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**2023-2024**

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

**Representative LaRe**

**Cosponsors: Representatives Carruthers, Stein, Miller, J., Schmidt, Brennan, Barhorst, Miller, A., Dell'Aquila, Abrams, Brewer, Creech, Cross, Forhan, Johnson, Jones, Kick, Lampton, Mathews, Richardson, Russo, Seitz, Somani, Swearingen, Thomas, C., Upchurch, Wiggam, Williams**

**Senators Huffman, S., Antonio, Brenner, Cirino, DeMora, McColley, Reineke, Smith, Reynolds**

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**A BILL**

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

3780.32, 3780.33, 3780.34, 3780.35, 3780.36, 20  
3780.90, 3780.99, and 3796.021 of the Revised 21  
Code to revise specified provisions of the 22  
liquor control, hemp, and adult-use marijuana 23  
laws and to levy taxes on marijuana. 24

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

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

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

marijuana expungement fund to the department of public safety 47  
law enforcement training fund and forty per cent of the balance 48  
to the substance abuse, treatment, and prevention fund. 49

**Sec. 121.95.** (A) As used in sections 121.95, 121.951, 50  
121.952, 121.953, and 121.954 of the Revised Code, "state 51  
agency" means an administrative department created under section 52  
121.02 of the Revised Code, an administrative department head 53  
appointed under section 121.03 of the Revised Code, and a state 54  
agency organized under an administrative department or 55  
administrative department head. "State agency" also includes the 56  
department of education and workforce, the state lottery 57  
commission, the Ohio casino control commission, the state racing 58  
commission, and the public utilities commission of Ohio. Rules 59  
adopted by an otherwise independent official or entity organized 60  
under a state agency shall be attributed to the agency under 61  
which the official or entity is organized for the purposes of 62  
sections 121.95, 121.951, 121.952, 121.953, and 121.954 of the 63  
Revised Code. 64

(B) Not later than December 31, 2019, a state agency shall 65  
review its existing rules to identify rules having one or more 66  
regulatory restrictions that require or prohibit an action and 67  
prepare a base inventory of the regulatory restrictions in its 68  
existing rules. Rules that include the words "shall," "must," 69  
"require," "shall not," "may not," and "prohibit" shall be 70  
considered to contain regulatory restrictions. 71

(C) In the base inventory, the state agency shall indicate 72  
all of the following concerning each regulatory restriction: 73

(1) A description of the regulatory restriction; 74

(2) The rule number of the rule in which the regulatory 75

restriction appears;	76
(3) The statute under which the regulatory restriction was adopted;	77 78
(4) Whether state or federal law expressly and specifically requires the agency to adopt the regulatory restriction or the agency adopted the regulatory restriction under the agency's general authority;	79 80 81 82
(5) Whether removing the regulatory restriction would require a change to state or federal law, provided that removing a regulatory restriction adopted under a law granting the agency general authority shall be presumed not to require a change to state or federal law;	83 84 85 86 87
(6) Any other information the joint committee on agency rule review considers necessary.	88 89
(D) The state agency shall compute and state the total number of regulatory restrictions indicated in the base inventory, shall post the base inventory on its web site, and shall electronically transmit a copy of the inventory to the joint committee. The joint committee shall review the base inventory, then transmit it electronically to the speaker of the house of representatives and the president of the senate.	90 91 92 93 94 95 96
(E) The following types of rules or regulatory restrictions are not required to be included in a state agency's inventory of regulatory restrictions:	97 98 99
(1) An internal management rule;	100
(2) An emergency rule;	101
(3) A rule that state or federal law requires the state agency to adopt verbatim;	102 103

(4) A regulatory restriction contained in materials or documents incorporated by reference into a rule pursuant to sections 121.71 to 121.75 of the Revised Code;	104 105 106
(5) A rule adopted pursuant to section 1347.15 of the Revised Code;	107 108
(6) A rule concerning instant lottery games;	109
(7) A rule adopted by the Ohio casino control commission or the state lottery commission concerning sports gaming;	110 111
(8) Any other rule that is not subject to review under Chapter 106. of the Revised Code.	112 113
(F) <del>Beginning</del> <u>Except as otherwise provided in division (G) of this section, beginning on October 17, 2019, and ending on June 30, 2025, a state agency may not adopt a new regulatory restriction unless it simultaneously removes two or more other existing regulatory restrictions. The state agency may not satisfy this section by merging two or more existing regulatory restrictions into a single surviving regulatory restriction.</u>	114 115 116 117 118 119 120
<u>(G) Division (F) of this section does not apply to rules adopted by the division of marijuana control in accordance with Chapter 3796. of the Revised Code during the period beginning on the effective date of this amendment and ending twelve months after that date.</u>	121 122 123 124 125
<b>Sec. 121.951.</b> (A) (1) Using the criteria listed in division (A) of section 106.03 of the Revised Code, a state agency shall amend or rescind rules identified in its base inventory of regulatory restrictions prepared under section 121.95 of the Revised Code as necessary to reduce the total number of regulatory restrictions by thirty per cent, according to the following schedule:	126 127 128 129 130 131 132

(a) A ten per cent reduction not later than June 30, 2023;	133
(b) A twenty per cent reduction not later than June 30, 2024; and	134 135
(c) The thirty per cent reduction not later than June 30, 2025.	136 137
When a state agency has achieved a reduction of any percentage in regulatory restrictions, whether or not as specified in this section, the state agency may not adopt or maintain regulatory restrictions that would negate the reduction.	138 139 140 141 142
(2) Beginning July 1, 2025, a state agency that has not achieved the specified thirty per cent reduction may not adopt a new regulatory restriction unless it simultaneously removes two or more other existing regulatory restrictions, until the specified thirty per cent reduction has been achieved. The state agency may not fulfill this requirement by merging two or more existing regulatory restrictions into a single surviving regulatory restriction.	143 144 145 146 147 148 149 150
(3) A state agency is encouraged to continue to reduce regulatory restrictions after it has achieved the specified thirty per cent reduction.	151 152 153
(B) (1) Not later than September 15, 2022, a state agency shall prepare an historical report of its progress in reducing regulatory restrictions over the period of time beginning when the agency prepared its base inventory under section 121.95 of the Revised Code and ending on June 30, 2022. Annually thereafter, a state agency shall prepare an historical report of its progress in reducing regulatory restrictions over the preceding fiscal year. The state agency shall explain in the	154 155 156 157 158 159 160 161

report how it applied the criteria described in division (A) of 162  
section 106.03 of the Revised Code to its determinations as to 163  
which regulatory restrictions to amend or rescind. The state 164  
agency shall include a revised inventory of regulatory 165  
restrictions with the report. 166

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

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

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

**Sec. 519.21.** (A) Except as otherwise provided in divisions 188  
(B) and (D) of this section, sections 519.02 to 519.25 of the 189  
Revised Code confer no power on any township zoning commission, 190  
board of township trustees, or board of zoning appeals to 191

prohibit the use of any land for agricultural purposes or the 192  
construction or use of buildings or structures incident to the 193  
use for agricultural purposes of the land on which such 194  
buildings or structures are located, including buildings or 195  
structures that are used primarily for vinting and selling wine 196  
and that are located on land any part of which is used for 197  
viticulture, and no zoning certificate shall be required for any 198  
such building or structure. 199

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

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

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

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



considered nonconforming use of land and buildings or structures 222  
pursuant to section 519.19 of the Revised Code. 223

Division (B) of this section confers no power on any 224  
township zoning commission, board of township trustees, or board 225  
of zoning appeals to regulate agriculture, buildings or 226  
structures, and dairying and animal and poultry husbandry on 227  
lots greater than five acres. 228

(C) Such sections confer no power on any township zoning 229  
commission, board of township trustees, or board of zoning 230  
appeals to prohibit in a district zoned for agricultural, 231  
industrial, residential, or commercial uses, the use of any land 232  
for: 233

(1) A farm market where fifty per cent or more of the 234  
gross income received from the market is derived from produce 235  
raised on farms owned or operated by the market operator in a 236  
normal crop year. However, a board of township trustees, as 237  
provided in section 519.02 of the Revised Code, may regulate 238  
such factors pertaining to farm markets as size of the 239  
structure, size of parking areas that may be required, set back 240  
building lines, and egress or ingress, where such regulation is 241  
necessary to protect the public health and safety. 242

(2) Biodiesel production, biomass energy production, or 243  
electric or heat energy production if the land on which the 244  
production facility is located qualifies as land devoted 245  
exclusively to agricultural use under sections 5713.30 to 246  
5713.37 of the Revised Code for real property tax purposes. As 247  
used in division (C) (2) of this section, "biodiesel," "biomass 248  
energy," and "electric or heat energy" have the same meanings as 249  
in section 5713.30 of the Revised Code. 250

(3) Biologically derived methane gas production if the 251  
land on which the production facility is located qualifies as 252  
land devoted exclusively to agricultural use under sections 253  
5713.30 to 5713.37 of the Revised Code for real property tax 254  
purposes and if the facility that produces the biologically 255  
derived methane gas does not produce more than seventeen million 256  
sixty thousand seven hundred ten British thermal units, five 257  
megawatts, or both. 258

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

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

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

(D) Nothing in this section prohibits a township zoning 280

commission, board of township trustees, or board of zoning 281  
appeals from regulating the location of ~~medical~~-marijuana 282  
cultivators, processors, or retail dispensaries or from 283  
prohibiting such cultivators, processors, or dispensaries from 284  
being located in the unincorporated territory of the township. 285

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

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

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

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

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

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

(1) Floral or topical hemp products; 305

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

other tetrahydrocannabinol. 309

(C) "Cultivate" or "cultivating" means to plant, water, 310  
grow, fertilize, till, or harvest a plant or crop. "Cultivating" 311  
includes possessing or storing a plant or crop on a premises 312  
where the plant or crop was cultivated until transported to the 313  
first point of sale. 314

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

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

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

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

~~(F)~~(H) "Hemp product" means ~~any product, containing a~~ 333  
~~delta 9 tetrahydrocannabinol concentration of not more than~~ 334  
~~three-tenths per cent, that is made with hemp. "Hemp product"~~ 335  
~~includes cosmetics, personal care products, dietary supplements~~ 336  
~~or food intended for animal or human consumption, cloth,~~ 337

~~cordage, fiber, fuel, paint, paper, particleboard, and any other~~ 338  
~~product containing one or more cannabinoids derived from hemp,~~ 339  
~~including cannabidiol~~cannabinoid hemp products, floral hemp 340  
products, topical hemp products, and non-cannabinoid hemp 341  
products. "Hemp product" includes any hemp not in the possession 342  
of a licensed hemp cultivator or hemp processor. 343

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

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

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

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

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

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

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

tetrahydrocannabinol. 367

~~(K)~~ (O) "Tetrahydrocannabinol" means naturally occurring 368  
or synthetic equivalents, regardless of whether artificially or 369  
naturally derived, of the substances contained in the plant, or 370  
in the resinous extractives of cannabis, sp. or derivatives, and 371  
their isomers with similar chemical structure to delta-1-cis or 372  
trans tetrahydrocannabinol, and their optical isomers, salts and 373  
salts of isomers. "Tetrahydrocannabinol" includes, but is not 374  
limited to, delta-6-cis or trans tetrahydrocannabinol, delta- 375  
3,4-cis or trans tetrahydrocannabinol, 9-hexahydrocannabinol, 376  
and delta-9-tetrahydrocannabinol acetate. Since nomenclature of 377  
these substances is not internationally standardized, compounds 378  
of these structures, regardless of numerical designation of 379  
atomic positions, are included. 380

"Tetrahydrocannabinol" does not include the following: 381

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

(2) Cannabichromene (CBC); 386

(3) Cannabicyclol (CBL); 387

(4) Cannabidiol (CBD), 388

(5) Cannabidivanol (CBDV); 389

(6) Cannabielsoin (CBE); 390

(7) Cannabigerol (CBG); 391

(8) Cannabigerovarin (CBGV); 392

(9) Cannabinol (CBN); 393

<u>(10) Cannabivarin (CBV).</u>	394
<u>(P)</u> "University" means an institution of higher education as defined in section 3345.12 of the Revised Code and a private nonprofit institution with a certificate of authorization issued pursuant to Chapter 1713. of the Revised Code.	395 396 397 398
<del>(L)</del> <u>(Q)</u> "USDA" means the United States department of agriculture.	399 400
<b>Sec. 928.03.</b> The director of agriculture, in consultation with the governor and attorney general, shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the regulation of hemp cultivation and processing. The rules shall include all of the following:	401 402 403 404 405
(A) The form of an application for a hemp cultivation license and hemp processing license and the information required to be included in each license application;	406 407 408
(B) The amount of an initial application fee that an applicant shall submit along with an application for a hemp cultivation license or a hemp processing license, and the amount of an annual license fee that a licensee shall submit for a hemp cultivation license or a hemp processing license. In adopting rules under division (B) of this section, the director shall ensure both of the following:	409 410 411 412 413 414 415
(1) That the amount of the application fee and annual license fee does not exceed an amount sufficient to cover the costs incurred by the department of agriculture to administer and enforce this chapter;	416 417 418 419
(2) That there is one uniform application fee and one uniform annual license fee that applies to all applicants for a hemp cultivation license.	420 421 422

(C) Requirements and procedures concerning background 423  
investigations of each applicant for a hemp cultivation license 424  
and each applicant for a hemp processing license. The director 425  
shall include both of the following in the rules adopted under 426  
this division: 427

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

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

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

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

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

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

(H) A requirement that the director shall not issue a hemp 450  
cultivation license or hemp processing license to any person who 451



has pleaded guilty to or been convicted of a felony relating to 452  
a controlled substance in the ten years immediately prior to the 453  
submission of the application for a license; 454

(I) A requirement that any person that materially 455  
falsifies information in an application for a hemp cultivation 456  
license or hemp processing license is ineligible to receive 457  
either license; 458

(J) A practice for maintaining relevant information 459  
regarding land on which hemp is cultivated by hemp cultivation 460  
licensees, including a legal description of the land, in 461  
accordance with applicable federal law; 462

(K) Requirements prohibiting a hemp cultivation licensee 463  
and a hemp processing licensee from cultivating or processing 464  
marihuana; 465

(L) A procedure for testing, using post-decarboxylation or 466  
other similarly reliable methods, delta-9 tetrahydrocannabinol 467  
concentration levels of plants and products for purposes of 468  
determining compliance with this chapter and rules adopted under 469  
it; 470

(M) Requirements and procedures for the issuance, 471  
administration, and enforcement of corrective action plans 472  
issued under this chapter; 473

(N) A procedure for conducting annual inspections of, at a 474  
minimum, a random sample of hemp cultivation license holders to 475  
verify that plants are not being cultivated in violation of this 476  
chapter or rules adopted under it; 477

(O) A procedure for conducting annual inspections of, at a 478  
minimum, a random sample of hemp processing license holders to 479  
verify that such license holders are not operating in violation 480

of this chapter or rules adopted under it;	481
(P) A procedure for complying with enforcement procedures required under federal law;	482 483
(Q) A procedure for the effective disposal of all of the following:	484 485
(1) Plants, whether growing or not, cultivated in violation of this chapter or rules adopted under it;	486 487
(2) Products derived from plants cultivated in violation of this chapter or rules adopted under it;	488 489
(3) Products produced in violation of this chapter or rules adopted under it.	490 491
(R) Requirements and procedures governing the production, storage, and disposal of hemp byproducts.	492 493
For the purposes of this chapter and notwithstanding any provision of law to the contrary, "hemp product" includes a byproduct, produced as a result of processing hemp, that contains a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent, provided that the byproduct is produced, stored, and disposed of in accordance with rules adopted under division (R) of this section.	494 495 496 497 498 499 500
(S) Procedures for sharing information regarding hemp cultivation license holders with the secretary of the USDA;	501 502
(T) A setback distance requirement that specifies the distance that a hemp cultivation license holder shall locate hemp plants from a location where <u>medical marijuana or adult-use marijuana</u> is being cultivated. The requirement does not apply to a hemp cultivation license holder with regard to a <del>medical-</del> marijuana cultivator that locates <u>medical marijuana or adult-use</u>	503 504 505 506 507 508

<u>marijuana</u> within the established setback distance requirement	509
after the hemp cultivation license holder begins operation.	510
(U) Annual reporting requirements and procedures for hemp cultivation license holders and hemp processing license holders;	511 512
(V) Recordkeeping and documentation maintenance requirements and procedures for hemp cultivation license holders and hemp processing license holders;	513 514 515
(W) Fees for the laboratory testing of plants and products;	516 517
(X) Standards for the testing and labeling of hemp and hemp products;	518 519
(Y) Requirements prohibiting the processing of hemp in a building used as a personal residence or on land that is zoned for residential use;	520 521 522
(Z) Production standards and manufacturing practices for processing hemp;	523 524
(AA) Procedures and requirements for the transportation and storage of both hemp and hemp products;	525 526
(BB) Any other requirements or procedures necessary to administer and enforce this chapter.	527 528
<b>Sec. 2925.01.</b> As used in this chapter:	529
(A) "Administer," "controlled substance," "controlled substance analog," "dispense," "distribute," "hypodermic," "manufacturer," "official written order," "person," "pharmacist," "pharmacy," "sale," "schedule I," "schedule II," "schedule III," "schedule IV," "schedule V," and "wholesaler" have the same meanings as in section 3719.01 of the Revised	530 531 532 533 534 535

Code.	536
(B) "Drug of abuse" and "person with a drug dependency"	537
have the same meanings as in section 3719.011 of the Revised	538
Code.	539
(C) "Drug," "dangerous drug," "licensed health	540
professional authorized to prescribe drugs," and "prescription"	541
have the same meanings as in section 4729.01 of the Revised	542
Code.	543
(D) "Bulk amount" of a controlled substance means any of	544
the following:	545
(1) For any compound, mixture, preparation, or substance	546
included in schedule I, schedule II, or schedule III, with the	547
exception of any controlled substance analog, marihuana,	548
cocaine, L.S.D., heroin, any fentanyl-related compound, and	549
hashish and except as provided in division (D) (2), (5), or (6)	550
of this section, whichever of the following is applicable:	551
(a) An amount equal to or exceeding ten grams or twenty-	552
five unit doses of a compound, mixture, preparation, or	553
substance that is or contains any amount of a schedule I opiate	554
or opium derivative;	555
(b) An amount equal to or exceeding ten grams of a	556
compound, mixture, preparation, or substance that is or contains	557
any amount of raw or gum opium;	558
(c) An amount equal to or exceeding thirty grams or ten	559
unit doses of a compound, mixture, preparation, or substance	560
that is or contains any amount of a schedule I hallucinogen	561
other than tetrahydrocannabinol or lysergic acid amide, or a	562
schedule I stimulant or depressant;	563

(d) An amount equal to or exceeding twenty grams or five 564  
times the maximum daily dose in the usual dose range specified 565  
in a standard pharmaceutical reference manual of a compound, 566  
mixture, preparation, or substance that is or contains any 567  
amount of a schedule II opiate or opium derivative; 568

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

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

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

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

an anabolic steroid or a schedule III opiate or opium 594  
derivative; 595

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

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

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

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

(E) "Unit dose" means an amount or unit of a compound, 621  
mixture, or preparation containing a controlled substance that 622

is separately identifiable and in a form that indicates that it 623  
is the amount or unit by which the controlled substance is 624  
separately administered to or taken by an individual. 625

(F) "Cultivate" includes planting, watering, fertilizing, 626  
or tilling. 627

(G) "Drug abuse offense" means any of the following: 628

(1) A violation of division (A) of section 2913.02 that 629  
constitutes theft of drugs, or a violation of section 2925.02, 630  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 631  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 632  
or 2925.37 of the Revised Code; 633

(2) A violation of an existing or former law of this or 634  
any other state or of the United States that is substantially 635  
equivalent to any section listed in division (G)(1) of this 636  
section; 637

(3) An offense under an existing or former law of this or 638  
any other state, or of the United States, of which planting, 639  
cultivating, harvesting, processing, making, manufacturing, 640  
producing, shipping, transporting, delivering, acquiring, 641  
possessing, storing, distributing, dispensing, selling, inducing 642  
another to use, administering to another, using, or otherwise 643  
dealing with a controlled substance is an element; 644

(4) A conspiracy to commit, attempt to commit, or 645  
complicity in committing or attempting to commit any offense 646  
under division (G)(1), (2), or (3) of this section. 647

(H) "Felony drug abuse offense" means any drug abuse 648  
offense that would constitute a felony under the laws of this 649  
state, any other state, or the United States. 650

(I) "Harmful intoxicant" does not include beer or 651  
intoxicating liquor but means any of the following: 652

(1) Any compound, mixture, preparation, or substance the 653  
gas, fumes, or vapor of which when inhaled can induce 654  
intoxication, excitement, giddiness, irrational behavior, 655  
depression, stupefaction, paralysis, unconsciousness, 656  
asphyxiation, or other harmful physiological effects, and 657  
includes, but is not limited to, any of the following: 658

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

(b) Any aerosol propellant; 663

(c) Any fluorocarbon refrigerant; 664

(d) Any anesthetic gas. 665

(2) Gamma Butyrolactone; 666

(3) 1,4 Butanediol. 667

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

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



(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.

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

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

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

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

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

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

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

(P) An offense is "committed in the vicinity of a school" 706  
if the offender commits the offense on school premises, in a 707  
school building, or within one thousand feet of the boundaries 708  
of any school premises, regardless of whether the offender knows 709  
the offense is being committed on school premises, in a school 710  
building, or within one thousand feet of the boundaries of any 711  
school premises. 712

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

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

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

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

the school is being conducted on the parcel of real property at 736  
the time a criminal offense is committed. 737

(S) "School building" means any building in which any of 738  
the instruction, extracurricular activities, or training 739  
provided by a school is conducted, whether or not any 740  
instruction, extracurricular activities, or training provided by 741  
the school is being conducted in the school building at the time 742  
a criminal offense is committed. 743

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

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

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

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

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

chapter;	765
(2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;	766 767 768
(3) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;	769 770 771
(4) A person licensed under Chapter 4707. of the Revised Code;	772 773
(5) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	774 775 776
(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	777 778 779
(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	780 781 782 783 784 785 786 787 788 789 790
(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching	791 792 793

license, a dental hygienist's license, or a dental hygienist's	794
teacher's certificate under Chapter 4715. of the Revised Code;	795
(9) A person who has been issued an embalmer's license, a	796
funeral director's license, a funeral home license, or a	797
crematory license, or who has been registered for an embalmer's	798
or funeral director's apprenticeship under Chapter 4717. of the	799
Revised Code;	800
(10) A person who has been licensed as a registered nurse	801
or practical nurse, or who has been issued a certificate for the	802
practice of nurse-midwifery under Chapter 4723. of the Revised	803
Code;	804
(11) A person who has been licensed to practice optometry	805
or to engage in optical dispensing under Chapter 4725. of the	806
Revised Code;	807
(12) A person licensed to act as a pawnbroker under	808
Chapter 4727. of the Revised Code;	809
(13) A person licensed to act as a precious metals dealer	810
under Chapter 4728. of the Revised Code;	811
(14) A person licensed under Chapter 4729. of the Revised	812
Code as a pharmacist or pharmacy intern or registered under that	813
chapter as a registered pharmacy technician, certified pharmacy	814
technician, or pharmacy technician trainee;	815
(15) A person licensed under Chapter 4729. of the Revised	816
Code as a manufacturer of dangerous drugs, outsourcing facility,	817
third-party logistics provider, repackager of dangerous drugs,	818
wholesale distributor of dangerous drugs, or terminal	819
distributor of dangerous drugs;	820
(16) A person who is authorized to practice as a physician	821

assistant under Chapter 4730. of the Revised Code;	822
(17) A person who has been issued a license to practice	823
medicine and surgery, osteopathic medicine and surgery, or	824
podiatric medicine and surgery under Chapter 4731. of the	825
Revised Code or has been issued a certificate to practice a	826
limited branch of medicine under that chapter;	827
(18) A person licensed as a psychologist, independent	828
school psychologist, or school psychologist under Chapter 4732.	829
of the Revised Code;	830
(19) A person registered to practice the profession of	831
engineering or surveying under Chapter 4733. of the Revised	832
Code;	833
(20) A person who has been issued a license to practice	834
chiropractic under Chapter 4734. of the Revised Code;	835
(21) A person licensed to act as a real estate broker or	836
real estate salesperson under Chapter 4735. of the Revised Code;	837
(22) A person registered as a registered environmental	838
health specialist under Chapter 3776. of the Revised Code;	839
(23) A person licensed to operate or maintain a junkyard	840
under Chapter 4737. of the Revised Code;	841
(24) A person who has been issued a motor vehicle salvage	842
dealer's license under Chapter 4738. of the Revised Code;	843
(25) A person who has been licensed to act as a steam	844
engineer under Chapter 4739. of the Revised Code;	845
(26) A person who has been issued a license or temporary	846
permit to practice veterinary medicine or any of its branches,	847
or who is registered as a graduate animal technician under	848

Chapter 4741. of the Revised Code;	849
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	850 851 852
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	853 854 855
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	856 857
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	858 859 860
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	861 862 863
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	864 865 866 867 868 869
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	870 871
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	872 873 874
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	875 876

(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	877 878
(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	879 880 881
(X) "Cocaine" means any of the following:	882
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	883 884
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	885 886 887 888
(3) A salt, compound, derivative, or preparation of a substance identified in division (X) (1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	889 890 891 892 893 894
(Y) "L.S.D." means lysergic acid diethylamide.	895
(Z) "Hashish" means a resin or a preparation of a resin to which both of the following apply:	896 897
(1) <del>It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.</del>	898 899 900
(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent.	901 902
"Hashish" does not include a hemp byproduct in the	903



possession of a licensed hemp processor under Chapter 928. of 904  
the Revised Code, provided that the hemp byproduct is being 905  
produced, stored, and disposed of in accordance with rules 906  
adopted under section 928.03 of the Revised Code. 907

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

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

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

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

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

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

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

(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	933 934
(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	935 936
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	937 938 939
(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.	940 941 942 943 944
(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.	945 946
(KK) "Fentanyl-related compound" means any of the following:	947 948
(1) Fentanyl;	949
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	950 951 952
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	953 954
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);	955 956
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	957 958 959

(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);	960 961
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	962 963
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;	964 965
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	966 967
(10) Alfentanil;	968
(11) Carfentanil;	969
(12) Remifentanil;	970
(13) Sufentanil;	971
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and	972 973
(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:	974 975 976 977 978 979 980
(a) A chemical scaffold consisting of both of the following:	981 982
(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;	983 984
(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached	985 986

aromatic ring or other lipophilic group to that nitrogen.	987
(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;	988 989 990
(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and	991 992
(d) The compound has not been approved for medical use by the United States food and drug administration.	993 994
(LL) "First degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A) (1) (b) of section 2929.14 of the Revised Code for a felony of the first degree, except that if the violation for which sentence is being imposed is committed on or after March 22, 2019, it means one of the minimum prison terms prescribed in division (A) (1) (a) of that section for a felony of the first degree.	995 996 997 998 999 1000 1001
(MM) "Second degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A) (2) (b) of section 2929.14 of the Revised Code for a felony of the second degree, except that if the violation for which sentence is being imposed is committed on or after March 22, 2019, it means one of the minimum prison terms prescribed in division (A) (2) (a) of that section for a felony of the second degree.	1002 1003 1004 1005 1006 1007 1008
(NN) "Maximum first degree felony mandatory prison term" means the maximum definite prison term prescribed in division (A) (1) (b) of section 2929.14 of the Revised Code for a felony of the first degree, except that if the violation for which sentence is being imposed is committed on or after March 22, 2019, it means the longest minimum prison term prescribed in division (A) (1) (a) of that section for a felony of the first	1009 1010 1011 1012 1013 1014 1015

degree. 1016

(OO) "Maximum second degree felony mandatory prison term" 1017  
means the maximum definite prison term prescribed in division 1018  
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 1019  
the second degree, except that if the violation for which 1020  
sentence is being imposed is committed on or after March 22, 1021  
2019, it means the longest minimum prison term prescribed in 1022  
division (A) (2) (a) of that section for a felony of the second 1023  
degree. 1024

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

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

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

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

addiction services provider and the offender knows that the 1045  
person is receiving or received that treatment. 1046

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

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

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

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

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

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

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

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

(B) If a person, prior to the effective date of this 1072

section, was convicted of or has pleaded guilty to a violation 1073  
of division (C) (3) or (7) of section 2925.11 of the Revised Code 1074  
and the conduct that was the basis of the violation involved 1075  
possession of not more than fifteen grams of hashish and not 1076  
more than two and one-half ounces of marihuana other than 1077  
hashish, the person may file an application under this section 1078  
requesting an expungement of the record of conviction. 1079

(C) Any person who is eligible under division (B) of this 1080  
section to file an application for expungement may apply to the 1081  
sentencing court for the expungement of the record of 1082  
conviction. The person may file the application at any time on 1083  
or after the effective date of this section. The application 1084  
shall do all of the following: 1085

(1) Identify the applicant, the offense for which the 1086  
expungement is sought, the date of the conviction of or plea of 1087  
guilty to that offense, and the court in which the conviction 1088  
occurred or the plea of guilty was entered; 1089

(2) Include evidence that the offense was a violation of 1090  
division (C) (3) or (7) of section 2925.11 of the Revised Code, 1091  
that the conviction or plea of guilty occurred prior to the 1092  
effective date of this section, and that the conduct that was 1093  
the basis of the violation involved possession of not more than 1094  
fifteen grams of hashish and not more than two and one-half 1095  
ounces of marihuana other than hashish; 1096

(3) Include a request for expungement of the record of 1097  
conviction of that offense under this section. 1098

(D) Upon the filing of an application under division (C) 1099  
of this section and the payment of the fee described in division 1100  
(H) of this section if applicable, the court shall set a date 1101

for a hearing and shall notify the prosecutor for the case of 1102  
the hearing on the application. The prosecutor may object to the 1103  
granting of the application by filing an objection with the 1104  
court prior to the date set for the hearing. The prosecutor 1105  
shall specify in the objection the reasons for believing a 1106  
denial of the application is justified. The court shall direct 1107  
its regular probation officer, a state probation officer, or the 1108  
department of probation of the county in which the applicant 1109  
resides to make inquiries and written reports as the court 1110  
requires concerning the applicant. The court shall hold the 1111  
hearing scheduled under this division. 1112

(E) At the hearing held under division (D) of this 1113  
section, the court shall do both of the following: 1114

(1) Determine whether the applicant has, prior to the 1115  
effective date of this section, been convicted of or pleaded 1116  
guilty to a violation of division (C) (3) or (7) of section 1117  
2925.11 of the Revised Code and whether the conduct that was the 1118  
basis for the violation involved possession of not more than 1119  
fifteen grams of hashish and not more than two and one-half 1120  
ounces of marihuana other than hashish; 1121

(2) If the prosecutor has filed an objection in accordance 1122  
with division (D) of this section, consider the reasons against 1123  
granting the application specified by the prosecutor in the 1124  
objection. 1125

(F) The court shall order the expungement of all official 1126  
records pertaining to the case and the deletion of all index 1127  
references to the case and, if it does order the expungement, 1128  
shall send notice of the order to each public office or agency 1129  
that the court has reason to believe may have an official record 1130  
pertaining to the case if the court, after complying with 1131



division (E) of this section, determines that the applicant, 1132  
prior to the effective date of this section, had been convicted 1133  
of or pleaded guilty to a violation of division (C) (3) or (7) of 1134  
section 2925.11 of the Revised Code and that the conduct that 1135  
was the basis for the violation involved possession of not more 1136  
than fifteen grams of hashish and not more than two and one-half 1137  
ounces of marihuana other than hashish. 1138

(G) The proceedings in the case that is the subject of an 1139  
order issued under division (F) of this section shall be 1140  
considered not to have occurred and the conviction or guilty 1141  
plea of the person who is the subject of the proceedings shall 1142  
be expunged. The record of the conviction shall not be used for 1143  
any purpose, including, but not limited to, a criminal records 1144  
check under section 109.572 of the Revised Code. The applicant 1145  
may, and the court shall, reply that no record exists with 1146  
respect to the applicant upon any inquiry into the matter. 1147

(H) Upon the filing of an application under this section, 1148  
the applicant, unless indigent, shall pay a fee of fifty 1149  
dollars. The court shall pay thirty dollars of the fee into the 1150  
state treasury and shall pay twenty dollars of the fee into the 1151  
county general revenue fund. 1152

**Sec. 3376.07.** A state institution of higher education, 1153  
private college, athletic association, conference, or other 1154  
group or organization with authority over intercollegiate 1155  
athletics may prohibit a student who participates in 1156  
intercollegiate athletics from entering into a contract 1157  
providing compensation to the student for use of the student's 1158  
name, image, or likeness if under the contract the student's 1159  
name, image, or likeness is associated with any of the 1160  
following: 1161

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

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

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

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

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

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

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

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

(C) "Controlled substance" means a drug, compound,

mixture, preparation, or substance included in schedule I, II,	1190
III, IV, or V.	1191
(D) "Dangerous drug" has the same meaning as in section	1192
4729.01 of the Revised Code.	1193
(E) "Dispense" means to sell, leave with, give away,	1194
dispose of, or deliver.	1195
(F) "Distribute" means to deal in, ship, transport, or	1196
deliver but does not include administering or dispensing a drug.	1197
(G) "Drug" has the same meaning as in section 4729.01 of	1198
the Revised Code.	1199
(H) "Drug abuse offense" and "felony drug abuse offense"	1200
have the same meanings as in section 2925.01 of the Revised	1201
Code.	1202
(I) "Federal drug abuse control laws" means the	1203
"Comprehensive Drug Abuse Prevention and Control Act of 1970,"	1204
84 Stat. 1242, 21 U.S.C. 801, as amended.	1205
(J) "Hospital" means a facility registered as a hospital	1206
with the department of health under section 3701.07 of the	1207
Revised Code.	1208
(K) "Hypodermic" means a hypodermic syringe or needle, or	1209
other instrument or device for the injection of medication.	1210
(L) "Manufacturer" means a person who manufactures a	1211
controlled substance, as "manufacture" is defined in section	1212
3715.01 of the Revised Code, and includes a "manufacturer of	1213
dangerous drugs" as defined in section 4729.01 of the Revised	1214
Code.	1215
(M) "Marihuana" means all parts of a plant of the genus	1216

cannabis, whether growing or not; the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture, or preparation of a plant of that type or of its seeds or resin. "Marihuana" does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Marihuana" does not include "hemp" or a "hemp product" as those terms are defined in section 928.01 of the Revised Code.

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

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

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

(3) "Amidone" means any substance identified chemically as 4-4-diphenyl-6-dimethylamino-heptanone-3, or any salt thereof,

by whatever trade name designated. 1247

(4) "Isoamidone" means any substance identified chemically 1248  
as 4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3, or any salt 1249  
thereof, by whatever trade name designated. 1250

(5) "Ketobemidone" means any substance identified 1251  
chemically as 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl 1252  
ketone hydrochloride, or any salt thereof, by whatever trade 1253  
name designated. 1254

(6) "Cocaine" has the same meaning as in section 2925.01 1255  
of the Revised Code. 1256

(O) "Official written order" means an order written on a 1257  
form provided for that purpose by the director of the United 1258  
States drug enforcement administration, under any laws of the 1259  
United States making provision for the order, if the order forms 1260  
are authorized and required by federal law. 1261

(P) "Person" means any individual, corporation, 1262  
government, governmental subdivision or agency, business trust, 1263  
estate, trust, partnership, association, or other legal entity. 1264

(Q) "Pharmacist" means a person licensed under Chapter 1265  
4729. of the Revised Code to engage in the practice of pharmacy. 1266

(R) "Pharmacy" has the same meaning as in section 4729.01 1267  
of the Revised Code. 1268

(S) "Poison" means any drug, chemical, or preparation 1269  
likely to be deleterious or destructive to adult human life in 1270  
quantities of four grams or less. 1271

(T) "Licensed health professional authorized to prescribe 1272  
drugs," "prescriber," and "prescription" have the same meanings 1273  
as in section 4729.01 of the Revised Code. 1274

(U) "Sale" includes delivery, barter, exchange, transfer, 1275  
or gift, or offer thereof, and each transaction of those natures 1276  
made by any person, whether as principal, proprietor, agent, 1277  
servant, or employee. 1278

(V) "Schedule I," "schedule II," "schedule III," "schedule 1279  
IV," and "schedule V" mean controlled substance schedules I, II, 1280  
III, IV, and V, respectively, as established by rule adopted 1281  
under section 3719.41 of the Revised Code, as amended pursuant 1282  
to section 3719.43 or 3719.44 of the Revised Code, or as 1283  
established by emergency rule adopted under section 3719.45 of 1284  
the Revised Code. 1285

(W) "Wholesaler" means a person who, on official written 1286  
orders other than prescriptions, supplies controlled substances 1287  
that the person has not manufactured, produced, or prepared 1288  
personally and includes a "wholesale distributor of dangerous 1289  
drugs" as defined in section 4729.01 of the Revised Code. 1290

(X) "Animal shelter" means a facility operated by a humane 1291  
society or any society organized under Chapter 1717. of the 1292  
Revised Code or a dog pound operated pursuant to Chapter 955. of 1293  
the Revised Code. 1294

(Y) "Terminal distributor of dangerous drugs" has the same 1295  
meaning as in section 4729.01 of the Revised Code. 1296

(Z) (1) "Controlled substance analog" means, except as 1297  
provided in division (Z) (2) of this section, a-either of the 1298  
following: 1299

(a) A substance to which both of the following apply: 1300

~~(a)~~ (i) The chemical structure of the substance is 1301  
substantially similar to the structure of a controlled substance 1302  
in schedule I or II. 1303

~~(b)~~(ii) One of the following applies regarding the substance: 1304  
1305

~~(i)~~(I) The substance has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II. 1306  
1307  
1308  
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~~(ii)~~(II) With respect to a particular person, that person represents or intends the substance to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II. 1311  
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~~(2)~~(b) Any substance with a similar chemical structure to delta-1-cis or trans tetrahydrocannabinol, and their optical isomers, salts and salts of isomers. This division includes, but is not limited to 9-hexahydrocannabinol, and delta-9-tetrahydrocannabinol acetate. Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions, are included. 1317  
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(2) "Controlled substance analog" does not include any of the following: 1325  
1326

(a) A controlled substance; 1327

(b) Any substance for which there is an approved new drug application; 1328  
1329

(c) With respect to a particular person, any substance if an exemption is in effect for investigational use for that person pursuant to federal law to the extent that conduct with 1330  
1331  
1332

respect to that substance is pursuant to that exemption; 1333

(d) Any substance to the extent it is not intended for 1334  
human consumption before the exemption described in division (Z) 1335  
(2) (b) of this section takes effect with respect to that 1336  
substance. 1337

(e) Delta-1-cis or trans tetrahydrocannabinol, 1338  
cannabichromene (CBC), cannabicyclol (CBL), cannabidiol (CBD), 1339  
cannabidivanol, cannabielsoin (CBE), cannabigerol (CBG), 1340  
cannabigerovarin (CBGV), cannabinol (CBN), or cannabivarin 1341  
(CBV). 1342

(f) With respect to a cultivator, processor, or testing 1343  
laboratory licensed pursuant to Chapter 3796. of the Revised 1344  
Code, any tetrahydrocannabinol produced in accordance with that 1345  
chapter. 1346

(AA) "Benzodiazepine" means a controlled substance that 1347  
has United States food and drug administration approved labeling 1348  
indicating that it is a benzodiazepine, benzodiazepine 1349  
derivative, triazolobenzodiazepine, or triazolobenzodiazepine 1350  
derivative, including the following drugs and their varying salt 1351  
forms or chemical congeners: alprazolam, chlordiazepoxide 1352  
hydrochloride, clobazam, clonazepam, clorazepate, diazepam, 1353  
estazolam, flurazepam hydrochloride, lorazepam, midazolam, 1354  
oxazepam, quazepam, temazepam, and triazolam. 1355

(BB) "Opioid analgesic" means a controlled substance that 1356  
has analgesic pharmacologic activity at the opioid receptors of 1357  
the central nervous system, including the following drugs and 1358  
their varying salt forms or chemical congeners: buprenorphine, 1359  
butorphanol, codeine (including acetaminophen and other 1360  
combination products), dihydrocodeine, fentanyl, hydrocodone 1361



(including acetaminophen combination products), hydromorphone, 1362  
meperidine, methadone, morphine sulfate, oxycodone (including 1363  
acetaminophen, aspirin, and other combination products), 1364  
oxymorphone, tapentadol, and tramadol. 1365

(CC) "Outsourcing facility," "repackager of dangerous 1366  
drugs," and "third-party logistics provider" have the same 1367  
meanings as in section 4729.01 of the Revised Code. 1368

**Sec. 3796.01.** (A) As used in this chapter: 1369

(1) "Marijuana" means marihuana as defined in section 1370  
3719.01 of the Revised Code. 1371

(2) "Medical marijuana" means marijuana that is 1372  
cultivated, processed, dispensed, tested, possessed, or used for 1373  
a medical purpose in accordance with this chapter. "Medical 1374  
marijuana" does not include adult-use marijuana or homegrown 1375  
marijuana. 1376

(3) "Academic medical center" has the same meaning as in 1377  
section 4731.297 of the Revised Code. 1378

(4) "Drug database" means the database established and 1379  
maintained by the state board of pharmacy pursuant to section 1380  
4729.75 of the Revised Code. 1381

(5) "Physician" means an individual authorized under 1382  
Chapter 4731. of the Revised Code to practice medicine and 1383  
surgery or osteopathic medicine and surgery. 1384

(6) "Qualifying medical condition" means any of the 1385  
following: 1386

(a) Acquired immune deficiency syndrome; 1387

(b) Alzheimer's disease; 1388

(c) Amyotrophic lateral sclerosis;	1389
(d) Cancer;	1390
(e) Chronic traumatic encephalopathy;	1391
(f) Crohn's disease;	1392
(g) Epilepsy or another seizure disorder;	1393
(h) Fibromyalgia;	1394
(i) Glaucoma;	1395
(j) Hepatitis C;	1396
(k) Inflammatory bowel disease;	1397
(l) Multiple sclerosis;	1398
(m) Pain that is either of the following:	1399
(i) Chronic and severe;	1400
(ii) Intractable.	1401
(n) Parkinson's disease;	1402
(o) Positive status for HIV;	1403
(p) Post-traumatic stress disorder;	1404
(q) Sickle cell anemia;	1405
(r) Spinal cord disease or injury;	1406
(s) Tourette's syndrome;	1407
(t) Traumatic brain injury;	1408
(u) Ulcerative colitis;	1409
(v) Any other disease or condition added by the state	1410
medical board under section 4731.302 of the Revised Code.	1411

- (7) "State university" has the same meaning as in section 3345.011 of the Revised Code. 1412  
1413
- (8) "Adult-use consumer" means an individual who is at least twenty-one years of age. 1414  
1415
- (9) "Adult-use marijuana" means marijuana that is cultivated, processed, dispensed, or tested for, or possessed or used by, an adult-use consumer, in accordance with this chapter. "Adult-use marijuana" does not include medical marijuana or homegrown marijuana. 1416  
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- (10) "Church" has the meaning defined in section 1710.01 of the Revised Code. 1421  
1422
- (11) "Public library" means a library provided for under Chapter 3375. of the Revised Code. 1423  
1424
- (12) "Public park" means a park established by the state or a political subdivision of the state, including a county, township, municipal corporation, or park district. 1425  
1426  
1427
- (13) "Public playground" means a playground established by the state or a political subdivision of the state, including a county, township, municipal corporation, or park district. 1428  
1429  
1430
- (14) "School" means a child care center as defined under section 5104.01 of the Revised Code, a preschool as defined under section 2950.034 of the Revised Code, or a public or nonpublic primary school or secondary school. 1431  
1432  
1433  
1434
- (15) "Public place" has the same meaning as in section 3794.01 of the Revised Code. 1435  
1436
- (16) "Ohio investigative unit" means the investigative unit maintained by the department of public safety under section 5502.13 of the Revised Code. 1437  
1438  
1439

(17) "Homegrown marijuana" means marijuana cultivated, 1440  
grown, processed, or possessed by an adult-use consumer in 1441  
accordance with section 3796.04 of the Revised Code. "Homegrown 1442  
marijuana" does not include medical marijuana or adult-use 1443  
marijuana. 1444

(18) "Provisional license" means a temporary license 1445  
issued by the division of marijuana control to an applicant for 1446  
a cultivator, processor, retail dispensary, or laboratory 1447  
license under this chapter that establishes the conditions that 1448  
must be met before the provisional license holder may engage in 1449  
the activities authorized by section 3796.18, 3796.19, 3796.20, 1450  
or 3796.21 of the Revised Code. 1451

(19) "Certificate of operation" means a certificate issued 1452  
by the division to the holder of a provisional license that 1453  
authorizes the recipient to engage in the activities authorized 1454  
by section 3796.18, 3796.19, 3796.20, or 3796.21 of the Revised 1455  
Code. 1456

(B) Notwithstanding any conflicting provision of Chapter 1457  
3719. of the Revised Code or the rules adopted under it, for 1458  
purposes of this chapter, ~~medical~~-marijuana is a schedule II 1459  
controlled substance. 1460

**Sec. 3796.02.** There is hereby established a division of 1461  
marijuana control in the department of commerce under the 1462  
supervision and direction of the superintendent of marijuana 1463  
control as established under section 121.04 of the Revised Code. 1464  
The ~~medical~~-marijuana control program is hereby established in 1465  
the division of marijuana control. The division shall provide 1466  
for the licensure of ~~medical~~-marijuana cultivators, processors, 1467  
retail dispensaries, and laboratories that test ~~medical~~- 1468  
marijuana. The division shall also provide for the registration 1469

of patients and their caregivers. The division shall administer 1470  
the ~~medical~~-marijuana control program. 1471

**Sec. 3796.03.** (A) The division of marijuana control shall 1472  
adopt rules establishing standards and procedures for the 1473  
~~medical~~-marijuana control program. 1474

All rules adopted under this section shall be adopted in 1475  
accordance with Chapter 119. of the Revised Code. 1476

(B) The rules shall do all of the following: 1477

(1) Establish application procedures and fees for licenses 1478  
it issues under this chapter; 1479

(2) Specify both of the following: 1480

(a) The conditions that must be met to be eligible for 1481  
licensure; 1482

(b) In accordance with section 9.79 of the Revised Code, 1483  
the criminal offenses for which an applicant will be 1484  
disqualified from licensure pursuant to that section. 1485

(3) Establish, in accordance with section 3796.05 of the 1486  
Revised Code, the number of cultivator licenses ~~and retail~~  
~~dispensary licenses~~ that will be permitted at any one time; 1487  
1488

(4) Establish a license renewal schedule, renewal 1489  
procedures, and renewal fees; 1490

(5) Specify reasons for which a license may be suspended, 1491  
including without prior hearing, revoked, or not be renewed or 1492  
issued and the reasons for which a civil penalty may be imposed 1493  
on a license holder; 1494

(6) Establish standards under which a license suspension 1495  
may be lifted; 1496

(7) Establish procedures for registration of <u>medical</u>	1497
<u>marijuana</u> patients and caregivers and requirements that must be	1498
met to be eligible for registration;	1499
(8) Establish training requirements for employees of	1500
retail dispensaries;	1501
(9) Specify if a cultivator, processor, retail dispensary,	1502
or laboratory that is licensed under this chapter and that	1503
existed at a location before a school, church, public library,	1504
public playground, or public park became established within five	1505
hundred feet of the cultivator, processor, retail dispensary, or	1506
laboratory, may remain in operation or shall relocate or have	1507
its license revoked by the division;	1508
(10) Specify, by form and tetrahydrocannabinol content, a	1509
maximum ninety-day supply of medical marijuana that may be	1510
possessed;	1511
(11) Specify the paraphernalia or other accessories that	1512
may be used in the administration to a registered patient of	1513
medical marijuana;	1514
(12) Establish procedures for the issuance of patient or	1515
caregiver identification cards;	1516
(13) Specify the forms of or methods of using medical	1517
marijuana that are attractive to children;	1518
(14) Specify both of the following:	1519
(a) Subject to division (B) (14) (b) of this section, the	1520
criminal offenses for which a person will be disqualified from	1521
employment with a license holder;	1522
(b) Which of the criminal offenses specified pursuant to	1523
division (B) (14) (a) of this section will not disqualify a person	1524

from employment with a license holder if the person was 1525  
convicted of or pleaded guilty to the offense more than five 1526  
years before the date the employment begins. 1527

(15) Establish a program to assist medical marijuana 1528  
patients who are veterans or indigent in obtaining medical 1529  
marijuana in accordance with this chapter; 1530

(16) Establish, in accordance with section 3796.05 of the 1531  
Revised Code, standards and procedures for the testing of 1532  
medical marijuana and adult-use marijuana by a laboratory 1533  
licensed under this chapter. 1534

(C) In addition to the rules described in division (B) of 1535  
this section, the division may adopt any other rules it 1536  
considers necessary for the program's administration and the 1537  
implementation and enforcement of this chapter. 1538

(D) When adopting rules under this section, the division 1539  
shall consider standards and procedures that have been found to 1540  
be best practices relative to the use and regulation of medical 1541  
marijuana, adult-use marijuana, and homegrown marijuana. 1542

**Sec. 3796.04.** (A) Notwithstanding any other provision of 1543  
the Revised Code, an adult-use consumer may do all of the 1544  
following: 1545

(1) Cultivate, grow, and possess not more than six 1546  
homegrown marijuana plants at the adult-use consumer's primary 1547  
residence, if all of the following apply: 1548

(a) Not more than six homegrown marijuana plants are 1549  
cultivated or grown at a single residence; 1550

(b) Cultivation or growing of homegrown marijuana takes 1551  
place only within a secured closet, room, greenhouse, or other 1552

enclosed area in or on the grounds of the residence that 1553  
prevents access by individuals under twenty-one years of age, 1554  
and which is not visible by normal unaided vision from a public 1555  
space; 1556

(c) Cultivation or growing of homegrown marijuana does not 1557  
take place at a residence that is a type A family child care 1558  
home or type B family child care home, as those terms are 1559  
defined in section 5104.01 of the Revised Code; 1560

(d) Cultivation or growing of homegrown marijuana does not 1561  
take place at a residence occupied pursuant to a rental 1562  
agreement that prohibits the activities otherwise authorized by 1563  
this section. 1564

(2) Process by manual or mechanical means homegrown 1565  
marijuana cultivated or grown in accordance with this section. 1566

(3) Store at the adult-use consumer's primary residence 1567  
adult-use marijuana that was purchased from a dispensary 1568  
licensed under this chapter or homegrown marijuana produced by 1569  
the adult-use consumer in accordance with this section. 1570

(4) Use homegrown marijuana grown, cultivated, and 1571  
processed at the adult-use consumer's primary residence in 1572  
accordance with this section; 1573

(5) Possess any paraphernalia or accessories that may be 1574  
used in the administration of adult-use marijuana. 1575

(B) No person shall give, sell, or transfer homegrown 1576  
marijuana to any other person, with or without remuneration. 1577

(C) This section does not authorize any person to: 1578

(1) Cultivate, grow, or process homegrown marijuana except 1579  
at the person's primary residence; 1580



(2) Use, cultivate, process, transfer, or transport adult-use marijuana or homegrown marijuana before reaching twenty-one years of age; 1581  
1582  
1583

(3) Process homegrown by hydrocarbon-based extraction; 1584

(4) Sell, or profit from, homegrown marijuana; 1585

(5) Cultivate, grow, or possess homegrown marijuana on behalf of another person. 1586  
1587

(D) The total amount of homegrown marijuana and adult-use marijuana possessed by an adult-use consumer shall not exceed: 1588  
1589

(1) Two and one-half ounces of plant material, excluding any seeds, live plants, or clones being cultivated, grown, or processed in accordance with this section; 1590  
1591  
1592

(2) Fifteen grams of extract. 1593

(E) Subject to divisions (B), (C), and (D) of this section, an adult-use consumer shall not be subject to arrest or criminal prosecution for engaging in any of the activities described in division (A) of this section. 1594  
1595  
1596  
1597

(F) This section does not authorize an adult-use consumer to operate a vehicle, streetcar, trackless trolley, watercraft, or aircraft while under the influence of homegrown marijuana. 1598  
1599  
1600

**Sec. 3796.05.** (A) When establishing the number of 1601  
cultivator licenses that will be permitted at any one time, the 1602  
division of marijuana control shall consider ~~both~~ all of the 1603  
following: 1604

(1) The population of this state; 1605

(2) The number of patients seeking to use medical 1606  
marijuana; 1607

(3) The number of adult-use consumers seeking to use 1608  
adult-use marijuana. 1609

~~(B) When establishing the number of (B) (1) Not more than~~ 1610  
~~three hundred fifty retail dispensary licenses that will shall~~ 1611  
~~be permitted at any one time, the division shall consider all of~~ 1612  
~~the following:—~~ 1613

~~(1) The population of this state;—~~ 1614

~~(2) The number of patients seeking to use medical~~ 1615  
~~marijuana;—~~ 1616

~~(3) The geographic distribution of dispensary sites in an~~ 1617  
~~effort to ensure patient access to medical marijuana.~~ 1618

(2) (a) The division may revoke a retail dispensary license 1619  
for failure to secure a certificate of operation within eighteen 1620  
months after provisional licensure. 1621

(b) The holder of a provisional license may apply to the 1622  
division for not more than two six-month extensions of the 1623  
deadline prescribed by division (B) (2) (b) of this section. The 1624  
division shall approve the extension if the provisional license 1625  
holder demonstrates that the provisional license holder has made 1626  
a good-faith effort to become operational. 1627

(3) When issuing retail dispensary licenses, the division 1628  
of marijuana control shall ensure that the geographic 1629  
distribution of dispensary sites does not result in the 1630  
oversaturation of any geographic area. 1631

(4) The division shall not, on or after the effective date 1632  
of this amendment, issue a retail dispensary license for, or 1633  
approve the relocation of a licensed retail dispensary to, a 1634  
location or facility: 1635

<u>(a) That is within one-half mile of another licensed</u>	1636
<u>retail dispensary;</u>	1637
<u>(b) For which a permit has been issued under Chapter 4303.</u>	1638
<u>of the Revised Code to sell beer and intoxicating liquor, as</u>	1639
<u>those terms are defined in section 4301.01 of the Revised Code.</u>	1640
(C) When establishing standards and procedures for the	1641
testing of medical marijuana <u>and adult-use marijuana</u> , the	1642
division shall do all of the following:	1643
(1) Specify when testing must be conducted;	1644
(2) Determine the minimum amount of medical marijuana <u>or</u>	1645
<u>adult-use marijuana</u> that must be tested;	1646
(3) Specify the manner in which testing is to be conducted	1647
in an effort to ensure uniformity of medical marijuana products	1648
<del>processed for and dispensed to patients</del> <u>and adult-use marijuana</u>	1649
<u>products;</u>	1650
(4) Specify the manner in which test results are provided.	1651
<b>Sec. 3796.06.</b> (A) Only the following forms of medical	1652
marijuana may be dispensed under this chapter:	1653
(1) Oils;	1654
(2) Tinctures;	1655
(3) Plant material;	1656
(4) Edibles;	1657
(5) Patches;	1658
(6) Any other form approved by the division of marijuana	1659
control under section 3796.061 of the Revised Code.	1660
(B) <u>Only the following forms of adult-use marijuana may be</u>	1661

<u>dispensed under this chapter:</u>	1662
<u>(1) Any form in which medical marijuana may be dispensed;</u>	1663
<u>(2) Extracts;</u>	1664
<u>(3) Drops;</u>	1665
<u>(4) Lozenges;</u>	1666
<u>(5) Smoking or combustible products;</u>	1667
<u>(6) Vaporization products;</u>	1668
<u>(7) Beverages;</u>	1669
<u>(8) Pills;</u>	1670
<u>(9) Capsules;</u>	1671
<u>(10) Suppositories;</u>	1672
<u>(11) Oral pouches;</u>	1673
<u>(12) Oral strips;</u>	1674
<u>(13) Oral and topical sprays;</u>	1675
<u>(14) Salves;</u>	1676
<u>(15) Lotions or similar cosmetic products;</u>	1677
<u>(16) Inhalers;</u>	1678
<u>(17) Seeds;</u>	1679
<u>(18) Live plants;</u>	1680
<u>(19) Clones.</u>	1681
<u>(C) With respect to the methods of using medical</u>	1682
<u>marijuana, adult-use marijuana, and homegrown marijuana, all of</u>	1683
<u>the following apply:</u>	1684

(1) The smoking or combustion of medical marijuana is 1685  
prohibited. 1686

(2) The smoking, combustion, and vaporization of adult-use 1687  
marijuana and homegrown marijuana, and the vaporization of 1688  
medical marijuana, is permitted only in a private residence that 1689  
is not either of the following: 1690

(a) A type A family child care home or type B family child 1691  
care home, as those terms are defined in section 5104.01 of the 1692  
Revised Code; 1693

(b) A residential premises occupied pursuant to a rental 1694  
agreement that prohibits smoking, combustion, or vaporization of 1695  
marijuana. 1696

(3) The division may approve additional methods of using 1697  
medical marijuana, other than smoking or combustion, under 1698  
section 3796.061 of the Revised Code. 1699

~~(C)-(D)~~ (1) Any form or method of using medical marijuana 1700  
that is considered attractive to children, as specified in rules 1701  
adopted by the division, is prohibited. 1702

(2) Adult-use marijuana shall not be dispensed or sold in 1703  
a form or shape that bears the likeness or contains the 1704  
characteristics of a realistic or fictional human, animal, or 1705  
fruit, including artistic, caricature, or cartoon renderings. 1706

~~(D)~~ ~~With respect to tetrahydrocannabinol content, all of~~ 1707  
~~the following apply:~~ 1708

~~(1)~~ ~~Plant material shall have a~~ (E) (1) The 1709  
tetrahydrocannabinol content of medical marijuana dispensed or 1710  
sold to patients or caregivers shall not more than thirty five 1711  
exceed: 1712

- (a) Thirty-five per cent for plant material; 1713
- (b) Seventy per cent for extracts. 1714
- ~~(2) Extracts shall have a~~ Except as otherwise provided in 1715  
division (F) of this section, the tetrahydrocannabinol content 1716  
of adult-use marijuana dispensed or sold to adult-use consumers 1717  
shall not more than seventy exceed: 1718
- (a) Thirty-five per cent for plant material; 1719
- (b) Fifty per cent for extracts. 1720
- (3) The amount of tetrahydrocannabinol in adult-use 1721  
marijuana dispensed or sold to adult-use consumers, other than 1722  
adult-use marijuana intended for consumption by vaporization, 1723  
shall not exceed either of the following: 1724
- (a) Ten milligrams per serving; 1725
- (b) One hundred milligrams per package. 1726
- (F) The division of marijuana control may adopt rules, in 1727  
accordance with Chapter 119. of the Revised Code, that do either 1728  
or both of the following so long as such rules are supported by 1729  
scientific evidence and consistent with industry standards: 1730
- (1) Allow, notwithstanding division (E) (2) (b) of this 1731  
section, adult-use marijuana extracts intended for use or 1732  
consumption by vaporization to be dispensed or sold to adult-use 1733  
consumers with a tetrahydrocannabinol content in excess of fifty 1734  
per cent; 1735
- (2) Establish, subject to division (E) (3) of this section, 1736  
tetrahydrocannabinol content limits for adult-use marijuana 1737  
dispensed or sold to adult-use consumers as a percentage by 1738  
weight, content per unit, or content per package. 1739

(G) No person shall knowingly give, sell, or distribute adult-use marijuana, or homegrown marijuana to a person under twenty-one years of age. 1740  
1741  
1742

(H) No person under the age of twenty one shall knowingly purchase, use, or possess adult-use marijuana or homegrown marijuana. 1743  
1744  
1745

**Sec. 3796.062.** (A) No person shall transport marijuana other than adult-use marijuana, medical marijuana, or homegrown marijuana in a motor vehicle. 1746  
1747  
1748

(B) No person shall transport adult-use marijuana or medical marijuana in a motor vehicle unless either or both of the following apply: 1749  
1750  
1751

(1) The adult-use marijuana or medical marijuana is in the original, unopened packaging in which it was dispensed or sold; 1752  
1753

(2) The adult-use marijuana or medical marijuana is stored in the trunk of the motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat of the motor vehicle or in an area not normally occupied by the driver or passengers and not easily accessible by the driver. 1754  
1755  
1756  
1757  
1758

(C) No person shall transport homegrown marijuana in a motor vehicle unless the homegrown marijuana is stored in the trunk of the motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat of the motor vehicle or in an area not normally occupied by the driver or passengers and not easily accessible by the driver. 1759  
1760  
1761  
1762  
1763  
1764

(D) No person shall transport marijuana paraphernalia in a motor vehicle unless either or both of the following apply: 1765  
1766

(1) The marijuana paraphernalia is in the original, 1767

unopened packaging in which it was dispensed or sold; 1768

(2) The marijuana paraphernalia is stored in the trunk of 1769  
the motor vehicle or, if the motor vehicle does not have a 1770  
trunk, behind the last upright seat of the motor vehicle or in 1771  
an area not normally occupied by the driver or passengers and 1772  
not easily accessible by the driver. 1773

**Sec. 3796.07.** The ~~department of commerce~~ division of 1774  
marijuana control shall establish and maintain an electronic 1775  
database to monitor medical marijuana, other than medical 1776  
marijuana dispensed under section 3796.33 of the Revised Code, 1777  
from its seed source through its cultivation, processing, 1778  
testing, and dispensing. The ~~department~~ division may contract 1779  
with a separate entity to establish and maintain all or any part 1780  
of the electronic database on behalf of the department. 1781

The electronic database shall allow for information 1782  
regarding medical marijuana to be updated instantaneously. Any 1783  
cultivator, processor, retail dispensary, or laboratory licensed 1784  
under this chapter shall submit to the ~~department~~ division any 1785  
information the ~~department~~ division determines is necessary for 1786  
maintaining the electronic database. 1787

Information reported or collected under this section, 1788  
including all data contained in the electronic database, is 1789  
confidential and is not a public record for the purposes of 1790  
section 149.43 of the Revised Code. The ~~department~~ division and 1791  
any entity under contract with the ~~department~~ division shall not 1792  
make public any information reported to or collected by the 1793  
~~department~~ division under this ~~division~~ section that identifies 1794  
or would tend to identify any specific patient. Information or 1795  
data that does not identify a specific patient may be released 1796  
in summary, statistical, or aggregate form. 1797



**Sec. 3796.09.** (A) An entity that seeks to cultivate ~~or,~~ process medical marijuana, ~~or to~~ conduct laboratory testing of medical marijuana and adult-use marijuana shall file an application for licensure with the ~~department~~ division of commerce 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 3796.03 of the Revised Code.

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

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

(1) The report of the criminal records check conducted 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 3796.03 of the Revised Code.

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

(a) A laboratory licensed under this chapter;

- (b) An applicant for a license to conduct laboratory testing. 1827  
1828
- (3) ~~The~~ If the application is for a cultivator or processor license, the applicant demonstrates that it does not 1829  
none of its current or prospective owners, officers, board 1830  
members, administrators, employees, agents, or affiliates who 1831  
may significantly influence or control the applicant's 1833  
activities share any corporate officers or employees with any 1834  
either of the following: 1835
- (a) A laboratory licensed under this chapter; 1836
- (b) An applicant for a license to conduct laboratory testing. 1837  
1838
- (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. 1839  
1840  
1841
- (5) The information provided to the ~~department~~ division pursuant to section 3796.11 of the Revised Code demonstrates that the applicant is in compliance with the applicable tax laws of this state. 1842  
1843  
1844  
1845
- (6) The applicant demonstrates sufficient liquid capital and ability to meet financial responsibility requirements; 1846  
1847
- (7) The applicant demonstrates that the municipal corporation or township in which it will be located has not passed a moratorium or taken any other action that would prohibit the applicant from operating there; 1848  
1849  
1850  
1851
- (8) The application does not contain false, misleading, or deceptive information and does not omit material information; 1852  
1853
- (9) The applicant pays any fee required by the division; 1854

(10) The applicant meets all other licensure eligibility 1855  
conditions established in rules adopted under section 3796.03 of 1856  
the Revised Code. 1857

~~(C)~~ (D) If the number of eligible applicants exceed the 1858  
number of available licenses, the division shall use an 1859  
impartial and evidence-based process to rank the eligible 1860  
applicants. The ranking process shall take into account all of 1861  
the following: 1862

(1) The applicant's business plan; 1863

(2) The applicant's operations plan; 1864

(3) The applicant's security plan; 1865

(4) The applicant's financial plan; 1866

(5) The applicant's principal place of business; 1867

(6) The proposed location of the cultivation, processing, 1868  
or laboratory facility; 1869

(7) The applicant's plan for generating job and economic 1870  
development in this state; 1871

(8) The applicant's environmental plan; 1872

(9) Employment practices, including any plans to inform, 1873  
hire, or educate residents of the state, veterans, disabled 1874  
persons, women, or minorities; 1875

(10) The criminal records of all persons subject to the 1876  
criminal records check requirement; 1877

(11) The civil and administrative history of the applicant 1878  
and persons associated with the applicant; 1879

(12) Any other eligibility, suitability, or operations- 1880

based determination specified in this chapter or rules adopted 1881  
by the division thereunder. 1882

(E)(1) If the division uses a lottery system to issue 1883  
licenses under this section, the applicants shall be grouped 1884  
into the following distinct categories: 1885

(a) Highly exceeds; 1886

(b) Exceeds; 1887

(c) Meets; 1888

(d) Does not meet. 1889

(2) The division shall group the applicants such that the 1890  
number of applicants in each of the highly exceeds, exceeds, and 1891  
meets categories is roughly equal, unless doing so is not 1892  
possible while conforming to an impartial and evidence-based 1893  
process. Applicants that do not meet the eligibility 1894  
requirements prescribed by division (C) of this section shall be 1895  
placed in the does not meet category. 1896

(3) In conducting the lottery, the division shall give 1897  
applicants in the exceeds category double odds of being selected 1898  
as compared to applicants in the meets category. The division 1899  
shall give applicants in the highly exceeds category double the 1900  
odds of being selected as compared to applicants in the exceeds 1901  
category. An applicant grouped in the does not meet category is 1902  
ineligible for licensure. 1903

(F) ~~The department~~ division shall issue not less than 1904  
fifteen per cent of cultivator, processor, or laboratory 1905  
licenses to entities that are owned and controlled by United 1906  
States citizens who are residents of this state and are members 1907  
of one of the following economically disadvantaged groups: 1908

Blacks or African Americans, American Indians, Hispanics or 1909  
Latinos, and Asians. If no applications or an insufficient 1910  
number of applications are submitted by such entities that meet 1911  
the conditions set forth in division (B) of this section, the 1912  
licenses shall be issued according to usual procedures. 1913

As used in this division, "owned and controlled" means 1914  
that at least fifty-one per cent of the business, including 1915  
corporate stock if a corporation, is owned by persons who belong 1916  
to one or more of the groups set forth in this division, and 1917  
that those owners have control over the management and day-to- 1918  
day operations of the business and an interest in the capital, 1919  
assets, and profits and losses of the business proportionate to 1920  
their percentage of ownership. 1921

~~(D)~~ (G) A license expires according to the renewal 1922  
schedule established in rules adopted under section 3796.03 of 1923  
the Revised Code and may be renewed in accordance with the 1924  
procedures established in those rules. 1925

(H) A provisional license issued under this section is not 1926  
transferable. 1927

**Sec. 3796.10.** (A) An entity that seeks to dispense at 1928  
retail medical marijuana and adult-use marijuana shall file an 1929  
application for licensure with the division of marijuana 1930  
control. The entity shall file an application for each location 1931  
from which it seeks to operate. Each application shall be 1932  
submitted in accordance with rules adopted under section 3796.03 1933  
of the Revised Code. 1934

(B) The division shall evaluate and prioritize 1935  
applications for licensure under this section according to the 1936  
applicant's eligibility, suitability, and ability to operate. 1937

(C) The division shall not issue a license to an applicant 1938  
~~if~~ unless all of the following conditions are met: 1939

(1) The report of the criminal records check conducted 1940  
pursuant to section 3796.12 of the Revised Code with respect to 1941  
the application demonstrates that the person subject to the 1942  
criminal records check requirement has not been convicted of or 1943  
pleaded guilty to any of the disqualifying offenses specified in 1944  
rules adopted under section 9.79 and division (B) (2) (b) of 1945  
section 3796.03 of the Revised Code. 1946

(2) The applicant demonstrates that ~~it does not~~ none of 1947  
its current or prospective owners, officers, board members, 1948  
administrators, employees, agents, or affiliates who may 1949  
significantly influence or control the applicant's activities 1950  
have an ownership or investment interest in or compensation 1951  
arrangement with ~~any~~ either of the following: 1952

(a) A laboratory licensed under this chapter; 1953

(b) An applicant for a license to conduct laboratory 1954  
testing. 1955

(3) The applicant demonstrates that ~~it does not~~ none of 1956  
its current or prospective owners, officers, board members, 1957  
administrators, employees, agents, or affiliates who may 1958  
significantly influence or control the applicant's activities 1959  
share any corporate officers or employees with ~~any~~ either of the 1960  
following: 1961

(a) A laboratory licensed under this chapter; 1962

(b) An applicant for a license to conduct laboratory 1963  
testing. 1964

(4) The applicant demonstrates that it will not be located 1965

within five hundred feet of a school, church, public library,	1966
public playground, or public park.	1967
<u>(5) The applicant demonstrates that the proposed location</u>	1968
<u>or facility is not either of the following:</u>	1969
<u>(a) Located within one-half mile of another licensed</u>	1970
<u>retail dispensary;</u>	1971
<u>(b) Issued a permit under Chapter 4303. of the Revised</u>	1972
<u>Code to sell beer and intoxicating liquor, as those terms are</u>	1973
<u>defined in section 4301.01 of the Revised Code.</u>	1974
<u>(6) The information provided to the division pursuant to</u>	1975
<u>section 3796.11 of the Revised Code demonstrates that the</u>	1976
<u>applicant is in compliance with the applicable tax laws of this</u>	1977
<u>state.</u>	1978
<del>(6)</del> <u>(7) The applicant demonstrates sufficient liquid</u>	1979
<u>capital and ability to meet financial responsibility</u>	1980
<u>requirements;</u>	1981
<u>(8) The applicant demonstrates that the municipal</u>	1982
<u>corporation or township in which it will be located has not</u>	1983
<u>passed a moratorium or taken any other action that would</u>	1984
<u>prohibit the applicant from operating there;</u>	1985
<u>(9) The application does not contain false, misleading, or</u>	1986
<u>deceptive information and does not omit material information;</u>	1987
<u>(10) The applicant pays any fee required by the division;</u>	1988
<u>(11) The applicant meets all other licensure eligibility</u>	1989
<u>conditions established in rules adopted under section 3796.03 of</u>	1990
<u>the Revised Code.</u>	1991
<del>(C)</del> <u>(D) If the number of eligible applicants exceed the</u>	1992

<u>number of available licenses, the division shall use an</u>	1993
<u>impartial and evidence-based process to rank the eligible</u>	1994
<u>applicants. The ranking process shall take into account all of</u>	1995
<u>the following:</u>	1996
<u>(1) The applicant's business plan;</u>	1997
<u>(2) The applicant's operations plan;</u>	1998
<u>(3) The applicant's security plan;</u>	1999
<u>(4) The applicant's financial plan;</u>	2000
<u>(5) The applicant's principal place of business;</u>	2001
<u>(6) The proposed location of the cultivation, processing,</u>	2002
<u>or laboratory facility;</u>	2003
<u>(7) The applicant's plan for generating job and economic</u>	2004
<u>development in this state;</u>	2005
<u>(8) The applicant's environmental plan;</u>	2006
<u>(9) Employment practices, including any plans to inform,</u>	2007
<u>hire, or educate residents of the state, veterans, disabled</u>	2008
<u>persons, women, or minorities;</u>	2009
<u>(10) The criminal records of all persons subject to the</u>	2010
<u>criminal records check requirement;</u>	2011
<u>(11) The civil and administrative history of the applicant</u>	2012
<u>and persons associated with the applicant;</u>	2013
<u>(12) Any other eligibility, suitability, or operations-</u>	2014
<u>based determination specified in this chapter or rules adopted</u>	2015
<u>by the division thereunder.</u>	2016
<u>(E) (1) If the division uses a lottery system to issue</u>	2017
<u>licenses under this section, the applicants shall be grouped</u>	2018



into the following distinct categories: 2019

(a) Highly exceeds; 2020

(b) Exceeds; 2021

(c) Meets; 2022

(d) Does not meet. 2023

(2) The division shall group the applicants such that the 2024  
number of applicants in each of the highly exceeds, exceeds, and 2025  
meets categories is roughly equal, unless doing so is not 2026  
possible while conforming to an impartial and evidence-based 2027  
process. Applicants that do not meet the eligibility 2028  
requirements prescribed by division (C) of this section shall be 2029  
placed in the does not meet category. 2030

(3) In conducting the lottery, the division shall give 2031  
applicants in the exceeds category double the odds of being 2032  
selected as compared to applicants in the meets category. The 2033  
division shall give applicants in the highly exceeds category 2034  
double the odds of being selected as compared to applicants in 2035  
the exceeds category. An applicant grouped in the does not meet 2036  
category is ineligible for licensure. 2037

(F) The division shall issue not less than fifteen per 2038  
cent of retail dispensary licenses to entities that are owned 2039  
and controlled by United States citizens who are residents of 2040  
this state and are members of one of the following economically 2041  
disadvantaged groups: Blacks or African Americans, American 2042  
Indians, Hispanics or Latinos, and Asians. If no applications or 2043  
an insufficient number of applications are submitted by such 2044  
entities that meet the conditions set forth in division (B) of 2045  
this section, the licenses shall be issued according to usual 2046  
procedures. 2047

As used in this division, "owned and controlled" means 2048  
that at least fifty-one per cent of the business, including 2049  
corporate stock if a corporation, is owned by persons who belong 2050  
to one or more of the groups set forth in this division, and 2051  
that those owners have control over the management and day-to- 2052  
day operations of the business and an interest in the capital, 2053  
assets, and profits and losses of the business proportionate to 2054  
their percentage of ownership. 2055

~~(D)~~ (G) A license expires according to the renewal 2056  
schedule established in rules adopted under section 3796.03 of 2057  
the Revised Code and may be renewed in accordance with the 2058  
procedures established in those rules. 2059

(H) A provisional license issued under this section is not 2060  
transferable. 2061

**Sec. 3796.12.** (A) As used in this section, "criminal 2062  
records check" has the same meaning as in section 109.572 of the 2063  
Revised Code. 2064

(B) (1) As part of the application process for a license 2065  
issued under this chapter, the division of marijuana control 2066  
shall require each of the following to complete a criminal 2067  
records check: 2068

(a) An administrator or other person responsible for the 2069  
daily operation of the entity seeking the license; 2070

(b) An owner or prospective owner, officer or prospective 2071  
officer, or board member or prospective board member of the 2072  
entity seeking the license. 2073

(2) If a person subject to the criminal records check 2074  
requirement does not present proof of having been a resident of 2075  
this state for the five-year period immediately prior to the 2076

date the criminal records check is requested or provide evidence 2077  
that within that five-year period the superintendent of the 2078  
bureau of criminal identification and investigation has 2079  
requested information about the person from the federal bureau 2080  
of investigation in a criminal records check, the division shall 2081  
request that the person obtain through the superintendent a 2082  
criminal records request from the federal bureau of 2083  
investigation as part of the criminal records check of the 2084  
person. Even if a person presents proof of having been a 2085  
resident of this state for the five-year period, the division 2086  
may request that the person obtain information through the 2087  
superintendent from the federal bureau of investigation in the 2088  
criminal records check. 2089

(C) The division shall provide the following to each 2090  
person who is subject to the criminal records check requirement: 2091

(1) Information about accessing, completing, and 2092  
forwarding to the superintendent of the bureau of criminal 2093  
identification and investigation the form prescribed pursuant to 2094  
division (C) (1) of section 109.572 of the Revised Code and the 2095  
standard impression sheet to obtain fingerprint impressions 2096  
prescribed pursuant to division (C) (2) of that section; 2097

(2) Written notification that the person is to instruct 2098  
the superintendent to submit the completed report of the 2099  
criminal records check directly to the division. 2100

(D) Each person who is subject to the criminal records 2101  
check requirement shall pay to the bureau of criminal 2102  
identification and investigation the fee prescribed pursuant to 2103  
division (C) (3) of section 109.572 of the Revised Code for the 2104  
criminal records check conducted of the person. 2105

(E) The report of any criminal records check conducted by 2106  
the bureau of criminal identification and investigation in 2107  
accordance with section 109.572 of the Revised Code and pursuant 2108  
to a request made under this section is not a public record for 2109  
the purposes of section 149.43 of the Revised Code and shall not 2110  
be made available to any person other than the following: 2111

(1) The person who is the subject of the criminal records 2112  
check or the person's representative; 2113

(2) The members and staff of the division; 2114

(3) A court, hearing officer, or other necessary 2115  
individual involved in a case dealing with either of the 2116  
following: 2117

(a) A license denial resulting from the criminal records 2118  
check; 2119

(b) A civil or criminal action regarding the ~~medical~~ 2120  
marijuana control program or any violation of this chapter. 2121

(F) The division shall deny a license if, after receiving 2122  
the information and notification required by this section, a 2123  
person subject to the criminal records check requirement fails 2124  
to do either of the following: 2125

(1) Access, complete, or forward to the superintendent of 2126  
the bureau of criminal identification and investigation the form 2127  
prescribed pursuant to division (C)(1) of section 109.572 of the 2128  
Revised Code or the standard impression sheet prescribed 2129  
pursuant to division (C)(2) of that section; 2130

(2) Instruct the superintendent to submit the completed 2131  
report of the criminal records check directly to the division. 2132

**Sec. 3796.14.** (A) The division of marijuana control may do 2133

any of the following for any reason specified in rules adopted 2134  
under section 3796.03 of the Revised Code: 2135

(1) Suspend, suspend without prior hearing, revoke, or 2136  
refuse to renew a license or registration it issued under this 2137  
chapter or a license or ~~a registration~~ the state board of 2138  
pharmacy issued prior to the transfer of regulatory authority 2139  
over the ~~medical~~-marijuana control program to the division; 2140

(2) Refuse to issue a license; 2141

(3) Impose on a license holder a civil penalty in an 2142  
amount to be determined by the division. 2143

(4) ~~With respect to a suspension of a retail dispensary~~ 2144  
~~license without prior hearing, the division may utilize a~~ 2145  
~~telephone conference call to review the allegations and take a~~ 2146  
~~vote.~~ The division shall suspend a retail dispensary license 2147  
without prior hearing only if it finds clear and convincing 2148  
evidence that continued distribution of medical marijuana and 2149  
adult-use marijuana by the license holder presents a danger of 2150  
immediate and serious harm to others. The suspension shall 2151  
remain in effect, unless lifted by the division, until the 2152  
division issues its final adjudication order. If the division 2153  
does not issue the order within ninety days after the 2154  
adjudication hearing, the suspension shall be lifted on the 2155  
ninety-first day following the hearing. 2156

The division's actions under division (A) of this section 2157  
shall be taken in accordance with Chapter 119. of the Revised 2158  
Code. 2159

(B) ~~The~~ Subject to division (E) of this section, the 2160  
division and the Ohio investigative unit may inspect all of the 2161  
following for any reason specified in rules adopted under 2162

section 3796.03 of the Revised Code without prior notice to the applicant or license holder: 2163  
2164

(1) The premises of an applicant for licensure or holder of a current, valid cultivator, processor, retail dispensary, or laboratory license issued under this chapter; 2165  
2166  
2167

(2) All records maintained pursuant to this chapter by a holder of a current license. 2168  
2169

(C) Whenever it appears to the division or the unit, from its files, upon complaint, or otherwise, that any person or entity has engaged in, is engaged in, or is about to engage in any practice declared to be illegal or prohibited by this chapter or the rules adopted under this chapter, or when the division believes it to be in the best interest of the public, adult-use consumers, or medical marijuana patients, the division may do any of the following: 2170  
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(1) Investigate the person or entity as authorized pursuant to this chapter or the rules adopted under this chapter; 2178  
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(2) Issue subpoenas to any person or entity for the purpose of compelling either of the following: 2181  
2182

(a) The attendance and testimony of witnesses; 2183

(b) The production of books, accounts, papers, records, or documents. 2184  
2185

(D) If a person or entity fails to comply with any order of the division or the unit or a subpoena issued by the division or the unit pursuant to this section, a judge of the court of common pleas of the county in which the person resides or the entity may be served, on application of the division or the 2186  
2187  
2188  
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unit, shall compel obedience by attachment proceedings as for 2191  
contempt, as in the case of disobedience with respect to the 2192  
requirements of a subpoena issued from such court or a refusal 2193  
to testify in such court. 2194

(E) The Ohio investigative unit shall not inspect or 2195  
investigate the premises of any person under this section unless 2196  
one or both of the following apply: 2197

(1) The person inspected or investigated is licensed under 2198  
this chapter. 2199

(2) The unit is invited by local law enforcement having 2200  
jurisdiction over the person inspected or investigated. 2201

**Sec. 3796.15.** (A) The division of marijuana control and 2202  
the Ohio investigative unit shall enforce this chapter, or cause 2203  
it to be enforced. ~~If Subject to division (E) of section 3796.14~~ 2204  
~~of the Revised Code, if the division or the unit~~ has information 2205  
that this chapter or any rule adopted under this chapter has 2206  
been violated, it shall investigate the matter and take any 2207  
action as it considers appropriate. 2208

~~(B) Nothing in this chapter shall be construed to require~~ 2209  
~~the division to enforce minor violations if the division~~ 2210  
~~determines that the public interest is adequately served by a~~ 2211  
~~notice or warning to the alleged offender.~~ 2212

~~(C)~~ If the division suspends, revokes, or refuses to renew 2213  
any license or registration issued under this chapter and 2214  
determines that there is clear and convincing evidence of a 2215  
danger of immediate and serious harm to any person, the division 2216  
may place under seal all medical marijuana, adult-use marijuana, 2217  
and homegrown marijuana owned by or in the possession, custody, 2218  
or control of the affected license holder or registrant. Except 2219

as provided in this division, the division of marijuana control 2220  
shall not dispose of the medical marijuana, adult-use marijuana, 2221  
or homegrown marijuana sealed under this division until the 2222  
license holder or registrant exhausts all of the holder's or 2223  
registrant's appeal rights under Chapter 119. of the Revised 2224  
Code. The court involved in such an appeal may order the 2225  
division, during the pendency of the appeal, to sell medical 2226  
marijuana or adult-use marijuana that is perishable. The 2227  
division shall deposit the proceeds of the sale with the court. 2228

**Sec. 3796.17.** The division of marijuana control shall 2229  
establish a toll-free telephone line to respond to inquiries 2230  
from adult-use consumers, medical marijuana patients, 2231  
caregivers, and health professionals regarding adverse reactions 2232  
to ~~medical~~ marijuana and to provide information about available 2233  
services and assistance. The division may contract with a 2234  
separate entity to establish and maintain the telephone line on 2235  
behalf of the division. 2236

**Sec. 3796.18.** ~~(A)~~ (1) Notwithstanding any conflicting 2237  
provision of the Revised Code and except as provided in division 2238  
(B) of this section, the holder of a current, valid cultivator 2239  
license issued under this chapter may do either of the 2240  
following: 2241

~~(1)~~ (a) Cultivate medical marijuana and adult-use 2242  
marijuana; 2243

~~(2)~~ (b) Deliver or sell medical marijuana and adult-use 2244  
marijuana to one or more licensed processors. 2245

(2) A licensed cultivator engaging in the activities 2246  
authorized by this chapter shall do so respecting both medical 2247  
marijuana and adult-use marijuana. 2248



(B) A cultivator license holder shall not cultivate 2249  
medical marijuana or adult-use marijuana for personal, family, 2250  
or household use or on any public land, including a state park 2251  
as defined in section 154.01 of the Revised Code. 2252

(C) A cultivator license holder shall identify, package, 2253  
and label all medical marijuana and adult-use marijuana products 2254  
in accordance with this chapter and any rules adopted thereunder 2255  
before delivering or selling the products to a licensed 2256  
processor. 2257

(D) The division of marijuana control shall issue the 2258  
following types of cultivation licenses: 2259

(1) (a) A level I cultivator license that, except as 2260  
otherwise provided in division (D) (1) (b) of this section, 2261  
authorizes the license holder to operate a cultivation area of 2262  
up to twenty-five thousand square feet. 2263

(b) At the discretion of the division, a level I 2264  
cultivator may request and receive one or more expansions to the 2265  
cultivator's cultivation area so long as the resulting total 2266  
cultivation area, including all expansions, does not exceed 2267  
seventy-five thousand square feet. 2268

(2) (a) A level II cultivator license that, except as 2269  
otherwise provided in division (D) (2) (b) of this section, 2270  
authorizes the license holder to operate a cultivation area of 2271  
up to three thousand square feet. 2272

(b) At the discretion of the division, a level II 2273  
cultivator may request and receive one or more expansions to the 2274  
cultivator's cultivation area so long as the resulting total 2275  
cultivation area, including all expansions, does not exceed nine 2276  
thousand square feet. 2277

**Sec. 3796.19.** ~~(A)~~ (1) Notwithstanding any conflicting 2278  
provision of the Revised Code, the holder of a current, valid 2279  
processor license issued under this chapter may do any of the 2280  
following: 2281

~~(1)~~ (a) Obtain medical marijuana and adult-use marijuana 2282  
from one or more licensed cultivators; 2283

~~(2)~~ (b) Subject to division (B) of this section, process 2284  
medical marijuana and adult-use marijuana obtained from one or 2285  
more licensed cultivators into a form described in section 2286  
3796.06 of the Revised Code; 2287

~~(3)~~ (c) Deliver or sell processed medical marijuana and 2288  
adult-use marijuana to one or more licensed retail dispensaries. 2289

(2) A licensed processor engaging in the activities 2290  
authorized by this chapter shall do so respecting both medical 2291  
marijuana and adult-use marijuana. 2292

(B) ~~When processing medical marijuana, a~~ A licensed 2293  
processor shall do ~~both~~ all of the following before delivering 2294  
or selling medical marijuana or adult-use marijuana to a 2295  
licensed retail dispensary: 2296

(1) Package the medical marijuana or adult-use marijuana 2297  
in accordance with child-resistant effectiveness standards 2298  
described in 16 C.F.R. 1700.15(b) on September 8, 2016; 2299

(2) Label the ~~medical marijuana~~ packaging with the 2300  
product's tetrahydrocannabinol and cannabidiol content; 2301

(3) Comply with any packaging or labeling requirements 2302  
established in rules adopted by the division of marijuana 2303  
control under section 3796.03 of the Revised Code. 2304

**Sec. 3796.20.** ~~(A)~~ (1) Notwithstanding any conflicting 2305

provision of the Revised Code, the holder of a current, valid 2306  
retail dispensary license issued under this chapter, or 2307  
previously issued by the state board of pharmacy, may do ~~both of~~ 2308  
the following: 2309

~~(1)~~ (a) Obtain medical marijuana and adult-use marijuana 2310  
from one or more processors; 2311

~~(2)~~ (b) Dispense or sell medical marijuana in accordance 2312  
with division (B) of this section; 2313

(c) Dispense or sell adult-use marijuana in accordance 2314  
with division (C) of this section. 2315

(2) A licensed dispensary engaged in the activities 2316  
authorized by this chapter shall do so respecting both medical 2317  
marijuana and adult-use marijuana. 2318

(B) When dispensing or selling medical marijuana, a 2319  
licensed retail dispensary shall do all of the following: 2320

(1) Dispense or sell only upon a showing of a current, 2321  
valid, government-issued identification card and in accordance 2322  
with a written recommendation issued by a physician holding a 2323  
certificate to recommend issued by the state medical board under 2324  
section 4731.30 of the Revised Code; 2325

(2) Report to the drug database the information required 2326  
by section 4729.771 of the Revised Code; 2327

(3) Label the package containing medical marijuana with 2328  
the following information: 2329

(a) The name and address of the licensed processor and 2330  
retail dispensary; 2331

(b) The name of the patient and caregiver, if any; 2332

(c) The name of the physician who recommended treatment with medical marijuana;	2333 2334
(d) The directions for use, if any, as recommended by the physician;	2335 2336
(e) The date on which the medical marijuana was dispensed;	2337
(f) The quantity, strength, kind, or form of medical marijuana contained in the package.	2338 2339
<u>(4) Maintain an adequate supply of medical marijuana products to meet typical patient demand for those products;</u>	2340 2341
<u>(5) Ensure medical marijuana products are kept separate from adult-use marijuana, properly demarcated as medical marijuana, and prominently displayed in the dispensary.</u>	2342 2343 2344
<u>(C) When dispensing or selling adult-use marijuana, a licensed retail dispensary shall do all of the following:</u>	2345 2346
<u>(1) Dispense or sell adult-use marijuana only to adult-use consumers who present a current, valid, government-issued identification card demonstrating proof that the adult-use consumer is twenty-one years of age or older;</u>	2347 2348 2349 2350
<u>(2) Dispense or sell not more than the amount of adult-use marijuana that may be legally possessed by an adult-use consumer under section 3796.221 of the Revised Code to the same adult-use consumer in the same day;</u>	2351 2352 2353 2354
<u>(3) Label the package containing adult-use marijuana with the following information:</u>	2355 2356
<u>(a) The name and address of the licensed processor and retail dispensary;</u>	2357 2358
<u>(b) A statement that the use of adult-use marijuana by</u>	2359

individuals under twenty-one years of age is both harmful and 2360  
illegal; 2361

(c) The quantity, strength, kind, or form of adult-use 2362  
marijuana contained in the package. 2363

(D) When operating a licensed retail dispensary, ~~both~~-all 2364  
of the following apply: 2365

(1) A dispensary shall use only employees who have met the 2366  
training requirements established in rules adopted under section 2367  
3796.03 of the Revised Code. 2368

(2) A dispensary shall not make public any information it 2369  
collects that identifies or would tend to identify any specific 2370  
medical marijuana patient or adult-use consumer. 2371

(3) A dispensary shall prominently display both of the 2372  
following: 2373

(a) A statement that the use of adult-use or homegrown 2374  
marijuana by individuals under twenty-one years of age is both 2375  
harmful and illegal; 2376

(b) Information about the addictive qualities of marijuana 2377  
and the potential negative health consequences associated with 2378  
its use. 2379

**Sec. 3796.21.** (A) Notwithstanding any conflicting 2380  
provision of the Revised Code, the holder of a current, valid 2381  
laboratory license issued under this chapter ~~may~~ shall do both 2382  
of the following: 2383

(1) Obtain medical marijuana and adult-use marijuana from 2384  
one or more cultivators, processors, and retail dispensaries 2385  
licensed under this chapter; 2386

(2) Conduct ~~medical marijuana~~ testing in the manner 2387  
specified in rules adopted under section 3796.03 of the Revised 2388  
Code. 2389

(B) When testing medical marijuana or adult-use marijuana, 2390  
a licensed laboratory shall do both of the following: 2391

(1) Test ~~the marijuana~~ for potency, homogeneity, and 2392  
contamination; 2393

(2) Prepare a report of the test results. 2394

**Sec. 3796.22.** (A) Notwithstanding any conflicting 2395  
provision of the Revised Code, a patient registered under this 2396  
chapter who obtains medical marijuana from a licensed retail 2397  
dispensary ~~licensed under in accordance with~~ this chapter may do 2398  
~~both~~ all of the following: 2399

(1) Use medical marijuana; 2400

(2) Possess medical marijuana, subject to division (B) of 2401  
this section; 2402

(3) Possess any paraphernalia or accessories that may be 2403  
used in the administration of medical marijuana, as specified in 2404  
rules adopted under section 3796.03 of the Revised Code. 2405

(B) The amount of medical marijuana possessed by a 2406  
registered patient shall not exceed a ninety-day supply, as 2407  
specified in rules adopted under section 3796.03 of the Revised 2408  
Code. 2409

(C) A registered patient shall not be subject to arrest or 2410  
criminal prosecution for doing ~~any~~ either of the following in 2411  
accordance with this chapter: 2412

(1) Obtaining, using, or possessing medical marijuana; 2413

(2) Possessing any paraphernalia or accessories that may 2414  
be used in the administration of medical marijuana, as specified 2415  
in rules adopted under section 3796.03 of the Revised Code. 2416

(D) This section does not authorize a registered patient 2417  
to operate a vehicle, streetcar, trackless trolley, watercraft, 2418  
or aircraft while under the influence of medical marijuana. 2419

**Sec. 3796.221.** (A) Notwithstanding any conflicting 2420  
provision of the Revised Code, an adult-use consumer who obtains 2421  
adult-use marijuana from a licensed retail dispensary in 2422  
accordance with this chapter may do all of the following: 2423

(1) Use adult-use marijuana; 2424

(2) Possess adult-use marijuana, subject to divisions (B) 2425  
and (C) of this section; 2426

(3) Possess any paraphernalia or accessories that may be 2427  
used in the administration of adult-use marijuana. 2428

(B) The amount of adult-use marijuana possessed by an 2429  
adult-use consumer shall not exceed: 2430

(1) Two and one-half ounces of plant material; 2431

(2) Fifteen grams of extract. 2432

(C) An adult-use consumer shall store adult-use marijuana 2433  
possessed in accordance with this section in its original 2434  
packaging at all times the adult-use marijuana is not actively 2435  
being used. 2436

(D) Subject to divisions (B) and (C) of this section, an 2437  
adult-use consumer is not subject to arrest or criminal 2438  
prosecution for engaging in any of the activities described in 2439  
division (A) of this section. 2440

(E) This section does not authorize an adult-use consumer 2441  
to operate a vehicle, streetcar, trackless trolley, watercraft, 2442  
or aircraft while under the influence of adult-use marijuana. 2443

**Sec. 3796.24.** (A) The holder of a license, as defined in 2444  
section 4776.01 of the Revised Code, is not subject to 2445  
professional disciplinary action solely for engaging in 2446  
professional or occupational activities related to medical 2447  
marijuana. 2448

(B) Unless there is clear and convincing evidence that a 2449  
child is unsafe, the use, possession, or administration of 2450  
medical marijuana in accordance with this chapter shall not be 2451  
the sole or primary basis for any of the following: 2452

(1) An adjudication under section 2151.28 of the Revised 2453  
Code determining that a child is an abused, neglected, or 2454  
dependent child; 2455

(2) An allocation of parental rights and responsibilities 2456  
under section 3109.04 of the Revised Code; 2457

(3) A parenting time order under section 3109.051 or 2458  
3109.12 of the Revised Code. 2459

(C) Notwithstanding any conflicting provision of the 2460  
Revised Code, the use or possession of medical marijuana in 2461  
accordance with this chapter shall not be used as a reason for 2462  
disqualifying a patient from medical care or from including a 2463  
patient on a transplant waiting list. 2464

(D) Notwithstanding any conflicting provision of the 2465  
Revised Code, the use, possession, administration, cultivation, 2466  
processing, testing, or dispensing of medical marijuana in 2467  
accordance with this chapter shall not be used as the sole or 2468  
primary reason for taking action under any criminal or civil 2469



statute in the forfeiture or seizure of any property or asset. 2470

(E) Notwithstanding any conflicting provision of the 2471  
Revised Code, a person's status as a registered patient or 2472  
caregiver is not a sufficient basis for conducting a field 2473  
sobriety test on the person or for suspending the person's 2474  
driver's license. To conduct any field sobriety test, a law 2475  
enforcement officer must have an independent, factual basis 2476  
giving reasonable suspicion that the person is operating a 2477  
vehicle under the influence of marijuana or with a prohibited 2478  
concentration of marijuana in the person's whole blood, blood 2479  
serum, plasma, breath, or urine. 2480

(F) Notwithstanding any conflicting provision of the 2481  
Revised Code, a person's status as a registered patient or 2482  
caregiver shall not be used as the sole or primary basis for 2483  
rejecting the person as a tenant unless the rejection is 2484  
required by federal law. 2485

(G) This chapter does not do any of the following: 2486

(1) Require a physician to recommend that a patient use 2487  
medical marijuana to treat a qualifying medical condition; 2488

(2) Permit the use, possession, or administration of 2489  
medical marijuana, adult-use marijuana, or homegrown marijuana 2490  
other than as authorized by this chapter; 2491

(3) Permit the use, possession, or administration of 2492  
medical marijuana, adult-use marijuana, or homegrown marijuana 2493  
on federal land located in this state; 2494

(4) Require any public place to accommodate a registered 2495  
patient's use of medical marijuana or an adult-use consumer's 2496  
use of adult-use marijuana or homegrown marijuana; 2497

(5) ~~Prohibit~~ Subject to section 3796.06 of the Revised Code, prohibit any public place from accommodating a registered patient's use of medical marijuana or an adult-use consumer's use of adult-use marijuana or homegrown marijuana, other than by smoking, combustion, or vaporization; 2498  
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(6) Restrict research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity. 2503  
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**Sec. 3796.28.** (A) Nothing in this chapter does any of the following: 2507  
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(1) Requires an employer to permit or accommodate an employee's use, possession, or distribution of ~~medical~~ marijuana; 2509  
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(2) Prohibits an employer from refusing to hire, discharging, disciplining, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person's use, possession, or distribution of ~~medical~~ marijuana; 2512  
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(3) Prohibits an employer from establishing and enforcing a drug testing policy, drug-free workplace policy, or zero-tolerance drug policy; 2517  
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(4) Interferes with any federal restrictions on employment, including the regulations adopted by the United States department of transportation in Title 49 of the Code of Federal Regulations, as amended; 2520  
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(5) Permits a person to commence a cause of action against an employer for refusing to hire, discharging, disciplining, discriminating, retaliating, or otherwise taking an adverse 2524  
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employment action against a person with respect to hire, tenure, 2527  
terms, conditions, or privileges of employment related to 2528  
~~medical-marijuana~~; 2529

(6) Affects the authority of the administrator of workers' 2530  
compensation to grant rebates or discounts on premium rates to 2531  
employers that participate in a drug-free workplace program 2532  
established in accordance with rules adopted by the 2533  
administrator under Chapter 4123. of the Revised Code. 2534

(B) A person who is discharged from employment because of 2535  
that person's use of ~~medical-marijuana~~ shall be considered to 2536  
have been discharged for just cause for purposes of division (D) 2537  
of section 4141.29 of the Revised Code and shall be ineligible 2538  
to serve a waiting period or to be paid benefits for the 2539  
duration of the individual's unemployment as described in 2540  
division (D)(2) of that section if the person's use of ~~medical-~~ 2541  
marijuana was in violation of an employer's drug-free workplace 2542  
policy, zero-tolerance policy, or other formal program or policy 2543  
regulating the use of ~~medical-marijuana~~. 2544

(C) It is not a violation of division (A), (D), or (E) of 2545  
section 4112.02 of the Revised Code if an employer discharges, 2546  
refuses to hire, or otherwise discriminates against a person 2547  
because of that person's use of ~~medical-marijuana~~ if the 2548  
person's use of ~~medical-marijuana~~ is in violation of the 2549  
employer's drug-free workplace policy, zero-tolerance policy, or 2550  
other formal program or policy regulating the use of ~~medical-~~ 2551  
marijuana. 2552

**Sec. 3796.29.** ~~The~~ (A) Except as otherwise provided in 2553  
divisions (B) and (C) of this section, the legislative authority 2554  
of a municipal corporation may adopt an ordinance, or a board of 2555  
township trustees may adopt a resolution, to prohibit, or limit 2556

the number of, cultivators, processors, or retail dispensaries 2557  
licensed under this chapter within the municipal corporation or 2558  
within the unincorporated territory of the township, 2559  
respectively. 2560

(B) The legislative authority of a municipal corporation 2561  
shall not adopt an ordinance, and a board of township trustees 2562  
shall not adopt a resolution, that prohibits or limits the 2563  
operations of a cultivator, processor, or retail dispensary 2564  
licensed under this chapter on or before the effective date of 2565  
this amendment. This division does not prohibit the enforcement 2566  
of a municipal ordinance or township resolution adopted before 2567  
the effective date of this amendment. 2568

(C) This section does not authorize the legislative 2569  
authority of a municipal corporation or a board of township 2570  
trustees to adopt an ordinance or resolution limiting research 2571  
related to marijuana conducted at a state university, academic 2572  
medical center, or private research and development organization 2573  
as part of a research protocol approved by an institutional 2574  
review board or equivalent entity. 2575

**Sec. 3796.30.** (A) Except as provided in division (B) of 2576  
this section, no ~~medical~~-marijuana cultivator, processor, retail 2577  
dispensary, or laboratory that tests ~~medical~~-marijuana shall be 2578  
located within five hundred feet of the boundaries of a parcel 2579  
of real estate having situated on it a school, church, public 2580  
library, public playground, or public park. 2581

If the relocation of a cultivator, processor, retail 2582  
dispensary, or laboratory licensed under this chapter results in 2583  
the cultivator, processor, retail dispensary, or laboratory 2584  
being located within five hundred feet of the boundaries of a 2585  
parcel of real estate having situated on it a school, church, 2586

public library, public playground, or public park, the division 2587  
of marijuana control shall revoke the license it previously 2588  
issued to the cultivator, processor, retail dispensary, or 2589  
laboratory. 2590

(B) This section does not apply to research related to 2591  
marijuana conducted at a state university, academic medical 2592  
center, or private research and development organization as part 2593  
of a research protocol approved by an institutional review board 2594  
or equivalent entity. 2595

~~(C) As used in this section and sections 3796.03 and 2596  
3796.12 of the Revised Code:— 2597~~

~~"Church" has the meaning defined in section 1710.01 of the 2598  
Revised Code.— 2599~~

~~"Public library" means a library provided for under 2600  
Chapter 3375. of the Revised Code.— 2601~~

~~"Public park" means a park established by the state or a 2602  
political subdivision of the state including a county, township, 2603  
municipal corporation, or park district.— 2604~~

~~"Public playground" means a playground established by the 2605  
state or a political subdivision of the state including a 2606  
county, township, municipal corporation, or park district.— 2607~~

~~"School" means a child care center as defined under 2608  
section 5104.01 of the Revised Code, a preschool as defined 2609  
under section 2950.034 of the Revised Code, or a public or 2610  
nonpublic primary school or secondary school.— 2611~~

Sec. 3796.32. (A) The division of marijuana control may 2612  
adopt rules regulating the advertisement of adult-use marijuana 2613  
to prevent advertisements that are false, misleading, targeted 2614

to minors, promote excessive use, promote illegal activity, are 2615  
obscene or indecent, contain depictions of marijuana use, or 2616  
promote marijuana as an intoxicant. 2617

(B) Any rules the division adopts regulating the 2618  
advertisement of adult-use marijuana shall be at least as 2619  
stringent as the most stringent federal or state laws or rules 2620  
governing the advertisement of tobacco or alcohol. 2621

(C) The division may, at any time, conduct an audit of an 2622  
applicant's or license holder's published advertisements to 2623  
ensure that the applicant or license holder complies with this 2624  
chapter and associated rules. 2625

(D) Adult-use marijuana shall not be packaged, advertised, 2626  
or otherwise marketed using any graphic, picture, or drawing 2627  
that bears any resemblance to a cartoon character, or any 2628  
fictional character or popular culture figure whose target 2629  
audience is children or youth. 2630

(E) If the division determines that a person has violated 2631  
this section or any rule adopted in accordance with this 2632  
section, the division may require the person to stop using the 2633  
advertisement or proceed with any enforcement action it deems 2634  
necessary or proper, as outlined in this chapter and associated 2635  
rules. 2636

**Sec. 3796.33.** Notwithstanding any contrary provision of 2637  
the Revised Code, beginning on the effective date of this 2638  
section and ending on the date prescribed by rule of the 2639  
division of marijuana control, which shall be not later than one 2640  
year after the effective date of this section, all of the 2641  
following apply: 2642

(A) A retail dispensary may dispense or sell medical 2643

marijuana to any adult-use consumer, so long as the adult-use 2644  
consumer presents a current, valid, government-issued 2645  
identification card demonstrating proof that the adult-use 2646  
consumer is twenty-one years of age or older. 2647

(B) Medical marijuana dispensed or sold to an adult-use 2648  
consumer under this section shall be considered adult-use 2649  
marijuana for the purposes of this chapter after it is sold or 2650  
dispensed. An adult-use consumer who possesses or uses medical 2651  
marijuana dispensed or sold under this section is subject to all 2652  
requirements and penalties prescribed by this chapter for adult- 2653  
use marijuana, except that the possession and 2654  
tetrahydrocannabinol content limits for medical marijuana apply 2655  
in lieu of those prescribed for adult-use marijuana. 2656

(C) Medical marijuana dispensed or sold under this section 2657  
shall not be monitored in the electronic database established 2658  
under section 3796.07 of the Revised Code. 2659

(D) All rules adopted in accordance with this chapter that 2660  
apply to medical marijuana also apply to medical marijuana 2661  
dispensed under this section, to the extent those rules do not 2662  
conflict with this section or any provision of this chapter 2663  
specific to adult-use marijuana. 2664

**Sec. 3796.99.** (A) (1) Whoever violates division (C) (2) of 2665  
section 3796.06 of the Revised Code as an operator of the 2666  
vehicle, streetcar, trackless trolley, watercraft, or aircraft 2667  
is subject to section 1547.11, 4511.19, or 4561.15 of the 2668  
Revised Code, as applicable. 2669

(2) Whoever violates division (C) (2) of section 3796.06 of 2670  
the Revised Code as a passenger of the vehicle, streetcar, 2671  
trackless trolley, watercraft, or aircraft shall be sentenced as 2672

follows:

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

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(b) Except as otherwise provided in division (A)(2)(c),  
(d), or (e) of this section, an offender who, within ten years  
of the offense, previously has been convicted of or pleaded  
guilty to one violation of division (C)(2) of section 3796.06 of  
the Revised Code as a passenger of a vehicle, streetcar,  
trackless trolley, watercraft, or aircraft is guilty of a  
misdeemeanor of the first degree. The court shall sentence the  
offender to a mandatory jail term of ten consecutive days. The  
court may impose a jail term in addition to the ten-day  
mandatory jail term. However, in no case shall the cumulative  
jail term imposed for the offense exceed six months. In  
addition, notwithstanding the fines set forth in Chapter 2929.  
of the Revised Code, the court shall impose upon the offender a  
fine of not less than five hundred twenty-five and not more than  
one thousand six hundred twenty-five dollars. The court shall  
impose a class six suspension of the offender's license, permit,  
or privileges from the range specified in division (A)(6) of

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section 4510.02 of the Revised Code. 2704

(c) Except as otherwise provided in division (A) (2) (d) or 2705  
(e) of this section, an offender who, within ten years of the 2706  
offense, previously has been convicted of or pleaded guilty to 2707  
two violations of division (C) (2) of section 3796.06 of the 2708  
Revised Code as a passenger of a vehicle, streetcar, trackless 2709  
trolley, watercraft, or aircraft is guilty of a misdemeanor of 2710  
the first degree. The court shall sentence the offender to a 2711  
mandatory jail term of thirty consecutive days. The court may 2712  
impose a jail term in addition to the thirty-day mandatory jail 2713  
term. Notwithstanding the jail terms set forth in sections 2714  
2929.21 to 2929.28 of the Revised Code, the additional jail term 2715  
shall not exceed one year, and the cumulative jail term imposed 2716  
for the offense shall not exceed one year. In addition, 2717  
notwithstanding the fines set forth in Chapter 2929. of the 2718  
Revised Code, the court shall impose upon the offender a fine of 2719  
not less than eight hundred fifty and not more than two thousand 2720  
seven hundred fifty dollars. The court shall impose a class five 2721  
suspension of the offender's license, permit, or privileges from 2722  
the range specified in division (A) (5) of section 4510.02 of the 2723  
Revised Code. 2724

(d) Except as otherwise provided in division (A) (2) (e) of 2725  
this section, an offender who, within ten years of the offense, 2726  
previously has been convicted of or pleaded guilty to three 2727  
violations of division (C) (2) of section 3796.06 of the Revised 2728  
Code as a passenger of a vehicle, streetcar, trackless trolley, 2729  
watercraft, or aircraft is guilty of a felony of the fourth 2730  
degree. Notwithstanding the prison terms set forth in Chapter 2731  
2929. of the Revised Code, the court shall sentence the offender 2732  
to a mandatory prison term of one, two, three, four, or five 2733  
years. Additionally, notwithstanding section 2929.18 of the 2734

Revised Code, the court shall impose a fine of not less than one 2735  
thousand three hundred fifty nor more than ten thousand five 2736  
hundred dollars. The court shall impose a class four suspension 2737  
of the offender's license, permit, or privileges from the range 2738  
specified in division (A) (4) of section 4510.02 of the Revised 2739  
Code. 2740

(e) An offender who previously has been convicted of or 2741  
pleaded guilty to a felony violation of division (C) (2) of 2742  
section 3796.06 of the Revised Code as a passenger of a vehicle, 2743  
streetcar, trackless trolley, watercraft, or aircraft, 2744  
regardless of when the violation and the conviction or guilty 2745  
plea occurred, is guilty of a felony of the third degree. 2746  
Notwithstanding the prison terms set forth in Chapter 2929. of 2747  
the Revised Code, the court shall sentence the offender to a 2748  
mandatory prison term of one, two, three, four, or five years. 2749  
Additionally, notwithstanding section 2929.18 of the Revised 2750  
Code, the court shall impose a fine of not less than one 2751  
thousand three hundred fifty nor more than ten thousand five 2752  
hundred dollars. The court shall impose a class three suspension 2753  
of the offender's license, permit, or privileges from the range 2754  
specified in division (A) (3) of section 4510.02 of the Revised 2755  
Code. 2756

(B) Except as otherwise provided in division (A) of this 2757  
section, whoever violates division (C) (2) of section 3796.06 of 2758  
the Revised Code is guilty of a minor misdemeanor. 2759

(C) (1) (a) Except as provided in division (C) (1) (b) of this 2760  
section, whoever violates division (G) of section 3796.06 of the 2761  
Revised Code is guilty of a misdemeanor of the first degree. 2762

(b) An offender who has previously been convicted of, or 2763  
pleaded guilty to, a violation of division (G) of section 2764

3796.06 of the Revised Code, is guilty of a felony of the fifth degree. 2765  
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(2) The division of marijuana control shall immediately revoke the license of any license holder under this chapter who is found guilty of, or who pleads guilty or no contest to, violating division (G) of section 3796.06 of the Revised Code. 2767  
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(D) Whoever violates division (B) of section 3796.221 or division (A) (1) or (D) of section 3796.04 of the Revised Code is guilty of possession of marijuana under section 2925.11 of the Revised Code. 2771  
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(E) Whoever engages in any of the activities described in section 3796.18, 3796.19, 3796.20, or 3796.21 of the Revised Code without the proper license under this chapter is guilty of trafficking in marijuana under section 2925.03 of the Revised Code or illegal cultivation of marijuana under section 2925.04 of the Revised Code. 2775  
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(F) Whoever violates division (C) (2) of section 3796.20 of the Revised Code is guilty of trafficking in marijuana under section 2925.03 of the Revised Code. 2781  
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(G) (1) Except as otherwise provided in divisions (G) (2) to (4) of this section, whoever violates division (H) of section 3796.06 of the Revised Code by knowingly showing or giving false information concerning the individual's name, age, or other identification for the purpose of purchasing or otherwise obtaining adult-use marijuana from an adult-use dispensary licensed under this chapter is guilty of a misdemeanor of the first degree. 2784  
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(2) Except as otherwise provided in divisions (G) (3) and (4) of this section, whoever violates division (H) of section 2792  
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3796.06 of the Revised Code by knowingly presenting to an adult- 2794  
use dispensary licensed under this chapter a false, fictitious, 2795  
or altered identification card, a false or fictitious driver's 2796  
license purportedly issued by any state, or a driver's license 2797  
issued by any state that has been altered, is guilty of a 2798  
misdemeanor of the first degree and, notwithstanding division 2799  
(A) (2) of section 2929.28 of the Revised Code, shall be fined 2800  
not less than two hundred fifty dollars and not more than one 2801  
thousand dollars. 2802

(3) (a) Except as otherwise provided in division (G) (4) of 2803  
this section, an offender who has previously been convicted of 2804  
or pleaded guilty to a violation of division (H) of section 2805  
3796.06 of the Revised Code by knowingly presenting to an adult- 2806  
use dispensary licensed under this chapter a false, fictitious, 2807  
or altered identification card, a false or fictitious driver's 2808  
license purportedly issued by any state, or a driver's license 2809  
issued by any state that has been altered, is guilty of a 2810  
misdemeanor of the first degree and, notwithstanding division 2811  
(A) (2) of section 2929.28 of the Revised Code, shall be fined 2812  
not less than five hundred dollars nor more than one thousand 2813  
dollars. 2814

(b) (i) The court also may impose a class seven suspension 2815  
of the offender's driver's or commercial driver's license or 2816  
permit, or nonresident operating privilege, from the range 2817  
specified in division (A) (7) of section 4510.02 of the Revised 2818  
Code. 2819

(ii) The court, in lieu of suspending the offender's 2820  
temporary instruction permit, probationary driver's license, or 2821  
driver's license, instead may order the offender to perform a 2822  
determinate number of hours of community service, with the court 2823

determining the actual number of hours and the nature of the 2824  
community service the offender shall perform. 2825

(4) (a) An offender who has previously been convicted of or 2826  
pleaded guilty to two or more violations of division (H) of 2827  
section 3796.06 of the Revised Code by knowingly presenting to 2828  
an adult-use dispensary licensed under this chapter a false, 2829  
fictitious, or altered identification card, a false or 2830  
fictitious driver's license purportedly issued by any state, or 2831  
a driver's license issued by any state that has been altered, is 2832  
guilty of a misdemeanor of the first degree and, notwithstanding 2833  
division (A) (2) of section 2929.28 of the Revised Code, shall be 2834  
fined not less than five hundred dollars nor more than one 2835  
thousand dollars. 2836

(b) (i) The court also may impose a class six suspension of 2837  
the offender's driver's or commercial driver's license or permit 2838  
or nonresident operating privilege from the range specified in 2839  
division (A) (6) of section 4510.02 of the Revised Code, and the 2840  
court may order that the suspension or denial remain in effect 2841  
until the offender attains the age of twenty-one years. 2842

(ii) The court, in lieu of suspending the offender's 2843  
temporary instruction permit, probationary driver's license, or 2844  
driver's license, instead may order the offender to perform a 2845  
determinate number of hours of community service, with the court 2846  
determining the actual number of hours and the nature of the 2847  
community service the offender shall perform. 2848

(5) The financial sanctions required by divisions (G) (2) 2849  
to (4) of this section are in lieu of the financial sanctions 2850  
described in division (A) (2) of section 2929.28 of the Revised 2851  
Code but are in addition to any other sanctions or penalties 2852  
that may apply to the offender, including other financial 2853

sanctions under that section or a jail term under section 2854  
2929.24 of the Revised Code. 2855

(H) (1) Except as otherwise provided in division (H) (2) of 2856  
this section, whoever violates division (H) of section 3796.06 2857  
of the Revised Code by knowingly soliciting another person to 2858  
purchase adult-use marijuana from an adult-use dispensary 2859  
licensed under this chapter is guilty of a misdemeanor of the 2860  
fourth degree. 2861

(2) An offender who has previously been convicted of or 2862  
pleaded guilty to a violation of division (H) of section 3796.06 2863  
of the Revised Code by knowingly soliciting another individual 2864  
to purchase adult-use marijuana from an adult-use dispensary 2865  
licensed under this chapter is guilty of a misdemeanor of the 2866  
second degree. 2867

(I) Whoever violates division (A), (B), or (C) of section 2868  
3796.062 of the Revised Code is guilty of a minor misdemeanor. 2869

(J) Whoever violates division (D) of section 3796.062 of 2870  
the Revised Code is guilty of illegal use or possession of 2871  
marijuana drug paraphernalia under section 2925.141 of the 2872  
Revised Code. 2873

**Sec. 4301.17.** (A) (1) Subject to local option as provided 2874  
in sections 4301.32 to 4301.40 of the Revised Code, five state 2875  
liquor stores or agencies may be established in each county. One 2876  
additional store may be established in any county for each 2877  
twenty thousand of population of that county or major fraction 2878  
thereof in excess of the first forty thousand, according to the 2879  
last preceding federal decennial census or according to the 2880  
population estimates certified by the department of development 2881  
between decennial censuses. A person engaged in a mercantile 2882

business may act as the agent for the division of liquor control 2883  
for the sale of spirituous liquor in a municipal corporation, in 2884  
the unincorporated area of a township, or in an area designated 2885  
and approved as a resort area under section 4303.262 of the 2886  
Revised Code. The division shall fix the compensation for such 2887  
an agent in the manner it considers best, but the compensation 2888  
shall not exceed seven per cent of the gross sales made by the 2889  
agent in any one year. 2890

(2) The division shall adopt rules in accordance with 2891  
Chapter 119. of the Revised Code governing the allocation and 2892  
equitable distribution of agency store contracts. The division 2893  
shall comply with the rules when awarding a contract under 2894  
division (A) (1) of this section. 2895

(3) Pursuant to an agency store's contract, an agency 2896  
store may be issued a D-1 permit to sell beer, a D-2 permit to 2897  
sell wine and mixed beverages, and a D-5 permit to sell beer, 2898  
wine, mixed beverages, and spirituous liquor. 2899

(4) Pursuant to an agency store's contract, an agency 2900  
store may be issued a D-3 permit to sell spirituous liquor if 2901  
the agency store contains at least ten thousand square feet of 2902  
sales floor area. A D-3 permit issued to an agency store shall 2903  
not be transferred to a new location. The division shall revoke 2904  
any D-3 permit issued to an agency store under division (A) (4) 2905  
of this section if the agent no longer operates the agency 2906  
store. The division shall not issue a D-3a permit to an agency 2907  
store. 2908

(5) An agency store to which a D-8 permit has been issued 2909  
may allow the ~~sale~~consumption of tasting samples of spirituous 2910  
liquor in accordance with section 4301.171 of the Revised Code. 2911

(6) An agency store may sell beer, wine, mixed beverages, 2912  
and spirituous liquor only between the hours of nine a.m. and 2913  
eleven p.m. 2914

(B) When an agency contract is proposed, when an existing 2915  
agency contract is assigned, when an existing agency proposes to 2916  
relocate, or when an existing agency is relocated and assigned, 2917  
before entering into any contract, consenting to any assignment, 2918  
or consenting to any relocation, the division shall notify the 2919  
legislative authority of the municipal corporation in which the 2920  
agency store is to be located, or the board of county 2921  
commissioners and the board of township trustees of the county 2922  
and the township in which the agency store is to be located if 2923  
the agency store is to be located outside the corporate limits 2924  
of a municipal corporation, of the proposed contract, 2925  
assignment, or relocation, and an opportunity shall be provided 2926  
officials or employees of the municipal corporation or county 2927  
and township for a complete hearing upon the advisability of 2928  
entering into the contract or consenting to the assignment or 2929  
relocation. When the division sends notice to the legislative 2930  
authority of the political subdivision, the division shall 2931  
notify the chief peace officer of the political subdivision, who 2932  
may appear and testify, either in person or through a 2933  
representative, at any hearing held on the advisability of 2934  
entering into the contract or consenting to the assignment or 2935  
relocation. 2936

If the proposed agency store, the assignment of an agency 2937  
contract, or the relocation of an agency store would be located 2938  
within five hundred feet of a school, church, library, public 2939  
playground, or township park, the division shall not enter into 2940  
an agency contract until it has provided notice of the proposed 2941  
contract to the authorities in control of the school, church, 2942



library, public playground, or township park and has provided 2943  
those authorities with an opportunity for a complete hearing 2944  
upon the advisability of entering into the contract. If an 2945  
agency store so located is operating under an agency contract, 2946  
the division may consent to relocation of the agency store or to 2947  
the assignment of that contract to operate an agency store at 2948  
the same location. The division may also consent to the 2949  
assignment of an existing agency contract simultaneously with 2950  
the relocation of the agency store. In any such assignment or 2951  
relocation, the assignee and the location shall be subject to 2952  
the same requirements that the existing location met at the time 2953  
that the contract was first entered into as well as any 2954  
additional requirements imposed by the division in rules adopted 2955  
by the superintendent of liquor control. The division shall not 2956  
consent to an assignment or relocation of an agency store until 2957  
it has notified the authorities in control of the school, 2958  
church, library, public playground, or township park and has 2959  
provided those authorities with an opportunity for a complete 2960  
hearing upon the advisability of consenting to the assignment or 2961  
relocation. 2962

Any hearing provided for in this division shall be held in 2963  
the central office of the division, except that upon written 2964  
request of the legislative authority of the municipal 2965  
corporation, the board of county commissioners, the board of 2966  
township trustees, or the authorities in control of the school, 2967  
church, library, public playground, or township park, the 2968  
hearing shall be held in the county seat of the county where the 2969  
proposed agency store is to be located. 2970

(C) All agency contracts entered into by the division 2971  
pursuant to this section shall be in writing and shall contain a 2972  
clause providing for the termination of the contract at will by 2973

the division upon its giving ninety days' notice in writing to 2974  
the agent of its intention to do so. Any agency contract may 2975  
include a clause requiring the agent to report to the 2976  
appropriate law enforcement agency the name and address of any 2977  
individual under twenty-one years of age who attempts to make an 2978  
illegal purchase. 2979

The division shall issue a C-1 and C-2 permit to each 2980  
agent who prior to November 1, 1994, had not been issued both of 2981  
these permits, notwithstanding the population quota restrictions 2982  
contained in section 4303.29 of the Revised Code or in any rule 2983  
of the liquor control commission and notwithstanding the 2984  
requirements of section 4303.31 of the Revised Code. The 2985  
location of a C-1 or C-2 permit issued to such an agent shall 2986  
not be transferred. The division shall revoke any C-1 or C-2 2987  
permit issued to an agent under this paragraph if the agent no 2988  
longer operates an agency store. 2989

The division may enter into agreements with the department 2990  
of development to implement a minority loan program to provide 2991  
low-interest loans to minority business enterprises, as defined 2992  
in section 122.71 of the Revised Code, that are awarded liquor 2993  
agency contracts or assignments. 2994

(D) If the division closes a state liquor store and 2995  
replaces that store with an agency store, any employees of the 2996  
division employed at that state liquor store who lose their jobs 2997  
at that store as a result shall be given preference by the agent 2998  
who operates the agency store in filling any vacancies that 2999  
occur among the agent's employees, if that preference does not 3000  
conflict with the agent's obligations pursuant to a collective 3001  
bargaining agreement. 3002

If the division closes a state liquor store and replaces 3003

the store with an agency store, any employees of the division 3004  
employed at the state liquor store who lose their jobs at that 3005  
store as a result may displace other employees as provided in 3006  
sections 124.321 to 124.328 of the Revised Code. If an employee 3007  
cannot displace other employees and is laid off, the employee 3008  
shall be reinstated in another job as provided in sections 3009  
124.321 to 124.328 of the Revised Code, except that the 3010  
employee's rights of reinstatement in a job at a state liquor 3011  
store shall continue for a period of two years after the date of 3012  
the employee's layoff and shall apply to jobs at state liquor 3013  
stores located in the employee's layoff jurisdiction and any 3014  
layoff jurisdiction adjacent to the employee's layoff 3015  
jurisdiction. 3016

(E) The division shall require every agent to give bond 3017  
with surety to the satisfaction of the division, in the amount 3018  
the division fixes, conditioned for the faithful performance of 3019  
the agent's duties as prescribed by the division. 3020

**Sec. 4301.171.** (A) As used in this section: 3021

(1) "Broker" and "solicitor" have the same meanings as in 3022  
rules adopted by the superintendent of liquor control under 3023  
section 4303.25 of the Revised Code. 3024

(2) "Tasting sample" means a small amount of spirituous 3025  
liquor that is provided in a serving of not more than a quarter 3026  
ounce of spirituous liquor and, if provided, not more than one 3027  
ounce of nonalcoholic mixer to an authorized ~~purchaser~~person 3028  
and that allows the ~~purchaser~~person to determine, by tasting 3029  
only, the quality and character of the beverage. 3030

(3) "Trade marketing company" means a company that 3031  
solicits the purchase of beer and intoxicating liquor and 3032

educates the public about beer and intoxicating liquor. 3033

(4) "Trade marketing professional" means an individual who 3034  
is an employee of, or is under contract with, a trade marketing 3035  
company and who has successfully completed a training program 3036  
described in section 4301.253 of the Revised Code. 3037

(B) Notwithstanding section 4301.24 of the Revised Code, 3038  
an agency store to which a D-8 permit has been issued may allow 3039  
a trade marketing professional, broker, or solicitor to offer 3040  
~~for sale~~ tasting samples of spirituous liquor when conducted in 3041  
accordance with this section. A tasting sample shall not be ~~sold~~ 3042  
provided for the purpose of general consumption. 3043

(C) Tasting samples of spirituous liquor may be offered 3044  
~~for sale~~ at an agency store by a trade marketing professional, 3045  
broker, or solicitor if all of the following apply: 3046

(1) The tasting samples are ~~sold~~ provided only in the area 3047  
of the agency store in which spirituous liquor is sold and that 3048  
area is open to the public. 3049

(2) The tasting samples are ~~sold~~ provided only by the 3050  
trade marketing professional, broker, or solicitor. 3051

(3) The spirituous liquor is registered under division (A) 3052  
(8) of section 4301.10 of the Revised Code. 3053

(4) Not less than ten business days prior to the 3054  
~~salesampling~~, the trade marketing professional, broker, or 3055  
solicitor has provided written notice to the division of liquor 3056  
control of the date and time of the sampling, and of the type 3057  
and brand of spirituous liquor to be sampled at the agency 3058  
store. 3059

(D) ~~A sale~~ The provision of tasting samples of spirituous 3060

liquor is subject to rules adopted by the superintendent of 3061  
liquor control or the liquor control commission. 3062

(E) An offering ~~for sale~~ of tasting samples of spirituous 3063  
liquor shall be limited to a period of not more than two hours. 3064

(F) For purposes of offering ~~for sale~~ tasting samples of 3065  
spirituous liquor, a trade marketing professional, broker, or 3066  
solicitor shall purchase the spirituous liquor from the agency 3067  
store at the current retail price. An authorized ~~purchaser~~ 3068  
person shall not be charged ~~not less than fifty cents for each a~~ 3069  
tasting sample of spirituous liquor. When ~~the sale of tasting~~ 3070  
~~samples~~ sampling of spirituous liquor at an agency store is 3071  
completed, any bottles of spirituous liquor used to provide 3072  
tasting samples that are not empty shall be marked as "sample" 3073  
and removed from the agency store by the trade marketing 3074  
professional, broker, or solicitor, as applicable. 3075

(G) No trade marketing professional, broker, or solicitor 3076  
shall do any of the following: 3077

(1) Advertise the offering ~~for sale~~ of tasting samples of 3078  
spirituous liquor other than at the agency store where the 3079  
tasting samples will be offered or as provided in section 3080  
4301.245 of the Revised Code; 3081

(2) Solicit orders or ~~make sales of offer~~ tasting samples 3082  
of spirituous liquor ~~for in~~ quantities greater than those 3083  
specified in division (G) (3) of this section; 3084

(3) Allow any authorized ~~purchaser~~ person to consume more 3085  
than four tasting samples of spirituous liquor per day. 3086

(H) The ~~purchase~~ consumption of a tasting sample of 3087  
spirituous liquor shall not be contingent upon the purchase of 3088  
any other product from an agency store. 3089

(I) No employee of an agency store that allows the ~~sale~~ 3090  
consumption of tasting samples of spirituous liquor shall 3091  
~~purchase or~~ consume a tasting sample while on duty. 3092

(J) If an employee of an agency store that allows the ~~sale~~ 3093  
consumption of tasting samples of spirituous liquor consumes a 3094  
tasting sample of spirituous liquor, the employee shall not 3095  
perform the employee's duties and responsibilities at the agency 3096  
store on the day the tasting sample is consumed. 3097

(K) No person under twenty-one years of age shall consume 3098  
a tasting sample of spirituous liquor. 3099

(L) Not more than ten events at which ~~the sale of~~ tasting 3100  
samples of spirituous liquor are offered shall occur at an 3101  
agency store in a calendar month provided that: 3102

(1) Not more than two events shall occur in the same day; 3103  
and 3104

(2) There is not less than one hour between the end of one 3105  
event and the beginning of the next event. 3106

(M) No trade marketing professional, trade marketing 3107  
company, broker, solicitor, owner or operator of an agency 3108  
store, or an agent or employee of the owner or operator shall 3109  
violate this section or any rules adopted by the superintendent 3110  
or the commission for the purposes of this section. 3111

**Sec. 4303.041.** ~~(A) An~~ (A) (1) Except as provided in 3112  
division (A) (2) of this section, an A-3a permit may be issued to 3113  
a distiller that manufactures less than one hundred thousand 3114  
gallons of spirituous liquor per year. ~~An~~ 3115

(2) An A-3a permit holder issued an A-3a permit prior to 3116  
the effective date of this amendment may manufacture any amount 3117

of spirituous liquor per year on and after the effective date of 3118  
this amendment, regardless of whether the permit premises 3119  
location or ownership of the permit premises is transferred and 3120  
the permit holder is issued a new A-3a permit. 3121

(3) An A-3a permit holder may sell to a personal consumer, 3122  
in sealed containers for consumption off the premises where 3123  
manufactured, spirituous liquor that the permit holder 3124  
manufactures, but sales to the personal consumer may occur only 3125  
by an in-person transaction at the permit premises. The A-3a 3126  
permit holder shall not ship, send, or use an H permit holder to 3127  
deliver spirituous liquor to the personal consumer. 3128

"Distiller" means a person in this state who mashes, 3129  
ferments, distills, and ages spirituous liquor. 3130

(B) (1) Except as otherwise provided in this section, no A- 3131  
3a permit shall be issued unless the sale of spirituous liquor 3132  
by the glass for consumption on the premises or by the package 3133  
for consumption off the premises is authorized in the election 3134  
precinct in which the A-3a permit is proposed to be located. 3135

(2) Division (B) (1) of this section does not prohibit the 3136  
issuance of an A-3a permit to an applicant for such a permit who 3137  
has filed an application with the division of liquor control 3138  
before March 22, 2012. 3139

(C) (1) An A-3a permit holder may offer for sale tasting 3140  
samples of spirituous liquor. The A-3a permit holder shall not 3141  
serve more than four tasting samples of spirituous liquor per 3142  
person per day. A tasting sample shall not exceed a quarter 3143  
ounce. Tasting samples shall be only for the purpose of allowing 3144  
a purchaser to determine, by tasting only, the quality and 3145  
character of the spirituous liquor. The tasting samples shall be 3146

offered for sale in accordance with rules adopted by the 3147  
division of liquor control. 3148

(2) An A-3a permit holder shall sell not more than three 3149  
liters of spirituous liquor per day from the permit premises to 3150  
the same personal consumer. 3151

An A-3a permit holder may sell spirituous liquor in sealed 3152  
containers for consumption off the premises where manufactured 3153  
as an independent contractor under agreement, by virtue of the 3154  
permit, with the division of liquor control. The price at which 3155  
the A-3a permit holder shall sell each spirituous liquor product 3156  
to a personal consumer is to be determined by the division of 3157  
liquor control. For an A-3a permit holder to purchase and then 3158  
offer spirituous liquor for retail sale, the spirituous liquor 3159  
need not first leave the physical possession of the A-3a permit 3160  
holder to be so registered. The spirituous liquor that the A-3a 3161  
permit holder buys from the division of liquor control shall be 3162  
maintained in a separate area of the permit premises for sale to 3163  
personal consumers. The A-3a permit holder shall sell such 3164  
spirituous liquor in sealed containers for consumption off the 3165  
premises where manufactured as an independent contractor by 3166  
virtue of the permit issued by the division of liquor control, 3167  
but the permit holder shall not be compensated as provided in 3168  
division (A) (1) of section 4301.17 of the Revised Code. Each A- 3169  
3a permit holder shall be subject to audit by the division of 3170  
liquor control. 3171

(D) The fee for the A-3a permit is two dollars per fifty- 3172  
gallon barrel. 3173

(E) The holder of an A-3a permit may also exercise the 3174  
same privileges as the holder of an A-3 permit. 3175



**Sec. 4303.184.** (A) Subject to division (B) of this 3176  
section, a D-8 permit may be issued to any of the following: 3177

(1) An agency store; 3178

(2) The holder of a C-1, C-2, or C-2x permit issued to a 3179  
retail store that has any of the following characteristics: 3180

(a) The store has at least five thousand five hundred 3181  
square feet of floor area, and it generates more than sixty per 3182  
cent of its sales in general merchandise items and food for 3183  
consumption off the premises where sold. 3184

(b) The store is located in a municipal corporation or 3185  
township with a population of five thousand or less, has at 3186  
least four thousand five hundred square feet of floor area, and 3187  
generates more than sixty per cent of its sales in general 3188  
merchandise items and food for consumption off the premises 3189  
where sold. 3190

(c) Wine constitutes at least sixty per cent of the value 3191  
of the store's inventory. 3192

(3) The holder of both a C-1 and C-2 permit, or the holder 3193  
of a C-2x permit, issued to a retail store that is located 3194  
within a municipal corporation or township with a population of 3195  
fifteen thousand or less. 3196

(B) A D-8 permit may be issued to the holder of a C-1, C- 3197  
2, or C-2x permit only if the premises of the permit holder are 3198  
located in a precinct, or at a particular location in a 3199  
precinct, in which the sale of beer, wine, or mixed beverages is 3200  
permitted for consumption off the premises where sold. Sales 3201  
under a D-8 permit are not affected by whether sales for 3202  
consumption on the premises where sold are permitted in the 3203  
precinct or at the particular location where the D-8 premises 3204

are located. 3205

(C) (1) The holder of a D-8 permit described in division 3206  
(A) (2) or (3) of this section may sell tasting samples of beer, 3207  
wine, and mixed beverages, but not spirituous liquor, at retail, 3208  
for consumption on the premises where sold in an amount not to 3209  
exceed two ounces or another amount designated by rule of the 3210  
liquor control commission. A tasting sample shall not be sold 3211  
for general consumption. 3212

(2) The holder of a D-8 permit described in division (A) 3213  
(1) of this section may allow the ~~sale~~consumption of tasting 3214  
samples of spirituous liquor in accordance with section 4301.171 3215  
of the Revised Code. 3216

(3) No D-8 permit holder described in division (A) (2) or 3217  
(3) of this section shall allow any authorized purchaser to 3218  
consume more than four tasting samples of beer, wine, or mixed 3219  
beverages, or any combination of beer, wine, or mixed beverages, 3220  
per day. 3221

(D) (1) Notwithstanding sections 4303.11 and 4303.121 of 3222  
the Revised Code, the holder of a D-8 permit described in 3223  
division (A) (2) or (3) of this section may sell beer that is 3224  
dispensed from containers that have a capacity equal to or 3225  
greater than five and one-sixth gallons if all of the following 3226  
conditions are met: 3227

(a) A product registration fee for the beer has been paid 3228  
as required in division (A) (8) (b) of section 4301.10 of the 3229  
Revised Code. 3230

(b) The beer is dispensed only in glass containers whose 3231  
capacity does not exceed one gallon and not for consumption on 3232  
the premises where sold. 3233

(c) The containers are sealed, marked, and transported in accordance with division (E) of section 4301.62 of the Revised Code. 3234  
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(d) The containers have been cleaned immediately before being filled in accordance with rule 4301:1-1-28 of the Administrative Code. 3237  
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(2) Beer that is sold and dispensed under division (D) (1) of this section is subject to both of the following: 3240  
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(a) All applicable rules adopted by the liquor control commission, including, but not limited to, rule 4301:1-1-27 and rule 4301:1-1-72 of the Administrative Code; 3242  
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(b) All applicable federal laws and regulations. 3245

(E) The privileges authorized for the holder of a D-8 permit described in division (A) (2) or (3) of this section may only be exercised in conjunction with and during the hours of operation authorized by a C-1, C-2, C-2x, or D-6 permit. 3246  
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(F) A D-8 permit shall not be transferred to another location. 3250  
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(G) The fee for the D-8 permit is five hundred dollars. 3252

**Sec. 4399.15.** No person, for the purpose of sale, shall adulterate spirituous liquor, alcoholic liquor, or beer used or intended for drink or medicinal or mechanical purposes, with cocculus indicus, vitriol, ~~grains of paradise,~~ opium, alum, capsicum, copperas, laurel water, logwood, Brazilwood, cochineal, sugar of lead, aloes, glucose, tannic acid, or any other substance that is poisonous or injurious to health, or with a substance not a necessary ingredient in the manufacture of the spirituous liquor, alcoholic liquor, or beer, or sell, 3253  
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offer, or keep for sale spirituous liquor, alcoholic liquor, or 3262  
beer that is so adulterated. 3263

In addition to the penalties provided in division (E) of 3264  
section 4399.99 of the Revised Code, a person convicted of 3265  
violating this section shall pay all necessary costs and 3266  
expenses incurred in inspecting and analyzing spirituous liquor, 3267  
alcoholic liquor, or beer that is so adulterated, sold, kept, or 3268  
offered for sale. 3269

**Sec. 4735.18.** (A) Subject to section 4735.32 of the 3270  
Revised Code, the superintendent of real estate, upon the 3271  
superintendent's own motion, may investigate the conduct of any 3272  
licensee. Subject to division (E) of this section and section 3273  
4735.32 of the Revised Code, the Ohio real estate commission 3274  
shall impose disciplinary sanctions upon any licensee who, 3275  
whether or not acting in the licensee's capacity as a real 3276  
estate broker or salesperson, or in handling the licensee's own 3277  
property, is found to have been convicted of a felony or a crime 3278  
of moral turpitude, and may impose disciplinary sanctions upon 3279  
any licensee who, in the licensee's capacity as a real estate 3280  
broker or salesperson, or in handling the licensee's own 3281  
property, is found guilty of: 3282

(1) Knowingly making any misrepresentation; 3283

(2) Making any false promises with intent to influence, 3284  
persuade, or induce; 3285

(3) A continued course of misrepresentation or the making 3286  
of false promises through agents, salespersons, advertising, or 3287  
otherwise; 3288

(4) Acting for more than one party in a transaction except 3289  
as permitted by and in compliance with section 4735.71 of the 3290

Revised Code;	3291
(5) Failure within a reasonable time to account for or to	3292
remit any money coming into the licensee's possession which	3293
belongs to others;	3294
(6) Dishonest or illegal dealing, gross negligence,	3295
incompetency, or misconduct;	3296
(7) (a) By final adjudication by a court, a violation of	3297
any municipal or federal civil rights law relevant to the	3298
protection of purchasers or sellers of real estate or, by final	3299
adjudication by a court, any unlawful discriminatory practice	3300
pertaining to the purchase or sale of real estate prohibited by	3301
Chapter 4112. of the Revised Code, provided that such violation	3302
arose out of a situation wherein parties were engaged in bona	3303
fide efforts to purchase, sell, or lease real estate, in the	3304
licensee's practice as a licensed real estate broker or	3305
salesperson;	3306
(b) A second or subsequent violation of any unlawful	3307
discriminatory practice pertaining to the purchase or sale of	3308
real estate prohibited by Chapter 4112. of the Revised Code or	3309
any second or subsequent violation of municipal or federal civil	3310
rights laws relevant to purchasing or selling real estate	3311
whether or not there has been a final adjudication by a court,	3312
provided that such violation arose out of a situation wherein	3313
parties were engaged in bona fide efforts to purchase, sell, or	3314
lease real estate. For any second offense under this division,	3315
the commission shall suspend for a minimum of two months or	3316
revoke the license of the broker or salesperson. For any	3317
subsequent offense, the commission shall revoke the license of	3318
the broker or salesperson.	3319

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

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

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

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

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

(13) Having accepted, given, or charged any undisclosed commission, rebate, or direct profit on expenditures made for a principal;

(14) Having offered anything of value other than the consideration recited in the sales contract as an inducement to a person to enter into a contract for the purchase or sale of real estate or having offered real estate or the improvements on

real estate as a prize in a lottery or scheme of chance;	3349
(15) Having acted in the dual capacity of real estate broker and undisclosed principal, or real estate salesperson and undisclosed principal, in any transaction;	3350 3351 3352
(16) Having guaranteed, authorized, or permitted any person to guarantee future profits which may result from the resale of real property;	3353 3354 3355
(17) Having advertised or placed a sign on any property offering it for sale or for rent without the consent of the owner or the owner's authorized agent;	3356 3357 3358
(18) Having induced any party to a contract of sale or lease to break such contract for the purpose of substituting in lieu of it a new contract with another principal;	3359 3360 3361
(19) Having negotiated the sale, exchange, or lease of any real property directly with a seller, purchaser, lessor, or tenant knowing that such seller, purchaser, lessor, or tenant is represented by another broker under a written exclusive agency agreement, exclusive right to sell or lease listing agreement, or exclusive purchaser agency agreement with respect to such property except as provided for in section 4735.75 of the Revised Code;	3362 3363 3364 3365 3366 3367 3368 3369
(20) Having offered real property for sale or for lease without the knowledge and consent of the owner or the owner's authorized agent, or on any terms other than those authorized by the owner or the owner's authorized agent;	3370 3371 3372 3373
(21) Having published advertising, whether printed, radio, display, or of any other nature, which was misleading or inaccurate in any material particular, or in any way having misrepresented any properties, terms, values, policies, or	3374 3375 3376 3377

services of the business conducted;	3378
(22) Having knowingly withheld from or inserted in any statement of account or invoice any statement that made it inaccurate in any material particular;	3379 3380 3381
(23) Having published or circulated unjustified or unwarranted threats of legal proceedings which tended to or had the effect of harassing competitors or intimidating their customers;	3382 3383 3384 3385
(24) Having failed to keep complete and accurate records of all transactions for a period of three years from the date of the transaction, such records to include copies of listing forms, earnest money receipts, offers to purchase and acceptances of them, records of receipts and disbursements of all funds received by the licensee as broker and incident to the licensee's transactions as such, and records required pursuant to divisions (C) (4) and (5) of section 4735.20 of the Revised Code, and any other instruments or papers related to the performance of any of the acts set forth in the definition of a real estate broker;	3386 3387 3388 3389 3390 3391 3392 3393 3394 3395 3396
(25) Failure of a real estate broker or salesperson to furnish all parties involved in a real estate transaction true copies of all listings and other agreements to which they are a party, at the time each party signs them;	3397 3398 3399 3400
(26) Failure to maintain at all times a special or trust bank account in a depository of a state or federally chartered institution located in this state. The account shall be noninterest-bearing, separate and distinct from any personal or other account of the broker, and, except as provided in division (A) (27) of this section, shall be used for the deposit and	3401 3402 3403 3404 3405 3406



maintenance of all escrow funds, security deposits, and other 3407  
moneys received by the broker in a fiduciary capacity. The name, 3408  
account number, if any, and location of the depository wherein 3409  
such special or trust account is maintained shall be submitted 3410  
in writing to the superintendent. Checks drawn on such special 3411  
or trust bank accounts are deemed to meet the conditions imposed 3412  
by section 1349.21 of the Revised Code. Funds deposited in the 3413  
trust or special account in connection with a purchase agreement 3414  
shall be maintained in accordance with section 4735.24 of the 3415  
Revised Code. 3416

(27) Failure to maintain at all times a special or trust 3417  
bank account in a depository of a state or federally chartered 3418  
institution in this state, to be used exclusively for the 3419  
deposit and maintenance of all rents, security deposits, escrow 3420  
funds, and other moneys received by the broker in a fiduciary 3421  
capacity in the course of managing real property. This account 3422  
shall be separate and distinct from any other account maintained 3423  
by the broker. The name, account number, and location of the 3424  
depository shall be submitted in writing to the superintendent. 3425  
This account may earn interest, which shall be paid to the 3426  
property owners on a pro rata basis. 3427

Division (A) (27) of this section does not apply to brokers 3428  
who are not engaged in the management of real property on behalf 3429  
of real property owners. 3430

(28) Having failed to put definite expiration dates in all 3431  
written agency agreements to which the broker is a party; 3432

(29) Having an unsatisfied final judgment or lien in any 3433  
court of record against the licensee arising out of the 3434  
licensee's conduct as a licensed broker or salesperson; 3435

(30) Failing to render promptly upon demand a full and complete statement of the expenditures by the broker or salesperson of funds advanced by or on behalf of a party to a real estate transaction to the broker or salesperson for the purpose of performing duties as a licensee under this chapter in conjunction with the real estate transaction;

(31) Failure within a reasonable time, after the receipt of the commission by the broker, to render an accounting to and pay a real estate salesperson the salesperson's earned share of it;

(32) Performing any service for another constituting the practice of law, as determined by any court of law;

(33) Having been adjudicated incompetent by a court, as provided in section 5122.301 of the Revised Code. A license revoked or suspended under this division shall be reactivated upon proof to the commission of the removal of the disability.

(34) Having authorized or permitted a person to act as an agent in the capacity of a real estate broker, or a real estate salesperson, who was not then licensed as a real estate broker or real estate salesperson under this chapter or who was not then operating as an out-of-state commercial real estate broker or salesperson under section 4735.022 of the Revised Code;

(35) Having knowingly inserted or participated in inserting any materially inaccurate term in a document, including naming a false consideration;

(36) Having failed to inform the licensee's client of the existence of an offer or counteroffer or having failed to present an offer or counteroffer in a timely manner, unless otherwise instructed by the client, provided the instruction of

the client does not conflict with any state or federal law; 3465

(37) Having failed to comply with section 4735.24 of the 3466  
Revised Code; 3467

(38) Having acted as a broker without authority, impeded 3468  
the ability of a principal broker to perform any of the duties 3469  
described in section 4735.081 of the Revised Code, or impeded 3470  
the ability a management level licensee to perform the 3471  
licensee's duties; 3472

(39) Entering into a right-to-list home sale agreement. 3473

(B) Whenever the commission, pursuant to section 4735.051 3474  
of the Revised Code, imposes disciplinary sanctions for any 3475  
violation of this section, the commission also may impose such 3476  
sanctions upon the broker with whom the salesperson is 3477  
affiliated if the commission finds that the broker had knowledge 3478  
of the salesperson's actions that violated this section. 3479

(C) The commission shall, pursuant to section 4735.051 of 3480  
the Revised Code, impose disciplinary sanctions upon any foreign 3481  
real estate dealer or salesperson who, in that capacity or in 3482  
handling the dealer's or salesperson's own property, is found 3483  
guilty of any of the acts or omissions specified or comprehended 3484  
in division (A) of this section insofar as the acts or omissions 3485  
pertain to foreign real estate. If the commission imposes such 3486  
sanctions upon a foreign real estate salesperson for a violation 3487  
of this section, the commission also may suspend or revoke the 3488  
license of the foreign real estate dealer with whom the 3489  
salesperson is affiliated if the commission finds that the 3490  
dealer had knowledge of the salesperson's actions that violated 3491  
this section. 3492

(D) The commission may suspend, in whole or in part, the 3493

imposition of the penalty of suspension of a license under this section. 3494  
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(E) A person licensed under this chapter who represents a party to a transaction or a proposed transaction involving the sale, purchase, exchange, lease, or management of real property that is or will be used in the cultivation, processing, dispensing, or testing of medical marijuana or adult-use marijuana under Chapter 3796. of the Revised Code, or who receives, holds, or disburses funds from a real estate brokerage trust account in connection with such a transaction, shall not be subject to disciplinary sanctions under this chapter solely because the licensed person engaged in activities permitted under this chapter and related to activities under Chapter 3796. of the Revised Code. 3496  
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**Sec. 5119.10.** (A) The director of mental health and addiction services is the chief executive and appointing authority of the department of mental health and addiction services. The director may organize the department for its efficient operation, including creating divisions or offices as necessary. The director may establish procedures for the governance of the department, conduct of its employees and officers, performance of its business, and custody, use, and preservation of departmental records, papers, books, documents, and property. Whenever the Revised Code imposes a duty upon or requires an action of the department or any of its institutions, the director or the director's designee shall perform the action or duty in the name of the department, except that the medical director appointed pursuant to section 5119.11 of the Revised Code shall be responsible for decisions relating to medical diagnosis, treatment, rehabilitation, quality assurance, and the clinical aspects of the following: licensure of hospitals and 3508  
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residential facilities, research, community addiction and mental 3525  
health plans, and certification and delivery of addiction 3526  
services and mental health services. 3527

(B) The director shall: 3528

(1) Adopt rules for the proper execution of the powers and 3529  
duties of the department with respect to the institutions under 3530  
its control, and require the performance of additional duties by 3531  
the officers of the institutions as necessary to fully meet the 3532  
requirements, intents, and purposes of this chapter. In case of 3533  
an apparent conflict between the powers conferred upon any 3534  
managing officer and those conferred by such sections upon the 3535  
department, the presumption shall be conclusive in favor of the 3536  
department. 3537

(2) Adopt rules for the nonpartisan management of the 3538  
institutions under the department's control. An officer or 3539  
employee of the department or any officer or employee of any 3540  
institution under its control who, by solicitation or otherwise, 3541  
exerts influence directly or indirectly to induce any other 3542  
officer or employee of the department or any of its institutions 3543  
to adopt the exerting officer's or employee's political views or 3544  
to favor any particular person, issue, or candidate for office 3545  
shall be removed from the exerting officer's or employee's 3546  
office or position, by the department in case of an officer or 3547  
employee, and by the governor in case of the director. 3548

(3) Appoint such employees, including the medical 3549  
director, as are necessary for the efficient conduct of the 3550  
department, and prescribe their titles and duties; 3551

(4) Prescribe the forms of affidavits, applications, 3552  
medical certificates, orders of hospitalization and release, and 3553

all other forms, reports, and records that are required in the 3554  
hospitalization or admission and release of all persons to the 3555  
institutions under the control of the department, or are 3556  
otherwise required under this chapter or Chapter 5122. of the 3557  
Revised Code; 3558

(5) Exercise the powers and perform the duties relating to 3559  
addiction and mental health facilities, addiction services, 3560  
mental health services, 9-8-8 suicide and crisis response, and 3561  
recovery supports that are assigned to the director under this 3562  
chapter and Chapter 340. of the Revised Code; 3563

(6) Develop and implement clinical evaluation and 3564  
monitoring of services that are operated by the department; 3565

(7) Adopt rules establishing standards for the performance 3566  
of evaluations by a forensic center or other psychiatric program 3567  
or facility of the mental condition of defendants ordered by the 3568  
court under section 2919.271, or 2945.371 of the Revised Code, 3569  
and for the treatment of defendants who have been found 3570  
incompetent to stand trial and ordered by the court under 3571  
section 2945.38, 2945.39, 2945.401, or 2945.402 of the Revised 3572  
Code to receive treatment in facilities; 3573

(8) On behalf of the department, have the authority and 3574  
responsibility for entering into contracts and other agreements 3575  
with providers, agencies, institutions, and other entities, both 3576  
public and private, as necessary for the department to carry out 3577  
its duties under this chapter and Chapters 340., 2919., 2945., 3578  
and 5122. of the Revised Code. Chapter 125. of the Revised Code 3579  
does not apply to contracts the director enters into under this 3580  
section for addiction services, mental health services, or 3581  
recovery supports provided to individuals who have an addiction 3582  
or mental illness by providers, agencies, institutions, and 3583

other entities not owned or operated by the department. 3584

(9) Adopt rules in accordance with Chapter 119. of the 3585  
Revised Code specifying the supplemental services that may be 3586  
provided through a trust authorized by section 5815.28 of the 3587  
Revised Code; 3588

(10) Adopt rules in accordance with Chapter 119. of the 3589  
Revised Code establishing standards for the maintenance and 3590  
distribution to a beneficiary of assets of a trust authorized by 3591  
section 5815.28 of the Revised Code. 3592

(C) The director may contract with hospitals licensed by 3593  
the department under section 5119.33 of the Revised Code for the 3594  
care and treatment of patients with mental illnesses, or with 3595  
persons, organizations, or agencies for the custody, evaluation, 3596  
supervision, care, or treatment of persons with mental illnesses 3597  
receiving services elsewhere than within the enclosure of a 3598  
hospital operated under section 5119.14 of the Revised Code. 3599

Sec. 5119.81. As used in sections 5119.81 to 5119.85 of 3600  
the Revised Code: 3601

(A) "9-8-8 administrator" means the administrator of the 3602  
9-8-8 suicide prevention and mental health crisis hotline 3603  
system, as established in section 5119.82 of the Revised Code. 3604

(B) "9-8-8 suicide prevention and mental health crisis 3605  
hotline" or "9-8-8 hotline" means the 9-8-8 universal telephone 3606  
number in the United States, as established under 47 U.S.C. 3607  
251(e), for the purpose of the national suicide prevention and 3608  
mental health crisis hotline system. 3609

Sec. 5119.82. There is hereby established a 9-8-8 3610  
administrator within the department of mental health and 3611  
addiction services to oversee the administration of the 9-8-8 3612

suicide prevention and mental health crisis hotline system 3613  
statewide. 3614

**Sec. 5119.83.** (A) Not later than one year after the 3615  
effective date of this section and annually thereafter, the 9-8- 3616  
8 administrator shall compile an annual report regarding the 3617  
operation of the 9-8-8 national suicide prevention and mental 3618  
health crisis hotline in this state. 3619

(B) Each annual report shall, at a minimum, specify all of 3620  
the following: 3621

(1) The total number of 9-8-8 call centers in this state 3622  
to which calls, texts, and chats are routed when individuals 3623  
contact the 9-8-8 national suicide prevention and mental health 3624  
crisis hotline; 3625

(2) The total number of telephone calls, texts, and chats 3626  
received by each 9-8-8 call center; 3627

(3) The rate at which in-state calls are answered by the 3628  
9-8-8 call centers; 3629

(4) The average time taken by 9-8-8 call centers to answer 3630  
calls. 3631

(C) The 9-8-8 administrator shall submit the report to 3632  
both of the following: 3633

(1) The general assembly, in accordance with section 3634  
101.68 of the Revised Code; 3635

(2) The governor. 3636

**Sec. 5120.81.** (A) The director of rehabilitation and 3637  
correction shall use money in the county jail construction fund 3638  
created under section 5739.271 of the Revised Code to annually 3639



award grants under this section for the construction and 3640  
renovation of county jails. To determine which projects will 3641  
receive funding, the director shall rank each county based on 3642  
its financial need with a percentile ranking using the following 3643  
funding formula, as calculated by the tax commissioner: 3644

(1) The commissioner shall determine the total value of 3645  
all property in the county listed and assessed for taxation on 3646  
the tax list as reported by the commissioner in the preceding 3647  
tax year, and list each county in order of total value, 3648  
ascending, so that the county with the lowest value is number 3649  
one on the list, which shall be called its property tax ranking. 3650

(2) The commissioner shall rank each county based on the 3651  
estimate of the gross amount of taxable retail sales sourced to 3652  
the county as reported by the commissioner for the preceding 3653  
calendar year, computed by dividing the total amount of tax 3654  
revenue received by the county during that period from taxes 3655  
levied under sections 5739.021, 5739.026, 5741.021, and 5741.023 3656  
of the Revised Code by the aggregate tax rate levied by the 3657  
county under sections 5739.021 and 5739.026 of the Revised Code 3658  
on the last day of the preceding calendar year, and list each 3659  
county in order of total value, ascending, so that the county 3660  
with the lowest value is number one on the list, except that any 3661  
county that does not currently levy taxes under section 5739.021 3662  
or 5739.026 of the Revised Code shall be ranked at number 3663  
eighty-eight on the list. This ranking shall be called its sales 3664  
tax ranking. 3665

(3) The commissioner shall then, for each county, add the 3666  
property tax ranking to the sales tax ranking, and shall order 3667  
the counties according to the sum of the two rankings, the 3668  
county with the lowest sum being number one on the list, to 3669

determine the county's final ranking. The percentile ranking 3670  
shall be determined by taking the county's final ranking, 3671  
dividing it by eighty-eight, and multiplying it by one hundred. 3672

If the final ranking is the same for two or more counties, 3673  
the county with the lowest population shall receive the lowest 3674  
final ranking. The final ranking for the counties shall be 3675  
numbers one through eighty-eight, the lowest ranking county 3676  
being number one, and the highest number eighty-eight. 3677

(B) Upon receiving the final ranking under division (A) (3) 3678  
of this section, the director of rehabilitation and correction 3679  
shall select a number of counties among the lowest ranking 3680  
counties and invite the selected counties to apply for 3681  
assistance. Two or more counties may jointly apply for 3682  
assistance as long as at least one of the counties was invited 3683  
to apply. 3684

The director shall adopt guidelines to accept and review 3685  
applications and designate projects. The guidelines shall 3686  
require the county or counties to justify the need for the 3687  
project and to comply with timelines for the submission of 3688  
documentation pertaining to the project and project location. 3689

(C) Upon the application of a county invited to apply 3690  
under division (B) of this section, the director of 3691  
rehabilitation and correction shall proceed with a needs 3692  
assessment under this division, pursuant to which the director 3693  
shall make a determination of all of the following: 3694

(1) The need of the county for additional jail facilities, 3695  
or for renovations or improvements to existing jail facilities, 3696  
based on whether and to what extent existing facilities comply 3697  
with the standards in section 5120.10 of the Revised Code, 3698

including the age and condition of the jail facilities; 3699

(2) The number of jail facilities to be included in a 3700  
project; 3701

(3) The estimated annual, monthly, or daily cost of 3702  
operating the facility once it is operational, as reported and 3703  
certified by the county auditor; 3704

(4) The estimated basic project cost of constructing, 3705  
acquiring, reconstructing, or making additions to each facility; 3706

(5) Whether the county has recently received a grant from 3707  
the state to construct or renovate jail facilities. 3708

(D) The director, following the completion of a needs 3709  
assessment under division (C) of this section, shall make a 3710  
determination in favor of constructing, acquiring, 3711  
reconstructing, or making additions to a jail facility only upon 3712  
evidence that the proposed project conforms to the construction 3713  
and renovation standards described in divisions (D) and (E) of 3714  
section 5120.10 of the Revised Code, and that it keeps with the 3715  
needs of the county or counties as determined by the needs 3716  
assessment. Exceptions shall be authorized only in those areas 3717  
where topography, sparsity of population, and other factors make 3718  
larger jail facilities impracticable. 3719

Except as otherwise provided in this section, the portion 3720  
of the basic project cost supplied by the state for each 3721  
approved county shall be the difference between one hundred per 3722  
cent, and a per cent equal to one per cent of the basic project 3723  
costs times the percentile in which the county ranks according 3724  
to the percentile ranking under this section, for the fiscal 3725  
year preceding the fiscal year in which the director approved 3726  
the county's or counties' project. 3727

At no time shall the state's portion of the basic project 3728  
cost be less than twenty-five per cent of the total basic 3729  
project cost. If a county's portion of the basic project cost is 3730  
calculated to be greater than seventy-five per cent of the total 3731  
basic project cost, the county's portion shall be seventy-five 3732  
per cent of the basic project cost. In the case of a multicounty 3733  
jail facility, if the sum of two or more counties' portions of 3734  
the total basic project cost are calculated to be greater than 3735  
seventy-five per cent of the total basic project cost, the 3736  
counties' portions shall be determined pro rata, so that the sum 3737  
of their portions shall be equal to seventy-five per cent of the 3738  
total basic project cost. 3739

(E) The director of rehabilitation and correction shall 3740  
not award any grant under this section after the date that is 3741  
ten years after the effective date of this section. On the day 3742  
after that date, the director of budget and management shall 3743  
transfer the balance of the county jail construction fund to the 3744  
general revenue fund and the county jail construction fund shall 3745  
cease to exist. 3746

**Sec. 5502.01.** (A) The department of public safety shall 3747  
administer and enforce the laws relating to the registration, 3748  
licensing, sale, and operation of motor vehicles and the laws 3749  
pertaining to the licensing of drivers of motor vehicles. 3750

The department shall compile, analyze, and publish 3751  
statistics relative to motor vehicle accidents and the causes of 3752  
them, prepare and conduct educational programs for the purpose 3753  
of promoting safety in the operation of motor vehicles on the 3754  
highways, and conduct research and studies for the purpose of 3755  
promoting safety on the highways of this state. 3756

(B) The department shall administer the laws and rules 3757

relative to trauma and emergency medical services specified in 3758  
Chapter 4765. of the Revised Code and any laws and rules 3759  
relative to medical transportation services specified in Chapter 3760  
4766. of the Revised Code. 3761

(C) The department shall administer and enforce the laws 3762  
contained in Chapters 4301. and 4303. of the Revised Code and 3763  
enforce the rules and orders of the liquor control commission 3764  
pertaining to retail liquor permit holders. 3765

(D) The department shall administer the laws governing the 3766  
state emergency management agency and shall enforce all 3767  
additional duties and responsibilities as prescribed in the 3768  
Revised Code related to emergency management services. 3769

(E) The department shall conduct investigations pursuant 3770  
to Chapter 5101. of the Revised Code in support of the duty of 3771  
the department of job and family services to administer the 3772  
supplemental nutrition assistance program throughout this state. 3773  
The department of public safety shall conduct investigations 3774  
necessary to protect the state's property rights and interests 3775  
in the supplemental nutrition assistance program. 3776

(F) The department of public safety shall enforce 3777  
compliance with orders and rules of the public utilities 3778  
commission and applicable laws in accordance with Chapters 3779  
4905., 4921., and 4923. of the Revised Code regarding commercial 3780  
motor vehicle transportation safety, economic, and hazardous 3781  
materials requirements. 3782

(G) Notwithstanding Chapter 4117. of the Revised Code, the 3783  
department of public safety may establish requirements for its 3784  
enforcement personnel, including its enforcement agents 3785  
described in section 5502.14 of the Revised Code, that include 3786

standards of conduct, work rules and procedures, and criteria 3787  
for eligibility as law enforcement personnel. 3788

(H) The department shall administer, maintain, and operate 3789  
the Ohio criminal justice network. The Ohio criminal justice 3790  
network shall be a computer network that supports state and 3791  
local criminal justice activities. The network shall be an 3792  
electronic repository for various data, which may include arrest 3793  
warrants, notices of persons wanted by law enforcement agencies, 3794  
criminal records, prison inmate records, stolen vehicle records, 3795  
vehicle operator's licenses, and vehicle registrations and 3796  
titles. 3797

(I) The department shall coordinate all homeland security 3798  
activities of all state agencies and shall be a liaison between 3799  
state agencies and local entities for those activities and 3800  
related purposes. 3801

(J) The department shall administer and enforce the laws 3802  
relative to private investigators and security service providers 3803  
specified in Chapter 4749. of the Revised Code. 3804

(K) The department shall administer criminal justice 3805  
services in accordance with sections 5502.61 to 5502.66 of the 3806  
Revised Code. 3807

(L) The department shall administer the Ohio school safety 3808  
and crisis center and the Ohio mobile training team in 3809  
accordance with sections 5502.70 to 5502.703 of the Revised 3810  
Code. 3811

(M) The department shall coordinate security measures and 3812  
operations, and may direct the department of administrative 3813  
services to implement any security measures and operations the 3814  
department of public safety requires, at the Vern Riffe Center 3815

and the James A. Rhodes state office tower. 3816

Notwithstanding section 125.28 of the Revised Code, the 3817  
director of public safety may recover the costs of directing 3818  
security measures and operations under this division by either 3819  
issuing intrastate transfer voucher billings to the department 3820  
of administrative services, which the department shall process 3821  
to pay for the costs, or, upon the request of the director of 3822  
administrative services, the director of budget and management 3823  
may transfer cash in the requested amount from the building 3824  
management fund created under section 125.28 of the Revised 3825  
Code. Payments received or cash transfers made under this 3826  
division for the costs of directing security measures and 3827  
operations shall be deposited into the state treasury to the 3828  
credit of the security, investigations, and policing fund 3829  
created under section 4501.11 of the Revised Code. 3830

(N) The department shall assist the division of marijuana 3831  
control in enforcing Chapter 3796. of the Revised Code, as 3832  
provided in that chapter. 3833

**Sec. 5502.13.** The department of public safety shall 3834  
maintain an investigative unit in order to conduct 3835  
investigations and other enforcement activity authorized by 3836  
Chapters 3796., 4301., 4303., 5101., 5107., and 5108. and 3837  
sections 2903.12, 2903.13, 2903.14, 2907.09, 2913.46, 2917.11, 3838  
2921.13, 2921.31, 2921.32, 2921.33, 2923.12, 2923.121, 2925.11, 3839  
2925.13, 2927.02, and 4507.30 of the Revised Code. The director 3840  
of public safety shall appoint the employees of the unit who are 3841  
necessary, designate the activities to be performed by those 3842  
employees, and prescribe their titles and duties. 3843

**Sec. 5502.14.** (A) As used in this section, "felony" has 3844  
the same meaning as in section 109.511 of the Revised Code. 3845

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

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

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

(c) All laws and rules governing the use of supplemental nutrition assistance program benefits, women, infants, and children's coupons, electronically transferred benefits, or any other access device that is used alone or in conjunction with another access device to obtain payments, allotments, benefits, money, goods, or other things of value, or that can be used to initiate a transfer of funds, pursuant to the supplemental nutrition assistance program established under the Food and



Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) or any 3876  
supplemental food program administered by any department of this 3877  
state pursuant to the "Child Nutrition Act of 1966," 80 Stat. 3878  
885, 42 U.S.C.A. 1786. Enforcement agents, in enforcing 3879  
compliance with the laws and rules described in this division, 3880  
may keep the peace and make arrests for violations of those laws 3881  
and rules. 3882

(2) In addition to the authority conferred by division (B) 3883  
(1) of this section, an enforcement agent also may execute 3884  
search warrants and seize and take into custody any contraband, 3885  
as defined in section 2901.01 of the Revised Code, or any 3886  
property that is otherwise necessary for evidentiary purposes 3887  
related to any violations of the laws or rules described in 3888  
division (B)(1) of this section. An enforcement agent may enter 3889  
public or private premises where activity alleged to violate the 3890  
laws or rules described in division (B)(1) of this section is 3891  
occurring. 3892

(3) Enforcement agents who are on, immediately adjacent 3893  
to, or across from retail liquor permit premises or premises 3894  
licensed under Chapter 3796. of the Revised Code and who are 3895  
performing investigative duties relating to ~~that~~ those premises, 3896  
enforcement agents who are on premises that are not liquor 3897  
permit premises or premises licensed under Chapter 3796. of the 3898  
Revised Code but on which a violation of Title XLIII or Chapter 3899  
3796. of the Revised Code or any rule adopted under ~~it~~ that 3900  
title or chapter allegedly is occurring, and enforcement agents 3901  
who view a suspected violation of Title XLIII or Chapter 3796. 3902  
of the Revised Code, of a rule adopted under ~~it~~ that title or 3903  
chapter, or of another law or rule described in division (B)(1) 3904  
of this section have the authority to enforce the laws and rules 3905  
described in division (B)(1) of this section, authority to 3906

enforce any section in Title XXIX of the Revised Code or any 3907  
other section of the Revised Code listed in section 5502.13 of 3908  
the Revised Code if they witness a violation of the section 3909  
under any of the circumstances described in this division, and 3910  
authority to make arrests for violations of the laws and rules 3911  
described in division (B) (1) of this section and violations of 3912  
any of those sections. 3913

(4) The jurisdiction of an enforcement agent under 3914  
division (B) of this section shall be concurrent with that of 3915  
the peace officers of the county, township, or municipal 3916  
corporation in which the violation occurs. 3917

(C) Enforcement agents of the department of public safety 3918  
who are engaged in the enforcement of the laws and rules 3919  
described in division (B) (1) of this section may carry concealed 3920  
weapons when conducting undercover investigations pursuant to 3921  
their authority as law enforcement officers and while acting 3922  
within the scope of their authority pursuant to this chapter. 3923

(D) (1) The department of public safety shall not employ, 3924  
and the director of public safety shall not designate, a person 3925  
as an enforcement agent on a permanent basis, on a temporary 3926  
basis, for a probationary term, or on other than a permanent 3927  
basis if the person previously has been convicted of or has 3928  
pleaded guilty to a felony. 3929

(2) (a) The department of public safety shall terminate the 3930  
employment of a person who is designated as an enforcement agent 3931  
and who does either of the following: 3932

(i) Pleads guilty to a felony; 3933

(ii) Pleads guilty to a misdemeanor pursuant to a 3934  
negotiated plea agreement as provided in division (D) of section 3935

2929.43 of the Revised Code in which the enforcement agent 3936  
agrees to surrender the certificate awarded to that agent under 3937  
section 109.77 of the Revised Code. 3938

(b) The department shall suspend the employment of a 3939  
person who is designated as an enforcement agent if the person 3940  
is convicted, after trial, of a felony. If the enforcement agent 3941  
files an appeal from that conviction and the conviction is 3942  
upheld by the highest court to which the appeal is taken or if 3943  
no timely appeal is filed, the department shall terminate the 3944  
employment of that agent. If the enforcement agent files an 3945  
appeal that results in that agent's acquittal of the felony or 3946  
conviction of a misdemeanor, or in the dismissal of the felony 3947  
charge against the agent, the department shall reinstate the 3948  
agent. An enforcement agent who is reinstated under division (D) 3949  
(2) (b) of this section shall not receive any back pay unless the 3950  
conviction of that agent of the felony was reversed on appeal, 3951  
or the felony charge was dismissed, because the court found 3952  
insufficient evidence to convict the agent of the felony. 3953

(3) Division (D) of this section does not apply regarding 3954  
an offense that was committed prior to January 1, 1997. 3955

(4) The suspension or termination of the employment of a 3956  
person designated as an enforcement agent under division (D) (2) 3957  
of this section shall be in accordance with Chapter 119. of the 3958  
Revised Code. 3959

**Sec. 5713.30.** As used in sections 5713.31 to 5713.37 and 3960  
5715.01 of the Revised Code: 3961

(A) "Land devoted exclusively to agricultural use" means: 3962

(1) Tracts, lots, or parcels of land totaling not less 3963  
than ten acres to which, during the three calendar years prior 3964

to the year in which application is filed under section 5713.31 3965  
of the Revised Code, and through the last day of May of such 3966  
year, one or more of the following apply: 3967

(a) The tracts, lots, or parcels of land were devoted 3968  
exclusively to commercial animal or poultry husbandry, 3969  
aquaculture, algaculture meaning the farming of algae, 3970  
apiculture, the cultivation of hemp by a person issued a hemp 3971  
cultivation license under section 928.02 of the Revised Code, 3972  
the production for a commercial purpose of timber, field crops, 3973  
tobacco, fruits, vegetables, nursery stock, ornamental trees, 3974  
sod, or flowers, or the growth of timber for a noncommercial 3975  
purpose, if the land on which the timber is grown is contiguous 3976  
to or part of a parcel of land under common ownership that is 3977  
otherwise devoted exclusively to agricultural use. 3978

(b) The tracts, lots, or parcels of land were devoted 3979  
exclusively to biodiesel production, biomass energy production, 3980  
electric or heat energy production, or biologically derived 3981  
methane gas production if the land on which the production 3982  
facility is located is contiguous to or part of a parcel of land 3983  
under common ownership or leasehold that is otherwise devoted 3984  
exclusively to agricultural use, provided that (i) at least 3985  
fifty per cent of the feedstock used in the production is 3986  
agricultural feedstock, (ii) at least twenty per cent of the 3987  
agricultural feedstock used in the production is derived from 3988  
parcels of land under common ownership or leasehold, and (iii) 3989  
none of the feedstock used in the production consists of human 3990  
waste. As used in this division, "agricultural feedstock" means 3991  
manure and food waste, and "human waste" includes sludge as 3992  
defined in section 6111.01 of the Revised Code. 3993

(c) The tracts, lots, or parcels of land were devoted to 3994

and qualified for payments or other compensation under a land 3995  
retirement or conservation program under an agreement with an 3996  
agency of the federal government. 3997

(2) Tracts, lots, or parcels of land totaling less than 3998  
ten acres that, during the three calendar years prior to the 3999  
year in which application is filed under section 5713.31 of the 4000  
Revised Code and through the last day of May of such year, were 4001  
devoted exclusively to commercial animal or poultry husbandry, 4002  
aquaculture, algaculture meaning the farming of algae, 4003  
apiculture, the cultivation of hemp by a person issued a hemp 4004  
cultivation license under section 928.02 of the Revised Code, 4005  
the production for a commercial purpose of field crops, tobacco, 4006  
fruits, vegetables, timber, nursery stock, ornamental trees, 4007  
sod, or flowers where such activities produced an average yearly 4008  
gross income of at least twenty-five hundred dollars during such 4009  
three-year period or where there is evidence of an anticipated 4010  
gross income of such amount from such activities during the tax 4011  
year in which application is made, or were devoted to and 4012  
qualified for payments or other compensation under a land 4013  
retirement or conservation program under an agreement with an 4014  
agency of the federal government; 4015

(3) Tracts, lots, or parcels of land, or portions thereof 4016  
that, during the previous three consecutive calendar years have 4017  
been designated as land devoted exclusively to agricultural use, 4018  
but such land has been lying idle or fallow for up to one year 4019  
and no action has occurred to such land that is either 4020  
inconsistent with the return of it to agricultural production or 4021  
converts the land devoted exclusively to agricultural use as 4022  
defined in this section. Such land shall remain designated as 4023  
land devoted exclusively to agricultural use provided that 4024  
beyond one year, but less than three years, the landowner proves 4025

good cause as determined by the board of revision. 4026

(4) Tracts, lots, or parcels of land, or portions thereof 4027  
that, during the previous three consecutive calendar years have 4028  
been designated as land devoted exclusively to agricultural use, 4029  
but such land has been lying idle or fallow because of dredged 4030  
material being stored or deposited on such land pursuant to a 4031  
contract between the land's owner and the department of natural 4032  
resources or the United States army corps of engineers and no 4033  
action has occurred to the land that is either inconsistent with 4034  
the return of it to agricultural production or converts the land 4035  
devoted exclusively to agricultural use. Such land shall remain 4036  
designated as land devoted exclusively to agricultural use until 4037  
the last year in which dredged material is stored or deposited 4038  
on the land pursuant to such a contract, but not to exceed five 4039  
years. 4040

"Land devoted exclusively to agricultural use" includes 4041  
tracts, lots, or parcels of land or portions thereof that are 4042  
used for conservation practices, provided that the tracts, lots, 4043  
or parcels of land or portions thereof comprise twenty-five per 4044  
cent or less of the total of the tracts, lots, or parcels of 4045  
land that satisfy the criteria established in division (A) (1), 4046  
(2), (3), or (4) of this section together with the tracts, lots, 4047  
or parcels of land or portions thereof that are used for 4048  
conservation practices. 4049

Notwithstanding any other provision of law to the 4050  
contrary, the existence of agritourism on a tract, lot, or 4051  
parcel of land that otherwise meets the definition of "land 4052  
devoted exclusively to agricultural use" as defined in this 4053  
division does not disqualify that tract, lot, or parcel from 4054  
valuation under sections 5713.30 to 5713.37 and 5715.01 of the 4055

Revised Code. 4056

A tract, lot, or parcel of land taxed under sections 4057  
5713.22 to 5713.26 of the Revised Code is not land devoted 4058  
exclusively to agricultural use. 4059

A tract, lot, parcel, or portion thereof on which medical 4060  
marijuana or adult-use marijuana, as those terms are defined by 4061  
section 3796.01 of the Revised Code, is cultivated or processed 4062  
is not land devoted exclusively to agricultural use. 4063

(B) "Conversion of land devoted exclusively to 4064  
agricultural use" means any of the following: 4065

(1) The failure of the owner of land devoted exclusively 4066  
to agricultural use during the next preceding calendar year to 4067  
file a renewal application under section 5713.31 of the Revised 4068  
Code without good cause as determined by the board of revision; 4069

(2) The failure of the new owner of such land to file an 4070  
initial application under that section without good cause as 4071  
determined by the board of revision; 4072

(3) The failure of such land or portion thereof to qualify 4073  
as land devoted exclusively to agricultural use for the current 4074  
calendar year as requested by an application filed under such 4075  
section; 4076

(4) The failure of the owner of the land described in 4077  
division (A) (3) or (4) of this section to act on such land in a 4078  
manner that is consistent with the return of the land to 4079  
agricultural production after three years. 4080

The construction or installation of an energy facility, as 4081  
defined in section 5727.01 of the Revised Code, on a portion of 4082  
a tract, lot, or parcel of land devoted exclusively to 4083

agricultural use shall not cause the remaining portion of the 4084  
tract, lot, or parcel to be regarded as a conversion of land 4085  
devoted exclusively to agricultural use if the remaining portion 4086  
of the tract, lot, or parcel continues to be devoted exclusively 4087  
to agricultural use. 4088

(C) "Tax savings" means the difference between the dollar 4089  
amount of real property taxes levied in any year on land valued 4090  
and assessed in accordance with its current agricultural use 4091  
value and the dollar amount of real property taxes that would 4092  
have been levied upon such land if it had been valued and 4093  
assessed for such year in accordance with Section 2 of Article 4094  
XII, Ohio Constitution. 4095

(D) "Owner" includes, but is not limited to, any person 4096  
owning a fee simple, fee tail, or life estate or a buyer on a 4097  
land installment contract. 4098

(E) "Conservation practices" are practices used to abate 4099  
soil erosion as required in the management of the farming 4100  
operation, and include, but are not limited to, the 4101  
installation, construction, development, planting, or use of 4102  
grass waterways, terraces, diversions, filter strips, field 4103  
borders, windbreaks, riparian buffers, wetlands, ponds, and 4104  
cover crops for that purpose. 4105

(F) "Wetlands" has the same meaning as in section 6111.02 4106  
of the Revised Code. 4107

(G) "Biodiesel" means a mono-alkyl ester combustible 4108  
liquid fuel that is derived from vegetable oils or animal fats 4109  
or any combination of those reagents and that meets the American 4110  
society for testing and materials specification D6751-03a for 4111  
biodiesel fuel (B100) blend stock distillate fuels. 4112



(H) "Biologically derived methane gas" means gas from the 4113  
anaerobic digestion of organic materials, including animal waste 4114  
and agricultural crops and residues. 4115

(I) "Biomass energy" means energy that is produced from 4116  
organic material derived from plants or animals and available on 4117  
a renewable basis, including, but not limited to, agricultural 4118  
crops, tree crops, crop by-products, and residues. 4119

(J) "Electric or heat energy" means electric or heat 4120  
energy generated from manure, cornstalks, soybean waste, or 4121  
other agricultural feedstocks. 4122

(K) "Dredged material" means material that is excavated or 4123  
dredged from waters of this state. "Dredged material" does not 4124  
include material resulting from normal farming, silviculture, 4125  
and ranching activities, such as plowing, cultivating, seeding, 4126  
and harvesting, for production of food, fiber, and forest 4127  
products. 4128

(L) "Agritourism" has the same meaning as in section 4129  
901.80 of the Revised Code. 4130

**Sec. 5739.21.** (A) One hundred per cent of all money 4131  
deposited into the state treasury under sections 5739.01 to 4132  
5739.31 of the Revised Code that is not required to be 4133  
distributed as provided in ~~section~~ sections 5739.102, 5739.271, 4134  
and 5739.272 of the Revised Code or division (B) of this section 4135  
shall be credited to the general revenue fund. 4136

(B) (1) In any case where any county or transit authority 4137  
has levied a tax or taxes pursuant to section 5739.021, 4138  
5739.023, or 5739.026 of the Revised Code, the tax commissioner 4139  
shall, within forty-five days after the end of each month, 4140  
determine and certify to the director of budget and management 4141

the amount of the proceeds of such tax or taxes received during 4142  
that month from billings and assessments, or associated with tax 4143  
returns or reports filed during that month, to be returned to 4144  
the county or transit authority levying the tax or taxes. The 4145  
amount to be returned to each county and transit authority shall 4146  
be a fraction of the aggregate amount of money collected with 4147  
respect to each area in which one or more of such taxes are 4148  
concurrently in effect with the tax levied by section 5739.02 of 4149  
the Revised Code. The numerator of the fraction is the rate of 4150  
the tax levied by the county or transit authority and the 4151  
denominator of the fraction is the aggregate rate of such taxes 4152  
applicable to such area. The amount to be returned to each 4153  
county or transit authority shall be reduced by the amount of 4154  
any refunds of county or transit authority tax paid pursuant to 4155  
section 5739.07 of the Revised Code during the same month, or 4156  
transfers made pursuant to division (B) (2) of section 5703.052 4157  
of the Revised Code. 4158

(2) On a periodic basis, using the best information 4159  
available, the tax commissioner shall distribute any amount of a 4160  
county or transit authority tax that cannot be distributed under 4161  
division (B) (1) of this section. Through audit or other means, 4162  
the commissioner shall attempt to obtain the information 4163  
necessary to make the distribution as provided under that 4164  
division and, on receipt of that information, shall make 4165  
adjustments to distributions previously made under this 4166  
division. 4167

(3) Eight and thirty-three one-hundredths of one per cent 4168  
of the revenue collected from the tax due under division (A) of 4169  
section 5739.029 of the Revised Code shall be distributed to the 4170  
county where the sale of the motor vehicle is situated under 4171  
section 5739.033 of the Revised Code. The amount to be so 4172

distributed to the county shall be apportioned on the basis of 4173  
the rates of taxes the county levies pursuant to sections 4174  
5739.021 and 5739.026 of the Revised Code, as applicable, and 4175  
shall be credited to the funds of the county as provided in 4176  
divisions (A) and (B) of section 5739.211 of the Revised Code. 4177

(C) The aggregate amount to be returned to any county or 4178  
transit authority shall be reduced by one per cent, which shall 4179  
be certified directly to the credit of the local sales tax 4180  
administrative fund, which is hereby created in the state 4181  
treasury. For the purpose of determining the amount to be 4182  
returned to a county and transit authority in which the rate of 4183  
tax imposed by the transit authority has been reduced under 4184  
section 5739.028 of the Revised Code, the tax commissioner shall 4185  
use the respective rates of tax imposed by the county or transit 4186  
authority that results from the change in the rates authorized 4187  
under that section. 4188

(D) The director of budget and management shall transfer, 4189  
from the same funds and in the same proportions specified in 4190  
division (A) of this section, to the permissive tax distribution 4191  
fund created by division (B) (1) of section 4301.423 of the 4192  
Revised Code and to the local sales tax administrative fund, the 4193  
amounts certified by the tax commissioner. The tax commissioner 4194  
shall then, on or before the twentieth day of the month in which 4195  
such certification is made, provide for payment of such 4196  
respective amounts to the county treasurer and to the fiscal 4197  
officer of the transit authority levying the tax or taxes. The 4198  
amount transferred to the local sales tax administrative fund is 4199  
for use by the tax commissioner in defraying costs incurred in 4200  
administering such taxes levied by a county or transit 4201  
authority. 4202

Sec. 5739.27. (A) Terms used in this section and sections 4203  
5739.271 and 5739.272 of the Revised Code have the same meanings 4204  
as in section 3796.01 of the Revised Code, except that "adult- 4205  
use marijuana" includes medical marijuana sold under section 4206  
3796.33 of the Revised Code. 4207

(B) For the purpose of funding the needs of the state, 4208  
including law enforcement training and operations, public health 4209  
and safety, access to justice initiatives, and administration of 4210  
adult-use marijuana laws, an excise tax is levied on the retail 4211  
sale of adult-use marijuana. The rate of the tax shall equal 4212  
fifteen per cent of the price of adult-use marijuana and is in 4213  
addition to other taxes levied under this chapter or Chapter 4214  
5741. of the Revised Code. 4215

(C) The tax shall be paid by the consumer to the vendor at 4216  
the time of the sale, and the vendor shall report and remit the 4217  
tax to the state in the same manner and at the same time the 4218  
vendor reports and remits the tax levied under section 5739.02 4219  
of the Revised Code. The return required by this division shall 4220  
be filed on a form prescribed by the tax commissioner, which 4221  
shall be separate from the return required to be filed under 4222  
section 5739.12 of the Revised Code. A vendor with no sales of 4223  
adult-use marijuana for a reporting period is not required to 4224  
file this separate return. Except as otherwise provided in this 4225  
section and section 5739.271 of the Revised Code, and for all 4226  
purposes of the Revised Code, the tax levied under this section 4227  
shall be considered a tax levied under section 5739.02 of the 4228  
Revised Code. 4229

(D) For the same purpose as the tax levied under division 4230  
(B) of this section, a tax is levied on a vendor that sells any 4231  
marijuana other than adult-use marijuana or medical marijuana to 4232

a consumer. That tax equals fifteen per cent of the price of 4233  
such marijuana, and the consumer and vendor are liable for any 4234  
amounts, including tax, interest, and penalties, imposed under 4235  
this section and chapter in the same manner as vendors subject 4236  
to the tax imposed under division (B) of this section. 4237

**Sec. 5739.271.** (A) As used in this section: 4238

(1) "Year-end balance" means the balance of a fund on the 4239  
last day of the preceding fiscal year. 4240

(2) "Annual transfer limit" means the maximum amount that 4241  
may be credited to a recipient fund from the marijuana receipts 4242  
fund in a fiscal year, as follows: 4243

(a) For the department of public safety law enforcement 4244  
training fund, forty-five million dollars minus the fund's year- 4245  
end balance or, if the marijuana expungement fund has ceased to 4246  
exist, fifty-five million dollars minus the fund's year-end 4247  
balance; 4248

(b) For the attorney general law enforcement training 4249  
fund, zero dollars in fiscal years 2024 and 2025, and, for other 4250  
fiscal years, forty million dollars minus the fund's year-end 4251  
balance; 4252

(c) For the marijuana receipts drug law enforcement fund, 4253  
fifteen million dollars minus the fund's year-end balance; 4254

(d) For the marijuana poison control fund, five million 4255  
dollars minus the fund's year-end balance; 4256

(e) For the substance abuse, treatment, and prevention 4257  
fund, twenty-five million dollars minus the fund's year-end 4258  
balance or, if the marijuana expungement fund has ceased to 4259  
exist, thirty million dollars minus the fund's year-end balance; 4260

<u>(f) For the 9-8-8 fund, twenty-five million dollars minus</u>	4261
<u>the fund's year-end balance;</u>	4262
<u>(g) For the county jail construction fund, eighty million</u>	4263
<u>dollars minus the fund's year-end balance until the fiscal year</u>	4264
<u>that includes the date that is ten years after the effective</u>	4265
<u>date of this section and zero dollars in each fiscal year</u>	4266
<u>thereafter;</u>	4267
<u>(h) For the marijuana expungement fund, fifteen million</u>	4268
<u>dollars minus the fund's year-end balance;</u>	4269
<u>(i) For the division of marijuana control operations fund,</u>	4270
<u>eight million dollars minus the fund's year-end balance;</u>	4271
<u>(j) For the safe driver training fund, fifteen million</u>	4272
<u>dollars minus the fund's year-end balance;</u>	4273
<u>(k) For the Ohio investigative unit operations fund,</u>	4274
<u>thirteen million dollars minus the fund's year-end balance.</u>	4275
<u>(B) For the purpose of receiving and distributing, and</u>	4276
<u>accounting for, revenue received from the tax levied under</u>	4277
<u>section 5739.27 of the Revised Code, the following funds are</u>	4278
<u>created in the state treasury:</u>	4279
<u>(1) The marijuana receipts fund;</u>	4280
<u>(2) The department of public safety law enforcement</u>	4281
<u>training fund, which the director of public safety shall use to</u>	4282
<u>fund the training of peace officers;</u>	4283
<u>(3) The attorney general law enforcement training fund,</u>	4284
<u>which the attorney general shall use to fund the training of</u>	4285
<u>peace officers and troopers that is required under section</u>	4286
<u>109.803 of the Revised Code;</u>	4287

(4) The marijuana receipts drug law enforcement fund, 4288  
which the executive director of the division of criminal justice 4289  
services shall use for the same purposes and administer in the 4290  
same manner as the drug law enforcement fund created under 4291  
section 5502.62 of the Revised Code; 4292

(5) The marijuana poison control fund, which the director 4293  
of health shall use to support efforts to safeguard the public 4294  
from marijuana exposure and other chemical exposures, and to 4295  
provide clinical consultation services, educational prevention 4296  
programs, and annual data reporting to the general assembly as 4297  
required under section 3701.20 of the Revised Code; 4298

(6) The substance abuse, treatment, and prevention fund, 4299  
which the director of mental health and addiction services shall 4300  
use to pay for substance abuse treatment, prevention, and 4301  
education, using peer-reviewed and evidence-based methods; 4302

(7) The 9-8-8 fund, which the director of mental health 4303  
and addiction services shall use to support the operations of 4304  
the 9-8-8 administrator under section 5119.82 of the Revised 4305  
Code and the suicide prevention and mental health crisis hotline 4306  
system statewide; 4307

(8) The county jail construction fund, which the director 4308  
of rehabilitation and correction shall use to provide grants to 4309  
support the construction and renovation of county jails pursuant 4310  
to section 5120.81 of the Revised Code; 4311

(9) The marijuana expungement fund, which the attorney 4312  
general shall use to fund the reimbursements authorized in 4313  
section 109.44 of the Revised Code; 4314

(10) The division of marijuana control operations fund, 4315  
which the superintendent of marijuana control shall use to fund 4316

the operations of the division of marijuana control; 4317

(11) The safe driver training fund, which the director of 4318  
public safety shall use to support the department's efforts in 4319  
providing safe driver notifications, safe driver education, and 4320  
public safety announcements, which shall include information on 4321  
the dangers of driving while under the influence of marijuana; 4322

(12) The Ohio investigative unit operations fund, which 4323  
shall be used by the director of public safety for the same 4324  
purposes as the Ohio investigative unit fund created under 4325  
section 5502.132 of the Revised Code. 4326

(C) The director of mental health and addiction services 4327  
shall submit a plan for the following fiscal year for amounts in 4328  
the marijuana substance abuse treatment and prevention fund to 4329  
the general assembly, pursuant to division (B) of section 101.68 4330  
of the Revised Code, by the first day of March each year. 4331

The director of public safety shall submit a plan for the 4332  
following fiscal year for amounts in the safe driver training 4333  
fund to the general assembly, pursuant to division (B) of 4334  
section 101.68 of the Revised Code by the first day of March 4335  
each year. 4336

(D) All amounts collected from the tax levied under 4337  
section 5739.27 of the Revised Code shall be deposited into the 4338  
marijuana receipts fund. Investment earnings of the marijuana 4339  
receipts fund shall be credited to that fund. 4340

From the marijuana receipts fund, the director of budget 4341  
and management shall transfer as needed to the tax refund fund 4342  
amounts equal to the refunds attributable to the tax levied 4343  
under section 5739.27 of the Revised Code and certified by the 4344  
tax commissioner under section 5739.07 of the Revised Code. 4345



(E) After making any transfers required under division (D) 4346  
of this section, the director of budget and management shall 4347  
transfer amounts remaining in the marijuana receipts fund as 4348  
follows: 4349

(1) Sixteen per cent or, if the marijuana expungement fund 4350  
has ceased to exist, nineteen per cent to the department of 4351  
public safety law enforcement training fund, until the amount 4352  
credited to the fund in the fiscal year equals the fund's annual 4353  
transfer limit, then to the general revenue fund; 4354

(2) Fourteen per cent to the attorney general law 4355  
enforcement training fund, until the amount credited to the fund 4356  
in the fiscal year equals the fund's annual transfer limit, then 4357  
to the general revenue fund; 4358

(3) Five per cent to the marijuana receipts drug law 4359  
enforcement fund, until the amount credited to the fund in the 4360  
fiscal year equals the fund's annual transfer limit, then to the 4361  
general revenue fund; 4362

(4) Two per cent to the marijuana poison control fund, 4363  
until the amount credited to the fund in the fiscal year equals 4364  
the fund's annual transfer limit, then to the general revenue 4365  
fund; 4366

(5) Nine per cent or, if the marijuana expungement fund 4367  
has ceased to exist, eleven per cent to the substance abuse, 4368  
treatment, and prevention fund, until the amount credited to the 4369  
fund in the fiscal year equals the fund's annual transfer limit, 4370  
then to the general revenue fund; 4371

(6) Nine per cent to the 9-8-8 fund, until the amount 4372  
credited to the fund in the fiscal year equals the fund's annual 4373  
transfer limit, then to the general revenue fund; 4374

(7) Twenty-eight per cent to the county jail construction fund, until the amount credited to the fund in the fiscal year equals the fund's annual transfer limit, then to the general revenue fund; 4375  
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(8) Five per cent to the marijuana expungement fund, until the amount credited to the fund in the fiscal year equals the fund's annual transfer limit, then to the general revenue fund; 4379  
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(9) Three per cent to the division of marijuana control operations fund, until the amount credited to the fund in the fiscal year equals the fund's annual transfer limit, then to the general revenue fund; 4382  
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(10) Five per cent to the safe driver training fund, until the amount credited to the fund in the fiscal year equals the fund's annual transfer limit, then to the general revenue fund; 4386  
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(11) Four per cent to the Ohio investigative unit operations fund, until the amount credited to the fund in the fiscal year equals the fund's annual transfer limit, then to the general revenue fund. 4389  
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**Sec. 5739.272.** (A) For one or more of the purposes of funding cultural, artistic, and entertainment opportunities in the county and for the purpose of paying the expenses of administering the tax, a board of county commissioners may levy an excise tax on the retail sale of adult-use marijuana in the county. 4393  
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The rate of the tax shall be expressed as a multiple of one-quarter of one per cent of the price of adult-use marijuana, but shall not exceed three per cent in total when accounting for all taxes levied under this section simultaneously by a county. The tax is in addition to other taxes levied under this chapter 4399  
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or Chapter 5741. of the Revised Code. The tax may be levied for  
any number of years not exceeding ten years.

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

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

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

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<u>Yes</u>	<u>For the tax</u>
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No	Against the tax	"
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(C) A tax approved under this section shall be paid by the 4430  
consumer to the vendor at the time of the sale, and the vendor 4431  
shall report and remit the tax to the state in the same manner, 4432  
on the same form, and at the same time as the vendor reports and 4433  
remits the tax levied under section 5739.27 of the Revised Code. 4434  
Except as otherwise provided in this section, and for all 4435  
purposes of the Revised Code, the tax levied under this section 4436  
shall be administered and enforced in the same manner as a tax 4437  
levied under section 5739.021 of the Revised Code. 4438

(D) All money arising from a tax levied under this section 4439  
shall be credited as follows: 4440

(1) To the tax refund fund created by section 5703.052 of 4441  
the Revised Code, amounts equal to the refunds attributable to 4442  
each tax levied under this section of the Revised Code and 4443  
certified by the tax commissioner pursuant to section 5739.07 of 4444  
the Revised Code; 4445

(2) Following the crediting of amounts pursuant to 4446  
division (D)(1) of this section: 4447

(a) To the permissive tax distribution fund created under 4448  
section 4301.423 of the Revised Code, an amount equal to ninety- 4449  
eight per cent of the remainder collected; 4450

(b) To the local excise tax administrative fund created 4451  
under section 5743.021 of the Revised Code, an amount equal to 4452  
two per cent of such remainder, for use by the tax commissioner 4453  
in defraying costs incurred in administering the tax. 4454

On or before the tenth day of each month, the tax 4455  
commissioner shall distribute the amount credited to the 4456

permissive tax distribution fund during the preceding month by 4457  
providing for payment of the appropriate amount to the county 4458  
treasurer of the county in which the tax is levied. 4459

**Sec. 5739.99.** (A) Whoever violates section 5739.26 or 4460  
5739.29 of the Revised Code shall be fined not less than twenty- 4461  
five nor more than one hundred dollars for a first offense; for 4462  
each subsequent offense such person shall, if a corporation, be 4463  
fined not less than one hundred nor more than five hundred 4464  
dollars, or if an individual, or a member of a partnership, 4465  
firm, or association, be fined not less than twenty-five nor 4466  
more than one hundred dollars, or imprisoned not more than sixty 4467  
days, or both. 4468

(B) Whoever violates division (A) of section 5739.30 of 4469  
the Revised Code shall be fined not less than one hundred nor 4470  
more than one thousand dollars, or imprisoned not more than 4471  
sixty days, or both. 4472

(C) (1) Whoever violates division (A) (1) of section 5739.31 4473  
of the Revised Code shall be fined not less than twenty-five nor 4474  
more than one hundred dollars. If the offender previously has 4475  
been convicted of a violation of division (A) (1) of section 4476  
5739.31 of the Revised Code, the offender is guilty of a felony 4477  
of the fourth degree. 4478

(2) Whoever violates division (A) (2) of section 5739.31 of 4479  
the Revised Code shall be fined not less than one hundred 4480  
dollars nor more than five hundred dollars, or imprisoned for 4481  
not more than ten days, or both, for the first offense; for each 4482  
subsequent offense, each such person shall be fined not less 4483  
than one thousand dollars nor more than twenty-five hundred 4484  
dollars, or imprisoned not more than thirty days, or both. The 4485  
motor vehicles and goods of any person charged with violating 4486

division (A) (2) of section 5739.31 of the Revised Code may be 4487  
impounded and held pending the disposition of the charge, and 4488  
may be sold at auction by the county sheriff in the manner 4489  
prescribed by law to satisfy any fine imposed by this division. 4490

(3) Whoever violates division (B) of section 5739.31 of 4491  
the Revised Code is guilty of a felony of the fourth degree. 4492  
Each day that business is conducted while a vendor's license is 4493  
suspended constitutes a separate offense. 4494

(D) Except as otherwise provided in this section, whoever 4495  
violates sections 5739.01 to 5739.31 of the Revised Code, or any 4496  
lawful rule promulgated by the department of taxation under 4497  
authority of such sections, shall be fined not less than twenty- 4498  
five nor more than one hundred dollars. 4499

(E) Whoever violates section 5739.12 of the Revised Code 4500  
by failing to remit to the state the tax collected under section 4501  
5739.02, 5739.021, 5739.023, ~~or 5739.026,~~ 5739.27, or 5739.272 4502  
of the Revised Code is guilty of a felony of the fourth degree 4503  
and shall suffer the loss of the person's vendor's license as 4504  
required by section 5739.17 of the Revised Code. A person shall 4505  
not be eligible for a vendor's license for two years following 4506  
conviction. 4507

(F) Whoever violates division (E) of section 5739.17 of 4508  
the Revised Code is guilty of failure to display a transient 4509  
vendor's license, a minor misdemeanor. A sheriff or police 4510  
officer in a municipal corporation may enforce this division. 4511  
The prosecuting attorney of a county shall inform the tax 4512  
commissioner of any instance when a complaint is brought against 4513  
a transient vendor pursuant to this division. 4514

(G) Whoever violates section 5739.103 of the Revised Code 4515

shall be fined not less than twenty-five nor more than one 4516  
hundred dollars. If the offender previously has been convicted 4517  
of violating that section, the offender is guilty of a felony of 4518  
the fourth degree. 4519

(H) The penalties provided in this section are in addition 4520  
to any penalties imposed by the tax commissioner under section 4521  
5739.133 of the Revised Code. 4522

**Section 2.** That existing sections 121.95, 121.951, 519.21, 4523  
928.01, 928.03, 2925.01, 3376.07, 3719.01, 3796.01, 3796.02, 4524  
3796.03, 3796.05, 3796.06, 3796.07, 3796.09, 3796.10, 3796.12, 4525  
3796.14, 3796.15, 3796.17, 3796.18, 3796.19, 3796.20, 3796.21, 4526  
3796.22, 3796.24, 3796.28, 3796.29, 3796.30, 4301.17, 4301.171, 4527  
4303.041, 4303.184, 4399.15, 4735.18, 5119.10, 5502.01, 5502.13, 4528  
5502.14, 5713.30, 5739.21, and 5739.99 of the Revised Code are 4529  
hereby repealed. 4530

**Section 3.** That sections 3780.01, 3780.02, 3780.03, 4531  
3780.04, 3780.05, 3780.06, 3780.07, 3780.08, 3780.09, 3780.10, 4532  
3780.11, 3780.12, 3780.13, 3780.14, 3780.15, 3780.16, 3780.17, 4533  
3780.18, 3780.19, 3780.20, 3780.21, 3780.22, 3780.23, 3780.24, 4534  
3780.25, 3780.26, 3780.27, 3780.28, 3780.29, 3780.30, 3780.31, 4535  
3780.32, 3780.33, 3780.34, 3780.35, 3780.36, 3780.90, 3780.99, 4536  
and 3796.021 of the Revised Code are hereby repealed. 4537

**Section 4.** (A) As used in this section, "adult-use 4538  
marijuana" has the same meaning as in section 3796.01 of the 4539  
Revised Code, as amended by this act. 4540

(B) The Division of Marijuana Control shall adopt and 4541  
implement all rules necessary to effectuate this act within nine 4542  
months after the effective date of this section, including by 4543  
accepting new applications for cultivator, processor, 4544

dispensary, and laboratory licenses. 4545

(C) All rules adopted by the Division of Marijuana Control 4546  
relating to the advertisement of medical marijuana apply to the 4547  
advertisement of adult-use marijuana until such time as the 4548  
Division adopts rules pertaining to the advertisement of adult- 4549  
use marijuana. 4550

**Section 5.** The General Assembly, applying the principle 4551  
stated in division (B) of section 1.52 of the Revised Code that 4552  
amendments are to be harmonized if reasonably capable of 4553  
simultaneous operation, finds that the following sections, 4554  
presented in this act as composites of the sections as amended 4555  
by the acts indicated, are the resulting versions of the 4556  
sections in effect prior to the effective date of the sections 4557  
as presented in this act: 4558

Section 519.21 of the Revised Code as amended by both H.B. 4559  
523 and S.B. 75 of the 131st General Assembly. 4560

Section 5739.99 of the Revised Code as amended by both 4561  
S.B. 143 and S.B. 200 of the 124th General Assembly. 4562