

As Reported by the House Health Committee

132nd General Assembly

Regular Session

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Sub. S. B. No. 229

Senator Eklund

**Cosponsors: Senators Lehner, Beagle, Hackett, Brown, Burke, Dolan, Hoagland,
Kunze, LaRose, Manning, O'Brien, Schiavoni, Tavares, Terhar, Thomas, Wilson,
Yuko Representatives Huffman, Johnson**

A BILL

To amend sections 109.572, 109.71, 119.03, 149.43,	1
149.45, 1751.68, 2907.02, 2907.05, 2925.01,	2
2925.09, 2925.11, 2925.23, 2925.34, 3313.752,	3
3345.41, 3707.50, 3709.01, 3719.01, 3719.04,	4
3719.05, 3719.06, 3719.061, 3719.07, 3719.09,	5
3719.12, 3719.40, 3719.41, 3719.43, 3719.44,	6
3719.811, 3796.01, 3923.602, 4729.01, 4729.04,	7
4729.19, 4729.46, 4729.51, 4729.52, 4729.53,	8
4729.54, 4729.55, 4729.553, 4729.69, 4729.90,	9
4731.97, 4765.06, 5164.34, and 5164.7511, to	10
enact sections 3709.011, 3709.42, 3719.45, and	11
4729.691, and to repeal section 4730.51 of the	12
Revised Code to modify the laws pertaining to	13
regulation of controlled substances; to make	14
other changes in the laws administered by or	15
related to the State Board of Pharmacy; to	16
authorize the use of credit cards and alternate	17
titles by boards of health; to modify the	18
authority of the State Board of Emergency	19
Medical, Fire, and Transportation Services to	20
transmit data; to modify the web site	21
information maintained by the State Medical	22

Board; and to permit Medicaid providers to 23
employ certain persons despite criminal records 24
check requirements; to amend the version of 25
section 2925.03 of the Revised Code that is 26
scheduled to take effect June 29, 2019, and to 27
amend section 3719.41 of the Revised Code on the 28
date that is twelve months after the effective 29
date of this act. 30

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 109.572, 109.71, 119.03, 149.43, 31
149.45, 1751.68, 2907.02, 2907.05, 2925.01, 2925.09, 2925.11, 32
2925.23, 2925.34, 3313.752, 3345.41, 3707.50, 3709.01, 3719.01, 33
3719.04, 3719.05, 3719.06, 3719.061, 3719.07, 3719.09, 3719.12, 34
3719.40, 3719.41, 3719.43, 3719.44, 3719.811, 3796.01, 3923.602, 35
4729.01, 4729.04, 4729.19, 4729.46, 4729.51, 4729.52, 4729.53, 36
4729.54, 4729.55, 4729.553, 4729.69, 4729.90, 4731.97, 4765.06, 37
5164.34, and 5164.7511 be amended and sections 3709.011, 38
3709.42, 3719.45, and 4729.691 of the Revised Code be enacted to 39
read as follows: 40

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 41
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 42
Code, a completed form prescribed pursuant to division (C) (1) of 43
this section, and a set of fingerprint impressions obtained in 44
the manner described in division (C) (2) of this section, the 45
superintendent of the bureau of criminal identification and 46
investigation shall conduct a criminal records check in the 47
manner described in division (B) of this section to determine 48
whether any information exists that indicates that the person 49

who is the subject of the request previously has been convicted 50
of or pleaded guilty to any of the following: 51

(a) A violation of section 2903.01, 2903.02, 2903.03, 52
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 53
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 54
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 55
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 56
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 57
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 58
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 59
sexual penetration in violation of former section 2907.12 of the 60
Revised Code, a violation of section 2905.04 of the Revised Code 61
as it existed prior to July 1, 1996, a violation of section 62
2919.23 of the Revised Code that would have been a violation of 63
section 2905.04 of the Revised Code as it existed prior to July 64
1, 1996, had the violation been committed prior to that date, or 65
a violation of section 2925.11 of the Revised Code that is not a 66
minor drug possession offense; 67

(b) A violation of an existing or former law of this 68
state, any other state, or the United States that is 69
substantially equivalent to any of the offenses listed in 70
division (A) (1) (a) of this section; 71

(c) If the request is made pursuant to section 3319.39 of 72
the Revised Code for an applicant who is a teacher, any offense 73
specified in section 3319.31 of the Revised Code. 74

(2) On receipt of a request pursuant to section 3712.09 or 75
3721.121 of the Revised Code, a completed form prescribed 76
pursuant to division (C) (1) of this section, and a set of 77
fingerprint impressions obtained in the manner described in 78
division (C) (2) of this section, the superintendent of the 79

bureau of criminal identification and investigation shall 80
conduct a criminal records check with respect to any person who 81
has applied for employment in a position for which a criminal 82
records check is required by those sections. The superintendent 83
shall conduct the criminal records check in the manner described 84
in division (B) of this section to determine whether any 85
information exists that indicates that the person who is the 86
subject of the request previously has been convicted of or 87
pleaded guilty to any of the following: 88

(a) A violation of section 2903.01, 2903.02, 2903.03, 89
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 90
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 91
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 92
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 93
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 94
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 95
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 96
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 97

(b) An existing or former law of this state, any other 98
state, or the United States that is substantially equivalent to 99
any of the offenses listed in division (A)(2)(a) of this 100
section. 101

(3) On receipt of a request pursuant to section 173.27, 102
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 103
5123.081, or 5123.169 of the Revised Code, a completed form 104
prescribed pursuant to division (C)(1) of this section, and a 105
set of fingerprint impressions obtained in the manner described 106
in division (C)(2) of this section, the superintendent of the 107
bureau of criminal identification and investigation shall 108
conduct a criminal records check of the person for whom the 109

request is made. The superintendent shall conduct the criminal 110
records check in the manner described in division (B) of this 111
section to determine whether any information exists that 112
indicates that the person who is the subject of the request 113
previously has been convicted of, has pleaded guilty to, or 114
(except in the case of a request pursuant to section 5164.34, 115
5164.341, or 5164.342 of the Revised Code) has been found 116
eligible for intervention in lieu of conviction for any of the 117
following, regardless of the date of the conviction, the date of 118
entry of the guilty plea, or (except in the case of a request 119
pursuant to section 5164.34, 5164.341, or 5164.342 of the 120
Revised Code) the date the person was found eligible for 121
intervention in lieu of conviction: 122

(a) A violation of section 959.13, 959.131, 2903.01, 123
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 124
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 125
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 126
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 127
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 128
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 129
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 130
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 131
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 132
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 133
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 134
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 135
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 136
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 137
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 138
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 139
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 140

2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code; 141

(b) Felonious sexual penetration in violation of former 142
section 2907.12 of the Revised Code; 143

(c) A violation of section 2905.04 of the Revised Code as 144
it existed prior to July 1, 1996; 145

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 146
the Revised Code when the underlying offense that is the object 147
of the conspiracy, attempt, or complicity is one of the offenses 148
listed in divisions (A) (3) (a) to (c) of this section; 149

(e) A violation of an existing or former municipal 150
ordinance or law of this state, any other state, or the United 151
States that is substantially equivalent to any of the offenses 152
listed in divisions (A) (3) (a) to (d) of this section. 153

(4) On receipt of a request pursuant to section 2151.86 of 154
the Revised Code, a completed form prescribed pursuant to 155
division (C) (1) of this section, and a set of fingerprint 156
impressions obtained in the manner described in division (C) (2) 157
of this section, the superintendent of the bureau of criminal 158
identification and investigation shall conduct a criminal 159
records check in the manner described in division (B) of this 160
section to determine whether any information exists that 161
indicates that the person who is the subject of the request 162
previously has been convicted of or pleaded guilty to any of the 163
following: 164

(a) A violation of section 959.13, 2903.01, 2903.02, 165
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 166
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 167
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 168
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 169

2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 170
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 171
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 172
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 173
2927.12, or 3716.11 of the Revised Code, a violation of section 174
2905.04 of the Revised Code as it existed prior to July 1, 1996, 175
a violation of section 2919.23 of the Revised Code that would 176
have been a violation of section 2905.04 of the Revised Code as 177
it existed prior to July 1, 1996, had the violation been 178
committed prior to that date, a violation of section 2925.11 of 179
the Revised Code that is not a minor drug possession offense, 180
two or more OVI or OVUAC violations committed within the three 181
years immediately preceding the submission of the application or 182
petition that is the basis of the request, or felonious sexual 183
penetration in violation of former section 2907.12 of the 184
Revised Code; 185

(b) A violation of an existing or former law of this 186
state, any other state, or the United States that is 187
substantially equivalent to any of the offenses listed in 188
division (A) (4) (a) of this section. 189

(5) Upon receipt of a request pursuant to section 5104.013 190
of the Revised Code, a completed form prescribed pursuant to 191
division (C) (1) of this section, and a set of fingerprint 192
impressions obtained in the manner described in division (C) (2) 193
of this section, the superintendent of the bureau of criminal 194
identification and investigation shall conduct a criminal 195
records check in the manner described in division (B) of this 196
section to determine whether any information exists that 197
indicates that the person who is the subject of the request has 198
been convicted of or pleaded guilty to any of the following: 199

(a) A violation of section 2151.421, 2903.01, 2903.02, 200
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 201
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 202
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 203
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 204
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 205
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 206
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 207
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 208
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 209
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 210
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 211
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 212
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 213
3716.11 of the Revised Code, felonious sexual penetration in 214
violation of former section 2907.12 of the Revised Code, a 215
violation of section 2905.04 of the Revised Code as it existed 216
prior to July 1, 1996, a violation of section 2919.23 of the 217
Revised Code that would have been a violation of section 2905.04 218
of the Revised Code as it existed prior to July 1, 1996, had the 219
violation been committed prior to that date, a violation of 220
section 2925.11 of the Revised Code that is not a minor drug 221
possession offense, a violation of section 2923.02 or 2923.03 of 222
the Revised Code that relates to a crime specified in this 223
division, or a second violation of section 4511.19 of the 224
Revised Code within five years of the date of application for 225
licensure or certification. 226

(b) A violation of an existing or former law of this 227
state, any other state, or the United States that is 228
substantially equivalent to any of the offenses or violations 229
described in division (A) (5) (a) of this section. 230

(6) Upon receipt of a request pursuant to section 5153.111 231
of the Revised Code, a completed form prescribed pursuant to 232
division (C)(1) of this section, and a set of fingerprint 233
impressions obtained in the manner described in division (C)(2) 234
of this section, the superintendent of the bureau of criminal 235
identification and investigation shall conduct a criminal 236
records check in the manner described in division (B) of this 237
section to determine whether any information exists that 238
indicates that the person who is the subject of the request 239
previously has been convicted of or pleaded guilty to any of the 240
following: 241

(a) A violation of section 2903.01, 2903.02, 2903.03, 242
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 243
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 244
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 245
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 246
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 247
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 248
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 249
Code, felonious sexual penetration in violation of former 250
section 2907.12 of the Revised Code, a violation of section 251
2905.04 of the Revised Code as it existed prior to July 1, 1996, 252
a violation of section 2919.23 of the Revised Code that would 253
have been a violation of section 2905.04 of the Revised Code as 254
it existed prior to July 1, 1996, had the violation been 255
committed prior to that date, or a violation of section 2925.11 256
of the Revised Code that is not a minor drug possession offense; 257

(b) A violation of an existing or former law of this 258
state, any other state, or the United States that is 259
substantially equivalent to any of the offenses listed in 260
division (A)(6)(a) of this section. 261

(7) On receipt of a request for a criminal records check 262
from an individual pursuant to section 4749.03 or 4749.06 of the 263
Revised Code, accompanied by a completed copy of the form 264
prescribed in division (C)(1) of this section and a set of 265
fingerprint impressions obtained in a manner described in 266
division (C)(2) of this section, the superintendent of the 267
bureau of criminal identification and investigation shall 268
conduct a criminal records check in the manner described in 269
division (B) of this section to determine whether any 270
information exists indicating that the person who is the subject 271
of the request has been convicted of or pleaded guilty to a 272
felony in this state or in any other state. If the individual 273
indicates that a firearm will be carried in the course of 274
business, the superintendent shall require information from the 275
federal bureau of investigation as described in division (B)(2) 276
of this section. Subject to division (F) of this section, the 277
superintendent shall report the findings of the criminal records 278
check and any information the federal bureau of investigation 279
provides to the director of public safety. 280

(8) On receipt of a request pursuant to section 1321.37, 281
1321.53, or 4763.05 of the Revised Code, a completed form 282
prescribed pursuant to division (C)(1) of this section, and a 283
set of fingerprint impressions obtained in the manner described 284
in division (C)(2) of this section, the superintendent of the 285
bureau of criminal identification and investigation shall 286
conduct a criminal records check with respect to any person who 287
has applied for a license, permit, or certification from the 288
department of commerce or a division in the department. The 289
superintendent shall conduct the criminal records check in the 290
manner described in division (B) of this section to determine 291
whether any information exists that indicates that the person 292

who is the subject of the request previously has been convicted 293
of or pleaded guilty to any of the following: a violation of 294
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 295
Revised Code; any other criminal offense involving theft, 296
receiving stolen property, embezzlement, forgery, fraud, passing 297
bad checks, money laundering, or drug trafficking, or any 298
criminal offense involving money or securities, as set forth in 299
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 300
the Revised Code; or any existing or former law of this state, 301
any other state, or the United States that is substantially 302
equivalent to those offenses. 303

(9) On receipt of a request for a criminal records check 304
from the treasurer of state under section 113.041 of the Revised 305
Code or from an individual under section 4701.08, 4715.101, 306
4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 307
4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 308
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 309
4734.202, 4740.061, 4741.10, 4747.051, 4753.061, 4755.70, 310
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 311
4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 312
4779.091, or 4783.04 of the Revised Code, accompanied by a 313
completed form prescribed under division (C)(1) of this section 314
and a set of fingerprint impressions obtained in the manner 315
described in division (C)(2) of this section, the superintendent 316
of the bureau of criminal identification and investigation shall 317
conduct a criminal records check in the manner described in 318
division (B) of this section to determine whether any 319
information exists that indicates that the person who is the 320
subject of the request has been convicted of or pleaded guilty 321
to any criminal offense in this state or any other state. 322
Subject to division (F) of this section, the superintendent 323

shall send the results of a check requested under section 324
113.041 of the Revised Code to the treasurer of state and shall 325
send the results of a check requested under any of the other 326
listed sections to the licensing board specified by the 327
individual in the request. 328

(10) On receipt of a request pursuant to section 1121.23, 329
1315.141, 1733.47, or 1761.26 of the Revised Code, a completed 330
form prescribed pursuant to division (C)(1) of this section, and 331
a set of fingerprint impressions obtained in the manner 332
described in division (C)(2) of this section, the superintendent 333
of the bureau of criminal identification and investigation shall 334
conduct a criminal records check in the manner described in 335
division (B) of this section to determine whether any 336
information exists that indicates that the person who is the 337
subject of the request previously has been convicted of or 338
pleaded guilty to any criminal offense under any existing or 339
former law of this state, any other state, or the United States. 340

(11) On receipt of a request for a criminal records check 341
from an appointing or licensing authority under section 3772.07 342
of the Revised Code, a completed form prescribed under division 343
(C)(1) of this section, and a set of fingerprint impressions 344
obtained in the manner prescribed in division (C)(2) of this 345
section, the superintendent of the bureau of criminal 346
identification and investigation shall conduct a criminal 347
records check in the manner described in division (B) of this 348
section to determine whether any information exists that 349
indicates that the person who is the subject of the request 350
previously has been convicted of or pleaded guilty or no contest 351
to any offense under any existing or former law of this state, 352
any other state, or the United States that is a disqualifying 353
offense as defined in section 3772.07 of the Revised Code or 354

substantially equivalent to such an offense. 355

(12) On receipt of a request pursuant to section 2151.33 356
or 2151.412 of the Revised Code, a completed form prescribed 357
pursuant to division (C)(1) of this section, and a set of 358
fingerprint impressions obtained in the manner described in 359
division (C)(2) of this section, the superintendent of the 360
bureau of criminal identification and investigation shall 361
conduct a criminal records check with respect to any person for 362
whom a criminal records check is required under that section. 363
The superintendent shall conduct the criminal records check in 364
the manner described in division (B) of this section to 365
determine whether any information exists that indicates that the 366
person who is the subject of the request previously has been 367
convicted of or pleaded guilty to any of the following: 368

(a) A violation of section 2903.01, 2903.02, 2903.03, 369
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 370
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 371
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 372
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 373
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 374
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 375
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 376
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 377

(b) An existing or former law of this state, any other 378
state, or the United States that is substantially equivalent to 379
any of the offenses listed in division (A)(12)(a) of this 380
section. 381

(13) On receipt of a request pursuant to section 3796.12 382
of the Revised Code, a completed form prescribed pursuant to 383
division (C)(1) of this section, and a set of fingerprint 384

impressions obtained in a manner described in division (C) (2) of 385
this section, the superintendent of the bureau of criminal 386
identification and investigation shall conduct a criminal 387
records check in the manner described in division (B) of this 388
section to determine whether any information exists that 389
indicates that the person who is the subject of the request 390
previously has been convicted of or pleaded guilty to the 391
following: 392

(a) A disqualifying offense as specified in rules adopted 393
under division (B) (2) (b) of section 3796.03 of the Revised Code 394
if the person who is the subject of the request is an 395
administrator or other person responsible for the daily 396
operation of, or an owner or prospective owner, officer or 397
prospective officer, or board member or prospective board member 398
of, an entity seeking a license from the department of commerce 399
under Chapter 3796. of the Revised Code; 400

(b) A disqualifying offense as specified in rules adopted 401
under division (B) (2) (b) of section 3796.04 of the Revised Code 402
if the person who is the subject of the request is an 403
administrator or other person responsible for the daily 404
operation of, or an owner or prospective owner, officer or 405
prospective officer, or board member or prospective board member 406
of, an entity seeking a license from the state board of pharmacy 407
under Chapter 3796. of the Revised Code. 408

(14) On receipt of a request required by section 3796.13 409
of the Revised Code, a completed form prescribed pursuant to 410
division (C) (1) of this section, and a set of fingerprint 411
impressions obtained in a manner described in division (C) (2) of 412
this section, the superintendent of the bureau of criminal 413
identification and investigation shall conduct a criminal 414

records check in the manner described in division (B) of this 415
section to determine whether any information exists that 416
indicates that the person who is the subject of the request 417
previously has been convicted of or pleaded guilty to the 418
following: 419

(a) A disqualifying offense as specified in rules adopted 420
under division (B) (8) (a) of section 3796.03 of the Revised Code 421
if the person who is the subject of the request is seeking 422
employment with an entity licensed by the department of commerce 423
under Chapter 3796. of the Revised Code; 424

(b) A disqualifying offense as specified in rules adopted 425
under division (B) (14) (a) of section 3796.04 of the Revised Code 426
if the person who is the subject of the request is seeking 427
employment with an entity licensed by the state board of 428
pharmacy under Chapter 3796. of the Revised Code. 429

(15) On receipt of a request pursuant to section 4768.06 430
of the Revised Code, a completed form prescribed under division 431
(C) (1) of this section, and a set of fingerprint impressions 432
obtained in the manner described in division (C) (2) of this 433
section, the superintendent of the bureau of criminal 434
identification and investigation shall conduct a criminal 435
records check in the manner described in division (B) of this 436
section to determine whether any information exists indicating 437
that the person who is the subject of the request has been 438
convicted of or pleaded guilty to a felony in this state or in 439
any other state. 440

(B) Subject to division (F) of this section, the 441
superintendent shall conduct any criminal records check to be 442
conducted under this section as follows: 443

(1) The superintendent shall review or cause to be 444
reviewed any relevant information gathered and compiled by the 445
bureau under division (A) of section 109.57 of the Revised Code 446
that relates to the person who is the subject of the criminal 447
records check, including, if the criminal records check was 448
requested under section 113.041, 121.08, 173.27, 173.38, 449
173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 450
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 451
3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 452
4729.92, 4749.03, 4749.06, 4763.05, 4768.06, 5104.013, 5164.34, 453
5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of the 454
Revised Code, any relevant information contained in records that 455
have been sealed under section 2953.32 of the Revised Code; 456

(2) If the request received by the superintendent asks for 457
information from the federal bureau of investigation, the 458
superintendent shall request from the federal bureau of 459
investigation any information it has with respect to the person 460
who is the subject of the criminal records check, including 461
fingerprint-based checks of national crime information databases 462
as described in 42 U.S.C. 671 if the request is made pursuant to 463
section 2151.86 or 5104.013 of the Revised Code or if any other 464
Revised Code section requires fingerprint-based checks of that 465
nature, and shall review or cause to be reviewed any information 466
the superintendent receives from that bureau. If a request under 467
section 3319.39 of the Revised Code asks only for information 468
from the federal bureau of investigation, the superintendent 469
shall not conduct the review prescribed by division (B)(1) of 470
this section. 471

(3) The superintendent or the superintendent's designee 472
may request criminal history records from other states or the 473
federal government pursuant to the national crime prevention and 474

privacy compact set forth in section 109.571 of the Revised 475
Code. 476

(4) The superintendent shall include in the results of the 477
criminal records check a list or description of the offenses 478
listed or described in division (A)(1), (2), (3), (4), (5), (6), 479
(7), (8), (9), (10), (11), (12), (13), (14), or (15) of this 480
section, whichever division requires the superintendent to 481
conduct the criminal records check. The superintendent shall 482
exclude from the results any information the dissemination of 483
which is prohibited by federal law. 484

(5) The superintendent shall send the results of the 485
criminal records check to the person to whom it is to be sent 486
not later than the following number of days after the date the 487
superintendent receives the request for the criminal records 488
check, the completed form prescribed under division (C)(1) of 489
this section, and the set of fingerprint impressions obtained in 490
the manner described in division (C)(2) of this section: 491

(a) If the superintendent is required by division (A) of 492
this section (other than division (A)(3) of this section) to 493
conduct the criminal records check, thirty; 494

(b) If the superintendent is required by division (A)(3) 495
of this section to conduct the criminal records check, sixty. 496

(C)(1) The superintendent shall prescribe a form to obtain 497
the information necessary to conduct a criminal records check 498
from any person for whom a criminal records check is to be 499
conducted under this section. The form that the superintendent 500
prescribes pursuant to this division may be in a tangible 501
format, in an electronic format, or in both tangible and 502
electronic formats. 503

(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is to be conducted under this section. Any person for whom a records check is to be conducted under this section shall obtain the fingerprint impressions at a county sheriff's office, municipal police department, or any other entity with the ability to make fingerprint impressions on the standard impression sheets prescribed by the superintendent. The office, department, or entity may charge the person a reasonable fee for making the impressions. The standard impression sheets the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(3) Subject to division (D) of this section, the superintendent shall prescribe and charge a reasonable fee for providing a criminal records check under this section. The person requesting the criminal records check shall pay the fee prescribed pursuant to this division. In the case of a request under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the fee shall be paid in the manner specified in that section.

(4) The superintendent of the bureau of criminal identification and investigation may prescribe methods of forwarding fingerprint impressions and information necessary to conduct a criminal records check, which methods shall include, but not be limited to, an electronic method.

(D) The results of a criminal records check conducted under this section, other than a criminal records check specified in division (A) (7) of this section, are valid for the person who is the subject of the criminal records check for a

period of one year from the date upon which the superintendent 534
completes the criminal records check. If during that period the 535
superintendent receives another request for a criminal records 536
check to be conducted under this section for that person, the 537
superintendent shall provide the results from the previous 538
criminal records check of the person at a lower fee than the fee 539
prescribed for the initial criminal records check. 540

(E) When the superintendent receives a request for 541
information from a registered private provider, the 542
superintendent shall proceed as if the request was received from 543
a school district board of education under section 3319.39 of 544
the Revised Code. The superintendent shall apply division (A)(1) 545
(c) of this section to any such request for an applicant who is 546
a teacher. 547

(F)(1) Subject to division (F)(2) of this section, all 548
information regarding the results of a criminal records check 549
conducted under this section that the superintendent reports or 550
sends under division (A)(7) or (9) of this section to the 551
director of public safety, the treasurer of state, or the 552
person, board, or entity that made the request for the criminal 553
records check shall relate to the conviction of the subject 554
person, or the subject person's plea of guilty to, a criminal 555
offense. 556

(2) Division (F)(1) of this section does not limit, 557
restrict, or preclude the superintendent's release of 558
information that relates to the arrest of a person who is 559
eighteen years of age or older, to an adjudication of a child as 560
a delinquent child, or to a criminal conviction of a person 561
under eighteen years of age in circumstances in which a release 562
of that nature is authorized under division (E)(2), (3), or (4) 563

of section 109.57 of the Revised Code pursuant to a rule adopted 564
under division (E) (1) of that section. 565

(G) As used in this section: 566

(1) "Criminal records check" means any criminal records 567
check conducted by the superintendent of the bureau of criminal 568
identification and investigation in accordance with division (B) 569
of this section. 570

(2) "Minor drug possession offense" has the same meaning 571
as in section 2925.01 of the Revised Code. 572

(3) "OVI or OVUAC violation" means a violation of section 573
4511.19 of the Revised Code or a violation of an existing or 574
former law of this state, any other state, or the United States 575
that is substantially equivalent to section 4511.19 of the 576
Revised Code. 577

(4) "Registered private provider" means a nonpublic school 578
or entity registered with the superintendent of public 579
instruction under section 3310.41 of the Revised Code to 580
participate in the autism scholarship program or section 3310.58 581
of the Revised Code to participate in the Jon Peterson special 582
needs scholarship program. 583

Sec. 109.71. There is hereby created in the office of the 584
attorney general the Ohio peace officer training commission. The 585
commission shall consist of nine members appointed by the 586
governor with the advice and consent of the senate and selected 587
as follows: one member representing the public; two members who 588
are incumbent sheriffs; two members who are incumbent chiefs of 589
police; one member from the bureau of criminal identification 590
and investigation; one member from the state highway patrol; one 591
member who is the special agent in charge of a field office of 592

the federal bureau of investigation in this state; and one 593
member from the department of education, trade and industrial 594
education services, law enforcement training. 595

This section does not confer any arrest authority or any 596
ability or authority to detain a person, write or issue any 597
citation, or provide any disposition alternative, as granted 598
under Chapter 2935. of the Revised Code. 599

Pursuant to division (A) (9) of section 101.82 of the 600
Revised Code, the commission is exempt from the requirements of 601
sections 101.82 to 101.87 of the Revised Code. 602

As used in sections 109.71 to 109.801 of the Revised Code: 603

(A) "Peace officer" means: 604

(1) A deputy sheriff, marshal, deputy marshal, member of 605
the organized police department of a township or municipal 606
corporation, member of a township police district or joint 607
police district police force, member of a police force employed 608
by a metropolitan housing authority under division (D) of 609
section 3735.31 of the Revised Code, or township constable, who 610
is commissioned and employed as a peace officer by a political 611
subdivision of this state or by a metropolitan housing 612
authority, and whose primary duties are to preserve the peace, 613
to protect life and property, and to enforce the laws of this 614
state, ordinances of a municipal corporation, resolutions of a 615
township, or regulations of a board of county commissioners or 616
board of township trustees, or any of those laws, ordinances, 617
resolutions, or regulations; 618

(2) A police officer who is employed by a railroad company 619
and appointed and commissioned by the secretary of state 620
pursuant to sections 4973.17 to 4973.22 of the Revised Code; 621

(3) Employees of the department of taxation engaged in the 622
enforcement of Chapter 5743. of the Revised Code and designated 623
by the tax commissioner for peace officer training for purposes 624
of the delegation of investigation powers under section 5743.45 625
of the Revised Code; 626

(4) An undercover drug agent; 627

(5) Enforcement agents of the department of public safety 628
whom the director of public safety designates under section 629
5502.14 of the Revised Code; 630

(6) An employee of the department of natural resources who 631
is a natural resources law enforcement staff officer designated 632
pursuant to section 1501.013, a natural resources officer 633
appointed pursuant to section 1501.24, a forest-fire 634
investigator appointed pursuant to section 1503.09, or a 635
wildlife officer designated pursuant to section 1531.13 of the 636
Revised Code; 637

(7) An employee of a park district who is designated 638
pursuant to section 511.232 or 1545.13 of the Revised Code; 639

(8) An employee of a conservancy district who is 640
designated pursuant to section 6101.75 of the Revised Code; 641

(9) A police officer who is employed by a hospital that 642
employs and maintains its own proprietary police department or 643
security department, and who is appointed and commissioned by 644
the secretary of state pursuant to sections 4973.17 to 4973.22 645
of the Revised Code; 646

(10) Veterans' homes police officers designated under 647
section 5907.02 of the Revised Code; 648

(11) A police officer who is employed by a qualified 649

nonprofit corporation police department pursuant to section 650
1702.80 of the Revised Code; 651

(12) A state university law enforcement officer appointed 652
under section 3345.04 of the Revised Code or a person serving as 653
a state university law enforcement officer on a permanent basis 654
on June 19, 1978, who has been awarded a certificate by the 655
executive director of the Ohio peace officer training commission 656
attesting to the person's satisfactory completion of an approved 657
state, county, municipal, or department of natural resources 658
peace officer basic training program; 659

(13) A special police officer employed by the department 660
of mental health and addiction services pursuant to section 661
5119.08 of the Revised Code or the department of developmental 662
disabilities pursuant to section 5123.13 of the Revised Code; 663

(14) A member of a campus police department appointed 664
under section 1713.50 of the Revised Code; 665

(15) A member of a police force employed by a regional 666
transit authority under division (Y) of section 306.35 of the 667
Revised Code; 668

(16) Investigators appointed by the auditor of state 669
pursuant to section 117.091 of the Revised Code and engaged in 670
the enforcement of Chapter 117. of the Revised Code; 671

(17) A special police officer designated by the 672
superintendent of the state highway patrol pursuant to section 673
5503.09 of the Revised Code or a person who was serving as a 674
special police officer pursuant to that section on a permanent 675
basis on October 21, 1997, and who has been awarded a 676
certificate by the executive director of the Ohio peace officer 677
training commission attesting to the person's satisfactory 678

completion of an approved state, county, municipal, or 679
department of natural resources peace officer basic training 680
program; 681

(18) A special police officer employed by a port authority 682
under section 4582.04 or 4582.28 of the Revised Code or a person 683
serving as a special police officer employed by a port authority 684
on a permanent basis on May 17, 2000, who has been awarded a 685
certificate by the executive director of the Ohio peace officer 686
training commission attesting to the person's satisfactory 687
completion of an approved state, county, municipal, or 688
department of natural resources peace officer basic training 689
program; 690

(19) A special police officer employed by a municipal 691
corporation who has been awarded a certificate by the executive 692
director of the Ohio peace officer training commission for 693
satisfactory completion of an approved peace officer basic 694
training program and who is employed on a permanent basis on or 695
after March 19, 2003, at a municipal airport, or other municipal 696
air navigation facility, that has scheduled operations, as 697
defined in section 119.3 of Title 14 of the Code of Federal 698
Regulations, 14 C.F.R. 119.3, as amended, and that is required 699
to be under a security program and is governed by aviation 700
security rules of the transportation security administration of 701
the United States department of transportation as provided in 702
Parts 1542. and 1544. of Title 49 of the Code of Federal 703
Regulations, as amended; 704

(20) A police officer who is employed by an owner or 705
operator of an amusement park that has an average yearly 706
attendance in excess of six hundred thousand guests and that 707
employs and maintains its own proprietary police department or 708

security department, and who is appointed and commissioned by a 709
judge of the appropriate municipal court or county court 710
pursuant to section 4973.17 of the Revised Code; 711

(21) A police officer who is employed by a bank, savings 712
and loan association, savings bank, credit union, or association 713
of banks, savings and loan associations, savings banks, or 714
credit unions, who has been appointed and commissioned by the 715
secretary of state pursuant to sections 4973.17 to 4973.22 of 716
the Revised Code, and who has been awarded a certificate by the 717
executive director of the Ohio peace officer training commission 718
attesting to the person's satisfactory completion of a state, 719
county, municipal, or department of natural resources peace 720
officer basic training program; 721

(22) An investigator, as defined in section 109.541 of the 722
Revised Code, of the bureau of criminal identification and 723
investigation who is commissioned by the superintendent of the 724
bureau as a special agent for the purpose of assisting law 725
enforcement officers or providing emergency assistance to peace 726
officers pursuant to authority granted under that section; 727

(23) A state fire marshal law enforcement officer 728
appointed under section 3737.22 of the Revised Code or a person 729
serving as a state fire marshal law enforcement officer on a 730
permanent basis on or after July 1, 1982, who has been awarded a 731
certificate by the executive director of the Ohio peace officer 732
training commission attesting to the person's satisfactory 733
completion of an approved state, county, municipal, or 734
department of natural resources peace officer basic training 735
program; 736

(24) A gaming agent employed under section 3772.03 of the 737
Revised Code; 738

(25) An employee of the state board of pharmacy designated 739
by the executive director of the board pursuant to section 740
4729.04 of the Revised Code to investigate violations of 741
Chapters 2925., 3715., 3719., 3796., 4729., and 4752. of the 742
Revised Code and rules adopted thereunder. 743

(B) "Undercover drug agent" has the same meaning as in 744
division (B) (2) of section 109.79 of the Revised Code. 745

(C) "Crisis intervention training" means training in the 746
use of interpersonal and communication skills to most 747
effectively and sensitively interview victims of rape. 748

(D) "Missing children" has the same meaning as in section 749
2901.30 of the Revised Code. 750

(E) "Tactical medical professional" means an EMT, EMT- 751
basic, AEMT, EMT-I, paramedic, nurse, or physician who is 752
trained and certified in a nationally recognized tactical 753
medical training program that is equivalent to "tactical combat 754
casualty care" (TCCC) and "tactical emergency medical support" 755
(TEMS) and who functions in the tactical or austere environment 756
while attached to a law enforcement agency of either this state 757
or a political subdivision of this state. 758

(F) "EMT-basic," "EMT-I," and "paramedic" have the same 759
meanings as in section 4765.01 of the Revised Code and "EMT" and 760
"AEMT" have the same meanings as in section 4765.011 of the 761
Revised Code. 762

(G) "Nurse" means any of the following: 763

(1) Any person who is licensed to practice nursing as a 764
registered nurse by the board of nursing; 765

(2) Any certified nurse practitioner, clinical nurse 766

specialist, certified registered nurse anesthetist, or certified 767
nurse-midwife who holds a certificate of authority issued by the 768
board of nursing under Chapter 4723. of the Revised Code; 769

(3) Any person who is licensed to practice nursing as a 770
licensed practical nurse by the board of nursing pursuant to 771
Chapter 4723. of the Revised Code. 772

(H) "Physician" means a person who is licensed pursuant to 773
Chapter 4731. of the Revised Code to practice medicine and 774
surgery or osteopathic medicine and surgery. 775

Sec. 119.03. In the adoption, amendment, or rescission of 776
any rule, an agency shall comply with the following procedure: 777

(A) Reasonable public notice shall be given in the 778
register of Ohio at least thirty days prior to the date set for 779
a hearing, in the form the agency determines. The agency shall 780
file copies of the public notice under division (B) of this 781
section. (The agency gives public notice in the register of Ohio 782
when the public notice is published in the register under that 783
division.) 784

The public notice shall include: 785

(1) A statement of the agency's intention to consider 786
adopting, amending, or rescinding a rule; 787

(2) A synopsis of the proposed rule, amendment, or rule to 788
be rescinded or a general statement of the subject matter to 789
which the proposed rule, amendment, or rescission relates; 790

(3) A statement of the reason or purpose for adopting, 791
amending, or rescinding the rule; 792

(4) The date, time, and place of a hearing on the proposed 793
action, which shall be not earlier than the thirty-first nor 794

later than the fortieth day after the proposed rule, amendment, 795
or rescission is filed under division (B) of this section. 796

In addition to public notice given in the register of 797
Ohio, the agency may give whatever other notice it reasonably 798
considers necessary to ensure notice constructively is given to 799
all persons who are subject to or affected by the proposed rule, 800
amendment, or rescission. 801

The agency shall provide a copy of the public notice 802
required under division (A) of this section to any person who 803
requests it and pays a reasonable fee, not to exceed the cost of 804
copying and mailing. 805

(B) The full text of the proposed rule, amendment, or rule 806
to be rescinded, accompanied by the public notice required under 807
division (A) of this section, shall be filed in electronic form 808
with the secretary of state and with the director of the 809
legislative service commission. (If in compliance with this 810
division an agency files more than one proposed rule, amendment, 811
or rescission at the same time, and has prepared a public notice 812
under division (A) of this section that applies to more than one 813
of the proposed rules, amendments, or rescissions, the agency 814
shall file only one notice with the secretary of state and with 815
the director for all of the proposed rules, amendments, or 816
rescissions to which the notice applies.) The proposed rule, 817
amendment, or rescission and public notice shall be filed as 818
required by this division at least sixty-five days prior to the 819
date on which the agency, in accordance with division (E) of 820
this section, issues an order adopting the proposed rule, 821
amendment, or rescission. 822

If the proposed rule, amendment, or rescission 823
incorporates a text or other material by reference, the agency 824

shall comply with sections 121.71 to 121.76 of the Revised Code. 825

The proposed rule, amendment, or rescission shall be 826
available for at least thirty days prior to the date of the 827
hearing at the office of the agency in printed or other legible 828
form without charge to any person affected by the proposal. 829
Failure to furnish such text to any person requesting it shall 830
not invalidate any action of the agency in connection therewith. 831

If the agency files a revision in the text of the proposed 832
rule, amendment, or rescission, it shall also promptly file the 833
full text of the proposed rule, amendment, or rescission in its 834
revised form in electronic form with the secretary of state and 835
with the director of the legislative service commission. 836

The agency shall file the rule summary and fiscal analysis 837
prepared under section 127.18 of the Revised Code in electronic 838
form along with a proposed rule, amendment, or rescission or 839
proposed rule, amendment, or rescission in revised form that is 840
filed with the secretary of state or the director of the 841
legislative service commission. 842

The agency shall file the hearing report relating to a 843
proposed rule, amendment, or rescission in electronic form with 844
the secretary of state and the director of the legislative 845
service commission at the same time the agency files the hearing 846
report with the joint committee on agency rule review. 847

The director of the legislative service commission shall 848
publish in the register of Ohio the full text of the original 849
and each revised version of a proposed rule, amendment, or 850
rescission; the full text of a public notice; the full text of a 851
rule summary and fiscal analysis; and the full text of a hearing 852
report that is filed with the director under this division. 853

(C) When an agency files a proposed rule, amendment, or 854
rescission under division (B) of this section, it also shall 855
file in electronic form with the joint committee on agency rule 856
review the full text of the proposed rule, amendment, or rule to 857
be rescinded in the same form and the public notice required 858
under division (A) of this section. (If in compliance with this 859
division an agency files more than one proposed rule, amendment, 860
or rescission at the same time, and has given a public notice 861
under division (A) of this section that applies to more than one 862
of the proposed rules, amendments, or rescissions, the agency 863
shall file only one notice with the joint committee for all of 864
the proposed rules, amendments, or rescissions to which the 865
notice applies.) The proposed rule, amendment, or rescission is 866
subject to legislative review and invalidation under sections 867
106.02, 106.021, and 106.022 of the Revised Code. If the agency 868
makes a revision in a proposed rule, amendment, or rescission 869
after it is filed with the joint committee, the agency promptly 870
shall file the full text of the proposed rule, amendment, or 871
rescission in its revised form in electronic form with the joint 872
committee. 873

An agency shall file the rule summary and fiscal analysis 874
prepared under section 127.18 of the Revised Code in electronic 875
form along with a proposed rule, amendment, or rescission, and 876
along with a proposed rule, amendment, or rescission in revised 877
form, that is filed under this division. 878

If a proposed rule, amendment, or rescission has an 879
adverse impact on businesses, the agency also shall file the 880
business impact analysis, any recommendations received from the 881
common sense initiative office, and the agency's memorandum of 882
response, if any, in electronic form along with the proposed 883
rule, amendment, or rescission, or along with the proposed rule, 884

amendment, or rescission in revised form, that is filed under 885
this division. 886

The agency shall file the hearing report in electronic 887
form with the joint committee before the joint committee holds 888
its public hearing on the proposed rule, amendment, or 889
rescission. The filing of a hearing report does not constitute a 890
revision of the proposed rule, amendment, or rescission to which 891
the hearing report relates. 892

If the proposed rule, amendment, or rescission requires 893
liability insurance, a bond, or any other financial 894
responsibility instrument as a condition of licensure, the 895
agency shall conduct a diligent search to determine if the 896
liability insurance, bond, or other financial responsibility 897
instrument is readily available in the amounts required as a 898
condition of licensure, and shall certify to the joint committee 899
that the search was conducted. 900

A proposed rule, amendment, or rescission that is subject 901
to legislative review under this division may not be adopted 902
under division (E) of this section or filed in final form under 903
section 119.04 of the Revised Code unless the proposed rule, 904
amendment, or rescission has been filed with the joint committee 905
on agency rule review under this division and the time for 906
legislative review of the proposed rule, amendment, or 907
rescission has expired without adoption of a concurrent 908
resolution to invalidate the proposed rule, amendment, or 909
rescission. 910

This division does not apply to: 911

(1) An emergency rule, amendment, or rescission; 912

(2) A proposed rule, amendment, or rescission that must be 913

adopted verbatim by an agency pursuant to federal law or rule, 914
to become effective within sixty days of adoption, in order to 915
continue the operation of a federally reimbursed program in this 916
state, so long as the proposed rule contains both of the 917
following: 918

(a) A statement that it is proposed for the purpose of 919
complying with a federal law or rule; 920

(b) A citation to the federal law or rule that requires 921
verbatim compliance. 922

(3) A proposed rule, amendment, or rescission that, as set 923
forth in section 3719.41 of the Revised Code, must be adopted by 924
the state board of pharmacy pursuant to federal law or rule, to 925
become effective within sixty days of adoption, so long as the 926
proposed rule contains a statement that it is proposed for the 927
purpose of complying with federal law or rule. 928

If a rule or amendment is exempt from legislative review 929
under division (C) (2) of this section, and if the federal law or 930
rule pursuant to which the rule or amendment was adopted 931
expires, is repealed or rescinded, or otherwise terminates, the 932
rule or amendment, or its rescission, is thereafter subject to 933
legislative review under division (C) of this section. 934

(D) On the date and at the time and place designated in 935
the notice, the agency shall conduct a public hearing at which 936
any person affected by the proposed action of the agency may 937
appear and be heard in person, by the person's attorney, or 938
both, may present the person's position, arguments, or 939
contentions, orally or in writing, offer and examine witnesses, 940
and present evidence tending to show that the proposed rule, 941
amendment, or rescission, if adopted or effectuated, will be 942

unreasonable or unlawful. An agency may permit persons affected 943
by the proposed rule, amendment, or rescission to present their 944
positions, arguments, or contentions in writing, not only at the 945
hearing, but also for a reasonable period before, after, or both 946
before and after the hearing. A person who presents a position 947
or arguments or contentions in writing before or after the 948
hearing is not required to appear at the hearing. 949

At the hearing, the testimony shall be recorded. Such 950
record shall be made at the expense of the agency. The agency is 951
required to transcribe a record that is not sight readable only 952
if a person requests transcription of all or part of the record 953
and agrees to reimburse the agency for the costs of the 954
transcription. An agency may require the person to pay in 955
advance all or part of the cost of the transcription. 956

In any hearing under this section the agency may 957
administer oaths or affirmations. 958

The agency shall consider the positions, arguments, or 959
contentions presented at, or before or after, the hearing. The 960
agency shall prepare a hearing summary of the positions, 961
arguments, or contentions, and of the issues raised by the 962
positions, arguments, or contentions. The agency then shall 963
prepare a hearing report explaining, with regard to each issue, 964
how it is reflected in the rule, amendment, or rescission. If an 965
issue is not reflected in the rule, amendment, or rescission, 966
the hearing report shall explain why the issue is not reflected. 967
The agency shall include the hearing summary in the hearing 968
report as an appendix thereto. And, in the hearing report, the 969
agency shall identify the proposed rule, amendment, or 970
rescission to which the hearing report relates. 971

(E) After divisions (A), (B), (C), and (D) of this section 972

have been complied with, and when the time for legislative 973
review under sections 106.02, 106.022, and 106.023 of the 974
Revised Code has expired without adoption of a concurrent 975
resolution to invalidate the proposed rule, amendment, or 976
rescission, the agency may issue an order adopting the proposed 977
rule or the proposed amendment or rescission of the rule, 978
consistent with the synopsis or general statement included in 979
the public notice. At that time the agency shall designate the 980
effective date of the rule, amendment, or rescission, which 981
shall not be earlier than the tenth day after the rule, 982
amendment, or rescission has been filed in its final form as 983
provided in section 119.04 of the Revised Code. 984

(F) Prior to the effective date of a rule, amendment, or 985
rescission, the agency shall make a reasonable effort to inform 986
those affected by the rule, amendment, or rescission and to have 987
available for distribution to those requesting it the full text 988
of the rule as adopted or as amended. 989

(G) (1) If the governor, upon the request of an agency, 990
determines that an emergency requires the immediate adoption, 991
amendment, or rescission of a rule, the governor shall issue an 992
order, the text of which shall be filed in electronic form with 993
the agency, the secretary of state, the director of the 994
legislative service commission, and the joint committee on 995
agency rule review, that the procedure prescribed by this 996
section with respect to the adoption, amendment, or rescission 997
of a specified rule is suspended. The agency may then adopt 998
immediately the emergency rule, amendment, or rescission and it 999
becomes effective on the date the rule, amendment, or 1000
rescission, in final form and in compliance with division (A) (2) 1001
of section 119.04 of the Revised Code, is filed in electronic 1002
form with the secretary of state, the director of the 1003

legislative service commission, and the joint committee on 1004
agency rule review. The director shall publish the full text of 1005
the emergency rule, amendment, or rescission in the register of 1006
Ohio. 1007

~~The~~ Except as provided in division (G) (2) of this section, 1008
the emergency rule, amendment, or rescission shall become 1009
invalid at the end of the one hundred twentieth day it is in 1010
effect. Prior to that date the agency may adopt the emergency 1011
rule, amendment, or rescission as a nonemergency rule, 1012
amendment, or rescission by complying with the procedure 1013
prescribed by this section for the adoption, amendment, and 1014
rescission of nonemergency rules. The agency shall not use the 1015
procedure of ~~this division~~ (G) (1) of this section to readopt the 1016
emergency rule, amendment, or rescission so that, upon the 1017
emergency rule, amendment, or rescission becoming invalid under 1018
~~this division~~ (G) (1) of this section, the emergency rule, 1019
amendment, or rescission will continue in effect without 1020
interruption for another one-hundred-twenty-day period, except 1021
when section 106.02 of the Revised Code prevents the agency from 1022
adopting the emergency rule, amendment, or rescission as a 1023
nonemergency rule, amendment, or rescission within the one- 1024
hundred-twenty-day period. 1025

~~This division~~ Division (G) (1) of this section does not 1026
apply to the adoption of any emergency rule, amendment, or 1027
rescission by the tax commissioner under division (C) (2) of 1028
section 5117.02 of the Revised Code. 1029

(2) An emergency rule or amendment adding a substance to a 1030
controlled substance schedule shall become invalid at the end of 1031
the one hundred eightieth day it is in effect. Prior to that 1032
date, the state board of pharmacy may adopt the emergency rule 1033

or amendment as a nonemergency rule or amendment by complying 1034
with the procedure prescribed by this section for adoption and 1035
amendment of nonemergency rules. The board shall not use the 1036
procedure of division (G) (1) of this section to readopt the 1037
emergency rule or amendment so that, upon the emergency rule or 1038
amendment becoming invalid under division (G) (2) of this 1039
section, the emergency rule or amendment will continue in effect 1040
beyond the one-hundred-eighty-day period. 1041

(H) Rules adopted by an authority within the department of 1042
job and family services for the administration or enforcement of 1043
Chapter 4141. of the Revised Code or of the department of 1044
taxation shall be effective without a hearing as provided by 1045
this section if the statutes pertaining to such agency 1046
specifically give a right of appeal to the board of tax appeals 1047
or to a higher authority within the agency or to a court, and 1048
also give the appellant a right to a hearing on such appeal. 1049
This division does not apply to the adoption of any rule, 1050
amendment, or rescission by the tax commissioner under division 1051
(C) (1) or (2) of section 5117.02 of the Revised Code, or deny 1052
the right to file an action for declaratory judgment as provided 1053
in Chapter 2721. of the Revised Code from the decision of the 1054
board of tax appeals or of the higher authority within such 1055
agency. 1056

Sec. 149.43. (A) As used in this section: 1057

(1) "Public record" means records kept by any public 1058
office, including, but not limited to, state, county, city, 1059
village, township, and school district units, and records 1060
pertaining to the delivery of educational services by an 1061
alternative school in this state kept by the nonprofit or for- 1062
profit entity operating the alternative school pursuant to 1063

section 3313.533 of the Revised Code. "Public record" does not 1064
mean any of the following: 1065

(a) Medical records; 1066

(b) Records pertaining to probation and parole proceedings 1067
or to proceedings related to the imposition of community control 1068
sanctions and post-release control sanctions; 1069

(c) Records pertaining to actions under section 2151.85 1070
and division (C) of section 2919.121 of the Revised Code and to 1071
appeals of actions arising under those sections; 1072

(d) Records pertaining to adoption proceedings, including 1073
the contents of an adoption file maintained by the department of 1074
health under sections 3705.12 to 3705.124 of the Revised Code; 1075

(e) Information in a record contained in the putative 1076
father registry established by section 3107.062 of the Revised 1077
Code, regardless of whether the information is held by the 1078
department of job and family services or, pursuant to section 1079
3111.69 of the Revised Code, the office of child support in the 1080
department or a child support enforcement agency; 1081

(f) Records specified in division (A) of section 3107.52 1082
of the Revised Code; 1083

(g) Trial preparation records; 1084

(h) Confidential law enforcement investigatory records; 1085

(i) Records containing information that is confidential 1086
under section 2710.03 or 4112.05 of the Revised Code; 1087

(j) DNA records stored in the DNA database pursuant to 1088
section 109.573 of the Revised Code; 1089

(k) Inmate records released by the department of 1090

rehabilitation and correction to the department of youth 1091
services or a court of record pursuant to division (E) of 1092
section 5120.21 of the Revised Code; 1093

(l) Records maintained by the department of youth services 1094
pertaining to children in its custody released by the department 1095
of youth services to the department of rehabilitation and 1096
correction pursuant to section 5139.05 of the Revised Code; 1097

(m) Intellectual property records; 1098

(n) Donor profile records; 1099

(o) Records maintained by the department of job and family 1100
services pursuant to section 3121.894 of the Revised Code; 1101

(p) Peace officer, parole officer, probation officer, 1102
bailiff, prosecuting attorney, assistant prosecuting attorney, 1103
correctional employee, community-based correctional facility 1104
employee, youth services employee, firefighter, EMT, medical 1105
director or member of a cooperating physician advisory board of 1106
an emergency medical service organization, state board of 1107
pharmacy employee, investigator of the bureau of criminal 1108
identification and investigation, or federal law enforcement 1109
officer residential and familial information; 1110

(q) In the case of a county hospital operated pursuant to 1111
Chapter 339. of the Revised Code or a municipal hospital 1112
operated pursuant to Chapter 749. of the Revised Code, 1113
information that constitutes a trade secret, as defined in 1114
section 1333.61 of the Revised Code; 1115

(r) Information pertaining to the recreational activities 1116
of a person under the age of eighteen; 1117

(s) In the case of a child fatality review board acting 1118

under sections 307.621 to 307.629 of the Revised Code or a 1119
review conducted pursuant to guidelines established by the 1120
director of health under section 3701.70 of the Revised Code, 1121
records provided to the board or director, statements made by 1122
board members during meetings of the board or by persons 1123
participating in the director's review, and all work products of 1124
the board or director, and in the case of a child fatality 1125
review board, child fatality review data submitted by the board 1126
to the department of health or a national child death review 1127
database, other than the report prepared pursuant to division 1128
(A) of section 307.626 of the Revised Code; 1129

(t) Records provided to and statements made by the 1130
executive director of a public children services agency or a 1131
prosecuting attorney acting pursuant to section 5153.171 of the 1132
Revised Code other than the information released under that 1133
section; 1134

(u) Test materials, examinations, or evaluation tools used 1135
in an examination for licensure as a nursing home administrator 1136
that the board of executives of long-term services and supports 1137
administers under section 4751.04 of the Revised Code or 1138
contracts under that section with a private or government entity 1139
to administer; 1140

(v) Records the release of which is prohibited by state or 1141
federal law; 1142

(w) Proprietary information of or relating to any person 1143
that is submitted to or compiled by the Ohio venture capital 1144
authority created under section 150.01 of the Revised Code; 1145

(x) Financial statements and data any person submits for 1146
any purpose to the Ohio housing finance agency or the 1147

controlling board in connection with applying for, receiving, or 1148
accounting for financial assistance from the agency, and 1149
information that identifies any individual who benefits directly 1150
or indirectly from financial assistance from the agency; 1151

(y) Records listed in section 5101.29 of the Revised Code; 1152

(z) Discharges recorded with a county recorder under 1153
section 317.24 of the Revised Code, as specified in division (B) 1154
(2) of that section; 1155

(aa) Usage information including names and addresses of 1156
specific residential and commercial customers of a municipally 1157
owned or operated public utility; 1158

(bb) Records described in division (C) of section 187.04 1159
of the Revised Code that are not designated to be made available 1160
to the public as provided in that division; 1161

(cc) Information and records that are made confidential, 1162
privileged, and not subject to disclosure under divisions (B) 1163
and (C) of section 2949.221 of the Revised Code; 1164

(dd) Personal information, as defined in section 149.45 of 1165
the Revised Code; 1166

(ee) The confidential name, address, and other personally 1167
identifiable information of a program participant in the address 1168
confidentiality program established under sections 111.41 to 1169
111.47 of the Revised Code, including the contents of any 1170
application for absent voter's ballots, absent voter's ballot 1171
identification envelope statement of voter, or provisional 1172
ballot affirmation completed by a program participant who has a 1173
confidential voter registration record, and records or portions 1174
of records pertaining to that program that identify the number 1175
of program participants that reside within a precinct, ward, 1176

township, municipal corporation, county, or any other geographic 1177
area smaller than the state. As used in this division, 1178
"confidential address" and "program participant" have the 1179
meaning defined in section 111.41 of the Revised Code. 1180

(ff) Orders for active military service of an individual 1181
serving or with previous service in the armed forces of the 1182
United States, including a reserve component, or the Ohio 1183
organized militia, except that, such order becomes a public 1184
record on the day that is fifteen years after the published date 1185
or effective date of the call to order; 1186

(gg) The name, address, contact information, or other 1187
personal information of an individual who is less than eighteen 1188
years of age that is included in any record related to a traffic 1189
accident involving a school vehicle in which the individual was 1190
an occupant at the time of the accident; 1191

(hh) Protected health information, as defined in 45 C.F.R. 1192
160.103, that is in a claim for payment for a health care 1193
product, service, or procedure, as well as any other health 1194
claims data in another document that reveals the identity of an 1195
individual who is the subject of the data or could be used to 1196
reveal that individual's identity. 1197

(2) "Confidential law enforcement investigatory record" 1198
means any record that pertains to a law enforcement matter of a 1199
criminal, quasi-criminal, civil, or administrative nature, but 1200
only to the extent that the release of the record would create a 1201
high probability of disclosure of any of the following: 1202

(a) The identity of a suspect who has not been charged 1203
with the offense to which the record pertains, or of an 1204
information source or witness to whom confidentiality has been 1205

reasonably promised; 1206

(b) Information provided by an information source or 1207
witness to whom confidentiality has been reasonably promised, 1208
which information would reasonably tend to disclose the source's 1209
or witness's identity; 1210

(c) Specific confidential investigatory techniques or 1211
procedures or specific investigatory work product; 1212

(d) Information that would endanger the life or physical 1213
safety of law enforcement personnel, a crime victim, a witness, 1214
or a confidential information source. 1215

(3) "Medical record" means any document or combination of 1216
documents, except births, deaths, and the fact of admission to 1217
or discharge from a hospital, that pertains to the medical 1218
history, diagnosis, prognosis, or medical condition of a patient 1219
and that is generated and maintained in the process of medical 1220
treatment. 1221

(4) "Trial preparation record" means any record that 1222
contains information that is specifically compiled in reasonable 1223
anticipation of, or in defense of, a civil or criminal action or 1224
proceeding, including the independent thought processes and 1225
personal trial preparation of an attorney. 1226

(5) "Intellectual property record" means a record, other 1227
than a financial or administrative record, that is produced or 1228
collected by or for faculty or staff of a state institution of 1229
higher learning in the conduct of or as a result of study or 1230
research on an educational, commercial, scientific, artistic, 1231
technical, or scholarly issue, regardless of whether the study 1232
or research was sponsored by the institution alone or in 1233
conjunction with a governmental body or private concern, and 1234

that has not been publicly released, published, or patented. 1235

(6) "Donor profile record" means all records about donors 1236
or potential donors to a public institution of higher education 1237
except the names and reported addresses of the actual donors and 1238
the date, amount, and conditions of the actual donation. 1239

(7) "Peace officer, parole officer, probation officer, 1240
bailiff, prosecuting attorney, assistant prosecuting attorney, 1241
correctional employee, community-based correctional facility 1242
employee, youth services employee, firefighter, EMT, medical 1243
director or member of a cooperating physician advisory board of 1244
an emergency medical service organization, state board of 1245
pharmacy employee, investigator of the bureau of criminal 1246
identification and investigation, or federal law enforcement 1247
officer residential and familial information" means any 1248
information that discloses any of the following about a peace 1249
officer, parole officer, probation officer, bailiff, prosecuting 1250
attorney, assistant prosecuting attorney, correctional employee, 1251
community-based correctional facility employee, youth services 1252
employee, firefighter, EMT, medical director or member of a 1253
cooperating physician advisory board of an emergency medical 1254
service organization, state board of pharmacy employee, 1255
investigator of the bureau of criminal identification and 1256
investigation, or federal law enforcement officer: 1257

(a) The address of the actual personal residence of a 1258
peace officer, parole officer, probation officer, bailiff, 1259
assistant prosecuting attorney, correctional employee, 1260
community-based correctional facility employee, youth services 1261
employee, firefighter, EMT, medical director or member of a 1262
cooperating physician advisory board of an emergency medical 1263
service organization, state board of pharmacy employee, an 1264

investigator of the bureau of criminal identification and 1265
investigation, or federal law enforcement officer, except for 1266
the state or political subdivision in which the peace officer, 1267
parole officer, probation officer, bailiff, assistant 1268
prosecuting attorney, correctional employee, community-based 1269
correctional facility employee, youth services employee, 1270
firefighter, EMT, medical director or member of a cooperating 1271
physician advisory board of an emergency medical service 1272
organization, state board of pharmacy employee, investigator of 1273
the bureau of criminal identification and investigation, or 1274
federal law enforcement officer resides; 1275

(b) Information compiled from referral to or participation 1276
in an employee assistance program; 1277

(c) The social security number, the residential telephone 1278
number, any bank account, debit card, charge card, or credit 1279
card number, or the emergency telephone number of, or any 1280
medical information pertaining to, a peace officer, parole 1281
officer, probation officer, bailiff, prosecuting attorney, 1282
assistant prosecuting attorney, correctional employee, 1283
community-based correctional facility employee, youth services 1284
employee, firefighter, EMT, medical director or member of a 1285
cooperating physician advisory board of an emergency medical 1286
service organization, state board of pharmacy employee, 1287
investigator of the bureau of criminal identification and 1288
investigation, or federal law enforcement officer; 1289

(d) The name of any beneficiary of employment benefits, 1290
including, but not limited to, life insurance benefits, provided 1291
to a peace officer, parole officer, probation officer, bailiff, 1292
prosecuting attorney, assistant prosecuting attorney, 1293
correctional employee, community-based correctional facility 1294

employee, youth services employee, firefighter, EMT, medical 1295
director or member of a cooperating physician advisory board of 1296
an emergency medical service organization, state board of 1297
pharmacy employee, investigator of the bureau of criminal 1298
identification and investigation, or federal law enforcement 1299
officer by the peace officer's, parole officer's, probation 1300
officer's, bailiff's, prosecuting attorney's, assistant 1301
prosecuting attorney's, correctional employee's, community-based 1302
correctional facility employee's, youth services employee's, 1303
firefighter's, EMT's, medical director or member of a 1304
cooperating physician advisory board of an emergency medical 1305
service organization's, state board of pharmacy employee's, 1306
investigator of the bureau of criminal identification and 1307
investigation's, or federal law enforcement officer's employer; 1308

(e) The identity and amount of any charitable or 1309
employment benefit deduction made by the peace officer's, parole 1310
officer's, probation officer's, bailiff's, prosecuting 1311
attorney's, assistant prosecuting attorney's, correctional 1312
employee's, community-based correctional facility employee's, 1313
youth services employee's, firefighter's, EMT's, medical 1314
director or member of a cooperating physician advisory board of 1315
an emergency medical service organization's, state board of 1316
pharmacy employee's, investigator of the bureau of criminal 1317
identification and investigation's, or federal law enforcement 1318
officer's employer from the peace officer's, parole officer's, 1319
probation officer's, bailiff's, prosecuting attorney's, 1320
assistant prosecuting attorney's, correctional employee's, 1321
community-based correctional facility employee's, youth services 1322
employee's, firefighter's, EMT's, medical director or member of 1323
a cooperating physician advisory board of an emergency medical 1324
service organization's, state board of pharmacy employee's, 1325

investigator of the bureau of criminal identification and 1326
investigation's, or federal law enforcement officer's 1327
compensation unless the amount of the deduction is required by 1328
state or federal law; 1329

(f) The name, the residential address, the name of the 1330
employer, the address of the employer, the social security 1331
number, the residential telephone number, any bank account, 1332
debit card, charge card, or credit card number, or the emergency 1333
telephone number of the spouse, a former spouse, or any child of 1334
a peace officer, parole officer, probation officer, bailiff, 1335
prosecuting attorney, assistant prosecuting attorney, 1336
correctional employee, community-based correctional facility 1337
employee, youth services employee, firefighter, EMT, medical 1338
director or member of a cooperating physician advisory board of 1339
an emergency medical service organization, state board of 1340
pharmacy employee, investigator of the bureau of criminal 1341
identification and investigation, or federal law enforcement 1342
officer; 1343

(g) A photograph of a peace officer who holds a position 1344
or has an assignment that may include undercover or plain 1345
clothes positions or assignments as determined by the peace 1346
officer's appointing authority. 1347

As used in divisions (A)(7) and (B)(9) of this section, 1348
"peace officer" has the same meaning as in section 109.71 of the 1349
Revised Code and also includes the superintendent and troopers 1350
of the state highway patrol; it does not include the sheriff of 1351
a county or a supervisory employee who, in the absence of the 1352
sheriff, is authorized to stand in for, exercise the authority 1353
of, and perform the duties of the sheriff. 1354

As used in divisions (A)(7) and (B)(9) of this section, 1355

"correctional employee" means any employee of the department of rehabilitation and correction who in the course of performing the employee's job duties has or has had contact with inmates and persons under supervision.

As used in divisions (A) (7) and (B) (9) of this section, "youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

As used in divisions (A) (7) and (B) (9) of this section, "firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

As used in divisions (A) (7) and (B) (9) of this section, "EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code.

As used in divisions (A) (7) and (B) (9) of this section, "investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code.

As used in divisions (A) (7) and (B) (9) of this section, "federal law enforcement officer" has the meaning defined in section 9.88 of the Revised Code.

(8) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that

pertains to the recreational activities of a person under the 1385
age of eighteen years, and that discloses any of the following: 1386

(a) The address or telephone number of a person under the 1387
age of eighteen or the address or telephone number of that 1388
person's parent, guardian, custodian, or emergency contact 1389
person; 1390

(b) The social security number, birth date, or 1391
photographic image of a person under the age of eighteen; 1392

(c) Any medical record, history, or information pertaining 1393
to a person under the age of eighteen; 1394

(d) Any additional information sought or required about a 1395
person under the age of eighteen for the purpose of allowing 1396
that person to participate in any recreational activity 1397
conducted or sponsored by a public office or to use or obtain 1398
admission privileges to any recreational facility owned or 1399
operated by a public office. 1400

(9) "Community control sanction" has the same meaning as 1401
in section 2929.01 of the Revised Code. 1402

(10) "Post-release control sanction" has the same meaning 1403
as in section 2967.01 of the Revised Code. 1404

(11) "Redaction" means obscuring or deleting any 1405
information that is exempt from the duty to permit public 1406
inspection or copying from an item that otherwise meets the 1407
definition of a "record" in section 149.011 of the Revised Code. 1408

(12) "Designee," "elected official," and "future official" 1409
have the same meanings as in section 109.43 of the Revised Code. 1410

(B) (1) Upon request and subject to division (B) (8) of this 1411
section, all public records responsive to the request shall be 1412

promptly prepared and made available for inspection to any 1413
person at all reasonable times during regular business hours. 1414
Subject to division (B) (8) of this section, upon request, a 1415
public office or person responsible for public records shall 1416
make copies of the requested public record available at cost and 1417
within a reasonable period of time. If a public record contains 1418
information that is exempt from the duty to permit public 1419
inspection or to copy the public record, the public office or 1420
the person responsible for the public record shall make 1421
available all of the information within the public record that 1422
is not exempt. When making that public record available for 1423
public inspection or copying that public record, the public 1424
office or the person responsible for the public record shall 1425
notify the requester of any redaction or make the redaction 1426
plainly visible. A redaction shall be deemed a denial of a 1427
request to inspect or copy the redacted information, except if 1428
federal or state law authorizes or requires a public office to 1429
make the redaction. 1430

(2) To facilitate broader access to public records, a 1431
public office or the person responsible for public records shall 1432
organize and maintain public records in a manner that they can 1433
be made available for inspection or copying in accordance with 1434
division (B) of this section. A public office also shall have 1435
available a copy of its current records retention schedule at a 1436
location readily available to the public. If a requester makes 1437
an ambiguous or overly broad request or has difficulty in making 1438
a request for copies or inspection of public records under this 1439
section such that the public office or the person responsible 1440
for the requested public record cannot reasonably identify what 1441
public records are being requested, the public office or the 1442
person responsible for the requested public record may deny the 1443

request but shall provide the requester with an opportunity to 1444
revise the request by informing the requester of the manner in 1445
which records are maintained by the public office and accessed 1446
in the ordinary course of the public office's or person's 1447
duties. 1448

(3) If a request is ultimately denied, in part or in 1449
whole, the public office or the person responsible for the 1450
requested public record shall provide the requester with an 1451
explanation, including legal authority, setting forth why the 1452
request was denied. If the initial request was provided in 1453
writing, the explanation also shall be provided to the requester 1454
in writing. The explanation shall not preclude the public office 1455
or the person responsible for the requested public record from 1456
relying upon additional reasons or legal authority in defending 1457
an action commenced under division (C) of this section. 1458

(4) Unless specifically required or authorized by state or 1459
federal law or in accordance with division (B) of this section, 1460
no public office or person responsible for public records may 1461
limit or condition the availability of public records by 1462
requiring disclosure of the requester's identity or the intended 1463
use of the requested public record. Any requirement that the 1464
requester disclose the requester's identity or the intended use 1465
of the requested public record constitutes a denial of the 1466
request. 1467

(5) A public office or person responsible for public 1468
records may ask a requester to make the request in writing, may 1469
ask for the requester's identity, and may inquire about the 1470
intended use of the information requested, but may do so only 1471
after disclosing to the requester that a written request is not 1472
mandatory and that the requester may decline to reveal the 1473

requester's identity or the intended use and when a written 1474
request or disclosure of the identity or intended use would 1475
benefit the requester by enhancing the ability of the public 1476
office or person responsible for public records to identify, 1477
locate, or deliver the public records sought by the requester. 1478

(6) If any person chooses to obtain a copy of a public 1479
record in accordance with division (B) of this section, the 1480
public office or person responsible for the public record may 1481
require that person to pay in advance the cost involved in 1482
providing the copy of the public record in accordance with the 1483
choice made by the person seeking the copy under this division. 1484
The public office or the person responsible for the public 1485
record shall permit that person to choose to have the public 1486
record duplicated upon paper, upon the same medium upon which 1487
the public office or person responsible for the public record 1488
keeps it, or upon any other medium upon which the public office 1489
or person responsible for the public record determines that it 1490
reasonably can be duplicated as an integral part of the normal 1491
operations of the public office or person responsible for the 1492
public record. When the person seeking the copy makes a choice 1493
under this division, the public office or person responsible for 1494
the public record shall provide a copy of it in accordance with 1495
the choice made by the person seeking the copy. Nothing in this 1496
section requires a public office or person responsible for the 1497
public record to allow the person seeking a copy of the public 1498
record to make the copies of the public record. 1499

(7) (a) Upon a request made in accordance with division (B) 1500
of this section and subject to division (B) (6) of this section, 1501
a public office or person responsible for public records shall 1502
transmit a copy of a public record to any person by United 1503
States mail or by any other means of delivery or transmission 1504

within a reasonable period of time after receiving the request 1505
for the copy. The public office or person responsible for the 1506
public record may require the person making the request to pay 1507
in advance the cost of postage if the copy is transmitted by 1508
United States mail or the cost of delivery if the copy is 1509
transmitted other than by United States mail, and to pay in 1510
advance the costs incurred for other supplies used in the 1511
mailing, delivery, or transmission. 1512

(b) Any public office may adopt a policy and procedures 1513
that it will follow in transmitting, within a reasonable period 1514
of time after receiving a request, copies of public records by 1515
United States mail or by any other means of delivery or 1516
transmission pursuant to division (B) (7) of this section. A 1517
public office that adopts a policy and procedures under division 1518
(B) (7) of this section shall comply with them in performing its 1519
duties under that division. 1520

(c) In any policy and procedures adopted under division 1521
(B) (7) of this section: 1522

(i) A public office may limit the number of records 1523
requested by a person that the office will physically deliver by 1524
United States mail or by another delivery service to ten per 1525
month, unless the person certifies to the office in writing that 1526
the person does not intend to use or forward the requested 1527
records, or the information contained in them, for commercial 1528
purposes; 1529

(ii) A public office that chooses to provide some or all 1530
of its public records on a web site that is fully accessible to 1531
and searchable by members of the public at all times, other than 1532
during acts of God outside the public office's control or 1533
maintenance, and that charges no fee to search, access, 1534

download, or otherwise receive records provided on the web site, 1535
may limit to ten per month the number of records requested by a 1536
person that the office will deliver in a digital format, unless 1537
the requested records are not provided on the web site and 1538
unless the person certifies to the office in writing that the 1539
person does not intend to use or forward the requested records, 1540
or the information contained in them, for commercial purposes. 1541

(iii) For purposes of division (B)(7) of this section, 1542
"commercial" shall be narrowly construed and does not include 1543
reporting or gathering news, reporting or gathering information 1544
to assist citizen oversight or understanding of the operation or 1545
activities of government, or nonprofit educational research. 1546

(8) A public office or person responsible for public 1547
records is not required to permit a person who is incarcerated 1548
pursuant to a criminal conviction or a juvenile adjudication to 1549
inspect or to obtain a copy of any public record concerning a 1550
criminal investigation or prosecution or concerning what would 1551
be a criminal investigation or prosecution if the subject of the 1552
investigation or prosecution were an adult, unless the request 1553
to inspect or to obtain a copy of the record is for the purpose 1554
of acquiring information that is subject to release as a public 1555
record under this section and the judge who imposed the sentence 1556
or made the adjudication with respect to the person, or the 1557
judge's successor in office, finds that the information sought 1558
in the public record is necessary to support what appears to be 1559
a justiciable claim of the person. 1560

(9) (a) Upon written request made and signed by a 1561
journalist on or after December 16, 1999, a public office, or 1562
person responsible for public records, having custody of the 1563
records of the agency employing a specified peace officer, 1564

parole officer, probation officer, bailiff, prosecuting 1565
attorney, assistant prosecuting attorney, correctional employee, 1566
community-based correctional facility employee, youth services 1567
employee, firefighter, EMT, medical director or member of a 1568
cooperating physician advisory board of an emergency medical 1569
service organization, state board of pharmacy employee, 1570
investigator of the bureau of criminal identification and 1571
investigation, or federal law enforcement officer shall disclose 1572
to the journalist the address of the actual personal residence 1573
of the peace officer, parole officer, probation officer, 1574
bailiff, prosecuting attorney, assistant prosecuting attorney, 1575
correctional employee, community-based correctional facility 1576
employee, youth services employee, firefighter, EMT, medical 1577
director or member of a cooperating physician advisory board of 1578
an emergency medical service organization, state board of 1579
pharmacy employee, investigator of the bureau of criminal 1580
identification and investigation, or federal law enforcement 1581
officer and, if the peace officer's, parole officer's, probation 1582
officer's, bailiff's, prosecuting attorney's, assistant 1583
prosecuting attorney's, correctional employee's, community-based 1584
correctional facility employee's, youth services employee's, 1585
firefighter's, EMT's, medical director or member of a 1586
cooperating physician advisory board of an emergency medical 1587
service organization's, state board of pharmacy employee's, 1588
investigator of the bureau of criminal identification and 1589
investigation's, or federal law enforcement officer's spouse, 1590
former spouse, or child is employed by a public office, the name 1591
and address of the employer of the peace officer's, parole 1592
officer's, probation officer's, bailiff's, prosecuting 1593
attorney's, assistant prosecuting attorney's, correctional 1594
employee's, community-based correctional facility employee's, 1595
youth services employee's, firefighter's, EMT's, medical 1596

director or member of a cooperating physician advisory board of 1597
an emergency medical service organization's, state board of 1598
pharmacy employee's, investigator of the bureau of criminal 1599
identification and investigation's, or federal law enforcement 1600
officer's spouse, former spouse, or child. The request shall 1601
include the journalist's name and title and the name and address 1602
of the journalist's employer and shall state that disclosure of 1603
the information sought would be in the public interest. 1604

(b) Division (B) (9) (a) of this section also applies to 1605
journalist requests for: 1606

(i) Customer information maintained by a municipally owned 1607
or operated public utility, other than social security numbers 1608
and any private financial information such as credit reports, 1609
payment methods, credit card numbers, and bank account 1610
information; 1611

(ii) Information about minors involved in a school vehicle 1612
accident as provided in division (A) (1) (gg) of this section, 1613
other than personal information as defined in section 149.45 of 1614
the Revised Code. 1615

(c) As used in division (B) (9) of this section, 1616
"journalist" means a person engaged in, connected with, or 1617
employed by any news medium, including a newspaper, magazine, 1618
press association, news agency, or wire service, a radio or 1619
television station, or a similar medium, for the purpose of 1620
gathering, processing, transmitting, compiling, editing, or 1621
disseminating information for the general public. 1622

(C) (1) If a person allegedly is aggrieved by the failure 1623
of a public office or the person responsible for public records 1624
to promptly prepare a public record and to make it available to 1625

the person for inspection in accordance with division (B) of 1626
this section or by any other failure of a public office or the 1627
person responsible for public records to comply with an 1628
obligation in accordance with division (B) of this section, the 1629
person allegedly aggrieved may do only one of the following, and 1630
not both: 1631

(a) File a complaint with the clerk of the court of claims 1632
or the clerk of the court of common pleas under section 2743.75 1633
of the Revised Code; 1634

(b) Commence a mandamus action to obtain a judgment that 1635
orders the public office or the person responsible for the 1636
public record to comply with division (B) of this section, that 1637
awards court costs and reasonable attorney's fees to the person 1638
that instituted the mandamus action, and, if applicable, that 1639
includes an order fixing statutory damages under division (C) (2) 1640
of this section. The mandamus action may be commenced in the 1641
court of common pleas of the county in which division (B) of 1642
this section allegedly was not complied with, in the supreme 1643
court pursuant to its original jurisdiction under Section 2 of 1644
Article IV, Ohio Constitution, or in the court of appeals for 1645
the appellate district in which division (B) of this section 1646
allegedly was not complied with pursuant to its original 1647
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1648

(2) If a requester transmits a written request by hand 1649
delivery, electronic submission, or certified mail to inspect or 1650
receive copies of any public record in a manner that fairly 1651
describes the public record or class of public records to the 1652
public office or person responsible for the requested public 1653
records, except as otherwise provided in this section, the 1654
requester shall be entitled to recover the amount of statutory 1655

damages set forth in this division if a court determines that 1656
the public office or the person responsible for public records 1657
failed to comply with an obligation in accordance with division 1658
(B) of this section. 1659

The amount of statutory damages shall be fixed at one 1660
hundred dollars for each business day during which the public 1661
office or person responsible for the requested public records 1662
failed to comply with an obligation in accordance with division 1663
(B) of this section, beginning with the day on which the 1664
requester files a mandamus action to recover statutory damages, 1665
up to a maximum of one thousand dollars. The award of statutory 1666
damages shall not be construed as a penalty, but as compensation 1667
for injury arising from lost use of the requested information. 1668
The existence of this injury shall be conclusively presumed. The 1669
award of statutory damages shall be in addition to all other 1670
remedies authorized by this section. 1671

The court may reduce an award of statutory damages or not 1672
award statutory damages if the court determines both of the 1673
following: 1674

(a) That, based on the ordinary application of statutory 1675
law and case law as it existed at the time of the conduct or 1676
threatened conduct of the public office or person responsible 1677
for the requested public records that allegedly constitutes a 1678
failure to comply with an obligation in accordance with division 1679
(B) of this section and that was the basis of the mandamus 1680
action, a well-informed public office or person responsible for 1681
the requested public records reasonably would believe that the 1682
conduct or threatened conduct of the public office or person 1683
responsible for the requested public records did not constitute 1684
a failure to comply with an obligation in accordance with 1685

division (B) of this section; 1686

(b) That a well-informed public office or person 1687
responsible for the requested public records reasonably would 1688
believe that the conduct or threatened conduct of the public 1689
office or person responsible for the requested public records 1690
would serve the public policy that underlies the authority that 1691
is asserted as permitting that conduct or threatened conduct. 1692

(3) In a mandamus action filed under division (C) (1) of 1693
this section, the following apply: 1694

(a) (i) If the court orders the public office or the person 1695
responsible for the public record to comply with division (B) of 1696
this section, the court shall determine and award to the relator 1697
all court costs, which shall be construed as remedial and not 1698
punitive. 1699

(ii) If the court makes a determination described in 1700
division (C) (3) (b) (iii) of this section, the court shall 1701
determine and award to the relator all court costs, which shall 1702
be construed as remedial and not punitive. 1703

(b) If the court renders a judgment that orders the public 1704
office or the person responsible for the public record to comply 1705
with division (B) of this section or if the court determines any 1706
of the following, the court may award reasonable attorney's fees 1707
to the relator, subject to the provisions of division (C) (4) of 1708
this section: 1709

(i) The public office or the person responsible for the 1710
public records failed to respond affirmatively or negatively to 1711
the public records request in accordance with the time allowed 1712
under division (B) of this section. 1713

(ii) The public office or the person responsible for the 1714

public records promised to permit the relator to inspect or 1715
receive copies of the public records requested within a 1716
specified period of time but failed to fulfill that promise 1717
within that specified period of time. 1718

(iii) The public office or the person responsible for the 1719
public records acted in bad faith when the office or person 1720
voluntarily made the public records available to the relator for 1721
the first time after the relator commenced the mandamus action, 1722
but before the court issued any order concluding whether or not 1723
the public office or person was required to comply with division 1724
(B) of this section. No discovery may be conducted on the issue 1725
of the alleged bad faith of the public office or person 1726
responsible for the public records. This division shall not be 1727
construed as creating a presumption that the public office or 1728
the person responsible for the public records acted in bad faith 1729
when the office or person voluntarily made the public records 1730
available to the relator for the first time after the relator 1731
commenced the mandamus action, but before the court issued any 1732
order described in this division. 1733

(c) The court shall not award attorney's fees to the 1734
relator if the court determines both of the following: 1735

(i) That, based on the ordinary application of statutory 1736
law and case law as it existed at the time of the conduct or 1737
threatened conduct of the public office or person responsible 1738
for the requested public records that allegedly constitutes a 1739
failure to comply with an obligation in accordance with division 1740
(B) of this section and that was the basis of the mandamus 1741
action, a well-informed public office or person responsible for 1742
the requested public records reasonably would believe that the 1743
conduct or threatened conduct of the public office or person 1744

responsible for the requested public records did not constitute 1745
a failure to comply with an obligation in accordance with 1746
division (B) of this section; 1747

(ii) That a well-informed public office or person 1748
responsible for the requested public records reasonably would 1749
believe that the conduct or threatened conduct of the public 1750
office or person responsible for the requested public records 1751
would serve the public policy that underlies the authority that 1752
is asserted as permitting that conduct or threatened conduct. 1753

(4) All of the following apply to any award of reasonable 1754
attorney's fees awarded under division (C) (3) (b) of this 1755
section: 1756

(a) The fees shall be construed as remedial and not 1757
punitive. 1758

(b) The fees awarded shall not exceed the total of the 1759
reasonable attorney's fees incurred before the public record was 1760
made available to the relator and the fees described in division 1761
(C) (4) (c) of this section. 1762

(c) Reasonable attorney's fees shall include reasonable 1763
fees incurred to produce proof of the reasonableness and amount 1764
of the fees and to otherwise litigate entitlement to the fees. 1765

(d) The court may reduce the amount of fees awarded if the 1766
court determines that, given the factual circumstances involved 1767
with the specific public records request, an alternative means 1768
should have been pursued to more effectively and efficiently 1769
resolve the dispute that was subject to the mandamus action 1770
filed under division (C) (1) of this section. 1771

(5) If the court does not issue a writ of mandamus under 1772
division (C) of this section and the court determines at that 1773

time that the bringing of the mandamus action was frivolous 1774
conduct as defined in division (A) of section 2323.51 of the 1775
Revised Code, the court may award to the public office all court 1776
costs, expenses, and reasonable attorney's fees, as determined 1777
by the court. 1778

(D) Chapter 1347. of the Revised Code does not limit the 1779
provisions of this section. 1780

(E) (1) To ensure that all employees of public offices are 1781
appropriately educated about a public office's obligations under 1782
division (B) of this section, all elected officials or their 1783
appropriate designees shall attend training approved by the 1784
attorney general as provided in section 109.43 of the Revised 1785
Code. A future official may satisfy the requirements of this 1786
division by attending the training before taking office, 1787
provided that the future official may not send a designee in the 1788
future official's place. 1789

(2) All public offices shall adopt a public records policy 1790
in compliance with this section for responding to public records 1791
requests. In adopting a public records policy under this 1792
division, a public office may obtain guidance from the model 1793
public records policy developed and provided to the public 1794
office by the attorney general under section 109.43 of the 1795
Revised Code. Except as otherwise provided in this section, the 1796
policy may not limit the number of public records that the 1797
public office will make available to a single person, may not 1798
limit the number of public records that it will make available 1799
during a fixed period of time, and may not establish a fixed 1800
period of time before it will respond to a request for 1801
inspection or copying of public records, unless that period is 1802
less than eight hours. 1803

The public office shall distribute the public records 1804
policy adopted by the public office under this division to the 1805
employee of the public office who is the records custodian or 1806
records manager or otherwise has custody of the records of that 1807
office. The public office shall require that employee to 1808
acknowledge receipt of the copy of the public records policy. 1809
The public office shall create a poster that describes its 1810
public records policy and shall post the poster in a conspicuous 1811
place in the public office and in all locations where the public 1812
office has branch offices. The public office may post its public 1813
records policy on the internet web site of the public office if 1814
the public office maintains an internet web site. A public 1815
office that has established a manual or handbook of its general 1816
policies and procedures for all employees of the public office 1817
shall include the public records policy of the public office in 1818
the manual or handbook. 1819

(F) (1) The bureau of motor vehicles may adopt rules 1820
pursuant to Chapter 119. of the Revised Code to reasonably limit 1821
the number of bulk commercial special extraction requests made 1822
by a person for the same records or for updated records during a 1823
calendar year. The rules may include provisions for charges to 1824
be made for bulk commercial special extraction requests for the 1825
actual cost of the bureau, plus special extraction costs, plus 1826
ten per cent. The bureau may charge for expenses for redacting 1827
information, the release of which is prohibited by law. 1828

(2) As used in division (F) (1) of this section: 1829

(a) "Actual cost" means the cost of depleted supplies, 1830
records storage media costs, actual mailing and alternative 1831
delivery costs, or other transmitting costs, and any direct 1832
equipment operating and maintenance costs, including actual 1833

costs paid to private contractors for copying services. 1834

(b) "Bulk commercial special extraction request" means a 1835
request for copies of a record for information in a format other 1836
than the format already available, or information that cannot be 1837
extracted without examination of all items in a records series, 1838
class of records, or database by a person who intends to use or 1839
forward the copies for surveys, marketing, solicitation, or 1840
resale for commercial purposes. "Bulk commercial special 1841
extraction request" does not include a request by a person who 1842
gives assurance to the bureau that the person making the request 1843
does not intend to use or forward the requested copies for 1844
surveys, marketing, solicitation, or resale for commercial 1845
purposes. 1846

(c) "Commercial" means profit-seeking production, buying, 1847
or selling of any good, service, or other product. 1848

(d) "Special extraction costs" means the cost of the time 1849
spent by the lowest paid employee competent to perform the task, 1850
the actual amount paid to outside private contractors employed 1851
by the bureau, or the actual cost incurred to create computer 1852
programs to make the special extraction. "Special extraction 1853
costs" include any charges paid to a public agency for computer 1854
or records services. 1855

(3) For purposes of divisions (F) (1) and (2) of this 1856
section, "surveys, marketing, solicitation, or resale for 1857
commercial purposes" shall be narrowly construed and does not 1858
include reporting or gathering news, reporting or gathering 1859
information to assist citizen oversight or understanding of the 1860
operation or activities of government, or nonprofit educational 1861
research. 1862

(G) A request by a defendant, counsel of a defendant, or
any agent of a defendant in a criminal action that public
records related to that action be made available under this
section shall be considered a demand for discovery pursuant to
the Criminal Rules, except to the extent that the Criminal Rules
plainly indicate a contrary intent. The defendant, counsel of
the defendant, or agent of the defendant making a request under
this division shall serve a copy of the request on the
prosecuting attorney, director of law, or other chief legal
officer responsible for prosecuting the action.

Sec. 149.45. (A) As used in this section:

(1) "Personal information" means any of the following:

(a) An individual's social security number;

(b) An individual's state or federal tax identification
number;

(c) An individual's driver's license number or state
identification number;

(d) An individual's checking account number, savings
account number, credit card number, or debit card number;

(e) An individual's demand deposit account number, money
market account number, mutual fund account number, or any other
financial or medical account number.

(2) "Public record" and "peace officer, parole officer,
probation officer, bailiff, prosecuting attorney, assistant
prosecuting attorney, correctional employee, youth services
employee, firefighter, EMT, medical director or member of a
cooperating physician advisory board of an emergency medical
service organization, state board of pharmacy employee,

investigator of the bureau of criminal identification and 1891
investigation, or federal law enforcement officer residential 1892
and familial information" have the same meanings as in section 1893
149.43 of the Revised Code. 1894

(3) "Truncate" means to redact all but the last four 1895
digits of an individual's social security number. 1896

(B) (1) No public office or person responsible for a public 1897
office's public records shall make available to the general 1898
public on the internet any document that contains an 1899
individual's social security number without otherwise redacting, 1900
encrypting, or truncating the social security number. 1901

(2) A public office or person responsible for a public 1902
office's public records that prior to October 17, 2011, made 1903
available to the general public on the internet any document 1904
that contains an individual's social security number shall 1905
redact, encrypt, or truncate the social security number from 1906
that document. 1907

(3) Divisions (B) (1) and (2) of this section do not apply 1908
to documents that are only accessible through the internet with 1909
a password. 1910

(C) (1) An individual may request that a public office or a 1911
person responsible for a public office's public records redact 1912
personal information of that individual from any record made 1913
available to the general public on the internet. An individual 1914
who makes a request for redaction pursuant to this division 1915
shall make the request in writing on a form developed by the 1916
attorney general and shall specify the personal information to 1917
be redacted and provide any information that identifies the 1918
location of that personal information within a document that 1919

contains that personal information. 1920

(2) Upon receiving a request for a redaction pursuant to 1921
division (C)(1) of this section, a public office or a person 1922
responsible for a public office's public records shall act 1923
within five business days in accordance with the request to 1924
redact the personal information of the individual from any 1925
record made available to the general public on the internet, if 1926
practicable. If a redaction is not practicable, the public 1927
office or person responsible for the public office's public 1928
records shall verbally or in writing within five business days 1929
after receiving the written request explain to the individual 1930
why the redaction is impracticable. 1931

(3) The attorney general shall develop a form to be used 1932
by an individual to request a redaction pursuant to division (C) 1933
(1) of this section. The form shall include a place to provide 1934
any information that identifies the location of the personal 1935
information to be redacted. 1936

(D) (1) A peace officer, parole officer, probation officer, 1937
bailiff, prosecuting attorney, assistant prosecuting attorney, 1938
correctional employee, youth services employee, firefighter, 1939
EMT, medical director or member of a cooperating physician 1940
advisory board of an emergency medical service organization, 1941
state board of pharmacy employee, investigator of the bureau of 1942
criminal identification and investigation, or federal law 1943
enforcement officer may request that a public office other than 1944
a county auditor or a person responsible for the public records 1945
of a public office other than a county auditor redact the 1946
address of the person making the request from any record made 1947
available to the general public on the internet that includes 1948
peace officer, parole officer, probation officer, bailiff, 1949

prosecuting attorney, assistant prosecuting attorney, 1950
correctional employee, youth services employee, firefighter, 1951
EMT, medical director or member of a cooperating physician 1952
advisory board of an emergency medical service organization, 1953
state board of pharmacy employee, investigator of the bureau of 1954
criminal identification and investigation, or federal law 1955
enforcement officer residential and familial information of the 1956
person making the request. A person who makes a request for a 1957
redaction pursuant to this division shall make the request in 1958
writing and on a form developed by the attorney general. 1959

(2) Upon receiving a written request for a redaction 1960
pursuant to division (D)(1) of this section, a public office 1961
other than a county auditor or a person responsible for the 1962
public records of a public office other than a county auditor 1963
shall act within five business days in accordance with the 1964
request to redact the address of the peace officer, parole 1965
officer, probation officer, bailiff, prosecuting attorney, 1966
assistant prosecuting attorney, correctional employee, youth 1967
services employee, firefighter, EMT, medical director or member 1968
of a cooperating physician advisory board of an emergency 1969
medical service organization, state board of pharmacy employee, 1970
investigator of the bureau of criminal identification and 1971
investigation, or federal law enforcement officer making the 1972
request from any record made available to the general public on 1973
the internet that includes peace officer, parole officer, 1974
probation officer, bailiff, prosecuting attorney, assistant 1975
prosecuting attorney, correctional employee, youth services 1976
employee, firefighter, EMT, medical director or member of a 1977
cooperating physician advisory board of an emergency medical 1978
service organization, state board of pharmacy employee, 1979
investigator of the bureau of criminal identification and 1980

investigation, or federal law enforcement officer residential 1981
and familial information of the person making the request, if 1982
practicable. If a redaction is not practicable, the public 1983
office or person responsible for the public office's public 1984
records shall verbally or in writing within five business days 1985
after receiving the written request explain to the peace 1986
officer, parole officer, probation officer, bailiff, prosecuting 1987
attorney, assistant prosecuting attorney, correctional employee, 1988
youth services employee, firefighter, EMT, medical director or 1989
member of a cooperating physician advisory board of an emergency 1990
medical service organization, state board of pharmacy employee, 1991
investigator of the bureau of criminal identification and 1992
investigation, or federal law enforcement officer why the 1993
redaction is impracticable. 1994

(3) Except as provided in this section and section 319.28 1995
of the Revised Code, a public office other than an employer of a 1996
peace officer, parole officer, probation officer, bailiff, 1997
prosecuting attorney, assistant prosecuting attorney, 1998
correctional employee, youth services employee, firefighter, 1999
EMT, medical director or member of a cooperating physician 2000
advisory board of an emergency medical service organization, 2001
state board of pharmacy employee, investigator of the bureau of 2002
criminal identification and investigation, or federal law 2003
enforcement officer or a person responsible for the public 2004
records of the employer is not required to redact the 2005
residential and familial information of the peace officer, 2006
parole officer, probation officer, bailiff, prosecuting 2007
attorney, assistant prosecuting attorney, correctional employee, 2008
youth services employee, firefighter, EMT, medical director or 2009
member of a cooperating physician advisory board of an emergency 2010
medical service organization, state board of pharmacy employee, 2011

investigator of the bureau of criminal identification and 2012
investigation, or federal law enforcement officer from other 2013
records maintained by the public office. 2014

(4) The attorney general shall develop a form to be used 2015
by a peace officer, parole officer, probation officer, bailiff, 2016
prosecuting attorney, assistant prosecuting attorney, 2017
correctional employee, youth services employee, firefighter, 2018
EMT, medical director or member of a cooperating physician 2019
advisory board of an emergency medical service organization, 2020
state board of pharmacy employee, investigator of the bureau of 2021
criminal identification and investigation, or federal law 2022
enforcement officer to request a redaction pursuant to division 2023
(D) (1) of this section. The form shall include a place to 2024
provide any information that identifies the location of the 2025
address of a peace officer, parole officer, probation officer, 2026
bailiff, prosecuting attorney, assistant prosecuting attorney, 2027
correctional employee, youth services employee, firefighter, 2028
EMT, medical director or member of a cooperating physician 2029
advisory board of an emergency medical service organization, 2030
state board of pharmacy employee, investigator of the bureau of 2031
criminal identification and investigation, or federal law 2032
enforcement officer to be redacted. 2033

(E) (1) If a public office or a person responsible for a 2034
public office's public records becomes aware that an electronic 2035
record of that public office that is made available to the 2036
general public on the internet contains an individual's social 2037
security number that was mistakenly not redacted, encrypted, or 2038
truncated as required by division (B) (1) or (2) of this section, 2039
the public office or person responsible for the public office's 2040
public records shall redact, encrypt, or truncate the 2041
individual's social security number within a reasonable period 2042

of time. 2043

(2) A public office or a person responsible for a public 2044
office's public records is not liable in damages in a civil 2045
action for any harm an individual allegedly sustains as a result 2046
of the inclusion of that individual's personal information on 2047
any record made available to the general public on the internet 2048
or any harm a peace officer, parole officer, probation officer, 2049
bailiff, prosecuting attorney, assistant prosecuting attorney, 2050
correctional employee, youth services employee, firefighter, 2051
EMT, medical director or member of a cooperating physician 2052
advisory board of an emergency medical service organization, 2053
state board of pharmacy employee, investigator of the bureau of 2054
criminal identification and investigation, or federal law 2055
enforcement officer sustains as a result of the inclusion of the 2056
address of the peace officer, parole officer, probation officer, 2057
bailiff, prosecuting attorney, assistant prosecuting attorney, 2058
correctional employee, youth services employee, firefighter, 2059
EMT, medical director or member of a cooperating physician 2060
advisory board of an emergency medical service organization, 2061
state board of pharmacy employee, investigator of the bureau of 2062
criminal identification and investigation, or federal law 2063
enforcement officer on any record made available to the general 2064
public on the internet in violation of this section unless the 2065
public office or person responsible for the public office's 2066
public records acted with malicious purpose, in bad faith, or in 2067
a wanton or reckless manner or division (A) (6) (a) or (c) of 2068
section 2744.03 of the Revised Code applies. 2069

Sec. 1751.68. (A) As used in this section: 2070

(1) "Cost-sharing" means the cost to an enrollee under an 2071
individual or group health insuring corporation policy, 2072

contract, or agreement according to any coverage limit, 2073
copayment, coinsurance, deductible, or other out-of-pocket 2074
expense requirements imposed by the policy, contract, or 2075
agreement. 2076

(2) "Drug" has the same meaning as in section 4729.01 of 2077
the Revised Code. 2078

(3) "Medication synchronization" means a pharmacy service 2079
that synchronizes the filling or refilling of prescriptions in a 2080
manner that allows the dispensed drugs to be obtained on the 2081
same date each month. 2082

(4) "Prescriber" has the same meaning as in section 2083
4729.01 of the Revised Code. 2084

(5) "Prescription" means a written, electronic, or oral 2085
order issued by a prescriber for drugs or combinations or 2086
mixtures of drugs to be used by a particular individual. 2087

(B) Notwithstanding section 3901.71 of the Revised Code, 2088
each health insuring corporation policy, contract, or agreement 2089
that provides prescription drug coverage shall provide for 2090
medication synchronization for an enrollee if all of the 2091
following conditions are met: 2092

(1) The enrollee elects to participate in medication 2093
synchronization; 2094

(2) The enrollee, the prescriber, and a pharmacist at a 2095
network pharmacy agree that medication synchronization is in the 2096
best interest of the enrollee; 2097

(3) The prescription drug to be included in the medication 2098
synchronization meets the requirements of division (C) of this 2099
section. 2100

(C) To be eligible for inclusion in medication 2101
synchronization for an enrollee, a prescription drug must meet 2102
all of the following requirements: 2103

(1) Be covered by the policy, contract, or agreement; 2104

(2) Be prescribed for the treatment and management of a 2105
chronic disease or condition and be subject to refills; 2106

(3) Satisfy all relevant prior authorization criteria; 2107

(4) Not have quantity limits, dose optimization criteria, 2108
or other requirements that would be violated if synchronized; 2109

(5) Not have special handling or sourcing needs, as 2110
determined by the policy, contract, or agreement, that require a 2111
single, designated pharmacy to fill or refill the prescription; 2112

(6) Be formulated so that the quantity or amount dispensed 2113
can be effectively divided in order to achieve synchronization; 2114

(7) Not be a schedule II controlled substance, ~~opiate~~ 2115
opioid analgesic, or benzodiazepine, as those terms are defined 2116
in section 3719.01 of the Revised Code. 2117

(D) (1) To provide for medication synchronization under 2118
division (B) of this section, a policy, contract, or agreement 2119
shall authorize coverage of a prescription drug subject to 2120
medication synchronization when the drug is dispensed in a 2121
quantity or amount that is less than a thirty-day supply. 2122

(2) The requirement of division (D) (1) of this section 2123
applies only once for each prescription drug subject to 2124
medication synchronization for the same enrollee, except when 2125
either of the following occurs: 2126

(a) The prescriber changes the dosage or frequency of 2127

administration of the prescription drug subject to medication 2128
synchronization. 2129

(b) The prescriber prescribes a different drug. 2130

(E)(1) A policy, contract, or agreement that provides for 2131
medication synchronization under division (B) of this section 2132
shall permit and apply a prorated daily cost-sharing rate for a 2133
supply of a prescription drug subject to medication 2134
synchronization that is dispensed at a network pharmacy. 2135

(2) Division (E)(1) of this section does not require a 2136
policy, contract, or agreement to waive any cost-sharing 2137
requirement in its entirety. 2138

(F) A policy, contract, or agreement that provides for 2139
medication synchronization under division (B) of this section 2140
shall not use payment structures that incorporate dispensing 2141
fees that are determined by calculating the days' supply of 2142
drugs dispensed. Dispensing fees shall be based exclusively on 2143
the total number of prescriptions that are filled or refilled. 2144

(G) This section does not require a health insuring 2145
corporation to provide to a network pharmacy or a pharmacist at 2146
a network pharmacy any monetary or other financial incentive for 2147
the purpose of encouraging the pharmacy or pharmacist to 2148
recommend medication synchronization to an enrollee. 2149

Sec. 2907.02. (A)(1) No person shall engage in sexual 2150
conduct with another who is not the spouse of the offender or 2151
who is the spouse of the offender but is living separate and 2152
apart from the offender, when any of the following applies: 2153

(a) For the purpose of preventing resistance, the offender 2154
substantially impairs the other person's judgment or control by 2155
administering any drug, intoxicant, or controlled substance to 2156

the other person surreptitiously or by force, threat of force, 2157
or deception. 2158

(b) The other person is less than thirteen years of age, 2159
whether or not the offender knows the age of the other person. 2160

(c) The other person's ability to resist or consent is 2161
substantially impaired because of a mental or physical condition 2162
or because of advanced age, and the offender knows or has 2163
reasonable cause to believe that the other person's ability to 2164
resist or consent is substantially impaired because of a mental 2165
or physical condition or because of advanced age. 2166

(2) No person shall engage in sexual conduct with another 2167
when the offender purposely compels the other person to submit 2168
by force or threat of force. 2169

(B) Whoever violates this section is guilty of rape, a 2170
felony of the first degree. If the offender under division (A) 2171
(1) (a) of this section substantially impairs the other person's 2172
judgment or control by administering any controlled substance 2173
~~described, as defined in section 3719.41-3719.01~~ of the Revised 2174
Code, to the other person surreptitiously or by force, threat of 2175
force, or deception, the prison term imposed upon the offender 2176
shall be one of the prison terms prescribed for a felony of the 2177
first degree in section 2929.14 of the Revised Code that is not 2178
less than five years. Except as otherwise provided in this 2179
division, notwithstanding sections 2929.11 to 2929.14 of the 2180
Revised Code, an offender under division (A) (1) (b) of this 2181
section shall be sentenced to a prison term or term of life 2182
imprisonment pursuant to section 2971.03 of the Revised Code. If 2183
an offender is convicted of or pleads guilty to a violation of 2184
division (A) (1) (b) of this section, if the offender was less 2185
than sixteen years of age at the time the offender committed the 2186

violation of that division, and if the offender during or 2187
immediately after the commission of the offense did not cause 2188
serious physical harm to the victim, the victim was ten years of 2189
age or older at the time of the commission of the violation, and 2190
the offender has not previously been convicted of or pleaded 2191
guilty to a violation of this section or a substantially similar 2192
existing or former law of this state, another state, or the 2193
United States, the court shall not sentence the offender to a 2194
prison term or term of life imprisonment pursuant to section 2195
2971.03 of the Revised Code, and instead the court shall 2196
sentence the offender as otherwise provided in this division. If 2197
an offender under division (A) (1) (b) of this section previously 2198
has been convicted of or pleaded guilty to violating division 2199
(A) (1) (b) of this section or to violating an existing or former 2200
law of this state, another state, or the United States that is 2201
substantially similar to division (A) (1) (b) of this section, if 2202
the offender during or immediately after the commission of the 2203
offense caused serious physical harm to the victim, or if the 2204
victim under division (A) (1) (b) of this section is less than ten 2205
years of age, in lieu of sentencing the offender to a prison 2206
term or term of life imprisonment pursuant to section 2971.03 of 2207
the Revised Code, the court may impose upon the offender a term 2208
of life without parole. If the court imposes a term of life 2209
without parole pursuant to this division, division (F) of 2210
section 2971.03 of the Revised Code applies, and the offender 2211
automatically is classified a tier III sex offender/child-victim 2212
offender, as described in that division. 2213

(C) A victim need not prove physical resistance to the 2214
offender in prosecutions under this section. 2215

(D) Evidence of specific instances of the victim's sexual 2216
activity, opinion evidence of the victim's sexual activity, and 2217

reputation evidence of the victim's sexual activity shall not be 2218
admitted under this section unless it involves evidence of the 2219
origin of semen, pregnancy, or disease, or the victim's past 2220
sexual activity with the offender, and only to the extent that 2221
the court finds that the evidence is material to a fact at issue 2222
in the case and that its inflammatory or prejudicial nature does 2223
not outweigh its probative value. 2224

Evidence of specific instances of the defendant's sexual 2225
activity, opinion evidence of the defendant's sexual activity, 2226
and reputation evidence of the defendant's sexual activity shall 2227
not be admitted under this section unless it involves evidence 2228
of the origin of semen, pregnancy, or disease, the defendant's 2229
past sexual activity with the victim, or is admissible against 2230
the defendant under section 2945.59 of the Revised Code, and 2231
only to the extent that the court finds that the evidence is 2232
material to a fact at issue in the case and that its 2233
inflammatory or prejudicial nature does not outweigh its 2234
probative value. 2235

(E) Prior to taking testimony or receiving evidence of any 2236
sexual activity of the victim or the defendant in a proceeding 2237
under this section, the court shall resolve the admissibility of 2238
the proposed evidence in a hearing in chambers, which shall be 2239
held at or before preliminary hearing and not less than three 2240
days before trial, or for good cause shown during the trial. 2241

(F) Upon approval by the court, the victim may be 2242
represented by counsel in any hearing in chambers or other 2243
proceeding to resolve the admissibility of evidence. If the 2244
victim is indigent or otherwise is unable to obtain the services 2245
of counsel, the court, upon request, may appoint counsel to 2246
represent the victim without cost to the victim. 2247

(G) It is not a defense to a charge under division (A) (2) 2248
of this section that the offender and the victim were married or 2249
were cohabiting at the time of the commission of the offense. 2250

Sec. 2907.05. (A) No person shall have sexual contact with 2251
another, not the spouse of the offender; cause another, not the 2252
spouse of the offender, to have sexual contact with the 2253
offender; or cause two or more other persons to have sexual 2254
contact when any of the following applies: 2255

(1) The offender purposely compels the other person, or 2256
one of the other persons, to submit by force or threat of force. 2257

(2) For the purpose of preventing resistance, the offender 2258
substantially impairs the judgment or control of the other 2259
person or of one of the other persons by administering any drug, 2260
intoxicant, or controlled substance to the other person 2261
surreptitiously or by force, threat of force, or deception. 2262

(3) The offender knows that the judgment or control of the 2263
other person or of one of the other persons is substantially 2264
impaired as a result of the influence of any drug or intoxicant 2265
administered to the other person with the other person's consent 2266
for the purpose of any kind of medical or dental examination, 2267
treatment, or surgery. 2268

(4) The other person, or one of the other persons, is less 2269
than thirteen years of age, whether or not the offender knows 2270
the age of that person. 2271

(5) The ability of the other person to resist or consent 2272
or the ability of one of the other persons to resist or consent 2273
is substantially impaired because of a mental or physical 2274
condition or because of advanced age, and the offender knows or 2275
has reasonable cause to believe that the ability to resist or 2276

consent of the other person or of one of the other persons is 2277
substantially impaired because of a mental or physical condition 2278
or because of advanced age. 2279

(B) No person shall knowingly touch the genitalia of 2280
another, when the touching is not through clothing, the other 2281
person is less than twelve years of age, whether or not the 2282
offender knows the age of that person, and the touching is done 2283
with an intent to abuse, humiliate, harass, degrade, or arouse 2284
or gratify the sexual desire of any person. 2285

(C) Whoever violates this section is guilty of gross 2286
sexual imposition. 2287

(1) Except as otherwise provided in this section, gross 2288
sexual imposition committed in violation of division (A) (1), 2289
(2), (3), or (5) of this section is a felony of the fourth 2290
degree. If the offender under division (A) (2) of this section 2291
substantially impairs the judgment or control of the other 2292
person or one of the other persons by administering any 2293
controlled substance—~~described~~, as defined in section 3719.41— 2294
3719.01 of the Revised Code, to the person surreptitiously or by 2295
force, threat of force, or deception, gross sexual imposition 2296
committed in violation of division (A) (2) of this section is a 2297
felony of the third degree. 2298

(2) Gross sexual imposition committed in violation of 2299
division (A) (4) or (B) of this section is a felony of the third 2300
degree. Except as otherwise provided in this division, for gross 2301
sexual imposition committed in violation of division (A) (4) or 2302
(B) of this section there is a presumption that a prison term 2303
shall be imposed for the offense. The court shall impose on an 2304
offender convicted of gross sexual imposition in violation of 2305
division (A) (4) or (B) of this section a mandatory prison term 2306

equal to one of the prison terms prescribed in section 2929.14 2307
of the Revised Code for a felony of the third degree if either 2308
of the following applies: 2309

(a) Evidence other than the testimony of the victim was 2310
admitted in the case corroborating the violation; 2311

(b) The offender previously was convicted of or pleaded 2312
guilty to a violation of this section, rape, the former offense 2313
of felonious sexual penetration, or sexual battery, and the 2314
victim of the previous offense was less than thirteen years of 2315
age. 2316

(D) A victim need not prove physical resistance to the 2317
offender in prosecutions under this section. 2318

(E) Evidence of specific instances of the victim's sexual 2319
activity, opinion evidence of the victim's sexual activity, and 2320
reputation evidence of the victim's sexual activity shall not be 2321
admitted under this section unless it involves evidence of the 2322
origin of semen, pregnancy, or disease, or the victim's past 2323
sexual activity with the offender, and only to the extent that 2324
the court finds that the evidence is material to a fact at issue 2325
in the case and that its inflammatory or prejudicial nature does 2326
not outweigh its probative value. 2327

Evidence of specific instances of the defendant's sexual 2328
activity, opinion evidence of the defendant's sexual activity, 2329
and reputation evidence of the defendant's sexual activity shall 2330
not be admitted under this section unless it involves evidence 2331
of the origin of semen, pregnancy, or disease, the defendant's 2332
past sexual activity with the victim, or is admissible against 2333
the defendant under section 2945.59 of the Revised Code, and 2334
only to the extent that the court finds that the evidence is 2335

material to a fact at issue in the case and that its 2336
inflammatory or prejudicial nature does not outweigh its 2337
probative value. 2338

(F) Prior to taking testimony or receiving evidence of any 2339
sexual activity of the victim or the defendant in a proceeding 2340
under this section, the court shall resolve the admissibility of 2341
the proposed evidence in a hearing in chambers, which shall be 2342
held at or before preliminary hearing and not less than three 2343
days before trial, or for good cause shown during the trial. 2344

(G) Upon approval by the court, the victim may be 2345
represented by counsel in any hearing in chambers or other 2346
proceeding to resolve the admissibility of evidence. If the 2347
victim is indigent or otherwise is unable to obtain the services 2348
of counsel, the court, upon request, may appoint counsel to 2349
represent the victim without cost to the victim. 2350

Sec. 2925.01. As used in this chapter: 2351

(A) "Administer," "controlled substance," "controlled 2352
substance analog," "dispense," "distribute," "hypodermic," 2353
"manufacturer," "official written order," "person," 2354
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 2355
"schedule III," "schedule IV," "schedule V," and "wholesaler" 2356
have the same meanings as in section 3719.01 of the Revised 2357
Code. 2358

(B) "Drug dependent person" and "drug of abuse" have the 2359
same meanings as in section 3719.011 of the Revised Code. 2360

(C) "Drug," "dangerous drug," "licensed health 2361
professional authorized to prescribe drugs," and "prescription" 2362
have the same meanings as in section 4729.01 of the Revised 2363
Code. 2364

(D) "Bulk amount" of a controlled substance means any of 2365
the following: 2366

(1) For any compound, mixture, preparation, or substance 2367
included in schedule I, schedule II, or schedule III, with the 2368
exception of any controlled substance analog, marihuana, 2369
cocaine, L.S.D., heroin, any fentanyl-related compound, and 2370
hashish and except as provided in division (D)(2), (5), or (6) 2371
of this section, whichever of the following is applicable: 2372

(a) An amount equal to or exceeding ten grams or twenty- 2373
five unit doses of a compound, mixture, preparation, or 2374
substance that is or contains any amount of a schedule I opiate 2375
or opium derivative; 2376

(b) An amount equal to or exceeding ten grams of a 2377
compound, mixture, preparation, or substance that is or contains 2378
any amount of raw or gum opium; 2379

(c) An amount equal to or exceeding thirty grams or ten 2380
unit doses of a compound, mixture, preparation, or substance 2381
that is or contains any amount of a schedule I hallucinogen 2382
other than tetrahydrocannabinol or lysergic acid amide, or a 2383
schedule I stimulant or depressant; 2384

(d) An amount equal to or exceeding twenty grams or five 2385
times the maximum daily dose in the usual dose range specified 2386
in a standard pharmaceutical reference manual of a compound, 2387
mixture, preparation, or substance that is or contains any 2388
amount of a schedule II opiate or opium derivative; 2389

(e) An amount equal to or exceeding five grams or ten unit 2390
doses of a compound, mixture, preparation, or substance that is 2391
or contains any amount of phencyclidine; 2392

(f) An amount equal to or exceeding one hundred twenty 2393

grams or thirty times the maximum daily dose in the usual dose 2394
range specified in a standard pharmaceutical reference manual of 2395
a compound, mixture, preparation, or substance that is or 2396
contains any amount of a schedule II stimulant that is in a 2397
final dosage form manufactured by a person authorized by the 2398
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 2399
U.S.C.A. 301, as amended, and the federal drug abuse control 2400
laws, as defined in section 3719.01 of the Revised Code, that is 2401
or contains any amount of a schedule II depressant substance or 2402
a schedule II hallucinogenic substance; 2403

(g) An amount equal to or exceeding three grams of a 2404
compound, mixture, preparation, or substance that is or contains 2405
any amount of a schedule II stimulant, or any of its salts or 2406
isomers, that is not in a final dosage form manufactured by a 2407
person authorized by the Federal Food, Drug, and Cosmetic Act 2408
and the federal drug abuse control laws. 2409

(2) An amount equal to or exceeding one hundred twenty 2410
grams or thirty times the maximum daily dose in the usual dose 2411
range specified in a standard pharmaceutical reference manual of 2412
a compound, mixture, preparation, or substance that is or 2413
contains any amount of a schedule III or IV substance other than 2414
an anabolic steroid or a schedule III opiate or opium 2415
derivative; 2416

(3) An amount equal to or exceeding twenty grams or five 2417
times the maximum daily dose in the usual dose range specified 2418
in a standard pharmaceutical reference manual of a compound, 2419
mixture, preparation, or substance that is or contains any 2420
amount of a schedule III opiate or opium derivative; 2421

(4) An amount equal to or exceeding two hundred fifty 2422
milliliters or two hundred fifty grams of a compound, mixture, 2423

preparation, or substance that is or contains any amount of a 2424
schedule V substance; 2425

(5) An amount equal to or exceeding two hundred solid 2426
dosage units, sixteen grams, or sixteen milliliters of a 2427
compound, mixture, preparation, or substance that is or contains 2428
any amount of a schedule III anabolic steroid; 2429

(6) For any compound, mixture, preparation, or substance 2430
that is a combination of a fentanyl-related compound and any 2431
other compound, mixture, preparation, or substance included in 2432
schedule III, schedule IV, or schedule V, if the defendant is 2433
charged with a violation of section 2925.11 of the Revised Code 2434
and the sentencing provisions set forth in divisions (C) (10) (b) 2435
and (C) (11) of that section will not apply regarding the 2436
defendant and the violation, the bulk amount of the controlled 2437
substance for purposes of the violation is the amount specified 2438
in division (D) (1), (2), (3), (4), or (5) of this section for 2439
the other schedule III, IV, or V controlled substance that is 2440
combined with the fentanyl-related compound. 2441

(E) "Unit dose" means an amount or unit of a compound, 2442
mixture, or preparation containing a controlled substance that 2443
is separately identifiable and in a form that indicates that it 2444
is the amount or unit by which the controlled substance is 2445
separately administered to or taken by an individual. 2446

(F) "Cultivate" includes planting, watering, fertilizing, 2447
or tilling. 2448

(G) "Drug abuse offense" means any of the following: 2449

(1) A violation of division (A) of section 2913.02 that 2450
constitutes theft of drugs, or a violation of section 2925.02, 2451
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2452

2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2453
or 2925.37 of the Revised Code; 2454

(2) A violation of an existing or former law of this or 2455
any other state or of the United States that is substantially 2456
equivalent to any section listed in division (G)(1) of this 2457
section; 2458

(3) An offense under an existing or former law of this or 2459
any other state, or of the United States, of which planting, 2460
cultivating, harvesting, processing, making, manufacturing, 2461
producing, shipping, transporting, delivering, acquiring, 2462
possessing, storing, distributing, dispensing, selling, inducing 2463
another to use, administering to another, using, or otherwise 2464
dealing with a controlled substance is an element; 2465

(4) A conspiracy to commit, attempt to commit, or 2466
complicity in committing or attempting to commit any offense 2467
under division (G)(1), (2), or (3) of this section. 2468

(H) "Felony drug abuse offense" means any drug abuse 2469
offense that would constitute a felony under the laws of this 2470
state, any other state, or the United States. 2471

(I) "Harmful intoxicant" does not include beer or 2472
intoxicating liquor but means any of the following: 2473

(1) Any compound, mixture, preparation, or substance the 2474
gas, fumes, or vapor of which when inhaled can induce 2475
intoxication, excitement, giddiness, irrational behavior, 2476
depression, stupefaction, paralysis, unconsciousness, 2477
asphyxiation, or other harmful physiological effects, and 2478
includes, but is not limited to, any of the following: 2479

(a) Any volatile organic solvent, plastic cement, model 2480
cement, fingernail polish remover, lacquer thinner, cleaning 2481

fluid, gasoline, or other preparation containing a volatile	2482
organic solvent;	2483
(b) Any aerosol propellant;	2484
(c) Any fluorocarbon refrigerant;	2485
(d) Any anesthetic gas.	2486
(2) Gamma Butyrolactone;	2487
(3) 1,4 Butanediol.	2488
(J) "Manufacture" means to plant, cultivate, harvest,	2489
process, make, prepare, or otherwise engage in any part of the	2490
production of a drug, by propagation, extraction, chemical	2491
synthesis, or compounding, or any combination of the same, and	2492
includes packaging, repackaging, labeling, and other activities	2493
incident to production.	2494
(K) "Possess" or "possession" means having control over a	2495
thing or substance, but may not be inferred solely from mere	2496
access to the thing or substance through ownership or occupation	2497
of the premises upon which the thing or substance is found.	2498
(L) "Sample drug" means a drug or pharmaceutical	2499
preparation that would be hazardous to health or safety if used	2500
without the supervision of a licensed health professional	2501
authorized to prescribe drugs, or a drug of abuse, and that, at	2502
one time, had been placed in a container plainly marked as a	2503
sample by a manufacturer.	2504
(M) "Standard pharmaceutical reference manual" means the	2505
current edition, with cumulative changes if any, of references	2506
that are approved by the state board of pharmacy.	2507
(N) "Juvenile" means a person under eighteen years of age.	2508

(O) "Counterfeit controlled substance" means any of the 2509
following: 2510

(1) Any drug that bears, or whose container or label 2511
bears, a trademark, trade name, or other identifying mark used 2512
without authorization of the owner of rights to that trademark, 2513
trade name, or identifying mark; 2514

(2) Any unmarked or unlabeled substance that is 2515
represented to be a controlled substance manufactured, 2516
processed, packed, or distributed by a person other than the 2517
person that manufactured, processed, packed, or distributed it; 2518

(3) Any substance that is represented to be a controlled 2519
substance but is not a controlled substance or is a different 2520
controlled substance; 2521

(4) Any substance other than a controlled substance that a 2522
reasonable person would believe to be a controlled substance 2523
because of its similarity in shape, size, and color, or its 2524
markings, labeling, packaging, distribution, or the price for 2525
which it is sold or offered for sale. 2526

(P) An offense is "committed in the vicinity of a school" 2527
if the offender commits the offense on school premises, in a 2528
school building, or within one thousand feet of the boundaries 2529
of any school premises, regardless of whether the offender knows 2530
the offense is being committed on school premises, in a school 2531
building, or within one thousand feet of the boundaries of any 2532
school premises. 2533

(Q) "School" means any school operated by a board of 2534
education, any community school established under Chapter 3314. 2535
of the Revised Code, or any nonpublic school for which the state 2536
board of education prescribes minimum standards under section 2537

3301.07 of the Revised Code, whether or not any instruction, 2538
extracurricular activities, or training provided by the school 2539
is being conducted at the time a criminal offense is committed. 2540

(R) "School premises" means either of the following: 2541

(1) The parcel of real property on which any school is 2542
situated, whether or not any instruction, extracurricular 2543
activities, or training provided by the school is being 2544
conducted on the premises at the time a criminal offense is 2545
committed; 2546

(2) Any other parcel of real property that is owned or 2547
leased by a board of education of a school, the governing 2548
authority of a community school established under Chapter 3314. 2549
of the Revised Code, or the governing body of a nonpublic school 2550
for which the state board of education prescribes minimum 2551
standards under section 3301.07 of the Revised Code and on which 2552
some of the instruction, extracurricular activities, or training 2553
of the school is conducted, whether or not any instruction, 2554
extracurricular activities, or training provided by the school 2555
is being conducted on the parcel of real property at the time a 2556
criminal offense is committed. 2557

(S) "School building" means any building in which any of 2558
the instruction, extracurricular activities, or training 2559
provided by a school is conducted, whether or not any 2560
instruction, extracurricular activities, or training provided by 2561
the school is being conducted in the school building at the time 2562
a criminal offense is committed. 2563

(T) "Disciplinary counsel" means the disciplinary counsel 2564
appointed by the board of commissioners on grievances and 2565
discipline of the supreme court under the Rules for the 2566

Government of the Bar of Ohio. 2567

(U) "Certified grievance committee" means a duly 2568
constituted and organized committee of the Ohio state bar 2569
association or of one or more local bar associations of the 2570
state of Ohio that complies with the criteria set forth in Rule 2571
V, section 6 of the Rules for the Government of the Bar of Ohio. 2572

(V) "Professional license" means any license, permit, 2573
certificate, registration, qualification, admission, temporary 2574
license, temporary permit, temporary certificate, or temporary 2575
registration that is described in divisions (W) (1) to (36) of 2576
this section and that qualifies a person as a professionally 2577
licensed person. 2578

(W) "Professionally licensed person" means any of the 2579
following: 2580

~~(1) A person who has obtained a license as a manufacturer~~ 2581
~~of controlled substances or a wholesaler of controlled~~ 2582
~~substances under Chapter 3719. of the Revised Code;~~ 2583

~~(2)~~ A person who has received a certificate or temporary 2584
certificate as a certified public accountant or who has 2585
registered as a public accountant under Chapter 4701. of the 2586
Revised Code and who holds an Ohio permit issued under that 2587
chapter; 2588

~~(3)~~ (2) A person who holds a certificate of qualification 2589
to practice architecture issued or renewed and registered under 2590
Chapter 4703. of the Revised Code; 2591

~~(4)~~ (3) A person who is registered as a landscape 2592
architect under Chapter 4703. of the Revised Code or who holds a 2593
permit as a landscape architect issued under that chapter; 2594

~~(5)~~ (4) A person licensed under Chapter 4707. of the 2595
Revised Code; 2596

~~(6)~~ (5) A person who has been issued a certificate of 2597
registration as a registered barber under Chapter 4709. of the 2598
Revised Code; 2599

~~(7)~~ (6) A person licensed and regulated to engage in the 2600
business of a debt pooling company by a legislative authority, 2601
under authority of Chapter 4710. of the Revised Code; 2602

~~(8)~~ (7) A person who has been issued a cosmetologist's 2603
license, hair designer's license, manicurist's license, 2604
esthetician's license, natural hair stylist's license, advanced 2605
cosmetologist's license, advanced hair designer's license, 2606
advanced manicurist's license, advanced esthetician's license, 2607
advanced natural hair stylist's license, cosmetology 2608
instructor's license, hair design instructor's license, 2609
manicurist instructor's license, esthetics instructor's license, 2610
natural hair style instructor's license, independent 2611
contractor's license, or tanning facility permit under Chapter 2612
4713. of the Revised Code; 2613

~~(9)~~ (8) A person who has been issued a license to practice 2614
dentistry, a general anesthesia permit, a conscious intravenous 2615
sedation permit, a limited resident's license, a limited 2616
teaching license, a dental hygienist's license, or a dental 2617
hygienist's teacher's certificate under Chapter 4715. of the 2618
Revised Code; 2619

~~(10)~~ (9) A person who has been issued an embalmer's 2620
license, a funeral director's license, a funeral home license, 2621
or a crematory license, or who has been registered for an 2622
embalmer's or funeral director's apprenticeship under Chapter 2623

4717. of the Revised Code; 2624

~~(11)~~ (10) A person who has been licensed as a registered 2625
nurse or practical nurse, or who has been issued a certificate 2626
for the practice of nurse-midwifery under Chapter 4723. of the 2627
Revised Code; 2628

~~(12)~~ (11) A person who has been licensed to practice 2629
optometry or to engage in optical dispensing under Chapter 4725. 2630
of the Revised Code; 2631

~~(13)~~ (12) A person licensed to act as a pawnbroker under 2632
Chapter 4727. of the Revised Code; 2633

~~(14)~~ (13) A person licensed to act as a precious metals 2634
dealer under Chapter 4728. of the Revised Code; 2635

~~(15)~~ (14) A person licensed under Chapter 4729. of the 2636
Revised Code as a pharmacist, a or pharmacy intern, a wholesale 2637
distributor of dangerous drugs, or a terminal distributor of 2638
dangerous drugs or registered under Chapter 4729. of the Revised 2639
Code that chapter as a registered pharmacy technician, certified 2640
pharmacy technician, or pharmacy technician trainee; 2641

(15) A person licensed under Chapter 4729. of the Revised 2642
Code as a manufacturer of dangerous drugs, outsourcing facility, 2643
third-party logistics provider, repackager of dangerous drugs, 2644
wholesale distributor of dangerous drugs, or terminal 2645
distributor of dangerous drugs; 2646

(16) A person who is authorized to practice as a physician 2647
assistant under Chapter 4730. of the Revised Code; 2648

(17) A person who has been issued a license to practice 2649
medicine and surgery, osteopathic medicine and surgery, or 2650
podiatric medicine and surgery under Chapter 4731. of the 2651

Revised Code or has been issued a certificate to practice a	2652
limited branch of medicine under that chapter;	2653
(18) A person licensed as a psychologist or school	2654
psychologist under Chapter 4732. of the Revised Code;	2655
(19) A person registered to practice the profession of	2656
engineering or surveying under Chapter 4733. of the Revised	2657
Code;	2658
(20) A person who has been issued a license to practice	2659
chiropractic under Chapter 4734. of the Revised Code;	2660
(21) A person licensed to act as a real estate broker or	2661
real estate salesperson under Chapter 4735. of the Revised Code;	2662
(22) A person registered as a registered sanitarian under	2663
Chapter 4736. of the Revised Code;	2664
(23) A person licensed to operate or maintain a junkyard	2665
under Chapter 4737. of the Revised Code;	2666
(24) A person who has been issued a motor vehicle salvage	2667
dealer's license under Chapter 4738. of the Revised Code;	2668
(25) A person who has been licensed to act as a steam	2669
engineer under Chapter 4739. of the Revised Code;	2670
(26) A person who has been issued a license or temporary	2671
permit to practice veterinary medicine or any of its branches,	2672
or who is registered as a graduate animal technician under	2673
Chapter 4741. of the Revised Code;	2674
(27) A person who has been issued a hearing aid dealer's	2675
or fitter's license or trainee permit under Chapter 4747. of the	2676
Revised Code;	2677
(28) A person who has been issued a class A, class B, or	2678

class C license or who has been registered as an investigator or 2679
security guard employee under Chapter 4749. of the Revised Code; 2680

(29) A person licensed and registered to practice as a 2681
nursing home administrator under Chapter 4751. of the Revised 2682
Code; 2683

(30) A person licensed to practice as a speech-language 2684
pathologist or audiologist under Chapter 4753. of the Revised 2685
Code; 2686

(31) A person issued a license as an occupational 2687
therapist or physical therapist under Chapter 4755. of the 2688
Revised Code; 2689

(32) A person who is licensed as a licensed professional 2690
clinical counselor, licensed professional counselor, social 2691
worker, independent social worker, independent marriage and 2692
family therapist, or marriage and family therapist, or 2693
registered as a social work assistant under Chapter 4757. of the 2694
Revised Code; 2695

(33) A person issued a license to practice dietetics under 2696
Chapter 4759. of the Revised Code; 2697

(34) A person who has been issued a license or limited 2698
permit to practice respiratory therapy under Chapter 4761. of 2699
the Revised Code; 2700

(35) A person who has been issued a real estate appraiser 2701
certificate under Chapter 4763. of the Revised Code; 2702

(36) A person who has been admitted to the bar by order of 2703
the supreme court in compliance with its prescribed and 2704
published rules. 2705

(X) "Cocaine" means any of the following: 2706

(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;

(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;

(3) A salt, compound, derivative, or preparation of a substance identified in division (X) (1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.

(Y) "L.S.D." means lysergic acid diethylamide.

(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.

(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised

Code, that a prison term is a necessary sanction for a felony in 2736
order to comply with the purposes and principles of sentencing 2737
under section 2929.11 of the Revised Code. 2738

(DD) "Major drug offender" has the same meaning as in 2739
section 2929.01 of the Revised Code. 2740

(EE) "Minor drug possession offense" means either of the 2741
following: 2742

(1) A violation of section 2925.11 of the Revised Code as 2743
it existed prior to July 1, 1996; 2744

(2) A violation of section 2925.11 of the Revised Code as 2745
it exists on and after July 1, 1996, that is a misdemeanor or a 2746
felony of the fifth degree. 2747

(FF) "Mandatory prison term" has the same meaning as in 2748
section 2929.01 of the Revised Code. 2749

(GG) "Adulterate" means to cause a drug to be adulterated 2750
as described in section 3715.63 of the Revised Code. 2751

(HH) "Public premises" means any hotel, restaurant, 2752
tavern, store, arena, hall, or other place of public 2753
accommodation, business, amusement, or resort. 2754

(II) "Methamphetamine" means methamphetamine, any salt, 2755
isomer, or salt of an isomer of methamphetamine, or any 2756
compound, mixture, preparation, or substance containing 2757
methamphetamine or any salt, isomer, or salt of an isomer of 2758
methamphetamine. 2759

(JJ) ~~"Lawful prescription" means a prescription that is~~ 2760
~~issued for a legitimate medical purpose by a licensed health~~ 2761
~~professional authorized to prescribe drugs, that is not altered~~ 2762
~~or forged, and that was not obtained by means of deception or by~~ 2763

~~the commission of any theft offense.~~ 2764

~~(KK) "Deception" and "theft offense" have~~ has the same 2765
~~meanings meaning~~ as in section 2913.01 of the Revised Code. 2766

~~(LL)~~ (KK) "Fentanyl-related compound" means any of the 2767
following: 2768

(1) Fentanyl; 2769

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 2770
phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2- 2771
phenylethyl)-4-(N-propanilido) piperidine); 2772

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2- 2773
thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide); 2774

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- 2775
piperidinyl]-N-phenylpropanamide); 2776

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- 2777
hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N- 2778
phenylpropanamide); 2779

(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4- 2780
piperidyl]-N- phenylpropanamide); 2781

(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]- 2782
4-piperidinyl]-N-phenylpropanamide); 2783

(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2- 2784
phenethyl)-4-piperidinyl]propanamide; 2785

(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4- 2786
piperidinyl]-propanamide; 2787

(10) Alfentanil; 2788

(11) Carfentanil; 2789

- (12) Remifentanil; 2790
- (13) Sufentanil; 2791
- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and 2792
2793
- (15) ~~A schedule I narcotic opiate~~ Any compound that meets 2794
all of the following fentanyl pharmacophore requirements 2795
~~specified in division (A) (56) of section 3719.41 of the Revised~~ 2796
~~Code to bind at the mu receptor, as identified by a report from~~ 2797
an established forensic laboratory, including acetylfentanyl, 2798
furanylfentanyl, valerylfentanyl, butyrylfentanyl, 2799
isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para- 2800
fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl; 2801
- (a) A chemical scaffold consisting of both of the 2802
following: 2803
- (i) A five, six, or seven member ring structure containing 2804
a nitrogen, whether or not further substituted; 2805
- (ii) An attached nitrogen to the ring, whether or not that 2806
nitrogen is enclosed in a ring structure, including an attached 2807
aromatic ring or other lipophilic group to that nitrogen. 2808
- (b) A polar functional group attached to the chemical 2809
scaffold, including but not limited to a hydroxyl, ketone, 2810
amide, or ester; 2811
- (c) An alkyl or aryl substitution off the ring nitrogen of 2812
the chemical scaffold; and 2813
- (d) The compound has not been approved for medical use by 2814
the United States food and drug administration. 2815
- Sec. 2925.09.** (A) No person shall administer, dispense, 2816

distribute, manufacture, possess, sell, or use any drug, other 2817
than a controlled substance, that is not approved by the United 2818
States food and drug administration, or the United States 2819
department of agriculture, unless one of the following applies: 2820

(1) The United States food and drug administration has 2821
approved an application for investigational use in accordance 2822
with the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 2823
(1938), 21 U.S.C.A. 301, as amended, and the drug is used only 2824
for the approved investigational use; 2825

(2) The United States department of agriculture has 2826
approved an application for investigational use in accordance 2827
with the federal "Virus-Serum-Toxin Act," 37 Stat. 832 (1913), 2828
21 U.S.C.A. 151, as amended, and the drug is used only for the 2829
approved investigational use; 2830

(3) A licensed health professional authorized to prescribe 2831
drugs, other than a veterinarian, prescribes or combines two or 2832
more drugs as a single product for medical purposes; 2833

(4) A pharmacist, pursuant to a prescription, compounds 2834
and dispenses two or more drugs as a single product for medical 2835
purposes. 2836

(B) (1) As used in this division, "dangerous drug," 2837
"prescription," "sale at retail," "manufacturer of dangerous 2838
drugs," "outsourcing facility," "third-party logistics 2839
provider," "repackager of dangerous drugs," "wholesale 2840
distributor of dangerous drugs," and "terminal distributor of 2841
dangerous drugs," have the same meanings as in section 4729.01 2842
of the Revised Code. 2843

(2) Except as provided in division (B) (3) of this section, 2844
no person shall administer, dispense, distribute, manufacture, 2845

possess, sell, or use any dangerous drug to or for livestock or 2846
any animal that is generally used for food or in the production 2847
of food, unless the drug is prescribed by a licensed 2848
veterinarian by prescription or other written order and the drug 2849
is used in accordance with the veterinarian's order or 2850
direction. 2851

(3) Division (B) (2) of this section does not apply to a 2852
~~registered-licensed manufacturer of dangerous drugs, outsourcing~~ 2853
~~facility, third-party logistics provider, repackager of~~ 2854
~~dangerous drugs,~~ wholesale distributor of dangerous drugs, a- 2855
~~licensed or~~ terminal distributor of dangerous drugs, or to a 2856
person who possesses, possesses for sale, or sells, at retail, a 2857
drug in accordance with Chapters 3719., 4729., or 4741. of the 2858
Revised Code. 2859

(C) Whoever violates division (A) or (B) (2) of this 2860
section is guilty of a felony of the fifth degree on a first 2861
offense and of a felony of the fourth degree on each subsequent 2862
offense. 2863

Sec. 2925.11. (A) No person shall knowingly obtain, 2864
possess, or use a controlled substance or a controlled substance 2865
analog. 2866

(B) (1) This section does not apply to any of the 2867
following: 2868

(a) Manufacturers, licensed health professionals 2869
authorized to prescribe drugs, pharmacists, owners of 2870
pharmacies, and other persons whose conduct was in accordance 2871
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 2872
4741. of the Revised Code; 2873

(b) If the offense involves an anabolic steroid, any 2874

person who is conducting or participating in a research project 2875
involving the use of an anabolic steroid if the project has been 2876
approved by the United States food and drug administration; 2877

(c) Any person who sells, offers for sale, prescribes, 2878
dispenses, or administers for livestock or other nonhuman 2879
species an anabolic steroid that is expressly intended for 2880
administration through implants to livestock or other nonhuman 2881
species and approved for that purpose under the "Federal Food, 2882
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 2883
as amended, and is sold, offered for sale, prescribed, 2884
dispensed, or administered for that purpose in accordance with 2885
that act; 2886

(d) Any person who obtained the controlled substance 2887
pursuant to a ~~lawful~~ prescription issued by a licensed health 2888
professional authorized to prescribe drugs if the prescription 2889
was issued for a legitimate medical purpose and not altered, 2890
forged, or obtained through deception or commission of a theft 2891
offense. 2892

As used in division (B) (1) (d) of this section, "deception" 2893
and "theft offense" have the same meanings as in section 2913.01 2894
of the Revised Code. 2895

(2) (a) As used in division (B) (2) of this section: 2896

(i) "Community addiction services provider" has the same 2897
meaning as in section 5119.01 of the Revised Code. 2898

(ii) "Community control sanction" and "drug treatment 2899
program" have the same meanings as in section 2929.01 of the 2900
Revised Code. 2901

(iii) "Health care facility" has the same meaning as in 2902
section 2919.16 of the Revised Code. 2903

(iv) "Minor drug possession offense" means a violation of 2904
this section that is a misdemeanor or a felony of the fifth 2905
degree. 2906

(v) "Post-release control sanction" has the same meaning 2907
as in section 2967.28 of the Revised Code. 2908

(vi) "Peace officer" has the same meaning as in section 2909
2935.01 of the Revised Code. 2910

(vii) "Public agency" has the same meaning as in section 2911
2930.01 of the Revised Code. 2912

(viii) "Qualified individual" means a person who is not on 2913
community control or post-release control and is a person acting 2914
in good faith who seeks or obtains medical assistance for 2915
another person who is experiencing a drug overdose, a person who 2916
experiences a drug overdose and who seeks medical assistance for 2917
that overdose, or a person who is the subject of another person 2918
seeking or obtaining medical assistance for that overdose as 2919
described in division (B) (2) (b) of this section. 2920

(ix) "Seek or obtain medical assistance" includes, but is 2921
not limited to making a 9-1-1 call, contacting in person or by 2922
telephone call an on-duty peace officer, or transporting or 2923
presenting a person to a health care facility. 2924

(b) Subject to division (B) (2) (f) of this section, a 2925
qualified individual shall not be arrested, charged, prosecuted, 2926
convicted, or penalized pursuant to this chapter for a minor 2927
drug possession offense if all of the following apply: 2928

(i) The evidence of the obtaining, possession, or use of 2929
the controlled substance or controlled substance analog that 2930
would be the basis of the offense was obtained as a result of 2931
the qualified individual seeking the medical assistance or 2932

experiencing an overdose and needing medical assistance. 2933

(ii) Subject to division (B) (2) (g) of this section, within 2934
thirty days after seeking or obtaining the medical assistance, 2935
the qualified individual seeks and obtains a screening and 2936
receives a referral for treatment from a community addiction 2937
services provider or a properly credentialed addiction treatment 2938
professional. 2939

(iii) Subject to division (B) (2) (g) of this section, the 2940
qualified individual who obtains a screening and receives a 2941
referral for treatment under division (B) (2) (b) (ii) of this 2942
section, upon the request of any prosecuting attorney, submits 2943
documentation to the prosecuting attorney that verifies that the 2944
qualified individual satisfied the requirements of that 2945
division. The documentation shall be limited to the date and 2946
time of the screening obtained and referral received. 2947

(c) If a person is found to be in violation of any 2948
community control sanction and if the violation is a result of 2949
either of the following, the court shall first consider ordering 2950
the person's participation or continued participation in a drug 2951
treatment program or mitigating the penalty specified in section 2952
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 2953
applicable, after which the court has the discretion either to 2954
order the person's participation or continued participation in a 2955
drug treatment program or to impose the penalty with the 2956
mitigating factor specified in any of those applicable sections: 2957

(i) Seeking or obtaining medical assistance in good faith 2958
for another person who is experiencing a drug overdose; 2959

(ii) Experiencing a drug overdose and seeking medical 2960
assistance for that overdose or being the subject of another 2961

person seeking or obtaining medical assistance for that overdose 2962
as described in division (B) (2) (b) of this section. 2963

(d) If a person is found to be in violation of any post- 2964
release control sanction and if the violation is a result of 2965
either of the following, the court or the parole board shall 2966
first consider ordering the person's participation or continued 2967
participation in a drug treatment program or mitigating the 2968
penalty specified in section 2929.141 or 2967.28 of the Revised 2969
Code, whichever is applicable, after which the court or the 2970
parole board has the discretion either to order the person's 2971
participation or continued participation in a drug treatment 2972
program or to impose the penalty with the mitigating factor 2973
specified in either of those applicable sections: 2974

(i) Seeking or obtaining medical assistance in good faith 2975
for another person who is experiencing a drug overdose; 2976

(ii) Experiencing a drug overdose and seeking medical 2977
assistance for that emergency or being the subject of another 2978
person seeking or obtaining medical assistance for that overdose 2979
as described in division (B) (2) (b) of this section. 2980

(e) Nothing in division (B) (2) (b) of this section shall be 2981
construed to do any of the following: 2982

(i) Limit the admissibility of any evidence in connection 2983
with the investigation or prosecution of a crime with regards to 2984
a defendant who does not qualify for the protections of division 2985
(B) (2) (b) of this section or with regards to any crime other 2986
than a minor drug possession offense committed by a person who 2987
qualifies for protection pursuant to division (B) (2) (b) of this 2988
section for a minor drug possession offense; 2989

(ii) Limit any seizure of evidence or contraband otherwise 2990

permitted by law; 2991

(iii) Limit or abridge the authority of a peace officer to 2992
detain or take into custody a person in the course of an 2993
investigation or to effectuate an arrest for any offense except 2994
as provided in that division; 2995

(iv) Limit, modify, or remove any immunity from liability 2996
available pursuant to law in effect prior to September 13, 2016, 2997
to any public agency or to an employee of any public agency. 2998

(f) Division (B) (2) (b) of this section does not apply to 2999
any person who twice previously has been granted an immunity 3000
under division (B) (2) (b) of this section. No person shall be 3001
granted an immunity under division (B) (2) (b) of this section 3002
more than two times. 3003

(g) Nothing in this section shall compel any qualified 3004
individual to disclose protected health information in a way 3005
that conflicts with the requirements of the "Health Insurance 3006
Portability and Accountability Act of 1996," 104 Pub. L. No. 3007
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 3008
regulations promulgated by the United States department of 3009
health and human services to implement the act or the 3010
requirements of 42 C.F.R. Part 2. 3011

(C) Whoever violates division (A) of this section is 3012
guilty of one of the following: 3013

(1) If the drug involved in the violation is a compound, 3014
mixture, preparation, or substance included in schedule I or II, 3015
with the exception of marihuana, cocaine, L.S.D., heroin, any 3016
fentanyl-related compound, hashish, and any controlled substance 3017
analog, whoever violates division (A) of this section is guilty 3018
of aggravated possession of drugs. The penalty for the offense 3019

shall be determined as follows: 3020

(a) Except as otherwise provided in division (C) (1) (b), 3021
(c), (d), or (e) of this section, aggravated possession of drugs 3022
is a felony of the fifth degree, and division (B) of section 3023
2929.13 of the Revised Code applies in determining whether to 3024
impose a prison term on the offender. 3025

(b) If the amount of the drug involved equals or exceeds 3026
the bulk amount but is less than five times the bulk amount, 3027
aggravated possession of drugs is a felony of the third degree, 3028
and there is a presumption for a prison term for the offense. 3029

(c) If the amount of the drug involved equals or exceeds 3030
five times the bulk amount but is less than fifty times the bulk 3031
amount, aggravated possession of drugs is a felony of the second 3032
degree, and the court shall impose as a mandatory prison term 3033
one of the prison terms prescribed for a felony of the second 3034
degree. 3035

(d) If the amount of the drug involved equals or exceeds 3036
fifty times the bulk amount but is less than one hundred times 3037
the bulk amount, aggravated possession of drugs is a felony of 3038
the first degree, and the court shall impose as a mandatory 3039
prison term one of the prison terms prescribed for a felony of 3040
the first degree. 3041

(e) If the amount of the drug involved equals or exceeds 3042
one hundred times the bulk amount, aggravated possession of 3043
drugs is a felony of the first degree, the offender is a major 3044
drug offender, and the court shall impose as a mandatory prison 3045
term the maximum prison term prescribed for a felony of the 3046
first degree. 3047

(2) If the drug involved in the violation is a compound, 3048

mixture, preparation, or substance included in schedule III, IV, 3049
or V, whoever violates division (A) of this section is guilty of 3050
possession of drugs. The penalty for the offense shall be 3051
determined as follows: 3052

(a) Except as otherwise provided in division (C) (2) (b), 3053
(c), or (d) of this section, possession of drugs is a 3054
misdemeanor of the first degree or, if the offender previously 3055
has been convicted of a drug abuse offense, a felony of the 3056
fifth degree. 3057

(b) If the amount of the drug involved equals or exceeds 3058
the bulk amount but is less than five times the bulk amount, 3059
possession of drugs is a felony of the fourth degree, and 3060
division (C) of section 2929.13 of the Revised Code applies in 3061
determining whether to impose a prison term on the offender. 3062

(c) If the amount of the drug involved equals or exceeds 3063
five times the bulk amount but is less than fifty times the bulk 3064
amount, possession of drugs is a felony of the third degree, and 3065
there is a presumption for a prison term for the offense. 3066

(d) If the amount of the drug involved equals or exceeds 3067
fifty times the bulk amount, possession of drugs is a felony of 3068
the second degree, and the court shall impose upon the offender 3069
as a mandatory prison term one of the prison terms prescribed 3070
for a felony of the second degree. 3071

(3) If the drug involved in the violation is marihuana or 3072
a compound, mixture, preparation, or substance containing 3073
marihuana other than hashish, whoever violates division (A) of 3074
this section is guilty of possession of marihuana. The penalty 3075
for the offense shall be determined as follows: 3076

(a) Except as otherwise provided in division (C) (3) (b), 3077

(c), (d), (e), (f), or (g) of this section, possession of 3078
marihuana is a minor misdemeanor. 3079

(b) If the amount of the drug involved equals or exceeds 3080
one hundred grams but is less than two hundred grams, possession 3081
of marihuana is a misdemeanor of the fourth degree. 3082

(c) If the amount of the drug involved equals or exceeds 3083
two hundred grams but is less than one thousand grams, 3084
possession of marihuana is a felony of the fifth degree, and 3085
division (B) of section 2929.13 of the Revised Code applies in 3086
determining whether to impose a prison term on the offender. 3087

(d) If the amount of the drug involved equals or exceeds 3088
one thousand grams but is less than five thousand grams, 3089
possession of marihuana is a felony of the third degree, and 3090
division (C) of section 2929.13 of the Revised Code applies in 3091
determining whether to impose a prison term on the offender. 3092

(e) If the amount of the drug involved equals or exceeds 3093
five thousand grams but is less than twenty thousand grams, 3094
possession of marihuana is a felony of the third degree, and 3095
there is a presumption that a prison term shall be imposed for 3096
the offense. 3097

(f) If the amount of the drug involved equals or exceeds 3098
twenty thousand grams but is less than forty thousand grams, 3099
possession of marihuana is a felony of the second degree, and 3100
the court shall impose a mandatory prison term of five, six, 3101
seven, or eight years. 3102

(g) If the amount of the drug involved equals or exceeds 3103
forty thousand grams, possession of marihuana is a felony of the 3104
second degree, and the court shall impose as a mandatory prison 3105
term the maximum prison term prescribed for a felony of the 3106

second degree. 3107

(4) If the drug involved in the violation is cocaine or a 3108
compound, mixture, preparation, or substance containing cocaine, 3109
whoever violates division (A) of this section is guilty of 3110
possession of cocaine. The penalty for the offense shall be 3111
determined as follows: 3112

(a) Except as otherwise provided in division (C) (4) (b), 3113
(c), (d), (e), or (f) of this section, possession of cocaine is 3114
a felony of the fifth degree, and division (B) of section 3115
2929.13 of the Revised Code applies in determining whether to 3116
impose a prison term on the offender. 3117

(b) If the amount of the drug involved equals or exceeds 3118
five grams but is less than ten grams of cocaine, possession of 3119
cocaine is a felony of the fourth degree, and division (B) of 3120
section 2929.13 of the Revised Code applies in determining 3121
whether to impose a prison term on the offender. 3122

(c) If the amount of the drug involved equals or exceeds 3123
ten grams but is less than twenty grams of cocaine, possession 3124
of cocaine is a felony of the third degree, and, except as 3125
otherwise provided in this division, there is a presumption for 3126
a prison term for the offense. If possession of cocaine is a 3127
felony of the third degree under this division and if the 3128
offender two or more times previously has been convicted of or 3129
pleaded guilty to a felony drug abuse offense, the court shall 3130
impose as a mandatory prison term one of the prison terms 3131
prescribed for a felony of the third degree. 3132

(d) If the amount of the drug involved equals or exceeds 3133
twenty grams but is less than twenty-seven grams of cocaine, 3134
possession of cocaine is a felony of the second degree, and the 3135

court shall impose as a mandatory prison term one of the prison 3136
terms prescribed for a felony of the second degree. 3137

(e) If the amount of the drug involved equals or exceeds 3138
twenty-seven grams but is less than one hundred grams of 3139
cocaine, possession of cocaine is a felony of the first degree, 3140
and the court shall impose as a mandatory prison term one of the 3141
prison terms prescribed for a felony of the first degree. 3142

(f) If the amount of the drug involved equals or exceeds 3143
one hundred grams of cocaine, possession of cocaine is a felony 3144
of the first degree, the offender is a major drug offender, and 3145
the court shall impose as a mandatory prison term the maximum 3146
prison term prescribed for a felony of the first degree. 3147

(5) If the drug involved in the violation is L.S.D., 3148
whoever violates division (A) of this section is guilty of 3149
possession of L.S.D. The penalty for the offense shall be 3150
determined as follows: 3151

(a) Except as otherwise provided in division (C) (5) (b), 3152
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 3153
felony of the fifth degree, and division (B) of section 2929.13 3154
of the Revised Code applies in determining whether to impose a 3155
prison term on the offender. 3156

(b) If the amount of L.S.D. involved equals or exceeds ten 3157
unit doses but is less than fifty unit doses of L.S.D. in a 3158
solid form or equals or exceeds one gram but is less than five 3159
grams of L.S.D. in a liquid concentrate, liquid extract, or 3160
liquid distillate form, possession of L.S.D. is a felony of the 3161
fourth degree, and division (C) of section 2929.13 of the 3162
Revised Code applies in determining whether to impose a prison 3163
term on the offender. 3164

(c) If the amount of L.S.D. involved equals or exceeds 3165
fifty unit doses, but is less than two hundred fifty unit doses 3166
of L.S.D. in a solid form or equals or exceeds five grams but is 3167
less than twenty-five grams of L.S.D. in a liquid concentrate, 3168
liquid extract, or liquid distillate form, possession of L.S.D. 3169
is a felony of the third degree, and there is a presumption for 3170
a prison term for the offense. 3171

(d) If the amount of L.S.D. involved equals or exceeds two 3172
hundred fifty unit doses but is less than one thousand unit 3173
doses of L.S.D. in a solid form or equals or exceeds twenty-five 3174
grams but is less than one hundred grams of L.S.D. in a liquid 3175
concentrate, liquid extract, or liquid distillate form, 3176
possession of L.S.D. is a felony of the second degree, and the 3177
court shall impose as a mandatory prison term one of the prison 3178
terms prescribed for a felony of the second degree. 3179

(e) If the amount of L.S.D. involved equals or exceeds one 3180
thousand unit doses but is less than five thousand unit doses of 3181
L.S.D. in a solid form or equals or exceeds one hundred grams 3182
but is less than five hundred grams of L.S.D. in a liquid 3183
concentrate, liquid extract, or liquid distillate form, 3184
possession of L.S.D. is a felony of the first degree, and the 3185
court shall impose as a mandatory prison term one of the prison 3186
terms prescribed for a felony of the first degree. 3187

(f) If the amount of L.S.D. involved equals or exceeds 3188
five thousand unit doses of L.S.D. in a solid form or equals or 3189
exceeds five hundred grams of L.S.D. in a liquid concentrate, 3190
liquid extract, or liquid distillate form, possession of L.S.D. 3191
is a felony of the first degree, the offender is a major drug 3192
offender, and the court shall impose as a mandatory prison term 3193
the maximum prison term prescribed for a felony of the first 3194

degree. 3195

(6) If the drug involved in the violation is heroin or a 3196
compound, mixture, preparation, or substance containing heroin, 3197
whoever violates division (A) of this section is guilty of 3198
possession of heroin. The penalty for the offense shall be 3199
determined as follows: 3200

(a) Except as otherwise provided in division (C) (6) (b), 3201
(c), (d), (e), or (f) of this section, possession of heroin is a 3202
felony of the fifth degree, and division (B) of section 2929.13 3203
of the Revised Code applies in determining whether to impose a 3204
prison term on the offender. 3205

(b) If the amount of the drug involved equals or exceeds 3206
ten unit doses but is less than fifty unit doses or equals or 3207
exceeds one gram but is less than five grams, possession of 3208
heroin is a felony of the fourth degree, and division (C) of 3209
section 2929.13 of the Revised Code applies in determining 3210
whether to impose a prison term on the offender. 3211

(c) If the amount of the drug involved equals or exceeds 3212
fifty unit doses but is less than one hundred unit doses or 3213
equals or exceeds five grams but is less than ten grams, 3214
possession of heroin is a felony of the third degree, and there 3215
is a presumption for a prison term for the offense. 3216

(d) If the amount of the drug involved equals or exceeds 3217
one hundred unit doses but is less than five hundred unit doses 3218
or equals or exceeds ten grams but is less than fifty grams, 3219
possession of heroin is a felony of the second degree, and the 3220
court shall impose as a mandatory prison term one of the prison 3221
terms prescribed for a felony of the second degree. 3222

(e) If the amount of the drug involved equals or exceeds 3223

five hundred unit doses but is less than one thousand unit doses 3224
or equals or exceeds fifty grams but is less than one hundred 3225
grams, possession of heroin is a felony of the first degree, and 3226
the court shall impose as a mandatory prison term one of the 3227
prison terms prescribed for a felony of the first degree. 3228

(f) If the amount of the drug involved equals or exceeds 3229
one thousand unit doses or equals or exceeds one hundred grams, 3230
possession of heroin is a felony of the first degree, the 3231
offender is a major drug offender, and the court shall impose as 3232
a mandatory prison term the maximum prison term prescribed for a 3233
felony of the first degree. 3234

(7) If the drug involved in the violation is hashish or a 3235
compound, mixture, preparation, or substance containing hashish, 3236
whoever violates division (A) of this section is guilty of 3237
possession of hashish. The penalty for the offense shall be 3238
determined as follows: 3239

(a) Except as otherwise provided in division (C) (7) (b), 3240
(c), (d), (e), (f), or (g) of this section, possession of 3241
hashish is a minor misdemeanor. 3242

(b) If the amount of the drug involved equals or exceeds 3243
five grams but is less than ten grams of hashish in a solid form 3244
or equals or exceeds one gram but is less than two grams of 3245
hashish in a liquid concentrate, liquid extract, or liquid 3246
distillate form, possession of hashish is a misdemeanor of the 3247
fourth degree. 3248

(c) If the amount of the drug involved equals or exceeds 3249
ten grams but is less than fifty grams of hashish in a solid 3250
form or equals or exceeds two grams but is less than ten grams 3251
of hashish in a liquid concentrate, liquid extract, or liquid 3252

distillate form, possession of hashish is a felony of the fifth 3253
degree, and division (B) of section 2929.13 of the Revised Code 3254
applies in determining whether to impose a prison term on the 3255
offender. 3256

(d) If the amount of the drug involved equals or exceeds 3257
fifty grams but is less than two hundred fifty grams of hashish 3258
in a solid form or equals or exceeds ten grams but is less than 3259
fifty grams of hashish in a liquid concentrate, liquid extract, 3260
or liquid distillate form, possession of hashish is a felony of 3261
the third degree, and division (C) of section 2929.13 of the 3262
Revised Code applies in determining whether to impose a prison 3263
term on the offender. 3264

(e) If the amount of the drug involved equals or exceeds 3265
two hundred fifty grams but is less than one thousand grams of 3266
hashish in a solid form or equals or exceeds fifty grams but is 3267
less than two hundred grams of hashish in a liquid concentrate, 3268
liquid extract, or liquid distillate form, possession of hashish 3269
is a felony of the third degree, and there is a presumption that 3270
a prison term shall be imposed for the offense. 3271

(f) If the amount of the drug involved equals or exceeds 3272
one thousand grams but is less than two thousand grams of 3273
hashish in a solid form or equals or exceeds two hundred grams 3274
but is less than four hundred grams of hashish in a liquid 3275
concentrate, liquid extract, or liquid distillate form, 3276
possession of hashish is a felony of the second degree, and the 3277
court shall impose a mandatory prison term of five, six, seven, 3278
or eight years. 3279

(g) If the amount of the drug involved equals or exceeds 3280
two thousand grams of hashish in a solid form or equals or 3281
exceeds four hundred grams of hashish in a liquid concentrate, 3282

liquid extract, or liquid distillate form, possession of hashish 3283
is a felony of the second degree, and the court shall impose as 3284
a mandatory prison term the maximum prison term prescribed for a 3285
felony of the second degree. 3286

(8) If the drug involved is a controlled substance analog 3287
or compound, mixture, preparation, or substance that contains a 3288
controlled substance analog, whoever violates division (A) of 3289
this section is guilty of possession of a controlled substance 3290
analog. The penalty for the offense shall be determined as 3291
follows: 3292

(a) Except as otherwise provided in division (C) (8) (b), 3293
(c), (d), (e), or (f) of this section, possession of a 3294
controlled substance analog is a felony of the fifth degree, and 3295
division (B) of section 2929.13 of the Revised Code applies in 3296
determining whether to impose a prison term on the offender. 3297

(b) If the amount of the drug involved equals or exceeds 3298
ten grams but is less than twenty grams, possession of a 3299
controlled substance analog is a felony of the fourth degree, 3300
and there is a presumption for a prison term for the offense. 3301

(c) If the amount of the drug involved equals or exceeds 3302
twenty grams but is less than thirty grams, possession of a 3303
controlled substance analog is a felony of the third degree, and 3304
there is a presumption for a prison term for the offense. 3305

(d) If the amount of the drug involved equals or exceeds 3306
thirty grams but is less than forty grams, possession of a 3307
controlled substance analog is a felony of the second degree, 3308
and the court shall impose as a mandatory prison term one of the 3309
prison terms prescribed for a felony of the second degree. 3310

(e) If the amount of the drug involved equals or exceeds 3311

forty grams but is less than fifty grams, possession of a 3312
controlled substance analog is a felony of the first degree, and 3313
the court shall impose as a mandatory prison term one of the 3314
prison terms prescribed for a felony of the first degree. 3315

(f) If the amount of the drug involved equals or exceeds 3316
fifty grams, possession of a controlled substance analog is a 3317
felony of the first degree, the offender is a major drug 3318
offender, and the court shall impose as a mandatory prison term 3319
the maximum prison term prescribed for a felony of the first 3320
degree. 3321

(9) If the drug involved in the violation is a compound, 3322
mixture, preparation, or substance that is a combination of a 3323
fentanyl-related compound and marihuana, one of the following 3324
applies: 3325

(a) Except as otherwise provided in division (C) (9) (b) of 3326
this section, the offender is guilty of possession of marihuana 3327
and shall be punished as provided in division (C) (3) of this 3328
section. Except as otherwise provided in division (C) (9) (b) of 3329
this section, the offender is not guilty of possession of a 3330
fentanyl-related compound under division (C) (11) of this section 3331
and shall not be charged with, convicted of, or punished under 3332
division (C) (11) of this section for possession of a fentanyl- 3333
related compound. 3334

(b) If the offender knows or has reason to know that the 3335
compound, mixture, preparation, or substance that is the drug 3336
involved contains a fentanyl-related compound, the offender is 3337
guilty of possession of a fentanyl-related compound and shall be 3338
punished under division (C) (11) of this section. 3339

(10) If the drug involved in the violation is a compound, 3340

mixture, preparation, or substance that is a combination of a 3341
fentanyl-related compound and any schedule III, schedule IV, or 3342
schedule V controlled substance that is not a fentanyl-related 3343
compound, one of the following applies: 3344

(a) Except as otherwise provided in division (C)(10)(b) of 3345
this section, the offender is guilty of possession of drugs and 3346
shall be punished as provided in division (C)(2) of this 3347
section. Except as otherwise provided in division (C)(10)(b) of 3348
this section, the offender is not guilty of possession of a 3349
fentanyl-related compound under division (C)(11) of this section 3350
and shall not be charged with, convicted of, or punished under 3351
division (C)(11) of this section for possession of a fentanyl- 3352
related compound. 3353

(b) If the offender knows or has reason to know that the 3354
compound, mixture, preparation, or substance that is the drug 3355
involved contains a fentanyl-related compound, the offender is 3356
guilty of possession of a fentanyl-related compound and shall be 3357
punished under division (C)(11) of this section. 3358

(11) If the drug involved in the violation is a fentanyl- 3359
related compound and neither division (C)(9)(a) nor division (C) 3360
(10)(a) of this section applies to the drug involved, or is a 3361
compound, mixture, preparation, or substance that contains a 3362
fentanyl-related compound or is a combination of a fentanyl- 3363
related compound and any other controlled substance and neither 3364
division (C)(9)(a) nor division (C)(10)(a) of this section 3365
applies to the drug involved, whoever violates division (A) of 3366
this section is guilty of possession of a fentanyl-related 3367
compound. The penalty for the offense shall be determined as 3368
follows: 3369

(a) Except as otherwise provided in division (C)(11)(b), 3370

(c), (d), (e), (f), or (g) of this section, possession of a 3371
fentanyl-related compound is a felony of the fifth degree, and 3372
division (B) of section 2929.13 of the Revised Code applies in 3373
determining whether to impose a prison term on the offender. 3374

(b) If the amount of the drug involved equals or exceeds 3375
ten unit doses but is less than fifty unit doses or equals or 3376
exceeds one gram but is less than five grams, possession of a 3377
fentanyl-related compound is a felony of the fourth degree, and 3378
division (C) of section 2929.13 of the Revised Code applies in 3379
determining whether to impose a prison term on the offender. 3380

(c) If the amount of the drug involved equals or exceeds 3381
fifty unit doses but is less than one hundred unit doses or 3382
equals or exceeds five grams but is less than ten grams, 3383
possession of a fentanyl-related compound is a felony of the 3384
third degree, and there is a presumption for a prison term for 3385
the offense. 3386

(d) If the amount of the drug involved equals or exceeds 3387
one hundred unit doses but is less than two hundred unit doses 3388
or equals or exceeds ten grams but is less than twenty grams, 3389
possession of a fentanyl-related compound is a felony of the 3390
second degree, and the court shall impose as a mandatory prison 3391
term one of the prison terms prescribed for a felony of the 3392
second degree. 3393

(e) If the amount of the drug involved equals or exceeds 3394
two hundred unit doses but is less than five hundred unit doses 3395
or equals or exceeds twenty grams but is less than fifty grams, 3396
possession of a fentanyl-related compound is a felony of the 3397
first degree, and the court shall impose as a mandatory prison 3398
term one of the prison terms prescribed for a felony of the 3399
first degree. 3400

(f) If the amount of the drug involved equals or exceeds 3401
five hundred unit doses but is less than one thousand unit doses 3402
or equals or exceeds fifty grams but is less than one hundred 3403
grams, possession of a fentanyl-related compound is a felony of 3404
the first degree, and the court shall impose as a mandatory 3405
prison term the maximum prison term prescribed for a felony of 3406
the first degree. 3407

(g) If the amount of the drug involved equals or exceeds 3408
one thousand unit doses or equals or exceeds one hundred grams, 3409
possession of a fentanyl-related compound is a felony of the 3410
first degree, the offender is a major drug offender, and the 3411
court shall impose as a mandatory prison term the maximum prison 3412
term prescribed for a felony of the first degree. 3413

(D) Arrest or conviction for a minor misdemeanor violation 3414
of this section does not constitute a criminal record and need 3415
not be reported by the person so arrested or convicted in 3416
response to any inquiries about the person's criminal record, 3417
including any inquiries contained in any application for 3418
employment, license, or other right or privilege, or made in 3419
connection with the person's appearance as a witness. 3420

(E) In addition to any prison term or jail term authorized 3421
or required by division (C) of this section and sections 3422
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 3423
Code and in addition to any other sanction that is imposed for 3424
the offense under this section, sections 2929.11 to 2929.18, or 3425
sections 2929.21 to 2929.28 of the Revised Code, the court that 3426
sentences an offender who is convicted of or pleads guilty to a 3427
violation of division (A) of this section may suspend the 3428
offender's driver's or commercial driver's license or permit for 3429
not more than five years. However, if the offender pleaded 3430

guilty to or was convicted of a violation of section 4511.19 of 3431
the Revised Code or a substantially similar municipal ordinance 3432
or the law of another state or the United States arising out of 3433
the same set of circumstances as the violation, the court shall 3434
suspend the offender's driver's or commercial driver's license 3435
or permit for not more than five years. If applicable, the court 3436
also shall do the following: 3437

(1) (a) If the violation is a felony of the first, second, 3438
or third degree, the court shall impose upon the offender the 3439
mandatory fine specified for the offense under division (B) (1) 3440
of section 2929.18 of the Revised Code unless, as specified in 3441
that division, the court determines that the offender is 3442
indigent. 3443

(b) Notwithstanding any contrary provision of section 3444
3719.21 of the Revised Code, the clerk of the court shall pay a 3445
mandatory fine or other fine imposed for a violation of this 3446
section pursuant to division (A) of section 2929.18 of the 3447
Revised Code in accordance with and subject to the requirements 3448
of division (F) of section 2925.03 of the Revised Code. The 3449
agency that receives the fine shall use the fine as specified in 3450
division (F) of section 2925.03 of the Revised Code. 3451

(c) If a person is charged with a violation of this 3452
section that is a felony of the first, second, or third degree, 3453
posts bail, and forfeits the bail, the clerk shall pay the 3454
forfeited bail pursuant to division (E) (1) (b) of this section as 3455
if it were a mandatory fine imposed under division (E) (1) (a) of 3456
this section. 3457

(2) If the offender is a professionally licensed person, 3458
in addition to any other sanction imposed for a violation of 3459
this section, the court immediately shall comply with section 3460

2925.38 of the Revised Code. 3461

(F) It is an affirmative defense, as provided in section 3462
2901.05 of the Revised Code, to a charge of a fourth degree 3463
felony violation under this section that the controlled 3464
substance that gave rise to the charge is in an amount, is in a 3465
form, is prepared, compounded, or mixed with substances that are 3466
not controlled substances in a manner, or is possessed under any 3467
other circumstances, that indicate that the substance was 3468
possessed solely for personal use. Notwithstanding any contrary 3469
provision of this section, if, in accordance with section 3470
2901.05 of the Revised Code, an accused who is charged with a 3471
fourth degree felony violation of division (C) (2), (4), (5), or 3472
(6) of this section sustains the burden of going forward with 3473
evidence of and establishes by a preponderance of the evidence 3474
the affirmative defense described in this division, the accused 3475
may be prosecuted for and may plead guilty to or be convicted of 3476
a misdemeanor violation of division (C) (2) of this section or a 3477
fifth degree felony violation of division (C) (4), (5), or (6) of 3478
this section respectively. 3479

(G) When a person is charged with possessing a bulk amount 3480
or multiple of a bulk amount, division (E) of section 2925.03 of 3481
the Revised Code applies regarding the determination of the 3482
amount of the controlled substance involved at the time of the 3483
offense. 3484

(H) It is an affirmative defense to a charge of possession 3485
of a controlled substance analog under division (C) (8) of this 3486
section that the person charged with violating that offense 3487
obtained, possessed, or used ~~an item described in division (HH)~~ 3488
~~(2) (a), (b), or (c) of one of the following items that are~~ 3489
excluded from the meaning of "controlled substance analog" under 3490

section 3719.01 of the Revised Code: 3491

(1) A controlled substance; 3492

(2) Any substance for which there is an approved new drug 3493
application; 3494

(3) With respect to a particular person, any substance if 3495
an exemption is in effect for investigational use for that 3496
person pursuant to federal law to the extent that conduct with 3497
respect to that substance is pursuant to that exemption. 3498

(I) Any offender who received a mandatory suspension of 3499
the offender's driver's or commercial driver's license or permit 3500
under this section prior to September 13, 2016, may file a 3501
motion with the sentencing court requesting the termination of 3502
the suspension. However, an offender who pleaded guilty to or 3503
was convicted of a violation of section 4511.19 of the Revised 3504
Code or a substantially similar municipal ordinance or law of 3505
another state or the United States that arose out of the same 3506
set of circumstances as the violation for which the offender's 3507
license or permit was suspended under this section shall not 3508
file such a motion. 3509

Upon the filing of a motion under division (I) of this 3510
section, the sentencing court, in its discretion, may terminate 3511
the suspension. 3512

Sec. 2925.23. (A) No person shall knowingly make a false 3513
statement in any prescription, order, report, or record required 3514
by Chapter 3719. or 4729. of the Revised Code. 3515

(B) No person shall intentionally make, utter, or sell, or 3516
knowingly possess any of the following that is a false or 3517
forged: 3518

(1) Prescription;	3519
(2) Uncompleted preprinted prescription blank used for writing a prescription;	3520 3521
(3) Official written order;	3522
(4) License for a terminal distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code;	3523 3524
(5) License for a <u>manufacturer of dangerous drugs,</u> <u>outsourcing facility, third-party logistics provider, repackager</u> <u>of dangerous drugs, or</u> wholesale distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code.	3525 3526 3527 3528
(C) No person, by theft as defined in section 2913.02 of the Revised Code, shall acquire any of the following:	3529 3530
(1) A prescription;	3531
(2) An uncompleted preprinted prescription blank used for writing a prescription;	3532 3533
(3) An official written order;	3534
(4) A blank official written order;	3535
(5) A license or blank license for a terminal distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code;	3536 3537 3538
(6) A license or blank license for a <u>manufacturer of</u> <u>dangerous drugs, outsourcing facility, third-party logistics</u> <u>provider, repackager of dangerous drugs, or</u> wholesale distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code.	3539 3540 3541 3542 3543
(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous	3544 3545

drugs. 3546

(E) Divisions (A) and (D) of this section do not apply to 3547
licensed health professionals authorized to prescribe drugs, 3548
pharmacists, owners of pharmacies, and other persons whose 3549
conduct is in accordance with Chapters 3719., 4715., 4723., 3550
4725., 4729., 4730., 4731., and 4741. of the Revised Code. 3551

(F) Whoever violates this section is guilty of illegal 3552
processing of drug documents. If the offender violates division 3553
(B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this 3554
section, illegal processing of drug documents is a felony of the 3555
fifth degree. If the offender violates division (A), division 3556
(B) (1) or (3), division (C) (1) or (3), or division (D) of this 3557
section, the penalty for illegal processing of drug documents 3558
shall be determined as follows: 3559

(1) If the drug involved is a compound, mixture, 3560
preparation, or substance included in schedule I or II, with the 3561
exception of marihuana, illegal processing of drug documents is 3562
a felony of the fourth degree, and division (C) of section 3563
2929.13 of the Revised Code applies in determining whether to 3564
impose a prison term on the offender. 3565

(2) If the drug involved is a dangerous drug or a 3566
compound, mixture, preparation, or substance included in 3567
schedule III, IV, or V or is marihuana, illegal processing of 3568
drug documents is a felony of the fifth degree, and division (C) 3569
of section 2929.13 of the Revised Code applies in determining 3570
whether to impose a prison term on the offender. 3571

(G) (1) In addition to any prison term authorized or 3572
required by division (F) of this section and sections 2929.13 3573
and 2929.14 of the Revised Code and in addition to any other 3574

sanction imposed for the offense under this section or sections 3575
2929.11 to 2929.18 of the Revised Code, the court that sentences 3576
an offender who is convicted of or pleads guilty to any 3577
violation of divisions (A) to (D) of this section may suspend 3578
for not more than five years the offender's driver's or 3579
commercial driver's license or permit. However, if the offender 3580
pleaded guilty to or was convicted of a violation of section 3581
4511.19 of the Revised Code or a substantially similar municipal 3582
ordinance or the law of another state or the United States 3583
arising out of the same set of circumstances as the violation, 3584
the court shall suspend the offender's driver's or commercial 3585
driver's license or permit for not more than five years. 3586

If the offender is a professionally licensed person, in 3587
addition to any other sanction imposed for a violation of this 3588
section, the court immediately shall comply with section 2925.38 3589
of the Revised Code. 3590

(2) Any offender who received a mandatory suspension of 3591
the offender's driver's or commercial driver's license or permit 3592
under this section prior to September 13, 2016, may file a 3593
motion with the sentencing court requesting the termination of 3594
the suspension. However, an offender who pleaded guilty to or 3595
was convicted of a violation of section 4511.19 of the Revised 3596
Code or a substantially similar municipal ordinance or law of 3597
another state or the United States that arose out of the same 3598
set of circumstances as the violation for which the offender's 3599
license or permit was suspended under this section shall not 3600
file such a motion. 3601

Upon the filing of a motion under division (G)(2) of this 3602
section, the sentencing court, in its discretion, may terminate 3603
the suspension. 3604

(H) Notwithstanding any contrary provision of section 3605
3719.21 of the Revised Code, the clerk of court shall pay a fine 3606
imposed for a violation of this section pursuant to division (A) 3607
of section 2929.18 of the Revised Code in accordance with and 3608
subject to the requirements of division (F) of section 2925.03 3609
of the Revised Code. The agency that receives the fine shall use 3610
the fine as specified in division (F) of section 2925.03 of the 3611
Revised Code. 3612

Sec. 2925.34. (A) As used in this section: 3613

(1) "Pure caffeine product" means, subject to division (A) 3614
(2) of this section, a product that consists solely or primarily 3615
of caffeine and is manufactured into a crystalline, liquid, or 3616
powdered form. 3617

(2) "Pure caffeine product" does not include any of the 3618
following that contains caffeine and is formulated, 3619
manufactured, and labeled in accordance with the laws and 3620
regulations enforced by the United States Food and Drug 3621
Administration: 3622

(a) Coffee, tea, any soft drink, any energy drink, or any 3623
other caffeine-containing beverage; 3624

(b) Any energy product. 3625

(B) Except as provided in division (C) of this section, no 3626
person shall knowingly sell or offer for sale a pure caffeine 3627
product. 3628

(C) Division (B) of this section does not prohibit a 3629
person from selling or offering for sale any product 3630
manufactured in a unit-dose form such as a pill, tablet, or 3631
caplet, but only if each unit dose of the product contains not 3632
more than two hundred fifty milligrams of caffeine. 3633

(D) Nothing in this section prohibits either of the 3634
following: 3635

(1) Possession of a product described in division (C) of 3636
this section; 3637

(2) Possession of a pure caffeine product by any of the 3638
following: 3639

(a) A food processing establishment, as defined in section 3640
3715.021 of the Revised Code; 3641

(b) A manufacturer of a drug that is available without a 3642
prescription; 3643

(c) A laboratory that holds a current, valid category III 3644
terminal distributor of dangerous drugs license issued by the 3645
state board of pharmacy under section 4729.54 of the Revised 3646
Code; 3647

~~(d) A laboratory, as defined in section 3719.01 of the~~ 3648
~~Revised Code;~~ 3649

~~(e)~~ A laboratory of any agency or department of this state 3650
that performs testing, analysis, and other laboratory services 3651
on behalf of the state; 3652

~~(f)~~ (e) A postal or delivery service that transports or 3653
delivers a pure caffeine product to an entity specified in 3654
divisions (D) (2) (a) to ~~(e)~~ (d) of this section. 3655

(E) Whoever violates division (B) of this section is 3656
guilty of illegal sale of pure caffeine, a minor misdemeanor on 3657
a first offense and a misdemeanor of the third degree on each 3658
subsequent offense. 3659

Sec. 3313.752. As used in this section, "anabolic steroid" 3660

~~has the same meaning~~ means a controlled substance, as defined in 3661
section 3719.41-3719.01 of the Revised Code, that is designated 3662
as an anabolic steroid. 3663

The board of education of each city, local, exempted 3664
village, and joint vocational school district shall require the 3665
following warning to be conspicuously posted in the locker rooms 3666
of each of the district's school buildings that includes any 3667
grade higher than sixth grade: 3668

"Warning: improper use of anabolic steroids may cause 3669
serious or fatal health problems, such as heart disease, stroke, 3670
cancer, growth deformities, infertility, personality changes, 3671
severe acne, and baldness. Possession, sale, or use of anabolic 3672
steroids without a valid prescription is a crime punishable by a 3673
fine and imprisonment." 3674

Sec. 3345.41. (A) As used in this section: 3675

(1) "Anabolic steroid" ~~has the same meaning~~ means a 3676
controlled substance, as defined in section 3719.41-3719.01 of 3677
the Revised Code, that is designated as an anabolic steroid. 3678

(2) "State university or college" has the same meaning as 3679
in section 3345.32 of the Revised Code. 3680

(B) The board of trustees of each state university or 3681
college shall require the following warning to be conspicuously 3682
posted in locker rooms of recreational and athletic facilities 3683
operated by the state university or college for use by students: 3684

"Warning: improper use of anabolic steroids may cause 3685
serious or fatal health problems, such as heart disease, stroke, 3686
cancer, growth deformities, infertility, personality changes, 3687
severe acne, and baldness. Possession, sale, or use of anabolic 3688
steroids without a valid prescription is a crime punishable by a 3689

fine and imprisonment." 3690

Sec. 3707.50. (A) As used in this section: 3691

(1) "Anabolic steroid" ~~has the same meaning means a~~ 3692
controlled substance, as defined in section 3719.41-3719.01 of 3693
the Revised Code, that is designated as an anabolic steroid. 3694

(2) "Athletic facility" means both of the following: 3695

(a) A privately owned athletic training, exercise, or 3696
sports facility or stadium that is open to the public; 3697

(b) A publicly owned sports facility or stadium. 3698

(B) The following warning shall be conspicuously posted in 3699
each locker room of every athletic facility: 3700

"Warning: improper use of anabolic steroids may cause 3701
serious or fatal health problems, such as heart disease, stroke, 3702
cancer, growth deformities, infertility, personality changes, 3703
severe acne, and baldness. Possession, sale, or use of anabolic 3704
steroids without a valid prescription is a crime punishable by a 3705
fine and imprisonment." 3706

(C) No privately owned athletic facility shall fail to 3707
post the warning required by this section. 3708

(D) Any person who violates division (C) of this section 3709
is guilty of a misdemeanor of the fourth degree. 3710

Sec. 3709.01. The state shall be divided into health 3711
districts. Each city constitutes a ~~health district and shall be~~ 3712
~~known as a "city health district."~~ 3713

The townships and villages in each county shall be 3714
combined into a ~~health district and shall be known as a "general~~ 3715
health district." 3716

As provided for in sections 3709.051, 3709.07, and 3709.10 3717
of the Revised Code, there may be a union of two or more general 3718
health districts, a union of two or more city health districts 3719
to form a single city health district, or a union of a general 3720
health district and one or more city health districts located 3721
within or partially within such general health district. 3722

Sec. 3709.011. A board of health of a city or general 3723
health district or the authority having the duties of a board of 3724
health under section 3709.05 of the Revised Code may select the 3725
titles it uses to refer to itself, the health district it 3726
represents, or any health facility or other entity it operates. 3727
The titles may include any terms selected by the board or 3728
authority, including the term "public health." 3729

Sec. 3709.42. (A) As used in this section: 3730

(1) "Board of health" means a board of health of a city or 3731
general health district or the authority having the duties of a 3732
board of health under section 3709.05 of the Revised Code. 3733

(2) "Credit card account" means any bank-issued credit 3734
card account, store-issued credit card account, financial 3735
institution-issued credit card account, financial depository- 3736
issued credit card account, affinity credit card account, or any 3737
other card account allowing the holder to purchase goods or 3738
services on credit or to transact with the account, and any 3739
debit or gift card account related to the receipt of grant 3740
moneys. "Credit card account" does not include a procurement 3741
card account, gasoline or telephone credit card account, or any 3742
other card account where merchant category codes are in place as 3743
a system of control for use of the card account. 3744

(B) A board of health may authorize an officer or employee 3745

of the board to use a credit card account held by the board. Not 3746
later than three months after the effective date of this 3747
section, a board of health that holds a credit card account on 3748
the effective date of this section shall adopt a written policy 3749
for the use of credit card accounts. Otherwise, a board of 3750
health shall adopt a written policy before first holding a 3751
credit card account. 3752

The policy shall include provisions addressing all of the 3753
following: 3754

(1) The officers, positions, or appointees authorized to 3755
use a credit card account; 3756

(2) The types of expenses for which a credit card account 3757
may be used; 3758

(3) The procedure for acquisition, use, and management of 3759
a credit card account and presentation instruments related to 3760
the account including cards and checks; 3761

(4) The procedure for submitting itemized receipts to the 3762
fiscal officer or the fiscal officer's designee; 3763

(5) The procedure for credit card issuance, credit card 3764
reissuance, credit card cancellation, and the process for 3765
reporting lost or stolen credit cards; 3766

(6) The credit card account's maximum credit limit or 3767
limits; 3768

(7) The actions or omissions by an officer or employee 3769
that qualify as misuse of a credit card account. 3770

(C) The name of the board of health shall appear on each 3771
presentation instrument related to the account including cards 3772
and checks. 3773

(D) If the fiscal officer of the board of health does not 3774
retain general possession and control of the credit card account 3775
and presentation instruments related to the account including 3776
cards and checks, the board of health shall appoint a compliance 3777
officer to perform the duties enumerated under division (E) of 3778
this section. The compliance officer may not use a credit card 3779
account and may not authorize an officer or employee to use a 3780
credit card account. The fiscal officer is not eligible for 3781
appointment as compliance officer. 3782

(E) The compliance officer and the board of health, at 3783
least quarterly, shall review the number of cards and accounts 3784
issued, the number of active cards and accounts issued, the 3785
cards' and accounts' expiration dates, and the cards' and 3786
accounts' credit limits. 3787

(F) If the fiscal officer retains general possession and 3788
control of the credit card account and presentation instruments 3789
related to the account including cards and checks, and the board 3790
of health authorizes an officer or employee to use a credit 3791
card, the fiscal officer may use a system to sign out credit 3792
cards to authorized users. The officer or employee is liable in 3793
person and upon any official bond the officer or employee has 3794
given to the board of health to reimburse the health fund of the 3795
city or general health district the amount for which the member 3796
or employee does not provide itemized receipts in accordance 3797
with the policy described in division (B) of this section. 3798

(G) The use of a credit card account for expenses beyond 3799
those authorized by the board of health constitutes misuse of a 3800
credit card account. An officer or employee or a public servant 3801
as defined under section 2921.01 of the Revised Code who 3802
knowingly misuses a credit card account held by the board of 3803

health violates section 2913.21 of the Revised Code. 3804

(H) The fiscal officer or the fiscal officer's designee 3805
annually shall file a report with the board of health detailing 3806
all rewards received based on the use of the board's credit card 3807
account. 3808

Sec. 3719.01. As used in this chapter: 3809

(A) "Administer" means the direct application of a drug, 3810
whether by injection, inhalation, ingestion, or any other means 3811
to a person or an animal. 3812

(B) "Drug enforcement administration" means the drug 3813
enforcement administration of the United States department of 3814
justice or its successor agency. 3815

(C) "Controlled substance" means a drug, compound, 3816
mixture, preparation, or substance included in schedule I, II, 3817
III, IV, or V. 3818

(D) "Dangerous drug" has the same meaning as in section 3819
4729.01 of the Revised Code. 3820

(E) "Dispense" means to sell, leave with, give away, 3821
dispose of, or deliver. 3822

(F) "Distribute" means to deal in, ship, transport, or 3823
deliver but does not include administering or dispensing a drug. 3824

(G) "Drug" has the same meaning as in section 4729.01 of 3825
the Revised Code. 3826

(H) "Drug abuse offense~~7~~" and "felony drug abuse offense~~7~~" 3827
~~"cocaine," and "hashish"~~ have the same meanings as in section 3828
2925.01 of the Revised Code. 3829

(I) "Federal drug abuse control laws" means the 3830

"Comprehensive Drug Abuse Prevention and Control Act of 1970," 3831
84 Stat. 1242, 21 U.S.C. 801, as amended. 3832

(J) ~~"Hospital" means an institution for the care and~~ 3833
~~treatment of the sick and injured that is certified by a~~ 3834
~~facility registered as a hospital with the department of health~~ 3835
~~and approved by the state board of pharmacy as proper to be~~ 3836
~~entrusted with the custody of controlled substances and the~~ 3837
~~professional use of controlled substances under section 3701.07~~ 3838
~~of the Revised Code.~~ 3839

(K) "Hypodermic" means a hypodermic syringe or needle, or 3840
other instrument or device for the injection of medication. 3841

(L) ~~"Isomer," except as otherwise expressly stated, means~~ 3842
~~the optical isomer.~~ 3843

~~(M) "Laboratory" means a laboratory approved by the state~~ 3844
~~board of pharmacy as proper to be entrusted with the custody of~~ 3845
~~controlled substances and the use of controlled substances for~~ 3846
~~scientific and clinical purposes and for purposes of~~ 3847
~~instruction.~~ 3848

~~(N)~~ "Manufacturer" means a person who manufactures a 3849
controlled substance, as "manufacture" is defined in section 3850
3715.01 of the Revised Code, and includes a "manufacturer of 3851
dangerous drugs" as defined in section 4729.01 of the Revised 3852
Code. 3853

~~(O)~~ (M) "Marihuana" means all parts of a plant of the 3854
genus cannabis, whether growing or not; the seeds of a plant of 3855
that type; the resin extracted from a part of a plant of that 3856
type; and every compound, manufacture, salt, derivative, 3857
mixture, or preparation of a plant of that type or of its seeds 3858
or resin. "Marihuana" does not include the mature stalks of the 3859

plant, fiber produced from the stalks, oils or cake made from 3860
the seeds of the plant, or any other compound, manufacture, 3861
salt, derivative, mixture, or preparation of the mature stalks, 3862
except the resin extracted from the mature stalks, fiber, oil or 3863
cake, or the sterilized seed of the plant that is incapable of 3864
germination. 3865

~~(P)~~ (N) "Narcotic drugs" means coca leaves, opium, 3866
isonipecaine, amidone, isoamidone, ketobemidone, as defined in 3867
this division, and every substance not chemically distinguished 3868
from them and every drug, other than cannabis, that may be 3869
included in the meaning of "narcotic drug" under the federal 3870
drug abuse control laws. As used in this division: 3871

(1) "Coca leaves" includes cocaine and any compound, 3872
manufacture, salt, derivative, mixture, or preparation of coca 3873
leaves, except derivatives of coca leaves, that does not contain 3874
cocaine, ecgonine, or substances from which cocaine or ecgonine 3875
may be synthesized or made. 3876

(2) "Isonipecaine" means any substance identified 3877
chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid 3878
ethyl ester, or any salt thereof, by whatever trade name 3879
designated. 3880

(3) "Amidone" means any substance identified chemically as 3881
4-4-diphenyl-6-dimethylamino-heptanone-3, or any salt thereof, 3882
by whatever trade name designated. 3883

(4) "Isoamidone" means any substance identified chemically 3884
as 4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3, or any salt 3885
thereof, by whatever trade name designated. 3886

(5) "Ketobemidone" means any substance identified 3887
chemically as 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl 3888

ketone hydrochloride, or any salt thereof, by whatever trade 3889
name designated. 3890

~~(Q)~~ (6) "Cocaine" has the same meaning as in section 3891
2925.01 of the Revised Code. 3892

(O) "Official written order" means an order written on a 3893
form provided for that purpose by the director of the United 3894
States drug enforcement administration, under any laws of the 3895
United States making provision for the order, if the order forms 3896
are authorized and required by federal law. 3897

~~(R) "Opiate" means any substance having an addiction-~~ 3898
~~forming or addiction-sustaining liability similar to morphine or~~ 3899
~~being capable of conversion into a drug having addiction-forming~~ 3900
~~or addiction-sustaining liability. "Opiate" does not include,~~ 3901
~~unless specifically designated as controlled under section~~ 3902
~~3719.41 of the Revised Code, the dextrorotatory isomer of 3-~~ 3903
~~methoxy N-methylmorphinan and its salts (dextro-methorphan).~~ 3904
~~"Opiate" does include its racemic and levoratory forms.~~ 3905

~~(S) "Opium poppy" means the plant of the species papaver-~~ 3906
~~somniferum L., except its seeds.~~ 3907

~~(T)~~ (P) "Person" means any individual, corporation, 3908
government, governmental subdivision or agency, business trust, 3909
estate, trust, partnership, association, or other legal entity. 3910

~~(U)~~ (Q) "Pharmacist" means a person licensed under Chapter 3911
4729. of the Revised Code to engage in the practice of pharmacy. 3912

~~(V)~~ (R) "Pharmacy" has the same meaning as in section 3913
4729.01 of the Revised Code. 3914

~~(W)~~ (S) "Poison" means any drug, chemical, or preparation 3915
likely to be deleterious or destructive to adult human life in 3916

quantities of four grams or less. 3917

~~(X) "Poppy straw" means all parts, except the seeds, of~~ 3918
~~the opium poppy, after mowing.~~ 3919

~~(Y)~~ (T) "Licensed health professional authorized to 3920
prescribe drugs," "prescriber," and "prescription" have the same 3921
meanings as in section 4729.01 of the Revised Code. 3922

~~(Z) "Registry number" means the number assigned to each~~ 3923
~~person registered under the federal drug abuse control laws.~~ 3924

~~(AA)~~ (U) "Sale" includes delivery, barter, exchange, 3925
transfer, or gift, or offer thereof, and each transaction of 3926
those natures made by any person, whether as principal, 3927
proprietor, agent, servant, or employee. 3928

~~(BB)~~ (V) "Schedule I," "schedule II," "schedule III," 3929
"schedule IV," and "schedule V" mean controlled substance 3930
schedules I, II, III, IV, and V, respectively, as established 3931
~~pursuant to~~ by rule adopted under section 3719.41 of the Revised 3932
Code, as amended pursuant to section 3719.43 or 3719.44 of the 3933
Revised Code, or as established by emergency rule adopted under 3934
section 3719.45 of the Revised Code. 3935

~~(CC)~~ (W) "Wholesaler" means a person who, on official 3936
written orders other than prescriptions, supplies controlled 3937
substances that the person has not manufactured, produced, or 3938
prepared personally and includes a "wholesale distributor of 3939
dangerous drugs" as defined in section 4729.01 of the Revised 3940
Code. 3941

~~(DD)~~ (X) "Animal shelter" means a facility operated by a 3942
humane society or any society organized under Chapter 1717. of 3943
the Revised Code or a dog pound operated pursuant to Chapter 3944
955. of the Revised Code. 3945

~~(EE)~~ (Y) "Terminal distributor of dangerous drugs" has the 3946
same meaning as in section 4729.01 of the Revised Code. 3947

~~(FF) "Category III license" means a license issued to a 3948~~
~~terminal distributor of dangerous drugs as set forth in section 3949~~
~~4729.54 of the Revised Code. 3950~~

~~(GG) "Prosecutor" has the same meaning as in section 3951~~
~~2935.01 of the Revised Code. 3952~~

~~(HH)~~ (Z) (1) "Controlled substance analog" means, except as 3953
provided in division ~~(HH)~~ (Z) (2) of this section, a substance to 3954
which both of the following apply: 3955

(a) The chemical structure of the substance is 3956
substantially similar to the structure of a controlled substance 3957
in schedule I or II. 3958

(b) One of the following applies regarding the substance: 3959

(i) The substance has a stimulant, depressant, or 3960
hallucinogenic effect on the central nervous system that is 3961
substantially similar to or greater than the stimulant, 3962
depressant, or hallucinogenic effect on the central nervous 3963
system of a controlled substance in schedule I or II. 3964

(ii) With respect to a particular person, that person 3965
represents or intends the substance to have a stimulant, 3966
depressant, or hallucinogenic effect on the central nervous 3967
system that is substantially similar to or greater than the 3968
stimulant, depressant, or hallucinogenic effect on the central 3969
nervous system of a controlled substance in schedule I or II. 3970

(2) "Controlled substance analog" does not include any of 3971
the following: 3972

(a) A controlled substance; 3973

(b) Any substance for which there is an approved new drug application; 3974
3975

(c) With respect to a particular person, any substance if 3976
an exemption is in effect for investigational use for that 3977
person pursuant to federal law to the extent that conduct with 3978
respect to that substance is pursuant to that exemption; 3979

(d) Any substance to the extent it is not intended for 3980
human consumption before the exemption described in division 3981
~~(HH)~~ (Z) (2) (b) of this section takes effect with respect to that 3982
substance. 3983

~~(II)~~ (AA) "Benzodiazepine" means a controlled substance 3984
that has United States food and drug administration approved 3985
labeling indicating that it is a benzodiazepine, benzodiazepine 3986
derivative, triazolobenzodiazepine, or triazolobenzodiazepine 3987
derivative, including the following drugs and their varying salt 3988
forms or chemical congeners: alprazolam, chlordiazepoxide 3989
hydrochloride, clobazam, clonazepam, clorazepate, diazepam, 3990
estazolam, flurazepam hydrochloride, lorazepam, midazolam, 3991
oxazepam, quazepam, temazepam, and triazolam. 3992

~~(JJ)~~ (BB) "Opioid analgesic" means a controlled substance 3993
that has analgesic pharmacologic activity at the opioid 3994
receptors of the central nervous system, including the following 3995
drugs and their varying salt forms or chemical congeners: 3996
buprenorphine, butorphanol, codeine (including acetaminophen and 3997
other combination products), dihydrocodeine, fentanyl, 3998
hydrocodone (including acetaminophen combination products), 3999
hydromorphone, meperidine, methadone, morphine sulfate, 4000
oxycodone (including acetaminophen, aspirin, and other 4001
combination products), oxymorphone, tapentadol, and tramadol. 4002

~~(KK) "Emergency facility" means a hospital emergency~~ 4003
~~department or any other facility that provides emergency care.~~ 4004

(CC) "Outsourcing facility," "repackager of dangerous 4005
drugs," and "third-party logistics provider" have the same 4006
meanings as in section 4729.01 of the Revised Code. 4007

Sec. 3719.04. (A) A person identified in division (B)(1) 4008
(a) of section 4729.52 of the Revised Code who holds a category 4009
III license under that section may sell at wholesale controlled 4010
substances to any of the following persons and subject to the 4011
following conditions: 4012

(1) To another person who holds a category III license 4013
issued under section ~~4729.50~~ 4729.52 of the Revised Code, or to 4014
a terminal distributor of dangerous drugs ~~having with~~ a category 4015
III license issued under section 4729.54 of the Revised Code; 4016

(2) To a person in the employ of the United States 4017
government or of any state, territorial, district, county, 4018
municipal, or insular government, purchasing, receiving, 4019
possessing, or dispensing controlled substances by reason of 4020
official duties; 4021

(3) To a master of a ship or a person in charge of any 4022
aircraft upon which no physician is regularly employed, for the 4023
actual medical needs of persons on board the ship or aircraft, 4024
when not in port; provided such controlled substances shall be 4025
sold to the master of the ship or person in charge of the 4026
aircraft only in pursuance of a special official written order 4027
approved by a commissioned medical officer or acting assistant 4028
surgeon of the United States public health service; 4029

(4) To a person in a foreign country, if the federal drug 4030
abuse control laws are complied with. 4031

(B) An official written order for any schedule II 4032
controlled substances shall ~~be signed in triplicate by the~~ 4033
~~person giving the order or by the person's authorized agent. The~~ 4034
~~original shall be presented to the person who sells or dispenses~~ 4035
~~the schedule II controlled substances named in the order and, if~~ 4036
~~that person accepts the order, each party to the transaction~~ 4037
~~shall preserve the party's copy of the order for a period of~~ 4038
~~three~~ comply with all requirements of the federal drug abuse 4039
control laws and rules adopted by the state board of pharmacy. 4040
Except as provided in section 3719.05 of the Revised Code or as 4041
otherwise specified in rules adopted by the board, each party 4042
engaged in the sale of schedule II controlled substances shall 4043
maintain all records relating to the order for a period of five 4044
years in such a way as to be readily accessible for inspection 4045
by any public officer or employee engaged in the enforcement of 4046
~~Chapter 3719. of the Revised Code~~ this chapter. ~~Compliance with~~ 4047
~~the federal drug abuse control laws, respecting the requirements~~ 4048
~~governing the use of a special official written order~~ 4049
~~constitutes compliance with this division.~~ 4050

Sec. 3719.05. (A) A pharmacist may dispense controlled 4051
substances to any person upon a prescription issued in 4052
accordance with section 3719.06 of the Revised Code. When 4053
dispensing controlled substances, a pharmacist shall act in 4054
accordance with rules adopted by the state board of pharmacy and 4055
in accordance with the following: 4056

(1) The prescription shall be retained on file by the 4057
owner of the pharmacy in which it is filled for a period of 4058
three years, so as to be readily accessible for inspection by 4059
any public officer or employee engaged in the enforcement of 4060
Chapter 2925., 3719., or 4729. of the Revised Code. 4061

(2) Each oral prescription shall be recorded by the pharmacist and the record shall show the name and address of the patient for whom, or of the owner of the animal for which the controlled substance is dispensed, the full name, address, and registry number under the federal drug abuse control laws of the prescriber, the name of the controlled substance dispensed, the amount dispensed, and the date when dispensed. The record shall be retained on file by the owner of the pharmacy in which it is filled for a period of three years.

(3) A schedule II controlled substance shall be dispensed only upon a written or electronic prescription, except that it may be dispensed upon an oral prescription in emergency situations as provided in the federal drug abuse control laws.

(4) A prescription for a schedule II controlled substance shall not be refilled.

(5) Prescriptions for schedule III and IV controlled substances may be refilled not more than five times in a six-month period from the date the prescription is given by a prescriber.

(B) The legal owner of any stock of schedule II controlled substances in a pharmacy, upon discontinuance of dealing in those drugs, may sell the stock to a manufacturer, wholesaler, or owner of a pharmacy registered under the federal drug abuse control laws pursuant to an official written order.

Sec. 3719.06. (A) (1) A licensed health professional authorized to prescribe drugs, if acting in the course of professional practice, in accordance with the laws regulating the professional's practice, and in accordance with rules adopted by the state board of pharmacy, may, except as provided

in division (A) (2) or (3) of this section, do the following: 4091

(a) Prescribe schedule II, III, IV, and V controlled 4092
substances; 4093

(b) Administer or personally furnish to patients schedule 4094
II, III, IV, and V controlled substances; 4095

(c) Cause schedule II, III, IV, and V controlled 4096
substances to be administered under the prescriber's direction 4097
and supervision. 4098

(2) A licensed health professional authorized to prescribe 4099
drugs who is a clinical nurse specialist, certified nurse- 4100
midwife, or certified nurse practitioner is subject to both of 4101
the following: 4102

(a) A schedule II controlled substance may be prescribed 4103
only in accordance with division (C) of section 4723.481 of the 4104
Revised Code. 4105

(b) No schedule II controlled substance shall be 4106
personally furnished to any patient. 4107

(3) A licensed health professional authorized to prescribe 4108
drugs who is a physician assistant is subject to all of the 4109
following: 4110

(a) A controlled substance may be prescribed or personally 4111
furnished only if it is included in the physician-delegated 4112
prescriptive authority granted to the physician assistant in 4113
accordance with Chapter 4730. of the Revised Code. 4114

(b) A schedule II controlled substance may be prescribed 4115
only in accordance with division (B) (4) of section 4730.41 and 4116
section 4730.411 of the Revised Code. 4117

(c) No schedule II controlled substance shall be 4118
personally furnished to any patient. 4119

(B) No licensed health professional authorized to 4120
prescribe drugs shall prescribe, administer, or personally 4121
furnish a schedule III anabolic steroid for the purpose of human 4122
muscle building or enhancing human athletic performance and no 4123
pharmacist shall dispense a schedule III anabolic steroid for 4124
either purpose, unless it has been approved for that purpose 4125
under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 4126
(1938), 21 U.S.C.A. 301, as amended. 4127

(C) Each written or electronic prescription for a 4128
controlled substance shall be properly executed, dated, and 4129
signed by the prescriber on the day when issued and shall bear 4130
the full name and address of the person for whom, or the owner 4131
of the animal for which, the controlled substance is prescribed 4132
and the full name, address, and registry number under the 4133
federal drug abuse control laws of the prescriber. If the 4134
prescription is for an animal, it shall state the species of the 4135
animal for which the controlled substance is prescribed. 4136

Sec. 3719.061. (A) (1) As used in this section: 4137

(a) "Another adult authorized to consent to the minor's 4138
medical treatment" means an adult to whom a minor's parent or 4139
guardian has given written authorization to consent to the 4140
minor's medical treatment. 4141

(b) "Emergency facility" means a hospital emergency 4142
department or any other facility that provides emergency care. 4143

(c) "Medical emergency" means a situation that in a 4144
prescriber's good faith medical judgment creates an immediate 4145
threat of serious risk to the life or physical health of a 4146

minor. 4147

~~(e)~~ (d) "Minor" means an individual under eighteen years 4148
of age who is not emancipated. 4149

(2) For purposes of this section, an individual under 4150
eighteen years of age is emancipated only if the individual has 4151
married, has entered the armed services of the United States, 4152
has become employed and self-sustaining, or otherwise has become 4153
independent from the care and control of the individual's 4154
parent, guardian, or custodian. 4155

(B) Except as provided in division (C) of this section, 4156
before issuing for a minor the first prescription in a single 4157
course of treatment for an opioid analgesic, regardless of 4158
whether the dosage is modified during that course of treatment, 4159
a prescriber shall do all of the following: 4160

(1) As part of the prescriber's examination of the minor, 4161
assess whether the minor has ever suffered, or is currently 4162
suffering, from mental health or substance abuse disorders and 4163
whether the minor has taken or is currently taking prescription 4164
drugs for treatment of those disorders; 4165

(2) Discuss with the minor and the minor's parent, 4166
guardian, or another adult authorized to consent to the minor's 4167
medical treatment all of the following: 4168

(a) The risks of addiction and overdose associated with 4169
opioid analgesics; 4170

(b) The increased risk of addiction to controlled 4171
substances of individuals suffering from both mental health and 4172
substance abuse disorders; 4173

(c) The dangers of taking opioid analgesics with 4174

benzodiazepines, alcohol, or other central nervous system 4175
depressants; 4176

(d) Any other information in the patient counseling 4177
information section of the labeling for the opioid analgesic 4178
required under 21 C.F.R. 201.57(c)(18). 4179

(3) Obtain written consent for the prescription from the 4180
minor's parent, guardian, or, subject to division (E) of this 4181
section, another adult authorized to consent to the minor's 4182
medical treatment. 4183

The prescriber shall record the consent on a form, which 4184
shall be known as the "Start Talking!" consent form. The form 4185
shall be separate from any other document the prescriber uses to 4186
obtain informed consent for other treatment provided to the 4187
minor. The form shall contain all of the following: 4188

(a) The name and quantity of the opioid analgesic being 4189
prescribed and the amount of the initial dose; 4190

(b) A statement indicating that a controlled substance is 4191
a drug or other substance that the United States drug 4192
enforcement administration has identified as having a potential 4193
for abuse; 4194

(c) A statement certifying that the prescriber discussed 4195
with the minor and the minor's parent, guardian, or another 4196
adult authorized to consent to the minor's medical treatment the 4197
matters described in division (B)(2) of this section; 4198

(d) The number of refills, if any, authorized by the 4199
prescription; 4200

(e) The signature of the minor's parent, guardian, or 4201
another adult authorized to consent to the minor's medical 4202

treatment and the date of signing. 4203

(C) (1) The requirements ~~in~~ of division (B) of this section 4204
do not apply if the minor's treatment with an opioid analgesic 4205
meets any of the following criteria: 4206

(a) The treatment is associated with or incident to a 4207
medical emergency. 4208

(b) The treatment is associated with or incident to 4209
surgery, regardless of whether the surgery is performed on an 4210
inpatient or outpatient basis. 4211

(c) In the prescriber's professional judgment, fulfilling 4212
the requirements of division (B) of this section with respect to 4213
the minor's treatment would be a detriment to the minor's health 4214
or safety. 4215

(d) Except as provided in division (D) of this section, 4216
the treatment is rendered in a hospital, emergency facility, 4217
ambulatory surgical facility, nursing home, pediatric respite 4218
care program, residential care facility, freestanding 4219
rehabilitation facility, or similar institutional facility. 4220

(2) The requirements ~~in~~ of division (B) of this section do 4221
not apply to a prescription for an opioid analgesic that a 4222
prescriber issues to a minor at the time of discharge from a 4223
facility or other location described in division (C) (1) (d) of 4224
this section. 4225

(D) The exemption in division (C) (1) (d) of this section 4226
does not apply to treatment rendered in a prescriber's office 4227
that is located on the premises of or adjacent to a facility or 4228
other location described in that division. 4229

(E) If the individual who signs the consent form required 4230

by division (B) (3) of this section is another adult authorized 4231
to consent to the minor's medical treatment, the prescriber 4232
shall prescribe not more than a single, seventy-two-hour supply 4233
and indicate on the prescription the quantity that is to be 4234
dispensed pursuant to the prescription. 4235

(F) A signed "Start Talking!" consent form obtained under 4236
this section shall be maintained in the minor's medical record. 4237

Sec. 3719.07. (A) As used in this section, "description" 4238
means the dosage form, strength, and quantity, and the brand 4239
name, if any, or the generic name, of a drug or controlled 4240
substance. 4241

(B) (1) Every licensed health professional authorized to 4242
prescribe drugs shall keep a record of all controlled substances 4243
received and a record of all controlled substances administered, 4244
dispensed, or used other than by prescription. Every other 4245
person, except a pharmacist or a manufacturer, wholesaler, or 4246
other person licensed under section 4729.52 of the Revised Code, 4247
who is authorized to purchase and use controlled substances 4248
shall keep a record of all controlled substances purchased and 4249
used other than by prescription. The records shall be kept in 4250
accordance with division (C) (1) of this section. 4251

(2) Manufacturers, wholesalers, and other persons licensed 4252
under section 4729.52 of the Revised Code shall keep records of 4253
all controlled substances compounded, mixed, cultivated, grown, 4254
or by any other process produced or prepared by them, and of all 4255
controlled substances received or sold by them. The records 4256
shall be kept in accordance with division (C) (2) of this 4257
section. 4258

(3) Every ~~category III~~ terminal distributor of dangerous 4259

drugs with a category III license issued under section 4729.54 4260
of the Revised Code shall keep records of all controlled 4261
substances received or sold. The records shall be kept in 4262
accordance with division (C) (3) of this section. 4263

(4) Every person who sells or purchases for resale 4264
schedule V controlled substances exempted by section 3719.15 of 4265
the Revised Code shall keep a record showing the quantities and 4266
kinds thereof received or sold. The records shall be kept in 4267
accordance with divisions (C) (1), (2), and (3) of this section. 4268

(C) (1) The records required by divisions (B) (1) and (4) of 4269
this section shall contain the following: 4270

(a) The description of all controlled substances received, 4271
the name and address of the person from whom received, and the 4272
date of receipt; 4273

(b) The description of controlled substances administered, 4274
dispensed, purchased, sold, or used; the date of administering, 4275
dispensing, purchasing, selling, or using; the name and address 4276
of the person to whom, or for whose use, or the owner and 4277
species of the animal for which the controlled substance was 4278
administered, dispensed, purchased, sold, or used. 4279

(2) The records required by divisions (B) (2) and (4) of 4280
this section shall contain the following: 4281

(a) The description of all controlled substances produced 4282
or prepared, the name and address of the person from whom 4283
received, and the date of receipt; 4284

(b) The description of controlled substances sold, the 4285
name and address of each person to whom a controlled substance 4286
is sold, the amount of the controlled substance sold to each 4287
person, and the date it was sold. 4288

(3) The records required by divisions (B) (3) and (4) of 4289
this section shall contain the following: 4290

(a) The description of controlled substances received, the 4291
name and address of the person from whom controlled substances 4292
are received, and the date of receipt; 4293

(b) The name and place of residence of each person to whom 4294
controlled substances, including those otherwise exempted by 4295
section 3719.15 of the Revised Code, are sold, the description 4296
of the controlled substances sold to each person, and the date 4297
the controlled substances are sold to each person. 4298

(D) Every record required by this section shall be kept 4299
for a period of three-five years, unless otherwise specified in 4300
rules adopted by the state board of pharmacy. 4301

The keeping of a record required by or under the federal 4302
drug abuse control laws, containing substantially the same 4303
information as specified in this section, constitutes compliance 4304
with this section. 4305

Every person who purchases for resale or who sells 4306
controlled substance preparations exempted by section 3719.15 of 4307
the Revised Code shall keep the record required by or under the 4308
federal drug abuse control laws. 4309

Sec. 3719.09. Possession or control of controlled 4310
substances is authorized in the following instances and subject 4311
to the following conditions: 4312

(A) Possession of controlled substances in the course of 4313
business by a manufacturer, wholesaler, outsourcing facility, 4314
third-party logistics provider, repackager of dangerous drugs, 4315
licensed health professional authorized to prescribe drugs, 4316
pharmacist, ~~category III~~ terminal distributor of dangerous drugs 4317

with a category III license issued under section 4729.54 of the 4318
Revised Code, or other person authorized to possess controlled 4319
substances under this chapter or Chapter 4729. of the Revised 4320
Code; 4321

(B) Possession by any person of any schedule V narcotic 4322
drug exempted under section 3719.15 of the Revised Code, where 4323
the quantity of the drug does not exceed one hundred thirty 4324
milligrams of opium, thirty-two and five-tenths milligrams of 4325
morphine or any of its salts, two hundred sixty milligrams of 4326
codeine or any of its salts, one hundred thirty milligrams of 4327
dihydrocodeine or any of its salts, or thirty-two and five- 4328
tenths milligrams of ethylmorphine or any of its salts, or, in 4329
the case of any other schedule V controlled substance or any 4330
combination of narcotic drugs, where the quantity does not 4331
exceed in pharmacologic potency any one of the drugs named above 4332
in the quantity stated; 4333

(C) ~~Possession~~ As used in this division, "deception" and 4334
"theft offense" have the same meanings as in section 2913.01 of 4335
the Revised Code. 4336

Possession by any person of any controlled substance that 4337
the person obtained pursuant to a prescription issued by a 4338
licensed health professional authorized to prescribe drugs or 4339
that was obtained for the person pursuant to a prescription 4340
issued by a prescriber, when ~~the~~ all of the following apply: 4341

(1) The prescription is issued for a legitimate medical 4342
purpose; 4343

(2) The prescription is not altered or forged and was not 4344
obtained through deception or commission of a theft offense; 4345

(3) The drug is in a container regardless of whether the 4346

container is the original container in which the drug was 4347
dispensed to that person directly or indirectly by a pharmacist 4348
or personally furnished to that person by the prescriber~~+~~. 4349

(D) Possession in the course of business of combination 4350
drugs that contain pentobarbital and at least one noncontrolled 4351
substance active ingredient, in a manufactured dosage form, the 4352
only indication of which is for euthanizing animals, or other 4353
substance that the state veterinary medical licensing board and 4354
the state board of pharmacy both approve under division (A) of 4355
section 4729.532 of the Revised Code, by an agent or employee of 4356
an animal shelter who is authorized by the licensure of the 4357
animal shelter with the state board of pharmacy to purchase and 4358
possess the drug solely for use as specified in that section. As 4359
used in this division, "in the course of business" means 4360
possession or use at an establishment described in a license 4361
issued under section 4729.54 of the Revised Code, or outside 4362
that establishment when necessary because of a risk to the 4363
health or safety of any person, provided that the substance is 4364
in a quantity no greater than reasonably could be used to 4365
alleviate the risk, is in the original manufacturer's container, 4366
and is returned to the establishment as soon as possible after 4367
the risk has passed. 4368

Sec. 3719.12. ~~Unless~~ As used in this section, "prosecutor" 4369
has the same meaning as in section 2935.01 of the Revised Code. 4370

Unless a report has been made pursuant to section 2929.42 4371
of the Revised Code, on the conviction of a manufacturer, 4372
wholesaler, outsourcing facility, third-party logistics 4373
provider, repackager of dangerous drugs, terminal distributor of 4374
dangerous drugs, pharmacist, pharmacy intern, registered 4375
pharmacy technician, certified pharmacy technician, pharmacy 4376

technician trainee, dentist, chiropractor, physician, 4377
podiatrist, registered nurse, licensed practical nurse, 4378
physician assistant, optometrist, or veterinarian of the 4379
violation of this chapter or Chapter 2925. of the Revised Code, 4380
the prosecutor in the case promptly shall report the conviction 4381
to the board that licensed, certified, or registered the person 4382
to practice or to carry on business. The responsible board shall 4383
provide forms to the prosecutor. Within thirty days of the 4384
receipt of this information, the board shall initiate action in 4385
accordance with Chapter 119. of the Revised Code to determine 4386
whether to suspend or revoke the person's license, certificate, 4387
or registration. 4388

Sec. 3719.40. The controlled substances included or to be 4389
included in the schedules in-established by rule adopted under 4390
section 3719.41 or 3719.45 of the Revised Code are included by 4391
whatever official, common, usual, chemical, or trade name 4392
designated. 4393

Sec. 3719.41. Controlled substance schedules I, II, III, 4394
IV, and V are hereby established, which schedules include the 4395
following, subject to amendment pursuant to section 3719.43 or 4396
3719.44 of the Revised Code. 4397

SCHEDULE I 4398

(A) Narcotics-opiates 4399

Any of the following opiates, including their isomers, 4400
esters, ethers, salts, and salts of isomers, esters, and ethers, 4401
unless specifically excepted under federal drug abuse control 4402
laws, whenever the existence of these isomers, esters, ethers, 4403
and salts is possible within the specific chemical designation: 4404

(1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2- 4405

phenethyl)-4-piperidinyl]-N-phenylacetamide);	4406
(2) Acetylmethadol;	4407
(3) Allylprodine;	4408
(4) Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);	4409 4410 4411
(5) Alphameprodine;	4412
(6) Alphamethadol;	4413
(7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2- phenylethyl)-4-(N-propanilido) piperidine);	4414 4415 4416
(8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2- thienyl)ethyl-4-piperidinyl]-N- phenylpropanamide);	4417 4418
(9) Benzethidine;	4419
(10) Betacetylmethadol;	4420
(11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- piperidinyl]-N- phenylpropanamide);	4421 4422
(12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N- phenylpropanamide);	4423 4424 4425
(13) Betameprodine;	4426
(14) Betamethadol;	4427
(15) Betaprodine;	4428
(16) Clonitazene;	4429
(17) Dextromoramide;	4430

(18) Diampromide;	4431
(19) Diethylthiambutene;	4432
(20) Difenoquin;	4433
(21) Dimenoxadol;	4434
(22) Dimepheptanol;	4435
(23) Dimethylthiambutene;	4436
(24) Dioxaphetyl butyrate;	4437
(25) Dipipanone;	4438
(26) Ethylmethylthiambutene;	4439
(27) Etonitazene;	4440
(28) Etoxadine;	4441
(29) Furethidine;	4442
(30) Hydroxypethidine;	4443
(31) Ketobemidone;	4444
(32) Levomoramide;	4445
(33) Levophenacymorphan;	4446
(34) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	4447 4448
(35) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N- phenylpropanamide);	4449 4450
(36) Morpheridine;	4451
(37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);	4452
(38) Noracymethadol;	4453

(39) Norlevorphanol;	4454
(40) Normethadone;	4455
(41) Norpipanone;	4456
(42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;	4457 4458
(43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine;	4459
(44) Phenadoxone;	4460
(45) Phenampromide;	4461
(46) Phenomorphan;	4462
(47) Phenoperidine;	4463
(48) Piritramide;	4464
(49) Proheptazine;	4465
(50) Properidine;	4466
(51) Propiram;	4467
(52) Racemoramide;	4468
(53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	4469 4470
(54) Tilidine;	4471
(55) Trimeperidine.	4472
(56) Except as otherwise provided in this section, any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory:	4473 4474 4475 4476
(a) A chemical scaffold consisting of both of the	4477

following: 4478

(i) A five, six, or seven member ring structure containing 4479
a nitrogen, whether or not further substituted; 4480

(ii) An attached nitrogen to the ring, whether or not that 4481
nitrogen is enclosed in a ring structure, including an attached 4482
aromatic ring or other lipophilic group to that nitrogen; 4483

(b) A polar functional group attached to the chemical 4484
scaffold, including but not limited to, a hydroxyl, ketone, 4485
amide, or ester; 4486

(c) An alkyl or aryl substitution off the ring nitrogen of 4487
the chemical scaffold; and 4488

(d) The compound has not been approved for medical use by 4489
the United States food and drug administration. 4490

(B) Narcotics-opium derivatives 4491

Any of the following opium derivatives, including their 4492
salts, isomers, and salts of isomers, unless specifically 4493
excepted under federal drug abuse control laws, whenever the 4494
existence of these salts, isomers, and salts of isomers is 4495
possible within the specific chemical designation: 4496

(1) Acetorphine; 4497

(2) Acetyldihydrocodeine; 4498

(3) Benzylmorphine; 4499

(4) Codeine methylbromide; 4500

(5) Codeine-n-oxide; 4501

(6) Cyprenorphine; 4502

(7) Desomorphine; 4503

(8) Dihydromorphine;	4504
(9) Drotebanol;	4505
(10) Etorphine (except hydrochloride salt);	4506
(11) Heroin;	4507
(12) Hydromorphenol;	4508
(13) Methyldesorphine;	4509
(14) Methyldihydromorphine;	4510
(15) Morphine methylbromide;	4511
(16) Morphine methylsulfonate;	4512
(17) Morphine-n-oxide;	4513
(18) Myrophine;	4514
(19) Nicocodeine;	4515
(20) Nicomorphine;	4516
(21) Normorphine;	4517
(22) Pholcodine;	4518
(23) Thebacon.	4519
(C) Hallucinogens	4520

Any material, compound, mixture, or preparation that	4521
contains any quantity of the following hallucinogenic	4522
substances, including their salts, isomers, and salts of	4523
isomers, unless specifically excepted under federal drug abuse	4524
control laws, whenever the existence of these salts, isomers,	4525
and salts of isomers is possible within the specific chemical	4526
designation. For the purposes of this division only, "isomer"	4527

includes the optical isomers, position isomers, and geometric isomers. 4528
4529

(1) Alpha-ethyltryptamine (some trade or other names: 4530
etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2- 4531
aminobutyl) indole; alpha-ET; and AET); 4532

(2) 4-bromo-2,5-dimethoxyamphetamine (some trade or other 4533
names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo- 4534
2,5-DMA); 4535

(3) 4-bromo-2,5-dimethoxyphenethylamine (some trade or 4536
other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; 4537
alpha-desmethyl DOB; 2C-B, Nexus); 4538

(4) 2,5-dimethoxyamphetamine (some trade or other names: 4539
2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA); 4540

(5) 2,5-dimethoxy-4-ethylamphetamine (some trade or other 4541
names: DOET); 4542

(6) 4-methoxyamphetamine (some trade or other names: 4- 4543
methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; 4544
PMA); 4545

(7) 5-methoxy-3,4-methylenedioxy-amphetamine; 4546

(8) 4-methyl-2,5-dimethoxy-amphetamine (some trade or 4547
other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; 4548
"DOM" and "STP"); 4549

(9) 3,4-methylenedioxy amphetamine (MDA); 4550

(10) 3,4-methylenedioxymethamphetamine (MDMA); 4551

(11) 3,4-methylenedioxy-N-ethylamphetamine (also known as 4552
N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl 4553
MDA, MDE, MDEA); 4554

- (12) N-hydroxy-3,4-methylenedioxyamphetamine (also known 4555
as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine and 4556
N-hydroxy MDA); 4557
- (13) 3,4,5-trimethoxy amphetamine; 4558
- (14) Bufotenine (some trade or other names: 3-(beta- 4559
dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5- 4560
indolol; N, N-dimethylserotonin; 5-hydroxy-N, N- 4561
dimethyltryptamine; mappine); 4562
- (15) Diethyltryptamine (some trade or other names: N, N- 4563
diethyltryptamine; DET); 4564
- (16) Dimethyltryptamine (some trade or other names: DMT); 4565
- (17) Ibogaine (some trade or other names: 7-ethyl- 4566
6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano- 5H- 4567
pyrido[1',2':1,2] azepino [5, 4-b] indole; tabernanthe iboga); 4568
- (18) Lysergic acid diethylamide; 4569
- (19) Marihuana; 4570
- (20) Mescaline; 4571
- (21) Parahexyl (some trade or other names: 3-hexyl-1- 4572
hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H- 4573
dibenzo[b,d]pyran; synhexyl); 4574
- (22) Peyote (meaning all parts of the plant presently 4575
classified botanically as "Lophophora williamsii Lemaire," 4576
whether growing or not, the seeds of that plant, any extract 4577
from any part of that plant, and every compound, manufacture, 4578
salts, derivative, mixture, or preparation of that plant, its 4579
seeds, or its extracts); 4580
- (23) N-ethyl-3-piperidyl benzilate; 4581

(24) N-methyl-3-piperidyl benzilate;	4582
(25) Psilocybin;	4583
(26) Psilocyn;	4584
(27) Tetrahydrocannabinols (synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: delta-1-cis or trans tetrahydrocannabinol, and their optical isomers; delta- 6-cis or trans tetrahydrocannabinol, and their optical isomers; delta-3,4-cis or trans tetrahydrocannabinol, and its optical isomers. (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions, are covered.));	4585 4586 4587 4588 4589 4590 4591 4592 4593 4594 4595 4596
(28) Ethylamine analog of phencyclidine (some trade or other names: N-ethyl-1-phenylcyclohexylamine; (1- phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE);	4597 4598 4599 4600
(29) Pyrrolidine analog of phencyclidine (some trade or other names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP);	4601 4602
(30) Thiophene analog of phencyclidine (some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP);	4603 4604 4605
(31) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;	4606
(32) Hashish;	4607
(33) Salvia divinorum;	4608

(34) Salvinorin A;	4609
(35) (1-pentylindol-3-yl)-(2,2,3,3-	4610
tetramethylcyclopropyl)methanone (UR-144);	4611
(36) 1-pentyl-3-(1-adamantoyl)indole (AB-001);	4612
(37) N-adamantyl-1-pentylindole-3-carboxamide;	4613
(38) N-adamantyl-1-pentylindazole-3-carboxamide (AKB48);	4614
(39) 2-ethylamino-2-(3-methoxyphenyl)cyclohexanone	4615
(methoxetamine);	4616
(40) N,N-diallyl-5-methoxytryptamine (5MeO-DALT);	4617
(41) [1-(5-fluoropentylindol-3-yl)]-(2,2,3,3-	4618
tetramethylcyclopropyl)methanone (5-fluoropentyl-UR-144; XLR11);	4619
(42) [1-(5-chloropentylindol-3-yl)]-(2,2,3,3-	4620
tetramethylcyclopropyl)methanone (5-chloropentyl-UR-144);	4621
(43) [1-(5-bromopentylindol-3-yl)]-(2,2,3,3-	4622
tetramethylcyclopropyl)methanone (5-bromopentyl-UR-144);	4623
(44) {1-[2-(4-morpholinyl)ethyl]indol-3-yl}-(2,2,3,3-	4624
tetramethylcyclopropyl) methanone (A-796,260);	4625
(45) 1-[(N-methylpiperidin-2-yl)methyl]-3-(1-	4626
adamantoyl)indole (AM1248);	4627
(46) N-adamantyl-1-(5-fluoropentylindole)-3-carboxamide;	4628
(47) 5-(2-aminopropyl)benzofuran (5-APB);	4629
(48) 6-(2-aminopropyl)benzofuran (6-APB);	4630
(49) 5-(2-aminopropyl)-2,3-dihydrobenzofuran (5-APDB);	4631
(50) 6-(2-aminopropyl)-2,3-dihydrobenzofuran (6-APDB);	4632

(51) Benzothiophenylcyclohexylpiperidine (BTCF);	4633
(52) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);	4634
(53) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);	4635
(54) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);	4636
(55) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);	4637
(56) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);	4638 4639
(57) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);	4640 4641
(58) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);	4642
(59) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);	4643
(60) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);	4644 4645
(61) 4-methoxymethamphetamine (PMMA);	4646
(62) 5,6 - Methylenedioxy-2-aminoindane (MDAI);	4647
(63) 5-iodo-2-aminoindane (5-IAI);	4648
(64) 2-(4-iodo-2,5-dimethoxyphenyl)-N- [(2-methoxyphenyl)methyl]ethanamine (25I-NBOMe);	4649 4650
(65) Diphenylprolinol (diphenyl(pyrrolidin-2-yl)methanol, D2PM);	4651 4652
(66) Desoxypipradrol (2-benzhydrylpiperidine);	4653
(67) Synthetic cannabinoids - unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of a synthetic cannabinoid found to be in any of the following	4654 4655 4656 4657

chemical groups or any of those groups which contain any 4658
synthetic cannabinoid salts, isomers, or salts of isomers, 4659
whenever the existence of such salts, isomers, or salts of 4660
isomers is possible within the specific chemical groups: 4661

(a) Naphthoylindoles: any compound containing a 3-(1- 4662
naphthoyl)indole structure with or without substitution at the 4663
nitrogen atom of the indole ring by an alkyl, haloalkyl, 4664
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4665
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4666
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4667
or 2-(4-morpholinyl)ethyl group, whether or not further 4668
substituted on the indole ring to any extent or whether or not 4669
substituted on the naphthyl group to any extent. 4670
Naphthoylindoles include, but are not limited to, 1-[2-(4- 4671
morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); 1-(5- 4672
fluoropentyl)-3-(1-naphthoyl)indole (AM2201), 1-pentyl-3-(1- 4673
naphthoyl)indole (JWH-018), and 1-butyl-3-(1-naphthoyl)indole 4674
(JWH-073). 4675

(b) Naphthylmethylinindoles: any compound containing a 1H- 4676
indol-3-yl-(1-naphthyl)methane structure with or without 4677
substitution at the nitrogen atom of the indole ring by an 4678
alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 4679
(N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin- 4680
2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3- 4681
morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or 4682
not further substituted on the indole ring to any extent or 4683
whether or not substituted on the naphthyl group to any extent. 4684
Naphthylmethylinindoles include, but are not limited to, (1- 4685
pentylindol-3-yl)(1-naphthyl)methane (JWH-175). 4686

(c) Naphthoylpyrroles: any compound containing a 3-(1- 4687

naphthoyl)pyrrole structure with or without substitution at the 4688
nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, 4689
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4690
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4691
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4692
or 2-(4-morpholinyl)ethyl group, whether or not further 4693
substituted on the pyrrole ring to any extent or whether or not 4694
substituted on the naphthyl group to any extent. 4695
Naphthoylpyrroles include, but are not limited to, 1-hexyl-2- 4696
phenyl-4-(1-naphthoyl)pyrrole (JWH-147). 4697

(d) Naphthylmethylindenes: any compound containing a 4698
naphthylmethylindeindene structure with or without substitution 4699
at the 3-position of the indene ring by an alkyl, haloalkyl, 4700
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4701
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4702
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4703
or 2-(4-morpholinyl)ethyl group, whether or not further 4704
substituted on the indene group to any extent or whether or not 4705
substituted on the naphthyl group to any extent. 4706
Naphthylmethylindenes include, but are not limited to, (1-[(3- 4707
pentyl)-1H-inden-1-ylidene)methyl]naphthalene (JWH-176). 4708

(e) Phenylacetylindoles: any compound containing a 3- 4709
phenylacetylindole structure with or without substitution at the 4710
nitrogen atom of the indole ring by an alkyl, haloalkyl, 4711
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4712
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4713
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4714
or 2-(4-morpholinyl)ethyl group, whether or not further 4715
substituted on the indole ring to any extent or whether or not 4716
substituted on the phenyl group to any extent. 4717
Phenylacetylindoles include, but are not limited to, 1-pentyl-3- 4718

(2-methoxyphenylacetyl)indole (JWH-250), and 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8); 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).

(f) Cyclohexylphenols: any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with or without substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the cyclohexyl group to any extent. Cyclohexylphenols include, but are not limited to, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (some trade or other names: CP-47,497) and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (some trade or other names: cannabicyclohexanol; CP-47,497 C8 homologue).

(g) Benzoylindoles: any compound containing a 3-(1-benzoyl)indole structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent or whether or not substituted on the phenyl group to any extent. Benzoylindoles include, but are not limited to, 1-pentyl-3-(4-methoxybenzoyl)indole (RCS-4), 1-[2-(4-morpholinyl)ethyl]-2-methyl-3-(4-methoxybenzoyl)indole (Pravadoline or WIN 48, 098).

(D) Depressants

Any material, compound, mixture, or preparation that

contains any quantity of the following substances having a 4749
depressant effect on the central nervous system, including their 4750
salts, isomers, and salts of isomers, unless specifically 4751
excepted under federal drug abuse control laws, whenever the 4752
existence of these salts, isomers, and salts of isomers is 4753
possible within the specific chemical designation: 4754

(1) Mecloqualone; 4755

(2) Methaqualone. 4756

(E) Stimulants 4757

Unless specifically excepted or unless listed in another 4758
schedule, any material, compound, mixture, or preparation that 4759
contains any quantity of the following substances having a 4760
stimulant effect on the central nervous system, including their 4761
salts, isomers, and salts of isomers: 4762

(1) Aminorex (some other names: aminoxaphen; 2-amino-5- 4763
phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazamine); 4764

(2) Fenethylline; 4765

(3) (+/-)cis-4-methylaminorex ((+/-)cis-4,5-dihydro-4- 4766
methyl-5-phenyl-2-oxazamine); 4767

(4) N-ethylamphetamine; 4768

(5) N,N-dimethylamphetamine (also known as N,N-alpha- 4769
trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine); 4770

(6) N-methyl-1-(thiophen-2-yl) propan-2-amine 4771
(Methiopropamine); 4772

(7) Substituted cathinones - any compound except bupropion 4773
or compounds listed under a different schedule, structurally 4774
derived from 2-aminopropan-1-one by substitution at the 1- 4775

position with either phenyl, naphthyl, or thiophene ring 4776
systems, whether or not the compound is further modified in any 4777
of the following ways: 4778

(a) By substitution in the ring system to any extent with 4779
alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide 4780
substituents, whether or not further substituted in the ring 4781
system by one or more other univalent substituents; 4782

(b) By substitution at the 3-position with an acyclic 4783
alkyl substituent; 4784

(c) By substitution at the 2-amino nitrogen atom with 4785
alkyl, dialkyl, benzyl, or methoxybenzyl groups; 4786

(d) By inclusion of the 2-amino nitrogen atom in a cyclic 4787
structure. 4788

Examples of substituted cathinones include, but are not 4789
limited to, methylone (3,4-methylenedioxy-methcathinone), MDPV 4790
(3,4-methylenedioxy-pyrovalerone), mephedrone (4- 4791
methylethcathinone), 4-methoxymethcathinone, 4- 4792
fluoromethcathinone, 3-fluoromethcathinone, Pentedrone (2- 4793
(methylamino)-1-phenyl-1-pentanone), pentylone (1-(1,3- 4794
benzodioxol-5-yl)-2-(methylamino)-1-pentanone), 2-(1- 4795
pyrrolidinyl)-1-(4-methylphenyl)-1-propanone, alpha-PVP (1- 4796
phenyl-2-(1-pyrrolidinyl)-1-pentanone), cathinone (2-amino-1- 4797
phenyl-1-propanone), and methcathinone (2-(methylamino)- 4798
propionophenone). 4799

SCHEDULE II 4800

(A) Narcotics-opium and opium derivatives 4801

Unless specifically excepted under federal drug abuse 4802
control laws or unless listed in another schedule, any of the 4803

following substances whether produced directly or indirectly by 4804
extraction from substances of vegetable origin, independently by 4805
means of chemical synthesis, or by a combination of extraction 4806
and chemical synthesis: 4807

(1) Opium and opiate, and any salt, compound, derivative, 4808
or preparation of opium or opiate, excluding apomorphine, 4809
thebaine-derived butorphanol, dextrorphan, nalbuphine, 4810
nalmeffene, naloxone, and naltrexone, and their respective salts, 4811
but including the following: 4812

- (a) Raw opium; 4813
- (b) Opium extracts; 4814
- (c) Opium fluid extracts; 4815
- (d) Powdered opium; 4816
- (e) Granulated opium; 4817
- (f) Tincture of opium; 4818
- (g) Codeine; 4819
- (h) Ethylmorphine; 4820
- (i) Etorphine hydrochloride; 4821
- (j) Hydrocodone; 4822
- (k) Hydromorphone; 4823
- (l) Metopon; 4824
- (m) Morphine; 4825
- (n) Oxycodone; 4826
- (o) Oxymorphone; 4827

(p) Thebaine.	4828
(2) Any salt, compound, derivative, or preparation thereof	4829
that is chemically equivalent to or identical with any of the	4830
substances referred to in division (A) (1) of this schedule,	4831
except that these substances shall not include the isoquinoline	4832
alkaloids of opium;	4833
(3) Opium poppy and poppy straw;	4834
(4) Coca leaves and any salt, compound, derivative, or	4835
preparation of coca leaves (including cocaine and ecgonine,	4836
their salts, isomers, and derivatives, and salts of those	4837
isomers and derivatives), and any salt, compound, derivative, or	4838
preparation thereof that is chemically equivalent to or	4839
identical with any of these substances, except that the	4840
substances shall not include decocainized coca leaves or	4841
extraction of coca leaves, which extractions do not contain	4842
cocaine or ecgonine;	4843
(5) Concentrate of poppy straw (the crude extract of poppy	4844
straw in either liquid, solid, or powder form that contains the	4845
phenanthrene alkaloids of the opium poppy).	4846
(B) Narcotics-opiates	4847
Unless specifically excepted under federal drug abuse	4848
control laws or unless listed in another schedule, any of the	4849
following opiates, including their isomers, esters, ethers,	4850
salts, and salts of isomers, esters, and ethers, whenever the	4851
existence of these isomers, esters, ethers, and salts is	4852
possible within the specific chemical designation, but excluding	4853
dextrorphan and levopropoxyphene:	4854
(1) Alfentanil;	4855

(2) Alphaprodine;	4856
(3) Anileridine;	4857
(4) Bezitramide;	4858
(5) Bulk dextropropoxyphene (non-dosage forms);	4859
(6) Carfentanil;	4860
(7) Dihydrocodeine;	4861
(8) Diphenoxylate;	4862
(9) Fentanyl;	4863
(10) Isomethadone;	4864
(11) Levo-alpha-acetylmethadol (some other names: levo-	4865
alpha-acetylmethadol; levomethadyl acetate; LAAM);	4866
(12) Levomethorphan;	4867
(13) Levorphanol;	4868
(14) Metazocine;	4869
(15) Methadone;	4870
(16) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4-	4871
diphenyl butane;	4872
(17) Moramide-intermediate, 2-methyl-3-morpholino-1,1-	4873
diphenylpropane-carboxylic acid;	4874
(18) Pethidine (meperidine);	4875
(19) Pethidine-intermediate-A, 4-cyano-1-methyl-4-	4876
phenylpiperidine;	4877
(20) Pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-	4878
carboxylate;	4879

(21) Pethidine-intermediate-C, 1-methyl-4-	4880
phenylpiperidine-4-carboxylic acid;	4881
(22) Phenazocine;	4882
(23) Piminodine;	4883
(24) Racemethorphan;	4884
(25) Racemorphan;	4885
(26) Remifentanil;	4886
(27) Sufentanil.	4887
(C) Stimulants	4888
Unless specifically excepted under federal drug abuse	4889
control laws or unless listed in another schedule, any material,	4890
compound, mixture, or preparation that contains any quantity of	4891
the following substances having a stimulant effect on the	4892
central nervous system:	4893
(1) Amphetamine, its salts, its optical isomers, and salts	4894
of its optical isomers;	4895
(2) Methamphetamine, its salts, its isomers, and salts of	4896
its isomers;	4897
(3) Methylphenidate;	4898
(4) Phenmetrazine and its salts;	4899
(5) Lisdexamfetamine, its salts, isomers, and salts of its	4900
isomers.	4901
(D) Depressants	4902
Unless specifically excepted under federal drug abuse	4903
control laws or unless listed in another schedule, any material,	4904

compound, mixture, or preparation that contains any quantity of 4905
the following substances having a depressant effect on the 4906
central nervous system, including their salts, isomers, and 4907
salts of isomers, whenever the existence of these salts, 4908
isomers, and salts of isomers is possible within the specific 4909
chemical designation: 4910

(1) Amobarbital; 4911

(2) Gamma-hydroxy-butyrate; 4912

(3) Glutethimide; 4913

(4) Pentobarbital; 4914

(5) Phencyclidine (some trade or other names: 1-(1- 4915
phenylcyclohexyl)piperidine; PCP); 4916

(6) Secobarbital; 4917

(7) 1-aminophenylcyclohexane and all N-mono-substituted 4918
and/or all N-N-disubstituted analogs including, but not limited 4919
to, the following: 4920

(a) 1-phenylcyclohexylamine; 4921

(b) (1-phenylcyclohexyl) methylamine; 4922

(c) (1-phenylcyclohexyl) dimethylamine; 4923

(d) (1-phenylcyclohexyl) methylethylamine; 4924

(e) (1-phenylcyclohexyl) isopropylamine; 4925

(f) 1-(1-phenylcyclohexyl) morpholine. 4926

(E) Hallucinogenic substances 4927

(1) Nabilone (another name for nabilone: (+)-trans-3-(1,1- 4928
dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1- hydroxy-6,6- 4929

dimethyl-9H-dibenzo[b,d]pyran-9-one). 4930

(F) Immediate precursors 4931

Unless specifically excepted under federal drug abuse 4932
control laws or unless listed in another schedule, any material, 4933
compound, mixture, or preparation that contains any quantity of 4934
the following substances: 4935

(1) Immediate precursor to amphetamine and 4936
methamphetamine: 4937

(a) Phenylacetone (some trade or other names: phenyl-2- 4938
propanone; P2P; benzyl methyl ketone; methyl benzyl ketone); 4939

(2) Immediate precursors to phencyclidine (PCP): 4940

(a) 1-phenylcyclohexylamine; 4941

(b) 1-piperidinocyclohexanecarbonitrile (PCC). 4942

SCHEDULE III 4943

(A) Stimulants 4944

Unless specifically excepted under federal drug abuse 4945
control laws or unless listed in another schedule, any material, 4946
compound, mixture, or preparation that contains any quantity of 4947
the following substances having a stimulant effect on the 4948
central nervous system, including their salts, their optical 4949
isomers, position isomers, or geometric isomers, and salts of 4950
these isomers, whenever the existence of these salts, isomers, 4951
and salts of isomers is possible within the specific chemical 4952
designation: 4953

(1) All stimulant compounds, mixtures, and preparations 4954
included in schedule III pursuant to the federal drug abuse 4955
control laws and regulations adopted under those laws; 4956

(2) Benzphetamine; 4957

(3) Chlorphentermine; 4958

(4) Clortermine; 4959

(5) Phendimetrazine. 4960

(B) Depressants 4961

Unless specifically excepted under federal drug abuse 4962
control laws or unless listed in another schedule, any material, 4963
compound, mixture, or preparation that contains any quantity of 4964
the following substances having a depressant effect on the 4965
central nervous system: 4966

(1) Any compound, mixture, or preparation containing 4967
amobarbital, secobarbital, pentobarbital, or any salt of any of 4968
these drugs, and one or more other active medicinal ingredients 4969
that are not listed in any schedule; 4970

(2) Any suppository dosage form containing amobarbital, 4971
secobarbital, pentobarbital, or any salt of any of these drugs 4972
and approved by the food and drug administration for marketing 4973
only as a suppository; 4974

(3) Any substance that contains any quantity of a 4975
derivative of barbituric acid or any salt of a derivative of 4976
barbituric acid; 4977

(4) Chlorhexadol; 4978

(5) Ketamine, its salts, isomers, and salts of isomers 4979
(some other names for ketamine: (+/-)-2-(2-chlorophenyl)-2- 4980
(methylamino)-cyclohexanone); 4981

(6) Lysergic acid; 4982

(7) Lysergic acid amide; 4983

(8) Methypylon;	4984
(9) Sulfondiethylmethane;	4985
(10) Sulfonethylmethane;	4986
(11) Sulfonmethane;	4987
(12) Tiletamine, zolazepam, or any salt of tiletamine or zolazepam (some trade or other names for a tiletamine-zolazepam combination product: Telazol); (some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone); (some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8- dihydro-1,3,8-trimethylpyrazolo-[3, 4-e][1,4]-diazepin-7(1H)- one; flupyrzapon).	4988 4989 4990 4991 4992 4993 4994
(C) Narcotic antidotes	4995
(1) Nalorphine.	4996
(D) Narcotics-narcotic preparations	4997
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:	4998 4999 5000 5001 5002 5003
(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;	5004 5005 5006
(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;	5007 5008 5009 5010

(3) Not more than 300 milligrams of dihydrocodeinone per 5011
100 milliliters or not more than 15 milligrams per dosage unit, 5012
with a fourfold or greater quantity of an isoquinoline alkaloid 5013
of opium; 5014

(4) Not more than 300 milligrams of dihydrocodeinone per 5015
100 milliliters or not more than 15 milligrams per dosage unit, 5016
with one or more active, nonnarcotic ingredients in recognized 5017
therapeutic amounts; 5018

(5) Not more than 1.8 grams of dihydrocodeine per 100 5019
milliliters or not more than 90 milligrams per dosage unit, with 5020
one or more active, nonnarcotic ingredients in recognized 5021
therapeutic amounts; 5022

(6) Not more than 300 milligrams of ethylmorphine per 100 5023
milliliters or not more than 15 milligrams per dosage unit, with 5024
one or more active, nonnarcotic ingredients in recognized 5025
therapeutic amounts; 5026

(7) Not more than 500 milligrams of opium per 100 5027
milliliters or per 100 grams or not more than 25 milligrams per 5028
dosage unit, with one or more active, nonnarcotic ingredients in 5029
recognized therapeutic amounts; 5030

(8) Not more than 50 milligrams of morphine per 100 5031
milliliters or per 100 grams, with one or more active, 5032
nonnarcotic ingredients in recognized therapeutic amounts. 5033

(E) Anabolic steroids 5034

Unless specifically excepted under federal drug abuse 5035
control laws or unless listed in another schedule, any material, 5036
compound, mixture, or preparation that contains any quantity of 5037
the following substances, including their salts, esters, 5038
isomers, and salts of esters and isomers, whenever the existence 5039

of these salts, esters, and isomers is possible within the 5040
specific chemical designation: 5041

(1) Anabolic steroids. Except as otherwise provided in 5042
division (E)(1) of schedule III, "anabolic steroids" means any 5043
drug or hormonal substance that is chemically and 5044
pharmacologically related to testosterone (other than estrogens, 5045
progestins, and corticosteroids) and that promotes muscle 5046
growth. "Anabolic steroids" does not include an anabolic steroid 5047
that is expressly intended for administration through implants 5048
to cattle or other nonhuman species and that has been approved 5049
by the United States secretary of health and human services for 5050
that administration, unless a person prescribes, dispenses, or 5051
distributes this type of anabolic steroid for human use. 5052
"Anabolic steroid" includes, but is not limited to, the 5053
following: 5054

- (a) Boldenone; 5055
- (b) Chlorotestosterone (4-chlortestosterone); 5056
- (c) Clostebol; 5057
- (d) Dehydrochlormethyltestosterone; 5058
- (e) Dihydrotestosterone (4-dihydrotestosterone); 5059
- (f) Drostanolone; 5060
- (g) Ethylestrenol; 5061
- (h) Fluoxymesterone; 5062
- (i) Formebolone (formebolone); 5063
- (j) Mesterolone; 5064
- (k) Methandienone; 5065

(l) Methandranone;	5066
(m) Methandriol;	5067
(n) Methandrostenolone;	5068
(o) Methenolone;	5069
(p) Methyltestosterone;	5070
(q) Mibolerone;	5071
(r) Nandrolone;	5072
(s) Norethandrolone;	5073
(t) Oxandrolone;	5074
(u) Oxymesterone;	5075
(v) Oxymetholone;	5076
(w) Stanolone;	5077
(x) Stanozolol;	5078
(y) Testolactone;	5079
(z) Testosterone;	5080
(aa) Trenbolone;	5081
(bb) Any salt, ester, isomer, or salt of an ester or isomer of a drug or hormonal substance described or listed in division (E) (1) of schedule III if the salt, ester, or isomer promotes muscle growth.	5082 5083 5084 5085
(F) Hallucinogenic substances	5086
(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration approved drug product (some other names for	5087 5088 5089

dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro- 6,6,9-trimethyl- 5090
3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-)-delta-9-(trans)- 5091
tetrahydrocannabinol). 5092

SCHEDULE IV 5093

(A) Narcotic drugs 5094

Unless specifically excepted by federal drug abuse control 5095
laws or unless listed in another schedule, any material, 5096
compound, mixture, or preparation that contains any of the 5097
following narcotic drugs, or their salts calculated as the free 5098
anhydrous base or alkaloid, in limited quantities as set forth 5099
below: 5100

(1) Not more than one milligram of difenoxin and not less 5101
than 25 micrograms of atropine sulfate per dosage unit; 5102

(2) Dextropropoxyphene (alpha-+)-4-dimethylamino-1,2- 5103
diphenyl-3-methyl-2- propionoxybutane)[final dosage forms]. 5104

(B) Depressants 5105

Unless specifically excepted under federal drug abuse 5106
control laws or unless listed in another schedule, any material, 5107
compound, mixture, or preparation that contains any quantity of 5108
the following substances, including their salts, isomers, and 5109
salts of isomers, whenever the existence of these salts, 5110
isomers, and salts of isomers is possible within the specific 5111
chemical designation: 5112

(1) Alprazolam; 5113

(2) Barbital; 5114

(3) Bromazepam; 5115

(4) Camazepam; 5116

(5) Chloral betaine;	5117
(6) Chloral hydrate;	5118
(7) Chlordiazepoxide;	5119
(8) Clobazam;	5120
(9) Clonazepam;	5121
(10) Clorazepate;	5122
(11) Clotiazepam;	5123
(12) Cloxazolam;	5124
(13) Delorazepam;	5125
(14) Diazepam;	5126
(15) Estazolam;	5127
(16) Ethchlorvynol;	5128
(17) Ethinamate;	5129
(18) Ethyl loflazepate;	5130
(19) Fludiazepam;	5131
(20) Flunitrazepam;	5132
(21) Flurazepam;	5133
(22) Halazepam;	5134
(23) Haloxazolam;	5135
(24) Ketazolam;	5136
(25) Loprazolam;	5137
(26) Lorazepam;	5138

(27) Lormetazepam;	5139
(28) Mebutamate;	5140
(29) Medazepam;	5141
(30) Meprobamate;	5142
(31) Methohexital;	5143
(32) Methylphenobarbital (mephobarbital);	5144
(33) Midazolam;	5145
(34) Nimetazepam;	5146
(35) Nitrazepam;	5147
(36) Nordiazepam;	5148
(37) Oxazepam;	5149
(38) Oxazolam;	5150
(39) Paraldehyde;	5151
(40) Petrichloral;	5152
(41) Phenobarbital;	5153
(42) Pinazepam;	5154
(43) Prazepam;	5155
(44) Quazepam;	5156
(45) Temazepam;	5157
(46) Tetrazepam;	5158
(47) Triazolam;	5159
(48) Zaleplon;	5160

(49) Zolpidem. 5161

(C) Fenfluramine 5162

Any material, compound, mixture, or preparation that 5163
contains any quantity of the following substances, including 5164
their salts, their optical isomers, position isomers, or 5165
geometric isomers, and salts of these isomers, whenever the 5166
existence of these salts, isomers, and salts of isomers is 5167
possible within the specific chemical designation: 5168

(1) Fenfluramine. 5169

(D) Stimulants 5170

Unless specifically excepted under federal drug abuse 5171
control laws or unless listed in another schedule, any material, 5172
compound, mixture, or preparation that contains any quantity of 5173
the following substances having a stimulant effect on the 5174
central nervous system, including their salts, their optical 5175
isomers, position isomers, or geometric isomers, and salts of 5176
these isomers, whenever the existence of these salts, isomers, 5177
and salts of isomers is possible within the specific chemical 5178
designation: 5179

(1) Cathine ((+)-norpseudoephedrine); 5180

(2) Diethylpropion; 5181

(3) Fencamfamin; 5182

(4) Fenproporex; 5183

(5) Mazindol; 5184

(6) Mefenorex; 5185

(7) Modafinil; 5186

(8) Pemoline (including organometallic complexes and
chelates thereof);

(9) Phentermine;

(10) Pipradrol;

(11) Sibutramine;

(12) SPA [(-)-1-dimethylamino-1,2-diphenylethane].

(E) Other substances

Unless specifically excepted under federal drug abuse
control laws or unless listed in another schedule, any material,
compound, mixture, or preparation that contains any quantity of
the following substances, including their salts:

(1) Pentazocine;

(2) Butorphanol (including its optical isomers).

SCHEDULE V

(A) Narcotic drugs

Unless specifically excepted under federal drug abuse
control laws or unless listed in another schedule, any material,
compound, mixture, or preparation that contains any of the
following narcotic drugs, and their salts, as set forth below:

(1) Buprenorphine.

(B) Narcotics-narcotic preparations

Narcotic drugs containing non-narcotic active medicinal
ingredients. Any compound, mixture, or preparation that contains
any of the following narcotic drugs, or their salts calculated
as the free anhydrous base or alkaloid, in limited quantities as
set forth below, and that includes one or more nonnarcotic

active medicinal ingredients in sufficient proportion to confer 5213
upon the compound, mixture, or preparation valuable medicinal 5214
qualities other than those possessed by narcotic drugs alone: 5215

(1) Not more than 200 milligrams of codeine per 100 5216
milliliters or per 100 grams; 5217

(2) Not more than 100 milligrams of dihydrocodeine per 100 5218
milliliters or per 100 grams; 5219

(3) Not more than 100 milligrams of ethylmorphine per 100 5220
milliliters or per 100 grams; 5221

(4) Not more than 2.5 milligrams of diphenoxylate and not 5222
less than 25 micrograms of atropine sulfate per dosage unit; 5223

(5) Not more than 100 milligrams of opium per 100 5224
milliliters or per 100 grams; 5225

(6) Not more than 0.5 milligram of difenoxin and not less 5226
than 25 micrograms of atropine sulfate per dosage unit. 5227

(C) Stimulants 5228

Unless specifically exempted or excluded under federal 5229
drug abuse control laws or unless listed in another schedule, 5230
any material, compound, mixture, or preparation that contains 5231
any quantity of the following substances having a stimulant 5232
effect on the central nervous system, including their salts, 5233
isomers, and salts of isomers: 5234

(1) Ephedrine, except as provided in division (K) of 5235
section 3719.44 of the Revised Code; 5236

(2) Pyrovalerone. 5237

(D) Approved cannabidiol drugs 5238

Unless specifically exempted or excluded under federal 5239

drug abuse control laws or unless listed in another schedule, 5240
any drug product in finished dosage formulation that has been 5241
approved by the United States food and drug administration that 5242
contains cannabidiol (2-[1R-3-methyl-6R-(1-methylethenyl)-2- 5243
cyclohexen-1-yl]-5-pentyl-1,3-benzenediol) derived from cannabis 5244
and not more than 0.1 per cent (w/w) residual 5245
tetrahydrocannabinols. 5246

Sec. 3719.43. When congress or, pursuant to the federal 5247
drug abuse control laws, the attorney general of the United 5248
States adds a compound, mixture, preparation, or substance to a 5249
schedule of the federal drug abuse control laws, transfers any 5250
of the same between one schedule of the federal drug abuse 5251
control laws to another, or removes a compound, mixture, 5252
preparation, or substance from the schedules of the federal drug 5253
abuse control laws, then such addition, transfer, or removal is 5254
automatically effected in the corresponding schedule or 5255
schedules ~~in~~ established by rule adopted under section 3719.41 5256
of the Revised Code, subject to amendment pursuant to section 5257
3719.44 of the Revised Code. 5258

The state board of pharmacy shall incorporate the 5259
addition, transfer, or removal into or from the schedules in its 5260
next update of the schedules under section 3719.41 of the 5261
Revised Code. 5262

Sec. 3719.44. (A) Pursuant to this section, and by rule 5263
adopted in accordance with Chapter 119. of the Revised Code, the 5264
state board of pharmacy may do any of the following with respect 5265
to schedules I, II, III, IV, and V established ~~in~~ by rule 5266
adopted under section 3719.41 of the Revised Code: 5267

(1) Add a previously unscheduled compound, mixture, 5268
preparation, or substance to any schedule; 5269

(2) Transfer a compound, mixture, preparation, or 5270
substance from one schedule to another, provided the transfer 5271
does not have the effect under this chapter of providing less 5272
stringent control of the compound, mixture, preparation, or 5273
substance than is provided under the federal drug abuse control 5274
laws; 5275

(3) Remove a compound, mixture, preparation, or substance 5276
from the schedules where the board had previously added the 5277
compound, mixture, preparation, or substance to the schedules, 5278
provided that the removal shall not have the effect under this 5279
chapter of providing less stringent control of the compound, 5280
mixture, preparation, or substance than is provided under the 5281
federal drug abuse control laws. 5282

(B) In making a determination to add, remove, or transfer 5283
pursuant to division (A) of this section, the board shall 5284
consider the following: 5285

(1) The actual or relative potential for abuse; 5286

(2) The scientific evidence of the pharmacological effect 5287
of the substance, if known; 5288

(3) The state of current scientific knowledge regarding 5289
the substance; 5290

(4) The history and current pattern of abuse; 5291

(5) The scope, duration, and significance of abuse; 5292

(6) The risk to the public health; 5293

(7) The potential of the substance to produce psychic or 5294
physiological dependence liability; 5295

(8) Whether the substance is an immediate precursor. 5296

(C) The board may add or transfer a compound, mixture, 5297
preparation, or substance to schedule I when it appears that 5298
there is a high potential for abuse, that it has no accepted 5299
medical use in treatment in this state, or that it lacks 5300
accepted safety for use in treatment under medical supervision. 5301

(D) The board may add or transfer a compound, mixture, 5302
preparation, or substance to schedule II when it appears that 5303
there is a high potential for abuse, that it has a currently 5304
accepted medical use in treatment in this state, or currently 5305
accepted medical use in treatment with severe restrictions, and 5306
that its abuse may lead to severe physical or severe 5307
psychological dependence. 5308

(E) The board may add or transfer a compound, mixture, 5309
preparation, or substance to schedule III when it appears that 5310
there is a potential for abuse less than the substances included 5311
in schedules I and II, that it has a currently accepted medical 5312
use in treatment in this state, and that its abuse may lead to 5313
moderate or low physical or high psychological dependence. 5314

(F) The board may add or transfer a compound, mixture, 5315
preparation, or substance to schedule IV when it appears that it 5316
has a low potential for abuse relative to substances included in 5317
schedule III, that it has a currently accepted medical use in 5318
treatment in this state, and that its abuse may lead to limited 5319
physical or psychological dependence relative to the substances 5320
included in schedule III. 5321

(G) The board may add or transfer a compound, mixture, 5322
preparation, or substance to schedule V when it appears that it 5323
has lower potential for abuse than substances included in 5324
schedule IV, that it has currently accepted medical use in 5325
treatment in this state, and that its abuse may lead to limited 5326

physical or psychological dependence relative to substances 5327
included in schedule IV. 5328

(H) Even though a compound, mixture, preparation, or 5329
substance does not otherwise meet the criteria in this section 5330
for adding or transferring it to a schedule, the board may 5331
nevertheless add or transfer it to a schedule as an immediate 5332
precursor when all of the following apply: 5333

(1) It is the principal compound used, or produced 5334
primarily for use, in the manufacture of a controlled substance. 5335

(2) It is an immediate chemical intermediary used or 5336
likely to be used in the manufacture of such a controlled 5337
substance. 5338

(3) Its control is necessary to prevent, curtail, or limit 5339
the manufacture of the scheduled compound, mixture, preparation, 5340
or substance of which it is the immediate precursor. 5341

(I) Authority to control under this section does not 5342
extend to distilled spirits, wine, or beer, as those terms are 5343
defined or used in Chapter 4301. of the Revised Code. 5344

(J) Authority to control under this section does not 5345
extend to any nonnarcotic substance if the substance may, under 5346
the Federal Food, Drug, and Cosmetic Act and the laws of this 5347
state, be lawfully sold over the counter without a prescription. 5348
If a pattern of abuse develops for any nonnarcotic drug sold 5349
over the counter, the board may, by rule adopted in accordance 5350
with Chapter 119. of the Revised Code, after a public hearing 5351
and a documented study to determine that the substance actually 5352
meets the criteria listed in division (B) of this section, place 5353
the abused substance on a controlled substance schedule. 5354

(K) (1) A drug product containing ephedrine that is known 5355

as one of the following and is in the form specified shall not 5356
be considered a schedule V controlled substance: 5357

(a) Amesec capsules; 5358

(b) Bronitin tablets; 5359

(c) Bronkotabs; 5360

(d) Bronkolixir; 5361

(e) Bronkaid tablets; 5362

(f) Efedron nasal jelly; 5363

(g) Guiaphed elixir; 5364

(h) Haysma; 5365

(i) Pazo hemorrhoid ointment and suppositories; 5366

(j) Primatene "M" formula tablets; 5367

(k) Primatene "P" formula tablets; 5368

(l) Tedrigen tablets; 5369

(m) Tedral tablets, suspension and elixir; 5370

(n) T.E.P.; 5371

(o) Vatronol nose drops. 5372

(2) (a) A product containing ephedrine shall not be 5373
considered a controlled substance if the product is a food 5374
product or dietary supplement that meets all of the following 5375
criteria: 5376

(i) It contains, per dosage unit or serving, not more than 5377
the lesser of twenty-five milligrams of ephedrine alkaloids or 5378
the maximum amount of ephedrine alkaloids provided in applicable 5379

regulations adopted by the United States food and drug 5380
administration, and no other controlled substance. 5381

(ii) It contains no hydrochloride or sulfate salts of 5382
ephedrine alkaloids. 5383

(iii) It is packaged with a prominent label securely 5384
affixed to each package that states all of the following: the 5385
amount in milligrams of ephedrine in a serving or dosage unit; 5386
the amount of the food product or dietary supplement that 5387
constitutes a serving or dosage unit; that the maximum 5388
recommended dosage of ephedrine for a healthy adult human is the 5389
lesser of one hundred milligrams in a twenty-four-hour period 5390
for not more than twelve weeks or the maximum recommended dosage 5391
or period of use provided in applicable regulations adopted by 5392
the United States food and drug administration; and that 5393
improper use of the product may be hazardous to a person's 5394
health. 5395

(b) (i) Subject to division (K) (2) (b) (ii) of this section, 5396
no person shall dispense, sell, or otherwise give a product 5397
described in division (K) (2) (a) of this section to any 5398
individual under eighteen years of age. 5399

(ii) Division (K) (2) (b) (i) of this section does not apply 5400
to a physician or pharmacist who dispenses, sells, or otherwise 5401
gives a product described in division (K) (2) (a) of this section 5402
to an individual under eighteen years of age, to a parent or 5403
guardian of an individual under eighteen years of age who 5404
dispenses, sells, or otherwise gives a product of that nature to 5405
the individual under eighteen years of age, or to a person who, 5406
as authorized by the individual's parent or legal guardian, 5407
dispenses, sells, or otherwise gives a product of that nature to 5408
an individual under eighteen years of age. 5409

(c) No person in the course of selling, offering for sale, 5410
or otherwise distributing a product described in division (K) (2) 5411
(a) of this section shall advertise or represent in any manner 5412
that the product causes euphoria, ecstasy, a "buzz" or "high," 5413
or an altered mental state; heightens sexual performance; or, 5414
because it contains ephedrine alkaloids, increased muscle mass. 5415

(3) A drug product that contains the isomer 5416
pseudoephedrine, or any of its salts, optical isomers, or salts 5417
of optical isomers, shall not be considered a controlled 5418
substance if the drug product is labeled in a manner consistent 5419
with federal law or with the product's over-the-counter 5420
tentative final monograph or final monograph issued by the 5421
United States food and drug administration. 5422

(4) At the request of any person, the board may except any 5423
product containing ephedrine not described in division (K) (1) or 5424
(2) of this section or any class of products containing 5425
ephedrine from being included as a schedule V controlled 5426
substance if it determines that the product or class of products 5427
does not contain any other controlled substance. The board shall 5428
make the determination in accordance with this section and by 5429
rule adopted in accordance with Chapter 119. of the Revised 5430
Code. 5431

(L) If the board adds, transfers, or removes a compound, 5432
mixture, preparation, or substance to or from a schedule 5433
pursuant to division (A), (B), (C), (D), (E), (F), (G), or (H) 5434
of this section, the board shall incorporate the addition, 5435
transfer, or removal into the schedules in its next update of 5436
the schedules under division (B) of section 3719.41 of the 5437
Revised Code. 5438

(M) As used in this section: 5439

(1) "Food" has the same meaning as in section 3715.01 of the Revised Code. 5440
5441

(2) "Dietary supplement" has the same meaning as in the 5442
"Federal Food, Drug, and Cosmetic Act," 108 Stat. 4327 (1994), 5443
21 U.S.C.A. 321 (ff), as amended. 5444

(3) "Ephedrine alkaloids" means ephedrine, 5445
pseudoephedrine, norephedrine, norpseudoephedrine, 5446
methylephedrine, and methylpseudoephedrine. 5447

Sec. 3719.45. (A) (1) The state board of pharmacy, by 5448
emergency rule adopted in accordance with division (G) of 5449
section 119.03 of the Revised Code, shall add a previously 5450
unscheduled compound, mixture, preparation, or substance to 5451
schedule I if the board determines that the compound, mixture, 5452
preparation, or substance has no accepted medical use in 5453
treatment in this state and poses an imminent hazard to the 5454
public health, safety, or welfare. 5455

(2) In determining whether a previously unscheduled 5456
compound, mixture, preparation, or substance poses an imminent 5457
hazard to the public health, safety, or welfare, the board shall 5458
consider all of the following with respect to the compound, 5459
mixture, preparation, or substance: 5460

(a) Its actual or relative potential for abuse; 5461

(b) The scope, duration, and significance of that abuse; 5462

(c) The risk it poses to the public health. 5463

(B) If the board determines that a compound, mixture, 5464
preparation, or substance meets the criteria specified in 5465
division (A) of this section, the board shall determine whether 5466
to issue a resolution requesting that the governor issue an 5467

order pursuant to division (G) of section 119.03 of the Revised 5468
Code. If a resolution is issued, the resolution shall include 5469
the full text of the proposed emergency rule and the reasons for 5470
the board's determination that the compound, mixture, 5471
preparation, or substance meets the criteria specified in 5472
division (A) of this section. 5473

(C) The board may utilize a telephone conference call to 5474
make the determinations set forth in divisions (A) and (B) of 5475
this section. 5476

(D) An emergency rule adopted under this section takes 5477
effect as provided in division (G) of section 119.03 of the 5478
Revised Code. 5479

(E) Authority to control under this section does not 5480
extend to any of the following: 5481

(1) Distilled spirits, wine, or beer, as those terms are 5482
defined or used in Chapter 4301. of the Revised Code; 5483

(2) Dangerous drugs approved by the United States food and 5484
drug administration; 5485

(3) Any drug approved by the United States food and drug 5486
administration to be lawfully sold over the counter without a 5487
prescription. 5488

Sec. 3719.811. (A) As used in this section: 5489

(1) "Charitable pharmacy" means a pharmacy that meets all 5490
of the following requirements: 5491

(a) Holds a terminal distributor of dangerous drugs 5492
license under section 4729.54 of the Revised Code. 5493

(b) Is exempt from federal taxation pursuant to 26 U.S.C. 5494

501(a) and (c) (3). 5495

(c) Is not a hospital ~~as defined in section 3727.01 of the~~ 5496
~~Revised Code.~~ 5497

(2) "Prescription" has the same meaning as in section 5498
4729.01 of the Revised Code. 5499

(3) "Sample drug" has the same meaning as in section 5500
2925.01 of the Revised Code. 5501

(B) A manufacturer of dangerous drugs or wholesale 5502
distributor of dangerous drugs may furnish a sample drug to a 5503
charitable pharmacy if all of the following apply: 5504

(1) The sample drug is in the original container in which 5505
it was placed by its manufacturer and the container is plainly 5506
marked as a sample. 5507

(2) Prior to its being furnished, the sample drug has been 5508
stored under the proper conditions to prevent its deterioration 5509
or contamination. 5510

(3) If the sample drug is of a type that deteriorates with 5511
time, the container in which the sample drug is stored is 5512
plainly marked with the date beyond which the sample drug is 5513
unsafe to use, and the date has not expired on the sample drug 5514
furnished. Compliance with the labeling requirements of the 5515
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 5516
U.S.C. 301, as amended, constitutes compliance with division (B) 5517
(3) of this section. 5518

(4) The sample drug is distributed, stored, or discarded 5519
in such a way that the sample drug may not be acquired or used 5520
by any unauthorized person, or by any person, including a child, 5521
for whom it may present a health or safety hazard. 5522

- (5) The sample drug is furnished free of charge. 5523
- (6) The sample drug is not a controlled substance. 5524
- (C) A representative of a manufacturer of dangerous drugs 5525
or a licensed health professional authorized to prescribe drugs 5526
may furnish a sample drug to a charitable pharmacy if all of the 5527
following apply: 5528
- (1) ~~The state board of pharmacy has~~ Rules have been 5529
adopted rules under division (F) of this section ~~to that~~ permit 5530
such a representative or health professional to furnish a sample 5531
drug to a charitable pharmacy. 5532
- (2) The representative or health professional complies 5533
with standards and procedures established in rules adopted under 5534
division (F) of this section. 5535
- (3) The requirements ~~in of~~ divisions (B) (1) to (6) of this 5536
section are satisfied. 5537
- (D) A pharmacist working, whether or not for compensation, 5538
in a charitable pharmacy may dispense a sample drug to a person 5539
if all of the following apply: 5540
- (1) The person to whom the sample drug is dispensed is 5541
eligible for the sample drug under standards established by the 5542
body responsible for the charitable pharmacy's general 5543
management. 5544
- (2) The person to whom the sample is dispensed presents to 5545
the pharmacist a valid prescription for the sample drug. 5546
- (3) The sample drug is dispensed free of charge. 5547
- (4) The requirements ~~in of~~ divisions (B) (1) to (4) and (6) 5548
of this section are satisfied. 5549

(E) Divisions (B), (C), and (D) of this section do not do 5550
either of the following: 5551

(1) Apply to or restrict the furnishing of any sample of a 5552
nonnarcotic substance if the substance may, under the "Federal 5553
Food, Drug, and Cosmetic Act" and under the law of this state, 5554
otherwise be lawfully sold over the counter without a 5555
prescription. 5556

(2) Authorize a pharmacist working, whether or not for 5557
compensation, in a charitable pharmacy to dispense a sample drug 5558
that the charitable pharmacy is unauthorized to possess, have 5559
custody or control of, or distribute. 5560

(F) The state board of pharmacy shall, in accordance with 5561
Chapter 119. of the Revised Code, adopt rules as necessary to 5562
give effect to this section. The rules may permit 5563
representatives of manufacturers of dangerous drugs or licensed 5564
health professionals authorized to prescribe drugs to furnish 5565
sample drugs to charitable pharmacies under this section. If 5566
they do so, the rules shall establish standards and procedures 5567
for the representatives or health professionals to furnish the 5568
sample drugs. 5569

Sec. 3796.01. (A) As used in this chapter: 5570

(1) "Marijuana" means marihuana as defined in section 5571
3719.01 of the Revised Code. 5572

(2) "Medical marijuana" means marijuana that is 5573
cultivated, processed, dispensed, tested, possessed, or used for 5574
a medical purpose. 5575

(3) "Academic medical center" has the same meaning as in 5576
section 4731.297 of the Revised Code. 5577

(4) "Drug database" means the database established and 5578
maintained by the state board of pharmacy pursuant to section 5579
4729.75 of the Revised Code. 5580

(5) "Physician" means an individual authorized under 5581
Chapter 4731. of the Revised Code to practice medicine and 5582
surgery or osteopathic medicine and surgery. 5583

(6) "Qualifying medical condition" means any of the 5584
following: 5585

(a) Acquired immune deficiency syndrome; 5586

(b) Alzheimer's disease; 5587

(c) Amyotrophic lateral sclerosis; 5588

(d) Cancer; 5589

(e) Chronic traumatic encephalopathy; 5590

(f) Crohn's disease; 5591

(g) Epilepsy or another seizure disorder; 5592

(h) Fibromyalgia; 5593

(i) Glaucoma; 5594

(j) Hepatitis C; 5595

(k) Inflammatory bowel disease; 5596

(l) Multiple sclerosis; 5597

(m) Pain that is either of the following: 5598

(i) Chronic and severe; 5599

(ii) Intractable. 5600

(n) Parkinson's disease; 5601

(o) Positive status for HIV;	5602
(p) Post-traumatic stress disorder;	5603
(q) Sickle cell anemia;	5604
(r) Spinal cord disease or injury;	5605
(s) Tourette's syndrome;	5606
(t) Traumatic brain injury;	5607
(u) Ulcerative colitis;	5608
(v) Any other disease or condition added by the state medical board under section 4731.302 of the Revised Code.	5609 5610
(7) "State university" has the same meaning as in section 3345.011 of the Revised Code.	5611 5612
(B) Notwithstanding section 3719.41 <u>any conflicting</u> <u>provision of Chapter 3719.</u> of the Revised Code <u>or the rules</u> <u>adopted under it</u> , for purposes of this chapter, medical marijuana is a schedule II controlled substance.	5613 5614 5615 5616
Sec. 3923.602. (A) As used in this section:	5617
(1) "Cost-sharing" means the cost to an insured under a policy of sickness and accident insurance or a public employee benefit plan according to any coverage limit, copayment, coinsurance, deductible, or other out-of-pocket expense requirements imposed by the policy or plan.	5618 5619 5620 5621 5622
(2) "Drug" has the same meaning as in section 4729.01 of the Revised Code.	5623 5624
(3) "Medication synchronization" means a pharmacy service that synchronizes the filling or refilling of prescriptions in a manner that allows the dispensed drugs to be obtained on the	5625 5626 5627

same date each month. 5628

(4) "Prescriber" has the same meaning as in section 5629
4729.01 of the Revised Code. 5630

(5) "Prescription" means a written, electronic, or oral 5631
order issued by a prescriber for drugs or combinations or 5632
mixtures of drugs to be used by a particular individual. 5633

(B) Notwithstanding section 3901.71 of the Revised Code, 5634
each policy of sickness and accident insurance that provides 5635
prescription drug coverage and each public employee benefit plan 5636
that provides prescription drug coverage shall provide for 5637
medication synchronization for an insured if all of the 5638
following conditions are met: 5639

(1) The insured elects to participate in medication 5640
synchronization; 5641

(2) The insured, the prescriber, and a pharmacist at a 5642
network pharmacy agree that medication synchronization is in the 5643
best interest of the insured; 5644

(3) The prescription drug to be included in the medication 5645
synchronization meets the requirements of division (C) of this 5646
section. 5647

(C) To be eligible for inclusion in medication 5648
synchronization for an insured, a prescription drug must meet 5649
all of the following requirements: 5650

(1) Be covered by the policy or plan; 5651

(2) Be prescribed for the treatment and management of a 5652
chronic disease or condition and be subject to refills; 5653

(3) Satisfy all relevant prior authorization criteria; 5654

(4) Not have quantity limits, dose optimization criteria, 5655
or other requirements that would be violated if synchronized; 5656

(5) Not have special handling or sourcing needs, as 5657
determined by the policy or plan, that require a single, 5658
designated pharmacy to fill or refill the prescription; 5659

(6) Be formulated so that the quantity or amount dispensed 5660
can be effectively divided in order to achieve synchronization; 5661

(7) Not be a schedule II controlled substance, ~~opiate~~ 5662
opioid analgesic, or benzodiazepine, as those terms are defined 5663
in section 3719.01 of the Revised Code. 5664

(D) (1) To provide for medication synchronization under 5665
division (B) of this section, a policy or plan shall authorize 5666
coverage of a prescription drug subject to medication 5667
synchronization when the drug is dispensed in a quantity or 5668
amount that is less than a thirty-day supply. 5669

(2) The requirement of division (D) (1) of this section 5670
applies only once for each prescription drug subject to 5671
medication synchronization for the same insured, except when 5672
either of the following occurs: 5673

(a) The prescriber changes the dosage or frequency of 5674
administration of the prescription drug subject to medication 5675
synchronization. 5676

(b) The prescriber prescribes a different drug. 5677

(E) (1) A policy or plan that provides for medication 5678
synchronization under division (B) of this section shall permit 5679
and apply a prorated daily cost-sharing rate for a supply of a 5680
prescription drug subject to medication synchronization that is 5681
dispensed at a network pharmacy. 5682

(2) Division (E) (1) of this section does not require a 5683
policy or plan to waive any cost-sharing requirements in its 5684
entirety. 5685

(F) A policy or plan that provides for medication 5686
synchronization under division (B) of this section shall not use 5687
payment structures that incorporate dispensing fees that are 5688
determined by calculating the days' supply of drugs dispensed. 5689
Dispensing fees shall be based exclusively on the total number 5690
of prescriptions that are filled or refilled. 5691

(G) This section does not require a sickness and accident 5692
insurer or public employee benefit plan to provide to a network 5693
pharmacy or a pharmacist at a network pharmacy any monetary or 5694
other financial incentive for the purpose of encouraging the 5695
pharmacy or pharmacist to recommend medication synchronization 5696
to an insured. 5697

Sec. 4729.01. As used in this chapter: 5698

(A) "Pharmacy," except when used in a context that refers 5699
to the practice of pharmacy, means any area, room, rooms, place 5700
of business, department, or portion of any of the foregoing 5701
where the practice of pharmacy is conducted. 5702

(B) "Practice of pharmacy" means providing pharmacist care 5703
requiring specialized knowledge, judgment, and skill derived 5704
from the principles of biological, chemical, behavioral, social, 5705
pharmaceutical, and clinical sciences. As used in this division, 5706
"pharmacist care" includes the following: 5707

(1) Interpreting prescriptions; 5708

(2) Dispensing drugs and drug therapy related devices; 5709

(3) Compounding drugs; 5710

(4) Counseling individuals with regard to their drug 5711
therapy, recommending drug therapy related devices, and 5712
assisting in the selection of drugs and appliances for treatment 5713
of common diseases and injuries and providing instruction in the 5714
proper use of the drugs and appliances; 5715

(5) Performing drug regimen reviews with individuals by 5716
discussing all of the drugs that the individual is taking and 5717
explaining the interactions of the drugs; 5718

(6) Performing drug utilization reviews with licensed 5719
health professionals authorized to prescribe drugs when the 5720
pharmacist determines that an individual with a prescription has 5721
a drug regimen that warrants additional discussion with the 5722
prescriber; 5723

(7) Advising an individual and the health care 5724
professionals treating an individual with regard to the 5725
individual's drug therapy; 5726

(8) Acting pursuant to a consult agreement with one or 5727
more physicians authorized under Chapter 4731. of the Revised 5728
Code to practice medicine and surgery or osteopathic medicine 5729
and surgery, if an agreement has been established; 5730

(9) Engaging in the administration of immunizations to the 5731
extent authorized by section 4729.41 of the Revised Code; 5732

(10) Engaging in the administration of drugs to the extent 5733
authorized by section 4729.45 of the Revised Code. 5734

(C) "Compounding" means the preparation, mixing, 5735
assembling, packaging, and labeling of one or more drugs in any 5736
of the following circumstances: 5737

(1) Pursuant to a prescription issued by a licensed health 5738

professional authorized to prescribe drugs; 5739

(2) Pursuant to the modification of a prescription made in 5740
accordance with a consult agreement; 5741

(3) As an incident to research, teaching activities, or 5742
chemical analysis; 5743

(4) In anticipation of orders for drugs pursuant to 5744
prescriptions, based on routine, regularly observed dispensing 5745
patterns; 5746

(5) Pursuant to a request made by a licensed health 5747
professional authorized to prescribe drugs for a drug that is to 5748
be used by the professional for the purpose of direct 5749
administration to patients in the course of the professional's 5750
practice, if all of the following apply: 5751

(a) At the time the request is made, the drug is not 5752
commercially available regardless of the reason that the drug is 5753
not available, including the absence of a manufacturer for the 5754
drug or the lack of a readily available supply of the drug from 5755
a manufacturer. 5756

(b) A limited quantity of the drug is compounded and 5757
provided to the professional. 5758

(c) The drug is compounded and provided to the 5759
professional as an occasional exception to the normal practice 5760
of dispensing drugs pursuant to patient-specific prescriptions. 5761

(D) "Consult agreement" means an agreement that has been 5762
entered into under section 4729.39 of the Revised Code. 5763

(E) "Drug" means: 5764

(1) Any article recognized in the United States 5765

pharmacopoeia and national formulary, or any supplement to them, 5766
intended for use in the diagnosis, cure, mitigation, treatment, 5767
or prevention of disease in humans or animals; 5768

(2) Any other article intended for use in the diagnosis, 5769
cure, mitigation, treatment, or prevention of disease in humans 5770
or animals; 5771

(3) Any article, other than food, intended to affect the 5772
structure or any function of the body of humans or animals; 5773

(4) Any article intended for use as a component of any 5774
article specified in division (E) (1), (2), or (3) of this 5775
section; but does not include devices or their components, 5776
parts, or accessories. 5777

(F) "Dangerous drug" means any of the following: 5778

(1) Any drug to which either of the following applies: 5779

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 5780
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 5781
required to bear a label containing the legend "Caution: Federal 5782
law prohibits dispensing without prescription" or "Caution: 5783
Federal law restricts this drug to use by or on the order of a 5784
licensed veterinarian" or any similar restrictive statement, or 5785
the drug may be dispensed only upon a prescription; 5786

(b) Under Chapter 3715. or 3719. of the Revised Code, the 5787
drug may be dispensed only upon a prescription. 5788

(2) Any drug that contains a schedule V controlled 5789
substance and that is exempt from Chapter 3719. of the Revised 5790
Code or to which that chapter does not apply; 5791

(3) Any drug intended for administration by injection into 5792
the human body other than through a natural orifice of the human 5793

body; 5794

(4) Any drug that is a biological product, as defined in 5795
section 3715.01 of the Revised Code. 5796

(G) "Federal drug abuse control laws" has the same meaning 5797
as in section 3719.01 of the Revised Code. 5798

(H) "Prescription" means all of the following: 5799

(1) A written, electronic, or oral order for drugs or 5800
combinations or mixtures of drugs to be used by a particular 5801
individual or for treating a particular animal, issued by a 5802
licensed health professional authorized to prescribe drugs; 5803

(2) For purposes of sections 2925.61, 4723.488, 4729.44, 5804
4730.431, and 4731.94 of the Revised Code, a written, 5805
electronic, or oral order for naloxone issued to and in the name 5806
of a family member, friend, or other individual in a position to 5807
assist an individual who there is reason to believe is at risk 5808
of experiencing an opioid-related overdose. 5809

(3) For purposes of sections 4723.4810, 4729.282, 5810
4730.432, and 4731.93 of the Revised Code, a written, 5811
electronic, or oral order for a drug to treat chlamydia, 5812
gonorrhea, or trichomoniasis issued to and in the name of a 5813
patient who is not the intended user of the drug but is the 5814
sexual partner of the intended user; 5815

(4) For purposes of sections 3313.7110, 3313.7111, 5816
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 5817
4731.96, and 5101.76 of the Revised Code, a written, electronic, 5818
or oral order for an epinephrine autoinjector issued to and in 5819
the name of a school, school district, or camp; 5820

(5) For purposes of Chapter 3728. and sections 4723.483, 5821

4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 5822
electronic, or oral order for an epinephrine autoinjector issued 5823
to and in the name of a qualified entity, as defined in section 5824
3728.01 of the Revised Code. 5825

(I) "Licensed health professional authorized to prescribe 5826
drugs" or "prescriber" means an individual who is authorized by 5827
law to prescribe drugs or dangerous drugs or drug therapy 5828
related devices in the course of the individual's professional 5829
practice, including only the following: 5830

(1) A dentist licensed under Chapter 4715. of the Revised 5831
Code; 5832

(2) A clinical nurse specialist, certified nurse-midwife, 5833
or certified nurse practitioner who holds a current, valid 5834
license to practice nursing as an advanced practice registered 5835
nurse issued under Chapter 4723. of the Revised Code; 5836

(3) An optometrist licensed under Chapter 4725. of the 5837
Revised Code to practice optometry under a therapeutic 5838
pharmaceutical agents certificate; 5839

(4) A physician authorized under Chapter 4731. of the 5840
Revised Code to practice medicine and surgery, osteopathic 5841
medicine and surgery, or podiatric medicine and surgery; 5842

(5) A physician assistant who holds a license to practice 5843
as a physician assistant issued under Chapter 4730. of the 5844
Revised Code, holds a valid prescriber number issued by the 5845
state medical board, and has been granted physician-delegated 5846
prescriptive authority; 5847

(6) A veterinarian licensed under Chapter 4741. of the 5848
Revised Code. 5849

(J) "Sale" or "sell" includes any transaction made by any person, whether as principal proprietor, agent, or employee, to do or offer to do any of the following: deliver, distribute, broker, exchange, gift or otherwise give away, or transfer, whether the transfer is by passage of title, physical movement, or both.

(K) "Wholesale sale" and "sale at wholesale" mean any sale in which the purpose of the purchaser is to resell the article purchased or received by the purchaser.

(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.

(M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control or establish responsibility.

(N) "Price information" means the price charged for a prescription for a particular drug product and, in an easily understandable manner, all of the following:

(1) The proprietary name of the drug product;

(2) The established (generic) name of the drug product;

(3) The strength of the drug product if the product contains a single active ingredient or if the drug product contains more than one active ingredient and a relevant strength can be associated with the product without indicating each active ingredient. The established name and quantity of each active ingredient are required if such a relevant strength cannot be so associated with a drug product containing more than one ingredient.

(4) The dosage form; 5879

(5) The price charged for a specific quantity of the drug 5880
product. The stated price shall include all charges to the 5881
consumer, including, but not limited to, the cost of the drug 5882
product, professional fees, handling fees, if any, and a 5883
statement identifying professional services routinely furnished 5884
by the pharmacy. Any mailing fees and delivery fees may be 5885
stated separately without repetition. The information shall not 5886
be false or misleading. 5887

(O) "Wholesale distributor of dangerous drugs" or 5888
"wholesale distributor" means a person engaged in the sale of 5889
dangerous drugs at wholesale and includes any agent or employee 5890
of such a person authorized by the person to engage in the sale 5891
of dangerous drugs at wholesale. 5892

(P) "Manufacturer of dangerous drugs" or "manufacturer" 5893
means a person, other than a pharmacist or prescriber, who 5894
manufactures dangerous drugs and who is engaged in the sale of 5895
those dangerous drugs. 5896

(Q) "Terminal distributor of dangerous drugs" or "terminal 5897
distributor" means a person who is engaged in the sale of 5898
dangerous drugs at retail, or any person, other than a 5899
manufacturer, repackager, outsourcing facility, third-party 5900
logistics provider, wholesale distributor, or pharmacist, who 5901
has possession, custody, or control of dangerous drugs for any 5902
purpose other than for that person's own use and consumption. 5903
"Terminal distributor" includes pharmacies, hospitals, nursing 5904
homes, and laboratories and all other persons who procure 5905
dangerous drugs for sale or other distribution by or under the 5906
supervision of a pharmacist ~~or, a~~ licensed health professional 5907
authorized to prescribe drugs, or other person authorized by the 5908

state board of pharmacy. 5909

(R) "Promote to the public" means disseminating a 5910
representation to the public in any manner or by any means, 5911
other than by labeling, for the purpose of inducing, or that is 5912
likely to induce, directly or indirectly, the purchase of a 5913
dangerous drug at retail. 5914

(S) "Person" includes any individual, partnership, 5915
association, limited liability company, or corporation, the 5916
state, any political subdivision of the state, and any district, 5917
department, or agency of the state or its political 5918
subdivisions. 5919

(T) "Animal shelter" means a facility operated by a humane 5920
society or any society organized under Chapter 1717. of the 5921
Revised Code or a dog pound operated pursuant to Chapter 955. of 5922
the Revised Code. 5923

(U) "Food" has the same meaning as in section 3715.01 of 5924
the Revised Code. 5925

(V) "Pain management clinic" has the same meaning as in 5926
section 4731.054 of the Revised Code. 5927

(W) "Investigational drug or product" means a drug or 5928
product that has successfully completed phase one of the United 5929
States food and drug administration clinical trials and remains 5930
under clinical trial, but has not been approved for general use 5931
by the United States food and drug administration. 5932
"Investigational drug or product" does not include controlled 5933
substances in schedule I, as ~~established pursuant to~~ defined in 5934
section ~~3719.41~~ 3719.01 of the Revised Code, ~~and as amended.~~ 5935

(X) "Product," when used in reference to an 5936
investigational drug or product, means a biological product, 5937

other than a drug, that is made from a natural human, animal, or 5938
microorganism source and is intended to treat a disease or 5939
medical condition. 5940

(Y) "Third-party logistics provider" means a person that 5941
provides or coordinates warehousing or other logistics services 5942
pertaining to dangerous drugs including distribution, on behalf 5943
of a manufacturer, wholesale distributor, or terminal 5944
distributor of dangerous drugs, but does not take ownership of 5945
the drugs or have responsibility to direct the sale or 5946
disposition of the drugs. 5947

(Z) "Repackager of dangerous drugs" or "repackager" means 5948
a person that repacks and relabels dangerous drugs for sale or 5949
distribution. 5950

(AA) "Outsourcing facility" means a facility that is 5951
engaged in the compounding and sale of sterile drugs and is 5952
registered as an outsourcing facility with the United States 5953
food and drug administration. 5954

(BB) "Laboratory" means a laboratory licensed under this 5955
chapter as a terminal distributor of dangerous drugs and 5956
entrusted to have custody of any of the following drugs and to 5957
use the drugs for scientific and clinical purposes and for 5958
purposes of instruction: dangerous drugs that are not controlled 5959
substances, as defined in section 3719.01 of the Revised Code; 5960
dangerous drugs that are controlled substances, as defined in 5961
that section; and controlled substances in schedule I, as 5962
defined in that section. 5963

Sec. 4729.04. ~~(A) The~~ All of the following apply with 5964
respect to the executive director of the state board of 5965
pharmacy: 5966

(A) The executive director is the chief administrative officer of the board.

(B) The executive director is an appointing authority, as defined in section 124.01 of the Revised Code, and may appoint employees necessary to carry out the board's functions.

~~(1)~~ (C) The executive director, with the board's approval, may prescribe rules for the conduct of board employees, the performance of its business, and the custody, use, and preservation of its records, papers, books, documents, and property.

~~(2)~~ (D) The executive director shall carry out ~~his~~ official duties as an appointing authority subject to internal management rules adopted by the board.

~~(3)~~ (E) The executive director shall give a blanket bond to the state covering all employees of the agency in the sum of twenty-five thousand dollars, conditioned for the faithful discharge of the duties of their offices.

(F) For purposes of division (A) (25) of section 109.71 of the Revised Code, the executive director shall designate employees of the board to investigate violations of Chapters 2925., 3715., 3719., 3796., 4729., and 4752. of the Revised Code and rules adopted thereunder.

Sec. 4729.19. Notwithstanding division (B) (4) of section 2317.02 of the Revised Code, a pharmacist, pharmacy intern, pharmacy technician trainee, registered pharmacy technician, certified pharmacy technician, ~~licensed~~ terminal distributor of dangerous drugs, ~~or registered manufacturer of dangerous drugs,~~ outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs

shall cooperate with federal, state, and local government 5996
investigations and shall divulge all relevant information when 5997
requested by a government agency. 5998

Sec. 4729.46. (A) As used in this section, "opioid 5999
analgesic," ~~has~~ "schedule III," "schedule IV," and "schedule V" 6000
have the same ~~meaning~~ meanings as in section 3719.01 of the 6001
Revised Code. 6002

(B) Except as provided in division (C) of this section or 6003
in any rules adopted under ~~division (D) of this section~~, all of 6004
the following apply with respect to a prescription for an opioid 6005
analgesic to be used by an individual on an outpatient basis: 6006

(1) A pharmacist, ~~pharmacy intern shall not dispense, or~~ 6007
~~and a terminal distributor of dangerous drugs~~ shall not dispense 6008
~~or sell~~, the opioid analgesic in an amount that exceeds a 6009
ninety-day supply, as determined according to the prescription's 6010
directions for use of the drug, regardless of whether the 6011
prescription was issued for a greater amount. 6012

(2) Except as provided in division (B) (3) of this section, 6013
a pharmacist, ~~pharmacy intern, or terminal distributor of~~ 6014
~~dangerous drugs~~ shall not dispense ~~or sell~~ the opioid analgesic 6015
if more than fourteen days have elapsed since the prescription 6016
was issued. 6017

(3) (a) A pharmacist may dispense the opioid analgesic 6018
after more than fourteen days have elapsed since the 6019
prescription was issued if, on the date the prescription was 6020
issued, the prescriber issued only one prescription for the drug 6021
to the patient and both of the following apply: 6022

(i) The prescriber provided written instructions on the 6023
prescription specifying the earliest date on which the 6024

prescription may be filled. 6025

(ii) Not more than fourteen days have elapsed since the 6026
date described in division (B) (3) (a) (i) of this section. 6027

(b) A pharmacist, pharmacy intern, or terminal distributor 6028
of dangerous drugs may dispense or sell the opioid analgesic 6029
after more than fourteen days have elapsed since the 6030
prescription was issued if all of the following apply: 6031

(a) The prescription is one of multiple prescriptions 6032
for the drug issued by a single prescriber to the patient on a 6033
single day. 6034

(b) and all of the following apply: 6035

(i) When combined, the prescriptions do not authorize the 6036
patient to receive an amount that exceeds a ninety-day supply of 6037
the drug, as determined according to the prescriptions' 6038
directions for use of the drug. 6039

(e) (ii) The prescriber has provided written instructions 6040
on the prescription indicating specifying the earliest date on 6041
which the prescription may be filled. 6042

(d) (iii) Not more than fourteen days have elapsed since 6043
the date described in division (B) (3) (e) (b) (ii) of this 6044
section. 6045

(c) A pharmacist may dispense the opioid analgesic by 6046
refilling the prescription for the opioid analgesic after more 6047
than fourteen days have elapsed since the prescription was 6048
issued if the opioid analgesic is included in schedule III, IV, 6049
or V, as defined in section 3719.01 of the Revised Code. 6050

(d) If the prescription for the opioid analgesic was 6051
partially filled within the applicable fourteen-day period 6052

described in division (B) (2), (B) (3) (a), or (B) (3) (b) of this 6053
section, a pharmacist may dispense the remaining amount of the 6054
opioid analgesic after more than fourteen days have elapsed 6055
since the prescription was issued. 6056

(C) Division (B) of this section does not apply ~~when a~~ 6057
~~pharmacist, pharmacy intern, or terminal distributor of~~ 6058
~~dangerous drugs dispenses or sells an~~ in either of the following 6059
circumstances: 6060

(1) When an opioid analgesic is to be delivered outside of 6061
this state by mail, parcel post, or common carrier to a patient 6062
who resides outside ~~of~~ this state; 6063

(2) When an opioid analgesic is to be used as part of an 6064
individual's treatment for opioid dependence or addiction. 6065

(D) The state board of pharmacy may adopt rules 6066
establishing an amount that is less than the ninety-day supply 6067
described in division (B) (1) of this section or a period that is 6068
less than the fourteen-day ~~period~~ periods described in ~~division~~ 6069
divisions (B) (2), (B) (3) (a), and (B) (3) (b) of this section. The 6070
rules shall be adopted in accordance with Chapter 119. of the 6071
Revised Code. 6072

Sec. 4729.51. (A) No person other than a licensed 6073
manufacturer of dangerous drugs, outsourcing facility, third- 6074
party logistics provider, repackager of dangerous drugs, or 6075
wholesale distributor of dangerous drugs shall possess for sale, 6076
sell, distribute, or deliver, at wholesale, dangerous drugs or 6077
investigational drugs or products, except as follows: 6078

(1) A licensed terminal distributor of dangerous drugs 6079
that is a pharmacy may make occasional sales of dangerous drugs 6080
or investigational drugs or products at wholesale. 6081

(2) A licensed terminal distributor of dangerous drugs 6082
having more than one licensed location may transfer or deliver 6083
dangerous drugs from one licensed location to another licensed 6084
location owned by the terminal distributor if the license issued 6085
for each location is in effect at the time of the transfer or 6086
delivery. 6087

(3) A licensed terminal distributor of dangerous drugs 6088
that is not a pharmacy may make occasional sales of naloxone at 6089
wholesale. 6090

(4) A licensed terminal distributor of dangerous drugs 6091
that is not a pharmacy may make occasional sales of dangerous 6092
drugs at wholesale if the drugs being sold are in shortage, as 6093
defined in rules adopted by the state board of pharmacy under 6094
section 4729.26 of the Revised Code. 6095

(B) No licensed manufacturer, outsourcing facility, third- 6096
party logistics provider, repackager, or wholesale distributor 6097
shall possess for sale, sell, or distribute, at wholesale, 6098
dangerous drugs or investigational drugs or products to any 6099
person other than the following: 6100

(1) Subject to division (D) of this section, a licensed 6101
terminal distributor of dangerous drugs; 6102

(2) Subject to division (C) of this section, any person 6103
exempt from licensure as a terminal distributor of dangerous 6104
drugs under section 4729.541 of the Revised Code; 6105

(3) A licensed manufacturer, outsourcing facility, third- 6106
party logistics provider, repackager, or wholesale distributor; 6107

(4) A terminal distributor, manufacturer, outsourcing 6108
facility, third-party logistics provider, repackager, or 6109
wholesale distributor that is located in another state, is not 6110

engaged in the sale of dangerous drugs within this state, and is 6111
actively licensed to engage in the sale of dangerous drugs by 6112
the state in which the distributor conducts business. 6113

(C) No licensed manufacturer, outsourcing facility, third- 6114
party logistics provider, repackager, or wholesale distributor 6115
shall possess for sale, sell, or distribute, at wholesale, 6116
dangerous drugs or investigational drugs or products to either 6117
of the following: 6118

(1) A prescriber who is employed by either of the 6119
following: 6120

(a) A pain management clinic that is not licensed as a 6121
terminal distributor of dangerous drugs with a pain management 6122
clinic classification issued under section 4729.552 of the 6123
Revised Code; 6124

(b) A facility, clinic, or other location that provides 6125
office-based opioid treatment but is not licensed as a terminal 6126
distributor of dangerous drugs with an office-based opioid 6127
treatment classification issued under section 4729.553 of the 6128
Revised Code if such a license is required by that section. 6129

(2) A business entity described in division (A) (2) or (3) 6130
of section 4729.541 of the Revised Code that is, or is 6131
operating, either of the following: 6132

(a) A pain management clinic without a license as a 6133
terminal distributor of dangerous drugs with a pain management 6134
clinic classification issued under section 4729.552 of the 6135
Revised Code; 6136

(b) A facility, clinic, or other location that provides 6137
office-based opioid treatment without a license as a terminal 6138
distributor of dangerous drugs with an office-based opioid 6139

treatment classification issued under section 4729.553 of the 6140
Revised Code if such a license is required by that section. 6141

(D) No licensed manufacturer, outsourcing facility, third- 6142
party logistics provider, repackager, or wholesale distributor 6143
shall possess dangerous drugs or investigational drugs or 6144
products for sale at wholesale, or sell or distribute such drugs 6145
at wholesale, to a licensed terminal distributor of dangerous 6146
drugs, except as follows: 6147

(1) In the case of a terminal distributor with a category 6148
II license, only dangerous drugs in category II, as defined in 6149
division (A)(1) of section 4729.54 of the Revised Code; 6150

(2) In the case of a terminal distributor with a category 6151
III license, dangerous drugs in category II and category III, as 6152
defined in divisions (A)(1) and (2) of section 4729.54 of the 6153
Revised Code; 6154

(3) In the case of a terminal distributor with a limited 6155
category II or III license, only the dangerous drugs specified 6156
in the license. 6157

(E)(1) Except as provided in division (E)(2) of this 6158
section, no person shall do any of the following: 6159

(a) Sell or distribute, at retail, dangerous drugs; 6160

(b) Possess for sale, at retail, dangerous drugs; 6161

(c) Possess dangerous drugs. 6162

(2)(a) Divisions (E)(1)(a), (b), and (c) of this section 6163
do not apply to any of the following: 6164

(i) A licensed terminal distributor of dangerous drugs; 6165

(ii) A person who possesses, or possesses for sale or 6166

sells, at retail, a dangerous drug in accordance with Chapters 6167
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 6168
the Revised Code; 6169

(iii) Any of the persons identified in divisions (A) (1) to 6170
(5) and (13) of section 4729.541 of the Revised Code, but only 6171
to the extent specified in that section. 6172

(b) Division (E) (1) (c) of this section does not apply to 6173
any of the following: 6174

(i) A licensed manufacturer, outsourcing facility, third- 6175
party logistics provider, repackager, or wholesale distributor; 6176

(ii) Any of the persons identified in divisions (A) (6) to 6177
(12) of section 4729.541 of the Revised Code, but only to the 6178
extent specified in that section. 6179

(F) No licensed terminal distributor of dangerous drugs or 6180
person that is exempt from licensure under section 4729.541 of 6181
the Revised Code shall purchase dangerous drugs or 6182
investigational drugs or products from any person other than a 6183
licensed manufacturer, outsourcing facility, third-party 6184
logistics provider, repackager, or wholesale distributor, except 6185
as follows: 6186

(1) A licensed terminal distributor of dangerous drugs or 6187
person that is exempt from licensure under section 4729.541 of 6188
the Revised Code may make occasional purchases of dangerous 6189
drugs or investigational drugs or products that are sold in 6190
accordance with division (A) (1) or (3) of this section. 6191

(2) A licensed terminal distributor of dangerous drugs 6192
having more than one licensed location may transfer or deliver 6193
dangerous drugs or investigational drugs or products from one 6194
licensed location to another licensed location if the license 6195

issued for each location is in effect at the time of the 6196
transfer or delivery. 6197

(G) No licensed terminal distributor of dangerous drugs 6198
shall engage in the retail sale or other distribution of 6199
dangerous drugs or investigational drugs or products or maintain 6200
possession, custody, or control of dangerous drugs or 6201
investigational drugs or products for any purpose other than the 6202
distributor's personal use or consumption, at any establishment 6203
or place other than that or those described in the license 6204
issued by the ~~state board of pharmacy~~ to such terminal 6205
distributor. 6206

(H) Nothing in this section shall be construed to 6207
interfere with the performance of official duties by any law 6208
enforcement official authorized by municipal, county, state, or 6209
federal law to collect samples of any drug, regardless of its 6210
nature or in whose possession it may be. 6211

(I) Notwithstanding anything to the contrary in this 6212
section, the board of education of a city, local, exempted 6213
village, or joint vocational school district may distribute 6214
epinephrine autoinjectors for use in accordance with section 6215
3313.7110 of the Revised Code and may distribute inhalers for 6216
use in accordance with section 3313.7113 of the Revised Code. 6217

Sec. 4729.52. (A) As used in this section: 6218

(1) "Category II" means any dangerous drug that is not 6219
included in category III. 6220

(2) "Category III" means any controlled substance that is 6221
contained in schedule I, II, III, IV, or V. 6222

(3) "Schedule I," "schedule II," "schedule III," "schedule 6223
IV," and "schedule V" ~~mean controlled substance schedules I, II,~~ 6224

~~III, IV, and V, respectively, as established pursuant to section~~ 6225
~~3719.41 of the Revised Code and as amended~~ 6226
have the same
meanings as in section 3719.01 of the Revised Code. 6227

(B) (1) (a) The state board of pharmacy shall license the 6228
following persons: 6229

(i) Wholesale distributors of dangerous drugs; 6230

(ii) Manufacturers of dangerous drugs; 6231

(iii) Outsourcing facilities; 6232

(iv) Third-party logistics providers; 6233

(v) Repackagers of dangerous drugs. 6234

(b) There shall be two categories for the licenses 6235
identified in division (B) (1) (a) of this section. The categories 6236
are as follows: 6237

(i) Category II license. A person who obtains this license 6238
may possess, have custody or control of, and distribute, only 6239
the dangerous drugs described in category II. 6240

(ii) Category III license. A person who obtains this 6241
license may possess, have custody or control of, and distribute, 6242
the dangerous drugs described in category II and category III. 6243

(c) The board may adopt rules under section 4729.26 of the 6244
Revised Code to create classification types of any license 6245
issued pursuant to this section. Persons who meet the 6246
definitions of the classification types shall comply with all 6247
requirements for the specific license classification specified 6248
in rule. 6249

(C) A person seeking a license identified in division (B) 6250
(1) (a) of this section shall file with the executive director of 6251

the board a verified application containing such information as 6252
the board requires of the applicant relative to the licensure 6253
qualifications set forth in section 4729.53 of the Revised Code 6254
and the rules adopted under that section. 6255

The board shall license as a category II or category III 6256
manufacturer, outsourcing facility, third-party logistics 6257
provider, repackager, or wholesale distributor each applicant 6258
who has paid the required license fee, if the board determines 6259
that the applicant meets the licensure qualifications set forth 6260
in section 4729.53 of the Revised Code and the rules adopted 6261
under that section. 6262

(D) The board may issue to a person who does not reside in 6263
this state a license identified in division (B) (1) (a) of this 6264
section if the person pays the required licensure fee and meets 6265
either of the following: 6266

(1) Possesses a current and valid manufacturer, 6267
outsourcing facility, third-party logistics provider, 6268
repackager, or wholesale distributor license, or its equivalent, 6269
issued by another state in which that person is physically 6270
located, but only if that state has qualifications for licensure 6271
comparable to the licensure requirements in this state; 6272

(2) Meets the requirements set forth by the board for 6273
issuance of a license identified in division (B) (1) (a) of this 6274
section, as verified by a state, federal, or other entity 6275
recognized by the board to perform such verification. 6276

(E) All licenses issued or renewed pursuant to this 6277
section are effective for a period specified by the board in 6278
rules adopted under section 4729.26 of the Revised Code. The 6279
effective period for an initial or renewed license shall not 6280

exceed twenty-four months unless the board extends the period in 6281
rules to adjust license renewal schedules. A license shall be 6282
renewed by the board pursuant to this section, the standard 6283
renewal procedure of Chapter 4745. of the Revised Code, and 6284
rules adopted by the board under section 4729.26 of the Revised 6285
Code. A person seeking to renew a license shall submit an 6286
application for renewal and pay the required renewal fee before 6287
the date specified in the rules adopted by the board. 6288

(F) Each license issued under this section shall describe 6289
not more than one establishment or place where the license 6290
holder may engage in the activities authorized by the license. 6291
No license shall authorize or permit the person named therein to 6292
engage in the sale or distribution of drugs at wholesale or to 6293
maintain possession, custody, or control of dangerous drugs for 6294
any purpose other than for the licensee's own use and 6295
consumption at any establishment or place other than that 6296
described in the license. 6297

(G) (1) (a) The category II license fee is one thousand nine 6298
hundred dollars and shall accompany each application for 6299
licensure. The license renewal fee is one thousand nine hundred 6300
dollars and shall accompany each renewal application. 6301

(b) The category III license fee is two thousand dollars 6302
and shall accompany each application for licensure. The license 6303
renewal fee is two thousand dollars and shall accompany each 6304
renewal application. 6305

(c) (i) Subject to division (G) (1) (c) (ii) of this section, 6306
a license issued pursuant to this section that has not been 6307
renewed by the date specified in rules adopted by the board may 6308
be reinstated upon payment of the renewal fee and a penalty of 6309
three hundred dollars. 6310

(ii) If a complete application for renewal has not been 6311
submitted by the sixty-first day after the renewal date 6312
specified in rules adopted by the board, the license is 6313
considered void and cannot be renewed, but the license holder 6314
may reapply for licensure. 6315

(2) Renewal fees and penalties assessed under division (G) 6316
(1) of this section shall not be returned if the applicant fails 6317
to qualify for renewal. 6318

(3) A person licensed pursuant to this section that fails 6319
to renew licensure in accordance with this section and rules 6320
adopted by the board is prohibited from engaging in 6321
manufacturing, repackaging, compounding, or distributing as a 6322
third-party logistics provider or wholesale distributor until a 6323
valid license is issued by the board. 6324

(H) Holding a license issued pursuant to this section 6325
subjects the holder and the holder's agents and employees to the 6326
jurisdiction of the board and to the laws of this state for the 6327
purpose of the enforcement of this chapter and the rules of the 6328
board. However, the filing of an application for licensure under 6329
this section by or on behalf of any person, or the issuance of a 6330
license pursuant to this section to or on behalf of any person, 6331
shall not of itself constitute evidence that the person is doing 6332
business within this state. 6333

(I) The board may enter into agreements with other states, 6334
federal agencies, and other entities to exchange information 6335
concerning licensing and inspection of any manufacturer, 6336
outsourcing facility, third-party logistics provider, 6337
repackager, or wholesale distributor located within or outside 6338
this state and to investigate alleged violations of the laws and 6339
rules governing distribution of drugs by such persons. Any 6340

information received pursuant to such an agreement is subject to 6341
the same confidentiality requirements applicable to the agency 6342
or entity from which it was received and shall not be released 6343
without prior authorization from that agency or entity. Any 6344
information received is also subject to section 4729.23 of the 6345
Revised Code. 6346

Sec. 4729.53. (A) The state board of pharmacy shall not 6347
license any person as a manufacturer of dangerous drugs, 6348
outsourcing facility, third-party logistics provider, repackager 6349
of dangerous drugs, or wholesale distributor of dangerous drugs 6350
unless the applicant for licensure furnishes satisfactory proof 6351
to the board that ~~the applicant meets~~ all of the following 6352
conditions are met: 6353

(1) If the applicant has committed acts that the board 6354
finds violate any federal, state, or local law, regulation, or 6355
rule relating to drug samples, manufacturing, compounding, 6356
repackaging, wholesale or retail drug distribution, or 6357
distribution of dangerous drugs, including controlled 6358
substances, or constitute a felony, or if a federal, state, or 6359
local governmental entity has suspended or revoked any current 6360
or prior license of the applicant for the manufacture, 6361
compounding, repackaging, distribution, or sale of any dangerous 6362
drugs, including controlled substances, the applicant, to the 6363
satisfaction of the board, assures that the applicant has in 6364
place adequate safeguards to prevent the recurrence of any such 6365
violations. 6366

(2) The applicant's past experience in the manufacture, 6367
compounding, repackaging, or distribution of dangerous drugs, 6368
including controlled substances, is acceptable to the board. 6369

(3) The applicant is properly equipped as to land, 6370

buildings, equipment, and personnel to properly carry on its 6371
business, including providing adequate security for and proper 6372
storage conditions and handling for dangerous drugs, and is 6373
complying with the requirements under this chapter and the rules 6374
adopted pursuant thereto for maintaining and making available 6375
records to properly identified board officials and federal, 6376
state, and local law enforcement agencies. 6377

(4) Personnel employed by the applicant have the 6378
appropriate education or experience, as determined by the board, 6379
to assume responsibility for positions related to compliance 6380
with this chapter and the rules adopted pursuant thereto. 6381

(5) The applicant has designated the name and address of a 6382
person to whom communications from the board may be directed and 6383
upon whom the notices and citations provided for in section 6384
4729.56 of the Revised Code may be served. 6385

(6) Adequate safeguards are assured to prevent the sale of 6386
dangerous drugs other than in accordance with section 4729.51 of 6387
the Revised Code. 6388

(7) Any ~~With respect to criminal records checks, the~~ 6389
applicant has done both of the following and the board has 6390
decided that the results of the criminal records checks do not 6391
make the applicant ineligible for a license issued pursuant to 6392
section 4729.52 of the Revised Code: 6393

(a) Complied with sections 4776.01 to 4776.04 of the 6394
Revised Code; 6395

(b) Required any person who is seeking to serve as the 6396
responsible person on the license, who has an ownership 6397
interest, or who is a corporate officer, as set forth in rules 6398
adopted under division (C) of this section, to submit to a 6399

criminal records check in accordance with section 4776.02 of the 6400
Revised Code and send the results of the criminal records check 6401
directly to the board. 6402

(8) The applicant meets any other requirement or 6403
qualification the board, by rule adopted ~~in accordance with~~ 6404
~~Chapter 119. of the Revised Code~~ under division (C) of this 6405
section, considers relevant to and consistent with the public 6406
safety and health. 6407

(B) In addition to the causes described in section 4729.56 6408
of the Revised Code for refusing to grant or renew a license, 6409
the board may refuse to grant or renew a license if the board 6410
determines that the granting of the license or its renewal is 6411
not in the public interest. 6412

(C) The board shall adopt rules in accordance with Chapter 6413
119. of the Revised Code that do all of the following: 6414

(1) For purposes of division (A) (7) (b) of this section, 6415
define "responsible person" and specify the persons with 6416
ownership interests and the corporate officers who are required 6417
to submit to criminal records checks; 6418

(2) For purposes of division (A) (8) of this section, 6419
specify other requirements or qualifications, if any, that an 6420
applicant must meet to receive a license; 6421

(3) Address any other matter the board considers 6422
appropriate to implement this section. 6423

Sec. 4729.54. (A) As used in this section: 6424

(1) "Category II" means any dangerous drug that is not 6425
included in category III. 6426

(2) "Category III" means any controlled substance that is 6427

contained in schedule I, II, III, IV, or V. 6428

(3) "Emergency medical service organization" has the same 6429
meaning as in section 4765.01 of the Revised Code. 6430

(4) "Emergency medical service organization satellite" 6431
means a location where dangerous drugs are stored that is 6432
separate from, but associated with, the headquarters of an 6433
emergency medical service organization. "Emergency medical 6434
service organization satellite" does not include the units under 6435
the control of the emergency medical service organization. 6436

(5) "Person" includes an emergency medical service 6437
organization or an emergency medical service organization 6438
satellite. 6439

~~(5)-(6) "Schedule I," "schedule II," "schedule III,"~~ 6440
~~"schedule IV," and "schedule V" mean controlled substance~~ 6441
~~schedules I, II, III, IV, and V, respectively, as established~~ 6442
~~pursuant to section 3719.41 of the Revised Code and as amended~~ 6443
~~have the same meanings as in section 3719.01 of the Revised~~ 6444
~~Code.~~ 6445

(B) (1) A person seeking to be licensed as a terminal 6446
distributor of dangerous drugs shall file with the executive 6447
director of the state board of pharmacy a verified application. 6448
After it is filed, the application may not be withdrawn without 6449
approval of the board. 6450

(2) An application shall contain all the following that 6451
apply in the applicant's case: 6452

(a) Information that the board requires relative to the 6453
qualifications of a terminal distributor of dangerous drugs set 6454
forth in section 4729.55 of the Revised Code; 6455

(b) A statement as to whether the person is seeking to be 6456
licensed as a category II, category III, limited category II, or 6457
limited category III terminal distributor of dangerous drugs; 6458

(c) If the person is seeking to be licensed as a limited 6459
category II or limited category III terminal distributor of 6460
dangerous drugs, a list of the dangerous drugs that the person 6461
is seeking to possess, have custody or control of, and 6462
distribute, which list shall also specify the purpose for which 6463
those drugs will be used and their source; 6464

(d) If the person is an emergency medical service 6465
organization, the information that is specified in ~~division~~ 6466
divisions (C) (1) and (2) of this section, and if the person is 6467
an emergency medical service organization satellite, the 6468
information required under division (D) of this section; 6469

(e) Except ~~for~~ with respect to the units under the control 6470
of an emergency medical service organization, the identity of 6471
the one establishment or place at which the person intends to 6472
engage in the sale or other distribution of dangerous drugs at 6473
retail, and maintain possession, custody, or control of 6474
dangerous drugs for purposes other than the person's own use or 6475
consumption; 6476

(f) If the application pertains to a pain management 6477
clinic, information that demonstrates, to the satisfaction of 6478
the board, compliance with division (A) of section 4729.552 of 6479
the Revised Code; 6480

(g) If the application pertains to a facility, clinic, or 6481
other location described in division (B) of section 4729.553 of 6482
the Revised Code that must hold a category III terminal 6483
distributor of dangerous drugs license with an office-based 6484

opioid treatment classification, information that demonstrates, 6485
to the satisfaction of the board, compliance with division (C) 6486
of that section. 6487

(C) (1) Each emergency medical service organization that 6488
applies for a terminal distributor of dangerous drugs license 6489
shall submit with its application all of the following: 6490

(a) A copy of its standing orders or protocol, which 6491
orders or protocol shall be signed by a physician; 6492

(b) A list of the dangerous drugs that the units under its 6493
control may carry, expressed in standard dose units, which shall 6494
be signed by a physician; 6495

(c) A list of the personnel employed or used by the 6496
organization to provide emergency medical services in accordance 6497
with Chapter 4765. of the Revised Code. 6498

In accordance with Chapter 119. of the Revised Code, the 6499
board shall adopt rules specifying when an emergency medical 6500
service organization that is licensed as a terminal distributor 6501
must notify the board of any changes in its documentation 6502
submitted pursuant to division (C) (1) of this section. 6503

(2) An emergency medical service organization seeking to 6504
be licensed as a terminal distributor of dangerous drugs shall 6505
list in its application for licensure the following additional 6506
information: 6507

(a) The units under its control that the organization 6508
determines will possess dangerous drugs for the purpose of 6509
administering emergency medical services in accordance with 6510
Chapter 4765. of the Revised Code; 6511

(b) With respect to each such unit, whether the dangerous 6512

drugs that the organization determines the unit will possess are 6513
in category II or III. 6514

~~(2)~~ (3) An emergency medical service organization that is 6515
licensed as a terminal distributor of dangerous drugs shall file 6516
a new application for such licensure if there is any change in 6517
the number, or location of, any of its units or if there is any 6518
change in the category of the dangerous drugs that any unit will 6519
possess. 6520

~~(3)~~ (4) A unit listed in an application for licensure 6521
pursuant to division (C) ~~(1)~~ (2) of this section may obtain the 6522
dangerous drugs it is authorized to possess from its emergency 6523
medical service organization or, on a replacement basis, from a 6524
hospital pharmacy. If units will obtain dangerous drugs from a 6525
hospital pharmacy, the organization shall file, and maintain in 6526
current form, the following items with the pharmacist who is 6527
responsible for the hospital's terminal distributor of dangerous 6528
drugs license: 6529

(a) A copy of its standing orders or protocol; 6530

(b) A list of the personnel employed or used by the 6531
organization to provide emergency medical services in accordance 6532
with Chapter 4765. of the Revised Code, who are authorized to 6533
possess the drugs, which list also shall indicate the personnel 6534
who are authorized to administer the drugs. 6535

(D) Each emergency medical service organization satellite 6536
that applies for a terminal distributor of dangerous drugs 6537
license shall submit with its application all of the following: 6538

~~(1) A copy of its standing orders or protocol, which~~ 6539
~~orders or protocol shall be signed by a physician;~~ 6540

~~(2) A list of the dangerous drugs that its units may~~ 6541

~~carry, expressed in standard dose units, which shall be signed~~ 6542
~~by a physician;~~ 6543

~~(3) A list of the personnel employed or used by the~~ 6544
~~organization to provide emergency medical services in accordance~~ 6545
~~with Chapter 4765. of the Revised Code.~~ 6546

~~In information that the board requires to be submitted~~ 6547
~~with the application, as specified in rules the board shall~~ 6548
~~adopt in accordance with Chapter 119. of the Revised Code,~~ 6549
~~the~~
~~board shall adopt rules specifying when an emergency medical~~ 6550
~~service organization that is licensed as a terminal distributor~~ 6551
~~must notify the board of any changes in its documentation~~ 6552
~~submitted pursuant to division (D) of this section.~~ 6553

(E) There shall be four categories of terminal distributor 6554
of dangerous drugs licenses. The categories are as follows: 6555

(1) Category II license. A person who obtains this license 6556
may possess, have custody or control of, and distribute only the 6557
dangerous drugs described in category II. 6558

(2) Limited category II license. A person who obtains this 6559
license may possess, have custody or control of, and distribute 6560
only the dangerous drugs described in category II that were 6561
listed in the application for licensure. 6562

(3) Category III license, which may include a pain 6563
management clinic classification issued under section 4729.552 6564
of the Revised Code. A person who obtains this license may 6565
possess, have custody or control of, and distribute the 6566
dangerous drugs described in category II and category III. If 6567
the license includes a pain management clinic classification, 6568
the person may operate a pain management clinic. 6569

(4) Limited category III license. A person who obtains 6570

this license may possess, have custody or control of, and 6571
distribute only the dangerous drugs described in category II or 6572
category III that were listed in the application for licensure. 6573

(F) Except for an application made on behalf of an animal 6574
shelter, if an applicant for a limited category II license or 6575
limited category III license intends to administer dangerous 6576
drugs to a person or animal, the applicant shall submit, with 6577
the application, a copy of its protocol or standing orders. The 6578
protocol or orders shall be signed by a licensed health 6579
professional authorized to prescribe drugs, specify the 6580
dangerous drugs to be administered, and list personnel who are 6581
authorized to administer the dangerous drugs in accordance with 6582
federal law or the law of this state. An application made on 6583
behalf of an animal shelter shall include a list of the 6584
dangerous drugs to be administered to animals and the personnel 6585
who are authorized to administer the drugs to animals in 6586
accordance with section 4729.532 of the Revised Code. 6587

In accordance with Chapter 119. of the Revised Code, the 6588
board shall adopt rules specifying when a licensee must notify 6589
the board of any changes in its documentation submitted pursuant 6590
to this division. 6591

(G) (1) ~~Except as provided in division (G) (2) of this~~ 6592
~~section, each~~ Each applicant for licensure as a terminal 6593
distributor of dangerous drugs shall submit, with the 6594
application, a license fee ~~determined as follows. The amount~~ 6595
assessed shall not be returned to the applicant if the applicant 6596
fails to qualify for the license. 6597

(2) The following fees apply under division (G) (1) of this 6598
section: 6599

(a) ~~For~~ Except as provided in division (G) (2) (b) of this 6600
section: 6601

(i) Three hundred twenty dollars for a category II or 6602
limited category II license, ~~the fee is three hundred twenty~~ 6603
~~dollars.~~ 6604

~~(b) For:~~ 6605

(ii) Four hundred forty dollars for a category III 6606
license, including a license with a pain management clinic 6607
classification issued under section 4729.552 of the Revised 6608
Code, or a limited category III license, ~~four hundred forty~~ 6609
~~dollars.~~ 6610

~~(2) (a) Except as provided in division (G) (2) (b) of this~~ 6611
~~section, for a~~ (b) One hundred twenty dollars for all of the 6612
following: 6613

(i) A person who is required to hold a license as a 6614
terminal distributor of dangerous drugs pursuant to division (D) 6615
of section 4729.541 of the Revised Code, ~~the fee is one hundred~~ 6616
~~twenty dollars.~~ 6617

~~(b) For a:~~ 6618

(ii) A professional association, corporation, partnership, 6619
or limited liability company organized for the purpose of 6620
practicing veterinary medicine, ~~the fee is one hundred twenty~~ 6621
~~dollars that is not included in division (G) (2) (b) (i) of this~~ 6622
section; 6623

(iii) An emergency medical service organization satellite. 6624

~~(3) Fees assessed under divisions (G) (1) and (2) of this~~ 6625
~~section shall not be returned if the applicant fails to qualify~~ 6626
~~for the license.~~ 6627

(H) (1) The board shall issue a terminal distributor of 6628
dangerous drugs license to each person who submits an 6629
application for such licensure in accordance with this section, 6630
pays the required license fee, is determined by the board to 6631
meet the requirements set forth in section 4729.55 of the 6632
Revised Code, and satisfies any other applicable requirements of 6633
this section. 6634

(2) The license ~~of a person other than an emergency~~ 6635
~~medical service organization~~ shall describe the one 6636
establishment or place at which the licensee may engage in the 6637
sale or other distribution of dangerous drugs at retail and 6638
maintain possession, custody, or control of dangerous drugs for 6639
purposes other than the licensee's own use or consumption. The 6640
one establishment or place shall be that which is identified in 6641
the application for licensure. 6642

No such license shall authorize or permit the terminal 6643
distributor of dangerous drugs named in it to engage in the sale 6644
or other distribution of dangerous drugs at retail or to 6645
maintain possession, custody, or control of dangerous drugs for 6646
any purpose other than the distributor's own use or consumption, 6647
at any establishment or place other than that described in the 6648
license, except that an agent or employee of an animal shelter 6649
may possess and use dangerous drugs in the course of business as 6650
provided in division (D) of section 4729.532 of the Revised 6651
Code. 6652

(3) The license of an emergency medical service 6653
organization shall cover the organization's headquarters and, in 6654
addition, shall cover and describe all the units of the 6655
organization listed in its application for licensure. 6656

(I) (1) All licenses issued or renewed pursuant to this 6657

section shall be effective for a period specified by the board 6658
in rules adopted under section 4729.26 of the Revised Code. The 6659
effective period for an initial or renewed license shall not 6660
exceed twenty-four months unless the board extends the period in 6661
rules to adjust license renewal schedules. A license shall be 6662
renewed by the board according to the provisions of this 6663
section, the standard renewal procedure of Chapter 4745. of the 6664
Revised Code, and rules adopted by the board under section 6665
4729.26 of the Revised Code. A person seeking to renew a license 6666
shall submit an application for renewal and pay the required fee 6667
on or before the date specified in the rules adopted by the 6668
board. The fee required for the renewal of a license shall be 6669
the same as the license fee paid under division (G) of this 6670
section. 6671

(2) (a) Subject to division (I) (2) (b) of this section, a 6672
license that has not been renewed by the date specified in rules 6673
adopted by the board may be reinstated only upon payment of the 6674
required renewal fee and a penalty fee of one hundred ten 6675
dollars. 6676

(b) If an application for renewal has not been submitted 6677
by the sixty-first day after the renewal date specified in rules 6678
adopted by the board, the license is considered void and cannot 6679
be renewed, but the license holder may reapply for licensure. 6680

(3) A terminal distributor of dangerous drugs that fails 6681
to renew licensure in accordance with this section and rules 6682
adopted by the board is prohibited from engaging in the retail 6683
sale, possession, or distribution of dangerous drugs until a 6684
valid license is issued by the board. 6685

(J) (1) ~~No emergency medical service organization that is~~ 6686
~~licensed as a terminal distributor of dangerous drugs shall fail~~ 6687

~~to comply with division (C) (2) or (3) of this section.~~ 6688

~~(2)~~ No emergency medical service organization that is 6689
licensed as a terminal distributor of dangerous drugs shall fail 6690
to comply with division ~~(D)~~ (C) (1), (3), or (4) of this section. 6691

~~(3)~~ (2) No licensed terminal distributor of dangerous 6692
drugs shall possess, have custody or control of, or distribute 6693
dangerous drugs that the terminal distributor is not entitled to 6694
possess, have custody or control of, or distribute by virtue of 6695
its category of licensure. 6696

~~(4)~~ (3) No licensee that is required by division (F) of 6697
this section to notify the board of changes in its protocol or 6698
standing orders, or in personnel, shall fail to comply with that 6699
division. 6700

(K) The board may enter into agreements with other states, 6701
federal agencies, and other entities to exchange information 6702
concerning licensing and inspection of terminal distributors of 6703
dangerous drugs located within or outside this state and to 6704
investigate alleged violations of the laws and rules governing 6705
distribution of drugs by terminal distributors. Any information 6706
received pursuant to such an agreement is subject to the same 6707
confidentiality requirements applicable to the agency or entity 6708
from which it was received and shall not be released without 6709
prior authorization from that agency or entity. 6710

Sec. 4729.55. No license shall be issued to an applicant 6711
for licensure as a terminal distributor of dangerous drugs 6712
unless the applicant has furnished satisfactory proof to the 6713
state board of pharmacy that: 6714

(A) The applicant is equipped as to land, buildings, and 6715
equipment to properly carry on the business of a terminal 6716

distributor of dangerous drugs within the category of licensure 6717
approved by the board. 6718

(B) A pharmacist, licensed health professional authorized 6719
to prescribe drugs, other person authorized by the board, animal 6720
shelter licensed ~~with the state board of pharmacy~~ under section 6721
4729.531 of the Revised Code, or ~~a laboratory as defined in~~ 6722
~~section 3719.01 of the Revised Code~~ will maintain supervision 6723
and control over the possession and custody of dangerous drugs 6724
and controlled substances that may be acquired by or on behalf 6725
of the applicant. 6726

(C) Adequate safeguards are assured to prevent the sale or 6727
other distribution of dangerous drugs by any person other than a 6728
pharmacist or licensed health professional authorized to 6729
prescribe drugs. 6730

(D) Adequate safeguards are assured that the applicant 6731
will carry on the business of a terminal distributor of 6732
dangerous drugs in a manner that allows pharmacists and pharmacy 6733
interns employed by the terminal distributor to practice 6734
pharmacy in a safe and effective manner. 6735

(E) If the applicant, or any agent or employee of the 6736
applicant, has been found guilty of violating section 4729.51 of 6737
the Revised Code, the "Federal Food, Drug, and Cosmetic Act," 52 6738
Stat. 1040 (1938), 21 U.S.C.A. 301, the federal drug abuse 6739
control laws, Chapter 2925., 3715., 3719., or 4729. of the 6740
Revised Code, or any rule of the board, adequate safeguards are 6741
assured to prevent the recurrence of the violation. 6742

(F) In the case of an applicant who is a food processor or 6743
retail seller of food, the applicant will maintain supervision 6744
and control over the possession and custody of nitrous oxide. 6745

(G) In the case of an applicant who is a retail seller of oxygen in original packages labeled as required by the "Federal Food, Drug, and Cosmetic Act," the applicant will maintain supervision and control over the possession, custody, and retail sale of the oxygen.

(H) If the application is made on behalf of an animal shelter, at least one of the agents or employees of the animal shelter is certified in compliance with section 4729.532 of the Revised Code.

(I) In the case of an applicant who is a retail seller of peritoneal dialysis solutions in original packages labeled as required by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, the applicant will maintain supervision and control over the possession, custody, and retail sale of the peritoneal dialysis solutions.

(J) In the case of an applicant who is a pain management clinic, the applicant meets the requirements to receive a license with a pain management clinic classification issued under section 4729.552 of the Revised Code.

(K) In the case of an applicant who is operating a facility, clinic, or other location described in division (B) of section 4729.553 of the Revised Code that must hold a category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification, the applicant meets the requirements to receive that license with that classification.

Sec. 4729.553. (A) As used in this section:

(1) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(2) "Hospital" means a hospital registered with the 6775
department of health under section 3701.07 of the Revised Code. 6776

(3) "Office-based opioid treatment" means the treatment of 6777
opioid dependence or addiction using a controlled substance. 6778

(B) (1) Except as provided in division (B) (2) of this 6779
section, no person shall knowingly operate a facility, clinic, 6780
or other location where a prescriber provides office-based 6781
opioid treatment to more than thirty patients or that meets any 6782
other identifying criteria established in rules adopted under 6783
~~division (C) of this section~~ without holding a category III 6784
terminal distributor of dangerous drugs license with an office- 6785
based opioid treatment classification. 6786

(2) Division (B) (1) of this section does not apply to any 6787
of the following: 6788

(a) A hospital; 6789

(b) A facility for the treatment of opioid dependence or 6790
addiction that is operated by a hospital; 6791

(c) A physician practice owned or controlled, in whole or 6792
in part, by a hospital or by an entity that owns or controls, in 6793
whole or in part, one or more hospitals; 6794

(d) A facility that conducts only clinical research and 6795
uses controlled substances in studies approved by a hospital- 6796
based institutional review board or an institutional review 6797
board that is accredited by the association for the 6798
accreditation of human research protection programs, inc.; 6799

(e) A facility that holds a category III terminal 6800
distributor of dangerous drugs license in accordance with 6801
section 4729.54 of the Revised Code for the purpose of treating 6802

drug dependence or addiction as part of an opioid treatment 6803
program and is the subject of a current, valid certification 6804
from the substance abuse and mental health services 6805
administration of the United States department of health and 6806
human services pursuant to 42 C.F.R. 8.11; 6807

(f) A program or facility that ~~is licensed or certified~~ 6808
holds a license or certification issued by the department of 6809
mental health and addiction services under Chapter 5119. of the 6810
Revised Code if the license or certification is approved by the 6811
state board of pharmacy; 6812

(g) A federally qualified health center or federally 6813
qualified health center look-alike, as defined in section 6814
3701.047 of the Revised Code; 6815

(h) A state or local correctional facility, as defined in 6816
section 5163.45 of the Revised Code; 6817

(i) Any other facility specified in rules adopted under 6818
this section. 6819

(C) To be eligible to receive a license as a category III 6820
terminal distributor of dangerous drugs with an office-based 6821
opioid treatment classification, an applicant shall submit 6822
evidence satisfactory to the state board of pharmacy that the 6823
applicant's office-based opioid treatment will be operated in 6824
accordance with the requirements specified in division (D) of 6825
this section and that the applicant meets any other applicable 6826
requirements of this chapter. 6827

If the board determines that an applicant meets all of the 6828
requirements, the board shall issue to the applicant a license 6829
as a category III terminal distributor of dangerous drugs with 6830
an office-based opioid treatment classification. 6831

(D) The holder of a category III terminal distributor
license with an office-based opioid treatment classification
shall do all of the following:

(1) Be in control of a facility that is owned and operated
solely by one or more physicians authorized under Chapter 4731.
of the Revised Code to practice medicine and surgery or
osteopathic medicine and surgery, unless the state board of
pharmacy ~~has exempted the holder from~~ waives this requirement
for the holder;

(2) Comply with the requirements for conducting office-
based opioid treatment, as established by the state medical
board in rules adopted under section 4731.056 of the Revised
Code;

(3) Require any person with ownership of the facility to
submit to a criminal records check in accordance with section
4776.02 of the Revised Code and send the results of the criminal
records check directly to the state board of pharmacy for review
and decision under section 4729.071 of the Revised Code;

(4) Require ~~all employees of each person employed by or~~
seeking employment with the facility to submit to a criminal
records check in accordance with section 4776.02 of the Revised
Code ~~and ensure;~~

(5) Ensure that no a person is not employed who has
previously been by the facility if the person, within the ten
years immediately preceding the date the person applied for
employment, was convicted of, or pleaded guilty to, either of
the following, unless the state board of pharmacy permits the
person to be employed by waiving this requirement for the
facility:

(a) A theft offense, described in division (K) (3) of
section 2913.01 of the Revised Code, that would constitute a
felony under the laws of this state, any other state, or the
United States;

(b) A felony drug offense, as defined in section 2925.01
of the Revised Code.

~~(5)~~ (6) Maintain a list of each person with ownership of
the facility and notify the state board of pharmacy of any
change to that list.

(E) No person subject to licensure as a category III
terminal distributor of dangerous drugs with an office-based
opioid treatment classification shall knowingly fail to remain
in compliance with the requirements of division (D) of this
section and any other applicable requirements of this chapter.

(F) The state board of pharmacy may impose a fine of not
more than five thousand dollars on a person who violates
division (B) or (E) of this section. A separate fine may be
imposed for each day the violation continues. In imposing the
fine, the board's actions shall be taken in accordance with
Chapter 119. of the Revised Code.

(G) The state board of pharmacy shall adopt rules as it
considers necessary to implement and administer this section.
The rules shall be adopted in accordance with Chapter 119. of
the Revised Code.

Sec. 4729.69. (A) (1) The state board of pharmacy, in
collaboration with the director of mental health and addiction
services and attorney general, shall establish and administer a
drug take-back program under which drugs are collected from the
community by participating entities for the purpose of

destruction or disposal of the drugs. 6890

(2) Each of the following may participate in the program: 6891

(a) A law enforcement agency; 6892

(b) Any registrant authorized by the federal drug 6893
enforcement administration to be a collector pursuant to 21 6894
C.F.R. 1317.40; 6895

(c) Any other entity specified by the board in rule. 6896

(B) The program shall be established and administered in 6897
such a manner that it does both of the following: 6898

(1) Complies with any state or federal laws regarding the 6899
collection, destruction, or disposal of drugs; 6900

(2) Maintains the confidentiality of individuals who 6901
submit or otherwise provide drugs under the program. 6902

(C) In consultation with the director of mental health and 6903
addiction services and attorney general, the board shall adopt 6904
rules governing the program. The rules shall be adopted in 6905
accordance with Chapter 119. of the Revised Code. In adopting 6906
the rules, the board shall specify all of the following: 6907

(1) The entities that may participate; 6908

(2) Guidelines and responsibilities for accepting drugs by 6909
participating entities; 6910

(3) Drugs that may be collected; 6911

(4) Record-keeping requirements; 6912

(5) Proper methods to destroy unused drugs; 6913

(6) Privacy protocols and security standards; 6914

- (7) Drug transportation procedures; 6915
- (8) The schedule, duration, and frequency of the 6916
collections of drugs, ~~except that the first collection shall~~ 6917
~~occur not later than one year after May 20, 2011;~~ 6918
- (9) Any other standards and procedures the board considers 6919
necessary for purposes of governing the program. 6920
- (D) In accordance with state and federal law, the board 6921
may adopt rules to allow an entity participating in the program 6922
to return any unused drugs to the pharmacy that originally 6923
dispensed the drug. The rules shall include procedures to be 6924
followed to maintain the confidentiality of the person for whom 6925
the drug was dispensed. 6926
- (E) Rules adopted under this section may not do any of the 6927
following: 6928
- (1) Require any entity to establish, fund, or operate a 6929
drug take-back program; 6930
- (2) Establish any new licensing requirement or fee to 6931
participate in the program; 6932
- (3) Require any entity to compile data on drugs collected; 6933
- (4) Limit the authority of an entity to collect controlled 6934
substances in accordance with federal law. 6935
- (F) The board may compile data on the amount and type of 6936
drugs collected under the program. For purposes of this 6937
division, the board may cooperate with a public or private 6938
entity in obtaining assistance in the compilation of data. An 6939
entity providing the assistance shall not be reimbursed under 6940
the program for any costs incurred in providing the assistance. 6941

(G) If the board compiles data under division (F) of this section, the board shall submit a report to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly. The report, to the extent possible, shall include the following information:

~~(1) Total total weight of drugs collected, both with and without packaging;~~

~~(2) The weight of controlled substances;~~

~~(3) The amount of all of the following as a per cent of total drugs collected:~~

~~(a) Controlled substances;~~

~~(b) Brand name drugs;~~

~~(c) Generic drugs;~~

~~(d) Prescription drugs;~~

~~(e) Non-prescription drugs.~~

~~(4) The amount of vitamins, herbal supplements, and personal care products collected;~~

~~(5) If provided by the person who submitted or otherwise donated drugs to the program, the reasons why the drugs were returned or unused.~~

(H) No entity is required to participate in a drug take-back program established under this section, and no entity shall be subject to civil liability or professional disciplinary action for declining to participate.

(I) The board may accept grants, gifts, or donations for purposes of the program. Money received under this division shall be deposited into the drug take-back program fund

established under section 109.90 of the Revised Code. 6969

(J) An ordinance, resolution, or other law that is adopted 6970
by a municipal corporation or other political subdivision on or 6971
after the effective date of this amendment and regulates the 6972
collection of drugs for destruction or disposal shall comply 6973
with division (E) of this section. 6974

Sec. 4729.691. (A) The state board of pharmacy shall make 6975
available on its internet web site information regarding the 6976
drug take-back program established under section 4729.69 of the 6977
Revised Code. The information shall include all of the 6978
following: 6979

(1) A description of the drugs eligible for collection by 6980
participating entities; 6981

(2) A description of available options for collection, 6982
including take-back events and collection by receptacle or mail; 6983

(3) A directory of participating entities, including the 6984
address, telephone number, and hours of operation for each 6985
entity; 6986

(4) A list of take-back events, including the date, time, 6987
and location for each event. 6988

(B) The board may engage in other activities designed to 6989
promote public awareness of the drug take-back program. 6990

Sec. 4729.90. (A) As used in this section, "responsible 6991
person" has the same meaning as in rules adopted by the state 6992
board of pharmacy under section 4729.26 of the Revised Code. 6993

(B) (1) An applicant for registration as a registered 6994
pharmacy technician shall: 6995

- (a) Be at least eighteen years of age; 6996
- (b) Possess a high school diploma or a certificate of high 6997
school equivalence or have been employed continuously since 6998
prior to April 8, 2009, as a pharmacy technician without a high 6999
school diploma or certificate of high school equivalence; 7000
- (c) Be of good moral character, as defined in rules 7001
adopted by the state board of pharmacy under section 4729.26 of 7002
the Revised Code; 7003
- (d) Except as provided in division (D) of this section, 7004
comply with sections 4776.01 to 4776.04 of the Revised Code; 7005
- (e) Except as provided in division (E) (1) of this section, 7006
~~obtain from a pharmacy's responsible person an attestation that~~ 7007
~~the applicant has~~ have successfully completed education and 7008
training that meets the requirements established by the board in 7009
rules adopted under section 4729.94 of the Revised Code. 7010
- (2) An applicant for registration as a certified pharmacy 7011
technician shall: 7012
- (a) Comply with divisions (B) (1) (a), (c), and (d) of this 7013
section; 7014
- (b) Possess a high school diploma or a certificate of high 7015
school equivalence; 7016
- (c) Except as provided in division (E) (2) of this section, 7017
~~obtain from a pharmacy's responsible person an attestation that~~ 7018
~~the applicant has~~ have successfully completed education and 7019
training that meets the requirements established by the board in 7020
rules adopted under section 4729.94 of the Revised Code; 7021
- (d) Have a current pharmacy technician certification from 7022
an organization that has been recognized by the board. 7023

(C) A pharmacist or pharmacy intern whose license has been 7024
denied, revoked, suspended, or otherwise restricted by the board 7025
shall not be registered as a registered pharmacy technician or 7026
certified pharmacy technician. 7027

(D) Until the date that is two years after ~~the effective~~ 7028
~~date of this section~~ April 6, 2017, an applicant for 7029
registration as a registered pharmacy technician or certified 7030
pharmacy technician who meets the requirements to be a qualified 7031
pharmacy technician under section 4729.42 of the Revised Code, 7032
as it existed immediately prior to the effective date of section 7033
4729.95 of the Revised Code, may, instead of complying with 7034
division (B) (1) (d) of this section, authorize the superintendent 7035
of the bureau of criminal identification and investigation to 7036
make the results of a criminal records check of the applicant 7037
available to the state board of pharmacy. The criminal records 7038
check must have been conducted not earlier than twenty-four 7039
months before the date of the application for registration. 7040

(E) (1) Until the date that is two years after ~~the~~ 7041
~~effective date of this section~~ April 6, 2017, an applicant for 7042
registration as a registered pharmacy technician who meets the 7043
requirements to be a qualified pharmacy technician under section 7044
4729.42 of the Revised Code, as it existed immediately prior to 7045
the effective date of section 4729.95 of the Revised Code, may, 7046
instead of complying with division (B) (1) (e) of this section, 7047
submit an attestation from a pharmacy's responsible person that 7048
the applicant has completed a pharmacy technician training 7049
program that is of appropriate breadth and depth to clearly 7050
address the competencies for a technician to safely and 7051
effectively work in that particular setting and includes 7052
instruction in all of the following: 7053

(a) Packaging and labeling drugs;	7054
(b) Pharmacy terminology;	7055
(c) Basic drug information;	7056
(d) Basic calculations;	7057
(e) Quality control procedures;	7058
(f) State and federal statutes, rules, and regulations	7059
regarding pharmacy technician duties, pharmacist duties,	7060
pharmacy intern duties, prescription or drug order processing	7061
procedures, non-sterile drug compounding, drug record-keeping	7062
requirements, patient confidentiality, security requirements,	7063
and storage requirements.	7064
(2) Until the date that is two years after the effective	7065
date of this section <u>April 6, 2017</u> , an applicant for	7066
registration as a certified pharmacy technician who meets the	7067
requirements to be a qualified pharmacy technician under section	7068
4729.42 of the Revised Code, as it existed immediately prior to	7069
the effective date of section 4729.95 of the Revised Code, may,	7070
instead of complying with division (B) (2) (c) of this section,	7071
submit an attestation from a pharmacy's responsible person that	7072
the applicant has completed a pharmacy technician training	7073
program that is of appropriate breadth and depth to clearly	7074
address the competencies for a technician to safely and	7075
effectively work in that particular setting and includes	7076
instruction in all of the following:	7077
(a) The topics listed in divisions (E) (1) (a) to (f) of	7078
this section;	7079
(b) Sterile drug compounding;	7080
(c) Preparing and mixing intravenous drugs to be injected	7081

into a human being. 7082

Sec. 4731.97. (A) As used in this section: 7083

(1) "Investigational drug, product, or device" means a 7084
drug, product, or device that has successfully completed phase 7085
one of United States food and drug administration clinical 7086
trials and remains under clinical investigation, but has not 7087
been approved for general use by the United States food and drug 7088
administration. "Investigational drug, product, or device" does 7089
not include controlled substances in schedule I, as ~~established~~ 7090
~~pursuant to defined in section 3719.41-3719.01~~ of the Revised 7091
Code, ~~and as amended~~. 7092

(2) "Drug" has the same meaning as in section 4729.01 of 7093
the Revised Code. 7094

(3) "Product" means a biological product, other than a 7095
drug, that is made from a natural human, animal, or 7096
microorganism source and is intended to treat a disease or 7097
medical condition. 7098

(4) "Device" means a medical device that is intended for 7099
use in the diagnosis or treatment of a disease or medical 7100
condition. 7101

(5) "Physician" means an individual authorized by this 7102
chapter to practice medicine and surgery or osteopathic medicine 7103
and surgery. 7104

(6) "Terminal condition" means any of the following 7105
conditions, if irreversible, incurable, and untreatable through 7106
a method of treatment approved by the United States food and 7107
drug administration: 7108

(a) A progressive form of cancer; 7109

(b) A progressive neurological disorder; 7110

(c) A progressive musculoskeletal disorder; 7111

(d) A condition that, based on reasonable medical 7112
standards and a reasonable degree of medical certainty, appears 7113
likely to cause death within a period of time that is relatively 7114
short but does not exceed twelve months. 7115

(7) "Treating physician" means the physician primarily 7116
responsible for providing medical care and treating an eligible 7117
patient's terminal condition. "Treating physician" does not 7118
include the patient's primary care physician unless that 7119
physician is treating the patient's terminal condition and no 7120
other physician is primarily responsible for treating the 7121
terminal condition. The patient may have more than one treating 7122
physician. 7123

(B) (1) Subject to division (B) (2) of this section, an 7124
individual is an eligible patient if all of the following 7125
conditions are met: 7126

(a) The individual has a terminal condition, as determined 7127
by the individual's treating physician and by one other 7128
physician who has examined the individual. 7129

(b) The individual, as determined by the individual's 7130
treating physician, has considered all treatment options for the 7131
terminal condition that are approved by the United States food 7132
and drug administration and determined that there are no 7133
satisfactory or comparable approved treatments and that the risk 7134
from the investigational drug, product, or device is no greater 7135
than the probable risk from not treating the terminal condition. 7136

(c) The individual's treating physician recommends the use 7137
of the investigational drug, product, or device as a last option 7138

available for the individual, attests that it represents the 7139
individual's best chance at survival, and agrees to either 7140
administer or personally furnish it or has issued a prescription 7141
to the individual for the investigational drug, product, or 7142
device. 7143

(d) The treating physician includes documentation in the 7144
patient's medical record that all of the foregoing conditions 7145
have been met. 7146

(2) An individual who meets the requirements of division 7147
(B)(1) of this section is not an eligible patient if a clinical 7148
trial using the investigational drug, product, or device is 7149
actively being conducted within one hundred miles of the 7150
individual's residence, unless the individual applied for 7151
participation but was denied access to that clinical trial. 7152

(C)(1) A treating physician may treat an eligible patient 7153
with an investigational drug, product, or device after securing 7154
the patient's informed consent in a signed statement. If the 7155
patient is a minor or lacks the capacity to consent, the 7156
informed consent must be obtained from a parent, guardian, or 7157
other person legally responsible for the patient. 7158

(2) To secure informed consent, the treating physician 7159
must do all of the following: 7160

(a) On a form based on the template created by the state 7161
medical board under division (I) of this section, record all of 7162
the following: 7163

(i) An explanation of the approved treatment options for 7164
the terminal condition from which the patient suffers; 7165

(ii) The specific proposed investigational drug, product, 7166
or device; 7167

(iii) The potentially best and worst outcomes of using the 7168
investigational drug, product, or device with a realistic 7169
description of the most likely outcome, including that there is 7170
no proof of efficacy and that it is possible new, unanticipated, 7171
different, or worse symptoms might result, and that death could 7172
be hastened by the investigational drug, product, or device; 7173

(iv) An explanation that the manufacturer of the 7174
investigational drug, product, or device may hold the patient 7175
liable for all expenses that arise from the patient's use of the 7176
investigational drug, product, or device; 7177

(v) An explanation that any health insurance or government 7178
program that covers the individual may not include coverage of 7179
any charges by the treating physician or another health care 7180
provider for any care or treatment resulting from the patient's 7181
use of the investigational drug, product, or device; 7182

(vi) A statement explaining that the manufacturer of the 7183
investigational drug, product, or device, the pharmacy or other 7184
distributor of the drug, and the patient's treating physician or 7185
administering hospital are not liable for or subject to any of 7186
the following for an act or omission related to providing, 7187
distributing, or treating with, an investigational drug, 7188
product, or device, unless the act or omission constitutes 7189
willful or wanton misconduct: damages in any civil action, 7190
prosecution in any criminal proceeding, or professional 7191
disciplinary action. 7192

(b) Have the individual giving consent sign the form in 7193
the conscious presence of a competent witness; 7194

(c) Have the witness also sign the form and attest that 7195
the individual giving consent appeared to do all of the 7196

following: 7197

(i) Concur with the treating physician in believing that 7198
all approved treatment options would be unlikely to prolong the 7199
patient's life; 7200

(ii) Understand the risks involved with using the 7201
investigational drug, product, or device; 7202

(iii) Willingly desire to use the investigational drug, 7203
product, or device to treat the terminal condition. 7204

(3) An eligible patient, or the patient's parent, 7205
guardian, or other person legally responsible for the patient, 7206
may revoke consent to treatment with an investigational drug, 7207
product, or device at any time and in any manner that 7208
communicates the revocation. 7209

(D) (1) Except for actions constituting willful or wanton 7210
misconduct, a treating physician who recommends or treats an 7211
eligible patient with an investigational drug, product, or 7212
device in compliance with this section is not liable for or 7213
subject to any of the following for an action or omission 7214
related to treatment with the investigational drug, product, or 7215
device: damages in any civil action, prosecution in any criminal 7216
proceeding, or professional disciplinary action. 7217

(2) This section does not create a new cause of action or 7218
substantive legal right against a treating physician or hospital 7219
related to a physician's not recommending the use of an 7220
investigational drug, product, or device. 7221

(E) An official, employee, or agent of this state shall 7222
not, solely because an investigational drug, product, or device 7223
has not been approved for general use by the United States food 7224
and drug administration, prevent or attempt to prevent access by 7225

an eligible patient or eligible patient's treating physician to 7226
an investigational drug, product, or device that is being 7227
provided or is to be provided in accordance with this section or 7228
section 4729.89 of the Revised Code. 7229

(F) If an eligible patient dies while being treated with 7230
an investigational drug, product, or device and there are any 7231
outstanding costs related to treating the patient, the patient's 7232
estate, devisees, and heirs shall not be held liable by any 7233
person or government entity for those costs. 7234

(G) Nothing in this section requires a health care 7235
insurer, the medicaid program or any other government health 7236
care program, or any other entity that offers health care 7237
benefits to provide coverage for the costs incurred from the use 7238
of any investigational drug, product, or device. 7239

(H) Nothing in this section condones, authorizes, or 7240
approves of assisted suicide, as defined in section 3795.01 of 7241
the Revised Code, or any action that is considered mercy killing 7242
or euthanasia. 7243

(I) As soon as practicable after ~~the effective date of~~ 7244
~~this section~~ April 6, 2017, the state medical board shall create 7245
a template of the form to be used by a treating physician to 7246
secure a patient's informed consent under division (C)(2) of 7247
this section and make the template available to physicians and 7248
hospitals. 7249

Sec. 4765.06. (A) The state board of emergency medical, 7250
fire, and transportation services shall establish an emergency 7251
medical services incidence reporting system for the collection 7252
of information regarding the delivery of emergency medical 7253
services in this state and the frequency at which the services 7254

are provided. All emergency medical service organizations shall 7255
submit to the board any information that the board determines is 7256
necessary for maintaining the incidence reporting system. 7257

(B) The board shall establish a state trauma registry to 7258
be used for the collection of information regarding the care of 7259
adult and pediatric trauma victims in this state. The registry 7260
shall provide for the reporting of adult and pediatric trauma- 7261
related deaths, identification of adult and pediatric trauma 7262
patients, monitoring of adult and pediatric trauma patient care 7263
data, determination of the total amount of uncompensated adult 7264
and pediatric trauma care provided annually by each facility 7265
that provides care to trauma victims, and collection of any 7266
other information specified by the board. All persons designated 7267
by the board shall submit to the board any information it 7268
determines is necessary for maintaining the state trauma 7269
registry. At the request of the board any state agency 7270
possessing information regarding adult or pediatric trauma care 7271
shall provide the information to the board. The board shall 7272
maintain the state trauma registry in accordance with rules 7273
adopted under section 4765.11 of the Revised Code. 7274

Rules relating to the state trauma registry adopted under 7275
this section and section 4765.11 of the Revised Code shall not 7276
prohibit the operation of other trauma registries and may 7277
provide for the reporting of information to the state trauma 7278
registry by or through other trauma registries in a manner 7279
consistent with information otherwise reported to the state 7280
trauma registry. Other trauma registries may report aggregate 7281
information to the state trauma registry, provided the 7282
information can be matched to the person that reported it. 7283
Information maintained by another trauma registry and reported 7284
to the state trauma registry in lieu of being reported directly 7285

to the state trauma registry is a public record and shall be 7286
maintained, made available to the public, held in confidence, 7287
risk adjusted, and not subject to discovery or introduction into 7288
evidence in a civil action as provided in section 149.43 of the 7289
Revised Code and this section. Any person who provides, 7290
maintains, or risk adjusts such information shall comply with 7291
this section and rules adopted under it in performing that 7292
function and has the same immunities with respect to that 7293
function as a person who performs that function with respect to 7294
the state trauma registry. 7295

(C) The board and any employee or contractor of the board 7296
or the department of public safety shall not make public 7297
information it receives under Chapter 4765. of the Revised Code 7298
that identifies or would tend to identify a specific recipient 7299
of emergency medical services or adult or pediatric trauma care. 7300

(D) Not later than two years after November 3, 2000, the 7301
board shall adopt and implement rules under section 4765.11 of 7302
the Revised Code that provide written standards and procedures 7303
for risk adjustment of information received by the board under 7304
Chapter 4765. of the Revised Code. The rules shall be developed 7305
in consultation with appropriate medical, hospital, and 7306
emergency medical service organizations and may provide for risk 7307
adjustment by a contractor of the board. Except as provided in 7308
division (G) or (H) of this section, before risk adjustment 7309
standards and procedures are implemented, no member of the board 7310
and no employee or contractor of the board or the department of 7311
public safety shall make public information received by the 7312
board under Chapter 4765. of the Revised Code that identifies or 7313
would tend to identify a specific provider of emergency medical 7314
services or adult or pediatric trauma care. Except as provided 7315
in division (G) or (H) of this section, after risk adjustment 7316

standards and procedures are implemented, the board shall make 7317
public such information only on a risk adjusted basis. 7318

(E) The board shall adopt rules under section 4765.11 of 7319
the Revised Code that specify procedures for ensuring the 7320
confidentiality of information that is not to be made public 7321
under this section. The rules shall specify the circumstances in 7322
which deliberations of the persons performing risk adjustment 7323
functions under this section are not open to the public and 7324
records of those deliberations are maintained in confidence. 7325
Nothing in this section prohibits the board from making public 7326
statistical information that does not identify or tend to 7327
identify a specific recipient or provider of emergency medical 7328
services or adult or pediatric trauma care. 7329

(F) No provider that furnishes information to the board 7330
with respect to any patient the provider examined or treated 7331
shall, because of this furnishing, be deemed liable in damages 7332
to any person or be held to answer for betrayal of a 7333
professional confidence in the absence of willful or wanton 7334
misconduct. No such information shall be subject to introduction 7335
in evidence in any civil action against the provider. No 7336
provider that furnishes information to the board shall be liable 7337
for the misuse or improper release of the information by the 7338
board or any other person. 7339

No person who performs risk adjustment functions under 7340
this section shall, because of performing such functions, be 7341
held liable in a civil action for betrayal of professional 7342
confidence or otherwise in the absence of willful or wanton 7343
misconduct. 7344

(G) ~~The board may transmit~~ In the case of data that 7345
identifies or tends to identify a specific recipient or provider 7346

of emergency medical services care and has not been risk- 7347
adjusted from the emergency medical services incident reporting 7348
system, the board may transmit the data directly to the national 7349
emergency medical services information system, or another 7350
electronic information system if all of the following conditions 7351
are met: 7352

(1) The federal agency or entity administering the 7353
information system collects, stores, and organizes data for 7354
research and monitoring purposes. 7355

(2) The board transmits the data pursuant to a written 7356
contract between the board and ~~the federal agency that~~ 7357
~~administers the national emergency medical services or entity~~ 7358
~~administering the information system, which shall ensure.~~ 7359

(3) The contract provides that, to the maximum extent 7360
permitted by federal law ~~that such,~~ the agency or entity shall 7361
use ~~such the~~ data solely for inclusion in the ~~national emergency~~ 7362
~~medical services~~ information system and shall not disclose ~~such~~ 7363
the data to the public, through legal discovery, a freedom of 7364
information request, or otherwise, in a manner that identifies 7365
or tends to identify a specific recipient or provider of 7366
emergency medical services care. 7367

(H) In the case of data that identifies or tends to 7368
identify a specific trauma care recipient or provider and has 7369
not been risk-adjusted from the state trauma registry, the board 7370
may transmit the data directly to the national trauma data bank 7371
or another electronic information system if all of the following 7372
conditions are met: 7373

(1) The entity administering the data bank or information 7374
system collects, stores, and organizes data for research and 7375

monitoring purposes. 7376

(2) The board transmits the data pursuant to a written 7377
contract between the board and entity. 7378

(3) The contract provides that, to the maximum extent 7379
permitted by federal law, the entity shall use the data solely 7380
for inclusion in the data bank or information system and shall 7381
not disclose the data to the public, through legal discovery, a 7382
freedom of information request, or otherwise, in a manner that 7383
identifies or tends to identify a specific trauma care recipient 7384
or provider. 7385

Sec. 5164.34. (A) As used in this section: 7386

(1) "Criminal records check" has the same meaning as in 7387
section 109.572 of the Revised Code. 7388

(2) "Disqualifying offense" means any of the offenses 7389
listed or described in divisions (A) (3) (a) to (e) of section 7390
109.572 of the Revised Code. 7391

(3) "Owner" means a person who has an ownership interest 7392
in a medicaid provider in an amount designated in rules 7393
authorized by this section. 7394

(4) "Person subject to the criminal records check 7395
requirement" means the following: 7396

(a) A medicaid provider who is notified under division (E) 7397
(1) of this section that the provider is subject to a criminal 7398
records check; 7399

(b) An owner or prospective owner, officer or prospective 7400
officer, or board member or prospective board member of a 7401
medicaid provider if, pursuant to division (E) (1) (a) of this 7402
section, the owner or prospective owner, officer or prospective 7403

officer, or board member or prospective board member is 7404
specified in information given to the provider under division 7405
(E) (1) of this section; 7406

(c) An employee or prospective employee of a medicaid 7407
provider if both of the following apply: 7408

(i) The employee or prospective employee is specified, 7409
pursuant to division (E) (1) (b) of this section, in information 7410
given to the provider under division (E) (1) of this section. 7411

(ii) The provider is not prohibited by division (D) (3) (b) 7412
of this section from employing the employee or prospective 7413
employee. 7414

(5) "Responsible entity" means the following: 7415

(a) With respect to a criminal records check required 7416
under this section for a medicaid provider, the department of 7417
medicaid or the department's designee; 7418

(b) With respect to a criminal records check required 7419
under this section for an owner or prospective owner, officer or 7420
prospective officer, board member or prospective board member, 7421
or employee or prospective employee of a medicaid provider, the 7422
provider. 7423

(B) This section does not apply to any of the following: 7424

(1) An individual who is subject to a criminal records 7425
check under section 3712.09, 3721.121, 5123.081, or 5123.169 of 7426
the Revised Code; 7427

(2) An individual who is subject to a database review or 7428
criminal records check under section 173.38, 173.381, 3701.881, 7429
or 5164.342 of the Revised Code; 7430

(3) An individual who is an applicant or independent provider, both as defined in section 5164.341 of the Revised Code. 7431
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(C) The department of medicaid may do any of the following: 7434
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(1) Require that any medicaid provider submit to a criminal records check as a condition of obtaining or maintaining a provider agreement; 7436
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(2) Require that any medicaid provider require an owner or prospective owner, officer or prospective officer, or board member or prospective board member of the provider submit to a criminal records check as a condition of being an owner, officer, or board member of the provider; 7439
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(3) Require that any medicaid provider do the following: 7444

(a) If so required by rules authorized by this section, determine pursuant to a database review conducted under division (F)(1)(a) of this section whether any employee or prospective employee of the provider is included in a database; 7445
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(b) Unless the provider is prohibited by division (D)(3) (b) of this section from employing the employee or prospective employee, require the employee or prospective employee to submit to a criminal records check as a condition of being an employee of the provider. 7449
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(D)(1) The department or the department's designee shall deny or terminate a medicaid provider's provider agreement if the provider is a person subject to the criminal records check requirement and either of the following applies: 7454
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(a) The provider fails to obtain the criminal records 7458

check after being given the information specified in division 7459
(G) (1) of this section. 7460

(b) Except as provided in rules authorized by this 7461
section, the provider is found by the criminal records check to 7462
have been convicted of or have pleaded guilty to a disqualifying 7463
offense, regardless of the date of the conviction or the date of 7464
entry of the guilty plea. 7465

(2) No medicaid provider shall permit a person to be an 7466
owner, officer, or board member of the provider if the person is 7467
a person subject to the criminal records check requirement and 7468
either of the following applies: 7469

(a) The person fails to obtain the criminal records check 7470
after being given the information specified in division (G) (1) 7471
of this section. 7472

(b) Except as provided in rules authorized by this 7473
section, the person is found by the criminal records check to 7474
have been convicted of or have pleaded guilty to a disqualifying 7475
offense, regardless of the date of the conviction or the date of 7476
entry of the guilty plea. 7477

(3) ~~No~~ Except as provided in division (I) of this section, 7478
no medicaid provider shall employ a person if any of the 7479
following apply: 7480

(a) The person has been excluded from being a medicaid 7481
provider, a medicare provider, or provider for any other federal 7482
health care program. 7483

(b) If the person is subject to a database review 7484
conducted under division (F) (1) (a) of this section, the person 7485
is found by the database review to be included in a database and 7486
the rules authorized by this section regarding the database 7487

review prohibit the provider from employing a person included in 7488
the database. 7489

(c) If the person is a person subject to the criminal 7490
records check requirement, either of the following applies: 7491

(i) The person fails to obtain the criminal records check 7492
after being given the information specified in division (G) (1) 7493
of this section. 7494

(ii) Except as provided in rules authorized by this 7495
section, the person is found by the criminal records check to 7496
have been convicted of or have pleaded guilty to a disqualifying 7497
offense, regardless of the date of the conviction or the date of 7498
entry of the guilty plea. 7499

(E) (1) The department or the department's designee shall 7500
inform each medicaid provider whether the provider is subject to 7501
a criminal records check. For providers with valid provider 7502
agreements, the information shall be given at times designated 7503
in rules authorized by this section. For providers applying to 7504
be medicaid providers, the information shall be given at the 7505
time of initial application. When the information is given, the 7506
department or the department's designee shall specify the 7507
following: 7508

(a) Which of the provider's owners or prospective owners, 7509
officers or prospective officers, or board members or 7510
prospective board members are subject to a criminal records 7511
check; 7512

(b) Which of the provider's employees or prospective 7513
employees are subject to division (C) (3) of this section. 7514

(2) At times designated in rules authorized by this 7515
section, a medicaid provider that is a person subject to the 7516

criminal records check requirement shall do the following: 7517

(a) Inform each person specified under division (E) (1) (a) 7518
of this section that the person is required to submit to a 7519
criminal records check as a condition of being an owner, 7520
officer, or board member of the provider; 7521

(b) Inform each person specified under division (E) (1) (b) 7522
of this section that the person is subject to division (C) (3) of 7523
this section. 7524

(F) (1) If a medicaid provider is a person subject to the 7525
criminal records check requirement, the department or the 7526
department's designee shall require the conduct of a criminal 7527
records check by the superintendent of the bureau of criminal 7528
identification and investigation. A medicaid provider shall 7529
require the conduct of a criminal records check by the 7530
superintendent with respect to each of the persons specified 7531
under division (E) (1) (a) of this section. With respect to each 7532
employee and prospective employee specified under division (E) 7533
(1) (b) of this section, a medicaid provider shall do the 7534
following: 7535

(a) If rules authorized by this section require the 7536
provider to conduct a database review to determine whether the 7537
employee or prospective employee is included in a database, 7538
conduct the database review in accordance with the rules; 7539

(b) Unless the provider is prohibited by division (D) (3) 7540
(b) of this section from employing the employee or prospective 7541
employee, require the conduct of a criminal records check of the 7542
employee or prospective employee by the superintendent. 7543

(2) If a person subject to the criminal records check 7544
requirement does not present proof of having been a resident of 7545

this state for the five-year period immediately prior to the 7546
date the criminal records check is requested or provide evidence 7547
that within that five-year period the superintendent has 7548
requested information about the person from the federal bureau 7549
of investigation in a criminal records check, the responsible 7550
entity shall require the person to request that the 7551
superintendent obtain information from the federal bureau of 7552
investigation as part of the criminal records check of the 7553
person. Even if the person presents proof of having been a 7554
resident of this state for the five-year period, the responsible 7555
entity may require that the person request that the 7556
superintendent obtain information from the federal bureau of 7557
investigation and include it in the criminal records check of 7558
the person. 7559

(G) Criminal records checks required by this section shall 7560
be obtained as follows: 7561

(1) The responsible entity shall provide each person 7562
subject to the criminal records check requirement information 7563
about accessing and completing the form prescribed pursuant to 7564
division (C) (1) of section 109.572 of the Revised Code and the 7565
standard impression sheet prescribed pursuant to division (C) (2) 7566
of that section. 7567

(2) The person subject to the criminal records check 7568
requirement shall submit the required form and one complete set 7569
of the person's fingerprint impressions directly to the 7570
superintendent for purposes of conducting the criminal records 7571
check using the applicable methods prescribed by division (C) of 7572
section 109.572 of the Revised Code. The person shall pay all 7573
fees associated with obtaining the criminal records check. 7574

(3) The superintendent shall conduct the criminal records 7575

check in accordance with section 109.572 of the Revised Code. 7576
The person subject to the criminal records check requirement 7577
shall instruct the superintendent to submit the report of the 7578
criminal records check directly to the responsible entity. If 7579
the department or the department's designee is not the 7580
responsible entity, the department or designee may require the 7581
responsible entity to submit the report to the department or 7582
designee. 7583

(H) (1) A medicaid provider may employ conditionally a 7584
person for whom a criminal records check is required by this 7585
section prior to obtaining the results of the criminal records 7586
check if both of the following apply: 7587

(a) The provider is not prohibited by division (D) (3) (b) 7588
of this section from employing the person. 7589

(b) The person submits a request for the criminal records 7590
check not later than five business days after the person begins 7591
conditional employment. 7592

(2) ~~A-Except as provided in division (I) of this section,~~ 7593
a medicaid provider that employs a person conditionally under 7594
division (H) (1) of this section shall terminate the person's 7595
employment if ~~the~~ either of the following apply: 7596

(a) ~~The~~ results of the criminal records check request are 7597
not obtained within the period ending sixty days after the date 7598
the request is made. 7599

(b) Regardless of when the results of the criminal records 7600
check are obtained, ~~if~~ the results indicate that the person has 7601
been convicted of or has pleaded guilty to a disqualifying 7602
offense, ~~the provider shall terminate the person's employment~~ 7603
unless circumstances specified in rules authorized by this 7604

section exist that permit the provider to employ the person and
the provider chooses to employ the person.

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(I) A medicaid provider may choose to employ a person who
the provider would be prohibited by division (D)(3) of this
section from employing or would be required by division (H)(2)
of this section to terminate the person's employment if the
provider does not submit any medicaid claims for any services
the person provides.

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(J) The report of a criminal records check conducted
pursuant to 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:

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(1) The person who is the subject of the criminal records
check or the person's representative;

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(2) The medicaid director and the staff of the department
who are involved in the administration of the medicaid program;

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(3) The department's designee;

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(4) The medicaid provider who required the person who is
the subject of the criminal records check to submit to the
criminal records check;

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(5) An individual receiving or deciding whether to
receive, from the subject of the criminal records check, home
and community-based services available under the medicaid state
plan;

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(6) A court, hearing officer, or other necessary
individual involved in a case dealing with any of the following:

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(a) The denial or termination of a provider agreement;

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(b) A person's denial of employment, termination of 7632
employment, or employment or unemployment benefits; 7633

(c) A civil or criminal action regarding the medicaid 7634
program. 7635

~~(J)~~ (K) The medicaid director may adopt rules under 7636
section 5164.02 of the Revised Code to implement this section. 7637
If the director adopts such rules, the rules shall designate the 7638
times at which a criminal records check must be conducted under 7639
this section. The rules may do any of the following: 7640

(1) Designate the categories of persons who are subject to 7641
a criminal records check under this section; 7642

(2) Specify circumstances under which the department or 7643
the department's designee may continue a provider agreement or 7644
issue a provider agreement when the medicaid provider is found 7645
by a criminal records check to have been convicted of or 7646
pleaded guilty to, ~~or been found eligible for intervention in~~ 7647
~~lieu of conviction for~~ a disqualifying offense; 7648

(3) Specify circumstances under which a medicaid provider 7649
may permit a person to be an employee, owner, officer, or board 7650
member of the provider when the person is found by a criminal 7651
records check conducted pursuant to this section to have been 7652
convicted of or have pleaded guilty to a disqualifying offense; 7653

(4) Specify all of the following: 7654

(a) The circumstances under which a database review must 7655
be conducted under division (F) (1) (a) of this section to 7656
determine whether an employee or prospective employee of a 7657
medicaid provider is included in a database; 7658

(b) The procedures for conducting the database review; 7659

(c) The databases that are to be checked; 7660

(d) The circumstances under which, except as provided in 7661
division (I) of this section, a medicaid provider is prohibited 7662
from employing a person who is found by the database review to 7663
be included in a database. 7664

Sec. 5164.7511. (A) As used in this section: 7665

(1) "Cost-sharing" means any cost-sharing requirements 7666
instituted for the medicaid program under section 5162.20 of the 7667
Revised Code. 7668

(2) "Medication synchronization" means a pharmacy service 7669
that synchronizes the filling or refilling of prescriptions in a 7670
manner that allows the dispensed drugs to be obtained on the 7671
same date each month. 7672

(3) "Prescriber" has the same meaning as in section 7673
4729.01 of the Revised Code. 7674

(B) With respect to coverage of prescribed drugs, the 7675
medicaid program shall provide for medication synchronization 7676
for a medicaid recipient if all of the following conditions are 7677
met: 7678

(1) The recipient elects to participate in medication 7679
synchronization. 7680

(2) The recipient, the prescriber, and a pharmacist at a 7681
pharmacy participating in the medicaid program agree that 7682
medication synchronization is in the best interest of the 7683
recipient. 7684

(3) The prescribed drug to be included in the medication 7685
synchronization meets the requirements of division (C) of this 7686
section. 7687

(C) To be eligible for inclusion in medication 7688
synchronization for a medicaid recipient, a prescribed drug must 7689
meet all of the following requirements: 7690

(1) Be covered by the medicaid program; 7691

(2) Be prescribed for the treatment and management of a 7692
chronic disease or condition and be subject to refills; 7693

(3) Satisfy all relevant prior authorization criteria; 7694

(4) Not have quantity limits, dose optimization criteria, 7695
or other requirements that would be violated if synchronized; 7696

(5) Not have special handling or sourcing needs, as 7697
determined by the medicaid program, that require a single, 7698
designated pharmacy to fill or refill the prescription; 7699

(6) Be formulated so that the quantity or amount dispensed 7700
can be effectively divided in order to achieve synchronization; 7701

(7) Not be a schedule II controlled substance, ~~opiate~~ 7702
opioid analgesic, or benzodiazepine, as those terms are defined 7703
in section 3719.01 of the Revised Code. 7704

(D) (1) To provide for medication synchronization under 7705
division (B) of this section, the medicaid program shall 7706
authorize coverage of a prescribed drug subject to medication 7707
synchronization when the drug is dispensed in a quantity or 7708
amount that is less than a thirty-day supply. 7709

(2) The requirement of division (D) (1) of this section 7710
applies only once for each prescribed drug subject to medication 7711
synchronization for the same medicaid recipient, except when 7712
either of the following occurs: 7713

(a) The prescriber changes the dosage or frequency of 7714

administration of the prescribed drug subject to medication 7715
synchronization. 7716

(b) The prescriber prescribes a different drug. 7717

(E) (1) In providing for medication synchronization under 7718
division (B) of this section, the medicaid program shall apply a 7719
prorated daily cost-sharing rate for a supply of a prescribed 7720
drug subject to medication synchronization that is dispensed at 7721
a pharmacy participating in the program. 7722

(2) Division (E) (1) of this section does not require the 7723
medicaid program to waive any cost-sharing requirement in its 7724
entirety. 7725

(F) In providing for medication synchronization under 7726
division (B) of this section, the medicaid program shall not use 7727
payment structures that incorporate dispensing fees that are 7728
determined by calculating the days' supply of drugs dispensed. 7729
Dispensing fees shall be based exclusively on the total number 7730
of prescriptions that are filled or refilled. 7731

(G) This section does not require the medicaid program to 7732
provide to a pharmacy participating in the program or a 7733
pharmacist at a participating pharmacy any monetary or other 7734
financial incentive for the purpose of encouraging the pharmacy 7735
or pharmacist to recommend medication synchronization to a 7736
medicaid recipient. 7737

Section 2. That existing sections 109.572, 109.71, 119.03, 7738
149.43, 149.45, 1751.68, 2907.02, 2907.05, 2925.01, 2925.09, 7739
2925.11, 2925.23, 2925.34, 3313.752, 3345.41, 3707.50, 3709.01, 7740
3719.01, 3719.04, 3719.05, 3719.06, 3719.061, 3719.07, 3719.09, 7741
3719.12, 3719.40, 3719.41, 3719.43, 3719.44, 3719.811, 3796.01, 7742
3923.602, 4729.01, 4729.04, 4729.19, 4729.46, 4729.51, 4729.52, 7743

4729.53, 4729.54, 4729.55, 4729.553, 4729.69, 4729.90, 4731.97, 7744
4765.06, 5164.34, and 5164.7511 and section 4730.51 of the 7745
Revised Code are hereby repealed. 7746

Section 3. That the version of section 2925.03 of the 7747
Revised Code that is scheduled to take effect June 29, 2019, be 7748
amended to read as follows: 7749

Sec. 2925.03. (A) No person shall knowingly do any of the 7750
following: 7751

(1) Sell or offer to sell a controlled substance or a 7752
controlled substance analog; 7753

(2) Prepare for shipment, ship, transport, deliver, 7754
prepare for distribution, or distribute a controlled substance 7755
or a controlled substance analog, when the offender knows or has 7756
reasonable cause to believe that the controlled substance or a 7757
controlled substance analog is intended for sale or resale by 7758
the offender or another person. 7759

(B) This section does not apply to any of the following: 7760

(1) Manufacturers, licensed health professionals 7761
authorized to prescribe drugs, pharmacists, owners of 7762
pharmacies, and other persons whose conduct is in accordance 7763
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 7764
4741. of the Revised Code; 7765

(2) If the offense involves an anabolic steroid, any 7766
person who is conducting or participating in a research project 7767
involving the use of an anabolic steroid if the project has been 7768
approved by the United States food and drug administration; 7769

(3) Any person who sells, offers for sale, prescribes, 7770
dispenses, or administers for livestock or other nonhuman 7771

species an anabolic steroid that is expressly intended for 7772
administration through implants to livestock or other nonhuman 7773
species and approved for that purpose under the "Federal Food, 7774
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 7775
as amended, and is sold, offered for sale, prescribed, 7776
dispensed, or administered for that purpose in accordance with 7777
that act. 7778

(C) Whoever violates division (A) of this section is 7779
guilty of one of the following: 7780

(1) If the drug involved in the violation is any compound, 7781
mixture, preparation, or substance included in schedule I or 7782
schedule II, with the exception of marihuana, cocaine, L.S.D., 7783
heroin, any fentanyl-related compound, hashish, and any 7784
controlled substance analog, whoever violates division (A) of 7785
this section is guilty of aggravated trafficking in drugs. The 7786
penalty for the offense shall be determined as follows: 7787

(a) Except as otherwise provided in division (C) (1) (b), 7788
(c), (d), (e), or (f) of this section, aggravated trafficking in 7789
drugs is a felony of the fourth degree, and division (C) of 7790
section 2929.13 of the Revised Code applies in determining 7791
whether to impose a prison term on the offender. 7792

(b) Except as otherwise provided in division (C) (1) (c), 7793
(d), (e), or (f) of this section, if the offense was committed 7794
in the vicinity of a school or in the vicinity of a juvenile, 7795
aggravated trafficking in drugs is a felony of the third degree, 7796
and division (C) of section 2929.13 of the Revised Code applies 7797
in determining whether to impose a prison term on the offender. 7798

(c) Except as otherwise provided in this division, if the 7799
amount of the drug involved equals or exceeds the bulk amount 7800

but is less than five times the bulk amount, aggravated 7801
trafficking in drugs is a felony of the third degree, and, 7802
except as otherwise provided in this division, there is a 7803
presumption for a prison term for the offense. If aggravated 7804
trafficking in drugs is a felony of the third degree under this 7805
division and if the offender two or more times previously has 7806
been convicted of or pleaded guilty to a felony drug abuse 7807
offense, the court shall impose as a mandatory prison term one 7808
of the prison terms prescribed for a felony of the third degree. 7809
If the amount of the drug involved is within that range and if 7810
the offense was committed in the vicinity of a school or in the 7811
vicinity of a juvenile, aggravated trafficking in drugs is a 7812
felony of the second degree, and the court shall impose as a 7813
mandatory prison term one of the prison terms prescribed for a 7814
felony of the second degree. 7815

(d) Except as otherwise provided in this division, if the 7816
amount of the drug involved equals or exceeds five times the 7817
bulk amount but is less than fifty times the bulk amount, 7818
aggravated trafficking in drugs is a felony of the second 7819
degree, and the court shall impose as a mandatory prison term 7820
one of the prison terms prescribed for a felony of the second 7821
degree. If the amount of the drug involved is within that range 7822
and if the offense was committed in the vicinity of a school or 7823
in the vicinity of a juvenile, aggravated trafficking in drugs 7824
is a felony of the first degree, and the court shall impose as a 7825
mandatory prison term one of the prison terms prescribed for a 7826
felony of the first degree. 7827

(e) If the amount of the drug involved equals or exceeds 7828
fifty times the bulk amount but is less than one hundred times 7829
the bulk amount and regardless of whether the offense was 7830
committed in the vicinity of a school or in the vicinity of a 7831

juvenile, aggravated trafficking in drugs is a felony of the 7832
first degree, and the court shall impose as a mandatory prison 7833
term one of the prison terms prescribed for a felony of the 7834
first degree. 7835

(f) If the amount of the drug involved equals or exceeds 7836
one hundred times the bulk amount and regardless of whether the 7837
offense was committed in the vicinity of a school or in the 7838
vicinity of a juvenile, aggravated trafficking in drugs is a 7839
felony of the first degree, the offender is a major drug 7840
offender, and the court shall impose as a mandatory prison term 7841
the maximum prison term prescribed for a felony of the first 7842
degree. 7843

(2) If the drug involved in the violation is any compound, 7844
mixture, preparation, or substance included in schedule III, IV, 7845
or V, whoever violates division (A) of this section is guilty of 7846
trafficking in drugs. The penalty for the offense shall be 7847
determined as follows: 7848

(a) Except as otherwise provided in division (C) (2) (b), 7849
(c), (d), or (e) of this section, trafficking in drugs is a 7850
felony of the fifth degree, and division (B) of section 2929.13 7851
of the Revised Code applies in determining whether to impose a 7852
prison term on the offender. 7853

(b) Except as otherwise provided in division (C) (2) (c), 7854
(d), or (e) of this section, if the offense was committed in the 7855
vicinity of a school or in the vicinity of a juvenile, 7856
trafficking in drugs is a felony of the fourth degree, and 7857
division (C) of section 2929.13 of the Revised Code applies in 7858
determining whether to impose a prison term on the offender. 7859

(c) Except as otherwise provided in this division, if the 7860

amount of the drug involved equals or exceeds the bulk amount 7861
but is less than five times the bulk amount, trafficking in 7862
drugs is a felony of the fourth degree, and division (B) of 7863
section 2929.13 of the Revised Code applies in determining 7864
whether to impose a prison term for the offense. If the amount 7865
of the drug involved is within that range and if the offense was 7866
committed in the vicinity of a school or in the vicinity of a 7867
juvenile, trafficking in drugs is a felony of the third degree, 7868
and there is a presumption for a prison term for the offense. 7869

(d) Except as otherwise provided in this division, if the 7870
amount of the drug involved equals or exceeds five times the 7871
bulk amount but is less than fifty times the bulk amount, 7872
trafficking in drugs is a felony of the third degree, and there 7873
is a presumption for a prison term for the offense. If the 7874
amount of the drug involved is within that range and if the 7875
offense was committed in the vicinity of a school or in the 7876
vicinity of a juvenile, trafficking in drugs is a felony of the 7877
second degree, and there is a presumption for a prison term for 7878
the offense. 7879

(e) Except as otherwise provided in this division, if the 7880
amount of the drug involved equals or exceeds fifty times the 7881
bulk amount, trafficking in drugs is a felony of the second 7882
degree, and the court shall impose as a mandatory prison term 7883
one of the prison terms prescribed for a felony of the second 7884
degree. If the amount of the drug involved equals or exceeds 7885
fifty times the bulk amount and if the offense was committed in 7886
the vicinity of a school or in the vicinity of a juvenile, 7887
trafficking in drugs is a felony of the first degree, and the 7888
court shall impose as a mandatory prison term one of the prison 7889
terms prescribed for a felony of the first degree. 7890

(3) If the drug involved in the violation is marihuana or 7891
a compound, mixture, preparation, or substance containing 7892
marihuana other than hashish, whoever violates division (A) of 7893
this section is guilty of trafficking in marihuana. The penalty 7894
for the offense shall be determined as follows: 7895

(a) Except as otherwise provided in division (C) (3) (b), 7896
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 7897
marihuana is a felony of the fifth degree, and division (B) of 7898
section 2929.13 of the Revised Code applies in determining 7899
whether to impose a prison term on the offender. 7900

(b) Except as otherwise provided in division (C) (3) (c), 7901
(d), (e), (f), (g), or (h) of this section, if the offense was 7902
committed in the vicinity of a school or in the vicinity of a 7903
juvenile, trafficking in marihuana is a felony of the fourth 7904
degree, and division (B) of section 2929.13 of the Revised Code 7905
applies in determining whether to impose a prison term on the 7906
offender. 7907

(c) Except as otherwise provided in this division, if the 7908
amount of the drug involved equals or exceeds two hundred grams 7909
but is less than one thousand grams, trafficking in marihuana is 7910
a felony of the fourth degree, and division (B) of section 7911
2929.13 of the Revised Code applies in determining whether to 7912
impose a prison term on the offender. If the amount of the drug 7913
involved is within that range and if the offense was committed 7914
in the vicinity of a school or in the vicinity of a juvenile, 7915
trafficking in marihuana is a felony of the third degree, and 7916
division (C) of section 2929.13 of the Revised Code applies in 7917
determining whether to impose a prison term on the offender. 7918

(d) Except as otherwise provided in this division, if the 7919
amount of the drug involved equals or exceeds one thousand grams 7920

but is less than five thousand grams, trafficking in marihuana 7921
is a felony of the third degree, and division (C) of section 7922
2929.13 of the Revised Code applies in determining whether to 7923
impose a prison term on the offender. If the amount of the drug 7924
involved is within that range and if the offense was committed 7925
in the vicinity of a school or in the vicinity of a juvenile, 7926
trafficking in marihuana is a felony of the second degree, and 7927
there is a presumption that a prison term shall be imposed for 7928
the offense. 7929

(e) Except as otherwise provided in this division, if the 7930
amount of the drug involved equals or exceeds five thousand 7931
grams but is less than twenty thousand grams, trafficking in 7932
marihuana is a felony of the third degree, and there is a 7933
presumption that a prison term shall be imposed for the offense. 7934
If the amount of the drug involved is within that range and if 7935
the offense was committed in the vicinity of a school or in the 7936
vicinity of a juvenile, trafficking in marihuana is a felony of 7937
the second degree, and there is a presumption that a prison term 7938
shall be imposed for the offense. 7939

(f) Except as otherwise provided in this division, if the 7940
amount of the drug involved equals or exceeds twenty thousand 7941
grams but is less than forty thousand grams, trafficking in 7942
marihuana is a felony of the second degree, and the court shall 7943
impose a mandatory prison term of five, six, seven, or eight 7944
years. If the amount of the drug involved is within that range 7945
and if the offense was committed in the vicinity of a school or 7946
in the vicinity of a juvenile, trafficking in marihuana is a 7947
felony of the first degree, and the court shall impose as a 7948
mandatory prison term the maximum prison term prescribed for a 7949
felony of the first degree. 7950

(g) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds forty thousand grams, trafficking in marihuana is a felony of the second degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the second degree. If the amount of the drug involved equals or exceeds forty thousand grams and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(h) Except as otherwise provided in this division, if the offense involves a gift of twenty grams or less of marihuana, trafficking in marihuana is a minor misdemeanor upon a first offense and a misdemeanor of the third degree upon a subsequent offense. If the offense involves a gift of twenty grams or less of marihuana and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a misdemeanor of the third degree.

(4) If the drug involved in the violation is cocaine or a compound, mixture, preparation, or substance containing cocaine, whoever violates division (A) of this section is guilty of trafficking in cocaine. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C) (4) (b), (c), (d), (e), (f), or (g) of this section, trafficking in cocaine is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C) (4) (c),

(d), (e), (f), or (g) of this section, if the offense was 7981
committed in the vicinity of a school or in the vicinity of a 7982
juvenile, trafficking in cocaine is a felony of the fourth 7983
degree, and division (C) of section 2929.13 of the Revised Code 7984
applies in determining whether to impose a prison term on the 7985
offender. 7986

(c) Except as otherwise provided in this division, if the 7987
amount of the drug involved equals or exceeds five grams but is 7988
less than ten grams of cocaine, trafficking in cocaine is a 7989
felony of the fourth degree, and division (B) of section 2929.13 7990
of the Revised Code applies in determining whether to impose a 7991
prison term for the offense. If the amount of the drug involved 7992
is within that range and if the offense was committed in the 7993
vicinity of a school or in the vicinity of a juvenile, 7994
trafficking in cocaine is a felony of the third degree, and 7995
there is a presumption for a prison term for the offense. 7996

(d) Except as otherwise provided in this division, if the 7997
amount of the drug involved equals or exceeds ten grams but is 7998
less than twenty grams of cocaine, trafficking in cocaine is a 7999
felony of the third degree, and, except as otherwise provided in 8000
this division, there is a presumption for a prison term for the 8001
offense. If trafficking in cocaine is a felony of the third 8002
degree under this division and if the offender two or more times 8003
previously has been convicted of or pleaded guilty to a felony 8004
drug abuse offense, the court shall impose as a mandatory prison 8005
term one of the prison terms prescribed for a felony of the 8006
third degree. If the amount of the drug involved is within that 8007
range and if the offense was committed in the vicinity of a 8008
school or in the vicinity of a juvenile, trafficking in cocaine 8009
is a felony of the second degree, and the court shall impose as 8010
a mandatory prison term one of the prison terms prescribed for a 8011

felony of the second degree.

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(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but is less than twenty-seven grams of cocaine, trafficking in cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

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(f) If the amount of the drug involved equals or exceeds twenty-seven grams but is less than one hundred grams of cocaine and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

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(g) If the amount of the drug involved equals or exceeds one hundred grams of cocaine and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

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(5) If the drug involved in the violation is L.S.D. or a compound, mixture, preparation, or substance containing L.S.D., whoever violates division (A) of this section is guilty of

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trafficking in L.S.D. The penalty for the offense shall be 8042
determined as follows: 8043

(a) Except as otherwise provided in division (C) (5) (b), 8044
(c), (d), (e), (f), or (g) of this section, trafficking in 8045
L.S.D. is a felony of the fifth degree, and division (B) of 8046
section 2929.13 of the Revised Code applies in determining 8047
whether to impose a prison term on the offender. 8048

(b) Except as otherwise provided in division (C) (5) (c), 8049
(d), (e), (f), or (g) of this section, if the offense was 8050
committed in the vicinity of a school or in the vicinity of a 8051
juvenile, trafficking in L.S.D. is a felony of the fourth 8052
degree, and division (C) of section 2929.13 of the Revised Code 8053
applies in determining whether to impose a prison term on the 8054
offender. 8055

(c) Except as otherwise provided in this division, if the 8056
amount of the drug involved equals or exceeds ten unit doses but 8057
is less than fifty unit doses of L.S.D. in a solid form or 8058
equals or exceeds one gram but is less than five grams of L.S.D. 8059
in a liquid concentrate, liquid extract, or liquid distillate 8060
form, trafficking in L.S.D. is a felony of the fourth degree, 8061
and division (B) of section 2929.13 of the Revised Code applies 8062
in determining whether to impose a prison term for the offense. 8063
If the amount of the drug involved is within that range and if 8064
the offense was committed in the vicinity of a school or in the 8065
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 8066
third degree, and there is a presumption for a prison term for 8067
the offense. 8068

(d) Except as otherwise provided in this division, if the 8069
amount of the drug involved equals or exceeds fifty unit doses 8070
but is less than two hundred fifty unit doses of L.S.D. in a 8071

solid form or equals or exceeds five grams but is less than 8072
twenty-five grams of L.S.D. in a liquid concentrate, liquid 8073
extract, or liquid distillate form, trafficking in L.S.D. is a 8074
felony of the third degree, and, except as otherwise provided in 8075
this division, there is a presumption for a prison term for the 8076
offense. If trafficking in L.S.D. is a felony of the third 8077
degree under this division and if the offender two or more times 8078
previously has been convicted of or pleaded guilty to a felony 8079
drug abuse offense, the court shall impose as a mandatory prison 8080
term one of the prison terms prescribed for a felony of the 8081
third degree. If the amount of the drug involved is within that 8082
range and if the offense was committed in the vicinity of a 8083
school or in the vicinity of a juvenile, trafficking in L.S.D. 8084
is a felony of the second degree, and the court shall impose as 8085
a mandatory prison term one of the prison terms prescribed for a 8086
felony of the second degree. 8087

(e) Except as otherwise provided in this division, if the 8088
amount of the drug involved equals or exceeds two hundred fifty 8089
unit doses but is less than one thousand unit doses of L.S.D. in 8090
a solid form or equals or exceeds twenty-five grams but is less 8091
than one hundred grams of L.S.D. in a liquid concentrate, liquid 8092
extract, or liquid distillate form, trafficking in L.S.D. is a 8093
felony of the second degree, and the court shall impose as a 8094
mandatory prison term one of the prison terms prescribed for a 8095
felony of the second degree. If the amount of the drug involved 8096
is within that range and if the offense was committed in the 8097
vicinity of a school or in the vicinity of a juvenile, 8098
trafficking in L.S.D. is a felony of the first degree, and the 8099
court shall impose as a mandatory prison term one of the prison 8100
terms prescribed for a felony of the first degree. 8101

(f) If the amount of the drug involved equals or exceeds 8102

one thousand unit doses but is less than five thousand unit 8103
doses of L.S.D. in a solid form or equals or exceeds one hundred 8104
grams but is less than five hundred grams of L.S.D. in a liquid 8105
concentrate, liquid extract, or liquid distillate form and 8106
regardless of whether the offense was committed in the vicinity 8107
of a school or in the vicinity of a juvenile, trafficking in 8108
L.S.D. is a felony of the first degree, and the court shall 8109
impose as a mandatory prison term one of the prison terms 8110
prescribed for a felony of the first degree. 8111

(g) If the amount of the drug involved equals or exceeds 8112
five thousand unit doses of L.S.D. in a solid form or equals or 8113
exceeds five hundred grams of L.S.D. in a liquid concentrate, 8114
liquid extract, or liquid distillate form and regardless of 8115
whether the offense was committed in the vicinity of a school or 8116
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 8117
of the first degree, the offender is a major drug offender, and 8118
the court shall impose as a mandatory prison term the maximum 8119
prison term prescribed for a felony of the first degree. 8120

(6) If the drug involved in the violation is heroin or a 8121
compound, mixture, preparation, or substance containing heroin, 8122
whoever violates division (A) of this section is guilty of 8123
trafficking in heroin. The penalty for the offense shall be 8124
determined as follows: 8125

(a) Except as otherwise provided in division (C) (6) (b), 8126
(c), (d), (e), (f), or (g) of this section, trafficking in 8127
heroin is a felony of the fifth degree, and division (B) of 8128
section 2929.13 of the Revised Code applies in determining 8129
whether to impose a prison term on the offender. 8130

(b) Except as otherwise provided in division (C) (6) (c), 8131
(d), (e), (f), or (g) of this section, if the offense was 8132

committed in the vicinity of a school or in the vicinity of a 8133
juvenile, trafficking in heroin is a felony of the fourth 8134
degree, and division (C) of section 2929.13 of the Revised Code 8135
applies in determining whether to impose a prison term on the 8136
offender. 8137

(c) Except as otherwise provided in this division, if the 8138
amount of the drug involved equals or exceeds ten unit doses but 8139
is less than fifty unit doses or equals or exceeds one gram but 8140
is less than five grams, trafficking in heroin is a felony of 8141
the fourth degree, and division (B) of section 2929.13 of the 8142
Revised Code applies in determining whether to impose a prison 8143
term for the offense. If the amount of the drug involved is 8144
within that range and if the offense was committed in the 8145
vicinity of a school or in the vicinity of a juvenile, 8146
trafficking in heroin is a felony of the third degree, and there 8147
is a presumption for a prison term for the offense. 8148

(d) Except as otherwise provided in this division, if the 8149
amount of the drug involved equals or exceeds fifty unit doses 8150
but is less than one hundred unit doses or equals or exceeds 8151
five grams but is less than ten grams, trafficking in heroin is 8152
a felony of the third degree, and there is a presumption for a 8153
prison term for the offense. If the amount of the drug involved 8154
is within that range and if the offense was committed in the 8155
vicinity of a school or in the vicinity of a juvenile, 8156
trafficking in heroin is a felony of the second degree, and 8157
there is a presumption for a prison term for the offense. 8158

(e) Except as otherwise provided in this division, if the 8159
amount of the drug involved equals or exceeds one hundred unit 8160
doses but is less than five hundred unit doses or equals or 8161
exceeds ten grams but is less than fifty grams, trafficking in 8162

heroin is a felony of the second degree, and the court shall 8163
impose as a mandatory prison term one of the prison terms 8164
prescribed for a felony of the second degree. If the amount of 8165
the drug involved is within that range and if the offense was 8166
committed in the vicinity of a school or in the vicinity of a 8167
juvenile, trafficking in heroin is a felony of the first degree, 8168
and the court shall impose as a mandatory prison term one of the 8169
prison terms prescribed for a felony of the first degree. 8170

(f) If the amount of the drug involved equals or exceeds 8171
five hundred unit doses but is less than one thousand unit doses 8172
or equals or exceeds fifty grams but is less than one hundred 8173
grams and regardless of whether the offense was committed in the 8174
vicinity of a school or in the vicinity of a juvenile, 8175
trafficking in heroin is a felony of the first degree, and the 8176
court shall impose as a mandatory prison term one of the prison 8177
terms prescribed for a felony of the first degree. 8178

(g) If the amount of the drug involved equals or exceeds 8179
one thousand unit doses or equals or exceeds one hundred grams 8180
and regardless of whether the offense was committed in the 8181
vicinity of a school or in the vicinity of a juvenile, 8182
trafficking in heroin is a felony of the first degree, the 8183
offender is a major drug offender, and the court shall impose as 8184
a mandatory prison term the maximum prison term prescribed for a 8185
felony of the first degree. 8186

(7) If the drug involved in the violation is hashish or a 8187
compound, mixture, preparation, or substance containing hashish, 8188
whoever violates division (A) of this section is guilty of 8189
trafficking in hashish. The penalty for the offense shall be 8190
determined as follows: 8191

(a) Except as otherwise provided in division (C) (7) (b), 8192

(c), (d), (e), (f), or (g) of this section, trafficking in 8193
hashish is a felony of the fifth degree, and division (B) of 8194
section 2929.13 of the Revised Code applies in determining 8195
whether to impose a prison term on the offender. 8196

(b) Except as otherwise provided in division (C) (7) (c), 8197
(d), (e), (f), or (g) of this section, if the offense was 8198
committed in the vicinity of a school or in the vicinity of a 8199
juvenile, trafficking in hashish is a felony of the fourth 8200
degree, and division (B) of section 2929.13 of the Revised Code 8201
applies in determining whether to impose a prison term on the 8202
offender. 8203

(c) Except as otherwise provided in this division, if the 8204
amount of the drug involved equals or exceeds ten grams but is 8205
less than fifty grams of hashish in a solid form or equals or 8206
exceeds two grams but is less than ten grams of hashish in a 8207
liquid concentrate, liquid extract, or liquid distillate form, 8208
trafficking in hashish is a felony of the fourth degree, and 8209
division (B) of section 2929.13 of the Revised Code applies in 8210
determining whether to impose a prison term on the offender. If 8211
the amount of the drug involved is within that range and if the 8212
offense was committed in the vicinity of a school or in the 8213
vicinity of a juvenile, trafficking in hashish is a felony of 8214
the third degree, and division (C) of section 2929.13 of the 8215
Revised Code applies in determining whether to impose a prison 8216
term on the offender. 8217

(d) Except as otherwise provided in this division, if the 8218
amount of the drug involved equals or exceeds fifty grams but is 8219
less than two hundred fifty grams of hashish in a solid form or 8220
equals or exceeds ten grams but is less than fifty grams of 8221
hashish in a liquid concentrate, liquid extract, or liquid 8222

distillate form, trafficking in hashish is a felony of the third 8223
degree, and division (C) of section 2929.13 of the Revised Code 8224
applies in determining whether to impose a prison term on the 8225
offender. If the amount of the drug involved is within that 8226
range and if the offense was committed in the vicinity of a 8227
school or in the vicinity of a juvenile, trafficking in hashish 8228
is a felony of the second degree, and there is a presumption 8229
that a prison term shall be imposed for the offense. 8230

(e) Except as otherwise provided in this division, if the 8231
amount of the drug involved equals or exceeds two hundred fifty 8232
grams but is less than one thousand grams of hashish in a solid 8233
form or equals or exceeds fifty grams but is less than two 8234
hundred grams of hashish in a liquid concentrate, liquid 8235
extract, or liquid distillate form, trafficking in hashish is a 8236
felony of the third degree, and there is a presumption that a 8237
prison term shall be imposed for the offense. If the amount of 8238
the drug involved is within that range and if the offense was 8239
committed in the vicinity of a school or in the vicinity of a 8240
juvenile, trafficking in hashish is a felony of the second 8241
degree, and there is a presumption that a prison term shall be 8242
imposed for the offense. 8243

(f) Except as otherwise provided in this division, if the 8244
amount of the drug involved equals or exceeds one thousand grams 8245
but is less than two thousand grams of hashish in a solid form 8246
or equals or exceeds two hundred grams but is less than four 8247
hundred grams of hashish in a liquid concentrate, liquid 8248
extract, or liquid distillate form, trafficking in hashish is a 8249
felony of the second degree, and the court shall impose a 8250
mandatory prison term of five, six, seven, or eight years. If 8251
the amount of the drug involved is within that range and if the 8252
offense was committed in the vicinity of a school or in the 8253

vicinity of a juvenile, trafficking in hashish is a felony of 8254
the first degree, and the court shall impose as a mandatory 8255
prison term the maximum prison term prescribed for a felony of 8256
the first degree. 8257

(g) Except as otherwise provided in this division, if the 8258
amount of the drug involved equals or exceeds two thousand grams 8259
of hashish in a solid form or equals or exceeds four hundred 8260
grams of hashish in a liquid concentrate, liquid extract, or 8261
liquid distillate form, trafficking in hashish is a felony of 8262
the second degree, and the court shall impose as a mandatory 8263
prison term the maximum prison term prescribed for a felony of 8264
the second degree. If the amount of the drug involved equals or 8265
exceeds two thousand grams of hashish in a solid form or equals 8266
or exceeds four hundred grams of hashish in a liquid 8267
concentrate, liquid extract, or liquid distillate form and if 8268
the offense was committed in the vicinity of a school or in the 8269
vicinity of a juvenile, trafficking in hashish is a felony of 8270
the first degree, and the court shall impose as a mandatory 8271
prison term the maximum prison term prescribed for a felony of 8272
the first degree. 8273

(8) If the drug involved in the violation is a controlled 8274
substance analog or compound, mixture, preparation, or substance 8275
that contains a controlled substance analog, whoever violates 8276
division (A) of this section is guilty of trafficking in a 8277
controlled substance analog. The penalty for the offense shall 8278
be determined as follows: 8279

(a) Except as otherwise provided in division (C) (8) (b), 8280
(c), (d), (e), (f), or (g) of this section, trafficking in a 8281
controlled substance analog is a felony of the fifth degree, and 8282
division (C) of section 2929.13 of the Revised Code applies in 8283

determining whether to impose a prison term on the offender. 8284

(b) Except as otherwise provided in division (C) (8) (c), 8285
(d), (e), (f), or (g) of this section, if the offense was 8286
committed in the vicinity of a school or in the vicinity of a 8287
juvenile, trafficking in a controlled substance analog is a 8288
felony of the fourth degree, and division (C) of section 2929.13 8289
of the Revised Code applies in determining whether to impose a 8290
prison term on the offender. 8291

(c) Except as otherwise provided in this division, if the 8292
amount of the drug involved equals or exceeds ten grams but is 8293
less than twenty grams, trafficking in a controlled substance 8294
analog is a felony of the fourth degree, and division (B) of 8295
section 2929.13 of the Revised Code applies in determining 8296
whether to impose a prison term for the offense. If the amount 8297
of the drug involved is within that range and if the offense was 8298
committed in the vicinity of a school or in the vicinity of a 8299
juvenile, trafficking in a controlled substance analog is a 8300
felony of the third degree, and there is a presumption for a 8301
prison term for the offense. 8302

(d) Except as otherwise provided in this division, if the 8303
amount of the drug involved equals or exceeds twenty grams but 8304
is less than thirty grams, trafficking in a controlled substance 8305
analog is a felony of the third degree, and there is a 8306
presumption for a prison term for the offense. If the amount of 8307
the drug involved is within that range and if the offense was 8308
committed in the vicinity of a school or in the vicinity of a 8309
juvenile, trafficking in a controlled substance analog is a 8310
felony of the second degree, and there is a presumption for a 8311
prison term for the offense. 8312

(e) Except as otherwise provided in this division, if the 8313

amount of the drug involved equals or exceeds thirty grams but 8314
is less than forty grams, trafficking in a controlled substance 8315
analog is a felony of the second degree, and the court shall 8316
impose as a mandatory prison term one of the prison terms 8317
prescribed for a felony of the second degree. If the amount of 8318
the drug involved is within that range and if the offense was 8319
committed in the vicinity of a school or in the vicinity of a 8320
juvenile, trafficking in a controlled substance analog is a 8321
felony of the first degree, and the court shall impose as a 8322
mandatory prison term one of the prison terms prescribed for a 8323
felony of the first degree. 8324

(f) If the amount of the drug involved equals or exceeds 8325
forty grams but is less than fifty grams and regardless of 8326
whether the offense was committed in the vicinity of a school or 8327
in the vicinity of a juvenile, trafficking in a controlled 8328
substance analog is a felony of the first degree, and the court 8329
shall impose as a mandatory prison term one of the prison terms 8330
prescribed for a felony of the first degree. 8331

(g) If the amount of the drug involved equals or exceeds 8332
fifty grams and regardless of whether the offense was committed 8333
in the vicinity of a school or in the vicinity of a juvenile, 8334
trafficking in a controlled substance analog is a felony of the 8335
first degree, the offender is a major drug offender, and the 8336
court shall impose as a mandatory prison term the maximum prison 8337
term prescribed for a felony of the first degree. 8338

(9) If the drug involved in the violation is a fentanyl- 8339
related compound or a compound, mixture, preparation, or 8340
substance containing a fentanyl-related compound and division 8341
(C) (10) (a) of this section does not apply to the drug involved, 8342
whoever violates division (A) of this section is guilty of 8343

trafficking in a fentanyl-related compound. The penalty for the 8344
offense shall be determined as follows: 8345

(a) Except as otherwise provided in division (C) (9) (b), 8346
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 8347
a fentanyl-related compound is a felony of the fifth degree, and 8348
division (B) of section 2929.13 of the Revised Code applies in 8349
determining whether to impose a prison term on the offender. 8350

(b) Except as otherwise provided in division (C) (9) (c), 8351
(d), (e), (f), (g), or (h) of this section, if the offense was 8352
committed in the vicinity of a school or in the vicinity of a 8353
juvenile, trafficking in a fentanyl-related compound is a felony 8354
of the fourth degree, and division (C) of section 2929.13 of the 8355
Revised Code applies in determining whether to impose a prison 8356
term on the offender. 8357

(c) Except as otherwise provided in this division, if the 8358
amount of the drug involved equals or exceeds ten unit doses but 8359
is less than fifty unit doses or equals or exceeds one gram but 8360
is less than five grams, trafficking in a fentanyl-related 8361
compound is a felony of the fourth degree, and division (B) of 8362
section 2929.13 of the Revised Code applies in determining 8363
whether to impose a prison term for the offense. If the amount 8364
of the drug involved is within that range and if the offense was 8365
committed in the vicinity of a school or in the vicinity of a 8366
juvenile, trafficking in a fentanyl-related compound is a felony 8367
of the third degree, and there is a presumption for a prison 8368
term for the offense. 8369

(d) Except as otherwise provided in this division, if the 8370
amount of the drug involved equals or exceeds fifty unit doses 8371
but is less than one hundred unit doses or equals or exceeds 8372
five grams but is less than ten grams, trafficking in a 8373

fentanyl-related compound is a felony of the third degree, and 8374
there is a presumption for a prison term for the offense. If the 8375
amount of the drug involved is within that range and if the 8376
offense was committed in the vicinity of a school or in the 8377
vicinity of a juvenile, trafficking in a fentanyl-related 8378
compound is a felony of the second degree, and there is a 8379
presumption for a prison term for the offense. 8380

(e) Except as otherwise provided in this division, if the 8381
amount of the drug involved equals or exceeds one hundred unit 8382
doses but is less than two hundred unit doses or equals or 8383
exceeds ten grams but is less than twenty grams, trafficking in 8384
a fentanyl-related compound is a felony of the second degree, 8385
and the court shall impose as a mandatory prison term one of the 8386
prison terms prescribed for a felony of the second degree. If 8387
the amount of the drug involved is within that range and if the 8388
offense was committed in the vicinity of a school or in the 8389
vicinity of a juvenile, trafficking in a fentanyl-related 8390
compound is a felony of the first degree, and the court shall 8391
impose as a mandatory prison term one of the prison terms 8392
prescribed for a felony of the first degree. 8393

(f) If the amount of the drug involved equals or exceeds 8394
two hundred unit doses but is less than five hundred unit doses 8395
or equals or exceeds twenty grams but is less than fifty grams 8396
and regardless of whether the offense was committed in the 8397
vicinity of a school or in the vicinity of a juvenile, 8398
trafficking in a fentanyl-related compound is a felony of the 8399
first degree, and the court shall impose as a mandatory prison 8400
term one of the prison terms prescribed for a felony of the 8401
first degree. 8402

(g) If the amount of the drug involved equals or exceeds 8403

five hundred unit doses but is less than one thousand unit doses 8404
or equals or exceeds fifty grams but is less than one hundred 8405
grams and regardless of whether the offense was committed in the 8406
vicinity of a school or in the vicinity of a juvenile, 8407
trafficking in a fentanyl-related compound is a felony of the 8408
first degree, and the court shall impose as a mandatory prison 8409
term the maximum prison term prescribed for a felony of the 8410
first degree. 8411

(h) If the amount of the drug involved equals or exceeds 8412
one thousand unit doses or equals or exceeds one hundred grams 8413
and regardless of whether the offense was committed in the 8414
vicinity of a school or in the vicinity of a juvenile, 8415
trafficking in a fentanyl-related compound is a felony of the 8416
first degree, the offender is a major drug offender, and the 8417
court shall impose as a mandatory prison term the maximum prison 8418
term prescribed for a felony of the first degree. 8419

(10) If the drug involved in the violation is a compound, 8420
mixture, preparation, or substance that is a combination of a 8421
fentanyl-related compound and marihuana, one of the following 8422
applies: 8423

(a) Except as otherwise provided in division (C) (10) (b) of 8424
this section, the offender is guilty of trafficking in marihuana 8425
and shall be punished under division (C) (3) of this section. The 8426
offender is not guilty of trafficking in a fentanyl-related 8427
compound and shall not be charged with, convicted of, or 8428
punished under division (C) (9) of this section for trafficking 8429
in a fentanyl-related compound. 8430

(b) If the offender knows or has reason to know that the 8431
compound, mixture, preparation, or substance that is the drug 8432
involved contains a fentanyl-related compound, the offender is 8433

guilty of trafficking in a fentanyl-related compound and shall 8434
be punished under division (C) (9) of this section. 8435

(D) In addition to any prison term authorized or required 8436
by division (C) of this section and sections 2929.13 and 2929.14 8437
of the Revised Code, and in addition to any other sanction 8438
imposed for the offense under this section or sections 2929.11 8439
to 2929.18 of the Revised Code, the court that sentences an 8440
offender who is convicted of or pleads guilty to a violation of 8441
division (A) of this section may suspend the driver's or 8442
commercial driver's license or permit of the offender in 8443
accordance with division (G) of this section. However, if the 8444
offender pleaded guilty to or was convicted of a violation of 8445
section 4511.19 of the Revised Code or a substantially similar 8446
municipal ordinance or the law of another state or the United 8447
States arising out of the same set of circumstances as the 8448
violation, the court shall suspend the offender's driver's or 8449
commercial driver's license or permit in accordance with 8450
division (G) of this section. If applicable, the court also 8451
shall do the following: 8452

(1) If the violation of division (A) of this section is a 8453
felony of the first, second, or third degree, the court shall 8454
impose upon the offender the mandatory fine specified for the 8455
offense under division (B) (1) of section 2929.18 of the Revised 8456
Code unless, as specified in that division, the court determines 8457
that the offender is indigent. Except as otherwise provided in 8458
division (H) (1) of this section, a mandatory fine or any other 8459
fine imposed for a violation of this section is subject to 8460
division (F) of this section. If a person is charged with a 8461
violation of this section that is a felony of the first, second, 8462
or third degree, posts bail, and forfeits the bail, the clerk of 8463
the court shall pay the forfeited bail pursuant to divisions (D) 8464

(1) and (F) of this section, as if the forfeited bail was a fine 8465
imposed for a violation of this section. If any amount of the 8466
forfeited bail remains after that payment and if a fine is 8467
imposed under division (H) (1) of this section, the clerk of the 8468
court shall pay the remaining amount of the forfeited bail 8469
pursuant to divisions (H) (2) and (3) of this section, as if that 8470
remaining amount was a fine imposed under division (H) (1) of 8471
this section. 8472

(2) If the offender is a professionally licensed person, 8473
the court immediately shall comply with section 2925.38 of the 8474
Revised Code. 8475

(E) When a person is charged with the sale of or offer to 8476
sell a bulk amount or a multiple of a bulk amount of a 8477
controlled substance, the jury, or the court trying the accused, 8478
shall determine the amount of the controlled substance involved 8479
at the time of the offense and, if a guilty verdict is returned, 8480
shall return the findings as part of the verdict. In any such 8481
case, it is unnecessary to find and return the exact amount of 8482
the controlled substance involved, and it is sufficient if the 8483
finding and return is to the effect that the amount of the 8484
controlled substance involved is the requisite amount, or that 8485
the amount of the controlled substance involved is less than the 8486
requisite amount. 8487

(F) (1) Notwithstanding any contrary provision of section 8488
3719.21 of the Revised Code and except as provided in division 8489
(H) of this section, the clerk of the court shall pay any 8490
mandatory fine imposed pursuant to division (D) (1) of this 8491
section and any fine other than a mandatory fine that is imposed 8492
for a violation of this section pursuant to division (A) or (B) 8493
(5) of section 2929.18 of the Revised Code to the county, 8494

township, municipal corporation, park district, as created 8495
pursuant to section 511.18 or 1545.04 of the Revised Code, or 8496
state law enforcement agencies in this state that primarily were 8497
responsible for or involved in making the arrest of, and in 8498
prosecuting, the offender. However, the clerk shall not pay a 8499
mandatory fine so imposed to a law enforcement agency unless the 8500
agency has adopted a written internal control policy under 8501
division (F) (2) of this section that addresses the use of the 8502
fine moneys that it receives. Each agency shall use the 8503
mandatory fines so paid to subsidize the agency's law 8504
enforcement efforts that pertain to drug offenses, in accordance 8505
with the written internal control policy adopted by the 8506
recipient agency under division (F) (2) of this section. 8507

(2) Prior to receiving any fine moneys under division (F) 8508
(1) of this section or division (B) of section 2925.42 of the 8509
Revised Code, a law enforcement agency shall adopt a written 8510
internal control policy that addresses the agency's use and 8511
disposition of all fine moneys so received and that provides for 8512
the keeping of detailed financial records of the receipts of 8513
those fine moneys, the general types of expenditures made out of 8514
those fine moneys, and the specific amount of each general type 8515
of expenditure. The policy shall not provide for or permit the 8516
identification of any specific expenditure that is made in an 8517
ongoing investigation. All financial records of the receipts of 8518
those fine moneys, the general types of expenditures made out of 8519
those fine moneys, and the specific amount of each general type 8520
of expenditure by an agency are public records open for 8521
inspection under section 149.43 of the Revised Code. 8522
Additionally, a written internal control policy adopted under 8523
this division is such a public record, and the agency that 8524
adopted it shall comply with it. 8525

(3) As used in division (F) of this section: 8526

(a) "Law enforcement agencies" includes, but is not 8527
limited to, the state board of pharmacy and the office of a 8528
prosecutor. 8529

(b) "Prosecutor" has the same meaning as in section 8530
2935.01 of the Revised Code. 8531

(G) (1) If the sentencing court suspends the offender's 8532
driver's or commercial driver's license or permit under division 8533
(D) of this section or any other provision of this chapter, the 8534
court shall suspend the license, by order, for not more than 8535
five years. If an offender's driver's or commercial driver's 8536
license or permit is suspended pursuant to this division, the 8537
offender, at any time after the expiration of two years from the 8538
day on which the offender's sentence was imposed or from the day 8539
on which the offender finally was released from a prison term 8540
under the sentence, whichever is later, may file a motion with 8541
the sentencing court requesting termination of the suspension; 8542
upon the filing of such a motion and the court's finding of good 8543
cause for the termination, the court may terminate the 8544
suspension. 8545

(2) Any offender who received a mandatory suspension of 8546
the offender's driver's or commercial driver's license or permit 8547
under this section prior to September 13, 2016, may file a 8548
motion with the sentencing court requesting the termination of 8549
the suspension. However, an offender who pleaded guilty to or 8550
was convicted of a violation of section 4511.19 of the Revised 8551
Code or a substantially similar municipal ordinance or law of 8552
another state or the United States that arose out of the same 8553
set of circumstances as the violation for which the offender's 8554
license or permit was suspended under this section shall not 8555

file such a motion. 8556

Upon the filing of a motion under division (G) (2) of this 8557
section, the sentencing court, in its discretion, may terminate 8558
the suspension. 8559

(H) (1) In addition to any prison term authorized or 8560
required by division (C) of this section and sections 2929.13 8561
and 2929.14 of the Revised Code, in addition to any other 8562
penalty or sanction imposed for the offense under this section 8563
or sections 2929.11 to 2929.18 of the Revised Code, and in 8564
addition to the forfeiture of property in connection with the 8565
offense as prescribed in Chapter 2981. of the Revised Code, the 8566
court that sentences an offender who is convicted of or pleads 8567
guilty to a violation of division (A) of this section may impose 8568
upon the offender an additional fine specified for the offense 8569
in division (B) (4) of section 2929.18 of the Revised Code. A 8570
fine imposed under division (H) (1) of this section is not 8571
subject to division (F) of this section and shall be used solely 8572
for the support of one or more eligible community addiction 8573
services providers in accordance with divisions (H) (2) and (3) 8574
of this section. 8575

(2) The court that imposes a fine under division (H) (1) of 8576
this section shall specify in the judgment that imposes the fine 8577
one or more eligible community addiction services providers for 8578
the support of which the fine money is to be used. No community 8579
addiction services provider shall receive or use money paid or 8580
collected in satisfaction of a fine imposed under division (H) 8581
(1) of this section unless the services provider is specified in 8582
the judgment that imposes the fine. No community addiction 8583
services provider shall be specified in the judgment unless the 8584
services provider is an eligible community addiction services 8585

provider and, except as otherwise provided in division (H) (2) of 8586
this section, unless the services provider is located in the 8587
county in which the court that imposes the fine is located or in 8588
a county that is immediately contiguous to the county in which 8589
that court is located. If no eligible community addiction 8590
services provider is located in any of those counties, the 8591
judgment may specify an eligible community addiction services 8592
provider that is located anywhere within this state. 8593

(3) Notwithstanding any contrary provision of section 8594
3719.21 of the Revised Code, the clerk of the court shall pay 8595
any fine imposed under division (H) (1) of this section to the 8596
eligible community addiction services provider specified 8597
pursuant to division (H) (2) of this section in the judgment. The 8598
eligible community addiction services provider that receives the 8599
fine moneys shall use the moneys only for the alcohol and drug 8600
addiction services identified in the application for 8601
certification of services under section 5119.36 of the Revised 8602
Code or in the application for a license under section 5119.37 8603
of the Revised Code filed with the department of mental health 8604
and addiction services by the community addiction services 8605
provider specified in the judgment. 8606

(4) Each community addiction services provider that 8607
receives in a calendar year any fine moneys under division (H) 8608
(3) of this section shall file an annual report covering that 8609
calendar year with the court of common pleas and the board of 8610
county commissioners of the county in which the services 8611
provider is located, with the court of common pleas and the 8612
board of county commissioners of each county from which the 8613
services provider received the moneys if that county is 8614
different from the county in which the services provider is 8615
located, and with the attorney general. The community addiction 8616

services provider shall file the report no later than the first 8617
day of March in the calendar year following the calendar year in 8618
which the services provider received the fine moneys. The report 8619
shall include statistics on the number of persons served by the 8620
community addiction services provider, identify the types of 8621
alcohol and drug addiction services provided to those persons, 8622
and include a specific accounting of the purposes for which the 8623
fine moneys received were used. No information contained in the 8624
report shall identify, or enable a person to determine the 8625
identity of, any person served by the community addiction 8626
services provider. Each report received by a court of common 8627
pleas, a board of county commissioners, or the attorney general 8628
is a public record open for inspection under section 149.43 of 8629
the Revised Code. 8630

(5) As used in divisions (H) (1) to (5) of this section: 8631

(a) "Community addiction services provider" and "alcohol 8632
and drug addiction services" have the same meanings as in 8633
section 5119.01 of the Revised Code. 8634

(b) "Eligible community addiction services provider" means 8635
a community addiction services provider, including a community 8636
addiction services provider that operates an opioid treatment 8637
program licensed under section 5119.37 of the Revised Code. 8638

(I) As used in this section, "drug" includes any substance 8639
that is represented to be a drug. 8640

(J) It is an affirmative defense to a charge of 8641
trafficking in a controlled substance analog under division (C) 8642
(8) of this section that the person charged with violating that 8643
offense sold or offered to sell, or prepared for shipment, 8644
shipped, transported, delivered, prepared for distribution, or 8645

distributed ~~an item described in division (III) (2) (a), (b), or~~ 8646
~~(c) of one of the following items that are excluded from the~~ 8647
meaning of "controlled substance analog" under section 3719.01 8648
of the Revised Code; 8649

(1) A controlled substance; 8650

(2) Any substance for which there is an approved new drug 8651
application; 8652

(3) With respect to a particular person, any substance if 8653
an exemption is in effect for investigational use for that 8654
person pursuant to federal law to the extent that conduct with 8655
respect to that substance is pursuant to that exemption. 8656

Section 4. That the existing version of section 2925.03 of 8657
the Revised Code that is scheduled to take effect June 29, 2019, 8658
is hereby repealed. 8659

Section 5. Sections 3 and 4 of this act take effect June 8660
29, 2019. 8661

Section 6. That section 3719.41 of the Revised Code be 8662
amended to read as follows: 8663

Sec. 3719.41. ~~Controlled substance schedules I, II, III,~~ 8664
~~IV, and V are hereby established, which schedules include the~~ 8665
~~following, subject to amendment pursuant to section 3719.43 or~~ 8666
~~3719.44 of the Revised Code.~~ 8667

~~SCHEDULE I~~ 8668

~~(A) Narcotics opiates~~ 8669

~~Any of the following opiates, including their isomers,~~ 8670
~~esters, ethers, salts, and salts of isomers, esters, and ethers,~~ 8671
~~unless specifically excepted under federal drug abuse control~~ 8672

~~laws, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation;~~ 8673
8674

~~(1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);~~ 8675
8676

~~(2) Acetylmethadol;~~ 8677

~~(3) Allylprodine;~~ 8678

~~(4) Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);~~ 8679
8680
8681

~~(5) Alphameprodine;~~ 8682

~~(6) Alphamethadol;~~ 8683

~~(7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]-propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);~~ 8684
8685
8686

~~(8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);~~ 8687
8688

~~(9) Benzethidine;~~ 8689

~~(10) Betacetylmethadol;~~ 8690

~~(11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N-phenylpropanamide);~~ 8691
8692

~~(12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);~~ 8693
8694
8695

~~(13) Betameprodine;~~ 8696

~~(14) Betamethadol;~~ 8697

(15) Betaprodine;	8698
(16) Clonitazene;	8699
(17) Dextromoramide;	8700
(18) Diampromide;	8701
(19) Diethylthiambutene;	8702
(20) Difenoquin;	8703
(21) Dimenoxadol;	8704
(22) Dimepheptanol;	8705
(23) Dimethylthiambutene;	8706
(24) Dioxaphetyl butyrate;	8707
(25) Dipipanone;	8708
(26) Ethylmethylthiambutene;	8709
(27) Etonitazene;	8710
(28) Etoperidone;	8711
(29) Furethidine;	8712
(30) Hydroxypethidine;	8713
(31) Ketobemidone;	8714
(32) Levomoramide;	8715
(33) Levophenacetylmorphan;	8716
(34) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);	8717
(35) 3-methylthiofentanyl (N-[3-methyl-1-(2-(thienyl)ethyl)-4-piperidinyl]-N-phenylpropanamide);	8718
	8719
	8720

(36) Morpheridine,	8721
(37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine),	8722
(38) Noracymethadol,	8723
(39) Norlevorphanol,	8724
(40) Normethadone,	8725
(41) Norpipanone,	8726
(42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide,	8727
	8728
(43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine,	8729
(44) Phenadoxone,	8730
(45) Phenampromide,	8731
(46) Phenomorphan,	8732
(47) Phenoperidine,	8733
(48) Piritramide,	8734
(49) Proheptazine,	8735
(50) Properidine,	8736
(51) Propiram,	8737
(52) Racemoramide,	8738
(53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]propanamide,	8739
	8740
(54) Tilidine,	8741
(55) Trimeperidine,	8742
(56) Except as otherwise provided in this section, any	8743

~~compound that meets all of the following fentanyl pharmacophore- 8744~~
~~requirements to bind at the mu receptor, as identified by a 8745~~
~~report from an established forensic laboratory. 8746~~

~~(a) A chemical scaffold consisting of both of the 8747~~
~~following. 8748~~

~~(i) A five, six, or seven member ring structure containing 8749~~
~~a nitrogen, whether or not further substituted, 8750~~

~~(ii) An attached nitrogen to the ring, whether or not that 8751~~
~~nitrogen is enclosed in a ring structure, including an attached 8752~~
~~aromatic ring or other lipophilic group to that nitrogen; 8753~~

~~(b) A polar functional group attached to the chemical 8754~~
~~scaffold, including but not limited to, a hydroxyl, ketone, 8755~~
~~amide, or ester; 8756~~

~~(c) An alkyl or aryl substitution off the ring nitrogen of 8757~~
~~the chemical scaffold; and 8758~~

~~(d) The compound has not been approved for medical use by 8759~~
~~the United States food and drug administration. 8760~~

~~(B) Narcotics opium derivatives 8761~~

~~Any of the following opium derivatives, including their 8762~~
~~salts, isomers, and salts of isomers, unless specifically 8763~~
~~excepted under federal drug abuse control laws, whenever the 8764~~
~~existence of these salts, isomers, and salts of isomers is 8765~~
~~possible within the specific chemical designation. 8766~~

~~(1) Acetorphine; 8767~~

~~(2) Acetyldihydrocodeine; 8768~~

~~(3) Benzylmorphine; 8769~~

~~(4) Codeine methylbromide; 8770~~

(5) Codeine n-oxide;	8771
(6) Cyprenorphine;	8772
(7) Desomorphine;	8773
(8) Dihydromorphine;	8774
(9) Drotebanol;	8775
(10) Etorphine (except hydrochloride salt);	8776
(11) Heroin;	8777
(12) Hydromorphenol;	8778
(13) Methyldesorphine;	8779
(14) Methyldihydromorphine;	8780
(15) Morphine methylbromide;	8781
(16) Morphine methylsulfonate;	8782
(17) Morphine n-oxide;	8783
(18) Myrophine;	8784
(19) Nicocodeine;	8785
(20) Nicomorphine;	8786
(21) Normorphine;	8787
(22) Pholcodine;	8788
(23) Thebacon.	8789
(C) Hallucinogens	8790
Any material, compound, mixture, or preparation that	8791
contains any quantity of the following hallucinogenic	8792
substances, including their salts, isomers, and salts of	8793

~~isomers, unless specifically excepted under federal drug abuse control laws, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation. For the purposes of this division only, "isomer" includes the optical isomers, position isomers, and geometric isomers.~~

~~(1) Alpha-ethyltryptamine (some trade or other names: etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)-indole; alpha-ET; and AET);~~

~~(2) 4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA);~~

~~(3) 4-bromo-2,5-dimethoxyphenethylamine (some trade or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB; 2C-B, Nexus);~~

~~(4) 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);~~

~~(5) 2,5-dimethoxy-4-ethylamphetamine (some trade or other names: DOET);~~

~~(6) 4-methoxyamphetamine (some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA);~~

~~(7) 5-methoxy-3,4-methylenedioxy-amphetamine;~~

~~(8) 4-methyl-2,5-dimethoxy-amphetamine (some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM" and "STP");~~

~~(9) 3,4-methylenedioxy-amphetamine (MDA);~~

- ~~(10) 3,4-methylenedioxymethamphetamine (MDMA);~~ 8821
- ~~(11) 3,4-methylenedioxy-N-ethylamphetamine (also known as~~ 8822
~~N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl-~~ 8823
~~MDA, MDE, MDEA);~~ 8824
- ~~(12) N-hydroxy-3,4-methylenedioxyamphetamine (also known-~~ 8825
~~as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine and~~ 8826
~~N-hydroxy MDA);~~ 8827
- ~~(13) 3,4,5-trimethoxy amphetamine;~~ 8828
- ~~(14) Bufotenine (some trade or other names: 3-(beta-~~ 8829
~~dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-~~ 8830
~~indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-~~ 8831
~~dimethyltryptamine; mappine);~~ 8832
- ~~(15) Diethyltryptamine (some trade or other names: N, N-~~ 8833
~~diethyltryptamine; DET);~~ 8834
- ~~(16) Dimethyltryptamine (some trade or other names: DMT);~~ 8835
- ~~(17) Ibogaine (some trade or other names: 7-ethyl-~~ 8836
~~6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-~~ 8837
~~pyrido[1',2':1,2]-azepino-[5,4-b]indole; tabernanthe iboga);~~ 8838
- ~~(18) Lysergic acid diethylamide;~~ 8839
- ~~(19) Marihuana;~~ 8840
- ~~(20) Mescaline;~~ 8841
- ~~(21) Parahexyl (some trade or other names: 3-hexyl-1-~~ 8842
~~hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-~~ 8843
~~dibenzo[b,d]pyran; synhexyl);~~ 8844
- ~~(22) Peyote (meaning all parts of the plant presently~~ 8845
~~classified botanically as "Lophophora williamsii Lemaire,"~~ 8846
~~whether growing or not, the seeds of that plant, any extract-~~ 8847

~~from any part of that plant, and every compound, manufacture, salts, derivative, mixture, or preparation of that plant, its seeds, or its extracts);~~ 8848
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~~(23) N-ethyl-3-piperidyl benzilate;~~ 8851

~~(24) N-methyl-3-piperidyl benzilate;~~ 8852

~~(25) Psilocybin;~~ 8853

~~(26) Psilocyn;~~ 8854

~~(27) Tetrahydrocannabinols (synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: delta-1-cis or trans tetrahydrocannabinol, and their optical isomers; delta-6-cis or trans tetrahydrocannabinol, and their optical isomers; delta-3,4-cis or trans tetrahydrocannabinol, and its optical isomers. (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions, are covered.));~~ 8855
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~~(28) Ethylamine analog of phenacyclidine (some trade or other names: N-ethyl-1-phenylecyclohexylamine; (1-phenylecyclohexyl)ethylamine; N-(1-phenylecyclohexyl)ethylamine; cyclohexamine; PCE);~~ 8867
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8869
8870

~~(29) Pyrrolidine analog of phenacyclidine (some trade or other names: 1-(1-phenylecyclohexyl)pyrrolidine; PCPy; PHP);~~ 8871
8872

~~(30) Thiophene analog of phenacyclidine (some trade or other names: 1-[1-(2-thienyl)cyclohexyl]piperidine; 2-thienyl analog of phenacyclidine; TPCP; TCP);~~ 8873
8874
8875

(31) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;	8876
(32) Hashish;	8877
(33) Salvia divinorum;	8878
(34) Salvinorin A;	8879
(35) (1-pentylindol-3-yl)-(2,2,3,3-	8880
tetramethylcyclopropyl)methanone (UR-144);	8881
(36) 1-pentyl-3-(1-adamantoyl)indole (AB-001);	8882
(37) N-adamantyl-1-pentylindole-3-carboxamide;	8883
(38) N-adamantyl-1-pentylindazole-3-carboxamide (AKB48);	8884
(39) 2-ethylamino-2-(3-methoxyphenyl)cyclohexanone-	8885
(methoxetamine);	8886
(40) N,N-diallyl-5-methoxytryptamine (5MeO-DALT);	8887
(41) [1-(5-fluoropentylindol-3-yl)]-(2,2,3,3-	8888
tetramethylcyclopropyl)methanone (5-fluoropentyl-UR-144; XLR11);	8889
(42) [1-(5-chloropentylindol-3-yl)]-(2,2,3,3-	8890
tetramethylcyclopropyl)methanone (5-chloropentyl-UR-144);	8891
(43) [1-(5-bromopentylindol-3-yl)]-(2,2,3,3-	8892
tetramethylcyclopropyl)methanone (5-bromopentyl-UR-144);	8893
(44) [1-[2-(4-morpholinyl)ethyl]indol-3-yl]-(2,2,3,3-	8894
tetramethylcyclopropyl)methanone (A-796,260);	8895
(45) 1-[(N-methylpiperidin-2-yl)methyl]-3-(1-	8896
adamantoyl)indole (AM1248);	8897
(46) N-adamantyl-1-(5-fluoropentylindole)-3-carboxamide;	8898
(47) 5-(2-aminopropyl)benzofuran (5-APB);	8899

(48) 6-(2-aminopropyl)benzofuran (6-APB);	8900
(49) 5-(2-aminopropyl)-2,3-dihydrobenzofuran (5-APDB);	8901
(50) 6-(2-aminopropyl)-2,3-dihydrobenzofuran (6-APDB);	8902
(51) Benzothiophenyleyclohexylpiperidine (BTCP);	8903
(52) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);	8904
(53) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);	8905
(54) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);	8906
(55) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);	8907
(56) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-	8908
T-2);	8909
(57) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine-	8910
(2C-T-4);	8911
(58) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);	8912
(59) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);	8913
(60) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-	8914
P);	8915
(61) 4-methoxymethamphetamine (PMMA);	8916
(62) 5,6-Methylenedioxy-2-aminoindane (MDAI);	8917
(63) 5-iodo-2-aminoindane (5-IAI);	8918
(64) 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-	8919
methoxyphenyl)methyl]ethanamine (25I-NBOMe);	8920
(65) Diphenylprolinol (diphenyl(pyrrolidin-2-yl)methanol,	8921
D2PM);	8922
(66) Desoxypipradrol (2-benzhydrylpiperidine);	8923

~~(67) Synthetic cannabinoids—unless specifically excepted—~~ 8924
~~or unless listed in another schedule, any material, compound,~~ 8925
~~mixture, or preparation that contains any quantity of a~~ 8926
~~synthetic cannabinoid found to be in any of the following~~ 8927
~~chemical groups or any of those groups which contain any~~ 8928
~~synthetic cannabinoid salts, isomers, or salts of isomers,~~ 8929
~~whenever the existence of such salts, isomers, or salts of~~ 8930
~~isomers is possible within the specific chemical groups:~~ 8931

~~(a) Naphthoylindoles: any compound containing a 3-(1-~~ 8932
~~naphthoyl)indole structure with or without substitution at the~~ 8933
~~nitrogen atom of the indole ring by an alkyl, haloalkyl,~~ 8934
~~alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-~~ 8935
~~2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl,~~ 8936
~~(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl,~~ 8937
~~or 2-(4-morpholinyl)ethyl group, whether or not further~~ 8938
~~substituted on the indole ring to any extent or whether or not~~ 8939
~~substituted on the naphthyl group to any extent.~~ 8940
~~Naphthoylindoles include, but are not limited to, 1-[2-(4-~~ 8941
~~morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); 1-(5-~~ 8942
~~fluoropentyl)-3-(1-naphthoyl)indole (AM2201), 1-pentyl-3-(1-~~ 8943
~~naphthoyl)indole (JWH-018), and 1-butyl-3-(1-naphthoyl)indole~~ 8944
~~(JWH-073).~~ 8945

~~(b) Naphthylmethylinindoles: any compound containing a 1H-~~ 8946
~~indol-3-yl-(1-naphthyl)methane structure with or without~~ 8947
~~substitution at the nitrogen atom of the indole ring by an~~ 8948
~~alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,~~ 8949
~~(N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-~~ 8950
~~2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-~~ 8951
~~morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or~~ 8952
~~not further substituted on the indole ring to any extent or~~ 8953
~~whether or not substituted on the naphthyl group to any extent.~~ 8954

~~Naphthylmethylindeles include, but are not limited to, (1-pentylindol-3-yl) (1-naphthyl)methane (JWH-175).~~

~~(c) Naphthoylpyrroles: any compound containing a 3-(1-naphthoyl)pyrrole structure with or without substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the pyrrole ring to any extent or whether or not substituted on the naphthyl group to any extent.~~
~~Naphthoylpyrroles include, but are not limited to, 1-hexyl-2-phenyl-4-(1-naphthoyl)pyrrole (JWH-147).~~

~~(d) Naphthylmethylindenes: any compound containing a naphthylmethylenindene structure with or without substitution at the 3 position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indene group to any extent or whether or not substituted on the naphthyl group to any extent.~~
~~Naphthylmethylindenes include, but are not limited to, (1-[(3-pentyl)-1H-inden-1-ylidene)methyl]naphthalene (JWH-176).~~

~~(e) Phenylacetylindeles: any compound containing a 3-phenylacetylindole structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl,~~

~~or 2-(4-morpholinyl)ethyl group, whether or not further~~ 8985
~~substituted on the indole ring to any extent or whether or not~~ 8986
~~substituted on the phenyl group to any extent.~~ 8987

~~Phenylacetylindoles include, but are not limited to, 1-pentyl-3-~~ 8988
~~(2-methoxyphenylacetyl)indole (JWH-250), and 1-(2-~~ 8989
~~cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8); 1-~~ 8990
~~pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).~~ 8991

~~(f) Cyclohexylphenols: any compound containing a 2-(3-~~ 8992
~~hydroxycyclohexyl)phenol structure with or without substitution~~ 8993
~~at the 5-position of the phenolic ring by an alkyl, haloalkyl,~~ 8994
~~alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-~~ 8995
~~2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl,~~ 8996
~~(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl,~~ 8997
~~or 2-(4-morpholinyl)ethyl group, whether or not further~~ 8998
~~substituted on the cyclohexyl group to any extent.~~ 8999
~~Cyclohexylphenols include, but are not limited to, 5-(1,1-~~ 9000
~~dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (some~~ 9001
~~trade or other names: CP-47,497) and 5-(1,1-dimethyloctyl)-2-~~ 9002
~~[(1R,3S)-3-hydroxycyclohexyl]-phenol (some trade or other names:~~ 9003
~~cannabicyclohexanol; CP-47,497 C8 homologue).~~ 9004

~~(g) Benzoylindoles: any compound containing a 3-(1-~~ 9005
~~benzoyl)indole structure with or without substitution at the~~ 9006
~~nitrogen atom of the indole ring by an alkyl, haloalkyl,~~ 9007
~~alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-~~ 9008
~~2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl,~~ 9009
~~(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl-~~ 9010
~~or 2-(4-morpholinyl)ethyl group, whether or not further~~ 9011
~~substituted on the indole ring to any extent or whether or not~~ 9012
~~substituted on the phenyl group to any extent. Benzoylindoles~~ 9013
~~include, but are not limited to, 1-pentyl-3-(4-~~ 9014
~~methoxybenzoyl)indole (RCS-4), 1-[2-(4-morpholinyl)ethyl]-2-~~ 9015

~~methyl 3-(4-methoxybenzoyl)indole (Pravadoline or WIN 48,098).~~ 9016

~~(D) Depressants~~ 9017

~~Any material, compound, mixture, or preparation that~~ 9018
~~contains any quantity of the following substances having a~~ 9019
~~depressant effect on the central nervous system, including their~~ 9020
~~salts, isomers, and salts of isomers, unless specifically~~ 9021
~~excepted under federal drug abuse control laws, whenever the~~ 9022
~~existence of these salts, isomers, and salts of isomers is~~ 9023
~~possible within the specific chemical designation:~~ 9024

~~(1) Mecloqualone;~~ 9025

~~(2) Methaqualone.~~ 9026

~~(E) Stimulants~~ 9027

~~Unless specifically excepted or unless listed in another~~ 9028
~~schedule, any material, compound, mixture, or preparation that~~ 9029
~~contains any quantity of the following substances having a~~ 9030
~~stimulant effect on the central nervous system, including their~~ 9031
~~salts, isomers, and salts of isomers:~~ 9032

~~(1) Aminorex (some other names: aminoxaphen; 2-amino-5-~~ 9033
~~phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine);~~ 9034

~~(2) Fenethylline;~~ 9035

~~(3) (+/-)-cis-4-methylaminorex ((+/-)-cis-4,5-dihydro-4-~~ 9036
~~methyl-5-phenyl-2-oxazolamine);~~ 9037

~~(4) N-ethylamphetamine;~~ 9038

~~(5) N,N-dimethylamphetamine (also known as N,N-alpha-~~ 9039
~~trimethyl-benzenecethanamine; N,N-alpha-trimethylphenethylamine);~~ 9040

~~(6) N-methyl-1-(thiophen-2-yl)propan-2-amine~~ 9041
~~(Methiopropamine);~~ 9042

~~(7) Substituted cathinones—any compound except bupropion— 9043
or compounds listed under a different schedule, structurally 9044
derived from 2-aminopropan-1-one by substitution at the 1- 9045
position with either phenyl, naphthyl, or thiophene ring 9046
systems, whether or not the compound is further modified in any 9047
of the following ways: 9048~~

~~(a) By substitution in the ring system to any extent with 9049
alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide 9050
substituents, whether or not further substituted in the ring 9051
system by one or more other univalent substituents; 9052~~

~~(b) By substitution at the 3-position with an acyclic 9053
alkyl substituent; 9054~~

~~(c) By substitution at the 2-amino nitrogen atom with 9055
alkyl, dialkyl, benzyl, or methoxybenzyl groups; 9056~~

~~(d) By inclusion of the 2-amino nitrogen atom in a cyclic 9057
structure. 9058~~

~~Examples of substituted cathinones include, but are not 9059
limited to, methyldone (3,4-methylenedioxy-methcathinone), MDPV- 9060
(3,4-methylenedioxy-pyrovalerone), mephedrone (4- 9061
methylethcathinone), 4-methoxymethcathinone, 4- 9062
fluoromethcathinone, 3-fluoromethcathinone, Pentadrone (2- 9063
(methylamino)-1-phenyl-1-pentanone), pentylone (1-(1,3- 9064
benzodioxol-5-yl)-2-(methylamino)-1-pentanone), 2-(1- 9065
pyrrolidinyl)-1-(4-methylphenyl)-1-propanone, alpha-PVP (1- 9066
phenyl-2-(1-pyrrolidinyl)-1-pentanone), cathinone (2-amino-1- 9067
phenyl-1-propanone), and methcathinone (2-(methylamino)- 9068
propylphenone). 9069~~

~~SCHEDULE II— 9070~~

~~(A) Narcotics—opium and opium derivatives 9071~~

~~Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:~~ 9072
9073
9074
9075
9076
9077

~~(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, thebaine derived butorphanol, dextrorphan, nalbuphine, nalmeferene, naloxone, and naltrexone, and their respective salts, but including the following:~~ 9078
9079
9080
9081
9082

~~(a) Raw opium;~~ 9083

~~(b) Opium extracts;~~ 9084

~~(c) Opium fluid extracts;~~ 9085

~~(d) Powdered opium;~~ 9086

~~(e) Granulated opium;~~ 9087

~~(f) Tincture of opium;~~ 9088

~~(g) Codeine;~~ 9089

~~(h) Ethylmorphine;~~ 9090

~~(i) Etorphine hydrochloride;~~ 9091

~~(j) Hydrocodone;~~ 9092

~~(k) Hydromorphone;~~ 9093

~~(l) Metopon;~~ 9094

~~(m) Morphine;~~ 9095

~~(n) Oxycodone;~~ 9096

(o) Oxymorphone;	9097
(p) Thebaine.	9098
(2) Any salt, compound, derivative, or preparation thereof	9099
that is chemically equivalent to or identical with any of the	9100
substances referred to in division (A) (1) of this schedule,	9101
except that these substances shall not include the isoquinoline	9102
alkaloids of opium;	9103
(3) Opium poppy and poppy straw;	9104
(4) Coca leaves and any salt, compound, derivative, or	9105
preparation of coca leaves (including cocaine and ecgonine,	9106
their salts, isomers, and derivatives, and salts of those	9107
isomers and derivatives), and any salt, compound, derivative, or	9108
preparation thereof that is chemically equivalent to or	9109
identical with any of these substances, except that the	9110
substances shall not include decocainized coca leaves or	9111
extraction of coca leaves, which extractions do not contain	9112
cocaine or ecgonine;	9113
(5) Concentrate of poppy straw (the crude extract of poppy	9114
straw in either liquid, solid, or powder form that contains the	9115
phenanthrene alkaloids of the opium poppy).	9116
(B) Narcotics opiates	9117
Unless specifically excepted under federal drug abuse	9118
control laws or unless listed in another schedule, any of the	9119
following opiates, including their isomers, esters, ethers,	9120
salts, and salts of isomers, esters, and ethers, whenever the	9121
existence of these isomers, esters, ethers, and salts is	9122
possible within the specific chemical designation, but excluding	9123
dextrorphan and levopropoxyphene.	9124

(1) Alfentanil;	9125
(2) Alphaprodine;	9126
(3) Anileridine;	9127
(4) Bezitramide;	9128
(5) Bulk dextropropoxyphene (non-dosage forms);	9129
(6) Carfentanil;	9130
(7) Dihydrocodeine;	9131
(8) Diphenoxylate;	9132
(9) Fentanyl;	9133
(10) Isomethadone;	9134
(11) Levo-alpha-acetylmethadol (some other names: levo-	9135
alpha-acetylmethadol; levomethadyl acetate; LAAM);	9136
(12) Levomethorphan;	9137
(13) Levorphanol;	9138
(14) Metazocine;	9139
(15) Methadone;	9140
(16) Methadone intermediate, 4-cyano-2-dimethylamino-4,4-	9141
diphenyl butane;	9142
(17) Moramide intermediate, 2-methyl-3-morpholino-1,1-	9143
diphenylpropane-carboxylic acid;	9144
(18) Pethidine (meperidine);	9145
(19) Pethidine intermediate A, 4-cyano-1-methyl-4-	9146
phenylpiperidine;	9147
(20) Pethidine intermediate B, ethyl 4-phenylpiperidine-4-	9148

carboxylate;	9149
(21) Pethidine intermediate-C, 1-methyl-4-	9150
phenylpiperidine-4-carboxylic acid;	9151
(22) Phenazocine;	9152
(23) Piminodine;	9153
(24) Racemethorphan;	9154
(25) Racemorphan;	9155
(26) Remifentanil;	9156
(27) Sufentanil.	9157
(C) Stimulants	9158
Unless specifically excepted under federal drug abuse-	9159
control laws or unless listed in another schedule, any material,	9160
compound, mixture, or preparation that contains any quantity of-	9161
the following substances having a stimulant effect on the-	9162
central nervous system:	9163
(1) Amphetamine, its salts, its optical isomers, and salts-	9164
of its optical isomers;	9165
(2) Methamphetamine, its salts, its isomers, and salts of-	9166
its isomers;	9167
(3) Methylphenidate;	9168
(4) Phenmetrazine and its salts;	9169
(5) Lisdexamfetamine, its salts, isomers, and salts of its-	9170
isomers.	9171
(D) Depressants	9172
Unless specifically excepted under federal drug abuse-	9173

~~control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:~~

- ~~(1) Amobarbital;~~
- ~~(2) Gamma hydroxy butyrate;~~
- ~~(3) Glutethimide;~~
- ~~(4) Pentobarbital;~~
- ~~(5) Phenacyclidine (some trade or other names: 1-(1-phenyleyclohexyl)piperidine; PCP);~~
- ~~(6) Secobarbital;~~
- ~~(7) 1-aminophenyleyclohexane and all N-mono-substituted and/or all N-N-disubstituted analogs including, but not limited to, the following:~~
 - ~~(a) 1-phenyleyclohexylamine;~~
 - ~~(b) (1-phenyleyclohexyl) methylamine;~~
 - ~~(c) (1-phenyleyclohexyl) dimethylamine;~~
 - ~~(d) (1-phenyleyclohexyl) methylethylamine;~~
 - ~~(e) (1-phenyleyclohexyl) isopropylamine;~~
 - ~~(f) 1-(1-phenyleyclohexyl) morpholine.~~
- ~~(E) Hallucinogenic substances~~
- ~~(1) Nabilone (another name for nabilone: (+)-trans-3-(1,1-~~

~~dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-~~ 9199

~~dimethyl-9H-dibenzo[b,d]pyran-9-one).~~ 9200

~~(F) Immediate precursors~~ 9201

~~Unless specifically excepted under federal drug abuse-~~ 9202

~~control laws or unless listed in another schedule, any material,~~ 9203

~~compound, mixture, or preparation that contains any quantity of-~~ 9204

~~the following substances:~~ 9205

~~(1) Immediate precursor to amphetamine and-~~ 9206

~~methamphetamine:~~ 9207

~~(a) Phenylacetone (some trade or other names: phenyl 2-~~ 9208

~~propanone; P2P; benzyl methyl ketone; methyl benzyl ketone);~~ 9209

~~(2) Immediate precursors to phenacyclidine (PCP):~~ 9210

~~(a) 1-phenyleyclohexylamine;~~ 9211

~~(b) 1-piperidinocyclohexanecarbonitrile (PCC).~~ 9212

~~SCHEDULE III-~~ 9213

~~(A) Stimulants~~ 9214

~~Unless specifically excepted under federal drug abuse-~~ 9215

~~control laws or unless listed in another schedule, any material,~~ 9216

~~compound, mixture, or preparation that contains any quantity of-~~ 9217

~~the following substances having a stimulant effect on the-~~ 9218

~~central nervous system, including their salts, their optical-~~ 9219

~~isomers, position isomers, or geometric isomers, and salts of-~~ 9220

~~these isomers, whenever the existence of these salts, isomers,~~ 9221

~~and salts of isomers is possible within the specific chemical-~~ 9222

~~designation:~~ 9223

~~(1) All stimulant compounds, mixtures, and preparations-~~ 9224

~~included in schedule III pursuant to the federal drug abuse-~~ 9225

control laws and regulations adopted under those laws;	9226
(2) Benzphetamine;	9227
(3) Chlorphentermine;	9228
(4) Clortermine;	9229
(5) Phendimetrazine.	9230
(B) Depressants	9231
Unless specifically excepted under federal drug abuse	9232
control laws or unless listed in another schedule, any material,	9233
compound, mixture, or preparation that contains any quantity of	9234
the following substances having a depressant effect on the	9235
central nervous system:	9236
(1) Any compound, mixture, or preparation containing	9237
amobarbital, secobarbital, pentobarbital, or any salt of any of	9238
these drugs, and one or more other active medicinal ingredients	9239
that are not listed in any schedule;	9240
(2) Any suppository dosage form containing amobarbital,	9241
secobarbital, pentobarbital, or any salt of any of these drugs	9242
and approved by the food and drug administration for marketing	9243
only as a suppository;	9244
(3) Any substance that contains any quantity of a	9245
derivative of barbituric acid or any salt of a derivative of	9246
barbituric acid;	9247
(4) Chlorhexadol;	9248
(5) Ketamine, its salts, isomers, and salts of isomers	9249
(some other names for ketamine: (+/-)-2-(2-chlorophenyl)-2-	9250
(methylamino)-cyclohexanone);	9251
(6) Lysergic acid;	9252

(7) Lysergic acid amide;	9253
(8) Methypylon;	9254
(9) Sulfondiethylmethane;	9255
(10) Sulfonethylmethane;	9256
(11) Sulfonmethane;	9257
(12) Tiletamine, zolazepam, or any salt of tiletamine or	9258
zolazepam (some trade or other names for a tiletamine-zolazepam	9259
combination product: Telazol); (some trade or other names for	9260
tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone); (some	9261
trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-	9262
dihydro-1,3,8-trimethylpyrazolo-[3,4-e][1,4]-diazepin-7(1H)-	9263
one; flupyrzapon).	9264
(C) Narcotic antidotes	9265
(1) Nalorphine.	9266
(D) Narcotics-narcotic preparations	9267
Unless specifically excepted under federal drug abuse	9268
control laws or unless listed in another schedule, any material,	9269
compound, mixture, or preparation that contains any of the	9270
following narcotic drugs, or their salts calculated as the free	9271
anhydrous base or alkaloid, in limited quantities as set forth	9272
below:	9273
(1) Not more than 1.8 grams of codeine per 100 milliliters	9274
or not more than 90 milligrams per dosage unit, with an equal or	9275
greater quantity of an isoquinoline alkaloid of opium;	9276
(2) Not more than 1.8 grams of codeine per 100 milliliters	9277
or not more than 90 milligrams per dosage unit, with one or more	9278
active, nonnarcotic ingredients in recognized therapeutic	9279

amounts; 9280

~~(3) Not more than 300 milligrams of dihydrocodeinone per 9281~~
~~100 milliliters or not more than 15 milligrams per dosage unit, 9282~~
~~with a fourfold or greater quantity of an isoquinoline alkaloid 9283~~
~~of opium; 9284~~

~~(4) Not more than 300 milligrams of dihydrocodeinone per 9285~~
~~100 milliliters or not more than 15 milligrams per dosage unit, 9286~~
~~with one or more active, nonnarcotic ingredients in recognized 9287~~
~~therapeutic amounts; 9288~~

~~(5) Not more than 1.8 grams of dihydrocodeine per 100 9289~~
~~milliliters or not more than 90 milligrams per dosage unit, with 9290~~
~~one or more active, nonnarcotic ingredients in recognized 9291~~
~~therapeutic amounts; 9292~~

~~(6) Not more than 300 milligrams of ethylmorphine per 100 9293~~
~~milliliters or not more than 15 milligrams per dosage unit, with 9294~~
~~one or more active, nonnarcotic ingredients in recognized 9295~~
~~therapeutic amounts; 9296~~

~~(7) Not more than 500 milligrams of opium per 100 9297~~
~~milliliters or per 100 grams or not more than 25 milligrams per 9298~~
~~dosage unit, with one or more active, nonnarcotic ingredients in 9299~~
~~recognized therapeutic amounts; 9300~~

~~(8) Not more than 50 milligrams of morphine per 100 9301~~
~~milliliters or per 100 grams, with one or more active, 9302~~
~~nonnarcotic ingredients in recognized therapeutic amounts. 9303~~

~~(E) Anabolic steroids 9304~~

~~Unless specifically excepted under federal drug abuse 9305~~
~~control laws or unless listed in another schedule, any material, 9306~~
~~compound, mixture, or preparation that contains any quantity of 9307~~

~~the following substances, including their salts, esters, isomers, and salts of esters and isomers, whenever the existence of these salts, esters, and isomers is possible within the specific chemical designation:~~

~~(1) Anabolic steroids. Except as otherwise provided in division (E) (1) of schedule III, "anabolic steroids" means any drug or hormonal substance that is chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) and that promotes muscle growth. "Anabolic steroids" does not include an anabolic steroid that is expressly intended for administration through implants to cattle or other nonhuman species and that has been approved by the United States secretary of health and human services for that administration, unless a person prescribes, dispenses, or distributes this type of anabolic steroid for human use. "Anabolic steroid" includes, but is not limited to, the following:~~

- ~~(a) Boldenone;~~
- ~~(b) Chlorotestosterone (4-chlortestosterone);~~
- ~~(c) Clostebol;~~
- ~~(d) Dehydrochlormethyltestosterone;~~
- ~~(e) Dihydrotestosterone (4-dihydrotestosterone);~~
- ~~(f) Drostanolone;~~
- ~~(g) Ethylestrenol;~~
- ~~(h) Fluoxymesterone;~~
- ~~(i) Formebolone (formebolone);~~
- ~~(j) Mesterolone;~~

(k) Methandienone,	9335
(l) Methandranone,	9336
(m) Methandriol,	9337
(n) Methandrostenolone,	9338
(o) Methenolone,	9339
(p) Methyltestosterone,	9340
(q) Mibolerone,	9341
(r) Nandrolone,	9342
(s) Norethandrolone,	9343
(t) Oxandrolone,	9344
(u) Oxymesterone,	9345
(v) Oxymetholone,	9346
(w) Stanolone,	9347
(x) Stanozolol,	9348
(y) Testolactone,	9349
(z) Testosterone,	9350
(aa) Trenbolone,	9351
(bb) Any salt, ester, isomer, or salt of an ester or	9352
isomer of a drug or hormonal substance described or listed in	9353
division (E) (1) of schedule III if the salt, ester, or isomer	9354
promotes muscle growth.	9355
(F) Hallucinogenic substances	9356
(1) Dronabinol (synthetic) in sesame oil and encapsulated	9357
in a soft gelatin capsule in a United States food and drug	9358

~~administration approved drug product (some other names for~~ 9359
~~dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-~~ 9360
~~3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-)-delta-9-(trans)-~~ 9361
~~tetrahydrocannabinol).~~ 9362

~~SCHEDULE IV-~~ 9363

~~(A) Narcotic drugs~~ 9364

~~Unless specifically excepted by federal drug abuse control~~ 9365
~~laws or unless listed in another schedule, any material,~~ 9366
~~compound, mixture, or preparation that contains any of the~~ 9367
~~following narcotic drugs, or their salts calculated as the free-~~ 9368
~~anhydrous base or alkaloid, in limited quantities as set forth~~ 9369
~~below:~~ 9370

~~(1) Not more than one milligram of difenoxin and not less~~ 9371
~~than 25 micrograms of atropine sulfate per dosage unit;~~ 9372

~~(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-~~ 9373
~~diphenyl-3-methyl-2-propionoxybutane)[final dosage forms].~~ 9374

~~(B) Depressants~~ 9375

~~Unless specifically excepted under federal drug abuse~~ 9376
~~control laws or unless listed in another schedule, any material,~~ 9377
~~compound, mixture, or preparation that contains any quantity of~~ 9378
~~the following substances, including their salts, isomers, and~~ 9379
~~salts of isomers, whenever the existence of these salts,~~ 9380
~~isomers, and salts of isomers is possible within the specific~~ 9381
~~chemical designation:~~ 9382

~~(1) Alprazolam;~~ 9383

~~(2) Barbital;~~ 9384

~~(3) Bromazepam;~~ 9385

(4) Camazepam,	9386
(5) Chloral betaine,	9387
(6) Chloral hydrate,	9388
(7) Chlordiazepoxide,	9389
(8) Clobazam,	9390
(9) Clonazepam,	9391
(10) Clorazepate,	9392
(11) Clotiazepam,	9393
(12) Cloxazolam,	9394
(13) Delorazepam,	9395
(14) Diazepam,	9396
(15) Estazolam,	9397
(16) Ethchlorvynol,	9398
(17) Ethinamate,	9399
(18) Ethyl loflazepate,	9400
(19) Fludiazepam,	9401
(20) Flunitrazepam,	9402
(21) Flurazepam,	9403
(22) Halazepam,	9404
(23) Haloxazolam,	9405
(24) Ketazolam,	9406
(25) Loprazolam,	9407

(26) Lorazepam,	9408
(27) Lormetazepam,	9409
(28) Mebutamate,	9410
(29) Medazepam,	9411
(30) Meprobamate,	9412
(31) Methohexital,	9413
(32) Methylphenobarbital (mephobarbital),	9414
(33) Midazolam,	9415
(34) Nimetazepam,	9416
(35) Nitrazepam,	9417
(36) Nordiazepam,	9418
(37) Oxazepam,	9419
(38) Oxazolam,	9420
(39) Paraldehyde,	9421
(40) Petrichloral,	9422
(41) Phenobarbital,	9423
(42) Pinazepam,	9424
(43) Prazepam,	9425
(44) Quazepam,	9426
(45) Temazepam,	9427
(46) Tetrazepam,	9428
(47) Triazolam,	9429

(48) Zaleplon.	9430
(49) Zolpidem.	9431
(C) Fenfluramine	9432
Any material, compound, mixture, or preparation that	9433
contains any quantity of the following substances, including	9434
their salts, their optical isomers, position isomers, or	9435
geometric isomers, and salts of these isomers, whenever the	9436
existence of these salts, isomers, and salts of isomers is	9437
possible within the specific chemical designation:	9438
(1) Fenfluramine.	9439
(D) Stimulants	9440
Unless specifically excepted under federal drug abuse	9441
control laws or unless listed in another schedule, any material,	9442
compound, mixture, or preparation that contains any quantity of	9443
the following substances having a stimulant effect on the	9444
central nervous system, including their salts, their optical	9445
isomers, position isomers, or geometric isomers, and salts of	9446
these isomers, whenever the existence of these salts, isomers,	9447
and salts of isomers is possible within the specific chemical	9448
designation:	9449
(1) Cathine ((+)-norpseudoephedrine).	9450
(2) Diethylpropion.	9451
(3) Fencamfamin.	9452
(4) Fenproporex.	9453
(5) Mazindol.	9454
(6) Mefenorex.	9455

(7) Modafinil;	9456
(8) Pemoline (including organometallic complexes and chelates thereof);	9457 9458
(9) Phentermine;	9459
(10) Pipradrol;	9460
(11) Sibutramine;	9461
(12) SPA [(–)-1-dimethylamino-1,2-diphenylethane].	9462
(E) Other substances	9463
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including their salts:	9464 9465 9466 9467
(1) Pentazocine;	9468
(2) Butorphanol (including its optical isomers).	9469
SCHEDULE V—	9470
(A) Narcotic drugs	9471
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, and their salts, as set forth below:	9472 9473 9474 9475
(1) Buprenorphine.	9476
(B) Narcotics narcotic preparations	9477
Narcotic drugs containing non-narcotic active medicinal ingredients. Any compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated	9478 9479 9480

~~as the free anhydrous base or alkaloid, in limited quantities as~~ 9481
~~set forth below, and that includes one or more nonnarcotic~~ 9482
~~active medicinal ingredients in sufficient proportion to confer~~ 9483
~~upon the compound, mixture, or preparation valuable medicinal~~ 9484
~~qualities other than those possessed by narcotic drugs alone.~~ 9485

~~(1) Not more than 200 milligrams of codeine per 100~~ 9486
~~milliliters or per 100 grams;~~ 9487

~~(2) Not more than 100 milligrams of dihydrocodeine per 100~~ 9488
~~milliliters or per 100 grams;~~ 9489

~~(3) Not more than 100 milligrams of ethylmorphine per 100~~ 9490
~~milliliters or per 100 grams;~~ 9491

~~(4) Not more than 2.5 milligrams of diphenoxylate and not~~ 9492
~~less than 25 micrograms of atropine sulfate per dosage unit;~~ 9493

~~(5) Not more than 100 milligrams of opium per 100~~ 9494
~~milliliters or per 100 grams;~~ 9495

~~(6) Not more than 0.5 milligram of difenoxin and not less~~ 9496
~~than 25 micrograms of atropine sulfate per dosage unit.~~ 9497

~~(C) Stimulants~~ 9498

~~Unless specifically exempted or excluded under federal~~ 9499
~~drug abuse control laws or unless listed in another schedule,~~ 9500
~~any material, compound, mixture, or preparation that contains~~ 9501
~~any quantity of the following substances having a stimulant~~ 9502
~~effect on the central nervous system, including their salts,~~ 9503
~~isomers, and salts of isomers.~~ 9504

~~(1) Ephedrine, except as provided in division (K) of~~ 9505
~~section 3719.44 of the Revised Code;~~ 9506

~~(2) Pyrovalerone.~~ 9507

~~(D) Approved cannabidiol drugs~~ 9508

~~Unless specifically exempted or excluded under federal~~ 9509
~~drug abuse control laws or unless listed in another schedule,~~ 9510
~~any drug product in finished dosage formulation that has been~~ 9511
~~approved by the United States food and drug administration that~~ 9512
~~contains cannabidiol (2-[1R-3-methyl-6R-(1-methylethenyl)-2-~~ 9513
~~cyclohexen-1-yl]-5-pentyl-1,3-benzenediol) derived from cannabis~~ 9514
~~and not more than 0.1 per cent (w/w) residual~~ 9515
~~tetrahydrocannabinols.~~ (A) For purposes of administration, 9516
enforcement, and regulation of the manufacture, distribution, 9517
dispensing, and possession of controlled substances, the state 9518
board of pharmacy shall adopt rules in accordance with Chapter 9519
119. of the Revised Code establishing schedule I, schedule II, 9520
schedule III, schedule IV, and schedule V incorporating the five 9521
schedules of controlled substances under the federal drug abuse 9522
control laws. 9523

The board may include in the schedules any compound, 9524
mixture, preparation, or substance that was included in the 9525
schedules immediately prior to the effective date of this 9526
amendment, as long as the inclusion does not have the effect of 9527
providing less stringent control of the compound, mixture, 9528
preparation, or substance than is provided under the federal 9529
drug abuse control laws or regulations adopted under those laws. 9530

(B) Except as provided in section 3719.45 of the Revised 9531
Code, the board periodically shall update the schedules by rule 9532
adopted in accordance with Chapter 119. of the Revised Code to 9533
correspond to any change in the federal drug abuse control laws 9534
or regulations adopted under those laws, any addition, transfer, 9535
or removal by congress or the attorney general of the United 9536
States as described in section 3719.43 of the Revised Code, and 9537

any addition, transfer, or removal by the board by rule adopted 9538
under section 3719.44 of the Revised Code. 9539

Section 7. That existing section 3719.41 of the Revised 9540
Code is hereby repealed. 9541

Section 8. Sections 6 and 7 of this act take effect on the 9542
date that is twelve months after the effective date of this act. 9543

Section 9. The State Board of Pharmacy shall adopt rules 9544
establishing controlled substance schedules as anticipated by 9545
the amendment by this act of section 3719.41 of the Revised Code 9546
that is to take effect on the date that is twelve months after 9547
the effective date of this act, as provided in Sections 6, 7, 9548
and 8 of this act. The rules shall be adopted in accordance with 9549
Chapter 119. of the Revised Code. In adopting the rules, the 9550
Board is not subject to business review under sections 121.81, 9551
121.82, and 121.83 of the Revised Code. 9552

The Board shall complete the rulemaking process so that 9553
the rules take effect on the date that is twelve months after 9554
the effective date of this act. 9555

Section 10. As used in the versions of sections 2907.02, 9556
2907.05, 3313.752, 3345.41, 3707.50, 3719.01, 3719.40, 3796.01, 9557
4729.01, and 4731.97 of the Revised Code that are in effect 9558
prior to the date that is twelve months after the effective date 9559
of this act, "controlled substance" and "schedule I" include any 9560
compound, mixture, preparation, or substance added to schedule I 9561
by the State Board of Pharmacy through the adoption of emergency 9562
rules under section 3719.45 of the Revised Code, as enacted by 9563
this act. 9564

Section 11. With respect to the effective dates of the 9565
amendment, enactment, and repeal of sections of the Revised 9566

Code, as provided in Sections 1 and 2 of this act, all of the 9567
following apply: 9568

(A) The following take effect at the earliest time 9569
permitted by law: 9570

(1) The amendment of sections 109.572, 109.71, 149.43, 9571
149.45, 2925.01, 2925.09, 2925.11, 2925.23, 3709.01, 3719.04, 9572
3719.05, 3719.06, 3719.07, 3719.09, 3719.41, 4729.04, 4729.19, 9573
4729.46, 4729.51, 4729.53, 4729.54, 4729.553, 4729.69, 4729.90, 9574
4765.06, and 5164.34 of the Revised Code; 9575

(2) The enactment of sections 3709.011, 3709.42, 3719.45, 9576
and 4729.691 of the Revised Code; 9577

(3) The repeal of section 4730.51 of the Revised Code. 9578

(B) The following take effect on the date that is twelve 9579
months after the effective date of this act: the amendment of 9580
sections 119.03, 1751.68, 2907.02, 2907.05, 2925.34, 3313.752, 9581
3345.41, 3707.50, 3719.01, 3719.061, 3719.12, 3719.40, 3719.43, 9582
3719.44, 3719.811, 3796.01, 3923.602, 4729.01, 4729.52, 4729.55, 9583
4731.97, and 5164.7511 of the Revised Code. 9584

Section 12. The General Assembly, applying the principle 9585
stated in division (B) of section 1.52 of the Revised Code that 9586
amendments are to be harmonized if reasonably capable of 9587
simultaneous operation, finds that the following sections, 9588
presented in this act as composites of the sections as amended 9589
by the acts indicated, are the resulting versions of the 9590
sections in effect prior to the effective date of the sections 9591
as presented in this act: 9592

Section 109.572 of the Revised Code as amended by Am. Sub. 9593
H.B. 49, Sub. H.B. 199, and Sub. H.B. 213, all of the 132nd 9594
General Assembly. 9595

Section 149.43 of the Revised Code as amended by Am. Sub. 9596
H.B. 8, Sub. H.B. 34, and Sub. H.B. 312, all of the 132nd 9597
General Assembly. 9598

Section 149.45 of the Revised Code as amended by both Sub. 9599
H.B. 317 and Sub. H.B. 359 of the 131st General Assembly. 9600

Section 2925.01 of the Revised Code as amended by both Am. 9601
Sub. H.B. 49 and Am. Sub. S.B. 1 of the 132nd General Assembly. 9602

Section 2925.03 of the Revised Code as amended by both Am. 9603
Sub. H.B. 111 and Am. Sub. S.B. 1 of the 132nd General Assembly. 9604