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

Section 1. That sections 109.572, 519.21, 4123.54, 4729.75, 4729.80, 4729.81, 4729.82, 4729.83, 4729.84, 4729.85, and 4729.86 be amended and sections 3796.01, 3796.02, 3796.03, 3796.04, 3796.06, 3796.07, 3796.10, 3796.11, 3796.12, 3796.13, 3796.14, 3796.15, 3796.18, 3796.19, 3796.20, 3796.21, 3796.22, 3796.23, 3796.24, 3796.26, 3796.27, 3796.28, 3796.29, 3796.30, 4729.771, and 4731.283 of the Revised Code be enacted to read as follows:
Sec. 109.572. (A)(1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 2903.07, 2903.08, 2903.09, 2903.10, 2903.11, 2903.12, 2903.13, 2903.14, 2903.15, 2903.16, 2903.17, 2903.18, 2903.19, 2903.20, 2903.21, 2903.22, 2903.23, 2903.24, 2903.25, 2903.26, 2903.27, 2903.28, 2903.29, 2903.30, 2903.31, 2903.32, 2903.33, 2903.34, 2903.35, 2903.36, 2903.37, 2903.38, 2903.39, 2903.40, 2903.41, 2903.42, 2903.43, 2903.44, 2903.45, 2903.46, 2903.47, 2903.48, 2903.49, 2903.50, 2903.51, 2903.52, 2903.53, 2903.54, 2903.55, 2903.56, 2903.57, 2903.58, 2903.59, 2903.60, 2903.61, 2903.62, 2903.63, 2903.64, 2903.65, 2903.66, 2903.67, 2903.68, 2903.69, 2903.70, 2903.71, 2903.72, 2903.73, 2903.74, 2903.75, 2903.76, 2903.77, 2903.78, 2903.79, 2903.80, 2903.81, 2903.82, 2903.83, 2903.84, 2903.85, 2903.86, 2903.87, 2903.88, 2903.89, 2903.90, 2903.91, 2903.92, 2903.93, 2903.94, 2903.95, 2903.96, 2903.97, 2903.98, 2903.99, 2903.100, or 2903.101 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(1)(a) of this section;
(c) If the request is made pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, any offense specified in section 3319.31 of the Revised Code.

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

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

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

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

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.31, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14.
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) On receipt of a request for a criminal records check from an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C)(1) of this section and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating
that the person who is the subject of the request has been convicted of or pleaded guilty to 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, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities, as set forth in Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of the Revised Code; or any existing or former law of this state, any other state, or the United States that is substantially equivalent to those offenses.
(9) On receipt of a request for a criminal records check from the treasurer of state under section 113.041 of the Revised Code or from an individual under section 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, accompanied by a completed form prescribed under division (C)(1) of this section and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or any other state. Subject to division (F) of this section, the superintendent shall send the results of a check requested under section 113.041 of the Revised Code to the treasurer of state and shall send the results of a check requested under any of the other listed sections to the licensing board specified by the individual in the request.

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

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

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

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

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

(13) On receipt of a request pursuant to section 3796.13 of
the Revised Code, a completed form prescribed pursuant to division
(C)(1) of this section, and a set of fingerprint impressions
obtained in a manner described in division (C)(2) of this section,
the superintendent of the bureau of criminal identification and
investigation shall conduct a criminal records check in the manner
described in division (B) of this section to determine whether any
information exists that indicates that the person who is the
subject of the request previously has been convicted of or pleaded
guilty to a disqualifying offense, as specified in rules adopted
under section 3796.04 of the Revised Code.

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

(1) The superintendent shall review or cause to be reviewed
any relevant information gathered and compiled by the bureau under
division (A) of section 109.57 of the Revised Code that relates to
the person who is the subject of the criminal records check,
including, if the criminal records check was requested under
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23,
1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03,
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39,
3701.881, 3712.09, 3721.121, 3772.07, 3796.13, 4749.03, 4749.06,
4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant information contained in records that have been sealed under section 2953.32 of the Revised Code;

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

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

(4) The superintendent shall include in the results of the criminal records check a list or description of the offenses listed or described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), or (12), or (13) 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.

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

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

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

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

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

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

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

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

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

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

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

(G) As used in this section:

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

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

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

(4) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.
Sec. 519.21. (A) Except as otherwise provided in division (B) and (D) of this section, sections 519.02 to 519.25 of the Revised Code confer no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture, and no zoning certificate shall be required for any such building or structure.

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

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

(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;

(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.
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.

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.

(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:

(1) A farm market where fifty per cent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. However, a board of township trustees, as provided in section 519.02 of the Revised Code, may regulate such factors pertaining to farm markets as size of the structure, size of parking areas that may be required, set back building lines, and 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 retail dispensaries of medical
marijuana or from prohibiting such dispensaries from being located
in the unincorporated territory of the township.

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

(1) "Medical marijuana" means marihuana, as defined in
section 3719.01 of the Revised Code, that is cultivated,
processed, dispensed, tested, possessed, or used for a medical
purpose.

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

(3) "Qualifying medical condition" means any of the
following:

(a) Acquired immune deficiency syndrome;
(b) Amyotrophic lateral sclerosis;
(c) Cancer;
(d) Chronic traumatic encephalopathy;
(e) Crohn's disease;
(f) Epilepsy or another seizure disorder;

(g) Glaucoma;

(h) Hepatitis C;

(i) Inflammatory bowel disease;

(j) Multiple sclerosis;

(k) Pain that is chronic, severe, or intractable;

(l) Parkinson's disease;

(m) Positive status for HIV;

(n) Post-traumatic stress disorder;

(o) Sickle cell anemia;

(p) Spinal cord disease or injury;

(q) Tourette's syndrome;

(r) Traumatic brain injury;

(s) Ulcerative colitis;

(t) Any other disease or condition specified in a rule adopted by the department of commerce under section 3796.04 of the Revised Code.

(B) Notwithstanding section 3719.41 of the Revised Code, for purposes of this chapter, medical marijuana is a schedule II controlled substance.

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

(1) A member who is a practicing physician;

(2) A member who represents local law enforcement;

(3) A member who represents employers;
(4) A member who represents labor;
(5) A member who represents persons involved in the treatment of alcohol and drug addiction;
(6) A member who represents persons involved in mental health treatment;
(7) A member who is a pharmacist;
(8) A member who represents persons supporting the legalization of marijuana use for medical purposes;
(9) A member who represents patients.

(B) The governor shall appoint the members described in divisions (A)(1), (2), and (3) of this section. The president of the senate shall appoint the members described in divisions (A)(7) and (9) of this section. The minority leader of the senate shall appoint the member described in division (A)(4) of this section. The speaker of the house of representatives shall appoint the members described in divisions (A)(6) and (8) of this section. The minority leader of the house of representatives shall appoint the member described in division (A)(5) of this section. Not more than four members shall be of the same political party.

(C) Appointments to the commission shall be made not later than thirty days after the effective date of this section. The initial members appointed by the governor shall be appointed for five-year terms; those appointed by the speaker of the house and the house minority leader shall be appointed for four-year terms; and those appointed by the senate president and the senate minority leader shall be appointed for three-year terms. Thereafter, all terms shall be three years.

(D) Each member of the commission shall hold office from the date of appointment until the end of the term for which the member was appointed, except that members serve at the pleasure of the
appointing authority. Vacancies shall be filled in the same manner as original appointments. A member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. There is no limit on the number of terms a member may serve.

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

(F) Each member of the commission shall receive a per diem compensation determined in accordance with division (J) of section 124.15 of the Revised Code. In addition, each member shall receive actual and necessary travel expenses in connection with commission hearings and business.

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

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

Sec. 3796.03. (A) The medical marijuana control commission shall establish a medical marijuana control program to provide for the registration of physicians who recommend treatment with medical marijuana, the registration of patients who seek treatment with medical marijuana and their caregivers, the licensure of medical marijuana cultivators, processors, and retail dispensaries, the licensure of laboratories that test medical marijuana, and the regulation of other activities under this chapter relating to medical marijuana. The commission shall
administer the program and may take any action, in accordance with rules adopted by the department of commerce, necessary to implement and enforce this chapter.

(B)(1) The commission shall develop recommendations regarding standards and procedures for a medical marijuana control program as described in division (B) of section 3796.04 of the Revised Code. When developing recommendations under this section, the commission shall do all of the following:

(a) Consider standards and procedures that have been found to be best practices relative to the use and regulation of medical marijuana;

(b) With respect to standards and procedures involving retail dispensaries, consult and cooperate with the state board of pharmacy;

(c) With respect to standards and procedures involving qualifying physicians or qualifying medical conditions, consult and cooperate with the state medical board;

(d) With respect to the number of cultivator and retail dispensary licenses that will be permitted at any one time, consider all of the following:

(i) The population of this state;

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

(iii) In the case of retail dispensary licenses, the geographic distribution of dispensary sites in an effort to ensure patient access to medical marijuana.

(e) With respect to criminal offenses for which an applicant is disqualified from licensure, provide that certain criminal offenses that an applicant was convicted of or pleaded guilty to more than five years before the date the application for licensure is filed are not disqualifying offenses;
(f) Develop and submit any other recommendations it considers necessary for the program's administration and the implementation and enforcement of this chapter.

(2) The commission shall submit the recommendations described in division (B)(1) of this section to the department of commerce as necessary for the department to fulfill its duty to adopt rules under section 3796.04 of the Revised Code.

(3) At the department's request, the commission shall reconsider a recommendation it has submitted and shall resubmit the recommendation to the department accordingly.

Sec. 3796.04. (A) Not later than one year after the date of the medical marijuana control commission's initial meeting, the department of commerce shall adopt rules establishing standards and procedures for the medical marijuana control program. The rules shall be consistent with the recommendations the department receives from the commission pursuant to section 3796.03 of the Revised Code. All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

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

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

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

(3) Specify the conditions that must be met to be eligible for licensure;

(4) Establish the number of cultivator and retail dispensary licenses that will be permitted at any one time;

(5) Establish a license or registration renewal schedule, renewal procedures, and renewal fees;
(6) Specify reasons for which a license or registration may be suspended or revoked;

(7) Establish standards under which a license or registration suspension may be lifted;

(8) Establish procedures for registration of physicians seeking to recommend medical marijuana for treatment and requirements that must be met to be eligible for registration;

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

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

(11) Specify when testing of medical marijuana must be conducted by a laboratory licensed under this chapter;

(12) Specify if a cultivator, processor, retail dispensary, 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 one thousand feet of the cultivator, processor, retail dispensary, or laboratory, may remain in operation or shall relocate or have its license revoked by the commission;

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

(C) In addition to the rules described in division (B) of this section, the department may adopt any other rules, consistent with commission recommendations, it considers necessary for the program's administration and the implementation and enforcement of this chapter. The rules may specify additional diseases or conditions for which treatment with medical marijuana may be
recommended.

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

(1) Oils;
(2) Tinctures;
(3) Plant material;
(4) Edibles;
(5) Patches.

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

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

(C) Any form or method that is considered attractive to children is prohibited.

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

(1) Plant material shall have a tetrahydrocannabinol content of not less than three per cent and not more than thirty-five per cent.
(2) Extracts shall have a tetrahydrocannabinol content of not more than seventy per cent.

Sec. 3796.07. (A)(1) The medical marijuana control commission shall establish and maintain a medical marijuana informational database. The database shall contain the following information:

(a) The number of patients for whom treatment with medical marijuana has been recommended in accordance with this chapter;
(b) The types of diseases or conditions for which treatment with medical marijuana has been recommended;

(c) The reasons that treatment with medical marijuana was recommended rather than recommending another form of treatment;

(d) The forms of or methods of using medical marijuana recommended to patients.

(2) The commission shall not make public any information reported to or collected by the commission under division (A)(1) of this section that identifies or would tend to identify any specific patient.

(B)(1) The commission shall establish and maintain an electronic database to monitor medical marijuana from its seed source through its cultivation, processing, testing, and dispensing. The commission may contract with a separate entity to establish and maintain the electronic database on behalf of the commission.

(2) The electronic database shall allow for information regarding medical marijuana to be updated instantaneously. All persons designated by the commission shall submit to the commission any information the commission determines is necessary for maintaining the electronic database.

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

(C) The commission shall establish a toll-free telephone line to respond to inquiries from patients, caregivers, and health professionals regarding adverse reactions to medical marijuana and to provide information about available services and assistance.

Sec. 3796.10. (A)(1) A physician seeking to recommend
treatment with medical marijuana shall apply to the medical 821
marijuana control commission for registration as a qualifying 822
physician. An application shall be submitted in the manner 823
established in rules adopted under section 3796.04 of the Revised 824
Code.

(2) The commission shall register an applicant as a 826
qualifying physician if both of the following conditions are met: 827

(a) The application is complete and meets the requirements 828
established in rules.

(b) The applicant demonstrates that the applicant does not 830
have an ownership or investment interest in or compensation 831
arrangement with an entity licensed under this chapter or an 832
applicant for licensure.

(3) A registration expires according to the renewal schedule 834
established in rules adopted under section 3796.04 of the Revised 835
Code and may be renewed in accordance with the procedures 836
established in those rules.

(B)(1) A qualifying physician may recommend that a patient be 838
treated with medical marijuana if the patient has been diagnosed 839
with a qualifying medical condition and a physician-patient 840
relationship has been established through all of the following:

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

(b) A review of the patient's medical history by the 842
physician;

(c) An expectation of providing care and receiving care on an 845
ongoing basis.

(2) In the case of a patient who is a minor, the qualifying 847
physician may recommend treatment with medical marijuana only 848
after obtaining the consent of the patient's parent or other 849
person responsible for providing consent to treatment.
(C)(1) When issuing a recommendation to a patient, the qualifying physician shall specify the following:

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

(b) The amount of tetrahydrocannabinol allowed in medical marijuana dispensed to the patient;

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

The qualifying physician may also specify on the recommendation the disease or condition for which treatment with medical marijuana was recommended. The physician may use a classification included in the "International Statistical Classification of Diseases and Related Health Problems" when specifying the disease or condition.

(2) A 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 an additional period of not more than ninety days after an in-person follow-up appointment with the patient. During the one-year period beginning on the date of the follow-up appointment, 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 at least annually.

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

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

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

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

(E) Except as provided in division (E)(3) of this section, each qualifying physician shall submit reports to the commission and state medical board as follows:

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

(a) The number of patients for whom the physician has recommended treatment with medical marijuana;

(b) The diseases or conditions for which the treatment has been recommended;

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

(d) The forms of and methods of using medical marijuana recommended to patients.

(2) Annually, the physician shall submit a report that describes the physician's observations regarding the effectiveness of medical marijuana in treating the physician's patients during the year covered by the report.

When submitting reports to the commission and board as required by divisions (E)(1) and (2) of this section, a qualifying physician shall not submit any information that identifies or would tend to identify any specific patient.

(3) With respect to the reporting of diseases or conditions required by division (E)(1)(b) of this section, a qualifying physician may satisfy the requirement if each recommendation the physician issues includes classifications from the "International
Statistical Classification of Diseases and Related Health Problems" and the retail dispensaries that dispense medical marijuana for the physician's patients include the classifications in the reports required by section 4729.771 of the Revised Code.

(F) Each qualifying physician shall complete the number of hours of continuing medical education in medical marijuana specified by the state medical board in rules adopted under section 4731.283 of the Revised Code.

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

1. Personally furnish or otherwise dispense medical marijuana;

2. Issue a recommendation for the qualifying physician's self.

Sec. 3796.11. (A) A patient seeking to use medical marijuana or a caregiver seeking to assist a patient in the use of medical marijuana shall apply to the medical marijuana control commission for registration. The patient or caregiver shall submit the application in the manner established in rules adopted under section 3796.04 of the Revised Code and shall provide a copy of the recommendation issued by a qualifying physician registered under this chapter. In the case of a caregiver, the application shall include the name of the patient that the caregiver seeks to assist in the use of medical marijuana. If the application is complete and meets the requirements established in rules, the commission shall register the patient or caregiver and issue to the patient or caregiver an identification card.

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

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

Sec. 3796.12. (A) An entity that seeks a license to cultivate, process, or dispense at retail medical marijuana or to conduct laboratory testing of medical marijuana shall file an application with the medical marijuana control commission. The application shall be submitted in accordance with rules adopted under section 3796.04 of the Revised Code.

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

(1) The report of each criminal records check conducted pursuant to section 3796.13 of the Revised Code with respect to the application demonstrates that the person subject to the criminal records check requirement has not been convicted of or pleaded guilty to any of the disqualifying offenses specified in rules adopted under section 3796.04 of the Revised Code.

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

(a) A laboratory licensed under this chapter;

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

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

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

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

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

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

Sec. 3796.13. (A) As used in this section, "criminal records
check" has the same meaning as in section 109.572 of the Revised
Code.

(B)(1) As part of the application process for a license
issued under this chapter, the medical marijuana control
commission shall require each of the following to complete a
criminal records check:

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

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

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

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

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

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

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

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

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

(2) The members and staff of the commission;

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

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

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

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

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

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

Sec. 3796.14. (A) The medical marijuana control commission
may suspend or revoke a license or registration issued under this chapter or may impose on a license holder a civil penalty in an amount to be determined by the commission for any of the reasons specified in rules adopted under section 3796.04 of the Revised Code. The commission's actions under this division shall be taken in accordance with Chapter 119. of the Revised Code.

(B) The commission may inspect the premises of a holder of a current, valid cultivator, processor, retail dispensary, or laboratory license issued under this chapter without prior notice to the license holder.

Sec. 3796.15. (A)(1) The medical marijuana control commission shall attempt in good faith to negotiate and enter into a reciprocity agreement with any other state under which a medical marijuana registry identification card or equivalent authorization that is issued by the other state is recognized in this state, if the commission determines that both of the following apply:

(a) The eligibility requirements imposed by the other state for that authorization are substantially comparable to the eligibility requirements for a patient or caregiver registration and identification card issued under section 3796.11 of the Revised Code.

(b) The other state recognizes a patient or caregiver registration and identification card issued under section 3796.11 of the Revised Code.

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

(B) If a reciprocity agreement is entered into in accordance with division (A) of this section, the authorization issued by the
other state shall be recognized in this state, shall be accepted and valid in this state, and grants the patient or caregiver the same right to use, possess, obtain, or administer medical marijuana in this state as a patient or caregiver who was registered and issued an identification card under section 3796.11 of the Revised Code.

(C) The department of commerce, consistent with commission recommendations, may adopt any rules as necessary to implement this section.

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

(1) Cultivate medical marijuana;

(2) Deliver medical marijuana to a processor.

(B) A cultivator license holder shall not cultivate medical marijuana for personal, family, or household use.

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

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

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

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

(B) When processing medical marijuana, a licensed processor shall do both of the following:
(1) Package the medical marijuana in accordance with
cild-resistant effectiveness standards described in 16 C.F.R.
1700.15(b) on the effective date of this section;

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

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

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

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

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

(1) Dispense only upon a showing of a current, valid
identification card and in accordance with a recommendation issued
by a qualifying physician registered under section 3796.10 of the
Revised Code;

(2) Comply with the requirements of section 4729.771 of the
Revised Code;

(3) Use only employees who have met the training requirements
established in rules adopted under section 3796.04 of the Revised
Code;

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

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

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

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

(d) The directions for use as recommended by the qualifying physician;

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

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

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

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

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

(2) Conduct medical marijuana testing.

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

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

(2) Prepare a report of the test results.

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

(1) Use medical marijuana;

(2) Possess medical marijuana, subject to division (B) of this section.
(B) The amount of medical marijuana possessed by a registered
patient shall not exceed a ninety-day supply, as determined by the
qualifying physician.

(C) A registered patient shall not be subject to arrest or
criminal prosecution for obtaining, using, or possessing medical
marijuana in accordance with this chapter.

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

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

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

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

(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 determined by the qualifying physician. If a
caregiver provides care to more than one registered patient, the
caregiver shall maintain separate inventories of medical marijuana
for each patient.

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

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

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

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

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.

(B) Unless there is clear and convincing evidence that a child is unsafe, the use, possession, or administration of medical marijuana in accordance with section 3796.22 of the Revised Code shall not be the sole or primary basis for any of the following:

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

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

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

Sec. 3796.26. A qualifying physician registered under this chapter or cultivator, processor, laboratory, or retail dispensary licensed under this chapter shall not advertise any services related to medical marijuana on a radio or television broadcast.

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

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

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

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

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

(B) A financial institution that provides financial services to any cultivator, processor, retail dispensary, or laboratory licensed under this chapter shall be exempt from any criminal law of this state an element of which may be proven by substantiating that a person provides financial services to a person who possesses, delivers, or manufactures marijuana or marijuana derived products, including section 2925.05 of the Revised Code and sections 2923.01 and 2923.03 of the Revised Code as those sections apply to violations of Chapter 2925, of the Revised Code, if the cultivator, processor, retail dispensary, or laboratory is in compliance with this chapter and the applicable tax laws of this state.

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

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

(b) The name of any other business or individual affiliated with the person;
(c) A copy of the application for a license under this chapter, and any supporting documentation, that was submitted by the person;

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

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

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

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

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

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

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

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

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

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

1. Requires an employer to permit or accommodate an employee's use, possession, or distribution of medical marijuana;
2. Prohibits an employer from refusing to hire, discharging, disciplining, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person's use, possession, or distribution of medical marijuana;
3. Prohibits an employer from establishing and enforcing a drug testing policy, drug-free workplace policy, or zero-tolerance drug policy;
4. Interferes with any federal restrictions on employment, including the regulations adopted by the United States department of transportation in Title 49 of the Code of Federal Regulations, as amended;
5. Permits a person to commence a cause of action against an employer for refusing to hire, discharging, disciplining, discriminating, retaliating, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment related to medical marijuana;
6. Affects the authority of the administrator of workers' compensation to grant rebates or discounts on premium rates to employers that participate in a drug-free workplace program established in accordance with rules adopted by the administrator.
under Chapter 4123. of the Revised Code.

(B) A person who is discharged from employment because of that person's use of medical marijuana shall be considered to have been discharged for just cause for purposes of division (D) of section 4141.29 of the Revised Code.

Sec. 3796.29. The legislative authority of a municipal corporation may adopt an ordinance, or a board of township trustees may adopt a resolution, to prohibit, or limit the number of, retail dispensaries of medical marijuana licensed under this chapter within the municipal corporation or within the unincorporated territory of the township, respectively.

Sec. 3796.30. (A) No medical marijuana cultivator, processor, retail dispensary, or laboratory that tests medical marijuana shall be located within one thousand feet of the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground, or public park.

If the relocation of a cultivator, processor, retail dispensary, or laboratory licensed under this chapter results in the cultivator, processor, retail dispensary, or laboratory being located within one thousand feet of the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground, or public park, the medical marijuana control commission shall revoke the license previously issued to the cultivator, processor, retail dispensary, or laboratory.

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

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

"Public library" means a library provided for under Chapter 3375. of the Revised Code.
"Public park" means a park established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district.

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

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

Sec. 4123.54. (A) Except as otherwise provided in this division or divisions (I) and (K) of this section, every employee, who is injured or who contracts an occupational disease, and the dependents of each employee who is killed, or dies as the result of an occupational disease contracted in the course of employment, wherever such the injury has occurred or occupational disease has been contracted, provided the same were not:

(1) Purposely self-inflicted; or

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

(1) Purposely self-inflicted;

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

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

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

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

(b) 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 or marihuana in the employee's system that tests above the following levels in an enzyme multiplied immunoassay technique screening test and above the levels established in division (B)(1)(c) of this section in a gas chromatography mass spectrometry test:

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

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

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

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

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

(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 or marihuana in the employee's system that tests above the following levels by a gas chromatography mass spectrometry test:

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

(ii) For cannabinoids, fifteen nanograms per milliliter of urine;

(iii) For cocaine, including crack cocaine, one hundred fifty nanograms per milliliter of urine;

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

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

(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.

(2) When the employee refuses to submit to a requested chemical test, on the condition that that employee is or was given notice that the refusal to submit to any chemical test described in division (B)(1) of this section may affect the employee's eligibility for compensation and benefits under this chapter and Chapter 4121. of the Revised Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(H)(1) Whenever, with respect to an employee of an employer
who is subject to and has complied with this chapter, there is
possibility of conflict with respect to the application of
workers' compensation laws because the contract of employment is
entered into and all or some portion of the work is or is to be
performed in a state or states other than Ohio, the employer and
the employee may agree to be bound by the laws of this state or by
the laws of some other state in which all or some portion of the
work of the employee is to be performed. The agreement shall be in
writing and shall be filed with the bureau of workers'
compensation within ten days after it is executed and shall remain
in force until terminated or modified by agreement of the parties
similarly filed. If the agreement is to be bound by the laws of this state and the employer has complied with this chapter, then the employee is entitled to compensation and benefits regardless of where the injury occurs or the disease is contracted and the rights of the employee and the employee's dependents under the laws of this state are the exclusive remedy against the employer on account of injury, disease, or death in the course of and arising out of the employee's employment. If the agreement is to be bound by the laws of another state and the employer has complied with the laws of that state, the rights of the employee and the employee's dependents under the laws of that state are the exclusive remedy against the employer on account of injury, disease, or death in the course of and arising out of the employee's employment without regard to the place where the injury was sustained or the disease contracted. If an employer and an employee enter into an agreement under this division, the fact that the employer and the employee entered into that agreement shall not be construed to change the status of an employee whose continued employment is subject to the will of the employer or the employee, unless the agreement contains a provision that expressly changes that status.

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

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

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

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

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

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

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

(5) If an employee is a resident of a state other than this state and is insured under the workers' compensation law or 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 Chapter 4121., 4127., or 4131. of the Revised Code, the employee or dependent shall withdraw or refuse acceptance of the workers' compensation claim filed in the other jurisdiction in order to pursue compensation or benefits under the laws of this state. If the employee or dependents were awarded workers' compensation benefits or had recovered damages under the laws of the other state, any compensation and benefits awarded under this chapter or Chapters Chapter 4121., 4127., or 4131. of the Revised Code shall be paid only to the extent to which those payments exceed the amounts paid under the laws of the other state. If the employee or dependent fails to withdraw or to refuse acceptance of the workers' compensation claim in the other jurisdiction within twenty-eight days after a request made by the administrator or a self-insuring employer, the administrator or self-insuring employer shall dismiss the employee's or employee's dependents' claim made in this state.
(I) If an employee who is covered under the federal "Longshore and Harbor Workers' Compensation Act," 98 Stat. 1639, 33 U.S.C. 901 et seq., is injured or contracts an occupational disease or dies as a result of an injury or occupational disease, and if that employee's or that employee's dependents' claim for compensation or benefits for that injury, occupational disease, or death is subject to the jurisdiction of that act, the employee or the employee's dependents are not entitled to apply for and shall not receive compensation or benefits under this chapter and Chapter 4121. of the Revised Code. The rights of such an employee and the employee's dependents under the federal "Longshore and Harbor Workers' Compensation Act," 98 Stat. 1639, 33 U.S.C. 901 et seq., are the exclusive remedy against the employer for that injury, occupational disease, or death.

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

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

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

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

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

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

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

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

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

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

(1) Retail dispensary identification;

(2) Patient identification;

(3) Recommending physician identification;

(4) Date of physician recommendation;

(5) If provided to the retail dispensary, the "International Statistical Classification of Diseases and Related Health Problems" classification specified on the recommendation issued by the qualifying physician as described in section 3796.10 of the Revised Code;

(6) Date marijuana was dispensed;
(7) Form, quality, and clinical strength of marijuana dispensed;

(8) Quantity of marijuana dispensed;

(9) Number of days' supply of marijuana dispensed;

(10) Source of payment for the marijuana dispensed.

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) On receipt of a request from a pharmacist or the pharmacist's delegate approved by the board, the board shall
provide to the pharmacist information from the database relating to a current patient of the pharmacist, if the pharmacist certifies in a form specified by the board that it is for the purpose of the pharmacist's practice of pharmacy involving the patient who is the subject of the request and the pharmacist has not been denied access to the database by the board.

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

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

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

(10) On receipt of a request from a medical director of a managed care organization that has entered into a contract with the administrator of workers' compensation under division (B)(4) of section 4121.44 of the Revised Code and a data security
agreement with the board required by section 4121.447 of the Revised Code, the board shall provide to the medical director information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code assigned to the managed care organization, including information in the database related to prescriptions for the claimant that were not covered or reimbursed under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, if the administrator of workers' compensation confirms, upon request from the board, that the claimant is assigned to the managed care organization.

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

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

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

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

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

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

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

(16) On receipt of a request from a designated representative
of the medical marijuana control commission, the board shall
provide to the representative information from the database
relating to the "International Statistical Classification of
Diseases and Related Health Problems" classifications used by
qualifying physicians as reported to the board pursuant to section
4729.771 of the Revised Code.

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

The board may provide records of an individual's requests for
database information to the following:
(1) A designated representative of a government entity that is responsible for the licensure, regulation, or discipline of health care professionals with authority to prescribe, administer, or dispense drugs who is involved in an active investigation being conducted by the government entity of the individual who submitted the requests for database information;

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

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

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

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

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

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

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

The board shall not charge any fees for the transmission of data to the database or for the receipt of information from the database, except that the board may charge a fee in accordance with rules adopted under section 4729.84 of the Revised Code to an individual who requests the individual's own database information under section 4729.80 of the Revised Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Information from the board, terminal distributors of dangerous drugs, prescribers, and the board retail dispensaries licensed under Chapter 3796. of the Revised Code by the medical marijuana control commission regarding the board's effectiveness in providing information from the database;

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

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

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

(a) The number of prescribers who issued the prescriptions;
(b) The number of patients to whom the controlled substances were dispensed;
(c) The average quantity of the controlled substances dispensed per prescription;
(d) The average daily morphine equivalent dose of the controlled substances dispensed per prescription.

(2) An aggregate of the information submitted to the board under section 4729.79 of the Revised Code regarding controlled substances containing opioids that have been personally furnished to a patient by a prescriber, other than a prescriber who is a veterinarian, including all of the following:

(a) The number of prescribers who personally furnished the controlled substances;
(b) The number of patients to whom the controlled substances were personally furnished;
(c) The average quantity of the controlled substances that were furnished at one time;
(d) The average daily morphine equivalent dose of the controlled substances that were furnished at one time.

(3) An aggregate of the information submitted to the board under section 4729.771 of the Revised Code regarding medical marijuana, including all of the following:

(a) The number of retail dispensaries that dispensed marijuana;

(b) The number of patients to whom marijuana was dispensed;

(c) The average supply of marijuana dispensed at one time;

(d) The average daily dose of marijuana dispensed;

(e) The types of diseases or conditions for which treatment with medical marijuana was recommended.

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

(A)(1) No person identified in divisions (A)(1) to (13), (A)(15), (A)(16), or (B) of section 4729.80 of the Revised Code shall disseminate any written or electronic information the person receives from the drug database or otherwise provide another person access to the information that the person receives from the database, except as follows:

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

(b) When a person provides the information to the prescriber or pharmacist, or retail dispensary licensed under Chapter 3796, of the Revised Code for whom the person is approved by the board to serve as a delegate of the prescriber or pharmacist, or retail dispensary for purposes of requesting and receiving information from the drug database under division (A)(5), (6), or (15) of
section 4729.80 of the Revised Code;

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

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

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

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

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

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

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

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

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

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

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

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

**Sec. 4731.283.** (A) The state medical board shall approve one or more continuing medical education courses of study that assist qualifying physicians registered with the medical marijuana control commission under Chapter 3796. of the Revised Code in both of the following:

(1) Diagnosing qualifying medical conditions as defined in Chapter 3796. of the Revised Code;

(2) Treating qualifying medical conditions with medical marijuana.

(B) The board shall adopt rules in accordance with Chapter 119. of the Revised Code specifying the number of hours of continuing medical education in medical marijuana approved by the board that a qualifying physician registered under Chapter 3796. of the Revised Code must complete biennially.
(C) The board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing for qualifying physicians registered under Chapter 3796. of the Revised Code the minimal standards of care when recommending treatment with medical marijuana.

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

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

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

The Medical Marijuana Control Commission shall determine for each fiscal year an amount the Commission considers necessary to fund drug abuse prevention programs. That amount shall be appropriated for that purpose from revenue arising from the excise tax and revenue from license application and renewal fees imposed under Chapter 3796. of the Revised Code, as enacted by this act.
Section 5. The General Assembly hereby declares that it intends to recommend that the United States Congress, the Attorney General of the United States, and the United States Drug Enforcement Administration take actions as necessary to classify marijuana as a schedule II controlled substance in an effort to ease the regulatory burdens associated with research on its potential medical benefits.

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