As Introduced

134th General Assembly
Regular Session
2021-2022

S. B. No. 261

Senator Huffman, S.
Cosponsor: Senator Yuko

A BILL

To amend sections 109.572, 3796.01, 3796.02, 3796.03, 3796.032, 3796.05, 3796.06, 3796.061, 3796.08, 3796.10, 3796.11, 3796.12, 3796.13, 3796.14, 3796.15, 3796.16, 3796.17, 3796.18, 3796.19, 3796.20, 3796.21, 3796.22, 3796.23, 3796.27, 3796.30, 4731.30, and 4776.01; to enact sections 3796.35, 4731.303, and 4731.304; and to repeal sections 3796.031 and 3796.04 of the Revised Code to amend the law related to medical marijuana.

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

Section 1. That sections 109.572, 3796.01, 3796.02, 3796.03, 3796.032, 3796.05, 3796.06, 3796.061, 3796.08, 3796.10, 3796.11, 3796.12, 3796.13, 3796.14, 3796.15, 3796.16, 3796.17, 3796.18, 3796.19, 3796.20, 3796.21, 3796.22, 3796.23, 3796.27, 3796.30, 4731.30, and 4776.01 be amended and sections 3796.35, 4731.303, and 4731.304 of the Revised Code be enacted to read as follows:

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

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

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

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

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

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

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

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24,
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24,
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12,
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21,
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05,
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22,
2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11
of the Revised Code;

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

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

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

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

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

(a) A violation of section 959.13, 2903.01, 2903.02,  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16,  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05,  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,  
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32,  
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22,  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49,  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12,  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06,  
2927.12, or 3716.11 of the Revised Code, a violation of section  
2905.04 of the Revised Code as it existed prior to July 1, 1996,  
a violation of section 2919.23 of the Revised Code that would  
have been a violation of section 2905.04 of the Revised Code as  
it existed prior to July 1, 1996, had the violation been  
committed prior to that date, a violation of section 2925.11 of  
the Revised Code that is not a minor drug possession offense,  
two or more OVI or OVUAC violations committed within the three  
years immediately preceding the submission of the application or  
petition that is the basis of the request, or felonious sexual  
penetration in violation of former section 2907.12 of the  
Revised Code;

(b) A violation of an existing or former law of this  
state, any other state, or the United States that is  
substantially equivalent to any of the offenses listed in  
division (A)(4)(a) of this section.
(5) Upon receipt of a request pursuant to section 5104.013 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any of the following:

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

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

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

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

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

(7) On receipt of a request for a criminal records check from an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C)(1) of this section and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information from the federal bureau of investigation as described in division (B)(2) of this section. Subject to division (F) of this section, the superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the director of public safety.
(8) On receipt of a request pursuant to section 1321.37, 1321.53, or 4763.05 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for a license, permit, or certification from the department of commerce or a division in the department. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any criminal offense in this state, any other state, or the United States.

(9) On receipt of a request for a criminal records check from the treasurer of state under section 113.041 of the Revised Code or from an individual under section 928.03, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised Code, accompanied by a completed form prescribed under division (C)(1) of this section and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this
section to determine whether any information exists that
indicates that the person who is the subject of the request has
been convicted of or pleaded guilty to any criminal offense in
this state or any other state. Subject to division (F) of this
section, the superintendent shall send the results of a check
requested under section 113.041 of the Revised Code to the
treasurer of state and shall send the results of a check
requested under any of the other listed sections to the
licensing board specified by the individual in the request.

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

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

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

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

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

(13) On receipt of a request pursuant to section 3796.12 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to the following:

(a) A disqualifying offense as specified in rules adopted under section 9.79 and division (B)(2)(b) of section 3796.03 of the Revised Code if the person who is the subject of the request is an administrator or other person responsible for the daily operation of, or an owner or prospective owner, officer or prospective officer, or board member or prospective board member of, an entity seeking a license from the department of commerce under Chapter 3796. of the Revised Code.

(b) A disqualifying offense as specified in rules adopted under section 9.79 and division (B)(2)(b) of section 3796.04 of the Revised Code if the person who is the subject of the request is an administrator or other person responsible for the daily operation of, or an owner or prospective owner, officer or prospective officer, or board member or prospective board member of, an entity seeking a license from the state board of pharmacy under Chapter 3796. of the Revised Code.

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

(a) A disqualifying offense as specified in rules adopted under division (B)(8)(a), (B)(10)(a) of section 3796.03 of the Revised Code if the person who is the subject of the request is seeking employment with an entity licensed by the department of commerce under Chapter 3796. of the Revised Code.

(b) A disqualifying offense as specified in rules adopted under division (B)(14)(a) of section 3796.04 of the Revised Code if the person who is the subject of the request is seeking employment with an entity licensed by the state board of pharmacy under Chapter 3796. of the Revised Code.

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

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

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

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

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

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

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

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

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

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

(a) If the superintendent is required by division (A) of this section (other than division (A)(3) of this section) to conduct the criminal records check, thirty;

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

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

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

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

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

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

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

(F)(1) Subject to division (F)(2) of this section, all
information regarding the results of a criminal records check
conducted under this section that the superintendent reports or
sends under division (A)(7) or (9) of this section to the
director of public safety, the treasurer of state, or the
person, board, or entity that made the request for the criminal
records check shall relate to the conviction of the subject
person, or the subject person's plea of guilty to, a criminal
offense.

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

(G) As used in this section:

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

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

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

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

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

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

(2) "Medical marijuana" means marijuana that is
cultivated, processed, dispensed, tested, possessed, or used for
a medical purpose.

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

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

(5) "Marijuana cultivation area" means the boundaries of
the enclosed areas in which medical marijuana is cultivated
during the vegetative stage and flowering stage of the
cultivation process. For purposes of calculating the marijuana
cultivation area square footage, "marijuana cultivation area"
does not include enclosed areas used solely for the storage and
maintenance of mother plants, clones, or seedlings.

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

(6) (7) "Qualifying medical condition" means any of the
following:
(a) Acquired immune deficiency syndrome;
(b) Alzheimer's disease;
(c) Amyotrophic lateral sclerosis;
(d) Cancer;
(e) Chronic traumatic encephalopathy;
(f) Crohn's disease;
(g) Epilepsy or another seizure disorder;
(h) Fibromyalgia;
(i) Glaucoma;
(j) Hepatitis C;
(k) Inflammatory bowel disease;
(l) Multiple sclerosis;
(m) Pain that is either of the following:
   (i) Chronic and severe;
   (ii) Intractable.
(n) Parkinson's disease;
(o) Positive status for HIV;
(p) Post-traumatic stress disorder;
(q) Sickle cell anemia;
(r) Spinal cord disease or injury;
(s) Tourette's syndrome;
(t) Traumatic brain injury;
(u) Ulcerative colitis;

(v) Arthritis;

(w) Migraines;

(x) Autism spectrum disorder;

(y) Spasticity or chronic muscle spasms;

(z) Hospice care or terminal illness;

(aa) Opioid use disorder;

(bb) Any condition not specified in this division, if a recommending physician, in the physician's sole discretion and medical opinion, finds either of the following:

(i) That the patient's symptoms may reasonably be expected to be relieved from medical marijuana;

(ii) That the patient may otherwise reasonably be expected to benefit from medical marijuana;

(cc) Any other disease or condition added by the state medical board under section 4731.302 of the Revised Code.

(7)(8) "Recommending physician" means a physician certified to recommend medical marijuana for the treatment of a qualifying medical condition pursuant to section 4731.30 of the Revised Code.

(9) "Stand-alone processor" means a licensed processor that has obtained its certificate of operation by October 1, 2021, and initially applied for a cultivator license and was not awarded a provisional license.

(10) "State university" has the same meaning as in section 3345.011 of the Revised Code.
(B) Notwithstanding any conflicting provision of Chapter 3719. of the Revised Code or the rules adopted under it, for purposes of this chapter, medical marijuana is a schedule II controlled substance.

Sec. 3796.02. There is hereby established a medical marijuana control program in the department of commerce and the state board of pharmacy. The department shall provide for the licensure of medical marijuana cultivators and processors, and retail dispensaries, and also the licensure of laboratories that test medical marijuana. The board shall provide for the licensure of retail dispensaries and the registration of patients and their caregivers. The department and board shall administer the medical marijuana control program.

Sec. 3796.03. (A)(1) Except as provided in division (A)(2) of this section, not later than one year after September 8, 2016, the department shall adopt rules establishing standards and procedures for the medical marijuana control program.

(2) The department shall adopt rules establishing standards and procedures for the licensure of cultivators not later than two hundred forty days after September 8, 2016.

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

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

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

(2) Specify all of the following:
(a) The conditions that must be met to be eligible for licensure;

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

(c) Which of the criminal offenses specified pursuant to division (B)(2)(b) of this section will not disqualify an applicant from holding a retail dispensary license if the applicant was convicted of or pleaded guilty to the offense more than five years before the date the application for licensure is filed.

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

(ii) Establish a new category of cultivator license for stand-alone processors and rules for the prompt establishment thereof.

(b)(i) Establish, in accordance with section 3796.05 of the Revised Code, the number of retail dispensary licenses that will be permitted at any one time, endeavoring to achieve a ratio of at least one retail dispensary per one thousand registered patients up to the first three hundred thousand registered patients and then adding additional retail dispensaries on an as-needed basis thereafter, to be evaluated and awarded at least once every two years.

(ii) When determining the number of retail dispensaries to license during any licensing event, the division shall take into account anticipated growth in patient numbers and patient demand based on sales and market data to ensure that new retail
dispensary openings are timed to meet such demand.

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

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

(b)(i) The division may revoke a license for failure to secure a certificate of operation within eighteen months of provisional licensure.

(ii) The holder of a provisional license may apply to the division for not more than two six-month extensions of this deadline. The division shall approve the extension if the license holder demonstrates that the license holder has made a good-faith effort at becoming operational.

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

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

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

(9) Specify if a cultivator, retail dispensary, processor, 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, or laboratory, may remain in operation or shall relocate or have its license
revoked by the board division;

(8) (10) Specify both of the following:

(a) Subject to division (B)(8)(b) (B)(10)(b) of this section, the criminal offenses for which a person will be disqualified from employment with a license holder;

(b) Which of the criminal offenses specified pursuant to division (B)(8)(a) (B)(10)(a) of this section will not disqualify a person from employment with a license holder if the person was convicted of or pleaded guilty to the offense more than five years before the date the employment begins.

(9) (11) Establish, in accordance with section 3796.05 of the Revised Code, standards and procedures for the testing and retesting of medical marijuana by a laboratory licensed under this chapter;

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

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

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

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

(16) Establish a program to assist patients who are veterans or indigent in obtaining medical marijuana in accordance with this chapter;
(17) Allow licensed dispensaries to advertise, on social media or otherwise, without receiving prior approval from the division;

(18) Allow licensed dispensaries to display products on advertisements and within the dispensary;

(19) Impose a fine or other penalties for licensed entities that fail to comply with rules adopted under divisions (B)(17) and (18) of this section or any other rules adopted by the division pertaining to advertisements.

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

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

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

(A) The agency for health care research and quality;

(B) The national institutes of health;

(C) The national academy of sciences;

(D) The centers for medicare and medicaid services;
(E) The United States department of defense;
(F) The centers for disease control and prevention;
(G) The United States department of veterans affairs;
(H) The drug enforcement administration;
(I) The food and drug administration;
(J) Any board recognized by the national institutes of health for the purpose of evaluating the medical value of health care services.

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

(1) The population of this state;
(2) The number of patients seeking to use medical marijuana;
(3) Whether licensed cultivators have expanded to full capacity.

(B) When establishing the number of retail dispensary licenses that will be permitted at any one time, the state board of pharmacy division shall consider all of the following:

(1) The population of this state;
(2) The number of patients seeking to use medical marijuana;
(3) The geographic distribution of dispensary sites in an effort to ensure patient access to medical marijuana;
(4) Projected growth of the patient registry over the next
two years.

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

(1) Specify when testing must be conducted;

(2) Determine the minimum amount of medical marijuana that must be tested;

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

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

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

(1) Oils;

(2) Tinctures;

(3) Plant material;

(4) Edibles;

(5) Patches;

(6) Pills;

(7) Capsules and suppositories;

(8) Oral pouches;

(9) Oral strips;

(10) Oral or topical sprays;

(11) Salves, lotions, or similar items;
(12) Inhalers;

(13) Any other form approved by the state board of pharmacy under section 3796.061 of the Revised Code of marijuana control.

(B) With respect to the methods of using medical marijuana, all of the following apply:

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

(2) The vaporization and inhalation of medical marijuana is permitted.

(3) Oral administration of medical marijuana is permitted.

(4) Transdermal administration of medical marijuana is permitted.

(5) Oral absorption of medical marijuana into the bloodstream, either buccally or sublingually, is permitted.

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

(C) Any form or method that is considered attractive to children, as specified in rules adopted by the board division, is prohibited.

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

(1) Plant material shall have a tetrahydrocannabinol content of not more than thirty-five per cent.

(2) Extracts shall have a tetrahydrocannabinol content of...
not more than seventy-nine per cent.

(E) A ninety-day supply of plant material shall have a weight of not less than nine ounces.

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

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

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

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

Sec. 3796.08. (A)(1) Until sixty days following the effective date of this amendment, a patient seeking to use medical marijuana or a caregiver seeking to assist a patient in the use or administration of medical marijuana shall apply to
the state board of pharmacy for registration. On and after sixty days following the effective date of this amendment, a patient seeking to use medical marijuana or a caregiver seeking to assist a patient in the use or administration of medical marijuana shall apply to the division of marijuana control for registration. The physician who holds a certificate to recommend issued by the state medical board and is treating the patient or the physician's delegate shall submit the application on the patient's or caregiver's behalf in the manner established in rules adopted under section 3796.04-3796.03 of the Revised Code.

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

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

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

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

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

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

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

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

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

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

(C) A registration expires according to the renewal schedule established in rules adopted under section 3796.04-3796.03 of the Revised Code and may be renewed in accordance with procedures established in those rules.

Sec. 3796.10. (A) An entity that seeks to dispense at retail medical marijuana shall file an application for licensure with the state board of pharmacy division of marijuana control. The entity shall file an application for each location from which it seeks to operate. Each application shall be submitted in accordance with rules adopted under section 3796.04-3796.03.
of the Revised Code.

(B) The board division shall issue a license to an applicant if all of the following conditions are met:

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

(2) The applicant demonstrates that it does not have an ownership or investment interest in or compensation arrangement with any of the following:

(a) A laboratory licensed under this chapter;

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

(3) The applicant demonstrates that it does not share any corporate officers or employees with any of the following:

(a) A laboratory licensed under this chapter;

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

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

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

(6) The applicant meets all other licensure eligibility conditions established in rules adopted under section 3796.04 of the Revised Code.

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

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

(D) A license expires according to the renewal schedule established in rules adopted under section 3796.04 of the Revised Code and may be renewed in accordance with the procedures established in those rules.

Sec. 3796.11. (A)(1) Notwithstanding section 149.43 of the Revised Code or any other public records law to the contrary or any law relating to the confidentiality of tax

998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026
information, upon the request of the department of commerce or state board of pharmacy division of marijuana control, the department of taxation shall provide to the department of commerce or board division all of the following information:

(a) Whether an applicant for licensure under this chapter is in compliance with the applicable tax laws of this state;

(b) Any past or pending violation by the applicant of those tax laws, and any penalty imposed on the applicant for such a violation.

(2) The department of commerce or board division shall request the information only as it pertains to an application for licensure that the department of commerce or board, as applicable, division is reviewing.

(3) The department of taxation may charge the department of commerce or board division a reasonable fee to cover the administrative cost of providing the information.

(B) Information received under this section is confidential. Except as otherwise permitted by other state law or federal law, the department of commerce or board division shall not make the information available to any person other than the applicant for licensure to whom the information applies.

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

(B)(1) As part of the application process for a license issued under this chapter, the department of commerce or state board of pharmacy, whichever is issuing the license, division of marijuana control shall require each of the following to
complete a criminal records check:

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

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

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

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

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

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

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

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

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

(2) The members and staff of the department or board division;

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

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

(b) A civil or criminal action regarding the medical marijuana control program or any violation of this chapter.
(F) The department or board division shall deny a license if, after receiving the information and notification required by this section, a person subject to the criminal records check requirement fails to do either of the following:

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

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

Sec. 3796.13. (A) Each person seeking employment with an entity licensed under this chapter shall comply with sections 4776.01 to 4776.04 of the Revised Code. Except as provided in division (B) of this section, such an entity shall not employ the person unless the person complies with those sections and has submitted a criminal records check under those sections. The report of the resulting criminal records check shall demonstrate that the person has not been convicted of or pleaded guilty to the following:

(1) Any of the disqualifying offenses specified in rules adopted under division (B)(8)(a) of section 3796.03 of the Revised Code if the person is seeking employment with an entity licensed by the department of commerce division of marijuana control under this chapter;

(2) Any of the disqualifying offenses specified in rules adopted under division (B)(14)(a) of section 3796.04 of the Revised Code if the person is seeking employment with an entity.
licensed by the state board of pharmacy under this chapter.

(B)(1) An entity is not prohibited by division (A) of this section from employing a person if the following applies:

(1) In the case of a person seeking employment with an entity licensed by the department of commerce under this chapter, the disqualifying offense the person was convicted of or pleaded guilty to is one of the offenses specified in rules adopted under division (B)(8)(b) (B)(10)(b) of section 3796.03 of the Revised Code and the person was convicted of or pleaded guilty to the offense more than five years before the date the employment begins.

(2) In the case of a person seeking employment with an entity licensed by the state board of pharmacy under this chapter, the disqualifying offense the person was convicted of or pleaded guilty to is one of the offenses specified in rules adopted under division (B)(14)(b) of section 3796.04 of the Revised Code and the person was convicted of or pleaded guilty to the offense more than five years before the date the employment begins.

The division may issue a person a temporary employment badge if the person has submitted a criminal records check and the results have not been received by the division within ten business days of submission.

Sec. 3796.14. (A)(1) The department of commerce division of marijuana control may do any of the following for any reason specified in rules adopted under section 3796.03 of the Revised Code:

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

(b) Refuse to issue a license;

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

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

(2) The department may inspect the premises of an applicant for licensure or holder of a current, valid cultivator, processor, retail dispensary, or laboratory license issued under this chapter without prior notice to the applicant or license holder.

(B)(1) The state board of pharmacy may do any of the following for any reason specified in rules adopted under section 3796.04 of the Revised Code:

(a) Suspend, suspend without prior hearing, revoke, or refuse to renew a license or registration it issued under this chapter;

(b) Refuse to issue a license;

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

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

(2) The board may inspect all of the following without prior notice to the applicant or license holder:

(a) The premises of an applicant for licensure;
(b) The premises of and all records maintained pursuant to this chapter by a holder of a current, valid retail dispensary license.

(3) With respect to a suspension without prior hearing, the board may utilize a telephone conference call to review the allegations and take a vote. The board—(B)(1) The division shall suspend a license without prior hearing only if it finds clear and convincing evidence that continued distribution or cultivation of medical marijuana, as applicable, by the license holder presents a danger of immediate and serious harm to others. The board—

(2) The division shall comply with section 119.07 of the Revised Code.

(3) The suspension shall remain in effect, unless lifted by the board division, until the board division issues its final adjudication order. If the board division does not issue the order within ninety days after the adjudication hearing, the suspension shall be lifted on the ninety-first day following the hearing.

Sec. 3796.15. (A) The state board of pharmacy division of marijuana control shall enforce, or cause to be enforced, sections 3796.08, 3796.10, 3796.20, 3796.22, and 3796.23 of the Revised Code this chapter. If it has information that any provision of these sections this chapter or any rule adopted under this chapter has been violated, it shall investigate the matter and take any action as it considers appropriate.

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

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

Sec. 3796.16. (A)(1) The state board of pharmacy division of marijuana control shall attempt in good faith to negotiate and enter into a reciprocity agreement with any other state under which a medical marijuana registry identification card or equivalent authorization that is issued by the other state is recognized in this state, if the board division determines that both of the following apply:

(a) The eligibility requirements imposed by the other state for that authorization are substantially comparable to the eligibility requirements for a patient or caregiver registration and identification card issued under this chapter.

(b) The other state recognizes a patient or caregiver registration and identification card issued under this chapter.
(2) The board division shall not negotiate any agreement with any other state under which an authorization issued by the other state is recognized in this state other than as provided in division (A)(1) of this section.

(B) If a reciprocity agreement is entered into in accordance with division (A) of this section, the authorization issued by the other state shall be recognized in this state, shall be accepted and valid in this state, and grants the patient or caregiver the same right to use, possess, obtain, or administer medical marijuana in this state as a patient or caregiver who was registered and issued an identification card under this chapter.

(C) The board division may adopt any rules as necessary to implement this section.

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

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

(1) Cultivate medical marijuana, including the acquisition of seeds or clones necessary to begin cultivation of a
particular cultivar of medical marijuana from another licensed cultivator;

(2) Deliver or sell medical marijuana to one or more licensed cultivators, processors, or retail dispensaries;

(3) Register cuttings with the Ohio marijuana enforcement tracking reporting and compliance system if both of the following are met:

(a) The cuttings were obtained from a legal, out-of-state cultivator.

(b) The cuttings have not otherwise been rooted as a clone.

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

(C) When processing medical marijuana, a licensed cultivator shall do all of the following:

(1) Package the medical marijuana in accordance with child-resistant effectiveness standards described in 16 C.F.R. 1700.15(b), as of the effective date of this amendment;

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

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

(D) The division of marijuana control may issue two levels of cultivator licenses.
(1) The division may approve a cultivation area of up to fifty thousand square feet for the holder of a level I cultivator license.

(2) The division may approve a cultivation area of up six thousand square feet for the holder of a level II cultivator license.

(E)(1) The division, at the division's discretion, may approve an expansion of an existing facility's marijuana cultivation area, based on cultivator compliance with licensure requirements, if the population of the state, number of patients seeking to use medical marijuana, and data from the drug database regarding patient recommendations and patient usage of medical marijuana support such expansion. If the division approves an expansion of a facility's marijuana cultivation area, the marijuana cultivation area shall not exceed the following:

(a) Seventy-five thousand square feet for a level I license holder;

(b) Twenty thousand square feet for a level II license holder.

(2) A cultivator shall not submit a request for expansion more than once during any twelve-month period.

(F) A cultivator seeking to expand its marijuana cultivation area in accordance with division (E) of this section shall submit an expansion plan, that, at a minimum, does all of the following:

(1) Includes plans and specifications for the expansion or alteration in accordance with rules adopted by the division that demonstrate compliance with the requirements of the rules.
adopted by the board of building standards pursuant to Chapters 3781. and 3791. of the Revised Code and the rules adopted by the state fire marshal pursuant to sections 3737.82 and 3737.86 of the Revised Code:

(2) Proposes a timeline for completion of the proposed expansion, which, if approved, will become a mandatory condition:

(3) Demonstrates a history of compliance with this chapter and the rules adopted under it, which includes a history of enforcement actions and sanctions issued by the department of commerce or law enforcement agencies against the cultivator:

(4) Provides supporting documentation that the cultivator has consistently met the cultivation requirements established in rules adopted by the division:

(5) Demonstrates that the proposed expansion meets the applicable requirements established by the division in rule and that the cultivator will remain in compliance with this chapter and the rules adopted under it, if the expansion is permitted.

(G) Upon the division's receipt of a request for expansion under division (E) of this section, the division has thirty calendar days to review and approve or deny the request for expansion. If the division does not deny the request for expansion prior to the expiration of thirty calendar days, the request is deemed approved. If the request is approved, the cultivator is bound to the terms in the request for expansion and shall, prior to cultivating medical marijuana in the expanded marijuana cultivation area, pass an inspection conducted in accordance with rules adopted by the division. A cultivator's failure to comply with the approved request for
expansion may result in the revocation of the division's approval or additional sanctions under this chapter or rules adopted under it.

(H) When reviewing applicants for a level I license, the division shall give preference to level II cultivator license holders.

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

(1) (a) Obtain medical marijuana from one or more licensed cultivators or processors;

(b) Physically travel to the location of a cultivator and directly obtain the medical marijuana from the cultivator;

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

(3) Deliver or sell processed medical marijuana to one or more licensed cultivators, processors, or retail dispensaries.

(B) When processing medical marijuana, a licensed processor shall do both of the following:

(1) Package the medical marijuana in accordance with child-resistant effectiveness standards described in 16 C.F.R. 1700.15(b) on the effective date of this section September 8, 2016;

(2) Label the medical marijuana packaging with the product's tetrahydrocannabinol and cannabidiol content;
(3) Comply with any packaging or labeling requirements established in rules adopted by the department of commerce division of marijuana control under section 3796.03 of the Revised Code.

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

(1) (a) Obtain or purchase medical marijuana from one or more cultivators or processors;

(b) Obtain or purchase medical marijuana from another retail dispensary if the two retail dispensaries are under common ownership;

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

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

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

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

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

(a) The name and address of the licensed cultivator or processor and retail dispensary;
(b) The name of the patient and caregiver, if any; 

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

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

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

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

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

(1) A dispensary shall use only employees who have met the training requirements established in rules adopted under section 3796.03 of the Revised Code, including any course of education adopted by the state medical board under section 4731.304 of the Revised Code. 

(2) A dispensary shall not make public any information it collects that identifies or would tend to identify any specific patient. 

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

(1) Obtain medical marijuana from one or more cultivators, processors, and retail dispensaries licensed under this chapter; 

(2) Conduct medical marijuana testing in the manner specified in rules adopted under section 3796.03 of the Revised Code;
(3) Conduct research and development testing for
cultivators and processors;

(4) In-process testing for processors;

(5) Research and development testing for cultivators and
processors.

(B) Licensees may use state-licensed labs to conduct in-
process product testing for internal use.

(C)(1) Retesting shall be permitted if the product fails
testing or if the product test results fall outside of the
typical results for that specific product.

(2) Retesting may be conducted by a licensed laboratory
that is not the original laboratory on a new sample taken from
the same batch or lot of product that was originally tested. For
purposes of testing product, a "batch or lot" is either of the
following:

(a) All of the plant material of the same strain grown
together under the same growing conditions;

(b) All of the manufactured product of the same type
produced from the same oil.

(D) Plant material and products that fall outside of the
testing limits for contaminants established by the division of
marijuana control may be refined using a method approved by the
division.

(E) When testing medical marijuana, a licensed
laboratory shall do both all of the following:

(1) Collect a sample of a size sufficient to conduct the
requested tests, but equaling not more than twice the amount of
material needed for such tests;

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

(3) Prepare a report of the test results.

(F) Plant material and processed products tested under research and development may be sold to patients only after all required testing is completed and the product passes testing required for sale.

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

(1) Use medical marijuana;

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

(3) Possess any paraphernalia or accessories specified in rules adopted under section 3796.04-3796.03 of the Revised Code.

(B) The amount of medical marijuana possessed by a registered patient shall not exceed a ninety-day supply, as specified in rules adopted under section 3796.04-3796.03 of the Revised Code.

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

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

(2) Possessing any paraphernalia or accessories specified in rules adopted under section 3796.04-3796.03 of the Revised Code.
(D) This section does not authorize a registered patient to operate a vehicle, streetcar, trackless trolley, watercraft, or aircraft while under the influence of medical marijuana.

Sec. 3796.23. (A) Notwithstanding any conflicting provision of the Revised Code, a caregiver registered under this chapter who obtains medical marijuana from a retail dispensary licensed under this chapter may do both of the following:

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

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

(3) Possess any paraphernalia or accessories specified in rules adopted under section 3796.04–3796.03 of the Revised Code.

(B) The amount of medical marijuana possessed by a registered caregiver on behalf of a registered patient shall not exceed a ninety-day supply, as specified in rules adopted under section 3796.04–3796.03 of the Revised Code. If a caregiver provides care to more than one registered patient, the caregiver shall maintain separate inventories of medical marijuana for each patient.

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

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

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

(3) Possessing any paraphernalia or accessories specified in rules adopted under section 3796.04–3796.03 of the Revised Code.

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

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

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

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

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

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

(B) A financial institution that provides financial services to any cultivator, processor, retail dispensary, or laboratory licensed under this chapter shall be exempt from any criminal law of this state an element of which may be proven by substantiating that a person provides financial services to a person who possesses, delivers, or manufactures marijuana or marijuana derived products, including section 2925.05 of the Revised Code and sections 2923.01 and 2923.03 of the Revised Code.
As Introduced

Code as those sections apply to violations of Chapter 2925. of the Revised Code, if the cultivator, processor, retail dispensary, or laboratory is in compliance with this chapter and the applicable tax laws of this state.

(C)(1) Notwithstanding section 149.43 of the Revised Code or any other public records law to the contrary, upon the request of a financial institution, the department of commerce or state board of pharmacy division of marijuana control shall provide to the financial institution all of the following information:

(a) Whether a person with whom the financial institution is seeking to do business is a cultivator, processor, retail dispensary, or laboratory licensed under this chapter;

(b) The name of any other business or individual affiliated with the person;

(c) An unredacted copy of the application for a license under this chapter, and any supporting documentation, that was submitted by the person;

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

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

(f) Any past or pending violation by the person of this chapter, and any penalty imposed on the person for such a violation.

(2) The department or board division may charge a financial institution a reasonable fee to cover the administrative cost of providing the information.

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

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

If the relocation of a cultivator, processor, retail dispensary, or laboratory licensed under this chapter results in the cultivator, processor, retail dispensary, or laboratory being located within five hundred feet of the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground, or public park, the department of commerce or state board of pharmacy division of marijuana control shall revoke the license it previously issued to the cultivator, processor, retail dispensary, or laboratory.

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

(C) As used in this section and sections 3796.04, 3796.03, and 3796.12 of the Revised Code:

"Church" has the meaning defined in section 1710.01 of the Revised Code.
"Public library" means a library provided for under Chapter 3375. of the Revised Code.

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

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

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

Sec. 3796.35. (A) As used in this section, "medical cannabis" means "medical marijuana" as defined in section 3796.01 of the Revised Code.

(B) The state board of pharmacy and the department of commerce shall collaborate on conducting an equity study of the medical cannabis industry and the medical cannabis market to determine whether there is a compelling interest to implement remedial measures, which may include applying the requirements of the minority business enterprise program described in section 122.921 of the Revised Code, to assist minorities and women in the medical cannabis industry.

Sec. 4731.30. (A) As used in this section and sections 4731.301 and 4731.302 to 4731.303 of the Revised Code, "medical marijuana," "drug database," "physician," and "qualifying medical condition" have the same meanings as in section 3796.01 of the Revised Code.
(B)(1) Except as provided in division (B)(4) of this section, a physician seeking to recommend treatment with medical marijuana shall apply to the state medical board for a certificate to recommend. An application shall be submitted in the manner established in rules adopted under section 4731.301 of the Revised Code.

(2) The board shall grant a certificate to recommend if both of the following conditions are met:

(a) The application is complete and meets the requirements established in rules.

(b) The applicant demonstrates that the applicant does not have an ownership or investment interest in or compensation arrangement with an entity licensed under Chapter 3796. of the Revised Code or an applicant for licensure.

(3) A certificate to recommend expires according to the renewal schedule established in rules adopted under section 4731.301 of the Revised Code and may be renewed in accordance with the procedures established in those rules.

(4) This section does not apply to a physician who recommends treatment with marijuana or a drug derived from marijuana under any of the following that is approved by an investigational review board or equivalent entity, the United States food and drug administration, or the national institutes of health or one of its cooperative groups or centers under the United States department of health and human services:

(a) A research protocol;

(b) A clinical trial;
(c) An investigational new drug application;

(d) An expanded access submission.

(C)(1) A physician who holds a certificate to recommend
may recommend that a patient be treated with medical marijuana
if all of the following conditions are met:

(a) The patient has been diagnosed with a qualifying
medical condition;

(b) A bona fide physician-patient relationship has been
established through all both of the following:

(i) An in-person physical examination of the patient by
the physician;

(ii) A review of the patient's medical history by the
physician;

(iii) An expectation of providing care and receiving
care on an ongoing basis.

(c) The physician has requested, or a physician delegate
approved by the state board of pharmacy has requested, from the
drug database a report of information related to the patient
that covers at least the twelve months immediately preceding the
date of the report, and the physician has reviewed the report.

(2) In the case of a patient who is a minor, the physician
may recommend treatment with medical marijuana only after
obtaining the consent of the patient's parent or other person
responsible for providing consent to treatment.

(D)(1) When issuing a written recommendation to a patient,
the physician shall specify any information required in rules
adopted by the board under section 4731.301 of the Revised Code.
(2) A written recommendation issued to a patient under this section is valid for a period of not more than ninety days. The physician may renew the recommendation for not more than three additional periods of not more than ninety days each. Thereafter, the physician may issue another recommendation to the patient only upon a physical examination of the patient.

(E) Annually, the physician shall submit to the state medical board a report that describes the physician's observations regarding the effectiveness of medical marijuana in treating the physician's patients during the year covered by the report. When submitting reports, a physician shall not include any information that identifies or would tend to identify any specific patient.

(F) Each physician who holds a certificate to recommend shall complete annually at least two hours of continuing medical education in medical marijuana approved by the state medical board.

(G) A physician shall not do any of the following:

(1) Personally furnish or otherwise dispense medical marijuana;

(2) Issue a recommendation for a family member or the physician's self.

(H) A physician is immune from civil liability, is not subject to professional disciplinary action by the state medical board or state board of pharmacy, and is not subject to criminal prosecution for any of the following actions:

(1) Advising a patient, patient representative, or caregiver about the benefits and risks of medical marijuana to treat a qualifying medical condition;
(2) Recommending that a patient use medical marijuana to treat or alleviate the condition;

(3) Monitoring a patient's treatment with medical marijuana.

(I) If the medical director of a dispensary licensed under Chapter 3796. of the Revised Code is certified under this section, then the medical director may recommend medical marijuana as a treatment in accordance with the requirement of this section.

Sec. 4731.303. A physician certified to recommend treatment of a qualifying medical condition, as defined in section 3796.01 of the Revised Code, with medical marijuana may make such a recommendation via telemedicine.

Sec. 4731.304. The state medical board may approve a course of education for employees of a medical marijuana dispensary licensed under Chapter 3796. of the Revised Code to complete.

Sec. 4776.01. As used in this chapter:

(A) "License" means an authorization evidenced by a license, certificate, registration, permit, card, or other authority that is issued or conferred by a licensing agency to a licensee or to an applicant for an initial license by which the licensee or initial license applicant has or claims the privilege to engage in a profession, occupation, or occupational activity, or, except in the case of the state dental board, to have control of and operate certain specific equipment, machinery, or premises, over which the licensing agency has jurisdiction.

(B) Except as provided in section 4776.20 of the Revised
Code, "licensee" means the person to whom the license is issued by a licensing agency. "Licensee" includes a person who, for purposes of section 3796.13 of the Revised Code, has complied with sections 4776.01 to 4776.04 of the Revised Code and has been determined by the department of commerce or state board of pharmacy, as the applicable licensing agency, division of marijuana control to meet the requirements for employment.

(C) Except as provided in section 4776.20 of the Revised Code, "licensing agency" means any of the following:

(1) The board authorized by Chapters 4701., 4717., 4725., 4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 4753., 4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778., 4779., and 4783. of the Revised Code to issue a license to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specific equipment, machinery, or premises.

(2) The state dental board, relative to its authority to issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code;

(3) The department of commerce or state board of pharmacy, division of marijuana control, relative to its authority under Chapter 3796. of the Revised Code and any rules adopted under that chapter with respect to a person who is subject to section 3796.13 of the Revised Code;

(4) The director of agriculture, relative to the director's authority to issue licenses under Chapter 928. of the Revised Code.

(D) "Applicant for an initial license" includes persons seeking a license for the first time and persons seeking a
license by reciprocity, endorsement, or similar manner of a license issued in another state. "Applicant for an initial license" also includes a person who, for purposes of section 3796.13 of the Revised Code, is required to comply with sections 4776.01 to 4776.04 of the Revised Code.

(E) "Applicant for a restored license" includes persons seeking restoration of a license under section 4730.14, 4730.28, 4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 4761.06, 4761.061, 4762.06, 4762.061, 4774.06, 4774.061, 4778.07, or 4778.071 of the Revised Code. "Applicant for a restored license" does not include a person seeking restoration of a license under section 4751.33 of the Revised Code.

(F) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

Section 2. That existing sections 109.572, 3796.01, 3796.02, 3796.03, 3796.032, 3796.05, 3796.06, 3796.061, 3796.08, 3796.10, 3796.11, 3796.12, 3796.13, 3796.14, 3796.15, 3796.16, 3796.17, 3796.18, 3796.19, 3796.20, 3796.21, 3796.22, 3796.23, 3796.27, 3796.30, 4731.30, and 4776.01 of the Revised Code are hereby repealed.

Section 3. That sections 3796.031 and 3796.04 of the Revised Code are hereby repealed.

Section 4. (A) Not later than sixty days after the effective date of this section, the Department of Commerce and the State Board of Pharmacy shall transfer regulation of the Medical Marijuana Control Program to the Division of Marijuana Control in the Department of Commerce. Until the transfer is complete, the State Board of Pharmacy retains regulatory authority over licensing of retail dispensaries, registering
patients and caregivers, and related duties.

Upon the completion of the transfer, the Medical Marijuana Control Program in the State Board of Pharmacy is abolished. All records of the Medical Marijuana Control Program in the State Board of Pharmacy shall be transferred to the Division, and all of its other assets and liabilities relating to the Medical Marijuana Control Program shall be transferred to the Division. The Division is successor to, and assumes the obligations of, the Medical Marijuana Control Program in the State Board of Pharmacy. Any business commenced, but not completed by the State Board of Pharmacy Medical Marijuana Control Program on the date of the completion of the transfer shall be completed by the Division in the same manner, and with the same effect, as if completed by the State Board of Pharmacy. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section.

(B) Upon this transfer, the Division is responsible for adopting rules establishing standards and procedures for the Medical Marijuana Control Program. The rules regulating the Medical Marijuana Control Program in existence on the effective date of this section continue in effect until repealed or amended by the Division of Marijuana Control.

(C) Not later than ninety days after the effective date of this section, the Division shall review and propose revisions to the rules in the Administrative Code related to medical marijuana retail dispensaries.

(D) A license to operate as a retail dispensary issued by the State Board of Pharmacy pursuant to section 3796.10 of the Revised Code as it existed immediately prior to the effective date of the amendment to that section by this act, and a
registration issued by the State Board of Pharmacy pursuant to
section 3796.08 of the Revised Code as it existed immediately
prior to the effective date of the amendment to that section by
this act remain in effect for the remainder of the license's or
registration's term, unless earlier suspended or revoked.
Renewals shall be issued by the State Board of Pharmacy until
the transfer is complete, at which time renewals shall be issued
by the Division of Marijuana Control.

(E) Any form of medical marijuana approved by the State
Board of Pharmacy under section 3796.061 of the Revised Code as
it existed immediately prior to the effective date of the
amendment to that section by this act remain approved until that
approval is revoked by the Division of Marijuana Control, after
giving notice to the petitioner described in section 3796.061 of
the Revised Code. The Division shall post notice of that
revocation on its web site.

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

Section 109.572 of the Revised Code as amended by H.B. 110
and S.B. 3 of the 134th General Assembly and H.B. 263 and S.B.
260 of the 133rd General Assembly.

Section 4776.01 of the Revised Code as amended by both
H.B. 166 and S.B. 57 of the 133rd General Assembly.