



Ohio Revised Code

Section 3780.08 Criminal records checks.

Effective: December 7, 2023

Legislation: ENACTEDBYINITIATIVEPETITION,NOVEMBER7,2023

Criminal records checks.

(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 division of cannabis control shall require each of the following to complete a criminal records check:

(a) An administrator or other person responsible for the daily operation of an adult use cannabis operator or an adult use testing facility seeking a license;

(b) An owner or prospective owner, officer or prospective officer, or board member or prospective board member of an entity seeking the license as an adult use cannabis operator or an adult use testing facility as determined by the division of cannabis control; and

(c) An employee or agent of an adult use cannabis operator or an adult use testing facility required to be licensed under this chapter.

(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 division of cannabis control 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 division of cannabis control may request that the person obtain information through the superintendent from the federal bureau of investigation in the criminal records check.



(C) The division of cannabis control 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 division of cannabis control.

(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 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 staff of the division of cannabis control and the director; and

(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 division of cannabis control or any violation of this chapter.



(F) The division of cannabis control 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 division of cannabis control.

(G) The superintendent of the bureau of criminal identification and investigation shall conduct a criminal record check under section 109.572 of the Revised Code in a consistent manner as the superintendent conducts a criminal record check as required for sections 3796.12 and 3796.13 of the Revised Code upon the receipt of a request, a completed form prescribed pursuant to section 109.572(C)(1) of the Revised Code, and a set of fingerprint impressions obtained in a manner described in section 109.572(C)(2) of the Revised Code. The superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in section 109.572(B) of the Revised Code to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or plead guilty to a disqualifying offense as defined in this chapter and as clarified in rules adopted under this chapter.