

As Introduced

**131st General Assembly
Regular Session
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H. B. No. 523

Representative Huffman

Cosponsors: Representatives Schuring, Ramos

A B I L L

To amend sections 109.572, 303.21, 519.21, 4123.54, 1
4729.75, 4729.80, 4729.81, 4729.82, 4729.83, 2
4729.84, 4729.85, and 4729.86 and to enact 3
sections 3796.01, 3796.02, 3796.03, 3796.04, 4
3796.05, 3796.06, 3796.07, 3796.10, 3796.11, 5
3796.12, 3796.13, 3796.18, 3796.19, 3796.20, 6
3796.21, 3796.22, 3796.27, 3796.28, 3796.29, 7
3796.30, and 4729.771 of the Revised Code to 8
authorize the use of marijuana for medical 9
purposes and to establish the Medical Marijuana 10
Control Program. 11

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

Section 1. That sections 109.572, 303.21, 519.21, 4123.54, 12
4729.75, 4729.80, 4729.81, 4729.82, 4729.83, 4729.84, 4729.85, and 13
4729.86 be amended and sections 3796.01, 3796.02, 3796.03, 14
3796.04, 3796.05, 3796.06, 3796.07, 3796.10, 3796.11, 3796.12, 15
3796.13, 3796.18, 3796.19, 3796.20, 3796.21, 3796.22, 3796.27, 16
3796.28, 3796.29, 3796.30, and 4729.771 of the Revised Code be 17
enacted to read as follows: 18

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 19

section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 20
a completed form prescribed pursuant to division (C)(1) of this 21
section, and a set of fingerprint impressions obtained in the 22
manner described in division (C)(2) of this section, the 23
superintendent of the bureau of criminal identification and 24
investigation shall conduct a criminal records check in the manner 25
described in division (B) of this section to determine whether any 26
information exists that indicates that the person who is the 27
subject of the request previously has been convicted of or pleaded 28
guilty to any of the following: 29

(a) A violation of section 2903.01, 2903.02, 2903.03, 30
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 31
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 32
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 33
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 34
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 35
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 36
2925.06, or 3716.11 of the Revised Code, felonious sexual 37
penetration in violation of former section 2907.12 of the Revised 38
Code, a violation of section 2905.04 of the Revised Code as it 39
existed prior to July 1, 1996, a violation of section 2919.23 of 40
the Revised Code that would have been a violation of section 41
2905.04 of the Revised Code as it existed prior to July 1, 1996, 42
had the violation been committed prior to that date, or a 43
violation of section 2925.11 of the Revised Code that is not a 44
minor drug possession offense; 45

(b) A violation of an existing or former law of this state, 46
any other state, or the United States that is substantially 47
equivalent to any of the offenses listed in division (A)(1)(a) of 48
this section; 49

(c) If the request is made pursuant to section 3319.39 of the 50
Revised Code for an applicant who is a teacher, any offense 51

specified in section 3319.31 of the Revised Code. 52

(2) On receipt of a request pursuant to section 3712.09 or 53
3721.121 of the Revised Code, a completed form prescribed pursuant 54
to division (C)(1) of this section, and a set of fingerprint 55
impressions obtained in the manner described in division (C)(2) of 56
this section, the superintendent of the bureau of criminal 57
identification and investigation shall conduct a criminal records 58
check with respect to any person who has applied for employment in 59
a position for which a criminal records check is required by those 60
sections. The superintendent shall conduct the criminal records 61
check in the manner described in division (B) of this section to 62
determine whether any information exists that indicates that the 63
person who is the subject of the request previously has been 64
convicted of or pleaded guilty to any of the following: 65

(a) A violation of section 2903.01, 2903.02, 2903.03, 66
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 67
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 68
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 69
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 70
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 71
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 72
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 73
2925.22, 2925.23, or 3716.11 of the Revised Code; 74

(b) An existing or former law of this state, any other state, 75
or the United States that is substantially equivalent to any of 76
the offenses listed in division (A)(2)(a) of this section. 77

(3) On receipt of a request pursuant to section 173.27, 78
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 79
or 5123.169 of the Revised Code, a completed form prescribed 80
pursuant to division (C)(1) of this section, and a set of 81
fingerprint impressions obtained in the manner described in 82
division (C)(2) of this section, the superintendent of the bureau 83

of criminal identification and investigation shall conduct a 84
criminal records check of the person for whom the request is made. 85
The superintendent shall conduct the criminal records check in the 86
manner described in division (B) of this section to determine 87
whether any information exists that indicates that the person who 88
is the subject of the request previously has been convicted of, 89
has pleaded guilty to, or (except in the case of a request 90
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 91
Code) has been found eligible for intervention in lieu of 92
conviction for any of the following, regardless of the date of the 93
conviction, the date of entry of the guilty plea, or (except in 94
the case of a request pursuant to section 5164.34, 5164.341, or 95
5164.342 of the Revised Code) the date the person was found 96
eligible for intervention in lieu of conviction: 97

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 98
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 99
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 100
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 101
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 102
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 103
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 104
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 105
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 106
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 107
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 108
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 109
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 110
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 111
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 112
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 113
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 114
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 115
2927.12, or 3716.11 of the Revised Code; 116

(b) Felonious sexual penetration in violation of former section 2907.12 of the Revised Code;	117 118
(c) A violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996;	119 120
(d) A violation of section 2923.01, 2923.02, or 2923.03 of the Revised Code when the underlying offense that is the object of the conspiracy, attempt, or complicity is one of the offenses listed in divisions (A)(3)(a) to (c) of this section;	121 122 123 124
(e) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in divisions (A)(3)(a) to (d) of this section.	125 126 127 128
(4) On receipt of a request pursuant to section 2151.86 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:	129 130 131 132 133 134 135 136 137 138
(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11	139 140 141 142 143 144 145 146 147

of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, two or more OVI or OVUAC violations committed within the three years immediately preceding the submission of the application or petition that is the basis of the request, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

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

(5) Upon receipt of a request pursuant to section 5104.013 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2151.421, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02,

2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 180
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 181
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 182
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 183
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 184
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 185
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 186
Revised Code, felonious sexual penetration in violation of former 187
section 2907.12 of the Revised Code, a violation of section 188
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 189
violation of section 2919.23 of the Revised Code that would have 190
been a violation of section 2905.04 of the Revised Code as it 191
existed prior to July 1, 1996, had the violation been committed 192
prior to that date, a violation of section 2925.11 of the Revised 193
Code that is not a minor drug possession offense, a violation of 194
section 2923.02 or 2923.03 of the Revised Code that relates to a 195
crime specified in this division, or a second violation of section 196
4511.19 of the Revised Code within five years of the date of 197
application for licensure or certification. 198

(b) A violation of an existing or former law of this state, 199
any other state, or the United States that is substantially 200
equivalent to any of the offenses or violations described in 201
division (A)(5)(a) of this section. 202

(6) Upon receipt of a request pursuant to section 5153.111 of 203
the Revised Code, a completed form prescribed pursuant to division 204
(C)(1) of this section, and a set of fingerprint impressions 205
obtained in the manner described in division (C)(2) of this 206
section, the superintendent of the bureau of criminal 207
identification and investigation shall conduct a criminal records 208
check in the manner described in division (B) of this section to 209
determine whether any information exists that indicates that the 210
person who is the subject of the request previously has been 211

convicted of or pleaded guilty to any of the following: 212

(a) A violation of section 2903.01, 2903.02, 2903.03, 213
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 214
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 215
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 216
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 217
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 218
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 219
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 220
felonious sexual penetration in violation of former section 221
2907.12 of the Revised Code, a violation of section 2905.04 of the 222
Revised Code as it existed prior to July 1, 1996, a violation of 223
section 2919.23 of the Revised Code that would have been a 224
violation of section 2905.04 of the Revised Code as it existed 225
prior to July 1, 1996, had the violation been committed prior to 226
that date, or a violation of section 2925.11 of the Revised Code 227
that is not a minor drug possession offense; 228

(b) A violation of an existing or former law of this state, 229
any other state, or the United States that is substantially 230
equivalent to any of the offenses listed in division (A)(6)(a) of 231
this section. 232

(7) On receipt of a request for a criminal records check from 233
an individual pursuant to section 4749.03 or 4749.06 of the 234
Revised Code, accompanied by a completed copy of the form 235
prescribed in division (C)(1) of this section and a set of 236
fingerprint impressions obtained in a manner described in division 237
(C)(2) of this section, the superintendent of the bureau of 238
criminal identification and investigation shall conduct a criminal 239
records check in the manner described in division (B) of this 240
section to determine whether any information exists indicating 241
that the person who is the subject of the request has been 242
convicted of or pleaded guilty to a felony in this state or in any 243

other state. If the individual indicates that a firearm will be 244
carried in the course of business, the superintendent shall 245
require information from the federal bureau of investigation as 246
described in division (B)(2) of this section. Subject to division 247
(F) of this section, the superintendent shall report the findings 248
of the criminal records check and any information the federal 249
bureau of investigation provides to the director of public safety. 250

(8) On receipt of a request pursuant to section 1321.37, 251
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 252
Code, a completed form prescribed pursuant to division (C)(1) of 253
this section, and a set of fingerprint impressions obtained in the 254
manner described in division (C)(2) of this section, the 255
superintendent of the bureau of criminal identification and 256
investigation shall conduct a criminal records check with respect 257
to any person who has applied for a license, permit, or 258
certification from the department of commerce or a division in the 259
department. The superintendent shall conduct the criminal records 260
check in the manner described in division (B) of this section to 261
determine whether any information exists that indicates that the 262
person who is the subject of the request previously has been 263
convicted of or pleaded guilty to any of the following: a 264
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 265
2925.03 of the Revised Code; any other criminal offense involving 266
theft, receiving stolen property, embezzlement, forgery, fraud, 267
passing bad checks, money laundering, or drug trafficking, or any 268
criminal offense involving money or securities, as set forth in 269
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 270
the Revised Code; or any existing or former law of this state, any 271
other state, or the United States that is substantially equivalent 272
to those offenses. 273

(9) On receipt of a request for a criminal records check from 274
the treasurer of state under section 113.041 of the Revised Code 275

or from an individual under section 4701.08, 4715.101, 4717.061, 276
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 277
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 278
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 279
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 280
4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, 281
accompanied by a completed form prescribed under division (C)(1) 282
of this section and a set of fingerprint impressions obtained in 283
the manner described in division (C)(2) of this section, the 284
superintendent of the bureau of criminal identification and 285
investigation shall conduct a criminal records check in the manner 286
described in division (B) of this section to determine whether any 287
information exists that indicates that the person who is the 288
subject of the request has been convicted of or pleaded guilty to 289
any criminal offense in this state or any other state. Subject to 290
division (F) of this section, the superintendent shall send the 291
results of a check requested under section 113.041 of the Revised 292
Code to the treasurer of state and shall send the results of a 293
check requested under any of the other listed sections to the 294
licensing board specified by the individual in the request. 295

(10) On receipt of a request pursuant to section 1121.23, 296
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 297
Code, a completed form prescribed pursuant to division (C)(1) of 298
this section, and a set of fingerprint impressions obtained in the 299
manner described in division (C)(2) of this section, the 300
superintendent of the bureau of criminal identification and 301
investigation shall conduct a criminal records check in the manner 302
described in division (B) of this section to determine whether any 303
information exists that indicates that the person who is the 304
subject of the request previously has been convicted of or pleaded 305
guilty to any criminal offense under any existing or former law of 306
this state, any other state, or the United States. 307

(11) On receipt of a request for a criminal records check 308
from an appointing or licensing authority under section 3772.07 of 309
the Revised Code, a completed form prescribed under division 310
(C)(1) of this section, and a set of fingerprint impressions 311
obtained in the manner prescribed in division (C)(2) of this 312
section, the superintendent of the bureau of criminal 313
identification and investigation shall conduct a criminal records 314
check in the manner described in division (B) of this section to 315
determine whether any information exists that indicates that the 316
person who is the subject of the request previously has been 317
convicted of or pleaded guilty or no contest to any offense under 318
any existing or former law of this state, any other state, or the 319
United States that is a disqualifying offense as defined in 320
section 3772.07 of the Revised Code or substantially equivalent to 321
such an offense. 322

(12) On receipt of a request pursuant to section 2151.33 or 323
2151.412 of the Revised Code, a completed form prescribed pursuant 324
to division (C)(1) of this section, and a set of fingerprint 325
impressions obtained in the manner described in division (C)(2) of 326
this section, the superintendent of the bureau of criminal 327
identification and investigation shall conduct a criminal records 328
check with respect to any person for whom a criminal records check 329
is required under that section. The superintendent shall conduct 330
the criminal records check in the manner described in division (B) 331
of this section to determine whether any information exists that 332
indicates that the person who is the subject of the request 333
previously has been convicted of or pleaded guilty to any of the 334
following: 335

(a) A violation of section 2903.01, 2903.02, 2903.03, 336
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 337
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 338
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 339

2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 340
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 341
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 342
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 343
2925.22, 2925.23, or 3716.11 of the Revised Code; 344

(b) An existing or former law of this state, any other state, 345
or the United States that is substantially equivalent to any of 346
the offenses listed in division (A)(12)(a) of this section. 347

(13) On receipt of a request pursuant to section 3796.12 of 348
the Revised Code, a completed form prescribed pursuant to division 349
(C)(1) of this section, and a set of fingerprint impressions 350
obtained in a manner described in division (C)(2) of this section, 351
the superintendent of the bureau of criminal identification and 352
investigation shall conduct a criminal records check in the manner 353
described in division (B) of this section to determine whether any 354
information exists that indicates that the person who is the 355
subject of the request previously has been convicted of or pleaded 356
guilty to a disqualifying offense, as specified in rules adopted 357
under section 3796.04 of the Revised Code. 358

(B) Subject to division (F) of this section, the 359
superintendent shall conduct any criminal records check to be 360
conducted under this section as follows: 361

(1) The superintendent shall review or cause to be reviewed 362
any relevant information gathered and compiled by the bureau under 363
division (A) of section 109.57 of the Revised Code that relates to 364
the person who is the subject of the criminal records check, 365
including, if the criminal records check was requested under 366
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 367
1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 368
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 369
3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 4749.03, 4749.06, 370
4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 371

5123.169, or 5153.111 of the Revised Code, any relevant 372
information contained in records that have been sealed under 373
section 2953.32 of the Revised Code; 374

(2) If the request received by the superintendent asks for 375
information from the federal bureau of investigation, the 376
superintendent shall request from the federal bureau of 377
investigation any information it has with respect to the person 378
who is the subject of the criminal records check, including 379
fingerprint-based checks of national crime information databases 380
as described in 42 U.S.C. 671 if the request is made pursuant to 381
section 2151.86 or 5104.013 of the Revised Code or if any other 382
Revised Code section requires fingerprint-based checks of that 383
nature, and shall review or cause to be reviewed any information 384
the superintendent receives from that bureau. If a request under 385
section 3319.39 of the Revised Code asks only for information from 386
the federal bureau of investigation, the superintendent shall not 387
conduct the review prescribed by division (B)(1) of this section. 388

(3) The superintendent or the superintendent's designee may 389
request criminal history records from other states or the federal 390
government pursuant to the national crime prevention and privacy 391
compact set forth in section 109.571 of the Revised Code. 392

(4) The superintendent shall include in the results of the 393
criminal records check a list or description of the offenses 394
listed or described in division (A)(1), (2), (3), (4), (5), (6), 395
(7), (8), (9), (10), (11), ~~or (12)~~, or (13) of this section, 396
whichever division requires the superintendent to conduct the 397
criminal records check. The superintendent shall exclude from the 398
results any information the dissemination of which is prohibited 399
by federal law. 400

(5) The superintendent shall send the results of the criminal 401
records check to the person to whom it is to be sent not later 402
than the following number of days after the date the 403

superintendent receives the request for the criminal records 404
check, the completed form prescribed under division (C)(1) of this 405
section, and the set of fingerprint impressions obtained in the 406
manner described in division (C)(2) of this section: 407

(a) If the superintendent is required by division (A) of this 408
section (other than division (A)(3) of this section) to conduct 409
the criminal records check, thirty; 410

(b) If the superintendent is required by division (A)(3) of 411
this section to conduct the criminal records check, sixty. 412

(C)(1) The superintendent shall prescribe a form to obtain 413
the information necessary to conduct a criminal records check from 414
any person for whom a criminal records check is to be conducted 415
under this section. The form that the superintendent prescribes 416
pursuant to this division may be in a tangible format, in an 417
electronic format, or in both tangible and electronic formats. 418

(2) The superintendent shall prescribe standard impression 419
sheets to obtain the fingerprint impressions of any person for 420
whom a criminal records check is to be conducted under this 421
section. Any person for whom a records check is to be conducted 422
under this section shall obtain the fingerprint impressions at a 423
county sheriff's office, municipal police department, or any other 424
entity with the ability to make fingerprint impressions on the 425
standard impression sheets prescribed by the superintendent. The 426
office, department, or entity may charge the person a reasonable 427
fee for making the impressions. The standard impression sheets the 428
superintendent prescribes pursuant to this division may be in a 429
tangible format, in an electronic format, or in both tangible and 430
electronic formats. 431

(3) Subject to division (D) of this section, the 432
superintendent shall prescribe and charge a reasonable fee for 433
providing a criminal records check under this section. The person 434

requesting the criminal records check shall pay the fee prescribed 435
pursuant to this division. In the case of a request under section 436
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 437
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 438
the manner specified in that section. 439

(4) The superintendent of the bureau of criminal 440
identification and investigation may prescribe methods of 441
forwarding fingerprint impressions and information necessary to 442
conduct a criminal records check, which methods shall include, but 443
not be limited to, an electronic method. 444

(D) The results of a criminal records check conducted under 445
this section, other than a criminal records check specified in 446
division (A)(7) of this section, are valid for the person who is 447
the subject of the criminal records check for a period of one year 448
from the date upon which the superintendent completes the criminal 449
records check. If during that period the superintendent receives 450
another request for a criminal records check to be conducted under 451
this section for that person, the superintendent shall provide the 452
results from the previous criminal records check of the person at 453
a lower fee than the fee prescribed for the initial criminal 454
records check. 455

(E) When the superintendent receives a request for 456
information from a registered private provider, the superintendent 457
shall proceed as if the request was received from a school 458
district board of education under section 3319.39 of the Revised 459
Code. The superintendent shall apply division (A)(1)(c) of this 460
section to any such request for an applicant who is a teacher. 461

(F)(1) All information regarding the results of a criminal 462
records check conducted under this section that the superintendent 463
reports or sends under division (A)(7) or (9) of this section to 464
the director of public safety, the treasurer of state, or the 465
person, board, or entity that made the request for the criminal 466

records check shall relate to the conviction of the subject 467
person, or the subject person's plea of guilty to, a criminal 468
offense. 469

(2) Division (F)(1) of this section does not limit, restrict, 470
or preclude the superintendent's release of information that 471
relates to the arrest of a person who is eighteen years of age or 472
older, to an adjudication of a child as a delinquent child, or to 473
a criminal conviction of a person under eighteen years of age in 474
circumstances in which a release of that nature is authorized 475
under division (E)(2), (3), or (4) of section 109.57 of the 476
Revised Code pursuant to a rule adopted under division (E)(1) of 477
that section. 478

(G) As used in this section: 479

(1) "Criminal records check" means any criminal records check 480
conducted by the superintendent of the bureau of criminal 481
identification and investigation in accordance with division (B) 482
of this section. 483

(2) "Minor drug possession offense" has the same meaning as 484
in section 2925.01 of the Revised Code. 485

(3) "OVI or OVUAC violation" means a violation of section 486
4511.19 of the Revised Code or a violation of an existing or 487
former law of this state, any other state, or the United States 488
that is substantially equivalent to section 4511.19 of the Revised 489
Code. 490

(4) "Registered private provider" means a nonpublic school or 491
entity registered with the superintendent of public instruction 492
under section 3310.41 of the Revised Code to participate in the 493
autism scholarship program or section 3310.58 of the Revised Code 494
to participate in the Jon Peterson special needs scholarship 495
program. 496

Sec. 303.21. (A) Except as otherwise provided in ~~division~~ 497
divisions (B) and (D) of this section, sections 303.01 to 303.25 498
of the Revised Code do not confer any power on any county rural 499
zoning commission, board of county commissioners, or board of 500
zoning appeals to prohibit the use of any land for agricultural 501
purposes or the construction or use of buildings or structures 502
incident to the use for agricultural purposes of the land on which 503
such buildings or structures are located, and no zoning 504
certificate shall be required for any such building or structure. 505

(B) A county zoning resolution, or an amendment to such 506
resolution, may in any platted subdivision approved under section 507
711.05, 711.09, or 711.10 of the Revised Code, or in any area 508
consisting of fifteen or more lots approved under section 711.131 509
of the Revised Code that are contiguous to one another, or some of 510
which are contiguous to one another and adjacent to one side of a 511
dedicated public road, and the balance of which are contiguous to 512
one another and adjacent to the opposite side of the same 513
dedicated public road regulate: 514

(1) Agriculture on lots of one acre or less; 515

(2) Buildings or structures incident to the use of land for 516
agricultural purposes on lots greater than one acre but not 517
greater than five acres by: set back building lines; height; and 518
size; 519

(3) Dairying and animal and poultry husbandry on lots greater 520
than one acre but not greater than five acres when at least 521
thirty-five per cent of the lots in the subdivision are developed 522
with at least one building, structure, or improvement that is 523
subject to real property taxation or that is subject to the tax on 524
manufactured and mobile homes under section 4503.06 of the Revised 525
Code. After thirty-five per cent of the lots are so developed, 526
dairying and animal and poultry husbandry shall be considered 527

nonconforming use of land and buildings or structures pursuant to 528
section 303.19 of the Revised Code. 529

Division (B) of this section confers no power on any county 530
rural zoning commission, board of county commissioners, or board 531
of zoning appeals to regulate agriculture, buildings or 532
structures, and dairying and animal and poultry husbandry on lots 533
greater than five acres. 534

(C) Such sections confer no power on any board of county 535
commissioners, county rural zoning commission, or board of zoning 536
appeals to prohibit in a district zoned for agricultural, 537
industrial, residential, or commercial uses, the use of any land 538
for: 539

(1) A farm market where fifty per cent or more of the gross 540
income received from the market is derived from produce raised on 541
farms owned or operated by the market operator in a normal crop 542
year. However, a board of county commissioners, as provided in 543
section 303.02 of the Revised Code, may regulate such factors 544
pertaining to farm markets as size of the structure, size of 545
parking areas that may be required, set back building lines, and 546
egress or ingress, where such regulation is necessary to protect 547
the public health and safety. 548

(2) Biodiesel production, biomass energy production, or 549
electric or heat energy production if the land on which the 550
production facility is located qualifies as land devoted 551
exclusively to agricultural use under sections 5713.30 to 5713.37 552
of the Revised Code for real property tax purposes. As used in 553
division (C)(2) of this section, "biodiesel," "biomass energy," 554
and "electric or heat energy" have the same meanings as in section 555
5713.30 of the Revised Code. 556

(3) Biologically derived methane gas production if the land 557
on which the production facility is located qualifies as land 558

devoted exclusively to agricultural use under sections 5713.30 to 559
5713.37 of the Revised Code for real property tax purposes and if 560
the facility that produces the biologically derived methane gas 561
does not produce more than seventeen million sixty thousand seven 562
hundred ten British thermal units, five megawatts, or both. 563

As used in division (C)(3) of this section, "biologically 564
derived methane gas" has the same meaning as in section 5713.30 of 565
the Revised Code. 566

(D) Nothing in this section prohibits a county rural zoning 567
commission, board of county commissioners, or board of zoning 568
appeals from regulating the location of retail dispensaries of 569
medical marijuana or from prohibiting such dispensaries from being 570
located in the unincorporated territory of the county. 571

Sec. 519.21. (A) Except as otherwise provided in ~~division~~ 572
divisions (B) and (D) of this section, sections 519.02 to 519.25 573
of the Revised Code confer no power on any township zoning 574
commission, board of township trustees, or board of zoning appeals 575
to prohibit the use of any land for agricultural purposes or the 576
construction or use of buildings or structures incident to the use 577
for agricultural purposes of the land on which such buildings or 578
structures are located, including buildings or structures that are 579
used primarily for vinting and selling wine and that are located 580
on land any part of which is used for viticulture, and no zoning 581
certificate shall be required for any such building or structure. 582

(B) A township zoning resolution, or an amendment to such 583
resolution, may in any platted subdivision approved under section 584
711.05, 711.09, or 711.10 of the Revised Code, or in any area 585
consisting of fifteen or more lots approved under section 711.131 586
of the Revised Code that are contiguous to one another, or some of 587
which are contiguous to one another and adjacent to one side of a 588
dedicated public road, and the balance of which are contiguous to 589

one another and adjacent to the opposite side of the same 590
dedicated public road regulate: 591

(1) Agriculture on lots of one acre or less; 592

(2) Buildings or structures incident to the use of land for 593
agricultural purposes on lots greater than one acre but not 594
greater than five acres by: set back building lines; height; and 595
size; 596

(3) Dairying and animal and poultry husbandry on lots greater 597
than one acre but not greater than five acres when at least 598
thirty-five per cent of the lots in the subdivision are developed 599
with at least one building, structure, or improvement that is 600
subject to real property taxation or that is subject to the tax on 601
manufactured and mobile homes under section 4503.06 of the Revised 602
Code. After thirty-five per cent of the lots are so developed, 603
dairying and animal and poultry husbandry shall be considered 604
nonconforming use of land and buildings or structures pursuant to 605
section 519.19 of the Revised Code. 606

Division (B) of this section confers no power on any township 607
zoning commission, board of township trustees, or board of zoning 608
appeals to regulate agriculture, buildings or structures, and 609
dairying and animal and poultry husbandry on lots greater than 610
five acres. 611

(C) Such sections confer no power on any township zoning 612
commission, board of township trustees, or board of zoning appeals 613
to prohibit in a district zoned for agricultural, industrial, 614
residential, or commercial uses, the use of any land for: 615

(1) A farm market where fifty per cent or more of the gross 616
income received from the market is derived from produce raised on 617
farms owned or operated by the market operator in a normal crop 618
year. However, a board of township trustees, as provided in 619
section 519.02 of the Revised Code, may regulate such factors 620

pertaining to farm markets as size of the structure, size of 621
parking areas that may be required, set back building lines, and 622
egress or ingress, where such regulation is necessary to protect 623
the public health and safety. 624

(2) Biodiesel production, biomass energy production, or 625
electric or heat energy production if the land on which the 626
production facility is located qualifies as land devoted 627
exclusively to agricultural use under sections 5713.30 to 5713.37 628
of the Revised Code for real property tax purposes. As used in 629
division (C)(2) of this section, "biodiesel," "biomass energy," 630
and "electric or heat energy" have the same meanings as in section 631
5713.30 of the Revised Code. 632

(3) Biologically derived methane gas production if the land 633
on which the production facility is located qualifies as land 634
devoted exclusively to agricultural use under sections 5713.30 to 635
5713.37 of the Revised Code for real property tax purposes and if 636
the facility that produces the biologically derived methane gas 637
does not produce more than seventeen million sixty thousand seven 638
hundred ten British thermal units, five megawatts, or both. 639

As used in division (C)(3) of this section, "biologically 640
derived methane gas" has the same meaning as in section 5713.30 of 641
the Revised Code. 642

(D) Nothing in this section prohibits a township zoning 643
commission, board of township trustees, or board of zoning appeals 644
from regulating the location of retail dispensaries of medical 645
marijuana or from prohibiting such dispensaries from being located 646
in the unincorporated territory of the township. 647

Sec. 3796.01. As used in this chapter: 648

(A) "Medical marijuana" means marihuana, as defined in 649
section 3719.01 of the Revised Code, that is cultivated, 650

processed, dispensed, tested, possessed, or used for a medical 651
purpose. 652

(B) "Physician" means an individual authorized under Chapter 653
4731. of the Revised Code to practice medicine and surgery or 654
osteopathic medicine and surgery. 655

Sec. 3796.02. (A) The medical marijuana control commission is 656
hereby created in the department of health. The commission shall 657
consist of the following: 658

(1) A member who is a practicing physician; 659

(2) A member who represents the law enforcement community; 660

(3) A member who represents employers; 661

(4) A member who represents labor; 662

(5) A member who represents persons involved in the treatment 663
of alcohol and drug addiction; 664

(6) A member who represents persons involved in mental health 665
treatment; 666

(7) A member who is a pharmacist; 667

(8) A member who represents persons supporting the 668
legalization of marijuana use for medical purposes; 669

(9) A member who represents the general public. 670

(B)(1) The governor, with the advice and consent of the 671
senate, shall appoint all members of the commission. The members 672
described in divisions (A)(1), (2), and (3) of this section shall 673
be appointed directly by the governor. The remaining members shall 674
be appointed by taking into consideration individuals nominated as 675
follows: 676

(a) The president of the senate shall nominate individuals to 677
serve as the members described in divisions (A)(4), (7), and (9) 678

of this section; 679

(b) The speaker of the house of representatives shall 680
nominate individuals to serve as the members described in 681
divisions (A)(5), (6), and (8) of this section. 682

(2) The governor may reject a nomination submitted by the 683
senate president or speaker of the house. If the governor rejects 684
a nomination, the governor shall request that the senate president 685
or speaker of the house, as the case may be, submit another 686
nomination, and the senate president or speaker of the house, as 687
the case may be, shall submit another nomination. 688

(C) Appointments to the commission shall be made not later 689
than thirty days after the effective date of this section. The 690
initial members appointed by the governor without nomination shall 691
be appointed for five-year terms; those nominated by the speaker 692
of the house shall be appointed for four-year terms; and those 693
nominated by the senate president shall be appointed for 694
three-year terms. Thereafter, all terms shall be three years. 695

(D) Each member of the commission shall hold office from the 696
date of appointment until the end of the term for which the member 697
was appointed, except that members serve at the pleasure of the 698
governor. A member appointed to fill a vacancy occurring prior to 699
the expiration date of the term for which the member's predecessor 700
was appointed shall hold office for the remainder of such term. A 701
member shall continue in office subsequent to the expiration date 702
of the member's term until the member's successor takes office, or 703
until a period of sixty days has elapsed, whichever occurs first. 704
There is no limit on the number of terms a member may serve. 705

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

(F) Each member of the commission and the chairperson shall 708
receive a salary fixed pursuant to division (J) of section 124.15 709

of the Revised Code. In addition to that salary, each member shall 710
receive actual and necessary travel expenses in connection with 711
commission hearings and business. 712

(G) The commission shall hold its initial meeting not later 713
than thirty days after the last member of the commission is 714
appointed. The commission shall adopt internal management rules 715
pursuant to section 111.15 of the Revised Code. 716

(H) The commission is not subject to sections 101.82 to 717
101.87 of the Revised Code. 718

Sec. 3796.03. The medical marijuana control commission shall 719
establish a medical marijuana control program to provide for the 720
licensure of medical marijuana cultivators, processors, and retail 721
dispensaries, the licensure of laboratories that test medical 722
marijuana, and the regulation of other activities under this 723
chapter relating to medical marijuana. The commission shall 724
administer the program and may take any action necessary to 725
implement and enforce this chapter. 726

Sec. 3796.04. (A) Not later than one year after the date of 727
the medical marijuana control commission's initial meeting, the 728
commission shall adopt rules establishing standards and procedures 729
for the medical marijuana control program. All rules adopted under 730
this section shall be adopted in accordance with Chapter 119. of 731
the Revised Code. 732

(B) The commission's rules shall do all of the following: 733

(1) Establish application procedures and fees for licenses 734
issued under this chapter; 735

(2) Specify the criminal offenses for which an applicant will 736
be disqualified from licensure; 737

(3) Specify the conditions that must be met to be eligible 738

<u>for licensure;</u>	739
<u>(4) Establish, in accordance with section 3796.05 of the</u>	740
<u>Revised Code, the number of cultivator and retail dispensary</u>	741
<u>licenses that will be permitted at any one time;</u>	742
<u>(5) Establish a license renewal schedule, renewal procedures,</u>	743
<u>and renewal fees;</u>	744
<u>(6) Specify reasons for which a license may be suspended or</u>	745
<u>revoked;</u>	746
<u>(7) Establish standards under which a license suspension may</u>	747
<u>be lifted;</u>	748
<u>(8) Establish procedures for registration of physicians</u>	749
<u>seeking to recommend medical marijuana for treatment and</u>	750
<u>requirements that must be met to be eligible for registration with</u>	751
<u>the commission;</u>	752
<u>(9) Specify, in accordance with section 3796.06 of the</u>	753
<u>Revised Code, the forms in which medical marijuana may be</u>	754
<u>dispensed and the methods by which it may be used;</u>	755
<u>(10) Establish standards for medical marijuana packaging that</u>	756
<u>is tamper-resistant;</u>	757
<u>(11) Establish labeling requirements for medical marijuana</u>	758
<u>packages;</u>	759
<u>(12) Establish training requirements for employees of retail</u>	760
<u>dispensaries;</u>	761
<u>(13) Specify when testing of medical marijuana must be</u>	762
<u>conducted by a laboratory licensed under this chapter;</u>	763
<u>(14) Specify if a cultivator, processor, retail dispensary,</u>	764
<u>or laboratory that is licensed under this chapter and that existed</u>	765
<u>at a location before a school, church, public library, public</u>	766
<u>playground, or public park became established within five hundred</u>	767
<u>feet of the cultivator, processor, retail dispensary, or</u>	768

laboratory, may remain in operation or shall relocate or have its 769
license revoked by the commission. 770

(C) In addition to the rules described in division (B) of 771
this section, the commission may adopt any other rules it 772
considers necessary to administer the program and to implement and 773
enforce this chapter. 774

(D) When adopting rules under this section, the commission 775
shall consider standards and procedures that have been found to be 776
best practices relative to the use and regulation of medical 777
marijuana. 778

Sec. 3796.05. When adopting rules under section 3796.04 of 779
the Revised Code establishing the maximum number of cultivator and 780
retail dispensary licenses that will be permitted at any one time, 781
the medical marijuana control commission shall take into 782
consideration the population of this state and the number of 783
patients seeking to use medical marijuana. In the case of retail 784
dispensary licenses, the commission shall also consider the 785
geographic distribution of dispensary sites in an effort to ensure 786
patient access to medical marijuana. 787

Sec. 3796.06. When adopting rules under section 3796.04 of 788
the Revised Code specifying the forms in which medical marijuana 789
may be dispensed and the methods by which it may be used, the 790
medical marijuana control commission may include edibles, patches, 791
plant materials, and oils. The commission shall exclude any form 792
or method that is considered attractive to children. 793

Sec. 3796.07. (A) The medical marijuana control commission 794
shall establish and maintain a medical marijuana registry. The 795
registry shall contain the following information: 796

(1) The number of patients for whom treatment with medical 797

marijuana has been recommended in accordance with this chapter; 798

(2) The types of medical conditions for which treatment with 799
medical marijuana has been recommended in accordance with this 800
chapter. 801

(B) The commission shall establish and maintain an electronic 802
database to monitor medical marijuana from its seed source through 803
its cultivation, processing, testing, and dispensing. The 804
commission may contract with a separate entity to establish and 805
maintain the database on behalf of the commission. 806

The database shall allow for information regarding medical 807
marijuana to be updated instantaneously. All persons designated by 808
the commission shall submit to the commission any information the 809
commission determines is necessary for maintaining the database. 810

Sec. 3796.10. (A) A physician seeking to recommend treatment 811
with medical marijuana shall apply to the medical marijuana 812
control commission for registration as a qualifying physician. An 813
application shall be submitted in the manner established in rules 814
adopted under section 3796.04 of the Revised Code. If the 815
application is complete and meets the requirements established in 816
the rules, the commission shall register the applicant as a 817
qualifying physician. 818

(B)(1) A qualifying physician may recommend that a patient be 819
treated with medical marijuana if a physician-patient relationship 820
has been established through all of the following: 821

(a) A physical examination of the patient by the physician; 822

(b) A review of the patient's medical history by the 823
physician; 824

(c) An expectation of providing care and receiving care on an 825
ongoing basis. 826

(2) In the case of a patient who is a minor, the qualifying 827

physician may recommend treatment with medical marijuana only 828
after obtaining the consent of the patient's parent or other 829
person responsible for providing consent to treatment. 830

(C)(1) When issuing a recommendation to a patient, the 831
qualifying physician shall specify the following: 832

(a) The one or more forms of medical marijuana that may be 833
dispensed to the patient; 834

(b) The one or more methods by which the patient may use 835
medical marijuana. 836

(2) A recommendation issued to a patient under this section 837
is valid for a period of not more than ninety days. A physician 838
may renew a recommendation for an additional period of not more 839
than ninety days upon an examination of or follow-up consultation 840
with the patient. There is no limit on the number of times a 841
recommendation may be renewed. 842

(D) When recommending treatment with medical marijuana, a 843
qualifying physician shall maintain a record for each patient that 844
includes both of the following: 845

(1) The disease or condition for which treatment with medical 846
marijuana has been recommended; 847

(2) The one or more reasons that treatment with medical 848
marijuana was recommended for the patient rather than recommending 849
another form of treatment; 850

(3) The one or more forms of or methods of using medical 851
marijuana recommended for the patient. 852

(E) Each qualifying physician shall submit reports to the 853
commission as follows: 854

(1) At intervals not exceeding ninety days, the physician 855
shall submit a report that includes all of the following for the 856
period covered by the report: 857

(a) The number of patients for whom the physician has recommended treatment with medical marijuana; 858
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(b) The diseases or conditions for which the treatment has been recommended; 860
861

(c) The reasons that treatment with medical marijuana was recommended rather than recommending other forms of treatment; 862
863

(d) The forms of and methods of using medical marijuana recommended to patients. 864
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(2) Annually, the physician shall submit 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. 866
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(F) A qualifying physician shall not personally furnish or otherwise dispense medical marijuana. 870
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Sec. 3796.11. (A) An entity that seeks a license to cultivate, process, or dispense at retail medical marijuana or to conduct laboratory testing of medical marijuana shall file an application with the medical marijuana control commission. The application shall be submitted in accordance with rules adopted under section 3796.03 of the Revised Code. 872
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(B) The commission shall issue a license to an applicant if all of the following conditions are met: 878
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(1) The report of each criminal records check conducted pursuant to section 3796.12 of the Revised Code with respect to the application demonstrates that the person subject to the criminal records check requirement has not been convicted of or pleaded guilty to any of the disqualifying offenses specified in rules adopted under section 3796.04 of the Revised Code. 880
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(2) The applicant demonstrates that it does not have an ownership or investment interest in or compensation arrangement 886
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with any of the following: 888

(a) A cultivator, processor, retail dispensary, or laboratory licensed under this chapter; 889
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(b) Another applicant for licensure. 891

(3) The applicant meets all other licensure eligibility conditions established in rules adopted under section 3796.04 of the Revised Code. 892
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(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 in violation of section 3796.30 of the Revised Code. 895
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(C) A license expires according to the renewal schedule established in rules adopted under section 3796.04 of the Revised Code and may be renewed in accordance with the procedures established in those rules. 899
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Sec. 3796.12. (A) As used in this section, "criminal records check" has the same meaning as in section 109.572 of the Revised Code. 903
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(B)(1) As part of the application process for a license issued under this chapter, the medical marijuana control commission shall require each of the following to complete a criminal records check: 906
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(a) An administrator or other person responsible for the daily operation of the entity seeking the license; 910
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(b) An owner or prospective owner, officer or prospective officer, or board member or prospective board member of the entity seeking the license. 912
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(2) If a person subject to the criminal records check requirement does not present proof of having been a resident of 915
916

this state for the five-year period immediately prior to the date 917
the criminal records check is requested or provide evidence that 918
within that five-year period the superintendent of the bureau of 919
criminal identification and investigation has requested 920
information about the person from the federal bureau of 921
investigation in a criminal records check, the commission shall 922
request that the person obtain through the superintendent a 923
criminal records request from the federal bureau of investigation 924
as part of the criminal records check of the person. Even if a 925
person presents proof of having been a resident of this state for 926
the five-year period, the commission may request that the person 927
obtain information through the superintendent from the federal 928
bureau of investigation in the criminal records check. 929

(C) The commission shall provide the following to each person 930
who is subject to the criminal records check requirement: 931

(1) Information about accessing, completing, and forwarding 932
to the superintendent of the bureau of criminal identification and 933
investigation the form prescribed pursuant to division (C)(1) of 934
section 109.572 of the Revised Code and the standard impression 935
sheet to obtain fingerprint impressions prescribed pursuant to 936
division (C)(2) of that section; 937

(2) Written notification that the person is to instruct the 938
superintendent to submit the completed report of the criminal 939
records check directly to the commission. 940

(D) Each person who is subject to the criminal records check 941
requirement shall pay to the bureau of criminal identification and 942
investigation the fee prescribed pursuant to division (C)(3) of 943
section 109.572 of the Revised Code for the criminal records check 944
conducted of the person. 945

(E) The report of any criminal records check conducted by the 946
bureau of criminal identification and investigation in accordance 947

with section 109.572 of the Revised Code and pursuant to a request 948
made under this section is not a public record for the purposes of 949
section 149.43 of the Revised Code and shall not be made available 950
to any person other than the following: 951

(1) The person who is the subject of the criminal records 952
check or the person's representative; 953

(2) The members and staff of the commission; 954

(3) A court, hearing officer, or other necessary individual 955
involved in a case dealing with either of the following: 956

(a) A license denial resulting from the criminal records 957
check; 958

(b) A civil or criminal action regarding the medical 959
marijuana control program or any violation of this chapter. 960

(F) The commission shall deny a license if, after receiving 961
the information and notification required by this section, a 962
person subject to the criminal records check requirement fails to 963
do either of the following: 964

(1) Access, complete, or forward to the superintendent of the 965
bureau of criminal identification and investigation the form 966
prescribed pursuant to division (C)(1) of section 109.572 of the 967
Revised Code or the standard impression sheet prescribed pursuant 968
to division (C)(2) of that section; 969

(2) Instruct the superintendent to submit the completed 970
report of the criminal records check directly to the commission. 971

Sec. 3796.13. The medical marijuana control commission may 972
suspend or revoke a license issued under this chapter for any of 973
the reasons specified in rules adopted under section 3796.04 of 974
the Revised Code. The commission's actions shall be taken in 975
accordance with Chapter 119. of the Revised Code. 976

<u>Sec. 3796.18. (A) Notwithstanding any conflicting provision</u>	977
<u>of the Revised Code and except as provided in division (B) of this</u>	978
<u>section, the holder of a current, valid cultivator license issued</u>	979
<u>under this chapter may do either of the following:</u>	980
<u>(1) Cultivate medical marijuana;</u>	981
<u>(2) Deliver medical marijuana to a processor.</u>	982
<u>(B) A cultivator license holder shall not cultivate medical</u>	983
<u>marijuana for personal, family, or household use.</u>	984
<u>Sec. 3796.19. (A) Notwithstanding any conflicting provision</u>	985
<u>of the Revised Code, the holder of a current, valid processor</u>	986
<u>license issued under this chapter may do any of the following:</u>	987
<u>(1) Obtain medical marijuana from one or more licensed</u>	988
<u>cultivators;</u>	989
<u>(2) Subject to division (B) of this section, process medical</u>	990
<u>marijuana obtained from one or more licensed cultivators into a</u>	991
<u>form that may be dispensed, as those forms are specified in rules</u>	992
<u>adopted under section 3796.04 of the Revised Code;</u>	993
<u>(3) Deliver processed medical marijuana to one or more</u>	994
<u>licensed retail dispensaries.</u>	995
<u>(B) When processing medical marijuana, a licensed processor</u>	996
<u>shall do both of the following:</u>	997
<u>(1) Package the medical marijuana in accordance with</u>	998
<u>tamper-resistant standards specified in rules adopted under</u>	999
<u>section 3796.04 of the Revised Code;</u>	1000
<u>(2) Label the medical marijuana packaging with the product's</u>	1001
<u>tetrahydrocannabinol and cannabidiol content and in accordance</u>	1002
<u>with labeling requirements specified in rules adopted under</u>	1003
<u>section 3796.04 of the Revised Code.</u>	1004

<u>Sec. 3796.20. (A) Notwithstanding any conflicting provision</u>	1005
<u>of the Revised Code, the holder of a current, valid retail</u>	1006
<u>dispensary license issued under this chapter may do both of the</u>	1007
<u>following:</u>	1008
<u>(1) Obtain medical marijuana from one or more processors;</u>	1009
<u>(2) Dispense medical marijuana in accordance with division</u>	1010
<u>(B) of this section.</u>	1011
<u>(B) When dispensing medical marijuana, a licensed retail</u>	1012
<u>dispensary shall do all of the following:</u>	1013
<u>(1) Dispense only in accordance with a recommendation issued</u>	1014
<u>by a qualifying physician registered under section 3796.10 of the</u>	1015
<u>Revised Code;</u>	1016
<u>(2) Comply with the requirements of section 4729.771 of the</u>	1017
<u>Revised Code;</u>	1018
<u>(3) Use only employees who have met the training requirements</u>	1019
<u>established in rules adopted under section 3796.04 of the Revised</u>	1020
<u>Code.</u>	1021
<u>Sec. 3796.21. (A) Notwithstanding any conflicting provision</u>	1022
<u>of the Revised Code, the holder of a current, valid laboratory</u>	1023
<u>license issued under this chapter may do both of the following:</u>	1024
<u>(1) Obtain medical marijuana from cultivators, processors,</u>	1025
<u>and retail dispensaries licensed under this chapter;</u>	1026
<u>(2) Conduct medical marijuana testing.</u>	1027
<u>(B) When testing medical marijuana, a licensed laboratory</u>	1028
<u>shall do both of the following:</u>	1029
<u>(1) Test the marijuana for potency, homogeneity, and</u>	1030
<u>contamination;</u>	1031
<u>(2) Prepare a report of the test results.</u>	1032

Sec. 3796.22. (A) Notwithstanding any conflicting provision 1033
of the Revised Code, a patient who obtains medical marijuana from 1034
a retail dispensary licensed under this chapter may do both of the 1035
following: 1036

(1) Possess medical marijuana; 1037

(2) Use medical marijuana, except as provided in division (B) 1038
of this section. 1039

(B) If the medical marijuana control commission specifies in 1040
rules adopted under section 3796.04 of the Revised Code that 1041
smoking is a method by which medical marijuana may be used, a 1042
patient shall not smoke medical marijuana in any place of public 1043
accommodation, as defined in section 4112.01 of the Revised Code. 1044

Sec. 3796.27. (A) As used in this section: 1045

(1) "Financial institution" means any of the following: 1046

(a) Any bank, trust company, savings and loan association, 1047
savings bank, or credit union or any affiliate, agent, or employee 1048
of a bank, trust company, savings and loan association, savings 1049
bank, or credit union; 1050

(b) Any money transmitter licensed under sections 1315.01 to 1051
1315.18 of the Revised Code or any affiliate, agent, or employee 1052
of such a licensee. 1053

(2) "Financial services" means services that a financial 1054
institution is authorized to provide under Title XI, sections 1055
1315.01 to 1315.18, or Chapter 1733. of the Revised Code, as 1056
applicable. 1057

(B) A financial institution that provides financial services 1058
to any cultivator, processor, retail dispensary, or laboratory 1059
licensed under this chapter shall be exempt from any criminal law 1060
of this state an element of which may be proven by substantiating 1061

that a person provides financial services to a person who 1062
possesses, delivers, or manufactures marijuana or marijuana 1063
derived products, including section 2925.05 of the Revised Code 1064
and sections 2923.01 and 2923.03 of the Revised Code as those 1065
sections apply to violations of Chapter 2925. of the Revised Code, 1066
if the cultivator, processor, retail dispensary, or laboratory is 1067
in compliance with this chapter and the applicable tax laws of 1068
this state. 1069

(C)(1) Notwithstanding section 149.43 of the Revised Code or 1070
any other public records law to the contrary, upon the request of 1071
a financial institution, the medical marijuana control commission 1072
shall provide to the financial institution all of the following 1073
information: 1074

(a) Whether a person with whom the financial institution is 1075
seeking to do business is a cultivator, processor, retail 1076
dispensary, or laboratory licensed under this chapter; 1077

(b) The name of any other business or individual affiliated 1078
with the person; 1079

(c) A copy of the application for a license under this 1080
chapter, and any supporting documentation, that was submitted by 1081
the person; 1082

(d) If applicable, information relating to sales and volume 1083
of product sold by the person; 1084

(e) Whether the person is in compliance with this chapter; 1085

(f) Any past or pending violation by the person of this 1086
chapter, and any penalty imposed on the person for such a 1087
violation. 1088

(2) The commission may charge a financial institution a 1089
reasonable fee to cover the administrative cost of providing the 1090
information. 1091

(D)(1) Notwithstanding section 149.43 of the Revised Code or any other public records law to the contrary or any law relating to the confidentiality of tax return information, upon the request of a financial institution, the department of taxation shall provide to the financial institution all of the following information:

(a) Whether a cultivator, processor, retail dispensary, or laboratory licensed under this chapter with whom the financial institution is seeking to do business is in compliance with the applicable tax laws of this state;

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

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

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

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

(1) Requires an employer to accommodate an employee's use of medical marijuana;

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

(3) Affects the authority of the administrator of workers' compensation to grant rebates or discounts on premium rates to employers that participate in a drug-free workplace program established in accordance with rules adopted by the administrator under Chapter 4123. of the Revised Code. 1122
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(B) A person who is discharged from employment because of that person's use of medical marijuana shall be considered to have been discharged for just cause for purposes of division (D) of section 4141.29 of the Revised Code. 1127
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Sec. 3796.29. The legislative authority of a municipal corporation may adopt an ordinance, or a board of township trustees may adopt a resolution, to prohibit, or limit the number of, retail dispensaries of medical marijuana licensed under this chapter within the municipal corporation or within the unincorporated territory of the township, respectively. 1131
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Sec. 3796.30. (A) No medical marijuana cultivator, processor, retail dispensary, or laboratory that tests medical marijuana, shall be located within five hundred feet from the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground, or public park. 1137
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If the relocation of a cultivator, processor, retail dispensary, or laboratory licensed under this chapter results in the cultivator, processor, retail dispensary, or laboratory being located within five hundred feet from the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground, or public park, the medical marijuana control commission shall revoke the license previously issued to the cultivator, processor, retail dispensary, or laboratory. 1142
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(B) As used in this section and sections 3796.04 and 3796.11 of the Revised Code: 1150
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"Church" has the meaning defined in section 1710.01 of the Revised Code. 1152
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"Public library" means a library provided for under Chapter 3375. of the Revised Code. 1154
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"Public park" means a park established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district. 1156
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"Public playground" means a playground established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district. 1159
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"School" means a child day-care center as defined under section 5104.01 of the Revised Code, a preschool as defined under section 2950.034 of the Revised Code, or a public or nonpublic primary school or secondary school. 1162
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Sec. 4123.54. (A) Except as otherwise provided in this division or divisions (I) and (K) of this section, every employee, who is injured or who contracts an occupational disease, and the dependents of each employee who is killed, or dies as the result of an occupational disease contracted in the course of employment, wherever ~~such~~ the injury has occurred or occupational disease has been contracted, ~~provided the same were not:~~

~~(1) Purposely self-inflicted; or~~ 1173

~~(2) Caused by the employee being intoxicated or under the influence of a controlled substance not prescribed by a physician where the intoxication or being under the influence of the controlled substance not prescribed by a physician was the proximate cause of the injury,~~ is entitled to receive, either directly from the employee's self-insuring employer as provided in section 4123.35 of the Revised Code, or from the state insurance fund, the compensation for loss sustained on account of the

injury, occupational disease, or death, and the medical, nurse, 1182
and hospital services and medicines, and the amount of funeral 1183
expenses in case of death, as are provided by this chapter. The 1184
compensation and benefits shall be provided, as applicable, 1185
directly from the employee's self-insuring employer as provided in 1186
section 4123.35 of the Revised Code or from the state insurance 1187
fund. An employee or dependent is not entitled to receive 1188
compensation or benefits under this division if the employee's 1189
injury or occupational disease is either of the following: 1190

(1) Purposely self-inflicted; 1191

(2) Caused by the employee being intoxicated, under the 1192
influence of a controlled substance not prescribed by a physician, 1193
or under the influence of marihuana if being intoxicated, under 1194
the influence of a controlled substance not prescribed by a 1195
physician, or under the influence of marihuana was the proximate 1196
cause of the injury. 1197

(B) For the purpose of this section, provided that an 1198
employer has posted written notice to employees that the results 1199
of, or the employee's refusal to submit to, any chemical test 1200
described under this division may affect the employee's 1201
eligibility for compensation and benefits pursuant to this chapter 1202
and Chapter 4121. of the Revised Code, there is a rebuttable 1203
presumption that an employee is intoxicated ~~or~~, under the 1204
influence of a controlled substance not prescribed by the 1205
employee's physician, or under the influence of marihuana and that 1206
being intoxicated ~~or~~, under the influence of a controlled 1207
substance not prescribed by the employee's physician, or under the 1208
influence of marihuana is the proximate cause of an injury under 1209
either of the following conditions: 1210

(1) When any one or more of the following is true: 1211

(a) The employee, through a qualifying chemical test 1212

administered within eight hours of an injury, is determined to 1213
have an alcohol concentration level equal to or in excess of the 1214
levels established in divisions (A)(1)(b) to (i) of section 1215
4511.19 of the Revised Code; 1216

(b) The employee, through a qualifying chemical test 1217
administered within thirty-two hours of an injury, is determined 1218
to have one of the following controlled substances not prescribed 1219
by the employee's physician or marihuana in the employee's system 1220
that tests above the following levels in an enzyme multiplied 1221
immunoassay technique screening test and above the levels 1222
established in division (B)(1)(c) of this section in a gas 1223
chromatography mass spectrometry test: 1224

(i) For amphetamines, one thousand nanograms per milliliter 1225
of urine; 1226

(ii) For cannabinoids, fifty nanograms per milliliter of 1227
urine; 1228

(iii) For cocaine, including crack cocaine, three hundred 1229
nanograms per milliliter of urine; 1230

(iv) For opiates, two thousand nanograms per milliliter of 1231
urine; 1232

(v) For phencyclidine, twenty-five nanograms per milliliter 1233
of urine. 1234

(c) The employee, through a qualifying chemical test 1235
administered within thirty-two hours of an injury, is determined 1236
to have one of the following controlled substances not prescribed 1237
by the employee's physician or marihuana in the employee's system 1238
that tests above the following levels by a gas chromatography mass 1239
spectrometry test: 1240

(i) For amphetamines, five hundred nanograms per milliliter 1241
of urine; 1242

(ii) For cannabinoids, fifteen nanograms per milliliter of urine;	1243 1244
(iii) For cocaine, including crack cocaine, one hundred fifty nanograms per milliliter of urine;	1245 1246
(iv) For opiates, two thousand nanograms per milliliter of urine;	1247 1248
(v) For phencyclidine, twenty-five nanograms per milliliter of urine.	1249 1250
(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.	1251 1252 1253 1254 1255 1256
(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.	1257 1258 1259 1260 1261 1262
(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:	1263 1264 1265 1266
(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, <u>or under the influence of marihuana;</u>	1267 1268 1269 1270
(b) At the request of a police officer pursuant to section 4511.191 of the Revised Code, and not at the request of the	1271 1272

employee's employer; 1273

(c) At the request of a licensed physician who is not 1274
employed by the employee's employer, and not at the request of the 1275
employee's employer. 1276

(2) As used in division (C)(1)(a) of this section, 1277
"reasonable cause" means, but is not limited to, evidence that an 1278
employee is or was using alcohol ~~or~~, a controlled substance, or 1279
marihuana drawn from specific, objective facts and reasonable 1280
inferences drawn from these facts in light of experience and 1281
training. These facts and inferences may be based on, but are not 1282
limited to, any of the following: 1283

(a) Observable phenomena, such as direct observation of use, 1284
possession, or distribution of alcohol ~~or~~, a controlled substance, or 1285
marihuana, or of the physical symptoms of being under the 1286
influence of alcohol ~~or~~, a controlled substance, or marihuana, 1287
such as but not limited to slurred speech_; dilated pupils_; odor 1288
of alcohol ~~or~~, a controlled substance, or marihuana; changes in 1289
affect_; or dynamic mood swings; 1290

(b) A pattern of abnormal conduct, erratic or aberrant 1291
behavior, or deteriorating work performance such as frequent 1292
absenteeism, excessive tardiness, or recurrent accidents, that 1293
appears to be related to the use of alcohol ~~or~~, a controlled 1294
substance, or marihuana, and does not appear to be attributable to 1295
other factors; 1296

(c) The identification of an employee as the focus of a 1297
criminal investigation into unauthorized possession, use, or 1298
trafficking of a controlled substance or marihuana; 1299

(d) A report of use of alcohol ~~or~~, a controlled substance, or 1300
marihuana provided by a reliable and credible source; 1301

(e) Repeated or flagrant violations of the safety or work 1302
rules of the employee's employer, that are determined by the 1303

employee's supervisor to pose a substantial risk of physical 1304
injury or property damage and that appear to be related to the use 1305
of alcohol ~~or~~, a controlled substance, or marihuana and that do 1306
not appear attributable to other factors. 1307

(D) Nothing in this section shall be construed to affect the 1308
rights of an employer to test employees for alcohol or controlled 1309
substance abuse. 1310

(E) For the purpose of this section, laboratories certified 1311
by the United States department of health and human services or 1312
laboratories that meet or exceed the standards of that department 1313
for laboratory certification shall be used for processing the test 1314
results of a qualifying chemical test. 1315

(F) The written notice required by division (B) of this 1316
section shall be the same size or larger than the proof of 1317
workers' compensation coverage furnished by the bureau of workers' 1318
compensation and shall be posted by the employer in the same 1319
location as the proof of workers' compensation coverage or the 1320
certificate of self-insurance. 1321

(G) If a condition that pre-existed an injury is 1322
substantially aggravated by the injury, and that substantial 1323
aggravation is documented by objective diagnostic findings, 1324
objective clinical findings, or objective test results, no 1325
compensation or benefits are payable because of the pre-existing 1326
condition once that condition has returned to a level that would 1327
have existed without the injury. 1328

(H)(1) Whenever, with respect to an employee of an employer 1329
who is subject to and has complied with this chapter, there is 1330
possibility of conflict with respect to the application of 1331
workers' compensation laws because the contract of employment is 1332
entered into and all or some portion of the work is or is to be 1333
performed in a state or states other than Ohio, the employer and 1334

the employee may agree to be bound by the laws of this state or by 1335
the laws of some other state in which all or some portion of the 1336
work of the employee is to be performed. The agreement shall be in 1337
writing and shall be filed with the bureau of workers' 1338
compensation within ten days after it is executed and shall remain 1339
in force until terminated or modified by agreement of the parties 1340
similarly filed. If the agreement is to be bound by the laws of 1341
this state and the employer has complied with this chapter, then 1342
the employee is entitled to compensation and benefits regardless 1343
of where the injury occurs or the disease is contracted and the 1344
rights of the employee and the employee's dependents under the 1345
laws of this state are the exclusive remedy against the employer 1346
on account of injury, disease, or death in the course of and 1347
arising out of the employee's employment. If the agreement is to 1348
be bound by the laws of another state and the employer has 1349
complied with the laws of that state, the rights of the employee 1350
and the employee's dependents under the laws of that state are the 1351
exclusive remedy against the employer on account of injury, 1352
disease, or death in the course of and arising out of the 1353
employee's employment without regard to the place where the injury 1354
was sustained or the disease contracted. If an employer and an 1355
employee enter into an agreement under this division, the fact 1356
that the employer and the employee entered into that agreement 1357
shall not be construed to change the status of an employee whose 1358
continued employment is subject to the will of the employer or the 1359
employee, unless the agreement contains a provision that expressly 1360
changes that status. 1361

(2) If an employee or the employee's dependents receive an 1362
award of compensation or benefits under this chapter or Chapter 1363
4121., 4127., or 4131. of the Revised Code for the same injury, 1364
occupational disease, or death for which the employee or the 1365
employee's dependents previously pursued or otherwise elected to 1366
accept workers' compensation benefits and received a decision on 1367

the merits as defined in section 4123.542 of the Revised Code 1368
under the laws of another state or recovered damages under the 1369
laws of another state, the claim shall be disallowed and the 1370
administrator or any self-insuring employer, by any lawful means, 1371
may collect from the employee or the employee's dependents any of 1372
the following: 1373

~~(i)~~(a) The amount of compensation or benefits paid to or on 1374
behalf of the employee or the employee's dependents by the 1375
administrator or a self-insuring employer pursuant to this chapter 1376
or Chapter 4121., 4127., or 4131. of the Revised Code for that 1377
award; 1378

~~(ii)~~(b) Any interest, attorney's fees, and costs the 1379
administrator or the self-insuring employer incurs in collecting 1380
that payment. 1381

(3) If an employee or the employee's dependents receive an 1382
award of compensation or benefits under this chapter or Chapter 1383
4121., 4127., or 4131. of the Revised Code and subsequently pursue 1384
or otherwise elect to accept workers' compensation benefits or 1385
damages under the laws of another state for the same injury, 1386
occupational disease, or death the claim under this chapter or 1387
Chapter 4121., 4127., or 4131. of the Revised Code shall be 1388
disallowed. The administrator or a self-insuring employer, by any 1389
lawful means, may collect from the employee or the employee's 1390
dependents or other-states' insurer any of the following: 1391

~~(i)~~(a) The amount of compensation or benefits paid to or on 1392
behalf of the employee or the employee's dependents by the 1393
administrator or the self-insuring employer pursuant to this 1394
chapter or Chapter 4121., 4127., or 4131. of the Revised Code for 1395
that award; 1396

~~(ii)~~(b) Any interest, costs, and attorney's fees the 1397
administrator or the self-insuring employer incurs in collecting 1398

that payment; 1399

~~(iii)~~(c) Any costs incurred by an employer in contesting or 1400
responding to any claim filed by the employee or the employee's 1401
dependents for the same injury, occupational disease, or death 1402
that was filed after the original claim for which the employee or 1403
the employee's dependents received a decision on the merits as 1404
described in section 4123.542 of the Revised Code. 1405

(4) If the employee's employer pays premiums into the state 1406
insurance fund, the administrator shall not charge the amount of 1407
compensation or benefits the administrator collects pursuant to 1408
division (H)(2) or (3) of this section to the employer's 1409
experience. If the administrator collects any costs incurred by an 1410
employer in contesting or responding to any claim pursuant to 1411
division (H)(2) or (3) of this section, the administrator shall 1412
forward the amount collected to that employer. If the employee's 1413
employer is a self-insuring employer, the self-insuring employer 1414
shall deduct the amount of compensation or benefits the 1415
self-insuring employer collects pursuant to this division from the 1416
paid compensation the self-insuring employer reports to the 1417
administrator under division (L) of section 4123.35 of the Revised 1418
Code. 1419

(5) If an employee is a resident of a state other than this 1420
state and is insured under the workers' compensation law or 1421
similar laws of a state other than this state, the employee and 1422
the employee's dependents are not entitled to receive compensation 1423
or benefits under this chapter, on account of injury, disease, or 1424
death arising out of or in the course of employment while 1425
temporarily within this state, and the rights of the employee and 1426
the employee's dependents under the laws of the other state are 1427
the exclusive remedy against the employer on account of the 1428
injury, disease, or death. 1429

(6) An employee, or the dependent of an employee, who elects 1430

to receive compensation and benefits under this chapter or Chapter 1431
4121., 4127., or 4131. of the Revised Code for a claim may not 1432
receive compensation and benefits under the workers' compensation 1433
laws of any state other than this state for that same claim. For 1434
each claim submitted by or on behalf of an employee, the 1435
administrator or, if the employee is employed by a self-insuring 1436
employer, the self-insuring employer, shall request the employee 1437
or the employee's dependent to sign an election that affirms the 1438
employee's or employee's dependent's acceptance of electing to 1439
receive compensation and benefits under this chapter or Chapter 1440
4121., 4127., or 4131. of the Revised Code for that claim that 1441
also affirmatively waives and releases the employee's or the 1442
employee's dependent's right to file for and receive compensation 1443
and benefits under the laws of any state other than this state for 1444
that claim. The employee or employee's dependent shall sign the 1445
election form within twenty-eight days after the administrator or 1446
self-insuring employer submits the request or the administrator or 1447
self-insuring employer shall dismiss that claim. 1448

In the event a workers' compensation claim has been filed in 1449
another jurisdiction on behalf of an employee or the dependents of 1450
an employee, and the employee or dependents subsequently elect to 1451
receive compensation, benefits, or both under this chapter or 1452
Chapter 4121., 4127., or 4131. of the Revised Code, the employee 1453
or dependent shall withdraw or refuse acceptance of the workers' 1454
compensation claim filed in the other jurisdiction in order to 1455
pursue compensation or benefits under the laws of this state. If 1456
the employee or dependents were awarded workers' compensation 1457
benefits or had recovered damages under the laws of the other 1458
state, any compensation and benefits awarded under this chapter or 1459
~~Chapters~~ Chapter 4121., 4127., or 4131. of the Revised Code shall 1460
be paid only to the extent to which those payments exceed the 1461
amounts paid under the laws of the other state. If the employee or 1462
dependent fails to withdraw or to refuse acceptance of the 1463

workers' compensation claim in the other jurisdiction within 1464
twenty-eight days after a request made by the administrator or a 1465
self-insuring employer, the administrator or self-insuring 1466
employer shall dismiss the employee's or employee's dependents' 1467
claim made in this state. 1468

(I) If an employee who is covered under the federal 1469
"Longshore and Harbor Workers' Compensation Act," 98 Stat. 1639, 1470
33 U.S.C. 901 et seq., is injured or contracts an occupational 1471
disease or dies as a result of an injury or occupational disease, 1472
and if that employee's or that employee's dependents' claim for 1473
compensation or benefits for that injury, occupational disease, or 1474
death is subject to the jurisdiction of that act, the employee or 1475
the employee's dependents are not entitled to apply for and shall 1476
not receive compensation or benefits under this chapter and 1477
Chapter 4121. of the Revised Code. The rights of such an employee 1478
and the employee's dependents under the federal "Longshore and 1479
Harbor Workers' Compensation Act," 98 Stat. 1639, 33 U.S.C. 901 et 1480
seq., are the exclusive remedy against the employer for that 1481
injury, occupational disease, or death. 1482

(J) Compensation or benefits are not payable to a claimant 1483
during the period of confinement of the claimant in any state or 1484
federal correctional institution, or in any county jail in lieu of 1485
incarceration in a state or federal correctional institution, 1486
whether in this or any other state for conviction of violation of 1487
any state or federal criminal law. 1488

(K) An employer, upon the approval of the administrator, may 1489
provide for workers' compensation coverage for the employer's 1490
employees who are professional athletes and coaches by submitting 1491
to the administrator proof of coverage under a league policy 1492
issued under the laws of another state under either of the 1493
following circumstances: 1494

(1) The employer administers the payroll and workers' 1495

compensation insurance for a professional sports team subject to a 1496
collective bargaining agreement, and the collective bargaining 1497
agreement provides for the uniform administration of workers' 1498
compensation benefits and compensation for professional athletes. 1499

(2) The employer is a professional sports league, or is a 1500
member team of a professional sports league, and all of the 1501
following apply: 1502

(a) The professional sports league operates as a single 1503
entity, whereby all of the players and coaches of the sports 1504
league are employees of the sports league and not of the 1505
individual member teams. 1506

(b) The professional sports league at all times maintains 1507
workers' compensation insurance that provides coverage for the 1508
players and coaches of the sports league. 1509

(c) Each individual member team of the professional sports 1510
league, pursuant to the organizational or operating documents of 1511
the sports league, is obligated to the sports league to pay to the 1512
sports league any workers' compensation claims that are not 1513
covered by the workers' compensation insurance maintained by the 1514
sports league. 1515

If the administrator approves the employer's proof of 1516
coverage submitted under division (K) of this section, a 1517
professional athlete or coach who is an employee of the employer 1518
and the dependents of the professional athlete or coach are not 1519
entitled to apply for and shall not receive compensation or 1520
benefits under this chapter and Chapter 4121. of the Revised Code. 1521
The rights of such an athlete or coach and the dependents of such 1522
an athlete or coach under the laws of the state where the policy 1523
was issued are the exclusive remedy against the employer for the 1524
athlete or coach if the athlete or coach suffers an injury or 1525
contracts an occupational disease in the course of employment, or 1526

for the dependents of the athlete or the coach if the athlete or 1527
coach is killed as a result of an injury or dies as a result of an 1528
occupational disease, regardless of the location where the injury 1529
was suffered or the occupational disease was contracted. 1530

Sec. 4729.75. The state board of pharmacy may establish and 1531
maintain a drug database. The board shall use the drug database to 1532
monitor the misuse and diversion of the following: controlled 1533
substances, as defined in section 3719.01 of the Revised Code; i 1534
medical marijuana, as authorized under Chapter 3796. of the 1535
Revised Code; and other dangerous drugs the board includes in the 1536
database pursuant to rules adopted under section 4729.84 of the 1537
Revised Code. In establishing and maintaining the database, the 1538
board shall electronically collect information pursuant to 1539
sections 4729.77, 4729.771, and 4729.79 of the Revised Code and 1540
shall disseminate information as authorized or required by 1541
sections 4729.80 and 4729.81 of the Revised Code. The board's 1542
collection and dissemination of information shall be conducted in 1543
accordance with rules adopted under section 4729.84 of the Revised 1544
Code. 1545

Sec. 4729.771. (A) If the state board of pharmacy establishes 1546
and maintains a drug database pursuant to section 4729.75 of the 1547
Revised Code, each retail dispensary licensed under Chapter 3796. 1548
of the Revised Code by the medical marijuana control commission 1549
shall submit to the board the following information regarding 1550
medical marijuana dispensed to a patient: 1551

(1) Retail dispensary identification; 1552

(2) Patient identification; 1553

(3) Recommending physician identification; 1554

(4) Date of physician recommendation; 1555

(5) Date marijuana was dispensed; 1556

<u>(6) Form, quality, and clinical strength of marijuana dispensed;</u>	1557
	1558
<u>(7) Quantity of marijuana dispensed;</u>	1559
<u>(8) Number of days' supply of marijuana dispensed;</u>	1560
<u>(9) Source of payment for the marijuana dispensed.</u>	1561
<u>(B)(1) The information shall be transmitted as specified by the board in rules adopted under section 4729.84 of the Revised Code.</u>	1562
	1563
	1564
<u>(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:</u>	1565
	1566
	1567
<u>(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.</u>	1568
	1569
	1570
	1571
<u>(b) The board is unable to receive electronic submissions.</u>	1572
<u>(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.</u>	1573
	1574
	1575
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:	1576
	1577
	1578
	1579
(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	1580
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	1585

conducted by the government entity. 1586

(2) On receipt of a request from a federal officer, or a 1587
state or local officer of this or any other state, whose duties 1588
include enforcing laws relating to drugs, the board shall provide 1589
to the officer information from the database relating to the 1590
person who is the subject of an active investigation of a drug 1591
abuse offense, as defined in section 2925.01 of the Revised Code, 1592
being conducted by the officer's employing government entity. 1593

(3) Pursuant to a subpoena issued by a grand jury, the board 1594
shall provide to the grand jury information from the database 1595
relating to the person who is the subject of an investigation 1596
being conducted by the grand jury. 1597

(4) Pursuant to a subpoena, search warrant, or court order in 1598
connection with the investigation or prosecution of a possible or 1599
alleged criminal offense, the board shall provide information from 1600
the database as necessary to comply with the subpoena, search 1601
warrant, or court order. 1602

(5) On receipt of a request from a prescriber or the 1603
prescriber's delegate approved by the board, the board shall 1604
provide to the prescriber a report of information from the 1605
database relating to a patient who is either a current patient of 1606
the prescriber or a potential patient of the prescriber based on a 1607
referral of the patient to the prescriber, if all of the following 1608
conditions are met: 1609

(a) The prescriber certifies in a form specified by the board 1610
that it is for the purpose of providing medical treatment to the 1611
patient who is the subject of the request; 1612

(b) The prescriber has not been denied access to the database 1613
by the board. 1614

(6) On receipt of a request from a pharmacist or the 1615
pharmacist's delegate approved by the board, the board shall 1616

provide to the pharmacist information from the database relating 1617
to a current patient of the pharmacist, if the pharmacist 1618
certifies in a form specified by the board that it is for the 1619
purpose of the pharmacist's practice of pharmacy involving the 1620
patient who is the subject of the request and the pharmacist has 1621
not been denied access to the database by the board. 1622

(7) On receipt of a request from an individual seeking the 1623
individual's own database information in accordance with the 1624
procedure established in rules adopted under section 4729.84 of 1625
the Revised Code, the board may provide to the individual the 1626
individual's own database information. 1627

(8) On receipt of a request from a medical director or a 1628
pharmacy director of a managed care organization that has entered 1629
into a contract with the department of medicaid under section 1630
5167.10 of the Revised Code and a data security agreement with the 1631
board required by section 5167.14 of the Revised Code, the board 1632
shall provide to the medical director or the pharmacy director 1633
information from the database relating to a medicaid recipient 1634
enrolled in the managed care organization, including information 1635
in the database related to prescriptions for the recipient that 1636
were not covered or reimbursed under a program administered by the 1637
department of medicaid. 1638

(9) On receipt of a request from the medicaid director, the 1639
board shall provide to the director information from the database 1640
relating to a recipient of a program administered by the 1641
department of medicaid, including information in the database 1642
related to prescriptions for the recipient that were not covered 1643
or paid by a program administered by the department. 1644

(10) On receipt of a request from a medical director of a 1645
managed care organization that has entered into a contract with 1646
the administrator of workers' compensation under division (B)(4) 1647
of section 4121.44 of the Revised Code and a data security 1648

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 1681
program, the board may provide to the requestor information from 1682
the database, but only if there is a written agreement under which 1683
the information is to be used and disseminated according to the 1684
laws of this state. 1685

(15) On receipt of a request from a delegate of a retail 1686
dispensary licensed under Chapter 3796. of the Revised Code who is 1687
approved by the board to serve as the dispensary's delegate, the 1688
board shall provide to the delegate a report of information from 1689
the database relating to a patient, if both of the following 1690
conditions are met: 1691

(a) The delegate certifies in a form specified by the board 1692
that it is for the purpose of distributing medical marijuana for 1693
use in accordance with Chapter 3796. of the Revised Code. 1694

(b) The retail dispensary or delegate has not been denied 1695
access to the database by the board. 1696

(B) The state board of pharmacy shall maintain a record of 1697
each individual or entity that requests information from the 1698
database pursuant to this section. In accordance with rules 1699
adopted under section 4729.84 of the Revised Code, the board may 1700
use the records to document and report statistics and law 1701
enforcement outcomes. 1702

The board may provide records of an individual's requests for 1703
database information to the following: 1704

(1) A designated representative of a government entity that 1705
is responsible for the licensure, regulation, or discipline of 1706
health care professionals with authority to prescribe, administer, 1707
or dispense drugs who is involved in an active investigation being 1708
conducted by the government entity of the individual who submitted 1709
the requests for database information; 1710

(2) A federal officer, or a state or local officer of this or 1711

any other state, whose duties include enforcing laws relating to 1712
drugs and who is involved in an active investigation being 1713
conducted by the officer's employing government entity of the 1714
individual who submitted the requests for database information. 1715

(C) Information contained in the database and any information 1716
obtained from it is not a public record. Information contained in 1717
the records of requests for information from the database is not a 1718
public record. Information that does not identify a person may be 1719
released in summary, statistical, or aggregate form. 1720

(D) A pharmacist or prescriber shall not be held liable in 1721
damages to any person in any civil action for injury, death, or 1722
loss to person or property on the basis that the pharmacist or 1723
prescriber did or did not seek or obtain information from the 1724
database. 1725

Sec. 4729.81. If the state board of pharmacy establishes and 1726
maintains a drug database pursuant to section 4729.75 of the 1727
Revised Code, the board shall review the information in the drug 1728
database. If the board determines from the review that a violation 1729
of law may have occurred, it shall notify the appropriate law 1730
enforcement agency or a government entity responsible for the 1731
licensure, regulation, or discipline of licensed health 1732
professionals authorized to prescribe drugs and supply information 1733
required by the agency or entity for an investigation of the 1734
violation of law that may have occurred. The board ~~also~~ shall 1735
notify the medicaid director if the board determines that the 1736
violation may have been committed by a provider of services under 1737
a program administered by the department of medicaid. The board 1738
shall notify the medical marijuana control commission if the board 1739
determines that a violation may have been committed by a retail 1740
dispensary licensed under Chapter 3796. of the Revised Code by the 1741
medical marijuana control commission. 1742

Sec. 4729.82. If the state board of pharmacy establishes a 1743
drug database pursuant to section 4729.75 of the Revised Code, the 1744
information collected for the database shall be retained in the 1745
database for at least three years. Any information that identifies 1746
a patient shall be destroyed after it has been retained for three 1747
years unless a law enforcement agency ~~or~~, a government entity 1748
responsible for the licensure, regulation, or discipline of 1749
licensed health professionals authorized to prescribe drugs, or 1750
the medical marijuana control commission has submitted a written 1751
request to the board for retention of the information in 1752
accordance with rules adopted by the board under section 4729.84 1753
of the Revised Code. 1754

Sec. 4729.83. (A) If the state board of pharmacy establishes 1755
and maintains a drug database pursuant to section 4729.75 of the 1756
Revised Code, the board may use, for the purpose of establishing 1757
or maintaining the database, any portion of the fees collected 1758
under section 4729.15, 4729.52, or 4729.54 of the Revised Code for 1759
the licensing or registration of pharmacists, pharmacy interns, 1760
wholesale distributors of dangerous drugs, or terminal 1761
distributors of dangerous drugs. The board shall not increase the 1762
amount of any of those fees solely for the purpose of establishing 1763
or maintaining the database. 1764

The board shall not impose any charge on a prescriber for the 1765
establishment or maintenance of the database. The board shall not 1766
impose any charge for the establishment or maintenance of the 1767
database on a retail dispensary licensed under Chapter 3796. of 1768
the Revised Code by the medical marijuana control commission. 1769

The board shall not charge any fees for the transmission of 1770
data to the database or for the receipt of information from the 1771
database, except that the board may charge a fee in accordance 1772
with rules adopted under section 4729.84 of the Revised Code to an 1773

individual who requests the individual's own database information 1774
under section 4729.80 of the Revised Code. 1775

(B) The board may accept grants, gifts, or donations for 1776
purposes of the drug database. Any money received shall be 1777
deposited into the state treasury to the credit of the drug 1778
database fund, which is hereby created. Money in the fund shall be 1779
used solely for purposes of the drug database. 1780

Sec. 4729.84. For purposes of establishing and maintaining a 1781
drug database pursuant to section 4729.75 of the Revised Code, the 1782
state board of pharmacy shall adopt rules in accordance with 1783
Chapter 119. of the Revised Code to carry out and enforce sections 1784
4729.75 to 4729.83 of the Revised Code. The rules shall specify 1785
all of the following: 1786

(A) A means of identifying each patient, each terminal 1787
distributor of dangerous drugs, ~~and~~ each purchase at wholesale of 1788
dangerous drugs, and each retail dispensary licensed under Chapter 1789
3796. of the Revised Code by the medical marijuana control 1790
commission about which information is entered into the drug 1791
database; 1792

(B) Requirements for the transmission of information from 1793
terminal distributors of dangerous drugs, wholesale distributors 1794
of dangerous drugs, ~~and~~ prescribers, and retail dispensaries; 1795

(C) An electronic format for the submission of information 1796
from terminal distributors, wholesale distributors, ~~and~~ 1797
prescribers, and retail dispensaries; 1798

(D) A procedure whereby a terminal distributor-, wholesale 1799
distributor, ~~or~~ prescriber, or retail dispensary unable to submit 1800
information electronically may obtain a waiver to submit 1801
information in another format; 1802

(E) A procedure whereby the board may grant a request from a 1803

law enforcement agency ~~or~~, from a government entity responsible 1804
for the licensure, regulation, or discipline of licensed health 1805
professionals authorized to prescribe drugs, or from the medical 1806
marijuana control commission that information that has been stored 1807
for three years be retained when the information pertains to an 1808
open investigation being conducted by the agency or entity; 1809

(F) A procedure whereby a terminal distributor, wholesale 1810
distributor, ~~or~~ prescriber, or retail dispensary may apply for an 1811
extension to the time by which information must be transmitted to 1812
the board; 1813

(G) A procedure whereby a person or government entity to 1814
which the board is authorized to provide information may submit a 1815
request to the board for the information and the board may verify 1816
the identity of the requestor; 1817

(H) A procedure whereby the board can use the database 1818
request records required by division (B) of section 4729.80 of the 1819
Revised Code to document and report statistics and law enforcement 1820
outcomes; 1821

(I) A procedure whereby an individual may request the 1822
individual's own database information and the board may verify the 1823
identity of the requestor; 1824

(J) A reasonable fee that the board may charge under section 1825
4729.83 of the Revised Code for providing an individual with the 1826
individual's own database information pursuant to section 4729.80 1827
of the Revised Code; 1828

(K) The other specific dangerous drugs that, in addition to 1829
controlled substances, must be included in the database; 1830

(L) The types of pharmacies licensed as terminal distributors 1831
of dangerous drugs that are required to submit prescription 1832
information to the board pursuant to section 4729.77 of the 1833
Revised Code. 1834

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 by the medical marijuana control commission regarding the board's effectiveness in providing information from the database;

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

(B) The board shall submit a semiannual report to the governor, the president of the senate, the speaker of the house of representatives, the attorney general, the chairpersons of the standing committees of the house of representatives and the senate that are primarily responsible for considering health and human services issues, the department of public safety, the medical marijuana control commission, the state dental board, the board of nursing, the state board of optometry, the state medical board, and the state veterinary medical licensing board. The state board of pharmacy shall make the report available to the public on its internet web site. Each report submitted shall include all of the

following for the period covered by the report:	1865
(1) An aggregate of the information submitted to the board	1866
under section 4729.77 of the Revised Code regarding prescriptions	1867
for controlled substances containing opioids, including all of the	1868
following:	1869
(a) The number of prescribers who issued the prescriptions;	1870
(b) The number of patients to whom the controlled substances	1871
were dispensed;	1872
(c) The average quantity of the controlled substances	1873
dispensed per prescription;	1874
(d) The average daily morphine equivalent dose of the	1875
controlled substances dispensed per prescription.	1876
(2) An aggregate of the information submitted to the board	1877
under section 4729.79 of the Revised Code regarding controlled	1878
substances containing opioids that have been personally furnished	1879
to a patient by a prescriber, other than a prescriber who is a	1880
veterinarian, including all of the following:	1881
(a) The number of prescribers who personally furnished the	1882
controlled substances;	1883
(b) The number of patients to whom the controlled substances	1884
were personally furnished;	1885
(c) The average quantity of the controlled substances that	1886
were furnished at one time;	1887
(d) The average daily morphine equivalent dose of the	1888
controlled substances that were furnished at one time.	1889
<u>(3) An aggregate of the information submitted to the board</u>	1890
<u>under section 4729.771 of the Revised Code regarding medical</u>	1891
<u>marijuana, including all of the following:</u>	1892
<u>(a) The number of retail dispensaries that dispensed</u>	1893

<u>marijuana;</u>	1894
<u>(b) The number of patients to whom marijuana was dispensed;</u>	1895
<u>(c) The average supply of marijuana dispensed at one time;</u>	1896
<u>(d) The average daily dose of marijuana dispensed.</u>	1897
Sec. 4729.86. If the state board of pharmacy establishes and	1898
maintains a drug database pursuant to section 4729.75 of the	1899
Revised Code, all of the following apply:	1900
(A)(1) No person identified in divisions (A)(1) to (13),	1901
<u>(A)(15),</u> or (B) of section 4729.80 of the Revised Code shall	1902
disseminate any written or electronic information the person	1903
receives from the drug database or otherwise provide another	1904
person access to the information that the person receives from the	1905
database, except as follows:	1906
(a) When necessary in the investigation or prosecution of a	1907
possible or alleged criminal offense;	1908
(b) When a person provides the information to the prescriber	1909
<u>or, pharmacist, or retail dispensary licensed under Chapter 3796.</u>	1910
<u>of the Revised Code</u> for whom the person is approved by the board	1911
to serve as a delegate of the prescriber <u>or, pharmacist, or retail</u>	1912
<u>dispensary</u> for purposes of requesting and receiving information	1913
from the drug database under division (A)(5) <u>or, (6), or (15)</u> of	1914
section 4729.80 of the Revised Code;	1915
(c) When a prescriber <u>or, pharmacist, or retail dispensary</u>	1916
<u>licensed under Chapter 3796. of the Revised Code</u> provides the	1917
information to a person who is approved by the board to serve as	1918
such a delegate of the prescriber <u>or, pharmacist, or retail</u>	1919
<u>dispensary;</u>	1920
(d) When a prescriber or pharmacist includes the information	1921
in a medical record, as defined in section 3701.74 of the Revised	1922
Code.	1923

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

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

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

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

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

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

(c) The person fails to comply with division (B) of this section, regardless of the jurisdiction in which the failure to comply occurred;

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

(2) If the board determines that allegations regarding a person's actions warrant restricting the person from obtaining further information from the drug database without a prior hearing, the board may summarily impose the restriction. A telephone conference call may be used for reviewing the

allegations and taking a vote on the summary restriction. The 1954
summary restriction shall remain in effect, unless removed by the 1955
board, until the board's final adjudication order becomes 1956
effective. 1957

(3) The board shall determine the extent to which the person 1958
is restricted from obtaining further information from the 1959
database. 1960

Section 2. That existing sections 109.572, 303.21, 519.21, 1961
4123.54, 4729.75, 4729.80, 4729.81, 4729.82, 4729.83, 4729.84, 1962
4729.85, and 4729.86 of the Revised Code are hereby repealed. 1963

Section 3. The Medical Marijuana Control Commission shall 1964
take all actions necessary to ensure that the Medical Marijuana 1965
Control Program established under Chapter 3796. of the Revised 1966
Code, as enacted by this act, is fully operational not later than 1967
two years after the effective date of this act. 1968

Section 4. The General Assembly hereby declares that it 1969
intends to enact law levying an excise tax on each transaction by 1970
which medical marijuana is dispensed to a patient in accordance 1971
with Chapter 3796. of the Revised Code, as enacted by this act. In 1972
addition to levying the tax, the law shall subject persons 1973
dispensing medical marijuana to all customary nondiscriminatory 1974
fees, taxes, and other charges that are applied to, levied 1975
against, or otherwise imposed generally upon other Ohio 1976
businesses, their gross or net revenues, their operations, their 1977
owners, and their property. 1978

The Medical Marijuana Control Commission shall determine for 1979
each fiscal year an amount the Commission considers necessary to 1980
fund marijuana drug abuse prevention programs. That amount shall 1981
be appropriated for that purpose from revenue arising from the 1982
excise tax and revenue from license application and renewal fees 1983

imposed under Chapter 3796. of the Revised Code, as enacted by 1984
this act. 1985

Section 5. The General Assembly hereby declares that it 1986
intends to recommend that the United States Congress, the Attorney 1987
General of the United States, and the United States Drug 1988
Enforcement Administration take actions as necessary to classify 1989
marijuana as a schedule II controlled substance in an effort to 1990
ease the regulatory burdens associated with research on its 1991
potential medical benefits. 1992

Section 6. The General Assembly hereby declares that it 1993
intends to establish a program to provide incentives or otherwise 1994
encourage institutions of higher education and medical facilities 1995
within this state to conduct academic and medical research 1996
regarding medical marijuana. 1997