

**As Introduced**

**136th General Assembly**

**Regular Session**

**2025-2026**

**H. B. No. 160**

**Representative Stewart**

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|--------------------------------------------------|----|
| To amend sections 9.79, 519.21, 928.01, 928.03,  | 1  |
| 3376.07, 3796.01, 3796.02, 3796.03, 3796.05,     | 2  |
| 3796.06, 3796.07, 3796.09, 3796.10, 3796.12,     | 3  |
| 3796.13, 3796.14, 3796.15, 3796.17, 3796.18,     | 4  |
| 3796.19, 3796.20, 3796.21, 3796.22, 3796.23,     | 5  |
| 3796.24, 3796.27, 3796.28, 3796.29, 3796.30,     | 6  |
| 3796.31, 4735.18, 4796.25, 5502.01, 5502.13,     | 7  |
| 5502.14, 5713.30, 5739.21, and 5739.99; to enact | 8  |
| sections 2953.321, 3796.04, 3796.062, 3796.221,  | 9  |
| 3796.32, 3796.33, 3796.99, and 5739.27; and to   | 10 |
| repeal sections 3780.01, 3780.02, 3780.03,       | 11 |
| 3780.04, 3780.05, 3780.06, 3780.07, 3780.08,     | 12 |
| 3780.09, 3780.10, 3780.11, 3780.12, 3780.13,     | 13 |
| 3780.14, 3780.15, 3780.16, 3780.17, 3780.18,     | 14 |
| 3780.19, 3780.20, 3780.21, 3780.22, 3780.23,     | 15 |
| 3780.24, 3780.25, 3780.26, 3780.27, 3780.28,     | 16 |
| 3780.29, 3780.30, 3780.31, 3780.32, 3780.33,     | 17 |
| 3780.34, 3780.35, 3780.36, 3780.90, 3780.99, and | 18 |
| 3796.021 of the Revised Code to revise specified | 19 |
| provisions of the liquor control, hemp, and      | 20 |
| adult-use marijuana laws and to levy taxes on    | 21 |
| marijuana.                                       | 22 |

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

**Section 1.** That sections 9.79, 519.21, 928.01, 928.03, 23  
3376.07, 3796.01, 3796.02, 3796.03, 3796.05, 3796.06, 3796.07, 24  
3796.09, 3796.10, 3796.12, 3796.13, 3796.14, 3796.15, 3796.17, 25  
3796.18, 3796.19, 3796.20, 3796.21, 3796.22, 3796.23, 3796.24, 26  
3796.27, 3796.28, 3796.29, 3796.30, 3796.31, 4735.18, 4796.25, 27  
5502.01, 5502.13, 5502.14, 5713.30, 5739.21, and 5739.99 be 28  
amended and sections 2953.321, 3796.04, 3796.062, 3796.221, 29  
3796.32, 3796.33, 3796.99, and 5739.27 of the Revised Code be 30  
enacted to read as follows: 31

**Sec. 9.79.** (A) As used in this section: 32

(1) "License" means an authorization evidenced by a 33  
license, certificate, registration, permit, card, or other 34  
authority that is issued or conferred by a licensing authority 35  
to an individual by which the individual has or claims the 36  
privilege to engage in a profession, occupation, or occupational 37  
activity over which the licensing authority has jurisdiction. 38  
"License" does not include a registration under section 101.72, 39  
101.92, or 121.62 of the Revised Code. 40

(2) "Licensing authority" means a state agency that issues 41  
licenses under Title XLVII or any other provision of the Revised 42  
Code to practice an occupation or profession. 43

(3) "Offense of violence" has the same meaning as in 44  
section 2901.01 of the Revised Code. 45

(4) "Sexually oriented offense" has the same meaning as in 46  
section 2950.01 of the Revised Code. 47

(5) "State agency" has the same meaning as in section 1.60 48  
of the Revised Code. 49

(6) "Community control sanction" has the same meaning as 50  
in section 2929.01 of the Revised Code. 51

(7) "Post-release control sanction" has the same meaning 52  
as in section 2967.01 of the Revised Code. 53

(8) "Fiduciary duty" means a duty to act for someone 54  
else's benefit, while subordinating one's personal interest to 55  
that of the other person. 56

(B) (1) Notwithstanding any provision of the Revised Code 57  
to the contrary, subject to division (L) of this section, for 58  
each type of license issued or conferred by a licensing 59  
authority, the licensing authority shall establish within one 60  
hundred eighty days after April 12, 2021, a list of specific 61  
criminal offenses for which a conviction, judicial finding of 62  
guilt, or plea of guilty may disqualify an individual from 63  
obtaining an initial license. The licensing authority shall make 64  
the list available to the public on the licensing authority's 65  
web site pursuant to division (C) of section 9.78 of the Revised 66  
Code. The licensing authority, in adopting the list, shall do 67  
both of the following: 68

(a) Identify each disqualifying offense by name or by the 69  
Revised Code section number that creates the offense; 70

(b) Include in the list only criminal offenses that are 71  
directly related to the duties and responsibilities of the 72  
licensed occupation. 73

(2) The licensing authority may include in the list 74  
established under division (B) (1) of this section an existing or 75  
former municipal ordinance or law of this or any other state or 76  
the United States that is substantially equivalent to any 77  
section or offense included in the list adopted under division 78  
(B) (1) of this section. 79

(C) (1) Except as provided in division (C) (2) or (D) of 80

this section and subject to division (L) of this section, a 81  
licensing authority shall not refuse to issue an initial license 82  
to an individual based on any of the following: 83

(a) Solely or in part on a conviction of, judicial finding 84  
of guilt of, or plea of guilty to an offense; 85

(b) A criminal charge that does not result in a 86  
conviction, judicial finding of guilt, or plea of guilty; 87

(c) A nonspecific qualification such as "moral turpitude" 88  
or lack of "moral character"; 89

(d) A disqualifying offense included in the list 90  
established under division (B) of this section, if consideration 91  
of that offense occurs after the time periods permitted in 92  
division (D) of this section. 93

(2) If the individual was convicted of, found guilty 94  
pursuant to a judicial finding of guilt of, or pleaded guilty to 95  
a disqualifying offense included in the list established under 96  
division (B) of this section for the license for which the 97  
individual applied, the licensing authority may take the 98  
conviction, judicial finding of guilt, or plea of guilty into 99  
consideration in accordance with division (D) of this section. 100

(D) (1) A licensing authority that may, under division (C) 101  
(2) of this section, consider a conviction of, judicial finding 102  
of guilt of, or plea of guilty to an offense in determining 103  
whether to refuse to issue an initial license to an individual 104  
shall consider all of the following factors and shall use a 105  
preponderance of the evidence standard in evaluating those 106  
factors to determine whether the conviction, judicial finding of 107  
guilt, or plea of guilty disqualifies the individual from 108  
receiving the license: 109

(a) The nature and seriousness of the offense for which 110  
the individual was convicted, found guilty pursuant to a 111  
judicial finding of guilt, or pleaded guilty; 112

(b) The passage of time since the individual committed the 113  
offense; 114

(c) The relationship of the offense to the ability, 115  
capacity, and fitness required to perform the duties and 116  
discharge the responsibilities of the occupation; 117

(d) Any evidence of mitigating rehabilitation or treatment 118  
undertaken by the individual, including whether the individual 119  
has been issued a certificate of qualification for employment 120  
under section 2953.25 of the Revised Code or a certificate of 121  
achievement and employability under section 2961.22 of the 122  
Revised Code; 123

(e) Whether the denial of a license is reasonably 124  
necessary to ensure public safety. 125

(2) A licensing authority may take a disqualifying offense 126  
included in the list established under division (B) of this 127  
section into account only during the following time periods: 128

(a) For a conviction of, judicial finding of guilt of, or 129  
plea of guilty to a disqualifying offense that does not involve 130  
a breach of fiduciary duty and that is not an offense of 131  
violence or a sexually oriented offense, whichever of the 132  
following is later, provided the individual was not convicted 133  
of, found guilty pursuant to a judicial finding of guilt of, and 134  
did not enter a plea of guilty to any other offense during the 135  
applicable period: 136

(i) Five years from the date of conviction, judicial 137  
finding of guilt, or plea of guilty; 138

(ii) Five years from the date of the release from 139  
incarceration; 140

(iii) The time period specified in division (D) (3) of this 141  
section. 142

(b) For a conviction of, judicial finding of guilt of, or 143  
plea of guilty to a disqualifying offense that involves a breach 144  
of fiduciary duty and that is not an offense of violence or a 145  
sexually oriented offense, whichever of the following is later, 146  
provided the individual was not convicted of, found guilty 147  
pursuant to a judicial finding of guilt of, and did not enter a 148  
plea of guilty to any other offense during the applicable 149  
period: 150

(i) Ten years from the date of conviction, judicial 151  
finding of guilt, or plea of guilty; 152

(ii) Ten years from the date of the release from 153  
incarceration; 154

(iii) The time period specified in division (D) (4) of this 155  
section. 156

(c) For a conviction of, judicial finding of guilt of, or 157  
plea of guilty to a disqualifying offense that is an offense of 158  
violence or a sexually oriented offense, any time. 159

(3) If an individual is subject to a community control 160  
sanction, parole, or post-release control sanction based on a 161  
conviction of, judicial finding of guilt of, or plea of guilty 162  
to a disqualifying offense included in the list established 163  
under division (B) of this section that is not an offense of 164  
violence or a sexually oriented offense, a licensing authority 165  
may take the offense into account during the following time 166  
periods: 167

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

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

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

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

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

(E) If a licensing authority refuses to issue an initial 197  
license to an individual pursuant to division (D) of this 198  
section, the licensing authority shall notify the individual in 199  
writing of all of the following: 200

(1) The grounds and reasons for the refusal, including an 201  
explanation of the licensing authority's application of the 202  
factors under division (D) of this section to the evidence the 203  
licensing authority used to reach the decision; 204

(2) The individual's right to a hearing regarding the 205  
licensing authority's decision under section 119.06 of the 206  
Revised Code; 207

(3) The earliest date the individual may reapply for a 208  
license; 209

(4) Notice that evidence of rehabilitation may be 210  
considered on reapplication. 211

(F) In an administrative hearing or civil action reviewing 212  
a licensing authority's refusal under divisions (B) to (K) of 213  
this section to issue an initial license to an individual, the 214  
licensing authority has the burden of proof on the question of 215  
whether the individual's conviction of, judicial finding of 216  
guilt of, or plea of guilty to an offense directly relates to 217  
the licensed occupation. 218

(G) A licensing authority that is authorized by law to 219  
limit or otherwise place restrictions on a license may do so to 220  
comply with the terms and conditions of a community control 221  
sanction, post-release control sanction, or an intervention plan 222  
established in accordance with section 2951.041 of the Revised 223  
Code. 224

(H) Each licensing authority shall adopt any rules that it 225

determines are necessary to implement divisions (B) to (F) of 226  
this section. 227

(I) Divisions (B) to (K) of this section do not apply to 228  
any of the following: 229

(1) Any position for which appointment requires compliance 230  
with section 109.77 of the Revised Code or in which an 231  
individual may satisfy the requirements for appointment or 232  
election by complying with that section; 233

(2) Any position for which federal law requires 234  
disqualification from licensure or employment based on a 235  
conviction of, judicial finding of guilt of, or plea of guilty 236  
to an offense; 237

(3) Community-based long-term care services certificates 238  
and community-based long-term care services contracts or grants 239  
issued under section 173.381 of the Revised Code; 240

(4) Certifications of a provider to provide community- 241  
based long-term care services under section 173.391 of the 242  
Revised Code; 243

(5) Certificates of authority to a health insuring 244  
corporation issued under section 1751.05 of the Revised Code; 245

(6) Licenses to operate a home or residential care 246  
facility issued under section 3721.07 of the Revised Code; 247

(7) Certificates of authority to make contracts of 248  
indemnity issued under section 3931.10 of the Revised Code; 249

(8) Supported living certificates issued under section 250  
5123.161 of the Revised Code; 251

(9) Certificates to administer medications and perform 252

health-related activities under section 5123.45 of the Revised Code; 253  
254

(10) Licenses issued by the division of marijuana control 255  
under Chapter 3796. of the Revised Code. 256

(J) Nothing in divisions (B) to (K) of this section 257  
prohibits a licensing authority from considering either of the 258  
following when making a determination whether to issue a license 259  
to an individual: 260

(1) Past disciplinary action taken by the licensing 261  
authority against the individual; 262

(2) Past disciplinary action taken against the individual 263  
by an authority in another state that issues a license that is 264  
substantially similar to the license for which the individual 265  
applies. 266

(K) Notwithstanding any provision of the Revised Code to 267  
the contrary, if a licensing authority issues a license to an 268  
individual after considering a conviction of, judicial finding 269  
of guilt of, or plea of guilty to an offense under division (D) 270  
of this section, the licensing authority shall not refuse to 271  
renew the individual's license based on that conviction, 272  
judicial finding of guilt, or plea of guilty. 273

(L) (1) Notwithstanding any provision of the Revised Code 274  
to the contrary, subject to division (G) of this section, during 275  
the period commencing on ~~the effective date of this amendment~~ 276  
April 4, 2023, and ending on ~~the date that is two years after~~ 277  
~~the effective date of this amendment~~ April 4, 2025, no licensing 278  
authority shall refuse to issue a license to a person, limit or 279  
otherwise place restrictions on a person's license, or suspend 280  
or revoke a person's license under any provision of the Revised 281

Code that takes effect on or after the effective date of this 282  
amendment and prior to the date that is two years after the 283  
effective date of this amendment and that requires or authorizes 284  
such a refusal, limitation, restriction, suspension, or 285  
revocation as a result of the person's conviction of, judicial 286  
finding of guilt of, or plea of guilty to an offense. 287

(2) Divisions (B) to (F), and (H) to (K), of this section 288  
do not apply with respect to any provision of the Revised Code 289  
that takes effect on or after the effective date of this 290  
amendment and prior to the date that is two years after the 291  
effective date of this amendment and that requires or authorizes 292  
a licensing authority to refuse to issue a license to a person, 293  
to limit or otherwise place restrictions on a person's license, 294  
or to suspend or revoke a person's license as a result of the 295  
person's conviction of, judicial finding of guilt of, or plea of 296  
guilty to an offense. 297

**Sec. 519.21.** (A) Except as otherwise provided in divisions 298  
(B) and (D) of this section, sections 519.02 to 519.25 of the 299  
Revised Code confer no power on any township zoning commission, 300  
board of township trustees, or board of zoning appeals to 301  
prohibit the use of any land for agricultural purposes or the 302  
construction or use of buildings or structures incident to the 303  
use for agricultural purposes of the land on which such 304  
buildings or structures are located, including buildings or 305  
structures that are used primarily for vinting and selling wine 306  
and that are located on land any part of which is used for 307  
viticulture, and no zoning certificate shall be required for any 308  
such building or structure. 309

(B) A township zoning resolution, or an amendment to such 310  
resolution, may in any platted subdivision approved under 311

section 711.05, 711.09, or 711.10 of the Revised Code, or in any  
area consisting of fifteen or more lots approved under section  
711.131 of the Revised Code that are contiguous to one another,  
or some of which are contiguous to one another and adjacent to  
one side of a dedicated public road, and the balance of which  
are contiguous to one another and adjacent to the opposite side  
of the same dedicated public road regulate:

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

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

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

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

(C) Such sections confer no power on any township zoning  
commission, board of township trustees, or board of zoning

appeals to prohibit in a district zoned for agricultural, 341  
industrial, residential, or commercial uses, the use of any land 342  
for: 343

(1) A farm market where fifty per cent or more of the 344  
gross income received from the market is derived from produce 345  
raised on farms owned or operated by the market operator in a 346  
normal crop year. However, a board of township trustees, as 347  
provided in section 519.02 of the Revised Code, may regulate 348  
such factors pertaining to farm markets as size of the 349  
structure, size of parking areas that may be required, set back 350  
building lines, and egress or ingress, where such regulation is 351  
necessary to protect the public health and safety. 352

(2) Biodiesel production, biomass energy production, or 353  
electric or heat energy production if the land on which the 354  
production facility is located qualifies as land devoted 355  
exclusively to agricultural use under sections 5713.30 to 356  
5713.37 of the Revised Code for real property tax purposes. As 357  
used in division (C)(2) of this section, "biodiesel," "biomass 358  
energy," and "electric or heat energy" have the same meanings as 359  
in section 5713.30 of the Revised Code. 360

(3) Biologically derived methane gas production if the 361  
land on which the production facility is located qualifies as 362  
land devoted exclusively to agricultural use under sections 363  
5713.30 to 5713.37 of the Revised Code for real property tax 364  
purposes and if the facility that produces the biologically 365  
derived methane gas does not produce more than seventeen million 366  
sixty thousand seven hundred ten British thermal units, five 367  
megawatts, or both. 368

(4) Agritourism. However, a board of township trustees, as 369  
provided in section 519.02 of the Revised Code, may regulate 370

such factors pertaining to agritourism, except farm markets as 371  
described in division (C) (1) of this section, as size of a 372  
structure used primarily for agritourism, size of parking areas 373  
that may be required, setback building lines for structures used 374  
primarily for agritourism, and egress or ingress where such 375  
regulation is necessary to protect public health and safety. 376

Nothing in division (C) (4) of this section confers power 377  
on a township zoning commission, board of township trustees, or 378  
board of zoning appeals to require any parking area to be 379  
improved in any manner, including requirements governing 380  
drainage, parking area base, parking area paving, or any other 381  
improvement. 382

Nothing in division (C) (4) of this section confers power 383  
on a township zoning commission, board of township trustees, or 384  
board of zoning appeals to prohibit the use of any land or the 385  
construction or use of buildings or structures that are used 386  
primarily for vinting and selling wine that are located on land 387  
any part of which is used for viticulture as provided in 388  
division (A) of this section. 389

(D) Nothing in this section prohibits a township zoning 390  
commission, board of township trustees, or board of zoning 391  
appeals from regulating the location of ~~medical~~-marijuana 392  
cultivators, processors, or retail dispensaries or from 393  
prohibiting such cultivators, processors, or dispensaries from 394  
being located in the unincorporated territory of the township. 395

~~(D) (1)~~ (E) (1) As used in division (C) (3) of this section, 396  
"biologically derived methane gas" has the same meaning as in 397  
section 5713.30 of the Revised Code. 398

(2) As used in division (C) (4) of this section, 399

"agritourism" has the same meaning as in section 901.80 of the Revised Code.

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

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

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

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

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

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

(F) "Hemp product" means any product,  
~~containing a delta-9 tetrahydrocannabinol concentration of not more than three-tenths per cent,~~ that is made with hemp to which all of the following apply:

(1) It has a total tetrahydrocannabinol concentration of not more than three-tenths per cent.

(2) It has not more than five-tenths milligrams of total

tetrahydrocannabinol per serving. 428

(3) It has not more than two milligrams of total 429  
tetrahydrocannabinol per package. 430

~~- "Hemp product"~~ 431

"Hemp product" includes cosmetics, personal care products, 432  
dietary supplements or food intended for animal or human 433  
consumption, cloth, cordage, fiber, fuel, paint, paper, 434  
particleboard, and any other product containing one or more 435  
cannabinoids derived from hemp, including cannabidiol. 436

(G) "Marihuana" has the same meaning as in section 3719.01 437  
of the Revised Code. 438

(H) "Medical marijuana" has the same meaning as in section 439  
3796.01 of the Revised Code. 440

(I) "Process" or "processing" means converting hemp into a 441  
hemp product. 442

(J) "Delta-9 tetrahydrocannabinol" means the sum of the 443  
percentage by weight of tetrahydrocannabinolic acid multiplied 444  
by 0.877 plus the percentage by weight of delta-9 445  
tetrahydrocannabinol. 446

(K) "University" means an institution of higher education 447  
as defined in section 3345.12 of the Revised Code and a private 448  
nonprofit institution with a certificate of authorization issued 449  
pursuant to Chapter 1713. of the Revised Code. 450

(L) "USDA" means the United States department of 451  
agriculture. 452

(M) "Tetrahydrocannabinol" means naturally occurring or 453  
synthetic equivalents, regardless of whether artificially or 454

naturally derived, of the substances contained in the plant, or 455  
in the resinous extractives of cannabis, sp. or derivatives, and 456  
their isomers with similar chemical structure to delta-1-cis or 457  
trans tetrahydrocannabinol, and their optical isomers, salts and 458  
salts of isomers. "Tetrahydrocannabinol" includes, but is not 459  
limited to, delta-6-cis or trans tetrahydrocannabinol, delta3,4- 460  
cis or trans tetrahydrocannabinol, 9-hexahydrocannabinol, and 461  
delta-9-tetrahydrocannabinol acetate. Since nomenclature of 462  
these substances is not internationally standardized, compounds 463  
of these structures, regardless of numerical designation of 464  
atomic positions, are included. 465

"Tetrahydrocannabinol" does not include the following: 466

(1) Tetrahydrocannabinols approved by the United States 467  
food and drug administration for marketing as a medication or 468  
recognized by the United States food and drug administration as 469  
generally recognized as safe; 470

(2) Cannabichromene (CBC); 471

(3) Cannabicyclol (CBL); 472

(4) Cannabidiol (CBD); 473

(5) Cannabidivarin (CBDV); 474

(6) Cannabielsoin (CBE); 475

(7) Cannabigerol (CBG); 476

(8) Cannabigerovarin (CBGV); 477

(9) Cannabinol (CBN); 478

(10) Cannabivarin (CBV). 479

(N) "Total tetrahydrocannabinol" means the sum, after the 480  
application of any necessary conversion factor, of the 481

percentage by weight of tetrahydrocannabinol, including delta-9 482  
tetrahydrocannabinol, and the percentage by weight of 483  
tetrahydrocannabinolic acid. 484

**Sec. 928.03.** The director of agriculture, in consultation 485  
with the governor and attorney general, shall adopt rules in 486  
accordance with Chapter 119. of the Revised Code establishing 487  
standards and procedures for the regulation of hemp cultivation 488  
and processing. The rules shall include all of the following: 489

(A) The form of an application for a hemp cultivation 490  
license and hemp processing license and the information required 491  
to be included in each license application; 492

(B) The amount of an initial application fee that an 493  
applicant shall submit along with an application for a hemp 494  
cultivation license or a hemp processing license, and the amount 495  
of an annual license fee that a licensee shall submit for a hemp 496  
cultivation license or a hemp processing license. In adopting 497  
rules under division (B) of this section, the director shall 498  
ensure both of the following: 499

(1) That the amount of the application fee and annual 500  
license fee does not exceed an amount sufficient to cover the 501  
costs incurred by the department of agriculture to administer 502  
and enforce this chapter; 503

(2) That there is one uniform application fee and one 504  
uniform annual license fee that applies to all applicants for a 505  
hemp cultivation license. 506

(C) Requirements and procedures concerning background 507  
investigations of each applicant for a hemp cultivation license 508  
and each applicant for a hemp processing license. The director 509  
shall include both of the following in the rules adopted under 510

this division: 511

(1) A requirement that each applicant comply with sections 512  
4776.01 to 4776.04 of the Revised Code; 513

(2) Provisions that prohibit the director from issuing a 514  
hemp cultivation license or hemp processing license to an 515  
applicant that has not complied with those sections. 516

(D) Requirements regarding the experience, equipment, 517  
facilities, or land necessary to obtain a hemp cultivation 518  
license; 519

(E) Requirements and procedures regarding standards of 520  
financial responsibility for each applicant for a hemp 521  
processing license. 522

(F) Procedures and requirements for the issuance, renewal, 523  
denial, suspension, and revocation of a hemp cultivation license 524  
and hemp processing license, including providing for a hearing 525  
under Chapter 119. of the Revised Code with regard to such a 526  
denial, suspension, or revocation; 527

(G) Grounds for the denial, suspension, and revocation of 528  
a hemp cultivation license and of a hemp processing license, 529  
including a requirement that the director revoke a hemp 530  
cultivation license or hemp processing license, for a period of 531  
ten years, of any person who pleads guilty to or is convicted of 532  
a felony relating to a controlled substance; 533

(H) A requirement that the director shall not issue a hemp 534  
cultivation license or hemp processing license to any person who 535  
has pleaded guilty to or been convicted of a felony relating to 536  
a controlled substance in the ten years immediately prior to the 537  
submission of the application for a license; 538

(I) A requirement that any person that materially 539  
falsifies information in an application for a hemp cultivation 540  
license or hemp processing license is ineligible to receive 541  
either license; 542

(J) A practice for maintaining relevant information 543  
regarding land on which hemp is cultivated by hemp cultivation 544  
licensees, including a legal description of the land, in 545  
accordance with applicable federal law; 546

(K) Requirements prohibiting a hemp cultivation licensee 547  
and a hemp processing licensee from cultivating or processing 548  
marihuana; 549

(L) A procedure for testing, using post-decarboxylation or 550  
other similarly reliable methods, ~~delta-9~~total 551  
tetrahydrocannabinol concentration levels of plants and products 552  
for purposes of determining compliance with this chapter and 553  
rules adopted under it; 554

(M) Requirements and procedures for the issuance, 555  
administration, and enforcement of corrective action plans 556  
issued under this chapter; 557

(N) A procedure for conducting annual inspections of, at a 558  
minimum, a random sample of hemp cultivation license holders to 559  
verify that plants are not being cultivated in violation of this 560  
chapter or rules adopted under it; 561

(O) A procedure for conducting annual inspections of, at a 562  
minimum, a random sample of hemp processing license holders to 563  
verify that such license holders are not operating in violation 564  
of this chapter or rules adopted under it; 565

(P) A procedure for complying with enforcement procedures 566  
required under federal law; 567

(Q) A procedure for the effective disposal of all of the 568  
following: 569

(1) Plants, whether growing or not, cultivated in 570  
violation of this chapter or rules adopted under it; 571

(2) Products derived from plants cultivated in violation 572  
of this chapter or rules adopted under it; 573

(3) Products produced in violation of this chapter or 574  
rules adopted under it. 575

(R) Requirements and procedures governing the production, 576  
storage, and disposal of hemp byproducts. 577

For the purposes of this chapter and notwithstanding any 578  
provision of law to the contrary, "hemp product" includes a 579  
byproduct, produced as a result of processing hemp, that 580  
contains a ~~delta-9~~ total tetrahydrocannabinol concentration of 581  
more than three-tenths per cent, provided that the byproduct is 582  
produced, stored, and disposed of in accordance with rules 583  
adopted under division (R) of this section. 584

(S) Procedures for sharing information regarding hemp 585  
cultivation license holders with the secretary of the USDA; 586

(T) A setback distance requirement that specifies the 587  
distance that a hemp cultivation license holder shall locate 588  
hemp plants from a location where medical marijuana is being 589  
cultivated. The requirement does not apply to a hemp cultivation 590  
license holder with regard to a medical marijuana cultivator 591  
that locates medical marijuana within the established setback 592  
distance requirement after the hemp cultivation license holder 593  
begins operation. 594

(U) Annual reporting requirements and procedures for hemp 595

|                                                                            |     |
|----------------------------------------------------------------------------|-----|
| cultivation license holders and hemp processing license holders;           | 596 |
| (V) Recordkeeping and documentation maintenance                            | 597 |
| requirements and procedures for hemp cultivation license holders           | 598 |
| and hemp processing license holders;                                       | 599 |
| (W) Fees for the laboratory testing of plants and                          | 600 |
| products;                                                                  | 601 |
| (X) Standards for the testing <del>and</del> , <u>labeling, and</u>        | 602 |
| <u>packaging</u> of hemp and hemp products, <u>which shall include the</u> | 603 |
| <u>child-resistant effectiveness standards described in 16 C.F.R.</u>      | 604 |
| <u>1700.15(b);</u>                                                         | 605 |
| (Y) Requirements prohibiting the processing of hemp in a                   | 606 |
| building used as a personal residence or on land that is zoned             | 607 |
| for residential use;                                                       | 608 |
| (Z) Production standards and manufacturing practices for                   | 609 |
| processing hemp;                                                           | 610 |
| (AA) Procedures and requirements for the transportation                    | 611 |
| and storage of both hemp and hemp products;                                | 612 |
| (BB) Any other requirements or procedures necessary to                     | 613 |
| administer and enforce this chapter.                                       | 614 |
| <b><u>Sec. 2953.321.</u></b> (A) As used in this section:                  | 615 |
| (1) <u>"Expunge" means to destroy, delete, and erase a record</u>          | 616 |
| <u>as appropriate for the record's physical or electronic form or</u>      | 617 |
| <u>characteristic so that the record is permanently irretrievable.</u>     | 618 |
| (2) <u>"Official records" and "prosecutor" have the same</u>               | 619 |
| <u>meanings as in section 2953.31 of the Revised Code.</u>                 | 620 |
| (B) <u>If a person, prior to the effective date of this</u>                | 621 |
| <u>section, was convicted of or has pleaded guilty to a violation</u>      | 622 |

of division (C) (3) or (7) of section 2925.11 of the Revised Code 623  
and the conduct that was the basis of the violation involved 624  
possession of not more than fifteen grams of hashish and not 625  
more than two and one-half ounces of marihuana other than 626  
hashish, the person may file an application under this section 627  
requesting an expungement of the record of conviction. 628

(C) Any person who is eligible under division (B) of this 629  
section to file an application for expungement may apply to the 630  
sentencing court for the expungement of the record of 631  
conviction. The person may file the application at any time on 632  
or after the effective date of this section. The application 633  
shall do all of the following: 634

(1) Identify the applicant, the offense for which the 635  
expungement is sought, the date of the conviction of or plea of 636  
guilty to that offense, and the court in which the conviction 637  
occurred or the plea of guilty was entered; 638

(2) Include evidence that the offense was a violation of 639  
division (C) (3) or (7) of section 2925.11 of the Revised Code, 640  
that the conviction or plea of guilty occurred prior to the 641  
effective date of this section, and that the conduct that was 642  
the basis of the violation involved possession of not more than 643  
fifteen grams of hashish and not more than two and one-half 644  
ounces of marihuana other than hashish; 645

(3) Include a request for expungement of the record of 646  
conviction of that offense under this section. 647

(D) Upon the filing of an application under division (C) 648  
of this section and the payment of the fee described in division 649  
(H) of this section if applicable, the court shall set a date 650  
for a hearing and shall notify the prosecutor for the case of 651

the hearing on the application. The prosecutor may object to the 652  
granting of the application by filing an objection with the 653  
court prior to the date set for the hearing. The prosecutor 654  
shall specify in the objection the reasons for believing a 655  
denial of the application is justified. The court shall direct 656  
its regular probation officer, a state probation officer, or the 657  
department of probation of the county in which the applicant 658  
resides to make inquiries and written reports as the court 659  
requires concerning the applicant. The court shall hold the 660  
hearing scheduled under this division. 661

(E) At the hearing held under division (D) of this 662  
section, the court shall do both of the following: 663

(1) Determine whether the applicant has, prior to the 664  
effective date of this section, been convicted of or pleaded 665  
guilty to a violation of division (C) (3) or (7) of section 666  
2925.11 of the Revised Code and whether the conduct that was the 667  
basis for the violation involved possession of not more than 668  
fifteen grams of hashish and not more than two and one-half 669  
ounces of marihuana other than hashish; 670

(2) If the prosecutor has filed an objection in accordance 671  
with division (D) of this section, consider the reasons against 672  
granting the application specified by the prosecutor in the 673  
objection. 674

(F) The court shall order the expungement of all official 675  
records pertaining to the case and the deletion of all index 676  
references to the case and, if it does order the expungement, 677  
shall send notice of the order to each public office or agency 678  
that the court has reason to believe may have an official record 679  
pertaining to the case if the court, after complying with 680  
division (E) of this section, determines that the applicant, 681

prior to the effective date of this section, had been convicted 682  
of or pleaded guilty to a violation of division (C) (3) or (7) of 683  
section 2925.11 of the Revised Code and that the conduct that 684  
was the basis for the violation involved possession of not more 685  
than fifteen grams of hashish and not more than two and one-half 686  
ounces of marihuana other than hashish. 687

(G) The proceedings in the case that is the subject of an 688  
order issued under division (F) of this section shall be 689  
considered not to have occurred and the conviction or guilty 690  
plea of the person who is the subject of the proceedings shall 691  
be expunged. The record of the conviction shall not be used for 692  
any purpose, including, but not limited to, a criminal records 693  
check under section 109.572 of the Revised Code. The applicant 694  
may, and the court shall, reply that no record exists with 695  
respect to the applicant upon any inquiry into the matter. 696

(H) Upon the filing of an application under this section, 697  
the applicant, unless indigent, shall pay a fee of fifty 698  
dollars. The court shall pay thirty dollars of the fee into the 699  
state treasury and shall pay twenty dollars of the fee into the 700  
county general revenue fund. 701

**Sec. 3376.07.** A state institution of higher education, 702  
private college, athletic association, conference, or other 703  
group or organization with authority over intercollegiate 704  
athletics may prohibit a student-athlete from entering into a 705  
contract providing compensation to the student-athlete for use 706  
of the student-athlete's name, image, or likeness if under the 707  
contract the student-athlete's name, image, or likeness is 708  
associated with any of the following: 709

(A) Any company that manufactures, markets, or sells, or 710  
brand that is associated with, a controlled substance, marihuana 711

product, medical marijuana product, adult-use marijuana product, 712  
alcoholic product, tobacco product, electronic smoking device, 713  
vapor product, or product or device that consists of or contains 714  
nicotine that can be ingested into the body; 715

(B) Any medical marijuana cultivator, processor, 716  
laboratory, or retail dispensary licensed under Chapter 3796. of 717  
the Revised Code or under the laws of another state; 718

(C) Any business engaged in the sale, rental, or 719  
exhibition for any form of consideration of adult entertainment 720  
that is characterized by an emphasis on the exposure or display 721  
of sexual activity; 722

(D) Any casino or entity that sponsors or promotes 723  
gambling activities; 724

(E) Any other category of companies, brands, or types of 725  
contracts that are similar to those described in divisions (A) 726  
to (D) of this section that the institution or college 727  
communicates to the student-athlete before the student-athlete 728  
enrolls at the institution or college. 729

**Sec. 3796.01.** (A) As used in this chapter: 730

(1) "Marijuana" means marihuana as defined in section 731  
3719.01 of the Revised Code. 732

(2) "Medical marijuana" means marijuana that is 733  
cultivated, processed, dispensed, tested, possessed, or used for 734  
a medical purpose in accordance with this chapter. "Medical 735  
marijuana" does not include adult-use marijuana or homegrown 736  
marijuana. 737

(3) "Academic medical center" has the same meaning as in 738  
section 4731.297 of the Revised Code. 739

(4) "Drug database" means the database established and 740  
maintained by the state board of pharmacy pursuant to section 741  
4729.75 of the Revised Code. 742

(5) "Physician" means an individual authorized under 743  
Chapter 4731. of the Revised Code to practice medicine and 744  
surgery or osteopathic medicine and surgery. 745

(6) "Qualifying medical condition" means any of the 746  
following: 747

(a) Acquired immune deficiency syndrome; 748

(b) Alzheimer's disease; 749

(c) Amyotrophic lateral sclerosis; 750

(d) Cancer; 751

(e) Chronic traumatic encephalopathy; 752

(f) Crohn's disease; 753

(g) Epilepsy or another seizure disorder; 754

(h) Fibromyalgia; 755

(i) Glaucoma; 756

(j) Hepatitis C; 757

(k) Inflammatory bowel disease; 758

(l) Multiple sclerosis; 759

(m) Pain that is either of the following: 760

(i) Chronic and severe; 761

(ii) Intractable. 762

(n) Parkinson's disease; 763

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (o) Positive status for HIV;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 764                                                                |
| (p) Post-traumatic stress disorder;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 765                                                                |
| (q) Sickle cell anemia;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 766                                                                |
| (r) Spinal cord disease or injury;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 767                                                                |
| (s) Tourette's syndrome;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 768                                                                |
| (t) Traumatic brain injury;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 769                                                                |
| (u) Ulcerative colitis;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 770                                                                |
| (v) Any other disease or condition added by the state<br>medical board under section 4731.302 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 771<br>772                                                         |
| (7) "State university" has the same meaning as in section<br>3345.011 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 773<br>774                                                         |
| (8) <u>"Adult-use consumer" means an individual who is at<br/>least twenty-one years of age.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 775<br>776                                                         |
| (9) <u>"Adult-use marijuana" means marijuana that is<br/>cultivated, processed, dispensed, or tested for, or possessed or<br/>used by, an adult-use consumer, in accordance with this chapter.<br/>"Adult-use marijuana" includes marijuana cultivated, processed,<br/>dispensed, or tested for, or possessed or used by, an adult-use<br/>consumer before the effective date of this amendment in<br/>accordance with Chapter 3780. of the Revised Code, as that<br/>chapter existed immediately prior to the effective date of this<br/>amendment. "Adult-use marijuana" does not include medical<br/>marijuana or homegrown marijuana.</u> | 777<br>778<br>779<br>780<br>781<br>782<br>783<br>784<br>785<br>786 |
| (10) <u>"Church" has the meaning defined in section 1710.01<br/>of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 787<br>788                                                         |
| (11) <u>"Public library" means a library provided for under<br/>Chapter 3375. of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 789<br>790                                                         |

(12) "Public park" means a park established by the state 791  
or a political subdivision of the state, including a county, 792  
township, municipal corporation, or park district. 793

(13) "Public playground" means a playground established by 794  
the state or a political subdivision of the state, including a 795  
county, township, municipal corporation, or park district. 796

(14) "School" means a child care center as defined under 797  
section 5104.01 of the Revised Code, a preschool as defined 798  
under section 2950.034 of the Revised Code, or a public or 799  
nonpublic primary school or secondary school. 800

(15) "Public place" has the same meaning as in section 801  
3794.01 of the Revised Code. 802

(16) "Ohio investigative unit" means the investigative 803  
unit maintained by the department of public safety under section 804  
5502.13 of the Revised Code. 805

(17) "Homegrown marijuana" means marijuana cultivated, 806  
grown, processed, or possessed by an adult-use consumer in 807  
accordance with section 3796.04 of the Revised Code. "Homegrown 808  
marijuana" includes marijuana cultivated, grown, processed, or 809  
possessed before the effective date of this amendment under 810  
former section 3780.28 of the Revised Code, as that section 811  
existed immediately prior to the effective date of this 812  
amendment. "Homegrown marijuana" does not include medical 813  
marijuana or adult-use marijuana. 814

(18) "Provisional license" means a temporary license 815  
issued to an applicant for a cultivator, processor, retail 816  
dispensary, or laboratory license under this chapter or Chapter 817  
3780. of the Revised Code, as that chapter existed immediately 818  
before the effective date of this amendment, that establishes 819

the conditions that must be met before the provisional license 820  
holder may engage in the activities authorized by section 821  
3796.18, 3796.19, 3796.20, or 3796.21 of the Revised Code. 822

(19) "Certificate of operation" means a certificate issued 823  
to the holder of a provisional license that authorizes the 824  
recipient to engage in the activities authorized by section 825  
3796.18, 3796.19, 3796.20, or 3796.21 of the Revised Code. 826

(20) (a) "Disqualifying offense" means, subject to 827  
divisions (A) (20) (b) and (c) of this section, committing, 828  
attempting to commit, or aiding and abetting another in 829  
committing any of the following: 830

(i) Any offense set forth in Chapter 2925., 3719., or 831  
4729. of the Revised Code, the violation of which constitutes a 832  
felony or a misdemeanor of the first degree; 833

(ii) Any theft offense set forth under division (K) of 834  
section 2913.01 of the Revised Code, the violation of which 835  
constitutes a felony; 836

(iii) Any violation for which a penalty is imposed under 837  
section 3715.99 of the Revised Code; 838

(iv) A crime of moral turpitude as defined in section 839  
4776.10 of the Revised Code; 840

(v) A violation of any former law of this state, any 841  
existing or former law of another state, any existing or former 842  
law applicable in a military court or Indian tribal court, or 843  
any existing or former law of any nation other than the United 844  
States that is or was substantially equivalent to any of the 845  
offenses listed in divisions (A) (20) (a) (i) to (iv) of this 846  
section. 847

(b) "Disqualifying offense" does not include a misdemeanor 848  
offense respecting which an applicant for licensure or 849  
employment is convicted of, or pleads guilty to, more than five 850  
years before the date the application is submitted. 851

(c) "Disqualifying offense" does not include any 852  
misdemeanor offense related to marijuana possession, marijuana 853  
trafficking, illegal cultivation of marijuana, illegal use or 854  
possession of drug paraphernalia or marijuana drug 855  
paraphernalia, or other misdemeanor marijuana-related offenses. 856

(21) "Licensed cultivator" means the holder of a current, 857  
valid license issued pursuant to this chapter or Chapter 3780. 858  
of the Revised Code, as that chapter existed immediately before 859  
the effective date of this amendment, to engage in the 860  
activities authorized by section 3796.18 of the Revised Code. 861

(22) "Licensed processor" means the holder of a current, 862  
valid license issued pursuant to this chapter or Chapter 3780. 863  
of the Revised Code, as that chapter existed immediately before 864  
the effective date of this amendment, to engage in the 865  
activities authorized by section 3796.19 of the Revised Code. 866

(23) "Licensed dispensary" means the holder of a current, 867  
valid license issued pursuant to this chapter or Chapter 3780. 868  
of the Revised Code, as that chapter existed immediately before 869  
the effective date of this amendment, to engage in the 870  
activities authorized by section 3796.20 of the Revised Code. 871

(24) "Licensed laboratory" means the holder of a current, 872  
valid license issued pursuant to this chapter or Chapter 3780. 873  
of the Revised Code, as that chapter existed immediately before 874  
the effective date of this amendment, to engage in the 875  
activities authorized by section 3796.21 of the Revised Code. 876

(25) "License holder" means the holder of a current, valid 877  
license issued under this chapter or Chapter 3780. of the 878  
Revised Code, as that chapter existed immediately before the 879  
effective date of this amendment. 880

(B) As used in the Revised Code, the "division of cannabis 881  
control" means the division of marijuana control and the 882  
"superintendent of cannabis control" means the superintendent of 883  
marijuana control. Whenever the division of cannabis control or 884  
the superintendent of cannabis control is referred to or 885  
designated in any statute, rule, contract, grant, or other 886  
document, the reference or designation shall be deemed to refer 887  
to the division of marijuana control or the superintendent of 888  
marijuana control, as indicated by context. 889

(C) Notwithstanding any conflicting provision of Chapter 890  
3719. of the Revised Code or the rules adopted under it, for 891  
purposes of this chapter, ~~medical~~-marijuana is a schedule II 892  
controlled substance. 893

**Sec. 3796.02.** There is hereby established a division of 894  
marijuana control in the department of commerce under the 895  
supervision and direction of the superintendent of marijuana 896  
control as established under section 121.04 of the Revised Code. 897  
The ~~medical~~-marijuana control program is hereby established in 898  
the division of marijuana control. The division shall provide 899  
for the licensure of ~~medical~~-marijuana cultivators, processors, 900  
retail dispensaries, and laboratories that test ~~medical~~- 901  
marijuana. The division shall also provide for the registration 902  
of patients and their caregivers. The division shall administer 903  
the ~~medical~~-marijuana control program. 904

**Sec. 3796.03.** (A) The division of marijuana control shall 905  
adopt rules establishing standards and procedures for the 906

~~medical-marijuana~~ control program. 907

All rules adopted under this section shall be adopted in 908  
accordance with Chapter 119. of the Revised Code. 909

(B) The rules shall do all of the following: 910

(1) Establish application procedures and fees for ~~licenses~~ 911  
~~it issues under this chapter~~licensure; 912

(2) Specify ~~both of the following:~~ 913

~~(a) The conditions that must be met to be eligible for~~ 914  
~~licensure;~~ 915

~~(b) In accordance with section 9.79 of the Revised Code,~~ 916  
~~the criminal offenses for which an applicant will be~~ 917  
~~disqualified from licensure pursuant to that section.~~ 918

(3) Establish, in accordance with section 3796.05 of the 919  
Revised Code, the number of cultivator licenses ~~and retail-~~ 920  
~~dispensary licenses~~ that will be permitted at any one time; 921

(4) Establish a license renewal schedule, renewal 922  
procedures, and renewal fees; 923

(5) Specify reasons for which a license may be suspended, 924  
including without prior hearing, revoked, or not be renewed or 925  
issued and the reasons for which a civil penalty may be imposed 926  
on a license holder; 927

(6) Establish standards under which a license suspension 928  
may be lifted; 929

(7) Establish procedures for registration of medical 930  
marijuana patients and caregivers and requirements that must be 931  
met to be eligible for registration; 932

(8) Establish training requirements for employees of 933

~~retail-licensed dispensaries;~~ 934

~~(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;~~ 935  
936  
937  
938  
939  
940  
941

~~(10)~~ Specify, by form and tetrahydrocannabinol content, a maximum ninety-day supply of medical marijuana that may be possessed; 942  
943  
944

~~(11)~~ (10) Specify the paraphernalia or other accessories that may be used in the administration ~~to a registered patient~~ of medical marijuana, adult-use marijuana, and homegrown marijuana; 945  
946  
947  
948

~~(12)~~ (11) Establish procedures for the issuance of patient or caregiver identification cards; 949  
950

~~(13)~~ (12) Specify the forms of or methods of using adult-use marijuana and medical marijuana that are attractive to children; 951  
952  
953

~~(14) Specify both of the following:~~ 954

~~(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;~~ 955  
956  
957

~~(b) Which of the criminal offenses specified pursuant to division (B) (14) (a) of this section will not disqualify a person from employment with a license holder if the person was convicted of or pleaded guilty to the offense more than five~~ 958  
959  
960  
961

~~years before the date the employment begins.~~ 962

~~(15)~~ (13) Establish a program to assist medical marijuana 963  
patients who are veterans or indigent in obtaining medical 964  
marijuana in accordance with this chapter; 965

~~(16)~~ (14) Establish, in accordance with section 3796.05 of 966  
the Revised Code, standards and procedures for the testing of 967  
medical marijuana and adult-use marijuana by a licensed 968  
~~laboratory licensed under this chapter;~~ 969

(15) Establish standards and procedures for online and 970  
mobile ordering and delivery of medical marijuana and adult-use 971  
marijuana by a licensed dispensary or an agent of a licensed 972  
dispensary to an adult-use consumer or registered medical 973  
marijuana patient or caregiver, as applicable. 974

(C) In addition to the rules described in division (B) of 975  
this section, the division may adopt any other rules it 976  
considers necessary for the program's administration and the 977  
implementation and enforcement of this chapter. 978

(D) When adopting rules under this section, the division 979  
shall consider standards and procedures that have been found to 980  
be best practices relative to the use and regulation of medical 981  
marijuana, adult-use marijuana, and homegrown marijuana. 982

**Sec. 3796.04.** (A) Notwithstanding any conflicting 983  
provision of the Revised Code, an adult-use consumer may do all 984  
of the following: 985

(1) Cultivate, grow, and possess homegrown marijuana 986  
plants at the adult-use consumer's primary residence, if all of 987  
the following apply: 988

(a) Not more than six homegrown marijuana plants are 989

|                                                                        |      |
|------------------------------------------------------------------------|------|
| <u>cultivated or grown by each adult-use consumer;</u>                 | 990  |
| <u>(b) Not more than twelve homegrown marijuana plants are</u>         | 991  |
| <u>cultivated or grown at a single residence;</u>                      | 992  |
| <u>(c) Cultivation or growing of homegrown marijuana takes</u>         | 993  |
| <u>place only within a secured closet, room, greenhouse, or other</u>  | 994  |
| <u>enclosed area in or on the grounds of the residence that</u>        | 995  |
| <u>prevents access by individuals under twenty-one years of age,</u>   | 996  |
| <u>and which is not visible by normal unaided vision from a public</u> | 997  |
| <u>space;</u>                                                          | 998  |
| <u>(d) Cultivation or growing of homegrown marijuana does not</u>      | 999  |
| <u>take place at a residence that is any of the following:</u>         | 1000 |
| <u>(i) A type A family child care home or type B family child</u>      | 1001 |
| <u>care home, as those terms are defined in section 5104.01 of the</u> | 1002 |
| <u>Revised Code;</u>                                                   | 1003 |
| <u>(ii) A halfway house, community transitional housing</u>            | 1004 |
| <u>facility, community residential center, or other similar</u>        | 1005 |
| <u>facility licensed by the division of parole and community</u>       | 1006 |
| <u>services under section 2967.14 of the Revised Code;</u>             | 1007 |
| <u>(iii) A residential premises occupied pursuant to a rental</u>      | 1008 |
| <u>agreement that prohibits the activities otherwise authorized by</u> | 1009 |
| <u>this section.</u>                                                   | 1010 |
| <u>(2) Process homegrown marijuana by manual or mechanical</u>         | 1011 |
| <u>means.</u>                                                          | 1012 |
| <u>(3) Store homegrown marijuana and adult-use marijuana at</u>        | 1013 |
| <u>the adult-use consumer's primary residence.</u>                     | 1014 |
| <u>(4) Use homegrown marijuana grown, cultivated, and</u>              | 1015 |
| <u>processed at the adult-use consumer's primary residence;</u>        | 1016 |

(5) Possess any paraphernalia or accessories that may be 1017  
used in the administration of adult-use marijuana or homegrown 1018  
marijuana. 1019

(B) No person shall give, sell, or transfer homegrown 1020  
marijuana to any other person, with or without remuneration. 1021

(C) This section does not authorize any person to: 1022

(1) Cultivate, grow, or process homegrown marijuana except 1023  
at the person's primary residence; 1024

(2) Use, cultivate, process, transfer, or transport adult- 1025  
use marijuana or homegrown marijuana before reaching twenty-one 1026  
years of age; 1027

(3) Process homegrown by hydrocarbon-based extraction; 1028

(4) Sell, or profit from, homegrown marijuana; 1029

(5) Cultivate, grow, or possess homegrown marijuana on 1030  
behalf of another person. 1031

(D) The total amount of homegrown marijuana and adult-use 1032  
marijuana possessed by an adult-use consumer shall not exceed: 1033

(1) Two and one-half ounces of plant material, excluding 1034  
any seeds, live plants, or clones being cultivated, grown, or 1035  
processed in accordance with this section; 1036

(2) Fifteen grams of extract. 1037

(E) Subject to divisions (B), (C), and (D) of this 1038  
section, an adult-use consumer shall not be subject to arrest or 1039  
criminal prosecution for cultivating, growing, possessing, 1040  
processing, storing, or using homegrown marijuana, or possessing 1041  
paraphernalia or accessories that may be used in the 1042  
administration of adult-use or homegrown marijuana, in 1043

accordance with division (A) of this section. An adult-use 1044  
consumer shall not be subject to arrest or criminal prosecution 1045  
for a violation of division (A) (1) (a) or (b) of this section 1046  
unless the number of homegrown marijuana plants the adult-use 1047  
consumer cultivates, grows, or possesses is more than double the 1048  
number of homegrown marijuana plants allowed under those 1049  
divisions. 1050

(F) This section does not authorize an adult-use consumer 1051  
to operate a vehicle, streetcar, trackless trolley, watercraft, 1052  
or aircraft while under the influence of marijuana. 1053

**Sec. 3796.05.** (A) When establishing the number of 1054  
cultivator licenses that will be permitted at any one time, the 1055  
division of marijuana control shall consider ~~both~~ all of the 1056  
following: 1057

(1) The population of this state; 1058

(2) The number of patients seeking to use medical 1059  
marijuana; 1060

(3) The number of adult-use consumers seeking to use 1061  
adult-use marijuana. 1062

~~(B) When establishing the number of retail dispensary~~ 1063  
~~licenses that will—~~ (B) (1) Not more than three hundred fifty 1064  
licensed dispensaries shall be permitted to operate in this 1065  
state at any one time, the division shall consider all of the 1066  
following:— 1067

~~(1) The population of this state;—~~ 1068

~~(2) The number of patients seeking to use medical~~ 1069  
~~marijuana;—~~ 1070

~~(3) The geographic distribution of dispensary sites in an—~~ 1071

~~effort to ensure patient access to medical marijuana.~~ 1072

(2) (a) The division may revoke a dispensary license for 1073  
failure to secure a certificate of operation within eighteen 1074  
months after issuance of a provisional license. 1075

(b) The holder of a provisional license may apply to the 1076  
division for not more than two six-month extensions of the 1077  
deadline prescribed by division (B) (2) (a) of this section. The 1078  
division shall approve the extension if the provisional license 1079  
holder demonstrates that the provisional license holder has made 1080  
a good-faith effort to become operational. 1081

(3) When issuing retail dispensary licenses, the division 1082  
of marijuana control shall ensure that the geographic 1083  
distribution of dispensary sites does not result in the 1084  
oversaturation of any geographic area. 1085

(4) The division shall not, on or after the effective date 1086  
of this amendment, issue a retail dispensary license for, or 1087  
approve the relocation of a licensed retail dispensary to, a 1088  
location or facility: 1089

(a) That is within one-half mile of another licensed 1090  
dispensary; 1091

(b) For which a permit has been issued under Chapter 4303. 1092  
of the Revised Code to sell beer and intoxicating liquor, as 1093  
those terms are defined in section 4301.01 of the Revised Code. 1094

(C) When establishing standards and procedures for the 1095  
testing of medical marijuana and adult-use marijuana, the 1096  
division shall do all of the following: 1097

(1) Specify when testing must be conducted; 1098

(2) Determine the minimum amount of medical marijuana or 1099

|                                                                                   |      |
|-----------------------------------------------------------------------------------|------|
| <u>adult-use marijuana</u> that must be tested;                                   | 1100 |
| (3) Specify the manner in which testing is to be conducted                        | 1101 |
| in an effort to ensure uniformity of medical marijuana products                   | 1102 |
| <del>processed for and dispensed to patients</del> <u>and adult-use marijuana</u> | 1103 |
| <u>products;</u>                                                                  | 1104 |
| (4) Specify the manner in which test results are provided.                        | 1105 |
| <b>Sec. 3796.06.</b> (A) Only the following forms of medical                      | 1106 |
| marijuana may be dispensed under this chapter:                                    | 1107 |
| (1) Oils;                                                                         | 1108 |
| (2) Tinctures;                                                                    | 1109 |
| (3) Plant material;                                                               | 1110 |
| (4) Edibles;                                                                      | 1111 |
| (5) Patches;                                                                      | 1112 |
| (6) Any other form approved by the division of marijuana                          | 1113 |
| control under section 3796.061 of the Revised Code.                               | 1114 |
| (B) <u>Only the following forms of adult-use marijuana may be</u>                 | 1115 |
| <u>dispensed under this chapter:</u>                                              | 1116 |
| <u>(1) Any form in which medical marijuana may be dispensed;</u>                  | 1117 |
| <u>(2) Extracts;</u>                                                              | 1118 |
| <u>(3) Drops;</u>                                                                 | 1119 |
| <u>(4) Lozenges;</u>                                                              | 1120 |
| <u>(5) Smoking or combustible products;</u>                                       | 1121 |
| <u>(6) Vaporization products;</u>                                                 | 1122 |
| <u>(7) Beverages;</u>                                                             | 1123 |

|                                                                         |      |
|-------------------------------------------------------------------------|------|
| <u>(8) Pills;</u>                                                       | 1124 |
| <u>(9) Capsules;</u>                                                    | 1125 |
| <u>(10) Suppositories;</u>                                              | 1126 |
| <u>(11) Oral pouches;</u>                                               | 1127 |
| <u>(12) Oral strips;</u>                                                | 1128 |
| <u>(13) Oral and topical sprays;</u>                                    | 1129 |
| <u>(14) Salves;</u>                                                     | 1130 |
| <u>(15) Lotions or similar cosmetic products;</u>                       | 1131 |
| <u>(16) Inhalers;</u>                                                   | 1132 |
| <u>(17) Seeds;</u>                                                      | 1133 |
| <u>(18) Live plants;</u>                                                | 1134 |
| <u>(19) Clones;</u>                                                     | 1135 |
| <u>(20) Pre-rolled products.</u>                                        | 1136 |
| <u>(C) With respect to the methods of using medical</u>                 | 1137 |
| <u>marijuana, adult-use marijuana, and homegrown marijuana, all of</u>  | 1138 |
| <u>the following apply:</u>                                             | 1139 |
| <u>(1) The smoking or combustion of medical marijuana is</u>            | 1140 |
| <u>prohibited.</u>                                                      | 1141 |
| <u>(2) The smoking, combustion, and vaporization of adult-use</u>       | 1142 |
| <u>marijuana and homegrown marijuana, and the vaporization of</u>       | 1143 |
| <u>medical marijuana, is permitted only on privately owned real</u>     | 1144 |
| <u>property that is used primarily for residential or agricultural</u>  | 1145 |
| <u>purposes, including any dwellings, facilities, improvements, and</u> | 1146 |
| <u>appurtenances on such real property.</u>                             | 1147 |
| <u>(3) No person shall smoke, combust, or vaporize marijuana</u>        | 1148 |

in any of the following: 1149

(a) A type A family child care home or type B family child 1150  
care home, as those terms are defined in section 5104.01 of the 1151  
Revised Code; 1152

(b) A halfway house, community transitional housing 1153  
facility, community residential center, or other similar 1154  
facility licensed by the division of parole and community 1155  
services under section 2967.14 of the Revised Code; 1156

(c) A residential premises occupied pursuant to a rental 1157  
agreement that prohibits smoking, combustion, or vaporization of 1158  
marijuana; 1159

(d) A public place or place of employment, as those terms 1160  
are defined in section 3794.01 of the Revised Code. 1161

(3) The division may approve additional methods of using 1162  
medical marijuana, other than smoking or combustion, under 1163  
section 3796.061 of the Revised Code. 1164

~~-(C)-(D) (1) Any form or method of using adult-use marijuana~~ 1165  
~~or medical marijuana that is considered attractive to children,~~ 1166  
~~as specified in rules adopted by the division, is prohibited.~~ 1167

(2) Adult-use marijuana and medical marijuana shall not be 1168  
dispensed or sold in a form or shape that bears the likeness or 1169  
contains the characteristics of a realistic or fictional human, 1170  
animal, or fruit, including artistic, caricature, or cartoon 1171  
renderings. 1172

~~-(D) With respect to tetrahydrocannabinol content, all of~~ 1173  
~~the following apply:~~ 1174

~~-(1) Plant material shall have a~~ (E) (1) The 1175  
tetrahydrocannabinol content of medical marijuana dispensed or 1176

sold to patients or caregivers shall not ~~more than thirty-five~~ 1177  
exceed: 1178

(a) Thirty-five per cent for plant material; 1179

(b) Seventy per cent for extracts. 1180

(2) ~~Extracts shall have a~~ The tetrahydrocannabinol content 1181  
of adult-use marijuana dispensed or sold to adult-use consumers 1182  
shall not ~~more than seventy~~ exceed: 1183

(a) Thirty-five per cent for plant material; 1184

(b) Seventy per cent for extracts. 1185

(F) No person shall knowingly give, sell, or distribute 1186  
adult-use marijuana or homegrown marijuana to a person under 1187  
twenty-one years of age. 1188

(G) No person under the age of twenty one shall knowingly 1189  
purchase, use, or possess adult-use marijuana or homegrown 1190  
marijuana. 1191

**Sec. 3796.062.** (A) No person shall transport marijuana 1192  
other than adult-use marijuana, medical marijuana, or homegrown 1193  
marijuana in a motor vehicle. 1194

(B) No person shall transport adult-use marijuana or 1195  
medical marijuana in a motor vehicle unless either or both of 1196  
the following apply: 1197

(1) The adult-use marijuana or medical marijuana is in the 1198  
original, unopened packaging in which it was dispensed or sold; 1199

(2) The adult-use marijuana or medical marijuana is stored 1200  
in the trunk of the motor vehicle or, if the motor vehicle does 1201  
not have a trunk, behind the last upright seat of the motor 1202  
vehicle or in an area not normally occupied by the driver or 1203

passengers and not easily accessible by the driver. 1204

(C) No person shall transport homegrown marijuana in a 1205  
motor vehicle unless the homegrown marijuana is stored in the 1206  
trunk of the motor vehicle or, if the motor vehicle does not 1207  
have a trunk, behind the last upright seat of the motor vehicle 1208  
or in an area not normally occupied by the driver or passengers 1209  
and not easily accessible by the driver. 1210

(D) No person shall transport marijuana paraphernalia in a 1211  
motor vehicle unless either or both of the following apply: 1212

(1) The marijuana paraphernalia is in the original, 1213  
unopened packaging in which it was dispensed or sold; 1214

(2) The marijuana paraphernalia is stored in the trunk of 1215  
the motor vehicle or, if the motor vehicle does not have a 1216  
trunk, behind the last upright seat of the motor vehicle or in 1217  
an area not normally occupied by the driver or passengers and 1218  
not easily accessible by the driver. 1219

**Sec. 3796.07.** The ~~department of commerce~~ division of 1220  
marijuana control shall establish and maintain an electronic 1221  
database to monitor medical marijuana from its seed source 1222  
through its cultivation, processing, testing, and dispensing. 1223  
The ~~department~~ division may contract with a separate entity to 1224  
establish and maintain all or any part of the electronic 1225  
database on behalf of the department. 1226

The electronic database shall allow for information 1227  
regarding medical marijuana to be updated instantaneously. ~~Any~~ 1228  
~~cultivator, processor, retail dispensary, or laboratory licensed~~ 1229  
~~under this chapter~~ A license holder shall submit to the 1230  
~~department~~ division any information the ~~department~~ division 1231  
determines is necessary for maintaining the electronic database. 1232

Information reported or collected under this section, 1233  
including all data contained in the electronic database, is 1234  
confidential and is not a public record for the purposes of 1235  
section 149.43 of the Revised Code. The ~~department~~ division and 1236  
any entity under contract with the ~~department~~ division shall not 1237  
make public any information reported to or collected by the 1238  
~~department~~ division under this ~~division~~ section that identifies 1239  
or would tend to identify any specific patient. Information or 1240  
data that does not identify a specific patient may be released 1241  
in summary, statistical, or aggregate form. 1242

**Sec. 3796.09.** (A) An entity that seeks to cultivate ~~or,~~ 1243  
~~process medical marijuana,~~ or to conduct laboratory testing of 1244  
medical marijuana and adult-use marijuana shall file an 1245  
application for licensure with the ~~department~~ division of 1246  
~~commerce~~ marijuana control. The entity shall file an application 1247  
for each location from which it seeks to operate. Each 1248  
application shall be submitted in accordance with rules adopted 1249  
under section 3796.03 of the Revised Code. 1250

(B) The division shall evaluate and prioritize 1251  
applications for licensure under this section according to the 1252  
applicant's eligibility, suitability, and ability to operate. 1253

(C) The ~~department~~ division shall not issue a license to 1254  
an applicant ~~if~~ unless all of the following ~~conditions~~ 1255  
eligibility requirements are met: 1256

(1) The report of the criminal records check conducted 1257  
pursuant to section 3796.12 of the Revised Code with respect to 1258  
the application demonstrates that the person subject to the 1259  
criminal records check requirement has not been convicted of or 1260  
pleaded guilty to ~~any of the a~~ a ~~disqualifying offenses specified~~ 1261  
~~in rules adopted under section 9.79 and division (B) (2) (b) of~~ 1262

~~section 3796.03 of the Revised Code~~offense. 1263

(2) ~~The~~ If the application is for a cultivator or 1264  
processor license, the applicant demonstrates that it does not 1265  
none of its current or prospective owners, officers, board 1266  
members, administrators, employees, agents, or affiliates who 1267  
may significantly influence or control the applicant's 1268  
activities have an ownership or investment interest in or 1269  
compensation arrangement with any either of the following: 1270

(a) A licensed ~~laboratory licensed under this chapter;~~ 1271

(b) An applicant for a license to conduct laboratory 1272  
testing. 1273

(3) ~~The~~ If the application is for a cultivator or 1274  
processor license, the applicant demonstrates that it does not 1275  
none of its current or prospective owners, officers, board 1276  
members, administrators, employees, agents, or affiliates who 1277  
may significantly influence or control the applicant's 1278  
activities share any corporate officers or employees with any 1279  
either of the following: 1280

(a) A licensed ~~laboratory licensed under this chapter;~~ 1281

(b) An applicant for a license to conduct laboratory 1282  
testing. 1283

(4) The applicant demonstrates that it will not be located 1284  
within five hundred feet of a school, church, public library, 1285  
public playground, or public park. 1286

(5) The information provided to the ~~department~~ division 1287  
pursuant to section 3796.11 of the Revised Code demonstrates 1288  
that the applicant is in compliance with the applicable tax laws 1289  
of this state. 1290

- (6) The applicant demonstrates sufficient liquid capital 1291  
and ability to meet financial responsibility requirements; 1292
- (7) The applicant demonstrates that the municipal 1293  
corporation or township in which it will be located has not 1294  
passed a moratorium or taken any other action that would 1295  
prohibit the applicant from operating there; 1296
- (8) The application does not contain false, misleading, or 1297  
deceptive information and does not omit material information; 1298
- (9) The applicant pays any fee required by the division; 1299
- (10) The applicant meets all other licensure eligibility 1300  
conditions established in rules adopted under section 3796.03 of 1301  
the Revised Code. 1302
- ~~(C)~~-(D) If the number of eligible applicants exceed the 1303  
number of available licenses, the division shall use an 1304  
impartial and evidence-based process to rank the eligible 1305  
applicants. The ranking process shall take into account all of 1306  
the following: 1307
- (1) The applicant's business plan; 1308
- (2) The applicant's operations plan; 1309
- (3) The applicant's security plan; 1310
- (4) The applicant's financial plan; 1311
- (5) The applicant's principal place of business; 1312
- (6) The proposed location of the cultivation, processing, 1313  
or laboratory facility; 1314
- (7) The applicant's plan for generating job and economic 1315  
development in this state; 1316

|                                                                         |      |
|-------------------------------------------------------------------------|------|
| <u>(8) The applicant's environmental plan;</u>                          | 1317 |
| <u>(9) Employment practices, including any plans to inform,</u>         | 1318 |
| <u>hire, or educate residents of the state, veterans, disabled</u>      | 1319 |
| <u>persons, women, or minorities;</u>                                   | 1320 |
| <u>(10) The criminal records of all persons subject to the</u>          | 1321 |
| <u>criminal records check requirement;</u>                              | 1322 |
| <u>(11) The civil and administrative history of the applicant</u>       | 1323 |
| <u>and persons associated with the applicant;</u>                       | 1324 |
| <u>(12) Any other eligibility, suitability, or operations-</u>          | 1325 |
| <u>based determination specified in this chapter or rules adopted</u>   | 1326 |
| <u>by the division thereunder.</u>                                      | 1327 |
| <u>(E) (1) If the division uses a lottery system to issue</u>           | 1328 |
| <u>licenses under this section, the applicants shall be grouped</u>     | 1329 |
| <u>into the following distinct categories:</u>                          | 1330 |
| <u>(a) Highly exceeds;</u>                                              | 1331 |
| <u>(b) Exceeds;</u>                                                     | 1332 |
| <u>(c) Meets;</u>                                                       | 1333 |
| <u>(d) Does not meet.</u>                                               | 1334 |
| <u>(2) The division shall group the applicants such that the</u>        | 1335 |
| <u>number of applicants in each of the highly exceeds, exceeds, and</u> | 1336 |
| <u>meets categories is roughly equal, unless doing so is not</u>        | 1337 |
| <u>possible while conforming to an impartial and evidence-based</u>     | 1338 |
| <u>process. Applicants that do not meet the eligibility</u>             | 1339 |
| <u>requirements prescribed by division (C) of this section shall be</u> | 1340 |
| <u>placed in the does not meet category.</u>                            | 1341 |
| <u>(3) In conducting the lottery, the division shall give</u>           | 1342 |
| <u>applicants in the exceeds category double odds of being selected</u> | 1343 |

as compared to applicants in the meets category. The division 1344  
shall give applicants in the highly exceeds category double the 1345  
odds of being selected as compared to applicants in the exceeds 1346  
category. An applicant grouped in the does not meet category is 1347  
ineligible for licensure. 1348

(F) ~~The department~~ division shall issue not less than 1349  
fifteen per cent of cultivator, processor, or laboratory 1350  
licenses to entities that are owned and controlled by United 1351  
States citizens who are residents of this state and are members 1352  
of one of the following economically disadvantaged groups: 1353  
Blacks or African Americans, American Indians, Hispanics or 1354  
Latinos, and Asians. If no applications or an insufficient 1355  
number of applications are submitted by such entities that meet 1356  
the conditions set forth in division (B) of this section, the 1357  
licenses shall be issued according to usual procedures. 1358

As used in this division, "owned and controlled" means 1359  
that at least fifty-one per cent of the business, including 1360  
corporate stock if a corporation, is owned by persons who belong 1361  
to one or more of the groups set forth in this division, and 1362  
that those owners have control over the management and day-to- 1363  
day operations of the business and an interest in the capital, 1364  
assets, and profits and losses of the business proportionate to 1365  
their percentage of ownership. 1366

~~(D)~~ (G) A license expires according to the renewal 1367  
schedule established in rules adopted under section 3796.03 of 1368  
the Revised Code and may be renewed in accordance with the 1369  
procedures established in those rules. Applications for renewal 1370  
are not subject to the evaluation, prioritization, ranking, and 1371  
lottery provisions in divisions (B), (D), and (E) of this 1372  
section. The division shall not deny an application for renewal 1373

based solely on the location of the applicant's existing 1374  
facility in proximity to other license holders. 1375

(H) A provisional license issued under this section is not 1376  
transferable. 1377

**Sec. 3796.10.** (A) An entity that seeks to dispense at 1378  
retail medical marijuana and adult-use marijuana shall file an 1379  
application for licensure with the division of marijuana 1380  
control. The entity shall file an application for each location 1381  
from which it seeks to operate. Each application shall be 1382  
submitted in accordance with rules adopted under section 3796.03 1383  
of the Revised Code. 1384

(B) The division shall evaluate and prioritize 1385  
applications for licensure under this section according to the 1386  
applicant's eligibility, suitability, and ability to operate. 1387

(C) The division shall not issue a license to an applicant 1388  
if-unless all of the following conditions are met: 1389

(1) The report of the criminal records check conducted 1390  
pursuant to section 3796.12 of the Revised Code with respect to 1391  
the application demonstrates that the person subject to the 1392  
criminal records check requirement has not been convicted of or 1393  
pleaded guilty to any of the a disqualifying offenses specified 1394  
in rules adopted under section 9.79 and division (B) (2) (b) of 1395  
section 3796.03 of the Revised Codeoffense. 1396

(2) The applicant demonstrates that it does not none of 1397  
its current or prospective owners, officers, board members, 1398  
administrators, employees, agents, or affiliates who may 1399  
significantly influence or control the applicant's activities 1400  
have an ownership or investment interest in or compensation 1401  
arrangement with any either of the following: 1402

|                                                                                                                                                                                                                                                                                                                                                                                                |                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| (a) A <u>licensed</u> laboratory <del>licensed under this chapter;</del>                                                                                                                                                                                                                                                                                                                       | 1403                                         |
| (b) An applicant for a license to conduct laboratory testing.                                                                                                                                                                                                                                                                                                                                  | 1404<br>1405                                 |
| (3) The applicant demonstrates that <del>it does not</del> <u>none of</u><br><u>its current or prospective owners, officers, board members,</u><br><u>administrators, employees, agents, or affiliates who may</u><br><u>significantly influence or control the applicant's activities</u><br>share any corporate officers or employees with <del>any</del> <u>either</u> of the<br>following: | 1406<br>1407<br>1408<br>1409<br>1410<br>1411 |
| (a) A <u>licensed</u> laboratory <del>licensed under this chapter;</del>                                                                                                                                                                                                                                                                                                                       | 1412                                         |
| (b) An applicant for a license to conduct laboratory testing.                                                                                                                                                                                                                                                                                                                                  | 1413<br>1414                                 |
| (4) The applicant demonstrates that it will not be located<br>within five hundred feet of a school, church, public library,<br>public playground, or public park.                                                                                                                                                                                                                              | 1415<br>1416<br>1417                         |
| (5) <u>The applicant demonstrates that the proposed location<br/>or facility is not either of the following:</u>                                                                                                                                                                                                                                                                               | 1418<br>1419                                 |
| (a) <u>Located within one-half mile of another licensed<br/>dispensary;</u>                                                                                                                                                                                                                                                                                                                    | 1420<br>1421                                 |
| (b) <u>Issued a permit under Chapter 4303. of the Revised<br/>Code to sell beer and intoxicating liquor, as those terms are<br/>defined in section 4301.01 of the Revised Code.</u>                                                                                                                                                                                                            | 1422<br>1423<br>1424                         |
| (6) <u>The information provided to the division pursuant to<br/>section 3796.11 of the Revised Code demonstrates that the<br/>applicant is in compliance with the applicable tax laws of this<br/>state.</u>                                                                                                                                                                                   | 1425<br>1426<br>1427<br>1428                 |
| <del>(6)</del> (7) <u>The applicant demonstrates sufficient liquid</u>                                                                                                                                                                                                                                                                                                                         | 1429                                         |

capital and ability to meet financial responsibility 1430  
requirements; 1431

(8) The applicant demonstrates that the municipal 1432  
corporation or township in which it will be located has not 1433  
passed a moratorium or taken any other action that would 1434  
prohibit the applicant from operating there; 1435

(9) The application does not contain false, misleading, or 1436  
deceptive information and does not omit material information; 1437

(10) The applicant pays any fee required by the division; 1438

(11) The applicant meets all other licensure eligibility 1439  
conditions established in rules adopted under section 3796.03 of 1440  
the Revised Code. 1441

~~(C)~~ (D) If the number of eligible applicants exceed the 1442  
number of available licenses, the division shall use an 1443  
impartial and evidence-based process to rank the eligible 1444  
applicants. The ranking process shall take into account all of 1445  
the following: 1446

(1) The applicant's business plan; 1447

(2) The applicant's operations plan; 1448

(3) The applicant's security plan; 1449

(4) The applicant's financial plan; 1450

(5) The applicant's principal place of business; 1451

(6) The proposed location of the cultivation, processing, 1452  
or laboratory facility; 1453

(7) The applicant's plan for generating job and economic 1454  
development in this state; 1455

- (8) The applicant's environmental plan; 1456
- (9) Employment practices, including any plans to inform, 1457  
hire, or educate residents of the state, veterans, disabled 1458  
persons, women, or minorities; 1459
- (10) The criminal records of all persons subject to the 1460  
criminal records check requirement; 1461
- (11) The civil and administrative history of the applicant 1462  
and persons associated with the applicant; 1463
- (12) Any other eligibility, suitability, or operations- 1464  
based determination specified in this chapter or rules adopted 1465  
by the division thereunder. 1466
- (E) (1) If the division uses a lottery system to issue 1467  
licenses under this section, the applicants shall be grouped 1468  
into the following distinct categories: 1469
- (a) Highly exceeds; 1470
- (b) Exceeds; 1471
- (c) Meets; 1472
- (d) Does not meet. 1473
- (2) The division shall group the applicants such that the 1474  
number of applicants in each of the highly exceeds, exceeds, and 1475  
meets categories is roughly equal, unless doing so is not 1476  
possible while conforming to an impartial and evidence-based 1477  
process. Applicants that do not meet the eligibility 1478  
requirements prescribed by division (C) of this section shall be 1479  
placed in the does not meet category. 1480
- (3) In conducting the lottery, the division shall give 1481  
applicants in the exceeds category double the odds of being 1482

selected as compared to applicants in the meets category. The 1483  
division shall give applicants in the highly exceeds category 1484  
double the odds of being selected as compared to applicants in 1485  
the exceeds category. An applicant grouped in the does not meet 1486  
category is ineligible for licensure. 1487

(F) The division shall issue not less than fifteen per 1488  
cent of retail dispensary licenses to entities that are owned 1489  
and controlled by United States citizens who are residents of 1490  
this state and are members of one of the following economically 1491  
disadvantaged groups: Blacks or African Americans, American 1492  
Indians, Hispanics or Latinos, and Asians. If no applications or 1493  
an insufficient number of applications are submitted by such 1494  
entities that meet the conditions set forth in division (B) of 1495  
this section, the licenses shall be issued according to usual 1496  
procedures. 1497

As used in this division, "owned and controlled" means 1498  
that at least fifty-one per cent of the business, including 1499  
corporate stock if a corporation, is owned by persons who belong 1500  
to one or more of the groups set forth in this division, and 1501  
that those owners have control over the management and day-to- 1502  
day operations of the business and an interest in the capital, 1503  
assets, and profits and losses of the business proportionate to 1504  
their percentage of ownership. 1505

~~(D)~~ (G) A license expires according to the renewal 1506  
schedule established in rules adopted under section 3796.03 of 1507  
the Revised Code and may be renewed in accordance with the 1508  
procedures established in those rules. Applications for renewal 1509  
are not subject to the evaluation, prioritization, ranking, and 1510  
lottery provisions in divisions (B), (D), and (E) of this 1511  
section. The division shall not deny an application for renewal 1512

based solely on the location of the applicant's existing 1513  
dispensary facility in proximity to other license holders. 1514

(H) A provisional license issued under this section is not 1515  
transferable. 1516

**Sec. 3796.12.** (A) As used in this section, "criminal 1517  
records check" has the same meaning as in section 109.572 of the 1518  
Revised Code. 1519

(B) (1) As part of the application process for a license 1520  
issued under this chapter, the division of marijuana control 1521  
shall require each of the following to complete a criminal 1522  
records check: 1523

(a) An administrator or other person responsible for the 1524  
daily operation of the entity seeking the license; 1525

(b) An owner or prospective owner, officer or prospective 1526  
officer, or board member or prospective board member of the 1527  
entity seeking the license. 1528

(2) If a person subject to the criminal records check 1529  
requirement does not present proof of having been a resident of 1530  
this state for the five-year period immediately prior to the 1531  
date the criminal records check is requested or provide evidence 1532  
that within that five-year period the superintendent of the 1533  
bureau of criminal identification and investigation has 1534  
requested information about the person from the federal bureau 1535  
of investigation in a criminal records check, the division shall 1536  
request that the person obtain through the superintendent a 1537  
criminal records request from the federal bureau of 1538  
investigation as part of the criminal records check of the 1539  
person. Even if a person presents proof of having been a 1540  
resident of this state for the five-year period, the division 1541

may request that the person obtain information through the 1542  
superintendent from the federal bureau of investigation in the 1543  
criminal records check. 1544

(C) The division shall provide the following to each 1545  
person who is subject to the criminal records check requirement: 1546

(1) Information about accessing, completing, and 1547  
forwarding to the superintendent of the bureau of criminal 1548  
identification and investigation the form prescribed pursuant to 1549  
division (C)(1) of section 109.572 of the Revised Code and the 1550  
standard impression sheet to obtain fingerprint impressions 1551  
prescribed pursuant to division (C)(2) of that section; 1552

(2) Written notification that the person is to instruct 1553  
the superintendent to submit the completed report of the 1554  
criminal records check directly to the division. 1555

(D) Each person who is subject to the criminal records 1556  
check requirement shall pay to the bureau of criminal 1557  
identification and investigation the fee prescribed pursuant to 1558  
division (C)(3) of section 109.572 of the Revised Code for the 1559  
criminal records check conducted of the person. 1560

(E) The report of any criminal records check conducted by 1561  
the bureau of criminal identification and investigation in 1562  
accordance with section 109.572 of the Revised Code and pursuant 1563  
to a request made under this section is not a public record for 1564  
the purposes of section 149.43 of the Revised Code and shall not 1565  
be made available to any person other than the following: 1566

(1) The person who is the subject of the criminal records 1567  
check or the person's representative; 1568

(2) The members and staff of the division; 1569

(3) A court, hearing officer, or other necessary 1570  
individual involved in a case dealing with either of the 1571  
following: 1572

(a) A license denial resulting from the criminal records 1573  
check; 1574

(b) A civil or criminal action regarding the ~~medical~~ 1575  
marijuana control program or any violation of this chapter. 1576

(F) The division shall deny a license if, after receiving 1577  
the information and notification required by this section, a 1578  
person subject to the criminal records check requirement fails 1579  
to do either of the following: 1580

(1) Access, complete, or forward to the superintendent of 1581  
the bureau of criminal identification and investigation the form 1582  
prescribed pursuant to division (C) (1) of section 109.572 of the 1583  
Revised Code or the standard impression sheet prescribed 1584  
pursuant to division (C) (2) of that section; 1585

(2) Instruct the superintendent to submit the completed 1586  
report of the criminal records check directly to the division. 1587

**Sec. 3796.13.** ~~(A) Each person seeking employment with an~~ 1588  
~~entity licensed under this chapter~~ a license holder shall comply 1589  
with sections 4776.01 to 4776.04 of the Revised Code. Except as 1590  
provided in division (B) of this section, such an entity shall 1591  
not employ the person unless the person has submitted a criminal 1592  
records check under those sections. The license holder shall not 1593  
employ the person unless the report of the resulting criminal 1594  
records check ~~shall demonstrate~~ demonstrates that the person has 1595  
not been convicted of or pleaded guilty to any ~~of the~~ 1596  
~~disqualifying offenses specified in rules adopted under division~~ 1597  
~~(B) (14) (a) of section 3796.03 of the Revised Code if the person~~ 1598

~~is seeking employment with an entity licensed by the division of~~ 1599  
~~marijuana control under this chapter~~offense. 1600

~~(B) An entity is not prohibited by division (A) of this~~ 1601  
~~section from employing a person if the disqualifying offense the~~ 1602  
~~person was convicted of or pleaded guilty to is one of the~~ 1603  
~~offenses specified in rules adopted under division (B) (14) (b) of~~ 1604  
~~section 3796.03 of the Revised Code and the person was convicted~~ 1605  
~~of or pleaded guilty to the offense more than five years before~~ 1606  
~~the date the employment begins.~~ 1607

**Sec. 3796.14.** (A) The division of marijuana control may do 1608  
any of the following for any reason specified in rules adopted 1609  
under section 3796.03 of the Revised Code: 1610

(1) Suspend, suspend without prior hearing, revoke, or 1611  
refuse to renew a license or registration it issued under this 1612  
chapter ~~or a license or a registration the state board of~~ 1613  
~~pharmacy issued prior to the transfer of regulatory authority~~ 1614  
~~over the medical marijuana control program to the~~ 1615  
~~division~~Chapter 3780. of the Revised Code, as that chapter 1616  
existed immediately before the effective date of this amendment; 1617

(2) Refuse to issue a license; 1618

(3) Impose on a license holder a civil penalty in an 1619  
amount to be determined by the division. 1620

(4) ~~With respect to a suspension of a retail dispensary~~ 1621  
~~license without prior hearing, the division may utilize a~~ 1622  
~~telephone conference call to review the allegations and take a~~ 1623  
~~vote.~~The division shall suspend a dispensary license without 1624  
prior hearing only if it finds clear and convincing evidence 1625  
that continued distribution of medical marijuana and adult-use 1626  
marijuana by the license holder presents a danger of immediate 1627

and serious harm to others. The suspension shall remain in 1628  
effect, unless lifted by the division, until the division issues 1629  
its final adjudication order. If the division does not issue the 1630  
order within ninety days after the adjudication hearing, the 1631  
suspension shall be lifted on the ninety-first day following the 1632  
hearing. 1633

The division's actions under division (A) of this section 1634  
shall be taken in accordance with Chapter 119. of the Revised 1635  
Code. 1636

(B) ~~The~~ Subject to division (E) of this section, the 1637  
division and the Ohio investigative unit may inspect all of the 1638  
following for any reason specified in rules adopted under 1639  
section 3796.03 of the Revised Code without prior notice to the 1640  
applicant or license holder: 1641

(1) The premises of a license holder or an applicant for 1642  
licensure ~~or holder of a current, valid cultivator, processor,~~ 1643  
~~retail dispensary, or laboratory license issued under this~~ 1644  
chapter; 1645

(2) All records maintained pursuant to this chapter by a 1646  
license holder ~~of a current license~~. 1647

(C) Whenever it appears to the division, from its files, 1648  
upon complaint, or otherwise, or to the Ohio investigative unit, 1649  
from an inspection or investigation authorized by this section, 1650  
that any person or entity has engaged in, is engaged in, or is 1651  
about to engage in any practice declared to be illegal or 1652  
prohibited by this chapter or the rules adopted under this 1653  
chapter, or when the division believes it to be in the best 1654  
interest of the public, adult-use consumers, or medical 1655  
marijuana patients, the division may do any of the following: 1656

(1) Investigate the person or entity as authorized 1657  
pursuant to this chapter or the rules adopted under this 1658  
chapter; 1659

(2) Issue subpoenas to any person or entity for the 1660  
purpose of compelling either of the following: 1661

(a) The attendance and testimony of witnesses; 1662

(b) The production of books, accounts, papers, records, or 1663  
documents. 1664

(D) If a person or entity fails to comply with any order 1665  
of the division or the unit or a subpoena issued by the division 1666  
or the unit pursuant to this section, a judge of the court of 1667  
common pleas of the county in which the person resides or the 1668  
entity may be served, on application of the division or the 1669  
unit, shall compel obedience by attachment proceedings as for 1670  
contempt, as in the case of disobedience with respect to the 1671  
requirements of a subpoena issued from such court or a refusal 1672  
to testify in such court. 1673

(E) The Ohio investigative unit shall not inspect or 1674  
investigate the premises of any person under this section unless 1675  
one or both of the following apply: 1676

(1) The person inspected or investigated is a license 1677  
holder. 1678

(2) The unit is invited by local law enforcement having 1679  
jurisdiction over the person inspected or investigated. 1680

**Sec. 3796.15.** (A) The division of marijuana control and 1681  
the Ohio investigative unit shall enforce this chapter, or cause 1682  
it to be enforced. ~~If~~ Subject to division (E) of section 3796.14 1683  
of the Revised Code, if the division or the unit has information 1684

that this chapter or any rule adopted under this chapter has 1685  
been violated, it shall investigate the matter and take any 1686  
action as it considers appropriate. 1687

~~(B) Nothing in this chapter shall be construed to require 1688  
the division to enforce minor violations if the division 1689  
determines that the public interest is adequately served by a 1690  
notice or warning to the alleged offender. 1691~~

~~(C)~~ If the division suspends, revokes, or refuses to renew 1692  
any license or registration issued under this chapter or Chapter 1693  
3780. of the Revised Code, as that chapter existed immediately 1694  
before the effective date of this amendment, and determines that 1695  
there is clear and convincing evidence of a danger of immediate 1696  
and serious harm to any person, the division may place under 1697  
seal all medical marijuana, adult-use marijuana, and homegrown 1698  
marijuana owned by or in the possession, custody, or control of 1699  
the affected license holder or registrant. Except as provided in 1700  
this division, the division of marijuana control shall not 1701  
dispose of the medical marijuana, adult-use marijuana, or 1702  
homegrown marijuana sealed under this division until the license 1703  
holder or registrant exhausts all of the holder's or 1704  
registrant's appeal rights under Chapter 119. of the Revised 1705  
Code. The court involved in such an appeal may order the 1706  
division, during the pendency of the appeal, to sell medical 1707  
marijuana or adult-use marijuana that is perishable. The 1708  
division shall deposit the proceeds of the sale with the court. 1709

**Sec. 3796.17.** The division of marijuana control shall 1710  
establish a toll-free telephone line to respond to inquiries 1711  
from adult-use consumers, medical marijuana patients, 1712  
caregivers, and health professionals regarding adverse reactions 1713  
to ~~medical~~ marijuana and to provide information about available 1714

services and assistance. The division may contract with a 1715  
separate entity to establish and maintain the telephone line on 1716  
behalf of the division. 1717

**Sec. 3796.18.** ~~(A)~~ (A) (1) Notwithstanding any conflicting 1718  
provision of the Revised Code and except as provided in division 1719  
(B) of this section, a licensed cultivator, including the holder 1720  
of a current, valid cultivator license issued under this chapter 1721  
before the effective date of this amendment, may do either any 1722  
of the following: 1723

~~(1)~~ (a) Cultivate medical marijuana and adult-use 1724  
marijuana; 1725

~~(2)~~ (b) Deliver or sell medical marijuana and adult-use 1726  
marijuana to one or more licensed processors other license 1727  
holders; 1728

(c) Acquire seeds, clones, plants, and other genetic 1729  
material. 1730

(2) A licensed cultivator engaging in the activities 1731  
authorized by this chapter shall do so respecting both medical 1732  
marijuana and adult-use marijuana. 1733

(B) A licensed cultivator ~~license holder~~ shall not 1734  
cultivate medical marijuana or adult-use marijuana for personal, 1735  
family, or household use or on any public land, including a 1736  
state park as defined in section 154.01 of the Revised Code. 1737

(C) A licensed cultivator shall identify, package, and 1738  
label all medical marijuana and adult-use marijuana products in 1739  
accordance with this chapter and any rules adopted thereunder 1740  
before delivering or selling the products to a licensed 1741  
processor or licensed dispensary. 1742

(D) The division of marijuana control shall issue the 1743  
following types of cultivation licenses: 1744

(1) A level I cultivator license that authorizes the 1745  
license holder to operate a cultivation area specified by the 1746  
division, not to exceed one hundred thousand square feet; 1747

(2) A level II cultivator license that authorizes the 1748  
license holder to operate a cultivation area specified by the 1749  
division, not to exceed fifteen thousand square feet. 1750

(E) A licensed cultivator may request and receive one or 1751  
more expansions to the cultivator's cultivation area, subject to 1752  
the approval of the division, so long as the resulting total 1753  
cultivation area, including all expansions, does not exceed the 1754  
applicable maximum cultivation area prescribed by division (D) 1755  
of this section. 1756

**Sec. 3796.19.** ~~(A)~~(A) (1) Notwithstanding any conflicting 1757  
provision of the Revised Code, a licensed processor, including 1758  
the holder of a current, valid processor license issued under 1759  
this chapter before the effective date of this amendment, may do 1760  
any of the following: 1761

~~(1)~~(a) Obtain medical marijuana and adult-use marijuana 1762  
from ~~one or more licensed cultivators~~ other license holders; 1763

~~(2)~~(b) Subject to division (B) of this section, process 1764  
medical marijuana ~~obtained from one or more licensed cultivators~~ 1765  
and adult-use marijuana into a form described in section 3796.06 1766  
of the Revised Code; 1767

~~(3)~~(c) Deliver, transfer, or sell processed medical 1768  
marijuana and adult-use marijuana to ~~one or more licensed retail~~ 1769  
~~dispensaries~~ other license holders. 1770

(2) A licensed processor engaging in the activities 1771  
authorized by this chapter shall do so respecting both medical 1772  
marijuana and adult-use marijuana. 1773

~~(B) When processing medical marijuana, a~~ A licensed 1774  
processor shall do ~~both~~ all of the following before delivering 1775  
or selling medical marijuana or adult-use marijuana to a 1776  
licensed retail dispensary: 1777

(1) Package the medical marijuana or adult-use marijuana 1778  
in accordance with child-resistant effectiveness standards 1779  
described in 16 C.F.R. 1700.15(b) on September 8, 2016; 1780

(2) Label the ~~medical marijuana~~ packaging with the 1781  
product's tetrahydrocannabinol and cannabidiol content; 1782

(3) Comply with any packaging or labeling requirements 1783  
established in rules adopted by the division of marijuana 1784  
control under ~~section~~ sections 3796.03 and 3796.32 of the 1785  
Revised Code. 1786

**Sec. 3796.20.** ~~(A)~~ (A) (1) Notwithstanding any conflicting 1787  
provision of the Revised Code, a licensed dispensary, including 1788  
the holder of a current, valid retail dispensary license issued 1789  
under this chapter, ~~or previously issued by the state board of~~ 1790  
~~pharmacy,~~ before the effective date of this amendment, may do 1791  
~~both~~ any of the following: 1792

~~(1)~~ (a) Obtain medical marijuana and adult-use marijuana 1793  
from ~~one or more processors~~ other license holders; 1794

~~(2)~~ (b) Dispense or sell medical marijuana in accordance 1795  
with division (B) of this section; 1796

(c) Dispense or sell adult-use marijuana in accordance 1797  
with division (C) of this section; 1798

(d) Sell paraphernalia that may be used in the 1799  
administration of adult-use marijuana or medical marijuana as 1800  
specified in rules adopted under section 3796.03 of the Revised 1801  
Code; 1802

(e) Provide delivery of adult-use marijuana and medical 1803  
marijuana in accordance with the rules adopted under section 1804  
3796.03 of the Revised Code. 1805

(2) A licensed dispensary engaged in the activities 1806  
authorized by this chapter shall do so respecting both medical 1807  
marijuana and adult-use marijuana. 1808

(B) When dispensing or selling medical marijuana, a 1809  
licensed ~~retail~~-dispensary shall do all of the following: 1810

(1) Dispense or sell only upon a showing of a current, 1811  
valid, government-issued identification card and in accordance 1812  
with a written recommendation issued by a physician holding a 1813  
certificate to recommend issued by the state medical board under 1814  
section 4731.30 of the Revised Code; 1815

(2) Report to the drug database the information required 1816  
by section 4729.771 of the Revised Code; 1817

(3) Label the package containing medical marijuana with 1818  
the following information: 1819

(a) The name and address of the licensed processor and 1820  
retail dispensary; 1821

(b) The name of the patient and caregiver, if any; 1822

(c) The name of the physician who recommended treatment 1823  
with medical marijuana; 1824

(d) The directions for use, if any, as recommended by the 1825

physician; 1826

(e) The date on which the medical marijuana was dispensed; 1827

(f) The quantity, strength, kind, or form of medical 1828  
marijuana contained in the package. 1829

(4) Maintain an adequate supply of medical marijuana 1830  
products to meet typical patient demand for those products. 1831

(C) When dispensing or selling adult-use marijuana, a 1832  
licensed retail dispensary shall do all of the following: 1833

(1) Dispense or sell adult-use marijuana only to adult-use 1834  
consumers who present a current, valid, government-issued 1835  
identification card demonstrating proof that the adult-use 1836  
consumer is twenty-one years of age or older; 1837

(2) Dispense or sell not more than the amount of adult-use 1838  
marijuana that may be legally possessed by an adult-use consumer 1839  
under section 3796.221 of the Revised Code to the same adult-use 1840  
consumer in the same day; 1841

(3) Ensure that the label of the package containing adult- 1842  
use marijuana contains all of the following information, in 1843  
accordance with rules adopted by the division of cannabis 1844  
control: 1845

(a) The name and address of the licensed processor and 1846  
retail dispensary; 1847

(b) A statement that the use of adult-use marijuana by 1848  
individuals under twenty-one years of age is both harmful and 1849  
illegal; 1850

(c) The quantity, strength, kind, or form of adult-use 1851  
marijuana contained in the package. 1852

(D) When operating a licensed retail dispensary, ~~both~~ all 1853  
of the following apply: 1854

(1) A licensed dispensary shall use only employees who 1855  
have met the training requirements established in rules adopted 1856  
under section 3796.03 of the Revised Code. 1857

(2) A licensed dispensary shall not make public any 1858  
information it collects that identifies or would tend to 1859  
identify any specific medical marijuana patient or adult-use 1860  
consumer. 1861

(3) A dispensary shall prominently display both of the 1862  
following: 1863

(a) A statement that the use of adult-use or homegrown 1864  
marijuana by individuals under twenty-one years of age is both 1865  
harmful and illegal; 1866

(b) Information about the addictive qualities of marijuana 1867  
and the potential negative health consequences associated with 1868  
its use. 1869

**Sec. 3796.21.** (A) Notwithstanding any conflicting 1870  
provision of the Revised Code, a licensed laboratory, including 1871  
the holder of a current, valid laboratory license issued under 1872  
this chapter ~~may~~ before the effective date of this amendment, 1873  
shall do both of the following: 1874

(1) Obtain medical marijuana and adult-use marijuana from 1875  
one or more licensed cultivators, licensed processors, and 1876  
~~retail-licensed dispensaries licensed under this chapter;~~ 1877

(2) Conduct ~~medical marijuana~~ testing in the manner 1878  
specified in rules adopted under section 3796.03 of the Revised 1879  
Code. 1880

(B) When testing medical marijuana or adult-use marijuana, 1881  
a licensed laboratory shall do both of the following: 1882

(1) Test ~~the marijuana~~ for potency, homogeneity, and 1883  
contamination; 1884

(2) Prepare a report of the test results. 1885

**Sec. 3796.22.** (A) Notwithstanding any conflicting 1886  
provision of the Revised Code, a patient registered under this 1887  
chapter who obtains medical marijuana from a ~~retail-licensed~~ 1888  
dispensary ~~licensed under in accordance with~~ this chapter may do 1889  
~~both~~ all of the following: 1890

(1) Use medical marijuana; 1891

(2) Possess medical marijuana, subject to division (B) of 1892  
this section; 1893

(3) Possess any paraphernalia or accessories that may be 1894  
used in the administration of medical marijuana, as specified in 1895  
rules adopted under section 3796.03 of the Revised Code. 1896

(B) The amount of medical marijuana possessed by a 1897  
registered patient shall not exceed a ninety-day supply, as 1898  
specified in rules adopted under section 3796.03 of the Revised 1899  
Code. 1900

(C) A registered patient shall not be subject to arrest or 1901  
criminal prosecution for doing ~~any~~ either of the following in 1902  
accordance with this chapter: 1903

(1) Obtaining, using, or possessing medical marijuana; 1904

(2) Possessing any paraphernalia or accessories that may 1905  
be used in the administration of medical marijuana, as specified 1906  
in rules adopted under section 3796.03 of the Revised Code. 1907

(D) This section does not authorize a registered patient 1908  
to operate a vehicle, streetcar, trackless trolley, watercraft, 1909  
or aircraft while under the influence of ~~medical~~-marijuana. 1910

**Sec. 3796.221.** (A) Notwithstanding any conflicting 1911  
provision of the Revised Code, an adult-use consumer who obtains 1912  
adult-use marijuana from a licensed dispensary may do all of the 1913  
following: 1914

(1) Use adult-use marijuana; 1915

(2) Possess adult-use marijuana, subject to division (B) 1916  
of this section; 1917

(3) Possess any paraphernalia or accessories that may be 1918  
used in the administration of adult-use marijuana as specified 1919  
in rules adopted under section 3796.03 of the Revised Code. 1920

(B) The amount of adult-use marijuana possessed by an 1921  
adult-use consumer shall not exceed: 1922

(1) Two and one-half ounces of plant material; 1923

(2) Fifteen grams of extract. 1924

(C) Subject to division (B) of this section, an adult-use 1925  
consumer is not subject to arrest or criminal prosecution for 1926  
engaging in any of the activities described in division (A) of 1927  
this section. 1928

(D) This section does not authorize an adult-use consumer 1929  
to operate a vehicle, streetcar, trackless trolley, watercraft, 1930  
or aircraft while under the influence of marijuana. 1931

**Sec. 3796.23.** (A) Notwithstanding any conflicting 1932  
provision of the Revised Code, a caregiver registered under this 1933  
chapter who obtains medical marijuana from a ~~retail~~-licensed 1934

dispensary ~~licensed under this chapter~~ may do ~~both~~ any of the 1935  
following: 1936

(1) Possess medical marijuana on behalf of a registered 1937  
patient under the caregiver's care, subject to division (B) of 1938  
this section; 1939

(2) Assist a registered patient under the caregiver's care 1940  
in the use or administration of medical marijuana; 1941

(3) Possess any paraphernalia or accessories specified in 1942  
rules adopted under section 3796.03 of the Revised Code. 1943

(B) The amount of medical marijuana possessed by a 1944  
registered caregiver on behalf of a registered patient shall not 1945  
exceed a ninety-day supply, as specified in rules adopted under 1946  
section 3796.03 of the Revised Code. If a caregiver provides 1947  
care to more than one registered patient, the caregiver shall 1948  
maintain separate inventories of medical marijuana for each 1949  
patient. 1950

(C) A registered caregiver shall not be subject to arrest 1951  
or criminal prosecution for doing any of following in accordance 1952  
with this chapter: 1953

(1) Obtaining or possessing medical marijuana on behalf of 1954  
a registered patient; 1955

(2) Assisting a registered patient in the use or 1956  
administration of medical marijuana; 1957

(3) Possessing any paraphernalia or accessories specified 1958  
in rules adopted under section 3796.03 of the Revised Code. 1959

(D) This section does not permit a registered caregiver to 1960  
personally use medical marijuana, unless the caregiver is also a 1961  
registered patient. 1962

Sec. 3796.24. (A) The holder of a license, as defined in 1963  
section 4776.01 of the Revised Code, is not subject to 1964  
professional disciplinary action solely for engaging in 1965  
professional or occupational activities related to medical 1966  
marijuana or adult-use marijuana. 1967

(B) Unless there is clear and convincing evidence that a 1968  
child is unsafe, the use, possession, or administration of 1969  
medical marijuana, adult-use marijuana, or homegrown marijuana 1970  
in accordance with this chapter shall not be the sole or primary 1971  
basis for any of the following: 1972

(1) An adjudication under section 2151.28 of the Revised 1973  
Code determining that a child is an abused, neglected, or 1974  
dependent child; 1975

(2) An allocation of parental rights and responsibilities 1976  
under section 3109.04 of the Revised Code; 1977

(3) A parenting time order under section 3109.051 or 1978  
3109.12 of the Revised Code. 1979

(C) Notwithstanding any conflicting provision of the 1980  
Revised Code, the use or possession of medical marijuana, adult- 1981  
use marijuana, or homegrown marijuana in accordance with this 1982  
chapter shall not be used as a reason for disqualifying a 1983  
patient from medical care or from including a patient on a 1984  
transplant waiting list. 1985

(D) Notwithstanding any conflicting provision of the 1986  
Revised Code, the use, possession, administration, cultivation, 1987  
processing, testing, or dispensing of medical marijuana, adult- 1988  
use marijuana, or homegrown marijuana in accordance with this 1989  
chapter shall not be used as the sole or primary reason for 1990  
taking action under any criminal or civil statute in the 1991

forfeiture or seizure of any property or asset. 1992

(E) Notwithstanding any conflicting provision of the 1993  
Revised Code, ~~a person's status as a registered patient or~~ 1994  
~~caregiver engaging in activity authorized by this chapter~~ is not 1995  
a sufficient basis for conducting a field sobriety test on the 1996  
person or for suspending the person's driver's license. To 1997  
conduct any field sobriety test, a law enforcement officer must 1998  
have an independent, factual basis giving reasonable suspicion 1999  
that the person is operating a vehicle under the influence of 2000  
marijuana or with a prohibited concentration of marijuana in the 2001  
person's whole blood, blood serum, plasma, breath, or urine. 2002

(F) Notwithstanding any conflicting provision of the 2003  
Revised Code, a person's status as a registered patient or 2004  
caregiver, or a an adult-use consumer's engagement in activities 2005  
authorized by this chapter, shall not be used as the sole or 2006  
primary basis for rejecting the person as a tenant unless the 2007  
rejection is required by federal law. This division does not 2008  
prohibit a landlord from prohibiting the consumption of 2009  
marijuana in a residential premises or common areas by smoking, 2010  
combustion, or vaporization, as long as such prohibition is 2011  
included in the applicable lease agreement. 2012

(G) Except as otherwise provided in section 3796.28 of the 2013  
Revised Code, the use or possession of medical marijuana, adult- 2014  
use marijuana, or homegrown marijuana in accordance with this 2015  
chapter shall not be used as a reason for disqualifying an 2016  
individual from a public benefit program administered by any 2017  
state or local authority, or for otherwise denying an individual 2018  
a public benefit administered by the state or any local 2019  
government. 2020

(H) This chapter does not do any of the following: 2021

(1) Require a physician to recommend that a patient use medical marijuana to treat a qualifying medical condition; 2022  
2023

(2) Permit the use, possession, or administration of medical marijuana, adult-use marijuana, or homegrown marijuana other than as authorized by this chapter; 2024  
2025  
2026

(3) Permit the use, possession, or administration of medical marijuana, adult-use marijuana, or homegrown marijuana on federal land located in this state; 2027  
2028  
2029

(4) Require any public place to accommodate a registered patient's use of medical marijuana or an adult-use consumer's use of adult-use marijuana or homegrown marijuana; 2030  
2031  
2032

(5) ~~Prohibit~~ Subject to section 3796.06 of the Revised Code, prohibit any public place from accommodating a registered patient's use of medical marijuana or an adult-use consumer's use of adult-use marijuana or homegrown marijuana, other than by smoking, combustion, or vaporization; 2033  
2034  
2035  
2036  
2037

(6) Restrict research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity. 2038  
2039  
2040  
2041

(I) It is the public policy of this state that contracts related to license holders are enforceable. 2042  
2043

**Sec. 3796.27.** (A) As used in this section: 2044

(1) "Financial institution" means any of the following: 2045

(a) Any bank, trust company, savings and loan association, savings bank, or credit union or any affiliate, agent, or employee of a bank, trust company, savings and loan association, savings bank, or credit union; 2046  
2047  
2048  
2049

(b) Any money transmitter licensed under sections 1315.01 2050  
to 1315.18 of the Revised Code or any affiliate, agent, or 2051  
employee of such a licensee. 2052

(2) "Financial services" means services that a financial 2053  
institution is authorized to provide under Title XI, sections 2054  
1315.01 to 1315.18, or Chapter 1733. of the Revised Code, as 2055  
applicable. 2056

(B) A financial institution that provides financial 2057  
services to any ~~cultivator, processor, retail dispensary, or~~ 2058  
~~laboratory licensed under this chapter~~ license holder shall be 2059  
exempt from any criminal law of this state an element of which 2060  
may be proven by substantiating that a person provides financial 2061  
services to a person who possesses, delivers, or manufactures 2062  
marijuana or marijuana derived products, including section 2063  
2925.05 of the Revised Code and sections 2923.01 and 2923.03 of 2064  
the Revised Code as those sections apply to violations of 2065  
Chapter 2925. of the Revised Code, if the ~~cultivator, processor,~~ 2066  
~~retail dispensary, or laboratory~~ license holder is in compliance 2067  
with this chapter and the applicable tax laws of this state. 2068

(C) (1) Notwithstanding section 149.43 of the Revised Code 2069  
or any other public records law to the contrary, upon the 2070  
request of a financial institution, the division of marijuana 2071  
control shall provide to the financial institution all of the 2072  
following information: 2073

(a) Whether a person with whom the financial institution 2074  
is seeking to do business is a ~~cultivator, processor, retail~~ 2075  
~~dispensary, or laboratory licensed under this chapter~~ license 2076  
holder; 2077

(b) The name of any other business or individual 2078

affiliated with the person; 2079

(c) An unredacted copy of the application for a license 2080  
under this chapter or under Chapter 3780. of the Revised Code, 2081  
as that chapter existed immediately before the effective date of 2082  
this amendment, and any supporting documentation, that was 2083  
submitted by the person; 2084

(d) If applicable, information relating to sales and 2085  
volume of product sold by the person; 2086

(e) Whether the person is in compliance with this chapter; 2087

(f) Any past or pending violation by the person of this 2088  
chapter or Chapter 3780. of the Revised Code, as that chapter 2089  
existed immediately before the effective date of this amendment, 2090  
and any penalty imposed on the person for such a violation. 2091

(2) The division may charge a financial institution a 2092  
reasonable fee to cover the administrative cost of providing the 2093  
information. 2094

(D) Information received by a financial institution under 2095  
division (C) of this section is confidential. Except as 2096  
otherwise permitted by other state law or federal law, a 2097  
financial institution shall not make the information available 2098  
to any person other than the customer to whom the information 2099  
applies and any trustee, conservator, guardian, personal 2100  
representative, or agent of that customer. 2101

**Sec. 3796.28.** (A) Nothing in this chapter does any of the 2102  
following: 2103

(1) Requires an employer to permit or accommodate an 2104  
employee's use, possession, or distribution of ~~medical~~ 2105  
marijuana; 2106

(2) Prohibits an employer from refusing to hire, 2107  
discharging, disciplining, or otherwise taking an adverse 2108  
employment action against a person with respect to hire, tenure, 2109  
terms, conditions, or privileges of employment because of that 2110  
person's use, possession, or distribution of ~~medical~~-marijuana; 2111

(3) Prohibits an employer from establishing and enforcing 2112  
a drug testing policy, drug-free workplace policy, or zero- 2113  
tolerance drug policy; 2114

(4) Interferes with any federal restrictions on 2115  
employment, including the regulations adopted by the United 2116  
States department of transportation in Title 49 of the Code of 2117  
Federal Regulations, as amended; 2118

(5) Permits a person to commence a cause of action against 2119  
an employer for refusing to hire, discharging, disciplining, 2120  
discriminating, retaliating, or otherwise taking an adverse 2121  
employment action against a person with respect to hire, tenure, 2122  
terms, conditions, or privileges of employment related to 2123  
~~medical~~-marijuana; 2124

(6) Affects the authority of the administrator of workers' 2125  
compensation to grant rebates or discounts on premium rates to 2126  
employers that participate in a drug-free workplace program 2127  
established in accordance with rules adopted by the 2128  
administrator under Chapter 4123. of the Revised Code. 2129

(B) A person who is discharged from employment because of 2130  
that person's use of ~~medical~~-marijuana shall be considered to 2131  
have been discharged for just cause for purposes of division (D) 2132  
of section 4141.29 of the Revised Code and shall be ineligible 2133  
to serve a waiting period or to be paid benefits for the 2134  
duration of the individual's unemployment as described in 2135

division (D) (2) of that section if the person's use of ~~medical-~~ 2136  
marijuana was in violation of an employer's drug-free workplace 2137  
policy, zero-tolerance policy, or other formal program or policy 2138  
regulating the use of ~~medical-~~marijuana. 2139

(C) It is not a violation of division (A), (D), or (E) of 2140  
section 4112.02 of the Revised Code if an employer discharges, 2141  
refuses to hire, or otherwise discriminates against a person 2142  
because of that person's use of ~~medical-~~marijuana if the 2143  
person's use of ~~medical-~~marijuana is in violation of the 2144  
employer's drug-free workplace policy, zero-tolerance policy, or 2145  
other formal program or policy regulating the use of ~~medical-~~ 2146  
marijuana. 2147

**Sec. 3796.29.** ~~The~~ (A) Except as otherwise provided in 2148  
division (B) of this section, the legislative authority of a 2149  
municipal corporation ~~may adopt an ordinance,~~ or a board of 2150  
township trustees may adopt an ordinance or a resolution, to 2151  
prohibit, or limit the number of, licensed cultivators, licensed 2152  
processors, or ~~retail-licensed~~ dispensaries ~~licensed under this~~ 2153  
~~chapter~~ within the municipal corporation or within the 2154  
unincorporated territory of the township, respectively. 2155

~~This section does not authorize the~~ (B) The legislative 2156  
authority of a municipal corporation or a board of township 2157  
trustees ~~to~~ shall not adopt or enforce an ordinance or a 2158  
resolution limiting that does any of the following: 2159

(1) Prohibits or limits the operations of a license holder 2160  
that received a provisional license or certificate of operation 2161  
before the effective date of this amendment, except that a 2162  
municipal corporation or township may enforce such an ordinance 2163  
or such a resolution if it was adopted before the effective date 2164  
of this amendment; 2165

(2) Prohibits or limits any activity authorized under this 2166  
chapter, except as expressly permitted under division (A) of 2167  
this section; 2168

(3) Prohibits or limits research related to marijuana 2169  
conducted at a state university, academic medical center, or 2170  
private research and development organization as part of a 2171  
research protocol approved by an institutional review board or 2172  
equivalent entity. 2173

**Sec. 3796.30.** (A) Except as provided in ~~division~~ 2174  
~~(B) divisions~~ (C) and (D) of this section, no ~~medical marijuana-~~ 2175  
licensed cultivator, licensed processor, ~~retail-licensed~~ 2176  
dispensary, or licensed laboratory ~~that tests medical marijuana-~~ 2177  
shall be located within five hundred feet of the boundaries of a 2178  
parcel of real estate having situated on it a school, church, 2179  
public library, public playground, or public park. 2180

(B) If ~~the~~ a request for relocation of a facility of a 2181  
licensed cultivator, licensed processor, ~~retail-licensed~~ 2182  
dispensary, or licensed laboratory ~~licensed under this chapter-~~ 2183  
~~results would result in the~~ ~~cultivator, processor, retail-~~ 2184  
~~dispensary, or laboratory facility~~ being located within five 2185  
hundred feet of the boundaries of a parcel of real estate having 2186  
situated on it a school, church, public library, public 2187  
playground, or public park, the division of marijuana control 2188  
shall ~~revoke the license it previously issued to the cultivator,~~ 2189  
~~processor, retail dispensary, or laboratory~~ deny the request for 2190  
relocation. 2191

~~(B)~~ (C) This section does not require relocation or closure 2192  
of a facility used by a licensed cultivator, licensed processor, 2193  
licensed dispensary, or licensed laboratory, if that facility 2194  
has a certificate of operation at the time a school, church, 2195

public library, public playground, or public park relocates, or 2196  
is established, on a parcel of real estate, the boundaries of 2197  
which are within five hundred feet of that operational facility. 2198

(D) This section does not apply to research related to 2199  
marijuana conducted at a state university, academic medical 2200  
center, or private research and development organization as part 2201  
of a research protocol approved by an institutional review board 2202  
or equivalent entity. 2203

~~(C) As used in this section and sections 3796.03 and~~ 2204  
~~3796.12 of the Revised Code:—~~ 2205

~~"Church" has the meaning defined in section 1710.01 of the~~ 2206  
~~Revised Code.—~~ 2207

~~"Public library" means a library provided for under~~ 2208  
~~Chapter 3375. of the Revised Code.—~~ 2209

~~"Public park" means a park established by the state or a~~ 2210  
~~political subdivision of the state including a county, township,~~ 2211  
~~municipal corporation, or park district.—~~ 2212

~~"Public playground" means a playground established by the~~ 2213  
~~state or a political subdivision of the state including a~~ 2214  
~~county, township, municipal corporation, or park district.—~~ 2215

~~"School" means a child care center as defined under~~ 2216  
~~section 5104.01 of the Revised Code, a preschool as defined~~ 2217  
~~under section 2950.034 of the Revised Code, or a public or~~ 2218  
~~nonpublic primary school or secondary school.—~~ 2219

**Sec. 3796.31.** Except as otherwise authorized in the 2220  
Revised Code, no political subdivision shall levy do either of 2221  
the following: 2222

(A) Levy any tax or fee on cultivators, processors, or 2223

dispensaries—license holders that is based on ~~those~~ the license 2224  
holder's businesses' gross receipts or that is the same as or 2225  
similar to any tax or fee imposed by the state; 2226

(B) Levy any tax, fee, or charge on license holders or 2227  
license holders' property that is not generally charged on other 2228  
businesses. 2229

**Sec. 3796.32.** (A) The division of marijuana control may 2230  
adopt rules regulating the advertisement of adult-use marijuana 2231  
and medical marijuana to prevent advertisements that are false, 2232  
misleading, targeted to minors, promote excessive use, promote 2233  
illegal activity, are obscene or indecent, contain depictions of 2234  
marijuana use, or promote marijuana as an intoxicant. 2235

(B) Any rules the division adopts regulating the 2236  
advertisement of adult-use marijuana shall be at least as 2237  
stringent as the most stringent federal or state laws or rules 2238  
governing the advertisement of tobacco or alcohol. 2239

(C) The division may, at any time, conduct an audit of an 2240  
applicant's or license holder's published advertisements to 2241  
ensure that the applicant or license holder complies with this 2242  
chapter and associated rules. 2243

(D) Adult-use marijuana or medical marijuana shall not be 2244  
packaged, advertised, or otherwise marketed using any graphic, 2245  
picture, or drawing that bears any resemblance to a cartoon 2246  
character, or any fictional character or popular culture figure 2247  
whose target audience is children or youth. 2248

(E) If the division determines that a person has violated 2249  
this section or any rule adopted in accordance with this 2250  
section, the division may require the person to stop using the 2251  
advertisement or proceed with any enforcement action it deems 2252

necessary or proper, as outlined in this chapter and associated 2253  
rules. 2254

Sec. 3796.33. (A) As used in this section, "equivalent 2255  
license" means: 2256

(1) In the case of an adult-use cultivator, a cultivator 2257  
license of the same level issued under section 3796.09 of the 2258  
Revised Code to engage in the activities authorized by section 2259  
3796.18 of the Revised Code; 2260

(2) In the case of an adult-use processor, a processor 2261  
license issued under section 3796.09 of the Revised Code to 2262  
engage in the activities authorized by section 3796.19 of the 2263  
Revised Code; 2264

(3) In the case of an adult-use dispensary, a retail 2265  
dispensary license issued under section 3796.10 of the Revised 2266  
Code to engage in the activities authorized by section 3796.20 2267  
of the Revised Code; 2268

(4) In the case of an adult-use testing laboratory, a 2269  
laboratory license issued under section 3796.09 of the Revised 2270  
Code to engage in the activities authorized by section 3796.21 2271  
of the Revised Code. 2272

(B) A license issued under Chapter 3780. of the Revised 2273  
Code, as that chapter existed immediately before the effective 2274  
date of this section, shall be treated, for all purposes, as the 2275  
equivalent license under this chapter. 2276

(C) The holder of a license described in division (B) of 2277  
this section is subject to all procedures, requirements, and 2278  
penalties that apply to the holder of the equivalent license 2279  
under this chapter. 2280

(D) If a license described in division (B) of this section 2281  
is held by the same person and used at the same location as an 2282  
equivalent license under this chapter, the division of marijuana 2283  
control shall merge the licenses and treat them as the same 2284  
license for all purposes, including expiration and renewal. 2285

**Sec. 3796.99.** (A) (1) Whoever violates division (C) (2) of 2286  
section 3796.06 of the Revised Code as an operator of the 2287  
vehicle, streetcar, trackless trolley, watercraft, or aircraft 2288  
is subject to section 1547.11, 4511.19, or 4561.15 of the 2289  
Revised Code, as applicable. 2290

(2) Whoever violates division (C) (2) of section 3796.06 of 2291  
the Revised Code as a passenger of the vehicle, streetcar, 2292  
trackless trolley, watercraft, or aircraft shall be sentenced as 2293  
follows: 2294

(a) Except as otherwise provided in division (A) (2) (b), 2295  
(c), (d), or (e) of this section, the offender is guilty of a 2296  
misdemeanor of the first degree. The court shall sentence the 2297  
offender to a mandatory jail term of three consecutive days. The 2298  
court may impose a jail term in addition to the three-day 2299  
mandatory jail term. However, in no case shall the cumulative 2300  
jail term imposed for the offense exceed six months. In 2301  
addition, the court shall impose upon the offender a fine of not 2302  
less than three hundred seventy-five and not more than one 2303  
thousand seventy-five dollars. The court shall impose a class 2304  
seven suspension of the offender's license, permit, or 2305  
privileges from the range specified in division (A) (7) of 2306  
section 4510.02 of the Revised Code. 2307

(b) Except as otherwise provided in division (A) (2) (c), 2308  
(d), or (e) of this section, an offender who, within ten years 2309  
of the offense, previously has been convicted of or pleaded 2310

guilty to one violation of division (C) (2) of section 3796.06 of 2311  
the Revised Code as a passenger of a vehicle, streetcar, 2312  
trackless trolley, watercraft, or aircraft is guilty of a 2313  
misdemeanor of the first degree. The court shall sentence the 2314  
offender to a mandatory jail term of ten consecutive days. The 2315  
court may impose a jail term in addition to the ten-day 2316  
mandatory jail term. However, in no case shall the cumulative 2317  
jail term imposed for the offense exceed six months. In 2318  
addition, notwithstanding the fines set forth in Chapter 2929. 2319  
of the Revised Code, the court shall impose upon the offender a 2320  
fine of not less than five hundred twenty-five and not more than 2321  
one thousand six hundred twenty-five dollars. The court shall 2322  
impose a class six suspension of the offender's license, permit, 2323  
or privileges from the range specified in division (A) (6) of 2324  
section 4510.02 of the Revised Code. 2325

(c) Except as otherwise provided in division (A) (2) (d) or 2326  
(e) of this section, an offender who, within ten years of the 2327  
offense, previously has been convicted of or pleaded guilty to 2328  
two violations of division (C) (2) of section 3796.06 of the 2329  
Revised Code as a passenger of a vehicle, streetcar, trackless 2330  
trolley, watercraft, or aircraft is guilty of a misdemeanor of 2331  
the first degree. The court shall sentence the offender to a 2332  
mandatory jail term of thirty consecutive days. The court may 2333  
impose a jail term in addition to the thirty-day mandatory jail 2334  
term. Notwithstanding the jail terms set forth in sections 2335  
2929.21 to 2929.28 of the Revised Code, the additional jail term 2336  
shall not exceed one year, and the cumulative jail term imposed 2337  
for the offense shall not exceed one year. In addition, 2338  
notwithstanding the fines set forth in Chapter 2929. of the 2339  
Revised Code, the court shall impose upon the offender a fine of 2340  
not less than eight hundred fifty and not more than two thousand 2341

seven hundred fifty dollars. The court shall impose a class five 2342  
suspension of the offender's license, permit, or privileges from 2343  
the range specified in division (A) (5) of section 4510.02 of the 2344  
Revised Code. 2345

(d) Except as otherwise provided in division (A) (2) (e) of 2346  
this section, an offender who, within ten years of the offense, 2347  
previously has been convicted of or pleaded guilty to three 2348  
violations of division (C) (2) of section 3796.06 of the Revised 2349  
Code as a passenger of a vehicle, streetcar, trackless trolley, 2350  
watercraft, or aircraft is guilty of a felony of the fourth 2351  
degree. Notwithstanding the prison terms set forth in Chapter 2352  
2929. of the Revised Code, the court shall sentence the offender 2353  
to a mandatory prison term of one, two, three, four, or five 2354  
years. Additionally, notwithstanding section 2929.18 of the 2355  
Revised Code, the court shall impose a fine of not less than one 2356  
thousand three hundred fifty nor more than ten thousand five 2357  
hundred dollars. The court shall impose a class four suspension 2358  
of the offender's license, permit, or privileges from the range 2359  
specified in division (A) (4) of section 4510.02 of the Revised 2360  
Code. 2361

(e) An offender who previously has been convicted of or 2362  
pleaded guilty to a felony violation of division (C) (2) of 2363  
section 3796.06 of the Revised Code as a passenger of a vehicle, 2364  
streetcar, trackless trolley, watercraft, or aircraft, 2365  
regardless of when the violation and the conviction or guilty 2366  
plea occurred, is guilty of a felony of the third degree. 2367  
Notwithstanding the prison terms set forth in Chapter 2929. of 2368  
the Revised Code, the court shall sentence the offender to a 2369  
mandatory prison term of one, two, three, four, or five years. 2370  
Additionally, notwithstanding section 2929.18 of the Revised 2371  
Code, the court shall impose a fine of not less than one 2372

thousand three hundred fifty nor more than ten thousand five 2373  
hundred dollars. The court shall impose a class three suspension 2374  
of the offender's license, permit, or privileges from the range 2375  
specified in division (A) (3) of section 4510.02 of the Revised 2376  
Code. 2377

(B) Except as otherwise provided in division (A) of this 2378  
section, whoever violates division (C) (2) or (3) of section 2379  
3796.06 of the Revised Code is guilty of a minor misdemeanor. 2380

(C) (1) (a) Except as provided in division (C) (1) (b) of this 2381  
section, whoever violates division (F) of section 3796.06 of the 2382  
Revised Code is guilty of a misdemeanor of the first degree. 2383

(b) An offender who has previously been convicted of, or 2384  
pleaded guilty to, a violation of division (F) of section 2385  
3796.06 of the Revised Code, is guilty of a felony of the fifth 2386  
degree. 2387

(2) The division of marijuana control shall immediately 2388  
revoke the license of any license holder under this chapter who 2389  
is found guilty of, or who pleads guilty or no contest to, 2390  
violating division (F) of section 3796.06 of the Revised Code. 2391

(D) Except as otherwise provided in division (E) of 2392  
section 3796.04 of the Revised Code, whoever violates division 2393  
(B) of section 3796.221 or division (A) (1) or (D) of section 2394  
3796.04 of the Revised Code is guilty of possession of marijuana 2395  
under section 2925.11 of the Revised Code. 2396

(E) Whoever engages in any of the activities described in 2397  
section 3796.18, 3796.19, 3796.20, or 3796.21 of the Revised 2398  
Code without the proper license is guilty of trafficking in 2399  
marijuana under section 2925.03 of the Revised Code or illegal 2400  
cultivation of marijuana under section 2925.04 of the Revised 2401

Code. 2402

(F) Whoever violates division (C) (2) of section 3796.20 of 2403  
the Revised Code is guilty of trafficking in marijuana under 2404  
section 2925.03 of the Revised Code. 2405

(G) (1) Except as otherwise provided in divisions (G) (2) to 2406  
(4) of this section, whoever violates division (G) of section 2407  
3796.06 of the Revised Code by knowingly showing or giving false 2408  
information concerning the individual's name, age, or other 2409  
identification for the purpose of purchasing or otherwise 2410  
obtaining adult-use marijuana from an adult-use dispensary 2411  
licensed under this chapter is guilty of a misdemeanor of the 2412  
first degree. 2413

(2) Except as otherwise provided in divisions (G) (3) and 2414  
(4) of this section, whoever violates division (G) of section 2415  
3796.06 of the Revised Code by knowingly presenting to an adult- 2416  
use dispensary licensed under this chapter a false, fictitious, 2417  
or altered identification card, a false or fictitious driver's 2418  
license purportedly issued by any state, or a driver's license 2419  
issued by any state that has been altered, is guilty of a 2420  
misdemeanor of the first degree and, notwithstanding division 2421  
(A) (2) of section 2929.28 of the Revised Code, shall be fined 2422  
not less than two hundred fifty dollars and not more than one 2423  
thousand dollars. 2424

(3) (a) Except as otherwise provided in division (G) (4) of 2425  
this section, an offender who has previously been convicted of 2426  
or pleaded guilty to a violation of division (G) of section 2427  
3796.06 of the Revised Code by knowingly presenting to an adult- 2428  
use dispensary licensed under this chapter a false, fictitious, 2429  
or altered identification card, a false or fictitious driver's 2430  
license purportedly issued by any state, or a driver's license 2431

issued by any state that has been altered, is guilty of a 2432  
misdemeanor of the first degree and, notwithstanding division 2433  
(A) (2) of section 2929.28 of the Revised Code, shall be fined 2434  
not less than five hundred dollars nor more than one thousand 2435  
dollars. 2436

(b) (i) The court also may impose a class seven suspension 2437  
of the offender's driver's or commercial driver's license or 2438  
permit, or nonresident operating privilege, from the range 2439  
specified in division (A) (7) of section 4510.02 of the Revised 2440  
Code. 2441

(ii) The court, in lieu of suspending the offender's 2442  
temporary instruction permit, probationary driver's license, or 2443  
driver's license, instead may order the offender to perform a 2444  
determinate number of hours of community service, with the court 2445  
determining the actual number of hours and the nature of the 2446  
community service the offender shall perform. 2447

(4) (a) An offender who has previously been convicted of or 2448  
pleaded guilty to two or more violations of division (G) of 2449  
section 3796.06 of the Revised Code by knowingly presenting to 2450  
an adult-use dispensary licensed under this chapter a false, 2451  
fictitious, or altered identification card, a false or 2452  
fictitious driver's license purportedly issued by any state, or 2453  
a driver's license issued by any state that has been altered, is 2454  
guilty of a misdemeanor of the first degree and, notwithstanding 2455  
division (A) (2) of section 2929.28 of the Revised Code, shall be 2456  
fined not less than five hundred dollars nor more than one 2457  
thousand dollars. 2458

(b) (i) The court also may impose a class six suspension of 2459  
the offender's driver's or commercial driver's license or permit 2460  
or nonresident operating privilege from the range specified in 2461

division (A) (6) of section 4510.02 of the Revised Code, and the 2462  
court may order that the suspension or denial remain in effect 2463  
until the offender attains the age of twenty-one years. 2464

(ii) The court, in lieu of suspending the offender's 2465  
temporary instruction permit, probationary driver's license, or 2466  
driver's license, instead may order the offender to perform a 2467  
determinate number of hours of community service, with the court 2468  
determining the actual number of hours and the nature of the 2469  
community service the offender shall perform. 2470

(5) The financial sanctions required by divisions (G) (2) 2471  
to (4) of this section are in lieu of the financial sanctions 2472  
described in division (A) (2) of section 2929.28 of the Revised 2473  
Code but are in addition to any other sanctions or penalties 2474  
that may apply to the offender, including other financial 2475  
sanctions under that section or a jail term under section 2476  
2929.24 of the Revised Code. 2477

(H) (1) Except as otherwise provided in division (H) (2) of 2478  
this section, whoever violates division (G) of section 3796.06 2479  
of the Revised Code by knowingly soliciting another person to 2480  
purchase adult-use marijuana from an adult-use dispensary 2481  
licensed under this chapter is guilty of a misdemeanor of the 2482  
fourth degree. 2483

(2) An offender who has previously been convicted of or 2484  
pleaded guilty to a violation of division (G) of section 3796.06 2485  
of the Revised Code by knowingly soliciting another individual 2486  
to purchase adult-use marijuana from an adult-use dispensary 2487  
licensed under this chapter is guilty of a misdemeanor of the 2488  
second degree. 2489

(I) Whoever violates division (A), (B), or (C) of section 2490

3796.062 of the Revised Code is guilty of a minor misdemeanor. 2491

(J) Whoever violates division (D) of section 3796.062 of 2492  
the Revised Code is guilty of illegal use or possession of 2493  
marijuana drug paraphernalia under section 2925.141 of the 2494  
Revised Code. 2495

**Sec. 4735.18.** (A) Subject to section 4735.32 of the 2496  
Revised Code, the superintendent of real estate, upon the 2497  
superintendent's own motion, may investigate the conduct of any 2498  
licensee. Subject to division (E) of this section and section 2499  
4735.32 of the Revised Code, the Ohio real estate commission 2500  
shall impose disciplinary sanctions upon any licensee who, 2501  
whether or not acting in the licensee's capacity as a real 2502  
estate broker or salesperson, or in handling the licensee's own 2503  
property, is found to have been convicted of a felony or a crime 2504  
of moral turpitude, and may impose disciplinary sanctions upon 2505  
any licensee who, in the licensee's capacity as a real estate 2506  
broker or salesperson, or in handling the licensee's own 2507  
property, is found guilty of: 2508

(1) Knowingly making any misrepresentation; 2509

(2) Making any false promises with intent to influence, 2510  
persuade, or induce; 2511

(3) A continued course of misrepresentation or the making 2512  
of false promises through agents, salespersons, advertising, or 2513  
otherwise; 2514

(4) Acting for more than one party in a transaction except 2515  
as permitted by and in compliance with section 4735.71 of the 2516  
Revised Code; 2517

(5) Failure within a reasonable time to account for or to 2518  
remit any money coming into the licensee's possession which 2519

belongs to others; 2520

(6) Dishonest or illegal dealing, gross negligence, 2521  
incompetency, or misconduct; 2522

(7) (a) By final adjudication by a court, a violation of 2523  
any municipal or federal civil rights law relevant to the 2524  
protection of purchasers or sellers of real estate or, by final 2525  
adjudication by a court, any unlawful discriminatory practice 2526  
pertaining to the purchase or sale of real estate prohibited by 2527  
Chapter 4112. of the Revised Code, provided that such violation 2528  
arose out of a situation wherein parties were engaged in bona 2529  
fide efforts to purchase, sell, or lease real estate, in the 2530  
licensee's practice as a licensed real estate broker or 2531  
salesperson; 2532

(b) A second or subsequent violation of any unlawful 2533  
discriminatory practice pertaining to the purchase or sale of 2534  
real estate prohibited by Chapter 4112. of the Revised Code or 2535  
any second or subsequent violation of municipal or federal civil 2536  
rights laws relevant to purchasing or selling real estate 2537  
whether or not there has been a final adjudication by a court, 2538  
provided that such violation arose out of a situation wherein 2539  
parties were engaged in bona fide efforts to purchase, sell, or 2540  
lease real estate. For any second offense under this division, 2541  
the commission shall suspend for a minimum of two months or 2542  
revoke the license of the broker or salesperson. For any 2543  
subsequent offense, the commission shall revoke the license of 2544  
the broker or salesperson. 2545

(8) Procuring a license under this chapter, for the 2546  
licensee or any salesperson by fraud, misrepresentation, or 2547  
deceit; 2548

(9) Having violated or failed to comply with any provision 2549  
of sections 4735.51 to 4735.74 of the Revised Code or having 2550  
willfully disregarded or violated any other provisions of this 2551  
chapter; 2552

(10) As a real estate broker, having demanded, without 2553  
reasonable cause, other than from a broker licensed under this 2554  
chapter, a commission to which the licensee is not entitled, or, 2555  
as a real estate salesperson, having demanded, without 2556  
reasonable cause, a commission to which the licensee is not 2557  
entitled; 2558

(11) Except as permitted under section 4735.20 of the 2559  
Revised Code, having paid commissions or fees to, or divided 2560  
commissions or fees with, anyone not licensed as a real estate 2561  
broker or salesperson under this chapter or anyone not operating 2562  
as an out-of-state commercial real estate broker or salesperson 2563  
under section 4735.022 of the Revised Code; 2564

(12) Having falsely represented membership in any real 2565  
estate professional association of which the licensee is not a 2566  
member; 2567

(13) Having accepted, given, or charged any undisclosed 2568  
commission, rebate, or direct profit on expenditures made for a 2569  
principal; 2570

(14) Having offered anything of value other than the 2571  
consideration recited in the sales contract as an inducement to 2572  
a person to enter into a contract for the purchase or sale of 2573  
real estate or having offered real estate or the improvements on 2574  
real estate as a prize in a lottery or scheme of chance; 2575

(15) Having acted in the dual capacity of real estate 2576  
broker and undisclosed principal, or real estate salesperson and 2577

undisclosed principal, in any transaction; 2578

(16) Having guaranteed, authorized, or permitted any 2579  
person to guarantee future profits which may result from the 2580  
resale of real property; 2581

(17) Having advertised or placed a sign on any property 2582  
offering it for sale or for rent without the consent of the 2583  
owner or the owner's authorized agent; 2584

(18) Having induced any party to a contract of sale or 2585  
lease to break such contract for the purpose of substituting in 2586  
lieu of it a new contract with another principal; 2587

(19) Having negotiated the sale, exchange, or lease of any 2588  
real property directly with a seller, purchaser, lessor, or 2589  
tenant knowing that such seller, purchaser, lessor, or tenant is 2590  
represented by another broker under a written exclusive agency 2591  
agreement, exclusive right to sell or lease listing agreement, 2592  
or exclusive purchaser agency agreement with respect to such 2593  
property except as provided for in section 4735.75 of the 2594  
Revised Code; 2595

(20) Having offered real property for sale or for lease 2596  
without the knowledge and consent of the owner or the owner's 2597  
authorized agent, or on any terms other than those authorized by 2598  
the owner or the owner's authorized agent; 2599

(21) Having published advertising, whether printed, radio, 2600  
display, or of any other nature, which was misleading or 2601  
inaccurate in any material particular, or in any way having 2602  
misrepresented any properties, terms, values, policies, or 2603  
services of the business conducted; 2604

(22) Having knowingly withheld from or inserted in any 2605  
statement of account or invoice any statement that made it 2606

inaccurate in any material particular; 2607

(23) Having published or circulated unjustified or 2608  
unwarranted threats of legal proceedings which tended to or had 2609  
the effect of harassing competitors or intimidating their 2610  
customers; 2611

(24) Having failed to keep complete and accurate records 2612  
of all transactions for a period of three years from the date of 2613  
the transaction, such records to include copies of listing 2614  
forms, earnest money receipts, offers to purchase and 2615  
acceptances of them, records of receipts and disbursements of 2616  
all funds received by the licensee as broker and incident to the 2617  
licensee's transactions as such, and records required pursuant 2618  
to divisions (C) (4) and (5) of section 4735.20 of the Revised 2619  
Code, and any other instruments or papers related to the 2620  
performance of any of the acts set forth in the definition of a 2621  
real estate broker; 2622

(25) Failure of a real estate broker or salesperson to 2623  
furnish all parties involved in a real estate transaction true 2624  
copies of all listings and other agreements to which they are a 2625  
party, at the time each party signs them; 2626

(26) Failure to maintain at all times a special or trust 2627  
bank account in a depository of a state or federally chartered 2628  
institution located in this state. The account shall be 2629  
noninterest-bearing, separate and distinct from any personal or 2630  
other account of the broker, and, except as provided in division 2631  
(A) (27) of this section, shall be used for the deposit and 2632  
maintenance of all escrow funds, security deposits, and other 2633  
moneys received by the broker in a fiduciary capacity. The name, 2634  
account number, if any, and location of the depository wherein 2635  
such special or trust account is maintained shall be submitted 2636

in writing to the superintendent. Checks drawn on such special 2637  
or trust bank accounts are deemed to meet the conditions imposed 2638  
by section 1349.21 of the Revised Code. Funds deposited in the 2639  
trust or special account in connection with a purchase agreement 2640  
shall be maintained in accordance with section 4735.24 of the 2641  
Revised Code. 2642

(27) Failure to maintain at all times a special or trust 2643  
bank account in a depository of a state or federally chartered 2644  
institution in this state, to be used exclusively for the 2645  
deposit and maintenance of all rents, security deposits, escrow 2646  
funds, and other moneys received by the broker in a fiduciary 2647  
capacity in the course of managing real property. This account 2648  
shall be separate and distinct from any other account maintained 2649  
by the broker. The name, account number, and location of the 2650  
depository shall be submitted in writing to the superintendent. 2651  
This account may earn interest, which shall be paid to the 2652  
property owners on a pro rata basis. 2653

Division (A) (27) of this section does not apply to brokers 2654  
who are not engaged in the management of real property on behalf 2655  
of real property owners. 2656

(28) Having failed to put definite expiration dates in all 2657  
written agency agreements to which the broker is a party; 2658

(29) Having an unsatisfied final judgment or lien in any 2659  
court of record against the licensee arising out of the 2660  
licensee's conduct as a licensed broker or salesperson; 2661

(30) Failing to render promptly upon demand a full and 2662  
complete statement of the expenditures by the broker or 2663  
salesperson of funds advanced by or on behalf of a party to a 2664  
real estate transaction to the broker or salesperson for the 2665

purpose of performing duties as a licensee under this chapter in 2666  
conjunction with the real estate transaction; 2667

(31) Failure within a reasonable time, after the receipt 2668  
of the commission by the broker, to render an accounting to and 2669  
pay a real estate salesperson the salesperson's earned share of 2670  
it; 2671

(32) Performing any service for another constituting the 2672  
practice of law, as determined by any court of law; 2673

(33) Having been adjudicated incompetent by a court, as 2674  
provided in section 5122.301 of the Revised Code. A license 2675  
revoked or suspended under this division shall be reactivated 2676  
upon proof to the commission of the removal of the disability. 2677

(34) Having authorized or permitted a person to act as an 2678  
agent in the capacity of a real estate broker, or a real estate 2679  
salesperson, who was not then licensed as a real estate broker 2680  
or real estate salesperson under this chapter or who was not 2681  
then operating as an out-of-state commercial real estate broker 2682  
or salesperson under section 4735.022 of the Revised Code; 2683

(35) Having knowingly inserted or participated in 2684  
inserting any materially inaccurate term in a document, 2685  
including naming a false consideration; 2686

(36) Having failed to inform the licensee's client of the 2687  
existence of an offer or counteroffer or having failed to 2688  
present an offer or counteroffer in a timely manner, unless 2689  
otherwise instructed by the client, provided the instruction of 2690  
the client does not conflict with any state or federal law; 2691

(37) Having failed to comply with section 4735.24 of the 2692  
Revised Code; 2693

(38) Having acted as a broker without authority, impeded 2694  
the ability of a principal broker to perform any of the duties 2695  
described in section 4735.081 of the Revised Code, or impeded 2696  
the ability a management level licensee to perform the 2697  
licensee's duties; 2698

(39) Entering into a right-to-list home sale agreement. 2699

(B) Whenever the commission, pursuant to section 4735.051 2700  
of the Revised Code, imposes disciplinary sanctions for any 2701  
violation of this section, the commission also may impose such 2702  
sanctions upon the broker with whom the salesperson is 2703  
affiliated if the commission finds that the broker had knowledge 2704  
of the salesperson's actions that violated this section. 2705

(C) The commission shall, pursuant to section 4735.051 of 2706  
the Revised Code, impose disciplinary sanctions upon any foreign 2707  
real estate dealer or salesperson who, in that capacity or in 2708  
handling the dealer's or salesperson's own property, is found 2709  
guilty of any of the acts or omissions specified or comprehended 2710  
in division (A) of this section insofar as the acts or omissions 2711  
pertain to foreign real estate. If the commission imposes such 2712  
sanctions upon a foreign real estate salesperson for a violation 2713  
of this section, the commission also may suspend or revoke the 2714  
license of the foreign real estate dealer with whom the 2715  
salesperson is affiliated if the commission finds that the 2716  
dealer had knowledge of the salesperson's actions that violated 2717  
this section. 2718

(D) The commission may suspend, in whole or in part, the 2719  
imposition of the penalty of suspension of a license under this 2720  
section. 2721

(E) A person licensed under this chapter who represents a 2722

party to a transaction or a proposed transaction involving the 2723  
sale, purchase, exchange, lease, or management of real property 2724  
that is or will be used in the cultivation, processing, 2725  
dispensing, or testing of medical marijuana or adult-use 2726  
marijuana under Chapter 3796. of the Revised Code, or who 2727  
receives, holds, or disburses funds from a real estate brokerage 2728  
trust account in connection with such a transaction, shall not 2729  
be subject to disciplinary sanctions under this chapter solely 2730  
because the licensed person engaged in activities permitted 2731  
under this chapter and related to activities under Chapter 3796. 2732  
of the Revised Code. 2733

**Sec. 4796.25.** This chapter does not apply to any of the 2734  
following: 2735

(A) Licenses issued under Chapter 3780. or 3796. of the 2736  
Revised Code; 2737

(B) Licenses issued pursuant to rules prescribed under 2738  
Section 5 of Article IV, Ohio Constitution; 2739

(C) Commercial fishing licenses issued under section 2740  
1533.342 of the Revised Code; 2741

(D) Licenses issued under Chapter 4506. of the Revised 2742  
Code; 2743

(E) Physician certificates to recommend treatment with 2744  
medical marijuana issued under section 4731.30 of the Revised 2745  
Code; 2746

(F) Money transmitter licenses issued under section 2747  
1315.04 of the Revised Code; 2748

(G) Lottery sales agent licenses issued under section 2749  
3770.05 of the Revised Code; 2750

(H) Licenses issued under Chapter 3905. of the Revised 2751  
Code; 2752

(I) Fantasy contest operator licenses issued under section 2753  
3774.02 of the Revised Code; 2754

(J) Teledentistry permits issued under section 4715.43 of 2755  
the Revised Code; 2756

(K) Physician training certificates issued under section 2757  
4731.291 of the Revised Code; 2758

(L) Podiatrist training certificates issued under section 2759  
4731.573 of the Revised Code; 2760

(M) Licenses issued under Chapter 4740. of the Revised 2761  
Code; 2762

(N) Licenses issued by a political subdivision to an 2763  
individual by which the individual has or claims the privilege 2764  
to act as a tradesperson as defined in section 4740.01 of the 2765  
Revised Code in the political subdivision's jurisdiction. 2766

**Sec. 5502.01.** (A) The department of public safety shall 2767  
administer and enforce the laws relating to the registration, 2768  
licensing, sale, and operation of motor vehicles and the laws 2769  
pertaining to the licensing of drivers of motor vehicles. 2770

The department shall compile, analyze, and publish 2771  
statistics relative to motor vehicle accidents and the causes of 2772  
them, prepare and conduct educational programs for the purpose 2773  
of promoting safety in the operation of motor vehicles on the 2774  
highways, and conduct research and studies for the purpose of 2775  
promoting safety on the highways of this state. 2776

(B) The department shall administer the laws and rules 2777  
relative to trauma and emergency medical services specified in 2778

Chapter 4765. of the Revised Code and any laws and rules 2779  
relative to medical transportation services specified in Chapter 2780  
4766. of the Revised Code. 2781

(C) The department shall administer and enforce the laws 2782  
contained in Chapters 4301. and 4303. of the Revised Code and 2783  
enforce the rules and orders of the liquor control commission 2784  
pertaining to retail liquor permit holders. 2785

(D) The department shall administer the laws governing the 2786  
state emergency management agency and shall enforce all 2787  
additional duties and responsibilities as prescribed in the 2788  
Revised Code related to emergency management services. 2789

(E) The department shall conduct investigations pursuant 2790  
to Chapter 5101. of the Revised Code in support of the duty of 2791  
the department of job and family services to administer the 2792  
supplemental nutrition assistance program throughout this state. 2793  
The department of public safety shall conduct investigations 2794  
necessary to protect the state's property rights and interests 2795  
in the supplemental nutrition assistance program. 2796

(F) The department of public safety shall enforce 2797  
compliance with orders and rules of the public utilities 2798  
commission and applicable laws in accordance with Chapters 2799  
4905., 4921., and 4923. of the Revised Code regarding commercial 2800  
motor vehicle transportation safety, economic, and hazardous 2801  
materials requirements. 2802

(G) Notwithstanding Chapter 4117. of the Revised Code, the 2803  
department of public safety may establish requirements for its 2804  
enforcement personnel, including its enforcement agents 2805  
described in section 5502.14 of the Revised Code, that include 2806  
standards of conduct, work rules and procedures, and criteria 2807

for eligibility as law enforcement personnel. 2808

(H) The department shall administer, maintain, and operate 2809  
the Ohio criminal justice network. The Ohio criminal justice 2810  
network shall be a computer network that supports state and 2811  
local criminal justice activities. The network shall be an 2812  
electronic repository for various data, which may include arrest 2813  
warrants, notices of persons wanted by law enforcement agencies, 2814  
criminal records, prison inmate records, stolen vehicle records, 2815  
vehicle operator's licenses, and vehicle registrations and 2816  
titles. 2817

(I) The department shall coordinate all homeland security 2818  
activities of all state agencies and shall be a liaison between 2819  
state agencies and local entities for those activities and 2820  
related purposes. 2821

(J) The department shall administer and enforce the laws 2822  
relative to private investigators and security service providers 2823  
specified in Chapter 4749. of the Revised Code. 2824

(K) The department shall administer criminal justice 2825  
services in accordance with sections 5502.61 to 5502.66 of the 2826  
Revised Code. 2827

(L) The department shall administer the Ohio school safety 2828  
and crisis center and the Ohio mobile training team in 2829  
accordance with sections 5502.70 to 5502.703 of the Revised 2830  
Code. 2831

(M) The department shall coordinate security measures and 2832  
operations, and may direct the department of administrative 2833  
services to implement any security measures and operations the 2834  
department of public safety requires, at the Vern Riffe Center 2835  
and the James A. Rhodes state office tower. 2836

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

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

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

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

(B) (1) Any person who is employed by the department of

public safety and designated by the director of public safety to 2867  
enforce Title XLIII of the Revised Code, and the rules adopted 2868  
under it, Chapter 3796. of the Revised Code and the rules 2869  
adopted under that chapter, and the laws and rules regulating 2870  
the use of supplemental nutrition assistance program benefits 2871  
shall be known as an enforcement agent. The employment by the 2872  
department of public safety and the designation by the director 2873  
of public safety of a person as an enforcement agent shall be 2874  
subject to division (D) of this section. An enforcement agent 2875  
has the authority vested in peace officers pursuant to section 2876  
2935.03 of the Revised Code to keep the peace, to enforce all of 2877  
the following: 2878

(a) All applicable laws and rules on any retail liquor 2879  
permit premises, or on any other premises of public or private 2880  
property, where a violation of Title XLIII of the Revised Code 2881  
or any rule adopted under it is occurring, ~~and to enforce all;~~ 2882

(b) All applicable laws and rules on persons and premises 2883  
licensed under Chapter 3796. of the Revised Code and, if invited 2884  
by local law enforcement having jurisdiction, on any other 2885  
public or private property where a violation of Chapter 3796. or 2886  
any rule adopted under that chapter is occurring; 2887

(c) All laws and rules governing the use of supplemental 2888  
nutrition assistance program benefits, women, infants, and 2889  
children's coupons, electronically transferred benefits, or any 2890  
other access device that is used alone or in conjunction with 2891  
another access device to obtain payments, allotments, benefits, 2892  
money, goods, or other things of value, or that can be used to 2893  
initiate a transfer of funds, pursuant to the supplemental 2894  
nutrition assistance program established under the Food and 2895  
Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) or any 2896

supplemental food program administered by any department of this 2897  
state pursuant to the "Child Nutrition Act of 1966," 80 Stat. 2898  
885, 42 U.S.C.A. 1786. Enforcement agents, in enforcing 2899  
compliance with the laws and rules described in this division, 2900  
may keep the peace and make arrests for violations of those laws 2901  
and rules. 2902

(2) In addition to the authority conferred by division (B) 2903  
(1) of this section, an enforcement agent also may execute 2904  
search warrants and seize and take into custody any contraband, 2905  
as defined in section 2901.01 of the Revised Code, or any 2906  
property that is otherwise necessary for evidentiary purposes 2907  
related to any violations of the laws or rules described in 2908  
division (B)(1) of this section. An enforcement agent may enter 2909  
public or private premises where activity alleged to violate the 2910  
laws or rules described in division (B)(1) of this section is 2911  
occurring. 2912

(3) Enforcement agents who are on, immediately adjacent 2913  
to, or across from retail liquor permit premises or premises 2914  
licensed under Chapter 3796. of the Revised Code and who are 2915  
performing investigative duties relating to ~~that~~ those premises, 2916  
enforcement agents who are on premises that are not liquor 2917  
permit premises or premises licensed under Chapter 3796. of the 2918  
Revised Code but on which a violation of Title XLIII or Chapter 2919  
3796. of the Revised Code or any rule adopted under ~~it~~ that 2920  
title or chapter allegedly is occurring, and enforcement agents 2921  
who view a suspected violation of Title XLIII or Chapter 3796. 2922  
of the Revised Code, of a rule adopted under ~~it~~ that title or 2923  
chapter, or of another law or rule described in division (B)(1) 2924  
of this section have the authority to enforce the laws and rules 2925  
described in division (B)(1) of this section, authority to 2926  
enforce any section in Title XXIX of the Revised Code or any 2927

other section of the Revised Code listed in section 5502.13 of 2928  
the Revised Code if they witness a violation of the section 2929  
under any of the circumstances described in this division, and 2930  
authority to make arrests for violations of the laws and rules 2931  
described in division (B) (1) of this section and violations of 2932  
any of those sections. 2933

(4) The jurisdiction of an enforcement agent under 2934  
division (B) of this section shall be concurrent with that of 2935  
the peace officers of the county, township, or municipal 2936  
corporation in which the violation occurs. 2937

(C) Enforcement agents of the department of public safety 2938  
who are engaged in the enforcement of the laws and rules 2939  
described in division (B) (1) of this section may carry concealed 2940  
weapons when conducting undercover investigations pursuant to 2941  
their authority as law enforcement officers and while acting 2942  
within the scope of their authority pursuant to this chapter. 2943

(D) (1) The department of public safety shall not employ, 2944  
and the director of public safety shall not designate, a person 2945  
as an enforcement agent on a permanent basis, on a temporary 2946  
basis, for a probationary term, or on other than a permanent 2947  
basis if the person previously has been convicted of or has 2948  
pleaded guilty to a felony. 2949

(2) (a) The department of public safety shall terminate the 2950  
employment of a person who is designated as an enforcement agent 2951  
and who does either of the following: 2952

(i) Pleads guilty to a felony; 2953

(ii) Pleads guilty to a misdemeanor pursuant to a 2954  
negotiated plea agreement as provided in division (D) of section 2955  
2929.43 of the Revised Code in which the enforcement agent 2956

agrees to surrender the certificate awarded to that agent under 2957  
section 109.77 of the Revised Code. 2958

(b) The department shall suspend the employment of a 2959  
person who is designated as an enforcement agent if the person 2960  
is convicted, after trial, of a felony. If the enforcement agent 2961  
files an appeal from that conviction and the conviction is 2962  
upheld by the highest court to which the appeal is taken or if 2963  
no timely appeal is filed, the department shall terminate the 2964  
employment of that agent. If the enforcement agent files an 2965  
appeal that results in that agent's acquittal of the felony or 2966  
conviction of a misdemeanor, or in the dismissal of the felony 2967  
charge against the agent, the department shall reinstate the 2968  
agent. An enforcement agent who is reinstated under division (D) 2969  
(2) (b) of this section shall not receive any back pay unless the 2970  
conviction of that agent of the felony was reversed on appeal, 2971  
or the felony charge was dismissed, because the court found 2972  
insufficient evidence to convict the agent of the felony. 2973

(3) Division (D) of this section does not apply regarding 2974  
an offense that was committed prior to January 1, 1997. 2975

(4) The suspension or termination of the employment of a 2976  
person designated as an enforcement agent under division (D) (2) 2977  
of this section shall be in accordance with Chapter 119. of the 2978  
Revised Code. 2979

**Sec. 5713.30.** As used in sections 5713.31 to 5713.37 and 2980  
5715.01 of the Revised Code: 2981

(A) "Land devoted exclusively to agricultural use" means: 2982

(1) Tracts, lots, or parcels of land totaling not less 2983  
than ten acres to which, during the three calendar years prior 2984  
to the year in which application is filed under section 5713.31 2985

of the Revised Code, and through the last day of May of such 2986  
year, one or more of the following apply: 2987

(a) The tracts, lots, or parcels of land were devoted 2988  
exclusively to commercial animal or poultry husbandry, 2989  
aquaculture, algaculture meaning the farming of algae, 2990  
apiculture, the cultivation of hemp by a person issued a hemp 2991  
cultivation license under section 928.02 of the Revised Code, 2992  
the production for a commercial purpose of timber, field crops, 2993  
tobacco, fruits, vegetables, nursery stock, ornamental trees, 2994  
sod, or flowers, or the growth of timber for a noncommercial 2995  
purpose, if the land on which the timber is grown is contiguous 2996  
to or part of a parcel of land under common ownership that is 2997  
otherwise devoted exclusively to agricultural use. 2998

(b) The tracts, lots, or parcels of land were devoted 2999  
exclusively to biodiesel production, biomass energy production, 3000  
electric or heat energy production, or biologically derived 3001  
methane gas production if the land on which the production 3002  
facility is located is contiguous to or part of a parcel of land 3003  
under common ownership or leasehold that is otherwise devoted 3004  
exclusively to agricultural use, provided that (i) at least 3005  
fifty per cent of the feedstock used in the production is 3006  
agricultural feedstock, (ii) at least twenty per cent of the 3007  
agricultural feedstock used in the production is derived from 3008  
parcels of land under common ownership or leasehold, and (iii) 3009  
none of the feedstock used in the production consists of human 3010  
waste. As used in this division, "agricultural feedstock" means 3011  
manure and food waste, and "human waste" includes sludge as 3012  
defined in section 6111.01 of the Revised Code. 3013

(c) The tracts, lots, or parcels of land are eligible 3014  
conservation land. 3015

(2) Tracts, lots, or parcels of land totaling less than 3016  
ten acres that, during the three calendar years prior to the 3017  
year in which application is filed under section 5713.31 of the 3018  
Revised Code and through the last day of May of such year, were 3019  
devoted exclusively to commercial animal or poultry husbandry, 3020  
aquaculture, algaculture meaning the farming of algae, 3021  
apiculture, the cultivation of hemp by a person issued a hemp 3022  
cultivation license under section 928.02 of the Revised Code, 3023  
the production for a commercial purpose of field crops, tobacco, 3024  
fruits, vegetables, timber, nursery stock, ornamental trees, 3025  
sod, or flowers where such activities produced an average yearly 3026  
gross income of at least twenty-five hundred dollars during such 3027  
three-year period or where there is evidence of an anticipated 3028  
gross income of such amount from such activities during the tax 3029  
year in which application is made, or were eligible conservation 3030  
land; 3031

(3) Tracts, lots, or parcels of land, or portions thereof 3032  
that, during the previous three consecutive calendar years have 3033  
been designated as land devoted exclusively to agricultural use, 3034  
but such land has been lying idle or fallow for up to one year 3035  
and no action has occurred to such land that is either 3036  
inconsistent with the return of it to agricultural production or 3037  
converts the land devoted exclusively to agricultural use as 3038  
defined in this section. Such land shall remain designated as 3039  
land devoted exclusively to agricultural use provided that 3040  
beyond one year, but less than three years, the landowner proves 3041  
good cause as determined by the board of revision. 3042

(4) Tracts, lots, or parcels of land, or portions thereof 3043  
that, during the previous three consecutive calendar years have 3044  
been designated as land devoted exclusively to agricultural use, 3045  
but such land has been lying idle or fallow because of dredged 3046

material being stored or deposited on such land pursuant to a 3047  
contract between the land's owner and the department of natural 3048  
resources or the United States army corps of engineers and no 3049  
action has occurred to the land that is either inconsistent with 3050  
the return of it to agricultural production or converts the land 3051  
devoted exclusively to agricultural use. Such land shall remain 3052  
designated as land devoted exclusively to agricultural use until 3053  
the last year in which dredged material is stored or deposited 3054  
on the land pursuant to such a contract, but not to exceed five 3055  
years. 3056

"Land devoted exclusively to agricultural use" includes 3057  
tracts, lots, or parcels of land or portions thereof that are 3058  
used for conservation practices, provided that the tracts, lots, 3059  
or parcels of land or portions thereof comprise twenty-five per 3060  
cent or less of the total of the tracts, lots, or parcels of 3061  
land that satisfy the criteria established in division (A) (1), 3062  
(2), (3), or (4) of this section together with the tracts, lots, 3063  
or parcels of land or portions thereof that are used for 3064  
conservation practices. 3065

Notwithstanding any other provision of law to the 3066  
contrary, the existence of agritourism on a tract, lot, or 3067  
parcel of land that otherwise meets the definition of "land 3068  
devoted exclusively to agricultural use" as defined in this 3069  
division does not disqualify that tract, lot, or parcel from 3070  
valuation under sections 5713.30 to 5713.37 and 5715.01 of the 3071  
Revised Code. 3072

A tract, lot, or parcel of land taxed under sections 3073  
5713.22 to 5713.26 of the Revised Code is not land devoted 3074  
exclusively to agricultural use. 3075

A tract, lot, parcel, or portion thereof on which medical 3076

marijuana or adult-use marijuana, as those terms are defined by 3077  
section 3796.01 of the Revised Code, is cultivated or processed 3078  
is not land devoted exclusively to agricultural use. 3079

(B) "Conversion of land devoted exclusively to 3080  
agricultural use" means any of the following: 3081

(1) The failure of the owner of land devoted exclusively 3082  
to agricultural use during the next preceding calendar year to 3083  
file a renewal application under section 5713.31 of the Revised 3084  
Code without good cause as determined by the board of revision; 3085

(2) The failure of the new owner of such land to file an 3086  
initial application under that section without good cause as 3087  
determined by the board of revision; 3088

(3) The failure of such land or portion thereof to qualify 3089  
as land devoted exclusively to agricultural use for the current 3090  
calendar year as requested by an application filed under such 3091  
section; 3092

(4) The failure of the owner of the land described in 3093  
division (A)(3) or (4) of this section to act on such land in a 3094  
manner that is consistent with the return of the land to 3095  
agricultural production after three years. 3096

The construction or installation of an energy facility, as 3097  
defined in section 5727.01 of the Revised Code, on a portion of 3098  
a tract, lot, or parcel of land devoted exclusively to 3099  
agricultural use shall not cause the remaining portion of the 3100  
tract, lot, or parcel to be regarded as a conversion of land 3101  
devoted exclusively to agricultural use if the remaining portion 3102  
of the tract, lot, or parcel continues to be devoted exclusively 3103  
to agricultural use. 3104

(C) "Tax savings" means the difference between the dollar 3105

amount of real property taxes levied in any year on land valued 3106  
and assessed in accordance with its current agricultural use 3107  
value and the dollar amount of real property taxes that would 3108  
have been levied upon such land if it had been valued and 3109  
assessed for such year in accordance with Section 2 of Article 3110  
XII, Ohio Constitution. 3111

(D) "Owner" includes, but is not limited to, any person 3112  
owning a fee simple, fee tail, or life estate or a buyer on a 3113  
land installment contract. 3114

(E) "Conservation practices" are practices used to abate 3115  
soil erosion as required in the management of the farming 3116  
operation, and include, but are not limited to, the 3117  
installation, construction, development, planting, or use of 3118  
grass waterways, terraces, diversions, filter strips, field 3119  
borders, windbreaks, riparian buffers, wetlands, ponds, and 3120  
cover crops for that purpose. 3121

(F) "Wetlands" has the same meaning as in section 6111.02 3122  
of the Revised Code. 3123

(G) "Biodiesel" means a mono-alkyl ester combustible 3124  
liquid fuel that is derived from vegetable oils or animal fats 3125  
or any combination of those reagents and that meets the American 3126  
society for testing and materials specification D6751-03a for 3127  
biodiesel fuel (B100) blend stock distillate fuels. 3128

(H) "Biologically derived methane gas" means gas from the 3129  
anaerobic digestion of organic materials, including animal waste 3130  
and agricultural crops and residues. 3131

(I) "Biomass energy" means energy that is produced from 3132  
organic material derived from plants or animals and available on 3133  
a renewable basis, including, but not limited to, agricultural 3134

crops, tree crops, crop by-products, and residues. 3135

(J) "Electric or heat energy" means electric or heat 3136  
energy generated from manure, cornstalks, soybean waste, or 3137  
other agricultural feedstocks. 3138

(K) "Dredged material" means material that is excavated or 3139  
dredged from waters of this state. "Dredged material" does not 3140  
include material resulting from normal farming, silviculture, 3141  
and ranching activities, such as plowing, cultivating, seeding, 3142  
and harvesting, for production of food, fiber, and forest 3143  
products. 3144

(L) "Agritourism" has the same meaning as in section 3145  
901.80 of the Revised Code. 3146

(M) "Eligible conservation land" means either of the 3147  
following: 3148

(1) A tract, lot, or parcel devoted to and qualified for 3149  
payments or other compensation under a land retirement or 3150  
conservation program under an agreement with an agency of the 3151  
federal government; 3152

(2) A tract, lot, or parcel that meets at least one of the 3153  
conditions described in divisions (M) (2) (a) to (c) of this 3154  
section and the condition described in division (M) (2) (d) of 3155  
this section. 3156

(a) The land is subject to an agricultural water project 3157  
or nature water project that receives funding from the H2Ohio 3158  
fund created in section 126.60 of the Revised Code. 3159

(b) The land was subject to such a project during the 3160  
immediately preceding calendar year. 3161

(c) The land is or was subject to such a project for the 3162

current or one of the two immediately preceding tax years and, 3163  
for the current tax year, is subject to either a conservation 3164  
easement held by the state or an agency of the state or a 3165  
conservation easement held by any other person if such easement 3166  
is a condition of a nature water project that is funded through 3167  
the H2Ohio fund. 3168

(d) For the tax year that includes or immediately precedes 3169  
the year in which the land became subject to the project 3170  
described in division (M) (2) (a), (b), or (c) of this section, as 3171  
applicable, the land qualified as land devoted exclusively to 3172  
agricultural use pursuant to other criteria in divisions (A) (1) 3173  
to (4) of this section. 3174

As used in division (M) (2) of this section, "conservation 3175  
easement" has the same meaning as in section 5301.67 of the 3176  
Revised Code. 3177

**Sec. 5739.21.** (A) One hundred per cent of all money 3178  
deposited into the state treasury under sections 5739.01 to 3179  
5739.31 of the Revised Code that is not required to be 3180  
distributed as provided in ~~section~~sections 5739.102 and - 3181  
5739.27 of the Revised Code or division (B) of this section 3182  
shall be credited to the general revenue fund. 3183

(B) (1) In any case where any county or transit authority 3184  
has levied a tax or taxes pursuant to section 5739.021, 3185  
5739.023, or 5739.026 of the Revised Code, the tax commissioner 3186  
shall, within forty-five days after the end of each month, 3187  
determine and certify to the director of budget and management 3188  
the amount of the proceeds of such tax or taxes received during 3189  
that month from billings and assessments, or associated with tax 3190  
returns or reports filed during that month, to be returned to 3191  
the county or transit authority levying the tax or taxes. The 3192

amount to be returned to each county and transit authority shall 3193  
be a fraction of the aggregate amount of money collected with 3194  
respect to each area in which one or more of such taxes are 3195  
concurrently in effect with the tax levied by section 5739.02 of 3196  
the Revised Code. The numerator of the fraction is the rate of 3197  
the tax levied by the county or transit authority and the 3198  
denominator of the fraction is the aggregate rate of such taxes 3199  
applicable to such area. The amount to be returned to each 3200  
county or transit authority shall be reduced by the amount of 3201  
any refunds of county or transit authority tax paid pursuant to 3202  
section 5739.07 of the Revised Code during the same month, or 3203  
transfers made pursuant to division (B) (2) of section 5703.052 3204  
of the Revised Code. 3205

(2) On a periodic basis, using the best information 3206  
available, the tax commissioner shall distribute any amount of a 3207  
county or transit authority tax that cannot be distributed under 3208  
division (B) (1) of this section. Through audit or other means, 3209  
the commissioner shall attempt to obtain the information 3210  
necessary to make the distribution as provided under that 3211  
division and, on receipt of that information, shall make 3212  
adjustments to distributions previously made under this 3213  
division. 3214

(3) Eight and thirty-three one-hundredths of one per cent 3215  
of the revenue collected from the tax due under division (A) of 3216  
section 5739.029 of the Revised Code shall be distributed to the 3217  
county where the sale of the motor vehicle is situated under 3218  
section 5739.033 of the Revised Code. The amount to be so 3219  
distributed to the county shall be apportioned on the basis of 3220  
the rates of taxes the county levies pursuant to sections 3221  
5739.021 and 5739.026 of the Revised Code, as applicable, and 3222  
shall be credited to the funds of the county as provided in 3223

divisions (A) and (B) of section 5739.211 of the Revised Code. 3224

(C) The aggregate amount to be returned to any county or 3225  
transit authority shall be reduced by one per cent, which shall 3226  
be certified directly to the credit of the local sales tax 3227  
administrative fund, which is hereby created in the state 3228  
treasury. For the purpose of determining the amount to be 3229  
returned to a county and transit authority in which the rate of 3230  
tax imposed by the transit authority has been reduced under 3231  
section 5739.028 of the Revised Code, the tax commissioner shall 3232  
use the respective rates of tax imposed by the county or transit 3233  
authority that results from the change in the rates authorized 3234  
under that section. 3235

(D) The director of budget and management shall transfer, 3236  
from the same funds and in the same proportions specified in 3237  
division (A) of this section, to the permissive tax distribution 3238  
fund created by division (B)(1) of section 4301.423 of the 3239  
Revised Code and to the local sales tax administrative fund, the 3240  
amounts certified by the tax commissioner. The tax commissioner 3241  
shall then, on or before the twentieth day of the month in which 3242  
such certification is made, provide for payment of such 3243  
respective amounts to the county treasurer and to the fiscal 3244  
officer of the transit authority levying the tax or taxes. The 3245  
amount transferred to the local sales tax administrative fund is 3246  
for use by the tax commissioner in defraying costs incurred in 3247  
administering such taxes levied by a county or transit 3248  
authority. 3249

Sec. 5739.27. (A) Terms used in this section have the same 3250  
meanings as in section 3796.01 of the Revised Code. 3251

(B) For the purpose of funding the needs of the state and 3252  
local governments that host adult-use marijuana dispensaries, an 3253

excise tax is levied on the retail sale of adult-use marijuana. 3254  
The rate of the tax shall equal ten per cent of the price of 3255  
adult-use marijuana and is in addition to other taxes levied 3256  
under this chapter or Chapter 5741. of the Revised Code. 3257

(C) The tax shall be paid by the consumer to the vendor at 3258  
the time of the sale, and the vendor shall report and remit the 3259  
tax to the state in the same manner and at the same time the 3260  
vendor reports and remits the tax levied under section 5739.02 3261  
of the Revised Code. The return required by this division shall 3262  
be filed on a form prescribed by the tax commissioner, which 3263  
shall be separate from the return required to be filed under 3264  
section 5739.12 of the Revised Code. A vendor with no sales of 3265  
adult-use marijuana for a reporting period is not required to 3266  
file this separate return. For all purposes of the Revised Code, 3267  
the tax levied under this section shall be considered a tax 3268  
levied under section 5739.02 of the Revised Code. 3269

(D) For the same purpose as the tax levied under division 3270  
(B) of this section, a tax is levied on a vendor that sells any 3271  
marijuana other than adult-use marijuana or medical marijuana to 3272  
a consumer. That tax equals ten per cent of the price of such 3273  
marijuana, and the consumer and vendor are liable for any 3274  
amounts, including tax, interest, and penalties, imposed under 3275  
this section and chapter in the same manner as vendors subject 3276  
to the tax imposed under division (B) of this section. 3277

(E) All amounts collected from a tax levied under this 3278  
section shall be deposited into the marijuana receipts fund, 3279  
which is created in the state treasury. Investment earnings of 3280  
the marijuana receipts fund shall be credited to that fund. 3281

From the marijuana receipts fund, the director of budget 3282  
and management shall transfer as needed to the tax refund fund 3283

amounts equal to the refunds attributable to the tax levied 3284  
under this section and certified by the tax commissioner under 3285  
section 5739.07 of the Revised Code. 3286

(F) After making any transfers required under divisions 3287  
(E) and (G) of this section, the director of budget and 3288  
management shall transfer amounts remaining in the marijuana 3289  
receipts fund to the general revenue fund. 3290

(G) Beginning in fiscal year 2026, and for the following 3291  
four fiscal years, the director of budget and management shall 3292  
distribute twenty per cent of funds in the marijuana receipts 3293  
fund, after making any transfers required under division (E) of 3294  
this section, to the host community cannabis fund, which is 3295  
created in the state treasury, for the benefit of municipal 3296  
corporations or townships that have not prohibited or limited 3297  
adult-use dispensaries under section 3780.25 of the Revised 3298  
Code, as that section existed immediately before its repeal by 3299  
this act, before March 1, 2025. Distributions to such municipal 3300  
corporations and townships shall be based on the portion of the 3301  
tax levied under division (B) of this section attributable to 3302  
each municipal corporation or township. Municipal corporations 3303  
and townships receiving funds under this division may use such 3304  
funds for any lawful purpose. 3305

Distributions under this division shall be made by the end 3306  
of each month based on tax collections from the preceding month. 3307  
The tax commissioner shall make data available to the director 3308  
of the office of budget and management for this purpose and the 3309  
director of budget and management shall provide for payment of 3310  
those amounts to municipal corporations and townships as 3311  
required. 3312

**Sec. 5739.99.** (A) Whoever violates section 5739.26 or 3313

5739.29 of the Revised Code shall be fined not less than twenty- 3314  
five nor more than one hundred dollars for a first offense; for 3315  
each subsequent offense such person shall, if a corporation, be 3316  
fined not less than one hundred nor more than five hundred 3317  
dollars, or if an individual, or a member of a partnership, 3318  
firm, or association, be fined not less than twenty-five nor 3319  
more than one hundred dollars, or imprisoned not more than sixty 3320  
days, or both. 3321

(B) Whoever violates division (A) of section 5739.30 of 3322  
the Revised Code shall be fined not less than one hundred nor 3323  
more than one thousand dollars, or imprisoned not more than 3324  
sixty days, or both. 3325

(C) (1) Whoever violates division (A) (1) of section 5739.31 3326  
of the Revised Code shall be fined not less than twenty-five nor 3327  
more than one hundred dollars. If the offender previously has 3328  
been convicted of a violation of division (A) (1) of section 3329  
5739.31 of the Revised Code, the offender is guilty of a felony 3330  
of the fourth degree. 3331

(2) Whoever violates division (A) (2) of section 5739.31 of 3332  
the Revised Code shall be fined not less than one hundred 3333  
dollars nor more than five hundred dollars, or imprisoned for 3334  
not more than ten days, or both, for the first offense; for each 3335  
subsequent offense, each such person shall be fined not less 3336  
than one thousand dollars nor more than twenty-five hundred 3337  
dollars, or imprisoned not more than thirty days, or both. The 3338  
motor vehicles and goods of any person charged with violating 3339  
division (A) (2) of section 5739.31 of the Revised Code may be 3340  
impounded and held pending the disposition of the charge, and 3341  
may be sold at auction by the county sheriff in the manner 3342  
prescribed by law to satisfy any fine imposed by this division. 3343

(3) Whoever violates division (B) of section 5739.31 of 3344  
the Revised Code is guilty of a felony of the fourth degree. 3345  
Each day that business is conducted while a vendor's license is 3346  
suspended constitutes a separate offense. 3347

(D) Except as otherwise provided in this section, whoever 3348  
violates sections 5739.01 to 5739.31 of the Revised Code, or any 3349  
lawful rule promulgated by the department of taxation under 3350  
authority of such sections, shall be fined not less than twenty- 3351  
five nor more than one hundred dollars. 3352

(E) Whoever violates section 5739.12 of the Revised Code 3353  
by failing to remit to the state the tax collected under section 3354  
5739.02, 5739.021, 5739.023, ~~or~~ 5739.026, or 5739.27 of the 3355  
Revised Code is guilty of a felony of the fourth degree and 3356  
shall suffer the loss of the person's vendor's license as 3357  
required by section 5739.17 of the Revised Code. A person shall 3358  
not be eligible for a vendor's license for two years following 3359  
conviction. 3360

(F) Whoever violates division (E) of section 5739.17 of 3361  
the Revised Code is guilty of failure to display a transient 3362  
vendor's license, a minor misdemeanor. A sheriff or police 3363  
officer in a municipal corporation may enforce this division. 3364  
The prosecuting attorney of a county shall inform the tax 3365  
commissioner of any instance when a complaint is brought against 3366  
a transient vendor pursuant to this division. 3367

(G) Whoever violates section 5739.103 of the Revised Code 3368  
shall be fined not less than twenty-five nor more than one 3369  
hundred dollars. If the offender previously has been convicted 3370  
of violating that section, the offender is guilty of a felony of 3371  
the fourth degree. 3372

(H) The penalties provided in this section are in addition 3373  
to any penalties imposed by the tax commissioner under section 3374  
5739.133 of the Revised Code. 3375

**Section 2.** That existing sections 9.79, 519.21, 928.01, 3376  
928.03, 3376.07, 3796.01, 3796.02, 3796.03, 3796.05, 3796.06, 3377  
3796.07, 3796.09, 3796.10, 3796.12, 3796.13, 3796.14, 3796.15, 3378  
3796.17, 3796.18, 3796.19, 3796.20, 3796.21, 3796.22, 3796.23, 3379  
3796.24, 3796.27, 3796.28, 3796.29, 3796.30, 3796.31, 4735.18, 3380  
4796.25, 5502.01, 5502.13, 5502.14, 5713.30, 5739.21, and 3381  
5739.99 of the Revised Code are hereby repealed. 3382

**Section 3.** That sections 3780.01, 3780.02, 3780.03, 3383  
3780.04, 3780.05, 3780.06, 3780.07, 3780.08, 3780.09, 3780.10, 3384  
3780.11, 3780.12, 3780.13, 3780.14, 3780.15, 3780.16, 3780.17, 3385  
3780.18, 3780.19, 3780.20, 3780.21, 3780.22, 3780.23, 3780.24, 3386  
3780.25, 3780.26, 3780.27, 3780.28, 3780.29, 3780.30, 3780.31, 3387  
3780.32, 3780.33, 3780.34, 3780.35, 3780.36, 3780.90, 3780.99, 3388  
and 3796.021 of the Revised Code are hereby repealed. 3389

**Section 4.** (A) All rules adopted by the Division of 3390  
Cannabis Control pursuant to Chapter 3780. of the Revised Code, 3391  
as that chapter existed immediately before the effective date of 3392  
this section, and that are not in conflict with the requirements 3393  
of this act, continue in effect until repealed or amended by the 3394  
Division of Marijuana Control. The Director of the Legislative 3395  
Service Commission shall renumber rules adopted under Chapter 3396  
3780. of the Revised Code to reflect the transfer of authority 3397  
to Chapter 3796. of the Revised Code, as amended by this act. 3398

(B) Any rules that are pending before the Common Sense 3399  
Initiative or the Joint Committee on Agency Rule Review on the 3400  
effective date of this section that were proposed by the 3401  
Division of Cannabis Control under Chapter 3780. of the Revised 3402

Code, as that chapter existed immediately before the effective 3403  
date of this section, shall be treated as having been proposed 3404  
by the Division of Marijuana Control under Chapter 3796. of the 3405  
Revised Code. 3406

(C) Notwithstanding any provision of section 121.95 of the 3407  
Revised Code to the contrary, a regulatory restriction contained 3408  
in a rule adopted by the Division of Marijuana Control in 3409  
accordance with Chapter 3796. of the Revised Code, as amended by 3410  
this act, during the period beginning on the effective date of 3411  
this section and ending twelve months after that date is not 3412  
subject to sections 121.95 to 121.953 of the Revised Code. 3413

**Section 5.** The General Assembly, applying the principle 3414  
stated in division (B) of section 1.52 of the Revised Code that 3415  
amendments are to be harmonized if reasonably capable of 3416  
simultaneous operation, finds that the following sections, 3417  
presented in this act as composites of the sections as amended 3418  
by the acts indicated, are the resulting versions of the 3419  
sections in effect prior to the effective date of the sections 3420  
as presented in this act: 3421

Section 519.21 of the Revised Code as amended by both H.B. 3422  
523 and S.B. 75 of the 131st General Assembly. 3423

Section 5739.99 of the Revised Code as amended by both 3424  
S.B. 143 and S.B. 200 of the 124th General Assembly. 3425