

**As Passed by the Senate**

**131st General Assembly  
Regular Session  
2015-2016**

**Sub. H. B. No. 523**

**Representative Huffman**

**Cosponsors: Representatives Schuring, Ramos, Brown, Celebrezze, Maag,  
Perales, Rogers, Ruhl, Terhar  
Senators Yuko, Brown, Sawyer, Schiavoni, Tavares, Thomas**

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**A B I L L**

To amend sections 109.572, 519.21, 4123.54, 4729.75, 1  
4729.80, 4729.84, 4729.85, 4729.86, 4731.22, 2  
4731.281, 4776.02, 4776.04, and 5713.30 and to 3  
enact sections 3796.01, 3796.02, 3796.021, 4  
3796.03, 3796.031, 3796.032, 3796.04, 3796.05, 5  
3796.06, 3796.061, 3796.07, 3796.08, 3796.09, 6  
3796.10, 3796.11, 3796.12, 3796.13, 3796.14, 7  
3796.15, 3796.16, 3796.17, 3796.18, 3796.19, 8  
3796.20, 3796.21, 3796.22, 3796.23, 3796.24, 9  
3796.27, 3796.28, 3796.29, 3796.30, 4729.771, 10  
4731.229, 4731.30, 4731.301, and 4731.302 of the 11  
Revised Code to authorize the use of marijuana for 12  
medical purposes and to establish the Medical 13  
Marijuana Control Program. 14

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

**Section 1.** That sections 109.572, 519.21, 4123.54, 4729.75, 15  
4729.80, 4729.84, 4729.85, 4729.86, 4731.22, 4731.281, 4776.02, 16  
4776.04, and 5713.30 be amended and sections 3796.01, 3796.02, 17  
3796.021, 3796.03, 3796.031, 3796.032, 3796.04, 3796.05, 3796.06, 18

3796.061, 3796.07, 3796.08, 3796.09, 3796.10, 3796.11, 3796.12, 19  
3796.13, 3796.14, 3796.15, 3796.16, 3796.17, 3796.18, 3796.19, 20  
3796.20, 3796.21, 3796.22, 3796.23, 3796.24, 3796.27, 3796.28, 21  
3796.29, 3796.30, 4729.771, 4731.229, 4731.30, 4731.301, and 22  
4731.302 of the Revised Code be enacted to read as follows: 23

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 24  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 25  
a completed form prescribed pursuant to division (C)(1) of this 26  
section, and a set of fingerprint impressions obtained in the 27  
manner described in division (C)(2) of this section, the 28  
superintendent of the bureau of criminal identification and 29  
investigation shall conduct a criminal records check in the manner 30  
described in division (B) of this section to determine whether any 31  
information exists that indicates that the person who is the 32  
subject of the request previously has been convicted of or pleaded 33  
guilty to any of the following: 34

(a) A violation of section 2903.01, 2903.02, 2903.03, 35  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 36  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 37  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 38  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 39  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 40  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 41  
2925.06, or 3716.11 of the Revised Code, felonious sexual 42  
penetration in violation of former section 2907.12 of the Revised 43  
Code, a violation of section 2905.04 of the Revised Code as it 44  
existed prior to July 1, 1996, a violation of section 2919.23 of 45  
the Revised Code that would have been a violation of section 46  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 47  
had the violation been committed prior to that date, or a 48  
violation of section 2925.11 of the Revised Code that is not a 49

minor drug possession offense; 50

(b) A violation of an existing or former law of this state, 51  
any other state, or the United States that is substantially 52  
equivalent to any of the offenses listed in division (A)(1)(a) of 53  
this section; 54

(c) If the request is made pursuant to section 3319.39 of the 55  
Revised Code for an applicant who is a teacher, any offense 56  
specified in section 3319.31 of the Revised Code. 57

(2) On receipt of a request pursuant to section 3712.09 or 58  
3721.121 of the Revised Code, a completed form prescribed pursuant 59  
to division (C)(1) of this section, and a set of fingerprint 60  
impressions obtained in the manner described in division (C)(2) of 61  
this section, the superintendent of the bureau of criminal 62  
identification and investigation shall conduct a criminal records 63  
check with respect to any person who has applied for employment in 64  
a position for which a criminal records check is required by those 65  
sections. The superintendent shall conduct the criminal records 66  
check in the manner described in division (B) of this section to 67  
determine whether any information exists that indicates that the 68  
person who is the subject of the request previously has been 69  
convicted of or pleaded guilty to any of the following: 70

(a) A violation of section 2903.01, 2903.02, 2903.03, 71  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 72  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 73  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 74  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 75  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 76  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 77  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 78  
2925.22, 2925.23, or 3716.11 of the Revised Code; 79

(b) An existing or former law of this state, any other state, 80

or the United States that is substantially equivalent to any of 81  
the offenses listed in division (A)(2)(a) of this section. 82

(3) On receipt of a request pursuant to section 173.27, 83  
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 84  
or 5123.169 of the Revised Code, a completed form prescribed 85  
pursuant to division (C)(1) of this section, and a set of 86  
fingerprint impressions obtained in the manner described in 87  
division (C)(2) of this section, the superintendent of the bureau 88  
of criminal identification and investigation shall conduct a 89  
criminal records check of the person for whom the request is made. 90  
The superintendent shall conduct the criminal records check in the 91  
manner described in division (B) of this section to determine 92  
whether any information exists that indicates that the person who 93  
is the subject of the request previously has been convicted of, 94  
has pleaded guilty to, or (except in the case of a request 95  
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 96  
Code) has been found eligible for intervention in lieu of 97  
conviction for any of the following, regardless of the date of the 98  
conviction, the date of entry of the guilty plea, or (except in 99  
the case of a request pursuant to section 5164.34, 5164.341, or 100  
5164.342 of the Revised Code) the date the person was found 101  
eligible for intervention in lieu of conviction: 102

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 103  
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 104  
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 105  
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 106  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 107  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 108  
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 109  
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 110  
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 111  
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 112

2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 113  
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 114  
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 115  
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 116  
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 117  
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 118  
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 119  
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 120  
2927.12, or 3716.11 of the Revised Code; 121

(b) Felonious sexual penetration in violation of former 122  
section 2907.12 of the Revised Code; 123

(c) A violation of section 2905.04 of the Revised Code as it 124  
existed prior to July 1, 1996; 125

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 126  
the Revised Code when the underlying offense that is the object of 127  
the conspiracy, attempt, or complicity is one of the offenses 128  
listed in divisions (A)(3)(a) to (c) of this section; 129

(e) A violation of an existing or former municipal ordinance 130  
or law of this state, any other state, or the United States that 131  
is substantially equivalent to any of the offenses listed in 132  
divisions (A)(3)(a) to (d) of this section. 133

(4) On receipt of a request pursuant to section 2151.86 of 134  
the Revised Code, a completed form prescribed pursuant to division 135  
(C)(1) of this section, and a set of fingerprint impressions 136  
obtained in the manner described in division (C)(2) of this 137  
section, the superintendent of the bureau of criminal 138  
identification and investigation shall conduct a criminal records 139  
check in the manner described in division (B) of this section to 140  
determine whether any information exists that indicates that the 141  
person who is the subject of the request previously has been 142  
convicted of or pleaded guilty to any of the following: 143

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 144  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 145  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 146  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 147  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 148  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 149  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 150  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 151  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 152  
of the Revised Code, a violation of section 2905.04 of the Revised 153  
Code as it existed prior to July 1, 1996, a violation of section 154  
2919.23 of the Revised Code that would have been a violation of 155  
section 2905.04 of the Revised Code as it existed prior to July 1, 156  
1996, had the violation been committed prior to that date, a 157  
violation of section 2925.11 of the Revised Code that is not a 158  
minor drug possession offense, two or more OVI or OVUAC violations 159  
committed within the three years immediately preceding the 160  
submission of the application or petition that is the basis of the 161  
request, or felonious sexual penetration in violation of former 162  
section 2907.12 of the Revised Code; 163

(b) A violation of an existing or former law of this state, 164  
any other state, or the United States that is substantially 165  
equivalent to any of the offenses listed in division (A)(4)(a) of 166  
this section. 167

(5) Upon receipt of a request pursuant to section 5104.013 of 168  
the Revised Code, a completed form prescribed pursuant to division 169  
(C)(1) of this section, and a set of fingerprint impressions 170  
obtained in the manner described in division (C)(2) of this 171  
section, the superintendent of the bureau of criminal 172  
identification and investigation shall conduct a criminal records 173  
check in the manner described in division (B) of this section to 174  
determine whether any information exists that indicates that the 175

person who is the subject of the request has been convicted of or 176  
pleaded guilty to any of the following: 177

(a) A violation of section 2151.421, 2903.01, 2903.02, 178  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 179  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 180  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 181  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 182  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 183  
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 184  
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 185  
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 186  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 187  
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 188  
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 189  
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 190  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 191  
Revised Code, felonious sexual penetration in violation of former 192  
section 2907.12 of the Revised Code, a violation of section 193  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 194  
violation of section 2919.23 of the Revised Code that would have 195  
been a violation of section 2905.04 of the Revised Code as it 196  
existed prior to July 1, 1996, had the violation been committed 197  
prior to that date, a violation of section 2925.11 of the Revised 198  
Code that is not a minor drug possession offense, a violation of 199  
section 2923.02 or 2923.03 of the Revised Code that relates to a 200  
crime specified in this division, or a second violation of section 201  
4511.19 of the Revised Code within five years of the date of 202  
application for licensure or certification. 203

(b) A violation of an existing or former law of this state, 204  
any other state, or the United States that is substantially 205  
equivalent to any of the offenses or violations described in 206  
division (A)(5)(a) of this section. 207

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

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

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

(7) On receipt of a request for a criminal records check from an individual pursuant to section 4749.03 or 4749.06 of the



Revised Code, accompanied by a completed copy of the form 240  
prescribed in division (C)(1) of this section and a set of 241  
fingerprint impressions obtained in a manner described in division 242  
(C)(2) of this section, the superintendent of the bureau of 243  
criminal identification and investigation shall conduct a criminal 244  
records check in the manner described in division (B) of this 245  
section to determine whether any information exists indicating 246  
that the person who is the subject of the request has been 247  
convicted of or pleaded guilty to a felony in this state or in any 248  
other state. If the individual indicates that a firearm will be 249  
carried in the course of business, the superintendent shall 250  
require information from the federal bureau of investigation as 251  
described in division (B)(2) of this section. Subject to division 252  
(F) of this section, the superintendent shall report the findings 253  
of the criminal records check and any information the federal 254  
bureau of investigation provides to the director of public safety. 255

(8) On receipt of a request pursuant to section 1321.37, 256  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 257  
Code, a completed form prescribed pursuant to division (C)(1) of 258  
this section, and a set of fingerprint impressions obtained in the 259  
manner described in division (C)(2) of this section, the 260  
superintendent of the bureau of criminal identification and 261  
investigation shall conduct a criminal records check with respect 262  
to any person who has applied for a license, permit, or 263  
certification from the department of commerce or a division in the 264  
department. The superintendent shall conduct the criminal records 265  
check in the manner described in division (B) of this section to 266  
determine whether any information exists that indicates that the 267  
person who is the subject of the request previously has been 268  
convicted of or pleaded guilty to any of the following: a 269  
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 270  
2925.03 of the Revised Code; any other criminal offense involving 271  
theft, receiving stolen property, embezzlement, forgery, fraud, 272

passing bad checks, money laundering, or drug trafficking, or any 273  
criminal offense involving money or securities, as set forth in 274  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 275  
the Revised Code; or any existing or former law of this state, any 276  
other state, or the United States that is substantially equivalent 277  
to those offenses. 278

(9) On receipt of a request for a criminal records check from 279  
the treasurer of state under section 113.041 of the Revised Code 280  
or from an individual under section 4701.08, 4715.101, 4717.061, 281  
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 282  
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 283  
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 284  
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 285  
4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, 286  
accompanied by a completed form prescribed under division (C)(1) 287  
of this section and a set of fingerprint impressions obtained in 288  
the manner described in division (C)(2) of this section, the 289  
superintendent of the bureau of criminal identification and 290  
investigation shall conduct a criminal records check in the manner 291  
described in division (B) of this section to determine whether any 292  
information exists that indicates that the person who is the 293  
subject of the request has been convicted of or pleaded guilty to 294  
any criminal offense in this state or any other state. Subject to 295  
division (F) of this section, the superintendent shall send the 296  
results of a check requested under section 113.041 of the Revised 297  
Code to the treasurer of state and shall send the results of a 298  
check requested under any of the other listed sections to the 299  
licensing board specified by the individual in the request. 300

(10) On receipt of a request pursuant to section 1121.23, 301  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 302  
Code, a completed form prescribed pursuant to division (C)(1) of 303  
this section, and a set of fingerprint impressions obtained in the 304

manner described in division (C)(2) of this section, the 305  
superintendent of the bureau of criminal identification and 306  
investigation shall conduct a criminal records check in the manner 307  
described in division (B) of this section to determine whether any 308  
information exists that indicates that the person who is the 309  
subject of the request previously has been convicted of or pleaded 310  
guilty to any criminal offense under any existing or former law of 311  
this state, any other state, or the United States. 312

(11) On receipt of a request for a criminal records check 313  
from an appointing or licensing authority under section 3772.07 of 314  
the Revised Code, a completed form prescribed under division 315  
(C)(1) of this section, and a set of fingerprint impressions 316  
obtained in the manner prescribed in division (C)(2) of this 317  
section, the superintendent of the bureau of criminal 318  
identification and investigation shall conduct a criminal records 319  
check in the manner described in division (B) of this section to 320  
determine whether any information exists that indicates that the 321  
person who is the subject of the request previously has been 322  
convicted of or pleaded guilty or no contest to any offense under 323  
any existing or former law of this state, any other state, or the 324  
United States that is a disqualifying offense as defined in 325  
section 3772.07 of the Revised Code or substantially equivalent to 326  
such an offense. 327

(12) On receipt of a request pursuant to section 2151.33 or 328  
2151.412 of the Revised Code, a completed form prescribed pursuant 329  
to division (C)(1) of this section, and a set of fingerprint 330  
impressions obtained in the manner described in division (C)(2) of 331  
this section, the superintendent of the bureau of criminal 332  
identification and investigation shall conduct a criminal records 333  
check with respect to any person for whom a criminal records check 334  
is required under that section. The superintendent shall conduct 335  
the criminal records check in the manner described in division (B) 336

of this section to determine whether any information exists that 337  
indicates that the person who is the subject of the request 338  
previously has been convicted of or pleaded guilty to any of the 339  
following: 340

(a) A violation of section 2903.01, 2903.02, 2903.03, 341  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 342  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 343  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 344  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 345  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 346  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 347  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 348  
2925.22, 2925.23, or 3716.11 of the Revised Code; 349

(b) An existing or former law of this state, any other state, 350  
or the United States that is substantially equivalent to any of 351  
the offenses listed in division (A)(12)(a) of this section. 352

(13) On receipt of a request pursuant to section 3796.12 of 353  
the Revised Code, a completed form prescribed pursuant to division 354  
(C)(1) of this section, and a set of fingerprint impressions 355  
obtained in a manner described in division (C)(2) of this section, 356  
the superintendent of the bureau of criminal identification and 357  
investigation shall conduct a criminal records check in the manner 358  
described in division (B) of this section to determine whether any 359  
information exists that indicates that the person who is the 360  
subject of the request previously has been convicted of or pleaded 361  
guilty to the following: 362

(a) A disqualifying offense as specified in rules adopted 363  
under division (B)(2)(b) of section 3796.03 of the Revised Code if 364  
the person who is the subject of the request is an administrator 365  
or other person responsible for the daily operation of, or an 366  
owner or prospective owner, officer or prospective officer, or 367  
board member or prospective board member of, an entity seeking a 368

license from the department of commerce under Chapter 3796. of the 369  
Revised Code; 370

(b) A disqualifying offense as specified in rules adopted 371  
under division (B)(2)(b) of section 3796.04 of the Revised Code if 372  
the person who is the subject of the request is an administrator 373  
or other person responsible for the daily operation of, or an 374  
owner or prospective owner, officer or prospective officer, or 375  
board member or prospective board member of, an entity seeking a 376  
license from the state board of pharmacy under Chapter 3796. of 377  
the Revised Code. 378

(14) On receipt of a request required by section 3796.13 of 379  
the Revised Code, a completed form prescribed pursuant to division 380  
(C)(1) of this section, and a set of fingerprint impressions 381  
obtained in a manner described in division (C)(2) of this section, 382  
the superintendent of the bureau of criminal identification and 383  
investigation shall conduct a criminal records check in the manner 384  
described in division (B) of this section to determine whether any 385  
information exists that indicates that the person who is the 386  
subject of the request previously has been convicted of or pleaded 387  
guilty to the following: 388

(a) A disqualifying offense as specified in rules adopted 389  
under division (B)(8)(a) of section 3796.03 of the Revised Code if 390  
the person who is the subject of the request is seeking employment 391  
with an entity licensed by the department of commerce under 392  
Chapter 3796. of the Revised Code; 393

(b) A disqualifying offense as specified in rules adopted 394  
under division (B)(14)(a) of section 3796.04 of the Revised Code 395  
if the person who is the subject of the request is seeking 396  
employment with an entity licensed by the state board of pharmacy 397  
under Chapter 3796. of the Revised Code. 398

(B) Subject to division (F) of this section, the 399

superintendent shall conduct any criminal records check to be 400  
conducted under this section as follows: 401

(1) The superintendent shall review or cause to be reviewed 402  
any relevant information gathered and compiled by the bureau under 403  
division (A) of section 109.57 of the Revised Code that relates to 404  
the person who is the subject of the criminal records check, 405  
including, if the criminal records check was requested under 406  
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 407  
1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 408  
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 409  
3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 4749.03, 4749.06, 410  
4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 411  
5123.169, or 5153.111 of the Revised Code, any relevant 412  
information contained in records that have been sealed under 413  
section 2953.32 of the Revised Code; 414

(2) If the request received by the superintendent asks for 415  
information from the federal bureau of investigation, the 416  
superintendent shall request from the federal bureau of 417  
investigation any information it has with respect to the person 418  
who is the subject of the criminal records check, including 419  
fingerprint-based checks of national crime information databases 420  
as described in 42 U.S.C. 671 if the request is made pursuant to 421  
section 2151.86 or 5104.013 of the Revised Code or if any other 422  
Revised Code section requires fingerprint-based checks of that 423  
nature, and shall review or cause to be reviewed any information 424  
the superintendent receives from that bureau. If a request under 425  
section 3319.39 of the Revised Code asks only for information from 426  
the federal bureau of investigation, the superintendent shall not 427  
conduct the review prescribed by division (B)(1) of this section. 428

(3) The superintendent or the superintendent's designee may 429  
request criminal history records from other states or the federal 430  
government pursuant to the national crime prevention and privacy 431

compact set forth in section 109.571 of the Revised Code. 432

(4) The superintendent shall include in the results of the 433  
criminal records check a list or description of the offenses 434  
listed or described in division (A)(1), (2), (3), (4), (5), (6), 435  
(7), (8), (9), (10), (11), ~~or~~ (12), (13), or (14) of this section, 436  
whichever division requires the superintendent to conduct the 437  
criminal records check. The superintendent shall exclude from the 438  
results any information the dissemination of which is prohibited 439  
by federal law. 440

(5) The superintendent shall send the results of the criminal 441  
records check to the person to whom it is to be sent not later 442  
than the following number of days after the date the 443  
superintendent receives the request for the criminal records 444  
check, the completed form prescribed under division (C)(1) of this 445  
section, and the set of fingerprint impressions obtained in the 446  
manner described in division (C)(2) of this section: 447

(a) If the superintendent is required by division (A) of this 448  
section (other than division (A)(3) of this section) to conduct 449  
the criminal records check, thirty; 450

(b) If the superintendent is required by division (A)(3) of 451  
this section to conduct the criminal records check, sixty. 452

(C)(1) The superintendent shall prescribe a form to obtain 453  
the information necessary to conduct a criminal records check from 454  
any person for whom a criminal records check is to be conducted 455  
under this section. The form that the superintendent prescribes 456  
pursuant to this division may be in a tangible format, in an 457  
electronic format, or in both tangible and electronic formats. 458

(2) The superintendent shall prescribe standard impression 459  
sheets to obtain the fingerprint impressions of any person for 460  
whom a criminal records check is to be conducted under this 461  
section. Any person for whom a records check is to be conducted 462

under this section shall obtain the fingerprint impressions at a 463  
county sheriff's office, municipal police department, or any other 464  
entity with the ability to make fingerprint impressions on the 465  
standard impression sheets prescribed by the superintendent. The 466  
office, department, or entity may charge the person a reasonable 467  
fee for making the impressions. The standard impression sheets the 468  
superintendent prescribes pursuant to this division may be in a 469  
tangible format, in an electronic format, or in both tangible and 470  
electronic formats. 471

(3) Subject to division (D) of this section, the 472  
superintendent shall prescribe and charge a reasonable fee for 473  
providing a criminal records check under this section. The person 474  
requesting the criminal records check shall pay the fee prescribed 475  
pursuant to this division. In the case of a request under section 476  
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 477  
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 478  
the manner specified in that section. 479

(4) The superintendent of the bureau of criminal 480  
identification and investigation may prescribe methods of 481  
forwarding fingerprint impressions and information necessary to 482  
conduct a criminal records check, which methods shall include, but 483  
not be limited to, an electronic method. 484

(D) The results of a criminal records check conducted under 485  
this section, other than a criminal records check specified in 486  
division (A)(7) of this section, are valid for the person who is 487  
the subject of the criminal records check for a period of one year 488  
from the date upon which the superintendent completes the criminal 489  
records check. If during that period the superintendent receives 490  
another request for a criminal records check to be conducted under 491  
this section for that person, the superintendent shall provide the 492  
results from the previous criminal records check of the person at 493  
a lower fee than the fee prescribed for the initial criminal 494



records check. 495

(E) When the superintendent receives a request for 496  
information from a registered private provider, the superintendent 497  
shall proceed as if the request was received from a school 498  
district board of education under section 3319.39 of the Revised 499  
Code. The superintendent shall apply division (A)(1)(c) of this 500  
section to any such request for an applicant who is a teacher. 501

(F)(1) All information regarding the results of a criminal 502  
records check conducted under this section that the superintendent 503  
reports or sends under division (A)(7) or (9) of this section to 504  
the director of public safety, the treasurer of state, or the 505  
person, board, or entity that made the request for the criminal 506  
records check shall relate to the conviction of the subject 507  
person, or the subject person's plea of guilty to, a criminal 508  
offense. 509

(2) Division (F)(1) of this section does not limit, restrict, 510  
or preclude the superintendent's release of information that 511  
relates to the arrest of a person who is eighteen years of age or 512  
older, to an adjudication of a child as a delinquent child, or to 513  
a criminal conviction of a person under eighteen years of age in 514  
circumstances in which a release of that nature is authorized 515  
under division (E)(2), (3), or (4) of section 109.57 of the 516  
Revised Code pursuant to a rule adopted under division (E)(1) of 517  
that section. 518

(G) As used in this section: 519

(1) "Criminal records check" means any criminal records check 520  
conducted by the superintendent of the bureau of criminal 521  
identification and investigation in accordance with division (B) 522  
of this section. 523

(2) "Minor drug possession offense" has the same meaning as 524  
in section 2925.01 of the Revised Code. 525

(3) "OVI or OVUAC violation" means a violation of section 526  
4511.19 of the Revised Code or a violation of an existing or 527  
former law of this state, any other state, or the United States 528  
that is substantially equivalent to section 4511.19 of the Revised 529  
Code. 530

(4) "Registered private provider" means a nonpublic school or 531  
entity registered with the superintendent of public instruction 532  
under section 3310.41 of the Revised Code to participate in the 533  
autism scholarship program or section 3310.58 of the Revised Code 534  
to participate in the Jon Peterson special needs scholarship 535  
program. 536

**Sec. 519.21.** (A) Except as otherwise provided in ~~division~~ 537  
divisions (B) and (D) of this section, sections 519.02 to 519.25 538  
of the Revised Code confer no power on any township zoning 539  
commission, board of township trustees, or board of zoning appeals 540  
to prohibit the use of any land for agricultural purposes or the 541  
construction or use of buildings or structures incident to the use 542  
for agricultural purposes of the land on which such buildings or 543  
structures are located, including buildings or structures that are 544  
used primarily for vinting and selling wine and that are located 545  
on land any part of which is used for viticulture, and no zoning 546  
certificate shall be required for any such building or structure. 547

(B) A township zoning resolution, or an amendment to such 548  
resolution, may in any platted subdivision approved under section 549  
711.05, 711.09, or 711.10 of the Revised Code, or in any area 550  
consisting of fifteen or more lots approved under section 711.131 551  
of the Revised Code that are contiguous to one another, or some of 552  
which are contiguous to one another and adjacent to one side of a 553  
dedicated public road, and the balance of which are contiguous to 554  
one another and adjacent to the opposite side of the same 555  
dedicated public road regulate: 556

(1) Agriculture on lots of one acre or less;	557
(2) Buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but not greater than five acres by: set back building lines; height; and size;	558 559 560 561
(3) Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least thirty-five per cent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under section 4503.06 of the Revised Code. After thirty-five per cent of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to section 519.19 of the Revised Code.	562 563 564 565 566 567 568 569 570 571
Division (B) of this section confers no power on any township zoning commission, board of township trustees, or board of zoning appeals to regulate agriculture, buildings or structures, and dairying and animal and poultry husbandry on lots greater than five acres.	572 573 574 575 576
(C) Such sections confer no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for:	577 578 579 580
(1) A farm market where fifty per cent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. However, a board of township trustees, as provided in section 519.02 of the Revised Code, may regulate such factors pertaining to farm markets as size of the structure, size of parking areas that may be required, set back building lines, and	581 582 583 584 585 586 587

egress or ingress, where such regulation is necessary to protect 588  
the public health and safety. 589

(2) Biodiesel production, biomass energy production, or 590  
electric or heat energy production if the land on which the 591  
production facility is located qualifies as land devoted 592  
exclusively to agricultural use under sections 5713.30 to 5713.37 593  
of the Revised Code for real property tax purposes. As used in 594  
division (C)(2) of this section, "biodiesel," "biomass energy," 595  
and "electric or heat energy" have the same meanings as in section 596  
5713.30 of the Revised Code. 597

(3) Biologically derived methane gas production if the land 598  
on which the production facility is located qualifies as land 599  
devoted exclusively to agricultural use under sections 5713.30 to 600  
5713.37 of the Revised Code for real property tax purposes and if 601  
the facility that produces the biologically derived methane gas 602  
does not produce more than seventeen million sixty thousand seven 603  
hundred ten British thermal units, five megawatts, or both. 604

As used in division (C)(3) of this section, "biologically 605  
derived methane gas" has the same meaning as in section 5713.30 of 606  
the Revised Code. 607

(D) Nothing in this section prohibits a township zoning 608  
commission, board of township trustees, or board of zoning appeals 609  
from regulating the location of medical marijuana cultivators, 610  
processors, or retail dispensaries or from prohibiting such 611  
cultivators, processors, or dispensaries from being located in the 612  
unincorporated territory of the township. 613

**Sec. 3796.01.** (A) As used in this chapter: 614

(1) "Marijuana" means marihuana as defined in section 3719.01 615  
of the Revised Code. 616

(2) "Medical marijuana" means marijuana that is cultivated, 617

processed, dispensed, tested, possessed, or used for a medical purpose. 618  
619

(3) "Academic medical center" has the same meaning as in section 4731.297 of the Revised Code. 620  
621

(4) "Drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code. 622  
623  
624

(5) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 625  
626  
627

(6) "Qualifying medical condition" means any of the following: 628  
629

(a) Acquired immune deficiency syndrome; 630

(b) Alzheimer's disease; 631

(c) Amyotrophic lateral sclerosis; 632

(d) Cancer; 633

(e) Chronic traumatic encephalopathy; 634

(f) Crohn's disease; 635

(g) Epilepsy or another seizure disorder; 636

(h) Fibromyalgia; 637

(i) Glaucoma; 638

(j) Hepatitis C; 639

(k) Inflammatory bowel disease; 640

(l) Multiple sclerosis; 641

(m) Pain that is either of the following: 642

(i) Chronic and severe; 643

(ii) Intractable. 644

<u>(n) Parkinson's disease;</u>	645
<u>(o) Positive status for HIV;</u>	646
<u>(p) Post-traumatic stress disorder;</u>	647
<u>(q) Sickle cell anemia;</u>	648
<u>(r) Spinal cord disease or injury;</u>	649
<u>(s) Tourette's syndrome;</u>	650
<u>(t) Traumatic brain injury;</u>	651
<u>(u) Ulcerative colitis;</u>	652
<u>(v) Any other disease or condition added by the state medical board under section 4731.302 of the Revised Code.</u>	653 654
<u>(7) "State university" has the same meaning as in section 3345.011 of the Revised Code.</u>	655 656
<u>(B) Notwithstanding section 3719.41 of the Revised Code, for purposes of this chapter, medical marijuana is a schedule II controlled substance.</u>	657 658 659
<u><b>Sec. 3796.02.</b> There is hereby established a medical marijuana control program in the department of commerce and the state board of pharmacy. The department shall provide for the licensure of medical marijuana cultivators and processors and the licensure of laboratories that test medical marijuana. The board shall provide for the licensure of retail dispensaries and the registration of patients and their caregivers. The department and board shall administer the program.</u>	660 661 662 663 664 665 666 667
<u><b>Sec. 3796.021.</b> (A) The medical marijuana advisory committee is hereby created in the state board of pharmacy. The committee shall consist of the following:</u>	668 669 670
<u>(1) Two members who are practicing pharmacists, at least one of whom supports the use of marijuana for medical purposes and at</u>	671 672

<u>least one of whom is a member of the board of pharmacy;</u>	673
<u>(2) Two members who are practicing physicians, at least one of whom supports the use of marijuana for medical purposes and at least one of whom is a member of the state medical board;</u>	674 675 676
<u>(3) A member who represents local law enforcement;</u>	677
<u>(4) A member who represents employers;</u>	678
<u>(5) A member who represents labor;</u>	679
<u>(6) A member who represents persons involved in mental health treatment;</u>	680 681
<u>(7) A member who is a nurse;</u>	682
<u>(8) A member who represents caregivers;</u>	683
<u>(9) A member who represents patients;</u>	684
<u>(10) A member who represents agriculture;</u>	685
<u>(11) A member who represents persons involved in the treatment of alcohol and drug addiction;</u>	686 687
<u>(12) A member who engages in academic research.</u>	688
<u>(B) The governor shall appoint the members described in divisions (A)(1), (2), (4), (10), (11), and (12) of this section. The senate president shall appoint the members described in divisions (A)(3) and (8) of this section. The minority leader of the senate shall appoint the member described in division (A)(7) of this section. The speaker of the house of representatives shall appoint the members described in divisions (A)(6) and (9) of this section. The minority leader of the house of representatives shall appoint the member described in division (A)(5) of this section. Not more than six members shall be of the same political party.</u>	689 690 691 692 693 694 695 696 697 698
<u>(C) Appointments to the committee shall be made not later than thirty days after the effective date of this section.</u>	699 700
<u>(D) Each member of the committee shall serve from the date of</u>	701

appointment until the committee ceases to exist, except that 702  
members serve at the pleasure of the appointing authority. 703  
Vacancies shall be filled in the same manner as original 704  
appointments. 705

(E) The governor shall select a member of the committee to 706  
serve as its chairperson. 707

(F) Each member of the committee shall receive a per diem 708  
compensation determined in accordance with division (J) of section 709  
124.15 of the Revised Code. In addition, each member shall receive 710  
actual and necessary travel expenses in connection with committee 711  
meetings and business. 712

(G) The committee shall hold its initial meeting not later 713  
than thirty days after the last member of the committee is 714  
appointed. The committee may develop and submit to the department 715  
of commerce, state board of pharmacy, and the state medical board 716  
any recommendations related to the medical marijuana control 717  
program and the implementation and enforcement of Chapter 3796. of 718  
the Revised Code. 719

(H) The committee is not subject to sections 101.82 to 101.87 720  
of the Revised Code. 721

(I) The committee shall cease to exist on the date that 722  
occurs five years and thirty days after the effective date of this 723  
act. 724

**Sec. 3796.03.** (A)(1) Except as provided in division (A)(2) of 725  
this section, not later than one year after the effective date of 726  
this section, the department of commerce shall adopt rules 727  
establishing standards and procedures for the medical marijuana 728  
control program. 729

(2) The department shall adopt rules establishing standards 730  
and procedures for the licensure of cultivators not later than two 731



<u>hundred forty days after the effective date of this section.</u>	732
<u>(3) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.</u>	733 734
<u>(B) The rules shall do all of the following:</u>	735
<u>(1) Establish application procedures and fees for licenses it issues under this chapter;</u>	736 737
<u>(2) Specify all of the following:</u>	738
<u>(a) The conditions that must be met to be eligible for licensure;</u>	739 740
<u>(b) Subject to division (B)(2)(c) of this section, the criminal offenses for which an applicant will be disqualified from licensure;</u>	741 742 743
<u>(c) Which of the criminal offenses specified pursuant to division (B)(2)(b) of this section will not disqualify an applicant from licensure if the applicant was convicted of or pleaded guilty to the offense more than five years before the date the application for licensure is filed.</u>	744 745 746 747 748
<u>(3) Establish, in accordance with section 3796.05 of the Revised Code, the number of cultivator licenses that will be permitted at any one time;</u>	749 750 751
<u>(4) Establish a license renewal schedule, renewal procedures, and renewal fees;</u>	752 753
<u>(5) Specify reasons for which a license may be suspended, including without prior hearing, revoked, or not be renewed or issued and the reasons for which a civil penalty may be imposed on a license holder;</u>	754 755 756 757
<u>(6) Establish standards under which a license suspension may be lifted;</u>	758 759
<u>(7) Specify if a cultivator, processor, or laboratory that is</u>	760

licensed under this chapter and that existed at a location before 761  
a school, church, public library, public playground, or public 762  
park became established within five hundred feet of the 763  
cultivator, processor, or laboratory, may remain in operation or 764  
shall relocate or have its license revoked by the board; 765

(8) Specify both of the following: 766

(a) Subject to division (B)(8)(b) of this section, the 767  
criminal offenses for which a person will be disqualified from 768  
employment with a license holder; 769

(b) Which of the criminal offenses specified pursuant to 770  
division (B)(8)(a) of this section will not disqualify a person 771  
from employment with a license holder if the person was convicted 772  
of or pleaded guilty to the offense more than five years before 773  
the date the employment begins. 774

(9) Establish, in accordance with section 3796.05 of the 775  
Revised Code, standards and procedures for the testing of medical 776  
marijuana by a laboratory licensed under this chapter. 777

(C) In addition to the rules described in division (B) of 778  
this section, the department may adopt any other rules it 779  
considers necessary for the program's administration and the 780  
implementation and enforcement of this chapter. 781

(D) When adopting rules under this section, the department 782  
shall consider standards and procedures that have been found to be 783  
best practices relative to the use and regulation of medical 784  
marijuana. 785

**Sec. 3796.031.** (A) The director of commerce may, in 786  
accordance with Chapter 119. of the Revised Code, adopt rules that 787  
establish a closed-loop payment processing system under which the 788  
state creates accounts to be used only by registered patients and 789  
caregivers at licensed dispensaries as well as by all license 790

holders under this chapter. The system may include record-keeping 791  
and accounting functions that identify all parties involved in 792  
those transactions. The purpose of the system is to prevent all of 793  
the following: 794

(1) Revenue from the sale of marijuana from going to criminal 795  
enterprises, gangs, and cartels; 796

(2) The diversion of marijuana from a state where it is legal 797  
in some form under that state's law to another state; 798

(3) The distribution of marijuana to minors; 799

(4) The use of state-authorized marijuana activity as a cover 800  
or pretext for the trafficking of other illegal drugs or for other 801  
illegal activity. 802

(B) The information recorded by the system shall be fully 803  
accessible to the state board of pharmacy and all state and 804  
federal law enforcement agencies, including the United States 805  
department of the treasury's financial crimes enforcement network. 806

**Sec. 3796.032.** This chapter does not authorize the department 807  
of commerce or the state board of pharmacy to oversee or limit 808  
research conducted at a state university, academic medical center, 809  
or private research and development organization that is related 810  
to marijuana and is approved by an agency, board, center, 811  
department, or institute of the United States government, 812  
including any of the following: 813

(A) The agency for health care research and quality; 814

(B) The national institutes of health; 815

(C) The national academy of sciences; 816

(D) The centers for medicare and medicaid services; 817

(E) The United States department of defense; 818

(F) The centers for disease control and prevention; 819

<u>(G) The United States department of veterans affairs;</u>	820
<u>(H) The drug enforcement administration;</u>	821
<u>(I) The food and drug administration;</u>	822
<u>(J) Any board recognized by the national institutes of health</u>	823
<u>for the purpose of evaluating the medical value of health care</u>	824
<u>services.</u>	825
<u>Sec. 3796.04. (A)(1) Not later than one year after the</u>	826
<u>effective date of this section, the board of pharmacy shall adopt</u>	827
<u>rules establishing standards and procedures for the medical</u>	828
<u>marijuana control program.</u>	829
<u>(2) All rules adopted under this section shall be adopted in</u>	830
<u>accordance with Chapter 119. of the Revised Code.</u>	831
<u>(B) The rules shall do all of the following:</u>	832
<u>(1) Establish application procedures and fees for licenses</u>	833
<u>and registrations it issues under this chapter;</u>	834
<u>(2) Specify all of the following:</u>	835
<u>(a) The conditions that must be met to be eligible for</u>	836
<u>licensure;</u>	837
<u>(b) Subject to division (B)(2)(c) of this section, the</u>	838
<u>criminal offenses for which an applicant will be disqualified from</u>	839
<u>licensure;</u>	840
<u>(c) Which of the criminal offenses specified pursuant to</u>	841
<u>division (B)(2)(b) of this section will not disqualify an</u>	842
<u>applicant from licensure if the applicant was convicted of or</u>	843
<u>pleaded guilty to the offense more than five years before the date</u>	844
<u>the application for licensure is filed.</u>	845
<u>(3) Establish, in accordance with section 3796.05 of the</u>	846
<u>Revised Code, the number of retail dispensary licenses that will</u>	847
<u>be permitted at any one time;</u>	848

- (4) Establish a license or registration renewal schedule, renewal procedures, and renewal fees; 849  
850
- (5) Specify reasons for which a license or registration may be suspended, including without prior hearing, revoked, or not be renewed or issued and the reasons for which a civil penalty may be imposed on a license holder; 851  
852  
853  
854
- (6) Establish standards under which a license or registration suspension may be lifted; 855  
856
- (7) Establish procedures for registration of patients and caregivers and requirements that must be met to be eligible for registration; 857  
858  
859
- (8) Establish training requirements for employees of retail dispensaries; 860  
861
- (9) Specify if a retail dispensary that is licensed under this chapter and that existed at a location before a school, church, public library, public playground, or public park became established within five hundred feet of the retail dispensary may remain in operation or shall relocate or have its license revoked by the board; 862  
863  
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866  
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- (10) Specify, by form and tetrahydrocannabinol content, a maximum ninety-day supply of medical marijuana that may be possessed; 868  
869  
870
- (11) Specify the paraphernalia or other accessories that may be used in the administration to a registered patient of medical marijuana; 871  
872  
873
- (12) Establish procedures for the issuance of patient or caregiver identification cards; 874  
875
- (13) Specify the forms of or methods of using medical marijuana that are attractive to children; 876  
877
- (14) Specify both of the following: 878

(a) Subject to division (B)(14)(b) of this section, the 879  
criminal offenses for which a person will be disqualified from 880  
employment with a license holder; 881

(b) Which of the criminal offenses specified pursuant to 882  
division (B)(14)(a) of this section will not disqualify a person 883  
from employment with a license holder if the person was convicted 884  
of or pleaded guilty to the offense more than five years before 885  
the date the employment begins. 886

(15) Establish a program to assist patients who are veterans 887  
or indigent in obtaining medical marijuana in accordance with this 888  
chapter. 889

(C) In addition to the rules described in division (B) of 890  
this section, the board may adopt any other rules it considers 891  
necessary for the program's administration and the implementation 892  
and enforcement of this chapter. 893

(D) When adopting rules under this section, the board shall 894  
consider standards and procedures that have been found to be best 895  
practices relative to the use and regulation of medical marijuana. 896

**Sec. 3796.05.** (A) When establishing the number of cultivator 897  
licenses that will be permitted at any one time, the department of 898  
commerce shall consider both of the following: 899

(1) The population of this state; 900

(2) The number of patients seeking to use medical marijuana. 901

(B) When establishing the number of retail dispensary 902  
licenses that will be permitted at any one time, the state board 903  
of pharmacy shall consider all of the following: 904

(1) The population of this state; 905

(2) The number of patients seeking to use medical marijuana; 906

(3) The geographic distribution of dispensary sites in an 907

<u>effort to ensure patient access to medical marijuana.</u>	908
<u>(C) When establishing standards and procedures for the</u>	909
<u>testing of medical marijuana, the department shall do all of the</u>	910
<u>following:</u>	911
<u>(1) Specify when testing must be conducted;</u>	912
<u>(2) Determine the minimum amount of medical marijuana that</u>	913
<u>must be tested;</u>	914
<u>(3) Specify the manner in which testing is to be conducted in</u>	915
<u>an effort to ensure uniformity of medical marijuana products</u>	916
<u>processed for and dispensed to patients;</u>	917
<u>(4) Specify the manner in which test results are provided.</u>	918
<b><u>Sec. 3796.06. (A) Only the following forms of medical</u></b>	919
<b><u>marijuana may be dispensed under this chapter:</u></b>	920
<u>(1) Oils;</u>	921
<u>(2) Tinctures;</u>	922
<u>(3) Plant material;</u>	923
<u>(4) Edibles;</u>	924
<u>(5) Patches;</u>	925
<u>(6) Any other form approved by the state board of pharmacy</u>	926
<u>under section 3796.061 of the Revised Code.</u>	927
<u>(B) With respect to the methods of using medical marijuana,</u>	928
<u>all of the following apply:</u>	929
<u>(1) The smoking or combustion of medical marijuana is</u>	930
<u>prohibited.</u>	931
<u>(2) The vaporization of medical marijuana is permitted;</u>	932
<u>(3) The state board of pharmacy may approve additional</u>	933
<u>methods of using medical marijuana, other than smoking or</u>	934

combustion, under section 3796.061 of the Revised Code. 935

(C) Any form or method that is considered attractive to 936  
children, as specified in rules adopted by the board, is 937  
prohibited. 938

(D) With respect to tetrahydrocannabinol content, all of the 939  
following apply: 940

(1) Plant material shall have a tetrahydrocannabinol content 941  
of not more than thirty-five per cent. 942

(2) Extracts shall have a tetrahydrocannabinol content of not 943  
more than seventy per cent. 944

**Sec. 3796.061.** (A) Any person may submit a petition to the 945  
state board of pharmacy requesting that a form of or method of 946  
using medical marijuana be approved for the purposes of section 947  
3796.06 of the Revised Code. A petition shall be submitted to the 948  
board in a manner prescribed by the board. A petition shall not 949  
seek to approve a method of using medical marijuana that involves 950  
smoking or combustion. 951

(B) On receipt of a petition, the board shall review it to 952  
determine whether to approve the form of or method of using 953  
medical marijuana described in the petition. The board may 954  
consolidate the review of petitions for the same or similar forms 955  
or methods. In making its determination, the board shall consult 956  
with one or more experts and review any relevant scientific 957  
evidence. 958

(C) The board shall approve or deny the petition in 959  
accordance with any rules adopted by the board under this section. 960  
The board's decision is final. 961

(D) The board may adopt rules as necessary to implement this 962  
section. The rules shall be adopted in accordance with Chapter 963  
119. of the Revised Code. 964



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

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

The department and any entity under contract with the department shall not make public any information reported to or collected by the department under this division that identifies or would tend to identify any specific patient.

Sec. 3796.08. (A)(1) A patient seeking to use medical marijuana or a caregiver seeking to assist a patient in the use or administration of medical marijuana shall apply to the state board of pharmacy for registration. The physician who holds a certificate to recommend issued by the state medical board and is treating the patient or the physician's delegate shall submit the application on the patient's or caregiver's behalf in the manner established in rules adopted under section 3796.04 of the Revised Code.

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

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

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

(ii) That the patient has been diagnosed with a qualifying medical condition; 995  
996

(iii) That the physician or physician delegate has requested from the drug database a report of information related to the patient that covers at least the twelve months immediately preceding the date of the report; 997  
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1000

(iv) That the physician has informed the patient of the risks and benefits of medical marijuana as it pertains to the patient's qualifying medical condition and medical history; 1001  
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1003

(v) That the physician has informed the patient that it is the physician's opinion that the benefits of medical marijuana outweigh its risks. 1004  
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(b) In the case of an application submitted on behalf of a patient, the name or names of the one or more caregivers that will assist the patient in the use or administration of medical marijuana; 1007  
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(c) In the case of an application submitted on behalf of a caregiver, the name of the patient or patients that the caregiver seeks to assist in the use or administration of medical marijuana. 1011  
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(3) If the application is complete and meets the requirements established in rules, the board shall register the patient or caregiver and issue to the patient or caregiver an identification card. 1014  
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(B) The board shall not make public any information reported to or collected by the board under this section that identifies or would tend to identify any specific patient. 1018  
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Information collected by the board pursuant to this section is confidential and not a public record. The board may share identifying information with a licensed retail dispensary for the purpose of confirming that a person has a valid registration. 1021  
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Information that does not identify a person may be released in 1025  
summary, statistical, or aggregate form. 1026

(C) A registration expires according to the renewal schedule 1027  
established in rules adopted under section 3796.04 of the Revised 1028  
Code and may be renewed in accordance with procedures established 1029  
in those rules. 1030

**Sec. 3796.09.** (A) An entity that seeks to cultivate or 1031  
process medical marijuana or to conduct laboratory testing of 1032  
medical marijuana shall file an application for licensure with the 1033  
department of commerce. The entity shall file an application for 1034  
each location from which it seeks to operate. Each application 1035  
shall be submitted in accordance with rules adopted under section 1036  
3796.03 of the Revised Code. 1037

(B) The department shall issue a license to an applicant if 1038  
all of the following conditions are met: 1039

(1) The report of the criminal records check conducted 1040  
pursuant to section 3796.12 of the Revised Code with respect to 1041  
the application demonstrates the following: 1042

(a) Subject to division (B)(1)(b) of this section that the 1043  
person subject to the criminal records check requirement has not 1044  
been convicted of or pleaded guilty to any of the disqualifying 1045  
offenses specified in rules adopted under division (B)(2)(b) of 1046  
section 3796.03 of the Revised Code; 1047

(b) That the disqualifying offense the person was convicted 1048  
of or pleaded guilty to is one of the offenses specified in rules 1049  
adopted under division (B)(2)(c) of section 3796.03 of the Revised 1050  
Code and the person was convicted of or pleaded guilty to the 1051  
offense more than five years before the date the application for 1052  
licensure is filed. 1053

(2) The applicant demonstrates that it does not have an 1054

<u>ownership or investment interest in or compensation arrangement</u>	1055
<u>with any of the following:</u>	1056
<u>(a) A laboratory licensed under this chapter;</u>	1057
<u>(b) An applicant for a license to conduct laboratory testing.</u>	1058
<u>(3) The applicant demonstrates that it does not share any</u>	1059
<u>corporate officers or employees with any of the following:</u>	1060
<u>(a) A laboratory licensed under this chapter;</u>	1061
<u>(b) An applicant for a license to conduct laboratory testing.</u>	1062
<u>(4) The applicant demonstrates that it will not be located</u>	1063
<u>within five hundred feet of a school, church, public library,</u>	1064
<u>public playground, or public park.</u>	1065
<u>(5) The information provided to the department pursuant to</u>	1066
<u>section 3796.11 of the Revised Code demonstrates that the</u>	1067
<u>applicant is in compliance with the applicable tax laws of this</u>	1068
<u>state.</u>	1069
<u>(6) The applicant meets all other licensure eligibility</u>	1070
<u>conditions established in rules adopted under section 3796.03 of</u>	1071
<u>the Revised Code.</u>	1072
<u>(C) The department shall issue not less than fifteen per cent</u>	1073
<u>of cultivator, processor, or laboratory licenses to entities that</u>	1074
<u>are owned and controlled by United States citizens who are</u>	1075
<u>residents of this state and are members of one of the following</u>	1076
<u>economically disadvantaged groups: Blacks or African Americans,</u>	1077
<u>American Indians, Hispanics or Latinos, and Asians. If no</u>	1078
<u>applications or an insufficient number of applications are</u>	1079
<u>submitted by such entities that meet the conditions set forth in</u>	1080
<u>division (B) of this section, the licenses shall be issued</u>	1081
<u>according to usual procedures.</u>	1082
<u>As used in this division, "owned and controlled" means that</u>	1083
<u>at least fifty-one per cent of the business, including corporate</u>	1084

stock if a corporation, is owned by persons who belong to one or 1085  
more of the groups set forth in this division, and that those 1086  
owners have control over the management and day-to-day operations 1087  
of the business and an interest in the capital, assets, and 1088  
profits and losses of the business proportionate to their 1089  
percentage of ownership. 1090

(D) A license expires according to the renewal schedule 1091  
established in rules adopted under section 3796.03 of the Revised 1092  
Code and may be renewed in accordance with the procedures 1093  
established in those rules. 1094

**Sec. 3796.10.** (A) An entity that seeks to dispense at retail 1095  
medical marijuana shall file an application for licensure with the 1096  
state board of pharmacy. The entity shall file an application for 1097  
each location from which it seeks to operate. Each application 1098  
shall be submitted in accordance with rules adopted under section 1099  
3796.04 of the Revised Code. 1100

(B) The board shall issue a license to an applicant if all of 1101  
the following conditions are met: 1102

(1) The report of the criminal records check conducted 1103  
pursuant to section 3796.12 of the Revised Code with respect to 1104  
the application demonstrates the following: 1105

(a) Subject to division (B)(1)(b) of this section, that the 1106  
person subject to the criminal records check requirement has not 1107  
been convicted of or pleaded guilty to any of the disqualifying 1108  
offenses specified in rules adopted under division (B)(2)(b) of 1109  
section 3796.04 of the Revised Code; 1110

(b) That the disqualifying offense the person was convicted 1111  
of or pleaded guilty to is one of the offenses specified in rules 1112  
adopted under division (B)(2)(c) of section 3796.04 of the Revised 1113  
Code and the person was convicted of or pleaded guilty to the 1114

offense more than five years before the date the application for licensure is filed. 1115  
1116

(2) The applicant demonstrates that it does not have an ownership or investment interest in or compensation arrangement with any of the following: 1117  
1118  
1119

(a) A laboratory licensed under this chapter; 1120

(b) An applicant for a license to conduct laboratory testing. 1121

(3) The applicant demonstrates that it does not share any corporate officers or employees with any of the following: 1122  
1123

(a) A laboratory licensed under this chapter; 1124

(b) An applicant for a license to conduct laboratory testing. 1125

(4) The applicant demonstrates that it will not be located within five hundred feet of a school, church, public library, public playground, or public park. 1126  
1127  
1128

(5) The information provided to the board pursuant to section 3796.11 of the Revised Code demonstrates that the applicant is in compliance with the applicable tax laws of this state. 1129  
1130  
1131

(6) The applicant meets all other licensure eligibility conditions established in rules adopted under section 3796.04 of the Revised Code. 1132  
1133  
1134

(C) The board shall issue not less than fifteen per cent of retail dispensary licenses to entities that are owned and controlled by United States citizens who are residents of this state and are members of one of the following economically disadvantaged groups: Blacks or African Americans, American Indians, Hispanics or Latinos, and Asians. If no applications or an insufficient number of applications are submitted by such entities that meet the conditions set forth in division (B) of this section, the licenses shall be issued according to usual procedures. 1135  
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As used in this division, "owned and controlled" means that 1145  
at least fifty-one per cent of the business, including corporate 1146  
stock if a corporation, is owned by persons who belong to one or 1147  
more of the groups set forth in this division, and that those 1148  
owners have control over the management and day-to-day operations 1149  
of the business and an interest in the capital, assets, and 1150  
profits and losses of the business proportionate to their 1151  
percentage of ownership. 1152

(D) A license expires according to the renewal schedule 1153  
established in rules adopted under section 3796.04 of the Revised 1154  
Code and may be renewed in accordance with the procedures 1155  
established in those rules. 1156

**Sec. 3796.11.** (A)(1) Notwithstanding section 149.43 of the 1157  
Revised Code or any other public records law to the contrary or 1158  
any law relating to the confidentiality of tax return information, 1159  
upon the request of the department of commerce or state board of 1160  
pharmacy, the department of taxation shall provide to the 1161  
department of commerce or board all of the following information: 1162

(a) Whether an applicant for licensure under this chapter is 1163  
in compliance with the applicable tax laws of this state; 1164

(b) Any past or pending violation by the applicant of those 1165  
tax laws, and any penalty imposed on the applicant for such a 1166  
violation. 1167

(2) The department of commerce or board shall request the 1168  
information only as it pertains to an application for licensure 1169  
that the department of commerce or board, as applicable, is 1170  
reviewing. 1171

(3) The department of taxation may charge the department of 1172  
commerce or board a reasonable fee to cover the administrative 1173  
cost of providing the information. 1174

(B) Information received under this section is confidential. 1175  
Except as otherwise permitted by other state law or federal law, 1176  
the department of commerce or board shall not make the information 1177  
available to any person other than the applicant for licensure to 1178  
whom the information applies. 1179

**Sec. 3796.12.** (A) As used in this section, "criminal records 1180  
check" has the same meaning as in section 109.572 of the Revised 1181  
Code. 1182

(B)(1) As part of the application process for a license 1183  
issued under this chapter, the department of commerce or state 1184  
board of pharmacy, whichever is issuing the license, shall require 1185  
each of the following to complete a criminal records check: 1186

(a) An administrator or other person responsible for the 1187  
daily operation of the entity seeking the license; 1188

(b) An owner or prospective owner, officer or prospective 1189  
officer, or board member or prospective board member of the entity 1190  
seeking the license. 1191

(2) If a person subject to the criminal records check 1192  
requirement does not present proof of having been a resident of 1193  
this state for the five-year period immediately prior to the date 1194  
the criminal records check is requested or provide evidence that 1195  
within that five-year period the superintendent of the bureau of 1196  
criminal identification and investigation has requested 1197  
information about the person from the federal bureau of 1198  
investigation in a criminal records check, the department or board 1199  
shall request that the person obtain through the superintendent a 1200  
criminal records request from the federal bureau of investigation 1201  
as part of the criminal records check of the person. Even if a 1202  
person presents proof of having been a resident of this state for 1203  
the five-year period, the department or board may request that the 1204  
person obtain information through the superintendent from the 1205



<u>federal bureau of investigation in the criminal records check.</u>	1206
<u>(C) The department or board shall provide the following to</u>	1207
<u>each person who is subject to the criminal records check</u>	1208
<u>requirement:</u>	1209
<u>(1) Information about accessing, completing, and forwarding</u>	1210
<u>to the superintendent of the bureau of criminal identification and</u>	1211
<u>investigation the form prescribed pursuant to division (C)(1) of</u>	1212
<u>section 109.572 of the Revised Code and the standard impression</u>	1213
<u>sheet to obtain fingerprint impressions prescribed pursuant to</u>	1214
<u>division (C)(2) of that section;</u>	1215
<u>(2) Written notification that the person is to instruct the</u>	1216
<u>superintendent to submit the completed report of the criminal</u>	1217
<u>records check directly to the department or board.</u>	1218
<u>(D) Each person who is subject to the criminal records check</u>	1219
<u>requirement shall pay to the bureau of criminal identification and</u>	1220
<u>investigation the fee prescribed pursuant to division (C)(3) of</u>	1221
<u>section 109.572 of the Revised Code for the criminal records check</u>	1222
<u>conducted of the person.</u>	1223
<u>(E) The report of any criminal records check conducted by the</u>	1224
<u>bureau of criminal identification and investigation in accordance</u>	1225
<u>with section 109.572 of the Revised Code and pursuant to a request</u>	1226
<u>made under this section is not a public record for the purposes of</u>	1227
<u>section 149.43 of the Revised Code and shall not be made available</u>	1228
<u>to any person other than the following:</u>	1229
<u>(1) The person who is the subject of the criminal records</u>	1230
<u>check or the person's representative;</u>	1231
<u>(2) The members and staff of the department or board;</u>	1232
<u>(3) A court, hearing officer, or other necessary individual</u>	1233
<u>involved in a case dealing with either of the following:</u>	1234
<u>(a) A license denial resulting from the criminal records</u>	1235

<u>check;</u>	1236
<u>(b) A civil or criminal action regarding the medical marijuana control program or any violation of this chapter.</u>	1237 1238
<u>(F) The department or board shall deny a license if, after receiving the information and notification required by this section, a person subject to the criminal records check requirement fails to do either of the following:</u>	1239 1240 1241 1242
<u>(1) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C)(2) of that section;</u>	1243 1244 1245 1246 1247
<u>(2) Instruct the superintendent to submit the completed report of the criminal records check directly to the department or board.</u>	1248 1249 1250
<b><u>Sec. 3796.13.</u></b> <u>(A) Each person seeking employment with an entity licensed under this chapter shall comply with sections 4776.01 to 4776.04 of the Revised Code. Except as provided in division (B) of this section, such an entity shall not employ the person unless the person complies with those sections and the report of the resulting criminal records check demonstrates that the person has not been convicted of or pleaded guilty to the following:</u>	1251 1252 1253 1254 1255 1256 1257 1258
<u>(1) Any of the disqualifying offenses specified in rules adopted under division (B)(8)(a) of section 3796.03 of the Revised Code if the person is seeking employment with an entity licensed by the department of commerce under this chapter;</u>	1259 1260 1261 1262
<u>(2) Any of the disqualifying offenses specified in rules adopted under division (B)(14)(a) of section 3796.04 of the Revised Code if the person is seeking employment with an entity</u>	1263 1264 1265

licensed by the state board of pharmacy under this chapter. 1266

(B) An entity is not prohibited by division (A) of this section from employing a person if the following applies: 1267  
1268

(1) In the case of a person seeking employment with an entity licensed by the department of commerce under this chapter, the disqualifying offense the person was convicted of or pleaded guilty to is one of the offenses specified in rules adopted under division (B)(8)(b) of section 3796.03 of the Revised Code and the person was convicted of or pleaded guilty to the offense more than five years before the date the employment begins. 1269  
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(2) In the case of a person seeking employment with an entity licensed by the state board of pharmacy under this chapter, the disqualifying offense the person was convicted of or pleaded guilty to is one of the offenses specified in rules adopted under division (B)(14)(b) of section 3796.04 of the Revised Code and the person was convicted of or pleaded guilty to the offense more than five years before the date the employment begins. 1276  
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**Sec. 3796.14.** (A)(1) The department of commerce may do any of the following for any reason specified in rules adopted under section 3796.03 of the Revised Code: 1283  
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(a) Suspend, suspend without prior hearing, revoke, or refuse to renew a license it issued under this chapter; 1286  
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(b) Refuse to issue a license; 1288

(c) Impose on a license holder a civil penalty in an amount to be determined by the department. 1289  
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The department's actions under this division shall be taken in accordance with Chapter 119. of the Revised Code. 1291  
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(2) The department may inspect the premises of an applicant for licensure or holder of a current, valid cultivator, processor, or laboratory license issued under this chapter without prior 1293  
1294  
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<u>notice to the applicant or license holder.</u>	1296
<u>(B)(1) The state board of pharmacy may do any of the</u>	1297
<u>following for any reason specified in rules adopted under section</u>	1298
<u>3796.04 of the Revised Code:</u>	1299
<u>(a) Suspend, suspend without prior hearing, revoke, or refuse</u>	1300
<u>to renew a license or registration it issued under this chapter;</u>	1301
<u>(b) Refuse to issue a license;</u>	1302
<u>(c) Impose on a license holder a civil penalty in an amount</u>	1303
<u>to be determined by the board.</u>	1304
<u>The board's actions under this division shall be taken in</u>	1305
<u>accordance with Chapter 119. of the Revised Code.</u>	1306
<u>(2) The board may inspect all of the following without prior</u>	1307
<u>notice to the applicant or license holder:</u>	1308
<u>(a) The premises of an applicant for licensure;</u>	1309
<u>(b) The premises of and all records maintained pursuant to</u>	1310
<u>this chapter by a holder of a current, valid retail dispensary</u>	1311
<u>license.</u>	1312
<u>(3) With respect to a suspension without prior hearing, the</u>	1313
<u>board may utilize a telephone conference call to review the</u>	1314
<u>allegations and take a vote. The board shall suspend without prior</u>	1315
<u>hearing only if it finds clear and convincing evidence that</u>	1316
<u>continued distribution of medical marijuana presents a danger of</u>	1317
<u>immediate and serious harm to others. The board shall comply with</u>	1318
<u>section 119.07 of the Revised Code.</u>	1319
<u>The suspension shall remain in effect, unless lifted by the</u>	1320
<u>board, until the board issues its final adjudication order. If the</u>	1321
<u>board does not issue the order within ninety days after the</u>	1322
<u>adjudication hearing, the suspension shall be lifted on the</u>	1323
<u>ninety-first day following the hearing.</u>	1324

Sec. 3796.15. (A) The state board of pharmacy shall enforce, 1325  
or cause to be enforced, sections 3796.08, 3796.10, 3796.20, 1326  
3796.22, and 3796.23 of the Revised Code. If it has information 1327  
that any provision of those sections or any rule adopted under 1328  
this chapter has been violated, it shall investigate the matter 1329  
and take any action as it considers appropriate. 1330

(B) Nothing in this chapter shall be construed to require the 1331  
state board of pharmacy to enforce minor violations if the board 1332  
determines that the public interest is adequately served by a 1333  
notice or warning to the alleged offender. 1334

(C) If the board suspends, revokes, or refuses to renew any 1335  
license or registration issued under this chapter and determines 1336  
that there is clear and convincing evidence of a danger of 1337  
immediate and serious harm to any person, the board may place 1338  
under seal all medical marijuana owned by or in the possession, 1339  
custody, or control of the affected license holder or registrant. 1340  
Except as provided in this division, the board shall not dispose 1341  
of the medical marijuana sealed under this division until the 1342  
license holder or registrant exhausts all of the holder's or 1343  
registrant's appeal rights under Chapter 119. of the Revised Code. 1344  
The court involved in such an appeal may order the board, during 1345  
the pendency of the appeal, to sell medical marijuana that is 1346  
perishable. The board shall deposit the proceeds of the sale with 1347  
the court. 1348

Sec. 3796.16. (A)(1) The state board of pharmacy shall 1349  
attempt in good faith to negotiate and enter into a reciprocity 1350  
agreement with any other state under which a medical marijuana 1351  
registry identification card or equivalent authorization that is 1352  
issued by the other state is recognized in this state, if the 1353  
board determines that both of the following apply: 1354

(a) The eligibility requirements imposed by the other state for that authorization are substantially comparable to the eligibility requirements for a patient or caregiver registration and identification card issued under this chapter. 1355  
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(b) The other state recognizes a patient or caregiver registration and identification card issued under this chapter. 1359  
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(2) The board shall not negotiate any agreement with any other state under which an authorization issued by the other state is recognized in this state other than as provided in division (A)(1) of this section. 1361  
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(B) If a reciprocity agreement is entered into in accordance with division (A) of this section, the authorization issued by the other state shall be recognized in this state, shall be accepted and valid in this state, and grants the patient or caregiver the same right to use, possess, obtain, or administer medical marijuana in this state as a patient or caregiver who was registered and issued an identification card under this chapter. 1365  
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(C) The board may adopt any rules as necessary to implement this section. 1372  
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**Sec. 3796.17.** The state board of pharmacy shall establish a toll-free telephone line to respond to inquiries from patients, caregivers, and health professionals regarding adverse reactions to medical marijuana and to provide information about available services and assistance. The board may contract with a separate entity to establish and maintain the telephone line on behalf of the board. 1374  
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**Sec. 3796.18.** (A) Notwithstanding any conflicting provision of the Revised Code and except as provided in division (B) of this section, the holder of a current, valid cultivator license issued under this chapter may do either of the following: 1381  
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<u>(1) Cultivate medical marijuana;</u>	1385
<u>(2) Deliver or sell medical marijuana to one or more licensed processors.</u>	1386 1387
<u>(B) A cultivator license holder shall not cultivate medical marijuana for personal, family, or household use or on any public land, including a state park as defined in section 154.01 of the Revised Code.</u>	1388 1389 1390 1391
<b><u>Sec. 3796.19.</u></b> (A) <u>Notwithstanding any conflicting provision of the Revised Code, the holder of a current, valid processor license issued under this chapter may do any of the following:</u>	1392 1393 1394
<u>(1) Obtain medical marijuana from one or more licensed cultivators;</u>	1395 1396
<u>(2) Subject to division (B) of this section, process medical marijuana obtained from one or more licensed cultivators into a form described in section 3796.06 of the Revised Code;</u>	1397 1398 1399
<u>(3) Deliver or sell processed medical marijuana to one or more licensed retail dispensaries.</u>	1400 1401
<u>(B) When processing medical marijuana, a licensed processor shall do both of the following:</u>	1402 1403
<u>(1) Package the medical marijuana in accordance with child-resistant effectiveness standards described in 16 C.F.R. 1700.15(b) on the effective date of this section;</u>	1404 1405 1406
<u>(2) Label the medical marijuana packaging with the product's tetrahydrocannabinol and cannabidiol content;</u>	1407 1408
<u>(3) Comply with any packaging or labeling requirements established in rules adopted by the department of commerce under section 3796.03 of the Revised Code.</u>	1409 1410 1411
<b><u>Sec. 3796.20.</u></b> (A) <u>Notwithstanding any conflicting provision</u>	1412

<u>of the Revised Code, the holder of a current, valid retail</u>	1413
<u>dispensary license issued under this chapter may do both of the</u>	1414
<u>following:</u>	1415
<u>(1) Obtain medical marijuana from one or more processors;</u>	1416
<u>(2) Dispense or sell medical marijuana in accordance with</u>	1417
<u>division (B) of this section.</u>	1418
<u>(B) When dispensing or selling medical marijuana, a licensed</u>	1419
<u>retail dispensary shall do all of the following:</u>	1420
<u>(1) Dispense or sell only upon a showing of a current, valid</u>	1421
<u>identification card and in accordance with a written</u>	1422
<u>recommendation issued by a physician in accordance with an holding</u>	1423
<u>a certificate to recommend issued by the state medical board under</u>	1424
<u>section 4731.30 of the Revised Code;</u>	1425
<u>(2) Report to the drug database the information required by</u>	1426
<u>section 4729.771 of the Revised Code;</u>	1427
<u>(3) Label the package containing medical marijuana with the</u>	1428
<u>following information:</u>	1429
<u>(a) The name and address of the licensed processor and retail</u>	1430
<u>dispensary;</u>	1431
<u>(b) The name of the patient and caregiver, if any;</u>	1432
<u>(c) The name of the physician who recommended treatment with</u>	1433
<u>medical marijuana;</u>	1434
<u>(d) The directions for use, if any, as recommended by the</u>	1435
<u>physician;</u>	1436
<u>(e) The date on which the medical marijuana was dispensed;</u>	1437
<u>(f) The quantity, strength, kind, or form of medical</u>	1438
<u>marijuana contained in the package.</u>	1439
<u>(C) When operating a licensed retail dispensary, both of the</u>	1440



<u>following apply:</u>	1441
<u>(1) A dispensary shall use only employees who have met the training requirements established in rules adopted under section 3796.04 of the Revised Code.</u>	1442 1443 1444
<u>(2) A dispensary shall not make public any information it collects that identifies or would tend to identify any specific patient.</u>	1445 1446 1447
<u>Sec. 3796.21. (A) Notwithstanding any conflicting provision of the Revised Code, the holder of a current, valid laboratory license issued under this chapter may do both of the following:</u>	1448 1449 1450
<u>(1) Obtain medical marijuana from one or more cultivators, processors, and retail dispensaries licensed under this chapter;</u>	1451 1452
<u>(2) Conduct medical marijuana testing in the manner specified in rules adopted under section 3796.03 of the Revised Code.</u>	1453 1454
<u>(B) When testing medical marijuana, a licensed laboratory shall do both of the following:</u>	1455 1456
<u>(1) Test the marijuana for potency, homogeneity, and contamination;</u>	1457 1458
<u>(2) Prepare a report of the test results.</u>	1459
<u>Sec. 3796.22. (A) Notwithstanding any conflicting provision of the Revised Code, a patient registered under this chapter who obtains medical marijuana from a retail dispensary licensed under this chapter may do both of the following:</u>	1460 1461 1462 1463
<u>(1) Use medical marijuana;</u>	1464
<u>(2) Possess medical marijuana, subject to division (B) of this section;</u>	1465 1466
<u>(3) Possess any paraphernalia or accessories specified in rules adopted under section 3796.04 of the Revised Code.</u>	1467 1468

(B) The amount of medical marijuana possessed by a registered patient shall not exceed a ninety-day supply, as specified in rules adopted under section 3796.04 of the Revised Code. 1469  
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(C) A registered patient shall not be subject to arrest or criminal prosecution for doing any of the following in accordance with this chapter: 1472  
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(1) Obtaining, using, or possessing medical marijuana; 1475

(2) Possessing any paraphernalia or accessories specified in rules adopted under section 3796.04 of the Revised Code. 1476  
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(D) This section does not authorize a registered patient to operate a vehicle, streetcar, trackless trolley, watercraft, or aircraft while under the influence of medical marijuana. 1478  
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**Sec. 3796.23.** (A) Notwithstanding any conflicting provision of the Revised Code, a caregiver registered under this chapter who obtains medical marijuana from a retail dispensary licensed under this chapter may do both of the following: 1481  
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(1) Possess medical marijuana on behalf of a registered patient under the caregiver's care, subject to division (B) of this section; 1485  
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(2) Assist a registered patient under the caregiver's care in the use or administration of medical marijuana; 1488  
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(3) Possess any paraphernalia or accessories specified in rules adopted under section 3796.04 of the Revised Code. 1490  
1491

(B) The amount of medical marijuana possessed by a registered caregiver on behalf of a registered patient shall not exceed a ninety-day supply, as specified in rules adopted under section 3796.04 of the Revised Code. If a caregiver provides care to more than one registered patient, the caregiver shall maintain separate inventories of medical marijuana for each patient. 1492  
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(C) A registered caregiver shall not be subject to arrest or criminal prosecution for doing any of following in accordance with this chapter: 1498  
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(1) Obtaining or possessing medical marijuana on behalf of a registered patient; 1501  
1502

(2) Assisting a registered patient in the use or administration of medical marijuana; 1503  
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(3) Possessing any paraphernalia or accessories specified in rules adopted under section 3796.04 of the Revised Code. 1505  
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(D) This section does not permit a registered caregiver to personally use medical marijuana, unless the caregiver is also a registered patient. 1507  
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**Sec. 3796.24.** (A) The holder of a license, as defined in section 4776.01 of the Revised Code, is not subject to professional disciplinary action solely for engaging in professional or occupational activities related to medical marijuana. 1510  
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(B) Unless there is clear and convincing evidence that a child is unsafe, the use, possession, or administration of medical marijuana in accordance with this chapter shall not be the sole or primary basis for any of the following: 1515  
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(1) An adjudication under section 2151.28 of the Revised Code determining that a child is an abused, neglected, or dependent child; 1519  
1520  
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(2) An allocation of parental rights and responsibilities under section 3109.04 of the Revised Code; 1522  
1523

(3) A parenting time order under section 3109.051 or 3109.12 of the Revised Code. 1524  
1525

(C) Notwithstanding any conflicting provision of the Revised 1526

Code, the use or possession of medical marijuana in accordance 1527  
with this chapter shall not be used as a reason for disqualifying 1528  
a patient from medical care or from including a patient on a 1529  
transplant waiting list. 1530

(D) Notwithstanding any conflicting provision of the Revised 1531  
Code, the use, possession, administration, cultivation, 1532  
processing, testing, or dispensing of medical marijuana in 1533  
accordance with this chapter shall not be used as the sole or 1534  
primary reason for taking action under any criminal or civil 1535  
statute in the forfeiture or seizure of any property or asset. 1536

(E) Notwithstanding any conflicting provision of the Revised 1537  
Code, a person's status as a registered patient or caregiver is 1538  
not a sufficient basis for conducting a field sobriety test on the 1539  
person or for suspending the person's driver's license. To conduct 1540  
any field sobriety test, a law enforcement officer must have an 1541  
independent, factual basis giving reasonable suspicion that the 1542  
person is operating a vehicle under the influence of marijuana or 1543  
with a prohibited concentration of marijuana in the person's whole 1544  
blood, blood serum, plasma, breath, or urine. 1545

(F) Notwithstanding any conflicting provision of the Revised 1546  
Code, a person's status as a registered patient or caregiver shall 1547  
not be used as the sole or primary basis for rejecting the person 1548  
as a tenant unless the rejection is required by federal law. 1549

(G) This chapter does not do any of the following: 1550

(1) Require a physician to recommend that a patient use 1551  
medical marijuana to treat a qualifying medical condition; 1552

(2) Permit the use, possession, or administration of medical 1553  
marijuana other than as authorized by this chapter; 1554

(3) Permit the use, possession, or administration of medical 1555  
marijuana on federal land located in this state; 1556

<u>(4) Require any public place to accommodate a registered</u>	1557
<u>patient's use of medical marijuana;</u>	1558
<u>(5) Prohibit any public place from accommodating a registered</u>	1559
<u>patient's use of medical marijuana;</u>	1560
<u>(6) Restrict research related to marijuana conducted at a</u>	1561
<u>state university, academic medical center, or private research and</u>	1562
<u>development organization as part of a research protocol approved</u>	1563
<u>by an institutional review board or equivalent entity.</u>	1564
<b><u>Sec. 3796.27. (A) As used in this section:</u></b>	1565
<u>(1) "Financial institution" means any of the following:</u>	1566
<u>(a) Any bank, trust company, savings and loan association,</u>	1567
<u>savings bank, or credit union or any affiliate, agent, or employee</u>	1568
<u>of a bank, trust company, savings and loan association, savings</u>	1569
<u>bank, or credit union;</u>	1570
<u>(b) Any money transmitter licensed under sections 1315.01 to</u>	1571
<u>1315.18 of the Revised Code or any affiliate, agent, or employee</u>	1572
<u>of such a licensee.</u>	1573
<u>(2) "Financial services" means services that a financial</u>	1574
<u>institution is authorized to provide under Title XI, sections</u>	1575
<u>1315.01 to 1315.18, or Chapter 1733. of the Revised Code, as</u>	1576
<u>applicable.</u>	1577
<u>(B) A financial institution that provides financial services</u>	1578
<u>to any cultivator, processor, retail dispensary, or laboratory</u>	1579
<u>licensed under this chapter shall be exempt from any criminal law</u>	1580
<u>of this state an element of which may be proven by substantiating</u>	1581
<u>that a person provides financial services to a person who</u>	1582
<u>possesses, delivers, or manufactures marijuana or marijuana</u>	1583
<u>derived products, including section 2925.05 of the Revised Code</u>	1584
<u>and sections 2923.01 and 2923.03 of the Revised Code as those</u>	1585
<u>sections apply to violations of Chapter 2925. of the Revised Code,</u>	1586

if the cultivator, processor, retail dispensary, or laboratory is 1587  
in compliance with this chapter and the applicable tax laws of 1588  
this state. 1589

(C)(1) Notwithstanding section 149.43 of the Revised Code or 1590  
any other public records law to the contrary, upon the request of 1591  
a financial institution, the department of commerce or state board 1592  
of pharmacy shall provide to the financial institution all of the 1593  
following information: 1594

(a) Whether a person with whom the financial institution is 1595  
seeking to do business is a cultivator, processor, retail 1596  
dispensary, or laboratory licensed under this chapter; 1597

(b) The name of any other business or individual affiliated 1598  
with the person; 1599

(c) An unredacted copy of the application for a license under 1600  
this chapter, and any supporting documentation, that was submitted 1601  
by the person; 1602

(d) If applicable, information relating to sales and volume 1603  
of product sold by the person; 1604

(e) Whether the person is in compliance with this chapter; 1605

(f) Any past or pending violation by the person of this 1606  
chapter, and any penalty imposed on the person for such a 1607  
violation. 1608

(2) The department or board may charge a financial 1609  
institution a reasonable fee to cover the administrative cost of 1610  
providing the information. 1611

(D) Information received by a financial institution under 1612  
division (C) of this section is confidential. Except as otherwise 1613  
permitted by other state law or federal law, a financial 1614  
institution shall not make the information available to any person 1615  
other than the customer to whom the information applies and any 1616

trustee, conservator, guardian, personal representative, or agent 1617  
of that customer. 1618

Sec. 3796.28. (A) Nothing in this chapter does any of the 1619  
following: 1620

(1) Requires an employer to permit or accommodate an 1621  
employee's use, possession, or distribution of medical marijuana; 1622

(2) Prohibits an employer from refusing to hire, discharging, 1623  
disciplining, or otherwise taking an adverse employment action 1624  
against a person with respect to hire, tenure, terms, conditions, 1625  
or privileges of employment because of that person's use, 1626  
possession, or distribution of medical marijuana; 1627

(3) Prohibits an employer from establishing and enforcing a 1628  
drug testing policy, drug-free workplace policy, or zero-tolerance 1629  
drug policy; 1630

(4) Interferes with any federal restrictions on employment, 1631  
including the regulations adopted by the United States department 1632  
of transportation in Title 49 of the Code of Federal Regulations, 1633  
as amended; 1634

(5) Permits a person to commence a cause of action against an 1635  
employer for refusing to hire, discharging, disciplining, 1636  
discriminating, retaliating, or otherwise taking an adverse 1637  
employment action against a person with respect to hire, tenure, 1638  
terms, conditions, or privileges of employment related to medical 1639  
marijuana; 1640

(6) Affects the authority of the administrator of workers' 1641  
compensation to grant rebates or discounts on premium rates to 1642  
employers that participate in a drug-free workplace program 1643  
established in accordance with rules adopted by the administrator 1644  
under Chapter 4123. of the Revised Code. 1645

(B) A person who is discharged from employment because of 1646

that person's use of medical marijuana shall be considered to have 1647  
been discharged for just cause for purposes of division (D) of 1648  
section 4141.29 of the Revised Code if the person's use of medical 1649  
marijuana was in violation of an employer's drug-free workplace 1650  
policy, zero-tolerance policy, or other formal program or policy 1651  
regulating the use of medical marijuana. 1652

**Sec. 3796.29.** The legislative authority of a municipal 1653  
corporation may adopt an ordinance, or a board of township 1654  
trustees may adopt a resolution, to prohibit, or limit the number 1655  
of, cultivators, processors, or retail dispensaries licensed under 1656  
this chapter within the municipal corporation or within the 1657  
unincorporated territory of the township, respectively. 1658

This section does not authorize the legislative authority of 1659  
a municipal corporation or a board of township trustees to adopt 1660  
an ordinance or resolution limiting research related to marijuana 1661  
conducted at a state university, academic medical center, or 1662  
private research and development organization as part of a 1663  
research protocol approved by an institutional review board or 1664  
equivalent entity. 1665

**Sec. 3796.30.** (A) Except as provided in division (B) of this 1666  
section, no medical marijuana cultivator, processor, retail 1667  
dispensary, or laboratory that tests medical marijuana shall be 1668  
located within five hundred feet of the boundaries of a parcel of 1669  
real estate having situated on it a school, church, public 1670  
library, public playground, or public park. 1671

If the relocation of a cultivator, processor, retail 1672  
dispensary, or laboratory licensed under this chapter results in 1673  
the cultivator, processor, retail dispensary, or laboratory being 1674  
located within five hundred feet of the boundaries of a parcel of 1675  
real estate having situated on it a school, church, public 1676



library, public playground, or public park, the department of 1677  
commerce or state board of pharmacy shall revoke the license it 1678  
previously issued to the cultivator, processor, retail dispensary, 1679  
or laboratory. 1680

(B) This section does not apply to research related to 1681  
marijuana conducted at a state university, academic medical 1682  
center, or private research and development organization as part 1683  
of a research protocol approved by an institutional review board 1684  
or equivalent entity. 1685

(C) As used in this section and sections 3796.04 and 3796.12 1686  
of the Revised Code: 1687

"Church" has the meaning defined in section 1710.01 of the 1688  
Revised Code. 1689

"Public library" means a library provided for under Chapter 1690  
3375. of the Revised Code. 1691

"Public park" means a park established by the state or a 1692  
political subdivision of the state including a county, township, 1693  
municipal corporation, or park district. 1694

"Public playground" means a playground established by the 1695  
state or a political subdivision of the state including a county, 1696  
township, municipal corporation, or park district. 1697

"School" means a child day-care center as defined under 1698  
section 5104.01 of the Revised Code, a preschool as defined under 1699  
section 2950.034 of the Revised Code, or a public or nonpublic 1700  
primary school or secondary school. 1701

**Sec. 4123.54.** (A) Except as otherwise provided in this 1702  
division or divisions (I) and (K) of this section, every employee, 1703  
who is injured or who contracts an occupational disease, and the 1704  
dependents of each employee who is killed, or dies as the result 1705  
of an occupational disease contracted in the course of employment, 1706

wherever ~~such~~ the injury has occurred or occupational disease has 1707  
been contracted, ~~provided the same were not:~~ 1708

~~(1) Purposely self-inflicted; or~~ 1709

~~(2) Caused by the employee being intoxicated or under the 1710  
influence of a controlled substance not prescribed by a physician 1711  
where the intoxication or being under the influence of the 1712  
controlled substance not prescribed by a physician was the 1713  
proximate cause of the injury, is entitled to receive, either 1714  
directly from the employee's self-insuring employer as provided in 1715  
section 4123.35 of the Revised Code, or from the state insurance 1716  
fund, the compensation for loss sustained on account of the 1717  
injury, occupational disease, or death, and the medical, nurse, 1718  
and hospital services and medicines, and the amount of funeral 1719  
expenses in case of death, as are provided by this chapter. The 1720  
compensation and benefits shall be provided, as applicable, 1721  
directly from the employee's self-insuring employer as provided in 1722  
section 4123.35 of the Revised Code or from the state insurance 1723  
fund. An employee or dependent is not entitled to receive 1724  
compensation or benefits under this division if the employee's 1725  
injury or occupational disease is either of the following: 1726~~

(1) Purposely self-inflicted; 1727

(2) Caused by the employee being intoxicated, under the 1728  
influence of a controlled substance not prescribed by a physician, 1729  
or under the influence of marihuana if being intoxicated, under 1730  
the influence of a controlled substance not prescribed by a 1731  
physician, or under the influence of marihuana was the proximate 1732  
cause of the injury. 1733

(B) For the purpose of this section, provided that an 1734  
employer has posted written notice to employees that the results 1735  
of, or the employee's refusal to submit to, any chemical test 1736  
described under this division may affect the employee's 1737

eligibility for compensation and benefits pursuant to this chapter 1738  
and Chapter 4121. of the Revised Code, there is a rebuttable 1739  
presumption that an employee is intoxicated ~~or~~, under the 1740  
influence of a controlled substance not prescribed by the 1741  
employee's physician, or under the influence of marihuana and that 1742  
being intoxicated ~~or~~, under the influence of a controlled 1743  
substance not prescribed by the employee's physician, or under the 1744  
influence of marihuana is the proximate cause of an injury under 1745  
either of the following conditions: 1746

(1) When any one or more of the following is true: 1747

(a) The employee, through a qualifying chemical test 1748  
administered within eight hours of an injury, is determined to 1749  
have an alcohol concentration level equal to or in excess of the 1750  
levels established in divisions (A)(1)(b) to (i) of section 1751  
4511.19 of the Revised Code; 1752

(b) The employee, through a qualifying chemical test 1753  
administered within thirty-two hours of an injury, is determined 1754  
to have one of the following controlled substances not prescribed 1755  
by the employee's physician or marihuana in the employee's system 1756  
that tests above the following levels in an enzyme multiplied 1757  
immunoassay technique screening test and above the levels 1758  
established in division (B)(1)(c) of this section in a gas 1759  
chromatography mass spectrometry test: 1760

(i) For amphetamines, one thousand nanograms per milliliter 1761  
of urine; 1762

(ii) For cannabinoids, fifty nanograms per milliliter of 1763  
urine; 1764

(iii) For cocaine, including crack cocaine, three hundred 1765  
nanograms per milliliter of urine; 1766

(iv) For opiates, two thousand nanograms per milliliter of 1767  
urine; 1768

(v) For phencyclidine, twenty-five nanograms per milliliter of urine.	1769 1770
(c) The employee, through a qualifying chemical test administered within thirty-two hours of an injury, is determined to have one of the following controlled substances not prescribed by the employee's physician <u>or marihuana</u> in the employee's system that tests above the following levels by a gas chromatography mass spectrometry test:	1771 1772 1773 1774 1775 1776
(i) For amphetamines, five hundred nanograms per milliliter of urine;	1777 1778
(ii) For cannabinoids, fifteen nanograms per milliliter of urine;	1779 1780
(iii) For cocaine, including crack cocaine, one hundred fifty nanograms per milliliter of urine;	1781 1782
(iv) For opiates, two thousand nanograms per milliliter of urine;	1783 1784
(v) For phencyclidine, twenty-five nanograms per milliliter of urine.	1785 1786
(d) The employee, through a qualifying chemical test administered within thirty-two hours of an injury, is determined to have barbiturates, benzodiazepines, methadone, or propoxyphene in the employee's system that tests above levels established by laboratories certified by the United States department of health and human services.	1787 1788 1789 1790 1791 1792
(2) When the employee refuses to submit to a requested chemical test, on the condition that that employee is or was given notice that the refusal to submit to any chemical test described in division (B)(1) of this section may affect the employee's eligibility for compensation and benefits under this chapter and Chapter 4121. of the Revised Code.	1793 1794 1795 1796 1797 1798

(C)(1) For purposes of division (B) of this section, a  
chemical test is a qualifying chemical test if it is administered  
to an employee after an injury under at least one of the following  
conditions:

(a) When the employee's employer had reasonable cause to  
suspect that the employee may be intoxicated ~~or~~ under the  
influence of a controlled substance not prescribed by the  
employee's physician, or under the influence of marihuana;

(b) At the request of a police officer pursuant to section  
4511.191 of the Revised Code, and not at the request of the  
employee's employer;

(c) At the request of a licensed physician who is not  
employed by the employee's employer, and not at the request of the  
employee's employer.

(2) As used in division (C)(1)(a) of this section,  
"reasonable cause" means, but is not limited to, evidence that an  
employee is or was using alcohol ~~or~~ a controlled substance, or  
marihuana drawn from specific, objective facts and reasonable  
inferences drawn from these facts in light of experience and  
training. These facts and inferences may be based on, but are not  
limited to, any of the following:

(a) Observable phenomena, such as direct observation of use,  
possession, or distribution of alcohol ~~or~~ a controlled substance, or  
marihuana, or of the physical symptoms of being under the  
influence of alcohol ~~or~~ a controlled substance, or marihuana,  
such as but not limited to slurred speech, dilated pupils, odor  
of alcohol ~~or~~ a controlled substance, or marihuana; changes in  
affect, or dynamic mood swings;

(b) A pattern of abnormal conduct, erratic or aberrant  
behavior, or deteriorating work performance such as frequent  
absenteeism, excessive tardiness, or recurrent accidents, that

appears to be related to the use of alcohol ~~or~~, a controlled 1830  
substance, or marihuana, and does not appear to be attributable to 1831  
other factors; 1832

(c) The identification of an employee as the focus of a 1833  
criminal investigation into unauthorized possession, use, or 1834  
trafficking of a controlled substance or marihuana; 1835

(d) A report of use of alcohol ~~or~~, a controlled substance, or 1836  
marihuana provided by a reliable and credible source; 1837

(e) Repeated or flagrant violations of the safety or work 1838  
rules of the employee's employer, that are determined by the 1839  
employee's supervisor to pose a substantial risk of physical 1840  
injury or property damage and that appear to be related to the use 1841  
of alcohol ~~or~~, a controlled substance, or marihuana and that do 1842  
not appear attributable to other factors. 1843

(D) Nothing in this section shall be construed to affect the 1844  
rights of an employer to test employees for alcohol or controlled 1845  
substance abuse. 1846

(E) For the purpose of this section, laboratories certified 1847  
by the United States department of health and human services or 1848  
laboratories that meet or exceed the standards of that department 1849  
for laboratory certification shall be used for processing the test 1850  
results of a qualifying chemical test. 1851

(F) The written notice required by division (B) of this 1852  
section shall be the same size or larger than the proof of 1853  
workers' compensation coverage furnished by the bureau of workers' 1854  
compensation and shall be posted by the employer in the same 1855  
location as the proof of workers' compensation coverage or the 1856  
certificate of self-insurance. 1857

(G) If a condition that pre-existed an injury is 1858  
substantially aggravated by the injury, and that substantial 1859  
aggravation is documented by objective diagnostic findings, 1860

objective clinical findings, or objective test results, no 1861  
compensation or benefits are payable because of the pre-existing 1862  
condition once that condition has returned to a level that would 1863  
have existed without the injury. 1864

(H)(1) Whenever, with respect to an employee of an employer 1865  
who is subject to and has complied with this chapter, there is 1866  
possibility of conflict with respect to the application of 1867  
workers' compensation laws because the contract of employment is 1868  
entered into and all or some portion of the work is or is to be 1869  
performed in a state or states other than Ohio, the employer and 1870  
the employee may agree to be bound by the laws of this state or by 1871  
the laws of some other state in which all or some portion of the 1872  
work of the employee is to be performed. The agreement shall be in 1873  
writing and shall be filed with the bureau of workers' 1874  
compensation within ten days after it is executed and shall remain 1875  
in force until terminated or modified by agreement of the parties 1876  
similarly filed. If the agreement is to be bound by the laws of 1877  
this state and the employer has complied with this chapter, then 1878  
the employee is entitled to compensation and benefits regardless 1879  
of where the injury occurs or the disease is contracted and the 1880  
rights of the employee and the employee's dependents under the 1881  
laws of this state are the exclusive remedy against the employer 1882  
on account of injury, disease, or death in the course of and 1883  
arising out of the employee's employment. If the agreement is to 1884  
be bound by the laws of another state and the employer has 1885  
complied with the laws of that state, the rights of the employee 1886  
and the employee's dependents under the laws of that state are the 1887  
exclusive remedy against the employer on account of injury, 1888  
disease, or death in the course of and arising out of the 1889  
employee's employment without regard to the place where the injury 1890  
was sustained or the disease contracted. If an employer and an 1891  
employee enter into an agreement under this division, the fact 1892  
that the employer and the employee entered into that agreement 1893

shall not be construed to change the status of an employee whose  
continued employment is subject to the will of the employer or the  
employee, unless the agreement contains a provision that expressly  
changes that status.

(2) If an employee or the employee's dependents receive an  
award of compensation or benefits under this chapter or Chapter  
4121., 4127., or 4131. of the Revised Code for the same injury,  
occupational disease, or death for which the employee or the  
employee's dependents previously pursued or otherwise elected to  
accept workers' compensation benefits and received a decision on  
the merits as defined in section 4123.542 of the Revised Code  
under the laws of another state or recovered damages under the  
laws of another state, the claim shall be disallowed and the  
administrator or any self-insuring employer, by any lawful means,  
may collect from the employee or the employee's dependents any of  
the following:

~~(i)~~(a) The amount of compensation or benefits paid to or on  
behalf of the employee or the employee's dependents by the  
administrator or a self-insuring employer pursuant to this chapter  
or Chapter 4121., 4127., or 4131. of the Revised Code for that  
award;

~~(ii)~~(b) Any interest, attorney's fees, and costs the  
administrator or the self-insuring employer incurs in collecting  
that payment.

(3) If an employee or the employee's dependents receive an  
award of compensation or benefits under this chapter or Chapter  
4121., 4127., or 4131. of the Revised Code and subsequently pursue  
or otherwise elect to accept workers' compensation benefits or  
damages under the laws of another state for the same injury,  
occupational disease, or death the claim under this chapter or  
Chapter 4121., 4127., or 4131. of the Revised Code shall be  
disallowed. The administrator or a self-insuring employer, by any



lawful means, may collect from the employee or the employee's dependents or other-states' insurer any of the following:

~~(i)~~(a) The amount of compensation or benefits paid to or on behalf of the employee or the employee's dependents by the administrator or the self-insuring employer pursuant to this chapter or Chapter 4121., 4127., or 4131. of the Revised Code for that award;

~~(ii)~~(b) Any interest, costs, and attorney's fees the administrator or the self-insuring employer incurs in collecting that payment;

~~(iii)~~(c) Any costs incurred by an employer in contesting or responding to any claim filed by the employee or the employee's dependents for the same injury, occupational disease, or death that was filed after the original claim for which the employee or the employee's dependents received a decision on the merits as described in section 4123.542 of the Revised Code.

(4) If the employee's employer pays premiums into the state insurance fund, the administrator shall not charge the amount of compensation or benefits the administrator collects pursuant to division (H)(2) or (3) of this section to the employer's experience. If the administrator collects any costs incurred by an employer in contesting or responding to any claim pursuant to division (H)(2) or (3) of this section, the administrator shall forward the amount collected to that employer. If the employee's employer is a self-insuring employer, the self-insuring employer shall deduct the amount of compensation or benefits the self-insuring employer collects pursuant to this division from the paid compensation the self-insuring employer reports to the administrator under division (L) of section 4123.35 of the Revised Code.

(5) If an employee is a resident of a state other than this

state and is insured under the workers' compensation law or 1957  
similar laws of a state other than this state, the employee and 1958  
the employee's dependents are not entitled to receive compensation 1959  
or benefits under this chapter, on account of injury, disease, or 1960  
death arising out of or in the course of employment while 1961  
temporarily within this state, and the rights of the employee and 1962  
the employee's dependents under the laws of the other state are 1963  
the exclusive remedy against the employer on account of the 1964  
injury, disease, or death. 1965

(6) An employee, or the dependent of an employee, who elects 1966  
to receive compensation and benefits under this chapter or Chapter 1967  
4121., 4127., or 4131. of the Revised Code for a claim may not 1968  
receive compensation and benefits under the workers' compensation 1969  
laws of any state other than this state for that same claim. For 1970  
each claim submitted by or on behalf of an employee, the 1971  
administrator or, if the employee is employed by a self-insuring 1972  
employer, the self-insuring employer, shall request the employee 1973  
or the employee's dependent to sign an election that affirms the 1974  
employee's or employee's dependent's acceptance of electing to 1975  
receive compensation and benefits under this chapter or Chapter 1976  
4121., 4127., or 4131. of the Revised Code for that claim that 1977  
also affirmatively waives and releases the employee's or the 1978  
employee's dependent's right to file for and receive compensation 1979  
and benefits under the laws of any state other than this state for 1980  
that claim. The employee or employee's dependent shall sign the 1981  
election form within twenty-eight days after the administrator or 1982  
self-insuring employer submits the request or the administrator or 1983  
self-insuring employer shall dismiss that claim. 1984

In the event a workers' compensation claim has been filed in 1985  
another jurisdiction on behalf of an employee or the dependents of 1986  
an employee, and the employee or dependents subsequently elect to 1987  
receive compensation, benefits, or both under this chapter or 1988

Chapter 4121., 4127., or 4131. of the Revised Code, the employee 1989  
or dependent shall withdraw or refuse acceptance of the workers' 1990  
compensation claim filed in the other jurisdiction in order to 1991  
pursue compensation or benefits under the laws of this state. If 1992  
the employee or dependents were awarded workers' compensation 1993  
benefits or had recovered damages under the laws of the other 1994  
state, any compensation and benefits awarded under this chapter or 1995  
~~Chapters~~ Chapter 4121., 4127., or 4131. of the Revised Code shall 1996  
be paid only to the extent to which those payments exceed the 1997  
amounts paid under the laws of the other state. If the employee or 1998  
dependent fails to withdraw or to refuse acceptance of the 1999  
workers' compensation claim in the other jurisdiction within 2000  
twenty-eight days after a request made by the administrator or a 2001  
self-insuring employer, the administrator or self-insuring 2002  
employer shall dismiss the employee's or employee's dependents' 2003  
claim made in this state. 2004

(I) If an employee who is covered under the federal 2005  
"Longshore and Harbor Workers' Compensation Act," 98 Stat. 1639, 2006  
33 U.S.C. 901 et seq., is injured or contracts an occupational 2007  
disease or dies as a result of an injury or occupational disease, 2008  
and if that employee's or that employee's dependents' claim for 2009  
compensation or benefits for that injury, occupational disease, or 2010  
death is subject to the jurisdiction of that act, the employee or 2011  
the employee's dependents are not entitled to apply for and shall 2012  
not receive compensation or benefits under this chapter and 2013  
Chapter 4121. of the Revised Code. The rights of such an employee 2014  
and the employee's dependents under the federal "Longshore and 2015  
Harbor Workers' Compensation Act," 98 Stat. 1639, 33 U.S.C. 901 et 2016  
seq., are the exclusive remedy against the employer for that 2017  
injury, occupational disease, or death. 2018

(J) Compensation or benefits are not payable to a claimant 2019  
during the period of confinement of the claimant in any state or 2020

federal correctional institution, or in any county jail in lieu of 2021  
incarceration in a state or federal correctional institution, 2022  
whether in this or any other state for conviction of violation of 2023  
any state or federal criminal law. 2024

(K) An employer, upon the approval of the administrator, may 2025  
provide for workers' compensation coverage for the employer's 2026  
employees who are professional athletes and coaches by submitting 2027  
to the administrator proof of coverage under a league policy 2028  
issued under the laws of another state under either of the 2029  
following circumstances: 2030

(1) The employer administers the payroll and workers' 2031  
compensation insurance for a professional sports team subject to a 2032  
collective bargaining agreement, and the collective bargaining 2033  
agreement provides for the uniform administration of workers' 2034  
compensation benefits and compensation for professional athletes. 2035

(2) The employer is a professional sports league, or is a 2036  
member team of a professional sports league, and all of the 2037  
following apply: 2038

(a) The professional sports league operates as a single 2039  
entity, whereby all of the players and coaches of the sports 2040  
league are employees of the sports league and not of the 2041  
individual member teams. 2042

(b) The professional sports league at all times maintains 2043  
workers' compensation insurance that provides coverage for the 2044  
players and coaches of the sports league. 2045

(c) Each individual member team of the professional sports 2046  
league, pursuant to the organizational or operating documents of 2047  
the sports league, is obligated to the sports league to pay to the 2048  
sports league any workers' compensation claims that are not 2049  
covered by the workers' compensation insurance maintained by the 2050  
sports league. 2051

If the administrator approves the employer's proof of coverage submitted under division (K) of this section, a professional athlete or coach who is an employee of the employer and the dependents of the professional athlete or coach are not entitled to apply for and shall not receive compensation or benefits under this chapter and Chapter 4121. of the Revised Code. The rights of such an athlete or coach and the dependents of such an athlete or coach under the laws of the state where the policy was issued are the exclusive remedy against the employer for the athlete or coach if the athlete or coach suffers an injury or contracts an occupational disease in the course of employment, or for the dependents of the athlete or the coach if the athlete or coach is killed as a result of an injury or dies as a result of an occupational disease, regardless of the location where the injury was suffered or the occupational disease was contracted.

**Sec. 4729.75.** The state board of pharmacy may establish and maintain a drug database. The board shall use the drug database to monitor the misuse and diversion of the following: controlled substances, as defined in section 3719.01 of the Revised Code; medical marijuana, as authorized under Chapter 3796. of the Revised Code; and other dangerous drugs the board includes in the database pursuant to rules adopted under section 4729.84 of the Revised Code. In establishing and maintaining the database, the board shall electronically collect information pursuant to sections 4729.77, 4729.771, and 4729.79 of the Revised Code and shall disseminate information as authorized or required by sections 4729.80 and 4729.81 of the Revised Code. The board's collection and dissemination of information shall be conducted in accordance with rules adopted under section 4729.84 of the Revised Code.

**Sec. 4729.771.** (A) If the state board of pharmacy establishes

and maintains a drug database pursuant to section 4729.75 of the Revised Code, each retail dispensary licensed under Chapter 3796. of the Revised Code by the board shall submit to the board the information regarding medical marijuana dispensed to a patient as specified by the board in rules adopted under section 4729.84 of the Revised Code.

(B)(1) The information shall be transmitted as specified by the board in rules adopted under section 4729.84 of the Revised Code.

(2) The information shall be submitted in accordance with any time limits specified by the board, except that the board may grant an extension if either of the following occurs:

(a) The retail dispensary's transmission system suffers a mechanical or electronic failure or the retail dispensary cannot meet the deadline for other reasons beyond the dispensary's control.

(b) The board is unable to receive electronic submissions.

(C) The information required to be submitted under division (A) of this section may be submitted on behalf of the retail dispensary by a delegate approved by that dispensary.

**Sec. 4729.80.** (A) If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, the board is authorized or required to provide information from the database in accordance with the following:

(1) On receipt of a request from a designated representative of a government entity responsible for the licensure, regulation, or discipline of health care professionals with authority to prescribe, administer, or dispense drugs, the board may provide to the representative information from the database relating to the professional who is the subject of an active investigation being

conducted by the government entity. 2113

(2) On receipt of a request from a federal officer, or a 2114  
state or local officer of this or any other state, whose duties 2115  
include enforcing laws relating to drugs, the board shall provide 2116  
to the officer information from the database relating to the 2117  
person who is the subject of an active investigation of a drug 2118  
abuse offense, as defined in section 2925.01 of the Revised Code, 2119  
being conducted by the officer's employing government entity. 2120

(3) Pursuant to a subpoena issued by a grand jury, the board 2121  
shall provide to the grand jury information from the database 2122  
relating to the person who is the subject of an investigation 2123  
being conducted by the grand jury. 2124

(4) Pursuant to a subpoena, search warrant, or court order in 2125  
connection with the investigation or prosecution of a possible or 2126  
alleged criminal offense, the board shall provide information from 2127  
the database as necessary to comply with the subpoena, search 2128  
warrant, or court order. 2129

(5) On receipt of a request from a prescriber or the 2130  
prescriber's delegate approved by the board, the board shall 2131  
provide to the prescriber a report of information from the 2132  
database relating to a patient who is either a current patient of 2133  
the prescriber or a potential patient of the prescriber based on a 2134  
referral of the patient to the prescriber, if all of the following 2135  
conditions are met: 2136

(a) The prescriber certifies in a form specified by the board 2137  
that it is for the purpose of providing medical treatment to the 2138  
patient who is the subject of the request; 2139

(b) The prescriber has not been denied access to the database 2140  
by the board. 2141

(6) On receipt of a request from a pharmacist or the 2142  
pharmacist's delegate approved by the board, the board shall 2143

provide to the pharmacist information from the database relating 2144  
to a current patient of the pharmacist, if the pharmacist 2145  
certifies in a form specified by the board that it is for the 2146  
purpose of the pharmacist's practice of pharmacy involving the 2147  
patient who is the subject of the request and the pharmacist has 2148  
not been denied access to the database by the board. 2149

(7) On receipt of a request from an individual seeking the 2150  
individual's own database information in accordance with the 2151  
procedure established in rules adopted under section 4729.84 of 2152  
the Revised Code, the board may provide to the individual the 2153  
individual's own database information. 2154

(8) On receipt of a request from a medical director or a 2155  
pharmacy director of a managed care organization that has entered 2156  
into a contract with the department of medicaid under section 2157  
5167.10 of the Revised Code and a data security agreement with the 2158  
board required by section 5167.14 of the Revised Code, the board 2159  
shall provide to the medical director or the pharmacy director 2160  
information from the database relating to a medicaid recipient 2161  
enrolled in the managed care organization, including information 2162  
in the database related to prescriptions for the recipient that 2163  
were not covered or reimbursed under a program administered by the 2164  
department of medicaid. 2165

(9) On receipt of a request from the medicaid director, the 2166  
board shall provide to the director information from the database 2167  
relating to a recipient of a program administered by the 2168  
department of medicaid, including information in the database 2169  
related to prescriptions for the recipient that were not covered 2170  
or paid by a program administered by the department. 2171

(10) On receipt of a request from a medical director of a 2172  
managed care organization that has entered into a contract with 2173  
the administrator of workers' compensation under division (B)(4) 2174  
of section 4121.44 of the Revised Code and a data security 2175



agreement with the board required by section 4121.447 of the Revised Code, the board shall provide to the medical director information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code assigned to the managed care organization, including information in the database related to prescriptions for the claimant that were not covered or reimbursed under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, if the administrator of workers' compensation confirms, upon request from the board, that the claimant is assigned to the managed care organization.

(11) On receipt of a request from the administrator of workers' compensation, the board shall provide to the administrator information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, including information in the database related to prescriptions for the claimant that were not covered or reimbursed under Chapter 4121., 4123., 4127., or 4131. of the Revised Code.

(12) On receipt of a request from a prescriber or the prescriber's delegate approved by the board, the board shall provide to the prescriber information from the database relating to a patient's mother, if the prescriber certifies in a form specified by the board that it is for the purpose of providing medical treatment to a newborn or infant patient diagnosed as opioid dependent and the prescriber has not been denied access to the database by the board.

(13) On receipt of a request from the director of health, the board shall provide to the director information from the database relating to the duties of the director or the department of health in implementing the Ohio violent death reporting system established under section 3701.93 of the Revised Code.

(14) On receipt of a request from a requestor described in division (A)(1), (2), (5), or (6) of this section who is from or

participating with another state's prescription monitoring 2208  
program, the board may provide to the requestor information from 2209  
the database, but only if there is a written agreement under which 2210  
the information is to be used and disseminated according to the 2211  
laws of this state. 2212

(15) On receipt of a request from a delegate of a retail 2213  
dispensary licensed under Chapter 3796. of the Revised Code who is 2214  
approved by the board to serve as the dispensary's delegate, the 2215  
board shall provide to the delegate a report of information from 2216  
the database pertaining only to a patient's use of medical 2217  
marijuana, if both of the following conditions are met: 2218

(a) The delegate certifies in a form specified by the board 2219  
that it is for the purpose of dispensing medical marijuana for use 2220  
in accordance with Chapter 3796. of the Revised Code. 2221

(b) The retail dispensary or delegate has not been denied 2222  
access to the database by the board. 2223

(B) The state board of pharmacy shall maintain a record of 2224  
each individual or entity that requests information from the 2225  
database pursuant to this section. In accordance with rules 2226  
adopted under section 4729.84 of the Revised Code, the board may 2227  
use the records to document and report statistics and law 2228  
enforcement outcomes. 2229

The board may provide records of an individual's requests for 2230  
database information to the following: 2231

(1) A designated representative of a government entity that 2232  
is responsible for the licensure, regulation, or discipline of 2233  
health care professionals with authority to prescribe, administer, 2234  
or dispense drugs who is involved in an active criminal or 2235  
disciplinary investigation being conducted by the government 2236  
entity of the individual who submitted the requests for database 2237  
information; 2238

(2) A federal officer, or a state or local officer of this or any other state, whose duties include enforcing laws relating to drugs and who is involved in an active investigation being conducted by the officer's employing government entity of the individual who submitted the requests for database information.

(C) Information contained in the database and any information obtained from it is confidential and is not a public record. Information contained in the records of requests for information from the database is confidential and is not a public record. Information contained in the database that does not identify a person, including any licensee or registrant of the board or other entity, may be released in summary, statistical, or aggregate form.

(D) Information contained in the database may be provided only as expressly permitted in law, including any information contained in the database that relates to any person, including any licensee or registrant of the board or other entity.

(E) A pharmacist or prescriber shall not be held liable in damages to any person in any civil action for injury, death, or loss to person or property on the basis that the pharmacist or prescriber did or did not seek or obtain information from the database.

**Sec. 4729.84.** For purposes of establishing and maintaining a drug database pursuant to section 4729.75 of the Revised Code, the state board of pharmacy shall adopt rules in accordance with Chapter 119. of the Revised Code to carry out and enforce sections 4729.75 to 4729.83 of the Revised Code. The rules shall specify all of the following:

(A) A means of identifying each patient, each terminal distributor of dangerous drugs, ~~and~~ each purchase at wholesale of dangerous drugs, and each retail dispensary licensed under Chapter

3796. of the Revised Code about which information is entered into 2270  
the drug database; 2271

(B) Requirements for the transmission of information from 2272  
terminal distributors of dangerous drugs, wholesale distributors 2273  
of dangerous drugs, ~~and~~ prescribers, and retail dispensaries; 2274

(C) An electronic format for the submission of information 2275  
from terminal distributors, wholesale distributors, ~~and~~ 2276  
prescribers, and retail dispensaries; 2277

(D) A procedure whereby a terminal distributor-, wholesale 2278  
distributor, ~~or~~ prescriber, or retail dispensary unable to submit 2279  
information electronically may obtain a waiver to submit 2280  
information in another format; 2281

(E) A procedure whereby the board may grant a request from a 2282  
law enforcement agency or a government entity responsible for the 2283  
licensure, regulation, or discipline of licensed health 2284  
professionals authorized to prescribe drugs that information that 2285  
has been stored for three years be retained when the information 2286  
pertains to an open investigation being conducted by the agency or 2287  
entity; 2288

(F) A procedure whereby a terminal distributor, wholesale 2289  
distributor, ~~or~~ prescriber, or retail dispensary may apply for an 2290  
extension to the time by which information must be transmitted to 2291  
the board; 2292

(G) A procedure whereby a person or government entity to 2293  
which the board is authorized to provide information may submit a 2294  
request to the board for the information and the board may verify 2295  
the identity of the requestor; 2296

(H) A procedure whereby the board can use the database 2297  
request records required by division (B) of section 4729.80 of the 2298  
Revised Code to document and report statistics and law enforcement 2299  
outcomes; 2300

(I) A procedure whereby an individual may request the individual's own database information and the board may verify the identity of the requestor;

(J) A reasonable fee that the board may charge under section 4729.83 of the Revised Code for providing an individual with the individual's own database information pursuant to section 4729.80 of the Revised Code;

(K) The other specific dangerous drugs that, in addition to controlled substances, must be included in the database;

(L) The types of pharmacies licensed as terminal distributors of dangerous drugs that are required to submit prescription information to the board pursuant to section 4729.77 of the Revised Code;

(M) The information regarding medical marijuana dispensed to a patient that a retail dispensary is required to submit to the board pursuant to section 4729.771 of the Revised Code.

**Sec. 4729.85.** If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, the board shall prepare reports regarding the database and present or submit them in accordance with both of the following:

(A) The board shall present a biennial report to the standing committees of the house of representatives and the senate that are primarily responsible for considering health and human services issues. Each

~~Each~~ report shall include all of the following:

(1) The cost to the state of establishing and maintaining the database;

(2) Information from the board, terminal distributors of dangerous drugs, prescribers, and ~~the board~~ retail dispensaries

licensed under Chapter 3796. of the Revised Code regarding the 2331  
board's effectiveness in providing information from the database; 2332

(3) The board's timeliness in transmitting information from 2333  
the database. 2334

(B) The board shall submit a semiannual report to the 2335  
governor, the president of the senate, the speaker of the house of 2336  
representatives, the attorney general, the chairpersons of the 2337  
standing committees of the house of representatives and the senate 2338  
that are primarily responsible for considering health and human 2339  
services issues, the department of public safety, the state dental 2340  
board, the board of nursing, the state board of optometry, the 2341  
state medical board, and the state veterinary medical licensing 2342  
board. The state board of pharmacy shall make the report available 2343  
to the public on its internet web site. Each report submitted 2344  
shall include all of the following for the period covered by the 2345  
report: 2346

(1) An aggregate of the information submitted to the board 2347  
under section 4729.77 of the Revised Code regarding prescriptions 2348  
for controlled substances containing opioids, including all of the 2349  
following: 2350

(a) The number of prescribers who issued the prescriptions; 2351

(b) The number of patients to whom the controlled substances 2352  
were dispensed; 2353

(c) The average quantity of the controlled substances 2354  
dispensed per prescription; 2355

(d) The average daily morphine equivalent dose of the 2356  
controlled substances dispensed per prescription. 2357

(2) An aggregate of the information submitted to the board 2358  
under section 4729.79 of the Revised Code regarding controlled 2359  
substances containing opioids that have been personally furnished 2360

to a patient by a prescriber, other than a prescriber who is a veterinarian, including all of the following:	2361 2362
(a) The number of prescribers who personally furnished the controlled substances;	2363 2364
(b) The number of patients to whom the controlled substances were personally furnished;	2365 2366
(c) The average quantity of the controlled substances that were furnished at one time;	2367 2368
(d) The average daily morphine equivalent dose of the controlled substances that were furnished at one time.	2369 2370
<u>(3) An aggregate of the information submitted to the board under section 4729.771 of the Revised Code regarding medical marijuana.</u>	2371 2372 2373
<b>Sec. 4729.86.</b> If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, all of the following apply:	2374 2375 2376
(A)(1) No person identified in divisions (A)(1) to (13) <u>or (15)</u> or (B) of section 4729.80 of the Revised Code shall disseminate any written or electronic information the person receives from the drug database or otherwise provide another person access to the information that the person receives from the database, except as follows:	2377 2378 2379 2380 2381 2382
(a) When necessary in the investigation or prosecution of a possible or alleged criminal offense;	2383 2384
(b) When a person provides the information to the prescriber <del>or</del> <u>pharmacist, or retail dispensary licensed under Chapter 3796. of the Revised Code</u> for whom the person is approved by the board to serve as a delegate of the prescriber <del>or</del> <u>pharmacist, or retail dispensary</u> for purposes of requesting and receiving information from the drug database under division (A)(5) <del>or</del> <u>(6), or (15)</u> of	2385 2386 2387 2388 2389 2390

section 4729.80 of the Revised Code; 2391

(c) When a prescriber ~~or~~, pharmacist, or retail dispensary 2392  
licensed under Chapter 3796. of the Revised Code provides the 2393  
information to a person who is approved by the board to serve as 2394  
such a delegate of the prescriber ~~or~~, pharmacist, or retail 2395  
dispensary; 2396

(d) When a prescriber or pharmacist includes the information 2397  
in a medical record, as defined in section 3701.74 of the Revised 2398  
Code. 2399

(2) No person shall provide false information to the state 2400  
board of pharmacy with the intent to obtain or alter information 2401  
contained in the drug database. 2402

(3) No person shall obtain drug database information by any 2403  
means except as provided under section 4729.80 or 4729.81 of the 2404  
Revised Code. 2405

(B) A person shall not use information obtained pursuant to 2406  
division (A) of section 4729.80 of the Revised Code as evidence in 2407  
any civil or administrative proceeding. 2408

(C)(1) Except as provided in division (C)(2) of this section, 2409  
after providing notice and affording an opportunity for a hearing 2410  
in accordance with Chapter 119. of the Revised Code, the board may 2411  
restrict a person from obtaining further information from the drug 2412  
database if any of the following is the case: 2413

(a) The person violates division (A)(1), (2), or (3) of this 2414  
section; 2415

(b) The person is a requestor identified in division (A)(14) 2416  
of section 4729.80 of the Revised Code and the board determines 2417  
that the person's actions in another state would have constituted 2418  
a violation of division (A)(1), (2), or (3) of this section; 2419

(c) The person fails to comply with division (B) of this 2420



section, regardless of the jurisdiction in which the failure to 2421  
comply occurred; 2422

(d) The person creates, by clear and convincing evidence, a 2423  
threat to the security of information contained in the database. 2424

(2) If the board determines that allegations regarding a 2425  
person's actions warrant restricting the person from obtaining 2426  
further information from the drug database without a prior 2427  
hearing, the board may summarily impose the restriction. A 2428  
telephone conference call may be used for reviewing the 2429  
allegations and taking a vote on the summary restriction. The 2430  
summary restriction shall remain in effect, unless removed by the 2431  
board, until the board's final adjudication order becomes 2432  
effective. 2433

(3) The board shall determine the extent to which the person 2434  
is restricted from obtaining further information from the 2435  
database. 2436

**Sec. 4731.22.** (A) The state medical board, by an affirmative 2437  
vote of not fewer than six of its members, may limit, revoke, 2438  
suspend an individual's certificate to practice or certificate to 2439  
recommend, refuse to grant a certificate to an individual, refuse 2440  
to renew a certificate, refuse to reinstate a certificate, or 2441  
reprimand or place on probation the holder of a certificate if the 2442  
individual or certificate holder is found by the board to have 2443  
committed fraud during the administration of the examination for a 2444  
certificate to practice or to have committed fraud, 2445  
misrepresentation, or deception in applying for, renewing, or 2446  
securing any certificate to practice or certificate to recommend 2447  
issued by the board. 2448

(B) The board, by an affirmative vote of not fewer than six 2449  
members, shall, to the extent permitted by law, limit, revoke, or 2450  
suspend an individual's certificate to practice or certificate to 2451

recommend, refuse to issue a certificate to an individual, refuse 2452  
to renew a certificate, refuse to reinstate a certificate, or 2453  
reprimand or place on probation the holder of a certificate for 2454  
one or more of the following reasons: 2455

(1) Permitting one's name or one's certificate to practice to 2456  
be used by a person, group, or corporation when the individual 2457  
concerned is not actually directing the treatment given; 2458

(2) Failure to maintain minimal standards applicable to the 2459  
selection or administration of drugs, or failure to employ 2460  
acceptable scientific methods in the selection of drugs or other 2461  
modalities for treatment of disease; 2462

(3) Selling, giving away, personally furnishing, prescribing, 2463  
or administering drugs for other than legal and legitimate 2464  
therapeutic purposes or a plea of guilty to, a judicial finding of 2465  
guilt of, or a judicial finding of eligibility for intervention in 2466  
lieu of conviction of, a violation of any federal or state law 2467  
regulating the possession, distribution, or use of any drug; 2468

(4) Willfully betraying a professional confidence. 2469

For purposes of this division, "willfully betraying a 2470  
professional confidence" does not include providing any 2471  
information, documents, or reports under sections 307.621 to 2472  
307.629 of the Revised Code to a child fatality review board; does 2473  
not include providing any information, documents, or reports to 2474  
the director of health pursuant to guidelines established under 2475  
section 3701.70 of the Revised Code; does not include written 2476  
notice to a mental health professional under section 4731.62 of 2477  
the Revised Code; and does not include the making of a report of 2478  
an employee's use of a drug of abuse, or a report of a condition 2479  
of an employee other than one involving the use of a drug of 2480  
abuse, to the employer of the employee as described in division 2481  
(B) of section 2305.33 of the Revised Code. Nothing in this 2482

division affects the immunity from civil liability conferred by 2483  
section 2305.33 or 4731.62 of the Revised Code upon a physician 2484  
who makes a report in accordance with section 2305.33 or notifies 2485  
a mental health professional in accordance with section 4731.62 of 2486  
the Revised Code. As used in this division, "employee," 2487  
"employer," and "physician" have the same meanings as in section 2488  
2305.33 of the Revised Code. 2489

(5) Making a false, fraudulent, deceptive, or misleading 2490  
statement in the solicitation of or advertising for patients; in 2491  
relation to the practice of medicine and surgery, osteopathic 2492  
medicine and surgery, podiatric medicine and surgery, or a limited 2493  
branch of medicine; or in securing or attempting to secure any 2494  
certificate to practice issued by the board. 2495

As used in this division, "false, fraudulent, deceptive, or 2496  
misleading statement" means a statement that includes a 2497  
misrepresentation of fact, is likely to mislead or deceive because 2498  
of a failure to disclose material facts, is intended or is likely 2499  
to create false or unjustified expectations of favorable results, 2500  
or includes representations or implications that in reasonable 2501  
probability will cause an ordinarily prudent person to 2502  
misunderstand or be deceived. 2503

(6) A departure from, or the failure to conform to, minimal 2504  
standards of care of similar practitioners under the same or 2505  
similar circumstances, whether or not actual injury to a patient 2506  
is established; 2507

(7) Representing, with the purpose of obtaining compensation 2508  
or other advantage as personal gain or for any other person, that 2509  
an incurable disease or injury, or other incurable condition, can 2510  
be permanently cured; 2511

(8) The obtaining of, or attempting to obtain, money or 2512  
anything of value by fraudulent misrepresentations in the course 2513

of practice;	2514
(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	2515 2516 2517
(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	2518 2519 2520
(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	2521 2522 2523
(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	2524 2525 2526
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	2527 2528 2529
(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	2530 2531 2532
(15) Violation of the conditions of limitation placed by the board upon a certificate to practice;	2533 2534
(16) Failure to pay license renewal fees specified in this chapter;	2535 2536
(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;	2537 2538 2539 2540
(18) Subject to section 4731.226 of the Revised Code, violation of any provision of a code of ethics of the American medical association, the American osteopathic association, the	2541 2542 2543

American podiatric medical association, or any other national 2544  
professional organizations that the board specifies by rule. The 2545  
state medical board shall obtain and keep on file current copies 2546  
of the codes of ethics of the various national professional 2547  
organizations. The individual whose certificate is being suspended 2548  
or revoked shall not be found to have violated any provision of a 2549  
code of ethics of an organization not appropriate to the 2550  
individual's profession. 2551

For purposes of this division, a "provision of a code of 2552  
ethics of a national professional organization" does not include 2553  
any provision that would preclude the making of a report by a 2554  
physician of an employee's use of a drug of abuse, or of a 2555  
condition of an employee other than one involving the use of a 2556  
drug of abuse, to the employer of the employee as described in 2557  
division (B) of section 2305.33 of the Revised Code. Nothing in 2558  
this division affects the immunity from civil liability conferred 2559  
by that section upon a physician who makes either type of report 2560  
in accordance with division (B) of that section. As used in this 2561  
division, "employee," "employer," and "physician" have the same 2562  
meanings as in section 2305.33 of the Revised Code. 2563

(19) Inability to practice according to acceptable and 2564  
prevailing standards of care by reason of mental illness or 2565  
physical illness, including, but not limited to, physical 2566  
deterioration that adversely affects cognitive, motor, or 2567  
perceptive skills. 2568

In enforcing this division, the board, upon a showing of a 2569  
possible violation, may compel any individual authorized to 2570  
practice by this chapter or who has submitted an application 2571  
pursuant to this chapter to submit to a mental examination, 2572  
physical examination, including an HIV test, or both a mental and 2573  
a physical examination. The expense of the examination is the 2574  
responsibility of the individual compelled to be examined. Failure 2575

to submit to a mental or physical examination or consent to an HIV 2576  
test ordered by the board constitutes an admission of the 2577  
allegations against the individual unless the failure is due to 2578  
circumstances beyond the individual's control, and a default and 2579  
final order may be entered without the taking of testimony or 2580  
presentation of evidence. If the board finds an individual unable 2581  
to practice because of the reasons set forth in this division, the 2582  
board shall require the individual to submit to care, counseling, 2583  
or treatment by physicians approved or designated by the board, as 2584  
a condition for initial, continued, reinstated, or renewed 2585  
authority to practice. An individual affected under this division 2586  
shall be afforded an opportunity to demonstrate to the board the 2587  
ability to resume practice in compliance with acceptable and 2588  
prevailing standards under the provisions of the individual's 2589  
certificate. For the purpose of this division, any individual who 2590  
applies for or receives a certificate to practice under this 2591  
chapter accepts the privilege of practicing in this state and, by 2592  
so doing, shall be deemed to have given consent to submit to a 2593  
mental or physical examination when directed to do so in writing 2594  
by the board, and to have waived all objections to the 2595  
admissibility of testimony or examination reports that constitute 2596  
a privileged communication. 2597

(20) Except when civil penalties are imposed under section 2598  
4731.225 or 4731.282 of the Revised Code, and subject to section 2599  
4731.226 of the Revised Code, violating or attempting to violate, 2600  
directly or indirectly, or assisting in or abetting the violation 2601  
of, or conspiring to violate, any provisions of this chapter or 2602  
any rule promulgated by the board. 2603

This division does not apply to a violation or attempted 2604  
violation of, assisting in or abetting the violation of, or a 2605  
conspiracy to violate, any provision of this chapter or any rule 2606  
adopted by the board that would preclude the making of a report by 2607

a physician of an employee's use of a drug of abuse, or of a 2608  
condition of an employee other than one involving the use of a 2609  
drug of abuse, to the employer of the employee as described in 2610  
division (B) of section 2305.33 of the Revised Code. Nothing in 2611  
this division affects the immunity from civil liability conferred 2612  
by that section upon a physician who makes either type of report 2613  
in accordance with division (B) of that section. As used in this 2614  
division, "employee," "employer," and "physician" have the same 2615  
meanings as in section 2305.33 of the Revised Code. 2616

(21) The violation of section 3701.79 of the Revised Code or 2617  
of any abortion rule adopted by the director of health pursuant to 2618  
section 3701.341 of the Revised Code; 2619

(22) Any of the following actions taken by an agency 2620  
responsible for authorizing, certifying, or regulating an 2621  
individual to practice a health care occupation or provide health 2622  
care services in this state or another jurisdiction, for any 2623  
reason other than the nonpayment of fees: the limitation, 2624  
revocation, or suspension of an individual's license to practice; 2625  
acceptance of an individual's license surrender; denial of a 2626  
license; refusal to renew or reinstate a license; imposition of 2627  
probation; or issuance of an order of censure or other reprimand; 2628

(23) The violation of section 2919.12 of the Revised Code or 2629  
the performance or inducement of an abortion upon a pregnant woman 2630  
with actual knowledge that the conditions specified in division 2631  
(B) of section 2317.56 of the Revised Code have not been satisfied 2632  
or with a heedless indifference as to whether those conditions 2633  
have been satisfied, unless an affirmative defense as specified in 2634  
division (H)(2) of that section would apply in a civil action 2635  
authorized by division (H)(1) of that section; 2636

(24) The revocation, suspension, restriction, reduction, or 2637  
termination of clinical privileges by the United States department 2638  
of defense or department of veterans affairs or the termination or 2639

suspension of a certificate of registration to prescribe drugs by 2640  
the drug enforcement administration of the United States 2641  
department of justice; 2642

(25) Termination or suspension from participation in the 2643  
medicare or medicaid programs by the department of health and 2644  
human services or other responsible agency for any act or acts 2645  
that also would constitute a violation of division (B)(2), (3), 2646  
(6), (8), or (19) of this section; 2647

(26) Impairment of ability to practice according to 2648  
acceptable and prevailing standards of care because of habitual or 2649  
excessive use or abuse of drugs, alcohol, or other substances that 2650  
impair ability to practice. 2651

For the purposes of this division, any individual authorized 2652  
to practice by this chapter accepts the privilege of practicing in 2653  
this state subject to supervision by the board. By filing an 2654  
application for or holding a certificate to practice under this 2655  
chapter, an individual shall be deemed to have given consent to 2656  
submit to a mental or physical examination when ordered to do so 2657  
by the board in writing, and to have waived all objections to the 2658  
admissibility of testimony or examination reports that constitute 2659  
privileged communications. 2660

If it has reason to believe that any individual authorized to 2661  
practice by this chapter or any applicant for certification to 2662  
practice suffers such impairment, the board may compel the 2663  
individual to submit to a mental or physical examination, or both. 2664  
The expense of the examination is the responsibility of the 2665  
individual compelled to be examined. Any mental or physical 2666  
examination required under this division shall be undertaken by a 2667  
treatment provider or physician who is qualified to conduct the 2668  
examination and who is chosen by the board. 2669

Failure to submit to a mental or physical examination ordered 2670



by the board constitutes an admission of the allegations against 2671  
the individual unless the failure is due to circumstances beyond 2672  
the individual's control, and a default and final order may be 2673  
entered without the taking of testimony or presentation of 2674  
evidence. If the board determines that the individual's ability to 2675  
practice is impaired, the board shall suspend the individual's 2676  
certificate or deny the individual's application and shall require 2677  
the individual, as a condition for initial, continued, reinstated, 2678  
or renewed certification to practice, to submit to treatment. 2679

Before being eligible to apply for reinstatement of a 2680  
certificate suspended under this division, the impaired 2681  
practitioner shall demonstrate to the board the ability to resume 2682  
practice in compliance with acceptable and prevailing standards of 2683  
care under the provisions of the practitioner's certificate. The 2684  
demonstration shall include, but shall not be limited to, the 2685  
following: 2686

(a) Certification from a treatment provider approved under 2687  
section 4731.25 of the Revised Code that the individual has 2688  
successfully completed any required inpatient treatment; 2689

(b) Evidence of continuing full compliance with an aftercare 2690  
contract or consent agreement; 2691

(c) Two written reports indicating that the individual's 2692  
ability to practice has been assessed and that the individual has 2693  
been found capable of practicing according to acceptable and 2694  
prevailing standards of care. The reports shall be made by 2695  
individuals or providers approved by the board for making the 2696  
assessments and shall describe the basis for their determination. 2697

The board may reinstate a certificate suspended under this 2698  
division after that demonstration and after the individual has 2699  
entered into a written consent agreement. 2700

When the impaired practitioner resumes practice, the board 2701

shall require continued monitoring of the individual. The 2702  
monitoring shall include, but not be limited to, compliance with 2703  
the written consent agreement entered into before reinstatement or 2704  
with conditions imposed by board order after a hearing, and, upon 2705  
termination of the consent agreement, submission to the board for 2706  
at least two years of annual written progress reports made under 2707  
penalty of perjury stating whether the individual has maintained 2708  
sobriety. 2709

(27) A second or subsequent violation of section 4731.66 or 2710  
4731.69 of the Revised Code; 2711

(28) Except as provided in division (N) of this section: 2712

(a) Waiving the payment of all or any part of a deductible or 2713  
copayment that a patient, pursuant to a health insurance or health 2714  
care policy, contract, or plan that covers the individual's 2715  
services, otherwise would be required to pay if the waiver is used 2716  
as an enticement to a patient or group of patients to receive 2717  
health care services from that individual; 2718

(b) Advertising that the individual will waive the payment of 2719  
all or any part of a deductible or copayment that a patient, 2720  
pursuant to a health insurance or health care policy, contract, or 2721  
plan that covers the individual's services, otherwise would be 2722  
required to pay. 2723

(29) Failure to use universal blood and body fluid 2724  
precautions established by rules adopted under section 4731.051 of 2725  
the Revised Code; 2726

(30) Failure to provide notice to, and receive acknowledgment 2727  
of the notice from, a patient when required by section 4731.143 of 2728  
the Revised Code prior to providing nonemergency professional 2729  
services, or failure to maintain that notice in the patient's 2730  
file; 2731

(31) Failure of a physician supervising a physician assistant 2732

to maintain supervision in accordance with the requirements of 2733  
Chapter 4730. of the Revised Code and the rules adopted under that 2734  
chapter; 2735

(32) Failure of a physician or podiatrist to enter into a 2736  
standard care arrangement with a clinical nurse specialist, 2737  
certified nurse-midwife, or certified nurse practitioner with whom 2738  
the physician or podiatrist is in collaboration pursuant to 2739  
section 4731.27 of the Revised Code or failure to fulfill the 2740  
responsibilities of collaboration after entering into a standard 2741  
care arrangement; 2742

(33) Failure to comply with the terms of a consult agreement 2743  
entered into with a pharmacist pursuant to section 4729.39 of the 2744  
Revised Code; 2745

(34) Failure to cooperate in an investigation conducted by 2746  
the board under division (F) of this section, including failure to 2747  
comply with a subpoena or order issued by the board or failure to 2748  
answer truthfully a question presented by the board in an 2749  
investigative interview, an investigative office conference, at a 2750  
deposition, or in written interrogatories, except that failure to 2751  
cooperate with an investigation shall not constitute grounds for 2752  
discipline under this section if a court of competent jurisdiction 2753  
has issued an order that either quashes a subpoena or permits the 2754  
individual to withhold the testimony or evidence in issue; 2755

(35) Failure to supervise an oriental medicine practitioner 2756  
or acupuncturist in accordance with Chapter 4762. of the Revised 2757  
Code and the board's rules for providing that supervision; 2758

(36) Failure to supervise an anesthesiologist assistant in 2759  
accordance with Chapter 4760. of the Revised Code and the board's 2760  
rules for supervision of an anesthesiologist assistant; 2761

(37) Assisting suicide, as defined in section 3795.01 of the 2762  
Revised Code; 2763

(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	2764 2765
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	2766 2767 2768
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	2769 2770 2771
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	2772 2773 2774 2775
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	2776 2777 2778 2779
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	2780 2781 2782 2783
(44) Failure to comply with the requirements of section 2919.171 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 of the Revised Code;	2784 2785 2786 2787
(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	2788 2789 2790 2791 2792
(46) Owning a facility that is subject to licensure as a	2793

category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;

(47) Failure to comply with the requirement regarding maintaining notes described in division (B) of section 2919.191 of the Revised Code or failure to satisfy the requirements of section 2919.191 of the Revised Code prior to performing or inducing an abortion upon a pregnant woman;

(48) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;

(49) Failure to comply with the requirements of section 4731.30 of the Revised Code or rules adopted under section 4731.301 of the Revised Code when recommending treatment with medical marijuana.

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends an individual's certificate to practice or certificate to recommend. The telephone

conference call shall be considered a special meeting under 2825  
division (F) of section 121.22 of the Revised Code. 2826

If the board takes disciplinary action against an individual 2827  
under division (B) of this section for a second or subsequent plea 2828  
of guilty to, or judicial finding of guilt of, a violation of 2829  
section 2919.123 of the Revised Code, the disciplinary action 2830  
shall consist of a suspension of the individual's certificate to 2831  
practice for a period of at least one year or, if determined 2832  
appropriate by the board, a more serious sanction involving the 2833  
individual's certificate to practice. Any consent agreement 2834  
entered into under this division with an individual that pertains 2835  
to a second or subsequent plea of guilty to, or judicial finding 2836  
of guilt of, a violation of that section shall provide for a 2837  
suspension of the individual's certificate to practice for a 2838  
period of at least one year or, if determined appropriate by the 2839  
board, a more serious sanction involving the individual's 2840  
certificate to practice. 2841

(D) For purposes of divisions (B)(10), (12), and (14) of this 2842  
section, the commission of the act may be established by a finding 2843  
by the board, pursuant to an adjudication under Chapter 119. of 2844  
the Revised Code, that the individual committed the act. The board 2845  
does not have jurisdiction under those divisions if the trial 2846  
court renders a final judgment in the individual's favor and that 2847  
judgment is based upon an adjudication on the merits. The board 2848  
has jurisdiction under those divisions if the trial court issues 2849  
an order of dismissal upon technical or procedural grounds. 2850

(E) The sealing of conviction records by any court shall have 2851  
no effect upon a prior board order entered under this section or 2852  
upon the board's jurisdiction to take action under this section 2853  
if, based upon a plea of guilty, a judicial finding of guilt, or a 2854  
judicial finding of eligibility for intervention in lieu of 2855  
conviction, the board issued a notice of opportunity for a hearing 2856

prior to the court's order to seal the records. The board shall 2857  
not be required to seal, destroy, redact, or otherwise modify its 2858  
records to reflect the court's sealing of conviction records. 2859

(F)(1) The board shall investigate evidence that appears to 2860  
show that a person has violated any provision of this chapter or 2861  
any rule adopted under it. Any person may report to the board in a 2862  
signed writing any information that the person may have that 2863  
appears to show a violation of any provision of this chapter or 2864  
any rule adopted under it. In the absence of bad faith, any person 2865  
who reports information of that nature or who testifies before the 2866  
board in any adjudication conducted under Chapter 119. of the 2867  
Revised Code shall not be liable in damages in a civil action as a 2868  
result of the report or testimony. Each complaint or allegation of 2869  
a violation received by the board shall be assigned a case number 2870  
and shall be recorded by the board. 2871

(2) Investigations of alleged violations of this chapter or 2872  
any rule adopted under it shall be supervised by the supervising 2873  
member elected by the board in accordance with section 4731.02 of 2874  
the Revised Code and by the secretary as provided in section 2875  
4731.39 of the Revised Code. The president may designate another 2876  
member of the board to supervise the investigation in place of the 2877  
supervising member. No member of the board who supervises the 2878  
investigation of a case shall participate in further adjudication 2879  
of the case. 2880

(3) In investigating a possible violation of this chapter or 2881  
any rule adopted under this chapter, or in conducting an 2882  
inspection under division (E) of section 4731.054 of the Revised 2883  
Code, the board may question witnesses, conduct interviews, 2884  
administer oaths, order the taking of depositions, inspect and 2885  
copy any books, accounts, papers, records, or documents, issue 2886  
subpoenas, and compel the attendance of witnesses and production 2887  
of books, accounts, papers, records, documents, and testimony, 2888

except that a subpoena for patient record information shall not be 2889  
issued without consultation with the attorney general's office and 2890  
approval of the secretary and supervising member of the board. 2891

(a) Before issuance of a subpoena for patient record 2892  
information, the secretary and supervising member shall determine 2893  
whether there is probable cause to believe that the complaint 2894  
filed alleges a violation of this chapter or any rule adopted 2895  
under it and that the records sought are relevant to the alleged 2896  
violation and material to the investigation. The subpoena may 2897  
apply only to records that cover a reasonable period of time 2898  
surrounding the alleged violation. 2899

(b) On failure to comply with any subpoena issued by the 2900  
board and after reasonable notice to the person being subpoenaed, 2901  
the board may move for an order compelling the production of 2902  
persons or records pursuant to the Rules of Civil Procedure. 2903

(c) A subpoena issued by the board may be served by a 2904  
sheriff, the sheriff's deputy, or a board employee designated by 2905  
the board. Service of a subpoena issued by the board may be made 2906  
by delivering a copy of the subpoena to the person named therein, 2907  
reading it to the person, or leaving it at the person's usual 2908  
place of residence, usual place of business, or address on file 2909  
with the board. When serving a subpoena to an applicant for or the 2910  
holder of a certificate issued under this chapter, service of the 2911  
subpoena may be made by certified mail, return receipt requested, 2912  
and the subpoena shall be deemed served on the date delivery is 2913  
made or the date the person refuses to accept delivery. If the 2914  
person being served refuses to accept the subpoena or is not 2915  
located, service may be made to an attorney who notifies the board 2916  
that the attorney is representing the person. 2917

(d) A sheriff's deputy who serves a subpoena shall receive 2918  
the same fees as a sheriff. Each witness who appears before the 2919  
board in obedience to a subpoena shall receive the fees and 2920



mileage provided for under section 119.094 of the Revised Code. 2921

(4) All hearings, investigations, and inspections of the 2922  
board shall be considered civil actions for the purposes of 2923  
section 2305.252 of the Revised Code. 2924

(5) A report required to be submitted to the board under this 2925  
chapter, a complaint, or information received by the board 2926  
pursuant to an investigation or pursuant to an inspection under 2927  
division (E) of section 4731.054 of the Revised Code is 2928  
confidential and not subject to discovery in any civil action. 2929

The board shall conduct all investigations or inspections and 2930  
proceedings in a manner that protects the confidentiality of 2931  
patients and persons who file complaints with the board. The board 2932  
shall not make public the names or any other identifying 2933  
information about patients or complainants unless proper consent 2934  
is given or, in the case of a patient, a waiver of the patient 2935  
privilege exists under division (B) of section 2317.02 of the 2936  
Revised Code, except that consent or a waiver of that nature is 2937  
not required if the board possesses reliable and substantial 2938  
evidence that no bona fide physician-patient relationship exists. 2939

The board may share any information it receives pursuant to 2940  
an investigation or inspection, including patient records and 2941  
patient record information, with law enforcement agencies, other 2942  
licensing boards, and other governmental agencies that are 2943  
prosecuting, adjudicating, or investigating alleged violations of 2944  
statutes or administrative rules. An agency or board that receives 2945  
the information shall comply with the same requirements regarding 2946  
confidentiality as those with which the state medical board must 2947  
comply, notwithstanding any conflicting provision of the Revised 2948  
Code or procedure of the agency or board that applies when it is 2949  
dealing with other information in its possession. In a judicial 2950  
proceeding, the information may be admitted into evidence only in 2951  
accordance with the Rules of Evidence, but the court shall require 2952

that appropriate measures are taken to ensure that confidentiality 2953  
is maintained with respect to any part of the information that 2954  
contains names or other identifying information about patients or 2955  
complainants whose confidentiality was protected by the state 2956  
medical board when the information was in the board's possession. 2957  
Measures to ensure confidentiality that may be taken by the court 2958  
include sealing its records or deleting specific information from 2959  
its records. 2960

(6) On a quarterly basis, the board shall prepare a report 2961  
that documents the disposition of all cases during the preceding 2962  
three months. The report shall contain the following information 2963  
for each case with which the board has completed its activities: 2964

(a) The case number assigned to the complaint or alleged 2965  
violation; 2966

(b) The type of certificate to practice, if any, held by the 2967  
individual against whom the complaint is directed; 2968

(c) A description of the allegations contained in the 2969  
complaint; 2970

(d) The disposition of the case. 2971

The report shall state how many cases are still pending and 2972  
shall be prepared in a manner that protects the identity of each 2973  
person involved in each case. The report shall be a public record 2974  
under section 149.43 of the Revised Code. 2975

(G) If the secretary and supervising member determine both of 2976  
the following, they may recommend that the board suspend an 2977  
individual's certificate to practice or certificate to recommend 2978  
without a prior hearing: 2979

(1) That there is clear and convincing evidence that an 2980  
individual has violated division (B) of this section; 2981

(2) That the individual's continued practice presents a 2982

danger of immediate and serious harm to the public. 2983

Written allegations shall be prepared for consideration by 2984  
the board. The board, upon review of those allegations and by an 2985  
affirmative vote of not fewer than six of its members, excluding 2986  
the secretary and supervising member, may suspend a certificate 2987  
without a prior hearing. A telephone conference call may be 2988  
utilized for reviewing the allegations and taking the vote on the 2989  
summary suspension. 2990

The board shall issue a written order of suspension by 2991  
certified mail or in person in accordance with section 119.07 of 2992  
the Revised Code. The order shall not be subject to suspension by 2993  
the court during pendency of any appeal filed under section 119.12 2994  
of the Revised Code. If the individual subject to the summary 2995  
suspension requests an adjudicatory hearing by the board, the date 2996  
set for the hearing shall be within fifteen days, but not earlier 2997  
than seven days, after the individual requests the hearing, unless 2998  
otherwise agreed to by both the board and the individual. 2999

Any summary suspension imposed under this division shall 3000  
remain in effect, unless reversed on appeal, until a final 3001  
adjudicative order issued by the board pursuant to this section 3002  
and Chapter 119. of the Revised Code becomes effective. The board 3003  
shall issue its final adjudicative order within seventy-five days 3004  
after completion of its hearing. A failure to issue the order 3005  
within seventy-five days shall result in dissolution of the 3006  
summary suspension order but shall not invalidate any subsequent, 3007  
final adjudicative order. 3008

(H) If the board takes action under division (B)(9), (11), or 3009  
(13) of this section and the judicial finding of guilt, guilty 3010  
plea, or judicial finding of eligibility for intervention in lieu 3011  
of conviction is overturned on appeal, upon exhaustion of the 3012  
criminal appeal, a petition for reconsideration of the order may 3013  
be filed with the board along with appropriate court documents. 3014

Upon receipt of a petition of that nature and supporting court 3015  
documents, the board shall reinstate the individual's certificate 3016  
to practice. The board may then hold an adjudication under Chapter 3017  
119. of the Revised Code to determine whether the individual 3018  
committed the act in question. Notice of an opportunity for a 3019  
hearing shall be given in accordance with Chapter 119. of the 3020  
Revised Code. If the board finds, pursuant to an adjudication held 3021  
under this division, that the individual committed the act or if 3022  
no hearing is requested, the board may order any of the sanctions 3023  
identified under division (B) of this section. 3024

(I) The certificate to practice issued to an individual under 3025  
this chapter and the individual's practice in this state are 3026  
automatically suspended as of the date of the individual's second 3027  
or subsequent plea of guilty to, or judicial finding of guilt of, 3028  
a violation of section 2919.123 of the Revised Code, ~~or.~~ In 3029  
addition, the certificate to practice or certificate to recommend 3030  
issued to an individual under this chapter and the individual's 3031  
practice in this state are automatically suspended as of the date 3032  
the individual pleads guilty to, is found by a judge or jury to be 3033  
guilty of, or is subject to a judicial finding of eligibility for 3034  
intervention in lieu of conviction in this state or treatment or 3035  
intervention in lieu of conviction in another jurisdiction for any 3036  
of the following criminal offenses in this state or a 3037  
substantially equivalent criminal offense in another jurisdiction: 3038  
aggravated murder, murder, voluntary manslaughter, felonious 3039  
assault, kidnapping, rape, sexual battery, gross sexual 3040  
imposition, aggravated arson, aggravated robbery, or aggravated 3041  
burglary. Continued practice after suspension shall be considered 3042  
practicing without a certificate. 3043

The board shall notify the individual subject to the 3044  
suspension by certified mail or in person in accordance with 3045  
section 119.07 of the Revised Code. If an individual whose 3046

certificate is automatically suspended under this division fails 3047  
to make a timely request for an adjudication under Chapter 119. of 3048  
the Revised Code, the board shall do whichever of the following is 3049  
applicable: 3050

(1) If the automatic suspension under this division is for a 3051  
second or subsequent plea of guilty to, or judicial finding of 3052  
guilt of, a violation of section 2919.123 of the Revised Code, the 3053  
board shall enter an order suspending the individual's certificate 3054  
to practice for a period of at least one year or, if determined 3055  
appropriate by the board, imposing a more serious sanction 3056  
involving the individual's certificate to practice. 3057

(2) In all circumstances in which division (I)(1) of this 3058  
section does not apply, enter a final order permanently revoking 3059  
the individual's certificate to practice. 3060

(J) If the board is required by Chapter 119. of the Revised 3061  
Code to give notice of an opportunity for a hearing and if the 3062  
individual subject to the notice does not timely request a hearing 3063  
in accordance with section 119.07 of the Revised Code, the board 3064  
is not required to hold a hearing, but may adopt, by an 3065  
affirmative vote of not fewer than six of its members, a final 3066  
order that contains the board's findings. In that final order, the 3067  
board may order any of the sanctions identified under division (A) 3068  
or (B) of this section. 3069

(K) Any action taken by the board under division (B) of this 3070  
section resulting in a suspension from practice shall be 3071  
accompanied by a written statement of the conditions under which 3072  
the individual's certificate to practice may be reinstated. The 3073  
board shall adopt rules governing conditions to be imposed for 3074  
reinstatement. Reinstatement of a certificate suspended pursuant 3075  
to division (B) of this section requires an affirmative vote of 3076  
not fewer than six members of the board. 3077

(L) When the board refuses to grant or issue a certificate to practice to an applicant, revokes an individual's certificate to practice, refuses to renew an individual's certificate to practice, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a certificate issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's certificate to practice. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a certificate surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application for a certificate made under the provisions of this chapter may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a certificate to practice in accordance with this chapter or a certificate to recommend in accordance with rules adopted under section 4731.301 of the Revised Code shall not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.

(4) At the request of the board, a certificate holder shall immediately surrender to the board a certificate that the board has suspended, revoked, or permanently revoked.

(N) Sanctions shall not be imposed under division (B)(28) of this section against any person who waives deductibles and copayments as follows:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other person authorized to practice pursuant to this chapter, to the extent allowed by this chapter and rules adopted by the board.

(O) Under the board's investigative duties described in this section and subject to division (F) of this section, the board shall develop and implement a quality intervention program designed to improve through remedial education the clinical and communication skills of individuals authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, and podiatric medicine and surgery. In developing and implementing the quality intervention program, the board may do all of the following:

(1) Offer in appropriate cases as determined by the board an educational and assessment program pursuant to an investigation the board conducts under this section;

(2) Select providers of educational and assessment services, including a quality intervention program panel of case reviewers;

(3) Make referrals to educational and assessment service providers and approve individual educational programs recommended by those providers. The board shall monitor the progress of each individual undertaking a recommended individual educational program.

(4) Determine what constitutes successful completion of an

individual educational program and require further monitoring of 3140  
the individual who completed the program or other action that the 3141  
board determines to be appropriate; 3142

(5) Adopt rules in accordance with Chapter 119. of the 3143  
Revised Code to further implement the quality intervention 3144  
program. 3145

An individual who participates in an individual educational 3146  
program pursuant to this division shall pay the financial 3147  
obligations arising from that educational program. 3148

Sec. 4731.229. Any disciplinary action taken on an 3149  
individual's certificate to practice by the board under section 3150  
4731.22 of the Revised Code operates automatically on the 3151  
individual's certificate to recommend and remains in effect for as 3152  
long as the action remains in effect on the certificate to 3153  
practice. 3154

**Sec. 4731.281.** (A)(1) Each person holding a certificate under 3155  
this chapter to practice medicine and surgery, osteopathic 3156  
medicine and surgery, or podiatric medicine and surgery wishing to 3157  
renew that certificate shall apply to the board for renewal. 3158  
Applications shall be submitted to the board in a manner 3159  
prescribed by the board. Each application shall be accompanied by 3160  
a biennial renewal fee of three hundred five dollars. Applications 3161  
shall be submitted according to the following schedule: 3162

(a) Persons whose last name begins with the letters "A" 3163  
through "B," on or before April 1, 2001, and the first day of 3164  
April of every odd-numbered year thereafter; 3165

(b) Persons whose last name begins with the letters "C" 3166  
through "D," on or before January 1, 2001, and the first day of 3167  
January of every odd-numbered year thereafter; 3168

(c) Persons whose last name begins with the letters "E" 3169



through "G," on or before October 1, 2000, and the first day of 3170  
October of every even-numbered year thereafter; 3171

(d) Persons whose last name begins with the letters "H" 3172  
through "K," on or before July 1, 2000, and the first day of July 3173  
of every even-numbered year thereafter; 3174

(e) Persons whose last name begins with the letters "L" 3175  
through "M," on or before April 1, 2000, and the first day of 3176  
April of every even-numbered year thereafter; 3177

(f) Persons whose last name begins with the letters "N" 3178  
through "R," on or before January 1, 2000, and the first day of 3179  
January of every even-numbered year thereafter; 3180

(g) Persons whose last name begins with the letter "S," on or 3181  
before October 1, 1999, and the first day of October of every 3182  
odd-numbered year thereafter; 3183

(h) Persons whose last name begins with the letters "T" 3184  
through "Z," on or before July 1, 1999, and the first day of July 3185  
of every odd-numbered year thereafter. 3186

The board shall deposit the fee in accordance with section 3187  
4731.24 of the Revised Code, except that the board shall deposit 3188  
twenty dollars of the fee into the state treasury to the credit of 3189  
the physician loan repayment fund created by section 3702.78 of 3190  
the Revised Code. 3191

(2) The board shall provide to every person holding a 3192  
certificate to practice medicine and surgery, osteopathic medicine 3193  
and surgery, or podiatric medicine and surgery, a renewal notice 3194  
or may provide the notice to the person through the secretary of 3195  
any recognized medical, osteopathic, or podiatric society, 3196  
according to the following schedule: 3197

(a) To persons whose last name begins with the letters "A" 3198  
through "B," on or before January 1, 2001, and the first day of 3199

January of every odd-numbered year thereafter;	3200
(b) To persons whose last name begins with the letters "C" through "D," on or before October 1, 2000, and the first day of October of every even-numbered year thereafter;	3201 3202 3203
(c) To persons whose last name begins with the letters "E" through "G," on or before July 1, 2000, and the first day of July of every even-numbered year thereafter;	3204 3205 3206
(d) To persons whose last name begins with the letters "H" through "K," on or before April 1, 2000, and the first day of April of every even-numbered year thereafter;	3207 3208 3209
(e) To persons whose last name begins with the letters "L" through "M," on or before January 1, 2000, and the first day of January of every even-numbered year thereafter;	3210 3211 3212
(f) To persons whose last name begins with the letters "N" through "R," on or before October 1, 1999, and the first day of October of every odd-numbered year thereafter;	3213 3214 3215
(g) To persons whose last name begins with the letter "S," on or before July 1, 1999, and the first day of July of every odd-numbered year thereafter;	3216 3217 3218
(h) To persons whose last name begins with the letters "T" through "Z," on or before April 1, 1999, and the first day of April of every odd-numbered year thereafter.	3219 3220 3221
(3) Failure of any person to receive a notice of renewal from the board shall not excuse the person from the requirements contained in this section.	3222 3223 3224
(4) The board's notice shall inform the applicant of the renewal procedure. The board shall provide the application for renewal in a form determined by the board.	3225 3226 3227
(5) The applicant shall provide in the application the applicant's full name; the applicant's residence address, business	3228 3229

address, and electronic mail address; the number of the 3230  
applicant's certificate to practice; and any other information 3231  
required by the board. 3232

(6)(a) Except as provided in division (A)(6)(b) of this 3233  
section, in the case of an applicant who prescribes or personally 3234  
furnishes opioid analgesics or benzodiazepines, as defined in 3235  
section 3719.01 of the Revised Code, the applicant shall certify 3236  
to the board whether the applicant has been granted access to the 3237  
drug database established and maintained by the state board of 3238  
pharmacy pursuant to section 4729.75 of the Revised Code. 3239

(b) The requirement in division (A)(6)(a) of this section 3240  
does not apply if any of the following is the case: 3241

(i) The state board of pharmacy notifies the state medical 3242  
board pursuant to section 4729.861 of the Revised Code that the 3243  
applicant has been restricted from obtaining further information 3244  
from the drug database. 3245

(ii) The state board of pharmacy no longer maintains the drug 3246  
database. 3247

(iii) The applicant does not practice medicine and surgery, 3248  
osteopathic medicine and surgery, or podiatric medicine and 3249  
surgery in this state. 3250

(c) If an applicant certifies to the state medical board that 3251  
the applicant has been granted access to the drug database and the 3252  
board finds through an audit or other means that the applicant has 3253  
not been granted access, the board may take action under section 3254  
4731.22 of the Revised Code. 3255

(7) The applicant shall include with the application a list 3256  
of the names and addresses of any clinical nurse specialists, 3257  
certified nurse-midwives, or certified nurse practitioners with 3258  
whom the applicant is currently collaborating, as defined in 3259  
section 4723.01 of the Revised Code. 3260

(8) The applicant shall report any criminal offense to which 3261  
the applicant has pleaded guilty, of which the applicant has been 3262  
found guilty, or for which the applicant has been found eligible 3263  
for intervention in lieu of conviction, since last filing an 3264  
application for a certificate to practice or renewal of a 3265  
certificate. 3266

(9) The applicant shall execute and deliver the application 3267  
to the board in a manner prescribed by the board. 3268

(B) The board shall renew a certificate under this chapter to 3269  
practice medicine and surgery, osteopathic medicine and surgery, 3270  
or podiatric medicine and surgery upon application and 3271  
qualification therefor in accordance with this section. A renewal 3272  
shall be valid for a two-year period. 3273

(C) Failure of any certificate holder to renew and comply 3274  
with this section shall operate automatically to suspend the 3275  
holder's certificate to practice and if applicable, the holder's 3276  
certificate to recommend issued under section 4731.30 of the 3277  
Revised Code. Continued practice after the suspension ~~of the~~ 3278  
~~certificate to practice~~ shall be considered as practicing in 3279  
violation of section 4731.41, 4731.43, or 4731.60 of the Revised 3280  
Code. If the certificate has been suspended pursuant to this 3281  
division for two years or less, it may be reinstated. The board 3282  
shall reinstate a certificate to practice suspended for failure to 3283  
renew upon an applicant's submission of a renewal application, the 3284  
biennial renewal fee, and the applicable monetary penalty. The 3285  
penalty for reinstatement shall be one hundred dollars. If the 3286  
certificate has been suspended pursuant to this division for more 3287  
than two years, it may be restored. Subject to section 4731.222 of 3288  
the Revised Code, the board may restore a certificate to practice 3289  
suspended for failure to renew upon an applicant's submission of a 3290  
restoration application, the biennial renewal fee, and the 3291  
applicable monetary penalty and compliance with sections 4776.01 3292

to 4776.04 of the Revised Code. The board shall not restore to an 3293  
applicant a certificate to practice unless the board, in its 3294  
discretion, decides that the results of the criminal records check 3295  
do not make the applicant ineligible for a certificate issued 3296  
pursuant to section 4731.14, 4731.56, or 4731.57 of the Revised 3297  
Code. The penalty for restoration shall be two hundred dollars. 3298  
The board shall deposit the penalties in accordance with section 3299  
4731.24 of the Revised Code. Any renewal or restoration of a 3300  
certificate to practice under this section shall operate 3301  
automatically to renew the holder's certificate to recommend. 3302

(D) If an individual certifies completion of the number of 3303  
hours and type of continuing medical education required to renew 3304  
or reinstate a certificate to practice, and the board finds 3305  
through the random samples it conducts under this section or 3306  
through any other means that the individual did not complete the 3307  
requisite continuing medical education, the board may impose a 3308  
civil penalty of not more than five thousand dollars. The board's 3309  
finding shall be made pursuant to an adjudication under Chapter 3310  
119. of the Revised Code and by an affirmative vote of not fewer 3311  
than six members. 3312

A civil penalty imposed under this division may be in 3313  
addition to or in lieu of any other action the board may take 3314  
under section 4731.22 of the Revised Code. The board shall deposit 3315  
civil penalties in accordance with section 4731.24 of the Revised 3316  
Code. 3317

(E) The state medical board may obtain information not 3318  
protected by statutory or common law privilege from courts and 3319  
other sources concerning malpractice claims against any person 3320  
holding a certificate to practice under this chapter or practicing 3321  
as provided in section 4731.36 of the Revised Code. 3322

(F) Each mailing sent by the board under division (A)(2) of 3323  
this section to a person holding a certificate to practice 3324

medicine and surgery or osteopathic medicine and surgery shall 3325  
inform the applicant of the reporting requirement established by 3326  
division (H) of section 3701.79 of the Revised Code. At the 3327  
discretion of the board, the information may be included on the 3328  
application for renewal or on an accompanying page. 3329

(G) Each person holding a certificate to practice medicine 3330  
and surgery, osteopathic medicine and surgery, or podiatric 3331  
medicine and surgery shall give notice to the board of any of the 3332  
following changes not later than thirty days after the change 3333  
occurs: 3334

(1) A change in the certificate holder's residence address, 3335  
business address, or electronic mail address; 3336

(2) A change in the list provided under division (B)(7) of 3337  
this section of names and addresses of the nurses with whom the 3338  
certificate holder is collaborating. 3339

**Sec. 4731.30.** (A) As used in this section and sections 3340  
4731.301 and 4731.302 of the Revised Code, "medical marijuana," 3341  
"drug database," "physician," and "qualifying medical condition" 3342  
have the same meanings as in section 3796.01 of the Revised Code. 3343

(B)(1) Except as provided in division (B)(4) of this section, 3344  
a physician seeking to recommend treatment with medical marijuana 3345  
shall apply to the state medical board for a certificate to 3346  
recommend. An application shall be submitted in the manner 3347  
established in rules adopted under section 4731.301 of the Revised 3348  
Code. 3349

(2) The board shall grant a certificate to recommend if both 3350  
of the following conditions are met: 3351

(a) The application is complete and meets the requirements 3352  
established in rules. 3353

(b) The applicant demonstrates that the applicant does not 3354

have an ownership or investment interest in or compensation 3355  
arrangement with an entity licensed under Chapter 3796. of the 3356  
Revised Code or an applicant for licensure. 3357

(3) A certificate to recommend expires according to the 3358  
renewal schedule established in rules adopted under section 3359  
4731.301 of the Revised Code and may be renewed in accordance with 3360  
the procedures established in those rules. 3361

(4) This section does not apply to a physician who recommends 3362  
treatment with marijuana or a drug derived from marijuana under 3363  
any of the following that is approved by an investigational review 3364  
board or equivalent entity, the United States food and drug 3365  
administration, or the national institutes of health or one of its 3366  
cooperative groups or centers under the United States department 3367  
of health and human services: 3368

(a) A research protocol; 3369

(b) A clinical trial; 3370

(c) An investigational new drug application; 3371

(d) An expanded access submission. 3372

(C)(1) A physician who holds a certificate to recommend may 3373  
recommend that a patient be treated with medical marijuana if all 3374  
of the following conditions are met: 3375

(a) The patient has been diagnosed with a qualifying medical 3376  
condition; 3377

(b) A bona fide physician-patient relationship has been 3378  
established through all of the following: 3379

(i) An in-person physical examination of the patient by the 3380  
physician; 3381

(ii) A review of the patient's medical history by the 3382  
physician; 3383

(iii) An expectation of providing care and receiving care on an ongoing basis. 3384  
3385

(c) The physician has requested, or a physician delegate approved by the state board of pharmacy has requested, from the drug database a report of information related to the patient that covers at least the twelve months immediately preceding the date of the report, and the physician has reviewed the report. 3386  
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(2) In the case of a patient who is a minor, the physician may recommend treatment with medical marijuana only after obtaining the consent of the patient's parent or other person responsible for providing consent to treatment. 3391  
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(D)(1) When issuing a written recommendation to a patient, the physician shall specify any information required in rules adopted by the board under section 4731.301 of the Revised Code. 3395  
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(2) A written recommendation issued to a patient under this section is valid for a period of not more than ninety days. The physician may renew the recommendation for not more than three additional periods of not more than ninety days each. Thereafter, the physician may issue another recommendation to the patient only upon a physical examination of the patient. 3398  
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(E) Annually, the physician shall submit to the state medical board a report that describes the physician's observations regarding the effectiveness of medical marijuana in treating the physician's patients during the year covered by the report. When submitting reports, a physician shall not include any information that identifies or would tend to identify any specific patient. 3404  
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(F) Each physician who holds a certificate to recommend shall complete annually at least two hours of continuing medical education in medical marijuana approved by the state medical board. 3410  
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(G) A physician shall not do any of the following: 3414



<u>(1) Personally furnish or otherwise dispense medical marijuana;</u>	3415
	3416
<u>(2) Issue a recommendation for a family member or the physician's self.</u>	3417
	3418
<u>(H) A physician is immune from civil liability, is not subject to professional disciplinary action by the state medical board or state board of pharmacy, and is not subject to criminal prosecution for any of the following actions:</u>	3419
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	3421
	3422
<u>(1) Advising a patient, patient representative, or caregiver about the benefits and risks of medical marijuana to treat a qualifying medical condition;</u>	3423
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	3425
<u>(2) Recommending that a patient use medical marijuana to treat or alleviate the condition;</u>	3426
	3427
<u>(3) Monitoring a patient's treatment with medical marijuana.</u>	3428
<b><u>Sec. 4731.301. (A) Not later than one year after the effective date of this section, the state medical board shall adopt rules establishing all of the following:</u></b>	3429
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	3431
<u>(1) The procedures when applying for a certificate to recommend under section 4731.301 of the Revised Code;</u>	3432
	3433
<u>(2) The conditions that must be met to be eligible for a certificate to recommend;</u>	3434
	3435
<u>(3) The schedule and procedures for renewing a certificate to recommend;</u>	3436
	3437
<u>(4) The reasons for which a certificate may be suspended or revoked;</u>	3438
	3439
<u>(5) The standards under which a certificate suspension may be lifted;</u>	3440
	3441
<u>(6) The minimal standards of care when recommending treatment with medical marijuana.</u>	3442
	3443

The rules shall be adopted in accordance with Chapter 119. of 3444  
the Revised Code. 3445

(B) In addition to the rules described in division (A) of 3446  
this section, the board may adopt any other rules it considers 3447  
necessary to implement sections 4731.30 and 4731.302 of the 3448  
Revised Code which may include rules specifying the information 3449  
that must be included in a written recommendation issued under 3450  
section 4731.30 of the Revised Code. The rules shall be adopted in 3451  
accordance with Chapter 119. of the Revised Code. 3452

(C) The board shall approve one or more continuing medical 3453  
education courses of study, which may be a course or courses 3454  
certified by the Ohio state medical association or Ohio 3455  
osteopathic association, that assist physicians holding 3456  
certificates to recommend in both of the following: 3457

(1) Diagnosing qualifying medical conditions as defined in 3458  
section 3796.01 of the Revised Code; 3459

(2) Treating qualifying medical conditions with medical 3460  
marijuana. 3461

**Sec. 4731.302.** (A) Any person may submit a petition to the 3462  
state medical board requesting that a disease or condition be 3463  
added as a qualifying medical condition for the purposes of 3464  
section 3796.01 of the Revised Code. A petition shall be submitted 3465  
to the board in a manner prescribed by the board. A petition shall 3466  
be limited to one disease or condition and shall include a 3467  
description of the disease or condition. A petition shall not seek 3468  
to add a broad category of diseases or conditions. 3469

(B) On receipt of a petition, the board shall review it to 3470  
determine whether to approve or deny the addition of the disease 3471  
or condition described in the petition. The board may consolidate 3472  
the review of petitions for the same or similar diseases or 3473

conditions. In making its determination, the board shall do all of 3474  
the following: 3475

(1) Consult with one or more experts who specialize in the 3476  
study of the disease or condition; 3477

(2) Review any relevant medical or scientific evidence 3478  
pertaining to the disease or condition; 3479

(3) Consider whether conventional medical therapies are 3480  
insufficient to treat or alleviate the disease or condition; 3481

(4) Review evidence supporting the use of medical marijuana 3482  
to treat or alleviate the disease or condition; 3483

(5) Review any letters of support provided by physicians with 3484  
knowledge of the disease or condition, including any letter 3485  
provided by a physician treating the petitioner. 3486

(C) The board shall approve or deny the petition in 3487  
accordance with any rules adopted by the board under section 3488  
4731.301 of the Revised Code. The board's decision is final. 3489

**Sec. 4776.02.** (A) An applicant for an initial license or 3490  
restored license from a licensing agency, a person seeking to 3491  
satisfy the criteria for being a qualified pharmacy technician 3492  
that are specified in section 4729.42 of the Revised Code, ~~or~~ a 3493  
person seeking to satisfy the requirements to be an employee of a 3494  
pain management clinic as specified in section 4729.552 of the 3495  
Revised Code, or a person seeking employment with an entity 3496  
holding a license issued under Chapter 3796. of the Revised Code 3497  
shall submit a request to the bureau of criminal identification 3498  
and investigation for a criminal records check of the applicant or 3499  
person. The request shall be accompanied by a completed copy of 3500  
the form prescribed under division (C)(1) of section 109.572 of 3501  
the Revised Code, a set of fingerprint impressions obtained as 3502  
described in division (C)(2) of that section, and the fee 3503

prescribed under division (C)(3) of that section. The applicant or person shall ask the superintendent of the bureau of criminal identification and investigation in the request to obtain from the federal bureau of investigation any information it has pertaining to the applicant or person.

An applicant or person requesting a criminal records check shall provide the bureau of criminal identification and investigation with the applicant's or person's name and address and, regarding an applicant, with the licensing agency's name and address. If the person requesting the criminal records check is a person seeking employment with an entity holding a license under Chapter 3796. of the Revised Code, the person also shall provide the bureau with the name and address of the entity holding the license.

(B) Upon receipt of the completed form, the set of fingerprint impressions, and the fee provided for in division (A) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check of the applicant or person under division (B) of section 109.572 of the Revised Code. Upon completion of the criminal records check, the superintendent shall do whichever of the following is applicable:

(1) If the request was submitted by an applicant for an initial license or restored license, report the results of the criminal records check and any information the federal bureau of investigation provides to the licensing agency identified in the request for a criminal records check;

(2) If the request was submitted by a person seeking to satisfy the criteria for being a qualified pharmacy technician that are specified in section 4729.42 of the Revised Code or a person seeking to satisfy the requirements to be an employee of a pain management clinic as specified in section 4729.552 of the

Revised Code, do both of the following: 3536

(a) Report the results of the criminal records check and any 3537  
information the federal bureau of investigation provides to the 3538  
person who submitted the request; 3539

(b) Report the results of the portion of the criminal records 3540  
check performed by the bureau of criminal identification and 3541  
investigation under division (B)(1) of section 109.572 of the 3542  
Revised Code to the employer or potential employer specified in 3543  
the request of the person who submitted the request and send a 3544  
letter to that employer or potential employer regarding the 3545  
information provided by the federal bureau of investigation that 3546  
states either that based on that information there is no record of 3547  
any conviction or that based on that information the person who 3548  
submitted the request may not meet the criteria that are specified 3549  
in section 4729.42 of the Revised Code, whichever is applicable. 3550

(3) If the request was submitted by a person seeking 3551  
employment with an entity holding a license issued under Chapter 3552  
3796. of the Revised Code, report the results of the criminal 3553  
records check, including any information the federal bureau of 3554  
investigation provides as part of the criminal records check, to 3555  
both of the following: 3556

(a) The person who submitted the request; 3557

(b) The entity holding a license issued under Chapter 3796. 3558  
of the Revised Code from which the person who submitted the 3559  
request is seeking employment. 3560

**Sec. 4776.04.** The results of any criminal records check 3561  
conducted pursuant to a request made under this chapter and any 3562  
report containing those results, including any information the 3563  
federal bureau of investigation provides, are not public records 3564  
for purposes of section 149.43 of the Revised Code and shall not 3565

be made available to any person or for any purpose other than as follows: 3566  
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(A) If the request for the criminal records check was submitted by an applicant for an initial license or restored license, as follows: 3568  
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(1) The superintendent of the bureau of criminal identification and investigation shall make the results available to the licensing agency for use in determining, under the agency's authorizing chapter of the Revised Code, whether the applicant who is the subject of the criminal records check should be granted a license under that chapter. 3571  
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(2) The licensing agency shall make the results available to the applicant who is the subject of the criminal records check. 3577  
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(B) If the request for the criminal records check was submitted by a person seeking to satisfy the criteria for being a qualified pharmacy technician that are specified in section 4729.42 of the Revised Code or a person seeking to satisfy the requirements to be an employee of a pain management clinic as specified in section 4729.552 of the Revised Code, the superintendent of the bureau of criminal identification and investigation shall make the results available in accordance with the following: 3579  
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(1) The superintendent shall make the results of the criminal records check, including any information the federal bureau of investigation provides, available to the person who submitted the request and is the subject of the criminal records check. 3588  
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(2) The superintendent shall make the results of the portion of the criminal records check performed by the bureau of criminal identification and investigation under division (B)(1) of section 109.572 of the Revised Code available to the employer or potential employer specified in the request of the person who submitted the 3592  
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request and shall send a letter of the type described in division 3597  
(B)(2) of section 4776.02 of the Revised Code to that employer or 3598  
potential employer regarding the information provided by the 3599  
federal bureau of investigation that contains one of the types of 3600  
statements described in that division. 3601

(C) If the request for the criminal records check was 3602  
submitted by an applicant for a trainee license under section 3603  
4776.021 of the Revised Code, as follows: 3604

(1) The superintendent of the bureau of criminal 3605  
identification and investigation shall make the results available 3606  
to the licensing agency or other agency identified in division (B) 3607  
of section 4776.021 of the Revised Code for use in determining, 3608  
under the agency's authorizing chapter of the Revised Code and 3609  
division (D) of section 4776.021 of the Revised Code, whether the 3610  
applicant who is the subject of the criminal records check should 3611  
be granted a trainee license under that chapter and that division. 3612

(2) The licensing agency or other agency identified in 3613  
division (B) of section 4776.021 of the Revised Code shall make 3614  
the results available to the applicant who is the subject of the 3615  
criminal records check. 3616

(D) If the request for the criminal records check was 3617  
submitted by a person seeking employment with an entity holding a 3618  
license issued under Chapter 3796. of the Revised Code, the 3619  
superintendent shall make the results available in accordance with 3620  
division (B)(3) of section 4776.02 of the Revised Code. 3621

**Sec. 5713.30.** As used in sections 5713.31 to 5713.37 and 3622  
5715.01 of the Revised Code: 3623

(A) "Land devoted exclusively to agricultural use" means: 3624

(1) Tracts, lots, or parcels of land totaling not less than 3625  
ten acres to which, during the three calendar years prior to the 3626

year in which application is filed under section 5713.31 of the Revised Code, and through the last day of May of such year, one or more of the following apply:

(a) The tracts, lots, or parcels of land were devoted exclusively to commercial animal or poultry husbandry, aquaculture, algaculture meaning the farming of algae, apiculture, the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental trees, sod, or flowers, or the growth of timber for a noncommercial purpose, if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use.

(b) The tracts, lots, or parcels of land were devoted exclusively to biodiesel production, biomass energy production, electric or heat energy production, or biologically derived methane gas production if the land on which the production facility is located is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use, provided that at least fifty per cent of the feedstock used in the production was derived from parcels of land under common ownership or leasehold.

(c) The tracts, lots, or parcels of land were devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with an agency of the federal government.

(2) Tracts, lots, or parcels of land totaling less than ten acres that, during the three calendar years prior to the year in which application is filed under section 5713.31 of the Revised Code and through the last day of May of such year, were devoted exclusively to commercial animal or poultry husbandry, aquaculture, algaculture meaning the farming of algae, apiculture, the production for a commercial purpose of field crops, tobacco,



fruits, vegetables, timber, nursery stock, ornamental trees, sod, 3659  
or flowers where such activities produced an average yearly gross 3660  
income of at least twenty-five hundred dollars during such 3661  
three-year period or where there is evidence of an anticipated 3662  
gross income of such amount from such activities during the tax 3663  
year in which application is made, or were devoted to and 3664  
qualified for payments or other compensation under a land 3665  
retirement or conservation program under an agreement with an 3666  
agency of the federal government; 3667

(3) A tract, lot, or parcel of land taxed under sections 3668  
5713.22 to 5713.26 of the Revised Code is not land devoted 3669  
exclusively to agricultural use; 3670

(4) Tracts, lots, or parcels of land, or portions thereof 3671  
that, during the previous three consecutive calendar years have 3672  
been designated as land devoted exclusively to agricultural use, 3673  
but such land has been lying idle or fallow for up to one year and 3674  
no action has occurred to such land that is either inconsistent 3675  
with the return of it to agricultural production or converts the 3676  
land devoted exclusively to agricultural use as defined in this 3677  
section. Such land shall remain designated as land devoted 3678  
exclusively to agricultural use provided that beyond one year, but 3679  
less than three years, the landowner proves good cause as 3680  
determined by the board of revision. 3681

(5) Tracts, lots, or parcels of land, or portions thereof 3682  
that, during the previous three consecutive calendar years have 3683  
been designated as land devoted exclusively to agricultural use, 3684  
but such land has been lying idle or fallow because of dredged 3685  
material being stored or deposited on such land pursuant to a 3686  
contract between the land's owner and the department of natural 3687  
resources or the United States army corps of engineers and no 3688  
action has occurred to the land that is either inconsistent with 3689  
the return of it to agricultural production or converts the land 3690

devoted exclusively to agricultural use. Such land shall remain 3691  
designated as land devoted exclusively to agricultural use until 3692  
the last year in which dredged material is stored or deposited on 3693  
the land pursuant to such a contract, but not to exceed five 3694  
years. 3695

"Land devoted exclusively to agricultural use" includes 3696  
tracts, lots, or parcels of land or portions thereof that are used 3697  
for conservation practices, provided that the tracts, lots, or 3698  
parcels of land or portions thereof comprise twenty-five per cent 3699  
or less of the total of the tracts, lots, or parcels of land that 3700  
satisfy the criteria established in division (A)(1), (2), (4), or 3701  
(5) of this section together with the tracts, lots, or parcels of 3702  
land or portions thereof that are used for conservation practices. 3703

A tract, lot, parcel, or portion thereof on which medical 3704  
marijuana, as defined by section 3796.01 of the Revised Code, is 3705  
cultivated or processed is not land devoted exclusively to 3706  
agricultural use. 3707

(B) "Conversion of land devoted exclusively to agricultural 3708  
use" means any of the following: 3709

(1) The failure of the owner of land devoted exclusively to 3710  
agricultural use during the next preceding calendar year to file a 3711  
renewal application under section 5713.31 of the Revised Code 3712  
without good cause as determined by the board of revision; 3713

(2) The failure of the new owner of such land to file an 3714  
initial application under that section without good cause as 3715  
determined by the board of revision; 3716

(3) The failure of such land or portion thereof to qualify as 3717  
land devoted exclusively to agricultural use for the current 3718  
calendar year as requested by an application filed under such 3719  
section; 3720

(4) The failure of the owner of the land described in 3721

division (A)(4) or (5) of this section to act on such land in a 3722  
manner that is consistent with the return of the land to 3723  
agricultural production after three years. 3724

The construction or installation of an energy facility, as 3725  
defined in section 5727.01 of the Revised Code, on a portion of a 3726  
tract, lot, or parcel of land devoted exclusively to agricultural 3727  
use shall not cause the remaining portion of the tract, lot, or 3728  
parcel to be regarded as a conversion of land devoted exclusively 3729  
to agricultural use if the remaining portion of the tract, lot, or 3730  
parcel continues to be devoted exclusively to agricultural use. 3731

(C) "Tax savings" means the difference between the dollar 3732  
amount of real property taxes levied in any year on land valued 3733  
and assessed in accordance with its current agricultural use value 3734  
and the dollar amount of real property taxes that would have been 3735  
levied upon such land if it had been valued and assessed for such 3736  
year in accordance with Section 2 of Article XII, Ohio 3737  
Constitution. 3738

(D) "Owner" includes, but is not limited to, any person 3739  
owning a fee simple, fee tail, or life estate or a buyer on a land 3740  
installment contract. 3741

(E) "Conservation practices" are practices used to abate soil 3742  
erosion as required in the management of the farming operation, 3743  
and include, but are not limited to, the installation, 3744  
construction, development, planting, or use of grass waterways, 3745  
terraces, diversions, filter strips, field borders, windbreaks, 3746  
riparian buffers, wetlands, ponds, and cover crops for that 3747  
purpose. 3748

(F) "Wetlands" has the same meaning as in section 6111.02 of 3749  
the Revised Code. 3750

(G) "Biodiesel" means a mono-alkyl ester combustible liquid 3751  
fuel that is derived from vegetable oils or animal fats or any 3752

combination of those reagents and that meets the American society 3753  
for testing and materials specification D6751-03a for biodiesel 3754  
fuel (B100) blend stock distillate fuels. 3755

(H) "Biologically derived methane gas" means gas from the 3756  
anaerobic digestion of organic materials, including animal waste 3757  
and agricultural crops and residues. 3758

(I) "Biomass energy" means energy that is produced from 3759  
organic material derived from plants or animals and available on a 3760  
renewable basis, including, but not limited to, agricultural 3761  
crops, tree crops, crop by-products, and residues. 3762

(J) "Electric or heat energy" means electric or heat energy 3763  
generated from manure, cornstalks, soybean waste, or other 3764  
agricultural feedstocks. 3765

(K) "Dredged material" means material that is excavated or 3766  
dredged from waters of this state. "Dredged material" does not 3767  
include material resulting from normal farming, silviculture, and 3768  
ranching activities, such as plowing, cultivating, seeding, and 3769  
harvesting, for production of food, fiber, and forest products. 3770

**Section 2.** That existing sections 109.572, 519.21, 4123.54, 3771  
4729.75, 4729.80, 4729.84, 4729.85, 4729.86, 4731.22, 4731.281, 3772  
4776.02, 4776.04, and 5713.30 of the Revised Code are hereby 3773  
repealed. 3774

**Section 3.** The Department of Commerce and State Board of 3775  
Pharmacy shall take all actions necessary to ensure that the 3776  
Medical Marijuana Control Program established under Chapter 3796. 3777  
of the Revised Code, as enacted by this act, is fully operational 3778  
not later than two years after the effective date of this act. 3779

**Section 4.** The General Assembly hereby declares that it 3780  
intends to recommend that the United States Congress, the Attorney 3781

General of the United States, and the United States Drug 3782  
Enforcement Administration take actions as necessary to reclassify 3783  
marijuana in an effort to ease the regulatory burdens associated 3784  
with research on its potential medical benefits. 3785

**Section 5.** (A) The Department of Commerce shall not issue a 3786  
license to conduct laboratory testing of medical marijuana under 3787  
section 3796.09 of the Revised Code, unless the applicant for 3788  
licensure is an institution of higher education that meets all of 3789  
the following conditions: 3790

(1) The institution is public and located in this state. 3791

(2) The institution has the resources and facilities 3792  
necessary to conduct testing in accordance with the standards and 3793  
procedures established in rules adopted by the Department under 3794  
section 3796.03 of the Revised Code. 3795

(B) This section shall expire on the date that occurs one 3796  
year after the date on which the Department begins accepting 3797  
applications for licensure pursuant to section 3796.09 of the 3798  
Revised Code. 3799

**Section 6.** (A) As used in this section, "drug database," 3800  
"medical marijuana," "physician," and "qualifying medical 3801  
condition" have the same meanings as in section 3796.01 of the 3802  
Revised Code. 3803

(B) It is an affirmative defense to a charge of a violation 3804  
of section 2925.11 or section 2925.141 of the Revised Code 3805  
relating to marihuana that the individual is a patient or parent 3806  
or guardian of a patient who is a minor and who meets both of the 3807  
following requirements: 3808

(1) A physician issued a written recommendation certifying 3809  
all of the following: 3810

(a) That a bona fide physician-patient relationship exists	3811
between the physician and patient;	3812
(b) That the patient has been diagnosed with a qualifying	3813
medical condition;	3814
(c) That the physician or physician delegate has requested	3815
from the drug database a report of information related to the	3816
patient that covers at least the twelve months immediately	3817
preceding the date of the report;	3818
(d) That the physician has informed the patient or the	3819
patient's parent or guardian of the risks and benefits of medical	3820
marijuana as it pertains to the patient's qualifying medical	3821
condition and medical history;	3822
(e) That the physician has informed the patient or the	3823
patient's parent or guardian that it is the physician's opinion	3824
that the benefits of medical marijuana outweigh its risks.	3825
(2) The individual used or possessed medical marijuana only	3826
in a form or by a method described in section 3796.06 of the	3827
Revised Code.	3828
(C) The affirmative defense established by this section may	3829
be raised only for conduct occurring on or after the effective	3830
date of this section, but not later than sixty days after the date	3831
the State Board of Pharmacy begins accepting applications for	3832
registration pursuant to section 3796.08 of the Revised Code.	3833
(D) In the case of a parent or guardian, this section does	3834
not establish an affirmative defense to a charge of a violation of	3835
section 2925.11 of the Revised Code relating to the use of	3836
marihuana, unless the parent or guardian is also a patient who	3837
meets the requirements of division (B) of this section.	3838