

**As Reported by the House Criminal Justice Committee**

**132nd General Assembly**

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**Sub. H. B. No. 296**

**Representative Gavarone**

**Cosponsors: Representatives Wiggam, Riedel, Lipps, Smith, R., Ryan, Sprague,  
Schuring, Butler, Cupp, Arndt, Carfagna, Kick, LaTourette, Patton, Manning,  
Rezabek, Lang**

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**A BILL**

To amend sections 2925.01 and 2925.03 of the 1  
Revised Code to enhance penalties for certain 2  
drug trafficking offenses committed in the 3  
vicinity of a community addiction services 4  
provider. 5

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

**Section 1.** That sections 2925.01 and 2925.03 of the 6  
Revised Code be amended to read as follows: 7

**Sec. 2925.01.** As used in this chapter: 8

(A) "Administer," "controlled substance," "controlled 9  
substance analog," "dispense," "distribute," "hypodermic," 10  
"manufacturer," "official written order," "person," 11  
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 12  
"schedule III," "schedule IV," "schedule V," and "wholesaler" 13  
have the same meanings as in section 3719.01 of the Revised 14  
Code. 15

(B) "Drug dependent person" and "drug of abuse" have the 16

same meanings as in section 3719.011 of the Revised Code. 17

(C) "Drug," "dangerous drug," "licensed health 18  
professional authorized to prescribe drugs," and "prescription" 19  
have the same meanings as in section 4729.01 of the Revised 20  
Code. 21

(D) "Bulk amount" of a controlled substance means any of 22  
the following: 23

(1) For any compound, mixture, preparation, or substance 24  
included in schedule I, schedule II, or schedule III, with the 25  
exception of controlled substance analogs, marihuana, cocaine, 26  
L.S.D., heroin, and hashish and except as provided in division 27  
(D) (2) or (5) of this section, whichever of the following is 28  
applicable: 29

(a) An amount equal to or exceeding ten grams or twenty- 30  
five unit doses of a compound, mixture, preparation, or 31  
substance that is or contains any amount of a schedule I opiate 32  
or opium derivative; 33

(b) An amount equal to or exceeding ten grams of a 34  
compound, mixture, preparation, or substance that is or contains 35  
any amount of raw or gum opium; 36

(c) An amount equal to or exceeding thirty grams or ten 37  
unit doses of a compound, mixture, preparation, or substance 38  
that is or contains any amount of a schedule I hallucinogen 39  
other than tetrahydrocannabinol or lysergic acid amide, or a 40  
schedule I stimulant or depressant; 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 74

times the maximum daily dose in the usual dose range specified 75  
in a standard pharmaceutical reference manual of a compound, 76  
mixture, preparation, or substance that is or contains any 77  
amount of a schedule III opiate or opium derivative; 78

(4) An amount equal to or exceeding two hundred fifty 79  
milliliters or two hundred fifty grams of a compound, mixture, 80  
preparation, or substance that is or contains any amount of a 81  
schedule V substance; 82

(5) An amount equal to or exceeding two hundred solid 83  
dosage units, sixteen grams, or sixteen milliliters of a 84  
compound, mixture, preparation, or substance that is or contains 85  
any amount of a schedule III anabolic steroid. 86

(E) "Unit dose" means an amount or unit of a compound, 87  
mixture, or preparation containing a controlled substance that 88  
is separately identifiable and in a form that indicates that it 89  
is the amount or unit by which the controlled substance is 90  
separately administered to or taken by an individual. 91

(F) "Cultivate" includes planting, watering, fertilizing, 92  
or tilling. 93

(G) "Drug abuse offense" means any of the following: 94

(1) A violation of division (A) of section 2913.02 that 95  
constitutes theft of drugs, or a violation of section 2925.02, 96  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 97  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 98  
or 2925.37 of the Revised Code; 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 any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element;	104 105 106 107 108 109 110
(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit any offense under division (G) (1), (2), or (3) of this section.	111 112 113
(H) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States.	114 115 116
(I) "Harmful intoxicant" does not include beer or intoxicating liquor but means any of the following:	117 118
(1) Any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes, but is not limited to, any of the following:	119 120 121 122 123 124
(a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;	125 126 127 128
(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 187  
situated, whether or not any instruction, extracurricular 188

activities, or training provided by the school is being 189  
conducted on the premises at the time a criminal offense is 190  
committed; 191

(2) Any other parcel of real property that is owned or 192  
leased by a board of education of a school, the governing 193  
authority of a community school established under Chapter 3314. 194  
of the Revised Code, or the governing body of a nonpublic school 195  
for which the state board of education prescribes minimum 196  
standards under section 3301.07 of the Revised Code and on which 197  
some of the instruction, extracurricular activities, or training 198  
of the school is conducted, whether or not any instruction, 199  
extracurricular activities, or training provided by the school 200  
is being conducted on the parcel of real property at the time a 201  
criminal offense is committed. 202

(S) "School building" means any building in which any of 203  
the instruction, extracurricular activities, or training 204  
provided by a school is conducted, whether or not any 205  
instruction, extracurricular activities, or training provided by 206  
the school is being conducted in the school building at the time 207  
a criminal offense is committed. 208

(T) "Disciplinary counsel" means the disciplinary counsel 209  
appointed by the board of commissioners on grievances and 210  
discipline of the supreme court under the Rules for the 211  
Government of the Bar of Ohio. 212

(U) "Certified grievance committee" means a duly 213  
constituted and organized committee of the Ohio state bar 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	272
Code;	273
(12) A person who has been licensed to practice optometry	274

or to engage in optical dispensing under Chapter 4725. of the Revised Code;	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	301

Chapter 4736. of the Revised Code;	302
(23) A person licensed to operate or maintain a junkyard	303
under Chapter 4737. of the Revised Code;	304
(24) A person who has been issued a motor vehicle salvage	305
dealer's license under Chapter 4738. of the Revised Code;	306
(25) A person who has been licensed to act as a steam	307
engineer under Chapter 4739. of the Revised Code;	308
(26) A person who has been issued a license or temporary	309
permit to practice veterinary medicine or any of its branches,	310
or who is registered as a graduate animal technician under	311
Chapter 4741. of the Revised Code;	312
(27) A person who has been issued a hearing aid dealer's	313
or fitter's license or trainee permit under Chapter 4747. of the	314
Revised Code;	315
(28) A person who has been issued a class A, class B, or	316
class C license or who has been registered as an investigator or	317
security guard employee under Chapter 4749. of the Revised Code;	318
(29) A person licensed and registered to practice as a	319
nursing home administrator under Chapter 4751. of the Revised	320
Code;	321
(30) A person licensed to practice as a speech-language	322
pathologist or audiologist under Chapter 4753. of the Revised	323
Code;	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 resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	358 359 360
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	361 362 363
(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.	364 365 366 367 368 369 370
(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code.	371 372 373 374 375 376
(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code.	377 378
(EE) "Minor drug possession offense" means either of the following:	379 380
(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;	381 382
(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a	383 384

felony of the fifth degree.	385
(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	386 387
(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	388 389
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	390 391 392
(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.	393 394 395 396 397
(JJ) "Lawful prescription" means a prescription that is issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense.	398 399 400 401 402
(KK) "Deception" and "theft offense" have the same meanings as in section 2913.01 of the Revised Code.	403 404
<u>(LL) An offense is "committed in the vicinity of a community addiction services provider" if the offender commits the offense on the premises of a community addiction services provider, including a facility licensed to provide methadone treatment under section 5119.391 of the Revised Code, or within one thousand feet of a community addiction services provider, when the offender recklessly disregards whether the offense is being committed within that vicinity.</u>	405 406 407 408 409 410 411 412

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

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

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

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

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

but is less than five thousand grams, trafficking in marihuana 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 amount of the drug involved equals or exceeds forty thousand grams, trafficking in marihuana is a felony of the second degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the second degree. If the amount of the drug involved equals or exceeds forty thousand grams and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

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

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

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

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

(d), (e), (f), or (g) of this section, if the offense was 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 800  
offender, and the court shall impose as a mandatory prison term 801  
the maximum prison term prescribed for a felony of the first 802  
degree. 803

(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 the vicinity of a community addiction services provider, trafficking in heroin is a felony of the third degree, and there is a presumption for a prison term for the offense.

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

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

(f) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than one thousand unit doses or equals or exceeds fifty grams but is less than one hundred grams and regardless of whether 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 first degree, and the

court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree. 865  
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(g) If the amount of the drug involved equals or exceeds one thousand unit doses or equals or exceeds one hundred grams and regardless of whether 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 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. 867  
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(7) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates division (A) of this section is guilty of trafficking in hashish. The penalty for the offense shall be determined as follows: 876  
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(a) Except as otherwise provided in division (C) (7) (b), (c), (d), (e), (f), or (g) of this section, trafficking in hashish is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 881  
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(b) Except as otherwise provided in division (C) (7) (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 hashish is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 886  
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(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school ~~or~~, in the vicinity of a juvenile, or in the vicinity of a community addiction services provider, trafficking in hashish is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

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

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



grams but is less than one thousand grams of hashish in a solid 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 952  
amount of the drug involved equals or exceeds two thousand grams 953  
of hashish in a solid form or equals or exceeds four hundred 954  
grams of hashish in a liquid concentrate, liquid extract, or 955

liquid distillate form, trafficking in hashish is a felony of 956  
the second degree, and the court shall impose as a mandatory 957  
prison term the maximum prison term prescribed for a felony of 958  
the second degree. If the amount of the drug involved equals or 959  
exceeds two thousand grams of hashish in a solid form or equals 960  
or exceeds four hundred grams of hashish in a liquid 961  
concentrate, liquid extract, or liquid distillate form and if 962  
the offense was committed in the vicinity of a school ~~or~~, in 963  
the vicinity of a juvenile, or in the vicinity of a community 964  
addiction services provider, trafficking in hashish is a felony 965  
of the first degree, and the court shall impose as a mandatory 966  
prison term the maximum prison term prescribed for a felony of 967  
the first degree. 968

(8) If the drug involved in the violation is a controlled 969  
substance analog or compound, mixture, preparation, or substance 970  
that contains a controlled substance analog, whoever violates 971  
division (A) of this section is guilty of trafficking in a 972  
controlled substance analog. The penalty for the offense shall 973  
be determined as follows: 974

(a) Except as otherwise provided in division (C) (8) (b), 975  
(c), (d), (e), (f), or (g) of this section, trafficking in a 976  
controlled substance analog is a felony of the fifth degree, and 977  
division (C) of section 2929.13 of the Revised Code applies in 978  
determining whether to impose a prison term on the offender. 979

(b) Except as otherwise provided in division (C) (8) (c), 980  
(d), (e), (f), or (g) of this section, if the offense was 981  
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  
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 the vicinity of a community addiction services  
provider, trafficking in a controlled substance analog is a  
felony of the first degree, and the court shall impose as a  
mandatory prison term one of the prison terms prescribed for a  
felony of the first degree.

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

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

(D) In addition to any prison term authorized or required  
by division (C) of this section and sections 2929.13 and 2929.14  
of the Revised Code, and in addition to any other sanction  
imposed for the offense under this section or sections 2929.11  
to 2929.18 of the Revised Code, the court that sentences an  
offender who is convicted of or pleads guilty to a violation of

division (A) of this section may suspend 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