

I_135_1945-1

135th General Assembly
Regular Session
2023-2024

Sub. H. B. No. 86

A BILL

To amend sections 121.95, 121.951, 131.02, 519.21, 1
715.013, 928.01, 928.03, 2925.01, 3376.07, 2
3719.01, 3796.01, 3796.02, 3796.03, 3796.05, 3
3796.06, 3796.07, 3796.09, 3796.10, 3796.12, 4
3796.14, 3796.15, 3796.17, 3796.18, 3796.19, 5
3796.20, 3796.21, 3796.22, 3796.24, 3796.28, 6
3796.30, 4301.17, 4301.171, 4303.041, 4303.184, 7
4303.26, 4399.15, 4735.18, 5502.13, 5703.052, 8
5703.053, 5703.19, 5703.263, 5703.50, 5703.70, 9
5703.77, 5713.30, and 5739.99; to enact sections 10
3796.062, 3796.221, 3796.32, 3796.99, 5739.27, 11
5755.01, 5755.02, 5755.03, 5755.04, 5755.05, 12
5755.06, 5755.07, 5755.071, 5755.08, 5755.09, 13
5755.10, 5755.11, 5755.12, 5755.13, 5755.14, and 14
5755.99; and to repeal sections 3780.01, 15
3780.02, 3780.03, 3780.04, 3780.05, 3780.06, 16
3780.07, 3780.08, 3780.09, 3780.10, 3780.11, 17
3780.12, 3780.13, 3780.14, 3780.15, 3780.16, 18
3780.17, 3780.18, 3780.19, 3780.20, 3780.21, 19
3780.22, 3780.23, 3780.24, 3780.25, 3780.26, 20
3780.27, 3780.28, 3780.29, 3780.30, 3780.31, 21
3780.32, 3780.33, 3780.34, 3780.35, 3780.36, 22



h5pvxt5pjxqdden3wbb6bx

3780.90, 3780.99, and 3796.021 of the Revised 23
Code to revise specified provisions of the 24
liquor control, hemp, and adult-use marijuana 25
laws and to levy taxes on marijuana. 26

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

Section 1. That sections 121.95, 121.951, 131.02, 519.21, 27
715.013, 928.01, 928.03, 2925.01, 3376.07, 3719.01, 3796.01, 28
3796.02, 3796.03, 3796.05, 3796.06, 3796.07, 3796.09, 3796.10, 29
3796.12, 3796.14, 3796.15, 3796.17, 3796.18, 3796.19, 3796.20, 30
3796.21, 3796.22, 3796.24, 3796.28, 3796.30, 4301.17, 4301.171, 31
4303.041, 4303.184, 4303.26, 4399.15, 4735.18, 5502.13, 32
5703.052, 5703.053, 5703.19, 5703.263, 5703.50, 5703.70, 33
5703.77, 5713.30, and 5739.99 be amended and sections 3796.062, 34
3796.221, 3796.32, 3796.99, 5739.27, 5755.01, 5755.02, 5755.03, 35
5755.04, 5755.05, 5755.06, 5755.07, 5755.071, 5755.08, 5755.09, 36
5755.10, 5755.11, 5755.12, 5755.13, 5755.14, and 5755.99 of the 37
Revised Code be enacted to read as follows: 38

Sec. 121.95. (A) As used in sections 121.95, 121.951, 39
121.952, 121.953, and 121.954 of the Revised Code, "state 40
agency" means an administrative department created under section 41
121.02 of the Revised Code, an administrative department head 42
appointed under section 121.03 of the Revised Code, and a state 43
agency organized under an administrative department or 44
administrative department head. "State agency" also includes the 45
department of education and workforce, the state lottery 46
commission, the Ohio casino control commission, the state racing 47
commission, and the public utilities commission of Ohio. Rules 48
adopted by an otherwise independent official or entity organized 49

under a state agency shall be attributed to the agency under 50
which the official or entity is organized for the purposes of 51
sections 121.95, 121.951, 121.952, 121.953, and 121.954 of the 52
Revised Code. 53

(B) Not later than December 31, 2019, a state agency shall 54
review its existing rules to identify rules having one or more 55
regulatory restrictions that require or prohibit an action and 56
prepare a base inventory of the regulatory restrictions in its 57
existing rules. Rules that include the words "shall," "must," 58
"require," "shall not," "may not," and "prohibit" shall be 59
considered to contain regulatory restrictions. 60

(C) In the base inventory, the state agency shall indicate 61
all of the following concerning each regulatory restriction: 62

(1) A description of the regulatory restriction; 63

(2) The rule number of the rule in which the regulatory 64
restriction appears; 65

(3) The statute under which the regulatory restriction was 66
adopted; 67

(4) Whether state or federal law expressly and 68
specifically requires the agency to adopt the regulatory 69
restriction or the agency adopted the regulatory restriction 70
under the agency's general authority; 71

(5) Whether removing the regulatory restriction would 72
require a change to state or federal law, provided that removing 73
a regulatory restriction adopted under a law granting the agency 74
general authority shall be presumed not to require a change to 75
state or federal law; 76

(6) Any other information the joint committee on agency 77

rule review considers necessary. 78

(D) The state agency shall compute and state the total 79
number of regulatory restrictions indicated in the base 80
inventory, shall post the base inventory on its web site, and 81
shall electronically transmit a copy of the inventory to the 82
joint committee. The joint committee shall review the base 83
inventory, then transmit it electronically to the speaker of the 84
house of representatives and the president of the senate. 85

(E) The following types of rules or regulatory 86
restrictions are not required to be included in a state agency's 87
inventory of regulatory restrictions: 88

(1) An internal management rule; 89

(2) An emergency rule; 90

(3) A rule that state or federal law requires the state 91
agency to adopt verbatim; 92

(4) A regulatory restriction contained in materials or 93
documents incorporated by reference into a rule pursuant to 94
sections 121.71 to 121.75 of the Revised Code; 95

(5) A rule adopted pursuant to section 1347.15 of the 96
Revised Code; 97

(6) A rule concerning instant lottery games; 98

(7) A rule adopted by the Ohio casino control commission 99
or the state lottery commission concerning sports gaming; 100

(8) Any other rule that is not subject to review under 101
Chapter 106. of the Revised Code. 102

(F) ~~Beginning~~ Except as otherwise provided in division (G) 103
of this section, beginning on October 17, 2019, and ending on 104

June 30, 2025, a state agency may not adopt a new regulatory
restriction unless it simultaneously removes two or more other
existing regulatory restrictions. The state agency may not
satisfy this section by merging two or more existing regulatory
restrictions into a single surviving regulatory restriction.

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

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

- (a) A ten per cent reduction not later than June 30, 2023;
- (b) A twenty per cent reduction not later than June 30,
2024; and
- (c) The thirty per cent reduction not later than June 30,
2025.

When a state agency has achieved a reduction of any
percentage in regulatory restrictions, whether or not as
specified in this section, the state agency may not adopt or
maintain regulatory restrictions that would negate the
reduction.

(2) Beginning July 1, 2025, a state agency that has not
achieved the specified thirty per cent reduction may not adopt a

new regulatory restriction unless it simultaneously removes two 134
or more other existing regulatory restrictions, until the 135
specified thirty per cent reduction has been achieved. The state 136
agency may not fulfill this requirement by merging two or more 137
existing regulatory restrictions into a single surviving 138
regulatory restriction. 139

(3) A state agency is encouraged to continue to reduce 140
regulatory restrictions after it has achieved the specified 141
thirty per cent reduction. 142

(B) (1) Not later than September 15, 2022, a state agency 143
shall prepare an historical report of its progress in reducing 144
regulatory restrictions over the period of time beginning when 145
the agency prepared its base inventory under section 121.95 of 146
the Revised Code and ending on June 30, 2022. Annually 147
thereafter, a state agency shall prepare an historical report of 148
its progress in reducing regulatory restrictions over the 149
preceding fiscal year. The state agency shall explain in the 150
report how it applied the criteria described in division (A) of 151
section 106.03 of the Revised Code to its determinations as to 152
which regulatory restrictions to amend or rescind. The state 153
agency shall include a revised inventory of regulatory 154
restrictions with the report. 155

(2) In the revised inventory, in addition to the 156
information required by section 121.95 of the Revised Code, the 157
state agency shall compute the percentage net reduction in 158
regulatory restrictions by subtracting the current number of 159
regulatory restrictions from the number of regulatory 160
restrictions identified in the base inventory and then dividing 161
the resulting number by the number of regulatory restrictions in 162
the base inventory. 163

(3) The state agency shall transmit the report 164
electronically to the joint committee on agency rule review. The 165
joint committee shall review the report and shall transmit it 166
electronically to the speaker of the house of representatives 167
and the president of the senate. The state agency shall continue 168
preparing and transmitting annual reports until it has reported 169
that it has achieved the required reduction in regulatory 170
restrictions. 171

(C) Division (A) of this section does not apply to rules 172
adopted by the division of marijuana control in accordance with 173
Chapter 3796. of the Revised Code during the period beginning on 174
the effective date of this amendment and ending twelve months 175
after that date. 176

Sec. 131.02. (A) Except as otherwise provided in section 177
4123.37, section 5703.061, and division (K) of section 4123.511 178
of the Revised Code, whenever any amount is payable to the 179
state, the officer, employee, or agent responsible for 180
administering the law under which the amount is payable shall 181
immediately proceed to collect the amount or cause the amount to 182
be collected and shall pay the amount into the state treasury or 183
into the appropriate custodial fund in the manner set forth 184
pursuant to section 113.08 of the Revised Code. Except as 185
otherwise provided in this division, if the amount is not paid 186
within forty-five days after payment is due, the officer, 187
employee, or agent shall certify the amount due to the attorney 188
general, in the form and manner prescribed by the attorney 189
general. In the case of an amount payable by a student enrolled 190
in a state institution of higher education, the amount shall be 191
certified within the later of forty-five days after the amount 192
is due or the tenth day after the beginning of the next academic 193
semester, quarter, or other session following the session for 194

which the payment is payable. The attorney general may assess 195
the collection cost to the amount certified in such manner and 196
amount as prescribed by the attorney general. If an amount 197
payable to a political subdivision is past due, the political 198
subdivision may, with the approval of the attorney general, 199
certify the amount to the attorney general pursuant to this 200
section. 201

For the purposes of this section, the attorney general and 202
the officer, employee, or agent responsible for administering 203
the law under which the amount is payable shall agree on the 204
time a payment is due, and that agreed upon time shall be one of 205
the following times: 206

(1) If a law, including an administrative rule, of this 207
state prescribes the time a payment is required to be made or 208
reported, when the payment is required by that law to be paid or 209
reported. 210

(2) If the payment is for services rendered, when the 211
rendering of the services is completed. 212

(3) If the payment is reimbursement for a loss, when the 213
loss is incurred. 214

(4) In the case of a fine or penalty for which a law or 215
administrative rule does not prescribe a time for payment, when 216
the fine or penalty is first assessed. 217

(5) If the payment arises from a legal finding, judgment, 218
or adjudication order, when the finding, judgment, or order is 219
rendered or issued. 220

(6) If the payment arises from an overpayment of money by 221
the state to another person, when the overpayment is discovered. 222

(7) The date on which the amount for which an individual 223
is personally liable under section 5735.35, section 5739.33, or 224
division (G) of section 5747.07 of the Revised Code is 225
determined. 226

(8) Upon proof of claim being filed in a bankruptcy case. 227

(9) Any other appropriate time determined by the attorney 228
general and the officer, employee, or agent responsible for 229
administering the law under which the amount is payable on the 230
basis of statutory requirements or ordinary business processes 231
of the agency, institution, or political subdivision to which 232
the payment is owed. 233

(B) (1) The attorney general shall give immediate notice by 234
mail or otherwise to the party indebted of the nature and amount 235
of the indebtedness. 236

(2) If the amount payable to this state arises from a tax 237
levied under Chapter 5733., 5739., 5741., 5747., ~~or~~ 5751., or 238
5755. of the Revised Code, the notice also shall specify all of 239
the following: 240

(a) The assessment or case number; 241

(b) The tax pursuant to which the assessment is made; 242

(c) The reason for the liability, including, if 243
applicable, that a penalty or interest is due; 244

(d) An explanation of how and when interest will be added 245
to the amount assessed; 246

(e) That the attorney general and tax commissioner, acting 247
together, have the authority, but are not required, to 248
compromise the claim and accept payment over a reasonable time, 249
if such actions are in the best interest of the state. 250

(C) The attorney general shall collect the claim or secure 251
a judgment and issue an execution for its collection. 252

(D) Each claim shall bear interest, from the day on which 253
the claim became due, at the rate per annum required by section 254
5703.47 of the Revised Code. 255

(E) The attorney general and the chief officer of the 256
agency reporting a claim, acting together, may do any of the 257
following if such action is in the best interests of the state: 258

(1) Compromise the claim; 259

(2) Extend for a reasonable period the time for payment of 260
the claim by agreeing to accept monthly or other periodic 261
payments. The agreement may require security for payment of the 262
claim. 263

(3) Add fees to recover the cost of processing checks or 264
other draft instruments returned for insufficient funds and the 265
cost of providing electronic payment options. 266

(F) (1) Except as provided in division (F) (2) of this 267
section, if the attorney general finds, after investigation, 268
that any claim due and owing to the state is uncollectible, the 269
attorney general, with the consent of the chief officer of the 270
agency reporting the claim, may do the following: 271

(a) Sell, convey, or otherwise transfer the claim to one 272
or more private entities for collection; 273

(b) Cancel the claim or cause it to be canceled. 274

(2) The attorney general shall cancel or cause to be 275
canceled an unsatisfied claim on the date that is forty years 276
after the date the claim is certified, unless the attorney 277
general has adopted a rule under division (F) (5) of this section 278

shortening this time frame with respect to a subset of claims. 279

(3) No initial action shall be commenced to collect any 280
tax payable to the state that is administered by the tax 281
commissioner, whether or not such tax is subject to division (B) 282
of this section, or any penalty, interest, or additional charge 283
on such tax, after the expiration of the period ending on the 284
later of the dates specified in divisions (F) (3) (a) and (b) of 285
this section, provided that such period shall be extended by the 286
period of any stay to such collection or by any other period to 287
which the parties mutually agree. If the initial action in aid 288
of execution is commenced before the later of the dates 289
specified in divisions (F) (3) (a) and (b) of this section, any 290
and all subsequent actions may be pursued in aid of execution of 291
judgment for as long as the debt exists. 292

(a) Seven years after the assessment of the tax, penalty, 293
interest, or additional charge is issued. 294

(b) Four years after the assessment of the tax, penalty, 295
interest, or additional charge becomes final. For the purposes 296
of division (F) (3) (b) of this section, the assessment becomes 297
final at the latest of the following: upon expiration of the 298
period to petition for reassessment, or if applicable, to appeal 299
a final determination of the commissioner or decision of the 300
board of tax appeals or a court, or, if applicable, upon 301
decision of the United States supreme court. 302

For the purposes of division (F) (3) of this section, an 303
initial action to collect a tax debt is commenced at the time 304
when a certified copy of the tax commissioner's entry making an 305
assessment final has been filed in the office of the clerk of 306
court of common pleas in the county in which the taxpayer 307
resides or has its principal place of business in this state, or 308

in the office of the clerk of court of common pleas of Franklin 309
county, as provided in section 5739.13, 5741.14, 5747.13, or 310
5751.09 of the Revised Code or in any other applicable law 311
requiring such a filing. If an assessment has not been issued 312
and there is no time limitation on the issuance of an assessment 313
under applicable law, an action to collect a tax debt commences 314
when the action is filed in the courts of this state to collect 315
the liability. 316

(4) If information contained in a claim that is sold, 317
conveyed, or transferred to a private entity pursuant to this 318
section is confidential pursuant to federal law or a section of 319
the Revised Code that implements a federal law governing 320
confidentiality, such information remains subject to that law 321
during and following the sale, conveyance, or transfer. 322

(5) The attorney general may adopt rules to aid in the 323
implementation of this section. 324

Sec. 519.21. (A) Except as otherwise provided in divisions 325
(B) and (D) of this section, sections 519.02 to 519.25 of the 326
Revised Code confer no power on any township zoning commission, 327
board of township trustees, or board of zoning appeals to 328
prohibit the use of any land for agricultural purposes or the 329
construction or use of buildings or structures incident to the 330
use for agricultural purposes of the land on which such 331
buildings or structures are located, including buildings or 332
structures that are used primarily for vinting and selling wine 333
and that are located on land any part of which is used for 334
viticulture, and no zoning certificate shall be required for any 335
such building or structure. 336

(B) A township zoning resolution, or an amendment to such 337
resolution, may in any platted subdivision approved under 338

section 711.05, 711.09, or 711.10 of the Revised Code, or in any 339
area consisting of fifteen or more lots approved under section 340
711.131 of the Revised Code that are contiguous to one another, 341
or some of which are contiguous to one another and adjacent to 342
one side of a dedicated public road, and the balance of which 343
are contiguous to one another and adjacent to the opposite side 344
of the same dedicated public road regulate: 345

(1) Agriculture on lots of one acre or less; 346

(2) Buildings or structures incident to the use of land 347
for agricultural purposes on lots greater than one acre but not 348
greater than five acres by: set back building lines; height; and 349
size; 350

(3) Dairying and animal and poultry husbandry on lots 351
greater than one acre but not greater than five acres when at 352
least thirty-five per cent of the lots in the subdivision are 353
developed with at least one building, structure, or improvement 354
that is subject to real property taxation or that is subject to 355
the tax on manufactured and mobile homes under section 4503.06 356
of the Revised Code. After thirty-five per cent of the lots are 357
so developed, dairying and animal and poultry husbandry shall be 358
considered nonconforming use of land and buildings or structures 359
pursuant to section 519.19 of the Revised Code. 360

Division (B) of this section confers no power on any 361
township zoning commission, board of township trustees, or board 362
of zoning appeals to regulate agriculture, buildings or 363
structures, and dairying and animal and poultry husbandry on 364
lots greater than five acres. 365

(C) Such sections confer no power on any township zoning 366
commission, board of township trustees, or board of zoning 367

appeals to prohibit in a district zoned for agricultural, 368
industrial, residential, or commercial uses, the use of any land 369
for: 370

(1) A farm market where fifty per cent or more of the 371
gross income received from the market is derived from produce 372
raised on farms owned or operated by the market operator in a 373
normal crop year. However, a board of township trustees, as 374
provided in section 519.02 of the Revised Code, may regulate 375
such factors pertaining to farm markets as size of the 376
structure, size of parking areas that may be required, set back 377
building lines, and egress or ingress, where such regulation is 378
necessary to protect the public health and safety. 379

(2) Biodiesel production, biomass energy production, or 380
electric or heat energy production if the land on which the 381
production facility is located qualifies as land devoted 382
exclusively to agricultural use under sections 5713.30 to 383
5713.37 of the Revised Code for real property tax purposes. As 384
used in division (C)(2) of this section, "biodiesel," "biomass 385
energy," and "electric or heat energy" have the same meanings as 386
in section 5713.30 of the Revised Code. 387

(3) Biologically derived methane gas production if the 388
land on which the production facility is located qualifies as 389
land devoted exclusively to agricultural use under sections 390
5713.30 to 5713.37 of the Revised Code for real property tax 391
purposes and if the facility that produces the biologically 392
derived methane gas does not produce more than seventeen million 393
sixty thousand seven hundred ten British thermal units, five 394
megawatts, or both. 395

(4) Agritourism. However, a board of township trustees, as 396
provided in section 519.02 of the Revised Code, may regulate 397

such factors pertaining to agritourism, except farm markets as 398
described in division (C) (1) of this section, as size of a 399
structure used primarily for agritourism, size of parking areas 400
that may be required, setback building lines for structures used 401
primarily for agritourism, and egress or ingress where such 402
regulation is necessary to protect public health and safety. 403

Nothing in division (C) (4) of this section confers power 404
on a township zoning commission, board of township trustees, or 405
board of zoning appeals to require any parking area to be 406
improved in any manner, including requirements governing 407
drainage, parking area base, parking area paving, or any other 408
improvement. 409

Nothing in division (C) (4) of this section confers power 410
on a township zoning commission, board of township trustees, or 411
board of zoning appeals to prohibit the use of any land or the 412
construction or use of buildings or structures that are used 413
primarily for vinting and selling wine that are located on land 414
any part of which is used for viticulture as provided in 415
division (A) of this section. 416

(D) Nothing in this section prohibits a township zoning 417
commission, board of township trustees, or board of zoning 418
appeals from regulating the location of ~~medical~~-marijuana 419
cultivators, processors, or retail dispensaries or from 420
prohibiting such cultivators, processors, or dispensaries from 421
being located in the unincorporated territory of the township. 422

~~(D) (1)~~ (E) (1) As used in division (C) (3) of this section, 423
"biologically derived methane gas" has the same meaning as in 424
section 5713.30 of the Revised Code. 425

(2) As used in division (C) (4) of this section, 426

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

Sec. 715.013. (A) Except as otherwise expressly authorized by the Revised Code, no municipal corporation shall levy a tax that is the same as or similar to a tax levied under Chapter 322., 3734., 3769., 4123., 4141., 4301., 4303., 4305., 4307., 4309., 5707., 5725., 5726., 5727., 5728., 5729., 5731., 5735., 5736., 5737., 5739., 5741., 5743., 5747., 5749., ~~or~~ 5751., or 5755. of the Revised Code.

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

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

(1) Amounts received for admission to any place;

(2) The income of an electric company or combined company, as defined in section 5727.01 of the Revised Code;

(3) On and after January 1, 2004, the income of a telephone company, as defined in section 5727.01 of the Revised Code.

Sec. 928.01. As used in this chapter:

(A) "Cannabidiol" means the cannabidiol compound, containing a delta-9 tetrahydrocannabinol concentration of not

more than three-tenths per cent, derived from hemp.

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

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

(1) Floral or topical hemp products;

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

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

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

(E) "Hemp" means the plant Cannabis sativa L. and any part
of that plant, including the seeds thereof and all derivatives,
extracts, cannabinoids, isomers, acids, salts, and salts of

isomers, whether growing or not, ~~with~~containing a delta-9 484
tetrahydrocannabinol concentration of not more than three-tenths 485
per cent on a dry weight basis. "Hemp" does not include any 486
plant material with any additional tetrahydrocannabinol 487
additives. 488

~~(D)~~(F) "Hemp cultivation license" means a license to 489
cultivate hemp issued under section 928.02 of the Revised Code. 490

~~(E)~~(G) "Hemp processing license" means a license to 491
process hemp issued under section 928.02 of the Revised Code. 492

~~(F)~~(H) "Hemp product" means ~~any product, containing a~~ 493
~~delta-9 tetrahydrocannabinol concentration of not more than~~ 494
~~three-tenths per cent, that is made with hemp. "Hemp product"~~ 495
~~includes cosmetics, personal care products, dietary supplements~~ 496
~~or food intended for animal or human consumption, cloth,~~ 497
~~cordage, fiber, fuel, paint, paper, particleboard, and any other~~ 498
~~product containing one or more cannabinoids derived from hemp,~~ 499
~~including cannabidiol~~cannabinoid hemp products, floral hemp 500
products, topical hemp products, and non-cannabinoid hemp 501
products. "Hemp product" includes any hemp not in the possession 502
of a licensed hemp cultivator or hemp processor. 503

~~(G)~~(I) "Marihuana" has the same meaning as in section 504
3719.01 of the Revised Code. 505

~~(H)~~(J) "Medical marijuana" has the same meaning as in 506
section 3796.01 of the Revised Code. 507

~~(I)~~(K) "Non-cannabinoid hemp product" means any product 508
that is made from hemp that does not include cannabinoids. "Non- 509
cannabinoid hemp product" includes cloth, cordage, fiber, fuel, 510
paint, paper, particleboard, and foods that have been approved 511
by the United States food and drug administration as generally 512

recognized as safe. 513

(L) "Process" or "processing" means converting hemp into a 514
hemp product. 515

~~(J)~~(M) "Topical hemp product" means any product, intended 516
for topical application, that is made from hemp and with a 517
delta-9 tetrahydrocannabinol concentration of not more than 518
three-tenths per cent. "Topical hemp product" includes a 519
cosmetic as defined under section 3715.01 of the Revised Code. 520

"Topical hemp product" does not include items containing 521
more than 2 milligrams of delta-9 tetrahydrocannabinol per 522
package or any other tetrahydrocannabinol. 523

(N) "Delta-9 tetrahydrocannabinol" means the sum of the 524
percentage by weight of tetrahydrocannabinolic acid multiplied 525
by 0.877 plus the percentage by weight of delta-9 526
tetrahydrocannabinol. 527

~~(K)~~(O) "Tetrahydrocannabinol" means naturally occurring 528
or synthetic equivalents, regardless of whether artificially or 529
naturally derived, of the substances contained in the plant, or 530
in the resinous extractives of cannabis, sp. or derivatives, and 531
their isomers with similar chemical structure to delta-1-cis or 532
trans tetrahydrocannabinol, and their optical isomers, salts and 533
salts of isomers. "Tetrahydrocannabinol" includes, but is not 534
limited to, delta-6-cis or trans tetrahydrocannabinol, delta- 535
3,4-cis or trans tetrahydrocannabinol, 9-hexahydrocannabinol, 536
and delta-9-tetrahydrocannabinol acetate. Since nomenclature of 537
these substances is not internationally standardized, compounds 538
of these structures, regardless of numerical designation of 539
atomic positions, are included. 540

"Tetrahydrocannabinol" does not include the following: 541

(1) Tetrahydrocannabinols approved by the United States 542
food and drug administration for marketing as a medication or 543
recognized by the United States food and drug administration as 544
generally recognized as safe. 545

(2) Cannabichromene (CBC); 546

(3) Cannabicyclol (CBL); 547

(4) Cannabidiol (CBD); 548

(5) Cannabidivarin (CBDV); 549

(6) Cannabielsoin (CBE); 550

(7) Cannabigerol (CBG); 551

(8) Cannabigerovarin (CBGV); 552

(9) Cannabinol (CBN); 553

(10) Cannabivarin (CBV). 554

(P) "University" means an institution of higher education 555
as defined in section 3345.12 of the Revised Code and a private 556
nonprofit institution with a certificate of authorization issued 557
pursuant to Chapter 1713. of the Revised Code. 558

~~(L)~~ (Q) "USDA" means the United States department of 559
agriculture. 560

Sec. 928.03. The director of agriculture, in consultation 561
with the governor and attorney general, shall adopt rules in 562
accordance with Chapter 119. of the Revised Code establishing 563
standards and procedures for the regulation of hemp cultivation 564
and processing. The rules shall include all of the following: 565

(A) The form of an application for a hemp cultivation 566
license and hemp processing license and the information required 567

to be included in each license application; 568

(B) The amount of an initial application fee that an 569
applicant shall submit along with an application for a hemp 570
cultivation license or a hemp processing license, and the amount 571
of an annual license fee that a licensee shall submit for a hemp 572
cultivation license or a hemp processing license. In adopting 573
rules under division (B) of this section, the director shall 574
ensure both of the following: 575

(1) That the amount of the application fee and annual 576
license fee does not exceed an amount sufficient to cover the 577
costs incurred by the department of agriculture to administer 578
and enforce this chapter; 579

(2) That there is one uniform application fee and one 580
uniform annual license fee that applies to all applicants for a 581
hemp cultivation license. 582

(C) Requirements and procedures concerning background 583
investigations of each applicant for a hemp cultivation license 584
and each applicant for a hemp processing license. The director 585
shall include both of the following in the rules adopted under 586
this division: 587

(1) A requirement that each applicant comply with sections 588
4776.01 to 4776.04 of the Revised Code; 589

(2) Provisions that prohibit the director from issuing a 590
hemp cultivation license or hemp processing license to an 591
applicant that has not complied with those sections. 592

(D) Requirements regarding the experience, equipment, 593
facilities, or land necessary to obtain a hemp cultivation 594
license; 595

(E) Requirements and procedures regarding standards of 596
financial responsibility for each applicant for a hemp 597
processing license. 598

(F) Procedures and requirements for the issuance, renewal, 599
denial, suspension, and revocation of a hemp cultivation license 600
and hemp processing license, including providing for a hearing 601
under Chapter 119. of the Revised Code with regard to such a 602
denial, suspension, or revocation; 603

(G) Grounds for the denial, suspension, and revocation of 604
a hemp cultivation license and of a hemp processing license, 605
including a requirement that the director revoke a hemp 606
cultivation license or hemp processing license, for a period of 607
ten years, of any person who pleads guilty to or is convicted of 608
a felony relating to a controlled substance; 609

(H) A requirement that the director shall not issue a hemp 610
cultivation license or hemp processing license to any person who 611
has pleaded guilty to or been convicted of a felony relating to 612
a controlled substance in the ten years immediately prior to the 613
submission of the application for a license; 614

(I) A requirement that any person that materially 615
falsifies information in an application for a hemp cultivation 616
license or hemp processing license is ineligible to receive 617
either license; 618

(J) A practice for maintaining relevant information 619
regarding land on which hemp is cultivated by hemp cultivation 620
licensees, including a legal description of the land, in 621
accordance with applicable federal law; 622

(K) Requirements prohibiting a hemp cultivation licensee 623
and a hemp processing licensee from cultivating or processing 624

marihuana; 625

(L) A procedure for testing, using post-decarboxylation or 626
other similarly reliable methods, delta-9 tetrahydrocannabinol 627
concentration levels of plants and products for purposes of 628
determining compliance with this chapter and rules adopted under 629
it; 630

(M) Requirements and procedures for the issuance, 631
administration, and enforcement of corrective action plans 632
issued under this chapter; 633

(N) A procedure for conducting annual inspections of, at a 634
minimum, a random sample of hemp cultivation license holders to 635
verify that plants are not being cultivated in violation of this 636
chapter or rules adopted under it; 637

(O) A procedure for conducting annual inspections of, at a 638
minimum, a random sample of hemp processing license holders to 639
verify that such license holders are not operating in violation 640
of this chapter or rules adopted under it; 641

(P) A procedure for complying with enforcement procedures 642
required under federal law; 643

(Q) A procedure for the effective disposal of all of the 644
following: 645

(1) Plants, whether growing or not, cultivated in 646
violation of this chapter or rules adopted under it; 647

(2) Products derived from plants cultivated in violation 648
of this chapter or rules adopted under it; 649

(3) Products produced in violation of this chapter or 650
rules adopted under it. 651

(R) Requirements and procedures governing the production, 652
storage, and disposal of hemp byproducts. 653

For the purposes of this chapter and notwithstanding any 654
provision of law to the contrary, "hemp product" includes a 655
byproduct, produced as a result of processing hemp, that 656
contains a delta-9 tetrahydrocannabinol concentration of more 657
than three-tenths per cent, provided that the byproduct is 658
produced, stored, and disposed of in accordance with rules 659
adopted under division (R) of this section. 660

(S) Procedures for sharing information regarding hemp 661
cultivation license holders with the secretary of the USDA; 662

(T) A setback distance requirement that specifies the 663
distance that a hemp cultivation license holder shall locate 664
hemp plants from a location where medical marijuana or adult-use 665
marijuana is being cultivated. The requirement does not apply to 666
a hemp cultivation license holder with regard to a ~~medical~~ 667
marijuana cultivator that locates medical marijuana or adult-use 668
marijuana within the established setback distance requirement 669
after the hemp cultivation license holder begins operation. 670

(U) Annual reporting requirements and procedures for hemp 671
cultivation license holders and hemp processing license holders; 672

(V) Recordkeeping and documentation maintenance 673
requirements and procedures for hemp cultivation license holders 674
and hemp processing license holders; 675

(W) Fees for the laboratory testing of plants and 676
products; 677

(X) Standards for the testing and labeling of hemp and 678
hemp products; 679

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

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

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

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

Sec. 2925.01. As used in this chapter:

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

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

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

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

(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the

exception of any controlled substance analog, marihuana, 708
cocaine, L.S.D., heroin, any fentanyl-related compound, and 709
hashish and except as provided in division (D) (2), (5), or (6) 710
of this section, whichever of the following is applicable: 711

(a) An amount equal to or exceeding ten grams or twenty- 712
five unit doses of a compound, mixture, preparation, or 713
substance that is or contains any amount of a schedule I opiate 714
or opium derivative; 715

(b) An amount equal to or exceeding ten grams of a 716
compound, mixture, preparation, or substance that is or contains 717
any amount of raw or gum opium; 718

(c) An amount equal to or exceeding thirty grams or ten 719
unit doses of a compound, mixture, preparation, or substance 720
that is or contains any amount of a schedule I hallucinogen 721
other than tetrahydrocannabinol or lysergic acid amide, or a 722
schedule I stimulant or depressant; 723

(d) An amount equal to or exceeding twenty grams or five 724
times the maximum daily dose in the usual dose range specified 725
in a standard pharmaceutical reference manual of a compound, 726
mixture, preparation, or substance that is or contains any 727
amount of a schedule II opiate or opium derivative; 728

(e) An amount equal to or exceeding five grams or ten unit 729
doses of a compound, mixture, preparation, or substance that is 730
or contains any amount of phencyclidine; 731

(f) An amount equal to or exceeding one hundred twenty 732
grams or thirty times the maximum daily dose in the usual dose 733
range specified in a standard pharmaceutical reference manual of 734
a compound, mixture, preparation, or substance that is or 735
contains any amount of a schedule II stimulant that is in a 736

final dosage form manufactured by a person authorized by the 737
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 738
U.S.C.A. 301, as amended, and the federal drug abuse control 739
laws, as defined in section 3719.01 of the Revised Code, that is 740
or contains any amount of a schedule II depressant substance or 741
a schedule II hallucinogenic substance; 742

(g) An amount equal to or exceeding three grams of a 743
compound, mixture, preparation, or substance that is or contains 744
any amount of a schedule II stimulant, or any of its salts or 745
isomers, that is not in a final dosage form manufactured by a 746
person authorized by the Federal Food, Drug, and Cosmetic Act 747
and the federal drug abuse control laws. 748

(2) An amount equal to or exceeding one hundred twenty 749
grams or thirty times the maximum daily dose in the usual dose 750
range specified in a standard pharmaceutical reference manual of 751
a compound, mixture, preparation, or substance that is or 752
contains any amount of a schedule III or IV substance other than 753
an anabolic steroid or a schedule III opiate or opium 754
derivative; 755

(3) An amount equal to or exceeding twenty grams or five 756
times the maximum daily dose in the usual dose range specified 757
in a standard pharmaceutical reference manual of a compound, 758
mixture, preparation, or substance that is or contains any 759
amount of a schedule III opiate or opium derivative; 760

(4) An amount equal to or exceeding two hundred fifty 761
milliliters or two hundred fifty grams of a compound, mixture, 762
preparation, or substance that is or contains any amount of a 763
schedule V substance; 764

(5) An amount equal to or exceeding two hundred solid 765

dosage units, sixteen grams, or sixteen milliliters of a 766
compound, mixture, preparation, or substance that is or contains 767
any amount of a schedule III anabolic steroid; 768

(6) For any compound, mixture, preparation, or substance 769
that is a combination of a fentanyl-related compound and any 770
other compound, mixture, preparation, or substance included in 771
schedule III, schedule IV, or schedule V, if the defendant is 772
charged with a violation of section 2925.11 of the Revised Code 773
and the sentencing provisions set forth in divisions (C) (10) (b) 774
and (C) (11) of that section will not apply regarding the 775
defendant and the violation, the bulk amount of the controlled 776
substance for purposes of the violation is the amount specified 777
in division (D) (1), (2), (3), (4), or (5) of this section for 778
the other schedule III, IV, or V controlled substance that is 779
combined with the fentanyl-related compound. 780

(E) "Unit dose" means an amount or unit of a compound, 781
mixture, or preparation containing a controlled substance that 782
is separately identifiable and in a form that indicates that it 783
is the amount or unit by which the controlled substance is 784
separately administered to or taken by an individual. 785

(F) "Cultivate" includes planting, watering, fertilizing, 786
or tilling. 787

(G) "Drug abuse offense" means any of the following: 788

(1) A violation of division (A) of section 2913.02 that 789
constitutes theft of drugs, or a violation of section 2925.02, 790
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 791
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 792
or 2925.37 of the Revised Code; 793

(2) A violation of an existing or former law of this or 794

any other state or of the United States that is substantially 795
equivalent to any section listed in division (G) (1) of this 796
section; 797

(3) An offense under an existing or former law of this or 798
any other state, or of the United States, of which planting, 799
cultivating, harvesting, processing, making, manufacturing, 800
producing, shipping, transporting, delivering, acquiring, 801
possessing, storing, distributing, dispensing, selling, inducing 802
another to use, administering to another, using, or otherwise 803
dealing with a controlled substance is an element; 804

(4) A conspiracy to commit, attempt to commit, or 805
complicity in committing or attempting to commit any offense 806
under division (G) (1), (2), or (3) of this section. 807

(H) "Felony drug abuse offense" means any drug abuse 808
offense that would constitute a felony under the laws of this 809
state, any other state, or the United States. 810

(I) "Harmful intoxicant" does not include beer or 811
intoxicating liquor but means any of the following: 812

(1) Any compound, mixture, preparation, or substance the 813
gas, fumes, or vapor of which when inhaled can induce 814
intoxication, excitement, giddiness, irrational behavior, 815
depression, stupefaction, paralysis, unconsciousness, 816
asphyxiation, or other harmful physiological effects, and 817
includes, but is not limited to, any of the following: 818

(a) Any volatile organic solvent, plastic cement, model 819
cement, fingernail polish remover, lacquer thinner, cleaning 820
fluid, gasoline, or other preparation containing a volatile 821
organic solvent; 822

(b) Any aerosol propellant; 823

(c) Any fluorocarbon refrigerant;	824
(d) Any anesthetic gas.	825
(2) Gamma Butyrolactone;	826
(3) 1,4 Butanediol.	827
(J) "Manufacture" means to plant, cultivate, harvest,	828
process, make, prepare, or otherwise engage in any part of the	829
production of a drug, by propagation, extraction, chemical	830
synthesis, or compounding, or any combination of the same, and	831
includes packaging, repackaging, labeling, and other activities	832
incident to production.	833
(K) "Possess" or "possession" means having control over a	834
thing or substance, but may not be inferred solely from mere	835
access to the thing or substance through ownership or occupation	836
of the premises upon which the thing or substance is found.	837
(L) "Sample drug" means a drug or pharmaceutical	838
preparation that would be hazardous to health or safety if used	839
without the supervision of a licensed health professional	840
authorized to prescribe drugs, or a drug of abuse, and that, at	841
one time, had been placed in a container plainly marked as a	842
sample by a manufacturer.	843
(M) "Standard pharmaceutical reference manual" means the	844
current edition, with cumulative changes if any, of references	845
that are approved by the state board of pharmacy.	846
(N) "Juvenile" means a person under eighteen years of age.	847
(O) "Counterfeit controlled substance" means any of the	848
following:	849
(1) Any drug that bears, or whose container or label	850

bears, a trademark, trade name, or other identifying mark used 851
without authorization of the owner of rights to that trademark, 852
trade name, or identifying mark; 853

(2) Any unmarked or unlabeled substance that is 854
represented to be a controlled substance manufactured, 855
processed, packed, or distributed by a person other than the 856
person that manufactured, processed, packed, or distributed it; 857

(3) Any substance that is represented to be a controlled 858
substance but is not a controlled substance or is a different 859
controlled substance; 860

(4) Any substance other than a controlled substance that a 861
reasonable person would believe to be a controlled substance 862
because of its similarity in shape, size, and color, or its 863
markings, labeling, packaging, distribution, or the price for 864
which it is sold or offered for sale. 865

(P) An offense is "committed in the vicinity of a school" 866
if the offender commits the offense on school premises, in a 867
school building, or within one thousand feet of the boundaries 868
of any school premises, regardless of whether the offender knows 869
the offense is being committed on school premises, in a school 870
building, or within one thousand feet of the boundaries of any 871
school premises. 872

(Q) "School" means any school operated by a board of 873
education, any community school established under Chapter 3314. 874
of the Revised Code, or any nonpublic school for which the 875
director of education and workforce prescribes minimum standards 876
under section 3301.07 of the Revised Code, whether or not any 877
instruction, extracurricular activities, or training provided by 878
the school is being conducted at the time a criminal offense is 879

committed. 880

(R) "School premises" means either of the following: 881

(1) The parcel of real property on which any school is 882
situated, whether or not any instruction, extracurricular 883
activities, or training provided by the school is being 884
conducted on the premises at the time a criminal offense is 885
committed; 886

(2) Any other parcel of real property that is owned or 887
leased by a board of education of a school, the governing 888
authority of a community school established under Chapter 3314. 889
of the Revised Code, or the governing body of a nonpublic school 890
for which the director of education and workforce prescribes 891
minimum standards under section 3301.07 of the Revised Code and 892
on which some of the instruction, extracurricular activities, or 893
training of the school is conducted, whether or not any 894
instruction, extracurricular activities, or training provided by 895
the school is being conducted on the parcel of real property at 896
the time a criminal offense is committed. 897

(S) "School building" means any building in which any of 898
the instruction, extracurricular activities, or training 899
provided by a school is conducted, whether or not any 900
instruction, extracurricular activities, or training provided by 901
the school is being conducted in the school building at the time 902
a criminal offense is committed. 903

(T) "Disciplinary counsel" means the disciplinary counsel 904
appointed by the board of commissioners on grievances and 905
discipline of the supreme court under the Rules for the 906
Government of the Bar of Ohio. 907

(U) "Certified grievance committee" means a duly 908

constituted and organized committee of the Ohio state bar 909
association or of one or more local bar associations of the 910
state of Ohio that complies with the criteria set forth in Rule 911
V, section 6 of the Rules for the Government of the Bar of Ohio. 912

(V) "Professional license" means any license, permit, 913
certificate, registration, qualification, admission, temporary 914
license, temporary permit, temporary certificate, or temporary 915
registration that is described in divisions (W) (1) to (37) of 916
this section and that qualifies a person as a professionally 917
licensed person. 918

(W) "Professionally licensed person" means any of the 919
following: 920

(1) A person who has received a certificate or temporary 921
certificate as a certified public accountant or who has 922
registered as a public accountant under Chapter 4701. of the 923
Revised Code and who holds an Ohio permit issued under that 924
chapter; 925

(2) A person who holds a certificate of qualification to 926
practice architecture issued or renewed and registered under 927
Chapter 4703. of the Revised Code; 928

(3) A person who is registered as a landscape architect 929
under Chapter 4703. of the Revised Code or who holds a permit as 930
a landscape architect issued under that chapter; 931

(4) A person licensed under Chapter 4707. of the Revised 932
Code; 933

(5) A person who has been issued a certificate of 934
registration as a registered barber under Chapter 4709. of the 935
Revised Code; 936

(6) A person licensed and regulated to engage in the 937
business of a debt pooling company by a legislative authority, 938
under authority of Chapter 4710. of the Revised Code; 939

(7) A person who has been issued a cosmetologist's 940
license, hair designer's license, manicurist's license, 941
esthetician's license, natural hair stylist's license, advanced 942
cosmetologist's license, advanced hair designer's license, 943
advanced manicurist's license, advanced esthetician's license, 944
advanced natural hair stylist's license, cosmetology 945
instructor's license, hair design instructor's license, 946
manicurist instructor's license, esthetics instructor's license, 947
natural hair style instructor's license, independent 948
contractor's license, or tanning facility permit under Chapter 949
4713. of the Revised Code; 950

(8) A person who has been issued a license to practice 951
dentistry, a general anesthesia permit, a conscious sedation 952
permit, a limited resident's license, a limited teaching 953
license, a dental hygienist's license, or a dental hygienist's 954
teacher's certificate under Chapter 4715. of the Revised Code; 955

(9) A person who has been issued an embalmer's license, a 956
funeral director's license, a funeral home license, or a 957
crematory license, or who has been registered for an embalmer's 958
or funeral director's apprenticeship under Chapter 4717. of the 959
Revised Code; 960

(10) A person who has been licensed as a registered nurse 961
or practical nurse, or who has been issued a certificate for the 962
practice of nurse-midwifery under Chapter 4723. of the Revised 963
Code; 964

(11) A person who has been licensed to practice optometry 965

or to engage in optical dispensing under Chapter 4725. of the	966
Revised Code;	967
(12) A person licensed to act as a pawnbroker under	968
Chapter 4727. of the Revised Code;	969
(13) A person licensed to act as a precious metals dealer	970
under Chapter 4728. of the Revised Code;	971
(14) A person licensed under Chapter 4729. of the Revised	972
Code as a pharmacist or pharmacy intern or registered under that	973
chapter as a registered pharmacy technician, certified pharmacy	974
technician, or pharmacy technician trainee;	975
(15) A person licensed under Chapter 4729. of the Revised	976
Code as a manufacturer of dangerous drugs, outsourcing facility,	977
third-party logistics provider, repackager of dangerous drugs,	978
wholesale distributor of dangerous drugs, or terminal	979
distributor of dangerous drugs;	980
(16) A person who is authorized to practice as a physician	981
assistant under Chapter 4730. of the Revised Code;	982
(17) A person who has been issued a license to practice	983
medicine and surgery, osteopathic medicine and surgery, or	984
podiatric medicine and surgery under Chapter 4731. of the	985
Revised Code or has been issued a certificate to practice a	986
limited branch of medicine under that chapter;	987
(18) A person licensed as a psychologist, independent	988
school psychologist, or school psychologist under Chapter 4732.	989
of the Revised Code;	990
(19) A person registered to practice the profession of	991
engineering or surveying under Chapter 4733. of the Revised	992
Code;	993

(20) A person who has been issued a license to practice	994
chiropractic under Chapter 4734. of the Revised Code;	995
(21) A person licensed to act as a real estate broker or	996
real estate salesperson under Chapter 4735. of the Revised Code;	997
(22) A person registered as a registered environmental	998
health specialist under Chapter 3776. of the Revised Code;	999
(23) A person licensed to operate or maintain a junkyard	1000
under Chapter 4737. of the Revised Code;	1001
(24) A person who has been issued a motor vehicle salvage	1002
dealer's license under Chapter 4738. of the Revised Code;	1003
(25) A person who has been licensed to act as a steam	1004
engineer under Chapter 4739. of the Revised Code;	1005
(26) A person who has been issued a license or temporary	1006
permit to practice veterinary medicine or any of its branches,	1007
or who is registered as a graduate animal technician under	1008
Chapter 4741. of the Revised Code;	1009
(27) A person who has been issued a hearing aid dealer's	1010
or fitter's license or trainee permit under Chapter 4747. of the	1011
Revised Code;	1012
(28) A person who has been issued a class A, class B, or	1013
class C license or who has been registered as an investigator or	1014
security guard employee under Chapter 4749. of the Revised Code;	1015
(29) A person licensed to practice as a nursing home	1016
administrator under Chapter 4751. of the Revised Code;	1017
(30) A person licensed to practice as a speech-language	1018
pathologist or audiologist under Chapter 4753. of the Revised	1019
Code;	1020

(31) A person issued a license as an occupational 1021
therapist or physical therapist under Chapter 4755. of the 1022
Revised Code; 1023

(32) A person who is licensed as a licensed professional 1024
clinical counselor, licensed professional counselor, social 1025
worker, independent social worker, independent marriage and 1026
family therapist, or marriage and family therapist, or 1027
registered as a social work assistant under Chapter 4757. of the 1028
Revised Code; 1029

(33) A person issued a license to practice dietetics under 1030
Chapter 4759. of the Revised Code; 1031

(34) A person who has been issued a license or limited 1032
permit to practice respiratory therapy under Chapter 4761. of 1033
the Revised Code; 1034

(35) A person who has been issued a real estate appraiser 1035
certificate under Chapter 4763. of the Revised Code; 1036

(36) A person who has been issued a home inspector license 1037
under Chapter 4764. of the Revised Code; 1038

(37) A person who has been admitted to the bar by order of 1039
the supreme court in compliance with its prescribed and 1040
published rules. 1041

(X) "Cocaine" means any of the following: 1042

(1) A cocaine salt, isomer, or derivative, a salt of a 1043
cocaine isomer or derivative, or the base form of cocaine; 1044

(2) Coca leaves or a salt, compound, derivative, or 1045
preparation of coca leaves, including ecgonine, a salt, isomer, 1046
or derivative of ecgonine, or a salt of an isomer or derivative 1047
of ecgonine; 1048

(3) A salt, compound, derivative, or preparation of a 1049
substance identified in division (X)(1) or (2) of this section 1050
that is chemically equivalent to or identical with any of those 1051
substances, except that the substances shall not include 1052
decocainized coca leaves or extraction of coca leaves if the 1053
extractions do not contain cocaine or ecgonine. 1054

(Y) "L.S.D." means lysergic acid diethylamide. 1055

(Z) "Hashish" means a resin or a preparation of a resin to 1056
which both of the following apply: 1057

(1) It is ~~contained in or derived from any part of the~~ 1058
~~plant of the genus cannabis, whether~~ in solid form or in a 1059
liquid concentrate, liquid extract, or liquid distillate form. 1060

(2) It has a delta-9 tetrahydrocannabinol concentration of 1061
more than three-tenths per cent. 1062

"Hashish" does not include a hemp byproduct in the 1063
possession of a licensed hemp processor under Chapter 928. of 1064
the Revised Code, provided that the hemp byproduct is being 1065
produced, stored, and disposed of in accordance with rules 1066
adopted under section 928.03 of the Revised Code. 1067

(AA) "Marihuana" has the same meaning as in section 1068
3719.01 of the Revised Code, except that it does not include 1069
hashish. 1070

(BB) An offense is "committed in the vicinity of a 1071
juvenile" if the offender commits the offense within one hundred 1072
feet of a juvenile or within the view of a juvenile, regardless 1073
of whether the offender knows the age of the juvenile, whether 1074
the offender knows the offense is being committed within one 1075
hundred feet of or within view of the juvenile, or whether the 1076
juvenile actually views the commission of the offense. 1077

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

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

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

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

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

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

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

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

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

(JJ) "Deception" has the same meaning as in section

2913.01 of the Revised Code.	1106
(KK) "Fentanyl-related compound" means any of the	1107
following:	1108
(1) Fentanyl;	1109
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-	1110
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-	1111
phenylethyl)-4-(N-propanilido) piperidine);	1112
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-	1113
thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	1114
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-	1115
piperidinyl] -N-phenylpropanamide);	1116
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-	1117
hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-	1118
phenylpropanamide);	1119
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-	1120
piperidyl]-N- phenylpropanamide);	1121
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-	1122
(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	1123
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-	1124
phenethyl)-4- piperidinyl]propanamide;	1125
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-	1126
piperidinyl]- propanamide;	1127
(10) Alfentanil;	1128
(11) Carfentanil;	1129
(12) Remifentanil;	1130
(13) Sufentanil;	1131

(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and

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

(a) A chemical scaffold consisting of both of the following:

(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;

(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.

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

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

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

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

the minimum prison terms prescribed in division (A) (1) (a) of 1160
that section for a felony of the first degree. 1161

(MM) "Second degree felony mandatory prison term" means 1162
one of the definite prison terms prescribed in division (A) (2) 1163
(b) of section 2929.14 of the Revised Code for a felony of the 1164
second degree, except that if the violation for which sentence 1165
is being imposed is committed on or after March 22, 2019, it 1166
means one of the minimum prison terms prescribed in division (A) 1167
(2) (a) of that section for a felony of the second degree. 1168

(NN) "Maximum first degree felony mandatory prison term" 1169
means the maximum definite prison term prescribed in division 1170
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 1171
the first degree, except that if the violation for which 1172
sentence is being imposed is committed on or after March 22, 1173
2019, it means the longest minimum prison term prescribed in 1174
division (A) (1) (a) of that section for a felony of the first 1175
degree. 1176

(OO) "Maximum second degree felony mandatory prison term" 1177
means the maximum definite prison term prescribed in division 1178
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 1179
the second degree, except that if the violation for which 1180
sentence is being imposed is committed on or after March 22, 1181
2019, it means the longest minimum prison term prescribed in 1182
division (A) (2) (a) of that section for a felony of the second 1183
degree. 1184

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 1185
as in section 928.01 of the Revised Code. 1186

(QQ) An offense is "committed in the vicinity of a 1187
substance addiction services provider or a recovering addict" if 1188

either of the following apply: 1189

(1) The offender commits the offense on the premises of a 1190
substance addiction services provider's facility, including a 1191
facility licensed prior to June 29, 2019, under section 5119.391 1192
of the Revised Code to provide methadone treatment or an opioid 1193
treatment program licensed on or after that date under section 1194
5119.37 of the Revised Code, or within five hundred feet of the 1195
premises of a substance addiction services provider's facility 1196
and the offender knows or should know that the offense is being 1197
committed within the vicinity of the substance addiction 1198
services provider's facility. 1199

(2) The offender sells, offers to sell, delivers, or 1200
distributes the controlled substance or controlled substance 1201
analog to a person who is receiving treatment at the time of the 1202
commission of the offense, or received treatment within thirty 1203
days prior to the commission of the offense, from a substance 1204
addiction services provider and the offender knows that the 1205
person is receiving or received that treatment. 1206

(RR) "Substance addiction services provider" means an 1207
agency, association, corporation or other legal entity, 1208
individual, or program that provides one or more of the 1209
following at a facility: 1210

(1) Either alcohol addiction services, or drug addiction 1211
services, or both such services that are certified by the 1212
director of mental health and addiction services under section 1213
5119.36 of the Revised Code; 1214

(2) Recovery supports that are related to either alcohol 1215
addiction services, or drug addiction services, or both such 1216
services and paid for with federal, state, or local funds 1217

administered by the department of mental health and addiction 1218
services or a board of alcohol, drug addiction, and mental 1219
health services. 1220

(SS) "Premises of a substance addiction services 1221
provider's facility" means the parcel of real property on which 1222
any substance addiction service provider's facility is situated. 1223

(TT) "Alcohol and drug addiction services" has the same 1224
meaning as in section 5119.01 of the Revised Code. 1225

Sec. 3376.07. A state institution of higher education, 1226
private college, athletic association, conference, or other 1227
group or organization with authority over intercollegiate 1228
athletics may prohibit a student who participates in 1229
intercollegiate athletics from entering into a contract 1230
providing compensation to the student for use of the student's 1231
name, image, or likeness if under the contract the student's 1232
name, image, or likeness is associated with any of the 1233
following: 1234

(A) Any company that manufactures, markets, or sells, or 1235
brand that is associated with, a controlled substance, marihuana 1236
product, medical marijuana product, adult-use marijuana product, 1237
alcoholic product, tobacco product, electronic smoking device, 1238
vapor product, or product or device that consists of or contains 1239
nicotine that can be ingested into the body; 1240

(B) Any ~~medical~~-marijuana cultivator, processor, 1241
laboratory, or retail dispensary licensed under Chapter 3796. of 1242
the Revised Code or under the laws of another state; 1243

(C) Any business engaged in the sale, rental, or 1244
exhibition for any form of consideration of adult entertainment 1245
that is characterized by an emphasis on the exposure or display 1246

of sexual activity; 1247

(D) Any casino or entity that sponsors or promotes 1248
gambling activities; 1249

(E) Any other category of companies, brands, or types of 1250
contracts that are similar to those described in divisions (A) 1251
to (D) of this section that the institution or college 1252
communicates to the student before the student enrolls at the 1253
institution or college. 1254

Sec. 3719.01. As used in this chapter: 1255

(A) "Administer" means the direct application of a drug, 1256
whether by injection, inhalation, ingestion, or any other means 1257
to a person or an animal. 1258

(B) "Drug enforcement administration" means the drug 1259
enforcement administration of the United States department of 1260
justice or its successor agency. 1261

(C) "Controlled substance" means a drug, compound, 1262
mixture, preparation, or substance included in schedule I, II, 1263
III, IV, or V. 1264

(D) "Dangerous drug" has the same meaning as in section 1265
4729.01 of the Revised Code. 1266

(E) "Dispense" means to sell, leave with, give away, 1267
dispose of, or deliver. 1268

(F) "Distribute" means to deal in, ship, transport, or 1269
deliver but does not include administering or dispensing a drug. 1270

(G) "Drug" has the same meaning as in section 4729.01 of 1271
the Revised Code. 1272

(H) "Drug abuse offense" and "felony drug abuse offense" 1273

have the same meanings as in section 2925.01 of the Revised 1274
Code. 1275

(I) "Federal drug abuse control laws" means the 1276
"Comprehensive Drug Abuse Prevention and Control Act of 1970," 1277
84 Stat. 1242, 21 U.S.C. 801, as amended. 1278

(J) "Hospital" means a facility registered as a hospital 1279
with the department of health under section 3701.07 of the 1280
Revised Code. 1281

(K) "Hypodermic" means a hypodermic syringe or needle, or 1282
other instrument or device for the injection of medication. 1283

(L) "Manufacturer" means a person who manufactures a 1284
controlled substance, as "manufacture" is defined in section 1285
3715.01 of the Revised Code, and includes a "manufacturer of 1286
dangerous drugs" as defined in section 4729.01 of the Revised 1287
Code. 1288

(M) "Marihuana" means all parts of a plant of the genus 1289
cannabis, whether growing or not; the seeds of a plant of that 1290
type; the resin extracted from a part of a plant of that type; 1291
and every compound, manufacture, salt, derivative, mixture, or 1292
preparation of a plant of that type or of its seeds or resin. 1293
"Marihuana" does not include the mature stalks of the plant, 1294
fiber produced from the stalks, oils or cake made from the seeds 1295
of the plant, or any other compound, manufacture, salt, 1296
derivative, mixture, or preparation of the mature stalks, except 1297
the resin extracted from the mature stalks, fiber, oil or cake, 1298
or the sterilized seed of the plant that is incapable of 1299
germination. "Marihuana" does not include "hemp" or a "hemp 1300
product" as those terms are defined in section 928.01 of the 1301
Revised Code. 1302

(N) "Narcotic drugs" means coca leaves, opium, 1303
isonipecaine, amidone, isoamidone, ketobemidone, as defined in 1304
this division, and every substance not chemically distinguished 1305
from them and every drug, other than cannabis, that may be 1306
included in the meaning of "narcotic drug" under the federal 1307
drug abuse control laws. As used in this division: 1308

(1) "Coca leaves" includes cocaine and any compound, 1309
manufacture, salt, derivative, mixture, or preparation of coca 1310
leaves, except derivatives of coca leaves, that does not contain 1311
cocaine, ecgonine, or substances from which cocaine or ecgonine 1312
may be synthesized or made. 1313

(2) "Isonipecaine" means any substance identified 1314
chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid 1315
ethyl ester, or any salt thereof, by whatever trade name 1316
designated. 1317

(3) "Amidone" means any substance identified chemically as 1318
4-4-diphenyl-6-dimethylamino-heptanone-3, or any salt thereof, 1319
by whatever trade name designated. 1320

(4) "Isoamidone" means any substance identified chemically 1321
as 4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3, or any salt 1322
thereof, by whatever trade name designated. 1323

(5) "Ketobemidone" means any substance identified 1324
chemically as 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl 1325
ketone hydrochloride, or any salt thereof, by whatever trade 1326
name designated. 1327

(6) "Cocaine" has the same meaning as in section 2925.01 1328
of the Revised Code. 1329

(O) "Official written order" means an order written on a 1330
form provided for that purpose by the director of the United 1331

States drug enforcement administration, under any laws of the 1332
United States making provision for the order, if the order forms 1333
are authorized and required by federal law. 1334

(P) "Person" means any individual, corporation, 1335
government, governmental subdivision or agency, business trust, 1336
estate, trust, partnership, association, or other legal entity. 1337

(Q) "Pharmacist" means a person licensed under Chapter 1338
4729. of the Revised Code to engage in the practice of pharmacy. 1339

(R) "Pharmacy" has the same meaning as in section 4729.01 1340
of the Revised Code. 1341

(S) "Poison" means any drug, chemical, or preparation 1342
likely to be deleterious or destructive to adult human life in 1343
quantities of four grams or less. 1344

(T) "Licensed health professional authorized to prescribe 1345
drugs," "prescriber," and "prescription" have the same meanings 1346
as in section 4729.01 of the Revised Code. 1347

(U) "Sale" includes delivery, barter, exchange, transfer, 1348
or gift, or offer thereof, and each transaction of those natures 1349
made by any person, whether as principal, proprietor, agent, 1350
servant, or employee. 1351

(V) "Schedule I," "schedule II," "schedule III," "schedule 1352
IV," and "schedule V" mean controlled substance schedules I, II, 1353
III, IV, and V, respectively, as established by rule adopted 1354
under section 3719.41 of the Revised Code, as amended pursuant 1355
to section 3719.43 or 3719.44 of the Revised Code, or as 1356
established by emergency rule adopted under section 3719.45 of 1357
the Revised Code. 1358

(W) "Wholesaler" means a person who, on official written 1359

orders other than prescriptions, supplies controlled substances 1360
that the person has not manufactured, produced, or prepared 1361
personally and includes a "wholesale distributor of dangerous 1362
drugs" as defined in section 4729.01 of the Revised Code. 1363

(X) "Animal shelter" means a facility operated by a humane 1364
society or any society organized under Chapter 1717. of the 1365
Revised Code or a dog pound operated pursuant to Chapter 955. of 1366
the Revised Code. 1367

(Y) "Terminal distributor of dangerous drugs" has the same 1368
meaning as in section 4729.01 of the Revised Code. 1369

(Z) (1) "Controlled substance analog" means, except as 1370
provided in division ~~(Z) (2)~~ (Z) (4) of this section, ~~a~~ either of 1371
the following: 1372

(2) A substance to which both of the following apply: 1373

(a) The chemical structure of the substance is 1374
substantially similar to the structure of a controlled substance 1375
in schedule I or II. 1376

(b) One of the following applies regarding the substance: 1377

(i) The substance has a stimulant, depressant, or 1378
hallucinogenic effect on the central nervous system that is 1379
substantially similar to or greater than the stimulant, 1380
depressant, or hallucinogenic effect on the central nervous 1381
system of a controlled substance in schedule I or II. 1382

(ii) With respect to a particular person, that person 1383
represents or intends the substance to have a stimulant, 1384
depressant, or hallucinogenic effect on the central nervous 1385
system that is substantially similar to or greater than the 1386
stimulant, depressant, or hallucinogenic effect on the central 1387

nervous system of a controlled substance in schedule I or II. 1388

~~(2)~~ (3) Any substance with a similar chemical structure to 1389
delta-1-cis or trans tetrahydrocannabinol, and their optical 1390
isomers, salts and salts of isomers. This division includes, but 1391
is not limited to 9-hexahydrocannabinol, and delta-9- 1392
tetrahydrocannabinol acetate. Since nomenclature of these 1393
substances is not internationally standardized, compounds of 1394
these structures, regardless of numerical designation of atomic 1395
positions, are included. 1396

(4) "Controlled substance analog" does not include any of 1397
the following: 1398

(a) A controlled substance; 1399

(b) Any substance for which there is an approved new drug 1400
application; 1401

(c) With respect to a particular person, any substance if 1402
an exemption is in effect for investigational use for that 1403
person pursuant to federal law to the extent that conduct with 1404
respect to that substance is pursuant to that exemption; 1405

(d) Any substance to the extent it is not intended for 1406
human consumption before the exemption described in division (Z) 1407
(2) (b) of this section takes effect with respect to that 1408
substance. 1409

(e) Delta-1-cis or trans tetrahydrocannabinol, 1410
cannabichromene (CBC), cannabicyclol (CBL), cannabidiol (CBD), 1411
cannabidivanol, cannabielsoin (CBE), cannabigerol (CBG), 1412
cannabigerovarin (CBGV), cannabinol (CBN), or cannabivarin 1413
(CBV). 1414

(f) With respect to a cultivator, processor, or testing 1415

laboratory licensed pursuant to Chapter 3796. of the Revised 1416
Code, any tetrahydrocannabinol produced in accordance with that 1417
chapter. 1418

(AA) "Benzodiazepine" means a controlled substance that 1419
has United States food and drug administration approved labeling 1420
indicating that it is a benzodiazepine, benzodiazepine 1421
derivative, triazolobenzodiazepine, or triazolobenzodiazepine 1422
derivative, including the following drugs and their varying salt 1423
forms or chemical congeners: alprazolam, chlordiazepoxide 1424
hydrochloride, clobazam, clonazepam, clorazepate, diazepam, 1425
estazolam, flurazepam hydrochloride, lorazepam, midazolam, 1426
oxazepam, quazepam, temazepam, and triazolam. 1427

(BB) "Opioid analgesic" means a controlled substance that 1428
has analgesic pharmacologic activity at the opioid receptors of 1429
the central nervous system, including the following drugs and 1430
their varying salt forms or chemical congeners: buprenorphine, 1431
butorphanol, codeine (including acetaminophen and other 1432
combination products), dihydrocodeine, fentanyl, hydrocodone 1433
(including acetaminophen combination products), hydromorphone, 1434
meperidine, methadone, morphine sulfate, oxycodone (including 1435
acetaminophen, aspirin, and other combination products), 1436
oxymorphone, tapentadol, and tramadol. 1437

(CC) "Outsourcing facility," "repackager of dangerous 1438
drugs," and "third-party logistics provider" have the same 1439
meanings as in section 4729.01 of the Revised Code. 1440

Sec. 3796.01. (A) As used in this chapter: 1441

(1) "Marijuana" means marihuana as defined in section 1442
3719.01 of the Revised Code. 1443

(2) "Medical marijuana" means marijuana that is 1444

cultivated, processed, dispensed, tested, possessed, or used for 1445
a medical purpose in accordance with this chapter. "Medical 1446
marijuana" does not include adult-use marijuana. 1447

(3) "Academic medical center" has the same meaning as in 1448
section 4731.297 of the Revised Code. 1449

(4) "Drug database" means the database established and 1450
maintained by the state board of pharmacy pursuant to section 1451
4729.75 of the Revised Code. 1452

(5) "Physician" means an individual authorized under 1453
Chapter 4731. of the Revised Code to practice medicine and 1454
surgery or osteopathic medicine and surgery. 1455

(6) "Qualifying medical condition" means any of the 1456
following: 1457

(a) Acquired immune deficiency syndrome; 1458

(b) Alzheimer's disease; 1459

(c) Amyotrophic lateral sclerosis; 1460

(d) Cancer; 1461

(e) Chronic traumatic encephalopathy; 1462

(f) Crohn's disease; 1463

(g) Epilepsy or another seizure disorder; 1464

(h) Fibromyalgia; 1465

(i) Glaucoma; 1466

(j) Hepatitis C; 1467

(k) Inflammatory bowel disease; 1468

(l) Multiple sclerosis; 1469

(m) Pain that is either of the following:	1470
(i) Chronic and severe;	1471
(ii) Intractable.	1472
(n) Parkinson's disease;	1473
(o) Positive status for HIV;	1474
(p) Post-traumatic stress disorder;	1475
(q) Sickle cell anemia;	1476
(r) Spinal cord disease or injury;	1477
(s) Tourette's syndrome;	1478
(t) Traumatic brain injury;	1479
(u) Ulcerative colitis;	1480
(v) Any other disease or condition added by the state	1481
medical board under section 4731.302 of the Revised Code.	1482
(7) "State university" has the same meaning as in section	1483
3345.011 of the Revised Code.	1484
<u>(8) "Adult-use consumer" means an individual who is at</u>	1485
<u>least twenty-one years of age.</u>	1486
<u>(9) "Adult-use marijuana" means marijuana that is</u>	1487
<u>cultivated, processed, dispensed, or tested for, or possessed or</u>	1488
<u>used by, an adult-use consumer, in accordance with this chapter.</u>	1489
<u>"Adult-use marijuana" does not include medical marijuana.</u>	1490
<u>(10) "Church" has the meaning defined in section 1710.01</u>	1491
<u>of the Revised Code.</u>	1492
<u>(11) "Public library" means a library provided for under</u>	1493
<u>Chapter 3375. of the Revised Code.</u>	1494

(12) "Public park" means a park established by the state 1495
or a political subdivision of the state, including a county, 1496
township, municipal corporation, or park district. 1497

(13) "Public playground" means a playground established by 1498
the state or a political subdivision of the state, including a 1499
county, township, municipal corporation, or park district. 1500

(14) "School" means a child care center as defined under 1501
section 5104.01 of the Revised Code, a preschool as defined 1502
under section 2950.034 of the Revised Code, or a public or 1503
nonpublic primary school or secondary school. 1504

(15) "Public place" has the same meaning as in section 1505
3794.01 of the Revised Code. 1506

(16) "Ohio investigative unit" means the investigative 1507
unit maintained by the department of public safety under section 1508
5502.13 of the Revised Code. 1509

(B) Notwithstanding any conflicting provision of Chapter 1510
3719. of the Revised Code or the rules adopted under it, for 1511
purposes of this chapter, ~~medical~~-marijuana is a schedule II 1512
controlled substance. 1513

Sec. 3796.02. There is hereby established a division of 1514
marijuana control in the department of commerce under the 1515
supervision and direction of the superintendent of marijuana 1516
control as established under section 121.04 of the Revised Code. 1517
The ~~medical~~-marijuana control program is hereby established in 1518
the division of marijuana control. The division shall provide 1519
for the licensure of ~~medical~~-marijuana cultivators, processors, 1520
retail dispensaries, and laboratories that test ~~medical~~- 1521
marijuana. The division shall also provide for the registration 1522
of patients and their caregivers. The division shall administer 1523

the ~~medical~~-marijuana control program. 1524

Sec. 3796.03. (A) The division of marijuana control shall 1525
adopt rules establishing standards and procedures for the 1526
~~medical~~-marijuana control program. 1527

All rules adopted under this section shall be adopted in 1528
accordance with Chapter 119. of the Revised Code. 1529

(B) The rules shall do all of the following: 1530

(1) Establish application procedures and fees for licenses 1531
it issues under this chapter; 1532

(2) Specify both of the following: 1533

(a) The conditions that must be met to be eligible for 1534
licensure; 1535

(b) In accordance with section 9.79 of the Revised Code, 1536
the criminal offenses for which an applicant will be 1537
disqualified from licensure pursuant to that section. 1538

(3) Establish, in accordance with section 3796.05 of the 1539
Revised Code, the number of cultivator licenses ~~and retail~~ 1540
~~dispensary licenses~~ that will be permitted at any one time; 1541

(4) Establish a license renewal schedule, renewal 1542
procedures, and renewal fees; 1543

(5) Specify reasons for which a license may be suspended, 1544
including without prior hearing, revoked, or not be renewed or 1545
issued and the reasons for which a civil penalty may be imposed 1546
on a license holder; 1547

(6) Establish standards under which a license suspension 1548
may be lifted; 1549

(7) Establish procedures for registration of medical 1550

marijuana patients and caregivers and requirements that must be 1551
met to be eligible for registration; 1552

(8) Establish training requirements for employees of 1553
retail dispensaries; 1554

(9) Specify if a cultivator, processor, retail dispensary, 1555
or laboratory that is licensed under this chapter and that 1556
existed at a location before a school, church, public library, 1557
public playground, or public park became established within five 1558
hundred feet of the cultivator, processor, retail dispensary, or 1559
laboratory, may remain in operation or shall relocate or have 1560
its license revoked by the division; 1561

(10) Specify, by form and tetrahydrocannabinol content, a 1562
maximum ninety-day supply of medical marijuana that may be 1563
possessed; 1564

(11) Specify the paraphernalia or other accessories that 1565
may be used in the administration to a registered patient of 1566
medical marijuana; 1567

(12) Establish procedures for the issuance of patient or 1568
caregiver identification cards; 1569

(13) Specify the forms of or methods of using medical 1570
marijuana that are attractive to children; 1571

(14) Specify both of the following: 1572

(a) Subject to division (B) (14) (b) of this section, the 1573
criminal offenses for which a person will be disqualified from 1574
employment with a license holder; 1575

(b) Which of the criminal offenses specified pursuant to 1576
division (B) (14) (a) of this section will not disqualify a person 1577
from employment with a license holder if the person was 1578

convicted of or pleaded guilty to the offense more than five 1579
years before the date the employment begins. 1580

(15) Establish a program to assist medical marijuana 1581
patients who are veterans or indigent in obtaining medical 1582
marijuana in accordance with this chapter; 1583

(16) Establish, in accordance with section 3796.05 of the 1584
Revised Code, standards and procedures for the testing of 1585
medical marijuana and adult-use marijuana by a laboratory 1586
licensed under this chapter. 1587

(C) In addition to the rules described in division (B) of 1588
this section, the division may adopt any other rules it 1589
considers necessary for the program's administration and the 1590
implementation and enforcement of this chapter. 1591

(D) When adopting rules under this section, the division 1592
shall consider standards and procedures that have been found to 1593
be best practices relative to the use and regulation of medical 1594
marijuana and adult-use marijuana. 1595

Sec. 3796.05. (A) When establishing the number of 1596
cultivator licenses that will be permitted at any one time, the 1597
division of marijuana control shall consider ~~both~~ all of the 1598
following: 1599

(1) The population of this state; 1600

(2) The number of patients seeking to use medical 1601
marijuana; 1602

(3) The number of adult-use consumers seeking to use 1603
adult-use marijuana. 1604

~~(B) When establishing the number of~~ (B) (1) Not more than 1605
two hundred thirty retail dispensary licenses ~~that will~~ shall be 1606

permitted at any one time,~~the division shall consider all of~~
~~the following:~~

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

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

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

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

(3) The division shall not, on or after the effective date
of this amendment, do either of the following:

(a) Issue a retail dispensary license for a location that
is within one square mile of another licensed retail dispensary;

(b) Approve the relocation of a licensed retail dispensary
to a location that is within one square mile of another licensed
retail dispensary.

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

(1) Specify when testing must be conducted;

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

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

<u>products;</u>	1634
(4) Specify the manner in which test results are provided.	1635
Sec. 3796.06. (A) Only the following forms of medical	1636
marijuana may be dispensed under this chapter:	1637
(1) Oils;	1638
(2) Tinctures;	1639
(3) Plant material;	1640
(4) Edibles;	1641
(5) Patches;	1642
(6) Any other form approved by the division of marijuana	1643
control under section 3796.061 of the Revised Code.	1644
(B) <u>Only the following forms of adult-use marijuana may be</u>	1645
<u>dispensed under this chapter:</u>	1646
<u>(1) Any form in which medical marijuana may be dispensed;</u>	1647
<u>(2) Extracts;</u>	1648
<u>(3) Drops;</u>	1649
<u>(4) Lozenges;</u>	1650
<u>(5) Smoking or combustible products;</u>	1651
<u>(6) Vaporization products;</u>	1652
<u>(7) Beverages;</u>	1653
<u>(8) Pills;</u>	1654
<u>(9) Capsules;</u>	1655
<u>(10) Suppositories;</u>	1656

(11) Oral pouches; 1657

(12) Oral strips; 1658

(13) Oral and topical sprays; 1659

(14) Salves; 1660

(15) Lotions or similar cosmetic products; 1661

(16) Inhalers. 1662

(C) With respect to the methods of using medical marijuana 1663
and adult-use marijuana, all of the following apply: 1664

(1) The smoking or combustion of medical marijuana is 1665
prohibited. 1666

(2) The smoking, combustion, and vaporization of adult-use 1667
marijuana, and the vaporization of medical marijuana, is 1668
permitted only in a private residence that is not either of the 1669
following: 1670

(a) A type A family child care home or type B family child 1671
care home, as those terms are defined in section 5104.01 of the 1672
Revised Code; 1673

(b) A residential premises occupied pursuant to a rental 1674
agreement that prohibits smoking, combustion, or vaporization of 1675
marijuana. 1676

(3) The division may approve additional methods of using 1677
medical marijuana, other than smoking or combustion, under 1678
section 3796.061 of the Revised Code. 1679

~~(C)~~ (D) (1) Any form or method of using medical marijuana 1680
that is considered attractive to children, as specified in rules 1681
adopted by the division, is prohibited. 1682

(2) Adult-use marijuana and marijuana cultivation products 1683
shall not be dispensed or sold in a form or shape that bears the 1684
likeness or contains the characteristics of a realistic or 1685
fictional human, animal, or fruit, including artistic, 1686
caricature, or cartoon renderings. 1687

~~(D) With respect to tetrahydrocannabinol content, all of~~ 1688
~~the following apply:~~ 1689

~~(1) Plant material shall have a~~ (E) (1) The 1690
tetrahydrocannabinol content of medical marijuana dispensed or 1691
sold to patients or caregivers shall not more than thirty five 1692
exceed: 1693

(a) Thirty-five per cent for plant material; 1694

(b) Seventy per cent for extracts. 1695

~~(2) Extracts shall have a~~ Except as otherwise provided in 1696
division (F) of this section, the tetrahydrocannabinol content 1697
of adult-use marijuana dispensed or sold to adult-use consumers 1698
shall not more than seventy exceed: 1699

(a) Twenty-five per cent for plant material; 1700

(b) Fifty per cent for extracts. 1701

(F) The division of marijuana control may adopt rules, in 1702
accordance with Chapter 119. of the Revised Code, that do either 1703
or both of the following so long as such rules are supported by 1704
scientific evidence and consistent with industry standards: 1705

(1) Allow, notwithstanding division (E) (2) (b) of this 1706
section, adult-use marijuana extracts intended for use or 1707
consumption by vaporization to be dispensed or sold to adult-use 1708
consumers with a tetrahydrocannabinol content in excess of fifty 1709
per cent; 1710

(2) Establish tetrahydrocannabinol content limits for 1711
adult-use marijuana dispensed or sold to adult-use consumers as 1712
a percentage by weight, content per unit, or content per 1713
package. 1714

(G) No person shall knowingly give, sell, or distribute 1715
adult-use marijuana to a person under twenty-one years of age. 1716

(H) No person under the age of twenty one shall knowingly 1717
purchase, use, or possess adult-use marijuana. 1718

Sec. 3796.062. (A) No person shall transport marijuana in 1719
a motor vehicle unless it is either adult-use marijuana or 1720
medical marijuana and either or both of the following apply: 1721

(1) The adult-use marijuana or medical marijuana is the 1722
original, unopened packaging in which it was dispensed or sold; 1723

(2) The adult-use marijuana or medical marijuana is stored 1724
in the trunk of the motor vehicle or, if the motor vehicle does 1725
not have a trunk, behind the last upright seat of the motor 1726
vehicle or in an area not normally occupied by the driver or 1727
passengers and not easily accessible by the driver. 1728

(B) No person shall transport marijuana paraphernalia in a 1729
motor vehicle unless either or both of the following apply: 1730

(1) The marijuana paraphernalia is in the original, 1731
unopened packaging in which it was dispensed or sold; 1732

(2) The marijuana paraphernalia is stored in the trunk of 1733
the motor vehicle or, if the motor vehicle does not have a 1734
trunk, behind the last upright seat of the motor vehicle or in 1735
an area not normally occupied by the driver or passengers and 1736
not easily accessible by the driver. 1737

Sec. 3796.07. The ~~department of commerce~~ division of 1738

marijuana control shall establish and maintain an electronic 1739
database to monitor medical marijuana from its seed source 1740
through its cultivation, processing, testing, and dispensing. 1741
The ~~department~~ division may contract with a separate entity to 1742
establish and maintain all or any part of the electronic 1743
database on behalf of the department. 1744

The electronic database shall allow for information 1745
regarding medical marijuana to be updated instantaneously. Any 1746
cultivator, processor, retail dispensary, or laboratory licensed 1747
under this chapter shall submit to the ~~department~~ division any 1748
information the ~~department~~ division determines is necessary for 1749
maintaining the electronic database. 1750

Information reported or collected under this section, 1751
including all data contained in the electronic database, is 1752
confidential and is not a public record for the purposes of 1753
section 149.43 of the Revised Code. The ~~department~~ division and 1754
any entity under contract with the ~~department~~ division shall not 1755
make public any information reported to or collected by the 1756
~~department~~ division under this ~~division~~ section that identifies 1757
or would tend to identify any specific patient. Information or 1758
data that does not identify a specific patient may be released 1759
in summary, statistical, or aggregate form. 1760

Sec. 3796.09. (A) An entity that seeks to cultivate ~~or,~~ 1761
~~process medical marijuana,~~ or to conduct laboratory testing of 1762
medical marijuana and adult-use marijuana shall file an 1763
application for licensure with the ~~department~~ division of 1764
~~commerce~~ marijuana control. The entity shall file an application 1765
for each location from which it seeks to operate. Each 1766
application shall be submitted in accordance with rules adopted 1767
under section 3796.03 of the Revised Code. 1768

(B) The division shall evaluate and prioritize 1769
applications for licensure under this section according to the 1770
applicant's eligibility, suitability, and ability to operate. 1771

(C) ~~The department~~division shall not issue a license to 1772
an applicant ~~if~~unless all of the following ~~conditions~~ 1773
eligibility requirements are met: 1774

(1) The report of the criminal records check conducted 1775
pursuant to section 3796.12 of the Revised Code with respect to 1776
the application demonstrates that the person subject to the 1777
criminal records check requirement has not been convicted of or 1778
pleaded guilty to any of the disqualifying offenses specified in 1779
rules adopted under section 9.79 and division (B) (2) (b) of 1780
section 3796.03 of the Revised Code. 1781

(2) ~~The~~ If the application is for a cultivator or 1782
processor license, the applicant demonstrates that it does not 1783
none of its current or prospective owners, officers, board 1784
members, administrators, employees, agents, or affiliates who 1785
may significantly influence or control the applicant's 1786
activities have an ownership or investment interest in or 1787
compensation arrangement with ~~any~~ either of the following: 1788

(a) A laboratory licensed under this chapter; 1789

(b) An applicant for a license to conduct laboratory 1790
testing. 1791

(3) ~~The~~ If the application is for a cultivator or 1792
processor license, the applicant demonstrates that it does not 1793
none of its current or prospective owners, officers, board 1794
members, administrators, employees, agents, or affiliates who 1795
may significantly influence or control the applicant's 1796
activities share any corporate officers or employees with ~~any~~ 1797

either of the following: 1798

(a) A laboratory licensed under this chapter; 1799

(b) An applicant for a license to conduct laboratory 1800
testing. 1801

(4) The applicant demonstrates that it will not be located 1802
within five hundred feet of a ~~school, church, public library,~~ 1803
~~public playground, or public park~~ prohibited facility. 1804

(5) The information provided to the ~~department~~ division 1805
pursuant to section 3796.11 of the Revised Code demonstrates 1806
that the applicant is in compliance with the applicable tax laws 1807
of this state. 1808

(6) The applicant demonstrates sufficient liquid capital 1809
and ability to meet financial responsibility requirements; 1810

(7) The applicant demonstrates that the municipal 1811
corporation or township in which it will be located has not 1812
passed a moratorium or taken any other action that would 1813
prohibit the applicant from operating there; 1814

(8) The application does not contain false, misleading, or 1815
deceptive information and does not omit material information; 1816

(9) The applicant pays any fee required by the division; 1817

(10) The applicant meets all other licensure eligibility 1818
conditions established in rules adopted under section 3796.03 of 1819
the Revised Code. 1820

~~(C)~~ (D) If the number of eligible applicants exceed the 1821
number of available licenses, the division shall use an 1822
impartial and evidence-based process to rank the eligible 1823
applicants. The ranking process shall take into account all of 1824

<u>the following:</u>	1825
<u>(1) The applicant's business plan;</u>	1826
<u>(2) The applicant's operations plan;</u>	1827
<u>(3) The applicant's security plan;</u>	1828
<u>(4) The applicant's financial plan;</u>	1829
<u>(5) The applicant's principal place of business;</u>	1830
<u>(6) The proposed location of the cultivation, processing,</u> <u>or laboratory facility;</u>	1831 1832
<u>(7) The applicant's plan for generating job and economic</u> <u>development in this state;</u>	1833 1834
<u>(8) The applicant's environmental plan;</u>	1835
<u>(9) Employment practices, including any plans to inform,</u> <u>hire, or educate residents of the state, veterans, disabled</u> <u>persons, women, or minorities;</u>	1836 1837 1838
<u>(10) The criminal records of all persons subject to the</u> <u>criminal records check requirement;</u>	1839 1840
<u>(11) The civil and administrative history of the applicant</u> <u>and persons associated with the applicant;</u>	1841 1842
<u>(12) Any other eligibility, suitability, or operations-</u> <u>based determination specified in this chapter or rules adopted</u> <u>by the division thereunder.</u>	1843 1844 1845
<u>(E)(1) If the division uses a lottery system to issue</u> <u>licenses under this section, the applicants shall be grouped</u> <u>into the following distinct categories:</u>	1846 1847 1848
<u>(a) Highly exceeds;</u>	1849

(b) Exceeds; 1850

(c) Meets; 1851

(d) Does not meet. 1852

(2) The division shall group the applicants such that the 1853
number of applicants in each of the highly exceeds, exceeds, and 1854
meets categories is roughly equal, unless doing so is not 1855
possible while conforming to an impartial and evidence-based 1856
process. Applicants that do not meet the eligibility 1857
requirements prescribed by division (C) of this section shall be 1858
placed in the does not meet category. 1859

(3) In conducting the lottery, the division shall give 1860
applicants in the exceeds category double odds of being selected 1861
as compared to applicants in the meets category. The division 1862
shall give applicants in the highly exceeds category double the 1863
odds of being selected as compared to applicants in the exceeds 1864
category. An applicant grouped in the does not meet category is 1865
ineligible for licensure. 1866

(F) The ~~department~~ division shall issue not less than 1867
fifteen per cent of cultivator, processor, or laboratory 1868
licenses to entities that are owned and controlled by United 1869
States citizens who are residents of this state and are members 1870
of one of the following economically disadvantaged groups: 1871
Blacks or African Americans, American Indians, Hispanics or 1872
Latinos, and Asians. If no applications or an insufficient 1873
number of applications are submitted by such entities that meet 1874
the conditions set forth in division (B) of this section, the 1875
licenses shall be issued according to usual procedures. 1876

As used in this division, "owned and controlled" means 1877
that at least fifty-one per cent of the business, including 1878

corporate stock if a corporation, is owned by persons who belong 1879
to one or more of the groups set forth in this division, and 1880
that those owners have control over the management and day-to- 1881
day operations of the business and an interest in the capital, 1882
assets, and profits and losses of the business proportionate to 1883
their percentage of ownership. 1884

~~(D)~~ (G) A license expires according to the renewal 1885
schedule established in rules adopted under section 3796.03 of 1886
the Revised Code and may be renewed in accordance with the 1887
procedures established in those rules. 1888

Sec. 3796.10. (A) An entity that seeks to dispense at 1889
retail medical marijuana and adult-use marijuana shall file an 1890
application for licensure with the division of marijuana 1891
control. The entity shall file an application for each location 1892
from which it seeks to operate. Each application shall be 1893
submitted in accordance with rules adopted under section 3796.03 1894
of the Revised Code and evaluated by the division in accordance 1895
with section 3796.33 of the Revised Code. 1896

(B) The division shall evaluate and prioritize 1897
applications for licensure under this section according to the 1898
applicant's eligibility, suitability, and ability to operate. 1899

(C) The division shall not issue a license to an applicant 1900
~~if-unless~~ all of the following conditions are met: 1901

(1) The report of the criminal records check conducted 1902
pursuant to section 3796.12 of the Revised Code with respect to 1903
the application demonstrates that the person subject to the 1904
criminal records check requirement has not been convicted of or 1905
pleaded guilty to any of the disqualifying offenses specified in 1906
rules adopted under section 9.79 and division (B) (2) (b) of 1907

section 3796.03 of the Revised Code. 1908

(2) The applicant demonstrates that ~~it does not~~ none of 1909
its current or prospective owners, officers, board members, 1910
administrators, employees, agents, or affiliates who may 1911
significantly influence or control the applicant's activities 1912
have an ownership or investment interest in or compensation 1913
arrangement with ~~any~~ either of the following: 1914

(a) A laboratory licensed under this chapter; 1915

(b) An applicant for a license to conduct laboratory 1916
testing. 1917

(3) The applicant demonstrates that ~~it does not~~ none of 1918
its current or prospective owners, officers, board members, 1919
administrators, employees, agents, or affiliates who may 1920
significantly influence or control the applicant's activities 1921
share any corporate officers or employees with ~~any~~ either of the 1922
following: 1923

(a) A laboratory licensed under this chapter; 1924

(b) An applicant for a license to conduct laboratory 1925
testing. 1926

(4) The applicant demonstrates that it will not be located 1927
within five hundred feet of a ~~school, church, public library,~~ 1928
~~public playground, or public park~~ prohibited facility. 1929

(5) The information provided to the division pursuant to 1930
section 3796.11 of the Revised Code demonstrates that the 1931
applicant is in compliance with the applicable tax laws of this 1932
state. 1933

(6) The applicant demonstrates sufficient liquid capital 1934
and ability to meet financial responsibility requirements; 1935

(7) The applicant demonstrates that the municipal 1936
corporation or township in which it will be located has not 1937
passed a moratorium or taken any other action that would 1938
prohibit the applicant from operating there; 1939

(8) The application does not contain false, misleading, or 1940
deceptive information and does not omit material information; 1941

(9) The applicant pays any fee required by the division; 1942

(10) The applicant meets all other licensure eligibility 1943
conditions established in rules adopted under section 3796.03 of 1944
the Revised Code. 1945

~~(C)~~ (D) If the number of eligible applicants exceed the 1946
number of available licenses, the division shall use an 1947
impartial and evidence-based process to rank the eligible 1948
applicants. The ranking process shall take into account all of 1949
the following: 1950

(1) The applicant's business plan; 1951

(2) The applicant's operations plan; 1952

(3) The applicant's security plan; 1953

(4) The applicant's financial plan; 1954

(5) The applicant's principal place of business; 1955

(6) The proposed location of the cultivation, processing, 1956
or laboratory facility; 1957

(7) The applicant's plan for generating job and economic 1958
development in this state; 1959

(8) The applicant's environmental plan; 1960

(9) Employment practices, including any plans to inform, 1961

hire, or educate residents of the state, veterans, disabled 1962
persons, women, or minorities; 1963

(10) The criminal records of all persons subject to the 1964
criminal records check requirement; 1965

(11) The civil and administrative history of the applicant 1966
and persons associated with the applicant; 1967

(12) Any other eligibility, suitability, or operations- 1968
based determination specified in this chapter or rules adopted 1969
by the division thereunder. 1970

(E) (1) If the division uses a lottery system to issue 1971
licenses under this section, the applicants shall be grouped 1972
into the following distinct categories: 1973

(a) Highly exceeds; 1974

(b) Exceeds; 1975

(c) Meets; 1976

(d) Does not meet. 1977

(2) The division shall group the applicants such that the 1978
number of applicants in each of the highly exceeds, exceeds, and 1979
meets categories is roughly equal, unless doing so is not 1980
possible while conforming to an impartial and evidence-based 1981
process. Applicants that do not meet the eligibility 1982
requirements prescribed by division (C) of this section shall be 1983
placed in the does not meet category. 1984

(3) In conducting the lottery, the division shall give 1985
applicants in the exceeds category double the odds of being 1986
selected as compared to applicants in the meets category. The 1987
division shall give applicants in the highly exceeds category 1988

double the odds of being selected as compared to applicants in 1989
the exceeds category. An applicant grouped in the does not meet 1990
category is ineligible for licensure. 1991

(F) The division shall issue not less than fifteen per 1992
cent of retail dispensary licenses to entities that are owned 1993
and controlled by United States citizens who are residents of 1994
this state and are members of one of the following economically 1995
disadvantaged groups: Blacks or African Americans, American 1996
Indians, Hispanics or Latinos, and Asians. If no applications or 1997
an insufficient number of applications are submitted by such 1998
entities that meet the conditions set forth in division (B) of 1999
this section, the licenses shall be issued according to usual 2000
procedures. 2001

As used in this division, "owned and controlled" means 2002
that at least fifty-one per cent of the business, including 2003
corporate stock if a corporation, is owned by persons who belong 2004
to one or more of the groups set forth in this division, and 2005
that those owners have control over the management and day-to- 2006
day operations of the business and an interest in the capital, 2007
assets, and profits and losses of the business proportionate to 2008
their percentage of ownership. 2009

~~(D)~~ (G) A license expires according to the renewal 2010
schedule established in rules adopted under section 3796.03 of 2011
the Revised Code and may be renewed in accordance with the 2012
procedures established in those rules. 2013

Sec. 3796.12. (A) As used in this section, "criminal 2014
records check" has the same meaning as in section 109.572 of the 2015
Revised Code. 2016

(B) (1) As part of the application process for a license 2017

issued under this chapter, the division of marijuana control 2018
shall require each of the following to complete a criminal 2019
records check: 2020

(a) An administrator or other person responsible for the 2021
daily operation of the entity seeking the license; 2022

(b) An owner or prospective owner, officer or prospective 2023
officer, or board member or prospective board member of the 2024
entity seeking the license. 2025

(2) If a person subject to the criminal records check 2026
requirement does not present proof of having been a resident of 2027
this state for the five-year period immediately prior to the 2028
date the criminal records check is requested or provide evidence 2029
that within that five-year period the superintendent of the 2030
bureau of criminal identification and investigation has 2031
requested information about the person from the federal bureau 2032
of investigation in a criminal records check, the division shall 2033
request that the person obtain through the superintendent a 2034
criminal records request from the federal bureau of 2035
investigation as part of the criminal records check of the 2036
person. Even if a person presents proof of having been a 2037
resident of this state for the five-year period, the division 2038
may request that the person obtain information through the 2039
superintendent from the federal bureau of investigation in the 2040
criminal records check. 2041

(C) The division shall provide the following to each 2042
person who is subject to the criminal records check requirement: 2043

(1) Information about accessing, completing, and 2044
forwarding to the superintendent of the bureau of criminal 2045
identification and investigation the form prescribed pursuant to 2046

division (C) (1) of section 109.572 of the Revised Code and the 2047
standard impression sheet to obtain fingerprint impressions 2048
prescribed pursuant to division (C) (2) of that section; 2049

(2) Written notification that the person is to instruct 2050
the superintendent to submit the completed report of the 2051
criminal records check directly to the division. 2052

(D) Each person who is subject to the criminal records 2053
check requirement shall pay to the bureau of criminal 2054
identification and investigation the fee prescribed pursuant to 2055
division (C) (3) of section 109.572 of the Revised Code for the 2056
criminal records check conducted of the person. 2057

(E) The report of any criminal records check conducted by 2058
the bureau of criminal identification and investigation in 2059
accordance with section 109.572 of the Revised Code and pursuant 2060
to a request made under this section is not a public record for 2061
the purposes of section 149.43 of the Revised Code and shall not 2062
be made available to any person other than the following: 2063

(1) The person who is the subject of the criminal records 2064
check or the person's representative; 2065

(2) The members and staff of the division; 2066

(3) A court, hearing officer, or other necessary 2067
individual involved in a case dealing with either of the 2068
following: 2069

(a) A license denial resulting from the criminal records 2070
check; 2071

(b) A civil or criminal action regarding the ~~medical~~ 2072
marijuana control program or any violation of this chapter. 2073

(F) The division shall deny a license if, after receiving 2074

the information and notification required by this section, a 2075
person subject to the criminal records check requirement fails 2076
to do either of the following: 2077

(1) Access, complete, or forward to the superintendent of 2078
the bureau of criminal identification and investigation the form 2079
prescribed pursuant to division (C)(1) of section 109.572 of the 2080
Revised Code or the standard impression sheet prescribed 2081
pursuant to division (C)(2) of that section; 2082

(2) Instruct the superintendent to submit the completed 2083
report of the criminal records check directly to the division. 2084

Sec. 3796.14. (A) The division of marijuana control may do 2085
any of the following for any reason specified in rules adopted 2086
under section 3796.03 of the Revised Code: 2087

(1) Suspend, suspend without prior hearing, revoke, or 2088
refuse to renew a license or registration it issued under this 2089
chapter or a license or ~~a registration~~ the state board of 2090
pharmacy issued prior to the transfer of regulatory authority 2091
over the ~~medical~~-marijuana control program to the division; 2092

(2) Refuse to issue a license; 2093

(3) Impose on a license holder a civil penalty in an 2094
amount to be determined by the division. 2095

(4) ~~With respect to a suspension of a retail dispensary~~ 2096
~~license without prior hearing, the division may utilize a~~ 2097
~~telephone conference call to review the allegations and take a~~ 2098
~~vote.~~ The division shall suspend a retail dispensary license 2099
without prior hearing only if it finds clear and convincing 2100
evidence that continued distribution of medical marijuana and 2101
adult-use marijuana by the license holder presents a danger of 2102
immediate and serious harm to others. The suspension shall 2103

remain in effect, unless lifted by the division, until the 2104
division issues its final adjudication order. If the division 2105
does not issue the order within ninety days after the 2106
adjudication hearing, the suspension shall be lifted on the 2107
ninety-first day following the hearing. 2108

The division's actions under division (A) of this section 2109
shall be taken in accordance with Chapter 119. of the Revised 2110
Code. 2111

(B) The division and the Ohio investigative unit may 2112
inspect all of the following for any reason specified in rules 2113
adopted under section 3796.03 of the Revised Code without prior 2114
notice to the applicant or license holder: 2115

(1) The premises of an applicant for licensure or holder 2116
of a current, valid cultivator, processor, retail dispensary, or 2117
laboratory license issued under this chapter; 2118

(2) All records maintained pursuant to this chapter by a 2119
holder of a current license. 2120

(C) Whenever it appears to the division or the unit, from 2121
its files, upon complaint, or otherwise, that any person or 2122
entity has engaged in, is engaged in, or is about to engage in 2123
any practice declared to be illegal or prohibited by this 2124
chapter or the rules adopted under this chapter, or when the 2125
division believes it to be in the best interest of the public, 2126
adult-use consumers, or medical marijuana patients, the division 2127
may do any of the following: 2128

(1) Investigate the person or entity as authorized 2129
pursuant to this chapter or the rules adopted under this 2130
chapter; 2131

(2) Issue subpoenas to any person or entity for the 2132

purpose of compelling either of the following: 2133

(a) The attendance and testimony of witnesses; 2134

(b) The production of books, accounts, papers, records, or 2135
documents. 2136

(D) If a person or entity fails to comply with any order 2137
of the division or the unit or a subpoena issued by the division 2138
or the unit pursuant to this section, a judge of the court of 2139
common pleas of the county in which the person resides or the 2140
entity may be served, on application of the division or the 2141
unit, shall compel obedience by attachment proceedings as for 2142
contempt, as in the case of disobedience with respect to the 2143
requirements of a subpoena issued from such court or a refusal 2144
to testify in such court. 2145

Sec. 3796.15. (A) The division of marijuana control and 2146
the Ohio investigative unit shall enforce this chapter, or cause 2147
it to be enforced. If the division or the unit has information 2148
that this chapter or any rule adopted under this chapter has 2149
been violated, it shall investigate the matter and take any 2150
action as it considers appropriate. 2151

~~(B) Nothing in this chapter shall be construed to require~~ 2152
~~the division to enforce minor violations if the division~~ 2153
~~determines that the public interest is adequately served by a~~ 2154
~~notice or warning to the alleged offender.~~ 2155

~~(C)~~ If the division suspends, revokes, or refuses to renew 2156
any license or registration issued under this chapter and 2157
determines that there is clear and convincing evidence of a 2158
danger of immediate and serious harm to any person, the division 2159
may place under seal all medical marijuana and adult-use 2160
marijuana owned by or in the possession, custody, or control of 2161

the affected license holder or registrant. Except as provided in 2162
this division, the division of marijuana control shall not 2163
dispose of the medical marijuana and adult-use marijuana sealed 2164
under this division until the license holder or registrant 2165
exhausts all of the holder's or registrant's appeal rights under 2166
Chapter 119. of the Revised Code. The court involved in such an 2167
appeal may order the division, during the pendency of the 2168
appeal, to sell medical marijuana or adult-use marijuana that is 2169
perishable. The division shall deposit the proceeds of the sale 2170
with the court. 2171

Sec. 3796.17. The division of marijuana control shall 2172
establish a toll-free telephone line to respond to inquiries 2173
from adult-use consumers, medical marijuana patients, 2174
caregivers, and health professionals regarding adverse reactions 2175
to ~~medical~~-marijuana and to provide information about available 2176
services and assistance. The division may contract with a 2177
separate entity to establish and maintain the telephone line on 2178
behalf of the division. 2179

Sec. 3796.18. ~~(A)~~ (A) (1) Notwithstanding any conflicting 2180
provision of the Revised Code and except as provided in division 2181
(B) of this section, the holder of a current, valid cultivator 2182
license issued under this chapter may do either of the 2183
following: 2184

~~(1)~~ (a) Cultivate medical marijuana and adult-use 2185
marijuana; 2186

~~(2)~~ (b) Deliver or sell medical marijuana and adult-use 2187
marijuana to one or more licensed processors. 2188

(2) A licensed cultivator engaging in the activities 2189
authorized by this chapter shall do so respecting both medical 2190

marijuana and adult-use marijuana.

2191

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

2192

2193

2194

2195

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

2196

2197

2198

2199

2200

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

2201

2202

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

2203

2204

2205

2206

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

2207

2208

2209

2210

2211

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

2212

2213

2214

2215

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

2216

2217

2218

2219

thousand square feet. 2220

Sec. 3796.19. ~~(A)~~ (A) (1) Notwithstanding any conflicting 2221
provision of the Revised Code, the holder of a current, valid 2222
processor license issued under this chapter may do any of the 2223
following: 2224

~~(1)~~ (a) Obtain medical marijuana and adult-use marijuana 2225
from one or more licensed cultivators; 2226

~~(2)~~ (b) Subject to division (B) of this section, process 2227
medical marijuana and adult-use marijuana obtained from one or 2228
more licensed cultivators into a form described in section 2229
3796.06 of the Revised Code; 2230

~~(3)~~ (c) Deliver or sell processed medical marijuana and 2231
adult-use marijuana to one or more licensed retail dispensaries. 2232

(2) A licensed processor engaging in the activities 2233
authorized by this chapter shall do so respecting both medical 2234
marijuana and adult-use marijuana. 2235

(B) ~~When processing medical marijuana, a~~ A licensed 2236
processor shall do ~~both~~ all of the following before delivering 2237
or selling medical marijuana or adult-use marijuana to a 2238
licensed retail dispensary: 2239

(1) Package the medical marijuana or adult-use marijuana 2240
in accordance with child-resistant effectiveness standards 2241
described in 16 C.F.R. 1700.15(b) on September 8, 2016; 2242

(2) ~~Label the medical marijuana packaging with the~~ 2243
product's tetrahydrocannabinol and cannabidiol content; 2244

(3) Comply with any packaging or labeling requirements 2245
established in rules adopted by the division of marijuana 2246
control under section 3796.03 of the Revised Code. 2247

Sec. 3796.20. ~~(A)~~ (1) Notwithstanding any conflicting 2248
provision of the Revised Code, the holder of a current, valid 2249
retail dispensary license issued under this chapter, or 2250
previously issued by the state board of pharmacy, may do ~~both of~~ 2251
the following: 2252

~~(1)~~ (a) Obtain medical marijuana and adult-use marijuana 2253
from one or more processors; 2254

~~(2)~~ (b) Dispense or sell medical marijuana in accordance 2255
with division (B) of this section; 2256

(c) Dispense or sell adult-use marijuana in accordance 2257
with division (C) of this section. 2258

(2) A licensed dispensary engaged in the activities 2259
authorized by this chapter shall do so respecting both medical 2260
marijuana and adult-use marijuana. 2261

(B) When dispensing or selling medical marijuana, a 2262
licensed retail dispensary shall do all of the following: 2263

(1) Dispense or sell only upon a showing of a current, 2264
valid, government-issued identification card and in accordance 2265
with a written recommendation issued by a physician holding a 2266
certificate to recommend issued by the state medical board under 2267
section 4731.30 of the Revised Code; 2268

(2) Report to the drug database the information required 2269
by section 4729.771 of the Revised Code; 2270

(3) Label the package containing medical marijuana with 2271
the following information: 2272

(a) The name and address of the licensed processor and 2273
retail dispensary; 2274

(b) The name of the patient and caregiver, if any;	2275
(c) The name of the physician who recommended treatment with medical marijuana;	2276 2277
(d) The directions for use, if any, as recommended by the physician;	2278 2279
(e) The date on which the medical marijuana was dispensed;	2280
(f) The quantity, strength, kind, or form of medical marijuana contained in the package.	2281 2282
<u>(4) Maintain an adequate supply of medical marijuana</u>	2283
<u>products to meet typical patient demand for those products;</u>	2284
<u>(5) Ensure medical marijuana products are kept separate</u>	2285
<u>from adult-use marijuana, properly demarcated as medical</u>	2286
<u>marijuana, and prominently displayed in the dispensary.</u>	2287
<u>(C) When dispensing or selling adult-use marijuana, a</u>	2288
<u>licensed retail dispensary shall do all of the following:</u>	2289
<u>(1) Dispense or sell adult-use marijuana only to adult-use</u>	2290
<u>consumers who present a current, valid, government-issued</u>	2291
<u>identification card demonstrating proof that the adult-use</u>	2292
<u>consumer is twenty-one years of age or older;</u>	2293
<u>(2) Dispense or sell not more than the amount of adult-use</u>	2294
<u>marijuana that may be legally possessed by an adult-use consumer</u>	2295
<u>under section 3796.221 of the Revised Code to the same adult-use</u>	2296
<u>consumer in the same day;</u>	2297
<u>(3) Label the package containing adult-use marijuana with</u>	2298
<u>the following information:</u>	2299
<u>(a) The name and address of the licensed processor and</u>	2300
<u>retail dispensary;</u>	2301

(b) A statement that the use of adult-use marijuana by 2302
individuals under twenty-one years of age is both harmful and 2303
illegal; 2304

(c) The quantity, strength, kind, or form of adult-use 2305
marijuana contained in the package. 2306

(D) When operating a licensed retail dispensary, ~~both~~ all 2307
of the following apply: 2308

(1) A dispensary shall use only employees who have met the 2309
training requirements established in rules adopted under section 2310
3796.03 of the Revised Code. 2311

(2) A dispensary shall not make public any information it 2312
collects that identifies or would tend to identify any specific 2313
medical marijuana patient or adult-use consumer. 2314

(3) A dispensary shall prominently display both of the 2315
following: 2316

(a) A statement that the use of adult-use or homegrown 2317
marijuana by individuals under twenty-one years of age is both 2318
harmful and illegal; 2319

(b) Information about the addictive qualities of marijuana 2320
and the potential negative health consequences associated with 2321
its use. 2322

Sec. 3796.21. (A) Notwithstanding any conflicting 2323
provision of the Revised Code, the holder of a current, valid 2324
laboratory license issued under this chapter ~~may~~ shall do both 2325
of the following: 2326

(1) Obtain medical marijuana and adult-use marijuana from 2327
one or more cultivators, processors, and retail dispensaries 2328
licensed under this chapter; 2329

(2) Conduct ~~medical-marijuana~~ testing in the manner 2330
specified in rules adopted under section 3796.03 of the Revised 2331
Code. 2332

(B) When testing medical marijuana or adult-use marijuana, 2333
a licensed laboratory shall do both of the following: 2334

(1) Test ~~the marijuana~~ for potency, homogeneity, and 2335
contamination; 2336

(2) Prepare a report of the test results. 2337

Sec. 3796.22. (A) Notwithstanding any conflicting 2338
provision of the Revised Code, a patient registered under this 2339
chapter who obtains medical marijuana from a licensed retail 2340
dispensary ~~licensed under in accordance with~~ this chapter may do 2341
~~both~~ all of the following: 2342

(1) Use medical marijuana; 2343

(2) Possess medical marijuana, subject to division (B) of 2344
this section; 2345

(3) Possess any paraphernalia or accessories that may be 2346
used in the administration of medical marijuana, as specified in 2347
rules adopted under section 3796.03 of the Revised Code. 2348

(B) The amount of medical marijuana possessed by a 2349
registered patient shall not exceed a ninety-day supply, as 2350
specified in rules adopted under section 3796.03 of the Revised 2351
Code. 2352

(C) A registered patient shall not be subject to arrest or 2353
criminal prosecution for doing ~~any~~ either of the following in 2354
accordance with this chapter: 2355

(1) Obtaining, using, or possessing medical marijuana; 2356

(2) Possessing any paraphernalia or accessories that may 2357
be used in the administration of medical marijuana, as specified 2358
in rules adopted under section 3796.03 of the Revised Code. 2359

(D) This section does not authorize a registered patient 2360
to operate a vehicle, streetcar, trackless trolley, watercraft, 2361
or aircraft while under the influence of medical marijuana. 2362

Sec. 3796.221. (A) Notwithstanding any conflicting 2363
provision of the Revised Code, an adult-use consumer who obtains 2364
adult-use marijuana from a licensed retail dispensary in 2365
accordance with this chapter may do all of the following: 2366

(1) Use adult-use marijuana; 2367

(2) Possess adult-use marijuana, subject to division (B) 2368
of this section; 2369

(3) Possess any paraphernalia or accessories that may be 2370
used in the administration of adult-use marijuana. 2371

(B) The amount of adult-use marijuana possessed by an 2372
adult-use consumer shall not exceed: 2373

(1) One ounce of plant material; 2374

(2) Five grams of extract; 2375

(3) Five hundred milligrams of THC in any other form. 2376

(C) Subject to division (B) of this section, an adult-use 2377
consumer is not subject to arrest or criminal prosecution for 2378
engaging in any of the activities described in division (A) of 2379
this section. 2380

(D) This section does not authorize an adult-use consumer 2381
to operate a vehicle, streetcar, trackless trolley, watercraft, 2382
or aircraft while under the influence of marijuana. 2383

Sec. 3796.24. (A) The holder of a license, as defined in 2384
section 4776.01 of the Revised Code, is not subject to 2385
professional disciplinary action solely for engaging in 2386
professional or occupational activities related to medical 2387
marijuana. 2388

(B) Unless there is clear and convincing evidence that a 2389
child is unsafe, the use, possession, or administration of 2390
medical marijuana in accordance with this chapter shall not be 2391
the sole or primary basis for any of the following: 2392

(1) An adjudication under section 2151.28 of the Revised 2393
Code determining that a child is an abused, neglected, or 2394
dependent child; 2395

(2) An allocation of parental rights and responsibilities 2396
under section 3109.04 of the Revised Code; 2397

(3) A parenting time order under section 3109.051 or 2398
3109.12 of the Revised Code. 2399

(C) Notwithstanding any conflicting provision of the 2400
Revised Code, the use or possession of medical marijuana in 2401
accordance with this chapter shall not be used as a reason for 2402
disqualifying a patient from medical care or from including a 2403
patient on a transplant waiting list. 2404

(D) Notwithstanding any conflicting provision of the 2405
Revised Code, the use, possession, administration, cultivation, 2406
processing, testing, or dispensing of medical marijuana in 2407
accordance with this chapter shall not be used as the sole or 2408
primary reason for taking action under any criminal or civil 2409
statute in the forfeiture or seizure of any property or asset. 2410

(E) Notwithstanding any conflicting provision of the 2411
Revised Code, a person's status as a registered patient or 2412

caregiver is not a sufficient basis for conducting a field 2413
sobriety test on the person or for suspending the person's 2414
driver's license. To conduct any field sobriety test, a law 2415
enforcement officer must have an independent, factual basis 2416
giving reasonable suspicion that the person is operating a 2417
vehicle under the influence of marijuana or with a prohibited 2418
concentration of marijuana in the person's whole blood, blood 2419
serum, plasma, breath, or urine. 2420

(F) Notwithstanding any conflicting provision of the 2421
Revised Code, a person's status as a registered patient or 2422
caregiver shall not be used as the sole or primary basis for 2423
rejecting the person as a tenant unless the rejection is 2424
required by federal law. 2425

(G) This chapter does not do any of the following: 2426

(1) Require a physician to recommend that a patient use 2427
medical marijuana to treat a qualifying medical condition; 2428

(2) Permit the use, possession, or administration of 2429
medical marijuana or adult-use marijuana other than as 2430
authorized by this chapter; 2431

(3) Permit the use, possession, or administration of 2432
medical marijuana or adult-use marijuana on federal land located 2433
in this state; 2434

(4) Require any public place to accommodate a registered 2435
patient's use of medical marijuana or an adult-use consumer's 2436
use of adult-use marijuana; 2437

(5) ~~Prohibit~~ Subject to section 3796.06 of the Revised 2438
Code, prohibit any public place from accommodating a registered 2439
patient's use of medical marijuana or an adult-use consumer's 2440
use of adult-use marijuana, other than by smoking, combustion, 2441

or vaporization; 2442

(6) Restrict research related to marijuana conducted at a 2443
state university, academic medical center, or private research 2444
and development organization as part of a research protocol 2445
approved by an institutional review board or equivalent entity. 2446

Sec. 3796.28. (A) Nothing in this chapter does any of the 2447
following: 2448

(1) Requires an employer to permit or accommodate an 2449
employee's use, possession, or distribution of ~~medical-~~ 2450
marijuana; 2451

(2) Prohibits an employer from refusing to hire, 2452
discharging, disciplining, or otherwise taking an adverse 2453
employment action against a person with respect to hire, tenure, 2454
terms, conditions, or privileges of employment because of that 2455
person's use, possession, or distribution of ~~medical-~~marijuana; 2456

(3) Prohibits an employer from establishing and enforcing 2457
a drug testing policy, drug-free workplace policy, or zero- 2458
tolerance drug policy; 2459

(4) Interferes with any federal restrictions on 2460
employment, including the regulations adopted by the United 2461
States department of transportation in Title 49 of the Code of 2462
Federal Regulations, as amended; 2463

(5) Permits a person to commence a cause of action against 2464
an employer for refusing to hire, discharging, disciplining, 2465
discriminating, retaliating, or otherwise taking an adverse 2466
employment action against a person with respect to hire, tenure, 2467
terms, conditions, or privileges of employment related to 2468
~~medical-~~marijuana; 2469

(6) Affects the authority of the administrator of workers' 2470
compensation to grant rebates or discounts on premium rates to 2471
employers that participate in a drug-free workplace program 2472
established in accordance with rules adopted by the 2473
administrator under Chapter 4123. of the Revised Code. 2474

(B) A person who is discharged from employment because of 2475
that person's use of ~~medical~~-marijuana shall be considered to 2476
have been discharged for just cause for purposes of division (D) 2477
of section 4141.29 of the Revised Code and shall be ineligible 2478
to serve a waiting period or to be paid benefits for the 2479
duration of the individual's unemployment as described in 2480
division (D)(2) of that section if the person's use of ~~medical~~- 2481
marijuana was in violation of an employer's drug-free workplace 2482
policy, zero-tolerance policy, or other formal program or policy 2483
regulating the use of ~~medical~~-marijuana. 2484

(C) It is not a violation of division (A), (D), or (E) of 2485
section 4112.02 of the Revised Code if an employer discharges, 2486
refuses to hire, or otherwise discriminates against a person 2487
because of that person's use of ~~medical~~-marijuana if the 2488
person's use of ~~medical~~-marijuana is in violation of the 2489
employer's drug-free workplace policy, zero-tolerance policy, or 2490
other formal program or policy regulating the use of ~~medical~~- 2491
marijuana. 2492

Sec. 3796.30. (A) Except as provided in division (B) of 2493
this section, no ~~medical~~-marijuana cultivator, processor, retail 2494
dispensary, or laboratory that tests ~~medical~~-marijuana shall be 2495
located within five hundred feet of the boundaries of a parcel 2496
of real estate having situated on it a school, church, public 2497
library, public playground, or public park. 2498

If the relocation of a cultivator, processor, retail 2499

dispensary, or laboratory licensed under this chapter results in 2500
the cultivator, processor, retail dispensary, or laboratory 2501
being located within five hundred feet of the boundaries of a 2502
parcel of real estate having situated on it a school, church, 2503
public library, public playground, or public park, the division 2504
of marijuana control shall revoke the license it previously 2505
issued to the cultivator, processor, retail dispensary, or 2506
laboratory. 2507

(B) This section does not apply to research related to 2508
marijuana conducted at a state university, academic medical 2509
center, or private research and development organization as part 2510
of a research protocol approved by an institutional review board 2511
or equivalent entity. 2512

~~(C) As used in this section and sections 3796.03 and~~ 2513
~~3796.12 of the Revised Code:—~~ 2514

~~"Church" has the meaning defined in section 1710.01 of the~~ 2515
~~Revised Code.—~~ 2516

~~"Public library" means a library provided for under~~ 2517
~~Chapter 3375. of the Revised Code.—~~ 2518

~~"Public park" means a park established by the state or a~~ 2519
~~political subdivision of the state including a county, township,~~ 2520
~~municipal corporation, or park district.—~~ 2521

~~"Public playground" means a playground established by the~~ 2522
~~state or a political subdivision of the state including a~~ 2523
~~county, township, municipal corporation, or park district.—~~ 2524

~~"School" means a child care center as defined under~~ 2525
~~section 5104.01 of the Revised Code, a preschool as defined~~ 2526
~~under section 2950.034 of the Revised Code, or a public or~~ 2527
~~nonpublic primary school or secondary school.—~~ 2528

Sec. 3796.32. (A) The division of marijuana control may 2529
adopt rules regulating the advertisement of adult-use marijuana 2530
to prevent advertisements that are false, misleading, targeted 2531
to minors, promote excessive use, promote illegal activity, are 2532
obscene or indecent, contain depictions of marijuana use, or 2533
promote marijuana as an intoxicant. 2534

(B) The division may adopt other rules regulating the 2535
advertisement of adult-use marijuana as it deems necessary and 2536
consistent with this chapter. 2537

(C) The division may, at any time, conduct an audit of an 2538
applicant's or license holder's published advertisements to 2539
ensure that the applicant or license holder complies with this 2540
chapter and associated rules. 2541

(D) No licensed cultivator, processor, dispensary, or 2542
laboratory shall place, or cause to be placed, any advertisement 2543
that is: 2544

(1) Targeted towards individuals under the age of twenty- 2545
one; 2546

(2) On a billboard; 2547

(3) Transmitted via radio, television, internet, or 2548
broadcast; 2549

(4) Within five hundred feet of a prohibited facility; 2550

(5) In violation of this chapter or the rules adopted 2551
thereunder. 2552

(E) Adult-use marijuana shall not be packaged, advertised, 2553
or otherwise marketed using any graphic, picture, or drawing 2554
that bears any resemblance to a cartoon character, or any 2555
fictional character or popular culture figure whose target 2556

audience is children or youth.

2557

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

2558

2559

2560

2561

2562

2563

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

2564

2565

2566

2567

2568

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

2569

2570

2571

2572

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

2573

2574

2575

2576

2577

2578

2579

2580

2581

2582

2583

2584

2585

(b) Except as otherwise provided in division (A) (2) (c), 2586
(d), or (e) of this section, an offender who, within ten years 2587
of the offense, previously has been convicted of or pleaded 2588
guilty to one violation of division (C) (2) of section 3796.06 of 2589
the Revised Code as a passenger of a vehicle, streetcar, 2590
trackless trolley, watercraft, or aircraft is guilty of a 2591
misdemeanor of the first degree. The court shall sentence the 2592
offender to a mandatory jail term of ten consecutive days. The 2593
court may impose a jail term in addition to the ten-day 2594
mandatory jail term. However, in no case shall the cumulative 2595
jail term imposed for the offense exceed six months. In 2596
addition, notwithstanding the fines set forth in Chapter 2929. 2597
of the Revised Code, the court shall impose upon the offender a 2598
fine of not less than five hundred twenty-five and not more than 2599
one thousand six hundred twenty-five dollars. The court shall 2600
impose a class six suspension of the offender's license, permit, 2601
or privileges from the range specified in division (A) (6) of 2602
section 4510.02 of the Revised Code. 2603

(c) Except as otherwise provided in division (A) (2) (d) or 2604
(e) of this section, an offender who, within ten years of the 2605
offense, previously has been convicted of or pleaded guilty to 2606
two violations of division (C) (2) of section 3796.06 of the 2607
Revised Code as a passenger of a vehicle, streetcar, trackless 2608
trolley, watercraft, or aircraft is guilty of a misdemeanor of 2609
the first degree. The court shall sentence the offender to a 2610
mandatory jail term of thirty consecutive days. The court may 2611
impose a jail term in addition to the thirty-day mandatory jail 2612
term. Notwithstanding the jail terms set forth in sections 2613
2929.21 to 2929.28 of the Revised Code, the additional jail term 2614
shall not exceed one year, and the cumulative jail term imposed 2615
for the offense shall not exceed one year. In addition, 2616

notwithstanding the fines set forth in Chapter 2929. of the
Revised Code, the court shall impose upon the offender a fine of
not less than eight hundred fifty and not more than two thousand
seven hundred fifty dollars. The court shall impose a class five
suspension of the offender's license, permit, or privileges from
the range specified in division (A) (5) of section 4510.02 of the
Revised Code.

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

(e) An offender who previously has been convicted of or
pleaded guilty to a felony violation of division (C) (2) of
section 3796.06 of the Revised Code as a passenger of a vehicle,
streetcar, trackless trolley, watercraft, or aircraft,
regardless of when the violation and the conviction or guilty
plea occurred, is guilty of a felony of the third degree.
Notwithstanding the prison terms set forth in Chapter 2929. of
the Revised Code, the court shall sentence the offender to a

mandatory prison term of one, two, three, four, or five years. 2648
Additionally, notwithstanding section 2929.18 of the Revised 2649
Code, the court shall impose a fine of not less than one 2650
thousand three hundred fifty nor more than ten thousand five 2651
hundred dollars. The court shall impose a class three suspension 2652
of the offender's license, permit, or privileges from the range 2653
specified in division (A)(3) of section 4510.02 of the Revised 2654
Code. 2655

(B) Except as otherwise provided in division (A) of this 2656
section, whoever violates division (C)(2) of section 3796.06 of 2657
the Revised Code is guilty of a minor misdemeanor. 2658

(C)(1)(a) Except as provided in division (C)(1)(b) of this 2659
section, whoever violates division (G) of section 3796.06 of the 2660
Revised Code is guilty of a misdemeanor of the first degree. 2661

(b) An offender who has previously been convicted of, or 2662
pleaded guilty to, a violation of division (G) of section 2663
3796.06 of the Revised Code, is guilty of a felony of the fifth 2664
degree. 2665

(2) The division of marijuana control shall immediately 2666
revoke the license of any license holder under this chapter who 2667
is found guilty of, or who pleads guilty or no contest to, 2668
violating division (G) of section 3796.06 of the Revised Code. 2669

(D) Whoever violates division (B) of section 3796.221 of 2670
the Revised Code is guilty of possession of marijuana under 2671
section 2925.11 of the Revised Code. 2672

(E) Whoever engages in any of the activities described in 2673
section 3796.18, 3796.19, 3796.20, or 3796.21 of the Revised 2674
Code without the proper license under this chapter is guilty of 2675
trafficking in marijuana under section 2925.03 of the Revised 2676

Code or illegal cultivation of marijuana under section 2925.04 2677
of the Revised Code. 2678

(F) Whoever violates division (C) (2) of section 3796.20 of 2679
the Revised Code is guilty of trafficking in marijuana under 2680
section 2925.03 of the Revised Code. 2681

(G) (1) Except as otherwise provided in divisions (G) (2) to 2682
(4) of this section, whoever violates division (H) of section 2683
3796.06 of the Revised Code by knowingly showing or giving false 2684
information concerning the individual's name, age, or other 2685
identification for the purpose of purchasing or otherwise 2686
obtaining adult-use marijuana from an adult-use dispensary 2687
licensed under this chapter is guilty of a misdemeanor of the 2688
first degree. 2689

(2) Except as otherwise provided in divisions (G) (3) and 2690
(4) of this section, whoever violates division (H) of section 2691
3796.06 of the Revised Code by knowingly presenting to an adult- 2692
use dispensary licensed under this chapter a false, fictitious, 2693
or altered identification card, a false or fictitious driver's 2694
license purportedly issued by any state, or a driver's license 2695
issued by any state that has been altered, is guilty of a 2696
misdemeanor of the first degree and, notwithstanding division 2697
(A) (2) of section 2929.28 of the Revised Code, shall be fined 2698
not less than two hundred fifty dollars and not more than one 2699
thousand dollars. 2700

(3) (a) Except as otherwise provided in division (G) (4) of 2701
this section, an offender who has previously been convicted of 2702
or pleaded guilty to a violation of division (H) of section 2703
3796.06 of the Revised Code by knowingly presenting to an adult- 2704
use dispensary licensed under this chapter a false, fictitious, 2705
or altered identification card, a false or fictitious driver's 2706

license purportedly issued by any state, or a driver's license 2707
issued by any state that has been altered, is guilty of a 2708
misdemeanor of the first degree and, notwithstanding division 2709
(A) (2) of section 2929.28 of the Revised Code, shall be fined 2710
not less than five hundred dollars nor more than one thousand 2711
dollars. 2712

(b) (i) The court also may impose a class seven suspension 2713
of the offender's driver's or commercial driver's license or 2714
permit, or nonresident operating privilege, from the range 2715
specified in division (A) (7) of section 4510.02 of the Revised 2716
Code. 2717

(ii) The court, in lieu of suspending the offender's 2718
temporary instruction permit, probationary driver's license, or 2719
driver's license, instead may order the offender to perform a 2720
determinate number of hours of community service, with the court 2721
determining the actual number of hours and the nature of the 2722
community service the offender shall perform. 2723

(4) (a) An offender who has previously been convicted of or 2724
pleaded guilty to two or more violations of division (H) of 2725
section 3796.06 of the Revised Code by knowingly presenting to 2726
an adult-use dispensary licensed under this chapter a false, 2727
fictitious, or altered identification card, a false or 2728
fictitious driver's license purportedly issued by any state, or 2729
a driver's license issued by any state that has been altered, is 2730
guilty of a misdemeanor of the first degree and, notwithstanding 2731
division (A) (2) of section 2929.28 of the Revised Code, shall be 2732
fined not less than five hundred dollars nor more than one 2733
thousand dollars. 2734

(b) (i) The court also may impose a class six suspension of 2735
the offender's driver's or commercial driver's license or permit 2736

or nonresident operating privilege from the range specified in 2737
division (A) (6) of section 4510.02 of the Revised Code, and the 2738
court may order that the suspension or denial remain in effect 2739
until the offender attains the age of twenty-one years. 2740

(ii) The court, in lieu of suspending the offender's 2741
temporary instruction permit, probationary driver's license, or 2742
driver's license, instead may order the offender to perform a 2743
determinate number of hours of community service, with the court 2744
determining the actual number of hours and the nature of the 2745
community service the offender shall perform. 2746

(5) The financial sanctions required by divisions (H) (2) 2747
to (4) of this section are in lieu of the financial sanctions 2748
described in division (A) (2) of section 2929.28 of the Revised 2749
Code but are in addition to any other sanctions or penalties 2750
that may apply to the offender, including other financial 2751
sanctions under that section or a jail term under section 2752
2929.24 of the Revised Code. 2753

(H) (1) Except as otherwise provided in division (H) (2) of 2754
this section, whoever violates division (H) of section 3796.06 2755
of the Revised Code by knowingly soliciting another person to 2756
purchase adult-use marijuana from an adult-use dispensary 2757
licensed under this chapter is guilty of a misdemeanor of the 2758
fourth degree. 2759

(2) An offender who has previously been convicted of or 2760
pleaded guilty to a violation of division (H) of section 3796.06 2761
of the Revised Code by knowingly soliciting another individual 2762
to purchase adult-use marijuana from an adult-use dispensary 2763
licensed under this chapter is guilty of a misdemeanor of the 2764
second degree. 2765

(I) Whoever violates division (A) of section 3796.062 of 2766
the Revised Code is guilty of a minor misdemeanor. 2767

(J) Whoever violates division (B) of section 3796.062 of 2768
the Revised Code is guilty of illegal use or possession of 2769
marijuana drug paraphernalia under section 2925.141 of the 2770
Revised Code. 2771

Sec. 4301.17. (A) (1) Subject to local option as provided 2772
in sections 4301.32 to 4301.40 of the Revised Code, five state 2773
liquor stores or agencies may be established in each county. One 2774
additional store may be established in any county for each 2775
twenty thousand of population of that county or major fraction 2776
thereof in excess of the first forty thousand, according to the 2777
last preceding federal decennial census or according to the 2778
population estimates certified by the department of development 2779
between decennial censuses. A person engaged in a mercantile 2780
business may act as the agent for the division of liquor control 2781
for the sale of spirituous liquor in a municipal corporation, in 2782
the unincorporated area of a township, or in an area designated 2783
and approved as a resort area under section 4303.262 of the 2784
Revised Code. The division shall fix the compensation for such 2785
an agent in the manner it considers best, but the compensation 2786
shall not exceed seven per cent of the gross sales made by the 2787
agent in any one year. 2788

(2) The division shall adopt rules in accordance with 2789
Chapter 119. of the Revised Code governing the allocation and 2790
equitable distribution of agency store contracts. The division 2791
shall comply with the rules when awarding a contract under 2792
division (A) (1) of this section. 2793

(3) Pursuant to an agency store's contract, an agency 2794
store may be issued a D-1 permit to sell beer, a D-2 permit to 2795

sell wine and mixed beverages, and a D-5 permit to sell beer, 2796
wine, mixed beverages, and spirituous liquor. 2797

(4) Pursuant to an agency store's contract, an agency 2798
store may be issued a D-3 permit to sell spirituous liquor if 2799
the agency store contains at least ten thousand square feet of 2800
sales floor area. A D-3 permit issued to an agency store shall 2801
not be transferred to a new location. The division shall revoke 2802
any D-3 permit issued to an agency store under division (A) (4) 2803
of this section if the agent no longer operates the agency 2804
store. The division shall not issue a D-3a permit to an agency 2805
store. 2806

(5) An agency store to which a D-8 permit has been issued 2807
may allow the ~~sale~~consumption of tasting samples of spirituous 2808
liquor in accordance with section 4301.171 of the Revised Code. 2809

(6) An agency store may sell beer, wine, mixed beverages, 2810
and spirituous liquor only between the hours of nine a.m. and 2811
eleven p.m. 2812

(B) When an agency contract is proposed, when an existing 2813
agency contract is assigned, when an existing agency proposes to 2814
relocate, or when an existing agency is relocated and assigned, 2815
before entering into any contract, consenting to any assignment, 2816
or consenting to any relocation, the division shall notify the 2817
legislative authority of the municipal corporation in which the 2818
agency store is to be located, or the board of county 2819
commissioners and the board of township trustees of the county 2820
and the township in which the agency store is to be located if 2821
the agency store is to be located outside the corporate limits 2822
of a municipal corporation, of the proposed contract, 2823
assignment, or relocation, and an opportunity shall be provided 2824
officials or employees of the municipal corporation or county 2825

and township for a complete hearing upon the advisability of 2826
entering into the contract or consenting to the assignment or 2827
relocation. When the division sends notice to the legislative 2828
authority of the political subdivision, the division shall 2829
notify the chief peace officer of the political subdivision, who 2830
may appear and testify, either in person or through a 2831
representative, at any hearing held on the advisability of 2832
entering into the contract or consenting to the assignment or 2833
relocation. 2834

If the proposed agency store, the assignment of an agency 2835
contract, or the relocation of an agency store would be located 2836
within five hundred feet of a school, church, library, public 2837
playground, or township park, the division shall not enter into 2838
an agency contract until it has provided notice of the proposed 2839
contract to the authorities in control of the school, church, 2840
library, public playground, or township park and has provided 2841
those authorities with an opportunity for a complete hearing 2842
upon the advisability of entering into the contract. If an 2843
agency store so located is operating under an agency contract, 2844
the division may consent to relocation of the agency store or to 2845
the assignment of that contract to operate an agency store at 2846
the same location. The division may also consent to the 2847
assignment of an existing agency contract simultaneously with 2848
the relocation of the agency store. In any such assignment or 2849
relocation, the assignee and the location shall be subject to 2850
the same requirements that the existing location met at the time 2851
that the contract was first entered into as well as any 2852
additional requirements imposed by the division in rules adopted 2853
by the superintendent of liquor control. The division shall not 2854
consent to an assignment or relocation of an agency store until 2855
it has notified the authorities in control of the school, 2856

church, library, public playground, or township park and has 2857
provided those authorities with an opportunity for a complete 2858
hearing upon the advisability of consenting to the assignment or 2859
relocation. 2860

Any hearing provided for in this division shall be held in 2861
the central office of the division, except that upon written 2862
request of the legislative authority of the municipal 2863
corporation, the board of county commissioners, the board of 2864
township trustees, or the authorities in control of the school, 2865
church, library, public playground, or township park, the 2866
hearing shall be held in the county seat of the county where the 2867
proposed agency store is to be located. 2868

(C) All agency contracts entered into by the division 2869
pursuant to this section shall be in writing and shall contain a 2870
clause providing for the termination of the contract at will by 2871
the division upon its giving ninety days' notice in writing to 2872
the agent of its intention to do so. Any agency contract may 2873
include a clause requiring the agent to report to the 2874
appropriate law enforcement agency the name and address of any 2875
individual under twenty-one years of age who attempts to make an 2876
illegal purchase. 2877

The division shall issue a C-1 and C-2 permit to each 2878
agent who prior to November 1, 1994, had not been issued both of 2879
these permits, notwithstanding the population quota restrictions 2880
contained in section 4303.29 of the Revised Code or in any rule 2881
of the liquor control commission and notwithstanding the 2882
requirements of section 4303.31 of the Revised Code. The 2883
location of a C-1 or C-2 permit issued to such an agent shall 2884
not be transferred. The division shall revoke any C-1 or C-2 2885
permit issued to an agent under this paragraph if the agent no 2886

longer operates an agency store. 2887

The division may enter into agreements with the department 2888
of development to implement a minority loan program to provide 2889
low-interest loans to minority business enterprises, as defined 2890
in section 122.71 of the Revised Code, that are awarded liquor 2891
agency contracts or assignments. 2892

(D) If the division closes a state liquor store and 2893
replaces that store with an agency store, any employees of the 2894
division employed at that state liquor store who lose their jobs 2895
at that store as a result shall be given preference by the agent 2896
who operates the agency store in filling any vacancies that 2897
occur among the agent's employees, if that preference does not 2898
conflict with the agent's obligations pursuant to a collective 2899
bargaining agreement. 2900

If the division closes a state liquor store and replaces 2901
the store with an agency store, any employees of the division 2902
employed at the state liquor store who lose their jobs at that 2903
store as a result may displace other employees as provided in 2904
sections 124.321 to 124.328 of the Revised Code. If an employee 2905
cannot displace other employees and is laid off, the employee 2906
shall be reinstated in another job as provided in sections 2907
124.321 to 124.328 of the Revised Code, except that the 2908
employee's rights of reinstatement in a job at a state liquor 2909
store shall continue for a period of two years after the date of 2910
the employee's layoff and shall apply to jobs at state liquor 2911
stores located in the employee's layoff jurisdiction and any 2912
layoff jurisdiction adjacent to the employee's layoff 2913
jurisdiction. 2914

(E) The division shall require every agent to give bond 2915
with surety to the satisfaction of the division, in the amount 2916

the division fixes, conditioned for the faithful performance of 2917
the agent's duties as prescribed by the division. 2918

Sec. 4301.171. (A) As used in this section: 2919

(1) "Broker" and "solicitor" have the same meanings as in 2920
rules adopted by the superintendent of liquor control under 2921
section 4303.25 of the Revised Code. 2922

(2) "Tasting sample" means a small amount of spirituous 2923
liquor that is provided in a serving of not more than a quarter 2924
ounce of spirituous liquor and, if provided, not more than one 2925
ounce of nonalcoholic mixer to an authorized ~~purchaser~~person 2926
and that allows the ~~purchaser~~person to determine, by tasting 2927
only, the quality and character of the beverage. 2928

(3) "Trade marketing company" means a company that 2929
solicits the purchase of beer and intoxicating liquor and 2930
educates the public about beer and intoxicating liquor. 2931

(4) "Trade marketing professional" means an individual who 2932
is an employee of, or is under contract with, a trade marketing 2933
company and who has successfully completed a training program 2934
described in section 4301.253 of the Revised Code. 2935

(B) Notwithstanding section 4301.24 of the Revised Code, 2936
an agency store to which a D-8 permit has been issued may allow 2937
a trade marketing professional, broker, or solicitor to offer 2938
~~for sale~~ tasting samples of spirituous liquor when conducted in 2939
accordance with this section. A tasting sample shall not be ~~sold~~ 2940
provided for the purpose of general consumption. 2941

(C) Tasting samples of spirituous liquor may be offered 2942
~~for sale~~ at an agency store by a trade marketing professional, 2943
broker, or solicitor if all of the following apply: 2944

(1) The tasting samples are ~~sold~~provided only in the area 2945
of the agency store in which spirituous liquor is sold and that 2946
area is open to the public. 2947

(2) The tasting samples are ~~sold~~provided only by the 2948
trade marketing professional, broker, or solicitor. 2949

(3) The spirituous liquor is registered under division (A) 2950
(8) of section 4301.10 of the Revised Code. 2951

(4) Not less than ten business days prior to the 2952
~~salesampling~~, the trade marketing professional, broker, or 2953
solicitor has provided written notice to the division of liquor 2954
control of the date and time of the sampling, and of the type 2955
and brand of spirituous liquor to be sampled at the agency 2956
store. 2957

(D) ~~A sale~~The provision of tasting samples of spirituous 2958
liquor is subject to rules adopted by the superintendent of 2959
liquor control or the liquor control commission. 2960

(E) An offering ~~for sale~~ of tasting samples of spirituous 2961
liquor shall be limited to a period of not more than two hours. 2962

(F) For purposes of offering ~~for sale~~ tasting samples of 2963
spirituous liquor, a trade marketing professional, broker, or 2964
solicitor shall purchase the spirituous liquor from the agency 2965
store at the current retail price. An authorized ~~purchaser~~ 2966
~~person~~ shall not be charged ~~not less than fifty cents for each a~~ 2967
tasting sample of spirituous liquor. When ~~the sale of tasting~~ 2968
~~samples~~sampling of spirituous liquor at an agency store is 2969
completed, any bottles of spirituous liquor used to provide 2970
tasting samples that are not empty shall be marked as "sample" 2971
and removed from the agency store by the trade marketing 2972
professional, broker, or solicitor, as applicable. 2973

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

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

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

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

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

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

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

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

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

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

and 3002

(2) There is not less than one hour between the end of one 3003
event and the beginning of the next event. 3004

(M) No trade marketing professional, trade marketing 3005
company, broker, solicitor, owner or operator of an agency 3006
store, or an agent or employee of the owner or operator shall 3007
violate this section or any rules adopted by the superintendent 3008
or the commission for the purposes of this section. 3009

Sec. 4303.041. ~~(A) An~~ (A) (1) Except as provided in 3010
division (A) (2) of this section, an A-3a permit may be issued to 3011
a distiller that manufactures less than one hundred thousand 3012
gallons of spirituous liquor per year. ~~An~~ 3013

(2) An A-3a permit holder issued an A-3a permit prior to 3014
the effective date of this amendment may manufacture any amount 3015
of spirituous liquor per year on and after the effective date of 3016
this amendment, regardless of whether the permit premises 3017
location or ownership of the permit premises is transferred and 3018
the permit holder is issued a new A-3a permit. 3019

(3) An A-3a permit holder may sell to a personal consumer, 3020
in sealed containers for consumption off the premises where 3021
manufactured, spirituous liquor that the permit holder 3022
manufactures, but sales to the personal consumer may occur only 3023
by an in-person transaction at the permit premises. The A-3a 3024
permit holder shall not ship, send, or use an H permit holder to 3025
deliver spirituous liquor to the personal consumer. 3026

"Distiller" means a person in this state who mashes, 3027
ferments, distills, and ages spirituous liquor. 3028

(B) (1) Except as otherwise provided in this section, no A- 3029
3a permit shall be issued unless the sale of spirituous liquor 3030

by the glass for consumption on the premises or by the package 3031
for consumption off the premises is authorized in the election 3032
precinct in which the A-3a permit is proposed to be located. 3033

(2) Division (B) (1) of this section does not prohibit the 3034
issuance of an A-3a permit to an applicant for such a permit who 3035
has filed an application with the division of liquor control 3036
before March 22, 2012. 3037

(C) (1) An A-3a permit holder may offer for sale tasting 3038
samples of spirituous liquor. The A-3a permit holder shall not 3039
serve more than four tasting samples of spirituous liquor per 3040
person per day. A tasting sample shall not exceed a quarter 3041
ounce. Tasting samples shall be only for the purpose of allowing 3042
a purchaser to determine, by tasting only, the quality and 3043
character of the spirituous liquor. The tasting samples shall be 3044
offered for sale in accordance with rules adopted by the 3045
division of liquor control. 3046

(2) An A-3a permit holder shall sell not more than three 3047
liters of spirituous liquor per day from the permit premises to 3048
the same personal consumer. 3049

An A-3a permit holder may sell spirituous liquor in sealed 3050
containers for consumption off the premises where manufactured 3051
as an independent contractor under agreement, by virtue of the 3052
permit, with the division of liquor control. The price at which 3053
the A-3a permit holder shall sell each spirituous liquor product 3054
to a personal consumer is to be determined by the division of 3055
liquor control. For an A-3a permit holder to purchase and then 3056
offer spirituous liquor for retail sale, the spirituous liquor 3057
need not first leave the physical possession of the A-3a permit 3058
holder to be so registered. The spirituous liquor that the A-3a 3059
permit holder buys from the division of liquor control shall be 3060

maintained in a separate area of the permit premises for sale to 3061
personal consumers. The A-3a permit holder shall sell such 3062
spirituous liquor in sealed containers for consumption off the 3063
premises where manufactured as an independent contractor by 3064
virtue of the permit issued by the division of liquor control, 3065
but the permit holder shall not be compensated as provided in 3066
division (A)(1) of section 4301.17 of the Revised Code. Each A- 3067
3a permit holder shall be subject to audit by the division of 3068
liquor control. 3069

(D) The fee for the A-3a permit is two dollars per fifty- 3070
gallon barrel. 3071

(E) The holder of an A-3a permit may also exercise the 3072
same privileges as the holder of an A-3 permit. 3073

Sec. 4303.184. (A) Subject to division (B) of this 3074
section, a D-8 permit may be issued to any of the following: 3075

(1) An agency store; 3076

(2) The holder of a C-1, C-2, or C-2x permit issued to a 3077
retail store that has any of the following characteristics: 3078

(a) The store has at least five thousand five hundred 3079
square feet of floor area, and it generates more than sixty per 3080
cent of its sales in general merchandise items and food for 3081
consumption off the premises where sold. 3082

(b) The store is located in a municipal corporation or 3083
township with a population of five thousand or less, has at 3084
least four thousand five hundred square feet of floor area, and 3085
generates more than sixty per cent of its sales in general 3086
merchandise items and food for consumption off the premises 3087
where sold. 3088

(c) Wine constitutes at least sixty per cent of the value 3089
of the store's inventory. 3090

(3) The holder of both a C-1 and C-2 permit, or the holder 3091
of a C-2x permit, issued to a retail store that is located 3092
within a municipal corporation or township with a population of 3093
fifteen thousand or less. 3094

(B) A D-8 permit may be issued to the holder of a C-1, C- 3095
2, or C-2x permit only if the premises of the permit holder are 3096
located in a precinct, or at a particular location in a 3097
precinct, in which the sale of beer, wine, or mixed beverages is 3098
permitted for consumption off the premises where sold. Sales 3099
under a D-8 permit are not affected by whether sales for 3100
consumption on the premises where sold are permitted in the 3101
precinct or at the particular location where the D-8 premises 3102
are located. 3103

(C) (1) The holder of a D-8 permit described in division 3104
(A) (2) or (3) of this section may sell tasting samples of beer, 3105
wine, and mixed beverages, but not spirituous liquor, at retail, 3106
for consumption on the premises where sold in an amount not to 3107
exceed two ounces or another amount designated by rule of the 3108
liquor control commission. A tasting sample shall not be sold 3109
for general consumption. 3110

(2) The holder of a D-8 permit described in division (A) 3111
(1) of this section may allow the ~~sale~~consumption of tasting 3112
samples of spirituous liquor in accordance with section 4301.171 3113
of the Revised Code. 3114

(3) No D-8 permit holder described in division (A) (2) or 3115
(3) of this section shall allow any authorized purchaser to 3116
consume more than four tasting samples of beer, wine, or mixed 3117

beverages, or any combination of beer, wine, or mixed beverages, 3118
per day. 3119

(D) (1) Notwithstanding sections 4303.11 and 4303.121 of 3120
the Revised Code, the holder of a D-8 permit described in 3121
division (A) (2) or (3) of this section may sell beer that is 3122
dispensed from containers that have a capacity equal to or 3123
greater than five and one-sixth gallons if all of the following 3124
conditions are met: 3125

(a) A product registration fee for the beer has been paid 3126
as required in division (A) (8) (b) of section 4301.10 of the 3127
Revised Code. 3128

(b) The beer is dispensed only in glass containers whose 3129
capacity does not exceed one gallon and not for consumption on 3130
the premises where sold. 3131

(c) The containers are sealed, marked, and transported in 3132
accordance with division (E) of section 4301.62 of the Revised 3133
Code. 3134

(d) The containers have been cleaned immediately before 3135
being filled in accordance with rule 4301:1-1-28 of the 3136
Administrative Code. 3137

(2) Beer that is sold and dispensed under division (D) (1) 3138
of this section is subject to both of the following: 3139

(a) All applicable rules adopted by the liquor control 3140
commission, including, but not limited to, rule 4301:1-1-27 and 3141
rule 4301:1-1-72 of the Administrative Code; 3142

(b) All applicable federal laws and regulations. 3143

(E) The privileges authorized for the holder of a D-8 3144
permit described in division (A) (2) or (3) of this section may 3145

only be exercised in conjunction with and during the hours of 3146
operation authorized by a C-1, C-2, C-2x, or D-6 permit. 3147

(F) A D-8 permit shall not be transferred to another 3148
location. 3149

(G) The fee for the D-8 permit is five hundred dollars. 3150

Sec. 4303.26. (A) Applications for regular permits 3151
authorized by sections 4303.02 to 4303.23 of the Revised Code 3152
may be filed with the division of liquor control. No permit 3153
shall be issued by the division until fifteen days after the 3154
application for it is filed. An applicant for the issuance of a 3155
new permit shall pay a processing fee of one hundred dollars 3156
when filing application for the permit, if the permit is then 3157
available, or shall pay the processing fee when a permit becomes 3158
available, if it is not available when the applicant initially 3159
files the application. When an application for a new class C or 3160
D permit is filed, when class C or D permits become available, 3161
or when an application for transfer of ownership of a class C or 3162
D permit or transfer of a location of a class C or D permit is 3163
filed, no permit shall be issued, nor shall the location or the 3164
ownership of a permit be transferred, by the division until the 3165
division notifies the legislative authority of the municipal 3166
corporation if the business or event is or is to be located 3167
within the corporate limits of a municipal corporation, or the 3168
clerk of the board of county commissioners and the fiscal 3169
officer of the board of township trustees in the county in which 3170
the business or event is or is to be conducted if the business 3171
is or is to be located outside the corporate limits of a 3172
municipal corporation, and an opportunity is provided officials 3173
or employees of the municipal corporation or county and 3174
township, who shall be designated by the legislative authority 3175

or the board of county commissioners or board of township 3176
trustees, for a complete hearing upon the advisability of the 3177
issuance, transfer of ownership, or transfer of location of the 3178
permit. In this hearing, no objection to the issuance, transfer 3179
of ownership, or transfer of location of the permit shall be 3180
based upon noncompliance of the proposed permit premises with 3181
local zoning regulations which prohibit the sale of beer or 3182
intoxicating liquor, in an area zoned for commercial or 3183
industrial uses, for a permit premises that would otherwise 3184
qualify for a proper permit issued by the division. 3185

When the division sends notice to the legislative or 3186
executive authority of the political subdivision, as required by 3187
this section, the division shall also so notify, by certified 3188
mail, return receipt requested, or by personal service, the 3189
chief peace officer of the political subdivision. Upon the 3190
request of the chief peace officer, the division shall send the 3191
chief peace officer a copy of the application for the issuance 3192
or the transfer of ownership or location of the permit and all 3193
other documents or materials filed by the applicant or 3194
applicants in relation to the application. The chief peace 3195
officer may appear and testify, either in person or through a 3196
representative, at any hearing held on the advisability of the 3197
issuance, transfer of ownership, or transfer of location of the 3198
permit. The hearing shall be held in the central office of the 3199
division, except that upon written request of the legislative 3200
authority of the municipal corporation or the board of county 3201
commissioners or board of township trustees, the hearing shall 3202
be held in the county seat of the county where the applicant's 3203
business is or is to be conducted. 3204

If the business or event specified in an application for 3205
the issuance, transfer of ownership, or transfer of location of 3206

any regular permit authorized by sections 4303.02 to 4303.23 of 3207
the Revised Code, except for an F-2 permit, is, or is to be 3208
operated, within five hundred feet from the boundaries of a 3209
parcel of real estate having situated on it a school, church, 3210
library, public playground, or township park, no permit shall be 3211
issued, nor shall the location or the ownership of a permit be 3212
transferred, by the division until written notice of the filing 3213
of the application with the division is served, by certified 3214
mail, return receipt requested, or by personal service, upon the 3215
authorities in control of the school, church, library, public 3216
playground, or township park and an opportunity is provided them 3217
for a complete hearing upon the advisability of the issuance, 3218
transfer of ownership, or transfer of location of the permit. In 3219
this hearing, no objection to the issuance, transfer of 3220
ownership, or transfer of location of the permit shall be based 3221
upon the noncompliance of the proposed permit premises with 3222
local zoning regulations which prohibit the sale of beer or 3223
intoxicating liquor, in an area zoned for commercial or 3224
industrial uses, for a permit premises that would otherwise 3225
qualify for a proper permit issued by the division. Upon the 3226
written request of any of these authorities, the hearing shall 3227
be held in the county seat of the county where the applicant's 3228
business is or is to be conducted. 3229

A request for any hearing authorized by this section shall 3230
be made no later than thirty days from the time of notification 3231
by the division. This thirty-day period begins on the date the 3232
division mails notice to the legislative authority or the date 3233
on which the division mails notice to or, by personal service, 3234
serves notice upon, the institution. The division shall conduct 3235
a hearing if the request for the hearing is postmarked by the 3236
deadline date. The division may allow, upon cause shown by the 3237

requesting legislative authority or board, an extension of 3238
thirty additional days for the legislative authority of the 3239
municipal corporation, board of township trustees of the 3240
township, or board of county commissioners of the county in 3241
which a permit premises is or is to be located to object to the 3242
issuance, transfer of ownership, or transfer of location of a 3243
permit. The request for the extension shall be made by the 3244
legislative authority or board to the division no later than 3245
thirty days after the time of notification by the division. 3246

(B) When an application for transfer of ownership of a 3247
permit is filed with the division, the division shall give 3248
notice of the application to the tax commissioner. Within twenty 3249
days after receiving this notification, the commissioner shall 3250
notify the division of liquor control and the proposed 3251
transferee of the permit if the permit holder owes to this state 3252
any delinquent horse-racing taxes, alcoholic beverage taxes, 3253
motor fuel taxes, petroleum activity taxes, sales or use taxes, 3254
cigarette taxes, other tobacco product taxes, income taxes 3255
withheld from employee compensation, commercial activity taxes, 3256
gross casino revenue taxes, marijuana receipts taxes, or gross 3257
receipts taxes levied pursuant to section 5739.101 of the 3258
Revised Code, or has failed to file any corresponding returns or 3259
submit any information required by the commissioner, as required 3260
for such taxes, to the extent that any delinquent payment or 3261
return, or any failure to submit information, is known to the 3262
department of taxation at the time of the application. The 3263
division shall not transfer ownership of the permit until 3264
payments known to be delinquent are resolved, returns known to 3265
be delinquent are filed, and any information required by the 3266
commissioner has been provided. As used in this division, 3267
"resolved" means that the delinquent payment has been paid in 3268

full or an amount sufficient to satisfy the delinquent payment 3269
is in escrow for the benefit of the state. The commissioner 3270
shall notify the division of the resolution. After the division 3271
has received the notification from the commissioner, the 3272
division may proceed to transfer ownership of the permit. 3273
Nothing in this division shall be construed to affect or limit 3274
the responsibilities or liabilities of the transferor or the 3275
transferee imposed by Chapter 3769., 4301., 4303., 4305., 5735., 3276
5736., 5739., 5741., 5743., 5747., 5751., ~~or 5753.~~, or 5755. of 3277
the Revised Code. 3278

(C) No F or F-2 permit shall be issued for an event until 3279
the applicant has, by means of a form that the division shall 3280
provide to the applicant, notified the chief peace officer of 3281
the political subdivision in which the event will be conducted 3282
of the date, time, place, and duration of the event. 3283

(D) The division of liquor control shall notify an 3284
applicant for a permit authorized by sections 4303.02 to 4303.23 3285
of the Revised Code of an action pending or judgment entered 3286
against a liquor permit premises, of which the division has 3287
knowledge, pursuant to section 3767.03 or 3767.05 of the Revised 3288
Code if the applicant is applying for a permit at the location 3289
of the premises that is the subject of the action under section 3290
3767.03 or judgment under section 3767.05 of the Revised Code. 3291

Sec. 4399.15. No person, for the purpose of sale, shall 3292
adulterate spirituous liquor, alcoholic liquor, or beer used or 3293
intended for drink or medicinal or mechanical purposes, with 3294
cocculus indicus, vitriol, ~~grains of paradise,~~ opium, alum, 3295
capsicum, copperas, laurel water, logwood, Brazilwood, 3296
cochineal, sugar of lead, aloes, glucose, tannic acid, or any 3297
other substance that is poisonous or injurious to health, or 3298

with a substance not a necessary ingredient in the manufacture 3299
of the spirituous liquor, alcoholic liquor, or beer, or sell, 3300
offer, or keep for sale spirituous liquor, alcoholic liquor, or 3301
beer that is so adulterated. 3302

In addition to the penalties provided in division (E) of 3303
section 4399.99 of the Revised Code, a person convicted of 3304
violating this section shall pay all necessary costs and 3305
expenses incurred in inspecting and analyzing spirituous liquor, 3306
alcoholic liquor, or beer that is so adulterated, sold, kept, or 3307
offered for sale. 3308

Sec. 4735.18. (A) Subject to section 4735.32 of the 3309
Revised Code, the superintendent of real estate, upon the 3310
superintendent's own motion, may investigate the conduct of any 3311
licensee. Subject to division (E) of this section and section 3312
4735.32 of the Revised Code, the Ohio real estate commission 3313
shall impose disciplinary sanctions upon any licensee who, 3314
whether or not acting in the licensee's capacity as a real 3315
estate broker or salesperson, or in handling the licensee's own 3316
property, is found to have been convicted of a felony or a crime 3317
of moral turpitude, and may impose disciplinary sanctions upon 3318
any licensee who, in the licensee's capacity as a real estate 3319
broker or salesperson, or in handling the licensee's own 3320
property, is found guilty of: 3321

(1) Knowingly making any misrepresentation; 3322

(2) Making any false promises with intent to influence, 3323
persuade, or induce; 3324

(3) A continued course of misrepresentation or the making 3325
of false promises through agents, salespersons, advertising, or 3326
otherwise; 3327

(4) Acting for more than one party in a transaction except 3328
as permitted by and in compliance with section 4735.71 of the 3329
Revised Code; 3330

(5) Failure within a reasonable time to account for or to 3331
remit any money coming into the licensee's possession which 3332
belongs to others; 3333

(6) Dishonest or illegal dealing, gross negligence, 3334
incompetency, or misconduct; 3335

(7) (a) By final adjudication by a court, a violation of 3336
any municipal or federal civil rights law relevant to the 3337
protection of purchasers or sellers of real estate or, by final 3338
adjudication by a court, any unlawful discriminatory practice 3339
pertaining to the purchase or sale of real estate prohibited by 3340
Chapter 4112. of the Revised Code, provided that such violation 3341
arose out of a situation wherein parties were engaged in bona 3342
fide efforts to purchase, sell, or lease real estate, in the 3343
licensee's practice as a licensed real estate broker or 3344
salesperson; 3345

(b) A second or subsequent violation of any unlawful 3346
discriminatory practice pertaining to the purchase or sale of 3347
real estate prohibited by Chapter 4112. of the Revised Code or 3348
any second or subsequent violation of municipal or federal civil 3349
rights laws relevant to purchasing or selling real estate 3350
whether or not there has been a final adjudication by a court, 3351
provided that such violation arose out of a situation wherein 3352
parties were engaged in bona fide efforts to purchase, sell, or 3353
lease real estate. For any second offense under this division, 3354
the commission shall suspend for a minimum of two months or 3355
revoke the license of the broker or salesperson. For any 3356
subsequent offense, the commission shall revoke the license of 3357

the broker or salesperson. 3358

(8) Procuring a license under this chapter, for the 3359
licensee or any salesperson by fraud, misrepresentation, or 3360
deceit; 3361

(9) Having violated or failed to comply with any provision 3362
of sections 4735.51 to 4735.74 of the Revised Code or having 3363
willfully disregarded or violated any other provisions of this 3364
chapter; 3365

(10) As a real estate broker, having demanded, without 3366
reasonable cause, other than from a broker licensed under this 3367
chapter, a commission to which the licensee is not entitled, or, 3368
as a real estate salesperson, having demanded, without 3369
reasonable cause, a commission to which the licensee is not 3370
entitled; 3371

(11) Except as permitted under section 4735.20 of the 3372
Revised Code, having paid commissions or fees to, or divided 3373
commissions or fees with, anyone not licensed as a real estate 3374
broker or salesperson under this chapter or anyone not operating 3375
as an out-of-state commercial real estate broker or salesperson 3376
under section 4735.022 of the Revised Code; 3377

(12) Having falsely represented membership in any real 3378
estate professional association of which the licensee is not a 3379
member; 3380

(13) Having accepted, given, or charged any undisclosed 3381
commission, rebate, or direct profit on expenditures made for a 3382
principal; 3383

(14) Having offered anything of value other than the 3384
consideration recited in the sales contract as an inducement to 3385
a person to enter into a contract for the purchase or sale of 3386

real estate or having offered real estate or the improvements on 3387
real estate as a prize in a lottery or scheme of chance; 3388

(15) Having acted in the dual capacity of real estate 3389
broker and undisclosed principal, or real estate salesperson and 3390
undisclosed principal, in any transaction; 3391

(16) Having guaranteed, authorized, or permitted any 3392
person to guarantee future profits which may result from the 3393
resale of real property; 3394

(17) Having advertised or placed a sign on any property 3395
offering it for sale or for rent without the consent of the 3396
owner or the owner's authorized agent; 3397

(18) Having induced any party to a contract of sale or 3398
lease to break such contract for the purpose of substituting in 3399
lieu of it a new contract with another principal; 3400

(19) Having negotiated the sale, exchange, or lease of any 3401
real property directly with a seller, purchaser, lessor, or 3402
tenant knowing that such seller, purchaser, lessor, or tenant is 3403
represented by another broker under a written exclusive agency 3404
agreement, exclusive right to sell or lease listing agreement, 3405
or exclusive purchaser agency agreement with respect to such 3406
property except as provided for in section 4735.75 of the 3407
Revised Code; 3408

(20) Having offered real property for sale or for lease 3409
without the knowledge and consent of the owner or the owner's 3410
authorized agent, or on any terms other than those authorized by 3411
the owner or the owner's authorized agent; 3412

(21) Having published advertising, whether printed, radio, 3413
display, or of any other nature, which was misleading or 3414
inaccurate in any material particular, or in any way having 3415

misrepresented any properties, terms, values, policies, or 3416
services of the business conducted; 3417

(22) Having knowingly withheld from or inserted in any 3418
statement of account or invoice any statement that made it 3419
inaccurate in any material particular; 3420

(23) Having published or circulated unjustified or 3421
unwarranted threats of legal proceedings which tended to or had 3422
the effect of harassing competitors or intimidating their 3423
customers; 3424

(24) Having failed to keep complete and accurate records 3425
of all transactions for a period of three years from the date of 3426
the transaction, such records to include copies of listing 3427
forms, earnest money receipts, offers to purchase and 3428
acceptances of them, records of receipts and disbursements of 3429
all funds received by the licensee as broker and incident to the 3430
licensee's transactions as such, and records required pursuant 3431
to divisions (C) (4) and (5) of section 4735.20 of the Revised 3432
Code, and any other instruments or papers related to the 3433
performance of any of the acts set forth in the definition of a 3434
real estate broker; 3435

(25) Failure of a real estate broker or salesperson to 3436
furnish all parties involved in a real estate transaction true 3437
copies of all listings and other agreements to which they are a 3438
party, at the time each party signs them; 3439

(26) Failure to maintain at all times a special or trust 3440
bank account in a depository of a state or federally chartered 3441
institution located in this state. The account shall be 3442
noninterest-bearing, separate and distinct from any personal or 3443
other account of the broker, and, except as provided in division 3444

(A) (27) of this section, shall be used for the deposit and 3445
maintenance of all escrow funds, security deposits, and other 3446
moneys received by the broker in a fiduciary capacity. The name, 3447
account number, if any, and location of the depository wherein 3448
such special or trust account is maintained shall be submitted 3449
in writing to the superintendent. Checks drawn on such special 3450
or trust bank accounts are deemed to meet the conditions imposed 3451
by section 1349.21 of the Revised Code. Funds deposited in the 3452
trust or special account in connection with a purchase agreement 3453
shall be maintained in accordance with section 4735.24 of the 3454
Revised Code. 3455

(27) Failure to maintain at all times a special or trust 3456
bank account in a depository of a state or federally chartered 3457
institution in this state, to be used exclusively for the 3458
deposit and maintenance of all rents, security deposits, escrow 3459
funds, and other moneys received by the broker in a fiduciary 3460
capacity in the course of managing real property. This account 3461
shall be separate and distinct from any other account maintained 3462
by the broker. The name, account number, and location of the 3463
depository shall be submitted in writing to the superintendent. 3464
This account may earn interest, which shall be paid to the 3465
property owners on a pro rata basis. 3466

Division (A) (27) of this section does not apply to brokers 3467
who are not engaged in the management of real property on behalf 3468
of real property owners. 3469

(28) Having failed to put definite expiration dates in all 3470
written agency agreements to which the broker is a party; 3471

(29) Having an unsatisfied final judgment or lien in any 3472
court of record against the licensee arising out of the 3473
licensee's conduct as a licensed broker or salesperson; 3474

(30) Failing to render promptly upon demand a full and 3475
complete statement of the expenditures by the broker or 3476
salesperson of funds advanced by or on behalf of a party to a 3477
real estate transaction to the broker or salesperson for the 3478
purpose of performing duties as a licensee under this chapter in 3479
conjunction with the real estate transaction; 3480

(31) Failure within a reasonable time, after the receipt 3481
of the commission by the broker, to render an accounting to and 3482
pay a real estate salesperson the salesperson's earned share of 3483
it; 3484

(32) Performing any service for another constituting the 3485
practice of law, as determined by any court of law; 3486

(33) Having been adjudicated incompetent by a court, as 3487
provided in section 5122.301 of the Revised Code. A license 3488
revoked or suspended under this division shall be reactivated 3489
upon proof to the commission of the removal of the disability. 3490

(34) Having authorized or permitted a person to act as an 3491
agent in the capacity of a real estate broker, or a real estate 3492
salesperson, who was not then licensed as a real estate broker 3493
or real estate salesperson under this chapter or who was not 3494
then operating as an out-of-state commercial real estate broker 3495
or salesperson under section 4735.022 of the Revised Code; 3496

(35) Having knowingly inserted or participated in 3497
inserting any materially inaccurate term in a document, 3498
including naming a false consideration; 3499

(36) Having failed to inform the licensee's client of the 3500
existence of an offer or counteroffer or having failed to 3501
present an offer or counteroffer in a timely manner, unless 3502
otherwise instructed by the client, provided the instruction of 3503

the client does not conflict with any state or federal law; 3504

(37) Having failed to comply with section 4735.24 of the 3505
Revised Code; 3506

(38) Having acted as a broker without authority, impeded 3507
the ability of a principal broker to perform any of the duties 3508
described in section 4735.081 of the Revised Code, or impeded 3509
the ability a management level licensee to perform the 3510
licensee's duties; 3511

(39) Entering into a right-to-list home sale agreement. 3512

(B) Whenever the commission, pursuant to section 4735.051 3513
of the Revised Code, imposes disciplinary sanctions for any 3514
violation of this section, the commission also may impose such 3515
sanctions upon the broker with whom the salesperson is 3516
affiliated if the commission finds that the broker had knowledge 3517
of the salesperson's actions that violated this section. 3518

(C) The commission shall, pursuant to section 4735.051 of 3519
the Revised Code, impose disciplinary sanctions upon any foreign 3520
real estate dealer or salesperson who, in that capacity or in 3521
handling the dealer's or salesperson's own property, is found 3522
guilty of any of the acts or omissions specified or comprehended 3523
in division (A) of this section insofar as the acts or omissions 3524
pertain to foreign real estate. If the commission imposes such 3525
sanctions upon a foreign real estate salesperson for a violation 3526
of this section, the commission also may suspend or revoke the 3527
license of the foreign real estate dealer with whom the 3528
salesperson is affiliated if the commission finds that the 3529
dealer had knowledge of the salesperson's actions that violated 3530
this section. 3531

(D) The commission may suspend, in whole or in part, the 3532

imposition of the penalty of suspension of a license under this 3533
section. 3534

(E) A person licensed under this chapter who represents a 3535
party to a transaction or a proposed transaction involving the 3536
sale, purchase, exchange, lease, or management of real property 3537
that is or will be used in the cultivation, processing, 3538
dispensing, or testing of medical marijuana or adult-use 3539
marijuana under Chapter 3796. of the Revised Code, or who 3540
receives, holds, or disburses funds from a real estate brokerage 3541
trust account in connection with such a transaction, shall not 3542
be subject to disciplinary sanctions under this chapter solely 3543
because the licensed person engaged in activities permitted 3544
under this chapter and related to activities under Chapter 3796. 3545
of the Revised Code. 3546

Sec. 5502.13. The department of public safety shall 3547
maintain an investigative unit in order to conduct 3548
investigations and other enforcement activity authorized by 3549
Chapters 3796., 4301., 4303., 5101., 5107., and 5108. and 3550
sections 2903.12, 2903.13, 2903.14, 2907.09, 2913.46, 2917.11, 3551
2921.13, 2921.31, 2921.32, 2921.33, 2923.12, 2923.121, 2925.11, 3552
2925.13, 2927.02, and 4507.30 of the Revised Code. The director 3553
of public safety shall appoint the employees of the unit who are 3554
necessary, designate the activities to be performed by those 3555
employees, and prescribe their titles and duties. 3556

Sec. 5703.052. (A) There is hereby created in the state 3557
treasury the tax refund fund, from which refunds shall be paid 3558
for amounts illegally or erroneously assessed or collected, or 3559
for any other reason overpaid, with respect to taxes levied by 3560
Chapter 4301., 4305., 5726., 5728., 5729., 5731., 5733., 5735., 3561
5736., 5739., 5741., 5743., 5747., 5748., 5749., 5751., ~~or~~ 3562

5753., or 5755. and sections 3737.71, 3905.35, 3905.36, 4303.33, 3563
5707.03, 5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 of the 3564
Revised Code. Refunds for fees levied under sections 3734.90 to 3565
3734.9014 of the Revised Code, wireless 9-1-1 charges imposed 3566
under section 128.40 of the Revised Code, next generation 9-1-1 3567
access fees imposed under sections 128.41 and 128.42 of the 3568
Revised Code, or any penalties assessed with respect to such 3569
fees or charges, that are illegally or erroneously assessed or 3570
collected, or for any other reason overpaid, also shall be paid 3571
from the fund. Refunds for amounts illegally or erroneously 3572
assessed or collected by the tax commissioner, or for any other 3573
reason overpaid, that are due under section 1509.50 of the 3574
Revised Code shall be paid from the fund. Refunds for amounts 3575
illegally or erroneously assessed or collected by the 3576
commissioner, or for any other reason overpaid to the 3577
commissioner, under sections 718.80 to 718.95 of the Revised 3578
Code shall be paid from the fund. However, refunds for amounts 3579
illegally or erroneously assessed or collected by the 3580
commissioner, or for any other reason overpaid to the 3581
commissioner, with respect to taxes levied under section 3582
5739.101 of the Revised Code shall not be paid from the tax 3583
refund fund, but shall be paid as provided in section 5739.104 3584
of the Revised Code. 3585

(B) (1) Upon certification by the tax commissioner to the 3586
treasurer of state of a tax refund, a wireless 9-1-1 charge 3587
refund, a next generation 9-1-1 access fee refund, or another 3588
amount refunded, or by the superintendent of insurance of a 3589
domestic or foreign insurance tax refund, the treasurer of state 3590
shall place the amount certified to the credit of the fund. The 3591
certified amount transferred shall be derived from the receipts 3592
of the same tax, fee, wireless 9-1-1 charge, next generation 9- 3593

1-1 access fee, or other amount from which the refund arose. 3594

(2) When a refund is for a tax, fee, wireless 9-1-1 3595
charge, next generation 9-1-1 access fee, or other amount that 3596
is not levied by the state or that was illegally or erroneously 3597
distributed to a taxing jurisdiction, the tax commissioner shall 3598
recover the amount of that refund from the next distribution of 3599
that tax, fee, wireless 9-1-1 charge, next generation 9-1-1 3600
access fee, or other amount that otherwise would be made to the 3601
taxing jurisdiction. If the amount to be recovered would exceed 3602
twenty-five per cent of the next distribution of that tax, fee, 3603
wireless 9-1-1 charge, next generation 9-1-1 access fee, or 3604
other amount, the commissioner may spread the recovery over more 3605
than one future distribution, taking into account the amount to 3606
be recovered and the amount of the anticipated future 3607
distributions. In no event may the commissioner spread the 3608
recovery over a period to exceed thirty-six months. 3609

Sec. 5703.053. As used in this section, "postal service" 3610
means the United States postal service. 3611

An application to the tax commissioner for a tax refund 3612
under section 4307.05, 4307.07, 718.91, 5726.30, 5727.28, 3613
5727.91, 5728.061, 5735.122, 5735.13, 5735.14, 5735.141, 3614
5735.142, 5736.08, 5739.07, 5741.10, 5743.05, 5743.53, 5745.11, 3615
5749.08, ~~or~~ 5751.08, or 5755.07 of the Revised Code or division 3616
(B) of section 5703.05 of the Revised Code, or a fee refunded 3617
under section 3734.905 of the Revised Code, that is received 3618
after the last day for filing under such section shall be 3619
considered to have been filed in a timely manner if: 3620

(A) The application is delivered by the postal service and 3621
the earliest postal service postmark on the cover in which the 3622
application is enclosed is not later than the last day for 3623

filing the application; 3624

(B) The application is delivered by the postal service, 3625
the only postmark on the cover in which the application is 3626
enclosed was affixed by a private postal meter, the date of that 3627
postmark is not later than the last day for filing the 3628
application, and the application is received within seven days 3629
of such last day; or 3630

(C) The application is delivered by the postal service, no 3631
postmark date was affixed to the cover in which the application 3632
is enclosed or the date of the postmark so affixed is not 3633
legible, and the application is received within seven days of 3634
the last day for making the application. 3635

Sec. 5703.19. (A) To carry out the purposes of the laws 3636
that the tax commissioner is required to administer, the 3637
commissioner or any person employed by the commissioner for that 3638
purpose, upon demand, may inspect books, accounts, records, and 3639
memoranda of any person or public utility subject to those laws, 3640
and may examine under oath any officer, agent, or employee of 3641
that person or public utility. Any person other than the 3642
commissioner who makes a demand pursuant to this section shall 3643
produce the person's authority to make the inspection. 3644

(B) If a person or public utility receives at least ten 3645
days' written notice of a demand made under division (A) of this 3646
section and refuses to comply with that demand, a penalty of 3647
five hundred dollars shall be imposed upon the person or public 3648
utility for each day the person or public utility refuses to 3649
comply with the demand. Penalties imposed under this division 3650
may be assessed and collected in the same manner as assessments 3651
made under Chapter 3769., 4305., 5727., 5728., 5733., 5735., 3652
5736., 5739., 5743., 5745., 5747., 5749., 5751., ~~or~~ 5753., or 3653

5755., or under sections 718.90~~7~~or 3734.90 to 3734.9014~~7~~ of the 3654
Revised Code. 3655

Sec. 5703.263. (A) (1) "Tax return preparer" means any 3656
person other than an accountant or an attorney that operates a 3657
business that prepares, or directly or indirectly employs 3658
another person to prepare, for a taxpayer a tax return or 3659
application for refund in exchange for compensation or 3660
remuneration from the taxpayer or the taxpayer's related member. 3661
The preparation of a substantial portion of a tax return or 3662
application for refund shall be considered to be the same as the 3663
preparation of the return or application for refund. "Tax return 3664
preparer" does not include an individual who performs only one 3665
or more of the following activities: 3666

(a) Furnishes typing, reproducing, or other mechanical 3667
assistance; 3668

(b) Prepares an application for refund or a return on 3669
behalf of an employer by whom the individual is regularly and 3670
continuously employed, or on behalf of an officer or employee of 3671
that employer; 3672

(c) Prepares as a fiduciary an application for refund or a 3673
return; 3674

(d) Prepares an application for refund or a return for a 3675
taxpayer in response to a notice of deficiency issued to the 3676
taxpayer or the taxpayer's related member, or in response to a 3677
waiver of restriction after the commencement of an audit of the 3678
taxpayer or the taxpayer's related member. 3679

(2) "Related member" has the same meaning as in section 3680
5733.042 of the Revised Code. 3681

(3) "Accountant" means any of the following: 3682

(a) An individual who holds both a CPA certificate and an 3683
Ohio permit or Ohio registration issued by the accountancy board 3684
under section 4701.10 of the Revised Code; 3685

(b) An individual who holds a foreign certificate; 3686

(c) An individual who is employed by a public accounting 3687
firm with respect to any return prepared under the supervision 3688
of an individual described in division (A) (3) (a) or (b) of this 3689
section, regardless of whether the public accounting firm is 3690
required to register with the accountancy board under section 3691
4701.04 of the Revised Code. 3692

(4) "CPA certificate" and "foreign certificate" have the 3693
same meanings as in section 4701.01 of the Revised Code. 3694

(5) "Attorney" means an individual who has been admitted 3695
to the bar by order of the supreme court in compliance with its 3696
prescribed and published rules, is permitted to practice as an 3697
attorney and counselor at law in this state under Chapter 4705. 3698
of the Revised Code, and is not currently suspended or removed 3699
from such practice under that chapter. 3700

(6) A tax return preparer engages in "prohibited conduct" 3701
if the preparer does any of the following: 3702

(a) Prepares any return or application for refund that 3703
includes an understatement of a taxpayer's tax liability due to 3704
an unreasonable position or due to willful or reckless conduct. 3705
For the purposes of this division, "unreasonable position" and 3706
"willful or reckless conduct" have the meanings as used in 3707
section 6694 of the Internal Revenue Code. 3708

(b) When required under any provision of Title LVII of the 3709
Revised Code, the preparer fails to do any of the following: 3710

(i) Provide copies of a return or application for refund;	3711
(ii) Provide the preparer's signature or federal preparer tax identification number on a return or application for refund;	3712 3713
(iii) Retain copies of the preparer's records;	3714
(iv) Provide any information or documents requested by the tax commissioner;	3715 3716
(v) Act diligently in determining a taxpayer's eligibility for tax credits, deductions, or exemptions.	3717 3718
(c) Negotiates a check or other negotiable instrument issued to a taxpayer by the department of taxation without the permission of the taxpayer;	3719 3720 3721
(d) Engages in any conduct subject to criminal penalties under Title LVIII of the Revised Code;	3722 3723
(e) Misrepresents the preparer's eligibility to file returns or applications for refund on behalf of taxpayers, or otherwise misrepresents the preparer's experience or education;	3724 3725 3726
(f) Guarantees the payment of any tax refund or the allowance of any tax credit, deduction, or exemption;	3727 3728
(g) Engages in any other fraudulent or deceptive conduct that substantially interferes with the proper administration of any provision of Title LVIII of the Revised Code.	3729 3730 3731
(7) "State" means a state of the United States, the District of Columbia, the commonwealth of Puerto Rico, or any territory or possession of the United States.	3732 3733 3734
(B) When a tax return preparer engages in prohibited conduct, the commissioner, may do either or both of the following:	3735 3736 3737

(1) If the commissioner has previously warned the tax 3738
return preparer in writing of the consequences of continuing to 3739
engage in prohibited conduct, impose a penalty not exceeding one 3740
hundred dollars per instance of prohibited conduct; 3741

(2) Regardless of whether the commissioner has previously 3742
warned the tax return preparer, request that the attorney 3743
general apply to a court of competent jurisdiction for an 3744
injunction to restrain the preparer from further engaging in the 3745
prohibited conduct. The court may take either of the following 3746
actions: 3747

(a) If the court finds that injunctive relief is 3748
appropriate to prevent the recurrence of the prohibited conduct, 3749
the court shall issue an injunction against the preparer 3750
enjoining the preparer from engaging in such conduct. 3751

(b) If the court finds that the preparer has continually 3752
or repeatedly engaged in prohibited conduct, and that enjoining 3753
the preparer solely from engaging in such conduct would not be 3754
sufficient to prevent the preparer's interference with the 3755
proper administration of any provision of Title LVII of the 3756
Revised Code, the court may issue an injunction against the 3757
preparer enjoining the preparer from acting as a tax return 3758
preparer in this state. 3759

If a tax return preparer has been enjoined from preparing 3760
tax returns or applications for refunds by a federal court or by 3761
another state court in the five years preceding the date on 3762
which an injunction is requested under this section, that prior 3763
injunction shall be sufficient to establish a prima facie case 3764
for the issuance of an injunction under division (B) (2) of this 3765
section. 3766

(C) The commissioner may require a tax return preparer to 3767
include the preparer's name and federal preparer tax 3768
identification number when filing any return or application for 3769
refund. If a tax return preparer fails to include this 3770
information when required to do so by the commissioner, or if 3771
the information provided is false, inaccurate, or incomplete, 3772
the commissioner may impose a penalty of fifty dollars for each 3773
such failure, provided that the maximum penalty imposed on a 3774
preparer under this division in a calendar year shall not exceed 3775
twenty-five thousand dollars. 3776

(D) The penalties imposed under divisions (B) (1) and (C) 3777
of this section may be assessed and collected in the same manner 3778
as assessments made under Chapter 3769., 4305., 5727., 5728., 3779
5733., 5735., 5736., 5739., 5743., 5745., 5747., 5749., 5751., 3780
~~or~~ 5753., or 5755. section 718.90, or sections 3734.90 to 3781
3734.9014 of the Revised Code. The commissioner may abate all or 3782
a portion of any penalty imposed under this section upon the 3783
showing of good cause by the tax return preparer. 3784

Sec. 5703.50. As used in sections 5703.50 to 5703.53 of 3785
the Revised Code: 3786

(A) "Tax" includes only those taxes imposed on tangible 3787
personal property listed in accordance with Chapter 5711. of the 3788
Revised Code, taxes imposed under Chapters 5733., 5736., 5739., 3789
5741., 5747., ~~and~~ 5751., and 5755. of the Revised Code, and the 3790
tax administered under sections 718.80 to 718.95 of the Revised 3791
Code. 3792

(B) "Taxpayer" means a person subject to or potentially 3793
subject to a tax including an employer required to deduct and 3794
withhold any amount under section 5747.06 of the Revised Code. 3795

(C) "Audit" means the examination of a taxpayer or the 3796
inspection of the books, records, memoranda, or accounts of a 3797
taxpayer for the purpose of determining liability for a tax. 3798

(D) "Assessment" means a notice of underpayment or 3799
nonpayment of a tax issued pursuant to section 718.90, 5711.26, 3800
5711.32, 5733.11, 5736.09, 5739.13, 5741.11, 5741.13, 5747.13, 3801
~~or~~ 5751.09, or 5755.08 of the Revised Code. 3802

(E) "County auditor" means the auditor of the county in 3803
which the tangible personal property subject to a tax is 3804
located. 3805

Sec. 5703.70. (A) On the filing of an application for 3806
refund under section 718.91, 3734.905, 4307.05, 4307.07, 3807
5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 3808
5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 3809
5739.071, 5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 3810
5751.08, ~~or~~ 5753.06, or 5755.07 of the Revised Code, or an 3811
application for compensation under section 5739.061 of the 3812
Revised Code, if the tax commissioner determines that the amount 3813
of the refund or compensation to which the applicant is entitled 3814
is less than the amount claimed in the application, the 3815
commissioner shall give the applicant written notice by ordinary 3816
mail of the amount. The notice shall be sent to the address 3817
shown on the application unless the applicant notifies the 3818
commissioner of a different address. The applicant shall have 3819
sixty days from the date the commissioner mails the notice to 3820
provide additional information to the commissioner or request a 3821
hearing, or both. 3822

(B) If the applicant neither requests a hearing nor 3823
provides additional information to the tax commissioner within 3824
the time prescribed by division (A) of this section, the 3825

commissioner shall take no further action, and the refund or 3826
compensation amount denied becomes final. 3827

(C) (1) If the applicant requests a hearing within the time 3828
prescribed by division (A) of this section, the tax commissioner 3829
shall assign a time and place for the hearing and notify the 3830
applicant of such time and place, but the commissioner may 3831
continue the hearing from time to time, as necessary. After the 3832
hearing, the commissioner may make such adjustments to the 3833
refund or compensation as the commissioner finds proper, and 3834
shall issue a final determination thereon. 3835

(2) If the applicant does not request a hearing, but 3836
provides additional information, within the time prescribed by 3837
division (A) of this section, the commissioner shall review the 3838
information, make such adjustments to the refund or compensation 3839
as the commissioner finds proper, and issue a final 3840
determination thereon. The commissioner may review such 3841
information and make such adjustments as many times as the 3842
commissioner finds proper before the issuance of a final 3843
determination. 3844

(3) If the applicant requests a hearing and provides 3845
additional information within the time prescribed by division 3846
(A) of this section, the commissioner may review the information 3847
and make such adjustments to the refund or compensation as the 3848
commissioner finds proper. The commissioner may review such 3849
information and make such adjustments as many times as the 3850
commissioner finds proper before the issuance of a final 3851
determination. 3852

The commissioner shall assign a time and place for the 3853
hearing and notify the applicant of such time and place, but the 3854
commissioner may continue the hearing from time to time, as 3855

necessary. After the hearing, the commissioner may make any 3856
additional adjustments to the refund or compensation as the 3857
commissioner finds proper and shall issue a final determination 3858
thereon. 3859

(4) The commissioner shall serve a copy of the final 3860
determination made under division (C) (1), (2), or (3) of this 3861
section on the applicant in the manner provided in section 3862
5703.37 of the Revised Code, and the decision is final, subject 3863
to appeal under section 5717.02 of the Revised Code. 3864

(D) The tax commissioner shall certify to the director of 3865
budget and management and treasurer of state for payment from 3866
the tax refund fund created by section 5703.052 of the Revised 3867
Code, the amount of the refund to be refunded under division (B) 3868
or (C) of this section. The commissioner also shall certify to 3869
the director and treasurer of state for payment from the general 3870
revenue fund the amount of compensation to be paid under 3871
division (B) or (C) of this section. 3872

Sec. 5703.77. (A) As used in this section: 3873

(1) "Taxpayer" means a person subject to or previously 3874
subject to a tax or fee, a person that remits a tax or fee, or a 3875
person required to or previously required to withhold or collect 3876
and remit a tax or fee on behalf of another person. 3877

(2) "Tax or fee" means a tax or fee administered by the 3878
tax commissioner. 3879

(3) "Credit account balance" means the amount that a 3880
taxpayer remits to the state in excess of the amount required to 3881
be remitted, after accounting for factors applicable to the 3882
taxpayer such as accelerated payments, estimated payments, tax 3883
credits, and tax credit balances that may be carried forward. 3884

(4) "Tax debt" means an unpaid tax or fee or any unpaid 3885
penalty, interest, or additional charge on such a tax or fee due 3886
the state. 3887

(B) As soon as practicable, but not later than sixty days 3888
before the expiration of the period of time during which a 3889
taxpayer may file a refund application for a tax or fee, the tax 3890
commissioner shall review the taxpayer's accounts for the tax or 3891
fee and notify the taxpayer of any credit account balance for 3892
which the commissioner is required to issue a refund if the 3893
taxpayer were to file a refund application for that balance, 3894
regardless of whether the taxpayer files a refund application or 3895
amended return with respect to that tax or fee. The notice shall 3896
be made using contact information for the taxpayer on file with 3897
the commissioner. 3898

(C) Notwithstanding sections 128.47, 718.91, 3734.905, 3899
4307.05, 5726.30, 5727.28, 5727.42, 5727.91, 5728.061, 5735.122, 3900
5736.08, 5739.07, 5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 3901
5749.08, 5751.08, 5753.06, 5755.07, and any other section of the 3902
Revised Code governing refunds, the commissioner may apply the 3903
amount of any credit account balance for which the commissioner 3904
is required to issue a refund if the taxpayer were to file a 3905
refund application for that balance as a credit against the 3906
taxpayer's liability for the tax or fee in the taxpayer's next 3907
reporting period for that tax or fee or issue a refund of that 3908
credit account balance to the taxpayer, subject to division (D) 3909
of this section. 3910

(D) Before issuing a refund to a taxpayer under division 3911
(C) of this section, the tax commissioner shall withhold from 3912
that refund the amount of any of the taxpayer's tax debt 3913
certified to the attorney general under section 131.02 of the 3914

Revised Code and the amount of the taxpayer's liability, if any, 3915
for a tax debt. The commissioner shall apply any amount withheld 3916
first in satisfaction of the amount of the taxpayer's certified 3917
tax debt and then in satisfaction of the taxpayer's liability. 3918
If the credit account balance originates from the tax 3919
administered under sections 718.80 to 718.95 of the Revised 3920
Code, it may be applied only against the taxpayer's certified 3921
tax debt or tax liability due under those sections. 3922

(E) The tax commissioner may adopt rules to administer 3923
this section. 3924

Sec. 5713.30. As used in sections 5713.31 to 5713.37 and 3925
5715.01 of the Revised Code: 3926

(A) "Land devoted exclusively to agricultural use" means: 3927

(1) Tracts, lots, or parcels of land totaling not less 3928
than ten acres to which, during the three calendar years prior 3929
to the year in which application is filed under section 5713.31 3930
of the Revised Code, and through the last day of May of such 3931
year, one or more of the following apply: 3932

(a) The tracts, lots, or parcels of land were devoted 3933
exclusively to commercial animal or poultry husbandry, 3934
aquaculture, algaculture meaning the farming of algae, 3935
apiculture, the cultivation of hemp by a person issued a hemp 3936
cultivation license under section 928.02 of the Revised Code, 3937
the production for a commercial purpose of timber, field crops, 3938
tobacco, fruits, vegetables, nursery stock, ornamental trees, 3939
sod, or flowers, or the growth of timber for a noncommercial 3940
purpose, if the land on which the timber is grown is contiguous 3941
to or part of a parcel of land under common ownership that is 3942
otherwise devoted exclusively to agricultural use. 3943

(b) The tracts, lots, or parcels of land were devoted 3944
exclusively to biodiesel production, biomass energy production, 3945
electric or heat energy production, or biologically derived 3946
methane gas production if the land on which the production 3947
facility is located is contiguous to or part of a parcel of land 3948
under common ownership or leasehold that is otherwise devoted 3949
exclusively to agricultural use, provided that (i) at least 3950
fifty per cent of the feedstock used in the production is 3951
agricultural feedstock, (ii) at least twenty per cent of the 3952
agricultural feedstock used in the production is derived from 3953
parcels of land under common ownership or leasehold, and (iii) 3954
none of the feedstock used in the production consists of human 3955
waste. As used in this division, "agricultural feedstock" means 3956
manure and food waste, and "human waste" includes sludge as 3957
defined in section 6111.01 of the Revised Code. 3958

(c) The tracts, lots, or parcels of land were devoted to 3959
and qualified for payments or other compensation under a land 3960
retirement or conservation program under an agreement with an 3961
agency of the federal government. 3962

(2) Tracts, lots, or parcels of land totaling less than 3963
ten acres that, during the three calendar years prior to the 3964
year in which application is filed under section 5713.31 of the 3965
Revised Code and through the last day of May of such year, were 3966
devoted exclusively to commercial animal or poultry husbandry, 3967
aquaculture, algaculture meaning the farming of algae, 3968
apiculture, the cultivation of hemp by a person issued a hemp 3969
cultivation license under section 928.02 of the Revised Code, 3970
the production for a commercial purpose of field crops, tobacco, 3971
fruits, vegetables, timber, nursery stock, ornamental trees, 3972
sod, or flowers where such activities produced an average yearly 3973
gross income of at least twenty-five hundred dollars during such 3974

three-year period or where there is evidence of an anticipated 3975
gross income of such amount from such activities during the tax 3976
year in which application is made, or were devoted to and 3977
qualified for payments or other compensation under a land 3978
retirement or conservation program under an agreement with an 3979
agency of the federal government; 3980

(3) Tracts, lots, or parcels of land, or portions thereof 3981
that, during the previous three consecutive calendar years have 3982
been designated as land devoted exclusively to agricultural use, 3983
but such land has been lying idle or fallow for up to one year 3984
and no action has occurred to such land that is either 3985
inconsistent with the return of it to agricultural production or 3986
converts the land devoted exclusively to agricultural use as 3987
defined in this section. Such land shall remain designated as 3988
land devoted exclusively to agricultural use provided that 3989
beyond one year, but less than three years, the landowner proves 3990
good cause as determined by the board of revision. 3991

(4) Tracts, lots, or parcels of land, or portions thereof 3992
that, during the previous three consecutive calendar years have 3993
been designated as land devoted exclusively to agricultural use, 3994
but such land has been lying idle or fallow because of dredged 3995
material being stored or deposited on such land pursuant to a 3996
contract between the land's owner and the department of natural 3997
resources or the United States army corps of engineers and no 3998
action has occurred to the land that is either inconsistent with 3999
the return of it to agricultural production or converts the land 4000
devoted exclusively to agricultural use. Such land shall remain 4001
designated as land devoted exclusively to agricultural use until 4002
the last year in which dredged material is stored or deposited 4003
on the land pursuant to such a contract, but not to exceed five 4004
years. 4005

"Land devoted exclusively to agricultural use" includes 4006
tracts, lots, or parcels of land or portions thereof that are 4007
used for conservation practices, provided that the tracts, lots, 4008
or parcels of land or portions thereof comprise twenty-five per 4009
cent or less of the total of the tracts, lots, or parcels of 4010
land that satisfy the criteria established in division (A) (1), 4011
(2), (3), or (4) of this section together with the tracts, lots, 4012
or parcels of land or portions thereof that are used for 4013
conservation practices. 4014

Notwithstanding any other provision of law to the 4015
contrary, the existence of agritourism on a tract, lot, or 4016
parcel of land that otherwise meets the definition of "land 4017
devoted exclusively to agricultural use" as defined in this 4018
division does not disqualify that tract, lot, or parcel from 4019
valuation under sections 5713.30 to 5713.37 and 5715.01 of the 4020
Revised Code. 4021

A tract, lot, or parcel of land taxed under sections 4022
5713.22 to 5713.26 of the Revised Code is not land devoted 4023
exclusively to agricultural use. 4024

A tract, lot, parcel, or portion thereof on which medical 4025
marijuana or adult-use marijuana, as those terms are defined by 4026
section 3796.01 of the Revised Code, is cultivated or processed 4027
is not land devoted exclusively to agricultural use. 4028

(B) "Conversion of land devoted exclusively to 4029
agricultural use" means any of the following: 4030

(1) The failure of the owner of land devoted exclusively 4031
to agricultural use during the next preceding calendar year to 4032
file a renewal application under section 5713.31 of the Revised 4033
Code without good cause as determined by the board of revision; 4034

(2) The failure of the new owner of such land to file an 4035
initial application under that section without good cause as 4036
determined by the board of revision; 4037

(3) The failure of such land or portion thereof to qualify 4038
as land devoted exclusively to agricultural use for the current 4039
calendar year as requested by an application filed under such 4040
section; 4041

(4) The failure of the owner of the land described in 4042
division (A)(3) or (4) of this section to act on such land in a 4043
manner that is consistent with the return of the land to 4044
agricultural production after three years. 4045

The construction or installation of an energy facility, as 4046
defined in section 5727.01 of the Revised Code, on a portion of 4047
a tract, lot, or parcel of land devoted exclusively to 4048
agricultural use shall not cause the remaining portion of the 4049
tract, lot, or parcel to be regarded as a conversion of land 4050
devoted exclusively to agricultural use if the remaining portion 4051
of the tract, lot, or parcel continues to be devoted exclusively 4052
to agricultural use. 4053

(C) "Tax savings" means the difference between the dollar 4054
amount of real property taxes levied in any year on land valued 4055
and assessed in accordance with its current agricultural use 4056
value and the dollar amount of real property taxes that would 4057
have been levied upon such land if it had been valued and 4058
assessed for such year in accordance with Section 2 of Article 4059
XII, Ohio Constitution. 4060

(D) "Owner" includes, but is not limited to, any person 4061
owning a fee simple, fee tail, or life estate or a buyer on a 4062
land installment contract. 4063

(E) "Conservation practices" are practices used to abate 4064
soil erosion as required in the management of the farming 4065
operation, and include, but are not limited to, the 4066
installation, construction, development, planting, or use of 4067
grass waterways, terraces, diversions, filter strips, field 4068
borders, windbreaks, riparian buffers, wetlands, ponds, and 4069
cover crops for that purpose. 4070

(F) "Wetlands" has the same meaning as in section 6111.02 4071
of the Revised Code. 4072

(G) "Biodiesel" means a mono-alkyl ester combustible 4073
liquid fuel that is derived from vegetable oils or animal fats 4074
or any combination of those reagents and that meets the American 4075
society for testing and materials specification D6751-03a for 4076
biodiesel fuel (B100) blend stock distillate fuels. 4077

(H) "Biologically derived methane gas" means gas from the 4078
anaerobic digestion of organic materials, including animal waste 4079
and agricultural crops and residues. 4080

(I) "Biomass energy" means energy that is produced from 4081
organic material derived from plants or animals and available on 4082
a renewable basis, including, but not limited to, agricultural 4083
crops, tree crops, crop by-products, and residues. 4084

(J) "Electric or heat energy" means electric or heat 4085
energy generated from manure, cornstalks, soybean waste, or 4086
other agricultural feedstocks. 4087

(K) "Dredged material" means material that is excavated or 4088
dredged from waters of this state. "Dredged material" does not 4089
include material resulting from normal farming, silviculture, 4090
and ranching activities, such as plowing, cultivating, seeding, 4091
and harvesting, for production of food, fiber, and forest 4092

products. 4093

(L) "Agritourism" has the same meaning as in section 4094
901.80 of the Revised Code. 4095

Sec. 5739.27. (A) Terms used in this section have the same 4096
meanings as in section 3796.01 of the Revised Code. 4097

(B) For the purpose of funding the needs of the state, an 4098
excise tax is levied on the retail sale of adult-use marijuana. 4099
The rate of the tax shall equal fifteen per cent of the price of 4100
adult-use marijuana and is in addition to other taxes levied 4101
under this chapter or Chapter 5741. of the Revised Code. 4102

(C) The tax shall be paid by the consumer to the vendor at 4103
the time of the sale, and the vendor shall report and remit the 4104
tax to the state in the same manner and at the same time the 4105
retailer reports and remits the tax levied under section 5739.02 4106
of the Revised Code. The return required by this division shall 4107
be filed on a form prescribed by the tax commissioner, which 4108
shall be separate from the return required to be filed under 4109
section 5739.12 of the Revised Code. A vendor with no sales of 4110
adult-use marijuana for a reporting period is not required to 4111
file this separate return. Except as otherwise provided in this 4112
section, and for all purposes of the Revised Code, the tax 4113
levied under this section shall be considered a tax levied under 4114
section 5739.02 of the Revised Code. 4115

(D) For the same purpose as the tax levied under division 4116
(B) of this section, a tax is levied on a vendor that sells any 4117
marijuana other than adult-use marijuana or medical marijuana to 4118
a consumer. That tax equals fifteen per cent of the price of 4119
such marijuana, and the consumer and vendor are liable for any 4120
amounts, including tax, interest, and penalties, imposed under 4121

this section and chapter in the same manner as vendors subject 4122
to the tax imposed under division (B) of this section. 4123

Sec. 5739.99. (A) Whoever violates section 5739.26 or 4124
5739.29 of the Revised Code shall be fined not less than twenty- 4125
five nor more than one hundred dollars for a first offense; for 4126
each subsequent offense such person shall, if a corporation, be 4127
fined not less than one hundred nor more than five hundred 4128
dollars, or if an individual, or a member of a partnership, 4129
firm, or association, be fined not less than twenty-five nor 4130
more than one hundred dollars, or imprisoned not more than sixty 4131
days, or both. 4132

(B) Whoever violates division (A) of section 5739.30 of 4133
the Revised Code shall be fined not less than one hundred nor 4134
more than one thousand dollars, or imprisoned not more than 4135
sixty days, or both. 4136

(C) (1) Whoever violates division (A) (1) of section 5739.31 4137
of the Revised Code shall be fined not less than twenty-five nor 4138
more than one hundred dollars. If the offender previously has 4139
been convicted of a violation of division (A) (1) of section 4140
5739.31 of the Revised Code, the offender is guilty of a felony 4141
of the fourth degree. 4142

(2) Whoever violates division (A) (2) of section 5739.31 of 4143
the Revised Code shall be fined not less than one hundred 4144
dollars nor more than five hundred dollars, or imprisoned for 4145
not more than ten days, or both, for the first offense; for each 4146
subsequent offense, each such person shall be fined not less 4147
than one thousand dollars nor more than twenty-five hundred 4148
dollars, or imprisoned not more than thirty days, or both. The 4149
motor vehicles and goods of any person charged with violating 4150
division (A) (2) of section 5739.31 of the Revised Code may be 4151

impounded and held pending the disposition of the charge, and 4152
may be sold at auction by the county sheriff in the manner 4153
prescribed by law to satisfy any fine imposed by this division. 4154

(3) Whoever violates division (B) of section 5739.31 of 4155
the Revised Code is guilty of a felony of the fourth degree. 4156
Each day that business is conducted while a vendor's license is 4157
suspended constitutes a separate offense. 4158

(D) Except as otherwise provided in this section, whoever 4159
violates sections 5739.01 to 5739.31 of the Revised Code, or any 4160
lawful rule promulgated by the department of taxation under 4161
authority of such sections, shall be fined not less than twenty- 4162
five nor more than one hundred dollars. 4163

(E) Whoever violates section 5739.12 of the Revised Code 4164
by failing to remit to the state the tax collected under section 4165
5739.02, 5739.021, 5739.023, ~~or~~ 5739.026, or 5739.27 of the 4166
Revised Code is guilty of a felony of the fourth degree and 4167
shall suffer the loss of the person's vendor's license as 4168
required by section 5739.17 of the Revised Code. A person shall 4169
not be eligible for a vendor's license for two years following 4170
conviction. 4171

(F) Whoever violates division (E) of section 5739.17 of 4172
the Revised Code is guilty of failure to display a transient 4173
vendor's license, a minor misdemeanor. A sheriff or police 4174
officer in a municipal corporation may enforce this division. 4175
The prosecuting attorney of a county shall inform the tax 4176
commissioner of any instance when a complaint is brought against 4177
a transient vendor pursuant to this division. 4178

(G) Whoever violates section 5739.103 of the Revised Code 4179
shall be fined not less than twenty-five nor more than one 4180

hundred dollars. If the offender previously has been convicted 4181
of violating that section, the offender is guilty of a felony of 4182
the fourth degree. 4183

(H) The penalties provided in this section are in addition 4184
to any penalties imposed by the tax commissioner under section 4185
5739.133 of the Revised Code. 4186

Sec. 5755.01. As used in this chapter: 4187

(A) "Marijuana receipts" means the total amount received 4188
by a marijuana cultivator, without deduction for the cost of 4189
goods sold, taxes paid, or other expenses incurred, from the 4190
sale or other disposition of adult-use marijuana to any other 4191
person as authorized under Chapter 3796. of the Revised Code. 4192

(B) "Calendar quarter" means a three-month period ending 4193
on the thirty-first day of March, the thirtieth day of June, the 4194
thirtieth day of September, or the thirty-first day of December. 4195

(C) "Tax period" means the calendar quarter on the basis 4196
of which a taxpayer is required to pay the tax imposed under 4197
this chapter. 4198

(D) "Agent" and "received" have the same meanings as in 4199
section 5751.01 of the Revised Code. 4200

(E) "Adult-use marijuana" has the same meaning as in 4201
section 3796.01 of the Revised Code. 4202

(F) "Sale" includes exchange, barter, gift, offer for 4203
sale, and distribution, and includes transactions in interstate 4204
or foreign commerce. 4205

(G) "Taxpayer" means any person liable for the tax imposed 4206
by this chapter. 4207

(H) "Marijuana cultivator" means a person that cultivates 4208
marijuana and holds a license issued under section 3796.09 of 4209
the Revised Code. 4210

Sec. 5755.02. (A) For the purpose of funding the costs of 4211
collecting the tax and the needs of the state, including law 4212
enforcement training, public health and safety, and marijuana 4213
licensing and regulation, the following tax is hereby levied: 4214

On each marijuana cultivator, an excise tax of fifteen per 4215
cent of a marijuana cultivator's marijuana receipts for the tax 4216
period. 4217

(B) The tax imposed by this section is in addition to any 4218
other taxes or fees imposed under the Revised Code. The tax is 4219
part of the price for purposes of sales and use taxes levied 4220
under Chapters 5739. and 5741. of the Revised Code. 4221

Sec. 5755.03. (A) Not later than thirty days after first 4222
receiving marijuana receipts, a marijuana cultivator shall 4223
register with the tax commissioner by submitting all of the 4224
following: 4225

(1) A copy of the license or licenses issued to the 4226
registrant under section 3796.09 of the Revised Code; 4227

(2) The registrant's federal employer identification 4228
number or social security number or equivalent, as applicable; 4229

(3) All other information that the commissioner requires 4230
to administer and enforce this chapter. 4231

(B) If a marijuana cultivator that is required to register 4232
with the commissioner does not do so within the time prescribed 4233
by division (A) of this section, an additional fee is imposed in 4234
the amount of one hundred dollars per month or part thereof that 4235

the fee is outstanding, not to exceed one thousand dollars. The 4236
commissioner may abate the additional fee for good cause. The 4237
fee may be assessed in the same manner as the tax imposed under 4238
this chapter. 4239

(C) Proceeds from the fees imposed under division (B) of 4240
this section shall be credited to the marijuana receipts fund 4241
created in section 5755.13 of the Revised Code. 4242

(D) A marijuana cultivator that is registered with the 4243
commissioner under division (A) of this section shall notify the 4244
commissioner if any of the following occur with respect to a 4245
license issued to the registrant under section 3796.09 of the 4246
Revised Code: 4247

(1) The license expires or is revoked; 4248

(2) A change to the activities in which the taxpayer is 4249
permitted to engage; 4250

(3) A change in the locations or facilities in which the 4251
taxpayer is permitted to engage in such activities. 4252

Sec. 5755.04. Not later than the tenth day of the second 4253
month after the end of each calendar quarter, every taxpayer 4254
shall file with the tax commissioner a return for the preceding 4255
calendar quarter showing any information the commissioner finds 4256
necessary for the proper administration of this chapter, 4257
together with remittance of the tax due. 4258

Sec. 5755.05. (A) Any taxpayer that fails to file a return 4259
or pay the full amount of the tax due within the period 4260
prescribed under section 5755.04 of the Revised Code shall pay a 4261
penalty in an amount not exceeding the greater of fifty dollars 4262
or ten per cent of the tax required to be paid for the tax 4263
period. 4264

(B) (1) If any additional tax is found to be due, the tax 4265
commissioner may impose an additional penalty of up to fifteen 4266
per cent of the additional tax found to be due. 4267

(2) Any delinquent payments made after a taxpayer is 4268
notified of an audit or a tax discrepancy by the commissioner 4269
are subject to the penalty imposed by division (B) (1) of this 4270
section. If an assessment is issued under section 5755.08 of the 4271
Revised Code in connection with such delinquent payments, the 4272
payments shall be credited to the assessment. 4273

(C) If the commissioner notifies a taxpayer required to 4274
register under section 5755.03 of the Revised Code of such 4275
requirement and of the requirement to remit the tax due under 4276
this chapter, and the taxpayer fails to so register and remit 4277
the tax within sixty days after the notice, the commissioner may 4278
impose an additional penalty of up to thirty-five per cent of 4279
the tax due. The penalty imposed under this division is in 4280
addition to any other penalties imposed under this section. 4281

(D) The commissioner may collect any penalty or interest 4282
imposed by this section in the same manner as the tax imposed 4283
under this chapter. Penalties and interest so collected shall be 4284
considered as revenue arising from the tax imposed under this 4285
chapter. 4286

(E) The commissioner may abate all or a portion of any 4287
penalties imposed under this section and may adopt rules 4288
governing such abatements. 4289

(F) If any tax due is not timely paid within the period 4290
prescribed under section 5755.04 of the Revised Code, the 4291
taxpayer shall pay interest, calculated at the rate per annum 4292
prescribed by section 5703.47 of the Revised Code, from the date 4293

the tax payment was due to the date of payment or to the date an 4294
assessment was issued, whichever occurs first. 4295

(G) The commissioner may impose a penalty of up to ten per 4296
cent for any additional tax that is due from a taxpayer that 4297
reports incorrect information. 4298

Sec. 5755.06. (A) Any taxpayer required to file returns 4299
under section 5755.04 of the Revised Code shall remit each tax 4300
payment, and, if required by the tax commissioner, file the tax 4301
return or the annual report, electronically. The commissioner 4302
may require taxpayers to use the Ohio business gateway as 4303
defined in section 718.01 of the Revised Code to file returns 4304
and remit the taxes, or may provide another means for taxpayers 4305
to file and remit the taxes electronically. 4306

(B) A taxpayer required to remit taxes or file returns 4307
electronically under division (A) of this section may apply to 4308
the commissioner, on a form prescribed by the commissioner, to 4309
be excused from that requirement. The commissioner may excuse a 4310
taxpayer from the requirements of this section for good cause. 4311

(C) (1) If a taxpayer required to remit tax or file a 4312
return electronically under division (A) of this section fails 4313
to do so, the commissioner may impose a penalty not to exceed 4314
the following: 4315

(a) For either of the first two tax periods the taxpayer 4316
so fails, the greater of twenty-five dollars or five per cent of 4317
the amount of the payment that was required to be remitted; 4318

(b) For the third and any subsequent tax periods the 4319
taxpayer so fails, the greater of fifty dollars or ten per cent 4320
of the amount of the payment that was required to be remitted. 4321

(2) The penalty imposed under division (C) (1) of this 4322

section is in addition to any other penalty imposed under this 4323
chapter and shall be considered as revenue arising from the tax 4324
imposed under this chapter. A penalty may be collected by 4325
assessment in the manner prescribed by section 5755.08 of the 4326
Revised Code. The commissioner may abate all or a portion of 4327
such a penalty. 4328

(D) The commissioner may adopt rules necessary to 4329
administer this section. 4330

Sec. 5755.07. (A) An application for refund to the 4331
taxpayer of the amount of tax imposed under this chapter that is 4332
overpaid, paid illegally or erroneously, or paid on any illegal 4333
or erroneous assessment shall be filed by the taxpayer with the 4334
tax commissioner, on a form prescribed by the commissioner, 4335
within four years after the date of the illegal or erroneous 4336
payment of the taxes, or within any additional period allowed 4337
under division (F) of section 5755.08 of the Revised Code. The 4338
applicant shall provide the amount of the requested refund along 4339
with the claimed reasons for, and documentation to support, the 4340
issuance of a refund. 4341

(B) On the filing of the refund application, the 4342
commissioner shall determine the amount of refund to which the 4343
applicant is entitled. If the amount is not less than that 4344
claimed, the commissioner shall certify the amount to the 4345
director of budget and management and treasurer of state for 4346
payment from the tax refund fund created under section 5703.052 4347
of the Revised Code. If the amount is less than that claimed, 4348
the commissioner shall proceed in accordance with section 4349
5703.70 of the Revised Code. 4350

(C) Interest on a refund applied for under this section, 4351
computed at the rate provided for in section 5703.47 of the 4352

Revised Code, shall be allowed from the later of the date the 4353
tax was paid or when the tax payment was due. 4354

(D) Except as provided in section 5755.071 of the Revised 4355
Code, the commissioner may, with the consent of the taxpayer, 4356
provide for the crediting, against tax due for any tax period, 4357
of the amount of any refund due to the taxpayer under this 4358
section for a preceding tax period. 4359

Sec. 5755.071. As used in this section, "debt to this 4360
state" means unpaid taxes due the state, unpaid workers' 4361
compensation premiums due under section 4123.35 of the Revised 4362
Code, unpaid unemployment compensation contributions due under 4363
section 4141.25 of the Revised Code, unpaid unemployment 4364
compensation payment in lieu of contribution under section 4365
4141.241 of the Revised Code, unpaid fees payable to the state 4366
or to the clerk of courts pursuant to section 4505.06 of the 4367
Revised Code, incorrect payments for medicaid services under the 4368
medicaid program, or any unpaid charge, penalty, or interest 4369
arising from any of the foregoing. 4370

If a taxpayer entitled to a refund under section 5755.07 4371
of the Revised Code owes any debt to this state, the amount 4372
refundable may be applied in satisfaction of the debt. If the 4373
amount refundable is less than the amount of the debt, it may be 4374
applied in partial satisfaction of the debt. If the amount 4375
refundable is greater than the amount of the debt, the amount 4376
remaining after satisfaction of the debt shall be refunded. This 4377
section applies only to debts that have become final. For the 4378
purposes of this section, a debt becomes final when, under the 4379
applicable law, any time provided for petition for reassessment, 4380
request for reconsideration, or other appeal of the legality or 4381
validity of the amount giving rise to the debt expires without 4382

an appeal having been filed in the manner provided by law.

4383

Sec. 5755.08. (A) The tax commissioner may make an
assessment, based on any information in the commissioner's
possession, against any person that fails to file a return or
pay tax as required under section 5755.04 of the Revised Code.
The commissioner shall give the person assessed written notice
of the assessment as provided in section 5703.37 of the Revised
Code. With the notice, the commissioner shall provide
instructions on the manner in which to petition for reassessment
and request a hearing with respect to the petition.

4384

4385

4386

4387

4388

4389

4390

4391

4392

(B) Unless the person assessed, within sixty days after
service of the notice of assessment, files with the
commissioner, either personally or by certified mail, a written
petition signed by the person or the person's authorized agent
having knowledge of the facts, the assessment becomes final, and
the amount of the assessment is due and payable from the person
assessed to the treasurer of state. The petition shall indicate
the objections of the person assessed, but additional objections
may be raised in writing if received by the commissioner before
the date shown on the final determination.

4393

4394

4395

4396

4397

4398

4399

4400

4401

4402

If a petition for reassessment has been properly filed,
the commissioner shall proceed under section 5703.60 of the
Revised Code.

4403

4404

4405

(C) (1) After an assessment becomes final, if any portion
of the assessment, including accrued interest, remains unpaid, a
certified copy of the commissioner's entry making the assessment
final may be filed in the office of the clerk of the court of
common pleas in the county in which the person resides or has
its principal place of business in this state, or in the office
of the clerk of the court of common pleas of Franklin county.

4406

4407

4408

4409

4410

4411

4412

(2) Immediately upon the filing of the entry, the clerk 4413
shall enter judgment for the state against the person assessed 4414
in the amount shown on the entry. The judgment may be filed by 4415
the clerk in a loose-leaf book entitled "special judgments for 4416
the marijuana receipts tax" and shall have the same effect as 4417
other judgments. Execution shall issue upon the judgment at the 4418
request of the commissioner, and all laws applicable to sales on 4419
execution shall apply to sales made under the judgment. 4420

(3) If the assessment is not paid in its entirety within 4421
sixty days after the day the assessment was issued, the portion 4422
of the assessment consisting of tax due shall bear interest at 4423
the rate per annum prescribed by section 5703.47 of the Revised 4424
Code from the day the commissioner issues the assessment until 4425
it is paid or until it is certified to the attorney general for 4426
collection under section 131.02 of the Revised Code, whichever 4427
comes first. If the unpaid portion of the assessment is 4428
certified to the attorney general for collection, the entire 4429
unpaid portion of the assessment shall bear interest at the rate 4430
per annum prescribed by section 5703.47 of the Revised Code from 4431
the date of certification until the date it is paid in its 4432
entirety. Interest shall be paid in the same manner as the tax 4433
imposed by this chapter and may be collected by the issuance of 4434
an assessment under this section. 4435

(D) If the commissioner believes that collection of the 4436
tax imposed by this chapter will be jeopardized unless 4437
proceedings to collect or secure collection of the tax is 4438
instituted without delay, the commissioner may issue a jeopardy 4439
assessment against the person liable for the tax. Immediately 4440
upon the issuance of the jeopardy assessment, the commissioner 4441
shall file an entry with the clerk of the court of common pleas 4442
in the manner prescribed by division (C) of this section. Notice 4443

of the jeopardy assessment shall be served on the person 4444
assessed or the person's authorized agent in the manner provided 4445
in section 5703.37 of the Revised Code within five days of the 4446
filing of the entry with the clerk. The total amount assessed is 4447
immediately due and payable unless the person assessed files a 4448
petition for reassessment in accordance with division (B) of 4449
this section and provides security in a form satisfactory to the 4450
commissioner and in an amount sufficient to satisfy the unpaid 4451
balance of the assessment. Full or partial payment of the 4452
assessment does not prejudice the commissioner's consideration 4453
of the petition for reassessment. 4454

(E) The commissioner shall immediately forward to the 4455
treasurer of state all amounts the commissioner receives under 4456
this section, and such amounts shall be considered as revenue 4457
arising from the tax imposed under this chapter. 4458

(F) Except as otherwise provided in this division, no 4459
assessment shall be made or issued against a taxpayer for the 4460
tax imposed under this chapter more than four years after the 4461
due date for the filing of the return for the tax period for 4462
which the tax was reported, or more than four years after the 4463
return for the tax period was filed, whichever is later. The 4464
time limit may be extended if both the taxpayer and the 4465
commissioner consent in writing to the extension or enter into 4466
an agreement waiving or extending the time limit. Any such 4467
extension shall extend the four-year time limit in division (A) 4468
of section 5755.07 of the Revised Code for the same period of 4469
time. Nothing in this division bars an assessment against a 4470
taxpayer that fails to file a return required under section 4471
5755.04 of the Revised Code or that files a fraudulent return. 4472

(G) If the commissioner possesses information that 4473

indicates that the amount of tax a taxpayer is required to pay 4474
under division (A) of section 5755.02 of the Revised Code 4475
exceeds the amount the taxpayer paid, the commissioner may audit 4476
a sample of the taxpayer's marijuana receipts over a 4477
representative period of time to ascertain the amount of tax 4478
due, and may issue an assessment based on the audit. The 4479
commissioner shall make a good faith effort to reach agreement 4480
with the taxpayer in selecting a representative sample. The 4481
commissioner may apply a sampling method only if the 4482
commissioner has prescribed the method by rule. 4483

(H) If the whereabouts of a person subject to this chapter 4484
is not known to the tax commissioner, the commissioner shall 4485
follow the procedures under section 5703.37 of the Revised Code. 4486

Sec. 5755.09. If any person liable for the tax imposed 4487
under this chapter sells the trade or business, disposes in any 4488
manner other than in the regular course of business at least 4489
seventy-five per cent of assets of the trade or business, or 4490
quits the trade or business, any tax owed by such person shall 4491
become due and payable immediately, and the person shall pay the 4492
tax due under this chapter, including any applicable penalties 4493
and interest, within forty-five days after the date of selling 4494
or quitting the trade or business. The person's successor shall 4495
withhold a sufficient amount of the purchase money to cover the 4496
amount due and unpaid until the former owner produces a receipt 4497
from the tax commissioner showing that the amounts are paid or a 4498
certificate indicating that no tax is due. If a purchaser fails 4499
to withhold purchase money, that person is personally liable, up 4500
to the purchase money amount, for such amounts that are unpaid 4501
during the operation of the business by the former owner. 4502

The commissioner may adopt rules regarding the issuance of 4503

certificates under this section, including the waiver of the 4504
need for a certificate if certain criteria are met. 4505

Sec. 5755.10. If any person subject to this chapter fails 4506
to report or pay the tax as required under section 5755.04 of 4507
the Revised Code, or fails to pay any penalty imposed under this 4508
chapter within ninety days after the time prescribed for payment 4509
of the penalty, the attorney general, on the request of the tax 4510
commissioner, shall commence an action in quo warranto in the 4511
court of appeals of the county in which the person resides or 4512
has its principal place of business to forfeit and annul the 4513
person's licenses issued under section 3796.09 of the Revised 4514
Code. If the court finds that the person is in default for the 4515
amount claimed, it shall render judgment revoking the person's 4516
registration and shall otherwise proceed as provided in Chapter 4517
2733. of the Revised Code. 4518

Sec. 5755.11. (A) The tax commissioner may prescribe 4519
requirements for the keeping of records and other pertinent 4520
documents, the filing of copies of federal income tax returns 4521
and determinations, and computations reconciling federal income 4522
tax returns with the returns and reports required by section 4523
5755.04 of the Revised Code. The commissioner may require any 4524
person, by rule or notice served on that person, to keep those 4525
records that the commissioner considers necessary to show 4526
whether, and the extent to which, a person is subject to this 4527
chapter. 4528

(B) Each taxpayer shall maintain complete and accurate 4529
records of all sales and other dispositions of adult-use 4530
marijuana and marijuana cultivation products, and shall procure 4531
and retain all invoices, bills of lading, and other documents 4532
relating to the sales and other dispositions of adult-use 4533

marijuana and marijuana cultivation products. No person shall 4534
make a false entry upon any invoice or record upon which an 4535
entry is required by this section and no person shall present 4536
any false entry for the inspection of the commissioner with the 4537
intent to evade the tax levied under this chapter. 4538

(C) The records described in divisions (A) and (B) of this 4539
section and other documents shall be open during business hours 4540
to the inspection of the commissioner, and shall be preserved 4541
for a period of four years, unless the commissioner, in writing, 4542
consents to their destruction within that period, or by order 4543
requires that they be kept for a longer period. If such records 4544
are normally kept by the person electronically, the person shall 4545
provide such records to the commissioner electronically at the 4546
commissioner's request. 4547

(D) Any information acquired by the commissioner under 4548
this chapter is confidential as provided for in section 5703.21 4549
of the Revised Code, except that the commissioner shall make 4550
public an electronic list of all actively registered persons 4551
required to remit the tax under this chapter, including legal 4552
names, trade names, addresses, and account numbers. In addition, 4553
the list shall include all persons that canceled their 4554
registration at any time during the preceding four calendar 4555
years, including the effective date of the cancellation. 4556

Sec. 5755.12. (A) No person shall prepare for shipment, 4557
ship, transport, deliver, prepare for distribution, or 4558
distribute adult-use marijuana or marijuana cultivation 4559
products, or otherwise engage or participate in the business of 4560
distributing adult-use marijuana or marijuana cultivation 4561
products, with the intent to avoid payment of the tax levied by 4562
this chapter. 4563

(B) The tax commissioner or an agent of the commissioner 4564
may enter and inspect the facilities and records of a person 4565
selling adult-use marijuana or marijuana cultivation products. 4566
Such entrance and inspection requires a properly issued search 4567
warrant if conducted outside the normal business hours of the 4568
person, but does not require a search warrant if conducted 4569
during the normal business hours of the person. No person shall 4570
prevent or hinder the commissioner or an agent of the 4571
commissioner from carrying out the authority granted under this 4572
division. 4573

(C) Whenever the commissioner discovers adult-use 4574
marijuana or marijuana cultivation products, the receipts from 4575
which are subject to the tax levied by this chapter upon which 4576
the tax has not been paid or the commissioner has reason to 4577
believe the tax is being avoided, the commissioner may seize and 4578
take possession of the marijuana or products, which, upon 4579
seizure, shall be forfeited to the state. Within a reasonable 4580
time after seizure, the commissioner may sell the forfeited 4581
marijuana or products. From the proceeds of this sale, the 4582
commissioner shall pay the costs incurred in the seizure and 4583
sale, and any proceeds remaining after the sale shall be 4584
considered as revenue arising from the tax. The seizure and sale 4585
shall not relieve any person from the fine or imprisonment 4586
provided for a violation of this chapter. The commissioner shall 4587
make the sale where it is most convenient and economical, but 4588
may order the destruction of forfeited marijuana or products if 4589
the quantity or quality is not sufficient to warrant its sale. 4590

Sec. 5755.13. (A) As used in this section: 4591

(1) "Year-end balance" means the balance of a fund on the 4592
last day of the preceding fiscal year. 4593

(2) "Annual transfer limit" means one of the following 4594
differences, as applicable to each fund: 4595

(a) For the department of public safety law enforcement 4596
training fund, forty million dollars minus the fund's year-end 4597
balance; 4598

(b) For the marijuana substance abuse, treatment, and 4599
prevention fund, twenty million dollars minus the fund's year- 4600
end balance; 4601

(c) For the safe driver training fund, twelve million five 4602
hundred thousand dollars minus the fund's year-end balance. 4603

(B) For the purpose of receiving and distributing, and 4604
accounting for, revenue received from the tax levied under this 4605
chapter, the following funds are created in the state treasury: 4606

(1) The marijuana receipts fund; 4607

(2) The department of public safety law enforcement 4608
training fund, which shall be used by the department of public 4609
safety to pay for the training of peace officers and troopers 4610
that is required under section 109.803 of the Revised Code; 4611

(3) The marijuana substance abuse, treatment, and 4612
prevention fund, which shall be used by the department of mental 4613
health and addiction services to pay for substance abuse 4614
treatment, prevention, and education, using peer-reviewed and 4615
evidence-based methods; 4616

(4) The safe driver training fund, which shall be used by 4617
the department of public safety to support the department's 4618
efforts in providing safe driver notifications, safe driver 4619
education, and public safety announcements, which shall include 4620
information on the dangers of driving while under the influence 4621

of marijuana.

4622

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

4623

4624

4625

4626

4627

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

4628

4629

4630

4631

4632

(D) All amounts collected from the tax levied under this
chapter shall be deposited into the marijuana receipts fund.
Investment earnings of marijuana receipts fund shall be credited
to that fund.

4633

4634

4635

4636

From the marijuana receipts fund, the director of budget
and management shall transfer as needed to the tax refund fund
amounts equal to the refunds certified by the tax commissioner
under section 5755.07 of the Revised Code.

4637

4638

4639

4640

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

4641

4642

4643

4644

(1) Thirty per cent to the department of public safety law
enforcement training fund, until the amount credited to the fund
in the fiscal year equals the fund's annual transfer limit, then
to the general revenue fund;

4645

4646

4647

4648

(2) Fifteen per cent to the marijuana substance abuse,
treatment, and prevention fund, until the amount credited to the

4649

4650

fund in the fiscal year equals the fund's annual transfer limit, 4651
then to the general revenue fund; 4652

(3) Ten per cent to the safe driver training fund, until 4653
the amount credited to the fund in the fiscal year equals the 4654
fund's annual transfer limit, then to the general revenue fund; 4655

(4) Forty-five per cent to the general revenue fund. 4656

Sec. 5755.14. (A) Any person that does not hold a valid 4657
license issued under section 3796.09 of the Revised Code and 4658
that cultivates marijuana and has gross receipts from the sale 4659
of marijuana the person cultivates, or the transfer of such 4660
marijuana in connection with the sale of another product, is 4661
liable for any amounts, including tax, interest, and penalties, 4662
imposed by this chapter in the same manner as persons that do 4663
hold such a license are liable. 4664

If marijuana is transferred in connection with the sale of 4665
another product, amounts received for the other product shall be 4666
considered gross receipts for the transfer of the marijuana. 4667

(B) The tax commissioner may issue an assessment against a 4668
person described in division (A) of this section for any amount 4669
due under this chapter in the same manner provided under section 4670
5753.07 of the Revised Code. 4671

Sec. 5755.99. (A) Whoever knowingly files a fraudulent 4672
refund claim under section 5755.07 of the Revised Code shall be 4673
fined the greater of one thousand dollars or the amount of the 4674
fraudulent refund requested, or imprisoned not more than sixty 4675
days, or both. 4676

(B) Except as otherwise provided in this section, whoever 4677
knowingly violates any section of this chapter or any rule 4678
adopted by the tax commissioner under this chapter shall be 4679

fined not more than five hundred dollars, or imprisoned not more 4680
than thirty days, or both. 4681

(C) The penalties provided in this section are in addition 4682
to any penalties imposed by the tax commissioner under this 4683
chapter. 4684

Section 2. That existing sections 121.95, 121.951, 131.02, 4685
519.21, 715.013, 928.01, 928.03, 2925.01, 3376.07, 3719.01, 4686
3796.01, 3796.02, 3796.03, 3796.05, 3796.06, 3796.07, 3796.09, 4687
3796.10, 3796.12, 3796.14, 3796.15, 3796.17, 3796.18, 3796.19, 4688
3796.20, 3796.21, 3796.22, 3796.24, 3796.28, 3796.30, 4301.17, 4689
4301.171, 4303.041, 4303.184, 4303.26, 4399.15, 4735.18, 4690
5502.13, 5703.052, 5703.053, 5703.19, 5703.263, 5703.50, 4691
5703.70, 5703.77, 5713.30, and 5739.99 of the Revised Code are 4692
hereby repealed. 4693

Section 3. That sections 3780.01, 3780.02, 3780.03, 4694
3780.04, 3780.05, 3780.06, 3780.07, 3780.08, 3780.09, 3780.10, 4695
3780.11, 3780.12, 3780.13, 3780.14, 3780.15, 3780.16, 3780.17, 4696
3780.18, 3780.19, 3780.20, 3780.21, 3780.22, 3780.23, 3780.24, 4697
3780.25, 3780.26, 3780.27, 3780.28, 3780.29, 3780.30, 3780.31, 4698
3780.32, 3780.33, 3780.34, 3780.35, 3780.36, 3780.90, 3780.99, 4699
and 3796.021 of the Revised Code are hereby repealed. 4700

Section 4. (A) As used in this section, "adult-use 4701
marijuana" has the same meaning as in section 3796.01 of the 4702
Revised Code, as amended by this act. 4703

(B) A retail dispensary licensed under Chapter 3796. of 4704
the Revised Code, as amended by this act, shall not dispense or 4705
sell adult-use marijuana sooner than twelve months after the 4706
effective date of this section. 4707

(C) The Division of Marijuana Control shall adopt and 4708

implement all rules necessary to effectuate this act within 4709
twelve months after the effective date of this section, 4710
including by accepting new applications for cultivator, 4711
processor, dispensary, and laboratory licenses. 4712

Section 5. The General Assembly, applying the principle 4713
stated in division (B) of section 1.52 of the Revised Code that 4714
amendments are to be harmonized if reasonably capable of 4715
simultaneous operation, finds that the following sections, 4716
presented in this act as composites of the sections as amended 4717
by the acts indicated, are the resulting versions of the 4718
sections in effect prior to the effective date of the sections 4719
as presented in this act: 4720

Section 519.21 of the Revised Code as amended by both H.B. 4721
523 and S.B. 75 of the 131st General Assembly. 4722

Section 5739.99 of the Revised Code as amended by both 4723
S.B. 143 and S.B. 200 of the 124th General Assembly. 4724