

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 323**

**Representative Manning, D.**

**Cosponsor: Representative Seitz**

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**A BILL**

To amend sections 2925.02, 2925.03, 2925.11, 1  
2925.12, 2925.14, 2925.23, 2925.36, 3701.048, 2  
3715.872, 3719.06, 3719.12, 3719.121, 3719.81, 3  
3795.01, 4723.01, 4729.01, 4729.51, 4731.054, 4  
4731.22, 4732.01, 4732.02, 4732.17, 4732.20, 5  
4732.99, and 5123.47 and to enact sections 6  
4732.40, 4732.401, 4732.41, 4732.411, 4732.42, 7  
4732.43, 4732.431, 4732.44, 4732.45, 4732.46, 8  
4732.50, 4732.501, 4732.502, and 4732.503 of the 9  
Revised Code to authorize certain psychologists 10  
to prescribe drugs and therapeutic devices as 11  
part of the practice of psychology. 12

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

**Section 1.** That sections 2925.02, 2925.03, 2925.11, 13  
2925.12, 2925.14, 2925.23, 2925.36, 3701.048, 3715.872, 3719.06, 14  
3719.12, 3719.121, 3719.81, 3795.01, 4723.01, 4729.01, 4729.51, 15  
4731.054, 4731.22, 4732.01, 4732.02, 4732.17, 4732.20, 4732.99, 16  
and 5123.47 be amended and sections 4732.40, 4732.401, 4732.41, 17  
4732.411, 4732.42, 4732.43, 4732.431, 4732.44, 4732.45, 4732.46, 18  
4732.50, 4732.501, 4732.502, and 4732.503 of the Revised Code be 19

enacted to read as follows: 20

**Sec. 2925.02.** (A) No person shall knowingly do any of the 21  
following: 22

(1) By force, threat, or deception, administer to another 23  
or induce or cause another to use a controlled substance; 24

(2) By any means, administer or furnish to another or 25  
induce or cause another to use a controlled substance with 26  
purpose to cause serious physical harm to the other person, or 27  
with purpose to cause the other person to become drug dependent; 28

(3) By any means, administer or furnish to another or 29  
induce or cause another to use a controlled substance, and 30  
thereby cause serious physical harm to the other person, or 31  
cause the other person to become drug dependent; 32

(4) By any means, do any of the following: 33

(a) Furnish or administer a controlled substance to a 34  
juvenile who is at least two years the offender's junior, when 35  
the offender knows the age of the juvenile or is reckless in 36  
that regard; 37

(b) Induce or cause a juvenile who is at least two years 38  
the offender's junior to use a controlled substance, when the 39  
offender knows the age of the juvenile or is reckless in that 40  
regard; 41

(c) Induce or cause a juvenile who is at least two years 42  
the offender's junior to commit a felony drug abuse offense, 43  
when the offender knows the age of the juvenile or is reckless 44  
in that regard; 45

(d) Use a juvenile, whether or not the offender knows the 46  
age of the juvenile, to perform any surveillance activity that 47

is intended to prevent the detection of the offender or any 48  
other person in the commission of a felony drug abuse offense or 49  
to prevent the arrest of the offender or any other person for 50  
the commission of a felony drug abuse offense. 51

(5) By any means, furnish or administer a controlled 52  
substance to a pregnant woman or induce or cause a pregnant 53  
woman to use a controlled substance, when the offender knows 54  
that the woman is pregnant or is reckless in that regard. 55

(B) Division (A) (1), (3), (4), or (5) of this section does 56  
not apply to manufacturers, wholesalers, licensed health 57  
professionals authorized to prescribe drugs, pharmacists, owners 58  
of pharmacies, and other persons whose conduct is in accordance 59  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., 4732., 60  
and 4741. of the Revised Code. 61

(C) Whoever violates this section is guilty of corrupting 62  
another with drugs. The penalty for the offense shall be 63  
determined as follows: 64

(1) If the offense is a violation of division (A) (1), (2), 65  
(3), or (4) of this section and the drug involved is any 66  
compound, mixture, preparation, or substance included in 67  
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 68  
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 69  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 70  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 71  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 72  
offender shall be punished as follows: 73

(a) Except as otherwise provided in division (C) (1) (b) of 74  
this section, corrupting another with drugs committed in those 75  
circumstances is a felony of the second degree and, subject to 76

division (E) of this section, the court shall impose as a 77  
mandatory prison term a second degree felony mandatory prison 78  
term. 79

(b) If the offense was committed in the vicinity of a 80  
school, corrupting another with drugs committed in those 81  
circumstances is a felony of the first degree, and, subject to 82  
division (E) of this section, the court shall impose as a 83  
mandatory prison term a first degree felony mandatory prison 84  
term. 85

(2) If the offense is a violation of division (A) (1), (2), 86  
(3), or (4) of this section and the drug involved is any 87  
compound, mixture, preparation, or substance included in 88  
schedule III, IV, or V, the offender shall be punished as 89  
follows: 90

(a) Except as otherwise provided in division (C) (2) (b) of 91  
this section, corrupting another with drugs committed in those 92  
circumstances is a felony of the second degree and there is a 93  
presumption for a prison term for the offense. 94

(b) If the offense was committed in the vicinity of a 95  
school, corrupting another with drugs committed in those 96  
circumstances is a felony of the second degree and the court 97  
shall impose as a mandatory prison term a second degree felony 98  
mandatory prison term. 99

(3) If the offense is a violation of division (A) (1), (2), 100  
(3), or (4) of this section and the drug involved is marihuana, 101  
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 102  
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 103  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 104  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 105

offender shall be punished as follows: 106

(a) Except as otherwise provided in division (C) (3) (b) of 107  
this section, corrupting another with drugs committed in those 108  
circumstances is a felony of the fourth degree and division (C) 109  
of section 2929.13 of the Revised Code applies in determining 110  
whether to impose a prison term on the offender. 111

(b) If the offense was committed in the vicinity of a 112  
school, corrupting another with drugs committed in those 113  
circumstances is a felony of the third degree and division (C) 114  
of section 2929.13 of the Revised Code applies in determining 115  
whether to impose a prison term on the offender. 116

(4) If the offense is a violation of division (A) (5) of 117  
this section and the drug involved is any compound, mixture, 118  
preparation, or substance included in schedule I or II, with the 119  
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 120  
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 121  
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 122  
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 123  
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 124  
felony of the first degree and, subject to division (E) of this 125  
section, the court shall impose as a mandatory prison term a 126  
first degree felony mandatory prison term. 127

(5) If the offense is a violation of division (A) (5) of 128  
this section and the drug involved is any compound, mixture, 129  
preparation, or substance included in schedule III, IV, or V, 130  
corrupting another with drugs is a felony of the second degree 131  
and the court shall impose as a mandatory prison term a second 132  
degree felony mandatory prison term. 133

(6) If the offense is a violation of division (A) (5) of 134

this section and the drug involved is marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-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 165  
3719.21 of the Revised Code, any mandatory fine imposed pursuant 166  
to division (D) (1) (a) of this section and any fine imposed for a 167  
violation of this section pursuant to division (A) of section 168  
2929.18 of the Revised Code shall be paid by the clerk of the 169  
court in accordance with and subject to the requirements of, and 170  
shall be used as specified in, division (F) of section 2925.03 171  
of the Revised Code. 172

(c) If a person is charged with any violation of this 173  
section that is a felony of the first, second, or third degree, 174  
posts bail, and forfeits the bail, the forfeited bail shall be 175  
paid by the clerk of the court pursuant to division (D) (1) (b) of 176  
this section as if it were a fine imposed for a violation of 177  
this section. 178

(2) If the offender is a professionally licensed person, 179  
in addition to any other sanction imposed for a violation of 180  
this section, the court immediately shall comply with section 181  
2925.38 of the Revised Code. 182

(E) Notwithstanding the prison term otherwise authorized 183  
or required for the offense under division (C) of this section 184  
and sections 2929.13 and 2929.14 of the Revised Code, if the 185  
violation of division (A) of this section involves the sale, 186  
offer to sell, or possession of a schedule I or II controlled 187  
substance, with the exception of marihuana, 1-Pentyl-3-(1- 188  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 189  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 190  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 191  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 192  
if the court imposing sentence upon the offender finds that the 193  
offender as a result of the violation is a major drug offender 194

and is guilty of a specification of the type described in 195  
division (A) of section 2941.1410 of the Revised Code, the 196  
court, in lieu of the prison term that otherwise is authorized 197  
or required, shall impose upon the offender the mandatory prison 198  
term specified in division (B) (3) (a) of section 2929.14 of the 199  
Revised Code. 200

(F) (1) If the sentencing court suspends the offender's 201  
driver's or commercial driver's license or permit under division 202  
(D) of this section, the offender, at any time after the 203  
expiration of two years from the day on which the offender's 204  
sentence was imposed or from the day on which the offender 205  
finally was released from a prison term under the sentence, 206  
whichever is later, may file a motion with the sentencing court 207  
requesting termination of the suspension. Upon the filing of the 208  
motion and the court's finding of good cause for the 209  
determination, the court may terminate the suspension. 210

(2) Any offender who received a mandatory suspension of 211  
the offender's driver's or commercial driver's license or permit 212  
under this section prior to September 13, 2016, may file a 213  
motion with the sentencing court requesting the termination of 214  
the suspension. However, an offender who pleaded guilty to or 215  
was convicted of a violation of section 4511.19 of the Revised 216  
Code or a substantially similar municipal ordinance or law of 217  
another state or the United States that arose out of the same 218  
set of circumstances as the violation for which the offender's 219  
license or permit was suspended under this section shall not 220  
file such a motion. 221

Upon the filing of a motion under division (F) (2) of this 222  
section, the sentencing court, in its discretion, may terminate 223  
the suspension. 224



**Sec. 2925.03.** (A) No person shall knowingly do any of the 225  
following: 226

(1) Sell or offer to sell a controlled substance or a 227  
controlled substance analog; 228

(2) Prepare for shipment, ship, transport, deliver, 229  
prepare for distribution, or distribute a controlled substance 230  
or a controlled substance analog, when the offender knows or has 231  
reasonable cause to believe that the controlled substance or a 232  
controlled substance analog is intended for sale or resale by 233  
the offender or another person. 234

(B) This section does not apply to any of the following: 235

(1) Manufacturers, licensed health professionals 236  
authorized to prescribe drugs, pharmacists, owners of 237  
pharmacies, and other persons whose conduct is in accordance 238  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., 4732., 239  
and 4741. of the Revised Code; 240

(2) If the offense involves an anabolic steroid, any 241  
person who is conducting or participating in a research project 242  
involving the use of an anabolic steroid if the project has been 243  
approved by the United States food and drug administration; 244

(3) Any person who sells, offers for sale, prescribes, 245  
dispenses, or administers for livestock or other nonhuman 246  
species an anabolic steroid that is expressly intended for 247  
administration through implants to livestock or other nonhuman 248  
species and approved for that purpose under the "Federal Food, 249  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 250  
as amended, and is sold, offered for sale, prescribed, 251  
dispensed, or administered for that purpose in accordance with 252  
that act. 253

(C) Whoever violates division (A) of this section is 254  
guilty of one of the following: 255

(1) If the drug involved in the violation is any compound, 256  
mixture, preparation, or substance included in schedule I or 257  
schedule II, with the exception of marihuana, cocaine, L.S.D., 258  
heroin, any fentanyl-related compound, hashish, and any 259  
controlled substance analog, whoever violates division (A) of 260  
this section is guilty of aggravated trafficking in drugs. The 261  
penalty for the offense shall be determined as follows: 262

(a) Except as otherwise provided in division (C) (1) (b), 263  
(c), (d), (e), or (f) of this section, aggravated trafficking in 264  
drugs is a felony of the fourth degree, and division (C) of 265  
section 2929.13 of the Revised Code applies in determining 266  
whether to impose a prison term on the offender. 267

(b) Except as otherwise provided in division (C) (1) (c), 268  
(d), (e), or (f) of this section, if the offense was committed 269  
in the vicinity of a school or in the vicinity of a juvenile, 270  
aggravated trafficking in drugs is a felony of the third degree, 271  
and division (C) of section 2929.13 of the Revised Code applies 272  
in determining whether to impose a prison term on the offender. 273

(c) Except as otherwise provided in this division, if the 274  
amount of the drug involved equals or exceeds the bulk amount 275  
but is less than five times the bulk amount, aggravated 276  
trafficking in drugs is a felony of the third degree, and, 277  
except as otherwise provided in this division, there is a 278  
presumption for a prison term for the offense. If aggravated 279  
trafficking in drugs is a felony of the third degree under this 280  
division and if the offender two or more times previously has 281  
been convicted of or pleaded guilty to a felony drug abuse 282  
offense, the court shall impose as a mandatory prison term one 283

of the prison terms prescribed for a felony of the third degree. 284  
If the amount of the drug involved is within that range and if 285  
the offense was committed in the vicinity of a school or in the 286  
vicinity of a juvenile, aggravated trafficking in drugs is a 287  
felony of the second degree, and the court shall impose as a 288  
mandatory prison term a second degree felony mandatory prison 289  
term. 290

(d) Except as otherwise provided in this division, if the 291  
amount of the drug involved equals or exceeds five times the 292  
bulk amount but is less than fifty times the bulk amount, 293  
aggravated trafficking in drugs is a felony of the second 294  
degree, and the court shall impose as a mandatory prison term a 295  
second degree felony mandatory prison term. If the amount of the 296  
drug involved is within that range and if the offense was 297  
committed in the vicinity of a school or in the vicinity of a 298  
juvenile, aggravated trafficking in drugs is a felony of the 299  
first degree, and the court shall impose as a mandatory prison 300  
term a first degree felony mandatory prison term. 301

(e) If the amount of the drug involved equals or exceeds 302  
fifty times the bulk amount but is less than one hundred times 303  
the bulk amount and regardless of whether the offense was 304  
committed in the vicinity of a school or in the vicinity of a 305  
juvenile, aggravated trafficking in drugs is a felony of the 306  
first degree, and the court shall impose as a mandatory prison 307  
term a first degree felony mandatory prison term. 308

(f) If the amount of the drug involved equals or exceeds 309  
one hundred times the bulk amount and regardless of whether the 310  
offense was committed in the vicinity of a school or in the 311  
vicinity of a juvenile, aggravated trafficking in drugs is a 312  
felony of the first degree, the offender is a major drug 313

offender, and the court shall impose as a mandatory prison term 314  
a maximum first degree felony mandatory prison term. 315

(2) If the drug involved in the violation is any compound, 316  
mixture, preparation, or substance included in schedule III, IV, 317  
or V, whoever violates division (A) of this section is guilty of 318  
trafficking in drugs. The penalty for the offense shall be 319  
determined as follows: 320

(a) Except as otherwise provided in division (C) (2) (b), 321  
(c), (d), or (e) of this section, trafficking in drugs is a 322  
felony of the fifth degree, and division (B) of section 2929.13 323  
of the Revised Code applies in determining whether to impose a 324  
prison term on the offender. 325

(b) Except as otherwise provided in division (C) (2) (c), 326  
(d), or (e) of this section, if the offense was committed in the 327  
vicinity of a school or in the vicinity of a juvenile, 328  
trafficking in drugs is a felony of the fourth degree, and 329  
division (C) of section 2929.13 of the Revised Code applies in 330  
determining whether to impose a prison term on the offender. 331

(c) Except as otherwise provided in this division, if the 332  
amount of the drug involved equals or exceeds the bulk amount 333  
but is less than five times the bulk amount, trafficking in 334  
drugs is a felony of the fourth degree, and division (B) of 335  
section 2929.13 of the Revised Code applies in determining 336  
whether to impose a prison term for the offense. If the amount 337  
of the drug involved is within that range and if the offense was 338  
committed in the vicinity of a school or in the vicinity of a 339  
juvenile, trafficking in drugs is a felony of the third degree, 340  
and there is a presumption for a prison term for the offense. 341

(d) Except as otherwise provided in this division, if the 342

amount of the drug involved equals or exceeds five times the 343  
bulk amount but is less than fifty times the bulk amount, 344  
trafficking in drugs is a felony of the third degree, and there 345  
is a presumption for a prison term for the offense. If the 346  
amount of the drug involved is within that range and if the 347  
offense was committed in the vicinity of a school or in the 348  
vicinity of a juvenile, trafficking in drugs is a felony of the 349  
second degree, and there is a presumption for a prison term for 350  
the offense. 351

(e) Except as otherwise provided in this division, if the 352  
amount of the drug involved equals or exceeds fifty times the 353  
bulk amount, trafficking in drugs is a felony of the second 354  
degree, and the court shall impose as a mandatory prison term a 355  
second degree felony mandatory prison term. If the amount of the 356  
drug involved equals or exceeds fifty times the bulk amount and 357  
if the offense was committed in the vicinity of a school or in 358  
the vicinity of a juvenile, trafficking in drugs is a felony of 359  
the first degree, and the court shall impose as a mandatory 360  
prison term a first degree felony mandatory prison term. 361

(3) If the drug involved in the violation is marihuana or 362  
a compound, mixture, preparation, or substance containing 363  
marihuana other than hashish, whoever violates division (A) of 364  
this section is guilty of trafficking in marihuana. The penalty 365  
for the offense shall be determined as follows: 366

(a) Except as otherwise provided in division (C) (3) (b), 367  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 368  
marihuana is a felony of the fifth degree, and division (B) of 369  
section 2929.13 of the Revised Code applies in determining 370  
whether to impose a prison term on the offender. 371

(b) Except as otherwise provided in division (C) (3) (c), 372

(d), (e), (f), (g), or (h) of this section, if the offense was 373  
committed in the vicinity of a school or in the vicinity of a 374  
juvenile, trafficking in marihuana is a felony of the fourth 375  
degree, and division (B) of section 2929.13 of the Revised Code 376  
applies in determining whether to impose a prison term on the 377  
offender. 378

(c) Except as otherwise provided in this division, if the 379  
amount of the drug involved equals or exceeds two hundred grams 380  
but is less than one thousand grams, trafficking in marihuana is 381  
a felony of the fourth degree, and division (B) of section 382  
2929.13 of the Revised Code applies in determining whether to 383  
impose a prison term on the offender. If the amount of the drug 384  
involved is within that range and if the offense was committed 385  
in the vicinity of a school or in the vicinity of a juvenile, 386  
trafficking in marihuana is a felony of the third degree, and 387  
division (C) of section 2929.13 of the Revised Code applies in 388  
determining whether to impose a prison term on the offender. 389

(d) Except as otherwise provided in this division, if the 390  
amount of the drug involved equals or exceeds one thousand grams 391  
but is less than five thousand grams, trafficking in marihuana 392  
is a felony of the third degree, and division (C) of section 393  
2929.13 of the Revised Code applies in determining whether to 394  
impose a prison term on the offender. If the amount of the drug 395  
involved is within that range and if the offense was committed 396  
in the vicinity of a school or in the vicinity of a juvenile, 397  
trafficking in marihuana is a felony of the second degree, and 398  
there is a presumption that a prison term shall be imposed for 399  
the offense. 400

(e) Except as otherwise provided in this division, if the 401  
amount of the drug involved equals or exceeds five thousand 402

grams but is less than twenty thousand grams, trafficking in 403  
marihuana is a felony of the third degree, and there is a 404  
presumption that a prison term shall be imposed for the offense. 405  
If the amount of the drug involved is within that range and if 406  
the offense was committed in the vicinity of a school or in the 407  
vicinity of a juvenile, trafficking in marihuana is a felony of 408  
the second degree, and there is a presumption that a prison term 409  
shall be imposed for the offense. 410

(f) Except as otherwise provided in this division, if the 411  
amount of the drug involved equals or exceeds twenty thousand 412  
grams but is less than forty thousand grams, trafficking in 413  
marihuana is a felony of the second degree, and the court shall 414  
impose as a mandatory prison term a second degree felony 415  
mandatory prison term of five, six, seven, or eight years. If 416  
the amount of the drug involved is within that range and if the 417  
offense was committed in the vicinity of a school or in the 418  
vicinity of a juvenile, trafficking in marihuana is a felony of 419  
the first degree, and the court shall impose as a mandatory 420  
prison term a maximum first degree felony mandatory prison term. 421

(g) Except as otherwise provided in this division, if the 422  
amount of the drug involved equals or exceeds forty thousand 423  
grams, trafficking in marihuana is a felony of the second 424  
degree, and the court shall impose as a mandatory prison term a 425  
maximum second degree felony mandatory prison term. If the 426  
amount of the drug involved equals or exceeds forty thousand 427  
grams and if the offense was committed in the vicinity of a 428  
school or in the vicinity of a juvenile, trafficking in 429  
marihuana is a felony of the first degree, and the court shall 430  
impose as a mandatory prison term a maximum first degree felony 431  
mandatory prison term. 432

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

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

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

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

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five grams but is less than ten grams of cocaine, trafficking in cocaine is a felony of 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 463  
is within that range and if the offense was committed in the 464  
vicinity of a school or in the vicinity of a juvenile, 465  
trafficking in cocaine is a felony of the third degree, and 466  
there is a presumption for a prison term for the offense. 467

(d) Except as otherwise provided in this division, if the 468  
amount of the drug involved equals or exceeds ten grams but is 469  
less than twenty grams of cocaine, trafficking in cocaine is a 470  
felony of the third degree, and, except as otherwise provided in 471  
this division, there is a presumption for a prison term for the 472  
offense. If trafficking in cocaine is a felony of the third 473  
degree under this division and if the offender two or more times 474  
previously has been convicted of or pleaded guilty to a felony 475  
drug abuse offense, the court shall impose as a mandatory prison 476  
term one of the prison terms prescribed for a felony of the 477  
third degree. If the amount of the drug involved is within that 478  
range and if the offense was committed in the vicinity of a 479  
school or in the vicinity of a juvenile, trafficking in cocaine 480  
is a felony of the second degree, and the court shall impose as 481  
a mandatory prison term a second degree felony mandatory prison 482  
term. 483

(e) Except as otherwise provided in this division, if the 484  
amount of the drug involved equals or exceeds twenty grams but 485  
is less than twenty-seven grams of cocaine, trafficking in 486  
cocaine is a felony of the second degree, and the court shall 487  
impose as a mandatory prison term a second degree felony 488  
mandatory prison term. If the amount of the drug involved is 489  
within that range and if the offense was committed in the 490  
vicinity of a school or in the vicinity of a juvenile, 491  
trafficking in cocaine is a felony of the first degree, and the 492  
court shall impose as a mandatory prison term a first degree 493

felony mandatory prison term. 494

(f) If the amount of the drug involved equals or exceeds 495  
twenty-seven grams but is less than one hundred grams of cocaine 496  
and regardless of whether the offense was committed in the 497  
vicinity of a school or in the vicinity of a juvenile, 498  
trafficking in cocaine is a felony of the first degree, and the 499  
court shall impose as a mandatory prison term a first degree 500  
felony mandatory prison term. 501

(g) If the amount of the drug involved equals or exceeds 502  
one hundred grams of cocaine and regardless of whether the 503  
offense was committed in the vicinity of a school or in the 504  
vicinity of a juvenile, trafficking in cocaine is a felony of 505  
the first degree, the offender is a major drug offender, and the 506  
court shall impose as a mandatory prison term a maximum first 507  
degree felony mandatory prison term. 508

(5) If the drug involved in the violation is L.S.D. or a 509  
compound, mixture, preparation, or substance containing L.S.D., 510  
whoever violates division (A) of this section is guilty of 511  
trafficking in L.S.D. The penalty for the offense shall be 512  
determined as follows: 513

(a) Except as otherwise provided in division (C) (5) (b), 514  
(c), (d), (e), (f), or (g) of this section, trafficking in 515  
L.S.D. is a felony of the fifth degree, and division (B) of 516  
section 2929.13 of the Revised Code applies in determining 517  
whether to impose a prison term on the offender. 518

(b) Except as otherwise provided in division (C) (5) (c), 519  
(d), (e), (f), or (g) of this section, if the offense was 520  
committed in the vicinity of a school or in the vicinity of a 521  
juvenile, trafficking in L.S.D. is a felony of the fourth 522

degree, and division (C) of section 2929.13 of the Revised Code 523  
applies in determining whether to impose a prison term on the 524  
offender. 525

(c) Except as otherwise provided in this division, if the 526  
amount of the drug involved equals or exceeds ten unit doses but 527  
is less than fifty unit doses of L.S.D. in a solid form or 528  
equals or exceeds one gram but is less than five grams of L.S.D. 529  
in a liquid concentrate, liquid extract, or liquid distillate 530  
form, trafficking in L.S.D. is a felony of the fourth degree, 531  
and division (B) of section 2929.13 of the Revised Code applies 532  
in determining whether to impose a prison term for the offense. 533  
If the amount of the drug involved is within that range and if 534  
the offense was committed in the vicinity of a school or in the 535  
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 536  
third degree, and there is a presumption for a prison term for 537  
the offense. 538

(d) Except as otherwise provided in this division, if the 539  
amount of the drug involved equals or exceeds fifty unit doses 540  
but is less than two hundred fifty unit doses of L.S.D. in a 541  
solid form or equals or exceeds five grams but is less than 542  
twenty-five grams of L.S.D. in a liquid concentrate, liquid 543  
extract, or liquid distillate form, trafficking in L.S.D. is a 544  
felony of the third degree, and, except as otherwise provided in 545  
this division, there is a presumption for a prison term for the 546  
offense. If trafficking in L.S.D. is a felony of the third 547  
degree under this division and if the offender two or more times 548  
previously has been convicted of or pleaded guilty to a felony 549  
drug abuse offense, the court shall impose as a mandatory prison 550  
term one of the prison terms prescribed for a felony of the 551  
third degree. If the amount of the drug involved is within that 552  
range and if the offense was committed in the vicinity of a 553

school or in the vicinity of a juvenile, trafficking in L.S.D. 554  
is a felony of the second degree, and the court shall impose as 555  
a mandatory prison term a second degree felony mandatory prison 556  
term. 557

(e) Except as otherwise provided in this division, if the 558  
amount of the drug involved equals or exceeds two hundred fifty 559  
unit doses but is less than one thousand unit doses of L.S.D. in 560  
a solid form or equals or exceeds twenty-five grams but is less 561  
than one hundred grams of L.S.D. in a liquid concentrate, liquid 562  
extract, or liquid distillate form, trafficking in L.S.D. is a 563  
felony of the second degree, and the court shall impose as a 564  
mandatory prison term a second degree felony mandatory prison 565  
term. If the amount of the drug involved is within that range 566  
and if the offense was committed in the vicinity of a school or 567  
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 568  
of the first degree, and the court shall impose as a mandatory 569  
prison term a first degree felony mandatory prison term. 570

(f) If the amount of the drug involved equals or exceeds 571  
one thousand unit doses but is less than five thousand unit 572  
doses of L.S.D. in a solid form or equals or exceeds one hundred 573  
grams but is less than five hundred grams of L.S.D. in a liquid 574  
concentrate, liquid extract, or liquid distillate form and 575  
regardless of whether the offense was committed in the vicinity 576  
of a school or in the vicinity of a juvenile, trafficking in 577  
L.S.D. is a felony of the first degree, and the court shall 578  
impose as a mandatory prison term a first degree felony 579  
mandatory prison term. 580

(g) If the amount of the drug involved equals or exceeds 581  
five thousand unit doses of L.S.D. in a solid form or equals or 582  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 583

liquid extract, or liquid distillate form and regardless of 584  
whether the offense was committed in the vicinity of a school or 585  
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 586  
of the first degree, the offender is a major drug offender, and 587  
the court shall impose as a mandatory prison term a maximum 588  
first degree felony mandatory prison term. 589

(6) If the drug involved in the violation is heroin or a 590  
compound, mixture, preparation, or substance containing heroin, 591  
whoever violates division (A) of this section is guilty of 592  
trafficking in heroin. The penalty for the offense shall be 593  
determined as follows: 594

(a) Except as otherwise provided in division (C) (6) (b), 595  
(c), (d), (e), (f), or (g) of this section, trafficking in 596  
heroin is a felony of the fifth degree, and division (B) of 597  
section 2929.13 of the Revised Code applies in determining 598  
whether to impose a prison term on the offender. 599

(b) Except as otherwise provided in division (C) (6) (c), 600  
(d), (e), (f), or (g) of this section, if the offense was 601  
committed in the vicinity of a school or in the vicinity of a 602  
juvenile, trafficking in heroin is a felony of the fourth 603  
degree, and division (C) of section 2929.13 of the Revised Code 604  
applies in determining whether to impose a prison term on the 605  
offender. 606

(c) Except as otherwise provided in this division, if the 607  
amount of the drug involved equals or exceeds ten unit doses but 608  
is less than fifty unit doses or equals or exceeds one gram but 609  
is less than five grams, trafficking in heroin is a felony of 610  
the fourth degree, and division (B) of section 2929.13 of the 611  
Revised Code applies in determining whether to impose a prison 612  
term for the offense. If the amount of the drug involved is 613

within that range and if the offense was committed in the 614  
vicinity of a school or in the vicinity of a juvenile, 615  
trafficking in heroin is a felony of the third degree, and there 616  
is a presumption for a prison term for the offense. 617

(d) Except as otherwise provided in this division, if the 618  
amount of the drug involved equals or exceeds fifty unit doses 619  
but is less than one hundred unit doses or equals or exceeds 620  
five grams but is less than ten grams, trafficking in heroin is 621  
a felony of the third degree, and there is a presumption for a 622  
prison term for the offense. If the amount of the drug involved 623  
is within that range and if the offense was committed in the 624  
vicinity of a school or in the vicinity of a juvenile, 625  
trafficking in heroin is a felony of the second degree, and 626  
there is a presumption for a prison term for the offense. 627

(e) Except as otherwise provided in this division, if the 628  
amount of the drug involved equals or exceeds one hundred unit 629  
doses but is less than five hundred unit doses or equals or 630  
exceeds ten grams but is less than fifty grams, trafficking in 631  
heroin is a felony of the second degree, and the court shall 632  
impose as a mandatory prison term a second degree felony 633  
mandatory prison term. If the amount of the drug involved is 634  
within that range and if the offense was committed in the 635  
vicinity of a school or in the vicinity of a juvenile, 636  
trafficking in heroin is a felony of the first degree, and the 637  
court shall impose as a mandatory prison term a first degree 638  
felony mandatory prison term. 639

(f) If the amount of the drug involved equals or exceeds 640  
five hundred unit doses but is less than one thousand unit doses 641  
or equals or exceeds fifty grams but is less than one hundred 642  
grams and regardless of whether the offense was committed in the 643

vicinity of a school or in the vicinity of a juvenile, 644  
trafficking in heroin is a felony of the first degree, and the 645  
court shall impose as a mandatory prison term a first degree 646  
felony mandatory prison term. 647

(g) If the amount of the drug involved equals or exceeds 648  
one thousand unit doses or equals or exceeds one hundred grams 649  
and regardless of whether the offense was committed in the 650  
vicinity of a school or in the vicinity of a juvenile, 651  
trafficking in heroin is a felony of the first degree, the 652  
offender is a major drug offender, and the court shall impose as 653  
a mandatory prison term a maximum first degree felony mandatory 654  
prison term. 655

(7) If the drug involved in the violation is hashish or a 656  
compound, mixture, preparation, or substance containing hashish, 657  
whoever violates division (A) of this section is guilty of 658  
trafficking in hashish. The penalty for the offense shall be 659  
determined as follows: 660

(a) Except as otherwise provided in division (C) (7) (b), 661  
(c), (d), (e), (f), or (g) of this section, trafficking in 662  
hashish is a felony of the fifth degree, and division (B) of 663  
section 2929.13 of the Revised Code applies in determining 664  
whether to impose a prison term on the offender. 665

(b) Except as otherwise provided in division (C) (7) (c), 666  
(d), (e), (f), or (g) of this section, if the offense was 667  
committed in the vicinity of a school or in the vicinity of a 668  
juvenile, trafficking in hashish is a felony of the fourth 669  
degree, and division (B) of section 2929.13 of the Revised Code 670  
applies in determining whether to impose a prison term on the 671  
offender. 672

(c) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds ten grams but is  
less than fifty grams of hashish in a solid form or equals or  
exceeds two grams but is less than ten grams of hashish in a  
liquid concentrate, liquid extract, or liquid distillate form,  
trafficking in hashish is a felony of the fourth degree, and  
division (B) of section 2929.13 of the Revised Code applies in  
determining whether to impose a prison term on the offender. 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 hashish 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) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds fifty grams but is  
less than two hundred fifty grams of hashish in a solid form or  
equals or exceeds ten grams but is less than fifty grams of  
hashish in a liquid concentrate, liquid extract, or liquid  
distillate form, trafficking in hashish 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. 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 hashish  
is a felony of the second degree, and there is a presumption  
that a prison term shall be imposed for the offense.

(e) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds two hundred fifty  
grams but is less than one thousand grams of hashish in a solid  
form or equals or exceeds fifty grams but is less than two



hundred grams of hashish in a liquid concentrate, liquid 704  
extract, or liquid distillate form, trafficking in hashish is a 705  
felony of the third degree, and there is a presumption that a 706  
prison term shall be imposed for the offense. If the amount of 707  
the drug involved is within that range and if the offense was 708  
committed in the vicinity of a school or in the vicinity of a 709  
juvenile, trafficking in hashish is a felony of the second 710  
degree, and there is a presumption that a prison term shall be 711  
imposed for the offense. 712

(f) Except as otherwise provided in this division, if the 713  
amount of the drug involved equals or exceeds one thousand grams 714  
but is less than two thousand grams of hashish in a solid form 715  
or equals or exceeds two hundred grams but is less than four 716  
hundred grams of hashish in a liquid concentrate, liquid 717  
extract, or liquid distillate form, trafficking in hashish is a 718  
felony of the second degree, and the court shall impose as a 719  
mandatory prison term a second degree felony mandatory prison 720  
term of five, six, seven, or eight years. If the amount of the 721  
drug involved is within that range and if the offense was 722  
committed in the vicinity of a school or in the vicinity of a 723  
juvenile, trafficking in hashish is a felony of the first 724  
degree, and the court shall impose as a mandatory prison term a 725  
maximum first degree felony mandatory prison term. 726

(g) Except as otherwise provided in this division, if the 727  
amount of the drug involved equals or exceeds two thousand grams 728  
of hashish in a solid form or equals or exceeds four hundred 729  
grams of hashish in a liquid concentrate, liquid extract, or 730  
liquid distillate form, trafficking in hashish is a felony of 731  
the second degree, and the court shall impose as a mandatory 732  
prison term a maximum second degree felony mandatory prison 733  
term. If the amount of the drug involved equals or exceeds two 734

thousand grams of hashish in a solid form or equals or exceeds 735  
four hundred grams of hashish in a liquid concentrate, liquid 736  
extract, or liquid distillate form and if the offense was 737  
committed in the vicinity of a school or in the vicinity of a 738  
juvenile, trafficking in hashish is a felony of the first 739  
degree, and the court shall impose as a mandatory prison term a 740  
maximum first degree felony mandatory prison term. 741

(8) If the drug involved in the violation is a controlled 742  
substance analog or compound, mixture, preparation, or substance 743  
that contains a controlled substance analog, whoever violates 744  
division (A) of this section is guilty of trafficking in a 745  
controlled substance analog. The penalty for the offense shall 746  
be determined as follows: 747

(a) Except as otherwise provided in division (C) (8) (b), 748  
(c), (d), (e), (f), or (g) of this section, trafficking in a 749  
controlled substance analog is a felony of the fifth degree, and 750  
division (C) of section 2929.13 of the Revised Code applies in 751  
determining whether to impose a prison term on the offender. 752

(b) Except as otherwise provided in division (C) (8) (c), 753  
(d), (e), (f), or (g) of this section, if the offense was 754  
committed in the vicinity of a school or in the vicinity of a 755  
juvenile, trafficking in a controlled substance analog is a 756  
felony of the fourth degree, and division (C) of section 2929.13 757  
of the Revised Code applies in determining whether to impose a 758  
prison term on the offender. 759

(c) Except as otherwise provided in this division, if the 760  
amount of the drug involved equals or exceeds ten grams but is 761  
less than twenty grams, trafficking in a controlled substance 762  
analog is a felony of the fourth degree, and division (B) of 763  
section 2929.13 of the Revised Code applies in determining 764

whether to impose a prison term for the offense. If the amount 765  
of the drug involved is within that range and if the offense was 766  
committed in the vicinity of a school or in the vicinity of a 767  
juvenile, trafficking in a controlled substance analog is a 768  
felony of the third degree, and there is a presumption for a 769  
prison term for the offense. 770

(d) Except as otherwise provided in this division, if the 771  
amount of the drug involved equals or exceeds twenty grams but 772  
is less than thirty grams, trafficking in a controlled substance 773  
analog is a felony of the third degree, and there is a 774  
presumption for a prison term for the offense. If the amount of 775  
the drug involved is within that range and if the offense was 776  
committed in the vicinity of a school or in the vicinity of a 777  
juvenile, trafficking in a controlled substance analog is a 778  
felony of the second degree, and there is a presumption for a 779  
prison term for the offense. 780

(e) Except as otherwise provided in this division, if the 781  
amount of the drug involved equals or exceeds thirty grams but 782  
is less than forty grams, trafficking in a controlled substance 783  
analog is a felony of the second degree, and the court shall 784  
impose as a mandatory prison term a second degree felony 785  
mandatory prison term. If the amount of the drug involved is 786  
within that range and if the offense was committed in the 787  
vicinity of a school or in the vicinity of a juvenile, 788  
trafficking in a controlled substance analog is a felony of the 789  
first degree, and the court shall impose as a mandatory prison 790  
term a first degree felony mandatory prison term. 791

(f) If the amount of the drug involved equals or exceeds 792  
forty grams but is less than fifty grams and regardless of 793  
whether the offense was committed in the vicinity of a school or 794

in the vicinity of a juvenile, trafficking in a controlled 795  
substance analog is a felony of the first degree, and the court 796  
shall impose as a mandatory prison term a first degree felony 797  
mandatory prison term. 798

(g) If the amount of the drug involved equals or exceeds 799  
fifty grams and regardless of whether the offense was committed 800  
in the vicinity of a school or in the vicinity of a juvenile, 801  
trafficking in a controlled substance analog is a felony of the 802  
first degree, the offender is a major drug offender, and the 803  
court shall impose as a mandatory prison term a maximum first 804  
degree felony mandatory prison term. 805

(9) If the drug involved in the violation is a fentanyl- 806  
related compound or a compound, mixture, preparation, or 807  
substance containing a fentanyl-related compound and division 808  
(C) (10) (a) of this section does not apply to the drug involved, 809  
whoever violates division (A) of this section is guilty of 810  
trafficking in a fentanyl-related compound. The penalty for the 811  
offense shall be determined as follows: 812

(a) Except as otherwise provided in division (C) (9) (b), 813  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 814  
a fentanyl-related compound is a felony of the fifth degree, and 815  
division (B) of section 2929.13 of the Revised Code applies in 816  
determining whether to impose a prison term on the offender. 817

(b) Except as otherwise provided in division (C) (9) (c), 818  
(d), (e), (f), (g), or (h) of this section, if the offense was 819  
committed in the vicinity of a school or in the vicinity of a 820  
juvenile, trafficking in a fentanyl-related compound is a felony 821  
of the fourth degree, and division (C) of section 2929.13 of the 822  
Revised Code applies in determining whether to impose a prison 823  
term on the offender. 824

(c) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds ten unit doses but  
is less than fifty unit doses or equals or exceeds one gram but  
is less than five grams, trafficking in a fentanyl-related  
compound is a felony of 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 a fentanyl-related compound 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 a  
fentanyl-related compound 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 a fentanyl-related  
compound 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 two hundred unit doses or equals or  
exceeds ten grams but is less than twenty grams, trafficking in  
a fentanyl-related compound 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 856  
vicinity of a juvenile, trafficking in a fentanyl-related 857  
compound is a felony of the first degree, and the court shall 858  
impose as a mandatory prison term one of the prison terms 859  
prescribed for a felony of the first degree. 860

(f) If the amount of the drug involved equals or exceeds 861  
two hundred unit doses but is less than five hundred unit doses 862  
or equals or exceeds twenty grams but is less than fifty grams 863  
and regardless of whether the offense was committed in the 864  
vicinity of a school or in the vicinity of a juvenile, 865  
trafficking in a fentanyl-related compound is a felony of the 866  
first degree, and the court shall impose as a mandatory prison 867  
term one of the prison terms prescribed for a felony of the 868  
first degree. 869

(g) If the amount of the drug involved equals or exceeds 870  
five hundred unit doses but is less than one thousand unit doses 871  
or equals or exceeds fifty grams but is less than one hundred 872  
grams and regardless of whether the offense was committed in the 873  
vicinity of a school or in the vicinity of a juvenile, 874  
trafficking in a fentanyl-related compound is a felony of the 875  
first degree, and the court shall impose as a mandatory prison 876  
term the maximum prison term prescribed for a felony of the 877  
first degree. 878

(h) If the amount of the drug involved equals or exceeds 879  
one thousand unit doses or equals or exceeds one hundred grams 880  
and regardless of whether the offense was committed in the 881  
vicinity of a school or in the vicinity of a juvenile, 882  
trafficking in a fentanyl-related compound is a felony of the 883  
first degree, the offender is a major drug offender, and the 884  
court shall impose as a mandatory prison term the maximum prison 885

term prescribed for a felony of the first degree. 886

(10) If the drug involved in the violation is a compound, 887  
mixture, preparation, or substance that is a combination of a 888  
fentanyl-related compound and marihuana, one of the following 889  
applies: 890

(a) Except as otherwise provided in division (C) (10) (b) of 891  
this section, the offender is guilty of trafficking in marihuana 892  
and shall be punished under division (C) (3) of this section. The 893  
offender is not guilty of trafficking in a fentanyl-related 894  
compound and shall not be charged with, convicted of, or 895  
punished under division (C) (9) of this section for trafficking 896  
in a fentanyl-related compound. 897

(b) If the offender knows or has reason to know that the 898  
compound, mixture, preparation, or substance that is the drug 899  
involved contains a fentanyl-related compound, the offender is 900  
guilty of trafficking in a fentanyl-related compound and shall 901  
be punished under division (C) (9) of this section. 902

(D) In addition to any prison term authorized or required 903  
by division (C) of this section and sections 2929.13 and 2929.14 904  
of the Revised Code, and in addition to any other sanction 905  
imposed for the offense under this section or sections 2929.11 906  
to 2929.18 of the Revised Code, the court that sentences an 907  
offender who is convicted of or pleads guilty to a violation of 908  
division (A) of this section may suspend the driver's or 909  
commercial driver's license or permit of the offender in 910  
accordance with division (G) of this section. However, if the 911  
offender pleaded guilty to or was convicted of a violation of 912  
section 4511.19 of the Revised Code or a substantially similar 913  
municipal ordinance or the law of another state or the United 914  
States arising out of the same set of circumstances as the 915

violation, the court shall suspend the offender's driver's or 916  
commercial driver's license or permit in accordance with 917  
division (G) of this section. If applicable, the court also 918  
shall do the following: 919

(1) If the violation of division (A) of this section is a 920  
felony of the first, second, or third degree, the court shall 921  
impose upon the offender the mandatory fine specified for the 922  
offense under division (B)(1) of section 2929.18 of the Revised 923  
Code unless, as specified in that division, the court determines 924  
that the offender is indigent. Except as otherwise provided in 925  
division (H)(1) of this section, a mandatory fine or any other 926  
fine imposed for a violation of this section is subject to 927  
division (F) of this section. If a person is charged with a 928  
violation of this section that is a felony of the first, second, 929  
or third degree, posts bail, and forfeits the bail, the clerk of 930  
the court shall pay the forfeited bail pursuant to divisions (D) 931  
(1) and (F) of this section, as if the forfeited bail was a fine 932  
imposed for a violation of this section. If any amount of the 933  
forfeited bail remains after that payment and if a fine is 934  
imposed under division (H)(1) of this section, the clerk of the 935  
court shall pay the remaining amount of the forfeited bail 936  
pursuant to divisions (H)(2) and (3) of this section, as if that 937  
remaining amount was a fine imposed under division (H)(1) of 938  
this section. 939

(2) If the offender is a professionally licensed person, 940  
the court immediately shall comply with section 2925.38 of the 941  
Revised Code. 942

(E) When a person is charged with the sale of or offer to 943  
sell a bulk amount or a multiple of a bulk amount of a 944  
controlled substance, the jury, or the court trying the accused, 945



shall determine the amount of the controlled substance involved 946  
at the time of the offense and, if a guilty verdict is returned, 947  
shall return the findings as part of the verdict. In any such 948  
case, it is unnecessary to find and return the exact amount of 949  
the controlled substance involved, and it is sufficient if the 950  
finding and return is to the effect that the amount of the 951  
controlled substance involved is the requisite amount, or that 952  
the amount of the controlled substance involved is less than the 953  
requisite amount. 954

(F) (1) Notwithstanding any contrary provision of section 955  
3719.21 of the Revised Code and except as provided in division 956  
(H) of this section, the clerk of the court shall pay any 957  
mandatory fine imposed pursuant to division (D) (1) of this 958  
section and any fine other than a mandatory fine that is imposed 959  
for a violation of this section pursuant to division (A) or (B) 960  
(5) of section 2929.18 of the Revised Code to the county, 961  
township, municipal corporation, park district, as created 962  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 963  
state law enforcement agencies in this state that primarily were 964  
responsible for or involved in making the arrest of, and in 965  
prosecuting, the offender. However, the clerk shall not pay a 966  
mandatory fine so imposed to a law enforcement agency unless the 967  
agency has adopted a written internal control policy under 968  
division (F) (2) of this section that addresses the use of the 969  
fine moneys that it receives. Each agency shall use the 970  
mandatory fines so paid to subsidize the agency's law 971  
enforcement efforts that pertain to drug offenses, in accordance 972  
with the written internal control policy adopted by the 973  
recipient agency under division (F) (2) of this section. 974

(2) Prior to receiving any fine moneys under division (F) 975  
(1) of this section or division (B) of section 2925.42 of the 976

Revised Code, a law enforcement agency shall adopt a written 977  
internal control policy that addresses the agency's use and 978  
disposition of all fine moneys so received and that provides for 979  
the keeping of detailed financial records of the receipts of 980  
those fine moneys, the general types of expenditures made out of 981  
those fine moneys, and the specific amount of each general type 982  
of expenditure. The policy shall not provide for or permit the 983  
identification of any specific expenditure that is made in an 984  
ongoing investigation. All financial records of the receipts of 985  
those fine moneys, the general types of expenditures made out of 986  
those fine moneys, and the specific amount of each general type 987  
of expenditure by an agency are public records open for 988  
inspection under section 149.43 of the Revised Code. 989  
Additionally, a written internal control policy adopted under 990  
this division is such a public record, and the agency that 991  
adopted it shall comply with it. 992

(3) As used in division (F) of this section: 993

(a) "Law enforcement agencies" includes, but is not 994  
limited to, the state board of pharmacy and the office of a 995  
prosecutor. 996

(b) "Prosecutor" has the same meaning as in section 997  
2935.01 of the Revised Code. 998

(G) (1) If the sentencing court suspends the offender's 999  
driver's or commercial driver's license or permit under division 1000  
(D) of this section or any other provision of this chapter, the 1001  
court shall suspend the license, by order, for not more than 1002  
five years. If an offender's driver's or commercial driver's 1003  
license or permit is suspended pursuant to this division, the 1004  
offender, at any time after the expiration of two years from the 1005  
day on which the offender's sentence was imposed or from the day 1006

on which the offender finally was released from a prison term 1007  
under the sentence, whichever is later, may file a motion with 1008  
the sentencing court requesting termination of the suspension; 1009  
upon the filing of such a motion and the court's finding of good 1010  
cause for the termination, the court may terminate the 1011  
suspension. 1012

(2) Any offender who received a mandatory suspension of 1013  
the offender's driver's or commercial driver's license or permit 1014  
under this section prior to September 13, 2016, may file a 1015  
motion with the sentencing court requesting the termination of 1016  
the suspension. However, an offender who pleaded guilty to or 1017  
was convicted of a violation of section 4511.19 of the Revised 1018  
Code or a substantially similar municipal ordinance or law of 1019  
another state or the United States that arose out of the same 1020  
set of circumstances as the violation for which the offender's 1021  
license or permit was suspended under this section shall not 1022  
file such a motion. 1023

Upon the filing of a motion under division (G) (2) of this 1024  
section, the sentencing court, in its discretion, may terminate 1025  
the suspension. 1026

(H) (1) In addition to any prison term authorized or 1027  
required by division (C) of this section and sections 2929.13 1028  
and 2929.14 of the Revised Code, in addition to any other 1029  
penalty or sanction imposed for the offense under this section 1030  
or sections 2929.11 to 2929.18 of the Revised Code, and in 1031  
addition to the forfeiture of property in connection with the 1032  
offense as prescribed in Chapter 2981. of the Revised Code, the 1033  
court that sentences an offender who is convicted of or pleads 1034  
guilty to a violation of division (A) of this section may impose 1035  
upon the offender an additional fine specified for the offense 1036

in division (B)(4) of section 2929.18 of the Revised Code. A 1037  
fine imposed under division (H)(1) of this section is not 1038  
subject to division (F) of this section and shall be used solely 1039  
for the support of one or more eligible community addiction 1040  
services providers in accordance with divisions (H)(2) and (3) 1041  
of this section. 1042

(2) The court that imposes a fine under division (H)(1) of 1043  
this section shall specify in the judgment that imposes the fine 1044  
one or more eligible community addiction services providers for 1045  
the support of which the fine money is to be used. No community 1046  
addiction services provider shall receive or use money paid or 1047  
collected in satisfaction of a fine imposed under division (H) 1048  
(1) of this section unless the services provider is specified in 1049  
the judgment that imposes the fine. No community addiction 1050  
services provider shall be specified in the judgment unless the 1051  
services provider is an eligible community addiction services 1052  
provider and, except as otherwise provided in division (H)(2) of 1053  
this section, unless the services provider is located in the 1054  
county in which the court that imposes the fine is located or in 1055  
a county that is immediately contiguous to the county in which 1056  
that court is located. If no eligible community addiction 1057  
services provider is located in any of those counties, the 1058  
judgment may specify an eligible community addiction services 1059  
provider that is located anywhere within this state. 1060

(3) Notwithstanding any contrary provision of section 1061  
3719.21 of the Revised Code, the clerk of the court shall pay 1062  
any fine imposed under division (H)(1) of this section to the 1063  
eligible community addiction services provider specified 1064  
pursuant to division (H)(2) of this section in the judgment. The 1065  
eligible community addiction services provider that receives the 1066  
fine moneys shall use the moneys only for the alcohol and drug 1067

addiction services identified in the application for 1068  
certification of services under section 5119.36 of the Revised 1069  
Code or in the application for a license under section 5119.37 1070  
of the Revised Code filed with the department of mental health 1071  
and addiction services by the community addiction services 1072  
provider specified in the judgment. 1073

(4) Each community addiction services provider that 1074  
receives in a calendar year any fine moneys under division (H) 1075  
(3) of this section shall file an annual report covering that 1076  
calendar year with the court of common pleas and the board of 1077  
county commissioners of the county in which the services 1078  
provider is located, with the court of common pleas and the 1079  
board of county commissioners of each county from which the 1080  
services provider received the moneys if that county is 1081  
different from the county in which the services provider is 1082  
located, and with the attorney general. The community addiction 1083  
services provider shall file the report no later than the first 1084  
day of March in the calendar year following the calendar year in 1085  
which the services provider received the fine moneys. The report 1086  
shall include statistics on the number of persons served by the 1087  
community addiction services provider, identify the types of 1088  
alcohol and drug addiction services provided to those persons, 1089  
and include a specific accounting of the purposes for which the 1090  
fine moneys received were used. No information contained in the 1091  
report shall identify, or enable a person to determine the 1092  
identity of, any person served by the community addiction 1093  
services provider. Each report received by a court of common 1094  
pleas, a board of county commissioners, or the attorney general 1095  
is a public record open for inspection under section 149.43 of 1096  
the Revised Code. 1097

(5) As used in divisions (H) (1) to (5) of this section: 1098

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

(b) "Eligible community addiction services provider" means a community addiction services provider, including a community addiction services provider that operates an opioid treatment program licensed under section 5119.37 of the Revised Code.

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

(J) It is an affirmative defense to a charge of trafficking in a controlled substance analog under division (C) (8) of this section that the person charged with violating that offense sold or offered to sell, or prepared for shipment, shipped, transported, delivered, prepared for distribution, or distributed one of the following items that are excluded from the meaning of "controlled substance analog" under section 3719.01 of the Revised Code:

(1) A controlled substance;

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

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

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

(B) (1) This section does not apply to any of the

following: 1127

(a) Manufacturers, licensed health professionals 1128  
authorized to prescribe drugs, pharmacists, owners of 1129  
pharmacies, and other persons whose conduct was in accordance 1130  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., 4732., 1131  
and 4741. of the Revised Code; 1132

(b) If the offense involves an anabolic steroid, any 1133  
person who is conducting or participating in a research project 1134  
involving the use of an anabolic steroid if the project has been 1135  
approved by the United States food and drug administration; 1136

(c) Any person who sells, offers for sale, prescribes, 1137  
dispenses, or administers for livestock or other nonhuman 1138  
species an anabolic steroid that is expressly intended for 1139  
administration through implants to livestock or other nonhuman 1140  
species and approved for that purpose under the "Federal Food, 1141  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1142  
as amended, and is sold, offered for sale, prescribed, 1143  
dispensed, or administered for that purpose in accordance with 1144  
that act; 1145

(d) Any person who obtained the controlled substance 1146  
pursuant to a prescription issued by a licensed health 1147  
professional authorized to prescribe drugs if the prescription 1148  
was issued for a legitimate medical purpose and not altered, 1149  
forged, or obtained through deception or commission of a theft 1150  
offense. 1151

As used in division (B)(1)(d) of this section, "deception" 1152  
and "theft offense" have the same meanings as in section 2913.01 1153  
of the Revised Code. 1154

(2)(a) As used in division (B)(2) of this section: 1155

- (i) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code. 1156  
1157
- (ii) "Community control sanction" and "drug treatment program" have the same meanings as in section 2929.01 of the Revised Code. 1158  
1159  
1160
- (iii) "Health care facility" has the same meaning as in section 2919.16 of the Revised Code. 1161  
1162
- (iv) "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree. 1163  
1164  
1165
- (v) "Post-release control sanction" has the same meaning as in section 2967.28 of the Revised Code. 1166  
1167
- (vi) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 1168  
1169
- (vii) "Public agency" has the same meaning as in section 2930.01 of the Revised Code. 1170  
1171
- (viii) "Qualified individual" means a person who is not on community control or post-release control and is a person acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section. 1172  
1173  
1174  
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1177  
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1179
- (ix) "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility. 1180  
1181  
1182  
1183



(b) Subject to division (B) (2) (f) of this section, a 1184  
qualified individual shall not be arrested, charged, prosecuted, 1185  
convicted, or penalized pursuant to this chapter for a minor 1186  
drug possession offense if all of the following apply: 1187

(i) The evidence of the obtaining, possession, or use of 1188  
the controlled substance or controlled substance analog that 1189  
would be the basis of the offense was obtained as a result of 1190  
the qualified individual seeking the medical assistance or 1191  
experiencing an overdose and needing medical assistance. 1192

(ii) Subject to division (B) (2) (g) of this section, within 1193  
thirty days after seeking or obtaining the medical assistance, 1194  
the qualified individual seeks and obtains a screening and 1195  
receives a referral for treatment from a community addiction 1196  
services provider or a properly credentialed addiction treatment 1197  
professional. 1198

(iii) Subject to division (B) (2) (g) of this section, the 1199  
qualified individual who obtains a screening and receives a 1200  
referral for treatment under division (B) (2) (b) (ii) of this 1201  
section, upon the request of any prosecuting attorney, submits 1202  
documentation to the prosecuting attorney that verifies that the 1203  
qualified individual satisfied the requirements of that 1204  
division. The documentation shall be limited to the date and 1205  
time of the screening obtained and referral received. 1206

(c) If a person is found to be in violation of any 1207  
community control sanction and if the violation is a result of 1208  
either of the following, the court shall first consider ordering 1209  
the person's participation or continued participation in a drug 1210  
treatment program or mitigating the penalty specified in section 1211  
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 1212  
applicable, after which the court has the discretion either to 1213

order the person's participation or continued participation in a 1214  
drug treatment program or to impose the penalty with the 1215  
mitigating factor specified in any of those applicable sections: 1216

(i) Seeking or obtaining medical assistance in good faith 1217  
for another person who is experiencing a drug overdose; 1218

(ii) Experiencing a drug overdose and seeking medical 1219  
assistance for that overdose or being the subject of another 1220  
person seeking or obtaining medical assistance for that overdose 1221  
as described in division (B) (2) (b) of this section. 1222

(d) If a person is found to be in violation of any post- 1223  
release control sanction and if the violation is a result of 1224  
either of the following, the court or the parole board shall 1225  
first consider ordering the person's participation or continued 1226  
participation in a drug treatment program or mitigating the 1227  
penalty specified in section 2929.141 or 2967.28 of the Revised 1228  
Code, whichever is applicable, after which the court or the 1229  
parole board has the discretion either to order the person's 1230  
participation or continued participation in a drug treatment 1231  
program or to impose the penalty with the mitigating factor 1232  
specified in either of those applicable sections: 1233

(i) Seeking or obtaining medical assistance in good faith 1234  
for another person who is experiencing a drug overdose; 1235

(ii) Experiencing a drug overdose and seeking medical 1236  
assistance for that emergency or being the subject of another 1237  
person seeking or obtaining medical assistance for that overdose 1238  
as described in division (B) (2) (b) of this section. 1239

(e) Nothing in division (B) (2) (b) of this section shall be 1240  
construed to do any of the following: 1241

(i) Limit the admissibility of any evidence in connection 1242

with the investigation or prosecution of a crime with regards to 1243  
a defendant who does not qualify for the protections of division 1244  
(B) (2) (b) of this section or with regards to any crime other 1245  
than a minor drug possession offense committed by a person who 1246  
qualifies for protection pursuant to division (B) (2) (b) of this 1247  
section for a minor drug possession offense; 1248

(ii) Limit any seizure of evidence or contraband otherwise 1249  
permitted by law; 1250

(iii) Limit or abridge the authority of a peace officer to 1251  
detain or take into custody a person in the course of an 1252  
investigation or to effectuate an arrest for any offense except 1253  
as provided in that division; 1254

(iv) Limit, modify, or remove any immunity from liability 1255  
available pursuant to law in effect prior to September 13, 2016, 1256  
to any public agency or to an employee of any public agency. 1257

(f) Division (B) (2) (b) of this section does not apply to 1258  
any person who twice previously has been granted an immunity 1259  
under division (B) (2) (b) of this section. No person shall be 1260  
granted an immunity under division (B) (2) (b) of this section 1261  
more than two times. 1262

(g) Nothing in this section shall compel any qualified 1263  
individual to disclose protected health information in a way 1264  
that conflicts with the requirements of the "Health Insurance 1265  
Portability and Accountability Act of 1996," 104 Pub. L. No. 1266  
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 1267  
regulations promulgated by the United States department of 1268  
health and human services to implement the act or the 1269  
requirements of 42 C.F.R. Part 2. 1270

(C) Whoever violates division (A) of this section is 1271

guilty of one of the following: 1272

(1) If the drug involved in the violation is a compound, 1273  
mixture, preparation, or substance included in schedule I or II, 1274  
with the exception of marihuana, cocaine, L.S.D., heroin, any 1275  
fentanyl-related compound, hashish, and any controlled substance 1276  
analog, whoever violates division (A) of this section is guilty 1277  
of aggravated possession of drugs. The penalty for the offense 1278  
shall be determined as follows: 1279

(a) Except as otherwise provided in division (C) (1) (b), 1280  
(c), (d), or (e) of this section, aggravated possession of drugs 1281  
is a felony of the fifth degree, and division (B) of section 1282  
2929.13 of the Revised Code applies in determining whether to 1283  
impose a prison term on the offender. 1284

(b) If the amount of the drug involved equals or exceeds 1285  
the bulk amount but is less than five times the bulk amount, 1286  
aggravated possession of drugs is a felony of the third degree, 1287  
and there is a presumption for a prison term for the offense. 1288

(c) If the amount of the drug involved equals or exceeds 1289  
five times the bulk amount but is less than fifty times the bulk 1290  
amount, aggravated possession of drugs is a felony of the second 1291  
degree, and the court shall impose as a mandatory prison term a 1292  
second degree felony mandatory prison term. 1293

(d) If the amount of the drug involved equals or exceeds 1294  
fifty times the bulk amount but is less than one hundred times 1295  
the bulk amount, aggravated possession of drugs is a felony of 1296  
the first degree, and the court shall impose as a mandatory 1297  
prison term a first degree felony mandatory prison term. 1298

(e) If the amount of the drug involved equals or exceeds 1299  
one hundred times the bulk amount, aggravated possession of 1300

drugs is a felony of the first degree, the offender is a major 1301  
drug offender, and the court shall impose as a mandatory prison 1302  
term a maximum first degree felony mandatory prison term. 1303

(2) If the drug involved in the violation is a compound, 1304  
mixture, preparation, or substance included in schedule III, IV, 1305  
or V, whoever violates division (A) of this section is guilty of 1306  
possession of drugs. The penalty for the offense shall be 1307  
determined as follows: 1308

(a) Except as otherwise provided in division (C) (2) (b), 1309  
(c), or (d) of this section, possession of drugs is a 1310  
misdemeanor of the first degree or, if the offender previously 1311  
has been convicted of a drug abuse offense, a felony of the 1312  
fifth degree. 1313

(b) If the amount of the drug involved equals or exceeds 1314  
the bulk amount but is less than five times the bulk amount, 1315  
possession of drugs is a felony of the fourth degree, and 1316  
division (C) of section 2929.13 of the Revised Code applies in 1317  
determining whether to impose a prison term on the offender. 1318

(c) If the amount of the drug involved equals or exceeds 1319  
five times the bulk amount but is less than fifty times the bulk 1320  
amount, possession of drugs is a felony of the third degree, and 1321  
there is a presumption for a prison term for the offense. 1322

(d) If the amount of the drug involved equals or exceeds 1323  
fifty times the bulk amount, possession of drugs is a felony of 1324  
the second degree, and the court shall impose upon the offender 1325  
as a mandatory prison term a second degree felony mandatory 1326  
prison term. 1327

(3) If the drug involved in the violation is marihuana or 1328  
a compound, mixture, preparation, or substance containing 1329

marihuana other than hashish, whoever violates division (A) of 1330  
this section is guilty of possession of marihuana. The penalty 1331  
for the offense shall be determined as follows: 1332

(a) Except as otherwise provided in division (C) (3) (b), 1333  
(c), (d), (e), (f), or (g) of this section, possession of 1334  
marihuana is a minor misdemeanor. 1335

(b) If the amount of the drug involved equals or exceeds 1336  
one hundred grams but is less than two hundred grams, possession 1337  
of marihuana is a misdemeanor of the fourth degree. 1338

(c) If the amount of the drug involved equals or exceeds 1339  
two hundred grams but is less than one thousand grams, 1340  
possession of marihuana is a felony of the fifth degree, and 1341  
division (B) of section 2929.13 of the Revised Code applies in 1342  
determining whether to impose a prison term on the offender. 1343

(d) If the amount of the drug involved equals or exceeds 1344  
one thousand grams but is less than five thousand grams, 1345  
possession of marihuana is a felony of the third degree, and 1346  
division (C) of section 2929.13 of the Revised Code applies in 1347  
determining whether to impose a prison term on the offender. 1348

(e) If the amount of the drug involved equals or exceeds 1349  
five thousand grams but is less than twenty thousand grams, 1350  
possession of marihuana is a felony of the third degree, and 1351  
there is a presumption that a prison term shall be imposed for 1352  
the offense. 1353

(f) If the amount of the drug involved equals or exceeds 1354  
twenty thousand grams but is less than forty thousand grams, 1355  
possession of marihuana is a felony of the second degree, and 1356  
the court shall impose as a mandatory prison term a second 1357  
degree felony mandatory prison term of five, six, seven, or 1358

eight years. 1359

(g) If the amount of the drug involved equals or exceeds 1360  
forty thousand grams, possession of marihuana is a felony of the 1361  
second degree, and the court shall impose as a mandatory prison 1362  
term a maximum second degree felony mandatory prison term. 1363

(4) If the drug involved in the violation is cocaine or a 1364  
compound, mixture, preparation, or substance containing cocaine, 1365  
whoever violates division (A) of this section is guilty of 1366  
possession of cocaine. The penalty for the offense shall be 1367  
determined as follows: 1368

(a) Except as otherwise provided in division (C) (4) (b), 1369  
(c), (d), (e), or (f) of this section, possession of cocaine is 1370  
a felony of the fifth degree, and division (B) of section 1371  
2929.13 of the Revised Code applies in determining whether to 1372  
impose a prison term on the offender. 1373

(b) If the amount of the drug involved equals or exceeds 1374  
five grams but is less than ten grams of cocaine, possession of 1375  
cocaine is a felony of the fourth degree, and division (B) of 1376  
section 2929.13 of the Revised Code applies in determining 1377  
whether to impose a prison term on the offender. 1378

(c) If the amount of the drug involved equals or exceeds 1379  
ten grams but is less than twenty grams of cocaine, possession 1380  
of cocaine is a felony of the third degree, and, except as 1381  
otherwise provided in this division, there is a presumption for 1382  
a prison term for the offense. If possession of cocaine is a 1383  
felony of the third degree under this division and if the 1384  
offender two or more times previously has been convicted of or 1385  
pleaded guilty to a felony drug abuse offense, the court shall 1386  
impose as a mandatory prison term one of the prison terms 1387

prescribed for a felony of the third degree. 1388

(d) If the amount of the drug involved equals or exceeds 1389  
twenty grams but is less than twenty-seven grams of cocaine, 1390  
possession of cocaine is a felony of the second degree, and the 1391  
court shall impose as a mandatory prison term a second degree 1392  
felony mandatory prison term. 1393

(e) If the amount of the drug involved equals or exceeds 1394  
twenty-seven grams but is less than one hundred grams of 1395  
cocaine, possession of cocaine is a felony of the first degree, 1396  
and the court shall impose as a mandatory prison term a first 1397  
degree felony mandatory prison term. 1398

(f) If the amount of the drug involved equals or exceeds 1399  
one hundred grams of cocaine, possession of cocaine is a felony 1400  
of the first degree, the offender is a major drug offender, and 1401  
the court shall impose as a mandatory prison term a maximum 1402  
first degree felony mandatory prison term. 1403

(5) If the drug involved in the violation is L.S.D., 1404  
whoever violates division (A) of this section is guilty of 1405  
possession of L.S.D. The penalty for the offense shall be 1406  
determined as follows: 1407

(a) Except as otherwise provided in division (C) (5) (b), 1408  
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 1409  
felony of the fifth degree, and division (B) of section 2929.13 1410  
of the Revised Code applies in determining whether to impose a 1411  
prison term on the offender. 1412

(b) If the amount of L.S.D. involved equals or exceeds ten 1413  
unit doses but is less than fifty unit doses of L.S.D. in a 1414  
solid form or equals or exceeds one gram but is less than five 1415  
grams of L.S.D. in a liquid concentrate, liquid extract, or 1416



liquid distillate form, possession of L.S.D. is a felony of the 1417  
fourth degree, and division (C) of section 2929.13 of the 1418  
Revised Code applies in determining whether to impose a prison 1419  
term on the offender. 1420

(c) If the amount of L.S.D. involved equals or exceeds 1421  
fifty unit doses, but is less than two hundred fifty unit doses 1422  
of L.S.D. in a solid form or equals or exceeds five grams but is 1423  
less than twenty-five grams of L.S.D. in a liquid concentrate, 1424  
liquid extract, or liquid distillate form, possession of L.S.D. 1425  
is a felony of the third degree, and there is a presumption for 1426  
a prison term for the offense. 1427

(d) If the amount of L.S.D. involved equals or exceeds two 1428  
hundred fifty unit doses but is less than one thousand unit 1429  
doses of L.S.D. in a solid form or equals or exceeds twenty-five 1430  
grams but is less than one hundred grams of L.S.D. in a liquid 1431  
concentrate, liquid extract, or liquid distillate form, 1432  
possession of L.S.D. is a felony of the second degree, and the 1433  
court shall impose as a mandatory prison term a second degree 1434  
felony mandatory prison term. 1435

(e) If the amount of L.S.D. involved equals or exceeds one 1436  
thousand unit doses but is less than five thousand unit doses of 1437  
L.S.D. in a solid form or equals or exceeds one hundred grams 1438  
but is less than five hundred grams of L.S.D. in a liquid 1439  
concentrate, liquid extract, or liquid distillate form, 1440  
possession of L.S.D. is a felony of the first degree, and the 1441  
court shall impose as a mandatory prison term a first degree 1442  
felony mandatory prison term. 1443

(f) If the amount of L.S.D. involved equals or exceeds 1444  
five thousand unit doses of L.S.D. in a solid form or equals or 1445  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1446

liquid extract, or liquid distillate form, possession of L.S.D. 1447  
is a felony of the first degree, the offender is a major drug 1448  
offender, and the court shall impose as a mandatory prison term 1449  
a maximum first degree felony mandatory prison term. 1450

(6) If the drug involved in the violation is heroin or a 1451  
compound, mixture, preparation, or substance containing heroin, 1452  
whoever violates division (A) of this section is guilty of 1453  
possession of heroin. The penalty for the offense shall be 1454  
determined as follows: 1455

(a) Except as otherwise provided in division (C) (6) (b), 1456  
(c), (d), (e), or (f) of this section, possession of heroin is a 1457  
felony of the fifth degree, and division (B) of section 2929.13 1458  
of the Revised Code applies in determining whether to impose a 1459  
prison term on the offender. 1460

(b) If the amount of the drug involved equals or exceeds 1461  
ten unit doses but is less than fifty unit doses or equals or 1462  
exceeds one gram but is less than five grams, possession of 1463  
heroin is a felony of the fourth degree, and division (C) of 1464  
section 2929.13 of the Revised Code applies in determining 1465  
whether to impose a prison term on the offender. 1466

(c) If the amount of the drug involved equals or exceeds 1467  
fifty unit doses but is less than one hundred unit doses or 1468  
equals or exceeds five grams but is less than ten grams, 1469  
possession of heroin is a felony of the third degree, and there 1470  
is a presumption for a prison term for the offense. 1471

(d) If the amount of the drug involved equals or exceeds 1472  
one hundred unit doses but is less than five hundred unit doses 1473  
or equals or exceeds ten grams but is less than fifty grams, 1474  
possession of heroin is a felony of the second degree, and the 1475

court shall impose as a mandatory prison term a second degree 1476  
felony mandatory prison term. 1477

(e) If the amount of the drug involved equals or exceeds 1478  
five hundred unit doses but is less than one thousand unit doses 1479  
or equals or exceeds fifty grams but is less than one hundred 1480  
grams, possession of heroin is a felony of the first degree, and 1481  
the court shall impose as a mandatory prison term a first degree 1482  
felony mandatory prison term. 1483

(f) If the amount of the drug involved equals or exceeds 1484  
one thousand unit doses or equals or exceeds one hundred grams, 1485  
possession of heroin is a felony of the first degree, the 1486  
offender is a major drug offender, and the court shall impose as 1487  
a mandatory prison term a maximum first degree felony mandatory 1488  
prison term. 1489

(7) If the drug involved in the violation is hashish or a 1490  
compound, mixture, preparation, or substance containing hashish, 1491  
whoever violates division (A) of this section is guilty of 1492  
possession of hashish. The penalty for the offense shall be 1493  
determined as follows: 1494

(a) Except as otherwise provided in division (C) (7) (b), 1495  
(c), (d), (e), (f), or (g) of this section, possession of 1496  
hashish is a minor misdemeanor. 1497

(b) If the amount of the drug involved equals or exceeds 1498  
five grams but is less than ten grams of hashish in a solid form 1499  
or equals or exceeds one gram but is less than two grams of 1500  
hashish in a liquid concentrate, liquid extract, or liquid 1501  
distillate form, possession of hashish is a misdemeanor of the 1502  
fourth degree. 1503

(c) If the amount of the drug involved equals or exceeds 1504

ten grams but is less than fifty grams of hashish in a solid 1505  
form or equals or exceeds two grams but is less than ten grams 1506  
of hashish in a liquid concentrate, liquid extract, or liquid 1507  
distillate form, possession of hashish is a felony of the fifth 1508  
degree, and division (B) of section 2929.13 of the Revised Code 1509  
applies in determining whether to impose a prison term on the 1510  
offender. 1511

(d) If the amount of the drug involved equals or exceeds 1512  
fifty grams but is less than two hundred fifty grams of hashish 1513  
in a solid form or equals or exceeds ten grams but is less than 1514  
fifty grams of hashish in a liquid concentrate, liquid extract, 1515  
or liquid distillate form, possession of hashish is a felony of 1516  
the third degree, and division (C) of section 2929.13 of the 1517  
Revised Code applies in determining whether to impose a prison 1518  
term on the offender. 1519

(e) If the amount of the drug involved equals or exceeds 1520  
two hundred fifty grams but is less than one thousand grams of 1521  
hashish in a solid form or equals or exceeds fifty grams but is 1522  
less than two hundred grams of hashish in a liquid concentrate, 1523  
liquid extract, or liquid distillate form, possession of hashish 1524  
is a felony of the third degree, and there is a presumption that 1525  
a prison term shall be imposed for the offense. 1526

(f) If the amount of the drug involved equals or exceeds 1527  
one thousand grams but is less than two thousand grams of 1528  
hashish in a solid form or equals or exceeds two hundred grams 1529  
but is less than four hundred grams of hashish in a liquid 1530  
concentrate, liquid extract, or liquid distillate form, 1531  
possession of hashish is a felony of the second degree, and the 1532  
court shall impose as a mandatory prison term a second degree 1533  
felony mandatory prison term of five, six, seven, or eight 1534

years. 1535

(g) If the amount of the drug involved equals or exceeds 1536  
two thousand grams of hashish in a solid form or equals or 1537  
exceeds four hundred grams of hashish in a liquid concentrate, 1538  
liquid extract, or liquid distillate form, possession of hashish 1539  
is a felony of the second degree, and the court shall impose as 1540  
a mandatory prison term a maximum second degree felony mandatory 1541  
prison term. 1542

(8) If the drug involved is a controlled substance analog 1543  
or compound, mixture, preparation, or substance that contains a 1544  
controlled substance analog, whoever violates division (A) of 1545  
this section is guilty of possession of a controlled substance 1546  
analog. The penalty for the offense shall be determined as 1547  
follows: 1548

(a) Except as otherwise provided in division (C) (8) (b), 1549  
(c), (d), (e), or (f) of this section, possession of a 1550  
controlled substance analog is a felony of the fifth degree, and 1551  
division (B) of section 2929.13 of the Revised Code applies in 1552  
determining whether to impose a prison term on the offender. 1553

(b) If the amount of the drug involved equals or exceeds 1554  
ten grams but is less than twenty grams, possession of a 1555  
controlled substance analog is a felony of the fourth degree, 1556  
and there is a presumption for a prison term for the offense. 1557

(c) If the amount of the drug involved equals or exceeds 1558  
twenty grams but is less than thirty grams, possession of a 1559  
controlled substance analog is a felony of the third degree, and 1560  
there is a presumption for a prison term for the offense. 1561

(d) If the amount of the drug involved equals or exceeds 1562  
thirty grams but is less than forty grams, possession of a 1563

controlled substance analog is a felony of the second degree, 1564  
and the court shall impose as a mandatory prison term a second 1565  
degree felony mandatory prison term. 1566

(e) If the amount of the drug involved equals or exceeds 1567  
forty grams but is less than fifty grams, possession of a 1568  
controlled substance analog is a felony of the first degree, and 1569  
the court shall impose as a mandatory prison term a first degree 1570  
felony mandatory prison term. 1571

(f) If the amount of the drug involved equals or exceeds 1572  
fifty grams, possession of a controlled substance analog is a 1573  
felony of the first degree, the offender is a major drug 1574  
offender, and the court shall impose as a mandatory prison term 1575  
a maximum first degree felony mandatory prison term. 1576

(9) If the drug involved in the violation is a compound, 1577  
mixture, preparation, or substance that is a combination of a 1578  
fentanyl-related compound and marihuana, one of the following 1579  
applies: 1580

(a) Except as otherwise provided in division (C) (9) (b) of 1581  
this section, the offender is guilty of possession of marihuana 1582  
and shall be punished as provided in division (C) (3) of this 1583  
section. Except as otherwise provided in division (C) (9) (b) of 1584  
this section, the offender is not guilty of possession of a 1585  
fentanyl-related compound under division (C) (11) of this section 1586  
and shall not be charged with, convicted of, or punished under 1587  
division (C) (11) of this section for possession of a fentanyl- 1588  
related compound. 1589

(b) If the offender knows or has reason to know that the 1590  
compound, mixture, preparation, or substance that is the drug 1591  
involved contains a fentanyl-related compound, the offender is 1592

guilty of possession of a fentanyl-related compound and shall be 1593  
punished under division (C) (11) of this section. 1594

(10) If the drug involved in the violation is a compound, 1595  
mixture, preparation, or substance that is a combination of a 1596  
fentanyl-related compound and any schedule III, schedule IV, or 1597  
schedule V controlled substance that is not a fentanyl-related 1598  
compound, one of the following applies: 1599

(a) Except as otherwise provided in division (C) (10) (b) of 1600  
this section, the offender is guilty of possession of drugs and 1601  
shall be punished as provided in division (C) (2) of this 1602  
section. Except as otherwise provided in division (C) (10) (b) of 1603  
this section, the offender is not guilty of possession of a 1604  
fentanyl-related compound under division (C) (11) of this section 1605  
and shall not be charged with, convicted of, or punished under 1606  
division (C) (11) of this section for possession of a fentanyl- 1607  
related compound. 1608

(b) If the offender knows or has reason to know that the 1609  
compound, mixture, preparation, or substance that is the drug 1610  
involved contains a fentanyl-related compound, the offender is 1611  
guilty of possession of a fentanyl-related compound and shall be 1612  
punished under division (C) (11) of this section. 1613

(11) If the drug involved in the violation is a fentanyl- 1614  
related compound and neither division (C) (9) (a) nor division (C) 1615  
(10) (a) of this section applies to the drug involved, or is a 1616  
compound, mixture, preparation, or substance that contains a 1617  
fentanyl-related compound or is a combination of a fentanyl- 1618  
related compound and any other controlled substance and neither 1619  
division (C) (9) (a) nor division (C) (10) (a) of this section 1620  
applies to the drug involved, whoever violates division (A) of 1621  
this section is guilty of possession of a fentanyl-related 1622

compound. The penalty for the offense shall be determined as 1623  
follows: 1624

(a) Except as otherwise provided in division (C) (11) (b), 1625  
(c), (d), (e), (f), or (g) of this section, possession of a 1626  
fentanyl-related compound is a felony of the fifth degree, and 1627  
division (B) of section 2929.13 of the Revised Code applies in 1628  
determining whether to impose a prison term on the offender. 1629

(b) If the amount of the drug involved equals or exceeds 1630  
ten unit doses but is less than fifty unit doses or equals or 1631  
exceeds one gram but is less than five grams, possession of a 1632  
fentanyl-related compound is a felony of the fourth degree, and 1633  
division (C) of section 2929.13 of the Revised Code applies in 1634  
determining whether to impose a prison term on the offender. 1635

(c) If the amount of the drug involved equals or exceeds 1636  
fifty unit doses but is less than one hundred unit doses or 1637  
equals or exceeds five grams but is less than ten grams, 1638  
possession of a fentanyl-related compound is a felony of the 1639  
third degree, and there is a presumption for a prison term for 1640  
the offense. 1641

(d) If the amount of the drug involved equals or exceeds 1642  
one hundred unit doses but is less than two hundred unit doses 1643  
or equals or exceeds ten grams but is less than twenty grams, 1644  
possession of a fentanyl-related compound is a felony of the 1645  
second degree, and the court shall impose as a mandatory prison 1646  
term one of the prison terms prescribed for a felony of the 1647  
second degree. 1648

(e) If the amount of the drug involved equals or exceeds 1649  
two hundred unit doses but is less than five hundred unit doses 1650  
or equals or exceeds twenty grams but is less than fifty grams, 1651



possession of a fentanyl-related compound is a felony of the 1652  
first degree, and the court shall impose as a mandatory prison 1653  
term one of the prison terms prescribed for a felony of the 1654  
first degree. 1655

(f) If the amount of the drug involved equals or exceeds 1656  
five hundred unit doses but is less than one thousand unit doses 1657  
or equals or exceeds fifty grams but is less than one hundred 1658  
grams, possession of a fentanyl-related compound is a felony of 1659  
the first degree, and the court shall impose as a mandatory 1660  
prison term the maximum prison term prescribed for a felony of 1661  
the first degree. 1662

(g) If the amount of the drug involved equals or exceeds 1663  
one thousand unit doses or equals or exceeds one hundred grams, 1664  
possession of a fentanyl-related compound is a felony of the 1665  
first degree, the offender is a major drug offender, and the 1666  
court shall impose as a mandatory prison term the maximum prison 1667  
term prescribed for a felony of the first degree. 1668

(D) Arrest or conviction for a minor misdemeanor violation 1669  
of this section does not constitute a criminal record and need 1670  
not be reported by the person so arrested or convicted in 1671  
response to any inquiries about the person's criminal record, 1672  
including any inquiries contained in any application for 1673  
employment, license, or other right or privilege, or made in 1674  
connection with the person's appearance as a witness. 1675

(E) In addition to any prison term or jail term authorized 1676  
or required by division (C) of this section and sections 1677  
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 1678  
Code and in addition to any other sanction that is imposed for 1679  
the offense under this section, sections 2929.11 to 2929.18, or 1680  
sections 2929.21 to 2929.28 of the Revised Code, the court that 1681

sentences an offender who is convicted of or pleads guilty to a  
violation of division (A) of this section may suspend the  
offender's driver's or commercial driver's license or permit for  
not more than five years. 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. If applicable, the court  
also shall do the following:

(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, the clerk of the court shall pay a  
mandatory fine or other fine imposed for a violation of this  
section pursuant to division (A) of section 2929.18 of the  
Revised Code in accordance with and subject to the requirements  
of division (F) of section 2925.03 of the Revised Code. The  
agency that receives the fine shall use the fine as specified in  
division (F) of section 2925.03 of the Revised Code.

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

this section. 1712

(2) If the offender is a professionally licensed person, 1713  
in addition to any other sanction imposed for a violation of 1714  
this section, the court immediately shall comply with section 1715  
2925.38 of the Revised Code. 1716

(F) It is an affirmative defense, as provided in section 1717  
2901.05 of the Revised Code, to a charge of a fourth degree 1718  
felony violation under this section that the controlled 1719  
substance that gave rise to the charge is in an amount, is in a 1720  
form, is prepared, compounded, or mixed with substances that are 1721  
not controlled substances in a manner, or is possessed under any 1722  
other circumstances, that indicate that the substance was 1723  
possessed solely for personal use. Notwithstanding any contrary 1724  
provision of this section, if, in accordance with section 1725  
2901.05 of the Revised Code, an accused who is charged with a 1726  
fourth degree felony violation of division (C) (2), (4), (5), or 1727  
(6) of this section sustains the burden of going forward with 1728  
evidence of and establishes by a preponderance of the evidence 1729  
the affirmative defense described in this division, the accused 1730  
may be prosecuted for and may plead guilty to or be convicted of 1731  
a misdemeanor violation of division (C) (2) of this section or a 1732  
fifth degree felony violation of division (C) (4), (5), or (6) of 1733  
this section respectively. 1734

(G) When a person is charged with possessing a bulk amount 1735  
or multiple of a bulk amount, division (E) of section 2925.03 of 1736  
the Revised Code applies regarding the determination of the 1737  
amount of the controlled substance involved at the time of the 1738  
offense. 1739

(H) It is an affirmative defense to a charge of possession 1740  
of a controlled substance analog under division (C) (8) of this 1741

section that the person charged with violating that offense 1742  
obtained, possessed, or used one of the following items that are 1743  
excluded from the meaning of "controlled substance analog" under 1744  
section 3719.01 of the Revised Code: 1745

(1) A controlled substance; 1746

(2) Any substance for which there is an approved new drug 1747  
application; 1748

(3) With respect to a particular person, any substance if 1749  
an exemption is in effect for investigational use for that 1750  
person pursuant to federal law to the extent that conduct with 1751  
respect to that substance is pursuant to that exemption. 1752

(I) Any offender who received a mandatory suspension of 1753  
the offender's driver's or commercial driver's license or permit 1754  
under this section prior to September 13, 2016, may file a 1755  
motion with the sentencing court requesting the termination of 1756  
the suspension. However, an offender who pleaded guilty to or 1757  
was convicted of a violation of section 4511.19 of the Revised 1758  
Code or a substantially similar municipal ordinance or law of 1759  
another state or the United States that arose out of the same 1760  
set of circumstances as the violation for which the offender's 1761  
license or permit was suspended under this section shall not 1762  
file such a motion. 1763

Upon the filing of a motion under division (I) of this 1764  
section, the sentencing court, in its discretion, may terminate 1765  
the suspension. 1766

**Sec. 2925.12.** (A) No person shall knowingly make, obtain, 1767  
possess, or use any instrument, article, or thing the customary 1768  
and primary purpose of which is for the administration or use of 1769  
a dangerous drug, other than marihuana, when the instrument 1770

involved is a hypodermic or syringe, whether or not of crude or 1771  
extemporized manufacture or assembly, and the instrument, 1772  
article, or thing involved has been used by the offender to 1773  
unlawfully administer or use a dangerous drug, other than 1774  
marihuana, or to prepare a dangerous drug, other than marihuana, 1775  
for unlawful administration or use. 1776

(B) This section does not apply to manufacturers, licensed 1777  
health professionals authorized to prescribe drugs, pharmacists, 1778  
owners of pharmacies, and other persons whose conduct was in 1779  
accordance with Chapters 3719., 4715., 4723., 4729., 4730., 1780  
4731., 4732., and 4741. of the Revised Code. 1781

(C) Whoever violates this section is guilty of possessing 1782  
drug abuse instruments, a misdemeanor of the second degree. If 1783  
the offender previously has been convicted of a drug abuse 1784  
offense, a violation of this section is a misdemeanor of the 1785  
first degree. 1786

(D) (1) In addition to any other sanction imposed upon an 1787  
offender for a violation of this section, the court may suspend 1788  
for not more than five years the offender's driver's or 1789  
commercial driver's license or permit. However, if the offender 1790  
pleaded guilty to or was convicted of a violation of section 1791  
4511.19 of the Revised Code or a substantially similar municipal 1792  
ordinance or the law of another state or the United States 1793  
arising out of the same set of circumstances as the violation, 1794  
the court shall suspend the offender's driver's or commercial 1795  
driver's license or permit for not more than five years. If the 1796  
offender is a professionally licensed person, in addition to any 1797  
other sanction imposed for a violation of this section, the 1798  
court immediately shall comply with section 2925.38 of the 1799  
Revised Code. 1800

(2) Any offender who received a mandatory suspension of 1801  
the offender's driver's or commercial driver's license or permit 1802  
under this section prior to ~~the effective date of this amendment~~ 1803  
September 13, 2016, may file a motion with the sentencing court 1804  
requesting the termination of the suspension. However, an 1805  
offender who pleaded guilty to or was convicted of a violation 1806  
of section 4511.19 of the Revised Code or a substantially 1807  
similar municipal ordinance or law of another state or the 1808  
United States that arose out of the same set of circumstances as 1809  
the violation for which the offender's license or permit was 1810  
suspended under this section shall not file such a motion. 1811

Upon the filing of a motion under division (D) (2) of this 1812  
section, the sentencing court, in its discretion, may terminate 1813  
the suspension. 1814

**Sec. 2925.14.** (A) As used in this section, "drug 1815  
paraphernalia" means any equipment, product, or material of any 1816  
kind that is used by the offender, intended by the offender for 1817  
use, or designed for use, in propagating, cultivating, growing, 1818  
harvesting, manufacturing, compounding, converting, producing, 1819  
processing, preparing, testing, analyzing, packaging, 1820  
repackaging, storing, containing, concealing, injecting, 1821  
ingesting, inhaling, or otherwise introducing into the human 1822  
body, a controlled substance in violation of this chapter. "Drug 1823  
paraphernalia" includes, but is not limited to, any of the 1824  
following equipment, products, or materials that are used by the 1825  
offender, intended by the offender for use, or designed by the 1826  
offender for use, in any of the following manners: 1827

(1) A kit for propagating, cultivating, growing, or 1828  
harvesting any species of a plant that is a controlled substance 1829  
or from which a controlled substance can be derived; 1830

- (2) A kit for manufacturing, compounding, converting, 1831  
producing, processing, or preparing a controlled substance; 1832
- (3) Any object, instrument, or device for manufacturing, 1833  
compounding, converting, producing, processing, or preparing 1834  
methamphetamine; 1835
- (4) An isomerization device for increasing the potency of 1836  
any species of a plant that is a controlled substance; 1837
- (5) Testing equipment for identifying, or analyzing the 1838  
strength, effectiveness, or purity of, a controlled substance; 1839
- (6) A scale or balance for weighing or measuring a 1840  
controlled substance; 1841
- (7) A diluent or adulterant, such as quinine 1842  
hydrochloride, mannitol, mannite, dextrose, or lactose, for 1843  
cutting a controlled substance; 1844
- (8) A separation gin or sifter for removing twigs and 1845  
seeds from, or otherwise cleaning or refining, marihuana; 1846
- (9) A blender, bowl, container, spoon, or mixing device 1847  
for compounding a controlled substance; 1848
- (10) A capsule, balloon, envelope, or container for 1849  
packaging small quantities of a controlled substance; 1850
- (11) A container or device for storing or concealing a 1851  
controlled substance; 1852
- (12) A hypodermic syringe, needle, or instrument for 1853  
parenterally injecting a controlled substance into the human 1854  
body; 1855
- (13) An object, instrument, or device for ingesting, 1856  
inhaling, or otherwise introducing into the human body, 1857

marihuana, cocaine, hashish, or hashish oil, such as a metal, 1858  
wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or 1859  
without a screen, permanent screen, hashish head, or punctured 1860  
metal bowl; water pipe; carburetion tube or device; smoking or 1861  
carburetion mask; roach clip or similar object used to hold 1862  
burning material, such as a marihuana cigarette, that has become 1863  
too small or too short to be held in the hand; miniature cocaine 1864  
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric 1865  
pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 1866

(B) In determining if any equipment, product, or material 1867  
is drug paraphernalia, a court or law enforcement officer shall 1868  
consider, in addition to other relevant factors, the following: 1869

(1) Any statement by the owner, or by anyone in control, 1870  
of the equipment, product, or material, concerning its use; 1871

(2) The proximity in time or space of the equipment, 1872  
product, or material, or of the act relating to the equipment, 1873  
product, or material, to a violation of any provision of this 1874  
chapter; 1875

(3) The proximity of the equipment, product, or material 1876  
to any controlled substance; 1877

(4) The existence of any residue of a controlled substance 1878  
on the equipment, product, or material; 1879

(5) Direct or circumstantial evidence of the intent of the 1880  
owner, or of anyone in control, of the equipment, product, or 1881  
material, to deliver it to any person whom the owner or person 1882  
in control of the equipment, product, or material knows intends 1883  
to use the object to facilitate a violation of any provision of 1884  
this chapter. A finding that the owner, or anyone in control, of 1885  
the equipment, product, or material, is not guilty of a 1886



violation of any other provision of this chapter does not 1887  
prevent a finding that the equipment, product, or material was 1888  
intended or designed by the offender for use as drug 1889  
paraphernalia. 1890

(6) Any oral or written instruction provided with the 1891  
equipment, product, or material concerning its use; 1892

(7) Any descriptive material accompanying the equipment, 1893  
product, or material and explaining or depicting its use; 1894

(8) National or local advertising concerning the use of 1895  
the equipment, product, or material; 1896

(9) The manner and circumstances in which the equipment, 1897  
product, or material is displayed for sale; 1898

(10) Direct or circumstantial evidence of the ratio of the 1899  
sales of the equipment, product, or material to the total sales 1900  
of the business enterprise; 1901

(11) The existence and scope of legitimate uses of the 1902  
equipment, product, or material in the community; 1903

(12) Expert testimony concerning the use of the equipment, 1904  
product, or material. 1905

(C) (1) Subject to division (D) (2) of this section, no 1906  
person shall knowingly use, or possess with purpose to use, drug 1907  
paraphernalia. 1908

(2) No person shall knowingly sell, or possess or 1909  
manufacture with purpose to sell, drug paraphernalia, if the 1910  
person knows or reasonably should know that the equipment, 1911  
product, or material will be used as drug paraphernalia. 1912

(3) No person shall place an advertisement in any 1913

newspaper, magazine, handbill, or other publication that is 1914  
published and printed and circulates primarily within this 1915  
state, if the person knows that the purpose of the advertisement 1916  
is to promote the illegal sale in this state of the equipment, 1917  
product, or material that the offender intended or designed for 1918  
use as drug paraphernalia. 1919

(D) (1) This section does not apply to manufacturers, 1920  
licensed health professionals authorized to prescribe drugs, 1921  
pharmacists, owners of pharmacies, and other persons whose 1922  
conduct is in accordance with Chapters 3719., 4715., 4723., 1923  
4729., 4730., 4731., 4732., and 4741. of the Revised Code. This 1924  
section shall not be construed to prohibit the possession or use 1925  
of a hypodermic as authorized by section 3719.172 of the Revised 1926  
Code. 1927

(2) Division (C) (1) of this section does not apply to a 1928  
person's use, or possession with purpose to use, any drug 1929  
paraphernalia that is equipment, a product, or material of any 1930  
kind that is used by the person, intended by the person for use, 1931  
or designed for use in storing, containing, concealing, 1932  
injecting, ingesting, inhaling, or otherwise introducing into 1933  
the human body marihuana. 1934

(E) Notwithstanding Chapter 2981. of the Revised Code, any 1935  
drug paraphernalia that was used, possessed, sold, or 1936  
manufactured in a violation of this section shall be seized, 1937  
after a conviction for that violation shall be forfeited, and 1938  
upon forfeiture shall be disposed of pursuant to division (B) of 1939  
section 2981.12 of the Revised Code. 1940

(F) (1) Whoever violates division (C) (1) of this section is 1941  
guilty of illegal use or possession of drug paraphernalia, a 1942  
misdemeanor of the fourth degree. 1943

(2) Except as provided in division (F) (3) of this section, 1944  
whoever violates division (C) (2) of this section is guilty of 1945  
dealing in drug paraphernalia, a misdemeanor of the second 1946  
degree. 1947

(3) Whoever violates division (C) (2) of this section by 1948  
selling drug paraphernalia to a juvenile is guilty of selling 1949  
drug paraphernalia to juveniles, a misdemeanor of the first 1950  
degree. 1951

(4) Whoever violates division (C) (3) of this section is 1952  
guilty of illegal advertising of drug paraphernalia, a 1953  
misdemeanor of the second degree. 1954

(G) (1) In addition to any other sanction imposed upon an 1955  
offender for a violation of this section, the court may suspend 1956  
for not more than five years the offender's driver's or 1957  
commercial driver's license or permit. However, if the offender 1958  
pleaded guilty to or was convicted of a violation of section 1959  
4511.19 of the Revised Code or a substantially similar municipal 1960  
ordinance or the law of another state or the United States 1961  
arising out of the same set of circumstances as the violation, 1962  
the court shall suspend the offender's driver's or commercial 1963  
driver's license or permit for not more than five years. If the 1964  
offender is a professionally licensed person, in addition to any 1965  
other sanction imposed for a violation of this section, the 1966  
court immediately shall comply with section 2925.38 of the 1967  
Revised Code. 1968

(2) Any offender who received a mandatory suspension of 1969  
the offender's driver's or commercial driver's license or permit 1970  
under this section prior to ~~the effective date of this amendment~~ 1971  
September 13, 2016, may file a motion with the sentencing court 1972  
requesting the termination of the suspension. However, an 1973

offender who pleaded guilty to or was convicted of a violation 1974  
of section 4511.19 of the Revised Code or a substantially 1975  
similar municipal ordinance or law of another state or the 1976  
United States that arose out of the same set of circumstances as 1977  
the violation for which the offender's license or permit was 1978  
suspended under this section shall not file such a motion. 1979

Upon the filing of a motion under division (G) (2) of this 1980  
section, the sentencing court, in its discretion, may terminate 1981  
the suspension. 1982

**Sec. 2925.23.** (A) No person shall knowingly make a false 1983  
statement in any prescription, order, report, or record required 1984  
by Chapter 3719. or 4729. of the Revised Code. 1985

(B) No person shall intentionally make, utter, or sell, or 1986  
knowingly possess any of the following that is a false or 1987  
forged: 1988

(1) Prescription; 1989

(2) Uncompleted preprinted prescription blank used for 1990  
writing a prescription; 1991

(3) Official written order; 1992

(4) License for a terminal distributor of dangerous drugs, 1993  
as defined in section 4729.01 of the Revised Code; 1994

(5) License for a manufacturer of dangerous drugs, 1995  
outsourcing facility, third-party logistics provider, repackager 1996  
of dangerous drugs, or wholesale distributor of dangerous drugs, 1997  
as defined in section 4729.01 of the Revised Code. 1998

(C) No person, by theft as defined in section 2913.02 of 1999  
the Revised Code, shall acquire any of the following: 2000

(1) A prescription;	2001
(2) An uncompleted preprinted prescription blank used for writing a prescription;	2002 2003
(3) An official written order;	2004
(4) A blank official written order;	2005
(5) A license or blank license for a terminal distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code;	2006 2007 2008
(6) A license or blank license for a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code.	2009 2010 2011 2012 2013
(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs.	2014 2015 2016
(E) Divisions (A) and (D) of this section do not apply to licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., <u>4732.</u> , and 4741. of the Revised Code.	2017 2018 2019 2020 2021 2022
(F) Whoever violates this section is guilty of illegal processing of drug documents. If the offender violates division (B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this section, illegal processing of drug documents is a felony of the fifth degree. If the offender violates division (A), division (B) (1) or (3), division (C) (1) or (3), or division (D) of this	2023 2024 2025 2026 2027 2028

section, the penalty for illegal processing of drug documents 2029  
shall be determined as follows: 2030

(1) If the drug involved is a compound, mixture, 2031  
preparation, or substance included in schedule I or II, with the 2032  
exception of marihuana, illegal processing of drug documents is 2033  
a felony of the fourth degree, and division (C) of section 2034  
2929.13 of the Revised Code applies in determining whether to 2035  
impose a prison term on the offender. 2036

(2) If the drug involved is a dangerous drug or a 2037  
compound, mixture, preparation, or substance included in 2038  
schedule III, IV, or V or is marihuana, illegal processing of 2039  
drug documents is a felony of the fifth degree, and division (C) 2040  
of section 2929.13 of the Revised Code applies in determining 2041  
whether to impose a prison term on the offender. 2042

(G) (1) In addition to any prison term authorized or 2043  
required by division (F) of this section and sections 2929.13 2044  
and 2929.14 of the Revised Code and in addition to any other 2045  
sanction imposed for the offense under this section or sections 2046  
2929.11 to 2929.18 of the Revised Code, the court that sentences 2047  
an offender who is convicted of or pleads guilty to any 2048  
violation of divisions (A) to (D) of this section may suspend 2049  
for not more than five years the offender's driver's or 2050  
commercial driver's license or permit. However, if the offender 2051  
pleaded guilty to or was convicted of a violation of section 2052  
4511.19 of the Revised Code or a substantially similar municipal 2053  
ordinance or the law of another state or the United States 2054  
arising out of the same set of circumstances as the violation, 2055  
the court shall suspend the offender's driver's or commercial 2056  
driver's license or permit for not more than five years. 2057

If the offender is a professionally licensed person, in 2058

addition to any other sanction imposed for a violation of this 2059  
section, the court immediately shall comply with section 2925.38 2060  
of the Revised Code. 2061

(2) Any offender who received a mandatory suspension of 2062  
the offender's driver's or commercial driver's license or permit 2063  
under this section prior to September 13, 2016, may file a 2064  
motion with the sentencing court requesting the termination of 2065  
the suspension. However, an offender who pleaded guilty to or 2066  
was convicted of a violation of section 4511.19 of the Revised 2067  
Code or a substantially similar municipal ordinance or law of 2068  
another state or the United States that arose out of the same 2069  
set of circumstances as the violation for which the offender's 2070  
license or permit was suspended under this section shall not 2071  
file such a motion. 2072

Upon the filing of a motion under division (G) (2) of this 2073  
section, the sentencing court, in its discretion, may terminate 2074  
the suspension. 2075

(H) Notwithstanding any contrary provision of section 2076  
3719.21 of the Revised Code, the clerk of court shall pay a fine 2077  
imposed for a violation of this section pursuant to division (A) 2078  
of section 2929.18 of the Revised Code in accordance with and 2079  
subject to the requirements of division (F) of section 2925.03 2080  
of the Revised Code. The agency that receives the fine shall use 2081  
the fine as specified in division (F) of section 2925.03 of the 2082  
Revised Code. 2083

**Sec. 2925.36.** (A) No person shall knowingly furnish 2084  
another a sample drug. 2085

(B) Division (A) of this section does not apply to 2086  
manufacturers, wholesalers, pharmacists, owners of pharmacies, 2087

licensed health professionals authorized to prescribe drugs, and 2088  
other persons whose conduct is in accordance with Chapters 2089  
3719., 4715., 4723., 4725., 4729., 4730., 4731., 4732., and 2090  
4741. of the Revised Code. 2091

(C) (1) Whoever violates this section is guilty of illegal 2092  
dispensing of drug samples. 2093

(2) If the drug involved in the offense is a compound, 2094  
mixture, preparation, or substance included in schedule I or II, 2095  
with the exception of marihuana, the penalty for the offense 2096  
shall be determined as follows: 2097

(a) Except as otherwise provided in division (C) (2) (b) of 2098  
this section, illegal dispensing of drug samples is a felony of 2099  
the fifth degree, and, subject to division (E) of this section, 2100  
division (C) of section 2929.13 of the Revised Code applies in 2101  
determining whether to impose a prison term on the offender. 2102

(b) If the offense was committed in the vicinity of a 2103  
school or in the vicinity of a juvenile, illegal dispensing of 2104  
drug samples is a felony of the fourth degree, and, subject to 2105  
division (E) of this section, division (C) of section 2929.13 of 2106  
the Revised Code applies in determining whether to impose a 2107  
prison term on the offender. 2108

(3) If the drug involved in the offense is a dangerous 2109  
drug or a compound, mixture, preparation, or substance included 2110  
in schedule III, IV, or V, or is marihuana, the penalty for the 2111  
offense shall be determined as follows: 2112

(a) Except as otherwise provided in division (C) (3) (b) of 2113  
this section, illegal dispensing of drug samples is a 2114  
misdemeanor of the second degree. 2115

(b) If the offense was committed in the vicinity of a 2116



school or in the vicinity of a juvenile, illegal dispensing of 2117  
drug samples is a misdemeanor of the first degree. 2118

(D) (1) In addition to any prison term authorized or 2119  
required by division (C) or (E) of this section and sections 2120  
2929.13 and 2929.14 of the Revised Code and in addition to any 2121  
other sanction imposed for the offense under this section or 2122  
sections 2929.11 to 2929.18 of the Revised Code, the court that 2123  
sentences an offender who is convicted of or pleads guilty to a 2124  
violation of division (A) of this section may suspend for not 2125  
more than five years the offender's driver's or commercial 2126  
driver's license or permit. However, if the offender pleaded 2127  
guilty to or was convicted of a violation of section 4511.19 of 2128  
the Revised Code or a substantially similar municipal ordinance 2129  
or the law of another state or the United States arising out of 2130  
the same set of circumstances as the violation, the court shall 2131  
suspend the offender's driver's or commercial driver's license 2132  
or permit for not more than five years. 2133

If the offender is a professionally licensed person, in 2134  
addition to any other sanction imposed for a violation of this 2135  
section, the court immediately shall comply with section 2925.38 2136  
of the Revised Code. 2137

(2) Any offender who received a mandatory suspension of 2138  
the offender's driver's or commercial driver's license or permit 2139  
under this section prior to September 13, 2016, may file a 2140  
motion with the sentencing court requesting the termination of 2141  
the suspension. However, an offender who pleaded guilty to or 2142  
was convicted of a violation of section 4511.19 of the Revised 2143  
Code or a substantially similar municipal ordinance or law of 2144  
another state or the United States that arose out of the same 2145  
set of circumstances as the violation for which the offender's 2146

license or permit was suspended under this section shall not 2147  
file such a motion. 2148

Upon the filing of a motion under division (D) (2) of this 2149  
section, the sentencing court, in its discretion, may terminate 2150  
the suspension. 2151

(E) Notwithstanding the prison term authorized or required 2152  
by division (C) of this section and sections 2929.13 and 2929.14 2153  
of the Revised Code, if the violation of division (A) of this 2154  
section involves the sale, offer to sell, or possession of a 2155  
schedule I or II controlled substance, with the exception of 2156  
marihuana, and if the court imposing sentence upon the offender 2157  
finds that the offender as a result of the violation is a major 2158  
drug offender and is guilty of a specification of the type 2159  
described in division (A) of section 2941.1410 of the Revised 2160  
Code, the court, in lieu of the prison term otherwise authorized 2161  
or required, shall impose upon the offender the mandatory prison 2162  
term specified in division (B) (3) (a) of section 2929.14 of the 2163  
Revised Code. 2164

(F) Notwithstanding any contrary provision of section 2165  
3719.21 of the Revised Code, the clerk of the court shall pay a 2166  
fine imposed for a violation of this section pursuant to 2167  
division (A) of section 2929.18 of the Revised Code in 2168  
accordance with and subject to the requirements of division (F) 2169  
of section 2925.03 of the Revised Code. The agency that receives 2170  
the fine shall use the fine as specified in division (F) of 2171  
section 2925.03 of the Revised Code. 2172

**Sec. 3701.048.** (A) As used in this section: 2173

(1) "Board of health" means the board of health of a city 2174  
or general health district or the authority having the duties of 2175

a board of health under section 3709.05 of the Revised Code. 2176

(2) "Controlled substance" has the same meaning as in 2177  
section 3719.01 of the Revised Code. 2178

(3) "Drug," "dangerous drug," and "licensed health 2179  
professional authorized to prescribe drugs" have the same 2180  
meanings as in section 4729.01 of the Revised Code. 2181

(4) "Registered volunteer" has the same meaning as in 2182  
section 5502.281 of the Revised Code. 2183

(B) In consultation with the appropriate professional 2184  
regulatory boards of this state, the director of health shall 2185  
develop one or more protocols that authorize the following 2186  
individuals to administer, deliver, or distribute drugs, other 2187  
than schedule II and III controlled substances, during a period 2188  
of time described in division (E) of this section, 2189  
notwithstanding any statute or rule that otherwise prohibits or 2190  
restricts the administration, delivery, or distribution of drugs 2191  
by those individuals: 2192

(1) A physician authorized under Chapter 4731. of the 2193  
Revised Code to practice medicine and surgery, osteopathic 2194  
medicine and surgery, or podiatric medicine and surgery; 2195

(2) A physician assistant licensed under Chapter 4730. of 2196  
the Revised Code; 2197

(3) A dentist or dental hygienist licensed under Chapter 2198  
4715. of the Revised Code; 2199

(4) A registered nurse licensed under Chapter 4723. of the 2200  
Revised Code, including an advanced practice registered nurse, 2201  
as defined in section 4723.01 of the Revised Code; 2202

(5) A licensed practical nurse licensed under Chapter 2203

4723. of the Revised Code; 2204

(6) An optometrist licensed under Chapter 4725. of the 2205  
Revised Code; 2206

(7) A pharmacist or pharmacy intern licensed under Chapter 2207  
4729. of the Revised Code; 2208

(8) A respiratory care professional licensed under Chapter 2209  
4761. of the Revised Code; 2210

(9) An emergency medical technician-basic, emergency 2211  
medical technician-intermediate, or emergency medical 2212  
technician-paramedic who holds a certificate to practice issued 2213  
under Chapter 4765. of the Revised Code; 2214

(10) A veterinarian licensed under Chapter 4741. of the 2215  
Revised Code; 2216

(11) A psychologist who holds a certificate to prescribe 2217  
issued under section 4732.40 of the Revised Code. 2218

(C) In consultation with the executive director of the 2219  
emergency management agency, the director of health shall 2220  
develop one or more protocols that authorize employees of boards 2221  
of health and registered volunteers to deliver or distribute 2222  
drugs, other than schedule II and III controlled substances, 2223  
during a period of time described in division (E) of this 2224  
section, notwithstanding any statute or rule that otherwise 2225  
prohibits or restricts the delivery or distribution of drugs by 2226  
those individuals. 2227

(D) In consultation with the state board of pharmacy, the 2228  
director of health shall develop one or more protocols that 2229  
authorize pharmacists and pharmacy interns to dispense, during a 2230  
period of time described in division (E) of this section, 2231

limited quantities of dangerous drugs, other than schedule II 2232  
and III controlled substances, without a written, oral, or 2233  
electronic prescription from a licensed health professional 2234  
authorized to prescribe drugs or without a record of a 2235  
prescription, notwithstanding any statute or rule that otherwise 2236  
prohibits or restricts the dispensing of drugs without a 2237  
prescription or record of a prescription. 2238

(E) On the governor's declaration of an emergency that 2239  
affects the public health, the director of health may issue an 2240  
order to implement one or more of the protocols developed 2241  
pursuant to division (B), (C), or (D) of this section. At a 2242  
minimum, the director's order shall identify the one or more 2243  
protocols to be implemented and the period of time during which 2244  
the one or more protocols are to be effective. 2245

(F) (1) An individual who administers, delivers, 2246  
distributes, or dispenses a drug or dangerous drug in accordance 2247  
with one or more of the protocols implemented under division (E) 2248  
of this section is not liable for damages in any civil action 2249  
unless the individual's acts or omissions in performing those 2250  
activities constitute willful or wanton misconduct. 2251

(2) An individual who administers, delivers, distributes, 2252  
or dispenses a drug or dangerous drug in accordance with one or 2253  
more of the protocols implemented under division (E) of this 2254  
section is not subject to criminal prosecution or professional 2255  
disciplinary action under any chapter in Title XLVII of the 2256  
Revised Code. 2257

**Sec. 3715.872.** (A) As used in this section, "health care 2258  
professional" means any of the following who provide medical, 2259  
dental, or other health-related diagnosis, care, or treatment: 2260

(1) Individuals authorized under Chapter 4731. of the	2261
Revised Code to practice medicine and surgery, osteopathic	2262
medicine and surgery, or podiatric medicine and surgery;	2263
(2) Registered nurses and licensed practical nurses	2264
licensed under Chapter 4723. of the Revised Code;	2265
(3) Physician assistants authorized to practice under	2266
Chapter 4730. of the Revised Code;	2267
(4) Dentists and dental hygienists licensed under Chapter	2268
4715. of the Revised Code;	2269
(5) Optometrists licensed under Chapter 4725. of the	2270
Revised Code;	2271
(6) Pharmacists licensed under Chapter 4729. of the	2272
Revised Code;	2273
<u>(7) Psychologists who hold a certificate to prescribe</u>	2274
<u>issued under section 4732.40 of the Revised Code.</u>	2275
(B) For matters related to donating, giving, accepting, or	2276
dispensing drugs under the drug repository program, all of the	2277
following apply:	2278
(1) Any person, including a pharmacy, drug manufacturer,	2279
or health care facility, or any government entity that donates	2280
or gives drugs to the drug repository program shall not be	2281
subject to liability in tort or other civil action for injury,	2282
death, or loss to person or property.	2283
(2) A pharmacy, hospital, or nonprofit clinic that accepts	2284
or dispenses drugs under the program shall not be subject to	2285
liability in tort or other civil action for injury, death, or	2286
loss to person or property, unless an action or omission of the	2287
pharmacy, hospital, or nonprofit clinic constitutes willful and	2288

wanton misconduct. 2289

(3) A health care professional who accepts or dispenses 2290  
drugs under the program on behalf of a pharmacy, hospital, or 2291  
nonprofit clinic, and the pharmacy, hospital, or nonprofit 2292  
clinic that employs or otherwise uses the services of the health 2293  
care professional, shall not be subject to liability in tort or 2294  
other civil action for injury, death, or loss to person or 2295  
property, unless an action or omission of the health care 2296  
professional, pharmacy, hospital, or nonprofit clinic 2297  
constitutes willful and wanton misconduct. 2298

(4) The state board of pharmacy and the director of health 2299  
shall not be subject to liability in tort or other civil action 2300  
for injury, death, or loss to person or property, unless an 2301  
action or omission of the board or director constitutes willful 2302  
and wanton misconduct. 2303

(C) In addition to the immunity granted under division (B) 2304  
(1) of this section, any person, including a pharmacy, drug 2305  
manufacturer, or health care facility, and any government entity 2306  
that donates or gives drugs to the program shall not be subject 2307  
to criminal prosecution for the donation, giving, acceptance, or 2308  
dispensing of drugs under the program, unless an action or 2309  
omission of the person or government entity does not comply with 2310  
the provisions of this chapter or the rules adopted under it. 2311

(D) In the case of a drug manufacturer, the immunities 2312  
granted under divisions (B)(1) and (C) of this section apply 2313  
with respect to any drug manufactured by the drug manufacturer 2314  
that is donated or given by any person or government entity 2315  
under the program, including but not limited to liability for 2316  
failure to transfer or communicate product or consumer 2317  
information or the expiration date of the drug donated or given. 2318

**Sec. 3719.06.** (A) (1) A licensed health professional 2319  
authorized to prescribe drugs, if acting in the course of 2320  
professional practice, in accordance with the laws regulating 2321  
the professional's practice, and in accordance with rules 2322  
adopted by the state board of pharmacy, may, except as provided 2323  
in ~~division~~ divisions (A) (2) ~~or (3)~~ to (4) of this section, do 2324  
the following: 2325

(a) Prescribe schedule II, III, IV, and V controlled 2326  
substances; 2327

(b) Administer or personally furnish to patients schedule 2328  
II, III, IV, and V controlled substances; 2329

(c) Cause schedule II, III, IV, and V controlled 2330  
substances to be administered under the prescriber's direction 2331  
and supervision. 2332

(2) A licensed health professional authorized to prescribe 2333  
drugs who is a clinical nurse specialist, certified nurse- 2334  
midwife, or certified nurse practitioner is subject to both of 2335  
the following: 2336

(a) A schedule II controlled substance may be prescribed 2337  
only in accordance with division (C) of section 4723.481 of the 2338  
Revised Code. 2339

(b) No schedule II controlled substance shall be 2340  
personally furnished to any patient. 2341

(3) A licensed health professional authorized to prescribe 2342  
drugs who is a physician assistant is subject to all of the 2343  
following: 2344

(a) A controlled substance may be prescribed or personally 2345  
furnished only if it is included in the physician-delegated 2346



prescriptive authority granted to the physician assistant in 2347  
accordance with Chapter 4730. of the Revised Code. 2348

(b) A schedule II controlled substance may be prescribed 2349  
only in accordance with division (B)(4) of section 4730.41 and 2350  
section 4730.411 of the Revised Code. 2351

(c) No schedule II controlled substance shall be 2352  
personally furnished to any patient. 2353

(4) A licensed health professional authorized to prescribe 2354  
drugs who is a psychologist may prescribe, personally furnish, 2355  
or administer a controlled substance only if it is not listed on 2356  
the exclusionary formulary established in rules adopted under 2357  
section 4732.46 of the Revised Code. 2358

(B) No licensed health professional authorized to 2359  
prescribe drugs shall prescribe, administer, or personally 2360  
furnish a schedule III anabolic steroid for the purpose of human 2361  
muscle building or enhancing human athletic performance and no 2362  
pharmacist shall dispense a schedule III anabolic steroid for 2363  
either purpose, unless it has been approved for that purpose 2364  
under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 2365  
(1938), 21 U.S.C.A. 301, as amended. 2366

(C) Each written or electronic prescription for a 2367  
controlled substance shall be properly executed, dated, and 2368  
signed by the prescriber on the day when issued and shall bear 2369  
the full name and address of the person for whom, or the owner 2370  
of the animal for which, the controlled substance is prescribed 2371  
and the full name, address, and registry number under the 2372  
federal drug abuse control laws of the prescriber. If the 2373  
prescription is for an animal, it shall state the species of the 2374  
animal for which the controlled substance is prescribed. 2375

**Sec. 3719.12.** As used in this section, "prosecutor" has 2376  
the same meaning as in section 2935.01 of the Revised Code. 2377

Unless a report has been made pursuant to section 2929.42 2378  
of the Revised Code, on the conviction of a manufacturer, 2379  
wholesaler, outsourcing facility, third-party logistics 2380  
provider, repackager of dangerous drugs, terminal distributor of 2381  
dangerous drugs, pharmacist, pharmacy intern, registered 2382  
pharmacy technician, certified pharmacy technician, pharmacy 2383  
technician trainee, dentist, chiropractor, physician, 2384  
podiatrist, registered nurse, licensed practical nurse, 2385  
physician assistant, psychologist, optometrist, or veterinarian 2386  
of the violation of this chapter or Chapter 2925. of the Revised 2387  
Code, the prosecutor in the case promptly shall report the 2388  
conviction to the board that licensed, certified, or registered 2389  
the person to practice or to carry on business. The responsible 2390  
board shall provide forms to the prosecutor. Within thirty days 2391  
of the receipt of this information, the board shall initiate 2392  
action in accordance with Chapter 119. of the Revised Code to 2393  
determine whether to suspend or revoke the person's license, 2394  
certificate, or registration. 2395

**Sec. 3719.121.** (A) Except as otherwise provided in section 2396  
4723.28, 4723.35, 4730.25, 4731.22, 4732.17, 4734.39, or 4734.41 2397  
of the Revised Code, the license, certificate, or registration 2398  
of any dentist, chiropractor, physician, podiatrist, registered 2399  
nurse, advanced practice registered nurse, licensed practical 2400  
nurse, physician assistant, pharmacist, pharmacy intern, 2401  
pharmacy technician trainee, registered pharmacy technician, 2402  
certified pharmacy technician, psychologist, optometrist, or 2403  
veterinarian who is or becomes addicted to the use of controlled 2404  
substances shall be suspended by the board that authorized the 2405  
person's license, certificate, or registration until the person 2406

offers satisfactory proof to the board that the person no longer 2407  
is addicted to the use of controlled substances. 2408

(B) If the board under which a person has been issued a 2409  
license, certificate, or evidence of registration determines 2410  
that there is clear and convincing evidence that continuation of 2411  
the person's professional practice or method of administering, 2412  
prescribing, preparing, distributing, dispensing, or personally 2413  
furnishing controlled substances or other dangerous drugs 2414  
presents a danger of immediate and serious harm to others, the 2415  
board may suspend the person's license, certificate, or 2416  
registration without a hearing. Except as otherwise provided in 2417  
sections 4715.30, 4723.281, 4729.16, 4730.25, 4731.22, 4732.17, 2418  
and 4734.36 of the Revised Code, the board shall follow the 2419  
procedure for suspension without a prior hearing in section 2420  
119.07 of the Revised Code. The suspension shall remain in 2421  
effect, unless removed by the board, until the board's final 2422  
adjudication order becomes effective, except that if the board 2423  
does not issue its final adjudication order within ninety days 2424  
after the hearing, the suspension shall be void on the ninety- 2425  
first day after the hearing. 2426

(C) On receiving notification pursuant to section 2929.42 2427  
or 3719.12 of the Revised Code, the board under which a person 2428  
has been issued a license, certificate, or evidence of 2429  
registration immediately shall suspend the license, certificate, 2430  
or registration of that person on a plea of guilty to, a finding 2431  
by a jury or court of the person's guilt of, or conviction of a 2432  
felony drug abuse offense; a finding by a court of the person's 2433  
eligibility for intervention in lieu of conviction; a plea of 2434  
guilty to, or a finding by a jury or court of the person's guilt 2435  
of, or the person's conviction of an offense in another 2436  
jurisdiction that is essentially the same as a felony drug abuse 2437

offense; or a finding by a court of the person's eligibility for 2438  
treatment or intervention in lieu of conviction in another 2439  
jurisdiction. The board shall notify the holder of the license, 2440  
certificate, or registration of the suspension, which shall 2441  
remain in effect until the board holds an adjudicatory hearing 2442  
under Chapter 119. of the Revised Code. 2443

**Sec. 3719.81.** (A) As used in this section, "sample drug" 2444  
has the same meaning as in section 2925.01 of the Revised Code. 2445

(B) A person may furnish another a sample drug, if all of 2446  
the following apply: 2447

(1) The sample drug is furnished free of charge by a 2448  
manufacturer, manufacturer's representative, or wholesale dealer 2449  
in pharmaceuticals to a licensed health professional authorized 2450  
to prescribe drugs, or is furnished free of charge by such a 2451  
professional to a patient for use as medication; 2452

(2) The sample drug is in the original container in which 2453  
it was placed by the manufacturer, and the container is plainly 2454  
marked as a sample; 2455

(3) Prior to its being furnished, the sample drug has been 2456  
stored under the proper conditions to prevent its deterioration 2457  
or contamination; 2458

(4) If the sample drug is of a type which deteriorates 2459  
with time, the sample container is plainly marked with the date 2460  
beyond which the sample drug is unsafe to use, and the date has 2461  
not expired on the sample furnished. Compliance with the 2462  
labeling requirements of the "Federal Food, Drug, and Cosmetic 2463  
Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, shall 2464  
be deemed compliance with this section. 2465

(5) The sample drug is distributed, stored, or discarded 2466

in such a way that the sample drug may not be acquired or used 2467  
by any unauthorized person, or by any person, including a child, 2468  
for whom it may present a health or safety hazard. 2469

(C) Division (B) of this section does not do any of the 2470  
following: 2471

(1) Apply to or restrict the furnishing of any sample of a 2472  
nonnarcotic substance if the substance may, under the "Federal 2473  
Food, Drug, and Cosmetic Act" and under the laws of this state, 2474  
otherwise be lawfully sold over the counter without a 2475  
prescription; 2476

(2) Authorize a licensed health professional authorized to 2477  
prescribe drugs who is a clinical nurse specialist, certified 2478  
nurse-midwife, certified nurse practitioner, optometrist, ~~or~~ 2479  
physician assistant, or psychologist to furnish a sample drug 2480  
that is not a drug the professional is authorized to prescribe. 2481

(3) Prohibit a licensed health professional authorized to 2482  
prescribe drugs, manufacturer of dangerous drugs, wholesale 2483  
distributor of dangerous drugs, or representative of a 2484  
manufacturer of dangerous drugs from furnishing a sample drug to 2485  
a charitable pharmacy in accordance with section 3719.811 of the 2486  
Revised Code. 2487

(4) Prohibit a pharmacist working, whether or not for 2488  
compensation, in a charitable pharmacy from dispensing a sample 2489  
drug to a person in accordance with section 3719.811 of the 2490  
Revised Code. 2491

(D) The state board of pharmacy shall, in accordance with 2492  
Chapter 119. of the Revised Code, adopt rules as necessary to 2493  
give effect to this section. 2494

**Sec. 3795.01.** As used in sections 3795.01, 3795.02, and 2495

3795.03 of the Revised Code:	2496
(A) "Assist suicide" or "assisting suicide" means	2497
knowingly doing either of the following, with the purpose of	2498
helping another person to commit or attempt suicide:	2499
(1) Providing the physical means by which the person	2500
commits or attempts to commit suicide;	2501
(2) Participating in a physical act by which the person	2502
commits or attempts to commit suicide.	2503
(B) "Certified nurse practitioner," "certified nurse-	2504
midwife," and "clinical nurse specialist" have the same meanings	2505
as in section 4723.01 of the Revised Code.	2506
(C) "CPR" has the same meaning as in section 2133.21 of	2507
the Revised Code.	2508
(D) "Health care" means any care, treatment, service, or	2509
procedure to maintain, diagnose, or treat a person's physical or	2510
mental condition.	2511
(E) "Health care decision" means informed consent, refusal	2512
to give informed consent, or withdrawal of informed consent to	2513
health care.	2514
(F) "Health care facility" means any of the following:	2515
(1) A hospital;	2516
(2) A hospice care program or pediatric respite care	2517
program as defined in section 3712.01 of the Revised Code;	2518
(3) A nursing home;	2519
(4) A home health agency;	2520
(5) An intermediate care facility for individuals with	2521

intellectual disabilities. 2522

(G) "Health care personnel" means physicians, nurses, 2523  
physician assistants, psychologists, emergency medical 2524  
technicians-basic, emergency medical technicians-intermediate, 2525  
emergency medical technicians-paramedic, medical technicians, 2526  
dietitians, other authorized persons acting under the direction 2527  
of an attending physician, and administrators of health care 2528  
facilities. 2529

(H) "Physician" means a person who is authorized under 2530  
Chapter 4731. of the Revised Code to practice medicine and 2531  
surgery or osteopathic medicine and surgery. 2532

**Sec. 4723.01.** As used in this chapter: 2533

(A) "Registered nurse" means an individual who holds a 2534  
current, valid license issued under this chapter that authorizes 2535  
the practice of nursing as a registered nurse. 2536

(B) "Practice of nursing as a registered nurse" means 2537  
providing to individuals and groups nursing care requiring 2538  
specialized knowledge, judgment, and skill derived from the 2539  
principles of biological, physical, behavioral, social, and 2540  
nursing sciences. Such nursing care includes: 2541

(1) Identifying patterns of human responses to actual or 2542  
potential health problems amenable to a nursing regimen; 2543

(2) Executing a nursing regimen through the selection, 2544  
performance, management, and evaluation of nursing actions; 2545

(3) Assessing health status for the purpose of providing 2546  
nursing care; 2547

(4) Providing health counseling and health teaching; 2548

(5) Administering medications, treatments, and executing 2549  
regimens authorized by an individual who is authorized to 2550  
practice in this state and is acting within the course of the 2551  
individual's professional practice; 2552

(6) Teaching, administering, supervising, delegating, and 2553  
evaluating nursing practice. 2554

(C) "Nursing regimen" may include preventative, 2555  
restorative, and health-promotion activities. 2556

(D) "Assessing health status" means the collection of data 2557  
through nursing assessment techniques, which may include 2558  
interviews, observation, and physical evaluations for the 2559  
purpose of providing nursing care. 2560

(E) "Licensed practical nurse" means an individual who 2561  
holds a current, valid license issued under this chapter that 2562  
authorizes the practice of nursing as a licensed practical 2563  
nurse. 2564

(F) "The practice of nursing as a licensed practical 2565  
nurse" means providing to individuals and groups nursing care 2566  
requiring the application of basic knowledge of the biological, 2567  
physical, behavioral, social, and nursing sciences at the 2568  
direction of a registered nurse or any of the following who is 2569  
authorized to practice in this state: a physician, physician 2570  
assistant, dentist, podiatrist, optometrist, ~~or~~ chiropractor, or 2571  
psychologist. Such nursing care includes: 2572

(1) Observation, patient teaching, and care in a diversity 2573  
of health care settings; 2574

(2) Contributions to the planning, implementation, and 2575  
evaluation of nursing; 2576



(3) Administration of medications and treatments 2577  
authorized by an individual who is authorized to practice in 2578  
this state and is acting within the course of the individual's 2579  
professional practice on the condition that the licensed 2580  
practical nurse is authorized under section 4723.17 of the 2581  
Revised Code to administer medications; 2582

(4) Administration to an adult of intravenous therapy 2583  
authorized by an individual who is authorized to practice in 2584  
this state and is acting within the course of the individual's 2585  
professional practice, on the condition that the licensed 2586  
practical nurse is authorized under section 4723.18 or 4723.181 2587  
of the Revised Code to perform intravenous therapy and performs 2588  
intravenous therapy only in accordance with those sections; 2589

(5) Delegation of nursing tasks as directed by a 2590  
registered nurse; 2591

(6) Teaching nursing tasks to licensed practical nurses 2592  
and individuals to whom the licensed practical nurse is 2593  
authorized to delegate nursing tasks as directed by a registered 2594  
nurse. 2595

(G) "Certified registered nurse anesthetist" means an 2596  
advanced practice registered nurse who holds a current, valid 2597  
license issued under this chapter and is designated as a 2598  
certified registered nurse anesthetist in accordance with 2599  
section 4723.42 of the Revised Code and rules adopted by the 2600  
board of nursing. 2601

(H) "Clinical nurse specialist" means an advanced practice 2602  
registered nurse who holds a current, valid license issued under 2603  
this chapter and is designated as a clinical nurse specialist in 2604  
accordance with section 4723.42 of the Revised Code and rules 2605

adopted by the board of nursing. 2606

(I) "Certified nurse-midwife" means an advanced practice 2607  
registered nurse who holds a current, valid license issued under 2608  
this chapter and is designated as a certified nurse-midwife in 2609  
accordance with section 4723.42 of the Revised Code and rules 2610  
adopted by the board of nursing. 2611

(J) "Certified nurse practitioner" means an advanced 2612  
practice registered nurse who holds a current, valid license 2613  
issued under this chapter and is designated as a certified nurse 2614  
practitioner in accordance with section 4723.42 of the Revised 2615  
Code and rules adopted by the board of nursing. 2616

(K) "Physician" means an individual authorized under 2617  
Chapter 4731. of the Revised Code to practice medicine and 2618  
surgery or osteopathic medicine and surgery. 2619

(L) "Collaboration" or "collaborating" means the 2620  
following: 2621

(1) In the case of a clinical nurse specialist or a 2622  
certified nurse practitioner, that one or more podiatrists 2623  
acting within the scope of practice of podiatry in accordance 2624  
with section 4731.51 of the Revised Code and with whom the nurse 2625  
has entered into a standard care arrangement or one or more 2626  
physicians with whom the nurse has entered into a standard care 2627  
arrangement are continuously available to communicate with the 2628  
clinical nurse specialist or certified nurse practitioner either 2629  
in person or by electronic communication; 2630

(2) In the case of a certified nurse-midwife, that one or 2631  
more physicians with whom the certified nurse-midwife has 2632  
entered into a standard care arrangement are continuously 2633  
available to communicate with the certified nurse-midwife either 2634

in person or by electronic communication. 2635

(M) "Supervision," as it pertains to a certified 2636  
registered nurse anesthetist, means that the certified 2637  
registered nurse anesthetist is under the direction of a 2638  
podiatrist acting within the podiatrist's scope of practice in 2639  
accordance with section 4731.51 of the Revised Code, a dentist 2640  
acting within the dentist's scope of practice in accordance with 2641  
Chapter 4715. of the Revised Code, or a physician, and, when 2642  
administering anesthesia, the certified registered nurse 2643  
anesthetist is in the immediate presence of the podiatrist, 2644  
dentist, or physician. 2645

(N) "Standard care arrangement" means a written, formal 2646  
guide for planning and evaluating a patient's health care that 2647  
is developed by one or more collaborating physicians or 2648  
podiatrists and a clinical nurse specialist, certified nurse- 2649  
midwife, or certified nurse practitioner and meets the 2650  
requirements of section 4723.431 of the Revised Code. 2651

(O) "Advanced practice registered nurse" means an 2652  
individual who holds a current, valid license issued under this 2653  
chapter that authorizes the practice of nursing as an advanced 2654  
practice registered nurse and is designated as any of the 2655  
following: 2656

(1) A certified registered nurse anesthetist; 2657

(2) A clinical nurse specialist; 2658

(3) A certified nurse-midwife; 2659

(4) A certified nurse practitioner. 2660

(P) "Practice of nursing as an advanced practice 2661  
registered nurse" means providing to individuals and groups 2662

nursing care that requires knowledge and skill obtained from 2663  
advanced formal education, training, and clinical experience. 2664  
Such nursing care includes the care described in section 4723.43 2665  
of the Revised Code. 2666

(Q) "Dialysis care" means the care and procedures that a 2667  
dialysis technician or dialysis technician intern is authorized 2668  
to provide and perform, as specified in section 4723.72 of the 2669  
Revised Code. 2670

(R) "Dialysis technician" means an individual who holds a 2671  
current, valid certificate to practice as a dialysis technician 2672  
issued under section 4723.75 of the Revised Code. 2673

(S) "Dialysis technician intern" means an individual who 2674  
holds a current, valid certificate to practice as a dialysis 2675  
technician intern issued under section 4723.75 of the Revised 2676  
Code. 2677

(T) "Certified community health worker" means an 2678  
individual who holds a current, valid certificate as a community 2679  
health worker issued under section 4723.85 of the Revised Code. 2680

(U) "Medication aide" means an individual who holds a 2681  
current, valid certificate issued under this chapter that 2682  
authorizes the individual to administer medication in accordance 2683  
with section 4723.67 of the Revised Code; 2684

(V) "Nursing specialty" means a specialty in practice as a 2685  
certified registered nurse anesthetist, clinical nurse 2686  
specialist, certified nurse-midwife, or certified nurse 2687  
practitioner. 2688

**Sec. 4729.01.** As used in this chapter: 2689

(A) "Pharmacy," except when used in a context that refers 2690

to the practice of pharmacy, means any area, room, rooms, place 2691  
of business, department, or portion of any of the foregoing 2692  
where the practice of pharmacy is conducted. 2693

(B) "Practice of pharmacy" means providing pharmacist care 2694  
requiring specialized knowledge, judgment, and skill derived 2695  
from the principles of biological, chemical, behavioral, social, 2696  
pharmaceutical, and clinical sciences. As used in this division, 2697  
"pharmacist care" includes the following: 2698

(1) Interpreting prescriptions; 2699

(2) Dispensing drugs and drug therapy related devices; 2700

(3) Compounding drugs; 2701

(4) Counseling individuals with regard to their drug 2702  
therapy, recommending drug therapy related devices, and 2703  
assisting in the selection of drugs and appliances for treatment 2704  
of common diseases and injuries and providing instruction in the 2705  
proper use of the drugs and appliances; 2706

(5) Performing drug regimen reviews with individuals by 2707  
discussing all of the drugs that the individual is taking and 2708  
explaining the interactions of the drugs; 2709

(6) Performing drug utilization reviews with licensed 2710  
health professionals authorized to prescribe drugs when the 2711  
pharmacist determines that an individual with a prescription has 2712  
a drug regimen that warrants additional discussion with the 2713  
prescriber; 2714

(7) Advising an individual and the health care 2715  
professionals treating an individual with regard to the 2716  
individual's drug therapy; 2717

(8) Acting pursuant to a consult agreement with one or 2718

more physicians authorized under Chapter 4731. of the Revised 2719  
Code to practice medicine and surgery or osteopathic medicine 2720  
and surgery, if an agreement has been established; 2721

(9) Engaging in the administration of immunizations to the 2722  
extent authorized by section 4729.41 of the Revised Code; 2723

(10) Engaging in the administration of drugs to the extent 2724  
authorized by section 4729.45 of the Revised Code. 2725

(C) "Compounding" means the preparation, mixing, 2726  
assembling, packaging, and labeling of one or more drugs in any 2727  
of the following circumstances: 2728

(1) Pursuant to a prescription issued by a licensed health 2729  
professional authorized to prescribe drugs; 2730

(2) Pursuant to the modification of a prescription made in 2731  
accordance with a consult agreement; 2732

(3) As an incident to research, teaching activities, or 2733  
chemical analysis; 2734

(4) In anticipation of orders for drugs pursuant to 2735  
prescriptions, based on routine, regularly observed dispensing 2736  
patterns; 2737

(5) Pursuant to a request made by a licensed health 2738  
professional authorized to prescribe drugs for a drug that is to 2739  
be used by the professional for the purpose of direct 2740  
administration to patients in the course of the professional's 2741  
practice, if all of the following apply: 2742

(a) At the time the request is made, the drug is not 2743  
commercially available regardless of the reason that the drug is 2744  
not available, including the absence of a manufacturer for the 2745  
drug or the lack of a readily available supply of the drug from 2746

a manufacturer. 2747

(b) A limited quantity of the drug is compounded and 2748  
provided to the professional. 2749

(c) The drug is compounded and provided to the 2750  
professional as an occasional exception to the normal practice 2751  
of dispensing drugs pursuant to patient-specific prescriptions. 2752

(D) "Consult agreement" means an agreement that has been 2753  
entered into under section 4729.39 of the Revised Code. 2754

(E) "Drug" means: 2755

(1) Any article recognized in the United States 2756  
pharmacopoeia and national formulary, or any supplement to them, 2757  
intended for use in the diagnosis, cure, mitigation, treatment, 2758  
or prevention of disease in humans or animals; 2759

(2) Any other article intended for use in the diagnosis, 2760  
cure, mitigation, treatment, or prevention of disease in humans 2761  
or animals; 2762

(3) Any article, other than food, intended to affect the 2763  
structure or any function of the body of humans or animals; 2764

(4) Any article intended for use as a component of any 2765  
article specified in division (E)(1), (2), or (3) of this 2766  
section; but does not include devices or their components, 2767  
parts, or accessories. 2768

(F) "Dangerous drug" means any of the following: 2769

(1) Any drug to which either of the following applies: 2770

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 2771  
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 2772  
required to bear a label containing the legend "Caution: Federal 2773

law prohibits dispensing without prescription" or "Caution: 2774  
Federal law restricts this drug to use by or on the order of a 2775  
licensed veterinarian" or any similar restrictive statement, or 2776  
the drug may be dispensed only upon a prescription; 2777

(b) Under Chapter 3715. or 3719. of the Revised Code, the 2778  
drug may be dispensed only upon a prescription. 2779

(2) Any drug that contains a schedule V controlled 2780  
substance and that is exempt from Chapter 3719. of the Revised 2781  
Code or to which that chapter does not apply; 2782

(3) Any drug intended for administration by injection into 2783  
the human body other than through a natural orifice of the human 2784  
body; 2785

(4) Any drug that is a biological product, as defined in 2786  
section 3715.01 of the Revised Code. 2787

(G) "Federal drug abuse control laws" has the same meaning 2788  
as in section 3719.01 of the Revised Code. 2789

(H) "Prescription" means all of the following: 2790

(1) A written, electronic, or oral order for drugs or 2791  
combinations or mixtures of drugs to be used by a particular 2792  
individual or for treating a particular animal, issued by a 2793  
licensed health professional authorized to prescribe drugs; 2794

(2) For purposes of sections 2925.61, 4723.488, 4730.431, 2795  
and 4731.94 of the Revised Code, a written, electronic, or oral 2796  
order for naloxone issued to and in the name of a family member, 2797  
friend, or other individual in a position to assist an 2798  
individual who there is reason to believe is at risk of 2799  
experiencing an opioid-related overdose. 2800

(3) For purposes of section 4729.44 of the Revised Code, a 2801



written, electronic, or oral order for naloxone issued to and in 2802  
the name of either of the following: 2803

(a) An individual who there is reason to believe is at 2804  
risk of experiencing an opioid-related overdose; 2805

(b) A family member, friend, or other individual in a 2806  
position to assist an individual who there is reason to believe 2807  
is at risk of experiencing an opioid-related overdose. 2808

(4) For purposes of sections 4723.4810, 4729.282, 2809  
4730.432, and 4731.93 of the Revised Code, a written, 2810  
electronic, or oral order for a drug to treat chlamydia, 2811  
gonorrhea, or trichomoniasis issued to and in the name of a 2812  
patient who is not the intended user of the drug but is the 2813  
sexual partner of the intended user; 2814

(5) For purposes of sections 3313.7110, 3313.7111, 2815  
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 2816  
4731.96, and 5101.76 of the Revised Code, a written, electronic, 2817  
or oral order for an epinephrine autoinjector issued to and in 2818  
the name of a school, school district, or camp; 2819

(6) For purposes of Chapter 3728. and sections 4723.483, 2820  
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 2821  
electronic, or oral order for an epinephrine autoinjector issued 2822  
to and in the name of a qualified entity, as defined in section 2823  
3728.01 of the Revised Code. 2824

(I) "Licensed health professional authorized to prescribe 2825  
drugs" or "prescriber" means an individual who is authorized by 2826  
law to prescribe drugs or dangerous drugs or drug therapy 2827  
related devices in the course of the individual's professional 2828  
practice, including only the following: 2829

(1) A dentist licensed under Chapter 4715. of the Revised 2830

Code; 2831

(2) A clinical nurse specialist, certified nurse-midwife, 2832  
or certified nurse practitioner who holds a current, valid 2833  
license to practice nursing as an advanced practice registered 2834  
nurse issued under Chapter 4723. of the Revised Code; 2835

(3) An optometrist licensed under Chapter 4725. of the 2836  
Revised Code to practice optometry under a therapeutic 2837  
pharmaceutical agents certificate; 2838

(4) A physician authorized under Chapter 4731. of the 2839  
Revised Code to practice medicine and surgery, osteopathic 2840  
medicine and surgery, or podiatric medicine and surgery; 2841

(5) A physician assistant who holds a license to practice 2842  
as a physician assistant issued under Chapter 4730. of the 2843  
Revised Code, holds a valid prescriber number issued by the 2844  
state medical board, and has been granted physician-delegated 2845  
prescriptive authority; 2846

(6) A psychologist who holds a certificate to prescribe 2847  
issued under section 4732.40 of the Revised Code; 2848

(7) A veterinarian licensed under Chapter 4741. of the 2849  
Revised Code. 2850

(J) "Sale" or "sell" includes any transaction made by any 2851  
person, whether as principal proprietor, agent, or employee, to 2852  
do or offer to do any of the following: deliver, distribute, 2853  
broker, exchange, gift or otherwise give away, or transfer, 2854  
whether the transfer is by passage of title, physical movement, 2855  
or both. 2856

(K) "Wholesale sale" and "sale at wholesale" mean any sale 2857  
in which the purpose of the purchaser is to resell the article 2858

purchased or received by the purchaser. 2859

(L) "Retail sale" and "sale at retail" mean any sale other 2860  
than a wholesale sale or sale at wholesale. 2861

(M) "Retail seller" means any person that sells any 2862  
dangerous drug to consumers without assuming control over and 2863  
responsibility for its administration. Mere advice or 2864  
instructions regarding administration do not constitute control 2865  
or establish responsibility. 2866

(N) "Price information" means the price charged for a 2867  
prescription for a particular drug product and, in an easily 2868  
understandable manner, all of the following: 2869

(1) The proprietary name of the drug product; 2870

(2) The established (generic) name of the drug product; 2871

(3) The strength of the drug product if the product 2872  
contains a single active ingredient or if the drug product 2873  
contains more than one active ingredient and a relevant strength 2874  
can be associated with the product without indicating each 2875  
active ingredient. The established name and quantity of each 2876  
active ingredient are required if such a relevant strength 2877  
cannot be so associated with a drug product containing more than 2878  
one ingredient. 2879

(4) The dosage form; 2880

(5) The price charged for a specific quantity of the drug 2881  
product. The stated price shall include all charges to the 2882  
consumer, including, but not limited to, the cost of the drug 2883  
product, professional fees, handling fees, if any, and a 2884  
statement identifying professional services routinely furnished 2885  
by the pharmacy. Any mailing fees and delivery fees may be 2886

stated separately without repetition. The information shall not 2887  
be false or misleading. 2888

(O) "Wholesale distributor of dangerous drugs" or 2889  
"wholesale distributor" means a person engaged in the sale of 2890  
dangerous drugs at wholesale and includes any agent or employee 2891  
of such a person authorized by the person to engage in the sale 2892  
of dangerous drugs at wholesale. 2893

(P) "Manufacturer of dangerous drugs" or "manufacturer" 2894  
means a person, other than a pharmacist or prescriber, who 2895  
manufactures dangerous drugs and who is engaged in the sale of 2896  
those dangerous drugs. 2897

(Q) "Terminal distributor of dangerous drugs" or "terminal 2898  
distributor" means a person who is engaged in the sale of 2899  
dangerous drugs at retail, or any person, other than a 2900  
manufacturer, repackager, outsourcing facility, third-party 2901  
logistics provider, wholesale distributor, or pharmacist, who 2902  
has possession, custody, or control of dangerous drugs for any 2903  
purpose other than for that person's own use and consumption. 2904  
"Terminal distributor" includes pharmacies, hospitals, nursing 2905  
homes, and laboratories and all other persons who procure 2906  
dangerous drugs for sale or other distribution by or under the 2907  
supervision of a pharmacist, licensed health professional 2908  
authorized to prescribe drugs, or other person authorized by the 2909  
state board of pharmacy. 2910

(R) "Promote to the public" means disseminating a 2911  
representation to the public in any manner or by any means, 2912  
other than by labeling, for the purpose of inducing, or that is 2913  
likely to induce, directly or indirectly, the purchase of a 2914  
dangerous drug at retail. 2915

(S) "Person" includes any individual, partnership, 2916  
association, limited liability company, or corporation, the 2917  
state, any political subdivision of the state, and any district, 2918  
department, or agency of the state or its political 2919  
subdivisions. 2920

(T) "Animal shelter" means a facility operated by a humane 2921  
society or any society organized under Chapter 1717. of the 2922  
Revised Code or a dog pound operated pursuant to Chapter 955. of 2923  
the Revised Code. 2924

(U) "Food" has the same meaning as in section 3715.01 of 2925  
the Revised Code. 2926

(V) "Pain management clinic" has the same meaning as in 2927  
section 4731.054 of the Revised Code. 2928

(W) "Investigational drug or product" means a drug or 2929  
product that has successfully completed phase one of the United 2930  
States food and drug administration clinical trials and remains 2931  
under clinical trial, but has not been approved for general use 2932  
by the United States food and drug administration. 2933  
"Investigational drug or product" does not include controlled 2934  
substances in schedule I, as defined in section 3719.01 of the 2935  
Revised Code. 2936

(X) "Product," when used in reference to an 2937  
investigational drug or product, means a biological product, 2938  
other than a drug, that is made from a natural human, animal, or 2939  
microorganism source and is intended to treat a disease or 2940  
medical condition. 2941

(Y) "Third-party logistics provider" means a person that 2942  
provides or coordinates warehousing or other logistics services 2943  
pertaining to dangerous drugs including distribution, on behalf 2944

of a manufacturer, wholesale distributor, or terminal 2945  
distributor of dangerous drugs, but does not take ownership of 2946  
the drugs or have responsibility to direct the sale or 2947  
disposition of the drugs. 2948

(Z) "Repackager of dangerous drugs" or "repackager" means 2949  
a person that repacks and relabels dangerous drugs for sale or 2950  
distribution. 2951

(AA) "Outsourcing facility" means a facility that is 2952  
engaged in the compounding and sale of sterile drugs and is 2953  
registered as an outsourcing facility with the United States 2954  
food and drug administration. 2955

(BB) "Laboratory" means a laboratory licensed under this 2956  
chapter as a terminal distributor of dangerous drugs and 2957  
entrusted to have custody of any of the following drugs and to 2958  
use the drugs for scientific and clinical purposes and for 2959  
purposes of instruction: dangerous drugs that are not controlled 2960  
substances, as defined in section 3719.01 of the Revised Code; 2961  
dangerous drugs that are controlled substances, as defined in 2962  
that section; and controlled substances in schedule I, as 2963  
defined in that section. 2964

**Sec. 4729.51.** (A) No person other than a licensed 2965  
manufacturer of dangerous drugs, outsourcing facility, third- 2966  
party logistics provider, repackager of dangerous drugs, or 2967  
wholesale distributor of dangerous drugs shall possess for sale, 2968  
sell, distribute, or deliver, at wholesale, dangerous drugs or 2969  
investigational drugs or products, except as follows: 2970

(1) A licensed terminal distributor of dangerous drugs 2971  
that is a pharmacy may make occasional sales of dangerous drugs 2972  
or investigational drugs or products at wholesale. 2973

(2) A licensed terminal distributor of dangerous drugs 2974  
having more than one licensed location may transfer or deliver 2975  
dangerous drugs from one licensed location to another licensed 2976  
location owned by the terminal distributor if the license issued 2977  
for each location is in effect at the time of the transfer or 2978  
delivery. 2979

(3) A licensed terminal distributor of dangerous drugs 2980  
that is not a pharmacy may make occasional sales of naloxone at 2981  
wholesale. 2982

(4) A licensed terminal distributor of dangerous drugs 2983  
that is not a pharmacy may make occasional sales of dangerous 2984  
drugs at wholesale if the drugs being sold are in shortage, as 2985  
defined in rules adopted by the state board of pharmacy under 2986  
section 4729.26 of the Revised Code. 2987

(B) No licensed manufacturer, outsourcing facility, third- 2988  
party logistics provider, repackager, or wholesale distributor 2989  
shall possess for sale, sell, or distribute, at wholesale, 2990  
dangerous drugs or investigational drugs or products to any 2991  
person other than the following: 2992

(1) Subject to division (D) of this section, a licensed 2993  
terminal distributor of dangerous drugs; 2994

(2) Subject to division (C) of this section, any person 2995  
exempt from licensure as a terminal distributor of dangerous 2996  
drugs under section 4729.541 of the Revised Code; 2997

(3) A licensed manufacturer, outsourcing facility, third- 2998  
party logistics provider, repackager, or wholesale distributor; 2999

(4) A terminal distributor, manufacturer, outsourcing 3000  
facility, third-party logistics provider, repackager, or 3001  
wholesale distributor that is located in another state, is not 3002

engaged in the sale of dangerous drugs within this state, and is 3003  
actively licensed to engage in the sale of dangerous drugs by 3004  
the state in which the distributor conducts business. 3005

(C) No licensed manufacturer, outsourcing facility, third- 3006  
party logistics provider, repackager, or wholesale distributor 3007  
shall possess for sale, sell, or distribute, at wholesale, 3008  
dangerous drugs or investigational drugs or products to either 3009  
of the following: 3010

(1) A prescriber who is employed by either of the 3011  
following: 3012

(a) A pain management clinic that is not licensed as a 3013  
terminal distributor of dangerous drugs with a pain management 3014  
clinic classification issued under section 4729.552 of the 3015  
Revised Code; 3016

(b) A facility, clinic, or other location that provides 3017  
office-based opioid treatment but is not licensed as a terminal 3018  
distributor of dangerous drugs with an office-based opioid 3019  
treatment classification issued under section 4729.553 of the 3020  
Revised Code if such a license is required by that section. 3021

(2) A business entity described in division (A) (2) or (3) 3022  
of section 4729.541 of the Revised Code that is, or is 3023  
operating, either of the following: 3024

(a) A pain management clinic without a license as a 3025  
terminal distributor of dangerous drugs with a pain management 3026  
clinic classification issued under section 4729.552 of the 3027  
Revised Code; 3028

(b) A facility, clinic, or other location that provides 3029  
office-based opioid treatment without a license as a terminal 3030  
distributor of dangerous drugs with an office-based opioid 3031



treatment classification issued under section 4729.553 of the 3032  
Revised Code if such a license is required by that section. 3033

(D) No licensed manufacturer, outsourcing facility, third- 3034  
party logistics provider, repackager, or wholesale distributor 3035  
shall possess dangerous drugs or investigational drugs or 3036  
products for sale at wholesale, or sell or distribute such drugs 3037  
at wholesale, to a licensed terminal distributor of dangerous 3038  
drugs, except as follows: 3039

(1) In the case of a terminal distributor with a category 3040  
II license, only dangerous drugs in category II, as defined in 3041  
division (A)(1) of section 4729.54 of the Revised Code; 3042

(2) In the case of a terminal distributor with a category 3043  
III license, dangerous drugs in category II and category III, as 3044  
defined in divisions (A)(1) and (2) of section 4729.54 of the 3045  
Revised Code; 3046

(3) In the case of a terminal distributor with a limited 3047  
category II or III license, only the dangerous drugs specified 3048  
in the license. 3049

(E)(1) Except as provided in division (E)(2) of this 3050  
section, no person shall do any of the following: 3051

(a) Sell or distribute, at retail, dangerous drugs; 3052

(b) Possess for sale, at retail, dangerous drugs; 3053

(c) Possess dangerous drugs. 3054

(2)(a) Divisions (E)(1)(a), (b), and (c) of this section 3055  
do not apply to any of the following: 3056

(i) A licensed terminal distributor of dangerous drugs; 3057

(ii) A person who possesses, or possesses for sale or 3058

sells, at retail, a dangerous drug in accordance with Chapters 3059  
3719., 4715., 4723., 4725., 4729., 4730., 4731., 4732., and 3060  
4741. of the Revised Code; 3061

(iii) Any of the persons identified in divisions (A)(1) to 3062  
(5) and (13) of section 4729.541 of the Revised Code, but only 3063  
to the extent specified in that section. 3064

(b) Division (E)(1)(c) of this section does not apply to 3065  
any of the following: 3066

(i) A licensed manufacturer, outsourcing facility, third- 3067  
party logistics provider, repackager, or wholesale distributor; 3068

(ii) Any of the persons identified in divisions (A)(6) to 3069  
(12) of section 4729.541 of the Revised Code, but only to the 3070  
extent specified in that section. 3071

(F) No licensed terminal distributor of dangerous drugs or 3072  
person that is exempt from licensure under section 4729.541 of 3073  
the Revised Code shall purchase dangerous drugs or 3074  
investigational drugs or products from any person other than a 3075  
licensed manufacturer, outsourcing facility, third-party 3076  
logistics provider, repackager, or wholesale distributor, except 3077  
as follows: 3078

(1) A licensed terminal distributor of dangerous drugs or 3079  
person that is exempt from licensure under section 4729.541 of 3080  
the Revised Code may make occasional purchases of dangerous 3081  
drugs or investigational drugs or products that are sold in 3082  
accordance with division (A)(1) or (3) of this section. 3083

(2) A licensed terminal distributor of dangerous drugs 3084  
having more than one licensed location may transfer or deliver 3085  
dangerous drugs or investigational drugs or products from one 3086  
licensed location to another licensed location if the license 3087

issued for each location is in effect at the time of the 3088  
transfer or delivery. 3089

(G) No licensed terminal distributor of dangerous drugs 3090  
shall engage in the retail sale or other distribution of 3091  
dangerous drugs or investigational drugs or products or maintain 3092  
possession, custody, or control of dangerous drugs or 3093  
investigational drugs or products for any purpose other than the 3094  
distributor's personal use or consumption, at any establishment 3095  
or place other than that or those described in the license 3096  
issued by the board to such terminal distributor. 3097

(H) Nothing in this section shall be construed to 3098  
interfere with the performance of official duties by any law 3099  
enforcement official authorized by municipal, county, state, or 3100  
federal law to collect samples of any drug, regardless of its 3101  
nature or in whose possession it may be. 3102

(I) Notwithstanding anything to the contrary in this 3103  
section, the board of education of a city, local, exempted 3104  
village, or joint vocational school district may distribute 3105  
epinephrine autoinjectors for use in accordance with section 3106  
3313.7110 of the Revised Code and may distribute inhalers for 3107  
use in accordance with section 3313.7113 of the Revised Code. 3108

**Sec. 4731.054.** (A) As used in this section: 3109

(1) "Chronic pain" has the same meaning as in section 3110  
4731.052 of the Revised Code. 3111

(2) "Controlled substance" has the same meaning as in 3112  
section 3719.01 of the Revised Code. 3113

(3) "Hospice care program" means a program licensed under 3114  
Chapter 3712. of the Revised Code. 3115

(4) "Hospital" means a hospital registered with the 3116  
department of health under section 3701.07 of the Revised Code. 3117

(5) "Owner" means each person included on the list 3118  
maintained under division (B) (6) of section 4729.552 of the 3119  
Revised Code. 3120

(6) (a) "Pain management clinic" means a facility to which 3121  
both of the following apply: 3122

(i) The majority of patients of the prescribers at the 3123  
facility are provided treatment for chronic pain through the use 3124  
of controlled substances, tramadol, or other drugs specified in 3125  
rules adopted under this section; 3126

(ii) The facility meets any other identifying criteria 3127  
established in rules adopted under this section. 3128

(b) "Pain management clinic" does not include any of the 3129  
following: 3130

(i) A hospital; 3131

(ii) A facility operated by a hospital for the treatment 3132  
of chronic pain; 3133

(iii) A physician practice owned or controlled, in whole 3134  
or in part, by a hospital or by an entity that owns or controls, 3135  
in whole or in part, one or more hospitals; 3136

(iv) A school, college, university, or other educational 3137  
institution or program to the extent that it provides 3138  
instruction to individuals preparing to practice as physicians, 3139  
podiatrists, dentists, nurses, physician assistants, 3140  
psychologists, optometrists, or veterinarians or any affiliated 3141  
facility to the extent that it participates in the provision of 3142  
that instruction; 3143

- (v) A hospice care program with respect to its hospice patients; 3144  
3145
- (vi) A hospice care program with respect to its provision of palliative care in an inpatient facility or unit to patients who are not hospice patients, as authorized by section 3712.10 of the Revised Code, but only in the case of those palliative care patients who have a life-threatening illness; 3146  
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3148  
3149  
3150
- (vii) A palliative care inpatient facility or unit that does not admit hospice patients and is not otherwise excluded as a pain management clinic under division (A) (6) (b) of this section, but only in the case of those palliative care patients who have a life-threatening illness; 3151  
3152  
3153  
3154  
3155
- (viii) An ambulatory surgical facility licensed under section 3702.30 of the Revised Code; 3156  
3157
- (ix) An interdisciplinary pain rehabilitation program with three-year accreditation from the commission on accreditation of rehabilitation facilities; 3158  
3159  
3160
- (x) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code; 3161  
3162  
3163
- (xi) A facility conducting only clinical research that may use controlled substances in studies approved by a hospital-based institutional review board or an institutional review board accredited by the association for the accreditation of human research protection programs. 3164  
3165  
3166  
3167  
3168
- (7) "Physician" means an individual authorized under this chapter to practice medicine and surgery or osteopathic medicine and surgery. 3169  
3170  
3171

(8) "Prescriber" has the same meaning as in section 3172  
4729.01 of the Revised Code. 3173

(B) Each owner shall supervise, control, and direct the 3174  
activities of each individual, including an employee, volunteer, 3175  
or individual under contract, who provides treatment of chronic 3176  
pain at the pain management clinic or is associated with the 3177  
provision of that treatment. The supervision, control, and 3178  
direction shall be provided in accordance with rules adopted 3179  
under this section. 3180

(C) The state medical board shall adopt rules in 3181  
accordance with Chapter 119. of the Revised Code that establish 3182  
all of the following: 3183

(1) Standards and procedures for the operation of a pain 3184  
management clinic; 3185

(2) Standards and procedures to be followed by a physician 3186  
who provides care at a pain management clinic; 3187

(3) For purposes of division (A) (5) (a) (i) of this section, 3188  
the other drugs used to treat chronic pain that identify a 3189  
facility as a pain management clinic; 3190

(4) For purposes of division (A) (5) (a) (ii) of this 3191  
section, the other criteria that identify a facility as a pain 3192  
management clinic; 3193

(5) For purposes of division (B) of this section, 3194  
standards and procedures to be followed by an owner in providing 3195  
supervision, direction, and control of individuals at a pain 3196  
management clinic. 3197

(D) The board may impose a fine of not more than twenty 3198  
thousand dollars on a physician who fails to comply with rules 3199

adopted under this section. The fine may be in addition to or in 3200  
lieu of any other action that may be taken under section 4731.22 3201  
of the Revised Code. The board shall deposit any amounts 3202  
received under this division in accordance with section 4731.24 3203  
of the Revised Code. 3204

(E) (1) The board may inspect either of the following as 3205  
the board determines necessary to ensure compliance with this 3206  
chapter and any rules adopted under it regarding pain management 3207  
clinics: 3208

(a) A pain management clinic; 3209

(b) A facility or physician practice that the board 3210  
suspects is operating as a pain management clinic in violation 3211  
of this chapter. 3212

(2) The board's inspection shall be conducted in 3213  
accordance with division (F) of section 4731.22 of the Revised 3214  
Code. 3215

(3) Before conducting an on-site inspection, the board 3216  
shall provide notice to the owner or other person in charge of 3217  
the facility or physician practice, except that the board is not 3218  
required to provide the notice if, in the judgment of the board, 3219  
the notice would jeopardize an investigation being conducted by 3220  
the board. 3221

**Sec. 4731.22.** (A) The state medical board, by an 3222  
affirmative vote of not fewer than six of its members, may 3223  
limit, revoke, or suspend a license or certificate to practice 3224  
or certificate to recommend, refuse to grant a license or 3225  
certificate, refuse to renew a license or certificate, refuse to 3226  
reinstate a license or certificate, or reprimand or place on 3227  
probation the holder of a license or certificate if the 3228

individual applying for or holding the license or certificate is 3229  
found by the board to have committed fraud during the 3230  
administration of the examination for a license or certificate 3231  
to practice or to have committed fraud, misrepresentation, or 3232  
deception in applying for, renewing, or securing any license or 3233  
certificate to practice or certificate to recommend issued by 3234  
the board. 3235

(B) The board, by an affirmative vote of not fewer than 3236  
six members, shall, to the extent permitted by law, limit, 3237  
revoke, or suspend a license or certificate to practice or 3238  
certificate to recommend, refuse to issue a license or 3239  
certificate, refuse to renew a license or certificate, refuse to 3240  
reinstate a license or certificate, or reprimand or place on 3241  
probation the holder of a license or certificate for one or more 3242  
of the following reasons: 3243

(1) Permitting one's name or one's license or certificate 3244  
to practice to be used by a person, group, or corporation when 3245  
the individual concerned is not actually directing the treatment 3246  
given; 3247

(2) Failure to maintain minimal standards applicable to 3248  
the selection or administration of drugs, or failure to employ 3249  
acceptable scientific methods in the selection of drugs or other 3250  
modalities for treatment of disease; 3251

(3) Except as provided in section 4731.97 of the Revised 3252  
Code, selling, giving away, personally furnishing, prescribing, 3253  
or administering drugs for other than legal and legitimate 3254  
therapeutic purposes or a plea of guilty to, a judicial finding 3255  
of guilt of, or a judicial finding of eligibility for 3256  
intervention in lieu of conviction of, a violation of any 3257  
federal or state law regulating the possession, distribution, or 3258



use of any drug; 3259

(4) Willfully betraying a professional confidence. 3260

For purposes of this division, "willfully betraying a 3261  
professional confidence" does not include providing any 3262  
information, documents, or reports under sections 307.621 to 3263  
307.629 of the Revised Code to a child fatality review board; 3264  
does not include providing any information, documents, or 3265  
reports to the director of health pursuant to guidelines 3266  
established under section 3701.70 of the Revised Code; does not 3267  
include written notice to a mental health professional under 3268  
section 4731.62 of the Revised Code; and does not include the 3269  
making of a report of an employee's use of a drug of abuse, or a 3270  
report of a condition of an employee other than one involving 3271  
the use of a drug of abuse, to the employer of the employee as 3272  
described in division (B) of section 2305.33 of the Revised 3273  
Code. Nothing in this division affects the immunity from civil 3274  
liability conferred by section 2305.33 or 4731.62 of the Revised 3275  
Code upon a physician who makes a report in accordance with 3276  
section 2305.33 or notifies a mental health professional in 3277  
accordance with section 4731.62 of the Revised Code. As used in 3278  
this division, "employee," "employer," and "physician" have the 3279  
same meanings as in section 2305.33 of the Revised Code. 3280

(5) Making a false, fraudulent, deceptive, or misleading 3281  
statement in the solicitation of or advertising for patients; in 3282  
relation to the practice of medicine and surgery, osteopathic 3283  
medicine and surgery, podiatric medicine and surgery, or a 3284  
limited branch of medicine; or in securing or attempting to 3285  
secure any license or certificate to practice issued by the 3286  
board. 3287

As used in this division, "false, fraudulent, deceptive, 3288

or misleading statement" means a statement that includes a 3289  
misrepresentation of fact, is likely to mislead or deceive 3290  
because of a failure to disclose material facts, is intended or 3291  
is likely to create false or unjustified expectations of 3292  
favorable results, or includes representations or implications 3293  
that in reasonable probability will cause an ordinarily prudent 3294  
person to misunderstand or be deceived. 3295

(6) A departure from, or the failure to conform to, 3296  
minimal standards of care of similar practitioners under the 3297  
same or similar circumstances, whether or not actual injury to a 3298  
patient is established; 3299

(7) Representing, with the purpose of obtaining 3300  
compensation or other advantage as personal gain or for any 3301  
other person, that an incurable disease or injury, or other 3302  
incurable condition, can be permanently cured; 3303

(8) The obtaining of, or attempting to obtain, money or 3304  
anything of value by fraudulent misrepresentations in the course 3305  
of practice; 3306

(9) A plea of guilty to, a judicial finding of guilt of, 3307  
or a judicial finding of eligibility for intervention in lieu of 3308  
conviction for, a felony; 3309

(10) Commission of an act that constitutes a felony in 3310  
this state, regardless of the jurisdiction in which the act was 3311  
committed; 3312

(11) A plea of guilty to, a judicial finding of guilt of, 3313  
or a judicial finding of eligibility for intervention in lieu of 3314  
conviction for, a misdemeanor committed in the course of 3315  
practice; 3316

(12) Commission of an act in the course of practice that 3317

constitutes a misdemeanor in this state, regardless of the 3318  
jurisdiction in which the act was committed; 3319

(13) A plea of guilty to, a judicial finding of guilt of, 3320  
or a judicial finding of eligibility for intervention in lieu of 3321  
conviction for, a misdemeanor involving moral turpitude; 3322

(14) Commission of an act involving moral turpitude that 3323  
constitutes a misdemeanor in this state, regardless of the 3324  
jurisdiction in which the act was committed; 3325

(15) Violation of the conditions of limitation placed by 3326  
the board upon a license or certificate to practice; 3327

(16) Failure to pay license renewal fees specified in this 3328  
chapter; 3329

(17) Except as authorized in section 4731.31 of the 3330  
Revised Code, engaging in the division of fees for referral of 3331  
patients, or the receiving of a thing of value in return for a 3332  
specific referral of a patient to utilize a particular service 3333  
or business; 3334

(18) Subject to section 4731.226 of the Revised Code, 3335  
violation of any provision of a code of ethics of the American 3336  
medical association, the American osteopathic association, the 3337  
American podiatric medical association, or any other national 3338  
professional organizations that the board specifies by rule. The 3339  
state medical board shall obtain and keep on file current copies 3340  
of the codes of ethics of the various national professional 3341  
organizations. The individual whose license or certificate is 3342  
being suspended or revoked shall not be found to have violated 3343  
any provision of a code of ethics of an organization not 3344  
appropriate to the individual's profession. 3345

For purposes of this division, a "provision of a code of 3346

ethics of a national professional organization" does not include 3347  
any provision that would preclude the making of a report by a 3348  
physician of an employee's use of a drug of abuse, or of a 3349  
condition of an employee other than one involving the use of a 3350  
drug of abuse, to the employer of the employee as described in 3351  
division (B) of section 2305.33 of the Revised Code. Nothing in 3352  
this division affects the immunity from civil liability 3353  
conferred by that section upon a physician who makes either type 3354  
of report in accordance with division (B) of that section. As 3355  
used in this division, "employee," "employer," and "physician" 3356  
have the same meanings as in section 2305.33 of the Revised 3357  
Code. 3358

(19) Inability to practice according to acceptable and 3359  
prevailing standards of care by reason of mental illness or 3360  
physical illness, including, but not limited to, physical 3361  
deterioration that adversely affects cognitive, motor, or 3362  
perceptive skills. 3363

In enforcing this division, the board, upon a showing of a 3364  
possible violation, may compel any individual authorized to 3365  
practice by this chapter or who has submitted an application 3366  
pursuant to this chapter to submit to a mental examination, 3367  
physical examination, including an HIV test, or both a mental 3368  
and a physical examination. The expense of the examination is 3369  
the responsibility of the individual compelled to be examined. 3370  
Failure to submit to a mental or physical examination or consent 3371  
to an HIV test ordered by the board constitutes an admission of 3372  
the allegations against the individual unless the failure is due 3373  
to circumstances beyond the individual's control, and a default 3374  
and final order may be entered without the taking of testimony 3375  
or presentation of evidence. If the board finds an individual 3376  
unable to practice because of the reasons set forth in this 3377

division, the board shall require the individual to submit to 3378  
care, counseling, or treatment by physicians approved or 3379  
designated by the board, as a condition for initial, continued, 3380  
reinstated, or renewed authority to practice. An individual 3381  
affected under this division shall be afforded an opportunity to 3382  
demonstrate to the board the ability to resume practice in 3383  
compliance with acceptable and prevailing standards under the 3384  
provisions of the individual's license or certificate. For the 3385  
purpose of this division, any individual who applies for or 3386  
receives a license or certificate to practice under this chapter 3387  
accepts the privilege of practicing in this state and, by so 3388  
doing, shall be deemed to have given consent to submit to a 3389  
mental or physical examination when directed to do so in writing 3390  
by the board, and to have waived all objections to the 3391  
admissibility of testimony or examination reports that 3392  
constitute a privileged communication. 3393

(20) Except as provided in division (F)(1)(b) of section 3394  
4731.282 of the Revised Code or when civil penalties are imposed 3395  
under section 4731.225 of the Revised Code, and subject to 3396  
section 4731.226 of the Revised Code, violating or attempting to 3397  
violate, directly or indirectly, or assisting in or abetting the 3398  
violation of, or conspiring to violate, any provisions of this 3399  
chapter or any rule promulgated by the board. 3400

This division does not apply to a violation or attempted 3401  
violation of, assisting in or abetting the violation of, or a 3402  
conspiracy to violate, any provision of this chapter or any rule 3403  
adopted by the board that would preclude the making of a report 3404  
by a physician of an employee's use of a drug of abuse, or of a 3405  
condition of an employee other than one involving the use of a 3406  
drug of abuse, to the employer of the employee as described in 3407  
division (B) of section 2305.33 of the Revised Code. Nothing in 3408

this division affects the immunity from civil liability 3409  
conferred by that section upon a physician who makes either type 3410  
of report in accordance with division (B) of that section. As 3411  
used in this division, "employee," "employer," and "physician" 3412  
have the same meanings as in section 2305.33 of the Revised 3413  
Code. 3414

(21) The violation of section 3701.79 of the Revised Code 3415  
or of any abortion rule adopted by the director of health 3416  
pursuant to section 3701.341 of the Revised Code; 3417

(22) Any of the following actions taken by an agency 3418  
responsible for authorizing, certifying, or regulating an 3419  
individual to practice a health care occupation or provide 3420  
health care services in this state or another jurisdiction, for 3421  
any reason other than the nonpayment of fees: the limitation, 3422  
revocation, or suspension of an individual's license to 3423  
practice; acceptance of an individual's license surrender; 3424  
denial of a license; refusal to renew or reinstate a license; 3425  
imposition of probation; or issuance of an order of censure or 3426  
other reprimand; 3427

(23) The violation of section 2919.12 of the Revised Code 3428  
or the performance or inducement of an abortion upon a pregnant 3429  
woman with actual knowledge that the conditions specified in 3430  
division (B) of section 2317.56 of the Revised Code have not 3431  
been satisfied or with a heedless indifference as to whether 3432  
those conditions have been satisfied, unless an affirmative 3433  
defense as specified in division (H)(2) of that section would 3434  
apply in a civil action authorized by division (H)(1) of that 3435  
section; 3436

(24) The revocation, suspension, restriction, reduction, 3437  
or termination of clinical privileges by the United States 3438

department of defense or department of veterans affairs or the 3439  
termination or suspension of a certificate of registration to 3440  
prescribe drugs by the drug enforcement administration of the 3441  
United States department of justice; 3442

(25) Termination or suspension from participation in the 3443  
medicare or medicaid programs by the department of health and 3444  
human services or other responsible agency; 3445

(26) Impairment of ability to practice according to 3446  
acceptable and prevailing standards of care because of habitual 3447  
or excessive use or abuse of drugs, alcohol, or other substances 3448  
that impair ability to practice. 3449

For the purposes of this division, any individual 3450  
authorized to practice by this chapter accepts the privilege of 3451  
practicing in this state subject to supervision by the board. By 3452  
filing an application for or holding a license or certificate to 3453  
practice under this chapter, an individual shall be deemed to 3454  
have given consent to submit to a mental or physical examination 3455  
when ordered to do so by the board in writing, and to have 3456  
waived all objections to the admissibility of testimony or 3457  
examination reports that constitute privileged communications. 3458

If it has reason to believe that any individual authorized 3459  
to practice by this chapter or any applicant for licensure or 3460  
certification to practice suffers such impairment, the board may 3461  
compel the individual to submit to a mental or physical 3462  
examination, or both. The expense of the examination is the 3463  
responsibility of the individual compelled to be examined. Any 3464  
mental or physical examination required under this division 3465  
shall be undertaken by a treatment provider or physician who is 3466  
qualified to conduct the examination and who is chosen by the 3467  
board. 3468

Failure to submit to a mental or physical examination 3469  
ordered by the board constitutes an admission of the allegations 3470  
against the individual unless the failure is due to 3471  
circumstances beyond the individual's control, and a default and 3472  
final order may be entered without the taking of testimony or 3473  
presentation of evidence. If the board determines that the 3474  
individual's ability to practice is impaired, the board shall 3475  
suspend the individual's license or certificate or deny the 3476  
individual's application and shall require the individual, as a 3477  
condition for initial, continued, reinstated, or renewed 3478  
licensure or certification to practice, to submit to treatment. 3479

Before being eligible to apply for reinstatement of a 3480  
license or certificate suspended under this division, the 3481  
impaired practitioner shall demonstrate to the board the ability 3482  
to resume practice in compliance with acceptable and prevailing 3483  
standards of care under the provisions of the practitioner's 3484  
license or certificate. The demonstration shall include, but 3485  
shall not be limited to, the following: 3486

(a) Certification from a treatment provider approved under 3487  
section 4731.25 of the Revised Code that the individual has 3488  
successfully completed any required inpatient treatment; 3489

(b) Evidence of continuing full compliance with an 3490  
aftercare contract or consent agreement; 3491

(c) Two written reports indicating that the individual's 3492  
ability to practice has been assessed and that the individual 3493  
has been found capable of practicing according to acceptable and 3494  
prevailing standards of care. The reports shall be made by 3495  
individuals or providers approved by the board for making the 3496  
assessments and shall describe the basis for their 3497  
determination. 3498



The board may reinstate a license or certificate suspended 3499  
under this division after that demonstration and after the 3500  
individual has entered into a written consent agreement. 3501

When the impaired practitioner resumes practice, the board 3502  
shall require continued monitoring of the individual. The 3503  
monitoring shall include, but not be limited to, compliance with 3504  
the written consent agreement entered into before reinstatement 3505  
or with conditions imposed by board order after a hearing, and, 3506  
upon termination of the consent agreement, submission to the 3507  
board for at least two years of annual written progress reports 3508  
made under penalty of perjury stating whether the individual has 3509  
maintained sobriety. 3510

(27) A second or subsequent violation of section 4731.66 3511  
or 4731.69 of the Revised Code; 3512

(28) Except as provided in division (N) of this section: 3513

(a) Waiving the payment of all or any part of a deductible 3514  
or copayment that a patient, pursuant to a health insurance or 3515  
health care policy, contract, or plan that covers the 3516  
individual's services, otherwise would be required to pay if the 3517  
waiver is used as an enticement to a patient or group of 3518  
patients to receive health care services from that individual; 3519

(b) Advertising that the individual will waive the payment 3520  
of all or any part of a deductible or copayment that a patient, 3521  
pursuant to a health insurance or health care policy, contract, 3522  
or plan that covers the individual's services, otherwise would 3523  
be required to pay. 3524

(29) Failure to use universal blood and body fluid 3525  
precautions established by rules adopted under section 4731.051 3526  
of the Revised Code; 3527

(30) Failure to provide notice to, and receive 3528  
acknowledgment of the notice from, a patient when required by 3529  
section 4731.143 of the Revised Code prior to providing 3530  
nonemergency professional services, or failure to maintain that 3531  
notice in the patient's medical record; 3532

(31) Failure of a physician supervising a physician 3533  
assistant to maintain supervision in accordance with the 3534  
requirements of Chapter 4730. of the Revised Code and the rules 3535  
adopted under that chapter; 3536

(32) Failure of a physician or podiatrist to enter into a 3537  
standard care arrangement with a clinical nurse specialist, 3538  
certified nurse-midwife, or certified nurse practitioner with 3539  
whom the physician or podiatrist is in collaboration pursuant to 3540  
section 4731.27 of the Revised Code or failure to fulfill the 3541  
responsibilities of collaboration after entering into a standard 3542  
care arrangement; 3543

(33) Failure to comply with the terms of a consult 3544  
agreement entered into with a pharmacist pursuant to section 3545  
4729.39 of the Revised Code; 3546

(34) Failure to cooperate in an investigation conducted by 3547  
the board under division (F) of this section, including failure 3548  
to comply with a subpoena or order issued by the board or 3549  
failure to answer truthfully a question presented by the board 3550  
in an investigative interview, an investigative office 3551  
conference, at a deposition, or in written interrogatories, 3552  
except that failure to cooperate with an investigation shall not 3553  
constitute grounds for discipline under this section if a court 3554  
of competent jurisdiction has issued an order that either 3555  
quashes a subpoena or permits the individual to withhold the 3556  
testimony or evidence in issue; 3557

(35) Failure to supervise an oriental medicine	3558
practitioner or acupuncturist in accordance with Chapter 4762.	3559
of the Revised Code and the board's rules for providing that	3560
supervision;	3561
(36) Failure to supervise an anesthesiologist assistant in	3562
accordance with Chapter 4760. of the Revised Code and the	3563
board's rules for supervision of an anesthesiologist assistant;	3564
(37) Assisting suicide, as defined in section 3795.01 of	3565
the Revised Code;	3566
(38) Failure to comply with the requirements of section	3567
2317.561 of the Revised Code;	3568
(39) Failure to supervise a radiologist assistant in	3569
accordance with Chapter 4774. of the Revised Code and the	3570
board's rules for supervision of radiologist assistants;	3571
(40) Performing or inducing an abortion at an office or	3572
facility with knowledge that the office or facility fails to	3573
post the notice required under section 3701.791 of the Revised	3574
Code;	3575
(41) Failure to comply with the standards and procedures	3576
established in rules under section 4731.054 of the Revised Code	3577
for the operation of or the provision of care at a pain	3578
management clinic;	3579
(42) Failure to comply with the standards and procedures	3580
established in rules under section 4731.054 of the Revised Code	3581
for providing supervision, direction, and control of individuals	3582
at a pain management clinic;	3583
(43) Failure to comply with the requirements of section	3584
4729.79 or 4731.055 of the Revised Code, unless the state board	3585

of pharmacy no longer maintains a drug database pursuant to 3586  
section 4729.75 of the Revised Code; 3587

(44) Failure to comply with the requirements of section 3588  
2919.171, 2919.202, or 2919.203 of the Revised Code or failure 3589  
to submit to the department of health in accordance with a court 3590  
order a complete report as described in section 2919.171 or 3591  
2919.202 of the Revised Code; 3592

(45) Practicing at a facility that is subject to licensure 3593  
as a category III terminal distributor of dangerous drugs with a 3594  
pain management clinic classification unless the person 3595  
operating the facility has obtained and maintains the license 3596  
with the classification; 3597

(46) Owning a facility that is subject to licensure as a 3598  
category III terminal distributor of dangerous drugs with a pain 3599  
management clinic classification unless the facility is licensed 3600  
with the classification; 3601

(47) Failure to comply with any of the requirements 3602  
regarding making or maintaining medical records or documents 3603  
described in division (A) of section 2919.192, division (C) of 3604  
section 2919.193, division (B) of section 2919.195, or division 3605  
(A) of section 2919.196 of the Revised Code; 3606

(48) Failure to comply with the requirements in section 3607  
3719.061 of the Revised Code before issuing for a minor a 3608  
prescription for an opioid analgesic, as defined in section 3609  
3719.01 of the Revised Code; 3610

(49) Failure to comply with the requirements of section 3611  
4731.30 of the Revised Code or rules adopted under section 3612  
4731.301 of the Revised Code when recommending treatment with 3613  
medical marijuana; 3614

(50) Practicing at a facility, clinic, or other location 3615  
that is subject to licensure as a category III terminal 3616  
distributor of dangerous drugs with an office-based opioid 3617  
treatment classification unless the person operating that place 3618  
has obtained and maintains the license with the classification; 3619

(51) Owning a facility, clinic, or other location that is 3620  
subject to licensure as a category III terminal distributor of 3621  
dangerous drugs with an office-based opioid treatment 3622  
classification unless that place is licensed with the 3623  
classification; 3624

(52) A pattern of continuous or repeated violations of 3625  
division (E) (2) or (3) of section 3963.02 of the Revised Code; 3626

(53) Failure of a physician to enter into a collaborative 3627  
agreement with a psychologist holding a certificate to prescribe 3628  
issued under section 4732.40 of the Revised Code with whom the 3629  
physician collaborates in the prescribing component of the 3630  
psychologist's practice pursuant to section 4732.431 of the 3631  
Revised Code or failure to fulfill the responsibilities of 3632  
collaboration after entering into the agreement. 3633

(C) Disciplinary actions taken by the board under 3634  
divisions (A) and (B) of this section shall be taken pursuant to 3635  
an adjudication under Chapter 119. of the Revised Code, except 3636  
that in lieu of an adjudication, the board may enter into a 3637  
consent agreement with an individual to resolve an allegation of 3638  
a violation of this chapter or any rule adopted under it. A 3639  
consent agreement, when ratified by an affirmative vote of not 3640  
fewer than six members of the board, shall constitute the 3641  
findings and order of the board with respect to the matter 3642  
addressed in the agreement. If the board refuses to ratify a 3643  
consent agreement, the admissions and findings contained in the 3644

consent agreement shall be of no force or effect. 3645

A telephone conference call may be utilized for 3646  
ratification of a consent agreement that revokes or suspends an 3647  
individual's license or certificate to practice or certificate 3648  
to recommend. The telephone conference call shall be considered 3649  
a special meeting under division (F) of section 121.22 of the 3650  
Revised Code. 3651

If the board takes disciplinary action against an 3652  
individual under division (B) of this section for a second or 3653  
subsequent plea of guilty to, or judicial finding of guilt of, a 3654  
violation of section 2919.123 of the Revised Code, the 3655  
disciplinary action shall consist of a suspension of the 3656  
individual's license or certificate to practice for a period of 3657  
at least one year or, if determined appropriate by the board, a 3658  
more serious sanction involving the individual's license or 3659  
certificate to practice. Any consent agreement entered into 3660  
under this division with an individual that pertains to a second 3661  
or subsequent plea of guilty to, or judicial finding of guilt 3662  
of, a violation of that section shall provide for a suspension 3663  
of the individual's license or certificate to practice for a 3664  
period of at least one year or, if determined appropriate by the 3665  
board, a more serious sanction involving the individual's 3666  
license or certificate to practice. 3667

(D) For purposes of divisions (B) (10), (12), and (14) of 3668  
this section, the commission of the act may be established by a 3669  
finding by the board, pursuant to an adjudication under Chapter 3670  
119. of the Revised Code, that the individual committed the act. 3671  
The board does not have jurisdiction under those divisions if 3672  
the trial court renders a final judgment in the individual's 3673  
favor and that judgment is based upon an adjudication on the 3674

merits. The board has jurisdiction under those divisions if the 3675  
trial court issues an order of dismissal upon technical or 3676  
procedural grounds. 3677

(E) The sealing of conviction records by any court shall 3678  
have no effect upon a prior board order entered under this 3679  
section or upon the board's jurisdiction to take action under 3680  
this section if, based upon a plea of guilty, a judicial finding 3681  
of guilt, or a judicial finding of eligibility for intervention 3682  
in lieu of conviction, the board issued a notice of opportunity 3683  
for a hearing prior to the court's order to seal the records. 3684  
The board shall not be required to seal, destroy, redact, or 3685  
otherwise modify its records to reflect the court's sealing of 3686  
conviction records. 3687

(F) (1) The board shall investigate evidence that appears 3688  
to show that a person has violated any provision of this chapter 3689  
or any rule adopted under it. Any person may report to the board 3690  
in a signed writing any information that the person may have 3691  
that appears to show a violation of any provision of this 3692  
chapter or any rule adopted under it. In the absence of bad 3693  
faith, any person who reports information of that nature or who 3694  
testifies before the board in any adjudication conducted under 3695  
Chapter 119. of the Revised Code shall not be liable in damages 3696  
in a civil action as a result of the report or testimony. Each 3697  
complaint or allegation of a violation received by the board 3698  
shall be assigned a case number and shall be recorded by the 3699  
board. 3700

(2) Investigations of alleged violations of this chapter 3701  
or any rule adopted under it shall be supervised by the 3702  
supervising member elected by the board in accordance with 3703  
section 4731.02 of the Revised Code and by the secretary as 3704

provided in section 4731.39 of the Revised Code. The president 3705  
may designate another member of the board to supervise the 3706  
investigation in place of the supervising member. No member of 3707  
the board who supervises the investigation of a case shall 3708  
participate in further adjudication of the case. 3709

(3) In investigating a possible violation of this chapter 3710  
or any rule adopted under this chapter, or in conducting an 3711  
inspection under division (E) of section 4731.054 of the Revised 3712  
Code, the board may question witnesses, conduct interviews, 3713  
administer oaths, order the taking of depositions, inspect and 3714  
copy any books, accounts, papers, records, or documents, issue 3715  
subpoenas, and compel the attendance of witnesses and production 3716  
of books, accounts, papers, records, documents, and testimony, 3717  
except that a subpoena for patient record information shall not 3718  
be issued without consultation with the attorney general's 3719  
office and approval of the secretary and supervising member of 3720  
the board. 3721

(a) Before issuance of a subpoena for patient record 3722  
information, the secretary and supervising member shall 3723  
determine whether there is probable cause to believe that the 3724  
complaint filed alleges a violation of this chapter or any rule 3725  
adopted under it and that the records sought are relevant to the 3726  
alleged violation and material to the investigation. The 3727  
subpoena may apply only to records that cover a reasonable 3728  
period of time surrounding the alleged violation. 3729

(b) On failure to comply with any subpoena issued by the 3730  
board and after reasonable notice to the person being 3731  
subpoenaed, the board may move for an order compelling the 3732  
production of persons or records pursuant to the Rules of Civil 3733  
Procedure. 3734



(c) A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee or agent designated by the board. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the person's usual place of residence, usual place of business, or address on file with the board. When serving a subpoena to an applicant for or the holder of a license or certificate issued under this chapter, service of the subpoena may be made by certified mail, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery. If the person being served refuses to accept the subpoena or is not located, service may be made to an attorney who notifies the board that the attorney is representing the person.

(d) A sheriff's deputy who serves a subpoena shall receive the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation or pursuant to an inspection under division (E) of section 4731.054 of the Revised Code is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The

board shall not make public the names or any other identifying 3765  
information about patients or complainants unless proper consent 3766  
is given or, in the case of a patient, a waiver of the patient 3767  
privilege exists under division (B) of section 2317.02 of the 3768  
Revised Code, except that consent or a waiver of that nature is 3769  
not required if the board possesses reliable and substantial 3770  
evidence that no bona fide physician-patient relationship 3771  
exists. 3772

The board may share any information it receives pursuant 3773  
to an investigation or inspection, including patient records and 3774  
patient record information, with law enforcement agencies, other 3775  
licensing boards, and other governmental agencies that are 3776  
prosecuting, adjudicating, or investigating alleged violations 3777  
of statutes or administrative rules. An agency or board that 3778  
receives the information shall comply with the same requirements 3779  
regarding confidentiality as those with which the state medical 3780  
board must comply, notwithstanding any conflicting provision of 3781  
the Revised Code or procedure of the agency or board that 3782  
applies when it is dealing with other information in its 3783  
possession. In a judicial proceeding, the information may be 3784  
admitted into evidence only in accordance with the Rules of 3785  
Evidence, but the court shall require that appropriate measures 3786  
are taken to ensure that confidentiality is maintained with 3787  
respect to any part of the information that contains names or 3788  
other identifying information about patients or complainants 3789  
whose confidentiality was protected by the state medical board 3790  
when the information was in the board's possession. Measures to 3791  
ensure confidentiality that may be taken by the court include 3792  
sealing its records or deleting specific information from its 3793  
records. 3794

(6) On a quarterly basis, the board shall prepare a report 3795

that documents the disposition of all cases during the preceding 3796  
three months. The report shall contain the following information 3797  
for each case with which the board has completed its activities: 3798

(a) The case number assigned to the complaint or alleged 3799  
violation; 3800

(b) The type of license or certificate to practice, if 3801  
any, held by the individual against whom the complaint is 3802  
directed; 3803

(c) A description of the allegations contained in the 3804  
complaint; 3805

(d) The disposition of the case. 3806

The report shall state how many cases are still pending 3807  
and shall be prepared in a manner that protects the identity of 3808  
each person involved in each case. The report shall be a public 3809  
record under section 149.43 of the Revised Code. 3810

(G) If the secretary and supervising member determine both 3811  
of the following, they may recommend that the board suspend an 3812  
individual's license or certificate to practice or certificate 3813  
to recommend without a prior hearing: 3814

(1) That there is clear and convincing evidence that an 3815  
individual has violated division (B) of this section; 3816

(2) That the individual's continued practice presents a 3817  
danger of immediate and serious harm to the public. 3818

Written allegations shall be prepared for consideration by 3819  
the board. The board, upon review of those allegations and by an 3820  
affirmative vote of not fewer than six of its members, excluding 3821  
the secretary and supervising member, may suspend a license or 3822  
certificate without a prior hearing. A telephone conference call 3823

may be utilized for reviewing the allegations and taking the 3824  
vote on the summary suspension. 3825

The board shall issue a written order of suspension by 3826  
certified mail or in person in accordance with section 119.07 of 3827  
the Revised Code. The order shall not be subject to suspension 3828  
by the court during pendency of any appeal filed under section 3829  
119.12 of the Revised Code. If the individual subject to the 3830  
summary suspension requests an adjudicatory hearing by the 3831  
board, the date set for the hearing shall be within fifteen 3832  
days, but not earlier than seven days, after the individual 3833  
requests the hearing, unless otherwise agreed to by both the 3834  
board and the individual. 3835

Any summary suspension imposed under this division shall 3836  
remain in effect, unless reversed on appeal, until a final 3837  
adjudicative order issued by the board pursuant to this section 3838  
and Chapter 119. of the Revised Code becomes effective. The 3839  
board shall issue its final adjudicative order within seventy- 3840  
five days after completion of its hearing. A failure to issue 3841  
the order within seventy-five days shall result in dissolution 3842  
of the summary suspension order but shall not invalidate any 3843  
subsequent, final adjudicative order. 3844

(H) If the board takes action under division (B) (9), (11), 3845  
or (13) of this section and the judicial finding of guilt, 3846  
guilty plea, or judicial finding of eligibility for intervention 3847  
in lieu of conviction is overturned on appeal, upon exhaustion 3848  
of the criminal appeal, a petition for reconsideration of the 3849  
order may be filed with the board along with appropriate court 3850  
documents. Upon receipt of a petition of that nature and 3851  
supporting court documents, the board shall reinstate the 3852  
individual's license or certificate to practice. The board may 3853

then hold an adjudication under Chapter 119. of the Revised Code 3854  
to determine whether the individual committed the act in 3855  
question. Notice of an opportunity for a hearing shall be given 3856  
in accordance with Chapter 119. of the Revised Code. If the 3857  
board finds, pursuant to an adjudication held under this 3858  
division, that the individual committed the act or if no hearing 3859  
is requested, the board may order any of the sanctions 3860  
identified under division (B) of this section. 3861

(I) The license or certificate to practice issued to an 3862  
individual under this chapter and the individual's practice in 3863  
this state are automatically suspended as of the date of the 3864  
individual's second or subsequent plea of guilty to, or judicial 3865  
finding of guilt of, a violation of section 2919.123 of the 3866  
Revised Code. In addition, the license or certificate to 3867  
practice or certificate to recommend issued to an individual 3868  
under this chapter and the individual's practice in this state 3869  
are automatically suspended as of the date the individual pleads 3870  
guilty to, is found by a judge or jury to be guilty of, or is 3871  
subject to a judicial finding of eligibility for intervention in 3872  
lieu of conviction in this state or treatment or intervention in 3873  
lieu of conviction in another jurisdiction for any of the 3874  
following criminal offenses in this state or a substantially 3875  
equivalent criminal offense in another jurisdiction: aggravated 3876  
murder, murder, voluntary manslaughter, felonious assault, 3877  
kidnapping, rape, sexual battery, gross sexual imposition, 3878  
aggravated arson, aggravated robbery, or aggravated burglary. 3879  
Continued practice after suspension shall be considered 3880  
practicing without a license or certificate. 3881

The board shall notify the individual subject to the 3882  
suspension by certified mail or in person in accordance with 3883  
section 119.07 of the Revised Code. If an individual whose 3884

license or certificate is automatically suspended under this 3885  
division fails to make a timely request for an adjudication 3886  
under Chapter 119. of the Revised Code, the board shall do 3887  
whichever of the following is applicable: 3888

(1) If the automatic suspension under this division is for 3889  
a second or subsequent plea of guilty to, or judicial finding of 3890  
guilt of, a violation of section 2919.123 of the Revised Code, 3891  
the board shall enter an order suspending the individual's 3892  
license or certificate to practice for a period of at least one 3893  
year or, if determined appropriate by the board, imposing a more 3894  
serious sanction involving the individual's license or 3895  
certificate to practice. 3896

(2) In all circumstances in which division (I)(1) of this 3897  
section does not apply, enter a final order permanently revoking 3898  
the individual's license or certificate to practice. 3899

(J) If the board is required by Chapter 119. of the 3900  
Revised Code to give notice of an opportunity for a hearing and 3901  
if the individual subject to the notice does not timely request 3902  
a hearing in accordance with section 119.07 of the Revised Code, 3903  
the board is not required to hold a hearing, but may adopt, by 3904  
an affirmative vote of not fewer than six of its members, a 3905  
final order that contains the board's findings. In that final 3906  
order, the board may order any of the sanctions identified under 3907  
division (A) or (B) of this section. 3908

(K) Any action taken by the board under division (B) of 3909  
this section resulting in a suspension from practice shall be 3910  
accompanied by a written statement of the conditions under which 3911  
the individual's license or certificate to practice may be 3912  
reinstated. The board shall adopt rules governing conditions to 3913  
be imposed for reinstatement. Reinstatement of a license or 3914

certificate suspended pursuant to division (B) of this section 3915  
requires an affirmative vote of not fewer than six members of 3916  
the board. 3917

(L) When the board refuses to grant or issue a license or 3918  
certificate to practice to an applicant, revokes an individual's 3919  
license or certificate to practice, refuses to renew an 3920  
individual's license or certificate to practice, or refuses to 3921  
reinstate an individual's license or certificate to practice, 3922  
the board may specify that its action is permanent. An 3923  
individual subject to a permanent action taken by the board is 3924  
forever thereafter ineligible to hold a license or certificate 3925  
to practice and the board shall not accept an application for 3926  
reinstatement of the license or certificate or for issuance of a 3927  
new license or certificate. 3928

(M) Notwithstanding any other provision of the Revised 3929  
Code, all of the following apply: 3930

(1) The surrender of a license or certificate issued under 3931  
this chapter shall not be effective unless or until accepted by 3932  
the board. A telephone conference call may be utilized for 3933  
acceptance of the surrender of an individual's license or 3934  
certificate to practice. The telephone conference call shall be 3935  
considered a special meeting under division (F) of section 3936  
121.22 of the Revised Code. Reinstatement of a license or 3937  
certificate surrendered to the board requires an affirmative 3938  
vote of not fewer than six members of the board. 3939

(2) An application for a license or certificate made under 3940  
the provisions of this chapter may not be withdrawn without 3941  
approval of the board. 3942

(3) Failure by an individual to renew a license or 3943

certificate to practice in accordance with this chapter or a 3944  
certificate to recommend in accordance with rules adopted under 3945  
section 4731.301 of the Revised Code shall not remove or limit 3946  
the board's jurisdiction to take any disciplinary action under 3947  
this section against the individual. 3948

(4) At the request of the board, a license or certificate 3949  
holder shall immediately surrender to the board a license or 3950  
certificate that the board has suspended, revoked, or 3951  
permanently revoked. 3952

(N) Sanctions shall not be imposed under division (B) (28) 3953  
of this section against any person who waives deductibles and 3954  
copayments as follows: 3955

(1) In compliance with the health benefit plan that 3956  
expressly allows such a practice. Waiver of the deductibles or 3957  
copayments shall be made only with the full knowledge and 3958  
consent of the plan purchaser, payer, and third-party 3959  
administrator. Documentation of the consent shall be made 3960  
available to the board upon request. 3961

(2) For professional services rendered to any other person 3962  
authorized to practice pursuant to this chapter, to the extent 3963  
allowed by this chapter and rules adopted by the board. 3964

(O) Under the board's investigative duties described in 3965  
this section and subject to division (F) of this section, the 3966  
board shall develop and implement a quality intervention program 3967  
designed to improve through remedial education the clinical and 3968  
communication skills of individuals authorized under this 3969  
chapter to practice medicine and surgery, osteopathic medicine 3970  
and surgery, and podiatric medicine and surgery. In developing 3971  
and implementing the quality intervention program, the board may 3972



do all of the following: 3973

(1) Offer in appropriate cases as determined by the board 3974  
an educational and assessment program pursuant to an 3975  
investigation the board conducts under this section; 3976

(2) Select providers of educational and assessment 3977  
services, including a quality intervention program panel of case 3978  
reviewers; 3979

(3) Make referrals to educational and assessment service 3980  
providers and approve individual educational programs 3981  
recommended by those providers. The board shall monitor the 3982  
progress of each individual undertaking a recommended individual 3983  
educational program. 3984

(4) Determine what constitutes successful completion of an 3985  
individual educational program and require further monitoring of 3986  
the individual who completed the program or other action that 3987  
the board determines to be appropriate; 3988

(5) Adopt rules in accordance with Chapter 119. of the 3989  
Revised Code to further implement the quality intervention 3990  
program. 3991

An individual who participates in an individual 3992  
educational program pursuant to this division shall pay the 3993  
financial obligations arising from that educational program. 3994

**Sec. 4732.01.** As used in this chapter: 3995

(A) "Psychologist" means any person who holds self out to 3996  
the public by any title or description of services incorporating 3997  
the words "psychologic," "psychological," "psychologist," 3998  
"psychology," or any other terms that imply the person is 3999  
trained, experienced, or an expert in the field of psychology. 4000

(B) "The practice of psychology" means rendering or 4001  
offering to render to individuals, groups, organizations, or the 4002  
public any service involving the application of psychological 4003  
procedures to assessment, diagnosis, prevention, treatment, or 4004  
amelioration of psychological problems or emotional or mental 4005  
disorders of individuals or groups; to clinical 4006  
psychopharmacology; or to the assessment or improvement of 4007  
psychological adjustment or functioning of individuals or 4008  
groups, whether or not there is a diagnosable pre-existing 4009  
psychological problem. ~~Practice~~ "The practice of psychology" 4010  
includes the practice of school psychology. For a psychologist 4011  
who holds a certificate to prescribe issued under section 4012  
4732.40 of the Revised Code, "the practice of psychology" 4013  
includes the authority to engage in the activities specified in 4014  
section 4732.43 of the Revised Code and clinical 4015  
psychopharmacology. 4016

For purposes of this chapter, teaching or research shall 4017  
not be regarded as the practice of psychology, even when dealing 4018  
with psychological subject matter, provided it does not 4019  
otherwise involve the professional practice of psychology in 4020  
which an individual's welfare is directly affected by the 4021  
application of psychological procedures. 4022

(C) "Psychological procedures" include but are not 4023  
restricted to application of principles, methods, or procedures 4024  
of understanding, predicting, or influencing behavior, such as 4025  
the principles pertaining to learning, conditioning, perception, 4026  
motivation, thinking, emotions, or interpersonal relationships; 4027  
the methods or procedures of verbal interaction, interviewing, 4028  
counseling, behavior modification, environmental manipulation, 4029  
group process, psychological psychotherapy, or hypnosis; and the 4030  
methods or procedures of administering or interpreting tests of 4031

mental abilities, aptitudes, interests, attitudes, personality 4032  
characteristics, emotions, or motivation. 4033

(D) "School psychologist" means any person who holds self 4034  
out to the public by any title or description of services 4035  
incorporating the words "school psychologist" or "school 4036  
psychology," or who holds self out to be trained, experienced, 4037  
or an expert in the practice of school psychology. 4038

(E) "Practice of school psychology" means rendering or 4039  
offering to render to individuals, groups, organizations, or the 4040  
public any of the following services: 4041

(1) Evaluation, diagnosis, or test interpretation limited 4042  
to assessment of intellectual ability, learning patterns, 4043  
achievement, motivation, behavior, or personality factors 4044  
directly related to learning problems; 4045

(2) Intervention services, including counseling, for 4046  
children or adults for amelioration or prevention of 4047  
educationally related learning problems, including emotional and 4048  
behavioral aspects of such problems; 4049

(3) Psychological, educational, or vocational consultation 4050  
or direct educational services. This does not include industrial 4051  
consultation or counseling services to clients undergoing 4052  
vocational rehabilitation. 4053

(F) "Licensed psychologist" means an individual holding a 4054  
current, valid license to practice psychology issued under 4055  
section 4732.12 or 4732.15 of the Revised Code. 4056

(G) "School psychologist licensed by the state board of 4057  
psychology" means an individual holding a current, valid license 4058  
to practice school psychology issued under section 4732.12 or 4059  
4732.15 of the Revised Code. 4060

(H) "School psychologist licensed by the state board of  
education" means an individual holding a current, valid school  
psychologist license issued under rules adopted under section  
3319.22 of the Revised Code.

(I) "Mental health professional" and "mental health  
service" have the same meanings as in section 2305.51 of the  
Revised Code.

(J) "Telepsychology" means the practice of psychology or  
school psychology by distance communication technology,  
including telephone, electronic mail, internet-based  
communications, and video conferencing.

(K) "Benzodiazepine" and "controlled substance" have the  
same meanings as in section 3719.01 of the Revised Code.

(L) "Drug" and "prescription" have the same meanings as in  
section 4729.01 of the Revised Code.

(M) "Collaboration" or "collaborating" means that one or  
more physicians with whom a psychologist holding a certificate  
to prescribe issued under section 4732.40 of the Revised Code  
has entered into a collaborative agreement are continuously  
available to communicate with the psychologist either in person  
or by telephone, video conferencing, or other electronic means.

(N) "Collaborative agreement" means a written, formal  
guide for planning and evaluating the prescribing component of a  
psychologist's practice that is developed by one or more  
physicians and the psychologist holding a certificate to  
prescribe issued under section 4732.40 of the Revised Code and  
that meets the requirements of section 4732.431 of the Revised  
Code.

(O) "Physician" means an individual authorized under

Chapter 4731. of the Revised Code to practice medicine and  
surgery or osteopathic medicine and surgery.

**Sec. 4732.02.** The governor, with the advice and consent of  
the senate, shall appoint a state board of psychology consisting  
of nine persons who are citizens of the United States and  
residents of this state. ~~Three~~ Two members shall be patient  
advocates who are not mental health professionals ~~and who either~~  
~~are parents or other relatives of a person who has received or~~  
~~is receiving mental health services or are representatives of~~  
~~organizations that represent persons who have received or are~~  
~~receiving mental health services. At least one patient advocate~~  
~~member shall be,~~ with one being a parent or other relative of a  
mental health service recipient, ~~and at least one patient~~  
~~advocate member shall be~~ the other being a representative of an  
organization representing mental health service recipients. One  
member shall be a physician. Each of the remaining six members  
shall be ~~a licensed psychologist~~ psychologists or ~~a school~~  
~~psychologist~~ psychologists licensed by the state board of  
psychology. ~~Terms~~ Of the psychologist members, one shall,  
beginning not later than one year after the effective date of  
this amendment, hold a certificate to prescribe issued under  
this chapter.

Terms of office for all members shall be for five years,  
commencing on the sixth day of October and ending on the fifth  
day of October. Each member shall hold office from the date of  
appointment until the end of the term for which the member was  
appointed. Any member appointed to fill a vacancy occurring  
prior to the expiration of the term for which the member's  
predecessor was appointed shall hold office for the remainder of  
such term. Any member shall continue in office subsequent to the  
expiration date of the member's term until the member's

successor takes office, or until a period of sixty days has 4121  
elapsed, whichever occurs first. No person shall be appointed to 4122  
more than two five-year terms in succession. ~~The~~ 4123

The licensed psychologist and licensed school psychologist 4124  
members of the board shall be so chosen that they represent the 4125  
diverse fields of specialization and practice in the profession 4126  
of psychology and the profession of school psychology. The 4127  
governor may make such appointments from lists submitted 4128  
annually by the Ohio psychological association, the Ohio school 4129  
psychologists association, and the Ohio association of black 4130  
psychologists. ~~A~~ The governor, in appointing the physician 4131  
member, may consult with the state medical board as the governor 4132  
considers necessary. 4133

A vacancy in an unexpired term shall be filled in the same 4134  
manner as the original appointment. 4135

The governor may remove any member for malfeasance, 4136  
misfeasance, or nonfeasance after a hearing in accordance with 4137  
Chapter 119. of the Revised Code. The governor shall remove, 4138  
after a hearing in accordance with Chapter 119. of the Revised 4139  
Code, any member who has been convicted of or pleaded guilty to 4140  
the commission of a felony offense under any law of this state, 4141  
another state, or the United States. No person may be appointed 4142  
to the board who has been convicted of or pleaded guilty to a 4143  
felony offense under any law of this state, another state, or 4144  
the United States. 4145

**Sec. 4732.17.** (A) Subject to division (F) of this section, 4146  
the state board of psychology may take any of the actions 4147  
specified in division (C) of this section against an applicant 4148  
for or a person who holds a license issued under this chapter on 4149  
any of the following grounds as applicable: 4150

(1) Conviction, including a plea of guilty or no contest, 4151  
of a felony, or of any offense involving moral turpitude, in a 4152  
court of this or any other state or in a federal court; 4153

(2) A judicial finding of eligibility for intervention in 4154  
lieu of conviction for a felony or any offense involving moral 4155  
turpitude in a court of this or any other state or in a federal 4156  
court; 4157

(3) Using fraud or deceit in the procurement of the 4158  
license to practice psychology or school psychology or knowingly 4159  
assisting another in the procurement of such a license through 4160  
fraud or deceit; 4161

(4) Accepting commissions or rebates or other forms of 4162  
remuneration for referring persons to other professionals; 4163

(5) Willful, unauthorized communication of information 4164  
received in professional confidence; 4165

(6) Being negligent in the practice of psychology or 4166  
school psychology; 4167

(7) Inability to practice according to acceptable and 4168  
prevailing standards of care by reason of a mental, emotional, 4169  
physiological, or pharmacological condition or substance abuse; 4170

(8) Subject to section 4732.28 of the Revised Code, 4171  
violating any rule of professional conduct promulgated by the 4172  
board; 4173

(9) Practicing in an area of psychology for which the 4174  
person is clearly untrained or incompetent; 4175

(10) An adjudication by a court, as provided in section 4176  
5122.301 of the Revised Code, that the person is incompetent for 4177  
the purpose of holding the license. Such person may have the 4178

person's license issued or restored only upon determination by a 4179  
court that the person is competent for the purpose of holding 4180  
the license and upon the decision by the board that such license 4181  
be issued or restored. The board may require an examination 4182  
prior to such issuance or restoration. 4183

(11) Waiving the payment of all or any part of a 4184  
deductible or copayment that a patient, pursuant to a health 4185  
insurance or health care policy, contract, or plan that covers 4186  
psychological services, would otherwise be required to pay if 4187  
the waiver is used as an enticement to a patient or group of 4188  
patients to receive health care services from that provider; 4189

(12) Advertising that the person will waive the payment of 4190  
all or any part of a deductible or copayment that a patient, 4191  
pursuant to a health insurance or health care policy, contract, 4192  
or plan that covers psychological services, would otherwise be 4193  
required to pay; 4194

(13) Any of the following actions taken by the agency 4195  
responsible for authorizing or certifying the person to practice 4196  
or regulating the person's practice of a health care occupation 4197  
or provision of health care services in this state or another 4198  
jurisdiction, as evidenced by a certified copy of that agency's 4199  
records and findings for any reason other than the nonpayment of 4200  
fees: 4201

(a) Limitation, revocation, or suspension of the person's 4202  
license to practice; 4203

(b) Acceptance of the person's license surrender; 4204

(c) Denial of a license to the person; 4205

(d) Refuse to renew or reinstate the person's license; 4206



(e) Imposition of probation on the person;	4207
(f) Issuance of an order of censure or other reprimand against the person;	4208 4209
(g) Other negative action or finding against the person about which information is available to the public.	4210 4211
(14) Offering or rendering psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;	4212 4213 4214 4215
(15) Offering or rendering psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code;	4216 4217 4218
(16) Unless the person is a school psychologist licensed by the state board of education:	4219 4220
(a) Offering or rendering school psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;	4221 4222 4223 4224
(b) Offering or rendering school psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code.	4225 4226 4227
(17) Violating any adjudication order or consent agreement adopted by the board;	4228 4229
(18) Failure to submit to mental, cognitive, substance abuse, or medical evaluations, or a combination of these evaluations, ordered by the board under division (E) of this section;	4230 4231 4232 4233

(19) Selling, giving away, or administering drugs or 4234  
therapeutic devices for other than legal and legitimate 4235  
therapeutic purposes; or conviction of, a plea of guilty to, a 4236  
judicial finding of guilt of, a judicial finding of guilt 4237  
resulting from a plea of no contest to, or a judicial finding of 4238  
eligibility for a pretrial diversion or similar program or for 4239  
intervention in lieu of conviction for, violating any municipal, 4240  
state, county, or federal drug law; 4241

(20) The suspension or termination of employment by the 4242  
department of defense or veterans affairs of the United States 4243  
for any act that violates or would violate this chapter; 4244

(21) In the case of a psychologist who holds a certificate 4245  
to prescribe issued under section 4732.40 of the Revised Code, 4246  
failure to prescribe, personally furnish, or administer drugs 4247  
and therapeutic devices in accordance with section 4732.43 of 4248  
the Revised Code; 4249

(22) Prescribing any drug or device to perform or induce 4250  
an abortion, or otherwise performing or inducing an abortion; 4251

(23) Assisting suicide, as defined in section 3795.01 of 4252  
the Revised Code; 4253

(24) Failure to comply with section 4732.45 of the Revised 4254  
Code, unless the state board of pharmacy no longer maintains a 4255  
drug database pursuant to section 4729.75 of the Revised Code. 4256

(B) Notwithstanding divisions (A) (11) and (12) of this 4257  
section, sanctions shall not be imposed against any license 4258  
holder who waives deductibles and copayments: 4259

(1) In compliance with the health benefit plan that 4260  
expressly allows such a practice. Waiver of the deductibles or 4261  
copays shall be made only with the full knowledge and consent of 4262

the plan purchaser, payer, and third-party administrator. Such 4263  
consent shall be made available to the board upon request. 4264

(2) For professional services rendered to any other person 4265  
licensed pursuant to this chapter to the extent allowed by this 4266  
chapter and the rules of the board. 4267

(C) For any of the reasons specified in division (A) of 4268  
this section, the board may do one or more of the following: 4269

(1) Refuse to issue a license to an applicant; 4270

(2) Issue a reprimand to a license holder; 4271

(3) Suspend the license of a license holder; 4272

(4) Revoke the license of a license holder; 4273

(5) Limit or restrict the areas of practice of an 4274  
applicant or a license holder; 4275

(6) Require mental, substance abuse, or physical 4276  
evaluations, or any combination of these evaluations, of an 4277  
applicant or a license holder; 4278

(7) Require remedial education and training of an 4279  
applicant or a license holder. 4280

(D) When it revokes the license of a license holder under 4281  
division (C) (4) of this section, the board may specify that the 4282  
revocation is permanent. An individual subject to permanent 4283  
revocation is forever thereafter ineligible to hold a license, 4284  
and the board shall not accept an application for reinstatement 4285  
of the license or issuance of a new license. 4286

(E) When the board issues a notice of opportunity for a 4287  
hearing on the basis of division (A) (7) of this section, the 4288  
supervising member of the board, with cause and upon 4289

consultation with the board's executive director and the board's 4290  
legal counsel, may compel the applicant or license holder to 4291  
submit to mental, cognitive, substance abuse, or medical 4292  
evaluations, or a combination of these evaluations, by a person 4293  
or persons selected by the board. Notice shall be given to the 4294  
applicant or license holder in writing signed by the supervising 4295  
member, the executive director, and the board's legal counsel. 4296  
The applicant or license holder is deemed to have given consent 4297  
to submit to these evaluations and to have waived all objections 4298  
to the admissibility of testimony or evaluation reports that 4299  
constitute a privileged communication. The expense of the 4300  
evaluation or evaluations shall be the responsibility of the 4301  
applicant or license holder who is evaluated. 4302

(F) Before the board may take action under this section, 4303  
written charges shall be filed with the board by the secretary 4304  
and a hearing shall be had thereon in accordance with Chapter 4305  
119. of the Revised Code, except as follows: 4306

(1) On receipt of a complaint that any of the grounds 4307  
listed in division (A) of this section exist, the state board of 4308  
psychology may suspend a license issued under this chapter prior 4309  
to holding a hearing in accordance with Chapter 119. of the 4310  
Revised Code if it determines, based on the complaint, that 4311  
there is an immediate threat to the public. A telephone 4312  
conference call may be used to conduct an emergency meeting for 4313  
review of the matter by a quorum of the board, taking the vote, 4314  
and memorializing the action in the minutes of the meeting. 4315

After suspending a license pursuant to division (F)(1) of 4316  
this section, the board shall notify the license holder of the 4317  
suspension in accordance with section 119.07 of the Revised 4318  
Code. If the individual whose license is suspended fails to make 4319

a timely request for an adjudication under Chapter 119. of the 4320  
Revised Code, the board shall enter a final order permanently 4321  
revoking the license. 4322

(2) The board shall adopt rules establishing a case 4323  
management schedule for pre-hearing procedures by the hearing 4324  
examiner or presiding board member. The schedule shall include 4325  
applicable deadlines related to the hearing process, including 4326  
all of the following: 4327

(a) The date of the hearing; 4328

(b) The date for the disclosure of witnesses and exhibits; 4329

(c) The date for the disclosure of the identity of expert 4330  
witnesses and the exchange of written reports; 4331

(d) The deadline for submitting a request for the issuance 4332  
of a subpoena for the hearing as provided under Chapter 119. of 4333  
the Revised Code and division (F) (4) of this section. 4334

(3) Either party to the hearing may submit a written 4335  
request to the other party for a list of witnesses and copies of 4336  
documents intended to be introduced at the hearing. The request 4337  
shall be in writing and shall be served not less than thirty- 4338  
seven days prior to the hearing, unless the hearing officer or 4339  
presiding board member grants an extension of time to make the 4340  
request. Not later than thirty days before the hearing, the 4341  
responding party shall provide the requested list of witnesses, 4342  
summary of their testimony, and copies of documents to the 4343  
requesting party, unless the hearing officer or presiding board 4344  
member grants an extension. Failure to timely provide a list or 4345  
copies requested in accordance with this section may, at the 4346  
discretion of the hearing officer or presiding board member, 4347  
result in exclusion from the hearing of the witnesses, 4348

testimony, or documents. 4349

(4) In addition to subpoenas for the production of books, 4350  
records, and papers requested under Chapter 119. of the Revised 4351  
Code, either party may ask the board to issue a subpoena for the 4352  
production of other tangible items. 4353

The person subject to a subpoena for the production of 4354  
books, records, papers, or other tangible items shall respond to 4355  
the subpoena at least twenty days prior to the date of the 4356  
hearing. If a person fails to respond to a subpoena issued by 4357  
the board, after providing reasonable notice to the person, the 4358  
board, the hearing officer, or both may proceed with enforcement 4359  
of the subpoena pursuant to section 119.09 of the Revised Code. 4360

**Sec. 4732.20.** (A) This chapter does not authorize any 4361  
person to engage in any of the acts which are regarded as 4362  
practicing medicine under section 4731.34 of the Revised Code. 4363  
In order to make provision for the diagnosis and treatment of 4364  
medical problems, a licensed psychologist engaging in 4365  
psychological psychotherapy with clients shall maintain a 4366  
consultative relationship with a physician licensed to practice 4367  
medicine by this state. The practice of psychology, the practice 4368  
of school psychology, or the use of psychological procedures 4369  
does not include the diagnosis or correction of optical defects 4370  
or conditions through the utilization of optical principles, 4371  
including optical devices or orthoptics. 4372

(B) A psychologist who holds a certificate to prescribe 4373  
issued under section 4732.40 of the Revised Code is authorized 4374  
to prescribe, personally furnish, and administer any drug or 4375  
therapeutic device other than one listed on the exclusionary 4376  
formulary established in rules adopted under section 4732.46 of 4377  
the Revised Code. The certificate holder is also authorized to 4378

perform the associated activities described in divisions (B) and 4379  
(C) of section 4732.43 of the Revised Code. 4380

**Sec. 4732.40.** (A) A psychologist seeking authority to 4381  
prescribe, personally furnish, or administer drugs and 4382  
therapeutic devices shall file with the state board of 4383  
psychology a written application for a certificate to prescribe 4384  
on a form developed and supplied by the board. The application 4385  
shall include all of the following: 4386

(1) The applicant's name, residential address, business 4387  
address, if any, electronic mail address, telephone number, and 4388  
social security number; 4389

(2) Evidence of holding a valid license to practice as a 4390  
psychologist issued under section 4732.12 of the Revised Code 4391  
or, if the applicant exclusively practices in a facility 4392  
operated by the United States department of veterans affairs, 4393  
evidence of holding a valid license, certificate, or 4394  
registration required to practice as a psychologist in another 4395  
United States jurisdiction; 4396

(3) Evidence of receiving an earned doctoral degree 4397  
described in division (B) (3) (a) or (b) of section 4732.10 of the 4398  
Revised Code; 4399

(4) Except as provided in section 4732.401 of the Revised 4400  
Code, evidence of receiving an earned master's degree in 4401  
psychopharmacology from an institution accredited or recognized 4402  
by a national or regional accrediting agency; 4403

(5) Except as provided in section 4732.401 of the Revised 4404  
Code, evidence of having completed a course of study from an 4405  
institution accredited or recognized by a national or regional 4406  
accrediting agency in at least six of the following subjects: 4407

general biology, cellular biology, microbiology, chemistry, 4408  
biochemistry, human physiology, human anatomy, and genetics. 4409

An applicant may have completed the courses of study as an 4410  
undergraduate, graduate, or postgraduate student, including 4411  
through online courses or other distance-learning means. 4412

(6) Proof of eligibility to receive a certificate to 4413  
prescribe by meeting the requirements specified in division (A) 4414  
or (B) of section 4732.41 of the Revised Code. 4415

An applicant who seeks the certificate by meeting the 4416  
requirements specified in division (A) of section 4732.41 of the 4417  
Revised Code shall submit the documentation issued under 4418  
division (C) of section 4732.411 of the Revised Code as proof of 4419  
satisfying the period of clinical supervision required by 4420  
division (A)(1) of section 4732.41 of the Revised Code. 4421

(7) Payment of a fee of fifty dollars; 4422

(8) Any other information the board requires. 4423

(B) The board shall review all applications received. The 4424  
board shall issue a certificate to prescribe to an applicant if 4425  
the applicant submits a complete application, the board 4426  
determines that the applicant meets the requirements for a 4427  
certificate to prescribe, and the applicant has demonstrated all 4428  
of the following clinical competencies: 4429

(1) Physical examination and mental status evaluation: The 4430  
applicant is able to execute a comprehensive and focused 4431  
physical examination and mental status evaluation on patients of 4432  
various developmental stages and backgrounds using appropriate 4433  
instruments. 4434

(2) Review of systems: The applicant has knowledge 4435



regarding, and is able to systematically describe, the process 4436  
of integrating information learned from patient reports, signs, 4437  
symptoms, and reviews of major body systems while recognizing 4438  
normal developmental variations among patients. 4439

(3) Medical history interview and documentation: The 4440  
applicant is able to systematically conduct a patient or parent 4441  
and caregiver clinical interview, produce a patient's medical, 4442  
surgical, psychiatric, and medical history in the context of the 4443  
patient's family and cultural history, and communicate findings 4444  
orally and in writing. 4445

(4) Assessment: The applicant is able to order and 4446  
interpret appropriate tests (e.g., psychometric, laboratory, and 4447  
radiological) for the purposes of making a differential 4448  
diagnosis and monitoring therapeutic and adverse effects of 4449  
treatment. 4450

(5) Differential diagnosis: The applicant can use 4451  
appropriate processes, including established diagnostic criteria 4452  
from the most recent version of the diagnostic and statistical 4453  
manual of mental disorders published by the American psychiatric 4454  
association, to determine primary and alternate diagnoses. 4455

(6) Integrated treatment planning: The applicant is able 4456  
to identify and select, using all available data, the most 4457  
appropriate treatment alternatives, including medication, 4458  
psychosocial, and combined treatments, and to sequence treatment 4459  
within the larger biopsychosocial context. 4460

(7) Consultation and cooperation: The applicant 4461  
understands the parameters of the role of a prescribing 4462  
psychologist and is able to work with other professionals in an 4463  
advisory or cooperative manner to treat a patient. 4464

(8) Treatment management: The applicant is able to apply, 4465  
monitor, and modify, as needed, treatments and to issue valid 4466  
and complete prescriptions. 4467

**Sec. 4732.401.** Until the date that is five years after the 4468  
effective date of this section, the state board of psychology 4469  
shall issue a certificate to prescribe to an applicant who does 4470  
not satisfy the requirements of divisions (A) (4) and (5) of 4471  
section 4732.40 of the Revised Code, as long as the applicant 4472  
satisfies all other requirements described in sections 4732.40 4473  
and 4732.41 of the Revised Code. 4474

Each holder of a certificate received pursuant to this 4475  
section shall submit to the board by the date that is five years 4476  
after the effective date of this section evidence of satisfying 4477  
the requirements of divisions (A) (4) and (5) of section 4732.40 4478  
of the Revised Code. If the holder of such a certificate fails 4479  
to submit the evidence by that date, the certificate shall 4480  
lapse. The board shall not reinstate or restore the certificate 4481  
unless the holder of the certificate submits the evidence. 4482

**Sec. 4732.41.** (A) Except as provided in division (B) of 4483  
this section, to be eligible to receive a certificate to 4484  
prescribe under section 4732.40 of the Revised Code, an 4485  
applicant shall meet both of the following requirements: 4486

(1) Complete a period of clinical supervision in the 4487  
psychopharmacological treatment of diverse patient populations 4488  
that meets the requirements specified in section 4732.411 of the 4489  
Revised Code; 4490

(2) Pass the psychopharmacology examination for 4491  
psychologists offered by the association of state and provincial 4492  
psychology boards. 4493

(B) An applicant who is authorized to prescribe dangerous 4494  
drugs, as defined in section 4729.01 of the Revised Code, in any 4495  
branch of the armed forces of the United States is eligible to 4496  
receive a certificate to prescribe under section 4732.40 of the 4497  
Revised Code. 4498

**Sec. 4732.411.** (A) A period of clinical supervision 4499  
required by division (A) (1) of section 4732.41 of the Revised 4500  
Code shall meet the following requirements: 4501

(1) Consist of at least seven hundred clinical hours of 4502  
training, with the first three hundred fifty hours of training 4503  
under the supervision of a psychiatrist and the remaining hours 4504  
under the supervision of a psychiatrist or other physician; 4505

(2) Subject to division (B) of this section, be documented 4506  
in a written supervision plan; 4507

(3) Be conducted in a manner that helps the certificate 4508  
applicant achieve the clinical competencies specified in 4509  
division (B) of section 4732.40 of the Revised Code. 4510

(B) A written supervision plan described in division (A) 4511  
(2) of this section shall contain provisions that do all of the 4512  
following: 4513

(1) Require the certificate applicant to consult with a 4514  
physician regarding the medication management of each patient 4515  
described in division (A) (3) of this section, with the physician 4516  
maintaining independent authority to select appropriate 4517  
medication and having the responsibility to issue any 4518  
prescription; 4519

(2) Require the physician to provide direct, on-site 4520  
supervision of the certificate applicant's practice at least one 4521  
time during each calendar month of the period of clinical 4522

supervision; 4523

(3) Require the physician to be available, either in 4524  
person or by telephone, videoconferencing, or other electronic 4525  
means, for consultation with the certificate applicant any time 4526  
the applicant treats a patient described in division (A) (3) of 4527  
this section; 4528

(4) Require the physician to maintain a monthly record of 4529  
the prescriber's supervisory activities for the relevant month, 4530  
signed by both parties. 4531

(C) On a certificate applicant's successful completion of 4532  
the period of clinical supervision, the physician who supervised 4533  
the applicant's period of clinical supervision shall issue to 4534  
the applicant a signed document attesting to the successful 4535  
completion. 4536

**Sec. 4732.42.** (A) A certificate to prescribe issued under 4537  
section 4732.40 of the Revised Code is valid for two years, 4538  
unless otherwise provided in rules adopted under section 4732.46 4539  
of the Revised Code or earlier suspended or revoked by the state 4540  
board of psychology. The board shall renew certificates to 4541  
prescribe according to procedures and a renewal schedule 4542  
established in rules adopted under section 4732.46 of the 4543  
Revised Code. 4544

(B) The board may renew a certificate to prescribe if the 4545  
holder submits to the board all of the following: 4546

(1) Evidence of having completed during the previous two 4547  
years at least twenty-four contact hours of continuing education 4548  
in psychopharmacology or, if the certificate has been held for 4549  
less than a full renewal period, the number of hours required by 4550  
the board in rules adopted under section 4732.46 of the Revised 4551

Code. The requirement to complete continuing education in 4552  
psychopharmacology is in addition to the requirement to complete 4553  
continuing education under section 4732.141 of the Revised Code. 4554

(2) The fee required for renewal of a certificate to 4555  
prescribe as specified in rules adopted under section 4732.46 of 4556  
the Revised Code; 4557

(3) Any additional information the board requires pursuant 4558  
to rules adopted under section 4732.46 of the Revised Code. 4559

(C) (1) Except as provided in division (C) (2) of this 4560  
section, in the case of a certificate holder seeking renewal who 4561  
prescribes benzodiazepines or controlled substances approved by 4562  
the United States food and drug administration to treat 4563  
behavioral health conditions, the holder shall certify to the 4564  
board whether the holder has been granted access to the drug 4565  
database established and maintained by the state board of 4566  
pharmacy pursuant to section 4729.75 of the Revised Code. 4567

(2) Division (C) (1) of this section does not apply if any 4568  
of the following is the case: 4569

(a) The state board of pharmacy notifies the state board 4570  
of psychology pursuant to section 4729.861 of the Revised Code 4571  
that the certificate holder has been restricted from obtaining 4572  
further information from the drug database. 4573

(b) The state board of pharmacy no longer maintains the 4574  
drug database. 4575

(c) The certificate holder does not practice psychology in 4576  
this state. 4577

(3) If a certificate holder certifies to the state board 4578  
of psychology that the holder has been granted access to the 4579

drug database and the board finds through an audit or other 4580  
means that the holder has not been granted access, the board may 4581  
take action under section 4732.17 of the Revised Code. 4582

(D) If a psychologist holds a certificate to prescribe 4583  
issued under section 4732.40 of the Revised Code and the 4584  
psychologist's license issued under section 4732.12 of the 4585  
Revised Code expires for failure to renew under section 4732.14 4586  
of the Revised Code, the psychologist's certificate to prescribe 4587  
is automatically suspended until the license is reinstated. If 4588  
the license is revoked or suspended under section 4732.17 of the 4589  
Revised Code, the certificate to prescribe is automatically 4590  
revoked or suspended, as applicable. If a limitation or 4591  
restriction is placed on the license under section 4732.17 of 4592  
the Revised Code, the same limitation or restriction is placed 4593  
on the psychologist's certificate to prescribe while the license 4594  
remains limited or restricted. 4595

**Sec. 4732.43.** A certificate to prescribe issued under 4596  
section 4732.40 of the Revised Code entitles the certificate 4597  
holder to engage in the activities described in divisions (A) to 4598  
(D) of this section in collaboration with one or more 4599  
physicians. 4600

(A) A certificate holder may prescribe, personally 4601  
furnish, and administer any drug or therapeutic device other 4602  
than one listed on the exclusionary formulary established in 4603  
rules adopted under section 4732.46 of the Revised Code. 4604

(B) A certificate holder may order laboratory tests and 4605  
procedures that the certificate holder believes are necessary to 4606  
safely prescribe, personally furnish, or administer the drugs 4607  
and therapeutic devices described in division (A) of this 4608  
section. 4609

(C) A certificate holder may issue an order that directs 4610  
either of the following to administer a drug or therapeutic 4611  
device described in division (A) of this section to a patient 4612  
who is under the certificate holder's care: 4613

(1) A registered nurse; 4614

(2) A licensed practical nurse who is authorized under 4615  
section 4723.17 of the Revised Code to administer medications. 4616

**Sec. 4732.431.** (A) The holder of a certificate to 4617  
prescribe issued under section 4732.40 of the Revised Code may 4618  
prescribe only in accordance with a collaborative agreement 4619  
entered into with each physician with whom the holder 4620  
collaborates. A copy of the agreement shall be retained on file 4621  
at the location in which the holder practices. Prior approval of 4622  
the agreement by the state board of psychology or state medical 4623  
board is not required, but each board may periodically review it 4624  
for compliance with this section. 4625

A certificate holder may enter into a collaborative 4626  
agreement with one or more physicians. A physician shall not 4627  
enter into collaborative agreements with more than three 4628  
certificate holders at any one time. A certificate holder shall 4629  
inform each collaborating physician of any other collaborative 4630  
agreements the holder has entered into with other physicians and 4631  
shall provide the collaborating physician a copy of each 4632  
agreement. 4633

A certificate holder shall submit to the state board of 4634  
psychology the name and business address of each collaborating 4635  
physician. The holder shall notify the board of any additions or 4636  
deletions to the holder's collaborating physicians. The notice 4637  
must be provided not later than thirty days after the change 4638

takes effect. 4639

(B) A collaborative agreement shall be in writing and 4640  
shall contain all of the following: 4641

(1) A process for the certificate holder to obtain a 4642  
consultation with or referral to a collaborating physician; 4643

(2) A plan for coverage in instances of emergency or 4644  
planned absence of either the certificate holder or a 4645  
collaborating physician that provides the means whereby a 4646  
physician is available for emergency assistance; 4647

(3) The process for resolution of disagreements regarding 4648  
prescribing practices between the certificate holder and a 4649  
collaborating physician; 4650

(4) Any other criteria required by rule of the board 4651  
adopted pursuant to section 4732.46 of the Revised Code. 4652

(C) A physician shall do all of the following for each 4653  
certificate holder with whom the physician collaborates and has 4654  
entered into a collaborative agreement: 4655

(1) Review on a routine basis the certificate holder's 4656  
orders for medication, therapeutic devices, laboratory tests, 4657  
and procedures; 4658

(2) Consult with the certificate holder in person at least 4659  
once a month to address the holder's prescribing practices as 4660  
part of the holder's clinical care and treatment and to review 4661  
such practices and care for safety and quality; 4662

(3) Collaborate with the certificate holder as described 4663  
in section 4732.43 of the Revised Code. 4664

(D) If either a certificate holder or physician terminates 4665



the collaboration between the holder and physician before their 4666  
collaborative agreement expires, both of the following apply: 4667

(1) The individual who terminated the agreement must give 4668  
the other individual written or electronic notice of the 4669  
termination. 4670

(2) Once the individual receives the termination notice, 4671  
the individual must notify the state board of psychology of the 4672  
termination as soon as practicable by submitting to the board a 4673  
copy of the termination notice. 4674

(E) (1) This section does not prohibit a certificate holder 4675  
from performing any of the actions authorized by section 4732.43 4676  
of the Revised Code. 4677

(2) This section does not require an employment 4678  
relationship between a certificate holder and physician. 4679

(3) This section does not prohibit a certificate holder 4680  
from accepting payment or reimbursement from a third party. 4681

**Sec. 4732.44.** No psychologist shall prescribe, personally 4682  
furnish, or administer a drug or therapeutic device unless the 4683  
psychologist holds a valid certificate to prescribe issued under 4684  
section 4732.40 of the Revised Code. 4685

No psychologist who holds a certificate to prescribe shall 4686  
prescribe, personally furnish, or administer a drug or 4687  
therapeutic device that is listed on the exclusionary formulary 4688  
established in rules adopted under section 4732.46 of the 4689  
Revised Code. 4690

**Sec. 4732.45.** (A) As used in this section, "drug database" 4691  
means the database established and maintained by the state board 4692  
of pharmacy pursuant to section 4729.75 of the Revised Code. 4693

(B) Except as provided in divisions (C) and (E) of this 4694  
section, a psychologist holding a certificate to prescribe 4695  
issued under section 4732.40 of the Revised Code shall comply 4696  
with all of the following as conditions of prescribing a drug 4697  
that is a benzodiazepine or controlled substance approved by the 4698  
United States food and drug administration to treat a behavioral 4699  
health condition as part of a patient's course of treatment for 4700  
a particular condition: 4701

(1) Before initially prescribing the drug, the 4702  
psychologist or the psychologist's delegate shall request from 4703  
the drug database a report of information related to the patient 4704  
that covers at least the twelve months immediately preceding the 4705  
date of the request. If the psychologist practices primarily in 4706  
a county of this state that adjoins another state, the 4707  
psychologist or delegate also shall request a report of any 4708  
information available in the drug database that pertains to 4709  
prescriptions issued or drugs furnished to the patient in the 4710  
state adjoining that county. 4711

(2) If the patient's course of treatment for the condition 4712  
continues for more than ninety days after the initial report is 4713  
requested, the psychologist or delegate shall make periodic 4714  
requests for reports of information from the drug database until 4715  
the course of treatment has ended. The requests shall be made at 4716  
intervals not exceeding ninety days, determined according to the 4717  
date the initial request was made. The request shall be made in 4718  
the same manner provided in division (B)(1) of this section for 4719  
requesting the initial report of information from the drug 4720  
database. 4721

(3) On receipt of a report under division (B)(1) or (2) of 4722  
this section, the psychologist shall assess the information in 4723

the report. The psychologist shall document in the patient's 4724  
record that the report was received and the information was 4725  
assessed. 4726

(C) Division (B) of this section does not apply in any of 4727  
the following circumstances: 4728

(1) A drug database report regarding the patient is not 4729  
available, in which case the psychologist shall document in the 4730  
patient's record the reason that the report is not available. 4731

(2) The drug is prescribed in an amount indicated for a 4732  
period not to exceed seven days. 4733

(3) The drug is prescribed for the treatment of cancer or 4734  
another condition associated with cancer. 4735

(4) The drug is prescribed to a hospice patient in a 4736  
hospice care program, as those terms are defined in section 4737  
3712.01 of the Revised Code, or to any other patient diagnosed 4738  
as terminally ill. 4739

(5) The drug is prescribed for administration in a 4740  
hospital, nursing home, or residential care facility. 4741

(D) The state board of psychology may adopt rules that 4742  
establish standards and procedures to be followed by a 4743  
psychologist holding a certificate to prescribe issued under 4744  
section 4732.40 of the Revised Code regarding the review of 4745  
patient information available through the drug database under 4746  
division (A) (5) of section 4729.80 of the Revised Code. The 4747  
rules shall be adopted in accordance with Chapter 119. of the 4748  
Revised Code. 4749

(E) This section and any rules adopted under it do not 4750  
apply if the state board of pharmacy no longer maintains the 4751

drug database.

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Sec. 4732.46. (A) The state board of psychology shall  
adopt rules to administer and enforce sections 4732.40 to  
4732.45 of the Revised Code.

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(B) The board shall adopt rules that are consistent with a  
recommended exclusionary formulary the board receives from the  
committee on psychopharmacology pursuant to section 4732.502 of  
the Revised Code. After reviewing a formulary submitted by the  
committee, the board may either adopt the formulary as a rule or  
ask the committee to reconsider and resubmit the formulary. The  
board shall not adopt any rule that does not conform to a  
formulary developed by the committee.

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The exclusionary formulary shall permit the prescribing of  
oral and long-acting opioid antagonists in accordance with the  
national practice guideline for the use of medications in the  
treatment of addiction involving opioid use developed by the  
American society of addiction medicine, as well as any  
applicable state guidelines. The formulary shall not permit the  
prescribing or furnishing of any of the following:

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(1) Controlled substances, except those that are  
benzodiazepines or are approved by the United States food and  
drug administration to treat a behavioral health condition;

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(2) A drug or device to perform or induce an abortion;

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(3) A drug or device prohibited by federal or state law.

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(C) In addition to the rules described in division (B) of  
this section, the board shall adopt rules under this section  
that establish or specify all of the following:

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(1) For purposes of division (A) of section 4732.42 of the

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Revised Code, procedures and a schedule for renewing a 4780  
certificate to prescribe; 4781

(2) For purposes of division (B) (1) of section 4732.42 of 4782  
the Revised Code, the number of hours of continuing education a 4783  
certificate holder must complete if the certificate has been 4784  
held for less than a full renewal period; 4785

(3) For purposes of division (B) (2) of section 4732.42 of 4786  
the Revised Code, the fee required to renew a certificate to 4787  
prescribe; 4788

(4) For purposes of division (B) (3) of section 4732.42 of 4789  
the Revised Code, any additional information the board requires 4790  
to renew a certificate to prescribe; 4791

(5) For purposes of division (B) of section 4732.431 of 4792  
the Revised Code, any additional criteria the board requires to 4793  
be addressed in a written collaborative agreement. 4794

(D) All rules adopted under this section shall be adopted 4795  
in accordance with Chapter 119. of the Revised Code. 4796

**Sec. 4732.50.** (A) There is hereby created the committee on 4797  
psychopharmacology. The committee shall consist of the following 4798  
members: 4799

(1) Subject to division (C) of this section, four 4800  
psychologists nominated by the Ohio psychological association or 4801  
its successor organization who possess a certificate to 4802  
prescribe; 4803

(2) Three physicians nominated by the Ohio state medical 4804  
association or its successor organization; 4805

(3) One pharmacist nominated by the Ohio pharmacists 4806  
association or its successor organization. 4807

(B) The state board of psychology shall appoint the 4808  
members who are psychologists, the state medical board shall 4809  
appoint the members who are physicians, and the state board of 4810  
pharmacy shall appoint the member who is a pharmacist. 4811

(C) Initial appointments to the committee shall be made 4812  
not later than sixty days after the effective date of this 4813  
section. Of the initial appointments the state board of 4814  
psychology must make, two shall be for a term of one year and 4815  
two shall be for terms of two years. These initial members shall 4816  
be exempt from the requirement to possess a certificate to 4817  
prescribe, but must possess a master's degree in clinical 4818  
psychopharmacology from an educational institution approved by 4819  
the board and have passed the psychopharmacology examination for 4820  
psychologists offered by the association of state and provincial 4821  
psychology boards. Of the initial appointments the state medical 4822  
board must make, one shall be for a term of one year and two 4823  
shall be for terms of two years. The initial appointment made by 4824  
the state board of pharmacy shall be for a term of two years. 4825  
Thereafter, terms shall be for two years, with each term ending 4826  
on the same day of the same month as did the term that it 4827  
succeeds. Vacancies shall be filled in the same manner as 4828  
appointments. 4829

When the term of any member expires, a successor shall be 4830  
appointed in the same manner as the initial appointment. Any 4831  
member appointed to fill a vacancy occurring prior to the 4832  
expiration of the term for which the member's predecessor was 4833  
appointed shall hold office for the remainder of that term. A 4834  
member shall continue in office subsequent to the expiration 4835  
date of the member's term until the member's successor takes 4836  
office or until a period of sixty days has elapsed, whichever 4837  
occurs first. A member may be reappointed for one additional 4838

term only. 4839

**Sec. 4732.501.** (A) The committee on psychopharmacology 4840  
shall organize by selecting a chairperson from among its members 4841  
who are psychologists. The committee may select a new 4842  
chairperson at any time. 4843

(B) The committee may transact official business if at 4844  
least five members of the committee are present. The pharmacist 4845  
member may participate in any meeting of the committee, but 4846  
shall not be included as a voting member. In the event of a tie 4847  
vote, the chairperson of the committee shall notify the state 4848  
board of psychology of the tie. The board shall cast the 4849  
deciding vote following a meeting of the board. 4850

(C) Members shall serve without compensation but shall 4851  
receive payment for their actual and necessary expenses incurred 4852  
in the performance of their official duties. The expenses shall 4853  
be paid by the state board of psychology. 4854

(D) The committee shall meet every six months beginning 4855  
not later than six months after the effective date of this 4856  
section. 4857

**Sec. 4732.502.** The committee on psychopharmacology shall 4858  
develop a recommended exclusionary formulary that specifies the 4859  
drugs and therapeutic devices that a psychologist cannot 4860  
prescribe, personally furnish, or administer pursuant to a 4861  
certificate to prescribe issued under section 4732.40 of the 4862  
Revised Code. A recommended exclusionary formulary shall not 4863  
permit the prescribing, furnishing, or administration of any 4864  
drug or device prohibited by federal or state law. 4865

The committee shall submit a recommended exclusionary 4866  
formulary to the state board of psychology at least twice each 4867

year for the board's approval. At the board's request, the 4868  
committee shall reconsider a recommended exclusionary formulary 4869  
it has submitted and resubmit the recommended exclusionary 4870  
formulary to the board accordingly. 4871

**Sec. 4732.503.** The state board of psychology shall make an 4872  
annual edition of the exclusionary formulary established in 4873  
rules adopted under section 4732.46 of the Revised Code 4874  
available to the public by electronic means. As soon as 4875  
practicable after any revision of the formulary becomes 4876  
effective, the board shall make the revision available to the 4877  
public by electronic means. 4878

**Sec. 4732.99.** Whoever violates section 4732.21 or 4732.44 4879  
of the Revised Code shall be fined not less than one hundred 4880  
dollars nor more than five hundred dollars or imprisoned for not 4881  
less than six months nor more than one year, or both. Each 4882  
violation shall be a separate offense. 4883

**Sec. 5123.47.** (A) As used in this section: 4884

(1) "In-home care" means the supportive services provided 4885  
within the home of an individual with a developmental disability 4886  
who receives funding for the services through a county board of 4887  
developmental disabilities, including any recipient of 4888  
residential services funded as home and community-based 4889  
services, family support services provided under section 5126.11 4890  
of the Revised Code, or supported living provided in accordance 4891  
with sections 5126.41 to 5126.47 of the Revised Code. "In-home 4892  
care" includes care that is provided outside an individual's 4893  
home in places incidental to the home, and while traveling to 4894  
places incidental to the home, except that "in-home care" does 4895  
not include care provided in the facilities of a county board of 4896  
developmental disabilities or care provided in schools. 4897



(2) "Parent" means either parent of a child, including an 4898  
adoptive parent but not a foster parent. 4899

(3) "Unlicensed in-home care worker" means an individual 4900  
who provides in-home care but is not a health care professional. 4901

(4) "Family member" means a parent, sibling, spouse, son, 4902  
daughter, grandparent, aunt, uncle, cousin, or guardian of the 4903  
individual with a developmental disability if the individual 4904  
with a developmental disability lives with the person and is 4905  
dependent on the person to the extent that, if the supports were 4906  
withdrawn, another living arrangement would have to be found. 4907

(5) "Health care professional" means any of the following: 4908

(a) A dentist who holds a valid license issued under 4909  
Chapter 4715. of the Revised Code; 4910

(b) A registered or licensed practical nurse who holds a 4911  
valid license issued under Chapter 4723. of the Revised Code; 4912

(c) An optometrist who holds a valid license issued under 4913  
Chapter 4725. of the Revised Code; 4914

(d) A pharmacist who holds a valid license issued under 4915  
Chapter 4729. of the Revised Code; 4916

(e) A person who holds a valid license or certificate 4917  
issued under Chapter 4731. of the Revised Code to practice 4918  
medicine and surgery, osteopathic medicine and surgery, 4919  
podiatric medicine and surgery, or a limited brand of medicine; 4920

(f) A physician assistant who holds a valid license issued 4921  
under Chapter 4730. of the Revised Code; 4922

(g) A psychologist who holds a certificate to prescribe 4923  
issued under section 4732.40 of the Revised Code; 4924

(h) An occupational therapist or occupational therapy 4925  
assistant or a physical therapist or physical therapist 4926  
assistant who holds a valid license issued under Chapter 4755. 4927  
of the Revised Code; 4928

~~(h)~~ (i) A respiratory care professional who holds a valid 4929  
license issued under Chapter 4761. of the Revised Code. 4930

(6) "Health care task" means a task that is prescribed, 4931  
ordered, delegated, or otherwise directed by a health care 4932  
professional acting within the scope of the professional's 4933  
practice. "Health care task" includes the administration of oral 4934  
and topical prescribed medications; administration of nutrition 4935  
and medications through gastrostomy and jejunostomy tubes that 4936  
are stable and labeled; administration of oxygen and metered 4937  
dose inhaled medications; administration of insulin through 4938  
subcutaneous injections, inhalation, and insulin pumps; and 4939  
administration of prescribed medications for the treatment of 4940  
metabolic glyceimic disorders through subcutaneous injections. 4941

(B) Except as provided in division (E) of this section, a 4942  
family member of an individual with a developmental disability 4943  
may authorize an unlicensed in-home care worker to perform 4944  
health care tasks as part of the in-home care the worker 4945  
provides to the individual, if all of the following apply: 4946

(1) The family member is the primary supervisor of the 4947  
care. 4948

(2) The unlicensed in-home care worker has been selected 4949  
by the family member or the individual receiving care and is 4950  
under the direct supervision of the family member. 4951

(3) The unlicensed in-home care worker is providing the 4952  
care through an employment or other arrangement entered into 4953

directly with the family member and is not otherwise employed by 4954  
or under contract with a person or government entity to provide 4955  
services to individuals with developmental disabilities. 4956

(4) The health care task is completed in accordance with 4957  
standard, written instructions. 4958

(5) Performance of the health care task requires no 4959  
judgment based on specialized health care knowledge or 4960  
expertise. 4961

(6) The outcome of the health care task is reasonably 4962  
predictable. 4963

(7) Performance of the health care task requires no 4964  
complex observation of the individual receiving the care. 4965

(8) Improper performance of the health care task will 4966  
result in only minimal complications that are not life- 4967  
threatening. 4968

(C) A family member shall obtain a prescription, if 4969  
applicable, and written instructions from a health care 4970  
professional for the care to be provided to the individual. The 4971  
family member shall authorize the unlicensed in-home care worker 4972  
to provide the care by preparing a written document granting the 4973  
authority. The family member shall provide the unlicensed in- 4974  
home care worker with appropriate training and written 4975  
instructions in accordance with the instructions obtained from 4976  
the health care professional. The family member or a health care 4977  
professional shall be available to communicate with the 4978  
unlicensed in-home care worker either in person or by 4979  
telecommunication while the in-home care worker performs a 4980  
health care task. 4981

(D) A family member who authorizes an unlicensed in-home 4982

care worker to administer oral and topical prescribed 4983  
medications or perform other health care tasks retains full 4984  
responsibility for the health and safety of the individual 4985  
receiving the care and for ensuring that the worker provides the 4986  
care appropriately and safely. No entity that funds or monitors 4987  
the provision of in-home care may be held liable for the results 4988  
of the care provided under this section by an unlicensed in-home 4989  
care worker, including such entities as the county board of 4990  
developmental disabilities and the department of developmental 4991  
disabilities. 4992

An unlicensed in-home care worker who is authorized under 4993  
this section by a family member to provide care to an individual 4994  
may not be held liable for any injury caused in providing the 4995  
care, unless the worker provides the care in a manner that is 4996  
not in accordance with the training and instructions received or 4997  
the worker acts in a manner that constitutes willful or wanton 4998  
misconduct. 4999

(E) A county board of developmental disabilities may 5000  
evaluate the authority granted by a family member under this 5001  
section to an unlicensed in-home care worker at any time it 5002  
considers necessary and shall evaluate the authority on receipt 5003  
of a complaint. If the board determines that a family member has 5004  
acted in a manner that is inappropriate for the health and 5005  
safety of the individual receiving the care, the authorization 5006  
granted by the family member to an unlicensed in-home care 5007  
worker is void, and the family member may not authorize other 5008  
unlicensed in-home care workers to provide the care. In making 5009  
such a determination, the board shall use appropriately licensed 5010  
health care professionals and shall provide the family member an 5011  
opportunity to file a complaint under section 5126.06 of the 5012  
Revised Code. 5013

**Section 2.** That existing sections 2925.02, 2925.03, 5014  
2925.11, 2925.12, 2925.14, 2925.23, 2925.36, 3701.048, 3715.872, 5015  
3719.06, 3719.12, 3719.121, 3719.81, 3795.01, 4723.01, 4729.01, 5016  
4729.51, 4731.054, 4731.22, 4732.01, 4732.02, 4732.17, 4732.20, 5017  
4732.99, and 5123.47 of the Revised Code are hereby repealed. 5018

**Section 3.** The General Assembly, applying the principle 5019  
stated in division (B) of section 1.52 of the Revised Code that 5020  
amendments are to be harmonized if reasonably capable of 5021  
simultaneous operation, finds that the following sections, 5022  
presented in this act as composites of the sections as amended 5023  
by the acts indicated, are the resulting versions of the 5024  
sections in effect prior to the effective date of the sections 5025  
as presented in this act: 5026

Section 2925.02 of the Revised Code as amended by both Am. 5027  
Sub. S.B. 1 and Am. Sub. S.B. 201 of the 132nd General Assembly. 5028

Section 2925.03 of the Revised Code as amended by Am. Sub. 5029  
H.B. 111, Am. Sub. S.B. 1, Am. Sub. S.B. 201, and Sub. S.B. 229, 5030  
all of the 132nd General Assembly. 5031

Section 2925.11 of the Revised Code as amended by Am. Sub. 5032  
S.B. 1, Am. Sub. S.B. 201, and Sub. S.B. 229, all of the 132nd 5033  
General Assembly. 5034

Section 3719.121 of the Revised Code as amended by both 5035  
Sub. H.B. 216 and Sub. S.B. 319 of the 131st General Assembly. 5036

Section 4729.01 of the Revised Code as amended by both 5037  
Sub. S.B. 119 and Sub. S.B. 229 of the 132nd General Assembly. 5038