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Representative LaRe

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

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

A BILL

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

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

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

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

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

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

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

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

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

(1) A description of the regulatory restriction; 74

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

restriction appears; 76

(3) The statute under which the regulatory restriction was 77
adopted; 78

(4) Whether state or federal law expressly and 79
specifically requires the agency to adopt the regulatory 80
restriction or the agency adopted the regulatory restriction 81
under the agency's general authority; 82

(5) Whether removing the regulatory restriction would 83
require a change to state or federal law, provided that removing 84
a regulatory restriction adopted under a law granting the agency 85
general authority shall be presumed not to require a change to 86
state or federal law; 87

(6) Any other information the joint committee on agency 88
rule review considers necessary. 89

(D) The state agency shall compute and state the total 90
number of regulatory restrictions indicated in the base 91
inventory, shall post the base inventory on its web site, and 92
shall electronically transmit a copy of the inventory to the 93
joint committee. The joint committee shall review the base 94
inventory, then transmit it electronically to the speaker of the 95
house of representatives and the president of the senate. 96

(E) The following types of rules or regulatory 97
restrictions are not required to be included in a state agency's 98
inventory of regulatory restrictions: 99

(1) An internal management rule; 100

(2) An emergency rule; 101

(3) A rule that state or federal law requires the state 102
agency to adopt verbatim; 103

(4) A regulatory restriction contained in materials or 104
documents incorporated by reference into a rule pursuant to 105
sections 121.71 to 121.75 of the Revised Code; 106

(5) A rule adopted pursuant to section 1347.15 of the 107
Revised Code; 108

(6) A rule concerning instant lottery games; 109

(7) A rule adopted by the Ohio casino control commission 110
or the state lottery commission concerning sports gaming; 111

(8) Any other rule that is not subject to review under 112
Chapter 106. of the Revised Code. 113

(F) ~~Beginning~~ Except as otherwise provided in division (G) 114
of this section, beginning on October 17, 2019, and ending on 115
June 30, 2025, a state agency may not adopt a new regulatory 116
restriction unless it simultaneously removes two or more other 117
existing regulatory restrictions. The state agency may not 118
satisfy this section by merging two or more existing regulatory 119
restrictions into a single surviving regulatory restriction. 120

(G) Division (F) of this section does not apply to rules 121
adopted by the division of marijuana control in accordance with 122
Chapter 3796. of the Revised Code during the period beginning on 123
the effective date of this amendment and ending twelve months 124
after that date. 125

Sec. 121.951. (A) (1) Using the criteria listed in division 126
(A) of section 106.03 of the Revised Code, a state agency shall 127
amend or rescind rules identified in its base inventory of 128
regulatory restrictions prepared under section 121.95 of the 129
Revised Code as necessary to reduce the total number of 130
regulatory restrictions by thirty per cent, according to the 131
following schedule: 132

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 928.01. As used in this chapter: 292

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

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

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

(1) Floral or topical hemp products; 305

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

other tetrahydrocannabinol. 309

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

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

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

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

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

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

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

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

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

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

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

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

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

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

tetrahydrocannabinol.

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

"Tetrahydrocannabinol" does not include the following:

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

(2) Cannabichromene (CBC);

(3) Cannabicyclol (CBL);

(4) Cannabidiol (CBD),

(5) Cannabidivarinol (CBDV);

(6) Cannabielsoin (CBE);

(7) Cannabigerol (CBG);

(8) Cannabigerovarin (CBGV);

(9) Cannabinol (CBN);

(10) Cannabivarin (CBV). 394

(P) "University" means an institution of higher education 395
as defined in section 3345.12 of the Revised Code and a private 396
nonprofit institution with a certificate of authorization issued 397
pursuant to Chapter 1713. of the Revised Code. 398

~~(L)~~ (Q) "USDA" means the United States department of 399
agriculture. 400

Sec. 928.03. The director of agriculture, in consultation 401
with the governor and attorney general, shall adopt rules in 402
accordance with Chapter 119. of the Revised Code establishing 403
standards and procedures for the regulation of hemp cultivation 404
and processing. The rules shall include all of the following: 405

(A) The form of an application for a hemp cultivation 406
license and hemp processing license and the information required 407
to be included in each license application; 408

(B) The amount of an initial application fee that an 409
applicant shall submit along with an application for a hemp 410
cultivation license or a hemp processing license, and the amount 411
of an annual license fee that a licensee shall submit for a hemp 412
cultivation license or a hemp processing license. In adopting 413
rules under division (B) of this section, the director shall 414
ensure both of the following: 415

(1) That the amount of the application fee and annual 416
license fee does not exceed an amount sufficient to cover the 417
costs incurred by the department of agriculture to administer 418
and enforce this chapter; 419

(2) That there is one uniform application fee and one 420
uniform annual license fee that applies to all applicants for a 421
hemp cultivation license. 422

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

of this chapter or rules adopted under it; 481

(P) A procedure for complying with enforcement procedures 482
required under federal law; 483

(Q) A procedure for the effective disposal of all of the 484
following: 485

(1) Plants, whether growing or not, cultivated in 486
violation of this chapter or rules adopted under it; 487

(2) Products derived from plants cultivated in violation 488
of this chapter or rules adopted under it; 489

(3) Products produced in violation of this chapter or 490
rules adopted under it. 491

(R) Requirements and procedures governing the production, 492
storage, and disposal of hemp byproducts. 493

For the purposes of this chapter and notwithstanding any 494
provision of law to the contrary, "hemp product" includes a 495
byproduct, produced as a result of processing hemp, that 496
contains a delta-9 tetrahydrocannabinol concentration of more 497
than three-tenths per cent, provided that the byproduct is 498
produced, stored, and disposed of in accordance with rules 499
adopted under division (R) of this section. 500

(S) Procedures for sharing information regarding hemp 501
cultivation license holders with the secretary of the USDA; 502

(T) A setback distance requirement that specifies the 503
distance that a hemp cultivation license holder shall locate 504
hemp plants from a location where medical marijuana or adult-use 505
marijuana is being cultivated. The requirement does not apply to 506
a hemp cultivation license holder with regard to a ~~medical~~ 507
marijuana cultivator that locates medical marijuana or adult-use 508

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

Code. 536

(B) "Drug of abuse" and "person with a drug dependency" 537
have the same meanings as in section 3719.011 of the Revised 538
Code. 539

(C) "Drug," "dangerous drug," "licensed health 540
professional authorized to prescribe drugs," and "prescription" 541
have the same meanings as in section 4729.01 of the Revised 542
Code. 543

(D) "Bulk amount" of a controlled substance means any of 544
the following: 545

(1) For any compound, mixture, preparation, or substance 546
included in schedule I, schedule II, or schedule III, with the 547
exception of any controlled substance analog, marihuana, 548
cocaine, L.S.D., heroin, any fentanyl-related compound, and 549
hashish and except as provided in division (D) (2), (5), or (6) 550
of this section, whichever of the following is applicable: 551

(a) An amount equal to or exceeding ten grams or twenty- 552
five unit doses of a compound, mixture, preparation, or 553
substance that is or contains any amount of a schedule I opiate 554
or opium derivative; 555

(b) An amount equal to or exceeding ten grams of a 556
compound, mixture, preparation, or substance that is or contains 557
any amount of raw or gum opium; 558

(c) An amount equal to or exceeding thirty grams or ten 559
unit doses of a compound, mixture, preparation, or substance 560
that is or contains any amount of a schedule I hallucinogen 561
other than tetrahydrocannabinol or lysergic acid amide, or a 562
schedule I stimulant or depressant; 563

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Any aerosol propellant; 663

(c) Any fluorocarbon refrigerant; 664

(d) Any anesthetic gas. 665

(2) Gamma Butyrolactone; 666

(3) 1,4 Butanediol. 667

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

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

(L) "Sample drug" means a drug or pharmaceutical 678
preparation that would be hazardous to health or safety if used 679
without the supervision of a licensed health professional 680
authorized to prescribe drugs, or a drug of abuse, and that, at 681
one time, had been placed in a container plainly marked as a 682
sample by a manufacturer. 683

(M) "Standard pharmaceutical reference manual" means the 684
current edition, with cumulative changes if any, of references 685
that are approved by the state board of pharmacy. 686

(N) "Juvenile" means a person under eighteen years of age. 687

(O) "Counterfeit controlled substance" means any of the 688
following: 689

(1) Any drug that bears, or whose container or label 690
bears, a trademark, trade name, or other identifying mark used 691
without authorization of the owner of rights to that trademark, 692
trade name, or identifying mark; 693

(2) Any unmarked or unlabeled substance that is 694
represented to be a controlled substance manufactured, 695
processed, packed, or distributed by a person other than the 696
person that manufactured, processed, packed, or distributed it; 697

(3) Any substance that is represented to be a controlled 698
substance but is not a controlled substance or is a different 699
controlled substance; 700

(4) Any substance other than a controlled substance that a 701
reasonable person would believe to be a controlled substance 702
because of its similarity in shape, size, and color, or its 703
markings, labeling, packaging, distribution, or the price for 704
which it is sold or offered for sale. 705

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

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

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

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

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

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

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

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

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

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

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

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

chapter; 765

(2) A person who holds a certificate of qualification to 766
practice architecture issued or renewed and registered under 767
Chapter 4703. of the Revised Code; 768

(3) A person who is registered as a landscape architect 769
under Chapter 4703. of the Revised Code or who holds a permit as 770
a landscape architect issued under that chapter; 771

(4) A person licensed under Chapter 4707. of the Revised 772
Code; 773

(5) A person who has been issued a certificate of 774
registration as a registered barber under Chapter 4709. of the 775
Revised Code; 776

(6) A person licensed and regulated to engage in the 777
business of a debt pooling company by a legislative authority, 778
under authority of Chapter 4710. of the Revised Code; 779

(7) A person who has been issued a cosmetologist's 780
license, hair designer's license, manicurist's license, 781
esthetician's license, natural hair stylist's license, advanced 782
cosmetologist's license, advanced hair designer's license, 783
advanced manicurist's license, advanced esthetician's license, 784
advanced natural hair stylist's license, cosmetology 785
instructor's license, hair design instructor's license, 786
manicurist instructor's license, esthetics instructor's license, 787
natural hair style instructor's license, independent 788
contractor's license, or tanning facility permit under Chapter 789
4713. of the Revised Code; 790

(8) A person who has been issued a license to practice 791
dentistry, a general anesthesia permit, a conscious sedation 792
permit, a limited resident's license, a limited teaching 793

license, a dental hygienist's license, or a dental hygienist's 794
teacher's certificate under Chapter 4715. of the Revised Code; 795

(9) A person who has been issued an embalmer's license, a 796
funeral director's license, a funeral home license, or a 797
crematory license, or who has been registered for an embalmer's 798
or funeral director's apprenticeship under Chapter 4717. of the 799
Revised Code; 800

(10) A person who has been licensed as a registered nurse 801
or practical nurse, or who has been issued a certificate for the 802
practice of nurse-midwifery under Chapter 4723. of the Revised 803
Code; 804

(11) A person who has been licensed to practice optometry 805
or to engage in optical dispensing under Chapter 4725. of the 806
Revised Code; 807

(12) A person licensed to act as a pawnbroker under 808
Chapter 4727. of the Revised Code; 809

(13) A person licensed to act as a precious metals dealer 810
under Chapter 4728. of the Revised Code; 811

(14) A person licensed under Chapter 4729. of the Revised 812
Code as a pharmacist or pharmacy intern or registered under that 813
chapter as a registered pharmacy technician, certified pharmacy 814
technician, or pharmacy technician trainee; 815

(15) A person licensed under Chapter 4729. of the Revised 816
Code as a manufacturer of dangerous drugs, outsourcing facility, 817
third-party logistics provider, repackager of dangerous drugs, 818
wholesale distributor of dangerous drugs, or terminal 819
distributor of dangerous drugs; 820

(16) A person who is authorized to practice as a physician 821

assistant under Chapter 4730. of the Revised Code; 822

(17) A person who has been issued a license to practice 823
medicine and surgery, osteopathic medicine and surgery, or 824
podiatric medicine and surgery under Chapter 4731. of the 825
Revised Code or has been issued a certificate to practice a 826
limited branch of medicine under that chapter; 827

(18) A person licensed as a psychologist, independent 828
school psychologist, or school psychologist under Chapter 4732. 829
of the Revised Code; 830

(19) A person registered to practice the profession of 831
engineering or surveying under Chapter 4733. of the Revised 832
Code; 833

(20) A person who has been issued a license to practice 834
chiropractic under Chapter 4734. of the Revised Code; 835

(21) A person licensed to act as a real estate broker or 836
real estate salesperson under Chapter 4735. of the Revised Code; 837

(22) A person registered as a registered environmental 838
health specialist under Chapter 3776. of the Revised Code; 839

(23) A person licensed to operate or maintain a junkyard 840
under Chapter 4737. of the Revised Code; 841

(24) A person who has been issued a motor vehicle salvage 842
dealer's license under Chapter 4738. of the Revised Code; 843

(25) A person who has been licensed to act as a steam 844
engineer under Chapter 4739. of the Revised Code; 845

(26) A person who has been issued a license or temporary 846
permit to practice veterinary medicine or any of its branches, 847
or who is registered as a graduate animal technician under 848

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

(36) A person who has been issued a home inspector license 877
under Chapter 4764. of the Revised Code; 878

(37) A person who has been admitted to the bar by order of 879
the supreme court in compliance with its prescribed and 880
published rules. 881

(X) "Cocaine" means any of the following: 882

(1) A cocaine salt, isomer, or derivative, a salt of a 883
cocaine isomer or derivative, or the base form of cocaine; 884

(2) Coca leaves or a salt, compound, derivative, or 885
preparation of coca leaves, including ecgonine, a salt, isomer, 886
or derivative of ecgonine, or a salt of an isomer or derivative 887
of ecgonine; 888

(3) A salt, compound, derivative, or preparation of a 889
substance identified in division (X)(1) or (2) of this section 890
that is chemically equivalent to or identical with any of those 891
substances, except that the substances shall not include 892
decocainized coca leaves or extraction of coca leaves if the 893
extractions do not contain cocaine or ecgonine. 894

(Y) "L.S.D." means lysergic acid diethylamide. 895

(Z) "Hashish" means a resin or a preparation of a resin to 896
which both of the following apply: 897

(1) It is ~~contained in or derived from any part of the~~ 898
~~plant of the genus cannabis, whether~~ in solid form or in a 899
liquid concentrate, liquid extract, or liquid distillate form. 900

(2) It has a delta-9 tetrahydrocannabinol concentration of 901
more than three-tenths per cent. 902

"Hashish" does not include a hemp byproduct in the 903

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

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

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

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

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

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

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

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

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

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

aromatic ring or other lipophilic group to that nitrogen. 987

(b) A polar functional group attached to the chemical 988
scaffold, including but not limited to a hydroxyl, ketone, 989
amide, or ester; 990

(c) An alkyl or aryl substitution off the ring nitrogen of 991
the chemical scaffold; and 992

(d) The compound has not been approved for medical use by 993
the United States food and drug administration. 994

(LL) "First degree felony mandatory prison term" means one 995
of the definite prison terms prescribed in division (A) (1) (b) of 996
section 2929.14 of the Revised Code for a felony of the first 997
degree, except that if the violation for which sentence is being 998
imposed is committed on or after March 22, 2019, it means one of 999
the minimum prison terms prescribed in division (A) (1) (a) of 1000
that section for a felony of the first degree. 1001

(MM) "Second degree felony mandatory prison term" means 1002
one of the definite prison terms prescribed in division (A) (2) 1003
(b) of section 2929.14 of the Revised Code for a felony of the 1004
second degree, except that if the violation for which sentence 1005
is being imposed is committed on or after March 22, 2019, it 1006
means one of the minimum prison terms prescribed in division (A) 1007
(2) (a) of that section for a felony of the second degree. 1008

(NN) "Maximum first degree felony mandatory prison term" 1009
means the maximum definite prison term prescribed in division 1010
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 1011
the first degree, except that if the violation for which 1012
sentence is being imposed is committed on or after March 22, 1013
2019, it means the longest minimum prison term prescribed in 1014
division (A) (1) (a) of that section for a felony of the first 1015

degree. 1016

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) Any company that manufactures, markets, or sells, or 1162
brand that is associated with, a controlled substance, marihuana 1163
product, medical marijuana product, adult-use marijuana product, 1164
alcoholic product, tobacco product, electronic smoking device, 1165
vapor product, or product or device that consists of or contains 1166
nicotine that can be ingested into the body; 1167

(B) Any ~~medical~~-marijuana cultivator, processor, 1168
laboratory, or retail dispensary licensed under Chapter 3796. of 1169
the Revised Code or under the laws of another state; 1170

(C) Any business engaged in the sale, rental, or 1171
exhibition for any form of consideration of adult entertainment 1172
that is characterized by an emphasis on the exposure or display 1173
of sexual activity; 1174

(D) Any casino or entity that sponsors or promotes 1175
gambling activities; 1176

(E) Any other category of companies, brands, or types of 1177
contracts that are similar to those described in divisions (A) 1178
to (D) of this section that the institution or college 1179
communicates to the student before the student enrolls at the 1180
institution or college. 1181

Sec. 3719.01. As used in this chapter: 1182

(A) "Administer" means the direct application of a drug, 1183
whether by injection, inhalation, ingestion, or any other means 1184
to a person or an animal. 1185

(B) "Drug enforcement administration" means the drug 1186
enforcement administration of the United States department of 1187
justice or its successor agency. 1188

(C) "Controlled substance" means a drug, compound, 1189

mixture, preparation, or substance included in schedule I, II, 1190
III, IV, or V. 1191

(D) "Dangerous drug" has the same meaning as in section 1192
4729.01 of the Revised Code. 1193

(E) "Dispense" means to sell, leave with, give away, 1194
dispose of, or deliver. 1195

(F) "Distribute" means to deal in, ship, transport, or 1196
deliver but does not include administering or dispensing a drug. 1197

(G) "Drug" has the same meaning as in section 4729.01 of 1198
the Revised Code. 1199

(H) "Drug abuse offense" and "felony drug abuse offense" 1200
have the same meanings as in section 2925.01 of the Revised 1201
Code. 1202

(I) "Federal drug abuse control laws" means the 1203
"Comprehensive Drug Abuse Prevention and Control Act of 1970," 1204
84 Stat. 1242, 21 U.S.C. 801, as amended. 1205

(J) "Hospital" means a facility registered as a hospital 1206
with the department of health under section 3701.07 of the 1207
Revised Code. 1208

(K) "Hypodermic" means a hypodermic syringe or needle, or 1209
other instrument or device for the injection of medication. 1210

(L) "Manufacturer" means a person who manufactures a 1211
controlled substance, as "manufacture" is defined in section 1212
3715.01 of the Revised Code, and includes a "manufacturer of 1213
dangerous drugs" as defined in section 4729.01 of the Revised 1214
Code. 1215

(M) "Marihuana" means all parts of a plant of the genus 1216

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

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

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

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

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

by whatever trade name designated. 1247

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(i)~~(I) The substance has a stimulant, depressant, or 1306
hallucinogenic effect on the central nervous system that is 1307
substantially similar to or greater than the stimulant, 1308
depressant, or hallucinogenic effect on the central nervous 1309
system of a controlled substance in schedule I or II. 1310

~~(ii)~~(II) With respect to a particular person, that person 1311
represents or intends the substance to have a stimulant, 1312
depressant, or hallucinogenic effect on the central nervous 1313
system that is substantially similar to or greater than the 1314
stimulant, depressant, or hallucinogenic effect on the central 1315
nervous system of a controlled substance in schedule I or II. 1316

~~(2)~~(b) Any substance with a similar chemical structure to 1317
delta-1-cis or trans tetrahydrocannabinol, and their optical 1318
isomers, salts and salts of isomers. This division includes, but 1319
is not limited to 9-hexahydrocannabinol, and delta-9- 1320
tetrahydrocannabinol acetate. Since nomenclature of these 1321
substances is not internationally standardized, compounds of 1322
these structures, regardless of numerical designation of atomic 1323
positions, are included. 1324

(2) "Controlled substance analog" does not include any of 1325
the following: 1326

(a) A controlled substance; 1327

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

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

respect to that substance is pursuant to that exemption; 1333

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Acquired immune deficiency syndrome; 1387

(b) Alzheimer's disease; 1388

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

(7) "State university" has the same meaning as in section 1412
3345.011 of the Revised Code. 1413

(8) "Adult-use consumer" means an individual who is at 1414
least twenty-one years of age. 1415

(9) "Adult-use marijuana" means marijuana that is 1416
cultivated, processed, dispensed, or tested for, or possessed or 1417
used by, an adult-use consumer, in accordance with this chapter. 1418
"Adult-use marijuana" does not include medical marijuana or 1419
homegrown marijuana. 1420

(10) "Church" has the meaning defined in section 1710.01 1421
of the Revised Code. 1422

(11) "Public library" means a library provided for under 1423
Chapter 3375. of the Revised Code. 1424

(12) "Public park" means a park established by the state 1425
or a political subdivision of the state, including a county, 1426
township, municipal corporation, or park district. 1427

(13) "Public playground" means a playground established by 1428
the state or a political subdivision of the state, including a 1429
county, township, municipal corporation, or park district. 1430

(14) "School" means a child care center as defined under 1431
section 5104.01 of the Revised Code, a preschool as defined 1432
under section 2950.034 of the Revised Code, or a public or 1433
nonpublic primary school or secondary school. 1434

(15) "Public place" has the same meaning as in section 1435
3794.01 of the Revised Code. 1436

(16) "Ohio investigative unit" means the investigative 1437
unit maintained by the department of public safety under section 1438
5502.13 of the Revised Code. 1439

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

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

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

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

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

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

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

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

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

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

(2) Specify both of the following: 1480

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

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

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

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

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

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

- (7) Establish procedures for registration of medical
marijuana patients and caregivers and requirements that must be
met to be eligible for registration;
- (8) Establish training requirements for employees of
retail dispensaries;
- (9) Specify if a cultivator, processor, retail dispensary,
or laboratory that is licensed under this chapter and that
existed at a location before a school, church, public library,
public playground, or public park became established within five
hundred feet of the cultivator, processor, retail dispensary, or
laboratory, may remain in operation or shall relocate or have
its license revoked by the division;
- (10) Specify, by form and tetrahydrocannabinol content, a
maximum ninety-day supply of medical marijuana that may be
possessed;
- (11) Specify the paraphernalia or other accessories that
may be used in the administration to a registered patient of
medical marijuana;
- (12) Establish procedures for the issuance of patient or
caregiver identification cards;
- (13) Specify the forms of or methods of using medical
marijuana that are attractive to children;
- (14) Specify both of the following:
- (a) Subject to division (B) (14) (b) of this section, the
criminal offenses for which a person will be disqualified from
employment with a license holder;
- (b) Which of the criminal offenses specified pursuant to
division (B) (14) (a) of this section will not disqualify a person

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Fifteen grams of extract. 1593

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

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

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

(1) The population of this state; 1605

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

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

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

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

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

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

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

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

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

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

(a) That is within one-half mile of another licensed 1636
retail dispensary; 1637

(b) For which a permit has been issued under Chapter 4303. 1638
of the Revised Code to sell beer and intoxicating liquor, as 1639
those terms are defined in section 4301.01 of the Revised Code. 1640

(C) When establishing standards and procedures for the 1641
testing of medical marijuana and adult-use marijuana, the 1642
division shall do all of the following: 1643

(1) Specify when testing must be conducted; 1644

(2) Determine the minimum amount of medical marijuana or 1645
adult-use marijuana that must be tested; 1646

(3) Specify the manner in which testing is to be conducted 1647
in an effort to ensure uniformity of medical marijuana products 1648
~~processed for and dispensed to patients~~ and adult-use marijuana 1649
products; 1650

(4) Specify the manner in which test results are provided. 1651

Sec. 3796.06. (A) Only the following forms of medical 1652
marijuana may be dispensed under this chapter: 1653

(1) Oils; 1654

(2) Tinctures; 1655

(3) Plant material; 1656

(4) Edibles; 1657

(5) Patches; 1658

(6) Any other form approved by the division of marijuana 1659
control under section 3796.061 of the Revised Code. 1660

(B) Only the following forms of adult-use marijuana may be 1661

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

unopened packaging in which it was dispensed or sold; 1768

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

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

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

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

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

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

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

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

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

(a) A laboratory licensed under this chapter;

(b) An applicant for a license to conduct laboratory testing. 1827
1828

(3) ~~The~~ If the application is for a cultivator or 1829
processor license, the applicant demonstrates that it does not 1830
none of its current or prospective owners, officers, board 1831
members, administrators, employees, agents, or affiliates who 1832
may significantly influence or control the applicant's 1833
activities share any corporate officers or employees with any 1834
either of the following: 1835

(a) A laboratory licensed under this chapter; 1836

(b) An applicant for a license to conduct laboratory testing. 1837
1838

(4) The applicant demonstrates that it will not be located 1839
within five hundred feet of a school, church, public library, 1840
public playground, or public park. 1841

(5) The information provided to the ~~department~~ division 1842
pursuant to section 3796.11 of the Revised Code demonstrates 1843
that the applicant is in compliance with the applicable tax laws 1844
of this state. 1845

(6) The applicant demonstrates sufficient liquid capital 1846
and ability to meet financial responsibility requirements; 1847

(7) The applicant demonstrates that the municipal 1848
corporation or township in which it will be located has not 1849
passed a moratorium or taken any other action that would 1850
prohibit the applicant from operating there; 1851

(8) The application does not contain false, misleading, or 1852
deceptive information and does not omit material information; 1853

(9) The applicant pays any fee required by the division; 1854

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

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

(1) The applicant's business plan; 1863

(2) The applicant's operations plan; 1864

(3) The applicant's security plan; 1865

(4) The applicant's financial plan; 1866

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

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

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

(8) The applicant's environmental plan; 1872

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

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

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

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

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

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

(a) Highly exceeds; 1886

(b) Exceeds; 1887

(c) Meets; 1888

(d) Does not meet. 1889

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

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

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

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

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

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

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

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

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

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

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

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

(a) A laboratory licensed under this chapter; 1953

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

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

(a) A laboratory licensed under this chapter; 1962

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

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

within five hundred feet of a school, church, public library, 1966
public playground, or public park. 1967

(5) The applicant demonstrates that the proposed location 1968
or facility is not either of the following: 1969

(a) Located within one-half mile of another licensed 1970
retail dispensary; 1971

(b) Issued a permit under Chapter 4303. of the Revised 1972
Code to sell beer and intoxicating liquor, as those terms are 1973
defined in section 4301.01 of the Revised Code. 1974

(6) The information provided to the division pursuant to 1975
section 3796.11 of the Revised Code demonstrates that the 1976
applicant is in compliance with the applicable tax laws of this 1977
state. 1978

~~(6)~~ (7) The applicant demonstrates sufficient liquid 1979
capital and ability to meet financial responsibility 1980
requirements; 1981

(8) The applicant demonstrates that the municipal 1982
corporation or township in which it will be located has not 1983
passed a moratorium or taken any other action that would 1984
prohibit the applicant from operating there; 1985

(9) The application does not contain false, misleading, or 1986
deceptive information and does not omit material information; 1987

(10) The applicant pays any fee required by the division; 1988

(11) The applicant meets all other licensure eligibility 1989
conditions established in rules adopted under section 3796.03 of 1990
the Revised Code. 1991

~~(C)~~ (D) If the number of eligible applicants exceed the 1992

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

into the following distinct categories: 2019

(a) Highly exceeds; 2020

(b) Exceeds; 2021

(c) Meets; 2022

(d) Does not meet. 2023

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Refuse to issue a license; 2141

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

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

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

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

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

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

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

(C) Whenever it appears to the division or the unit, from 2170
its files, upon complaint, or otherwise, that any person or 2171
entity has engaged in, is engaged in, or is about to engage in 2172
any practice declared to be illegal or prohibited by this 2173
chapter or the rules adopted under this chapter, or when the 2174
division believes it to be in the best interest of the public, 2175
adult-use consumers, or medical marijuana patients, the division 2176
may do any of the following: 2177

(1) Investigate the person or entity as authorized 2178
pursuant to this chapter or the rules adopted under this 2179
chapter; 2180

(2) Issue subpoenas to any person or entity for the 2181
purpose of compelling either of the following: 2182

(a) The attendance and testimony of witnesses; 2183

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

(D) If a person or entity fails to comply with any order 2186
of the division or the unit or a subpoena issued by the division 2187
or the unit pursuant to this section, a judge of the court of 2188
common pleas of the county in which the person resides or the 2189
entity may be served, on application of the division or the 2190

unit, shall compel obedience by attachment proceedings as for 2191
contempt, as in the case of disobedience with respect to the 2192
requirements of a subpoena issued from such court or a refusal 2193
to testify in such court. 2194

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Use medical marijuana; 2400

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

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

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

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

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

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

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

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

(1) Use adult-use marijuana; 2424

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

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

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

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

(2) Fifteen grams of extract. 2432

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) ~~Prohibit~~ Subject to section 3796.06 of the Revised 2498
Code, prohibit any public place from accommodating a registered 2499
patient's use of medical marijuana or an adult-use consumer's 2500
use of adult-use marijuana or homegrown marijuana, other than by 2501
smoking, combustion, or vaporization; 2502

(6) Restrict research related to marijuana conducted at a 2503
state university, academic medical center, or private research 2504
and development organization as part of a research protocol 2505
approved by an institutional review board or equivalent entity. 2506

Sec. 3796.28. (A) Nothing in this chapter does any of the 2507
following: 2508

(1) Requires an employer to permit or accommodate an 2509
employee's use, possession, or distribution of ~~medical~~ 2510
marijuana; 2511

(2) Prohibits an employer from refusing to hire, 2512
discharging, disciplining, or otherwise taking an adverse 2513
employment action against a person with respect to hire, tenure, 2514
terms, conditions, or privileges of employment because of that 2515
person's use, possession, or distribution of ~~medical~~ marijuana; 2516

(3) Prohibits an employer from establishing and enforcing 2517
a drug testing policy, drug-free workplace policy, or zero- 2518
tolerance drug policy; 2519

(4) Interferes with any federal restrictions on 2520
employment, including the regulations adopted by the United 2521
States department of transportation in Title 49 of the Code of 2522
Federal Regulations, as amended; 2523

(5) Permits a person to commence a cause of action against 2524
an employer for refusing to hire, discharging, disciplining, 2525
discriminating, retaliating, or otherwise taking an adverse 2526

employment action against a person with respect to hire, tenure, 2527
terms, conditions, or privileges of employment related to 2528
~~medical-marijuana~~; 2529

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

follows:

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

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

section 4510.02 of the Revised Code.

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

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

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

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

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

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

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

3796.06 of the Revised Code, is guilty of a felony of the fifth 2765
degree. 2766

(2) The division of marijuana control shall immediately 2767
revoke the license of any license holder under this chapter who 2768
is found guilty of, or who pleads guilty or no contest to, 2769
violating division (G) of section 3796.06 of the Revised Code. 2770

(D) Whoever violates division (B) of section 3796.221 or 2771
division (A) (1) or (D) of section 3796.04 of the Revised Code is 2772
guilty of possession of marijuana under section 2925.11 of the 2773
Revised Code. 2774

(E) Whoever engages in any of the activities described in 2775
section 3796.18, 3796.19, 3796.20, or 3796.21 of the Revised 2776
Code without the proper license under this chapter is guilty of 2777
trafficking in marijuana under section 2925.03 of the Revised 2778
Code or illegal cultivation of marijuana under section 2925.04 2779
of the Revised Code. 2780

(F) Whoever violates division (C) (2) of section 3796.20 of 2781
the Revised Code is guilty of trafficking in marijuana under 2782
section 2925.03 of the Revised Code. 2783

(G) (1) Except as otherwise provided in divisions (G) (2) to 2784
(4) of this section, whoever violates division (H) of section 2785
3796.06 of the Revised Code by knowingly showing or giving false 2786
information concerning the individual's name, age, or other 2787
identification for the purpose of purchasing or otherwise 2788
obtaining adult-use marijuana from an adult-use dispensary 2789
licensed under this chapter is guilty of a misdemeanor of the 2790
first degree. 2791

(2) Except as otherwise provided in divisions (G) (3) and 2792
(4) of this section, whoever violates division (H) of section 2793

3796.06 of the Revised Code by knowingly presenting to an adult- 2794
use dispensary licensed under this chapter a false, fictitious, 2795
or altered identification card, a false or fictitious driver's 2796
license purportedly issued by any state, or a driver's license 2797
issued by any state that has been altered, is guilty of a 2798
misdemeanor of the first degree and, notwithstanding division 2799
(A) (2) of section 2929.28 of the Revised Code, shall be fined 2800
not less than two hundred fifty dollars and not more than one 2801
thousand dollars. 2802

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

If the division closes a state liquor store and replaces 3003

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

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

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

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

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

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

educates the public about beer and intoxicating liquor. 3033

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) An agency store; 3178

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

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

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

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

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

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

are located. 3205

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

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

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

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

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

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

(c) The containers are sealed, marked, and transported in 3234
accordance with division (E) of section 4301.62 of the Revised 3235
Code. 3236

(d) The containers have been cleaned immediately before 3237
being filled in accordance with rule 4301:1-1-28 of the 3238
Administrative Code. 3239

(2) Beer that is sold and dispensed under division (D) (1) 3240
of this section is subject to both of the following: 3241

(a) All applicable rules adopted by the liquor control 3242
commission, including, but not limited to, rule 4301:1-1-27 and 3243
rule 4301:1-1-72 of the Administrative Code; 3244

(b) All applicable federal laws and regulations. 3245

(E) The privileges authorized for the holder of a D-8 3246
permit described in division (A) (2) or (3) of this section may 3247
only be exercised in conjunction with and during the hours of 3248
operation authorized by a C-1, C-2, C-2x, or D-6 permit. 3249

(F) A D-8 permit shall not be transferred to another 3250
location. 3251

(G) The fee for the D-8 permit is five hundred dollars. 3252

Sec. 4399.15. No person, for the purpose of sale, shall 3253
adulterate spirituous liquor, alcoholic liquor, or beer used or 3254
intended for drink or medicinal or mechanical purposes, with 3255
cocculus indicus, vitriol, ~~grains of paradise~~, opium, alum, 3256
capsicum, copperas, laurel water, logwood, Brazilwood, 3257
cochineal, sugar of lead, aloes, glucose, tannic acid, or any 3258
other substance that is poisonous or injurious to health, or 3259
with a substance not a necessary ingredient in the manufacture 3260
of the spirituous liquor, alcoholic liquor, or beer, or sell, 3261

offer, or keep for sale spirituous liquor, alcoholic liquor, or 3262
beer that is so adulterated. 3263

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

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

(1) Knowingly making any misrepresentation; 3283

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

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

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

Revised Code; 3291

(5) Failure within a reasonable time to account for or to 3292
remit any money coming into the licensee's possession which 3293
belongs to others; 3294

(6) Dishonest or illegal dealing, gross negligence, 3295
incompetency, or misconduct; 3296

(7) (a) By final adjudication by a court, a violation of 3297
any municipal or federal civil rights law relevant to the 3298
protection of purchasers or sellers of real estate or, by final 3299
adjudication by a court, any unlawful discriminatory practice 3300
pertaining to the purchase or sale of real estate prohibited by 3301
Chapter 4112. of the Revised Code, provided that such violation 3302
arose out of a situation wherein parties were engaged in bona 3303
fide efforts to purchase, sell, or lease real estate, in the 3304
licensee's practice as a licensed real estate broker or 3305
salesperson; 3306

(b) A second or subsequent violation of any unlawful 3307
discriminatory practice pertaining to the purchase or sale of 3308
real estate prohibited by Chapter 4112. of the Revised Code or 3309
any second or subsequent violation of municipal or federal civil 3310
rights laws relevant to purchasing or selling real estate 3311
whether or not there has been a final adjudication by a court, 3312
provided that such violation arose out of a situation wherein 3313
parties were engaged in bona fide efforts to purchase, sell, or 3314
lease real estate. For any second offense under this division, 3315
the commission shall suspend for a minimum of two months or 3316
revoke the license of the broker or salesperson. For any 3317
subsequent offense, the commission shall revoke the license of 3318
the broker or salesperson. 3319

(8) Procuring a license under this chapter, for the 3320
licensee or any salesperson by fraud, misrepresentation, or 3321
deceit; 3322

(9) Having violated or failed to comply with any provision 3323
of sections 4735.51 to 4735.74 of the Revised Code or having 3324
willfully disregarded or violated any other provisions of this 3325
chapter; 3326

(10) As a real estate broker, having demanded, without 3327
reasonable cause, other than from a broker licensed under this 3328
chapter, a commission to which the licensee is not entitled, or, 3329
as a real estate salesperson, having demanded, without 3330
reasonable cause, a commission to which the licensee is not 3331
entitled; 3332

(11) Except as permitted under section 4735.20 of the 3333
Revised Code, having paid commissions or fees to, or divided 3334
commissions or fees with, anyone not licensed as a real estate 3335
broker or salesperson under this chapter or anyone not operating 3336
as an out-of-state commercial real estate broker or salesperson 3337
under section 4735.022 of the Revised Code; 3338

(12) Having falsely represented membership in any real 3339
estate professional association of which the licensee is not a 3340
member; 3341

(13) Having accepted, given, or charged any undisclosed 3342
commission, rebate, or direct profit on expenditures made for a 3343
principal; 3344

(14) Having offered anything of value other than the 3345
consideration recited in the sales contract as an inducement to 3346
a person to enter into a contract for the purchase or sale of 3347
real estate or having offered real estate or the improvements on 3348

real estate as a prize in a lottery or scheme of chance; 3349

(15) Having acted in the dual capacity of real estate 3350
broker and undisclosed principal, or real estate salesperson and 3351
undisclosed principal, in any transaction; 3352

(16) Having guaranteed, authorized, or permitted any 3353
person to guarantee future profits which may result from the 3354
resale of real property; 3355

(17) Having advertised or placed a sign on any property 3356
offering it for sale or for rent without the consent of the 3357
owner or the owner's authorized agent; 3358

(18) Having induced any party to a contract of sale or 3359
lease to break such contract for the purpose of substituting in 3360
lieu of it a new contract with another principal; 3361

(19) Having negotiated the sale, exchange, or lease of any 3362
real property directly with a seller, purchaser, lessor, or 3363
tenant knowing that such seller, purchaser, lessor, or tenant is 3364
represented by another broker under a written exclusive agency 3365
agreement, exclusive right to sell or lease listing agreement, 3366
or exclusive purchaser agency agreement with respect to such 3367
property except as provided for in section 4735.75 of the 3368
Revised Code; 3369

(20) Having offered real property for sale or for lease 3370
without the knowledge and consent of the owner or the owner's 3371
authorized agent, or on any terms other than those authorized by 3372
the owner or the owner's authorized agent; 3373

(21) Having published advertising, whether printed, radio, 3374
display, or of any other nature, which was misleading or 3375
inaccurate in any material particular, or in any way having 3376
misrepresented any properties, terms, values, policies, or 3377

services of the business conducted; 3378

(22) Having knowingly withheld from or inserted in any 3379
statement of account or invoice any statement that made it 3380
inaccurate in any material particular; 3381

(23) Having published or circulated unjustified or 3382
unwarranted threats of legal proceedings which tended to or had 3383
the effect of harassing competitors or intimidating their 3384
customers; 3385

(24) Having failed to keep complete and accurate records 3386
of all transactions for a period of three years from the date of 3387
the transaction, such records to include copies of listing 3388
forms, earnest money receipts, offers to purchase and 3389
acceptances of them, records of receipts and disbursements of 3390
all funds received by the licensee as broker and incident to the 3391
licensee's transactions as such, and records required pursuant 3392
to divisions (C) (4) and (5) of section 4735.20 of the Revised 3393
Code, and any other instruments or papers related to the 3394
performance of any of the acts set forth in the definition of a 3395
real estate broker; 3396

(25) Failure of a real estate broker or salesperson to 3397
furnish all parties involved in a real estate transaction true 3398
copies of all listings and other agreements to which they are a 3399
party, at the time each party signs them; 3400

(26) Failure to maintain at all times a special or trust 3401
bank account in a depository of a state or federally chartered 3402
institution located in this state. The account shall be 3403
noninterest-bearing, separate and distinct from any personal or 3404
other account of the broker, and, except as provided in division 3405
(A) (27) of this section, shall be used for the deposit and 3406

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

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

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

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

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

(30) Failing to render promptly upon demand a full and 3436
complete statement of the expenditures by the broker or 3437
salesperson of funds advanced by or on behalf of a party to a 3438
real estate transaction to the broker or salesperson for the 3439
purpose of performing duties as a licensee under this chapter in 3440
conjunction with the real estate transaction; 3441

(31) Failure within a reasonable time, after the receipt 3442
of the commission by the broker, to render an accounting to and 3443
pay a real estate salesperson the salesperson's earned share of 3444
it; 3445

(32) Performing any service for another constituting the 3446
practice of law, as determined by any court of law; 3447

(33) Having been adjudicated incompetent by a court, as 3448
provided in section 5122.301 of the Revised Code. A license 3449
revoked or suspended under this division shall be reactivated 3450
upon proof to the commission of the removal of the disability. 3451

(34) Having authorized or permitted a person to act as an 3452
agent in the capacity of a real estate broker, or a real estate 3453
salesperson, who was not then licensed as a real estate broker 3454
or real estate salesperson under this chapter or who was not 3455
then operating as an out-of-state commercial real estate broker 3456
or salesperson under section 4735.022 of the Revised Code; 3457

(35) Having knowingly inserted or participated in 3458
inserting any materially inaccurate term in a document, 3459
including naming a false consideration; 3460

(36) Having failed to inform the licensee's client of the 3461
existence of an offer or counteroffer or having failed to 3462
present an offer or counteroffer in a timely manner, unless 3463
otherwise instructed by the client, provided the instruction of 3464

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

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

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

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

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

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

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

imposition of the penalty of suspension of a license under this 3494
section. 3495

(E) A person licensed under this chapter who represents a 3496
party to a transaction or a proposed transaction involving the 3497
sale, purchase, exchange, lease, or management of real property 3498
that is or will be used in the cultivation, processing, 3499
dispensing, or testing of medical marijuana or adult-use 3500
marijuana under Chapter 3796. of the Revised Code, or who 3501
receives, holds, or disburses funds from a real estate brokerage 3502
trust account in connection with such a transaction, shall not 3503
be subject to disciplinary sanctions under this chapter solely 3504
because the licensed person engaged in activities permitted 3505
under this chapter and related to activities under Chapter 3796. 3506
of the Revised Code. 3507

Sec. 5119.10. (A) The director of mental health and 3508
addiction services is the chief executive and appointing 3509
authority of the department of mental health and addiction 3510
services. The director may organize the department for its 3511
efficient operation, including creating divisions or offices as 3512
necessary. The director may establish procedures for the 3513
governance of the department, conduct of its employees and 3514
officers, performance of its business, and custody, use, and 3515
preservation of departmental records, papers, books, documents, 3516
and property. Whenever the Revised Code imposes a duty upon or 3517
requires an action of the department or any of its institutions, 3518
the director or the director's designee shall perform the action 3519
or duty in the name of the department, except that the medical 3520
director appointed pursuant to section 5119.11 of the Revised 3521
Code shall be responsible for decisions relating to medical 3522
diagnosis, treatment, rehabilitation, quality assurance, and the 3523
clinical aspects of the following: licensure of hospitals and 3524

residential facilities, research, community addiction and mental 3525
health plans, and certification and delivery of addiction 3526
services and mental health services. 3527

(B) The director shall: 3528

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

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

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

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

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

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

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

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

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

other entities not owned or operated by the department. 3584

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The governor. 3636

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

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

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

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

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

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

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

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

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

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

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

including the age and condition of the jail facilities; 3699

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

and the James A. Rhodes state office tower. 3816

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

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

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

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

(B) (1) Any person who is employed by the department of 3846
public safety and designated by the director of public safety to 3847
enforce Title XLIII of the Revised Code, and the rules adopted 3848
under it, Chapter 3796. of the Revised Code and the rules 3849
adopted under that chapter, and the laws and rules regulating 3850
the use of supplemental nutrition assistance program benefits 3851
shall be known as an enforcement agent. The employment by the 3852
department of public safety and the designation by the director 3853
of public safety of a person as an enforcement agent shall be 3854
subject to division (D) of this section. An enforcement agent 3855
has the authority vested in peace officers pursuant to section 3856
2935.03 of the Revised Code to keep the peace, to enforce all of 3857
the following: 3858

(a) All applicable laws and rules on any retail liquor 3859
permit premises, or on any other premises of public or private 3860
property, where a violation of Title XLIII of the Revised Code 3861
or any rule adopted under it is occurring, ~~and to enforce all;~~ 3862

(b) All applicable laws and rules on persons and premises 3863
licensed under Chapter 3796. of the Revised Code and, if invited 3864
by local law enforcement having jurisdiction, on any other 3865
public or private property where a violation of Chapter 3796. or 3866
any rule adopted under that chapter is occurring; 3867

(c) All laws and rules governing the use of supplemental 3868
nutrition assistance program benefits, women, infants, and 3869
children's coupons, electronically transferred benefits, or any 3870
other access device that is used alone or in conjunction with 3871
another access device to obtain payments, allotments, benefits, 3872
money, goods, or other things of value, or that can be used to 3873
initiate a transfer of funds, pursuant to the supplemental 3874
nutrition assistance program established under the Food and 3875

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

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

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

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

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

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

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

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

(i) Pleads guilty to a felony; 3933

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

good cause as determined by the board of revision. 4026

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

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

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

Revised Code. 4056

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) For the 9-8-8 fund, twenty-five million dollars minus 4261
the fund's year-end balance; 4262

(g) For the county jail construction fund, eighty million 4263
dollars minus the fund's year-end balance until the fiscal year 4264
that includes the date that is ten years after the effective 4265
date of this section and zero dollars in each fiscal year 4266
thereafter; 4267

(h) For the marijuana expungement fund, fifteen million 4268
dollars minus the fund's year-end balance; 4269

(i) For the division of marijuana control operations fund, 4270
eight million dollars minus the fund's year-end balance; 4271

(j) For the safe driver training fund, fifteen million 4272
dollars minus the fund's year-end balance; 4273

(k) For the Ohio investigative unit operations fund, 4274
thirteen million dollars minus the fund's year-end balance. 4275

(B) For the purpose of receiving and distributing, and 4276
accounting for, revenue received from the tax levied under 4277
section 5739.27 of the Revised Code, the following funds are 4278
created in the state treasury: 4279

(1) The marijuana receipts fund; 4280

(2) The department of public safety law enforcement 4281
training fund, which the director of public safety shall use to 4282
fund the training of peace officers; 4283

(3) The attorney general law enforcement training fund, 4284
which the attorney general shall use to fund the training of 4285
peace officers and troopers that is required under section 4286
109.803 of the Revised Code; 4287

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

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

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

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

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

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

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

the operations of the division of marijuana control; 4317

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) Twenty-eight per cent to the county jail construction 4375
fund, until the amount credited to the fund in the fiscal year 4376
equals the fund's annual transfer limit, then to the general 4377
revenue fund; 4378

(8) Five per cent to the marijuana expungement fund, until 4379
the amount credited to the fund in the fiscal year equals the 4380
fund's annual transfer limit, then to the general revenue fund; 4381

(9) Three per cent to the division of marijuana control 4382
operations fund, until the amount credited to the fund in the 4383
fiscal year equals the fund's annual transfer limit, then to the 4384
general revenue fund; 4385

(10) Five per cent to the safe driver training fund, until 4386
the amount credited to the fund in the fiscal year equals the 4387
fund's annual transfer limit, then to the general revenue fund; 4388

(11) Four per cent to the Ohio investigative unit 4389
operations fund, until the amount credited to the fund in the 4390
fiscal year equals the fund's annual transfer limit, then to the 4391
general revenue fund. 4392

Sec. 5739.272. (A) For one or more of the purposes of 4393
funding cultural, artistic, and entertainment opportunities in 4394
the county and for the purpose of paying the expenses of 4395
administering the tax, a board of county commissioners may levy 4396
an excise tax on the retail sale of adult-use marijuana in the 4397
county. 4398

The rate of the tax shall be expressed as a multiple of 4399
one-quarter of one per cent of the price of adult-use marijuana, 4400
but shall not exceed three per cent in total when accounting for 4401
all taxes levied under this section simultaneously by a county. 4402
The tax is in addition to other taxes levied under this chapter 4403

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(F) Whoever violates division (E) of section 5739.17 of 4508
the Revised Code is guilty of failure to display a transient 4509
vendor's license, a minor misdemeanor. A sheriff or police 4510
officer in a municipal corporation may enforce this division. 4511
The prosecuting attorney of a county shall inform the tax 4512
commissioner of any instance when a complaint is brought against 4513
a transient vendor pursuant to this division. 4514

(G) Whoever violates section 5739.103 of the Revised Code 4515

shall be fined not less than twenty-five nor more than one 4516
hundred dollars. If the offender previously has been convicted 4517
of violating that section, the offender is guilty of a felony of 4518
the fourth degree. 4519

(H) The penalties provided in this section are in addition 4520
to any penalties imposed by the tax commissioner under section 4521
5739.133 of the Revised Code. 4522

Section 2. That existing sections 121.95, 121.951, 519.21, 4523
928.01, 928.03, 2925.01, 3376.07, 3719.01, 3796.01, 3796.02, 4524
3796.03, 3796.05, 3796.06, 3796.07, 3796.09, 3796.10, 3796.12, 4525
3796.14, 3796.15, 3796.17, 3796.18, 3796.19, 3796.20, 3796.21, 4526
3796.22, 3796.24, 3796.28, 3796.29, 3796.30, 4301.17, 4301.171, 4527
4303.041, 4303.184, 4399.15, 4735.18, 5119.10, 5502.01, 5502.13, 4528
5502.14, 5713.30, 5739.21, and 5739.99 of the Revised Code are 4529
hereby repealed. 4530

Section 3. That sections 3780.01, 3780.02, 3780.03, 4531
3780.04, 3780.05, 3780.06, 3780.07, 3780.08, 3780.09, 3780.10, 4532
3780.11, 3780.12, 3780.13, 3780.14, 3780.15, 3780.16, 3780.17, 4533
3780.18, 3780.19, 3780.20, 3780.21, 3780.22, 3780.23, 3780.24, 4534
3780.25, 3780.26, 3780.27, 3780.28, 3780.29, 3780.30, 3780.31, 4535
3780.32, 3780.33, 3780.34, 3780.35, 3780.36, 3780.90, 3780.99, 4536
and 3796.021 of the Revised Code are hereby repealed. 4537

Section 4. (A) As used in this section, "adult-use 4538
marijuana" has the same meaning as in section 3796.01 of the 4539
Revised Code, as amended by this act. 4540

(B) The Division of Marijuana Control shall adopt and 4541
implement all rules necessary to effectuate this act within nine 4542
months after the effective date of this section, including by 4543
accepting new applications for cultivator, processor, 4544

dispensary, and laboratory licenses. 4545

(C) All rules adopted by the Division of Marijuana Control 4546
relating to the advertisement of medical marijuana apply to the 4547
advertisement of adult-use marijuana until such time as the 4548
Division adopts rules pertaining to the advertisement of adult- 4549
use marijuana. 4550

Section 5. The General Assembly, applying the principle 4551
stated in division (B) of section 1.52 of the Revised Code that 4552
amendments are to be harmonized if reasonably capable of 4553
simultaneous operation, finds that the following sections, 4554
presented in this act as composites of the sections as amended 4555
by the acts indicated, are the resulting versions of the 4556
sections in effect prior to the effective date of the sections 4557
as presented in this act: 4558

Section 519.21 of the Revised Code as amended by both H.B. 4559
523 and S.B. 75 of the 131st General Assembly. 4560

Section 5739.99 of the Revised Code as amended by both 4561
S.B. 143 and S.B. 200 of the 124th General Assembly. 4562