  
of the tract, lot, or parcel continues to be devoted exclusively 4094  
to agricultural use. 4095

(C) "Tax savings" means the difference between the dollar 4096  
amount of real property taxes levied in any year on land valued 4097  
and assessed in accordance with its current agricultural use 4098  
value and the dollar amount of real property taxes that would 4099  
have been levied upon such land if it had been valued and 4100  
assessed for such year in accordance with Section 2 of Article 4101  
XII, Ohio Constitution. 4102

(D) "Owner" includes, but is not limited to, any person 4103  
owning a fee simple, fee tail, or life estate or a buyer on a 4104  
land installment contract. 4105

(E) "Conservation practices" are practices used to abate 4106  
soil erosion as required in the management of the farming 4107  
operation, and include, but are not limited to, the 4108  
installation, construction, development, planting, or use of 4109  
grass waterways, terraces, diversions, filter strips, field 4110  
borders, windbreaks, riparian buffers, wetlands, ponds, and 4111  
cover crops for that purpose. 4112

(F) "Wetlands" has the same meaning as in section 6111.02 4113  
of the Revised Code. 4114



(G) "Biodiesel" means a mono-alkyl ester combustible 4115  
liquid fuel that is derived from vegetable oils or animal fats 4116  
or any combination of those reagents and that meets the American 4117  
society for testing and materials specification D6751-03a for 4118  
biodiesel fuel (B100) blend stock distillate fuels. 4119

(H) "Biologically derived methane gas" means gas from the 4120  
anaerobic digestion of organic materials, including animal waste 4121  
and agricultural crops and residues. 4122

(I) "Biomass energy" means energy that is produced from 4123  
organic material derived from plants or animals and available on 4124  
a renewable basis, including, but not limited to, agricultural 4125  
crops, tree crops, crop by-products, and residues. 4126

(J) "Electric or heat energy" means electric or heat 4127  
energy generated from manure, cornstalks, soybean waste, or 4128  
other agricultural feedstocks. 4129

(K) "Dredged material" means material that is excavated or 4130  
dredged from waters of this state. "Dredged material" does not 4131  
include material resulting from normal farming, silviculture, 4132  
and ranching activities, such as plowing, cultivating, seeding, 4133  
and harvesting, for production of food, fiber, and forest 4134  
products. 4135

(L) "Agritourism" has the same meaning as in section 4136  
901.80 of the Revised Code. 4137

**Sec. 5739.21.** (A) One hundred per cent of all money 4138  
deposited into the state treasury under sections 5739.01 to 4139  
5739.31 of the Revised Code that is not required to be 4140  
distributed as provided in ~~section~~ sections 5739.102, 5739.271, 4141  
and 5739.272 of the Revised Code or division (B) of this section 4142  
shall be credited to the general revenue fund. 4143

(B) (1) In any case where any county or transit authority 4144  
has levied a tax or taxes pursuant to section 5739.021, 4145  
5739.023, or 5739.026 of the Revised Code, the tax commissioner 4146  
shall, within forty-five days after the end of each month, 4147  
determine and certify to the director of budget and management 4148  
the amount of the proceeds of such tax or taxes received during 4149  
that month from billings and assessments, or associated with tax 4150  
returns or reports filed during that month, to be returned to 4151  
the county or transit authority levying the tax or taxes. The 4152  
amount to be returned to each county and transit authority shall 4153  
be a fraction of the aggregate amount of money collected with 4154  
respect to each area in which one or more of such taxes are 4155  
concurrently in effect with the tax levied by section 5739.02 of 4156  
the Revised Code. The numerator of the fraction is the rate of 4157  
the tax levied by the county or transit authority and the 4158  
denominator of the fraction is the aggregate rate of such taxes 4159  
applicable to such area. The amount to be returned to each 4160  
county or transit authority shall be reduced by the amount of 4161  
any refunds of county or transit authority tax paid pursuant to 4162  
section 5739.07 of the Revised Code during the same month, or 4163  
transfers made pursuant to division (B) (2) of section 5703.052 4164  
of the Revised Code. 4165

(2) On a periodic basis, using the best information 4166  
available, the tax commissioner shall distribute any amount of a 4167  
county or transit authority tax that cannot be distributed under 4168  
division (B) (1) of this section. Through audit or other means, 4169  
the commissioner shall attempt to obtain the information 4170  
necessary to make the distribution as provided under that 4171  
division and, on receipt of that information, shall make 4172  
adjustments to distributions previously made under this 4173  
division. 4174

(3) Eight and thirty-three one-hundredths of one per cent 4175  
of the revenue collected from the tax due under division (A) of 4176  
section 5739.029 of the Revised Code shall be distributed to the 4177  
county where the sale of the motor vehicle is situated under 4178  
section 5739.033 of the Revised Code. The amount to be so 4179  
distributed to the county shall be apportioned on the basis of 4180  
the rates of taxes the county levies pursuant to sections 4181  
5739.021 and 5739.026 of the Revised Code, as applicable, and 4182  
shall be credited to the funds of the county as provided in 4183  
divisions (A) and (B) of section 5739.211 of the Revised Code. 4184

(C) The aggregate amount to be returned to any county or 4185  
transit authority shall be reduced by one per cent, which shall 4186  
be certified directly to the credit of the local sales tax 4187  
administrative fund, which is hereby created in the state 4188  
treasury. For the purpose of determining the amount to be 4189  
returned to a county and transit authority in which the rate of 4190  
tax imposed by the transit authority has been reduced under 4191  
section 5739.028 of the Revised Code, the tax commissioner shall 4192  
use the respective rates of tax imposed by the county or transit 4193  
authority that results from the change in the rates authorized 4194  
under that section. 4195

(D) The director of budget and management shall transfer, 4196  
from the same funds and in the same proportions specified in 4197  
division (A) of this section, to the permissive tax distribution 4198  
fund created by division (B)(1) of section 4301.423 of the 4199  
Revised Code and to the local sales tax administrative fund, the 4200  
amounts certified by the tax commissioner. The tax commissioner 4201  
shall then, on or before the twentieth day of the month in which 4202  
such certification is made, provide for payment of such 4203  
respective amounts to the county treasurer and to the fiscal 4204  
officer of the transit authority levying the tax or taxes. The 4205

amount transferred to the local sales tax administrative fund is 4206  
for use by the tax commissioner in defraying costs incurred in 4207  
administering such taxes levied by a county or transit 4208  
authority. 4209

Sec. 5739.27. (A) Terms used in this section and sections 4210  
5739.271 and 5739.272 of the Revised Code have the same meanings 4211  
as in section 3796.01 of the Revised Code, except that "adult- 4212  
use marijuana" includes medical marijuana sold under section 4213  
3796.33 of the Revised Code. 4214

(B) For the purpose of funding the needs of the state, 4215  
including law enforcement training and operations, public health 4216  
and safety, access to justice initiatives, and administration of 4217  
adult-use marijuana laws, an excise tax is levied on the retail 4218  
sale of adult-use marijuana. The rate of the tax shall equal 4219  
fifteen per cent of the price of adult-use marijuana and is in 4220  
addition to other taxes levied under this chapter or Chapter 4221  
5741. of the Revised Code. 4222

(C) The tax shall be paid by the consumer to the vendor at 4223  
the time of the sale, and the vendor shall report and remit the 4224  
tax to the state in the same manner and at the same time the 4225  
vendor reports and remits the tax levied under section 5739.02 4226  
of the Revised Code. The return required by this division shall 4227  
be filed on a form prescribed by the tax commissioner, which 4228  
shall be separate from the return required to be filed under 4229  
section 5739.12 of the Revised Code. A vendor with no sales of 4230  
adult-use marijuana for a reporting period is not required to 4231  
file this separate return. Except as otherwise provided in this 4232  
section and section 5739.271 of the Revised Code, and for all 4233  
purposes of the Revised Code, the tax levied under this section 4234  
shall be considered a tax levied under section 5739.02 of the 4235

Revised Code. 4236

(D) For the same purpose as the tax levied under division 4237  
(B) of this section, a tax is levied on a vendor that sells any 4238  
marijuana other than adult-use marijuana or medical marijuana to 4239  
a consumer. That tax equals fifteen per cent of the price of 4240  
such marijuana, and the consumer and vendor are liable for any 4241  
amounts, including tax, interest, and penalties, imposed under 4242  
this section and chapter in the same manner as vendors subject 4243  
to the tax imposed under division (B) of this section. 4244

**Sec. 5739.271.** (A) As used in this section: 4245

(1) "Year-end balance" means the balance of a fund on the 4246  
last day of the preceding fiscal year. 4247

(2) "Annual transfer limit" means the maximum amount that 4248  
may be credited to a recipient fund from the marijuana receipts 4249  
fund in a fiscal year, as follows: 4250

(a) For the department of public safety law enforcement 4251  
training fund, forty-five million dollars minus the fund's year- 4252  
end balance or, if the marijuana expungement fund has ceased to 4253  
exist, fifty-five million dollars minus the fund's year-end 4254  
balance; 4255

(b) For the attorney general law enforcement training 4256  
fund, zero dollars in fiscal years 2024 and 2025, and, for other 4257  
fiscal years, forty million dollars minus the fund's year-end 4258  
balance; 4259

(c) For the marijuana receipts drug law enforcement fund, 4260  
fifteen million dollars minus the fund's year-end balance; 4261

(d) For the marijuana poison control fund, five million 4262  
dollars minus the fund's year-end balance; 4263

<u>(e) For the substance abuse, treatment, and prevention</u>	4264
<u>fund, twenty-five million dollars minus the fund's year-end</u>	4265
<u>balance or, if the marijuana expungement fund has ceased to</u>	4266
<u>exist, thirty million dollars minus the fund's year-end balance;</u>	4267
<u>(f) For the 9-8-8 fund, twenty-five million dollars minus</u>	4268
<u>the fund's year-end balance;</u>	4269
<u>(g) For the county jail construction fund, eighty million</u>	4270
<u>dollars minus the fund's year-end balance until the fiscal year</u>	4271
<u>that includes the date that is ten years after the effective</u>	4272
<u>date of this section and zero dollars in each fiscal year</u>	4273
<u>thereafter;</u>	4274
<u>(h) For the marijuana expungement fund, fifteen million</u>	4275
<u>dollars minus the fund's year-end balance;</u>	4276
<u>(i) For the division of marijuana control operations fund,</u>	4277
<u>eight million dollars minus the fund's year-end balance;</u>	4278
<u>(j) For the safe driver training fund, fifteen million</u>	4279
<u>dollars minus the fund's year-end balance;</u>	4280
<u>(k) For the Ohio investigative unit operations fund,</u>	4281
<u>thirteen million dollars minus the fund's year-end balance.</u>	4282
<u>(B) For the purpose of receiving and distributing, and</u>	4283
<u>accounting for, revenue received from the tax levied under</u>	4284
<u>section 5739.27 of the Revised Code, the following funds are</u>	4285
<u>created in the state treasury:</u>	4286
<u>(1) The marijuana receipts fund;</u>	4287
<u>(2) The department of public safety law enforcement</u>	4288
<u>training fund, which the director of public safety shall use to</u>	4289
<u>fund the training of peace officers;</u>	4290

(3) The attorney general law enforcement training fund, 4291  
which the attorney general shall use to fund the training of 4292  
peace officers and troopers that is required under section 4293  
109.803 of the Revised Code; 4294

(4) The marijuana receipts drug law enforcement fund, 4295  
which the executive director of the division of criminal justice 4296  
services shall use for the same purposes and administer in the 4297  
same manner as the drug law enforcement fund created under 4298  
section 5502.62 of the Revised Code; 4299

(5) The marijuana poison control fund, which the director 4300  
of health shall use to support efforts to safeguard the public 4301  
from marijuana exposure and other chemical exposures, and to 4302  
provide clinical consultation services, educational prevention 4303  
programs, and annual data reporting to the general assembly as 4304  
required under section 3701.20 of the Revised Code; 4305

(6) The substance abuse, treatment, and prevention fund, 4306  
which the director of mental health and addiction services shall 4307  
use to pay for substance abuse treatment, prevention, and 4308  
education, using peer-reviewed and evidence-based methods; 4309

(7) The 9-8-8 fund, which the director of mental health 4310  
and addiction services shall use to support the operations of 4311  
the 9-8-8 administrator under section 5119.82 of the Revised 4312  
Code and the suicide prevention and mental health crisis hotline 4313  
system statewide; 4314

(8) The county jail construction fund, which the director 4315  
of rehabilitation and correction shall use to provide grants to 4316  
support the construction and renovation of county jails pursuant 4317  
to section 5120.81 of the Revised Code; 4318

(9) The marijuana expungement fund, which the attorney 4319

general shall use to fund the reimbursements authorized in 4320  
section 109.44 of the Revised Code; 4321

(10) The division of marijuana control operations fund, 4322  
which the superintendent of marijuana control shall use to fund 4323  
the operations of the division of marijuana control; 4324

(11) The safe driver training fund, which the director of 4325  
public safety shall use to support the department's efforts in 4326  
providing safe driver notifications, safe driver education, and 4327  
public safety announcements, which shall include information on 4328  
the dangers of driving while under the influence of marijuana; 4329

(12) The Ohio investigative unit operations fund, which 4330  
shall be used by the director of public safety for the same 4331  
purposes as the Ohio investigative unit fund created under 4332  
section 5502.132 of the Revised Code. 4333

(C) The director of mental health and addiction services 4334  
shall submit a plan for the following fiscal year for amounts in 4335  
the marijuana substance abuse treatment and prevention fund to 4336  
the general assembly, pursuant to division (B) of section 101.68 4337  
of the Revised Code, by the first day of March each year. 4338

The director of public safety shall submit a plan for the 4339  
following fiscal year for amounts in the safe driver training 4340  
fund to the general assembly, pursuant to division (B) of 4341  
section 101.68 of the Revised Code by the first day of March 4342  
each year. 4343

(D) All amounts collected from the tax levied under 4344  
section 5739.27 of the Revised Code shall be deposited into the 4345  
marijuana receipts fund. Investment earnings of the marijuana 4346  
receipts fund shall be credited to that fund. 4347

From the marijuana receipts fund, the director of budget 4348



and management shall transfer as needed to the tax refund fund 4349  
amounts equal to the refunds attributable to the tax levied 4350  
under section 5739.27 of the Revised Code and certified by the 4351  
tax commissioner under section 5739.07 of the Revised Code. 4352

(E) After making any transfers required under division (D) 4353  
of this section, the director of budget and management shall 4354  
transfer amounts remaining in the marijuana receipts fund as 4355  
follows: 4356

(1) Sixteen per cent or, if the marijuana expungement fund 4357  
has ceased to exist, nineteen per cent to the department of 4358  
public safety law enforcement training fund, until the amount 4359  
credited to the fund in the fiscal year equals the fund's annual 4360  
transfer limit, then to the general revenue fund; 4361

(2) Fourteen per cent to the attorney general law 4362  
enforcement training fund, until the amount credited to the fund 4363  
in the fiscal year equals the fund's annual transfer limit, then 4364  
to the general revenue fund; 4365

(3) Five per cent to the marijuana receipts drug law 4366  
enforcement fund, until the amount credited to the fund in the 4367  
fiscal year equals the fund's annual transfer limit, then to the 4368  
general revenue fund; 4369

(4) Two per cent to the marijuana poison control fund, 4370  
until the amount credited to the fund in the fiscal year equals 4371  
the fund's annual transfer limit, then to the general revenue 4372  
fund; 4373

(5) Nine per cent or, if the marijuana expungement fund 4374  
has ceased to exist, eleven per cent to the substance abuse, 4375  
treatment, and prevention fund, until the amount credited to the 4376  
fund in the fiscal year equals the fund's annual transfer limit, 4377

then to the general revenue fund; 4378

(6) Nine per cent to the 9-8-8 fund, until the amount 4379  
credited to the fund in the fiscal year equals the fund's annual 4380  
transfer limit, then to the general revenue fund; 4381

(7) Twenty-eight per cent to the county jail construction 4382  
fund, until the amount credited to the fund in the fiscal year 4383  
equals the fund's annual transfer limit, then to the general 4384  
revenue fund; 4385

(8) Five per cent to the marijuana expungement fund, until 4386  
the amount credited to the fund in the fiscal year equals the 4387  
fund's annual transfer limit, then to the general revenue fund; 4388

(9) Three per cent to the division of marijuana control 4389  
operations fund, until the amount credited to the fund in the 4390  
fiscal year equals the fund's annual transfer limit, then to the 4391  
general revenue fund; 4392

(10) Five per cent to the safe driver training fund, until 4393  
the amount credited to the fund in the fiscal year equals the 4394  
fund's annual transfer limit, then to the general revenue fund; 4395

(11) Four per cent to the Ohio investigative unit 4396  
operations fund, until the amount credited to the fund in the 4397  
fiscal year equals the fund's annual transfer limit, then to the 4398  
general revenue fund. 4399

**Sec. 5739.272.** (A) For one or more of the purposes of 4400  
funding cultural, artistic, and entertainment opportunities in 4401  
the county and for the purpose of paying the expenses of 4402  
administering the tax, a board of county commissioners may levy 4403  
an excise tax on the retail sale of adult-use marijuana in the 4404  
county. 4405

The rate of the tax shall be expressed as a multiple of 4406  
one-quarter of one per cent of the price of adult-use marijuana, 4407  
but shall not exceed three per cent in total when accounting for 4408  
all taxes levied under this section simultaneously by a county. 4409  
The tax is in addition to other taxes levied under this chapter 4410  
or Chapter 5741. of the Revised Code. The tax may be levied for 4411  
any number of years not exceeding ten years. 4412

The tax shall be levied pursuant to a resolution of the 4413  
board of county commissioners approved by a majority of the 4414  
electors in the county voting on the question of levying the 4415  
tax. The resolution shall specify the rate of the tax, the 4416  
number of years the tax will be levied, and the purposes for 4417  
which the tax is levied. The election may be held on the date of 4418  
a general or special election held not sooner than ninety days 4419  
after the date the board certifies its resolution to the board 4420  
of elections. If approved by the electors, the tax shall take 4421  
effect on the first day of the month specified in the resolution 4422  
but not sooner than the first day of the month that is at least 4423  
sixty days after the certification of the election results by 4424  
the board of elections. The board of county commissioners shall 4425  
certify a copy of the resolution levying the tax to the tax 4426  
commissioner at least sixty days prior to the date on which the 4427  
tax is to become effective. 4428

(B) The form of the ballot in an election held to propose 4429  
a tax under division (A) of this section shall be as follows, or 4430  
in any other form acceptable to the secretary of state: 4431

"For the purpose of \_\_\_\_\_ (insert the purpose or 4432  
purposes of the tax), shall an excise tax be levied throughout 4433  
\_\_\_\_\_ County at the rate of \_\_\_\_\_% of the price paid for 4434  
adult-use marijuana for \_\_\_\_\_ years? 4435

4436

<u>Yes</u>	<u>For the tax</u>	"
<u>No</u>	<u>Against the tax</u>	

(C) A tax approved under this section shall be paid by the consumer to the vendor at the time of the sale, and the vendor shall report and remit the tax to the state in the same manner, on the same form, and at the same time as the vendor reports and remits the tax levied under section 5739.27 of the Revised Code. Except as otherwise provided in this section, and for all purposes of the Revised Code, the tax levied under this section shall be administered and enforced in the same manner as a tax levied under section 5739.021 of the Revised Code.

(D) All money arising from a tax levied under this section shall be credited as follows:

(1) To the tax refund fund created by section 5703.052 of the Revised Code, amounts equal to the refunds attributable to each tax levied under this section of the Revised Code and certified by the tax commissioner pursuant to section 5739.07 of the Revised Code;

(2) Following the crediting of amounts pursuant to division (D) (1) of this section:

(a) To the permissive tax distribution fund created under section 4301.423 of the Revised Code, an amount equal to ninety-eight per cent of the remainder collected;

(b) To the local excise tax administrative fund created under section 5743.021 of the Revised Code, an amount equal to two per cent of such remainder, for use by the tax commissioner in defraying costs incurred in administering the tax.

On or before the tenth day of each month, the tax 4462  
commissioner shall distribute the amount credited to the 4463  
permissive tax distribution fund during the preceding month by 4464  
providing for payment of the appropriate amount to the county 4465  
treasurer of the county in which the tax is levied. 4466

**Sec. 5739.99.** (A) Whoever violates section 5739.26 or 4467  
5739.29 of the Revised Code shall be fined not less than twenty- 4468  
five nor more than one hundred dollars for a first offense; for 4469  
each subsequent offense such person shall, if a corporation, be 4470  
fined not less than one hundred nor more than five hundred 4471  
dollars, or if an individual, or a member of a partnership, 4472  
firm, or association, be fined not less than twenty-five nor 4473  
more than one hundred dollars, or imprisoned not more than sixty 4474  
days, or both. 4475

(B) Whoever violates division (A) of section 5739.30 of 4476  
the Revised Code shall be fined not less than one hundred nor 4477  
more than one thousand dollars, or imprisoned not more than 4478  
sixty days, or both. 4479

(C) (1) Whoever violates division (A) (1) of section 5739.31 4480  
of the Revised Code shall be fined not less than twenty-five nor 4481  
more than one hundred dollars. If the offender previously has 4482  
been convicted of a violation of division (A) (1) of section 4483  
5739.31 of the Revised Code, the offender is guilty of a felony 4484  
of the fourth degree. 4485

(2) Whoever violates division (A) (2) of section 5739.31 of 4486  
the Revised Code shall be fined not less than one hundred 4487  
dollars nor more than five hundred dollars, or imprisoned for 4488  
not more than ten days, or both, for the first offense; for each 4489  
subsequent offense, each such person shall be fined not less 4490  
than one thousand dollars nor more than twenty-five hundred 4491

dollars, or imprisoned not more than thirty days, or both. The 4492  
motor vehicles and goods of any person charged with violating 4493  
division (A) (2) of section 5739.31 of the Revised Code may be 4494  
impounded and held pending the disposition of the charge, and 4495  
may be sold at auction by the county sheriff in the manner 4496  
prescribed by law to satisfy any fine imposed by this division. 4497

(3) Whoever violates division (B) of section 5739.31 of 4498  
the Revised Code is guilty of a felony of the fourth degree. 4499  
Each day that business is conducted while a vendor's license is 4500  
suspended constitutes a separate offense. 4501

(D) Except as otherwise provided in this section, whoever 4502  
violates sections 5739.01 to 5739.31 of the Revised Code, or any 4503  
lawful rule promulgated by the department of taxation under 4504  
authority of such sections, shall be fined not less than twenty- 4505  
five nor more than one hundred dollars. 4506

(E) Whoever violates section 5739.12 of the Revised Code 4507  
by failing to remit to the state the tax collected under section 4508  
5739.02, 5739.021, 5739.023, ~~or~~ 5739.026, 5739.27, or 5739.272 4509  
of the Revised Code is guilty of a felony of the fourth degree 4510  
and shall suffer the loss of the person's vendor's license as 4511  
required by section 5739.17 of the Revised Code. A person shall 4512  
not be eligible for a vendor's license for two years following 4513  
conviction. 4514

(F) Whoever violates division (E) of section 5739.17 of 4515  
the Revised Code is guilty of failure to display a transient 4516  
vendor's license, a minor misdemeanor. A sheriff or police 4517  
officer in a municipal corporation may enforce this division. 4518  
The prosecuting attorney of a county shall inform the tax 4519  
commissioner of any instance when a complaint is brought against 4520  
a transient vendor pursuant to this division. 4521

(G) Whoever violates section 5739.103 of the Revised Code 4522  
shall be fined not less than twenty-five nor more than one 4523  
hundred dollars. If the offender previously has been convicted 4524  
of violating that section, the offender is guilty of a felony of 4525  
the fourth degree. 4526

(H) The penalties provided in this section are in addition 4527  
to any penalties imposed by the tax commissioner under section 4528  
5739.133 of the Revised Code. 4529

**Section 2.** That existing sections 121.95, 121.951, 519.21, 4530  
928.01, 928.03, 2925.01, 3376.07, 3719.01, 3796.01, 3796.02, 4531  
3796.03, 3796.05, 3796.06, 3796.07, 3796.09, 3796.10, 3796.12, 4532  
3796.14, 3796.15, 3796.17, 3796.18, 3796.19, 3796.20, 3796.21, 4533  
3796.22, 3796.24, 3796.28, 3796.29, 3796.30, 4301.17, 4301.171, 4534  
4303.041, 4303.184, 4399.15, 4735.18, 5119.10, 5502.01, 5502.13, 4535  
5502.14, 5713.30, 5739.21, and 5739.99 of the Revised Code are 4536  
hereby repealed. 4537

**Section 3.** That sections 3780.01, 3780.02, 3780.03, 4538  
3780.04, 3780.05, 3780.06, 3780.07, 3780.08, 3780.09, 3780.10, 4539  
3780.11, 3780.12, 3780.13, 3780.14, 3780.15, 3780.16, 3780.17, 4540  
3780.18, 3780.19, 3780.20, 3780.21, 3780.22, 3780.23, 3780.24, 4541  
3780.25, 3780.26, 3780.27, 3780.28, 3780.29, 3780.30, 3780.31, 4542  
3780.32, 3780.33, 3780.34, 3780.35, 3780.36, 3780.90, 3780.99, 4543  
and 3796.021 of the Revised Code are hereby repealed. 4544

**Section 4.** (A) As used in this section, "adult-use 4545  
marijuana" has the same meaning as in section 3796.01 of the 4546  
Revised Code, as amended by this act. 4547

(B) The Division of Marijuana Control shall adopt and 4548  
implement all rules necessary to effectuate this act within nine 4549  
months after the effective date of this section, including by 4550

accepting new applications for cultivator, processor, 4551  
dispensary, and laboratory licenses. 4552

(C) All rules adopted by the Division of Marijuana Control 4553  
relating to the advertisement of medical marijuana apply to the 4554  
advertisement of adult-use marijuana until such time as the 4555  
Division adopts rules pertaining to the advertisement of adult- 4556  
use marijuana. 4557

**Section 5.** The General Assembly, applying the principle 4558  
stated in division (B) of section 1.52 of the Revised Code that 4559  
amendments are to be harmonized if reasonably capable of 4560  
simultaneous operation, finds that the following sections, 4561  
presented in this act as composites of the sections as amended 4562  
by the acts indicated, are the resulting versions of the 4563  
sections in effect prior to the effective date of the sections 4564  
as presented in this act: 4565

Section 519.21 of the Revised Code as amended by both H.B. 4566  
523 and S.B. 75 of the 131st General Assembly. 4567

Section 5739.99 of the Revised Code as amended by both 4568  
S.B. 143 and S.B. 200 of the 124th General Assembly. 4569