

As Introduced

132nd General Assembly

Regular Session

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H. B. No. 326

Representatives Seitz, Gavarone

Cosponsors: Representatives Riedel, Howse, Leland, Hambley, Kent

A BILL

To amend sections 2925.02, 2925.03, 2925.11, 1
2925.12, 2925.14, 2925.23, 2925.36, 3701.048, 2
3715.872, 3719.06, 3719.12, 3719.121, 3719.81, 3
3795.01, 4723.01, 4729.01, 4729.51, 4731.054, 4
4732.01, 4732.17, 4732.20, and 5123.47 and to 5
enact sections 4732.40, 4732.41, 4732.411, 6
4732.42, 4732.43, 4732.44, 4732.45, 4732.46, and 7
4732.47 of the Revised Code to authorize certain 8
psychologists to prescribe psychotropic and 9
other drugs for the treatment of drug addiction 10
and mental illness. 11

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

Section 1. That sections 2925.02, 2925.03, 2925.11, 12
2925.12, 2925.14, 2925.23, 2925.36, 3701.048, 3715.872, 3719.06, 13
3719.12, 3719.121, 3719.81, 3795.01, 4723.01, 4729.01, 4729.51, 14
4731.054, 4732.01, 4732.17, 4732.20, and 5123.47 be amended and 15
sections 4732.40, 4732.41, 4732.411, 4732.42, 4732.43, 4732.44, 16
4732.45, 4732.46, and 4732.47 of the Revised Code be enacted to 17
read as follows: 18

Sec. 2925.02. (A) No person shall knowingly do any of the	19
following:	20
(1) By force, threat, or deception, administer to another	21
or induce or cause another to use a controlled substance;	22
(2) By any means, administer or furnish to another or	23
induce or cause another to use a controlled substance with	24
purpose to cause serious physical harm to the other person, or	25
with purpose to cause the other person to become drug dependent;	26
(3) By any means, administer or furnish to another or	27
induce or cause another to use a controlled substance, and	28
thereby cause serious physical harm to the other person, or	29
cause the other person to become drug dependent;	30
(4) By any means, do any of the following:	31
(a) Furnish or administer a controlled substance to a	32
juvenile who is at least two years the offender's junior, when	33
the offender knows the age of the juvenile or is reckless in	34
that regard;	35
(b) Induce or cause a juvenile who is at least two years	36
the offender's junior to use a controlled substance, when the	37
offender knows the age of the juvenile or is reckless in that	38
regard;	39
(c) Induce or cause a juvenile who is at least two years	40
the offender's junior to commit a felony drug abuse offense,	41
when the offender knows the age of the juvenile or is reckless	42
in that regard;	43
(d) Use a juvenile, whether or not the offender knows the	44
age of the juvenile, to perform any surveillance activity that	45
is intended to prevent the detection of the offender or any	46

other person in the commission of a felony drug abuse offense or 47
to prevent the arrest of the offender or any other person for 48
the commission of a felony drug abuse offense. 49

(5) By any means, furnish or administer a controlled 50
substance to a pregnant woman or induce or cause a pregnant 51
woman to use a controlled substance, when the offender knows 52
that the woman is pregnant or is reckless in that regard. 53

(B) Division (A) (1), (3), (4), or (5) of this section does 54
not apply to manufacturers, wholesalers, licensed health 55
professionals authorized to prescribe drugs, pharmacists, owners 56
of pharmacies, and other persons whose conduct is in accordance 57
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., 4732., 58
and 4741. of the Revised Code. 59

(C) Whoever violates this section is guilty of corrupting 60
another with drugs. The penalty for the offense shall be 61
determined as follows: 62

(1) If the offense is a violation of division (A) (1), (2), 63
(3), or (4) of this section and the drug involved is any 64
compound, mixture, preparation, or substance included in 65
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 66
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 67
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 68
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 69
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 70
offender shall be punished as follows: 71

(a) Except as otherwise provided in division (C) (1) (b) of 72
this section, corrupting another with drugs committed in those 73
circumstances is a felony of the second degree and, subject to 74
division (E) of this section, the court shall impose as a 75

mandatory prison term one of the prison terms prescribed for a 76
felony of the second degree. 77

(b) If the offense was committed in the vicinity of a 78
school, corrupting another with drugs committed in those 79
circumstances is a felony of the first degree, and, subject to 80
division (E) of this section, the court shall impose as a 81
mandatory prison term one of the prison terms prescribed for a 82
felony of the first degree. 83

(2) If the offense is a violation of division (A) (1), (2), 84
(3), or (4) of this section and the drug involved is any 85
compound, mixture, preparation, or substance included in 86
schedule III, IV, or V, the offender shall be punished as 87
follows: 88

(a) Except as otherwise provided in division (C) (2) (b) of 89
this section, corrupting another with drugs committed in those 90
circumstances is a felony of the second degree and there is a 91
presumption for a prison term for the offense. 92

(b) If the offense was committed in the vicinity of a 93
school, corrupting another with drugs committed in those 94
circumstances is a felony of the second degree and the court 95
shall impose as a mandatory prison term one of the prison terms 96
prescribed for a felony of the second degree. 97

(3) If the offense is a violation of division (A) (1), (2), 98
(3), or (4) of this section and the drug involved is marihuana, 99
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 100
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 101
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 102
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 103
offender shall be punished as follows: 104

(a) Except as otherwise provided in division (C) (3) (b) of 105
this section, corrupting another with drugs committed in those 106
circumstances is a felony of the fourth degree and division (C) 107
of section 2929.13 of the Revised Code applies in determining 108
whether to impose a prison term on the offender. 109

(b) If the offense was committed in the vicinity of a 110
school, corrupting another with drugs committed in those 111
circumstances is a felony of the third degree and division (C) 112
of section 2929.13 of the Revised Code applies in determining 113
whether to impose a prison term on the offender. 114

(4) If the offense is a violation of division (A) (5) of 115
this section and the drug involved is any compound, mixture, 116
preparation, or substance included in schedule I or II, with the 117
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 118
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 119
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 120
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 121
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 122
felony of the first degree and, subject to division (E) of this 123
section, the court shall impose as a mandatory prison term one 124
of the prison terms prescribed for a felony of the first degree. 125

(5) If the offense is a violation of division (A) (5) of 126
this section and the drug involved is any compound, mixture, 127
preparation, or substance included in schedule III, IV, or V, 128
corrupting another with drugs is a felony of the second degree 129
and the court shall impose as a mandatory prison term one of the 130
prison terms prescribed for a felony of the second degree. 131

(6) If the offense is a violation of division (A) (5) of 132
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 133
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 134

morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a felony of the third degree and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(D) In addition to any prison term authorized or required by division (C) or (E) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. The court also shall do all of the following that are applicable regarding the offender:

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

(b) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, any mandatory fine imposed pursuant

to division (D) (1) (a) of this section and any fine imposed for a 165
violation of this section pursuant to division (A) of section 166
2929.18 of the Revised Code shall be paid by the clerk of the 167
court in accordance with and subject to the requirements of, and 168
shall be used as specified in, division (F) of section 2925.03 169
of the Revised Code. 170

(c) If a person is charged with any violation of this 171
section that is a felony of the first, second, or third degree, 172
posts bail, and forfeits the bail, the forfeited bail shall be 173
paid by the clerk of the court pursuant to division (D) (1) (b) of 174
this section as if it were a fine imposed for a violation of 175
this section. 176

(2) If the offender is a professionally licensed person, 177
in addition to any other sanction imposed for a violation of 178
this section, the court immediately shall comply with section 179
2925.38 of the Revised Code. 180

(E) Notwithstanding the prison term otherwise authorized 181
or required for the offense under division (C) of this section 182
and sections 2929.13 and 2929.14 of the Revised Code, if the 183
violation of division (A) of this section involves the sale, 184
offer to sell, or possession of a schedule I or II controlled 185
substance, with the exception of marihuana, 1-Pentyl-3-(1- 186
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 187
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 188
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 189
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 190
if the court imposing sentence upon the offender finds that the 191
offender as a result of the violation is a major drug offender 192
and is guilty of a specification of the type described in 193
section 2941.1410 of the Revised Code, the court, in lieu of the 194

prison term that otherwise is authorized or required, shall 195
impose upon the offender the mandatory prison term specified in 196
division (B) (3) (a) of section 2929.14 of the Revised Code. 197

(F) (1) If the sentencing court suspends the offender's 198
driver's or commercial driver's license or permit under division 199
(D) of this section, the offender, at any time after the 200
expiration of two years from the day on which the offender's 201
sentence was imposed or from the day on which the offender 202
finally was released from a prison term under the sentence, 203
whichever is later, may file a motion with the sentencing court 204
requesting termination of the suspension. Upon the filing of the 205
motion and the court's finding of good cause for the 206
determination, the court may terminate the suspension. 207

(2) Any offender who received a mandatory suspension of 208
the offender's driver's or commercial driver's license or permit 209
under this section prior to ~~the effective date of this amendment~~ 210
September 13, 2016, may file a motion with the sentencing court 211
requesting the termination of the suspension. However, an 212
offender who pleaded guilty to or was convicted of a violation 213
of section 4511.19 of the Revised Code or a substantially 214
similar municipal ordinance or law of another state or the 215
United States that arose out of the same set of circumstances as 216
the violation for which the offender's license or permit was 217
suspended under this section shall not file such a motion. 218

Upon the filing of a motion under division (F) (2) of this 219
section, the sentencing court, in its discretion, may terminate 220
the suspension. 221

Sec. 2925.03. (A) No person shall knowingly do any of the 222
following: 223

(1) Sell or offer to sell a controlled substance or a controlled substance analog;	224 225
(2) Prepare for shipment, ship, transport, deliver, prepare for distribution, or distribute a controlled substance or a controlled substance analog, when the offender knows or has reasonable cause to believe that the controlled substance or a controlled substance analog is intended for sale or resale by the offender or another person.	226 227 228 229 230 231
(B) This section does not apply to any of the following:	232
(1) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., <u>4732.</u> , and 4741. of the Revised Code;	233 234 235 236 237
(2) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States food and drug administration;	238 239 240 241
(3) Any person who sells, offers for sale, prescribes, dispenses, or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed, or administered for that purpose in accordance with that act.	242 243 244 245 246 247 248 249 250
(C) Whoever violates division (A) of this section is guilty of one of the following:	251 252

(1) If the drug involved in the violation is any compound, 253
mixture, preparation, or substance included in schedule I or 254
schedule II, with the exception of marihuana, cocaine, L.S.D., 255
heroin, hashish, and controlled substance analogs, whoever 256
violates division (A) of this section is guilty of aggravated 257
trafficking in drugs. The penalty for the offense shall be 258
determined as follows: 259

(a) Except as otherwise provided in division (C) (1) (b), 260
(c), (d), (e), or (f) of this section, aggravated trafficking in 261
drugs is a felony of the fourth degree, and division (C) of 262
section 2929.13 of the Revised Code applies in determining 263
whether to impose a prison term on the offender. 264

(b) Except as otherwise provided in division (C) (1) (c), 265
(d), (e), or (f) of this section, if the offense was committed 266
in the vicinity of a school or in the vicinity of a juvenile, 267
aggravated trafficking in drugs is a felony of the third degree, 268
and division (C) of section 2929.13 of the Revised Code applies 269
in determining whether to impose a prison term on the offender. 270

(c) Except as otherwise provided in this division, if the 271
amount of the drug involved equals or exceeds the bulk amount 272
but is less than five times the bulk amount, aggravated 273
trafficking in drugs is a felony of the third degree, and, 274
except as otherwise provided in this division, there is a 275
presumption for a prison term for the offense. If aggravated 276
trafficking in drugs is a felony of the third degree under this 277
division and if the offender two or more times previously has 278
been convicted of or pleaded guilty to a felony drug abuse 279
offense, the court shall impose as a mandatory prison term one 280
of the prison terms prescribed for a felony of the third degree. 281
If the amount of the drug involved is within that range and if 282

the offense was committed in the vicinity of a school or in the 283
vicinity of a juvenile, aggravated trafficking in drugs is a 284
felony of the second degree, and the court shall impose as a 285
mandatory prison term one of the prison terms prescribed for a 286
felony of the second degree. 287

(d) Except as otherwise provided in this division, if the 288
amount of the drug involved equals or exceeds five times the 289
bulk amount but is less than fifty times the bulk amount, 290
aggravated trafficking in drugs is a felony of the second 291
degree, and the court shall impose as a mandatory prison term 292
one of the prison terms prescribed for a felony of the second 293
degree. If the amount of the drug involved is within that range 294
and if the offense was committed in the vicinity of a school or 295
in the vicinity of a juvenile, aggravated trafficking in drugs 296
is a felony of the first degree, and the court shall impose as a 297
mandatory prison term one of the prison terms prescribed for a 298
felony of the first degree. 299

(e) If the amount of the drug involved equals or exceeds 300
fifty times the bulk amount but is less than one hundred times 301
the bulk amount and regardless of whether the offense was 302
committed in the vicinity of a school or in the vicinity of a 303
juvenile, aggravated trafficking in drugs is a felony of the 304
first degree, and the court shall impose as a mandatory prison 305
term one of the prison terms prescribed for a felony of the 306
first degree. 307

(f) If the amount of the drug involved equals or exceeds 308
one hundred times the bulk amount and regardless of whether the 309
offense was committed in the vicinity of a school or in the 310
vicinity of a juvenile, aggravated trafficking in drugs is a 311
felony of the first degree, the offender is a major drug 312

offender, and the court shall impose as a mandatory prison term 313
the maximum prison term prescribed for a felony of the first 314
degree. 315

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

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

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

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

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

(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. 372

(b) Except as otherwise provided in division (C) (3) (c), 373
(d), (e), (f), (g), or (h) of this section, if the offense was 374
committed in the vicinity of a school or in the vicinity of a 375
juvenile, trafficking in marihuana is a felony of the fourth 376
degree, and division (B) of section 2929.13 of the Revised Code 377
applies in determining whether to impose a prison term on the 378
offender. 379

(c) Except as otherwise provided in this division, if the 380
amount of the drug involved equals or exceeds two hundred grams 381
but is less than one thousand grams, trafficking in marihuana is 382
a felony of the fourth degree, and division (B) of section 383
2929.13 of the Revised Code applies in determining whether to 384
impose a prison term on the offender. If the amount of the drug 385
involved is within that range and if the offense was committed 386
in the vicinity of a school or in the vicinity of a juvenile, 387
trafficking in marihuana is a felony of the third degree, and 388
division (C) of section 2929.13 of the Revised Code applies in 389
determining whether to impose a prison term on the offender. 390

(d) Except as otherwise provided in this division, if the 391
amount of the drug involved equals or exceeds one thousand grams 392
but is less than five thousand grams, trafficking in marihuana 393
is a felony of the third degree, and division (C) of section 394
2929.13 of the Revised Code applies in determining whether to 395
impose a prison term on the offender. If the amount of the drug 396
involved is within that range and if the offense was committed 397
in the vicinity of a school or in the vicinity of a juvenile, 398
trafficking in marihuana is a felony of the second degree, and 399
there is a presumption that a prison term shall be imposed for 400
the offense. 401

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

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

(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. 433

(h) Except as otherwise provided in this division, if the 434
offense involves a gift of twenty grams or less of marihuana, 435
trafficking in marihuana is a minor misdemeanor upon a first 436
offense and a misdemeanor of the third degree upon a subsequent 437
offense. If the offense involves a gift of twenty grams or less 438
of marihuana and if the offense was committed in the vicinity of 439
a school or in the vicinity of a juvenile, trafficking in 440
marihuana is a misdemeanor of the third degree. 441

(4) If the drug involved in the violation is cocaine or a 442
compound, mixture, preparation, or substance containing cocaine, 443
whoever violates division (A) of this section is guilty of 444
trafficking in cocaine. The penalty for the offense shall be 445
determined as follows: 446

(a) Except as otherwise provided in division (C) (4) (b), 447
(c), (d), (e), (f), or (g) of this section, trafficking in 448
cocaine is a felony of the fifth degree, and division (B) of 449
section 2929.13 of the Revised Code applies in determining 450
whether to impose a prison term on the offender. 451

(b) Except as otherwise provided in division (C) (4) (c), 452
(d), (e), (f), or (g) of this section, if the offense was 453
committed in the vicinity of a school or in the vicinity of a 454
juvenile, trafficking in cocaine is a felony of the fourth 455
degree, and division (C) of section 2929.13 of the Revised Code 456
applies in determining whether to impose a prison term on the 457
offender. 458

(c) Except as otherwise provided in this division, if the 459
amount of the drug involved equals or exceeds five grams but is 460
less than ten grams of cocaine, trafficking in cocaine is a 461

felony of the fourth degree, and division (B) of section 2929.13 462
of the Revised Code applies in determining whether to impose a 463
prison term for the offense. If the amount of the drug involved 464
is within that range and if the offense was committed in the 465
vicinity of a school or in the vicinity of a juvenile, 466
trafficking in cocaine is a felony of the third degree, and 467
there is a presumption for a prison term for the offense. 468

(d) Except as otherwise provided in this division, if the 469
amount of the drug involved equals or exceeds ten grams but is 470
less than twenty grams of cocaine, trafficking in cocaine is a 471
felony of the third degree, and, except as otherwise provided in 472
this division, there is a presumption for a prison term for the 473
offense. If trafficking in cocaine is a felony of the third 474
degree under this division and if the offender two or more times 475
previously has been convicted of or pleaded guilty to a felony 476
drug abuse offense, the court shall impose as a mandatory prison 477
term one of the prison terms prescribed for a felony of the 478
third degree. If the amount of the drug involved is within that 479
range and if the offense was committed in the vicinity of a 480
school or in the vicinity of a juvenile, trafficking in cocaine 481
is a felony of the second degree, and the court shall impose as 482
a mandatory prison term one of the prison terms prescribed for a 483
felony of the second degree. 484

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

juvenile, trafficking in cocaine is a felony of the first 493
degree, and the court shall impose as a mandatory prison term 494
one of the prison terms prescribed for a felony of the first 495
degree. 496

(f) If the amount of the drug involved equals or exceeds 497
twenty-seven grams but is less than one hundred grams of cocaine 498
and regardless of whether the offense was committed in the 499
vicinity of a school or in the vicinity of a juvenile, 500
trafficking in cocaine is a felony of the first degree, and the 501
court shall impose as a mandatory prison term one of the prison 502
terms prescribed for a felony of the first degree. 503

(g) If the amount of the drug involved equals or exceeds 504
one hundred grams of cocaine and regardless of whether the 505
offense was committed in the vicinity of a school or in the 506
vicinity of a juvenile, trafficking in cocaine is a felony of 507
the first degree, the offender is a major drug offender, and the 508
court shall impose as a mandatory prison term the maximum prison 509
term prescribed for a felony of the first degree. 510

(5) If the drug involved in the violation is L.S.D. or a 511
compound, mixture, preparation, or substance containing L.S.D., 512
whoever violates division (A) of this section is guilty of 513
trafficking in L.S.D. The penalty for the offense shall be 514
determined as follows: 515

(a) Except as otherwise provided in division (C) (5) (b), 516
(c), (d), (e), (f), or (g) of this section, trafficking in 517
L.S.D. is a felony of the fifth degree, and division (B) of 518
section 2929.13 of the Revised Code applies in determining 519
whether to impose a prison term on the offender. 520

(b) Except as otherwise provided in division (C) (5) (c), 521

(d), (e), (f), or (g) of this section, if the offense was 522
committed in the vicinity of a school or in the vicinity of a 523
juvenile, trafficking in L.S.D. is a felony of the fourth 524
degree, and division (C) of section 2929.13 of the Revised Code 525
applies in determining whether to impose a prison term on the 526
offender. 527

(c) Except as otherwise provided in this division, if the 528
amount of the drug involved equals or exceeds ten unit doses but 529
is less than fifty unit doses of L.S.D. in a solid form or 530
equals or exceeds one gram but is less than five grams of L.S.D. 531
in a liquid concentrate, liquid extract, or liquid distillate 532
form, trafficking in L.S.D. is a felony of the fourth degree, 533
and division (B) of section 2929.13 of the Revised Code applies 534
in determining whether to impose a prison term for the offense. 535
If the amount of the drug involved is within that range and if 536
the offense was committed in the vicinity of a school or in the 537
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 538
third degree, and there is a presumption for a prison term for 539
the offense. 540

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

term one of the prison terms prescribed for a felony of the 553
third degree. If the amount of the drug involved is within that 554
range and if the offense was committed in the vicinity of a 555
school or in the vicinity of a juvenile, trafficking in L.S.D. 556
is a felony of the second degree, and the court shall impose as 557
a mandatory prison term one of the prison terms prescribed for a 558
felony of the second degree. 559

(e) Except as otherwise provided in this division, if the 560
amount of the drug involved equals or exceeds two hundred fifty 561
unit doses but is less than one thousand unit doses of L.S.D. in 562
a solid form or equals or exceeds twenty-five grams but is less 563
than one hundred grams of L.S.D. in a liquid concentrate, liquid 564
extract, or liquid distillate form, trafficking in L.S.D. is a 565
felony of the second degree, and the court shall impose as a 566
mandatory prison term one of the prison terms prescribed for a 567
felony of the second degree. If the amount of the drug involved 568
is within that range and if the offense was committed in the 569
vicinity of a school or in the vicinity of a juvenile, 570
trafficking in L.S.D. is a felony of the first degree, and the 571
court shall impose as a mandatory prison term one of the prison 572
terms prescribed for a felony of the first degree. 573

(f) If the amount of the drug involved equals or exceeds 574
one thousand unit doses but is less than five thousand unit 575
doses of L.S.D. in a solid form or equals or exceeds one hundred 576
grams but is less than five hundred grams of L.S.D. in a liquid 577
concentrate, liquid extract, or liquid distillate form and 578
regardless of whether the offense was committed in the vicinity 579
of a school or in the vicinity of a juvenile, trafficking in 580
L.S.D. is a felony of the first degree, and the court shall 581
impose as a mandatory prison term one of the prison terms 582
prescribed for a felony of the first degree. 583

(g) If the amount of the drug involved equals or exceeds 584
five thousand unit doses of L.S.D. in a solid form or equals or 585
exceeds five hundred grams of L.S.D. in a liquid concentrate, 586
liquid extract, or liquid distillate form and regardless of 587
whether the offense was committed in the vicinity of a school or 588
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 589
of the first degree, the offender is a major drug offender, and 590
the court shall impose as a mandatory prison term the maximum 591
prison term prescribed for a felony of the first degree. 592

(6) If the drug involved in the violation is heroin or a 593
compound, mixture, preparation, or substance containing heroin, 594
whoever violates division (A) of this section is guilty of 595
trafficking in heroin. The penalty for the offense shall be 596
determined as follows: 597

(a) Except as otherwise provided in division (C) (6) (b), 598
(c), (d), (e), (f), or (g) of this section, trafficking in 599
heroin is a felony of the fifth degree, and division (B) of 600
section 2929.13 of the Revised Code applies in determining 601
whether to impose a prison term on the offender. 602

(b) Except as otherwise provided in division (C) (6) (c), 603
(d), (e), (f), or (g) of this section, if the offense was 604
committed in the vicinity of a school or in the vicinity of a 605
juvenile, trafficking in heroin is a felony of the fourth 606
degree, and division (C) of section 2929.13 of the Revised Code 607
applies in determining whether to impose a prison term on the 608
offender. 609

(c) Except as otherwise provided in this division, if the 610
amount of the drug involved equals or exceeds ten unit doses but 611
is less than fifty unit doses or equals or exceeds one gram but 612
is less than five grams, trafficking in heroin is a felony of 613

the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, trafficking in heroin is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, 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, 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 644
or equals or exceeds fifty grams but is less than one hundred 645
grams and regardless of whether the offense was committed in the 646
vicinity of a school or in the vicinity of a juvenile, 647
trafficking in heroin is a felony of the first degree, and the 648
court shall impose as a mandatory prison term one of the prison 649
terms prescribed for a felony of the first degree. 650

(g) If the amount of the drug involved equals or exceeds 651
one thousand unit doses or equals or exceeds one hundred grams 652
and regardless of whether the offense was committed in the 653
vicinity of a school or in the vicinity of a juvenile, 654
trafficking in heroin is a felony of the first degree, the 655
offender is a major drug offender, and the court shall impose as 656
a mandatory prison term the maximum prison term prescribed for a 657
felony of the first degree. 658

(7) If the drug involved in the violation is hashish or a 659
compound, mixture, preparation, or substance containing hashish, 660
whoever violates division (A) of this section is guilty of 661
trafficking in hashish. The penalty for the offense shall be 662
determined as follows: 663

(a) Except as otherwise provided in division (C) (7) (b), 664
(c), (d), (e), (f), or (g) of this section, trafficking in 665
hashish is a felony of the fifth degree, and division (B) of 666
section 2929.13 of the Revised Code applies in determining 667
whether to impose a prison term on the offender. 668

(b) Except as otherwise provided in division (C) (7) (c), 669
(d), (e), (f), or (g) of this section, if the offense was 670
committed in the vicinity of a school or in the vicinity of a 671
juvenile, trafficking in hashish is a felony of the fourth 672
degree, and division (B) of section 2929.13 of the Revised Code 673

applies in determining whether to impose a prison term on the 674
offender. 675

(c) Except as otherwise provided in this division, if the 676
amount of the drug involved equals or exceeds ten grams but is 677
less than fifty grams of hashish in a solid form or equals or 678
exceeds two grams but is less than ten grams of hashish in a 679
liquid concentrate, liquid extract, or liquid distillate form, 680
trafficking in hashish is a felony of the fourth degree, and 681
division (B) of section 2929.13 of the Revised Code applies in 682
determining whether to impose a prison term on the offender. If 683
the amount of the drug involved is within that range and if the 684
offense was committed in the vicinity of a school or in the 685
vicinity of a juvenile, trafficking in hashish is a felony of 686
the third degree, and division (C) of section 2929.13 of the 687
Revised Code applies in determining whether to impose a prison 688
term on the offender. 689

(d) Except as otherwise provided in this division, if the 690
amount of the drug involved equals or exceeds fifty grams but is 691
less than two hundred fifty grams of hashish in a solid form or 692
equals or exceeds ten grams but is less than fifty grams of 693
hashish in a liquid concentrate, liquid extract, or liquid 694
distillate form, trafficking in hashish is a felony of the third 695
degree, and division (C) of section 2929.13 of the Revised Code 696
applies in determining whether to impose a prison term on the 697
offender. If the amount of the drug involved is within that 698
range and if the offense was committed in the vicinity of a 699
school or in the vicinity of a juvenile, trafficking in hashish 700
is a felony of the second degree, and there is a presumption 701
that a prison term shall be imposed for the offense. 702

(e) Except as otherwise provided in this division, if the 703

amount of the drug involved equals or exceeds two hundred fifty 704
grams but is less than one thousand grams of hashish in a solid 705
form or equals or exceeds fifty grams but is less than two 706
hundred grams of hashish in a liquid concentrate, liquid 707
extract, or liquid distillate form, trafficking in hashish is a 708
felony of the third degree, and there is a presumption that a 709
prison term shall be imposed for the offense. If the amount of 710
the drug involved is within that range and if the offense was 711
committed in the vicinity of a school or in the vicinity of a 712
juvenile, trafficking in hashish is a felony of the second 713
degree, and there is a presumption that a prison term shall be 714
imposed for the offense. 715

(f) Except as otherwise provided in this division, if the 716
amount of the drug involved equals or exceeds one thousand grams 717
but is less than two thousand grams of hashish in a solid form 718
or equals or exceeds two hundred grams but is less than four 719
hundred grams of hashish in a liquid concentrate, liquid 720
extract, or liquid distillate form, trafficking in hashish is a 721
felony of the second degree, and the court shall impose a 722
mandatory prison term of five, six, seven, or eight years. If 723
the amount of the drug involved is within that range and if the 724
offense was committed in the vicinity of a school or in the 725
vicinity of a juvenile, trafficking in hashish is a felony of 726
the first degree, and the court shall impose as a mandatory 727
prison term the maximum prison term prescribed for a felony of 728
the first degree. 729

(g) Except as otherwise provided in this division, if the 730
amount of the drug involved equals or exceeds two thousand grams 731
of hashish in a solid form or equals or exceeds four hundred 732
grams of hashish in a liquid concentrate, liquid extract, or 733
liquid distillate form, trafficking in hashish is a felony of 734

the second degree, and the court shall impose as a mandatory 735
prison term the maximum prison term prescribed for a felony of 736
the second degree. If the amount of the drug involved equals or 737
exceeds two thousand grams of hashish in a solid form or equals 738
or exceeds four hundred grams of hashish in a liquid 739
concentrate, liquid extract, or liquid distillate form and if 740
the offense was committed in the vicinity of a school or in the 741
vicinity of a juvenile, trafficking in hashish is a felony of 742
the first degree, and the court shall impose as a mandatory 743
prison term the maximum prison term prescribed for a felony of 744
the first degree. 745

(8) If the drug involved in the violation is a controlled 746
substance analog or compound, mixture, preparation, or substance 747
that contains a controlled substance analog, whoever violates 748
division (A) of this section is guilty of trafficking in a 749
controlled substance analog. The penalty for the offense shall 750
be determined as follows: 751

(a) Except as otherwise provided in division (C) (8) (b), 752
(c), (d), (e), (f), or (g) of this section, trafficking in a 753
controlled substance analog is a felony of the fifth degree, and 754
division (C) of section 2929.13 of the Revised Code applies in 755
determining whether to impose a prison term on the offender. 756

(b) Except as otherwise provided in division (C) (8) (c), 757
(d), (e), (f), or (g) of this section, if the offense was 758
committed in the vicinity of a school or in the vicinity of a 759
juvenile, trafficking in a controlled substance analog is a 760
felony of the fourth degree, and division (C) of section 2929.13 761
of the Revised Code applies in determining whether to impose a 762
prison term on the offender. 763

(c) Except as otherwise provided in this division, if the 764

amount of the drug involved equals or exceeds ten grams but is 765
less than twenty grams, trafficking in a controlled substance 766
analog is a felony of the fourth degree, and division (B) of 767
section 2929.13 of the Revised Code applies in determining 768
whether to impose a prison term for the offense. If the amount 769
of the drug involved is within that range and if the offense was 770
committed in the vicinity of a school or in the vicinity of a 771
juvenile, trafficking in a controlled substance analog is a 772
felony of the third degree, and there is a presumption for a 773
prison term for the offense. 774

(d) Except as otherwise provided in this division, if the 775
amount of the drug involved equals or exceeds twenty grams but 776
is less than thirty grams, trafficking in a controlled substance 777
analog is a felony of the third degree, and there is a 778
presumption for a prison term for the offense. If the amount of 779
the drug involved is within that range and if the offense was 780
committed in the vicinity of a school or in the vicinity of a 781
juvenile, trafficking in a controlled substance analog is a 782
felony of the second degree, and there is a presumption for a 783
prison term for the offense. 784

(e) Except as otherwise provided in this division, if the 785
amount of the drug involved equals or exceeds thirty grams but 786
is less than forty grams, trafficking in a controlled substance 787
analog is a felony of the second degree, and the court shall 788
impose as a mandatory prison term one of the prison terms 789
prescribed for a felony of the second degree. If the amount of 790
the drug involved is within that range and if the offense was 791
committed in the vicinity of a school or in the vicinity of a 792
juvenile, trafficking in a controlled substance analog is a 793
felony of the first degree, and the court shall impose as a 794
mandatory prison term one of the prison terms prescribed for a 795

felony of the first degree. 796

(f) If the amount of the drug involved equals or exceeds 797
forty grams but is less than fifty grams and regardless of 798
whether the offense was committed in the vicinity of a school or 799
in the vicinity of a juvenile, trafficking in a controlled 800
substance analog is a felony of the first degree, and the court 801
shall impose as a mandatory prison term one of the prison terms 802
prescribed for a felony of the first degree. 803

(g) If the amount of the drug involved equals or exceeds 804
fifty grams and regardless of whether the offense was committed 805
in the vicinity of a school or in the vicinity of a juvenile, 806
trafficking in a controlled substance analog is a felony of the 807
first degree, the offender is a major drug offender, and the 808
court shall impose as a mandatory prison term the maximum prison 809
term prescribed for a felony of the first degree. 810

(D) In addition to any prison term authorized or required 811
by division (C) of this section and sections 2929.13 and 2929.14 812
of the Revised Code, and in addition to any other sanction 813
imposed for the offense under this section or sections 2929.11 814
to 2929.18 of the Revised Code, the court that sentences an 815
offender who is convicted of or pleads guilty to a violation of 816
division (A) of this section may suspend the driver's or 817
commercial driver's license or permit of the offender in 818
accordance with division (G) of this section. However, if the 819
offender pleaded guilty to or was convicted of a violation of 820
section 4511.19 of the Revised Code or a substantially similar 821
municipal ordinance or the law of another state or the United 822
States arising out of the same set of circumstances as the 823
violation, the court shall suspend the offender's driver's or 824
commercial driver's license or permit in accordance with 825

division (G) of this section. If applicable, the court also 826
shall do the following: 827

(1) If the violation of division (A) of this section is a 828
felony of the first, second, or third degree, the court shall 829
impose upon the offender the mandatory fine specified for the 830
offense under division (B) (1) of section 2929.18 of the Revised 831
Code unless, as specified in that division, the court determines 832
that the offender is indigent. Except as otherwise provided in 833
division (H) (1) of this section, a mandatory fine or any other 834
fine imposed for a violation of this section is subject to 835
division (F) of this section. If a person is charged with a 836
violation of this section that is a felony of the first, second, 837
or third degree, posts bail, and forfeits the bail, the clerk of 838
the court shall pay the forfeited bail pursuant to divisions (D) 839
(1) and (F) of this section, as if the forfeited bail was a fine 840
imposed for a violation of this section. If any amount of the 841
forfeited bail remains after that payment and if a fine is 842
imposed under division (H) (1) of this section, the clerk of the 843
court shall pay the remaining amount of the forfeited bail 844
pursuant to divisions (H) (2) and (3) of this section, as if that 845
remaining amount was a fine imposed under division (H) (1) of 846
this section. 847

(2) If the offender is a professionally licensed person, 848
the court immediately shall comply with section 2925.38 of the 849
Revised Code. 850

(E) When a person is charged with the sale of or offer to 851
sell a bulk amount or a multiple of a bulk amount of a 852
controlled substance, the jury, or the court trying the accused, 853
shall determine the amount of the controlled substance involved 854
at the time of the offense and, if a guilty verdict is returned, 855

shall return the findings as part of the verdict. In any such 856
case, it is unnecessary to find and return the exact amount of 857
the controlled substance involved, and it is sufficient if the 858
finding and return is to the effect that the amount of the 859
controlled substance involved is the requisite amount, or that 860
the amount of the controlled substance involved is less than the 861
requisite amount. 862

(F) (1) Notwithstanding any contrary provision of section 863
3719.21 of the Revised Code and except as provided in division 864
(H) of this section, the clerk of the court shall pay any 865
mandatory fine imposed pursuant to division (D) (1) of this 866
section and any fine other than a mandatory fine that is imposed 867
for a violation of this section pursuant to division (A) or (B) 868
(5) of section 2929.18 of the Revised Code to the county, 869
township, municipal corporation, park district, as created 870
pursuant to section 511.18 or 1545.04 of the Revised Code, or 871
state law enforcement agencies in this state that primarily were 872
responsible for or involved in making the arrest of, and in 873
prosecuting, the offender. However, the clerk shall not pay a 874
mandatory fine so imposed to a law enforcement agency unless the 875
agency has adopted a written internal control policy under 876
division (F) (2) of this section that addresses the use of the 877
fine moneys that it receives. Each agency shall use the 878
mandatory fines so paid to subsidize the agency's law 879
enforcement efforts that pertain to drug offenses, in accordance 880
with the written internal control policy adopted by the 881
recipient agency under division (F) (2) of this section. 882

(2) Prior to receiving any fine moneys under division (F) 883
(1) of this section or division (B) of section 2925.42 of the 884
Revised Code, a law enforcement agency shall adopt a written 885
internal control policy that addresses the agency's use and 886

disposition of all fine moneys so received and that provides for 887
the keeping of detailed financial records of the receipts of 888
those fine moneys, the general types of expenditures made out of 889
those fine moneys, and the specific amount of each general type 890
of expenditure. The policy shall not provide for or permit the 891
identification of any specific expenditure that is made in an 892
ongoing investigation. All financial records of the receipts of 893
those fine moneys, the general types of expenditures made out of 894
those fine moneys, and the specific amount of each general type 895
of expenditure by an agency are public records open for 896
inspection under section 149.43 of the Revised Code. 897
Additionally, a written internal control policy adopted under 898
this division is such a public record, and the agency that 899
adopted it shall comply with it. 900

(3) As used in division (F) of this section: 901

(a) "Law enforcement agencies" includes, but is not 902
limited to, the state board of pharmacy and the office of a 903
prosecutor. 904

(b) "Prosecutor" has the same meaning as in section 905
2935.01 of the Revised Code. 906

(G) (1) If the sentencing court suspends the offender's 907
driver's or commercial driver's license or permit under division 908
(D) of this section or any other provision of this chapter, the 909
court shall suspend the license, by order, for not more than 910
five years. If an offender's driver's or commercial driver's 911
license or permit is suspended pursuant to this division, the 912
offender, at any time after the expiration of two years from the 913
day on which the offender's sentence was imposed or from the day 914
on which the offender finally was released from a prison term 915
under the sentence, whichever is later, may file a motion with 916

the sentencing court requesting termination of the suspension; 917
upon the filing of such a motion and the court's finding of good 918
cause for the termination, the court may terminate the 919
suspension. 920

(2) Any offender who received a mandatory suspension of 921
the offender's driver's or commercial driver's license or permit 922
under this section prior to ~~the effective date of this amendment~~ 923
September 13, 2016, may file a motion with the sentencing court 924
requesting the termination of the suspension. However, an 925
offender who pleaded guilty to or was convicted of a violation 926
of section 4511.19 of the Revised Code or a substantially 927
similar municipal ordinance or law of another state or the 928
United States that arose out of the same set of circumstances as 929
the violation for which the offender's license or permit was 930
suspended under this section shall not file such a motion. 931

Upon the filing of a motion under division (G) (2) of this 932
section, the sentencing court, in its discretion, may terminate 933
the suspension. 934

(H) (1) In addition to any prison term authorized or 935
required by division (C) of this section and sections 2929.13 936
and 2929.14 of the Revised Code, in addition to any other 937
penalty or sanction imposed for the offense under this section 938
or sections 2929.11 to 2929.18 of the Revised Code, and in 939
addition to the forfeiture of property in connection with the 940
offense as prescribed in Chapter 2981. of the Revised Code, the 941
court that sentences an offender who is convicted of or pleads 942
guilty to a violation of division (A) of this section may impose 943
upon the offender an additional fine specified for the offense 944
in division (B) (4) of section 2929.18 of the Revised Code. A 945
fine imposed under division (H) (1) of this section is not 946

subject to division (F) of this section and shall be used solely 947
for the support of one or more eligible community addiction 948
services providers in accordance with divisions (H) (2) and (3) 949
of this section. 950

(2) The court that imposes a fine under division (H) (1) of 951
this section shall specify in the judgment that imposes the fine 952
one or more eligible community addiction services providers for 953
the support of which the fine money is to be used. No community 954
addiction services provider shall receive or use money paid or 955
collected in satisfaction of a fine imposed under division (H) 956
(1) of this section unless the services provider is specified in 957
the judgment that imposes the fine. No community addiction 958
services provider shall be specified in the judgment unless the 959
services provider is an eligible community addiction services 960
provider and, except as otherwise provided in division (H) (2) of 961
this section, unless the services provider is located in the 962
county in which the court that imposes the fine is located or in 963
a county that is immediately contiguous to the county in which 964
that court is located. If no eligible community addiction 965
services provider is located in any of those counties, the 966
judgment may specify an eligible community addiction services 967
provider that is located anywhere within this state. 968

(3) Notwithstanding any contrary provision of section 969
3719.21 of the Revised Code, the clerk of the court shall pay 970
any fine imposed under division (H) (1) of this section to the 971
eligible community addiction services provider specified 972
pursuant to division (H) (2) of this section in the judgment. The 973
eligible community addiction services provider that receives the 974
fine moneys shall use the moneys only for the alcohol and drug 975
addiction services identified in the application for 976
certification of services under section 5119.36 of the Revised 977

Code or in the application for a license under section 5119.391 978
of the Revised Code filed with the department of mental health 979
and addiction services by the community addiction services 980
provider specified in the judgment. 981

(4) Each community addiction services provider that 982
receives in a calendar year any fine moneys under division (H) 983
(3) of this section shall file an annual report covering that 984
calendar year with the court of common pleas and the board of 985
county commissioners of the county in which the services 986
provider is located, with the court of common pleas and the 987
board of county commissioners of each county from which the 988
services provider received the moneys if that county is 989
different from the county in which the services provider is 990
located, and with the attorney general. The community addiction 991
services provider shall file the report no later than the first 992
day of March in the calendar year following the calendar year in 993
which the services provider received the fine moneys. The report 994
shall include statistics on the number of persons served by the 995
community addiction services provider, identify the types of 996
alcohol and drug addiction services provided to those persons, 997
and include a specific accounting of the purposes for which the 998
fine moneys received were used. No information contained in the 999
report shall identify, or enable a person to determine the 1000
identity of, any person served by the community addiction 1001
services provider. Each report received by a court of common 1002
pleas, a board of county commissioners, or the attorney general 1003
is a public record open for inspection under section 149.43 of 1004
the Revised Code. 1005

(5) As used in divisions (H) (1) to (5) of this section: 1006

(a) "Community addiction services provider" and "alcohol 1007

and drug addiction services" have the same meanings as in 1008
section 5119.01 of the Revised Code. 1009

(b) "Eligible community addiction services provider" means 1010
a community addiction services provider, as defined in section 1011
5119.01 of the Revised Code, or a community addiction services 1012
provider that maintains a methadone treatment program licensed 1013
under section 5119.391 of the Revised Code. 1014

(I) As used in this section, "drug" includes any substance 1015
that is represented to be a drug. 1016

(J) It is an affirmative defense to a charge of 1017
trafficking in a controlled substance analog under division (C) 1018
(8) of this section that the person charged with violating that 1019
offense sold or offered to sell, or prepared for shipment, 1020
shipped, transported, delivered, prepared for distribution, or 1021
distributed an item described in division (HH) (2) (a), (b), or 1022
(c) of section 3719.01 of the Revised Code. 1023

Sec. 2925.11. (A) No person shall knowingly obtain, 1024
possess, or use a controlled substance or a controlled substance 1025
analog. 1026

(B) (1) This section does not apply to any of the 1027
following: 1028

(a) Manufacturers, licensed health professionals 1029
authorized to prescribe drugs, pharmacists, owners of 1030
pharmacies, and other persons whose conduct was in accordance 1031
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., 4732., 1032
and 4741. of the Revised Code; 1033

(b) If the offense involves an anabolic steroid, any 1034
person who is conducting or participating in a research project 1035
involving the use of an anabolic steroid if the project has been 1036

approved by the United States food and drug administration; 1037

(c) Any person who sells, offers for sale, prescribes, 1038
dispenses, or administers for livestock or other nonhuman 1039
species an anabolic steroid that is expressly intended for 1040
administration through implants to livestock or other nonhuman 1041
species and approved for that purpose under the "Federal Food, 1042
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1043
as amended, and is sold, offered for sale, prescribed, 1044
dispensed, or administered for that purpose in accordance with 1045
that act; 1046

(d) Any person who obtained the controlled substance 1047
pursuant to a lawful prescription issued by a licensed health 1048
professional authorized to prescribe drugs. 1049

(2) (a) As used in division (B) (2) of this section: 1050

(i) "Community addiction services provider" has the same 1051
meaning as in section 5119.01 of the Revised Code. 1052

(ii) "Community control sanction" and "drug treatment 1053
program" have the same meanings as in section 2929.01 of the 1054
Revised Code. 1055

(iii) "Health care facility" has the same meaning as in 1056
section 2919.16 of the Revised Code. 1057

(iv) "Minor drug possession offense" means a violation of 1058
this section that is a misdemeanor or a felony of the fifth 1059
degree. 1060

(v) "Post-release control sanction" has the same meaning 1061
as in section 2967.28 of the Revised Code. 1062

(vi) "Peace officer" has the same meaning as in section 1063
2935.01 of the Revised Code. 1064

(vii) "Public agency" has the same meaning as in section 1065
2930.01 of the Revised Code. 1066

(viii) "Qualified individual" means a person who is not on 1067
community control or post-release control and is a person acting 1068
in good faith who seeks or obtains medical assistance for 1069
another person who is experiencing a drug overdose, a person who 1070
experiences a drug overdose and who seeks medical assistance for 1071
that overdose, or a person who is the subject of another person 1072
seeking or obtaining medical assistance for that overdose as 1073
described in division (B) (2) (b) of this section. 1074

(ix) "Seek or obtain medical assistance" includes, but is 1075
not limited to making a 9-1-1 call, contacting in person or by 1076
telephone call an on-duty peace officer, or transporting or 1077
presenting a person to a health care facility. 1078

(b) Subject to division (B) (2) (f) of this section, a 1079
qualified individual shall not be arrested, charged, prosecuted, 1080
convicted, or penalized pursuant to this chapter for a minor 1081
drug possession offense if all of the following apply: 1082

(i) The evidence of the obtaining, possession, or use of 1083
the controlled substance or controlled substance analog that 1084
would be the basis of the offense was obtained as a result of 1085
the qualified individual seeking the medical assistance or 1086
experiencing an overdose and needing medical assistance. 1087

(ii) Subject to division (B) (2) (g) of this section, within 1088
thirty days after seeking or obtaining the medical assistance, 1089
the qualified individual seeks and obtains a screening and 1090
receives a referral for treatment from a community addiction 1091
services provider or a properly credentialed addiction treatment 1092
professional. 1093

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

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

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

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

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

Code, whichever is applicable, after which the court or the 1124
parole board has the discretion either to order the person's 1125
participation or continued participation in a drug treatment 1126
program or to impose the penalty with the mitigating factor 1127
specified in either of those applicable sections: 1128

(i) Seeking or obtaining medical assistance in good faith 1129
for another person who is experiencing a drug overdose; 1130

(ii) Experiencing a drug overdose and seeking medical 1131
assistance for that emergency or being the subject of another 1132
person seeking or obtaining medical assistance for that overdose 1133
as described in division (B) (2) (b) of this section. 1134

(e) Nothing in division (B) (2) (b) of this section shall be 1135
construed to do any of the following: 1136

(i) Limit the admissibility of any evidence in connection 1137
with the investigation or prosecution of a crime with regards to 1138
a defendant who does not qualify for the protections of division 1139
(B) (2) (b) of this section or with regards to any crime other 1140
than a minor drug possession offense committed by a person who 1141
qualifies for protection pursuant to division (B) (2) (b) of this 1142
section for a minor drug possession offense; 1143

(ii) Limit any seizure of evidence or contraband otherwise 1144
permitted by law; 1145

(iii) Limit or abridge the authority of a peace officer to 1146
detain or take into custody a person in the course of an 1147
investigation or to effectuate an arrest for any offense except 1148
as provided in that division; 1149

(iv) Limit, modify, or remove any immunity from liability 1150
available pursuant to law in effect prior to ~~the effective date~~ 1151
~~of this amendment~~ September 13, 2016, to any public agency or to 1152

an employee of any public agency. 1153

(f) Division (B) (2) (b) of this section does not apply to 1154
any person who twice previously has been granted an immunity 1155
under division (B) (2) (b) of this section. No person shall be 1156
granted an immunity under division (B) (2) (b) of this section 1157
more than two times. 1158

(g) Nothing in this section shall compel any qualified 1159
individual to disclose protected health information in a way 1160
that conflicts with the requirements of the "Health Insurance 1161
Portability and Accountability Act of 1996," 104 Pub. L. No. 1162
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 1163
regulations promulgated by the United States department of 1164
health and human services to implement the act or the 1165
requirements of 42 C.F.R. Part 2. 1166

(C) Whoever violates division (A) of this section is 1167
guilty of one of the following: 1168

(1) If the drug involved in the violation is a compound, 1169
mixture, preparation, or substance included in schedule I or II, 1170
with the exception of marihuana, cocaine, L.S.D., heroin, 1171
hashish, and controlled substance analogs, whoever violates 1172
division (A) of this section is guilty of aggravated possession 1173
of drugs. The penalty for the offense shall be determined as 1174
follows: 1175

(a) Except as otherwise provided in division (C) (1) (b), 1176
(c), (d), or (e) of this section, aggravated possession of drugs 1177
is a felony of the fifth degree, and division (B) of section 1178
2929.13 of the Revised Code applies in determining whether to 1179
impose a prison term on the offender. 1180

(b) If the amount of the drug involved equals or exceeds 1181

the bulk amount but is less than five times the bulk amount, 1182
aggravated possession of drugs is a felony of the third degree, 1183
and there is a presumption for a prison term for the offense. 1184

(c) If the amount of the drug involved equals or exceeds 1185
five times the bulk amount but is less than fifty times the bulk 1186
amount, aggravated possession of drugs is a felony of the second 1187
degree, and the court shall impose as a mandatory prison term 1188
one of the prison terms prescribed for a felony of the second 1189
degree. 1190

(d) If the amount of the drug involved equals or exceeds 1191
fifty times the bulk amount but is less than one hundred times 1192
the bulk amount, aggravated possession of drugs is a felony of 1193
the first degree, and the court shall impose as a mandatory 1194
prison term one of the prison terms prescribed for a felony of 1195
the first degree. 1196

(e) If the amount of the drug involved equals or exceeds 1197
one hundred times the bulk amount, aggravated possession of 1198
drugs is a felony of the first degree, the offender is a major 1199
drug offender, and the court shall impose as a mandatory prison 1200
term the maximum prison term prescribed for a felony of the 1201
first degree. 1202

(2) If the drug involved in the violation is a compound, 1203
mixture, preparation, or substance included in schedule III, IV, 1204
or V, whoever violates division (A) of this section is guilty of 1205
possession of drugs. The penalty for the offense shall be 1206
determined as follows: 1207

(a) Except as otherwise provided in division (C) (2) (b), 1208
(c), or (d) of this section, possession of drugs is a 1209
misdemeanor of the first degree or, if the offender previously 1210

has been convicted of a drug abuse offense, a felony of the 1211
fifth degree. 1212

(b) If the amount of the drug involved equals or exceeds 1213
the bulk amount but is less than five times the bulk amount, 1214
possession of drugs is a felony of the fourth degree, and 1215
division (C) of section 2929.13 of the Revised Code applies in 1216
determining whether to impose a prison term on the offender. 1217

(c) If the amount of the drug involved equals or exceeds 1218
five times the bulk amount but is less than fifty times the bulk 1219
amount, possession of drugs is a felony of the third degree, and 1220
there is a presumption for a prison term for the offense. 1221

(d) If the amount of the drug involved equals or exceeds 1222
fifty times the bulk amount, possession of drugs is a felony of 1223
the second degree, and the court shall impose upon the offender 1224
as a mandatory prison term one of the prison terms prescribed 1225
for a felony of the second degree. 1226

(3) If the drug involved in the violation is marihuana or 1227
a compound, mixture, preparation, or substance containing 1228
marihuana other than hashish, whoever violates division (A) of 1229
this section is guilty of possession of marihuana. The penalty 1230
for the offense shall be determined as follows: 1231

(a) Except as otherwise provided in division (C) (3) (b), 1232
(c), (d), (e), (f), or (g) of this section, possession of 1233
marihuana is a minor misdemeanor. 1234

(b) If the amount of the drug involved equals or exceeds 1235
one hundred grams but is less than two hundred grams, possession 1236
of marihuana is a misdemeanor of the fourth degree. 1237

(c) If the amount of the drug involved equals or exceeds 1238
two hundred grams but is less than one thousand grams, 1239

possession of marihuana is a felony of the fifth degree, and 1240
division (B) of section 2929.13 of the Revised Code applies in 1241
determining whether to impose a prison term on the offender. 1242

(d) If the amount of the drug involved equals or exceeds 1243
one thousand grams but is less than five thousand grams, 1244
possession of marihuana is a felony of the third degree, and 1245
division (C) of section 2929.13 of the Revised Code applies in 1246
determining whether to impose a prison term on the offender. 1247

(e) If the amount of the drug involved equals or exceeds 1248
five thousand grams but is less than twenty thousand grams, 1249
possession of marihuana is a felony of the third degree, and 1250
there is a presumption that a prison term shall be imposed for 1251
the offense. 1252

(f) If the amount of the drug involved equals or exceeds 1253
twenty thousand grams but is less than forty thousand grams, 1254
possession of marihuana is a felony of the second degree, and 1255
the court shall impose a mandatory prison term of five, six, 1256
seven, or eight years. 1257

(g) If the amount of the drug involved equals or exceeds 1258
forty thousand grams, possession of marihuana is a felony of the 1259
second degree, and the court shall impose as a mandatory prison 1260
term the maximum prison term prescribed for a felony of the 1261
second degree. 1262

(4) If the drug involved in the violation is cocaine or a 1263
compound, mixture, preparation, or substance containing cocaine, 1264
whoever violates division (A) of this section is guilty of 1265
possession of cocaine. The penalty for the offense shall be 1266
determined as follows: 1267

(a) Except as otherwise provided in division (C) (4) (b), 1268

(c), (d), (e), or (f) of this section, possession of cocaine is 1269
a felony of the fifth degree, and division (B) of section 1270
2929.13 of the Revised Code applies in determining whether to 1271
impose a prison term on the offender. 1272

(b) If the amount of the drug involved equals or exceeds 1273
five grams but is less than ten grams of cocaine, possession of 1274
cocaine is a felony of the fourth degree, and division (B) of 1275
section 2929.13 of the Revised Code applies in determining 1276
whether to impose a prison term on the offender. 1277

(c) If the amount of the drug involved equals or exceeds 1278
ten grams but is less than twenty grams of cocaine, possession 1279
of cocaine is a felony of the third degree, and, except as 1280
otherwise provided in this division, there is a presumption for 1281
a prison term for the offense. If possession of cocaine is a 1282
felony of the third degree under this division and if the 1283
offender two or more times previously has been convicted of or 1284
pleaded guilty to a felony drug abuse offense, the court shall 1285
impose as a mandatory prison term one of the prison terms 1286
prescribed for a felony of the third degree. 1287

(d) If the amount of the drug involved equals or exceeds 1288
twenty grams but is less than twenty-seven grams of cocaine, 1289
possession of cocaine is a felony of the second degree, and the 1290
court shall impose as a mandatory prison term one of the prison 1291
terms prescribed for a felony of the second degree. 1292

(e) If the amount of the drug involved equals or exceeds 1293
twenty-seven grams but is less than one hundred grams of 1294
cocaine, possession of cocaine is a felony of the first degree, 1295
and the court shall impose as a mandatory prison term one of the 1296
prison terms prescribed for a felony of the first degree. 1297

(f) If the amount of the drug involved equals or exceeds 1298
one hundred grams of cocaine, possession of cocaine is a felony 1299
of the first degree, the offender is a major drug offender, and 1300
the court shall impose as a mandatory prison term the maximum 1301
prison term prescribed for a felony of the first degree. 1302

(5) If the drug involved in the violation is L.S.D., 1303
whoever violates division (A) of this section is guilty of 1304
possession of L.S.D. The penalty for the offense shall be 1305
determined as follows: 1306

(a) Except as otherwise provided in division (C) (5) (b), 1307
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 1308
felony of the fifth degree, and division (B) of section 2929.13 1309
of the Revised Code applies in determining whether to impose a 1310
prison term on the offender. 1311

(b) If the amount of L.S.D. involved equals or exceeds ten 1312
unit doses but is less than fifty unit doses of L.S.D. in a 1313
solid form or equals or exceeds one gram but is less than five 1314
grams of L.S.D. in a liquid concentrate, liquid extract, or 1315
liquid distillate form, possession of L.S.D. is a felony of the 1316
fourth degree, and division (C) of section 2929.13 of the 1317
Revised Code applies in determining whether to impose a prison 1318
term on the offender. 1319

(c) If the amount of L.S.D. involved equals or exceeds 1320
fifty unit doses, but is less than two hundred fifty unit doses 1321
of L.S.D. in a solid form or equals or exceeds five grams but is 1322
less than twenty-five grams of L.S.D. in a liquid concentrate, 1323
liquid extract, or liquid distillate form, possession of L.S.D. 1324
is a felony of the third degree, and there is a presumption for 1325
a prison term for the offense. 1326

(d) If the amount of L.S.D. involved equals or exceeds two 1327
hundred fifty unit doses but is less than one thousand unit 1328
doses of L.S.D. in a solid form or equals or exceeds twenty-five 1329
grams but is less than one hundred grams of L.S.D. in a liquid 1330
concentrate, liquid extract, or liquid distillate form, 1331
possession of L.S.D. is a felony of the second degree, and the 1332
court shall impose as a mandatory prison term one of the prison 1333
terms prescribed for a felony of the second degree. 1334

(e) If the amount of L.S.D. involved equals or exceeds one 1335
thousand unit doses but is less than five thousand unit doses of 1336
L.S.D. in a solid form or equals or exceeds one hundred grams 1337
but is less than five hundred grams of L.S.D. in a liquid 1338
concentrate, liquid extract, or liquid distillate form, 1339
possession of L.S.D. is a felony of the first degree, and the 1340
court shall impose as a mandatory prison term one of the prison 1341
terms prescribed for a felony of the first degree. 1342

(f) If the amount of L.S.D. involved equals or exceeds 1343
five thousand unit doses of L.S.D. in a solid form or equals or 1344
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1345
liquid extract, or liquid distillate form, possession of L.S.D. 1346
is a felony of the first degree, the offender is a major drug 1347
offender, and the court shall impose as a mandatory prison term 1348
the maximum prison term prescribed for a felony of the first 1349
degree. 1350

(6) If the drug involved in the violation is heroin or a 1351
compound, mixture, preparation, or substance containing heroin, 1352
whoever violates division (A) of this section is guilty of 1353
possession of heroin. The penalty for the offense shall be 1354
determined as follows: 1355

(a) Except as otherwise provided in division (C) (6) (b), 1356

(c), (d), (e), or (f) of this section, possession of heroin is a 1357
felony of the fifth degree, and division (B) of section 2929.13 1358
of the Revised Code applies in determining whether to impose a 1359
prison term on the offender. 1360

(b) If the amount of the drug involved equals or exceeds 1361
ten unit doses but is less than fifty unit doses or equals or 1362
exceeds one gram but is less than five grams, possession of 1363
heroin is a felony of the fourth degree, and division (C) of 1364
section 2929.13 of the Revised Code applies in determining 1365
whether to impose a prison term on the offender. 1366

(c) If the amount of the drug involved equals or exceeds 1367
fifty unit doses but is less than one hundred unit doses or 1368
equals or exceeds five grams but is less than ten grams, 1369
possession of heroin is a felony of the third degree, and there 1370
is a presumption for a prison term for the offense. 1371

(d) If the amount of the drug involved equals or exceeds 1372
one hundred unit doses but is less than five hundred unit doses 1373
or equals or exceeds ten grams but is less than fifty grams, 1374
possession of heroin is a felony of the second degree, and the 1375
court shall impose as a mandatory prison term one of the prison 1376
terms prescribed for a felony of the second degree. 1377

(e) If the amount of the drug involved equals or exceeds 1378
five hundred unit doses but is less than one thousand unit doses 1379
or equals or exceeds fifty grams but is less than one hundred 1380
grams, possession of heroin is a felony of the first degree, and 1381
the court shall impose as a mandatory prison term one of the 1382
prison terms prescribed for a felony of the first degree. 1383

(f) If the amount of the drug involved equals or exceeds 1384
one thousand unit doses or equals or exceeds one hundred grams, 1385

possession of heroin is a felony of the first degree, the 1386
offender is a major drug offender, and the court shall impose as 1387
a mandatory prison term the maximum prison term prescribed for a 1388
felony of the first degree. 1389

(7) If the drug involved in the violation is hashish or a 1390
compound, mixture, preparation, or substance containing hashish, 1391
whoever violates division (A) of this section is guilty of 1392
possession of hashish. The penalty for the offense shall be 1393
determined as follows: 1394

(a) Except as otherwise provided in division (C) (7) (b), 1395
(c), (d), (e), (f), or (g) of this section, possession of 1396
hashish is a minor misdemeanor. 1397

(b) If the amount of the drug involved equals or exceeds 1398
five grams but is less than ten grams of hashish in a solid form 1399
or equals or exceeds one gram but is less than two grams of 1400
hashish in a liquid concentrate, liquid extract, or liquid 1401
distillate form, possession of hashish is a misdemeanor of the 1402
fourth degree. 1403

(c) If the amount of the drug involved equals or exceeds 1404
ten grams but is less than fifty grams of hashish in a solid 1405
form or equals or exceeds two grams but is less than ten grams 1406
of hashish in a liquid concentrate, liquid extract, or liquid 1407
distillate form, possession of hashish is a felony of the fifth 1408
degree, and division (B) of section 2929.13 of the Revised Code 1409
applies in determining whether to impose a prison term on the 1410
offender. 1411

(d) If the amount of the drug involved equals or exceeds 1412
fifty grams but is less than two hundred fifty grams of hashish 1413
in a solid form or equals or exceeds ten grams but is less than 1414

fifty grams of hashish in a liquid concentrate, liquid extract, 1415
or liquid distillate form, possession of hashish is a felony of 1416
the third degree, and division (C) of section 2929.13 of the 1417
Revised Code applies in determining whether to impose a prison 1418
term on the offender. 1419

(e) If the amount of the drug involved equals or exceeds 1420
two hundred fifty grams but is less than one thousand grams of 1421
hashish in a solid form or equals or exceeds fifty grams but is 1422
less than two hundred grams of hashish in a liquid concentrate, 1423
liquid extract, or liquid distillate form, possession of hashish 1424
is a felony of the third degree, and there is a presumption that 1425
a prison term shall be imposed for the offense. 1426

(f) If the amount of the drug involved equals or exceeds 1427
one thousand grams but is less than two thousand grams of 1428
hashish in a solid form or equals or exceeds two hundred grams 1429
but is less than four hundred grams of hashish in a liquid 1430
concentrate, liquid extract, or liquid distillate form, 1431
possession of hashish is a felony of the second degree, and the 1432
court shall impose a mandatory prison term of five, six, seven, 1433
or eight years. 1434

(g) If the amount of the drug involved equals or exceeds 1435
two thousand grams of hashish in a solid form or equals or 1436
exceeds four hundred grams of hashish in a liquid concentrate, 1437
liquid extract, or liquid distillate form, possession of hashish 1438
is a felony of the second degree, and the court shall impose as 1439
a mandatory prison term the maximum prison term prescribed for a 1440
felony of the second degree. 1441

(8) If the drug involved is a controlled substance analog 1442
or compound, mixture, preparation, or substance that contains a 1443
controlled substance analog, whoever violates division (A) of 1444

this section is guilty of possession of a controlled substance 1445
analog. The penalty for the offense shall be determined as 1446
follows: 1447

(a) Except as otherwise provided in division (C) (8) (b), 1448
(c), (d), (e), or (f) of this section, possession of a 1449
controlled substance analog is a felony of the fifth degree, and 1450
division (B) of section 2929.13 of the Revised Code applies in 1451
determining whether to impose a prison term on the offender. 1452

(b) If the amount of the drug involved equals or exceeds 1453
ten grams but is less than twenty grams, possession of a 1454
controlled substance analog is a felony of the fourth degree, 1455
and there is a presumption for a prison term for the offense. 1456

(c) If the amount of the drug involved equals or exceeds 1457
twenty grams but is less than thirty grams, possession of a 1458
controlled substance analog is a felony of the third degree, and 1459
there is a presumption for a prison term for the offense. 1460

(d) If the amount of the drug involved equals or exceeds 1461
thirty grams but is less than forty grams, possession of a 1462
controlled substance analog is a felony of the second degree, 1463
and the court shall impose as a mandatory prison term one of the 1464
prison terms prescribed for a felony of the second degree. 1465

(e) If the amount of the drug involved equals or exceeds 1466
forty grams but is less than fifty grams, possession of a 1467
controlled substance analog is a felony of the first degree, and 1468
the court shall impose as a mandatory prison term one of the 1469
prison terms prescribed for a felony of the first degree. 1470

(f) If the amount of the drug involved equals or exceeds 1471
fifty grams, possession of a controlled substance analog is a 1472
felony of the first degree, the offender is a major drug 1473

offender, and the court shall impose as a mandatory prison term 1474
the maximum prison term prescribed for a felony of the first 1475
degree. 1476

(D) Arrest or conviction for a minor misdemeanor violation 1477
of this section does not constitute a criminal record and need 1478
not be reported by the person so arrested or convicted in 1479
response to any inquiries about the person's criminal record, 1480
including any inquiries contained in any application for 1481
employment, license, or other right or privilege, or made in 1482
connection with the person's appearance as a witness. 1483

(E) In addition to any prison term or jail term authorized 1484
or required by division (C) of this section and sections 1485
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 1486
Code and in addition to any other sanction that is imposed for 1487
the offense under this section, sections 2929.11 to 2929.18, or 1488
sections 2929.21 to 2929.28 of the Revised Code, the court that 1489
sentences an offender who is convicted of or pleads guilty to a 1490
violation of division (A) of this section may suspend the 1491
offender's driver's or commercial driver's license or permit for 1492
not more than five years. However, if the offender pleaded 1493
guilty to or was convicted of a violation of section 4511.19 of 1494
the Revised Code or a substantially similar municipal ordinance 1495
or the law of another state or the United States arising out of 1496
the same set of circumstances as the violation, the court shall 1497
suspend the offender's driver's or commercial driver's license 1498
or permit for not more than five years. If applicable, the court 1499
also shall do the following: 1500

(1) (a) If the violation is a felony of the first, second, 1501
or third degree, the court shall impose upon the offender the 1502
mandatory fine specified for the offense under division (B) (1) 1503

of section 2929.18 of the Revised Code unless, as specified in 1504
that division, the court determines that the offender is 1505
indigent. 1506

(b) Notwithstanding any contrary provision of section 1507
3719.21 of the Revised Code, the clerk of the court shall pay a 1508
mandatory fine or other fine imposed for a violation of this 1509
section pursuant to division (A) of section 2929.18 of the 1510
Revised Code in accordance with and subject to the requirements 1511
of division (F) of section 2925.03 of the Revised Code. The 1512
agency that receives the fine shall use the fine as specified in 1513
division (F) of section 2925.03 of the Revised Code. 1514

(c) If a person is charged with a violation of this 1515
section that is a felony of the first, second, or third degree, 1516
posts bail, and forfeits the bail, the clerk shall pay the 1517
forfeited bail pursuant to division (E) (1) (b) of this section as 1518
if it were a mandatory fine imposed under division (E) (1) (a) of 1519
this section. 1520

(2) If the offender is a professionally licensed person, 1521
in addition to any other sanction imposed for a violation of 1522
this section, the court immediately shall comply with section 1523
2925.38 of the Revised Code. 1524

(F) It is an affirmative defense, as provided in section 1525
2901.05 of the Revised Code, to a charge of a fourth degree 1526
felony violation under this section that the controlled 1527
substance that gave rise to the charge is in an amount, is in a 1528
form, is prepared, compounded, or mixed with substances that are 1529
not controlled substances in a manner, or is possessed under any 1530
other circumstances, that indicate that the substance was 1531
possessed solely for personal use. Notwithstanding any contrary 1532
provision of this section, if, in accordance with section 1533

2901.05 of the Revised Code, an accused who is charged with a 1534
fourth degree felony violation of division (C) (2), (4), (5), or 1535
(6) of this section sustains the burden of going forward with 1536
evidence of and establishes by a preponderance of the evidence 1537
the affirmative defense described in this division, the accused 1538
may be prosecuted for and may plead guilty to or be convicted of 1539
a misdemeanor violation of division (C) (2) of this section or a 1540
fifth degree felony violation of division (C) (4), (5), or (6) of 1541
this section respectively. 1542

(G) When a person is charged with possessing a bulk amount 1543
or multiple of a bulk amount, division (E) of section 2925.03 of 1544
the Revised Code applies regarding the determination of the 1545
amount of the controlled substance involved at the time of the 1546
offense. 1547

(H) It is an affirmative defense to a charge of possession 1548
of a controlled substance analog under division (C) (8) of this 1549
section that the person charged with violating that offense 1550
obtained, possessed, or used an item described in division (HH) 1551
(2) (a), (b), or (c) of section 3719.01 of the Revised Code. 1552

(I) Any offender who received a mandatory suspension of 1553
the offender's driver's or commercial driver's license or permit 1554
under this section prior to ~~the effective date of this amendment~~ 1555
September 13, 2016, may file a motion with the sentencing court 1556
requesting the termination of the suspension. However, an 1557
offender who pleaded guilty to or was convicted of a violation 1558
of section 4511.19 of the Revised Code or a substantially 1559
similar municipal ordinance or law of another state or the 1560
United States that arose out of the same set of circumstances as 1561
the violation for which the offender's license or permit was 1562
suspended under this section shall not file such a motion. 1563

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

Sec. 2925.12. (A) No person shall knowingly make, obtain, possess, or use any instrument, article, or thing the customary and primary purpose of which is for the administration or use of a dangerous drug, other than marihuana, when the instrument involved is a hypodermic or syringe, whether or not of crude or extemporized manufacture or assembly, and the instrument, article, or thing involved has been used by the offender to unlawfully administer or use a dangerous drug, other than marihuana, or to prepare a dangerous drug, other than marihuana, for unlawful administration or use.

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

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

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

arising out of the same set of circumstances as the violation, 1594
the court shall suspend the offender's driver's or commercial 1595
driver's license or permit for not more than five years. If the 1596
offender is a professionally licensed person, in addition to any 1597
other sanction imposed for a violation of this section, the 1598
court immediately shall comply with section 2925.38 of the 1599
Revised Code. 1600

(2) Any offender who received a mandatory suspension of 1601
the offender's driver's or commercial driver's license or permit 1602
under this section prior to ~~the effective date of this amendment~~ 1603
September 13, 2016, may file a motion with the sentencing court 1604
requesting the termination of the suspension. However, an 1605
offender who pleaded guilty to or was convicted of a violation 1606
of section 4511.19 of the Revised Code or a substantially 1607
similar municipal ordinance or law of another state or the 1608
United States that arose out of the same set of circumstances as 1609
the violation for which the offender's license or permit was 1610
suspended under this section shall not file such a motion. 1611

Upon the filing of a motion under division (D) (2) of this 1612
section, the sentencing court, in its discretion, may terminate 1613
the suspension. 1614

Sec. 2925.14. (A) As used in this section, "drug 1615
paraphernalia" means any equipment, product, or material of any 1616
kind that is used by the offender, intended by the offender for 1617
use, or designed for use, in propagating, cultivating, growing, 1618
harvesting, manufacturing, compounding, converting, producing, 1619
processing, preparing, testing, analyzing, packaging, 1620
repackaging, storing, containing, concealing, injecting, 1621
ingesting, inhaling, or otherwise introducing into the human 1622
body, a controlled substance in violation of this chapter. "Drug 1623

paraphernalia" includes, but is not limited to, any of the 1624
following equipment, products, or materials that are used by the 1625
offender, intended by the offender for use, or designed by the 1626
offender for use, in any of the following manners: 1627

(1) A kit for propagating, cultivating, growing, or 1628
harvesting any species of a plant that is a controlled substance 1629
or from which a controlled substance can be derived; 1630

(2) A kit for manufacturing, compounding, converting, 1631
producing, processing, or preparing a controlled substance; 1632

(3) Any object, instrument, or device for manufacturing, 1633
compounding, converting, producing, processing, or preparing 1634
methamphetamine; 1635

(4) An isomerization device for increasing the potency of 1636
any species of a plant that is a controlled substance; 1637

(5) Testing equipment for identifying, or analyzing the 1638
strength, effectiveness, or purity of, a controlled substance; 1639

(6) A scale or balance for weighing or measuring a 1640
controlled substance; 1641

(7) A diluent or adulterant, such as quinine 1642
hydrochloride, mannitol, mannite, dextrose, or lactose, for 1643
cutting a controlled substance; 1644

(8) A separation gin or sifter for removing twigs and 1645
seeds from, or otherwise cleaning or refining, marihuana; 1646

(9) A blender, bowl, container, spoon, or mixing device 1647
for compounding a controlled substance; 1648

(10) A capsule, balloon, envelope, or container for 1649
packaging small quantities of a controlled substance; 1650

- (11) A container or device for storing or concealing a controlled substance; 1651
1652
- (12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body; 1653
1654
1655
- (13) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, marihuana, cocaine, hashish, or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or without a screen, permanent screen, hashish head, or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 1656
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- (B) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following: 1667
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- (1) Any statement by the owner, or by anyone in control, of the equipment, product, or material, concerning its use; 1670
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- (2) The proximity in time or space of the equipment, product, or material, or of the act relating to the equipment, product, or material, to a violation of any provision of this chapter; 1672
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1675
- (3) The proximity of the equipment, product, or material to any controlled substance; 1676
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- (4) The existence of any residue of a controlled substance on the equipment, product, or material; 1678
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(5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product, or material, to deliver it to any person whom the owner or person in control of the equipment, product, or material knows intends to use the object to facilitate a violation of any provision of this chapter. A finding that the owner, or anyone in control, of the equipment, product, or material, is not guilty of a violation of any other provision of this chapter does not prevent a finding that the equipment, product, or material was intended or designed by the offender for use as drug paraphernalia.

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

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

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

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

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

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

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

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

paraphernalia. 1708

(2) No person shall knowingly sell, or possess or 1709
manufacture with purpose to sell, drug paraphernalia, if the 1710
person knows or reasonably should know that the equipment, 1711
product, or material will be used as drug paraphernalia. 1712

(3) No person shall place an advertisement in any 1713
newspaper, magazine, handbill, or other publication that is 1714
published and printed and circulates primarily within this 1715
state, if the person knows that the purpose of the advertisement 1716
is to promote the illegal sale in this state of the equipment, 1717
product, or material that the offender intended or designed for 1718
use as drug paraphernalia. 1719

(D) (1) This section does not apply to manufacturers, 1720
licensed health professionals authorized to prescribe drugs, 1721
pharmacists, owners of pharmacies, and other persons whose 1722
conduct is in accordance with Chapters 3719., 4715., 4723., 1723
4729., 4730., 4731., 4732., and 4741. of the Revised Code. This 1724
section shall not be construed to prohibit the possession or use 1725
of a hypodermic as authorized by section 3719.172 of the Revised 1726
Code. 1727

(2) Division (C) (1) of this section does not apply to a 1728
person's use, or possession with purpose to use, any drug 1729
paraphernalia that is equipment, a product, or material of any 1730
kind that is used by the person, intended by the person for use, 1731
or designed for use in storing, containing, concealing, 1732
injecting, ingesting, inhaling, or otherwise introducing into 1733
the human body marihuana. 1734

(E) Notwithstanding Chapter 2981. of the Revised Code, any 1735
drug paraphernalia that was used, possessed, sold, or 1736

manufactured in a violation of this section shall be seized, 1737
after a conviction for that violation shall be forfeited, and 1738
upon forfeiture shall be disposed of pursuant to division (B) of 1739
section 2981.12 of the Revised Code. 1740

(F) (1) Whoever violates division (C) (1) of this section is 1741
guilty of illegal use or possession of drug paraphernalia, a 1742
misdemeanor of the fourth degree. 1743

(2) Except as provided in division (F) (3) of this section, 1744
whoever violates division (C) (2) of this section is guilty of 1745
dealing in drug paraphernalia, a misdemeanor of the second 1746
degree. 1747

(3) Whoever violates division (C) (2) of this section by 1748
selling drug paraphernalia to a juvenile is guilty of selling 1749
drug paraphernalia to juveniles, a misdemeanor of the first 1750
degree. 1751

(4) Whoever violates division (C) (3) of this section is 1752
guilty of illegal advertising of drug paraphernalia, a 1753
misdemeanor of the second degree. 1754

(G) (1) In addition to any other sanction imposed upon an 1755
offender for a violation of this section, the court may suspend 1756
for not more than five years the offender's driver's or 1757
commercial driver's license or permit. However, if the offender 1758
pleaded guilty to or was convicted of a violation of section 1759
4511.19 of the Revised Code or a substantially similar municipal 1760
ordinance or the law of another state or the United States 1761
arising out of the same set of circumstances as the violation, 1762
the court shall suspend the offender's driver's or commercial 1763
driver's license or permit for not more than five years. If the 1764
offender is a professionally licensed person, in addition to any 1765

other sanction imposed for a violation of this section, the 1766
court immediately shall comply with section 2925.38 of the 1767
Revised Code. 1768

(2) Any offender who received a mandatory suspension of 1769
the offender's driver's or commercial driver's license or permit 1770
under this section prior to ~~the effective date of this amendment~~ 1771
September 13, 2016, may file a motion with the sentencing court 1772
requesting the termination of the suspension. However, an 1773
offender who pleaded guilty to or was convicted of a violation 1774
of section 4511.19 of the Revised Code or a substantially 1775
similar municipal ordinance or law of another state or the 1776
United States that arose out of the same set of circumstances as 1777
the violation for which the offender's license or permit was 1778
suspended under this section shall not file such a motion. 1779

Upon the filing of a motion under division (G) (2) of this 1780
section, the sentencing court, in its discretion, may terminate 1781
the suspension. 1782

Sec. 2925.23. (A) No person shall knowingly make a false 1783
statement in any prescription, order, report, or record required 1784
by Chapter 3719. or 4729. of the Revised Code. 1785

(B) No person shall intentionally make, utter, or sell, or 1786
knowingly possess any of the following that is a false or 1787
forged: 1788

(1) Prescription; 1789

(2) Uncompleted preprinted prescription blank used for 1790
writing a prescription; 1791

(3) Official written order; 1792

(4) License for a terminal distributor of dangerous drugs 1793

as required in section 4729.60 of the Revised Code; 1794

(5) Registration certificate for a wholesale distributor 1795
of dangerous drugs as required in section 4729.60 of the Revised 1796
Code. 1797

(C) No person, by theft as defined in section 2913.02 of 1798
the Revised Code, shall acquire any of the following: 1799

(1) A prescription; 1800

(2) An uncompleted preprinted prescription blank used for 1801
writing a prescription; 1802

(3) An official written order; 1803

(4) A blank official written order; 1804

(5) A license or blank license for a terminal distributor 1805
of dangerous drugs as required in section 4729.60 of the Revised 1806
Code; 1807

(6) A registration certificate or blank registration 1808
certificate for a wholesale distributor of dangerous drugs as 1809
required in section 4729.60 of the Revised Code. 1810

(D) No person shall knowingly make or affix any false or 1811
forged label to a package or receptacle containing any dangerous 1812
drugs. 1813

(E) Divisions (A) and (D) of this section do not apply to 1814
licensed health professionals authorized to prescribe drugs, 1815
pharmacists, owners of pharmacies, and other persons whose 1816
conduct is in accordance with Chapters 3719., 4715., 4723., 1817
4725., 4729., 4730., 4731., 4732., and 4741. of the Revised 1818
Code. 1819

(F) Whoever violates this section is guilty of illegal 1820

processing of drug documents. If the offender violates division 1821
(B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this 1822
section, illegal processing of drug documents is a felony of the 1823
fifth degree. If the offender violates division (A), division 1824
(B) (1) or (3), division (C) (1) or (3), or division (D) of this 1825
section, the penalty for illegal processing of drug documents 1826
shall be determined as follows: 1827

(1) If the drug involved is a compound, mixture, 1828
preparation, or substance included in schedule I or II, with the 1829
exception of marihuana, illegal processing of drug documents is 1830
a felony of the fourth degree, and division (C) of section 1831
2929.13 of the Revised Code applies in determining whether to 1832
impose a prison term on the offender. 1833

(2) If the drug involved is a dangerous drug or a 1834
compound, mixture, preparation, or substance included in 1835
schedule III, IV, or V or is marihuana, illegal processing of 1836
drug documents is a felony of the fifth degree, and division (C) 1837
of section 2929.13 of the Revised Code applies in determining 1838
whether to impose a prison term on the offender. 1839

(G) (1) In addition to any prison term authorized or 1840
required by division (F) of this section and sections 2929.13 1841
and 2929.14 of the Revised Code and in addition to any other 1842
sanction imposed for the offense under this section or sections 1843
2929.11 to 2929.18 of the Revised Code, the court that sentences 1844
an offender who is convicted of or pleads guilty to any 1845
violation of divisions (A) to (D) of this section may suspend 1846
for not more than five years the offender's driver's or 1847
commercial driver's license or permit. However, if the offender 1848
pleaded guilty to or was convicted of a violation of section 1849
4511.19 of the Revised Code or a substantially similar municipal 1850

ordinance or the law of another state or the United States 1851
arising out of the same set of circumstances as the violation, 1852
the court shall suspend the offender's driver's or commercial 1853
driver's license or permit for not more than five years. 1854

If the offender is a professionally licensed person, in 1855
addition to any other sanction imposed for a violation of this 1856
section, the court immediately shall comply with section 2925.38 1857
of the Revised Code. 1858

(2) Any offender who received a mandatory suspension of 1859
the offender's driver's or commercial driver's license or permit 1860
under this section prior to ~~the effective date of this amendment~~ 1861
September 13, 2016, may file a motion with the sentencing court 1862
requesting the termination of the suspension. However, an 1863
offender who pleaded guilty to or was convicted of a violation 1864
of section 4511.19 of the Revised Code or a substantially 1865
similar municipal ordinance or law of another state or the 1866
United States that arose out of the same set of circumstances as 1867
the violation for which the offender's license or permit was 1868
suspended under this section shall not file such a motion. 1869

Upon the filing of a motion under division (G) (2) of this 1870
section, the sentencing court, in its discretion, may terminate 1871
the suspension. 1872

(H) Notwithstanding any contrary provision of section 1873
3719.21 of the Revised Code, the clerk of court shall pay a fine 1874
imposed for a violation of this section pursuant to division (A) 1875
of section 2929.18 of the Revised Code in accordance with and 1876
subject to the requirements of division (F) of section 2925.03 1877
of the Revised Code. The agency that receives the fine shall use 1878
the fine as specified in division (F) of section 2925.03 of the 1879
Revised Code. 1880

Sec. 2925.36. (A) No person shall knowingly furnish 1881
another a sample drug. 1882

(B) Division (A) of this section does not apply to 1883
manufacturers, wholesalers, pharmacists, owners of pharmacies, 1884
licensed health professionals authorized to prescribe drugs, and 1885
other persons whose conduct is in accordance with Chapters 1886
3719., 4715., 4723., 4725., 4729., 4730., 4731., 4732., and 1887
4741. of the Revised Code. 1888

(C) (1) Whoever violates this section is guilty of illegal 1889
dispensing of drug samples. 1890

(2) If the drug involved in the offense is a compound, 1891
mixture, preparation, or substance included in schedule I or II, 1892
with the exception of marihuana, the penalty for the offense 1893
shall be determined as follows: 1894

(a) Except as otherwise provided in division (C) (2) (b) of 1895
this section, illegal dispensing of drug samples is a felony of 1896
the fifth degree, and, subject to division (E) of this section, 1897
division (C) of section 2929.13 of the Revised Code applies in 1898
determining whether to impose a prison term on the offender. 1899

(b) If the offense was committed in the vicinity of a 1900
school or in the vicinity of a juvenile, illegal dispensing of 1901
drug samples is a felony of the fourth degree, and, subject to 1902
division (E) of this section, division (C) of section 2929.13 of 1903
the Revised Code applies in determining whether to impose a 1904
prison term on the offender. 1905

(3) If the drug involved in the offense is a dangerous 1906
drug or a compound, mixture, preparation, or substance included 1907
in schedule III, IV, or V, or is marihuana, the penalty for the 1908
offense shall be determined as follows: 1909

(a) Except as otherwise provided in division (C) (3) (b) of 1910
this section, illegal dispensing of drug samples is a 1911
misdemeanor of the second degree. 1912

(b) If the offense was committed in the vicinity of a 1913
school or in the vicinity of a juvenile, illegal dispensing of 1914
drug samples is a misdemeanor of the first degree. 1915

(D) (1) In addition to any prison term authorized or 1916
required by division (C) or (E) of this section and sections 1917
2929.13 and 2929.14 of the Revised Code and in addition to any 1918
other sanction imposed for the offense under this section or 1919
sections 2929.11 to 2929.18 of the Revised Code, the court that 1920
sentences an offender who is convicted of or pleads guilty to a 1921
violation of division (A) of this section may suspend for not 1922
more than five years the offender's driver's or commercial 1923
driver's license or permit. However, if the offender pleaded 1924
guilty to or was convicted of a violation of section 4511.19 of 1925
the Revised Code or a substantially similar municipal ordinance 1926
or the law of another state or the United States arising out of 1927
the same set of circumstances as the violation, the court shall 1928
suspend the offender's driver's or commercial driver's license 1929
or permit for not more than five years. 1930

If the offender is a professionally licensed person, in 1931
addition to any other sanction imposed for a violation of this 1932
section, the court immediately shall comply with section 2925.38 1933
of the Revised Code. 1934

(2) Any offender who received a mandatory suspension of 1935
the offender's driver's or commercial driver's license or permit 1936
under this section prior to ~~the effective date of this amendment~~ 1937
September 13, 2016, may file a motion with the sentencing court 1938
requesting the termination of the suspension. However, an 1939

offender who pleaded guilty to or was convicted of a violation 1940
of section 4511.19 of the Revised Code or a substantially 1941
similar municipal ordinance or law of another state or the 1942
United States that arose out of the same set of circumstances as 1943
the violation for which the offender's license or permit was 1944
suspended under this section shall not file such a motion. 1945

Upon the filing of a motion under division (D) (2) of this 1946
section, the sentencing court, in its discretion, may terminate 1947
the suspension. 1948

(E) Notwithstanding the prison term authorized or required 1949
by division (C) of this section and sections 2929.13 and 2929.14 1950
of the Revised Code, if the violation of division (A) of this 1951
section involves the sale, offer to sell, or possession of a 1952
schedule I or II controlled substance, with the exception of 1953
marihuana, and if the court imposing sentence upon the offender 1954
finds that the offender as a result of the violation is a major 1955
drug offender and is guilty of a specification of the type 1956
described in section 2941.1410 of the Revised Code, the court, 1957
in lieu of the prison term otherwise authorized or required, 1958
shall impose upon the offender the mandatory prison term 1959
specified in division (B) (3) (a) of section 2929.14 of the 1960
Revised Code. 1961

(F) Notwithstanding any contrary provision of section 1962
3719.21 of the Revised Code, the clerk of the court shall pay a 1963
fine imposed for a violation of this section pursuant to 1964
division (A) of section 2929.18 of the Revised Code in 1965
accordance with and subject to the requirements of division (F) 1966
of section 2925.03 of the Revised Code. The agency that receives 1967
the fine shall use the fine as specified in division (F) of 1968
section 2925.03 of the Revised Code. 1969

Sec. 3701.048. (A) As used in this section:	1970
(1) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.	1971 1972 1973
(2) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.	1974 1975
(3) "Drug," "dangerous drug," and "licensed health professional authorized to prescribe drugs" have the same meanings as in section 4729.01 of the Revised Code.	1976 1977 1978
(4) "Registered volunteer" has the same meaning as in section 5502.281 of the Revised Code.	1979 1980
(B) In consultation with the appropriate professional regulatory boards of this state, the director of health shall develop one or more protocols that authorize the following individuals to administer, deliver, or distribute drugs, other than schedule II and III controlled substances, during a period of time described in division (E) of this section, notwithstanding any statute or rule that otherwise prohibits or restricts the administration, delivery, or distribution of drugs by those individuals:	1981 1982 1983 1984 1985 1986 1987 1988 1989
(1) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	1990 1991 1992
(2) A physician assistant licensed under Chapter 4730. of the Revised Code;	1993 1994
(3) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	1995 1996
(4) A registered nurse licensed under Chapter 4723. of the	1997

Revised Code, including an advanced practice registered nurse,	1998
as defined in section 4723.01 of the Revised Code;	1999
(5) A licensed practical nurse licensed under Chapter	2000
4723. of the Revised Code;	2001
(6) An optometrist licensed under Chapter 4725. of the	2002
Revised Code;	2003
(7) A pharmacist or pharmacy intern licensed under Chapter	2004
4729. of the Revised Code;	2005
(8) A respiratory care professional licensed under Chapter	2006
4761. of the Revised Code;	2007
(9) An emergency medical technician-basic, emergency	2008
medical technician-intermediate, or emergency medical	2009
technician-paramedic who holds a certificate to practice issued	2010
under Chapter 4765. of the Revised Code;	2011
(10) A veterinarian licensed under Chapter 4741. of the	2012
Revised Code;	2013
<u>(11) A psychologist who holds a certificate to prescribe</u>	2014
<u>issued under section 4732.40 of the Revised Code.</u>	2015
(C) In consultation with the executive director of the	2016
emergency management agency, the director of health shall	2017
develop one or more protocols that authorize employees of boards	2018
of health and registered volunteers to deliver or distribute	2019
drugs, other than schedule II and III controlled substances,	2020
during a period of time described in division (E) of this	2021
section, notwithstanding any statute or rule that otherwise	2022
prohibits or restricts the delivery or distribution of drugs by	2023
those individuals.	2024
(D) In consultation with the state board of pharmacy, the	2025

director of health shall develop one or more protocols that 2026
authorize pharmacists and pharmacy interns to dispense, during a 2027
period of time described in division (E) of this section, 2028
limited quantities of dangerous drugs, other than schedule II 2029
and III controlled substances, without a written, oral, or 2030
electronic prescription from a licensed health professional 2031
authorized to prescribe drugs or without a record of a 2032
prescription, notwithstanding any statute or rule that otherwise 2033
prohibits or restricts the dispensing of drugs without a 2034
prescription or record of a prescription. 2035

(E) On the governor's declaration of an emergency that 2036
affects the public health, the director of health may issue an 2037
order to implement one or more of the protocols developed 2038
pursuant to division (B), (C), or (D) of this section. At a 2039
minimum, the director's order shall identify the one or more 2040
protocols to be implemented and the period of time during which 2041
the one or more protocols are to be effective. 2042

(F) (1) An individual who administers, delivers, 2043
distributes, or dispenses a drug or dangerous drug in accordance 2044
with one or more of the protocols implemented under division (E) 2045
of this section is not liable for damages in any civil action 2046
unless the individual's acts or omissions in performing those 2047
activities constitute willful or wanton misconduct. 2048

(2) An individual who administers, delivers, distributes, 2049
or dispenses a drug or dangerous drug in accordance with one or 2050
more of the protocols implemented under division (E) of this 2051
section is not subject to criminal prosecution or professional 2052
disciplinary action under any chapter in Title XLVII of the 2053
Revised Code. 2054

Sec. 3715.872. (A) As used in this section, "health care 2055

professional" means any of the following who provide medical,	2056
dental, or other health-related diagnosis, care, or treatment:	2057
(1) Individuals authorized under Chapter 4731. of the	2058
Revised Code to practice medicine and surgery, osteopathic	2059
medicine and surgery, or podiatric medicine and surgery;	2060
(2) Registered nurses and licensed practical nurses	2061
licensed under Chapter 4723. of the Revised Code;	2062
(3) Physician assistants authorized to practice under	2063
Chapter 4730. of the Revised Code;	2064
(4) Dentists and dental hygienists licensed under Chapter	2065
4715. of the Revised Code;	2066
(5) Optometrists licensed under Chapter 4725. of the	2067
Revised Code;	2068
(6) Pharmacists licensed under Chapter 4729. of the	2069
Revised Code;	2070
<u>(7) Psychologists who hold a certificate to prescribe</u>	2071
<u>issued under section 4732.40 of the Revised Code.</u>	2072
(B) For matters related to donating, giving, accepting, or	2073
dispensing drugs under the drug repository program, all of the	2074
following apply:	2075
(1) Any person, including a pharmacy, drug manufacturer,	2076
or health care facility, or any government entity that donates	2077
or gives drugs to the drug repository program shall not be	2078
subject to liability in tort or other civil action for injury,	2079
death, or loss to person or property.	2080
(2) A pharmacy, hospital, or nonprofit clinic that accepts	2081
or dispenses drugs under the program shall not be subject to	2082

liability in tort or other civil action for injury, death, or 2083
loss to person or property, unless an action or omission of the 2084
pharmacy, hospital, or nonprofit clinic constitutes willful and 2085
wanton misconduct. 2086

(3) A health care professional who accepts or dispenses 2087
drugs under the program on behalf of a pharmacy, hospital, or 2088
nonprofit clinic, and the pharmacy, hospital, or nonprofit 2089
clinic that employs or otherwise uses the services of the health 2090
care professional, shall not be subject to liability in tort or 2091
other civil action for injury, death, or loss to person or 2092
property, unless an action or omission of the health care 2093
professional, pharmacy, hospital, or nonprofit clinic 2094
constitutes willful and wanton misconduct. 2095

(4) The state board of pharmacy and the director of health 2096
shall not be subject to liability in tort or other civil action 2097
for injury, death, or loss to person or property, unless an 2098
action or omission of the board or director constitutes willful 2099
and wanton misconduct. 2100

(C) In addition to the immunity granted under division (B) 2101
(1) of this section, any person, including a pharmacy, drug 2102
manufacturer, or health care facility, and any government entity 2103
that donates or gives drugs to the program shall not be subject 2104
to criminal prosecution for the donation, giving, acceptance, or 2105
dispensing of drugs under the program, unless an action or 2106
omission of the person or government entity does not comply with 2107
the provisions of this chapter or the rules adopted under it. 2108

(D) In the case of a drug manufacturer, the immunities 2109
granted under divisions (B) (1) and (C) of this section apply 2110
with respect to any drug manufactured by the drug manufacturer 2111
that is donated or given by any person or government entity 2112

under the program, including but not limited to liability for 2113
failure to transfer or communicate product or consumer 2114
information or the expiration date of the drug donated or given. 2115

Sec. 3719.06. (A) (1) A licensed health professional 2116
authorized to prescribe drugs, if acting in the course of 2117
professional practice, in accordance with the laws regulating 2118
the professional's practice, and in accordance with rules 2119
adopted by the state board of pharmacy, may, except as provided 2120
~~in division~~ divisions (A) (2) ~~or (3)~~ to (4) of this section, do 2121
the following: 2122

(a) Prescribe schedule II, III, IV, and V controlled 2123
substances; 2124

(b) Administer or personally furnish to patients schedule 2125
II, III, IV, and V controlled substances; 2126

(c) Cause schedule II, III, IV, and V controlled 2127
substances to be administered under the prescriber's direction 2128
and supervision. 2129

(2) A licensed health professional authorized to prescribe 2130
drugs who is a clinical nurse specialist, certified nurse- 2131
midwife, or certified nurse practitioner is subject to both of 2132
the following: 2133

(a) A schedule II controlled substance may be prescribed 2134
only in accordance with division (C) of section 4723.481 of the 2135
Revised Code. 2136

(b) No schedule II controlled substance shall be 2137
personally furnished to any patient. 2138

(3) A licensed health professional authorized to prescribe 2139
drugs who is a physician assistant is subject to all of the 2140

following: 2141

(a) A controlled substance may be prescribed or personally 2142
furnished only if it is included in the physician-delegated 2143
prescriptive authority granted to the physician assistant in 2144
accordance with Chapter 4730. of the Revised Code. 2145

(b) A schedule II controlled substance may be prescribed 2146
only in accordance with division (B) (4) of section 4730.41 and 2147
section 4730.411 of the Revised Code. 2148

(c) No schedule II controlled substance shall be 2149
personally furnished to any patient. 2150

(4) A licensed health professional authorized to prescribe 2151
drugs who is a psychologist may prescribe, personally furnish, 2152
or administer a controlled substance only if it is in a class of 2153
drugs specified in division (A) of section 4732.43 of the 2154
Revised Code. 2155

(B) No licensed health professional authorized to 2156
prescribe drugs shall prescribe, administer, or personally 2157
furnish a schedule III anabolic steroid for the purpose of human 2158
muscle building or enhancing human athletic performance and no 2159
pharmacist shall dispense a schedule III anabolic steroid for 2160
either purpose, unless it has been approved for that purpose 2161
under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 2162
(1938), 21 U.S.C.A. 301, as amended. 2163

(C) Each written prescription shall be properly executed, 2164
dated, and signed by the prescriber on the day when issued and 2165
shall bear the full name and address of the person for whom, or 2166
the owner of the animal for which, the controlled substance is 2167
prescribed and the full name, address, and registry number under 2168
the federal drug abuse control laws of the prescriber. If the 2169

prescription is for an animal, it shall state the species of the 2170
animal for which the controlled substance is prescribed. 2171

Sec. 3719.12. Unless a report has been made pursuant to 2172
section 2929.42 of the Revised Code, on the conviction of a 2173
manufacturer, wholesaler, terminal distributor of dangerous 2174
drugs, pharmacist, pharmacy intern, dentist, chiropractor, 2175
physician, podiatrist, registered nurse, licensed practical 2176
nurse, physician assistant, psychologist, optometrist, or 2177
veterinarian of the violation of this chapter or Chapter 2925. 2178
of the Revised Code, the prosecutor in the case promptly shall 2179
report the conviction to the board that licensed, certified, or 2180
registered the person to practice or to carry on business. The 2181
responsible board shall provide forms to the prosecutor. Within 2182
thirty days of the receipt of this information, the board shall 2183
initiate action in accordance with Chapter 119. of the Revised 2184
Code to determine whether to suspend or revoke the person's 2185
license, certificate, or registration. 2186

Sec. 3719.121. (A) Except as otherwise provided in section 2187
4723.28, 4723.35, 4730.25, 4731.22, 4732.17, 4734.39, or 4734.41 2188
of the Revised Code, the license, certificate, or registration 2189
of any dentist, chiropractor, physician, podiatrist, registered 2190
nurse, advanced practice registered nurse, licensed practical 2191
nurse, physician assistant, pharmacist, pharmacy intern, 2192
pharmacy technician trainee, registered pharmacy technician, 2193
certified pharmacy technician, psychologist, optometrist, or 2194
veterinarian who is or becomes addicted to the use of controlled 2195
substances shall be suspended by the board that authorized the 2196
person's license, certificate, or registration until the person 2197
offers satisfactory proof to the board that the person no longer 2198
is addicted to the use of controlled substances. 2199

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

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

jurisdiction. The board shall notify the holder of the license, 2231
certificate, or registration of the suspension, which shall 2232
remain in effect until the board holds an adjudicatory hearing 2233
under Chapter 119. of the Revised Code. 2234

Sec. 3719.81. (A) As used in this section, "sample drug" 2235
has the same meaning as in section 2925.01 of the Revised Code. 2236

(B) A person may furnish another a sample drug, if all of 2237
the following apply: 2238

(1) The sample drug is furnished free of charge by a 2239
manufacturer, manufacturer's representative, or wholesale dealer 2240
in pharmaceuticals to a licensed health professional authorized 2241
to prescribe drugs, or is furnished free of charge by such a 2242
professional to a patient for use as medication; 2243

(2) The sample drug is in the original container in which 2244
it was placed by the manufacturer, and the container is plainly 2245
marked as a sample; 2246

(3) Prior to its being furnished, the sample drug has been 2247
stored under the proper conditions to prevent its deterioration 2248
or contamination; 2249

(4) If the sample drug is of a type which deteriorates 2250
with time, the sample container is plainly marked with the date 2251
beyond which the sample drug is unsafe to use, and the date has 2252
not expired on the sample furnished. Compliance with the 2253
labeling requirements of the "Federal Food, Drug, and Cosmetic 2254
Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, shall 2255
be deemed compliance with this section. 2256

(5) The sample drug is distributed, stored, or discarded 2257
in such a way that the sample drug may not be acquired or used 2258
by any unauthorized person, or by any person, including a child, 2259

for whom it may present a health or safety hazard. 2260

(C) Division (B) of this section does not do any of the 2261
following: 2262

(1) Apply to or restrict the furnishing of any sample of a 2263
nonnarcotic substance if the substance may, under the "Federal 2264
Food, Drug, and Cosmetic Act" and under the laws of this state, 2265
otherwise be lawfully sold over the counter without a 2266
prescription; 2267

(2) Authorize a licensed health professional authorized to 2268
prescribe drugs who is a clinical nurse specialist, certified 2269
nurse-midwife, certified nurse practitioner, optometrist, ~~or~~ 2270
physician assistant, or psychologist to furnish a sample drug 2271
that is not a drug the professional is authorized to prescribe. 2272

(3) Prohibit a licensed health professional authorized to 2273
prescribe drugs, manufacturer of dangerous drugs, wholesale 2274
distributor of dangerous drugs, or representative of a 2275
manufacturer of dangerous drugs from furnishing a sample drug to 2276
a charitable pharmacy in accordance with section 3719.811 of the 2277
Revised Code. 2278

(4) Prohibit a pharmacist working, whether or not for 2279
compensation, in a charitable pharmacy from dispensing a sample 2280
drug to a person in accordance with section 3719.811 of the 2281
Revised Code. 2282

(D) The state board of pharmacy shall, in accordance with 2283
Chapter 119. of the Revised Code, adopt rules as necessary to 2284
give effect to this section. 2285

Sec. 3795.01. As used in sections 3795.01, 3795.02, and 2286
3795.03 of the Revised Code: 2287

(A) "Assist suicide" or "assisting suicide" means	2288
knowingly doing either of the following, with the purpose of	2289
helping another person to commit or attempt suicide:	2290
(1) Providing the physical means by which the person	2291
commits or attempts to commit suicide;	2292
(2) Participating in a physical act by which the person	2293
commits or attempts to commit suicide.	2294
(B) "Certified nurse practitioner," "certified nurse-	2295
midwife," and "clinical nurse specialist" have the same meanings	2296
as in section 4723.01 of the Revised Code.	2297
(C) "CPR" has the same meaning as in section 2133.21 of	2298
the Revised Code.	2299
(D) "Health care" means any care, treatment, service, or	2300
procedure to maintain, diagnose, or treat a person's physical or	2301
mental condition.	2302
(E) "Health care decision" means informed consent, refusal	2303
to give informed consent, or withdrawal of informed consent to	2304
health care.	2305
(F) "Health care facility" means any of the following:	2306
(1) A hospital;	2307
(2) A hospice care program or pediatric respite care	2308
program as defined in section 3712.01 of the Revised Code;	2309
(3) A nursing home;	2310
(4) A home health agency;	2311
(5) An intermediate care facility for individuals with	2312
intellectual disabilities.	2313

(G) "Health care personnel" means physicians, nurses, 2314
physician assistants, psychologists, emergency medical 2315
technicians-basic, emergency medical technicians-intermediate, 2316
emergency medical technicians-paramedic, medical technicians, 2317
dietitians, other authorized persons acting under the direction 2318
of an attending physician, and administrators of health care 2319
facilities. 2320

(H) "Physician" means a person who is authorized under 2321
Chapter 4731. of the Revised Code to practice medicine and 2322
surgery or osteopathic medicine and surgery. 2323

Sec. 4723.01. As used in this chapter: 2324

(A) "Registered nurse" means an individual who holds a 2325
current, valid license issued under this chapter that authorizes 2326
the practice of nursing as a registered nurse. 2327

(B) "Practice of nursing as a registered nurse" means 2328
providing to individuals and groups nursing care requiring 2329
specialized knowledge, judgment, and skill derived from the 2330
principles of biological, physical, behavioral, social, and 2331
nursing sciences. Such nursing care includes: 2332

(1) Identifying patterns of human responses to actual or 2333
potential health problems amenable to a nursing regimen; 2334

(2) Executing a nursing regimen through the selection, 2335
performance, management, and evaluation of nursing actions; 2336

(3) Assessing health status for the purpose of providing 2337
nursing care; 2338

(4) Providing health counseling and health teaching; 2339

(5) Administering medications, treatments, and executing 2340
regimens authorized by an individual who is authorized to 2341

practice in this state and is acting within the course of the 2342
individual's professional practice; 2343

(6) Teaching, administering, supervising, delegating, and 2344
evaluating nursing practice. 2345

(C) "Nursing regimen" may include preventative, 2346
restorative, and health-promotion activities. 2347

(D) "Assessing health status" means the collection of data 2348
through nursing assessment techniques, which may include 2349
interviews, observation, and physical evaluations for the 2350
purpose of providing nursing care. 2351

(E) "Licensed practical nurse" means an individual who 2352
holds a current, valid license issued under this chapter that 2353
authorizes the practice of nursing as a licensed practical 2354
nurse. 2355

(F) "The practice of nursing as a licensed practical 2356
nurse" means providing to individuals and groups nursing care 2357
requiring the application of basic knowledge of the biological, 2358
physical, behavioral, social, and nursing sciences at the 2359
direction of a registered nurse or any of the following who is 2360
authorized to practice in this state: a physician, physician 2361
assistant, dentist, podiatrist, optometrist, ~~or~~ chiropractor, or 2362
psychologist. Such nursing care includes: 2363

(1) Observation, patient teaching, and care in a diversity 2364
of health care settings; 2365

(2) Contributions to the planning, implementation, and 2366
evaluation of nursing; 2367

(3) Administration of medications and treatments 2368
authorized by an individual who is authorized to practice in 2369

this state and is acting within the course of the individual's 2370
professional practice on the condition that the licensed 2371
practical nurse is authorized under section 4723.17 of the 2372
Revised Code to administer medications; 2373

(4) Administration to an adult of intravenous therapy 2374
authorized by an individual who is authorized to practice in 2375
this state and is acting within the course of the individual's 2376
professional practice, on the condition that the licensed 2377
practical nurse is authorized under section 4723.18 or 4723.181 2378
of the Revised Code to perform intravenous therapy and performs 2379
intravenous therapy only in accordance with those sections; 2380

(5) Delegation of nursing tasks as directed by a 2381
registered nurse; 2382

(6) Teaching nursing tasks to licensed practical nurses 2383
and individuals to whom the licensed practical nurse is 2384
authorized to delegate nursing tasks as directed by a registered 2385
nurse. 2386

(G) "Certified registered nurse anesthetist" means an 2387
advanced practice registered nurse who holds a current, valid 2388
license issued under this chapter and is designated as a 2389
certified registered nurse anesthetist in accordance with 2390
section 4723.42 of the Revised Code and rules adopted by the 2391
board of nursing. 2392

(H) "Clinical nurse specialist" means an advanced practice 2393
registered nurse who holds a current, valid license issued under 2394
this chapter and is designated as a clinical nurse specialist in 2395
accordance with section 4723.42 of the Revised Code and rules 2396
adopted by the board of nursing. 2397

(I) "Certified nurse-midwife" means an advanced practice 2398

registered nurse who holds a current, valid license issued under 2399
this chapter and is designated as a certified nurse-midwife in 2400
accordance with section 4723.42 of the Revised Code and rules 2401
adopted by the board of nursing. 2402

(J) "Certified nurse practitioner" means an advanced 2403
practice registered nurse who holds a current, valid license 2404
issued under this chapter and is designated as a certified nurse 2405
practitioner in accordance with section 4723.42 of the Revised 2406
Code and rules adopted by the board of nursing. 2407

(K) "Physician" means an individual authorized under 2408
Chapter 4731. of the Revised Code to practice medicine and 2409
surgery or osteopathic medicine and surgery. 2410

(L) "Collaboration" or "collaborating" means the 2411
following: 2412

(1) In the case of a clinical nurse specialist or a 2413
certified nurse practitioner, that one or more podiatrists 2414
acting within the scope of practice of podiatry in accordance 2415
with section 4731.51 of the Revised Code and with whom the nurse 2416
has entered into a standard care arrangement or one or more 2417
physicians with whom the nurse has entered into a standard care 2418
arrangement are continuously available to communicate with the 2419
clinical nurse specialist or certified nurse practitioner either 2420
in person or by electronic communication; 2421

(2) In the case of a certified nurse-midwife, that one or 2422
more physicians with whom the certified nurse-midwife has 2423
entered into a standard care arrangement are continuously 2424
available to communicate with the certified nurse-midwife either 2425
in person or by electronic communication. 2426

(M) "Supervision," as it pertains to a certified 2427

registered nurse anesthetist, means that the certified 2428
registered nurse anesthetist is under the direction of a 2429
podiatrist acting within the podiatrist's scope of practice in 2430
accordance with section 4731.51 of the Revised Code, a dentist 2431
acting within the dentist's scope of practice in accordance with 2432
Chapter 4715. of the Revised Code, or a physician, and, when 2433
administering anesthesia, the certified registered nurse 2434
anesthetist is in the immediate presence of the podiatrist, 2435
dentist, or physician. 2436

(N) "Standard care arrangement" means a written, formal 2437
guide for planning and evaluating a patient's health care that 2438
is developed by one or more collaborating physicians or 2439
podiatrists and a clinical nurse specialist, certified nurse- 2440
midwife, or certified nurse practitioner and meets the 2441
requirements of section 4723.431 of the Revised Code. 2442

(O) "Advanced practice registered nurse" means an 2443
individual who holds a current, valid license issued under this 2444
chapter that authorizes the practice of nursing as an advanced 2445
practice registered nurse and is designated as any of the 2446
following: 2447

- (1) A certified registered nurse anesthetist; 2448
- (2) A clinical nurse specialist; 2449
- (3) A certified nurse-midwife; 2450
- (4) A certified nurse practitioner. 2451

(P) "Practice of nursing as an advanced practice 2452
registered nurse" means providing to individuals and groups 2453
nursing care that requires knowledge and skill obtained from 2454
advanced formal education, training, and clinical experience. 2455
Such nursing care includes the care described in section 4723.43 2456

of the Revised Code.	2457
(Q) "Dialysis care" means the care and procedures that a dialysis technician or dialysis technician intern is authorized to provide and perform, as specified in section 4723.72 of the Revised Code.	2458 2459 2460 2461
(R) "Dialysis technician" means an individual who holds a current, valid certificate to practice as a dialysis technician issued under section 4723.75 of the Revised Code.	2462 2463 2464
(S) "Dialysis technician intern" means an individual who holds a current, valid certificate to practice as a dialysis technician intern issued under section 4723.75 of the Revised Code.	2465 2466 2467 2468
(T) "Certified community health worker" means an individual who holds a current, valid certificate as a community health worker issued under section 4723.85 of the Revised Code.	2469 2470 2471
(U) "Medication aide" means an individual who holds a current, valid certificate issued under this chapter that authorizes the individual to administer medication in accordance with section 4723.67 of the Revised Code;	2472 2473 2474 2475
(V) "Nursing specialty" means a specialty in practice as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner.	2476 2477 2478 2479
Sec. 4729.01. As used in this chapter:	2480
(A) "Pharmacy," except when used in a context that refers to the practice of pharmacy, means any area, room, rooms, place of business, department, or portion of any of the foregoing where the practice of pharmacy is conducted.	2481 2482 2483 2484

(B) "Practice of pharmacy" means providing pharmacist care	2485
requiring specialized knowledge, judgment, and skill derived	2486
from the principles of biological, chemical, behavioral, social,	2487
pharmaceutical, and clinical sciences. As used in this division,	2488
"pharmacist care" includes the following:	2489
(1) Interpreting prescriptions;	2490
(2) Dispensing drugs and drug therapy related devices;	2491
(3) Compounding drugs;	2492
(4) Counseling individuals with regard to their drug	2493
therapy, recommending drug therapy related devices, and	2494
assisting in the selection of drugs and appliances for treatment	2495
of common diseases and injuries and providing instruction in the	2496
proper use of the drugs and appliances;	2497
(5) Performing drug regimen reviews with individuals by	2498
discussing all of the drugs that the individual is taking and	2499
explaining the interactions of the drugs;	2500
(6) Performing drug utilization reviews with licensed	2501
health professionals authorized to prescribe drugs when the	2502
pharmacist determines that an individual with a prescription has	2503
a drug regimen that warrants additional discussion with the	2504
prescriber;	2505
(7) Advising an individual and the health care	2506
professionals treating an individual with regard to the	2507
individual's drug therapy;	2508
(8) Acting pursuant to a consult agreement with one or	2509
more physicians authorized under Chapter 4731. of the Revised	2510
Code to practice medicine and surgery or osteopathic medicine	2511
and surgery, if an agreement has been established;	2512

(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;	2513 2514
(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.	2515 2516
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	2517 2518 2519
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	2520 2521
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	2522 2523
(3) As an incident to research, teaching activities, or chemical analysis;	2524 2525
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	2526 2527 2528
(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply:	2529 2530 2531 2532 2533
(a) At the time the request is made, the drug is not commercially available regardless of the reason that the drug is not available, including the absence of a manufacturer for the drug or the lack of a readily available supply of the drug from a manufacturer.	2534 2535 2536 2537 2538
(b) A limited quantity of the drug is compounded and provided to the professional.	2539 2540

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

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

(E) "Drug" means:

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

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

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

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

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

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

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;

(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.	2569 2570
(2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply;	2571 2572 2573
(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body;	2574 2575 2576
(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code.	2577 2578
(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.	2579 2580
(H) "Prescription" means all of the following:	2581
(1) A written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs;	2582 2583 2584 2585
(2) For purposes of sections 2925.61, 4723.488, 4729.44, 4730.431, and 4731.94 of the Revised Code, a written, electronic, or oral order for naloxone issued to and in the name of a family member, friend, or other individual in a position to assist an individual who there is reason to believe is at risk of experiencing an opioid-related overdose.	2586 2587 2588 2589 2590 2591
(3) For purposes of sections 4723.4810, 4729.282, 4730.432, and 4731.93 of the Revised Code, a written, electronic, or oral order for a drug to treat chlamydia, gonorrhoea, or trichomoniasis issued to and in the name of a patient who is not the intended user of the drug but is the	2592 2593 2594 2595 2596

sexual partner of the intended user; 2597

(4) For purposes of sections 3313.7110, 3313.7111, 2598
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 2599
4731.96, and 5101.76 of the Revised Code, a written, electronic, 2600
or oral order for an epinephrine autoinjector issued to and in 2601
the name of a school, school district, or camp; 2602

(5) For purposes of Chapter 3728. and sections 4723.483, 2603
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 2604
electronic, or oral order for an epinephrine autoinjector issued 2605
to and in the name of a qualified entity, as defined in section 2606
3728.01 of the Revised Code. 2607

(I) "Licensed health professional authorized to prescribe 2608
drugs" or "prescriber" means an individual who is authorized by 2609
law to prescribe drugs or dangerous drugs or drug therapy 2610
related devices in the course of the individual's professional 2611
practice, including only the following: 2612

(1) A dentist licensed under Chapter 4715. of the Revised 2613
Code; 2614

(2) A clinical nurse specialist, certified nurse-midwife, 2615
or certified nurse practitioner who holds a current, valid 2616
license to practice nursing as an advanced practice registered 2617
nurse issued under Chapter 4723. of the Revised Code; 2618

(3) An optometrist licensed under Chapter 4725. of the 2619
Revised Code to practice optometry under a therapeutic 2620
pharmaceutical agents certificate; 2621

(4) A physician authorized under Chapter 4731. of the 2622
Revised Code to practice medicine and surgery, osteopathic 2623
medicine and surgery, or podiatric medicine and surgery; 2624

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

(6) A psychologist who holds a certificate to prescribe issued under section 4732.40 of the Revised Code, but only to the extent authorized by section 4732.43 of the Revised Code;

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

(J) "Sale" and "sell" include delivery, transfer, barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal proprietor, agent, or employee.

(K) "Wholesale sale" and "sale at wholesale" mean any sale in which the purpose of the purchaser is to resell the article purchased or received by the purchaser.

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

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

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

(1) The proprietary name of the drug product;

- (2) The established (generic) name of the drug product; 2653
- (3) The strength of the drug product if the product 2654
contains a single active ingredient or if the drug product 2655
contains more than one active ingredient and a relevant strength 2656
can be associated with the product without indicating each 2657
active ingredient. The established name and quantity of each 2658
active ingredient are required if such a relevant strength 2659
cannot be so associated with a drug product containing more than 2660
one ingredient. 2661
- (4) The dosage form; 2662
- (5) The price charged for a specific quantity of the drug 2663
product. The stated price shall include all charges to the 2664
consumer, including, but not limited to, the cost of the drug 2665
product, professional fees, handling fees, if any, and a 2666
statement identifying professional services routinely furnished 2667
by the pharmacy. Any mailing fees and delivery fees may be 2668
stated separately without repetition. The information shall not 2669
be false or misleading. 2670
- (O) "Wholesale distributor of dangerous drugs" means a 2671
person engaged in the sale of dangerous drugs at wholesale and 2672
includes any agent or employee of such a person authorized by 2673
the person to engage in the sale of dangerous drugs at 2674
wholesale. 2675
- (P) "Manufacturer of dangerous drugs" means a person, 2676
other than a pharmacist, who manufactures dangerous drugs and 2677
who is engaged in the sale of those dangerous drugs within this 2678
state. 2679
- (Q) "Terminal distributor of dangerous drugs" means a 2680
person who is engaged in the sale of dangerous drugs at retail, 2681

or any person, other than a wholesale distributor or a pharmacist, who has possession, custody, or control of dangerous drugs for any purpose other than for that person's own use and consumption, and includes pharmacies, hospitals, nursing homes, and laboratories and all other persons who procure dangerous drugs for sale or other distribution by or under the supervision of a pharmacist or licensed health professional authorized to prescribe drugs.

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

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

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

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

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

(W) "Investigational drug or product" means a drug or product that has successfully completed phase one of the United States food and drug administration clinical trials and remains

under clinical trial, but has not been approved for general use 2711
by the United States food and drug administration. 2712

"Investigational drug or product" does not include controlled 2713
substances in schedule I, as established pursuant to section 2714
3719.41 of the Revised Code, and as amended. 2715

(X) "Product," when used in reference to an 2716
investigational drug or product, means a biological product, 2717
other than a drug, that is made from a natural human, animal, or 2718
microorganism source and is intended to treat a disease or 2719
medical condition. 2720

Sec. 4729.51. (A) No person other than a registered 2721
wholesale distributor of dangerous drugs shall possess for sale, 2722
sell, distribute, or deliver, at wholesale, dangerous drugs or 2723
investigational drugs or products, except as follows: 2724

(1) A licensed terminal distributor of dangerous drugs 2725
that is a pharmacy may make occasional sales of dangerous drugs 2726
or investigational drugs or products at wholesale. 2727

(2) A licensed terminal distributor of dangerous drugs 2728
having more than one licensed location may transfer or deliver 2729
dangerous drugs from one licensed location to another licensed 2730
location owned by the terminal distributor if the license issued 2731
for each location is in effect at the time of the transfer or 2732
delivery. 2733

(3) A licensed terminal distributor of dangerous drugs 2734
that is not a pharmacy may make occasional sales of naloxone at 2735
wholesale. 2736

(B) No registered wholesale distributor of dangerous drugs 2737
shall possess for sale, sell, or distribute, at wholesale, 2738
dangerous drugs or investigational drugs or products to any 2739

person other than the following: 2740

(1) Subject to division (D) of this section, a licensed 2741
terminal distributor of dangerous drugs; 2742

(2) Subject to division (C) of this section, any person 2743
exempt from licensure as a terminal distributor of dangerous 2744
drugs under section 4729.541 of the Revised Code; 2745

(3) A registered wholesale distributor of dangerous drugs; 2746

(4) A terminal or wholesale distributor of dangerous drugs 2747
that is located in another state, is not engaged in the sale of 2748
dangerous drugs within this state, and is actively licensed to 2749
engage in the sale of dangerous drugs by the state in which the 2750
distributor conducts business. 2751

(C) No registered wholesale distributor of dangerous drugs 2752
shall possess for sale, sell, or distribute, at wholesale, 2753
dangerous drugs or investigational drugs or products to either 2754
of the following: 2755

(1) A prescriber who is employed by either of the 2756
following: 2757

(a) A pain management clinic that is not licensed as a 2758
terminal distributor of dangerous drugs with a pain management 2759
clinic classification issued under section 4729.552 of the 2760
Revised Code; 2761

(b) A facility, clinic, or other location that provides 2762
office-based opioid treatment but is not licensed as a terminal 2763
distributor of dangerous drugs with an office-based opioid 2764
treatment classification issued under section 4729.553 of the 2765
Revised Code if such a license is required by that section. 2766

(2) A business entity described in division (A) (2) or (3) 2767

of section 4729.541 of the Revised Code that is, or is 2768
operating, either of the following: 2769

(a) A pain management clinic without a license as a 2770
terminal distributor of dangerous drugs with a pain management 2771
clinic classification issued under section 4729.552 of the 2772
Revised Code; 2773

(b) A facility, clinic, or other location that provides 2774
office-based opioid treatment without a license as a terminal 2775
distributor of dangerous drugs with an office-based opioid 2776
treatment classification issued under section 4729.553 of the 2777
Revised Code if such a license is required by that section. 2778

(D) No registered wholesale distributor of dangerous drugs 2779
shall possess dangerous drugs or investigational drugs or 2780
products for sale at wholesale, or sell or distribute such drugs 2781
at wholesale, to a licensed terminal distributor of dangerous 2782
drugs, except as follows: 2783

(1) In the case of a terminal distributor with a category 2784
I license, only dangerous drugs described in category I, as 2785
defined in division (A)(1) of section 4729.54 of the Revised 2786
Code; 2787

(2) In the case of a terminal distributor with a category 2788
II license, only dangerous drugs described in category I and 2789
category II, as defined in divisions (A)(1) and (2) of section 2790
4729.54 of the Revised Code; 2791

(3) In the case of a terminal distributor with a category 2792
III license, dangerous drugs described in category I, category 2793
II, and category III, as defined in divisions (A)(1), (2), and 2794
(3) of section 4729.54 of the Revised Code; 2795

(4) In the case of a terminal distributor with a limited 2796

category I, II, or III license, only the dangerous drugs 2797
specified in the certificate furnished by the terminal 2798
distributor in accordance with section 4729.60 of the Revised 2799
Code. 2800

(E) (1) Except as provided in division (E) (2) of this 2801
section, no person shall do any of the following: 2802

(a) Sell or distribute, at retail, dangerous drugs; 2803

(b) Possess for sale, at retail, dangerous drugs; 2804

(c) Possess dangerous drugs. 2805

(2) (a) Divisions (E) (1) (a), (b), and (c) of this section 2806
do not apply to any of the following: 2807

(i) A licensed terminal distributor of dangerous drugs; 2808

(ii) A person who possesses, or possesses for sale or 2809
sells, at retail, a dangerous drug in accordance with Chapters 2810
3719., 4715., 4723., 4725., 4729., 4730., 4731., 4732., and 2811
4741. of the Revised Code; 2812

(iii) Any of the persons identified in divisions (A) (1) to 2813
(5) and (13) of section 4729.541 of the Revised Code, but only 2814
to the extent specified in that section. 2815

(b) Division (E) (1) (c) of this section does not apply to 2816
any of the following: 2817

(i) A registered wholesale distributor of dangerous drugs; 2818

(ii) Any of the persons identified in divisions (A) (6) to 2819
(12) of section 4729.541 of the Revised Code, but only to the 2820
extent specified in that section. 2821

(F) No licensed terminal distributor of dangerous drugs or 2822
person that is exempt from licensure under section 4729.541 of 2823

the Revised Code shall purchase dangerous drugs or 2824
investigational drugs or products from any person other than a 2825
registered wholesale distributor of dangerous drugs, except as 2826
follows: 2827

(1) A licensed terminal distributor of dangerous drugs or 2828
person that is exempt from licensure under section 4729.541 of 2829
the Revised Code may make occasional purchases of dangerous 2830
drugs or investigational drugs or products that are sold in 2831
accordance with division (A) (1) or (3) of this section. 2832

(2) A licensed terminal distributor of dangerous drugs 2833
having more than one licensed location may transfer or deliver 2834
dangerous drugs or investigational drugs or products from one 2835
licensed location to another licensed location if the license 2836
issued for each location is in effect at the time of the 2837
transfer or delivery. 2838

(G) No licensed terminal distributor of dangerous drugs 2839
shall engage in the retail sale or other distribution of 2840
dangerous drugs or investigational drugs or products or maintain 2841
possession, custody, or control of dangerous drugs or 2842
investigational drugs or products for any purpose other than the 2843
distributor's personal use or consumption, at any establishment 2844
or place other than that or those described in the license 2845
issued by the state board of pharmacy to such terminal 2846
distributor. 2847

(H) Nothing in this section shall be construed to 2848
interfere with the performance of official duties by any law 2849
enforcement official authorized by municipal, county, state, or 2850
federal law to collect samples of any drug, regardless of its 2851
nature or in whose possession it may be. 2852

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

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

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

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

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

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

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

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

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

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

(i) A hospital;

(ii) A facility operated by a hospital for the treatment	2880
of chronic pain;	2881
(iii) A physician practice owned or controlled, in whole	2882
or in part, by a hospital or by an entity that owns or controls,	2883
in whole or in part, one or more hospitals;	2884
(iv) A school, college, university, or other educational	2885
institution or program to the extent that it provides	2886
instruction to individuals preparing to practice as physicians,	2887
podiatrists, dentists, nurses, physician assistants,	2888
<u>psychologists</u> , optometrists, or veterinarians or any affiliated	2889
facility to the extent that it participates in the provision of	2890
that instruction;	2891
(v) A hospice program licensed under Chapter 3712. of the	2892
Revised Code;	2893
(vi) An ambulatory surgical facility licensed under	2894
section 3702.30 of the Revised Code;	2895
(vii) An interdisciplinary pain rehabilitation program	2896
with three-year accreditation from the commission on	2897
accreditation of rehabilitation facilities;	2898
(viii) A nursing home licensed under section 3721.02 of	2899
the Revised Code or by a political subdivision certified under	2900
section 3721.09 of the Revised Code;	2901
(ix) A facility conducting only clinical research that may	2902
use controlled substances in studies approved by a hospital-	2903
based institutional review board or an institutional review	2904
board accredited by the association for the accreditation of	2905
human research protection programs.	2906
(6) "Physician" means an individual authorized under this	2907

chapter to practice medicine and surgery or osteopathic medicine 2908
and surgery. 2909

(7) "Prescriber" has the same meaning as in section 2910
4729.01 of the Revised Code. 2911

(B) Each owner shall supervise, control, and direct the 2912
activities of each individual, including an employee, volunteer, 2913
or individual under contract, who provides treatment of chronic 2914
pain at the clinic or is associated with the provision of that 2915
treatment. The supervision, control, and direction shall be 2916
provided in accordance with rules adopted under this section. 2917

(C) The state medical board shall adopt rules in 2918
accordance with Chapter 119. of the Revised Code that establish 2919
all of the following: 2920

(1) Standards and procedures for the operation of a pain 2921
management clinic; 2922

(2) Standards and procedures to be followed by a physician 2923
who provides care at a pain management clinic; 2924

(3) For purposes of division (A) (5) (a) (i) of this section, 2925
the other drugs used to treat chronic pain that identify a 2926
facility as a pain management clinic; 2927

(4) For purposes of division (A) (5) (a) (ii) of this 2928
section, the other criteria that identify a facility as a pain 2929
management clinic; 2930

(5) For purposes of division (B) of this section, 2931
standards and procedures to be followed by an owner in providing 2932
supervision, direction, and control of individuals at a pain 2933
management clinic. 2934

(D) The board may impose a fine of not more than twenty 2935

thousand dollars on a physician who fails to comply with rules 2936
adopted under this section. The fine may be in addition to or in 2937
lieu of any other action that may be taken under section 4731.22 2938
of the Revised Code. The board shall deposit any amounts 2939
received under this division in accordance with section 4731.24 2940
of the Revised Code. 2941

(E) (1) The board may inspect either of the following as 2942
the board determines necessary to ensure compliance with this 2943
chapter and any rules adopted under it regarding pain management 2944
clinics: 2945

(a) A pain management clinic; 2946

(b) A facility or physician practice that the board 2947
suspects is operating as a pain management clinic in violation 2948
of this chapter. 2949

(2) The board's inspection shall be conducted in 2950
accordance with division (F) of section 4731.22 of the Revised 2951
Code. 2952

(3) Before conducting an on-site inspection, the board 2953
shall provide notice to the owner or other person in charge of 2954
the facility or physician practice, except that the board is not 2955
required to provide the notice if, in the judgment of the board, 2956
the notice would jeopardize an investigation being conducted by 2957
the board. 2958

Sec. 4732.01. As used in this chapter: 2959

(A) "Psychologist" means any person who holds self out to 2960
the public by any title or description of services incorporating 2961
the words "psychologic," "psychological," "psychologist," 2962
"psychology," or any other terms that imply the person is 2963
trained, experienced, or an expert in the field of psychology. 2964

(B) "The practice of psychology" means rendering or 2965
offering to render to individuals, groups, organizations, or the 2966
public any service involving the application of psychological 2967
procedures to assessment, diagnosis, prevention, treatment, or 2968
amelioration of psychological problems or emotional or mental 2969
disorders of individuals or groups; to clinical 2970
psychopharmacology; or to the assessment or improvement of 2971
psychological adjustment or functioning of individuals or 2972
groups, whether or not there is a diagnosable pre-existing 2973
psychological problem. Practice of psychology includes the 2974
practice of school psychology. For purposes of this chapter, 2975
teaching or research shall not be regarded as the practice of 2976
psychology, even when dealing with psychological subject matter, 2977
provided it does not otherwise involve the professional practice 2978
of psychology in which an individual's welfare is directly 2979
affected by the application of psychological procedures. 2980

For a psychologist who holds a certificate to prescribe 2981
issued under section 4732.40 of the Revised Code, "the practice 2982
of psychology" also means the authority to engage in the 2983
activities specified in section 4732.43 of the Revised Code and 2984
clinical psychopharmacology. 2985

(C) "Psychological procedures" include but are not 2986
restricted to application of principles, methods, or procedures 2987
of understanding, predicting, or influencing behavior, such as 2988
the principles pertaining to learning, conditioning, perception, 2989
motivation, thinking, emotions, or interpersonal relationships; 2990
the methods or procedures of verbal interaction, interviewing, 2991
counseling, behavior modification, environmental manipulation, 2992
group process, psychological psychotherapy, or hypnosis; and the 2993
methods or procedures of administering or interpreting tests of 2994
mental abilities, aptitudes, interests, attitudes, personality 2995

characteristics, emotions, or motivation.	2996
(D) "School psychologist" means any person who holds self	2997
out to the public by any title or description of services	2998
incorporating the words "school psychologist" or "school	2999
psychology," or who holds self out to be trained, experienced,	3000
or an expert in the practice of school psychology.	3001
(E) "Practice of school psychology" means rendering or	3002
offering to render to individuals, groups, organizations, or the	3003
public any of the following services:	3004
(1) Evaluation, diagnosis, or test interpretation limited	3005
to assessment of intellectual ability, learning patterns,	3006
achievement, motivation, behavior, or personality factors	3007
directly related to learning problems;	3008
(2) Intervention services, including counseling, for	3009
children or adults for amelioration or prevention of	3010
educationally related learning problems, including emotional and	3011
behavioral aspects of such problems;	3012
(3) Psychological, educational, or vocational consultation	3013
or direct educational services. This does not include industrial	3014
consultation or counseling services to clients undergoing	3015
vocational rehabilitation.	3016
(F) "Licensed psychologist" means an individual holding a	3017
current, valid license to practice psychology issued under	3018
section 4732.12 or 4732.15 of the Revised Code.	3019
(G) "School psychologist licensed by the state board of	3020
psychology" means an individual holding a current, valid license	3021
to practice school psychology issued under section 4732.12 or	3022
4732.15 of the Revised Code.	3023

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

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

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

(K) "Benzodiazepine," "controlled substance," and "opioid analgesic" have the same meanings as in section 3719.01 of the Revised Code;

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

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

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

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

- (3) Using fraud or deceit in the procurement of the license to practice psychology or school psychology or knowingly assisting another in the procurement of such a license through fraud or deceit; 3052
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- (4) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals; 3056
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- (5) Willful, unauthorized communication of information received in professional confidence; 3058
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- (6) Being negligent in the practice of psychology or school psychology; 3060
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- (7) Inability to practice according to acceptable and prevailing standards of care by reason of a mental, emotional, physiological, or pharmacological condition or substance abuse; 3062
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- (8) Subject to section 4732.28 of the Revised Code, violating any rule of professional conduct promulgated by the board; 3065
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- (9) Practicing in an area of psychology for which the person is clearly untrained or incompetent; 3068
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- (10) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the person is incompetent for the purpose of holding the license. Such person may have the person's license issued or restored only upon determination by a court that the person is competent for the purpose of holding the license and upon the decision by the board that such license be issued or restored. The board may require an examination prior to such issuance or restoration. 3070
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- (11) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health 3078
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insurance or health care policy, contract, or plan that covers 3080
psychological services, would otherwise be required to pay if 3081
the waiver is used as an enticement to a patient or group of 3082
patients to receive health care services from that provider; 3083

(12) Advertising that the person will waive the payment of 3084
all or any part of a deductible or copayment that a patient, 3085
pursuant to a health insurance or health care policy, contract, 3086
or plan that covers psychological services, would otherwise be 3087
required to pay; 3088

(13) Any of the following actions taken by the agency 3089
responsible for authorizing or certifying the person to practice 3090
or regulating the person's practice of a health care occupation 3091
or provision of health care services in this state or another 3092
jurisdiction, as evidenced by a certified copy of that agency's 3093
records and findings for any reason other than the nonpayment of 3094
fees: 3095

(a) Limitation, revocation, or suspension of the person's 3096
license to practice; 3097

(b) Acceptance of the person's license surrender; 3098

(c) Denial of a license to the person; 3099

(d) Refuse to renew or reinstate the person's license; 3100

(e) Imposition of probation on the person; 3101

(f) Issuance of an order of censure or other reprimand 3102
against the person; 3103

(g) Other negative action or finding against the person 3104
about which information is available to the public. 3105

(14) Offering or rendering psychological services after a 3106

license issued under this chapter has expired due to a failure 3107
to timely register under section 4732.14 of the Revised Code or 3108
complete continuing education requirements; 3109

(15) Offering or rendering psychological services after a 3110
license issued under this chapter has been placed in retired 3111
status pursuant to section 4732.142 of the Revised Code; 3112

(16) Unless the person is a school psychologist licensed 3113
by the state board of education: 3114

(a) Offering or rendering school psychological services 3115
after a license issued under this chapter has expired due to a 3116
failure to timely register under section 4732.14 of the Revised 3117
Code or complete continuing education requirements; 3118

(b) Offering or rendering school psychological services 3119
after a license issued under this chapter has been placed in 3120
retired status pursuant to section 4732.142 of the Revised Code. 3121

(17) Violating any adjudication order or consent agreement 3122
adopted by the board; 3123

(18) Failure to submit to mental, cognitive, substance 3124
abuse, or medical evaluations, or a combination of these 3125
evaluations, ordered by the board under division (E) of this 3126
section; 3127

(19) Selling, giving away, or administering drugs or 3128
therapeutic devices for other than legal and legitimate 3129
therapeutic purposes; or conviction of, a plea of guilty to, a 3130
judicial finding of guilt of, a judicial finding of guilt 3131
resulting from a plea of no contest to, or a judicial finding of 3132
eligibility for a pretrial diversion or similar program or for 3133
intervention in lieu of conviction for, violating any municipal, 3134
state, county, or federal drug law; 3135

(20) The suspension or termination of employment by the 3136
department of defense or the veterans administration of the 3137
United States for any act that violates or would violate this 3138
chapter; 3139

(21) In the case of a psychologist who holds a certificate 3140
to prescribe issued under section 4732.40 of the Revised Code, 3141
failure to prescribe, personally furnish, or administer drugs 3142
and therapeutic devices in accordance with section 4732.43 of 3143
the Revised Code; 3144

(22) Prescribing any drug or device to perform or induce 3145
an abortion, or otherwise performing or inducing an abortion; 3146

(23) Assisting suicide, as defined in section 3795.01 of 3147
the Revised Code; 3148

(24) Failure to comply with the requirements in section 3149
3719.061 of the Revised Code before issuing for a minor a 3150
prescription for an opioid analgesic; 3151

(25) Failure to comply with section 4732.45 of the Revised 3152
Code, unless the state board of pharmacy no longer maintains a 3153
drug database pursuant to section 4729.75 of the Revised Code. 3154

(B) Notwithstanding divisions (A) (11) and (12) of this 3155
section, sanctions shall not be imposed against any license 3156
holder who waives deductibles and copayments: 3157

(1) In compliance with the health benefit plan that 3158
expressly allows such a practice. Waiver of the deductibles or 3159
copays shall be made only with the full knowledge and consent of 3160
the plan purchaser, payer, and third-party administrator. Such 3161
consent shall be made available to the board upon request. 3162

(2) For professional services rendered to any other person 3163

licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.	3164 3165
(C) For any of the reasons specified in division (A) of this section, the board may do one or more of the following:	3166 3167
(1) Refuse to issue a license to an applicant;	3168
(2) Issue a reprimand to a license holder;	3169
(3) Suspend the license of a license holder;	3170
(4) Revoke the license of a license holder;	3171
(5) Limit or restrict the areas of practice of an applicant or a license holder;	3172 3173
(6) Require mental, substance abuse, or physical evaluations, or any combination of these evaluations, of an applicant or a license holder;	3174 3175 3176
(7) Require remedial education and training of an applicant or a license holder.	3177 3178
(D) When it revokes the license of a license holder under division (C)(4) of this section, the board may specify that the revocation is permanent. An individual subject to permanent revocation is forever thereafter ineligible to hold a license, and the board shall not accept an application for reinstatement of the license or issuance of a new license.	3179 3180 3181 3182 3183 3184
(E) When the board issues a notice of opportunity for a hearing on the basis of division (A)(7) of this section, the supervising member of the board, with cause and upon consultation with the board's executive director and the board's legal counsel, may compel the applicant or license holder to submit to mental, cognitive, substance abuse, or medical	3185 3186 3187 3188 3189 3190

evaluations, or a combination of these evaluations, by a person 3191
or persons selected by the board. Notice shall be given to the 3192
applicant or license holder in writing signed by the supervising 3193
member, the executive director, and the board's legal counsel. 3194
The applicant or license holder is deemed to have given consent 3195
to submit to these evaluations and to have waived all objections 3196
to the admissibility of testimony or evaluation reports that 3197
constitute a privileged communication. The expense of the 3198
evaluation or evaluations shall be the responsibility of the 3199
applicant or license holder who is evaluated. 3200

(F) Before the board may take action under this section, 3201
written charges shall be filed with the board by the secretary 3202
and a hearing shall be had thereon in accordance with Chapter 3203
119. of the Revised Code, except as follows: 3204

(1) On receipt of a complaint that any of the grounds 3205
listed in division (A) of this section exist, the state board of 3206
psychology may suspend a license issued under this chapter prior 3207
to holding a hearing in accordance with Chapter 119. of the 3208
Revised Code if it determines, based on the complaint, that 3209
there is an immediate threat to the public. A telephone 3210
conference call may be used to conduct an emergency meeting for 3211
review of the matter by a quorum of the board, taking the vote, 3212
and memorializing the action in the minutes of the meeting. 3213

After suspending a license pursuant to division (F)(1) of 3214
this section, the board shall notify the license holder of the 3215
suspension in accordance with section 119.07 of the Revised 3216
Code. If the individual whose license is suspended fails to make 3217
a timely request for an adjudication under Chapter 119. of the 3218
Revised Code, the board shall enter a final order permanently 3219
revoking the license. 3220

(2) The board shall adopt rules establishing a case management schedule for pre-hearing procedures by the hearing examiner or presiding board member. The schedule shall include applicable deadlines related to the hearing process, including all of the following:

(a) The date of the hearing;

(b) The date for the disclosure of witnesses and exhibits;

(c) The date for the disclosure of the identity of expert witnesses and the exchange of written reports;

(d) The deadline for submitting a request for the issuance of a subpoena for the hearing as provided under Chapter 119. of the Revised Code and division (F) (4) of this section.

(3) Either party to the hearing may submit a written request to the other party for a list of witnesses and copies of documents intended to be introduced at the hearing. The request shall be in writing and shall be served not less than thirty-seven days prior to the hearing, unless the hearing officer or presiding board member grants an extension of time to make the request. Not later than thirty days before the hearing, the responding party shall provide the requested list of witnesses, summary of their testimony, and copies of documents to the requesting party, unless the hearing officer or presiding board member grants an extension. Failure to timely provide a list or copies requested in accordance with this section may, at the discretion of the hearing officer or presiding board member, result in exclusion from the hearing of the witnesses, testimony, or documents.

(4) In addition to subpoenas for the production of books, records, and papers requested under Chapter 119. of the Revised

Code, either party may ask the board to issue a subpoena for the 3250
production of other tangible items. 3251

The person subject to a subpoena for the production of 3252
books, records, papers, or other tangible items shall respond to 3253
the subpoena at least twenty days prior to the date of the 3254
hearing. If a person fails to respond to a subpoena issued by 3255
the board, after providing reasonable notice to the person, the 3256
board, the hearing officer, or both may proceed with enforcement 3257
of the subpoena pursuant to section 119.09 of the Revised Code. 3258

Sec. 4732.20. (A) This chapter does not authorize any 3259
person to engage in any of the acts which are regarded as 3260
practicing medicine under section 4731.34 of the Revised Code. 3261
In order to make provision for the diagnosis and treatment of 3262
medical problems, a licensed psychologist engaging in 3263
psychological psychotherapy with clients shall maintain a 3264
consultative relationship with a physician licensed to practice 3265
medicine by this state. The practice of psychology, the practice 3266
of school psychology, or the use of psychological procedures 3267
does not include the diagnosis or correction of optical defects 3268
or conditions through the utilization of optical principles, 3269
including optical devices or orthoptics. 3270

(B) A psychologist who holds a certificate to prescribe 3271
issued under section 4732.40 of the Revised Code is authorized 3272
to prescribe, personally furnish, and administer the drugs and 3273
therapeutic devices specified in section 4732.43 of the Revised 3274
Code, as well as perform the other tasks specified in that 3275
section. 3276

Sec. 4732.40. (A) A psychologist seeking authority to 3277
prescribe, personally furnish, or administer the drugs and 3278
therapeutic devices specified in divisions (A) and (B) of 3279

section 4732.43 of the Revised Code shall file with the state 3280
board of psychology a written application for a certificate to 3281
prescribe on a form developed and supplied by the board. The 3282
application shall include the following: 3283

(1) The applicant's name, residential address, business 3284
address (if any), electronic mail address, telephone number, and 3285
social security number; 3286

(2) Evidence of holding a valid license to practice 3287
psychology issued under section 4732.12 of the Revised Code or, 3288
if the applicant exclusively practices in a facility operated by 3289
the United States department of veterans affairs, evidence of 3290
holding a valid license, certificate, or registration required 3291
to practice psychology in another United States jurisdiction; 3292

(3) Evidence of receiving an earned doctoral degree 3293
described in division (B) (3) (a) or (b) of section 4732.10 of the 3294
Revised Code; 3295

(4) Proof of eligibility to receive a certificate to 3296
prescribe by meeting the requirements specified in division (A) 3297
or (B) of section 4732.41 of the Revised Code. An applicant who 3298
seeks the certificate by meeting the requirements specified in 3299
division (A) of section 4732.41 of the Revised Code shall submit 3300
the documentation issued under division (D) of section 4732.411 3301
of the Revised Code as proof of satisfying the period of 3302
clinical supervision required by division (A) (2) of section 3303
4732.41 of the Revised Code. 3304

(5) Payment of a fee of fifty dollars. 3305

(6) Any other information the board requires. 3306

(B) The board shall review all applications received. If 3307
an application is complete and the board determines that the 3308

applicant meets the requirements for a certificate to prescribe 3309
and has demonstrated all of the following clinical competencies, 3310
the board shall issue the certificate to the applicant: 3311

(1) Physical examination and mental status evaluation: The 3312
applicant is able to execute a comprehensive and focused 3313
physical examination and mental status evaluation on patients of 3314
various developmental stages and backgrounds using appropriate 3315
instruments. 3316

(2) Review of systems: The applicant has knowledge 3317
regarding, and is able to systematically describe, the process 3318
of integrating information learned from patient reports, signs, 3319
symptoms, and reviews of major body systems while recognizing 3320
normal developmental variations among patients. 3321

(3) Medical history interview and documentation: The 3322
applicant is able to systematically conduct a patient or parent 3323
and caregiver clinical interview, produce a patient's medical, 3324
surgical, psychiatric, and medical history in the context of the 3325
patient's family and cultural history, and communicate findings 3326
orally and in writing. 3327

(4) Assessment: The applicant is able to order and 3328
interpret appropriate tests (e.g., psychometric, laboratory, and 3329
radiological) for the purposes of making a differential 3330
diagnosis and monitoring therapeutic and adverse effects of 3331
treatment. 3332

(5) Differential diagnosis: The applicant can use 3333
appropriate processes, including established diagnostic criteria 3334
from the most recent version of the diagnostic and statistical 3335
manual of mental disorders published by the American psychiatric 3336
association, to determine primary and alternate diagnoses. 3337

(6) Integrated treatment planning: The applicant is able to identify and select, using all available data, the most appropriate treatment alternatives (including medication, psychosocial, and combined treatments) and to sequence treatment within the larger biopsychosocial context. 3338
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(7) Consultation and collaboration: The applicant understands the parameters of the role of a prescribing psychologist and is able to work with other professionals in an advisory or collaborative manner to treat a patient. 3343
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(8) Treatment management: The applicant is able to apply, monitor, and modify, as needed, treatments and to issue valid and complete prescriptions. 3347
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Sec. 4732.41. To be eligible to receive a certificate to prescribe under section 4732.40 of the Revised Code, an applicant shall meet either of the following requirements: 3350
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(A) Satisfy all of the following criteria: 3353

(1) Complete a course of study in clinical psychopharmacology approved by the board in rules adopted under section 4732.46 of the Revised Code; 3354
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(2) Complete a period of clinical supervision in the psychopharmacological treatment of diverse patient populations that meets the requirements specified in section 4732.411 of the Revised Code; 3357
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(3) Pass the psychopharmacology examination for psychologists offered by the American psychological association practice organization's college of professional psychology. 3361
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(B) Be authorized to prescribe dangerous drugs, as defined in section 4729.01 of the Revised Code, in any branch of the 3364
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armed forces of the United States. 3366

Sec. 4732.411. (A) As used in this section, "qualified prescriber" means any of the following: 3367
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(1) An advanced practice registered nurse who holds a current, valid license issued under Chapter 4723. of the Revised Code and is designated as a clinical nurse specialist or certified nurse practitioner; 3369
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(2) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 3373
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(3) A physician assistant who is licensed under Chapter 4730. of the Revised Code, who holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority; 3376
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(4) Another licensed psychologist who holds a certificate to prescribe issued under this section. 3380
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(B) A period of clinical supervision required by division (A) (2) of section 4732.41 of the Revised Code shall meet the following requirements: 3382
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(1) Be for a period of time of not less than one year; 3385

(2) Be under the supervision of a qualified prescriber, who shall, subject to division (C) of this section, document the supervision arrangement in a written supervision plan; 3386
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(3) Include treatment of at least one hundred patients for whom medication management involving at least one drug in a class specified in division (A) (1) of section 4732.43 of the Revised Code is part of each patient's treatment plan; 3389
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(4) Be conducted in a manner that helps the certificate 3393
applicant achieve the clinical competencies specified in 3394
division (B) of section 4732.40 of the Revised Code. 3395

(C) A written supervision plan described in division (B) 3396
(2) of this section shall contain provisions that do all of the 3397
following: 3398

(1) Require the certificate applicant to consult with a 3399
qualified prescriber regarding the medication management of each 3400
patient described in division (B) (3) of this section, with the 3401
qualified prescriber maintaining independent authority to select 3402
appropriate medication and having the responsibility to issue 3403
any prescription; 3404

(2) Require the qualified prescriber to provide direct, 3405
on-site supervision of the certificate applicant's practice at 3406
least one time during each calendar month of the period of 3407
clinical supervision; 3408

(3) Require the qualified prescriber to be available 3409
(either in person or by telephone, videoconferencing, or other 3410
electronic means) for consultation with the certificate 3411
applicant any time the applicant treats a patient described in 3412
division (B) (3) of this section; 3413

(4) Require the qualified prescriber to maintain a monthly 3414
record of the prescriber's supervisory activities for the 3415
relevant month, signed by both parties. 3416

(D) On a certificate applicant's successful completion of 3417
the period of clinical supervision, the qualified prescriber who 3418
supervised the applicant's period of clinical supervision shall 3419
issue signed documentation of this fact to the applicant. 3420

Sec. 4732.42. (A) A certificate to prescribe issued under 3421

section 4732.40 of the Revised Code is valid for two years, 3422
unless otherwise provided in rules adopted under section 4732.46 3423
of the Revised Code or earlier suspended or revoked by the state 3424
board of psychology. The board shall renew certificates to 3425
prescribe according to procedures and a renewal schedule 3426
established in rules adopted under section 4732.46 of the 3427
Revised Code. 3428

(B) The board may renew a certificate to prescribe if the 3429
holder submits to the board all of the following: 3430

(1) Evidence of having completed during the previous two 3431
years at least twenty-four contact hours of continuing education 3432
in psychopharmacology or, if the certificate has been held for 3433
less than a full renewal period, the number of hours required by 3434
the board in rules adopted under section 4732.46 of the Revised 3435
Code. The hours of continuing education required under this 3436
division are in addition to the continuing education requirement 3437
in section 4732.141 of the Revised Code. 3438

(2) The fee required for renewal of a certificate to 3439
prescribe as specified in rules adopted under section 4732.46 of 3440
the Revised Code. 3441

(3) Any additional information the board requires pursuant 3442
to rules adopted under section 4732.46 of the Revised Code. 3443

(C) (1) Except as provided in division (C) (2) of this 3444
section, in the case of a certificate holder seeking renewal who 3445
prescribes opioid analgesics or benzodiazepines, the holder 3446
shall certify to the board whether the holder has been granted 3447
access to the drug database established and maintained by the 3448
state board of pharmacy pursuant to section 4729.75 of the 3449
Revised Code. 3450

(2) The requirement in division (C) (1) of this section 3451
does not apply if any of the following is the case: 3452

(a) The state board of pharmacy notifies the state board 3453
of psychology pursuant to section 4729.861 of the Revised Code 3454
that the certificate holder has been restricted from obtaining 3455
further information from the drug database. 3456

(b) The state board of pharmacy no longer maintains the 3457
drug database. 3458

(c) The certificate holder does not practice psychology in 3459
this state. 3460

(3) If a certificate holder certifies to the state board 3461
of psychology that the holder has been granted access to the 3462
drug database and the board finds through an audit or other 3463
means that the holder has not been granted access, the board may 3464
take action under section 4732.17 of the Revised Code. 3465

(D) If a psychologist holds a certificate to prescribe 3466
issued under section 4732.40 of the Revised Code and the 3467
psychologist's license issued under 4732.12 expires for failure 3468
to renew under section 4732.14 of the Revised Code, the 3469
psychologist's certificate to prescribe is automatically 3470
suspended until the license is reinstated. If the license is 3471
revoked or suspended under section 4732.17 of the Revised Code, 3472
the certificate to prescribe is automatically revoked or 3473
suspended, as applicable. If a limitation or restriction is 3474
placed on the license under section 4732.17 of the Revised Code, 3475
the same limitation or restriction is placed on the 3476
psychologist's certificate to prescribe while the license 3477
remains limited or restricted. 3478

Sec. 4732.43. A certificate to prescribe issued under 3479

section 4732.40 of the Revised Code authorizes the certificate holder to do all of the following: 3480
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(A) (1) Except as provided in division (A) (2) of this section, prescribe, personally furnish, and administer the following classes of drugs (including controlled substances within those classes): antidepressants, antipsychotics, mood stabilizers and other anticonvulsant benzodiazepine and nonbenzodiazepine anxiolytics, sedative hypnotics, stimulants, agents used for the treatment of extrapyramidal symptoms, agents for the treatment of Alzheimer's disease, and any other drugs commonly used to treat mental illness. The state board of psychology may adopt rules under section 4732.46 of the Revised Code specifying the drugs, by name and national drug code, that are included in the classes specified in this division. 3482
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(2) A certificate holder shall not prescribe, personally furnish, or administer an opioid analgesic or long-acting opioid antagonist unless that drug is a medication approved by the United States food and drug administration for the treatment of drug addiction, prevention of relapse of drug addiction, or both. 3494
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(B) Prescribe, personally furnish, and administer the therapeutic devices specified by the state board of psychology in rules adopted under section 4732.46 of the Revised Code. 3500
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(C) Order laboratory tests and procedures that the certificate holder believes are necessary to safely prescribe, personally furnish, or administer the drugs and therapeutic devices specified in divisions (A) and (B) of this section. 3503
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(D) Issue an order that directs either of the following to administer a drug or therapeutic device specified in division 3507
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(A) or (B) of this section to a patient who is under the 3509
certificate holder's care: 3510

(1) A registered nurse; 3511

(2) A licensed practical nurse who is authorized under 3512
section 4723.17 of the Revised Code to administer medications. 3513

Sec. 4732.44. No person who is not a licensed health 3514
professional authorized to prescribe drugs as defined in section 3515
4729.01 of the Revised Code shall prescribe, personally furnish, 3516
or administer the drugs and therapeutic devices specified in 3517
divisions (A) and (B) of section 4732.43 of the Revised Code. 3518

Sec. 4732.45. (A) As used in this section, "drug database" 3519
means the database established and maintained by the state board 3520
of pharmacy pursuant to section 4729.75 of the Revised Code. 3521

(B) Except as provided in divisions (C) and (E) of this 3522
section, a psychologist holding a certificate to prescribe 3523
issued under section 4732.40 of the Revised Code shall comply 3524
with all of the following as conditions of prescribing a drug 3525
that is either a benzodiazepine (as part of a patient's course 3526
of treatment for a particular condition) or an opioid analgesic 3527
(as part of a patient's treatment for drug addiction, prevention 3528
of relapse of drug addiction, or both): 3529

(1) Before initially prescribing the drug, the 3530
psychologist or the psychologist's delegate shall request from 3531
the drug database a report of information related to the patient 3532
that covers at least the twelve months immediately preceding the 3533
date of the request. If the psychologist practices primarily in 3534
a county of this state that adjoins another state, the 3535
psychologist or delegate also shall request a report of any 3536
information available in the drug database that pertains to 3537

prescriptions issued or drugs furnished to the patient in the 3538
state adjoining that county. 3539

(2) If the patient's course of treatment for the condition 3540
continues for more than ninety days after the initial report is 3541
requested, the psychologist or delegate shall make periodic 3542
requests for reports of information from the drug database until 3543
the course of treatment has ended. The requests shall be made at 3544
intervals not exceeding ninety days, determined according to the 3545
date the initial request was made. The request shall be made in 3546
the same manner provided in division (B) (1) of this section for 3547
requesting the initial report of information from the drug 3548
database. 3549

(3) On receipt of a report under division (B) (1) or (2) of 3550
this section, the psychologist shall assess the information in 3551
the report. The psychologist shall document in the patient's 3552
record that the report was received and the information was 3553
assessed. 3554

(C) Division (B) of this section does not apply in any of 3555
the following circumstances: 3556

(1) A drug database report regarding the patient is not 3557
available, in which case the psychologist shall document in the 3558
patient's record the reason that the report is not available. 3559

(2) The drug is prescribed in an amount indicated for a 3560
period not to exceed seven days. 3561

(3) The drug is prescribed for the treatment of cancer or 3562
another condition associated with cancer. 3563

(4) The drug is prescribed to a hospice patient in a 3564
hospice care program, as those terms are defined in section 3565
3712.01 of the Revised Code, or to any other patient diagnosed 3566

as terminally ill. 3567

(5) The drug is prescribed for administration in a 3568
hospital, nursing home, or residential care facility. 3569

(D) The state board of psychology may adopt rules, in 3570
accordance with Chapter 119. of the Revised Code, that establish 3571
standards and procedures to be followed by a psychologist with a 3572
certificate to prescribe issued under section 4732.40 of the 3573
Revised Code regarding the review of patient information 3574
available through the drug database under division (A) (5) of 3575
section 4729.80 of the Revised Code. The rules shall be adopted 3576
in accordance with Chapter 119. of the Revised Code. 3577

(E) This section and any rules adopted under it do not 3578
apply if the state board of pharmacy no longer maintains the 3579
drug database. 3580

Sec. 4732.46. (A) The state board of psychology, in 3581
accordance with Chapter 119. of the Revised Code, shall adopt 3582
rules to administer and enforce sections 4732.40 to 4732.45 of 3583
the Revised Code. The rules shall establish or specify all of 3584
the following: 3585

(1) For purposes of division (A) (1) of section 4732.41 of 3586
the Revised Code and subject to section 4732.47 of the Revised 3587
Code, standards for approval of courses of study in clinical 3588
psychopharmacology; 3589

(2) For purposes of division (A) (2) of section 4732.41 of 3590
the Revised Code, the practitioners who are qualified to 3591
supervise a psychologist during a period of clinical supervision 3592
in the psychopharmacological treatment of diverse patient 3593
populations and the duration of that period; 3594

(3) For purposes of division (A) of section 4732.42 of the 3595

Revised Code, procedures and a schedule for renewing a 3596
certificate to prescribe; 3597

(4) For purposes of division (B) (1) of section 4732.42 of 3598
the Revised Code, the number of hours of continuing education a 3599
certificate holder must complete if the certificate has been 3600
held for less than a full renewal cycle; 3601

(5) For purposes of division (B) (2) of section 4732.42 of 3602
the Revised Code, the fee required to renew a certificate to 3603
prescribe; 3604

(6) For purposes of division (B) (3) of section 4732.42 of 3605
the Revised Code, any additional information the board requires 3606
to renew a certificate to prescribe; 3607

(7) For purposes of division (B) of section 4732.43 of the 3608
Revised Code, the therapeutic devices a psychologist may 3609
prescribe, personally furnish, and administer under a 3610
certificate to prescribe. 3611

(B) The board may adopt rules to specify the drugs, by 3612
name and national drug code, that are included in the classes of 3613
drugs that a certificate holder may prescribe, personally 3614
furnish, or administer under division (A) of section 4732.43 of 3615
the Revised Code. 3616

Sec. 4732.47. When adopting standards for approval of 3617
courses of study in clinical psychopharmacology under section 3618
4732.46 of the Revised Code, the board shall require a course of 3619
study to include instruction in basic life sciences, 3620
neurosciences, clinical and research pharmacology and 3621
psychopharmacology, clinical medicine and pathophysiology, 3622
physical assessment and laboratory examinations, clinical 3623
pharmacotherapeutics, research, and professional, ethical, and 3624

legal issues. The total length of the course of study shall not 3625
be less than four hundred twenty-five contact hours. 3626

Sec. 5123.47. (A) As used in this section: 3627

(1) "In-home care" means the supportive services provided 3628
within the home of an individual with a developmental disability 3629
who receives funding for the services through a county board of 3630
developmental disabilities, including any recipient of 3631
residential services funded as home and community-based 3632
services, family support services provided under section 5126.11 3633
of the Revised Code, or supported living provided in accordance 3634
with sections 5126.41 to 5126.47 of the Revised Code. "In-home 3635
care" includes care that is provided outside an individual's 3636
home in places incidental to the home, and while traveling to 3637
places incidental to the home, except that "in-home care" does 3638
not include care provided in the facilities of a county board of 3639
developmental disabilities or care provided in schools. 3640

(2) "Parent" means either parent of a child, including an 3641
adoptive parent but not a foster parent. 3642

(3) "Unlicensed in-home care worker" means an individual 3643
who provides in-home care but is not a health care professional. 3644

(4) "Family member" means a parent, sibling, spouse, son, 3645
daughter, grandparent, aunt, uncle, cousin, or guardian of the 3646
individual with a developmental disability if the individual 3647
with a developmental disability lives with the person and is 3648
dependent on the person to the extent that, if the supports were 3649
withdrawn, another living arrangement would have to be found. 3650

(5) "Health care professional" means any of the following: 3651

(a) A dentist who holds a valid license issued under 3652
Chapter 4715. of the Revised Code; 3653

- (b) A registered or licensed practical nurse who holds a valid license issued under Chapter 4723. of the Revised Code; 3654
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- (c) An optometrist who holds a valid license issued under Chapter 4725. of the Revised Code; 3656
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- (d) A pharmacist who holds a valid license issued under Chapter 4729. of the Revised Code; 3658
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- (e) A person who holds a valid certificate issued under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited brand of medicine; 3660
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- (f) A physician assistant who holds a valid license issued under Chapter 4730. of the Revised Code; 3664
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- (g) A psychologist who holds a certificate to prescribe issued under section 4732.40 of the Revised Code; 3666
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- (h) An occupational therapist or occupational therapy assistant or a physical therapist or physical therapist assistant who holds a valid license issued under Chapter 4755. of the Revised Code; 3668
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- ~~(h)~~ (i) A respiratory care professional who holds a valid license issued under Chapter 4761. of the Revised Code. 3672
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- (6) "Health care task" means a task that is prescribed, ordered, delegated, or otherwise directed by a health care professional acting within the scope of the professional's practice. "Health care task" includes the administration of oral and topical prescribed medications; administration of nutrition and medications through gastrostomy and jejunostomy tubes that are stable and labeled; administration of oxygen and metered dose inhaled medications; administration of insulin through 3674
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subcutaneous injections, inhalation, and insulin pumps; and 3682
administration of prescribed medications for the treatment of 3683
metabolic glyceemic disorders through subcutaneous injections. 3684

(B) Except as provided in division (E) of this section, a 3685
family member of an individual with a developmental disability 3686
may authorize an unlicensed in-home care worker to perform 3687
health care tasks as part of the in-home care the worker 3688
provides to the individual, if all of the following apply: 3689

(1) The family member is the primary supervisor of the 3690
care. 3691

(2) The unlicensed in-home care worker has been selected 3692
by the family member or the individual receiving care and is 3693
under the direct supervision of the family member. 3694

(3) The unlicensed in-home care worker is providing the 3695
care through an employment or other arrangement entered into 3696
directly with the family member and is not otherwise employed by 3697
or under contract with a person or government entity to provide 3698
services to individuals with developmental disabilities. 3699

(4) The health care task is completed in accordance with 3700
standard, written instructions. 3701

(5) Performance of the health care task requires no 3702
judgment based on specialized health care knowledge or 3703
expertise. 3704

(6) The outcome of the health care task is reasonably 3705
predictable. 3706

(7) Performance of the health care task requires no 3707
complex observation of the individual receiving the care. 3708

(8) Improper performance of the health care task will 3709

result in only minimal complications that are not life- 3710
threatening. 3711

(C) A family member shall obtain a prescription, if 3712
applicable, and written instructions from a health care 3713
professional for the care to be provided to the individual. The 3714
family member shall authorize the unlicensed in-home care worker 3715
to provide the care by preparing a written document granting the 3716
authority. The family member shall provide the unlicensed in- 3717
home care worker with appropriate training and written 3718
instructions in accordance with the instructions obtained from 3719
the health care professional. The family member or a health care 3720
professional shall be available to communicate with the 3721
unlicensed in-home care worker either in person or by 3722
telecommunication while the in-home care worker performs a 3723
health care task. 3724

(D) A family member who authorizes an unlicensed in-home 3725
care worker to administer oral and topical prescribed 3726
medications or perform other health care tasks retains full 3727
responsibility for the health and safety of the individual 3728
receiving the care and for ensuring that the worker provides the 3729
care appropriately and safely. No entity that funds or monitors 3730
the provision of in-home care may be held liable for the results 3731
of the care provided under this section by an unlicensed in-home 3732
care worker, including such entities as the county board of 3733
developmental disabilities and the department of developmental 3734
disabilities. 3735

An unlicensed in-home care worker who is authorized under 3736
this section by a family member to provide care to an individual 3737
may not be held liable for any injury caused in providing the 3738
care, unless the worker provides the care in a manner that is 3739

not in accordance with the training and instructions received or 3740
the worker acts in a manner that constitutes willful or wanton 3741
misconduct. 3742

(E) A county board of developmental disabilities may 3743
evaluate the authority granted by a family member under this 3744
section to an unlicensed in-home care worker at any time it 3745
considers necessary and shall evaluate the authority on receipt 3746
of a complaint. If the board determines that a family member has 3747
acted in a manner that is inappropriate for the health and 3748
safety of the individual receiving the care, the authorization 3749
granted by the family member to an unlicensed in-home care 3750
worker is void, and the family member may not authorize other 3751
unlicensed in-home care workers to provide the care. In making 3752
such a determination, the board shall use appropriately licensed 3753
health care professionals and shall provide the family member an 3754
opportunity to file a complaint under section 5126.06 of the 3755
Revised Code. 3756

Section 2. That existing sections 2925.02, 2925.03, 3757
2925.11, 2925.12, 2925.14, 2925.23, 2925.36, 3701.048, 3715.872, 3758
3719.06, 3719.12, 3719.121, 3719.81, 3795.01, 4723.01, 4729.01, 3759
4729.51, 4731.054, 4732.01, 4732.17, 4732.20, and 5123.47 of the 3760
Revised Code are hereby repealed. 3761

Section 3. The General Assembly, applying the principle 3762
stated in division (B) of section 1.52 of the Revised Code that 3763
amendments are to be harmonized if reasonably capable of 3764
simultaneous operation, finds that the following sections, 3765
presented in this act as composites of the sections as amended 3766
by the acts indicated, are the resulting versions of the 3767
sections in effect prior to the effective date of the sections 3768
as presented in this act: 3769

Section 2825.03 of the Revised Code is presented in this 3770
act as a composite of the section as amended by Am. Sub. H.B. 3771
64, H.B. 171, and Sub. S.B. 204 all of the 132nd General 3772
Assembly. 3773

Section 2825.11 of the Revised Code is presented in this 3774
act as a composite of the section as amended by Sub. H.B. 110, 3775
H.B. 171, and Sub. S.B. 204 all of the 132nd General Assembly. 3776

Section 3719.121 of the Revised Code is presented in this 3777
act as a composite of the section as amended by both Sub. H.B. 3778
216 and Sub. S.B. 319 of the 132nd General Assembly. 3779

Section 4729.01 of the Revised Code is presented in this 3780
act as a composite of the section as amended by Sub. H.B. 216, 3781
Sub. H.B. 290, Sub. H.B. 505, and Sub. S.B. 332, all of the 3782
131st General Assembly. 3783

Section 4729.51 of the Revised Code is presented in this 3784
act as a composite of the section as amended by both Sub. H.B. 3785
290 and Sub. S.B. 319 of the 131st General Assembly. 3786

Section 5123.47 of the Revised Code is presented in this 3787
act as a composite of the section as amended by both Sub. H.B. 3788
158 and Am. Sub. H.B. 483 of the 132nd General Assembly. 3789