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Substitute Bill Comparative Synopsis

Sub. S.B. 57

133rd General Assembly

House Agriculture and Rural Development

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This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

| Previous Version (As Passed by the Senate) | Latest Version (I_133_0456-7) |
|---|--|
| Processing license | |
| <p>Requires licensure only for persons who wish to process hemp into cannabidiol and allows all other hemp processing to occur without a license (<i>R.C. 928.02(B) and (C)(2)</i>).</p> <p>No provision.</p> | <p>Instead, requires licensure for a person who wishes to process hemp into <i>any hemp product</i> (<i>R.C. 928.01(E) and 928.02(B)</i>).</p> <p>Defines “process” or “processing” as converting hemp and its byproducts into a hemp product (<i>R.C. 928.01(I)</i>).</p> |
| Delta-9 tetrahydrocannabinol definition | |
| <p>No provision.</p> | <p>Defines “delta-9 tetrahydrocannabinol” as the sum of the percentage by weight of tetrahydrocannabinolic acid (THCa) multiplied by 0.877 plus the percentage by weight of delta-9 tetrahydrocannabinol (THC) (<i>R.C. 928.01(J)</i>).</p> <p>Otherwise put:</p> $\text{delta-9 tetrahydrocannabinol} = \text{THC} + (\text{THCa} \times 0.877)$ <p>As such, the definition encompasses the total potential THC amount by combining the existing THC amount and the potential THC amount that exists in THCa.</p> |

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| Activities requiring hemp cultivation license | |
| Does not specifically define the activities that constitute “cultivation.” | For purposes of a hemp cultivation license, specifically defines “cultivate” or “cultivating” to mean to plant, water, grow, fertilize, till, or harvest a plant or crop; “cultivating” includes processing and storing a plant or crop on a premises where that plant or crop was cultivated until transported to the first point of sale (<i>R.C. 928.01(B)</i>). |
| Addition of hemp to other products | |
| States that the addition of hemp or cannabinoids derived from hemp to any product does not adulterate that product (<i>R.C. 928.02(D)</i>). | Instead, states that the addition of hemp or a hemp product to any other product does not adulterate that other product (<i>R.C. 928.02(D)</i>). |
| License application fee amount | |
| Authorizes the Director of Agriculture to adopt rules establishing an application fee for each hemp cultivation license and hemp processing license (<i>R.C. 928.03(B)</i>). | Same, but also authorizes the Director to establish an annual license fee, and requires both of the following: <ol style="list-style-type: none"> 1. The application fee and annual license fee for each hemp cultivation license and hemp processing license to be established at a rate not to exceed the amount sufficient to cover costs incurred by the Department to administer and enforce the Hemp Program; and 2. One application fee to apply to all hemp cultivation license applicants, and one annual license fee to apply to all hemp cultivation licensees (<i>R.C. 928.03(B)</i>). |
| Criminal checks required for certain occupational licenses | |
| Requires the Director to adopt rules establishing requirements and procedures concerning background investigations of each applicant for a hemp cultivation license and each applicant for a hemp processing license (<i>R.C. 928.03(C)</i>). | Same, and requires the applicant to comply with existing procedures governing criminal background checks, requires the Bureau of Criminal Identification and Investigation to conduct the criminal background check, and prohibits the Director from issuing a license to an applicant that fails to comply (<i>R.C. 109.572(A)(9) and (B)(1), 928.03(C), and 4776.01(C)(4)</i>). |

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| Revocation of licenses | |
| Requires the Director to adopt rules regarding the grounds for the denial, suspension, and revocation of a hemp cultivation license and of a hemp processing license (<i>R.C. 928.03(E)</i>). | Same, but requires the Director to revoke a person's hemp cultivation license or the hemp processing license, for a period of ten years, if the person pleads guilty to or is convicted of a felony related to a controlled substance (<i>R.C. 928.03(G)</i>). |
| Procedures for testing | |
| Requires the Director to adopt rules establishing a procedure for testing, using post-decarboxylation or other methods, the THC levels of hemp and hemp products (<i>R.C. 928.03(J)</i>). | Instead requires the Director to adopt rules establishing a procedure for testing, using post-decarboxylation or other methods, the delta-9 tetrahydrocannabinol concentration of plants and products for purposes of determining compliance with R.C. Chapter 928 (<i>R.C. 928.03(L)</i>). |
| Rules regarding hemp byproducts | |
| No provision. | Requires the Director to adopt rules establishing requirements and procedures governing the production, storage, and disposal of hemp byproducts. |
| No provision. | States that, for the purposes of R.C. Chapter 928, "hemp product" includes a byproduct produced as a result of processing hemp that contains a delta-9 tetrahydrocannabinol concentration of more than 0.3%, provided that the byproduct is produced, stored, and disposed of in accordance with rules adopted under R.C. Chapter 928 (<i>R.C. 928.03(R)</i>). |
| Corrective action plans | |
| Requires the Director to adopt rules establishing requirements and procedures for the administration and enforcement of corrective action plans under R.C. Chapter 928 (<i>R.C. 928.03(K)</i>). | Same, and also requires the Director to adopt rules establishing requirements and procedures for the issuance of corrective action plans (<i>R.C. 928.03(M)</i>). |
| Inspections | |
| Requires the Director to adopt rules establishing procedures for the annual inspection of, at a minimum, a random sample of hemp cultivation license holders to verify that hemp is not being cultivated in violation of R.C. Chapter 928 and rules adopted under it (<i>R.C. 928.03(L)</i>). | Clarifies that the Director may inspect all cannabis-type plants cultivated by a license holder to ensure compliance (<i>R.C. 928.03(N)</i>). |

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| Requires the Director to adopt rules establishing procedures for the annual inspection of, at a minimum, a random sample of hemp processing license holders to verify that hemp is not being processed to produce cannabidiol in violation of R.C. Chapter 928 and rules adopted under it (<i>R.C. 928.03(L)</i>). | Instead, requires the Director to conduct the inspections to verify that the license holders are not operating in violation of R.C. Chapter 928 and rules adopted under it (<i>R.C.928.03(O)</i>). |
| Procedures for effective disposal | |
| Requires the Director to adopt rules establishing a procedure for the effective disposal of (1) plants cultivated in violation of R.C. Chapter 928 or rules adopted under it, or (2) products derived from plants cultivated in violation of R.C. Chapter 928 or rules adopted under it (<i>R.C. 928.03(O)(1) and (2)</i>). | Same, and adds to the list: products produced in violation of R.C. Chapter 928 or rules adopted under it (<i>R.C. 928.03(Q)(3)</i>). |
| Processing hemp in a personal residence | |
| No provision. | Requires the Director to adopt rules prohibiting hemp processing in a building used as a personal residence or on land that is zoned residential (<i>R.C. 928.03(Y)</i>). |
| Transportation of hemp | |
| No provision. | Requires the Director to adopt rules establishing procedures and requirements for the transportation and storage of both hemp and hemp products (<i>R.C. 928.02(AA)</i>). |
| No provision. | Prohibits a person from transporting hemp or a hemp product in violation of rules adopted under R.C. Chapter 928; imposes a minor misdemeanor for a first offense and a fourth degree misdemeanor for each subsequent offense (<i>R.C. 928.04(D) and 928.99</i>). |
| Additional rules | |
| No provision. | Requires the Director to establish rules regarding all of the following: Requirements regarding the experience, equipment, facilities, or land necessary to obtain a hemp cultivation license (<i>R.C. 928.02(D)</i>). |

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| No provision. | Requirements and procedures regarding standards of financial responsibility for each applicant for a hemp processing license (<i>R.C. 928.02(E)</i>). |
| No provision. | Production standards and manufacturing practices for processing hemp (<i>R.C. 928.02(Z)</i>). |
| Emergency orders | |
| No provision. | Specifies that if the Director determines that emergency conditions exist requiring immediate action to protect public health or safety or the environment, the Director may issue an order requiring specific actions be taken to mitigate those conditions without prior notice or a hearing. |
| No provision. | Requires any person to whom such an order is issued to immediately comply, but allows the person to apply to the Director for an adjudication hearing. |
| No provision. | On the basis of the hearing, specifies that the Director must continue, revoke, or modify the order (<i>R.C. 928.07(B)</i>). |
| No provision. | Authorizes the Director, the Attorney General, or a county prosecutor to apply to a court of common pleas for an injunction restraining any person from continuing to violate the order (<i>R.C. 928.07(C)</i>). |
| Exclusion of “hemp” and “hemp product” from the pharmacy dangerous drug definition | |
| No provision. | Excludes “hemp” and “hemp product” from the definition of “drug” in the pharmacy dangerous drug law (<i>R.C. 4729.01(E)</i> , and future section <i>R.C. 4729.01(E)</i>). |
| CAUV Program | |
| No provision. | Qualifies hemp farming for the Current Agricultural Use Value property tax program (<i>R.C. 5713.30(A)(1)(a)</i> and <i>(A)(2)</i>). |
| Release of previously seized hemp | |
| No provision. | Authorizes any person that had hemp or a hemp product (hemp) seized prior to the bill’s enactment to request the law enforcement agency responsible for the seizure to release the hemp if |

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| | <p>the hemp has not yet been disposed of, provided that the person requesting its release either:</p> <ol style="list-style-type: none"> 1. Demonstrates that the seized hemp was cultivated or processed in accordance with federal law; or 2. The person pays for testing to demonstrate that the hemp's THC concentration is below 0.3% (<i>Section 8</i>). |
| Emergency clause | |
| No provision. | Includes an emergency clause; as such, the bill, when enacted, goes into immediate effect (<i>Section 10</i>). |
| "University" definition | |
| Defines "university" as a state university and a private nonprofit institute with a certificate of authorization (<i>R.C. 928.01(H)</i>). | Instead, defines "university" as an institution of higher education and a private nonprofit institute with a certificate of authorization (<i>R.C. 928.01(J)</i>). |