

I\_133\_2081-1

133rd General Assembly  
Regular Session  
2019-2020

Sub. H. B. No. 131

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**A BILL**

To amend sections 9.45, 2925.01, 4712.01, and 1  
4712.99; to amend, for the purpose of adopting 2  
new section numbers as indicated in parentheses, 3  
sections 4710.01 (4712.50), 4710.02 (4712.51), 4  
4710.03 (4712.52), and 4710.04 (4712.53); to 5  
enact sections 4712.502, 4712.54, and 4712.55; 6  
and to repeal section 4710.99 of the Revised 7  
Code regarding debt adjusting. 8

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

**Section 1.** That sections 9.45, 2925.01, 4712.01, and 9  
4712.99 be amended; sections 4710.01 (4712.50), 4710.02 10  
(4712.51), 4710.03 (4712.52), and 4710.04 (4712.53) be amended 11  
for the purpose of adopting new section numbers as indicated in 12  
parentheses; and sections 4712.502, 4712.54, and 4712.55 of the 13  
Revised Code be enacted to read as follows: 14

**Sec. 9.45.** Notwithstanding section 1321.32 of the Revised 15  
Code, the state and any of its political subdivisions or 16  
instrumentalities may deduct from the wages or salaries of a 17  
public employee, as defined in section 9.40 of the Revised Code, 18



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such amounts as are authorized in writing by the employee to a nonprofit debt pooling company operating pursuant to ~~Chapter 4710.~~ sections 4712.50 to 4712.55 of the Revised Code, or a nonprofit budget and debt counseling service, for payment or compromise of any account, note, or other indebtedness. Such authorization may be revoked at any time prior to final payment by written notice from the employee to the employer.

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

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

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

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

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

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

(a) An amount equal to or exceeding ten grams or twenty- 48  
five unit doses of a compound, mixture, preparation, or 49  
substance that is or contains any amount of a schedule I opiate 50  
or opium derivative; 51

(b) An amount equal to or exceeding ten grams of a 52  
compound, mixture, preparation, or substance that is or contains 53  
any amount of raw or gum opium; 54

(c) An amount equal to or exceeding thirty grams or ten 55  
unit doses of a compound, mixture, preparation, or substance 56  
that is or contains any amount of a schedule I hallucinogen 57  
other than tetrahydrocannabinol or lysergic acid amide, or a 58  
schedule I stimulant or depressant; 59

(d) An amount equal to or exceeding twenty grams or five 60  
times the maximum daily dose in the usual dose range specified 61  
in a standard pharmaceutical reference manual of a compound, 62  
mixture, preparation, or substance that is or contains any 63  
amount of a schedule II opiate or opium derivative; 64

(e) An amount equal to or exceeding five grams or ten unit 65  
doses of a compound, mixture, preparation, or substance that is 66  
or contains any amount of phencyclidine; 67

(f) An amount equal to or exceeding one hundred twenty 68  
grams or thirty times the maximum daily dose in the usual dose 69  
range specified in a standard pharmaceutical reference manual of 70  
a compound, mixture, preparation, or substance that is or 71  
contains any amount of a schedule II stimulant that is in a 72  
final dosage form manufactured by a person authorized by the 73  
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 74  
U.S.C.A. 301, as amended, and the federal drug abuse control 75  
laws, as defined in section 3719.01 of the Revised Code, that is 76

or contains any amount of a schedule II depressant substance or 77  
a schedule II hallucinogenic substance; 78

(g) An amount equal to or exceeding three grams of a 79  
compound, mixture, preparation, or substance that is or contains 80  
any amount of a schedule II stimulant, or any of its salts or 81  
isomers, that is not in a final dosage form manufactured by a 82  
person authorized by the Federal Food, Drug, and Cosmetic Act 83  
and the federal drug abuse control laws. 84

(2) An amount equal to or exceeding one hundred twenty 85  
grams or thirty times the maximum daily dose in the usual dose 86  
range specified in a standard pharmaceutical reference manual of 87  
a compound, mixture, preparation, or substance that is or 88  
contains any amount of a schedule III or IV substance other than 89  
an anabolic steroid or a schedule III opiate or opium 90  
derivative; 91

(3) An amount equal to or exceeding twenty grams or five 92  
times the maximum daily dose in the usual dose range specified 93  
in a standard pharmaceutical reference manual of a compound, 94  
mixture, preparation, or substance that is or contains any 95  
amount of a schedule III opiate or opium derivative; 96

(4) An amount equal to or exceeding two hundred fifty 97  
milliliters or two hundred fifty grams of a compound, mixture, 98  
preparation, or substance that is or contains any amount of a 99  
schedule V substance; 100

(5) An amount equal to or exceeding two hundred solid 101  
dosage units, sixteen grams, or sixteen milliliters of a 102  
compound, mixture, preparation, or substance that is or contains 103  
any amount of a schedule III anabolic steroid; 104

(6) For any compound, mixture, preparation, or substance 105

that is a combination of a fentanyl-related compound and any 106  
other compound, mixture, preparation, or substance included in 107  
schedule III, schedule IV, or schedule V, if the defendant is 108  
charged with a violation of section 2925.11 of the Revised Code 109  
and the sentencing provisions set forth in divisions (C)(10)(b) 110  
and (C)(11) of that section will not apply regarding the 111  
defendant and the violation, the bulk amount of the controlled 112  
substance for purposes of the violation is the amount specified 113  
in division (D)(1), (2), (3), (4), or (5) of this section for 114  
the other schedule III, IV, or V controlled substance that is 115  
combined with the fentanyl-related compound. 116

(E) "Unit dose" means an amount or unit of a compound, 117  
mixture, or preparation containing a controlled substance that 118  
is separately identifiable and in a form that indicates that it 119  
is the amount or unit by which the controlled substance is 120  
separately administered to or taken by an individual. 121

(F) "Cultivate" includes planting, watering, fertilizing, 122  
or tilling. 123

(G) "Drug abuse offense" means any of the following: 124

(1) A violation of division (A) of section 2913.02 that 125  
constitutes theft of drugs, or a violation of section 2925.02, 126  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 127  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 128  
or 2925.37 of the Revised Code; 129

(2) A violation of an existing or former law of this or 130  
any other state or of the United States that is substantially 131  
equivalent to any section listed in division (G)(1) of this 132  
section; 133

(3) An offense under an existing or former law of this or 134

any other state, or of the United States, of which planting, 135  
cultivating, harvesting, processing, making, manufacturing, 136  
producing, shipping, transporting, delivering, acquiring, 137  
possessing, storing, distributing, dispensing, selling, inducing 138  
another to use, administering to another, using, or otherwise 139  
dealing with a controlled substance is an element; 140

(4) A conspiracy to commit, attempt to commit, or 141  
complicity in committing or attempting to commit any offense 142  
under division (G) (1), (2), or (3) of this section. 143

(H) "Felony drug abuse offense" means any drug abuse 144  
offense that would constitute a felony under the laws of this 145  
state, any other state, or the United States. 146

(I) "Harmful intoxicant" does not include beer or 147  
intoxicating liquor but means any of the following: 148

(1) Any compound, mixture, preparation, or substance the 149  
gas, fumes, or vapor of which when inhaled can induce 150  
intoxication, excitement, giddiness, irrational behavior, 151  
depression, stupefaction, paralysis, unconsciousness, 152  
asphyxiation, or other harmful physiological effects, and 153  
includes, but is not limited to, any of the following: 154

(a) Any volatile organic solvent, plastic cement, model 155  
cement, fingernail polish remover, lacquer thinner, cleaning 156  
fluid, gasoline, or other preparation containing a volatile 157  
organic solvent; 158

(b) Any aerosol propellant; 159

(c) Any fluorocarbon refrigerant; 160

(d) Any anesthetic gas. 161

(2) Gamma Butyrolactone; 162

(3) 1,4 Butanediol.	163
(J) "Manufacture" means to plant, cultivate, harvest,	164
process, make, prepare, or otherwise engage in any part of the	165
production of a drug, by propagation, extraction, chemical	166
synthesis, or compounding, or any combination of the same, and	167
includes packaging, repackaging, labeling, and other activities	168
incident to production.	169
(K) "Possess" or "possession" means having control over a	170
thing or substance, but may not be inferred solely from mere	171
access to the thing or substance through ownership or occupation	172
of the premises upon which the thing or substance is found.	173
(L) "Sample drug" means a drug or pharmaceutical	174
preparation that would be hazardous to health or safety if used	175
without the supervision of a licensed health professional	176
authorized to prescribe drugs, or a drug of abuse, and that, at	177
one time, had been placed in a container plainly marked as a	178
sample by a manufacturer.	179
(M) "Standard pharmaceutical reference manual" means the	180
current edition, with cumulative changes if any, of references	181
that are approved by the state board of pharmacy.	182
(N) "Juvenile" means a person under eighteen years of age.	183
(O) "Counterfeit controlled substance" means any of the	184
following:	185
(1) Any drug that bears, or whose container or label	186
bears, a trademark, trade name, or other identifying mark used	187
without authorization of the owner of rights to that trademark,	188
trade name, or identifying mark;	189
(2) Any unmarked or unlabeled substance that is	190

represented to be a controlled substance manufactured, 191  
processed, packed, or distributed by a person other than the 192  
person that manufactured, processed, packed, or distributed it; 193

(3) Any substance that is represented to be a controlled 194  
substance but is not a controlled substance or is a different 195  
controlled substance; 196

(4) Any substance other than a controlled substance that a 197  
reasonable person would believe to be a controlled substance 198  
because of its similarity in shape, size, and color, or its 199  
markings, labeling, packaging, distribution, or the price for 200  
which it is sold or offered for sale. 201

(P) An offense is "committed in the vicinity of a school" 202  
if the offender commits the offense on school premises, in a 203  
school building, or within one thousand feet of the boundaries 204  
of any school premises, regardless of whether the offender knows 205  
the offense is being committed on school premises, in a school 206  
building, or within one thousand feet of the boundaries of any 207  
school premises. 208

(Q) "School" means any school operated by a board of 209  
education, any community school established under Chapter 3314. 210  
of the Revised Code, or any nonpublic school for which the state 211  
board of education prescribes minimum standards under section 212  
3301.07 of the Revised Code, whether or not any instruction, 213  
extracurricular activities, or training provided by the school 214  
is being conducted at the time a criminal offense is committed. 215

(R) "School premises" means either of the following: 216

(1) The parcel of real property on which any school is 217  
situated, whether or not any instruction, extracurricular 218  
activities, or training provided by the school is being 219

conducted on the premises at the time a criminal offense is 220  
committed; 221

(2) Any other parcel of real property that is owned or 222  
leased by a board of education of a school, the governing 223  
authority of a community school established under Chapter 3314. 224  
of the Revised Code, or the governing body of a nonpublic school 225  
for which the state board of education prescribes minimum 226  
standards under section 3301.07 of the Revised Code and on which 227  
some of the instruction, extracurricular activities, or training 228  
of the school is conducted, whether or not any instruction, 229  
extracurricular activities, or training provided by the school 230  
is being conducted on the parcel of real property at the time a 231  
criminal offense is committed. 232

(S) "School building" means any building in which any of 233  
the instruction, extracurricular activities, or training 234  
provided by a school is conducted, whether or not any 235  
instruction, extracurricular activities, or training provided by 236  
the school is being conducted in the school building at the time 237  
a criminal offense is committed. 238

(T) "Disciplinary counsel" means the disciplinary counsel 239  
appointed by the board of commissioners on grievances and 240  
discipline of the supreme court under the Rules for the 241  
Government of the Bar of Ohio. 242

(U) "Certified grievance committee" means a duly 243  
constituted and organized committee of the Ohio state bar 244  
association or of one or more local bar associations of the 245  
state of Ohio that complies with the criteria set forth in Rule 246  
V, section 6 of the Rules for the Government of the Bar of Ohio. 247

(V) "Professional license" means any license, permit, 248

certificate, registration, qualification, admission, temporary 249  
license, temporary permit, temporary certificate, or temporary 250  
registration that is described in divisions (W) (1) to (37) of 251  
this section and that qualifies a person as a professionally 252  
licensed person. 253

(W) "Professionally licensed person" means any of the 254  
following: 255

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

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

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

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

(5) A person who has been issued a certificate of 269  
registration as a registered barber under Chapter 4709. of the 270  
Revised Code; 271

(6) A person ~~licensed and regulated~~ registered to engage 272  
in the business of a debt pooling company ~~by a legislative~~ 273  
~~authority, under authority of Chapter 4710. sections 4712.50 to~~ 274  
4712.55 of the Revised Code; 275

(7) A person who has been issued a cosmetologist's 276

license, hair designer's license, manicurist's license,	277
esthetician's license, natural hair stylist's license, advanced	278
cosmetologist's license, advanced hair designer's license,	279
advanced manicurist's license, advanced esthetician's license,	280
advanced natural hair stylist's license, cosmetology	281
instructor's license, hair design instructor's license,	282
manicurist instructor's license, esthetics instructor's license,	283
natural hair style instructor's license, independent	284
contractor's license, or tanning facility permit under Chapter	285
4713. of the Revised Code;	286
(8) A person who has been issued a license to practice	287
dentistry, a general anesthesia permit, a conscious sedation	288
permit, a limited resident's license, a limited teaching	289
license, a dental hygienist's license, or a dental hygienist's	290
teacher's certificate under Chapter 4715. of the Revised Code;	291
(9) A person who has been issued an embalmer's license, a	292
funeral director's license, a funeral home license, or a	293
crematory license, or who has been registered for an embalmer's	294
or funeral director's apprenticeship under Chapter 4717. of the	295
Revised Code;	296
(10) A person who has been licensed as a registered nurse	297
or practical nurse, or who has been issued a certificate for the	298
practice of nurse-midwifery under Chapter 4723. of the Revised	299
Code;	300
(11) A person who has been licensed to practice optometry	301
or to engage in optical dispensing under Chapter 4725. of the	302
Revised Code;	303
(12) A person licensed to act as a pawnbroker under	304
Chapter 4727. of the Revised Code;	305

(13) A person licensed to act as a precious metals dealer	306
under Chapter 4728. of the Revised Code;	307
(14) A person licensed under Chapter 4729. of the Revised	308
Code as a pharmacist or pharmacy intern or registered under that	309
chapter as a registered pharmacy technician, certified pharmacy	310
technician, or pharmacy technician trainee;	311
(15) A person licensed under Chapter 4729. of the Revised	312
Code as a manufacturer of dangerous drugs, outsourcing facility,	313
third-party logistics provider, repackager of dangerous drugs,	314
wholesale distributor of dangerous drugs, or terminal	315
distributor of dangerous drugs;	316
(16) A person who is authorized to practice as a physician	317
assistant under Chapter 4730. of the Revised Code;	318
(17) A person who has been issued a license to practice	319
medicine and surgery, osteopathic medicine and surgery, or	320
podiatric medicine and surgery under Chapter 4731. of the	321
Revised Code or has been issued a certificate to practice a	322
limited branch of medicine under that chapter;	323
(18) A person licensed as a psychologist or school	324
psychologist under Chapter 4732. of the Revised Code;	325
(19) A person registered to practice the profession of	326
engineering or surveying under Chapter 4733. of the Revised	327
Code;	328
(20) A person who has been issued a license to practice	329
chiropractic under Chapter 4734. of the Revised Code;	330
(21) A person licensed to act as a real estate broker or	331
real estate salesperson under Chapter 4735. of the Revised Code;	332
(22) A person registered as a registered sanitarian under	333

Chapter 4736. of the Revised Code;	334
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	335 336
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	337 338
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	339 340
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	341 342 343 344
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	345 346 347
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	348 349 350
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	351 352 353
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	354 355 356
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	357 358 359
(32) A person who is licensed as a licensed professional	360

clinical counselor, licensed professional counselor, social 361  
worker, independent social worker, independent marriage and 362  
family therapist, or marriage and family therapist, or 363  
registered as a social work assistant under Chapter 4757. of the 364  
Revised Code; 365

(33) A person issued a license to practice dietetics under 366  
Chapter 4759. of the Revised Code; 367

(34) A person who has been issued a license or limited 368  
permit to practice respiratory therapy under Chapter 4761. of 369  
the Revised Code; 370

(35) A person who has been issued a real estate appraiser 371  
certificate under Chapter 4763. of the Revised Code; 372

(36) A person who has been issued a home inspector license 373  
under Chapter 4764. of the Revised Code; 374

(37) A person who has been admitted to the bar by order of 375  
the supreme court in compliance with its prescribed and 376  
published rules. 377

(X) "Cocaine" means any of the following: 378

(1) A cocaine salt, isomer, or derivative, a salt of a 379  
cocaine isomer or derivative, or the base form of cocaine; 380

(2) Coca leaves or a salt, compound, derivative, or 381  
preparation of coca leaves, including ecgonine, a salt, isomer, 382  
or derivative of ecgonine, or a salt of an isomer or derivative 383  
of ecgonine; 384

(3) A salt, compound, derivative, or preparation of a 385  
substance identified in division (X)(1) or (2) of this section 386  
that is chemically equivalent to or identical with any of those 387  
substances, except that the substances shall not include 388

decocainized coca leaves or extraction of coca leaves if the 389  
extractions do not contain cocaine or ecgonine. 390

(Y) "L.S.D." means lysergic acid diethylamide. 391

(Z) "Hashish" means the resin or a preparation of the 392  
resin contained in marihuana, whether in solid form or in a 393  
liquid concentrate, liquid extract, or liquid distillate form. 394

(AA) "Marihuana" has the same meaning as in section 395  
3719.01 of the Revised Code, except that it does not include 396  
hashish. 397

(BB) An offense is "committed in the vicinity of a 398  
juvenile" if the offender commits the offense within one hundred 399  
feet of a juvenile or within the view of a juvenile, regardless 400  
of whether the offender knows the age of the juvenile, whether 401  
the offender knows the offense is being committed within one 402  
hundred feet of or within view of the juvenile, or whether the 403  
juvenile actually views the commission of the offense. 404

(CC) "Presumption for a prison term" or "presumption that 405  
a prison term shall be imposed" means a presumption, as 406  
described in division (D) of section 2929.13 of the Revised 407  
Code, that a prison term is a necessary sanction for a felony in 408  
order to comply with the purposes and principles of sentencing 409  
under section 2929.11 of the Revised Code. 410

(DD) "Major drug offender" has the same meaning as in 411  
section 2929.01 of the Revised Code. 412

(EE) "Minor drug possession offense" means either of the 413  
following: 414

(1) A violation of section 2925.11 of the Revised Code as 415  
it existed prior to July 1, 1996; 416

(2) A violation of section 2925.11 of the Revised Code as 417  
it exists on and after July 1, 1996, that is a misdemeanor or a 418  
felony of the fifth degree. 419

(FF) "Mandatory prison term" has the same meaning as in 420  
section 2929.01 of the Revised Code. 421

(GG) "Adulterate" means to cause a drug to be adulterated 422  
as described in section 3715.63 of the Revised Code. 423

(HH) "Public premises" means any hotel, restaurant, 424  
tavern, store, arena, hall, or other place of public 425  
accommodation, business, amusement, or resort. 426

(II) "Methamphetamine" means methamphetamine, any salt, 427  
isomer, or salt of an isomer of methamphetamine, or any 428  
compound, mixture, preparation, or substance containing 429  
methamphetamine or any salt, isomer, or salt of an isomer of 430  
methamphetamine. 431

(JJ) "Deception" has the same meaning as in section 432  
2913.01 of the Revised Code. 433

(KK) "Fentanyl-related compound" means any of the 434  
following: 435

(1) Fentanyl; 436

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 437  
phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2- 438  
phenylethyl)-4-(N-propanilido) piperidine); 439

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2- 440  
thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide); 441

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- 442  
piperidinyl]-N-phenylpropanamide); 443

- (5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide); 444  
445  
446
- (6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide); 447  
448
- (7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide); 449  
450
- (8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide; 451  
452
- (9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide; 453  
454
- (10) Alfentanil; 455
- (11) Carfentanil; 456
- (12) Remifentanil; 457
- (13) Sufentanil; 458
- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and 459  
460
- (15) Any compound that meets all of the following fentanyl 461  
pharmacophore requirements to bind at the mu receptor, as 462  
identified by a report from an established forensic laboratory, 463  
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 464  
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 465  
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 466  
fluorofentanyl: 467
- (a) A chemical scaffold consisting of both of the 468  
following: 469
- (i) A five, six, or seven member ring structure containing 470

a nitrogen, whether or not further substituted; 471

(ii) An attached nitrogen to the ring, whether or not that 472  
nitrogen is enclosed in a ring structure, including an attached 473  
aromatic ring or other lipophilic group to that nitrogen. 474

(b) A polar functional group attached to the chemical 475  
scaffold, including but not limited to a hydroxyl, ketone, 476  
amide, or ester; 477

(c) An alkyl or aryl substitution off the ring nitrogen of 478  
the chemical scaffold; and 479

(d) The compound has not been approved for medical use by 480  
the United States food and drug administration. 481

(LL) "First degree felony mandatory prison term" means one 482  
of the definite prison terms prescribed in division (A) (1) (b) of 483  
section 2929.14 of the Revised Code for a felony of the first 484  
degree, except that if the violation for which sentence is being 485  
imposed is committed on or after the effective date of this 486  
amendment, it means one of the minimum prison terms prescribed 487  
in division (A) (1) (a) of that section for a felony of the first 488  
degree. 489

(MM) "Second degree felony mandatory prison term" means 490  
one of the definite prison terms prescribed in division (A) (2) 491  
(b) of section 2929.14 of the Revised Code for a felony of the 492  
second degree, except that if the violation for which sentence 493  
is being imposed is committed on or after the effective date of 494  
this amendment, it means one of the minimum prison terms 495  
prescribed in division (A) (2) (a) of that section for a felony of 496  
the second degree. 497

(NN) "Maximum first degree felony mandatory prison term" 498  
means the maximum definite prison term prescribed in division 499

(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 500  
the first degree, except that if the violation for which 501  
sentence is being imposed is committed on or after the effective 502  
date of this amendment, it means the longest minimum prison term 503  
prescribed in division (A) (1) (a) of that section for a felony of 504  
the first degree. 505

(OO) "Maximum second degree felony mandatory prison term" 506  
means the maximum definite prison term prescribed in division 507  
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 508  
the second degree, except that if the violation for which 509  
sentence is being imposed is committed on or after the effective 510  
date of this amendment, it means the longest minimum prison term 511  
prescribed in division (A) (2) (a) of that section for a felony of 512  
the second degree. 513

**Sec. 4712.01.** As used in sections 4712.01 to 4712.14 of 514  
the Revised Code: 515

(A) "Buyer" means an individual who is solicited to 516  
purchase or who purchases the services of a credit services 517  
organization for purposes other than obtaining a business loan 518  
as described in division (B) (6) of section 1343.01 of the 519  
Revised Code. 520

(B) "Consumer reporting agency" has the same meaning as in 521  
the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 522  
1681a, as amended. 523

(C) (1) "Credit services organization" means any person 524  
that, in return for the payment of money or other valuable 525  
consideration readily convertible into money for the following 526  
services, sells, provides, or performs, or represents that the 527  
person can or will sell, provide, or perform, one or more of the 528

following services:	529
(a) Improving a buyer's credit record, history, or rating;	530
(b) Obtaining an extension of credit by others for a buyer;	531 532
(c) Providing advice or assistance to a buyer in connection with division (C) (1) (a) or (b) of this section;	533 534
(d) Removing adverse credit information that is accurate and not obsolete from the buyer's credit record, history, or rating;	535 536 537
(e) Altering the buyer's identification to prevent the display of the buyer's credit record, history, or rating.	538 539
(2) "Credit services organization" does not include any of the following:	540 541
(a) A person that makes or collects loans, to the extent these activities are subject to licensure or registration by this state;	542 543 544
(b) A mortgage broker, as defined in section 1322.01 of the Revised Code, that holds a valid certificate of registration under Chapter 1322. of the Revised Code;	545 546 547
(c) A lender approved by the United States secretary of housing and urban development for participation in a mortgage insurance program under the "National Housing Act," 48 Stat. 1246 (1934), 12 U.S.C.A. 1701, as amended;	548 549 550 551
(d) A bank, savings bank, or savings and loan association, or a subsidiary or an affiliate of a bank, savings bank, or savings and loan association. For purposes of division (C) (2) (d) of this section, "affiliate" has the same meaning as in division	552 553 554 555

(A) of section 1101.01 of the Revised Code and "bank," as used 556  
in division (A) of section 1101.01 of the Revised Code, is 557  
deemed to include a savings bank or savings and loan 558  
association. 559

(e) A credit union organized and qualified under Chapter 560  
1733. of the Revised Code or the "Federal Credit Union Act," 84 561  
Stat. 994 (1970), 12 U.S.C.A. 1751, as amended; 562

(f) A budget and debt counseling service, as defined in 563  
division (D) of section 2716.03 of the Revised Code, provided 564  
that the service is a nonprofit organization exempt from 565  
taxation under section 501(c)(3) of the "Internal Revenue Code 566  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, and that 567  
the service is in compliance with ~~Chapter 4710. sections 4712.50~~ 568  
to 4712.55 of the Revised Code; 569

(g) A consumer reporting agency that is in substantial 570  
compliance with the "Fair Credit Reporting Act," 84 Stat. 1128, 571  
15 U.S.C.A. 1681a, as amended. 572

(h) A mortgage banker; 573

(i) Any political subdivision, or any governmental or 574  
other public entity, corporation, or agency, in or of the United 575  
States or any state of the United States; 576

(j) A college or university, or controlled entity of a 577  
college or university, as defined in section 1713.05 of the 578  
Revised Code; 579

(k) A motor vehicle dealer licensed pursuant to Chapter 580  
4517. of the Revised Code acting within the scope and authority 581  
of that license or a motor vehicle auction owner licensed 582  
pursuant to Chapters 4517. and 4707. of the Revised Code acting 583  
within the scope and authority of that license; 584

(l) An attorney at law admitted to the practice of law in this state who offers, provides, or performs a legal service that is privileged by reason of the attorney-client relationship, provided that the service is not a service described in division (C) (1) (b) or (e) of this section.

(D) "Extension of credit" means the right to defer payment of debt, or to incur debt and defer its payment, offered or granted primarily for personal, family, or household purposes. "Extension of credit" does not include a mortgage.

(E) "Mortgage" means any indebtedness secured by a deed of trust, security deed, or other lien on real property.

(F) "Mortgage banker" means any person that makes, services, or buys and sells mortgage loans and is approved by the United States department of housing and urban development, the United States department of veterans affairs, the federal national mortgage association, or the federal home loan mortgage corporation.

(G) "Superintendent of financial institutions" includes the deputy superintendent for consumer finance as provided in section 1181.21 of the Revised Code.

**Sec. ~~4710.01-4712.50~~.** As used in ~~this chapter~~ sections 4712.50 to 4712.55 of the Revised Code:

(A) "Person" includes individuals, partnerships, associations, corporations, trusts, and other legal entities.

(B) (1) "Debt adjusting" means doing business in debt adjusting, budget counseling, debt management, or debt pooling service, or holding oneself out, by words of similar import, as providing services to debtors in the management, reduction, or elimination of the amount or repayment terms of their unsecured

and delinquent debts, to do either of the following: 614

~~(1)~~ (a) To effect the adjustment, compromise, or discharge 615  
of any account, note, or other indebtedness of the debtor, to 616  
obtain any of the following: 617

(i) An adjustment of an interest rate on a debt owed by a 618  
debtor to a creditor; 619

(ii) A waiver or reduction of fees or charges; 620

(iii) A discharge of a debt by reducing the principal 621  
balance of the debt. 622

~~(2)~~ (b) To receive from the debtor and disburse to the 623  
debtor's creditors any money or other thing of value. 624

(2) "Debt adjusting" does not include any of the 625  
activities of a debt collector, as defined in 15 U.S.C. 1692a. 626

(C) "Delinquent" means any unsecured debt in which the 627  
delinquency can be verifiable. 628

(D) "Resides" means to live in a particular place on a 629  
temporary or a permanent basis. 630

**Sec. 4712.502.** (A) No person shall engage in debt 631  
adjusting in this state without first registering with the 632  
attorney general as prescribed by the attorney general pursuant 633  
to rules adopted under this section. 634

(B) The attorney general shall adopt rules pursuant to 635  
Chapter 119. of the Revised Code relating to registration, 636  
oversight, and enforcement of sections 4712.50 to 4712.55 of the 637  
Revised Code, including any rules to expand registration 638  
requirements under those sections. The rules shall also include 639  
all of the following: 640

(1) Reasonable registration fees, any subsequent increase 641  
of which shall be approved by the general assembly through the 642  
biennial operating appropriations act; 643

(2) Penalties for any violation of sections 4712.50 to 644  
4712.55 of the Revised Code, which may include any of the 645  
following: 646

(a) Fines; 647

(b) Suspension of registration for up to five years unless 648  
division (B) (2) (c) of this section applies; 649

(c) Indefinite barring from registration. 650

(C) Any person subject to an enforcement action taken by 651  
the attorney general under sections 4712.50 to 4712.55 of the 652  
Revised Code may appeal such decision. 653

**Sec. ~~4710.02~~ 4712.51.** (A) Subject to division (C) of this 654  
section, a person engaged in debt adjusting shall do all of the 655  
following: 656

(1) Unless specifically instructed otherwise by a debtor, 657  
disburse to the appropriate creditors all funds received from 658  
the debtor, less any contributions not prohibited by division 659  
(B) of this section, within thirty days of receipt of the funds 660  
from the debtor; 661

(2) Maintain a separate trust account for the receipt of 662  
any funds from debtors and the disbursement of the funds to 663  
creditors on behalf of the debtors; 664

(3) Charge or accept only reasonable fees or contributions 665  
in accordance with division (B) of this section; 666

(4) Establish and implement a policy that allows for the 667

waiver or discontinuation of fees or contributions not 668  
prohibited by division (B) of this section if the debtor is 669  
unable to pay such fees or contributions; 670

(5) Service only debt that is unsecured and delinquent; 671

(6) Ensure that any line of credit that is current is not 672  
made to go into delinquency due to an agreement between the 673  
debtor and the debt adjuster; 674

(7) Comply with federal law and regulations as it relates 675  
to debt adjusting and with the federal telemarketing sales rule 676  
under 16 C.F.R. part 310. 677

(B) If fees or contributions for providing debt adjusting 678  
services are charged or accepted, directly or indirectly, no 679  
person providing or engaged in debt adjusting shall do any of 680  
the following: 681

(1) Charge or accept a fee or contribution exceeding 682  
seventy-five dollars from a debtor residing in this state for an 683  
initial consultation or initial set up of a debt management plan 684  
or similar plan; 685

(2) Charge or accept consultation fees or contributions 686  
exceeding one hundred dollars per calendar year from a debtor 687  
residing in this state; 688

(3) Charge or accept a periodic fee or contribution from a 689  
debtor residing in this state for administering a debt 690  
management plan or similar plan, which fee or contribution 691  
exceeds eight and one-half per cent of the amount paid by the 692  
debtor each month for distribution to the debtor's creditors or 693  
thirty dollars, whichever is greater. 694

(C) Division (A) or (B) of this section does not prohibit 695

a person engaged in debt adjusting for a debtor who is residing 696  
in this state from charging the debtor a reasonable fee for 697  
insufficient funds transactions that is in addition to fees or 698  
contributions not prohibited by division (B) of this section. 699

(D) Any person that engages in debt adjusting, annually, 700  
shall arrange for and undergo an audit conducted by an 701  
independent, third party, certified public accountant of the 702  
person's business, including any trust funds deposited and 703  
distributed to creditors on behalf of debtors. Both of the 704  
following apply to an audit described in this division: 705

(1) The person shall file the results of the audit and the 706  
auditor's opinion with the consumer protection division of the 707  
attorney general. 708

(2) The attorney general shall make available a summary of 709  
the results of the audit and the auditor's opinion upon written 710  
request of a person and payment of a fee not exceeding the cost 711  
of copying the summary and opinion. 712

(E) A person engaged in debt adjusting shall obtain and 713  
maintain at all times insurance coverage for employee 714  
dishonesty, depositor's forgery, and computer fraud in the 715  
amount of ten per cent of the monthly average for the immediate 716  
preceding six months of the aggregate amount of all deposits 717  
made with the person by all debtors. The insurance coverage 718  
shall comply with all of the following: 719

(1) The insurance coverage is not less than one hundred 720  
thousand dollars. 721

(2) The insurance coverage includes a deductible that does 722  
not exceed ten per cent of the face amount of the policy 723  
coverage. 724

(3) The insurance coverage is issued by an insurer rated 725  
at least A- or its equivalent by a nationally recognized rating 726  
organization. 727

(4) The insurance coverage provides that thirty days 728  
advance written notice be given to the consumer protection 729  
division of the attorney general before coverage is terminated. 730

(F) (1) No person engaged in debt adjusting shall fail to 731  
comply with division (A) of this section or shall violate 732  
division (B) of this section. 733

(2) No person engaged in debt adjusting shall fail to 734  
comply with divisions (D) and (E) of this section. 735

**Sec. ~~4710.03~~ 4712.52.** Nothing in ~~this chapter sections~~ 736  
4712.50 to 4712.55 of the Revised Code applies to any of the 737  
following: 738

(A) The federal national mortgage association; the federal 739  
home loan mortgage corporation; a bank, bank holding company, 740  
trust company, savings and loan association, credit union, 741  
savings bank, or credit card bank, that is regulated by the 742  
office of the comptroller of currency, office of thrift 743  
supervision, federal reserve, federal deposit insurance 744  
corporation, national credit union administration, or division 745  
of financial institutions; or to subsidiaries of any of these 746  
entities; 747

(B) Debt adjusting incurred in the practice of law in this 748  
state; 749

(C) A person that incidentally engages in debt adjusting 750  
to adjust the indebtedness owed to that person; 751

(D) A registrant as defined in section 1321.51 of the 752

Revised Code; 753

(E) A registrant or licensee as both are defined in 754  
section 1322.01 of the Revised Code. 755

**Sec. ~~4710.04~~ 4712.53.** (A) Any violation of ~~division (F) (1)~~ 756  
~~of section 4710.02~~ sections 4712.50 to 4712.55 of the Revised 757  
Code is deemed an unfair or deceptive act or practice in 758  
violation of section 1345.02 of the Revised Code. A person 759  
injured by a violation of that division has a cause of action 760  
and is entitled to the same relief available to a consumer under 761  
section 1345.09 of the Revised Code, and all the powers and 762  
remedies available to the attorney general to enforce sections 763  
1345.01 to 1345.13 of the Revised Code are available to the 764  
attorney general to enforce ~~division (F) (1) of section 4710.02~~ 765  
sections 4712.50 to 4712.55 of the Revised Code. 766

(B) Any person who violates division (F) (2) of section 767  
~~4710.02~~ 4712.51 of the Revised Code, in addition to the 768  
penalties imposed by division (C) of section 4710.99 ~~4712.99~~ of 769  
the Revised Code, shall be fined not more than ten thousand 770  
dollars for each violation. 771

**Sec. 4712.54.** (A) A person engaged in debt adjusting and 772  
operating in compliance with federal laws or regulations, 773  
including regulations adopted under 16 C.F.R. part 310, is not 774  
subject to division (B) of section 4712.51 of the Revised Code. 775

(B) A person engaged in debt adjusting and operating in 776  
compliance with federal laws or regulations, including 777  
regulations adopted under 16 C.F.R. part 310, shall, in any debt 778  
management plan between the person and a debtor, disclose to the 779  
debtor each creditor that the person has reason to believe will 780  
not negotiate settlements directly with the person. 781

Sec. 4712.55. (A) No person engaging in debt adjusting who 782  
is not an attorney licensed under Chapter 4705. of the Revised 783  
Code or an equivalent law in another state shall send a cease 784  
and desist letter or a similar letter to any creditor on behalf 785  
of a debtor. 786

(B) Nothing in sections 4712.50 to 4712.55 of the Revised 787  
Code shall be construed as permitting the unauthorized practice 788  
of law by any person engaged in debt adjusting. 789

**Sec. 4712.99.** (A) Whoever violates division (J) of section 790  
4712.02, division (E) of section 4712.04, division (D) or (E) of 791  
section 4712.05, division (A) of section 4712.06, section 792  
4712.07 or 4712.08, or division (A) of section 4712.09 of the 793  
Revised Code is guilty of a felony of the fifth degree. 794

(B) (1) Whoever violates section 4712.071 of the Revised 795  
Code is guilty of a minor misdemeanor and shall be fined not 796  
less than one hundred nor more than five hundred dollars. 797

(2) The offense established under section 4712.071 of the 798  
Revised Code is a strict liability offense and section 2901.20 799  
of the Revised Code does not apply. The designation of this 800  
offense as a strict liability offense shall not be construed to 801  
imply that any other offense for which there is no specified 802  
degree of culpability, whether in this section or another 803  
section of the Revised Code, is not a strict liability offense. 804

(C) Whoever recklessly violates division (F) of section 805  
4712.51 of the Revised Code or division (B) of section 4712.54 806  
of the Revised Code is guilty of a misdemeanor of the third 807  
degree for a first offense and a misdemeanor of the second 808  
degree for any subsequent offense. 809

**Section 2.** That existing sections 9.45, 2925.01, 4712.01, 810

4712.99, 4710.01, 4710.02, 4710.03, and 4710.04 and section 811  
4710.99 of the Revised Code are hereby repealed. 812

**Section 3.** That section 4710.99 of the Revised Code is 813  
hereby repealed. 814

**Section 4.** Section 2925.01 of the Revised Code is 815  
presented in this act as a composite of the section as amended 816  
by Am. Sub. H.B. 49, Am. Sub. S.B. 1, Am. Sub. S.B. 201, Sub. 817  
S.B. 229, Am. Sub. S.B. 255, and Sub. S.B. 259, all of the 132nd 818  
General Assembly. The General Assembly, applying the principle 819  
stated in division (B) of section 1.52 of the Revised Code that 820  
amendments are to be harmonized if reasonably capable of 821  
simultaneous operation, finds that the composite is the 822  
resulting version of the section in effect prior to the 823  
effective date of the section as presented in this act. 824