

# As Reported by the Committee of Conference

132nd General Assembly

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Am. Sub. S. B. No. 1

Senator LaRose

**Cosponsors: Senators Gardner, Hoagland, Bacon, Hottinger, Beagle, Oelslager, Yuko, Hite, Eklund, Manning, Burke, Terhar, Hackett, O'Brien, Balderson, Huffman, Kunze, Lehner, Obhof, Peterson, Uecker, Wilson**

**Representatives Manning, Rezabek, Butler, Lang, Anielski, Antani, Antonio, Arndt, Ashford, Barnes, Brenner, Carfagna, Cupp, Edwards, Faber, Gavarone, Ginter, Gonzales, Green, Greenspan, Hagan, Hambley, Holmes, Hoops, Huffman, Hughes, Johnson, Kick, Koehler, Landis, LaTourette, Lipps, McClain, O'Brien, Patmon, Patterson, Patton, Pelanda, Perales, Retherford, Riedel, Rogers, Romanchuk, Ryan, Schaffer, Scherer, Schuring, Sheehy, Slaby, Smith, R., Sprague, Stein, Wiggam, Young**

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## A BILL

To amend sections 2925.01, 2925.02, 2925.03,	1
2925.04, 2925.05, 2925.11, 2925.13, 2925.36,	2
2929.01, 2929.13, 2929.14, 2941.1410, 3719.41,	3
3719.99, and 4729.99 of the Revised Code to	4
increase penalties for drug trafficking	5
violations, drug possession violations, and	6
aggravated funding of drug trafficking when the	7
drug involved in the offense is a fentanyl-	8
related compound, except for drug possession	9
violations when the fentanyl-related compound is	10
combined with marihuana or a Schedule III, IV,	11
or V controlled substance and the offender did	12
not know or have reason to know of the fentanyl	13
content; to revise the manner of determining	14
sentence for certain violations under the	15
offense of permitting drug abuse; and to add	16

lisdexamfetamine to the list of schedule II 17  
controlled substances. 18

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

**Section 1.** That sections 2925.01, 2925.02, 2925.03, 19  
2925.04, 2925.05, 2925.11, 2925.13, 2925.36, 2929.01, 2929.13, 20  
2929.14, 2941.1410, 3719.41, 3719.99, and 4729.99 of the Revised 21  
Code be amended to read as follows: 22

**Sec. 2925.01.** As used in this chapter: 23

(A) "Administer," "controlled substance," "controlled 24  
substance analog," "dispense," "distribute," "hypodermic," 25  
"manufacturer," "official written order," "person," 26  
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 27  
"schedule III," "schedule IV," "schedule V," and "wholesaler" 28  
have the same meanings as in section 3719.01 of the Revised 29  
Code. 30

(B) "Drug dependent person" and "drug of abuse" have the 31  
same meanings as in section 3719.011 of the Revised Code. 32

(C) "Drug," "dangerous drug," "licensed health 33  
professional authorized to prescribe drugs," and "prescription" 34  
have the same meanings as in section 4729.01 of the Revised 35  
Code. 36

(D) "Bulk amount" of a controlled substance means any of 37  
the following: 38

(1) For any compound, mixture, preparation, or substance 39  
included in schedule I, schedule II, or schedule III, with the 40  
exception of any controlled substance ~~analog~~ analog, marihuana, 41

cocaine, L.S.D., heroin, any fentanyl-related compound, and 42  
hashish and except as provided in division (D) (2) ~~or~~, (5), or 43  
(6) of this section, whichever of the following is applicable: 44

(a) An amount equal to or exceeding ten grams or twenty- 45  
five unit doses of a compound, mixture, preparation, or 46  
substance that is or contains any amount of a schedule I opiate 47  
or opium derivative; 48

(b) An amount equal to or exceeding ten grams of a 49  
compound, mixture, preparation, or substance that is or contains 50  
any amount of raw or gum opium; 51

(c) An amount equal to or exceeding thirty grams or ten 52  
unit doses of a compound, mixture, preparation, or substance 53  
that is or contains any amount of a schedule I hallucinogen 54  
other than tetrahydrocannabinol or lysergic acid amide, or a 55  
schedule I stimulant or depressant; 56

(d) An amount equal to or exceeding twenty grams or five 57  
times the maximum daily dose in the usual dose range specified 58  
in a standard pharmaceutical reference manual of a compound, 59  
mixture, preparation, or substance that is or contains any 60  
amount of a schedule II opiate or opium derivative; 61

(e) An amount equal to or exceeding five grams or ten unit 62  
doses of a compound, mixture, preparation, or substance that is 63  
or contains any amount of phencyclidine; 64

(f) An amount equal to or exceeding one hundred twenty 65  
grams or thirty times the maximum daily dose in the usual dose 66  
range specified in a standard pharmaceutical reference manual of 67  
a compound, mixture, preparation, or substance that is or 68  
contains any amount of a schedule II stimulant that is in a 69  
final dosage form manufactured by a person authorized by the 70

"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 71  
U.S.C.A. 301, as amended, and the federal drug abuse control 72  
laws, as defined in section 3719.01 of the Revised Code, that is 73  
or contains any amount of a schedule II depressant substance or 74  
a schedule II hallucinogenic substance; 75

(g) An amount equal to or exceeding three grams of a 76  
compound, mixture, preparation, or substance that is or contains 77  
any amount of a schedule II stimulant, or any of its salts or 78  
isomers, that is not in a final dosage form manufactured by a 79  
person authorized by the Federal Food, Drug, and Cosmetic Act 80  
and the federal drug abuse control laws. 81

(2) An amount equal to or exceeding one hundred twenty 82  
grams or thirty times the maximum daily dose in the usual dose 83  
range specified in a standard pharmaceutical reference manual of 84  
a compound, mixture, preparation, or substance that is or 85  
contains any amount of a schedule III or IV substance other than 86  
an anabolic steroid or a schedule III opiate or opium 87  
derivative; 88

(3) An amount equal to or exceeding twenty grams or five 89  
times the maximum daily dose in the usual dose range specified 90  
in a standard pharmaceutical reference manual of a compound, 91  
mixture, preparation, or substance that is or contains any 92  
amount of a schedule III opiate or opium derivative; 93

(4) An amount equal to or exceeding two hundred fifty 94  
milliliters or two hundred fifty grams of a compound, mixture, 95  
preparation, or substance that is or contains any amount of a 96  
schedule V substance; 97

(5) An amount equal to or exceeding two hundred solid 98  
dosage units, sixteen grams, or sixteen milliliters of a 99

compound, mixture, preparation, or substance that is or contains 100  
any amount of a schedule III anabolic steroid; 101

(6) For any compound, mixture, preparation, or substance 102  
that is a combination of a fentanyl-related compound and any 103  
other compound, mixture, preparation, or substance included in 104  
schedule III, schedule IV, or schedule V, if the defendant is 105  
charged with a violation of section 2925.11 of the Revised Code 106  
and the sentencing provisions set forth in divisions (C) (10) (b) 107  
and (C) (11) of that section will not apply regarding the 108  
defendant and the violation, the bulk amount of the controlled 109  
substance for purposes of the violation is the amount specified 110  
in division (D) (1), (2), (3), (4), or (5) of this section for 111  
the other schedule III, IV, or V controlled substance that is 112  
combined with the fentanyl-related compound. 113

(E) "Unit dose" means an amount or unit of a compound, 114  
mixture, or preparation containing a controlled substance that 115  
is separately identifiable and in a form that indicates that it 116  
is the amount or unit by which the controlled substance is 117  
separately administered to or taken by an individual. 118

(F) "Cultivate" includes planting, watering, fertilizing, 119  
or tilling. 120

(G) "Drug abuse offense" means any of the following: 121

(1) A violation of division (A) of section 2913.02 that 122  
constitutes theft of drugs, or a violation of section 2925.02, 123  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 124  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 125  
or 2925.37 of the Revised Code; 126

(2) A violation of an existing or former law of this or 127  
any other state or of the United States that is substantially 128

equivalent to any section listed in division (G) (1) of this 129  
section; 130

(3) An offense under an existing or former law of this or 131  
any other state, or of the United States, of which planting, 132  
cultivating, harvesting, processing, making, manufacturing, 133  
producing, shipping, transporting, delivering, acquiring, 134  
possessing, storing, distributing, dispensing, selling, inducing 135  
another to use, administering to another, using, or otherwise 136  
dealing with a controlled substance is an element; 137

(4) A conspiracy to commit, attempt to commit, or 138  
complicity in committing or attempting to commit any offense 139  
under division (G) (1), (2), or (3) of this section. 140

(H) "Felony drug abuse offense" means any drug abuse 141  
offense that would constitute a felony under the laws of this 142  
state, any other state, or the United States. 143

(I) "Harmful intoxicant" does not include beer or 144  
intoxicating liquor but means any of the following: 145

(1) Any compound, mixture, preparation, or substance the 146  
gas, fumes, or vapor of which when inhaled can induce 147  
intoxication, excitement, giddiness, irrational behavior, 148  
depression, stupefaction, paralysis, unconsciousness, 149  
asphyxiation, or other harmful physiological effects, and 150  
includes, but is not limited to, any of the following: 151

(a) Any volatile organic solvent, plastic cement, model 152  
cement, fingernail polish remover, lacquer thinner, cleaning 153  
fluid, gasoline, or other preparation containing a volatile 154  
organic solvent; 155

(b) Any aerosol propellant; 156

(c) Any fluorocarbon refrigerant;	157
(d) Any anesthetic gas.	158
(2) Gamma Butyrolactone;	159
(3) 1,4 Butanediol.	160
(J) "Manufacture" means to plant, cultivate, harvest,	161
process, make, prepare, or otherwise engage in any part of the	162
production of a drug, by propagation, extraction, chemical	163
synthesis, or compounding, or any combination of the same, and	164
includes packaging, repackaging, labeling, and other activities	165
incident to production.	166
(K) "Possess" or "possession" means having control over a	167
thing or substance, but may not be inferred solely from mere	168
access to the thing or substance through ownership or occupation	169
of the premises upon which the thing or substance is found.	170
(L) "Sample drug" means a drug or pharmaceutical	171
preparation that would be hazardous to health or safety if used	172
without the supervision of a licensed health professional	173
authorized to prescribe drugs, or a drug of abuse, and that, at	174
one time, had been placed in a container plainly marked as a	175
sample by a manufacturer.	176
(M) "Standard pharmaceutical reference manual" means the	177
current edition, with cumulative changes if any, of references	178
that are approved by the state board of pharmacy.	179
(N) "Juvenile" means a person under eighteen years of age.	180
(O) "Counterfeit controlled substance" means any of the	181
following:	182
(1) Any drug that bears, or whose container or label	183

bears, a trademark, trade name, or other identifying mark used 184  
without authorization of the owner of rights to that trademark, 185  
trade name, or identifying mark; 186

(2) Any unmarked or unlabeled substance that is 187  
represented to be a controlled substance manufactured, 188  
processed, packed, or distributed by a person other than the 189  
person that manufactured, processed, packed, or distributed it; 190

(3) Any substance that is represented to be a controlled 191  
substance but is not a controlled substance or is a different 192  
controlled substance; 193

(4) Any substance other than a controlled substance that a 194  
reasonable person would believe to be a controlled substance 195  
because of its similarity in shape, size, and color, or its 196  
markings, labeling, packaging, distribution, or the price for 197  
which it is sold or offered for sale. 198

(P) An offense is "committed in the vicinity of a school" 199  
if the offender commits the offense on school premises, in a 200  
school building, or within one thousand feet of the boundaries 201  
of any school premises, regardless of whether the offender knows 202  
the offense is being committed on school premises, in a school 203  
building, or within one thousand feet of the boundaries of any 204  
school premises. 205

(Q) "School" means any school operated by a board of 206  
education, any community school established under Chapter 3314. 207  
of the Revised Code, or any nonpublic school for which the state 208  
board of education prescribes minimum standards under section 209  
3301.07 of the Revised Code, whether or not any instruction, 210  
extracurricular activities, or training provided by the school 211  
is being conducted at the time a criminal offense is committed. 212



(R) "School premises" means either of the following: 213

(1) The parcel of real property on which any school is 214  
situated, whether or not any instruction, extracurricular 215  
activities, or training provided by the school is being 216  
conducted on the premises at the time a criminal offense is 217  
committed; 218

(2) Any other parcel of real property that is owned or 219  
leased by a board of education of a school, the governing 220  
authority of a community school established under Chapter 3314. 221  
of the Revised Code, or the governing body of a nonpublic school 222  
for which the state board of education prescribes minimum 223  
standards under section 3301.07 of the Revised Code and on which 224  
some of the instruction, extracurricular activities, or training 225  
of the school is conducted, whether or not any instruction, 226  
extracurricular activities, or training provided by the school 227  
is being conducted on the parcel of real property at the time a 228  
criminal offense is committed. 229

(S) "School building" means any building in which any of 230  
the instruction, extracurricular activities, or training 231  
provided by a school is conducted, whether or not any 232  
instruction, extracurricular activities, or training provided by 233  
the school is being conducted in the school building at the time 234  
a criminal offense is committed. 235

(T) "Disciplinary counsel" means the disciplinary counsel 236  
appointed by the board of commissioners on grievances and 237  
discipline of the supreme court under the Rules for the 238  
Government of the Bar of Ohio. 239

(U) "Certified grievance committee" means a duly 240  
constituted and organized committee of the Ohio state bar 241

association or of one or more local bar associations of the 242  
state of Ohio that complies with the criteria set forth in Rule 243  
V, section 6 of the Rules for the Government of the Bar of Ohio. 244

(V) "Professional license" means any license, permit, 245  
certificate, registration, qualification, admission, temporary 246  
license, temporary permit, temporary certificate, or temporary 247  
registration that is described in divisions (W) (1) to (36) of 248  
this section and that qualifies a person as a professionally 249  
licensed person. 250

(W) "Professionally licensed person" means any of the 251  
following: 252

(1) A person who has obtained a license as a manufacturer 253  
of controlled substances or a wholesaler of controlled 254  
substances under Chapter 3719. of the Revised Code; 255

(2) A person who has received a certificate or temporary 256  
certificate as a certified public accountant or who has 257  
registered as a public accountant under Chapter 4701. of the 258  
Revised Code and who holds an Ohio permit issued under that 259  
chapter; 260

(3) A person who holds a certificate of qualification to 261  
practice architecture issued or renewed and registered under 262  
Chapter 4703. of the Revised Code; 263

(4) A person who is registered as a landscape architect 264  
under Chapter 4703. of the Revised Code or who holds a permit as 265  
a landscape architect issued under that chapter; 266

(5) A person licensed under Chapter 4707. of the Revised 267  
Code; 268

(6) A person who has been issued a certificate of 269

registration as a registered barber under Chapter 4709. of the 270  
Revised Code; 271

(7) A person licensed and regulated to engage in the 272  
business of a debt pooling company by a legislative authority, 273  
under authority of Chapter 4710. of the Revised Code; 274

(8) A person who has been issued a cosmetologist's 275  
license, hair designer's license, manicurist's license, 276  
esthetician's license, natural hair stylist's license, advanced 277  
cosmetologist's license, advanced hair designer's license, 278  
advanced manicurist's license, advanced esthetician's license, 279  
advanced natural hair stylist's license, cosmetology 280  
instructor's license, hair design instructor's license, 281  
manicurist instructor's license, esthetics instructor's license, 282  
natural hair style instructor's license, independent 283  
contractor's license, or tanning facility permit under Chapter 284  
4713. of the Revised Code; 285

(9) A person who has been issued a license to practice 286  
dentistry, a general anesthesia permit, a conscious intravenous 287  
sedation permit, a limited resident's license, a limited 288  
teaching license, a dental hygienist's license, or a dental 289  
hygienist's teacher's certificate under Chapter 4715. of the 290  
Revised Code; 291

(10) A person who has been issued an embalmer's license, a 292  
funeral director's license, a funeral home license, or a 293  
crematory license, or who has been registered for an embalmer's 294  
or funeral director's apprenticeship under Chapter 4717. of the 295  
Revised Code; 296

(11) A person who has been licensed as a registered nurse 297  
or practical nurse, or who has been issued a certificate for the 298

practice of nurse-midwifery under Chapter 4723. of the Revised Code;	299 300
(12) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	301 302 303
(13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	304 305
(14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	306 307
(15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;	308 309 310 311
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	312 313
(17) A person who has been issued a certificate to practice medicine and surgery, osteopathic medicine and surgery, a limited branch of medicine, or podiatry under Chapter 4731. of the Revised Code;	314 315 316 317
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	318 319
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	320 321 322
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	323 324
(21) A person licensed to act as a real estate broker or	325

real estate salesperson under Chapter 4735. of the Revised Code;	326
(22) A person registered as a registered sanitarian under	327
Chapter 4736. of the Revised Code;	328
(23) A person licensed to operate or maintain a junkyard	329
under Chapter 4737. of the Revised Code;	330
(24) A person who has been issued a motor vehicle salvage	331
dealer's license under Chapter 4738. of the Revised Code;	332
(25) A person who has been licensed to act as a steam	333
engineer under Chapter 4739. of the Revised Code;	334
(26) A person who has been issued a license or temporary	335
permit to practice veterinary medicine or any of its branches,	336
or who is registered as a graduate animal technician under	337
Chapter 4741. of the Revised Code;	338
(27) A person who has been issued a hearing aid dealer's	339
or fitter's license or trainee permit under Chapter 4747. of the	340
Revised Code;	341
(28) A person who has been issued a class A, class B, or	342
class C license or who has been registered as an investigator or	343
security guard employee under Chapter 4749. of the Revised Code;	344
(29) A person licensed and registered to practice as a	345
nursing home administrator under Chapter 4751. of the Revised	346
Code;	347
(30) A person licensed to practice as a speech-language	348
pathologist or audiologist under Chapter 4753. of the Revised	349
Code;	350
(31) A person issued a license as an occupational	351
therapist or physical therapist under Chapter 4755. of the	352

Revised Code; 353

(32) A person who is licensed as a licensed professional 354  
clinical counselor, licensed professional counselor, social 355  
worker, independent social worker, independent marriage and 356  
family therapist, or marriage and family therapist, or 357  
registered as a social work assistant under Chapter 4757. of the 358  
Revised Code; 359

(33) A person issued a license to practice dietetics under 360  
Chapter 4759. of the Revised Code; 361

(34) A person who has been issued a license or limited 362  
permit to practice respiratory therapy under Chapter 4761. of 363  
the Revised Code; 364

(35) A person who has been issued a real estate appraiser 365  
certificate under Chapter 4763. of the Revised Code; 366

(36) A person who has been admitted to the bar by order of 367  
the supreme court in compliance with its prescribed and 368  
published rules. 369

(X) "Cocaine" means any of the following: 370

(1) A cocaine salt, isomer, or derivative, a salt of a 371  
cocaine isomer or derivative, or the base form of cocaine; 372

(2) Coca leaves or a salt, compound, derivative, or 373  
preparation of coca leaves, including ecgonine, a salt, isomer, 374  
or derivative of ecgonine, or a salt of an isomer or derivative 375  
of ecgonine; 376

(3) A salt, compound, derivative, or preparation of a 377  
substance identified in division (X)(1) or (2) of this section 378  
that is chemically equivalent to or identical with any of those 379  
substances, except that the substances shall not include 380

decocainized coca leaves or extraction of coca leaves if the 381  
extractions do not contain cocaine or ecgonine. 382

(Y) "L.S.D." means lysergic acid diethylamide. 383

(Z) "Hashish" means the resin or a preparation of the 384  
resin contained in marihuana, whether in solid form or in a 385  
liquid concentrate, liquid extract, or liquid distillate form. 386

(AA) "Marihuana" has the same meaning as in section 387  
3719.01 of the Revised Code, except that it does not include 388  
hashish. 389

(BB) An offense is "committed in the vicinity of a 390  
juvenile" if the offender commits the offense within one hundred 391  
feet of a juvenile or within the view of a juvenile, regardless 392  
of whether the offender knows the age of the juvenile, whether 393  
the offender knows the offense is being committed within one 394  
hundred feet of or within view of the juvenile, or whether the 395  
juvenile actually views the commission of the offense. 396

(CC) "Presumption for a prison term" or "presumption that 397  
a prison term shall be imposed" means a presumption, as 398  
described in division (D) of section 2929.13 of the Revised 399  
Code, that a prison term is a necessary sanction for a felony in 400  
order to comply with the purposes and principles of sentencing 401  
under section 2929.11 of the Revised Code. 402

(DD) "Major drug offender" has the same meaning as in 403  
section 2929.01 of the Revised Code. 404

(EE) "Minor drug possession offense" means either of the 405  
following: 406

(1) A violation of section 2925.11 of the Revised Code as 407  
it existed prior to July 1, 1996; 408

(2) A violation of section 2925.11 of the Revised Code as 409  
it exists on and after July 1, 1996, that is a misdemeanor or a 410  
felony of the fifth degree. 411

(FF) "Mandatory prison term" has the same meaning as in 412  
section 2929.01 of the Revised Code. 413

(GG) "Adulterate" means to cause a drug to be adulterated 414  
as described in section 3715.63 of the Revised Code. 415

(HH) "Public premises" means any hotel, restaurant, 416  
tavern, store, arena, hall, or other place of public 417  
accommodation, business, amusement, or resort. 418

(II) "Methamphetamine" means methamphetamine, any salt, 419  
isomer, or salt of an isomer of methamphetamine, or any 420  
compound, mixture, preparation, or substance containing 421  
methamphetamine or any salt, isomer, or salt of an isomer of 422  
methamphetamine. 423

(JJ) "Lawful prescription" means a prescription that is 424  
issued for a legitimate medical purpose by a licensed health 425  
professional authorized to prescribe drugs, that is not altered 426  
or forged, and that was not obtained by means of deception or by 427  
the commission of any theft offense. 428

(KK) "Deception" and "theft offense" have the same 429  
meanings as in section 2913.01 of the Revised Code. 430

(LL) "Fentanyl-related compound" means any of the 431  
following: 432

(1) Fentanyl; 433

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 434  
phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2- 435  
phenylethyl)-4-(N-propanilido) piperidine); 436



- (3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2- 437  
thienyl)ethyl-4-piperidinyl]-N- phenylpropanamide); 438
- (4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- 439  
piperidinyl]-N- phenylpropanamide); 440
- (5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- 441  
hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N- 442  
phenylpropanamide); 443
- (6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4- 444  
piperidyl]-N- phenylpropanamide); 445
- (7) 3-methylthiofentanyl (N-[3-methyl-1-[2- 446  
(thienyl)ethyl]-4-piperidinyl]-N- phenylpropanamide); 447
- (8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2- 448  
phenethyl)-4-piperidinyl]propanamide; 449
- (9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4- 450  
piperidinyl]-propanamide; 451
- (10) Alfentanil; 452
- (11) Carfentanil; 453
- (12) Remifentanil; 454
- (13) Sufentanil; 455
- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2- 456  
phenethyl)-4-piperidinyl]-N-phenylacetamide); and 457
- (15) A schedule I narcotic-opiate that meets the fentanyl 458  
pharmacophore requirements specified in division (A) (56) of 459  
section 3719.41 of the Revised Code, including acetylfentanyl, 460  
furanylfentanyl, valerylfentanyl, butyrylfentanyl, 461  
isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para- 462  
fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl. 463

**Sec. 2925.02.** (A) No person shall knowingly do any of the 464  
following: 465

(1) By force, threat, or deception, administer to another 466  
or induce or cause another to use a controlled substance; 467

(2) By any means, administer or furnish to another or 468  
induce or cause another to use a controlled substance with 469  
purpose to cause serious physical harm to the other person, or 470  
with purpose to cause the other person to become drug dependent; 471

(3) By any means, administer or furnish to another or 472  
induce or cause another to use a controlled substance, and 473  
thereby cause serious physical harm to the other person, or 474  
cause the other person to become drug dependent; 475

(4) By any means, do any of the following: 476

(a) Furnish or administer a controlled substance to a 477  
juvenile who is at least two years the offender's junior, when 478  
the offender knows the age of the juvenile or is reckless in 479  
that regard; 480

(b) Induce or cause a juvenile who is at least two years 481  
the offender's junior to use a controlled substance, when the 482  
offender knows the age of the juvenile or is reckless in that 483  
regard; 484

(c) Induce or cause a juvenile who is at least two years 485  
the offender's junior to commit a felony drug abuse offense, 486  
when the offender knows the age of the juvenile or is reckless 487  
in that regard; 488

(d) Use a juvenile, whether or not the offender knows the 489  
age of the juvenile, to perform any surveillance activity that 490  
is intended to prevent the detection of the offender or any 491

other person in the commission of a felony drug abuse offense or 492  
to prevent the arrest of the offender or any other person for 493  
the commission of a felony drug abuse offense. 494

(5) By any means, furnish or administer a controlled 495  
substance to a pregnant woman or induce or cause a pregnant 496  
woman to use a controlled substance, when the offender knows 497  
that the woman is pregnant or is reckless in that regard. 498

(B) Division (A) (1), (3), (4), or (5) of this section does 499  
not apply to manufacturers, wholesalers, licensed health 500  
professionals authorized to prescribe drugs, pharmacists, owners 501  
of pharmacies, and other persons whose conduct is in accordance 502  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 503  
4741. of the Revised Code. 504

(C) Whoever violates this section is guilty of corrupting 505  
another with drugs. The penalty for the offense shall be 506  
determined as follows: 507

(1) If the offense is a violation of division (A) (1), (2), 508  
(3), or (4) of this section and the drug involved is any 509  
compound, mixture, preparation, or substance included in 510  
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 511  
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 512  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 513  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 514  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 515  
offender shall be punished as follows: 516

(a) Except as otherwise provided in division (C) (1) (b) of 517  
this section, corrupting another with drugs committed in those 518  
circumstances is a felony of the second degree and, subject to 519  
division (E) of this section, the court shall impose as a 520

mandatory prison term one of the prison terms prescribed for a 521  
felony of the second degree. 522

(b) If the offense was committed in the vicinity of a 523  
school, corrupting another with drugs committed in those 524  
circumstances is a felony of the first degree, and, subject to 525  
division (E) of this section, the court shall impose as a 526  
mandatory prison term one of the prison terms prescribed for a 527  
felony of the first degree. 528

(2) If the offense is a violation of division (A) (1), (2), 529  
(3), or (4) of this section and the drug involved is any 530  
compound, mixture, preparation, or substance included in 531  
schedule III, IV, or V, the offender shall be punished as 532  
follows: 533

(a) Except as otherwise provided in division (C) (2) (b) of 534  
this section, corrupting another with drugs committed in those 535  
circumstances is a felony of the second degree and there is a 536  
presumption for a prison term for the offense. 537

(b) If the offense was committed in the vicinity of a 538  
school, corrupting another with drugs committed in those 539  
circumstances is a felony of the second degree and the court 540  
shall impose as a mandatory prison term one of the prison terms 541  
prescribed for a felony of the second degree. 542

(3) If the offense is a violation of division (A) (1), (2), 543  
(3), or (4) of this section and the drug involved is marihuana, 544  
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 545  
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 546  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 547  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 548  
offender shall be punished as follows: 549

(a) Except as otherwise provided in division (C) (3) (b) of 550  
this section, corrupting another with drugs committed in those 551  
circumstances is a felony of the fourth degree and division (C) 552  
of section 2929.13 of the Revised Code applies in determining 553  
whether to impose a prison term on the offender. 554

(b) If the offense was committed in the vicinity of a 555  
school, corrupting another with drugs committed in those 556  
circumstances is a felony of the third degree and division (C) 557  
of section 2929.13 of the Revised Code applies in determining 558  
whether to impose a prison term on the offender. 559

(4) If the offense is a violation of division (A) (5) of 560  
this section and the drug involved is any compound, mixture, 561  
preparation, or substance included in schedule I or II, with the 562  
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 563  
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 564  
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 565  
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 566  
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 567  
felony of the first degree and, subject to division (E) of this 568  
section, the court shall impose as a mandatory prison term one 569  
of the prison terms prescribed for a felony of the first degree. 570

(5) If the offense is a violation of division (A) (5) of 571  
this section and the drug involved is any compound, mixture, 572  
preparation, or substance included in schedule III, IV, or V, 573  
corrupting another with drugs is a felony of the second degree 574  
and the court shall impose as a mandatory prison term one of the 575  
prison terms prescribed for a felony of the second degree. 576

(6) If the offense is a violation of division (A) (5) of 577  
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 578  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 579

morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a felony of the third degree and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(D) In addition to any prison term authorized or required by division (C) or (E) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. The court also shall do all of the following that are applicable regarding the offender:

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

(b) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, any mandatory fine imposed pursuant

to division (D) (1) (a) of this section and any fine imposed for a 610  
violation of this section pursuant to division (A) of section 611  
2929.18 of the Revised Code shall be paid by the clerk of the 612  
court in accordance with and subject to the requirements of, and 613  
shall be used as specified in, division (F) of section 2925.03 614  
of the Revised Code. 615

(c) If a person is charged with any violation of this 616  
section that is a felony of the first, second, or third degree, 617  
posts bail, and forfeits the bail, the forfeited bail shall be 618  
paid by the clerk of the court pursuant to division (D) (1) (b) of 619  
this section as if it were a fine imposed for a violation of 620  
this section. 621

(2) If the offender is a professionally licensed person, 622  
in addition to any other sanction imposed for a violation of 623  
this section, the court immediately shall comply with section 624  
2925.38 of the Revised Code. 625

(E) Notwithstanding the prison term otherwise authorized 626  
or required for the offense under division (C) of this section 627  
and sections 2929.13 and 2929.14 of the Revised Code, if the 628  
violation of division (A) of this section involves the sale, 629  
offer to sell, or possession of a schedule I or II controlled 630  
substance, with the exception of marihuana, 1-Pentyl-3-(1- 631  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 632  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 633  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 634  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 635  
if the court imposing sentence upon the offender finds that the 636  
offender as a result of the violation is a major drug offender 637  
and is guilty of a specification of the type described in 638  
division (A) of section 2941.1410 of the Revised Code, the 639

court, in lieu of the prison term that otherwise is authorized 640  
or required, shall impose upon the offender the mandatory prison 641  
term specified in division (B) (3) (a) of section 2929.14 of the 642  
Revised Code. 643

(F) (1) If the sentencing court suspends the offender's 644  
driver's or commercial driver's license or permit under division 645  
(D) of this section, the offender, at any time after the 646  
expiration of two years from the day on which the offender's 647  
sentence was imposed or from the day on which the offender 648  
finally was released from a prison term under the sentence, 649  
whichever is later, may file a motion with the sentencing court 650  
requesting termination of the suspension. Upon the filing of the 651  
motion and the court's finding of good cause for the 652  
determination, the court may terminate the suspension. 653

(2) Any offender who received a mandatory suspension of 654  
the offender's driver's or commercial driver's license or permit 655  
under this section prior to ~~the effective date of this amendment~~ 656  
September 13, 2016, may file a motion with the sentencing court 657  
requesting the termination of the suspension. However, an 658  
offender who pleaded guilty to or was convicted of a violation 659  
of section 4511.19 of the Revised Code or a substantially 660  
similar municipal ordinance or law of another state or the 661  
United States that arose out of the same set of circumstances as 662  
the violation for which the offender's license or permit was 663  
suspended under this section shall not file such a motion. 664

Upon the filing of a motion under division (F) (2) of this 665  
section, the sentencing court, in its discretion, may terminate 666  
the suspension. 667

**Sec. 2925.03.** (A) No person shall knowingly do any of the 668  
following: 669



(1) Sell or offer to sell a controlled substance or a 670  
controlled substance analog; 671

(2) Prepare for shipment, ship, transport, deliver, 672  
prepare for distribution, or distribute a controlled substance 673  
or a controlled substance analog, when the offender knows or has 674  
reasonable cause to believe that the controlled substance or a 675  
controlled substance analog is intended for sale or resale by 676  
the offender or another person. 677

(B) This section does not apply to any of the following: 678

(1) Manufacturers, licensed health professionals 679  
authorized to prescribe drugs, pharmacists, owners of 680  
pharmacies, and other persons whose conduct is in accordance 681  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 682  
4741. of the Revised Code; 683

(2) If the offense involves an anabolic steroid, any 684  
person who is conducting or participating in a research project 685  
involving the use of an anabolic steroid if the project has been 686  
approved by the United States food and drug administration; 687

(3) Any person who sells, offers for sale, prescribes, 688  
dispenses, or administers for livestock or other nonhuman 689  
species an anabolic steroid that is expressly intended for 690  
administration through implants to livestock or other nonhuman 691  
species and approved for that purpose under the "Federal Food, 692  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 693  
as amended, and is sold, offered for sale, prescribed, 694  
dispensed, or administered for that purpose in accordance with 695  
that act. 696

(C) Whoever violates division (A) of this section is 697  
guilty of one of the following: 698

(1) If the drug involved in the violation is any compound, 699  
mixture, preparation, or substance included in schedule I or 700  
schedule II, with the exception of marihuana, cocaine, L.S.D., 701  
heroin, any fentanyl-related compound, hashish, and any 702  
controlled substance ~~analog~~ analog, whoever violates division 703  
(A) of this section is guilty of aggravated trafficking in 704  
drugs. The penalty for the offense shall be determined as 705  
follows: 706

(a) Except as otherwise provided in division (C) (1) (b), 707  
(c), (d), (e), or (f) of this section, aggravated trafficking in 708  
drugs is a felony of the fourth degree, and division (C) of 709  
section 2929.13 of the Revised Code applies in determining 710  
whether to impose a prison term on the offender. 711

(b) Except as otherwise provided in division (C) (1) (c), 712  
(d), (e), or (f) of this section, if the offense was committed 713  
in the vicinity of a school or in the vicinity of a juvenile, 714  
aggravated trafficking in drugs is a felony of the third degree, 715  
and division (C) of section 2929.13 of the Revised Code applies 716  
in determining whether to impose a prison term on the offender. 717

(c) Except as otherwise provided in this division, if the 718  
amount of the drug involved equals or exceeds the bulk amount 719  
but is less than five times the bulk amount, aggravated 720  
trafficking in drugs is a felony of the third degree, and, 721  
except as otherwise provided in this division, there is a 722  
presumption for a prison term for the offense. If aggravated 723  
trafficking in drugs is a felony of the third degree under this 724  
division and if the offender two or more times previously has 725  
been convicted of or pleaded guilty to a felony drug abuse 726  
offense, the court shall impose as a mandatory prison term one 727  
of the prison terms prescribed for a felony of the third degree. 728

If the amount of the drug involved is within that range and if 729  
the offense was committed in the vicinity of a school or in the 730  
vicinity of a juvenile, aggravated trafficking in drugs is a 731  
felony of the second degree, and the court shall impose as a 732  
mandatory prison term one of the prison terms prescribed for a 733  
felony of the second degree. 734

(d) Except as otherwise provided in this division, if the 735  
amount of the drug involved equals or exceeds five times the 736  
bulk amount but is less than fifty times the bulk amount, 737  
aggravated trafficking in drugs is a felony of the second 738  
degree, and the court shall impose as a mandatory prison term 739  
one of the prison terms prescribed for a felony of the second 740  
degree. If the amount of the drug involved is within that range 741  
and if the offense was committed in the vicinity of a school or 742  
in the vicinity of a juvenile, aggravated trafficking in drugs 743  
is a felony of the first degree, and the court shall impose as a 744  
mandatory prison term one of the prison terms prescribed for a 745  
felony of the first degree. 746

(e) If the amount of the drug involved equals or exceeds 747  
fifty times the bulk amount but is less than one hundred times 748  
the bulk amount and regardless of whether the offense was 749  
committed in the vicinity of a school or in the vicinity of a 750  
juvenile, aggravated trafficking in drugs is a felony of the 751  
first degree, and the court shall impose as a mandatory prison 752  
term one of the prison terms prescribed for a felony of the 753  
first degree. 754

(f) If the amount of the drug involved equals or exceeds 755  
one hundred times the bulk amount and regardless of whether the 756  
offense was committed in the vicinity of a school or in the 757  
vicinity of a juvenile, aggravated trafficking in drugs is a 758

felony of the first degree, the offender is a major drug 759  
offender, and the court shall impose as a mandatory prison term 760  
the maximum prison term prescribed for a felony of the first 761  
degree. 762

(2) If the drug involved in the violation is any compound, 763  
mixture, preparation, or substance included in schedule III, IV, 764  
or V, whoever violates division (A) of this section is guilty of 765  
trafficking in drugs. The penalty for the offense shall be 766  
determined as follows: 767

(a) Except as otherwise provided in division (C) (2) (b), 768  
(c), (d), or (e) of this section, trafficking in drugs is a 769  
felony of the fifth degree, and division (B) of section 2929.13 770  
of the Revised Code applies in determining whether to impose a 771  
prison term on the offender. 772

(b) Except as otherwise provided in division (C) (2) (c), 773  
(d), or (e) of this section, if the offense was committed in the 774  
vicinity of a school or in the vicinity of a juvenile, 775  
trafficking in drugs is a felony of the fourth degree, and 776  
division (C) of section 2929.13 of the Revised Code applies in 777  
determining whether to impose a prison term on the offender. 778

(c) Except as otherwise provided in this division, if the 779  
amount of the drug involved equals or exceeds the bulk amount 780  
but is less than five times the bulk amount, trafficking in 781  
drugs is a felony of the fourth degree, and division (B) of 782  
section 2929.13 of the Revised Code applies in determining 783  
whether to impose a prison term for the offense. If the amount 784  
of the drug involved is within that range and if the offense was 785  
committed in the vicinity of a school or in the vicinity of a 786  
juvenile, trafficking in drugs is a felony of the third degree, 787  
and there is a presumption for a prison term for the offense. 788

(d) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds five times the  
bulk amount but is less than fifty times the bulk amount,  
trafficking in drugs is a felony of the third degree, and there  
is a presumption for a prison term for the offense. 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 drugs is a felony of the  
second degree, and there is a presumption for a prison term for  
the offense.

(e) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds fifty times the  
bulk amount, trafficking in drugs 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 equals or exceeds  
fifty times the bulk amount and if the offense was committed in  
the vicinity of a school or in the vicinity of a juvenile,  
trafficking in drugs 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.

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

(a) Except as otherwise provided in division (C) (3) (b),  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in  
marihuana 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. 819

(b) Except as otherwise provided in division (C) (3) (c), 820  
(d), (e), (f), (g), or (h) of this section, if the offense was 821  
committed in the vicinity of a school or in the vicinity of a 822  
juvenile, trafficking in marihuana is a felony of the fourth 823  
degree, and division (B) of section 2929.13 of the Revised Code 824  
applies in determining whether to impose a prison term on the 825  
offender. 826

(c) Except as otherwise provided in this division, if the 827  
amount of the drug involved equals or exceeds two hundred grams 828  
but is less than one thousand grams, trafficking in marihuana is 829  
a felony of the fourth degree, and division (B) of section 830  
2929.13 of the Revised Code applies in determining whether to 831  
impose a prison term on the offender. If the amount of the drug 832  
involved is within that range and if the offense was committed 833  
in the vicinity of a school or in the vicinity of a juvenile, 834  
trafficking in marihuana is a felony of the third degree, and 835  
division (C) of section 2929.13 of the Revised Code applies in 836  
determining whether to impose a prison term on the offender. 837

(d) Except as otherwise provided in this division, if the 838  
amount of the drug involved equals or exceeds one thousand grams 839  
but is less than five thousand grams, trafficking in marihuana 840  
is a felony of the third degree, and division (C) of section 841  
2929.13 of the Revised Code applies in determining whether to 842  
impose a prison term on the offender. If the amount of the drug 843  
involved is within that range and if the offense was committed 844  
in the vicinity of a school or in the vicinity of a juvenile, 845  
trafficking in marihuana is a felony of the second degree, and 846  
there is a presumption that a prison term shall be imposed for 847  
the offense. 848

(e) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds five thousand  
grams but is less than twenty thousand grams, trafficking in  
marihuana is a felony of the third degree, and there is a  
presumption that a prison term shall be imposed for the offense.  
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 marihuana is a felony of  
the second degree, and there is a presumption that a prison term  
shall be imposed for the offense.

(f) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds twenty thousand  
grams but is less than forty thousand grams, trafficking in  
marihuana is a felony of the second degree, and the court shall  
impose a mandatory prison term of five, six, seven, or eight  
years. 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 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.

(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. 880

(h) Except as otherwise provided in this division, if the 881  
offense involves a gift of twenty grams or less of marihuana, 882  
trafficking in marihuana is a minor misdemeanor upon a first 883  
offense and a misdemeanor of the third degree upon a subsequent 884  
offense. If the offense involves a gift of twenty grams or less 885  
of marihuana and if the offense was committed in the vicinity of 886  
a school or in the vicinity of a juvenile, trafficking in 887  
marihuana is a misdemeanor of the third degree. 888

(4) If the drug involved in the violation is cocaine or a 889  
compound, mixture, preparation, or substance containing cocaine, 890  
whoever violates division (A) of this section is guilty of 891  
trafficking in cocaine. The penalty for the offense shall be 892  
determined as follows: 893

(a) Except as otherwise provided in division (C) (4) (b), 894  
(c), (d), (e), (f), or (g) of this section, trafficking in 895  
cocaine is a felony of the fifth degree, and division (B) of 896  
section 2929.13 of the Revised Code applies in determining 897  
whether to impose a prison term on the offender. 898

(b) Except as otherwise provided in division (C) (4) (c), 899  
(d), (e), (f), or (g) of this section, if the offense was 900  
committed in the vicinity of a school or in the vicinity of a 901  
juvenile, trafficking in cocaine is a felony of the fourth 902  
degree, and division (C) of section 2929.13 of the Revised Code 903  
applies in determining whether to impose a prison term on the 904  
offender. 905

(c) Except as otherwise provided in this division, if the 906  
amount of the drug involved equals or exceeds five grams but is 907  
less than ten grams of cocaine, trafficking in cocaine is a 908



felony of the fourth degree, and division (B) of section 2929.13 909  
of the Revised Code applies in determining whether to impose a 910  
prison term for the offense. If the amount of the drug involved 911  
is within that range and if the offense was committed in the 912  
vicinity of a school or in the vicinity of a juvenile, 913  
trafficking in cocaine is a felony of the third degree, and 914  
there is a presumption for a prison term for the offense. 915

(d) Except as otherwise provided in this division, if the 916  
amount of the drug involved equals or exceeds ten grams but is 917  
less than twenty grams of cocaine, trafficking in cocaine is a 918  
felony of the third degree, and, except as otherwise provided in 919  
this division, there is a presumption for a prison term for the 920  
offense. If trafficking in cocaine is a felony of the third 921  
degree under this division and if the offender two or more times 922  
previously has been convicted of or pleaded guilty to a felony 923  
drug abuse offense, the court shall impose as a mandatory prison 924  
term one of the prison terms prescribed for a felony of the 925  
third degree. If the amount of the drug involved is within that 926  
range and if the offense was committed in the vicinity of a 927  
school or in the vicinity of a juvenile, trafficking in cocaine 928  
is a felony of the second degree, and the court shall impose as 929  
a mandatory prison term one of the prison terms prescribed for a 930  
felony of the second degree. 931

(e) Except as otherwise provided in this division, if the 932  
amount of the drug involved equals or exceeds twenty grams but 933  
is less than twenty-seven grams of cocaine, trafficking in 934  
cocaine is a felony of the second degree, and the court shall 935  
impose as a mandatory prison term one of the prison terms 936  
prescribed for a felony of the second degree. If the amount of 937  
the drug involved is within that range and if the offense was 938  
committed in the vicinity of a school or in the vicinity of a 939

juvenile, trafficking in cocaine is a felony of the first 940  
degree, and the court shall impose as a mandatory prison term 941  
one of the prison terms prescribed for a felony of the first 942  
degree. 943

(f) If the amount of the drug involved equals or exceeds 944  
twenty-seven grams but is less than one hundred grams of cocaine 945  
and regardless of whether the offense was committed in the 946  
vicinity of a school or in the vicinity of a juvenile, 947  
trafficking in cocaine is a felony of the first degree, and the 948  
court shall impose as a mandatory prison term one of the prison 949  
terms prescribed for a felony of the first degree. 950

(g) If the amount of the drug involved equals or exceeds 951  
one hundred grams of cocaine and regardless of whether the 952  
offense was committed in the vicinity of a school or in the 953  
vicinity of a juvenile, trafficking in cocaine is a felony of 954  
the first degree, the offender is a major drug offender, and the 955  
court shall impose as a mandatory prison term the maximum prison 956  
term prescribed for a felony of the first degree. 957

(5) If the drug involved in the violation is L.S.D. or a 958  
compound, mixture, preparation, or substance containing L.S.D., 959  
whoever violates division (A) of this section is guilty of 960  
trafficking in L.S.D. The penalty for the offense shall be 961  
determined as follows: 962

(a) Except as otherwise provided in division (C) (5) (b), 963  
(c), (d), (e), (f), or (g) of this section, trafficking in 964  
L.S.D. is a felony of the fifth degree, and division (B) of 965  
section 2929.13 of the Revised Code applies in determining 966  
whether to impose a prison term on the offender. 967

(b) Except as otherwise provided in division (C) (5) (c), 968

(d), (e), (f), or (g) of this section, if the offense was 969  
committed in the vicinity of a school or in the vicinity of a 970  
juvenile, trafficking in L.S.D. is a felony of the fourth 971  
degree, and division (C) of section 2929.13 of the Revised Code 972  
applies in determining whether to impose a prison term on the 973  
offender. 974

(c) Except as otherwise provided in this division, if the 975  
amount of the drug involved equals or exceeds ten unit doses but 976  
is less than fifty unit doses of L.S.D. in a solid form or 977  
equals or exceeds one gram but is less than five grams of L.S.D. 978  
in a liquid concentrate, liquid extract, or liquid distillate 979  
form, trafficking in L.S.D. is a felony of the fourth degree, 980  
and division (B) of section 2929.13 of the Revised Code applies 981  
in determining whether to impose a prison term for the offense. 982  
If the amount of the drug involved is within that range and if 983  
the offense was committed in the vicinity of a school or in the 984  
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 985  
third degree, and there is a presumption for a prison term for 986  
the offense. 987

(d) Except as otherwise provided in this division, if the 988  
amount of the drug involved equals or exceeds fifty unit doses 989  
but is less than two hundred fifty unit doses of L.S.D. in a 990  
solid form or equals or exceeds five grams but is less than 991  
twenty-five grams of L.S.D. in a liquid concentrate, liquid 992  
extract, or liquid distillate form, trafficking in L.S.D. is a 993  
felony of the third degree, and, except as otherwise provided in 994  
this division, there is a presumption for a prison term for the 995  
offense. If trafficking in L.S.D. is a felony of the third 996  
degree under this division and if the offender two or more times 997  
previously has been convicted of or pleaded guilty to a felony 998  
drug abuse offense, the court shall impose as a mandatory prison 999

term one of the prison terms prescribed for a felony of the 1000  
third degree. If the amount of the drug involved is within that 1001  
range and if the offense was committed in the vicinity of a 1002  
school or in the vicinity of a juvenile, trafficking in L.S.D. 1003  
is a felony of the second degree, and the court shall impose as 1004  
a mandatory prison term one of the prison terms prescribed for a 1005  
felony of the second degree. 1006

(e) Except as otherwise provided in this division, if the 1007  
amount of the drug involved equals or exceeds two hundred fifty 1008  
unit doses but is less than one thousand unit doses of L.S.D. in 1009  
a solid form or equals or exceeds twenty-five grams but is less 1010  
than one hundred grams of L.S.D. in a liquid concentrate, liquid 1011  
extract, or liquid distillate form, trafficking in L.S.D. is a 1012  
felony of the second degree, and the court shall impose as a 1013  
mandatory prison term one of the prison terms prescribed for a 1014  
felony of the second degree. If the amount of the drug involved 1015  
is within that range and if the offense was committed in the 1016  
vicinity of a school or in the vicinity of a juvenile, 1017  
trafficking in L.S.D. is a felony of the first degree, and the 1018  
court shall impose as a mandatory prison term one of the prison 1019  
terms prescribed for a felony of the first degree. 1020

(f) If the amount of the drug involved equals or exceeds 1021  
one thousand unit doses but is less than five thousand unit 1022  
doses of L.S.D. in a solid form or equals or exceeds one hundred 1023  
grams but is less than five hundred grams of L.S.D. in a liquid 1024  
concentrate, liquid extract, or liquid distillate form and 1025  
regardless of whether the offense was committed in the vicinity 1026  
of a school or in the vicinity of a juvenile, trafficking in 1027  
L.S.D. is a felony of the first degree, and the court shall 1028  
impose as a mandatory prison term one of the prison terms 1029  
prescribed for a felony of the first degree. 1030

(g) If the amount of the drug involved equals or exceeds 1031  
five thousand unit doses of L.S.D. in a solid form or equals or 1032  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1033  
liquid extract, or liquid distillate form and regardless of 1034  
whether the offense was committed in the vicinity of a school or 1035  
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 1036  
of the first degree, the offender is a major drug offender, and 1037  
the court shall impose as a mandatory prison term the maximum 1038  
prison term prescribed for a felony of the first degree. 1039

(6) If the drug involved in the violation is heroin or a 1040  
compound, mixture, preparation, or substance containing heroin, 1041  
whoever violates division (A) of this section is guilty of 1042  
trafficking in heroin. The penalty for the offense shall be 1043  
determined as follows: 1044

(a) Except as otherwise provided in division (C) (6) (b), 1045  
(c), (d), (e), (f), or (g) of this section, trafficking in 1046  
heroin is a felony of the fifth degree, and division (B) of 1047  
section 2929.13 of the Revised Code applies in determining 1048  
whether to impose a prison term on the offender. 1049

(b) Except as otherwise provided in division (C) (6) (c), 1050  
(d), (e), (f), or (g) of this section, if the offense was 1051  
committed in the vicinity of a school or in the vicinity of a 1052  
juvenile, trafficking in heroin is a felony of the fourth 1053  
degree, and division (C) of section 2929.13 of the Revised Code 1054  
applies in determining whether to impose a prison term on the 1055  
offender. 1056

(c) Except as otherwise provided in this division, if the 1057  
amount of the drug involved equals or exceeds ten unit doses but 1058  
is less than fifty unit doses or equals or exceeds one gram but 1059  
is less than five grams, trafficking in heroin is a felony of 1060

the fourth degree, and division (B) of section 2929.13 of the  
Revised Code applies in determining whether to impose a prison  
term for the offense. 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 heroin is a felony of the third degree, and there  
is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds fifty unit doses  
but is less than one hundred unit doses or equals or exceeds  
five grams but is less than ten grams, trafficking in heroin is  
a felony of the third degree, and there is a presumption for a  
prison term for the offense. 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 heroin is a felony of the second degree, and  
there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds one hundred unit  
doses but is less than five hundred unit doses or equals or  
exceeds ten grams but is less than fifty grams, trafficking in  
heroin 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 heroin 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.

(f) If the amount of the drug involved equals or exceeds

five hundred unit doses but is less than one thousand unit doses 1091  
or equals or exceeds fifty grams but is less than one hundred 1092  
grams and regardless of whether the offense was committed in the 1093  
vicinity of a school or in the vicinity of a juvenile, 1094  
trafficking in heroin is a felony of the first degree, and the 1095  
court shall impose as a mandatory prison term one of the prison 1096  
terms prescribed for a felony of the first degree. 1097

(g) If the amount of the drug involved equals or exceeds 1098  
one thousand unit doses or equals or exceeds one hundred grams 1099  
and regardless of whether the offense was committed in the 1100  
vicinity of a school or in the vicinity of a juvenile, 1101  
trafficking in heroin is a felony of the first degree, the 1102  
offender is a major drug offender, and the court shall impose as 1103  
a mandatory prison term the maximum prison term prescribed for a 1104  
felony of the first degree. 1105

(7) If the drug involved in the violation is hashish or a 1106  
compound, mixture, preparation, or substance containing hashish, 1107  
whoever violates division (A) of this section is guilty of 1108  
trafficking in hashish. The penalty for the offense shall be 1109  
determined as follows: 1110

(a) Except as otherwise provided in division (C) (7) (b), 1111  
(c), (d), (e), (f), or (g) of this section, trafficking in 1112  
hashish is a felony of the fifth degree, and division (B) of 1113  
section 2929.13 of the Revised Code applies in determining 1114  
whether to impose a prison term on the offender. 1115

(b) Except as otherwise provided in division (C) (7) (c), 1116  
(d), (e), (f), or (g) of this section, if the offense was 1117  
committed in the vicinity of a school or in the vicinity of a 1118  
juvenile, trafficking in hashish is a felony of the fourth 1119  
degree, and division (B) of section 2929.13 of the Revised Code 1120

applies in determining whether to impose a prison term on the 1121  
offender. 1122

(c) Except as otherwise provided in this division, if the 1123  
amount of the drug involved equals or exceeds ten grams but is 1124  
less than fifty grams of hashish in a solid form or equals or 1125  
exceeds two grams but is less than ten grams of hashish in a 1126  
liquid concentrate, liquid extract, or liquid distillate form, 1127  
trafficking in hashish is a felony of the fourth degree, and 1128  
division (B) of section 2929.13 of the Revised Code applies in 1129  
determining whether to impose a prison term on the offender. If 1130  
the amount of the drug involved is within that range and if the 1131  
offense was committed in the vicinity of a school or in the 1132  
vicinity of a juvenile, trafficking in hashish is a felony of 1133  
the third degree, and division (C) of section 2929.13 of the 1134  
Revised Code applies in determining whether to impose a prison 1135  
term on the offender. 1136

(d) Except as otherwise provided in this division, if the 1137  
amount of the drug involved equals or exceeds fifty grams but is 1138  
less than two hundred fifty grams of hashish in a solid form or 1139  
equals or exceeds ten grams but is less than fifty grams of 1140  
hashish in a liquid concentrate, liquid extract, or liquid 1141  
distillate form, trafficking in hashish is a felony of the third 1142  
degree, and division (C) of section 2929.13 of the Revised Code 1143  
applies in determining whether to impose a prison term on the 1144  
offender. If the amount of the drug involved is within that 1145  
range and if the offense was committed in the vicinity of a 1146  
school or in the vicinity of a juvenile, trafficking in hashish 1147  
is a felony of the second degree, and there is a presumption 1148  
that a prison term shall be imposed for the offense. 1149

(e) Except as otherwise provided in this division, if the 1150



amount of the drug involved equals or exceeds two hundred fifty 1151  
grams but is less than one thousand grams of hashish in a solid 1152  
form or equals or exceeds fifty grams but is less than two 1153  
hundred grams of hashish in a liquid concentrate, liquid 1154  
extract, or liquid distillate form, trafficking in hashish is a 1155  
felony of the third degree, and there is a presumption that a 1156  
prison term shall be imposed for the offense. If the amount of 1157  
the drug involved is within that range and if the offense was 1158  
committed in the vicinity of a school or in the vicinity of a 1159  
juvenile, trafficking in hashish is a felony of the second 1160  
degree, and there is a presumption that a prison term shall be 1161  
imposed for the offense. 1162

(f) Except as otherwise provided in this division, if the 1163  
amount of the drug involved equals or exceeds one thousand grams 1164  
but is less than two thousand grams of hashish in a solid form 1165  
or equals or exceeds two hundred grams but is less than four 1166  
hundred grams of hashish in a liquid concentrate, liquid 1167  
extract, or liquid distillate form, trafficking in hashish is a 1168  
felony of the second degree, and the court shall impose a 1169  
mandatory prison term of five, six, seven, or eight years. If 1170  
the amount of the drug involved is within that range and if the 1171  
offense was committed in the vicinity of a school or in the 1172  
vicinity of a juvenile, trafficking in hashish is a felony of 1173  
the first degree, and the court shall impose as a mandatory 1174  
prison term the maximum prison term prescribed for a felony of 1175  
the first degree. 1176

(g) Except as otherwise provided in this division, if the 1177  
amount of the drug involved equals or exceeds two thousand grams 1178  
of hashish in a solid form or equals or exceeds four hundred 1179  
grams of hashish in a liquid concentrate, liquid extract, or 1180  
liquid distillate form, trafficking in hashish is a felony of 1181

the second degree, and the court shall impose as a mandatory 1182  
prison term the maximum prison term prescribed for a felony of 1183  
the second degree. If the amount of the drug involved equals or 1184  
exceeds two thousand grams of hashish in a solid form or equals 1185  
or exceeds four hundred grams of hashish in a liquid 1186  
concentrate, liquid extract, or liquid distillate form and if 1187  
the offense was committed in the vicinity of a school or in the 1188  
vicinity of a juvenile, trafficking in hashish is a felony of 1189  
the first degree, and the court shall impose as a mandatory 1190  
prison term the maximum prison term prescribed for a felony of 1191  
the first degree. 1192

(8) If the drug involved in the violation is a controlled 1193  
substance analog or compound, mixture, preparation, or substance 1194  
that contains a controlled substance analog, whoever violates 1195  
division (A) of this section is guilty of trafficking in a 1196  
controlled substance analog. The penalty for the offense shall 1197  
be determined as follows: 1198

(a) Except as otherwise provided in division (C) (8) (b), 1199  
(c), (d), (e), (f), or (g) of this section, trafficking in a 1200  
controlled substance analog is a felony of the fifth degree, and 1201  
division (C) of section 2929.13 of the Revised Code applies in 1202  
determining whether to impose a prison term on the offender. 1203

(b) Except as otherwise provided in division (C) (8) (c), 1204  
(d), (e), (f), or (g) of this section, if the offense was 1205  
committed in the vicinity of a school or in the vicinity of a 1206  
juvenile, trafficking in a controlled substance analog is a 1207  
felony of the fourth degree, and division (C) of section 2929.13 1208  
of the Revised Code applies in determining whether to impose a 1209  
prison term on the offender. 1210

(c) Except as otherwise provided in this division, if the 1211

amount of the drug involved equals or exceeds ten grams but is 1212  
less than twenty grams, trafficking in a controlled substance 1213  
analog is a felony of the fourth degree, and division (B) of 1214  
section 2929.13 of the Revised Code applies in determining 1215  
whether to impose a prison term for the offense. If the amount 1216  
of the drug involved is within that range and if the offense was 1217  
committed in the vicinity of a school or in the vicinity of a 1218  
juvenile, trafficking in a controlled substance analog is a 1219  
felony of the third degree, and there is a presumption for a 1220  
prison term for the offense. 1221

(d) Except as otherwise provided in this division, if the 1222  
amount of the drug involved equals or exceeds twenty grams but 1223  
is less than thirty grams, trafficking in a controlled substance 1224  
analog is a felony of the third degree, and there is a 1225  
presumption for a prison term for the offense. If the amount of 1226  
the drug involved is within that range and if the offense was 1227  
committed in the vicinity of a school or in the vicinity of a 1228  
juvenile, trafficking in a controlled substance analog is a 1229  
felony of the second degree, and there is a presumption for a 1230  
prison term for the offense. 1231

(e) Except as otherwise provided in this division, if the 1232  
amount of the drug involved equals or exceeds thirty grams but 1233  
is less than forty grams, trafficking in a controlled substance 1234  
analog is a felony of the second degree, and the court shall 1235  
impose as a mandatory prison term one of the prison terms 1236  
prescribed for a felony of the second degree. If the amount of 1237  
the drug involved is within that range and if the offense was 1238  
committed in the vicinity of a school or in the vicinity of a 1239  
juvenile, trafficking in a controlled substance analog is a 1240  
felony of the first degree, and the court shall impose as a 1241  
mandatory prison term one of the prison terms prescribed for a 1242

felony of the first degree. 1243

(f) If the amount of the drug involved equals or exceeds 1244  
forty grams but is less than fifty grams and regardless of 1245  
whether the offense was committed in the vicinity of a school or 1246  
in the vicinity of a juvenile, trafficking in a controlled 1247  
substance analog is a felony of the first degree, and the court 1248  
shall impose as a mandatory prison term one of the prison terms 1249  
prescribed for a felony of the first degree. 1250

(g) If the amount of the drug involved equals or exceeds 1251  
fifty grams and regardless of whether the offense was committed 1252  
in the vicinity of a school or in the vicinity of a juvenile, 1253  
trafficking in a controlled substance analog is a felony of the 1254  
first degree, the offender is a major drug offender, and the 1255  
court shall impose as a mandatory prison term the maximum prison 1256  
term prescribed for a felony of the first degree. 1257

(9) If the drug involved in the violation is a fentanyl- 1258  
related compound or a compound, mixture, preparation, or 1259  
substance containing a fentanyl-related compound and division 1260  
(C) (10) (a) of this section does not apply to the drug involved, 1261  
whoever violates division (A) of this section is guilty of 1262  
trafficking in a fentanyl-related compound. The penalty for the 1263  
offense shall be determined as follows: 1264

(a) Except as otherwise provided in division (C) (9) (b), 1265  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1266  
a fentanyl-related compound is a felony of the fifth degree, and 1267  
division (B) of section 2929.13 of the Revised Code applies in 1268  
determining whether to impose a prison term on the offender. 1269

(b) Except as otherwise provided in division (C) (9) (c), 1270  
(d), (e), (f), (g), or (h) of this section, if the offense was 1271

committed in the vicinity of a school or in the vicinity of a 1272  
juvenile, trafficking in a fentanyl-related compound is a felony 1273  
of the fourth degree, and division (C) of section 2929.13 of the 1274  
Revised Code applies in determining whether to impose a prison 1275  
term on the offender. 1276

(c) Except as otherwise provided in this division, if the 1277  
amount of the drug involved equals or exceeds ten unit doses but 1278  
is less than fifty unit doses or equals or exceeds one gram but 1279  
is less than five grams, trafficking in a fentanyl-related 1280  
compound is a felony of the fourth degree, and division (B) of 1281  
section 2929.13 of the Revised Code applies in determining 1282  
whether to impose a prison term for the offense. If the amount 1283  
of the drug involved is within that range and if the offense was 1284  
committed in the vicinity of a school or in the vicinity of a 1285  
juvenile, trafficking in a fentanyl-related compound is a felony 1286  
of the third degree, and there is a presumption for a prison 1287  
term for the offense. 1288

(d) Except as otherwise provided in this division, if the 1289  
amount of the drug involved equals or exceeds fifty unit doses 1290  
but is less than one hundred unit doses or equals or exceeds 1291  
five grams but is less than ten grams, trafficking in a 1292  
fentanyl-related compound is a felony of the third degree, and 1293  
there is a presumption for a prison term for the offense. If the 1294  
amount of the drug involved is within that range and if the 1295  
offense was committed in the vicinity of a school or in the 1296  
vicinity of a juvenile, trafficking in a fentanyl-related 1297  
compound is a felony of the second degree, and there is a 1298  
presumption for a prison term for the offense. 1299

(e) Except as otherwise provided in this division, if the 1300  
amount of the drug involved equals or exceeds one hundred unit 1301

doses but is less than two hundred unit doses or equals or 1302  
exceeds ten grams but is less than twenty grams, trafficking in 1303  
a fentanyl-related compound is a felony of the second degree, 1304  
and the court shall impose as a mandatory prison term one of the 1305  
prison terms prescribed for a felony of the second degree. If 1306  
the amount of the drug involved is within that range and if the 1307  
offense was committed in the vicinity of a school or in the 1308  
vicinity of a juvenile, trafficking in a fentanyl-related 1309  
compound is a felony of the first degree, and the court shall 1310  
impose as a mandatory prison term one of the prison terms 1311  
prescribed for a felony of the first degree. 1312

(f) If the amount of the drug involved equals or exceeds 1313  
two hundred unit doses but is less than five hundred unit doses 1314  
or equals or exceeds twenty grams but is less than fifty grams 1315  
and regardless of whether the offense was committed in the 1316  
vicinity of a school or in the vicinity of a juvenile, 1317  
trafficking in a fentanyl-related compound is a felony of the 1318  
first degree, and the court shall impose as a mandatory prison 1319  
term one of the prison terms prescribed for a felony of the 1320  
first degree. 1321

(g) If the amount of the drug involved equals or exceeds 1322  
five hundred unit doses but is less than one thousand unit doses 1323  
or equals or exceeds fifty grams but is less than one hundred 1324  
grams and regardless of whether the offense was committed in the 1325  
vicinity of a school or in the vicinity of a juvenile, 1326  
trafficking in a fentanyl-related compound is a felony of the 1327  
first degree, and the court shall impose as a mandatory prison 1328  
term the maximum prison term prescribed for a felony of the 1329  
first degree. 1330

(h) If the amount of the drug involved equals or exceeds 1331

one thousand unit doses or equals or exceeds one hundred grams 1332  
and regardless of whether the offense was committed in the 1333  
vicinity of a school or in the vicinity of a juvenile, 1334  
trafficking in a fentanyl-related compound is a felony of the 1335  
first degree, the offender is a major drug offender, and the 1336  
court shall impose as a mandatory prison term the maximum prison 1337  
term prescribed for a felony of the first degree. 1338

(10) If the drug involved in the violation is a compound, 1339  
mixture, preparation, or substance that is a combination of a 1340  
fentanyl-related compound and marihuana, one of the following 1341  
applies: 1342

(a) Except as otherwise provided in division (C) (10) (b) of 1343  
this section, the offender is guilty of trafficking in marihuana 1344  
and shall be punished under division (C) (3) of this section. The 1345  
offender is not guilty of trafficking in a fentanyl-related 1346  
compound and shall not be charged with, convicted of, or 1347  
punished under division (C) (9) of this section for trafficking 1348  
in a fentanyl-related compound. 1349

(b) If the offender knows or has reason to know that the 1350  
compound, mixture, preparation, or substance that is the drug 1351  
involved contains a fentanyl-related compound, the offender is 1352  
guilty of trafficking in a fentanyl-related compound and shall 1353  
be punished under division (C) (9) of this section. 1354

(D) In addition to any prison term authorized or required 1355  
by division (C) of this section and sections 2929.13 and 2929.14 1356  
of the Revised Code, and in addition to any other sanction 1357  
imposed for the offense under this section or sections 2929.11 1358  
to 2929.18 of the Revised Code, the court that sentences an 1359  
offender who is convicted of or pleads guilty to a violation of 1360  
division (A) of this section may suspend the driver's or 1361

commercial driver's license or permit of the offender in 1362  
accordance with division (G) of this section. However, if the 1363  
offender pleaded guilty to or was convicted of a violation of 1364  
section 4511.19 of the Revised Code or a substantially similar 1365  
municipal ordinance or the law of another state or the United 1366  
States arising out of the same set of circumstances as the 1367  
violation, the court shall suspend the offender's driver's or 1368  
commercial driver's license or permit in accordance with 1369  
division (G) of this section. If applicable, the court also 1370  
shall do the following: 1371

(1) If the violation of division (A) of this section is a 1372  
felony of the first, second, or third degree, the court shall 1373  
impose upon the offender the mandatory fine specified for the 1374  
offense under division (B) (1) of section 2929.18 of the Revised 1375  
Code unless, as specified in that division, the court determines 1376  
that the offender is indigent. Except as otherwise provided in 1377  
division (H) (1) of this section, a mandatory fine or any other 1378  
fine imposed for a violation of this section is subject to 1379  
division (F) of this section. If a person is charged with a 1380  
violation of this section that is a felony of the first, second, 1381  
or third degree, posts bail, and forfeits the bail, the clerk of 1382  
the court shall pay the forfeited bail pursuant to divisions (D) 1383  
(1) and (F) of this section, as if the forfeited bail was a fine 1384  
imposed for a violation of this section. If any amount of the 1385  
forfeited bail remains after that payment and if a fine is 1386  
imposed under division (H) (1) of this section, the clerk of the 1387  
court shall pay the remaining amount of the forfeited bail 1388  
pursuant to divisions (H) (2) and (3) of this section, as if that 1389  
remaining amount was a fine imposed under division (H) (1) of 1390  
this section. 1391

(2) If the offender is a professionally licensed person, 1392



the court immediately shall comply with section 2925.38 of the 1393  
Revised Code. 1394

(E) When a person is charged with the sale of or offer to 1395  
sell a bulk amount or a multiple of a bulk amount of a 1396  
controlled substance, the jury, or the court trying the accused, 1397  
shall determine the amount of the controlled substance involved 1398  
at the time of the offense and, if a guilty verdict is returned, 1399  
shall return the findings as part of the verdict. In any such 1400  
case, it is unnecessary to find and return the exact amount of 1401  
the controlled substance involved, and it is sufficient if the 1402  
finding and return is to the effect that the amount of the 1403  
controlled substance involved is the requisite amount, or that 1404  
the amount of the controlled substance involved is less than the 1405  
requisite amount. 1406

(F) (1) Notwithstanding any contrary provision of section 1407  
3719.21 of the Revised Code and except as provided in division 1408  
(H) of this section, the clerk of the court shall pay any 1409  
mandatory fine imposed pursuant to division (D) (1) of this 1410  
section and any fine other than a mandatory fine that is imposed 1411  
for a violation of this section pursuant to division (A) or (B) 1412  
(5) of section 2929.18 of the Revised Code to the county, 1413  
township, municipal corporation, park district, as created 1414  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1415  
state law enforcement agencies in this state that primarily were 1416  
responsible for or involved in making the arrest of, and in 1417  
prosecuting, the offender. However, the clerk shall not pay a 1418  
mandatory fine so imposed to a law enforcement agency unless the 1419  
agency has adopted a written internal control policy under 1420  
division (F) (2) of this section that addresses the use of the 1421  
fine moneys that it receives. Each agency shall use the 1422  
mandatory fines so paid to subsidize the agency's law 1423

enforcement efforts that pertain to drug offenses, in accordance 1424  
with the written internal control policy adopted by the 1425  
recipient agency under division (F) (2) of this section. 1426

(2) Prior to receiving any fine moneys under division (F) 1427  
(1) of this section or division (B) of section 2925.42 of the 1428  
Revised Code, a law enforcement agency shall adopt a written 1429  
internal control policy that addresses the agency's use and 1430  
disposition of all fine moneys so received and that provides for 1431  
the keeping of detailed financial records of the receipts of 1432  
those fine moneys, the general types of expenditures made out of 1433  
those fine moneys, and the specific amount of each general type 1434  
of expenditure. The policy shall not provide for or permit the 1435  
identification of any specific expenditure that is made in an 1436  
ongoing investigation. All financial records of the receipts of 1437  
those fine moneys, the general types of expenditures made out of 1438  
those fine moneys, and the specific amount of each general type 1439  
of expenditure by an agency are public records open for 1440  
inspection under section 149.43 of the Revised Code. 1441  
Additionally, a written internal control policy adopted under 1442  
this division is such a public record, and the agency that 1443  
adopted it shall comply with it. 1444

(3) As used in division (F) of this section: 1445

(a) "Law enforcement agencies" includes, but is not 1446  
limited to, the state board of pharmacy and the office of a 1447  
prosecutor. 1448

(b) "Prosecutor" has the same meaning as in section 1449  
2935.01 of the Revised Code. 1450

(G) (1) If the sentencing court suspends the offender's 1451  
driver's or commercial driver's license or permit under division 1452

(D) of this section or any other provision of this chapter, the  
court shall suspend the license, by order, for not more than  
five years. If an offender's driver's or commercial driver's  
license or permit is suspended pursuant to this division, the  
offender, at any time after the expiration of two years from the  
day on which the offender's sentence was imposed or from the day  
on which the offender finally was released from a prison term  
under the sentence, whichever is later, may file a motion with  
the sentencing court requesting termination of the suspension;  
upon the filing of such a motion and the court's finding of good  
cause for the termination, the court may terminate the  
suspension.

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

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

(H)(1) In addition to any prison term authorized or  
required by division (C) of this section and sections 2929.13  
and 2929.14 of the Revised Code, in addition to any other  
penalty or sanction imposed for the offense under this section

or sections 2929.11 to 2929.18 of the Revised Code, and in 1483  
addition to the forfeiture of property in connection with the 1484  
offense as prescribed in Chapter 2981. of the Revised Code, the 1485  
court that sentences an offender who is convicted of or pleads 1486  
guilty to a violation of division (A) of this section may impose 1487  
upon the offender an additional fine specified for the offense 1488  
in division (B) (4) of section 2929.18 of the Revised Code. A 1489  
fine imposed under division (H) (1) of this section is not 1490  
subject to division (F) of this section and shall be used solely 1491  
for the support of one or more eligible community addiction 1492  
services providers in accordance with divisions (H) (2) and (3) 1493  
of this section. 1494

(2) The court that imposes a fine under division (H) (1) of 1495  
this section shall specify in the judgment that imposes the fine 1496  
one or more eligible community addiction services providers for 1497  
the support of which the fine money is to be used. No community 1498  
addiction services provider shall receive or use money paid or 1499  
collected in satisfaction of a fine imposed under division (H) 1500  
(1) of this section unless the services provider is specified in 1501  
the judgment that imposes the fine. No community addiction 1502  
services provider shall be specified in the judgment unless the 1503  
services provider is an eligible community addiction services 1504  
provider and, except as otherwise provided in division (H) (2) of 1505  
this section, unless the services provider is located in the 1506  
county in which the court that imposes the fine is located or in 1507  
a county that is immediately contiguous to the county in which 1508  
that court is located. If no eligible community addiction 1509  
services provider is located in any of those counties, the 1510  
judgment may specify an eligible community addiction services 1511  
provider that is located anywhere within this state. 1512

(3) Notwithstanding any contrary provision of section 1513

3719.21 of the Revised Code, the clerk of the court shall pay 1514  
any fine imposed under division (H) (1) of this section to the 1515  
eligible community addiction services provider specified 1516  
pursuant to division (H) (2) of this section in the judgment. The 1517  
eligible community addiction services provider that receives the 1518  
fine moneys shall use the moneys only for the alcohol and drug 1519  
addiction services identified in the application for 1520  
certification of services under section 5119.36 of the Revised 1521  
Code or in the application for a license under section 5119.391 1522  
of the Revised Code filed with the department of mental health 1523  
and addiction services by the community addiction services 1524  
provider specified in the judgment. 1525

(4) Each community addiction services provider that 1526  
receives in a calendar year any fine moneys under division (H) 1527  
(3) of this section shall file an annual report covering that 1528  
calendar year with the court of common pleas and the board of 1529  
county commissioners of the county in which the services 1530  
provider is located, with the court of common pleas and the 1531  
board of county commissioners of each county from which the 1532  
services provider received the moneys if that county is 1533  
different from the county in which the services provider is 1534  
located, and with the attorney general. The community addiction 1535  
services provider shall file the report no later than the first 1536  
day of March in the calendar year following the calendar year in 1537  
which the services provider received the fine moneys. The report 1538  
shall include statistics on the number of persons served by the 1539  
community addiction services provider, identify the types of 1540  
alcohol and drug addiction services provided to those persons, 1541  
and include a specific accounting of the purposes for which the 1542  
fine moneys received were used. No information contained in the 1543  
report shall identify, or enable a person to determine the 1544

identity of, any person served by the community addiction 1545  
services provider. Each report received by a court of common 1546  
pleas, a board of county commissioners, or the attorney general 1547  
is a public record open for inspection under section 149.43 of 1548  
the Revised Code. 1549

(5) As used in divisions (H) (1) to (5) of this section: 1550

(a) "Community addiction services provider" and "alcohol 1551  
and drug addiction services" have the same meanings as in 1552  
section 5119.01 of the Revised Code. 1553

(b) "Eligible community addiction services provider" means 1554  
a community addiction services provider, as defined in section 1555  
5119.01 of the Revised Code, or a community addiction services 1556  
provider that maintains a methadone treatment program licensed 1557  
under section 5119.391 of the Revised Code. 1558

(I) As used in this section, "drug" includes any substance 1559  
that is represented to be a drug. 1560

(J) It is an affirmative defense to a charge of 1561  
trafficking in a controlled substance analog under division (C) 1562  
(8) of this section that the person charged with violating that 1563  
offense sold or offered to sell, or prepared for shipment, 1564  
shipped, transported, delivered, prepared for distribution, or 1565  
distributed an item described in division (HH) (2) (a), (b), or 1566  
(c) of section 3719.01 of the Revised Code. 1567

**Sec. 2925.04.** (A) No person shall knowingly cultivate 1568  
marihuana or knowingly manufacture or otherwise engage in any 1569  
part of the production of a controlled substance. 1570

(B) This section does not apply to any person listed in 1571  
division (B) (1), (2), or (3) of section 2925.03 of the Revised 1572  
Code to the extent and under the circumstances described in 1573

those divisions. 1574

(C) (1) Whoever commits a violation of division (A) of this 1575  
section that involves any drug other than marihuana is guilty of 1576  
illegal manufacture of drugs, and whoever commits a violation of 1577  
division (A) of this section that involves marihuana is guilty 1578  
of illegal cultivation of marihuana. 1579

(2) Except as otherwise provided in this division, if the 1580  
drug involved in the violation of division (A) of this section 1581  
is any compound, mixture, preparation, or substance included in 1582  
schedule I or II, with the exception of methamphetamine or 1583  
marihuana, illegal manufacture of drugs is a felony of the 1584  
second degree, and, subject to division (E) of this section, the 1585  
court shall impose as a mandatory prison term one of the prison 1586  
terms prescribed for a felony of the second degree. 1587

If the drug involved in the violation is any compound, 1588  
mixture, preparation, or substance included in schedule I or II, 1589  
with the exception of methamphetamine or marihuana, and if the 1590  
offense was committed in the vicinity of a juvenile or in the 1591  
vicinity of a school, illegal manufacture of drugs is a felony 1592  
of the first degree, and, subject to division (E) of this 1593  
section, the court shall impose as a mandatory prison term one 1594  
of the prison terms prescribed for a felony of the first degree. 1595

(3) If the drug involved in the violation of division (A) 1596  
of this section is methamphetamine, the penalty for the 1597  
violation shall be determined as follows: 1598

(a) Except as otherwise provided in division (C) (3) (b) of 1599  
this section, if the drug involved in the violation is 1600  
methamphetamine, illegal manufacture of drugs is a felony of the 1601  
second degree, and, subject to division (E) of this section, the 1602

court shall impose a mandatory prison term on the offender 1603  
determined in accordance with this division. Except as otherwise 1604  
provided in this division, the court shall impose as a mandatory 1605  
prison term one of the prison terms prescribed for a felony of 1606  
the second degree that is not less than three years. If the 1607  
offender previously has been convicted of or pleaded guilty to a 1608  
violation of division (A) of this section, a violation of 1609  
division (B) (6) of section 2919.22 of the Revised Code, or a 1610  
violation of division (A) of section 2925.041 of the Revised 1611  
Code, the court shall impose as a mandatory prison term one of 1612  
the prison terms prescribed for a felony of the second degree 1613  
that is not less than five years. 1614

(b) If the drug involved in the violation is 1615  
methamphetamine and if the offense was committed in the vicinity 1616  
of a juvenile, in the vicinity of a school, or on public 1617  
premises, illegal manufacture of drugs is a felony of the first 1618  
degree, and, subject to division (E) of this section, the court 1619  
shall impose a mandatory prison term on the offender determined 1620  
in accordance with this division. Except as otherwise provided 1621  
in this division, the court shall impose as a mandatory prison 1622  
term one of the prison terms prescribed for a felony of the 1623  
first degree that is not less than four years. If the offender 1624  
previously has been convicted of or pleaded guilty to a 1625  
violation of division (A) of this section, a violation of 1626  
division (B) (6) of section 2919.22 of the Revised Code, or a 1627  
violation of division (A) of section 2925.041 of the Revised 1628  
Code, the court shall impose as a mandatory prison term one of 1629  
the prison terms prescribed for a felony of the first degree 1630  
that is not less than five years. 1631

(4) If the drug involved in the violation of division (A) 1632  
of this section is any compound, mixture, preparation, or 1633



substance included in schedule III, IV, or V, illegal 1634  
manufacture of drugs is a felony of the third degree or, if the 1635  
offense was committed in the vicinity of a school or in the 1636  
vicinity of a juvenile, a felony of the second degree, and there 1637  
is a presumption for a prison term for the offense. 1638

(5) If the drug involved in the violation is marihuana, 1639  
the penalty for the offense shall be determined as follows: 1640

(a) Except as otherwise provided in division (C) (5) (b), 1641  
(c), (d), (e), or (f) of this section, illegal cultivation of 1642  
marihuana is a minor misdemeanor or, if the offense was 1643  
committed in the vicinity of a school or in the vicinity of a 1644  
juvenile, a misdemeanor of the fourth degree. 1645

(b) If the amount of marihuana involved equals or exceeds 1646  
one hundred grams but is less than two hundred grams, illegal 1647  
cultivation of marihuana is a misdemeanor of the fourth degree 1648  
or, if the offense was committed in the vicinity of a school or 1649  
in the vicinity of a juvenile, a misdemeanor of the third 1650  
degree. 1651

(c) If the amount of marihuana involved equals or exceeds 1652  
two hundred grams but is less than one thousand grams, illegal 1653  
cultivation of marihuana is a felony of the fifth degree or, if 1654  
the offense was committed in the vicinity of a school or in the 1655  
vicinity of a juvenile, a felony of the fourth degree, and 1656  
division (B) of section 2929.13 of the Revised Code applies in 1657  
determining whether to impose a prison term on the offender. 1658

(d) If the amount of marihuana involved equals or exceeds 1659  
one thousand grams but is less than five thousand grams, illegal 1660  
cultivation of marihuana is a felony of the third degree or, if 1661  
the offense was committed in the vicinity of a school or in the 1662

vicinity of a juvenile, a felony of the second degree, and 1663  
division (C) of section 2929.13 of the Revised Code applies in 1664  
determining whether to impose a prison term on the offender. 1665

(e) If the amount of marihuana involved equals or exceeds 1666  
five thousand grams but is less than twenty thousand grams, 1667  
illegal cultivation of marihuana is a felony of the third degree 1668  
or, if the offense was committed in the vicinity of a school or 1669  
in the vicinity of a juvenile, a felony of the second degree, 1670  
and there is a presumption for a prison term for the offense. 1671

(f) Except as otherwise provided in this division, if the 1672  
amount of marihuana involved equals or exceeds twenty thousand 1673  
grams, illegal cultivation of marihuana is a felony of the 1674  
second degree, and the court shall impose as a mandatory prison 1675  
term the maximum prison term prescribed for a felony of the 1676  
second degree. If the amount of the drug involved equals or 1677  
exceeds twenty thousand grams and if the offense was committed 1678  
in the vicinity of a school or in the vicinity of a juvenile, 1679  
illegal cultivation of marihuana is a felony of the first 1680  
degree, and the court shall impose as a mandatory prison term 1681  
the maximum prison term prescribed for a felony of the first 1682  
degree. 1683

(D) In addition to any prison term authorized or required 1684  
by division (C) or (E) of this section and sections 2929.13 and 1685  
2929.14 of the Revised Code and in addition to any other 1686  
sanction imposed for the offense under this section or sections 1687  
2929.11 to 2929.18 of the Revised Code, the court that sentences 1688  
an offender who is convicted of or pleads guilty to a violation 1689  
of division (A) of this section may suspend the offender's 1690  
driver's or commercial driver's license or permit in accordance 1691  
with division (G) of section 2925.03 of the Revised Code. 1692

However, if the offender pleaded guilty to or was convicted of a 1693  
violation of section 4511.19 of the Revised Code or a 1694  
substantially similar municipal ordinance or the law of another 1695  
state or the United States arising out of the same set of 1696  
circumstances as the violation, the court shall suspend the 1697  
offender's driver's or commercial driver's license or permit in 1698  
accordance with division (G) of section 2925.03 of the Revised 1699  
Code. If applicable, the court also shall do the following: 1700

(1) If the violation of division (A) of this section is a 1701  
felony of the first, second, or third degree, the court shall 1702  
impose upon the offender the mandatory fine specified for the 1703  
offense under division (B)(1) of section 2929.18 of the Revised 1704  
Code unless, as specified in that division, the court determines 1705  
that the offender is indigent. The clerk of the court shall pay 1706  
a mandatory fine or other fine imposed for a violation of this 1707  
section pursuant to division (A) of section 2929.18 of the 1708  
Revised Code in accordance with and subject to the requirements 1709  
of division (F) of section 2925.03 of the Revised Code. The 1710  
agency that receives the fine shall use the fine as specified in 1711  
division (F) of section 2925.03 of the Revised Code. If a person 1712  
is charged with a violation of this section that is a felony of 1713  
the first, second, or third degree, posts bail, and forfeits the 1714  
bail, the clerk shall pay the forfeited bail as if the forfeited 1715  
bail were a fine imposed for a violation of this section. 1716

(2) If the offender is a professionally licensed person, 1717  
the court immediately shall comply with section 2925.38 of the 1718  
Revised Code. 1719

(E) Notwithstanding the prison term otherwise authorized 1720  
or required for the offense under division (C) of this section 1721  
and sections 2929.13 and 2929.14 of the Revised Code, if the 1722

violation of division (A) of this section involves the sale, 1723  
offer to sell, or possession of a schedule I or II controlled 1724  
substance, with the exception of marihuana, and if the court 1725  
imposing sentence upon the offender finds that the offender as a 1726  
result of the violation is a major drug offender and is guilty 1727  
of a specification of the type described in division (A) of 1728  
section 2941.1410 of the Revised Code, the court, in lieu of the 1729  
prison term otherwise authorized or required, shall impose upon 1730  
the offender the mandatory prison term specified in division (B) 1731  
(3) of section 2929.14 of the Revised Code. 1732

(F) It is an affirmative defense, as provided in section 1733  
2901.05 of the Revised Code, to a charge under this section for 1734  
a fifth degree felony violation of illegal cultivation of 1735  
marihuana that the marihuana that gave rise to the charge is in 1736  
an amount, is in a form, is prepared, compounded, or mixed with 1737  
substances that are not controlled substances in a manner, or is 1738  
possessed or cultivated under any other circumstances that 1739  
indicate that the marihuana was solely for personal use. 1740

Notwithstanding any contrary provision of division (F) of 1741  
this section, if, in accordance with section 2901.05 of the 1742  
Revised Code, a person who is charged with a violation of 1743  
illegal cultivation of marihuana that is a felony of the fifth 1744  
degree sustains the burden of going forward with evidence of and 1745  
establishes by a preponderance of the evidence the affirmative 1746  
defense described in this division, the person may be prosecuted 1747  
for and may be convicted of or plead guilty to a misdemeanor 1748  
violation of illegal cultivation of marihuana. 1749

(G) Arrest or conviction for a minor misdemeanor violation 1750  
of this section does not constitute a criminal record and need 1751  
not be reported by the person so arrested or convicted in 1752

response to any inquiries about the person's criminal record, 1753  
including any inquiries contained in an application for 1754  
employment, a license, or any other right or privilege or made 1755  
in connection with the person's appearance as a witness. 1756

(H) (1) If the sentencing court suspends the offender's 1757  
driver's or commercial driver's license or permit under this 1758  
section in accordance with division (G) of section 2925.03 of 1759  
the Revised Code, the offender may request termination of, and 1760  
the court may terminate, the suspension of the offender in 1761  
accordance with that division. 1762

(2) Any offender who received a mandatory suspension of 1763  
the offender's driver's or commercial driver's license or permit 1764  
under this section prior to ~~the effective date of this amendment~~ 1765  
September 13, 2016, may file a motion with the sentencing court 1766  
requesting the termination of the suspension. However, an 1767  
offender who pleaded guilty to or was convicted of a violation 1768  
of section 4511.19 of the Revised Code or a substantially 1769  
similar municipal ordinance or law of another state or the 1770  
United States that arose out of the same set of circumstances as 1771  
the violation for which the offender's license or permit was 1772  
suspended under this section shall not file such a motion. 1773

Upon the filing of a motion under division (H) (2) of this 1774  
section, the sentencing court, in its discretion, may terminate 1775  
the suspension. 1776

**Sec. 2925.05.** (A) No person shall knowingly provide money 1777  
or other items of value to another person with the purpose that 1778  
the recipient of the money or items of value use them to obtain 1779  
any controlled substance for the purpose of violating section 1780  
2925.04 of the Revised Code or for the purpose of selling or 1781  
offering to sell the controlled substance in the following 1782

amount: 1783

(1) If the drug to be sold or offered for sale is any 1784  
compound, mixture, preparation, or substance included in 1785  
schedule I or II, with the exception of marihuana, cocaine, 1786  
L.S.D., heroin, any fentanyl-related compound, and hashish, or 1787  
schedule III, IV, or V, an amount of the drug that equals or 1788  
exceeds the bulk amount of the drug; 1789

(2) If the drug to be sold or offered for sale is 1790  
marihuana or a compound, mixture, preparation, or substance 1791  
other than hashish containing marihuana, an amount of the 1792  
marihuana that equals or exceeds two hundred grams; 1793

(3) If the drug to be sold or offered for sale is cocaine 1794  
or a compound, mixture, preparation, or substance containing 1795  
cocaine, an amount of the cocaine that equals or exceeds five 1796  
grams; 1797

(4) If the drug to be sold or offered for sale is L.S.D. 1798  
or a compound, mixture, preparation, or substance containing 1799  
L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 1800  
doses if the L.S.D. is in a solid form or equals or exceeds one 1801  
gram if the L.S.D. is in a liquid concentrate, liquid extract, 1802  
or liquid distillate form; 1803

(5) If the drug to be sold or offered for sale is heroin 1804  
or a fentanyl-related compound, or a compound, mixture, 1805  
preparation, or substance containing heroin or a fentanyl- 1806  
related compound, an amount ~~of the heroin~~ that equals or exceeds 1807  
ten unit doses or equals or exceeds one gram; 1808

(6) If the drug to be sold or offered for sale is hashish 1809  
or a compound, mixture, preparation, or substance containing 1810  
hashish, an amount of the hashish that equals or exceeds ten 1811

grams if the hashish is in a solid form or equals or exceeds two 1812  
grams if the hashish is in a liquid concentrate, liquid extract, 1813  
or liquid distillate form. 1814

(B) This section does not apply to any person listed in 1815  
division (B)(1), (2), or (3) of section 2925.03 of the Revised 1816  
Code to the extent and under the circumstances described in 1817  
those divisions. 1818

(C)(1) If the drug involved in the violation is any 1819  
compound, mixture, preparation, or substance included in 1820  
schedule I or II, with the exception of marihuana, whoever 1821  
violates division (A) of this section is guilty of aggravated 1822  
funding of drug trafficking, a felony of the first degree, and, 1823  
subject to division (E) of this section, the court shall impose 1824  
as a mandatory prison term one of the prison terms prescribed 1825  
for a felony of the first degree. 1826

(2) If the drug involved in the violation is any compound, 1827  
mixture, preparation, or substance included in schedule III, IV, 1828  
or V, whoever violates division (A) of this section is guilty of 1829  
funding of drug trafficking, a felony of the second degree, and 1830  
the court shall impose as a mandatory prison term one of the 1831  
prison terms prescribed for a felony of the second degree. 1832

(3) If the drug involved in the violation is marihuana, 1833  
whoever violates division (A) of this section is guilty of 1834  
funding of marihuana trafficking, a felony of the third degree, 1835  
and, except as otherwise provided in this division, there is a 1836  
presumption for a prison term for the offense. If funding of 1837  
marihuana trafficking is a felony of the third degree under this 1838  
division and if the offender two or more times previously has 1839  
been convicted of or pleaded guilty to a felony drug abuse 1840  
offense, the court shall impose as a mandatory prison term one 1841

of the prison terms prescribed for a felony of the third degree. 1842

(D) In addition to any prison term authorized or required 1843  
by division (C) or (E) of this section and sections 2929.13 and 1844  
2929.14 of the Revised Code and in addition to any other 1845  
sanction imposed for the offense under this section or sections 1846  
2929.11 to 2929.18 of the Revised Code, the court that sentences 1847  
an offender who is convicted of or pleads guilty to a violation 1848  
of division (A) of this section may suspend the offender's 1849  
driver's or commercial driver's license or permit in accordance 1850  
with division (G) of section 2925.03 of the Revised Code. 1851  
However, if the offender pleaded guilty to or was convicted of a 1852  
violation of section 4511.19 of the Revised Code or a 1853  
substantially similar municipal ordinance or the law of another 1854  
state or the United States arising out of the same set of 1855  
circumstances as the violation, the court shall suspend the 1856  
offender's driver's or commercial driver's license or permit in 1857  
accordance with division (G) of section 2925.03 of the Revised 1858  
Code. If applicable, the court also shall do the following: 1859

(1) The court shall impose the mandatory fine specified 1860  
for the offense under division (B)(1) of section 2929.18 of the 1861  
Revised Code unless, as specified in that division, the court 1862  
determines that the offender is indigent. The clerk of the court 1863  
shall pay a mandatory fine or other fine imposed for a violation 1864  
of this section pursuant to division (A) of section 2929.18 of 1865  
the Revised Code in accordance with and subject to the 1866  
requirements of division (F) of section 2925.03 of the Revised 1867  
Code. The agency that receives the fine shall use the fine in 1868  
accordance with division (F) of section 2925.03 of the Revised 1869  
Code. If a person is charged with a violation of this section, 1870  
posts bail, and forfeits the bail, the forfeited bail shall be 1871  
paid as if the forfeited bail were a fine imposed for a 1872



violation of this section. 1873

(2) If the offender is a professionally licensed person, 1874  
the court immediately shall comply with section 2925.38 of the 1875  
Revised Code. 1876

(E) Notwithstanding the prison term otherwise authorized 1877  
or required for the offense under division (C) of this section 1878  
and sections 2929.13 and 2929.14 of the Revised Code, if the 1879  
violation of division (A) of this section involves the sale, 1880  
offer to sell, or possession of a schedule I or II controlled 1881  
substance, with the exception of marihuana, ~~and if one of the~~ 1882  
following applies: 1883

(1) If the drug involved in the violation is a fentanyl- 1884  
related compound, the offense is a felony of the first degree, 1885  
the offender is a major drug offender, and the court shall 1886  
impose as a mandatory prison term the maximum prison term 1887  
prescribed for a felony of the first degree. 1888

(2) If division (E)(1) of this section does not apply and 1889  
the court imposing sentence upon the offender finds that the 1890  
offender as a result of the violation is a major drug offender 1891  
and is guilty of a specification of the type described in 1892  
division (A) of section 2941.1410 of the Revised Code, the 1893  
court, in lieu of the prison term otherwise authorized or 1894  
required, shall impose upon the offender the mandatory prison 1895  
term specified in division (B)(3) of section 2929.14 of the 1896  
Revised Code. 1897

(F)(1) If the sentencing court suspends the offender's 1898  
driver's or commercial driver's license or permit under this 1899  
section in accordance with division (G) of section 2925.03 of 1900  
the Revised Code, the offender may request termination of, and 1901

the court may terminate, the suspension in accordance with that 1902  
division. 1903

(2) Any offender who received a mandatory suspension of 1904  
the offender's driver's or commercial driver's license or permit 1905  
under this section prior to ~~the effective date of this amendment~~ 1906  
September 13, 2016, may file a motion with the sentencing court 1907  
requesting the termination of the suspension. However, an 1908  
offender who pleaded guilty to or was convicted of a violation 1909  
of section 4511.19 of the Revised Code or a substantially 1910  
similar municipal ordinance or law of another state or the 1911  
United States that arose out of the same set of circumstances as 1912  
the violation for which the offender's license or permit was 1913  
suspended under this section shall not file such a motion. 1914

Upon the filing of a motion under division (F)(2) of this 1915  
section, the sentencing court, in its discretion, may terminate 1916  
the suspension. 1917

**Sec. 2925.11.** (A) No person shall knowingly obtain, 1918  
possess, or use a controlled substance or a controlled substance 1919  
analog. 1920

(B)(1) This section does not apply to any of the 1921  
following: 1922

(a) Manufacturers, licensed health professionals 1923  
authorized to prescribe drugs, pharmacists, owners of 1924  
pharmacies, and other persons whose conduct was in accordance 1925  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1926  
4741. of the Revised Code; 1927

(b) If the offense involves an anabolic steroid, any 1928  
person who is conducting or participating in a research project 1929  
involving the use of an anabolic steroid if the project has been 1930

approved by the United States food and drug administration; 1931

(c) Any person who sells, offers for sale, prescribes, 1932  
dispenses, or administers for livestock or other nonhuman 1933  
species an anabolic steroid that is expressly intended for 1934  
administration through implants to livestock or other nonhuman 1935  
species and approved for that purpose under the "Federal Food, 1936  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1937  
as amended, and is sold, offered for sale, prescribed, 1938  
dispensed, or administered for that purpose in accordance with 1939  
that act; 1940

(d) Any person who obtained the controlled substance 1941  
pursuant to a lawful prescription issued by a licensed health 1942  
professional authorized to prescribe drugs. 1943

(2) (a) As used in division (B) (2) of this section: 1944

(i) "Community addiction services provider" has the same 1945  
meaning as in section 5119.01 of the Revised Code. 1946

(ii) "Community control sanction" and "drug treatment 1947  
program" have the same meanings as in section 2929.01 of the 1948  
Revised Code. 1949

(iii) "Health care facility" has the same meaning as in 1950  
section 2919.16 of the Revised Code. 1951

(iv) "Minor drug possession offense" means a violation of 1952  
this section that is a misdemeanor or a felony of the fifth 1953  
degree. 1954

(v) "Post-release control sanction" has the same meaning 1955  
as in section 2967.28 of the Revised Code. 1956

(vi) "Peace officer" has the same meaning as in section 1957  
2935.01 of the Revised Code. 1958

(vii) "Public agency" has the same meaning as in section 1959  
2930.01 of the Revised Code. 1960

(viii) "Qualified individual" means a person who is not on 1961  
community control or post-release control and is a person acting 1962  
in good faith who seeks or obtains medical assistance for 1963  
another person who is experiencing a drug overdose, a person who 1964  
experiences a drug overdose and who seeks medical assistance for 1965  
that overdose, or a person who is the subject of another person 1966  
seeking or obtaining medical assistance for that overdose as 1967  
described in division (B) (2) (b) of this section. 1968

(ix) "Seek or obtain medical assistance" includes, but is 1969  
not limited to making a 9-1-1 call, contacting in person or by 1970  
telephone call an on-duty peace officer, or transporting or 1971  
presenting a person to a health care facility. 1972

(b) Subject to division (B) (2) (f) of this section, a 1973  
qualified individual shall not be arrested, charged, prosecuted, 1974  
convicted, or penalized pursuant to this chapter for a minor 1975  
drug possession offense if all of the following apply: 1976

(i) The evidence of the obtaining, possession, or use of 1977  
the controlled substance or controlled substance analog that 1978  
would be the basis of the offense was obtained as a result of 1979  
the qualified individual seeking the medical assistance or 1980  
experiencing an overdose and needing medical assistance. 1981

(ii) Subject to division (B) (2) (g) of this section, within 1982  
thirty days after seeking or obtaining the medical assistance, 1983  
the qualified individual seeks and obtains a screening and 1984  
receives a referral for treatment from a community addiction 1985  
services provider or a properly credentialed addiction treatment 1986  
professional. 1987

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

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

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

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

(d) If a person is found to be in violation of any post-  
release control sanction and if the violation is a result of  
either of the following, the court or the parole board shall  
first consider ordering the person's participation or continued  
participation in a drug treatment program or mitigating the  
penalty specified in section 2929.141 or 2967.28 of the Revised

Code, whichever is applicable, after which the court or the 2018  
parole board has the discretion either to order the person's 2019  
participation or continued participation in a drug treatment 2020  
program or to impose the penalty with the mitigating factor 2021  
specified in either of those applicable sections: 2022

(i) Seeking or obtaining medical assistance in good faith 2023  
for another person who is experiencing a drug overdose; 2024

(ii) Experiencing a drug overdose and seeking medical 2025  
assistance for that emergency or being the subject of another 2026  
person seeking or obtaining medical assistance for that overdose 2027  
as described in division (B) (2) (b) of this section. 2028

(e) Nothing in division (B) (2) (b) of this section shall be 2029  
construed to do any of the following: 2030

(i) Limit the admissibility of any evidence in connection 2031  
with the investigation or prosecution of a crime with regards to 2032  
a defendant who does not qualify for the protections of division 2033  
(B) (2) (b) of this section or with regards to any crime other 2034  
than a minor drug possession offense committed by a person who 2035  
qualifies for protection pursuant to division (B) (2) (b) of this 2036  
section for a minor drug possession offense; 2037

(ii) Limit any seizure of evidence or contraband otherwise 2038  
permitted by law; 2039

(iii) Limit or abridge the authority of a peace officer to 2040  
detain or take into custody a person in the course of an 2041  
investigation or to effectuate an arrest for any offense except 2042  
as provided in that division; 2043

(iv) Limit, modify, or remove any immunity from liability 2044  
available pursuant to law in effect prior to ~~the effective date~~ 2045  
~~of this amendment~~ September 13, 2016, to any public agency or to 2046

an employee of any public agency. 2047

(f) Division (B) (2) (b) of this section does not apply to 2048  
any person who twice previously has been granted an immunity 2049  
under division (B) (2) (b) of this section. No person shall be 2050  
granted an immunity under division (B) (2) (b) of this section 2051  
more than two times. 2052

(g) Nothing in this section shall compel any qualified 2053  
individual to disclose protected health information in a way 2054  
that conflicts with the requirements of the "Health Insurance 2055  
Portability and Accountability Act of 1996," 104 Pub. L. No. 2056  
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 2057  
regulations promulgated by the United States department of 2058  
health and human services to implement the act or the 2059  
requirements of 42 C.F.R. Part 2. 2060

(C) Whoever violates division (A) of this section is 2061  
guilty of one of the following: 2062

(1) If the drug involved in the violation is a compound, 2063  
mixture, preparation, or substance included in schedule I or II, 2064  
with the exception of marihuana, cocaine, L.S.D., heroin, any 2065  
fentanyl-related compound, hashish, and any controlled substance 2066  
~~analog~~ analog, whoever violates division (A) of this section is 2067  
guilty of aggravated possession of drugs. The penalty for the 2068  
offense shall be determined as follows: 2069

(a) Except as otherwise provided in division (C) (1) (b), 2070  
(c), (d), or (e) of this section, aggravated possession of drugs 2071  
is a felony of the fifth degree, and division (B) of section 2072  
2929.13 of the Revised Code applies in determining whether to 2073  
impose a prison term on the offender. 2074

(b) If the amount of the drug involved equals or exceeds 2075

the bulk amount but is less than five times the bulk amount, 2076  
aggravated possession of drugs is a felony of the third degree, 2077  
and there is a presumption for a prison term for the offense. 2078

(c) If the amount of the drug involved equals or exceeds 2079  
five times the bulk amount but is less than fifty times the bulk 2080  
amount, aggravated possession of drugs is a felony of the second 2081  
degree, and the court shall impose as a mandatory prison term 2082  
one of the prison terms prescribed for a felony of the second 2083  
degree. 2084

(d) If the amount of the drug involved equals or exceeds 2085  
fifty times the bulk amount but is less than one hundred times 2086  
the bulk amount, aggravated possession of drugs is a felony of 2087  
the first degree, and the court shall impose as a mandatory 2088  
prison term one of the prison terms prescribed for a felony of 2089  
the first degree. 2090

(e) If the amount of the drug involved equals or exceeds 2091  
one hundred times the bulk amount, aggravated possession of 2092  
drugs is a felony of the first degree, the offender is a major 2093  
drug offender, and the court shall impose as a mandatory prison 2094  
term the maximum prison term prescribed for a felony of the 2095  
first degree. 2096

(2) If the drug involved in the violation is a compound, 2097  
mixture, preparation, or substance included in schedule III, IV, 2098  
or V, whoever violates division (A) of this section is guilty of 2099  
possession of drugs. The penalty for the offense shall be 2100  
determined as follows: 2101

(a) Except as otherwise provided in division (C) (2) (b), 2102  
(c), or (d) of this section, possession of drugs is a 2103  
misdemeanor of the first degree or, if the offender previously 2104



has been convicted of a drug abuse offense, a felony of the 2105  
fifth degree. 2106

(b) If the amount of the drug involved equals or exceeds 2107  
the bulk amount but is less than five times the bulk amount, 2108  
possession of drugs is a felony of the fourth degree, and 2109  
division (C) of section 2929.13 of the Revised Code applies in 2110  
determining whether to impose a prison term on the offender. 2111

(c) If the amount of the drug involved equals or exceeds 2112  
five times the bulk amount but is less than fifty times the bulk 2113  
amount, possession of drugs is a felony of the third degree, and 2114  
there is a presumption for a prison term for the offense. 2115

(d) If the amount of the drug involved equals or exceeds 2116  
fifty times the bulk amount, possession of drugs is a felony of 2117  
the second degree, and the court shall impose upon the offender 2118  
as a mandatory prison term one of the prison terms prescribed 2119  
for a felony of the second degree. 2120

(3) If the drug involved in the violation is marihuana or 2121  
a compound, mixture, preparation, or substance containing 2122  
marihuana other than hashish, whoever violates division (A) of 2123  
this section is guilty of possession of marihuana. The penalty 2124  
for the offense shall be determined as follows: 2125

(a) Except as otherwise provided in division (C) (3) (b), 2126  
(c), (d), (e), (f), or (g) of this section, possession of 2127  
marihuana is a minor misdemeanor. 2128

(b) If the amount of the drug involved equals or exceeds 2129  
one hundred grams but is less than two hundred grams, possession 2130  
of marihuana is a misdemeanor of the fourth degree. 2131

(c) If the amount of the drug involved equals or exceeds 2132  
two hundred grams but is less than one thousand grams, 2133

possession of marihuana is a felony of the fifth degree, and 2134  
division (B) of section 2929.13 of the Revised Code applies in 2135  
determining whether to impose a prison term on the offender. 2136

(d) If the amount of the drug involved equals or exceeds 2137  
one thousand grams but is less than five thousand grams, 2138  
possession of marihuana is a felony of the third degree, and 2139  
division (C) of section 2929.13 of the Revised Code applies in 2140  
determining whether to impose a prison term on the offender. 2141

(e) If the amount of the drug involved equals or exceeds 2142  
five thousand grams but is less than twenty thousand grams, 2143  
possession of marihuana is a felony of the third degree, and 2144  
there is a presumption that a prison term shall be imposed for 2145  
the offense. 2146

(f) If the amount of the drug involved equals or exceeds 2147  
twenty thousand grams but is less than forty thousand grams, 2148  
possession of marihuana is a felony of the second degree, and 2149  
the court shall impose a mandatory prison term of five, six, 2150  
seven, or eight years. 2151

(g) If the amount of the drug involved equals or exceeds 2152  
forty thousand grams, possession of marihuana is a felony of the 2153  
second degree, and the court shall impose as a mandatory prison 2154  
term the maximum prison term prescribed for a felony of the 2155  
second degree. 2156

(4) If the drug involved in the violation is cocaine or a 2157  
compound, mixture, preparation, or substance containing cocaine, 2158  
whoever violates division (A) of this section is guilty of 2159  
possession of cocaine. The penalty for the offense shall be 2160  
determined as follows: 2161

(a) Except as otherwise provided in division (C) (4) (b), 2162

(c), (d), (e), or (f) of this section, possession of cocaine is 2163  
a felony of the fifth degree, and division (B) of section 2164  
2929.13 of the Revised Code applies in determining whether to 2165  
impose a prison term on the offender. 2166

(b) If the amount of the drug involved equals or exceeds 2167  
five grams but is less than ten grams of cocaine, possession of 2168  
cocaine is a felony of the fourth degree, and division (B) of 2169  
section 2929.13 of the Revised Code applies in determining 2170  
whether to impose a prison term on the offender. 2171

(c) If the amount of the drug involved equals or exceeds 2172  
ten grams but is less than twenty grams of cocaine, possession 2173  
of cocaine is a felony of the third degree, and, except as 2174  
otherwise provided in this division, there is a presumption for 2175  
a prison term for the offense. If possession of cocaine is a 2176  
felony of the third degree under this division and if the 2177  
offender two or more times previously has been convicted of or 2178  
pleaded guilty to a felony drug abuse offense, the court shall 2179  
impose as a mandatory prison term one of the prison terms 2180  
prescribed for a felony of the third degree. 2181

(d) If the amount of the drug involved equals or exceeds 2182  
twenty grams but is less than twenty-seven grams of cocaine, 2183  
possession of cocaine is a felony of the second degree, and the 2184  
court shall impose as a mandatory prison term one of the prison 2185  
terms prescribed for a felony of the second degree. 2186

(e) If the amount of the drug involved equals or exceeds 2187  
twenty-seven grams but is less than one hundred grams of 2188  
cocaine, possession of cocaine is a felony of the first degree, 2189  
and the court shall impose as a mandatory prison term one of the 2190  
prison terms prescribed for a felony of the first degree. 2191

(f) If the amount of the drug involved equals or exceeds 2192  
one hundred grams of cocaine, possession of cocaine is a felony 2193  
of the first degree, the offender is a major drug offender, and 2194  
the court shall impose as a mandatory prison term the maximum 2195  
prison term prescribed for a felony of the first degree. 2196

(5) If the drug involved in the violation is L.S.D., 2197  
whoever violates division (A) of this section is guilty of 2198  
possession of L.S.D. The penalty for the offense shall be 2199  
determined as follows: 2200

(a) Except as otherwise provided in division (C) (5) (b), 2201  
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 2202  
felony of the fifth degree, and division (B) of section 2929.13 2203  
of the Revised Code applies in determining whether to impose a 2204  
prison term on the offender. 2205

(b) If the amount of L.S.D. involved equals or exceeds ten 2206  
unit doses but is less than fifty unit doses of L.S.D. in a 2207  
solid form or equals or exceeds one gram but is less than five 2208  
grams of L.S.D. in a liquid concentrate, liquid extract, or 2209  
liquid distillate form, possession of L.S.D. is a felony of the 2210  
fourth degree, and division (C) of section 2929.13 of the 2211  
Revised Code applies in determining whether to impose a prison 2212  
term on the offender. 2213

(c) If the amount of L.S.D. involved equals or exceeds 2214  
fifty unit doses, but is less than two hundred fifty unit doses 2215  
of L.S.D. in a solid form or equals or exceeds five grams but is 2216  
less than twenty-five grams of L.S.D. in a liquid concentrate, 2217  
liquid extract, or liquid distillate form, possession of L.S.D. 2218  
is a felony of the third degree, and there is a presumption for 2219  
a prison term for the offense. 2220

(d) If the amount of L.S.D. involved equals or exceeds two 2221  
hundred fifty unit doses but is less than one thousand unit 2222  
doses of L.S.D. in a solid form or equals or exceeds twenty-five 2223  
grams but is less than one hundred grams of L.S.D. in a liquid 2224  
concentrate, liquid extract, or liquid distillate form, 2225  
possession of L.S.D. is a felony of the second degree, and the 2226  
court shall impose as a mandatory prison term one of the prison 2227  
terms prescribed for a felony of the second degree. 2228

(e) If the amount of L.S.D. involved equals or exceeds one 2229  
thousand unit doses but is less than five thousand unit doses of 2230  
L.S.D. in a solid form or equals or exceeds one hundred grams 2231  
but is less than five hundred grams of L.S.D. in a liquid 2232  
concentrate, liquid extract, or liquid distillate form, 2233  
possession of L.S.D. is a felony of the first degree, and the 2234  
court shall impose as a mandatory prison term one of the prison 2235  
terms prescribed for a felony of the first degree. 2236

(f) If the amount of L.S.D. involved equals or exceeds 2237  
five thousand unit doses of L.S.D. in a solid form or equals or 2238  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2239  
liquid extract, or liquid distillate form, possession of L.S.D. 2240  
is a felony of the first degree, the offender is a major drug 2241  
offender, and the court shall impose as a mandatory prison term 2242  
the maximum prison term prescribed for a felony of the first 2243  
degree. 2244

(6) If the drug involved in the violation is heroin or a 2245  
compound, mixture, preparation, or substance containing heroin, 2246  
whoever violates division (A) of this section is guilty of 2247  
possession of heroin. The penalty for the offense shall be 2248  
determined as follows: 2249

(a) Except as otherwise provided in division (C) (6) (b), 2250

(c), (d), (e), or (f) of this section, possession of heroin is a 2251  
felony of the fifth degree, and division (B) of section 2929.13 2252  
of the Revised Code applies in determining whether to impose a 2253  
prison term on the offender. 2254

(b) If the amount of the drug involved equals or exceeds 2255  
ten unit doses but is less than fifty unit doses or equals or 2256  
exceeds one gram but is less than five grams, possession of 2257  
heroin is a felony of the fourth degree, and division (C) of 2258  
section 2929.13 of the Revised Code applies in determining 2259  
whether to impose a prison term on the offender. 2260

(c) If the amount of the drug involved equals or exceeds 2261  
fifty unit doses but is less than one hundred unit doses or 2262  
equals or exceeds five grams but is less than ten grams, 2263  
possession of heroin is a felony of the third degree, and there 2264  
is a presumption for a prison term for the offense. 2265

(d) If the amount of the drug involved equals or exceeds 2266  
one hundred unit doses but is less than five hundred unit doses 2267  
or equals or exceeds ten grams but is less than fifty grams, 2268  
possession of heroin is a felony of the second degree, and the 2269  
court shall impose as a mandatory prison term one of the prison 2270  
terms prescribed for a felony of the second degree. 2271

(e) If the amount of the drug involved equals or exceeds 2272  
five hundred unit doses but is less than one thousand unit doses 2273  
or equals or exceeds fifty grams but is less than one hundred 2274  
grams, possession of heroin is a felony of the first degree, and 2275  
the court shall impose as a mandatory prison term one of the 2276  
prison terms prescribed for a felony of the first degree. 2277

(f) If the amount of the drug involved equals or exceeds 2278  
one thousand unit doses or equals or exceeds one hundred grams, 2279

possession of heroin is a felony of the first degree, the 2280  
offender is a major drug offender, and the court shall impose as 2281  
a mandatory prison term the maximum prison term prescribed for a 2282  
felony of the first degree. 2283

(7) If the drug involved in the violation is hashish or a 2284  
compound, mixture, preparation, or substance containing hashish, 2285  
whoever violates division (A) of this section is guilty of 2286  
possession of hashish. The penalty for the offense shall be 2287  
determined as follows: 2288

(a) Except as otherwise provided in division (C) (7) (b), 2289  
(c), (d), (e), (f), or (g) of this section, possession of 2290  
hashish is a minor misdemeanor. 2291

(b) If the amount of the drug involved equals or exceeds 2292  
five grams but is less than ten grams of hashish in a solid form 2293  
or equals or exceeds one gram but is less than two grams of 2294  
hashish in a liquid concentrate, liquid extract, or liquid 2295  
distillate form, possession of hashish is a misdemeanor of the 2296  
fourth degree. 2297

(c) If the amount of the drug involved equals or exceeds 2298  
ten grams but is less than fifty grams of hashish in a solid 2299  
form or equals or exceeds two grams but is less than ten grams 2300  
of hashish in a liquid concentrate, liquid extract, or liquid 2301  
distillate form, possession of hashish is a felony of the fifth 2302  
degree, and division (B) of section 2929.13 of the Revised Code 2303  
applies in determining whether to impose a prison term on the 2304  
offender. 2305

(d) If the amount of the drug involved equals or exceeds 2306  
fifty grams but is less than two hundred fifty grams of hashish 2307  
in a solid form or equals or exceeds ten grams but is less than 2308

fifty grams of hashish in a liquid concentrate, liquid extract, 2309  
or liquid distillate form, possession of hashish is a felony of 2310  
the third degree, and division (C) of section 2929.13 of the 2311  
Revised Code applies in determining whether to impose a prison 2312  
term on the offender. 2313

(e) If the amount of the drug involved equals or exceeds 2314  
two hundred fifty grams but is less than one thousand grams of 2315  
hashish in a solid form or equals or exceeds fifty grams but is 2316  
less than two hundred grams of hashish in a liquid concentrate, 2317  
liquid extract, or liquid distillate form, possession of hashish 2318  
is a felony of the third degree, and there is a presumption that 2319  
a prison term shall be imposed for the offense. 2320

(f) If the amount of the drug involved equals or exceeds 2321  
one thousand grams but is less than two thousand grams of 2322  
hashish in a solid form or equals or exceeds two hundred grams 2323  
but is less than four hundred grams of hashish in a liquid 2324  
concentrate, liquid extract, or liquid distillate form, 2325  
possession of hashish is a felony of the second degree, and the 2326  
court shall impose a mandatory prison term of five, six, seven, 2327  
or eight years. 2328

(g) If the amount of the drug involved equals or exceeds 2329  
two thousand grams of hashish in a solid form or equals or 2330  
exceeds four hundred grams of hashish in a liquid concentrate, 2331  
liquid extract, or liquid distillate form, possession of hashish 2332  
is a felony of the second degree, and the court shall impose as 2333  
a mandatory prison term the maximum prison term prescribed for a 2334  
felony of the second degree. 2335

(8) If the drug involved is a controlled substance analog 2336  
or compound, mixture, preparation, or substance that contains a 2337  
controlled substance analog, whoever violates division (A) of 2338



this section is guilty of possession of a controlled substance 2339  
analog. The penalty for the offense shall be determined as 2340  
follows: 2341

(a) Except as otherwise provided in division (C) (8) (b), 2342  
(c), (d), (e), or (f) of this section, possession of a 2343  
controlled substance analog is a felony of the fifth degree, and 2344  
division (B) of section 2929.13 of the Revised Code applies in 2345  
determining whether to impose a prison term on the offender. 2346

(b) If the amount of the drug involved equals or exceeds 2347  
ten grams but is less than twenty grams, possession of a 2348  
controlled substance analog is a felony of the fourth degree, 2349  
and there is a presumption for a prison term for the offense. 2350

(c) If the amount of the drug involved equals or exceeds 2351  
twenty grams but is less than thirty grams, possession of a 2352  
controlled substance analog is a felony of the third degree, and 2353  
there is a presumption for a prison term for the offense. 2354

(d) If the amount of the drug involved equals or exceeds 2355  
thirty grams but is less than forty grams, possession of a 2356  
controlled substance analog is a felony of the second degree, 2357  
and the court shall impose as a mandatory prison term one of the 2358  
prison terms prescribed for a felony of the second degree. 2359

(e) If the amount of the drug involved equals or exceeds 2360  
forty grams but is less than fifty grams, possession of a 2361  
controlled substance analog is a felony of the first degree, and 2362  
the court shall impose as a mandatory prison term one of the 2363  
prison terms prescribed for a felony of the first degree. 2364

(f) If the amount of the drug involved equals or exceeds 2365  
fifty grams, possession of a controlled substance analog is a 2366  
felony of the first degree, the offender is a major drug 2367

offender, and the court shall impose as a mandatory prison term 2368  
the maximum prison term prescribed for a felony of the first 2369  
degree. 2370

(9) If the drug involved in the violation is a compound, 2371  
mixture, preparation, or substance that is a combination of a 2372  
fentanyl-related compound and marihuana, one of the following 2373  
applies: 2374

(a) Except as otherwise provided in division (C) (9) (b) of 2375  
this section, the offender is guilty of possession of marihuana 2376  
and shall be punished as provided in division (C) (3) of this 2377  
section. Except as otherwise provided in division (C) (9) (b) of 2378  
this section, the offender is not guilty of possession of a 2379  
fentanyl-related compound under division (C) (11) of this section 2380  
and shall not be charged with, convicted of, or punished under 2381  
division (C) (11) of this section for possession of a fentanyl- 2382  
related compound. 2383

(b) If the offender knows or has reason to know that the 2384  
compound, mixture, preparation, or substance that is the drug 2385  
involved contains a fentanyl-related compound, the offender is 2386  
guilty of possession of a fentanyl-related compound and shall be 2387  
punished under division (C) (11) of this section. 2388

(10) If the drug involved in the violation is a compound, 2389  
mixture, preparation, or substance that is a combination of a 2390  
fentanyl-related compound and any schedule III, schedule IV, or 2391  
schedule V controlled substance that is not a fentanyl-related 2392  
compound, one of the following applies: 2393

(a) Except as otherwise provided in division (C) (10) (b) of 2394  
this section, the offender is guilty of possession of drugs and 2395  
shall be punished as provided in division (C) (2) of this 2396

section. Except as otherwise provided in division (C) (10) (b) of 2397  
this section, the offender is not guilty of possession of a 2398  
fentanyl-related compound under division (C) (11) of this section 2399  
and shall not be charged with, convicted of, or punished under 2400  
division (C) (11) of this section for possession of a fentanyl- 2401  
related compound. 2402

(b) If the offender knows or has reason to know that the 2403  
compound, mixture, preparation, or substance that is the drug 2404  
involved contains a fentanyl-related compound, the offender is 2405  
guilty of possession of a fentanyl-related compound and shall be 2406  
punished under division (C) (11) of this section. 2407

(11) If the drug involved in the violation is a fentanyl- 2408  
related compound and neither division (C) (9) (a) nor division (C) 2409  
(10) (a) of this section applies to the drug involved, or is a 2410  
compound, mixture, preparation, or substance that contains a 2411  
fentanyl-related compound or is a combination of a fentanyl- 2412  
related compound and any other controlled substance and neither 2413  
division (C) (9) (a) nor division (C) (10) (a) of this section 2414  
applies to the drug involved, whoever violates division (A) of 2415  
this section is guilty of possession of a fentanyl-related 2416  
compound. The penalty for the offense shall be determined as 2417  
follows: 2418

(a) Except as otherwise provided in division (C) (11) (b), 2419  
(c), (d), (e), (f), or (g) of this section, possession of a 2420  
fentanyl-related compound is a felony of the fifth degree, and 2421  
division (B) of section 2929.13 of the Revised Code applies in 2422  
determining whether to impose a prison term on the offender. 2423

(b) If the amount of the drug involved equals or exceeds 2424  
ten unit doses but is less than fifty unit doses or equals or 2425  
exceeds one gram but is less than five grams, possession of a 2426

fentanyl-related compound is a felony of the fourth degree, and 2427  
division (C) of section 2929.13 of the Revised Code applies in 2428  
determining whether to impose a prison term on the offender. 2429

(c) If the amount of the drug involved equals or exceeds 2430  
fifty unit doses but is less than one hundred unit doses or 2431  
equals or exceeds five grams but is less than ten grams, 2432  
possession of a fentanyl-related compound is a felony of the 2433  
third degree, and there is a presumption for a prison term for 2434  
the offense. 2435

(d) If the amount of the drug involved equals or exceeds 2436  
one hundred unit doses but is less than two hundred unit doses 2437  
or equals or exceeds ten grams but is less than twenty grams, 2438  
possession of a fentanyl-related compound is a felony of the 2439  
second degree, and the court shall impose as a mandatory prison 2440  
term one of the prison terms prescribed for a felony of the 2441  
second degree. 2442

(e) If the amount of the drug involved equals or exceeds 2443  
two hundred unit doses but is less than five hundred unit doses 2444  
or equals or exceeds twenty grams but is less than fifty grams, 2445  
possession of a fentanyl-related compound is a felony of the 2446  
first degree, and the court shall impose as a mandatory prison 2447  
term one of the prison terms prescribed for a felony of the 2448  
first degree. 2449

(f) If the amount of the drug involved equals or exceeds 2450  
five hundred unit doses but is less than one thousand unit doses 2451  
or equals or exceeds fifty grams but is less than one hundred 2452  
grams, possession of a fentanyl-related compound is a felony of 2453  
the first degree, and the court shall impose as a mandatory 2454  
prison term the maximum prison term prescribed for a felony of 2455  
the first degree. 2456

(g) If the amount of the drug involved equals or exceeds 2457  
one thousand unit doses or equals or exceeds one hundred grams, 2458  
possession of a fentanyl-related compound is a felony of the 2459  
first degree, the offender is a major drug offender, and the 2460  
court shall impose as a mandatory prison term the maximum prison 2461  
term prescribed for a felony of the first degree. 2462

(D) Arrest or conviction for a minor misdemeanor violation 2463  
of this section does not constitute a criminal record and need 2464  
not be reported by the person so arrested or convicted in 2465  
response to any inquiries about the person's criminal record, 2466  
including any inquiries contained in any application for 2467  
employment, license, or other right or privilege, or made in 2468  
connection with the person's appearance as a witness. 2469

(E) In addition to any prison term or jail term authorized 2470  
or required by division (C) of this section and sections 2471  
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2472  
Code and in addition to any other sanction that is imposed for 2473  
the offense under this section, sections 2929.11 to 2929.18, or 2474  
sections 2929.21 to 2929.28 of the Revised Code, the court that 2475  
sentences an offender who is convicted of or pleads guilty to a 2476  
violation of division (A) of this section may suspend the 2477  
offender's driver's or commercial driver's license or permit for 2478  
not more than five years. However, if the offender pleaded 2479  
guilty to or was convicted of a violation of section 4511.19 of 2480  
the Revised Code or a substantially similar municipal ordinance 2481  
or the law of another state or the United States arising out of 2482  
the same set of circumstances as the violation, the court shall 2483  
suspend the offender's driver's or commercial driver's license 2484  
or permit for not more than five years. If applicable, the court 2485  
also shall do the following: 2486

(1) (a) If the violation is a felony of the first, second, 2487  
or third degree, the court shall impose upon the offender the 2488  
mandatory fine specified for the offense under division (B) (1) 2489  
of section 2929.18 of the Revised Code unless, as specified in 2490  
that division, the court determines that the offender is 2491  
indigent. 2492

(b) Notwithstanding any contrary provision of section 2493  
3719.21 of the Revised Code, the clerk of the court shall pay a 2494  
mandatory fine or other fine imposed for a violation of this 2495  
section pursuant to division (A) of section 2929.18 of the 2496  
Revised Code in accordance with and subject to the requirements 2497  
of division (F) of section 2925.03 of the Revised Code. The 2498  
agency that receives the fine shall use the fine as specified in 2499  
division (F) of section 2925.03 of the Revised Code. 2500

(c) If a person is charged with a violation of this 2501  
section that is a felony of the first, second, or third degree, 2502  
posts bail, and forfeits the bail, the clerk shall pay the 2503  
forfeited bail pursuant to division (E) (1) (b) of this section as 2504  
if it were a mandatory fine imposed under division (E) (1) (a) of 2505  
this section. 2506

(2) If the offender is a professionally licensed person, 2507  
in addition to any other sanction imposed for a violation of 2508  
this section, the court immediately shall comply with section 2509  
2925.38 of the Revised Code. 2510

(F) It is an affirmative defense, as provided in section 2511  
2901.05 of the Revised Code, to a charge of a fourth degree 2512  
felony violation under this section that the controlled 2513  
substance that gave rise to the charge is in an amount, is in a 2514  
form, is prepared, compounded, or mixed with substances that are 2515  
not controlled substances in a manner, or is possessed under any 2516

other circumstances, that indicate that the substance was 2517  
possessed solely for personal use. Notwithstanding any contrary 2518  
provision of this section, if, in accordance with section 2519  
2901.05 of the Revised Code, an accused who is charged with a 2520  
fourth degree felony violation of division (C)(2), (4), (5), or 2521  
(6) of this section sustains the burden of going forward with 2522  
evidence of and establishes by a preponderance of the evidence 2523  
the affirmative defense described in this division, the accused 2524  
may be prosecuted for and may plead guilty to or be convicted of 2525  
a misdemeanor violation of division (C)(2) of this section or a 2526  
fifth degree felony violation of division (C)(4), (5), or (6) of 2527  
this section respectively. 2528

(G) When a person is charged with possessing a bulk amount 2529  
or multiple of a bulk amount, division (E) of section 2925.03 of 2530  
the Revised Code applies regarding the determination of the 2531  
amount of the controlled substance involved at the time of the 2532  
offense. 2533

(H) It is an affirmative defense to a charge of possession 2534  
of a controlled substance analog under division (C)(8) of this 2535  
section that the person charged with violating that offense 2536  
obtained, possessed, or used an item described in division (HH) 2537  
(2)(a), (b), or (c) of section 3719.01 of the Revised Code. 2538

(I) Any offender who received a mandatory suspension of 2539  
the offender's driver's or commercial driver's license or permit 2540  
under this section prior to ~~the effective date of this amendment~~ 2541  
September 13, 2016, may file a motion with the sentencing court 2542  
requesting the termination of the suspension. However, an 2543  
offender who pleaded guilty to or was convicted of a violation 2544  
of section 4511.19 of the Revised Code or a substantially 2545  
similar municipal ordinance or law of another state or the 2546

United States that arose out of the same set of circumstances as 2547  
the violation for which the offender's license or permit was 2548  
suspended under this section shall not file such a motion. 2549

Upon the filing of a motion under division (I) of this 2550  
section, the sentencing court, in its discretion, may terminate 2551  
the suspension. 2552

**Sec. 2925.13.** (A) No person who is the owner, operator, or 2553  
person in charge of a locomotive, watercraft, aircraft, or other 2554  
vehicle, as defined in division (A) of section 4501.01 of the 2555  
Revised Code, shall knowingly permit the vehicle to be used for 2556  
the commission of a felony drug abuse offense. 2557

(B) No person who is the owner, lessee, or occupant, or 2558  
who has custody, control, or supervision, of premises or real 2559  
estate, including vacant land, shall knowingly permit the 2560  
premises or real estate, including vacant land, to be used for 2561  
the commission of a felony drug abuse offense by another person. 2562

(C) (1) Whoever violates this section is guilty of 2563  
permitting drug abuse. 2564

(2) Except as provided in division (C) (3) of this section, 2565  
permitting drug abuse is a misdemeanor of the first degree. 2566

(3) Permitting drug abuse is a felony of the fifth degree, 2567  
and division (C) of section 2929.13 of the Revised Code applies 2568  
in determining whether to impose a prison term on the offender, 2569  
if ~~the~~ either of the following applies: 2570

(a) The felony drug abuse offense in question is a 2571  
violation of section 2925.02 ~~or~~, 2925.03, or 2925.04 of the 2572  
Revised Code. 2573

(b) The felony drug abuse offense in question is a 2574



violation of section 2925.041 of the Revised Code and the 2575  
offender had actual knowledge, at the time the offender 2576  
permitted the vehicle, premises, or real estate to be used as 2577  
described in division (A) or (B) of this section, that the 2578  
person who assembled or possessed the chemicals in question in 2579  
violation of section 2925.041 of the Revised Code had assembled 2580  
or possessed them with the intent to manufacture a controlled 2581  
substance in schedule I or II in violation of section 2925.04 of 2582  
the Revised Code. 2583

(D) (1) In addition to any prison term authorized or 2584  
required by division (C) of this section and sections 2929.13 2585  
and 2929.14 of the Revised Code and in addition to any other 2586  
sanction imposed for the offense under this section or sections 2587  
2929.11 to 2929.18 of the Revised Code, the court that sentences 2588  
a person who is convicted of or pleads guilty to a violation of 2589  
division (A) of this section may suspend for not more than five 2590  
years the offender's driver's or commercial driver's license or 2591  
permit. However, if the offender pleaded guilty to or was 2592  
convicted of a violation of section 4511.19 of the Revised Code 2593  
or a substantially similar municipal ordinance or the law of 2594  
another state or the United States arising out of the same set 2595  
of circumstances as the violation, the court shall suspend the 2596  
offender's driver's or commercial driver's license or permit for 2597  
not more than five years. 2598

If the offender is a professionally licensed person, in 2599  
addition to any other sanction imposed for a violation of this 2600  
section, the court immediately shall comply with section 2925.38 2601  
of the Revised Code. 2602

(2) Any offender who received a mandatory suspension of 2603  
the offender's driver's or commercial driver's license or permit 2604

under this section prior to ~~the effective date of this amendment~~ 2605  
September 13, 2016, may file a motion with the sentencing court 2606  
requesting the termination of the suspension. However, an 2607  
offender who pleaded guilty to or was convicted of a violation 2608  
of section 4511.19 of the Revised Code or a substantially 2609  
similar municipal ordinance or law of another state or the 2610  
United States that arose out of the same set of circumstances as 2611  
the violation for which the offender's license or permit was 2612  
suspended under this section shall not file such a motion. 2613

Upon the filing of a motion under division (D) (2) of this 2614  
section, the sentencing court, in its discretion, may terminate 2615  
the suspension. 2616

(E) Notwithstanding any contrary provision of section 2617  
3719.21 of the Revised Code, the clerk of the court shall pay a 2618  
fine imposed for a violation of this section pursuant to 2619  
division (A) of section 2929.18 of the Revised Code in 2620  
accordance with and subject to the requirements of division (F) 2621  
of section 2925.03 of the Revised Code. The agency that receives 2622  
the fine shall use the fine as specified in division (F) of 2623  
section 2925.03 of the Revised Code. 2624

(F) Any premises or real estate that is permitted to be 2625  
used in violation of division (B) of this section constitutes a 2626  
nuisance subject to abatement pursuant to Chapter 3767. of the 2627  
Revised Code. 2628

**Sec. 2925.36.** (A) No person shall knowingly furnish 2629  
another a sample drug. 2630

(B) Division (A) of this section does not apply to 2631  
manufacturers, wholesalers, pharmacists, owners of pharmacies, 2632  
licensed health professionals authorized to prescribe drugs, and 2633

other persons whose conduct is in accordance with Chapters 2634  
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 2635  
the Revised Code. 2636

(C) (1) Whoever violates this section is guilty of illegal 2637  
dispensing of drug samples. 2638

(2) If the drug involved in the offense is a compound, 2639  
mixture, preparation, or substance included in schedule I or II, 2640  
with the exception of marihuana, the penalty for the offense 2641  
shall be determined as follows: 2642

(a) Except as otherwise provided in division (C) (2) (b) of 2643  
this section, illegal dispensing of drug samples is a felony of 2644  
the fifth degree, and, subject to division (E) of this section, 2645  
division (C) of section 2929.13 of the Revised Code applies in 2646  
determining whether to impose a prison term on the offender. 2647

(b) If the offense was committed in the vicinity of a 2648  
school or in the vicinity of a juvenile, illegal dispensing of 2649  
drug samples is a felony of the fourth degree, and, subject to 2650  
division (E) of this section, division (C) of section 2929.13 of 2651  
the Revised Code applies in determining whether to impose a 2652  
prison term on the offender. 2653

(3) If the drug involved in the offense is a dangerous 2654  
drug or a compound, mixture, preparation, or substance included 2655  
in schedule III, IV, or V, or is marihuana, the penalty for the 2656  
offense shall be determined as follows: 2657

(a) Except as otherwise provided in division (C) (3) (b) of 2658  
this section, illegal dispensing of drug samples is a 2659  
misdemeanor of the second degree. 2660

(b) If the offense was committed in the vicinity of a 2661  
school or in the vicinity of a juvenile, illegal dispensing of 2662

drug samples is a misdemeanor of the first degree. 2663

(D) (1) In addition to any prison term authorized or 2664  
required by division (C) or (E) of this section and sections 2665  
2929.13 and 2929.14 of the Revised Code and in addition to any 2666  
other sanction imposed for the offense under this section or 2667  
sections 2929.11 to 2929.18 of the Revised Code, the court that 2668  
sentences an offender who is convicted of or pleads guilty to a 2669  
violation of division (A) of this section may suspend for not 2670  
more than five years the offender's driver's or commercial 2671  
driver's license or permit. However, if the offender pleaded 2672  
guilty to or was convicted of a violation of section 4511.19 of 2673  
the Revised Code or a substantially similar municipal ordinance 2674  
or the law of another state or the United States arising out of 2675  
the same set of circumstances as the violation, the court shall 2676  
suspend the offender's driver's or commercial driver's license 2677  
or permit for not more than five years. 2678

If the offender is a professionally licensed person, in 2679  
addition to any other sanction imposed for a violation of this 2680  
section, the court immediately shall comply with section 2925.38 2681  
of the Revised Code. 2682

(2) Any offender who received a mandatory suspension of 2683  
the offender's driver's or commercial driver's license or permit 2684  
under this section prior to ~~the effective date of this amendment~~ 2685  
September 13, 2016, may file a motion with the sentencing court 2686  
requesting the termination of the suspension. However, an 2687  
offender who pleaded guilty to or was convicted of a violation 2688  
of section 4511.19 of the Revised Code or a substantially 2689  
similar municipal ordinance or law of another state or the 2690  
United States that arose out of the same set of circumstances as 2691  
the violation for which the offender's license or permit was 2692

suspended under this section shall not file such a motion. 2693

Upon the filing of a motion under division (D) (2) of this 2694  
section, the sentencing court, in its discretion, may terminate 2695  
the suspension. 2696

(E) Notwithstanding the prison term authorized or required 2697  
by division (C) of this section and sections 2929.13 and 2929.14 2698  
of the Revised Code, if the violation of division (A) of this 2699  
section involves the sale, offer to sell, or possession of a 2700  
schedule I or II controlled substance, with the exception of 2701  
marihuana, and if the court imposing sentence upon the offender 2702  
finds that the offender as a result of the violation is a major 2703  
drug offender and is guilty of a specification of the type 2704  
described in division (A) of section 2941.1410 of the Revised 2705  
Code, the court, in lieu of the prison term otherwise authorized 2706  
or required, shall impose upon the offender the mandatory prison 2707  
term specified in division (B) (3) (a) of section 2929.14 of the 2708  
Revised Code. 2709

(F) Notwithstanding any contrary provision of section 2710  
3719.21 of the Revised Code, the clerk of the court shall pay a 2711  
fine imposed for a violation of this section pursuant to 2712  
division (A) of section 2929.18 of the Revised Code in 2713  
accordance with and subject to the requirements of division (F) 2714  
of section 2925.03 of the Revised Code. The agency that receives 2715  
the fine shall use the fine as specified in division (F) of 2716  
section 2925.03 of the Revised Code. 2717

**Sec. 2929.01.** As used in this chapter: 2718

(A) (1) "Alternative residential facility" means, subject 2719  
to division (A) (2) of this section, any facility other than an 2720  
offender's home or residence in which an offender is assigned to 2721

live and that satisfies all of the following criteria: 2722

(a) It provides programs through which the offender may 2723  
seek or maintain employment or may receive education, training, 2724  
treatment, or habilitation. 2725

(b) It has received the appropriate license or certificate 2726  
for any specialized education, training, treatment, 2727  
habilitation, or other service that it provides from the 2728  
government agency that is responsible for licensing or 2729  
certifying that type of education, training, treatment, 2730  
habilitation, or service. 2731

(2) "Alternative residential facility" does not include a 2732  
community-based correctional facility, jail, halfway house, or 2733  
prison. 2734

(B) "Basic probation supervision" means a requirement that 2735  
the offender maintain contact with a person appointed to 2736  
supervise the offender in accordance with sanctions imposed by 2737  
the court or imposed by the parole board pursuant to section 2738  
2967.28 of the Revised Code. "Basic probation supervision" 2739  
includes basic parole supervision and basic post-release control 2740  
supervision. 2741

(C) "Cocaine," "fentanyl-related compound," "hashish," 2742  
"L.S.D.," and "unit dose" have the same meanings as in section 2743  
2925.01 of the Revised Code. 2744

(D) "Community-based correctional facility" means a 2745  
community-based correctional facility and program or district 2746  
community-based correctional facility and program developed 2747  
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 2748

(E) "Community control sanction" means a sanction that is 2749  
not a prison term and that is described in section 2929.15, 2750

2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 2751  
that is not a jail term and that is described in section 2752  
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 2753  
control sanction" includes probation if the sentence involved 2754  
was imposed for a felony that was committed prior to July 1, 2755  
1996, or if the sentence involved was imposed for a misdemeanor 2756  
that was committed prior to January 1, 2004. 2757

(F) "Controlled substance," "marihuana," "schedule I," and 2758  
"schedule II" have the same meanings as in section 3719.01 of 2759  
the Revised Code. 2760

(G) "Curfew" means a requirement that an offender during a 2761  
specified period of time be at a designated place. 2762

(H) "Day reporting" means a sanction pursuant to which an 2763  
offender is required each day to report to and leave a center or 2764  
other approved reporting location at specified times in order to 2765  
participate in work, education or training, treatment, and other 2766  
approved programs at the center or outside the center. 2767

(I) "Deadly weapon" has the same meaning as in section 2768  
2923.11 of the Revised Code. 2769

(J) "Drug and alcohol use monitoring" means a program 2770  
under which an offender agrees to submit to random chemical 2771  
analysis of the offender's blood, breath, or urine to determine 2772  
whether the offender has ingested any alcohol or other drugs. 2773

(K) "Drug treatment program" means any program under which 2774  
a person undergoes assessment and treatment designed to reduce 2775  
or completely eliminate the person's physical or emotional 2776  
reliance upon alcohol, another drug, or alcohol and another drug 2777  
and under which the person may be required to receive assessment 2778  
and treatment on an outpatient basis or may be required to 2779

reside at a facility other than the person's home or residence 2780  
while undergoing assessment and treatment. 2781

(L) "Economic loss" means any economic detriment suffered 2782  
by a victim as a direct and proximate result of the commission 2783  
of an offense and includes any loss of income due to lost time 2784  
at work because of any injury caused to the victim, and any 2785  
property loss, medical cost, or funeral expense incurred as a 2786  
result of the commission of the offense. "Economic loss" does 2787  
not include non-economic loss or any punitive or exemplary 2788  
damages. 2789

(M) "Education or training" includes study at, or in 2790  
conjunction with a program offered by, a university, college, or 2791  
technical college or vocational study and also includes the 2792  
completion of primary school, secondary school, and literacy 2793  
curricula or their equivalent. 2794

(N) "Firearm" has the same meaning as in section 2923.11 2795  
of the Revised Code. 2796

(O) "Halfway house" means a facility licensed by the 2797  
division of parole and community services of the department of 2798  
rehabilitation and correction pursuant to section 2967.14 of the 2799  
Revised Code as a suitable facility for the care and treatment 2800  
of adult offenders. 2801

(P) "House arrest" means a period of confinement of an 2802  
offender that is in the offender's home or in other premises 2803  
specified by the sentencing court or by the parole board 2804  
pursuant to section 2967.28 of the Revised Code and during which 2805  
all of the following apply: 2806

(1) The offender is required to remain in the offender's 2807  
home or other specified premises for the specified period of 2808



confinement, except for periods of time during which the 2809  
offender is at the offender's place of employment or at other 2810  
premises as authorized by the sentencing court or by the parole 2811  
board. 2812

(2) The offender is required to report periodically to a 2813  
person designated by the court or parole board. 2814

(3) The offender is subject to any other restrictions and 2815  
requirements that may be imposed by the sentencing court or by 2816  
the parole board. 2817

(Q) "Intensive probation supervision" means a requirement 2818  
that an offender maintain frequent contact with a person 2819  
appointed by the court, or by the parole board pursuant to 2820  
section 2967.28 of the Revised Code, to supervise the offender 2821  
while the offender is seeking or maintaining necessary 2822  
employment and participating in training, education, and 2823  
treatment programs as required in the court's or parole board's 2824  
order. "Intensive probation supervision" includes intensive 2825  
parole supervision and intensive post-release control 2826  
supervision. 2827

(R) "Jail" means a jail, workhouse, minimum security jail, 2828  
or other residential facility used for the confinement of 2829  
alleged or convicted offenders that is operated by a political 2830  
subdivision or a combination of political subdivisions of this 2831  
state. 2832

(S) "Jail term" means the term in a jail that a sentencing 2833  
court imposes or is authorized to impose pursuant to section 2834  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 2835  
provision of the Revised Code that authorizes a term in a jail 2836  
for a misdemeanor conviction. 2837

(T) "Mandatory jail term" means the term in a jail that a  
sentencing court is required to impose pursuant to division (G)  
of section 1547.99 of the Revised Code, division (E) of section  
2903.06 or division (D) of section 2903.08 of the Revised Code,  
division (E) or (G) of section 2929.24 of the Revised Code,  
division (B) of section 4510.14 of the Revised Code, or division  
(G) of section 4511.19 of the Revised Code or pursuant to any  
other provision of the Revised Code that requires a term in a  
jail for a misdemeanor conviction.

(U) "Delinquent child" has the same meaning as in section  
2152.02 of the Revised Code.

(V) "License violation report" means a report that is made  
by a sentencing court, or by the parole board pursuant to  
section 2967.28 of the Revised Code, to the regulatory or  
licensing board or agency that issued an offender a professional  
license or a license or permit to do business in this state and  
that specifies that the offender has been convicted of or  
pleaded guilty to an offense that may violate the conditions  
under which the offender's professional license or license or  
permit to do business in this state was granted or an offense  
for which the offender's professional license or license or  
permit to do business in this state may be revoked or suspended.

(W) "Major drug offender" means an offender who is  
convicted of or pleads guilty to the possession of, sale of, or  
offer to sell any drug, compound, mixture, preparation, or  
substance that consists of or contains at least one thousand  
grams of hashish; at least one hundred grams of cocaine; at  
least one thousand unit doses or one hundred grams of heroin; at  
least five thousand unit doses of L.S.D. or five hundred grams  
of L.S.D. in a liquid concentrate, liquid extract, or liquid

distillate form; at least fifty grams of a controlled substance 2868  
analog; at least one thousand unit doses or one hundred grams of 2869  
a fentanyl-related compound; or at least one hundred times the 2870  
amount of any other schedule I or II controlled substance other 2871  
than marihuana that is necessary to commit a felony of the third 2872  
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 2873  
of the Revised Code that is based on the possession of, sale of, 2874  
or offer to sell the controlled substance. 2875

(X) "Mandatory prison term" means any of the following: 2876

(1) Subject to division (X) (2) of this section, the term 2877  
in prison that must be imposed for the offenses or circumstances 2878  
set forth in divisions (F) (1) to (8) or (F) (12) to ~~(18)~~ (20) of 2879  
section 2929.13 and division (B) of section 2929.14 of the 2880  
Revised Code. Except as provided in sections 2925.02, 2925.03, 2881  
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 2882  
maximum or another specific term is required under section 2883  
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 2884  
described in this division may be any prison term authorized for 2885  
the level of offense. 2886

(2) The term of sixty or one hundred twenty days in prison 2887  
that a sentencing court is required to impose for a third or 2888  
fourth degree felony OVI offense pursuant to division (G) (2) of 2889  
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 2890  
of the Revised Code or the term of one, two, three, four, or 2891  
five years in prison that a sentencing court is required to 2892  
impose pursuant to division (G) (2) of section 2929.13 of the 2893  
Revised Code. 2894

(3) The term in prison imposed pursuant to division (A) of 2895  
section 2971.03 of the Revised Code for the offenses and in the 2896  
circumstances described in division (F) (11) of section 2929.13 2897

of the Revised Code or pursuant to division (B) (1) (a), (b), or 2898  
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 2899  
section 2971.03 of the Revised Code and that term as modified or 2900  
terminated pursuant to section 2971.05 of the Revised Code. 2901

(Y) "Monitored time" means a period of time during which 2902  
an offender continues to be under the control of the sentencing 2903  
court or parole board, subject to no conditions other than 2904  
leading a law-abiding life. 2905

(Z) "Offender" means a person who, in this state, is 2906  
convicted of or pleads guilty to a felony or a misdemeanor. 2907

(AA) "Prison" means a residential facility used for the 2908  
confinement of convicted felony offenders that is under the 2909  
control of the department of rehabilitation and correction but 2910  
does not include a violation sanction center operated under 2911  
authority of section 2967.141 of the Revised Code. 2912

(BB) "Prison term" includes either of the following 2913  
sanctions for an offender: 2914

(1) A stated prison term; 2915

(2) A term in a prison shortened by, or with the approval 2916  
of, the sentencing court pursuant to section 2929.143, 2929.20, 2917  
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 2918

(CC) "Repeat violent offender" means a person about whom 2919  
both of the following apply: 2920

(1) The person is being sentenced for committing or for 2921  
complicity in committing any of the following: 2922

(a) Aggravated murder, murder, any felony of the first or 2923  
second degree that is an offense of violence, or an attempt to 2924  
commit any of these offenses if the attempt is a felony of the 2925

first or second degree; 2926

(b) An offense under an existing or former law of this 2927  
state, another state, or the United States that is or was 2928  
substantially equivalent to an offense described in division 2929  
(CC) (1) (a) of this section. 2930

(2) The person previously was convicted of or pleaded 2931  
guilty to an offense described in division (CC) (1) (a) or (b) of 2932  
this section. 2933

(DD) "Sanction" means any penalty imposed upon an offender 2934  
who is convicted of or pleads guilty to an offense, as 2935  
punishment for the offense. "Sanction" includes any sanction 2936  
imposed pursuant to any provision of sections 2929.14 to 2929.18 2937  
or 2929.24 to 2929.28 of the Revised Code. 2938

(EE) "Sentence" means the sanction or combination of 2939  
sanctions imposed by the sentencing court on an offender who is 2940  
convicted of or pleads guilty to an offense. 2941

(FF) "Stated prison term" means the prison term, mandatory 2942  
prison term, or combination of all prison terms and mandatory 2943  
prison terms imposed by the sentencing court pursuant to section 2944  
2929.14, 2929.142, or 2971.03 of the Revised Code or under 2945  
section 2919.25 of the Revised Code. "Stated prison term" 2946  
includes any credit received by the offender for time spent in 2947  
jail awaiting trial, sentencing, or transfer to prison for the 2948  
offense and any time spent under house arrest or house arrest 2949  
with electronic monitoring imposed after earning credits 2950  
pursuant to section 2967.193 of the Revised Code. If an offender 2951  
is serving a prison term as a risk reduction sentence under 2952  
sections 2929.143 and 5120.036 of the Revised Code, "stated 2953  
prison term" includes any period of time by which the prison 2954

term imposed upon the offender is shortened by the offender's 2955  
successful completion of all assessment and treatment or 2956  
programming pursuant to those sections. 2957

(GG) "Victim-offender mediation" means a reconciliation or 2958  
mediation program that involves an offender and the victim of 2959  
the offense committed by the offender and that includes a 2960  
meeting in which the offender and the victim may discuss the 2961  
offense, discuss restitution, and consider other sanctions for 2962  
the offense. 2963

(HH) "Fourth degree felony OVI offense" means a violation 2964  
of division (A) of section 4511.19 of the Revised Code that, 2965  
under division (G) of that section, is a felony of the fourth 2966  
degree. 2967

(II) "Mandatory term of local incarceration" means the 2968  
term of sixty or one hundred twenty days in a jail, a community- 2969  
based correctional facility, a halfway house, or an alternative 2970  
residential facility that a sentencing court may impose upon a 2971  
person who is convicted of or pleads guilty to a fourth degree 2972  
felony OVI offense pursuant to division (G) (1) of section 2973  
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 2974  
section 4511.19 of the Revised Code. 2975

(JJ) "Designated homicide, assault, or kidnapping 2976  
offense," "violent sex offense," "sexual motivation 2977  
specification," "sexually violent offense," "sexually violent 2978  
predator," and "sexually violent predator specification" have 2979  
the same meanings as in section 2971.01 of the Revised Code. 2980

(KK) "Sexually oriented offense," "child-victim oriented 2981  
offense," and "tier III sex offender/child-victim offender" have 2982  
the same meanings as in section 2950.01 of the Revised Code. 2983

(LL) An offense is "committed in the vicinity of a child" 2984  
if the offender commits the offense within thirty feet of or 2985  
within the same residential unit as a child who is under 2986  
eighteen years of age, regardless of whether the offender knows 2987  
the age of the child or whether the offender knows the offense 2988  
is being committed within thirty feet of or within the same 2989  
residential unit as the child and regardless of whether the 2990  
child actually views the commission of the offense. 2991

(MM) "Family or household member" has the same meaning as 2992  
in section 2919.25 of the Revised Code. 2993

(NN) "Motor vehicle" and "manufactured home" have the same 2994  
meanings as in section 4501.01 of the Revised Code. 2995

(OO) "Detention" and "detention facility" have the same 2996  
meanings as in section 2921.01 of the Revised Code. 2997

(PP) "Third degree felony OVI offense" means a violation 2998  
of division (A) of section 4511.19 of the Revised Code that, 2999  
under division (G) of that section, is a felony of the third 3000  
degree. 3001

(QQ) "Random drug testing" has the same meaning as in 3002  
section 5120.63 of the Revised Code. 3003

(RR) "Felony sex offense" has the same meaning as in 3004  
section 2967.28 of the Revised Code. 3005

(SS) "Body armor" has the same meaning as in section 3006  
2941.1411 of the Revised Code. 3007

(TT) "Electronic monitoring" means monitoring through the 3008  
use of an electronic monitoring device. 3009

(UU) "Electronic monitoring device" means any of the 3010  
following: 3011

(1) Any device that can be operated by electrical or 3012  
battery power and that conforms with all of the following: 3013

(a) The device has a transmitter that can be attached to a 3014  
person, that will transmit a specified signal to a receiver of 3015  
the type described in division (UU)(1)(b) of this section if the 3016  
transmitter is removed from the person, turned off, or altered 3017  
in any manner without prior court approval in relation to 3018  
electronic monitoring or without prior approval of the 3019  
department of rehabilitation and correction in relation to the 3020  
use of an electronic monitoring device for an inmate on 3021  
transitional control or otherwise is tampered with, that can 3022  
transmit continuously and periodically a signal to that receiver 3023  
when the person is within a specified distance from the 3024  
receiver, and that can transmit an appropriate signal to that 3025  
receiver if the person to whom it is attached travels a 3026  
specified distance from that receiver. 3027

(b) The device has a receiver that can receive 3028  
continuously the signals transmitted by a transmitter of the 3029  
type described in division (UU)(1)(a) of this section, can 3030  
transmit continuously those signals by a wireless or landline 3031  
telephone connection to a central monitoring computer of the 3032  
type described in division (UU)(1)(c) of this section, and can 3033  
transmit continuously an appropriate signal to that central 3034  
monitoring computer if the device has been turned off or altered 3035  
without prior court approval or otherwise tampered with. The 3036  
device is designed specifically for use in electronic 3037  
monitoring, is not a converted wireless phone or another 3038  
tracking device that is clearly not designed for electronic 3039  
monitoring, and provides a means of text-based or voice 3040  
communication with the person. 3041



(c) The device has a central monitoring computer that can 3042  
receive continuously the signals transmitted by a wireless or 3043  
landline telephone connection by a receiver of the type 3044  
described in division (UU) (1) (b) of this section and can monitor 3045  
continuously the person to whom an electronic monitoring device 3046  
of the type described in division (UU) (1) (a) of this section is 3047  
attached. 3048

(2) Any device that is not a device of the type described 3049  
in division (UU) (1) of this section and that conforms with all 3050  
of the following: 3051

(a) The device includes a transmitter and receiver that 3052  
can monitor and determine the location of a subject person at 3053  
any time, or at a designated point in time, through the use of a 3054  
central monitoring computer or through other electronic means. 3055

(b) The device includes a transmitter and receiver that 3056  
can determine at any time, or at a designated point in time, 3057  
through the use of a central monitoring computer or other 3058  
electronic means the fact that the transmitter is turned off or 3059  
altered in any manner without prior approval of the court in 3060  
relation to the electronic monitoring or without prior approval 3061  
of the department of rehabilitation and correction in relation 3062  
to the use of an electronic monitoring device for an inmate on 3063  
transitional control or otherwise is tampered with. 3064

(3) Any type of technology that can adequately track or 3065  
determine the location of a subject person at any time and that 3066  
is approved by the director of rehabilitation and correction, 3067  
including, but not limited to, any satellite technology, voice 3068  
tracking system, or retinal scanning system that is so approved. 3069

(VV) "Non-economic loss" means nonpecuniary harm suffered 3070

by a victim of an offense as a result of or related to the 3071  
commission of the offense, including, but not limited to, pain 3072  
and suffering; loss of society, consortium, companionship, care, 3073  
assistance, attention, protection, advice, guidance, counsel, 3074  
instruction, training, or education; mental anguish; and any 3075  
other intangible loss. 3076

(WW) "Prosecutor" has the same meaning as in section 3077  
2935.01 of the Revised Code. 3078

(XX) "Continuous alcohol monitoring" means the ability to 3079  
automatically test and periodically transmit alcohol consumption 3080  
levels and tamper attempts at least every hour, regardless of 3081  
the location of the person who is being monitored. 3082

(YY) A person is "adjudicated a sexually violent predator" 3083  
if the person is convicted of or pleads guilty to a violent sex 3084  
offense and also is convicted of or pleads guilty to a sexually 3085  
violent predator specification that was included in the 3086  
indictment, count in the indictment, or information charging 3087  
that violent sex offense or if the person is convicted of or 3088  
pleads guilty to a designated homicide, assault, or kidnapping 3089  
offense and also is convicted of or pleads guilty to both a 3090  
sexual motivation specification and a sexually violent predator 3091  
specification that were included in the indictment, count in the 3092  
indictment, or information charging that designated homicide, 3093  
assault, or kidnapping offense. 3094

(ZZ) An offense is "committed in proximity to a school" if 3095  
the offender commits the offense in a school safety zone or 3096  
within five hundred feet of any school building or the 3097  
boundaries of any school premises, regardless of whether the 3098  
offender knows the offense is being committed in a school safety 3099  
zone or within five hundred feet of any school building or the 3100

boundaries of any school premises. 3101

(AAA) "Human trafficking" means a scheme or plan to which 3102  
all of the following apply: 3103

(1) Its object is one or more of the following: 3104

(a) To subject a victim or victims to involuntary 3105  
servitude, as defined in section 2905.31 of the Revised Code or 3106  
to compel a victim or victims to engage in sexual activity for 3107  
hire, to engage in a performance that is obscene, sexually 3108  
oriented, or nudity oriented, or to be a model or participant in 3109  
the production of material that is obscene, sexually oriented, 3110  
or nudity oriented; 3111

(b) To facilitate, encourage, or recruit a victim who is 3112  
less than sixteen years of age or is a person with a 3113  
developmental disability, or victims who are less than sixteen 3114  
years of age or are persons with developmental disabilities, for 3115  
any purpose listed in divisions (A) (2) (a) to (c) of section 3116  
2905.32 of the Revised Code; 3117

(c) To facilitate, encourage, or recruit a victim who is 3118  
sixteen or seventeen years of age, or victims who are sixteen or 3119  
seventeen years of age, for any purpose listed in divisions (A) 3120  
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 3121  
circumstances described in division (A) (5), (6), (7), (8), (9), 3122  
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 3123  
apply with respect to the person engaging in the conduct and the 3124  
victim or victims. 3125

(2) It involves at least two felony offenses, whether or 3126  
not there has been a prior conviction for any of the felony 3127  
offenses, to which all of the following apply: 3128

(a) Each of the felony offenses is a violation of section 3129

2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 3130  
division (A) (1) or (2) of section 2907.323, or division (B) (1), 3131  
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 3132  
is a violation of a law of any state other than this state that 3133  
is substantially similar to any of the sections or divisions of 3134  
the Revised Code identified in this division. 3135

(b) At least one of the felony offenses was committed in 3136  
this state. 3137

(c) The felony offenses are related to the same scheme or 3138  
plan and are not isolated instances. 3139

(BBB) "Material," "nudity," "obscene," "performance," and 3140  
"sexual activity" have the same meanings as in section 2907.01 3141  
of the Revised Code. 3142

(CCC) "Material that is obscene, sexually oriented, or 3143  
nudity oriented" means any material that is obscene, that shows 3144  
a person participating or engaging in sexual activity, 3145  
masturbation, or bestiality, or that shows a person in a state 3146  
of nudity. 3147

(DDD) "Performance that is obscene, sexually oriented, or 3148  
nudity oriented" means any performance that is obscene, that 3149  
shows a person participating or engaging in sexual activity, 3150  
masturbation, or bestiality, or that shows a person in a state 3151  
of nudity. 3152

**Sec. 2929.13.** (A) Except as provided in division (E), (F), 3153  
or (G) of this section and unless a specific sanction is 3154  
required to be imposed or is precluded from being imposed 3155  
pursuant to law, a court that imposes a sentence upon an 3156  
offender for a felony may impose any sanction or combination of 3157  
sanctions on the offender that are provided in sections 2929.14 3158

to 2929.18 of the Revised Code. 3159

If the offender is eligible to be sentenced to community 3160  
control sanctions, the court shall consider the appropriateness 3161  
of imposing a financial sanction pursuant to section 2929.18 of 3162  
the Revised Code or a sanction of community service pursuant to 3163  
section 2929.17 of the Revised Code as the sole sanction for the 3164  
offense. Except as otherwise provided in this division, if the 3165  
court is required to impose a mandatory prison term for the 3166  
offense for which sentence is being imposed, the court also 3167  
shall impose any financial sanction pursuant to section 2929.18 3168  
of the Revised Code that is required for the offense and may 3169  
impose any other financial sanction pursuant to that section but 3170  
may not impose any additional sanction or combination of 3171  
sanctions under section 2929.16 or 2929.17 of the Revised Code. 3172

If the offender is being sentenced for a fourth degree 3173  
felony OVI offense or for a third degree felony OVI offense, in 3174  
addition to the mandatory term of local incarceration or the 3175  
mandatory prison term required for the offense by division (G) 3176  
(1) or (2) of this section, the court shall impose upon the 3177  
offender a mandatory fine in accordance with division (B) (3) of 3178  
section 2929.18 of the Revised Code and may impose whichever of 3179  
the following is applicable: 3180

(1) For a fourth degree felony OVI offense for which 3181  
sentence is imposed under division (G) (1) of this section, an 3182  
additional community control sanction or combination of 3183  
community control sanctions under section 2929.16 or 2929.17 of 3184  
the Revised Code. If the court imposes upon the offender a 3185  
community control sanction and the offender violates any 3186  
condition of the community control sanction, the court may take 3187  
any action prescribed in division (B) of section 2929.15 of the 3188

Revised Code relative to the offender, including imposing a 3189  
prison term on the offender pursuant to that division. 3190

(2) For a third or fourth degree felony OVI offense for 3191  
which sentence is imposed under division (G)(2) of this section, 3192  
an additional prison term as described in division (B)(4) of 3193  
section 2929.14 of the Revised Code or a community control 3194  
sanction as described in division (G)(2) of this section. 3195

(B)(1)(a) Except as provided in division (B)(1)(b) of this 3196  
section, if an offender is convicted of or pleads guilty to a 3197  
felony of the fourth or fifth degree that is not an offense of 3198  
violence or that is a qualifying assault offense, the court 3199  
shall sentence the offender to a community control sanction of 3200  
at least one year's duration if all of the following apply: 3201

(i) The offender previously has not been convicted of or 3202  
pleaded guilty to a felony offense. 3203

(ii) The most serious charge against the offender at the 3204  
time of sentencing is a felony of the fourth or fifth degree. 3205

(iii) If the court made a request of the department of 3206  
rehabilitation and correction pursuant to division (B)(1)(c) of 3207  
this section, the department, within the forty-five-day period 3208  
specified in that division, provided the court with the names 3209  
of, contact information for, and program details of one or more 3210  
community control sanctions of at least one year's duration that 3211  
are available for persons sentenced by the court. 3212

(iv) The offender previously has not been convicted of or 3213  
pleaded guilty to a misdemeanor offense of violence that the 3214  
offender committed within two years prior to the offense for 3215  
which sentence is being imposed. 3216

(b) The court has discretion to impose a prison term upon 3217

an offender who is convicted of or pleads guilty to a felony of 3218  
the fourth or fifth degree that is not an offense of violence or 3219  
that is a qualifying assault offense if any of the following 3220  
apply: 3221

(i) The offender committed the offense while having a 3222  
firearm on or about the offender's person or under the 3223  
offender's control. 3224

(ii) If the offense is a qualifying assault offense, the 3225  
offender caused serious physical harm to another person while 3226  
committing the offense, and, if the offense is not a qualifying 3227  
assault offense, the offender caused physical harm to another 3228  
person while committing the offense. 3229

(iii) The offender violated a term of the conditions of 3230  
bond as set by the court. 3231

(iv) The court made a request of the department of 3232  
rehabilitation and correction pursuant to division (B)(1)(c) of 3233  
this section, and the department, within the forty-five-day 3234  
period specified in that division, did not provide the court 3235  
with the name of, contact information for, and program details 3236  
of any community control sanction of at least one year's 3237  
duration that is available for persons sentenced by the court. 3238

(v) The offense is a sex offense that is a fourth or fifth 3239  
degree felony violation of any provision of Chapter 2907. of the 3240  
Revised Code. 3241

(vi) In committing the offense, the offender attempted to 3242  
cause or made an actual threat of physical harm to a person with 3243  
a deadly weapon. 3244

(vii) In committing the offense, the offender attempted to 3245  
cause or made an actual threat of physical harm to a person, and 3246

the offender previously was convicted of an offense that caused 3247  
physical harm to a person. 3248

(viii) The offender held a public office or position of 3249  
trust, and the offense related to that office or position; the 3250  
offender's position obliged the offender to prevent the offense 3251  
or to bring those committing it to justice; or the offender's 3252  
professional reputation or position facilitated the offense or 3253  
was likely to influence the future conduct of others. 3254

(ix) The offender committed the offense for hire or as 3255  
part of an organized criminal activity. 3256

(x) The offender at the time of the offense was serving, 3257  
or the offender previously had served, a prison term. 3258

(xi) The offender committed the offense while under a 3259  
community control sanction, while on probation, or while 3260  
released from custody on a bond or personal recognizance. 3261

(c) If a court that is sentencing an offender who is 3262  
convicted of or pleads guilty to a felony of the fourth or fifth 3263  
degree that is not an offense of violence or that is a 3264  
qualifying assault offense believes that no community control 3265  
sanctions are available for its use that, if imposed on the 3266  
offender, will adequately fulfill the overriding principles and 3267  
purposes of sentencing, the court shall contact the department 3268  
of rehabilitation and correction and ask the department to 3269  
provide the court with the names of, contact information for, 3270  
and program details of one or more community control sanctions 3271  
of at least one year's duration that are available for persons 3272  
sentenced by the court. Not later than forty-five days after 3273  
receipt of a request from a court under this division, the 3274  
department shall provide the court with the names of, contact 3275



information for, and program details of one or more community 3276  
control sanctions of at least one year's duration that are 3277  
available for persons sentenced by the court, if any. Upon 3278  
making a request under this division that relates to a 3279  
particular offender, a court shall defer sentencing of that 3280  
offender until it receives from the department the names of, 3281  
contact information for, and program details of one or more 3282  
community control sanctions of at least one year's duration that 3283  
are available for persons sentenced by the court or for forty- 3284  
five days, whichever is the earlier. 3285

If the department provides the court with the names of, 3286  
contact information for, and program details of one or more 3287  
community control sanctions of at least one year's duration that 3288  
are available for persons sentenced by the court within the 3289  
forty-five-day period specified in this division, the court 3290  
shall impose upon the offender a community control sanction 3291  
under division (B) (1) (a) of this section, except that the court 3292  
may impose a prison term under division (B) (1) (b) of this 3293  
section if a factor described in division (B) (1) (b) (i) or (ii) 3294  
of this section applies. If the department does not provide the 3295  
court with the names of, contact information for, and program 3296  
details of one or more community control sanctions of at least 3297  
one year's duration that are available for persons sentenced by 3298  
the court within the forty-five-day period specified in this 3299  
division, the court may impose upon the offender a prison term 3300  
under division (B) (1) (b) (iv) of this section. 3301

(d) A sentencing court may impose an additional penalty 3302  
under division (B) of section 2929.15 of the Revised Code upon 3303  
an offender sentenced to a community control sanction under 3304  
division (B) (1) (a) of this section if the offender violates the 3305  
conditions of the community control sanction, violates a law, or 3306

leaves the state without the permission of the court or the 3307  
offender's probation officer. 3308

(2) If division (B)(1) of this section does not apply, 3309  
except as provided in division (E), (F), or (G) of this section, 3310  
in determining whether to impose a prison term as a sanction for 3311  
a felony of the fourth or fifth degree, the sentencing court 3312  
shall comply with the purposes and principles of sentencing 3313  
under section 2929.11 of the Revised Code and with section 3314  
2929.12 of the Revised Code. 3315

(C) Except as provided in division (D), (E), (F), or (G) 3316  
of this section, in determining whether to impose a prison term 3317  
as a sanction for a felony of the third degree or a felony drug 3318  
offense that is a violation of a provision of Chapter 2925. of 3319  
the Revised Code and that is specified as being subject to this 3320  
division for purposes of sentencing, the sentencing court shall 3321  
comply with the purposes and principles of sentencing under 3322  
section 2929.11 of the Revised Code and with section 2929.12 of 3323  
the Revised Code. 3324

(D)(1) Except as provided in division (E) or (F) of this 3325  
section, for a felony of the first or second degree, for a 3326  
felony drug offense that is a violation of any provision of 3327  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 3328  
presumption in favor of a prison term is specified as being 3329  
applicable, and for a violation of division (A)(4) or (B) of 3330  
section 2907.05 of the Revised Code for which a presumption in 3331  
favor of a prison term is specified as being applicable, it is 3332  
presumed that a prison term is necessary in order to comply with 3333  
the purposes and principles of sentencing under section 2929.11 3334  
of the Revised Code. Division (D)(2) of this section does not 3335  
apply to a presumption established under this division for a 3336

violation of division (A) (4) of section 2907.05 of the Revised Code. 3337  
3338

(2) Notwithstanding the presumption established under 3339  
division (D) (1) of this section for the offenses listed in that 3340  
division other than a violation of division (A) (4) or (B) of 3341  
section 2907.05 of the Revised Code, the sentencing court may 3342  
impose a community control sanction or a combination of 3343  
community control sanctions instead of a prison term on an 3344  
offender for a felony of the first or second degree or for a 3345  
felony drug offense that is a violation of any provision of 3346  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 3347  
presumption in favor of a prison term is specified as being 3348  
applicable if it makes both of the following findings: 3349

(a) A community control sanction or a combination of 3350  
community control sanctions would adequately punish the offender 3351  
and protect the public from future crime, because the applicable 3352  
factors under section 2929.12 of the Revised Code indicating a 3353  
lesser likelihood of recidivism outweigh the applicable factors 3354  
under that section indicating a greater likelihood of 3355  
recidivism. 3356

(b) A community control sanction or a combination of 3357  
community control sanctions would not demean the seriousness of 3358  
the offense, because one or more factors under section 2929.12 3359  
of the Revised Code that indicate that the offender's conduct 3360  
was less serious than conduct normally constituting the offense 3361  
are applicable, and they outweigh the applicable factors under 3362  
that section that indicate that the offender's conduct was more 3363  
serious than conduct normally constituting the offense. 3364

(E) (1) Except as provided in division (F) of this section, 3365  
for any drug offense that is a violation of any provision of 3366

Chapter 2925. of the Revised Code and that is a felony of the 3367  
third, fourth, or fifth degree, the applicability of a 3368  
presumption under division (D) of this section in favor of a 3369  
prison term or of division (B) or (C) of this section in 3370  
determining whether to impose a prison term for the offense 3371  
shall be determined as specified in section 2925.02, 2925.03, 3372  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 3373  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 3374  
regarding the violation. 3375

(2) If an offender who was convicted of or pleaded guilty 3376  
to a felony violates the conditions of a community control 3377  
sanction imposed for the offense solely by reason of producing 3378  
positive results on a drug test or by acting pursuant to 3379  
division (B) (2) (b) of section 2925.11 of the Revised Code with 3380  
respect to a minor drug possession offense, the court, as 3381  
punishment for the violation of the sanction, shall not order 3382  
that the offender be imprisoned unless the court determines on 3383  
the record either of the following: 3384

(a) The offender had been ordered as a sanction for the 3385  
felony to participate in a drug treatment program, in a drug 3386  
education program, or in narcotics anonymous or a similar 3387  
program, and the offender continued to use illegal drugs after a 3388  
reasonable period of participation in the program. 3389

(b) The imprisonment of the offender for the violation is 3390  
consistent with the purposes and principles of sentencing set 3391  
forth in section 2929.11 of the Revised Code. 3392

(3) A court that sentences an offender for a drug abuse 3393  
offense that is a felony of the third, fourth, or fifth degree 3394  
may require that the offender be assessed by a properly 3395  
credentialed professional within a specified period of time. The 3396

court shall require the professional to file a written 3397  
assessment of the offender with the court. If the offender is 3398  
eligible for a community control sanction and after considering 3399  
the written assessment, the court may impose a community control 3400  
sanction that includes addiction services and recovery supports 3401  
included in a community-based continuum of care established 3402  
under section 340.032 of the Revised Code. If the court imposes 3403  
addiction services and recovery supports as a community control 3404  
sanction, the court shall direct the level and type of addiction 3405  
services and recovery supports after considering the assessment 3406  
and recommendation of community addiction services providers. 3407

(F) Notwithstanding divisions (A) to (E) of this section, 3408  
the court shall impose a prison term or terms under sections 3409  
2929.02 to 2929.06, section 2929.14, section 2929.142, or 3410  
section 2971.03 of the Revised Code and except as specifically 3411  
provided in section 2929.20, divisions (C) to (I) of section 3412  
2967.19, or section 2967.191 of the Revised Code or when parole 3413  
is authorized for the offense under section 2967.13 of the 3414  
Revised Code shall not reduce the term or terms pursuant to 3415  
section 2929.20, section 2967.19, section 2967.193, or any other 3416  
provision of Chapter 2967. or Chapter 5120. of the Revised Code 3417  
for any of the following offenses: 3418

(1) Aggravated murder when death is not imposed or murder; 3419

(2) Any rape, regardless of whether force was involved and 3420  
regardless of the age of the victim, or an attempt to commit 3421  
rape if, had the offender completed the rape that was attempted, 3422  
the offender would have been guilty of a violation of division 3423  
(A) (1) (b) of section 2907.02 of the Revised Code and would be 3424  
sentenced under section 2971.03 of the Revised Code; 3425

(3) Gross sexual imposition or sexual battery, if the 3426

victim is less than thirteen years of age and if any of the 3427  
following applies: 3428

(a) Regarding gross sexual imposition, the offender 3429  
previously was convicted of or pleaded guilty to rape, the 3430  
former offense of felonious sexual penetration, gross sexual 3431  
imposition, or sexual battery, and the victim of the previous 3432  
offense was less than thirteen years of age; 3433

(b) Regarding gross sexual imposition, the offense was 3434  
committed on or after August 3, 2006, and evidence other than 3435  
the testimony of the victim was admitted in the case 3436  
corroborating the violation. 3437

(c) Regarding sexual battery, either of the following 3438  
applies: 3439

(i) The offense was committed prior to August 3, 2006, the 3440  
offender previously was convicted of or pleaded guilty to rape, 3441  
the former offense of felonious sexual penetration, or sexual 3442  
battery, and the victim of the previous offense was less than 3443  
thirteen years of age. 3444

(ii) The offense was committed on or after August 3, 2006. 3445

(4) A felony violation of section 2903.04, 2903.06, 3446  
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 3447  
or 2923.132 of the Revised Code if the section requires the 3448  
imposition of a prison term; 3449

(5) A first, second, or third degree felony drug offense 3450  
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 3451  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 3452  
or 4729.99 of the Revised Code, whichever is applicable 3453  
regarding the violation, requires the imposition of a mandatory 3454  
prison term; 3455

(6) Any offense that is a first or second degree felony 3456  
and that is not set forth in division (F) (1), (2), (3), or (4) 3457  
of this section, if the offender previously was convicted of or 3458  
pleaded guilty to aggravated murder, murder, any first or second 3459  
degree felony, or an offense under an existing or former law of 3460  
this state, another state, or the United States that is or was 3461  
substantially equivalent to one of those offenses; 3462

(7) Any offense that is a third degree felony and either 3463  
is a violation of section 2903.04 of the Revised Code or an 3464  
attempt to commit a felony of the second degree that is an 3465  
offense of violence and involved an attempt to cause serious 3466  
physical harm to a person or that resulted in serious physical 3467  
harm to a person if the offender previously was convicted of or 3468  
pleaded guilty to any of the following offenses: 3469

(a) Aggravated murder, murder, involuntary manslaughter, 3470  
rape, felonious sexual penetration as it existed under section 3471  
2907.12 of the Revised Code prior to September 3, 1996, a felony 3472  
of the first or second degree that resulted in the death of a 3473  
person or in physical harm to a person, or complicity in or an 3474  
attempt to commit any of those offenses; 3475

(b) An offense under an existing or former law of this 3476  
state, another state, or the United States that is or was 3477  
substantially equivalent to an offense listed in division (F) (7) 3478  
(a) of this section that resulted in the death of a person or in 3479  
physical harm to a person. 3480

(8) Any offense, other than a violation of section 2923.12 3481  
of the Revised Code, that is a felony, if the offender had a 3482  
firearm on or about the offender's person or under the 3483  
offender's control while committing the felony, with respect to 3484  
a portion of the sentence imposed pursuant to division (B) (1) (a) 3485

of section 2929.14 of the Revised Code for having the firearm; 3486

(9) Any offense of violence that is a felony, if the 3487  
offender wore or carried body armor while committing the felony 3488  
offense of violence, with respect to the portion of the sentence 3489  
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 3490  
Revised Code for wearing or carrying the body armor; 3491

(10) Corrupt activity in violation of section 2923.32 of 3492  
the Revised Code when the most serious offense in the pattern of 3493  
corrupt activity that is the basis of the offense is a felony of 3494  
the first degree; 3495

(11) Any violent sex offense or designated homicide, 3496  
assault, or kidnapping offense if, in relation to that offense, 3497  
the offender is adjudicated a sexually violent predator; 3498

(12) A violation of division (A) (1) or (2) of section 3499  
2921.36 of the Revised Code, or a violation of division (C) of 3500  
that section involving an item listed in division (A) (1) or (2) 3501  
of that section, if the offender is an officer or employee of 3502  
the department of rehabilitation and correction; 3503

(13) A violation of division (A) (1) or (2) of section 3504  
2903.06 of the Revised Code if the victim of the offense is a 3505  
peace officer, as defined in section 2935.01 of the Revised 3506  
Code, or an investigator of the bureau of criminal 3507  
identification and investigation, as defined in section 2903.11 3508  
of the Revised Code, with respect to the portion of the sentence 3509  
imposed pursuant to division (B) (5) of section 2929.14 of the 3510  
Revised Code; 3511

(14) A violation of division (A) (1) or (2) of section 3512  
2903.06 of the Revised Code if the offender has been convicted 3513  
of or pleaded guilty to three or more violations of division (A) 3514



or (B) of section 4511.19 of the Revised Code or an equivalent 3515  
offense, as defined in section 2941.1415 of the Revised Code, or 3516  
three or more violations of any combination of those divisions 3517  
and offenses, with respect to the portion of the sentence 3518  
imposed pursuant to division (B) (6) of section 2929.14 of the 3519  
Revised Code; 3520

(15) Kidnapping, in the circumstances specified in section 3521  
2971.03 of the Revised Code and when no other provision of 3522  
division (F) of this section applies; 3523

(16) Kidnapping, abduction, compelling prostitution, 3524  
promoting prostitution, engaging in a pattern of corrupt 3525  
activity, illegal use of a minor in a nudity-oriented material 3526  
or performance in violation of division (A) (1) or (2) of section 3527  
2907.323 of the Revised Code, or endangering children in 3528  
violation of division (B) (1), (2), (3), (4), or (5) of section 3529  
2919.22 of the Revised Code, if the offender is convicted of or 3530  
pleads guilty to a specification as described in section 3531  
2941.1422 of the Revised Code that was included in the 3532  
indictment, count in the indictment, or information charging the 3533  
offense; 3534

(17) A felony violation of division (A) or (B) of section 3535  
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 3536  
that section, and division (D) (6) of that section, require the 3537  
imposition of a prison term; 3538

(18) A felony violation of section 2903.11, 2903.12, or 3539  
2903.13 of the Revised Code, if the victim of the offense was a 3540  
woman that the offender knew was pregnant at the time of the 3541  
violation, with respect to a portion of the sentence imposed 3542  
pursuant to division (B) (8) of section 2929.14 of the Revised 3543  
Code; 3544

(19) (a) Any violent felony offense if the offender is a  
violent career criminal and had a firearm on or about the  
offender's person or under the offender's control during the  
commission of the violent felony offense and displayed or  
brandished the firearm, indicated that the offender possessed a  
firearm, or used the firearm to facilitate the offense, with  
respect to the portion of the sentence imposed under division  
(K) of section 2929.14 of the Revised Code.

(b) As used in division (F) (19) (a) of this section,  
"violent career criminal" and "violent felony offense" have the  
same meanings as in section 2923.132 of the Revised Code.

(20) A felony violation of section 2925.03, 2925.05, or  
2925.11 of the Revised Code, if the drug involved in the  
violation is a fentanyl-related compound or a compound, mixture,  
preparation, or substance containing a fentanyl-related compound  
and the offender is convicted of or pleads guilty to a  
specification of the type described in division (B) of section  
2941.1410 of the Revised Code that was included in the  
indictment, count in the indictment, or information charging the  
offense, with respect to the portion of the sentence imposed  
under division (B) (9) of section 2929.14 of the Revised Code.

(G) Notwithstanding divisions (A) to (E) of this section,  
if an offender is being sentenced for a fourth degree felony OVI  
offense or for a third degree felony OVI offense, the court  
shall impose upon the offender a mandatory term of local  
incarceration or a mandatory prison term in accordance with the  
following:

(1) If the offender is being sentenced for a fourth degree  
felony OVI offense and if the offender has not been convicted of  
and has not pleaded guilty to a specification of the type

described in section 2941.1413 of the Revised Code, the court 3575  
may impose upon the offender a mandatory term of local 3576  
incarceration of sixty days or one hundred twenty days as 3577  
specified in division (G) (1) (d) of section 4511.19 of the 3578  
Revised Code. The court shall not reduce the term pursuant to 3579  
section 2929.20, 2967.193, or any other provision of the Revised 3580  
Code. The court that imposes a mandatory term of local 3581  
incarceration under this division shall specify whether the term 3582  
is to be served in a jail, a community-based correctional 3583  
facility, a halfway house, or an alternative residential 3584  
facility, and the offender shall serve the term in the type of 3585  
facility specified by the court. A mandatory term of local 3586  
incarceration imposed under division (G) (1) of this section is 3587  
not subject to any other Revised Code provision that pertains to 3588  
a prison term except as provided in division (A) (1) of this 3589  
section. 3590

(2) If the offender is being sentenced for a third degree 3591  
felony OVI offense, or if the offender is being sentenced for a 3592  
fourth degree felony OVI offense and the court does not impose a 3593  
mandatory term of local incarceration under division (G) (1) of 3594  
this section, the court shall impose upon the offender a 3595  
mandatory prison term of one, two, three, four, or five years if 3596  
the offender also is convicted of or also pleads guilty to a 3597  
specification of the type described in section 2941.1413 of the 3598  
Revised Code or shall impose upon the offender a mandatory 3599  
prison term of sixty days or one hundred twenty days as 3600  
specified in division (G) (1) (d) or (e) of section 4511.19 of the 3601  
Revised Code if the offender has not been convicted of and has 3602  
not pleaded guilty to a specification of that type. Subject to 3603  
divisions (C) to (I) of section 2967.19 of the Revised Code, the 3604  
court shall not reduce the term pursuant to section 2929.20, 3605

2967.19, 2967.193, or any other provision of the Revised Code. 3606  
The offender shall serve the one-, two-, three-, four-, or five- 3607  
year mandatory prison term consecutively to and prior to the 3608  
prison term imposed for the underlying offense and consecutively 3609  
to any other mandatory prison term imposed in relation to the 3610  
offense. In no case shall an offender who once has been 3611  
sentenced to a mandatory term of local incarceration pursuant to 3612  
division (G) (1) of this section for a fourth degree felony OVI 3613  
offense be sentenced to another mandatory term of local 3614  
incarceration under that division for any violation of division 3615  
(A) of section 4511.19 of the Revised Code. In addition to the 3616  
mandatory prison term described in division (G) (2) of this 3617  
section, the court may sentence the offender to a community 3618  
control sanction under section 2929.16 or 2929.17 of the Revised 3619  
Code, but the offender shall serve the prison term prior to 3620  
serving the community control sanction. The department of 3621  
rehabilitation and correction may place an offender sentenced to 3622  
a mandatory prison term under this division in an intensive 3623  
program prison established pursuant to section 5120.033 of the 3624  
Revised Code if the department gave the sentencing judge prior 3625  
notice of its intent to place the offender in an intensive 3626  
program prison established under that section and if the judge 3627  
did not notify the department that the judge disapproved the 3628  
placement. Upon the establishment of the initial intensive 3629  
program prison pursuant to section 5120.033 of the Revised Code 3630  
that is privately operated and managed by a contractor pursuant 3631  
to a contract entered into under section 9.06 of the Revised 3632  
Code, both of the following apply: 3633

(a) The department of rehabilitation and correction shall 3634  
make a reasonable effort to ensure that a sufficient number of 3635  
offenders sentenced to a mandatory prison term under this 3636

division are placed in the privately operated and managed prison 3637  
so that the privately operated and managed prison has full 3638  
occupancy. 3639

(b) Unless the privately operated and managed prison has 3640  
full occupancy, the department of rehabilitation and correction 3641  
shall not place any offender sentenced to a mandatory prison 3642  
term under this division in any intensive program prison 3643  
established pursuant to section 5120.033 of the Revised Code 3644  
other than the privately operated and managed prison. 3645

(H) If an offender is being sentenced for a sexually 3646  
oriented offense or child-victim oriented offense that is a 3647  
felony committed on or after January 1, 1997, the judge shall 3648  
require the offender to submit to a DNA specimen collection 3649  
procedure pursuant to section 2901.07 of the Revised Code. 3650

(I) If an offender is being sentenced for a sexually 3651  
oriented offense or a child-victim oriented offense committed on 3652  
or after January 1, 1997, the judge shall include in the 3653  
sentence a summary of the offender's duties imposed under 3654  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 3655  
Code and the duration of the duties. The judge shall inform the 3656  
offender, at the time of sentencing, of those duties and of 3657  
their duration. If required under division (A) (2) of section 3658  
2950.03 of the Revised Code, the judge shall perform the duties 3659  
specified in that section, or, if required under division (A) (6) 3660  
of section 2950.03 of the Revised Code, the judge shall perform 3661  
the duties specified in that division. 3662

(J) (1) Except as provided in division (J) (2) of this 3663  
section, when considering sentencing factors under this section 3664  
in relation to an offender who is convicted of or pleads guilty 3665  
to an attempt to commit an offense in violation of section 3666

2923.02 of the Revised Code, the sentencing court shall consider 3667  
the factors applicable to the felony category of the violation 3668  
of section 2923.02 of the Revised Code instead of the factors 3669  
applicable to the felony category of the offense attempted. 3670

(2) When considering sentencing factors under this section 3671  
in relation to an offender who is convicted of or pleads guilty 3672  
to an attempt to commit a drug abuse offense for which the 3673  
penalty is determined by the amount or number of unit doses of 3674  
the controlled substance involved in the drug abuse offense, the 3675  
sentencing court shall consider the factors applicable to the 3676  
felony category that the drug abuse offense attempted would be 3677  
if that drug abuse offense had been committed and had involved 3678  
an amount or number of unit doses of the controlled substance 3679  
that is within the next lower range of controlled substance 3680  
amounts than was involved in the attempt. 3681

(K) As used in this section: 3682

(1) "Community addiction services provider" has the same 3683  
meaning as in section 5119.01 of the Revised Code. 3684

(2) "Drug abuse offense" has the same meaning as in 3685  
section 2925.01 of the Revised Code. 3686

(3) "Minor drug possession offense" has the same meaning 3687  
as in section 2925.11 of the Revised Code. 3688

(4) "Qualifying assault offense" means a violation of 3689  
section 2903.13 of the Revised Code for which the penalty 3690  
provision in division (C) (8) (b) or (C) (9) (b) of that section 3691  
applies. 3692

(L) At the time of sentencing an offender for any sexually 3693  
oriented offense, if the offender is a tier III sex 3694  
offender/child-victim offender relative to that offense and the 3695

offender does not serve a prison term or jail term, the court  
may require that the offender be monitored by means of a global  
positioning device. If the court requires such monitoring, the  
cost of monitoring shall be borne by the offender. If the  
offender is indigent, the cost of compliance shall be paid by  
the crime victims reparations fund.

**Sec. 2929.14.** (A) Except as provided in division (B) (1),  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9),  
(E), (G), (H), (J), or (K) of this section or in division (D) (6)  
of section 2919.25 of the Revised Code and except in relation to  
an offense for which a sentence of death or life imprisonment is  
to be imposed, if the court imposing a sentence upon an offender  
for a felony elects or is required to impose a prison term on  
the offender pursuant to this chapter, the court shall impose a  
definite prison term that shall be one of the following:

(1) For a felony of the first degree, the prison term  
shall be three, four, five, six, seven, eight, nine, ten, or  
eleven years.

(2) For a felony of the second degree, the prison term  
shall be two, three, four, five, six, seven, or eight years.

(3) (a) For a felony of the third degree that is a  
violation of section 2903.06, 2903.08, 2907.03, 2907.04,  
2907.05, or 3795.04 of the Revised Code or that is a violation  
of section 2911.02 or 2911.12 of the Revised Code if the  
offender previously has been convicted of or pleaded guilty in  
two or more separate proceedings to two or more violations of  
section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised  
Code, the prison term shall be twelve, eighteen, twenty-four,  
thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty  
months.

(b) For a felony of the third degree that is not an 3726  
offense for which division (A) (3) (a) of this section applies, 3727  
the prison term shall be nine, twelve, eighteen, twenty-four, 3728  
thirty, or thirty-six months. 3729

(4) For a felony of the fourth degree, the prison term 3730  
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 3731  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 3732

(5) For a felony of the fifth degree, the prison term 3733  
shall be six, seven, eight, nine, ten, eleven, or twelve months. 3734

(B) (1) (a) Except as provided in division (B) (1) (e) of this 3735  
section, if an offender who is convicted of or pleads guilty to 3736  
a felony also is convicted of or pleads guilty to a 3737  
specification of the type described in section 2941.141, 3738  
2941.144, or 2941.145 of the Revised Code, the court shall 3739  
impose on the offender one of the following prison terms: 3740

(i) A prison term of six years if the specification is of 3741  
the type described in division (A) of section 2941.144 of the 3742  
Revised Code that charges the offender with having a firearm 3743  
that is an automatic firearm or that was equipped with a firearm 3744  
muffler or suppressor on or about the offender's person or under 3745  
the offender's control while committing the offense; 3746

(ii) A prison term of three years if the specification is 3747  
of the type described in division (A) of section 2941.145 of the 3748  
Revised Code that charges the offender with having a firearm on 3749  
or about the offender's person or under the offender's control 3750  
while committing the offense and displaying the firearm, 3751  
brandishing the firearm, indicating that the offender possessed 3752  
the firearm, or using it to facilitate the offense; 3753

(iii) A prison term of one year if the specification is of 3754



the type described in division (A) of section 2941.141 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense;

(iv) A prison term of nine years if the specification is of the type described in division (D) of section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or suppressor on or about the offender's person or under the offender's control while committing the offense and specifies that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code;

(v) A prison term of fifty-four months if the specification is of the type described in division (D) of section 2941.145 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense and displaying the firearm, brandishing the firearm, indicating that the offender possessed the firearm, or using the firearm to facilitate the offense and that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code;

(vi) A prison term of eighteen months if the specification is of the type described in division (D) of section 2941.141 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense and that the offender

previously has been convicted of or pleaded guilty to a 3785  
specification of the type described in section 2941.141, 3786  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 3787

(b) If a court imposes a prison term on an offender under 3788  
division (B)(1)(a) of this section, the prison term shall not be 3789  
reduced pursuant to section 2967.19, section 2929.20, section 3790  
2967.193, or any other provision of Chapter 2967. or Chapter 3791  
5120. of the Revised Code. Except as provided in division (B)(1) 3792  
(g) of this section, a court shall not impose more than one 3793  
prison term on an offender under division (B)(1)(a) of this 3794  
section for felonies committed as part of the same act or 3795  
transaction. 3796

(c)(i) Except as provided in division (B)(1)(e) of this 3797  
section, if an offender who is convicted of or pleads guilty to 3798  
a violation of section 2923.161 of the Revised Code or to a 3799  
felony that includes, as an essential element, purposely or 3800  
knowingly causing or attempting to cause the death of or 3801  
physical harm to another, also is convicted of or pleads guilty 3802  
to a specification of the type described in division (A) of 3803  
section 2941.146 of the Revised Code that charges the offender 3804  
with committing the offense by discharging a firearm from a 3805  
motor vehicle other than a manufactured home, the court, after 3806  
imposing a prison term on the offender for the violation of 3807  
section 2923.161 of the Revised Code or for the other felony 3808  
offense under division (A), (B)(2), or (B)(3) of this section, 3809  
shall impose an additional prison term of five years upon the 3810  
offender that shall not be reduced pursuant to section 2929.20, 3811  
section 2967.19, section 2967.193, or any other provision of 3812  
Chapter 2967. or Chapter 5120. of the Revised Code. 3813

(ii) Except as provided in division (B)(1)(e) of this 3814

section, if an offender who is convicted of or pleads guilty to 3815  
a violation of section 2923.161 of the Revised Code or to a 3816  
felony that includes, as an essential element, purposely or 3817  
knowingly causing or attempting to cause the death of or 3818  
physical harm to another, also is convicted of or pleads guilty 3819  
to a specification of the type described in division (C) of 3820  
section 2941.146 of the Revised Code that charges the offender 3821  
with committing the offense by discharging a firearm from a 3822  
motor vehicle other than a manufactured home and that the 3823  
offender previously has been convicted of or pleaded guilty to a 3824  
specification of the type described in section 2941.141, 3825  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 3826  
the court, after imposing a prison term on the offender for the 3827  
violation of section 2923.161 of the Revised Code or for the 3828  
other felony offense under division (A), (B) (2), or (3) of this 3829  
section, shall impose an additional prison term of ninety months 3830  
upon the offender that shall not be reduced pursuant to section 3831  
2929.20, 2967.19, 2967.193, or any other provision of Chapter 3832  
2967. or Chapter 5120. of the Revised Code. 3833

(iii) A court shall not impose more than one additional 3834  
prison term on an offender under division (B) (1) (c) of this 3835  
section for felonies committed as part of the same act or 3836  
transaction. If a court imposes an additional prison term on an 3837  
offender under division (B) (1) (c) of this section relative to an 3838  
offense, the court also shall impose a prison term under 3839  
division (B) (1) (a) of this section relative to the same offense, 3840  
provided the criteria specified in that division for imposing an 3841  
additional prison term are satisfied relative to the offender 3842  
and the offense. 3843

(d) If an offender who is convicted of or pleads guilty to 3844  
an offense of violence that is a felony also is convicted of or 3845

pleads guilty to a specification of the type described in 3846  
section 2941.1411 of the Revised Code that charges the offender 3847  
with wearing or carrying body armor while committing the felony 3848  
offense of violence, the court shall impose on the offender a 3849  
prison term of two years. The prison term so imposed, subject to 3850  
divisions (C) to (I) of section 2967.19 of the Revised Code, 3851  
shall not be reduced pursuant to section 2929.20, section 3852  
2967.19, section 2967.193, or any other provision of Chapter 3853  
2967. or Chapter 5120. of the Revised Code. A court shall not 3854  
impose more than one prison term on an offender under division 3855  
(B) (1) (d) of this section for felonies committed as part of the 3856  
same act or transaction. If a court imposes an additional prison 3857  
term under division (B) (1) (a) or (c) of this section, the court 3858  
is not precluded from imposing an additional prison term under 3859  
division (B) (1) (d) of this section. 3860

(e) The court shall not impose any of the prison terms 3861  
described in division (B) (1) (a) of this section or any of the 3862  
additional prison terms described in division (B) (1) (c) of this 3863  
section upon an offender for a violation of section 2923.12 or 3864  
2923.123 of the Revised Code. The court shall not impose any of 3865  
the prison terms described in division (B) (1) (a) or (b) of this 3866  
section upon an offender for a violation of section 2923.122 3867  
that involves a deadly weapon that is a firearm other than a 3868  
dangerous ordnance, section 2923.16, or section 2923.121 of the 3869  
Revised Code. The court shall not impose any of the prison terms 3870  
described in division (B) (1) (a) of this section or any of the 3871  
additional prison terms described in division (B) (1) (c) of this 3872  
section upon an offender for a violation of section 2923.13 of 3873  
the Revised Code unless all of the following apply: 3874

(i) The offender previously has been convicted of 3875  
aggravated murder, murder, or any felony of the first or second 3876

degree. 3877

(ii) Less than five years have passed since the offender 3878  
was released from prison or post-release control, whichever is 3879  
later, for the prior offense. 3880

(f)(i) If an offender is convicted of or pleads guilty to 3881  
a felony that includes, as an essential element, causing or 3882  
attempting to cause the death of or physical harm to another and 3883  
also is convicted of or pleads guilty to a specification of the 3884  
type described in division (A) of section 2941.1412 of the 3885  
Revised Code that charges the offender with committing the 3886  
offense by discharging a firearm at a peace officer as defined 3887  
in section 2935.01 of the Revised Code or a corrections officer, 3888  
as defined in section 2941.1412 of the Revised Code, the court, 3889  
after imposing a prison term on the offender for the felony 3890  
offense under division (A), (B)(2), or (B)(3) of this section, 3891  
shall impose an additional prison term of seven years upon the 3892  
offender that shall not be reduced pursuant to section 2929.20, 3893  
section 2967.19, section 2967.193, or any other provision of 3894  
Chapter 2967. or Chapter 5120. of the Revised Code. 3895

(ii) If an offender is convicted of or pleads guilty to a 3896  
felony that includes, as an essential element, causing or 3897  
attempting to cause the death of or physical harm to another and 3898  
also is convicted of or pleads guilty to a specification of the 3899  
type described in division (B) of section 2941.1412 of the 3900  
Revised Code that charges the offender with committing the 3901  
offense by discharging a firearm at a peace officer, as defined 3902  
in section 2935.01 of the Revised Code, or a corrections 3903  
officer, as defined in section 2941.1412 of the Revised Code, 3904  
and that the offender previously has been convicted of or 3905  
pleaded guilty to a specification of the type described in 3906

section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 3907  
the Revised Code, the court, after imposing a prison term on the 3908  
offender for the felony offense under division (A), (B) (2), or 3909  
(3) of this section, shall impose an additional prison term of 3910  
one hundred twenty-six months upon the offender that shall not 3911  
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 3912  
any other provision of Chapter 2967. or 5120. of the Revised 3913  
Code. 3914

(iii) If an offender is convicted of or pleads guilty to 3915  
two or more felonies that include, as an essential element, 3916  
causing or attempting to cause the death or physical harm to 3917  
another and also is convicted of or pleads guilty to a 3918  
specification of the type described under division (B) (1) (f) of 3919  
this section in connection with two or more of the felonies of 3920  
which the offender is convicted or to which the offender pleads 3921  
guilty, the sentencing court shall impose on the offender the 3922  
prison term specified under division (B) (1) (f) of this section 3923  
for each of two of the specifications of which the offender is 3924  
convicted or to which the offender pleads guilty and, in its 3925  
discretion, also may impose on the offender the prison term 3926  
specified under that division for any or all of the remaining 3927  
specifications. If a court imposes an additional prison term on 3928  
an offender under division (B) (1) (f) of this section relative to 3929  
an offense, the court shall not impose a prison term under 3930  
division (B) (1) (a) or (c) of this section relative to the same 3931  
offense. 3932

(g) If an offender is convicted of or pleads guilty to two 3933  
or more felonies, if one or more of those felonies are 3934  
aggravated murder, murder, attempted aggravated murder, 3935  
attempted murder, aggravated robbery, felonious assault, or 3936  
rape, and if the offender is convicted of or pleads guilty to a 3937

specification of the type described under division (B) (1) (a) of 3938  
this section in connection with two or more of the felonies, the 3939  
sentencing court shall impose on the offender the prison term 3940  
specified under division (B) (1) (a) of this section for each of 3941  
the two most serious specifications of which the offender is 3942  
convicted or to which the offender pleads guilty and, in its 3943  
discretion, also may impose on the offender the prison term 3944  
specified under that division for any or all of the remaining 3945  
specifications. 3946

(2) (a) If division (B) (2) (b) of this section does not 3947  
apply, the court may impose on an offender, in addition to the 3948  
longest prison term authorized or required for the offense, an 3949  
additional definite prison term of one, two, three, four, five, 3950  
six, seven, eight, nine, or ten years if all of the following 3951  
criteria are met: 3952

(i) The offender is convicted of or pleads guilty to a 3953  
specification of the type described in section 2941.149 of the 3954  
Revised Code that the offender is a repeat violent offender. 3955

(ii) The offense of which the offender currently is 3956  
convicted or to which the offender currently pleads guilty is 3957  
aggravated murder and the court does not impose a sentence of 3958  
death or life imprisonment without parole, murder, terrorism and 3959  
the court does not impose a sentence of life imprisonment 3960  
without parole, any felony of the first degree that is an 3961  
offense of violence and the court does not impose a sentence of 3962  
life imprisonment without parole, or any felony of the second 3963  
degree that is an offense of violence and the trier of fact 3964  
finds that the offense involved an attempt to cause or a threat 3965  
to cause serious physical harm to a person or resulted in 3966  
serious physical harm to a person. 3967

(iii) The court imposes the longest prison term for the offense that is not life imprisonment without parole.

(iv) The court finds that the prison terms imposed pursuant to division (B)(2)(a)(iii) of this section and, if applicable, division (B)(1) or (3) of this section are inadequate to punish the offender and protect the public from future crime, because the applicable factors under section 2929.12 of the Revised Code indicating a greater likelihood of recidivism outweigh the applicable factors under that section indicating a lesser likelihood of recidivism.

(v) The court finds that the prison terms imposed pursuant to division (B)(2)(a)(iii) of this section and, if applicable, division (B)(1) or (3) of this section are demeaning to the seriousness of the offense, because one or more of the factors under section 2929.12 of the Revised Code indicating that the offender's conduct is more serious than conduct normally constituting the offense are present, and they outweigh the applicable factors under that section indicating that the offender's conduct is less serious than conduct normally constituting the offense.

(b) The court shall impose on an offender the longest prison term authorized or required for the offense and shall impose on the offender an additional definite prison term of one, two, three, four, five, six, seven, eight, nine, or ten years if all of the following criteria are met:

(i) The offender is convicted of or pleads guilty to a specification of the type described in section 2941.149 of the Revised Code that the offender is a repeat violent offender.

(ii) The offender within the preceding twenty years has



been convicted of or pleaded guilty to three or more offenses 3997  
described in division (CC) (1) of section 2929.01 of the Revised 3998  
Code, including all offenses described in that division of which 3999  
the offender is convicted or to which the offender pleads guilty 4000  
in the current prosecution and all offenses described in that 4001  
division of which the offender previously has been convicted or 4002  
to which the offender previously pleaded guilty, whether 4003  
prosecuted together or separately. 4004

(iii) The offense or offenses of which the offender 4005  
currently is convicted or to which the offender currently pleads 4006  
guilty is aggravated murder and the court does not impose a 4007  
sentence of death or life imprisonment without parole, murder, 4008  
terrorism and the court does not impose a sentence of life 4009  
imprisonment without parole, any felony of the first degree that 4010  
is an offense of violence and the court does not impose a 4011  
sentence of life imprisonment without parole, or any felony of 4012  
the second degree that is an offense of violence and the trier 4013  
of fact finds that the offense involved an attempt to cause or a 4014  
threat to cause serious physical harm to a person or resulted in 4015  
serious physical harm to a person. 4016

(c) For purposes of division (B) (2) (b) of this section, 4017  
two or more offenses committed at the same time or as part of 4018  
the same act or event shall be considered one offense, and that 4019  
one offense shall be the offense with the greatest penalty. 4020

(d) A sentence imposed under division (B) (2) (a) or (b) of 4021  
this section shall not be reduced pursuant to section 2929.20, 4022  
section 2967.19, or section 2967.193, or any other provision of 4023  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 4024  
shall serve an additional prison term imposed under this section 4025  
consecutively to and prior to the prison term imposed for the 4026

underlying offense. 4027

(e) When imposing a sentence pursuant to division (B) (2) 4028  
(a) or (b) of this section, the court shall state its findings 4029  
explaining the imposed sentence. 4030

(3) Except when an offender commits a violation of section 4031  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 4032  
for the violation is life imprisonment or commits a violation of 4033  
section 2903.02 of the Revised Code, if the offender commits a 4034  
violation of section 2925.03 or 2925.11 of the Revised Code and 4035  
that section classifies the offender as a major drug offender, 4036  
if the offender commits a violation of section 2925.05 of the 4037  
Revised Code and division (E) (1) of that section classifies the 4038  
offender as a major drug offender, if the offender commits a 4039  
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 4040  
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 4041  
division (C) or (D) of section 3719.172, division (E) of section 4042  
4729.51, or division (J) of section 4729.54 of the Revised Code 4043  
that includes the sale, offer to sell, or possession of a 4044  
schedule I or II controlled substance, with the exception of 4045  
marihuana, and the court imposing sentence upon the offender 4046  
finds that the offender is guilty of a specification of the type 4047  
described in division (A) of section 2941.1410 of the Revised 4048  
Code charging that the offender is a major drug offender, if the 4049  
court imposing sentence upon an offender for a felony finds that 4050  
the offender is guilty of corrupt activity with the most serious 4051  
offense in the pattern of corrupt activity being a felony of the 4052  
first degree, or if the offender is guilty of an attempted 4053  
violation of section 2907.02 of the Revised Code and, had the 4054  
offender completed the violation of section 2907.02 of the 4055  
Revised Code that was attempted, the offender would have been 4056  
subject to a sentence of life imprisonment or life imprisonment 4057

without parole for the violation of section 2907.02 of the Revised Code, the court shall impose upon the offender for the felony violation a mandatory prison term of the maximum prison term prescribed for a felony of the first degree that, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, cannot be reduced pursuant to section 2929.20, section 2967.19, or any other provision of Chapter 2967. or 5120. of the Revised Code.

(4) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G) (2) of section 2929.13 of the Revised Code, the sentencing court shall impose upon the offender a mandatory prison term in accordance with that division. In addition to the mandatory prison term, if the offender is being sentenced for a fourth degree felony OVI offense, the court, notwithstanding division (A) (4) of this section, may sentence the offender to a definite prison term of not less than six months and not more than thirty months, and if the offender is being sentenced for a third degree felony OVI offense, the sentencing court may sentence the offender to an additional prison term of any duration specified in division (A) (3) of this section. In either case, the additional prison term imposed shall be reduced by the sixty or one hundred twenty days imposed upon the offender as the mandatory prison term. The total of the additional prison term imposed under division (B) (4) of this section plus the sixty or one hundred twenty days imposed as the mandatory prison term shall equal a definite term in the range of six months to thirty months for a fourth degree felony OVI offense and shall equal one of the authorized prison terms specified in division (A) (3) of this section for a third degree felony OVI offense. If the court imposes an additional prison term under division (B) (4) of this section, the offender

shall serve the additional prison term after the offender has 4089  
served the mandatory prison term required for the offense. In 4090  
addition to the mandatory prison term or mandatory and 4091  
additional prison term imposed as described in division (B) (4) 4092  
of this section, the court also may sentence the offender to a 4093  
community control sanction under section 2929.16 or 2929.17 of 4094  
the Revised Code, but the offender shall serve all of the prison 4095  
terms so imposed prior to serving the community control 4096  
sanction. 4097

If the offender is being sentenced for a fourth degree 4098  
felony OVI offense under division (G) (1) of section 2929.13 of 4099  
the Revised Code and the court imposes a mandatory term of local 4100  
incarceration, the court may impose a prison term as described 4101  
in division (A) (1) of that section. 4102

(5) If an offender is convicted of or pleads guilty to a 4103  
violation of division (A) (1) or (2) of section 2903.06 of the 4104  
Revised Code and also is convicted of or pleads guilty to a 4105  
specification of the type described in section 2941.1414 of the 4106  
Revised Code that charges that the victim of the offense is a 4107  
peace officer, as defined in section 2935.01 of the Revised 4108  
Code, or an investigator of the bureau of criminal 4109  
identification and investigation, as defined in section 2903.11 4110  
of the Revised Code, the court shall impose on the offender a 4111  
prison term of five years. If a court imposes a prison term on 4112  
an offender under division (B) (5) of this section, the prison 4113  
term, subject to divisions (C) to (I) of section 2967.19 of the 4114  
Revised Code, shall not be reduced pursuant to section 2929.20, 4115  
section 2967.19, section 2967.193, or any other provision of 4116  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 4117  
shall not impose more than one prison term on an offender under 4118  
division (B) (5) of this section for felonies committed as part 4119

of the same act. 4120

(6) If an offender is convicted of or pleads guilty to a 4121  
violation of division (A) (1) or (2) of section 2903.06 of the 4122  
Revised Code and also is convicted of or pleads guilty to a 4123  
specification of the type described in section 2941.1415 of the 4124  
Revised Code that charges that the offender previously has been 4125  
convicted of or pleaded guilty to three or more violations of 4126  
division (A) or (B) of section 4511.19 of the Revised Code or an 4127  
equivalent offense, as defined in section 2941.1415 of the 4128  
Revised Code, or three or more violations of any combination of 4129  
those divisions and offenses, the court shall impose on the 4130  
offender a prison term of three years. If a court imposes a 4131  
prison term on an offender under division (B) (6) of this 4132  
section, the prison term, subject to divisions (C) to (I) of 4133  
section 2967.19 of the Revised Code, shall not be reduced 4134  
pursuant to section 2929.20, section 2967.19, section 2967.193, 4135  
or any other provision of Chapter 2967. or Chapter 5120. of the 4136  
Revised Code. A court shall not impose more than one prison term 4137  
on an offender under division (B) (6) of this section for 4138  
felonies committed as part of the same act. 4139

(7) (a) If an offender is convicted of or pleads guilty to 4140  
a felony violation of section 2905.01, 2905.02, 2907.21, 4141  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 4142  
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 4143  
the Revised Code and also is convicted of or pleads guilty to a 4144  
specification of the type described in section 2941.1422 of the 4145  
Revised Code that charges that the offender knowingly committed 4146  
the offense in furtherance of human trafficking, the court shall 4147  
impose on the offender a mandatory prison term that is one of 4148  
the following: 4149

(i) If the offense is a felony of the first degree, a 4150  
definite prison term of not less than five years and not greater 4151  
than ten years; 4152

(ii) If the offense is a felony of the second or third 4153  
degree, a definite prison term of not less than three years and 4154  
not greater than the maximum prison term allowed for the offense 4155  
by division (A) of section 2929.14 of the Revised Code; 4156

(iii) If the offense is a felony of the fourth or fifth 4157  
degree, a definite prison term that is the maximum prison term 4158  
allowed for the offense by division (A) of section 2929.14 of 4159  
the Revised Code. 4160

(b) Subject to divisions (C) to (I) of section 2967.19 of 4161  
the Revised Code, the prison term imposed under division (B) (7) 4162  
(a) of this section shall not be reduced pursuant to section 4163  
2929.20, section 2967.19, section 2967.193, or any other 4164  
provision of Chapter 2967. of the Revised Code. A court shall 4165  
not impose more than one prison term on an offender under 4166  
division (B) (7) (a) of this section for felonies committed as 4167  
part of the same act, scheme, or plan. 4168

(8) If an offender is convicted of or pleads guilty to a 4169  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 4170  
Revised Code and also is convicted of or pleads guilty to a 4171  
specification of the type described in section 2941.1423 of the 4172  
Revised Code that charges that the victim of the violation was a 4173  
woman whom the offender knew was pregnant at the time of the 4174  
violation, notwithstanding the range of prison terms prescribed 4175  
in division (A) of this section for felonies of the same degree 4176  
as the violation, the court shall impose on the offender a 4177  
mandatory prison term that is either a definite prison term of 4178  
six months or one of the prison terms prescribed in section 4179

2929.14 of the Revised Code for felonies of the same degree as the violation.

(9) If an offender is convicted of or pleads guilty to a felony violation of section 2925.03 or 2925.05 of the Revised Code or a felony violation of section 2925.11 of the Revised Code for which division (C) (11) of that section applies in determining the sentence for the violation, if the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound, and if the offender also is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1410 of the Revised Code that charges that the offender is a major drug offender, in addition to any other penalty imposed for the violation, the court shall impose on the offender a mandatory prison term of three, four, five, six, seven, or eight years. If a court imposes a prison term on an offender under division (B) (9) of this section, the prison term, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, shall not be reduced pursuant to section 2929.20, 2967.19, or 2967.193, or any other provision of Chapter 2967. or 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (9) of this section for felonies committed as part of the same act.

(C) (1) (a) Subject to division (C) (1) (b) of this section, if a mandatory prison term is imposed upon an offender pursuant to division (B) (1) (a) of this section for having a firearm on or about the offender's person or under the offender's control while committing a felony, if a mandatory prison term is imposed upon an offender pursuant to division (B) (1) (c) of this section for committing a felony specified in that division by discharging a firearm from a motor vehicle, or if both types of

mandatory prison terms are imposed, the offender shall serve any 4211  
mandatory prison term imposed under either division 4212  
consecutively to any other mandatory prison term imposed under 4213  
either division or under division (B) (1) (d) of this section, 4214  
consecutively to and prior to any prison term imposed for the 4215  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 4216  
this section or any other section of the Revised Code, and 4217  
consecutively to any other prison term or mandatory prison term 4218  
previously or subsequently imposed upon the offender. 4219

(b) If a mandatory prison term is imposed upon an offender 4220  
pursuant to division (B) (1) (d) of this section for wearing or 4221  
carrying body armor while committing an offense of violence that 4222  
is a felony, the offender shall serve the mandatory term so 4223  
imposed consecutively to any other mandatory prison term imposed 4224  
under that division or under division (B) (1) (a) or (c) of this 4225  
section, consecutively to and prior to any prison term imposed 4226  
for the underlying felony under division (A), (B) (2), or (B) (3) 4227  
of this section or any other section of the Revised Code, and 4228  
consecutively to any other prison term or mandatory prison term 4229  
previously or subsequently imposed upon the offender. 4230

(c) If a mandatory prison term is imposed upon an offender 4231  
pursuant to division (B) (1) (f) of this section, the offender 4232  
shall serve the mandatory prison term so imposed consecutively 4233  
to and prior to any prison term imposed for the underlying 4234  
felony under division (A), (B) (2), or (B) (3) of this section or 4235  
any other section of the Revised Code, and consecutively to any 4236  
other prison term or mandatory prison term previously or 4237  
subsequently imposed upon the offender. 4238

(d) If a mandatory prison term is imposed upon an offender 4239  
pursuant to division (B) (7) or (8) of this section, the offender 4240



shall serve the mandatory prison term so imposed consecutively 4241  
to any other mandatory prison term imposed under that division 4242  
or under any other provision of law and consecutively to any 4243  
other prison term or mandatory prison term previously or 4244  
subsequently imposed upon the offender. 4245

(e) If a mandatory prison term is imposed upon an offender 4246  
pursuant to division (B)(9) of this section, the offender shall 4247  
serve the mandatory prison term consecutively to any other 4248  
mandatory prison term imposed under that division, consecutively 4249  
to and prior to any prison term imposed for the underlying 4250  
felony, and consecutively to any other prison term or mandatory 4251  
prison term previously or subsequently imposed upon the 4252  
offender. 4253

(2) If an offender who is an inmate in a jail, prison, or 4254  
other residential detention facility violates section 2917.02, 4255  
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 4256  
(2) of section 2921.34 of the Revised Code, if an offender who 4257  
is under detention at a detention facility commits a felony 4258  
violation of section 2923.131 of the Revised Code, or if an 4259  
offender who is an inmate in a jail, prison, or other 4260  
residential detention facility or is under detention at a 4261  
detention facility commits another felony while the offender is 4262  
an escapee in violation of division (A)(1) or (2) of section 4263  
2921.34 of the Revised Code, any prison term imposed upon the 4264  
offender for one of those violations shall be served by the 4265  
offender consecutively to the prison term or term of 4266  
imprisonment the offender was serving when the offender 4267  
committed that offense and to any other prison term previously 4268  
or subsequently imposed upon the offender. 4269

(3) If a prison term is imposed for a violation of 4270

division (B) of section 2911.01 of the Revised Code, a violation 4271  
of division (A) of section 2913.02 of the Revised Code in which 4272  
the stolen property is a firearm or dangerous ordnance, or a 4273  
felony violation of division (B) of section 2921.331 of the 4274  
Revised Code, the offender shall serve that prison term 4275  
consecutively to any other prison term or mandatory prison term 4276  
previously or subsequently imposed upon the offender. 4277

(4) If multiple prison terms are imposed on an offender 4278  
for convictions of multiple offenses, the court may require the 4279  
offender to serve the prison terms consecutively if the court 4280  
finds that the consecutive service is necessary to protect the 4281  
public from future crime or to punish the offender and that 4282  
consecutive sentences are not disproportionate to the 4283  
seriousness of the offender's conduct and to the danger the 4284  
offender poses to the public, and if the court also finds any of 4285  
the following: 4286

(a) The offender committed one or more of the multiple 4287  
offenses while the offender was awaiting trial or sentencing, 4288  
was under a sanction imposed pursuant to section 2929.16, 4289  
2929.17, or 2929.18 of the Revised Code, or was under post- 4290  
release control for a prior offense. 4291

(b) At least two of the multiple offenses were committed 4292  
as part of one or more courses of conduct, and the harm caused 4293  
by two or more of the multiple offenses so committed was so 4294  
great or unusual that no single prison term for any of the 4295  
offenses committed as part of any of the courses of conduct 4296  
adequately reflects the seriousness of the offender's conduct. 4297

(c) The offender's history of criminal conduct 4298  
demonstrates that consecutive sentences are necessary to protect 4299  
the public from future crime by the offender. 4300

(5) If a mandatory prison term is imposed upon an offender 4301  
pursuant to division (B) (5) or (6) of this section, the offender 4302  
shall serve the mandatory prison term consecutively to and prior 4303  
to any prison term imposed for the underlying violation of 4304  
division (A) (1) or (2) of section 2903.06 of the Revised Code 4305  
pursuant to division (A) of this section or section 2929.142 of 4306  
the Revised Code. If a mandatory prison term is imposed upon an 4307  
offender pursuant to division (B) (5) of this section, and if a 4308  
mandatory prison term also is imposed upon the offender pursuant 4309  
to division (B) (6) of this section in relation to the same 4310  
violation, the offender shall serve the mandatory prison term 4311  
imposed pursuant to division (B) (5) of this section 4312  
consecutively to and prior to the mandatory prison term imposed 4313  
pursuant to division (B) (6) of this section and consecutively to 4314  
and prior to any prison term imposed for the underlying 4315  
violation of division (A) (1) or (2) of section 2903.06 of the 4316  
Revised Code pursuant to division (A) of this section or section 4317  
2929.142 of the Revised Code. 4318

(6) Any prison term imposed for a violation of section 4319  
2903.04 of the Revised Code that is based on a violation of 4320  
section 2925.03 or 2925.11 of the Revised Code or on a violation 4321  
of section 2925.05 of the Revised Code that is not funding of 4322  
marihuana trafficking shall run consecutively to any prison term 4323  
imposed for the violation of section 2925.03 or 2925.11 of the 4324  
Revised Code or for the violation of section 2925.05 of the 4325  
Revised Code that is not funding of marihuana trafficking. 4326

(7) When consecutive prison terms are imposed pursuant to 4327  
division (C) (1), (2), (3), (4), ~~or~~ (5), or (6) or division (H) 4328  
(1) or (2) of this section, the term to be served is the 4329  
aggregate of all of the terms so imposed. 4330

(D) (1) If a court imposes a prison term for a felony of 4331  
the first degree, for a felony of the second degree, for a 4332  
felony sex offense, or for a felony of the third degree that is 4333  
not a felony sex offense and in the commission of which the 4334  
offender caused or threatened to cause physical harm to a 4335  
person, it shall include in the sentence a requirement that the 4336  
offender be subject to a period of post-release control after 4337  
the offender's release from imprisonment, in accordance with 4338  
that division. If a court imposes a sentence including a prison 4339  
term of a type described in this division on or after July 11, 4340  
2006, the failure of a court to include a post-release control 4341  
requirement in the sentence pursuant to this division does not 4342  
negate, limit, or otherwise affect the mandatory period of post- 4343  
release control that is required for the offender under division 4344  
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 4345  
the Revised Code applies if, prior to July 11, 2006, a court 4346  
imposed a sentence including a prison term of a type described 4347  
in this division and failed to include in the sentence pursuant 4348  
to this division a statement regarding post-release control. 4349

(2) If a court imposes a prison term for a felony of the 4350  
third, fourth, or fifth degree that is not subject to division 4351  
(D) (1) of this section, it shall include in the sentence a 4352  
requirement that the offender be subject to a period of post- 4353  
release control after the offender's release from imprisonment, 4354  
in accordance with that division, if the parole board determines 4355  
that a period of post-release control is necessary. Section 4356  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 4357  
a court imposed a sentence including a prison term of a type 4358  
described in this division and failed to include in the sentence 4359  
pursuant to this division a statement regarding post-release 4360  
control. 4361

(E) The court shall impose sentence upon the offender in 4362  
accordance with section 2971.03 of the Revised Code, and Chapter 4363  
2971. of the Revised Code applies regarding the prison term or 4364  
term of life imprisonment without parole imposed upon the 4365  
offender and the service of that term of imprisonment if any of 4366  
the following apply: 4367

(1) A person is convicted of or pleads guilty to a violent 4368  
sex offense or a designated homicide, assault, or kidnapping 4369  
offense, and, in relation to that offense, the offender is 4370  
adjudicated a sexually violent predator. 4371

(2) A person is convicted of or pleads guilty to a 4372  
violation of division (A) (1) (b) of section 2907.02 of the 4373  
Revised Code committed on or after January 2, 2007, and either 4374  
the court does not impose a sentence of life without parole when 4375  
authorized pursuant to division (B) of section 2907.02 of the 4376  
Revised Code, or division (B) of section 2907.02 of the Revised 4377  
Code provides that the court shall not sentence the offender 4378  
pursuant to section 2971.03 of the Revised Code. 4379

(3) A person is convicted of or pleads guilty to attempted 4380  
rape committed on or after January 2, 2007, and a specification 4381  
of the type described in section 2941.1418, 2941.1419, or 4382  
2941.1420 of the Revised Code. 4383

(4) A person is convicted of or pleads guilty to a 4384  
violation of section 2905.01 of the Revised Code committed on or 4385  
after January 1, 2008, and that section requires the court to 4386  
sentence the offender pursuant to section 2971.03 of the Revised 4387  
Code. 4388

(5) A person is convicted of or pleads guilty to 4389  
aggravated murder committed on or after January 1, 2008, and 4390

division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 4391  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 4392  
(d) of section 2929.03, or division (A) or (B) of section 4393  
2929.06 of the Revised Code requires the court to sentence the 4394  
offender pursuant to division (B) (3) of section 2971.03 of the 4395  
Revised Code. 4396

(6) A person is convicted of or pleads guilty to murder 4397  
committed on or after January 1, 2008, and division (B) (2) of 4398  
section 2929.02 of the Revised Code requires the court to 4399  
sentence the offender pursuant to section 2971.03 of the Revised 4400  
Code. 4401

(F) If a person who has been convicted of or pleaded 4402  
guilty to a felony is sentenced to a prison term or term of 4403  
imprisonment under this section, sections 2929.02 to 2929.06 of 4404  
the Revised Code, section 2929.142 of the Revised Code, section 4405  
2971.03 of the Revised Code, or any other provision of law, 4406  
section 5120.163 of the Revised Code applies regarding the 4407  
person while the person is confined in a state correctional 4408  
institution. 4409

(G) If an offender who is convicted of or pleads guilty to 4410  
a felony that is an offense of violence also is convicted of or 4411  
pleads guilty to a specification of the type described in 4412  
section 2941.142 of the Revised Code that charges the offender 4413  
with having committed the felony while participating in a 4414  
criminal gang, the court shall impose upon the offender an 4415  
additional prison term of one, two, or three years. 4416

(H) (1) If an offender who is convicted of or pleads guilty 4417  
to aggravated murder, murder, or a felony of the first, second, 4418  
or third degree that is an offense of violence also is convicted 4419  
of or pleads guilty to a specification of the type described in 4420

section 2941.143 of the Revised Code that charges the offender 4421  
with having committed the offense in a school safety zone or 4422  
towards a person in a school safety zone, the court shall impose 4423  
upon the offender an additional prison term of two years. The 4424  
offender shall serve the additional two years consecutively to 4425  
and prior to the prison term imposed for the underlying offense. 4426

(2) (a) If an offender is convicted of or pleads guilty to 4427  
a felony violation of section 2907.22, 2907.24, 2907.241, or 4428  
2907.25 of the Revised Code and to a specification of the type 4429  
described in section 2941.1421 of the Revised Code and if the 4430  
court imposes a prison term on the offender for the felony 4431  
violation, the court may impose upon the offender an additional 4432  
prison term as follows: 4433

(i) Subject to division (H) (2) (a) (ii) of this section, an 4434  
additional prison term of one, two, three, four, five, or six 4435  
months; 4436

(ii) If the offender previously has been convicted of or 4437  
pleaded guilty to one or more felony or misdemeanor violations 4438  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 4439  
the Revised Code and also was convicted of or pleaded guilty to 4440  
a specification of the type described in section 2941.1421 of 4441  
the Revised Code regarding one or more of those violations, an 4442  
additional prison term of one, two, three, four, five, six, 4443  
seven, eight, nine, ten, eleven, or twelve months. 4444

(b) In lieu of imposing an additional prison term under 4445  
division (H) (2) (a) of this section, the court may directly 4446  
impose on the offender a sanction that requires the offender to 4447  
wear a real-time processing, continual tracking electronic 4448  
monitoring device during the period of time specified by the 4449  
court. The period of time specified by the court shall equal the 4450

duration of an additional prison term that the court could have 4451  
imposed upon the offender under division (H) (2) (a) of this 4452  
section. A sanction imposed under this division shall commence 4453  
on the date specified by the court, provided that the sanction 4454  
shall not commence until after the offender has served the 4455  
prison term imposed for the felony violation of section 2907.22, 4456  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 4457  
residential sanction imposed for the violation under section 4458  
2929.16 of the Revised Code. A sanction imposed under this 4459  
division shall be considered to be a community control sanction 4460  
for purposes of section 2929.15 of the Revised Code, and all 4461  
provisions of the Revised Code that pertain to community control 4462  
sanctions shall apply to a sanction imposed under this division, 4463  
except to the extent that they would by their nature be clearly 4464  
inapplicable. The offender shall pay all costs associated with a 4465  
sanction imposed under this division, including the cost of the 4466  
use of the monitoring device. 4467

(I) At the time of sentencing, the court may recommend the 4468  
offender for placement in a program of shock incarceration under 4469  
section 5120.031 of the Revised Code or for placement in an 4470  
intensive program prison under section 5120.032 of the Revised 4471  
Code, disapprove placement of the offender in a program of shock 4472  
incarceration or an intensive program prison of that nature, or 4473  
make no recommendation on placement of the offender. In no case 4474  
shall the department of rehabilitation and correction place the 4475  
offender in a program or prison of that nature unless the 4476  
department determines as specified in section 5120.031 or 4477  
5120.032 of the Revised Code, whichever is applicable, that the 4478  
offender is eligible for the placement. 4479

If the court disapproves placement of the offender in a 4480  
program or prison of that nature, the department of 4481



rehabilitation and correction shall not place the offender in 4482  
any program of shock incarceration or intensive program prison. 4483

If the court recommends placement of the offender in a 4484  
program of shock incarceration or in an intensive program 4485  
prison, and if the offender is subsequently placed in the 4486  
recommended program or prison, the department shall notify the 4487  
court of the placement and shall include with the notice a brief 4488  
description of the placement. 4489

If the court recommends placement of the offender in a 4490  
program of shock incarceration or in an intensive program prison 4491  
and the department does not subsequently place the offender in 4492  
the recommended program or prison, the department shall send a 4493  
notice to the court indicating why the offender was not placed 4494  
in the recommended program or prison. 4495

If the court does not make a recommendation under this 4496  
division with respect to an offender and if the department 4497  
determines as specified in section 5120.031 or 5120.032 of the 4498  
Revised Code, whichever is applicable, that the offender is 4499  
eligible for placement in a program or prison of that nature, 4500  
the department shall screen the offender and determine if there 4501  
is an available program of shock incarceration or an intensive 4502  
program prison for which the offender is suited. If there is an 4503  
available program of shock incarceration or an intensive program 4504  
prison for which the offender is suited, the department shall 4505  
notify the court of the proposed placement of the offender as 4506  
specified in section 5120.031 or 5120.032 of the Revised Code 4507  
and shall include with the notice a brief description of the 4508  
placement. The court shall have ten days from receipt of the 4509  
notice to disapprove the placement. 4510

(J) If a person is convicted of or pleads guilty to 4511

aggravated vehicular homicide in violation of division (A) (1) of 4512  
section 2903.06 of the Revised Code and division (B) (2) (c) of 4513  
that section applies, the person shall be sentenced pursuant to 4514  
section 2929.142 of the Revised Code. 4515

(K) (1) The court shall impose an additional mandatory 4516  
prison term of two, three, four, five, six, seven, eight, nine, 4517  
ten, or eleven years on an offender who is convicted of or 4518  
pleads guilty to a violent felony offense if the offender also 4519  
is convicted of or pleads guilty to a specification of the type 4520  
described in section 2941.1424 of the Revised Code that charges 4521  
that the offender is a violent career criminal and had a firearm 4522  
on or about the offender's person or under the offender's 4523  
control while committing the presently charged violent felony 4524  
offense and displayed or brandished the firearm, indicated that 4525  
the offender possessed a firearm, or used the firearm to 4526  
facilitate the offense. The offender shall serve the prison term 4527  
imposed under this division consecutively to and prior to the 4528  
prison term imposed for the underlying offense. The prison term 4529  
shall not be reduced pursuant to section 2929.20 or 2967.19 or 4530  
any other provision of Chapter 2967. or 5120. of the Revised 4531  
Code. A court may not impose more than one sentence under 4532  
division (B) (2) (a) of this section and this division for acts 4533  
committed as part of the same act or transaction. 4534

(2) As used in division (K) (1) of this section, "violent 4535  
career criminal" and "violent felony offense" have the same 4536  
meanings as in section 2923.132 of the Revised Code. 4537

**Sec. 2941.1410.** (A) Except as provided in sections 2925.03 4538  
and 2925.11 and division (E) (1) of section 2925.05 of the 4539  
Revised Code, the determination by a court that an offender is a 4540  
major drug offender is precluded unless the indictment, count in 4541

the indictment, or information charging the offender specifies 4542  
that the offender is a major drug offender. The specification 4543  
shall be stated at the end of the body of the indictment, count, 4544  
or information, and shall be stated in substantially the 4545  
following form: 4546

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4547  
Grand Jurors (or insert the person's or prosecuting attorney's 4548  
name when appropriate) further find and specify that (set forth 4549  
that the offender is a major drug offender)." 4550

(B) Imposition of a three, four, five, six, seven, or 4551  
eight-year mandatory prison term upon an offender under division 4552  
(B) (9) of section 2929.14 of the Revised Code, pursuant to 4553  
determination by a court that an offender is a major drug 4554  
offender, is precluded unless the indictment, count in the 4555  
indictment, or information charging the offender with the 4556  
violation of section 2925.03, 2925.05, or 2925.11 of the Revised 4557  
Code specifies that the offender is a major drug offender and 4558  
that the drug involved in the violation is a fentanyl-related 4559  
compound or a compound, mixture, preparation, or substance 4560  
containing a fentanyl-related compound. The specification shall 4561  
be stated at the end of the body of the indictment, count, or 4562  
information, and shall be stated in substantially the following 4563  
form: 4564

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4565  
Grand Jurors (or insert the person's or prosecuting attorney's 4566  
name when appropriate) further find and specify that (set forth 4567  
that the offender is a major drug offender and the drug involved 4568  
in the violation is a fentanyl-related compound or a compound, 4569  
mixture, preparation, or substance containing a fentanyl-related 4570  
compound)." 4571

(C) The court shall determine the issue of whether an  
offender is a major drug offender.

~~(C)~~ (D) As used in this section, "major drug offender" has  
the same meaning as in section 2929.01 of the Revised Code.

**Sec. 3719.41.** Controlled substance schedules I, II, III,  
IV, and V are hereby established, which schedules include the  
following, subject to amendment pursuant to section 3719.43 or  
3719.44 of the Revised Code.

SCHEDULE I

(A) Narcotics-opiates

Any of the following opiates, including their isomers,  
esters, ethers, salts, and salts of isomers, esters, and ethers,  
unless specifically excepted under federal drug abuse control  
laws, whenever the existence of these isomers, esters, ethers,  
and salts is possible within the specific chemical designation:

(1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-  
phenethyl)-4-piperidinyl]-N-phenylacetamide);

(2) Acetylmethadol;

(3) Allylprodine;

(4) Alphacetylmethadol (except levo-alphacetylmethadol,  
also known as levo-alpha-acetylmethadol, levomethadyl acetate,  
or LAAM);

(5) Alphameprodine;

(6) Alphamethadol;

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

(8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N- phenylpropanamide);	4599 4600
(9) Benzethidine;	4601
(10) Betacetylmethadol;	4602
(11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N- phenylpropanamide);	4603 4604
(12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	4605 4606 4607
(13) Betameprodine;	4608
(14) Betamethadol;	4609
(15) Betaprodine;	4610
(16) Clonitazene;	4611
(17) Dextromoramide;	4612
(18) Diampromide;	4613
(19) Diethylthiambutene;	4614
(20) Difenoxin;	4615
(21) Dimenoxadol;	4616
(22) Dimepheptanol;	4617
(23) Dimethylthiambutene;	4618
(24) Dioxaphetyl butyrate;	4619
(25) Dipipanone;	4620
(26) Ethylmethylthiambutene;	4621
(27) Etonitazene;	4622

(28) Etoxeridine;	4623
(29) Furethidine;	4624
(30) Hydroxypethidine;	4625
(31) Ketobemidone;	4626
(32) Levomoramide;	4627
(33) Levophenacylmorphane;	4628
(34) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);	4629 4630
(35) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	4631 4632
(36) Morpheridine;	4633
(37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);	4634
(38) Noracymethadol;	4635
(39) Norlevorphanol;	4636
(40) Normethadone;	4637
(41) Norpipanone;	4638
(42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide);	4639 4640
(43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);	4641
(44) Phenadoxone;	4642
(45) Phenampromide;	4643
(46) Phenomorphan;	4644
(47) Phenoperidine;	4645

- (48) Piritramide; 4646
- (49) Proheptazine; 4647
- (50) Properidine; 4648
- (51) Propiram; 4649
- (52) Racemoramide; 4650
- (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide; 4651  
4652
- (54) Tilidine; 4653
- (55) Trimeperidine. 4654
- (56) Except as otherwise provided in this section, any 4655  
compound that meets all of the following fentanyl pharmacophore 4656  
requirements to bind at the mu receptor, as identified by a 4657  
report from an established forensic laboratory: 4658
- (a) A chemical scaffold consisting of both of the 4659  
following: 4660
- (i) A five, six, or seven member ring structure containing 4661  
a nitrogen, whether or not further substituted; 4662
- (ii) An attached nitrogen to the ring, whether or not that 4663  
nitrogen is enclosed in a ring structure, including an attached 4664  
aromatic ring or other lipophilic group to that nitrogen; 4665
- (b) A polar functional group attached to the chemical 4666  
scaffold, including but not limited to, a hydroxyl, ketone, 4667  
amide, or ester; 4668
- (c) An alkyl or aryl substitution off the ring nitrogen of 4669  
the chemical scaffold; and 4670
- (d) The compound has not been approved for medical use by 4671

the United States food and drug administration. 4672

(B) Narcotics-opium derivatives 4673

Any of the following opium derivatives, including their 4674  
salts, isomers, and salts of isomers, unless specifically 4675  
excepted under federal drug abuse control laws, whenever the 4676  
existence of these salts, isomers, and salts of isomers is 4677  
possible within the specific chemical designation: 4678

(1) Acetorphine; 4679

(2) Acetyldihydrocodeine; 4680

(3) Benzylmorphine; 4681

(4) Codeine methylbromide; 4682

(5) Codeine-n-oxide; 4683

(6) Cyprenorphine; 4684

(7) Desomorphine; 4685

(8) Dihydromorphine; 4686

(9) Drotebanol; 4687

(10) Etorphine (except hydrochloride salt); 4688

(11) Heroin; 4689

(12) Hydromorphenol; 4690

(13) Methyldesorphine; 4691

(14) Methyldihydromorphine; 4692

(15) Morphine methylbromide; 4693

(16) Morphine methylsulfonate; 4694

(17) Morphine-n-oxide; 4695



(18) Myrophine;	4696
(19) Nicocodeine;	4697
(20) Nicomorphine;	4698
(21) Normorphine;	4699
(22) Pholcodine;	4700
(23) Thebacon.	4701
(C) Hallucinogens	4702
Any material, compound, mixture, or preparation that	4703
contains any quantity of the following hallucinogenic	4704
substances, including their salts, isomers, and salts of	4705
isomers, unless specifically excepted under federal drug abuse	4706
control laws, whenever the existence of these salts, isomers,	4707
and salts of isomers is possible within the specific chemical	4708
designation. For the purposes of this division only, "isomer"	4709
includes the optical isomers, position isomers, and geometric	4710
isomers.	4711
(1) Alpha-ethyltryptamine (some trade or other names:	4712
etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-	4713
aminobutyl) indole; alpha-ET; and AET);	4714
(2) 4-bromo-2,5-dimethoxyamphetamine (some trade or other	4715
names: 4-bromo-2,5-dimethoxy-alpha-methyphenethylamine; 4-bromo-	4716
2,5-DMA);	4717
(3) 4-bromo-2,5-dimethoxyphenethylamine (some trade or	4718
other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane;	4719
alpha-desmethyl DOB; 2C-B, Nexus);	4720
(4) 2,5-dimethoxyamphetamine (some trade or other names:	4721
2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);	4722

(5) 2,5-dimethoxy-4-ethylamphetamine (some trade or other names: DOET);	4723 4724
(6) 4-methoxyamphetamine (some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA);	4725 4726 4727
(7) 5-methoxy-3,4-methylenedioxy-amphetamine;	4728
(8) 4-methyl-2,5-dimethoxy-amphetamine (some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM" and "STP");	4729 4730 4731
(9) 3,4-methylenedioxy amphetamine (MDA);	4732
(10) 3,4-methylenedioxymethamphetamine (MDMA);	4733
(11) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);	4734 4735 4736
(12) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine and N-hydroxy MDA);	4737 4738 4739
(13) 3,4,5-trimethoxy amphetamine;	4740
(14) Bufotenine (some trade or other names: 3-(beta-dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine; mappine);	4741 4742 4743 4744
(15) Diethyltryptamine (some trade or other names: N, N-diethyltryptamine; DET);	4745 4746
(16) Dimethyltryptamine (some trade or other names: DMT);	4747
(17) Ibogaine (some trade or other names: 7-ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano- 5H-	4748 4749

pyrido[1',2':1,2] azepino [5, 4-b] indole; tabernanthe iboga); 4750

(18) Lysergic acid diethylamide; 4751

(19) Marihuana; 4752

(20) Mescaline; 4753

(21) Parahexyl (some trade or other names: 3-hexyl-1- 4754  
hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H- 4755  
dibenzo[b,d]pyran; synhexyl); 4756

(22) Peyote (meaning all parts of the plant presently 4757  
classified botanically as "Lophophora williamsii Lemaire," 4758  
whether growing or not, the seeds of that plant, any extract 4759  
from any part of that plant, and every compound, manufacture, 4760  
salts, derivative, mixture, or preparation of that plant, its 4761  
seeds, or its extracts); 4762

(23) N-ethyl-3-piperidyl benzilate; 4763

(24) N-methyl-3-piperidyl benzilate; 4764

(25) Psilocybin; 4765

(26) Psilocyn; 4766

(27) Tetrahydrocannabinols (synthetic equivalents of the 4767  
substances contained in the plant, or in the resinous 4768  
extractives of Cannabis, sp. and/or synthetic substances, 4769  
derivatives, and their isomers with similar chemical structure 4770  
and pharmacological activity such as the following: delta-1-cis 4771  
or trans tetrahydrocannabinol, and their optical isomers; delta- 4772  
6-cis or trans tetrahydrocannabinol, and their optical isomers; 4773  
delta-3,4-cis or trans tetrahydrocannabinol, and its optical 4774  
isomers. (Since nomenclature of these substances is not 4775  
internationally standardized, compounds of these structures, 4776

regardless of numerical designation of atomic positions, are 4777  
covered.)); 4778

(28) Ethylamine analog of phencyclidine (some trade or 4779  
other names: N-ethyl-1-phenylcyclohexylamine; (1- 4780  
phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; 4781  
cyclohexamine; PCE); 4782

(29) Pyrrolidine analog of phencyclidine (some trade or 4783  
other names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP); 4784

(30) Thiophene analog of phencyclidine (some trade or 4785  
other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl 4786  
analog of phencyclidine; TPCP; TCP); 4787

(31) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine; 4788

(32) Hashish; 4789

(33) Salvia divinorum; 4790

(34) Salvinorin A; 4791

(35) (1-pentylindol-3-yl)-(2,2,3,3- 4792  
tetramethylcyclopropyl)methanone (UR-144); 4793

(36) 1-pentyl-3-(1-adamantoyl)indole (AB-001); 4794

(37) N-adamantyl-1-pentylindole-3-carboxamide; 4795

(38) N-adamantyl-1-pentylindazole-3-carboxamide (AKB48); 4796

(39) 2-ethylamino-2-(3-methoxyphenyl)cyclohexanone 4797  
(methoxetamine); 4798

(40) N,N-diallyl-5-methoxytryptamine (5MeO-DALT); 4799

(41) [1-(5-fluoropentylindol-3-yl)]-(2,2,3,3- 4800  
tetramethylcyclopropyl)methanone (5-fluoropentyl-UR-144; XLR11); 4801

(42) [1-(5-chloropentylindol-3-yl)]-(2,2,3,3-	4802
tetramethylcyclopropyl)methanone (5-chloropentyl-UR-144);	4803
(43) [1-(5-bromopentylindol-3-yl)]-(2,2,3,3-	4804
tetramethylcyclopropyl)methanone (5-bromopentyl-UR-144);	4805
(44) {1-[2-(4-morpholinyl)ethyl]indol-3-yl}-(2,2,3,3-	4806
tetramethylcyclopropyl) methanone (A-796,260);	4807
(45) 1-[(N-methylpiperidin-2-yl)methyl]-3-(1-	4808
adamantoyl)indole (AM1248);	4809
(46) N-adamantyl-1-(5-fluoropentylindole)-3-carboxamide;	4810
(47) 5-(2-aminopropyl)benzofuran (5-APB);	4811
(48) 6-(2-aminopropyl)benzofuran (6-APB);	4812
(49) 5-(2-aminopropyl)-2,3-dihydrobenzofuran (5-APDB);	4813
(50) 6-(2-aminopropyl)-2,3-dihydrobenzofuran (6-APDB);	4814
(51) Benzothiophenylcyclohexylpiperidine (BTCP);	4815
(52) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);	4816
(53) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);	4817
(54) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);	4818
(55) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);	4819
(56) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-	4820
T-2);	4821
(57) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine	4822
(2C-T-4);	4823
(58) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);	4824
(59) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);	4825

(60) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);	4826 4827
(61) 4-methoxymethamphetamine (PMMA);	4828
(62) 5,6 - Methylenedioxy-2-aminoindane (MDAI);	4829
(63) 5-iodo-2-aminoindane (5-IAI);	4830
(64) 2-(4-iodo-2,5-dimethoxyphenyl)-N- [(2-methoxyphenyl)methyl]ethanamine (25I-NBOMe);	4831 4832
(65) Diphenylprolinol (diphenyl(pyrrolidin-2-yl)methanol, D2PM);	4833 4834
(66) Desoxypipradrol (2-benzhydrylpiperidine);	4835
(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 chemical groups or any of those groups which contain any synthetic cannabinoid salts, isomers, or salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical groups:	4836 4837 4838 4839 4840 4841 4842 4843
(a) Naphthoylindoles: any compound containing a 3-(1-naphthoyl)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 naphthyl group to any extent.	4844 4845 4846 4847 4848 4849 4850 4851 4852
Naphthoylindoles include, but are not limited to, 1-[2-(4-	4853

morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201), 1-pentyl-3-(1-naphthoyl)indole (JWH-018), and 1-butyl-3-(1-naphthoyl)indole (JWH-073).

(b) Naphthylmethylindeles: any compound containing a 1H-indol-3-yl-(1-naphthyl)methane 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 naphthyl group to any extent. 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 naphthylmethylindeneindene 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, 4884  
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4885  
or 2-(4-morpholinyl)ethyl group, whether or not further 4886  
substituted on the indene group to any extent or whether or not 4887  
substituted on the naphthyl group to any extent. 4888  
Naphthylmethylindenes include, but are not limited to, (1-[(3- 4889  
pentyl)-1H-inden-1-ylidene)methyl]naphthalene (JWH-176). 4890

(e) Phenylacetylindoles: any compound containing a 3- 4891  
phenylacetylindole structure with or without substitution at the 4892  
nitrogen atom of the indole ring by an alkyl, haloalkyl, 4893  
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4894  
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4895  
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4896  
or 2-(4-morpholinyl)ethyl group, whether or not further 4897  
substituted on the indole ring to any extent or whether or not 4898  
substituted on the phenyl group to any extent. 4899  
Phenylacetylindoles include, but are not limited to, 1-pentyl-3- 4900  
(2-methoxyphenylacetyl)indole (JWH-250), and 1-(2- 4901  
cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8); 1- 4902  
pentyl-3-(2-chlorophenylacetyl)indole (JWH-203). 4903

(f) Cyclohexylphenols: any compound containing a 2-(3- 4904  
hydroxycyclohexyl)phenol structure with or without substitution 4905  
at the 5-position of the phenolic ring by an alkyl, haloalkyl, 4906  
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4907  
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4908  
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4909  
or 2-(4-morpholinyl)ethyl group, whether or not further 4910  
substituted on the cyclohexyl group to any extent. 4911  
Cyclohexylphenols include, but are not limited to, 5-(1,1- 4912  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (some 4913  
trade or other names: CP-47,497) and 5-(1,1-dimethyloctyl)-2- 4914



[(1R,3S)-3-hydroxycyclohexyl]-phenol (some trade or other names: 4915  
cannabicyclohexanol; CP-47,497 C8 homologue). 4916

(g) Benzoylindoles: any compound containing a 3-(1- 4917  
benzoyl)indole structure with or without substitution at the 4918  
nitrogen atom of the indole ring by an alkyl, haloalkyl, 4919  
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4920  
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4921  
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl 4922  
or 2-(4-morpholinyl)ethyl group, whether or not further 4923  
substituted on the indole ring to any extent or whether or not 4924  
substituted on the phenyl group to any extent. Benzoylindoles 4925  
include, but are not limited to, 1-pentyl-3-(4- 4926  
methoxybenzoyl)indole (RCS-4), 1-[2-(4-morpholinyl)ethyl]-2- 4927  
methyl-3-(4-methoxybenzoyl)indole (Pravadoline or WIN 48, 098). 4928

(D) Depressants 4929

Any material, compound, mixture, or preparation that 4930  
contains any quantity of the following substances having a 4931  
depressant effect on the central nervous system, including their 4932  
salts, isomers, and salts of isomers, unless specifically 4933  
excepted under federal drug abuse control laws, whenever the 4934  
existence of these salts, isomers, and salts of isomers is 4935  
possible within the specific chemical designation: 4936

(1) Mecloqualone; 4937

(2) Methaqualone. 4938

(E) Stimulants 4939

Unless specifically excepted or unless listed in another 4940  
schedule, any material, compound, mixture, or preparation that 4941  
contains any quantity of the following substances having a 4942  
stimulant effect on the central nervous system, including their 4943

salts, isomers, and salts of isomers: 4944

(1) Aminorex (some other names: aminoxaphen; 2-amino-5- 4945  
phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine); 4946

(2) Fenethylamine; 4947

(3) (+/-)cis-4-methylaminorex ((+/-)cis-4,5-dihydro-4- 4948  
methyl-5-phenyl-2-oxazolamine); 4949

(4) N-ethylamphetamine; 4950

(5) N,N-dimethylamphetamine (also known as N,N-alpha- 4951  
trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine); 4952

(6) N-methyl-1-(thiophen-2-yl) propan-2-amine 4953  
(Methiopropamine); 4954

(7) Substituted cathinones - any compound except bupropion 4955  
or compounds listed under a different schedule, structurally 4956  
derived from 2-aminopropan-1-one by substitution at the 1- 4957  
position with either phenyl, naphthyl, or thiophene ring 4958  
systems, whether or not the compound is further modified in any 4959  
of the following ways: 4960

(a) By substitution in the ring system to any extent with 4961  
alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or halide 4962  
substituents, whether or not further substituted in the ring 4963  
system by one or more other univalent substituents; 4964

(b) By substitution at the 3-position with an acyclic 4965  
alkyl substituent; 4966

(c) By substitution at the 2-amino nitrogen atom with 4967  
alkyl, dialkyl, benzyl, or methoxybenzyl groups; 4968

(d) By inclusion of the 2-amino nitrogen atom in a cyclic 4969  
structure. 4970

Examples of substituted cathinones include, but are not  
limited to, methylone (3,4-methylenedioxymethcathinone), MDPV  
(3,4-methylenedioxypyrovalerone), mephedrone (4-  
methylmethcathinone), 4-methoxymethcathinone, 4-  
fluoromethcathinone, 3-fluoromethcathinone, Pentadrone (2-  
(methylamino)-1-phenyl-1-pentanone), pentylone (1-(1,3-  
benzodioxol-5-yl)-2-(methylamino)-1-pentanone), 2-(1-  
pyrrolidinyl)-1-(4-methylphenyl)-1-propanone, alpha-PVP (1-  
phenyl-2-(1-pyrrolidinyl)-1-pentanone), cathinone (2-amino-1-  
phenyl-1-propanone), and methcathinone (2-(methylamino)-  
propiophenone).

## SCHEDULE II

### (A) Narcotics-opium and opium derivatives

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:

(1) Opium and opiate, and any salt, compound, derivative,  
or preparation of opium or opiate, excluding apomorphine,  
thebaine-derived butorphanol, dextrophan, nalbuphine,  
nalmefene, naloxone, and naltrexone, and their respective salts,  
but including the following:

- (a) Raw opium;
- (b) Opium extracts;
- (c) Opium fluid extracts;
- (d) Powdered opium;

(e) Granulated opium;	4999
(f) Tincture of opium;	5000
(g) Codeine;	5001
(h) Ethylmorphine;	5002
(i) Etorphine hydrochloride;	5003
(j) Hydrocodone;	5004
(k) Hydromorphone;	5005
(l) Metopon;	5006
(m) Morphine;	5007
(n) Oxycodone;	5008
(o) Oxymorphone;	5009
(p) Thebaine.	5010
(2) Any salt, compound, derivative, or preparation thereof	5011
that is chemically equivalent to or identical with any of the	5012
substances referred to in division (A) (1) of this schedule,	5013
except that these substances shall not include the isoquinoline	5014
alkaloids of opium;	5015
(3) Opium poppy and poppy straw;	5016
(4) Coca leaves and any salt, compound, derivative, or	5017
preparation of coca leaves (including cocaine and ecgonine,	5018
their salts, isomers, and derivatives, and salts of those	5019
isomers and derivatives), and any salt, compound, derivative, or	5020
preparation thereof that is chemically equivalent to or	5021
identical with any of these substances, except that the	5022
substances shall not include decocainized coca leaves or	5023
extraction of coca leaves, which extractions do not contain	5024

cocaine or ecgonine;	5025
(5) Concentrate of poppy straw (the crude extract of poppy	5026
straw in either liquid, solid, or powder form that contains the	5027
phenanthrene alkaloids of the opium poppy).	5028
(B) Narcotics-opiates	5029
Unless specifically excepted under federal drug abuse	5030
control laws or unless listed in another schedule, any of the	5031
following opiates, including their isomers, esters, ethers,	5032
salts, and salts of isomers, esters, and ethers, whenever the	5033
existence of these isomers, esters, ethers, and salts is	5034
possible within the specific chemical designation, but excluding	5035
dextrophan and levopropoxyphene:	5036
(1) Alfentanil;	5037
(2) Alphaprodine;	5038
(3) Anileridine;	5039
(4) Bezitramide;	5040
(5) Bulk dextropropoxyphene (non-dosage forms);	5041
(6) Carfentanil;	5042
(7) Dihydrocodeine;	5043
(8) Diphenoxylate;	5044
(9) Fentanyl;	5045
(10) Isomethadone;	5046
(11) Levo-alpha-acetylmethadol (some other names: levo-	5047
alpha-acetylmethadol; levomethadyl acetate; LAAM);	5048
(12) Levomethorphan;	5049

(13) Levorphanol;	5050
(14) Metazocine;	5051
(15) Methadone;	5052
(16) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane;	5053 5054
(17) Moramide-intermediate, 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid;	5055 5056
(18) Pethidine (meperidine);	5057
(19) Pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;	5058 5059
(20) Pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;	5060 5061
(21) Pethidine-intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;	5062 5063
(22) Phenazocine;	5064
(23) Piminodine;	5065
(24) Racemethorphan;	5066
(25) Racemorphan;	5067
(26) Remifentanil;	5068
(27) Sufentanil.	5069
(C) Stimulants	5070
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 having a stimulant effect on the	5071 5072 5073 5074

central nervous system:	5075
(1) Amphetamine, its salts, its optical isomers, and salts	5076
of its optical isomers;	5077
(2) Methamphetamine, its salts, its isomers, and salts of	5078
its isomers;	5079
(3) Methylphenidate;	5080
(4) Phenmetrazine and its salts;	5081
<u>(5) Lisdexamfetamine, its salts, isomers, and salts of its</u>	5082
<u>isomers.</u>	5083
(D) Depressants	5084
Unless specifically excepted under federal drug abuse	5085
control laws or unless listed in another schedule, any material,	5086
compound, mixture, or preparation that contains any quantity of	5087
the following substances having a depressant effect on the	5088
central nervous system, including their salts, isomers, and	5089
salts of isomers, whenever the existence of these salts,	5090
isomers, and salts of isomers is possible within the specific	5091
chemical designation:	5092
(1) Amobarbital;	5093
(2) Gamma-hydroxy-butyrate;	5094
(3) Glutethimide;	5095
(4) Pentobarbital;	5096
(5) Phencyclidine (some trade or other names: 1-(1-	5097
phenylcyclohexyl)piperidine; PCP);	5098
(6) Secobarbital;	5099
(7) 1-aminophenylcyclohexane and all N-mono-substituted	5100

and/or all N-N-disubstituted analogs including, but not limited	5101
to, the following:	5102
(a) 1-phenylcyclohexylamine;	5103
(b) (1-phenylcyclohexyl) methylamine;	5104
(c) (1-phenylcyclohexyl) dimethylamine;	5105
(d) (1-phenylcyclohexyl) methylethylamine;	5106
(e) (1-phenylcyclohexyl) isopropylamine;	5107
(f) 1-(1-phenylcyclohexyl) morpholine.	5108
(E) Hallucinogenic substances	5109
(1) Nabilone (another name for nabilone: (+)-trans-3-(1,1-	5110
dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1- hydroxy-6,6-	5111
dimethyl-9H-dibenzo[b,d]pyran-9-one).	5112
(F) Immediate precursors	5113
Unless specifically excepted under federal drug abuse	5114
control laws or unless listed in another schedule, any material,	5115
compound, mixture, or preparation that contains any quantity of	5116
the following substances:	5117
(1) Immediate precursor to amphetamine and	5118
methamphetamine:	5119
(a) Phenylacetone (some trade or other names: phenyl-2-	5120
propanone; P2P; benzyl methyl ketone; methyl benzyl ketone);	5121
(2) Immediate precursors to phencyclidine (PCP):	5122
(a) 1-phenylcyclohexylamine;	5123
(b) 1-piperidinocyclohexanecarbonitrile (PCC).	5124
SCHEDULE III	5125



(A) Stimulants 5126

Unless specifically excepted under federal drug abuse 5127  
control laws or unless listed in another schedule, any material, 5128  
compound, mixture, or preparation that contains any quantity of 5129  
the following substances having a stimulant effect on the 5130  
central nervous system, including their salts, their optical 5131  
isomers, position isomers, or geometric isomers, and salts of 5132  
these isomers, whenever the existence of these salts, isomers, 5133  
and salts of isomers is possible within the specific chemical 5134  
designation: 5135

(1) All stimulant compounds, mixtures, and preparations 5136  
included in schedule III pursuant to the federal drug abuse 5137  
control laws and regulations adopted under those laws; 5138

(2) Benzphetamine; 5139

(3) Chlorphentermine; 5140

(4) Clortermine; 5141

(5) Phendimetrazine. 5142

(B) Depressants 5143

Unless specifically excepted under federal drug abuse 5144  
control laws or unless listed in another schedule, any material, 5145  
compound, mixture, or preparation that contains any quantity of 5146  
the following substances having a depressant effect on the 5147  
central nervous system: 5148

(1) Any compound, mixture, or preparation containing 5149  
amobarbital, secobarbital, pentobarbital, or any salt of any of 5150  
these drugs, and one or more other active medicinal ingredients 5151  
that are not listed in any schedule; 5152

- (2) Any suppository dosage form containing amobarbital, 5153  
secobarbital, pentobarbital, or any salt of any of these drugs 5154  
and approved by the food and drug administration for marketing 5155  
only as a suppository; 5156
- (3) Any substance that contains any quantity of a 5157  
derivative of barbituric acid or any salt of a derivative of 5158  
barbituric acid; 5159
- (4) Chlorhexadol; 5160
- (5) Ketamine, its salts, isomers, and salts of isomers 5161  
(some other names for ketamine: (+/-)-2-(2-chlorophenyl)-2- 5162  
(methylamino)-cyclohexanone); 5163
- (6) Lysergic acid; 5164
- (7) Lysergic acid amide; 5165
- (8) Methyprylon; 5166
- (9) Sulfondiethylmethane; 5167
- (10) Sulfonethylmethane; 5168
- (11) Sulfonmethane; 5169
- (12) Tiletamine, zolazepam, or any salt of tiletamine or 5170  
zolazepam (some trade or other names for a tiletamine-zolazepam 5171  
combination product: Telazol); (some trade or other names for 5172  
tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone); (some 5173  
trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8- 5174  
dihydro-1,3,8-trimethylpyrazolo-[3, 4-e][1,4]-diazepin-7(1H)- 5175  
one; flupyrazapon). 5176
- (C) Narcotic antidotes 5177
- (1) Nalorphine. 5178

(D) Narcotics-narcotic preparations	5179
Unless specifically excepted under federal drug abuse	5180
control laws or unless listed in another schedule, any material,	5181
compound, mixture, or preparation that contains any of the	5182
following narcotic drugs, or their salts calculated as the free	5183
anhydrous base or alkaloid, in limited quantities as set forth	5184
below:	5185
(1) Not more than 1.8 grams of codeine per 100 milliliters	5186
or not more than 90 milligrams per dosage unit, with an equal or	5187
greater quantity of an isoquinoline alkaloid of opium;	5188
(2) Not more than 1.8 grams of codeine per 100 milliliters	5189
or not more than 90 milligrams per dosage unit, with one or more	5190
active, nonnarcotic ingredients in recognized therapeutic	5191
amounts;	5192
(3) Not more than 300 milligrams of dihydrocodeinone per	5193
100 milliliters or not more than 15 milligrams per dosage unit,	5194
with a fourfold or greater quantity of an isoquinoline alkaloid	5195
of opium;	5196
(4) Not more than 300 milligrams of dihydrocodeinone per	5197
100 milliliters or not more than 15 milligrams per dosage unit,	5198
with one or more active, nonnarcotic ingredients in recognized	5199
therapeutic amounts;	5200
(5) Not more than 1.8 grams of dihydrocodeine per 100	5201
milliliters or not more than 90 milligrams per dosage unit, with	5202
one or more active, nonnarcotic ingredients in recognized	5203
therapeutic amounts;	5204
(6) Not more than 300 milligrams of ethylmorphine per 100	5205
milliliters or not more than 15 milligrams per dosage unit, with	5206
one or more active, nonnarcotic ingredients in recognized	5207

therapeutic amounts; 5208

(7) Not more than 500 milligrams of opium per 100 5209  
milliliters or per 100 grams or not more than 25 milligrams per 5210  
dosage unit, with one or more active, nonnarcotic ingredients in 5211  
recognized therapeutic amounts; 5212

(8) Not more than 50 milligrams of morphine per 100 5213  
milliliters or per 100 grams, with one or more active, 5214  
nonnarcotic ingredients in recognized therapeutic amounts. 5215

(E) Anabolic steroids 5216

Unless specifically excepted under federal drug abuse 5217  
control laws or unless listed in another schedule, any material, 5218  
compound, mixture, or preparation that contains any quantity of 5219  
the following substances, including their salts, esters, 5220  
isomers, and salts of esters and isomers, whenever the existence 5221  
of these salts, esters, and isomers is possible within the 5222  
specific chemical designation: 5223

(1) Anabolic steroids. Except as otherwise provided in 5224  
division (E)(1) of schedule III, "anabolic steroids" means any 5225  
drug or hormonal substance that is chemically and 5226  
pharmacologically related to testosterone (other than estrogens, 5227  
progestins, and corticosteroids) and that promotes muscle 5228  
growth. "Anabolic steroids" does not include an anabolic steroid 5229  
that is expressly intended for administration through implants 5230  
to cattle or other nonhuman species and that has been approved 5231  
by the United States secretary of health and human services for 5232  
that administration, unless a person prescribes, dispenses, or 5233  
distributes this type of anabolic steroid for human use. 5234  
"Anabolic steroid" includes, but is not limited to, the 5235  
following: 5236

(a) Boldenone;	5237
(b) Chlorotestosterone (4-chlortestosterone);	5238
(c) Clostebol;	5239
(d) Dehydrochlormethyltestosterone;	5240
(e) Dihydrotestosterone (4-dihydrotestosterone);	5241
(f) Drostanolone;	5242
(g) Ethylestrenol;	5243
(h) Fluoxymesterone;	5244
(i) Formebolone (formebolone);	5245
(j) Mesterolone;	5246
(k) Methandienone;	5247
(l) Methandranone;	5248
(m) Methandriol;	5249
(n) Methandrostenolone;	5250
(o) Methenolone;	5251
(p) Methyltestosterone;	5252
(q) Mibolerone;	5253
(r) Nandrolone;	5254
(s) Norethandrolone;	5255
(t) Oxandrolone;	5256
(u) Oxymesterone;	5257
(v) Oxymetholone;	5258

(w) Stanolone;	5259
(x) Stanozolol;	5260
(y) Testolactone;	5261
(z) Testosterone;	5262
(aa) Trenbolone;	5263
(bb) Any salt, ester, isomer, or salt of an ester or	5264
isomer of a drug or hormonal substance described or listed in	5265
division (E) (1) of schedule III if the salt, ester, or isomer	5266
promotes muscle growth.	5267
(F) Hallucinogenic substances	5268
(1) Dronabinol (synthetic) in sesame oil and encapsulated	5269
in a soft gelatin capsule in a United States food and drug	5270
administration approved drug product (some other names for	5271
dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro- 6,6,9-trimethyl-	5272
3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-)-delta-9-(trans)-	5273
tetrahydrocannabinol).	5274
SCHEDULE IV	5275
(A) Narcotic drugs	5276
Unless specifically excepted by federal drug abuse control	5277
laws or unless listed in another schedule, any material,	5278
compound, mixture, or preparation that contains any of the	5279
following narcotic drugs, or their salts calculated as the free	5280
anhydrous base or alkaloid, in limited quantities as set forth	5281
below:	5282
(1) Not more than one milligram of difenoxin and not less	5283
than 25 micrograms of atropine sulfate per dosage unit;	5284
(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-	5285

diphenyl-3-methyl-2- propionoxybutane) [final dosage forms].	5286
(B) Depressants	5287
Unless specifically excepted under federal drug abuse	5288
control laws or unless listed in another schedule, any material,	5289
compound, mixture, or preparation that contains any quantity of	5290
the following substances, including their salts, isomers, and	5291
salts of isomers, whenever the existence of these salts,	5292
isomers, and salts of isomers is possible within the specific	5293
chemical designation:	5294
(1) Alprazolam;	5295
(2) Barbital;	5296
(3) Bromazepam;	5297
(4) Camazepam;	5298
(5) Chloral betaine;	5299
(6) Chloral hydrate;	5300
(7) Chlordiazepoxide;	5301
(8) Clobazam;	5302
(9) Clonazepam;	5303
(10) Clorazepate;	5304
(11) Clotiazepam;	5305
(12) Cloxazolam;	5306
(13) Delorazepam;	5307
(14) Diazepam;	5308
(15) Estazolam;	5309

(16) Ethchlorvynol;	5310
(17) Ethinamate;	5311
(18) Ethyl loflazepate;	5312
(19) Fludiazepam;	5313
(20) Flunitrazepam;	5314
(21) Flurazepam;	5315
(22) Halazepam;	5316
(23) Haloxazolam;	5317
(24) Ketazolam;	5318
(25) Loprazolam;	5319
(26) Lorazepam;	5320
(27) Lormetazepam;	5321
(28) Mebutamate;	5322
(29) Medazepam;	5323
(30) Meprobamate;	5324
(31) Methohexital;	5325
(32) Methylphenobarbital (mephobarbital);	5326
(33) Midazolam;	5327
(34) Nimetazepam;	5328
(35) Nitrazepam;	5329
(36) Nordiazepam;	5330
(37) Oxazepam;	5331



(38) Oxazolam;	5332
(39) Paraldehyde;	5333
(40) Petrichloral;	5334
(41) Phenobarbital;	5335
(42) Pinazepam;	5336
(43) Prazepam;	5337
(44) Quazepam;	5338
(45) Temazepam;	5339
(46) Tetrazepam;	5340
(47) Triazolam;	5341
(48) Zaleplon;	5342
(49) Zolpidem.	5343
(C) Fenfluramine	5344

Any material, compound, mixture, or preparation that 5345  
contains any quantity of the following substances, including 5346  
their salts, their optical isomers, position isomers, or 5347  
geometric isomers, and salts of these isomers, whenever the 5348  
existence of these salts, isomers, and salts of isomers is 5349  
possible within the specific chemical designation: 5350

(1) Fenfluramine. 5351

(D) Stimulants 5352

Unless specifically excepted under federal drug abuse 5353  
control laws or unless listed in another schedule, any material, 5354  
compound, mixture, or preparation that contains any quantity of 5355  
the following substances having a stimulant effect on the 5356

central nervous system, including their salts, their optical 5357  
isomers, position isomers, or geometric isomers, and salts of 5358  
these isomers, whenever the existence of these salts, isomers, 5359  
and salts of isomers is possible within the specific chemical 5360  
designation: 5361

- (1) Cathine ((+)-norpseudoephedrine); 5362
- (2) Diethylpropion; 5363
- (3) Fencamfamin; 5364
- (4) Fenproporex; 5365
- (5) Mazindol; 5366
- (6) Mefenorex; 5367
- (7) Modafinil; 5368
- (8) Pemoline (including organometallic complexes and 5369  
chelates thereof); 5370
- (9) Phentermine; 5371
- (10) Pipradrol; 5372
- (11) Sibutramine; 5373
- (12) SPA [(-)-1-dimethylamino-1,2-diphenylethane]. 5374
- (E) Other substances 5375

Unless specifically excepted under federal drug abuse 5376  
control laws or unless listed in another schedule, any material, 5377  
compound, mixture, or preparation that contains any quantity of 5378  
the following substances, including their salts: 5379

- (1) Pentazocine; 5380
- (2) Butorphanol (including its optical isomers). 5381

SCHEDULE V	5382
(A) Narcotic drugs	5383
Unless specifically excepted under federal drug abuse	5384
control laws or unless listed in another schedule, any material,	5385
compound, mixture, or preparation that contains any of the	5386
following narcotic drugs, and their salts, as set forth below:	5387
(1) Buprenorphine.	5388
(B) Narcotics-narcotic preparations	5389
Narcotic drugs containing non-narcotic active medicinal	5390
ingredients. Any compound, mixture, or preparation that contains	5391
any of the following narcotic drugs, or their salts calculated	5392
as the free anhydrous base or alkaloid, in limited quantities as	5393
set forth below, and that includes one or more nonnarcotic	5394
active medicinal ingredients in sufficient proportion to confer	5395
upon the compound, mixture, or preparation valuable medicinal	5396
qualities other than those possessed by narcotic drugs alone:	5397
(1) Not more than 200 milligrams of codeine per 100	5398
milliliters or per 100 grams;	5399
(2) Not more than 100 milligrams of dihydrocodeine per 100	5400
milliliters or per 100 grams;	5401
(3) Not more than 100 milligrams of ethylmorphine per 100	5402
milliliters or per 100 grams;	5403
(4) Not more than 2.5 milligrams of diphenoxylate and not	5404
less than 25 micrograms of atropine sulfate per dosage unit;	5405
(5) Not more than 100 milligrams of opium per 100	5406
milliliters or per 100 grams;	5407
(6) Not more than 0.5 milligram of difenoxin and not less	5408

than 25 micrograms of atropine sulfate per dosage unit. 5409

(C) Stimulants 5410

Unless specifically exempted or excluded under federal 5411  
drug abuse control laws or unless listed in another schedule, 5412  
any material, compound, mixture, or preparation that contains 5413  
any quantity of the following substances having a stimulant 5414  
effect on the central nervous system, including their salts, 5415  
isomers, and salts of isomers: 5416

(1) Ephedrine, except as provided in division (K) of 5417  
section 3719.44 of the Revised Code; 5418

(2) Pyrovalerone. 5419

**Sec. 3719.99.** (A) Whoever violates section 3719.16 or 5420  
3719.161 of the Revised Code is guilty of a felony of the fifth 5421  
degree. If the offender previously has been convicted of a 5422  
violation of section 3719.16 or 3719.161 of the Revised Code or 5423  
a drug abuse offense, a violation of section 3719.16 or 3719.161 5424  
of the Revised Code is a felony of the fourth degree. If the 5425  
violation involves the sale, offer to sell, or possession of a 5426  
schedule I or II controlled substance, with the exception of 5427  
marihuana, and if the offender, as a result of the violation, is 5428  
a major drug offender, division (D) of this section applies. 5429

(B) Whoever violates division (C) or (D) of section 5430  
3719.172 of the Revised Code is guilty of a felony of the fifth 5431  
degree. If the offender previously has been convicted of a 5432  
violation of division (C) or (D) of section 3719.172 of the 5433  
Revised Code or a drug abuse offense, a violation of division 5434  
(C) or (D) of section 3719.172 of the Revised Code is a felony 5435  
of the fourth degree. If the violation involves the sale, offer 5436  
to sell, or possession of a schedule I or II controlled 5437

substance, with the exception of marihuana, and if the offender, 5438  
as a result of the violation, is a major drug offender, division 5439  
(D) of this section applies. 5440

(C) Whoever violates section 3719.07 or 3719.08 of the 5441  
Revised Code is guilty of a misdemeanor of the first degree. If 5442  
the offender previously has been convicted of a violation of 5443  
section 3719.07 or 3719.08 of the Revised Code or a drug abuse 5444  
offense, a violation of section 3719.07 or 3719.08 of the 5445  
Revised Code is a felony of the fifth degree. If the violation 5446  
involves the sale, offer to sell, or possession of a schedule I 5447  
or II controlled substance, with the exception of marihuana, and 5448  
if the offender, as a result of the violation, is a major drug 5449  
offender, division (D) of this section applies. 5450

(D) (1) If an offender is convicted of or pleads guilty to 5451  
a felony violation of section 3719.07, 3719.08, 3719.16, or 5452  
3719.161 or of division (C) or (D) of section 3719.172 of the 5453  
Revised Code, if the violation involves the sale, offer to sell, 5454  
or possession of a schedule I or II controlled substance, with 5455  
the exception of marihuana, and if the court imposing sentence 5456  
upon the offender finds that the offender as a result of the 5457  
violation is a major drug offender and is guilty of a 5458  
specification of the type described in division (A) of section 5459  
2941.1410 of the Revised Code, the court, in lieu of the prison 5460  
term authorized or required by division (A), (B), or (C) of this 5461  
section and sections 2929.13 and 2929.14 of the Revised Code and 5462  
in addition to any other sanction imposed for the offense under 5463  
sections 2929.11 to 2929.18 of the Revised Code, shall impose 5464  
upon the offender, in accordance with division (B) (3) (a) of 5465  
section 2929.14 of the Revised Code, the mandatory prison term 5466  
specified in that division and may impose an additional prison 5467  
term under division (B) (3) (b) of that section. 5468

(2) Notwithstanding any contrary provision of section 5469  
3719.21 of the Revised Code, the clerk of the court shall pay 5470  
any fine imposed for a felony violation of section 3719.07, 5471  
3719.08, 3719.16, or 3719.161 or of division (C) or (D) of 5472  
section 3719.172 of the Revised Code pursuant to division (A) of 5473  
section 2929.18 of the Revised Code in accordance with and 5474  
subject to the requirements of division (F) of section 2925.03 5475  
of the Revised Code. The agency that receives the fine shall use 5476  
the fine as specified in division (F) of section 2925.03 of the 5477  
Revised Code. 5478

(E) Whoever violates section 3719.05, 3719.06, 3719.13, or 5479  
3719.31 or division (B) of section 3719.172 of the Revised Code 5480  
is guilty of a misdemeanor of the third degree. If the offender 5481  
previously has been convicted of a violation of section 3719.05, 5482  
3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 5483  
of the Revised Code or a drug abuse offense, a violation of 5484  
section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of 5485  
section 3719.172 of the Revised Code is a misdemeanor of the 5486  
first degree. 5487

(F) Whoever violates section 3719.30 of the Revised Code 5488  
is guilty of a misdemeanor of the fourth degree. If the offender 5489  
previously has been convicted of a violation of section 3719.30 5490  
of the Revised Code or a drug abuse offense, a violation of 5491  
section 3719.30 of the Revised Code is a misdemeanor of the 5492  
third degree. 5493

(G) Whoever violates section 3719.32 or 3719.33 of the 5494  
Revised Code is guilty of a minor misdemeanor. 5495

(H) Whoever violates division (K) (2) (b) of section 3719.44 5496  
of the Revised Code is guilty of a felony of the fifth degree. 5497

(I) Whoever violates division (K) (2) (c) of section 3719.44 5498  
of the Revised Code is guilty of a misdemeanor of the second 5499  
degree. 5500

(J) As used in this section, "major drug offender" has the 5501  
same meaning as in section 2929.01 of the Revised Code. 5502

**Sec. 4729.99.** (A) Whoever violates division (H) of section 5503  
4729.16, division (G) of section 4729.38, section 4729.57, or 5504  
division (F) of section 4729.96 of the Revised Code is guilty of 5505  
a minor misdemeanor, unless a different penalty is otherwise 5506  
specified in the Revised Code. Each day's violation constitutes 5507  
a separate offense. 5508

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 5509  
of the Revised Code is guilty of a misdemeanor of the third 5510  
degree. Each day's violation constitutes a separate offense. If 5511  
the offender previously has been convicted of or pleaded guilty 5512  
to a violation of this chapter, that person is guilty of a 5513  
misdemeanor of the second degree. 5514

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 5515  
of the Revised Code is guilty of a misdemeanor. 5516

(D) Whoever violates division (A), (B), (C), (D), (F), or 5517  
(G) of section 4729.51 of the Revised Code is guilty of a 5518  
misdemeanor of the first degree. 5519

(E) (1) Whoever violates section 4729.37, division (E) (1) 5520  
(b) of section 4729.51, division (J) of section 4729.54, 5521  
division (B) or (D) of section 4729.553, or section 4729.61 of 5522  
the Revised Code is guilty of a felony of the fifth degree. If 5523  
the offender previously has been convicted of or pleaded guilty 5524  
to a violation of this chapter or a violation of Chapter 2925. 5525  
or 3719. of the Revised Code, that person is guilty of a felony 5526

of the fourth degree. 5527

(2) If an offender is convicted of or pleads guilty to a 5528  
violation of section 4729.37, division (E) of section 4729.51, 5529  
division (J) of section 4729.54, or section 4729.61 of the 5530  
Revised Code, if the violation involves the sale, offer to sell, 5531  
or possession of a schedule I or II controlled substance, with 5532  
the exception of marihuana, and if the court imposing sentence 5533  
upon the offender finds that the offender as a result of the 5534  
violation is a major drug offender, as defined in section 5535  
2929.01 of the Revised Code, and is guilty of a specification of 5536  
the type described in division (A) of section 2941.1410 of the 5537  
Revised Code, the court, in lieu of the prison term authorized 5538  
or required by division (E)(1) of this section and sections 5539  
2929.13 and 2929.14 of the Revised Code and in addition to any 5540  
other sanction imposed for the offense under sections 2929.11 to 5541  
2929.18 of the Revised Code, shall impose upon the offender, in 5542  
accordance with division (B)(3) of section 2929.14 of the 5543  
Revised Code, the mandatory prison term specified in that 5544  
division. 5545

(3) Notwithstanding any contrary provision of section 5546  
3719.21 of the Revised Code, the clerk of court shall pay any 5547  
fine imposed for a violation of section 4729.37, division (E) of 5548  
section 4729.51, division (J) of section 4729.54, or section 5549  
4729.61 of the Revised Code pursuant to division (A) of section 5550  
2929.18 of the Revised Code in accordance with and subject to 5551  
the requirements of division (F) of section 2925.03 of the 5552  
Revised Code. The agency that receives the fine shall use the 5553  
fine as specified in division (F) of section 2925.03 of the 5554  
Revised Code. 5555

(F) Whoever violates section 4729.531 of the Revised Code 5556



or any rule adopted thereunder or section 4729.532 of the 5557  
Revised Code is guilty of a misdemeanor of the first degree. 5558

(G) Whoever violates division (E)(1)(a) of section 4729.51 5559  
of the Revised Code is guilty of a felony of the fourth degree. 5560  
If the offender has previously been convicted of or pleaded 5561  
guilty to a violation of this chapter, or of a violation of 5562  
Chapter 2925. or 3719. of the Revised Code, that person is 5563  
guilty of a felony of the third degree. 5564

(H) Whoever violates division (E)(1)(c) of section 4729.51 5565  
of the Revised Code is guilty of a misdemeanor of the first 5566  
degree. If the offender has previously been convicted of or 5567  
pleaded guilty to a violation of this chapter, or of a violation 5568  
of Chapter 2925. or 3719. of the Revised Code, that person is 5569  
guilty of a felony of the fifth degree. 5570

(I)(1) Whoever violates division (A) of section 4729.95 of 5571  
the Revised Code is guilty of unauthorized pharmacy-related drug 5572  
conduct. Except as otherwise provided in this section, 5573  
unauthorized pharmacy-related drug conduct is a misdemeanor of 5574  
the second degree. If the offender previously has been convicted 5575  
of or pleaded guilty to a violation of division (A), (B), or (C) 5576  
of that section, unauthorized pharmacy-related drug conduct is a 5577  
misdemeanor of the first degree on a second offense and a felony 5578  
of the fifth degree on a third or subsequent offense. 5579

(2) Whoever violates division (B) or (C) of section 5580  
4729.95 of the Revised Code is guilty of permitting unauthorized 5581  
pharmacy-related drug conduct. Except as otherwise provided in 5582  
this section, permitting unauthorized pharmacy-related drug 5583  
conduct is a misdemeanor of the second degree. If the offender 5584  
previously has been convicted of or pleaded guilty to a 5585  
violation of division (A), (B), or (C) of that section, 5586

permitting unauthorized pharmacy-related drug conduct is a 5587  
misdemeanor of the first degree on a second offense and a felony 5588  
of the fifth degree on a third or subsequent offense. 5589

(3) Notwithstanding any contrary provision of section 5590  
3719.21 of the Revised Code or any other provision of law that 5591  
governs the distribution of fines, the clerk of the court shall 5592  
pay any fine imposed pursuant to division (I) (1) or (2) of this 5593  
section to the state board of pharmacy if the board has adopted 5594  
a written internal control policy under division (F) (2) of 5595  
section 2925.03 of the Revised Code that addresses fine moneys 5596  
that it receives under Chapter 2925. of the Revised Code and if 5597  
the policy also addresses fine moneys paid under this division. 5598  
The state board of pharmacy shall use the fines so paid in 5599  
accordance with the written internal control policy to subsidize 5600  
the board's law enforcement efforts that pertain to drug 5601  
offenses. 5602

(J) (1) Whoever violates division (A) (1) of section 4729.86 5603  
of the Revised Code is guilty of a misdemeanor of the third 5604  
degree. If the offender has previously been convicted of or 5605  
pleaded guilty to a violation of division (A) (1), (2), or (3) of 5606  
section 4729.86 of the Revised Code, that person is guilty of a 5607  
misdemeanor of the first degree. 5608

(2) Whoever violates division (A) (2) of section 4729.86 of 5609  
the Revised Code is guilty of a misdemeanor of the first degree. 5610  
If the offender has previously been convicted of or pleaded 5611  
guilty to a violation of division (A) (1), (2), or (3) of section 5612  
4729.86 of the Revised Code, that person is guilty of a felony 5613  
of the fifth degree. 5614

(3) Whoever violates division (A) (3) of section 4729.86 of 5615  
the Revised Code is guilty of a felony of the fifth degree. If 5616

the offender has previously been convicted of or pleaded guilty 5617  
to a violation of division (A) (1), (2), or (3) of section 5618  
4729.86 of the Revised Code, that person is guilty of a felony 5619  
of the fourth degree. 5620

(K) A person who violates division (C) of section 4729.552 5621  
of the Revised Code is guilty of a misdemeanor of the first 5622  
degree. If the person previously has been convicted of or 5623  
pleaded guilty to a violation of division (C) of section 5624  
4729.552 of the Revised Code, that person is guilty of a felony 5625  
of the fifth degree. 5626

**Section 2.** That existing sections 2925.01, 2925.02, 5627  
2925.03, 2925.04, 2925.05, 2925.11, 2925.13, 2925.36, 2929.01, 5628  
2929.13, 2929.14, 2941.1410, 3719.41, 3719.99, and 4729.99 of 5629  
the Revised Code are hereby repealed. 5630

**Section 3.** Section 2925.03 of the Revised Code is 5631  
presented in this act as a composite of the section as amended 5632  
by Am. Sub. H.B. 64, H.B. 171, and Sub. S.B. 204, all of the 5633  
131st General Assembly. The General Assembly, applying the 5634  
principle stated in division (B) of section 1.52 of the Revised 5635  
Code that amendments are to be harmonized if reasonably capable 5636  
of simultaneous operation, finds that the composite is the 5637  
resulting version of the section in effect prior to the 5638  
effective date of the section as presented in this act. 5639

Section 2925.11 of the Revised Code is presented in this 5640  
act as a composite of the section as amended by Sub. H.B. 110, 5641  
H.B. 171, and Sub. S.B. 204, all of the 131st General Assembly. 5642  
The General Assembly, applying the principle stated in division 5643  
(B) of section 1.52 of the Revised Code that amendments are to 5644  
be harmonized if reasonably capable of simultaneous operation, 5645  
finds that the composite is the resulting version of the section 5646

in effect prior to the effective date of the section as 5647  
presented in this act. 5648

Section 2929.01 of the Revised Code is presented in this 5649  
act as a composite of the section as amended by both Sub. H.B. 5650  
158 and H.B. 171 of the 131st General Assembly. The General 5651  
Assembly, applying the principle stated in division (B) of 5652  
section 1.52 of the Revised Code that amendments are to be 5653  
harmonized if reasonably capable of simultaneous operation, 5654  
finds that the composite is the resulting version of the section 5655  
in effect prior to the effective date of the section as 5656  
presented in this act. 5657

Section 2929.14 of the Revised Code is presented in this 5658  
act as a composite of the section as amended by both Sub. H.B. 5659  
470 and Sub. S.B. 319 of the 131st General Assembly. The General 5660  
Assembly, applying the principle stated in division (B) of 5661  
section 1.52 of the Revised Code that amendments are to be 5662  
harmonized if reasonably capable of simultaneous operation, 5663  
finds that the composite is the resulting version of the section 5664  
in effect prior to the effective date of the section as 5665  
presented in this act. 5666

Section 4729.99 of the Revised Code is presented in this 5667  
act as a composite of the section as amended by both Sub. H.B. 5668  
505 and Sub. S.B. 319 of the 131st General Assembly. The General 5669  
Assembly, applying the principle stated in division (B) of 5670  
section 1.52 of the Revised Code that amendments are to be 5671  
harmonized if reasonably capable of simultaneous operation, 5672  
finds that the composite is the resulting version of the section 5673  
in effect prior to the effective date of the section as 5674  
presented in this act. 5675