

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 642

Representative Brent

A BILL

To amend sections 1.58, 109.572, 2923.01, 2923.41, 1
2925.01, 2925.02, 2925.03, 2925.04, 2925.05, 2
2925.11, 2925.14, 2925.22, 2925.23, 2925.36, 3
2925.38, 2925.51, 2929.01, 2929.14, 3719.01, 4
3719.21, 3734.44, 4510.17, and 5924.1121; to 5
enact sections 1.06, 2925.111, 2927.30, 2927.31, 6
2927.32, and 2953.39; and to repeal section 7
2925.141 of the Revised Code to repeal criminal 8
prohibitions against the trafficking and 9
possession of cannabis. 10

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

Section 1. That sections 1.58, 109.572, 2923.01, 2923.41, 11
2925.01, 2925.02, 2925.03, 2925.04, 2925.05, 2925.11, 2925.14, 12
2925.22, 2925.23, 2925.36, 2925.38, 2925.51, 2929.01, 2929.14, 13
3719.01, 3719.21, 3734.44, 4510.17, and 5924.1121 be amended and 14
sections 1.06, 2925.111, 2927.30, 2927.31, 2927.32, and 2953.39 15
of the Revised Code be enacted to read as follows: 16

Sec. 1.06. (A) As used in the Revised Code, "cannabis" 17
means all parts of a plant of the genus cannabis, whether 18
growing or not; the seeds of a plant of that type; the resin 19

extracted from a part of a plant of that type; and every 20
compound, manufacture, salt, derivative, mixture, or preparation 21
of a plant of that type or of its seeds or resin. "Cannabis" 22
does not include the mature stalks of the plant, fiber produced 23
from the stalks, oils or cake made from the seeds of the plant, 24
or any other compound, manufacture, salt, derivative, mixture, 25
or preparation of the mature stalks, except the resin extracted 26
from the mature stalks, fiber, oil or cake, or the sterilized 27
seed of the plant that is incapable of germination. "Cannabis" 28
does not include "hemp" or a "hemp product" as those terms are 29
defined in section 928.01 of the Revised Code. 30

(B) Unless expressly stated otherwise, any reference in 31
the Revised Code or the Administrative Code to "marijuana" or 32
"marihuana" is deemed to be a reference to "cannabis." 33

Sec. 1.58. (A) The reenactment, amendment, or repeal of a 34
statute does not, except as provided in ~~division~~ divisions (B), 35
(C), (D), (E), and (F) of this section: 36

(1) Affect the prior operation of the statute or any prior 37
action taken thereunder; 38

(2) Affect any validation, cure, right, privilege, 39
obligation, or liability previously acquired, accrued, accorded, 40
or incurred thereunder; 41

(3) Affect any violation thereof or penalty, forfeiture, 42
or punishment incurred in respect thereto, prior to the 43
amendment or repeal; 44

(4) Affect any investigation, proceeding, or remedy in 45
respect of any such privilege, obligation, liability, penalty, 46
forfeiture, or punishment; and the investigation, proceeding, or 47
remedy may be instituted, continued, or enforced, and the 48

penalty, forfeiture, or punishment imposed, as if the statute
had not been repealed or amended.

(B) If the penalty, forfeiture, or punishment for any
offense is reduced by a reenactment or amendment of a statute,
the penalty, forfeiture, or punishment, if not already imposed,
shall be imposed according to the statute as amended.

(C) Any person who, prior to the effective date of this
amendment, was convicted of or pleaded guilty to and was
sentenced for a cannabis possession offense based on a violation
of section 2925.11, 2925.14, or 2925.141 of the Revised Code as
those sections existed prior to the effective date of this
amendment, and who is currently serving a jail term or term of
imprisonment for that offense, may file an application to have
the offender's sentence vacated under this section. The person
may file the application at any time on or after the effective
date of this amendment. The application shall do all of the
following:

(1) Identify the applicant, the offense for which the
vacation is sought, the date of the conviction or plea of guilty
to that offense, and the court in which the conviction occurred
or the plea of guilty was entered.

(2) Include evidence that the offense was a violation of
section 2925.11, 2925.14, or 2925.141 of the Revised Code as
those sections existed prior to the effective date of this
amendment, and that the offense was a cannabis possession
offense.

(3) Include a request for vacation of the conviction or
plea of guilty for that offense under this section.

(D) Upon the filing of an application under division (C)

of this section, the court shall set a date for a hearing and 78
shall notify the prosecutor for the case of the hearing on the 79
application. The prosecutor may object to the granting of the 80
vacation by filing an objection with the court prior to the date 81
set for the hearing. The prosecutor shall specify in the 82
objection the reasons for believing a denial of the vacation is 83
justified. The court shall hold the hearing scheduled under this 84
division. 85

(E) At the hearing held under division (D) of this 86
section, the court shall do each of the following: 87

(1) If the prosecutor has filed an objection in accordance 88
with division (D) of this section, consider the reasons against 89
vacation specified by the prosecutor in the objection; 90

(2) Determine whether the applicant has been convicted of 91
or pleaded guilty to a violation of section 2925.11, 2925.14, or 92
2925.141 of the Revised Code as those sections existed prior to 93
the effective date of this amendment, whether the applicant is 94
currently serving a term of imprisonment or jail term for that 95
offense, and whether the offense was a cannabis possession 96
offense. 97

(F) If the court determines at the hearing held under 98
division (D) of this section that an offense that is the subject 99
of an application under this section is a violation of section 100
2925.11, 2925.14, or 2925.141 of the Revised Code as those 101
sections existed prior to the effective date of this amendment, 102
that the offender is currently serving a term of imprisonment or 103
jail term for that offense, and that the offense is a cannabis 104
possession offense, the court shall vacate the offender's 105
sentence for that offense and any penalty, forfeiture, or 106
punishment that applies to the sentence for that offense. If, 107

after vacating a sentence under this section, the offender has 108
completed any sentence for which the offender is jailed or 109
imprisoned, the court shall grant the offender a final release 110
from confinement. 111

(G) As used in this section: 112

(1) "Prosecutor" has the same meaning as in section 113
2953.31 of the Revised Code. 114

(2) "Cannabis possession offense" means either of the 115
following: 116

(a) A violation of section 2925.11 of the Revised Code, as 117
that section existed prior to the effective date of this 118
amendment, that involved the obtaining, possession, or use of 119
cannabis; 120

(b) A violation of section 2925.14 or 2925.141 of the 121
Revised Code, as those sections existed prior to the effective 122
date of this amendment, that involved the use or possession with 123
purpose to use of drug paraphernalia associated with the 124
obtaining, possession, or use of cannabis. 125

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 126
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 127
Code, a completed form prescribed pursuant to division (C) (1) of 128
this section, and a set of fingerprint impressions obtained in 129
the manner described in division (C) (2) of this section, the 130
superintendent of the bureau of criminal identification and 131
investigation shall conduct a criminal records check in the 132
manner described in division (B) of this section to determine 133
whether any information exists that indicates that the person 134
who is the subject of the request previously has been convicted 135
of or pleaded guilty to any of the following: 136

(a) A violation of section 2903.01, 2903.02, 2903.03, 137
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 138
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 139
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 140
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 141
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 142
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 143
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 144
sexual penetration in violation of former section 2907.12 of the 145
Revised Code, a violation of section 2905.04 of the Revised Code 146
as it existed prior to July 1, 1996, a violation of section 147
2919.23 of the Revised Code that would have been a violation of 148
section 2905.04 of the Revised Code as it existed prior to July 149
1, 1996, had the violation been committed prior to that date, or 150
a violation of section 2925.11 of the Revised Code that is not a 151
minor drug possession offense; 152

(b) A violation of an existing or former law of this 153
state, any other state, or the United States that is 154
substantially equivalent to any of the offenses listed in 155
division (A)(1)(a) of this section; 156

(c) If the request is made pursuant to section 3319.39 of 157
the Revised Code for an applicant who is a teacher, any offense 158
specified in section 3319.31 of the Revised Code. 159

(2) On receipt of a request pursuant to section 3712.09 or 160
3721.121 of the Revised Code, a completed form prescribed 161
pursuant to division (C)(1) of this section, and a set of 162
fingerprint impressions obtained in the manner described in 163
division (C)(2) of this section, the superintendent of the 164
bureau of criminal identification and investigation shall 165
conduct a criminal records check with respect to any person who 166

has applied for employment in a position for which a criminal 167
records check is required by those sections. The superintendent 168
shall conduct the criminal records check in the manner described 169
in division (B) of this section to determine whether any 170
information exists that indicates that the person who is the 171
subject of the request previously has been convicted of or 172
pleaded guilty to any of the following: 173

(a) A violation of section 2903.01, 2903.02, 2903.03, 174
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 175
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 176
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 177
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 178
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 179
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 180
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 181
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 182

(b) An existing or former law of this state, any other 183
state, or the United States that is substantially equivalent to 184
any of the offenses listed in division (A)(2)(a) of this 185
section. 186

(3) On receipt of a request pursuant to section 173.27, 187
173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 188
5123.081, or 5123.169 of the Revised Code, a completed form 189
prescribed pursuant to division (C)(1) of this section, and a 190
set of fingerprint impressions obtained in the manner described 191
in division (C)(2) of this section, the superintendent of the 192
bureau of criminal identification and investigation shall 193
conduct a criminal records check of the person for whom the 194
request is made. The superintendent shall conduct the criminal 195
records check in the manner described in division (B) of this 196

section to determine whether any information exists that 197
indicates that the person who is the subject of the request 198
previously has been convicted of, has pleaded guilty to, or 199
(except in the case of a request pursuant to section 5164.34, 200
5164.341, or 5164.342 of the Revised Code) has been found 201
eligible for intervention in lieu of conviction for any of the 202
following, regardless of the date of the conviction, the date of 203
entry of the guilty plea, or (except in the case of a request 204
pursuant to section 5164.34, 5164.341, or 5164.342 of the 205
Revised Code) the date the person was found eligible for 206
intervention in lieu of conviction: 207

(a) A violation of section 959.13, 959.131, 2903.01, 208
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 209
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 210
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 211
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 212
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 213
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 214
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 215
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 216
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 217
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 218
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 219
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 220
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 221
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 222
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 223
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 224
2925.13, 2925.14, ~~2925.141~~, 2925.22, 2925.23, 2925.24, 2925.36, 225
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code; 226

(b) Felonious sexual penetration in violation of former 227

section 2907.12 of the Revised Code; 228

(c) A violation of section 2905.04 of the Revised Code as 229
it existed prior to July 1, 1996; 230

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 231
the Revised Code when the underlying offense that is the object 232
of the conspiracy, attempt, or complicity is one of the offenses 233
listed in divisions (A) (3) (a) to (c) of this section; 234

(e) A violation of an existing or former municipal 235
ordinance or law of this state, any other state, or the United 236
States that is substantially equivalent to any of the offenses 237
listed in divisions (A) (3) (a) to (d) of this section. 238

(4) On receipt of a request pursuant to section 2151.86 or 239
2151.904 of the Revised Code, a completed form prescribed 240
pursuant to division (C) (1) of this section, and a set of 241
fingerprint impressions obtained in the manner described in 242
division (C) (2) of this section, the superintendent of the 243
bureau of criminal identification and investigation shall 244
conduct a criminal records check in the manner described in 245
division (B) of this section to determine whether any 246
information exists that indicates that the person who is the 247
subject of the request previously has been convicted of or 248
pleaded guilty to any of the following: 249

(a) A violation of section 959.13, 2903.01, 2903.02, 250
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 251
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 252
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 253
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 254
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 255
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 256

2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 257
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 258
2927.12, or 3716.11 of the Revised Code, a violation of section 259
2905.04 of the Revised Code as it existed prior to July 1, 1996, 260
a violation of section 2919.23 of the Revised Code that would 261
have been a violation of section 2905.04 of the Revised Code as 262
it existed prior to July 1, 1996, had the violation been 263
committed prior to that date, a violation of section 2925.11 of 264
the Revised Code that is not a minor drug possession offense, 265
two or more OVI or OVUAC violations committed within the three 266
years immediately preceding the submission of the application or 267
petition that is the basis of the request, or felonious sexual 268
penetration in violation of former section 2907.12 of the 269
Revised Code; 270

(b) A violation of an existing or former law of this 271
state, any other state, or the United States that is 272
substantially equivalent to any of the offenses listed in 273
division (A)(4)(a) of this section. 274

(5) Upon receipt of a request pursuant to section 5104.013 275
of the Revised Code, a completed form prescribed pursuant to 276
division (C)(1) of this section, and a set of fingerprint 277
impressions obtained in the manner described in division (C)(2) 278
of this section, the superintendent of the bureau of criminal 279
identification and investigation shall conduct a criminal 280
records check in the manner described in division (B) of this 281
section to determine whether any information exists that 282
indicates that the person who is the subject of the request has 283
been convicted of or pleaded guilty to any of the following: 284

(a) A violation of section 2151.421, 2903.01, 2903.02, 285
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 286

2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 287
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 288
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 289
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 290
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 291
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 292
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 293
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 294
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 295
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 296
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 297
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 298
3716.11 of the Revised Code, felonious sexual penetration in 299
violation of former section 2907.12 of the Revised Code, a 300
violation of section 2905.04 of the Revised Code as it existed 301
prior to July 1, 1996, a violation of section 2919.23 of the 302
Revised Code that would have been a violation of section 2905.04 303
of the Revised Code as it existed prior to July 1, 1996, had the 304
violation been committed prior to that date, a violation of 305
section 2925.11 of the Revised Code that is not a minor drug 306
possession offense, a violation of section 2923.02 or 2923.03 of 307
the Revised Code that relates to a crime specified in this 308
division, or a second violation of section 4511.19 of the 309
Revised Code within five years of the date of application for 310
licensure or certification. 311

(b) A violation of an existing or former law of this 312
state, any other state, or the United States that is 313
substantially equivalent to any of the offenses or violations 314
described in division (A) (5) (a) of this section. 315

(6) Upon receipt of a request pursuant to section 5153.111 316
of the Revised Code, a completed form prescribed pursuant to 317

division (C) (1) of this section, and a set of fingerprint 318
impressions obtained in the manner described in division (C) (2) 319
of this section, the superintendent of the bureau of criminal 320
identification and investigation shall conduct a criminal 321
records check in the manner described in division (B) of this 322
section to determine whether any information exists that 323
indicates that the person who is the subject of the request 324
previously has been convicted of or pleaded guilty to any of the 325
following: 326

(a) A violation of section 2903.01, 2903.02, 2903.03, 327
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 328
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 329
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 330
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 331
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 332
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 333
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 334
Code, felonious sexual penetration in violation of former 335
section 2907.12 of the Revised Code, a violation of section 336
2905.04 of the Revised Code as it existed prior to July 1, 1996, 337
a violation of section 2919.23 of the Revised Code that would 338
have been a violation of section 2905.04 of the Revised Code as 339
it existed prior to July 1, 1996, had the violation been 340
committed prior to that date, or a violation of section 2925.11 341
of the Revised Code that is not a minor drug possession offense; 342

(b) A violation of an existing or former law of this 343
state, any other state, or the United States that is 344
substantially equivalent to any of the offenses listed in 345
division (A) (6) (a) of this section. 346

(7) On receipt of a request for a criminal records check 347

from an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C)(1) of this section and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to a felony in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information from the federal bureau of investigation as described in division (B)(2) of this section. Subject to division (F) of this section, the superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the director of public safety.

(8) On receipt of a request pursuant to section 1321.37, 1321.53, or 4763.05 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for a license, permit, or certification from the department of commerce or a division in the department. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted

of or pleaded guilty to any of the following: a violation of 379
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 380
Revised Code; any other criminal offense involving theft, 381
receiving stolen property, embezzlement, forgery, fraud, passing 382
bad checks, money laundering, or drug trafficking, or any 383
criminal offense involving money or securities, as set forth in 384
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 385
the Revised Code; or any existing or former law of this state, 386
any other state, or the United States that is substantially 387
equivalent to those offenses. 388

(9) On receipt of a request for a criminal records check 389
from the treasurer of state under section 113.041 of the Revised 390
Code or from an individual under section 928.03, 4701.08, 391
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 392
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 393
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 394
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 395
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 396
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 397
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 398
Code, accompanied by a completed form prescribed under division 399
(C) (1) of this section and a set of fingerprint impressions 400
obtained in the manner described in division (C) (2) of this 401
section, the superintendent of the bureau of criminal 402
identification and investigation shall conduct a criminal 403
records check in the manner described in division (B) of this 404
section to determine whether any information exists that 405
indicates that the person who is the subject of the request has 406
been convicted of or pleaded guilty to any criminal offense in 407
this state or any other state. Subject to division (F) of this 408
section, the superintendent shall send the results of a check 409

requested under section 113.041 of the Revised Code to the 410
treasurer of state and shall send the results of a check 411
requested under any of the other listed sections to the 412
licensing board specified by the individual in the request. 413

(10) On receipt of a request pursuant to section 124.74, 414
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 415
Code, a completed form prescribed pursuant to division (C)(1) of 416
this section, and a set of fingerprint impressions obtained in 417
the manner described in division (C)(2) of this section, the 418
superintendent of the bureau of criminal identification and 419
investigation shall conduct a criminal records check in the 420
manner described in division (B) of this section to determine 421
whether any information exists that indicates that the person 422
who is the subject of the request previously has been convicted 423
of or pleaded guilty to any criminal offense under any existing 424
or former law of this state, any other state, or the United 425
States. 426

(11) On receipt of a request for a criminal records check 427
from an appointing or licensing authority under section 3772.07 428
of the Revised Code, a completed form prescribed under division 429
(C)(1) of this section, and a set of fingerprint impressions 430
obtained in the manner prescribed in division (C)(2) of this 431
section, the superintendent of the bureau of criminal 432
identification and investigation shall conduct a criminal 433
records check in the manner described in division (B) of this 434
section to determine whether any information exists that 435
indicates that the person who is the subject of the request 436
previously has been convicted of or pleaded guilty or no contest 437
to any offense under any existing or former law of this state, 438
any other state, or the United States that is a disqualifying 439
offense as defined in section 3772.07 of the Revised Code or 440

substantially equivalent to such an offense. 441

(12) On receipt of a request pursuant to section 2151.33 442
or 2151.412 of the Revised Code, a completed form prescribed 443
pursuant to division (C)(1) of this section, and a set of 444
fingerprint impressions obtained in the manner described in 445
division (C)(2) of this section, the superintendent of the 446
bureau of criminal identification and investigation shall 447
conduct a criminal records check with respect to any person for 448
whom a criminal records check is required under that section. 449
The superintendent shall conduct the criminal records check in 450
the manner described in division (B) of this section to 451
determine whether any information exists that indicates that the 452
person who is the subject of the request previously has been 453
convicted of or pleaded guilty to any of the following: 454

(a) A violation of section 2903.01, 2903.02, 2903.03, 455
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 456
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 457
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 458
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 459
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 460
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 461
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 462
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 463

(b) An existing or former law of this state, any other 464
state, or the United States that is substantially equivalent to 465
any of the offenses listed in division (A)(12)(a) of this 466
section. 467

(13) On receipt of a request pursuant to section 3796.12 468
of the Revised Code, a completed form prescribed pursuant to 469
division (C)(1) of this section, and a set of fingerprint 470

impressions obtained in a manner described in division (C) (2) of 471
this section, the superintendent of the bureau of criminal 472
identification and investigation shall conduct a criminal 473
records check in the manner described in division (B) of this 474
section to determine whether any information exists that 475
indicates that the person who is the subject of the request 476
previously has been convicted of or pleaded guilty to the 477
following: 478

(a) A disqualifying offense as specified in rules adopted 479
under division (B) (2) (b) of section 3796.03 of the Revised Code 480
if the person who is the subject of the request is an 481
administrator or other person responsible for the daily 482
operation of, or an owner or prospective owner, officer or 483
prospective officer, or board member or prospective board member 484
of, an entity seeking a license from the department of commerce 485
under Chapter 3796. of the Revised Code; 486

(b) A disqualifying offense as specified in rules adopted 487
under division (B) (2) (b) of section 3796.04 of the Revised Code 488
if the person who is the subject of the request is an 489
administrator or other person responsible for the daily 490
operation of, or an owner or prospective owner, officer or 491
prospective officer, or board member or prospective board member 492
of, an entity seeking a license from the state board of pharmacy 493
under Chapter 3796. of the Revised Code. 494

(14) On receipt of a request required by section 3796.13 495
of the Revised Code, a completed form prescribed pursuant to 496
division (C) (1) of this section, and a set of fingerprint 497
impressions obtained in a manner described in division (C) (2) of 498
this section, the superintendent of the bureau of criminal 499
identification and investigation shall conduct a criminal 500

records check in the manner described in division (B) of this 501
section to determine whether any information exists that 502
indicates that the person who is the subject of the request 503
previously has been convicted of or pleaded guilty to the 504
following: 505

(a) A disqualifying offense as specified in rules adopted 506
under division (B) (8) (a) of section 3796.03 of the Revised Code 507
if the person who is the subject of the request is seeking 508
employment with an entity licensed by the department of commerce 509
under Chapter 3796. of the Revised Code; 510

(b) A disqualifying offense as specified in rules adopted 511
under division (B) (14) (a) of section 3796.04 of the Revised Code 512
if the person who is the subject of the request is seeking 513
employment with an entity licensed by the state board of 514
pharmacy under Chapter 3796. of the Revised Code. 515

(15) On receipt of a request pursuant to section 4768.06 516
of the Revised Code, a completed form prescribed under division 517
(C) (1) of this section, and a set of fingerprint impressions 518
obtained in the manner described in division (C) (2) of this 519
section, the superintendent of the bureau of criminal 520
identification and investigation shall conduct a criminal 521
records check in the manner described in division (B) of this 522
section to determine whether any information exists indicating 523
that the person who is the subject of the request has been 524
convicted of or pleaded guilty to a felony in this state or in 525
any other state. 526

(16) On receipt of a request pursuant to division (B) of 527
section 4764.07 or division (A) of section 4735.143 of the 528
Revised Code, a completed form prescribed under division (C) (1) 529
of this section, and a set of fingerprint impressions obtained 530

in the manner described in division (C) (2) of this section, the 531
superintendent of the bureau of criminal identification and 532
investigation shall conduct a criminal records check in the 533
manner described in division (B) of this section to determine 534
whether any information exists indicating that the person who is 535
the subject of the request has been convicted of or pleaded 536
guilty to any crime of moral turpitude, a felony, or an 537
equivalent offense in any other state or the United States. 538

(17) On receipt of a request for a criminal records check 539
under section 147.022 of the Revised Code, a completed form 540
prescribed under division (C) (1) of this section, and a set of 541
fingerprint impressions obtained in the manner prescribed in 542
division (C) (2) of this section, the superintendent of the 543
bureau of criminal identification and investigation shall 544
conduct a criminal records check in the manner described in 545
division (B) of this section to determine whether any 546
information exists that indicates that the person who is the 547
subject of the request previously has been convicted of or 548
pleaded guilty or no contest to any disqualifying offense, as 549
defined in section 147.011 of the Revised Code, or to any 550
offense under any existing or former law of this state, any 551
other state, or the United States that is substantially 552
equivalent to such a disqualifying offense. 553

(B) Subject to division (F) of this section, the 554
superintendent shall conduct any criminal records check to be 555
conducted under this section as follows: 556

(1) The superintendent shall review or cause to be 557
reviewed any relevant information gathered and compiled by the 558
bureau under division (A) of section 109.57 of the Revised Code 559
that relates to the person who is the subject of the criminal 560

records check, including, if the criminal records check was 561
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 562
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 563
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 564
3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 565
4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 566
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 567
5153.111 of the Revised Code, any relevant information contained 568
in records that have been sealed under section 2953.32 of the 569
Revised Code; 570

(2) If the request received by the superintendent asks for 571
information from the federal bureau of investigation, the 572
superintendent shall request from the federal bureau of 573
investigation any information it has with respect to the person 574
who is the subject of the criminal records check, including 575
fingerprint-based checks of national crime information databases 576
as described in 42 U.S.C. 671 if the request is made pursuant to 577
section 2151.86 or 5104.013 of the Revised Code or if any other 578
Revised Code section requires fingerprint-based checks of that 579
nature, and shall review or cause to be reviewed any information 580
the superintendent receives from that bureau. If a request under 581
section 3319.39 of the Revised Code asks only for information 582
from the federal bureau of investigation, the superintendent 583
shall not conduct the review prescribed by division (B)(1) of 584
this section. 585

(3) The superintendent or the superintendent's designee 586
may request criminal history records from other states or the 587
federal government pursuant to the national crime prevention and 588
privacy compact set forth in section 109.571 of the Revised 589
Code. 590

(4) The superintendent shall include in the results of the 591
criminal records check a list or description of the offenses 592
listed or described in division (A) (1), (2), (3), (4), (5), (6), 593
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 594
of this section, whichever division requires the superintendent 595
to conduct the criminal records check. The superintendent shall 596
exclude from the results any information the dissemination of 597
which is prohibited by federal law. 598

(5) The superintendent shall send the results of the 599
criminal records check to the person to whom it is to be sent 600
not later than the following number of days after the date the 601
superintendent receives the request for the criminal records 602
check, the completed form prescribed under division (C) (1) of 603
this section, and the set of fingerprint impressions obtained in 604
the manner described in division (C) (2) of this section: 605

(a) If the superintendent is required by division (A) of 606
this section (other than division (A) (3) of this section) to 607
conduct the criminal records check, thirty; 608

(b) If the superintendent is required by division (A) (3) 609
of this section to conduct the criminal records check, sixty. 610

(C) (1) The superintendent shall prescribe a form to obtain 611
the information necessary to conduct a criminal records check 612
from any person for whom a criminal records check is to be 613
conducted under this section. The form that the superintendent 614
prescribes pursuant to this division may be in a tangible 615
format, in an electronic format, or in both tangible and 616
electronic formats. 617

(2) The superintendent shall prescribe standard impression 618
sheets to obtain the fingerprint impressions of any person for 619

whom a criminal records check is to be conducted under this 620
section. Any person for whom a records check is to be conducted 621
under this section shall obtain the fingerprint impressions at a 622
county sheriff's office, municipal police department, or any 623
other entity with the ability to make fingerprint impressions on 624
the standard impression sheets prescribed by the superintendent. 625
The office, department, or entity may charge the person a 626
reasonable fee for making the impressions. The standard 627
impression sheets the superintendent prescribes pursuant to this 628
division may be in a tangible format, in an electronic format, 629
or in both tangible and electronic formats. 630

(3) Subject to division (D) of this section, the 631
superintendent shall prescribe and charge a reasonable fee for 632
providing a criminal records check under this section. The 633
person requesting the criminal records check shall pay the fee 634
prescribed pursuant to this division. In the case of a request 635
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 636
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 637
fee shall be paid in the manner specified in that section. 638

(4) The superintendent of the bureau of criminal 639
identification and investigation may prescribe methods of 640
forwarding fingerprint impressions and information necessary to 641
conduct a criminal records check, which methods shall include, 642
but not be limited to, an electronic method. 643

(D) The results of a criminal records check conducted 644
under this section, other than a criminal records check 645
specified in division (A) (7) of this section, are valid for the 646
person who is the subject of the criminal records check for a 647
period of one year from the date upon which the superintendent 648
completes the criminal records check. If during that period the 649

superintendent receives another request for a criminal records 650
check to be conducted under this section for that person, the 651
superintendent shall provide the results from the previous 652
criminal records check of the person at a lower fee than the fee 653
prescribed for the initial criminal records check. 654

(E) When the superintendent receives a request for 655
information from a registered private provider, the 656
superintendent shall proceed as if the request was received from 657
a school district board of education under section 3319.39 of 658
the Revised Code. The superintendent shall apply division (A) (1) 659
(c) of this section to any such request for an applicant who is 660
a teacher. 661

(F) (1) Subject to division (F) (2) of this section, all 662
information regarding the results of a criminal records check 663
conducted under this section that the superintendent reports or 664
sends under division (A) (7) or (9) of this section to the 665
director of public safety, the treasurer of state, or the 666
person, board, or entity that made the request for the criminal 667
records check shall relate to the conviction of the subject 668
person, or the subject person's plea of guilty to, a criminal 669
offense. 670

(2) Division (F) (1) of this section does not limit, 671
restrict, or preclude the superintendent's release of 672
information that relates to the arrest of a person who is 673
eighteen years of age or older, to an adjudication of a child as 674
a delinquent child, or to a criminal conviction of a person 675
under eighteen years of age in circumstances in which a release 676
of that nature is authorized under division (E) (2), (3), or (4) 677
of section 109.57 of the Revised Code pursuant to a rule adopted 678
under division (E) (1) of that section. 679

(G) As used in this section: 680

(1) "Criminal records check" means any criminal records 681
check conducted by the superintendent of the bureau of criminal 682
identification and investigation in accordance with division (B) 683
of this section. 684

(2) "Minor drug possession offense" has the same meaning 685
as in section 2925.01 of the Revised Code. 686

(3) "OVI or OVUAC violation" means a violation of section 687
4511.19 of the Revised Code or a violation of an existing or 688
former law of this state, any other state, or the United States 689
that is substantially equivalent to section 4511.19 of the 690
Revised Code. 691

(4) "Registered private provider" means a nonpublic school 692
or entity registered with the superintendent of public 693
instruction under section 3310.41 of the Revised Code to 694
participate in the autism scholarship program or section 3310.58 695
of the Revised Code to participate in the Jon Peterson special 696
needs scholarship program. 697

Sec. 2923.01. (A) No person, with purpose to commit or to 698
promote or facilitate the commission of aggravated murder, 699
murder, kidnapping, abduction, compelling prostitution, 700
promoting prostitution, trafficking in persons, aggravated 701
arson, arson, aggravated robbery, robbery, aggravated burglary, 702
burglary, trespassing in a habitation when a person is present 703
or likely to be present, engaging in a pattern of corrupt 704
activity, corrupting another with drugs, a felony drug 705
trafficking, manufacturing, processing, or possession offense, 706
theft of drugs, or illegal processing of drug documents, the 707
commission of a felony offense of unauthorized use of a vehicle, 708

illegally transmitting multiple commercial electronic mail 709
messages or unauthorized access of a computer in violation of 710
section 2923.421 of the Revised Code, or the commission of a 711
violation of any provision of Chapter 3734. of the Revised Code, 712
other than section 3734.18 of the Revised Code, that relates to 713
hazardous wastes, shall do either of the following: 714

(1) With another person or persons, plan or aid in 715
planning the commission of any of the specified offenses; 716

(2) Agree with another person or persons that one or more 717
of them will engage in conduct that facilitates the commission 718
of any of the specified offenses. 719

(B) No person shall be convicted of conspiracy unless a 720
substantial overt act in furtherance of the conspiracy is 721
alleged and proved to have been done by the accused or a person 722
with whom the accused conspired, subsequent to the accused's 723
entrance into the conspiracy. For purposes of this section, an 724
overt act is substantial when it is of a character that 725
manifests a purpose on the part of the actor that the object of 726
the conspiracy should be completed. 727

(C) When the offender knows or has reasonable cause to 728
believe that a person with whom the offender conspires also has 729
conspired or is conspiring with another to commit the same 730
offense, the offender is guilty of conspiring with that other 731
person, even though the other person's identity may be unknown 732
to the offender. 733

(D) It is no defense to a charge under this section that, 734
in retrospect, commission of the offense that was the object of 735
the conspiracy was impossible under the circumstances. 736

(E) A conspiracy terminates when the offense or offenses 737

that are its objects are committed or when it is abandoned by 738
all conspirators. In the absence of abandonment, it is no 739
defense to a charge under this section that no offense that was 740
the object of the conspiracy was committed. 741

(F) A person who conspires to commit more than one offense 742
is guilty of only one conspiracy, when the offenses are the 743
object of the same agreement or continuous conspiratorial 744
relationship. 745

(G) When a person is convicted of committing or attempting 746
to commit a specific offense or of complicity in the commission 747
of or attempt to commit the specific offense, the person shall 748
not be convicted of conspiracy involving the same offense. 749

(H) (1) No person shall be convicted of conspiracy upon the 750
testimony of a person with whom the defendant conspired, 751
unsupported by other evidence. 752

(2) If a person with whom the defendant allegedly has 753
conspired testifies against the defendant in a case in which the 754
defendant is charged with conspiracy and if the testimony is 755
supported by other evidence, the court, when it charges the 756
jury, shall state substantially the following: 757

"The testimony of an accomplice that is supported by other 758
evidence does not become inadmissible because of the 759
accomplice's complicity, moral turpitude, or self-interest, but 760
the admitted or claimed complicity of a witness may affect the 761
witness' credibility and make the witness' testimony subject to 762
grave suspicion, and require that it be weighed with great 763
caution. 764

It is for you, as jurors, in the light of all the facts 765
presented to you from the witness stand, to evaluate such 766

testimony and to determine its quality and worth or its lack of
quality and worth." 767
768

(3) "Conspiracy," as used in division (H)(1) of this 769
section, does not include any conspiracy that results in an 770
attempt to commit an offense or in the commission of an offense. 771

(I) The following are affirmative defenses to a charge of 772
conspiracy: 773

(1) After conspiring to commit an offense, the actor 774
thwarted the success of the conspiracy under circumstances 775
manifesting a complete and voluntary renunciation of the actor's 776
criminal purpose. 777

(2) After conspiring to commit an offense, the actor 778
abandoned the conspiracy prior to the commission of or attempt 779
to commit any offense that was the object of the conspiracy, 780
either by advising all other conspirators of the actor's 781
abandonment, or by informing any law enforcement authority of 782
the existence of the conspiracy and of the actor's participation 783
in the conspiracy. 784

(J) Whoever violates this section is guilty of conspiracy, 785
which is one of the following: 786

(1) A felony of the first degree, when one of the objects 787
of the conspiracy is aggravated murder, murder, or an offense 788
for which the maximum penalty is imprisonment for life; 789

(2) A felony of the next lesser degree than the most 790
serious offense that is the object of the conspiracy, when the 791
most serious offense that is the object of the conspiracy is a 792
felony of the first, second, third, or fourth degree; 793

(3) A felony punishable by a fine of not more than twenty- 794

five thousand dollars or imprisonment for not more than eighteen 795
months, or both, when the offense that is the object of the 796
conspiracy is a violation of any provision of Chapter 3734. of 797
the Revised Code, other than section 3734.18 of the Revised 798
Code, that relates to hazardous wastes; 799

(4) A misdemeanor of the first degree, when the most 800
serious offense that is the object of the conspiracy is a felony 801
of the fifth degree. 802

(K) This section does not define a separate conspiracy 803
offense or penalty where conspiracy is defined as an offense by 804
one or more sections of the Revised Code, other than this 805
section. In such a case, however: 806

(1) With respect to the offense specified as the object of 807
the conspiracy in the other section or sections, division (A) of 808
this section defines the voluntary act or acts and culpable 809
mental state necessary to constitute the conspiracy; 810

(2) Divisions (B) to (I) of this section are incorporated 811
by reference in the conspiracy offense defined by the other 812
section or sections of the Revised Code. 813

(L) (1) In addition to the penalties that otherwise are 814
imposed for conspiracy, a person who is found guilty of 815
conspiracy to engage in a pattern of corrupt activity is subject 816
to divisions (B) (2) and (3) of section 2923.32, division (A) of 817
section 2981.04, and division (D) of section 2981.06 of the 818
Revised Code. 819

(2) If a person is convicted of or pleads guilty to 820
conspiracy and if the most serious offense that is the object of 821
the conspiracy is a felony drug trafficking, manufacturing, 822
processing, or possession offense, in addition to the penalties 823

or sanctions that may be imposed for the conspiracy under 824
division (J) (2) or (4) of this section and Chapter 2929. of the 825
Revised Code, both of the following apply: 826

(a) The provisions of divisions (D), (F), and (G) of 827
section 2925.03, division (D) of section 2925.04, division (D) 828
of section 2925.05, division (D) of section 2925.06, and 829
division ~~(E)~~ (D) of section 2925.11 of the Revised Code that 830
pertain to mandatory and additional fines, driver's or 831
commercial driver's license or permit suspensions, and 832
professionally licensed persons and that would apply under the 833
appropriate provisions of those divisions to a person who is 834
convicted of or pleads guilty to the felony drug trafficking, 835
manufacturing, processing, or possession offense that is the 836
most serious offense that is the basis of the conspiracy shall 837
apply to the person who is convicted of or pleads guilty to the 838
conspiracy as if the person had been convicted of or pleaded 839
guilty to the felony drug trafficking, manufacturing, 840
processing, or possession offense that is the most serious 841
offense that is the basis of the conspiracy. 842

(b) The court that imposes sentence upon the person who is 843
convicted of or pleads guilty to the conspiracy shall comply 844
with the provisions identified as being applicable under 845
division (L) (2) of this section, in addition to any other 846
penalty or sanction that it imposes for the conspiracy under 847
division (J) (2) or (4) of this section and Chapter 2929. of the 848
Revised Code. 849

(M) As used in this section: 850

(1) "Felony drug trafficking, manufacturing, processing, 851
or possession offense" means any of the following that is a 852
felony: 853

(a) A violation of section 2925.03, 2925.04, 2925.05, or 2925.06 of the Revised Code; 854
855

(b) A violation of section 2925.11 of the Revised Code 856
that is not a minor drug possession offense. 857

(2) "Minor drug possession offense" has the same meaning 858
as in section 2925.01 of the Revised Code. 859

Sec. 2923.41. As used in sections 2923.41 to 2923.44 of 860
the Revised Code: 861

(A) "Criminal gang" means an ongoing formal or informal 862
organization, association, or group of three or more persons to 863
which all of the following apply: 864

(1) It has as one of its primary activities the commission 865
of one or more of the offenses listed in division (B) of this 866
section. 867

(2) It has a common name or one or more common, 868
identifying signs, symbols, or colors. 869

(3) The persons in the organization, association, or group 870
individually or collectively engage in or have engaged in a 871
pattern of criminal gang activity. 872

(B) (1) "Pattern of criminal gang activity" means, subject 873
to division (B) (2) of this section, that persons in the criminal 874
gang have committed, attempted to commit, conspired to commit, 875
been complicitors in the commission of, or solicited, coerced, 876
or intimidated another to commit, attempt to commit, conspire to 877
commit, or be in complicity in the commission of two or more of 878
any of the following offenses: 879

(a) A felony or an act committed by a juvenile that would 880
be a felony if committed by an adult; 881

(b) An offense of violence or an act committed by a 882
juvenile that would be an offense of violence if committed by an 883
adult; 884

(c) A violation of section 2907.04, 2909.06, 2911.211, 885
2917.04, 2919.23, or 2919.24 of the Revised Code, section 886
2921.04 or 2923.16 of the Revised Code, ~~section 2925.03 of the~~ 887
~~Revised Code if the offense is trafficking in marihuana, or~~ 888
section 2927.12 of the Revised Code. 889

(2) There is a "pattern of criminal gang activity" if all 890
of the following apply with respect to the offenses that are 891
listed in division (B)(1)(a), (b), or (c) of this section and 892
that persons in the criminal gang committed, attempted to 893
commit, conspired to commit, were in complicity in committing, 894
or solicited, coerced, or intimidated another to commit, attempt 895
to commit, conspire to commit, or be in complicity in 896
committing: 897

(a) At least one of the two or more offenses is a felony. 898

(b) At least one of those two or more offenses occurs on 899
or after January 1, 1999. 900

(c) The last of those two or more offenses occurs within 901
five years after at least one of those offenses. 902

(d) The two or more offenses are committed on separate 903
occasions or by two or more persons. 904

(C) "Criminal conduct" means the commission of, an attempt 905
to commit, a conspiracy to commit, complicity in the commission 906
of, or solicitation, coercion, or intimidation of another to 907
commit, attempt to commit, conspire to commit, or be in 908
complicity in the commission of an offense listed in division 909
(B)(1)(a), (b), or (c) of this section or an act that is 910

committed by a juvenile and that would be an offense, an attempt 911
to commit an offense, a conspiracy to commit an offense, 912
complicity in the commission of, or solicitation, coercion, or 913
intimidation of another to commit, attempt to commit, conspire 914
to commit, or be in complicity in the commission of an offense 915
listed in division (B)(1)(a), (b), or (c) of this section if 916
committed by an adult. 917

(D) "Juvenile" means a person who is under eighteen years 918
of age. 919

(E) "Law enforcement agency" includes, but is not limited 920
to, the state board of pharmacy and the office of a prosecutor. 921

(F) "Prosecutor" has the same meaning as in section 922
2935.01 of the Revised Code. 923

Sec. 2925.01. As used in this chapter: 924

(A) "Administer," "controlled substance," "controlled 925
substance analog," "dispense," "distribute," "hypodermic," 926
"manufacturer," "official written order," "person," 927
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 928
"schedule III," "schedule IV," "schedule V," and "wholesaler" 929
have the same meanings as in section 3719.01 of the Revised 930
Code. 931

(B) "Drug dependent person" and "drug of abuse" have the 932
same meanings as in section 3719.011 of the Revised Code. 933

(C) "Drug," "dangerous drug," "licensed health 934
professional authorized to prescribe drugs," and "prescription" 935
have the same meanings as in section 4729.01 of the Revised 936
Code. 937

(D) "Bulk amount" of a controlled substance means any of 938

the following: 939

(1) For any compound, mixture, preparation, or substance 940
included in schedule I, schedule II, or schedule III, with the 941
exception of any controlled substance analog, ~~marihuana,~~ 942
cocaine, L.S.D., heroin, and any fentanyl-related compound, ~~and~~ 943
~~hashish~~ and except as provided in division (D) (2), (5), or (6) 944
of this section, whichever of the following is applicable: 945

(a) An amount equal to or exceeding ten grams or twenty- 946
five unit doses of a compound, mixture, preparation, or 947
substance that is or contains any amount of a schedule I opiate 948
or opium derivative; 949

(b) An amount equal to or exceeding ten grams of a 950
compound, mixture, preparation, or substance that is or contains 951
any amount of raw or gum opium; 952

(c) An amount equal to or exceeding thirty grams or ten 953
unit doses of a compound, mixture, preparation, or substance 954
that is or contains any amount of a schedule I hallucinogen 955
other than tetrahydrocannabinol or lysergic acid amide, or a 956
schedule I stimulant or depressant; 957

(d) An amount equal to or exceeding twenty grams or five 958
times the maximum daily dose in the usual dose range specified 959
in a standard pharmaceutical reference manual of a compound, 960
mixture, preparation, or substance that is or contains any 961
amount of a schedule II opiate or opium derivative; 962

(e) An amount equal to or exceeding five grams or ten unit 963
doses of a compound, mixture, preparation, or substance that is 964
or contains any amount of phencyclidine; 965

(f) An amount equal to or exceeding one hundred twenty 966
grams or thirty times the maximum daily dose in the usual dose 967

range specified in a standard pharmaceutical reference manual of 968
a compound, mixture, preparation, or substance that is or 969
contains any amount of a schedule II stimulant that is in a 970
final dosage form manufactured by a person authorized by the 971
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 972
U.S.C.A. 301, as amended, and the federal drug abuse control 973
laws, as defined in section 3719.01 of the Revised Code, that is 974
or contains any amount of a schedule II depressant substance or 975
a schedule II hallucinogenic substance; 976

(g) An amount equal to or exceeding three grams of a 977
compound, mixture, preparation, or substance that is or contains 978
any amount of a schedule II stimulant, or any of its salts or 979
isomers, that is not in a final dosage form manufactured by a 980
person authorized by the Federal Food, Drug, and Cosmetic Act 981
and the federal drug abuse control laws. 982

(2) An amount equal to or exceeding one hundred twenty 983
grams or thirty times the maximum daily dose in the usual dose 984
range specified in a standard pharmaceutical reference manual of 985
a compound, mixture, preparation, or substance that is or 986
contains any amount of a schedule III or IV substance other than 987
an anabolic steroid or a schedule III opiate or opium 988
derivative; 989

(3) An amount equal to or exceeding twenty grams or five 990
times the maximum daily dose in the usual dose range specified 991
in a standard pharmaceutical reference manual of a compound, 992
mixture, preparation, or substance that is or contains any 993
amount of a schedule III opiate or opium derivative; 994

(4) An amount equal to or exceeding two hundred fifty 995
milliliters or two hundred fifty grams of a compound, mixture, 996
preparation, or substance that is or contains any amount of a 997

schedule V substance; 998

(5) An amount equal to or exceeding two hundred solid 999
dosage units, sixteen grams, or sixteen milliliters of a 1000
compound, mixture, preparation, or substance that is or contains 1001
any amount of a schedule III anabolic steroid; 1002

(6) For any compound, mixture, preparation, or substance 1003
that is a combination of a fentanyl-related compound and any 1004
other compound, mixture, preparation, or substance included in 1005
schedule III, schedule IV, or schedule V, if the defendant is 1006
charged with a violation of section 2925.11 of the Revised Code 1007
and the sentencing provisions set forth in divisions (C)(10)(b) 1008
and (C)(11) of that section will not apply regarding the 1009
defendant and the violation, the bulk amount of the controlled 1010
substance for purposes of the violation is the amount specified 1011
in division (D)(1), (2), (3), (4), or (5) of this section for 1012
the other schedule III, IV, or V controlled substance that is 1013
combined with the fentanyl-related compound. 1014

(E) "Unit dose" means an amount or unit of a compound, 1015
mixture, or preparation containing a controlled substance that 1016
is separately identifiable and in a form that indicates that it 1017
is the amount or unit by which the controlled substance is 1018
separately administered to or taken by an individual. 1019

(F) "Cultivate" includes planting, watering, fertilizing, 1020
or tilling. 1021

(G) "Drug abuse offense" means any of the following: 1022

(1) A violation of division (A) of section 2913.02 that 1023
constitutes theft of drugs, or a violation of section 2925.02, 1024
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 1025
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 1026

or 2925.37 of the Revised Code; 1027

(2) A violation of an existing or former law of this or 1028
any other state or of the United States that is substantially 1029
equivalent to any section listed in division (G)(1) of this 1030
section; 1031

(3) An offense under an existing or former law of this or 1032
any other state, or of the United States, of which planting, 1033
cultivating, harvesting, processing, making, manufacturing, 1034
producing, shipping, transporting, delivering, acquiring, 1035
possessing, storing, distributing, dispensing, selling, inducing 1036
another to use, administering to another, using, or otherwise 1037
dealing with a controlled substance is an element; 1038

(4) A conspiracy to commit, attempt to commit, or 1039
complicity in committing or attempting to commit any offense 1040
under division (G)(1), (2), or (3) of this section. 1041

(H) "Felony drug abuse offense" means any drug abuse 1042
offense that would constitute a felony under the laws of this 1043
state, any other state, or the United States. 1044

(I) "Harmful intoxicant" does not include beer or 1045
intoxicating liquor but means any of the following: 1046

(1) Any compound, mixture, preparation, or substance the 1047
gas, fumes, or vapor of which when inhaled can induce 1048
intoxication, excitement, giddiness, irrational behavior, 1049
depression, stupefaction, paralysis, unconsciousness, 1050
asphyxiation, or other harmful physiological effects, and 1051
includes, but is not limited to, any of the following: 1052

(a) Any volatile organic solvent, plastic cement, model 1053
cement, fingernail polish remover, lacquer thinner, cleaning 1054
fluid, gasoline, or other preparation containing a volatile 1055

organic solvent;	1056
(b) Any aerosol propellant;	1057
(c) Any fluorocarbon refrigerant;	1058
(d) Any anesthetic gas.	1059
(2) Gamma Butyrolactone;	1060
(3) 1,4 Butanediol.	1061
(J) "Manufacture" means to plant, cultivate, harvest,	1062
process, make, prepare, or otherwise engage in any part of the	1063
production of a drug, by propagation, extraction, chemical	1064
synthesis, or compounding, or any combination of the same, and	1065
includes packaging, repackaging, labeling, and other activities	1066
incident to production.	1067
(K) "Possess" or "possession" means having control over a	1068
thing or substance, but may not be inferred solely from mere	1069
access to the thing or substance through ownership or occupation	1070
of the premises upon which the thing or substance is found.	1071
(L) "Sample drug" means a drug or pharmaceutical	1072
preparation that would be hazardous to health or safety if used	1073
without the supervision of a licensed health professional	1074
authorized to prescribe drugs, or a drug of abuse, and that, at	1075
one time, had been placed in a container plainly marked as a	1076
sample by a manufacturer.	1077
(M) "Standard pharmaceutical reference manual" means the	1078
current edition, with cumulative changes if any, of references	1079
that are approved by the state board of pharmacy.	1080
(N) "Juvenile" means a person under eighteen years of age.	1081
(O) "Counterfeit controlled substance" means any of the	1082

following: 1083

(1) Any drug that bears, or whose container or label 1084
bears, a trademark, trade name, or other identifying mark used 1085
without authorization of the owner of rights to that trademark, 1086
trade name, or identifying mark; 1087

(2) Any unmarked or unlabeled substance that is 1088
represented to be a controlled substance manufactured, 1089
processed, packed, or distributed by a person other than the 1090
person that manufactured, processed, packed, or distributed it; 1091

(3) Any substance that is represented to be a controlled 1092
substance but is not a controlled substance or is a different 1093
controlled substance; 1094

(4) Any substance other than a controlled substance that a 1095
reasonable person would believe to be a controlled substance 1096
because of its similarity in shape, size, and color, or its 1097
markings, labeling, packaging, distribution, or the price for 1098
which it is sold or offered for sale. 1099

(P) An offense is "committed in the vicinity of a school" 1100
if the offender commits the offense on school premises, in a 1101
school building, or within one thousand feet of the boundaries 1102
of any school premises, regardless of whether the offender knows 1103
the offense is being committed on school premises, in a school 1104
building, or within one thousand feet of the boundaries of any 1105
school premises. 1106

(Q) "School" means any school operated by a board of 1107
education, any community school established under Chapter 3314. 1108
of the Revised Code, or any nonpublic school for which the state 1109
board of education prescribes minimum standards under section 1110
3301.07 of the Revised Code, whether or not any instruction, 1111

extracurricular activities, or training provided by the school 1112
is being conducted at the time a criminal offense is committed. 1113

(R) "School premises" means either of the following: 1114

(1) The parcel of real property on which any school is 1115
situated, whether or not any instruction, extracurricular 1116
activities, or training provided by the school is being 1117
conducted on the premises at the time a criminal offense is 1118
committed; 1119

(2) Any other parcel of real property that is owned or 1120
leased by a board of education of a school, the governing 1121
authority of a community school established under Chapter 3314. 1122
of the Revised Code, or the governing body of a nonpublic school 1123
for which the state board of education prescribes minimum 1124
standards under section 3301.07 of the Revised Code and on which 1125
some of the instruction, extracurricular activities, or training 1126
of the school is conducted, whether or not any instruction, 1127
extracurricular activities, or training provided by the school 1128
is being conducted on the parcel of real property at the time a 1129
criminal offense is committed. 1130

(S) "School building" means any building in which any of 1131
the instruction, extracurricular activities, or training 1132
provided by a school is conducted, whether or not any 1133
instruction, extracurricular activities, or training provided by 1134
the school is being conducted in the school building at the time 1135
a criminal offense is committed. 1136

(T) "Disciplinary counsel" means the disciplinary counsel 1137
appointed by the board of commissioners on grievances and 1138
discipline of the supreme court under the Rules for the 1139
Government of the Bar of Ohio. 1140

(U) "Certified grievance committee" means a duly 1141
constituted and organized committee of the Ohio state bar 1142
association or of one or more local bar associations of the 1143
state of Ohio that complies with the criteria set forth in Rule 1144
V, section 6 of the Rules for the Government of the Bar of Ohio. 1145

(V) "Professional license" means any license, permit, 1146
certificate, registration, qualification, admission, temporary 1147
license, temporary permit, temporary certificate, or temporary 1148
registration that is described in divisions (W) (1) to (37) of 1149
this section and that qualifies a person as a professionally 1150
licensed person. 1151

(W) "Professionally licensed person" means any of the 1152
following: 1153

(1) A person who has received a certificate or temporary 1154
certificate as a certified public accountant or who has 1155
registered as a public accountant under Chapter 4701. of the 1156
Revised Code and who holds an Ohio permit issued under that 1157
chapter; 1158

(2) A person who holds a certificate of qualification to 1159
practice architecture issued or renewed and registered under 1160
Chapter 4703. of the Revised Code; 1161

(3) A person who is registered as a landscape architect 1162
under Chapter 4703. of the Revised Code or who holds a permit as 1163
a landscape architect issued under that chapter; 1164

(4) A person licensed under Chapter 4707. of the Revised 1165
Code; 1166

(5) A person who has been issued a certificate of 1167
registration as a registered barber under Chapter 4709. of the 1168
Revised Code; 1169

(6) A person licensed and regulated to engage in the 1170
business of a debt pooling company by a legislative authority, 1171
under authority of Chapter 4710. of the Revised Code; 1172

(7) A person who has been issued a cosmetologist's 1173
license, hair designer's license, manicurist's license, 1174
esthetician's license, natural hair stylist's license, advanced 1175
cosmetologist's license, advanced hair designer's license, 1176
advanced manicurist's license, advanced esthetician's license, 1177
advanced natural hair stylist's license, cosmetology 1178
instructor's license, hair design instructor's license, 1179
manicurist instructor's license, esthetics instructor's license, 1180
natural hair style instructor's license, independent 1181
contractor's license, or tanning facility permit under Chapter 1182
4713. of the Revised Code; 1183

(8) A person who has been issued a license to practice 1184
dentistry, a general anesthesia permit, a conscious sedation 1185
permit, a limited resident's license, a limited teaching 1186
license, a dental hygienist's license, or a dental hygienist's 1187
teacher's certificate under Chapter 4715. of the Revised Code; 1188

(9) A person who has been issued an embalmer's license, a 1189
funeral director's license, a funeral home license, or a 1190
crematory license, or who has been registered for an embalmer's 1191
or funeral director's apprenticeship under Chapter 4717. of the 1192
Revised Code; 1193

(10) A person who has been licensed as a registered nurse 1194
or practical nurse, or who has been issued a certificate for the 1195
practice of nurse-midwifery under Chapter 4723. of the Revised 1196
Code; 1197

(11) A person who has been licensed to practice optometry 1198

or to engage in optical dispensing under Chapter 4725. of the	1199
Revised Code;	1200
(12) A person licensed to act as a pawnbroker under	1201
Chapter 4727. of the Revised Code;	1202
(13) A person licensed to act as a precious metals dealer	1203
under Chapter 4728. of the Revised Code;	1204
(14) A person licensed under Chapter 4729. of the Revised	1205
Code as a pharmacist or pharmacy intern or registered under that	1206
chapter as a registered pharmacy technician, certified pharmacy	1207
technician, or pharmacy technician trainee;	1208
(15) A person licensed under Chapter 4729. of the Revised	1209
Code as a manufacturer of dangerous drugs, outsourcing facility,	1210
third-party logistics provider, repackager of dangerous drugs,	1211
wholesale distributor of dangerous drugs, or terminal	1212
distributor of dangerous drugs;	1213
(16) A person who is authorized to practice as a physician	1214
assistant under Chapter 4730. of the Revised Code;	1215
(17) A person who has been issued a license to practice	1216
medicine and surgery, osteopathic medicine and surgery, or	1217
podiatric medicine and surgery under Chapter 4731. of the	1218
Revised Code or has been issued a certificate to practice a	1219
limited branch of medicine under that chapter;	1220
(18) A person licensed as a psychologist or school	1221
psychologist under Chapter 4732. of the Revised Code;	1222
(19) A person registered to practice the profession of	1223
engineering or surveying under Chapter 4733. of the Revised	1224
Code;	1225
(20) A person who has been issued a license to practice	1226

chiropractic under Chapter 4734. of the Revised Code;	1227
(21) A person licensed to act as a real estate broker or	1228
real estate salesperson under Chapter 4735. of the Revised Code;	1229
(22) A person registered as a registered sanitarian under	1230
Chapter 4736. of the Revised Code;	1231
(23) A person licensed to operate or maintain a junkyard	1232
under Chapter 4737. of the Revised Code;	1233
(24) A person who has been issued a motor vehicle salvage	1234
dealer's license under Chapter 4738. of the Revised Code;	1235
(25) A person who has been licensed to act as a steam	1236
engineer under Chapter 4739. of the Revised Code;	1237
(26) A person who has been issued a license or temporary	1238
permit to practice veterinary medicine or any of its branches,	1239
or who is registered as a graduate animal technician under	1240
Chapter 4741. of the Revised Code;	1241
(27) A person who has been issued a hearing aid dealer's	1242
or fitter's license or trainee permit under Chapter 4747. of the	1243
Revised Code;	1244
(28) A person who has been issued a class A, class B, or	1245
class C license or who has been registered as an investigator or	1246
security guard employee under Chapter 4749. of the Revised Code;	1247
(29) A person licensed to practice as a nursing home	1248
administrator under Chapter 4751. of the Revised Code;	1249
(30) A person licensed to practice as a speech-language	1250
pathologist or audiologist under Chapter 4753. of the Revised	1251
Code;	1252
(31) A person issued a license as an occupational	1253

therapist or physical therapist under Chapter 4755. of the 1254
Revised Code; 1255

(32) A person who is licensed as a licensed professional 1256
clinical counselor, licensed professional counselor, social 1257
worker, independent social worker, independent marriage and 1258
family therapist, or marriage and family therapist, or 1259
registered as a social work assistant under Chapter 4757. of the 1260
Revised Code; 1261

(33) A person issued a license to practice dietetics under 1262
Chapter 4759. of the Revised Code; 1263

(34) A person who has been issued a license or limited 1264
permit to practice respiratory therapy under Chapter 4761. of 1265
the Revised Code; 1266

(35) A person who has been issued a real estate appraiser 1267
certificate under Chapter 4763. of the Revised Code; 1268

(36) A person who has been issued a home inspector license 1269
under Chapter 4764. of the Revised Code; 1270

(37) A person who has been admitted to the bar by order of 1271
the supreme court in compliance with its prescribed and 1272
published rules. 1273

(X) "Cocaine" means any of the following: 1274

(1) A cocaine salt, isomer, or derivative, a salt of a 1275
cocaine isomer or derivative, or the base form of cocaine; 1276

(2) Coca leaves or a salt, compound, derivative, or 1277
preparation of coca leaves, including ecgonine, a salt, isomer, 1278
or derivative of ecgonine, or a salt of an isomer or derivative 1279
of ecgonine; 1280

(3) A salt, compound, derivative, or preparation of a 1281
substance identified in division (X) (1) or (2) of this section 1282
that is chemically equivalent to or identical with any of those 1283
substances, except that the substances shall not include 1284
decocainized coca leaves or extraction of coca leaves if the 1285
extractions do not contain cocaine or ecgonine. 1286

(Y) "L.S.D." means lysergic acid diethylamide. 1287

~~(Z) "Hashish" means the resin or a preparation of the 1288~~
~~resin contained in marihuana, whether in solid form or in a 1289~~
~~liquid concentrate, liquid extract, or liquid distillate form. 1290~~

~~(AA) "Marihuana" has the same meaning as in section 1291~~
~~3719.01 of the Revised Code, except that it does not include 1292~~
~~hashish. 1293~~

~~(BB)~~ An offense is "committed in the vicinity of a 1294
juvenile" if the offender commits the offense within one hundred 1295
feet of a juvenile or within the view of a juvenile, regardless 1296
of whether the offender knows the age of the juvenile, whether 1297
the offender knows the offense is being committed within one 1298
hundred feet of or within view of the juvenile, or whether the 1299
juvenile actually views the commission of the offense. 1300

~~(CC)~~ (AA) "Presumption for a prison term" or "presumption 1301
that a prison term shall be imposed" means a presumption, as 1302
described in division (D) of section 2929.13 of the Revised 1303
Code, that a prison term is a necessary sanction for a felony in 1304
order to comply with the purposes and principles of sentencing 1305
under section 2929.11 of the Revised Code. 1306

~~(DD)~~ (BB) "Major drug offender" has the same meaning as in 1307
section 2929.01 of the Revised Code. 1308

~~(EE)~~ (CC) "Minor drug possession offense" means either of 1309

the following: 1310

(1) A violation of section 2925.11 of the Revised Code as 1311
it existed prior to July 1, 1996; 1312

(2) A violation of section 2925.11 of the Revised Code as 1313
it exists on and after July 1, 1996, that is a misdemeanor or a 1314
felony of the fifth degree. 1315

~~(FF)~~ (DD) "Mandatory prison term" has the same meaning as 1316
in section 2929.01 of the Revised Code. 1317

~~(GG)~~ (EE) "Adulterate" means to cause a drug to be 1318
adulterated as described in section 3715.63 of the Revised Code. 1319

~~(HH)~~ (FF) "Public premises" means any hotel, restaurant, 1320
tavern, store, arena, hall, or other place of public 1321
accommodation, business, amusement, or resort. 1322

~~(II)~~ (GG) "Methamphetamine" means methamphetamine, any 1323
salt, isomer, or salt of an isomer of methamphetamine, or any 1324
compound, mixture, preparation, or substance containing 1325
methamphetamine or any salt, isomer, or salt of an isomer of 1326
methamphetamine. 1327

~~(JJ)~~ (HH) "Deception" has the same meaning as in section 1328
2913.01 of the Revised Code. 1329

~~(KK)~~ (II) "Fentanyl-related compound" means any of the 1330
following: 1331

(1) Fentanyl; 1332

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 1333
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2- 1334
phenylethyl)-4-(N-propanilido) piperidine); 1335

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2- 1336

thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide); 1337

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- 1338
piperidinyl] -N-phenylpropanamide); 1339

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- 1340
hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N- 1341
phenylpropanamide); 1342

(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4- 1343
piperidyl]-N- phenylpropanamide); 1344

(7) 3-methylthiofentanyl (N-[3-methyl-1-[2- 1345
(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide); 1346

(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2- 1347
phenethyl)-4- piperidinyl]propanamide; 1348

(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4- 1349
piperidinyl]- propanamide; 1350

(10) Alfentanil; 1351

(11) Carfentanil; 1352

(12) Remifentanil; 1353

(13) Sufentanil; 1354

(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2- 1355
phenethyl)-4- piperidinyl]-N-phenylacetamide); and 1356

(15) Any compound that meets all of the following fentanyl 1357
pharmacophore requirements to bind at the mu receptor, as 1358
identified by a report from an established forensic laboratory, 1359
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 1360
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 1361
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 1362
fluorofentanyl: 1363

(a) A chemical scaffold consisting of both of the 1364
following: 1365

(i) A five, six, or seven member ring structure containing 1366
a nitrogen, whether or not further substituted; 1367

(ii) An attached nitrogen to the ring, whether or not that 1368
nitrogen is enclosed in a ring structure, including an attached 1369
aromatic ring or other lipophilic group to that nitrogen. 1370

(b) A polar functional group attached to the chemical 1371
scaffold, including but not limited to a hydroxyl, ketone, 1372
amide, or ester; 1373

(c) An alkyl or aryl substitution off the ring nitrogen of 1374
the chemical scaffold; and 1375

(d) The compound has not been approved for medical use by 1376
the United States food and drug administration. 1377

~~(LL)~~ (JJ) "First degree felony mandatory prison term" 1378
means one of the definite prison terms prescribed in division 1379
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 1380
the first degree, except that if the violation for which 1381
sentence is being imposed is committed on or after ~~the effective~~ 1382
~~date of this amendment~~ March 22, 2019, it means one of the 1383
minimum prison terms prescribed in division (A) (1) (a) of that 1384
section for a felony of the first degree. 1385

~~(MM)~~ (KK) "Second degree felony mandatory prison term" 1386
means one of the definite prison terms prescribed in division 1387
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 1388
the second degree, except that if the violation for which 1389
sentence is being imposed is committed on or after ~~the effective~~ 1390
~~date of this amendment~~ March 22, 2019, it means one of the 1391
minimum prison terms prescribed in division (A) (2) (a) of that 1392

section for a felony of the second degree. 1393

~~(NN)~~ (LL) "Maximum first degree felony mandatory prison 1394
term" means the maximum definite prison term prescribed in 1395
division (A) (1) (b) of section 2929.14 of the Revised Code for a 1396
felony of the first degree, except that if the violation for 1397
which sentence is being imposed is committed on or after ~~the~~ 1398
~~effective date of this amendment~~ March 22, 2019, it means the 1399
longest minimum prison term prescribed in division (A) (1) (a) of 1400
that section for a felony of the first degree. 1401

~~(OO)~~ (MM) "Maximum second degree felony mandatory prison 1402
term" means the maximum definite prison term prescribed in 1403
division (A) (2) (b) of section 2929.14 of the Revised Code for a 1404
felony of the second degree, except that if the violation for 1405
which sentence is being imposed is committed on or after ~~the~~ 1406
~~effective date of this amendment~~ March 22, 2019, it means the 1407
longest minimum prison term prescribed in division (A) (2) (a) of 1408
that section for a felony of the second degree. 1409

Sec. 2925.02. (A) No person shall knowingly do any of the 1410
following: 1411

(1) By force, threat, or deception, administer to another 1412
or induce or cause another to use a controlled substance other 1413
than cannabis; 1414

(2) By any means, administer or furnish to another or 1415
induce or cause another to use a controlled substance other than 1416
cannabis with purpose to cause serious physical harm to the 1417
other person, or with purpose to cause the other person to 1418
become drug dependent; 1419

(3) By any means, administer or furnish to another or 1420
induce or cause another to use a controlled substance other than 1421

cannabis, and thereby cause serious physical harm to the other 1422
person, or cause the other person to become drug dependent; 1423

(4) By any means, do any of the following: 1424

(a) Furnish or administer a controlled substance other 1425
than cannabis to a juvenile who is at least two years the 1426
offender's junior, when the offender knows the age of the 1427
juvenile or is reckless in that regard; 1428

(b) Induce or cause a juvenile who is at least two years 1429
the offender's junior to use a controlled substance other than 1430
cannabis, when the offender knows the age of the juvenile or is 1431
reckless in that regard; 1432

(c) Induce or cause a juvenile who is at least two years 1433
the offender's junior to commit a felony drug abuse offense, 1434
when the offender knows the age of the juvenile or is reckless 1435
in that regard; 1436

(d) Use a juvenile, whether or not the offender knows the 1437
age of the juvenile, to perform any surveillance activity that 1438
is intended to prevent the detection of the offender or any 1439
other person in the commission of a felony drug abuse offense or 1440
to prevent the arrest of the offender or any other person for 1441
the commission of a felony drug abuse offense. 1442

(5) By any means, furnish or administer a controlled 1443
substance other than cannabis to a pregnant woman or induce or 1444
cause a pregnant woman to use a controlled substance other than 1445
cannabis, when the offender knows that the woman is pregnant or 1446
is reckless in that regard. 1447

(B) Division (A) (1), (3), (4), or (5) of this section does 1448
not apply to manufacturers, wholesalers, licensed health 1449
professionals authorized to prescribe drugs, pharmacists, owners 1450

of pharmacies, and other persons whose conduct is in accordance 1451
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1452
4741. of the Revised Code. 1453

(C) Whoever violates this section is guilty of corrupting 1454
another with drugs. The penalty for the offense shall be 1455
determined as follows: 1456

(1) If the offense is a violation of division (A) (1), (2), 1457
(3), or (4) of this section and the drug involved is any 1458
compound, mixture, preparation, or substance included in 1459
schedule I or II, with the exception of ~~marihuana, cannabis,~~ 1- 1460
Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1- 1461
[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1462
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 1463
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 1464
offender shall be punished as follows: 1465

(a) Except as otherwise provided in division (C) (1) (b) of 1466
this section, corrupting another with drugs committed in those 1467
circumstances is a felony of the second degree and, subject to 1468
division (E) of this section, the court shall impose as a 1469
mandatory prison term a second degree felony mandatory prison 1470
term. 1471

(b) If the offense was committed in the vicinity of a 1472
school, corrupting another with drugs committed in those 1473
circumstances is a felony of the first degree, and, subject to 1474
division (E) of this section, the court shall impose as a 1475
mandatory prison term a first degree felony mandatory prison 1476
term. 1477

(2) If the offense is a violation of division (A) (1), (2), 1478
(3), or (4) of this section and the drug involved is any 1479

compound, mixture, preparation, or substance included in 1480
schedule III, IV, or V, the offender shall be punished as 1481
follows: 1482

(a) Except as otherwise provided in division (C) (2) (b) of 1483
this section, corrupting another with drugs committed in those 1484
circumstances is a felony of the second degree and there is a 1485
presumption for a prison term for the offense. 1486

(b) If the offense was committed in the vicinity of a 1487
school, corrupting another with drugs committed in those 1488
circumstances is a felony of the second degree and the court 1489
shall impose as a mandatory prison term a second degree felony 1490
mandatory prison term. 1491

(3) If the offense is a violation of division (A) (1), (2), 1492
(3), or (4) of this section and the drug involved is ~~marihuana,~~ 1493
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1494
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1495
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 1496
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 1497
offender shall be punished as follows: 1498

(a) Except as otherwise provided in division (C) (3) (b) of 1499
this section, corrupting another with drugs committed in those 1500
circumstances is a felony of the fourth degree and division (C) 1501
of section 2929.13 of the Revised Code applies in determining 1502
whether to impose a prison term on the offender. 1503

(b) If the offense was committed in the vicinity of a 1504
school, corrupting another with drugs committed in those 1505
circumstances is a felony of the third degree and division (C) 1506
of section 2929.13 of the Revised Code applies in determining 1507
whether to impose a prison term on the offender. 1508

(4) If the offense is a violation of division (A) (5) of 1509
this section and the drug involved is any compound, mixture, 1510
preparation, or substance included in schedule I or II, with the 1511
exception of ~~marihuana, cannabis,~~ 1-Pentyl-3-(1- 1512
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 1513
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1514
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 1515
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 1516
corrupting another with drugs is a felony of the first degree 1517
and, subject to division (E) of this section, the court shall 1518
impose as a mandatory prison term a first degree felony 1519
mandatory prison term. 1520

(5) If the offense is a violation of division (A) (5) of 1521
this section and the drug involved is any compound, mixture, 1522
preparation, or substance included in schedule III, IV, or V, 1523
corrupting another with drugs is a felony of the second degree 1524
and the court shall impose as a mandatory prison term a second 1525
degree felony mandatory prison term. 1526

(6) If the offense is a violation of division (A) (5) of 1527
this section and the drug involved is ~~marihuana,~~ 1-Pentyl-3-(1- 1528
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 1529
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1530
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 1531
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 1532
corrupting another with drugs is a felony of the third degree 1533
and division (C) of section 2929.13 of the Revised Code applies 1534
in determining whether to impose a prison term on the offender. 1535

(D) In addition to any prison term authorized or required 1536
by division (C) or (E) of this section and sections 2929.13 and 1537
2929.14 of the Revised Code and in addition to any other 1538

sanction imposed for the offense under this section or sections 1539
2929.11 to 2929.18 of the Revised Code, the court that sentences 1540
an offender who is convicted of or pleads guilty to a violation 1541
of division (A) of this section may suspend for not more than 1542
five years the offender's driver's or commercial driver's 1543
license or permit. However, if the offender pleaded guilty to or 1544
was convicted of a violation of section 4511.19 of the Revised 1545
Code or a substantially similar municipal ordinance or the law 1546
of another state or the United States arising out of the same 1547
set of circumstances as the violation, the court shall suspend 1548
the offender's driver's or commercial driver's license or permit 1549
for not more than five years. The court also shall do all of the 1550
following that are applicable regarding the offender: 1551

(1) (a) If the violation is a felony of the first, second, 1552
or third degree, the court shall impose upon the offender the 1553
mandatory fine specified for the offense under division (B) (1) 1554
of section 2929.18 of the Revised Code unless, as specified in 1555
that division, the court determines that the offender is 1556
indigent. 1557

(b) Notwithstanding any contrary provision of section 1558
3719.21 of the Revised Code, any mandatory fine imposed pursuant 1559
to division (D) (1) (a) of this section and any fine imposed for a 1560
violation of this section pursuant to division (A) of section 1561
2929.18 of the Revised Code shall be paid by the clerk of the 1562
court in accordance with and subject to the requirements of, and 1563
shall be used as specified in, division (F) of section 2925.03 1564
of the Revised Code. 1565

(c) If a person is charged with any violation of this 1566
section that is a felony of the first, second, or third degree, 1567
posts bail, and forfeits the bail, the forfeited bail shall be 1568

paid by the clerk of the court pursuant to division (D) (1) (b) of 1569
this section as if it were a fine imposed for a violation of 1570
this section. 1571

(2) If the offender is a professionally licensed person, 1572
in addition to any other sanction imposed for a violation of 1573
this section, the court immediately shall comply with section 1574
2925.38 of the Revised Code. 1575

(E) Notwithstanding the prison term otherwise authorized 1576
or required for the offense under division (C) of this section 1577
and sections 2929.13 and 2929.14 of the Revised Code, if the 1578
violation of division (A) of this section involves the sale, 1579
offer to sell, or possession of a schedule I or II controlled 1580
substance, with the exception of ~~marihuana~~ cannabis, 1-Pentyl-3- 1581
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 1582
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1583
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 1584
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 1585
if the court imposing sentence upon the offender finds that the 1586
offender as a result of the violation is a major drug offender 1587
and is guilty of a specification of the type described in 1588
division (A) of section 2941.1410 of the Revised Code, the 1589
court, in lieu of the prison term that otherwise is authorized 1590
or required, shall impose upon the offender the mandatory prison 1591
term specified in division (B) (3) (a) of section 2929.14 of the 1592
Revised Code. 1593

(F) (1) If the sentencing court suspends the offender's 1594
driver's or commercial driver's license or permit under division 1595
(D) of this section, the offender, at any time after the 1596
expiration of two years from the day on which the offender's 1597
sentence was imposed or from the day on which the offender 1598

finally was released from a prison term under the sentence, 1599
whichever is later, may file a motion with the sentencing court 1600
requesting termination of the suspension. Upon the filing of the 1601
motion and the court's finding of good cause for the 1602
determination, the court may terminate the suspension. 1603

(2) Any offender who received a mandatory suspension of 1604
the offender's driver's or commercial driver's license or permit 1605
under this section prior to September 13, 2016, may file a 1606
motion with the sentencing court requesting the termination of 1607
the suspension. However, an offender who pleaded guilty to or 1608
was convicted of a violation of section 4511.19 of the Revised 1609
Code or a substantially similar municipal ordinance or law of 1610
another state or the United States that arose out of the same 1611
set of circumstances as the violation for which the offender's 1612
license or permit was suspended under this section shall not 1613
file such a motion. 1614

Upon the filing of a motion under division (F)(2) of this 1615
section, the sentencing court, in its discretion, may terminate 1616
the suspension. 1617

Sec. 2925.03. (A) No person shall knowingly do any of the 1618
following: 1619

(1) Sell or offer to sell a controlled substance other 1620
than cannabis or a controlled substance analog; 1621

(2) Prepare for shipment, ship, transport, deliver, 1622
prepare for distribution, or distribute a controlled substance 1623
other than cannabis or a controlled substance analog, when the 1624
offender knows or has reasonable cause to believe that the 1625
controlled substance or a controlled substance analog is 1626
intended for sale or resale by the offender or another person. 1627

(B) This section does not apply to any of the following: 1628

(1) Manufacturers, licensed health professionals 1629
authorized to prescribe drugs, pharmacists, owners of 1630
pharmacies, and other persons whose conduct is in accordance 1631
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1632
4741. of the Revised Code; 1633

(2) If the offense involves an anabolic steroid, any 1634
person who is conducting or participating in a research project 1635
involving the use of an anabolic steroid if the project has been 1636
approved by the United States food and drug administration; 1637

(3) Any person who sells, offers for sale, prescribes, 1638
dispenses, or administers for livestock or other nonhuman 1639
species an anabolic steroid that is expressly intended for 1640
administration through implants to livestock or other nonhuman 1641
species and approved for that purpose under the "Federal Food, 1642
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1643
as amended, and is sold, offered for sale, prescribed, 1644
dispensed, or administered for that purpose in accordance with 1645
that act. 1646

(C) Whoever violates division (A) of this section is 1647
guilty of one of the following: 1648

(1) If the drug involved in the violation is any compound, 1649
mixture, preparation, or substance included in schedule I or 1650
schedule II, with the exception of ~~marihuana~~cannabis, cocaine, 1651
L.S.D., heroin, any fentanyl-related compound, ~~hashish~~, and any 1652
controlled substance analog, whoever violates division (A) of 1653
this section is guilty of aggravated trafficking in drugs. The 1654
penalty for the offense shall be determined as follows: 1655

(a) Except as otherwise provided in division (C) (1) (b), 1656

(c), (d), (e), or (f) of this section, aggravated trafficking in 1657
drugs is a felony of the fourth degree, and division (C) of 1658
section 2929.13 of the Revised Code applies in determining 1659
whether to impose a prison term on the offender. 1660

(b) Except as otherwise provided in division (C) (1) (c), 1661
(d), (e), or (f) of this section, if the offense was committed 1662
in the vicinity of a school or in the vicinity of a juvenile, 1663
aggravated trafficking in drugs is a felony of the third degree, 1664
and division (C) of section 2929.13 of the Revised Code applies 1665
in determining whether to impose a prison term on the offender. 1666

(c) Except as otherwise provided in this division, if the 1667
amount of the drug involved equals or exceeds the bulk amount 1668
but is less than five times the bulk amount, aggravated 1669
trafficking in drugs is a felony of the third degree, and, 1670
except as otherwise provided in this division, there is a 1671
presumption for a prison term for the offense. If aggravated 1672
trafficking in drugs is a felony of the third degree under this 1673
division and if the offender two or more times previously has 1674
been convicted of or pleaded guilty to a felony drug abuse 1675
offense, the court shall impose as a mandatory prison term one 1676
of the prison terms prescribed for a felony of the third degree. 1677
If the amount of the drug involved is within that range and if 1678
the offense was committed in the vicinity of a school or in the 1679
vicinity of a juvenile, aggravated trafficking in drugs is a 1680
felony of the second degree, and the court shall impose as a 1681
mandatory prison term a second degree felony mandatory prison 1682
term. 1683

(d) Except as otherwise provided in this division, if the 1684
amount of the drug involved equals or exceeds five times the 1685
bulk amount but is less than fifty times the bulk amount, 1686

aggravated trafficking in drugs is a felony of the second 1687
degree, and the court shall impose as a mandatory prison term a 1688
second degree felony mandatory prison term. If the amount of the 1689
drug involved is within that range and if the offense was 1690
committed in the vicinity of a school or in the vicinity of a 1691
juvenile, aggravated trafficking in drugs is a felony of the 1692
first degree, and the court shall impose as a mandatory prison 1693
term a first degree felony mandatory prison term. 1694

(e) If the amount of the drug involved equals or exceeds 1695
fifty times the bulk amount but is less than one hundred times 1696
the bulk amount and regardless of whether the offense was 1697
committed in the vicinity of a school or in the vicinity of a 1698
juvenile, aggravated trafficking in drugs is a felony of the 1699
first degree, and the court shall impose as a mandatory prison 1700
term a first degree felony mandatory prison term. 1701

(f) If the amount of the drug involved equals or exceeds 1702
one hundred times the bulk amount and regardless of whether the 1703
offense was committed in the vicinity of a school or in the 1704
vicinity of a juvenile, aggravated trafficking in drugs is a 1705
felony of the first degree, the offender is a major drug 1706
offender, and the court shall impose as a mandatory prison term 1707
a maximum first degree felony mandatory prison term. 1708

(2) If the drug involved in the violation is any compound, 1709
mixture, preparation, or substance included in schedule III, IV, 1710
or V, whoever violates division (A) of this section is guilty of 1711
trafficking in drugs. The penalty for the offense shall be 1712
determined as follows: 1713

(a) Except as otherwise provided in division (C) (2) (b), 1714
(c), (d), or (e) of this section, trafficking in drugs is a 1715
felony of the fifth degree, and division (B) of section 2929.13 1716

of the Revised Code applies in determining whether to impose a 1717
prison term on the offender. 1718

(b) Except as otherwise provided in division (C) (2) (c), 1719
(d), or (e) of this section, if the offense was committed in the 1720
vicinity of a school or in the vicinity of a juvenile, 1721
trafficking in drugs is a felony of the fourth degree, and 1722
division (C) of section 2929.13 of the Revised Code applies in 1723
determining whether to impose a prison term on the offender. 1724

(c) Except as otherwise provided in this division, if the 1725
amount of the drug involved equals or exceeds the bulk amount 1726
but is less than five times the bulk amount, trafficking in 1727
drugs is a felony of the fourth degree, and division (B) of 1728
section 2929.13 of the Revised Code applies in determining 1729
whether to impose a prison term for the offense. If the amount 1730
of the drug involved is within that range and if the offense was 1731
committed in the vicinity of a school or in the vicinity of a 1732
juvenile, trafficking in drugs is a felony of the third degree, 1733
and there is a presumption for a prison term for the offense. 1734

(d) Except as otherwise provided in this division, if the 1735
amount of the drug involved equals or exceeds five times the 1736
bulk amount but is less than fifty times the bulk amount, 1737
trafficking in drugs is a felony of the third degree, and there 1738
is a presumption for a prison term for the offense. If the 1739
amount of the drug involved is within that range and if the 1740
offense was committed in the vicinity of a school or in the 1741
vicinity of a juvenile, trafficking in drugs is a felony of the 1742
second degree, and there is a presumption for a prison term for 1743
the offense. 1744

(e) Except as otherwise provided in this division, if the 1745
amount of the drug involved equals or exceeds fifty times the 1746

bulk amount, trafficking in drugs is a felony of the second 1747
degree, and the court shall impose as a mandatory prison term a 1748
second degree felony mandatory prison term. If the amount of the 1749
drug involved equals or exceeds fifty times the bulk amount and 1750
if the offense was committed in the vicinity of a school or in 1751
the vicinity of a juvenile, trafficking in drugs is a felony of 1752
the first degree, and the court shall impose as a mandatory 1753
prison term a first degree felony mandatory prison term. 1754

~~(3) If the drug involved in the violation is marihuana or 1755
a compound, mixture, preparation, or substance containing 1756
marihuana other than hashish, whoever violates division (A) of 1757
this section is guilty of trafficking in marihuana. The penalty 1758
for the offense shall be determined as follows: 1759~~

~~(a) Except as otherwise provided in division (C) (3) (b), 1760
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1761
marihuana is a felony of the fifth degree, and division (B) of 1762
section 2929.13 of the Revised Code applies in determining 1763
whether to impose a prison term on the offender. 1764~~

~~(b) Except as otherwise provided in division (C) (3) (c), 1765
(d), (e), (f), (g), or (h) of this section, if the offense was 1766
committed in the vicinity of a school or in the vicinity of a 1767
juvenile, trafficking in marihuana is a felony of the fourth 1768
degree, and division (B) of section 2929.13 of the Revised Code 1769
applies in determining whether to impose a prison term on the 1770
offender. 1771~~

~~(c) Except as otherwise provided in this division, if the 1772
amount of the drug involved equals or exceeds two hundred grams 1773
but is less than one thousand grams, trafficking in marihuana is 1774
a felony of the fourth degree, and division (B) of section 1775
2929.13 of the Revised Code applies in determining whether to 1776~~

~~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 marihuana 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 one thousand grams
but is less than five thousand grams, trafficking in marihuana
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 marihuana 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 five thousand
grams but is less than twenty thousand grams, trafficking in
marihuana is a felony of the third degree, and there is a
presumption that a prison term shall be imposed for the offense.
If the amount of the drug involved is within that range and if
the offense was committed in the vicinity of a school or in the
vicinity of a juvenile, trafficking in marihuana is a felony of
the second degree, and there is a presumption that a prison term
shall be imposed for the offense.~~

~~(f) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds twenty thousand
grams but is less than forty thousand grams, trafficking in~~

~~marihuana is a felony of the second degree, and the court shall
impose as a mandatory prison term a second degree felony
mandatory prison term of five, six, seven, or eight years. If
the amount of the drug involved is within that range and if the
offense was committed in the vicinity of a school or in the
vicinity of a juvenile, trafficking in marihuana is a felony of
the first degree, and the court shall impose as a mandatory
prison term a maximum first degree felony mandatory prison term.~~

~~(g) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds forty thousand
grams, trafficking in marihuana is a felony of the second
degree, and the court shall impose as a mandatory prison term a
maximum second degree felony mandatory prison term. If the
amount of the drug involved equals or exceeds forty thousand
grams and if the offense was committed in the vicinity of a
school or in the vicinity of a juvenile, trafficking in
marihuana is a felony of the first degree, and the court shall
impose as a mandatory prison term a maximum first degree felony
mandatory prison term.~~

~~(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 1837
determined as follows: 1838

(a) Except as otherwise provided in division ~~(C) (4) (b)~~ (C) 1839
(3) (b), (c), (d), (e), (f), or (g) of this section, trafficking 1840
in cocaine is a felony of the fifth degree, and division (B) of 1841
section 2929.13 of the Revised Code applies in determining 1842
whether to impose a prison term on the offender. 1843

(b) Except as otherwise provided in division ~~(C) (4) (e)~~ (C) 1844
(3) (c), (d), (e), (f), or (g) of this section, if the offense 1845
was committed in the vicinity of a school or in the vicinity of 1846
a juvenile, trafficking in cocaine is a felony of the fourth 1847
degree, and division (C) of section 2929.13 of the Revised Code 1848
applies in determining whether to impose a prison term on the 1849
offender. 1850

(c) Except as otherwise provided in this division, if the 1851
amount of the drug involved equals or exceeds five grams but is 1852
less than ten grams of cocaine, trafficking in cocaine is a 1853
felony of the fourth degree, and division (B) of section 2929.13 1854
of the Revised Code applies in determining whether to impose a 1855
prison term for the offense. If the amount of the drug involved 1856
is within that range and if the offense was committed in the 1857
vicinity of a school or in the vicinity of a juvenile, 1858
trafficking in cocaine is a felony of the third degree, and 1859
there is a presumption for a prison term for the offense. 1860

(d) Except as otherwise provided in this division, if the 1861
amount of the drug involved equals or exceeds ten grams but is 1862
less than twenty grams of cocaine, trafficking in cocaine is a 1863
felony of the third degree, and, except as otherwise provided in 1864
this division, there is a presumption for a prison term for the 1865
offense. If trafficking in cocaine is a felony of the third 1866

degree under this division and if the offender two or more times 1867
previously has been convicted of or pleaded guilty to a felony 1868
drug abuse offense, the court shall impose as a mandatory prison 1869
term one of the prison terms prescribed for a felony of the 1870
third degree. If the amount of the drug involved is within that 1871
range and if the offense was committed in the vicinity of a 1872
school or in the vicinity of a juvenile, trafficking in cocaine 1873
is a felony of the second degree, and the court shall impose as 1874
a mandatory prison term a second degree felony mandatory prison 1875
term. 1876

(e) Except as otherwise provided in this division, if the 1877
amount of the drug involved equals or exceeds twenty grams but 1878
is less than twenty-seven grams of cocaine, trafficking in 1879
cocaine is a felony of the second degree, and the court shall 1880
impose as a mandatory prison term a second degree felony 1881
mandatory prison term. If the amount of the drug involved is 1882
within that range and if the offense was committed in the 1883
vicinity of a school or in the vicinity of a juvenile, 1884
trafficking in cocaine is a felony of the first degree, and the 1885
court shall impose as a mandatory prison term a first degree 1886
felony mandatory prison term. 1887

(f) If the amount of the drug involved equals or exceeds 1888
twenty-seven grams but is less than one hundred grams of cocaine 1889
and regardless of whether the offense was committed in the 1890
vicinity of a school or in the vicinity of a juvenile, 1891
trafficking in cocaine is a felony of the first degree, and the 1892
court shall impose as a mandatory prison term a first degree 1893
felony mandatory prison term. 1894

(g) If the amount of the drug involved equals or exceeds 1895
one hundred grams of cocaine and regardless of whether the 1896

offense was committed in the vicinity of a school or in the 1897
vicinity of a juvenile, trafficking in cocaine is a felony of 1898
the first degree, the offender is a major drug offender, and the 1899
court shall impose as a mandatory prison term a maximum first 1900
degree felony mandatory prison term. 1901

~~(5)~~ (4) If the drug involved in the violation is L.S.D. or 1902
a compound, mixture, preparation, or substance containing 1903
L.S.D., whoever violates division (A) of this section is guilty 1904
of trafficking in L.S.D. The penalty for the offense shall be 1905
determined as follows: 1906

(a) Except as otherwise provided in division ~~(C) (5) (b)~~ (C) 1907
(4) (b), (c), (d), (e), (f), or (g) of this section, trafficking 1908
in L.S.D. is a felony of the fifth degree, and division (B) of 1909
section 2929.13 of the Revised Code applies in determining 1910
whether to impose a prison term on the offender. 1911

(b) Except as otherwise provided in division ~~(C) (5) (e)~~ (C) 1912
(4) (c), (d), (e), (f), or (g) of this section, if the offense 1913
was committed in the vicinity of a school or in the vicinity of 1914
a juvenile, trafficking in L.S.D. is a felony of the fourth 1915
degree, and division (C) of section 2929.13 of the Revised Code 1916
applies in determining whether to impose a prison term on the 1917
offender. 1918

(c) Except as otherwise provided in this division, if the 1919
amount of the drug involved equals or exceeds ten unit doses but 1920
is less than fifty unit doses of L.S.D. in a solid form or 1921
equals or exceeds one gram but is less than five grams of L.S.D. 1922
in a liquid concentrate, liquid extract, or liquid distillate 1923
form, trafficking in L.S.D. is a felony of the fourth degree, 1924
and division (B) of section 2929.13 of the Revised Code applies 1925
in determining whether to impose a prison term for the offense. 1926

If the amount of the drug involved is within that range and if 1927
the offense was committed in the vicinity of a school or in the 1928
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 1929
third degree, and there is a presumption for a prison term for 1930
the offense. 1931

(d) Except as otherwise provided in this division, if the 1932
amount of the drug involved equals or exceeds fifty unit doses 1933
but is less than two hundred fifty unit doses of L.S.D. in a 1934
solid form or equals or exceeds five grams but is less than 1935
twenty-five grams of L.S.D. in a liquid concentrate, liquid 1936
extract, or liquid distillate form, trafficking in L.S.D. is a 1937
felony of the third degree, and, except as otherwise provided in 1938
this division, there is a presumption for a prison term for the 1939
offense. If trafficking in L.S.D. is a felony of the third 1940
degree under this division and if the offender two or more times 1941
previously has been convicted of or pleaded guilty to a felony 1942
drug abuse offense, the court shall impose as a mandatory prison 1943
term one of the prison terms prescribed for a felony of the 1944
third degree. If the amount of the drug involved is within that 1945
range and if the offense was committed in the vicinity of a 1946
school or in the vicinity of a juvenile, trafficking in L.S.D. 1947
is a felony of the second degree, and the court shall impose as 1948
a mandatory prison term a second degree felony mandatory prison 1949
term. 1950

(e) Except as otherwise provided in this division, if the 1951
amount of the drug involved equals or exceeds two hundred fifty 1952
unit doses but is less than one thousand unit doses of L.S.D. in 1953
a solid form or equals or exceeds twenty-five grams but is less 1954
than one hundred grams of L.S.D. in a liquid concentrate, liquid 1955
extract, or liquid distillate form, trafficking in L.S.D. is a 1956
felony of the second degree, and the court shall impose as a 1957

mandatory prison term a second degree felony mandatory prison 1958
term. If the amount of the drug involved is within that range 1959
and if the offense was committed in the vicinity of a school or 1960
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 1961
of the first degree, and the court shall impose as a mandatory 1962
prison term a first degree felony mandatory prison term. 1963

(f) If the amount of the drug involved equals or exceeds 1964
one thousand unit doses but is less than five thousand unit 1965
doses of L.S.D. in a solid form or equals or exceeds one hundred 1966
grams but is less than five hundred grams of L.S.D. in a liquid 1967
concentrate, liquid extract, or liquid distillate form and 1968
regardless of whether the offense was committed in the vicinity 1969
of a school or in the vicinity of a juvenile, trafficking in 1970
L.S.D. is a felony of the first degree, and the court shall 1971
impose as a mandatory prison term a first degree felony 1972
mandatory prison term. 1973

(g) If the amount of the drug involved equals or exceeds 1974
five thousand unit doses of L.S.D. in a solid form or equals or 1975
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1976
liquid extract, or liquid distillate form and regardless of 1977
whether the offense was committed in the vicinity of a school or 1978
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 1979
of the first degree, the offender is a major drug offender, and 1980
the court shall impose as a mandatory prison term a maximum 1981
first degree felony mandatory prison term. 1982

~~(6)~~ (5) If the drug involved in the violation is heroin or 1983
a compound, mixture, preparation, or substance containing 1984
heroin, whoever violates division (A) of this section is guilty 1985
of trafficking in heroin. The penalty for the offense shall be 1986
determined as follows: 1987

(a) Except as otherwise provided in division ~~(C) (6) (b)~~ (C) (5) (b), (c), (d), (e), (f), or (g) of this section, trafficking in heroin 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) (6) (e)~~ (C) (5) (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 heroin 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 ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, trafficking in heroin 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 heroin is a felony of the third degree, and there is a presumption for a prison term for the offense.

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

vicinity of a school or in the vicinity of a juvenile, 2018
trafficking in heroin is a felony of the second degree, and 2019
there is a presumption for a prison term for the offense. 2020

(e) Except as otherwise provided in this division, if the 2021
amount of the drug involved equals or exceeds one hundred unit 2022
doses but is less than five hundred unit doses or equals or 2023
exceeds ten grams but is less than fifty grams, trafficking in 2024
heroin is a felony of the second degree, and the court shall 2025
impose as a mandatory prison term a second degree felony 2026
mandatory prison term. If the amount of the drug involved is 2027
within that range and if the offense was committed in the 2028
vicinity of a school or in the vicinity of a juvenile, 2029
trafficking in heroin is a felony of the first degree, and the 2030
court shall impose as a mandatory prison term a first degree 2031
felony mandatory prison term. 2032

(f) If the amount of the drug involved equals or exceeds 2033
five hundred unit doses but is less than one thousand unit doses 2034
or equals or exceeds fifty grams but is less than one hundred 2035
grams and regardless of whether the offense was committed in the 2036
vicinity of a school or in the vicinity of a juvenile, 2037
trafficking in heroin is a felony of the first degree, and the 2038
court shall impose as a mandatory prison term a first degree 2039
felony mandatory prison term. 2040

(g) If the amount of the drug involved equals or exceeds 2041
one thousand unit doses or equals or exceeds one hundred grams 2042
and regardless of whether the offense was committed in the 2043
vicinity of a school or in the vicinity of a juvenile, 2044
trafficking in heroin is a felony of the first degree, the 2045
offender is a major drug offender, and the court shall impose as 2046
a mandatory prison term a maximum first degree felony mandatory 2047

prison term.

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

~~(a) Except as otherwise provided in division (C) (7) (b), (c), (d), (e), (f), or (g) of this section, trafficking in hashish 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) (7) (e), (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 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.~~

~~(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 extract, or liquid distillate form, trafficking in hashish is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.~~

~~(f) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams~~

~~but is less than two thousand grams of hashish in a solid form— 2108~~
~~or equals or exceeds two hundred grams but is less than four— 2109~~
~~hundred grams of hashish in a liquid concentrate, liquid— 2110~~
~~extract, or liquid distillate form, trafficking in hashish is a— 2111~~
~~felony of the second degree, and the court shall impose as a— 2112~~
~~mandatory prison term a second degree felony mandatory prison— 2113~~
~~term of five, six, seven, or eight years. If the amount of the— 2114~~
~~drug involved is within that range and if the offense was— 2115~~
~~committed in the vicinity of a school or in the vicinity of a— 2116~~
~~juvenile, trafficking in hashish is a felony of the first— 2117~~
~~degree, and the court shall impose as a mandatory prison term a— 2118~~
~~maximum first degree felony mandatory prison term. 2119~~

~~(g) Except as otherwise provided in this division, if the— 2120~~
~~amount of the drug involved equals or exceeds two thousand grams— 2121~~
~~of hashish in a solid form or equals or exceeds four hundred— 2122~~
~~grams of hashish in a liquid concentrate, liquid extract, or— 2123~~
~~liquid distillate form, trafficking in hashish is a felony of— 2124~~
~~the second degree, and the court shall impose as a mandatory— 2125~~
~~prison term a maximum second degree felony mandatory prison— 2126~~
~~term. If the amount of the drug involved equals or exceeds two— 2127~~
~~thousand grams of hashish in a solid form or equals or exceeds— 2128~~
~~four hundred grams of hashish in a liquid concentrate, liquid— 2129~~
~~extract, or liquid distillate form and if the offense was— 2130~~
~~committed in the vicinity of a school or in the vicinity of a— 2131~~
~~juvenile, trafficking in hashish is a felony of the first— 2132~~
~~degree, and the court shall impose as a mandatory prison term a— 2133~~
~~maximum first degree felony mandatory prison term. 2134~~

~~(8) (6)~~ If the drug involved in the violation is a 2135
controlled substance analog or compound, mixture, preparation, 2136
or substance that contains a controlled substance analog, 2137
whoever violates division (A) of this section is guilty of 2138

trafficking in a controlled substance analog. The penalty for 2139
the offense shall be determined as follows: 2140

(a) Except as otherwise provided in division ~~(C) (8) (b)~~ (C) 2141
(6) (b), (c), (d), (e), (f), or (g) of this section, trafficking 2142
in a controlled substance analog is a felony of the fifth 2143
degree, and division (C) of section 2929.13 of the Revised Code 2144
applies in determining whether to impose a prison term on the 2145
offender. 2146

(b) Except as otherwise provided in division ~~(C) (8) (c)~~ (C) 2147
(6) (c), (d), (e), (f), or (g) of this section, if the offense 2148
was committed in the vicinity of a school or in the vicinity of 2149
a juvenile, trafficking in a controlled substance analog is a 2150
felony of the fourth degree, and division (C) of section 2929.13 2151
of the Revised Code applies in determining whether to impose a 2152
prison term on the offender. 2153

(c) Except as otherwise provided in this division, if the 2154
amount of the drug involved equals or exceeds ten grams but is 2155
less than twenty grams, trafficking in a controlled substance 2156
analog is a felony of the fourth degree, and division (B) of 2157
section 2929.13 of the Revised Code applies in determining 2158
whether to impose a prison term for the offense. If the amount 2159
of the drug involved is within that range and if the offense was 2160
committed in the vicinity of a school or in the vicinity of a 2161
juvenile, trafficking in a controlled substance analog is a 2162
felony of the third degree, and there is a presumption for a 2163
prison term for the offense. 2164

(d) Except as otherwise provided in this division, if the 2165
amount of the drug involved equals or exceeds twenty grams but 2166
is less than thirty grams, trafficking in a controlled substance 2167
analog is a felony of the third degree, and there is a 2168

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 controlled substance analog 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 thirty grams but
is less than forty grams, trafficking in a controlled substance
analog is a felony of the second degree, and the court shall
impose as a mandatory prison term a second degree felony
mandatory prison term. 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 controlled substance analog is a felony of the
first degree, and the court shall impose as a mandatory prison
term a first degree felony mandatory prison term.

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

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

degree felony mandatory prison term. 2199

~~(9)~~ (7) If the drug involved in the violation is a 2200
fentanyl-related compound or a compound, mixture, preparation, 2201
or substance containing a fentanyl-related compound and division 2202
~~(C) (10) (a)~~ (C) (8) (a) of this section does not apply to the drug 2203
involved, whoever violates division (A) of this section is 2204
guilty of trafficking in a fentanyl-related compound. The 2205
penalty for the offense shall be determined as follows: 2206

(a) Except as otherwise provided in division ~~(C) (9) (b)~~ (C) 2207
(7) (b), (c), (d), (e), (f), (g), or (h) of this section, 2208
trafficking in a fentanyl-related compound is a felony of the 2209
fifth degree, and division (B) of section 2929.13 of the Revised 2210
Code applies in determining whether to impose a prison term on 2211
the offender. 2212

(b) Except as otherwise provided in division ~~(C) (9) (c)~~ (C) 2213
(9) (c), (d), (e), (f), (g), or (h) of this section, if the 2214
offense was committed in the vicinity of a school or in the 2215
vicinity of a juvenile, trafficking in a fentanyl-related 2216
compound is a felony of the fourth degree, and division (C) of 2217
section 2929.13 of the Revised Code applies in determining 2218
whether to impose a prison term on the offender. 2219

(c) Except as otherwise provided in this division, if the 2220
amount of the drug involved equals or exceeds ten unit doses but 2221
is less than fifty unit doses or equals or exceeds one gram but 2222
is less than five grams, trafficking in a fentanyl-related 2223
compound is a felony of the fourth degree, and division (B) of 2224
section 2929.13 of the Revised Code applies in determining 2225
whether to impose a prison term for the offense. If the amount 2226
of the drug involved is within that range and if the offense was 2227
committed in the vicinity of a school or in the vicinity of a 2228

juvenile, trafficking in a fentanyl-related compound is a felony 2229
of the third degree, and there is a presumption for a prison 2230
term for the offense. 2231

(d) Except as otherwise provided in this division, if the 2232
amount of the drug involved equals or exceeds fifty unit doses 2233
but is less than one hundred unit doses or equals or exceeds 2234
five grams but is less than ten grams, trafficking in a 2235
fentanyl-related compound is a felony of the third degree, and 2236
there is a presumption for a prison term for the offense. If the 2237
amount of the drug involved is within that range and if the 2238
offense was committed in the vicinity of a school or in the 2239
vicinity of a juvenile, trafficking in a fentanyl-related 2240
compound is a felony of the second degree, and there is a 2241
presumption for a prison term for the offense. 2242

(e) Except as otherwise provided in this division, if the 2243
amount of the drug involved equals or exceeds one hundred unit 2244
doses but is less than two hundred unit doses or equals or 2245
exceeds ten grams but is less than twenty grams, trafficking in 2246
a fentanyl-related compound is a felony of the second degree, 2247
and the court shall impose as a mandatory prison term one of the 2248
prison terms prescribed for a felony of the second degree. If 2249
the amount of the drug involved is within that range and if the 2250
offense was committed in the vicinity of a school or in the 2251
vicinity of a juvenile, trafficking in a fentanyl-related 2252
compound is a felony of the first degree, and the court shall 2253
impose as a mandatory prison term one of the prison terms 2254
prescribed for a felony of the first degree. 2255

(f) If the amount of the drug involved equals or exceeds 2256
two hundred unit doses but is less than five hundred unit doses 2257
or equals or exceeds twenty grams but is less than fifty grams 2258

and regardless of whether the offense was committed in the 2259
vicinity of a school or in the vicinity of a juvenile, 2260
trafficking in a fentanyl-related compound is a felony of the 2261
first degree, and the court shall impose as a mandatory prison 2262
term one of the prison terms prescribed for a felony of the 2263
first degree. 2264

(g) If the amount of the drug involved equals or exceeds 2265
five hundred unit doses but is less than one thousand unit doses 2266
or equals or exceeds fifty grams but is less than one hundred 2267
grams and regardless of whether the offense was committed in the 2268
vicinity of a school or in the vicinity of a juvenile, 2269
trafficking in a fentanyl-related compound is a felony of the 2270
first degree, and the court shall impose as a mandatory prison 2271
term the maximum prison term prescribed for a felony of the 2272
first degree. 2273

(h) If the amount of the drug involved equals or exceeds 2274
one thousand unit doses or equals or exceeds one hundred grams 2275
and regardless of whether the offense was committed in the 2276
vicinity of a school or in the vicinity of a juvenile, 2277
trafficking in a fentanyl-related compound is a felony of the 2278
first degree, the offender is a major drug offender, and the 2279
court shall impose as a mandatory prison term the maximum prison 2280
term prescribed for a felony of the first degree. 2281

~~(10)~~ (8) If the drug involved in the violation is a 2282
compound, mixture, preparation, or substance that is a 2283
combination of a fentanyl-related compound and 2284
~~marihuana~~ cannabis, one of the following applies: 2285

(a) Except as otherwise provided in division ~~(C) (10) (b)~~ 2286
~~(C) (8) (b)~~ of this section, the offender is ~~guilty of trafficking~~ 2287
~~in marihuana and shall be punished under division (C) (3) of this~~ 2288

~~section. The offender is not~~ guilty of trafficking in a 2289
fentanyl-related compound and shall not be charged with, 2290
convicted of, or punished under division ~~(C) (9)~~ (C) (7) of this 2291
section for trafficking in a fentanyl-related compound. 2292

(b) If the offender knows or has reason to know that the 2293
compound, mixture, preparation, or substance that is the drug 2294
involved contains a fentanyl-related compound, the offender is 2295
guilty of trafficking in a fentanyl-related compound and shall 2296
be punished under division ~~(C) (9)~~ (C) (7) of this section. 2297

(D) In addition to any prison term authorized or required 2298
by division (C) of this section and sections 2929.13 and 2929.14 2299
of the Revised Code, and in addition to any other sanction 2300
imposed for the offense under this section or sections 2929.11 2301
to 2929.18 of the Revised Code, the court that sentences an 2302
offender who is convicted of or pleads guilty to a violation of 2303
division (A) of this section may suspend the driver's or 2304
commercial driver's license or permit of the offender in 2305
accordance with division (G) of this section. However, if the 2306
offender pleaded guilty to or was convicted of a violation of 2307
section 4511.19 of the Revised Code or a substantially similar 2308
municipal ordinance or the law of another state or the United 2309
States arising out of the same set of circumstances as the 2310
violation, the court shall suspend the offender's driver's or 2311
commercial driver's license or permit in accordance with 2312
division (G) of this section. If applicable, the court also 2313
shall do the following: 2314

(1) If the violation of division (A) of this section is a 2315
felony of the first, second, or third degree, the court shall 2316
impose upon the offender the mandatory fine specified for the 2317
offense under division (B) (1) of section 2929.18 of the Revised 2318

Code unless, as specified in that division, the court determines 2319
that the offender is indigent. Except as otherwise provided in 2320
division (H) (1) of this section, a mandatory fine or any other 2321
fine imposed for a violation of this section is subject to 2322
division (F) of this section. If a person is charged with a 2323
violation of this section that is a felony of the first, second, 2324
or third degree, posts bail, and forfeits the bail, the clerk of 2325
the court shall pay the forfeited bail pursuant to divisions (D) 2326
(1) and (F) of this section, as if the forfeited bail was a fine 2327
imposed for a violation of this section. If any amount of the 2328
forfeited bail remains after that payment and if a fine is 2329
imposed under division (H) (1) of this section, the clerk of the 2330
court shall pay the remaining amount of the forfeited bail 2331
pursuant to divisions (H) (2) and (3) of this section, as if that 2332
remaining amount was a fine imposed under division (H) (1) of 2333
this section. 2334

(2) If the offender is a professionally licensed person, 2335
the court immediately shall comply with section 2925.38 of the 2336
Revised Code. 2337

(E) When a person is charged with the sale of or offer to 2338
sell a bulk amount or a multiple of a bulk amount of a 2339
controlled substance, the jury, or the court trying the accused, 2340
shall determine the amount of the controlled substance involved 2341
at the time of the offense and, if a guilty verdict is returned, 2342
shall return the findings as part of the verdict. In any such 2343
case, it is unnecessary to find and return the exact amount of 2344
the controlled substance involved, and it is sufficient if the 2345
finding and return is to the effect that the amount of the 2346
controlled substance involved is the requisite amount, or that 2347
the amount of the controlled substance involved is less than the 2348
requisite amount. 2349

(F) (1) Notwithstanding any contrary provision of section 2350
3719.21 of the Revised Code and except as provided in division 2351
(H) of this section, the clerk of the court shall pay any 2352
mandatory fine imposed pursuant to division (D) (1) of this 2353
section and any fine other than a mandatory fine that is imposed 2354
for a violation of this section pursuant to division (A) or (B) 2355
(5) of section 2929.18 of the Revised Code to the county, 2356
township, municipal corporation, park district, as created 2357
pursuant to section 511.18 or 1545.04 of the Revised Code, or 2358
state law enforcement agencies in this state that primarily were 2359
responsible for or involved in making the arrest of, and in 2360
prosecuting, the offender. However, the clerk shall not pay a 2361
mandatory fine so imposed to a law enforcement agency unless the 2362
agency has adopted a written internal control policy under 2363
division (F) (2) of this section that addresses the use of the 2364
fine moneys that it receives. Each agency shall use the 2365
mandatory fines so paid to subsidize the agency's law 2366
enforcement efforts that pertain to drug offenses, in accordance 2367
with the written internal control policy adopted by the 2368
recipient agency under division (F) (2) of this section. 2369

(2) Prior to receiving any fine moneys under division (F) 2370
(1) of this section or division (B) of section 2925.42 of the 2371
Revised Code, a law enforcement agency shall adopt a written 2372
internal control policy that addresses the agency's use and 2373
disposition of all fine moneys so received and that provides for 2374
the keeping of detailed financial records of the receipts of 2375
those fine moneys, the general types of expenditures made out of 2376
those fine moneys, and the specific amount of each general type 2377
of expenditure. The policy shall not provide for or permit the 2378
identification of any specific expenditure that is made in an 2379
ongoing investigation. All financial records of the receipts of 2380

those fine moneys, the general types of expenditures made out of 2381
those fine moneys, and the specific amount of each general type 2382
of expenditure by an agency are public records open for 2383
inspection under section 149.43 of the Revised Code. 2384
Additionally, a written internal control policy adopted under 2385
this division is such a public record, and the agency that 2386
adopted it shall comply with it. 2387

(3) As used in division (F) of this section: 2388

(a) "Law enforcement agencies" includes, but is not 2389
limited to, the state board of pharmacy and the office of a 2390
prosecutor. 2391

(b) "Prosecutor" has the same meaning as in section 2392
2935.01 of the Revised Code. 2393

(G) (1) If the sentencing court suspends the offender's 2394
driver's or commercial driver's license or permit under division 2395
(D) of this section or any other provision of this chapter, the 2396
court shall suspend the license, by order, for not more than 2397
five years. If an offender's driver's or commercial driver's 2398
license or permit is suspended pursuant to this division, the 2399
offender, at any time after the expiration of two years from the 2400
day on which the offender's sentence was imposed or from the day 2401
on which the offender finally was released from a prison term 2402
under the sentence, whichever is later, may file a motion with 2403
the sentencing court requesting termination of the suspension; 2404
upon the filing of such a motion and the court's finding of good 2405
cause for the termination, the court may terminate the 2406
suspension. 2407

(2) Any offender who received a mandatory suspension of 2408
the offender's driver's or commercial driver's license or permit 2409

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

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

(H) (1) In addition to any prison term authorized or
required by division (C) of this section and sections 2929.13
and 2929.14 of the Revised Code, in addition to any other
penalty or sanction imposed for the offense under this section
or sections 2929.11 to 2929.18 of the Revised Code, and in
addition to the forfeiture of property in connection with the
offense as prescribed in Chapter 2981. 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 impose
upon the offender an additional fine specified for the offense
in division (B) (4) of section 2929.18 of the Revised Code. A
fine imposed under division (H) (1) of this section is not
subject to division (F) of this section and shall be used solely
for the support of one or more eligible community addiction
services providers in accordance with divisions (H) (2) and (3)
of this section.

(2) The court that imposes a fine under division (H) (1) of
this section shall specify in the judgment that imposes the fine

one or more eligible community addiction services providers for 2440
the support of which the fine money is to be used. No community 2441
addiction services provider shall receive or use money paid or 2442
collected in satisfaction of a fine imposed under division (H) 2443
(1) of this section unless the services provider is specified in 2444
the judgment that imposes the fine. No community addiction 2445
services provider shall be specified in the judgment unless the 2446
services provider is an eligible community addiction services 2447
provider and, except as otherwise provided in division (H) (2) of 2448
this section, unless the services provider is located in the 2449
county in which the court that imposes the fine is located or in 2450
a county that is immediately contiguous to the county in which 2451
that court is located. If no eligible community addiction 2452
services provider is located in any of those counties, the 2453
judgment may specify an eligible community addiction services 2454
provider that is located anywhere within this state. 2455

(3) Notwithstanding any contrary provision of section 2456
3719.21 of the Revised Code, the clerk of the court shall pay 2457
any fine imposed under division (H) (1) of this section to the 2458
eligible community addiction services provider specified 2459
pursuant to division (H) (2) of this section in the judgment. The 2460
eligible community addiction services provider that receives the 2461
fine moneys shall use the moneys only for the alcohol and drug 2462
addiction services identified in the application for 2463
certification of services under section 5119.36 of the Revised 2464
Code or in the application for a license under section 5119.37 2465
of the Revised Code filed with the department of mental health 2466
and addiction services by the community addiction services 2467
provider specified in the judgment. 2468

(4) Each community addiction services provider that 2469
receives in a calendar year any fine moneys under division (H) 2470

(3) of this section shall file an annual report covering that
calendar year with the court of common pleas and the board of
county commissioners of the county in which the services
provider is located, with the court of common pleas and the
board of county commissioners of each county from which the
services provider received the moneys if that county is
different from the county in which the services provider is
located, and with the attorney general. The community addiction
services provider shall file the report no later than the first
day of March in the calendar year following the calendar year in
which the services provider received the fine moneys. The report
shall include statistics on the number of persons served by the
community addiction services provider, identify the types of
alcohol and drug addiction services provided to those persons,
and include a specific accounting of the purposes for which the
fine moneys received were used. No information contained in the
report shall identify, or enable a person to determine the
identity of, any person served by the community addiction
services provider. Each report received by a court of common
pleas, a board of county commissioners, or the attorney general
is a public record open for inspection under section 149.43 of
the Revised Code.

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

(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 2501
that is represented to be a drug. 2502

(J) It is an affirmative defense to a charge of 2503
trafficking in a controlled substance analog under division ~~(C)~~ 2504
~~(8)~~ (C) (6) of this section that the person charged with 2505
violating that offense sold or offered to sell, or prepared for 2506
shipment, shipped, transported, delivered, prepared for 2507
distribution, or distributed one of the following items that are 2508
excluded from the meaning of "controlled substance analog" under 2509
section 3719.01 of the Revised Code: 2510

(1) A controlled substance; 2511

(2) Any substance for which there is an approved new drug 2512
application; 2513

(3) With respect to a particular person, any substance if 2514
an exemption is in effect for investigational use for that 2515
person pursuant to federal law to the extent that conduct with 2516
respect to that substance is pursuant to that exemption. 2517

Sec. 2925.04. (A) No person shall ~~knowingly cultivate~~ 2518
~~marihuana or~~ knowingly manufacture or otherwise engage in any 2519
part of the production of a controlled substance other than 2520
cannabis. 2521

(B) This section does not apply to any person listed in 2522
division (B) (1), (2), or (3) of section 2925.03 of the Revised 2523
Code to the extent and under the circumstances described in 2524
those divisions. 2525

(C) (1) Whoever commits a violation of division (A) of this 2526
section ~~that involves any drug other than marihuana is guilty of~~ 2527
~~illegal manufacture of drugs, and whoever commits a violation of~~ 2528
~~division (A) of this section that involves marihuana is guilty~~ 2529

~~of illegal cultivation of marihuana.~~

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(2) Except as otherwise provided in this division, if the drug involved in the violation of division (A) of this section is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of methamphetamine or ~~marihuana~~ cannabis, illegal manufacture of drugs is a felony of the second degree, and, subject to division (E) of this section, the court shall impose as a mandatory prison term a second degree felony mandatory prison term.

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If the drug involved in the violation is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of methamphetamine or ~~marihuana~~ cannabis, and if the offense was committed in the vicinity of a juvenile or in the vicinity of a school, illegal manufacture of drugs is a felony of the first degree, and, subject to division (E) of this section, the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

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

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(a) Except as otherwise provided in division (C) (3) (b) of this section, if the drug involved in the violation is methamphetamine, illegal manufacture of drugs is a felony of the second degree, and, subject to division (E) of this section, the court shall impose a mandatory prison term on the offender determined in accordance with this division. Except as otherwise provided in this division, the court shall impose as a mandatory prison term a second degree felony mandatory prison term that is not less than three years. If the offender previously has been convicted of or pleaded guilty to a violation of division (A) of

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this section, a violation of division (B) (6) of section 2919.22 2560
of the Revised Code, or a violation of division (A) of section 2561
2925.041 of the Revised Code, the court shall impose as a 2562
mandatory prison term a second degree felony mandatory prison 2563
term that is not less than five years. 2564

(b) If the drug involved in the violation is 2565
methamphetamine and if the offense was committed in the vicinity 2566
of a juvenile, in the vicinity of a school, or on public 2567
premises, illegal manufacture of drugs is a felony of the first 2568
degree, and, subject to division (E) of this section, the court 2569
shall impose a mandatory prison term on the offender determined 2570
in accordance with this division. Except as otherwise provided 2571
in this division, the court shall impose as a mandatory prison 2572
term a first degree felony mandatory prison term that is not 2573
less than four years. If the offender previously has been 2574
convicted of or pleaded guilty to a violation of division (A) of 2575
this section, a violation of division (B) (6) of section 2919.22 2576
of the Revised Code, or a violation of division (A) of section 2577
2925.041 of the Revised Code, the court shall impose as a 2578
mandatory prison term a first degree felony mandatory prison 2579
term that is not less than five years. 2580

(4) If the drug involved in the violation of division (A) 2581
of this section is any compound, mixture, preparation, or 2582
substance included in schedule III, IV, or V, illegal 2583
manufacture of drugs is a felony of the third degree or, if the 2584
offense was committed in the vicinity of a school or in the 2585
vicinity of a juvenile, a felony of the second degree, and there 2586
is a presumption for a prison term for the offense. 2587

~~(5) If the drug involved in the violation is marihuana,~~ 2588
~~the penalty for the offense shall be determined as follows:~~ 2589

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

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

~~(c) If the amount of marihuana involved equals or exceeds
two hundred grams but is less than one thousand grams, illegal
cultivation of marihuana is a felony of the fifth degree or, if
the offense was committed in the vicinity of a school or in the
vicinity of a juvenile, 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.~~

~~(d) If the amount of marihuana involved equals or exceeds
one thousand grams but is less than five thousand grams, illegal
cultivation of marihuana is a felony of the third degree or, if
the offense was committed in the vicinity of a school or in the
vicinity of a juvenile, a felony of the second degree, and
division (C) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender.~~

~~(e) If the amount of marihuana involved equals or exceeds
five thousand grams but is less than twenty thousand grams,
illegal cultivation of marihuana is a felony of the third degree
or, if the offense was committed in the vicinity of a school or
in the vicinity of a juvenile, a felony of the second degree,~~

~~and there is a presumption for a prison term for the offense.~~ 2620

~~(f) Except as otherwise provided in this division, if the 2621
amount of marihuana involved equals or exceeds twenty thousand 2622
grams, illegal cultivation of marihuana is a felony of the 2623
second degree, and the court shall impose as a mandatory prison- 2624
term a maximum second degree felony mandatory prison term. If 2625
the amount of the drug involved equals or exceeds twenty 2626
thousand grams and if the offense was committed in the vicinity 2627
of a school or in the vicinity of a juvenile, illegal 2628
cultivation of marihuana is a felony of the first degree, and 2629
the court shall impose as a mandatory prison term a maximum 2630
first degree felony mandatory prison term.~~ 2631

(D) In addition to any prison term authorized or required 2632
by division (C) or (E) of this section and sections 2929.13 and 2633
2929.14 of the Revised Code and in addition to any other 2634
sanction imposed for the offense under this section or sections 2635
2929.11 to 2929.18 of the Revised Code, the court that sentences 2636
an offender who is convicted of or pleads guilty to a violation 2637
of division (A) of this section may suspend the offender's 2638
driver's or commercial driver's license or permit in accordance 2639
with division (G) of section 2925.03 of the Revised Code. 2640
However, if the offender pleaded guilty to or was convicted of a 2641
violation of section 4511.19 of the Revised Code or a 2642
substantially similar municipal ordinance or the law of another 2643
state or the United States arising out of the same set of 2644
circumstances as the violation, the court shall suspend the 2645
offender's driver's or commercial driver's license or permit in 2646
accordance with division (G) of section 2925.03 of the Revised 2647
Code. If applicable, the court also shall do the following: 2648

(1) If the violation of division (A) of this section is a 2649

felony of the first, second, or third degree, the court shall 2650
impose upon the offender the mandatory fine specified for the 2651
offense under division (B) (1) of section 2929.18 of the Revised 2652
Code unless, as specified in that division, the court determines 2653
that the offender is indigent. The clerk of the court shall pay 2654
a mandatory fine or other fine imposed for a violation of this 2655
section pursuant to division (A) of section 2929.18 of the 2656
Revised Code in accordance with and subject to the requirements 2657
of division (F) of section 2925.03 of the Revised Code. The 2658
agency that receives the fine shall use the fine as specified in 2659
division (F) of section 2925.03 of the Revised Code. If a person 2660
is charged with a violation of this section that is a felony of 2661
the first, second, or third degree, posts bail, and forfeits the 2662
bail, the clerk shall pay the forfeited bail as if the forfeited 2663
bail were a fine imposed for a violation of this section. 2664

(2) If the offender is a professionally licensed person, 2665
the court immediately shall comply with section 2925.38 of the 2666
Revised Code. 2667

(E) Notwithstanding the prison term otherwise authorized 2668
or required for the offense under division (C) of this section 2669
and sections 2929.13 and 2929.14 of the Revised Code, if the 2670
violation of division (A) of this section involves the sale, 2671
offer to sell, or possession of a schedule I or II controlled 2672
substance, with the exception of ~~marijuana~~cannabis, and if the 2673
court imposing sentence upon the offender finds that the 2674
offender as a result of the violation is a major drug offender 2675
and is guilty of a specification of the type described in 2676
division (A) of section 2941.1410 of the Revised Code, the 2677
court, in lieu of the prison term otherwise authorized or 2678
required, shall impose upon the offender the mandatory prison 2679
term specified in division (B) (3) of section 2929.14 of the 2680

Revised Code.

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

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

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

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

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accordance with that division.

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

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

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Sec. 2925.05. (A) No person shall knowingly provide money
or other items of value to another person with the purpose that
the recipient of the money or items of value use them to obtain
any controlled substance other than cannabis for the purpose of
violating section 2925.04 of the Revised Code or for the purpose
of selling or offering to sell the controlled substance in the
following amount:

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

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(2) ~~If the drug to be sold or offered for sale is~~

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~~marihuana or a compound, mixture, preparation, or substance~~ 2740
~~other than hashish containing marihuana, an amount of the~~ 2741
~~marihuana that equals or exceeds two hundred grams;~~ 2742

~~(3)~~ If the drug to be sold or offered for sale is cocaine 2743
or a compound, mixture, preparation, or substance containing 2744
cocaine, an amount of the cocaine that equals or exceeds five 2745
grams; 2746

~~(4)~~ (3) If the drug to be sold or offered for sale is 2747
L.S.D. or a compound, mixture, preparation, or substance 2748
containing L.S.D., an amount of the L.S.D. that equals or 2749
exceeds ten unit doses if the L.S.D. is in a solid form or 2750
equals or exceeds one gram if the L.S.D. is in a liquid 2751
concentrate, liquid extract, or liquid distillate form; 2752

~~(5)~~ (4) If the drug to be sold or offered for sale is 2753
heroin or a fentanyl-related compound, or a compound, mixture, 2754
preparation, or substance containing heroin or a fentanyl- 2755
related compound, an amount that equals or exceeds ten unit 2756
doses or equals or exceeds one gram; 2757

~~(6) If the drug to be sold or offered for sale is hashish~~ 2758
~~or a compound, mixture, preparation, or substance containing~~ 2759
~~hashish, an amount of the hashish that equals or exceeds ten~~ 2760
~~grams if the hashish is in a solid form or equals or exceeds two~~ 2761
~~grams if the hashish is in a liquid concentrate, liquid extract,~~ 2762
~~or liquid distillate form.~~ 2763

(B) This section does not apply to any person listed in 2764
division (B)(1), (2), or (3) of section 2925.03 of the Revised 2765
Code to the extent and under the circumstances described in 2766
those divisions. 2767

(C) (1) If the drug involved in the violation is any 2768

compound, mixture, preparation, or substance included in 2769
schedule I or II, with the exception of ~~marihuana~~cannabis, 2770
whoever violates division (A) of this section is guilty of 2771
aggravated funding of drug trafficking, a felony of the first 2772
degree, and, subject to division (E) of this section, the court 2773
shall impose as a mandatory prison term a first degree felony 2774
mandatory prison term. 2775

(2) If the drug involved in the violation is any compound, 2776
mixture, preparation, or substance included in schedule III, IV, 2777
or V, whoever violates division (A) of this section is guilty of 2778
funding of drug trafficking, a felony of the second degree, and 2779
the court shall impose as a mandatory prison term a second 2780
degree felony mandatory prison term. 2781

~~(3) If the drug involved in the violation is marihuana,~~ 2782
~~whoever violates division (A) of this section is guilty of~~ 2783
~~funding of marihuana trafficking, a felony of the third degree,~~ 2784
~~and, except as otherwise provided in this division, there is a~~ 2785
~~presumption for a prison term for the offense. If funding of~~ 2786
~~marihuana trafficking is a felony of the third degree under this~~ 2787
~~division and if the offender two or more times previously has~~ 2788
~~been convicted of or pleaded guilty to a felony drug abuse~~ 2789
~~offense, the court shall impose as a mandatory prison term one~~ 2790
~~of the prison terms prescribed for a felony of the third degree.~~ 2791

(D) In addition to any prison term authorized or required 2792
by division (C) or (E) of this section and sections 2929.13 and 2793
2929.14 of the Revised Code and in addition to any other 2794
sanction imposed for the offense under this section or sections 2795
2929.11 to 2929.18 of the Revised Code, the court that sentences 2796
an offender who is convicted of or pleads guilty to a violation 2797
of division (A) of this section may suspend the offender's 2798

driver's or commercial driver's license or permit in accordance 2799
with division (G) of section 2925.03 of the Revised Code. 2800
However, if the offender pleaded guilty to or was convicted of a 2801
violation of section 4511.19 of the Revised Code or a 2802
substantially similar municipal ordinance or the law of another 2803
state or the United States arising out of the same set of 2804
circumstances as the violation, the court shall suspend the 2805
offender's driver's or commercial driver's license or permit in 2806
accordance with division (G) of section 2925.03 of the Revised 2807
Code. If applicable, the court also shall do the following: 2808

(1) The court shall impose the mandatory fine specified 2809
for the offense under division (B)(1) of section 2929.18 of the 2810
Revised Code unless, as specified in that division, the court 2811
determines that the offender is indigent. The clerk of the court 2812
shall pay a mandatory fine or other fine imposed for a violation 2813
of this section pursuant to division (A) of section 2929.18 of 2814
the Revised Code in accordance with and subject to the 2815
requirements of division (F) of section 2925.03 of the Revised 2816
Code. The agency that receives the fine shall use the fine in 2817
accordance with division (F) of section 2925.03 of the Revised 2818
Code. If a person is charged with a violation of this section, 2819
posts bail, and forfeits the bail, the forfeited bail shall be 2820
paid as if the forfeited bail were a fine imposed for a 2821
violation of this section. 2822

(2) If the offender is a professionally licensed person, 2823
the court immediately shall comply with section 2925.38 of the 2824
Revised Code. 2825

(E) Notwithstanding the prison term otherwise authorized 2826
or required for the offense under division (C) of this section 2827
and sections 2929.13 and 2929.14 of the Revised Code, if the 2828

violation of division (A) of this section involves the sale, 2829
offer to sell, or possession of a schedule I or II controlled 2830
substance, with the exception of ~~marihuana~~cannabis, one of the 2831
following applies: 2832

(1) If the drug involved in the violation is a fentanyl- 2833
related compound, the offense is a felony of the first degree, 2834
the offender is a major drug offender, and the court shall 2835
impose as a mandatory prison term the maximum prison term 2836
prescribed for a felony of the first degree. 2837

(2) If division (E) (1) of this section does not apply and 2838
the court imposing sentence upon the offender finds that the 2839
offender as a result of the violation is a major drug offender 2840
and is guilty of a specification of the type described in 2841
division (A) of section 2941.1410 of the Revised Code, the 2842
court, in lieu of the prison term otherwise authorized or 2843
required, shall impose upon the offender the mandatory prison 2844
term specified in division (B) (3) of section 2929.14 of the 2845
Revised Code. 2846

(F) (1) If the sentencing court suspends the offender's 2847
driver's or commercial driver's license or permit under this 2848
section in accordance with division (G) of section 2925.03 of 2849
the Revised Code, the offender may request termination of, and 2850
the court may terminate, the suspension in accordance with that 2851
division. 2852

(2) Any offender who received a mandatory suspension of 2853
the offender's driver's or commercial driver's license or permit 2854
under this section prior to September 13, 2016, may file a 2855
motion with the sentencing court requesting the termination of 2856
the suspension. However, an offender who pleaded guilty to or 2857
was convicted of a violation of section 4511.19 of the Revised 2858

Code or a substantially similar municipal ordinance or law of 2859
another state or the United States that arose out of the same 2860
set of circumstances as the violation for which the offender's 2861
license or permit was suspended under this section shall not 2862
file such a motion. 2863

Upon the filing of a motion under division (F)(2) of this 2864
section, the sentencing court, in its discretion, may terminate 2865
the suspension. 2866

Sec. 2925.11. (A) No person shall knowingly obtain, 2867
possess, or use a controlled substance or a controlled substance 2868
analog. 2869

(B) (1) This section does not apply to any of the 2870
following: 2871

(a) The obtaining, possession, or use of cannabis; 2872

(b) Manufacturers, licensed health professionals 2873
authorized to prescribe drugs, pharmacists, owners of 2874
pharmacies, and other persons whose conduct was in accordance 2875
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 2876
4741. of the Revised Code; 2877

~~(b)~~ (c) If the offense involves an anabolic steroid, any 2878
person who is conducting or participating in a research project 2879
involving the use of an anabolic steroid if the project has been 2880
approved by the United States food and drug administration; 2881

~~(e)~~ (d) Any person who sells, offers for sale, prescribes, 2882
dispenses, or administers for livestock or other nonhuman 2883
species an anabolic steroid that is expressly intended for 2884
administration through implants to livestock or other nonhuman 2885
species and approved for that purpose under the "Federal Food, 2886
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 2887

as amended, and is sold, offered for sale, prescribed, 2888
dispensed, or administered for that purpose in accordance with 2889
that act; 2890

~~(d)~~ (e) Any person who obtained the controlled substance 2891
pursuant to a prescription issued by a licensed health 2892
professional authorized to prescribe drugs if the prescription 2893
was issued for a legitimate medical purpose and not altered, 2894
forged, or obtained through deception or commission of a theft 2895
offense. 2896

As used in division (B) (1) ~~(d)~~ (e) of this section, 2897
"deception" and "theft offense" have the same meanings as in 2898
section 2913.01 of the Revised Code. 2899

(2) (a) As used in division (B) (2) of this section: 2900

(i) "Community addiction services provider" has the same 2901
meaning as in section 5119.01 of the Revised Code. 2902

(ii) "Community control sanction" and "drug treatment 2903
program" have the same meanings as in section 2929.01 of the 2904
Revised Code. 2905

(iii) "Health care facility" has the same meaning as in 2906
section 2919.16 of the Revised Code. 2907

(iv) "Minor drug possession offense" means a violation of 2908
this section that is a misdemeanor or a felony of the fifth 2909
degree. 2910

(v) "Post-release control sanction" has the same meaning 2911
as in section 2967.28 of the Revised Code. 2912

(vi) "Peace officer" has the same meaning as in section 2913
2935.01 of the Revised Code. 2914

(vii) "Public agency" has the same meaning as in section 2915
2930.01 of the Revised Code. 2916

(viii) "Qualified individual" means a person who is not on 2917
community control or post-release control and is a person acting 2918
in good faith who seeks or obtains medical assistance for 2919
another person who is experiencing a drug overdose, a person who 2920
experiences a drug overdose and who seeks medical assistance for 2921
that overdose, or a person who is the subject of another person 2922
seeking or obtaining medical assistance for that overdose as 2923
described in division (B) (2) (b) of this section. 2924

(ix) "Seek or obtain medical assistance" includes, but is 2925
not limited to making a 9-1-1 call, contacting in person or by 2926
telephone call an on-duty peace officer, or transporting or 2927
presenting a person to a health care facility. 2928

(b) Subject to division (B) (2) (f) of this section, a 2929
qualified individual shall not be arrested, charged, prosecuted, 2930
convicted, or penalized pursuant to this chapter for a minor 2931
drug possession offense if all of the following apply: 2932

(i) The evidence of the obtaining, possession, or use of 2933
the controlled substance or controlled substance analog that 2934
would be the basis of the offense was obtained as a result of 2935
the qualified individual seeking the medical assistance or 2936
experiencing an overdose and needing medical assistance. 2937

(ii) Subject to division (B) (2) (g) of this section, within 2938
thirty days after seeking or obtaining the medical assistance, 2939
the qualified individual seeks and obtains a screening and 2940
receives a referral for treatment from a community addiction 2941
services provider or a properly credentialed addiction treatment 2942
professional. 2943

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

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

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

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

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

Code, whichever is applicable, after which the court or the 2974
parole board has the discretion either to order the person's 2975
participation or continued participation in a drug treatment 2976
program or to impose the penalty with the mitigating factor 2977
specified in either of those applicable sections: 2978

(i) Seeking or obtaining medical assistance in good faith 2979
for another person who is experiencing a drug overdose; 2980

(ii) Experiencing a drug overdose and seeking medical 2981
assistance for that emergency or being the subject of another 2982
person seeking or obtaining medical assistance for that overdose 2983
as described in division (B) (2) (b) of this section. 2984

(e) Nothing in division (B) (2) (b) of this section shall be 2985
construed to do any of the following: 2986

(i) Limit the admissibility of any evidence in connection 2987
with the investigation or prosecution of a crime with regards to 2988
a defendant who does not qualify for the protections of division 2989
(B) (2) (b) of this section or with regards to any crime other 2990
than a minor drug possession offense committed by a person who 2991
qualifies for protection pursuant to division (B) (2) (b) of this 2992
section for a minor drug possession offense; 2993

(ii) Limit any seizure of evidence or contraband otherwise 2994
permitted by law; 2995

(iii) Limit or abridge the authority of a peace officer to 2996
detain or take into custody a person in the course of an 2997
investigation or to effectuate an arrest for any offense except 2998
as provided in that division; 2999

(iv) Limit, modify, or remove any immunity from liability 3000
available pursuant to law in effect prior to September 13, 2016, 3001
to any public agency or to an employee of any public agency. 3002

(f) Division (B) (2) (b) of this section does not apply to 3003
any person who twice previously has been granted an immunity 3004
under division (B) (2) (b) of this section. No person shall be 3005
granted an immunity under division (B) (2) (b) of this section 3006
more than two times. 3007

(g) Nothing in this section shall compel any qualified 3008
individual to disclose protected health information in a way 3009
that conflicts with the requirements of the "Health Insurance 3010
Portability and Accountability Act of 1996," 104 Pub. L. No. 3011
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 3012
regulations promulgated by the United States department of 3013
health and human services to implement the act or the 3014
requirements of 42 C.F.R. Part 2. 3015

(C) Whoever violates division (A) of this section is 3016
guilty of one of the following: 3017

(1) If the drug involved in the violation is a compound, 3018
mixture, preparation, or substance included in schedule I or II, 3019
with the exception of ~~marihuana~~cannabis, cocaine, L.S.D., 3020
heroin, any fentanyl-related compound, ~~hashish~~, and any 3021
controlled substance analog, whoever violates division (A) of 3022
this section is guilty of aggravated possession of drugs. The 3023
penalty for the offense shall be determined as follows: 3024

(a) Except as otherwise provided in division (C) (1) (b), 3025
(c), (d), or (e) of this section, aggravated possession of drugs 3026
is a felony of the fifth degree, and division (B) of section 3027
2929.13 of the Revised Code applies in determining whether to 3028
impose a prison term on the offender. 3029

(b) If the amount of the drug involved equals or exceeds 3030
the bulk amount but is less than five times the bulk amount, 3031

aggravated possession of drugs is a felony of the third degree, 3032
and there is a presumption for a prison term for the offense. 3033

(c) If the amount of the drug involved equals or exceeds 3034
five times the bulk amount but is less than fifty times the bulk 3035
amount, aggravated possession of drugs is a felony of the second 3036
degree, and the court shall impose as a mandatory prison term a 3037
second degree felony mandatory prison term. 3038

(d) If the amount of the drug involved equals or exceeds 3039
fifty times the bulk amount but is less than one hundred times 3040
the bulk amount, aggravated possession of drugs is a felony of 3041
the first degree, and the court shall impose as a mandatory 3042
prison term a first degree felony mandatory prison term. 3043

(e) If the amount of the drug involved equals or exceeds 3044
one hundred times the bulk amount, aggravated possession of 3045
drugs is a felony of the first degree, the offender is a major 3046
drug offender, and the court shall impose as a mandatory prison 3047
term a maximum first degree felony mandatory prison term. 3048

(2) If the drug involved in the violation is a compound, 3049
mixture, preparation, or substance included in schedule III, IV, 3050
or V, whoever violates division (A) of this section is guilty of 3051
possession of drugs. The penalty for the offense shall be 3052
determined as follows: 3053

(a) Except as otherwise provided in division (C) (2) (b), 3054
(c), or (d) of this section, possession of drugs is a 3055
misdemeanor of the first degree or, if the offender previously 3056
has been convicted of a drug abuse offense, a felony of the 3057
fifth degree. 3058

(b) If the amount of the drug involved equals or exceeds 3059
the bulk amount but is less than five times the bulk amount, 3060

possession of drugs is a felony of the fourth degree, and 3061
division (C) of section 2929.13 of the Revised Code applies in 3062
determining whether to impose a prison term on the offender. 3063

(c) If the amount of the drug involved equals or exceeds 3064
five times the bulk amount but is less than fifty times the bulk 3065
amount, possession of drugs is a felony of the third degree, and 3066
there is a presumption for a prison term for the offense. 3067

(d) If the amount of the drug involved equals or exceeds 3068
fifty times the bulk amount, possession of drugs is a felony of 3069
the second degree, and the court shall impose upon the offender 3070
as a mandatory prison term a second degree felony mandatory 3071
prison term. 3072

~~(3) If the drug involved in the violation is marihuana or 3073
a compound, mixture, preparation, or substance containing 3074
marihuana other than hashish, whoever violates division (A) of 3075
this section is guilty of possession of marihuana. The penalty 3076
for the offense shall be determined as follows: 3077~~

~~(a) Except as otherwise provided in division (C) (3) (b), 3078
(c), (d), (e), (f), or (g) of this section, possession of 3079
marihuana is a minor misdemeanor. 3080~~

~~(b) If the amount of the drug involved equals or exceeds 3081
one hundred grams but is less than two hundred grams, possession 3082
of marihuana is a misdemeanor of the fourth degree. 3083~~

~~(c) If the amount of the drug involved equals or exceeds 3084
two hundred grams but is less than one thousand grams, 3085
possession of marihuana is a felony of the fifth degree, and 3086
division (B) of section 2929.13 of the Revised Code applies in 3087
determining whether to impose a prison term on the offender. 3088~~

~~(d) If the amount of the drug involved equals or exceeds 3089~~

~~one thousand grams but is less than five thousand grams,~~ 3090
~~possession of marihuana is a felony of the third degree, and~~ 3091
~~division (C) of section 2929.13 of the Revised Code applies in~~ 3092
~~determining whether to impose a prison term on the offender.~~ 3093

~~(e) If the amount of the drug involved equals or exceeds~~ 3094
~~five thousand grams but is less than twenty thousand grams,~~ 3095
~~possession of marihuana is a felony of the third degree, and~~ 3096
~~there is a presumption that a prison term shall be imposed for~~ 3097
~~the offense.~~ 3098

~~(f) If the amount of the drug involved equals or exceeds~~ 3099
~~twenty thousand grams but is less than forty thousand grams,~~ 3100
~~possession of marihuana is a felony of the second degree, and~~ 3101
~~the court shall impose as a mandatory prison term a second~~ 3102
~~degree felony mandatory prison term of five, six, seven, or~~ 3103
~~eight years.~~ 3104

~~(g) If the amount of the drug involved equals or exceeds~~ 3105
~~forty thousand grams, possession of marihuana is a felony of the~~ 3106
~~second degree, and the court shall impose as a mandatory prison~~ 3107
~~term a maximum second degree felony mandatory prison term.~~ 3108

~~(4)~~ If the drug involved in the violation is cocaine or a 3109
compound, mixture, preparation, or substance containing cocaine, 3110
whoever violates division (A) of this section is guilty of 3111
possession of cocaine. The penalty for the offense shall be 3112
determined as follows: 3113

(a) Except as otherwise provided in division (C) ~~(4)~~ (3) (b), 3114
(c), (d), (e), or (f) of this section, possession of cocaine is 3115
a felony of the fifth degree, and division (B) of section 3116
2929.13 of the Revised Code applies in determining whether to 3117
impose a prison term on the offender. 3118

(b) If the amount of the drug involved equals or exceeds 3119
five grams but is less than ten grams of cocaine, possession of 3120
cocaine is a felony of the fourth degree, and division (B) of 3121
section 2929.13 of the Revised Code applies in determining 3122
whether to impose a prison term on the offender. 3123

(c) If the amount of the drug involved equals or exceeds 3124
ten grams but is less than twenty grams of cocaine, possession 3125
of cocaine is a felony of the third degree, and, except as 3126
otherwise provided in this division, there is a presumption for 3127
a prison term for the offense. If possession of cocaine is a 3128
felony of the third degree under this division and if the 3129
offender two or more times previously has been convicted of or 3130
pleaded guilty to a felony drug abuse offense, the court shall 3131
impose as a mandatory prison term one of the prison terms 3132
prescribed for a felony of the third degree. 3133

(d) If the amount of the drug involved equals or exceeds 3134
twenty grams but is less than twenty-seven grams of cocaine, 3135
possession of cocaine is a felony of the second degree, and the 3136
court shall impose as a mandatory prison term a second degree 3137
felony mandatory prison term. 3138

(e) If the amount of the drug involved equals or exceeds 3139
twenty-seven grams but is less than one hundred grams of 3140
cocaine, possession of cocaine is a felony of the first degree, 3141
and the court shall impose as a mandatory prison term a first 3142
degree felony mandatory prison term. 3143

(f) If the amount of the drug involved equals or exceeds 3144
one hundred grams of cocaine, possession of cocaine is a felony 3145
of the first degree, the offender is a major drug offender, and 3146
the court shall impose as a mandatory prison term a maximum 3147
first degree felony mandatory prison term. 3148

~~(5)~~ (4) If the drug involved in the violation is L.S.D., 3149
whoever violates division (A) of this section is guilty of 3150
possession of L.S.D. The penalty for the offense shall be 3151
determined as follows: 3152

(a) Except as otherwise provided in division (C) ~~(5)~~ (4) (b), 3153
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 3154
felony of the fifth degree, and division (B) of section 2929.13 3155
of the Revised Code applies in determining whether to impose a 3156
prison term on the offender. 3157

(b) If the amount of L.S.D. involved equals or exceeds ten 3158
unit doses but is less than fifty unit doses of L.S.D. in a 3159
solid form or equals or exceeds one gram but is less than five 3160
grams of L.S.D. in a liquid concentrate, liquid extract, or 3161
liquid distillate form, possession of L.S.D. is a felony of the 3162
fourth degree, and division (C) of section 2929.13 of the 3163
Revised Code applies in determining whether to impose a prison 3164
term on the offender. 3165

(c) If the amount of L.S.D. involved equals or exceeds 3166
fifty unit doses, but is less than two hundred fifty unit doses 3167
of L.S.D. in a solid form or equals or exceeds five grams but is 3168
less than twenty-five grams of L.S.D. in a liquid concentrate, 3169
liquid extract, or liquid distillate form, possession of L.S.D. 3170
is a felony of the third degree, and there is a presumption for 3171
a prison term for the offense. 3172

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

court shall impose as a mandatory prison term a second degree 3179
felony mandatory prison term. 3180

(e) If the amount of L.S.D. involved equals or exceeds one 3181
thousand unit doses but is less than five thousand unit doses of 3182
L.S.D. in a solid form or equals or exceeds one hundred grams 3183
but is less than five hundred grams of L.S.D. in a liquid 3184
concentrate, liquid extract, or liquid distillate form, 3185
possession of L.S.D. is a felony of the first degree, and the 3186
court shall impose as a mandatory prison term a first degree 3187
felony mandatory prison term. 3188

(f) If the amount of L.S.D. involved equals or exceeds 3189
five thousand unit doses of L.S.D. in a solid form or equals or 3190
exceeds five hundred grams of L.S.D. in a liquid concentrate, 3191
liquid extract, or liquid distillate form, possession of L.S.D. 3192
is a felony of the first degree, the offender is a major drug 3193
offender, and the court shall impose as a mandatory prison term 3194
a maximum first degree felony mandatory prison term. 3195

~~(6)~~ (5) If the drug involved in the violation is heroin or 3196
a compound, mixture, preparation, or substance containing 3197
heroin, whoever violates division (A) of this section is guilty 3198
of possession of heroin. The penalty for the offense shall be 3199
determined as follows: 3200

(a) Except as otherwise provided in division (C) ~~(6)~~ (5) (b), 3201
(c), (d), (e), or (f) of this section, possession of heroin is a 3202
felony of the fifth degree, and division (B) of section 2929.13 3203
of the Revised Code applies in determining whether to impose a 3204
prison term on the offender. 3205

(b) If the amount of the drug involved equals or exceeds 3206
ten unit doses but is less than fifty unit doses or equals or 3207

exceeds one gram but is less than five grams, possession of 3208
heroin is a felony of the fourth degree, and division (C) of 3209
section 2929.13 of the Revised Code applies in determining 3210
whether to impose a prison term on the offender. 3211

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

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

(e) If the amount of the drug involved equals or exceeds 3223
five hundred unit doses but is less than one thousand unit doses 3224
or equals or exceeds fifty grams but is less than one hundred 3225
grams, possession of heroin is a felony of the first degree, and 3226
the court shall impose as a mandatory prison term a first degree 3227
felony mandatory prison term. 3228

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

~~(7) If the drug involved in the violation is hashish or a 3235~~
~~compound, mixture, preparation, or substance containing hashish, 3236~~

~~whoever violates division (A) of this section is guilty of~~ 3237
~~possession of hashish. The penalty for the offense shall be~~ 3238
~~determined as follows:~~ 3239

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

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

~~(c) If the amount of the drug involved equals or exceeds~~ 3249
~~ten grams but is less than fifty grams of hashish in a solid~~ 3250
~~form or equals or exceeds two grams but is less than ten grams~~ 3251
~~of hashish in a liquid concentrate, liquid extract, or liquid~~ 3252
~~distillate form, possession of hashish is a felony of the fifth~~ 3253
~~degree, and division (B) of section 2929.13 of the Revised Code~~ 3254
~~applies in determining whether to impose a prison term on the~~ 3255
~~offender.~~ 3256

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

~~(e) If the amount of the drug involved equals or exceeds~~ 3265

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

~~(f) If the amount of the drug involved equals or exceeds~~ 3272
~~one thousand grams but is less than two thousand grams of~~ 3273
~~hashish in a solid form or equals or exceeds two hundred grams~~ 3274
~~but is less than four hundred grams of hashish in a liquid~~ 3275
~~concentrate, liquid extract, or liquid distillate form,~~ 3276
~~possession of hashish is a felony of the second degree, and the~~ 3277
~~court shall impose as a mandatory prison term a second degree~~ 3278
~~felony mandatory prison term of five, six, seven, or eight~~ 3279
~~years.~~ 3280

~~(g) If the amount of the drug involved equals or exceeds~~ 3281
~~two thousand grams of hashish in a solid form or equals or~~ 3282
~~exceeds four hundred grams of hashish in a liquid concentrate,~~ 3283
~~liquid extract, or liquid distillate form, possession of hashish~~ 3284
~~is a felony of the second degree, and the court shall impose as~~ 3285
~~a mandatory prison term a maximum second degree felony mandatory~~ 3286
~~prison term.~~ 3287

~~(8)~~ (6) If the drug involved is a controlled substance 3288
analog or compound, mixture, preparation, or substance that 3289
contains a controlled substance analog, whoever violates 3290
division (A) of this section is guilty of possession of a 3291
controlled substance analog. The penalty for the offense shall 3292
be determined as follows: 3293

(a) Except as otherwise provided in division (C) ~~(8)~~ (6) (b), 3294
(c), (d), (e), or (f) of this section, possession of a 3295

controlled substance analog is a felony of the fifth degree, and 3296
division (B) of section 2929.13 of the Revised Code applies in 3297
determining whether to impose a prison term on the offender. 3298

(b) If the amount of the drug involved equals or exceeds 3299
ten grams but is less than twenty grams, possession of a 3300
controlled substance analog is a felony of the fourth degree, 3301
and there is a presumption for a prison term for the offense. 3302

(c) If the amount of the drug involved equals or exceeds 3303
twenty grams but is less than thirty grams, possession of a 3304
controlled substance analog is a felony of the third degree, and 3305
there is a presumption for a prison term for the offense. 3306

(d) If the amount of the drug involved equals or exceeds 3307
thirty grams but is less than forty grams, possession of a 3308
controlled substance analog is a felony of the second degree, 3309
and the court shall impose as a mandatory prison term a second 3310
degree felony mandatory prison term. 3311

(e) If the amount of the drug involved equals or exceeds 3312
forty grams but is less than fifty grams, possession of a 3313
controlled substance analog is a felony of the first degree, and 3314
the court shall impose as a mandatory prison term a first degree 3315
felony mandatory prison term. 3316

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

~~(9)~~ (7) If the drug involved in the violation is a 3322
compound, mixture, preparation, or substance that is a 3323
combination of a fentanyl-related compound and ~~marihuana~~ 3324

cannabis, one of the following applies:

(a) Except as otherwise provided in division (C) ~~(9)~~ (7) (b) of this section, the offender ~~is guilty of possession of marihuana and shall be punished as provided in division (C) (3) of this section. Except as otherwise provided in division (C) (9) (b) of this section,~~ the offender is not guilty of possession of a fentanyl-related compound under division (C) ~~(11)~~ (9) of this section and shall not be charged with, convicted of, or punished under division (C) ~~(11)~~ (9) of this section for possession of a fentanyl-related compound.

(b) If the offender knows or has reason to know that the compound, mixture, preparation, or substance that is the drug involved contains a fentanyl-related compound, the offender is guilty of possession of a fentanyl-related compound and shall be punished under division (C) ~~(11)~~ (9) of this section.

~~(10)~~ (8) If the drug involved in the violation is a compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any schedule III, schedule IV, or schedule V controlled substance that is not a fentanyl-related compound, one of the following applies:

(a) Except as otherwise provided in division (C) ~~(10)~~ (8) (b) of this section, the offender is guilty of possession of drugs and shall be punished as provided in division (C) (2) of this section. Except as otherwise provided in division (C) ~~(10)~~ (8) (b) of this section, the offender is not guilty of possession of a fentanyl-related compound under division (C) (11) of this section and shall not be charged with, convicted of, or punished under division (C) ~~(11)~~ (9) of this section for possession of a fentanyl-related compound.

(b) If the offender knows or has reason to know that the
compound, mixture, preparation, or substance that is the drug
involved contains a fentanyl-related compound, the offender is
guilty of possession of a fentanyl-related compound and shall be
punished under division (C) ~~(11)~~ (9) of this section.

~~(11)~~ (9) If the drug involved in the violation is a
fentanyl-related compound and neither division (C) ~~(9)~~ (7) (a) nor
division (C) ~~(10)~~ (8) (a) of this section applies to the drug
involved, or is a compound, mixture, preparation, or substance
that contains a fentanyl-related compound or is a combination of
a fentanyl-related compound and any other controlled substance
and neither division (C) ~~(9)~~ (7) (a) nor division (C) ~~(10)~~ (8) (a) of
this section applies to the drug involved, whoever violates
division (A) of this section is guilty of possession of a
fentanyl-related compound. The penalty for the offense shall be
determined as follows:

(a) Except as otherwise provided in division (C) ~~(11)~~ (9)
(b), (c), (d), (e), (f), or (g) of this section, possession of a
fentanyl-related compound 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) 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, possession of a
fentanyl-related compound 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) 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,

possession of a fentanyl-related compound is a felony of the 3384
third degree, and there is a presumption for a prison term for 3385
the offense. 3386

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

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

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

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

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

~~(E)~~ In addition to any prison term or jail term authorized or required by division (C) of this section and sections 2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in addition to any other sanction that is imposed for the offense under this section, sections 2929.11 to 2929.18, or sections 2929.21 to 2929.28 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 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 3444
3719.21 of the Revised Code, the clerk of the court shall pay a 3445
mandatory fine or other fine imposed for a violation of this 3446
section pursuant to division (A) of section 2929.18 of the 3447
Revised Code in accordance with and subject to the requirements 3448
of division (F) of section 2925.03 of the Revised Code. The 3449
agency that receives the fine shall use the fine as specified in 3450
division (F) of section 2925.03 of the Revised Code. 3451

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

(2) If the offender is a professionally licensed person, 3458
in addition to any other sanction imposed for a violation of 3459
this section, the court immediately shall comply with section 3460
2925.38 of the Revised Code. 3461

~~(F)~~(E) It is an affirmative defense, as provided in 3462
section 2901.05 of the Revised Code, to a charge of a fourth 3463
degree felony violation under this section that the controlled 3464
substance that gave rise to the charge is in an amount, is in a 3465
form, is prepared, compounded, or mixed with substances that are 3466
not controlled substances in a manner, or is possessed under any 3467
other circumstances, that indicate that the substance was 3468
possessed solely for personal use. Notwithstanding any contrary 3469
provision of this section, if, in accordance with section 3470
2901.05 of the Revised Code, an accused who is charged with a 3471
fourth degree felony violation of division (C) (2), (3), (4), or 3472
(5), ~~or (6)~~ of this section sustains the burden of going forward 3473

with evidence of and establishes by a preponderance of the 3474
evidence the affirmative defense described in this division, the 3475
accused may be prosecuted for and may plead guilty to or be 3476
convicted of a misdemeanor violation of division (C) (2) of this 3477
section or a fifth degree felony violation of division (C) (3), 3478
(4), or (5), ~~or (6)~~ of this section respectively. 3479

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

~~(H)~~ (G) It is an affirmative defense to a charge of 3485
possession of a controlled substance analog under division (C) 3486
~~(8)~~ (6) of this section that the person charged with violating 3487
that offense obtained, possessed, or used one of the following 3488
items that are excluded from the meaning of "controlled 3489
substance analog" under section 3719.01 of the Revised Code: 3490

(1) A controlled substance; 3491

(2) Any substance for which there is an approved new drug 3492
application; 3493

(3) With respect to a particular person, any substance if 3494
an exemption is in effect for investigational use for that 3495
person pursuant to federal law to the extent that conduct with 3496
respect to that substance is pursuant to that exemption. 3497

~~(I)~~ (H) Any offender who received a mandatory suspension 3498
of the offender's driver's or commercial driver's license or 3499
permit under this section prior to September 13, 2016, may file 3500
a motion with the sentencing court requesting the termination of 3501
the suspension. However, an offender who pleaded guilty to or 3502

was convicted of a violation of section 4511.19 of the Revised 3503
Code or a substantially similar municipal ordinance or law of 3504
another state or the United States that arose out of the same 3505
set of circumstances as the violation for which the offender's 3506
license or permit was suspended under this section shall not 3507
file such a motion. 3508

Upon the filing of a motion under division ~~(I)~~ (H) of this 3509
section, the sentencing court, in its discretion, may terminate 3510
the suspension. 3511

Sec. 2925.111. (A) No person under twenty-one years of age 3512
shall knowingly purchase, possess, or cultivate cannabis. 3513

(B) Whoever violates this section is guilty of underage 3514
possession of cannabis, a minor misdemeanor, and notwithstanding 3515
division (A)(2) of section 2929.28 of the Revised Code, shall be 3516
subject to the following monetary penalties: 3517

(1) For a first offense, a fine of up to one hundred 3518
dollars; 3519

(2) For a second or subsequent offense, a fine of up to 3520
five hundred dollars. 3521

Sec. 2925.14. (A) As used in this section, "drug 3522
paraphernalia" means any equipment, product, or material of any 3523
kind that is used by the offender, intended by the offender for 3524
use, or designed for use, in propagating, cultivating, growing, 3525
harvesting, manufacturing, compounding, converting, producing, 3526
processing, preparing, testing, analyzing, packaging, 3527
repackaging, storing, containing, concealing, injecting, 3528
ingesting, inhaling, or otherwise introducing into the human 3529
body, a controlled substance other than cannabis in violation of 3530
this chapter. "Drug paraphernalia" includes, but is not limited 3531

to, any of the following equipment, products, or materials that 3532
are used by the offender, intended by the offender for use, or 3533
designed by the offender for use, in any of the following 3534
manners: 3535

(1) A kit for propagating, cultivating, growing, or 3536
harvesting any species of a plant that is a controlled substance 3537
other than cannabis or from which a controlled substance other 3538
than cannabis can be derived; 3539

(2) A kit for manufacturing, compounding, converting, 3540
producing, processing, or preparing a controlled substance other 3541
than cannabis; 3542

(3) Any object, instrument, or device for manufacturing, 3543
compounding, converting, producing, processing, or preparing 3544
methamphetamine; 3545

(4) An isomerization device for increasing the potency of 3546
any species of a plant that is a controlled substance other than 3547
cannabis; 3548

(5) Testing equipment for identifying, or analyzing the 3549
strength, effectiveness, or purity of, a controlled substance 3550
other than cannabis; 3551

(6) A scale or balance for weighing or measuring a 3552
controlled substance other than cannabis; 3553

(7) A diluent or adulterant, such as quinine 3554
hydrochloride, mannitol, mannite, dextrose, or lactose, for 3555
cutting a controlled substance other than cannabis; 3556

~~(8) A separation gin or sifter for removing twigs and 3557~~
~~seeds from, or otherwise cleaning or refining, marihuana; 3558~~

~~(9) A blender, bowl, container, spoon, or mixing device 3559~~

for compounding a controlled substance other than cannabis; 3560

~~(10)~~ (9) A capsule, balloon, envelope, or container for 3561
packaging small quantities of a controlled substance other than 3562
cannabis; 3563

~~(11)~~ (10) A container or device for storing or concealing 3564
a controlled substance other than cannabis; 3565

~~(12)~~ (11) A hypodermic syringe, needle, or instrument for 3566
parenterally injecting a controlled substance into the human 3567
body; 3568

~~(13)~~ (12) An object, instrument, or device for ingesting, 3569
inhaling, or otherwise introducing cocaine into the human body, 3570
~~marihuana, cocaine, hashish, or hashish oil,~~ such as a metal, 3571
wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or 3572
without a screen, permanent screen, ~~hashish head,~~ or punctured 3573
metal bowl; water pipe; carburetion tube or device; smoking or 3574
carburetion mask; ~~roach clip or similar object used to hold~~ 3575
~~burning material, such as a marihuana cigarette, that has become~~ 3576
~~too small or too short to be held in the hand;~~ miniature cocaine 3577
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric 3578
pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 3579

(B) In determining if any equipment, product, or material 3580
is drug paraphernalia, a court or law enforcement officer shall 3581
consider, in addition to other relevant factors, the following: 3582

(1) Any statement by the owner, or by anyone in control, 3583
of the equipment, product, or material, concerning its use; 3584

(2) The proximity in time or space of the equipment, 3585
product, or material, or of the act relating to the equipment, 3586
product, or material, to a violation of any provision of this 3587
chapter; 3588

- (3) The proximity of the equipment, product, or material 3589
to any controlled substance other than cannabis; 3590
- (4) The existence of any residue of a controlled substance 3591
other than cannabis on the equipment, product, or material; 3592
- (5) Direct or circumstantial evidence of the intent of the 3593
owner, or of anyone in control, of the equipment, product, or 3594
material, to deliver it to any person whom the owner or person 3595
in control of the equipment, product, or material knows intends 3596
to use the object to facilitate a violation of any provision of 3597
this chapter. A finding that the owner, or anyone in control, of 3598
the equipment, product, or material, is not guilty of a 3599
violation of any other provision of this chapter does not 3600
prevent a finding that the equipment, product, or material was 3601
intended or designed by the offender for use as drug 3602
paraphernalia. 3603
- (6) Any oral or written instruction provided with the 3604
equipment, product, or material concerning its use; 3605
- (7) Any descriptive material accompanying the equipment, 3606
product, or material and explaining or depicting its use; 3607
- (8) National or local advertising concerning the use of 3608
the equipment, product, or material; 3609
- (9) The manner and circumstances in which the equipment, 3610
product, or material is displayed for sale; 3611
- (10) Direct or circumstantial evidence of the ratio of the 3612
sales of the equipment, product, or material to the total sales 3613
of the business enterprise; 3614
- (11) The existence and scope of legitimate uses of the 3615
equipment, product, or material in the community; 3616

(12) Expert testimony concerning the use of the equipment, 3617
product, or material. 3618

~~(C) (1) Subject to division (D) (2) of this section, no~~ 3619
person shall knowingly use, or possess with purpose to use, drug 3620
paraphernalia. 3621

(2) No person shall knowingly sell, or possess or 3622
manufacture with purpose to sell, drug paraphernalia, if the 3623
person knows or reasonably should know that the equipment, 3624
product, or material will be used as drug paraphernalia. 3625

(3) No person shall place an advertisement in any 3626
newspaper, magazine, handbill, or other publication that is 3627
published and printed and circulates primarily within this 3628
state, if the person knows that the purpose of the advertisement 3629
is to promote the illegal sale in this state of the equipment, 3630
product, or material that the offender intended or designed for 3631
use as drug paraphernalia. 3632

~~(D) (1)~~ This section does not apply to manufacturers, 3633
licensed health professionals authorized to prescribe drugs, 3634
pharmacists, owners of pharmacies, and other persons whose 3635
conduct is in accordance with Chapters 3719., 4715., 4723., 3636
4729., 4730., 4731., and 4741. of the Revised Code. This section 3637
shall not be construed to prohibit the possession or use of a 3638
hypodermic as authorized by section 3719.172 of the Revised 3639
Code. 3640

~~(2) Division (C) (1) of this section does not apply to a~~ 3641
~~person's use, or possession with purpose to use, any drug~~ 3642
~~paraphernalia that is equipment, a product, or material of any~~ 3643
~~kind that is used by the person, intended by the person for use,~~ 3644
~~or designed for use in storing, containing, concealing,~~ 3645

~~injecting, ingesting, inhaling, or otherwise introducing into~~ 3646
~~the human body marihuana.~~ 3647

(E) Notwithstanding Chapter 2981. of the Revised Code, any 3648
drug paraphernalia that was used, possessed, sold, or 3649
manufactured in a violation of this section shall be seized, 3650
after a conviction for that violation shall be forfeited, and 3651
upon forfeiture shall be disposed of pursuant to division (B) of 3652
section 2981.12 of the Revised Code. 3653

(F) (1) Whoever violates division (C) (1) of this section is 3654
guilty of illegal use or possession of drug paraphernalia, a 3655
misdemeanor of the fourth degree. 3656

(2) Except as provided in division (F) (3) of this section, 3657
whoever violates division (C) (2) of this section is guilty of 3658
dealing in drug paraphernalia, a misdemeanor of the second 3659
degree. 3660

(3) Whoever violates division (C) (2) of this section by 3661
selling drug paraphernalia to a juvenile is guilty of selling 3662
drug paraphernalia to juveniles, a misdemeanor of the first 3663
degree. 3664

(4) Whoever violates division (C) (3) of this section is 3665
guilty of illegal advertising of drug paraphernalia, a 3666
misdemeanor of the second degree. 3667

(G) (1) In addition to any other sanction imposed upon an 3668
offender for a violation of this section, the court may suspend 3669
for not more than five years the offender's driver's or 3670
commercial driver's license or permit. However, if the offender 3671
pleaded guilty to or was convicted of a violation of section 3672
4511.19 of the Revised Code or a substantially similar municipal 3673
ordinance or the law of another state or the United States 3674

arising out of the same set of circumstances as the violation, 3675
the court shall suspend the offender's driver's or commercial 3676
driver's license or permit for not more than five years. If the 3677
offender is a professionally licensed person, in addition to any 3678
other sanction imposed for a violation of this section, the 3679
court immediately shall comply with section 2925.38 of the 3680
Revised Code. 3681

(2) Any offender who received a mandatory suspension of 3682
the offender's driver's or commercial driver's license or permit 3683
under this section prior to ~~the effective date of this amendment~~ 3684
September 13, 2016, may file a motion with the sentencing court 3685
requesting the termination of the suspension. However, an 3686
offender who pleaded guilty to or was convicted of a violation 3687
of section 4511.19 of the Revised Code or a substantially 3688
similar municipal ordinance or law of another state or the 3689
United States that arose out of the same set of circumstances as 3690
the violation for which the offender's license or permit was 3691
suspended under this section shall not file such a motion. 3692

Upon the filing of a motion under division (G)(2) of this 3693
section, the sentencing court, in its discretion, may terminate 3694
the suspension. 3695

Sec. 2925.22. (A) No person, by deception, shall procure 3696
the administration of, a prescription for, or the dispensing of, 3697
a dangerous drug or shall possess an uncompleted preprinted 3698
prescription blank used for writing a prescription for a 3699
dangerous drug. 3700

(B) Whoever violates this section is guilty of deception 3701
to obtain a dangerous drug. The penalty for the offense shall be 3702
determined as follows: 3703

(1) If the person possesses an uncompleted preprinted 3704
prescription blank used for writing a prescription for a 3705
dangerous drug or if the drug involved is a dangerous drug, 3706
except as otherwise provided in division (B) (2) or (3) of this 3707
section, deception to obtain a dangerous drug is a felony of the 3708
fifth degree or, if the offender previously has been convicted 3709
of or pleaded guilty to a drug abuse offense, a felony of the 3710
fourth degree. Division (C) of section 2929.13 of the Revised 3711
Code applies in determining whether to impose a prison term on 3712
the offender pursuant to this division. 3713

(2) If the drug involved is a compound, mixture, 3714
preparation, or substance included in schedule I or II, with the 3715
exception of ~~marihuana~~cannabis, the penalty for deception to 3716
obtain drugs is one of the following: 3717

(a) Except as otherwise provided in division (B) (2) (b), 3718
(c), or (d) of this section, it is a felony of the fourth 3719
degree, and division (C) of section 2929.13 of the Revised Code 3720
applies in determining whether to impose a prison term on the 3721
offender. 3722

(b) If the amount of the drug involved equals or exceeds 3723
the bulk amount but is less than five times the bulk amount, or 3724
if the amount of the drug involved that could be obtained 3725
pursuant to the prescription would equal or exceed the bulk 3726
amount but would be less than five times the bulk amount, it is 3727
a felony of the third degree, and there is a presumption for a 3728
prison term for the offense. 3729

(c) If the amount of the drug involved equals or exceeds 3730
five times the bulk amount but is less than fifty times the bulk 3731
amount, or if the amount of the drug involved that could be 3732
obtained pursuant to the prescription would equal or exceed five 3733

times the bulk amount but would be less than fifty times the 3734
bulk amount, it is a felony of the second degree, and there is a 3735
presumption for a prison term for the offense. 3736

(d) If the amount of the drug involved equals or exceeds 3737
fifty times the bulk amount, or if the amount of the drug 3738
involved that could be obtained pursuant to the prescription 3739
would equal or exceed fifty times the bulk amount, it is a 3740
felony of the first degree, and there is a presumption for a 3741
prison term for the offense. 3742

(3) If the drug involved is a compound, mixture, 3743
preparation, or substance included in schedule III, IV, or V ~~or~~ 3744
~~is marijuana~~, the penalty for deception to obtain a dangerous 3745
drug is one of the following: 3746

(a) Except as otherwise provided in division (B) (3) (b), 3747
(c), or (d) of this section, it is a felony of the fifth degree, 3748
and division (C) of section 2929.13 of the Revised Code applies 3749
in determining whether to impose a prison term on the offender. 3750

(b) If the amount of the drug involved equals or exceeds 3751
the bulk amount but is less than five times the bulk amount, or 3752
if the amount of the drug involved that could be obtained 3753
pursuant to the prescription would equal or exceed the bulk 3754
amount but would be less than five times the bulk amount, it is 3755
a felony of the fourth degree, and division (C) of section 3756
2929.13 of the Revised Code applies in determining whether to 3757
impose a prison term on the offender. 3758

(c) If the amount of the drug involved equals or exceeds 3759
five times the bulk amount but is less than fifty times the bulk 3760
amount, or if the amount of the drug involved that could be 3761
obtained pursuant to the prescription would equal or exceed five 3762

times the bulk amount but would be less than fifty times the 3763
bulk amount, it is a felony of the third degree, and there is a 3764
presumption for a prison term for the offense. 3765

(d) If the amount of the drug involved equals or exceeds 3766
fifty times the bulk amount, or if the amount of the drug 3767
involved that could be obtained pursuant to the prescription 3768
would equal or exceed fifty times the bulk amount, it is a 3769
felony of the second degree, and there is a presumption for a 3770
prison term for the offense. 3771

(C) (1) In addition to any prison term authorized or 3772
required by division (B) of this section and sections 2929.13 3773
and 2929.14 of the Revised Code and in addition to any other 3774
sanction imposed for the offense under this section or sections 3775
2929.11 to 2929.18 of the Revised Code, the court that sentences 3776
an offender who is convicted of or pleads guilty to a violation 3777
of division (A) of this section may suspend for not more than 3778
five years the offender's driver's or commercial driver's 3779
license or permit. However, if the offender pleaded guilty to or 3780
was convicted of a violation of section 4511.19 of the Revised 3781
Code or a substantially similar municipal ordinance or the law 3782
of another state or the United States arising out of the same 3783
set of circumstances as the violation, the court shall suspend 3784
the offender's driver's or commercial driver's license or permit 3785
for not more than five years. 3786

If the offender is a professionally licensed person, in 3787
addition to any other sanction imposed for a violation of this 3788
section, the court immediately shall comply with section 2925.38 3789
of the Revised Code. 3790

(2) Any offender who received a mandatory suspension of 3791
the offender's driver's or commercial driver's license or permit 3792

under this section prior to ~~the effective date of this amendment~~ 3793
September 13, 2016, may file a motion with the sentencing court 3794
requesting the termination of the suspension. However, an 3795
offender who pleaded guilty to or was convicted of a violation 3796
of section 4511.19 of the Revised Code or a substantially 3797
similar municipal ordinance or law of another state or the 3798
United States that arose out of the same set of circumstances as 3799
the violation for which the offender's license or permit was 3800
suspended under this section shall not file such a motion. 3801

Upon the filing of a motion under division (C) (2) of this 3802
section, the sentencing court, in its discretion, may terminate 3803
the suspension. 3804

(D) Notwithstanding any contrary provision of section 3805
3719.21 of the Revised Code, the clerk of the court shall pay a 3806
fine imposed for a violation of this section pursuant to 3807
division (A) of section 2929.18 of the Revised Code in 3808
accordance with and subject to the requirements of division (F) 3809
of section 2925.03 of the Revised Code. The agency that receives 3810
the fine shall use the fine as specified in division (F) of 3811
section 2925.03 of the Revised Code. 3812

Sec. 2925.23. (A) No person shall knowingly make a false 3813
statement in any prescription, order, report, or record required 3814
by Chapter 3719. or 4729. of the Revised Code. 3815

(B) No person shall intentionally make, utter, or sell, or 3816
knowingly possess any of the following that is a false or 3817
forged: 3818

(1) Prescription; 3819

(2) Uncompleted preprinted prescription blank used for 3820
writing a prescription; 3821

(3) Official written order;	3822
(4) License for a terminal distributor of dangerous drugs,	3823
as defined in section 4729.01 of the Revised Code;	3824
(5) License for a manufacturer of dangerous drugs,	3825
outsourcing facility, third-party logistics provider, repackager	3826
of dangerous drugs, or wholesale distributor of dangerous drugs,	3827
as defined in section 4729.01 of the Revised Code.	3828
(C) No person, by theft as defined in section 2913.02 of	3829
the Revised Code, shall acquire any of the following:	3830
(1) A prescription;	3831
(2) An uncompleted preprinted prescription blank used for	3832
writing a prescription;	3833
(3) An official written order;	3834
(4) A blank official written order;	3835
(5) A license or blank license for a terminal distributor	3836
of dangerous drugs, as defined in section 4729.01 of the Revised	3837
Code;	3838
(6) A license or blank license for a manufacturer of	3839
dangerous drugs, outsourcing facility, third-party logistics	3840
provider, repackager of dangerous drugs, or wholesale	3841
distributor of dangerous drugs, as defined in section 4729.01 of	3842
the Revised Code.	3843
(D) No person shall knowingly make or affix any false or	3844
forged label to a package or receptacle containing any dangerous	3845
drugs.	3846
(E) Divisions (A) and (D) of this section do not apply to	3847
licensed health professionals authorized to prescribe drugs,	3848

pharmacists, owners of pharmacies, and other persons whose 3849
conduct is in accordance with Chapters 3719., 4715., 4723., 3850
4725., 4729., 4730., 4731., and 4741. of the Revised Code. 3851

(F) Whoever violates this section is guilty of illegal 3852
processing of drug documents. If the offender violates division 3853
(B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this 3854
section, illegal processing of drug documents is a felony of the 3855
fifth degree. If the offender violates division (A), division 3856
(B) (1) or (3), division (C) (1) or (3), or division (D) of this 3857
section, the penalty for illegal processing of drug documents 3858
shall be determined as follows: 3859

(1) If the drug involved is a compound, mixture, 3860
preparation, or substance included in schedule I or II, with the 3861
exception of ~~marihuana~~cannabis, illegal processing of drug 3862
documents is a felony of the fourth degree, and division (C) of 3863
section 2929.13 of the Revised Code applies in determining 3864
whether to impose a prison term on the offender. 3865

(2) If the drug involved is a dangerous drug or a 3866
compound, mixture, preparation, or substance included in 3867
schedule III, IV, or V ~~or is marihuana~~, illegal processing of 3868
drug documents is a felony of the fifth degree, and division (C) 3869
of section 2929.13 of the Revised Code applies in determining 3870
whether to impose a prison term on the offender. 3871

(G) (1) In addition to any prison term authorized or 3872
required by division (F) of this section and sections 2929.13 3873
and 2929.14 of the Revised Code and in addition to any other 3874
sanction imposed for the offense under this section or sections 3875
2929.11 to 2929.18 of the Revised Code, the court that sentences 3876
an offender who is convicted of or pleads guilty to any 3877
violation of divisions (A) to (D) of this section may suspend 3878

for not more than five years the offender's driver's or 3879
commercial driver's license or permit. However, if the offender 3880
pleaded guilty to or was convicted of a violation of section 3881
4511.19 of the Revised Code or a substantially similar municipal 3882
ordinance or the law of another state or the United States 3883
arising out of the same set of circumstances as the violation, 3884
the court shall suspend the offender's driver's or commercial 3885
driver's license or permit for not more than five years. 3886

If the offender is a professionally licensed person, in 3887
addition to any other sanction imposed for a violation of this 3888
section, the court immediately shall comply with section 2925.38 3889
of the Revised Code. 3890

(2) Any offender who received a mandatory suspension of 3891
the offender's driver's or commercial driver's license or permit 3892
under this section prior to September 13, 2016, may file a 3893
motion with the sentencing court requesting the termination of 3894
the suspension. However, an offender who pleaded guilty to or 3895
was convicted of a violation of section 4511.19 of the Revised 3896
Code or a substantially similar municipal ordinance or law of 3897
another state or the United States that arose out of the same 3898
set of circumstances as the violation for which the offender's 3899
license or permit was suspended under this section shall not 3900
file such a motion. 3901

Upon the filing of a motion under division (G) (2) of this 3902
section, the sentencing court, in its discretion, may terminate 3903
the suspension. 3904

(H) Notwithstanding any contrary provision of section 3905
3719.21 of the Revised Code, the clerk of court shall pay a fine 3906
imposed for a violation of this section pursuant to division (A) 3907
of section 2929.18 of the Revised Code in accordance with and 3908

subject to the requirements of division (F) of section 2925.03 3909
of the Revised Code. The agency that receives the fine shall use 3910
the fine as specified in division (F) of section 2925.03 of the 3911
Revised Code. 3912

Sec. 2925.36. (A) No person shall knowingly furnish 3913
another a sample drug. 3914

(B) Division (A) of this section does not apply to 3915
manufacturers, wholesalers, pharmacists, owners of pharmacies, 3916
licensed health professionals authorized to prescribe drugs, and 3917
other persons whose conduct is in accordance with Chapters 3918
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 3919
the Revised Code. 3920

(C) (1) Whoever violates this section is guilty of illegal 3921
dispensing of drug samples. 3922

(2) If the drug involved in the offense is a compound, 3923
mixture, preparation, or substance included in schedule I or II, 3924
with the exception of ~~marihuana~~cannabis, the penalty for the 3925
offense shall be determined as follows: 3926

(a) Except as otherwise provided in division (C) (2) (b) of 3927
this section, illegal dispensing of drug samples is a felony of 3928
the fifth degree, and, subject to division (E) of this section, 3929
division (C) of section 2929.13 of the Revised Code applies in 3930
determining whether to impose a prison term on the offender. 3931

(b) If the offense was committed in the vicinity of a 3932
school or in the vicinity of a juvenile, illegal dispensing of 3933
drug samples is a felony of the fourth degree, and, subject to 3934
division (E) of this section, division (C) of section 2929.13 of 3935
the Revised Code applies in determining whether to impose a 3936
prison term on the offender. 3937

(3) If the drug involved in the offense is a dangerous 3938
drug or a compound, mixture, preparation, or substance included 3939
in schedule III, IV, or V, ~~or is marijuana,~~ the penalty for the 3940
offense shall be determined as follows: 3941

(a) Except as otherwise provided in division (C) (3) (b) of 3942
this section, illegal dispensing of drug samples is a 3943
misdemeanor of the second degree. 3944

(b) If the offense was committed in the vicinity of a 3945
school or in the vicinity of a juvenile, illegal dispensing of 3946
drug samples is a misdemeanor of the first degree. 3947

(D) (1) In addition to any prison term authorized or 3948
required by division (C) or (E) of this section and sections 3949
2929.13 and 2929.14 of the Revised Code and in addition to any 3950
other sanction imposed for the offense under this section or 3951
sections 2929.11 to 2929.18 of the Revised Code, the court that 3952
sentences an offender who is convicted of or pleads guilty to a 3953
violation of division (A) of this section may suspend for not 3954
more than five years the offender's driver's or commercial 3955
driver's license or permit. However, if the offender pleaded 3956
guilty to or was convicted of a violation of section 4511.19 of 3957
the Revised Code or a substantially similar municipal ordinance 3958
or the law of another state or the United States arising out of 3959
the same set of circumstances as the violation, the court shall 3960
suspend the offender's driver's or commercial driver's license 3961
or permit for not more than five years. 3962

If the offender is a professionally licensed person, in 3963
addition to any other sanction imposed for a violation of this 3964
section, the court immediately shall comply with section 2925.38 3965
of the Revised Code. 3966

(2) Any offender who received a mandatory suspension of 3967
the offender's driver's or commercial driver's license or permit 3968
under this section prior to September 13, 2016, may file a 3969
motion with the sentencing court requesting the termination of 3970
the suspension. However, an offender who pleaded guilty to or 3971
was convicted of a violation of section 4511.19 of the Revised 3972
Code or a substantially similar municipal ordinance or law of 3973
another state or the United States that arose out of the same 3974
set of circumstances as the violation for which the offender's 3975
license or permit was suspended under this section shall not 3976
file such a motion. 3977

Upon the filing of a motion under division (D)(2) of this 3978
section, the sentencing court, in its discretion, may terminate 3979
the suspension. 3980

(E) Notwithstanding the prison term authorized or required 3981
by division (C) of this section and sections 2929.13 and 2929.14 3982
of the Revised Code, if the violation of division (A) of this 3983
section involves the sale, offer to sell, or possession of a 3984
schedule I or II controlled substance, with the exception of 3985
~~marihuana~~ cannabis, and if the court imposing sentence upon the 3986
offender finds that the offender as a result of the violation is 3987
a major drug offender and is guilty of a specification of the 3988
type described in division (A) of section 2941.1410 of the 3989
Revised Code, the court, in lieu of the prison term otherwise 3990
authorized or required, shall impose upon the offender the 3991
mandatory prison term specified in division (B)(3)(a) of section 3992
2929.14 of the Revised Code. 3993

(F) Notwithstanding any contrary provision of section 3994
3719.21 of the Revised Code, the clerk of the court shall pay a 3995
fine imposed for a violation of this section pursuant to 3996

division (A) of section 2929.18 of the Revised Code in 3997
accordance with and subject to the requirements of division (F) 3998
of section 2925.03 of the Revised Code. The agency that receives 3999
the fine shall use the fine as specified in division (F) of 4000
section 2925.03 of the Revised Code. 4001

Sec. 2925.38. If a person who is convicted of or pleads 4002
guilty to a violation of section 2925.02, 2925.03, 2925.04, 4003
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 4004
~~2925.141~~, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 4005
2925.37 of the Revised Code is a professionally licensed person, 4006
in addition to any other sanctions imposed for the violation, 4007
the court, except as otherwise provided in this section, 4008
immediately shall transmit a certified copy of the judgment 4009
entry of conviction to the regulatory or licensing board or 4010
agency that has the administrative authority to suspend or 4011
revoke the offender's professional license. If the 4012
professionally licensed person who is convicted of or pleads 4013
guilty to a violation of any section listed in this section is a 4014
person who has been admitted to the bar by order of the supreme 4015
court in compliance with its prescribed and published rules, in 4016
addition to any other sanctions imposed for the violation, the 4017
court immediately shall transmit a certified copy of the 4018
judgment entry of conviction to the secretary of the board of 4019
commissioners on grievances and discipline of the supreme court 4020
and to either the disciplinary counsel or the president, 4021
secretary, and chairperson of each certified grievance 4022
committee. 4023

Sec. 2925.51. (A) In any criminal prosecution for a 4024
violation of this chapter or Chapter 3719. of the Revised Code, 4025
a laboratory report from the bureau of criminal identification 4026
and investigation, a laboratory operated by another law 4027

enforcement agency, or a laboratory established by or under the 4028
authority of an institution of higher education that has its 4029
main campus in this state and that is accredited by the 4030
association of American universities or the north central 4031
association of colleges and secondary schools, primarily for the 4032
purpose of providing scientific services to law enforcement 4033
agencies and signed by the person performing the analysis, 4034
stating that the substance that is the basis of the alleged 4035
offense has been weighed and analyzed and stating the findings 4036
as to the content, weight, and identity of the substance and 4037
that it contains any amount of a controlled substance and the 4038
number and description of unit dosages, is prima-facie evidence 4039
of the content, identity, and weight or the existence and number 4040
of unit dosages of the substance. In any criminal prosecution 4041
for a violation of section 2925.041 of the Revised Code or a 4042
violation of this chapter or Chapter 3719. of the Revised Code 4043
that is based on the possession of chemicals sufficient to 4044
produce a compound, mixture, preparation, or substance included 4045
in schedule I, II, III, IV, or V, a laboratory report from the 4046
bureau or from any laboratory that is operated or established as 4047
described in this division that is signed by the person 4048
performing the analysis, stating that the substances that are 4049
the basis of the alleged offense have been weighed and analyzed 4050
and stating the findings as to the content, weight, and identity 4051
of each of the substances, is prima-facie evidence of the 4052
content, identity, and weight of the substances. 4053

Attached to that report shall be a copy of a notarized 4054
statement by the signer of the report giving the name of the 4055
signer and stating that the signer is an employee of the 4056
laboratory issuing the report and that performing the analysis 4057
is a part of the signer's regular duties, and giving an outline 4058

of the signer's education, training, and experience for 4059
performing an analysis of materials included under this section. 4060
The signer shall attest that scientifically accepted tests were 4061
performed with due caution, and that the evidence was handled in 4062
accordance with established and accepted procedures while in the 4063
custody of the laboratory. 4064

(B) The prosecuting attorney shall serve a copy of the 4065
report on the attorney of record for the accused, or on the 4066
accused if the accused has no attorney, prior to any proceeding 4067
in which the report is to be used against the accused other than 4068
at a preliminary hearing or grand jury proceeding where the 4069
report may be used without having been previously served upon 4070
the accused. 4071

(C) The report shall not be prima-facie evidence of the 4072
contents, identity, and weight or the existence and number of 4073
unit dosages of the substance if the accused or the accused's 4074
attorney demands the testimony of the person signing the report, 4075
by serving the demand upon the prosecuting attorney within seven 4076
days from the accused or the accused's attorney's receipt of the 4077
report. The time may be extended by a trial judge in the 4078
interests of justice. 4079

(D) Any report issued for use under this section shall 4080
contain notice of the right of the accused to demand, and the 4081
manner in which the accused shall demand, the testimony of the 4082
person signing the report. 4083

(E) Any person who is accused of a violation of this 4084
chapter or of Chapter 3719. of the Revised Code is entitled, 4085
upon written request made to the prosecuting attorney, to have a 4086
portion of the substance that is, or of each of the substances 4087
that are, the basis of the alleged violation preserved for the 4088

benefit of independent analysis performed by a laboratory 4089
analyst employed by the accused person, or, if the accused is 4090
indigent, by a qualified laboratory analyst appointed by the 4091
court. Such portion shall be a representative sample of the 4092
entire substance that is, or of each of the substances that are, 4093
the basis of the alleged violation and shall be of sufficient 4094
size, in the opinion of the court, to permit the accused's 4095
analyst to make a thorough scientific analysis concerning the 4096
identity of the substance or substances. The prosecuting 4097
attorney shall provide the accused's analyst with the sample 4098
portion at least fourteen days prior to trial, unless the trial 4099
is to be held in a court not of record or unless the accused 4100
person is charged with a minor misdemeanor, in which case the 4101
prosecuting attorney shall provide the accused's analyst with 4102
the sample portion at least three days prior to trial. If the 4103
prosecuting attorney determines that such a sample portion 4104
cannot be preserved and given to the accused's analyst, the 4105
prosecuting attorney shall so inform the accused person or his 4106
attorney. In such a circumstance, the accused person is 4107
entitled, upon written request made to the prosecuting attorney, 4108
to have the accused's privately employed or court appointed 4109
analyst present at an analysis of the substance that is, or the 4110
substances that are, the basis of the alleged violation, and, 4111
upon further written request, to receive copies of all recorded 4112
scientific data that result from the analysis and that can be 4113
used by an analyst in arriving at conclusions, findings, or 4114
opinions concerning the identity of the substance or substances 4115
subject to the analysis. 4116

(F) In addition to the rights provided under division (E) 4117
of this section, any person who is accused of a violation of 4118
this chapter or of Chapter 3719. of the Revised Code that 4119

involves a bulk amount of a controlled substance, or any 4120
multiple thereof, ~~or who is accused of a violation of section~~ 4121
~~2925.11 of the Revised Code, other than a minor misdemeanor~~ 4122
~~violation, that involves marihuana,~~ is entitled, upon written 4123
request made to the prosecuting attorney, to have a laboratory 4124
analyst of the accused's choice, or, if the accused is indigent, 4125
a qualified laboratory analyst appointed by the court present at 4126
a measurement or weighing of the substance that is the basis of 4127
the alleged violation. Also, the accused person is entitled, 4128
upon further written request, to receive copies of all recorded 4129
scientific data that result from the measurement or weighing and 4130
that can be used by an analyst in arriving at conclusions, 4131
findings, or opinions concerning the weight, volume, or number 4132
of unit doses of the substance subject to the measurement or 4133
weighing. 4134

Sec. 2927.30. (A) As used in this section and sections 4135
2927.31 and 2927.32 of the Revised Code: 4136

(1) "Age verification" means a service provided by an 4137
independent third party (other than a manufacturer, producer, 4138
distributor, wholesaler, or retailer of cannabis or cannabis 4139
products) that compares information available from a 4140
commercially available database, or aggregate of databases, that 4141
regularly are used by government and businesses for the purpose 4142
of age and identity verification to personal information 4143
provided during an internet sale or other remote method of sale 4144
to establish that the purchaser is twenty-one years of age or 4145
older. 4146

(2) "Child" means a person under the age of twenty-one. 4147

(3) "Distribute" means to furnish, give, or provide 4148
cannabis or cannabis products to the ultimate consumer of the 4149

cannabis or cannabis products. 4150

(4) "Proof of age" means a driver's license, a commercial 4151
driver's license, a military identification card, a passport, or 4152
an identification card issued under sections 4507.50 to 4507.52 4153
of the Revised Code that shows that a person is twenty-one years 4154
of age or older. 4155

(B) No person shall do any of the following: 4156

(1) Recklessly give, sell, or otherwise distribute 4157
cannabis or cannabis products to any child; 4158

(2) Recklessly give away, sell, or distribute cannabis or 4159
cannabis products in any place that does not have posted in a 4160
conspicuous place a sign stating that giving, selling, or 4161
otherwise distributing cannabis or cannabis products to a person 4162
under twenty-one years of age is prohibited by law; 4163

(3) Knowingly furnish any false information regarding the 4164
name, age, or other identification of any child with purpose to 4165
obtain cannabis or cannabis products for that child; 4166

(4) Recklessly give, sell, or otherwise distribute 4167
cannabis or cannabis products over the internet or through 4168
another remote method without age verification. 4169

(C) The following are affirmative defenses to a charge 4170
under division (B)(1) of this section: 4171

(1) The child was accompanied by a parent, spouse who is 4172
twenty-one years of age or older, or legal guardian of the 4173
child. 4174

(2) The person who gave, sold, or distributed cannabis or 4175
cannabis products to a child under division (B)(1) of this 4176
section is a parent, spouse who is twenty-one years of age or 4177

older, or legal guardian of the child. 4178

(D) It is not a violation of division (B) (1) or (2) of 4179
this section for a person to give or otherwise distribute to a 4180
child cannabis or cannabis products while the child is 4181
participating in a research protocol if all of the following 4182
apply: 4183

(1) The parent, guardian, or legal custodian of the child 4184
has consented in writing to the child participating in the 4185
research protocol. 4186

(2) An institutional human subjects protection review 4187
board, or an equivalent entity, has approved the research 4188
protocol. 4189

(3) The child is participating in the research protocol at 4190
the facility or location specified in the research protocol. 4191

(E) (1) Whoever violates division (B) (1), (2), or (4) of 4192
this section is guilty of illegal distribution of cannabis or 4193
cannabis products. Except as otherwise provided in this 4194
division, illegal distribution of cannabis or cannabis products 4195
is a misdemeanor of the fourth degree. If the offender 4196
previously has been convicted of a violation of division (B) (1), 4197
(2), or (4) of this section, illegal distribution of cannabis or 4198
cannabis products is a misdemeanor of the third degree. 4199

(2) Whoever violates division (B) (3) of this section is 4200
guilty of permitting children to use cannabis or cannabis 4201
products. Except as otherwise provided in this division, 4202
permitting children to use cannabis or cannabis products is a 4203
misdemeanor of the fourth degree. If the offender previously has 4204
been convicted of a violation of division (B) (3) of this 4205
section, permitting children to use cannabis or cannabis 4206

products is a misdemeanor of the third degree. 4207

(F) Any cannabis or cannabis products that are given, 4208
sold, or otherwise distributed to a child in violation of this 4209
section and that are used, possessed, purchased, or received by 4210
a child in violation of section 2925.111 of the Revised Code are 4211
subject to seizure and forfeiture as contraband under Chapter 4212
2981. of the Revised Code. 4213

Sec. 2927.31. (A) As used in this section and section 4214
2927.32 of the Revised Code: 4215

(1) "Card holder" means any person who presents a driver's 4216
or commercial driver's license or an identification card to a 4217
seller, or an agent or employee of a seller, to purchase or 4218
receive cannabis or cannabis products from the seller, agent, or 4219
employee. 4220

(2) "Identification card" means an identification card 4221
issued under sections 4507.50 to 4507.52 of the Revised Code. 4222

(3) "Seller" means a seller of cannabis or cannabis 4223
products and includes any person whose gift of or other 4224
distribution of cannabis or cannabis products is subject to the 4225
prohibitions of section 2927.30 of the Revised Code. 4226

(4) "Transaction scan" means the process by which a seller 4227
or an agent or employee of a seller checks, by means of a 4228
transaction scan device, the validity of a driver's or 4229
commercial driver's license or an identification card that is 4230
presented as a condition for purchasing or receiving cannabis or 4231
cannabis products. 4232

(5) "Transaction scan device" means any commercial device 4233
or combination of devices used at a point of sale that is 4234
capable of deciphering in an electronically readable format the 4235

information encoded on the magnetic strip or bar code of a 4236
driver's or commercial driver's license or an identification 4237
card. 4238

(B)(1) A seller or an agent or employee of a seller may 4239
perform a transaction scan by means of a transaction scan device 4240
to check the validity of a driver's or commercial driver's 4241
license or identification card presented by a card holder as a 4242
condition for selling, giving away, or otherwise distributing to 4243
the card holder cannabis or cannabis products. 4244

(2) If the information deciphered by the transaction scan 4245
performed under division (B)(1) of this section fails to match 4246
the information printed on the driver's or commercial driver's 4247
license or identification card presented by the card holder, or 4248
if the transaction scan indicates that the information so 4249
printed is false or fraudulent, neither the seller nor any agent 4250
or employee of the seller shall sell, give away, or otherwise 4251
distribute any cannabis or cannabis products to the card holder. 4252

(3) Division (B)(1) of this section does not preclude a 4253
seller or an agent or employee of a seller from using a 4254
transaction scan device to check the validity of a document 4255
other than a driver's or commercial driver's license or an 4256
identification card, if the document includes a bar code or 4257
magnetic strip that may be scanned by the device, as a condition 4258
for selling, giving away, or otherwise distributing cannabis or 4259
cannabis products to the person presenting the document. 4260

(C) Rules adopted by the registrar of motor vehicles under 4261
division (C) of section 4301.61 of the Revised Code apply to the 4262
use of transaction scan devices for purposes of this section and 4263
section 2927.32 of the Revised Code. 4264

(D) (1) No seller or agent or employee of a seller shall 4265
electronically or mechanically record or maintain any 4266
information derived from a transaction scan, except the 4267
following: 4268

(a) The name and date of birth of the person listed on the 4269
driver's or commercial driver's license or identification card 4270
presented by a card holder; 4271

(b) The expiration date and identification number of the 4272
driver's or commercial driver's license or identification card 4273
presented by a card holder. 4274

(2) No seller or agent or employee of a seller shall use 4275
the information that is derived from a transaction scan or that 4276
is permitted to be recorded and maintained under division (D) (1) 4277
of this section, except for purposes of section 2927.32 of the 4278
Revised Code. 4279

(3) No seller or agent or employee of a seller shall use a 4280
transaction scan device for a purpose other than the purpose 4281
specified in division (B) (1) of this section. 4282

(4) No seller or agent or employee of a seller shall sell 4283
or otherwise disseminate the information derived from a 4284
transaction scan to any third party, including, but not limited 4285
to, selling or otherwise disseminating that information for any 4286
marketing, advertising, or promotional activities, but a seller 4287
or agent or employee of a seller may release that information 4288
pursuant to a court order or as specifically authorized by 4289
section 2927.32 or another section of the Revised Code. 4290

(E) Nothing in this section or section 2927.32 of the 4291
Revised Code relieves a seller or an agent or employee of a 4292
seller of any responsibility to comply with any other applicable 4293

state or federal laws or rules governing the sale, giving away, 4294
or other distribution of cannabis or cannabis products. 4295

(F) Whoever violates division (B) (2) or (D) of this 4296
section is guilty of engaging in an illegal cannabis or cannabis 4297
product transaction scan, and the court may impose upon the 4298
offender a civil penalty of up to one thousand dollars for each 4299
violation. The clerk of the court shall pay each collected civil 4300
penalty to the county treasurer for deposit into the county 4301
treasury. 4302

Sec. 2927.32. (A) A seller or an agent or employee of a 4303
seller may not be found guilty of a charge of a violation of 4304
section 2927.30 of the Revised Code in which the age of the 4305
purchaser or other recipient of cannabis or cannabis products is 4306
an element of the alleged violation, if the seller, agent, or 4307
employee raises and proves as an affirmative defense that all of 4308
the following occurred: 4309

(1) A card holder attempting to purchase or receive 4310
cannabis or cannabis products presented a driver's or commercial 4311
driver's license or an identification card. 4312

(2) A transaction scan of the driver's or commercial 4313
driver's license or identification card that the card holder 4314
presented indicated that the license or card was valid. 4315

(3) The cannabis or cannabis products were sold, given 4316
away, or otherwise distributed to the card holder in reasonable 4317
reliance upon the identification presented and the completed 4318
transaction scan. 4319

(B) In determining whether a seller or an agent or 4320
employee of a seller has proven the affirmative defense provided 4321
by division (A) of this section, the trier of fact in the action 4322

for the alleged violation of section 2927.30 of the Revised Code 4323
shall consider any written policy that the seller has adopted 4324
and implemented and that is intended to prevent violations of 4325
section 2927.30 of the Revised Code. For purposes of division 4326
(A) (3) of this section, the trier of fact shall consider that 4327
reasonable reliance upon the identification presented and the 4328
completed transaction scan may require a seller or an agent or 4329
employee of a seller to exercise reasonable diligence to 4330
determine, and that the use of a transaction scan device does 4331
not excuse a seller or an agent or employee of a seller from 4332
exercising reasonable diligence to determine, the following: 4333

(1) Whether a person to whom the seller or agent or 4334
employee of a seller sells, gives away, or otherwise distributes 4335
cannabis or cannabis products is twenty-one years of age or 4336
older; 4337

(2) Whether the description and picture appearing on the 4338
driver's or commercial driver's license or identification card 4339
presented by a card holder is that of the card holder. 4340

(C) In any criminal action in which the affirmative 4341
defense provided by division (A) of this section is raised, the 4342
registrar of motor vehicles or a deputy registrar who issued an 4343
identification card under sections 4507.50 to 4507.52 of the 4344
Revised Code shall be permitted to submit certified copies of 4345
the records of that issuance in lieu of the testimony of the 4346
personnel of or contractors with the bureau of motor vehicles in 4347
the action. 4348

Sec. 2929.01. As used in this chapter: 4349

(A) (1) "Alternative residential facility" means, subject 4350
to division (A) (2) of this section, any facility other than an 4351

offender's home or residence in which an offender is assigned to 4352
live and that satisfies all of the following criteria: 4353

(a) It provides programs through which the offender may 4354
seek or maintain employment or may receive education, training, 4355
treatment, or habilitation. 4356

(b) It has received the appropriate license or certificate 4357
for any specialized education, training, treatment, 4358
habilitation, or other service that it provides from the 4359
government agency that is responsible for licensing or 4360
certifying that type of education, training, treatment, 4361
habilitation, or service. 4362

(2) "Alternative residential facility" does not include a 4363
community-based correctional facility, jail, halfway house, or 4364
prison. 4365

(B) "Basic probation supervision" means a requirement that 4366
the offender maintain contact with a person appointed to 4367
supervise the offender in accordance with sanctions imposed by 4368
the court or imposed by the parole board pursuant to section 4369
2967.28 of the Revised Code. "Basic probation supervision" 4370
includes basic parole supervision and basic post-release control 4371
supervision. 4372

(C) "Cocaine," "fentanyl-related compound," ~~"hashish,"~~ 4373
"L.S.D.," and "unit dose" have the same meanings as in section 4374
2925.01 of the Revised Code. 4375

(D) "Community-based correctional facility" means a 4376
community-based correctional facility and program or district 4377
community-based correctional facility and program developed 4378
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 4379

(E) "Community control sanction" means a sanction that is 4380

not a prison term and that is described in section 2929.15, 4381
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 4382
that is not a jail term and that is described in section 4383
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 4384
control sanction" includes probation if the sentence involved 4385
was imposed for a felony that was committed prior to July 1, 4386
1996, or if the sentence involved was imposed for a misdemeanor 4387
that was committed prior to January 1, 2004. 4388

(F) "Controlled substance," ~~"marihuana,"~~ "schedule I," and 4389
"schedule II" have the same meanings as in section 3719.01 of 4390
the Revised Code. 4391

(G) "Curfew" means a requirement that an offender during a 4392
specified period of time be at a designated place. 4393

(H) "Day reporting" means a sanction pursuant to which an 4394
offender is required each day to report to and leave a center or 4395
other approved reporting location at specified times in order to 4396
participate in work, education or training, treatment, and other 4397
approved programs at the center or outside the center. 4398

(I) "Deadly weapon" has the same meaning as in section 4399
2923.11 of the Revised Code. 4400

(J) "Drug and alcohol use monitoring" means a program 4401
under which an offender agrees to submit to random chemical 4402
analysis of the offender's blood, breath, or urine to determine 4403
whether the offender has ingested any alcohol or other drugs. 4404

(K) "Drug treatment program" means any program under which 4405
a person undergoes assessment and treatment designed to reduce 4406
or completely eliminate the person's physical or emotional 4407
reliance upon alcohol, another drug, or alcohol and another drug 4408
and under which the person may be required to receive assessment 4409

and treatment on an outpatient basis or may be required to 4410
reside at a facility other than the person's home or residence 4411
while undergoing assessment and treatment. 4412

(L) "Economic loss" means any economic detriment suffered 4413
by a victim as a direct and proximate result of the commission 4414
of an offense and includes any loss of income due to lost time 4415
at work because of any injury caused to the victim, and any 4416
property loss, medical cost, or funeral expense incurred as a 4417
result of the commission of the offense. "Economic loss" does 4418
not include non-economic loss or any punitive or exemplary 4419
damages. 4420

(M) "Education or training" includes study at, or in 4421
conjunction with a program offered by, a university, college, or 4422
technical college or vocational study and also includes the 4423
completion of primary school, secondary school, and literacy 4424
curricula or their equivalent. 4425

(N) "Firearm" has the same meaning as in section 2923.11 4426
of the Revised Code. 4427

(O) "Halfway house" means a facility licensed by the 4428
division of parole and community services of the department of 4429
rehabilitation and correction pursuant to section 2967.14 of the 4430
Revised Code as a suitable facility for the care and treatment 4431
of adult offenders. 4432

(P) "House arrest" means a period of confinement of an 4433
offender that is in the offender's home or in other premises 4434
specified by the sentencing court or by the parole board 4435
pursuant to section 2967.28 of the Revised Code and during which 4436
all of the following apply: 4437

(1) The offender is required to remain in the offender's 4438

home or other specified premises for the specified period of 4439
confinement, except for periods of time during which the 4440
offender is at the offender's place of employment or at other 4441
premises as authorized by the sentencing court or by the parole 4442
board. 4443

(2) The offender is required to report periodically to a 4444
person designated by the court or parole board. 4445

(3) The offender is subject to any other restrictions and 4446
requirements that may be imposed by the sentencing court or by 4447
the parole board. 4448

(Q) "Intensive probation supervision" means a requirement 4449
that an offender maintain frequent contact with a person 4450
appointed by the court, or by the parole board pursuant to 4451
section 2967.28 of the Revised Code, to supervise the offender 4452
while the offender is seeking or maintaining necessary 4453
employment and participating in training, education, and 4454
treatment programs as required in the court's or parole board's 4455
order. "Intensive probation supervision" includes intensive 4456
parole supervision and intensive post-release control 4457
supervision. 4458

(R) "Jail" means a jail, workhouse, minimum security jail, 4459
or other residential facility used for the confinement of 4460
alleged or convicted offenders that is operated by a political 4461
subdivision or a combination of political subdivisions of this 4462
state. 4463

(S) "Jail term" means the term in a jail that a sentencing 4464
court imposes or is authorized to impose pursuant to section 4465
2929.24 or 2929.25 of the Revised Code or pursuant to any other 4466
provision of the Revised Code that authorizes a term in a jail 4467

for a misdemeanor conviction. 4468

(T) "Mandatory jail term" means the term in a jail that a 4469
sentencing court is required to impose pursuant to division (G) 4470
of section 1547.99 of the Revised Code, division (E) of section 4471
2903.06 or division (D) of section 2903.08 of the Revised Code, 4472
division (E) or (G) of section 2929.24 of the Revised Code, 4473
division (B) of section 4510.14 of the Revised Code, or division 4474
(G) of section 4511.19 of the Revised Code or pursuant to any 4475
other provision of the Revised Code that requires a term in a 4476
jail for a misdemeanor conviction. 4477

(U) "Delinquent child" has the same meaning as in section 4478
2152.02 of the Revised Code. 4479

(V) "License violation report" means a report that is made 4480
by a sentencing court, or by the parole board pursuant to 4481
section 2967.28 of the Revised Code, to the regulatory or 4482
licensing board or agency that issued an offender a professional 4483
license or a license or permit to do business in this state and 4484
that specifies that the offender has been convicted of or 4485
pleaded guilty to an offense that may violate the conditions 4486
under which the offender's professional license or license or 4487
permit to do business in this state was granted or an offense 4488
for which the offender's professional license or license or 4489
permit to do business in this state may be revoked or suspended. 4490

(W) "Major drug offender" means an offender who is 4491
convicted of or pleads guilty to the possession of, sale of, or 4492
offer to sell any drug, compound, mixture, preparation, or 4493
substance that consists of or contains ~~at least one thousand~~ 4494
~~grams of hashish;~~ at least one hundred grams of cocaine; at 4495
least one thousand unit doses or one hundred grams of heroin; at 4496
least five thousand unit doses of L.S.D. or five hundred grams 4497

of L.S.D. in a liquid concentrate, liquid extract, or liquid 4498
distillate form; at least fifty grams of a controlled substance 4499
analog; at least one thousand unit doses or one hundred grams of 4500
a fentanyl-related compound; or at least one hundred times the 4501
amount of any other schedule I or II controlled substance other 4502
than ~~marihuana~~ cannabis that is necessary to commit a felony of 4503
the third degree pursuant to section 2925.03, 2925.04, 2925.05, 4504
or 2925.11 of the Revised Code that is based on the possession 4505
of, sale of, or offer to sell the controlled substance. 4506

(X) "Mandatory prison term" means any of the following: 4507

(1) Subject to division (X)(2) of this section, the term 4508
in prison that must be imposed for the offenses or circumstances 4509
set forth in divisions (F)(1) to (8) or (F)(12) to (21) of 4510
section 2929.13 and division (B) of section 2929.14 of the 4511
Revised Code. Except as provided in sections 2925.02, 2925.03, 4512
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 4513
maximum or another specific term is required under section 4514
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 4515
described in this division may be any prison term authorized for 4516
the level of offense except that if the offense is a felony of 4517
the first or second degree committed on or after ~~the effective~~ 4518
~~date of this amendment~~ March 22, 2019, a mandatory prison term 4519
described in this division may be one of the terms prescribed in 4520
division (A)(1)(a) or (2)(a) of section 2929.14 of the Revised 4521
Code, whichever is applicable, that is authorized as the minimum 4522
term for the offense. 4523

(2) The term of sixty or one hundred twenty days in prison 4524
that a sentencing court is required to impose for a third or 4525
fourth degree felony OVI offense pursuant to division (G)(2) of 4526
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 4527

of the Revised Code or the term of one, two, three, four, or 4528
five years in prison that a sentencing court is required to 4529
impose pursuant to division (G) (2) of section 2929.13 of the 4530
Revised Code. 4531

(3) The term in prison imposed pursuant to division (A) of 4532
section 2971.03 of the Revised Code for the offenses and in the 4533
circumstances described in division (F) (11) of section 2929.13 4534
of the Revised Code or pursuant to division (B) (1) (a), (b), or 4535
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 4536
section 2971.03 of the Revised Code and that term as modified or 4537
terminated pursuant to section 2971.05 of the Revised Code. 4538

(Y) "Monitored time" means a period of time during which 4539
an offender continues to be under the control of the sentencing 4540
court or parole board, subject to no conditions other than 4541
leading a law-abiding life. 4542

(Z) "Offender" means a person who, in this state, is 4543
convicted of or pleads guilty to a felony or a misdemeanor. 4544

(AA) "Prison" means a residential facility used for the 4545
confinement of convicted felony offenders that is under the 4546
control of the department of rehabilitation and correction and 4547
includes a violation sanction center operated under authority of 4548
section 2967.141 of the Revised Code. 4549

(BB) (1) "Prison term" includes either of the following 4550
sanctions for an offender: 4551

(a) A stated prison term; 4552

(b) A term in a prison shortened by, or with the approval 4553
of, the sentencing court pursuant to section 2929.143, 2929.20, 4554
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 4555

(2) With respect to a non-life felony indefinite prison term, references in any provision of law to a reduction of, or deduction from, the prison term mean a reduction in, or deduction from, the minimum term imposed as part of the indefinite term.

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

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

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

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

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

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

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

(FF) (1) "Stated prison term" means the prison term, 4584
mandatory prison term, or combination of all prison terms and 4585
mandatory prison terms imposed by the sentencing court pursuant 4586
to section 2929.14, 2929.142, or 2971.03 of the Revised Code or 4587
under section 2919.25 of the Revised Code. "Stated prison term" 4588
includes any credit received by the offender for time spent in 4589
jail awaiting trial, sentencing, or transfer to prison for the 4590
offense and any time spent under house arrest or house arrest 4591
with electronic monitoring imposed after earning credits 4592
pursuant to section 2967.193 of the Revised Code. If an offender 4593
is serving a prison term as a risk reduction sentence under 4594
sections 2929.143 and 5120.036 of the Revised Code, "stated 4595
prison term" includes any period of time by which the prison 4596
term imposed upon the offender is shortened by the offender's 4597
successful completion of all assessment and treatment or 4598
programming pursuant to those sections. 4599

(2) As used in the definition of "stated prison term" set 4600
forth in division (FF) (1) of this section, a prison term is a 4601
definite prison term imposed under section 2929.14 of the 4602
Revised Code or any other provision of law, is the minimum and 4603
maximum prison terms under a non-life felony indefinite prison 4604
term, or is a term of life imprisonment except to the extent 4605
that the use of that definition in a section of the Revised Code 4606
clearly is not intended to include a term of life imprisonment. 4607
With respect to an offender sentenced to a non-life felony 4608
indefinite prison term, references in section 2967.191 or 4609
2967.193 of the Revised Code or any other provision of law to a 4610
reduction of, or deduction from, the offender's stated prison 4611
term or to release of the offender before the expiration of the 4612
offender's stated prison term mean a reduction in, or deduction 4613
from, the minimum term imposed as part of the indefinite term or 4614

a release of the offender before the expiration of that minimum 4615
term, references in section 2929.19 or 2967.28 of the Revised 4616
Code to a stated prison term with respect to a prison term 4617
imposed for a violation of a post-release control sanction mean 4618
the minimum term so imposed, and references in any provision of 4619
law to an offender's service of the offender's stated prison 4620
term or the expiration of the offender's stated prison term mean 4621
service or expiration of the minimum term so imposed plus any 4622
additional period of incarceration under the sentence that is 4623
required under section 2967.271 of the Revised Code. 4624

(GG) "Victim-offender mediation" means a reconciliation or 4625
mediation program that involves an offender and the victim of 4626
the offense committed by the offender and that includes a 4627
meeting in which the offender and the victim may discuss the 4628
offense, discuss restitution, and consider other sanctions for 4629
the offense. 4630

(HH) "Fourth degree felony OVI offense" means a violation 4631
of division (A) of section 4511.19 of the Revised Code that, 4632
under division (G) of that section, is a felony of the fourth 4633
degree. 4634

(II) "Mandatory term of local incarceration" means the 4635
term of sixty or one hundred twenty days in a jail, a community- 4636
based correctional facility, a halfway house, or an alternative 4637
residential facility that a sentencing court may impose upon a 4638
person who is convicted of or pleads guilty to a fourth degree 4639
felony OVI offense pursuant to division (G) (1) of section 4640
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 4641
section 4511.19 of the Revised Code. 4642

(JJ) "Designated homicide, assault, or kidnapping 4643
offense," "violent sex offense," "sexual motivation 4644

specification," "sexually violent offense," "sexually violent predator," and "sexually violent predator specification" have the same meanings as in section 2971.01 of the Revised Code.

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

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

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

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

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

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

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

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

(SS) "Body armor" has the same meaning as in section 4673
2941.1411 of the Revised Code. 4674

(TT) "Electronic monitoring" means monitoring through the 4675
use of an electronic monitoring device. 4676

(UU) "Electronic monitoring device" means any of the 4677
following: 4678

(1) Any device that can be operated by electrical or 4679
battery power and that conforms with all of the following: 4680

(a) The device has a transmitter that can be attached to a 4681
person, that will transmit a specified signal to a receiver of 4682
the type described in division (UU) (1) (b) of this section if the 4683
transmitter is removed from the person, turned off, or altered 4684
in any manner without prior court approval in relation to 4685
electronic monitoring or without prior approval of the 4686
department of rehabilitation and correction in relation to the 4687
use of an electronic monitoring device for an inmate on 4688
transitional control or otherwise is tampered with, that can 4689
transmit continuously and periodically a signal to that receiver 4690
when the person is within a specified distance from the 4691
receiver, and that can transmit an appropriate signal to that 4692
receiver if the person to whom it is attached travels a 4693
specified distance from that receiver. 4694

(b) The device has a receiver that can receive 4695
continuously the signals transmitted by a transmitter of the 4696
type described in division (UU) (1) (a) of this section, can 4697
transmit continuously those signals by a wireless or landline 4698
telephone connection to a central monitoring computer of the 4699
type described in division (UU) (1) (c) of this section, and can 4700
transmit continuously an appropriate signal to that central 4701

monitoring computer if the device has been turned off or altered 4702
without prior court approval or otherwise tampered with. The 4703
device is designed specifically for use in electronic 4704
monitoring, is not a converted wireless phone or another 4705
tracking device that is clearly not designed for electronic 4706
monitoring, and provides a means of text-based or voice 4707
communication with the person. 4708

(c) The device has a central monitoring computer that can 4709
receive continuously the signals transmitted by a wireless or 4710
landline telephone connection by a receiver of the type 4711
described in division (UU) (1) (b) of this section and can monitor 4712
continuously the person to whom an electronic monitoring device 4713
of the type described in division (UU) (1) (a) of this section is 4714
attached. 4715

(2) Any device that is not a device of the type described 4716
in division (UU) (1) of this section and that conforms with all 4717
of the following: 4718

(a) The device includes a transmitter and receiver that 4719
can monitor and determine the location of a subject person at 4720
any time, or at a designated point in time, through the use of a 4721
central monitoring computer or through other electronic means. 4722

(b) The device includes a transmitter and receiver that 4723
can determine at any time, or at a designated point in time, 4724
through the use of a central monitoring computer or other 4725
electronic means the fact that the transmitter is turned off or 4726
altered in any manner without prior approval of the court in 4727
relation to the electronic monitoring or without prior approval 4728
of the department of rehabilitation and correction in relation 4729
to the use of an electronic monitoring device for an inmate on 4730
transitional control or otherwise is tampered with. 4731

(3) Any type of technology that can adequately track or 4732
determine the location of a subject person at any time and that 4733
is approved by the director of rehabilitation and correction, 4734
including, but not limited to, any satellite technology, voice 4735
tracking system, or retinal scanning system that is so approved. 4736

(VV) "Non-economic loss" means nonpecuniary harm suffered 4737
by a victim of an offense as a result of or related to the 4738
commission of the offense, including, but not limited to, pain 4739
and suffering; loss of society, consortium, companionship, care, 4740
assistance, attention, protection, advice, guidance, counsel, 4741
instruction, training, or education; mental anguish; and any 4742
other intangible loss. 4743

(WW) "Prosecutor" has the same meaning as in section 4744
2935.01 of the Revised Code. 4745

(XX) "Continuous alcohol monitoring" means the ability to 4746
automatically test and periodically transmit alcohol consumption 4747
levels and tamper attempts at least every hour, regardless of 4748
the location of the person who is being monitored. 4749

(YY) A person is "adjudicated a sexually violent predator" 4750
if the person is convicted of or pleads guilty to a violent sex 4751
offense and also is convicted of or pleads guilty to a sexually 4752
violent predator specification that was included in the 4753
indictment, count in the indictment, or information charging 4754
that violent sex offense or if the person is convicted of or 4755
pleads guilty to a designated homicide, assault, or kidnapping 4756
offense and also is convicted of or pleads guilty to both a 4757
sexual motivation specification and a sexually violent predator 4758
specification that were included in the indictment, count in the 4759
indictment, or information charging that designated homicide, 4760
assault, or kidnapping offense. 4761

(ZZ) An offense is "committed in proximity to a school" if 4762
the offender commits the offense in a school safety zone or 4763
within five hundred feet of any school building or the 4764
boundaries of any school premises, regardless of whether the 4765
offender knows the offense is being committed in a school safety 4766
zone or within five hundred feet of any school building or the 4767
boundaries of any school premises. 4768

(AAA) "Human trafficking" means a scheme or plan to which 4769
all of the following apply: 4770

(1) Its object is one or more of the following: 4771

(a) To subject a victim or victims to involuntary 4772
servitude, as defined in section 2905.31 of the Revised Code or 4773
to compel a victim or victims to engage in sexual activity for 4774
hire, to engage in a performance that is obscene, sexually 4775
oriented, or nudity oriented, or to be a model or participant in 4776
the production of material that is obscene, sexually oriented, 4777
or nudity oriented; 4778

(b) To facilitate, encourage, or recruit a victim who is 4779
less than sixteen years of age or is a person with a 4780
developmental disability, or victims who are less than sixteen 4781
years of age or are persons with developmental disabilities, for 4782
any purpose listed in divisions (A)(2)(a) to (c) of section 4783
2905.32 of the Revised Code; 4784

(c) To facilitate, encourage, or recruit a victim who is 4785
sixteen or seventeen years of age, or victims who are sixteen or 4786
seventeen years of age, for any purpose listed in divisions (A) 4787
(2)(a) to (c) of section 2905.32 of the Revised Code, if the 4788
circumstances described in division (A)(5), (6), (7), (8), (9), 4789
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 4790

apply with respect to the person engaging in the conduct and the 4791
victim or victims. 4792

(2) It involves at least two felony offenses, whether or 4793
not there has been a prior conviction for any of the felony 4794
offenses, to which all of the following apply: 4795

(a) Each of the felony offenses is a violation of section 4796
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 4797
division (A) (1) or (2) of section 2907.323, or division (B) (1), 4798
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 4799
is a violation of a law of any state other than this state that 4800
is substantially similar to any of the sections or divisions of 4801
the Revised Code identified in this division. 4802

(b) At least one of the felony offenses was committed in 4803
this state. 4804

(c) The felony offenses are related to the same scheme or 4805
plan and are not isolated instances. 4806

(BBB) "Material," "nudity," "obscene," "performance," and 4807
"sexual activity" have the same meanings as in section 2907.01 4808
of the Revised Code. 4809

(CCC) "Material that is obscene, sexually oriented, or 4810
nudity oriented" means any material that is obscene, that shows 4811
a person participating or engaging in sexual activity, 4812
masturbation, or bestiality, or that shows a person in a state 4813
of nudity. 4814

(DDD) "Performance that is obscene, sexually oriented, or 4815
nudity oriented" means any performance that is obscene, that 4816
shows a person participating or engaging in sexual activity, 4817
masturbation, or bestiality, or that shows a person in a state 4818
of nudity. 4819

(EEE) "Accelerant" means a fuel or oxidizing agent, such as an ignitable liquid, used to initiate a fire or increase the rate of growth or spread of a fire.

(FFF) "Permanent disabling harm" means serious physical harm that results in permanent injury to the intellectual, physical, or sensory functions and that permanently and substantially impairs a person's ability to meet one or more of the ordinary demands of life, including the functions of caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(GGG) "Non-life felony indefinite prison term" means a prison term imposed under division (A)(1)(a) or (2)(a) of section 2929.14 and section 2929.144 of the Revised Code for a felony of the first or second degree committed on or after ~~the effective date of this amendment~~ March 22, 2019.

Sec. 2929.14. (A) Except as provided in division (B)(1), (B)(2), (B)(3), (B)(4), (B)(5), (B)(6), (B)(7), (B)(8), (B)(9), (B)(10), (B)(11), (E), (G), (H), (J), or (K) of this section or in division (D)(6) of section 2919.25 of the Revised Code and except in relation to an offense for which a sentence of death or life imprisonment is to be imposed, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender pursuant to this chapter, the court shall impose a prison term that shall be one of the following:

(1)(a) For a felony of the first degree committed on or after the effective date of this amendment, the prison term shall be an indefinite prison term with a stated minimum term selected by the court of three, four, five, six, seven, eight, nine, ten, or eleven years and a maximum term that is determined

pursuant to section 2929.144 of the Revised Code, except that if 4850
the section that criminalizes the conduct constituting the 4851
felony specifies a different minimum term or penalty for the 4852
offense, the specific language of that section shall control in 4853
determining the minimum term or otherwise sentencing the 4854
offender but the minimum term or sentence imposed under that 4855
specific language shall be considered for purposes of the 4856
Revised Code as if it had been imposed under this division. 4857

(b) For a felony of the first degree committed prior to 4858
the effective date of this amendment, the prison term shall be a 4859
definite prison term of three, four, five, six, seven, eight, 4860
nine, ten, or eleven years. 4861

(2) (a) For a felony of the second degree committed on or 4862
after the effective date of this amendment, the prison term 4863
shall be an indefinite prison term with a stated minimum term 4864
selected by the court of two, three, four, five, six, seven, or 4865
eight years and a maximum term that is determined pursuant to 4866
section 2929.144 of the Revised Code, except that if the section 4867
that criminalizes the conduct constituting the felony specifies 4868
a different minimum term or penalty for the offense, the 4869
specific language of that section shall control in determining 4870
the minimum term or otherwise sentencing the offender but the 4871
minimum term or sentence imposed under that specific language 4872
shall be considered for purposes of the Revised Code as if it 4873
had been imposed under this division. 4874

(b) For a felony of the second degree committed prior to 4875
the effective date of this amendment, the prison term shall be a 4876
definite term of two, three, four, five, six, seven, or eight 4877
years. 4878

(3) (a) For a felony of the third degree that is a 4879

violation of section 2903.06, 2903.08, 2907.03, 2907.04, 4880
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 4881
Code or that is a violation of section 2911.02 or 2911.12 of the 4882
Revised Code if the offender previously has been convicted of or 4883
pleaded guilty in two or more separate proceedings to two or 4884
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 4885
of the Revised Code, the prison term shall be a definite term of 4886
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 4887
forty-eight, fifty-four, or sixty months. 4888

(b) For a felony of the third degree that is not an 4889
offense for which division (A) (3) (a) of this section applies, 4890
the prison term shall be a definite term of nine, twelve, 4891
eighteen, twenty-four, thirty, or thirty-six months. 4892

(4) For a felony of the fourth degree, the prison term 4893
shall be a definite term of six, seven, eight, nine, ten, 4894
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 4895
or eighteen months. 4896

(5) For a felony of the fifth degree, the prison term 4897
shall be a definite term of six, seven, eight, nine, ten, 4898
eleven, or twelve months. 4899

(B) (1) (a) Except as provided in division (B) (1) (e) of this 4900
section, if an offender who is convicted of or pleads guilty to 4901
a felony also is convicted of or pleads guilty to a 4902
specification of the type described in section 2941.141, 4903
2941.144, or 2941.145 of the Revised Code, the court shall 4904
impose on the offender one of the following prison terms: 4905

(i) A prison term of six years if the specification is of 4906
the type described in division (A) of section 2941.144 of the 4907
Revised Code that charges the offender with having a firearm 4908

that is an automatic firearm or that was equipped with a firearm 4909
muffler or suppressor on or about the offender's person or under 4910
the offender's control while committing the offense; 4911

(ii) A prison term of three years if the specification is 4912
of the type described in division (A) of section 2941.145 of the 4913
Revised Code that charges the offender with having a firearm on 4914
or about the offender's person or under the offender's control 4915
while committing the offense and displaying the firearm, 4916
brandishing the firearm, indicating that the offender possessed 4917
the firearm, or using it to facilitate the offense; 4918

(iii) A prison term of one year if the specification is of 4919
the type described in division (A) of section 2941.141 of the 4920
Revised Code that charges the offender with having a firearm on 4921
or about the offender's person or under the offender's control 4922
while committing the offense; 4923

(iv) A prison term of nine years if the specification is 4924
of the type described in division (D) of section 2941.144 of the 4925
Revised Code that charges the offender with having a firearm 4926
that is an automatic firearm or that was equipped with a firearm 4927
muffler or suppressor on or about the offender's person or under 4928
the offender's control while committing the offense and 4929
specifies that the offender previously has been convicted of or 4930
pleaded guilty to a specification of the type described in 4931
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 4932
the Revised Code; 4933

(v) A prison term of fifty-four months if the 4934
specification is of the type described in division (D) of 4935
section 2941.145 of the Revised Code that charges the offender 4936
with having a firearm on or about the offender's person or under 4937
the offender's control while committing the offense and 4938

displaying the firearm, brandishing the firearm, indicating that 4939
the offender possessed the firearm, or using the firearm to 4940
facilitate the offense and that the offender previously has been 4941
convicted of or pleaded guilty to a specification of the type 4942
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 4943
2941.1412 of the Revised Code; 4944

(vi) A prison term of eighteen months if the specification 4945
is of the type described in division (D) of section 2941.141 of 4946
the Revised Code that charges the offender with having a firearm 4947
on or about the offender's person or under the offender's 4948
control while committing the offense and that the offender 4949
previously has been convicted of or pleaded guilty to a 4950
specification of the type described in section 2941.141, 4951
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 4952

(b) If a court imposes a prison term on an offender under 4953
division (B)(1)(a) of this section, the prison term shall not be 4954
reduced pursuant to section 2967.19, section 2929.20, section 4955
2967.193, or any other provision of Chapter 2967. or Chapter 4956
5120. of the Revised Code. Except as provided in division (B)(1) 4957
(g) of this section, a court shall not impose more than one 4958
prison term on an offender under division (B)(1)(a) of this 4959
section for felonies committed as part of the same act or 4960
transaction. 4961

(c)(i) Except as provided in division (B)(1)(e) of this 4962
section, if an offender who is convicted of or pleads guilty to 4963
a violation of section 2923.161 of the Revised Code or to a 4964
felony that includes, as an essential element, purposely or 4965
knowingly causing or attempting to cause the death of or 4966
physical harm to another, also is convicted of or pleads guilty 4967
to a specification of the type described in division (A) of 4968

section 2941.146 of the Revised Code that charges the offender 4969
with committing the offense by discharging a firearm from a 4970
motor vehicle other than a manufactured home, the court, after 4971
imposing a prison term on the offender for the violation of 4972
section 2923.161 of the Revised Code or for the other felony 4973
offense under division (A), (B) (2), or (B) (3) of this section, 4974
shall impose an additional prison term of five years upon the 4975
offender that shall not be reduced pursuant to section 2929.20, 4976
section 2967.19, section 2967.193, or any other provision of 4977
Chapter 2967. or Chapter 5120. of the Revised Code. 4978

(ii) Except as provided in division (B) (1) (e) of this 4979
section, if an offender who is convicted of or pleads guilty to 4980
a violation of section 2923.161 of the Revised Code or to a 4981
felony that includes, as an essential element, purposely or 4982
knowingly causing or attempting to cause the death of or 4983
physical harm to another, also is convicted of or pleads guilty 4984
to a specification of the type described in division (C) of 4985
section 2941.146 of the Revised Code that charges the offender 4986
with committing the offense by discharging a firearm from a 4987
motor vehicle other than a manufactured home and that the 4988
offender previously has been convicted of or pleaded guilty to a 4989
specification of the type described in section 2941.141, 4990
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 4991
the court, after imposing a prison term on the offender for the 4992
violation of section 2923.161 of the Revised Code or for the 4993
other felony offense under division (A), (B) (2), or (3) of this 4994
section, shall impose an additional prison term of ninety months 4995
upon the offender that shall not be reduced pursuant to section 4996
2929.20, 2967.19, 2967.193, or any other provision of Chapter 4997
2967. or Chapter 5120. of the Revised Code. 4998

(iii) A court shall not impose more than one additional 4999

prison term on an offender under division (B) (1) (c) of this 5000
section for felonies committed as part of the same act or 5001
transaction. If a court imposes an additional prison term on an 5002
offender under division (B) (1) (c) of this section relative to an 5003
offense, the court also shall impose a prison term under 5004
division (B) (1) (a) of this section relative to the same offense, 5005
provided the criteria specified in that division for imposing an 5006
additional prison term are satisfied relative to the offender 5007
and the offense. 5008

(d) If an offender who is convicted of or pleads guilty to 5009
an offense of violence that is a felony also is convicted of or 5010
pleads guilty to a specification of the type described in 5011
section 2941.1411 of the Revised Code that charges the offender 5012
with wearing or carrying body armor while committing the felony 5013
offense of violence, the court shall impose on the offender an 5014
additional prison term of two years. The prison term so imposed, 5015
subject to divisions (C) to (I) of section 2967.19 of the 5016
Revised Code, shall not be reduced pursuant to section 2929.20, 5017
section 2967.19, section 2967.193, or any other provision of 5018
Chapter 2967. or Chapter 5120. of the Revised Code. A court 5019
shall not impose more than one prison term on an offender under 5020
division (B) (1) (d) of this section for felonies committed as 5021
part of the same act or transaction. If a court imposes an 5022
additional prison term under division (B) (1) (a) or (c) of this 5023
section, the court is not precluded from imposing an additional 5024
prison term under division (B) (1) (d) of this section. 5025

(e) The court shall not impose any of the prison terms 5026
described in division (B) (1) (a) of this section or any of the 5027
additional prison terms described in division (B) (1) (c) of this 5028
section upon an offender for a violation of section 2923.12 or 5029
2923.123 of the Revised Code. The court shall not impose any of 5030

the prison terms described in division (B) (1) (a) or (b) of this 5031
section upon an offender for a violation of section 2923.122 5032
that involves a deadly weapon that is a firearm other than a 5033
dangerous ordnance, section 2923.16, or section 2923.121 of the 5034
Revised Code. The court shall not impose any of the prison terms 5035
described in division (B) (1) (a) of this section or any of the 5036
additional prison terms described in division (B) (1) (c) of this 5037
section upon an offender for a violation of section 2923.13 of 5038
the Revised Code unless all of the following apply: 5039

(i) The offender previously has been convicted of 5040
aggravated murder, murder, or any felony of the first or second 5041
degree. 5042

(ii) Less than five years have passed since the offender 5043
was released from prison or post-release control, whichever is 5044
later, for the prior offense. 5045

(f) (i) If an offender is convicted of or pleads guilty to 5046
a felony that includes, as an essential element, causing or 5047
attempting to cause the death of or physical harm to another and 5048
also is convicted of or pleads guilty to a specification of the 5049
type described in division (A) of section 2941.1412 of the 5050
Revised Code that charges the offender with committing the 5051
offense by discharging a firearm at a peace officer as defined 5052
in section 2935.01 of the Revised Code or a corrections officer, 5053
as defined in section 2941.1412 of the Revised Code, the court, 5054
after imposing a prison term on the offender for the felony 5055
offense under division (A), (B) (2), or (B) (3) of this section, 5056
shall impose an additional prison term of seven years upon the 5057
offender that shall not be reduced pursuant to section 2929.20, 5058
section 2967.19, section 2967.193, or any other provision of 5059
Chapter 2967. or Chapter 5120. of the Revised Code. 5060

(ii) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element, causing or attempting to cause the death of or physical harm to another and also is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1412 of the Revised Code that charges the offender with committing the offense by discharging a firearm at a peace officer, as defined in section 2935.01 of the Revised Code, or a corrections officer, as defined in section 2941.1412 of the Revised Code, and that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the felony offense under division (A), (B) (2), or (3) of this section, shall impose an additional prison term of one hundred twenty-six months upon the offender that shall not be reduced pursuant to section 2929.20, 2967.19, 2967.193, or any other provision of Chapter 2967. or 5120. of the Revised Code.

(iii) If an offender is convicted of or pleads guilty to two or more felonies that include, as an essential element, causing or attempting to cause the death or physical harm to another and also is convicted of or pleads guilty to a specification of the type described under division (B) (1) (f) of this section in connection with two or more of the felonies of which the offender is convicted or to which the offender pleads guilty, the sentencing court shall impose on the offender the prison term specified under division (B) (1) (f) of this section for each of two of the specifications of which the offender is convicted or to which the offender pleads guilty and, in its discretion, also may impose on the offender the prison term

specified under that division for any or all of the remaining 5092
specifications. If a court imposes an additional prison term on 5093
an offender under division (B) (1) (f) of this section relative to 5094
an offense, the court shall not impose a prison term under 5095
division (B) (1) (a) or (c) of this section relative to the same 5096
offense. 5097

(g) If an offender is convicted of or pleads guilty to two 5098
or more felonies, if one or more of those felonies are 5099
aggravated murder, murder, attempted aggravated murder, 5100
attempted murder, aggravated robbery, felonious assault, or 5101
rape, and if the offender is convicted of or pleads guilty to a 5102
specification of the type described under division (B) (1) (a) of 5103
this section in connection with two or more of the felonies, the 5104
sentencing court shall impose on the offender the prison term 5105
specified under division (B) (1) (a) of this section for each of 5106
the two most serious specifications of which the offender is 5107
convicted or to which the offender pleads guilty and, in its 5108
discretion, also may impose on the offender the prison term 5109
specified under that division for any or all of the remaining 5110
specifications. 5111

(2) (a) If division (B) (2) (b) of this section does not 5112
apply, the court may impose on an offender, in addition to the 5113
longest prison term authorized or required for the offense or, 5114
for offenses for which division (A) (1) (a) or (2) (a) of this 5115
section applies, in addition to the longest minimum prison term 5116
authorized or required for the offense, an additional definite 5117
prison term of one, two, three, four, five, six, seven, eight, 5118
nine, or ten years if all of the following criteria are met: 5119

(i) The offender is convicted of or pleads guilty to a 5120
specification of the type described in section 2941.149 of the 5121

Revised Code that the offender is a repeat violent offender. 5122

(ii) The offense of which the offender currently is 5123
convicted or to which the offender currently pleads guilty is 5124
aggravated murder and the court does not impose a sentence of 5125
death or life imprisonment without parole, murder, terrorism and 5126
the court does not impose a sentence of life imprisonment 5127
without parole, any felony of the first degree that is an 5128
offense of violence and the court does not impose a sentence of 5129
life imprisonment without parole, or any felony of the second 5130
degree that is an offense of violence and the trier of fact 5131
finds that the offense involved an attempt to cause or a threat 5132
to cause serious physical harm to a person or resulted in 5133
serious physical harm to a person. 5134

(iii) The court imposes the longest prison term for the 5135
offense or the longest minimum prison term for the offense, 5136
whichever is applicable, that is not life imprisonment without 5137
parole. 5138

(iv) The court finds that the prison terms imposed 5139
pursuant to division (B) (2) (a) (iii) of this section and, if 5140
applicable, division (B) (1) or (3) of this section are 5141
inadequate to punish the offender and protect the public from 5142
future crime, because the applicable factors under section 5143
2929.12 of the Revised Code indicating a greater likelihood of 5144
recidivism outweigh the applicable factors under that section 5145
indicating a lesser likelihood of recidivism. 5146

(v) The court finds that the prison terms imposed pursuant 5147
to division (B) (2) (a) (iii) of this section and, if applicable, 5148
division (B) (1) or (3) of this section are demeaning to the 5149
seriousness of the offense, because one or more of the factors 5150
under section 2929.12 of the Revised Code indicating that the 5151

offender's conduct is more serious than conduct normally 5152
constituting the offense are present, and they outweigh the 5153
applicable factors under that section indicating that the 5154
offender's conduct is less serious than conduct normally 5155
constituting the offense. 5156

(b) The court shall impose on an offender the longest 5157
prison term authorized or required for the offense or, for 5158
offenses for which division (A) (1) (a) or (2) (a) of this section 5159
applies, the longest minimum prison term authorized or required 5160
for the offense, and shall impose on the offender an additional 5161
definite prison term of one, two, three, four, five, six, seven, 5162
eight, nine, or ten years if all of the following criteria are 5163
met: 5164

(i) The offender is convicted of or pleads guilty to a 5165
specification of the type described in section 2941.149 of the 5166
Revised Code that the offender is a repeat violent offender. 5167

(ii) The offender within the preceding twenty years has 5168
been convicted of or pleaded guilty to three or more offenses 5169
described in division (CC) (1) of section 2929.01 of the Revised 5170
Code, including all offenses described in that division of which 5171
the offender is convicted or to which the offender pleads guilty 5172
in the current prosecution and all offenses described in that 5173
division of which the offender previously has been convicted or 5174
to which the offender previously pleaded guilty, whether 5175
prosecuted together or separately. 5176

(iii) The offense or offenses of which the offender 5177
currently is convicted or to which the offender currently pleads 5178
guilty is aggravated murder and the court does not impose a 5179
sentence of death or life imprisonment without parole, murder, 5180
terrorism and the court does not impose a sentence of life 5181

imprisonment without parole, any felony of the first degree that 5182
is an offense of violence and the court does not impose a 5183
sentence of life imprisonment without parole, or any felony of 5184
the second degree that is an offense of violence and the trier 5185
of fact finds that the offense involved an attempt to cause or a 5186
threat to cause serious physical harm to a person or resulted in 5187
serious physical harm to a person. 5188

(c) For purposes of division (B) (2) (b) of this section, 5189
two or more offenses committed at the same time or as part of 5190
the same act or event shall be considered one offense, and that 5191
one offense shall be the offense with the greatest penalty. 5192

(d) A sentence imposed under division (B) (2) (a) or (b) of 5193
this section shall not be reduced pursuant to section 2929.20, 5194
section 2967.19, or section 2967.193, or any other provision of 5195
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 5196
shall serve an additional prison term imposed under division (B) 5197
(2) (a) or (b) of this section consecutively to and prior to the 5198
prison term imposed for the underlying offense. 5199

(e) When imposing a sentence pursuant to division (B) (2) 5200
(a) or (b) of this section, the court shall state its findings 5201
explaining the imposed sentence. 5202

(3) Except when an offender commits a violation of section 5203
2903.01 or 2907.02 of the Revised Code and the penalty imposed 5204
for the violation is life imprisonment or commits a violation of 5205
section 2903.02 of the Revised Code, if the offender commits a 5206
violation of section 2925.03 or 2925.11 of the Revised Code and 5207
that section classifies the offender as a major drug offender, 5208
if the offender commits a violation of section 2925.05 of the 5209
Revised Code and division (E) (1) of that section classifies the 5210
offender as a major drug offender, if the offender commits a 5211

felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 5212
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 5213
division (C) or (D) of section 3719.172, division (E) of section 5214
4729.51, or division (J) of section 4729.54 of the Revised Code 5215
that includes the sale, offer to sell, or possession of a 5216
schedule I or II controlled substance, with the exception of 5217
~~marihuana~~cannabis, and the court imposing sentence upon the 5218
offender finds that the offender is guilty of a specification of 5219
the type described in division (A) of section 2941.1410 of the 5220
Revised Code charging that the offender is a major drug 5221
offender, if the court imposing sentence upon an offender for a 5222
felony finds that the offender is guilty of corrupt activity 5223
with the most serious offense in the pattern of corrupt activity 5224
being a felony of the first degree, or if the offender is guilty 5225
of an attempted violation of section 2907.02 of the Revised Code 5226
and, had the offender completed the violation of section 2907.02 5227
of the Revised Code that was attempted, the offender would have 5228
been subject to a sentence of life imprisonment or life 5229
imprisonment without parole for the violation of section 2907.02 5230
of the Revised Code, the court shall impose upon the offender 5231
for the felony violation a mandatory prison term determined as 5232
described in this division that, subject to divisions (C) to (I) 5233
of section 2967.19 of the Revised Code, cannot be reduced 5234
pursuant to section 2929.20, section 2967.19, or any other 5235
provision of Chapter 2967. or 5120. of the Revised Code. The 5236
mandatory prison term shall be the maximum definite prison term 5237
prescribed in division (A) (1) (b) of this section for a felony of 5238
the first degree, except that for offenses for which division 5239
(A) (1) (a) of this section applies, the mandatory prison term 5240
shall be the longest minimum prison term prescribed in that 5241
division for the offense. 5242

(4) If the offender is being sentenced for a third or 5243
fourth degree felony OVI offense under division (G) (2) of 5244
section 2929.13 of the Revised Code, the sentencing court shall 5245
impose upon the offender a mandatory prison term in accordance 5246
with that division. In addition to the mandatory prison term, if 5247
the offender is being sentenced for a fourth degree felony OVI 5248
offense, the court, notwithstanding division (A) (4) of this 5249
section, may sentence the offender to a definite prison term of 5250
not less than six months and not more than thirty months, and if 5251
the offender is being sentenced for a third degree felony OVI 5252
offense, the sentencing court may sentence the offender to an 5253
additional prison term of any duration specified in division (A) 5254
(3) of this section. In either case, the additional prison term 5255
imposed shall be reduced by the sixty or one hundred twenty days 5256
imposed upon the offender as the mandatory prison term. The 5257
total of the additional prison term imposed under division (B) 5258
(4) of this section plus the sixty or one hundred twenty days 5259
imposed as the mandatory prison term shall equal a definite term 5260
in the range of six months to thirty months for a fourth degree 5261
felony OVI offense and shall equal one of the authorized prison 5262
terms specified in division (A) (3) of this section for a third 5263
degree felony OVI offense. If the court imposes an additional 5264
prison term under division (B) (4) of this section, the offender 5265
shall serve the additional prison term after the offender has 5266
served the mandatory prison term required for the offense. In 5267
addition to the mandatory prison term or mandatory and 5268
additional prison term imposed as described in division (B) (4) 5269
of this section, the court also may sentence the offender to a 5270
community control sanction under section 2929.16 or 2929.17 of 5271
the Revised Code, but the offender shall serve all of the prison 5272
terms so imposed prior to serving the community control 5273
sanction. 5274

If the offender is being sentenced for a fourth degree 5275
felony OVI offense under division (G)(1) of section 2929.13 of 5276
the Revised Code and the court imposes a mandatory term of local 5277
incarceration, the court may impose a prison term as described 5278
in division (A)(1) of that section. 5279

(5) If an offender is convicted of or pleads guilty to a 5280
violation of division (A)(1) or (2) of section 2903.06 of the 5281
Revised Code and also is convicted of or pleads guilty to a 5282
specification of the type described in section 2941.1414 of the 5283
Revised Code that charges that the victim of the offense is a 5284
peace officer, as defined in section 2935.01 of the Revised 5285
Code, or an investigator of the bureau of criminal 5286
identification and investigation, as defined in section 2903.11 5287
of the Revised Code, the court shall impose on the offender a 5288
prison term of five years. If a court imposes a prison term on 5289
an offender under division (B)(5) of this section, the prison 5290
term, subject to divisions (C) to (I) of section 2967.19 of the 5291
Revised Code, shall not be reduced pursuant to section 2929.20, 5292
section 2967.19, section 2967.193, or any other provision of 5293
Chapter 2967. or Chapter 5120. of the Revised Code. A court 5294
shall not impose more than one prison term on an offender under 5295
division (B)(5) of this section for felonies committed as part 5296
of the same act. 5297

(6) If an offender is convicted of or pleads guilty to a 5298
violation of division (A)(1) or (2) of section 2903.06 of the 5299
Revised Code and also is convicted of or pleads guilty to a 5300
specification of the type described in section 2941.1415 of the 5301
Revised Code that charges that the offender previously has been 5302
convicted of or pleaded guilty to three or more violations of 5303
division (A) or (B) of section 4511.19 of the Revised Code or an 5304
equivalent offense, as defined in section 2941.1415 of the 5305

Revised Code, or three or more violations of any combination of 5306
those divisions and offenses, the court shall impose on the 5307
offender a prison term of three years. If a court imposes a 5308
prison term on an offender under division (B) (6) of this 5309
section, the prison term, subject to divisions (C) to (I) of 5310
section 2967.19 of the Revised Code, shall not be reduced 5311
pursuant to section 2929.20, section 2967.19, section 2967.193, 5312
or any other provision of Chapter 2967. or Chapter 5120. of the 5313
Revised Code. A court shall not impose more than one prison term 5314
on an offender under division (B) (6) of this section for 5315
felonies committed as part of the same act. 5316

(7) (a) If an offender is convicted of or pleads guilty to 5317
a felony violation of section 2905.01, 2905.02, 2907.21, 5318
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 5319
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 5320
section 2919.22 of the Revised Code and also is convicted of or 5321
pleads guilty to a specification of the type described in 5322
section 2941.1422 of the Revised Code that charges that the 5323
offender knowingly committed the offense in furtherance of human 5324
trafficking, the court shall impose on the offender a mandatory 5325
prison term that is one of the following: 5326

(i) If the offense is a felony of the first degree, a 5327
definite prison term of not less than five years and not greater 5328
than eleven years, except that if the offense is a felony of the 5329
first degree committed on or after the effective date of this 5330
amendment, the court shall impose as the minimum prison term a 5331
mandatory term of not less than five years and not greater than 5332
eleven years; 5333

(ii) If the offense is a felony of the second or third 5334
degree, a definite prison term of not less than three years and 5335

not greater than the maximum prison term allowed for the offense 5336
by division (A) (2) (b) or (3) of this section, except that if the 5337
offense is a felony of the second degree committed on or after 5338
the effective date of this amendment, the court shall impose as 5339
the minimum prison term a mandatory term of not less than three 5340
years and not greater than eight years; 5341

(iii) If the offense is a felony of the fourth or fifth 5342
degree, a definite prison term that is the maximum prison term 5343
allowed for the offense by division (A) of section 2929.14 of 5344
the Revised Code. 5345

(b) Subject to divisions (C) to (I) of section 2967.19 of 5346
the Revised Code, the prison term imposed under division (B) (7) 5347
(a) of this section shall not be reduced pursuant to section 5348
2929.20, section 2967.19, section 2967.193, or any other 5349
provision of Chapter 2967. of the Revised Code. A court shall 5350
not impose more than one prison term on an offender under 5351
division (B) (7) (a) of this section for felonies committed as 5352
part of the same act, scheme, or plan. 5353

(8) If an offender is convicted of or pleads guilty to a 5354
felony violation of section 2903.11, 2903.12, or 2903.13 of the 5355
Revised Code and also is convicted of or pleads guilty to a 5356
specification of the type described in section 2941.1423 of the 5357
Revised Code that charges that the victim of the violation was a 5358
woman whom the offender knew was pregnant at the time of the 5359
violation, notwithstanding the range prescribed in division (A) 5360
of this section as the definite prison term or minimum prison 5361
term for felonies of the same degree as the violation, the court 5362
shall impose on the offender a mandatory prison term that is 5363
either a definite prison term of six months or one of the prison 5364
terms prescribed in division (A) of this section for felonies of 5365

the same degree as the violation, except that if the violation 5366
is a felony of the first or second degree committed on or after 5367
the effective date of this amendment, the court shall impose as 5368
the minimum prison term under division (A) (1) (a) or (2) (a) of 5369
this section a mandatory term that is one of the terms 5370
prescribed in that division, whichever is applicable, for the 5371
offense. 5372

(9) (a) If an offender is convicted of or pleads guilty to 5373
a violation of division (A) (1) or (2) of section 2903.11 of the 5374
Revised Code and also is convicted of or pleads guilty to a 5375
specification of the type described in section 2941.1425 of the 5376
Revised Code, the court shall impose on the offender a mandatory 5377
prison term of six years if either of the following applies: 5378

(i) The violation is a violation of division (A) (1) of 5379
section 2903.11 of the Revised Code and the specification 5380
charges that the offender used an accelerant in committing the 5381
violation and the serious physical harm to another or to 5382
another's unborn caused by the violation resulted in a 5383
permanent, serious disfigurement or permanent, substantial 5384
incapacity; 5385

(ii) The violation is a violation of division (A) (2) of 5386
section 2903.11 of the Revised Code and the specification 5387
charges that the offender used an accelerant in committing the 5388
violation, that the violation caused physical harm to another or 5389
to another's unborn, and that the physical harm resulted in a 5390
permanent, serious disfigurement or permanent, substantial 5391
incapacity. 5392

(b) If a court imposes a prison term on an offender under 5393
division (B) (9) (a) of this section, the prison term shall not be 5394
reduced pursuant to section 2929.20, section 2967.19, section 5395

2967.193, or any other provision of Chapter 2967. or Chapter 5396
5120. of the Revised Code. A court shall not impose more than 5397
one prison term on an offender under division (B) (9) of this 5398
section for felonies committed as part of the same act. 5399

(c) The provisions of divisions (B) (9) and (C) (6) of this 5400
section and of division (D) (2) of section 2903.11, division (F) 5401
(20) of section 2929.13, and section 2941.1425 of the Revised 5402
Code shall be known as "Judy's Law." 5403

(10) If an offender is convicted of or pleads guilty to a 5404
violation of division (A) of section 2903.11 of the Revised Code 5405
and also is convicted of or pleads guilty to a specification of 5406
the type described in section 2941.1426 of the Revised Code that 5407
charges that the victim of the offense suffered permanent 5408
disabling harm as a result of the offense and that the victim 5409
was under ten years of age at the time of the offense, 5410
regardless of whether the offender knew the age of the victim, 5411
the court shall impose upon the offender an additional definite 5412
prison term of six years. A prison term imposed on an offender 5413
under division (B) (10) of this section shall not be reduced 5414
pursuant to section 2929.20, section 2967.193, or any other 5415
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 5416
If a court imposes an additional prison term on an offender 5417
under this division relative to a violation of division (A) of 5418
section 2903.11 of the Revised Code, the court shall not impose 5419
any other additional prison term on the offender relative to the 5420
same offense. 5421

(11) If an offender is convicted of or pleads guilty to a 5422
felony violation of section 2925.03 or 2925.05 of the Revised 5423
Code or a felony violation of section 2925.11 of the Revised 5424
Code for which division (C) (11) of that section applies in 5425

determining the sentence for the violation, if the drug involved 5426
in the violation is a fentanyl-related compound or a compound, 5427
mixture, preparation, or substance containing a fentanyl-related 5428
compound, and if the offender also is convicted of or pleads 5429
guilty to a specification of the type described in division (B) 5430
of section 2941.1410 of the Revised Code that charges that the 5431
offender is a major drug offender, in addition to any other 5432
penalty imposed for the violation, the court shall impose on the 5433
offender a mandatory prison term of three, four, five, six, 5434
seven, or eight years. If a court imposes a prison term on an 5435
offender under division (B) (11) of this section, the prison 5436
term, subject to divisions (C) to (I) of section 2967.19 of the 5437
Revised Code, shall not be reduced pursuant to section 2929.20, 5438
2967.19, or 2967.193, or any other provision of Chapter 2967. or 5439
5120. of the Revised Code. A court shall not impose more than 5440
one prison term on an offender under division (B) (11) of this 5441
section for felonies committed as part of the same act. 5442

(C) (1) (a) Subject to division (C) (1) (b) of this section, 5443
if a mandatory prison term is imposed upon an offender pursuant 5444
to division (B) (1) (a) of this section for having a firearm on or 5445
about the offender's person or under the offender's control 5446
while committing a felony, if a mandatory prison term is imposed 5447
upon an offender pursuant to division (B) (1) (c) of this section 5448
for committing a felony specified in that division by 5449
discharging a firearm from a motor vehicle, or if both types of 5450
mandatory prison terms are imposed, the offender shall serve any 5451
mandatory prison term imposed under either division 5452
consecutively to any other mandatory prison term imposed under 5453
either division or under division (B) (1) (d) of this section, 5454
consecutively to and prior to any prison term imposed for the 5455
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 5456

this section or any other section of the Revised Code, and 5457
consecutively to any other prison term or mandatory prison term 5458
previously or subsequently imposed upon the offender. 5459

(b) If a mandatory prison term is imposed upon an offender 5460
pursuant to division (B)(1)(d) of this section for wearing or 5461
carrying body armor while committing an offense of violence that 5462
is a felony, the offender shall serve the mandatory term so 5463
imposed consecutively to any other mandatory prison term imposed 5464
under that division or under division (B)(1)(a) or (c) of this 5465
section, consecutively to and prior to any prison term imposed 5466
for the underlying felony under division (A), (B)(2), or (B)(3) 5467
of this section or any other section of the Revised Code, and 5468
consecutively to any other prison term or mandatory prison term 5469
previously or subsequently imposed upon the offender. 5470

(c) If a mandatory prison term is imposed upon an offender 5471
pursuant to division (B)(1)(f) of this section, the offender 5472
shall serve the mandatory prison term so imposed consecutively 5473
to and prior to any prison term imposed for the underlying 5474
felony under division (A), (B)(2), or (B)(3) of this section or 5475
any other section of the Revised Code, and consecutively to any 5476
other prison term or mandatory prison term previously or 5477
subsequently imposed upon the offender. 5478

(d) If a mandatory prison term is imposed upon an offender 5479
pursuant to division (B)(7) or (8) of this section, the offender 5480
shall serve the mandatory prison term so imposed consecutively 5481
to any other mandatory prison term imposed under that division 5482
or under any other provision of law and consecutively to any 5483
other prison term or mandatory prison term previously or 5484
subsequently imposed upon the offender. 5485

(e) If a mandatory prison term is imposed upon an offender 5486

pursuant to division (B)(11) of this section, the offender shall 5487
serve the mandatory prison term consecutively to any other 5488
mandatory prison term imposed under that division, consecutively 5489
to and prior to any prison term imposed for the underlying 5490
felony, and consecutively to any other prison term or mandatory 5491
prison term previously or subsequently imposed upon the 5492
offender. 5493

(2) If an offender who is an inmate in a jail, prison, or 5494
other residential detention facility violates section 2917.02, 5495
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 5496
(2) of section 2921.34 of the Revised Code, if an offender who 5497
is under detention at a detention facility commits a felony 5498
violation of section 2923.131 of the Revised Code, or if an 5499
offender who is an inmate in a jail, prison, or other 5500
residential detention facility or is under detention at a 5501
detention facility commits another felony while the offender is 5502
an escapee in violation of division (A)(1) or (2) of section 5503
2921.34 of the Revised Code, any prison term imposed upon the 5504
offender for one of those violations shall be served by the 5505
offender consecutively to the prison term or term of 5506
imprisonment the offender was serving when the offender 5507
committed that offense and to any other prison term previously 5508
or subsequently imposed upon the offender. 5509

(3) If a prison term is imposed for a violation of 5510
division (B) of section 2911.01 of the Revised Code, a violation 5511
of division (A) of section 2913.02 of the Revised Code in which 5512
the stolen property is a firearm or dangerous ordnance, or a 5513
felony violation of division (B) of section 2921.331 of the 5514
Revised Code, the offender shall serve that prison term 5515
consecutively to any other prison term or mandatory prison term 5516
previously or subsequently imposed upon the offender. 5517

(4) If multiple prison terms are imposed on an offender 5518
for convictions of multiple offenses, the court may require the 5519
offender to serve the prison terms consecutively if the court 5520
finds that the consecutive service is necessary to protect the 5521
public from future crime or to punish the offender and that 5522
consecutive sentences are not disproportionate to the 5523
seriousness of the offender's conduct and to the danger the 5524
offender poses to the public, and if the court also finds any of 5525
the following: 5526

(a) The offender committed one or more of the multiple 5527
offenses while the offender was awaiting trial or sentencing, 5528
was under a sanction imposed pursuant to section 2929.16, 5529
2929.17, or 2929.18 of the Revised Code, or was under post- 5530
release control for a prior offense. 5531

(b) At least two of the multiple offenses were committed 5532
as part of one or more courses of conduct, and the harm caused 5533
by two or more of the multiple offenses so committed was so 5534
great or unusual that no single prison term for any of the 5535
offenses committed as part of any of the courses of conduct 5536
adequately reflects the seriousness of the offender's conduct. 5537

(c) The offender's history of criminal conduct 5538
demonstrates that consecutive sentences are necessary to protect 5539
the public from future crime by the offender. 5540

(5) If a mandatory prison term is imposed upon an offender 5541
pursuant to division (B) (5) or (6) of this section, the offender 5542
shall serve the mandatory prison term consecutively to and prior 5543
to any prison term imposed for the underlying violation of 5544
division (A) (1) or (2) of section 2903.06 of the Revised Code 5545
pursuant to division (A) of this section or section 2929.142 of 5546
the Revised Code. If a mandatory prison term is imposed upon an 5547

offender pursuant to division (B) (5) of this section, and if a 5548
mandatory prison term also is imposed upon the offender pursuant 5549
to division (B) (6) of this section in relation to the same 5550
violation, the offender shall serve the mandatory prison term 5551
imposed pursuant to division (B) (5) of this section 5552
consecutively to and prior to the mandatory prison term imposed 5553
pursuant to division (B) (6) of this section and consecutively to 5554
and prior to any prison term imposed for the underlying 5555
violation of division (A) (1) or (2) of section 2903.06 of the 5556
Revised Code pursuant to division (A) of this section or section 5557
2929.142 of the Revised Code. 5558

(6) If a mandatory prison term is imposed on an offender 5559
pursuant to division (B) (9) of this section, the offender shall 5560
serve the mandatory prison term consecutively to and prior to 5561
any prison term imposed for the underlying violation of division 5562
(A) (1) or (2) of section 2903.11 of the Revised Code and 5563
consecutively to and prior to any other prison term or mandatory 5564
prison term previously or subsequently imposed on the offender. 5565

(7) If a mandatory prison term is imposed on an offender 5566
pursuant to division (B) (10) of this section, the offender shall 5567
serve that mandatory prison term consecutively to and prior to 5568
any prison term imposed for the underlying felonious assault. 5569
Except as otherwise provided in division (C) of this section, 5570
any other prison term or mandatory prison term previously or 5571
subsequently imposed upon the offender may be served 5572
concurrently with, or consecutively to, the prison term imposed 5573
pursuant to division (B) (10) of this section. 5574

(8) Any prison term imposed for a violation of section 5575
2903.04 of the Revised Code that is based on a violation of 5576
section 2925.03 or 2925.11 of the Revised Code or on a violation 5577

of section 2925.05 of the Revised Code ~~that is not funding of~~ 5578
~~marihuana trafficking~~ shall run consecutively to any prison term 5579
imposed for the violation of section 2925.03 or 2925.11 of the 5580
Revised Code or for the violation of section 2925.05 of the 5581
Revised Code ~~that is not funding of marihuana trafficking.~~ 5582

(9) When consecutive prison terms are imposed pursuant to 5583
division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or 5584
division (H) (1) or (2) of this section, subject to division (C) 5585
(10) of this section, the term to be served is the aggregate of 5586
all of the terms so imposed. 5587

(10) When a court sentences an offender to a non-life 5588
felony indefinite prison term, any definite prison term or 5589
mandatory definite prison term previously or subsequently 5590
imposed on the offender in addition to that indefinite sentence 5591
that is required to be served consecutively to that indefinite 5592
sentence shall be served prior to the indefinite sentence. 5593

(11) If a court is sentencing an offender for a felony of 5594
the first or second degree, if division (A) (1) (a) or (2) (a) of 5595
this section applies with respect to the sentencing for the 5596
offense, and if the court is required under the Revised Code 5597
section that sets forth the offense or any other Revised Code 5598
provision to impose a mandatory prison term for the offense, the 5599
court shall impose the required mandatory prison term as the 5600
minimum term imposed under division (A) (1) (a) or (2) (a) of this 5601
section, whichever is applicable. 5602

(D) (1) If a court imposes a prison term, other than a term 5603
of life imprisonment, for a felony of the first degree, for a 5604
felony of the second degree, for a felony sex offense, or for a 5605
felony of the third degree that is an offense of violence and 5606
that is not a felony sex offense, it shall include in the 5607

sentence a requirement that the offender be subject to a period 5608
of post-release control after the offender's release from 5609
imprisonment, in accordance with section 2967.28 of the Revised 5610
Code. If a court imposes a sentence including a prison term of a 5611
type described in this division on or after July 11, 2006, the 5612
failure of a court to include a post-release control requirement 5613
in the sentence pursuant to this division does not negate, 5614
limit, or otherwise affect the mandatory period of post-release 5615
control that is required for the offender under division (B) of 5616
section 2967.28 of the Revised Code. Section 2929.191 of the 5617
Revised Code applies if, prior to July 11, 2006, a court imposed 5618
a sentence including a prison term of a type described in this 5619
division and failed to include in the sentence pursuant to this 5620
division a statement regarding post-release control. 5621

(2) If a court imposes a prison term for a felony of the 5622
third, fourth, or fifth degree that is not subject to division 5623
(D) (1) of this section, it shall include in the sentence a 5624
requirement that the offender be subject to a period of post- 5625
release control after the offender's release from imprisonment, 5626
in accordance with that division, if the parole board determines 5627
that a period of post-release control is necessary. Section 5628
2929.191 of the Revised Code applies if, prior to July 11, 2006, 5629
a court imposed a sentence including a prison term of a type 5630
described in this division and failed to include in the sentence 5631
pursuant to this division a statement regarding post-release 5632
control. 5633

(E) The court shall impose sentence upon the offender in 5634
accordance with section 2971.03 of the Revised Code, and Chapter 5635
2971. of the Revised Code applies regarding the prison term or 5636
term of life imprisonment without parole imposed upon the 5637
offender and the service of that term of imprisonment if any of 5638

the following apply: 5639

(1) A person is convicted of or pleads guilty to a violent 5640
sex offense or a designated homicide, assault, or kidnapping 5641
offense, and, in relation to that offense, the offender is 5642
adjudicated a sexually violent predator. 5643

(2) A person is convicted of or pleads guilty to a 5644
violation of division (A) (1) (b) of section 2907.02 of the 5645
Revised Code committed on or after January 2, 2007, and either 5646
the court does not impose a sentence of life without parole when 5647
authorized pursuant to division (B) of section 2907.02 of the 5648
Revised Code, or division (B) of section 2907.02 of the Revised 5649
Code provides that the court shall not sentence the offender 5650
pursuant to section 2971.03 of the Revised Code. 5651

(3) A person is convicted of or pleads guilty to attempted 5652
rape committed on or after January 2, 2007, and a specification 5653
of the type described in section 2941.1418, 2941.1419, or 5654
2941.1420 of the Revised Code. 5655

(4) A person is convicted of or pleads guilty to a 5656
violation of section 2905.01 of the Revised Code committed on or 5657
after January 1, 2008, and that section requires the court to 5658
sentence the offender pursuant to section 2971.03 of the Revised 5659
Code. 5660

(5) A person is convicted of or pleads guilty to 5661
aggravated murder committed on or after January 1, 2008, and 5662
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 5663
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 5664
(d) of section 2929.03, or division (A) or (B) of section 5665
2929.06 of the Revised Code requires the court to sentence the 5666
offender pursuant to division (B) (3) of section 2971.03 of the 5667

Revised Code. 5668

(6) A person is convicted of or pleads guilty to murder 5669
committed on or after January 1, 2008, and division (B) (2) of 5670
section 2929.02 of the Revised Code requires the court to 5671
sentence the offender pursuant to section 2971.03 of the Revised 5672
Code. 5673

(F) If a person who has been convicted of or pleaded 5674
guilty to a felony is sentenced to a prison term or term of 5675
imprisonment under this section, sections 2929.02 to 2929.06 of 5676
the Revised Code, section 2929.142 of the Revised Code, section 5677
2971.03 of the Revised Code, or any other provision of law, 5678
section 5120.163 of the Revised Code applies regarding the 5679
person while the person is confined in a state correctional 5680
institution. 5681

(G) If an offender who is convicted of or pleads guilty to 5682
a felony that is an offense of violence also is convicted of or 5683
pleads guilty to a specification of the type described in 5684
section 2941.142 of the Revised Code that charges the offender 5685
with having committed the felony while participating in a 5686
criminal gang, the court shall impose upon the offender an 5687
additional prison term of one, two, or three years. 5688

(H) (1) If an offender who is convicted of or pleads guilty 5689
to aggravated murder, murder, or a felony of the first, second, 5690
or third degree that is an offense of violence also is convicted 5691
of or pleads guilty to a specification of the type described in 5692
section 2941.143 of the Revised Code that charges the offender 5693
with having committed the offense in a school safety zone or 5694
towards a person in a school safety zone, the court shall impose 5695
upon the offender an additional prison term of two years. The 5696
offender shall serve the additional two years consecutively to 5697

and prior to the prison term imposed for the underlying offense. 5698

(2) (a) If an offender is convicted of or pleads guilty to 5699
a felony violation of section 2907.22, 2907.24, 2907.241, or 5700
2907.25 of the Revised Code and to a specification of the type 5701
described in section 2941.1421 of the Revised Code and if the 5702
court imposes a prison term on the offender for the felony 5703
violation, the court may impose upon the offender an additional 5704
prison term as follows: 5705

(i) Subject to division (H) (2) (a) (ii) of this section, an 5706
additional prison term of one, two, three, four, five, or six 5707
months; 5708

(ii) If the offender previously has been convicted of or 5709
pleaded guilty to one or more felony or misdemeanor violations 5710
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 5711
the Revised Code and also was convicted of or pleaded guilty to 5712
a specification of the type described in section 2941.1421 of 5713
the Revised Code regarding one or more of those violations, an 5714
additional prison term of one, two, three, four, five, six, 5715
seven, eight, nine, ten, eleven, or twelve months. 5716

(b) In lieu of imposing an additional prison term under 5717
division (H) (2) (a) of this section, the court may directly 5718
impose on the offender a sanction that requires the offender to 5719
wear a real-time processing, continual tracking electronic 5720
monitoring device during the period of time specified by the 5721
court. The period of time specified by the court shall equal the 5722
duration of an additional prison term that the court could have 5723
imposed upon the offender under division (H) (2) (a) of this 5724
section. A sanction imposed under this division shall commence 5725
on the date specified by the court, provided that the sanction 5726
shall not commence until after the offender has served the 5727

prison term imposed for the felony violation of section 2907.22, 5728
2907.24, 2907.241, or 2907.25 of the Revised Code and any 5729
residential sanction imposed for the violation under section 5730
2929.16 of the Revised Code. A sanction imposed under this 5731
division shall be considered to be a community control sanction 5732
for purposes of section 2929.15 of the Revised Code, and all 5733
provisions of the Revised Code that pertain to community control 5734
sanctions shall apply to a sanction imposed under this division, 5735
except to the extent that they would by their nature be clearly 5736
inapplicable. The offender shall pay all costs associated with a 5737
sanction imposed under this division, including the cost of the 5738
use of the monitoring device. 5739

(I) At the time of sentencing, the court may recommend the 5740
offender for placement in a program of shock incarceration under 5741
section 5120.031 of the Revised Code or for placement in an 5742
intensive program prison under section 5120.032 of the Revised 5743
Code, disapprove placement of the offender in a program of shock 5744
incarceration or an intensive program prison of that nature, or 5745
make no recommendation on placement of the offender. In no case 5746
shall the department of rehabilitation and correction place the 5747
offender in a program or prison of that nature unless the 5748
department determines as specified in section 5120.031 or 5749
5120.032 of the Revised Code, whichever is applicable, that the 5750
offender is eligible for the placement. 5751

If the court disapproves placement of the offender in a 5752
program or prison of that nature, the department of 5753
rehabilitation and correction shall not place the offender in 5754
any program of shock incarceration or intensive program prison. 5755

If the court recommends placement of the offender in a 5756
program of shock incarceration or in an intensive program 5757

prison, and if the offender is subsequently placed in the 5758
recommended program or prison, the department shall notify the 5759
court of the placement and shall include with the notice a brief 5760
description of the placement. 5761

If the court recommends placement of the offender in a 5762
program of shock incarceration or in an intensive program prison 5763
and the department does not subsequently place the offender in 5764
the recommended program or prison, the department shall send a 5765
notice to the court indicating why the offender was not placed 5766
in the recommended program or prison. 5767

If the court does not make a recommendation under this 5768
division with respect to an offender and if the department 5769
determines as specified in section 5120.031 or 5120.032 of the 5770
Revised Code, whichever is applicable, that the offender is 5771
eligible for placement in a program or prison of that nature, 5772
the department shall screen the offender and determine if there 5773
is an available program of shock incarceration or an intensive 5774
program prison for which the offender is suited. If there is an 5775
available program of shock incarceration or an intensive program 5776
prison for which the offender is suited, the department shall 5777
notify the court of the proposed placement of the offender as 5778
specified in section 5120.031 or 5120.032 of the Revised Code 5779
and shall include with the notice a brief description of the 5780
placement. The court shall have ten days from receipt of the 5781
notice to disapprove the placement. 5782

(J) If a person is convicted of or pleads guilty to 5783
aggravated vehicular homicide in violation of division (A) (1) of 5784
section 2903.06 of the Revised Code and division (B) (2) (c) of 5785
that section applies, the person shall be sentenced pursuant to 5786
section 2929.142 of the Revised Code. 5787

(K) (1) The court shall impose an additional mandatory 5788
prison term of two, three, four, five, six, seven, eight, nine, 5789
ten, or eleven years on an offender who is convicted of or 5790
pleads guilty to a violent felony offense if the offender also 5791
is convicted of or pleads guilty to a specification of the type 5792
described in section 2941.1424 of the Revised Code that charges 5793
that the offender is a violent career criminal and had a firearm 5794
on or about the offender's person or under the offender's 5795
control while committing the presently charged violent felony 5796
offense and displayed or brandished the firearm, indicated that 5797
the offender possessed a firearm, or used the firearm to 5798
facilitate the offense. The offender shall serve the prison term 5799
imposed under this division consecutively to and prior to the 5800
prison term imposed for the underlying offense. The prison term 5801
shall not be reduced pursuant to section 2929.20 or 2967.19 or 5802
any other provision of Chapter 2967. or 5120. of the Revised 5803
Code. A court may not impose more than one sentence under 5804
division (B) (2) (a) of this section and this division for acts 5805
committed as part of the same act or transaction. 5806

(2) As used in division (K) (1) of this section, "violent 5807
career criminal" and "violent felony offense" have the same 5808
meanings as in section 2923.132 of the Revised Code. 5809

Sec. 2953.39. (A) As used in this section: 5810

(1) "Expunge" means to destroy, delete, or erase a record 5811
as appropriate for the record's physical or electronic form or 5812
characteristic so that the record is permanently irretrievable. 5813

(2) "Official records" has the same meaning as in section 5814
2953.51 of the Revised Code. 5815

(3) "Prosecutor" has the same meaning as in section 5816

2953.31 of the Revised Code. 5817

(4) "Record of conviction" means any record related to a 5818
conviction of or plea of guilty to an offense. 5819

(5) "Cannabis possession offense" means either of the 5820
following: 5821

(a) A violation of section 2925.11 of the Revised Code, as 5822
that section existed prior to the effective date of this 5823
section, that involved the obtaining, possession, or use of 5824
cannabis; 5825

(b) A violation of section 2925.14 or 2925.141 of the 5826
Revised Code, as those sections existed prior to the effective 5827
date of this section, that involved the use or possession with 5828
purpose to use of drug paraphernalia associated with the 5829
obtaining, possession, or use of cannabis. 5830

(B) Any person who is convicted of, was convicted of, 5831
pleads guilty to, or has pleaded guilty to a cannabis possession 5832
offense based on a violation of section 2925.11, 2925.14, or 5833
2925.141 of the Revised Code as those sections existed prior to 5834
the effective date of this section, may file an application 5835
under this section for the expungement of the record of 5836
conviction. The person may file the application at any time on 5837
or after the effective date of this section. The application 5838
shall do all of the following: 5839

(1) Identify the applicant, the offense for which the 5840
expungement is sought, the date of the conviction or plea of 5841
guilty to that offense, and the court in which the conviction 5842
occurred or the plea of guilty was entered; 5843

(2) Include evidence that the offense was a violation of 5844
section 2925.11, 2925.14, or 2925.141 of the Revised Code as 5845

those sections existed prior to the effective date of this 5846
section, and that the offense was a cannabis possession offense; 5847

(3) Include a request for expungement of the record of 5848
conviction of that offense under this section. 5849

(C) Upon the filing of an application under division (B) 5850
of this section and the payment of the fee described in division 5851
(G) of this section, if applicable, the court shall set a date 5852
for a hearing and shall notify the prosecutor for the case of 5853
the hearing on the application. The prosecutor may object to the 5854
granting of the application by filing an objection with the 5855
court prior to the date set for the hearing. The prosecutor 5856
shall specify in the objection the reasons for believing a 5857
denial of the application is justified. The court shall hold the 5858
hearing scheduled under this division. 5859

(D) At the hearing held under division (C) of this 5860
section, the court shall do each of the following: 5861

(1) If the prosecutor has filed an objection in accordance 5862
with division (C) of this section, consider the reasons against 5863
granting the application specified by the prosecutor in the 5864
objection; 5865

(2) Determine whether the applicant has been convicted of 5866
or pleaded guilty to a violation of section 2925.11, 2925.14, or 5867
2925.141 of the Revised Code as those sections existed prior to 5868
the effective date of this section, and whether the offense was 5869
a cannabis possession offense. 5870

(E) If the court determines at the hearing held under 5871
division (D) of this section that an offense that is the subject 5872
of an application under this section is a violation of section 5873
2925.11, 2925.14, or 2925.141 of the Revised Code as those 5874

sections existed prior to the effective date of this section, 5875
and that the offense is a cannabis possession offense, the court 5876
shall order the expungement of all official records pertaining 5877
to the case and the deletion of all index references to the case 5878
and, if it does order the expungement, shall send notice of the 5879
order to each public office or agency that the court has reason 5880
to believe may have an official record pertaining to the case. 5881

(F) The proceedings in the case that are the subject of an 5882
order issued under division (E) of this section shall be 5883
considered not to have occurred and the conviction or guilty 5884
plea of the person who is the subject of the proceedings shall 5885
be expunged. The record of the conviction shall not be used for 5886
any purpose, including, but not limited to, a criminal records 5887
check under section 109.572 of the Revised Code or a 5888
determination under section 2923.125 or 2923.1213 of the Revised 5889
Code of eligibility for a concealed handgun license. The 5890
applicant may, and the court shall, reply that no record exists 5891
with respect to the applicant upon any inquiry into the matter. 5892

(G) Upon the filing of an application under this section, 5893
the applicant, unless indigent, shall pay a fee of fifty 5894
dollars. The court shall pay thirty dollars of the fee into the 5895
state treasury and shall pay twenty dollars of the fee into the 5896
county general revenue fund. 5897

Sec. 3719.01. As used in this chapter: 5898

(A) "Administer" means the direct application of a drug, 5899
whether by injection, inhalation, ingestion, or any other means 5900
to a person or an animal. 5901

(B) "Drug enforcement administration" means the drug 5902
enforcement administration of the United States department of 5903

justice or its successor agency. 5904

(C) "Controlled substance" means a drug, compound, 5905
mixture, preparation, or substance included in schedule I, II, 5906
III, IV, or V. 5907

(D) "Dangerous drug" has the same meaning as in section 5908
4729.01 of the Revised Code. 5909

(E) "Dispense" means to sell, leave with, give away, 5910
dispose of, or deliver. 5911

(F) "Distribute" means to deal in, ship, transport, or 5912
deliver but does not include administering or dispensing a drug. 5913

(G) "Drug" has the same meaning as in section 4729.01 of 5914
the Revised Code. 5915

(H) "Drug abuse offense" and "felony drug abuse offense" 5916
have the same meanings as in section 2925.01 of the Revised 5917
Code. 5918

(I) "Federal drug abuse control laws" means the 5919
"Comprehensive Drug Abuse Prevention and Control Act of 1970," 5920
84 Stat. 1242, 21 U.S.C. 801, as amended. 5921

(J) "Hospital" means a facility registered as a hospital 5922
with the department of health under section 3701.07 of the 5923
Revised Code. 5924

(K) "Hypodermic" means a hypodermic syringe or needle, or 5925
other instrument or device for the injection of medication. 5926

(L) "Manufacturer" means a person who manufactures a 5927
controlled substance, as "manufacture" is defined in section 5928
3715.01 of the Revised Code, and includes a "manufacturer of 5929
dangerous drugs" as defined in section 4729.01 of the Revised 5930

Code. 5931

(M) ~~"Marihuana" means all parts of a plant of the genus or~~ 5932
~~"cannabis, whether growing or not; the seeds of a plant of that~~ 5933
~~type; the resin extracted from a part of a plant of that type;~~ 5934
~~and every compound, manufacture, salt, derivative, mixture, or~~ 5935
~~preparation of a plant of that type or of its seeds or resin.~~ 5936
~~"Marihuana" does not include the mature stalks of the plant,~~ 5937
~~fiber produced from the stalks, oils or cake made from the seeds~~ 5938
~~of the plant, or any other compound, manufacture, salt,~~ 5939
~~derivative, mixture, or preparation of the mature stalks, except~~ 5940
~~the resin extracted from the mature stalks, fiber, oil or cake,~~ 5941
~~or the sterilized seed of the plant that is incapable of~~ 5942
~~germination. "Marihuana" does not include "hemp" or a "hemp~~ 5943
~~product" as those terms are defined in section 928.01 of the~~ 5944
~~Revised Code," has the same meaning as "cannabis" in section 1.06~~ 5945
~~of the Revised Code.~~ 5946

(N) "Narcotic drugs" means coca leaves, opium, 5947
isonipecaïne, amidone, isoamidone, ketobemidone, as defined in 5948
this division, and every substance not chemically distinguished 5949
from them and every drug, other than cannabis, that may be 5950
included in the meaning of "narcotic drug" under the federal 5951
drug abuse control laws. As used in this division: 5952

(1) "Coca leaves" includes cocaine and any compound, 5953
manufacture, salt, derivative, mixture, or preparation of coca 5954
leaves, except derivatives of coca leaves, that does not contain 5955
cocaine, ecgonine, or substances from which cocaine or ecgonine 5956
may be synthesized or made. 5957

(2) "Isonipecaïne" means any substance identified 5958
chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid 5959
ethyl ester, or any salt thereof, by whatever trade name 5960

designated. 5961

(3) "Amidone" means any substance identified chemically as 5962
4-4-diphenyl-6-dimethylamino-heptanone-3, or any salt thereof, 5963
by whatever trade name designated. 5964

(4) "Isoamidone" means any substance identified chemically 5965
as 4-4-diphenyl-5-methyl-6-dimethylamino-hexanone-3, or any salt 5966
thereof, by whatever trade name designated. 5967

(5) "Ketobemidone" means any substance identified 5968
chemically as 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl 5969
ketone hydrochloride, or any salt thereof, by whatever trade 5970
name designated. 5971

(6) "Cocaine" has the same meaning as in section 2925.01 5972
of the Revised Code. 5973

(O) "Official written order" means an order written on a 5974
form provided for that purpose by the director of the United 5975
States drug enforcement administration, under any laws of the 5976
United States making provision for the order, if the order forms 5977
are authorized and required by federal law. 5978

(P) "Person" means any individual, corporation, 5979
government, governmental subdivision or agency, business trust, 5980
estate, trust, partnership, association, or other legal entity. 5981

(Q) "Pharmacist" means a person licensed under Chapter 5982
4729. of the Revised Code to engage in the practice of pharmacy. 5983

(R) "Pharmacy" has the same meaning as in section 4729.01 5984
of the Revised Code. 5985

(S) "Poison" means any drug, chemical, or preparation 5986
likely to be deleterious or destructive to adult human life in 5987
quantities of four grams or less. 5988

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

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

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

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

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

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

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

(a) The chemical structure of the substance is

substantially similar to the structure of a controlled substance 6018
in schedule I or II. 6019

(b) One of the following applies regarding the substance: 6020

(i) The substance has a stimulant, depressant, or 6021
hallucinogenic effect on the central nervous system that is 6022
substantially similar to or greater than the stimulant, 6023
depressant, or hallucinogenic effect on the central nervous 6024
system of a controlled substance in schedule I or II. 6025

(ii) With respect to a particular person, that person 6026
represents or intends the substance to have a stimulant, 6027
depressant, or hallucinogenic effect on the central nervous 6028
system that is substantially similar to or greater than the 6029
stimulant, depressant, or hallucinogenic effect on the central 6030
nervous system of a controlled substance in schedule I or II. 6031

(2) "Controlled substance analog" does not include any of 6032
the following: 6033

(a) A controlled substance; 6034

(b) Any substance for which there is an approved new drug 6035
application; 6036

(c) With respect to a particular person, any substance if 6037
an exemption is in effect for investigational use for that 6038
person pursuant to federal law to the extent that conduct with 6039
respect to that substance is pursuant to that exemption; 6040

(d) Any substance to the extent it is not intended for 6041
human consumption before the exemption described in division (Z) 6042
(2) (b) of this section takes effect with respect to that 6043
substance. 6044

(AA) "Benzodiazepine" means a controlled substance that 6045

has United States food and drug administration approved labeling 6046
indicating that it is a benzodiazepine, benzodiazepine 6047
derivative, triazolobenzodiazepine, or triazolobenzodiazepine 6048
derivative, including the following drugs and their varying salt 6049
forms or chemical congeners: alprazolam, chlordiazepoxide 6050
hydrochloride, clobazam, clonazepam, clorazepate, diazepam, 6051
estazolam, flurazepam hydrochloride, lorazepam, midazolam, 6052
oxazepam, quazepam, temazepam, and triazolam. 6053

(BB) "Opioid analgesic" means a controlled substance that 6054
has analgesic pharmacologic activity at the opioid receptors of 6055
the central nervous system, including the following drugs and 6056
their varying salt forms or chemical congeners: buprenorphine, 6057
butorphanol, codeine (including acetaminophen and other 6058
combination products), dihydrocodeine, fentanyl, hydrocodone 6059
(including acetaminophen combination products), hydromorphone, 6060
meperidine, methadone, morphine sulfate, oxycodone (including 6061
acetaminophen, aspirin, and other combination products), 6062
oxymorphone, tapentadol, and tramadol. 6063

(CC) "Outsourcing facility," "repackager of dangerous 6064
drugs," and "third-party logistics provider" have the same 6065
meanings as in section 4729.01 of the Revised Code. 6066

Sec. 3719.21. Except as provided in division (C) of 6067
section 2923.42, division (B) of section 2923.44, divisions (D) 6068
(1), (F), and (H) of section 2925.03, division (D)(1) of section 6069
2925.02, 2925.04, or 2925.05, division ~~(E)~~(D)(1) of section 6070
2925.11, division (E) of section 2925.13, division (F) of 6071
section 2925.36, division (D) of section 2925.22, division (H) 6072
of section 2925.23, division (M) of section 2925.37, division 6073
(B) of section 2925.42, division (B) of section 2929.18, 6074
division (D) of section 3719.99, division (B)(1) of section 6075

4729.65, division (E) (3) of section 4729.99, and division (I) (3) 6076
of section 4729.99 of the Revised Code, the clerk of the court 6077
shall pay all fines or forfeited bail assessed and collected 6078
under prosecutions or prosecutions commenced for violations of 6079
this chapter, section 2923.42 of the Revised Code, or Chapter 6080
2925. of the Revised Code, within thirty days, to the executive 6081
director of the state board of pharmacy, and the executive 6082
director shall deposit the fines into the state treasury to the 6083
credit of the occupational licensing and regulatory fund. 6084

Sec. 3734.44. Notwithstanding the provisions of any law to 6085
the contrary, no permit or license shall be issued or renewed by 6086
the director of environmental protection or a board of health: 6087

(A) Unless the director or the board of health finds that 6088
the applicant, in any prior performance record in the 6089
transportation, transfer, treatment, storage, or disposal of 6090
solid wastes, infectious wastes, or hazardous waste, has 6091
exhibited sufficient reliability, expertise, and competency to 6092
operate the solid waste, infectious waste, or hazardous waste 6093
facility, given the potential for harm to human health and the 6094
environment that could result from the irresponsible operation 6095
of the facility, or, if no prior record exists, that the 6096
applicant is likely to exhibit that reliability, expertise, and 6097
competence; 6098

(B) If any individual or business concern required to be 6099
listed in the disclosure statement or shown to have a beneficial 6100
interest in the business of the applicant or the permittee, 6101
other than an equity interest or debt liability, by the 6102
investigation thereof, has been convicted of any of the 6103
following crimes under the laws of this state or equivalent laws 6104
of any other jurisdiction: 6105

(1) Murder;	6106
(2) Kidnapping;	6107
(3) Gambling;	6108
(4) Robbery;	6109
(5) Bribery;	6110
(6) Extortion;	6111
(7) Criminal usury;	6112
(8) Arson;	6113
(9) Burglary;	6114
(10) Theft and related crimes;	6115
(11) Forgery and fraudulent practices;	6116
(12) Fraud in the offering, sale, or purchase of securities;	6117 6118
(13) Alteration of motor vehicle identification numbers;	6119
(14) Unlawful manufacture, purchase, use, or transfer of firearms;	6120 6121
(15) Unlawful possession or use of destructive devices or explosives;	6122 6123
(16) A violation of section 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.32, or 2925.37 or Chapter 3719. of the Revised Code, unless the <u>drug involved in the violation is for possession of less than one hundred grams of marihuana, less than five grams of marihuana resin or extraction or preparation of marihuana resin, or less than one gram of marihuana resin in a liquid concentrate, liquid extract, or liquid distillate form</u>	6124 6125 6126 6127 6128 6129 6130

was cannabis; 6131

(17) Engaging in a pattern of corrupt activity under 6132
section 2923.32 of the Revised Code; 6133

(18) A violation of the criminal provisions of Chapter 6134
1331. of the Revised Code; 6135

(19) Any violation of the criminal provisions of any 6136
federal or state environmental protection laws, rules, or 6137
regulations that is committed knowingly or recklessly, as 6138
defined in section 2901.22 of the Revised Code; 6139

(20) A violation of any provision of Chapter 2909. of the 6140
Revised Code; 6141

(21) Any offense specified in Chapter 2921. of the Revised 6142
Code. 6143

(C) Notwithstanding division (B) of this section, no 6144
applicant shall be denied the issuance or renewal of a permit or 6145
license on the basis of a conviction of any individual or 6146
business concern required to be listed in the disclosure 6147
statement or shown to have a beneficial interest in the business 6148
of the applicant or the permittee, other than an equity interest 6149
or debt liability, by the investigation thereof for any of the 6150
offenses enumerated in that division as disqualification 6151
criteria if that applicant has affirmatively demonstrated 6152
rehabilitation of the individual or business concern by a 6153
preponderance of the evidence. If any such individual was 6154
convicted of any of the offenses so enumerated that are 6155
felonies, a permit shall be denied unless five years have 6156
elapsed since the individual was fully discharged from 6157
imprisonment and parole for the offense, from a community 6158
control sanction imposed under section 2929.15 of the Revised 6159

Code, from a post-release control sanction imposed under section 6160
2967.28 of the Revised Code for the offense, or imprisonment, 6161
probation, and parole for an offense that was committed prior to 6162
July 1, 1996. In determining whether an applicant has 6163
affirmatively demonstrated rehabilitation, the director or the 6164
board of health shall request a recommendation on the matter 6165
from the attorney general and shall consider and base the 6166
determination on the following factors: 6167

(1) The nature and responsibilities of the position a 6168
convicted individual would hold; 6169

(2) The nature and seriousness of the offense; 6170

(3) The circumstances under which the offense occurred; 6171

(4) The date of the offense; 6172

(5) The age of the individual when the offense was 6173
committed; 6174

(6) Whether the offense was an isolated or repeated 6175
incident; 6176

(7) Any social conditions that may have contributed to the 6177
offense; 6178

(8) Any evidence of rehabilitation, including good conduct 6179
in prison or in the community, counseling or psychiatric 6180
treatment received, acquisition of additional academic or 6181
vocational schooling, successful participation in correctional 6182
work release programs, or the recommendation of persons who have 6183
or have had the applicant under their supervision; 6184

(9) In the instance of an applicant that is a business 6185
concern, rehabilitation shall be established if the applicant 6186
has implemented formal management controls to minimize and 6187

prevent the occurrence of violations and activities that will or 6188
may result in permit or license denial or revocation or if the 6189
applicant has formalized those controls as a result of a 6190
revocation or denial of a permit or license. Those controls may 6191
include, but are not limited to, instituting environmental 6192
auditing programs to help ensure the adequacy of internal 6193
systems to achieve, maintain, and monitor compliance with 6194
applicable environmental laws and standards or instituting an 6195
antitrust compliance auditing program to help ensure full 6196
compliance with applicable antitrust laws. The business concern 6197
shall prove by a preponderance of the evidence that the 6198
management controls are effective in preventing the violations 6199
that are the subject of concern. 6200

(D) Unless the director or the board of health finds that 6201
the applicant has a history of compliance with environmental 6202
laws in this state and other jurisdictions and is presently in 6203
substantial compliance with, or on a legally enforceable 6204
schedule that will result in compliance with, environmental laws 6205
in this state and other jurisdictions; 6206

(E) With respect to the approval of a permit, if the 6207
director determines that current prosecutions or pending charges 6208
in any jurisdiction for any of the offenses enumerated in 6209
division (B) of this section against any individual or business 6210
concern required to be listed in the disclosure statement or 6211
shown by the investigation to have a beneficial interest in the 6212
business of the applicant other than an equity interest or debt 6213
liability are of such magnitude that they prevent making the 6214
finding required under division (A) of this section, provided 6215
that at the request of the applicant or the individual or 6216
business concern charged, the director shall defer decision upon 6217
the application during the pendency of the charge. 6218

Sec. 4510.17. (A) The registrar of motor vehicles shall 6219
impose a class D suspension of the person's driver's license, 6220
commercial driver's license, temporary instruction permit, 6221
probationary license, or nonresident operating privilege for the 6222
period of time specified in division (B)(4) of section 4510.02 6223
of the Revised Code on any person who is a resident of this 6224
state and is convicted of or pleads guilty to a violation of a 6225
statute of any other state or any federal statute that is 6226
substantially similar to section 2925.02, 2925.03, 2925.04, 6227
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 6228
~~2925.141~~, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 6229
2925.37 of the Revised Code. Upon receipt of a report from a 6230
court, court clerk, or other official of any other state or from 6231
any federal authority that a resident of this state was 6232
convicted of or pleaded guilty to an offense described in this 6233
division, the registrar shall send a notice by regular first 6234
class mail to the person, at the person's last known address as 6235
shown in the records of the bureau of motor vehicles, informing 6236
the person of the suspension, that the suspension will take 6237
effect twenty-one days from the date of the notice, and that, if 6238
the person wishes to appeal the suspension or denial, the person 6239
must file a notice of appeal within twenty-one days of the date 6240
of the notice requesting a hearing on the matter. If the person 6241
requests a hearing, the registrar shall hold the hearing not 6242
more than forty days after receipt by the registrar of the 6243
notice of appeal. The filing of a notice of appeal does not stay 6244
the operation of the suspension that must be imposed pursuant to 6245
this division. The scope of the hearing shall be limited to 6246
whether the person actually was convicted of or pleaded guilty 6247
to the offense for which the suspension is to be imposed. 6248

The suspension the registrar is required to impose under 6249

this division shall end either on the last day of the class D 6250
suspension period or of the suspension of the person's 6251
nonresident operating privilege imposed by the state or federal 6252
court, whichever is earlier. 6253

The registrar shall subscribe to or otherwise participate 6254
in any information system or register, or enter into reciprocal 6255
and mutual agreements with other states and federal authorities, 6256
in order to facilitate the exchange of information with other 6257
states and the United States government regarding persons who 6258
plead guilty to or are convicted of offenses described in this 6259
division and therefore are subject to the suspension or denial 6260
described in this division. 6261

(B) The registrar shall impose a class D suspension of the 6262
person's driver's license, commercial driver's license, 6263
temporary instruction permit, probationary license, or 6264
nonresident operating privilege for the period of time specified 6265
in division (B) (4) of section 4510.02 of the Revised Code on any 6266
person who is a resident of this state and is convicted of or 6267
pleads guilty to a violation of a statute of any other state or 6268
a municipal ordinance of a municipal corporation located in any 6269
other state that is substantially similar to section 4511.19 of 6270
the Revised Code. Upon receipt of a report from another state 6271
made pursuant to section 4510.61 of the Revised Code indicating 6272
that a resident of this state was convicted of or pleaded guilty 6273
to an offense described in this division, the registrar shall 6274
send a notice by regular first class mail to the person, at the 6275
person's last known address as shown in the records of the 6276
bureau of motor vehicles, informing the person of the 6277
suspension, that the suspension or denial will take effect 6278
twenty-one days from the date of the notice, and that, if the 6279
person wishes to appeal the suspension, the person must file a 6280

notice of appeal within twenty-one days of the date of the 6281
notice requesting a hearing on the matter. If the person 6282
requests a hearing, the registrar shall hold the hearing not 6283
more than forty days after receipt by the registrar of the 6284
notice of appeal. The filing of a notice of appeal does not stay 6285
the operation of the suspension that must be imposed pursuant to 6286
this division. The scope of the hearing shall be limited to 6287
whether the person actually was convicted of or pleaded guilty 6288
to the offense for which the suspension is to be imposed. 6289

The suspension the registrar is required to impose under 6290
this division shall end either on the last day of the class D 6291
suspension period or of the suspension of the person's 6292
nonresident operating privilege imposed by the state or federal 6293
court, whichever is earlier. 6294

(C) The registrar shall impose a class D suspension of the 6295
child's driver's license, commercial driver's license, temporary 6296
instruction permit, or nonresident operating privilege for the 6297
period of time specified in division (B)(4) of section 4510.02 6298
of the Revised Code on any child who is a resident of this state 6299
and is convicted of or pleads guilty to a violation of a statute 6300
of any other state or any federal statute that is substantially 6301
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 6302
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, ~~2925.141~~, 2925.22, 6303
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 6304
Code. Upon receipt of a report from a court, court clerk, or 6305
other official of any other state or from any federal authority 6306
that a child who is a resident of this state was convicted of or 6307
pleaded guilty to an offense described in this division, the 6308
registrar shall send a notice by regular first class mail to the 6309
child, at the child's last known address as shown in the records 6310
of the bureau of motor vehicles, informing the child of the 6311

suspension, that the suspension or denial will take effect 6312
twenty-one days from the date of the notice, and that, if the 6313
child wishes to appeal the suspension, the child must file a 6314
notice of appeal within twenty-one days of the date of the 6315
notice requesting a hearing on the matter. If the child requests 6316
a hearing, the registrar shall hold the hearing not more than 6317
forty days after receipt by the registrar of the notice of 6318
appeal. The filing of a notice of appeal does not stay the 6319
operation of the suspension that must be imposed pursuant to 6320
this division. The scope of the hearing shall be limited to 6321
whether the child actually was convicted of or pleaded guilty to 6322
the offense for which the suspension is to be imposed. 6323

The suspension the registrar is required to impose under 6324
this division shall end either on the last day of the class D 6325
suspension period or of the suspension of the child's 6326
nonresident operating privilege imposed by the state or federal 6327
court, whichever is earlier. If the child is a resident of this 6328
state who is sixteen years of age or older and does not have a 6329
current, valid Ohio driver's or commercial driver's license or 6330
permit, the notice shall inform the child that the child will be 6331
denied issuance of a driver's or commercial driver's license or 6332
permit for six months beginning on the date of the notice. If 6333
the child has not attained the age of sixteen years on the date 6334
of the notice, the notice shall inform the child that the period 6335
of denial of six months shall commence on the date the child 6336
attains the age of sixteen years. 6337

The registrar shall subscribe to or otherwise participate 6338
in any information system or register, or enter into reciprocal 6339
and mutual agreements with other states and federal authorities, 6340
in order to facilitate the exchange of information with other 6341
states and the United States government regarding children who 6342

are residents of this state and plead guilty to or are convicted 6343
of offenses described in this division and therefore are subject 6344
to the suspension or denial described in this division. 6345

(D) The registrar shall impose a class D suspension of the 6346
child's driver's license, commercial driver's license, temporary 6347
instruction permit, probationary license, or nonresident 6348
operating privilege for the period of time specified in division 6349
(B) (4) of section 4510.02 of the Revised Code on any child who 6350
is a resident of this state and is convicted of or pleads guilty 6351
to a violation of a statute of any other state or a municipal 6352
ordinance of a municipal corporation located in any other state 6353
that is substantially similar to section 4511.19 of the Revised 6354
Code. Upon receipt of a report from another state made pursuant 6355
to section 4510.61 of the Revised Code indicating that a child 6356
who is a resident of this state was convicted of or pleaded 6357
guilty to an offense described in this division, the registrar 6358
shall send a notice by regular first class mail to the child, at 6359
the child's last known address as shown in the records of the 6360
bureau of motor vehicles, informing the child of the suspension, 6361
that the suspension will take effect twenty-one days from the 6362
date of the notice, and that, if the child wishes to appeal the 6363
suspension, the child must file a notice of appeal within 6364
twenty-one days of the date of the notice requesting a hearing 6365
on the matter. If the child requests a hearing, the registrar 6366
shall hold the hearing not more than forty days after receipt by 6367
the registrar of the notice of appeal. The filing of a notice of 6368
appeal does not stay the operation of the suspension that must 6369
be imposed pursuant to this division. The scope of the hearing 6370
shall be limited to whether the child actually was convicted of 6371
or pleaded guilty to the offense for which the suspension is to 6372
be imposed. 6373

The suspension the registrar is required to impose under 6374
this division shall end either on the last day of the class D 6375
suspension period or of the suspension of the child's 6376
nonresident operating privilege imposed by the state or federal 6377
court, whichever is earlier. If the child is a resident of this 6378
state who is sixteen years of age or older and does not have a 6379
current, valid Ohio driver's or commercial driver's license or 6380
permit, the notice shall inform the child that the child will be 6381
denied issuance of a driver's or commercial driver's license or 6382
permit for six months beginning on the date of the notice. If 6383
the child has not attained the age of sixteen years on the date 6384
of the notice, the notice shall inform the child that the period 6385
of denial of six months shall commence on the date the child 6386
attains the age of sixteen years. 6387

(E) (1) Any person whose license or permit has been 6388
suspended pursuant to this section may file a petition in the 6389
municipal or county court, or in case the person is under 6390
eighteen years of age, the juvenile court, in whose jurisdiction 6391
the person resides, requesting limited driving privileges and 6392
agreeing to pay the cost of the proceedings. Except as provided 6393
in division (E) (2) or (3) of this section, the judge may grant 6394
the person limited driving privileges during the period during 6395
which the suspension otherwise would be imposed for any of the 6396
purposes set forth in division (A) of section 4510.021 of the 6397
Revised Code. 6398

(2) No judge shall grant limited driving privileges for 6399
employment as a driver of a commercial motor vehicle to any 6400
person who would be disqualified from operating a commercial 6401
motor vehicle under section 4506.16 of the Revised Code if the 6402
violation had occurred in this state. Further, no judge shall 6403
grant limited driving privileges during any of the following 6404

periods of time: 6405

(a) The first fifteen days of a suspension under division 6406
(B) or (D) of this section, if the person has not been convicted 6407
within ten years of the date of the offense giving rise to the 6408
suspension under this section of a violation of any of the 6409
following: 6410

(i) Section 4511.19 of the Revised Code, or a municipal 6411
ordinance relating to operating a vehicle while under the 6412
influence of alcohol, a drug of abuse, or alcohol and a drug of 6413
abuse; 6414

(ii) A municipal ordinance relating to operating a motor 6415
vehicle with a prohibited concentration of alcohol, a controlled 6416
substance, or a metabolite of a controlled substance in the 6417
whole blood, blood serum or plasma, breath, or urine; 6418

(iii) Section 2903.04 of the Revised Code in a case in 6419
which the person was subject to the sanctions described in 6420
division (D) of that section; 6421

(iv) Division (A)(1) of section 2903.06 or division (A)(1) 6422
of section 2903.08 of the Revised Code or a municipal ordinance 6423
that is substantially similar to either of those divisions; 6424

(v) Division (A)(2), (3), or (4) of section 2903.06, 6425
division (A)(2) of section 2903.08, or as it existed prior to 6426
March 23, 2000, section 2903.07 of the Revised Code, or a 6427
municipal ordinance that is substantially similar to any of 6428
those divisions or that former section, in a case in which the 6429
jury or judge found that the person was under the influence of 6430
alcohol, a drug of abuse, or alcohol and a drug of abuse. 6431

(b) The first thirty days of a suspension under division 6432
(B) or (D) of this section, if the person has been convicted one 6433

time within ten years of the date of the offense giving rise to 6434
the suspension under this section of any violation identified in 6435
division (E) (1) (a) of this section. 6436

(c) The first one hundred eighty days of a suspension 6437
under division (B) or (D) of this section, if the person has 6438
been convicted two times within ten years of the date of the 6439
offense giving rise to the suspension under this section of any 6440
violation identified in division (E) (1) (a) of this section. 6441

(3) No limited driving privileges may be granted if the 6442
person has been convicted three or more times within five years 6443
of the date of the offense giving rise to a suspension under 6444
division (B) or (D) of this section of any violation identified 6445
in division (E) (1) (a) of this section. 6446

(4) In accordance with section 4510.022 of the Revised 6447
Code, a person may petition for, and a judge may grant, 6448
unlimited driving privileges with a certified ignition interlock 6449
device during the period of suspension imposed under division 6450
(B) or (D) of this section to a person described in division (E) 6451
(2) (a) of this section. 6452

(5) If a person petitions for limited driving privileges 6453
under division (E) (1) of this section or unlimited driving 6454
privileges with a certified ignition interlock device as 6455
provided in division (E) (4) of this section, the registrar shall 6456
be represented by the county prosecutor of the county in which 6457
the person resides if the petition is filed in a juvenile court 6458
or county court, except that if the person resides within a city 6459
or village that is located within the jurisdiction of the county 6460
in which the petition is filed, the city director of law or 6461
village solicitor of that city or village shall represent the 6462
registrar. If the petition is filed in a municipal court, the 6463

registrar shall be represented as provided in section 1901.34 of 6464
the Revised Code. 6465

(6) (a) In issuing an order granting limited driving 6466
privileges under division (E) (1) of this section, the court may 6467
impose any condition it considers reasonable and necessary to 6468
limit the use of a vehicle by the person. The court shall 6469
deliver to the person a copy of the order setting forth the 6470
time, place, and other conditions limiting the person's use of a 6471
motor vehicle. Unless division (E) (6) (b) of this section 6472
applies, the grant of limited driving privileges shall be 6473
conditioned upon the person's having the order in the person's 6474
possession at all times during which the person is operating a 6475
vehicle. 6476

(b) If, under the order, the court requires the use of an 6477
immobilizing or disabling device as a condition of the grant of 6478
limited or unlimited driving privileges, the person shall 6479
present to the registrar or to a deputy registrar the copy of 6480
the order granting limited driving privileges and a certificate 6481
affirming the installation of an immobilizing or disabling 6482
device that is in a form established by the director of public 6483
safety and is signed by the person who installed the device. 6484
Upon presentation of the order and the certificate to the 6485
registrar or a deputy registrar, the registrar or deputy 6486
registrar shall issue to the offender a restricted license, 6487
unless the offender's driver's or commercial driver's license or 6488
permit is suspended under any other provision of law and limited 6489
driving privileges have not been granted with regard to that 6490
suspension. A restricted license issued under this division 6491
shall be identical to an Ohio driver's license, except that it 6492
shall have printed on its face a statement that the offender is 6493
prohibited from operating any motor vehicle that is not equipped 6494

with an immobilizing or disabling device in violation of the 6495
order. 6496

(7) (a) Unless division (E) (7) (b) applies, a person granted 6497
limited driving privileges who operates a vehicle for other than 6498
limited purposes, in violation of any condition imposed by the 6499
court or without having the order in the person's possession, is 6500
guilty of a violation of section 4510.11 of the Revised Code. 6501

(b) No person who has been granted limited or unlimited 6502
driving privileges under division (E) of this section subject to 6503
an immobilizing or disabling device order shall operate a motor 6504
vehicle prior to obtaining a restricted license. Any person who 6505
violates this prohibition is subject to the penalties prescribed 6506
in section 4510.14 of the Revised Code. 6507

(c) The offenses established under division (E) (7) of this 6508
section are strict liability offenses and section 2901.20 of the 6509
Revised Code does not apply. 6510

(F) The provisions of division (A) (8) of section 4510.13 6511
of the Revised Code apply to a person who has been granted 6512
limited or unlimited driving privileges with a certified 6513
ignition interlock device under this section and who either 6514
commits an ignition interlock device violation as defined under 6515
section 4510.46 of the Revised Code or operates a motor vehicle 6516
that is not equipped with a certified ignition interlock device. 6517

(G) Any person whose license or permit has been suspended 6518
under division (A) or (C) of this section may file a petition in 6519
the municipal or county court, or in case the person is under 6520
eighteen years of age, the juvenile court, in whose jurisdiction 6521
the person resides, requesting the termination of the suspension 6522
and agreeing to pay the cost of the proceedings. If the court, 6523

in its discretion, determines that a termination of the 6524
suspension is appropriate, the court shall issue an order to the 6525
registrar to terminate the suspension. Upon receiving such an 6526
order, the registrar shall reinstate the license. 6527

(H) As used in divisions (C) and (D) of this section: 6528

(1) "Child" means a person who is under the age of 6529
eighteen years, except that any person who violates a statute or 6530
ordinance described in division (C) or (D) of this section prior 6531
to attaining eighteen years of age shall be deemed a "child" 6532
irrespective of the person's age at the time the complaint or 6533
other equivalent document is filed in the other state or a 6534
hearing, trial, or other proceeding is held in the other state 6535
on the complaint or other equivalent document, and irrespective 6536
of the person's age when the period of license suspension or 6537
denial prescribed in division (C) or (D) of this section is 6538
imposed. 6539

(2) "Is convicted of or pleads guilty to" means, as it 6540
relates to a child who is a resident of this state, that in a 6541
proceeding conducted in a state or federal court located in 6542
another state for a violation of a statute or ordinance 6543
described in division (C) or (D) of this section, the result of 6544
the proceeding is any of the following: 6545

(a) Under the laws that govern the proceedings of the 6546
court, the child is adjudicated to be or admits to being a 6547
delinquent child or a juvenile traffic offender for a violation 6548
described in division (C) or (D) of this section that would be a 6549
crime if committed by an adult; 6550

(b) Under the laws that govern the proceedings of the 6551
court, the child is convicted of or pleads guilty to a violation 6552

described in division (C) or (D) of this section; 6553

(c) Under the laws that govern the proceedings of the 6554
court, irrespective of the terminology utilized in those laws, 6555
the result of the court's proceedings is the functional 6556
equivalent of division (H) (2) (a) or (b) of this section. 6557

Sec. 5924.1121. (A) As used in this section, "prohibited 6558
substance" means any of the following: 6559

(1) Opium, heroin, cocaine, amphetamine, lysergic acid 6560
diethylamide, methamphetamine, phencyclidine, barbituric acid, 6561
or ~~marihuana~~ cannabis or any compound or derivative of any of 6562
those substances; 6563

(2) Any substance not specified in division (A) (1) of this 6564
section that the adjutant general lists on a schedule of 6565
controlled substances or that is listed on a schedule 6566
established under section 202 of the Federal Controlled 6567
Substances Act, 21 U.S.C. 812, 84 Stat. 1247, as amended. 6568

(B) A person subject to this code who wrongfully uses, 6569
possesses, manufactures, distributes, imports into the customs 6570
territory of the United States, exports from the United States, 6571
or introduces into an installation, vessel, vehicle, or aircraft 6572
used by or under the control of the armed forces of the United 6573
States or of the organized militia a prohibited substance shall 6574
be punished as a court-martial may direct. 6575

Section 2. That existing sections 1.58, 109.572, 2923.01, 6576
2923.41, 2925.01, 2925.02, 2925.03, 2925.04, 2925.05, 2925.11, 6577
2925.14, 2925.22, 2925.23, 2925.36, 2925.38, 2925.51, 2929.01, 6578
2929.14, 3719.01, 3719.21, 3734.44, 4510.17, and 5924.1121 of 6579
the Revised Code are hereby repealed. 6580

Section 3. That section 2925.141 of the Revised Code is 6581

hereby repealed.

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Section 4. It is not the intent of the General Assembly,
in enacting this act, to abridge or deny the right to bear arms
granted to individuals under the Second Amendment to the U.S.
Constitution and Article I, Section 4 of the Ohio Constitution.

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Section 5. Nothing in this act shall be construed to
prohibit visitation or custody of a minor child unless the
person seeking visitation or custody is grossly irresponsible
with other contributing factors.

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Section 6. (A) In enacting provisions replacing references
to "marijuana" with references to "cannabis," this act does not
affect the status of any license, registration, or certificate
issued under the Medical Marijuana Control Program, as that
program existed immediately prior to the effective date of this
act. Accordingly, all of the following remain valid, unless
earlier suspended or revoked, until renewed according to the
schedule established in rule:

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(1) Any license issued by the Department of Commerce or
State Board of Pharmacy pursuant to Chapter 3796. of the Revised
Code;

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(2) Any patient or caregiver medical marijuana
registration, including any identification card, issued by the
State Board of Pharmacy pursuant to Chapter 3796. of the Revised
Code;

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(3) Any certificate to recommend medical marijuana issued
by the State Medical Board pursuant to section 4731.30 of the
Revised Code.

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(B) Under section 3796.021 of the Revised Code, as amended
by this act, the Medical Cannabis Advisory Committee and its

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membership shall be a continuation of the Medical Marijuana 6611
Advisory Committee and its membership, as the Committee and 6612
membership existed immediately prior to the effective date of 6613
this act. 6614

(C) References, existing on the effective date of this 6615
act, to "marijuana" and "marihuana" in contracts entered into by 6616
the state or a political subdivision, in executive orders and 6617
directives, and in similar documents are deemed to be references 6618
to "cannabis" as defined in section 1.06 of the Revised Code, as 6619
enacted by this act, unless the context clearly indicates 6620
otherwise. 6621

Section 7. The General Assembly, applying the principle 6622
stated in division (B) of section 1.52 of the Revised Code that 6623
amendments are to be harmonized if reasonably capable of 6624
simultaneous operation, finds that the composite of the 6625
following sections, presented in this act as composites of the 6626
sections as amended by the acts indicated, are the resulting 6627
versions of the sections in effect prior to the effective date 6628
of the sections as presented in this act: 6629

Section 109.572 of the Revised Code as amended by both 6630
H.B. 166 and S.B. 57 of the 133rd General Assembly. 6631

Section 2925.02 of the Revised Code as amended by both 6632
S.B. 1 and S.B. 201 of the 132nd General Assembly. 6633

Section 2925.03 of the Revised Code as amended by H.B. 6634
111, S.B. 1, S.B. 201, and S.B. 229, all of the 132nd General 6635
Assembly. 6636

Section 2925.04 of the Revised Code as amended by both 6637
S.B. 1 and S.B. 201 of the 132nd General Assembly. 6638

Section 2925.05 of the Revised Code as amended by both 6639

S.B. 1 and S.B. 201 of the 132nd General Assembly.	6640
Section 2925.11 of the Revised Code as amended by S.B. 1,	6641
S.B. 201, and S.B. 229, all of the 132nd General Assembly.	6642
Section 2929.01 of the Revised Code as amended by H.B. 63,	6643
H.B. 411, S.B. 1, S.B. 20, and S.B. 201, all of the 132nd	6644
General Assembly.	6645
Section 2929.14 of the Revised Code as amended by H.B. 63,	6646
S.B. 1, S.B. 20, and S.B. 201, all of the 132nd General	6647
Assembly.	6648
Section 4510.17 of the Revised Code as amended by both	6649
H.B. 388 and S.B. 204 of the 131st General Assembly.	6650