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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

Senator Huffman, S.

A BILL

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

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

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

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

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

law enforcement training fund and forty per cent of the balance 48
to the substance abuse, treatment, and prevention fund. 49

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

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

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

(1) A description of the regulatory restriction; 74

(2) The rule number of the rule in which the regulatory 75
restriction appears; 76

(3) The statute under which the regulatory restriction was adopted;	77 78
(4) Whether state or federal law expressly and specifically requires the agency to adopt the regulatory restriction or the agency adopted the regulatory restriction under the agency's general authority;	79 80 81 82
(5) Whether removing the regulatory restriction would require a change to state or federal law, provided that removing a regulatory restriction adopted under a law granting the agency general authority shall be presumed not to require a change to state or federal law;	83 84 85 86 87
(6) Any other information the joint committee on agency rule review considers necessary.	88 89
(D) The state agency shall compute and state the total number of regulatory restrictions indicated in the base inventory, shall post the base inventory on its web site, and shall electronically transmit a copy of the inventory to the joint committee. The joint committee shall review the base inventory, then transmit it electronically to the speaker of the house of representatives and the president of the senate.	90 91 92 93 94 95 96
(E) The following types of rules or regulatory restrictions are not required to be included in a state agency's inventory of regulatory restrictions:	97 98 99
(1) An internal management rule;	100
(2) An emergency rule;	101
(3) A rule that state or federal law requires the state agency to adopt verbatim;	102 103
(4) A regulatory restriction contained in materials or	104

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 928.01. As used in this chapter: 292

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

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

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

(1) Floral or topical hemp products; 305

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

other tetrahydrocannabinol. 309

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

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

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

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

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

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

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

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

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

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

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

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

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

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

tetrahydrocannabinol. 367

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

"Tetrahydrocannabinol" does not include the following: 381

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

(2) Cannabichromene (CBC); 386

(3) Cannabicyclol (CBL); 387

(4) Cannabidiol (CBD), 388

(5) Cannabidivanol (CBDV); 389

(6) Cannabielsoin (CBE); 390

(7) Cannabigerol (CBG); 391

(8) Cannabigerovarin (CBGV); 392

(9) Cannabinol (CBN); 393

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

(C) Requirements and procedures concerning background	423
investigations of each applicant for a hemp cultivation license	424
and each applicant for a hemp processing license. The director	425
shall include both of the following in the rules adopted under	426
this division:	427
(1) A requirement that each applicant comply with sections	428
4776.01 to 4776.04 of the Revised Code;	429
(2) Provisions that prohibit the director from issuing a	430
hemp cultivation license or hemp processing license to an	431
applicant that has not complied with those sections.	432
(D) Requirements regarding the experience, equipment,	433
facilities, or land necessary to obtain a hemp cultivation	434
license;	435
(E) Requirements and procedures regarding standards of	436
financial responsibility for each applicant for a hemp	437
processing license.	438
(F) Procedures and requirements for the issuance, renewal,	439
denial, suspension, and revocation of a hemp cultivation license	440
and hemp processing license, including providing for a hearing	441
under Chapter 119. of the Revised Code with regard to such a	442
denial, suspension, or revocation;	443
(G) Grounds for the denial, suspension, and revocation of	444
a hemp cultivation license and of a hemp processing license,	445
including a requirement that the director revoke a hemp	446
cultivation license or hemp processing license, for a period of	447
ten years, of any person who pleads guilty to or is convicted of	448
a felony relating to a controlled substance;	449
(H) A requirement that the director shall not issue a hemp	450
cultivation license or hemp processing license to any person who	451

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(I) "Harmful intoxicant" does not include beer or	651
intoxicating liquor but means any of the following:	652
(1) Any compound, mixture, preparation, or substance the	653
gas, fumes, or vapor of which when inhaled can induce	654
intoxication, excitement, giddiness, irrational behavior,	655
depression, stupefaction, paralysis, unconsciousness,	656
asphyxiation, or other harmful physiological effects, and	657
includes, but is not limited to, any of the following:	658
(a) Any volatile organic solvent, plastic cement, model	659
cement, fingernail polish remover, lacquer thinner, cleaning	660
fluid, gasoline, or other preparation containing a volatile	661
organic solvent;	662
(b) Any aerosol propellant;	663
(c) Any fluorocarbon refrigerant;	664
(d) Any anesthetic gas.	665
(2) Gamma Butyrolactone;	666
(3) 1,4 Butanediol.	667
(J) "Manufacture" means to plant, cultivate, harvest,	668
process, make, prepare, or otherwise engage in any part of the	669
production of a drug, by propagation, extraction, chemical	670
synthesis, or compounding, or any combination of the same, and	671
includes packaging, repackaging, labeling, and other activities	672
incident to production.	673
(K) "Possess" or "possession" means having control over a	674
thing or substance, but may not be inferred solely from mere	675
access to the thing or substance through ownership or occupation	676
of the premises upon which the thing or substance is found.	677

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

degree. 1016

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

section, was convicted of or has pleaded guilty to a violation 1073
of division (C) (3) or (7) of section 2925.11 of the Revised 1074
Code, the conduct that was the basis of the violation involved 1075
possession of not more than fifteen grams of hashish and not 1076
more than two and one-half ounces of marihuana other than 1077
hashish, and the person did not violate the provisions of any 1078
community control sanction imposed for the violation, the person 1079
may file an application under this section requesting an 1080
expungement of the record of conviction. 1081

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

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

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

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

(D) Upon the filing of an application under division (C) 1103
of this section and the payment of the fee described in division 1104
(H) of this section if applicable, the court shall set a date 1105
for a hearing and shall notify the prosecutor for the case of 1106
the hearing on the application. The prosecutor may object to the 1107
granting of the application by filing an objection with the 1108
court prior to the date set for the hearing. The prosecutor 1109
shall specify in the objection the reasons for believing a 1110
denial of the application is justified. The court shall direct 1111
its regular probation officer, a state probation officer, or the 1112
department of probation of the county in which the applicant 1113
resides to make inquiries and written reports as the court 1114
requires concerning the applicant. The court shall hold the 1115
hearing scheduled under this division. 1116

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

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

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

(F) The court shall order the expungement of all official 1132

records pertaining to the case and the deletion of all index 1133
references to the case and, if it does order the expungement, 1134
shall send notice of the order to each public office or agency 1135
that the court has reason to believe may have an official record 1136
pertaining to the case if the court, after complying with 1137
division (E) of this section, determines that the applicant, 1138
prior to the effective date of this section, had been convicted 1139
of or pleaded guilty to a violation of division (C) (3) or (7) of 1140
section 2925.11 of the Revised Code, that the conduct that was 1141
the basis for the violation involved possession of not more than 1142
fifteen grams of hashish and not more than two and one-half 1143
ounces of marihuana other than hashish, and that the person did 1144
not violate the provisions of any community control sanction 1145
imposed for the violation. 1146

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

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

Sec. 3376.07. A state institution of higher education, 1161
private college, athletic association, conference, or other 1162

group or organization with authority over intercollegiate 1163
athletics may prohibit a student who participates in 1164
intercollegiate athletics from entering into a contract 1165
providing compensation to the student for use of the student's 1166
name, image, or likeness if under the contract the student's 1167
name, image, or likeness is associated with any of the 1168
following: 1169

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

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

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

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

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

Sec. 3719.01. As used in this chapter: 1190

(A) "Administer" means the direct application of a drug, 1191

whether by injection, inhalation, ingestion, or any other means	1192
to a person or an animal.	1193
(B) "Drug enforcement administration" means the drug	1194
enforcement administration of the United States department of	1195
justice or its successor agency.	1196
(C) "Controlled substance" means a drug, compound,	1197
mixture, preparation, or substance included in schedule I, II,	1198
III, IV, or V.	1199
(D) "Dangerous drug" has the same meaning as in section	1200
4729.01 of the Revised Code.	1201
(E) "Dispense" means to sell, leave with, give away,	1202
dispose of, or deliver.	1203
(F) "Distribute" means to deal in, ship, transport, or	1204
deliver but does not include administering or dispensing a drug.	1205
(G) "Drug" has the same meaning as in section 4729.01 of	1206
the Revised Code.	1207
(H) "Drug abuse offense" and "felony drug abuse offense"	1208
have the same meanings as in section 2925.01 of the Revised	1209
Code.	1210
(I) "Federal drug abuse control laws" means the	1211
"Comprehensive Drug Abuse Prevention and Control Act of 1970,"	1212
84 Stat. 1242, 21 U.S.C. 801, as amended.	1213
(J) "Hospital" means a facility registered as a hospital	1214
with the department of health under section 3701.07 of the	1215
Revised Code.	1216
(K) "Hypodermic" means a hypodermic syringe or needle, or	1217
other instrument or device for the injection of medication.	1218

(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	1249
chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid	1250
ethyl ester, or any salt thereof, by whatever trade name	1251
designated.	1252
(3) "Amidone" means any substance identified chemically as	1253
4-4-diphenyl-6-dimethylamino-heptanone-3, or any salt thereof,	1254
by whatever trade name designated.	1255
(4) "Isoamidone" means any substance identified chemically	1256
as 4-4-diphenyl-5-methyl-6-dimethylamino-hexanone-3, or any salt	1257
thereof, by whatever trade name designated.	1258
(5) "Ketobemidone" means any substance identified	1259
chemically as 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl	1260
ketone hydrochloride, or any salt thereof, by whatever trade	1261
name designated.	1262
(6) "Cocaine" has the same meaning as in section 2925.01	1263
of the Revised Code.	1264
(O) "Official written order" means an order written on a	1265
form provided for that purpose by the director of the United	1266
States drug enforcement administration, under any laws of the	1267
United States making provision for the order, if the order forms	1268
are authorized and required by federal law.	1269
(P) "Person" means any individual, corporation,	1270
government, governmental subdivision or agency, business trust,	1271
estate, trust, partnership, association, or other legal entity.	1272
(Q) "Pharmacist" means a person licensed under Chapter	1273
4729. of the Revised Code to engage in the practice of pharmacy.	1274
(R) "Pharmacy" has the same meaning as in section 4729.01	1275
of the Revised Code.	1276

(S) "Poison" means any drug, chemical, or preparation 1277
likely to be deleterious or destructive to adult human life in 1278
quantities of four grams or less. 1279

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

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

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

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

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

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

(Z) (1) "Controlled substance analog" means, except as 1305

provided in division (Z)(2) of this section, ~~a~~either of the
following:

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

~~(a)~~(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)~~(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)~~(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;	1335
(b) Any substance for which there is an approved new drug application;	1336 1337
(c) With respect to a particular person, any substance if an exemption is in effect for investigational use for that person pursuant to federal law to the extent that conduct with respect to that substance is pursuant to that exemption;	1338 1339 1340 1341
(d) Any substance to the extent it is not intended for human consumption before the exemption described in division (2) (b) of this section takes effect with respect to that substance.	1342 1343 1344 1345
<u>(e) Delta-1-cis or trans tetrahydrocannabinol, cannabichromene (CBC), cannabicyclol (CBL), cannabidiol (CBD), cannabidivarol, cannabielsoin (CBE), cannabigerol (CBG), cannabigerovarin (CBGV), cannabinol (CBN), or cannabivarin (CBV).</u>	1346 1347 1348 1349 1350
<u>(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.</u>	1351 1352 1353 1354
(AA) "Benzodiazepine" means a controlled substance that has United States food and drug administration approved labeling indicating that it is a benzodiazepine, benzodiazepine derivative, triazolobenzodiazepine, or triazolobenzodiazepine derivative, including the following drugs and their varying salt forms or chemical congeners: alprazolam, chlordiazepoxide hydrochloride, clobazam, clonazepam, clorazepate, diazepam, estazolam, flurazepam hydrochloride, lorazepam, midazolam, oxazepam, quazepam, temazepam, and triazolam.	1355 1356 1357 1358 1359 1360 1361 1362 1363

(BB) "Opioid analgesic" means a controlled substance that 1364
has analgesic pharmacologic activity at the opioid receptors of 1365
the central nervous system, including the following drugs and 1366
their varying salt forms or chemical congeners: buprenorphine, 1367
butorphanol, codeine (including acetaminophen and other 1368
combination products), dihydrocodeine, fentanyl, hydrocodone 1369
(including acetaminophen combination products), hydromorphone, 1370
meperidine, methadone, morphine sulfate, oxycodone (including 1371
acetaminophen, aspirin, and other combination products), 1372
oxymorphone, tapentadol, and tramadol. 1373

(CC) "Outsourcing facility," "repackager of dangerous 1374
drugs," and "third-party logistics provider" have the same 1375
meanings as in section 4729.01 of the Revised Code. 1376

Sec. 3796.01. (A) As used in this chapter: 1377

(1) "Marijuana" means marihuana as defined in section 1378
3719.01 of the Revised Code. 1379

(2) "Medical marijuana" means marijuana that is 1380
cultivated, processed, dispensed, tested, possessed, or used for 1381
a medical purpose in accordance with this chapter. "Medical 1382
marijuana" does not include adult-use marijuana or homegrown 1383
marijuana. 1384

(3) "Academic medical center" has the same meaning as in 1385
section 4731.297 of the Revised Code. 1386

(4) "Drug database" means the database established and 1387
maintained by the state board of pharmacy pursuant to section 1388
4729.75 of the Revised Code. 1389

(5) "Physician" means an individual authorized under 1390
Chapter 4731. of the Revised Code to practice medicine and 1391
surgery or osteopathic medicine and surgery. 1392

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

(t) Traumatic brain injury;	1416
(u) Ulcerative colitis;	1417
(v) Any other disease or condition added by the state medical board under section 4731.302 of the Revised Code.	1418 1419
(7) "State university" has the same meaning as in section 3345.011 of the Revised Code.	1420 1421
<u>(8) "Adult-use consumer" means an individual who is at least twenty-one years of age.</u>	1422 1423
<u>(9) "Adult-use marijuana" means marijuana that is cultivated, processed, dispensed, or tested for, or possessed or used by, an adult-use consumer, in accordance with this chapter. "Adult-use marijuana" does not include medical marijuana or homegrown marijuana.</u>	1424 1425 1426 1427 1428
<u>(10) "Church" has the meaning defined in section 1710.01 of the Revised Code.</u>	1429 1430
<u>(11) "Public library" means a library provided for under Chapter 3375. of the Revised Code.</u>	1431 1432
<u>(12) "Public park" means a park established by the state or a political subdivision of the state, including a county, township, municipal corporation, or park district.</u>	1433 1434 1435
<u>(13) "Public playground" means a playground established by the state or a political subdivision of the state, including a county, township, municipal corporation, or park district.</u>	1436 1437 1438
<u>(14) "School" means a child care center as defined under section 5104.01 of the Revised Code, a preschool as defined under section 2950.034 of the Revised Code, or a public or nonpublic primary school or secondary school.</u>	1439 1440 1441 1442

<u>(15) "Public place" has the same meaning as in section</u>	1443
<u>3794.01 of the Revised Code.</u>	1444
<u>(16) "Ohio investigative unit" means the investigative</u>	1445
<u>unit maintained by the department of public safety under section</u>	1446
<u>5502.13 of the Revised Code.</u>	1447
<u>(17) "Homegrown marijuana" means marijuana cultivated,</u>	1448
<u>grown, processed, or possessed by an adult-use consumer in</u>	1449
<u>accordance with section 3796.04 of the Revised Code. "Homegrown</u>	1450
<u>marijuana" does not include medical marijuana or adult-use</u>	1451
<u>marijuana.</u>	1452
<u>(18) "Provisional license" means a temporary license</u>	1453
<u>issued by the division of marijuana control to an applicant for</u>	1454
<u>a cultivator, processor, retail dispensary, or laboratory</u>	1455
<u>license under this chapter that establishes the conditions that</u>	1456
<u>must be met before the provisional license holder may engage in</u>	1457
<u>the activities authorized by section 3796.18, 3796.19, 3796.20,</u>	1458
<u>or 3796.21 of the Revised Code.</u>	1459
<u>(19) "Certificate of operation" means a certificate issued</u>	1460
<u>by the division to the holder of a provisional license that</u>	1461
<u>authorizes the recipient to engage in the activities authorized</u>	1462
<u>by section 3796.18, 3796.19, 3796.20, or 3796.21 of the Revised</u>	1463
<u>Code.</u>	1464
(B) Notwithstanding any conflicting provision of Chapter	1465
3719. of the Revised Code or the rules adopted under it, for	1466
purposes of this chapter, medical -marijuana is a schedule II	1467
controlled substance.	1468
Sec. 3796.02. There is hereby established a division of	1469
marijuana control in the department of commerce <u>under the</u>	1470
<u>supervision and direction of the superintendent of marijuana</u>	1471

control as established under section 121.04 of the Revised Code. 1472

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

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

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

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

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

(2) Specify both of the following: 1488

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

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

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

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

(5) Specify reasons for which a license may be suspended,	1499
including without prior hearing, revoked, or not be renewed or	1500
issued and the reasons for which a civil penalty may be imposed	1501
on a license holder;	1502
(6) Establish standards under which a license suspension	1503
may be lifted;	1504
(7) Establish procedures for registration of <u>medical</u>	1505
<u>marijuana</u> patients and caregivers and requirements that must be	1506
met to be eligible for registration;	1507
(8) Establish training requirements for employees of	1508
retail dispensaries;	1509
(9) Specify if a cultivator, processor, retail dispensary,	1510
or laboratory that is licensed under this chapter and that	1511
existed at a location before a school, church, public library,	1512
public playground, or public park became established within five	1513
hundred feet of the cultivator, processor, retail dispensary, or	1514
laboratory, may remain in operation or shall relocate or have	1515
its license revoked by the division;	1516
(10) Specify, by form and tetrahydrocannabinol content, a	1517
maximum ninety-day supply of medical marijuana that may be	1518
possessed;	1519
(11) Specify the paraphernalia or other accessories that	1520
may be used in the administration to a registered patient of	1521
medical marijuana;	1522
(12) Establish procedures for the issuance of patient or	1523
caregiver identification cards;	1524
(13) Specify the forms of or methods of using medical	1525
marijuana that are attractive to children;	1526

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

<u>homegrown marijuana plants at the adult-use consumer's primary residence, if all of the following apply:</u>	1555
	1556
<u>(a) Not more than six homegrown marijuana plants are cultivated or grown at a single residence;</u>	1557
	1558
<u>(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;</u>	1559
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<u>(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;</u>	1565
	1566
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<u>(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.</u>	1569
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<u>(2) Process by manual or mechanical means homegrown marijuana cultivated or grown in accordance with this section.</u>	1573
	1574
<u>(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.</u>	1575
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<u>(4) Use homegrown marijuana grown, cultivated, and processed at the adult-use consumer's primary residence in accordance with this section;</u>	1579
	1580
	1581
<u>(5) Possess any paraphernalia or accessories that may be</u>	1582

<u>used in the administration of adult-use marijuana.</u>	1583
<u>(B) No person shall give, sell, or transfer homegrown marijuana to any other person, with or without remuneration.</u>	1584
<u>(C) This section does not authorize any person to:</u>	1585
<u>(1) Cultivate, grow, or process homegrown marijuana except at the person's primary residence;</u>	1586
<u>(2) Use, cultivate, process, transfer, or transport adult-use marijuana or homegrown marijuana before reaching twenty-one years of age;</u>	1587
<u>(3) Process homegrown by hydrocarbon-based extraction;</u>	1588
<u>(4) Sell, or profit from, homegrown marijuana;</u>	1589
<u>(5) Cultivate, grow, or possess homegrown marijuana on behalf of another person.</u>	1590
<u>(D) The total amount of homegrown marijuana and adult-use marijuana possessed by an adult-use consumer shall not exceed:</u>	1591
<u>(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;</u>	1592
<u>(2) Fifteen grams of extract.</u>	1593
<u>(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.</u>	1594
<u>(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.</u>	1595
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Sec. 3796.05. (A) When establishing the number of 1609
cultivator licenses that will be permitted at any one time, the 1610
division of marijuana control shall consider ~~both~~ all of the 1611
following: 1612

(1) The population of this state; 1613

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Specify when testing must be conducted; 1652

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

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

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

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

(1) Oils; 1662

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

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

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

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

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

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

(b) Seventy per cent for extracts. 1722

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

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

(b) Fifty per cent for extracts. 1728

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

(a) Ten milligrams per serving; 1732

(b) One hundred milligrams per package. 1733

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<u>and ability to meet financial responsibility requirements;</u>	1854
<u>(7) The applicant demonstrates that the municipal</u>	1855
<u>corporation or township in which it will be located has not</u>	1856
<u>passed a moratorium or taken any other action that would</u>	1857
<u>prohibit the applicant from operating there;</u>	1858
<u>(8) The application does not contain false, misleading, or</u>	1859
<u>deceptive information and does not omit material information;</u>	1860
<u>(9) The applicant pays any fee required by the division;</u>	1861
<u>(10) The applicant meets all other licensure eligibility</u>	1862
<u>conditions established in rules adopted under section 3796.03 of</u>	1863
<u>the Revised Code.</u>	1864
<u>(C)(D) If the number of eligible applicants exceed the</u>	1865
<u>number of available licenses, the division shall use an</u>	1866
<u>impartial and evidence-based process to rank the eligible</u>	1867
<u>applicants. The ranking process shall take into account all of</u>	1868
<u>the following:</u>	1869
<u>(1) The applicant's business plan;</u>	1870
<u>(2) The applicant's operations plan;</u>	1871
<u>(3) The applicant's security plan;</u>	1872
<u>(4) The applicant's financial plan;</u>	1873
<u>(5) The applicant's principal place of business;</u>	1874
<u>(6) The proposed location of the cultivation, processing,</u>	1875
<u>or laboratory facility;</u>	1876
<u>(7) The applicant's plan for generating job and economic</u>	1877
<u>development in this state;</u>	1878
<u>(8) The applicant's environmental plan;</u>	1879

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

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

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

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

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

(a) Highly exceeds; 1893

(b) Exceeds; 1894

(c) Meets; 1895

(d) Does not meet. 1896

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

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

shall give applicants in the highly exceeds category double the odds of being selected as compared to applicants in the exceeds category. An applicant grouped in the does not meet category is ineligible for licensure. 1907
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(F) The ~~department~~ division shall issue not less than fifteen per cent of cultivator, processor, or laboratory licenses to entities that are owned and controlled by United States citizens who are residents of this state and are members of one of the following economically disadvantaged groups: Blacks or African Americans, American Indians, Hispanics or Latinos, and Asians. If no applications or an insufficient number of applications are submitted by such entities that meet the conditions set forth in division (B) of this section, the licenses shall be issued according to usual procedures. 1911
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As used in this division, "owned and controlled" means that at least fifty-one per cent of the business, including corporate stock if a corporation, is owned by persons who belong to one or more of the groups set forth in this division, and that those owners have control over the management and day-to-day operations of the business and an interest in the capital, assets, and profits and losses of the business proportionate to their percentage of ownership. 1921
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~~(D)~~ (G) A license expires according to the renewal schedule established in rules adopted under section 3796.03 of the Revised Code and may be renewed in accordance with the procedures established in those rules. 1929
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(H) A license issued under this section is not transferable. 1933
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Sec. 3796.10. (A) An entity that seeks to dispense at 1935

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

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

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

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

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

(a) A laboratory licensed under this chapter; 1960

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

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

<u>administrators, employees, agents, or affiliates who may</u>	1965
<u>significantly influence or control the applicant's activities</u>	1966
share any corporate officers or employees with any <u>either</u> of the	1967
following:	1968
(a) A laboratory licensed under this chapter;	1969
(b) An applicant for a license to conduct laboratory	1970
testing.	1971
(4) The applicant demonstrates that it will not be located	1972
within five hundred feet of a school, church, public library,	1973
public playground, or public park.	1974
(5) <u>The applicant demonstrates that the proposed location</u>	1975
<u>or facility is not either of the following:</u>	1976
(a) <u>Located within one-half mile of another licensed</u>	1977
<u>retail dispensary;</u>	1978
(b) <u>Issued a permit under Chapter 4303. of the Revised</u>	1979
<u>Code to sell beer and intoxicating liquor, as those terms are</u>	1980
<u>defined in section 4301.01 of the Revised Code.</u>	1981
<u>(6)</u> The information provided to the division pursuant to	1982
section 3796.11 of the Revised Code demonstrates that the	1983
applicant is in compliance with the applicable tax laws of this	1984
state.	1985
(6) -(7) <u>The applicant demonstrates sufficient liquid</u>	1986
<u>capital and ability to meet financial responsibility</u>	1987
<u>requirements;</u>	1988
(8) <u>The applicant demonstrates that the municipal</u>	1989
<u>corporation or township in which it will be located has not</u>	1990
<u>passed a moratorium or taken any other action that would</u>	1991
<u>prohibit the applicant from operating there;</u>	1992

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

<u>(11) The civil and administrative history of the applicant</u>	2019
<u>and persons associated with the applicant;</u>	2020
<u>(12) Any other eligibility, suitability, or operations-</u>	2021
<u>based determination specified in this chapter or rules adopted</u>	2022
<u>by the division thereunder.</u>	2023
<u>(E) (1) If the division uses a lottery system to issue</u>	2024
<u>licenses under this section, the applicants shall be grouped</u>	2025
<u>into the following distinct categories:</u>	2026
<u>(a) Highly exceeds;</u>	2027
<u>(b) Exceeds;</u>	2028
<u>(c) Meets;</u>	2029
<u>(d) Does not meet.</u>	2030
<u>(2) The division shall group the applicants such that the</u>	2031
<u>number of applicants in each of the highly exceeds, exceeds, and</u>	2032
<u>meets categories is roughly equal, unless doing so is not</u>	2033
<u>possible while conforming to an impartial and evidence-based</u>	2034
<u>process. Applicants that do not meet the eligibility</u>	2035
<u>requirements prescribed by division (C) of this section shall be</u>	2036
<u>placed in the does not meet category.</u>	2037
<u>(3) In conducting the lottery, the division shall give</u>	2038
<u>applicants in the exceeds category double the odds of being</u>	2039
<u>selected as compared to applicants in the meets category. The</u>	2040
<u>division shall give applicants in the highly exceeds category</u>	2041
<u>double the odds of being selected as compared to applicants in</u>	2042
<u>the exceeds category. An applicant grouped in the does not meet</u>	2043
<u>category is ineligible for licensure.</u>	2044
<u>(F) The division shall issue not less than fifteen per</u>	2045
<u>cent of retail dispensary licenses to entities that are owned</u>	2046

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

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

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

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

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

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

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

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

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

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

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

(2) Written notification that the person is to instruct 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 2133
the bureau of criminal identification and investigation the form 2134
prescribed pursuant to division (C) (1) of section 109.572 of the 2135
Revised Code or the standard impression sheet prescribed 2136
pursuant to division (C) (2) of that section; 2137

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

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

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

(2) Refuse to issue a license; 2148

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

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

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

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

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

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

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

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

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

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

(a) The attendance and testimony of witnesses;	2190
(b) The production of books, accounts, papers, records, or documents.	2191 2192
(D) If a person or entity fails to comply with any order of the division <u>or the unit</u> or a subpoena issued by the division <u>or the unit</u> pursuant to this section, a judge of the court of common pleas of the county in which the person resides or the entity may be served, on application of the division <u>or the unit</u> , shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience with respect to the requirements of a subpoena issued from such court or a refusal to testify in such court.	2193 2194 2195 2196 2197 2198 2199 2200 2201
<u>(E) The Ohio investigative unit shall not inspect or investigate the premises of any person under this section unless one or both of the following apply:</u>	2202 2203 2204
<u>(1) The person inspected or investigated is licensed under this chapter.</u>	2205 2206
<u>(2) The unit is invited by local law enforcement having jurisdiction over the person inspected or investigated.</u>	2207 2208
Sec. 3796.15. (A) The division of marijuana control <u>and the Ohio investigative unit</u> shall enforce this chapter, or cause it to be enforced. If <u>Subject to division (E) of section 3796.14 of the Revised Code, if the division or the unit</u> has information that this chapter or any rule adopted under this chapter has been violated, it shall investigate the matter and take any action as it considers appropriate.	2209 2210 2211 2212 2213 2214 2215
(B) 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	2216 2217 2218

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Use medical marijuana; 2407

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

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

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

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

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

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

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

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

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

(1) Use adult-use marijuana; 2431

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

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

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

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

(2) Fifteen grams of extract. 2439

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

rules. 2643

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) Except as otherwise provided in division (A) of this section, whoever violates division (C) (2) of section 3796.06 of the Revised Code is guilty of a minor misdemeanor. 2764
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(C) (1) (a) Except as provided in division (C) (1) (b) of this section, whoever violates division (G) of section 3796.06 of the Revised Code is guilty of a misdemeanor of the first degree. 2767
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(b) An offender who has previously been convicted of, or pleaded guilty to, a violation of division (G) of section 3796.06 of the Revised Code, is guilty of a felony of the fifth degree. 2770
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(2) The division of marijuana control shall immediately revoke the license of any license holder under this chapter who is found guilty of, or who pleads guilty or no contest to, violating division (G) of section 3796.06 of the Revised Code. 2774
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(D) Whoever violates division (B) of section 3796.221 or division (A) (1) or (D) of section 3796.04 of the Revised Code is guilty of possession of marijuana under section 2925.11 of the Revised Code. 2778
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(E) Whoever engages in any of the activities described in section 3796.18, 3796.19, 3796.20, or 3796.21 of the Revised Code without the proper license under this chapter is guilty of trafficking in marijuana under section 2925.03 of the Revised Code or illegal cultivation of marijuana under section 2925.04 of the Revised Code. 2782
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(F) Whoever violates division (C) (2) of section 3796.20 of the Revised Code is guilty of trafficking in marijuana under section 2925.03 of the Revised Code. 2788
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(G) (1) Except as otherwise provided in divisions (G) (2) to (4) of this section, whoever violates division (H) of section 2791
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3796.06 of the Revised Code by knowingly showing or giving false 2793
information concerning the individual's name, age, or other 2794
identification for the purpose of purchasing or otherwise 2795
obtaining adult-use marijuana from an adult-use dispensary 2796
licensed under this chapter is guilty of a misdemeanor of the 2797
first degree. 2798

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

or the commission for the purposes of this section. 3118

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) All applicable federal laws and regulations. 3252

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

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

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

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

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

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

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

(1) Knowingly making any misrepresentation; 3290

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

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

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

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

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

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

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

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

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

commission, rebate, or direct profit on expenditures made for a principal;	3350 3351
(14) Having offered anything of value other than the consideration recited in the sales contract as an inducement to a person to enter into a contract for the purchase or sale of real estate or having offered real estate or the improvements on real estate as a prize in a lottery or scheme of chance;	3352 3353 3354 3355 3356
(15) Having acted in the dual capacity of real estate broker and undisclosed principal, or real estate salesperson and undisclosed principal, in any transaction;	3357 3358 3359
(16) Having guaranteed, authorized, or permitted any person to guarantee future profits which may result from the resale of real property;	3360 3361 3362
(17) Having advertised or placed a sign on any property offering it for sale or for rent without the consent of the owner or the owner's authorized agent;	3363 3364 3365
(18) Having induced any party to a contract of sale or lease to break such contract for the purpose of substituting in lieu of it a new contract with another principal;	3366 3367 3368
(19) Having negotiated the sale, exchange, or lease of any real property directly with a seller, purchaser, lessor, or tenant knowing that such seller, purchaser, lessor, or tenant is represented by another broker under a written exclusive agency agreement, exclusive right to sell or lease listing agreement, or exclusive purchaser agency agreement with respect to such property except as provided for in section 4735.75 of the Revised Code;	3369 3370 3371 3372 3373 3374 3375 3376
(20) Having offered real property for sale or for lease without the knowledge and consent of the owner or the owner's	3377 3378

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

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

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

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

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

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

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

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

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

(28) Having failed to put definite expiration dates in all	3438
written agency agreements to which the broker is a party;	3439
(29) Having an unsatisfied final judgment or lien in any	3440
court of record against the licensee arising out of the	3441
licensee's conduct as a licensed broker or salesperson;	3442
(30) Failing to render promptly upon demand a full and	3443
complete statement of the expenditures by the broker or	3444
salesperson of funds advanced by or on behalf of a party to a	3445
real estate transaction to the broker or salesperson for the	3446
purpose of performing duties as a licensee under this chapter in	3447
conjunction with the real estate transaction;	3448
(31) Failure within a reasonable time, after the receipt	3449
of the commission by the broker, to render an accounting to and	3450
pay a real estate salesperson the salesperson's earned share of	3451
it;	3452
(32) Performing any service for another constituting the	3453
practice of law, as determined by any court of law;	3454
(33) Having been adjudicated incompetent by a court, as	3455
provided in section 5122.301 of the Revised Code. A license	3456
revoked or suspended under this division shall be reactivated	3457
upon proof to the commission of the removal of the disability.	3458
(34) Having authorized or permitted a person to act as an	3459
agent in the capacity of a real estate broker, or a real estate	3460
salesperson, who was not then licensed as a real estate broker	3461
or real estate salesperson under this chapter or who was not	3462
then operating as an out-of-state commercial real estate broker	3463
or salesperson under section 4735.022 of the Revised Code;	3464
(35) Having knowingly inserted or participated in	3465
inserting any materially inaccurate term in a document,	3466

including naming a false consideration; 3467

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

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

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

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

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

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

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

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

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

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

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

(B) The director shall: 3535

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

101.68 of the Revised Code; 3642

(2) The governor. 3643

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

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

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

tax ranking. 3672

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

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

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

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

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

shall make a determination of all of the following: 3701

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

materials requirements. 3789

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

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

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

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

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

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

Code. 3818

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Pleads guilty to a felony; 3940

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Revised Code. 4236

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

From the marijuana receipts fund, the director of budget 4348

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

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

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

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

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

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

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

<u>then to the general revenue fund;</u>	4378
<u>(6) Nine per cent to the 9-8-8 fund, until the amount</u>	4379
<u>credited to the fund in the fiscal year equals the fund's annual</u>	4380
<u>transfer limit, then to the general revenue fund;</u>	4381
<u>(7) Twenty-eight per cent to the county jail construction</u>	4382
<u>fund, until the amount credited to the fund in the fiscal year</u>	4383
<u>equals the fund's annual transfer limit, then to the general</u>	4384
<u>revenue fund;</u>	4385
<u>(8) Five per cent to the marijuana expungement fund, until</u>	4386
<u>the amount credited to the fund in the fiscal year equals the</u>	4387
<u>fund's annual transfer limit, then to the general revenue fund;</u>	4388
<u>(9) Three per cent to the division of marijuana control</u>	4389
<u>operations fund, until the amount credited to the fund in the</u>	4390
<u>fiscal year equals the fund's annual transfer limit, then to the</u>	4391
<u>general revenue fund;</u>	4392
<u>(10) Five per cent to the safe driver training fund, until</u>	4393
<u>the amount credited to the fund in the fiscal year equals the</u>	4394
<u>fund's annual transfer limit, then to the general revenue fund;</u>	4395
<u>(11) Four per cent to the Ohio investigative unit</u>	4396
<u>operations fund, until the amount credited to the fund in the</u>	4397
<u>fiscal year equals the fund's annual transfer limit, then to the</u>	4398
<u>general revenue fund.</u>	4399
Sec. 5739.272. (A) <u>For one or more of the purposes of</u>	4400
<u>funding cultural, artistic, and entertainment opportunities in</u>	4401
<u>the county and for the purpose of paying the expenses of</u>	4402
<u>administering the tax, a board of county commissioners may levy</u>	4403
<u>an excise tax on the retail sale of adult-use marijuana in the</u>	4404
<u>county.</u>	4405

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

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

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

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

4436

<u>Yes</u>	<u>For the tax</u>	"
<u>No</u>	<u>Against the tax</u>	

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

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

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

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

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

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

On or before the tenth day of each month, the tax 4462
commissioner shall distribute the amount credited to the 4463
permissive tax distribution fund during the preceding month by 4464
providing for payment of the appropriate amount to the county 4465
treasurer of the county in which the tax is levied. 4466

Sec. 5739.99. (A) Whoever violates section 5739.26 or 4467
5739.29 of the Revised Code shall be fined not less than twenty- 4468
five nor more than one hundred dollars for a first offense; for 4469
each subsequent offense such person shall, if a corporation, be 4470
fined not less than one hundred nor more than five hundred 4471
dollars, or if an individual, or a member of a partnership, 4472
firm, or association, be fined not less than twenty-five nor 4473
more than one hundred dollars, or imprisoned not more than sixty 4474
days, or both. 4475

(B) Whoever violates division (A) of section 5739.30 of 4476
the Revised Code shall be fined not less than one hundred nor 4477
more than one thousand dollars, or imprisoned not more than 4478
sixty days, or both. 4479

(C) (1) Whoever violates division (A) (1) of section 5739.31 4480
of the Revised Code shall be fined not less than twenty-five nor 4481
more than one hundred dollars. If the offender previously has 4482
been convicted of a violation of division (A) (1) of section 4483
5739.31 of the Revised Code, the offender is guilty of a felony 4484
of the fourth degree. 4485

(2) Whoever violates division (A) (2) of section 5739.31 of 4486
the Revised Code shall be fined not less than one hundred 4487
dollars nor more than five hundred dollars, or imprisoned for 4488
not more than ten days, or both, for the first offense; for each 4489
subsequent offense, each such person shall be fined not less 4490
than one thousand dollars nor more than twenty-five hundred 4491

dollars, or imprisoned not more than thirty days, or both. The 4492
motor vehicles and goods of any person charged with violating 4493
division (A) (2) of section 5739.31 of the Revised Code may be 4494
impounded and held pending the disposition of the charge, and 4495
may be sold at auction by the county sheriff in the manner 4496
prescribed by law to satisfy any fine imposed by this division. 4497

(3) Whoever violates division (B) of section 5739.31 of 4498
the Revised Code is guilty of a felony of the fourth degree. 4499
Each day that business is conducted while a vendor's license is 4500
suspended constitutes a separate offense. 4501

(D) Except as otherwise provided in this section, whoever 4502
violates sections 5739.01 to 5739.31 of the Revised Code, or any 4503
lawful rule promulgated by the department of taxation under 4504
authority of such sections, shall be fined not less than twenty- 4505
five nor more than one hundred dollars. 4506

(E) Whoever violates section 5739.12 of the Revised Code 4507
by failing to remit to the state the tax collected under section 4508
5739.02, 5739.021, 5739.023, ~~or~~ 5739.026, 5739.27, or 5739.272 4509
of the Revised Code is guilty of a felony of the fourth degree 4510
and shall suffer the loss of the person's vendor's license as 4511
required by section 5739.17 of the Revised Code. A person shall 4512
not be eligible for a vendor's license for two years following 4513
conviction. 4514

(F) Whoever violates division (E) of section 5739.17 of 4515
the Revised Code is guilty of failure to display a transient 4516
vendor's license, a minor misdemeanor. A sheriff or police 4517
officer in a municipal corporation may enforce this division. 4518
The prosecuting attorney of a county shall inform the tax 4519
commissioner of any instance when a complaint is brought against 4520
a transient vendor pursuant to this division. 4521

(G) Whoever violates section 5739.103 of the Revised Code 4522
shall be fined not less than twenty-five nor more than one 4523
hundred dollars. If the offender previously has been convicted 4524
of violating that section, the offender is guilty of a felony of 4525
the fourth degree. 4526

(H) The penalties provided in this section are in addition 4527
to any penalties imposed by the tax commissioner under section 4528
5739.133 of the Revised Code. 4529

Section 2. That existing sections 121.95, 121.951, 519.21, 4530
928.01, 928.03, 2925.01, 3376.07, 3719.01, 3796.01, 3796.02, 4531
3796.03, 3796.05, 3796.06, 3796.07, 3796.09, 3796.10, 3796.12, 4532
3796.14, 3796.15, 3796.17, 3796.18, 3796.19, 3796.20, 3796.21, 4533
3796.22, 3796.24, 3796.28, 3796.29, 3796.30, 4301.17, 4301.171, 4534
4303.041, 4303.184, 4399.15, 4735.18, 5119.10, 5502.01, 5502.13, 4535
5502.14, 5713.30, 5739.21, and 5739.99 of the Revised Code are 4536
hereby repealed. 4537

Section 3. That sections 3780.01, 3780.02, 3780.03, 4538
3780.04, 3780.05, 3780.06, 3780.07, 3780.08, 3780.09, 3780.10, 4539
3780.11, 3780.12, 3780.13, 3780.14, 3780.15, 3780.16, 3780.17, 4540
3780.18, 3780.19, 3780.20, 3780.21, 3780.22, 3780.23, 3780.24, 4541
3780.25, 3780.26, 3780.27, 3780.28, 3780.29, 3780.30, 3780.31, 4542
3780.32, 3780.33, 3780.34, 3780.35, 3780.36, 3780.90, 3780.99, 4543
and 3796.021 of the Revised Code are hereby repealed. 4544

Section 4. (A) As used in this section, "adult-use 4545
marijuana" has the same meaning as in section 3796.01 of the 4546
Revised Code, as amended by this act. 4547

(B) The Division of Marijuana Control shall adopt and 4548
implement all rules necessary to effectuate this act within nine 4549
months after the effective date of this section, including by 4550

accepting new applications for cultivator, processor, 4551
dispensary, and laboratory licenses. 4552

(C) All rules adopted by the Division of Marijuana Control 4553
relating to the advertisement of medical marijuana apply to the 4554
advertisement of adult-use marijuana until such time as the 4555
Division adopts rules pertaining to the advertisement of adult- 4556
use marijuana. 4557

Section 5. The General Assembly, applying the principle 4558
stated in division (B) of section 1.52 of the Revised Code that 4559
amendments are to be harmonized if reasonably capable of 4560
simultaneous operation, finds that the following sections, 4561
presented in this act as composites of the sections as amended 4562
by the acts indicated, are the resulting versions of the 4563
sections in effect prior to the effective date of the sections 4564
as presented in this act: 4565

Section 519.21 of the Revised Code as amended by both H.B. 4566
523 and S.B. 75 of the 131st General Assembly. 4567

Section 5739.99 of the Revised Code as amended by both 4568
S.B. 143 and S.B. 200 of the 124th General Assembly. 4569