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Representative Gavarone

Cosponsors: Representatives Wiggam, Riedel, Lipps, Smith, R., Ryan, Sprague, Schuring, Butler, Cupp, Arndt, Carfagna, Kick, LaTourette, Patton, Manning, Rezabek, Lang, Anielski, Antani, Antonio, Faber, Ginter, Green, Greenspan, Hambley, Hughes, Johnson, Koehler, Landis, Lanese, Leland, Miller, Perales, Reineke, Rogers, Romanchuk, Schaffer, Scherer, Slaby, Stein, Sweeney, West, Wilkin, Young

A BILL

To amend sections 2925.01 and 2925.03 of the Revised Code to enhance penalties for certain drug trafficking offenses committed in the vicinity of a community addiction services provider.

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

Section 1. That sections 2925.01 and 2925.03 of the Revised Code be amended to read as follows:

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.	15
(B) "Drug dependent person" and "drug of abuse" have the same meanings as in section 3719.011 of the Revised Code.	16 17
(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.	18 19 20 21
(D) "Bulk amount" of a controlled substance means any of the following:	22 23
(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of controlled substance analogs, marihuana, cocaine, L.S.D., heroin, and hashish and except as provided in division (D) (2) or (5) of this section, whichever of the following is applicable:	24 25 26 27 28 29
(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;	30 31 32 33
(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium;	34 35 36
(c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a schedule I stimulant or depressant;	37 38 39 40 41
(d) An amount equal to or exceeding twenty grams or five	42

times the maximum daily dose in the usual dose range specified 43
in a standard pharmaceutical reference manual of a compound, 44
mixture, preparation, or substance that is or contains any 45
amount of a schedule II opiate or opium derivative; 46

(e) An amount equal to or exceeding five grams or ten unit 47
doses of a compound, mixture, preparation, or substance that is 48
or contains any amount of phencyclidine; 49

(f) An amount equal to or exceeding one hundred twenty 50
grams or thirty times the maximum daily dose in the usual dose 51
range specified in a standard pharmaceutical reference manual of 52
a compound, mixture, preparation, or substance that is or 53
contains any amount of a schedule II stimulant that is in a 54
final dosage form manufactured by a person authorized by the 55
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 56
U.S.C.A. 301, as amended, and the federal drug abuse control 57
laws, as defined in section 3719.01 of the Revised Code, that is 58
or contains any amount of a schedule II depressant substance or 59
a schedule II hallucinogenic substance; 60

(g) An amount equal to or exceeding three grams of a 61
compound, mixture, preparation, or substance that is or contains 62
any amount of a schedule II stimulant, or any of its salts or 63
isomers, that is not in a final dosage form manufactured by a 64
person authorized by the Federal Food, Drug, and Cosmetic Act 65
and the federal drug abuse control laws. 66

(2) An amount equal to or exceeding one hundred twenty 67
grams or thirty times the maximum daily dose in the usual dose 68
range specified in a standard pharmaceutical reference manual of 69
a compound, mixture, preparation, or substance that is or 70
contains any amount of a schedule III or IV substance other than 71
an anabolic steroid or a schedule III opiate or opium 72

derivative;	73
(3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III opiate or opium derivative;	74 75 76 77 78
(4) An amount equal to or exceeding two hundred fifty milliliters or two hundred fifty grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule V substance;	79 80 81 82
(5) An amount equal to or exceeding two hundred solid dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III anabolic steroid.	83 84 85 86
(E) "Unit dose" means an amount or unit of a compound, mixture, or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.	87 88 89 90 91
(F) "Cultivate" includes planting, watering, fertilizing, or tilling.	92 93
(G) "Drug abuse offense" means any of the following:	94
(1) A violation of division (A) of section 2913.02 that constitutes theft of drugs, or a violation of section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code;	95 96 97 98 99
(2) A violation of an existing or former law of this or	100

any other state or of the United States that is substantially 101
equivalent to any section listed in division (G) (1) of this 102
section; 103

(3) An offense under an existing or former law of this or 104
any other state, or of the United States, of which planting, 105
cultivating, harvesting, processing, making, manufacturing, 106
producing, shipping, transporting, delivering, acquiring, 107
possessing, storing, distributing, dispensing, selling, inducing 108
another to use, administering to another, using, or otherwise 109
dealing with a controlled substance is an element; 110

(4) A conspiracy to commit, attempt to commit, or 111
complicity in committing or attempting to commit any offense 112
under division (G) (1), (2), or (3) of this section. 113

(H) "Felony drug abuse offense" means any drug abuse 114
offense that would constitute a felony under the laws of this 115
state, any other state, or the United States. 116

(I) "Harmful intoxicant" does not include beer or 117
intoxicating liquor but means any of the following: 118

(1) Any compound, mixture, preparation, or substance the 119
gas, fumes, or vapor of which when inhaled can induce 120
intoxication, excitement, giddiness, irrational behavior, 121
depression, stupefaction, paralysis, unconsciousness, 122
asphyxiation, or other harmful physiological effects, and 123
includes, but is not limited to, any of the following: 124

(a) Any volatile organic solvent, plastic cement, model 125
cement, fingernail polish remover, lacquer thinner, cleaning 126
fluid, gasoline, or other preparation containing a volatile 127
organic solvent; 128

(b) Any aerosol propellant; 129

(c) Any fluorocarbon refrigerant;	130
(d) Any anesthetic gas.	131
(2) Gamma Butyrolactone;	132
(3) 1,4 Butanediol.	133
(J) "Manufacture" means to plant, cultivate, harvest,	134
process, make, prepare, or otherwise engage in any part of the	135
production of a drug, by propagation, extraction, chemical	136
synthesis, or compounding, or any combination of the same, and	137
includes packaging, repackaging, labeling, and other activities	138
incident to production.	139
(K) "Possess" or "possession" means having control over a	140
thing or substance, but may not be inferred solely from mere	141
access to the thing or substance through ownership or occupation	142
of the premises upon which the thing or substance is found.	143
(L) "Sample drug" means a drug or pharmaceutical	144
preparation that would be hazardous to health or safety if used	145
without the supervision of a licensed health professional	146
authorized to prescribe drugs, or a drug of abuse, and that, at	147
one time, had been placed in a container plainly marked as a	148
sample by a manufacturer.	149
(M) "Standard pharmaceutical reference manual" means the	150
current edition, with cumulative changes if any, of references	151
that are approved by the state board of pharmacy.	152
(N) "Juvenile" means a person under eighteen years of age.	153
(O) "Counterfeit controlled substance" means any of the	154
following:	155
(1) Any drug that bears, or whose container or label	156

bears, a trademark, trade name, or other identifying mark used 157
without authorization of the owner of rights to that trademark, 158
trade name, or identifying mark; 159

(2) Any unmarked or unlabeled substance that is 160
represented to be a controlled substance manufactured, 161
processed, packed, or distributed by a person other than the 162
person that manufactured, processed, packed, or distributed it; 163

(3) Any substance that is represented to be a controlled 164
substance but is not a controlled substance or is a different 165
controlled substance; 166

(4) Any substance other than a controlled substance that a 167
reasonable person would believe to be a controlled substance 168
because of its similarity in shape, size, and color, or its 169
markings, labeling, packaging, distribution, or the price for 170
which it is sold or offered for sale. 171

(P) An offense is "committed in the vicinity of a school" 172
if the offender commits the offense on school premises, in a 173
school building, or within one thousand feet of the boundaries 174
of any school premises, regardless of whether the offender knows 175
the offense is being committed on school premises, in a school 176
building, or within one thousand feet of the boundaries of any 177
school premises. 178

(Q) "School" means any school operated by a board of 179
education, any community school established under Chapter 3314. 180
of the Revised Code, or any nonpublic school for which the state 181
board of education prescribes minimum standards under section 182
3301.07 of the Revised Code, whether or not any instruction, 183
extracurricular activities, or training provided by the school 184
is being conducted at the time a criminal offense is committed. 185

(R) "School premises" means either of the following:	186
(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed;	187 188 189 190 191
(2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the governing body of a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.	192 193 194 195 196 197 198 199 200 201 202
(S) "School building" means any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted in the school building at the time a criminal offense is committed.	203 204 205 206 207 208
(T) "Disciplinary counsel" means the disciplinary counsel appointed by the board of commissioners on grievances and discipline of the supreme court under the Rules for the Government of the Bar of Ohio.	209 210 211 212
(U) "Certified grievance committee" means a duly constituted and organized committee of the Ohio state bar	213 214

association or of one or more local bar associations of the 215
state of Ohio that complies with the criteria set forth in Rule 216
V, section 6 of the Rules for the Government of the Bar of Ohio. 217

(V) "Professional license" means any license, permit, 218
certificate, registration, qualification, admission, temporary 219
license, temporary permit, temporary certificate, or temporary 220
registration that is described in divisions (W) (1) to (36) of 221
this section and that qualifies a person as a professionally 222
licensed person. 223

(W) "Professionally licensed person" means any of the 224
following: 225

(1) A person who has obtained a license as a manufacturer 226
of controlled substances or a wholesaler of controlled 227
substances under Chapter 3719. of the Revised Code; 228

(2) A person who has received a certificate or temporary 229
certificate as a certified public accountant or who has 230
registered as a public accountant under Chapter 4701. of the 231
Revised Code and who holds an Ohio permit issued under that 232
chapter; 233

(3) A person who holds a certificate of qualification to 234
practice architecture issued or renewed and registered under 235
Chapter 4703. of the Revised Code; 236

(4) A person who is registered as a landscape architect 237
under Chapter 4703. of the Revised Code or who holds a permit as 238
a landscape architect issued under that chapter; 239

(5) A person licensed under Chapter 4707. of the Revised 240
Code; 241

(6) A person who has been issued a certificate of 242

registration as a registered barber under Chapter 4709. of the	243
Revised Code;	244
(7) A person licensed and regulated to engage in the	245
business of a debt pooling company by a legislative authority,	246
under authority of Chapter 4710. of the Revised Code;	247
(8) A person who has been issued a cosmetologist's	248
license, hair designer's license, manicurist's license,	249
esthetician's license, natural hair stylist's license, advanced	250
cosmetologist's license, advanced hair designer's license,	251
advanced manicurist's license, advanced esthetician's license,	252
advanced natural hair stylist's license, cosmetology	253
instructor's license, hair design instructor's license,	254
manicurist instructor's license, esthetics instructor's license,	255
natural hair style instructor's license, independent	256
contractor's license, or tanning facility permit under Chapter	257
4713. of the Revised Code;	258
(9) A person who has been issued a license to practice	259
dentistry, a general anesthesia permit, a conscious intravenous	260
sedation permit, a limited resident's license, a limited	261
teaching license, a dental hygienist's license, or a dental	262
hygienist's teacher's certificate under Chapter 4715. of the	263
Revised Code;	264
(10) A person who has been issued an embalmer's license, a	265
funeral director's license, a funeral home license, or a	266
crematory license, or who has been registered for an embalmer's	267
or funeral director's apprenticeship under Chapter 4717. of the	268
Revised Code;	269
(11) A person who has been licensed as a registered nurse	270
or practical nurse, or who has been issued a certificate for the	271

practice of nurse-midwifery under Chapter 4723. of the Revised Code;	272 273
(12) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	274 275 276
(13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	277 278
(14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	279 280
(15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;	281 282 283 284
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	285 286
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	287 288 289 290 291
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	292 293
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	294 295 296
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	297 298

(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	299 300
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	301 302
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	303 304
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	305 306
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	307 308
(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;	309 310 311 312
(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;	313 314 315
(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;	316 317 318
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	319 320 321
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	322 323 324
(31) A person issued a license as an occupational	325

therapist or physical therapist under Chapter 4755. of the	326
Revised Code;	327
(32) A person who is licensed as a licensed professional	328
clinical counselor, licensed professional counselor, social	329
worker, independent social worker, independent marriage and	330
family therapist, or marriage and family therapist, or	331
registered as a social work assistant under Chapter 4757. of the	332
Revised Code;	333
(33) A person issued a license to practice dietetics under	334
Chapter 4759. of the Revised Code;	335
(34) A person who has been issued a license or limited	336
permit to practice respiratory therapy under Chapter 4761. of	337
the Revised Code;	338
(35) A person who has been issued a real estate appraiser	339
certificate under Chapter 4763. of the Revised Code;	340
(36) A person who has been admitted to the bar by order of	341
the supreme court in compliance with its prescribed and	342
published rules.	343
(X) "Cocaine" means any of the following:	344
(1) A cocaine salt, isomer, or derivative, a salt of a	345
cocaine isomer or derivative, or the base form of cocaine;	346
(2) Coca leaves or a salt, compound, derivative, or	347
preparation of coca leaves, including ecgonine, a salt, isomer,	348
or derivative of ecgonine, or a salt of an isomer or derivative	349
of ecgonine;	350
(3) A salt, compound, derivative, or preparation of a	351
substance identified in division (X)(1) or (2) of this section	352
that is chemically equivalent to or identical with any of those	353

substances, except that the substances shall not include 354
decocainized coca leaves or extraction of coca leaves if the 355
extractions do not contain cocaine or ecgonine. 356

(Y) "L.S.D." means lysergic acid diethylamide. 357

(Z) "Hashish" means the resin or a preparation of the 358
resin contained in marihuana, whether in solid form or in a 359
liquid concentrate, liquid extract, or liquid distillate form. 360

(AA) "Marihuana" has the same meaning as in section 361
3719.01 of the Revised Code, except that it does not include 362
hashish. 363

(BB) An offense is "committed in the vicinity of a 364
juvenile" if the offender commits the offense within one hundred 365
feet of a juvenile or within the view of a juvenile, regardless 366
of whether the offender knows the age of the juvenile, whether 367
the offender knows the offense is being committed within one 368
hundred feet of or within view of the juvenile, or whether the 369
juvenile actually views the commission of the offense. 370

(CC) "Presumption for a prison term" or "presumption that 371
a prison term shall be imposed" means a presumption, as 372
described in division (D) of section 2929.13 of the Revised 373
Code, that a prison term is a necessary sanction for a felony in 374
order to comply with the purposes and principles of sentencing 375
under section 2929.11 of the Revised Code. 376

(DD) "Major drug offender" has the same meaning as in 377
section 2929.01 of the Revised Code. 378

(EE) "Minor drug possession offense" means either of the 379
following: 380

(1) A violation of section 2925.11 of the Revised Code as 381

it existed prior to July 1, 1996; 382

(2) A violation of section 2925.11 of the Revised Code as 383
it exists on and after July 1, 1996, that is a misdemeanor or a 384
felony of the fifth degree. 385

(FF) "Mandatory prison term" has the same meaning as in 386
section 2929.01 of the Revised Code. 387

(GG) "Adulterate" means to cause a drug to be adulterated 388
as described in section 3715.63 of the Revised Code. 389

(HH) "Public premises" means any hotel, restaurant, 390
tavern, store, arena, hall, or other place of public 391
accommodation, business, amusement, or resort. 392

(II) "Methamphetamine" means methamphetamine, any salt, 393
isomer, or salt of an isomer of methamphetamine, or any 394
compound, mixture, preparation, or substance containing 395
methamphetamine or any salt, isomer, or salt of an isomer of 396
methamphetamine. 397

(JJ) "Lawful prescription" means a prescription that is 398
issued for a legitimate medical purpose by a licensed health 399
professional authorized to prescribe drugs, that is not altered 400
or forged, and that was not obtained by means of deception or by 401
the commission of any theft offense. 402

(KK) "Deception" and "theft offense" have the same 403
meanings as in section 2913.01 of the Revised Code. 404

(LL) An offense is "committed in the vicinity of a 405
community addiction services provider" if the offender commits 406
the offense on the premises of a community addiction services 407
provider, including a facility licensed to provide methadone 408
treatment under section 5119.391 of the Revised Code, or within 409

one thousand feet of a community addiction services provider, 410
when the offender recklessly disregards whether the offense is 411
being committed within that vicinity. 412

(MM) "Community addiction services provider" has the same 413
meaning as in section 5119.01 of the Revised Code. 414

Sec. 2925.03. (A) No person shall knowingly do any of the 415
following: 416

(1) Sell or offer to sell a controlled substance or a 417
controlled substance analog; 418

(2) Prepare for shipment, ship, transport, deliver, 419
prepare for distribution, or distribute a controlled substance 420
or a controlled substance analog, when the offender knows or has 421
reasonable cause to believe that the controlled substance or a 422
controlled substance analog is intended for sale or resale by 423
the offender or another person. 424

(B) This section does not apply to any of the following: 425

(1) Manufacturers, licensed health professionals 426
authorized to prescribe drugs, pharmacists, owners of 427
pharmacies, and other persons whose conduct is in accordance 428
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 429
4741. of the Revised Code; 430

(2) If the offense involves an anabolic steroid, any 431
person who is conducting or participating in a research project 432
involving the use of an anabolic steroid if the project has been 433
approved by the United States food and drug administration; 434

(3) Any person who sells, offers for sale, prescribes, 435
dispenses, or administers for livestock or other nonhuman 436
species an anabolic steroid that is expressly intended for 437

administration through implants to livestock or other nonhuman 438
species and approved for that purpose under the "Federal Food, 439
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 440
as amended, and is sold, offered for sale, prescribed, 441
dispensed, or administered for that purpose in accordance with 442
that act. 443

(C) Whoever violates division (A) of this section is 444
guilty of one of the following: 445

(1) If the drug involved in the violation is any compound, 446
mixture, preparation, or substance included in schedule I or 447
schedule II, with the exception of marihuana, cocaine, L.S.D., 448
heroin, hashish, and controlled substance analogs, whoever 449
violates division (A) of this section is guilty of aggravated 450
trafficking in drugs. The penalty for the offense shall be 451
determined as follows: 452

(a) Except as otherwise provided in division (C) (1) (b), 453
(c), (d), (e), or (f) of this section, aggravated trafficking in 454
drugs is a felony of the fourth degree, and division (C) of 455
section 2929.13 of the Revised Code applies in determining 456
whether to impose a prison term on the offender. 457

(b) Except as otherwise provided in division (C) (1) (c), 458
(d), (e), or (f) of this section, if the offense was committed 459
in the vicinity of a school ~~or~~, in the vicinity of a juvenile, 460
or in the vicinity of a community addiction services provider, 461
aggravated trafficking in drugs is a felony of the third degree, 462
and division (C) of section 2929.13 of the Revised Code applies 463
in determining whether to impose a prison term on the offender. 464

(c) Except as otherwise provided in this division, if the 465
amount of the drug involved equals or exceeds the bulk amount 466

but is less than five times the bulk amount, aggravated 467
trafficking in drugs is a felony of the third degree, and, 468
except as otherwise provided in this division, there is a 469
presumption for a prison term for the offense. If aggravated 470
trafficking in drugs is a felony of the third degree under this 471
division and if the offender two or more times previously has 472
been convicted of or pleaded guilty to a felony drug abuse 473
offense, the court shall impose as a mandatory prison term one 474
of the prison terms prescribed for a felony of the third degree. 475
If the amount of the drug involved is within that range and if 476
the offense was committed in the vicinity of a school ~~or~~, in 477
the vicinity of a juvenile, or in the vicinity of a community 478
addiction services provider, aggravated trafficking in drugs is 479
a felony of the second degree, and the court shall impose as a 480
mandatory prison term one of the prison terms prescribed for a 481
felony of the second degree. 482

(d) Except as otherwise provided in this division, if the 483
amount of the drug involved equals or exceeds five times the 484
bulk amount but is less than fifty times the bulk amount, 485
aggravated trafficking in drugs is a felony of the second 486
degree, and the court shall impose as a mandatory prison term 487
one of the prison terms prescribed for a felony of the second 488
degree. If the amount of the drug involved is within that range 489
and if the offense was committed in the vicinity of a school ~~or~~ 490
~~,~~ in the vicinity of a juvenile, or in the vicinity of a 491
community addiction services provider, aggravated trafficking in 492
drugs is a felony of the first degree, and the court shall 493
impose as a mandatory prison term one of the prison terms 494
prescribed for a felony of the first degree. 495

(e) If the amount of the drug involved equals or exceeds 496
fifty times the bulk amount but is less than one hundred times 497

the bulk amount and regardless of whether the offense was 498
committed in the vicinity of a school ~~or,~~ in the vicinity of a 499
juvenile, or in the vicinity of a community addiction services 500
provider, aggravated trafficking in drugs is a felony of the 501
first degree, and the court shall impose as a mandatory prison 502
term one of the prison terms prescribed for a felony of the 503
first degree. 504

(f) If the amount of the drug involved equals or exceeds 505
one hundred times the bulk amount and regardless of whether the 506
offense was committed in the vicinity of a school ~~or,~~ in the 507
vicinity of a juvenile, or in the vicinity of a community 508
addiction services provider, aggravated trafficking in drugs is 509
a felony of the first degree, the offender is a major drug 510
offender, and the court shall impose as a mandatory prison term 511
the maximum prison term prescribed for a felony of the first 512
degree. 513

(2) If the drug involved in the violation is any compound, 514
mixture, preparation, or substance included in schedule III, IV, 515
or V, whoever violates division (A) of this section is guilty of 516
trafficking in drugs. The penalty for the offense shall be 517
determined as follows: 518

(a) Except as otherwise provided in division (C) (2) (b), 519
(c), (d), or (e) of this section, trafficking in drugs is a 520
felony of the fifth degree, and division (B) of section 2929.13 521
of the Revised Code applies in determining whether to impose a 522
prison term on the offender. 523

(b) Except as otherwise provided in division (C) (2) (c), 524
(d), or (e) of this section, if the offense was committed in the 525
vicinity of a school or in the vicinity of a juvenile, 526
trafficking in drugs is a felony of the fourth degree, and 527

division (C) of section 2929.13 of the Revised Code applies in 528
determining whether to impose a prison term on the offender. 529

(c) Except as otherwise provided in this division, if the 530
amount of the drug involved equals or exceeds the bulk amount 531
but is less than five times the bulk amount, trafficking in 532
drugs is a felony of the fourth degree, and division (B) of 533
section 2929.13 of the Revised Code applies in determining 534
whether to impose a prison term for the offense. If the amount 535
of the drug involved is within that range and if the offense was 536
committed in the vicinity of a school or in the vicinity of a 537
juvenile, trafficking in drugs is a felony of the third degree, 538
and there is a presumption for a prison term for the offense. 539

(d) Except as otherwise provided in this division, if the 540
amount of the drug involved equals or exceeds five times the 541
bulk amount but is less than fifty times the bulk amount, 542
trafficking in drugs is a felony of the third degree, and there 543
is a presumption for a prison term for the offense. If the 544
amount of the drug involved is within that range and if the 545
offense was committed in the vicinity of a school or in the 546
vicinity of a juvenile, trafficking in drugs is a felony of the 547
second degree, and there is a presumption for a prison term for 548
the offense. 549

(e) Except as otherwise provided in this division, if the 550
amount of the drug involved equals or exceeds fifty times the 551
bulk amount, trafficking in drugs is a felony of the second 552
degree, and the court shall impose as a mandatory prison term 553
one of the prison terms prescribed for a felony of the second 554
degree. If the amount of the drug involved equals or exceeds 555
fifty times the bulk amount and if the offense was committed in 556
the vicinity of a school or in the vicinity of a juvenile, 557

trafficking in drugs is a felony of the first degree, and the 558
court shall impose as a mandatory prison term one of the prison 559
terms prescribed for a felony of the first degree. 560

(3) If the drug involved in the violation is marihuana or 561
a compound, mixture, preparation, or substance containing 562
marihuana other than hashish, whoever violates division (A) of 563
this section is guilty of trafficking in marihuana. The penalty 564
for the offense shall be determined as follows: 565

(a) Except as otherwise provided in division (C) (3) (b), 566
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 567
marihuana is a felony of the fifth degree, and division (B) of 568
section 2929.13 of the Revised Code applies in determining 569
whether to impose a prison term on the offender. 570

(b) Except as otherwise provided in division (C) (3) (c), 571
(d), (e), (f), (g), or (h) of this section, if the offense was 572
committed in the vicinity of a school or in the vicinity of a 573
juvenile, trafficking in marihuana is a felony of the fourth 574
degree, and division (B) of section 2929.13 of the Revised Code 575
applies in determining whether to impose a prison term on the 576
offender. 577

(c) Except as otherwise provided in this division, if the 578
amount of the drug involved equals or exceeds two hundred grams 579
but is less than one thousand grams, trafficking in marihuana is 580
a felony of the fourth degree, and division (B) of section 581
2929.13 of the Revised Code applies in determining whether to 582
impose a prison term on the offender. If the amount of the drug 583
involved is within that range and if the offense was committed 584
in the vicinity of a school or in the vicinity of a juvenile, 585
trafficking in marihuana is a felony of the third degree, and 586
division (C) of section 2929.13 of the Revised Code applies in 587

determining whether to impose a prison term on the offender. 588

(d) Except as otherwise provided in this division, if the 589
amount of the drug involved equals or exceeds one thousand grams 590
but is less than five thousand grams, trafficking in marihuana 591
is a felony of the third degree, and division (C) of section 592
2929.13 of the Revised Code applies in determining whether to 593
impose a prison term on the offender. If the amount of the drug 594
involved is within that range and if the offense was committed 595
in the vicinity of a school or in the vicinity of a juvenile, 596
trafficking in marihuana is a felony of the second degree, and 597
there is a presumption that a prison term shall be imposed for 598
the offense. 599

(e) Except as otherwise provided in this division, if the 600
amount of the drug involved equals or exceeds five thousand 601
grams but is less than twenty thousand grams, trafficking in 602
marihuana is a felony of the third degree, and there is a 603
presumption that a prison term shall be imposed for the offense. 604
If the amount of the drug involved is within that range and if 605
the offense was committed in the vicinity of a school or in the 606
vicinity of a juvenile, trafficking in marihuana is a felony of 607
the second degree, and there is a presumption that a prison term 608
shall be imposed for the offense. 609

(f) Except as otherwise provided in this division, if the 610
amount of the drug involved equals or exceeds twenty thousand 611
grams but is less than forty thousand grams, trafficking in 612
marihuana is a felony of the second degree, and the court shall 613
impose a mandatory prison term of five, six, seven, or eight 614
years. If the amount of the drug involved is within that range 615
and if the offense was committed in the vicinity of a school or 616
in the vicinity of a juvenile, trafficking in marihuana is a 617

felony of the first degree, and the court shall impose as a 618
mandatory prison term the maximum prison term prescribed for a 619
felony of the first degree. 620

(g) Except as otherwise provided in this division, if the 621
amount of the drug involved equals or exceeds forty thousand 622
grams, trafficking in marihuana is a felony of the second 623
degree, and the court shall impose as a mandatory prison term 624
the maximum prison term prescribed for a felony of the second 625
degree. If the amount of the drug involved equals or exceeds 626
forty thousand grams and if the offense was committed in the 627
vicinity of a school or in the vicinity of a juvenile, 628
trafficking in marihuana is a felony of the first degree, and 629
the court shall impose as a mandatory prison term the maximum 630
prison term prescribed for a felony of the first degree. 631

(h) Except as otherwise provided in this division, if the 632
offense involves a gift of twenty grams or less of marihuana, 633
trafficking in marihuana is a minor misdemeanor upon a first 634
offense and a misdemeanor of the third degree upon a subsequent 635
offense. If the offense involves a gift of twenty grams or less 636
of marihuana and if the offense was committed in the vicinity of 637
a school or in the vicinity of a juvenile, trafficking in 638
marihuana is a misdemeanor of the third degree. 639

(4) If the drug involved in the violation is cocaine or a 640
compound, mixture, preparation, or substance containing cocaine, 641
whoever violates division (A) of this section is guilty of 642
trafficking in cocaine. The penalty for the offense shall be 643
determined as follows: 644

(a) Except as otherwise provided in division (C) (4) (b), 645
(c), (d), (e), (f), or (g) of this section, trafficking in 646
cocaine is a felony of the fifth degree, and division (B) of 647

section 2929.13 of the Revised Code applies in determining 648
whether to impose a prison term on the offender. 649

(b) Except as otherwise provided in division (C) (4) (c), 650
(d), (e), (f), or (g) of this section, if the offense was 651
committed in the vicinity of a school ~~or~~, in the vicinity of a 652
juvenile, or in the vicinity of a community addiction services 653
provider, trafficking in cocaine is a felony of the fourth 654
degree, and division (C) of section 2929.13 of the Revised Code 655
applies in determining whether to impose a prison term on the 656
offender. 657

(c) Except as otherwise provided in this division, if the 658
amount of the drug involved equals or exceeds five grams but is 659
less than ten grams of cocaine, trafficking in cocaine is a 660
felony of the fourth degree, and division (B) of section 2929.13 661
of the Revised Code applies in determining whether to impose a 662
prison term for the offense. If the amount of the drug involved 663
is within that range and if the offense was committed in the 664
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 665
the vicinity of a community addiction services provider, 666
trafficking in cocaine is a felony of the third degree, and 667
there is a presumption for a prison term for the offense. 668

(d) Except as otherwise provided in this division, if the 669
amount of the drug involved equals or exceeds ten grams but is 670
less than twenty grams of cocaine, trafficking in cocaine is a 671
felony of the third degree, and, except as otherwise provided in 672
this division, there is a presumption for a prison term for the 673
offense. If trafficking in cocaine is a felony of the third 674
degree under this division and if the offender two or more times 675
previously has been convicted of or pleaded guilty to a felony 676
drug abuse offense, the court shall impose as a mandatory prison 677

term one of the prison terms prescribed for a felony of the 678
third degree. If the amount of the drug involved is within that 679
range and if the offense was committed in the vicinity of a 680
school ~~or,~~ in the vicinity of a juvenile, or in the vicinity of 681
a community addiction services provider, trafficking in cocaine 682
is a felony of the second degree, and the court shall impose as 683
a mandatory prison term one of the prison terms prescribed for a 684
felony of the second degree. 685

(e) Except as otherwise provided in this division, if the 686
amount of the drug involved equals or exceeds twenty grams but 687
is less than twenty-seven grams of cocaine, trafficking in 688
cocaine is a felony of the second degree, and the court shall 689
impose as a mandatory prison term one of the prison terms 690
prescribed for a felony of the second degree. If the amount of 691
the drug involved is within that range and if the offense was 692
committed in the vicinity of a school ~~or,~~ in the vicinity of a 693
juvenile, or in the vicinity of a community addiction services 694
provider, trafficking in cocaine is a felony of the first 695
degree, and the court shall impose as a mandatory prison term 696
one of the prison terms prescribed for a felony of the first 697
degree. 698

(f) If the amount of the drug involved equals or exceeds 699
twenty-seven grams but is less than one hundred grams of cocaine 700
and regardless of whether the offense was committed in the 701
vicinity of a school ~~or,~~ in the vicinity of a juvenile, or in 702
the vicinity of a community addiction services provider, 703
trafficking in cocaine is a felony of the first degree, and the 704
court shall impose as a mandatory prison term one of the prison 705
terms prescribed for a felony of the first degree. 706

(g) If the amount of the drug involved equals or exceeds 707

one hundred grams of cocaine and regardless of whether the 708
offense was committed in the vicinity of a school ~~or~~, in the 709
vicinity of a juvenile, or in the vicinity of a community 710
addiction services provider, trafficking in cocaine is a felony 711
of the first degree, the offender is a major drug offender, and 712
the court shall impose as a mandatory prison term the maximum 713
prison term prescribed for a felony of the first degree. 714

(5) If the drug involved in the violation is L.S.D. or a 715
compound, mixture, preparation, or substance containing L.S.D., 716
whoever violates division (A) of this section is guilty of 717
trafficking in L.S.D. The penalty for the offense shall be 718
determined as follows: 719

(a) Except as otherwise provided in division (C) (5) (b), 720
(c), (d), (e), (f), or (g) of this section, trafficking in 721
L.S.D. is a felony of the fifth degree, and division (B) of 722
section 2929.13 of the Revised Code applies in determining 723
whether to impose a prison term on the offender. 724

(b) Except as otherwise provided in division (C) (5) (c), 725
(d), (e), (f), or (g) of this section, if the offense was 726
committed in the vicinity of a school ~~or~~, in the vicinity of a 727
juvenile, or in the vicinity of a community addiction services 728
provider, trafficking in L.S.D. is a felony of the fourth 729
degree, and division (C) of section 2929.13 of the Revised Code 730
applies in determining whether to impose a prison term on the 731
offender. 732

(c) Except as otherwise provided in this division, if the 733
amount of the drug involved equals or exceeds ten unit doses but 734
is less than fifty unit doses of L.S.D. in a solid form or 735
equals or exceeds one gram but is less than five grams of L.S.D. 736
in a liquid concentrate, liquid extract, or liquid distillate 737

form, trafficking in L.S.D. is a felony of the fourth degree, 738
and division (B) of section 2929.13 of the Revised Code applies 739
in determining whether to impose a prison term for the offense. 740
If the amount of the drug involved is within that range and if 741
the offense was committed in the vicinity of a school ~~or~~, in 742
the vicinity of a juvenile, or in the vicinity of a community 743
addiction services provider, trafficking in L.S.D. is a felony 744
of the third degree, and there is a presumption for a prison 745
term for the offense. 746

(d) Except as otherwise provided in this division, if the 747
amount of the drug involved equals or exceeds fifty unit doses 748
but is less than two hundred fifty unit doses of L.S.D. in a 749
solid form or equals or exceeds five grams but is less than 750
twenty-five grams of L.S.D. in a liquid concentrate, liquid 751
extract, or liquid distillate form, trafficking in L.S.D. is a 752
felony of the third degree, and, except as otherwise provided in 753
this division, there is a presumption for a prison term for the 754
offense. If trafficking in L.S.D. is a felony of the third 755
degree under this division and if the offender two or more times 756
previously has been convicted of or pleaded guilty to a felony 757
drug abuse offense, the court shall impose as a mandatory prison 758
term one of the prison terms prescribed for a felony of the 759
third degree. If the amount of the drug involved is within that 760
range and if the offense was committed in the vicinity of a 761
school ~~or~~, in the vicinity of a juvenile, or in the vicinity of 762
a community addiction services provider, trafficking in L.S.D. 763
is a felony of the second degree, and the court shall impose as 764
a mandatory prison term one of the prison terms prescribed for a 765
felony of the second degree. 766

(e) Except as otherwise provided in this division, if the 767
amount of the drug involved equals or exceeds two hundred fifty 768

unit doses but is less than one thousand unit doses of L.S.D. in 769
a solid form or equals or exceeds twenty-five grams but is less 770
than one hundred grams of L.S.D. in a liquid concentrate, liquid 771
extract, or liquid distillate form, trafficking in L.S.D. is a 772
felony of the second degree, and the court shall impose as a 773
mandatory prison term one of the prison terms prescribed for a 774
felony of the second degree. If the amount of the drug involved 775
is within that range and if the offense was committed in the 776
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 777
the vicinity of a community addiction services provider, 778
trafficking in L.S.D. is a felony of the first degree, and the 779
court shall impose as a mandatory prison term one of the prison 780
terms prescribed for a felony of the first degree. 781

(f) If the amount of the drug involved equals or exceeds 782
one thousand unit doses but is less than five thousand unit 783
doses of L.S.D. in a solid form or equals or exceeds one hundred 784
grams but is less than five hundred grams of L.S.D. in a liquid 785
concentrate, liquid extract, or liquid distillate form and 786
regardless of whether the offense was committed in the vicinity 787
of a school ~~or~~, in the vicinity of a juvenile, or in the 788
vicinity of a community addiction services provider, trafficking 789
in L.S.D. is a felony of the first degree, and the court shall 790
impose as a mandatory prison term one of the prison terms 791
prescribed for a felony of the first degree. 792

(g) If the amount of the drug involved equals or exceeds 793
five thousand unit doses of L.S.D. in a solid form or equals or 794
exceeds five hundred grams of L.S.D. in a liquid concentrate, 795
liquid extract, or liquid distillate form and regardless of 796
whether the offense was committed in the vicinity of a school ~~or~~ 797
~~,~~ in the vicinity of a juvenile, or in the vicinity of a 798
community addiction services provider, trafficking in L.S.D. is 799

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

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

(a) Except as otherwise provided in division (C) (6) (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) (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, or in the vicinity of a community addiction services provider, 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, or in 830
the vicinity of a community addiction services provider, 831
trafficking in heroin is a felony of the third degree, and there 832
is a presumption for a prison term for the offense. 833

(d) Except as otherwise provided in this division, if the 834
amount of the drug involved equals or exceeds fifty unit doses 835
but is less than one hundred unit doses or equals or exceeds 836
five grams but is less than ten grams, trafficking in heroin is 837
a felony of the third degree, and there is a presumption for a 838
prison term for the offense. If the amount of the drug involved 839
is within that range and if the offense was committed in the 840
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 841
the vicinity of a community addiction services provider, 842
trafficking in heroin is a felony of the second degree, and 843
there is a presumption for a prison term for the offense. 844

(e) Except as otherwise provided in this division, if the 845
amount of the drug involved equals or exceeds one hundred unit 846
doses but is less than five hundred unit doses or equals or 847
exceeds ten grams but is less than fifty grams, trafficking in 848
heroin is a felony of the second degree, and the court shall 849
impose as a mandatory prison term one of the prison terms 850
prescribed for a felony of the second degree. If the amount of 851
the drug involved is within that range and if the offense was 852
committed in the vicinity of a school ~~or~~, in the vicinity of a 853
juvenile, or in the vicinity of a community addiction services 854
provider, trafficking in heroin is a felony of the first degree, 855
and the court shall impose as a mandatory prison term one of the 856
prison terms prescribed for a felony of the first degree. 857

(f) If the amount of the drug involved equals or exceeds 858
five hundred unit doses but is less than one thousand unit doses 859

or equals or exceeds fifty grams but is less than one hundred 860
grams and regardless of whether the offense was committed in the 861
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 862
the vicinity of a community addiction services provider, 863
trafficking in heroin is a felony of the first degree, and the 864
court shall impose as a mandatory prison term one of the prison 865
terms prescribed for a felony of the first degree. 866

(g) If the amount of the drug involved equals or exceeds 867
one thousand unit doses or equals or exceeds one hundred grams 868
and regardless of whether the offense was committed in the 869
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 870
the vicinity of a community addiction services provider, 871
trafficking in heroin is a felony of the first degree, the 872
offender is a major drug offender, and the court shall impose as 873
a mandatory prison term the maximum prison term prescribed for a 874
felony of the first degree. 875

(7) If the drug involved in the violation is hashish or a 876
compound, mixture, preparation, or substance containing hashish, 877
whoever violates division (A) of this section is guilty of 878
trafficking in hashish. The penalty for the offense shall be 879
determined as follows: 880

(a) Except as otherwise provided in division (C) (7) (b), 881
(c), (d), (e), (f), or (g) of this section, trafficking in 882
hashish is a felony of the fifth degree, and division (B) of 883
section 2929.13 of the Revised Code applies in determining 884
whether to impose a prison term on the offender. 885

(b) Except as otherwise provided in division (C) (7) (c), 886
(d), (e), (f), or (g) of this section, if the offense was 887
committed in the vicinity of a school ~~or~~, in the vicinity of a 888
juvenile, or in the vicinity of a community addiction services 889

provider, trafficking in hashish is a felony of the fourth 890
degree, and division (B) of section 2929.13 of the Revised Code 891
applies in determining whether to impose a prison term on the 892
offender. 893

(c) Except as otherwise provided in this division, if the 894
amount of the drug involved equals or exceeds ten grams but is 895
less than fifty grams of hashish in a solid form or equals or 896
exceeds two grams but is less than ten grams of hashish in a 897
liquid concentrate, liquid extract, or liquid distillate form, 898
trafficking in hashish is a felony of the fourth degree, and 899
division (B) of section 2929.13 of the Revised Code applies in 900
determining whether to impose a prison term on the offender. If 901
the amount of the drug involved is within that range and if the 902
offense was committed in the vicinity of a school ~~or,~~ in the 903
vicinity of a juvenile, or in the vicinity of a community 904
addiction services provider, trafficking in hashish is a felony 905
of the third degree, and division (C) of section 2929.13 of the 906
Revised Code applies in determining whether to impose a prison 907
term on the offender. 908

(d) Except as otherwise provided in this division, if the 909
amount of the drug involved equals or exceeds fifty grams but is 910
less than two hundred fifty grams of hashish in a solid form or 911
equals or exceeds ten grams but is less than fifty grams of 912
hashish in a liquid concentrate, liquid extract, or liquid 913
distillate form, trafficking in hashish is a felony of the third 914
degree, and division (C) of section 2929.13 of the Revised Code 915
applies in determining whether to impose a prison term on the 916
offender. If the amount of the drug involved is within that 917
range and if the offense was committed in the vicinity of a 918
school ~~or,~~ in the vicinity of a juvenile, or in the vicinity of 919
a community addiction services provider, trafficking in hashish 920

is a felony of the second degree, and there is a presumption 921
that a prison term shall be imposed for the offense. 922

(e) Except as otherwise provided in this division, if the 923
amount of the drug involved equals or exceeds two hundred fifty 924
grams but is less than one thousand grams of hashish in a solid 925
form or equals or exceeds fifty grams but is less than two 926
hundred grams of hashish in a liquid concentrate, liquid 927
extract, or liquid distillate form, trafficking in hashish is a 928
felony of the third degree, and there is a presumption that a 929
prison term shall be imposed for the offense. If the amount of 930
the drug involved is within that range and if the offense was 931
committed in the vicinity of a school ~~or~~, in the vicinity of a 932
juvenile, or in the vicinity of a community addiction services 933
provider, trafficking in hashish is a felony of the second 934
degree, and there is a presumption that a prison term shall be 935
imposed for the offense. 936

(f) Except as otherwise provided in this division, if the 937
amount of the drug involved equals or exceeds one thousand grams 938
but is less than two thousand grams of hashish in a solid form 939
or equals or exceeds two hundred grams but is less than four 940
hundred grams of hashish in a liquid concentrate, liquid 941
extract, or liquid distillate form, trafficking in hashish is a 942
felony of the second degree, and the court shall impose a 943
mandatory prison term of five, six, seven, or eight years. If 944
the amount of the drug involved is within that range and if the 945
offense was committed in the vicinity of a school ~~or~~, in the 946
vicinity of a juvenile, or in the vicinity of a community 947
addiction services provider, trafficking in hashish is a felony 948
of the first degree, and the court shall impose as a mandatory 949
prison term the maximum prison term prescribed for a felony of 950
the first degree. 951

(g) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two thousand grams of hashish in a solid form or equals or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the second degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the second degree. If the amount of the drug involved equals or exceeds two thousand grams of hashish in a solid form or equals or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form and if the offense was committed in the vicinity of a school ~~or~~, in the vicinity of a juvenile, or in the vicinity of a community addiction services provider, trafficking in hashish is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

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

(a) Except as otherwise provided in division (C) (8) (b), (c), (d), (e), (f), or (g) of this section, trafficking in a controlled substance analog is a felony of the fifth degree, and division (C) 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) (8) (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 982
juvenile, or in the vicinity of a community addiction services 983
provider, trafficking in a controlled substance analog is a 984
felony of the fourth degree, and division (C) of section 2929.13 985
of the Revised Code applies in determining whether to impose a 986
prison term on the offender. 987

(c) Except as otherwise provided in this division, if the 988
amount of the drug involved equals or exceeds ten grams but is 989
less than twenty grams, trafficking in a controlled substance 990
analog is a felony of the fourth degree, and division (B) of 991
section 2929.13 of the Revised Code applies in determining 992
whether to impose a prison term for the offense. If the amount 993
of the drug involved is within that range and if the offense was 994
committed in the vicinity of a school ~~or~~, in the vicinity of a 995
juvenile, or in the vicinity of a community addiction services 996
provider, trafficking in a controlled substance analog is a 997
felony of the third degree, and there is a presumption for a 998
prison term for the offense. 999

(d) Except as otherwise provided in this division, if the 1000
amount of the drug involved equals or exceeds twenty grams but 1001
is less than thirty grams, trafficking in a controlled substance 1002
analog is a felony of the third degree, and there is a 1003
presumption for a prison term for the offense. If the amount of 1004
the drug involved is within that range and if the offense was 1005
committed in the vicinity of a school ~~or~~, in the vicinity of a 1006
juvenile, or in the vicinity of a community addiction services 1007
provider, trafficking in a controlled substance analog is a 1008
felony of the second degree, and there is a presumption for a 1009
prison term for the offense. 1010

(e) Except as otherwise provided in this division, if the 1011

amount of the drug involved equals or exceeds thirty grams but 1012
is less than forty grams, trafficking in a controlled substance 1013
analog is a felony of the second degree, and the court shall 1014
impose as a mandatory prison term one of the prison terms 1015
prescribed for a felony of the second degree. If the amount of 1016
the drug involved is within that range and if the offense was 1017
committed in the vicinity of a school ~~or~~, in the vicinity of a 1018
juvenile, or in the vicinity of a community addiction services 1019
provider, trafficking in a controlled substance analog is a 1020
felony of the first degree, and the court shall impose as a 1021
mandatory prison term one of the prison terms prescribed for a 1022
felony of the first degree. 1023

(f) If the amount of the drug involved equals or exceeds 1024
forty grams but is less than fifty grams and regardless of 1025
whether the offense was committed in the vicinity of a school ~~or~~ 1026
, in the vicinity of a juvenile, or in the vicinity of a 1027
community addiction services provider, trafficking in a 1028
controlled substance analog is a felony of the first degree, and 1029
the court shall impose as a mandatory prison term one of the 1030
prison terms prescribed for a felony of the first degree. 1031

(g) If the amount of the drug involved equals or exceeds 1032
fifty grams and regardless of whether the offense was committed 1033
in the vicinity of a school ~~or~~, in the vicinity of a juvenile, 1034
or in the vicinity of a community addiction services provider, 1035
trafficking in a controlled substance analog is a felony of the 1036
first degree, the offender is a major drug offender, and the 1037
court shall impose as a mandatory prison term the maximum prison 1038
term prescribed for a felony of the first degree. 1039

(D) In addition to any prison term authorized or required 1040
by division (C) of this section and sections 2929.13 and 2929.14 1041

of the Revised Code, and in addition to any other sanction 1042
imposed for the offense under this section or sections 2929.11 1043
to 2929.18 of the Revised Code, the court that sentences an 1044
offender who is convicted of or pleads guilty to a violation of 1045
division (A) of this section may suspend the driver's or 1046
commercial driver's license or permit of the offender in 1047
accordance with division (G) of this section. However, if the 1048
offender pleaded guilty to or was convicted of a violation of 1049
section 4511.19 of the Revised Code or a substantially similar 1050
municipal ordinance or the law of another state or the United 1051
States arising out of the same set of circumstances as the 1052
violation, the court shall suspend the offender's driver's or 1053
commercial driver's license or permit in accordance with 1054
division (G) of this section. If applicable, the court also 1055
shall do the following: 1056

(1) If the violation of division (A) of this section is a 1057
felony of the first, second, or third degree, the court shall 1058
impose upon the offender the mandatory fine specified for the 1059
offense under division (B)(1) of section 2929.18 of the Revised 1060
Code unless, as specified in that division, the court determines 1061
that the offender is indigent. Except as otherwise provided in 1062
division (H)(1) of this section, a mandatory fine or any other 1063
fine imposed for a violation of this section is subject to 1064
division (F) of this section. If a person is charged with a 1065
violation of this section that is a felony of the first, second, 1066
or third degree, posts bail, and forfeits the bail, the clerk of 1067
the court shall pay the forfeited bail pursuant to divisions (D) 1068
(1) and (F) of this section, as if the forfeited bail was a fine 1069
imposed for a violation of this section. If any amount of the 1070
forfeited bail remains after that payment and if a fine is 1071
imposed under division (H)(1) of this section, the clerk of the 1072

court shall pay the remaining amount of the forfeited bail 1073
pursuant to divisions (H) (2) and (3) of this section, as if that 1074
remaining amount was a fine imposed under division (H) (1) of 1075
this section. 1076

(2) If the offender is a professionally licensed person, 1077
the court immediately shall comply with section 2925.38 of the 1078
Revised Code. 1079

(E) When a person is charged with the sale of or offer to 1080
sell a bulk amount or a multiple of a bulk amount of a 1081
controlled substance, the jury, or the court trying the accused, 1082
shall determine the amount of the controlled substance involved 1083
at the time of the offense and, if a guilty verdict is returned, 1084
shall return the findings as part of the verdict. In any such 1085
case, it is unnecessary to find and return the exact amount of 1086
the controlled substance involved, and it is sufficient if the 1087
finding and return is to the effect that the amount of the 1088
controlled substance involved is the requisite amount, or that 1089
the amount of the controlled substance involved is less than the 1090
requisite amount. 1091

(F) (1) Notwithstanding any contrary provision of section 1092
3719.21 of the Revised Code and except as provided in division 1093
(H) of this section, the clerk of the court shall pay any 1094
mandatory fine imposed pursuant to division (D) (1) of this 1095
section and any fine other than a mandatory fine that is imposed 1096
for a violation of this section pursuant to division (A) or (B) 1097
(5) of section 2929.18 of the Revised Code to the county, 1098
township, municipal corporation, park district, as created 1099
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1100
state law enforcement agencies in this state that primarily were 1101
responsible for or involved in making the arrest of, and in 1102

prosecuting, the offender. However, the clerk shall not pay a 1103
mandatory fine so imposed to a law enforcement agency unless the 1104
agency has adopted a written internal control policy under 1105
division (F) (2) of this section that addresses the use of the 1106
fine moneys that it receives. Each agency shall use the 1107
mandatory fines so paid to subsidize the agency's law 1108
enforcement efforts that pertain to drug offenses, in accordance 1109
with the written internal control policy adopted by the 1110
recipient agency under division (F) (2) of this section. 1111

(2) Prior to receiving any fine moneys under division (F) 1112
(1) of this section or division (B) of section 2925.42 of the 1113
Revised Code, a law enforcement agency shall adopt a written 1114
internal control policy that addresses the agency's use and 1115
disposition of all fine moneys so received and that provides for 1116
the keeping of detailed financial records of the receipts of 1117
those fine moneys, the general types of expenditures made out of 1118
those fine moneys, and the specific amount of each general type 1119
of expenditure. The policy shall not provide for or permit the 1120
identification of any specific expenditure that is made in an 1121
ongoing investigation. All financial records of the receipts of 1122
those fine moneys, the general types of expenditures made out of 1123
those fine moneys, and the specific amount of each general type 1124
of expenditure by an agency are public records open for 1125
inspection under section 149.43 of the Revised Code. 1126
Additionally, a written internal control policy adopted under 1127
this division is such a public record, and the agency that 1128
adopted it shall comply with it. 1129

(3) As used in division (F) of this section: 1130

(a) "Law enforcement agencies" includes, but is not 1131
limited to, the state board of pharmacy and the office of a 1132

prosecutor. 1133

(b) "Prosecutor" has the same meaning as in section 1134
2935.01 of the Revised Code. 1135

(G) (1) If the sentencing court suspends the offender's 1136
driver's or commercial driver's license or permit under division 1137
(D) of this section or any other provision of this chapter, the 1138
court shall suspend the license, by order, for not more than 1139
five years. If an offender's driver's or commercial driver's 1140
license or permit is suspended pursuant to this division, the 1141
offender, at any time after the expiration of two years from the 1142
day on which the offender's sentence was imposed or from the day 1143
on which the offender finally was released from a prison term 1144
under the sentence, whichever is later, may file a motion with 1145
the sentencing court requesting termination of the suspension; 1146
upon the filing of such a motion and the court's finding of good 1147
cause for the termination, the court may terminate the 1148
suspension. 1149

(2) Any offender who received a mandatory suspension of 1150
the offender's driver's or commercial driver's license or permit 1151
under this section prior to ~~the effective date of this amendment~~ 1152
September 13, 2016, may file a motion with the sentencing court 1153
requesting the termination of the suspension. However, an 1154
offender who pleaded guilty to or was convicted of a violation 1155
of section 4511.19 of the Revised Code or a substantially 1156
similar municipal ordinance or law of another state or the 1157
United States that arose out of the same set of circumstances as 1158
the violation for which the offender's license or permit was 1159
suspended under this section shall not file such a motion. 1160

Upon the filing of a motion under division (G) (2) of this 1161
section, the sentencing court, in its discretion, may terminate 1162

the suspension. 1163

(H) (1) In addition to any prison term authorized or 1164
required by division (C) of this section and sections 2929.13 1165
and 2929.14 of the Revised Code, in addition to any other 1166
penalty or sanction imposed for the offense under this section 1167
or sections 2929.11 to 2929.18 of the Revised Code, and in 1168
addition to the forfeiture of property in connection with the 1169
offense as prescribed in Chapter 2981. of the Revised Code, the 1170
court that sentences an offender who is convicted of or pleads 1171
guilty to a violation of division (A) of this section may impose 1172
upon the offender an additional fine specified for the offense 1173
in division (B) (4) of section 2929.18 of the Revised Code. A 1174
fine imposed under division (H) (1) of this section is not 1175
subject to division (F) of this section and shall be used solely 1176
for the support of one or more eligible community addiction 1177
services providers in accordance with divisions (H) (2) and (3) 1178
of this section. 1179

(2) The court that imposes a fine under division (H) (1) of 1180
this section shall specify in the judgment that imposes the fine 1181
one or more eligible community addiction services providers for 1182
the support of which the fine money is to be used. No community 1183
addiction services provider shall receive or use money paid or 1184
collected in satisfaction of a fine imposed under division (H) 1185
(1) of this section unless the services provider is specified in 1186
the judgment that imposes the fine. No community addiction 1187
services provider shall be specified in the judgment unless the 1188
services provider is an eligible community addiction services 1189
provider and, except as otherwise provided in division (H) (2) of 1190
this section, unless the services provider is located in the 1191
county in which the court that imposes the fine is located or in 1192
a county that is immediately contiguous to the county in which 1193

that court is located. If no eligible community addiction 1194
services provider is located in any of those counties, the 1195
judgment may specify an eligible community addiction services 1196
provider that is located anywhere within this state. 1197

(3) Notwithstanding any contrary provision of section 1198
3719.21 of the Revised Code, the clerk of the court shall pay 1199
any fine imposed under division (H) (1) of this section to the 1200
eligible community addiction services provider specified 1201
pursuant to division (H) (2) of this section in the judgment. The 1202
eligible community addiction services provider that receives the 1203
fine moneys shall use the moneys only for the alcohol and drug 1204
addiction services identified in the application for 1205
certification of services under section 5119.36 of the Revised 1206
Code or in the application for a license under section 5119.391 1207
of the Revised Code filed with the department of mental health 1208
and addiction services by the community addiction services 1209
provider specified in the judgment. 1210

(4) Each community addiction services provider that 1211
receives in a calendar year any fine moneys under division (H) 1212
(3) of this section shall file an annual report covering that 1213
calendar year with the court of common pleas and the board of 1214
county commissioners of the county in which the services 1215
provider is located, with the court of common pleas and the 1216
board of county commissioners of each county from which the 1217
services provider received the moneys if that county is 1218
different from the county in which the services provider is 1219
located, and with the attorney general. The community addiction 1220
services provider shall file the report no later than the first 1221
day of March in the calendar year following the calendar year in 1222
which the services provider received the fine moneys. The report 1223
shall include statistics on the number of persons served by the 1224

community addiction services provider, identify the types of 1225
alcohol and drug addiction services provided to those persons, 1226
and include a specific accounting of the purposes for which the 1227
fine moneys received were used. No information contained in the 1228
report shall identify, or enable a person to determine the 1229
identity of, any person served by the community addiction 1230
services provider. Each report received by a court of common 1231
pleas, a board of county commissioners, or the attorney general 1232
is a public record open for inspection under section 149.43 of 1233
the Revised Code. 1234

(5) As used in divisions (H) (1) to (5) of this section: 1235

(a) "Community addiction services provider" and "alcohol 1236
and drug addiction services" have the same meanings as in 1237
section 5119.01 of the Revised Code. 1238

(b) "Eligible community addiction services provider" means 1239
a community addiction services provider, as defined in section 1240
5119.01 of the Revised Code, or a community addiction services 1241
provider that maintains a methadone treatment program licensed 1242
under section 5119.391 of the Revised Code. 1243

(I) As used in this section, "drug" includes any substance 1244
that is represented to be a drug. 1245

(J) It is an affirmative defense to a charge of 1246
trafficking in a controlled substance analog under division (C) 1247
(8) of this section that the person charged with violating that 1248
offense sold or offered to sell, or prepared for shipment, 1249
shipped, transported, delivered, prepared for distribution, or 1250
distributed an item described in division (HH) (2) (a), (b), or 1251
(c) of section 3719.01 of the Revised Code. 1252

Section 2. That existing sections 2925.01 and 2925.03 of 1253

the Revised Code are hereby repealed. 1254

Section 3. Section 2925.03 of the Revised Code is 1255
presented in this act as a composite of the section as amended 1256
by Am. Sub. H.B. 64, H.B. 171, and Sub. S.B. 204, all of the 1257
131st General Assembly. The General Assembly, applying the 1258
principle stated in division (B) of section 1.52 of the Revised 1259
Code that amendments are to be harmonized if reasonably capable 1260
of simultaneous operation, finds that the composite is the 1261
resulting version of the section in effect prior to the 1262
effective date of the section as presented in this act. 1263