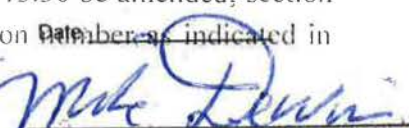


AN ACT

To amend sections 9.79, 109.572, 121.04, 121.08, 131.02, 519.21, 715.013, 928.02, 928.03, 928.04, 2925.01, 3376.07, 3719.01, 3719.41, 3796.01, 3796.02, 3796.021, 3796.03, 3796.032, 3796.05, 3796.06, 3796.061, 3796.07, 3796.08, 3796.09, 3796.10, 3796.11, 3796.12, 3796.13, 3796.14, 3796.15, 3796.16, 3796.17, 3796.18, 3796.19, 3796.20, 3796.21, 3796.22, 3796.23, 3796.24, 3796.27, 3796.28, 3796.29, 3796.30, 3796.31, 4506.01, 4729.01, 4729.80, 4735.18, 4776.01, 4796.25, 5502.01, 5502.13, 5502.14, 5703.052, and 5713.30; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 3780.37 (3796.34); to enact new section 928.01 and sections 928.031, 928.08, 2953.321, 3779.21, 3779.211, 3779.22, 3779.25, 3779.24, 3779.25, 3779.26, 3779.27, 3779.28, 3779.29, 3779.30, 3779.99, 3796.04, 3796.062, 3796.221, 3796.32, 3796.33, 3796.40, 3796.99, and 5119.171; and to repeal sections 928.01, 3780.01, 3780.02, 3780.03, 3780.04, 3780.05, 3780.06, 3780.07, 3780.08, 3780.09, 3780.10, 3780.11, 3780.12, 3780.13, 3780.14, 3780.15, 3780.16, 3780.17, 3780.20, 3780.21, 3780.22, 3780.24, 3780.25, 3780.26, 3780.27, 3780.28, 3780.29, 3780.30, 3780.31, 3780.32, 3780.33, 3780.34, 3780.35, 3780.36, 3780.90, 3780.99, and 3796.021 of the Revised Code; and to repeal the versions of sections 3779.21, 3779.211, 3779.22, 3779.24, 3779.25, 3779.26, 3779.27, 3779.28, 3779.29, 3779.30, and 3779.99 of the Revised Code enacted by this act effective December 31, 2026, to revise specified provisions of the liquor control, hemp and adult-use marijuana laws, and to make an appropriation, and to amend section 4506.01 of the Revised Code effective December 31, 2026, to revise the law governing commercial driver's licenses.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 9.79, 109.572, 121.04, 121.08, 131.02, 519.21, 715.013, 928.02, 928.03, 928.04, 2925.01, 3376.07, 3719.01, 3719.41, 3796.01, 3796.02, 3796.021, 3796.03, 3796.032, 3796.05, 3796.06, 3796.061, 3796.07, 3796.08, 3796.09, 3796.10, 3796.11, 3796.12, 3796.13, 3796.14, 3796.15, 3796.16, 3796.17, 3796.18, 3796.19, 3796.20, 3796.21, 3796.22, 3796.23, 3796.24, 3796.27, 3796.28, 3796.29, 3796.30, 3796.31, 4506.01, 4729.01, 4729.80, 4735.18, 4776.01, 4796.25, 5502.01, 5502.13, 5502.14, 5703.052, and 5713.30 be amended; section 3780.37 (3796.34) be amended for the purpose of adopting a new section number as indicated in

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parentheses; and new section 928.01 and sections 928.031, 928.08, 2953.32, 3779.21, 3779.211, 3779.22, 3779.23, 3779.24, 3779.25, 3779.26, 3779.27, 3779.28, 3779.29, 3779.30, 3779.99, 3796.04, 3796.062, 3796.221, 3796.32, 3796.33, 3796.40, 3796.99, and 5119.171 of the Revised Code be enacted to read as follows:

Sec. 9.79. (A) As used in this section:

(1) "License" means an authorization evidenced by a license, certificate, registration, permit, card, or other authority that is issued or conferred by a licensing authority to an individual by which the individual has or claims the privilege to engage in a profession, occupation, or occupational activity over which the licensing authority has jurisdiction. "License" does not include a registration under section 101.72, 101.92, or 121.62 of the Revised Code.

(2) "Licensing authority" means a state agency that issues licenses under Title XLVII or any other provision of the Revised Code to practice an occupation or profession.

(3) "Offense of violence" has the same meaning as in section 2901.01 of the Revised Code.

(4) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(5) "State agency" has the same meaning as in section 1.60 of the Revised Code.

(6) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(7) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.

(8) "Fiduciary duty" means a duty to act for someone else's benefit, while subordinating one's personal interest to that of the other person.

(B)(1) Notwithstanding any provision of the Revised Code to the contrary, subject to division (L) of this section, for each type of license issued or conferred by a licensing authority, the licensing authority shall establish within one hundred eighty days after April 12, 2021, a list of specific criminal offenses for which a conviction, judicial finding of guilt, or plea of guilty may disqualify an individual from obtaining an initial license. The licensing authority shall make the list available to the public on the licensing authority's web site pursuant to division (C) of section 9.78 of the Revised Code. The licensing authority, in adopting the list, shall do both of the following:

(a) Identify each disqualifying offense by name or by the Revised Code section number that creates the offense;

(b) Include in the list only criminal offenses that are directly related to the duties and responsibilities of the licensed occupation.

(2) The licensing authority may include in the list established under division (B)(1) of this section an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any section or offense included in the list adopted under division (B)(1) of this section.

(C)(1) Except as provided in division (C)(2) or (D) of this section and subject to division (L)

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of this section, a licensing authority shall not refuse to issue an initial license to an individual based on any of the following:

(a) Solely or in part on a conviction of, judicial finding of guilt of, or plea of guilty to an offense;

(b) A criminal charge that does not result in a conviction, judicial finding of guilt, or plea of guilty;

(c) A nonspecific qualification such as "moral turpitude" or lack of "moral character";

(d) A disqualifying offense included in the list established under division (B) of this section, if consideration of that offense occurs after the time periods permitted in division (D) of this section.

(2) If the individual was convicted of, found guilty pursuant to a judicial finding of guilt of, or pleaded guilty to a disqualifying offense included in the list established under division (B) of this section for the license for which the individual applied, the licensing authority may take the conviction, judicial finding of guilt, or plea of guilty into consideration in accordance with division (D) of this section.

(D)(1) A licensing authority that may, under division (C)(2) of this section, consider a conviction of, judicial finding of guilt of, or plea of guilty to an offense in determining whether to refuse to issue an initial license to an individual shall consider all of the following factors and shall use a preponderance of the evidence standard in evaluating those factors to determine whether the conviction, judicial finding of guilt, or plea of guilty disqualifies the individual from receiving the license:

(a) The nature and seriousness of the offense for which the individual was convicted, found guilty pursuant to a judicial finding of guilt, or pleaded guilty;

(b) The passage of time since the individual committed the offense;

(c) The relationship of the offense to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation;

(d) Any evidence of mitigating rehabilitation or treatment undertaken by the individual, including whether the individual has been issued a certificate of qualification for employment under section 2953.25 of the Revised Code or a certificate of achievement and employability under section 2961.22 of the Revised Code;

(e) Whether the denial of a license is reasonably necessary to ensure public safety.

(2) A licensing authority may take a disqualifying offense included in the list established under division (B) of this section into account only during the following time periods:

(a) For a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense that does not involve a breach of fiduciary duty and that is not an offense of violence or a sexually oriented offense, whichever of the following is later, provided the individual was not convicted of, found guilty pursuant to a judicial finding of guilt of, and did not enter a plea of guilty to any other offense during the applicable period:

(i) Five years from the date of conviction, judicial finding of guilt, or plea of guilty;

- (ii) Five years from the date of the release from incarceration;
- (iii) The time period specified in division (D)(3) of this section.

(b) For a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense that involves a breach of fiduciary duty and that is not an offense of violence or a sexually oriented offense, whichever of the following is later, provided the individual was not convicted of, found guilty pursuant to a judicial finding of guilt of, and did not enter a plea of guilty to any other offense during the applicable period:

- (i) Ten years from the date of conviction, judicial finding of guilt, or plea of guilty;
- (ii) Ten years from the date of the release from incarceration;
- (iii) The time period specified in division (D)(4) of this section.

(c) For a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense that is an offense of violence or a sexually oriented offense, any time.

(3) If an individual is subject to a community control sanction, parole, or post-release control sanction based on a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense included in the list established under division (B) of this section that is not an offense of violence or a sexually oriented offense, a licensing authority may take the offense into account during the following time periods:

(a) If the community control sanction, parole, or post-release control sanction was for a term of less than five years, the period of the community control sanction, parole, or post-release control sanction plus the number of years after the date of final discharge of the community control sanction, parole, or post-release control sanction necessary to equal five years;

(b) If the community control sanction, parole, or post-release control sanction was for a term of five years or more, the period of the community control sanction, parole, or post-release control sanction.

(4) If an individual is subject to a community control sanction, parole, or post-release control sanction based on a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense included in the list established under division (B) of this section that involved a breach of fiduciary duty and that is not an offense of violence or a sexually oriented offense, a licensing authority may take the offense into account during the following time periods:

(a) If the community control sanction, parole, or post-release control sanction was for a term of less than ten years, for the period of the community control sanction, parole, or post-release control sanction plus the number of years after the date of final discharge of the community control sanction, parole, or post-release control sanction necessary to equal ten years;

(b) If the community control sanction, parole, or post-release control sanction was for a term of ten years or more, the period of the community control sanction, parole, or post-release control sanction.

(E) If a licensing authority refuses to issue an initial license to an individual pursuant to division (D) of this section, the licensing authority shall notify the individual in writing of all of the

following:

(1) The grounds and reasons for the refusal, including an explanation of the licensing authority's application of the factors under division (D) of this section to the evidence the licensing authority used to reach the decision;

(2) The individual's right to a hearing regarding the licensing authority's decision under section 119.06 of the Revised Code;

(3) The earliest date the individual may reapply for a license;

(4) Notice that evidence of rehabilitation may be considered on reapplication.

(F) In an administrative hearing or civil action reviewing a licensing authority's refusal under divisions (B) to (K) of this section to issue an initial license to an individual, the licensing authority has the burden of proof on the question of whether the individual's conviction of, judicial finding of guilt of, or plea of guilty to an offense directly relates to the licensed occupation.

(G) A licensing authority that is authorized by law to limit or otherwise place restrictions on a license may do so to comply with the terms and conditions of a community control sanction, post-release control sanction, or an intervention plan established in accordance with section 2951.041 of the Revised Code.

(H) Each licensing authority shall adopt any rules that it determines are necessary to implement divisions (B) to (F) of this section.

(I) Divisions (B) to (K) of this section do not apply to any of the following:

(1) Any position for which appointment requires compliance with section 109.77 of the Revised Code or in which an individual may satisfy the requirements for appointment or election by complying with that section;

(2) Any position for which federal law requires disqualification from licensure or employment based on a conviction of, judicial finding of guilt of, or plea of guilty to an offense;

(3) Community-based long-term care services certificates and community-based long-term care services contracts or grants issued under section 173.381 of the Revised Code;

(4) Certifications of a provider to provide community-based long-term care services under section 173.391 of the Revised Code;

(5) Certificates of authority to a health insuring corporation issued under section 1751.05 of the Revised Code;

(6) Licenses to operate a home or residential care facility issued under section 3721.07 of the Revised Code;

(7) Certificates of authority to make contracts of indemnity issued under section 3931.10 of the Revised Code;

(8) Supported living certificates issued under section 5123.161 of the Revised Code;

(9) Certificates to administer medications and perform health-related activities under section 5123.45 of the Revised Code;

(10) Licenses issued by the division of cannabis control under Chapter 3796. of the Revised

Code.

(J) Nothing in divisions (B) to (K) of this section prohibits a licensing authority from considering either of the following when making a determination whether to issue a license to an individual:

- (1) Past disciplinary action taken by the licensing authority against the individual;
- (2) Past disciplinary action taken against the individual by an authority in another state that issues a license that is substantially similar to the license for which the individual applies.

(K) Notwithstanding any provision of the Revised Code to the contrary, if a licensing authority issues a license to an individual after considering a conviction of, judicial finding of guilt of, or plea of guilty to an offense under division (D) of this section, the licensing authority shall not refuse to renew the individual's license based on that conviction, judicial finding of guilt, or plea of guilty.

(L)(1) Notwithstanding any provision of the Revised Code to the contrary, subject to division (G) of this section, during the period commencing on ~~the effective date of this amendment~~ April 4, 2023, and ending on ~~the date that is two years after the effective date of this amendment~~ April 4, 2025, no licensing authority shall refuse to issue a license to a person, limit or otherwise place restrictions on a person's license, or suspend or revoke a person's license under any provision of the Revised Code that takes effect on or after the effective date of this amendment and prior to the date that is two years after the effective date of this amendment and that requires or authorizes such a refusal, limitation, restriction, suspension, or revocation as a result of the person's conviction of, judicial finding of guilt of, or plea of guilty to an offense.

(2) Divisions (B) to (F), and (H) to (K), of this section do not apply with respect to any provision of the Revised Code that takes effect on or after the effective date of this amendment and prior to the date that is two years after the effective date of this amendment and that requires or authorizes a licensing authority to refuse to issue a license to a person, to limit or otherwise place restrictions on a person's license, or to suspend or revoke a person's license as a result of the person's conviction of, judicial finding of guilt of, or plea of guilty to an offense.

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

- (a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01,

2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

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

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

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

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

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(2)(a) of this section.

(3) On receipt of a request pursuant to section 173.27, 173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 5123.081, or 5123.169 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check of the person for whom the request is made. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of, has pleaded guilty

to, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) has been found eligible for intervention in lieu of conviction for any of the following, regardless of the date of the conviction, the date of entry of the guilty plea, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) the date the person was found eligible for intervention in lieu of conviction:

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;

(b) Felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(c) A violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996;

(d) A violation of section 2923.01, 2923.02, or 2923.03 of the Revised Code when the underlying offense that is the object of the conspiracy, attempt, or complicity is one of the offenses listed in divisions (A)(3)(a) to (c) of this section;

(e) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in divisions (A)(3)(a) to (d) of this section.

(4) On receipt of a request pursuant to section 2151.86, 2151.904, or 5103.053 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 959.13, 2151.421, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.32, 2903.34, 2905.01, 2905.02, 2905.05, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01,

2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, 2927.12, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, two or more OVI or OVUAC violations committed within the three years immediately preceding the submission of the application or petition that is the basis of the request, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code, or a violation of Chapter 2919. of the Revised Code that is a felony;

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

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

(a) A violation of section 2151.421, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, a violation of section 2923.02 or 2923.03 of the Revised Code that relates to a crime specified in this division, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification.

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

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

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

(8) On receipt of a request pursuant to section 1321.37, 1321.53, or 4763.05 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the

superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for a license, permit, or certification from the department of commerce or a division in the department. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any criminal offense in this state, any other state, or the United States.

(9) On receipt of a request for a criminal records check from the treasurer of state under section 113.041 of the Revised Code or from an individual under section 928.03, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised Code, accompanied by a completed form prescribed under division (C)(1) of this section and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or any other state. Subject to division (F) of this section, the superintendent shall send the results of a check requested under section 113.041 of the Revised Code to the treasurer of state and shall send the results of a check requested under any of the other listed sections to the licensing board specified by the individual in the request.

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

(11) On receipt of a request for a criminal records check from an appointing or licensing authority under section 3772.07 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner prescribed in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty or no contest to any offense under

any existing or former law of this state, any other state, or the United States that makes the person ineligible for appointment or retention under section 3772.07 of the Revised Code or that is a disqualifying offense as defined in that section or substantially equivalent to a disqualifying offense, as applicable.

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

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

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(12)(a) of this section.

(13) On receipt of a request pursuant to section 3796.12 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to a disqualifying offense as specified in rules adopted under ~~section 9.79 and~~ division (B)(2)(b) of section 3796.03 of the Revised Code if the person who is the subject of the request is an administrator or other person responsible for the daily operation of, or an owner or prospective owner, officer or prospective officer, or board member or prospective board member of, an entity seeking a license from the department of commerce under Chapter 3796. of the Revised Code.

(14) On receipt of a request required by section 3796.13 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to a disqualifying offense as specified in rules adopted under section 9.79 and division (B)(14)(a)(B)

of section 3796.03 of the Revised Code if the person who is the subject of the request is seeking employment with an entity licensed by the department of commerce under Chapter 3796. of the Revised Code.

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

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

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

(18) Upon receipt of a request pursuant to division (F) of section 2915.081 or division (E) of section 2915.082 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty or no contest to any offense that is a violation of Chapter 2915. of the Revised Code or to any offense under any existing or former law of this state, any other state, or the United States that is substantially equivalent to such an offense.

(19) On receipt of a request pursuant to section 3775.03 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in

division (B) of this section and shall request information from the federal bureau of investigation to determine whether any information exists indicating that the person who is the subject of the request has been convicted of any offense under any existing or former law of this state, any other state, or the United States that is a disqualifying offense as defined in section 3772.07 of the Revised Code.

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

(1) The superintendent shall review or cause to be reviewed any relevant information gathered and compiled by the bureau under division (A) of section 109.57 of the Revised Code that relates to the person who is the subject of the criminal records check, including, if the criminal records check was requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5103.053, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant information contained in records that have been sealed under section 2953.32 of the Revised Code;

(2) If the request received by the superintendent asks for information from the federal bureau of investigation, the superintendent shall request from the federal bureau of investigation any information it has with respect to the person who is the subject of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 if the request is made pursuant to section 2151.86, 5103.053, or 5104.013 of the Revised Code or if any other Revised Code section requires fingerprint-based checks of that nature, and shall review or cause to be reviewed any information the superintendent receives from that bureau. If a request under section 3319.39 of the Revised Code asks only for information from the federal bureau of investigation, the superintendent shall not conduct the review prescribed by division (B)(1) of this section.

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

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

(5) The superintendent shall send the results of the criminal records check to the person to whom it is to be sent not later than the following number of days after the date the superintendent receives the request for the criminal records check, the completed form prescribed under division (C)(1) of this section, and the set of fingerprint impressions obtained in the manner described in division (C)(2) of this section:

(a) If the superintendent is required by division (A) of this section (other than division (A)(3)

of this section) to conduct the criminal records check, thirty:

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

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

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

(3) Subject to division (D) of this section, the superintendent shall prescribe and charge a reasonable fee for providing a criminal records check under this section. The person requesting the criminal records check shall pay the fee prescribed pursuant to this division. In the case of a request under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the fee shall be paid in the manner specified in that section.

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

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

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

(F)(1) Subject to division (F)(2) of this section, all information regarding the results of a criminal records check conducted under this section that the superintendent reports or sends under division (A)(7) or (9) of this section to the director of public safety, the treasurer of state, or the

person, board, or entity that made the request for the criminal records check shall relate to the conviction of the subject person, or the subject person's plea of guilty to, a criminal offense.

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

(G) As used in this section:

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

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

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

(4) "Registered private provider" means a nonpublic school or entity registered with the department of education and workforce under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.

Sec. 121.04. Offices are created within the several departments as follows:

In the department of commerce:

- Commissioner of securities;
- Superintendent of real estate and professional licensing;
- Superintendent of financial institutions;
- State fire marshal;
- Superintendent of industrial compliance;
- Superintendent of liquor control;
- Superintendent of unclaimed funds;
- Superintendent of ~~marijuana-cannabis~~ control.

In the department of administrative services:

- Equal employment opportunity coordinator.

In the department of agriculture:

Chiefs of divisions as follows:

- Administration;
- Animal health;
- Livestock environmental permitting;

- Soil and water conservation;
- Dairy;
- Food safety;
- Plant health;
- Markets;
- Meat inspection;
- Consumer protection laboratory;
- Amusement ride safety;
- Enforcement;
- Weights and measures.

In the department of natural resources:

Chiefs of divisions as follows:

- Mineral resources management;
- Oil and gas resources management;
- Forestry;
- Natural areas and preserves;
- Wildlife;
- Geological survey;
- Parks and watercraft;
- Water resources;
- Engineering.

In the department of insurance:

Deputy superintendent of insurance;

- Assistant superintendent of insurance, technical;
- Assistant superintendent of insurance, administrative;
- Assistant superintendent of insurance, research.

Sec. 121.08. (A) There is hereby created in the department of commerce the position of deputy director of administration. This officer shall be appointed by the director of commerce, serve under the director's direction, supervision, and control, perform the duties the director prescribes, and hold office during the director's pleasure. The director of commerce may designate an assistant director of commerce to serve as the deputy director of administration. The deputy director of administration shall perform the duties prescribed by the director of commerce in supervising the activities of the division of administration of the department of commerce.

(B) Except as provided in section 121.07 of the Revised Code, the department of commerce shall have all powers and perform all duties vested in the deputy director of administration, the state fire marshal, the superintendent of financial institutions, the superintendent of real estate and professional licensing, the superintendent of liquor control, the superintendent of industrial compliance, the superintendent of unclaimed funds, the superintendent of ~~marijuana~~-cannabis

control, and the commissioner of securities, and shall have all powers and perform all duties vested by law in all officers, deputies, and employees of those offices. Except as provided in section 121.07 of the Revised Code, wherever powers are conferred or duties imposed upon any of those officers, the powers and duties shall be construed as vested in the department of commerce.

(C)(1) There is hereby created in the department of commerce a division of financial institutions, which shall have all powers and perform all duties vested by law in the superintendent of financial institutions. Wherever powers are conferred or duties imposed upon the superintendent of financial institutions, those powers and duties shall be construed as vested in the division of financial institutions. The division of financial institutions shall be administered by the superintendent of financial institutions.

(2) All provisions of law governing the superintendent of financial institutions shall apply to and govern the superintendent of financial institutions provided for in this section; all authority vested by law in the superintendent of financial institutions with respect to the management of the division of financial institutions shall be construed as vested in the superintendent of financial institutions created by this section with respect to the division of financial institutions provided for in this section; and all rights, privileges, and emoluments conferred by law upon the superintendent of financial institutions shall be construed as conferred upon the superintendent of financial institutions as head of the division of financial institutions. The director of commerce shall not transfer from the division of financial institutions any of the functions specified in division (C)(2) of this section.

(D) There is hereby created in the department of commerce a division of liquor control, which shall have all powers and perform all duties vested by law in the superintendent of liquor control. Wherever powers are conferred or duties are imposed upon the superintendent of liquor control, those powers and duties shall be construed as vested in the division of liquor control. The division of liquor control shall be administered by the superintendent of liquor control.

(E) The director of commerce shall not be interested, directly or indirectly, in any firm or corporation which is a dealer in securities as defined in sections 1707.01 and 1707.14 of the Revised Code, or in any firm or corporation licensed under sections 1321.01 to 1321.19 of the Revised Code.

(F) The director of commerce shall not have any official connection with a savings and loan association, a savings bank, a bank, a bank holding company, a savings and loan association holding company, a consumer finance company, or a credit union that is under the supervision of the division of financial institutions, or a subsidiary of any of the preceding entities, or be interested in the business thereof.

(G) There is hereby created in the state treasury the division of administration fund. The fund shall receive assessments on the operating funds of the department of commerce in accordance with procedures prescribed by the director of commerce. All operating expenses of the division of administration shall be paid from the division of administration fund.

(H) There is hereby created in the department of commerce a division of real estate and

professional licensing, which shall be under the control and supervision of the director of commerce. The division of real estate and professional licensing shall be administered by the superintendent of real estate and professional licensing. The superintendent of real estate and professional licensing shall exercise the powers and perform the functions and duties delegated to the superintendent under Chapters 4735., 4763., 4764., 4767., and 4768. of the Revised Code.

(I) There is hereby created in the department of commerce a division of industrial compliance, which shall have all powers and perform all duties vested by law in the superintendent of industrial compliance. Wherever powers are conferred or duties imposed upon the superintendent of industrial compliance, those powers and duties shall be construed as vested in the division of industrial compliance. The division of industrial compliance shall be under the control and supervision of the director of commerce and be administered by the superintendent of industrial compliance.

(J) There is hereby created in the department of commerce a division of unclaimed funds, which shall have all powers and perform all duties delegated to or vested by law in the superintendent of unclaimed funds. Wherever powers are conferred or duties imposed upon the superintendent of unclaimed funds, those powers and duties shall be construed as vested in the division of unclaimed funds. The division of unclaimed funds shall be under the control and supervision of the director of commerce and shall be administered by the superintendent of unclaimed funds. The superintendent of unclaimed funds shall exercise the powers and perform the functions and duties delegated to the superintendent by the director of commerce under section 121.07 and Chapter 169. of the Revised Code, and as may otherwise be provided by law.

(K) There is hereby created in the department of commerce a division of ~~marijuana-cannabis~~ control, which shall have all powers and perform all duties vested by law in the superintendent of ~~marijuana-cannabis~~ control. Wherever powers are conferred or duties are imposed upon the superintendent of ~~marijuana-cannabis~~ control, those powers and duties shall be construed as vested in the division of ~~marijuana-cannabis~~ control. The division of ~~marijuana-cannabis~~ control shall be under the control and supervision of the director of commerce and be administered by the superintendent of ~~marijuana-cannabis~~ control.

(L) The department of commerce or a division of the department created by the Revised Code that is acting with authorization on the department's behalf may request from the bureau of criminal identification and investigation pursuant to section 109.572 of the Revised Code, or coordinate with appropriate federal, state, and local government agencies to accomplish, criminal records checks for the persons whose identities are required to be disclosed by an applicant for the issuance or transfer of a permit, license, certificate of registration, or certification issued or transferred by the department or division. At or before the time of making a request for a criminal records check, the department or division may require any person whose identity is required to be disclosed by an applicant for the issuance or transfer of such a license, permit, certificate of registration, or certification to submit to the department or division valid fingerprint impressions in a

format and by any media or means acceptable to the bureau of criminal identification and investigation and, when applicable, the federal bureau of investigation. The department or division may cause the bureau of criminal identification and investigation to conduct a criminal records check through the federal bureau of investigation only if the person for whom the criminal records check would be conducted resides or works outside of this state or has resided or worked outside of this state during the preceding five years, or if a criminal records check conducted by the bureau of criminal identification and investigation within this state indicates that the person may have a criminal record outside of this state.

In the case of a criminal records check under section 109.572 of the Revised Code, the department or division shall forward to the bureau of criminal identification and investigation the requisite form, fingerprint impressions, and fee described in division (C) of that section. When requested by the department or division in accordance with this section, the bureau of criminal identification and investigation shall request from the federal bureau of investigation any information it has with respect to the person who is the subject of the requested criminal records check and shall forward the requisite fingerprint impressions and information to the federal bureau of investigation for that criminal records check. After conducting a criminal records check or receiving the results of a criminal records check from the federal bureau of investigation, the bureau of criminal identification and investigation shall provide the results to the department or division.

The department or division may require any person about whom a criminal records check is requested to pay to the department or division the amount necessary to cover the fee charged to the department or division by the bureau of criminal identification and investigation under division (C) (3) of section 109.572 of the Revised Code, including, when applicable, any fee for a criminal records check conducted by the federal bureau of investigation.

(M) The director of commerce, or the director's designee, may adopt rules to enhance compliance with statutes pertaining to, and rules adopted by, divisions under the direction, supervision, and control of the department or director by offering incentive-based programs that ensure safety and soundness while promoting growth and prosperity in the state.

Sec. 131.02. (A) Except as otherwise provided in section 4123.37, section 5703.061, and division (K) of section 4123.511 of the Revised Code, whenever any amount is payable to the state, the officer, employee, or agent responsible for administering the law under which the amount is payable shall immediately proceed to collect the amount or cause the amount to be collected and shall pay the amount into the state treasury or into the appropriate custodial fund in the manner set forth pursuant to section 113.08 of the Revised Code. Except as otherwise provided in this division, if the amount is not paid within forty-five days after payment is due, the officer, employee, or agent shall certify the amount due to the attorney general, in the form and manner prescribed by the attorney general. In the case of an amount payable by a student enrolled in a state institution of higher education, the amount shall be certified within the later of forty-five days after the amount is due or the tenth day after the beginning of the next academic semester, quarter, or other session

following the session for which the payment is payable. The attorney general may assess the collection cost to the amount certified in such manner and amount as prescribed by the attorney general. If an amount payable to a political subdivision is past due, the political subdivision may, with the approval of the attorney general, certify the amount to the attorney general pursuant to this section.

For the purposes of this section, the attorney general and the officer, employee, or agent responsible for administering the law under which the amount is payable shall agree on the time a payment is due, and that agreed upon time shall be one of the following times:

(1) If a law, including an administrative rule, of this state prescribes the time a payment is required to be made or reported, when the payment is required by that law to be paid or reported.

(2) If the payment is for services rendered, when the rendering of the services is completed.

(3) If the payment is reimbursement for a loss, when the loss is incurred.

(4) In the case of a fine or penalty for which a law or administrative rule does not prescribe a time for payment, when the fine or penalty is first assessed.

(5) If the payment arises from a legal finding, judgment, or adjudication order, when the finding, judgment, or order is rendered or issued.

(6) If the payment arises from an overpayment of money by the state to another person, when the overpayment is discovered.

(7) The date on which the amount for which an individual is personally liable under section 5735.35, section 5739.33, or division (G) of section 5747.07 of the Revised Code is determined.

(8) Upon proof of claim being filed in a bankruptcy case.

(9) Any other appropriate time determined by the attorney general and the officer, employee, or agent responsible for administering the law under which the amount is payable on the basis of statutory requirements or ordinary business processes of the agency, institution, or political subdivision to which the payment is owed.

(B)(1) The attorney general shall give immediate notice by mail or otherwise to the party indebted of the nature and amount of the indebtedness.

(2) If the amount payable to this state arises from a tax levied under Chapter 3796., 5733., 5739., 5741., 5747., or 5751. of the Revised Code, the notice also shall specify all of the following:

(a) The assessment or case number;

(b) The tax pursuant to which the assessment is made;

(c) The reason for the liability, including, if applicable, that a penalty or interest is due;

(d) An explanation of how and when interest will be added to the amount assessed;

(e) That the attorney general and tax commissioner, acting together, have the authority, but are not required, to compromise the claim and accept payment over a reasonable time, if such actions are in the best interest of the state.

(C) The attorney general shall collect the claim or secure a judgment and issue an execution for its collection.

(D) Each claim shall bear interest, from the day on which the claim became due, at the rate per annum required by section 5703.47 of the Revised Code.

(E) The attorney general and the chief officer of the agency reporting a claim, acting together, may do any of the following if such action is in the best interests of the state:

(1) Compromise the claim;

(2) Extend for a reasonable period the time for payment of the claim by agreeing to accept monthly or other periodic payments. The agreement may require security for payment of the claim.

(3) Add fees to recover the cost of processing checks or other draft instruments returned for insufficient funds and the cost of providing electronic payment options.

(F)(1) Except as provided in division (F)(2) of this section, if the attorney general finds, after investigation, that any claim due and owing to the state is uncollectible, the attorney general, with the consent of the chief officer of the agency reporting the claim, may do the following:

(a) Sell, convey, or otherwise transfer the claim to one or more private entities for collection;

(b) Cancel the claim or cause it to be canceled.

(2) The attorney general shall cancel or cause to be canceled an unsatisfied claim on the date that is forty years after the date the claim is certified, unless the attorney general has adopted a rule under division (F)(5) of this section shortening this time frame with respect to a subset of claims.

(3) No initial action shall be commenced to collect any tax payable to the state that is administered by the tax commissioner, whether or not such tax is subject to division (B) of this section, or any penalty, interest, or additional charge on such tax, after the expiration of the period ending on the later of the dates specified in divisions (F)(3)(a) and (b) of this section, provided that such period shall be extended by the period of any stay to such collection or by any other period to which the parties mutually agree. If the initial action in aid of execution is commenced before the later of the dates specified in divisions (F)(3)(a) and (b) of this section, any and all subsequent actions may be pursued in aid of execution of judgment for as long as the debt exists.

(a) Seven years after the assessment of the tax, penalty, interest, or additional charge is issued.

(b) Four years after the assessment of the tax, penalty, interest, or additional charge becomes final. For the purposes of division (F)(3)(b) of this section, the assessment becomes final at the latest of the following: upon expiration of the period to petition for reassessment, or if applicable, to appeal a final determination of the commissioner or decision of the board of tax appeals or a court, or, if applicable, upon decision of the United States supreme court.

For the purposes of division (F)(3) of this section, an initial action to collect a tax debt is commenced at the time when a certified copy of the tax commissioner's entry making an assessment final has been filed in the office of the clerk of court of common pleas in the county in which the taxpayer resides or has its principal place of business in this state, or in the office of the clerk of court of common pleas of Franklin county, as provided in section 5739.13, 5741.14, 5747.13, or 5751.09 of the Revised Code or in any other applicable law requiring such a filing. If an assessment

has not been issued and there is no time limitation on the issuance of an assessment under applicable law. an action to collect a tax debt commences when the action is filed in the courts of this state to collect the liability.

(4) If information contained in a claim that is sold, conveyed, or transferred to a private entity pursuant to this section is confidential pursuant to federal law or a section of the Revised Code that implements a federal law governing confidentiality, such information remains subject to that law during and following the sale, conveyance, or transfer.

(5) The attorney general may adopt rules to aid in the implementation of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 715.013. (A) Except as otherwise expressly authorized by the Revised Code, no municipal corporation shall levy a tax that is the same as or similar to a tax levied under Chapter 322., 3734., 3769., 3796., 4123., 4141., 4301., 4303., 4305., 4307., 4309., 5707., 5725., 5726., 5727., 5728., 5729., 5731., 5735., 5736., 5737., 5739., 5741., 5743., 5747., 5749., or 5751. of the Revised Code.

(B) No municipal corporation may impose any tax, fee, assessment, or other charge on auxiliary containers, on the sale, use, or consumption of such containers, or on the basis of receipts received from the sale of such containers. As used in this division, "auxiliary container" has the same meaning as in section 3767.32 of the Revised Code.

(C) This section does not prohibit a municipal corporation from levying an income tax or withholding tax in accordance with Chapter 718. of the Revised Code, or a tax on any of the following:

- (1) Amounts received for admission to any place;
- (2) The income of an electric company or combined company, as defined in section 5727.01 of the Revised Code;
- (3) On and after January 1, 2004, the income of a telephone company, as defined in section 5727.01 of the Revised Code.

Sec. 928.01. As used in this chapter:

(A) "Container" means the innermost wrapping, packaging, or vessel in direct contact with a final hemp-derived cannabinoid product in which the final hemp-derived cannabinoid product is enclosed for retail sale to consumers, such as a jar, bottle, bag, box, packet, can, carton, or cartridge. "Container" does not include bulk shipping containers or outer wrappings that are not essential for the final retail delivery or sale to an end consumer for personal or household use.

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

(C) "Hemp" means the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a total tetrahydrocannabinols concentration, including tetrahydrocannabinolic acid, of not more than three-tenths per cent on a dry weight basis. "Hemp" includes industrial hemp. "Hemp" does not include any of the following:

(1) Any viable seeds from a Cannabis sativa L. plant that exceeds a total tetrahydrocannabinols concentration, including tetrahydrocannabinolic acid, of three-tenths per cent in the plant on a dry weight basis;

(2) Any intermediate hemp-derived cannabinoid product containing any of the following:

(a) Cannabinoids that are not capable of being naturally produced by a Cannabis sativa L. plant;

(b) Cannabinoids that are capable of being naturally produced by a Cannabis sativa L. plant

and were synthesized or manufactured outside the plant;

(c) More than three-tenths per cent combined total of total tetrahydrocannabinols, including tetrahydrocannabinolic acid, and any other cannabinoids that have similar effects or are marketed to have similar effects on humans or animals as a tetrahydrocannabinol as established by the superintendent of cannabis control in lists adopted under section 928.031 of the Revised Code.

(3) Any intermediate hemp-derived cannabinoid product that is marketed or sold as a final product or directly to an end consumer for personal or household use;

(4) Any final hemp-derived cannabinoid product containing any of the following:

(a) Cannabinoids that are not capable of being naturally produced by a Cannabis sativa L. plant;

(b) Cannabinoids that are capable of being naturally produced by a Cannabis sativa L. plant and were synthesized or manufactured outside the plant;

(c) Greater than four-tenths of a milligram combined total per container of total tetrahydrocannabinols, including tetrahydrocannabinolic acid, and any other cannabinoids that have similar effects, or are marketed to have similar effects, on humans or animals as a tetrahydrocannabinol as established by the superintendent of cannabis control in lists adopted under section 928.031 of the Revised Code.

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

(E) "Hemp-derived cannabinoid product" means any intermediate or final product derived from hemp, other than industrial hemp, that contains cannabinoids in any form and is intended for human or animal use through any means of application or administration, such as inhalation, ingestion, or topical application. "Hemp-derived cannabinoid product" does not include a drug that is the subject of an application approved under subsection (c) or (j) of 21 U.S.C. 355.

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

(G) "Industrial hemp" means hemp to which any of the following apply:

(1) It is grown for the use of the stalk of the plant, fiber produced from such a stalk, or any other non-cannabinoid derivative, mixture, preparation, or manufacture of such a stalk;

(2) It is grown for the use of the whole grain, oil, cake, nut, hull, or any other non-cannabinoid compound, derivative, mixture, preparation, or manufacture of the seeds of such plant;

(3) It is grown for purposes of producing microgreens or other edible hemp leaf products intended for human consumption that are derived from an immature hemp plant that is grown from seeds that do not exceed the threshold for total tetrahydrocannabinols concentration specified in division (C)(1) of this section;

(4) It is a plant that does not enter the stream of commerce and is intended to support hemp research at a university or an independent research institute as the term "independent research institute" is defined by the director under section 928.031 of the Revised Code;

(5) It is grown for the use of a viable seed of the plant produced solely for the production or manufacture of any material described in division (H)(1) to (4) of this section.

(H) "Intermediate hemp-derived cannabinoid product" means a hemp-derived cannabinoid product that is either of the following:

(1) Not yet in the final form or preparation marketed or intended to be used or consumed by a human or animal;

(2) A powder, liquid, tablet, oil, or other product form that is intended or marketed to be mixed, dissolved, formulated, or otherwise added to or prepared with or into any other substance prior to administration or consumption.

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

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

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

(K) "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.

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

Sec. 928.02. (A)(1) The director of agriculture may establish a program to monitor and regulate hemp cultivation and shall establish a program to monitor and regulate hemp processing in this state.

(2) If the director establishes a program to monitor and regulate hemp cultivation in this state and subsequently intends to transfer authority to the United States department of agriculture to monitor and regulate hemp cultivation in this state, the director shall take whatever actions necessary to effectuate such transfer.

(3) If the director implements a program to monitor and regulate hemp cultivation under division (A)(1) of this section, the director shall issue hemp cultivation licenses in accordance with rules adopted under section 928.03 of the Revised Code.

(4) If the director implements a program to monitor and regulate hemp cultivation under division (A)(1) of this section and as authorized by the director, the department of agriculture or a university may cultivate hemp without a hemp cultivation license for research purposes.

(5) As authorized by the director, the department of agriculture or a university may process hemp without a hemp processing license for research purposes.

(B) If the director implements a program to monitor and regulate hemp cultivation under division (A)(1) of this section and except as authorized under division (A)(4) or (E) of this section, any person that wishes to cultivate hemp shall apply for and obtain a hemp cultivation license from the director in accordance with rules adopted under section 928.03 of the Revised Code. Except as authorized under division (A)(5) or (E) of this section, any person that wishes to process hemp shall apply for and obtain a hemp processing license from the director in accordance with those rules. Such licenses are valid for three years unless earlier suspended or revoked by the director.

(C) The department, a university, or any person may, without a hemp cultivation license or hemp processing license, possess, buy, or sell hemp or a product made with hemp product.

(D) Notwithstanding any other provision of the Revised Code to the contrary, the addition of hemp or a product made with hemp product to any other product does not adulterate that other product.

(E) If the director implements a program to monitor and regulate hemp cultivation under division (A)(1) of this section, the director shall issue a hemp cultivation license in accordance with Chapter 4796. of the Revised Code to an individual if either of the following applies:

(1) The individual holds the applicable license in another state.

(2) The individual has satisfactory work experience, a government certification, or a private certification as described in that chapter as a hemp cultivator in a state that does not issue the applicable license.

(F) The director shall issue a hemp processing license in accordance with Chapter 4796. of the Revised Code to an individual if either of the following applies:

(1) The individual holds the applicable license in another state.

(2) The individual has satisfactory work experience, a government certification, or a private certification as described in that chapter as a hemp processor in a state that does not issue the applicable license.

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 processing. The director also shall adopt such rules, in consultation with the governor and attorney general, regarding hemp cultivation if the director implements a program to monitor and regulate hemp cultivation under division (A)(1) of section 928.02 of the Revised Code. The rules shall include all of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (P) A procedure for complying with enforcement procedures required under federal law;
- (Q) A procedure for the effective disposal of all of the following:
 - (1) Plants, whether growing or not, cultivated in violation of this chapter or rules adopted under it;
 - (2) Products derived from plants cultivated in violation of this chapter or rules adopted under it;
 - (3) Products produced in violation of this chapter or rules adopted under it.
- (R) Requirements and procedures governing the production, storage, and disposal of hemp byproducts.

For the purposes of this chapter and notwithstanding any provision of law to the contrary, "hemp product" includes a byproduct, produced as a result of processing hemp, that contains a delta-9-tetrahydrocannabinol concentration of more than three-tenths per cent, provided that the byproduct is produced, stored, and disposed of in accordance with rules adopted under division (R) of this section.

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

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

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

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

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

(X) Standards for the testing-and- labeling, and packaging of hemp and products made with hemp-products;

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

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

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

(BB) A definition of "independent research institute" for purposes of section 928.01 of the Revised Code;

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

Sec. 928.031. (A) The superintendent of cannabis control, in consultation with the director of agriculture, shall establish the following lists for purposes of section 928.01 of the Revised Code:

(1) Cannabinoids known to be capable of being naturally produced by a Cannabis sativa L. plant;

(2) Tetrahydrocannabinol class cannabinoids known to the superintendent to be naturally occurring in the plant Cannabis sativa L.;

(3) All other known cannabinoids with similar effects to, or marketed to have similar effects to, tetrahydrocannabinol class cannabinoids;

(4) Any additional cannabinoids that have similar effects or are marketed to have similar effects on humans or animals as a tetrahydrocannabinol.

(B) The superintendent, in consultation with the director of agriculture, shall establish any additional information and specificity about the term "container" as defined under section 928.01 of the Revised Code.

(C) When congress, or pursuant to the federal hemp laws in 7 U.S.C. 139o, et. seq., the secretary of the United States department of health and human services, or the United States food and drug administration, as applicable, adds, changes, or removes anything from any of the lists of items established in the division (A) of this section, then such addition, change, or removal is automatically effected in the corresponding list, subject to amendment pursuant to division (D) of this section and the superintendent shall immediately publish an updated list containing the change.

(D) The superintendent may add, change, or remove any of the items included in the lists established in division (A) of this section. In so doing, the superintendent shall review any determinations made by the federal government in any corresponding changes it has made and determine whether the changes are in accordance with Ohio law, the current scientific knowledge of the material at issue, and the risk to the public health.

(E) Upon initial publication of the lists established in division (A) of this section and upon any addition, change, or removal in division (C) or (D) of this section, the superintendent, in consultation with the director, shall adopt a rule under Chapter 119. of the Revised Code, to codify the list. The rule shall be filed with the joint committee on agency rule review within six months of the list being adopted or changed.

Sec. 928.04. (A) Except as authorized under division (A)(4) or (5) of section 928.02 of the Revised Code, no person shall cultivate hemp without a hemp cultivation license issued by the director of agriculture under this chapter, if the director implements a program to monitor and regulate hemp cultivation under division (A)(1) of section 928.02 of the Revised Code, or process hemp without a hemp processing license issued by the director of agriculture under this chapter.

(B) No person who holds a hemp cultivation license or hemp processing license issued by the director under this chapter shall violate this chapter or rules adopted under it.

(C) No person subject to a corrective action plan issued by the director of agriculture under section 928.05 of the Revised Code shall fail to comply with the plan.

(D) No person shall transport hemp or a product made with hemp product in violation of rules adopted under section 928.03 of the Revised Code.

Sec. 928.08. The department of agriculture, in consultation and in cooperation with the Ohio investigative unit in the department of public safety, shall enforce this chapter.

Sec. 2925.01. As used in this chapter:

(A) "Administer," "controlled substance," "controlled substance analog," "dispense," "distribute," "hypodermic," "manufacturer," "official written order," "person," "pharmacist," "pharmacy," "sale," "schedule I," "schedule II," "schedule III," "schedule IV," "schedule V," and "wholesaler" have the same meanings as in section 3719.01 of the Revised Code.

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

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

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

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

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

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

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

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

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

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

(g) An amount equal to or exceeding three grams of a compound, mixture, preparation, or

substance that is or contains any amount of a schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act and the federal drug abuse control laws.

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

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

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

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

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

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

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

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

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

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

(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling,

inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element;

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

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

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

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

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

(b) Any aerosol propellant;

(c) Any fluorocarbon refrigerant;

(d) Any anesthetic gas.

(2) Gamma Butyrolactone;

(3) 1,4 Butanediol.

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

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

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

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

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

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

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

(2) Any unmarked or unlabeled substance that is represented to be a controlled substance

manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;

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

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

(5) A person who has been issued a barber's license, barber instructor's license, assistant barber instructor's license, or independent contractor's license under Chapter 4709. of the Revised Code;

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

(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced license to practice cosmetology, advanced license to practice hair design, advanced license to practice manicuring, advanced license to practice esthetics, advanced license to practice natural hair styling, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;

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

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

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

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

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

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

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

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

(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;

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

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

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

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

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

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

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

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

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

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

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

(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;

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

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

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

(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;

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

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

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

(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;

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

(38) A person who has been issued a license to practice as a certified mental health assistant under Chapter 4772. of the Revised Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;
- (2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree.

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

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

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

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

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

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

- (1) Fentanyl;
- (2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);
- (3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
- (4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl)-N-phenylpropanamide);
- (5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);
- (6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);
- (7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);

- (8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;
- (9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;
- (10) Alfentanil;
- (11) Carfentanil;
- (12) Remifentanil;
- (13) Sufentanil;
- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and

(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:

- (a) A chemical scaffold consisting of both of the following:
 - (i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;
 - (ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.
- (b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;
- (c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and
- (d) The compound has not been approved for medical use by the United States food and drug administration.

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

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

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

(OO) "Maximum second degree felony mandatory prison term" means the maximum

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

(PP) ~~"Delta-9 tetrahydrocannabinol" has the same meaning as in section 928.01 of the Revised Code~~ means the sum of the percentage by weight of tetrahydrocannabinolic acid multiplied by 0.877 plus the percentage by weight of delta-9 tetrahydrocannabinol.

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

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

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

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

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

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

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

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

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

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

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

(B) If a person, prior to the effective date of this section, was the defendant named in a dismissed complaint, indictment, or information for or was convicted of or has pleaded guilty to either of the following, the person may file an application under this section requesting an expungement of the record of conviction or official records in the case:

(1) A violation of division (C)(3)(a) or (C)(7)(a) or (b) of section 2925.11 of the Revised Code;

(2) A violation of division (C)(7)(c) or (d) of section 2925.11 of the Revised Code involving possession of not more than fifteen grams of hashish.

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

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

(2) Include evidence that the offense or charge was a violation of division (C)(3)(a) or (C)(7)(a) or (b) of section 2925.11 of the Revised Code or a violation of division (C)(7)(c) or (d) of section 2925.11 of the Revised Code involving not more than fifteen grams of hashish and that the conviction, plea of guilty, or dismissal occurred prior to the effective date of this section;

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

(D)(1) Upon the filing of an application under division (C) of this section and the payment of the fee described in division (G) of this section if applicable, the court shall set a date for a hearing and shall notify the prosecutor for the case of the hearing on the application. The prosecutor may object to the granting of the application by filing an objection with the court prior to the date set for the hearing. The prosecutor shall specify in the objection the reasons for believing a denial of the application is justified. The court shall direct its regular probation officer, a state probation officer, or the department of probation of the county in which the applicant resides to make inquiries and written reports as the court requires concerning the applicant. The court shall hold the hearing scheduled under this division.

(2) The court shall hold the hearing not less than forty-five days and not more than ninety days after the date of the filing of the application.

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

(1) Determine whether the applicant has, prior to the effective date of this section, been a defendant named in a dismissed complaint, indictment, or information for or been convicted of or pleaded guilty to either of the following:

(a) A violation of division (C)(3)(a) or (C)(7)(a) or (b) of section 2925.11 of the Revised

Code:

(b) A violation of division (C)(7)(c) or (d) of section 2925.11 of the Revised Code involving possession of not more than fifteen grams of hashish.

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

(3) Weigh the interests of the applicant in having the record of conviction or official records expunged against the legitimate needs, if any, of the government to maintain those records.

(F) If the court, after complying with division (E) of this section, finds that the applicant has, prior to the effective date of this section, been named in a dismissed complaint, indictment, or information for or been convicted of or pleaded guilty to a violation of division (C)(3)(a) or (C)(7)(a) or (b) of section 2925.11 of the Revised Code or has been convicted of or pleaded guilty to a violation of division (C)(7)(c) or (d) of section 2925.11 of the Revised Code involving possession of not more than fifteen grams of hashish and that the interests of the applicant in having the record of conviction or official records sealed are not substantially outweighed by any legitimate governmental needs to maintain those records, both of the following apply:

(1) The court shall order the expungement of all official records pertaining to the case and the deletion of all index references to the case and, if it does order the expungement, shall send notice of the order to each public office or agency that the court has reason to believe may have an official record pertaining to the case if the court, after complying with division (E) of this section, determines that the applicant, prior to the effective date of this section, had been a defendant named in a dismissed complaint, indictment, or information for or convicted of or pleaded guilty to a violation of division (C)(3)(a) or (C)(7)(a) or (b) of section 2925.11 of the Revised Code or had been convicted of or pleaded guilty to a violation of division (C)(7)(c) or (d) of section 2925.11 of the Revised Code involving possession of not more than fifteen grams of hashish.

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

(G) Upon the filing of an application under this section, the applicant, unless indigent, shall pay a fee of fifty dollars. The court shall pay thirty dollars of the fee into the state treasury, with half of that amount credited to the attorney general reimbursement fund created by section 109.11 of the Revised Code, and shall pay twenty dollars of the fee into the county general revenue fund.

Sec. 3376.07. A state institution of higher education, private college, athletic association, conference, or other group or organization with authority over intercollegiate athletics may prohibit a student-athlete from entering into a contract providing compensation to the student-athlete for use of the student-athlete's name, image, or likeness if under the contract the student-athlete's name,

image, or likeness is associated with any of the following:

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

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

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

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

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

Sec. 3719.01. As used in this chapter:

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

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

(C) "Controlled substance" means a drug, compound, mixture, preparation, or substance included in schedule I, II, III, IV, or V.

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

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

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

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

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

(I) "Federal drug abuse control laws" means the "Comprehensive Drug Abuse Prevention and Control Act of 1970," 84 Stat. 1242, 21 U.S.C. 801, as amended.

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

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

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

(M) "Marihuana" means all parts of a plant of the genus cannabis, whether growing or not:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(U) "Sale" includes delivery, barter, exchange, transfer, or gift, or offer thereof, and each

transaction of those natures made by any person, whether as principal, proprietor, agent, servant, or employee.

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

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

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

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

(Z)(1) "Controlled substance analog" means, except as provided in division (Z)(2) of this section, a substance to which both of the following apply:

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

(b) One of the following applies regarding the substance:

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

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

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

(a) A controlled substance;

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

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

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

(AA) "Benzodiazepine" means a controlled substance that has United States food and drug administration approved labeling indicating that it is a benzodiazepine, benzodiazepine derivative,

triazolobenzodiazepine, or triazolobenzodiazepine derivative, including the following drugs and their varying salt forms or chemical congeners: alprazolam, chlordiazepoxide hydrochloride, clobazam, clonazepam, clorazepate, diazepam, estazolam, flurazepam hydrochloride, lorazepam, midazolam, oxazepam, quazepam, temazepam, and triazolam.

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

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

Sec. 3719.41. (A) For purposes of administration, enforcement, and regulation of the manufacture, distribution, dispensing, and possession of controlled substances, the state board of pharmacy shall adopt rules in accordance with Chapter 119. of the Revised Code establishing schedule I, schedule II, schedule III, schedule IV, and schedule V incorporating the five schedules of controlled substances under the federal drug abuse control laws.

The board may include in the schedules any compound, mixture, preparation, or substance that was included in the schedules immediately prior to March 22, 2020, as long as the inclusion does not have the effect of providing less stringent control of the compound, mixture, preparation, or substance than is provided under the federal drug abuse control laws or regulations adopted under those laws.

(B) Except as provided in section 3719.45 of the Revised Code, the board periodically shall update the schedules by rule adopted in accordance with Chapter 119. of the Revised Code to correspond to any change in the federal drug abuse control laws or regulations adopted under those laws, any addition, transfer, or removal by congress or the attorney general of the United States as described in section 3719.43 of the Revised Code, and any addition, transfer, or removal by the board by rule adopted under section 3719.44 of the Revised Code.

(C) Notwithstanding divisions (A) and (B) of this section, the board shall not adopt rules including hemp ~~or a hemp product~~ in a schedule as a controlled substance.

(D) As used in this section, "hemp" and ~~"hemp product"~~ have has the same meanings meaning as in section 928.01 of the Revised Code.

Sec. 3779.21. As used in sections 3779.21 to 3779.30 of the Revised Code:

(A) "AD retailer" means an A-1-A, A-1c, or class D permit holder under Chapter 4303. of the Revised Code.

(B) "At retail" means for use or consumption by the ultimate consumer ~~disapproved~~ for resale.

(C) "C retailer" means a class C permit holder under Chapter 4303. of the Revised Code.

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

(E) "Distributor" means a class B permit holder under Chapter 4303. of the Revised Code, or the holder of an equivalent permit or other authorization issued by another state, that sells a drinkable cannabinoid product to an AD or C retailer located in this state. "Distributor" does not include either of the following:

(1) A manufacturer;

(2) A person that is a common carrier and that is used to complete delivery of a drinkable cannabinoid product to an AD or C retailer.

(F) "Drinkable cannabinoid product" means a liquid hemp product to which all of the following apply:

(1) The product contains cannabinoids.

(2) The cannabinoids in the product are solely derived from hemp.

(3) The product is prepackaged and intended to be consumed via ingestion.

(4) The product does not include a drug as defined in section 4729.01 of the Revised Code.

(5) The product does not contain more than three-tenths per cent of any tetrahydrocannabinol.

(6) The product does not contain more than five milligrams of total tetrahydrocannabinol per serving.

(7) The product container does not contain more than one serving.

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

(H) "Liquid hemp product" means a liquid product, containing a delta-9 tetrahydrocannabinol concentration of not more than three-tenths per cent, that is made with hemp.

(I) "Identification card" means a driver's or commercial driver's license, an identification card issued under sections 4507.50 to 4507.52 of the Revised Code or an equivalent identification card issued by another state, a military identification card issued by the United States department of defense, or a United States or foreign passport that displays a picture of the individual for whom the license, card, or passport is issued and shows that the person buying is then at least twenty-one years of age.

(J) "Manufacturer" means a person, whether located in this state or outside of this state, that manufactures a drinkable cannabinoid product for sale in this state.

(K) "Ohio investigative unit" means the investigative unit maintained by the Ohio Bureau of Criminal Investigation for the purpose of maintaining public safety under section 5502.13 of the Revised Code.

(L) "Sale" and "sell" include exchange, barter, gift, offer for sale, sale, distribution and

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delivery of any kind, and the transfer of title or possession of a drinkable cannabinoid product either by constructive or actual delivery by any means or devices.

(M) "Serving" means twelve fluid ounces.

(N) "Tetrahydrocannabinol" means naturally occurring or synthetic equivalents, regardless of whether artificially or naturally derived, of the substances contained in the plant, or in the resinous extractives of cannabis, sp. or derivatives, and their isomers with similar chemical structure to delta-1-cis or trans tetrahydrocannabinol, and their optical isomers, salts and salts of isomers. "Tetrahydrocannabinol" includes, but is not limited to, delta-8 tetrahydrocannabinol, delta-10 tetrahydrocannabinol, tetrahydrocannabinol-o acetate, tetrahydrocannabiphorol, tetrahydrocannabivarin, hexahydrocannabinol, delta-6-cis or trans tetrahydrocannabinol, delta-3, 4-cis or trans tetrahydrocannabinol, 9-hexahydrocannabinol, and delta-9-tetrahydrocannabinol acetate. Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of designation of atomic positions, are included.

"Tetrahydrocannabinol" does not include the following:

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

(2) Cannabichromene (CBC);

(3) Cannabicyclol (CBL);

(4) Cannabidiol (CBD);

(5) Cannabidivanol (CBDV);

(6) Cannabielsoin (CBE);

(7) Cannabigerol (CBG);

(8) Cannabigerovarin (CBGV);

(9) Cannabinol (CBN);

(10) Cannabivarin (CBV).

Sec. 3779.211. Sections 3779.21 to 3779.30 of the Revised Code are operative notwithstanding any other provision of the Revised Code to the contrary, including Chapter 928. of the Revised Code.

Sec. 3779.22. (A)(1) An AD retailer may sell at retail drinkable cannabinoid products for consumption on the premises where sold and for consumption off the premises where sold.

(2) A C retailer may sell at retail drinkable cannabinoid products for consumption off the premises where sold.

(B) No person shall do any of the following:

(1) Sell at retail a drinkable cannabinoid product unless authorized to do so under division (A) of this section:

(2) If the person is a manufacturer, sell a drinkable cannabinoid product to any person other than an AD retailer, C retailer, or distributor;

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- (3) Sell for distribution a drinkable cannabinoid product unless the person is a distributor;
- (4) If the person is a distributor, sell a drinkable cannabinoid product in this state to any person other than an AD or C retailer;
- (5) Sell at retail a drinkable cannabinoid product to an individual who is under twenty-one years of age;
- (6) Fail to verify that an individual who attempts to purchase or purchases a drinkable cannabinoid product at retail is at least twenty-one years of age by examining the individual's identification card;
- (7) Sell a drinkable cannabinoid product that contains alcohol;
- (8) If the person is a manufacturer or distributor, pay to an AD or C retailer any payment, credit, or any other consideration to induce the retailer to advertise or display a drinkable cannabinoid product in a certain manner in the retailer's permitted premises;
- (9) If the person is an AD or C retailer, accept any payment, credit, or any other consideration to advertise or display a drinkable cannabinoid product in a certain manner at the retailer's permitted premises;
- (10) If the person is not an AD retailer, allow an individual who purchases a drinkable cannabinoid product from the retailer to consume the drinkable cannabinoid product on the retailer's premises;
- (11) If the person is an AD or C retailer, sell a drinkable cannabinoid product at a price less than the price paid by the retailer to purchase the product from a distributor;
- (12) If the person is an AD or C retailer and the person is purchasing a drinkable cannabinoid product directly from a manufacturer for subsequent retail sale, sell a drinkable cannabinoid product at a price less than the price paid by the retailer to purchase the product from the manufacturer;
- (13) If the person is a distributor or manufacturer, charge a different price to an AD or C retailer for drinkable cannabinoid products based upon the quantity of drinkable cannabinoid products sold to the retailer;
- (14) Sell a drinkable cannabinoid product that includes hemp that was not cultivated by one of the following:
- (a) A hemp cultivator licensed under Chapter 928, of the Revised Code in this state or by the United States department of agriculture if the director of agriculture takes action under division (A) (2) of section 928.02 of the Revised Code;
- (b) A hemp cultivator that is licensed in another state by the United States department of agriculture;
- (c) A hemp cultivator that is licensed in another state by a governing body of that state whose hemp production plans have been approved by the United State department of agriculture;
- (15) Advertise a drinkable cannabinoid product in a false or misleading manner;
- (16) Advertise a drinkable cannabinoid product in a manner that is targeted or attractive to

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minors;

(17) Advertise a drinkable cannabinoid product in a manner that promotes illegal activity or is obscene or indecent;

(18) Violate any policy adopted under section 3779.24 of the Revised Code.

Sec. 3779.23. (A) The Ohio investigative unit shall enforce this chapter or cause it to be enforced. If the unit has information that this chapter has been violated, it may investigate the matter and take any action as it considers appropriate. The authority of the Ohio investigative unit is concurrent to the jurisdiction of any law enforcement officer to enforce this chapter. Nothing in this chapter shall be construed to limit or supersede the authority of any law enforcement officer or agency.

(B) Except as provided in division (C) of this section, the superintendent of liquor control may impose an administrative penalty or take other enforcement actions against a person that violates sections 3779.21 to 3779.30 of the Revised Code, including any policies adopted under division (A) of section 3779.24 of the Revised Code. Administrative penalties shall be set forth in policies adopted under section 3779.24 of the Revised Code.

(C) The superintendent of cannabis control may impose an administrative penalty or take other enforcement actions against a person that violates a policy established under division (B) of section 3779.24 of the Revised Code. Administrative penalties shall be set forth in policies adopted under section 3779.24 of the Revised Code.

(D)(1) A person that has an administrative penalty imposed or has other enforcement action taken against the person under division (B) of this section may appeal the penalty or action to the liquor control commission in accordance with Chapter 4301. of the Revised Code and rules adopted under it.

(2) A person that has an administrative penalty imposed or has other enforcement action taken against the person under division (C) of this section may appeal the penalty or action in accordance with the requirements and procedures established in rules adopted under section 3796.03 of the Revised Code for medical marijuana and adult-use marijuana.

Sec. 3779.24. (A) On the effective date of this section, the superintendent of liquor control shall establish policies for the administration and enforcement of sections 3779.21 to 3779.30 of the Revised Code, including policies governing all the following:

(1) The labeling of drinkable cannabinoid products under section 3779.26 of the Revised Code;

(2) The amount of administrative penalties to be imposed by the superintendent under section 3779.23 of the Revised Code and procedures for imposing such penalties.

(3) Any other enforcement actions that may be taken by the superintendent under section 3779.23 of the Revised Code.

(B) On the effective date of this section, the superintendent of ~~disapproved~~ cannabis control shall establish policies for all of the following:

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(1) The testing of drinkable cannabinoid products under section 3779.25 of the Revised Code, including policies governing the issuance of a certificate of analysis as required under section 3779.25 of the Revised Code;

(2) Creation and maintenance of a list of approved tetrahydrocannabinols that may be included for use in drinkable cannabinoid products;

(3) The amount of administrative penalties to be imposed by the superintendent under section 3779.23 of the Revised Code and procedures for imposing such penalties.

Sec. 3779.25. (A)(1) A manufacturer of a drinkable cannabinoid product shall test the product in accordance with policies adopted under section 3779.24 of the Revised Code prior to selling the product or offering the product for sale to a distributor.

(2) No manufacturer, distributor, AD retailer, or C retailer shall sell or offer to sell a drinkable cannabinoid product that is not tested in accordance with this section and policies adopted under section 3779.24 of the Revised Code or that exceeds the maximum allowable level for a substance or organism specified in those policies.

(B) A manufacturer shall contract with a testing laboratory to provide the testing required under this section.

(C) Notwithstanding Chapter 3796, of the Revised Code and rules adopted under it to the contrary, a drinkable cannabinoid product that is sold in this state shall be tested in a facility licensed in accordance with Chapter 3796, of the Revised Code and rules adopted under it or, as approved by the superintendent of the division of cannabis control, in a facility in another state that meets requirements that are substantially similar to applicable requirements established under Chapter 3796, of the Revised Code and rules adopted under it. For each test conducted, the facility shall issue a certificate of analysis that includes the results of the test as required in policies adopted under section 3779.24 of the Revised Code. The facility shall retain records relating to the certificate of analysis for one year after the testing is conducted.

(D) A distributor, AD retailer, or C retailer is not liable for any violations or causes of action if a drinkable cannabinoid product distributed or sold by the distributor or retailer is not consistent with testing as represented.

(E) No manufacturer or testing laboratory shall fail to comply with this section.

Sec. 3779.26. In accordance with policies established under section 3779.24 of the Revised Code, a manufacturer shall include a label on each drinkable cannabinoid product container that it sells or offers for sale in this state that includes the amount of tetrahydrocannabinol, in milligrams, as identified in the certificate of analysis issued under division (C) of section 3779.25 of the Revised Code.

(B) No manufacturer shall fail to comply with this section.

Sec. 3779.27. (A) As used in this section, "sales area or territory" means a geographic area or territory that is assigned to a particular distributor and that has one or more political subdivisions as its boundaries or consists of an area of land with readily identifiable

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geographic boundaries.

(B) Each manufacturer shall assign to each of the manufacturer's distributors a sales area or territory within which each distributor shall be the distributor of the brand or brands of the manufacturer, provided that, if the manufacturer manufactures more than one brand of drinkable cannabinoid product, the manufacturer may assign sales areas or territories to additional distributors for the distribution and sale of the additional brand or brands, so long as not more than one distributor distributes the same brand or brands within the same sales area or territory. No distributor shall distribute a specific brand of drinkable cannabinoid product in any area or territory other than the area or territory assigned to the distributor.

Sec. 3779.28. (A) No manufacturer shall aid or assist a distributor, and no manufacturer or distributor shall aid or assist an AD retailer or C retailer, by gift or loan of any money or property of any description or other valuable thing, or by giving premiums or rebates. No distributor, AD retailer, or C retailer shall accept the same.

(B) No manufacturer shall sell or offer to sell to any distributor or AD retailer or C retailer, no distributor shall sell or offer to sell to any AD retailer or C retailer, and no distributor or AD retailer or C retailer shall purchase or receive from any manufacturer or distributor any drinkable cannabinoid product in the United States except for cash. No right of action exists to collect any claims for credit extended contrary to this section.

Sec. 3779.29. (A) As used in this section:

(1) "Chauffeured limousine" means a vehicle registered under section 4503.24 of the Revised Code.

(2) "Street," "highway," and "motor vehicle" have the same meanings as in section 4511.01 of the Revised Code.

(B) A person may have in the person's possession an opened container of a drinkable cannabinoid product in either of the following locations:

(1) On the premises of a private residence;

(2) In a chauffeured limousine that is located on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking if all the following apply:

(a) The person, or the guest of the person, pays all or a portion of the fee imposed for the use of a chauffeured limousine pursuant to a prearranged contract.

(b) The person or guest is a passenger in the limousine.

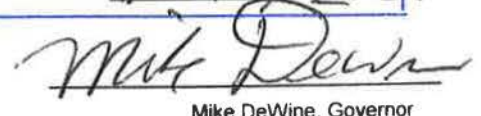
(c) The person or guest is located in the limousine but is not occupying a seat in the front compartment of the limousine where the operator of the limousine is located.

(C) A person may have in the person's possession an opened container of a drinkable cannabinoid product on the premises of an AD retailer, provided the AD retailer has approved the distribution of the cannabinoid product to the person.

(D) Except as provided in divisions (B) and (C) of this section, no person shall have in the

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person's possession an opened container of a drinkable cannabinoid product in any of the following circumstances:

- (1) In any public place;
- (2) While operating or being a passenger in or on a motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking;
- (3) While being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

Sec. 3779.30. A person may manufacture a liquid hemp product that is a beverage intended for human consumption that is not in compliance with the requirements for drinkable cannabinoid products established in this chapter, provided the product is solely for export outside of this state.

Sec. 3779.99. (A) Whoever recklessly violates division (B)(1) of section 3779.22 of the Revised Code is guilty of a misdemeanor of the first degree on a first offense and a felony of the fifth degree on a second or subsequent offense.

(B) Whoever recklessly violates division (B)(5) of section 3779.22 of the Revised Code is guilty of a misdemeanor of the first degree on a first offense and a felony of the fifth degree on a subsequent offense.

(C) Whoever knowingly violates section 3779.29 of the Revised Code is guilty of a minor misdemeanor.

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

- (1) "Marijuana" means marihuana as defined in section 3719.01 of the Revised Code.
- (2) "Medical marijuana" means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose in accordance with this chapter. "Medical marijuana" does not include adult-use marijuana or homegrown marijuana.
- (3) "Academic medical center" has the same meaning as in section 4731.297 of the Revised Code.
- (4) "Drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.
- (5) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.
- (6) "Qualifying medical condition" means any of the following:
 - (a) Acquired immune deficiency syndrome;
 - (b) Alzheimer's disease;
 - (c) Amyotrophic lateral sclerosis;
 - (d) Cancer;
 - (e) Chronic traumatic encephalopathy;
 - (f) Crohn's disease;
 - (g) Epilepsy or another seizure disorder;
 - (h) Fibromyalgia;

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- (i) Glaucoma;
- (j) Hepatitis C;
- (k) Inflammatory bowel disease;
- (l) Multiple sclerosis;
- (m) Pain that is either of the following:
 - (i) Chronic and severe;
 - (ii) Intractable.
- (n) Parkinson's disease;
- (o) Positive status for HIV;
- (p) Post-traumatic stress disorder;
- (q) Sickle cell anemia;
- (r) Spinal cord disease or injury;
- (s) Tourette's syndrome;
- (t) Traumatic brain injury;
- (u) Ulcerative colitis;
- (v) Any other disease or condition added by the state medical board under section 4731.302

of the Revised Code.

(7) "State university" has the same meaning as in section 3345.011 of the Revised Code.

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

(9) "Adult-use marijuana" means marijuana that is cultivated, processed, dispensed, or tested for, or possessed or used by, an adult-use consumer, in accordance with this chapter. "Adult-use marijuana" includes marijuana cultivated, processed, dispensed, or tested for, or possessed or used by, an adult-use consumer before the effective date of this amendment in accordance with Chapter 3780. of the Revised Code, as that chapter existed immediately prior to the effective date of this amendment. "Adult-use marijuana" does not include medical marijuana or homegrown marijuana.

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

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

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

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

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

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

(16) "Ohio investigative unit" means the investigative unit maintained by the department of public safety under section 5502.13 of the Revised Code.

(17) "Homegrown marijuana" means marijuana cultivated, grown, processed, or possessed

by an adult-use consumer in accordance with section 3796.04 of the Revised Code. "Homegrown marijuana" includes marijuana cultivated, grown, processed, or possessed before the effective date of this amendment under former section 3780.28 of the Revised Code, as that section existed immediately prior to the effective date of this amendment. "Homegrown marijuana" does not include medical marijuana or adult-use marijuana.

(18) "Provisional license" means a temporary license issued to an applicant for a cultivator, processor, retail dispensary, or laboratory license under this chapter or Chapter 3780. of the Revised Code, as that chapter existed immediately before the effective date of this amendment, that establishes the conditions that must be met before the provisional license holder may engage in the activities authorized by section 3796.18, 3796.19, 3796.20, or 3796.21 of the Revised Code.

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

(20) "Licensed cultivator" means the holder of a current, valid license issued pursuant to this chapter or Chapter 3780. of the Revised Code, as that chapter existed immediately before the effective date of this amendment, to engage in the activities authorized by section 3796.18 of the Revised Code.

(21) "Licensed processor" means the holder of a current, valid license issued pursuant to this chapter or Chapter 3780. of the Revised Code, as that chapter existed immediately before the effective date of this amendment, to engage in the activities authorized by section 3796.19 of the Revised Code.

(22) "Licensed dispensary" means the holder of a current, valid license issued pursuant to this chapter or Chapter 3780. of the Revised Code, as that chapter existed immediately before the effective date of this amendment, to engage in the activities authorized by section 3796.20 of the Revised Code.

(23) "Licensed laboratory" means the holder of a current, valid license issued pursuant to this chapter or Chapter 3780. of the Revised Code, as that chapter existed immediately before the effective date of this amendment, to engage in the activities authorized by section 3796.21 of the Revised Code.

(24) "License holder" means the holder of a current, valid license issued under this chapter or Chapter 3780. of the Revised Code, as that chapter existed immediately before the effective date of this amendment;

(25) "Physical control" means being in the operator's position of a vehicle, streetcar, trackless trolley, watercraft, or aircraft and having possession of the vehicle's, streetcar's, trackless trolley's, watercraft's, or aircraft's ignition key or other ignition device.

(B) As used in the Revised Code, the "division of marijuana control" means the division of cannabis control and the "superintendent of marijuana control" means the superintendent of cannabis control. Whenever the division of marijuana control or the superintendent of marijuana control is

referred to or designated in any statute, rule, contract, grant, or other document, the reference or designation shall be deemed to refer to the division of cannabis control or the superintendent of cannabis control, as indicated by context.

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

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

Sec. 3796.021. (A) The medical marijuana advisory committee is hereby created in the state board of pharmacy. The committee shall consist of the following:

(1) Two members who are practicing pharmacists, at least one of whom supports the use of marijuana for medical purposes and at least one of whom is a member of the board of pharmacy;

(2) Two members who are practicing physicians, at least one of whom supports the use of marijuana for medical purposes and at least one of whom is a member of the state medical board;

(3) A member who represents local law enforcement;

(4) A member who represents employers;

(5) A member who represents labor;

(6) A member who represents persons involved in mental health treatment;

(7) A member who is a nurse;

(8) A member who represents caregivers;

(9) A member who represents patients;

(10) A member who represents agriculture;

(11) A member who represents persons involved in the treatment of alcohol and drug addiction;

(12) A member who engages in academic research.

(B) The governor shall appoint the members described in divisions (A)(1), (2), (4), (10), (11), and (12) of this section. The senate president shall appoint the members described in divisions (A)(3) and (8) of this section. The minority leader of the senate shall appoint the member described in division (A)(7) of this section. The speaker of the house of representatives shall appoint the members described in divisions (A)(6) and (9) of this section. The minority leader of the house of representatives shall appoint the member described in division (A)(5) of this section. Not more than six members shall be of the same political party.

(C) Appointments to the committee shall be made not later than thirty days after the effective date of this section September 8, 2016.

(D) Each member of the committee shall serve from the date of appointment until the committee ceases to exist, except that members serve at the pleasure of the appointing authority. Vacancies shall be filled in the same manner as original appointments.

(E) The governor shall select a member of the committee to serve as its chairperson.

(F) Each member of the committee shall receive a per diem compensation determined in accordance with division (J) of section 124.15 of the Revised Code. In addition, each member shall receive actual and necessary travel expenses in connection with committee meetings and business.

(G) The committee shall hold its initial meeting not later than thirty days after the last member of the committee is appointed. The committee may develop and submit to the department of commerce, state board of pharmacy, and the state medical board any recommendations related to the medical marijuana and the cannabis control program and the implementation and enforcement of Chapter 3796. of the Revised Code.

(H) The committee is not subject to sections 101.82 to 101.87 of the Revised Code.

(I) The committee shall cease to exist on the date that occurs five years and thirty days after the effective date of this act September 8, 2016.

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

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

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

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

(2) Specify both of the following:

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

(b) ~~In accordance with section 9.79 of the Revised Code, the~~ The criminal offenses for which that disqualify an applicant will be disqualified from licensure pursuant to that section licensure under this chapter which shall include, at minimum, any felony offense.

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

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

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

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

(7) Establish procedures for registration of medical marijuana patients and caregivers and requirements that must be met to be eligible for registration;

Date: Dec 19, 2015

Mike DeWine

Mike DeWine, Governor

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

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

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

~~(11)~~(10) Specify the paraphernalia or other accessories that may be used in the administration ~~to a registered patient~~ of medical marijuana, adult-use marijuana, and homegrown marijuana;

~~(12)~~(11) Establish procedures for the issuance of patient or caregiver identification cards;

~~(13)~~(12) Specify the forms of or methods of using adult-use marijuana and medical marijuana that are attractive to children;

~~(14) Specify both of the following:~~

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

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

~~(15)~~(13) Establish a program to assist medical marijuana patients who are veterans or indigent in obtaining medical marijuana in accordance with this chapter;

~~(16)~~(14) Establish, in accordance with section 3796.05 of the Revised Code, standards and procedures for the testing of medical marijuana and adult-use marijuana by a licensed laboratory ~~licensed under this chapter~~;

~~(15) Establish standards and procedures for both of the following:~~

~~(a) Online and mobile ordering of adult-use and medical marijuana by a licensed dispensary;~~

~~(b) Delivery of medical marijuana by a licensed dispensary or an agent of a licensed dispensary to a registered medical marijuana patient or caregiver.~~

~~(16) Establish standards prohibiting the use of gifts, samples, or other free or discounted goods or services to induce or reward a license holder for business or referrals;~~

~~(17) Establish standards for non-marijuana ingredients used in adult-use and medical marijuana products, which may take into account industry best-practices and criteria set by the federal food and drug administration for food ingredients, vitamins, and supplements. The division may prohibit ingredients that do not meet such standards.~~

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

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

Sec. 3796.032. This chapter does not authorize the division of ~~marijuana-cannabis~~ control to oversee or limit research conducted at a state university, academic medical center, or private research and development organization that is related to marijuana and is approved by an agency, board, center, department, or institute of the United States government, including any of the following:

- (A) The agency for health care research and quality;
- (B) The national institutes of health;
- (C) The national academy of sciences;
- (D) The centers for medicare and medicaid services;
- (E) The United States department of defense;
- (F) The centers for disease control and prevention;
- (G) The United States department of veterans affairs;
- (H) The drug enforcement administration;
- (I) The food and drug administration;

(J) Any board recognized by the national institutes of health for the purpose of evaluating the medical value of health care services.

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

(1) Cultivate, grow, and possess homegrown marijuana plants at the adult-use consumer's primary residence, if all of the following apply:

(a) Not more than six homegrown marijuana plants are cultivated or grown by each adult-use consumer;

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

(c) 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;

(d) Cultivation or growing of homegrown marijuana does not take place at a residence that is any of the following:

(i) 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;

(ii) A halfway house, community transitional housing facility, community residential center, or other similar facility licensed by the division of parole and community services under section 2967.14 of the Revised Code;

(iii) A residential premises occupied pursuant to a rental agreement that prohibits the activities otherwise authorized by this section.

(2) Process homegrown marijuana by manual or mechanical means.

(3) Store homegrown marijuana and adult-use marijuana at the adult-use consumer's primary residence.

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

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

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

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

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

(3) Process homegrown by hydrocarbon-based extraction;

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

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

(C)(1) No person shall knowingly cultivate, grow, or possess homegrown marijuana in a manner that violates division (A) of this section:

(2) No person shall knowingly consume adult-use marijuana or homegrown marijuana in a public place;

(3) No person operating a public place shall knowingly permit the consumption of adult-use marijuana or homegrown marijuana in that public place.

(D) Subject to division (B) of this section and divisions (B) and (C) of section 3796.221 of the Revised Code, an adult-use consumer shall not be subject to arrest or criminal prosecution for cultivating, growing, possessing, processing, storing, or using homegrown marijuana, or possessing paraphernalia or accessories that may be used in the administration of adult-use or homegrown marijuana, in accordance with division (A) of this section.

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

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

(1) The population of this state;

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

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

~~(B) When establishing the number of retail dispensary licenses that will~~ (B)(1) Not more than four hundred licensed dispensaries shall be permitted to operate in this state at any one time, the division shall consider all of the following:

~~(1) The population of this state;~~
~~(2) The number of patients seeking to use medical marijuana;~~
~~(3) The geographic distribution of dispensary sites in an effort to ensure patient access to medical marijuana.~~

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

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

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

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

(a) That is within one mile of another licensed dispensary;

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

(C) No person shall own or operate more than eight licensed dispensaries, more than one licensed cultivator, or more than one licensed processor license at any time.

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

(1) Specify when testing must be conducted;

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

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

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

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

(1) Oils;

(2) Tinctures;

(3) Plant material;

(4) Edibles;

(5) Patches;

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

the Revised Code.

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

(1) Any form in which medical marijuana may be dispensed;

(2) Extracts;

(3) Drops;

(4) Lozenges;

(5) Smoking or combustible products;

(6) Vaporization products;

(7) Beverages;

(8) Pills;

(9) Capsules;

(10) Suppositories;

(11) Oral pouches;

(12) Oral strips;

(13) Oral and topical sprays;

(14) Salves;

(15) Lotions or similar cosmetic products;

(16) Inhalers;

(17) Seeds;

(18) Live plants;

(19) Clones;

(20) Pre-rolled products.

(C) With respect to the methods of using medical marijuana, adult-use marijuana and homegrown marijuana, all of the following apply:

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

(2) ~~The~~ No person shall knowingly consume adult-use marijuana or homegrown marijuana by smoking, combustion, or vaporization or knowingly consume medical marijuana by vaporization of medical marijuana is permitted in any place other than privately owned real property that is used primarily for residential or agricultural purposes, including any dwellings, facilities, improvements, and appurtenances on such real property.

(3) No person shall knowingly smoke, combust, or vaporize marijuana in any of the following:

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

(b) A halfway house, community transitional housing facility, community residential center, or other similar facility licensed by the division of parole and community services under section 2967.14 of the Revised Code;

(c) A residential premises occupied pursuant to a rental agreement that prohibits the

smoking, combustion, or vaporization of marijuana;

(d) A public place or place of employment, as those terms are defined in section 3794.01 of the Revised Code.

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

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

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

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

(1) Plant material shall have a (E)(1) Except as otherwise provided in division (E)(3) of this section, the tetrahydrocannabinol content of medical marijuana dispensed or sold to patients or caregivers shall not more than thirty-five exceed:

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

(b) Seventy per cent for extracts.

(2) Extracts shall have a Except as otherwise provided in division (E)(3) of this section, the tetrahydrocannabinol content of adult-use marijuana dispensed or sold to adult-use consumers shall not more than seventy exceed:

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

(b) Seventy per cent for extracts.

(3) The division may adopt rules, in accordance with Chapter 119, of the Revised Code, that do either or both of the following:

(a) Increase the tetrahydrocannabinol content limits for extracts prescribed in divisions (E)(1) and (2) of this section;

(b) Establish tetrahydrocannabinol content limits for adult-use and medical marijuana dispensed or sold under this chapter by content per serving or per package.

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

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

(H) An adult-use consumer, medical marijuana patient, or medical marijuana caregiver shall store edible adult-use and medical marijuana products in the original packaging at all times when the products are not actively in use.

Sec. 3796.061. (A) Any person may submit a petition to the state division of marijuana cannabis control requesting that a form of or method of using medical marijuana be approved for the purposes of section 3796.06 of the Revised Code. A petition shall be submitted to the division in a manner prescribed by the division. A petition shall not seek to approve a method of using medical

marijuana that involves smoking or combustion.

(B) On receipt of a petition, the division shall review it to determine whether to approve the form of or method of using medical marijuana described in the petition. The division may consolidate the review of petitions for the same or similar forms or methods. In making its determination, the division shall consult with one or more experts and review any relevant scientific evidence.

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

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

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

(B) No person shall knowingly transport medical marijuana or adult-use marijuana in a motor vehicle unless one of the following applies:

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

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

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

(D) No person shall knowingly transport marijuana paraphernalia in a motor vehicle unless one of the following applies:

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

(2) If previously opened, the marijuana paraphernalia is stored in the trunk of the motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat of the motor vehicle or in an area not normally occupied by the driver or passengers and not easily accessible by the driver.

Sec. 3796.07. The ~~department of commerce~~ division of cannabis control shall establish and maintain an electronic database to monitor adult-use and medical marijuana from its seed source through its cultivation, processing, testing, and dispensing. The ~~department~~ division may contract with a separate entity to establish and maintain all or any part of the electronic database on behalf of the department.

The electronic database shall allow for information regarding adult-use and medical

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

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

Sec. 3796.08. (A)(1) Until one hundred eighty days following ~~the effective date of this amendment~~ October 3, 2023, a patient seeking to use medical marijuana or a caregiver seeking to assist a patient in the use or administration of medical marijuana shall apply to the state board of pharmacy for registration. On and after one hundred eighty days following ~~the effective date of this amendment~~ October 3, 2023, a patient seeking to use medical marijuana or a caregiver seeking to assist a patient in the use or administration of medical marijuana shall apply to the division of ~~marijuana-cannabis~~ control for registration. The physician who holds a certificate to recommend issued by the state medical board and is treating the patient or the physician's delegate shall submit the application on the patient's or caregiver's behalf in the manner established in rules adopted under section 3796.03 of the Revised Code.

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

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

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

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

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

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

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

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

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

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

identify any specific patient.

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

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

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

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

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

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

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

(a) ~~A licensed laboratory licensed under this chapter;~~

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

(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:

(a) ~~A licensed laboratory licensed under this chapter;~~

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

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

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

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

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

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

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

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

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

(1) The applicant's business plan;

(2) The applicant's operations plan;

(3) The applicant's security plan;

(4) The applicant's financial plan;

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

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

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

(8) The applicant's environmental plan;

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

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

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

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

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

(a) Highly exceeds;

(b) Exceeds;

(c) Meets;

(d) Does not meet.

(2) The division shall group the applicants such that the number of applicants in each of the

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

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

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

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

(~~D~~)(G) A license expires according to the renewal schedule established in rules adopted under section 3796.03 of the Revised Code and may be renewed in accordance with the procedures established in those rules. Applications for renewal are not subject to the evaluation, prioritization, ranking, and lottery provisions in divisions (B), (D), and (E) of this section. The division shall not deny an application for renewal based solely on the location of the applicant's existing facility in proximity to other license holders.

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

(I) No person shall knowingly engage in any of the activities described in section 3796.18, 3796.19, or 3796.21 of the Revised Code without the proper license issued under this section or Chapter 3780, of the Revised Code, as that chapter existed immediately prior to the effective date of this amendment.

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

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

(C) The division shall not issue a license to an applicant ~~if~~ unless all of the following

conditions are met:

(1) The report of the criminal records check conducted pursuant to section 3796.12 of the Revised Code with respect to the application demonstrates that the person subject to the criminal records check requirement has not been convicted of or pleaded guilty to ~~any of the a~~ disqualifying offenses-offense, as specified in rules adopted under section ~~9.79~~ and division (B)(2)(b) of section 3796.03 of the Revised Code.

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

- (a) A licensed laboratory ~~licensed under this chapter~~;
- (b) An applicant for a license to conduct laboratory testing.

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

- (a) A licensed laboratory ~~licensed under this chapter~~;
- (b) An applicant for a license to conduct laboratory testing.

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

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

- (a) Located within one mile of another licensed dispensary;
- (b) Issued a permit under Chapter 4303, of the Revised Code to sell beer and intoxicating liquor, as those terms are defined in section 4301.01 of the Revised Code.

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

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

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

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

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

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

~~(C)-(D)~~ If the number of eligible applicants exceed the number of available licenses, the

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

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

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

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

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

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

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

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

~~(D)~~ (G) A license expires according to the renewal schedule established in rules adopted under section 3796.03 of the Revised Code and may be renewed in accordance with the procedures established in those rules. Applications for renewal are not subject to the evaluation, prioritization, ranking, and lottery provisions in divisions (B), (D), and (E) of this section. The division shall not deny an application for renewal based solely on the location of the applicant's existing dispensary facility in proximity to other license holders.

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

(I) No person shall knowingly engage in any of the activities described in section 3796.20 of the Revised Code without a dispensary license issued under this section or Chapter 3780. of the Revised Code, as that chapter existed immediately prior to the effective date of this amendment.

Sec. 3796.11. (A)(1) Notwithstanding section 149.43 of the Revised Code or any other public records law to the contrary or any law relating to the confidentiality of tax return information, upon the request of the division of ~~marijuana~~ cannabis control, the department of taxation shall provide to the division all of the following information:

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

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

(2) The division shall request the information only as it pertains to an application for licensure that the division, as applicable, is reviewing.

(3) The department of taxation may charge the division a reasonable fee to cover the administrative cost of providing the information.

(B) Information received under this section is confidential. Except as otherwise permitted by other state law or federal law, the division shall not make the information available to any person other than the applicant for licensure to whom the information applies.

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

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

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

(b) An owner or prospective owner, officer or prospective officer, or board member or

prospective board member of the entity seeking the license.

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

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

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

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

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

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

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

(2) The members and staff of the division;

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

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

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

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

(1) Access, complete, or forward to the superintendent of the bureau of criminal

identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C)(2) of that section;

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

Sec. 3796.13. (A) Each person seeking employment with ~~an entity licensed under this chapter~~ a license holder shall comply with sections 4776.01 to 4776.04 of the Revised Code. Except as provided in division (B) of this section, such ~~an entity~~ a license holder shall not employ the person unless the person has submitted a criminal records check under those sections. ~~The and the~~ report of the resulting criminal records check ~~shall demonstrate~~ demonstrates that the person has not been convicted of or pleaded guilty to any of the disqualifying offenses ~~specified in rules adopted under division (B)(14)(a) of section 3796.03 of the Revised Code if the person is seeking employment with an entity licensed by the division of marijuana control under this chapter.~~

~~(B) An entity is not prohibited by division (A) of this section from employing a person if the disqualifying offense the person was convicted of or pleaded guilty to is one of the offenses specified in rules adopted under division (B)(14)(b) of section 3796.03 of the Revised Code and the person was convicted of or pleaded guilty to the offense more than five years before the date the employment begins.~~ (B)(1) Notwithstanding division (A) of this section, the division of cannabis control shall establish standards for provisional employment of individuals who have exigent circumstances.

(2) Such standards must include, at minimum, a requirement that the individual seeking provisional employment submit evidence of compliance with sections 4776.01 to 4776.04 of the Revised Code.

(3) A provisional employment authorization made under division (B) of this division is valid for not longer than three months, but may be renewed at the discretion of the division of cannabis control for an additional three months.

(4) The division of cannabis control may use all available resources in establishing standards for instant background checks.

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

(1) Suspend, suspend without prior hearing, revoke, or refuse to renew a license or registration it issued under this chapter or a license ~~or a registration~~ the state board of pharmacy issued prior to the transfer of regulatory authority over the medical marijuana control program to the division Chapter 3780. of the Revised Code, as that chapter existed immediately before the effective date of this amendment;

(2) Refuse to issue a license;

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

~~(4) With respect to a suspension of a retail dispensary license without prior hearing, the~~

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

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

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

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

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

(C) Whenever it appears to the division, from its files, upon complaint, or otherwise, or to the Ohio investigative unit, from an inspection or investigation authorized by this section, that any person or entity has engaged in, is engaged in, or is about to engage in any practice declared to be illegal or prohibited by this chapter or the rules adopted under this chapter, or when the division believes it to be in the best interest of the public, adult-use consumers, or medical marijuana patients, the division may do any of the following:

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

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

(a) The attendance and testimony of witnesses;

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

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

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

(1) The person inspected or investigated is a license holder and either or both of the following apply:

(a) The division of cannabis control requests the unit to inspect or investigate.

(b) The inspection or investigation involves alleged criminal activity.

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

(F) Nothing in this section prohibits the Ohio investigative unit from investigating criminal activity related to this chapter outside the premises of a license holder's cultivation, processing, dispensing, or laboratory facilities. The authority of the Ohio investigative unit is concurrent to the jurisdiction of any law enforcement officer to enforce this chapter.

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

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

~~(C) If the division suspends, revokes, or refuses to renew any license or registration issued under this chapter or Chapter 3780. of the Revised Code, as that chapter existed immediately before the effective date of this amendment, and determines that there is clear and convincing evidence of a danger of immediate and serious harm to any person, the division may place under seal all medical marijuana, adult-use marijuana, and homegrown marijuana owned by or in the possession, custody, or control of the affected license holder or registrant. Except as provided in this division, the division of ~~marijuana~~cannabis control shall not dispose of the medical marijuana, adult-use marijuana, or homegrown marijuana sealed under this division until the license holder or registrant exhausts all of the holder's or registrant's appeal rights under Chapter 119. of the Revised Code. The court involved in such an appeal may order the division, during the pendency of the appeal, to sell medical marijuana or adult-use marijuana that is perishable. The division shall deposit the proceeds of the sale with the court.~~

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

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

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

(2) The division shall not negotiate any agreement with any other state under which an authorization issued by the other state is recognized in this state other than as provided in division

(A)(1) of this section.

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

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

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

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

- ~~(1)(a)~~ Cultivate medical marijuana and adult-use marijuana;
- ~~(2)(b)~~ Deliver, transfer, or sell medical marijuana and adult-use marijuana to one or more licensed processors or other license holders;
- (c) Purchase or otherwise obtain medical marijuana and adult-use marijuana from other license holders;

(d) Acquire seeds, clones, plants, and other genetic material.

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

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

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

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

(1) A level I cultivator license that authorizes the license holder to operate a cultivation area specified by the division, not to exceed one hundred thousand square feet;

(2) A level II cultivator license that authorizes the license holder to operate a cultivation area specified by the division, not to exceed fifteen thousand square feet.

(E) A licensed cultivator may request and receive one or more expansions to the cultivator's cultivation area, subject to the approval of the division, so long as the resulting total cultivation area, including all expansions, does not exceed the applicable maximum cultivation area prescribed by

division (D) of this section.

Sec. 3796.19. ~~(A)~~(A)(1) Notwithstanding any conflicting provision of the Revised Code, a licensed processor, including the holder of a current, valid processor license issued under this chapter before the effective date of this amendment, may do ~~any~~ all of the following:

~~(1) Obtain~~ (a) Purchase or otherwise obtain medical marijuana and adult-use marijuana from ~~one or more licensed cultivators~~ other license holders;

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

~~(3) (c)~~ Deliver, ~~transfer,~~ or sell processed medical marijuana and adult-use marijuana to ~~one or more licensed retail dispensaries~~ other license holders.

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

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

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

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

(3) Comply with any packaging or labeling requirements established in rules adopted by the division of marijuana control under ~~section~~ sections 3796.03 and 3796.32 of the Revised Code.

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

~~(1) Obtain~~ (a) Purchase or otherwise obtain medical marijuana and adult-use marijuana from ~~one or more processors~~ other license holders;

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

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

(d) Sell paraphernalia that may be used in the administration of adult-use marijuana or medical marijuana as specified in rules adopted under section 3796.03 of the Revised Code;

(e) Provide delivery of medical marijuana in accordance with the rules adopted under section 3796.03 of the Revised Code;

(f) Deliver, transfer, or sell medical marijuana and adult-use marijuana to other license holders.

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

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

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

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

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

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

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

(c) The name of the physician who recommended treatment with medical marijuana;

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

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

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

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

(C) When dispensing or selling adult-use marijuana to consumers, all of the following apply:

(1) A licensed dispensary shall dispense or sell adult-use marijuana only to adult-use consumers who present a current, valid, government-issued identification card demonstrating proof that the adult-use consumer is twenty-one years of age or older.

(2) No licensed dispensary shall knowingly dispense or sell more than the amount of adult-use marijuana that may be legally possessed by an adult-use consumer under section 3796.221 of the Revised Code to the same adult-use consumer in the same day.

(3) A licensed dispensary shall ensure that the label of the package containing adult-use marijuana contains all of the following information, in accordance with rules adopted by the division of cannabis control:

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

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

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

~~When operating a licensed retail dispensary, both of the following apply:~~

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

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

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

(a) A statement that the use of adult-use or homegrown marijuana by individuals under

twenty-one years of age is both harmful and illegal;

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

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

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

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

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

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

(2) Prepare a report of the test results.

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

(1) Use medical marijuana;

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

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

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

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

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

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

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

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

(1) Use adult-use marijuana;

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

(3) Possess any paraphernalia or accessories that may be used in the administration of adult-use marijuana as specified in rules adopted under section 3796.03 of the Revised Code;

(4) Transfer adult-use and homegrown marijuana to another adult-use consumer if all of the

following apply:

(a) The transfer is without remuneration.

(b) The amount transferred to the same adult-use consumer in the same day does not exceed either of the following:

(i) Two and one-half ounces of plant material, excluding any seeds, live plants, or clones being cultivated, grown, or possessed in accordance with section 3796.04 of the Revised Code;

(ii) Fifteen grams of extract.

(c) The transfer occurs at privately owned real property that is used primarily for residential or agricultural purposes, including any dwellings, facilities, improvements, and appurtenances on such real property.

(B) No person shall knowingly possess more than the following cumulative amounts of homegrown marijuana and adult-use marijuana:

(1) Two and one-half ounces of plant material, excluding any seeds, live plants, or clones being cultivated, grown, or possessed in accordance with section 3796.04 of the Revised Code;

(2) Fifteen grams of extract.

(C) Except as expressly authorized under division (A)(4) of this section, no person other than a license holder shall knowingly give, sell, or transfer adult-use or homegrown marijuana to any other person, with or without remuneration.

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

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

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

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

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

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

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

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

- (1) Obtaining or possessing medical marijuana on behalf of a registered patient;
- (2) Assisting a registered patient in the use or administration of medical marijuana;
- (3) Possessing any paraphernalia or accessories specified in rules adopted under section 3796.03 of the Revised Code.

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

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

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

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

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

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

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

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

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

(F) Notwithstanding any conflicting provision of the Revised Code, a person's status as a registered patient or caregiver shall not be used as the sole or primary basis for rejecting the person as a tenant unless the rejection is required by federal law. This division does not prohibit a landlord from prohibiting either of the following, as long as such prohibition is included in the applicable lease agreement:

(1) Consumption of marijuana in a residential premises or common areas by smoking, combustion, or vaporization;

(2) Cultivation or growth of homegrown marijuana.

(G) Except for unemployment compensation benefits under Chapter 4141. of the Revised Code, including as prescribed under division (B) of section 3796.28 of the Revised Code, the use or possession of medical marijuana, adult-use marijuana, or homegrown marijuana in accordance with this chapter shall not be used as a reason for disqualifying an individual from a public benefit program administered by any state or local authority, or for otherwise denying an individual a public benefit administered by the state or any local government.

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

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

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

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

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

(5) Prohibit any public place from accommodating a registered patient's use of medical marijuana, except that no public place shall accommodate consumption of medical marijuana by smoking, combustion, or vaporization;

(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.

(I) It is the public policy of this state that contracts related to license holders are enforceable.

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

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

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

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

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

(B) A financial institution that provides financial services to any cultivator, processor, retail dispensary, or laboratory licensed under this chapter license holder shall be exempt from any criminal law of this state an element of which may be proven by substantiating that a person provides financial services to a person who possesses, delivers, or manufactures marijuana or marijuana derived products, including section 2925.05 of the Revised Code and sections 2923.01 and 2923.03 of the Revised Code as those sections apply to violations of Chapter 2925. of the Revised Code, if the cultivator, processor, retail dispensary, or laboratory license holder is in

compliance with this chapter and the applicable tax laws of this state.

(C)(1) Notwithstanding section 149.43 of the Revised Code or any other public records law to the contrary, upon the request of a financial institution, the division of marijuana control shall provide to the financial institution all of the following information:

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

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

(c) An unredacted copy of the application for a license under this chapter or under Chapter 3780. of the Revised Code, as that chapter existed immediately before the effective date of this amendment, and any supporting documentation, that was submitted by the person;

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

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

(f) Any past or pending violation by the person of this chapter or Chapter 3780. of the Revised Code, as that chapter existed immediately before the effective date of this amendment, and any penalty imposed on the person for such a violation.

(2) The division may charge a financial institution a reasonable fee to cover the administrative cost of providing the information.

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

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

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

(2) Prohibits an employer from refusing to hire, discharging, disciplining, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person's use, possession, or distribution of ~~medical~~ marijuana;

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

(4) Interferes with any federal restrictions on employment, including the regulations adopted by the United States department of transportation in Title 49 of the Code of Federal Regulations, as amended;

(5) Permits a person to commence a cause of action against an employer for refusing to hire, discharging, disciplining, discriminating, retaliating, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment related to ~~medical~~-marijuana;

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

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

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

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

~~This section does not authorize the (B) The legislative authority of a municipal corporation or a board of township trustees to shall not adopt or enforce an ordinance or a resolution limiting that does any of the following:~~

(1) Prohibits or limits the operations of a license holder that received a provisional license or certificate of operation before the effective date of this amendment, except that a municipal corporation or township may enforce such an ordinance or such a resolution if it was adopted before the effective date of this amendment;

(2) Prohibits or limits any activity authorized under this chapter, except as expressly permitted under division (A) of this section;

(3) Prohibits or limits research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity.

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

~~(B) If the a request for relocation of a facility of a licensed cultivator, licensed processor, retail licensed dispensary, or licensed laboratory licensed under this chapter results would result in the cultivator, processor, retail dispensary, or laboratory facility being located within five hundred feet of the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground, or public park, the division of marijuana cannabis control shall revoke the license it previously issued to the cultivator, processor, retail dispensary, or laboratory deny the request for relocation.~~

~~(B)(C) This section does not require relocation or closure of a facility used by a licensed cultivator, licensed processor, licensed dispensary, or licensed laboratory, if that facility has a certificate of operation at the time a school, church, public library, public playground, or public park relocates, or is established, on a parcel of real estate, the boundaries of which are within five hundred feet of that operational facility.~~

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

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

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

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

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

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

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

~~Sec. 3796.31. Except as otherwise authorized in the Revised Code, no political subdivision shall levy do either of the following:~~

~~(A) Levy any tax or fee on cultivators, processors, or dispensaries license holders that is based on those the license holder's businesses' gross receipts or that is the same as or similar to any tax or fee imposed by the state;~~

~~(B) Levy any tax, fee, or charge on license holders or license holders' property that is not generally charged on other businesses.~~

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

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

advertisement of tobacco or alcohol.

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

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

(E) No person shall place or maintain, or caused to be placed or maintained, an advertisement that asserts or suggests that adult-use marijuana has any health or therapeutic benefits.

(F)(1) Subject to division (F)(2) of this section, no person shall place or maintain, or cause to be placed or maintained, an advertisement for medical or adult-use marijuana within five hundred feet of the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground, or public park.

(2) Division (F)(1) of this section does not apply to signage on the facility of a license holder.

(G)(1) No person shall advertise medical or adult-use marijuana using names, logos, signs, or materials that have not been submitted to, and approved by, the division in accordance with rules adopted under this section.

(2) The division shall either approve or deny such names, logos, signs, or materials within twenty-one business days after receiving the submission.

(3) If the division does not deny a submission within twenty-one business days, the submitted names, logos, signs, or materials shall be considered approved.

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

Sec. 3796.33. (A) As used in this section, "equivalent license" means:

(1) In the case of an adult-use cultivator, a cultivator license of the same level issued under section 3796.09 of the Revised Code to engage in the activities authorized by section 3796.18 of the Revised Code;

(2) In the case of an adult-use processor, a processor license issued under section 3796.09 of the Revised Code to engage in the activities authorized by section 3796.19 of the Revised Code;

(3) In the case of an adult-use dispensary, a retail dispensary license issued under section 3796.10 of the Revised Code to engage in the activities authorized by section 3796.20 of the Revised Code;

(4) In the case of an adult-use testing laboratory, a laboratory license issued under section 3796.09 of the Revised Code to engage in the activities authorized by section 3796.21 of the Revised

Code.

(B) A license issued under Chapter 3780. of the Revised Code, as that chapter existed immediately before the effective date of this section, shall be treated, for all purposes, as the equivalent license under this chapter.

(C) The holder of a license described in division (B) of this section is subject to all procedures, requirements, and penalties that apply to the holder of the equivalent license under this chapter.

(D) If a license described in division (B) of this section is held by the same person and used at the same location as an equivalent license under this chapter, the division of marijuana control shall merge the licenses and treat them as the same license for all purposes, including expiration and renewal.

Sec. 3780.37 3796.34. (A) As used in this section, "nonprofit corporation" has the same meaning as in section 1702.01 of the Revised Code.

(B) The division of ~~cannabis~~-marijuana control shall contract with a statewide nonprofit corporation for the development and implementation of cannabis and related drug misuse prevention, education, and public awareness initiatives driven by data, evaluation, and research. The contract must include a provision specifying a percentage of the total funding for the initiatives, not less than ten per cent, to be raised by the statewide nonprofit corporation through private contributions.

(C) The initiatives may include all of the following:

(1) Providing evidence-based information on the potential health effects of cannabis and related drug use among minors;

(2) Disseminating educational resources regarding the risks associated with cannabis and related drug use during pregnancy;

(3) Conducting campaigns to inform the public about the dangers and legal consequences of driving under the influence of cannabis and related drugs;

(4) Collaborating with employers and industry groups to develop and distribute evidence-based resources to improve the health of Ohio's workforce and promote workplace safety and recovery initiatives focused on cannabis and related drug misuse.

(D) The division shall oversee and evaluate the effectiveness of the initiatives undertaken pursuant to this section and shall ensure that those initiatives align with the public health and safety objectives of this state.

(E) The division shall annually compile a report detailing activities, use of funds, and measurable outcomes resulting from the initiatives undertaken pursuant to this section. The division shall submit the report to the general assembly in accordance with section 101.68 of the Revised Code.

Sec. 3796.40. (A) Terms used in this section have the same meanings as in section 5739.01 of the Revised Code.

(B) For the purpose of funding the needs of the state and local governments that host adult-use marijuana dispensaries, an excise tax is levied on the retail sale of adult-use marijuana. The rate of the tax shall equal ten per cent of the price of adult-use marijuana and is in addition to taxes levied under Chapters 5739. and 5741. of the Revised Code.

(C) The tax shall be paid by the consumer to the vendor at the time of the sale, and the vendor shall report and remit the tax to the state in the same manner and at the same time the vendor reports and remits the tax levied under Chapter 5739. of the Revised Code. The return required by this division shall be filed on a form prescribed by the tax commissioner, which shall be separate from the return required to be filed under section 5739.12 of the Revised Code. The tax levied under this section shall be collected consistent with Chapters 5703. and 5739. of the Revised Code.

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

(E) All amounts collected from a tax levied under this section shall be deposited into the adult use tax fund, which is created in the state treasury.

From the adult use tax fund, the director of budget and management shall transfer as needed to the tax refund fund amounts equal to the refunds attributable to the tax levied under this section and certified by the tax commissioner.

(F) After making any transfers required under division (E) of this section, the director of budget and management shall transfer amounts remaining in the adult use tax fund as follows:

(1) Sixty-four per cent to the general revenue fund;

(2) Thirty-six per cent to the host community cannabis fund, which is created in the state treasury, for the benefit of municipal corporations or townships that have at least one licensed dispensary. Distributions to such municipal corporations and townships shall be based on the portion of the tax levied under division (B) of this section attributable to each municipal corporation or township. Municipal corporations and townships receiving funds under this division may use such funds for any lawful purpose.

The tax commissioner shall make distributions under this division by the end of each month based on tax collections from the preceding month.

(G) The tax commissioner may prescribe all forms and adopt all rules necessary to administer the tax authorized under this section.

Sec. 3796.99. (A)(1) Whoever violates division (C)(2) of section 3796.06 of the Revised Code as an operator of the vehicle, streetcar, trackless trolley, watercraft, or aircraft is subject to section 1547.11, 4511.19, 4511.194, or 4561.15 of the Revised Code, as applicable.

(2) Whoever violates division (C)(2) of section 3796.06 of the Revised Code as a passenger of a vehicle, streetcar, trackless trolley, watercraft, or aircraft when the operator is operating or has

physical control of the vehicle, streetcar, trackless trolley, watercraft, or aircraft is guilty of a misdemeanor of the third degree.

(B) Except as otherwise provided in division (A) of this section, whoever violates division (C)(2) or (3)(a), (b), or (d) of section 3796.06 of the Revised Code is guilty of a minor misdemeanor.

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

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

(2) The division of cannabis 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 (F) of section 3796.06 of the Revised Code.

(D) Whoever violates division (B) of section 3796.221 of the Revised Code is guilty of possession of marijuana under section 2925.11 of the Revised Code.

(E) Whoever violates division (C) of section 3796.04 of the Revised Code is guilty of illegal cultivation of marijuana under section 2925.04 of the Revised Code.

(F) Whoever violates division (I) of section 3796.09, division (I) of section 3796.10, division (C)(2) of section 3796.20, or division (C) of section 3796.221 of the Revised Code is guilty of trafficking in marijuana under section 2925.03 of the Revised Code.

(G)(1) Except as otherwise provided in divisions (G)(2) to (4) of this section, whoever violates division (G) of section 3796.06 of the Revised Code by knowingly showing or giving false information concerning the individual's name, age, or other identification for the purpose of purchasing or otherwise obtaining adult-use marijuana from an adult-use dispensary licensed under this chapter is guilty of a misdemeanor of the first degree.

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

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

(b)(i) The court also may impose a class seven suspension of the offender's driver's or

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

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

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

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

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

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

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

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

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

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