



Ohio Revised Code

Section 3780.28 Enforcement of chapter.

Effective: December 7, 2023

Legislation: ENACTEDBYINITIATIVEPETITION,NOVEMBER7,2023

Enforcement of chapter.

(A) If the division of cannabis control fails to adopt rules necessary to initially implement this chapter within nine months of the effective date of this chapter or fails to begin accepting license applications within six months of the effective date of this chapter as provided in section 3780.11 of the Revised Code, any citizen of the state of Ohio may commence an action in the court of common pleas of Franklin county, Ohio to compel the division of cannabis control to perform the actions mandated under this chapter.

(B) If the division of cannabis control fails to issue a license to an adult use cannabis operator, or send a notice of denial to an applicant, within three months after receiving a complete adult use cannabis operator application pursuant to section 3780.11 of the Revised Code, the applicant may:

(1) Commence an action in the court of common pleas of Franklin county, Ohio to compel the division of cannabis control to perform the actions mandated under this chapter; and

(2) Unless the division of cannabis control can demonstrate in writing that operating presents a danger of immediate and serious harm to others, operate under a temporary license, which shall be issued by the division of cannabis control, and in compliance with this chapter, until the division of cannabis control issues or denies the license. If this occurs, the adult use cannabis operator license applicant may only operate if the applicant:

(a) Is also operating at the application location under a corresponding certificate of operation issued under Chapter 3796 of the Revised Code and Chapter 3796 of the Administrative Code; and

(b) Complies with this chapter and any rules adopted by the division of cannabis control under this chapter.



(C) Nothing in this section shall be construed to authorize the operation of an adult use cannabis operator or a medical marijuana cultivator, processor, or dispensary whose license, certificate of operation or application has been suspended, revoked, or denied, including a suspension, revocation, or denial due to a determination by the division of cannabis control that the applicant or operator has violated this chapter or committed a disqualifying offense.