

901:14-1-01            **Definitions.**

- (A) "Abandoned application" means an application for licensure which was returned to the applicant by the department as incomplete and not finalized or corrected by the applicant and returned to the department within thirty days or by the application deadline.
- (B) "Acceptable hemp THC level" means the application of the measurement of uncertainty to the reported delta-9 tetrahydrocannabinol content concentration level on a dry weight basis that produces a distribution or range that includes 0.3 per cent or less.
- (C) "Controlled substance" has the same meaning as found in section 3719.01 of the Revised Code.
- (D) "Cultivate" or "cultivating" means to plant, water, grow, fertilize, till, or harvest a plant or crop. "Cultivating" includes possessing or storing a plant or crop on a premises where the plant or crop was cultivated until transported to the first point of sale.
- (E) "Delta-9 tetrahydrocannabinol" or "THC" means the sum of the percentage by weight of tetrahydrocannabinolic acid multiplied by 0.877 plus the percentage by weight of delta-9 tetrahydrocannabinol.
- (F) "Department" means the Ohio department of agriculture.
- (G) "Director" means the director of the Ohio department of agriculture or their designee.
- (H) "Disqualifying offense" means any felony involving a controlled substance including, but not limited to, violations of:
  - (1) Division (A)(1)(a) of section 2907.02 of the Revised Code.
  - (2) Division (A)(2) of section 2907.05 of the Revised Code.
  - (3) Division (D)(2) of section 2923.16 of the Revised Code.
  - (4) Section 2923.241 of the Revised Code.
  - (5) Chapters 2925., 3719., and 3796. of the Revised Code.
- (I) "Growing location" means a contiguous land area or single building in which hemp is grown or planned to be grown.

~~(J)~~ "Hemp" means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths per cent on a dry weight basis.

~~(K)~~(J) "Immediate family" means a licensee's spouse, parents, children, grandparents, siblings, grandchildren, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, step-parents, step-children, step-siblings, or a legal guardian or other person who stands in the place of a parent (in loco parentis).

~~(L)~~(K) "Key participant" means a sole proprietor, a partner in partnership, or a person with executive managerial control in a corporation. A person with executive managerial control includes persons such as a chief executive officer, chief operating officer and chief financial officer. This definition does not include non-executive managers such as farm, field, or shift managers.

~~(M)~~(L) "Licensee" or "licensed cultivator" means an individual or business entity possessing a hemp cultivation license issued pursuant to section 928.02 of the Revised Code and this chapter.

~~(N)~~(M) "Licensed medical marijuana cultivator" means an entity that has been issued a certificate of operation by the Ohio department of commerce to grow, harvest, package, and transport medical marijuana as permitted under Chapter 3796. of the Revised Code.

~~(O)~~(N) "Measurement of uncertainty" or "MU" means the parameter, associated with the result of a measurement, that characterizes the dispersion of the values that could reasonably be attributed to the particular quantity subject to measurement.

~~(P)~~(O) "Public park" means a park established by the federal government, state, or a political subdivision of the state including a county, township, municipal corporation, or park district.

~~(Q)~~(P) "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.

~~(R)~~(Q) "Strain" means a cannabis strain, which is a group of plants created asexually through clonal propagation.

~~(S)~~(R) "University" means an institution of higher education as defined in section 3345.12 of the Revised Code and a private nonprofit institution with a certificate of authorization issued pursuant to Chapter 1713. of the Revised Code.

~~(F)~~(S) "Variety" means a subdivision of a kind which is distinct, uniform and stable; "distinct" in the sense that the variety can be differentiated by one or more identifiable morphological, physiological, or other characteristics from all other varieties of public knowledge; "uniform" in the sense that variations in essential and distinctive characteristics are describable; and "stable" in the sense that the variety will remain unchanged to a reasonable degree of reliability in its essential and distinctive characteristics and its uniformity when reproduced or reconstituted as required by the different categories of varieties.

Effective:

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Certification

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Date

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901:14-2-01                    **Definitions.**

- (A) "Abandoned application" means an application for licensure which was returned to the applicant by the department as incomplete and not finalized or corrected by the applicant and returned to the department within thirty days.
- (B) "Acceptable hemp THC level" means the application of the measurement of uncertainty to the reported delta-9 tetrahydrocannabinol content concentration level on a dry weight basis that produces a distribution or range that includes 0.3 per cent or less.
- (C) "Adulterated" has the same meaning as found in section 3715.59 of the Revised Code.
- (D) "Batch or lot" means the hemp products produced during a period indicated by a specific code.
- (E) "Controlled substance" has the same meaning as found in section 3719.01 of the Revised Code.
- (F) "Cosmetic" has the same meaning as found in division (A)(5) of section 3715.01 of the Revised Code.
- (G) "Delta-9 tetrahydrocannabinol" or "THC" means the sum of the percentage by weight of tetrahydrocannabinolic acid multiplied by 0.877 plus the percentage by weight of delta-9 tetrahydrocannabinol.
- (H) "Department" means the Ohio department of agriculture.
- (I) "Dietary supplement" has the same meaning as found in section 3715.80 of the Revised Code.
- (J) "Director" means the director of Ohio department of agriculture or the director's designee.
- (K) "Disqualifying offense" means any felony involving a controlled substance including, but not limited to, violations of the Revised Code, specifically:
  - (1) Division (A)(1)(a) of section 2907.02.
  - (2) Division (A)(2) of section 2907.05.
  - (3) Division (D)(2) of section 2923.16.
  - (4) Section 2923.241.

(5) Chapters 2925, 3719, and 3796.

- (L) "Drug" has the same meaning as found in division (A)(3) of section 3715.01 of the Revised Code.
- (M) "Food" has the same meaning as found in division (A)(2) of section 3715.01 of the Revised Code.
- (N) "Hemp" means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths per cent on a dry weight basis. Hemp does not include any amount of intoxicating hemp.
- (O) "Hemp product" means any product, containing a delta-9 tetrahydrocannabinol concentration of not more than three-tenths per cent, that is made with hemp. "Hemp product" includes hemp buds, flowers, cigarettes, cigars, shredded hemp, cosmetics, personal care products, dietary supplements or food intended for animal or human consumption, cloth, cordage, fiber, fuel, paint, paper, particleboard, and any other product containing one or more cannabinoids derived from hemp, including cannabidiol. "Intoxicating hemp" does not meet the definition of a "Hemp product."
- (P) "Immediate family" means a licensee's spouse, parents, children, grandparents, siblings, grandchildren, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, step-parents, step-children, step-siblings, or a legal guardian or other person who stands in the place of a parent (in loco parentis).
- (Q) "Intoxicating hemp" means a product that would be a hemp or a hemp product except it contains more than five-tenths of a milligram of tetrahydrocannabinol per serving or more than two milligrams of tetrahydrocannabinol per package.
- "Intoxicating hemp" does not include products regulated under Chapter 3780 or 3796 of the Revised Code.
- ~~(R)~~(R) "Key participant" means a sole proprietor, a partner in partnership, or a person with executive managerial control in a corporation. A person with executive managerial control includes persons such as a chief executive officer, chief operating officer and chief financial officer. This definition does not include non-executive managers such as farm, field, or shift managers.
- ~~(S)~~(S) "Measurement of uncertainty" or "MU" means the parameter, associated with the result of a measurement, that characterizes the dispersion of the values that could reasonably be attributed to the particular quantity subject to measurement.

~~(S)~~(T) "Misbranded" has the same meaning as found in section 3715.60 of the Revised Code.

~~(F)~~(U) "Process" or "processing" means converting hemp into a hemp product. Except that process or processing does not include on-farm drying, dehydrating, or packaging of raw hemp materials by a licensed hemp cultivator for sale directly to a licensed hemp processor.

~~(U)~~(V) "Public park" means a park established by the federal government, state, or a political subdivision of the state including a county, township, municipal corporation, or park district.

~~(V)~~(W) "Retail hemp production" means the production of hemp products that are prepared, served or otherwise held or handled for sale to the end consumer at the site of production. Retail hemp production includes a mobile retail facility.

~~(W)~~(X) "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.

(Y) "Tetrahydrocannabinol" means naturally occurring or synthetic equivalents, regardless of whether artificially or naturally derived, of the substances contained in the plant, or in the resinous extractives of cannabis, sp. or derivatives, and their isomers with similar chemical structure to delta-1-cis or trans tetrahydrocannabinol, and their optical isomers, salts and salts of isomers.

(1) "Tetrahydrocannabinol" includes, but is not limited to:

- (a) Delta-8 tetrahydrocannabinol;
- (b) Delta-10 tetrahydrocannabinol;
- (c) Tetrahydrocannabinol-o acetate;
- (d) Tetrahydrocannabiphorol;
- (e) Tetrahydrocannabivarin;
- (f) Hexahydrocannabinol;
- (g) Delta-6-cis or trans tetrahydrocannabinol;
- (h) Delta-3,4-cis or trans tetrahydrocannabinol;
- (i) 9- hexahydrocannabinol; and,

(j) Delta-9-tetrahydrocannabinol acetate.

Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of designation of atomic positions, are included.

(2) "Tetrahydrocannabinol" does not include the following:

(a) Tetrahydrocannabinol products approved by the United States food and drug administration for marketing as a medication or recognized by the United States food and drug administration as generally recognized as safe.

(b) Cannabichromene (CBC);

(c) Cannabicyclol (CBL);

(d) Cannabidiol (CBD);

(e) Cannabidivanol (CBDV);

(f) Cannabielsoin (CBE);

(g) Cannabigerol (CBG);

(h) Cannabigerovarin (CBGV);

(i) Cannabinol (CBN); and

(j) Cannabivarin (CBV).

~~(X)~~(Z) "University" means an institution of higher education as defined in section 3345.12 of the Revised Code and a private nonprofit institution with a certificate of authorization issued pursuant to Chapter 1713. of the Revised Code.

~~(Y)~~(AA) "USDA" means the United States department of agriculture.

~~(Z)~~(BB) "Wholesale hemp production" means the production of hemp products that are processed, packaged, manufactured, or otherwise held or handled for distribution to another location or for sale at wholesale.

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