

**BEFORE THE
OHIO STAY AT HOME ORDER DISPUTE RESOLUTION COMMISSION**

In the Matter of Dispute Resolution

Request Number OH005

**DISPUTE RESOLUTION COMMISSION
ADVISORY OPINION AND RECOMMENDATION**

1. On or about April 6, 2020, Omar Daas submitted a dispute resolution request on behalf of Fumee Smoke and CBD to the Dispute Resolution Commission (“Commission”) pursuant to paragraph 23 of the Amended Stay at Home Order (“Order”) issued on April 2, 2020 by Director of the Ohio Department of Health (https://content.govdelivery.com/attachments/OHOOD/2020/04/02/file_attachments/1418062/Signed%20Amended%20Director%27s%20Stay%20At%20Home%20Order.pdf). The dispute resolution request was assigned number OH005.
2. Paragraph 23 of the Order authorized the Director to appoint the members of the Commission and delegated authority to the Commission to facilitate the resolution of disputes regarding what is or is not an essential business in circumstances where a conflict between decisions or actions by local health authorities is demonstrated.
3. On April 6, 2020, the Director of the Ohio Department of Health appointed Lydia Mihalik, Director of the Ohio Development Services Agency, Sheryl Maxfield, Director of the Ohio Department of Commerce and Sam Randazzo, Chair of the Public Utilities Commission of Ohio to the Commission.
4. On April 8, 2020, the Commission met to consider and address the verified dispute resolution request referenced above along with information provided by the local health authorities with conflicting positions regarding what similar businesses are or are not essential businesses and the relief requested by the person or entity submitting the request referenced above.

Advisory Opinion and Recommendation

5. Based on the information provided by the local health authorities with conflicting positions regarding what similar businesses are or are not essential businesses and the relief requested by the person or entity submitting the request referenced above, the Commission hereby issues its advisory opinion and recommendation as follows.

6. It is the opinion of the Commission that the Butler County Health Department has properly interpreted or construed the Order in determining whether businesses selling cannabidiol (CBD) products are essential or not essential businesses.
7. It is the recommendation of the Commission that the Ohio Department of Health take such action as may be necessary to cause the Hamilton and Clermont County Health Departments to conform enforcement of the Order to the opinion set forth above.
8. It is the recommendation of the Commission that this advisory opinion and recommendation be promptly provided to the local health authorities with conflicting positions regarding what similar businesses are or are not essential businesses, provided to the person or entity submitting the request referenced above and published through a public posting at the Department of Health's website.

COMMISSIONERS:

Approving:

Lydia Mihalik

Sheryl Maxfield

Sam Randazzo

Issuance Date and Time April 8, 2020 at 4:00PM

Effective Date and Time¹ April 10, 2020 at 4:00PM

¹ Assumes that the Advisory Opinion and Recommendation is not suspended, altered or modified by the Director of the Ohio Department of Health or the Director's designee.