

As Passed by the Senate

134th General Assembly

Regular Session

2021-2022

S. B. No. 261

Senator Huffman, S.

Cosponsors: Senators Yuko, Schuring, Cirino, Antonio, Blessing, Thomas

A BILL

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

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

Section 1. That sections 109.572, 3796.01, 3796.02, 11
3796.03, 3796.032, 3796.05, 3796.06, 3796.061, 3796.08, 3796.10, 12
3796.11, 3796.12, 3796.13, 3796.14, 3796.15, 3796.16, 3796.17, 13
3796.18, 3796.19, 3796.20, 3796.21, 3796.22, 3796.23, 3796.27, 14
3796.30, 4731.30, and 4776.01 be amended and sections 3796.35, 15
4731.303, and 4731.304 of the Revised Code be enacted to read as 16
follows: 17

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 18

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

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

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

division (A) (1) (a) of this section; 50

(c) If the request is made pursuant to section 3319.39 of 51
the Revised Code for an applicant who is a teacher, any offense 52
specified under section 9.79 of the Revised Code or in section 53
3319.31 of the Revised Code. 54

(2) On receipt of a request pursuant to section 3712.09 or 55
3721.121 of the Revised Code, a completed form prescribed 56
pursuant to division (C) (1) of this section, and a set of 57
fingerprint impressions obtained in the manner described in 58
division (C) (2) of this section, the superintendent of the 59
bureau of criminal identification and investigation shall 60
conduct a criminal records check with respect to any person who 61
has applied for employment in a position for which a criminal 62
records check is required by those sections. The superintendent 63
shall conduct the criminal records check in the manner described 64
in division (B) of this section to determine whether any 65
information exists that indicates that the person who is the 66
subject of the request previously has been convicted of or 67
pleaded guilty to any of the following: 68

(a) A violation of section 2903.01, 2903.02, 2903.03, 69
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 70
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 71
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 72
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 73
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 74
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 75
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 76
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 77

(b) An existing or former law of this state, any other 78
state, or the United States that is substantially equivalent to 79

any of the offenses listed in division (A) (2) (a) of this 80
section. 81

(3) On receipt of a request pursuant to section 173.27, 82
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 83
5123.081, or 5123.169 of the Revised Code, a completed form 84
prescribed pursuant to division (C) (1) of this section, and a 85
set of fingerprint impressions obtained in the manner described 86
in division (C) (2) of this section, the superintendent of the 87
bureau of criminal identification and investigation shall 88
conduct a criminal records check of the person for whom the 89
request is made. The superintendent shall conduct the criminal 90
records check in the manner described in division (B) of this 91
section to determine whether any information exists that 92
indicates that the person who is the subject of the request 93
previously has been convicted of, has pleaded guilty to, or 94
(except in the case of a request pursuant to section 5164.34, 95
5164.341, or 5164.342 of the Revised Code) has been found 96
eligible for intervention in lieu of conviction for any of the 97
following, regardless of the date of the conviction, the date of 98
entry of the guilty plea, or (except in the case of a request 99
pursuant to section 5164.34, 5164.341, or 5164.342 of the 100
Revised Code) the date the person was found eligible for 101
intervention in lieu of conviction: 102

(a) A violation of section 959.13, 959.131, 2903.01, 103
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 104
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 105
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 106
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 107
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 108
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 109
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 110

2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,	111
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	112
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	113
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	114
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24,	115
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24,	116
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12,	117
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21,	118
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05,	119
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22,	120
2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11	121
of the Revised Code;	122
(b) Felonious sexual penetration in violation of former	123
section 2907.12 of the Revised Code;	124
(c) A violation of section 2905.04 of the Revised Code as	125
it existed prior to July 1, 1996;	126
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	127
the Revised Code when the underlying offense that is the object	128
of the conspiracy, attempt, or complicity is one of the offenses	129
listed in divisions (A) (3) (a) to (c) of this section;	130
(e) A violation of an existing or former municipal	131
ordinance or law of this state, any other state, or the United	132
States that is substantially equivalent to any of the offenses	133
listed in divisions (A) (3) (a) to (d) of this section.	134
(4) On receipt of a request pursuant to section 2151.86 or	135
2151.904 of the Revised Code, a completed form prescribed	136
pursuant to division (C) (1) of this section, and a set of	137
fingerprint impressions obtained in the manner described in	138
division (C) (2) of this section, the superintendent of the	139

bureau of criminal identification and investigation shall 140
conduct a criminal records check in the manner described in 141
division (B) of this section to determine whether any 142
information exists that indicates that the person who is the 143
subject of the request previously has been convicted of or 144
pleaded guilty to any of the following: 145

(a) A violation of section 959.13, 2903.01, 2903.02, 146
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 147
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 148
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 149
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 150
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 151
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 152
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 153
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 154
2927.12, or 3716.11 of the Revised Code, a violation of section 155
2905.04 of the Revised Code as it existed prior to July 1, 1996, 156
a violation of section 2919.23 of the Revised Code that would 157
have been a violation of section 2905.04 of the Revised Code as 158
it existed prior to July 1, 1996, had the violation been 159
committed prior to that date, a violation of section 2925.11 of 160
the Revised Code that is not a minor drug possession offense, 161
two or more OVI or OVUAC violations committed within the three 162
years immediately preceding the submission of the application or 163
petition that is the basis of the request, or felonious sexual 164
penetration in violation of former section 2907.12 of the 165
Revised Code; 166

(b) A violation of an existing or former law of this 167
state, any other state, or the United States that is 168
substantially equivalent to any of the offenses listed in 169
division (A) (4) (a) of this section. 170

(5) Upon receipt of a request pursuant to section 5104.013 171
of the Revised Code, a completed form prescribed pursuant to 172
division (C)(1) of this section, and a set of fingerprint 173
impressions obtained in the manner described in division (C)(2) 174
of this section, the superintendent of the bureau of criminal 175
identification and investigation shall conduct a criminal 176
records check in the manner described in division (B) of this 177
section to determine whether any information exists that 178
indicates that the person who is the subject of the request has 179
been convicted of or pleaded guilty to any of the following: 180

(a) A violation of section 2151.421, 2903.01, 2903.02, 181
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 182
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 183
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 184
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 185
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 186
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 187
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 188
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 189
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 190
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 191
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 192
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 193
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 194
3716.11 of the Revised Code, felonious sexual penetration in 195
violation of former section 2907.12 of the Revised Code, a 196
violation of section 2905.04 of the Revised Code as it existed 197
prior to July 1, 1996, a violation of section 2919.23 of the 198
Revised Code that would have been a violation of section 2905.04 199
of the Revised Code as it existed prior to July 1, 1996, had the 200
violation been committed prior to that date, a violation of 201

section 2925.11 of the Revised Code that is not a minor drug 202
possession offense, a violation of section 2923.02 or 2923.03 of 203
the Revised Code that relates to a crime specified in this 204
division, or a second violation of section 4511.19 of the 205
Revised Code within five years of the date of application for 206
licensure or certification. 207

(b) A violation of an existing or former law of this 208
state, any other state, or the United States that is 209
substantially equivalent to any of the offenses or violations 210
described in division (A) (5) (a) of this section. 211

(6) Upon receipt of a request pursuant to section 5153.111 212
of the Revised Code, a completed form prescribed pursuant to 213
division (C) (1) of this section, and a set of fingerprint 214
impressions obtained in the manner described in division (C) (2) 215
of this section, the superintendent of the bureau of criminal 216
identification and investigation shall conduct a criminal 217
records check in the manner described in division (B) of this 218
section to determine whether any information exists that 219
indicates that the person who is the subject of the request 220
previously has been convicted of or pleaded guilty to any of the 221
following: 222

(a) A violation of section 2903.01, 2903.02, 2903.03, 223
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 224
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 225
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 226
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 227
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 228
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 229
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 230
Code, felonious sexual penetration in violation of former 231

section 2907.12 of the Revised Code, a violation of section 232
2905.04 of the Revised Code as it existed prior to July 1, 1996, 233
a violation of section 2919.23 of the Revised Code that would 234
have been a violation of section 2905.04 of the Revised Code as 235
it existed prior to July 1, 1996, had the violation been 236
committed prior to that date, or a violation of section 2925.11 237
of the Revised Code that is not a minor drug possession offense; 238

(b) A violation of an existing or former law of this 239
state, any other state, or the United States that is 240
substantially equivalent to any of the offenses listed in 241
division (A) (6) (a) of this section. 242

(7) On receipt of a request for a criminal records check 243
from an individual pursuant to section 4749.03 or 4749.06 of the 244
Revised Code, accompanied by a completed copy of the form 245
prescribed in division (C) (1) of this section and a set of 246
fingerprint impressions obtained in a manner described in 247
division (C) (2) of this section, the superintendent of the 248
bureau of criminal identification and investigation shall 249
conduct a criminal records check in the manner described in 250
division (B) of this section to determine whether any 251
information exists indicating that the person who is the subject 252
of the request has been convicted of or pleaded guilty to any 253
criminal offense in this state or in any other state. If the 254
individual indicates that a firearm will be carried in the 255
course of business, the superintendent shall require information 256
from the federal bureau of investigation as described in 257
division (B) (2) of this section. Subject to division (F) of this 258
section, the superintendent shall report the findings of the 259
criminal records check and any information the federal bureau of 260
investigation provides to the director of public safety. 261

(8) On receipt of a request pursuant to section 1321.37, 262
1321.53, or 4763.05 of the Revised Code, a completed form 263
prescribed pursuant to division (C)(1) of this section, and a 264
set of fingerprint impressions obtained in the manner described 265
in division (C)(2) of this section, the superintendent of the 266
bureau of criminal identification and investigation shall 267
conduct a criminal records check with respect to any person who 268
has applied for a license, permit, or certification from the 269
department of commerce or a division in the department. The 270
superintendent shall conduct the criminal records check in the 271
manner described in division (B) of this section to determine 272
whether any information exists that indicates that the person 273
who is the subject of the request previously has been convicted 274
of or pleaded guilty to any criminal offense in this state, any 275
other state, or the United States. 276

(9) On receipt of a request for a criminal records check 277
from the treasurer of state under section 113.041 of the Revised 278
Code or from an individual under section 928.03, 4701.08, 279
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 280
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 281
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 282
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 283
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 284
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 285
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 286
Code, accompanied by a completed form prescribed under division 287
(C)(1) of this section and a set of fingerprint impressions 288
obtained in the manner described in division (C)(2) of this 289
section, the superintendent of the bureau of criminal 290
identification and investigation shall conduct a criminal 291
records check in the manner described in division (B) of this 292

section to determine whether any information exists that 293
indicates that the person who is the subject of the request has 294
been convicted of or pleaded guilty to any criminal offense in 295
this state or any other state. Subject to division (F) of this 296
section, the superintendent shall send the results of a check 297
requested under section 113.041 of the Revised Code to the 298
treasurer of state and shall send the results of a check 299
requested under any of the other listed sections to the 300
licensing board specified by the individual in the request. 301

(10) On receipt of a request pursuant to section 124.74, 302
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 303
Code, a completed form prescribed pursuant to division (C)(1) of 304
this section, and a set of fingerprint impressions obtained in 305
the manner described in division (C)(2) of this section, the 306
superintendent of the bureau of criminal identification and 307
investigation shall conduct a criminal records check in the 308
manner described in division (B) of this section to determine 309
whether any information exists that indicates that the person 310
who is the subject of the request previously has been convicted 311
of or pleaded guilty to any criminal offense under any existing 312
or former law of this state, any other state, or the United 313
States. 314

(11) On receipt of a request for a criminal records check 315
from an appointing or licensing authority under section 3772.07 316
of the Revised Code, a completed form prescribed under division 317
(C)(1) of this section, and a set of fingerprint impressions 318
obtained in the manner prescribed in division (C)(2) of this 319
section, the superintendent of the bureau of criminal 320
identification and investigation shall conduct a criminal 321
records check in the manner described in division (B) of this 322
section to determine whether any information exists that 323

indicates that the person who is the subject of the request 324
previously has been convicted of or pleaded guilty or no contest 325
to any offense under any existing or former law of this state, 326
any other state, or the United States that is a disqualifying 327
offense as defined in section 3772.07 of the Revised Code or 328
substantially equivalent to such an offense. 329

(12) On receipt of a request pursuant to section 2151.33 330
or 2151.412 of the Revised Code, a completed form prescribed 331
pursuant to division (C)(1) of this section, and a set of 332
fingerprint impressions obtained in the manner described in 333
division (C)(2) of this section, the superintendent of the 334
bureau of criminal identification and investigation shall 335
conduct a criminal records check with respect to any person for 336
whom a criminal records check is required under that section. 337
The superintendent shall conduct the criminal records check in 338
the manner described in division (B) of this section to 339
determine whether any information exists that indicates that the 340
person who is the subject of the request previously has been 341
convicted of or pleaded guilty to any of the following: 342

(a) A violation of section 2903.01, 2903.02, 2903.03, 343
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 344
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 345
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 346
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 347
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 348
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 349
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 350
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 351

(b) An existing or former law of this state, any other 352
state, or the United States that is substantially equivalent to 353

any of the offenses listed in division (A) (12) (a) of this section. 354
355

(13) On receipt of a request pursuant to section 3796.12 356
of the Revised Code, a completed form prescribed pursuant to 357
division (C) (1) of this section, and a set of fingerprint 358
impressions obtained in a manner described in division (C) (2) of 359
this section, the superintendent of the bureau of criminal 360
identification and investigation shall conduct a criminal 361
records check in the manner described in division (B) of this 362
section to determine whether any information exists that 363
indicates that the person who is the subject of the request 364
previously has been convicted of or pleaded guilty to ~~the~~ 365
~~following:~~ 366

~~(a) A a disqualifying offense as specified in rules 367
adopted under section 9.79 and division (B) (2) (b) of section 368
3796.03 of the Revised Code if the person who is the subject of 369
the request is an administrator or other person responsible for 370
the daily operation of, or an owner or prospective owner, 371
officer or prospective officer, or board member or prospective 372
board member of, an entity seeking a license from the department 373
of commerce under Chapter 3796. of the Revised Code;~~ 374

~~(b) A disqualifying offense as specified in rules adopted 375
under section 9.79 and division (B) (2) (b) of section 3796.04 of 376
the Revised Code if the person who is the subject of the request 377
is an administrator or other person responsible for the daily 378
operation of, or an owner or prospective owner, officer or 379
prospective officer, or board member or prospective board member 380
of, an entity seeking a license from the state board of pharmacy 381
under Chapter 3796. of the Revised Code. 382~~

(14) On receipt of a request required by section 3796.13 383

of the Revised Code, a completed form prescribed pursuant to 384
division (C) (1) of this section, and a set of fingerprint 385
impressions obtained in a manner described in division (C) (2) of 386
this section, the superintendent of the bureau of criminal 387
identification and investigation shall conduct a criminal 388
records check in the manner described in division (B) of this 389
section to determine whether any information exists that 390
indicates that the person who is the subject of the request 391
previously has been convicted of or pleaded guilty to ~~the~~ 392
~~following:~~ 393

~~(a) A~~ a disqualifying offense as specified in rules 394
adopted under division ~~(B) (8) (a)~~ (B) (10) (a) of section 3796.03 395
of the Revised Code if the person who is the subject of the 396
request is seeking employment with an entity licensed by the 397
department of commerce under Chapter 3796. of the Revised Code, ~~—~~ 398

~~(b) A disqualifying offense as specified in rules adopted~~ 399
~~under division (B) (14) (a) of section 3796.04 of the Revised Code~~ 400
~~if the person who is the subject of the request is seeking~~ 401
~~employment with an entity licensed by the state board of~~ 402
~~pharmacy under Chapter 3796. of the Revised Code.~~ 403

(15) On receipt of a request pursuant to section 4768.06 404
of the Revised Code, a completed form prescribed under division 405
(C) (1) of this section, and a set of fingerprint impressions 406
obtained in the manner described in division (C) (2) of this 407
section, the superintendent of the bureau of criminal 408
identification and investigation shall conduct a criminal 409
records check in the manner described in division (B) of this 410
section to determine whether any information exists indicating 411
that the person who is the subject of the request has been 412
convicted of or pleaded guilty to any criminal offense in this 413

state or in any other state. 414

(16) On receipt of a request pursuant to division (B) of 415
section 4764.07 or division (A) of section 4735.143 of the 416
Revised Code, a completed form prescribed under division (C)(1) 417
of this section, and a set of fingerprint impressions obtained 418
in the manner described in division (C)(2) of this section, the 419
superintendent of the bureau of criminal identification and 420
investigation shall conduct a criminal records check in the 421
manner described in division (B) of this section to determine 422
whether any information exists indicating that the person who is 423
the subject of the request has been convicted of or pleaded 424
guilty to any criminal offense in any state or the United 425
States. 426

(17) On receipt of a request for a criminal records check 427
under section 147.022 of the Revised Code, a completed form 428
prescribed under division (C)(1) of this section, and a set of 429
fingerprint impressions obtained in the manner prescribed in 430
division (C)(2) of this section, the superintendent of the 431
bureau of criminal identification and investigation shall 432
conduct a criminal records check in the manner described in 433
division (B) of this section to determine whether any 434
information exists that indicates that the person who is the 435
subject of the request previously has been convicted of or 436
pleaded guilty or no contest to any criminal offense under any 437
existing or former law of this state, any other state, or the 438
United States. 439

(18) Upon receipt of a request pursuant to division (F) of 440
section 2915.081 or division (E) of section 2915.082 of the 441
Revised Code, a completed form prescribed under division (C)(1) 442
of this section, and a set of fingerprint impressions obtained 443

in the manner described in division (C) (2) of this section, the 444
superintendent of the bureau of criminal identification and 445
investigation shall conduct a criminal records check in the 446
manner described in division (B) of this section to determine 447
whether any information exists indicating that the person who is 448
the subject of the request has been convicted of or pleaded 449
guilty or no contest to any offense that is a violation of 450
Chapter 2915. of the Revised Code or to any offense under any 451
existing or former law of this state, any other state, or the 452
United States that is substantially equivalent to such an 453
offense. 454

(B) Subject to division (F) of this section, the 455
superintendent shall conduct any criminal records check to be 456
conducted under this section as follows: 457

(1) The superintendent shall review or cause to be 458
reviewed any relevant information gathered and compiled by the 459
bureau under division (A) of section 109.57 of the Revised Code 460
that relates to the person who is the subject of the criminal 461
records check, including, if the criminal records check was 462
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 463
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 464
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 465
3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 466
4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 467
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 468
5153.111 of the Revised Code, any relevant information contained 469
in records that have been sealed under section 2953.32 of the 470
Revised Code; 471

(2) If the request received by the superintendent asks for 472
information from the federal bureau of investigation, the 473

superintendent shall request from the federal bureau of 474
investigation any information it has with respect to the person 475
who is the subject of the criminal records check, including 476
fingerprint-based checks of national crime information databases 477
as described in 42 U.S.C. 671 if the request is made pursuant to 478
section 2151.86 or 5104.013 of the Revised Code or if any other 479
Revised Code section requires fingerprint-based checks of that 480
nature, and shall review or cause to be reviewed any information 481
the superintendent receives from that bureau. If a request under 482
section 3319.39 of the Revised Code asks only for information 483
from the federal bureau of investigation, the superintendent 484
shall not conduct the review prescribed by division (B) (1) of 485
this section. 486

(3) The superintendent or the superintendent's designee 487
may request criminal history records from other states or the 488
federal government pursuant to the national crime prevention and 489
privacy compact set forth in section 109.571 of the Revised 490
Code. 491

(4) The superintendent shall include in the results of the 492
criminal records check a list or description of the offenses 493
listed or described in the relevant provision of division (A) of 494
this section. The superintendent shall exclude from the results 495
any information the dissemination of which is prohibited by 496
federal law. 497

(5) The superintendent shall send the results of the 498
criminal records check to the person to whom it is to be sent 499
not later than the following number of days after the date the 500
superintendent receives the request for the criminal records 501
check, the completed form prescribed under division (C) (1) of 502
this section, and the set of fingerprint impressions obtained in 503

the manner described in division (C) (2) of this section: 504

(a) If the superintendent is required by division (A) of 505
this section (other than division (A) (3) of this section) to 506
conduct the criminal records check, thirty; 507

(b) If the superintendent is required by division (A) (3) 508
of this section to conduct the criminal records check, sixty. 509

(C) (1) The superintendent shall prescribe a form to obtain 510
the information necessary to conduct a criminal records check 511
from any person for whom a criminal records check is to be 512
conducted under this section. The form that the superintendent 513
prescribes pursuant to this division may be in a tangible 514
format, in an electronic format, or in both tangible and 515
electronic formats. 516

(2) The superintendent shall prescribe standard impression 517
sheets to obtain the fingerprint impressions of any person for 518
whom a criminal records check is to be conducted under this 519
section. Any person for whom a records check is to be conducted 520
under this section shall obtain the fingerprint impressions at a 521
county sheriff's office, municipal police department, or any 522
other entity with the ability to make fingerprint impressions on 523
the standard impression sheets prescribed by the superintendent. 524
The office, department, or entity may charge the person a 525
reasonable fee for making the impressions. The standard 526
impression sheets the superintendent prescribes pursuant to this 527
division may be in a tangible format, in an electronic format, 528
or in both tangible and electronic formats. 529

(3) Subject to division (D) of this section, the 530
superintendent shall prescribe and charge a reasonable fee for 531
providing a criminal records check under this section. The 532

person requesting the criminal records check shall pay the fee 533
prescribed pursuant to this division. In the case of a request 534
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 535
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 536
fee shall be paid in the manner specified in that section. 537

(4) The superintendent of the bureau of criminal 538
identification and investigation may prescribe methods of 539
forwarding fingerprint impressions and information necessary to 540
conduct a criminal records check, which methods shall include, 541
but not be limited to, an electronic method. 542

(D) The results of a criminal records check conducted 543
under this section, other than a criminal records check 544
specified in division (A) (7) of this section, are valid for the 545
person who is the subject of the criminal records check for a 546
period of one year from the date upon which the superintendent 547
completes the criminal records check. If during that period the 548
superintendent receives another request for a criminal records 549
check to be conducted under this section for that person, the 550
superintendent shall provide the results from the previous 551
criminal records check of the person at a lower fee than the fee 552
prescribed for the initial criminal records check. 553

(E) When the superintendent receives a request for 554
information from a registered private provider, the 555
superintendent shall proceed as if the request was received from 556
a school district board of education under section 3319.39 of 557
the Revised Code. The superintendent shall apply division (A) (1) 558
(c) of this section to any such request for an applicant who is 559
a teacher. 560

(F) (1) Subject to division (F) (2) of this section, all 561
information regarding the results of a criminal records check 562

conducted under this section that the superintendent reports or 563
sends under division (A) (7) or (9) of this section to the 564
director of public safety, the treasurer of state, or the 565
person, board, or entity that made the request for the criminal 566
records check shall relate to the conviction of the subject 567
person, or the subject person's plea of guilty to, a criminal 568
offense. 569

(2) Division (F) (1) of this section does not limit, 570
restrict, or preclude the superintendent's release of 571
information that relates to the arrest of a person who is 572
eighteen years of age or older, to an adjudication of a child as 573
a delinquent child, or to a criminal conviction of a person 574
under eighteen years of age in circumstances in which a release 575
of that nature is authorized under division (E) (2), (3), or (4) 576
of section 109.57 of the Revised Code pursuant to a rule adopted 577
under division (E) (1) of that section. 578

(G) As used in this section: 579

(1) "Criminal records check" means any criminal records 580
check conducted by the superintendent of the bureau of criminal 581
identification and investigation in accordance with division (B) 582
of this section. 583

(2) "Minor drug possession offense" has the same meaning 584
as in section 2925.01 of the Revised Code. 585

(3) "OVI or OVUAC violation" means a violation of section 586
4511.19 of the Revised Code or a violation of an existing or 587
former law of this state, any other state, or the United States 588
that is substantially equivalent to section 4511.19 of the 589
Revised Code. 590

(4) "Registered private provider" means a nonpublic school 591

or entity registered with the superintendent of public 592
instruction under section 3310.41 of the Revised Code to 593
participate in the autism scholarship program or section 3310.58 594
of the Revised Code to participate in the Jon Peterson special 595
needs scholarship program. 596

Sec. 3796.01. (A) As used in this chapter: 597

(1) "Marijuana" means marihuana as defined in section 598
3719.01 of the Revised Code. 599

(2) "Medical marijuana" means marijuana that is 600
cultivated, processed, dispensed, tested, possessed, or used for 601
a medical purpose. 602

(3) "Academic medical center" has the same meaning as in 603
section 4731.297 of the Revised Code. 604

(4) "Drug database" means the database established and 605
maintained by the state board of pharmacy pursuant to section 606
4729.75 of the Revised Code. 607

(5) "Marijuana cultivation area" means the boundaries of 608
the enclosed areas in which medical marijuana is cultivated 609
during the vegetative stage and flowering stage of the 610
cultivation process. For purposes of calculating the marijuana 611
cultivation area square footage, "marijuana cultivation area" 612
does not include enclosed areas used solely for the storage and 613
maintenance of mother plants, clones, or seedlings. 614

(6) "Physician" means an individual authorized under 615
Chapter 4731. of the Revised Code to practice medicine and 616
surgery or osteopathic medicine and surgery. 617

~~(6)~~ (7) "Qualifying medical condition" means any of the 618
following: 619

(a) Acquired immune deficiency syndrome;	620
(b) Alzheimer's disease;	621
(c) Amyotrophic lateral sclerosis;	622
(d) Cancer;	623
(e) Chronic traumatic encephalopathy;	624
(f) Crohn's disease;	625
(g) Epilepsy or another seizure disorder;	626
(h) Fibromyalgia;	627
(i) Glaucoma;	628
(j) Hepatitis C;	629
(k) Inflammatory bowel disease;	630
(l) Multiple sclerosis;	631
(m) Pain that is either of the following:	632
(i) Chronic and severe;	633
(ii) Intractable.	634
(n) Parkinson's disease;	635
(o) Positive status for HIV;	636
(p) Post-traumatic stress disorder;	637
(q) Sickle cell anemia;	638
(r) Spinal cord disease or injury;	639
(s) Tourette's syndrome;	640
(t) Traumatic brain injury;	641

(u) Ulcerative colitis;	642
(v) <u>Arthritis;</u>	643
<u>(w) Migraines;</u>	644
<u>(x) Autism spectrum disorder;</u>	645
<u>(y) Spasticity or chronic muscle spasms;</u>	646
<u>(z) Hospice care or terminal illness;</u>	647
<u>(aa) Opioid use disorder;</u>	648
<u>(bb) Any condition not specified in this division, if a</u>	649
<u>recommending physician, in the physician's sole discretion and</u>	650
<u>medical opinion, finds either of the following:</u>	651
<u>(i) That the patient's symptoms may reasonably be expected</u>	652
<u>to be relieved from medical marijuana;</u>	653
<u>(ii) That the patient may otherwise reasonably be expected</u>	654
<u>to benefit from medical marijuana;</u>	655
<u>(cc) Any other disease or condition added by the state</u>	656
medical board under section 4731.302 of the Revised Code.	657
(7) <u>(8) "Recommending physician" means a physician</u>	658
<u>certified to recommend medical marijuana for the treatment of a</u>	659
<u>qualifying medical condition pursuant to section 4731.30 of the</u>	660
<u>Revised Code.</u>	661
<u>(9) "Stand-alone processor" means a licensed processor</u>	662
<u>that has obtained its certificate of operation by October 1,</u>	663
<u>2021, and initially applied for a cultivator license and was not</u>	664
<u>awarded a provisional license.</u>	665
<u>(10) "State university" has the same meaning as in section</u>	666
3345.011 of the Revised Code.	667

(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.

Sec. 3796.02. There is hereby established a ~~medical-marijuana control program~~ division of marijuana control in the department of commerce ~~and the state board of pharmacy~~. The ~~department~~ division shall provide for the licensure of medical marijuana cultivators ~~and, processors, and retail dispensaries,~~ and also the licensure of laboratories that test medical marijuana. The ~~board~~ division shall provide for ~~the licensure of retail dispensaries and~~ the registration of patients and their caregivers. The ~~department and board~~ division shall administer the medical marijuana control program.

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

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

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

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

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

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

(a) The conditions that must be met to be eligible for licensure; 696
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(b) In accordance with section 9.79 of the Revised Code, 698
the criminal offenses for which an applicant will be 699
disqualified from licensure pursuant to that section; 700

(c) Which of the criminal offenses specified pursuant to 701
division (B) (2) (b) of this section will not disqualify an 702
applicant from holding a retail dispensary license if the 703
applicant was convicted of or pleaded guilty to the offense more 704
than five years before the date the application for licensure is 705
filed. 706

(3) (a) (i) Establish, in accordance with section 3796.05 of 707
the Revised Code, the number of cultivator licenses that will be 708
permitted at any one time; 709

(ii) Establish a new category of cultivator license for 710
stand-alone processors and rules for the prompt establishment 711
thereof. 712

(b) (i) Establish, in accordance with section 3796.05 of 713
the Revised Code, the number of retail dispensary licenses that 714
will be permitted at any one time, endeavoring to achieve a 715
ratio of at least one retail dispensary per one thousand 716
registered patients up to the first three hundred thousand 717
registered patients and then adding additional retail 718
dispensaries on an as-needed basis thereafter, to be evaluated 719
and awarded at least once every two years. 720

(ii) When determining the number of retail dispensaries to 721
license during any licensing event, the division shall take into 722
account anticipated growth in patient numbers and patient demand 723
based on sales and market data to ensure that new retail 724

<u>dispensary openings are timed to meet such demand.</u>	725
(4) Establish a license renewal schedule, renewal procedures, and renewal fees;	726 727
(5)(a) 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;	728 729 730 731
<u>(b)(i) The division may revoke a license for failure to secure a certificate of operation within eighteen months of provisional licensure.</u>	732 733 734
<u>(ii) The holder of a provisional license may apply to the division for not more than two six-month extensions of this deadline. The division shall approve the extension if the license holder demonstrates that the license holder has made a good-faith effort at becoming operational.</u>	735 736 737 738 739
(6) Establish standards under which a license suspension may be lifted;	740 741
(7) <u>Establish procedures for registration of patients and caregivers and requirements that must be met to be eligible for registration;</u>	742 743 744
(8) <u>Establish training requirements for employees of retail dispensaries;</u>	745 746
(9) <u>Specify if a cultivator, retail dispensary, processor, or laboratory that is licensed under this chapter and that existed at a location before a school, church, public library, public playground, or public park became established within five hundred feet of the cultivator, processor, or laboratory, may remain in operation or shall relocate or have its license</u>	747 748 749 750 751 752

revoked by the ~~board~~division; 753

~~(8)~~(10) Specify both of the following: 754

(a) Subject to division ~~(B) (8) (b)~~(B) (10) (b) of this 755
section, the criminal offenses for which a person will be 756
disqualified from employment with a license holder; 757

(b) Which of the criminal offenses specified pursuant to 758
division ~~(B) (8) (a)~~(B) (10) (a) of this section will not 759
disqualify a person from employment with a license holder if the 760
person was convicted of or pleaded guilty to the offense more 761
than five years before the date the employment begins. 762

~~(9)~~(11) Establish, in accordance with section 3796.05 of 763
the Revised Code, standards and procedures for the testing and 764
retesting of medical marijuana by a laboratory licensed under 765
this chapter; 766

(12) Specify, by form and tetrahydrocannabinol content, a 767
maximum ninety-day supply of medical marijuana that may be 768
possessed; 769

(13) Specify the paraphernalia or other accessories that 770
may be used in the administration of medical marijuana to a 771
registered patient; 772

(14) Establish procedures for the issuance of patient or 773
caregiver identification cards; 774

(15) Specify the forms of or methods of using medical 775
marijuana that are attractive to children; 776

(16) Establish a program to assist patients who are 777
veterans or indigent in obtaining medical marijuana in 778
accordance with this chapter; 779

(17) Allow licensed dispensaries to advertise, on social media or otherwise, without receiving prior approval from the division; 780
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(18) Allow licensed dispensaries to display products on advertisements and within the dispensary; 783
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(19) Impose a fine or other penalties for licensed entities that fail to comply with rules adopted under divisions (B) (17) and (18) of this section or any other rules adopted by the division pertaining to advertisements. 785
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(C) In addition to the rules described in division (B) of this section, the ~~department~~division may adopt any other rules it considers necessary for the program's administration and the implementation and enforcement of this chapter. 789
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(D) When adopting rules under this section, the ~~department~~division shall consider standards and procedures that have been found to be best practices relative to the use and regulation of medical marijuana. 793
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795
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Sec. 3796.032. This chapter does not authorize the ~~department of commerce or the state board of pharmacy~~division of marijuana control to oversee or limit research conducted at a state university, academic medical center, or private research and development organization that is related to marijuana and is approved by an agency, board, center, department, or institute of the United States government, including any of the following: 797
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803

(A) The agency for health care research and quality; 804

(B) The national institutes of health; 805

(C) The national academy of sciences; 806

(D) The centers for medicare and medicaid services; 807

(E) The United States department of defense;	808
(F) The centers for disease control and prevention;	809
(G) The United States department of veterans affairs;	810
(H) The drug enforcement administration;	811
(I) The food and drug administration;	812
(J) Any board recognized by the national institutes of health for the purpose of evaluating the medical value of health care services.	813 814 815
Sec. 3796.05. (A) When establishing the number of cultivator licenses that will be permitted at any one time, the department of commerce <u>division of marijuana control</u> shall consider both <u>all</u> of the following:	816 817 818 819
(1) The population of this state;	820
(2) The number of patients seeking to use medical marijuana;	821 822
<u>(3) Whether licensed cultivators have expanded to full capacity.</u>	823 824
(B) When establishing the number of retail dispensary licenses that will be permitted at any one time, the state board of pharmacy <u>division</u> shall consider all of the following:	825 826 827
(1) The population of this state;	828
(2) The number of patients seeking to use medical marijuana;	829 830
(3) The geographic distribution of dispensary sites in an effort to ensure patient access to medical marijuana;	831 832
<u>(4) Projected growth of the patient registry over the next</u>	833

<u>two years.</u>	834
(C) When establishing standards and procedures for the testing of medical marijuana, the department <u>division</u> shall do all of the following:	835 836 837
(1) Specify when testing must be conducted;	838
(2) Determine the minimum amount of medical marijuana that must be tested;	839 840
(3) Specify the manner in which testing is to be conducted in an effort to ensure uniformity of medical marijuana products processed for and dispensed to patients;	841 842 843
(4) Specify the manner in which test results are provided.	844
Sec. 3796.06. (A) Only the following forms of medical marijuana may be dispensed under this chapter:	845 846
(1) Oils;	847
(2) Tinctures;	848
(3) Plant material;	849
(4) Edibles;	850
(5) Patches;	851
(6) <u>Pills;</u>	852
<u>(7) Capsules and suppositories;</u>	853
<u>(8) Oral pouches;</u>	854
<u>(9) Oral strips;</u>	855
<u>(10) Oral or topical sprays;</u>	856
<u>(11) Salves, lotions, or similar items;</u>	857

<u>(12) Inhalers;</u>	858
<u>(13) Any other form approved by the state board of</u>	859
<u>pharmacy under section 3796.061 of the Revised Code</u>	860
<u>division of marijuana control.</u>	861
(B) With respect to the methods of using medical	862
marijuana, all of the following apply:	863
(1) The smoking or combustion of medical marijuana is	864
prohibited.	865
(2) The vaporization <u>and inhalation</u> of medical marijuana	866
is <u>are</u> permitted.	867
(3) <u>Oral administration of medical marijuana is permitted.</u>	868
<u>(4) Transdermal administration of medical marijuana is</u>	869
<u>permitted.</u>	870
<u>(5) Oral absorption of medical marijuana into the</u>	871
<u>bloodstream, either buccally or sublingually, is permitted.</u>	872
<u>(6) The state board of pharmacy <u>division</u> may approve</u>	873
additional methods of using medical marijuana, other than	874
smoking or combustion, under section 3796.061 of the Revised	875
Code.	876
(C) Any form or method that is considered attractive to	877
children, as specified in rules adopted by the board <u>division</u> , is	878
prohibited.	879
(D) With respect to tetrahydrocannabinol content, all of	880
the following apply:	881
(1) Plant material shall have a tetrahydrocannabinol	882
content of not more than thirty-five per cent.	883
(2) Extracts shall have a tetrahydrocannabinol content of	884

not more than ~~seventy-ninety~~ per cent. 885

(E) A ninety-day supply of plant material shall have a 886
weight of not less than nine ounces. 887

Sec. 3796.061. (A) Any person may submit a petition to the 888
~~state board of pharmacy division of marijuana control~~ requesting 889
that a form of or method of using medical marijuana be approved 890
for the purposes of section 3796.06 of the Revised Code. A 891
petition shall be submitted to the ~~board~~ division in a manner 892
prescribed by the ~~board~~ division. A petition shall not seek to 893
approve a method of using medical marijuana that involves 894
smoking or combustion. 895

(B) On receipt of a petition, the ~~board~~ division shall 896
review it to determine whether to approve the form of or method 897
of using medical marijuana described in the petition. ~~The board~~ 898
~~may consolidate the review of petitions for the same or similar~~ 899
~~forms or methods. In making its determination, the board shall~~ 900
~~consult with one or more experts and review any relevant~~ 901
~~scientific evidence~~ The division shall make its determination 902
within sixty days of receiving the petition. 903

~~(C) The board shall approve or deny the petition in~~ 904
~~accordance with any rules adopted by the board under this~~ 905
~~section. The board's decision is final.~~ 906

~~(D)~~ (C) The ~~board~~ division may adopt rules as necessary to 907
implement this section. The rules shall be adopted in accordance 908
with Chapter 119. of the Revised Code. 909

Sec. 3796.08. (A) (1) A ~~Until sixty days following the~~ 910
effective date of this amendment, a patient seeking to use 911
medical marijuana or a caregiver seeking to assist a patient in 912
the use or administration of medical marijuana shall apply to 913

the state board of pharmacy for registration. On and after sixty 914
days following the effective date of this amendment, a patient 915
seeking to use medical marijuana or a caregiver seeking to 916
assist a patient in the use or administration of medical 917
marijuana shall apply to the division of marijuana control for 918
registration. The physician who holds a certificate to recommend 919
issued by the state medical board and is treating the patient or 920
the physician's delegate shall submit the application on the 921
patient's or caregiver's behalf in the manner established in 922
rules adopted under section ~~3796.04~~3796.03 of the Revised Code. 923

(2) The application shall include all of the following: 924

(a) A statement from the physician certifying all of the 925
following: 926

(i) That a bona fide physician-patient relationship exists 927
between the physician and patient; 928

(ii) That the patient has been diagnosed with a qualifying 929
medical condition; 930

(iii) That the physician or physician delegate has 931
requested from the drug database a report of information related 932
to the patient that covers at least the twelve months 933
immediately preceding the date of the report; 934

(iv) That the physician has informed the patient of the 935
risks and benefits of medical marijuana as it pertains to the 936
patient's qualifying medical condition and medical history. 937

(b) In the case of an application submitted on behalf of a 938
patient, the name or names of the one or more caregivers that 939
will assist the patient in the use or administration of medical 940
marijuana; 941

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

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

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

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

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

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

of the Revised Code.	971
(B) The board <u>division</u> shall issue a license to an applicant if all of the following conditions are met:	972 973
(1) The report of the criminal records check conducted pursuant to section 3796.12 of the Revised Code with respect to the application demonstrates that the person subject to the criminal records check requirement has not been convicted of or pleaded guilty to any of the disqualifying offenses specified in rules adopted under section 9.79 and division (B) (2) (b) of section 3796.04 <u>3796.03</u> of the Revised Code.	974 975 976 977 978 979 980
(2) The applicant demonstrates that it does not have an ownership or investment interest in or compensation arrangement with any of the following:	981 982 983
(a) A laboratory licensed under this chapter;	984
(b) An applicant for a license to conduct laboratory testing.	985 986
(3) The applicant demonstrates that it does not share any corporate officers or employees with any of the following:	987 988
(a) A laboratory licensed under this chapter;	989
(b) An applicant for a license to conduct laboratory testing.	990 991
(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.	992 993 994
(5) The information provided to the board <u>division</u> pursuant to section 3796.11 of the Revised Code demonstrates that the applicant is in compliance with the applicable tax laws	995 996 997

of this state. 998

(6) The applicant meets all other licensure eligibility 999
conditions established in rules adopted under section ~~3796.04~~ 1000
3796.03 of the Revised Code. 1001

(C) The ~~board~~division shall issue not less than fifteen 1002
per cent of retail dispensary licenses to entities that are 1003
owned and controlled by United States citizens who are residents 1004
of this state and are members of one of the following 1005
economically disadvantaged groups: Blacks or African Americans, 1006
American Indians, Hispanics or Latinos, and Asians. If no 1007
applications or an insufficient number of applications are 1008
submitted by such entities that meet the conditions set forth in 1009
division (B) of this section, the licenses shall be issued 1010
according to usual procedures. 1011

As used in this division, "owned and controlled" means 1012
that at least fifty-one per cent of the business, including 1013
corporate stock if a corporation, is owned by persons who belong 1014
to one or more of the groups set forth in this division, and 1015
that those owners have control over the management and day-to- 1016
day operations of the business and an interest in the capital, 1017
assets, and profits and losses of the business proportionate to 1018
their percentage of ownership. 1019

(D) A license expires according to the renewal schedule 1020
established in rules adopted under section ~~3796.04~~3796.03 of 1021
the Revised Code and may be renewed in accordance with the 1022
procedures established in those rules. 1023

Sec. 3796.11. (A) (1) Notwithstanding section 149.43 of the 1024
Revised Code or any other public records law to the contrary or 1025
any law relating to the confidentiality of tax return 1026

information, upon the request of the ~~department of commerce or~~ 1027
~~state board of pharmacy~~division of marijuana control, the 1028
department of taxation shall provide to the ~~department of~~ 1029
~~commerce or board~~division all of the following information: 1030

(a) Whether an applicant for licensure under this chapter 1031
is in compliance with the applicable tax laws of this state; 1032

(b) Any past or pending violation by the applicant of 1033
those tax laws, and any penalty imposed on the applicant for 1034
such a violation. 1035

(2) The ~~department of commerce or board~~division shall 1036
request the information only as it pertains to an application 1037
for licensure that the ~~department of commerce or board, as~~ 1038
~~applicable, division~~ is reviewing. 1039

(3) The department of taxation may charge the ~~department~~ 1040
~~of commerce or board~~division a reasonable fee to cover the 1041
administrative cost of providing the information. 1042

(B) Information received under this section is 1043
confidential. Except as otherwise permitted by other state law 1044
or federal law, the ~~department of commerce or board~~division 1045
shall not make the information available to any person other 1046
than the applicant for licensure to whom the information 1047
applies. 1048

Sec. 3796.12. (A) As used in this section, "criminal 1049
records check" has the same meaning as in section 109.572 of the 1050
Revised Code. 1051

(B) (1) As part of the application process for a license 1052
issued under this chapter, the ~~department of commerce or state~~ 1053
~~board of pharmacy, whichever is issuing the license, division of~~ 1054
marijuana control shall require each of the following to 1055

complete a criminal records check: 1056

(a) An administrator or other person responsible for the 1057
daily operation of the entity seeking the license; 1058

(b) An owner or prospective owner, officer or prospective 1059
officer, or board member or prospective board member of the 1060
entity seeking the license. 1061

(2) If a person subject to the criminal records check 1062
requirement does not present proof of having been a resident of 1063
this state for the five-year period immediately prior to the 1064
date the criminal records check is requested or provide evidence 1065
that within that five-year period the superintendent of the 1066
bureau of criminal identification and investigation has 1067
requested information about the person from the federal bureau 1068
of investigation in a criminal records check, the ~~department or~~ 1069
~~board division~~ shall request that the person obtain through the 1070
superintendent a criminal records request from the federal 1071
bureau of investigation as part of the criminal records check of 1072
the person. Even if a person presents proof of having been a 1073
resident of this state for the five-year period, the ~~department~~ 1074
~~or board division~~ may request that the person obtain information 1075
through the superintendent from the federal bureau of 1076
investigation in the criminal records check. 1077

(C) The ~~department or board division~~ shall provide the 1078
following to each person who is subject to the criminal records 1079
check requirement: 1080

(1) Information about accessing, completing, and 1081
forwarding to the superintendent of the bureau of criminal 1082
identification and investigation the form prescribed pursuant to 1083
division (C) (1) of section 109.572 of the Revised Code and the 1084

standard impression sheet to obtain fingerprint impressions 1085
prescribed pursuant to division (C) (2) of that section; 1086

(2) Written notification that the person is to instruct 1087
the superintendent to submit the completed report of the 1088
criminal records check directly to the ~~department or~~ 1089
~~board~~division. 1090

(D) Each person who is subject to the criminal records 1091
check requirement shall pay to the bureau of criminal 1092
identification and investigation the fee prescribed pursuant to 1093
division (C) (3) of section 109.572 of the Revised Code for the 1094
criminal records check conducted of the person. 1095

(E) The report of any criminal records check conducted by 1096
the bureau of criminal identification and investigation in 1097
accordance with section 109.572 of the Revised Code and pursuant 1098
to a request made under this section is not a public record for 1099
the purposes of section 149.43 of the Revised Code and shall not 1100
be made available to any person other than the following: 1101

(1) The person who is the subject of the criminal records 1102
check or the person's representative; 1103

(2) The members and staff of the ~~department or~~ 1104
~~board~~division; 1105

(3) A court, hearing officer, or other necessary 1106
individual involved in a case dealing with either of the 1107
following: 1108

(a) A license denial resulting from the criminal records 1109
check; 1110

(b) A civil or criminal action regarding the medical 1111
marijuana control program or any violation of this chapter. 1112

(F) The ~~department or board~~ division shall deny a license 1113
if, after receiving the information and notification required by 1114
this section, a person subject to the criminal records check 1115
requirement fails to do either of the following: 1116

(1) Access, complete, or forward to the superintendent of 1117
the bureau of criminal identification and investigation the form 1118
prescribed pursuant to division (C) (1) of section 109.572 of the 1119
Revised Code or the standard impression sheet prescribed 1120
pursuant to division (C) (2) of that section; 1121

(2) Instruct the superintendent to submit the completed 1122
report of the criminal records check directly to the ~~department~~ 1123
~~or board~~ division. 1124

Sec. 3796.13. (A) Each person seeking employment with an 1125
entity licensed under this chapter shall comply with sections 1126
4776.01 to 4776.04 of the Revised Code. Except as provided in 1127
division (B) of this section, such an entity shall not employ 1128
the person unless the person ~~complies with those sections and~~ 1129
~~the has submitted a criminal records check under those sections.~~ 1130
The report of the resulting criminal records check demonstrates 1131
shall demonstrate that the person has not been convicted of or 1132
pleaded guilty to ~~the following:~~ 1133

~~(1) Any~~ any of the disqualifying offenses specified in 1134
rules adopted under division ~~(B) (8) (a)~~ (B) (10) (a) of section 1135
3796.03 of the Revised Code if the person is seeking employment 1136
with an entity licensed by the ~~department of commerce~~ division 1137
of marijuana control under this chapter; 1138

~~(2) Any of the disqualifying offenses specified in rules~~ 1139
~~adopted under division (B) (14) (a) of section 3796.04 of the~~ 1140
~~Revised Code if the person is seeking employment with an entity~~ 1141

~~licensed by the state board of pharmacy under this chapter.~~ 1142

(B) (1) An entity is not prohibited by division (A) of this 1143
section from employing a person if ~~the following applies:~~ 1144

~~(1) In the case of a person seeking employment with an~~ 1145
~~entity licensed by the department of commerce under this~~ 1146
~~chapter,~~ the disqualifying offense the person was convicted of 1147
or pleaded guilty to is one of the offenses specified in rules 1148
adopted under division ~~(B) (8) (b)~~ (B) (10) (b) of section 3796.03 1149
of the Revised Code and the person was convicted of or pleaded 1150
guilty to the offense more than five years before the date the 1151
employment begins. 1152

~~(2) In the case of a person seeking employment with an~~ 1153
~~entity licensed by the state board of pharmacy under this~~ 1154
~~chapter,~~ the disqualifying offense the person was convicted of 1155
or pleaded guilty to is one of the offenses specified in rules 1156
adopted under division ~~(B) (14) (b)~~ of section 3796.04 of the 1157
Revised Code and the person was convicted of or pleaded guilty 1158
to the offense more than five years before the date the 1159
~~employment begins.~~ The division may issue a person a temporary 1160
employment badge if the person has submitted a criminal records 1161
check and the results have not been received by the division 1162
within ten business days of submission. 1163

Sec. 3796.14. (A) (1) The ~~department of commerce~~ division 1164
of marijuana control may do any of the following for any reason 1165
specified in rules adopted under section 3796.03 of the Revised 1166
Code: 1167

(a) Suspend, suspend without prior hearing, revoke, or 1168
refuse to renew a license it issued under this chapter or a 1169
license or registration the state board of pharmacy issued prior 1170

to transfer of regulatory authority over the marijuana control 1171
program to the division; 1172

(b) Refuse to issue a license; 1173

(c) Impose on a license holder a civil penalty in an 1174
amount to be determined by the ~~department~~division. 1175

~~The department's~~ division's actions under this division 1176
shall be taken in accordance with Chapter 119. of the Revised 1177
Code. 1178

(2) The ~~department~~ division may inspect the premises of an 1179
applicant for licensure or holder of a current, valid 1180
cultivator, processor, retail dispensary, or laboratory license 1181
issued under this chapter without prior notice to the applicant 1182
or license holder. 1183

~~(B) (1) The state board of pharmacy may do any of the~~ 1184
~~following for any reason specified in rules adopted under~~ 1185
~~section 3796.04 of the Revised Code:~~ 1186

~~(a) Suspend, suspend without prior hearing, revoke, or~~ 1187
~~refuse to renew a license or registration it issued under this~~ 1188
~~chapter;~~ 1189

~~(b) Refuse to issue a license;~~ 1190

~~(c) Impose on a license holder a civil penalty in an~~ 1191
~~amount to be determined by the board.~~ 1192

~~The board's actions under this division shall be taken in~~ 1193
~~accordance with Chapter 119. of the Revised Code.~~ 1194

~~(2) The board~~ division may inspect all of the following 1195
without prior notice to the applicant or license holder; 1196

~~(a) The premises of an applicant for licensure;~~ 1197

~~(b) The premises of~~ and all records maintained pursuant to 1198
this chapter by a holder of a current, valid retail dispensary 1199
license. 1200

~~(3) With respect to a suspension without prior hearing,~~ 1201
~~the board may utilize a telephone conference call to review the~~ 1202
~~allegations and take a vote. The board~~ (B) (1) The division shall 1203
suspend a license without prior hearing only if it finds clear 1204
and convincing evidence that continued distribution or 1205
cultivation of medical marijuana, as applicable, by the license 1206
holder presents a danger of immediate and serious harm to 1207
~~others. The board~~ 1208

(2) The division shall comply with section 119.07 of the 1209
Revised Code. 1210

(3) The suspension shall remain in effect, unless lifted 1211
by the ~~board~~division, until the ~~board~~division issues its final 1212
adjudication order. If the ~~board~~division does not issue the 1213
order within ninety days after the adjudication hearing, the 1214
suspension shall be lifted on the ninety-first day following the 1215
hearing. 1216

Sec. 3796.15. (A) The ~~state board of pharmacy~~division of 1217
marijuana control shall enforce, or cause to be enforced, 1218
~~sections 3796.08, 3796.10, 3796.20, 3796.22, and 3796.23 of the~~ 1219
~~Revised Code~~this chapter. If it has information that any 1220
provision of ~~those sections~~this chapter or any rule adopted 1221
under this chapter has been violated, it shall investigate the 1222
matter and take any action as it considers appropriate. 1223

(B) Nothing in this chapter shall be construed to require 1224
the ~~state board of pharmacy~~division to enforce minor violations 1225
if the ~~board~~division determines that the public interest is 1226

adequately served by a notice or warning to the alleged 1227
offender. 1228

(C) If the ~~board~~division suspends, revokes, or refuses to 1229
renew any license or registration issued under this chapter and 1230
determines that there is clear and convincing evidence of a 1231
danger of immediate and serious harm to any person, the ~~board~~ 1232
division may place under seal all medical marijuana owned by or 1233
in the possession, custody, or control of the affected license 1234
holder or registrant. Except as provided in this division, the 1235
~~board~~division shall not dispose of the medical marijuana sealed 1236
under this division until the license holder or registrant 1237
exhausts all of the holder's or registrant's appeal rights under 1238
Chapter 119. of the Revised Code. The court involved in such an 1239
appeal may order the ~~board~~division, during the pendency of the 1240
appeal, to sell medical marijuana that is perishable. The ~~board~~ 1241
division shall deposit the proceeds of the sale with the court. 1242

Sec. 3796.16. (A) (1) The ~~state board of pharmacy~~division 1243
of marijuana control shall attempt in good faith to negotiate 1244
and enter into a reciprocity agreement with any other state 1245
under which a medical marijuana registry identification card or 1246
equivalent authorization that is issued by the other state is 1247
recognized in this state, if the ~~board~~division determines that 1248
both of the following apply: 1249

(a) The eligibility requirements imposed by the other 1250
state for that authorization are substantially comparable to the 1251
eligibility requirements for a patient or caregiver registration 1252
and identification card issued under this chapter. 1253

(b) The other state recognizes a patient or caregiver 1254
registration and identification card issued under this chapter. 1255

(2) The ~~board~~division shall not negotiate any agreement 1256
with any other state under which an authorization issued by the 1257
other state is recognized in this state other than as provided 1258
in division (A) (1) of this section. 1259

(B) If a reciprocity agreement is entered into in 1260
accordance with division (A) of this section, the authorization 1261
issued by the other state shall be recognized in this state, 1262
shall be accepted and valid in this state, and grants the 1263
patient or caregiver the same right to use, possess, obtain, or 1264
administer medical marijuana in this state as a patient or 1265
caregiver who was registered and issued an identification card 1266
under this chapter. 1267

(C) The ~~board~~division may adopt any rules as necessary to 1268
implement this section. 1269

Sec. 3796.17. The ~~state board of pharmacy~~division of 1270
marijuana control shall establish a toll-free telephone line to 1271
respond to inquiries from patients, caregivers, and health 1272
professionals regarding adverse reactions to medical marijuana 1273
and to provide information about available services and 1274
assistance. The ~~board~~division may contract with a separate 1275
entity to establish and maintain the telephone line on behalf of 1276
the ~~board~~division. 1277

Sec. 3796.18. (A) Notwithstanding any conflicting 1278
provision of the Revised Code and except as provided in division 1279
(B) of this section, the holder of a current, valid cultivator 1280
license issued under this chapter may do ~~either~~all of the 1281
following: 1282

(1) Cultivate medical marijuana, including the acquisition 1283
of seeds or clones necessary to begin cultivation of a 1284

particular cultivar of medical marijuana from another licensed 1285
cultivator; 1286

(2) Deliver or sell medical marijuana to one or more 1287
licensed cultivators, processors, or retail dispensaries; 1288

(3) Register cuttings with the Ohio marijuana enforcement 1289
tracking reporting and compliance system if both of the 1290
following are met: 1291

(a) The cuttings were obtained from a legal, out-of-state 1292
cultivator. 1293

(b) The cuttings have not otherwise been rooted as a 1294
clone. 1295

(B) A cultivator license holder shall not cultivate 1296
medical marijuana for personal, family, or household use or on 1297
any public land, including a state park as defined in section 1298
154.01 of the Revised Code. 1299

(C) When processing medical marijuana, a licensed 1300
cultivator shall do all of the following: 1301

(1) Package the medical marijuana in accordance with 1302
child-resistant effectiveness standards described in 16 C.F.R. 1303
1700.15(b), as of the effective date of this amendment; 1304

(2) Label the medical marijuana packaging with the 1305
product's tetrahydrocannabinol and cannabidiol content; 1306

(3) Comply with any packaging or labeling requirements 1307
established in rules adopted by the division of marijuana 1308
control under section 3796.03 of the Revised Code. 1309

(D) The division of marijuana control may issue two levels 1310
of cultivator licenses. 1311

(1) The division may approve a cultivation area of up to 1312
fifty thousand square feet for the holder of a level I 1313
cultivator license. 1314

(2) The division may approve a cultivation area of up six 1315
thousand square feet for the holder of a level II cultivator 1316
license. 1317

(E) (1) The division, at the division's discretion, may 1318
approve an expansion of an existing facility's marijuana 1319
cultivation area, based on cultivator compliance with licensure 1320
requirements, if the population of the state, number of patients 1321
seeking to use medical marijuana, and data from the drug 1322
database regarding patient recommendations and patient usage of 1323
medical marijuana support such expansion. If the division 1324
approves an expansion of a facility's marijuana cultivation 1325
area, the marijuana cultivation area shall not exceed the 1326
following: 1327

(a) Seventy-five thousand square feet for a level I 1328
license holder; 1329

(b) Twenty thousand square feet for a level II license 1330
holder. 1331

(2) A cultivator shall not submit a request for expansion 1332
more than once during any twelve-month period. 1333

(F) A cultivator seeking to expand its marijuana 1334
cultivation area in accordance with division (E) of this section 1335
shall submit an expansion plan, that, at a minimum, does all of 1336
the following: 1337

(1) Includes plans and specifications for the expansion or 1338
alteration in accordance with rules adopted by the division that 1339
demonstrate compliance with the requirements of the rules 1340

adopted by the board of building standards pursuant to Chapters 1341
3781. and 3791. of the Revised Code and the rules adopted by the 1342
state fire marshal pursuant to sections 3737.82 and 3737.86 of 1343
the Revised Code; 1344

(2) Proposes a timeline for completion of the proposed 1345
expansion, which, if approved, will become a mandatory 1346
condition; 1347

(3) Demonstrates a history of compliance with this chapter 1348
and the rules adopted under it, which includes a history of 1349
enforcement actions and sanctions issued by the department of 1350
commerce or law enforcement agencies against the cultivator; 1351

(4) Provides supporting documentation that the cultivator 1352
has consistently met the cultivation requirements established in 1353
rules adopted by the division; 1354

(5) Demonstrates that the proposed expansion meets the 1355
applicable requirements established by the division in rule and 1356
that the cultivator will remain in compliance with this chapter 1357
and the rules adopted under it, if the expansion is permitted. 1358

(G) Upon the division's receipt of a request for expansion 1359
under division (E) of this section, the division has thirty 1360
calendar days to review and approve or deny the request for 1361
expansion. If the division does not deny the request for 1362
expansion prior to the expiration of thirty calendar days, the 1363
request is deemed approved. If the request is approved, the 1364
cultivator is bound to the terms in the request for expansion 1365
and shall, prior to cultivating medical marijuana in the 1366
expanded marijuana cultivation area, pass an inspection 1367
conducted in accordance with rules adopted by the division. A 1368
cultivator's failure to comply with the approved request for 1369

expansion may result in the revocation of the division's 1370
approval or additional sanctions under this chapter or rules 1371
adopted under it. 1372

(H) When reviewing applicants for a level I license, the 1373
division shall give preference to level II cultivator license 1374
holders. 1375

Sec. 3796.19. (A) Notwithstanding any conflicting 1376
provision of the Revised Code, the holder of a current, valid 1377
processor license issued under this chapter may do any of the 1378
following: 1379

(1) (a) Obtain medical marijuana from one or more licensed 1380
cultivators or processors; 1381

(b) Physically travel to the location of a cultivator and 1382
directly obtain the medical marijuana from the cultivator; 1383

(2) Subject to division (B) of this section, process 1384
medical marijuana obtained from one or more licensed cultivators 1385
or processors into a form described in section 3796.06 of the 1386
Revised Code; 1387

(3) Deliver or sell processed medical marijuana to one or 1388
more licensed cultivators, processors, or retail dispensaries. 1389

(B) When processing medical marijuana, a licensed 1390
processor shall do both of the following: 1391

(1) Package the medical marijuana in accordance with 1392
child-resistant effectiveness standards described in 16 C.F.R. 1393
1700.15(b) ~~on the effective date of this section~~ September 8, 1394
2016; 1395

(2) Label the medical marijuana packaging with the 1396
product's tetrahydrocannabinol and cannabidiol content; 1397

(3) Comply with any packaging or labeling requirements 1398
established in rules adopted by the ~~department of commerce~~ 1399
division of marijuana control under section 3796.03 of the 1400
Revised Code. 1401

Sec. 3796.20. (A) Notwithstanding any conflicting 1402
provision of the Revised Code, the holder of a current, valid 1403
retail dispensary license issued under this chapter may do both 1404
of the following: 1405

(1) (a) Obtain or purchase medical marijuana from one or 1406
more cultivators or processors; 1407

(b) Obtain or purchase medical marijuana from another 1408
retail dispensary if the two retail dispensaries are under 1409
common ownership; 1410

(2) Dispense or sell medical marijuana in accordance with 1411
division (B) of this section. 1412

(B) When dispensing or selling medical marijuana, a 1413
licensed retail dispensary shall do all of the following: 1414

(1) Dispense or sell only upon a showing of a current, 1415
valid identification card and in accordance with a written 1416
recommendation issued by a physician ~~in accordance with an~~ 1417
holding a certificate to recommend issued by the state medical 1418
board under section 4731.30 of the Revised Code; 1419

(2) Report to the drug database the information required 1420
by section 4729.771 of the Revised Code; 1421

(3) Label the package containing medical marijuana with 1422
the following information: 1423

(a) The name and address of the licensed cultivator or 1424
processor and retail dispensary; 1425

(b) The name of the patient and caregiver, if any;	1426
(c) The name of the physician who recommended treatment with medical marijuana;	1427 1428
(d) The directions for use, if any, as recommended by the physician;	1429 1430
(e) The date on which the medical marijuana was dispensed;	1431
(f) The quantity, strength, kind, or form of medical marijuana contained in the package.	1432 1433
(C) When operating a licensed retail dispensary, both of the following apply:	1434 1435
(1) A dispensary shall use only employees who have met the training requirements established in rules adopted under section 3796.04 <u>3796.03</u> of the Revised Code, <u>including any course of</u> <u>education adopted by the state medical board under section</u> <u>4731.304 of the Revised Code.</u>	1436 1437 1438 1439 1440
(2) A dispensary shall not make public any information it collects that identifies or would tend to identify any specific patient.	1441 1442 1443
Sec. 3796.21. (A) Notwithstanding any conflicting provision of the Revised Code, the holder of a current, valid laboratory license issued under this chapter may do both <u>all</u> of the following:	1444 1445 1446 1447
(1) Obtain medical marijuana from one or more cultivators, processors, and retail dispensaries licensed under this chapter;	1448 1449
(2) Conduct medical marijuana testing in the manner specified in rules adopted under section 3796.03 of the Revised Code; <u></u>	1450 1451 1452

<u>(3) Conduct research and development testing for</u>	1453
<u>cultivators and processors;</u>	1454
<u>(4) In-process testing for processors;</u>	1455
<u>(5) Research and development testing for cultivators and</u>	1456
<u>processors.</u>	1457
<u>(B) Licensees may use state-licensed labs to conduct in-</u>	1458
<u>process product testing for internal use.</u>	1459
<u>(C) (1) Retesting shall be permitted if the product fails</u>	1460
<u>testing or if the product test results fall outside of the</u>	1461
<u>typical results for that specific product.</u>	1462
<u>(2) Retesting may be conducted by a licensed laboratory</u>	1463
<u>that is not the original laboratory on a new sample taken from</u>	1464
<u>the same batch or lot of product that was originally tested. For</u>	1465
<u>purposes of testing product, a "batch or lot" is either of the</u>	1466
<u>following:</u>	1467
<u>(a) All of the plant material of the same strain grown</u>	1468
<u>together under the same growing conditions;</u>	1469
<u>(b) All of the manufactured product of the same type</u>	1470
<u>produced from the same oil.</u>	1471
<u>(D) Plant material and products that fall outside of the</u>	1472
<u>testing limits for contaminants established by the division of</u>	1473
<u>marijuana control may be refined using a method approved by the</u>	1474
<u>division.</u>	1475
(B) <u>(E) When testing medical marijuana, a licensed</u>	1476
laboratory shall do both <u>all</u> of the following:	1477
<u>(1) Collect a sample of a size sufficient to conduct the</u>	1478
<u>requested tests, but equaling not more than twice the amount of</u>	1479

<u>material needed for such tests;</u>	1480
<u>(2) Test the marijuana for potency, homogeneity, and</u>	1481
contamination;	1482
(2) <u>(3) Prepare a report of the test results.</u>	1483
<u>(F) Plant material and processed products tested under</u>	1484
<u>research and development may be sold to patients only after all</u>	1485
<u>required testing is completed and the product passes testing</u>	1486
<u>required for sale.</u>	1487
Sec. 3796.22. (A) Notwithstanding any conflicting	1488
provision of the Revised Code, a patient registered under this	1489
chapter who obtains medical marijuana from a retail dispensary	1490
licensed under this chapter may do both of the following:	1491
(1) Use medical marijuana;	1492
(2) Possess medical marijuana, subject to division (B) of	1493
this section;	1494
(3) Possess any paraphernalia or accessories specified in	1495
rules adopted under section 3796.04 <u>3796.03</u> of the Revised Code.	1496
(B) The amount of medical marijuana possessed by a	1497
registered patient shall not exceed a ninety-day supply, as	1498
specified in rules adopted under section 3796.04 <u>3796.03</u> of the	1499
Revised Code.	1500
(C) A registered patient shall not be subject to arrest or	1501
criminal prosecution for doing any of the following in	1502
accordance with this chapter:	1503
(1) Obtaining, using, or possessing medical marijuana;	1504
(2) Possessing any paraphernalia or accessories specified	1505
in rules adopted under section 3796.04 <u>3796.03</u> of the Revised	1506

Revised Code. 1507

(D) This section does not authorize a registered patient 1508
to operate a vehicle, streetcar, trackless trolley, watercraft, 1509
or aircraft while under the influence of medical marijuana. 1510

Sec. 3796.23. (A) Notwithstanding any conflicting 1511
provision of the Revised Code, a caregiver registered under this 1512
chapter who obtains medical marijuana from a retail dispensary 1513
licensed under this chapter may do both of the following: 1514

(1) Possess medical marijuana on behalf of a registered 1515
patient under the caregiver's care, subject to division (B) of 1516
this section; 1517

(2) Assist a registered patient under the caregiver's care 1518
in the use or administration of medical marijuana; 1519

(3) Possess any paraphernalia or accessories specified in 1520
rules adopted under section ~~3796.04~~3796.03 of the Revised Code. 1521

(B) The amount of medical marijuana possessed by a 1522
registered caregiver on behalf of a registered patient shall not 1523
exceed a ninety-day supply, as specified in rules adopted under 1524
section ~~3796.04~~3796.03 of the Revised Code. If a caregiver 1525
provides care to more than one registered patient, the caregiver 1526
shall maintain separate inventories of medical marijuana for 1527
each patient. 1528

(C) A registered caregiver shall not be subject to arrest 1529
or criminal prosecution for doing any of following in accordance 1530
with this chapter: 1531

(1) Obtaining or possessing medical marijuana on behalf of 1532
a registered patient; 1533

(2) Assisting a registered patient in the use or 1534

administration of medical marijuana; 1535

(3) Possessing any paraphernalia or accessories specified 1536
in rules adopted under section ~~3796.04~~3796.03 of the Revised 1537
Code. 1538

(D) This section does not permit a registered caregiver to 1539
personally use medical marijuana, unless the caregiver is also a 1540
registered patient. 1541

Sec. 3796.27. (A) As used in this section: 1542

(1) "Financial institution" means any of the following: 1543

(a) Any bank, trust company, savings and loan association, 1544
savings bank, or credit union or any affiliate, agent, or 1545
employee of a bank, trust company, savings and loan association, 1546
savings bank, or credit union; 1547

(b) Any money transmitter licensed under sections 1315.01 1548
to 1315.18 of the Revised Code or any affiliate, agent, or 1549
employee of such a licensee. 1550

(2) "Financial services" means services that a financial 1551
institution is authorized to provide under Title XI, sections 1552
1315.01 to 1315.18, or Chapter 1733. of the Revised Code, as 1553
applicable. 1554

(B) A financial institution that provides financial 1555
services to any cultivator, processor, retail dispensary, or 1556
laboratory licensed under this chapter shall be exempt from any 1557
criminal law of this state an element of which may be proven by 1558
substantiating that a person provides financial services to a 1559
person who possesses, delivers, or manufactures marijuana or 1560
marijuana derived products, including section 2925.05 of the 1561
Revised Code and sections 2923.01 and 2923.03 of the Revised 1562

Code as those sections apply to violations of Chapter 2925. of 1563
the Revised Code, if the cultivator, processor, retail 1564
dispensary, or laboratory is in compliance with this chapter and 1565
the applicable tax laws of this state. 1566

(C) (1) Notwithstanding section 149.43 of the Revised Code 1567
or any other public records law to the contrary, upon the 1568
request of a financial institution, the ~~department of commerce~~ 1569
~~or state board of pharmacy~~ division of marijuana control shall 1570
provide to the financial institution all of the following 1571
information: 1572

(a) Whether a person with whom the financial institution 1573
is seeking to do business is a cultivator, processor, retail 1574
dispensary, or laboratory licensed under this chapter; 1575

(b) The name of any other business or individual 1576
affiliated with the person; 1577

(c) An unredacted copy of the application for a license 1578
under this chapter, and any supporting documentation, that was 1579
submitted by the person; 1580

(d) If applicable, information relating to sales and 1581
volume of product sold by the person; 1582

(e) Whether the person is in compliance with this chapter; 1583

(f) Any past or pending violation by the person of this 1584
chapter, and any penalty imposed on the person for such a 1585
violation. 1586

(2) The ~~department or board~~ division may charge a 1587
financial institution a reasonable fee to cover the 1588
administrative cost of providing the information. 1589

(D) Information received by a financial institution under 1590

division (C) of this section is confidential. Except as 1591
otherwise permitted by other state law or federal law, a 1592
financial institution shall not make the information available 1593
to any person other than the customer to whom the information 1594
applies and any trustee, conservator, guardian, personal 1595
representative, or agent of that customer. 1596

Sec. 3796.30. (A) Except as provided in division (B) of 1597
this section, no medical marijuana cultivator, processor, retail 1598
dispensary, or laboratory that tests medical marijuana shall be 1599
located within five hundred feet of the boundaries of a parcel 1600
of real estate having situated on it a school, church, public 1601
library, public playground, or public park. 1602

If the relocation of a cultivator, processor, retail 1603
dispensary, or laboratory licensed under this chapter results in 1604
the cultivator, processor, retail dispensary, or laboratory 1605
being located within five hundred feet of the boundaries of a 1606
parcel of real estate having situated on it a school, church, 1607
public library, public playground, or public park, the 1608
~~department of commerce or state board of pharmacy division of~~ 1609
marijuana control shall revoke the license it previously issued 1610
to the cultivator, processor, retail dispensary, or laboratory. 1611

(B) This section does not apply to research related to 1612
marijuana conducted at a state university, academic medical 1613
center, or private research and development organization as part 1614
of a research protocol approved by an institutional review board 1615
or equivalent entity. 1616

(C) As used in this section and sections ~~3796.04~~ 3796.03 1617
and 3796.12 of the Revised Code: 1618

"Church" has the meaning defined in section 1710.01 of the 1619

Revised Code.	1620
"Public library" means a library provided for under Chapter 3375. of the Revised Code.	1621 1622
"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.	1623 1624 1625
"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.	1626 1627 1628
"School" means a child day-care center as defined under section 5104.01 of the Revised Code, a preschool as defined under section 2950.034 of the Revised Code, or a public or nonpublic primary school or secondary school.	1629 1630 1631 1632
<u>Sec. 3796.35. (A) As used in this section, "medical cannabis" means "medical marijuana" as defined in section 3796.01 of the Revised Code.</u>	1633 1634 1635
<u>(B) The state board of pharmacy and the department of commerce shall collaborate on conducting an equity study of the medical cannabis industry and the medical cannabis market to determine whether there is a compelling interest to implement remedial measures, which may include applying the requirements of the minority business enterprise program described in section 122.921 of the Revised Code, to assist minorities and women in the medical cannabis industry.</u>	1636 1637 1638 1639 1640 1641 1642 1643
Sec. 4731.30. (A) As used in this section and sections 4731.301 and 4731.302 <u>to 4731.303</u> of the Revised Code, "medical marijuana," "drug database," "physician," and "qualifying medical condition" have the same meanings as in section 3796.01 of the Revised Code.	1644 1645 1646 1647 1648

(B) (1) Except as provided in division (B) (4) of this 1649
section, a physician seeking to recommend treatment with medical 1650
marijuana shall apply to the state medical board for a 1651
certificate to recommend. An application shall be submitted in 1652
the manner established in rules adopted under section 4731.301 1653
of the Revised Code. 1654

(2) The board shall grant a certificate to recommend if 1655
both of the following conditions are met: 1656

(a) The application is complete and meets the requirements 1657
established in rules. 1658

(b) ~~The Except as provided in division (I) of this~~ 1659
section, the applicant demonstrates that the applicant does not 1660
have an ownership or investment interest in or compensation 1661
arrangement with an entity licensed under Chapter 3796. of the 1662
Revised Code or an applicant for licensure. 1663

(3) A certificate to recommend expires according to the 1664
renewal schedule established in rules adopted under section 1665
4731.301 of the Revised Code and may be renewed in accordance 1666
with the procedures established in those rules. 1667

(4) This section does not apply to a physician who 1668
recommends treatment with marijuana or a drug derived from 1669
marijuana under any of the following that is approved by an 1670
investigational review board or equivalent entity, the United 1671
States food and drug administration, or the national institutes 1672
of health or one of its cooperative groups or centers under the 1673
United States department of health and human services: 1674

(a) A research protocol; 1675

(b) A clinical trial; 1676

- (c) An investigational new drug application; 1677
- (d) An expanded access submission. 1678
- (C) (1) A physician who holds a certificate to recommend 1679
may recommend that a patient be treated with medical marijuana 1680
if all of the following conditions are met: 1681
- (a) The patient has been diagnosed with a qualifying 1682
medical condition; 1683
- (b) A bona fide physician-patient relationship has been 1684
established through ~~all~~ both of the following: 1685
- (i) ~~An in-person physical examination of the patient by~~ 1686
~~the physician;~~ 1687
- ~~(ii)~~ A review of the patient's medical history by the 1688
physician; 1689
- ~~(iii)~~ (ii) An expectation of providing care and receiving 1690
care on an ongoing basis. 1691
- (c) The physician has requested, or a physician delegate 1692
approved by the state board of pharmacy has requested, from the 1693
drug database a report of information related to the patient 1694
that covers at least the twelve months immediately preceding the 1695
date of the report, and the physician has reviewed the report. 1696
- (2) In the case of a patient who is a minor, the physician 1697
may recommend treatment with medical marijuana only after 1698
obtaining the consent of the patient's parent or other person 1699
responsible for providing consent to treatment. 1700
- (D) (1) When issuing a written recommendation to a patient, 1701
the physician shall specify any information required in rules 1702
adopted by the board under section 4731.301 of the Revised Code. 1703

(2) A written recommendation issued to a patient under 1704
this section is valid for a period of not more than ninety days. 1705
The physician may renew the recommendation for not more than 1706
three additional periods of not more than ninety days each. 1707
Thereafter, the physician may issue another recommendation to 1708
the patient only upon a physical examination of the patient. 1709

(E) Annually, the physician shall submit to the state 1710
medical board a report that describes the physician's 1711
observations regarding the effectiveness of medical marijuana in 1712
treating the physician's patients during the year covered by the 1713
report. When submitting reports, a physician shall not include 1714
any information that identifies or would tend to identify any 1715
specific patient. 1716

(F) Each physician who holds a certificate to recommend 1717
shall complete annually at least two hours of continuing medical 1718
education in medical marijuana approved by the state medical 1719
board. 1720

(G) A physician shall not do any of the following: 1721

(1) Personally furnish or otherwise dispense medical 1722
marijuana; 1723

(2) Issue a recommendation for a family member or the 1724
physician's self. 1725

(H) A physician is immune from civil liability, is not 1726
subject to professional disciplinary action by the state medical 1727
board or state board of pharmacy, and is not subject to criminal 1728
prosecution for any of the following actions: 1729

(1) Advising a patient, patient representative, or 1730
caregiver about the benefits and risks of medical marijuana to 1731
treat a qualifying medical condition; 1732

(2) Recommending that a patient use medical marijuana to
treat or alleviate the condition; 1733
1734

(3) Monitoring a patient's treatment with medical
marijuana. 1735
1736

(I) If the medical director of a dispensary licensed under
Chapter 3796. of the Revised Code is certified under this
section, then the medical director may recommend medical
marijuana as a treatment in accordance with the requirement of
this section. 1737
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Sec. 4731.303. A physician certified to recommend
treatment of a qualifying medical condition, as defined in
section 3796.01 of the Revised Code, with medical marijuana may
make such a recommendation via telemedicine. 1742
1743
1744
1745

Sec. 4731.304. The state medical board may approve a
course of education for employees of a medical marijuana
dispensary licensed under Chapter 3796. of the Revised Code to
complete. 1746
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Sec. 4776.01. As used in this chapter: 1750

(A) "License" means an authorization evidenced by a
license, certificate, registration, permit, card, or other
authority that is issued or conferred by a licensing agency to a
licensee or to an applicant for an initial license by which the
licensee or initial license applicant has or claims the
privilege to engage in a profession, occupation, or occupational
activity, or, except in the case of the state dental board, to
have control of and operate certain specific equipment,
machinery, or premises, over which the licensing agency has
jurisdiction. 1751
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(B) Except as provided in section 4776.20 of the Revised 1761

Code, "licensee" means the person to whom the license is issued 1762
by a licensing agency. "Licensee" includes a person who, for 1763
purposes of section 3796.13 of the Revised Code, has complied 1764
with sections 4776.01 to 4776.04 of the Revised Code and has 1765
been determined by the ~~department of commerce or state board of~~ 1766
~~pharmacy, as the applicable licensing agency,~~ division of 1767
marijuana control to meet the requirements for employment. 1768

(C) Except as provided in section 4776.20 of the Revised 1769
Code, "licensing agency" means any of the following: 1770

(1) The board authorized by Chapters 4701., 4717., 4725., 1771
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 1772
4753., 4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778., 1773
4779., and 4783. of the Revised Code to issue a license to 1774
engage in a specific profession, occupation, or occupational 1775
activity, or to have charge of and operate certain specific 1776
equipment, machinery, or premises. 1777

(2) The state dental board, relative to its authority to 1778
issue a license pursuant to section 4715.12, 4715.16, 4715.21, 1779
or 4715.27 of the Revised Code; 1780

(3) The ~~department of commerce or state board of~~ 1781
~~pharmacy~~ division of marijuana control, relative to its authority 1782
under Chapter 3796. of the Revised Code and any rules adopted 1783
under that chapter with respect to a person who is subject to 1784
section 3796.13 of the Revised Code; 1785

(4) The director of agriculture, relative to the 1786
director's authority to issue licenses under Chapter 928. of the 1787
Revised Code. 1788

(D) "Applicant for an initial license" includes persons 1789
seeking a license for the first time and persons seeking a 1790

license by reciprocity, endorsement, or similar manner of a 1791
license issued in another state. "Applicant for an initial 1792
license" also includes a person who, for purposes of section 1793
3796.13 of the Revised Code, is required to comply with sections 1794
4776.01 to 4776.04 of the Revised Code. 1795

(E) "Applicant for a restored license" includes persons 1796
seeking restoration of a license under section 4730.14, 4730.28, 1797
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 1798
4761.06, 4761.061, 4762.06, 4762.061, 4774.06, 4774.061, 1799
4778.07, or 4778.071 of the Revised Code. "Applicant for a 1800
restored license" does not include a person seeking restoration 1801
of a license under section 4751.33 of the Revised Code. 1802

(F) "Criminal records check" has the same meaning as in 1803
section 109.572 of the Revised Code. 1804

Section 2. That existing sections 109.572, 3796.01, 1805
3796.02, 3796.03, 3796.032, 3796.05, 3796.06, 3796.061, 3796.08, 1806
3796.10, 3796.11, 3796.12, 3796.13, 3796.14, 3796.15, 3796.16, 1807
3796.17, 3796.18, 3796.19, 3796.20, 3796.21, 3796.22, 3796.23, 1808
3796.27, 3796.30, 4731.30, and 4776.01 of the Revised Code are 1809
hereby repealed. 1810

Section 3. That sections 3796.031 and 3796.04 of the 1811
Revised Code are hereby repealed. 1812

Section 4. (A) Not later than sixty days after the 1813
effective date of this section, the Department of Commerce and 1814
the State Board of Pharmacy shall transfer regulation of the 1815
Medical Marijuana Control Program to the Division of Marijuana 1816
Control in the Department of Commerce. Until the transfer is 1817
complete, the State Board of Pharmacy retains regulatory 1818
authority over licensing of retail dispensaries, registering 1819

patients and caregivers, and related duties. 1820

Upon the completion of the transfer, the Medical Marijuana 1821
Control Program in the State Board of Pharmacy is abolished. All 1822
records of the Medical Marijuana Control Program in the State 1823
Board of Pharmacy shall be transferred to the Division, and all 1824
of its other assets and liabilities relating to the Medical 1825
Marijuana Control Program shall be transferred to the Division. 1826
The Division is successor to, and assumes the obligations of, 1827
the Medical Marijuana Control Program in the State Board of 1828
Pharmacy. Any business commenced, but not completed by the State 1829
Board of Pharmacy Medical Marijuana Control Program on the date 1830
of the completion of the transfer shall be completed by the 1831
Division in the same manner, and with the same effect, as if 1832
completed by the State Board of Pharmacy. No validation, cure, 1833
right, privilege, remedy, obligation, or liability is lost or 1834
impaired by reason of the transfer required by this section. 1835

(B) Upon this transfer, the Division is responsible for 1836
adopting rules establishing standards and procedures for the 1837
Medical Marijuana Control Program. The rules regulating the 1838
Medical Marijuana Control Program in existence on the effective 1839
date of this section continue in effect until repealed or 1840
amended by the Division of Marijuana Control. 1841

(C) Not later than ninety days after the effective date of 1842
this section, the Division shall review and propose revisions to 1843
the rules in the Administrative Code related to medical 1844
marijuana retail dispensaries. 1845

(D) A license to operate as a retail dispensary issued by 1846
the State Board of Pharmacy pursuant to section 3796.10 of the 1847
Revised Code as it existed immediately prior to the effective 1848
date of the amendment to that section by this act, and a 1849

registration issued by the State Board of Pharmacy pursuant to 1850
section 3796.08 of the Revised Code as it existed immediately 1851
prior to the effective date of the amendment to that section by 1852
this act remain in effect for the remainder of the license's or 1853
registration's term, unless earlier suspended or revoked. 1854
Renewals shall be issued by the State Board of Pharmacy until 1855
the transfer is complete, at which time renewals shall be issued 1856
by the Division of Marijuana Control. 1857

(E) Any form of medical marijuana approved by the State 1858
Board of Pharmacy under section 3796.061 of the Revised Code as 1859
it existed immediately prior to the effective date of the 1860
amendment to that section by this act remain approved until that 1861
approval is revoked by the Division of Marijuana Control, after 1862
giving notice to the petitioner described in section 3796.061 of 1863
the Revised Code. The Division shall post notice of that 1864
revocation on its web site. 1865

Section 5. The General Assembly, applying the principle 1866
stated in division (B) of section 1.52 of the Revised Code that 1867
amendments are to be harmonized if reasonably capable of 1868
simultaneous operation, finds that the following sections, 1869
presented in this act as composites of the sections as amended 1870
by the acts indicated, are the resulting versions of the 1871
sections in effect prior to the effective date of the sections 1872
as presented in this act: 1873

Section 109.572 of the Revised Code as amended by H.B. 110 1874
and S.B. 3 of the 134th General Assembly and H.B. 263 and S.B. 1875
260 of the 133rd General Assembly. 1876

Section 4776.01 of the Revised Code as amended by both 1877
H.B. 166 and S.B. 57 of the 133rd General Assembly. 1878