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Am. Sub. S. B. No. 1

Senator LaRose

Cosponsors: Senators Gardner, Hoagland, Bacon, Hottinger, Beagle, Oelslager, Yuko, Hite, Eklund, Manning, Burke, Terhar, Hackett, O'Brien, Balderson, Huffman, Kunze, Lehner, Obhof, Peterson, Uecker, Wilson

A BILL

To amend sections 2925.01, 2925.02, 2925.03, 1
2925.04, 2925.05, 2925.11, 2925.13, 2925.36, 2
2929.01, 2929.13, 2929.14, 2941.1410, 3719.41, 3
3719.99, and 4729.99 of the Revised Code to 4
increase penalties for drug trafficking 5
violations, drug possession violations, and 6
aggravated funding of drug trafficking when the 7
drug involved in the offense is a fentanyl- 8
related compound, except for drug possession 9
violations when the fentanyl-related compound is 10
combined with marihuana or a Schedule III, IV, 11
or V controlled substance and the total amount 12
of the combination drug is less than 40 unit 13
doses or 4 grams and the offender did not know 14
of the fentanyl content; to revise the manner of 15
determining sentence for certain violations of 16
the offense of permitting drug abuse; and to add 17
lisdexamfetamine to the list of schedule II 18
controlled substances. 19

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

Section 1. That sections 2925.01, 2925.02, 2925.03, 20
2925.04, 2925.05, 2925.11, 2925.13, 2925.36, 2929.01, 2929.13, 21
2929.14, 2941.1410, 3719.41, 3719.99, and 4729.99 of the Revised 22
Code be amended to read as follows: 23

Sec. 2925.01. As used in this chapter: 24

(A) "Administer," "controlled substance," "controlled 25
substance analog," "dispense," "distribute," "hypodermic," 26
"manufacturer," "official written order," "person," 27
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 28
"schedule III," "schedule IV," "schedule V," and "wholesaler" 29
have the same meanings as in section 3719.01 of the Revised 30
Code. 31

(B) "Drug dependent person" and "drug of abuse" have the 32
same meanings as in section 3719.011 of the Revised Code. 33

(C) "Drug," "dangerous drug," "licensed health 34
professional authorized to prescribe drugs," and "prescription" 35
have the same meanings as in section 4729.01 of the Revised 36
Code. 37

(D) "Bulk amount" of a controlled substance means any of 38
the following: 39

(1) For any compound, mixture, preparation, or substance 40
included in schedule I, schedule II, or schedule III, with the 41
exception of any controlled substance-analog, marihuana, 42
cocaine, L.S.D., heroin, any fentanyl-related compound, and 43
hashish and except as provided in division (D) (2) ~~or~~, (5), or 44
(6) of this section, whichever of the following is applicable: 45

(a) An amount equal to or exceeding ten grams or twenty- 46
five unit doses of a compound, mixture, preparation, or 47
substance that is or contains any amount of a schedule I opiate 48

or opium derivative; 49

(b) An amount equal to or exceeding ten grams of a 50
compound, mixture, preparation, or substance that is or contains 51
any amount of raw or gum opium; 52

(c) An amount equal to or exceeding thirty grams or ten 53
unit doses of a compound, mixture, preparation, or substance 54
that is or contains any amount of a schedule I hallucinogen 55
other than tetrahydrocannabinol or lysergic acid amide, or a 56
schedule I stimulant or depressant; 57

(d) An amount equal to or exceeding twentygrams or five 58
times the maximum daily dose in the usual dose range specified 59
in a standard pharmaceutical reference manual of a compound, 60
mixture, preparation, or substance that is or contains any 61
amount of a schedule II opiate or opium derivative; 62

(e) An amount equal to or exceeding five grams or ten unit 63
doses of a compound, mixture, preparation, or substance that is 64
or contains any amount of phencyclidine; 65

(f) An amount equal to or exceeding one hundred twenty 66
grams or thirty times the maximum daily dose in the usual dose 67
range specified in a standard pharmaceutical reference manual of 68
a compound, mixture, preparation, or substance that is or 69
contains any amount of a schedule II stimulant that is in a 70
final dosage form manufactured by a person authorized by the 71
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 72
U.S.C.A. 301, as amended, and the federal drug abuse control 73
laws, as defined in section 3719.01 of the Revised Code, that is 74
or contains any amount of a schedule II depressant substance or 75
a schedule II hallucinogenic substance; 76

(g) An amount equal to or exceeding three grams of a 77

compound, mixture, preparation, or substance that is or contains 78
any amount of a schedule II stimulant, or any of its salts or 79
isomers, that is not in a final dosage form manufactured by a 80
person authorized by the Federal Food, Drug, and Cosmetic Act 81
and the federal drug abuse control laws. 82

(2) An amount equal to or exceeding one hundred twenty 83
grams or thirty times the maximum daily dose in the usual dose 84
range specified in a standard pharmaceutical reference manual of 85
a compound, mixture, preparation, or substance that is or 86
contains any amount of a schedule III or IV substance other than 87
an anabolic steroid or a schedule III opiate or opium 88
derivative; 89

(3) An amount equal to or exceeding twenty grams or five 90
times the maximum daily dose in the usual dose range specified 91
in a standard pharmaceutical reference manual of a compound, 92
mixture, preparation, or substance that is or contains any 93
amount of a schedule III opiate or opium derivative; 94

(4) An amount equal to or exceeding two hundred fifty 95
milliliters or two hundred fifty grams of a compound, mixture, 96
preparation, or substance that is or contains any amount of a 97
schedule V substance; 98

(5) An amount equal to or exceeding two hundred solid 99
dosage units, sixteen grams, or sixteen milliliters of a 100
compound, mixture, preparation, or substance that is or contains 101
any amount of a schedule III anabolic steroid; 102

(6) For any compound, mixture, preparation, or substance 103
that is a combination of a fentanyl-related compound and any 104
other compound, mixture, preparation, or substance included in 105
schedule III, schedule IV, or schedule V, if the total amount of 106

the combination drug involved is less than forty unit doses or 107
is less than four grams, the bulk amount of the controlled 108
substance for purposes of a violation of section 2925.11 of the 109
Revised Code is the amount specified in division (D) (1), (2), 110
(3), (4), or (5) of this section for the other schedule III, IV, 111
or V controlled substance that is combined with the fentanyl- 112
related compound. 113

(E) "Unit dose" means an amount or unit of a compound, 114
mixture, or preparation containing a controlled substance that 115
is separately identifiable and in a form that indicates that it 116
is the amount or unit by which the controlled substance is 117
separately administered to or taken by an individual. 118

(F) "Cultivate" includes planting, watering, fertilizing, 119
or tilling. 120

(G) "Drug abuse offense" means any of the following: 121

(1) A violation of division (A) of section 2913.02 that 122
constitutes theft of drugs, or a violation of section 2925.02, 123
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 124
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 125
or 2925.37 of the Revised Code; 126

(2) A violation of an existing or former law of this or 127
any other state or of the United States that is substantially 128
equivalent to any section listed in division (G) (1) of this 129
section; 130

(3) An offense under an existing or former law of this or 131
any other state, or of the United States, of which planting, 132
cultivating, harvesting, processing, making, manufacturing, 133
producing, shipping, transporting, delivering, acquiring, 134
possessing, storing, distributing, dispensing, selling, inducing 135

another to use, administering to another, using, or otherwise	136
dealing with a controlled substance is an element;	137
(4) A conspiracy to commit, attempt to commit, or	138
complicity in committing or attempting to commit any offense	139
under division (G) (1), (2), or (3) of this section.	140
(H) "Felony drug abuse offense" means any drug abuse	141
offense that would constitute a felony under the laws of this	142
state, any other state, or the United States.	143
(I) "Harmful intoxicant" does not include beer or	144
intoxicating liquor but means any of the following:	145
(1) Any compound, mixture, preparation, or substance the	146
gas, fumes, or vapor of which when inhaled can induce	147
intoxication, excitement, giddiness, irrational behavior,	148
depression, stupefaction, paralysis, unconsciousness,	149
asphyxiation, or other harmful physiological effects, and	150
includes, but is not limited to, any of the following:	151
(a) Any volatile organic solvent, plastic cement, model	152
cement, fingernail polish remover, lacquer thinner, cleaning	153
fluid, gasoline, or other preparation containing a volatile	154
organic solvent;	155
(b) Any aerosol propellant;	156
(c) Any fluorocarbon refrigerant;	157
(d) Any anesthetic gas.	158
(2) Gamma Butyrolactone;	159
(3) 1,4 Butanediol.	160
(J) "Manufacture" means to plant, cultivate, harvest,	161
process, make, prepare, or otherwise engage in any part of the	162

production of a drug, by propagation, extraction, chemical 163
synthesis, or compounding, or any combination of the same, and 164
includes packaging, repackaging, labeling, and other activities 165
incident to production. 166

(K) "Possess" or "possession" means having control over a 167
thing or substance, but may not be inferred solely from mere 168
access to the thing or substance through ownership or occupation 169
of the premises upon which the thing or substance is found. 170

(L) "Sample drug" means a drug or pharmaceutical 171
preparation that would be hazardous to health or safety if used 172
without the supervision of a licensed health professional 173
authorized to prescribe drugs, or a drug of abuse, and that, at 174
one time, had been placed in a container plainly marked as a 175
sample by a manufacturer. 176

(M) "Standard pharmaceutical reference manual" means the 177
current edition, with cumulative changes if any, of references 178
that are approved by the state board of pharmacy. 179

(N) "Juvenile" means a person under eighteen years of age. 180

(O) "Counterfeit controlled substance" means any of the 181
following: 182

(1) Any drug that bears, or whose container or label 183
bears, a trademark, trade name, or other identifying mark used 184
without authorization of the owner of rights to that trademark, 185
trade name, or identifying mark; 186

(2) Any unmarked or unlabeled substance that is 187
represented to be a controlled substance manufactured, 188
processed, packed, or distributed by a person other than the 189
person that manufactured, processed, packed, or distributed it; 190

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance; 191
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(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale. 194
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(P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises. 199
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(Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a criminal offense is committed. 206
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(R) "School premises" means either of the following: 213

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed; 214
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(2) Any other parcel of real property that is owned or 219

leased by a board of education of a school, the governing 220
authority of a community school established under Chapter 3314. 221
of the Revised Code, or the governing body of a nonpublic school 222
for which the state board of education prescribes minimum 223
standards under section 3301.07 of the Revised Code and on which 224
some of the instruction, extracurricular activities, or training 225
of the school is conducted, whether or not any instruction, 226
extracurricular activities, or training provided by the school 227
is being conducted on the parcel of real property at the time a 228
criminal offense is committed. 229

(S) "School building" means any building in which any of 230
the instruction, extracurricular activities, or training 231
provided by a school is conducted, whether or not any 232
instruction, extracurricular activities, or training provided by 233
the school is being conducted in the school building at the time 234
a criminal offense is committed. 235

(T) "Disciplinary counsel" means the disciplinary counsel 236
appointed by the board of commissioners on grievances and 237
discipline of the supreme court under the Rules for the 238
Government of the Bar of Ohio. 239

(U) "Certified grievance committee" means a duly 240
constituted and organized committee of the Ohio state bar 241
association or of one or more local bar associations of the 242
state of Ohio that complies with the criteria set forth in Rule 243
V, section 6 of the Rules for the Government of the Bar of Ohio. 244

(V) "Professional license" means any license, permit, 245
certificate, registration, qualification, admission, temporary 246
license, temporary permit, temporary certificate, or temporary 247
registration that is described in divisions (W)(1) to (36) of 248
this section and that qualifies a person as a professionally 249

licensed person.	250
(W) "Professionally licensed person" means any of the	251
following:	252
(1) A person who has obtained a license as a manufacturer	253
of controlled substances or a wholesaler of controlled	254
substances under Chapter 3719. of the Revised Code;	255
(2) A person who has received a certificate or temporary	256
certificate as a certified public accountant or who has	257
registered as a public accountant under Chapter 4701. of the	258
Revised Code and who holds an Ohio permit issued under that	259
chapter;	260
(3) A person who holds a certificate of qualification to	261
practice architecture issued or renewed and registered under	262
Chapter 4703. of the Revised Code;	263
(4) A person who is registered as a landscape architect	264
under Chapter 4703. of the Revised Code or who holds a permit as	265
a landscape architect issued under that chapter;	266
(5) A person licensed under Chapter 4707. of the Revised	267
Code;	268
(6) A person who has been issued a certificate of	269
registration as a registered barber under Chapter 4709. of the	270
Revised Code;	271
(7) A person licensed and regulated to engage in the	272
business of a debt pooling company by a legislative authority,	273
under authority of Chapter 4710. of the Revised Code;	274
(8) A person who has been issued a cosmetologist's	275
license, hair designer's license, manicurist's license,	276
esthetician's license, natural hair stylist's license, advanced	277

cosmetologist's license, advanced hair designer's license,	278
advanced manicurist's license, advanced esthetician's license,	279
advanced natural hair stylist's license, cosmetology	280
instructor's license, hair design instructor's license,	281
manicurist instructor's license, esthetics instructor's license,	282
natural hair style instructor's license, independent	283
contractor's license, or tanning facility permit under Chapter	284
4713. of the Revised Code;	285
(9) A person who has been issued a license to practice	286
dentistry, a general anesthesia permit, a conscious intravenous	287
sedation permit, a limited resident's license, a limited	288
teaching license, a dental hygienist's license, or a dental	289
hygienist's teacher's certificate under Chapter 4715. of the	290
Revised Code;	291
(10) A person who has been issued an embalmer's license, a	292
funeral director's license, a funeral home license, or a	293
crematory license, or who has been registered for an embalmer's	294
or funeral director's apprenticeship under Chapter 4717. of the	295
Revised Code;	296
(11) A person who has been licensed as a registered nurse	297
or practical nurse, or who has been issued a certificate for the	298
practice of nurse-midwifery under Chapter 4723. of the Revised	299
Code;	300
(12) A person who has been licensed to practice optometry	301
or to engage in optical dispensing under Chapter 4725. of the	302
Revised Code;	303
(13) A person licensed to act as a pawnbroker under	304
Chapter 4727. of the Revised Code;	305
(14) A person licensed to act as a precious metals dealer	306

under Chapter 4728. of the Revised Code;	307
(15) A person licensed as a pharmacist, a pharmacy intern,	308
a wholesale distributor of dangerous drugs, or a terminal	309
distributor of dangerous drugs under Chapter 4729. of the	310
Revised Code;	311
(16) A person who is authorized to practice as a physician	312
assistant under Chapter 4730. of the Revised Code;	313
(17) A person who has been issued a certificate to	314
practice medicine and surgery, osteopathic medicine and surgery,	315
a limited branch of medicine, or podiatry under Chapter 4731. of	316
the Revised Code;	317
(18) A person licensed as a psychologist or school	318
psychologist under Chapter 4732. of the Revised Code;	319
(19) A person registered to practice the profession of	320
engineering or surveying under Chapter 4733. of the Revised	321
Code;	322
(20) A person who has been issued a license to practice	323
chiropractic under Chapter 4734. of the Revised Code;	324
(21) A person licensed to act as a real estate broker or	325
real estate salesperson under Chapter 4735. of the Revised Code;	326
(22) A person registered as a registered sanitarian under	327
Chapter 4736. of the Revised Code;	328
(23) A person licensed to operate or maintain a junkyard	329
under Chapter 4737. of the Revised Code;	330
(24) A person who has been issued a motor vehicle salvage	331
dealer's license under Chapter 4738. of the Revised Code;	332
(25) A person who has been licensed to act as a steam	333

engineer under Chapter 4739. of the Revised Code;	334
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	335 336 337 338
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	339 340 341
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	342 343 344
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	345 346 347
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	348 349 350
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	351 352 353
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	354 355 356 357 358 359
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	360 361

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public

accommodation, business, amusement, or resort. 418

(II) "Methamphetamine" means methamphetamine, any salt, 419
isomer, or salt of an isomer of methamphetamine, or any 420
compound, mixture, preparation, or substance containing 421
methamphetamine or any salt, isomer, or salt of an isomer of 422
methamphetamine. 423

(JJ) "Lawful prescription" means a prescription that is 424
issued for a legitimate medical purpose by a licensed health 425
professional authorized to prescribe drugs, that is not altered 426
or forged, and that was not obtained by means of deception or by 427
the commission of any theft offense. 428

(KK) "Deception" and "theft offense" have the same 429
meanings as in section 2913.01 of the Revised Code. 430

(LL) "Fentanyl-related compound" means any of the 431
following: 432

(1) Fentanyl; 433

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 434
phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2- 435
phenylethyl)-4-(N-propanilido) piperidine); 436

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2- 437
thienyl)ethyl-4-piperidinyl]-N- phenylpropanamide); 438

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- 439
piperidinyl]-N- phenylpropanamide); 440

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- 441
hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N- 442
phenylpropanamide); 443

(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4- 444

<u>piperidyl]-N- phenylpropanamide);</u>	445
<u>(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-</u>	446
<u>(thienyl)ethyl]-4-piperidinyl]-N- phenylpropanamide);</u>	447
<u>(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-</u>	448
<u>phenethyl)-4-piperidinyl]propanamide;</u>	449
<u>(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-</u>	450
<u>piperidinyl]-propanamide;</u>	451
<u>(10) Alfentanil;</u>	452
<u>(11) Carfentanil;</u>	453
<u>(12) Remifentanil;</u>	454
<u>(13) Sufentanil;</u>	455
<u>(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-</u>	456
<u>phenethyl)-4-piperidinyl]-N-phenylacetamide); and</u>	457
<u>(15) A schedule I narcotic-opiate that meets the fentanyl</u>	458
<u>pharmacophore requirements specified in division (A) (56) of</u>	459
<u>section 3719.41 of the Revised Code, including acetylfentanyl,</u>	460
<u>furanylfentanyl, valerylfentanyl, butyrylfentanyl,</u>	461
<u>isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-</u>	462
<u>fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl.</u>	463
Sec. 2925.02. (A) No person shall knowingly do any of the	464
following:	465
(1) By force, threat, or deception, administer to another	466
or induce or cause another to use a controlled substance;	467
(2) By any means, administer or furnish to another or	468
induce or cause another to use a controlled substance with	469
purpose to cause serious physical harm to the other person, or	470
with purpose to cause the other person to become drug dependent;	471

(3) By any means, administer or furnish to another or 472
induce or cause another to use a controlled substance, and 473
thereby cause serious physical harm to the other person, or 474
cause the other person to become drug dependent; 475

(4) By any means, do any of the following: 476

(a) Furnish or administer a controlled substance to a 477
juvenile who is at least two years the offender's junior, when 478
the offender knows the age of the juvenile or is reckless in 479
that regard; 480

(b) Induce or cause a juvenile who is at least two years 481
the offender's junior to use a controlled substance, when the 482
offender knows the age of the juvenile or is reckless in that 483
regard; 484

(c) Induce or cause a juvenile who is at least two years 485
the offender's junior to commit a felony drug abuse offense, 486
when the offender knows the age of the juvenile or is reckless 487
in that regard; 488

(d) Use a juvenile, whether or not the offender knows the 489
age of the juvenile, to perform any surveillance activity that 490
is intended to prevent the detection of the offender or any 491
other person in the commission of a felony drug abuse offense or 492
to prevent the arrest of the offender or any other person for 493
the commission of a felony drug abuse offense. 494

(5) By any means, furnish or administer a controlled 495
substance to a pregnant woman or induce or cause a pregnant 496
woman to use a controlled substance, when the offender knows 497
that the woman is pregnant or is reckless in that regard. 498

(B) Division (A) (1), (3), (4), or (5) of this section does 499
not apply to manufacturers, wholesalers, licensed health 500

professionals authorized to prescribe drugs, pharmacists, owners 501
of pharmacies, and other persons whose conduct is in accordance 502
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 503
4741. of the Revised Code. 504

(C) Whoever violates this section is guilty of corrupting 505
another with drugs. The penalty for the offense shall be 506
determined as follows: 507

(1) If the offense is a violation of division (A) (1), (2), 508
(3), or (4) of this section and the drug involved is any 509
compound, mixture, preparation, or substance included in 510
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 511
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 512
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 513
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 514
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 515
offender shall be punished as follows: 516

(a) Except as otherwise provided in division (C) (1) (b) of 517
this section, corrupting another with drugs committed in those 518
circumstances is a felony of the second degree and, subject to 519
division (E) of this section, the court shall impose as a 520
mandatory prison term one of the prison terms prescribed for a 521
felony of the second degree. 522

(b) If the offense was committed in the vicinity of a 523
school, corrupting another with drugs committed in those 524
circumstances is a felony of the first degree, and, subject to 525
division (E) of this section, the court shall impose as a 526
mandatory prison term one of the prison terms prescribed for a 527
felony of the first degree. 528

(2) If the offense is a violation of division (A) (1), (2), 529

(3), or (4) of this section and the drug involved is any 530
compound, mixture, preparation, or substance included in 531
schedule III, IV, or V, the offender shall be punished as 532
follows: 533

(a) Except as otherwise provided in division (C) (2) (b) of 534
this section, corrupting another with drugs committed in those 535
circumstances is a felony of the second degree and there is a 536
presumption for a prison term for the offense. 537

(b) If the offense was committed in the vicinity of a 538
school, corrupting another with drugs committed in those 539
circumstances is a felony of the second degree and the court 540
shall impose as a mandatory prison term one of the prison terms 541
prescribed for a felony of the second degree. 542

(3) If the offense is a violation of division (A) (1), (2), 543
(3), or (4) of this section and the drug involved is marihuana, 544
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 545
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 546
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 547
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 548
offender shall be punished as follows: 549

(a) Except as otherwise provided in division (C) (3) (b) of 550
this section, corrupting another with drugs committed in those 551
circumstances is a felony of the fourth degree and division (C) 552
of section 2929.13 of the Revised Code applies in determining 553
whether to impose a prison term on the offender. 554

(b) If the offense was committed in the vicinity of a 555
school, corrupting another with drugs committed in those 556
circumstances is a felony of the third degree and division (C) 557
of section 2929.13 of the Revised Code applies in determining 558

whether to impose a prison term on the offender. 559

(4) If the offense is a violation of division (A) (5) of 560
this section and the drug involved is any compound, mixture, 561
preparation, or substance included in schedule I or II, with the 562
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 563
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 564
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 565
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 566
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 567
felony of the first degree and, subject to division (E) of this 568
section, the court shall impose as a mandatory prison term one 569
of the prison terms prescribed for a felony of the first degree. 570

(5) If the offense is a violation of division (A) (5) of 571
this section and the drug involved is any compound, mixture, 572
preparation, or substance included in schedule III, IV, or V, 573
corrupting another with drugs is a felony of the second degree 574
and the court shall impose as a mandatory prison term one of the 575
prison terms prescribed for a felony of the second degree. 576

(6) If the offense is a violation of division (A) (5) of 577
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 578
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 579
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 580
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 581
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 582
corrupting another with drugs is a felony of the third degree 583
and division (C) of section 2929.13 of the Revised Code applies 584
in determining whether to impose a prison term on the offender. 585

(D) In addition to any prison term authorized or required 586
by division (C) or (E) of this section and sections 2929.13 and 587
2929.14 of the Revised Code and in addition to any other 588

sanction imposed for the offense under this section or sections 589
2929.11 to 2929.18 of the Revised Code, the court that sentences 590
an offender who is convicted of or pleads guilty to a violation 591
of division (A) of this section may suspend for not more than 592
five years the offender's driver's or commercial driver's 593
license or permit. However, if the offender pleaded guilty to or 594
was convicted of a violation of section 4511.19 of the Revised 595
Code or a substantially similar municipal ordinance or the law 596
of another state or the United States arising out of the same 597
set of circumstances as the violation, the court shall suspend 598
the offender's driver's or commercial driver's license or permit 599
for not more than five years. The court also shall do all of the 600
following that are applicable regarding the offender: 601

(1) (a) If the violation is a felony of the first, second, 602
or third degree, the court shall impose upon the offender the 603
mandatory fine specified for the offense under division (B) (1) 604
of section 2929.18 of the Revised Code unless, as specified in 605
that division, the court determines that the offender is 606
indigent. 607

(b) Notwithstanding any contrary provision of section 608
3719.21 of the Revised Code, any mandatory fine imposed pursuant 609
to division (D) (1) (a) of this section and any fine imposed for a 610
violation of this section pursuant to division (A) of section 611
2929.18 of the Revised Code shall be paid by the clerk of the 612
court in accordance with and subject to the requirements of, and 613
shall be used as specified in, division (F) of section 2925.03 614
of the Revised Code. 615

(c) If a person is charged with any violation of this 616
section that is a felony of the first, second, or third degree, 617
posts bail, and forfeits the bail, the forfeited bail shall be 618

paid by the clerk of the court pursuant to division (D) (1) (b) of 619
this section as if it were a fine imposed for a violation of 620
this section. 621

(2) If the offender is a professionally licensed person, 622
in addition to any other sanction imposed for a violation of 623
this section, the court immediately shall comply with section 624
2925.38 of the Revised Code. 625

(E) Notwithstanding the prison term otherwise authorized 626
or required for the offense under division (C) of this section 627
and sections 2929.13 and 2929.14 of the Revised Code, if the 628
violation of division (A) of this section involves the sale, 629
offer to sell, or possession of a schedule I or II controlled 630
substance, with the exception of marihuana, 1-Pentyl-3-(1- 631
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 632
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 633
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 634
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 635
if the court imposing sentence upon the offender finds that the 636
offender as a result of the violation is a major drug offender 637
and is guilty of a specification of the type described in 638
division (A) of section 2941.1410 of the Revised Code, the 639
court, in lieu of the prison term that otherwise is authorized 640
or required, shall impose upon the offender the mandatory prison 641
term specified in division (B) (3) (a) of section 2929.14 of the 642
Revised Code. 643

(F) (1) If the sentencing court suspends the offender's 644
driver's or commercial driver's license or permit under division 645
(D) of this section, the offender, at any time after the 646
expiration of two years from the day on which the offender's 647
sentence was imposed or from the day on which the offender 648

finally was released from a prison term under the sentence, 649
whichever is later, may file a motion with the sentencing court 650
requesting termination of the suspension. Upon the filing of the 651
motion and the court's finding of good cause for the 652
determination, the court may terminate the suspension. 653

(2) Any offender who received a mandatory suspension of 654
the offender's driver's or commercial driver's license or permit 655
under this section prior to ~~the effective date of this amendment~~ 656
September 13, 2016, may file a motion with the sentencing court 657
requesting the termination of the suspension. However, an 658
offender who pleaded guilty to or was convicted of a violation 659
of section 4511.19 of the Revised Code or a substantially 660
similar municipal ordinance or law of another state or the 661
United States that arose out of the same set of circumstances as 662
the violation for which the offender's license or permit was 663
suspended under this section shall not file such a motion. 664

Upon the filing of a motion under division (F) (2) of this 665
section, the sentencing court, in its discretion, may terminate 666
the suspension. 667

Sec. 2925.03. (A) No person shall knowingly do any of the 668
following: 669

(1) Sell or offer to sell a controlled substance or a 670
controlled substance analog; 671

(2) Prepare for shipment, ship, transport, deliver, 672
prepare for distribution, or distribute a controlled substance 673
or a controlled substance analog, when the offender knows or has 674
reasonable cause to believe that the controlled substance or a 675
controlled substance analog is intended for sale or resale by 676
the offender or another person. 677

(B) This section does not apply to any of the following: 678

(1) Manufacturers, licensed health professionals 679
authorized to prescribe drugs, pharmacists, owners of 680
pharmacies, and other persons whose conduct is in accordance 681
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 682
4741. of the Revised Code; 683

(2) If the offense involves an anabolic steroid, any 684
person who is conducting or participating in a research project 685
involving the use of an anabolic steroid if the project has been 686
approved by the United States food and drug administration; 687

(3) Any person who sells, offers for sale, prescribes, 688
dispenses, or administers for livestock or other nonhuman 689
species an anabolic steroid that is expressly intended for 690
administration through implants to livestock or other nonhuman 691
species and approved for that purpose under the "Federal Food, 692
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 693
as amended, and is sold, offered for sale, prescribed, 694
dispensed, or administered for that purpose in accordance with 695
that act. 696

(C) Whoever violates division (A) of this section is 697
guilty of one of the following: 698

(1) If the drug involved in the violation is any compound, 699
mixture, preparation, or substance included in schedule I or 700
schedule II, with the exception of marihuana, cocaine, L.S.D., 701
heroin, any fentanyl-related compound, hashish, and any 702
controlled substance—~~analog~~ analog, whoever violates division 703
(A) of this section is guilty of aggravated trafficking in 704
drugs. The penalty for the offense shall be determined as 705
follows: 706

(a) Except as otherwise provided in division (C) (1) (b), 707
(c), (d), (e), or (f) of this section, aggravated trafficking in 708
drugs is a felony of the fourth degree, and division (C) of 709
section 2929.13 of the Revised Code applies in determining 710
whether to impose a prison term on the offender. 711

(b) Except as otherwise provided in division (C) (1) (c), 712
(d), (e), or (f) of this section, if the offense was committed 713
in the vicinity of a school or in the vicinity of a juvenile, 714
aggravated trafficking in drugs is a felony of the third degree, 715
and division (C) of section 2929.13 of the Revised Code applies 716
in determining whether to impose a prison term on the offender. 717

(c) Except as otherwise provided in this division, if the 718
amount of the drug involved equals or exceeds the bulk amount 719
but is less than five times the bulk amount, aggravated 720
trafficking in drugs is a felony of the third degree, and, 721
except as otherwise provided in this division, there is a 722
presumption for a prison term for the offense. If aggravated 723
trafficking in drugs is a felony of the third degree under this 724
division and if the offender two or more times previously has 725
been convicted of or pleaded guilty to a felony drug abuse 726
offense, the court shall impose as a mandatory prison term one 727
of the prison terms prescribed for a felony of the third degree. 728
If the amount of the drug involved is within that range and if 729
the offense was committed in the vicinity of a school or in the 730
vicinity of a juvenile, aggravated trafficking in drugs is a 731
felony of the second degree, and the court shall impose as a 732
mandatory prison term one of the prison terms prescribed for a 733
felony of the second degree. 734

(d) Except as otherwise provided in this division, if the 735
amount of the drug involved equals or exceeds five times the 736

bulk amount but is less than fifty times the bulk amount, 737
aggravated trafficking in drugs is a felony of the second 738
degree, and the court shall impose as a mandatory prison term 739
one of the prison terms prescribed for a felony of the second 740
degree. If the amount of the drug involved is within that range 741
and if the offense was committed in the vicinity of a school or 742
in the vicinity of a juvenile, aggravated trafficking in drugs 743
is a felony of the first degree, and the court shall impose as a 744
mandatory prison term one of the prison terms prescribed for a 745
felony of the first degree. 746

(e) If the amount of the drug involved equals or exceeds 747
fifty times the bulk amount but is less than one hundred times 748
the bulk amount and regardless of whether the offense was 749
committed in the vicinity of a school or in the vicinity of a 750
juvenile, aggravated trafficking in drugs is a felony of the 751
first degree, and the court shall impose as a mandatory prison 752
term one of the prison terms prescribed for a felony of the 753
first degree. 754

(f) If the amount of the drug involved equals or exceeds 755
one hundred times the bulk amount and regardless of whether the 756
offense was committed in the vicinity of a school or in the 757
vicinity of a juvenile, aggravated trafficking in drugs is a 758
felony of the first degree, the offender is a major drug 759
offender, and the court shall impose as a mandatory prison term 760
the maximum prison term prescribed for a felony of the first 761
degree. 762

(2) If the drug involved in the violation is any compound, 763
mixture, preparation, or substance included in schedule III, IV, 764
or V, whoever violates division (A) of this section is guilty of 765
trafficking in drugs. The penalty for the offense shall be 766

determined as follows: 767

(a) Except as otherwise provided in division (C) (2) (b), 768
(c), (d), or (e) of this section, trafficking in drugs is a 769
felony of the fifth degree, and division (B) of section 2929.13 770
of the Revised Code applies in determining whether to impose a 771
prison term on the offender. 772

(b) Except as otherwise provided in division (C) (2) (c), 773
(d), or (e) of this section, if the offense was committed in the 774
vicinity of a school or in the vicinity of a juvenile, 775
trafficking in drugs is a felony of the fourth degree, and 776
division (C) of section 2929.13 of the Revised Code applies in 777
determining whether to impose a prison term on the offender. 778

(c) Except as otherwise provided in this division, if the 779
amount of the drug involved equals or exceeds the bulk amount 780
but is less than five times the bulk amount, trafficking in 781
drugs is a felony of the fourth degree, and division (B) of 782
section 2929.13 of the Revised Code applies in determining 783
whether to impose a prison term for the offense. If the amount 784
of the drug involved is within that range and if the offense was 785
committed in the vicinity of a school or in the vicinity of a 786
juvenile, trafficking in drugs is a felony of the third degree, 787
and there is a presumption for a prison term for the offense. 788

(d) Except as otherwise provided in this division, if the 789
amount of the drug involved equals or exceeds five times the 790
bulk amount but is less than fifty times the bulk amount, 791
trafficking in drugs is a felony of the third degree, and there 792
is a presumption for a prison term for the offense. If the 793
amount of the drug involved is within that range and if the 794
offense was committed in the vicinity of a school or in the 795
vicinity of a juvenile, trafficking in drugs is a felony of the 796

second degree, and there is a presumption for a prison term for 797
the offense. 798

(e) Except as otherwise provided in this division, if the 799
amount of the drug involved equals or exceeds fifty times the 800
bulk amount, trafficking in drugs is a felony of the second 801
degree, and the court shall impose as a mandatory prison term 802
one of the prison terms prescribed for a felony of the second 803
degree. If the amount of the drug involved equals or exceeds 804
fifty times the bulk amount and if the offense was committed in 805
the vicinity of a school or in the vicinity of a juvenile, 806
trafficking in drugs is a felony of the first degree, and the 807
court shall impose as a mandatory prison term one of the prison 808
terms prescribed for a felony of the first degree. 809

(3) If the drug involved in the violation is marihuana or 810
a compound, mixture, preparation, or substance containing 811
marihuana other than hashish, whoever violates division (A) of 812
this section is guilty of trafficking in marihuana. The penalty 813
for the offense shall be determined as follows: 814

(a) Except as otherwise provided in division (C) (3) (b), 815
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 816
marihuana is a felony of the fifth degree, and division (B) of 817
section 2929.13 of the Revised Code applies in determining 818
whether to impose a prison term on the offender. 819

(b) Except as otherwise provided in division (C) (3) (c), 820
(d), (e), (f), (g), or (h) of this section, if the offense was 821
committed in the vicinity of a school or in the vicinity of a 822
juvenile, trafficking in marihuana is a felony of the fourth 823
degree, and division (B) of section 2929.13 of the Revised Code 824
applies in determining whether to impose a prison term on the 825
offender. 826

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

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

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

shall be imposed for the offense. 858

(f) Except as otherwise provided in this division, if the 859
amount of the drug involved equals or exceeds twenty thousand 860
grams but is less than forty thousand grams, trafficking in 861
marihuana is a felony of the second degree, and the court shall 862
impose a mandatory prison term of five, six, seven, or eight 863
years. If the amount of the drug involved is within that range 864
and if the offense was committed in the vicinity of a school or 865
in the vicinity of a juvenile, trafficking in marihuana is a 866
felony of the first degree, and the court shall impose as a 867
mandatory prison term the maximum prison term prescribed for a 868
felony of the first degree. 869

(g) Except as otherwise provided in this division, if the 870
amount of the drug involved equals or exceeds forty thousand 871
grams, trafficking in marihuana is a felony of the second 872
degree, and the court shall impose as a mandatory prison term 873
the maximum prison term prescribed for a felony of the second 874
degree. If the amount of the drug involved equals or exceeds 875
forty thousand grams and if the offense was committed in the 876
vicinity of a school or in the vicinity of a juvenile, 877
trafficking in marihuana is a felony of the first degree, and 878
the court shall impose as a mandatory prison term the maximum 879
prison term prescribed for a felony of the first degree. 880

(h) Except as otherwise provided in this division, if the 881
offense involves a gift of twenty grams or less of marihuana, 882
trafficking in marihuana is a minor misdemeanor upon a first 883
offense and a misdemeanor of the third degree upon a subsequent 884
offense. If the offense involves a gift of twenty grams or less 885
of marihuana and if the offense was committed in the vicinity of 886
a school or in the vicinity of a juvenile, trafficking in 887

marihuana is a misdemeanor of the third degree. 888

(4) If the drug involved in the violation is cocaine or a 889
compound, mixture, preparation, or substance containing cocaine, 890
whoever violates division (A) of this section is guilty of 891
trafficking in cocaine. The penalty for the offense shall be 892
determined as follows: 893

(a) Except as otherwise provided in division (C) (4) (b), 894
(c), (d), (e), (f), or (g) of this section, trafficking in 895
cocaine is a felony of the fifth degree, and division (B) of 896
section 2929.13 of the Revised Code applies in determining 897
whether to impose a prison term on the offender. 898

(b) Except as otherwise provided in division (C) (4) (c), 899
(d), (e), (f), or (g) of this section, if the offense was 900
committed in the vicinity of a school or in the vicinity of a 901
juvenile, trafficking in cocaine is a felony of the fourth 902
degree, and division (C) of section 2929.13 of the Revised Code 903
applies in determining whether to impose a prison term on the 904
offender. 905

(c) Except as otherwise provided in this division, if the 906
amount of the drug involved equals or exceeds five grams but is 907
less than ten grams of cocaine, trafficking in cocaine is a 908
felony of the fourth degree, and division (B) of section 2929.13 909
of the Revised Code applies in determining whether to impose a 910
prison term for the offense. If the amount of the drug involved 911
is within that range and if the offense was committed in the 912
vicinity of a school or in the vicinity of a juvenile, 913
trafficking in cocaine is a felony of the third degree, and 914
there is a presumption for a prison term for the offense. 915

(d) Except as otherwise provided in this division, if the 916

amount of the drug involved equals or exceeds ten grams but is 917
less than twenty grams of cocaine, trafficking in cocaine is a 918
felony of the third degree, and, except as otherwise provided in 919
this division, there is a presumption for a prison term for the 920
offense. If trafficking in cocaine is a felony of the third 921
degree under this division and if the offender two or more times 922
previously has been convicted of or pleaded guilty to a felony 923
drug abuse offense, the court shall impose as a mandatory prison 924
term one of the prison terms prescribed for a felony of the 925
third degree. If the amount of the drug involved is within that 926
range and if the offense was committed in the vicinity of a 927
school or in the vicinity of a juvenile, trafficking in cocaine 928
is a felony of the second degree, and the court shall impose as 929
a mandatory prison term one of the prison terms prescribed for a 930
felony of the second degree. 931

(e) Except as otherwise provided in this division, if the 932
amount of the drug involved equals or exceeds twenty grams but 933
is less than twenty-seven grams of cocaine, trafficking in 934
cocaine is a felony of the second degree, and the court shall 935
impose as a mandatory prison term one of the prison terms 936
prescribed for a felony of the second degree. If the amount of 937
the drug involved is within that range and if the offense was 938
committed in the vicinity of a school or in the vicinity of a 939
juvenile, trafficking in cocaine is a felony of the first 940
degree, and the court shall impose as a mandatory prison term 941
one of the prison terms prescribed for a felony of the first 942
degree. 943

(f) If the amount of the drug involved equals or exceeds 944
twenty-seven grams but is less than one hundred grams of cocaine 945
and regardless of whether the offense was committed in the 946
vicinity of a school or in the vicinity of a juvenile, 947

trafficking in cocaine is a felony of the first degree, and the 948
court shall impose as a mandatory prison term one of the prison 949
terms prescribed for a felony of the first degree. 950

(g) If the amount of the drug involved equals or exceeds 951
one hundred grams of cocaine and regardless of whether the 952
offense was committed in the vicinity of a school or in the 953
vicinity of a juvenile, trafficking in cocaine is a felony of 954
the first degree, the offender is a major drug offender, and the 955
court shall impose as a mandatory prison term the maximum prison 956
term prescribed for a felony of the first degree. 957

(5) If the drug involved in the violation is L.S.D. or a 958
compound, mixture, preparation, or substance containing L.S.D., 959
whoever violates division (A) of this section is guilty of 960
trafficking in L.S.D. The penalty for the offense shall be 961
determined as follows: 962

(a) Except as otherwise provided in division (C) (5) (b), 963
(c), (d), (e), (f), or (g) of this section, trafficking in 964
L.S.D. is a felony of the fifth degree, and division (B) of 965
section 2929.13 of the Revised Code applies in determining 966
whether to impose a prison term on the offender. 967

(b) Except as otherwise provided in division (C) (5) (c), 968
(d), (e), (f), or (g) of this section, if the offense was 969
committed in the vicinity of a school or in the vicinity of a 970
juvenile, trafficking in L.S.D. is a felony of the fourth 971
degree, and division (C) of section 2929.13 of the Revised Code 972
applies in determining whether to impose a prison term on the 973
offender. 974

(c) Except as otherwise provided in this division, if the 975
amount of the drug involved equals or exceeds ten unit doses but 976

is less than fifty unit doses of L.S.D. in a solid form or 977
equals or exceeds one gram but is less than five grams of L.S.D. 978
in a liquid concentrate, liquid extract, or liquid distillate 979
form, trafficking in L.S.D. is a felony of the fourth degree, 980
and division (B) of section 2929.13 of the Revised Code applies 981
in determining whether to impose a prison term for the offense. 982
If the amount of the drug involved is within that range and if 983
the offense was committed in the vicinity of a school or in the 984
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 985
third degree, and there is a presumption for a prison term for 986
the offense. 987

(d) Except as otherwise provided in this division, if the 988
amount of the drug involved equals or exceeds fifty unit doses 989
but is less than two hundred fifty unit doses of L.S.D. in a 990
solid form or equals or exceeds five grams but is less than 991
twenty-five grams of L.S.D. in a liquid concentrate, liquid 992
extract, or liquid distillate form, trafficking in L.S.D. is a 993
felony of the third degree, and, except as otherwise provided in 994
this division, there is a presumption for a prison term for the 995
offense. If trafficking in L.S.D. is a felony of the third 996
degree under this division and if the offender two or more times 997
previously has been convicted of or pleaded guilty to a felony 998
drug abuse offense, the court shall impose as a mandatory prison 999
term one of the prison terms prescribed for a felony of the 1000
third degree. If the amount of the drug involved is within that 1001
range and if the offense was committed in the vicinity of a 1002
school or in the vicinity of a juvenile, trafficking in L.S.D. 1003
is a felony of the second degree, and the court shall impose as 1004
a mandatory prison term one of the prison terms prescribed for a 1005
felony of the second degree. 1006

(e) Except as otherwise provided in this division, if the 1007

amount of the drug involved equals or exceeds two hundred fifty 1008
unit doses but is less than one thousand unit doses of L.S.D. in 1009
a solid form or equals or exceeds twenty-five grams but is less 1010
than one hundred grams of L.S.D. in a liquid concentrate, liquid 1011
extract, or liquid distillate form, trafficking in L.S.D. is a 1012
felony of the second degree, and the court shall impose as a 1013
mandatory prison term one of the prison terms prescribed for a 1014
felony of the second degree. If the amount of the drug involved 1015
is within that range and if the offense was committed in the 1016
vicinity of a school or in the vicinity of a juvenile, 1017
trafficking in L.S.D. is a felony of the first degree, and the 1018
court shall impose as a mandatory prison term one of the prison 1019
terms prescribed for a felony of the first degree. 1020

(f) If the amount of the drug involved equals or exceeds 1021
one thousand unit doses but is less than five thousand unit 1022
doses of L.S.D. in a solid form or equals or exceeds one hundred 1023
grams but is less than five hundred grams of L.S.D. in a liquid 1024
concentrate, liquid extract, or liquid distillate form and 1025
regardless of whether the offense was committed in the vicinity 1026
of a school or in the vicinity of a juvenile, trafficking in 1027
L.S.D. is a felony of the first degree, and the court shall 1028
impose as a mandatory prison term one of the prison terms 1029
prescribed for a felony of the first degree. 1030

(g) If the amount of the drug involved equals or exceeds 1031
five thousand unit doses of L.S.D. in a solid form or equals or 1032
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1033
liquid extract, or liquid distillate form and regardless of 1034
whether the offense was committed in the vicinity of a school or 1035
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 1036
of the first degree, the offender is a major drug offender, and 1037
the court shall impose as a mandatory prison term the maximum 1038

prison term prescribed for a felony of the first degree. 1039

(6) If the drug involved in the violation is heroin or a 1040
compound, mixture, preparation, or substance containing heroin, 1041
whoever violates division (A) of this section is guilty of 1042
trafficking in heroin. The penalty for the offense shall be 1043
determined as follows: 1044

(a) Except as otherwise provided in division (C) (6) (b), 1045
(c), (d), (e), (f), or (g) of this section, trafficking in 1046
heroin is a felony of the fifth degree, and division (B) of 1047
section 2929.13 of the Revised Code applies in determining 1048
whether to impose a prison term on the offender. 1049

(b) Except as otherwise provided in division (C) (6) (c), 1050
(d), (e), (f), or (g) of this section, if the offense was 1051
committed in the vicinity of a school or in the vicinity of a 1052
juvenile, trafficking in heroin is a felony of the fourth 1053
degree, and division (C) of section 2929.13 of the Revised Code 1054
applies in determining whether to impose a prison term on the 1055
offender. 1056

(c) Except as otherwise provided in this division, if the 1057
amount of the drug involved equals or exceeds ten unit doses but 1058
is less than fifty unit doses or equals or exceeds one gram but 1059
is less than five grams, trafficking in heroin is a felony of 1060
the fourth degree, and division (B) of section 2929.13 of the 1061
Revised Code applies in determining whether to impose a prison 1062
term for the offense. If the amount of the drug involved is 1063
within that range and if the offense was committed in the 1064
vicinity of a school or in the vicinity of a juvenile, 1065
trafficking in heroin is a felony of the third degree, and there 1066
is a presumption for a prison term for the offense. 1067

(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 or equals or exceeds fifty grams but is less than one hundred grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, 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.

(g) If the amount of the drug involved equals or exceeds 1098
one thousand unit doses or equals or exceeds one hundred grams 1099
and regardless of whether the offense was committed in the 1100
vicinity of a school or in the vicinity of a juvenile, 1101
trafficking in heroin is a felony of the first degree, the 1102
offender is a major drug offender, and the court shall impose as 1103
a mandatory prison term the maximum prison term prescribed for a 1104
felony of the first degree. 1105

(7) If the drug involved in the violation is hashish or a 1106
compound, mixture, preparation, or substance containing hashish, 1107
whoever violates division (A) of this section is guilty of 1108
trafficking in hashish. The penalty for the offense shall be 1109
determined as follows: 1110

(a) Except as otherwise provided in division (C) (7) (b), 1111
(c), (d), (e), (f), or (g) of this section, trafficking in 1112
hashish is a felony of the fifth degree, and division (B) of 1113
section 2929.13 of the Revised Code applies in determining 1114
whether to impose a prison term on the offender. 1115

(b) Except as otherwise provided in division (C) (7) (c), 1116
(d), (e), (f), or (g) of this section, if the offense was 1117
committed in the vicinity of a school or in the vicinity of a 1118
juvenile, trafficking in hashish is a felony of the fourth 1119
degree, and division (B) of section 2929.13 of the Revised Code 1120
applies in determining whether to impose a prison term on the 1121
offender. 1122

(c) Except as otherwise provided in this division, if the 1123
amount of the drug involved equals or exceeds ten grams but is 1124
less than fifty grams of hashish in a solid form or equals or 1125
exceeds two grams but is less than ten grams of hashish in a 1126
liquid concentrate, liquid extract, or liquid distillate form, 1127

trafficking in hashish is a felony of the fourth degree, and 1128
division (B) of section 2929.13 of the Revised Code applies in 1129
determining whether to impose a prison term on the offender. If 1130
the amount of the drug involved is within that range and if the 1131
offense was committed in the vicinity of a school or in the 1132
vicinity of a juvenile, trafficking in hashish is a felony of 1133
the third degree, and division (C) of section 2929.13 of the 1134
Revised Code applies in determining whether to impose a prison 1135
term on the offender. 1136

(d) Except as otherwise provided in this division, if the 1137
amount of the drug involved equals or exceeds fifty grams but is 1138
less than two hundred fifty grams of hashish in a solid form or 1139
equals or exceeds ten grams but is less than fifty grams of 1140
hashish in a liquid concentrate, liquid extract, or liquid 1141
distillate form, trafficking in hashish is a felony of the third 1142
degree, and division (C) of section 2929.13 of the Revised Code 1143
applies in determining whether to impose a prison term on the 1144
offender. If the amount of the drug involved is within that 1145
range and if the offense was committed in the vicinity of a 1146
school or in the vicinity of a juvenile, trafficking in hashish 1147
is a felony of the second degree, and there is a presumption 1148
that a prison term shall be imposed for the offense. 1149

(e) Except as otherwise provided in this division, if the 1150
amount of the drug involved equals or exceeds two hundred fifty 1151
grams but is less than one thousand grams of hashish in a solid 1152
form or equals or exceeds fifty grams but is less than two 1153
hundred grams of hashish in a liquid concentrate, liquid 1154
extract, or liquid distillate form, trafficking in hashish is a 1155
felony of the third degree, and there is a presumption that a 1156
prison term shall be imposed for the offense. If the amount of 1157
the drug involved is within that range and if the offense was 1158

committed in the vicinity of a school or in the vicinity of a 1159
juvenile, trafficking in hashish is a felony of the second 1160
degree, and there is a presumption that a prison term shall be 1161
imposed for the offense. 1162

(f) Except as otherwise provided in this division, if the 1163
amount of the drug involved equals or exceeds one thousand grams 1164
but is less than two thousand grams of hashish in a solid form 1165
or equals or exceeds two hundred grams but is less than four 1166
hundred grams of hashish in a liquid concentrate, liquid 1167
extract, or liquid distillate form, trafficking in hashish is a 1168
felony of the second degree, and the court shall impose a 1169
mandatory prison term of five, six, seven, or eight years. If 1170
the amount of the drug involved is within that range and if the 1171
offense was committed in the vicinity of a school or in the 1172
vicinity of a juvenile, trafficking in hashish is a felony of 1173
the first degree, and the court shall impose as a mandatory 1174
prison term the maximum prison term prescribed for a felony of 1175
the first degree. 1176

(g) Except as otherwise provided in this division, if the 1177
amount of the drug involved equals or exceeds two thousand grams 1178
of hashish in a solid form or equals or exceeds four hundred 1179
grams of hashish in a liquid concentrate, liquid extract, or 1180
liquid distillate form, trafficking in hashish is a felony of 1181
the second degree, and the court shall impose as a mandatory 1182
prison term the maximum prison term prescribed for a felony of 1183
the second degree. If the amount of the drug involved equals or 1184
exceeds two thousand grams of hashish in a solid form or equals 1185
or exceeds four hundred grams of hashish in a liquid 1186
concentrate, liquid extract, or liquid distillate form and if 1187
the offense was committed in the vicinity of a school or in the 1188
vicinity of a juvenile, trafficking in hashish is a felony of 1189

the first degree, and the court shall impose as a mandatory 1190
prison term the maximum prison term prescribed for a felony of 1191
the first degree. 1192

(8) If the drug involved in the violation is a controlled 1193
substance analog or compound, mixture, preparation, or substance 1194
that contains a controlled substance analog, whoever violates 1195
division (A) of this section is guilty of trafficking in a 1196
controlled substance analog. The penalty for the offense shall 1197
be determined as follows: 1198

(a) Except as otherwise provided in division (C) (8) (b), 1199
(c), (d), (e), (f), or (g) of this section, trafficking in a 1200
controlled substance analog is a felony of the fifth degree, and 1201
division (C) of section 2929.13 of the Revised Code applies in 1202
determining whether to impose a prison term on the offender. 1203

(b) Except as otherwise provided in division (C) (8) (c), 1204
(d), (e), (f), or (g) of this section, if the offense was 1205
committed in the vicinity of a school or in the vicinity of a 1206
juvenile, trafficking in a controlled substance analog is a 1207
felony of the fourth degree, and division (C) of section 2929.13 1208
of the Revised Code applies in determining whether to impose a 1209
prison term on the offender. 1210

(c) Except as otherwise provided in this division, if the 1211
amount of the drug involved equals or exceeds ten grams but is 1212
less than twenty grams, trafficking in a controlled substance 1213
analog is a felony of the fourth degree, and division (B) of 1214
section 2929.13 of the Revised Code applies in determining 1215
whether to impose a prison term for the offense. If the amount 1216
of the drug involved is within that range and if the offense was 1217
committed in the vicinity of a school or in the vicinity of a 1218
juvenile, trafficking in a controlled substance analog is a 1219

felony of the third degree, and there is a presumption for a 1220
prison term for the offense. 1221

(d) Except as otherwise provided in this division, if the 1222
amount of the drug involved equals or exceeds twenty grams but 1223
is less than thirty grams, trafficking in a controlled substance 1224
analog is a felony of the third degree, and there is a 1225
presumption for a prison term for the offense. If the amount of 1226
the drug involved is within that range and if the offense was 1227
committed in the vicinity of a school or in the vicinity of a 1228
juvenile, trafficking in a controlled substance analog is a 1229
felony of the second degree, and there is a presumption for a 1230
prison term for the offense. 1231

(e) Except as otherwise provided in this division, if the 1232
amount of the drug involved equals or exceeds thirty grams but 1233
is less than forty grams, trafficking in a controlled substance 1234
analog is a felony of the second degree, and the court shall 1235
impose as a mandatory prison term one of the prison terms 1236
prescribed for a felony of the second degree. If the amount of 1237
the drug involved is within that range and if the offense was 1238
committed in the vicinity of a school or in the vicinity of a 1239
juvenile, trafficking in a controlled substance analog is a 1240
felony of the first degree, and the court shall impose as a 1241
mandatory prison term one of the prison terms prescribed for a 1242
felony of the first degree. 1243

(f) If the amount of the drug involved equals or exceeds 1244
forty grams but is less than fifty grams and regardless of 1245
whether the offense was committed in the vicinity of a school or 1246
in the vicinity of a juvenile, trafficking in a controlled 1247
substance analog is a felony of the first degree, and the court 1248
shall impose as a mandatory prison term one of the prison terms 1249

prescribed for a felony of the first degree. 1250

(g) If the amount of the drug involved equals or exceeds 1251
fifty grams and regardless of whether the offense was committed 1252
in the vicinity of a school or in the vicinity of a juvenile, 1253
trafficking in a controlled substance analog is a felony of the 1254
first degree, the offender is a major drug offender, and the 1255
court shall impose as a mandatory prison term the maximum prison 1256
term prescribed for a felony of the first degree. 1257

(9) If the drug involved in the violation is a fentanyl- 1258
related compound or a compound, mixture, preparation, or 1259
substance containing a fentanyl-related compound, whoever 1260
violates division (A) of this section is guilty of trafficking 1261
in a fentanyl-related compound. The penalty for the offense 1262
shall be determined as follows: 1263

(a) Except as otherwise provided in division (C) (9) (b), 1264
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1265
a fentanyl-related compound is a felony of the fifth degree, and 1266
division (B) of section 2929.13 of the Revised Code applies in 1267
determining whether to impose a prison term on the offender. 1268

(b) Except as otherwise provided in division (C) (9) (c), 1269
(d), (e), (f), (g), or (h) of this section, if the offense was 1270
committed in the vicinity of a school or in the vicinity of a 1271
juvenile, trafficking in a fentanyl-related compound is a felony 1272
of the fourth degree, and division (C) of section 2929.13 of the 1273
Revised Code applies in determining whether to impose a prison 1274
term on the offender. 1275

(c) Except as otherwise provided in this division, if the 1276
amount of the drug involved equals or exceeds ten unit doses but 1277
is less than fifty unit doses or equals or exceeds one gram but 1278

is less than five grams, trafficking in a fentanyl-related 1279
compound is a felony of the fourth degree, and division (B) of 1280
section 2929.13 of the Revised Code applies in determining 1281
whether to impose a prison term for the offense. If the amount 1282
of the drug involved is within that range and if the offense was 1283
committed in the vicinity of a school or in the vicinity of a 1284
juvenile, trafficking in a fentanyl-related compound is a felony 1285
of the third degree, and there is a presumption for a prison 1286
term for the offense. 1287

(d) Except as otherwise provided in this division, if the 1288
amount of the drug involved equals or exceeds fifty unit doses 1289
but is less than one hundred unit doses or equals or exceeds 1290
five grams but is less than ten grams, trafficking in a 1291
fentanyl-related compound is a felony of the third degree, and 1292
there is a presumption for a prison term for the offense. If the 1293
amount of the drug involved is within that range and if the 1294
offense was committed in the vicinity of a school or in the 1295
vicinity of a juvenile, trafficking in a fentanyl-related 1296
compound is a felony of the second degree, and there is a 1297
presumption for a prison term for the offense. 1298

(e) Except as otherwise provided in this division, if the 1299
amount of the drug involved equals or exceeds one hundred unit 1300
doses but is less than two hundred unit doses or equals or 1301
exceeds ten grams but is less than twenty grams, trafficking in 1302
a fentanyl-related compound is a felony of the second degree, 1303
and the court shall impose as a mandatory prison term one of the 1304
prison terms prescribed for a felony of the second degree. If 1305
the amount of the drug involved is within that range and if the 1306
offense was committed in the vicinity of a school or in the 1307
vicinity of a juvenile, trafficking in a fentanyl-related 1308
compound is a felony of the first degree, and the court shall 1309

impose as a mandatory prison term one of the prison terms 1310
prescribed for a felony of the first degree. 1311

(f) If the amount of the drug involved equals or exceeds 1312
two hundred unit doses but is less than five hundred unit doses 1313
or equals or exceeds twenty grams but is less than fifty grams 1314
and regardless of whether the offense was committed in the 1315
vicinity of a school or in the vicinity of a juvenile, 1316
trafficking in a fentanyl-related compound is a felony of the 1317
first degree, and the court shall impose as a mandatory prison 1318
term one of the prison terms prescribed for a felony of the 1319
first degree. 1320

(g) If the amount of the drug involved equals or exceeds 1321
five hundred unit doses but is less than one thousand unit doses 1322
or equals or exceeds fifty grams but is less than one hundred 1323
grams and regardless of whether the offense was committed in the 1324
vicinity of a school or in the vicinity of a juvenile, 1325
trafficking in a fentanyl-related compound is a felony of the 1326
first degree, and the court shall impose as a mandatory prison 1327
term the maximum prison term prescribed for a felony of the 1328
first degree. 1329

(h) If the amount of the drug involved equals or exceeds 1330
one thousand unit doses or equals or exceeds one hundred grams 1331
and regardless of whether the offense was committed in the 1332
vicinity of a school or in the vicinity of a juvenile, 1333
trafficking in a fentanyl-related compound is a felony of the 1334
first degree, the offender is a major drug offender, and the 1335
court shall impose as a mandatory prison term the maximum prison 1336
term prescribed for a felony of the first degree. 1337

(D) In addition to any prison term authorized or required 1338
by division (C) of this section and sections 2929.13 and 2929.14 1339

of the Revised Code, and in addition to any other sanction 1340
imposed for the offense under this section or sections 2929.11 1341
to 2929.18 of the Revised Code, the court that sentences an 1342
offender who is convicted of or pleads guilty to a violation of 1343
division (A) of this section may suspend the driver's or 1344
commercial driver's license or permit of the offender in 1345
accordance with division (G) of this section. However, if the 1346
offender pleaded guilty to or was convicted of a violation of 1347
section 4511.19 of the Revised Code or a substantially similar 1348
municipal ordinance or the law of another state or the United 1349
States arising out of the same set of circumstances as the 1350
violation, the court shall suspend the offender's driver's or 1351
commercial driver's license or permit in accordance with 1352
division (G) of this section. If applicable, the court also 1353
shall do the following: 1354

(1) If the violation of division (A) of this section is a 1355
felony of the first, second, or third degree, the court shall 1356
impose upon the offender the mandatory fine specified for the 1357
offense under division (B) (1) of section 2929.18 of the Revised 1358
Code unless, as specified in that division, the court determines 1359
that the offender is indigent. Except as otherwise provided in 1360
division (H) (1) of this section, a mandatory fine or any other 1361
fine imposed for a violation of this section is subject to 1362
division (F) of this section. If a person is charged with a 1363
violation of this section that is a felony of the first, second, 1364
or third degree, posts bail, and forfeits the bail, the clerk of 1365
the court shall pay the forfeited bail pursuant to divisions (D) 1366
(1) and (F) of this section, as if the forfeited bail was a fine 1367
imposed for a violation of this section. If any amount of the 1368
forfeited bail remains after that payment and if a fine is 1369
imposed under division (H) (1) of this section, the clerk of the 1370

court shall pay the remaining amount of the forfeited bail 1371
pursuant to divisions (H) (2) and (3) of this section, as if that 1372
remaining amount was a fine imposed under division (H) (1) of 1373
this section. 1374

(2) If the offender is a professionally licensed person, 1375
the court immediately shall comply with section 2925.38 of the 1376
Revised Code. 1377

(E) When a person is charged with the sale of or offer to 1378
sell a bulk amount or a multiple of a bulk amount of a 1379
controlled substance, the jury, or the court trying the accused, 1380
shall determine the amount of the controlled substance involved 1381
at the time of the offense and, if a guilty verdict is returned, 1382
shall return the findings as part of the verdict. In any such 1383
case, it is unnecessary to find and return the exact amount of 1384
the controlled substance involved, and it is sufficient if the 1385
finding and return is to the effect that the amount of the 1386
controlled substance involved is the requisite amount, or that 1387
the amount of the controlled substance involved is less than the 1388
requisite amount. 1389

(F) (1) Notwithstanding any contrary provision of section 1390
3719.21 of the Revised Code and except as provided in division 1391
(H) of this section, the clerk of the court shall pay any 1392
mandatory fine imposed pursuant to division (D) (1) of this 1393
section and any fine other than a mandatory fine that is imposed 1394
for a violation of this section pursuant to division (A) or (B) 1395
(5) of section 2929.18 of the Revised Code to the county, 1396
township, municipal corporation, park district, as created 1397
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1398
state law enforcement agencies in this state that primarily were 1399
responsible for or involved in making the arrest of, and in 1400

prosecuting, the offender. However, the clerk shall not pay a 1401
mandatory fine so imposed to a law enforcement agency unless the 1402
agency has adopted a written internal control policy under 1403
division (F) (2) of this section that addresses the use of the 1404
fine moneys that it receives. Each agency shall use the 1405
mandatory fines so paid to subsidize the agency's law 1406
enforcement efforts that pertain to drug offenses, in accordance 1407
with the written internal control policy adopted by the 1408
recipient agency under division (F) (2) of this section. 1409

(2) Prior to receiving any fine moneys under division (F) 1410
(1) of this section or division (B) of section 2925.42 of the 1411
Revised Code, a law enforcement agency shall adopt a written 1412
internal control policy that addresses the agency's use and 1413
disposition of all fine moneys so received and that provides for 1414
the keeping of detailed financial records of the receipts of 1415
those fine moneys, the general types of expenditures made out of 1416
those fine moneys, and the specific amount of each general type 1417
of expenditure. The policy shall not provide for or permit the 1418
identification of any specific expenditure that is made in an 1419
ongoing investigation. All financial records of the receipts of 1420
those fine moneys, the general types of expenditures made out of 1421
those fine moneys, and the specific amount of each general type 1422
of expenditure by an agency are public records open for 1423
inspection under section 149.43 of the Revised Code. 1424
Additionally, a written internal control policy adopted under 1425
this division is such a public record, and the agency that 1426
adopted it shall comply with it. 1427

(3) As used in division (F) of this section: 1428

(a) "Law enforcement agencies" includes, but is not 1429
limited to, the state board of pharmacy and the office of a 1430

prosecutor. 1431

(b) "Prosecutor" has the same meaning as in section 1432
2935.01 of the Revised Code. 1433

(G) (1) If the sentencing court suspends the offender's 1434
driver's or commercial driver's license or permit under division 1435
(D) of this section or any other provision of this chapter, the 1436
court shall suspend the license, by order, for not more than 1437
five years. If an offender's driver's or commercial driver's 1438
license or permit is suspended pursuant to this division, the 1439
offender, at any time after the expiration of two years from the 1440
day on which the offender's sentence was imposed or from the day 1441
on which the offender finally was released from a prison term 1442
under the sentence, whichever is later, may file a motion with 1443
the sentencing court requesting termination of the suspension; 1444
upon the filing of such a motion and the court's finding of good 1445
cause for the termination, the court may terminate the 1446
suspension. 1447

(2) Any offender who received a mandatory suspension of 1448
the offender's driver's or commercial driver's license or permit 1449
under this section prior to ~~the effective date of this amendment~~ 1450
September 13, 2016, may file a motion with the sentencing court 1451
requesting the termination of the suspension. However, an 1452
offender who pleaded guilty to or was convicted of a violation 1453
of section 4511.19 of the Revised Code or a substantially 1454
similar municipal ordinance or law of another state or the 1455
United States that arose out of the same set of circumstances as 1456
the violation for which the offender's license or permit was 1457
suspended under this section shall not file such a motion. 1458

Upon the filing of a motion under division (G) (2) of this 1459
section, the sentencing court, in its discretion, may terminate 1460

the suspension. 1461

(H) (1) In addition to any prison term authorized or 1462
required by division (C) of this section and sections 2929.13 1463
and 2929.14 of the Revised Code, in addition to any other 1464
penalty or sanction imposed for the offense under this section 1465
or sections 2929.11 to 2929.18 of the Revised Code, and in 1466
addition to the forfeiture of property in connection with the 1467
offense as prescribed in Chapter 2981. of the Revised Code, the 1468
court that sentences an offender who is convicted of or pleads 1469
guilty to a violation of division (A) of this section may impose 1470
upon the offender an additional fine specified for the offense 1471
in division (B) (4) of section 2929.18 of the Revised Code. A 1472
fine imposed under division (H) (1) of this section is not 1473
subject to division (F) of this section and shall be used solely 1474
for the support of one or more eligible community addiction 1475
services providers in accordance with divisions (H) (2) and (3) 1476
of this section. 1477

(2) The court that imposes a fine under division (H) (1) of 1478
this section shall specify in the judgment that imposes the fine 1479
one or more eligible community addiction services providers for 1480
the support of which the fine money is to be used. No community 1481
addiction services provider shall receive or use money paid or 1482
collected in satisfaction of a fine imposed under division (H) 1483
(1) of this section unless the services provider is specified in 1484
the judgment that imposes the fine. No community addiction 1485
services provider shall be specified in the judgment unless the 1486
services provider is an eligible community addiction services 1487
provider and, except as otherwise provided in division (H) (2) of 1488
this section, unless the services provider is located in the 1489
county in which the court that imposes the fine is located or in 1490
a county that is immediately contiguous to the county in which 1491

that court is located. If no eligible community addiction 1492
services provider is located in any of those counties, the 1493
judgment may specify an eligible community addiction services 1494
provider that is located anywhere within this state. 1495

(3) Notwithstanding any contrary provision of section 1496
3719.21 of the Revised Code, the clerk of the court shall pay 1497
any fine imposed under division (H) (1) of this section to the 1498
eligible community addiction services provider specified 1499
pursuant to division (H) (2) of this section in the judgment. The 1500
eligible community addiction services provider that receives the 1501
fine moneys shall use the moneys only for the alcohol and drug 1502
addiction services identified in the application for 1503
certification of services under section 5119.36 of the Revised 1504
Code or in the application for a license under section 5119.391 1505
of the Revised Code filed with the department of mental health 1506
and addiction services by the community addiction services 1507
provider specified in the judgment. 1508

(4) Each community addiction services provider that 1509
receives in a calendar year any fine moneys under division (H) 1510
(3) of this section shall file an annual report covering that 1511
calendar year with the court of common pleas and the board of 1512
county commissioners of the county in which the services 1513
provider is located, with the court of common pleas and the 1514
board of county commissioners of each county from which the 1515
services provider received the moneys if that county is 1516
different from the county in which the services provider is 1517
located, and with the attorney general. The community addiction 1518
services provider shall file the report no later than the first 1519
day of March in the calendar year following the calendar year in 1520
which the services provider received the fine moneys. The report 1521
shall include statistics on the number of persons served by the 1522

community addiction services provider, identify the types of 1523
alcohol and drug addiction services provided to those persons, 1524
and include a specific accounting of the purposes for which the 1525
fine moneys received were used. No information contained in the 1526
report shall identify, or enable a person to determine the 1527
identity of, any person served by the community addiction 1528
services provider. Each report received by a court of common 1529
pleas, a board of county commissioners, or the attorney general 1530
is a public record open for inspection under section 149.43 of 1531
the Revised Code. 1532

(5) As used in divisions (H) (1) to (5) of this section: 1533

(a) "Community addiction services provider" and "alcohol 1534
and drug addiction services" have the same meanings as in 1535
section 5119.01 of the Revised Code. 1536

(b) "Eligible community addiction services provider" means 1537
a community addiction services provider, as defined in section 1538
5119.01 of the Revised Code, or a community addiction services 1539
provider that maintains a methadone treatment program licensed 1540
under section 5119.391 of the Revised Code. 1541

(I) As used in this section, "drug" includes any substance 1542
that is represented to be a drug. 1543

(J) It is an affirmative defense to a charge of 1544
trafficking in a controlled substance analog under division (C) 1545
(8) of this section that the person charged with violating that 1546
offense sold or offered to sell, or prepared for shipment, 1547
shipped, transported, delivered, prepared for distribution, or 1548
distributed an item described in division (HH) (2) (a), (b), or 1549
(c) of section 3719.01 of the Revised Code. 1550

Sec. 2925.04. (A) No person shall knowingly cultivate 1551

marihuana or knowingly manufacture or otherwise engage in any 1552
part of the production of a controlled substance. 1553

(B) This section does not apply to any person listed in 1554
division (B) (1), (2), or (3) of section 2925.03 of the Revised 1555
Code to the extent and under the circumstances described in 1556
those divisions. 1557

(C) (1) Whoever commits a violation of division (A) of this 1558
section that involves any drug other than marihuana is guilty of 1559
illegal manufacture of drugs, and whoever commits a violation of 1560
division (A) of this section that involves marihuana is guilty 1561
of illegal cultivation of marihuana. 1562

(2) Except as otherwise provided in this division, if the 1563
drug involved in the violation of division (A) of this section 1564
is any compound, mixture, preparation, or substance included in 1565
schedule I or II, with the exception of methamphetamine or 1566
marihuana, illegal manufacture of drugs is a felony of the 1567
second degree, and, subject to division (E) of this section, the 1568
court shall impose as a mandatory prison term one of the prison 1569
terms prescribed for a felony of the second degree. 1570

If the drug involved in the violation is any compound, 1571
mixture, preparation, or substance included in schedule I or II, 1572
with the exception of methamphetamine or marihuana, and if the 1573
offense was committed in the vicinity of a juvenile or in the 1574
vicinity of a school, illegal manufacture of drugs is a felony 1575
of the first degree, and, subject to division (E) of this 1576
section, the court shall impose as a mandatory prison term one 1577
of the prison terms prescribed for a felony of the first degree. 1578

(3) If the drug involved in the violation of division (A) 1579
of this section is methamphetamine, the penalty for the 1580

violation shall be determined as follows: 1581

(a) Except as otherwise provided in division (C) (3) (b) of 1582
this section, if the drug involved in the violation is 1583
methamphetamine, illegal manufacture of drugs is a felony of the 1584
second degree, and, subject to division (E) of this section, the 1585
court shall impose a mandatory prison term on the offender 1586
determined in accordance with this division. Except as otherwise 1587
provided in this division, the court shall impose as a mandatory 1588
prison term one of the prison terms prescribed for a felony of 1589
the second degree that is not less than three years. If the 1590
offender previously has been convicted of or pleaded guilty to a 1591
violation of division (A) of this section, a violation of 1592
division (B) (6) of section 2919.22 of the Revised Code, or a 1593
violation of division (A) of section 2925.041 of the Revised 1594
Code, the court shall impose as a mandatory prison term one of 1595
the prison terms prescribed for a felony of the second degree 1596
that is not less than five years. 1597

(b) If the drug involved in the violation is 1598
methamphetamine and if the offense was committed in the vicinity 1599
of a juvenile, in the vicinity of a school, or on public 1600
premises, illegal manufacture of drugs is a felony of the first 1601
degree, and, subject to division (E) of this section, the court 1602
shall impose a mandatory prison term on the offender determined 1603
in accordance with this division. Except as otherwise provided 1604
in this division, the court shall impose as a mandatory prison 1605
term one of the prison terms prescribed for a felony of the 1606
first degree that is not less than four years. If the offender 1607
previously has been convicted of or pleaded guilty to a 1608
violation of division (A) of this section, a violation of 1609
division (B) (6) of section 2919.22 of the Revised Code, or a 1610
violation of division (A) of section 2925.041 of the Revised 1611

Code, the court shall impose as a mandatory prison term one of 1612
the prison terms prescribed for a felony of the first degree 1613
that is not less than five years. 1614

(4) If the drug involved in the violation of division (A) 1615
of this section is any compound, mixture, preparation, or 1616
substance included in schedule III, IV, or V, illegal 1617
manufacture of drugs is a felony of the third degree or, if the 1618
offense was committed in the vicinity of a school or in the 1619
vicinity of a juvenile, a felony of the second degree, and there 1620
is a presumption for a prison term for the offense. 1621

(5) If the drug involved in the violation is marihuana, 1622
the penalty for the offense shall be determined as follows: 1623

(a) Except as otherwise provided in division (C) (5) (b), 1624
(c), (d), (e), or (f) of this section, illegal cultivation of 1625
marihuana is a minor misdemeanor or, if the offense was 1626
committed in the vicinity of a school or in the vicinity of a 1627
juvenile, a misdemeanor of the fourth degree. 1628

(b) If the amount of marihuana involved equals or exceeds 1629
one hundred grams but is less than two hundred grams, illegal 1630
cultivation of marihuana is a misdemeanor of the fourth degree 1631
or, if the offense was committed in the vicinity of a school or 1632
in the vicinity of a juvenile, a misdemeanor of the third 1633
degree. 1634

(c) If the amount of marihuana involved equals or exceeds 1635
two hundred grams but is less than one thousand grams, illegal 1636
cultivation of marihuana is a felony of the fifth degree or, if 1637
the offense was committed in the vicinity of a school or in the 1638
vicinity of a juvenile, a felony of the fourth degree, and 1639
division (B) of section 2929.13 of the Revised Code applies in 1640

determining whether to impose a prison term on the offender. 1641

(d) If the amount of marihuana involved equals or exceeds 1642
one thousand grams but is less than five thousand grams, illegal 1643
cultivation of marihuana is a felony of the third degree or, if 1644
the offense was committed in the vicinity of a school or in the 1645
vicinity of a juvenile, a felony of the second degree, and 1646
division (C) of section 2929.13 of the Revised Code applies in 1647
determining whether to impose a prison term on the offender. 1648

(e) If the amount of marihuana involved equals or exceeds 1649
five thousand grams but is less than twenty thousand grams, 1650
illegal cultivation of marihuana is a felony of the third degree 1651
or, if the offense was committed in the vicinity of a school or 1652
in the vicinity of a juvenile, a felony of the second degree, 1653
and there is a presumption for a prison term for the offense. 1654

(f) Except as otherwise provided in this division, if the 1655
amount of marihuana involved equals or exceeds twenty thousand 1656
grams, illegal cultivation of marihuana is a felony of the 1657
second degree, and the court shall impose as a mandatory prison 1658
term the maximum prison term prescribed for a felony of the 1659
second degree. If the amount of the drug involved equals or 1660
exceeds twenty thousand grams and if the offense was committed 1661
in the vicinity of a school or in the vicinity of a juvenile, 1662
illegal cultivation of marihuana is a felony of the first 1663
degree, and the court shall impose as a mandatory prison term 1664
the maximum prison term prescribed for a felony of the first 1665
degree. 1666

(D) In addition to any prison term authorized or required 1667
by division (C) or (E) of this section and sections 2929.13 and 1668
2929.14 of the Revised Code and in addition to any other 1669
sanction imposed for the offense under this section or sections 1670

2929.11 to 2929.18 of the Revised Code, the court that sentences 1671
an offender who is convicted of or pleads guilty to a violation 1672
of division (A) of this section may suspend the offender's 1673
driver's or commercial driver's license or permit in accordance 1674
with division (G) of section 2925.03 of the Revised Code. 1675
However, if the offender pleaded guilty to or was convicted of a 1676
violation of section 4511.19 of the Revised Code or a 1677
substantially similar municipal ordinance or the law of another 1678
state or the United States arising out of the same set of 1679
circumstances as the violation, the court shall suspend the 1680
offender's driver's or commercial driver's license or permit in 1681
accordance with division (G) of section 2925.03 of the Revised 1682
Code. If applicable, the court also shall do the following: 1683

(1) If the violation of division (A) of this section is a 1684
felony of the first, second, or third degree, the court shall 1685
impose upon the offender the mandatory fine specified for the 1686
offense under division (B)(1) of section 2929.18 of the Revised 1687
Code unless, as specified in that division, the court determines 1688
that the offender is indigent. The clerk of the court shall pay 1689
a mandatory fine or other fine imposed for a violation of this 1690
section pursuant to division (A) of section 2929.18 of the 1691
Revised Code in accordance with and subject to the requirements 1692
of division (F) of section 2925.03 of the Revised Code. The 1693
agency that receives the fine shall use the fine as specified in 1694
division (F) of section 2925.03 of the Revised Code. If a person 1695
is charged with a violation of this section that is a felony of 1696
the first, second, or third degree, posts bail, and forfeits the 1697
bail, the clerk shall pay the forfeited bail as if the forfeited 1698
bail were a fine imposed for a violation of this section. 1699

(2) If the offender is a professionally licensed person, 1700
the court immediately shall comply with section 2925.38 of the 1701

Revised Code. 1702

(E) Notwithstanding the prison term otherwise authorized 1703
or required for the offense under division (C) of this section 1704
and sections 2929.13 and 2929.14 of the Revised Code, if the 1705
violation of division (A) of this section involves the sale, 1706
offer to sell, or possession of a schedule I or II controlled 1707
substance, with the exception of marihuana, and if the court 1708
imposing sentence upon the offender finds that the offender as a 1709
result of the violation is a major drug offender and is guilty 1710
of a specification of the type described in division (A) of 1711
section 2941.1410 of the Revised Code, the court, in lieu of the 1712
prison term otherwise authorized or required, shall impose upon 1713
the offender the mandatory prison term specified in division (B) 1714
(3) of section 2929.14 of the Revised Code. 1715

(F) It is an affirmative defense, as provided in section 1716
2901.05 of the Revised Code, to a charge under this section for 1717
a fifth degree felony violation of illegal cultivation of 1718
marihuana that the marihuana that gave rise to the charge is in 1719
an amount, is in a form, is prepared, compounded, or mixed with 1720
substances that are not controlled substances in a manner, or is 1721
possessed or cultivated under any other circumstances that 1722
indicate that the marihuana was solely for personal use. 1723

Notwithstanding any contrary provision of division (F) of 1724
this section, if, in accordance with section 2901.05 of the 1725
Revised Code, a person who is charged with a violation of 1726
illegal cultivation of marihuana that is a felony of the fifth 1727
degree sustains the burden of going forward with evidence of and 1728
establishes by a preponderance of the evidence the affirmative 1729
defense described in this division, the person may be prosecuted 1730
for and may be convicted of or plead guilty to a misdemeanor 1731

violation of illegal cultivation of marihuana. 1732

(G) Arrest or conviction for a minor misdemeanor violation 1733
of this section does not constitute a criminal record and need 1734
not be reported by the person so arrested or convicted in 1735
response to any inquiries about the person's criminal record, 1736
including any inquiries contained in an application for 1737
employment, a license, or any other right or privilege or made 1738
in connection with the person's appearance as a witness. 1739

(H) (1) If the sentencing court suspends the offender's 1740
driver's or commercial driver's license or permit under this 1741
section in accordance with division (G) of section 2925.03 of 1742
the Revised Code, the offender may request termination of, and 1743
the court may terminate, the suspension of the offender in 1744
accordance with that division. 1745

(2) Any offender who received a mandatory suspension of 1746
the offender's driver's or commercial driver's license or permit 1747
under this section prior to ~~the effective date of this amendment~~ 1748
September 13, 2016, may file a motion with the sentencing court 1749
requesting the termination of the suspension. However, an 1750
offender who pleaded guilty to or was convicted of a violation 1751
of section 4511.19 of the Revised Code or a substantially 1752
similar municipal ordinance or law of another state or the 1753
United States that arose out of the same set of circumstances as 1754
the violation for which the offender's license or permit was 1755
suspended under this section shall not file such a motion. 1756

Upon the filing of a motion under division (H) (2) of this 1757
section, the sentencing court, in its discretion, may terminate 1758
the suspension. 1759

Sec. 2925.05. (A) No person shall knowingly provide money 1760

or other items of value to another person with the purpose that 1761
the recipient of the money or items of value use them to obtain 1762
any controlled substance for the purpose of violating section 1763
2925.04 of the Revised Code or for the purpose of selling or 1764
offering to sell the controlled substance in the following 1765
amount: 1766

(1) If the drug to be sold or offered for sale is any 1767
compound, mixture, preparation, or substance included in 1768
schedule I or II, with the exception of marihuana, cocaine, 1769
L.S.D., heroin, any fentanyl-related compound, and hashish, or 1770
schedule III, IV, or V, an amount of the drug that equals or 1771
exceeds the bulk amount of the drug; 1772

(2) If the drug to be sold or offered for sale is 1773
marihuana or a compound, mixture, preparation, or substance 1774
other than hashish containing marihuana, an amount of the 1775
marihuana that equals or exceeds two hundred grams; 1776

(3) If the drug to be sold or offered for sale is cocaine 1777
or a compound, mixture, preparation, or substance containing 1778
cocaine, an amount of the cocaine that equals or exceeds five 1779
grams; 1780

(4) If the drug to be sold or offered for sale is L.S.D. 1781
or a compound, mixture, preparation, or substance containing 1782
L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 1783
doses if the L.S.D. is in a solid form or equals or exceeds one 1784
gram if the L.S.D. is in a liquid concentrate, liquid extract, 1785
or liquid distillate form; 1786

(5) If the drug to be sold or offered for sale is heroin 1787
or a fentanyl-related compound, or a compound, mixture, 1788
preparation, or substance containing heroin or a fentanyl- 1789

related compound, an amount ~~of the heroin~~ that equals or exceeds 1790
ten unit doses or equals or exceeds one gram; 1791

(6) If the drug to be sold or offered for sale is hashish 1792
or a compound, mixture, preparation, or substance containing 1793
hashish, an amount of the hashish that equals or exceeds ten 1794
grams if the hashish is in a solid form or equals or exceeds two 1795
grams if the hashish is in a liquid concentrate, liquid extract, 1796
or liquid distillate form. 1797

(B) This section does not apply to any person listed in 1798
division (B) (1), (2), or (3) of section 2925.03 of the Revised 1799
Code to the extent and under the circumstances described in 1800
those divisions. 1801

(C) (1) If the drug involved in the violation is any 1802
compound, mixture, preparation, or substance included in 1803
schedule I or II, with the exception of marihuana, whoever 1804
violates division (A) of this section is guilty of aggravated 1805
funding of drug trafficking, a felony of the first degree, and, 1806
subject to division (E) of this section, the court shall impose 1807
as a mandatory prison term one of the prison terms prescribed 1808
for a felony of the first degree. 1809

(2) If the drug involved in the violation is any compound, 1810
mixture, preparation, or substance included in schedule III, IV, 1811
or V, whoever violates division (A) of this section is guilty of 1812
funding of drug trafficking, a felony of the second degree, and 1813
the court shall impose as a mandatory prison term one of the 1814
prison terms prescribed for a felony of the second degree. 1815

(3) If the drug involved in the violation is marihuana, 1816
whoever violates division (A) of this section is guilty of 1817
funding of marihuana trafficking, a felony of the third degree, 1818

and, except as otherwise provided in this division, there is a 1819
presumption for a prison term for the offense. If funding of 1820
marihuana trafficking is a felony of the third degree under this 1821
division and if the offender two or more times previously has 1822
been convicted of or pleaded guilty to a felony drug abuse 1823
offense, the court shall impose as a mandatory prison term one 1824
of the prison terms prescribed for a felony of the third degree. 1825

(D) In addition to any prison term authorized or required 1826
by division (C) or (E) of this section and sections 2929.13 and 1827
2929.14 of the Revised Code and in addition to any other 1828
sanction imposed for the offense under this section or sections 1829
2929.11 to 2929.18 of the Revised Code, the court that sentences 1830
an offender who is convicted of or pleads guilty to a violation 1831
of division (A) of this section may suspend the offender's 1832
driver's or commercial driver's license or permit in accordance 1833
with division (G) of section 2925.03 of the Revised Code. 1834
However, if the offender pleaded guilty to or was convicted of a 1835
violation of section 4511.19 of the Revised Code or a 1836
substantially similar municipal ordinance or the law of another 1837
state or the United States arising out of the same set of 1838
circumstances as the violation, the court shall suspend the 1839
offender's driver's or commercial driver's license or permit in 1840
accordance with division (G) of section 2925.03 of the Revised 1841
Code. If applicable, the court also shall do the following: 1842

(1) The court shall impose the mandatory fine specified 1843
for the offense under division (B) (1) of section 2929.18 of the 1844
Revised Code unless, as specified in that division, the court 1845
determines that the offender is indigent. The clerk of the court 1846
shall pay a mandatory fine or other fine imposed for a violation 1847
of this section pursuant to division (A) of section 2929.18 of 1848
the Revised Code in accordance with and subject to the 1849

requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine in accordance with division (F) of section 2925.03 of the Revised Code. If a person is charged with a violation of this section, posts bail, and forfeits the bail, the forfeited bail shall be paid as if the forfeited bail were a fine imposed for a violation of this section.

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

(E) Notwithstanding the prison term otherwise authorized or required for the offense under division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, if the violation of division (A) of this section involves the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, ~~and if one of the following applies:~~

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

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

Revised Code. 1880

(F) (1) If the sentencing court suspends the offender's 1881
driver's or commercial driver's license or permit under this 1882
section in accordance with division (G) of section 2925.03 of 1883
the Revised Code, the offender may request termination of, and 1884
the court may terminate, the suspension in accordance with that 1885
division. 1886

(2) Any offender who received a mandatory suspension of 1887
the offender's driver's or commercial driver's license or permit 1888
under this section prior to ~~the effective date of this amendment~~ 1889
September 13, 2016, may file a motion with the sentencing court 1890
requesting the termination of the suspension. However, an 1891
offender who pleaded guilty to or was convicted of a violation 1892
of section 4511.19 of the Revised Code or a substantially 1893
similar municipal ordinance or law of another state or the 1894
United States that arose out of the same set of circumstances as 1895
the violation for which the offender's license or permit was 1896
suspended under this section shall not file such a motion. 1897

Upon the filing of a motion under division (F) (2) of this 1898
section, the sentencing court, in its discretion, may terminate 1899
the suspension. 1900

Sec. 2925.11. (A) No person shall knowingly obtain, 1901
possess, or use a controlled substance or a controlled substance 1902
analog. 1903

(B) (1) This section does not apply to any of the 1904
following: 1905

(a) Manufacturers, licensed health professionals 1906
authorized to prescribe drugs, pharmacists, owners of 1907
pharmacies, and other persons whose conduct was in accordance 1908

with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1909
4741. of the Revised Code; 1910

(b) If the offense involves an anabolic steroid, any 1911
person who is conducting or participating in a research project 1912
involving the use of an anabolic steroid if the project has been 1913
approved by the United States food and drug administration; 1914

(c) Any person who sells, offers for sale, prescribes, 1915
dispenses, or administers for livestock or other nonhuman 1916
species an anabolic steroid that is expressly intended for 1917
administration through implants to livestock or other nonhuman 1918
species and approved for that purpose under the "Federal Food, 1919
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1920
as amended, and is sold, offered for sale, prescribed, 1921
dispensed, or administered for that purpose in accordance with 1922
that act; 1923

(d) Any person who obtained the controlled substance 1924
pursuant to a lawful prescription issued by a licensed health 1925
professional authorized to prescribe drugs. 1926

(2) (a) As used in division (B) (2) of this section: 1927

(i) "Community addiction services provider" has the same 1928
meaning as in section 5119.01 of the Revised Code. 1929

(ii) "Community control sanction" and "drug treatment 1930
program" have the same meanings as in section 2929.01 of the 1931
Revised Code. 1932

(iii) "Health care facility" has the same meaning as in 1933
section 2919.16 of the Revised Code. 1934

(iv) "Minor drug possession offense" means a violation of 1935
this section that is a misdemeanor or a felony of the fifth 1936

degree. 1937

(v) "Post-release control sanction" has the same meaning 1938
as in section 2967.28 of the Revised Code. 1939

(vi) "Peace officer" has the same meaning as in section 1940
2935.01 of the Revised Code. 1941

(vii) "Public agency" has the same meaning as in section 1942
2930.01 of the Revised Code. 1943

(viii) "Qualified individual" means a person who is not on 1944
community control or post-release control and is a person acting 1945
in good faith who seeks or obtains medical assistance for 1946
another person who is experiencing a drug overdose, a person who 1947
experiences a drug overdose and who seeks medical assistance for 1948
that overdose, or a person who is the subject of another person 1949
seeking or obtaining medical assistance for that overdose as 1950
described in division (B) (2) (b) of this section. 1951

(ix) "Seek or obtain medical assistance" includes, but is 1952
not limited to making a 9-1-1 call, contacting in person or by 1953
telephone call an on-duty peace officer, or transporting or 1954
presenting a person to a health care facility. 1955

(b) Subject to division (B) (2) (f) of this section, a 1956
qualified individual shall not be arrested, charged, prosecuted, 1957
convicted, or penalized pursuant to this chapter for a minor 1958
drug possession offense if all of the following apply: 1959

(i) The evidence of the obtaining, possession, or use of 1960
the controlled substance or controlled substance analog that 1961
would be the basis of the offense was obtained as a result of 1962
the qualified individual seeking the medical assistance or 1963
experiencing an overdose and needing medical assistance. 1964

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

(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
parole board 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 either 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 emergency 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.

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

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

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

(iii) Limit or abridge the authority of a peace officer to

detain or take into custody a person in the course of an 2024
investigation or to effectuate an arrest for any offense except 2025
as provided in that division; 2026

(iv) Limit, modify, or remove any immunity from liability 2027
available pursuant to law in effect prior to ~~the effective date~~ 2028
~~of this amendment~~ September 13, 2016, to any public agency or to 2029
an employee of any public agency. 2030

(f) Division (B) (2) (b) of this section does not apply to 2031
any person who twice previously has been granted an immunity 2032
under division (B) (2) (b) of this section. No person shall be 2033
granted an immunity under division (B) (2) (b) of this section 2034
more than two times. 2035

(g) Nothing in this section shall compel any qualified 2036
individual to disclose protected health information in a way 2037
that conflicts with the requirements of the "Health Insurance 2038
Portability and Accountability Act of 1996," 104 Pub. L. No. 2039
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 2040
regulations promulgated by the United States department of 2041
health and human services to implement the act or the 2042
requirements of 42 C.F.R. Part 2. 2043

(C) Whoever violates division (A) of this section is 2044
guilty of one of the following: 2045

(1) If the drug involved in the violation is a compound, 2046
mixture, preparation, or substance included in schedule I or II, 2047
with the exception of marihuana, cocaine, L.S.D., heroin, any 2048
fentanyl-related compound, hashish, and any controlled substance 2049
~~analogs~~ analog, whoever violates division (A) of this section is 2050
guilty of aggravated possession of drugs. The penalty for the 2051
offense shall be determined as follows: 2052

(a) Except as otherwise provided in division (C) (1) (b), 2053
(c), (d), or (e) of this section, aggravated possession of drugs 2054
is a felony of the fifth degree, and division (B) of section 2055
2929.13 of the Revised Code applies in determining whether to 2056
impose a prison term on the offender. 2057

(b) If the amount of the drug involved equals or exceeds 2058
the bulk amount but is less than five times the bulk amount, 2059
aggravated possession of drugs is a felony of the third degree, 2060
and there is a presumption for a prison term for the offense. 2061

(c) If the amount of the drug involved equals or exceeds 2062
five times the bulk amount but is less than fifty times the bulk 2063
amount, aggravated possession of drugs is a felony of the second 2064
degree, and the court shall impose as a mandatory prison term 2065
one of the prison terms prescribed for a felony of the second 2066
degree. 2067

(d) If the amount of the drug involved equals or exceeds 2068
fifty times the bulk amount but is less than one hundred times 2069
the bulk amount, aggravated possession of drugs is a felony of 2070
the first degree, and the court shall impose as a mandatory 2071
prison term one of the prison terms prescribed for a felony of 2072
the first degree. 2073

(e) If the amount of the drug involved equals or exceeds 2074
one hundred times the bulk amount, aggravated possession of 2075
drugs is a felony of the first degree, the offender is a major 2076
drug offender, and the court shall impose as a mandatory prison 2077
term the maximum prison term prescribed for a felony of the 2078
first degree. 2079

(2) If the drug involved in the violation is a compound, 2080
mixture, preparation, or substance included in schedule III, IV, 2081

or V, whoever violates division (A) of this section is guilty of possession of drugs. The penalty for the offense shall be determined as follows:

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

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

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

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

marihuana is a minor misdemeanor. 2111

(b) If the amount of the drug involved equals or exceeds 2112
one hundred grams but is less than two hundred grams, possession 2113
of marihuana is a misdemeanor of the fourth degree. 2114

(c) If the amount of the drug involved equals or exceeds 2115
two hundred grams but is less than one thousand grams, 2116
possession of marihuana is a felony of the fifth degree, and 2117
division (B) of section 2929.13 of the Revised Code applies in 2118
determining whether to impose a prison term on the offender. 2119

(d) If the amount of the drug involved equals or exceeds 2120
one thousand grams but is less than five thousand grams, 2121
possession of marihuana is a felony of the third degree, and 2122
division (C) of section 2929.13 of the Revised Code applies in 2123
determining whether to impose a prison term on the offender. 2124

(e) If the amount of the drug involved equals or exceeds 2125
five thousand grams but is less than twenty thousand grams, 2126
possession of marihuana is a felony of the third degree, and 2127
there is a presumption that a prison term shall be imposed for 2128
the offense. 2129

(f) If the amount of the drug involved equals or exceeds 2130
twenty thousand grams but is less than forty thousand grams, 2131
possession of marihuana is a felony of the second degree, and 2132
the court shall impose a mandatory prison term of five, six, 2133
seven, or eight years. 2134

(g) If the amount of the drug involved equals or exceeds 2135
forty thousand grams, possession of marihuana is a felony of the 2136
second degree, and the court shall impose as a mandatory prison 2137
term the maximum prison term prescribed for a felony of the 2138
second degree. 2139

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

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

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

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

(d) If the amount of the drug involved equals or exceeds twenty grams but is less than twenty-seven grams of cocaine, possession of cocaine 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.

(e) If the amount of the drug involved equals or exceeds 2170
twenty-seven grams but is less than one hundred grams of 2171
cocaine, possession of cocaine is a felony of the first degree, 2172
and the court shall impose as a mandatory prison term one of the 2173
prison terms prescribed for a felony of the first degree. 2174

(f) If the amount of the drug involved equals or exceeds 2175
one hundred grams of cocaine, possession of cocaine is a felony 2176
of the first degree, the offender is a major drug offender, and 2177
the court shall impose as a mandatory prison term the maximum 2178
prison term prescribed for a felony of the first degree. 2179

(5) If the drug involved in the violation is L.S.D., 2180
whoever violates division (A) of this section is guilty of 2181
possession of L.S.D. The penalty for the offense shall be 2182
determined as follows: 2183

(a) Except as otherwise provided in division (C) (5) (b), 2184
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 2185
felony of the fifth degree, and division (B) of section 2929.13 2186
of the Revised Code applies in determining whether to impose a 2187
prison term on the offender. 2188

(b) If the amount of L.S.D. involved equals or exceeds ten 2189
unit doses but is less than fifty unit doses of L.S.D. in a 2190
solid form or equals or exceeds one gram but is less than five 2191
grams of L.S.D. in a liquid concentrate, liquid extract, or 2192
liquid distillate form, possession of L.S.D. is a felony of the 2193
fourth degree, and division (C) of section 2929.13 of the 2194
Revised Code applies in determining whether to impose a prison 2195
term on the offender. 2196

(c) If the amount of L.S.D. involved equals or exceeds 2197
fifty unit doses, but is less than two hundred fifty unit doses 2198

of L.S.D. in a solid form or equals or exceeds five grams but is 2199
less than twenty-five grams of L.S.D. in a liquid concentrate, 2200
liquid extract, or liquid distillate form, possession of L.S.D. 2201
is a felony of the third degree, and there is a presumption for 2202
a prison term for the offense. 2203

(d) If the amount of L.S.D. involved equals or exceeds two 2204
hundred fifty unit doses but is less than one thousand unit 2205
doses of L.S.D. in a solid form or equals or exceeds twenty-five 2206
grams but is less than one hundred grams of L.S.D. in a liquid 2207
concentrate, liquid extract, or liquid distillate form, 2208
possession of L.S.D. is a felony of the second degree, and the 2209
court shall impose as a mandatory prison term one of the prison 2210
terms prescribed for a felony of the second degree. 2211

(e) If the amount of L.S.D. involved equals or exceeds one 2212
thousand unit doses but is less than five thousand unit doses of 2213
L.S.D. in a solid form or equals or exceeds one hundred grams 2214
but is less than five hundred grams of L.S.D. in a liquid 2215
concentrate, liquid extract, or liquid distillate form, 2216
possession of L.S.D. is a felony of the first degree, and the 2217
court shall impose as a mandatory prison term one of the prison 2218
terms prescribed for a felony of the first degree. 2219

(f) If the amount of L.S.D. involved equals or exceeds 2220
five thousand unit doses of L.S.D. in a solid form or equals or 2221
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2222
liquid extract, or liquid distillate form, possession of L.S.D. 2223
is a felony of the first degree, the offender is a major drug 2224
offender, and the court shall impose as a mandatory prison term 2225
the maximum prison term prescribed for a felony of the first 2226
degree. 2227

(6) If the drug involved in the violation is heroin or a 2228

compound, mixture, preparation, or substance containing heroin, 2229
whoever violates division (A) of this section is guilty of 2230
possession of heroin. The penalty for the offense shall be 2231
determined as follows: 2232

(a) Except as otherwise provided in division (C) (6) (b), 2233
(c), (d), (e), or (f) of this section, possession of heroin is a 2234
felony of the fifth degree, and division (B) of section 2929.13 2235
of the Revised Code applies in determining whether to impose a 2236
prison term on the offender. 2237

(b) If the amount of the drug involved equals or exceeds 2238
ten unit doses but is less than fifty unit doses or equals or 2239
exceeds one gram but is less than five grams, possession of 2240
heroin is a felony of the fourth degree, and division (C) of 2241
section 2929.13 of the Revised Code applies in determining 2242
whether to impose a prison term on the offender. 2243

(c) If the amount of the drug involved equals or exceeds 2244
fifty unit doses but is less than one hundred unit doses or 2245
equals or exceeds five grams but is less than ten grams, 2246
possession of heroin is a felony of the third degree, and there 2247
is a presumption for a prison term for the offense. 2248

(d) If the amount of the drug involved equals or exceeds 2249
one hundred unit doses but is less than five hundred unit doses 2250
or equals or exceeds ten grams but is less than fifty grams, 2251
possession of heroin is a felony of the second degree, and the 2252
court shall impose as a mandatory prison term one of the prison 2253
terms prescribed for a felony of the second degree. 2254

(e) If the amount of the drug involved equals or exceeds 2255
five hundred unit doses but is less than one thousand unit doses 2256
or equals or exceeds fifty grams but is less than one hundred 2257

grams, possession of heroin is a felony of the first degree, and 2258
the court shall impose as a mandatory prison term one of the 2259
prison terms prescribed for a felony of the first degree. 2260

(f) If the amount of the drug involved equals or exceeds 2261
one thousand unit doses or equals or exceeds one hundred grams, 2262
possession of heroin is a felony of the first degree, the 2263
offender is a major drug offender, and the court shall impose as 2264
a mandatory prison term the maximum prison term prescribed for a 2265
felony of the first degree. 2266

(7) If the drug involved in the violation is hashish or a 2267
compound, mixture, preparation, or substance containing hashish, 2268
whoever violates division (A) of this section is guilty of 2269
possession of hashish. The penalty for the offense shall be 2270
determined as follows: 2271

(a) Except as otherwise provided in division (C) (7) (b), 2272
(c), (d), (e), (f), or (g) of this section, possession of 2273
hashish is a minor misdemeanor. 2274

(b) If the amount of the drug involved equals or exceeds 2275
five grams but is less than ten grams of hashish in a solid form 2276
or equals or exceeds one gram but is less than two grams of 2277
hashish in a liquid concentrate, liquid extract, or liquid 2278
distillate form, possession of hashish is a misdemeanor of the 2279
fourth degree. 2280

(c) If the amount of the drug involved equals or exceeds 2281
ten grams but is less than fifty grams of hashish in a solid 2282
form or equals or exceeds two grams but is less than ten grams 2283
of hashish in a liquid concentrate, liquid extract, or liquid 2284
distillate form, possession of hashish is a felony of the fifth 2285
degree, and division (B) of section 2929.13 of the Revised Code 2286

applies in determining whether to impose a prison term on the 2287
offender. 2288

(d) If the amount of the drug involved equals or exceeds 2289
fifty grams but is less than two hundred fifty grams of hashish 2290
in a solid form or equals or exceeds ten grams but is less than 2291
fifty grams of hashish in a liquid concentrate, liquid extract, 2292
or liquid distillate form, possession of hashish is a felony of 2293
the third degree, and division (C) of section 2929.13 of the 2294
Revised Code applies in determining whether to impose a prison 2295
term on the offender. 2296

(e) If the amount of the drug involved equals or exceeds 2297
two hundred fifty grams but is less than one thousand grams of 2298
hashish in a solid form or equals or exceeds fifty grams but is 2299
less than two hundred grams of hashish in a liquid concentrate, 2300
liquid extract, or liquid distillate form, possession of hashish 2301
is a felony of the third degree, and there is a presumption that 2302
a prison term shall be imposed for the offense. 2303

(f) If the amount of the drug involved equals or exceeds 2304
one thousand grams but is less than two thousand grams of 2305
hashish in a solid form or equals or exceeds two hundred grams 2306
but is less than four hundred grams of hashish in a liquid 2307
concentrate, liquid extract, or liquid distillate form, 2308
possession of hashish is a felony of the second degree, and the 2309
court shall impose a mandatory prison term of five, six, seven, 2310
or eight years. 2311

(g) If the amount of the drug involved equals or exceeds 2312
two thousand grams of hashish in a solid form or equals or 2313
exceeds four hundred grams of hashish in a liquid concentrate, 2314
liquid extract, or liquid distillate form, possession of hashish 2315
is a felony of the second degree, and the court shall impose as 2316

a mandatory prison term the maximum prison term prescribed for a 2317
felony of the second degree. 2318

(8) If the drug involved is a controlled substance analog 2319
or compound, mixture, preparation, or substance that contains a 2320
controlled substance analog, whoever violates division (A) of 2321
this section is guilty of possession of a controlled substance 2322
analog. The penalty for the offense shall be determined as 2323
follows: 2324

(a) Except as otherwise provided in division (C) (8) (b), 2325
(c), (d), (e), or (f) of this section, possession of a 2326
controlled substance analog is a felony of the fifth degree, and 2327
division (B) of section 2929.13 of the Revised Code applies in 2328
determining whether to impose a prison term on the offender. 2329

(b) If the amount of the drug involved equals or exceeds 2330
ten grams but is less than twenty grams, possession of a 2331
controlled substance analog is a felony of the fourth degree, 2332
and there is a presumption for a prison term for the offense. 2333

(c) If the amount of the drug involved equals or exceeds 2334
twenty grams but is less than thirty grams, possession of a 2335
controlled substance analog is a felony of the third degree, and 2336
there is a presumption for a prison term for the offense. 2337

(d) If the amount of the drug involved equals or exceeds 2338
thirty grams but is less than forty grams, possession of a 2339
controlled substance analog is a felony of the second degree, 2340
and the court shall impose as a mandatory prison term one of the 2341
prison terms prescribed for a felony of the second degree. 2342

(e) If the amount of the drug involved equals or exceeds 2343
forty grams but is less than fifty grams, possession of a 2344
controlled substance analog is a felony of the first degree, and 2345

the court shall impose as a mandatory prison term one of the 2346
prison terms prescribed for a felony of the first degree. 2347

(f) If the amount of the drug involved equals or exceeds 2348
fifty grams, possession of a controlled substance analog is a 2349
felony of the first degree, the offender is a major drug 2350
offender, and the court shall impose as a mandatory prison term 2351
the maximum prison term prescribed for a felony of the first 2352
degree. 2353

(9) If the drug involved in the violation is a compound, 2354
mixture, preparation, or substance that is a combination of a 2355
fentanyl-related compound and marihuana or a combination of a 2356
fentanyl-related compound and any other schedule III, schedule 2357
IV, or schedule V controlled substance, and if the total amount 2358
of the combination drug involved is less than forty unit doses 2359
or is less than four grams, one of the following applies: 2360

(a) Except as otherwise provided in division (C) (9) (b) of 2361
this section, the offender is guilty of possession of marihuana 2362
or possession of drugs, depending upon the drug that is combined 2363
with the fentanyl-related compound, and shall be punished as 2364
provided in division (C) (2) or (3) of this section for the 2365
applicable offense. The offender is not guilty of possession of 2366
a fentanyl-related compound or aggravated possession of a 2367
fentanyl-related compound under division (C) (9) (b) or (C) (10) of 2368
this section and shall not be charged with, convicted of, or 2369
punished under division (C) (9) (b) or (C) (10) of this section 2370
for, possession of a fentanyl-related compound or aggravated 2371
possession of a fentanyl-related compound. 2372

(b) If the offender knows that the compound, mixture, 2373
preparation, or substance that is the drug involved contains a 2374
fentanyl-related compound, the offender is guilty of possession 2375

of a fentanyl-related compound. The penalty shall be determined 2376
as follows: 2377

(i) Except as otherwise provided in division (C) (9) (b) (ii) 2378
of this section, possession of a fentanyl-related compound is a 2379
felony of the fifth degree, and division (B) of section 2929.13 2380
of the Revised Code applies in determining whether to impose a 2381
prison term on the offender. 2382

(ii) If the amount of the drug involved equals or exceeds 2383
ten unit doses but is less than forty unit doses or equals or 2384
exceeds one gram but is less than four grams, possession of a 2385
fentanyl-related compound is a felony of the fourth degree, and 2386
division (C) of section 2929.13 of the Revised Code applies in 2387
determining whether to impose a prison term on the offender. 2388

(10) If the drug involved in the violation is a fentanyl- 2389
related compound and division (C) (9) of this section does not 2390
apply to the drug involved or is a compound, mixture, 2391
preparation, or substance containing a fentanyl-related compound 2392
and division (C) (9) of this section does not apply to the drug 2393
involved, whoever violates division (A) of this section is 2394
guilty of aggravated possession of a fentanyl-related compound. 2395
The penalty for the offense shall be determined as follows: 2396

(a) Except as otherwise provided in division (C) (10) (b), 2397
(c), (d), (e), (f), or (g) of this section, aggravated 2398
possession of a fentanyl-related compound is a felony of the 2399
fifth degree, and division (B) of section 2929.13 of the Revised 2400
Code applies in determining whether to impose a prison term on 2401
the offender. 2402

(b) If the amount of the drug involved equals or exceeds 2403
ten unit doses but is less than fifty unit doses or equals or 2404

exceeds one gram but is less than five grams, aggravated 2405
possession of a fentanyl-related compound is a felony of the 2406
fourth degree, and division (C) of section 2929.13 of the 2407
Revised Code applies in determining whether to impose a prison 2408
term on the offender. 2409

(c) If the amount of the drug involved equals or exceeds 2410
fifty unit doses but is less than one hundred unit doses or 2411
equals or exceeds five grams but is less than ten grams, 2412
aggravated possession of a fentanyl-related compound is a felony 2413
of the third degree, and there is a presumption for a prison 2414
term for the offense. 2415

(d) If the amount of the drug involved equals or exceeds 2416
one hundred unit doses but is less than two hundred unit doses 2417
or equals or exceeds ten grams but is less than twenty grams, 2418
aggravated possession of a fentanyl-related compound is a felony 2419
of the second degree, and the court shall impose as a mandatory 2420
prison term one of the prison terms prescribed for a felony of 2421
the second degree. 2422

(e) If the amount of the drug involved equals or exceeds 2423
two hundred unit doses but is less than five hundred unit doses 2424
or equals or exceeds twenty grams but is less than fifty grams, 2425
aggravated possession of a fentanyl-related compound is a felony 2426
of the first degree, and the court shall impose as a mandatory 2427
prison term one of the prison terms prescribed for a felony of 2428
the first degree. 2429

(f) If the amount of the drug involved equals or exceeds 2430
five hundred unit doses but is less than one thousand unit doses 2431
or equals or exceeds fifty grams but is less than one hundred 2432
grams, aggravated possession of a fentanyl-related compound is a 2433
felony of the first degree, and the court shall impose as a 2434

mandatory prison term the maximum prison term prescribed for a 2435
felony of the first degree. 2436

(g) If the amount of the drug involved equals or exceeds 2437
one thousand unit doses or equals or exceeds one hundred grams, 2438
aggravated possession of a fentanyl-related compound is a felony 2439
of the first degree, the offender is a major drug offender, and 2440
the court shall impose as a mandatory prison term the maximum 2441
prison term prescribed for a felony of the first degree. 2442

(D) Arrest or conviction for a minor misdemeanor violation 2443
of this section does not constitute a criminal record and need 2444
not be reported by the person so arrested or convicted in 2445
response to any inquiries about the person's criminal record, 2446
including any inquiries contained in any application for 2447
employment, license, or other right or privilege, or made in 2448
connection with the person's appearance as a witness. 2449

(E) In addition to any prison term or jail term authorized 2450
or required by division (C) of this section and sections 2451
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2452
Code and in addition to any other sanction that is imposed for 2453
the offense under this section, sections 2929.11 to 2929.18, or 2454
sections 2929.21 to 2929.28 of the Revised Code, the court that 2455
sentences an offender who is convicted of or pleads guilty to a 2456
violation of division (A) of this section may suspend the 2457
offender's driver's or commercial driver's license or permit for 2458
not more than five years. However, if the offender pleaded 2459
guilty to or was convicted of a violation of section 4511.19 of 2460
the Revised Code or a substantially similar municipal ordinance 2461
or the law of another state or the United States arising out of 2462
the same set of circumstances as the violation, the court shall 2463
suspend the offender's driver's or commercial driver's license 2464

or permit for not more than five years. If applicable, the court 2465
also shall do the following: 2466

(1) (a) If the violation is a felony of the first, second, 2467
or third degree, the court shall impose upon the offender the 2468
mandatory fine specified for the offense under division (B) (1) 2469
of section 2929.18 of the Revised Code unless, as specified in 2470
that division, the court determines that the offender is 2471
indigent. 2472

(b) Notwithstanding any contrary provision of section 2473
3719.21 of the Revised Code, the clerk of the court shall pay a 2474
mandatory fine or other fine imposed for a violation of this 2475
section pursuant to division (A) of section 2929.18 of the 2476
Revised Code in accordance with and subject to the requirements 2477
of division (F) of section 2925.03 of the Revised Code. The 2478
agency that receives the fine shall use the fine as specified in 2479
division (F) of section 2925.03 of the Revised Code. 2480

(c) If a person is charged with a violation of this 2481
section that is a felony of the first, second, or third degree, 2482
posts bail, and forfeits the bail, the clerk shall pay the 2483
forfeited bail pursuant to division (E) (1) (b) of this section as 2484
if it were a mandatory fine imposed under division (E) (1) (a) of 2485
this section. 2486

(2) If the offender is a professionally licensed person, 2487
in addition to any other sanction imposed for a violation of 2488
this section, the court immediately shall comply with section 2489
2925.38 of the Revised Code. 2490

(F) It is an affirmative defense, as provided in section 2491
2901.05 of the Revised Code, to a charge of a fourth degree 2492
felony violation under this section that the controlled 2493

substance that gave rise to the charge is in an amount, is in a form, is prepared, compounded, or mixed with substances that are not controlled substances in a manner, or is possessed under any other circumstances, that indicate that the substance was possessed solely for personal use. Notwithstanding any contrary provision of this section, if, in accordance with section 2901.05 of the Revised Code, an accused who is charged with a fourth degree felony violation of division (C) (2), (4), (5), or (6) of this section sustains the burden of going forward with evidence of and establishes by a preponderance of the evidence the affirmative defense described in this division, the accused may be prosecuted for and may plead guilty to or be convicted of a misdemeanor violation of division (C) (2) of this section or a fifth degree felony violation of division (C) (4), (5), or (6) of this section respectively.

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

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

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

offender who pleaded guilty to or was convicted of a violation 2524
of section 4511.19 of the Revised Code or a substantially 2525
similar municipal ordinance or law of another state or the 2526
United States that arose out of the same set of circumstances as 2527
the violation for which the offender's license or permit was 2528
suspended under this section shall not file such a motion. 2529

Upon the filing of a motion under division (I) of this 2530
section, the sentencing court, in its discretion, may terminate 2531
the suspension. 2532

Sec. 2925.13. (A) No person who is the owner, operator, or 2533
person in charge of a locomotive, watercraft, aircraft, or other 2534
vehicle, as defined in division (A) of section 4501.01 of the 2535
Revised Code, shall knowingly permit the vehicle to be used for 2536
the commission of a felony drug abuse offense. 2537

(B) No person who is the owner, lessee, or occupant, or 2538
who has custody, control, or supervision, of premises or real 2539
estate, including vacant land, shall knowingly permit the 2540
premises or real estate, including vacant land, to be used for 2541
the commission of a felony drug abuse offense by another person. 2542

(C) (1) Whoever violates this section is guilty of 2543
permitting drug abuse. 2544

(2) Except as provided in division (C) (3) of this section, 2545
permitting drug abuse is a misdemeanor of the first degree. 2546

(3) Permitting drug abuse is a felony of the fifth degree, 2547
and division (C) of section 2929.13 of the Revised Code applies 2548
in determining whether to impose a prison term on the offender, 2549
if the either of the following applies: 2550

(a) The felony drug abuse offense in question is a 2551
violation of section 2925.02-~~or~~, 2925.03, or 2925.04 of the 2552

Revised Code. 2553

(b) The felony drug abuse offense in question is a 2554
violation of section 2925.041 of the Revised Code and the 2555
offender had actual knowledge, at the time the offender 2556
permitted the vehicle, premises, or real estate to be used as 2557
described in division (A) or (B) of this section, that the 2558
person who assembled or possessed the chemicals in question in 2559
violation of section 2925.041 of the Revised Code had assembled 2560
or possessed them with the intent to manufacture a controlled 2561
substance in schedule I or II in violation of section 2925.04 of 2562
the Revised Code. 2563

(D) (1) In addition to any prison term authorized or 2564
required by division (C) of this section and sections 2929.13 2565
and 2929.14 of the Revised Code and in addition to any other 2566
sanction imposed for the offense under this section or sections 2567
2929.11 to 2929.18 of the Revised Code, the court that sentences 2568
a person who is convicted of or pleads guilty to a violation of 2569
division (A) of this section may suspend for not more than five 2570
years the offender's driver's or commercial driver's license or 2571
permit. However, if the offender pleaded guilty to or was 2572
convicted of a violation of section 4511.19 of the Revised Code 2573
or a substantially similar municipal ordinance or the law of 2574
another state or the United States arising out of the same set 2575
of circumstances as the violation, the court shall suspend the 2576
offender's driver's or commercial driver's license or permit for 2577
not more than five years. 2578

If the offender is a professionally licensed person, in 2579
addition to any other sanction imposed for a violation of this 2580
section, the court immediately shall comply with section 2925.38 2581
of the Revised Code. 2582

(2) Any offender who received a mandatory suspension of 2583
the offender's driver's or commercial driver's license or permit 2584
under this section prior to ~~the effective date of this amendment~~ 2585
September 13, 2016, may file a motion with the sentencing court 2586
requesting the termination of the suspension. However, an 2587
offender who pleaded guilty to or was convicted of a violation 2588
of section 4511.19 of the Revised Code or a substantially 2589
similar municipal ordinance or law of another state or the 2590
United States that arose out of the same set of circumstances as 2591
the violation for which the offender's license or permit was 2592
suspended under this section shall not file such a motion. 2593

Upon the filing of a motion under division (D) (2) of this 2594
section, the sentencing court, in its discretion, may terminate 2595
the suspension. 2596

(E) Notwithstanding any contrary provision of section 2597
3719.21 of the Revised Code, the clerk of the court shall pay a 2598
fine imposed for a violation of this section pursuant to 2599
division (A) of section 2929.18 of the Revised Code in 2600
accordance with and subject to the requirements of division (F) 2601
of section 2925.03 of the Revised Code. The agency that receives 2602
the fine shall use the fine as specified in division (F) of 2603
section 2925.03 of the Revised Code. 2604

(F) Any premises or real estate that is permitted to be 2605
used in violation of division (B) of this section constitutes a 2606
nuisance subject to abatement pursuant to Chapter 3767. of the 2607
Revised Code. 2608

Sec. 2925.36. (A) No person shall knowingly furnish 2609
another a sample drug. 2610

(B) Division (A) of this section does not apply to 2611

manufacturers, wholesalers, pharmacists, owners of pharmacies, 2612
licensed health professionals authorized to prescribe drugs, and 2613
other persons whose conduct is in accordance with Chapters 2614
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 2615
the Revised Code. 2616

(C) (1) Whoever violates this section is guilty of illegal 2617
dispensing of drug samples. 2618

(2) If the drug involved in the offense is a compound, 2619
mixture, preparation, or substance included in schedule I or II, 2620
with the exception of marihuana, the penalty for the offense 2621
shall be determined as follows: 2622

(a) Except as otherwise provided in division (C) (2) (b) of 2623
this section, illegal dispensing of drug samples is a felony of 2624
the fifth degree, and, subject to division (E) of this section, 2625
division (C) of section 2929.13 of the Revised Code applies in 2626
determining whether to impose a prison term on the offender. 2627

(b) If the offense was committed in the vicinity of a 2628
school or in the vicinity of a juvenile, illegal dispensing of 2629
drug samples is a felony of the fourth degree, and, subject to 2630
division (E) of this section, division (C) of section 2929.13 of 2631
the Revised Code applies in determining whether to impose a 2632
prison term on the offender. 2633

(3) If the drug involved in the offense is a dangerous 2634
drug or a compound, mixture, preparation, or substance included 2635
in schedule III, IV, or V, or is marihuana, the penalty for the 2636
offense shall be determined as follows: 2637

(a) Except as otherwise provided in division (C) (3) (b) of 2638
this section, illegal dispensing of drug samples is a 2639
misdemeanor of the second degree. 2640

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

(D) (1) 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.

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

(2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to ~~the effective date of this amendment~~ September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the

United States that arose out of the same set of circumstances as 2671
the violation for which the offender's license or permit was 2672
suspended under this section shall not file such a motion. 2673

Upon the filing of a motion under division (D) (2) of this 2674
section, the sentencing court, in its discretion, may terminate 2675
the suspension. 2676

(E) Notwithstanding the prison term authorized or required 2677
by division (C) of this section and sections 2929.13 and 2929.14 2678
of the Revised Code, if the violation of division (A) of this 2679
section involves the sale, offer to sell, or possession of a 2680
schedule I or II controlled substance, with the exception of 2681
marihuana, and if the court imposing sentence upon the offender 2682
finds that the offender as a result of the violation is a major 2683
drug offender and is guilty of a specification of the type 2684
described in division (A) of section 2941.1410 of the Revised 2685
Code, the court, in lieu of the prison term otherwise authorized 2686
or required, shall impose upon the offender the mandatory prison 2687
term specified in division (B) (3) (a) of section 2929.14 of the 2688
Revised Code. 2689

(F) Notwithstanding any contrary provision of section 2690
3719.21 of the Revised Code, the clerk of the court shall pay a 2691
fine imposed for a violation of this section pursuant to 2692
division (A) of section 2929.18 of the Revised Code in 2693
accordance with and subject to the requirements of division (F) 2694
of section 2925.03 of the Revised Code. The agency that receives 2695
the fine shall use the fine as specified in division (F) of 2696
section 2925.03 of the Revised Code. 2697

Sec. 2929.01. As used in this chapter: 2698

(A) (1) "Alternative residential facility" means, subject 2699

to division (A) (2) of this section, any facility other than an 2700
offender's home or residence in which an offender is assigned to 2701
live and that satisfies all of the following criteria: 2702

(a) It provides programs through which the offender may 2703
seek or maintain employment or may receive education, training, 2704
treatment, or habilitation. 2705

(b) It has received the appropriate license or certificate 2706
for any specialized education, training, treatment, 2707
habilitation, or other service that it provides from the 2708
government agency that is responsible for licensing or 2709
certifying that type of education, training, treatment, 2710
habilitation, or service. 2711

(2) "Alternative residential facility" does not include a 2712
community-based correctional facility, jail, halfway house, or 2713
prison. 2714

(B) "Basic probation supervision" means a requirement that 2715
the offender maintain contact with a person appointed to 2716
supervise the offender in accordance with sanctions imposed by 2717
the court or imposed by the parole board pursuant to section 2718
2967.28 of the Revised Code. "Basic probation supervision" 2719
includes basic parole supervision and basic post-release control 2720
supervision. 2721

(C) "Cocaine," "fentanyl-related compound," "hashish," 2722
"L.S.D.," and "unit dose" have the same meanings as in section 2723
2925.01 of the Revised Code. 2724

(D) "Community-based correctional facility" means a 2725
community-based correctional facility and program or district 2726
community-based correctional facility and program developed 2727
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 2728

(E) "Community control sanction" means a sanction that is 2729
not a prison term and that is described in section 2929.15, 2730
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 2731
that is not a jail term and that is described in section 2732
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 2733
control sanction" includes probation if the sentence involved 2734
was imposed for a felony that was committed prior to July 1, 2735
1996, or if the sentence involved was imposed for a misdemeanor 2736
that was committed prior to January 1, 2004. 2737

(F) "Controlled substance," "marihuana," "schedule I," and 2738
"schedule II" have the same meanings as in section 3719.01 of 2739
the Revised Code. 2740

(G) "Curfew" means a requirement that an offender during a 2741
specified period of time be at a designated place. 2742

(H) "Day reporting" means a sanction pursuant to which an 2743
offender is required each day to report to and leave a center or 2744
other approved reporting location at specified times in order to 2745
participate in work, education or training, treatment, and other 2746
approved programs at the center or outside the center. 2747

(I) "Deadly weapon" has the same meaning as in section 2748
2923.11 of the Revised Code. 2749

(J) "Drug and alcohol use monitoring" means a program 2750
under which an offender agrees to submit to random chemical 2751
analysis of the offender's blood, breath, or urine to determine 2752
whether the offender has ingested any alcohol or other drugs. 2753

(K) "Drug treatment program" means any program under which 2754
a person undergoes assessment and treatment designed to reduce 2755
or completely eliminate the person's physical or emotional 2756
reliance upon alcohol, another drug, or alcohol and another drug 2757

and under which the person may be required to receive assessment 2758
and treatment on an outpatient basis or may be required to 2759
reside at a facility other than the person's home or residence 2760
while undergoing assessment and treatment. 2761

(L) "Economic loss" means any economic detriment suffered 2762
by a victim as a direct and proximate result of the commission 2763
of an offense and includes any loss of income due to lost time 2764
at work because of any injury caused to the victim, and any 2765
property loss, medical cost, or funeral expense incurred as a 2766
result of the commission of the offense. "Economic loss" does 2767
not include non-economic loss or any punitive or exemplary 2768
damages. 2769

(M) "Education or training" includes study at, or in 2770
conjunction with a program offered by, a university, college, or 2771
technical college or vocational study and also includes the 2772
completion of primary school, secondary school, and literacy 2773
curricula or their equivalent. 2774

(N) "Firearm" has the same meaning as in section 2923.11 2775
of the Revised Code. 2776

(O) "Halfway house" means a facility licensed by the 2777
division of parole and community services of the department of 2778
rehabilitation and correction pursuant to section 2967.14 of the 2779
Revised Code as a suitable facility for the care and treatment 2780
of adult offenders. 2781

(P) "House arrest" means a period of confinement of an 2782
offender that is in the offender's home or in other premises 2783
specified by the sentencing court or by the parole board 2784
pursuant to section 2967.28 of the Revised Code and during which 2785
all of the following apply: 2786

(1) The offender is required to remain in the offender's home or other specified premises for the specified period of confinement, except for periods of time during which the offender is at the offender's place of employment or at other premises as authorized by the sentencing court or by the parole board.

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

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

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

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

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

provision of the Revised Code that authorizes a term in a jail 2816
for a misdemeanor conviction. 2817

(T) "Mandatory jail term" means the term in a jail that a 2818
sentencing court is required to impose pursuant to division (G) 2819
of section 1547.99 of the Revised Code, division (E) of section 2820
2903.06 or division (D) of section 2903.08 of the Revised Code, 2821
division (E) or (G) of section 2929.24 of the Revised Code, 2822
division (B) of section 4510.14 of the Revised Code, or division 2823
(G) of section 4511.19 of the Revised Code or pursuant to any 2824
other provision of the Revised Code that requires a term in a 2825
jail for a misdemeanor conviction. 2826

(U) "Delinquent child" has the same meaning as in section 2827
2152.02 of the Revised Code. 2828

(V) "License violation report" means a report that is made 2829
by a sentencing court, or by the parole board pursuant to 2830
section 2967.28 of the Revised Code, to the regulatory or 2831
licensing board or agency that issued an offender a professional 2832
license or a license or permit to do business in this state and 2833
that specifies that the offender has been convicted of or 2834
pleaded guilty to an offense that may violate the conditions 2835
under which the offender's professional license or license or 2836
permit to do business in this state was granted or an offense 2837
for which the offender's professional license or license or 2838
permit to do business in this state may be revoked or suspended. 2839

(W) "Major drug offender" means an offender who is 2840
convicted of or pleads guilty to the possession of, sale of, or 2841
offer to sell any drug, compound, mixture, preparation, or 2842
substance that consists of or contains at least one thousand 2843
grams of hashish; at least one hundred grams of cocaine; at 2844
least one thousand unit doses or one hundred grams of heroin; at 2845

least five thousand unit doses of L.S.D. or five hundred grams 2846
of L.S.D. in a liquid concentrate, liquid extract, or liquid 2847
distillate form; at least fifty grams of a controlled substance 2848
analog; at least one thousand unit doses or one hundred grams of 2849
a fentanyl-related compound; or at least one hundred times the 2850
amount of any other schedule I or II controlled substance other 2851
than marihuana that is necessary to commit a felony of the third 2852
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 2853
of the Revised Code that is based on the possession of, sale of, 2854
or offer to sell the controlled substance. 2855

(X) "Mandatory prison term" means any of the following: 2856

(1) Subject to division (X)(2) of this section, the term 2857
in prison that must be imposed for the offenses or circumstances 2858
set forth in divisions (F)(1) to (8) or (F)(12) to ~~(18)~~(20) of 2859
section 2929.13 and division (B) of section 2929.14 of the 2860
Revised Code. Except as provided in sections 2925.02, 2925.03, 2861
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 2862
maximum or another specific term is required under section 2863
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 2864
described in this division may be any prison term authorized for 2865
the level of offense. 2866

(2) The term of sixty or one hundred twenty days in prison 2867
that a sentencing court is required to impose for a third or 2868
fourth degree felony OVI offense pursuant to division (G)(2) of 2869
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 2870
of the Revised Code or the term of one, two, three, four, or 2871
five years in prison that a sentencing court is required to 2872
impose pursuant to division (G)(2) of section 2929.13 of the 2873
Revised Code. 2874

(3) The term in prison imposed pursuant to division (A) of 2875

section 2971.03 of the Revised Code for the offenses and in the 2876
circumstances described in division (F) (11) of section 2929.13 2877
of the Revised Code or pursuant to division (B) (1) (a), (b), or 2878
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 2879
section 2971.03 of the Revised Code and that term as modified or 2880
terminated pursuant to section 2971.05 of the Revised Code. 2881

(Y) "Monitored time" means a period of time during which 2882
an offender continues to be under the control of the sentencing 2883
court or parole board, subject to no conditions other than 2884
leading a law-abiding life. 2885

(Z) "Offender" means a person who, in this state, is 2886
convicted of or pleads guilty to a felony or a misdemeanor. 2887

(AA) "Prison" means a residential facility used for the 2888
confinement of convicted felony offenders that is under the 2889
control of the department of rehabilitation and correction but 2890
does not include a violation sanction center operated under 2891
authority of section 2967.141 of the Revised Code. 2892

(BB) "Prison term" includes either of the following 2893
sanctions for an offender: 2894

(1) A stated prison term; 2895

(2) A term in a prison shortened by, or with the approval 2896
of, the sentencing court pursuant to section 2929.143, 2929.20, 2897
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 2898

(CC) "Repeat violent offender" means a person about whom 2899
both of the following apply: 2900

(1) The person is being sentenced for committing or for 2901
complicity in committing any of the following: 2902

(a) Aggravated murder, murder, any felony of the first or 2903

second degree that is an offense of violence, or an attempt to 2904
commit any of these offenses if the attempt is a felony of the 2905
first or second degree; 2906

(b) An offense under an existing or former law of this 2907
state, another state, or the United States that is or was 2908
substantially equivalent to an offense described in division 2909
(CC) (1) (a) of this section. 2910

(2) The person previously was convicted of or pleaded 2911
guilty to an offense described in division (CC) (1) (a) or (b) of 2912
this section. 2913

(DD) "Sanction" means any penalty imposed upon an offender 2914
who is convicted of or pleads guilty to an offense, as 2915
punishment for the offense. "Sanction" includes any sanction 2916
imposed pursuant to any provision of sections 2929.14 to 2929.18 2917
or 2929.24 to 2929.28 of the Revised Code. 2918

(EE) "Sentence" means the sanction or combination of 2919
sanctions imposed by the sentencing court on an offender who is 2920
convicted of or pleads guilty to an offense. 2921

(FF) "Stated prison term" means the prison term, mandatory 2922
prison term, or combination of all prison terms and mandatory 2923
prison terms imposed by the sentencing court pursuant to section 2924
2929.14, 2929.142, or 2971.03 of the Revised Code or under 2925
section 2919.25 of the Revised Code. "Stated prison term" 2926
includes any credit received by the offender for time spent in 2927
jail awaiting trial, sentencing, or transfer to prison for the 2928
offense and any time spent under house arrest or house arrest 2929
with electronic monitoring imposed after earning credits 2930
pursuant to section 2967.193 of the Revised Code. If an offender 2931
is serving a prison term as a risk reduction sentence under 2932

sections 2929.143 and 5120.036 of the Revised Code, "stated 2933
prison term" includes any period of time by which the prison 2934
term imposed upon the offender is shortened by the offender's 2935
successful completion of all assessment and treatment or 2936
programming pursuant to those sections. 2937

(GG) "Victim-offender mediation" means a reconciliation or 2938
mediation program that involves an offender and the victim of 2939
the offense committed by the offender and that includes a 2940
meeting in which the offender and the victim may discuss the 2941
offense, discuss restitution, and consider other sanctions for 2942
the offense. 2943

(HH) "Fourth degree felony OVI offense" means a violation 2944
of division (A) of section 4511.19 of the Revised Code that, 2945
under division (G) of that section, is a felony of the fourth 2946
degree. 2947

(II) "Mandatory term of local incarceration" means the 2948
term of sixty or one hundred twenty days in a jail, a community- 2949
based correctional facility, a halfway house, or an alternative 2950
residential facility that a sentencing court may impose upon a 2951
person who is convicted of or pleads guilty to a fourth degree 2952
felony OVI offense pursuant to division (G)(1) of section 2953
2929.13 of the Revised Code and division (G)(1)(d) or (e) of 2954
section 4511.19 of the Revised Code. 2955

(JJ) "Designated homicide, assault, or kidnapping 2956
offense," "violent sex offense," "sexual motivation 2957
specification," "sexually violent offense," "sexually violent 2958
predator," and "sexually violent predator specification" have 2959
the same meanings as in section 2971.01 of the Revised Code. 2960

(KK) "Sexually oriented offense," "child-victim oriented 2961

offense," and "tier III sex offender/child-victim offender" have 2962
the same meanings as in section 2950.01 of the Revised Code. 2963

(LL) An offense is "committed in the vicinity of a child" 2964
if the offender commits the offense within thirty feet of or 2965
within the same residential unit as a child who is under 2966
eighteen years of age, regardless of whether the offender knows 2967
the age of the child or whether the offender knows the offense 2968
is being committed within thirty feet of or within the same 2969
residential unit as the child and regardless of whether the 2970
child actually views the commission of the offense. 2971

(MM) "Family or household member" has the same meaning as 2972
in section 2919.25 of the Revised Code. 2973

(NN) "Motor vehicle" and "manufactured home" have the same 2974
meanings as in section 4501.01 of the Revised Code. 2975

(OO) "Detention" and "detention facility" have the same 2976
meanings as in section 2921.01 of the Revised Code. 2977

(PP) "Third degree felony OVI offense" means a violation 2978
of division (A) of section 4511.19 of the Revised Code that, 2979
under division (G) of that section, is a felony of the third 2980
degree. 2981

(QQ) "Random drug testing" has the same meaning as in 2982
section 5120.63 of the Revised Code. 2983

(RR) "Felony sex offense" has the same meaning as in 2984
section 2967.28 of the Revised Code. 2985

(SS) "Body armor" has the same meaning as in section 2986
2941.1411 of the Revised Code. 2987

(TT) "Electronic monitoring" means monitoring through the 2988
use of an electronic monitoring device. 2989

(UU) "Electronic monitoring device" means any of the 2990
following: 2991

(1) Any device that can be operated by electrical or 2992
battery power and that conforms with all of the following: 2993

(a) The device has a transmitter that can be attached to a 2994
person, that will transmit a specified signal to a receiver of 2995
the type described in division (UU) (1) (b) of this section if the 2996
transmitter is removed from the person, turned off, or altered 2997
in any manner without prior court approval in relation to 2998
electronic monitoring or without prior approval of the 2999
department of rehabilitation and correction in relation to the 3000
use of an electronic monitoring device for an inmate on 3001
transitional control or otherwise is tampered with, that can 3002
transmit continuously and periodically a signal to that receiver 3003
when the person is within a specified distance from the 3004
receiver, and that can transmit an appropriate signal to that 3005
receiver if the person to whom it is attached travels a 3006
specified distance from that receiver. 3007

(b) The device has a receiver that can receive 3008
continuously the signals transmitted by a transmitter of the 3009
type described in division (UU) (1) (a) of this section, can 3010
transmit continuously those signals by a wireless or landline 3011
telephone connection to a central monitoring computer of the 3012
type described in division (UU) (1) (c) of this section, and can 3013
transmit continuously an appropriate signal to that central 3014
monitoring computer if the device has been turned off or altered 3015
without prior court approval or otherwise tampered with. The 3016
device is designed specifically for use in electronic 3017
monitoring, is not a converted wireless phone or another 3018
tracking device that is clearly not designed for electronic 3019

monitoring, and provides a means of text-based or voice 3020
communication with the person. 3021

(c) The device has a central monitoring computer that can 3022
receive continuously the signals transmitted by a wireless or 3023
landline telephone connection by a receiver of the type 3024
described in division (UU) (1) (b) of this section and can monitor 3025
continuously the person to whom an electronic monitoring device 3026
of the type described in division (UU) (1) (a) of this section is 3027
attached. 3028

(2) Any device that is not a device of the type described 3029
in division (UU) (1) of this section and that conforms with all 3030
of the following: 3031

(a) The device includes a transmitter and receiver that 3032
can monitor and determine the location of a subject person at 3033
any time, or at a designated point in time, through the use of a 3034
central monitoring computer or through other electronic means. 3035

(b) The device includes a transmitter and receiver that 3036
can determine at any time, or at a designated point in time, 3037
through the use of a central monitoring computer or other 3038
electronic means the fact that the transmitter is turned off or 3039
altered in any manner without prior approval of the court in 3040
relation to the electronic monitoring or without prior approval 3041
of the department of rehabilitation and correction in relation 3042
to the use of an electronic monitoring device for an inmate on 3043
transitional control or otherwise is tampered with. 3044

(3) Any type of technology that can adequately track or 3045
determine the location of a subject person at any time and that 3046
is approved by the director of rehabilitation and correction, 3047
including, but not limited to, any satellite technology, voice 3048

tracking system, or retinal scanning system that is so approved. 3049

(VV) "Non-economic loss" means nonpecuniary harm suffered 3050
by a victim of an offense as a result of or related to the 3051
commission of the offense, including, but not limited to, pain 3052
and suffering; loss of society, consortium, companionship, care, 3053
assistance, attention, protection, advice, guidance, counsel, 3054
instruction, training, or education; mental anguish; and any 3055
other intangible loss. 3056

(WW) "Prosecutor" has the same meaning as in section 3057
2935.01 of the Revised Code. 3058

(XX) "Continuous alcohol monitoring" means the ability to 3059
automatically test and periodically transmit alcohol consumption 3060
levels and tamper attempts at least every hour, regardless of 3061
the location of the person who is being monitored. 3062

(YY) A person is "adjudicated a sexually violent predator" 3063
if the person is convicted of or pleads guilty to a violent sex 3064
offense and also is convicted of or pleads guilty to a sexually 3065
violent predator specification that was included in the 3066
indictment, count in the indictment, or information charging 3067
that violent sex offense or if the person is convicted of or 3068
pleads guilty to a designated homicide, assault, or kidnapping 3069
offense and also is convicted of or pleads guilty to both a 3070
sexual motivation specification and a sexually violent predator 3071
specification that were included in the indictment, count in the 3072
indictment, or information charging that designated homicide, 3073
assault, or kidnapping offense. 3074

(ZZ) An offense is "committed in proximity to a school" if 3075
the offender commits the offense in a school safety zone or 3076
within five hundred feet of any school building or the 3077

boundaries of any school premises, regardless of whether the 3078
offender knows the offense is being committed in a school safety 3079
zone or within five hundred feet of any school building or the 3080
boundaries of any school premises. 3081

(AAA) "Human trafficking" means a scheme or plan to which 3082
all of the following apply: 3083

(1) Its object is one or more of the following: 3084

(a) To subject a victim or victims to involuntary 3085
servitude, as defined in section 2905.31 of the Revised Code or 3086
to compel a victim or victims to engage in sexual activity for 3087
hire, to engage in a performance that is obscene, sexually 3088
oriented, or nudity oriented, or to be a model or participant in 3089
the production of material that is obscene, sexually oriented, 3090
or nudity oriented; 3091

(b) To facilitate, encourage, or recruit a victim who is 3092
less than sixteen years of age or is a person with a 3093
developmental disability, or victims who are less than sixteen 3094
years of age or are persons with developmental disabilities, for 3095
any purpose listed in divisions (A) (2) (a) to (c) of section 3096
2905.32 of the Revised Code; 3097

(c) To facilitate, encourage, or recruit a victim who is 3098
sixteen or seventeen years of age, or victims who are sixteen or 3099
seventeen years of age, for any purpose listed in divisions (A) 3100
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 3101
circumstances described in division (A) (5), (6), (7), (8), (9), 3102
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 3103
apply with respect to the person engaging in the conduct and the 3104
victim or victims. 3105

(2) It involves at least two felony offenses, whether or 3106

not there has been a prior conviction for any of the felony 3107
offenses, to which all of the following apply: 3108

(a) Each of the felony offenses is a violation of section 3109
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 3110
division (A) (1) or (2) of section 2907.323, or division (B) (1), 3111
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 3112
is a violation of a law of any state other than this state that 3113
is substantially similar to any of the sections or divisions of 3114
the Revised Code identified in this division. 3115

(b) At least one of the felony offenses was committed in 3116
this state. 3117

(c) The felony offenses are related to the same scheme or 3118
plan and are not isolated instances. 3119

(BBB) "Material," "nudity," "obscene," "performance," and 3120
"sexual activity" have the same meanings as in section 2907.01 3121
of the Revised Code. 3122

(CCC) "Material that is obscene, sexually oriented, or 3123
nudity oriented" means any material that is obscene, that shows 3124
a person participating or engaging in sexual activity, 3125
masturbation, or bestiality, or that shows a person in a state 3126
of nudity. 3127

(DDD) "Performance that is obscene, sexually oriented, or 3128
nudity oriented" means any performance that is obscene, that 3129
shows a person participating or engaging in sexual activity, 3130
masturbation, or bestiality, or that shows a person in a state 3131
of nudity. 3132

Sec. 2929.13. (A) Except as provided in division (E), (F), 3133
or (G) of this section and unless a specific sanction is 3134
required to be imposed or is precluded from being imposed 3135

pursuant to law, a court that imposes a sentence upon an 3136
offender for a felony may impose any sanction or combination of 3137
sanctions on the offender that are provided in sections 2929.14 3138
to 2929.18 of the Revised Code. 3139

If the offender is eligible to be sentenced to community 3140
control sanctions, the court shall consider the appropriateness 3141
of imposing a financial sanction pursuant to section 2929.18 of 3142
the Revised Code or a sanction of community service pursuant to 3143
section 2929.17 of the Revised Code as the sole sanction for the 3144
offense. Except as otherwise provided in this division, if the 3145
court is required to impose a mandatory prison term for the 3146
offense for which sentence is being imposed, the court also 3147
shall impose any financial sanction pursuant to section 2929.18 3148
of the Revised Code that is required for the offense and may 3149
impose any other financial sanction pursuant to that section but 3150
may not impose any additional sanction or combination of 3151
sanctions under section 2929.16 or 2929.17 of the Revised Code. 3152

If the offender is being sentenced for a fourth degree 3153
felony OVI offense or for a third degree felony OVI offense, in 3154
addition to the mandatory term of local incarceration or the 3155
mandatory prison term required for the offense by division (G) 3156
(1) or (2) of this section, the court shall impose upon the 3157
offender a mandatory fine in accordance with division (B) (3) of 3158
section 2929.18 of the Revised Code and may impose whichever of 3159
the following is applicable: 3160

(1) For a fourth degree felony OVI offense for which 3161
sentence is imposed under division (G) (1) of this section, an 3162
additional community control sanction or combination of 3163
community control sanctions under section 2929.16 or 2929.17 of 3164
the Revised Code. If the court imposes upon the offender a 3165

community control sanction and the offender violates any 3166
condition of the community control sanction, the court may take 3167
any action prescribed in division (B) of section 2929.15 of the 3168
Revised Code relative to the offender, including imposing a 3169
prison term on the offender pursuant to that division. 3170

(2) For a third or fourth degree felony OVI offense for 3171
which sentence is imposed under division (G) (2) of this section, 3172
an additional prison term as described in division (B) (4) of 3173
section 2929.14 of the Revised Code or a community control 3174
sanction as described in division (G) (2) of this section. 3175

(B) (1) (a) Except as provided in division (B) (1) (b) of this 3176
section, if an offender is convicted of or pleads guilty to a 3177
felony of the fourth or fifth degree that is not an offense of 3178
violence or that is a qualifying assault offense, the court 3179
shall sentence the offender to a community control sanction of 3180
at least one year's duration if all of the following apply: 3181

(i) The offender previously has not been convicted of or 3182
pleaded guilty to a felony offense. 3183

(ii) The most serious charge against the offender at the 3184
time of sentencing is a felony of the fourth or fifth degree. 3185

(iii) If the court made a request of the department of 3186
rehabilitation and correction pursuant to division (B) (1) (c) of 3187
this section, the department, within the forty-five-day period 3188
specified in that division, provided the court with the names 3189
of, contact information for, and program details of one or more 3190
community control sanctions of at least one year's duration that 3191
are available for persons sentenced by the court. 3192

(iv) The offender previously has not been convicted of or 3193
pleaded guilty to a misdemeanor offense of violence that the 3194

offender committed within two years prior to the offense for 3195
which sentence is being imposed. 3196

(b) The court has discretion to impose a prison term upon 3197
an offender who is convicted of or pleads guilty to a felony of 3198
the fourth or fifth degree that is not an offense of violence or 3199
that is a qualifying assault offense if any of the following 3200
apply: 3201

(i) The offender committed the offense while having a 3202
firearm on or about the offender's person or under the 3203
offender's control. 3204

(ii) If the offense is a qualifying assault offense, the 3205
offender caused serious physical harm to another person while 3206
committing the offense, and, if the offense is not a qualifying 3207
assault offense, the offender caused physical harm to another 3208
person while committing the offense. 3209

(iii) The offender violated a term of the conditions of 3210
bond as set by the court. 3211

(iv) The court made a request of the department of 3212
rehabilitation and correction pursuant to division (B)(1)(c) of 3213
this section, and the department, within the forty-five-day 3214
period specified in that division, did not provide the court 3215
with the name of, contact information for, and program details 3216
of any community control sanction of at least one year's 3217
duration that is available for persons sentenced by the court. 3218

(v) The offense is a sex offense that is a fourth or fifth 3219
degree felony violation of any provision of Chapter 2907. of the 3220
Revised Code. 3221

(vi) In committing the offense, the offender attempted to 3222
cause or made an actual threat of physical harm to a person with 3223

a deadly weapon. 3224

(vii) In committing the offense, the offender attempted to 3225
cause or made an actual threat of physical harm to a person, and 3226
the offender previously was convicted of an offense that caused 3227
physical harm to a person. 3228

(viii) The offender held a public office or position of 3229
trust, and the offense related to that office or position; the 3230
offender's position obliged the offender to prevent the offense 3231
or to bring those committing it to justice; or the offender's 3232
professional reputation or position facilitated the offense or 3233
was likely to influence the future conduct of others. 3234

(ix) The offender committed the offense for hire or as 3235
part of an organized criminal activity. 3236

(x) The offender at the time of the offense was serving, 3237
or the offender previously had served, a prison term. 3238

(xi) The offender committed the offense while under a 3239
community control sanction, while on probation, or while 3240
released from custody on a bond or personal recognizance. 3241

(c) If a court that is sentencing an offender who is 3242
convicted of or pleads guilty to a felony of the fourth or fifth 3243
degree that is not an offense of violence or that is a 3244
qualifying assault offense believes that no community control 3245
sanctions are available for its use that, if imposed on the 3246
offender, will adequately fulfill the overriding principles and 3247
purposes of sentencing, the court shall contact the department 3248
of rehabilitation and correction and ask the department to 3249
provide the court with the names of, contact information for, 3250
and program details of one or more community control sanctions 3251
of at least one year's duration that are available for persons 3252

sentenced by the court. Not later than forty-five days after 3253
receipt of a request from a court under this division, the 3254
department shall provide the court with the names of, contact 3255
information for, and program details of one or more community 3256
control sanctions of at least one year's duration that are 3257
available for persons sentenced by the court, if any. Upon 3258
making a request under this division that relates to a 3259
particular offender, a court shall defer sentencing of that 3260
offender until it receives from the department the names of, 3261
contact information for, and program details of one or more 3262
community control sanctions of at least one year's duration that 3263
are available for persons sentenced by the court or for forty- 3264
five days, whichever is the earlier. 3265

If the department provides the court with the names of, 3266
contact information for, and program details of one or more 3267
community control sanctions of at least one year's duration that 3268
are available for persons sentenced by the court within the 3269
forty-five-day period specified in this division, the court 3270
shall impose upon the offender a community control sanction 3271
under division (B) (1) (a) of this section, except that the court 3272
may impose a prison term under division (B) (1) (b) of this 3273
section if a factor described in division (B) (1) (b) (i) or (ii) 3274
of this section applies. If the department does not provide the 3275
court with the names of, contact information for, and program 3276
details of one or more community control sanctions of at least 3277
one year's duration that are available for persons sentenced by 3278
the court within the forty-five-day period specified in this 3279
division, the court may impose upon the offender a prison term 3280
under division (B) (1) (b) (iv) of this section. 3281

(d) A sentencing court may impose an additional penalty 3282
under division (B) of section 2929.15 of the Revised Code upon 3283

an offender sentenced to a community control sanction under 3284
division (B) (1) (a) of this section if the offender violates the 3285
conditions of the community control sanction, violates a law, or 3286
leaves the state without the permission of the court or the 3287
offender's probation officer. 3288

(2) If division (B) (1) of this section does not apply, 3289
except as provided in division (E), (F), or (G) of this section, 3290
in determining whether to impose a prison term as a sanction for 3291
a felony of the fourth or fifth degree, the sentencing court 3292
shall comply with the purposes and principles of sentencing 3293
under section 2929.11 of the Revised Code and with section 3294
2929.12 of the Revised Code. 3295

(C) Except as provided in division (D), (E), (F), or (G) 3296
of this section, in determining whether to impose a prison term 3297
as a sanction for a felony of the third degree or a felony drug 3298
offense that is a violation of a provision of Chapter 2925. of 3299
the Revised Code and that is specified as being subject to this 3300
division for purposes of sentencing, the sentencing court shall 3301
comply with the purposes and principles of sentencing under 3302
section 2929.11 of the Revised Code and with section 2929.12 of 3303
the Revised Code. 3304

(D) (1) Except as provided in division (E) or (F) of this 3305
section, for a felony of the first or second degree, for a 3306
felony drug offense that is a violation of any provision of 3307
Chapter 2925., 3719., or 4729. of the Revised Code for which a 3308
presumption in favor of a prison term is specified as being 3309
applicable, and for a violation of division (A) (4) or (B) of 3310
section 2907.05 of the Revised Code for which a presumption in 3311
favor of a prison term is specified as being applicable, it is 3312
presumed that a prison term is necessary in order to comply with 3313

the purposes and principles of sentencing under section 2929.11 3314
of the Revised Code. Division (D)(2) of this section does not 3315
apply to a presumption established under this division for a 3316
violation of division (A)(4) of section 2907.05 of the Revised 3317
Code. 3318

(2) Notwithstanding the presumption established under 3319
division (D)(1) of this section for the offenses listed in that 3320
division other than a violation of division (A)(4) or (B) of 3321
section 2907.05 of the Revised Code, the sentencing court may 3322
impose a community control sanction or a combination of 3323
community control sanctions instead of a prison term on an 3324
offender for a felony of the first or second degree or for a 3325
felony drug offense that is a violation of any provision of 3326
Chapter 2925., 3719., or 4729. of the Revised Code for which a 3327
presumption in favor of a prison term is specified as being 3328
applicable if it makes both of the following findings: 3329

(a) A community control sanction or a combination of 3330
community control sanctions would adequately punish the offender 3331
and protect the public from future crime, because the applicable 3332
factors under section 2929.12 of the Revised Code indicating a 3333
lesser likelihood of recidivism outweigh the applicable factors 3334
under that section indicating a greater likelihood of 3335
recidivism. 3336

(b) A community control sanction or a combination of 3337
community control sanctions would not demean the seriousness of 3338
the offense, because one or more factors under section 2929.12 3339
of the Revised Code that indicate that the offender's conduct 3340
was less serious than conduct normally constituting the offense 3341
are applicable, and they outweigh the applicable factors under 3342
that section that indicate that the offender's conduct was more 3343

serious than conduct normally constituting the offense. 3344

(E) (1) Except as provided in division (F) of this section, 3345
for any drug offense that is a violation of any provision of 3346
Chapter 2925. of the Revised Code and that is a felony of the 3347
third, fourth, or fifth degree, the applicability of a 3348
presumption under division (D) of this section in favor of a 3349
prison term or of division (B) or (C) of this section in 3350
determining whether to impose a prison term for the offense 3351
shall be determined as specified in section 2925.02, 2925.03, 3352
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 3353
2925.36, or 2925.37 of the Revised Code, whichever is applicable 3354
regarding the violation. 3355

(2) If an offender who was convicted of or pleaded guilty 3356
to a felony violates the conditions of a community control 3357
sanction imposed for the offense solely by reason of producing 3358
positive results on a drug test or by acting pursuant to 3359
division (B) (2) (b) of section 2925.11 of the Revised Code with 3360
respect to a minor drug possession offense, the court, as 3361
punishment for the violation of the sanction, shall not order 3362
that the offender be imprisoned unless the court determines on 3363
the record either of the following: 3364

(a) The offender had been ordered as a sanction for the 3365
felony to participate in a drug treatment program, in a drug 3366
education program, or in narcotics anonymous or a similar 3367
program, and the offender continued to use illegal drugs after a 3368
reasonable period of participation in the program. 3369

(b) The imprisonment of the offender for the violation is 3370
consistent with the purposes and principles of sentencing set 3371
forth in section 2929.11 of the Revised Code. 3372

(3) A court that sentences an offender for a drug abuse offense that is a felony of the third, fourth, or fifth degree may require that the offender be assessed by a properly credentialed professional within a specified period of time. The court shall require the professional to file a written assessment of the offender with the court. If the offender is eligible for a community control sanction and after considering the written assessment, the court may impose a community control sanction that includes addiction services and recovery supports included in a community-based continuum of care established under section 340.032 of the Revised Code. If the court imposes addiction services and recovery supports as a community control sanction, the court shall direct the level and type of addiction services and recovery supports after considering the assessment and recommendation of community addiction services providers.

(F) Notwithstanding divisions (A) to (E) of this section, the court shall impose a prison term or terms under sections 2929.02 to 2929.06, section 2929.14, section 2929.142, or section 2971.03 of the Revised Code and except as specifically provided in section 2929.20, divisions (C) to (I) of section 2967.19, or section 2967.191 of the Revised Code or when parole is authorized for the offense under section 2967.13 of the Revised Code shall not reduce the term or terms pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code for any of the following offenses:

(1) Aggravated murder when death is not imposed or murder;

(2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape if, had the offender completed the rape that was attempted,

the offender would have been guilty of a violation of division 3403
(A) (1) (b) of section 2907.02 of the Revised Code and would be 3404
sentenced under section 2971.03 of the Revised Code; 3405

(3) Gross sexual imposition or sexual battery, if the 3406
victim is less than thirteen years of age and if any of the 3407
following applies: 3408

(a) Regarding gross sexual imposition, the offender 3409
previously was convicted of or pleaded guilty to rape, the 3410
former offense of felonious sexual penetration, gross sexual 3411
imposition, or sexual battery, and the victim of the previous 3412
offense was less than thirteen years of age; 3413

(b) Regarding gross sexual imposition, the offense was 3414
committed on or after August 3, 2006, and evidence other than 3415
the testimony of the victim was admitted in the case 3416
corroborating the violation. 3417

(c) Regarding sexual battery, either of the following 3418
applies: 3419

(i) The offense was committed prior to August 3, 2006, the 3420
offender previously was convicted of or pleaded guilty to rape, 3421
the former offense of felonious sexual penetration, or sexual 3422
battery, and the victim of the previous offense was less than 3423
thirteen years of age. 3424

(ii) The offense was committed on or after August 3, 2006. 3425

(4) A felony violation of section 2903.04, 2903.06, 3426
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 3427
or 2923.132 of the Revised Code if the section requires the 3428
imposition of a prison term; 3429

(5) A first, second, or third degree felony drug offense 3430

for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 3431
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 3432
or 4729.99 of the Revised Code, whichever is applicable 3433
regarding the violation, requires the imposition of a mandatory 3434
prison term; 3435

(6) Any offense that is a first or second degree felony 3436
and that is not set forth in division (F) (1), (2), (3), or (4) 3437
of this section, if the offender previously was convicted of or 3438
pleaded guilty to aggravated murder, murder, any first or second 3439
degree felony, or an offense under an existing or former law of 3440
this state, another state, or the United States that is or was 3441
substantially equivalent to one of those offenses; 3442

(7) Any offense that is a third degree felony and either 3443
is a violation of section 2903.04 of the Revised Code or an 3444
attempt to commit a felony of the second degree that is an 3445
offense of violence and involved an attempt to cause serious 3446
physical harm to a person or that resulted in serious physical 3447
harm to a person if the offender previously was convicted of or 3448
pleaded guilty to any of the following offenses: 3449

(a) Aggravated murder, murder, involuntary manslaughter, 3450
rape, felonious sexual penetration as it existed under section 3451
2907.12 of the Revised Code prior to September 3, 1996, a felony 3452
of the first or second degree that resulted in the death of a 3453
person or in physical harm to a person, or complicity in or an 3454
attempt to commit any of those offenses; 3455

(b) An offense under an existing or former law of this 3456
state, another state, or the United States that is or was 3457
substantially equivalent to an offense listed in division (F) (7) 3458
(a) of this section that resulted in the death of a person or in 3459
physical harm to a person. 3460

(8) Any offense, other than a violation of section 2923.12 3461
of the Revised Code, that is a felony, if the offender had a 3462
firearm on or about the offender's person or under the 3463
offender's control while committing the felony, with respect to 3464
a portion of the sentence imposed pursuant to division (B) (1) (a) 3465
of section 2929.14 of the Revised Code for having the firearm; 3466

(9) Any offense of violence that is a felony, if the 3467
offender wore or carried body armor while committing the felony 3468
offense of violence, with respect to the portion of the sentence 3469
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 3470
Revised Code for wearing or carrying the body armor; 3471

(10) Corrupt activity in violation of section 2923.32 of 3472
the Revised Code when the most serious offense in the pattern of 3473
corrupt activity that is the basis of the offense is a felony of 3474
the first degree; 3475

(11) Any violent sex offense or designated homicide, 3476
assault, or kidnapping offense if, in relation to that offense, 3477
the offender is adjudicated a sexually violent predator; 3478

(12) A violation of division (A) (1) or (2) of section 3479
2921.36 of the Revised Code, or a violation of division (C) of 3480
that section involving an item listed in division (A) (1) or (2) 3481
of that section, if the offender is an officer or employee of 3482
the department of rehabilitation and correction; 3483

(13) A violation of division (A) (1) or (2) of section 3484
2903.06 of the Revised Code if the victim of the offense is a 3485
peace officer, as defined in section 2935.01 of the Revised 3486
Code, or an investigator of the bureau of criminal 3487
identification and investigation, as defined in section 2903.11 3488
of the Revised Code, with respect to the portion of the sentence 3489

imposed pursuant to division (B) (5) of section 2929.14 of the Revised Code; 3490
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(14) A violation of division (A) (1) or (2) of section 2903.06 of the Revised Code if the offender has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those divisions and offenses, with respect to the portion of the sentence imposed pursuant to division (B) (6) of section 2929.14 of the Revised Code; 3492
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(15) Kidnapping, in the circumstances specified in section 2971.03 of the Revised Code and when no other provision of division (F) of this section applies; 3501
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(16) Kidnapping, abduction, compelling prostitution, promoting prostitution, engaging in a pattern of corrupt activity, illegal use of a minor in a nudity-oriented material or performance in violation of division (A) (1) or (2) of section 2907.323 of the Revised Code, or endangering children in violation of division (B) (1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code, if the offender is convicted of or pleads guilty to a specification as described in section 2941.1422 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense; 3504
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(17) A felony violation of division (A) or (B) of section 2919.25 of the Revised Code if division (D) (3), (4), or (5) of that section, and division (D) (6) of that section, require the imposition of a prison term; 3515
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(18) A felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code, if the victim of the offense was a woman that the offender knew was pregnant at the time of the violation, with respect to a portion of the sentence imposed pursuant to division (B) (8) of section 2929.14 of the Revised Code;

(19) (a) Any violent felony offense if the offender is a violent career criminal and had a firearm on or about the offender's person or under the offender's control during the commission of the violent felony offense and displayed or brandished the firearm, indicated that the offender possessed a firearm, or used the firearm to facilitate the offense, with respect to the portion of the sentence imposed under division (K) of section 2929.14 of the Revised Code.

(b) As used in division (F) (19) (a) of this section, "violent career criminal" and "violent felony offense" have the same meanings as in section 2923.132 of the Revised Code.

(20) A felony violation of section 2925.03, 2925.05, or 2925.11 of the Revised Code, if the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound and the offender is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1410 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, with respect to the portion of the sentence imposed under division (B) (9) of section 2929.14 of the Revised Code.

(G) Notwithstanding divisions (A) to (E) of this section, if an offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, the court

shall impose upon the offender a mandatory term of local 3549
incarceration or a mandatory prison term in accordance with the 3550
following: 3551

(1) If the offender is being sentenced for a fourth degree 3552
felony OVI offense and if the offender has not been convicted of 3553
and has not pleaded guilty to a specification of the type 3554
described in section 2941.1413 of the Revised Code, the court 3555
may impose upon the offender a mandatory term of local 3556
incarceration of sixty days or one hundred twenty days as 3557
specified in division (G) (1) (d) of section 4511.19 of the 3558
Revised Code. The court shall not reduce the term pursuant to 3559
section 2929.20, 2967.193, or any other provision of the Revised 3560
Code. The court that imposes a mandatory term of local 3561
incarceration under this division shall specify whether the term 3562
is to be served in a jail, a community-based correctional 3563
facility, a halfway house, or an alternative residential 3564
facility, and the offender shall serve the term in the type of 3565
facility specified by the court. A mandatory term of local 3566
incarceration imposed under division (G) (1) of this section is 3567
not subject to any other Revised Code provision that pertains to 3568
a prison term except as provided in division (A) (1) of this 3569
section. 3570

(2) If the offender is being sentenced for a third degree 3571
felony OVI offense, or if the offender is being sentenced for a 3572
fourth degree felony OVI offense and the court does not impose a 3573
mandatory term of local incarceration under division (G) (1) of 3574
this section, the court shall impose upon the offender a 3575
mandatory prison term of one, two, three, four, or five years if 3576
the offender also is convicted of or also pleads guilty to a 3577
specification of the type described in section 2941.1413 of the 3578
Revised Code or shall impose upon the offender a mandatory 3579

prison term of sixty days or one hundred twenty days as 3580
specified in division (G) (1) (d) or (e) of section 4511.19 of the 3581
Revised Code if the offender has not been convicted of and has 3582
not pleaded guilty to a specification of that type. Subject to 3583
divisions (C) to (I) of section 2967.19 of the Revised Code, the 3584
court shall not reduce the term pursuant to section 2929.20, 3585
2967.19, 2967.193, or any other provision of the Revised Code. 3586
The offender shall serve the one-, two-, three-, four-, or five- 3587
year mandatory prison term consecutively to and prior to the 3588
prison term imposed for the underlying offense and consecutively 3589
to any other mandatory prison term imposed in relation to the 3590
offense. In no case shall an offender who once has been 3591
sentenced to a mandatory term of local incarceration pursuant to 3592
division (G) (1) of this section for a fourth degree felony OVI 3593
offense be sentenced to another mandatory term of local 3594
incarceration under that division for any violation of division 3595
(A) of section 4511.19 of the Revised Code. In addition to the 3596
mandatory prison term described in division (G) (2) of this 3597
section, the court may sentence the offender to a community 3598
control sanction under section 2929.16 or 2929.17 of the Revised 3599
Code, but the offender shall serve the prison term prior to 3600
serving the community control sanction. The department of 3601
rehabilitation and correction may place an offender sentenced to 3602
a mandatory prison term under this division in an intensive 3603
program prison established pursuant to section 5120.033 of the 3604
Revised Code if the department gave the sentencing judge prior 3605
notice of its intent to place the offender in an intensive 3606
program prison established under that section and if the judge 3607
did not notify the department that the judge disapproved the 3608
placement. Upon the establishment of the initial intensive 3609
program prison pursuant to section 5120.033 of the Revised Code 3610
that is privately operated and managed by a contractor pursuant 3611

to a contract entered into under section 9.06 of the Revised Code, both of the following apply:

(a) The department of rehabilitation and correction shall make a reasonable effort to ensure that a sufficient number of offenders sentenced to a mandatory prison term under this division are placed in the privately operated and managed prison so that the privately operated and managed prison has full occupancy.

(b) Unless the privately operated and managed prison has full occupancy, the department of rehabilitation and correction shall not place any offender sentenced to a mandatory prison term under this division in any intensive program prison established pursuant to section 5120.033 of the Revised Code other than the privately operated and managed prison.

(H) If an offender is being sentenced for a sexually oriented offense or child-victim oriented offense that is a felony committed on or after January 1, 1997, the judge shall require the offender to submit to a DNA specimen collection procedure pursuant to section 2901.07 of the Revised Code.

(I) If an offender is being sentenced for a sexually oriented offense or a child-victim oriented offense committed on or after January 1, 1997, the judge shall include in the sentence a summary of the offender's duties imposed under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and the duration of the duties. The judge shall inform the offender, at the time of sentencing, of those duties and of their duration. If required under division (A) (2) of section 2950.03 of the Revised Code, the judge shall perform the duties specified in that section, or, if required under division (A) (6) of section 2950.03 of the Revised Code, the judge shall perform

the duties specified in that division. 3642

(J) (1) Except as provided in division (J) (2) of this 3643
section, when considering sentencing factors under this section 3644
in relation to an offender who is convicted of or pleads guilty 3645
to an attempt to commit an offense in violation of section 3646
2923.02 of the Revised Code, the sentencing court shall consider 3647
the factors applicable to the felony category of the violation 3648
of section 2923.02 of the Revised Code instead of the factors 3649
applicable to the felony category of the offense attempted. 3650

(2) When considering sentencing factors under this section 3651
in relation to an offender who is convicted of or pleads guilty 3652
to an attempt to commit a drug abuse offense for which the 3653
penalty is determined by the amount or number of unit doses of 3654
the controlled substance involved in the drug abuse offense, the 3655
sentencing court shall consider the factors applicable to the 3656
felony category that the drug abuse offense attempted would be 3657
if that drug abuse offense had been committed and had involved 3658
an amount or number of unit doses of the controlled substance 3659
that is within the next lower range of controlled substance 3660
amounts than was involved in the attempt. 3661

(K) As used in this section: 3662

(1) "Community addiction services provider" has the same 3663
meaning as in section 5119.01 of the Revised Code. 3664

(2) "Drug abuse offense" has the same meaning as in 3665
section 2925.01 of the Revised Code. 3666

(3) "Minor drug possession offense" has the same meaning 3667
as in section 2925.11 of the Revised Code. 3668

(4) "Qualifying assault offense" means a violation of 3669
section 2903.13 of the Revised Code for which the penalty 3670

provision in division (C) (8) (b) or (C) (9) (b) of that section 3671
applies. 3672

(L) At the time of sentencing an offender for any sexually 3673
oriented offense, if the offender is a tier III sex 3674
offender/child-victim offender relative to that offense and the 3675
offender does not serve a prison term or jail term, the court 3676
may require that the offender be monitored by means of a global 3677
positioning device. If the court requires such monitoring, the 3678
cost of monitoring shall be borne by the offender. If the 3679
offender is indigent, the cost of compliance shall be paid by 3680
the crime victims reparations fund. 3681

Sec. 2929.14. (A) Except as provided in division (B) (1), 3682
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 3683
(E), (G), (H), (J), or (K) of this section or in division (D) (6) 3684
of section 2919.25 of the Revised Code and except in relation to 3685
an offense for which a sentence of death or life imprisonment is 3686
to be imposed, if the court imposing a sentence upon an offender 3687
for a felony elects or is required to impose a prison term on 3688
the offender pursuant to this chapter, the court shall impose a 3689
definite prison term that shall be one of the following: 3690

(1) For a felony of the first degree, the prison term 3691
shall be three, four, five, six, seven, eight, nine, ten, or 3692
eleven years. 3693

(2) For a felony of the second degree, the prison term 3694
shall be two, three, four, five, six, seven, or eight years. 3695

(3) (a) For a felony of the third degree that is a 3696
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 3697
2907.05, or 3795.04 of the Revised Code or that is a violation 3698
of section 2911.02 or 2911.12 of the Revised Code if the 3699

offender previously has been convicted of or pleaded guilty in 3700
two or more separate proceedings to two or more violations of 3701
section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised 3702
Code, the prison term shall be twelve, eighteen, twenty-four, 3703
thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty 3704
months. 3705

(b) For a felony of the third degree that is not an 3706
offense for which division (A) (3) (a) of this section applies, 3707
the prison term shall be nine, twelve, eighteen, twenty-four, 3708
thirty, or thirty-six months. 3709

(4) For a felony of the fourth degree, the prison term 3710
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 3711
fourteen, fifteen, sixteen, seventeen, or eighteen months. 3712

(5) For a felony of the fifth degree, the prison term 3713
shall be six, seven, eight, nine, ten, eleven, or twelve months. 3714

(B) (1) (a) Except as provided in division (B) (1) (e) of this 3715
section, if an offender who is convicted of or pleads guilty to 3716
a felony also is convicted of or pleads guilty to a 3717
specification of the type described in section 2941.141, 3718
2941.144, or 2941.145 of the Revised Code, the court shall 3719
impose on the offender one of the following prison terms: 3720

(i) A prison term of six years if the specification is of 3721
the type described in division (A) of section 2941.144 of the 3722
Revised Code that charges the offender with having a firearm 3723
that is an automatic firearm or that was equipped with a firearm 3724
muffler or suppressor on or about the offender's person or under 3725
the offender's control while committing the offense; 3726

(ii) A prison term of three years if the specification is 3727
of the type described in division (A) of section 2941.145 of the 3728

Revised Code that charges the offender with having a firearm on 3729
or about the offender's person or under the offender's control 3730
while committing the offense and displaying the firearm, 3731
brandishing the firearm, indicating that the offender possessed 3732
the firearm, or using it to facilitate the offense; 3733

(iii) A prison term of one year if the specification is of 3734
the type described in division (A) of section 2941.141 of the 3735
Revised Code that charges the offender with having a firearm on 3736
or about the offender's person or under the offender's control 3737
while committing the offense; 3738

(iv) A prison term of nine years if the specification is 3739
of the type described in division (D) of section 2941.144 of the 3740
Revised Code that charges the offender with having a firearm 3741
that is an automatic firearm or that was equipped with a firearm 3742
muffler or suppressor on or about the offender's person or under 3743
the offender's control while committing the offense and 3744
specifies that the offender previously has been convicted of or 3745
pleaded guilty to a specification of the type described in 3746
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 3747
the Revised Code; 3748

(v) A prison term of fifty-four months if the 3749
specification is of the type described in division (D) of 3750
section 2941.145 of the Revised Code that charges the offender 3751
with having a firearm on or about the offender's person or under 3752
the offender's control while committing the offense and 3753
displaying the firearm, brandishing the firearm, indicating that 3754
the offender possessed the firearm, or using the firearm to 3755
facilitate the offense and that the offender previously has been 3756
convicted of or pleaded guilty to a specification of the type 3757
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 3758

2941.1412 of the Revised Code; 3759

(vi) A prison term of eighteen months if the specification 3760
is of the type described in division (D) of section 2941.141 of 3761
the Revised Code that charges the offender with having a firearm 3762
on or about the offender's person or under the offender's 3763
control while committing the offense and that the offender 3764
previously has been convicted of or pleaded guilty to a 3765
specification of the type described in section 2941.141, 3766
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 3767

(b) If a court imposes a prison term on an offender under 3768
division (B) (1) (a) of this section, the prison term shall not be 3769
reduced pursuant to section 2967.19, section 2929.20, section 3770
2967.193, or any other provision of Chapter 2967. or Chapter 3771
5120. of the Revised Code. Except as provided in division (B) (1) 3772
(g) of this section, a court shall not impose more than one 3773
prison term on an offender under division (B) (1) (a) of this 3774
section for felonies committed as part of the same act or 3775
transaction. 3776

(c) (i) Except as provided in division (B) (1) (e) of this 3777
section, if an offender who is convicted of or pleads guilty to 3778
a violation of section 2923.161 of the Revised Code or to a 3779
felony that includes, as an essential element, purposely or 3780
knowingly causing or attempting to cause the death of or 3781
physical harm to another, also is convicted of or pleads guilty 3782
to a specification of the type described in division (A) of 3783
section 2941.146 of the Revised Code that charges the offender 3784
with committing the offense by discharging a firearm from a 3785
motor vehicle other than a manufactured home, the court, after 3786
imposing a prison term on the offender for the violation of 3787
section 2923.161 of the Revised Code or for the other felony 3788

offense under division (A), (B) (2), or (B) (3) of this section, 3789
shall impose an additional prison term of five years upon the 3790
offender that shall not be reduced pursuant to section 2929.20, 3791
section 2967.19, section 2967.193, or any other provision of 3792
Chapter 2967. or Chapter 5120. of the Revised Code. 3793

(ii) Except as provided in division (B) (1) (e) of this 3794
section, if an offender who is convicted of or pleads guilty to 3795
a violation of section 2923.161 of the Revised Code or to a 3796
felony that includes, as an essential element, purposely or 3797
knowingly causing or attempting to cause the death of or 3798
physical harm to another, also is convicted of or pleads guilty 3799
to a specification of the type described in division (C) of 3800
section 2941.146 of the Revised Code that charges the offender 3801
with committing the offense by discharging a firearm from a 3802
motor vehicle other than a manufactured home and that the 3803
offender previously has been convicted of or pleaded guilty to a 3804
specification of the type described in section 2941.141, 3805
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 3806
the court, after imposing a prison term on the offender for the 3807
violation of section 2923.161 of the Revised Code or for the 3808
other felony offense under division (A), (B) (2), or (3) of this 3809
section, shall impose an additional prison term of ninety months 3810
upon the offender that shall not be reduced pursuant to section 3811
2929.20, 2967.19, 2967.193, or any other provision of Chapter 3812
2967. or Chapter 5120. of the Revised Code. 3813

(iii) A court shall not impose more than one additional 3814
prison term on an offender under division (B) (1) (c) of this 3815
section for felonies committed as part of the same act or 3816
transaction. If a court imposes an additional prison term on an 3817
offender under division (B) (1) (c) of this section relative to an 3818
offense, the court also shall impose a prison term under 3819

division (B) (1) (a) of this section relative to the same offense, 3820
provided the criteria specified in that division for imposing an 3821
additional prison term are satisfied relative to the offender 3822
and the offense. 3823

(d) If an offender who is convicted of or pleads guilty to 3824
an offense of violence that is a felony also is convicted of or 3825
pleads guilty to a specification of the type described in 3826
section 2941.1411 of the Revised Code that charges the offender 3827
with wearing or carrying body armor while committing the felony 3828
offense of violence, the court shall impose on the offender a 3829
prison term of two years. The prison term so imposed, subject to 3830
divisions (C) to (I) of section 2967.19 of the Revised Code, 3831
shall not be reduced pursuant to section 2929.20, section 3832
2967.19, section 2967.193, or any other provision of Chapter 3833
2967. or Chapter 5120. of the Revised Code. A court shall not 3834
impose more than one prison term on an offender under division 3835
(B) (1) (d) of this section for felonies committed as part of the 3836
same act or transaction. If a court imposes an additional prison 3837
term under division (B) (1) (a) or (c) of this section, the court 3838
is not precluded from imposing an additional prison term under 3839
division (B) (1) (d) of this section. 3840

(e) The court shall not impose any of the prison terms 3841
described in division (B) (1) (a) of this section or any of the 3842
additional prison terms described in division (B) (1) (c) of this 3843
section upon an offender for a violation of section 2923.12 or 3844
2923.123 of the Revised Code. The court shall not impose any of 3845
the prison terms described in division (B) (1) (a) or (b) of this 3846
section upon an offender for a violation of section 2923.122 3847
that involves a deadly weapon that is a firearm other than a 3848
dangerous ordnance, section 2923.16, or section 2923.121 of the 3849
Revised Code. The court shall not impose any of the prison terms 3850

described in division (B) (1) (a) of this section or any of the 3851
additional prison terms described in division (B) (1) (c) of this 3852
section upon an offender for a violation of section 2923.13 of 3853
the Revised Code unless all of the following apply: 3854

(i) The offender previously has been convicted of 3855
aggravated murder, murder, or any felony of the first or second 3856
degree. 3857

(ii) Less than five years have passed since the offender 3858
was released from prison or post-release control, whichever is 3859
later, for the prior offense. 3860

(f) (i) If an offender is convicted of or pleads guilty to 3861
a felony that includes, as an essential element, causing or 3862
attempting to cause the death of or physical harm to another and 3863
also is convicted of or pleads guilty to a specification of the 3864
type described in division (A) of section 2941.1412 of the 3865
Revised Code that charges the offender with committing the 3866
offense by discharging a firearm at a peace officer as defined 3867
in section 2935.01 of the Revised Code or a corrections officer, 3868
as defined in section 2941.1412 of the Revised Code, the court, 3869
after imposing a prison term on the offender for the felony 3870
offense under division (A), (B) (2), or (B) (3) of this section, 3871
shall impose an additional prison term of seven years upon the 3872
offender that shall not be reduced pursuant to section 2929.20, 3873
section 2967.19, section 2967.193, or any other provision of 3874
Chapter 2967. or Chapter 5120. of the Revised Code. 3875

(ii) If an offender is convicted of or pleads guilty to a 3876
felony that includes, as an essential element, causing or 3877
attempting to cause the death of or physical harm to another and 3878
also is convicted of or pleads guilty to a specification of the 3879
type described in division (B) of section 2941.1412 of the 3880

Revised Code that charges the offender with committing the 3881
offense by discharging a firearm at a peace officer, as defined 3882
in section 2935.01 of the Revised Code, or a corrections 3883
officer, as defined in section 2941.1412 of the Revised Code, 3884
and that the offender previously has been convicted of or 3885
pleaded guilty to a specification of the type described in 3886
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 3887
the Revised Code, the court, after imposing a prison term on the 3888
offender for the felony offense under division (A), (B) (2), or 3889
(3) of this section, shall impose an additional prison term of 3890
one hundred twenty-six months upon the offender that shall not 3891
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 3892
any other provision of Chapter 2967. or 5120. of the Revised 3893
Code. 3894

(iii) If an offender is convicted of or pleads guilty to 3895
two or more felonies that include, as an essential element, 3896
causing or attempting to cause the death or physical harm to 3897
another and also is convicted of or pleads guilty to a 3898
specification of the type described under division (B) (1) (f) of 3899
this section in connection with two or more of the felonies of 3900
which the offender is convicted or to which the offender pleads 3901
guilty, the sentencing court shall impose on the offender the 3902
prison term specified under division (B) (1) (f) of this section 3903
for each of two of the specifications of which the offender is 3904
convicted or to which the offender pleads guilty and, in its 3905
discretion, also may impose on the offender the prison term 3906
specified under that division for any or all of the remaining 3907
specifications. If a court imposes an additional prison term on 3908
an offender under division (B) (1) (f) of this section relative to 3909
an offense, the court shall not impose a prison term under 3910
division (B) (1) (a) or (c) of this section relative to the same 3911

offense. 3912

(g) If an offender is convicted of or pleads guilty to two 3913
or more felonies, if one or more of those felonies are 3914
aggravated murder, murder, attempted aggravated murder, 3915
attempted murder, aggravated robbery, felonious assault, or 3916
rape, and if the offender is convicted of or pleads guilty to a 3917
specification of the type described under division (B)(1)(a) of 3918
this section in connection with two or more of the felonies, the 3919
sentencing court shall impose on the offender the prison term 3920
specified under division (B)(1)(a) of this section for each of 3921
the two most serious specifications of which the offender is 3922
convicted or to which the offender pleads guilty and, in its 3923
discretion, also may impose on the offender the prison term 3924
specified under that division for any or all of the remaining 3925
specifications. 3926

(2)(a) If division (B)(2)(b) of this section does not 3927
apply, the court may impose on an offender, in addition to the 3928
longest prison term authorized or required for the offense, an 3929
additional definite prison term of one, two, three, four, five, 3930
six, seven, eight, nine, or ten years if all of the following 3931
criteria are met: 3932

(i) The offender is convicted of or pleads guilty to a 3933
specification of the type described in section 2941.149 of the 3934
Revised Code that the offender is a repeat violent offender. 3935

(ii) The offense of which the offender currently is 3936
convicted or to which the offender currently pleads guilty is 3937
aggravated murder and the court does not impose a sentence of 3938
death or life imprisonment without parole, murder, terrorism and 3939
the court does not impose a sentence of life imprisonment 3940
without parole, any felony of the first degree that is an 3941

offense of violence and the court does not impose a sentence of 3942
life imprisonment without parole, or any felony of the second 3943
degree that is an offense of violence and the trier of fact 3944
finds that the offense involved an attempt to cause or a threat 3945
to cause serious physical harm to a person or resulted in 3946
serious physical harm to a person. 3947

(iii) The court imposes the longest prison term for the 3948
offense that is not life imprisonment without parole. 3949

(iv) The court finds that the prison terms imposed 3950
pursuant to division (B) (2) (a) (iii) of this section and, if 3951
applicable, division (B) (1) or (3) of this section are 3952
inadequate to punish the offender and protect the public from 3953
future crime, because the applicable factors under section 3954
2929.12 of the Revised Code indicating a greater likelihood of 3955
recidivism outweigh the applicable factors under that section 3956
indicating a lesser likelihood of recidivism. 3957

(v) The court finds that the prison terms imposed pursuant 3958
to division (B) (2) (a) (iii) of this section and, if applicable, 3959
division (B) (1) or (3) of this section are demeaning to the 3960
seriousness of the offense, because one or more of the factors 3961
under section 2929.12 of the Revised Code indicating that the 3962
offender's conduct is more serious than conduct normally 3963
constituting the offense are present, and they outweigh the 3964
applicable factors under that section indicating that the 3965
offender's conduct is less serious than conduct normally 3966
constituting the offense. 3967

(b) The court shall impose on an offender the longest 3968
prison term authorized or required for the offense and shall 3969
impose on the offender an additional definite prison term of 3970
one, two, three, four, five, six, seven, eight, nine, or ten 3971

years if all of the following criteria are met: 3972

(i) The offender is convicted of or pleads guilty to a 3973
specification of the type described in section 2941.149 of the 3974
Revised Code that the offender is a repeat violent offender. 3975

(ii) The offender within the preceding twenty years has 3976
been convicted of or pleaded guilty to three or more offenses 3977
described in division (CC) (1) of section 2929.01 of the Revised 3978
Code, including all offenses described in that division of which 3979
the offender is convicted or to which the offender pleads guilty 3980
in the current prosecution and all offenses described in that 3981
division of which the offender previously has been convicted or 3982
to which the offender previously pleaded guilty, whether 3983
prosecuted together or separately. 3984

(iii) The offense or offenses of which the offender 3985
currently is convicted or to which the offender currently pleads 3986
guilty is aggravated murder and the court does not impose a 3987
sentence of death or life imprisonment without parole, murder, 3988
terrorism and the court does not impose a sentence of life 3989
imprisonment without parole, any felony of the first degree that 3990
is an offense of violence and the court does not impose a 3991
sentence of life imprisonment without parole, or any felony of 3992
the second degree that is an offense of violence and the trier 3993
of fact finds that the offense involved an attempt to cause or a 3994
threat to cause serious physical harm to a person or resulted in 3995
serious physical harm to a person. 3996

(c) For purposes of division (B) (2) (b) of this section, 3997
two or more offenses committed at the same time or as part of 3998
the same act or event shall be considered one offense, and that 3999
one offense shall be the offense with the greatest penalty. 4000

(d) A sentence imposed under division (B) (2) (a) or (b) of this section shall not be reduced pursuant to section 2929.20, section 2967.19, or section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. The offender shall serve an additional prison term imposed under this section consecutively to and prior to the prison term imposed for the underlying offense.

(e) When imposing a sentence pursuant to division (B) (2) (a) or (b) of this section, the court shall state its findings explaining the imposed sentence.

(3) Except when an offender commits a violation of section 2903.01 or 2907.02 of the Revised Code and the penalty imposed for the violation is life imprisonment or commits a violation of section 2903.02 of the Revised Code, if the offender commits a violation of section 2925.03 or 2925.11 of the Revised Code and that section classifies the offender as a major drug offender, if the offender commits a violation of section 2925.05 of the Revised Code and division (E) (1) of that section classifies the offender as a major drug offender, if the offender commits a felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, division (C) or (D) of section 3719.172, division (E) of section 4729.51, or division (J) of section 4729.54 of the Revised Code that includes the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and the court imposing sentence upon the offender finds that the offender is guilty of a specification of the type described in division (A) of section 2941.1410 of the Revised Code charging that the offender is a major drug offender, if the court imposing sentence upon an offender for a felony finds that the offender is guilty of corrupt activity with the most serious

offense in the pattern of corrupt activity being a felony of the 4032
first degree, or if the offender is guilty of an attempted 4033
violation of section 2907.02 of the Revised Code and, had the 4034
offender completed the violation of section 2907.02 of the 4035
Revised Code that was attempted, the offender would have been 4036
subject to a sentence of life imprisonment or life imprisonment 4037
without parole for the violation of section 2907.02 of the 4038
Revised Code, the court shall impose upon the offender for the 4039
felony violation a mandatory prison term of the maximum prison 4040
term prescribed for a felony of the first degree that, subject 4041
to divisions (C) to (I) of section 2967.19 of the Revised Code, 4042
cannot be reduced pursuant to section 2929.20, section 2967.19, 4043
or any other provision of Chapter 2967. or 5120. of the Revised 4044
Code. 4045

(4) If the offender is being sentenced for a third or 4046
fourth degree felony OVI offense under division (G) (2) of 4047
section 2929.13 of the Revised Code, the sentencing court shall 4048
impose upon the offender a mandatory prison term in accordance 4049
with that division. In addition to the mandatory prison term, if 4050
the offender is being sentenced for a fourth degree felony OVI 4051
offense, the court, notwithstanding division (A) (4) of this 4052
section, may sentence the offender to a definite prison term of 4053
not less than six months and not more than thirty months, and if 4054
the offender is being sentenced for a third degree felony OVI 4055
offense, the sentencing court may sentence the offender to an 4056
additional prison term of any duration specified in division (A) 4057
(3) of this section. In either case, the additional prison term 4058
imposed shall be reduced by the sixty or one hundred twenty days 4059
imposed upon the offender as the mandatory prison term. The 4060
total of the additional prison term imposed under division (B) 4061
(4) of this section plus the sixty or one hundred twenty days 4062

imposed as the mandatory prison term shall equal a definite term 4063
in the range of six months to thirty months for a fourth degree 4064
felony OVI offense and shall equal one of the authorized prison 4065
terms specified in division (A) (3) of this section for a third 4066
degree felony OVI offense. If the court imposes an additional 4067
prison term under division (B) (4) of this section, the offender 4068
shall serve the additional prison term after the offender has 4069
served the mandatory prison term required for the offense. In 4070
addition to the mandatory prison term or mandatory and 4071
additional prison term imposed as described in division (B) (4) 4072
of this section, the court also may sentence the offender to a 4073
community control sanction under section 2929.16 or 2929.17 of 4074
the Revised Code, but the offender shall serve all of the prison 4075
terms so imposed prior to serving the community control 4076
sanction. 4077

If the offender is being sentenced for a fourth degree 4078
felony OVI offense under division (G) (1) of section 2929.13 of 4079
the Revised Code and the court imposes a mandatory term of local 4080
incarceration, the court may impose a prison term as described 4081
in division (A) (1) of that section. 4082

(5) If an offender is convicted of or pleads guilty to a 4083
violation of division (A) (1) or (2) of section 2903.06 of the 4084
Revised Code and also is convicted of or pleads guilty to a 4085
specification of the type described in section 2941.1414 of the 4086
Revised Code that charges that the victim of the offense is a 4087
peace officer, as defined in section 2935.01 of the Revised 4088
Code, or an investigator of the bureau of criminal 4089
identification and investigation, as defined in section 2903.11 4090
of the Revised Code, the court shall impose on the offender a 4091
prison term of five years. If a court imposes a prison term on 4092
an offender under division (B) (5) of this section, the prison 4093

term, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (5) of this section for felonies committed as part of the same act.

(6) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1415 of the Revised Code that charges that the offender previously has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those divisions and offenses, the court shall impose on the offender a prison term of three years. If a court imposes a prison term on an offender under division (B) (6) of this section, the prison term, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (6) of this section for felonies committed as part of the same act.

(7) (a) If an offender is convicted of or pleads guilty to a felony violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code and also is convicted of or pleads guilty to a

specification of the type described in section 2941.1422 of the Revised Code that charges that the offender knowingly committed the offense in furtherance of human trafficking, the court shall impose on the offender a mandatory prison term that is one of the following:

(i) If the offense is a felony of the first degree, a definite prison term of not less than five years and not greater than ten years;

(ii) If the offense is a felony of the second or third degree, a definite prison term of not less than three years and not greater than the maximum prison term allowed for the offense by division (A) of section 2929.14 of the Revised Code;

(iii) If the offense is a felony of the fourth or fifth degree, a definite prison term that is the maximum prison term allowed for the offense by division (A) of section 2929.14 of the Revised Code.

(b) Subject to divisions (C) to (I) of section 2967.19 of the Revised Code, the prison term imposed under division (B) (7) (a) of this section shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (7) (a) of this section for felonies committed as part of the same act, scheme, or plan.

(8) If an offender is convicted of or pleads guilty to a felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1423 of the Revised Code that charges that the victim of the violation was a

woman whom the offender knew was pregnant at the time of the 4154
violation, notwithstanding the range of prison terms prescribed 4155
in division (A) of this section for felonies of the same degree 4156
as the violation, the court shall impose on the offender a 4157
mandatory prison term that is either a definite prison term of 4158
six months or one of the prison terms prescribed in section 4159
2929.14 of the Revised Code for felonies of the same degree as 4160
the violation. 4161

(9) If an offender is convicted of or pleads guilty to a 4162
felony violation of section 2925.03 or 2925.05 of the Revised 4163
Code or a felony violation of section 2925.11 of the Revised 4164
Code for which division (C) (9) (b) or (C) (10) of that section 4165
applies in determining the sentence for the violation, if the 4166
drug involved in the violation is a fentanyl-related compound or 4167
a compound, mixture, preparation, or substance containing a 4168
fentanyl-related compound, and if the offender also is convicted 4169
of or pleads guilty to a specification of the type described in 4170
division (B) of section 2941.1410 of the Revised Code that 4171
charges that the offender is a major drug offender, in addition 4172
to any other penalty imposed for the violation, the court shall 4173
impose on the offender a mandatory prison term of three, four, 4174
five, six, seven, or eight years. If a court imposes a prison 4175
term on an offender under division (B) (9) of this section, the 4176
prison term, subject to divisions (C) to (I) of section 2967.19 4177
of the Revised Code, shall not be reduced pursuant to section 4178
2929.20, 2967.19, or 2967.193, or any other provision of Chapter 4179
2967. or 5120. of the Revised Code. A court shall not impose 4180
more than one prison term on an offender under division (B) (9) 4181
of this section for felonies committed as part of the same act. 4182

(C) (1) (a) Subject to division (C) (1) (b) of this section, 4183
if a mandatory prison term is imposed upon an offender pursuant 4184

to division (B) (1) (a) of this section for having a firearm on or 4185
about the offender's person or under the offender's control 4186
while committing a felony, if a mandatory prison term is imposed 4187
upon an offender pursuant to division (B) (1) (c) of this section 4188
for committing a felony specified in that division by 4189
discharging a firearm from a motor vehicle, or if both types of 4190
mandatory prison terms are imposed, the offender shall serve any 4191
mandatory prison term imposed under either division 4192
consecutively to any other mandatory prison term imposed under 4193
either division or under division (B) (1) (d) of this section, 4194
consecutively to and prior to any prison term imposed for the 4195
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 4196
this section or any other section of the Revised Code, and 4197
consecutively to any other prison term or mandatory prison term 4198
previously or subsequently imposed upon the offender. 4199

(b) If a mandatory prison term is imposed upon an offender 4200
pursuant to division (B) (1) (d) of this section for wearing or 4201
carrying body armor while committing an offense of violence that 4202
is a felony, the offender shall serve the mandatory term so 4203
imposed consecutively to any other mandatory prison term imposed 4204
under that division or under division (B) (1) (a) or (c) of this 4205
section, consecutively to and prior to any prison term imposed 4206
for the underlying felony under division (A), (B) (2), or (B) (3) 4207
of this section or any other section of the Revised Code, and 4208
consecutively to any other prison term or mandatory prison term 4209
previously or subsequently imposed upon the offender. 4210

(c) If a mandatory prison term is imposed upon an offender 4211
pursuant to division (B) (1) (f) of this section, the offender 4212
shall serve the mandatory prison term so imposed consecutively 4213
to and prior to any prison term imposed for the underlying 4214
felony under division (A), (B) (2), or (B) (3) of this section or 4215

any other section of the Revised Code, and consecutively to any 4216
other prison term or mandatory prison term previously or 4217
subsequently imposed upon the offender. 4218

(d) If a mandatory prison term is imposed upon an offender 4219
pursuant to division (B) (7) or (8) of this section, the offender 4220
shall serve the mandatory prison term so imposed consecutively 4221
to any other mandatory prison term imposed under that division 4222
or under any other provision of law and consecutively to any 4223
other prison term or mandatory prison term previously or 4224
subsequently imposed upon the offender. 4225

(e) If a mandatory prison term is imposed upon an offender 4226
pursuant to division (B) (9) of this section, the offender shall 4227
serve the mandatory prison term consecutively to any other 4228
mandatory prison term imposed under that division, consecutively 4229
to and prior to any prison term imposed for the underlying 4230
felony, and consecutively to any other prison term or mandatory 4231
prison term previously or subsequently imposed upon the 4232
offender. 4233

(2) If an offender who is an inmate in a jail, prison, or 4234
other residential detention facility violates section 2917.02, 4235
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 4236
(2) of section 2921.34 of the Revised Code, if an offender who 4237
is under detention at a detention facility commits a felony 4238
violation of section 2923.131 of the Revised Code, or if an 4239
offender who is an inmate in a jail, prison, or other 4240
residential detention facility or is under detention at a 4241
detention facility commits another felony while the offender is 4242
an escapee in violation of division (A) (1) or (2) of section 4243
2921.34 of the Revised Code, any prison term imposed upon the 4244
offender for one of those violations shall be served by the 4245

offender consecutively to the prison term or term of 4246
imprisonment the offender was serving when the offender 4247
committed that offense and to any other prison term previously 4248
or subsequently imposed upon the offender. 4249

(3) If a prison term is imposed for a violation of 4250
division (B) of section 2911.01 of the Revised Code, a violation 4251
of division (A) of section 2913.02 of the Revised Code in which 4252
the stolen property is a firearm or dangerous ordnance, or a 4253
felony violation of division (B) of section 2921.331 of the 4254
Revised Code, the offender shall serve that prison term 4255
consecutively to any other prison term or mandatory prison term 4256
previously or subsequently imposed upon the offender. 4257

(4) If multiple prison terms are imposed on an offender 4258
for convictions of multiple offenses, the court may require the 4259
offender to serve the prison terms consecutively if the court 4260
finds that the consecutive service is necessary to protect the 4261
public from future crime or to punish the offender and that 4262
consecutive sentences are not disproportionate to the 4263
seriousness of the offender's conduct and to the danger the 4264
offender poses to the public, and if the court also finds any of 4265
the following: 4266

(a) The offender committed one or more of the multiple 4267
offenses while the offender was awaiting trial or sentencing, 4268
was under a sanction imposed pursuant to section 2929.16, 4269
2929.17, or 2929.18 of the Revised Code, or was under post- 4270
release control for a prior offense. 4271

(b) At least two of the multiple offenses were committed 4272
as part of one or more courses of conduct, and the harm caused 4273
by two or more of the multiple offenses so committed was so 4274
great or unusual that no single prison term for any of the 4275

offenses committed as part of any of the courses of conduct 4276
adequately reflects the seriousness of the offender's conduct. 4277

(c) The offender's history of criminal conduct 4278
demonstrates that consecutive sentences are necessary to protect 4279
the public from future crime by the offender. 4280

(5) If a mandatory prison term is imposed upon an offender 4281
pursuant to division (B) (5) or (6) of this section, the offender 4282
shall serve the mandatory prison term consecutively to and prior 4283
to any prison term imposed for the underlying violation of 4284
division (A) (1) or (2) of section 2903.06 of the Revised Code 4285
pursuant to division (A) of this section or section 2929.142 of 4286
the Revised Code. If a mandatory prison term is imposed upon an 4287
offender pursuant to division (B) (5) of this section, and if a 4288
mandatory prison term also is imposed upon the offender pursuant 4289
to division (B) (6) of this section in relation to the same 4290
violation, the offender shall serve the mandatory prison term 4291
imposed pursuant to division (B) (5) of this section 4292
consecutively to and prior to the mandatory prison term imposed 4293
pursuant to division (B) (6) of this section and consecutively to 4294
and prior to any prison term imposed for the underlying 4295
violation of division (A) (1) or (2) of section 2903.06 of the 4296
Revised Code pursuant to division (A) of this section or section 4297
2929.142 of the Revised Code. 4298

(6) Any prison term imposed for a violation of section 4299
2903.04 of the Revised Code that is based on a violation of 4300
section 2925.03 or 2925.11 of the Revised Code or on a violation 4301
of section 2925.05 of the Revised Code that is not funding of 4302
marihuana trafficking shall run consecutively to any prison term 4303
imposed for the violation of section 2925.03 or 2925.11 of the 4304
Revised Code or for the violation of section 2925.05 of the 4305

Revised Code that is not funding of marihuana trafficking. 4306

(7) When consecutive prison terms are imposed pursuant to 4307
division (C) (1), (2), (3), (4), ~~or~~ (5), or (6) or division (H) 4308
(1) or (2) of this section, the term to be served is the 4309
aggregate of all of the terms so imposed. 4310

(D) (1) If a court imposes a prison term for a felony of 4311
the first degree, for a felony of the second degree, for a 4312
felony sex offense, or for a felony of the third degree that is 4313
not a felony sex offense and in the commission of which the 4314
offender caused or threatened to cause physical harm to a 4315
person, it shall include in the sentence a requirement that the 4316
offender be subject to a period of post-release control after 4317
the offender's release from imprisonment, in accordance with 4318
that division. If a court imposes a sentence including a prison 4319
term of a type described in this division on or after July 11, 4320
2006, the failure of a court to include a post-release control 4321
requirement in the sentence pursuant to this division does not 4322
negate, limit, or otherwise affect the mandatory period of post- 4323
release control that is required for the offender under division 4324
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 4325
the Revised Code applies if, prior to July 11, 2006, a court 4326
imposed a sentence including a prison term of a type described 4327
in this division and failed to include in the sentence pursuant 4328
to this division a statement regarding post-release control. 4329

(2) If a court imposes a prison term for a felony of the 4330
third, fourth, or fifth degree that is not subject to division 4331
(D) (1) of this section, it shall include in the sentence a 4332
requirement that the offender be subject to a period of post- 4333
release control after the offender's release from imprisonment, 4334
in accordance with that division, if the parole board determines 4335

that a period of post-release control is necessary. Section 4336
2929.191 of the Revised Code applies if, prior to July 11, 2006, 4337
a court imposed a sentence including a prison term of a type 4338
described in this division and failed to include in the sentence 4339
pursuant to this division a statement regarding post-release 4340
control. 4341

(E) The court shall impose sentence upon the offender in 4342
accordance with section 2971.03 of the Revised Code, and Chapter 4343
2971. of the Revised Code applies regarding the prison term or 4344
term of life imprisonment without parole imposed upon the 4345
offender and the service of that term of imprisonment if any of 4346
the following apply: 4347

(1) A person is convicted of or pleads guilty to a violent 4348
sex offense or a designated homicide, assault, or kidnapping 4349
offense, and, in relation to that offense, the offender is 4350
adjudicated a sexually violent predator. 4351

(2) A person is convicted of or pleads guilty to a 4352
violation of division (A) (1) (b) of section 2907.02 of the 4353
Revised Code committed on or after January 2, 2007, and either 4354
the court does not impose a sentence of life without parole when 4355
authorized pursuant to division (B) of section 2907.02 of the 4356
Revised Code, or division (B) of section 2907.02 of the Revised 4357
Code provides that the court shall not sentence the offender 4358
pursuant to section 2971.03 of the Revised Code. 4359

(3) A person is convicted of or pleads guilty to attempted 4360
rape committed on or after January 2, 2007, and a specification 4361
of the type described in section 2941.1418, 2941.1419, or 4362
2941.1420 of the Revised Code. 4363

(4) A person is convicted of or pleads guilty to a 4364

violation of section 2905.01 of the Revised Code committed on or 4365
after January 1, 2008, and that section requires the court to 4366
sentence the offender pursuant to section 2971.03 of the Revised 4367
Code. 4368

(5) A person is convicted of or pleads guilty to 4369
aggravated murder committed on or after January 1, 2008, and 4370
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 4371
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 4372
(d) of section 2929.03, or division (A) or (B) of section 4373
2929.06 of the Revised Code requires the court to sentence the 4374
offender pursuant to division (B) (3) of section 2971.03 of the 4375
Revised Code. 4376

(6) A person is convicted of or pleads guilty to murder 4377
committed on or after January 1, 2008, and division (B) (2) of 4378
section 2929.02 of the Revised Code requires the court to 4379
sentence the offender pursuant to section 2971.03 of the Revised 4380
Code. 4381

(F) If a person who has been convicted of or pleaded 4382
guilty to a felony is sentenced to a prison term or term of 4383
imprisonment under this section, sections 2929.02 to 2929.06 of 4384
the Revised Code, section 2929.142 of the Revised Code, section 4385
2971.03 of the Revised Code, or any other provision of law, 4386
section 5120.163 of the Revised Code applies regarding the 4387
person while the person is confined in a state correctional 4388
institution. 4389

(G) If an offender who is convicted of or pleads guilty to 4390
a felony that is an offense of violence also is convicted of or 4391
pleads guilty to a specification of the type described in 4392
section 2941.142 of the Revised Code that charges the offender 4393
with having committed the felony while participating in a 4394

criminal gang, the court shall impose upon the offender an 4395
additional prison term of one, two, or three years. 4396

(H) (1) If an offender who is convicted of or pleads guilty 4397
to aggravated murder, murder, or a felony of the first, second, 4398
or third degree that is an offense of violence also is convicted 4399
of or pleads guilty to a specification of the type described in 4400
section 2941.143 of the Revised Code that charges the offender 4401
with having committed the offense in a school safety zone or 4402
towards a person in a school safety zone, the court shall impose 4403
upon the offender an additional prison term of two years. The 4404
offender shall serve the additional two years consecutively to 4405
and prior to the prison term imposed for the underlying offense. 4406

(2) (a) If an offender is convicted of or pleads guilty to 4407
a felony violation of section 2907.22, 2907.24, 2907.241, or 4408
2907.25 of the Revised Code and to a specification of the type 4409
described in section 2941.1421 of the Revised Code and if the 4410
court imposes a prison term on the offender for the felony 4411
violation, the court may impose upon the offender an additional 4412
prison term as follows: 4413

(i) Subject to division (H) (2) (a) (ii) of this section, an 4414
additional prison term of one, two, three, four, five, or six 4415
months; 4416

(ii) If the offender previously has been convicted of or 4417
pleaded guilty to one or more felony or misdemeanor violations 4418
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 4419
the Revised Code and also was convicted of or pleaded guilty to 4420
a specification of the type described in section 2941.1421 of 4421
the Revised Code regarding one or more of those violations, an 4422
additional prison term of one, two, three, four, five, six, 4423
seven, eight, nine, ten, eleven, or twelve months. 4424

(b) In lieu of imposing an additional prison term under 4425
division (H) (2) (a) of this section, the court may directly 4426
impose on the offender a sanction that requires the offender to 4427
wear a real-time processing, continual tracking electronic 4428
monitoring device during the period of time specified by the 4429
court. The period of time specified by the court shall equal the 4430
duration of an additional prison term that the court could have 4431
imposed upon the offender under division (H) (2) (a) of this 4432
section. A sanction imposed under this division shall commence 4433
on the date specified by the court, provided that the sanction 4434
shall not commence until after the offender has served the 4435
prison term imposed for the felony violation of section 2907.22, 4436
2907.24, 2907.241, or 2907.25 of the Revised Code and any 4437
residential sanction imposed for the violation under section 4438
2929.16 of the Revised Code. A sanction imposed under this 4439
division shall be considered to be a community control sanction 4440
for purposes of section 2929.15 of the Revised Code, and all 4441
provisions of the Revised Code that pertain to community control 4442
sanctions shall apply to a sanction imposed under this division, 4443
except to the extent that they would by their nature be clearly 4444
inapplicable. The offender shall pay all costs associated with a 4445
sanction imposed under this division, including the cost of the 4446
use of the monitoring device. 4447

(I) At the time of sentencing, the court may recommend the 4448
offender for placement in a program of shock incarceration under 4449
section 5120.031 of the Revised Code or for placement in an 4450
intensive program prison under section 5120.032 of the Revised 4451
Code, disapprove placement of the offender in a program of shock 4452
incarceration or an intensive program prison of that nature, or 4453
make no recommendation on placement of the offender. In no case 4454
shall the department of rehabilitation and correction place the 4455

offender in a program or prison of that nature unless the 4456
department determines as specified in section 5120.031 or 4457
5120.032 of the Revised Code, whichever is applicable, that the 4458
offender is eligible for the placement. 4459

If the court disapproves placement of the offender in a 4460
program or prison of that nature, the department of 4461
rehabilitation and correction shall not place the offender in 4462
any program of shock incarceration or intensive program prison. 4463

If the court recommends placement of the offender in a 4464
program of shock incarceration or in an intensive program 4465
prison, and if the offender is subsequently placed in the 4466
recommended program or prison, the department shall notify the 4467
court of the placement and shall include with the notice a brief 4468
description of the placement. 4469

If the court recommends placement of the offender in a 4470
program of shock incarceration or in an intensive program prison 4471
and the department does not subsequently place the offender in 4472
the recommended program or prison, the department shall send a 4473
notice to the court indicating why the offender was not placed 4474
in the recommended program or prison. 4475

If the court does not make a recommendation under this 4476
division with respect to an offender and if the department 4477
determines as specified in section 5120.031 or 5120.032 of the 4478
Revised Code, whichever is applicable, that the offender is 4479
eligible for placement in a program or prison of that nature, 4480
the department shall screen the offender and determine if there 4481
is an available program of shock incarceration or an intensive 4482
program prison for which the offender is suited. If there is an 4483
available program of shock incarceration or an intensive program 4484
prison for which the offender is suited, the department shall 4485

notify the court of the proposed placement of the offender as 4486
specified in section 5120.031 or 5120.032 of the Revised Code 4487
and shall include with the notice a brief description of the 4488
placement. The court shall have ten days from receipt of the 4489
notice to disapprove the placement. 4490

(J) If a person is convicted of or pleads guilty to 4491
aggravated vehicular homicide in violation of division (A) (1) of 4492
section 2903.06 of the Revised Code and division (B) (2) (c) of 4493
that section applies, the person shall be sentenced pursuant to 4494
section 2929.142 of the Revised Code. 4495

(K) (1) The court shall impose an additional mandatory 4496
prison term of two, three, four, five, six, seven, eight, nine, 4497
ten, or eleven years on an offender who is convicted of or 4498
pleads guilty to a violent felony offense if the offender also 4499
is convicted of or pleads guilty to a specification of the type 4500
described in section 2941.1424 of the Revised Code that charges 4501
that the offender is a violent career criminal and had a firearm 4502
on or about the offender's person or under the offender's 4503
control while committing the presently charged violent felony 4504
offense and displayed or brandished the firearm, indicated that 4505
the offender possessed a firearm, or used the firearm to 4506
facilitate the offense. The offender shall serve the prison term 4507
imposed under this division consecutively to and prior to the 4508
prison term imposed for the underlying offense. The prison term 4509
shall not be reduced pursuant to section 2929.20 or 2967.19 or 4510
any other provision of Chapter 2967. or 5120. of the Revised 4511
Code. A court may not impose more than one sentence under 4512
division (B) (2) (a) of this section and this division for acts 4513
committed as part of the same act or transaction. 4514

(2) As used in division (K) (1) of this section, "violent 4515

career criminal" and "violent felony offense" have the same 4516
meanings as in section 2923.132 of the Revised Code. 4517

Sec. 2941.1410. (A) Except as provided in sections 2925.03 4518
and 2925.11 and division (E)(1) of section 2925.05 of the 4519
Revised Code, the determination by a court that an offender is a 4520
major drug offender is precluded unless the indictment, count in 4521
the indictment, or information charging the offender specifies 4522
that the offender is a major drug offender. The specification 4523
shall be stated at the end of the body of the indictment, count, 4524
or information, and shall be stated in substantially the 4525
following form: 4526

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4527
Grand Jurors (or insert the person's or prosecuting attorney's 4528
name when appropriate) further find and specify that (set forth 4529
that the offender is a major drug offender)." 4530

(B) Imposition of a three, four, five, six, seven, or 4531
eight-year mandatory prison term upon an offender under division 4532
(B)(9) of section 2929.14 of the Revised Code, pursuant to 4533
determination by a court that an offender is a major drug 4534
offender, is precluded unless the indictment, count in the 4535
indictment, or information charging the offender with the 4536
violation of section 2925.03, 2925.05, or 2925.11 of the Revised 4537
Code specifies that the offender is a major drug offender and 4538
that the drug involved in the violation is a fentanyl-related 4539
compound or a compound, mixture, preparation, or substance 4540
containing a fentanyl-related compound. The specification shall 4541
be stated at the end of the body of the indictment, count, or 4542
information, and shall be stated in substantially the following 4543
form: 4544

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4545

Grand Jurors (or insert the person's or prosecuting attorney's name when appropriate) further find and specify that (set forth that the offender is a major drug offender and the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound)."

(C) The court shall determine the issue of whether an offender is a major drug offender.

~~(C)~~ (D) As used in this section, "major drug offender" has the same meaning as in section 2929.01 of the Revised Code.

Sec. 3719.41. Controlled substance schedules I, II, III, IV, and V are hereby established, which schedules include the following, subject to amendment pursuant to section 3719.43 or 3719.44 of the Revised Code.

SCHEDULE I

(A) Narcotics-opiates

Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted under federal drug abuse control laws, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

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

(2) Acetylmethadol;

(3) Allylprodine;

(4) Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate,

or LAAM);	4573
(5) Alphameprodine;	4574
(6) Alphamethadol;	4575
(7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	4576 4577 4578
(8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N- phenylpropanamide);	4579 4580
(9) Benzethidine;	4581
(10) Betacetylmethadol;	4582
(11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N- phenylpropanamide);	4583 4584
(12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	4585 4586 4587
(13) Betameprodine;	4588
(14) Betamethadol;	4589
(15) Betaprodine;	4590
(16) Clonitazene;	4591
(17) Dextromoramide;	4592
(18) Diampromide;	4593
(19) Diethylthiambutene;	4594
(20) Difenoxyin;	4595
(21) Dimenoxadol;	4596

(22) Dimepheptanol;	4597
(23) Dimethylthiambutene;	4598
(24) Dioxaphetyl butyrate;	4599
(25) Dipipanone;	4600
(26) Ethylmethylthiambutene;	4601
(27) Etonitazene;	4602
(28) Etoxeridine;	4603
(29) Furethidine;	4604
(30) Hydroxypethidine;	4605
(31) Ketobemidone;	4606
(32) Levomoramide;	4607
(33) Levophenacylmorphan;	4608
(34) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4- piperidyl]-N- phenylpropanamide);	4609 4610
(35) 3-methylthiofentanyl (N-[3-methyl-1-[2- (thienyl)ethyl]-4-piperidinyl]-N- phenylpropanamide);	4611 4612
(36) Morpheridine;	4613
(37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);	4614
(38) Noracymethadol;	4615
(39) Norlevorphanol;	4616
(40) Normethadone;	4617
(41) Norpipanone;	4618
(42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-	4619

phenethyl)-4-piperidinyl]propanamide;	4620
(43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine;	4621
(44) Phenadoxone;	4622
(45) Phenampromide;	4623
(46) Phenomorphan;	4624
(47) Phenoperidine;	4625
(48) Piritramide;	4626
(49) Proheptazine;	4627
(50) Properidine;	4628
(51) Propiram;	4629
(52) Racemoramide;	4630
(53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4- piperidinyl]-propanamide;	4631 4632
(54) Tilidine;	4633
(55) Trimeperidine.	4634
<u>(56) Except as otherwise provided in this section, any</u>	4635
<u>compound that meets all of the following fentanyl pharmacophore</u>	4636
<u>requirements to bind at the mu receptor, as identified by a</u>	4637
<u>report from an established forensic laboratory:</u>	4638
<u>(a) A chemical scaffold consisting of both of the</u>	4639
<u>following:</u>	4640
<u>(i) A five, six, or seven member ring structure containing</u>	4641
<u>a nitrogen, whether or not further substituted;</u>	4642
<u>(ii) An attached nitrogen to the ring, whether or not that</u>	4643

nitrogen is enclosed in a ring structure, including an attached 4644
aromatic ring or other lipophilic group to that nitrogen; 4645

(b) A polar functional group attached to the chemical 4646
scaffold, including but not limited to, a hydroxyl, ketone, 4647
amide, or ester; 4648

(c) An alkyl or aryl substitution off the ring nitrogen of 4649
the chemical scaffold; and 4650

(d) The compound has not been approved for medical use by 4651
the United States food and drug administration. 4652

(B) Narcotics-opium derivatives 4653

Any of the following opium derivatives, including their 4654
salts, isomers, and salts of isomers, unless specifically 4655
excepted under federal drug abuse control laws, whenever the 4656
existence of these salts, isomers, and salts of isomers is 4657
possible within the specific chemical designation: 4658

(1) Acetorphine; 4659

(2) Acetyldihydrocodeine; 4660

(3) Benzylmorphine; 4661

(4) Codeine methylbromide; 4662

(5) Codeine-n-oxide; 4663

(6) Cyprenorphine; 4664

(7) Desomorphine; 4665

(8) Dihydromorphine; 4666

(9) Drotebanol; 4667

(10) Etorphine (except hydrochloride salt); 4668

(11) Heroin;	4669
(12) Hydromorphinol;	4670
(13) Methyldesorphine;	4671
(14) Methyldihydromorphine;	4672
(15) Morphine methylbromide;	4673
(16) Morphine methylsulfonate;	4674
(17) Morphine-n-oxide;	4675
(18) Myrophine;	4676
(19) Nicocodeine;	4677
(20) Nicomorphine;	4678
(21) Normorphine;	4679
(22) Pholcodine;	4680
(23) Thebacon.	4681
(C) Hallucinogens	4682

Any material, compound, mixture, or preparation that 4683
contains any quantity of the following hallucinogenic 4684
substances, including their salts, isomers, and salts of 4685
isomers, unless specifically excepted under federal drug abuse 4686
control laws, whenever the existence of these salts, isomers, 4687
and salts of isomers is possible within the specific chemical 4688
designation. For the purposes of this division only, "isomer" 4689
includes the optical isomers, position isomers, and geometric 4690
isomers. 4691

(1) Alpha-ethyltryptamine (some trade or other names: 4692
etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2- 4693

aminobutyl) indole; alpha-ET; and AET);	4694
(2) 4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA);	4695 4696 4697
(3) 4-bromo-2,5-dimethoxyphenethylamine (some trade or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB; 2C-B, Nexus);	4698 4699 4700
(4) 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);	4701 4702
(5) 2,5-dimethoxy-4-ethylamphetamine (some trade or other names: DOET);	4703 4704
(6) 4-methoxyamphetamine (some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA);	4705 4706 4707
(7) 5-methoxy-3,4-methylenedioxy-amphetamine;	4708
(8) 4-methyl-2,5-dimethoxy-amphetamine (some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM" and "STP");	4709 4710 4711
(9) 3,4-methylenedioxy amphetamine (MDA);	4712
(10) 3,4-methylenedioxymethamphetamine (MDMA);	4713
(11) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);	4714 4715 4716
(12) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine and N-hydroxy MDA);	4717 4718 4719
(13) 3,4,5-trimethoxy amphetamine;	4720

- (14) Bufotenine (some trade or other names: 3-(beta-dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine; mappine); 4721
4722
4723
4724
- (15) Diethyltryptamine (some trade or other names: N, N-diethyltryptamine; DET); 4725
4726
- (16) Dimethyltryptamine (some trade or other names: DMT); 4727
- (17) Ibogaine (some trade or other names: 7-ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido[1',2':1,2] azepino [5, 4-b] indole; tabernanthe iboga); 4728
4729
4730
- (18) Lysergic acid diethylamide; 4731
- (19) Marihuana; 4732
- (20) Mescaline; 4733
- (21) Parahexyl (some trade or other names: 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; synhexyl); 4734
4735
4736
- (22) Peyote (meaning all parts of the plant presently classified botanically as "Lophophora williamsii Lemaire," whether growing or not, the seeds of that plant, any extract from any part of that plant, and every compound, manufacture, salts, derivative, mixture, or preparation of that plant, its seeds, or its extracts); 4737
4738
4739
4740
4741
4742
- (23) N-ethyl-3-piperidyl benzilate; 4743
- (24) N-methyl-3-piperidyl benzilate; 4744
- (25) Psilocybin; 4745
- (26) Psilocyn; 4746

(27) Tetrahydrocannabinols (synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: delta-1-cis or trans tetrahydrocannabinol, and their optical isomers; delta-6-cis or trans tetrahydrocannabinol, and their optical isomers; delta-3,4-cis or trans tetrahydrocannabinol, and its optical isomers. (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions, are covered.));

(28) Ethylamine analog of phencyclidine (some trade or other names: N-ethyl-1-phenylcyclohexylamine; (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE);

(29) Pyrrolidine analog of phencyclidine (some trade or other names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP);

(30) Thiophene analog of phencyclidine (some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP);

(31) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;

(32) Hashish;

(33) Salvia divinorum;

(34) Salvinorin A;

(35) (1-pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144);

(36) 1-pentyl-3-(1-adamantoyl)indole (AB-001);

(37) N-adamantyl-1-pentylindole-3-carboxamide;	4775
(38) N-adamantyl-1-pentylindazole-3-carboxamide (AKB48);	4776
(39) 2-ethylamino-2-(3-methoxyphenyl)cyclohexanone (methoxetamine);	4777 4778
(40) N,N-diallyl-5-methoxytryptamine (5MeO-DALT);	4779
(41) [1-(5-fluoropentylindol-3-yl)]-(2,2,3,3- tetramethylcyclopropyl)methanone (5-fluoropentyl-UR-144; XLR11);	4780 4781
(42) [1-(5-chloropentylindol-3-yl)]-(2,2,3,3- tetramethylcyclopropyl)methanone (5-chloropentyl-UR-144);	4782 4783
(43) [1-(5-bromopentylindol-3-yl)]-(2,2,3,3- tetramethylcyclopropyl)methanone (5-bromopentyl-UR-144);	4784 4785
(44) {1-[2-(4-morpholinyl)ethyl]indol-3-yl}-(2,2,3,3- tetramethylcyclopropyl)methanone (A-796,260);	4786 4787
(45) 1-[(N-methylpiperidin-2-yl)methyl]-3-(1- adamantoyl)indole (AM1248);	4788 4789
(46) N-adamantyl-1-(5-fluoropentylindole)-3-carboxamide;	4790
(47) 5-(2-aminopropyl)benzofuran (5-APB);	4791
(48) 6-(2-aminopropyl)benzofuran (6-APB);	4792
(49) 5-(2-aminopropyl)-2,3-dihydrobenzofuran (5-APDB);	4793
(50) 6-(2-aminopropyl)-2,3-dihydrobenzofuran (6-APDB);	4794
(51) Benzothiophenylcyclohexylpiperidine (BTCP);	4795
(52) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);	4796
(53) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);	4797
(54) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);	4798

(55) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);	4799
(56) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);	4800 4801
(57) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);	4802 4803
(58) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);	4804
(59) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);	4805
(60) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);	4806 4807
(61) 4-methoxymethamphetamine (PMMA);	4808
(62) 5,6 - Methylenedioxy-2-aminoindane (MDAI);	4809
(63) 5-iodo-2-aminoindane (5-IAI);	4810
(64) 2-(4-iodo-2,5-dimethoxyphenyl)-N- [(2-methoxyphenyl)methyl]ethanamine (25I-NBOMe);	4811 4812
(65) Diphenylprolinol (diphenyl(pyrrolidin-2-yl)methanol, D2PM);	4813 4814
(66) Desoxypipradrol (2-benzhydrylpiperidine);	4815
(67) Synthetic cannabinoids - unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of a synthetic cannabinoid found to be in any of the following chemical groups or any of those groups which contain any synthetic cannabinoid salts, isomers, or salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical groups:	4816 4817 4818 4819 4820 4821 4822 4823
(a) Naphthoylindoles: any compound containing a 3-(1-	4824

naphthoyl)indole structure with or without substitution at the 4825
nitrogen atom of the indole ring by an alkyl, haloalkyl, 4826
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4827
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4828
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4829
or 2-(4-morpholinyl)ethyl group, whether or not further 4830
substituted on the indole ring to any extent or whether or not 4831
substituted on the naphthyl group to any extent. 4832
Naphthoylindoles include, but are not limited to, 1-[2-(4- 4833
morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); 1-(5- 4834
fluoropentyl)-3-(1-naphthoyl)indole (AM2201), 1-pentyl-3-(1- 4835
naphthoyl)indole (JWH-018), and 1-butyl-3-(1-naphthoyl)indole 4836
(JWH-073). 4837

(b) Naphthylmethylindoles: any compound containing a 1H- 4838
indol-3-yl-(1-naphthyl)methane structure with or without 4839
substitution at the nitrogen atom of the indole ring by an 4840
alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 4841
(N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin- 4842
2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3- 4843
morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or 4844
not further substituted on the indole ring to any extent or 4845
whether or not substituted on the naphthyl group to any extent. 4846
Naphthylmethylindoles include, but are not limited to, (1- 4847
pentylindol-3-yl)(1-naphthyl)methane (JWH-175). 4848

(c) Naphthoylpyrroles: any compound containing a 3-(1- 4849
naphthoyl)pyrrole structure with or without substitution at the 4850
nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, 4851
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4852
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4853
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4854
or 2-(4-morpholinyl)ethyl group, whether or not further 4855

substituted on the pyrrole ring to any extent or whether or not 4856
substituted on the naphthyl group to any extent. 4857
Naphthoylpyrroles include, but are not limited to, 1-hexyl-2- 4858
phenyl-4-(1-naphthoyl)pyrrole (JWH-147). 4859

(d) Naphthylmethylindenes: any compound containing a 4860
naphthylmethylideneindene structure with or without substitution 4861
at the 3-position of the indene ring by an alkyl, haloalkyl, 4862
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4863
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4864
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4865
or 2-(4-morpholinyl)ethyl group, whether or not further 4866
substituted on the indene group to any extent or whether or not 4867
substituted on the naphthyl group to any extent. 4868
Naphthylmethylindenes include, but are not limited to, (1-[(3- 4869
pentyl)-1H-inden-1-ylidene)methyl]naphthalene (JWH-176). 4870

(e) Phenylacetylindoles: any compound containing a 3- 4871
phenylacetylindole structure with or without substitution at the 4872
nitrogen atom of the indole ring by an alkyl, haloalkyl, 4873
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4874
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4875
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4876
or 2-(4-morpholinyl)ethyl group, whether or not further 4877
substituted on the indole ring to any extent or whether or not 4878
substituted on the phenyl group to any extent. 4879
Phenylacetylindoles include, but are not limited to, 1-pentyl-3- 4880
(2-methoxyphenylacetyl)indole (JWH-250), and 1-(2- 4881
cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8); 1- 4882
pentyl-3-(2-chlorophenylacetyl)indole (JWH-203). 4883

(f) Cyclohexylphenols: any compound containing a 2-(3- 4884
hydroxycyclohexyl)phenol structure with or without substitution 4885

at the 5-position of the phenolic ring by an alkyl, haloalkyl, 4886
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4887
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4888
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4889
or 2-(4-morpholinyl)ethyl group, whether or not further 4890
substituted on the cyclohexyl group to any extent. 4891
Cyclohexylphenols include, but are not limited to, 5-(1,1- 4892
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (some 4893
trade or other names: CP-47,497) and 5-(1,1-dimethyloctyl)-2- 4894
[(1R,3S)-3-hydroxycyclohexyl]-phenol (some trade or other names: 4895
cannabicyclohexanol; CP-47,497 C8 homologue). 4896

(g) Benzoylindoles: any compound containing a 3-(1- 4897
benzoyl)indole structure with or without substitution at the 4898
nitrogen atom of the indole ring by an alkyl, haloalkyl, 4899
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4900
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4901
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl 4902
or 2-(4-morpholinyl)ethyl group, whether or not further 4903
substituted on the indole ring to any extent or whether or not 4904
substituted on the phenyl group to any extent. Benzoylindoles 4905
include, but are not limited to, 1-pentyl-3-(4- 4906
methoxybenzoyl)indole (RCS-4), 1-[2-(4-morpholinyl)ethyl]-2- 4907
methyl-3-(4-methoxybenzoyl)indole (Pravadoline or WIN 48, 098). 4908

(D) Depressants 4909

Any material, compound, mixture, or preparation that 4910
contains any quantity of the following substances having a 4911
depressant effect on the central nervous system, including their 4912
salts, isomers, and salts of isomers, unless specifically 4913
excepted under federal drug abuse control laws, whenever the 4914
existence of these salts, isomers, and salts of isomers is 4915

possible within the specific chemical designation:	4916
(1) Mecloqualone;	4917
(2) Methaqualone.	4918
(E) Stimulants	4919
Unless specifically excepted or unless listed in another	4920
schedule, any material, compound, mixture, or preparation that	4921
contains any quantity of the following substances having a	4922
stimulant effect on the central nervous system, including their	4923
salts, isomers, and salts of isomers:	4924
(1) Aminorex (some other names: aminoxaphen; 2-amino-5-	4925
phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine);	4926
(2) Fenethylamine;	4927
(3) (+/-)cis-4-methylaminorex ((+/-)cis-4,5-dihydro-4-	4928
methyl-5-phenyl-2-oxazolamine);	4929
(4) N-ethylamphetamine;	4930
(5) N,N-dimethylamphetamine (also known as N,N-alpha-	4931
trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine);	4932
(6) N-methyl-1-(thiophen-2-yl) propan-2-amine	4933
(Methiopropamine);	4934
(7) Substituted cathinones - any compound except bupropion	4935
or compounds listed under a different schedule, structurally	4936
derived from 2-aminopropan-1-one by substitution at the 1-	4937
position with either phenyl, naphthyl, or thiophene ring	4938
systems, whether or not the compound is further modified in any	4939
of the following ways:	4940
(a) By substitution in the ring system to any extent with	4941
alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or halide	4942

substituents, whether or not further substituted in the ring system by one or more other univalent substituents;

(b) By substitution at the 3-position with an acyclic alkyl substituent;

(c) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups;

(d) By inclusion of the 2-amino nitrogen atom in a cyclic structure.

Examples of substituted cathinones include, but are not limited to, methylone (3,4-methylenedioxy-methcathinone), MDPV (3,4-methylenedioxy-pyrovalerone), mephedrone (4-methylmethcathinone), 4-methoxymethcathinone, 4-fluoromethcathinone, 3-fluoromethcathinone, Pentadrone (2-(methylamino)-1-phenyl-1-pentanone), pentylone (1-(1,3-benzodioxol-5-yl)-2-(methylamino)-1-pentanone), 2-(1-pyrrolidinyl)-1-(4-methylphenyl)-1-propanone, alpha-PVP (1-phenyl-2-(1-pyrrolidinyl)-1-pentanone), cathinone (2-amino-1-phenyl-1-propanone), and methcathinone (2-(methylamino)-propio-phenone).

SCHEDULE II

(A) Narcotics-opium and opium derivatives

Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative,

or preparation of opium or opiate, excluding apomorphine,	4971
thebaine-derived butorphanol, dextrorphan, nalbuphine,	4972
nalmefene, naloxone, and naltrexone, and their respective salts,	4973
but including the following:	4974
(a) Raw opium;	4975
(b) Opium extracts;	4976
(c) Opium fluid extracts;	4977
(d) Powdered opium;	4978
(e) Granulated opium;	4979
(f) Tincture of opium;	4980
(g) Codeine;	4981
(h) Ethylmorphine;	4982
(i) Etorphine hydrochloride;	4983
(j) Hydrocodone;	4984
(k) Hydromorphone;	4985
(l) Metopon;	4986
(m) Morphine;	4987
(n) Oxycodone;	4988
(o) Oxymorphone;	4989
(p) Thebaine.	4990
(2) Any salt, compound, derivative, or preparation thereof	4991
that is chemically equivalent to or identical with any of the	4992
substances referred to in division (A) (1) of this schedule,	4993
except that these substances shall not include the isoquinoline	4994

alkaloids of opium;	4995
(3) Opium poppy and poppy straw;	4996
(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves (including cocaine and ecgonine, their salts, isomers, and derivatives, and salts of those isomers and derivatives), and any salt, compound, derivative, or preparation thereof that is chemically equivalent to or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine;	4997 4998 4999 5000 5001 5002 5003 5004 5005
(5) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid, or powder form that contains the phenanthrene alkaloids of the opium poppy).	5006 5007 5008
(B) Narcotics-opiates	5009
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation, but excluding dextrophan and levopropoxyphene:	5010 5011 5012 5013 5014 5015 5016
(1) Alfentanil;	5017
(2) Alphaprodine;	5018
(3) Anileridine;	5019
(4) Bezitramide;	5020
(5) Bulk dextropropoxyphene (non-dosage forms);	5021

(6) Carfentanil;	5022
(7) Dihydrocodeine;	5023
(8) Diphenoxylate;	5024
(9) Fentanyl;	5025
(10) Isomethadone;	5026
(11) Levo-alpha-acetylmethadol (some other names: levo- alpha-acetylmethadol; levomethadyl acetate; LAAM);	5027 5028
(12) Levomethorphan;	5029
(13) Levorphanol;	5030
(14) Metazocine;	5031
(15) Methadone;	5032
(16) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4- diphenyl butane;	5033 5034
(17) Moramide-intermediate, 2-methyl-3-morpholino-1,1- diphenylpropane-carboxylic acid;	5035 5036
(18) Pethidine (meperidine);	5037
(19) Pethidine-intermediate-A, 4-cyano-1-methyl-4- phenylpiperidine;	5038 5039
(20) Pethidine-intermediate-B, ethyl-4-phenylpiperidine-4- carboxylate;	5040 5041
(21) Pethidine-intermediate-C, 1-methyl-4- phenylpiperidine-4-carboxylic acid;	5042 5043
(22) Phenazocine;	5044
(23) Piminodine;	5045

(24) Racemethorphan;	5046
(25) Racemorphan;	5047
(26) Remifentanil;	5048
(27) Sufentanil.	5049
(C) Stimulants	5050
Unless specifically excepted under federal drug abuse	5051
control laws or unless listed in another schedule, any material,	5052
compound, mixture, or preparation that contains any quantity of	5053
the following substances having a stimulant effect on the	5054
central nervous system:	5055
(1) Amphetamine, its salts, its optical isomers, and salts	5056
of its optical isomers;	5057
(2) Methamphetamine, its salts, its isomers, and salts of	5058
its isomers;	5059
(3) Methylphenidate;	5060
(4) Phenmetrazine and its salts;	5061
<u>(5) Lisdexamfetamine, its salts, isomers, and salts of its</u>	5062
<u>isomers.</u>	5063
(D) Depressants	5064
Unless specifically excepted under federal drug abuse	5065
control laws or unless listed in another schedule, any material,	5066
compound, mixture, or preparation that contains any quantity of	5067
the following substances having a depressant effect on the	5068
central nervous system, including their salts, isomers, and	5069
salts of isomers, whenever the existence of these salts,	5070
isomers, and salts of isomers is possible within the specific	5071
chemical designation:	5072

(1) Amobarbital;	5073
(2) Gamma-hydroxy-butyrate;	5074
(3) Glutethimide;	5075
(4) Pentobarbital;	5076
(5) Phencyclidine (some trade or other names: 1-(1-phenylcyclohexyl)piperidine; PCP);	5077 5078
(6) Secobarbital;	5079
(7) 1-aminophenylcyclohexane and all N-mono-substituted and/or all N-N-disubstituted analogs including, but not limited to, the following:	5080 5081 5082
(a) 1-phenylcyclohexylamine;	5083
(b) (1-phenylcyclohexyl) methylamine;	5084
(c) (1-phenylcyclohexyl) dimethylamine;	5085
(d) (1-phenylcyclohexyl) methylethylamine;	5086
(e) (1-phenylcyclohexyl) isopropylamine;	5087
(f) 1-(1-phenylcyclohexyl) morpholine.	5088
(E) Hallucinogenic substances	5089
(1) Nabilone (another name for nabilone: (+)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one).	5090 5091 5092
(F) Immediate precursors	5093
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances:	5094 5095 5096 5097

(1) Immediate precursor to amphetamine and methamphetamine:	5098 5099
(a) Phenylacetone (some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone);	5100 5101
(2) Immediate precursors to phencyclidine (PCP):	5102
(a) 1-phenylcyclohexylamine;	5103
(b) 1-piperidinocyclohexanecarbonitrile (PCC).	5104
SCHEDULE III	5105
(A) Stimulants	5106
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, their optical isomers, position isomers, or geometric isomers, and salts of these isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:	5107 5108 5109 5110 5111 5112 5113 5114 5115
(1) All stimulant compounds, mixtures, and preparations included in schedule III pursuant to the federal drug abuse control laws and regulations adopted under those laws;	5116 5117 5118
(2) Benzphetamine;	5119
(3) Chlorphentermine;	5120
(4) Clortermine;	5121
(5) Phendimetrazine.	5122
(B) Depressants	5123

Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs, and one or more other active medicinal ingredients that are not listed in any schedule;

(2) Any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs and approved by the food and drug administration for marketing only as a suppository;

(3) Any substance that contains any quantity of a derivative of barbituric acid or any salt of a derivative of barbituric acid;

(4) Chlorhexadol;

(5) Ketamine, its salts, isomers, and salts of isomers (some other names for ketamine: (+/-)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone);

(6) Lysergic acid;

(7) Lysergic acid amide;

(8) Methyprylon;

(9) Sulfondiethylmethane;

(10) Sulfonethylmethane;

(11) Sulfonmethane;

(12) Tiletamine, zolazepam, or any salt of tiletamine or

zolazepam (some trade or other names for a tiletamine-zolazepam 5151
combination product: Telazol); (some trade or other names for 5152
tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone); (some 5153
trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8- 5154
dihydro-1,3,8-trimethylpyrazolo-[3, 4-e][1,4]-diazepin-7(1H)- 5155
one; flupyrzapon). 5156

(C) Narcotic antidotes 5157

(1) Nalorphine. 5158

(D) Narcotics-narcotic preparations 5159

Unless specifically excepted under federal drug abuse 5160
control laws or unless listed in another schedule, any material, 5161
compound, mixture, or preparation that contains any of the 5162
following narcotic drugs, or their salts calculated as the free 5163
anhydrous base or alkaloid, in limited quantities as set forth 5164
below: 5165

(1) Not more than 1.8 grams of codeine per 100 milliliters 5166
or not more than 90 milligrams per dosage unit, with an equal or 5167
greater quantity of an isoquinoline alkaloid of opium; 5168

(2) Not more than 1.8 grams of codeine per 100 milliliters 5169
or not more than 90 milligrams per dosage unit, with one or more 5170
active, nonnarcotic ingredients in recognized therapeutic 5171
amounts; 5172

(3) Not more than 300 milligrams of dihydrocodeinone per 5173
100 milliliters or not more than 15 milligrams per dosage unit, 5174
with a fourfold or greater quantity of an isoquinoline alkaloid 5175
of opium; 5176

(4) Not more than 300 milligrams of dihydrocodeinone per 5177
100 milliliters or not more than 15 milligrams per dosage unit, 5178

with one or more active, nonnarcotic ingredients in recognized	5179
therapeutic amounts;	5180
(5) Not more than 1.8 grams of dihydrocodeine per 100	5181
milliliters or not more than 90 milligrams per dosage unit, with	5182
one or more active, nonnarcotic ingredients in recognized	5183
therapeutic amounts;	5184
(6) Not more than 300 milligrams of ethylmorphine per 100	5185
milliliters or not more than 15 milligrams per dosage unit, with	5186
one or more active, nonnarcotic ingredients in recognized	5187
therapeutic amounts;	5188
(7) Not more than 500 milligrams of opium per 100	5189
milliliters or per 100 grams or not more than 25 milligrams per	5190
dosage unit, with one or more active, nonnarcotic ingredients in	5191
recognized therapeutic amounts;	5192
(8) Not more than 50 milligrams of morphine per 100	5193
milliliters or per 100 grams, with one or more active,	5194
nonnarcotic ingredients in recognized therapeutic amounts.	5195
(E) Anabolic steroids	5196
Unless specifically excepted under federal drug abuse	5197
control laws or unless listed in another schedule, any material,	5198
compound, mixture, or preparation that contains any quantity of	5199
the following substances, including their salts, esters,	5200
isomers, and salts of esters and isomers, whenever the existence	5201
of these salts, esters, and isomers is possible within the	5202
specific chemical designation:	5203
(1) Anabolic steroids. Except as otherwise provided in	5204
division (E)(1) of schedule III, "anabolic steroids" means any	5205
drug or hormonal substance that is chemically and	5206
pharmacologically related to testosterone (other than estrogens,	5207

progestins, and corticosteroids) and that promotes muscle 5208
growth. "Anabolic steroids" does not include an anabolic steroid 5209
that is expressly intended for administration through implants 5210
to cattle or other nonhuman species and that has been approved 5211
by the United States secretary of health and human services for 5212
that administration, unless a person prescribes, dispenses, or 5213
distributes this type of anabolic steroid for human use. 5214
"Anabolic steroid" includes, but is not limited to, the 5215
following: 5216

- (a) Boldenone; 5217
- (b) Chlorotestosterone (4-chlortestosterone); 5218
- (c) Clostebol; 5219
- (d) Dehydrochlormethyltestosterone; 5220
- (e) Dihydrotestosterone (4-dihydrotestosterone); 5221
- (f) Drostanolone; 5222
- (g) Ethylestrenol; 5223
- (h) Fluoxymesterone; 5224
- (i) Formebolone (formebolone); 5225
- (j) Mesterolone; 5226
- (k) Methandienone; 5227
- (l) Methandranone; 5228
- (m) Methandriol; 5229
- (n) Methandrostenolone; 5230
- (o) Methenolone; 5231
- (p) Methyltestosterone; 5232

(q) Mibolerone;	5233
(r) Nandrolone;	5234
(s) Norethandrolone;	5235
(t) Oxandrolone;	5236
(u) Oxymesterone;	5237
(v) Oxymetholone;	5238
(w) Stanolone;	5239
(x) Stanozolol;	5240
(y) Testolactone;	5241
(z) Testosterone;	5242
(aa) Trenbolone;	5243
(bb) Any salt, ester, isomer, or salt of an ester or isomer of a drug or hormonal substance described or listed in division (E)(1) of schedule III if the salt, ester, or isomer promotes muscle growth.	5244 5245 5246 5247
(F) Hallucinogenic substances	5248
(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration approved drug product (some other names for dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro- 6,6,9-trimethyl- 3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-)-delta-9-(trans)- tetrahydrocannabinol).	5249 5250 5251 5252 5253 5254
SCHEDULE IV	5255
(A) Narcotic drugs	5256
Unless specifically excepted by federal drug abuse control	5257

laws or unless listed in another schedule, any material, 5258
compound, mixture, or preparation that contains any of the 5259
following narcotic drugs, or their salts calculated as the free 5260
anhydrous base or alkaloid, in limited quantities as set forth 5261
below: 5262

(1) Not more than one milligram of difenoxin and not less 5263
than 25 micrograms of atropine sulfate per dosage unit; 5264

(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2- 5265
diphenyl-3-methyl-2- propionoxybutane) [final dosage forms]. 5266

(B) Depressants 5267

Unless specifically excepted under federal drug abuse 5268
control laws or unless listed in another schedule, any material, 5269
compound, mixture, or preparation that contains any quantity of 5270
the following substances, including their salts, isomers, and 5271
salts of isomers, whenever the existence of these salts, 5272
isomers, and salts of isomers is possible within the specific 5273
chemical designation: 5274

(1) Alprazolam; 5275

(2) Barbital; 5276

(3) Bromazepam; 5277

(4) Camazepam; 5278

(5) Chloral betaine; 5279

(6) Chloral hydrate; 5280

(7) Chlordiazepoxide; 5281

(8) Clobazam; 5282

(9) Clonazepam; 5283

(10) Clorazepate;	5284
(11) Clotiazepam;	5285
(12) Cloxazolam;	5286
(13) Delorazepam;	5287
(14) Diazepam;	5288
(15) Estazolam;	5289
(16) Ethchlorvynol;	5290
(17) Ethinamate;	5291
(18) Ethyl loflazepate;	5292
(19) Fludiazepam;	5293
(20) Flunitrazepam;	5294
(21) Flurazepam;	5295
(22) Halazepam;	5296
(23) Haloxazolam;	5297
(24) Ketazolam;	5298
(25) Loprazolam;	5299
(26) Lorazepam;	5300
(27) Lormetazepam;	5301
(28) Mebutamate;	5302
(29) Medazepam;	5303
(30) Meprobamate;	5304
(31) Methohexital;	5305

(32) Methylphenobarbital (mephobarbital);	5306
(33) Midazolam;	5307
(34) Nimetazepam;	5308
(35) Nitrazepam;	5309
(36) Nordiazepam;	5310
(37) Oxazepam;	5311
(38) Oxazolam;	5312
(39) Paraldehyde;	5313
(40) Petrichloral;	5314
(41) Phenobarbital;	5315
(42) Pinazepam;	5316
(43) Prazepam;	5317
(44) Quazepam;	5318
(45) Temazepam;	5319
(46) Tetrazepam;	5320
(47) Triazolam;	5321
(48) Zaleplon;	5322
(49) Zolpidem.	5323
(C) Fenfluramine	5324

Any material, compound, mixture, or preparation that	5325
contains any quantity of the following substances, including	5326
their salts, their optical isomers, position isomers, or	5327
geometric isomers, and salts of these isomers, whenever the	5328
existence of these salts, isomers, and salts of isomers is	5329

possible within the specific chemical designation:	5330
(1) Fenfluramine.	5331
(D) Stimulants	5332
Unless specifically excepted under federal drug abuse	5333
control laws or unless listed in another schedule, any material,	5334
compound, mixture, or preparation that contains any quantity of	5335
the following substances having a stimulant effect on the	5336
central nervous system, including their salts, their optical	5337
isomers, position isomers, or geometric isomers, and salts of	5338
these isomers, whenever the existence of these salts, isomers,	5339
and salts of isomers is possible within the specific chemical	5340
designation:	5341
(1) Cathine ((+)-norpseudoephedrine);	5342
(2) Diethylpropion;	5343
(3) Fencamfamin;	5344
(4) Fenproporex;	5345
(5) Mazindol;	5346
(6) Mefenorex;	5347
(7) Modafinil;	5348
(8) Pemoline (including organometallic complexes and	5349
chelates thereof);	5350
(9) Phentermine;	5351
(10) Pipradrol;	5352
(11) Sibutramine;	5353
(12) SPA [(-)-1-dimethylamino-1,2-diphenylethane].	5354

(E) Other substances	5355
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including their salts:	5356 5357 5358 5359
(1) Pentazocine;	5360
(2) Butorphanol (including its optical isomers).	5361
SCHEDULE V	5362
(A) Narcotic drugs	5363
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, and their salts, as set forth below:	5364 5365 5366 5367
(1) Buprenorphine.	5368
(B) Narcotics-narcotic preparations	5369
Narcotic drugs containing non-narcotic active medicinal ingredients. Any compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, and that includes one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by narcotic drugs alone:	5370 5371 5372 5373 5374 5375 5376 5377
(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;	5378 5379
(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;	5380 5381

(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;	5382 5383
(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;	5384 5385
(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;	5386 5387
(6) Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.	5388 5389
(C) Stimulants	5390
Unless specifically exempted or excluded under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers, and salts of isomers:	5391 5392 5393 5394 5395 5396
(1) Ephedrine, except as provided in division (K) of section 3719.44 of the Revised Code;	5397 5398
(2) Pyrovalerone.	5399
Sec. 3719.99. (A) Whoever violates section 3719.16 or 3719.161 of the Revised Code is guilty of a felony of the fifth degree. If the offender previously has been convicted of a violation of section 3719.16 or 3719.161 of the Revised Code or a drug abuse offense, a violation of section 3719.16 or 3719.161 of the Revised Code is a felony of the fourth degree. If the violation involves the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and if the offender, as a result of the violation, is a major drug offender, division (D) of this section applies.	5400 5401 5402 5403 5404 5405 5406 5407 5408 5409

(B) Whoever violates division (C) or (D) of section 3719.172 of the Revised Code is guilty of a felony of the fifth degree. If the offender previously has been convicted of a violation of division (C) or (D) of section 3719.172 of the Revised Code or a drug abuse offense, a violation of division (C) or (D) of section 3719.172 of the Revised Code is a felony of the fourth degree. If the violation involves the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and if the offender, as a result of the violation, is a major drug offender, division (D) of this section applies.

(C) Whoever violates section 3719.07 or 3719.08 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender previously has been convicted of a violation of section 3719.07 or 3719.08 of the Revised Code or a drug abuse offense, a violation of section 3719.07 or 3719.08 of the Revised Code is a felony of the fifth degree. If the violation involves the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and if the offender, as a result of the violation, is a major drug offender, division (D) of this section applies.

(D) (1) If an offender is convicted of or pleads guilty to a felony violation of section 3719.07, 3719.08, 3719.16, or 3719.161 or of division (C) or (D) of section 3719.172 of the Revised Code, if the violation involves the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and if the court imposing sentence upon the offender finds that the offender as a result of the violation is a major drug offender and is guilty of a specification of the type described in division (A) of section 2941.1410 of the Revised Code, the court, in lieu of the prison

term authorized or required by division (A), (B), or (C) of this 5441
section and sections 2929.13 and 2929.14 of the Revised Code and 5442
in addition to any other sanction imposed for the offense under 5443
sections 2929.11 to 2929.18 of the Revised Code, shall impose 5444
upon the offender, in accordance with division (B) (3) (a) of 5445
section 2929.14 of the Revised Code, the mandatory prison term 5446
specified in that division and may impose an additional prison 5447
term under division (B) (3) (b) of that section. 5448

(2) Notwithstanding any contrary provision of section 5449
3719.21 of the Revised Code, the clerk of the court shall pay 5450
any fine imposed for a felony violation of section 3719.07, 5451
3719.08, 3719.16, or 3719.161 or of division (C) or (D) of 5452
section 3719.172 of the Revised Code pursuant to division (A) of 5453
section 2929.18 of the Revised Code in accordance with and 5454
subject to the requirements of division (F) of section 2925.03 5455
of the Revised Code. The agency that receives the fine shall use 5456
the fine as specified in division (F) of section 2925.03 of the 5457
Revised Code. 5458

(E) Whoever violates section 3719.05, 3719.06, 3719.13, or 5459
3719.31 or division (B) of section 3719.172 of the Revised Code 5460
is guilty of a misdemeanor of the third degree. If the offender 5461
previously has been convicted of a violation of section 3719.05, 5462
3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 5463
of the Revised Code or a drug abuse offense, a violation of 5464
section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of 5465
section 3719.172 of the Revised Code is a misdemeanor of the 5466
first degree. 5467

(F) Whoever violates section 3719.30 of the Revised Code 5468
is guilty of a misdemeanor of the fourth degree. If the offender 5469
previously has been convicted of a violation of section 3719.30 5470

of the Revised Code or a drug abuse offense, a violation of 5471
section 3719.30 of the Revised Code is a misdemeanor of the 5472
third degree. 5473

(G) Whoever violates section 3719.32 or 3719.33 of the 5474
Revised Code is guilty of a minor misdemeanor. 5475

(H) Whoever violates division (K) (2) (b) of section 3719.44 5476
of the Revised Code is guilty of a felony of the fifth degree. 5477

(I) Whoever violates division (K) (2) (c) of section 3719.44 5478
of the Revised Code is guilty of a misdemeanor of the second 5479
degree. 5480

(J) As used in this section, "major drug offender" has the 5481
same meaning as in section 2929.01 of the Revised Code. 5482

Sec. 4729.99. (A) Whoever violates division (H) of section 5483
4729.16, division (G) of section 4729.38, section 4729.57, or 5484
division (F) of section 4729.96 of the Revised Code is guilty of 5485
a minor misdemeanor, unless a different penalty is otherwise 5486
specified in the Revised Code. Each day's violation constitutes 5487
a separate offense. 5488

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 5489
of the Revised Code is guilty of a misdemeanor of the third 5490
degree. Each day's violation constitutes a separate offense. If 5491
the offender previously has been convicted of or pleaded guilty 5492
to a violation of this chapter, that person is guilty of a 5493
misdemeanor of the second degree. 5494

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 5495
of the Revised Code is guilty of a misdemeanor. 5496

(D) Whoever violates division (A), (B), (C), (D), (F), or 5497
(G) of section 4729.51 of the Revised Code is guilty of a 5498

misdemeanor of the first degree. 5499

(E) (1) Whoever violates section 4729.37, division (E) (1) 5500
(b) of section 4729.51, division (J) of section 4729.54, 5501
division (B) or (D) of section 4729.553, or section 4729.61 of 5502
the Revised Code is guilty of a felony of the fifth degree. If 5503
the offender previously has been convicted of or pleaded guilty 5504
to a violation of this chapter or a violation of Chapter 2925. 5505
or 3719. of the Revised Code, that person is guilty of a felony 5506
of the fourth degree. 5507

(2) If an offender is convicted of or pleads guilty to a 5508
violation of section 4729.37, division (E) of section 4729.51, 5509
division (J) of section 4729.54, or section 4729.61 of the 5510
Revised Code, if the violation involves the sale, offer to sell, 5511
or possession of a schedule I or II controlled substance, with 5512
the exception of marihuana, and if the court imposing sentence 5513
upon the offender finds that the offender as a result of the 5514
violation is a major drug offender, as defined in section 5515
2929.01 of the Revised Code, and is guilty of a specification of 5516
the type described in division (A) of section 2941.1410 of the 5517
Revised Code, the court, in lieu of the prison term authorized 5518
or required by division (E) (1) of this section and sections 5519
2929.13 and 2929.14 of the Revised Code and in addition to any 5520
other sanction imposed for the offense under sections 2929.11 to 5521
2929.18 of the Revised Code, shall impose upon the offender, in 5522
accordance with division (B) (3) of section 2929.14 of the 5523
Revised Code, the mandatory prison term specified in that 5524
division. 5525

(3) Notwithstanding any contrary provision of section 5526
3719.21 of the Revised Code, the clerk of court shall pay any 5527
fine imposed for a violation of section 4729.37, division (E) of 5528

section 4729.51, division (J) of section 4729.54, or section 5529
4729.61 of the Revised Code pursuant to division (A) of section 5530
2929.18 of the Revised Code in accordance with and subject to 5531
the requirements of division (F) of section 2925.03 of the 5532
Revised Code. The agency that receives the fine shall use the 5533
fine as specified in division (F) of section 2925.03 of the 5534
Revised Code. 5535

(F) Whoever violates section 4729.531 of the Revised Code 5536
or any rule adopted thereunder or section 4729.532 of the 5537
Revised Code is guilty of a misdemeanor of the first degree. 5538

(G) Whoever violates division (E) (1) (a) of section 4729.51 5539
of the Revised Code is guilty of a felony of the fourth degree. 5540
If the offender has previously been convicted of or pleaded 5541
guilty to a violation of this chapter, or of a violation of 5542
Chapter 2925. or 3719. of the Revised Code, that person is 5543
guilty of a felony of the third degree. 5544

(H) Whoever violates division (E) (1) (c) of section 4729.51 5545
of the Revised Code is guilty of a misdemeanor of the first 5546
degree. If the offender has previously been convicted of or 5547
pleaded guilty to a violation of this chapter, or of a violation 5548
of Chapter 2925. or 3719. of the Revised Code, that person is 5549
guilty of a felony of the fifth degree. 5550

(I) (1) Whoever violates division (A) of section 4729.95 of 5551
the Revised Code is guilty of unauthorized pharmacy-related drug 5552
conduct. Except as otherwise provided in this section, 5553
unauthorized pharmacy-related drug conduct is a misdemeanor of 5554
the second degree. If the offender previously has been convicted 5555
of or pleaded guilty to a violation of division (A), (B), or (C) 5556
of that section, unauthorized pharmacy-related drug conduct is a 5557
misdemeanor of the first degree on a second offense and a felony 5558

of the fifth degree on a third or subsequent offense. 5559

(2) Whoever violates division (B) or (C) of section 5560
4729.95 of the Revised Code is guilty of permitting unauthorized 5561
pharmacy-related drug conduct. Except as otherwise provided in 5562
this section, permitting unauthorized pharmacy-related drug 5563
conduct is a misdemeanor of the second degree. If the offender 5564
previously has been convicted of or pleaded guilty to a 5565
violation of division (A), (B), or (C) of that section, 5566
permitting unauthorized pharmacy-related drug conduct is a 5567
misdemeanor of the first degree on a second offense and a felony 5568
of the fifth degree on a third or subsequent offense. 5569

(3) Notwithstanding any contrary provision of section 5570
3719.21 of the Revised Code or any other provision of law that 5571
governs the distribution of fines, the clerk of the court shall 5572
pay any fine imposed pursuant to division (I) (1) or (2) of this 5573
section to the state board of pharmacy if the board has adopted 5574
a written internal control policy under division (F) (2) of 5575
section 2925.03 of the Revised Code that addresses fine moneys 5576
that it receives under Chapter 2925. of the Revised Code and if 5577
the policy also addresses fine moneys paid under this division. 5578
The state board of pharmacy shall use the fines so paid in 5579
accordance with the written internal control policy to subsidize 5580
the board's law enforcement efforts that pertain to drug 5581
offenses. 5582

(J) (1) Whoever violates division (A) (1) of section 4729.86 5583
of the Revised Code is guilty of a misdemeanor of the third 5584
degree. If the offender has previously been convicted of or 5585
pleaded guilty to a violation of division (A) (1), (2), or (3) of 5586
section 4729.86 of the Revised Code, that person is guilty of a 5587
misdemeanor of the first degree. 5588

(2) Whoever violates division (A) (2) of section 4729.86 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender has previously been convicted of or pleaded guilty to a violation of division (A) (1), (2), or (3) of section 4729.86 of the Revised Code, that person is guilty of a felony of the fifth degree.

(3) Whoever violates division (A) (3) of section 4729.86 of the Revised Code is guilty of a felony of the fifth degree. If the offender has previously been convicted of or pleaded guilty to a violation of division (A) (1), (2), or (3) of section 4729.86 of the Revised Code, that person is guilty of a felony of the fourth degree.

(K) A person who violates division (C) of section 4729.552 of the Revised Code is guilty of a misdemeanor of the first degree. If the person previously has been convicted of or pleaded guilty to a violation of division (C) of section 4729.552 of the Revised Code, that person is guilty of a felony of the fifth degree.

Section 2. That existing sections 2925.01, 2925.02, 2925.03, 2925.04, 2925.05, 2925.11, 2925.13, 2925.36, 2929.01, 2929.13, 2929.14, 2941.1410, 3719.41, 3719.99, and 4729.99 of the Revised Code are hereby repealed.

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

effective date of the section as presented in this act. 5619

Section 2925.11 of the Revised Code is presented in this 5620
act as a composite of the section as amended by Sub. H.B. 110, 5621
H.B. 171, and Sub. S.B. 204, all of the 131st General Assembly. 5622
The General Assembly, applying the principle stated in division 5623
(B) of section 1.52 of the Revised Code that amendments are to 5624
be harmonized if reasonably capable of simultaneous operation, 5625
finds that the composite is the resulting version of the section 5626
in effect prior to the effective date of the section as 5627
presented in this act. 5628

Section 2929.01 of the Revised Code is presented in this 5629
act as a composite of the section as amended by both Sub. H.B. 5630
158 and H.B. 171 of the 131st General Assembly. The General 5631
Assembly, applying the principle stated in division (B) of 5632
section 1.52 of the Revised Code that amendments are to be 5633
harmonized if reasonably capable of simultaneous operation, 5634
finds that the composite is the resulting version of the section 5635
in effect prior to the effective date of the section as 5636
presented in this act. 5637

Section 2929.14 of the Revised Code is presented in this 5638
act as a composite of the section as amended by both Sub. H.B. 5639
470 and Sub. S.B. 319 of the 131st General Assembly. The General 5640
Assembly, applying the principle stated in division (B) of 5641
section 1.52 of the Revised Code that amendments are to be 5642
harmonized if reasonably capable of simultaneous operation, 5643
finds that the composite is the resulting version of the section 5644
in effect prior to the effective date of the section as 5645
presented in this act. 5646

Section 4729.99 of the Revised Code is presented in this 5647
act as a composite of the section as amended by both Sub. H.B. 5648

505 and Sub. S.B. 319 of the 131st General Assembly. The General 5649
Assembly, applying the principle stated in division (B) of 5650
section 1.52 of the Revised Code that amendments are to be 5651
harmonized if reasonably capable of simultaneous operation, 5652
finds that the composite is the resulting version of the section 5653
in effect prior to the effective date of the section as 5654
presented in this act. 5655