

**As Passed by the Senate**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**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**

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**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 twenty grams 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;

(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.

(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.

(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.

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

(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;

(2) Any other parcel of real property that is owned or



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
<b>Sec. 2925.02.</b> (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- 1995  
release control sanction and if the violation is a result of 1996  
either of the following, the court or the parole board shall 1997  
first consider ordering the person's participation or continued 1998  
participation in a drug treatment program or mitigating the 1999  
penalty specified in section 2929.141 or 2967.28 of the Revised 2000  
Code, whichever is applicable, after which the court or the 2001  
parole board has the discretion either to order the person's 2002  
participation or continued participation in a drug treatment 2003  
program or to impose the penalty with the mitigating factor 2004  
specified in either of those applicable sections: 2005

(i) Seeking or obtaining medical assistance in good faith 2006  
for another person who is experiencing a drug overdose; 2007

(ii) Experiencing a drug overdose and seeking medical 2008  
assistance for that emergency or being the subject of another 2009  
person seeking or obtaining medical assistance for that overdose 2010  
as described in division (B) (2) (b) of this section. 2011

(e) Nothing in division (B) (2) (b) of this section shall be 2012  
construed to do any of the following: 2013

(i) Limit the admissibility of any evidence in connection 2014  
with the investigation or prosecution of a crime with regards to 2015  
a defendant who does not qualify for the protections of division 2016  
(B) (2) (b) of this section or with regards to any crime other 2017  
than a minor drug possession offense committed by a person who 2018  
qualifies for protection pursuant to division (B) (2) (b) of this 2019  
section for a minor drug possession offense; 2020

(ii) Limit any seizure of evidence or contraband otherwise 2021  
permitted by law; 2022

(iii) Limit or abridge the authority of a peace officer to 2023

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  
~~analog~~ 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-	4721
dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-	4722
indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-	4723
dimethyltryptamine; mappine);	4724
(15) Diethyltryptamine (some trade or other names: N, N-	4725
diethyltryptamine; DET);	4726
(16) Dimethyltryptamine (some trade or other names: DMT);	4727
(17) Ibogaine (some trade or other names: 7-ethyl-	4728
6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano- 5H-	4729
pyrido[1',2':1,2] azepino [5, 4-b] indole; tabernanthe iboga);	4730
(18) Lysergic acid diethylamide;	4731
(19) Marihuana;	4732
(20) Mescaline;	4733
(21) Parahexyl (some trade or other names: 3-hexyl-1-	4734
hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-	4735
dibenzo[b,d]pyran; synhexyl);	4736
(22) Peyote (meaning all parts of the plant presently	4737
classified botanically as "Lophophora williamsii Lemaire,"	4738
whether growing or not, the seeds of that plant, any extract	4739
from any part of that plant, and every compound, manufacture,	4740
salts, derivative, mixture, or preparation of that plant, its	4741
seeds, or its extracts);	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; 4943  
4944

(b) By substitution at the 3-position with an acyclic alkyl substituent; 4945  
4946

(c) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; 4947  
4948

(d) By inclusion of the 2-amino nitrogen atom in a cyclic structure. 4949  
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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). 4951  
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SCHEDULE II 4962

(A) Narcotics-opium and opium derivatives 4963

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: 4964  
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4966  
4967  
4968  
4969

(1) Opium and opiate, and any salt, compound, derivative, 4970

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
<b>Sec. 3719.99.</b> (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