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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

A BILL

To amend sections 121.95, 121.951, 519.21, 928.01, 928.03, 2925.01, 3376.07, 3719.01, 3796.01, 3796.02, 3796.03, 3796.05, 3796.06, 3796.07, 3796.09, 3796.10, 3796.12, 3796.14, 3796.15, 3796.17, 3796.18, 3796.19, 3796.20, 3796.21, 3796.22, 3796.24, 3796.28, 3796.29, 3796.30, 4301.17, 4301.171, 4303.041, 4303.184, 4399.15, 4735.18, 5119.10, 5502.01, 5502.13, 5502.14, 5713.30, 5739.21, and 5739.99; to enact sections 109.44, 2953.321, 3796.04, 3796.062, 3796.221, 3796.32, 3796.33, 3796.99, 5119.81, 5119.82, 5119.83, 5120.81, 5739.27, 5739.271, and 5739.272; and to repeal sections 3780.01, 3780.02, 3780.03, 3780.04, 3780.05, 3780.06, 3780.07, 3780.08, 3780.09, 3780.10, 3780.11, 3780.12, 3780.13, 3780.14, 3780.15, 3780.16, 3780.17, 3780.18, 3780.19, 3780.20, 3780.21, 3780.22, 3780.23, 3780.24, 3780.25, 3780.26, 3780.27, 3780.28, 3780.29, 3780.30, 3780.31,
3780.32, 3780.33, 3780.34, 3780.35, 3780.36, 3780.90, 3780.99, and 3796.021 of the Revised Code to revise specified provisions of the liquor control, hemp, and adult-use marijuana laws and to levy taxes on marijuana.

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

Section 1. That sections 121.95, 121.951, 519.21, 928.01, 928.03, 2953.321, 3796.04, 3796.06, 3796.07, 3796.09, 3796.10, 3796.12, 3796.14, 3796.15, 3796.17, 3796.18, 3796.19, 3796.20, 3796.21, 3796.22, 3796.24, 3796.28, 3796.29, 3796.30, 4301.17, 4301.171, 4303.041, 4303.184, 4399.15, 4735.18, 5119.10, 5119.81, 5119.82, 5119.83, 5120.81, 5713.30, 5739.27, 5739.271, 5739.272, and 5739.273 of the Revised Code be amended and sections 109.44, 5119.81, 5119.82, 5119.83, 5120.81, 5739.27, 5739.271, and 5739.272 of the Revised Code be enacted to read as follows:

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

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

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

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

(1) A description of the regulatory restriction;

(2) The rule number of the rule in which the regulatory
restriction appears;

(3) The statute under which the regulatory restriction was adopted;

(4) Whether state or federal law expressly and specifically requires the agency to adopt the regulatory restriction or the agency adopted the regulatory restriction under the agency's general authority;

(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;

(6) Any other information the joint committee on agency rule review considers necessary.

(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.

(E) The following types of rules or regulatory restrictions are not required to be included in a state agency's inventory of regulatory restrictions:

(1) An internal management rule;

(2) An emergency rule;

(3) A rule that state or federal law requires the state agency to adopt verbatim;
(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;

(5) A rule adopted pursuant to section 1347.15 of the
Revised Code;

(6) A rule concerning instant lottery games;

(7) A rule adopted by the Ohio casino control commission
or the state lottery commission concerning sports gaming;

(8) Any other rule that is not subject to review under
Chapter 106. of the Revised Code.

(F) Beginning 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.

(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.

Sec. 121.951. (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:
(a) A ten per cent reduction not later than June 30, 2023;

(b) A twenty per cent reduction not later than June 30, 2024; and

(c) The thirty per cent reduction not later than June 30, 2025.

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.

(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.

(3) A state agency is encouraged to continue to reduce regulatory restrictions after it has achieved the specified thirty per cent reduction.

(B)(1) Not later than September 15, 2022, a state agency shall prepare an historical report of its progress in reducing regulatory restrictions over the period of time beginning when the agency prepared its base inventory under section 121.95 of the Revised Code and ending on June 30, 2022. Annually thereafter, a state agency shall prepare an historical report of its progress in reducing regulatory restrictions over the preceding fiscal year. The state agency shall explain in the
report how it applied the criteria described in division (A) of section 106.03 of the Revised Code to its determinations as to which regulatory restrictions to amend or rescind. The state agency shall include a revised inventory of regulatory restrictions with the report.

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

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

(C) Division (A) 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.

Sec. 519.21. (A) Except as otherwise provided in divisions (B) and (D) of this section, sections 519.02 to 519.25 of the Revised Code confer no power on any township zoning commission, board of township trustees, or board of zoning appeals to...
prohibit the use of any land for agricultural purposes or the
construction or use of buildings or structures incident to the
use for agricultural purposes of the land on which such
buildings or structures are located, including buildings or
structures that are used primarily for vinting and selling wine
and that are located on land any part of which is used for
viticulture, and no zoning certificate shall be required for any
such building or structure.

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

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

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

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

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

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

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

(2) Biodiesel production, biomass energy production, or electric or heat energy production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under sections 5713.30 to 5713.37 of the Revised Code for real property tax purposes. As used in division (C)(2) of this section, "biodiesel," "biomass energy," and "electric or heat energy" have the same meanings as in section 5713.30 of the Revised Code.
(3) Biologically derived methane gas production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under sections 5713.30 to 5713.37 of the Revised Code for real property tax purposes and if the facility that produces the biologically derived methane gas does not produce more than seventeen million sixty thousand seven hundred ten British thermal units, five megawatts, or both.

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

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

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

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

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

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

Sec. 928.01. As used in this chapter:

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

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

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

(1) Floral or topical hemp products;

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

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

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

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

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

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

(H) "Hemp product" means any product, containing a delta-9 tetrahydrocannabinol concentration of not more than three-tenths per cent, that is made with hemp. "Hemp product" includes cosmetics, personal care products, dietary supplements or food intended for animal or human consumption, cloth,
cordage, fiber, fuel, paint, paper, particleboard, and any other product containing one or more cannabinoids derived from hemp, including cannabidiol-cannabinoid hemp products, floral hemp products, topical hemp products, and non-cannabinoid hemp products. "Hemp product" includes any hemp not in the possession of a licensed hemp cultivator or hemp processor.

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

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

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

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

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

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

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

(K) (O) "Tetrahydrocannabinol" means naturally occurring or synthetic equivalents, regardless of whether artificially or naturally derived, of the substances contained in the plant, or in the resinous extractives of cannabis, sp. or derivatives, and their isomers with similar chemical structure to delta-1-cis or trans tetrahydrocannabinol, and their optical isomers, salts and salts of isomers. "Tetrahydrocannabinol" includes, but is not limited to, delta-6-cis or trans tetrahydrocannabinol, delta-3,4-cis or trans tetrahydrocannabinol, 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.

"Tetrahydrocannabinol" does not include the following:

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

(2) Cannabichromene (CBC);

(3) Cannabicyclol (CBL);

(4) Cannabidiol (CBD),

(5) Cannabidivarol (CBDV);

(6) Cannabielsoin (CBE);

(7) Cannabigerol (CBG);

(8) Cannabigerovarin (CBGV);

(9) Cannabinol (CBN);
(10) Cannabivarin (CBV).

(P) "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.

(Q) "USDA" means the United States department of agriculture.

Sec. 928.03. 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:

(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;

(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:

(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;

(2) That there is one uniform application fee and one uniform annual license fee that applies to all applicants for a hemp cultivation license.
(C) Requirements and procedures concerning background investigations of each applicant for a hemp cultivation license and each applicant for a hemp processing license. The director shall include both of the following in the rules adopted under this division:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

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

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

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

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

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

(X) Standards for the testing and labeling of hemp and hemp products;

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

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

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

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

Sec. 2925.01. As used in this chapter:

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

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

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

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

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

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

   (c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a schedule I stimulant or depressant;
(d) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II opiate or opium derivative;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(H) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States.
(I) "Harmful intoxicant" does not include beer or intoxicating liquor but means any of the following:

1. Any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes, but is not limited to, any of the following:
   a. Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;
   b. Any aerosol propellant;
   c. Any fluorocarbon refrigerant;
   d. Any anesthetic gas.
2. Gamma Butyrolactone;
3. 1,4 Butanediol.

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

(K) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.
(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" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.

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

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

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

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

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

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

(U) "Certified grievance committee" means a duly
constituted and organized committee of the Ohio state bar
association or of one or more local bar associations of the
state of Ohio that complies with the criteria set forth in Rule

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

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

(1) A person who has received a certificate or temporary
certificate as a certified public accountant or who has
registered as a public accountant under Chapter 4701. of the
Revised Code and who holds an Ohio permit issued under that
(2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;

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

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

(5) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;

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

(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced 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;

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

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

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

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

(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;

(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;

(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;

(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;

(16) A person who is authorized to practice as a physician
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;

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

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

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

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

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

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

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

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

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

(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;

(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;

(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;

(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;

(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;

(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;

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

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

(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;

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

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

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

(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;

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

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

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

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

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

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

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

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

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

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

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

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

(2) A violation of section 2925.11 of the Revised Code as
it exists on and after July 1, 1996, that is a misdemeanor or a
felony of the fifth degree.
(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.

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

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

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

(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.

(KK) "Fentanyl-related compound" means any of the following:

(1) Fentanyl;

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidinyl]-N-phenylpropanamide);

(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);

(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;

(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;

(10) Alfentanil;

(11) Carfentanil;

(12) Remifentanil;

(13) Sufentanil;

(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and

(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:

(a) A chemical scaffold consisting of both of the following:

(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;

(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached
aromatic ring or other lipophilic group to that nitrogen.

(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;

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

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

(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.

(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.

(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
degree.

(OO) "Maximum second degree felony mandatory prison term" means the maximum definite prison term 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 the longest minimum prison term prescribed in division (A)(2)(a) of that section for a felony of the second degree.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(F) The court shall order the expungement of all official
records pertaining to the case and the deletion of all index
references to the case and, if it does order the expungement,
shall send notice of the order to each public office or agency
that the court has reason to believe may have an official record
pertaining to the case if the court, after complying with
division (E) of this section, determines that the applicant, prior to the effective date of this section, had been convicted of or pleaded guilty to a violation of division (C)(3) or (7) of section 2925.11 of the Revised Code and that the conduct that was the basis for the violation involved possession of not more than fifteen grams of hashish and not more than two and one-half ounces of marihuana other than hashish.

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

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

Sec. 3376.07. A state institution of higher education, private college, athletic association, conference, or other group or organization with authority over intercollegiate athletics may prohibit a student who participates in intercollegiate athletics from entering into a contract providing compensation to the student for use of the student's name, image, or likeness if under the contract the student's name, image, or likeness is associated with any of the following:
(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, III, IV, or V.

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

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

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

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

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


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

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

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

(M) "Marihuana" means all parts of a plant of the genus
cannabis, whether growing or not; the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture, or preparation of a plant of that type or of its seeds or resin. "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.

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

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

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

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

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

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

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

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

(T) "Licensed health professional authorized to prescribe drugs," "prescriber," and "prescription" have the same meanings as in section 4729.01 of the Revised Code.
(U) "Sale" includes delivery, barter, exchange, transfer, or gift, or offer thereof, and each transaction of those natures made by any person, whether as principal, proprietor, agent, servant, or employee.

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

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

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

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

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

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

(i) The chemical structure of the substance is substantially similar to the structure of a controlled substance in schedule I or II.
(b)(ii) One of the following applies regarding the substance:

(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.

(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.

(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.

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

(a) A controlled substance;

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

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

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

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

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

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

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

As Представлено в Сенате

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

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

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

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

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

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

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

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

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

(a) Acquired immune deficiency syndrome;

(b) Alzheimer's disease;
(c) Amyotrophic lateral sclerosis; 1389
(d) Cancer; 1390
(e) Chronic traumatic encephalopathy; 1391
(f) Crohn's disease;
(g) Epilepsy or another seizure disorder; 1393
(h) Fibromyalgia;
(i) Glaucoma;
(j) Hepatitis C;
(k) Inflammatory bowel disease;
(l) Multiple sclerosis;
(m) Pain that is either of the following:

(i) Chronic and severe;
(ii) Intractable.
(n) Parkinson's disease;
(o) Positive status for HIV;
(p) Post-traumatic stress disorder;
(q) Sickle cell anemia;
(r) Spinal cord disease or injury;
(s) Tourette's syndrome;
(t) Traumatic brain injury;
(u) Ulcerative colitis;
(v) Any other disease or condition added by the state medical board under section 4731.302 of the Revised Code.
(7) "State university" has the same meaning as in section 3345.011 of the Revised Code.

(8) "Adult-use consumer" means an individual who is at least twenty-one years of age.

(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.

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

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

(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.

(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.

(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.

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

(16) "Ohio investigative unit" means the investigative unit maintained by the department of public safety under section 5502.13 of the Revised Code.
(17) "Homegrown marijuana" means marijuana cultivated, grown, processed, or possessed by an adult-use consumer in accordance with section 3796.04 of the Revised Code. "Homegrown marijuana" does not include medical marijuana or adult-use marijuana.

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

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

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

Sec. 3796.02. There is hereby established a division of marijuana control in the department of commerce under the supervision and direction of the superintendent of marijuana control as established under section 121.04 of the Revised Code. The medical marijuana control program is hereby established in the division of marijuana control. The division shall provide for the licensure of medical marijuana cultivators, processors, retail dispensaries, and laboratories that test medical marijuana. The division shall also provide for the registration
of patients and their caregivers. The division shall administer the medical marijuana control program.

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

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

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

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

(2) Specify both of the following:

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

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

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

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

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

(6) Establish standards under which a license suspension may be lifted;
(7) Establish procedures for registration of medical marijuana patients and caregivers and requirements that must be met to be eligible for registration;

(8) Establish training requirements for employees of retail dispensaries;

(9) Specify if a cultivator, processor, retail dispensary, or laboratory that is licensed under this chapter and that existed at a location before a school, church, public library, public playground, or public park became established within five hundred feet of the cultivator, processor, retail dispensary, or laboratory, may remain in operation or shall relocate or have its license revoked by the division;

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

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

(12) Establish procedures for the issuance of patient or caregiver identification cards;

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

(14) Specify both of the following:

(a) Subject to division (B)(14)(b) of this section, the criminal offenses for which a person will be disqualified from employment with a license holder;

(b) Which of the criminal offenses specified pursuant to division (B)(14)(a) of this section will not disqualify a person
from employment with a license holder if the person was
convicted of or pleaded guilty to the offense more than five
years before the date the employment begins.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Cultivate, grow, or process homegrown marijuana except at the person's primary residence;
(2) Use, cultivate, process, transfer, or transport adult-use marijuana or homegrown marijuana before reaching twenty-one years of age;

(3) Process homegrown by hydrocarbon-based extraction;

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

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

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

(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;

(2) Fifteen grams of extract.

(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.

(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.

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

(1) The population of this state;

(2) The number of patients seeking to use medical marijuana;
(3) The number of adult-use consumers seeking to use adult-use marijuana.

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

(1) The population of this state;

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

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

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

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

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

(4) The division shall not, on or after the effective date of this amendment, issue a retail dispensary license for, or approve the relocation of a licensed retail dispensary to, a location or facility:
(a) That is within one-half mile of another licensed retail dispensary;

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

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

(1) Specify when testing must be conducted;

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

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

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

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

(1) Oils;

(2) Tinctures;

(3) Plant material;

(4) Edibles;

(5) Patches;

(6) Any other form approved by the division of marijuana control under section 3796.061 of the Revised Code.

(B) Only the following forms of adult-use marijuana may be
dispensed under this chapter:

1. Any form in which medical marijuana may be dispensed;
2. Extracts;
3. Drops;
4. Lozenges;
5. Smoking or combustible products;
6. Vaporization products;
7. Beverages;
8. Pills;
9. Capsules;
10. Suppositories;
11. Oral pouches;
12. Oral strips;
13. Oral and topical sprays;
14. Salves;
15. Lotions or similar cosmetic products;
16. Inhalers;
17. Seeds;
18. Live plants;
19. Clones.

(C) With respect to the methods of using medical marijuana, adult-use marijuana, and homegrown marijuana, all of the following apply:
(1) The smoking or combustion of medical marijuana is prohibited.

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

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

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

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

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

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

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

(1) Plant material shall have a tetrahydrocannabinol content of medical marijuana dispensed or sold to patients or caregivers shall not more than thirty-five percent exceed:
(a) Thirty-five per cent for plant material;

(b) Seventy per cent for extracts.

(2) Extracts shall have a tetrahydrocannabinol content. Except as otherwise provided in division (F) of this section, the tetrahydrocannabinol content of adult-use marijuana dispensed or sold to adult-use consumers shall not exceed:

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

(b) Fifty per cent for extracts.

(3) The amount of tetrahydrocannabinol in adult-use marijuana dispensed or sold to adult-use consumers, other than adult-use marijuana intended for consumption by vaporization, shall not exceed either of the following:

(a) Ten milligrams per serving;

(b) One hundred milligrams per package.

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

(1) Allow, notwithstanding division (E)(2)(b) of this section, adult-use marijuana extracts intended for use or consumption by vaporization to be dispensed or sold to adult-use consumers with a tetrahydrocannabinol content in excess of fifty per cent;

(2) Establish, subject to division (E)(3) of this section, tetrahydrocannabinol content limits for adult-use marijuana dispensed or sold to adult-use consumers as a percentage by weight, content per unit, or content per package.
(G) No person shall knowingly give, sell, or distribute adult-use marijuana, or homegrown marijuana to a person under twenty-one years of age.

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

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

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

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

(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.

(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.

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

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

(2) The marijuana paraphernalia 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.

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

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

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

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

(a) A laboratory licensed under this chapter;

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

(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.

(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.

(6) The applicant demonstrates sufficient liquid capital and ability to meet financial responsibility requirements;

(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;

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

(9) The applicant pays any fee required by the division;
The applicant meets all other licensure eligibility conditions established in rules adopted under section 3796.03 of the Revised Code.

If the number of eligible applicants exceed the number of available licenses, the division shall use an impartial and evidence-based process to rank the eligible applicants. The ranking process shall take into account all of the following:

1. The applicant's business plan;
2. The applicant's operations plan;
3. The applicant's security plan;
4. The applicant's financial plan;
5. The applicant's principal place of business;
6. The proposed location of the cultivation, processing, or laboratory facility;
7. The applicant's plan for generating job and economic development in this state;
8. The applicant's environmental plan;
9. Employment practices, including any plans to inform, hire, or educate residents of the state, veterans, disabled persons, women, or minorities;
10. The criminal records of all persons subject to the criminal records check requirement;
11. The civil and administrative history of the applicant and persons associated with the applicant;
12. Any other eligibility, suitability, or operations-
based determination specified in this chapter or rules adopted by the division thereunder.

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

(a) Highly exceeds;
(b) Exceeds;
(c) Meets;
(d) Does not meet.

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

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

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

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

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

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

Sec. 3796.10. (A) An entity that seeks to dispense at retail medical marijuana and adult-use marijuana shall file an application for licensure with the division of marijuana control. The entity shall file an application for each location from which it seeks to operate. Each application shall be submitted in accordance with rules adopted under section 3796.03 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 division shall not issue a license to an applicant if unless all of the following conditions 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 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.

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

   (a) A laboratory licensed under this chapter;

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

(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.

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

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

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

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

(7) The applicant demonstrates sufficient liquid capital and ability to meet financial responsibility requirements;

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

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

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

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

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

(1) The applicant's business plan;

(2) The applicant's operations plan;

(3) The applicant's security plan;

(4) The applicant's financial plan;

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

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

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

(8) The applicant's environmental plan;

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

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

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

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

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

(a) Highly exceeds;

(b) Exceeds;

(c) Meets;

(d) Does not meet.

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

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

(F) The division shall issue not less than fifteen percent of retail dispensary licenses to entities that are owned and controlled by United States citizens who are residents of this state and are members of one of the following economically disadvantaged groups: Blacks or African Americans, American Indians, Hispanics or Latinos, and Asians. If no applications or an insufficient number of applications are submitted by such entities that meet the conditions set forth in division (B) of this section, the licenses shall be issued according to usual procedures.
As used in this division, "owned and controlled" means that at least fifty-one per cent of the business, including corporate stock if a corporation, is owned by persons who belong to one or more of the groups set forth in this division, and that those owners have control over the management and day-to-day operations of the business and an interest in the capital, assets, and profits and losses of the business proportionate to their percentage of ownership.

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

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

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

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

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

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

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

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

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

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

(D) Each person who is subject to the criminal records check requirement shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for the criminal records check conducted of the person.
(E) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

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

(2) The members and staff of the division;

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

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

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

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

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

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

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

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

(2) Refuse to issue a license;

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

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

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

(B) The division and the Ohio investigative unit may inspect all of the following for any reason specified in rules adopted under
section 3796.03 of the Revised Code without prior notice to the
applicant or license holder:

(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;

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

(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:

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

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

(a) The attendance and testimony of witnesses;

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

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

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

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

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

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

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

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

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

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

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

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

(2) A licensed cultivator engaging in the activities authorized by this chapter shall do so respecting both medical marijuana and adult-use marijuana.
(B) A cultivator license holder shall not cultivate medical marijuana or adult-use marijuana for personal, family, or household use or on any public land, including a state park as defined in section 154.01 of the Revised Code.

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

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

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

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

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

(b) At the discretion of the division, a level II cultivator may request and receive one or more expansions to the cultivator's cultivation area so long as the resulting total cultivation area, including all expansions, does not exceed nine thousand square feet.
Sec. 3796.19. (A) (1) Notwithstanding any conflicting provision of the Revised Code, the holder of a current, valid processor license issued under this chapter may do any of the following:

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

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

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

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

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

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

2. Label the medical marijuana packaging with the product's tetrahydrocannabinol and cannabidiol content;

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

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

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

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

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

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

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

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

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

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

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

(b) The name of the patient and caregiver, if any;
(c) The name of the physician who recommended treatment with medical marijuana;

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

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

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

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

(5) Ensure medical marijuana products are kept separate from adult-use marijuana, properly demarcated as medical marijuana, and prominently displayed in the dispensary.

(C) When dispensing or selling adult-use marijuana, a licensed retail dispensary shall do all of the following:

(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;

(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;

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

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

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

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

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

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

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

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

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

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

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

(1) Obtain medical marijuana and adult-use marijuana from one or more cultivators, processors, and retail dispensaries licensed under this chapter;
(2) Conduct medical marijuana testing in the manner specified in rules adopted under section 3796.03 of the Revised Code.

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

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

(2) Prepare a report of the test results.

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

(1) Use medical marijuana;

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

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

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

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

(1) Obtaining, using, or possessing medical marijuana;
(2) Possessing any paraphernalia or accessories that may be used in the administration of medical marijuana, as specified in rules adopted under section 3796.03 of the Revised Code.

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

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

(1) Use adult-use marijuana;

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

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

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

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

(2) Fifteen grams of extract.

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

(D) Subject to divisions (B) and (C) of this section, an adult-use consumer is not subject to arrest or criminal prosecution for engaging in any of the activities described in division (A) of this section.
(E) This section does not authorize an adult-use consumer to operate a vehicle, streetcar, trackless trolley, watercraft, or aircraft while under the influence of adult-use marijuana.

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

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

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

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

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

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

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

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

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

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

1. Require a physician to recommend that a patient use medical marijuana to treat a qualifying medical condition;

2. Permit the use, possession, or administration of medical marijuana, adult-use marijuana, or homegrown marijuana other than as authorized by this chapter;

3. Permit the use, possession, or administration of medical marijuana, adult-use marijuana, or homegrown marijuana on federal land located in this state;

4. Require any public place to accommodate a registered patient's use of medical marijuana or an adult-use consumer's use of adult-use marijuana or homegrown marijuana;
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;

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.

Sec. 3796.28. (A) Nothing in this chapter does any of the following:

(1) Requires an employer to permit or accommodate an employee's use, possession, or distribution of medical marijuana;

(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;

(3) Prohibits an employer from establishing and enforcing a drug testing policy, drug-free workplace policy, or zero-tolerance drug policy;

(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;

(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
employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment related to medical marijuana;

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

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

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

Sec. 3796.29. The (A) Except as otherwise provided in divisions (B) and (C) of this section, the legislative authority of a municipal corporation may adopt an ordinance, to prohibit, or limit
the number of, cultivators, processors, or retail dispensaries licensed under this chapter within the municipal corporation or within the unincorporated territory of the township, respectively.

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

(C) This section does not authorize the legislative authority of a municipal corporation or a board of township trustees to adopt an ordinance or resolution limiting 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.

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

If the relocation of a cultivator, processor, retail dispensary, or laboratory licensed under this chapter results in the cultivator, processor, retail dispensary, or laboratory being located within five hundred feet of the boundaries of a parcel of real estate having situated on it a school, church,
As Passed by the Senate

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

(B) This section does not apply to 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Except as otherwise provided in division (A)(2)(b), (c), (d), or (e) of this section, the offender is guilty of a misdemeanor 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.

(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 misdemeanor 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...
section 4510.02 of the Revised Code.

(c) Except as otherwise provided in division (A)(2)(d) or (e) of this section, an offender who, within ten years of the offense, previously has been convicted of or pleaded guilty to two violations 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 misdemeanor of the first degree. The court shall sentence the offender to a mandatory jail term of thirty consecutive days. The court may impose a jail term in addition to the thirty-day mandatory jail term. Notwithstanding the jail terms set forth in sections 2929.21 to 2929.28 of the Revised Code, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year. 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 eight hundred fifty and not more than two thousand seven hundred fifty dollars. The court shall impose a class five suspension of the offender's license, permit, or privileges from the range specified in division (A)(5) of section 4510.02 of the Revised Code.

(d) Except as otherwise provided in division (A)(2)(e) of this section, an offender who, within ten years of the offense, previously has been convicted of or pleaded guilty to three violations 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 felony of the fourth degree. Notwithstanding the prison terms set forth in Chapter 2929. of the Revised Code, the court shall sentence the offender to a mandatory prison term of one, two, three, four, or five years. Additionally, notwithstanding section 2929.18 of the
Revised Code, the court shall impose a fine of not less than one thousand three hundred fifty nor more than ten thousand five hundred dollars. The court shall impose a class four suspension of the offender's license, permit, or privileges from the range specified in division (A)(4) of section 4510.02 of the Revised Code.

(e) An offender who previously has been convicted of or pleaded guilty to a felony 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, regardless of when the violation and the conviction or guilty plea occurred, is guilty of a felony of the third degree. Notwithstanding the prison terms set forth in Chapter 2929. of the Revised Code, the court shall sentence the offender to a mandatory prison term of one, two, three, four, or five years. Additionally, notwithstanding section 2929.18 of the Revised Code, the court shall impose a fine of not less than one thousand three hundred fifty nor more than ten thousand five hundred dollars. The court shall impose a class three suspension of the offender's license, permit, or privileges from the range specified in division (A)(3) of section 4510.02 of the Revised Code.

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

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

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

(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.

(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.

(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.

(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.

(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.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 4301.17. (A)(1) Subject to local option as provided in sections 4301.32 to 4301.40 of the Revised Code, five state liquor stores or agencies may be established in each county. One additional store may be established in any county for each twenty thousand of population of that county or major fraction thereof in excess of the first forty thousand, according to the last preceding federal decennial census or according to the population estimates certified by the department of development between decennial censuses. A person engaged in a mercantile
business may act as the agent for the division of liquor control
for the sale of spirituous liquor in a municipal corporation, in
the unincorporated area of a township, or in an area designated
and approved as a resort area under section 4303.262 of the
Revised Code. The division shall fix the compensation for such
an agent in the manner it considers best, but the compensation
shall not exceed seven per cent of the gross sales made by the
agent in any one year.

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

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

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

(5) An agency store to which a D-8 permit has been issued
may allow the sale consumption of tasting samples of spirituous
liquor in accordance with section 4301.171 of the Revised Code.
(6) An agency store may sell beer, wine, mixed beverages, and spirituous liquor only between the hours of nine a.m. and eleven p.m.

(B) When an agency contract is proposed, when an existing agency contract is assigned, when an existing agency proposes to relocate, or when an existing agency is relocated and assigned, before entering into any contract, consenting to any assignment, or consenting to any relocation, the division shall notify the legislative authority of the municipal corporation in which the agency store is to be located, or the board of county commissioners and the board of township trustees of the county and the township in which the agency store is to be located if the agency store is to be located outside the corporate limits of a municipal corporation, of the proposed contract, assignment, or relocation, and an opportunity shall be provided officials or employees of the municipal corporation or county and township for a complete hearing upon the advisability of entering into the contract or consenting to the assignment or relocation. When the division sends notice to the legislative authority of the political subdivision, the division shall notify the chief peace officer of the political subdivision, who may appear and testify, either in person or through a representative, at any hearing held on the advisability of entering into the contract or consenting to the assignment or relocation.

If the proposed agency store, the assignment of an agency contract, or the relocation of an agency store would be located within five hundred feet of a school, church, library, public playground, or township park, the division shall not enter into an agency contract until it has provided notice of the proposed contract to the authorities in control of the school, church,
library, public playground, or township park and has provided
those authorities with an opportunity for a complete hearing
upon the advisability of entering into the contract. If an
agency store so located is operating under an agency contract,
the division may consent to relocation of the agency store or to
the assignment of that contract to operate an agency store at
the same location. The division may also consent to the
assignment of an existing agency contract simultaneously with
the relocation of the agency store. In any such assignment or
relocation, the assignee and the location shall be subject to
the same requirements that the existing location met at the time
that the contract was first entered into as well as any
additional requirements imposed by the division in rules adopted
by the superintendent of liquor control. The division shall not
consent to an assignment or relocation of an agency store until
it has notified the authorities in control of the school,
church, library, public playground, or township park and has
provided those authorities with an opportunity for a complete
hearing upon the advisability of consenting to the assignment or
relocation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) The provision of tasting samples of spirituous
liquor is subject to rules adopted by the superintendent of liquor control or the liquor control commission.

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

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

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

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

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

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

(H) The purchase consumption of a tasting sample of spirituous liquor shall not be contingent upon the purchase of any other product from an agency store.
(I) No employee of an agency store that allows the sale and consumption of tasting samples of spirituous liquor shall purchase or consume a tasting sample while on duty.

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

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

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

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

and

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

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

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

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

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

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

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

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

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

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

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

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

(E) The holder of an A-3a permit may also exercise the same privileges as the holder of an A-3 permit.
Sec. 4303.184. (A) Subject to division (B) of this section, a D-8 permit may be issued to any of the following:

(1) An agency store;

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

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

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

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

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

(B) A D-8 permit may be issued to the holder of a C-1, C-2, or C-2x permit only if the premises of the permit holder are located in a precinct, or at a particular location in a precinct, in which the sale of beer, wine, or mixed beverages is permitted for consumption off the premises where sold. Sales under a D-8 permit are not affected by whether sales for consumption on the premises where sold are permitted in the precinct or at the particular location where the D-8 premises.
(C)(1) The holder of a D-8 permit described in division (A)(2) or (3) of this section may sell tasting samples of beer, wine, and mixed beverages, but not spirituous liquor, at retail, for consumption on the premises where sold in an amount not to exceed two ounces or another amount designated by rule of the liquor control commission. A tasting sample shall not be sold for general consumption.

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

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

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

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

(b) The beer is dispensed only in glass containers whose capacity does not exceed one gallon and not for consumption on the premises where sold.
(c) The containers are sealed, marked, and transported in accordance with division (E) of section 4301.62 of the Revised Code.

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

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

(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;

(b) All applicable federal laws and regulations.

(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.

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

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

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,
offer, or keep for sale spirituous liquor, alcoholic liquor, or beer that is so adulterated.

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

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

(1) Knowingly making any misrepresentation;

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

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

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

(5) Failure within a reasonable time to account for or to remit any money coming into the licensee's possession which belongs to others;

(6) Dishonest or illegal dealing, gross negligence, incompetency, or misconduct;

(7)(a) By final adjudication by a court, a violation of any municipal or federal civil rights law relevant to the protection of purchasers or sellers of real estate or, by final adjudication by a court, any unlawful discriminatory practice pertaining to the purchase or sale of real estate prohibited by Chapter 4112. of the Revised Code, provided that such violation arose out of a situation wherein parties were engaged in bona fide efforts to purchase, sell, or lease real estate, in the licensee's practice as a licensed real estate broker or salesperson;

(b) A second or subsequent violation of any unlawful discriminatory practice pertaining to the purchase or sale of real estate prohibited by Chapter 4112. of the Revised Code or any second or subsequent violation of municipal or federal civil rights laws relevant to purchasing or selling real estate whether or not there has been a final adjudication by a court, provided that such violation arose out of a situation wherein parties were engaged in bona fide efforts to purchase, sell, or lease real estate. For any second offense under this division, the commission shall suspend for a minimum of two months or revoke the license of the broker or salesperson. For any subsequent offense, the commission shall revoke the license of the broker or salesperson.
(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;

(15) Having acted in the dual capacity of real estate
broker and undisclosed principal, or real estate salesperson and
undisclosed principal, in any transaction;

(16) Having guaranteed, authorized, or permitted any
person to guarantee future profits which may result from the
resale of real property;

(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;

(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;

(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;

(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;

(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
services of the business conducted;

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

(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;

(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;

(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;

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

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

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

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

(29) Having an unsatisfied final judgment or lien in any court of record against the licensee arising out of the licensee's conduct as a licensed broker or salesperson;
(30) Failing to render promptly upon demand a full and complete statement of the expenditures by the broker or salesperson of funds advanced by or on behalf of a party to a real estate transaction to the broker or salesperson for the purpose of performing duties as a licensee under this chapter in conjunction with the real estate transaction;

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

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

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

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

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

(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;

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

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

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

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

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

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

(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.

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
residential facilities, research, community addiction and mental health plans, and certification and delivery of addiction services and mental health services.

(B) The director shall:

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

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

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

(4) Prescribe the forms of affidavits, applications, medical certificates, orders of hospitalization and release, and
all other forms, reports, and records that are required in the
hospitalization or admission and release of all persons to the
institutions under the control of the department, or are
otherwise required under this chapter or Chapter 5122. of the
Revised Code;

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

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

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

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

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

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

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

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

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

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

Sec. 5119.82. There is hereby established a 9-8-8 administrator within the department of mental health and addiction services to oversee the administration of the 9-8-8
Sec. 5119.83. (A) Not later than one year after the effective date of this section and annually thereafter, the 9-8-8 administrator shall compile an annual report regarding the operation of the 9-8-8 national suicide prevention and mental health crisis hotline in this state.

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

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

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

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

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

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

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

(2) The governor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Except as otherwise provided in this section, the portion of the basic project cost supplied by the state for each approved county shall be the difference between one hundred percent, and a per cent equal to one per cent of the basic project costs times the percentile in which the county ranks according to the percentile ranking under this section, for the fiscal year preceding the fiscal year in which the director approved the county's or counties' project.
At no time shall the state's portion of the basic project cost be less than twenty-five per cent of the total basic project cost. If a county's portion of the basic project cost is calculated to be greater than seventy-five per cent of the total basic project cost, the county's portion shall be seventy-five per cent of the basic project cost. In the case of a multicounty jail facility, if the sum of two or more counties' portions of the total basic project cost are calculated to be greater than seventy-five per cent of the total basic project cost, the counties' portions shall be determined pro rata, so that the sum of their portions shall be equal to seventy-five per cent of the total basic project cost.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Enforcement agents who are on, immediately adjacent to, or across from retail liquor permit premises or premises licensed under Chapter 3796. of the Revised Code and who are performing investigative duties relating to those premises, enforcement agents who are on premises that are not liquor permit premises or premises licensed under Chapter 3796. of the Revised Code but on which a violation of Title XLIII or Chapter 3796. of the Revised Code or any rule adopted under it that title or chapter allegedly is occurring, and enforcement agents who view a suspected violation of Title XLIII or Chapter 3796. of the Revised Code, of a rule adopted under it that title or chapter, or of another law or rule described in division (B)(1) of this section have the authority to enforce the laws and rules described in division (B)(1) of this section, authority to
enforce any section in Title XXIX of the Revised Code or any other section of the Revised Code listed in section 5502.13 of the Revised Code if they witness a violation of the section under any of the circumstances described in this division, and authority to make arrests for violations of the laws and rules described in division (B)(1) of this section and violations of any of those sections.

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

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

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

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

(i) Pleads guilty to a felony;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Notwithstanding any other provision of law to the contrary, the existence of agritourism on a tract, lot, or parcel of land that otherwise meets the definition of "land devoted exclusively to agricultural use" as defined in this division does not disqualify that tract, lot, or parcel from valuation under sections 5713.30 to 5713.37 and 5715.01 of the
A tract, lot, or parcel of land taxed under sections 5713.22 to 5713.26 of the Revised Code is not land devoted exclusively to agricultural use.

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

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

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

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

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

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

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

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

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

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

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

(G) "Biodiesel" means a mono-alkyl ester combustible liquid fuel that is derived from vegetable oils or animal fats or any combination of those reagents and that meets the American society for testing and materials specification D6751-03a for biodiesel fuel (B100) blend stock distillate fuels.
(H) "Biologically derived methane gas" means gas from the anaerobic digestion of organic materials, including animal waste and agricultural crops and residues.

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

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

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

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

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

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

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

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

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

(D) The director of budget and management shall transfer,
from the same funds and in the same proportions specified in
division (A) of this section, to the permissive tax distribution
fund created by division (B)(1) of section 4301.423 of the
Revised Code and to the local sales tax administrative fund, the
amounts certified by the tax commissioner. The tax commissioner
shall then, on or before the twentieth day of the month in which
such certification is made, provide for payment of such
respective amounts to the county treasurer and to the fiscal
officer of the transit authority levying the tax or taxes. The
amount transferred to the local sales tax administrative fund is
for use by the tax commissioner in defraying costs incurred in
administering such taxes levied by a county or transit
authority.
Sec. 5739.27. (A) Terms used in this section and sections 5739.271 and 5739.272 of the Revised Code have the same meanings as in section 3796.01 of the Revised Code, except that "adult-use marijuana" includes medical marijuana sold under section 3796.33 of the Revised Code.

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

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

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

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

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

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

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

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

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

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

(e) For the substance abuse, treatment, and prevention fund, twenty-five million dollars minus the fund's year-end balance or, if the marijuana expungement fund has ceased to exist, thirty million dollars minus the fund's year-end balance;
(f) For the 9-8-8 fund, twenty-five million dollars minus the fund's year-end balance;

(g) For the county jail construction fund, eighty million dollars minus the fund's year-end balance until the fiscal year that includes the date that is ten years after the effective date of this section and zero dollars in each fiscal year thereafter;

(h) For the marijuana expungement fund, fifteen million dollars minus the fund's year-end balance;

(i) For the division of marijuana control operations fund, eight million dollars minus the fund's year-end balance;

(j) For the safe driver training fund, fifteen million dollars minus the fund's year-end balance;

(k) For the Ohio investigative unit operations fund, thirteen million dollars minus the fund's year-end balance.

(B) For the purpose of receiving and distributing, and accounting for, revenue received from the tax levied under section 5739.27 of the Revised Code, the following funds are created in the state treasury:

(1) The marijuana receipts fund;

(2) The department of public safety law enforcement training fund, which the director of public safety shall use to fund the training of peace officers;

(3) The attorney general law enforcement training fund, which the attorney general shall use to fund the training of peace officers and troopers that is required under section 109.803 of the Revised Code;
(4) The marijuana receipts drug law enforcement fund, which the executive director of the division of criminal justice services shall use for the same purposes and administer in the same manner as the drug law enforcement fund created under section 5502.62 of the Revised Code;

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

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

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

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

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

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

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

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

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

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

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

From the marijuana receipts fund, the director of budget and management shall transfer as needed to the tax refund fund amounts equal to the refunds attributable to the tax levied under section 5739.27 of the Revised Code and certified by the tax commissioner under section 5739.07 of the Revised Code.
(E) After making any transfers required under division (D) of this section, the director of budget and management shall transfer amounts remaining in the marijuana receipts fund as follows:

(1) Sixteen per cent or, if the marijuana expungement fund has ceased to exist, nineteen per cent to the department of public safety law enforcement 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;

(2) Fourteen per cent to the attorney general law enforcement 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;

(3) Five per cent to the marijuana receipts drug law enforcement 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;

(4) Two per cent to the marijuana poison control 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;

(5) Nine per cent or, if the marijuana expungement fund has ceased to exist, eleven per cent to the substance abuse, treatment, and prevention 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;

(6) Nine per cent to the 9-8-8 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;
(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:

(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:

(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:

(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:

(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.

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.

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.
or Chapter 5741. of the Revised Code. The tax may be levied for any number of years not exceeding ten years.

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.

(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:

“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?

Yes

For the tax
(C) A tax approved under this section shall be paid by the consumer to the vendor at the time of the sale, and the vendor shall report and remit the tax to the state in the same manner, on the same form, and at the same time as the vendor reports and remits the tax levied under section 5739.27 of the Revised Code. Except as otherwise provided in this section, and for all purposes of the Revised Code, the tax levied under this section shall be administered and enforced in the same manner as a tax levied under section 5739.021 of the Revised Code.

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

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

(2) Following the crediting of amounts pursuant to division (D)(1) of this section:
   (a) To the permissive tax distribution fund created under section 4301.423 of the Revised Code, an amount equal to ninety-eight per cent of the remainder collected;
   (b) To the local excise tax administrative fund created under section 5743.021 of the Revised Code, an amount equal to two per cent of such remainder, for use by the tax commissioner in defraying costs incurred in administering the tax.

On or before the tenth day of each month, the tax commissioner shall distribute the amount credited to the
permissive tax distribution fund during the preceding month by
providing for payment of the appropriate amount to the county
treasurer of the county in which the tax is levied.

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

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

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

(2) Whoever violates division (A)(2) of section 5739.31 of
the Revised Code shall be fined not less than one hundred
dollars nor more than five hundred dollars, or imprisoned for
not more than ten days, or both, for the first offense; for each
subsequent offense, each such person shall be fined not less
than one thousand dollars nor more than twenty-five hundred
dollars, or imprisoned not more than thirty days, or both. The
motor vehicles and goods of any person charged with violating
division (A)(2) of section 5739.31 of the Revised Code may be
impounded and held pending the disposition of the charge, and
may be sold at auction by the county sheriff in the manner
prescribed by law to satisfy any fine imposed by this division.

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

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

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

(F) Whoever violates division (E) of section 5739.17 of
the Revised Code is guilty of failure to display a transient
vendor's license, a minor misdemeanor. A sheriff or police
officer in a municipal corporation may enforce this division.
The prosecuting attorney of a county shall inform the tax
commissioner of any instance when a complaint is brought against
a transient vendor pursuant to this division.

(G) Whoever violates section 5739.103 of the Revised Code
shall be fined not less than twenty-five nor more than one hundred dollars. If the offender previously has been convicted of violating that section, the offender is guilty of a felony of the fourth degree.

(H) The penalties provided in this section are in addition to any penalties imposed by the tax commissioner under section 5739.133 of the Revised Code.

Section 2. That existing sections 121.95, 121.951, 519.21, 928.01, 928.03, 2925.01, 3376.07, 3719.01, 3796.01, 3796.02, 3796.03, 3796.05, 3796.06, 3796.07, 3796.09, 3796.10, 3796.12, 3796.14, 3796.15, 3796.17, 3796.18, 3796.19, 3796.20, 3796.21, 3796.22, 3796.24, 3796.28, 3796.29, 3796.30, 4301.17, 4301.171, 4303.041, 4303.184, 4399.15, 4735.18, 5119.10, 5502.01, 5502.13, 5502.14, 5713.30, 5739.21, and 5739.99 of the Revised Code are hereby repealed.

Section 3. That sections 3780.01, 3780.02, 3780.03, 3780.04, 3780.05, 3780.06, 3780.07, 3780.08, 3780.09, 3780.10, 3780.11, 3780.12, 3780.13, 3780.14, 3780.15, 3780.16, 3780.17, 3780.18, 3780.19, 3780.20, 3780.21, 3780.22, 3780.23, 3780.24, 3780.25, 3780.26, 3780.27, 3780.28, 3780.29, 3780.30, 3780.31, 3780.32, 3780.33, 3780.34, 3780.35, 3780.36, 3780.90, 3780.99, and 3796.021 of the Revised Code are hereby repealed.

Section 4. (A) As used in this section, "adult-use marijuana" has the same meaning as in section 3796.01 of the Revised Code, as amended by this act.

(B) The Division of Marijuana Control shall adopt and implement all rules necessary to effectuate this act within nine months after the effective date of this section, including by accepting new applications for cultivator, processor,
dispensary, and laboratory licenses.

(C) All rules adopted by the Division of Marijuana Control relating to the advertisement of medical marijuana apply to the advertisement of adult-use marijuana until such time as the Division adopts rules pertaining to the advertisement of adult-use marijuana.

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

Section 519.21 of the Revised Code as amended by both H.B. 523 and S.B. 75 of the 131st General Assembly.

Section 5739.99 of the Revised Code as amended by both S.B. 143 and S.B. 200 of the 124th General Assembly.