

**As Reported by the Senate Government Oversight and Reform
Committee**

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

Representative Huffman

**Cosponsors: Representatives Schuring, Ramos, Brown, Celebrezze, Maag,
Perales, Rogers, Ruhl, Terhar
Senator Yuko**

A B I L L

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

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

Section 1. That sections 109.572, 519.21, 4123.54, 4729.75, 15
4729.80, 4729.84, 4729.85, 4729.86, 4731.22, 4731.281, 4776.02, 16
4776.04, and 5713.30 be amended and sections 3796.01, 3796.02, 17

3796.021, 3796.03, 3796.031, 3796.032, 3796.04, 3796.05, 3796.06, 18
3796.061, 3796.07, 3796.08, 3796.09, 3796.10, 3796.11, 3796.12, 19
3796.13, 3796.14, 3796.15, 3796.16, 3796.17, 3796.18, 3796.19, 20
3796.20, 3796.21, 3796.22, 3796.23, 3796.24, 3796.27, 3796.28, 21
3796.29, 3796.30, 4729.771, 4731.229, 4731.30, 4731.301, and 22
4731.302 of the Revised Code be enacted to read as follows: 23

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 35
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 36
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 37
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 38
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 39
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 40
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 41
2925.06, or 3716.11 of the Revised Code, felonious sexual 42
penetration in violation of former section 2907.12 of the Revised 43
Code, a violation of section 2905.04 of the Revised Code as it 44
existed prior to July 1, 1996, a violation of section 2919.23 of 45
the Revised Code that would have been a violation of section 46
2905.04 of the Revised Code as it existed prior to July 1, 1996, 47
had the violation been committed prior to that date, or a 48

violation of section 2925.11 of the Revised Code that is not a 49
minor drug possession offense; 50

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

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

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

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

(b) An existing or former law of this state, any other state, 80
or the United States that is substantially equivalent to any of 81
the offenses listed in division (A)(2)(a) of this section. 82

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

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

2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44,	112
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51,	113
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123,	114
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12,	115
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35,	116
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161,	117
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04,	118
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14,	119
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56,	120
2927.12, or 3716.11 of the Revised Code;	121
(b) Felonious sexual penetration in violation of former	122
section 2907.12 of the Revised Code;	123
(c) A violation of section 2905.04 of the Revised Code as it	124
existed prior to July 1, 1996;	125
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	126
the Revised Code when the underlying offense that is the object of	127
the conspiracy, attempt, or complicity is one of the offenses	128
listed in divisions (A)(3)(a) to (c) of this section;	129
(e) A violation of an existing or former municipal ordinance	130
or law of this state, any other state, or the United States that	131
is substantially equivalent to any of the offenses listed in	132
divisions (A)(3)(a) to (d) of this section.	133
(4) On receipt of a request pursuant to section 2151.86 of	134
the Revised Code, a completed form prescribed pursuant to division	135
(C)(1) of this section, and a set of fingerprint impressions	136
obtained in the manner described in division (C)(2) of this	137
section, the superintendent of the bureau of criminal	138
identification and investigation shall conduct a criminal records	139
check in the manner described in division (B) of this section to	140
determine whether any information exists that indicates that the	141
person who is the subject of the request previously has been	142

convicted of or pleaded guilty to any of the following: 143

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

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

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

determine whether any information exists that indicates that the 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, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, a violation of section 2923.02 or 2923.03 of the Revised Code that relates to a crime specified in this division, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification.

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

division (A)(5)(a) of this section. 207

(6) Upon receipt of a request pursuant to section 5153.111 of 208
the Revised Code, a completed form prescribed pursuant to division 209
(C)(1) of this section, and a set of fingerprint impressions 210
obtained in the manner described in division (C)(2) of this 211
section, the superintendent of the bureau of criminal 212
identification and investigation shall conduct a criminal records 213
check in the manner described in division (B) of this section to 214
determine whether any information exists that indicates that the 215
person who is the subject of the request previously has been 216
convicted of or pleaded guilty to any of the following: 217

(a) A violation of section 2903.01, 2903.02, 2903.03, 218
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 219
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 220
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 221
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 222
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 223
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 224
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 225
felonious sexual penetration in violation of former section 226
2907.12 of the Revised Code, a violation of section 2905.04 of the 227
Revised Code as it existed prior to July 1, 1996, a violation of 228
section 2919.23 of the Revised Code that would have been a 229
violation of section 2905.04 of the Revised Code as it existed 230
prior to July 1, 1996, had the violation been committed prior to 231
that date, or a violation of section 2925.11 of the Revised Code 232
that is not a minor drug possession offense; 233

(b) A violation of an existing or former law of this state, 234
any other state, or the United States that is substantially 235
equivalent to any of the offenses listed in division (A)(6)(a) of 236
this section. 237

(7) On receipt of a request for a criminal records check from 238

an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C)(1) of this section and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to a felony in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information from the federal bureau of investigation as described in division (B)(2) of this section. Subject to division (F) of this section, the superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the director of public safety.

(8) On receipt of a request pursuant to section 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for a license, permit, or certification from the department of commerce or a division in the department. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: a violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the Revised Code; any other criminal offense involving

theft, receiving stolen property, embezzlement, forgery, fraud, 272
passing bad checks, money laundering, or drug trafficking, or any 273
criminal offense involving money or securities, as set forth in 274
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 275
the Revised Code; or any existing or former law of this state, any 276
other state, or the United States that is substantially equivalent 277
to those offenses. 278

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

(10) On receipt of a request pursuant to section 1121.23, 301
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 302
Code, a completed form prescribed pursuant to division (C)(1) of 303

this section, and a set of fingerprint impressions obtained in the 304
manner described in division (C)(2) of this section, the 305
superintendent of the bureau of criminal identification and 306
investigation shall conduct a criminal records check in the manner 307
described in division (B) of this section to determine whether any 308
information exists that indicates that the person who is the 309
subject of the request previously has been convicted of or pleaded 310
guilty to any criminal offense under any existing or former law of 311
this state, any other state, or the United States. 312

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

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

the criminal records check in the manner described in division (B) 336
of this section to determine whether any information exists that 337
indicates that the person who is the subject of the request 338
previously has been convicted of or pleaded guilty to any of the 339
following: 340

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

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

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

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

board member or prospective board member of, an entity seeking a 368
license from the department of commerce under Chapter 3796. of the 369
Revised Code; 370

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

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

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

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

(B) Subject to division (F) of this section, the 399
superintendent shall conduct any criminal records check to be 400
conducted under this section as follows: 401

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

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

(3) The superintendent or the superintendent's designee may 429
request criminal history records from other states or the federal 430

government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code. 431
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(4) The superintendent shall include in the results of the criminal records check a list or description of the offenses listed or described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), ~~or~~ (12), (13), or (14) of this section, whichever division requires the superintendent to conduct the criminal records check. The superintendent shall exclude from the results any information the dissemination of which is prohibited by federal law. 433
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(5) The superintendent shall send the results of the criminal records check to the person to whom it is to be sent not later than the following number of days after the date the superintendent receives the request for the criminal records check, the completed form prescribed under division (C)(1) of this section, and the set of fingerprint impressions obtained in the manner described in division (C)(2) of this section: 441
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(a) If the superintendent is required by division (A) of this section (other than division (A)(3) of this section) to conduct the criminal records check, thirty; 448
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(b) If the superintendent is required by division (A)(3) of this section to conduct the criminal records check, sixty. 451
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(C)(1) The superintendent shall prescribe a form to obtain the information necessary to conduct a criminal records check from any person for whom a criminal records check is to be conducted under this section. The form that the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats. 453
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(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is to be conducted under this 459
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section. Any person for whom a records check is to be conducted 462
under this section shall obtain the fingerprint impressions at a 463
county sheriff's office, municipal police department, or any other 464
entity with the ability to make fingerprint impressions on the 465
standard impression sheets prescribed by the superintendent. The 466
office, department, or entity may charge the person a reasonable 467
fee for making the impressions. The standard impression sheets the 468
superintendent prescribes pursuant to this division may be in a 469
tangible format, in an electronic format, or in both tangible and 470
electronic formats. 471

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

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

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

a lower fee than the fee prescribed for the initial criminal records check. 494
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(E) When the superintendent receives a request for information from a registered private provider, the superintendent shall proceed as if the request was received from a school district board of education under section 3319.39 of the Revised Code. The superintendent shall apply division (A)(1)(c) of this section to any such request for an applicant who is a teacher. 496
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(F)(1) All information regarding the results of a criminal records check conducted under this section that the superintendent reports or sends under division (A)(7) or (9) of this section to the director of public safety, the treasurer of state, or the person, board, or entity that made the request for the criminal records check shall relate to the conviction of the subject person, or the subject person's plea of guilty to, a criminal offense. 502
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(2) Division (F)(1) of this section does not limit, restrict, or preclude the superintendent's release of information that relates to the arrest of a person who is eighteen years of age or older, to an adjudication of a child as a delinquent child, or to a criminal conviction of a person under eighteen years of age in circumstances in which a release of that nature is authorized under division (E)(2), (3), or (4) of section 109.57 of the Revised Code pursuant to a rule adopted under division (E)(1) of that section. 510
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(G) As used in this section: 519

(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section. 520
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(2) "Minor drug possession offense" has the same meaning as 524

in section 2925.01 of the Revised Code. 525

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

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

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

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

dedicated public road regulate:	556
(1) Agriculture on lots of one acre or less;	557
(2) Buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but not greater than five acres by: set back building lines; height; and size;	558 559 560 561
(3) Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least thirty-five per cent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under section 4503.06 of the Revised Code. After thirty-five per cent of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to section 519.19 of the Revised Code.	562 563 564 565 566 567 568 569 570 571
Division (B) of this section confers no power on any township zoning commission, board of township trustees, or board of zoning appeals to regulate agriculture, buildings or structures, and dairying and animal and poultry husbandry on lots greater than five acres.	572 573 574 575 576
(C) Such sections confer no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for:	577 578 579 580
(1) A farm market where fifty per cent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. However, a board of township trustees, as provided in section 519.02 of the Revised Code, may regulate such factors pertaining to farm markets as size of the structure, size of	581 582 583 584 585 586

parking areas that may be required, set back building lines, and egress or ingress, where such regulation is necessary to protect the public health and safety.

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

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

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

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

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

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

<u>(2) "Medical marijuana" means marijuana that is cultivated,</u>	617
<u>processed, dispensed, tested, possessed, or used for a medical</u>	618
<u>purpose.</u>	619
<u>(3) "Academic medical center" has the same meaning as in</u>	620
<u>section 4731.297 of the Revised Code.</u>	621
<u>(4) "Drug database" means the database established and</u>	622
<u>maintained by the state board of pharmacy pursuant to section</u>	623
<u>4729.75 of the Revised Code.</u>	624
<u>(5) "Physician" means an individual authorized under Chapter</u>	625
<u>4731. of the Revised Code to practice medicine and surgery or</u>	626
<u>osteopathic medicine and surgery.</u>	627
<u>(6) "Qualifying medical condition" means any of the</u>	628
<u>following:</u>	629
<u>(a) Acquired immune deficiency syndrome;</u>	630
<u>(b) Alzheimer's disease;</u>	631
<u>(c) Amyotrophic lateral sclerosis;</u>	632
<u>(d) Cancer;</u>	633
<u>(e) Chronic traumatic encephalopathy;</u>	634
<u>(f) Crohn's disease;</u>	635
<u>(g) Epilepsy or another seizure disorder;</u>	636
<u>(h) Fibromyalgia;</u>	637
<u>(i) Glaucoma;</u>	638
<u>(j) Hepatitis C;</u>	639
<u>(k) Inflammatory bowel disease;</u>	640
<u>(l) Multiple sclerosis;</u>	641
<u>(m) Pain that is either of the following:</u>	642
<u>(i) Chronic and severe;</u>	643

<u>(ii) Intractable.</u>	644
<u>(n) Parkinson's disease;</u>	645
<u>(o) Positive status for HIV;</u>	646
<u>(p) Post-traumatic stress disorder;</u>	647
<u>(q) Sickle cell anemia;</u>	648
<u>(r) Spinal cord disease or injury;</u>	649
<u>(s) Tourette's syndrome;</u>	650
<u>(t) Traumatic brain injury;</u>	651
<u>(u) Ulcerative colitis;</u>	652
<u>(v) Any other disease or condition added by the state medical board under section 4731.302 of the Revised Code.</u>	653 654
<u>(7) "State university" has the same meaning as in section 3345.011 of the Revised Code.</u>	655 656
<u>(B) Notwithstanding section 3719.41 of the Revised Code, for purposes of this chapter, medical marijuana is a schedule II controlled substance.</u>	657 658 659
<u>Sec. 3796.02. There is hereby established a medical marijuana control program in the department of commerce and the state board of pharmacy. The department shall provide for the licensure of medical marijuana cultivators and processors and the licensure of laboratories that test medical marijuana. The board shall provide for the licensure of retail dispensaries and the registration of patients and their caregivers. The department and board shall administer the program.</u>	660 661 662 663 664 665 666 667
<u>Sec. 3796.021. (A) The medical marijuana advisory committee is hereby created in the state board of pharmacy. The committee shall consist of the following:</u>	668 669 670

- (1) Two members who are practicing pharmacists, at least one of whom supports the use of marijuana for medical purposes and at least one of whom is a member of the board of pharmacy; 671
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- (2) Two members who are practicing physicians, at least one of whom supports the use of marijuana for medical purposes and at least one of whom is a member of the state medical board; 674
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- (3) A member who represents local law enforcement; 677
- (4) A member who represents employers; 678
- (5) A member who represents labor; 679
- (6) A member who represents persons involved in mental health treatment; 680
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- (7) A member who is a nurse; 682
- (8) A member who represents caregivers; 683
- (9) A member who represents patients; 684
- (10) A member who represents agriculture; 685
- (11) A member who represents persons involved in the treatment of alcohol and drug addiction; 686
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- (12) A member who engages in academic research. 688
- (B) The governor shall appoint the members described in divisions (A)(1), (2), (4), (10), (11), and (12) of this section. 689
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The senate president shall appoint the members described in divisions (A)(3) and (8) of this section. The minority leader of the senate shall appoint the member described in division (A)(7) of this section. The speaker of the house of representatives shall appoint the members described in divisions (A)(6) and (9) of this section. The minority leader of the house of representatives shall appoint the member described in division (A)(5) of this section. 691
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Not more than six members shall be of the same political party.
- (C) Appointments to the committee shall be made not later 699

than thirty days after the effective date of this section. 700

(D) Each member of the committee shall serve from the date of 701
appointment until the committee ceases to exist, except that 702
members serve at the pleasure of the appointing authority. 703
Vacancies shall be filled in the same manner as original 704
appointments. 705

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

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

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

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

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

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

(2) The department shall adopt rules establishing standards and procedures for the licensure of cultivators not later than two hundred forty days after the effective date of this section. 730
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(3) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. 733
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(B) The rules shall do all of the following: 735

(1) Establish application procedures and fees for licenses it issues under this chapter; 736
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(2) Specify all of the following: 738

(a) The conditions that must be met to be eligible for licensure; 739
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(b) Subject to division (B)(2)(c) of this section, the criminal offenses for which an applicant will be disqualified from licensure; 741
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(c) Which of the criminal offenses specified pursuant to division (B)(2)(b) of this section will not disqualify an applicant from licensure if the applicant was convicted of or pleaded guilty to the offense more than five years before the date the application for licensure is filed. 744
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(3) Establish, in accordance with section 3796.05 of the Revised Code, the number of cultivator licenses that will be permitted at any one time; 749
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(4) Establish a license renewal schedule, renewal procedures, and renewal fees; 752
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(5) Specify reasons for which a license may be suspended, including without prior hearing, revoked, or not be renewed or issued and the reasons for which a civil penalty may be imposed on a license holder; 754
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(6) Establish standards under which a license suspension may be lifted; 758
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(7) Specify if a cultivator, processor, or laboratory that is licensed under this chapter and that existed at a location before a school, church, public library, public playground, or public park became established within five hundred feet of the cultivator, processor, or laboratory, may remain in operation or shall relocate or have its license revoked by the board; 760
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(8) Specify both of the following: 766

(a) Subject to division (B)(8)(b) of this section, the criminal offenses for which a person will be disqualified from employment with a license holder; 767
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(b) Which of the criminal offenses specified pursuant to division (B)(8)(a) of this section will not disqualify a person from employment with a license holder if the person was convicted of or pleaded guilty to the offense more than five years before the date the employment begins. 770
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(9) Establish, in accordance with section 3796.05 of the Revised Code, standards and procedures for the testing of medical marijuana by a laboratory licensed under this chapter. 775
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(C) In addition to the rules described in division (B) of this section, the department may adopt any other rules it considers necessary for the program's administration and the implementation and enforcement of this chapter. 778
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(D) When adopting rules under this section, the department shall consider standards and procedures that have been found to be best practices relative to the use and regulation of medical marijuana. 782
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Sec. 3796.031. (A) The director of commerce may, in accordance with Chapter 119. of the Revised Code, adopt rules that establish a closed-loop payment processing system under which the state creates accounts to be used only by registered patients and 786
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caregivers at licensed dispensaries as well as by all license 790
holders under this chapter. The system may include record-keeping 791
and accounting functions that identify all parties involved in 792
those transactions. The purpose of the system is to prevent all of 793
the following: 794

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

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

(3) The distribution of marijuana to minors; 799

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

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

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

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

(B) The national institutes of health; 815

(C) The national academy of sciences; 816

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

(E) The United States department of defense; 818

<u>(F) The centers for disease control and prevention;</u>	819
<u>(G) The United States department of veterans affairs;</u>	820
<u>(H) The drug enforcement administration;</u>	821
<u>(I) The food and drug administration;</u>	822
<u>(J) Any board recognized by the national institutes of health</u>	823
<u>for the purpose of evaluating the medical value of health care</u>	824
<u>services.</u>	825
<u>Sec. 3796.04. (A)(1) Not later than one year after the</u>	826
<u>effective date of this section, the board of pharmacy shall adopt</u>	827
<u>rules establishing standards and procedures for the medical</u>	828
<u>marijuana control program.</u>	829
<u>(2) All rules adopted under this section shall be adopted in</u>	830
<u>accordance with Chapter 119. of the Revised Code.</u>	831
<u>(B) The rules shall do all of the following:</u>	832
<u>(1) Establish application procedures and fees for licenses</u>	833
<u>and registrations it issues under this chapter;</u>	834
<u>(2) Specify all of the following:</u>	835
<u>(a) The conditions that must be met to be eligible for</u>	836
<u>licensure;</u>	837
<u>(b) Subject to division (B)(2)(c) of this section, the</u>	838
<u>criminal offenses for which an applicant will be disqualified from</u>	839
<u>licensure;</u>	840
<u>(c) Which of the criminal offenses specified pursuant to</u>	841
<u>division (B)(2)(b) of this section will not disqualify an</u>	842
<u>applicant from licensure if the applicant was convicted of or</u>	843
<u>pleaded guilty to the offense more than five years before the date</u>	844
<u>the application for licensure is filed.</u>	845
<u>(3) Establish, in accordance with section 3796.05 of the</u>	846

<u>Revised Code, the number of retail dispensary licenses that will</u>	847
<u>be permitted at any one time;</u>	848
<u>(4) Establish a license or registration renewal schedule,</u>	849
<u>renewal procedures, and renewal fees;</u>	850
<u>(5) Specify reasons for which a license or registration may</u>	851
<u>be suspended, including without prior hearing, revoked, or not be</u>	852
<u>renewed or issued and the reasons for which a civil penalty may be</u>	853
<u>imposed on a license holder;</u>	854
<u>(6) Establish standards under which a license or registration</u>	855
<u>suspension may be lifted;</u>	856
<u>(7) Establish procedures for registration of patients and</u>	857
<u>caregivers and requirements that must be met to be eligible for</u>	858
<u>registration;</u>	859
<u>(8) Establish training requirements for employees of retail</u>	860
<u>dispensaries;</u>	861
<u>(9) Specify if a retail dispensary that is licensed under</u>	862
<u>this chapter and that existed at a location before a school,</u>	863
<u>church, public library, public playground, or public park became</u>	864
<u>established within five hundred feet of the retail dispensary may</u>	865
<u>remain in operation or shall relocate or have its license revoked</u>	866
<u>by the board;</u>	867
<u>(10) Specify, by form and tetrahydrocannabinol content, a</u>	868
<u>maximum ninety-day supply of medical marijuana that may be</u>	869
<u>possessed;</u>	870
<u>(11) Specify the paraphernalia or other accessories that may</u>	871
<u>be used in the administration to a registered patient of medical</u>	872
<u>marijuana;</u>	873
<u>(12) Establish procedures for the issuance of patient or</u>	874
<u>caregiver identification cards;</u>	875
<u>(13) Specify the forms of or methods of using medical</u>	876

<u>marijuana that are attractive to children;</u>	877
<u>(14) Specify both of the following:</u>	878
<u>(a) Subject to division (B)(14)(b) of this section, the</u>	879
<u>criminal offenses for which a person will be disqualified from</u>	880
<u>employment with a license holder;</u>	881
<u>(b) Which of the criminal offenses specified pursuant to</u>	882
<u>division (B)(14)(a) of this section will not disqualify a person</u>	883
<u>from employment with a license holder if the person was convicted</u>	884
<u>of or pleaded guilty to the offense more than five years before</u>	885
<u>the date the employment begins.</u>	886
<u>(15) Establish a program to assist patients who are veterans</u>	887
<u>or indigent in obtaining medical marijuana in accordance with this</u>	888
<u>chapter.</u>	889
<u>(C) In addition to the rules described in division (B) of</u>	890
<u>this section, the board may adopt any other rules it considers</u>	891
<u>necessary for the program's administration and the implementation</u>	892
<u>and enforcement of this chapter.</u>	893
<u>(D) When adopting rules under this section, the board shall</u>	894
<u>consider standards and procedures that have been found to be best</u>	895
<u>practices relative to the use and regulation of medical marijuana.</u>	896
<u>Sec. 3796.05. (A) When establishing the number of cultivator</u>	897
<u>licenses that will be permitted at any one time, the department of</u>	898
<u>commerce shall consider both of the following:</u>	899
<u>(1) The population of this state;</u>	900
<u>(2) The number of patients seeking to use medical marijuana.</u>	901
<u>(B) When establishing the number of retail dispensary</u>	902
<u>licenses that will be permitted at any one time, the state board</u>	903
<u>of pharmacy shall consider all of the following:</u>	904
<u>(1) The population of this state;</u>	905

<u>(2) The number of patients seeking to use medical marijuana;</u>	906
<u>(3) The geographic distribution of dispensary sites in an effort to ensure patient access to medical marijuana.</u>	907 908
<u>(C) When establishing standards and procedures for the testing of medical marijuana, the department shall do all of the following:</u>	909 910 911
<u>(1) Specify when testing must be conducted;</u>	912
<u>(2) Determine the minimum amount of medical marijuana that must be tested;</u>	913 914
<u>(3) Specify the manner in which testing is to be conducted in an effort to ensure uniformity of medical marijuana products processed for and dispensed to patients;</u>	915 916 917
<u>(4) Specify the manner in which test results are provided.</u>	918
<u>Sec. 3796.06. (A) Only the following forms of medical marijuana may be dispensed under this chapter:</u>	919 920
<u>(1) Oils;</u>	921
<u>(2) Tinctures;</u>	922
<u>(3) Plant material;</u>	923
<u>(4) Edibles;</u>	924
<u>(5) Patches;</u>	925
<u>(6) Any other form approved by the state board of pharmacy under section 3796.061 of the Revised Code.</u>	926 927
<u>(B) With respect to the methods of using medical marijuana, all of the following apply:</u>	928 929
<u>(1) The smoking or combustion of medical marijuana is prohibited.</u>	930 931
<u>(2) The vaporization of medical marijuana is permitted;</u>	932

(3) The state board of pharmacy may approve additional methods of using medical marijuana, other than smoking or combustion, under section 3796.061 of the Revised Code. 933
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(C) Any form or method that is considered attractive to children, as specified in rules adopted by the board, is prohibited. 936
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(D) With respect to tetrahydrocannabinol content, all of the following apply: 939
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(1) Plant material shall have a tetrahydrocannabinol content of not more than thirty-five per cent. 941
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(2) Extracts shall have a tetrahydrocannabinol content of not more than seventy per cent. 943
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Sec. 3796.061. (A) Any person may submit a petition to the state board of pharmacy requesting that a form of or method of using medical marijuana be approved for the purposes of section 3796.06 of the Revised Code. A petition shall be submitted to the board in a manner prescribed by the board. A petition shall not seek to approve a method of using medical marijuana that involves smoking or combustion. 945
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(B) On receipt of a petition, the board shall review it to determine whether to approve the form of or method of using medical marijuana described in the petition. The board may consolidate the review of petitions for the same or similar forms or methods. In making its determination, the board shall consult with one or more experts and review any relevant scientific evidence. 952
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(C) The board shall approve or deny the petition in accordance with any rules adopted by the board under this section. The board's decision is final. 959
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(D) The board may adopt rules as necessary to implement this 962

section. The rules shall be adopted in accordance with Chapter 963
119. of the Revised Code. 964

Sec. 3796.07. The department of commerce shall establish and 965
maintain an electronic database to monitor medical marijuana from 966
its seed source through its cultivation, processing, testing, and 967
dispensing. The department may contract with a separate entity to 968
establish and maintain all or any part of the electronic database 969
on behalf of the department. 970

The electronic database shall allow for information regarding 971
medical marijuana to be updated instantaneously. Any cultivator, 972
processor, retail dispensary, or laboratory licensed under this 973
chapter shall submit to the department any information the 974
department determines is necessary for maintaining the electronic 975
database. 976

The department and any entity under contract with the 977
department shall not make public any information reported to or 978
collected by the department under this division that identifies or 979
would tend to identify any specific patient. 980

Sec. 3796.08. (A)(1) A patient seeking to use medical 981
marijuana or a caregiver seeking to assist a patient in the use or 982
administration of medical marijuana shall apply to the state board 983
of pharmacy for registration. The physician who holds a 984
certificate to recommend issued by the state medical board and is 985
treating the patient or the physician's delegate shall submit the 986
application on the patient's or caregiver's behalf in the manner 987
established in rules adopted under section 3796.04 of the Revised 988
Code. 989

(2) The application shall include all of the following: 990

(a) A statement from the physician certifying all of the 991
following: 992

<u>(i) That a bona fide physician-patient relationship exists</u>	993
<u>between the physician and patient;</u>	994
<u>(ii) That the patient has been diagnosed with a qualifying</u>	995
<u>medical condition;</u>	996
<u>(iii) That the physician or physician delegate has requested</u>	997
<u>from the drug database a report of information related to the</u>	998
<u>patient that covers at least the twelve months immediately</u>	999
<u>preceding the date of the report;</u>	1000
<u>(iv) That the physician has informed the patient of the risks</u>	1001
<u>and benefits of medical marijuana as it pertains to the patient's</u>	1002
<u>qualifying medical condition and medical history;</u>	1003
<u>(v) That the physician has informed the patient that it is</u>	1004
<u>the physician's opinion that the benefits of medical marijuana</u>	1005
<u>outweigh its risks.</u>	1006
<u>(b) In the case of an application submitted on behalf of a</u>	1007
<u>patient, the name or names of the one or more caregivers that will</u>	1008
<u>assist the patient in the use or administration of medical</u>	1009
<u>marijuana;</u>	1010
<u>(c) In the case of an application submitted on behalf of a</u>	1011
<u>caregiver, the name of the patient or patients that the caregiver</u>	1012
<u>seeks to assist in the use or administration of medical marijuana.</u>	1013
<u>(3) If the application is complete and meets the requirements</u>	1014
<u>established in rules, the board shall register the patient or</u>	1015
<u>caregiver and issue to the patient or caregiver an identification</u>	1016
<u>card.</u>	1017
<u>(B) The board shall not make public any information reported</u>	1018
<u>to or collected by the board under this section that identifies or</u>	1019
<u>would tend to identify any specific patient.</u>	1020
<u>Information collected by the board pursuant to this section</u>	1021
<u>is confidential and not a public record. The board may share</u>	1022

identifying information with a licensed retail dispensary for the 1023
purpose of confirming that a person has a valid registration. 1024
Information that does not identify a person may be released in 1025
summary, statistical, or aggregate form. 1026

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

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

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

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

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

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

<u>licensure is filed.</u>	1053
<u>(2) The applicant demonstrates that it does not have an</u>	1054
<u>ownership or investment interest in or compensation arrangement</u>	1055
<u>with any of the following:</u>	1056
<u>(a) A laboratory licensed under this chapter;</u>	1057
<u>(b) An applicant for a license to conduct laboratory testing.</u>	1058
<u>(3) The applicant demonstrates that it does not share any</u>	1059
<u>corporate officers or employees with any of the following:</u>	1060
<u>(a) A laboratory licensed under this chapter;</u>	1061
<u>(b) An applicant for a license to conduct laboratory testing.</u>	1062
<u>(4) The applicant demonstrates that it will not be located</u>	1063
<u>within five hundred feet of a school, church, public library,</u>	1064
<u>public playground, or public park.</u>	1065
<u>(5) The information provided to the department pursuant to</u>	1066
<u>section 3796.11 of the Revised Code demonstrates that the</u>	1067
<u>applicant is in compliance with the applicable tax laws of this</u>	1068
<u>state.</u>	1069
<u>(6) The applicant meets all other licensure eligibility</u>	1070
<u>conditions established in rules adopted under section 3796.03 of</u>	1071
<u>the Revised Code.</u>	1072
<u>(C) The department shall issue not less than fifteen per cent</u>	1073
<u>of cultivator, processor, or laboratory licenses to entities that</u>	1074
<u>are owned and controlled by United States citizens who are</u>	1075
<u>residents of this state and are members of one of the following</u>	1076
<u>economically disadvantaged groups: Blacks or African Americans,</u>	1077
<u>American Indians, Hispanics or Latinos, and Asians. If no</u>	1078
<u>applications or an insufficient number of applications are</u>	1079
<u>submitted by such entities that meet the conditions set forth in</u>	1080
<u>division (B) of this section, the licenses shall be issued</u>	1081
<u>according to usual procedures.</u>	1082

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

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

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

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

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

(a) Subject to division (B)(1)(b) of this section, 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 division (B)(2)(b) of section 3796.04 of the Revised Code;

(b) That the disqualifying offense the person was convicted of or pleaded guilty to is one of the offenses specified in rules

adopted under division (B)(2)(c) of section 3796.04 of the Revised Code and the person was convicted of or pleaded guilty to the offense more than five years before the date the application for licensure is filed. 1113
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(2) The applicant demonstrates that it does not have an ownership or investment interest in or compensation arrangement with any of the following: 1117
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(a) A laboratory licensed under this chapter; 1120

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

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

(a) A laboratory licensed under this chapter; 1124

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

(4) The applicant demonstrates that it will not be located within five hundred feet of a school, church, public library, public playground, or public park. 1126
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(5) The information provided to the board pursuant to section 3796.11 of the Revised Code demonstrates that the applicant is in compliance with the applicable tax laws of this state. 1129
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(6) The applicant meets all other licensure eligibility conditions established in rules adopted under section 3796.04 of the Revised Code. 1132
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(C) The board shall issue not less than fifteen per cent of retail dispensary licenses to entities that are owned and controlled by United States citizens who are residents of this state and are members of one of the following economically disadvantaged groups: Blacks or African Americans, American Indians, Hispanics or Latinos, and Asians. If no applications or an insufficient number of applications are submitted by such entities that meet the conditions set forth in division (B) of 1135
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this section, the licenses shall be issued according to usual 1143
procedures. 1144

As used in this division, "owned and controlled" means that 1145
at least fifty-one per cent of the business, including corporate 1146
stock if a corporation, is owned by persons who belong to one or 1147
more of the groups set forth in this division, and that those 1148
owners have control over the management and day-to-day operations 1149
of the business and an interest in the capital, assets, and 1150
profits and losses of the business proportionate to their 1151
percentage of ownership. 1152

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

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

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

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

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

(3) The department of taxation may charge the department of 1172

commerce or board a reasonable fee to cover the administrative 1173
cost of providing the information. 1174

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

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

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

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

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

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

person presents proof of having been a resident of this state for 1203
the five-year period, the department or board may request that the 1204
person obtain information through the superintendent from the 1205
federal bureau of investigation in the criminal records check. 1206

(C) The department or board shall provide the following to 1207
each person who is subject to the criminal records check 1208
requirement: 1209

(1) Information about accessing, completing, and forwarding 1210
to the superintendent of the bureau of criminal identification and 1211
investigation the form prescribed pursuant to division (C)(1) of 1212
section 109.572 of the Revised Code and the standard impression 1213
sheet to obtain fingerprint impressions prescribed pursuant to 1214
division (C)(2) of that section; 1215

(2) Written notification that the person is to instruct the 1216
superintendent to submit the completed report of the criminal 1217
records check directly to the department or board. 1218

(D) Each person who is subject to the criminal records check 1219
requirement shall pay to the bureau of criminal identification and 1220
investigation the fee prescribed pursuant to division (C)(3) of 1221
section 109.572 of the Revised Code for the criminal records check 1222
conducted of the person. 1223

(E) The report of any criminal records check conducted by the 1224
bureau of criminal identification and investigation in accordance 1225
with section 109.572 of the Revised Code and pursuant to a request 1226
made under this section is not a public record for the purposes of 1227
section 149.43 of the Revised Code and shall not be made available 1228
to any person other than the following: 1229

(1) The person who is the subject of the criminal records 1230
check or the person's representative; 1231

(2) The members and staff of the department or board; 1232

<u>(3) A court, hearing officer, or other necessary individual</u>	1233
<u>involved in a case dealing with either of the following:</u>	1234
<u>(a) A license denial resulting from the criminal records</u>	1235
<u>check;</u>	1236
<u>(b) A civil or criminal action regarding the medical</u>	1237
<u>marijuana control program or any violation of this chapter.</u>	1238
<u>(F) The department or board shall deny a license if, after</u>	1239
<u>receiving the information and notification required by this</u>	1240
<u>section, a person subject to the criminal records check</u>	1241
<u>requirement fails to do either of the following:</u>	1242
<u>(1) Access, complete, or forward to the superintendent of the</u>	1243
<u>bureau of criminal identification and investigation the form</u>	1244
<u>prescribed pursuant to division (C)(1) of section 109.572 of the</u>	1245
<u>Revised Code or the standard impression sheet prescribed pursuant</u>	1246
<u>to division (C)(2) of that section;</u>	1247
<u>(2) Instruct the superintendent to submit the completed</u>	1248
<u>report of the criminal records check directly to the department or</u>	1249
<u>board.</u>	1250
<u>Sec. 3796.13. (A) Each person seeking employment with an</u>	1251
<u>entity licensed under this chapter shall comply with sections</u>	1252
<u>4776.01 to 4776.04 of the Revised Code. Except as provided in</u>	1253
<u>division (B) of this section, such an entity shall not employ the</u>	1254
<u>person unless the person complies with those sections and the</u>	1255
<u>report of the resulting criminal records check demonstrates that</u>	1256
<u>the person has not been convicted of or pleaded guilty to the</u>	1257
<u>following:</u>	1258
<u>(1) Any of the disqualifying offenses specified in rules</u>	1259
<u>adopted under division (B)(8)(a) of section 3796.03 of the Revised</u>	1260
<u>Code if the person is seeking employment with an entity licensed</u>	1261
<u>by the department of commerce under this chapter;</u>	1262

(2) Any of the disqualifying offenses specified in rules adopted under division (B)(14)(a) of section 3796.04 of the Revised Code if the person is seeking employment with an entity licensed by the state board of pharmacy under this chapter. 1263
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(B) An entity is not prohibited by division (A) of this section from employing a person if the following applies: 1267
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(1) In the case of a person seeking employment with an entity licensed by the department of commerce under this chapter, the disqualifying offense the person was convicted of or pleaded guilty to is one of the offenses specified in rules adopted under division (B)(8)(b) of section 3796.03 of the Revised Code and the person was convicted of or pleaded guilty to the offense more than five years before the date the employment begins. 1269
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(2) In the case of a person seeking employment with an entity licensed by the state board of pharmacy under this chapter, the disqualifying offense the person was convicted of or pleaded guilty to is one of the offenses specified in rules adopted under division (B)(14)(b) of section 3796.04 of the Revised Code and the person was convicted of or pleaded guilty to the offense more than five years before the date the employment begins. 1276
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Sec. 3796.14. (A)(1) The department of commerce may do any of the following for any reason specified in rules adopted under section 3796.03 of the Revised Code: 1283
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(a) Suspend, suspend without prior hearing, revoke, or refuse to renew a license it issued under this chapter; 1286
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(b) Refuse to issue a license; 1288

(c) Impose on a license holder a civil penalty in an amount to be determined by the department. 1289
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The department's actions under this division shall be taken in accordance with Chapter 119. of the Revised Code. 1291
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(2) The department may inspect the premises of an applicant for licensure or holder of a current, valid cultivator, processor, or laboratory license issued under this chapter without prior notice to the applicant or license holder. 1293
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(B)(1) The state board of pharmacy may do any of the following for any reason specified in rules adopted under section 3796.04 of the Revised Code: 1297
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1299

(a) Suspend, suspend without prior hearing, revoke, or refuse to renew a license or registration it issued under this chapter; 1300
1301

(b) Refuse to issue a license; 1302

(c) Impose on a license holder a civil penalty in an amount to be determined by the board. 1303
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The board's actions under this division shall be taken in accordance with Chapter 119. of the Revised Code. 1305
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(2) The board may inspect all of the following without prior notice to the applicant or license holder: 1307
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(a) The premises of an applicant for licensure; 1309

(b) The premises of and all records maintained pursuant to this chapter by a holder of a current, valid retail dispensary license. 1310
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(3) With respect to a suspension without prior hearing, the board may utilize a telephone conference call to review the allegations and take a vote. The board shall suspend without prior hearing only if it finds clear and convincing evidence that continued distribution of medical marijuana presents a danger of immediate and serious harm to others. The board shall comply with section 119.07 of the Revised Code. 1313
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The suspension shall remain in effect, unless lifted by the board, until the board issues its final adjudication order. If the board does not issue the order within ninety days after the 1320
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adjudication hearing, the suspension shall be lifted on the 1323
ninety-first day following the hearing. 1324

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

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

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

Sec. 3796.16. (A)(1) The state board of pharmacy shall 1349
attempt in good faith to negotiate and enter into a reciprocity 1350
agreement with any other state under which a medical marijuana 1351
registry identification card or equivalent authorization that is 1352

issued by the other state is recognized in this state, if the 1353
board determines that both of the following apply: 1354

(a) The eligibility requirements imposed by the other state 1355
for that authorization are substantially comparable to the 1356
eligibility requirements for a patient or caregiver registration 1357
and identification card issued under this chapter. 1358

(b) The other state recognizes a patient or caregiver 1359
registration and identification card issued under this chapter. 1360

(2) The board shall not negotiate any agreement with any 1361
other state under which an authorization issued by the other state 1362
is recognized in this state other than as provided in division 1363
(A)(1) of this section. 1364

(B) If a reciprocity agreement is entered into in accordance 1365
with division (A) of this section, the authorization issued by the 1366
other state shall be recognized in this state, shall be accepted 1367
and valid in this state, and grants the patient or caregiver the 1368
same right to use, possess, obtain, or administer medical 1369
marijuana in this state as a patient or caregiver who was 1370
registered and issued an identification card under this chapter. 1371

(C) The board may adopt any rules as necessary to implement 1372
this section. 1373

Sec. 3796.17. The state board of pharmacy shall establish a 1374
toll-free telephone line to respond to inquiries from patients, 1375
caregivers, and health professionals regarding adverse reactions 1376
to medical marijuana and to provide information about available 1377
services and assistance. The board may contract with a separate 1378
entity to establish and maintain the telephone line on behalf of 1379
the board. 1380

Sec. 3796.18. (A) Notwithstanding any conflicting provision 1381

of the Revised Code and except as provided in division (B) of this 1382
section, the holder of a current, valid cultivator license issued 1383
under this chapter may do either of the following: 1384

(1) Cultivate medical marijuana; 1385

(2) Deliver or sell medical marijuana to one or more licensed 1386
processors. 1387

(B) A cultivator license holder shall not cultivate medical 1388
marijuana for personal, family, or household use or on any public 1389
land, including a state park as defined in section 154.01 of the 1390
Revised Code. 1391

Sec. 3796.19. (A) Notwithstanding any conflicting provision 1392
of the Revised Code, the holder of a current, valid processor 1393
license issued under this chapter may do any of the following: 1394

(1) Obtain medical marijuana from one or more licensed 1395
cultivators; 1396

(2) Subject to division (B) of this section, process medical 1397
marijuana obtained from one or more licensed cultivators into a 1398
form described in section 3796.06 of the Revised Code; 1399

(3) Deliver or sell processed medical marijuana to one or 1400
more licensed retail dispensaries. 1401

(B) When processing medical marijuana, a licensed processor 1402
shall do both of the following: 1403

(1) Package the medical marijuana in accordance with 1404
child-resistant effectiveness standards described in 16 C.F.R. 1405
1700.15(b) on the effective date of this section; 1406

(2) Label the medical marijuana packaging with the product's 1407
tetrahydrocannabinol and cannabidiol content; 1408

(3) Comply with any packaging or labeling requirements 1409

established in rules adopted by the department of commerce under 1410
section 3796.03 of the Revised Code. 1411

Sec. 3796.20. (A) Notwithstanding any conflicting provision 1412
of the Revised Code, the holder of a current, valid retail 1413
dispensary license issued under this chapter may do both of the 1414
following: 1415

(1) Obtain medical marijuana from one or more processors; 1416

(2) Dispense or sell medical marijuana in accordance with 1417
division (B) of this section. 1418

(B) When dispensing or selling medical marijuana, a licensed 1419
retail dispensary shall do all of the following: 1420

(1) Dispense or sell only upon a showing of a current, valid 1421
identification card and in accordance with a written 1422
recommendation issued by a physician in accordance with an holding 1423
a certificate to recommend issued by the state medical board under 1424
section 4731.30 of the Revised Code; 1425

(2) Report to the drug database the information required by 1426
section 4729.771 of the Revised Code; 1427

(3) Label the package containing medical marijuana with the 1428
following information: 1429

(a) The name and address of the licensed processor and retail 1430
dispensary; 1431

(b) The name of the patient and caregiver, if any; 1432

(c) The name of the physician who recommended treatment with 1433
medical marijuana; 1434

(d) The directions for use, if any, as recommended by the 1435
physician; 1436

(e) The date on which the medical marijuana was dispensed; 1437

(f) The quantity, strength, kind, or form of medical marijuana contained in the package. 1438
1439

(C) When operating a licensed retail dispensary, both of the following apply: 1440
1441

(1) A dispensary shall use only employees who have met the training requirements established in rules adopted under section 3796.04 of the Revised Code. 1442
1443
1444

(2) A dispensary shall not make public any information it collects that identifies or would tend to identify any specific patient. 1445
1446
1447

Sec. 3796.21. (A) Notwithstanding any conflicting provision of the Revised Code, the holder of a current, valid laboratory license issued under this chapter may do both of the following: 1448
1449
1450

(1) Obtain medical marijuana from one or more cultivators, processors, and retail dispensaries licensed under this chapter; 1451
1452

(2) Conduct medical marijuana testing in the manner specified in rules adopted under section 3796.03 of the Revised Code. 1453
1454

(B) When testing medical marijuana, a licensed laboratory shall do both of the following: 1455
1456

(1) Test the marijuana for potency, homogeneity, and contamination; 1457
1458

(2) Prepare a report of the test results. 1459

Sec. 3796.22. (A) Notwithstanding any conflicting provision of the Revised Code, a patient registered under this chapter who obtains medical marijuana from a retail dispensary licensed under this chapter may do both of the following: 1460
1461
1462
1463

(1) Use medical marijuana; 1464

(2) Possess medical marijuana, subject to division (B) of 1465

<u>this section;</u>	1466
<u>(3) Possess any paraphernalia or accessories specified in rules adopted under section 3796.04 of the Revised Code.</u>	1467 1468
<u>(B) The amount of medical marijuana possessed by a registered patient shall not exceed a ninety-day supply, as specified in rules adopted under section 3796.04 of the Revised Code.</u>	1469 1470 1471
<u>(C) A registered patient shall not be subject to arrest or criminal prosecution for doing any of the following in accordance with this chapter:</u>	1472 1473 1474
<u>(1) Obtaining, using, or possessing medical marijuana;</u>	1475
<u>(2) Possessing any paraphernalia or accessories specified in rules adopted under section 3796.04 of the Revised Code.</u>	1476 1477
<u>(D) This section does not authorize a registered patient to operate a vehicle, streetcar, trackless trolley, watercraft, or aircraft while under the influence of medical marijuana.</u>	1478 1479 1480
Sec. 3796.23. <u>(A) Notwithstanding any conflicting provision of the Revised Code, a caregiver registered under this chapter who obtains medical marijuana from a retail dispensary licensed under this chapter may do both of the following:</u>	1481 1482 1483 1484
<u>(1) Possess medical marijuana on behalf of a registered patient under the caregiver's care, subject to division (B) of this section;</u>	1485 1486 1487
<u>(2) Assist a registered patient under the caregiver's care in the use or administration of medical marijuana;</u>	1488 1489
<u>(3) Possess any paraphernalia or accessories specified in rules adopted under section 3796.04 of the Revised Code.</u>	1490 1491
<u>(B) The amount of medical marijuana possessed by a registered caregiver on behalf of a registered patient shall not exceed a ninety-day supply, as specified in rules adopted under section</u>	1492 1493 1494

3796.04 of the Revised Code. If a caregiver provides care to more than one registered patient, the caregiver shall maintain separate inventories of medical marijuana for each patient. 1495
1496
1497

(C) A registered caregiver shall not be subject to arrest or criminal prosecution for doing any of following in accordance with this chapter: 1498
1499
1500

(1) Obtaining or possessing medical marijuana on behalf of a registered patient; 1501
1502

(2) Assisting a registered patient in the use or administration of medical marijuana; 1503
1504

(3) Possessing any paraphernalia or accessories specified in rules adopted under section 3796.04 of the Revised Code. 1505
1506

(D) This section does not permit a registered caregiver to personally use medical marijuana, unless the caregiver is also a registered patient. 1507
1508
1509

Sec. 3796.24. (A) The holder of a license, as defined in section 4776.01 of the Revised Code, is not subject to professional disciplinary action solely for engaging in professional or occupational activities related to medical marijuana. 1510
1511
1512
1513
1514

(B) Unless there is clear and convincing evidence that a child is unsafe, the use, possession, or administration of medical marijuana in accordance with this chapter shall not be the sole or primary basis for any of the following: 1515
1516
1517
1518

(1) An adjudication under section 2151.28 of the Revised Code determining that a child is an abused, neglected, or dependent child; 1519
1520
1521

(2) An allocation of parental rights and responsibilities under section 3109.04 of the Revised Code; 1522
1523

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

(C) Notwithstanding any conflicting provision of the Revised 1526
Code, the use or possession of medical marijuana in accordance 1527
with this chapter shall not be used as a reason for disqualifying 1528
a patient from medical care or from including a patient on a 1529
transplant waiting list. 1530

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

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

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

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

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

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

<u>(3) Permit the use, possession, or administration of medical marijuana on federal land located in this state;</u>	1555
	1556
<u>(4) Require any public place to accommodate a registered patient's use of medical marijuana;</u>	1557
	1558
<u>(5) Prohibit any public place from accommodating a registered patient's use of medical marijuana;</u>	1559
	1560
<u>(6) Restrict research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity.</u>	1561
	1562
	1563
	1564
<u>Sec. 3796.27. (A) As used in this section:</u>	1565
<u>(1) "Financial institution" means any of the following:</u>	1566
<u>(a) Any bank, trust company, savings and loan association, savings bank, or credit union or any affiliate, agent, or employee of a bank, trust company, savings and loan association, savings bank, or credit union;</u>	1567
	1568
	1569
	1570
<u>(b) Any money transmitter licensed under sections 1315.01 to 1315.18 of the Revised Code or any affiliate, agent, or employee of such a licensee.</u>	1571
	1572
	1573
<u>(2) "Financial services" means services that a financial institution is authorized to provide under Title XI, sections 1315.01 to 1315.18, or Chapter 1733. of the Revised Code, as applicable.</u>	1574
	1575
	1576
	1577
<u>(B) A financial institution that provides financial services to any cultivator, processor, retail dispensary, or laboratory licensed under this chapter shall be exempt from any criminal law of this state an element of which may be proven by substantiating that a person provides financial services to a person who possesses, delivers, or manufactures marijuana or marijuana derived products, including section 2925.05 of the Revised Code</u>	1578
	1579
	1580
	1581
	1582
	1583
	1584

and sections 2923.01 and 2923.03 of the Revised Code as those 1585
sections apply to violations of Chapter 2925. of the Revised Code, 1586
if the cultivator, processor, retail dispensary, or laboratory is 1587
in compliance with this chapter and the applicable tax laws of 1588
this state. 1589

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

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

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

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

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

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

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

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

(D) Information received by a financial institution under 1612
division (C) of this section is confidential. Except as otherwise 1613
permitted by other state law or federal law, a financial 1614

institution shall not make the information available to any person 1615
other than the customer to whom the information applies and any 1616
trustee, conservator, guardian, personal representative, or agent 1617
of that customer. 1618

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

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

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

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

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

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

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

under Chapter 4123. of the Revised Code. 1645

(B) A person who is discharged from employment because of 1646
that person's use of medical marijuana shall be considered to have 1647
been discharged for just cause for purposes of division (D) of 1648
section 4141.29 of the Revised Code if the person's use of medical 1649
marijuana was in violation of an employer's drug-free workplace 1650
policy, zero-tolerance policy, or other formal program or policy 1651
regulating the use of medical marijuana. 1652

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

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

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

If the relocation of a cultivator, processor, retail 1672
dispensary, or laboratory licensed under this chapter results in 1673
the cultivator, processor, retail dispensary, or laboratory being 1674

located within five hundred feet of the boundaries of a parcel of 1675
real estate having situated on it a school, church, public 1676
library, public playground, or public park, the department of 1677
commerce or state board of pharmacy shall revoke the license it 1678
previously issued to the cultivator, processor, retail dispensary, 1679
or laboratory. 1680

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

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

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

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

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

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

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

Sec. 4123.54. (A) Except as otherwise provided in this 1702
division or divisions (I) and (K) of this section, every employee, 1703
who is injured or who contracts an occupational disease, and the 1704

dependents of each employee who is killed, or dies as the result 1705
of an occupational disease contracted in the course of employment, 1706
wherever ~~such~~ the injury has occurred or occupational disease has 1707
been contracted, ~~provided the same were not:~~ 1708

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

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

(1) Purposely self-inflicted; 1727

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

(B) For the purpose of this section, provided that an 1734
employer has posted written notice to employees that the results 1735

of, or the employee's refusal to submit to, any chemical test 1736
described under this division may affect the employee's 1737
eligibility for compensation and benefits pursuant to this chapter 1738
and Chapter 4121. of the Revised Code, there is a rebuttable 1739
presumption that an employee is intoxicated ~~or~~ under the 1740
influence of a controlled substance not prescribed by the 1741
employee's physician, or under the influence of marihuana and that 1742
being intoxicated ~~or~~ under the influence of a controlled 1743
substance not prescribed by the employee's physician, or under the 1744
influence of marihuana is the proximate cause of an injury under 1745
either of the following conditions: 1746

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

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

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

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

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

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

(iv) For opiates, two thousand nanograms per milliliter of urine;	1767 1768
(v) For phencyclidine, twenty-five nanograms per milliliter of urine.	1769 1770
(c) The employee, through a qualifying chemical test administered within thirty-two hours of an injury, is determined to have one of the following controlled substances not prescribed by the employee's physician <u>or marihuana</u> in the employee's system that tests above the following levels by a gas chromatography mass spectrometry test:	1771 1772 1773 1774 1775 1776
(i) For amphetamines, five hundred nanograms per milliliter of urine;	1777 1778
(ii) For cannabinoids, fifteen nanograms per milliliter of urine;	1779 1780
(iii) For cocaine, including crack cocaine, one hundred fifty nanograms per milliliter of urine;	1781 1782
(iv) For opiates, two thousand nanograms per milliliter of urine;	1783 1784
(v) For phencyclidine, twenty-five nanograms per milliliter of urine.	1785 1786
(d) The employee, through a qualifying chemical test administered within thirty-two hours of an injury, is determined to have barbiturates, benzodiazepines, methadone, or propoxyphene in the employee's system that tests above levels established by laboratories certified by the United States department of health and human services.	1787 1788 1789 1790 1791 1792
(2) When the employee refuses to submit to a requested chemical test, on the condition that that employee is or was given notice that the refusal to submit to any chemical test described in division (B)(1) of this section may affect the employee's	1793 1794 1795 1796

eligibility for compensation and benefits under this chapter and 1797
Chapter 4121. of the Revised Code. 1798

(C)(1) For purposes of division (B) of this section, a 1799
chemical test is a qualifying chemical test if it is administered 1800
to an employee after an injury under at least one of the following 1801
conditions: 1802

(a) When the employee's employer had reasonable cause to 1803
suspect that the employee may be intoxicated ~~or~~, under the 1804
influence of a controlled substance not prescribed by the 1805
employee's physician, or under the influence of marihuana; 1806

(b) At the request of a police officer pursuant to section 1807
4511.191 of the Revised Code, and not at the request of the 1808
employee's employer; 1809

(c) At the request of a licensed physician who is not 1810
employed by the employee's employer, and not at the request of the 1811
employee's employer. 1812

(2) As used in division (C)(1)(a) of this section, 1813
"reasonable cause" means, but is not limited to, evidence that an 1814
employee is or was using alcohol ~~or~~, a controlled substance, or 1815
marihuana drawn from specific, objective facts and reasonable 1816
inferences drawn from these facts in light of experience and 1817
training. These facts and inferences may be based on, but are not 1818
limited to, any of the following: 1819

(a) Observable phenomena, such as direct observation of use, 1820
possession, or distribution of alcohol ~~or~~, a controlled substance, or 1821
or marihuana, or of the physical symptoms of being under the 1822
influence of alcohol ~~or~~, a controlled substance, or marihuana, 1823
such as but not limited to slurred speech~~;~~ dilated pupils~~;~~ odor 1824
of alcohol ~~or~~, a controlled substance, or marihuana; changes in 1825
affect~~;~~ or dynamic mood swings; 1826

(b) A pattern of abnormal conduct, erratic or aberrant 1827

behavior, or deteriorating work performance such as frequent 1828
absenteeism, excessive tardiness, or recurrent accidents, that 1829
appears to be related to the use of alcohol ~~or~~, a controlled 1830
substance, or marihuana, and does not appear to be attributable to 1831
other factors; 1832

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

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

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

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

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

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

(G) If a condition that pre-existed an injury is 1858

substantially aggravated by the injury, and that substantial 1859
aggravation is documented by objective diagnostic findings, 1860
objective clinical findings, or objective test results, no 1861
compensation or benefits are payable because of the pre-existing 1862
condition once that condition has returned to a level that would 1863
have existed without the injury. 1864

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

employee enter into an agreement under this division, the fact 1892
that the employer and the employee entered into that agreement 1893
shall not be construed to change the status of an employee whose 1894
continued employment is subject to the will of the employer or the 1895
employee, unless the agreement contains a provision that expressly 1896
changes that status. 1897

(2) If an employee or the employee's dependents receive an 1898
award of compensation or benefits under this chapter or Chapter 1899
4121., 4127., or 4131. of the Revised Code for the same injury, 1900
occupational disease, or death for which the employee or the 1901
employee's dependents previously pursued or otherwise elected to 1902
accept workers' compensation benefits and received a decision on 1903
the merits as defined in section 4123.542 of the Revised Code 1904
under the laws of another state or recovered damages under the 1905
laws of another state, the claim shall be disallowed and the 1906
administrator or any self-insuring employer, by any lawful means, 1907
may collect from the employee or the employee's dependents any of 1908
the following: 1909

~~(i)~~(a) The amount of compensation or benefits paid to or on 1910
behalf of the employee or the employee's dependents by the 1911
administrator or a self-insuring employer pursuant to this chapter 1912
or Chapter 4121., 4127., or 4131. of the Revised Code for that 1913
award; 1914

~~(ii)~~(b) Any interest, attorney's fees, and costs the 1915
administrator or the self-insuring employer incurs in collecting 1916
that payment. 1917

(3) If an employee or the employee's dependents receive an 1918
award of compensation or benefits under this chapter or Chapter 1919
4121., 4127., or 4131. of the Revised Code and subsequently pursue 1920
or otherwise elect to accept workers' compensation benefits or 1921
damages under the laws of another state for the same injury, 1922
occupational disease, or death the claim under this chapter or 1923

Chapter 4121., 4127., or 4131. of the Revised Code shall be 1924
disallowed. The administrator or a self-insuring employer, by any 1925
lawful means, may collect from the employee or the employee's 1926
dependents or other-states' insurer any of the following: 1927

~~(i)~~(a) The amount of compensation or benefits paid to or on 1928
behalf of the employee or the employee's dependents by the 1929
administrator or the self-insuring employer pursuant to this 1930
chapter or Chapter 4121., 4127., or 4131. of the Revised Code for 1931
that award; 1932

~~(ii)~~(b) Any interest, costs, and attorney's fees the 1933
administrator or the self-insuring employer incurs in collecting 1934
that payment; 1935

~~(iii)~~(c) Any costs incurred by an employer in contesting or 1936
responding to any claim filed by the employee or the employee's 1937
dependents for the same injury, occupational disease, or death 1938
that was filed after the original claim for which the employee or 1939
the employee's dependents received a decision on the merits as 1940
described in section 4123.542 of the Revised Code. 1941

(4) If the employee's employer pays premiums into the state 1942
insurance fund, the administrator shall not charge the amount of 1943
compensation or benefits the administrator collects pursuant to 1944
division (H)(2) or (3) of this section to the employer's 1945
experience. If the administrator collects any costs incurred by an 1946
employer in contesting or responding to any claim pursuant to 1947
division (H)(2) or (3) of this section, the administrator shall 1948
forward the amount collected to that employer. If the employee's 1949
employer is a self-insuring employer, the self-insuring employer 1950
shall deduct the amount of compensation or benefits the 1951
self-insuring employer collects pursuant to this division from the 1952
paid compensation the self-insuring employer reports to the 1953
administrator under division (L) of section 4123.35 of the Revised 1954
Code. 1955

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

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

In the event a workers' compensation claim has been filed in another jurisdiction on behalf of an employee or the dependents of an employee, and the employee or dependents subsequently elect to

receive compensation, benefits, or both under this chapter or 1988
Chapter 4121., 4127., or 4131. of the Revised Code, the employee 1989
or dependent shall withdraw or refuse acceptance of the workers' 1990
compensation claim filed in the other jurisdiction in order to 1991
pursue compensation or benefits under the laws of this state. If 1992
the employee or dependents were awarded workers' compensation 1993
benefits or had recovered damages under the laws of the other 1994
state, any compensation and benefits awarded under this chapter or 1995
~~Chapters~~ Chapter 4121., 4127., or 4131. of the Revised Code shall 1996
be paid only to the extent to which those payments exceed the 1997
amounts paid under the laws of the other state. If the employee or 1998
dependent fails to withdraw or to refuse acceptance of the 1999
workers' compensation claim in the other jurisdiction within 2000
twenty-eight days after a request made by the administrator or a 2001
self-insuring employer, the administrator or self-insuring 2002
employer shall dismiss the employee's or employee's dependents' 2003
claim made in this state. 2004

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

(J) Compensation or benefits are not payable to a claimant 2019

during the period of confinement of the claimant in any state or 2020
federal correctional institution, or in any county jail in lieu of 2021
incarceration in a state or federal correctional institution, 2022
whether in this or any other state for conviction of violation of 2023
any state or federal criminal law. 2024

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

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

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

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

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

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

sports league. 2051

If the administrator approves the employer's proof of 2052
coverage submitted under division (K) of this section, a 2053
professional athlete or coach who is an employee of the employer 2054
and the dependents of the professional athlete or coach are not 2055
entitled to apply for and shall not receive compensation or 2056
benefits under this chapter and Chapter 4121. of the Revised Code. 2057
The rights of such an athlete or coach and the dependents of such 2058
an athlete or coach under the laws of the state where the policy 2059
was issued are the exclusive remedy against the employer for the 2060
athlete or coach if the athlete or coach suffers an injury or 2061
contracts an occupational disease in the course of employment, or 2062
for the dependents of the athlete or the coach if the athlete or 2063
coach is killed as a result of an injury or dies as a result of an 2064
occupational disease, regardless of the location where the injury 2065
was suffered or the occupational disease was contracted. 2066

Sec. 4729.75. The state board of pharmacy may establish and 2067
maintain a drug database. The board shall use the drug database to 2068
monitor the misuse and diversion of the following: controlled 2069
substances, as defined in section 3719.01 of the Revised Code; i 2070
medical marijuana, as authorized under Chapter 3796. of the 2071
Revised Code; and other dangerous drugs the board includes in the 2072
database pursuant to rules adopted under section 4729.84 of the 2073
Revised Code. In establishing and maintaining the database, the 2074
board shall electronically collect information pursuant to 2075
sections 4729.77, 4729.771, and 4729.79 of the Revised Code and 2076
shall disseminate information as authorized or required by 2077
sections 4729.80 and 4729.81 of the Revised Code. The board's 2078
collection and dissemination of information shall be conducted in 2079
accordance with rules adopted under section 4729.84 of the Revised 2080
Code. 2081

Sec. 4729.771. (A) If the state board of pharmacy establishes 2082
and maintains a drug database pursuant to section 4729.75 of the 2083
Revised Code, each retail dispensary licensed under Chapter 3796. 2084
of the Revised Code by the board shall submit to the board the 2085
information regarding medical marijuana dispensed to a patient as 2086
specified by the board in rules adopted under section 4729.84 of 2087
the Revised Code. 2088

(B)(1) The information shall be transmitted as specified by 2089
the board in rules adopted under section 4729.84 of the Revised 2090
Code. 2091

(2) The information shall be submitted in accordance with any 2092
time limits specified by the board, except that the board may 2093
grant an extension if either of the following occurs: 2094

(a) The retail dispensary's transmission system suffers a 2095
mechanical or electronic failure or the retail dispensary cannot 2096
meet the deadline for other reasons beyond the dispensary's 2097
control. 2098

(b) The board is unable to receive electronic submissions. 2099

(C) The information required to be submitted under division 2100
(A) of this section may be submitted on behalf of the retail 2101
dispensary by a delegate approved by that dispensary. 2102

Sec. 4729.80. (A) If the state board of pharmacy establishes 2103
and maintains a drug database pursuant to section 4729.75 of the 2104
Revised Code, the board is authorized or required to provide 2105
information from the database in accordance with the following: 2106

(1) On receipt of a request from a designated representative 2107
of a government entity responsible for the licensure, regulation, 2108
or discipline of health care professionals with authority to 2109
prescribe, administer, or dispense drugs, the board may provide to 2110
the representative information from the database relating to the 2111

professional who is the subject of an active investigation being 2112
conducted by the government entity. 2113

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

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

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

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

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

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

(6) On receipt of a request from a pharmacist or the 2142

pharmacist's delegate approved by the board, the board shall 2143
provide to the pharmacist information from the database relating 2144
to a current patient of the pharmacist, if the pharmacist 2145
certifies in a form specified by the board that it is for the 2146
purpose of the pharmacist's practice of pharmacy involving the 2147
patient who is the subject of the request and the pharmacist has 2148
not been denied access to the database by the board. 2149

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

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

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

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

of section 4121.44 of the Revised Code and a data security 2175
agreement with the board required by section 4121.447 of the 2176
Revised Code, the board shall provide to the medical director 2177
information from the database relating to a claimant under Chapter 2178
4121., 4123., 4127., or 4131. of the Revised Code assigned to the 2179
managed care organization, including information in the database 2180
related to prescriptions for the claimant that were not covered or 2181
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 2182
Revised Code, if the administrator of workers' compensation 2183
confirms, upon request from the board, that the claimant is 2184
assigned to the managed care organization. 2185

(11) On receipt of a request from the administrator of 2186
workers' compensation, the board shall provide to the 2187
administrator information from the database relating to a claimant 2188
under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, 2189
including information in the database related to prescriptions for 2190
the claimant that were not covered or reimbursed under Chapter 2191
4121., 4123., 4127., or 4131. of the Revised Code. 2192

(12) On receipt of a request from a prescriber or the 2193
prescriber's delegate approved by the board, the board shall 2194
provide to the prescriber information from the database relating 2195
to a patient's mother, if the prescriber certifies in a form 2196
specified by the board that it is for the purpose of providing 2197
medical treatment to a newborn or infant patient diagnosed as 2198
opioid dependent and the prescriber has not been denied access to 2199
the database by the board. 2200

(13) On receipt of a request from the director of health, the 2201
board shall provide to the director information from the database 2202
relating to the duties of the director or the department of health 2203
in implementing the Ohio violent death reporting system 2204
established under section 3701.93 of the Revised Code. 2205

(14) On receipt of a request from a requestor described in 2206

division (A)(1), (2), (5), or (6) of this section who is from or 2207
participating with another state's prescription monitoring 2208
program, the board may provide to the requestor information from 2209
the database, but only if there is a written agreement under which 2210
the information is to be used and disseminated according to the 2211
laws of this state. 2212

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

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

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

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

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

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

information; 2238

(2) A federal officer, or a state or local officer of this or 2239
any other state, whose duties include enforcing laws relating to 2240
drugs and who is involved in an active investigation being 2241
conducted by the officer's employing government entity of the 2242
individual who submitted the requests for database information. 2243

(C) Information contained in the database and any information 2244
obtained from it is confidential and is not a public record. 2245
Information contained in the records of requests for information 2246
from the database is confidential and is not a public record. 2247
Information contained in the database that does not identify a 2248
person, including any licensee or registrant of the board or other 2249
entity, may be released in summary, statistical, or aggregate 2250
form. 2251

(D) Information contained in the database may be provided 2252
only as expressly permitted in law, including any information 2253
contained in the database that relates to any person, including 2254
any licensee or registrant of the board or other entity. 2255

(E) A pharmacist or prescriber shall not be held liable in 2256
damages to any person in any civil action for injury, death, or 2257
loss to person or property on the basis that the pharmacist or 2258
prescriber did or did not seek or obtain information from the 2259
database. 2260

Sec. 4729.84. For purposes of establishing and maintaining a 2261
drug database pursuant to section 4729.75 of the Revised Code, the 2262
state board of pharmacy shall adopt rules in accordance with 2263
Chapter 119. of the Revised Code to carry out and enforce sections 2264
4729.75 to 4729.83 of the Revised Code. The rules shall specify 2265
all of the following: 2266

(A) A means of identifying each patient, each terminal 2267

distributor of dangerous drugs, ~~and~~ each purchase at wholesale of 2268
dangerous drugs, and each retail dispensary licensed under Chapter 2269
3796. of the Revised Code about which information is entered into 2270
the drug database; 2271

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

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

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

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

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

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

(H) A procedure whereby the board can use the database 2297
request records required by division (B) of section 4729.80 of the 2298

Revised Code to document and report statistics and law enforcement outcomes;	2299 2300
(I) A procedure whereby an individual may request the individual's own database information and the board may verify the identity of the requestor;	2301 2302 2303
(J) A reasonable fee that the board may charge under section 4729.83 of the Revised Code for providing an individual with the individual's own database information pursuant to section 4729.80 of the Revised Code;	2304 2305 2306 2307
(K) The other specific dangerous drugs that, in addition to controlled substances, must be included in the database;	2308 2309
(L) The types of pharmacies licensed as terminal distributors of dangerous drugs that are required to submit prescription information to the board pursuant to section 4729.77 of the Revised Code;	2310 2311 2312 2313
<u>(M) The information regarding medical marijuana dispensed to a patient that a retail dispensary is required to submit to the board pursuant to section 4729.771 of the Revised Code.</u>	2314 2315 2316
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:	2317 2318 2319 2320 2321
(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. <u>Each</u>	2322 2323 2324 2325
Each report shall include all of the following:	2326
(1) The cost to the state of establishing and maintaining the database;	2327 2328

(2) Information from <u>the board</u> , terminal distributors of	2329
dangerous drugs, prescribers, and the board <u>retail dispensaries</u>	2330
<u>licensed under Chapter 3796. of the Revised Code</u> regarding the	2331
board's effectiveness in providing information from the database;	2332
(3) The board's timeliness in transmitting information from	2333
the database.	2334
(B) The board shall submit a semiannual report to the	2335
governor, the president of the senate, the speaker of the house of	2336
representatives, the attorney general, the chairpersons of the	2337
standing committees of the house of representatives and the senate	2338
that are primarily responsible for considering health and human	2339
services issues, the department of public safety, the state dental	2340
board, the board of nursing, the state board of optometry, the	2341
state medical board, and the state veterinary medical licensing	2342
board. The state board of pharmacy shall make the report available	2343
to the public on its internet web site. Each report submitted	2344
shall include all of the following for the period covered by the	2345
report:	2346
(1) An aggregate of the information submitted to the board	2347
under section 4729.77 of the Revised Code regarding prescriptions	2348
for controlled substances containing opioids, including all of the	2349
following:	2350
(a) The number of prescribers who issued the prescriptions;	2351
(b) The number of patients to whom the controlled substances	2352
were dispensed;	2353
(c) The average quantity of the controlled substances	2354
dispensed per prescription;	2355
(d) The average daily morphine equivalent dose of the	2356
controlled substances dispensed per prescription.	2357
(2) An aggregate of the information submitted to the board	2358

under section 4729.79 of the Revised Code regarding controlled 2359
substances containing opioids that have been personally furnished 2360
to a patient by a prescriber, other than a prescriber who is a 2361
veterinarian, including all of the following: 2362

(a) The number of prescribers who personally furnished the 2363
controlled substances; 2364

(b) The number of patients to whom the controlled substances 2365
were personally furnished; 2366

(c) The average quantity of the controlled substances that 2367
were furnished at one time; 2368

(d) The average daily morphine equivalent dose of the 2369
controlled substances that were furnished at one time. 2370

(3) An aggregate of the information submitted to the board 2371
under section 4729.771 of the Revised Code regarding medical 2372
marijuana. 2373

Sec. 4729.86. If the state board of pharmacy establishes and 2374
maintains a drug database pursuant to section 4729.75 of the 2375
Revised Code, all of the following apply: 2376

(A)(1) No person identified in divisions (A)(1) to (13) or 2377
(15) or (B) of section 4729.80 of the Revised Code shall 2378
disseminate any written or electronic information the person 2379
receives from the drug database or otherwise provide another 2380
person access to the information that the person receives from the 2381
database, except as follows: 2382

(a) When necessary in the investigation or prosecution of a 2383
possible or alleged criminal offense; 2384

(b) When a person provides the information to the prescriber 2385
or, pharmacist, or retail dispensary licensed under Chapter 3796. 2386
of the Revised Code for whom the person is approved by the board 2387
to serve as a delegate of the prescriber or, pharmacist, or retail 2388

dispensary for purposes of requesting and receiving information 2389
from the drug database under division (A)(5) ~~or~~, (6), or (15) of 2390
section 4729.80 of the Revised Code; 2391

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

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

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

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

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

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

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

(b) The person is a requestor identified in division (A)(14) 2416
of section 4729.80 of the Revised Code and the board determines 2417
that the person's actions in another state would have constituted 2418

a violation of division (A)(1), (2), or (3) of this section; 2419

(c) The person fails to comply with division (B) of this 2420
section, regardless of the jurisdiction in which the failure to 2421
comply occurred; 2422

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

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

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

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

(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's certificate to practice or certificate to recommend, refuse to issue a certificate to an individual, refuse to renew a certificate, refuse to reinstate a certificate, or reprimand or place on probation the holder of a certificate for one or more of the following reasons:

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

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

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

(4) Willfully betraying a professional confidence.

For purposes of this division, "willfully betraying a professional confidence" does not include providing any information, documents, or reports under sections 307.621 to 307.629 of the Revised Code to a child fatality review board; does not include providing any information, documents, or reports to the director of health pursuant to guidelines established under section 3701.70 of the Revised Code; does not include written notice to a mental health professional under section 4731.62 of the Revised Code; and does not include the making of a report of an employee's use of a drug of abuse, or a report of a condition

of an employee other than one involving the use of a drug of 2480
abuse, to the employer of the employee as described in division 2481
(B) of section 2305.33 of the Revised Code. Nothing in this 2482
division affects the immunity from civil liability conferred by 2483
section 2305.33 or 4731.62 of the Revised Code upon a physician 2484
who makes a report in accordance with section 2305.33 or notifies 2485
a mental health professional in accordance with section 4731.62 of 2486
the Revised Code. As used in this division, "employee," 2487
"employer," and "physician" have the same meanings as in section 2488
2305.33 of the Revised Code. 2489

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

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

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

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

(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;	2512 2513 2514
(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	2515 2516 2517
(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	2518 2519 2520
(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	2521 2522 2523
(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	2524 2525 2526
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	2527 2528 2529
(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	2530 2531 2532
(15) Violation of the conditions of limitation placed by the board upon a certificate to practice;	2533 2534
(16) Failure to pay license renewal fees specified in this chapter;	2535 2536
(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;	2537 2538 2539 2540
(18) Subject to section 4731.226 of the Revised Code,	2541

violation of any provision of a code of ethics of the American 2542
medical association, the American osteopathic association, the 2543
American podiatric medical association, or any other national 2544
professional organizations that the board specifies by rule. The 2545
state medical board shall obtain and keep on file current copies 2546
of the codes of ethics of the various national professional 2547
organizations. The individual whose certificate is being suspended 2548
or revoked shall not be found to have violated any provision of a 2549
code of ethics of an organization not appropriate to the 2550
individual's profession. 2551

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

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

In enforcing this division, the board, upon a showing of a 2569
possible violation, may compel any individual authorized to 2570
practice by this chapter or who has submitted an application 2571
pursuant to this chapter to submit to a mental examination, 2572
physical examination, including an HIV test, or both a mental and 2573

a physical examination. The expense of the examination is the 2574
responsibility of the individual compelled to be examined. Failure 2575
to submit to a mental or physical examination or consent to an HIV 2576
test ordered by the board constitutes an admission of the 2577
allegations against the individual unless the failure is due to 2578
circumstances beyond the individual's control, and a default and 2579
final order may be entered without the taking of testimony or 2580
presentation of evidence. If the board finds an individual unable 2581
to practice because of the reasons set forth in this division, the 2582
board shall require the individual to submit to care, counseling, 2583
or treatment by physicians approved or designated by the board, as 2584
a condition for initial, continued, reinstated, or renewed 2585
authority to practice. An individual affected under this division 2586
shall be afforded an opportunity to demonstrate to the board the 2587
ability to resume practice in compliance with acceptable and 2588
prevailing standards under the provisions of the individual's 2589
certificate. For the purpose of this division, any individual who 2590
applies for or receives a certificate to practice under this 2591
chapter accepts the privilege of practicing in this state and, by 2592
so doing, shall be deemed to have given consent to submit to a 2593
mental or physical examination when directed to do so in writing 2594
by the board, and to have waived all objections to the 2595
admissibility of testimony or examination reports that constitute 2596
a privileged communication. 2597

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

This division does not apply to a violation or attempted 2604
violation of, assisting in or abetting the violation of, or a 2605

conspiracy to violate, any provision of this chapter or any rule 2606
adopted by the board that would preclude the making of a report by 2607
a physician of an employee's use of a drug of abuse, or of a 2608
condition of an employee other than one involving the use of a 2609
drug of abuse, to the employer of the employee as described in 2610
division (B) of section 2305.33 of the Revised Code. Nothing in 2611
this division affects the immunity from civil liability conferred 2612
by that section upon a physician who makes either type of report 2613
in accordance with division (B) of that section. As used in this 2614
division, "employee," "employer," and "physician" have the same 2615
meanings as in section 2305.33 of the Revised Code. 2616

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

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

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

(24) The revocation, suspension, restriction, reduction, or 2637

termination of clinical privileges by the United States department 2638
of defense or department of veterans affairs or the termination or 2639
suspension of a certificate of registration to prescribe drugs by 2640
the drug enforcement administration of the United States 2641
department of justice; 2642

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

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

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

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

Failure to submit to a mental or physical examination ordered 2670
by the board constitutes an admission of the allegations against 2671
the individual unless the failure is due to circumstances beyond 2672
the individual's control, and a default and final order may be 2673
entered without the taking of testimony or presentation of 2674
evidence. If the board determines that the individual's ability to 2675
practice is impaired, the board shall suspend the individual's 2676
certificate or deny the individual's application and shall require 2677
the individual, as a condition for initial, continued, reinstated, 2678
or renewed certification to practice, to submit to treatment. 2679

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

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

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

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

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

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

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

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

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

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

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

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

(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter;	2732 2733 2734 2735
(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement;	2736 2737 2738 2739 2740 2741 2742
(33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code;	2743 2744 2745
(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	2746 2747 2748 2749 2750 2751 2752 2753 2754 2755
(35) Failure to supervise an oriental medicine practitioner or acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;	2756 2757 2758
(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	2759 2760 2761
(37) Assisting suicide, as defined in section 3795.01 of the	2762

Revised Code;	2763
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	2764 2765
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	2766 2767 2768
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	2769 2770 2771
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	2772 2773 2774 2775
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	2776 2777 2778 2779
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	2780 2781 2782 2783
(44) Failure to comply with the requirements of section 2919.171 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 of the Revised Code;	2784 2785 2786 2787
(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	2788 2789 2790 2791 2792

(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;

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

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

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

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

A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends an individual's

certificate to practice or certificate to recommend. The telephone 2824
conference call shall be considered a special meeting under 2825
division (F) of section 121.22 of the Revised Code. 2826

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

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

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

conviction, the board issued a notice of opportunity for a hearing 2856
prior to the court's order to seal the records. The board shall 2857
not be required to seal, destroy, redact, or otherwise modify its 2858
records to reflect the court's sealing of conviction records. 2859

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

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

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

of books, accounts, papers, records, documents, and testimony, 2888
except that a subpoena for patient record information shall not be 2889
issued without consultation with the attorney general's office and 2890
approval of the secretary and supervising member of the board. 2891

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

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

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

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

board in obedience to a subpoena shall receive the fees and 2920
mileage provided for under section 119.094 of the Revised Code. 2921

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

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

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

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

accordance with the Rules of Evidence, but the court shall require 2952
that appropriate measures are taken to ensure that confidentiality 2953
is maintained with respect to any part of the information that 2954
contains names or other identifying information about patients or 2955
complainants whose confidentiality was protected by the state 2956
medical board when the information was in the board's possession. 2957
Measures to ensure confidentiality that may be taken by the court 2958
include sealing its records or deleting specific information from 2959
its records. 2960

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

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

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

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

(d) The disposition of the case. 2971

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

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

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

(2) That the individual's continued practice presents a 2982
danger of immediate and serious harm to the public. 2983

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

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

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

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

be filed with the board along with appropriate court documents. 3014
Upon receipt of a petition of that nature and supporting court 3015
documents, the board shall reinstate the individual's certificate 3016
to practice. The board may then hold an adjudication under Chapter 3017
119. of the Revised Code to determine whether the individual 3018
committed the act in question. Notice of an opportunity for a 3019
hearing shall be given in accordance with Chapter 119. of the 3020
Revised Code. If the board finds, pursuant to an adjudication held 3021
under this division, that the individual committed the act or if 3022
no hearing is requested, the board may order any of the sanctions 3023
identified under division (B) of this section. 3024

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

The board shall notify the individual subject to the 3044
suspension by certified mail or in person in accordance with 3045

section 119.07 of the Revised Code. If an individual whose 3046
certificate is automatically suspended under this division fails 3047
to make a timely request for an adjudication under Chapter 119. of 3048
the Revised Code, the board shall do whichever of the following is 3049
applicable: 3050

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Determine what constitutes successful completion of an

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

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

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

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

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

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

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

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

through "G," on or before October 1, 2000, and the first day of	3170
October of every even-numbered year thereafter;	3171
(d) Persons whose last name begins with the letters "H"	3172
through "K," on or before July 1, 2000, and the first day of July	3173
of every even-numbered year thereafter;	3174
(e) Persons whose last name begins with the letters "L"	3175
through "M," on or before April 1, 2000, and the first day of	3176
April of every even-numbered year thereafter;	3177
(f) Persons whose last name begins with the letters "N"	3178
through "R," on or before January 1, 2000, and the first day of	3179
January of every even-numbered year thereafter;	3180
(g) Persons whose last name begins with the letter "S," on or	3181
before October 1, 1999, and the first day of October of every	3182
odd-numbered year thereafter;	3183
(h) Persons whose last name begins with the letters "T"	3184
through "Z," on or before July 1, 1999, and the first day of July	3185
of every odd-numbered year thereafter.	3186
The board shall deposit the fee in accordance with section	3187
4731.24 of the Revised Code, except that the board shall deposit	3188
twenty dollars of the fee into the state treasury to the credit of	3189
the physician loan repayment fund created by section 3702.78 of	3190
the Revised Code.	3191
(2) The board shall provide to every person holding a	3192
certificate to practice medicine and surgery, osteopathic medicine	3193
and surgery, or podiatric medicine and surgery, a renewal notice	3194
or may provide the notice to the person through the secretary of	3195
any recognized medical, osteopathic, or podiatric society,	3196
according to the following schedule:	3197
(a) To persons whose last name begins with the letters "A"	3198
through "B," on or before January 1, 2001, and the first day of	3199

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) A research protocol; 3369

(b) A clinical trial; 3370

(c) An investigational new drug application; 3371

(d) An expanded access submission. 3372

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

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

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

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

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

(iii) An expectation of providing care and receiving care on an ongoing basis. 3384
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(c) The physician has requested, or a physician delegate approved by the state board of pharmacy has requested, from the drug database a report of information related to the patient that covers at least the twelve months immediately preceding the date of the report, and the physician has reviewed the report. 3386
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(2) In the case of a patient who is a minor, the physician may recommend treatment with medical marijuana only after obtaining the consent of the patient's parent or other person responsible for providing consent to treatment. 3391
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(D)(1) When issuing a written recommendation to a patient, the physician shall specify any information required in rules adopted by the board under section 4731.301 of the Revised Code. 3395
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(2) A written recommendation issued to a patient under this section is valid for a period of not more than ninety days. The physician may renew the recommendation for not more than three additional periods of not more than ninety days each. Thereafter, the physician may issue another recommendation to the patient only upon a physical examination of the patient. 3398
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(E) Annually, the physician shall submit to the state medical board a report that describes the physician's observations regarding the effectiveness of medical marijuana in treating the physician's patients during the year covered by the report. When submitting reports, a physician shall not include any information that identifies or would tend to identify any specific patient. 3404
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(F) Each physician who holds a certificate to recommend shall complete annually at least two hours of continuing medical education in medical marijuana approved by the state medical board. 3410
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(G) A physician shall not do any of the following: 3414

<u>(1) Personally furnish or otherwise dispense medical marijuana;</u>	3415
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<u>(2) Issue a recommendation for a family member or the physician's self.</u>	3417
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<u>(H) A physician is immune from civil liability, is not subject to professional disciplinary action by the state medical board or state board of pharmacy, and is not subject to criminal prosecution for any of the following actions:</u>	3419
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<u>(1) Advising a patient, patient representative, or caregiver about the benefits and risks of medical marijuana to treat a qualifying medical condition;</u>	3423
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<u>(2) Recommending that a patient use medical marijuana to treat or alleviate the condition;</u>	3426
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<u>(3) Monitoring a patient's treatment with medical marijuana.</u>	3428
<u>Sec. 4731.301. (A) Not later than one year after the effective date of this section, the state medical board shall adopt rules establishing all of the following:</u>	3429
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<u>(1) The procedures when applying for a certificate to recommend under section 4731.301 of the Revised Code;</u>	3432
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<u>(2) The conditions that must be met to be eligible for a certificate to recommend;</u>	3434
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<u>(3) The schedule and procedures for renewing a certificate to recommend;</u>	3436
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<u>(4) The reasons for which a certificate may be suspended or revoked;</u>	3438
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<u>(5) The standards under which a certificate suspension may be lifted;</u>	3440
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<u>(6) The minimal standards of care when recommending treatment with medical marijuana.</u>	3442
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The rules shall be adopted in accordance with Chapter 119. of 3444
the Revised Code. 3445

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Revised Code, do both of the following: 3536

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

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

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

(a) The person who submitted the request; 3557

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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