

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

S. B. No. 229

**Senator Eklund
Cosponsor: Senator Lehner**

A BILL

To amend sections 119.03, 149.43, 149.45, 2907.02, 1
2907.05, 2925.01, 2925.11, 3313.752, 3345.41, 2
3707.50, 3719.01, 3719.09, 3719.40, 3719.43, 3
3719.44, 3796.01, 4729.01, 4729.28, 4729.43, 4
4729.46, 4729.52, 4729.54, 4729.553, and 5
4731.97, to enact new sections 3719.41 and 6
section 3719.45, and to repeal section 3719.41 7
of the Revised Code to modify laws pertaining to 8
the State Board of Pharmacy and the regulation 9
of controlled substances. 10

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

Section 1. That sections 119.03, 149.43, 149.45, 2907.02, 11
2907.05, 2925.01, 2925.11, 3313.752, 3345.41, 3707.50, 3719.01, 12
3719.09, 3719.40, 3719.43, 3719.44, 3796.01, 4729.01, 4729.28, 13
4729.43, 4729.46, 4729.52, 4729.54, 4729.553, and 4731.97 be 14
amended and new section 3719.41 and section 3719.45 of the 15
Revised Code be enacted to read as follows: 16

Sec. 119.03. In the adoption, amendment, or rescission of 17
any rule, an agency shall comply with the following procedure: 18

(A) Reasonable public notice shall be given in the 19
register of Ohio at least thirty days prior to the date set for 20
a hearing, in the form the agency determines. The agency shall 21
file copies of the public notice under division (B) of this 22
section. (The agency gives public notice in the register of Ohio 23
when the public notice is published in the register under that 24
division.) 25

The public notice shall include: 26

(1) A statement of the agency's intention to consider 27
adopting, amending, or rescinding a rule; 28

(2) A synopsis of the proposed rule, amendment, or rule to 29
be rescinded or a general statement of the subject matter to 30
which the proposed rule, amendment, or rescission relates; 31

(3) A statement of the reason or purpose for adopting, 32
amending, or rescinding the rule; 33

(4) The date, time, and place of a hearing on the proposed 34
action, which shall be not earlier than the thirty-first nor 35
later than the fortieth day after the proposed rule, amendment, 36
or rescission is filed under division (B) of this section. 37

In addition to public notice given in the register of 38
Ohio, the agency may give whatever other notice it reasonably 39
considers necessary to ensure notice constructively is given to 40
all persons who are subject to or affected by the proposed rule, 41
amendment, or rescission. 42

The agency shall provide a copy of the public notice 43
required under division (A) of this section to any person who 44
requests it and pays a reasonable fee, not to exceed the cost of 45
copying and mailing. 46

(B) The full text of the proposed rule, amendment, or rule 47
to be rescinded, accompanied by the public notice required under 48
division (A) of this section, shall be filed in electronic form 49
with the secretary of state and with the director of the 50
legislative service commission. (If in compliance with this 51
division an agency files more than one proposed rule, amendment, 52
or rescission at the same time, and has prepared a public notice 53
under division (A) of this section that applies to more than one 54
of the proposed rules, amendments, or rescissions, the agency 55
shall file only one notice with the secretary of state and with 56
the director for all of the proposed rules, amendments, or 57
rescissions to which the notice applies.) The proposed rule, 58
amendment, or rescission and public notice shall be filed as 59
required by this division at least sixty-five days prior to the 60
date on which the agency, in accordance with division (E) of 61
this section, issues an order adopting the proposed rule, 62
amendment, or rescission. 63

If the proposed rule, amendment, or rescission 64
incorporates a text or other material by reference, the agency 65
shall comply with sections 121.71 to 121.76 of the Revised Code. 66

The proposed rule, amendment, or rescission shall be 67
available for at least thirty days prior to the date of the 68
hearing at the office of the agency in printed or other legible 69
form without charge to any person affected by the proposal. 70
Failure to furnish such text to any person requesting it shall 71
not invalidate any action of the agency in connection therewith. 72

If the agency files a revision in the text of the proposed 73
rule, amendment, or rescission, it shall also promptly file the 74
full text of the proposed rule, amendment, or rescission in its 75
revised form in electronic form with the secretary of state and 76

with the director of the legislative service commission. 77

The agency shall file the rule summary and fiscal analysis 78
prepared under section 127.18 of the Revised Code in electronic 79
form along with a proposed rule, amendment, or rescission or 80
proposed rule, amendment, or rescission in revised form that is 81
filed with the secretary of state or the director of the 82
legislative service commission. 83

The agency shall file the hearing report relating to a 84
proposed rule, amendment, or rescission in electronic form with 85
the secretary of state and the director of the legislative 86
service commission at the same time the agency files the hearing 87
report with the joint committee on agency rule review. 88

The director of the legislative service commission shall 89
publish in the register of Ohio the full text of the original 90
and each revised version of a proposed rule, amendment, or 91
rescission; the full text of a public notice; the full text of a 92
rule summary and fiscal analysis; and the full text of a hearing 93
report that is filed with the director under this division. 94

(C) When an agency files a proposed rule, amendment, or 95
rescission under division (B) of this section, it also shall 96
file in electronic form with the joint committee on agency rule 97
review the full text of the proposed rule, amendment, or rule to 98
be rescinded in the same form and the public notice required 99
under division (A) of this section. (If in compliance with this 100
division an agency files more than one proposed rule, amendment, 101
or rescission at the same time, and has given a public notice 102
under division (A) of this section that applies to more than one 103
of the proposed rules, amendments, or rescissions, the agency 104
shall file only one notice with the joint committee for all of 105
the proposed rules, amendments, or rescissions to which the 106

notice applies.) The proposed rule, amendment, or rescission is 107
subject to legislative review and invalidation under sections 108
106.02, 106.021, and 106.022 of the Revised Code. If the agency 109
makes a revision in a proposed rule, amendment, or rescission 110
after it is filed with the joint committee, the agency promptly 111
shall file the full text of the proposed rule, amendment, or 112
rescission in its revised form in electronic form with the joint 113
committee. 114

An agency shall file the rule summary and fiscal analysis 115
prepared under section 127.18 of the Revised Code in electronic 116
form along with a proposed rule, amendment, or rescission, and 117
along with a proposed rule, amendment, or rescission in revised 118
form, that is filed under this division. 119

If a proposed rule, amendment, or rescission has an 120
adverse impact on businesses, the agency also shall file the 121
business impact analysis, any recommendations received from the 122
common sense initiative office, and the agency's memorandum of 123
response, if any, in electronic form along with the proposed 124
rule, amendment, or rescission, or along with the proposed rule, 125
amendment, or rescission in revised form, that is filed under 126
this division. 127

The agency shall file the hearing report in electronic 128
form with the joint committee before the joint committee holds 129
its public hearing on the proposed rule, amendment, or 130
rescission. The filing of a hearing report does not constitute a 131
revision of the proposed rule, amendment, or rescission to which 132
the hearing report relates. 133

If the proposed rule, amendment, or rescission requires 134
liability insurance, a bond, or any other financial 135
responsibility instrument as a condition of licensure, the 136

agency shall conduct a diligent search to determine if the liability insurance, bond, or other financial responsibility instrument is readily available in the amounts required as a condition of licensure, and shall certify to the joint committee that the search was conducted.

A proposed rule, amendment, or rescission that is subject to legislative review under this division may not be adopted under division (E) of this section or filed in final form under section 119.04 of the Revised Code unless the proposed rule, amendment, or rescission has been filed with the joint committee on agency rule review under this division and the time for legislative review of the proposed rule, amendment, or rescission has expired without adoption of a concurrent resolution to invalidate the proposed rule, amendment, or rescission.

This division does not apply to:

(1) An emergency rule, amendment, or rescission;

(2) A proposed rule, amendment, or rescission that must be adopted verbatim by an agency pursuant to federal law or rule, to become effective within sixty days of adoption, in order to continue the operation of a federally reimbursed program in this state, so long as the proposed rule contains both of the following:

(a) A statement that it is proposed for the purpose of complying with a federal law or rule;

(b) A citation to the federal law or rule that requires verbatim compliance.

(3) A proposed rule, amendment, or rescission that, as set forth in section 3719.41 of the Revised Code, must be adopted by

the state board of pharmacy pursuant to federal law or rule, to 166
become effective within sixty days of adoption, so long as the 167
proposed rule contains a statement that it is proposed for the 168
purpose of complying with federal law or rule. 169

If a rule or amendment is exempt from legislative review 170
under division (C) (2) of this section, and if the federal law or 171
rule pursuant to which the rule or amendment was adopted 172
expires, is repealed or rescinded, or otherwise terminates, the 173
rule or amendment, or its rescission, is thereafter subject to 174
legislative review under division (C) of this section. 175

(D) On the date and at the time and place designated in 176
the notice, the agency shall conduct a public hearing at which 177
any person affected by the proposed action of the agency may 178
appear and be heard in person, by the person's attorney, or 179
both, may present the person's position, arguments, or 180
contentions, orally or in writing, offer and examine witnesses, 181
and present evidence tending to show that the proposed rule, 182
amendment, or rescission, if adopted or effectuated, will be 183
unreasonable or unlawful. An agency may permit persons affected 184
by the proposed rule, amendment, or rescission to present their 185
positions, arguments, or contentions in writing, not only at the 186
hearing, but also for a reasonable period before, after, or both 187
before and after the hearing. A person who presents a position 188
or arguments or contentions in writing before or after the 189
hearing is not required to appear at the hearing. 190

At the hearing, the testimony shall be recorded. Such 191
record shall be made at the expense of the agency. The agency is 192
required to transcribe a record that is not sight readable only 193
if a person requests transcription of all or part of the record 194
and agrees to reimburse the agency for the costs of the 195

transcription. An agency may require the person to pay in 196
advance all or part of the cost of the transcription. 197

In any hearing under this section the agency may 198
administer oaths or affirmations. 199

The agency shall consider the positions, arguments, or 200
contentions presented at, or before or after, the hearing. The 201
agency shall prepare a hearing summary of the positions, 202
arguments, or contentions, and of the issues raised by the 203
positions, arguments, or contentions. The agency then shall 204
prepare a hearing report explaining, with regard to each issue, 205
how it is reflected in the rule, amendment, or rescission. If an 206
issue is not reflected in the rule, amendment, or rescission, 207
the hearing report shall explain why the issue is not reflected. 208
The agency shall include the hearing summary in the hearing 209
report as an appendix thereto. And, in the hearing report, the 210
agency shall identify the proposed rule, amendment, or 211
rescission to which the hearing report relates. 212

(E) After divisions (A), (B), (C), and (D) of this section 213
have been complied with, and when the time for legislative 214
review under sections 106.02, 106.022, and 106.023 of the 215
Revised Code has expired without adoption of a concurrent 216
resolution to invalidate the proposed rule, amendment, or 217
rescission, the agency may issue an order adopting the proposed 218
rule or the proposed amendment or rescission of the rule, 219
consistent with the synopsis or general statement included in 220
the public notice. At that time the agency shall designate the 221
effective date of the rule, amendment, or rescission, which 222
shall not be earlier than the tenth day after the rule, 223
amendment, or rescission has been filed in its final form as 224
provided in section 119.04 of the Revised Code. 225

(F) Prior to the effective date of a rule, amendment, or 226
rescission, the agency shall make a reasonable effort to inform 227
those affected by the rule, amendment, or rescission and to have 228
available for distribution to those requesting it the full text 229
of the rule as adopted or as amended. 230

(G) If the governor, upon the request of an agency, 231
determines that an emergency requires the immediate adoption, 232
amendment, or rescission of a rule, the governor shall issue an 233
order, the text of which shall be filed in electronic form with 234
the agency, the secretary of state, the director of the 235
legislative service commission, and the joint committee on 236
agency rule review, that the procedure prescribed by this 237
section with respect to the adoption, amendment, or rescission 238
of a specified rule is suspended. The agency may then adopt 239
immediately the emergency rule, amendment, or rescission and it 240
becomes effective on the date the rule, amendment, or 241
rescission, in final form and in compliance with division (A) (2) 242
of section 119.04 of the Revised Code, is filed in electronic 243
form with the secretary of state, the director of the 244
legislative service commission, and the joint committee on 245
agency rule review. The director shall publish the full text of 246
the emergency rule, amendment, or rescission in the register of 247
Ohio. 248

The emergency rule, amendment, or rescission shall become 249
invalid at the end of the one hundred twentieth day it is in 250
effect. Prior to that date the agency may adopt the emergency 251
rule, amendment, or rescission as a nonemergency rule, 252
amendment, or rescission by complying with the procedure 253
prescribed by this section for the adoption, amendment, and 254
rescission of nonemergency rules. The agency shall not use the 255
procedure of this division to readopt the emergency rule, 256

amendment, or rescission so that, upon the emergency rule, 257
amendment, or rescission becoming invalid under this division, 258
the emergency rule, amendment, or rescission will continue in 259
effect without interruption for another one-hundred-twenty-day 260
period, except when section 106.02 of the Revised Code prevents 261
the agency from adopting the emergency rule, amendment, or 262
rescission as a nonemergency rule, amendment, or rescission 263
within the one-hundred-twenty-day period. 264

This division does not apply to the adoption of any 265
emergency rule, amendment, or rescission by the tax commissioner 266
under division (C) (2) of section 5117.02 of the Revised Code. 267

(H) Rules adopted by an authority within the department of 268
job and family services for the administration or enforcement of 269
Chapter 4141. of the Revised Code or of the department of 270
taxation shall be effective without a hearing as provided by 271
this section if the statutes pertaining to such agency 272
specifically give a right of appeal to the board of tax appeals 273
or to a higher authority within the agency or to a court, and 274
also give the appellant a right to a hearing on such appeal. 275
This division does not apply to the adoption of any rule, 276
amendment, or rescission by the tax commissioner under division 277
(C) (1) or (2) of section 5117.02 of the Revised Code, or deny 278
the right to file an action for declaratory judgment as provided 279
in Chapter 2721. of the Revised Code from the decision of the 280
board of tax appeals or of the higher authority within such 281
agency. 282

Sec. 149.43. (A) As used in this section: 283

(1) "Public record" means records kept by any public 284
office, including, but not limited to, state, county, city, 285
village, township, and school district units, and records 286

pertaining to the delivery of educational services by an	287
alternative school in this state kept by the nonprofit or for-	288
profit entity operating the alternative school pursuant to	289
section 3313.533 of the Revised Code. "Public record" does not	290
mean any of the following:	291
(a) Medical records;	292
(b) Records pertaining to probation and parole proceedings	293
or to proceedings related to the imposition of community control	294
sanctions and post-release control sanctions;	295
(c) Records pertaining to actions under section 2151.85	296
and division (C) of section 2919.121 of the Revised Code and to	297
appeals of actions arising under those sections;	298
(d) Records pertaining to adoption proceedings, including	299
the contents of an adoption file maintained by the department of	300
health under sections 3705.12 to 3705.124 of the Revised Code;	301
(e) Information in a record contained in the putative	302
father registry established by section 3107.062 of the Revised	303
Code, regardless of whether the information is held by the	304
department of job and family services or, pursuant to section	305
3111.69 of the Revised Code, the office of child support in the	306
department or a child support enforcement agency;	307
(f) Records specified in division (A) of section 3107.52	308
of the Revised Code;	309
(g) Trial preparation records;	310
(h) Confidential law enforcement investigatory records;	311
(i) Records containing information that is confidential	312
under section 2710.03 or 4112.05 of the Revised Code;	313

(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	314 315
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	316 317 318 319
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	320 321 322 323
(m) Intellectual property records;	324
(n) Donor profile records;	325
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	326 327
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, <u>state board of pharmacy employee</u> , investigator of the bureau of criminal identification and investigation, or federal law enforcement officer residential and familial information;	328 329 330 331 332 333 334
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	335 336 337 338 339
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	340 341

(s) In the case of a child fatality review board acting 342
under sections 307.621 to 307.629 of the Revised Code or a 343
review conducted pursuant to guidelines established by the 344
director of health under section 3701.70 of the Revised Code, 345
records provided to the board or director, statements made by 346
board members during meetings of the board or by persons 347
participating in the director's review, and all work products of 348
the board or director, and in the case of a child fatality 349
review board, child fatality review data submitted by the board 350
to the department of health or a national child death review 351
database, other than the report prepared pursuant to division 352
(A) of section 307.626 of the Revised Code; 353

(t) Records provided to and statements made by the 354
executive director of a public children services agency or a 355
prosecuting attorney acting pursuant to section 5153.171 of the 356
Revised Code other than the information released under that 357
section; 358

(u) Test materials, examinations, or evaluation tools used 359
in an examination for licensure as a nursing home administrator 360
that the board of executives of long-term services and supports 361
administers under section 4751.04 of the Revised Code or 362
contracts under that section with a private or government entity 363
to administer; 364

(v) Records the release of which is prohibited by state or 365
federal law; 366

(w) Proprietary information of or relating to any person 367
that is submitted to or compiled by the Ohio venture capital 368
authority created under section 150.01 of the Revised Code; 369

(x) Financial statements and data any person submits for 370

any purpose to the Ohio housing finance agency or the 371
controlling board in connection with applying for, receiving, or 372
accounting for financial assistance from the agency, and 373
information that identifies any individual who benefits directly 374
or indirectly from financial assistance from the agency; 375

(y) Records listed in section 5101.29 of the Revised Code; 376

(z) Discharges recorded with a county recorder under 377
section 317.24 of the Revised Code, as specified in division (B) 378
(2) of that section; 379

(aa) Usage information including names and addresses of 380
specific residential and commercial customers of a municipally 381
owned or operated public utility; 382

(bb) Records described in division (C) of section 187.04 383
of the Revised Code that are not designated to be made available 384
to the public as provided in that division; 385

(cc) Information and records that are made confidential, 386
privileged, and not subject to disclosure under divisions (B) 387
and (C) of section 2949.221 of the Revised Code; 388

(dd) Personal information, as defined in section 149.45 of 389
the Revised Code; 390

(ee) The confidential name, address, and other personally 391
identifiable information of a program participant in the address 392
confidentiality program established under sections 111.41 to 393
111.47 of the Revised Code, including the contents of any 394
application for absent voter's ballots, absent voter's ballot 395
identification envelope statement of voter, or provisional 396
ballot affirmation completed by a program participant who has a 397
confidential voter registration record, and records or portions 398
of records pertaining to that program that identify the number 399

of program participants that reside within a precinct, ward, 400
township, municipal corporation, county, or any other geographic 401
area smaller than the state. As used in this division, 402
"confidential address" and "program participant" have the 403
meaning defined in section 111.41 of the Revised Code. 404

(ff) Orders for active military service of an individual 405
serving or with previous service in the armed forces of the 406
United States, including a reserve component, or the Ohio 407
organized militia, except that, such order becomes a public 408
record on the day that is fifteen years after the published date 409
or effective date of the call to order. 410

(2) "Confidential law enforcement investigatory record" 411
means any record that pertains to a law enforcement matter of a 412
criminal, quasi-criminal, civil, or administrative nature, but 413
only to the extent that the release of the record would create a 414
high probability of disclosure of any of the following: 415

(a) The identity of a suspect who has not been charged 416
with the offense to which the record pertains, or of an 417
information source or witness to whom confidentiality has been 418
reasonably promised; 419

(b) Information provided by an information source or 420
witness to whom confidentiality has been reasonably promised, 421
which information would reasonably tend to disclose the source's 422
or witness's identity; 423

(c) Specific confidential investigatory techniques or 424
procedures or specific investigatory work product; 425

(d) Information that would endanger the life or physical 426
safety of law enforcement personnel, a crime victim, a witness, 427
or a confidential information source. 428

(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.

(4) "Trial preparation record" means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.

(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.

(6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.

(7) "Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, state board of pharmacy employee, investigator of the bureau of criminal identification and investigation, or federal law enforcement

officer residential and familial information" means any 459
information that discloses any of the following about a peace 460
officer, parole officer, probation officer, bailiff, prosecuting 461
attorney, assistant prosecuting attorney, correctional employee, 462
community-based correctional facility employee, youth services 463
employee, firefighter, EMT, state board of pharmacy employee, 464
investigator of the bureau of criminal identification and 465
investigation, or federal law enforcement officer: 466

(a) The address of the actual personal residence of a 467
peace officer, parole officer, probation officer, bailiff, 468
assistant prosecuting attorney, correctional employee, 469
community-based correctional facility employee, youth services 470
employee, firefighter, EMT, state board of pharmacy employee, an 471
investigator of the bureau of criminal identification and 472
investigation, or federal law enforcement officer, except for 473
the state or political subdivision in which the peace officer, 474
parole officer, probation officer, bailiff, assistant 475
prosecuting attorney, correctional employee, community-based 476
correctional facility employee, youth services employee, 477
firefighter, EMT, state board of pharmacy employee, investigator 478
of the bureau of criminal identification and investigation, or 479
federal law enforcement officer resides; 480

(b) Information compiled from referral to or participation 481
in an employee assistance program; 482

(c) The social security number, the residential telephone 483
number, any bank account, debit card, charge card, or credit 484
card number, or the emergency telephone number of, or any 485
medical information pertaining to, a peace officer, parole 486
officer, probation officer, bailiff, prosecuting attorney, 487
assistant prosecuting attorney, correctional employee, 488

community-based correctional facility employee, youth services 489
employee, firefighter, EMT, state board of pharmacy employee, 490
investigator of the bureau of criminal identification and 491
investigation, or federal law enforcement officer; 492

(d) The name of any beneficiary of employment benefits, 493
including, but not limited to, life insurance benefits, provided 494
to a peace officer, parole officer, probation officer, bailiff, 495
prosecuting attorney, assistant prosecuting attorney, 496
correctional employee, community-based correctional facility 497
employee, youth services employee, firefighter, EMT, state board 498
of pharmacy employee, investigator of the bureau of criminal 499
identification and investigation, or federal law enforcement 500
officer by the peace officer's, parole officer's, probation 501
officer's, bailiff's, prosecuting attorney's, assistant 502
prosecuting attorney's, correctional employee's, community-based 503
correctional facility employee's, youth services employee's, 504
firefighter's, EMT's, state board of pharmacy employee's, 505
investigator of the bureau of criminal identification and 506
investigation's, or federal law enforcement officer's employer; 507

(e) The identity and amount of any charitable or 508
employment benefit deduction made by the peace officer's, parole 509
officer's, probation officer's, bailiff's, prosecuting 510
attorney's, assistant prosecuting attorney's, correctional 511
employee's, community-based correctional facility employee's, 512
youth services employee's, firefighter's, EMT's, state board of 513
pharmacy employee's, investigator of the bureau of criminal 514
identification and investigation's, or federal law enforcement 515
officer's employer from the peace officer's, parole officer's, 516
probation officer's, bailiff's, prosecuting attorney's, 517
assistant prosecuting attorney's, correctional employee's, 518
community-based correctional facility employee's, youth services 519

employee's, firefighter's, EMT's, state board of pharmacy 520
employee's, investigator of the bureau of criminal 521
identification and investigation's, or federal law enforcement 522
officer's compensation unless the amount of the deduction is 523
required by state or federal law; 524

(f) The name, the residential address, the name of the 525
employer, the address of the employer, the social security 526
number, the residential telephone number, any bank account, 527
debit card, charge card, or credit card number, or the emergency 528
telephone number of the spouse, a former spouse, or any child of 529
a peace officer, parole officer, probation officer, bailiff, 530
prosecuting attorney, assistant prosecuting attorney, 531
correctional employee, community-based correctional facility 532
employee, youth services employee, firefighter, EMT, state board 533
of pharmacy employee, investigator of the bureau of criminal 534
identification and investigation, or federal law enforcement 535
officer; 536

(g) A photograph of a peace officer who holds a position 537
or has an assignment that may include undercover or plain 538
clothes positions or assignments as determined by the peace 539
officer's appointing authority. 540

As used in divisions (A) (7) and (B) (9) of this section, 541
"peace officer" has the same meaning as in section 109.71 of the 542
Revised Code and also includes the superintendent and troopers 543
of the state highway patrol; it does not include the sheriff of 544
a county or a supervisory employee who, in the absence of the 545
sheriff, is authorized to stand in for, exercise the authority 546
of, and perform the duties of the sheriff. 547

As used in divisions (A) (7) and (B) (9) of this section, 548
"correctional employee" means any employee of the department of 549

rehabilitation and correction who in the course of performing 550
the employee's job duties has or has had contact with inmates 551
and persons under supervision. 552

As used in divisions (A) (7) and (B) (9) of this section, 553
"youth services employee" means any employee of the department 554
of youth services who in the course of performing the employee's 555
job duties has or has had contact with children committed to the 556
custody of the department of youth services. 557

As used in divisions (A) (7) and (B) (9) of this section, 558
"firefighter" means any regular, paid or volunteer, member of a 559
lawfully constituted fire department of a municipal corporation, 560
township, fire district, or village. 561

As used in divisions (A) (7) and (B) (9) of this section, 562
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 563
emergency medical services for a public emergency medical 564
service organization. "Emergency medical service organization," 565
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 566
in section 4765.01 of the Revised Code. 567

As used in divisions (A) (7) and (B) (9) of this section, 568
"investigator of the bureau of criminal identification and 569
investigation" has the meaning defined in section 2903.11 of the 570
Revised Code. 571

As used in divisions (A) (7) and (B) (9) of this section, 572
"federal law enforcement officer" has the meaning defined in 573
section 9.88 of the Revised Code. 574

(8) "Information pertaining to the recreational activities 575
of a person under the age of eighteen" means information that is 576
kept in the ordinary course of business by a public office, that 577
pertains to the recreational activities of a person under the 578

age of eighteen years, and that discloses any of the following:	579
(a) The address or telephone number of a person under the	580
age of eighteen or the address or telephone number of that	581
person's parent, guardian, custodian, or emergency contact	582
person;	583
(b) The social security number, birth date, or	584
photographic image of a person under the age of eighteen;	585
(c) Any medical record, history, or information pertaining	586
to a person under the age of eighteen;	587
(d) Any additional information sought or required about a	588
person under the age of eighteen for the purpose of allowing	589
that person to participate in any recreational activity	590
conducted or sponsored by a public office or to use or obtain	591
admission privileges to any recreational facility owned or	592
operated by a public office.	593
(9) "Community control sanction" has the same meaning as	594
in section 2929.01 of the Revised Code.	595
(10) "Post-release control sanction" has the same meaning	596
as in section 2967.01 of the Revised Code.	597
(11) "Redaction" means obscuring or deleting any	598
information that is exempt from the duty to permit public	599
inspection or copying from an item that otherwise meets the	600
definition of a "record" in section 149.011 of the Revised Code.	601
(12) "Designee" and "elected official" have the same	602
meanings as in section 109.43 of the Revised Code.	603
(B) (1) Upon request and subject to division (B) (8) of this	604
section, all public records responsive to the request shall be	605
promptly prepared and made available for inspection to any	606

person at all reasonable times during regular business hours. 607
Subject to division (B) (8) of this section, upon request, a 608
public office or person responsible for public records shall 609
make copies of the requested public record available at cost and 610
within a reasonable period of time. If a public record contains 611
information that is exempt from the duty to permit public 612
inspection or to copy the public record, the public office or 613
the person responsible for the public record shall make 614
available all of the information within the public record that 615
is not exempt. When making that public record available for 616
public inspection or copying that public record, the public 617
office or the person responsible for the public record shall 618
notify the requester of any redaction or make the redaction 619
plainly visible. A redaction shall be deemed a denial of a 620
request to inspect or copy the redacted information, except if 621
federal or state law authorizes or requires a public office to 622
make the redaction. 623

(2) To facilitate broader access to public records, a 624
public office or the person responsible for public records shall 625
organize and maintain public records in a manner that they can 626
be made available for inspection or copying in accordance with 627
division (B) of this section. A public office also shall have 628
available a copy of its current records retention schedule at a 629
location readily available to the public. If a requester makes 630
an ambiguous or overly broad request or has difficulty in making 631
a request for copies or inspection of public records under this 632
section such that the public office or the person responsible 633
for the requested public record cannot reasonably identify what 634
public records are being requested, the public office or the 635
person responsible for the requested public record may deny the 636
request but shall provide the requester with an opportunity to 637

revise the request by informing the requester of the manner in which records are maintained by the public office and accessed in the ordinary course of the public office's or person's duties.

(3) If a request is ultimately denied, in part or in whole, the public office or the person responsible for the requested public record shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing. The explanation shall not preclude the public office or the person responsible for the requested public record from relying upon additional reasons or legal authority in defending an action commenced under division (C) of this section.

(4) Unless specifically required or authorized by state or federal law or in accordance with division (B) of this section, no public office or person responsible for public records may limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record. Any requirement that the requester disclose the requester's identity or the intended use of the requested public record constitutes a denial of the request.

(5) A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory and that the requester may decline to reveal the requester's identity or the intended use and when a written

request or disclosure of the identity or intended use would 668
benefit the requester by enhancing the ability of the public 669
office or person responsible for public records to identify, 670
locate, or deliver the public records sought by the requester. 671

(6) If any person chooses to obtain a copy of a public 672
record in accordance with division (B) of this section, the 673
public office or person responsible for the public record may 674
require that person to pay in advance the cost involved in 675
providing the copy of the public record in accordance with the 676
choice made by the person seeking the copy under this division. 677
The public office or the person responsible for the public 678
record shall permit that person to choose to have the public 679
record duplicated upon paper, upon the same medium upon which 680
the public office or person responsible for the public record 681
keeps it, or upon any other medium upon which the public office 682
or person responsible for the public record determines that it 683
reasonably can be duplicated as an integral part of the normal 684
operations of the public office or person responsible for the 685
public record. When the person seeking the copy makes a choice 686
under this division, the public office or person responsible for 687
the public record shall provide a copy of it in accordance with 688
the choice made by the person seeking the copy. Nothing in this 689
section requires a public office or person responsible for the 690
public record to allow the person seeking a copy of the public 691
record to make the copies of the public record. 692

(7) (a) Upon a request made in accordance with division (B) 693
of this section and subject to division (B) (6) of this section, 694
a public office or person responsible for public records shall 695
transmit a copy of a public record to any person by United 696
States mail or by any other means of delivery or transmission 697
within a reasonable period of time after receiving the request 698

for the copy. The public office or person responsible for the 699
public record may require the person making the request to pay 700
in advance the cost of postage if the copy is transmitted by 701
United States mail or the cost of delivery if the copy is 702
transmitted other than by United States mail, and to pay in 703
advance the costs incurred for other supplies used in the 704
mailing, delivery, or transmission. 705

(b) Any public office may adopt a policy and procedures 706
that it will follow in transmitting, within a reasonable period 707
of time after receiving a request, copies of public records by 708
United States mail or by any other means of delivery or 709
transmission pursuant to division (B) (7) of this section. A 710
public office that adopts a policy and procedures under division 711
(B) (7) of this section shall comply with them in performing its 712
duties under that division. 713

(c) In any policy and procedures adopted under division 714
(B) (7) of this section: 715

(i) A public office may limit the number of records 716
requested by a person that the office will physically deliver by 717
United States mail or by another delivery service to ten per 718
month, unless the person certifies to the office in writing that 719
the person does not intend to use or forward the requested 720
records, or the information contained in them, for commercial 721
purposes; 722

(ii) A public office that chooses to provide some or all 723
of its public records on a web site that is fully accessible to 724
and searchable by members of the public at all times, other than 725
during acts of God outside the public office's control or 726
maintenance, and that charges no fee to search, access, 727
download, or otherwise receive records provided on the web site, 728

may limit to ten per month the number of records requested by a 729
person that the office will deliver in a digital format, unless 730
the requested records are not provided on the web site and 731
unless the person certifies to the office in writing that the 732
person does not intend to use or forward the requested records, 733
or the information contained in them, for commercial purposes. 734

(iii) For purposes of division (B) (7) of this section, 735
"commercial" shall be narrowly construed and does not include 736
reporting or gathering news, reporting or gathering information 737
to assist citizen oversight or understanding of the operation or 738
activities of government, or nonprofit educational research. 739

(8) A public office or person responsible for public 740
records is not required to permit a person who is incarcerated 741
pursuant to a criminal conviction or a juvenile adjudication to 742
inspect or to obtain a copy of any public record concerning a 743
criminal investigation or prosecution or concerning what would 744
be a criminal investigation or prosecution if the subject of the 745
investigation or prosecution were an adult, unless the request 746
to inspect or to obtain a copy of the record is for the purpose 747
of acquiring information that is subject to release as a public 748
record under this section and the judge who imposed the sentence 749
or made the adjudication with respect to the person, or the 750
judge's successor in office, finds that the information sought 751
in the public record is necessary to support what appears to be 752
a justiciable claim of the person. 753

(9) (a) Upon written request made and signed by a 754
journalist on or after December 16, 1999, a public office, or 755
person responsible for public records, having custody of the 756
records of the agency employing a specified peace officer, 757
parole officer, probation officer, bailiff, prosecuting 758

attorney, assistant prosecuting attorney, correctional employee, 759
community-based correctional facility employee, youth services 760
employee, firefighter, EMT, state board of pharmacy employee, 761
investigator of the bureau of criminal identification and 762
investigation, or federal law enforcement officer shall disclose 763
to the journalist the address of the actual personal residence 764
of the peace officer, parole officer, probation officer, 765
bailiff, prosecuting attorney, assistant prosecuting attorney, 766
correctional employee, community-based correctional facility 767
employee, youth services employee, firefighter, EMT, state board 768
of pharmacy employee, investigator of the bureau of criminal 769
identification and investigation, or federal law enforcement 770
officer and, if the peace officer's, parole officer's, probation 771
officer's, bailiff's, prosecuting attorney's, assistant 772
prosecuting attorney's, correctional employee's, community-based 773
correctional facility employee's, youth services employee's, 774
firefighter's, EMT's, state board of pharmacy employee's, 775
investigator of the bureau of criminal identification and 776
investigation's, or federal law enforcement officer's spouse, 777
former spouse, or child is employed by a public office, the name 778
and address of the employer of the peace officer's, parole 779
officer's, probation officer's, bailiff's, prosecuting 780
attorney's, assistant prosecuting attorney's, correctional 781
employee's, community-based correctional facility employee's, 782
youth services employee's, firefighter's, EMT's, state board of 783
pharmacy employee's, investigator of the bureau of criminal 784
identification and investigation's, or federal law enforcement 785
officer's spouse, former spouse, or child. The request shall 786
include the journalist's name and title and the name and address 787
of the journalist's employer and shall state that disclosure of 788
the information sought would be in the public interest. 789

(b) Division (B) (9) (a) of this section also applies to 790
journalist requests for customer information maintained by a 791
municipally owned or operated public utility, other than social 792
security numbers and any private financial information such as 793
credit reports, payment methods, credit card numbers, and bank 794
account information. 795

(c) As used in division (B) (9) of this section, 796
"journalist" means a person engaged in, connected with, or 797
employed by any news medium, including a newspaper, magazine, 798
press association, news agency, or wire service, a radio or 799
television station, or a similar medium, for the purpose of 800
gathering, processing, transmitting, compiling, editing, or 801
disseminating information for the general public. 802

(C) (1) If a person allegedly is aggrieved by the failure 803
of a public office or the person responsible for public records 804
to promptly prepare a public record and to make it available to 805
the person for inspection in accordance with division (B) of 806
this section or by any other failure of a public office or the 807
person responsible for public records to comply with an 808
obligation in accordance with division (B) of this section, the 809
person allegedly aggrieved may do only one of the following, and 810
not both: 811

(a) File a complaint with the clerk of the court of claims 812
or the clerk of the court of common pleas under section 2743.75 813
of the Revised Code; 814

(b) Commence a mandamus action to obtain a judgment that 815
orders the public office or the person responsible for the 816
public record to comply with division (B) of this section, that 817
awards court costs and reasonable attorney's fees to the person 818
that instituted the mandamus action, and, if applicable, that 819

includes an order fixing statutory damages under division (C) (2) 820
of this section. The mandamus action may be commenced in the 821
court of common pleas of the county in which division (B) of 822
this section allegedly was not complied with, in the supreme 823
court pursuant to its original jurisdiction under Section 2 of 824
Article IV, Ohio Constitution, or in the court of appeals for 825
the appellate district in which division (B) of this section 826
allegedly was not complied with pursuant to its original 827
jurisdiction under Section 3 of Article IV, Ohio Constitution. 828

(2) If a requester transmits a written request by hand 829
delivery or certified mail to inspect or receive copies of any 830
public record in a manner that fairly describes the public 831
record or class of public records to the public office or person 832
responsible for the requested public records, except as 833
otherwise provided in this section, the requester shall be 834
entitled to recover the amount of statutory damages set forth in 835
this division if a court determines that the public office or 836
the person responsible for public records failed to comply with 837
an obligation in accordance with division (B) of this section. 838

The amount of statutory damages shall be fixed at one 839
hundred dollars for each business day during which the public 840
office or person responsible for the requested public records 841
failed to comply with an obligation in accordance with division 842
(B) of this section, beginning with the day on which the 843
requester files a mandamus action to recover statutory damages, 844
up to a maximum of one thousand dollars. The award of statutory 845
damages shall not be construed as a penalty, but as compensation 846
for injury arising from lost use of the requested information. 847
The existence of this injury shall be conclusively presumed. The 848
award of statutory damages shall be in addition to all other 849
remedies authorized by this section. 850

The court may reduce an award of statutory damages or not 851
award statutory damages if the court determines both of the 852
following: 853

(a) That, based on the ordinary application of statutory 854
law and case law as it existed at the time of the conduct or 855
threatened conduct of the public office or person responsible 856
for the requested public records that allegedly constitutes a 857
failure to comply with an obligation in accordance with division 858
(B) of this section and that was the basis of the mandamus 859
action, a well-informed public office or person responsible for 860
the requested public records reasonably would believe that the 861
conduct or threatened conduct of the public office or person 862
responsible for the requested public records did not constitute 863
a failure to comply with an obligation in accordance with 864
division (B) of this section; 865

(b) That a well-informed public office or person 866
responsible for the requested public records reasonably would 867
believe that the conduct or threatened conduct of the public 868
office or person responsible for the requested public records 869
would serve the public policy that underlies the authority that 870
is asserted as permitting that conduct or threatened conduct. 871

(3) In a mandamus action filed under division (C)(1) of 872
this section, the following apply: 873

(a) (i) If the court orders the public office or the person 874
responsible for the public record to comply with division (B) of 875
this section, the court shall determine and award to the relator 876
all court costs, which shall be construed as remedial and not 877
punitive. 878

(ii) If the court makes a determination described in 879

division (C) (3) (b) (iii) of this section, the court shall 880
determine and award to the relator all court costs, which shall 881
be construed as remedial and not punitive. 882

(b) If the court renders a judgment that orders the public 883
office or the person responsible for the public record to comply 884
with division (B) of this section or if the court determines any 885
of the following, the court may award reasonable attorney's fees 886
to the relator, subject to the provisions of division (C) (4) of 887
this section: 888

(i) The public office or the person responsible for the 889
public records failed to respond affirmatively or negatively to 890
the public records request in accordance with the time allowed 891
under division (B) of this section. 892

(ii) The public office or the person responsible for the 893
public records promised to permit the relator to inspect or 894
receive copies of the public records requested within a 895
specified period of time but failed to fulfill that promise 896
within that specified period of time. 897

(iii) The public office or the person responsible for the 898
public records acted in bad faith when the office or person 899
voluntarily made the public records available to the relator for 900
the first time after the relator commenced the mandamus action, 901
but before the court issued any order concluding whether or not 902
the public office or person was required to comply with division 903
(B) of this section. No discovery may be conducted on the issue 904
of the alleged bad faith of the public office or person 905
responsible for the public records. This division shall not be 906
construed as creating a presumption that the public office or 907
the person responsible for the public records acted in bad faith 908
when the office or person voluntarily made the public records 909

available to the relator for the first time after the relator 910
commenced the mandamus action, but before the court issued any 911
order described in this division. 912

(c) The court shall not award attorney's fees to the 913
relator if the court determines both of the following: 914

(i) That, based on the ordinary application of statutory 915
law and case law as it existed at the time of the conduct or 916
threatened conduct of the public office or person responsible 917
for the requested public records that allegedly constitutes a 918
failure to comply with an obligation in accordance with division 919
(B) of this section and that was the basis of the mandamus 920
action, a well-informed public office or person responsible for 921
the requested public records reasonably would believe that the 922
conduct or threatened conduct of the public office or person 923
responsible for the requested public records did not constitute 924
a failure to comply with an obligation in accordance with 925
division (B) of this section; 926

(ii) That a well-informed public office or person 927
responsible for the requested public records reasonably would 928
believe that the conduct or threatened conduct of the public 929
office or person responsible for the requested public records 930
would serve the public policy that underlies the authority that 931
is asserted as permitting that conduct or threatened conduct. 932

(4) All of the following apply to any award of reasonable 933
attorney's fees awarded under division (C) (3) (b) of this 934
section: 935

(a) The fees shall be construed as remedial and not 936
punitive. 937

(b) The fees awarded shall not exceed the total of the 938

reasonable attorney's fees incurred before the public record was 939
made available to the relator and the fees described in division 940
(C) (4) (c) of this section. 941

(c) Reasonable attorney's fees shall include reasonable 942
fees incurred to produce proof of the reasonableness and amount 943
of the fees and to otherwise litigate entitlement to the fees. 944

(d) The court may reduce the amount of fees awarded if the 945
court determines that, given the factual circumstances involved 946
with the specific public records request, an alternative means 947
should have been pursued to more effectively and efficiently 948
resolve the dispute that was subject to the mandamus action 949
filed under division (C) (1) of this section. 950

(5) If the court does not issue a writ of mandamus under 951
division (C) of this section and the court determines at that 952
time that the bringing of the mandamus action was frivolous 953
conduct as defined in division (A) of section 2323.51 of the 954
Revised Code, the court may award to the public office all court 955
costs, expenses, and reasonable attorney's fees, as determined 956
by the court. 957

(D) Chapter 1347. of the Revised Code does not limit the 958
provisions of this section. 959

(E) (1) To ensure that all employees of public offices are 960
appropriately educated about a public office's obligations under 961
division (B) of this section, all elected officials or their 962
appropriate designees shall attend training approved by the 963
attorney general as provided in section 109.43 of the Revised 964
Code. In addition, all public offices shall adopt a public 965
records policy in compliance with this section for responding to 966
public records requests. In adopting a public records policy 967

under this division, a public office may obtain guidance from 968
the model public records policy developed and provided to the 969
public office by the attorney general under section 109.43 of 970
the Revised Code. Except as otherwise provided in this section, 971
the policy may not limit the number of public records that the 972
public office will make available to a single person, may not 973
limit the number of public records that it will make available 974
during a fixed period of time, and may not establish a fixed 975
period of time before it will respond to a request for 976
inspection or copying of public records, unless that period is 977
less than eight hours. 978

(2) The public office shall distribute the public records 979
policy adopted by the public office under division (E)(1) of 980
this section to the employee of the public office who is the 981
records custodian or records manager or otherwise has custody of 982
the records of that office. The public office shall require that 983
employee to acknowledge receipt of the copy of the public 984
records policy. The public office shall create a poster that 985
describes its public records policy and shall post the poster in 986
a conspicuous place in the public office and in all locations 987
where the public office has branch offices. The public office 988
may post its public records policy on the internet web site of 989
the public office if the public office maintains an internet web 990
site. A public office that has established a manual or handbook 991
of its general policies and procedures for all employees of the 992
public office shall include the public records policy of the 993
public office in the manual or handbook. 994

(F)(1) The bureau of motor vehicles may adopt rules 995
pursuant to Chapter 119. of the Revised Code to reasonably limit 996
the number of bulk commercial special extraction requests made 997
by a person for the same records or for updated records during a 998

calendar year. The rules may include provisions for charges to 999
be made for bulk commercial special extraction requests for the 1000
actual cost of the bureau, plus special extraction costs, plus 1001
ten per cent. The bureau may charge for expenses for redacting 1002
information, the release of which is prohibited by law. 1003

(2) As used in division (F)(1) of this section: 1004

(a) "Actual cost" means the cost of depleted supplies, 1005
records storage media costs, actual mailing and alternative 1006
delivery costs, or other transmitting costs, and any direct 1007
equipment operating and maintenance costs, including actual 1008
costs paid to private contractors for copying services. 1009

(b) "Bulk commercial special extraction request" means a 1010
request for copies of a record for information in a format other 1011
than the format already available, or information that cannot be 1012
extracted without examination of all items in a records series, 1013
class of records, or database by a person who intends to use or 1014
forward the copies for surveys, marketing, solicitation, or 1015
resale for commercial purposes. "Bulk commercial special 1016
extraction request" does not include a request by a person who 1017
gives assurance to the bureau that the person making the request 1018
does not intend to use or forward the requested copies for 1019
surveys, marketing, solicitation, or resale for commercial 1020
purposes. 1021

(c) "Commercial" means profit-seeking production, buying, 1022
or selling of any good, service, or other product. 1023

(d) "Special extraction costs" means the cost of the time 1024
spent by the lowest paid employee competent to perform the task, 1025
the actual amount paid to outside private contractors employed 1026
by the bureau, or the actual cost incurred to create computer 1027

programs to make the special extraction. "Special extraction 1028
costs" include any charges paid to a public agency for computer 1029
or records services. 1030

(3) For purposes of divisions (F)(1) and (2) of this 1031
section, "surveys, marketing, solicitation, or resale for 1032
commercial purposes" shall be narrowly construed and does not 1033
include reporting or gathering news, reporting or gathering 1034
information to assist citizen oversight or understanding of the 1035
operation or activities of government, or nonprofit educational 1036
research. 1037

(G) A request by a defendant, counsel of a defendant, or 1038
any agent of a defendant in a criminal action that public 1039
records related to that action be made available under this 1040
section shall be considered a demand for discovery pursuant to 1041
the Criminal Rules, except to the extent that the Criminal Rules 1042
plainly indicate a contrary intent. The defendant, counsel of 1043
the defendant, or agent of the defendant making a request under 1044
this division shall serve a copy of the request on the 1045
prosecuting attorney, director of law, or other chief legal 1046
officer responsible for prosecuting the action. 1047

Sec. 149.45. (A) As used in this section: 1048

(1) "Personal information" means any of the following: 1049

(a) An individual's social security number; 1050

(b) An individual's state or federal tax identification 1051
number; 1052

(c) An individual's driver's license number or state 1053
identification number; 1054

(d) An individual's checking account number, savings 1055

account number, credit card number, or debit card number; 1056

(e) An individual's demand deposit account number, money 1057
market account number, mutual fund account number, or any other 1058
financial or medical account number. 1059

(2) "Public record" and "peace officer, parole officer, 1060
probation officer, bailiff, prosecuting attorney, assistant 1061
prosecuting attorney, correctional employee, youth services 1062
employee, firefighter, EMT, state board of pharmacy employee, 1063
investigator of the bureau of criminal identification and 1064
investigation, or federal law enforcement officer residential 1065
and familial information" have the same meanings as in section 1066
149.43 of the Revised Code. 1067

(3) "Truncate" means to redact all but the last four 1068
digits of an individual's social security number. 1069

(B) (1) No public office or person responsible for a public 1070
office's public records shall make available to the general 1071
public on the internet any document that contains an 1072
individual's social security number without otherwise redacting, 1073
encrypting, or truncating the social security number. 1074

(2) A public office or person responsible for a public 1075
office's public records that prior to October 17, 2011, made 1076
available to the general public on the internet any document 1077
that contains an individual's social security number shall 1078
redact, encrypt, or truncate the social security number from 1079
that document. 1080

(3) Divisions (B) (1) and (2) of this section do not apply 1081
to documents that are only accessible through the internet with 1082
a password. 1083

(C) (1) An individual may request that a public office or a 1084

person responsible for a public office's public records redact 1085
personal information of that individual from any record made 1086
available to the general public on the internet. An individual 1087
who makes a request for redaction pursuant to this division 1088
shall make the request in writing on a form developed by the 1089
attorney general and shall specify the personal information to 1090
be redacted and provide any information that identifies the 1091
location of that personal information within a document that 1092
contains that personal information. 1093

(2) Upon receiving a request for a redaction pursuant to 1094
division (C)(1) of this section, a public office or a person 1095
responsible for a public office's public records shall act 1096
within five business days in accordance with the request to 1097
redact the personal information of the individual from any 1098
record made available to the general public on the internet, if 1099
practicable. If a redaction is not practicable, the public 1100
office or person responsible for the public office's public 1101
records shall verbally or in writing within five business days 1102
after receiving the written request explain to the individual 1103
why the redaction is impracticable. 1104

(3) The attorney general shall develop a form to be used 1105
by an individual to request a redaction pursuant to division (C) 1106
(1) of this section. The form shall include a place to provide 1107
any information that identifies the location of the personal 1108
information to be redacted. 1109

(D) (1) A peace officer, parole officer, probation officer, 1110
bailiff, prosecuting attorney, assistant prosecuting attorney, 1111
correctional employee, youth services employee, firefighter, 1112
EMT, state board of pharmacy employee, investigator of the 1113
bureau of criminal identification and investigation, or federal 1114

law enforcement officer may request that a public office other 1115
than a county auditor or a person responsible for the public 1116
records of a public office other than a county auditor redact 1117
the address of the person making the request from any record 1118
made available to the general public on the internet that 1119
includes peace officer, parole officer, probation officer, 1120
bailiff, prosecuting attorney, assistant prosecuting attorney, 1121
correctional employee, youth services employee, firefighter, 1122
EMT, state board of pharmacy employee, investigator of the 1123
bureau of criminal identification and investigation, or federal 1124
law enforcement officer residential and familial information of 1125
the person making the request. A person who makes a request for 1126
a redaction pursuant to this division shall make the request in 1127
writing and on a form developed by the attorney general. 1128

(2) Upon receiving a written request for a redaction 1129
pursuant to division (D)(1) of this section, a public office 1130
other than a county auditor or a person responsible for the 1131
public records of a public office other than a county auditor 1132
shall act within five business days in accordance with the 1133
request to redact the address of the peace officer, parole 1134
officer, probation officer, bailiff, prosecuting attorney, 1135
assistant prosecuting attorney, correctional employee, youth 1136
services employee, firefighter, EMT, state board of pharmacy 1137
employee, investigator of the bureau of criminal identification 1138
and investigation, or federal law enforcement officer making the 1139
request from any record made available to the general public on 1140
the internet that includes peace officer, parole officer, 1141
probation officer, bailiff, prosecuting attorney, assistant 1142
prosecuting attorney, correctional employee, youth services 1143
employee, firefighter, EMT, state board of pharmacy employee, 1144
investigator of the bureau of criminal identification and 1145

investigation, or federal law enforcement officer residential 1146
and familial information of the person making the request, if 1147
practicable. If a redaction is not practicable, the public 1148
office or person responsible for the public office's public 1149
records shall verbally or in writing within five business days 1150
after receiving the written request explain to the peace 1151
officer, parole officer, probation officer, bailiff, prosecuting 1152
attorney, assistant prosecuting attorney, correctional employee, 1153
youth services employee, firefighter, EMT, state board of 1154
pharmacy employee, investigator of the bureau of criminal 1155
identification and investigation, or federal law enforcement 1156
officer why the redaction is impracticable. 1157

(3) Except as provided in this section and section 319.28 1158
of the Revised Code, a public office other than an employer of a 1159
peace officer, parole officer, probation officer, bailiff, 1160
prosecuting attorney, assistant prosecuting attorney, 1161
correctional employee, youth services employee, firefighter, 1162
EMT, state board of pharmacy employee, investigator of the 1163
bureau of criminal identification and investigation, or federal 1164
law enforcement officer or a person responsible for the public 1165
records of the employer is not required to redact the 1166
residential and familial information of the peace officer, 1167
parole officer, probation officer, bailiff, prosecuting 1168
attorney, assistant prosecuting attorney, correctional employee, 1169
youth services employee, firefighter, EMT, state board of 1170
pharmacy employee, investigator of the bureau of criminal 1171
identification and investigation, or federal law enforcement 1172
officer from other records maintained by the public office. 1173

(4) The attorney general shall develop a form to be used 1174
by a peace officer, parole officer, probation officer, bailiff, 1175
prosecuting attorney, assistant prosecuting attorney, 1176

correctional employee, youth services employee, firefighter, 1177
EMT, state board of pharmacy employee, investigator of the 1178
bureau of criminal identification and investigation, or federal 1179
law enforcement officer to request a redaction pursuant to 1180
division (D) (1) of this section. The form shall include a place 1181
to provide any information that identifies the location of the 1182
address of a peace officer, parole officer, probation officer, 1183
bailiff, prosecuting attorney, assistant prosecuting attorney, 1184
correctional employee, youth services employee, firefighter, 1185
EMT, state board of pharmacy employee, investigator of the 1186
bureau of criminal identification and investigation, or federal 1187
law enforcement officer to be redacted. 1188

(E) (1) If a public office or a person responsible for a 1189
public office's public records becomes aware that an electronic 1190
record of that public office that is made available to the 1191
general public on the internet contains an individual's social 1192
security number that was mistakenly not redacted, encrypted, or 1193
truncated as required by division (B) (1) or (2) of this section, 1194
the public office or person responsible for the public office's 1195
public records shall redact, encrypt, or truncate the 1196
individual's social security number within a reasonable period 1197
of time. 1198

(2) A public office or a person responsible for a public 1199
office's public records is not liable in damages in a civil 1200
action for any harm an individual allegedly sustains as a result 1201
of the inclusion of that individual's personal information on 1202
any record made available to the general public on the internet 1203
or any harm a peace officer, parole officer, probation officer, 1204
bailiff, prosecuting attorney, assistant prosecuting attorney, 1205
correctional employee, youth services employee, firefighter, 1206
EMT, state board of pharmacy employee, investigator of the 1207

bureau of criminal identification and investigation, or federal 1208
law enforcement officer sustains as a result of the inclusion of 1209
the address of the peace officer, parole officer, probation 1210
officer, bailiff, prosecuting attorney, assistant prosecuting 1211
attorney, correctional employee, youth services employee, 1212
firefighter, EMT, state board of pharmacy employee, investigator 1213
of the bureau of criminal identification and investigation, or 1214
federal law enforcement officer on any record made available to 1215
the general public on the internet in violation of this section 1216
unless the public office or person responsible for the public 1217
office's public records acted with malicious purpose, in bad 1218
faith, or in a wanton or reckless manner or division (A) (6) (a) 1219
or (c) of section 2744.03 of the Revised Code applies. 1220

Sec. 2907.02. (A) (1) No person shall engage in sexual 1221
conduct with another who is not the spouse of the offender or 1222
who is the spouse of the offender but is living separate and 1223
apart from the offender, when any of the following applies: 1224

(a) For the purpose of preventing resistance, the offender 1225
substantially impairs the other person's judgment or control by 1226
administering any drug, intoxicant, or controlled substance to 1227
the other person surreptitiously or by force, threat of force, 1228
or deception. 1229

(b) The other person is less than thirteen years of age, 1230
whether or not the offender knows the age of the other person. 1231

(c) The other person's ability to resist or consent is 1232
substantially impaired because of a mental or physical condition 1233
or because of advanced age, and the offender knows or has 1234
reasonable cause to believe that the other person's ability to 1235
resist or consent is substantially impaired because of a mental 1236
or physical condition or because of advanced age. 1237

(2) No person shall engage in sexual conduct with another 1238
when the offender purposely compels the other person to submit 1239
by force or threat of force. 1240

(B) Whoever violates this section is guilty of rape, a 1241
felony of the first degree. If the offender under division (A) 1242
(1) (a) of this section substantially impairs the other person's 1243
judgment or control by administering any controlled substance 1244
described in a rule adopted under section 3719.41 or 3719.45 of 1245
the Revised Code to the other person surreptitiously or by 1246
force, threat of force, or deception, the prison term imposed 1247
upon the offender shall be one of the prison terms prescribed 1248
for a felony of the first degree in section 2929.14 of the 1249
Revised Code that is not less than five years. Except as 1250
otherwise provided in this division, notwithstanding sections 1251
2929.11 to 2929.14 of the Revised Code, an offender under 1252
division (A) (1) (b) of this section shall be sentenced to a 1253
prison term or term of life imprisonment pursuant to section 1254
2971.03 of the Revised Code. If an offender is convicted of or 1255
pleads guilty to a violation of division (A) (1) (b) of this 1256
section, if the offender was less than sixteen years of age at 1257
the time the offender committed the violation of that division, 1258
and if the offender during or immediately after the commission 1259
of the offense did not cause serious physical harm to the 1260
victim, the victim was ten years of age or older at the time of 1261
the commission of the violation, and the offender has not 1262
previously been convicted of or pleaded guilty to a violation of 1263
this section or a substantially similar existing or former law 1264
of this state, another state, or the United States, the court 1265
shall not sentence the offender to a prison term or term of life 1266
imprisonment pursuant to section 2971.03 of the Revised Code, 1267
and instead the court shall sentence the offender as otherwise 1268

provided in this division. If an offender under division (A) (1) 1269
(b) of this section previously has been convicted of or pleaded 1270
guilty to violating division (A) (1) (b) of this section or to 1271
violating an existing or former law of this state, another 1272
state, or the United States that is substantially similar to 1273
division (A) (1) (b) of this section, if the offender during or 1274
immediately after the commission of the offense caused serious 1275
physical harm to the victim, or if the victim under division (A) 1276
(1) (b) of this section is less than ten years of age, in lieu of 1277
sentencing the offender to a prison term or term of life 1278
imprisonment pursuant to section 2971.03 of the Revised Code, 1279
the court may impose upon the offender a term of life without 1280
parole. If the court imposes a term of life without parole 1281
pursuant to this division, division (F) of section 2971.03 of 1282
the Revised Code applies, and the offender automatically is 1283
classified a tier III sex offender/child-victim offender, as 1284
described in that division. 1285

(C) A victim need not prove physical resistance to the 1286
offender in prosecutions under this section. 1287

(D) Evidence of specific instances of the victim's sexual 1288
activity, opinion evidence of the victim's sexual activity, and 1289
reputation evidence of the victim's sexual activity shall not be 1290
admitted under this section unless it involves evidence of the 1291
origin of semen, pregnancy, or disease, or the victim's past 1292
sexual activity with the offender, and only to the extent that 1293
the court finds that the evidence is material to a fact at issue 1294
in the case and that its inflammatory or prejudicial nature does 1295
not outweigh its probative value. 1296

Evidence of specific instances of the defendant's sexual 1297
activity, opinion evidence of the defendant's sexual activity, 1298

and reputation evidence of the defendant's sexual activity shall 1299
not be admitted under this section unless it involves evidence 1300
of the origin of semen, pregnancy, or disease, the defendant's 1301
past sexual activity with the victim, or is admissible against 1302
the defendant under section 2945.59 of the Revised Code, and 1303
only to the extent that the court finds that the evidence is 1304
material to a fact at issue in the case and that its 1305
inflammatory or prejudicial nature does not outweigh its 1306
probative value. 1307

(E) Prior to taking testimony or receiving evidence of any 1308
sexual activity of the victim or the defendant in a proceeding 1309
under this section, the court shall resolve the admissibility of 1310
the proposed evidence in a hearing in chambers, which shall be 1311
held at or before preliminary hearing and not less than three 1312
days before trial, or for good cause shown during the trial. 1313

(F) Upon approval by the court, the victim may be 1314
represented by counsel in any hearing in chambers or other 1315
proceeding to resolve the admissibility of evidence. If the 1316
victim is indigent or otherwise is unable to obtain the services 1317
of counsel, the court, upon request, may appoint counsel to 1318
represent the victim without cost to the victim. 1319

(G) It is not a defense to a charge under division (A)(2) 1320
of this section that the offender and the victim were married or 1321
were cohabiting at the time of the commission of the offense. 1322

Sec. 2907.05. (A) No person shall have sexual contact with 1323
another, not the spouse of the offender; cause another, not the 1324
spouse of the offender, to have sexual contact with the 1325
offender; or cause two or more other persons to have sexual 1326
contact when any of the following applies: 1327

(1) The offender purposely compels the other person, or 1328
one of the other persons, to submit by force or threat of force. 1329

(2) For the purpose of preventing resistance, the offender 1330
substantially impairs the judgment or control of the other 1331
person or of one of the other persons by administering any drug, 1332
intoxicant, or controlled substance to the other person 1333
surreptitiously or by force, threat of force, or deception. 1334

(3) The offender knows that the judgment or control of the 1335
other person or of one of the other persons is substantially 1336
impaired as a result of the influence of any drug or intoxicant 1337
administered to the other person with the other person's consent 1338
for the purpose of any kind of medical or dental examination, 1339
treatment, or surgery. 1340

(4) The other person, or one of the other persons, is less 1341
than thirteen years of age, whether or not the offender knows 1342
the age of that person. 1343

(5) The ability of the other person to resist or consent 1344
or the ability of one of the other persons to resist or consent 1345
is substantially impaired because of a mental or physical 1346
condition or because of advanced age, and the offender knows or 1347
has reasonable cause to believe that the ability to resist or 1348
consent of the other person or of one of the other persons is 1349
substantially impaired because of a mental or physical condition 1350
or because of advanced age. 1351

(B) No person shall knowingly touch the genitalia of 1352
another, when the touching is not through clothing, the other 1353
person is less than twelve years of age, whether or not the 1354
offender knows the age of that person, and the touching is done 1355
with an intent to abuse, humiliate, harass, degrade, or arouse 1356

or gratify the sexual desire of any person. 1357

(C) Whoever violates this section is guilty of gross 1358
sexual imposition. 1359

(1) Except as otherwise provided in this section, gross 1360
sexual imposition committed in violation of division (A) (1), 1361
(2), (3), or (5) of this section is a felony of the fourth 1362
degree. If the offender under division (A) (2) of this section 1363
substantially impairs the judgment or control of the other 1364
person or one of the other persons by administering any 1365
controlled substance described in a rule adopted under section 1366
3719.41 or 3719.45 of the Revised Code to the person 1367
surreptitiously or by force, threat of force, or deception, 1368
gross sexual imposition committed in violation of division (A) 1369
(2) of this section is a felony of the third degree. 1370

(2) Gross sexual imposition committed in violation of 1371
division (A) (4) or (B) of this section is a felony of the third 1372
degree. Except as otherwise provided in this division, for gross 1373
sexual imposition committed in violation of division (A) (4) or 1374
(B) of this section there is a presumption that a prison term 1375
shall be imposed for the offense. The court shall impose on an 1376
offender convicted of gross sexual imposition in violation of 1377
division (A) (4) or (B) of this section a mandatory prison term 1378
equal to one of the prison terms prescribed in section 2929.14 1379
of the Revised Code for a felony of the third degree if either 1380
of the following applies: 1381

(a) Evidence other than the testimony of the victim was 1382
admitted in the case corroborating the violation; 1383

(b) The offender previously was convicted of or pleaded 1384
guilty to a violation of this section, rape, the former offense 1385

of felonious sexual penetration, or sexual battery, and the 1386
victim of the previous offense was less than thirteen years of 1387
age. 1388

(D) A victim need not prove physical resistance to the 1389
offender in prosecutions under this section. 1390

(E) Evidence of specific instances of the victim's sexual 1391
activity, opinion evidence of the victim's sexual activity, and 1392
reputation evidence of the victim's sexual activity shall not be 1393
admitted under this section unless it involves evidence of the 1394
origin of semen, pregnancy, or disease, or the victim's past 1395
sexual activity with the offender, and only to the extent that 1396
the court finds that the evidence is material to a fact at issue 1397
in the case and that its inflammatory or prejudicial nature does 1398
not outweigh its probative value. 1399

Evidence of specific instances of the defendant's sexual 1400
activity, opinion evidence of the defendant's sexual activity, 1401
and reputation evidence of the defendant's sexual activity shall 1402
not be admitted under this section unless it involves evidence 1403
of the origin of semen, pregnancy, or disease, the defendant's 1404
past sexual activity with the victim, or is admissible against 1405
the defendant under section 2945.59 of the Revised Code, and 1406
only to the extent that the court finds that the evidence is 1407
material to a fact at issue in the case and that its 1408
inflammatory or prejudicial nature does not outweigh its 1409
probative value. 1410

(F) Prior to taking testimony or receiving evidence of any 1411
sexual activity of the victim or the defendant in a proceeding 1412
under this section, the court shall resolve the admissibility of 1413
the proposed evidence in a hearing in chambers, which shall be 1414
held at or before preliminary hearing and not less than three 1415

days before trial, or for good cause shown during the trial. 1416

(G) Upon approval by the court, the victim may be 1417
represented by counsel in any hearing in chambers or other 1418
proceeding to resolve the admissibility of evidence. If the 1419
victim is indigent or otherwise is unable to obtain the services 1420
of counsel, the court, upon request, may appoint counsel to 1421
represent the victim without cost to the victim. 1422

Sec. 2925.01. As used in this chapter: 1423

(A) "Administer," "controlled substance," "controlled 1424
substance analog," "dispense," "distribute," "hypodermic," 1425
"manufacturer," "official written order," "person," 1426
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 1427
"schedule III," "schedule IV," "schedule V," and "wholesaler" 1428
have the same meanings as in section 3719.01 of the Revised 1429
Code. 1430

(B) "Drug dependent person" and "drug of abuse" have the 1431
same meanings as in section 3719.011 of the Revised Code. 1432

(C) "Drug," "dangerous drug," "licensed health 1433
professional authorized to prescribe drugs," and "prescription" 1434
have the same meanings as in section 4729.01 of the Revised 1435
Code. 1436

(D) "Bulk amount" of a controlled substance means any of 1437
the following: 1438

(1) For any compound, mixture, preparation, or substance 1439
included in schedule I, schedule II, or schedule III, with the 1440
exception of controlled substance analogs, marihuana, cocaine, 1441
L.S.D., heroin, and hashish and except as provided in division 1442
(D)(2) or (5) of this section, whichever of the following is 1443
applicable: 1444

(a) An amount equal to or exceeding ten grams or twenty- 1445
five unit doses of a compound, mixture, preparation, or 1446
substance that is or contains any amount of a schedule I opiate 1447
or opium derivative; 1448

(b) An amount equal to or exceeding ten grams of a 1449
compound, mixture, preparation, or substance that is or contains 1450
any amount of raw or gum opium; 1451

(c) An amount equal to or exceeding thirty grams or ten 1452
unit doses of a compound, mixture, preparation, or substance 1453
that is or contains any amount of a schedule I hallucinogen 1454
other than tetrahydrocannabinol or lysergic acid amide, or a 1455
schedule I stimulant or depressant; 1456

(d) An amount equal to or exceeding twenty grams or five 1457
times the maximum daily dose in the usual dose range specified 1458
in a standard pharmaceutical reference manual of a compound, 1459
mixture, preparation, or substance that is or contains any 1460
amount of a schedule II opiate or opium derivative; 1461

(e) An amount equal to or exceeding five grams or ten unit 1462
doses of a compound, mixture, preparation, or substance that is 1463
or contains any amount of phencyclidine; 1464

(f) An amount equal to or exceeding one hundred twenty 1465
grams or thirty times the maximum daily dose in the usual dose 1466
range specified in a standard pharmaceutical reference manual of 1467
a compound, mixture, preparation, or substance that is or 1468
contains any amount of a schedule II stimulant that is in a 1469
final dosage form manufactured by a person authorized by the 1470
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 1471
U.S.C.A. 301, as amended, and the federal drug abuse control 1472
laws, as defined in section 3719.01 of the Revised Code, that is 1473

or contains any amount of a schedule II depressant substance or 1474
a schedule II hallucinogenic substance; 1475

(g) An amount equal to or exceeding three grams of a 1476
compound, mixture, preparation, or substance that is or contains 1477
any amount of a schedule II stimulant, or any of its salts or 1478
isomers, that is not in a final dosage form manufactured by a 1479
person authorized by the Federal Food, Drug, and Cosmetic Act 1480
and the federal drug abuse control laws. 1481

(2) An amount equal to or exceeding one hundred twenty 1482
grams or thirty times the maximum daily dose in the usual dose 1483
range specified in a standard pharmaceutical reference manual of 1484
a compound, mixture, preparation, or substance that is or 1485
contains any amount of a schedule III or IV substance other than 1486
an anabolic steroid or a schedule III opiate or opium 1487
derivative; 1488

(3) An amount equal to or exceeding twenty grams or five 1489
times the maximum daily dose in the usual dose range specified 1490
in a standard pharmaceutical reference manual of a compound, 1491
mixture, preparation, or substance that is or contains any 1492
amount of a schedule III opiate or opium derivative; 1493

(4) An amount equal to or exceeding two hundred fifty 1494
milliliters or two hundred fifty grams of a compound, mixture, 1495
preparation, or substance that is or contains any amount of a 1496
schedule V substance; 1497

(5) An amount equal to or exceeding two hundred solid 1498
dosage units, sixteen grams, or sixteen milliliters of a 1499
compound, mixture, preparation, or substance that is or contains 1500
any amount of a schedule III anabolic steroid. 1501

(E) "Unit dose" means an amount or unit of a compound, 1502

mixture, or preparation containing a controlled substance that 1503
is separately identifiable and in a form that indicates that it 1504
is the amount or unit by which the controlled substance is 1505
separately administered to or taken by an individual. 1506

(F) "Cultivate" includes planting, watering, fertilizing, 1507
or tilling. 1508

(G) "Drug abuse offense" means any of the following: 1509

(1) A violation of division (A) of section 2913.02 that 1510
constitutes theft of drugs, or a violation of section 2925.02, 1511
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 1512
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 1513
or 2925.37 of the Revised Code; 1514

(2) A violation of an existing or former law of this or 1515
any other state or of the United States that is substantially 1516
equivalent to any section listed in division (G) (1) of this 1517
section; 1518

(3) An offense under an existing or former law of this or 1519
any other state, or of the United States, of which planting, 1520
cultivating, harvesting, processing, making, manufacturing, 1521
producing, shipping, transporting, delivering, acquiring, 1522
possessing, storing, distributing, dispensing, selling, inducing 1523
another to use, administering to another, using, or otherwise 1524
dealing with a controlled substance is an element; 1525

(4) A conspiracy to commit, attempt to commit, or 1526
complicity in committing or attempting to commit any offense 1527
under division (G) (1), (2), or (3) of this section. 1528

(H) "Felony drug abuse offense" means any drug abuse 1529
offense that would constitute a felony under the laws of this 1530
state, any other state, or the United States. 1531

(I) "Harmful intoxicant" does not include beer or	1532
intoxicating liquor but means any of the following:	1533
(1) Any compound, mixture, preparation, or substance the	1534
gas, fumes, or vapor of which when inhaled can induce	1535
intoxication, excitement, giddiness, irrational behavior,	1536
depression, stupefaction, paralysis, unconsciousness,	1537
asphyxiation, or other harmful physiological effects, and	1538
includes, but is not limited to, any of the following:	1539
(a) Any volatile organic solvent, plastic cement, model	1540
cement, fingernail polish remover, lacquer thinner, cleaning	1541
fluid, gasoline, or other preparation containing a volatile	1542
organic solvent;	1543
(b) Any aerosol propellant;	1544
(c) Any fluorocarbon refrigerant;	1545
(d) Any anesthetic gas.	1546
(2) Gamma Butyrolactone;	1547
(3) 1,4 Butanediol.	1548
(J) "Manufacture" means to plant, cultivate, harvest,	1549
process, make, prepare, or otherwise engage in any part of the	1550
production of a drug, by propagation, extraction, chemical	1551
synthesis, or compounding, or any combination of the same, and	1552
includes packaging, repackaging, labeling, and other activities	1553
incident to production.	1554
(K) "Possess" or "possession" means having control over a	1555
thing or substance, but may not be inferred solely from mere	1556
access to the thing or substance through ownership or occupation	1557
of the premises upon which the thing or substance is found.	1558

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

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

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

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

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

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

(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" 1587
if the offender commits the offense on school premises, in a 1588
school building, or within one thousand feet of the boundaries 1589
of any school premises, regardless of whether the offender knows 1590
the offense is being committed on school premises, in a school 1591
building, or within one thousand feet of the boundaries of any 1592
school premises. 1593

(Q) "School" means any school operated by a board of 1594
education, any community school established under Chapter 3314. 1595
of the Revised Code, or any nonpublic school for which the state 1596
board of education prescribes minimum standards under section 1597
3301.07 of the Revised Code, whether or not any instruction, 1598
extracurricular activities, or training provided by the school 1599
is being conducted at the time a criminal offense is committed. 1600

(R) "School premises" means either of the following: 1601

(1) The parcel of real property on which any school is 1602
situated, whether or not any instruction, extracurricular 1603
activities, or training provided by the school is being 1604
conducted on the premises at the time a criminal offense is 1605
committed; 1606

(2) Any other parcel of real property that is owned or 1607
leased by a board of education of a school, the governing 1608
authority of a community school established under Chapter 3314. 1609
of the Revised Code, or the governing body of a nonpublic school 1610
for which the state board of education prescribes minimum 1611
standards under section 3301.07 of the Revised Code and on which 1612
some of the instruction, extracurricular activities, or training 1613
of the school is conducted, whether or not any instruction, 1614
extracurricular activities, or training provided by the school 1615
is being conducted on the parcel of real property at the time a 1616

criminal offense is committed. 1617

(S) "School building" means any building in which any of 1618
the instruction, extracurricular activities, or training 1619
provided by a school is conducted, whether or not any 1620
instruction, extracurricular activities, or training provided by 1621
the school is being conducted in the school building at the time 1622
a criminal offense is committed. 1623

(T) "Disciplinary counsel" means the disciplinary counsel 1624
appointed by the board of commissioners on grievances and 1625
discipline of the supreme court under the Rules for the 1626
Government of the Bar of Ohio. 1627

(U) "Certified grievance committee" means a duly 1628
constituted and organized committee of the Ohio state bar 1629
association or of one or more local bar associations of the 1630
state of Ohio that complies with the criteria set forth in Rule 1631
V, section 6 of the Rules for the Government of the Bar of Ohio. 1632

(V) "Professional license" means any license, permit, 1633
certificate, registration, qualification, admission, temporary 1634
license, temporary permit, temporary certificate, or temporary 1635
registration that is described in divisions (W)(1) to (36) of 1636
this section and that qualifies a person as a professionally 1637
licensed person. 1638

(W) "Professionally licensed person" means any of the 1639
following: 1640

(1) A person who has obtained a license as a manufacturer 1641
of controlled substances or a wholesaler of controlled 1642
substances under Chapter 3719. of the Revised Code; 1643

(2) A person who has received a certificate or temporary 1644
certificate as a certified public accountant or who has 1645

registered as a public accountant under Chapter 4701. of the 1646
Revised Code and who holds an Ohio permit issued under that 1647
chapter; 1648

(3) A person who holds a certificate of qualification to 1649
practice architecture issued or renewed and registered under 1650
Chapter 4703. of the Revised Code; 1651

(4) A person who is registered as a landscape architect 1652
under Chapter 4703. of the Revised Code or who holds a permit as 1653
a landscape architect issued under that chapter; 1654

(5) A person licensed under Chapter 4707. of the Revised 1655
Code; 1656

(6) A person who has been issued a certificate of 1657
registration as a registered barber under Chapter 4709. of the 1658
Revised Code; 1659

(7) A person licensed and regulated to engage in the 1660
business of a debt pooling company by a legislative authority, 1661
under authority of Chapter 4710. of the Revised Code; 1662

(8) A person who has been issued a cosmetologist's 1663
license, hair designer's license, manicurist's license, 1664
esthetician's license, natural hair stylist's license, advanced 1665
cosmetologist's license, advanced hair designer's license, 1666
advanced manicurist's license, advanced esthetician's license, 1667
advanced natural hair stylist's license, cosmetology 1668
instructor's license, hair design instructor's license, 1669
manicurist instructor's license, esthetics instructor's license, 1670
natural hair style instructor's license, independent 1671
contractor's license, or tanning facility permit under Chapter 1672
4713. of the Revised Code; 1673

(9) A person who has been issued a license to practice 1674

dentistry, a general anesthesia permit, a conscious intravenous 1675
sedation permit, a limited resident's license, a limited 1676
teaching license, a dental hygienist's license, or a dental 1677
hygienist's teacher's certificate under Chapter 4715. of the 1678
Revised Code; 1679

(10) A person who has been issued an embalmer's license, a 1680
funeral director's license, a funeral home license, or a 1681
crematory license, or who has been registered for an embalmer's 1682
or funeral director's apprenticeship under Chapter 4717. of the 1683
Revised Code; 1684

(11) A person who has been licensed as a registered nurse 1685
or practical nurse, or who has been issued a certificate for the 1686
practice of nurse-midwifery under Chapter 4723. of the Revised 1687
Code; 1688

(12) A person who has been licensed to practice optometry 1689
or to engage in optical dispensing under Chapter 4725. of the 1690
Revised Code; 1691

(13) A person licensed to act as a pawnbroker under 1692
Chapter 4727. of the Revised Code; 1693

(14) A person licensed to act as a precious metals dealer 1694
under Chapter 4728. of the Revised Code; 1695

(15) A person licensed as a pharmacist, a pharmacy intern, 1696
a wholesale distributor of dangerous drugs, or a terminal 1697
distributor of dangerous drugs under Chapter 4729. of the 1698
Revised Code; 1699

(16) A person who is authorized to practice as a physician 1700
assistant under Chapter 4730. of the Revised Code; 1701

(17) A person who has been issued a license to practice 1702

medicine and surgery, osteopathic medicine and surgery, or	1703
podiatric medicine and surgery under Chapter 4731. of the	1704
Revised Code or has been issued a certificate to practice a	1705
limited branch of medicine under that chapter;	1706
(18) A person licensed as a psychologist or school	1707
psychologist under Chapter 4732. of the Revised Code;	1708
(19) A person registered to practice the profession of	1709
engineering or surveying under Chapter 4733. of the Revised	1710
Code;	1711
(20) A person who has been issued a license to practice	1712
chiropractic under Chapter 4734. of the Revised Code;	1713
(21) A person licensed to act as a real estate broker or	1714
real estate salesperson under Chapter 4735. of the Revised Code;	1715
(22) A person registered as a registered sanitarian under	1716
Chapter 4736. of the Revised Code;	1717
(23) A person licensed to operate or maintain a junkyard	1718
under Chapter 4737. of the Revised Code;	1719
(24) A person who has been issued a motor vehicle salvage	1720
dealer's license under Chapter 4738. of the Revised Code;	1721
(25) A person who has been licensed to act as a steam	1722
engineer under Chapter 4739. of the Revised Code;	1723
(26) A person who has been issued a license or temporary	1724
permit to practice veterinary medicine or any of its branches,	1725
or who is registered as a graduate animal technician under	1726
Chapter 4741. of the Revised Code;	1727
(27) A person who has been issued a hearing aid dealer's	1728
or fitter's license or trainee permit under Chapter 4747. of the	1729

Revised Code;	1730
(28) A person who has been issued a class A, class B, or	1731
class C license or who has been registered as an investigator or	1732
security guard employee under Chapter 4749. of the Revised Code;	1733
(29) A person licensed and registered to practice as a	1734
nursing home administrator under Chapter 4751. of the Revised	1735
Code;	1736
(30) A person licensed to practice as a speech-language	1737
pathologist or audiologist under Chapter 4753. of the Revised	1738
Code;	1739
(31) A person issued a license as an occupational	1740
therapist or physical therapist under Chapter 4755. of the	1741
Revised Code;	1742
(32) A person who is licensed as a licensed professional	1743
clinical counselor, licensed professional counselor, social	1744
worker, independent social worker, independent marriage and	1745
family therapist, or marriage and family therapist, or	1746
registered as a social work assistant under Chapter 4757. of the	1747
Revised Code;	1748
(33) A person issued a license to practice dietetics under	1749
Chapter 4759. of the Revised Code;	1750
(34) A person who has been issued a license or limited	1751
permit to practice respiratory therapy under Chapter 4761. of	1752
the Revised Code;	1753
(35) A person who has been issued a real estate appraiser	1754
certificate under Chapter 4763. of the Revised Code;	1755
(36) A person who has been admitted to the bar by order of	1756
the supreme court in compliance with its prescribed and	1757

published rules. 1758

(X) "Cocaine" means any of the following: 1759

(1) A cocaine salt, isomer, or derivative, a salt of a 1760
cocaine isomer or derivative, or the base form of cocaine; 1761

(2) Coca leaves or a salt, compound, derivative, or 1762
preparation of coca leaves, including ecgonine, a salt, isomer, 1763
or derivative of ecgonine, or a salt of an isomer or derivative 1764
of ecgonine; 1765

(3) A salt, compound, derivative, or preparation of a 1766
substance identified in division (X) (1) or (2) of this section 1767
that is chemically equivalent to or identical with any of those 1768
substances, except that the substances shall not include 1769
decocainized coca leaves or extraction of coca leaves if the 1770
extractions do not contain cocaine or ecgonine. 1771

(Y) "L.S.D." means lysergic acid diethylamide. 1772

(Z) "Hashish" means the resin or a preparation of the 1773
resin contained in marihuana, whether in solid form or in a 1774
liquid concentrate, liquid extract, or liquid distillate form. 1775

(AA) "Marihuana" has the same meaning as in section 1776
3719.01 of the Revised Code, except that it does not include 1777
hashish. 1778

(BB) An offense is "committed in the vicinity of a 1779
juvenile" if the offender commits the offense within one hundred 1780
feet of a juvenile or within the view of a juvenile, regardless 1781
of whether the offender knows the age of the juvenile, whether 1782
the offender knows the offense is being committed within one 1783
hundred feet of or within view of the juvenile, or whether the 1784
juvenile actually views the commission of the offense. 1785

(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.

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

(JJ) ~~"Lawful prescription" means a prescription that is~~

~~issued for a legitimate medical purpose by a licensed health- 1814
professional authorized to prescribe drugs, that is not altered- 1815
or forged, and that was not obtained by means of deception or by- 1816
the commission of any theft offense.— 1817~~

~~(KK) "Deception" and "theft offense" have has the same 1818
meanings meaning as in section 2913.01 of the Revised Code. 1819~~

Sec. 2925.11. (A) No person shall knowingly obtain, 1820
possess, or use a controlled substance or a controlled substance 1821
analog. 1822

(B) (1) This section does not apply to any of the 1823
following: 1824

(a) Manufacturers, licensed health professionals 1825
authorized to prescribe drugs, pharmacists, owners of 1826
pharmacies, and other persons whose conduct was in accordance 1827
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1828
4741. of the Revised Code; 1829

(b) If the offense involves an anabolic steroid, any 1830
person who is conducting or participating in a research project 1831
involving the use of an anabolic steroid if the project has been 1832
approved by the United States food and drug administration; 1833

(c) Any person who sells, offers for sale, prescribes, 1834
dispenses, or administers for livestock or other nonhuman 1835
species an anabolic steroid that is expressly intended for 1836
administration through implants to livestock or other nonhuman 1837
species and approved for that purpose under the "Federal Food, 1838
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1839
as amended, and is sold, offered for sale, prescribed, 1840
dispensed, or administered for that purpose in accordance with 1841
that act; 1842

(d) Any person who obtained the controlled substance 1843
pursuant to a ~~lawful~~-prescription issued by a licensed health 1844
professional authorized to prescribe drugs if the prescription 1845
was issued for a legitimate medical purpose and not altered, 1846
forged, or obtained through deception or commission of a theft 1847
offense. 1848

As used in division (B) (1) (d) of this section, "deception" 1849
and "theft offense" have the same meanings as in section 2913.01 1850
of the Revised Code. 1851

(2) (a) As used in division (B) (2) of this section: 1852

(i) "Community addiction services provider" has the same 1853
meaning as in section 5119.01 of the Revised Code. 1854

(ii) "Community control sanction" and "drug treatment 1855
program" have the same meanings as in section 2929.01 of the 1856
Revised Code. 1857

(iii) "Health care facility" has the same meaning as in 1858
section 2919.16 of the Revised Code. 1859

(iv) "Minor drug possession offense" means a violation of 1860
this section that is a misdemeanor or a felony of the fifth 1861
degree. 1862

(v) "Post-release control sanction" has the same meaning 1863
as in section 2967.28 of the Revised Code. 1864

(vi) "Peace officer" has the same meaning as in section 1865
2935.01 of the Revised Code. 1866

(vii) "Public agency" has the same meaning as in section 1867
2930.01 of the Revised Code. 1868

(viii) "Qualified individual" means a person who is not on 1869

community control or post-release control and is a person acting 1870
in good faith who seeks or obtains medical assistance for 1871
another person who is experiencing a drug overdose, a person who 1872
experiences a drug overdose and who seeks medical assistance for 1873
that overdose, or a person who is the subject of another person 1874
seeking or obtaining medical assistance for that overdose as 1875
described in division (B) (2) (b) of this section. 1876

(ix) "Seek or obtain medical assistance" includes, but is 1877
not limited to making a 9-1-1 call, contacting in person or by 1878
telephone call an on-duty peace officer, or transporting or 1879
presenting a person to a health care facility. 1880

(b) Subject to division (B) (2) (f) of this section, a 1881
qualified individual shall not be arrested, charged, prosecuted, 1882
convicted, or penalized pursuant to this chapter for a minor 1883
drug possession offense if all of the following apply: 1884

(i) The evidence of the obtaining, possession, or use of 1885
the controlled substance or controlled substance analog that 1886
would be the basis of the offense was obtained as a result of 1887
the qualified individual seeking the medical assistance or 1888
experiencing an overdose and needing medical assistance. 1889

(ii) Subject to division (B) (2) (g) of this section, within 1890
thirty days after seeking or obtaining the medical assistance, 1891
the qualified individual seeks and obtains a screening and 1892
receives a referral for treatment from a community addiction 1893
services provider or a properly credentialed addiction treatment 1894
professional. 1895

(iii) Subject to division (B) (2) (g) of this section, the 1896
qualified individual who obtains a screening and receives a 1897
referral for treatment under division (B) (2) (b) (ii) of this 1898

section, upon the request of any prosecuting attorney, submits 1899
documentation to the prosecuting attorney that verifies that the 1900
qualified individual satisfied the requirements of that 1901
division. The documentation shall be limited to the date and 1902
time of the screening obtained and referral received. 1903

(c) If a person is found to be in violation of any 1904
community control sanction and if the violation is a result of 1905
either of the following, the court shall first consider ordering 1906
the person's participation or continued participation in a drug 1907
treatment program or mitigating the penalty specified in section 1908
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 1909
applicable, after which the court has the discretion either to 1910
order the person's participation or continued participation in a 1911
drug treatment program or to impose the penalty with the 1912
mitigating factor specified in any of those applicable sections: 1913

(i) Seeking or obtaining medical assistance in good faith 1914
for another person who is experiencing a drug overdose; 1915

(ii) Experiencing a drug overdose and seeking medical 1916
assistance for that overdose or being the subject of another 1917
person seeking or obtaining medical assistance for that overdose 1918
as described in division (B) (2) (b) of this section. 1919

(d) If a person is found to be in violation of any post- 1920
release control sanction and if the violation is a result of 1921
either of the following, the court or the parole board shall 1922
first consider ordering the person's participation or continued 1923
participation in a drug treatment program or mitigating the 1924
penalty specified in section 2929.141 or 2967.28 of the Revised 1925
Code, whichever is applicable, after which the court or the 1926
parole board has the discretion either to order the person's 1927
participation or continued participation in a drug treatment 1928

program or to impose the penalty with the mitigating factor	1929
specified in either of those applicable sections:	1930
(i) Seeking or obtaining medical assistance in good faith	1931
for another person who is experiencing a drug overdose;	1932
(ii) Experiencing a drug overdose and seeking medical	1933
assistance for that emergency or being the subject of another	1934
person seeking or obtaining medical assistance for that overdose	1935
as described in division (B) (2) (b) of this section.	1936
(e) Nothing in division (B) (2) (b) of this section shall be	1937
construed to do any of the following:	1938
(i) Limit the admissibility of any evidence in connection	1939
with the investigation or prosecution of a crime with regards to	1940
a defendant who does not qualify for the protections of division	1941
(B) (2) (b) of this section or with regards to any crime other	1942
than a minor drug possession offense committed by a person who	1943
qualifies for protection pursuant to division (B) (2) (b) of this	1944
section for a minor drug possession offense;	1945
(ii) Limit any seizure of evidence or contraband otherwise	1946
permitted by law;	1947
(iii) Limit or abridge the authority of a peace officer to	1948
detain or take into custody a person in the course of an	1949
investigation or to effectuate an arrest for any offense except	1950
as provided in that division;	1951
(iv) Limit, modify, or remove any immunity from liability	1952
available pursuant to law in effect prior to the effective date	1953
of this amendment <u>September 13, 2016,</u> to any public agency or to	1954
an employee of any public agency.	1955
(f) Division (B) (2) (b) of this section does not apply to	1956

any person who twice previously has been granted an immunity 1957
under division (B) (2) (b) of this section. No person shall be 1958
granted an immunity under division (B) (2) (b) of this section 1959
more than two times. 1960

(g) Nothing in this section shall compel any qualified 1961
individual to disclose protected health information in a way 1962
that conflicts with the requirements of the "Health Insurance 1963
Portability and Accountability Act of 1996," 104 Pub. L. No. 1964
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 1965
regulations promulgated by the United States department of 1966
health and human services to implement the act or the 1967
requirements of 42 C.F.R. Part 2. 1968

(C) Whoever violates division (A) of this section is 1969
guilty of one of the following: 1970

(1) If the drug involved in the violation is a compound, 1971
mixture, preparation, or substance included in schedule I or II, 1972
with the exception of marihuana, cocaine, L.S.D., heroin, 1973
hashish, and controlled substance analogs, whoever violates 1974
division (A) of this section is guilty of aggravated possession 1975
of drugs. The penalty for the offense shall be determined as 1976
follows: 1977

(a) Except as otherwise provided in division (C) (1) (b), 1978
(c), (d), or (e) of this section, aggravated possession of drugs 1979
is a felony of the fifth degree, and division (B) of section 1980
2929.13 of the Revised Code applies in determining whether to 1981
impose a prison term on the offender. 1982

(b) If the amount of the drug involved equals or exceeds 1983
the bulk amount but is less than five times the bulk amount, 1984
aggravated possession of drugs is a felony of the third degree, 1985

and there is a presumption for a prison term for the offense. 1986

(c) If the amount of the drug involved equals or exceeds 1987
five times the bulk amount but is less than fifty times the bulk 1988
amount, aggravated possession of drugs is a felony of the second 1989
degree, and the court shall impose as a mandatory prison term 1990
one of the prison terms prescribed for a felony of the second 1991
degree. 1992

(d) If the amount of the drug involved equals or exceeds 1993
fifty times the bulk amount but is less than one hundred times 1994
the bulk amount, aggravated possession of drugs is a felony of 1995
the first degree, and the court shall impose as a mandatory 1996
prison term one of the prison terms prescribed for a felony of 1997
the first degree. 1998

(e) If the amount of the drug involved equals or exceeds 1999
one hundred times the bulk amount, aggravated possession of 2000
drugs is a felony of the first degree, the offender is a major 2001
drug offender, and the court shall impose as a mandatory prison 2002
term the maximum prison term prescribed for a felony of the 2003
first degree. 2004

(2) If the drug involved in the violation is a compound, 2005
mixture, preparation, or substance included in schedule III, IV, 2006
or V, whoever violates division (A) of this section is guilty of 2007
possession of drugs. The penalty for the offense shall be 2008
determined as follows: 2009

(a) Except as otherwise provided in division (C) (2) (b), 2010
(c), or (d) of this section, possession of drugs is a 2011
misdemeanor of the first degree or, if the offender previously 2012
has been convicted of a drug abuse offense, a felony of the 2013
fifth degree. 2014

(b) If the amount of the drug involved equals or exceeds 2015
the bulk amount but is less than five times the bulk amount, 2016
possession of drugs is a felony of the fourth degree, and 2017
division (C) of section 2929.13 of the Revised Code applies in 2018
determining whether to impose a prison term on the offender. 2019

(c) If the amount of the drug involved equals or exceeds 2020
five times the bulk amount but is less than fifty times the bulk 2021
amount, possession of drugs is a felony of the third degree, and 2022
there is a presumption for a prison term for the offense. 2023

(d) If the amount of the drug involved equals or exceeds 2024
fifty times the bulk amount, possession of drugs is a felony of 2025
the second degree, and the court shall impose upon the offender 2026
as a mandatory prison term one of the prison terms prescribed 2027
for a felony of the second degree. 2028

(3) If the drug involved in the violation is marihuana or 2029
a compound, mixture, preparation, or substance containing 2030
marihuana other than hashish, whoever violates division (A) of 2031
this section is guilty of possession of marihuana. The penalty 2032
for the offense shall be determined as follows: 2033

(a) Except as otherwise provided in division (C) (3) (b), 2034
(c), (d), (e), (f), or (g) of this section, possession of 2035
marihuana is a minor misdemeanor. 2036

(b) If the amount of the drug involved equals or exceeds 2037
one hundred grams but is less than two hundred grams, possession 2038
of marihuana is a misdemeanor of the fourth degree. 2039

(c) If the amount of the drug involved equals or exceeds 2040
two hundred grams but is less than one thousand grams, 2041
possession of marihuana is a felony of the fifth degree, and 2042
division (B) of section 2929.13 of the Revised Code applies in 2043

determining whether to impose a prison term on the offender. 2044

(d) If the amount of the drug involved equals or exceeds 2045
one thousand grams but is less than five thousand grams, 2046
possession of marihuana is a felony of the third degree, and 2047
division (C) of section 2929.13 of the Revised Code applies in 2048
determining whether to impose a prison term on the offender. 2049

(e) If the amount of the drug involved equals or exceeds 2050
five thousand grams but is less than twenty thousand grams, 2051
possession of marihuana is a felony of the third degree, and 2052
there is a presumption that a prison term shall be imposed for 2053
the offense. 2054

(f) If the amount of the drug involved equals or exceeds 2055
twenty thousand grams but is less than forty thousand grams, 2056
possession of marihuana is a felony of the second degree, and 2057
the court shall impose a mandatory prison term of five, six, 2058
seven, or eight years. 2059

(g) If the amount of the drug involved equals or exceeds 2060
forty thousand grams, possession of marihuana is a felony of the 2061
second degree, and the court shall impose as a mandatory prison 2062
term the maximum prison term prescribed for a felony of the 2063
second degree. 2064

(4) If the drug involved in the violation is cocaine or a 2065
compound, mixture, preparation, or substance containing cocaine, 2066
whoever violates division (A) of this section is guilty of 2067
possession of cocaine. The penalty for the offense shall be 2068
determined as follows: 2069

(a) Except as otherwise provided in division (C) (4) (b), 2070
(c), (d), (e), or (f) of this section, possession of cocaine is 2071
a felony of the fifth degree, and division (B) of section 2072

2929.13 of the Revised Code applies in determining whether to 2073
impose a prison term on the offender. 2074

(b) If the amount of the drug involved equals or exceeds 2075
five grams but is less than ten grams of cocaine, possession of 2076
cocaine is a felony of the fourth degree, and division (B) of 2077
section 2929.13 of the Revised Code applies in determining 2078
whether to impose a prison term on the offender. 2079

(c) If the amount of the drug involved equals or exceeds 2080
ten grams but is less than twenty grams of cocaine, possession 2081
of cocaine is a felony of the third degree, and, except as 2082
otherwise provided in this division, there is a presumption for 2083
a prison term for the offense. If possession of cocaine is a 2084
felony of the third degree under this division and if the 2085
offender two or more times previously has been convicted of or 2086
pleaded guilty to a felony drug abuse offense, the court shall 2087
impose as a mandatory prison term one of the prison terms 2088
prescribed for a felony of the third degree. 2089

(d) If the amount of the drug involved equals or exceeds 2090
twenty grams but is less than twenty-seven grams of cocaine, 2091
possession of cocaine is a felony of the second degree, and the 2092
court shall impose as a mandatory prison term one of the prison 2093
terms prescribed for a felony of the second degree. 2094

(e) If the amount of the drug involved equals or exceeds 2095
twenty-seven grams but is less than one hundred grams of 2096
cocaine, possession of cocaine is a felony of the first degree, 2097
and the court shall impose as a mandatory prison term one of the 2098
prison terms prescribed for a felony of the first degree. 2099

(f) If the amount of the drug involved equals or exceeds 2100
one hundred grams of cocaine, possession of cocaine is a felony 2101

of the first degree, the offender is a major drug offender, and 2102
the court shall impose as a mandatory prison term the maximum 2103
prison term prescribed for a felony of the first degree. 2104

(5) If the drug involved in the violation is L.S.D., 2105
whoever violates division (A) of this section is guilty of 2106
possession of L.S.D. The penalty for the offense shall be 2107
determined as follows: 2108

(a) Except as otherwise provided in division (C) (5) (b), 2109
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 2110
felony of the fifth degree, and division (B) of section 2929.13 2111
of the Revised Code applies in determining whether to impose a 2112
prison term on the offender. 2113

(b) If the amount of L.S.D. involved equals or exceeds ten 2114
unit doses but is less than fifty unit doses of L.S.D. in a 2115
solid form or equals or exceeds one gram but is less than five 2116
grams of L.S.D. in a liquid concentrate, liquid extract, or 2117
liquid distillate form, possession of L.S.D. is a felony of the 2118
fourth degree, and division (C) of section 2929.13 of the 2119
Revised Code applies in determining whether to impose a prison 2120
term on the offender. 2121

(c) If the amount of L.S.D. involved equals or exceeds 2122
fifty unit doses, but is less than two hundred fifty unit doses 2123
of L.S.D. in a solid form or equals or exceeds five grams but is 2124
less than twenty-five grams of L.S.D. in a liquid concentrate, 2125
liquid extract, or liquid distillate form, possession of L.S.D. 2126
is a felony of the third degree, and there is a presumption for 2127
a prison term for the offense. 2128

(d) If the amount of L.S.D. involved equals or exceeds two 2129
hundred fifty unit doses but is less than one thousand unit 2130

doses of L.S.D. in a solid form or equals or exceeds twenty-five 2131
grams but is less than one hundred grams of L.S.D. in a liquid 2132
concentrate, liquid extract, or liquid distillate form, 2133
possession of L.S.D. is a felony of the second degree, and the 2134
court shall impose as a mandatory prison term one of the prison 2135
terms prescribed for a felony of the second degree. 2136

(e) If the amount of L.S.D. involved equals or exceeds one 2137
thousand unit doses but is less than five thousand unit doses of 2138
L.S.D. in a solid form or equals or exceeds one hundred grams 2139
but is less than five hundred grams of L.S.D. in a liquid 2140
concentrate, liquid extract, or liquid distillate form, 2141
possession of L.S.D. is a felony of the first degree, and the 2142
court shall impose as a mandatory prison term one of the prison 2143
terms prescribed for a felony of the first degree. 2144

(f) If the amount of L.S.D. involved equals or exceeds 2145
five thousand unit doses of L.S.D. in a solid form or equals or 2146
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2147
liquid extract, or liquid distillate form, possession of L.S.D. 2148
is a felony of the first degree, the offender is a major drug 2149
offender, and the court shall impose as a mandatory prison term 2150
the maximum prison term prescribed for a felony of the first 2151
degree. 2152

(6) If the drug involved in the violation is heroin or a 2153
compound, mixture, preparation, or substance containing heroin, 2154
whoever violates division (A) of this section is guilty of 2155
possession of heroin. The penalty for the offense shall be 2156
determined as follows: 2157

(a) Except as otherwise provided in division (C) (6) (b), 2158
(c), (d), (e), or (f) of this section, possession of heroin is a 2159
felony of the fifth degree, and division (B) of section 2929.13 2160

of the Revised Code applies in determining whether to impose a 2161
prison term on the offender. 2162

(b) If the amount of the drug involved equals or exceeds 2163
ten unit doses but is less than fifty unit doses or equals or 2164
exceeds one gram but is less than five grams, possession of 2165
heroin is a felony of the fourth degree, and division (C) of 2166
section 2929.13 of the Revised Code applies in determining 2167
whether to impose a prison term on the offender. 2168

(c) If the amount of the drug involved equals or exceeds 2169
fifty unit doses but is less than one hundred unit doses or 2170
equals or exceeds five grams but is less than ten grams, 2171
possession of heroin is a felony of the third degree, and there 2172
is a presumption for a prison term for the offense. 2173

(d) If the amount of the drug involved equals or exceeds 2174
one hundred unit doses but is less than five hundred unit doses 2175
or equals or exceeds ten grams but is less than fifty grams, 2176
possession of heroin is a felony of the second degree, and the 2177
court shall impose as a mandatory prison term one of the prison 2178
terms prescribed for a felony of the second degree. 2179

(e) If the amount of the drug involved equals or exceeds 2180
five hundred unit doses but is less than one thousand unit doses 2181
or equals or exceeds fifty grams but is less than one hundred 2182
grams, possession of heroin is a felony of the first degree, and 2183
the court shall impose as a mandatory prison term one of the 2184
prison terms prescribed for a felony of the first degree. 2185

(f) If the amount of the drug involved equals or exceeds 2186
one thousand unit doses or equals or exceeds one hundred grams, 2187
possession of heroin is a felony of the first degree, the 2188
offender is a major drug offender, and the court shall impose as 2189

a mandatory prison term the maximum prison term prescribed for a 2190
felony of the first degree. 2191

(7) If the drug involved in the violation is hashish or a 2192
compound, mixture, preparation, or substance containing hashish, 2193
whoever violates division (A) of this section is guilty of 2194
possession of hashish. The penalty for the offense shall be 2195
determined as follows: 2196

(a) Except as otherwise provided in division (C) (7) (b), 2197
(c), (d), (e), (f), or (g) of this section, possession of 2198
hashish is a minor misdemeanor. 2199

(b) If the amount of the drug involved equals or exceeds 2200
five grams but is less than ten grams of hashish in a solid form 2201
or equals or exceeds one gram but is less than two grams of 2202
hashish in a liquid concentrate, liquid extract, or liquid 2203
distillate form, possession of hashish is a misdemeanor of the 2204
fourth degree. 2205

(c) If the amount of the drug involved equals or exceeds 2206
ten grams but is less than fifty grams of hashish in a solid 2207
form or equals or exceeds two grams but is less than ten grams 2208
of hashish in a liquid concentrate, liquid extract, or liquid 2209
distillate form, possession of hashish is a felony of the fifth 2210
degree, and division (B) of section 2929.13 of the Revised Code 2211
applies in determining whether to impose a prison term on the 2212
offender. 2213

(d) If the amount of the drug involved equals or exceeds 2214
fifty grams but is less than two hundred fifty grams of hashish 2215
in a solid form or equals or exceeds ten grams but is less than 2216
fifty grams of hashish in a liquid concentrate, liquid extract, 2217
or liquid distillate form, possession of hashish is a felony of 2218

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.

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

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

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

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

follows: 2249

(a) Except as otherwise provided in division (C) (8) (b), 2250
(c), (d), (e), or (f) of this section, possession of a 2251
controlled substance analog is a felony of the fifth degree, and 2252
division (B) of section 2929.13 of the Revised Code applies in 2253
determining whether to impose a prison term on the offender. 2254

(b) If the amount of the drug involved equals or exceeds 2255
ten grams but is less than twenty grams, possession of a 2256
controlled substance analog is a felony of the fourth degree, 2257
and there is a presumption for a prison term for the offense. 2258

(c) If the amount of the drug involved equals or exceeds 2259
twenty grams but is less than thirty grams, possession of a 2260
controlled substance analog is a felony of the third degree, and 2261
there is a presumption for a prison term for the offense. 2262

(d) If the amount of the drug involved equals or exceeds 2263
thirty grams but is less than forty grams, possession of a 2264
controlled substance analog is a felony of the second degree, 2265
and the court shall impose as a mandatory prison term one of the 2266
prison terms prescribed for a felony of the second degree. 2267

(e) If the amount of the drug involved equals or exceeds 2268
forty grams but is less than fifty grams, possession of a 2269
controlled substance analog is a felony of the first degree, and 2270
the court shall impose as a mandatory prison term one of the 2271
prison terms prescribed for a felony of the first degree. 2272

(f) If the amount of the drug involved equals or exceeds 2273
fifty grams, possession of a controlled substance analog is a 2274
felony of the first degree, the offender is a major drug 2275
offender, and the court shall impose as a mandatory prison term 2276
the maximum prison term prescribed for a felony of the first 2277

degree. 2278

(D) Arrest or conviction for a minor misdemeanor violation 2279
of this section does not constitute a criminal record and need 2280
not be reported by the person so arrested or convicted in 2281
response to any inquiries about the person's criminal record, 2282
including any inquiries contained in any application for 2283
employment, license, or other right or privilege, or made in 2284
connection with the person's appearance as a witness. 2285

(E) In addition to any prison term or jail term authorized 2286
or required by division (C) of this section and sections 2287
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2288
Code and in addition to any other sanction that is imposed for 2289
the offense under this section, sections 2929.11 to 2929.18, or 2290
sections 2929.21 to 2929.28 of the Revised Code, the court that 2291
sentences an offender who is convicted of or pleads guilty to a 2292
violation of division (A) of this section may suspend the 2293
offender's driver's or commercial driver's license or permit for 2294
not more than five years. However, if the offender pleaded 2295
guilty to or was convicted of a violation of section 4511.19 of 2296
the Revised Code or a substantially similar municipal ordinance 2297
or the law of another state or the United States arising out of 2298
the same set of circumstances as the violation, the court shall 2299
suspend the offender's driver's or commercial driver's license 2300
or permit for not more than five years. If applicable, the court 2301
also shall do the following: 2302

(1) (a) If the violation is a felony of the first, second, 2303
or third degree, the court shall impose upon the offender the 2304
mandatory fine specified for the offense under division (B) (1) 2305
of section 2929.18 of the Revised Code unless, as specified in 2306
that division, the court determines that the offender is 2307

indigent. 2308

(b) Notwithstanding any contrary provision of section 2309
3719.21 of the Revised Code, the clerk of the court shall pay a 2310
mandatory fine or other fine imposed for a violation of this 2311
section pursuant to division (A) of section 2929.18 of the 2312
Revised Code in accordance with and subject to the requirements 2313
of division (F) of section 2925.03 of the Revised Code. The 2314
agency that receives the fine shall use the fine as specified in 2315
division (F) of section 2925.03 of the Revised Code. 2316

(c) If a person is charged with a violation of this 2317
section that is a felony of the first, second, or third degree, 2318
posts bail, and forfeits the bail, the clerk shall pay the 2319
forfeited bail pursuant to division (E) (1) (b) of this section as 2320
if it were a mandatory fine imposed under division (E) (1) (a) of 2321
this section. 2322

(2) If the offender is a professionally licensed person, 2323
in addition to any other sanction imposed for a violation of 2324
this section, the court immediately shall comply with section 2325
2925.38 of the Revised Code. 2326

(F) It is an affirmative defense, as provided in section 2327
2901.05 of the Revised Code, to a charge of a fourth degree 2328
felony violation under this section that the controlled 2329
substance that gave rise to the charge is in an amount, is in a 2330
form, is prepared, compounded, or mixed with substances that are 2331
not controlled substances in a manner, or is possessed under any 2332
other circumstances, that indicate that the substance was 2333
possessed solely for personal use. Notwithstanding any contrary 2334
provision of this section, if, in accordance with section 2335
2901.05 of the Revised Code, an accused who is charged with a 2336
fourth degree felony violation of division (C) (2), (4), (5), or 2337

(6) of this section sustains the burden of going forward with 2338
evidence of and establishes by a preponderance of the evidence 2339
the affirmative defense described in this division, the accused 2340
may be prosecuted for and may plead guilty to or be convicted of 2341
a misdemeanor violation of division (C) (2) of this section or a 2342
fifth degree felony violation of division (C) (4), (5), or (6) of 2343
this section respectively. 2344

(G) When a person is charged with possessing a bulk amount 2345
or multiple of a bulk amount, division (E) of section 2925.03 of 2346
the Revised Code applies regarding the determination of the 2347
amount of the controlled substance involved at the time of the 2348
offense. 2349

(H) It is an affirmative defense to a charge of possession 2350
of a controlled substance analog under division (C) (8) of this 2351
section that the person charged with violating that offense 2352
obtained, possessed, or used an item described in division (HH) 2353
(2) (a), (b), or (c) of section 3719.01 of the Revised Code. 2354

(I) Any offender who received a mandatory suspension of 2355
the offender's driver's or commercial driver's license or permit 2356
under this section prior to ~~the effective date of this amendment~~ 2357
September 13, 2016, may file a motion with the sentencing court 2358
requesting the termination of the suspension. However, an 2359
offender who pleaded guilty to or was convicted of a violation 2360
of section 4511.19 of the Revised Code or a substantially 2361
similar municipal ordinance or law of another state or the 2362
United States that arose out of the same set of circumstances as 2363
the violation for which the offender's license or permit was 2364
suspended under this section shall not file such a motion. 2365

Upon the filing of a motion under division (I) of this 2366
section, the sentencing court, in its discretion, may terminate 2367

the suspension. 2368

Sec. 3313.752. As used in this section, "anabolic steroid" 2369
~~has the same meaning~~ means an anabolic steroid as specified in a 2370
rule adopted under section 3719.41 or 3719.45 of the Revised 2371
Code. 2372

The board of education of each city, local, exempted 2373
village, and joint vocational school district shall require the 2374
following warning to be conspicuously posted in the locker rooms 2375
of each of the district's school buildings that includes any 2376
grade higher than sixth grade: 2377

"Warning: improper use of anabolic steroids may cause 2378
serious or fatal health problems, such as heart disease, stroke, 2379
cancer, growth deformities, infertility, personality changes, 2380
severe acne, and baldness. Possession, sale, or use of anabolic 2381
steroids without a valid prescription is a crime punishable by a 2382
fine and imprisonment." 2383

Sec. 3345.41. (A) As used in this section: 2384

(1) "Anabolic steroid" ~~has the same meaning~~ means an 2385
anabolic steroid as specified in a rule adopted under section 2386
3719.41 or 3719.45 of the Revised Code. 2387

(2) "State university or college" has the same meaning as 2388
in section 3345.32 of the Revised Code. 2389

(B) The board of trustees of each state university or 2390
college shall require the following warning to be conspicuously 2391
posted in locker rooms of recreational and athletic facilities 2392
operated by the state university or college for use by students: 2393

"Warning: improper use of anabolic steroids may cause 2394
serious or fatal health problems, such as heart disease, stroke, 2395

cancer, growth deformities, infertility, personality changes, 2396
severe acne, and baldness. Possession, sale, or use of anabolic 2397
steroids without a valid prescription is a crime punishable by a 2398
fine and imprisonment." 2399

Sec. 3707.50. (A) As used in this section: 2400

(1) "Anabolic steroid" ~~has the same meaning~~ means an 2401
anabolic steroid as specified in a rule adopted under section 2402
3719.41 or 3719.45 of the Revised Code. 2403

(2) "Athletic facility" means both of the following: 2404

(a) A privately owned athletic training, exercise, or 2405
sports facility or stadium that is open to the public; 2406

(b) A publicly owned sports facility or stadium. 2407

(B) The following warning shall be conspicuously posted in 2408
each locker room of every athletic facility: 2409

"Warning: improper use of anabolic steroids may cause 2410
serious or fatal health problems, such as heart disease, stroke, 2411
cancer, growth deformities, infertility, personality changes, 2412
severe acne, and baldness. Possession, sale, or use of anabolic 2413
steroids without a valid prescription is a crime punishable by a 2414
fine and imprisonment." 2415

(C) No privately owned athletic facility shall fail to 2416
post the warning required by this section. 2417

(D) Any person who violates division (C) of this section 2418
is guilty of a misdemeanor of the fourth degree. 2419

Sec. 3719.01. As used in this chapter: 2420

(A) "Administer" means the direct application of a drug, 2421
whether by injection, inhalation, ingestion, or any other means 2422

to a person or an animal. 2423

(B) "Drug enforcement administration" means the drug 2424
enforcement administration of the United States department of 2425
justice or its successor agency. 2426

(C) "Controlled substance" means a drug, compound, 2427
mixture, preparation, or substance included in schedule I, II, 2428
III, IV, or V. 2429

(D) "Dangerous drug" has the same meaning as in section 2430
4729.01 of the Revised Code. 2431

(E) "Dispense" means to sell, leave with, give away, 2432
dispose of, or deliver. 2433

(F) "Distribute" means to deal in, ship, transport, or 2434
deliver but does not include administering or dispensing a drug. 2435

(G) "Drug" has the same meaning as in section 4729.01 of 2436
the Revised Code. 2437

(H) "Drug abuse offense," "felony drug abuse offense," 2438
"cocaine," and "hashish" have the same meanings as in section 2439
2925.01 of the Revised Code. 2440

(I) "Federal drug abuse control laws" means the 2441
"Comprehensive Drug Abuse Prevention and Control Act of 1970," 2442
84 Stat. 1242, 21 U.S.C. 801, as amended. 2443

(J) "Hospital" means an institution for the care and 2444
treatment of the sick and injured that is certified by the 2445
department of health and approved by the state board of pharmacy 2446
as proper to be entrusted with the custody of controlled 2447
substances and the professional use of controlled substances. 2448

(K) "Hypodermic" means a hypodermic syringe or needle, or 2449

other instrument or device for the injection of medication. 2450

(L) "Isomer," except as otherwise expressly stated, means 2451
the optical isomer. 2452

(M) "Laboratory" means a laboratory approved by the state 2453
board of pharmacy as proper to be entrusted with the custody of 2454
controlled substances and the use of controlled substances for 2455
scientific and clinical purposes and for purposes of 2456
instruction. 2457

(N) "Manufacturer" means a person who manufactures a 2458
controlled substance, as "manufacture" is defined in section 2459
3715.01 of the Revised Code. 2460

(O) "Marihuana" means all parts of a plant of the genus 2461
cannabis, whether growing or not; the seeds of a plant of that 2462
type; the resin extracted from a part of a plant of that type; 2463
and every compound, manufacture, salt, derivative, mixture, or 2464
preparation of a plant of that type or of its seeds or resin. 2465
"Marihuana" does not include the mature stalks of the plant, 2466
fiber produced from the stalks, oils or cake made from the seeds 2467
of the plant, or any other compound, manufacture, salt, 2468
derivative, mixture, or preparation of the mature stalks, except 2469
the resin extracted from the mature stalks, fiber, oil or cake, 2470
or the sterilized seed of the plant that is incapable of 2471
germination. 2472

(P) "Narcotic drugs" means coca leaves, opium, 2473
isonipecaine, amidone, isoamidone, ketobemidone, as defined in 2474
this division, and every substance not chemically distinguished 2475
from them and every drug, other than cannabis, that may be 2476
included in the meaning of "narcotic drug" under the federal 2477
drug abuse control laws. As used in this division: 2478

- (1) "Coca leaves" includes cocaine and any compound, 2479
manufacture, salt, derivative, mixture, or preparation of coca 2480
leaves, except derivatives of coca leaves, that does not contain 2481
cocaine, ecgonine, or substances from which cocaine or ecgonine 2482
may be synthesized or made. 2483
- (2) "Isonipecaine" means any substance identified 2484
chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid 2485
ethyl ester, or any salt thereof, by whatever trade name 2486
designated. 2487
- (3) "Amidone" means any substance identified chemically as 2488
4-4-diphenyl-6-dimethylamino-heptanone-3, or any salt thereof, 2489
by whatever trade name designated. 2490
- (4) "Isoamidone" means any substance identified chemically 2491
as 4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3, or any salt 2492
thereof, by whatever trade name designated. 2493
- (5) "Ketobemidone" means any substance identified 2494
chemically as 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl 2495
ketone hydrochloride, or any salt thereof, by whatever trade 2496
name designated. 2497
- (Q) "Official written order" means an order written on a 2498
form provided for that purpose by the director of the United 2499
States drug enforcement administration, under any laws of the 2500
United States making provision for the order, if the order forms 2501
are authorized and required by federal law. 2502
- (R) "Opiate" means any substance having an addiction- 2503
forming or addiction-sustaining liability similar to morphine or 2504
being capable of conversion into a drug having addiction-forming 2505
or addiction-sustaining liability. "Opiate" does not include, 2506
unless ~~specifically designated~~ it is specified as a controlled 2507

substance in a rule adopted under section 3719.41 or 3719.45 of 2508
the Revised Code, the dextrorotatory isomer of 3-methoxy-N- 2509
methyilmorphinan and its salts (dextro-methorphan). "Opiate" does 2510
include its racemic and levoratory forms. 2511

(S) "Opium poppy" means the plant of the species papaver 2512
somniferum L., except its seeds. 2513

(T) "Person" means any individual, corporation, 2514
government, governmental subdivision or agency, business trust, 2515
estate, trust, partnership, association, or other legal entity. 2516

(U) "Pharmacist" means a person licensed under Chapter 2517
4729. of the Revised Code to engage in the practice of pharmacy. 2518

(V) "Pharmacy" has the same meaning as in section 4729.01 2519
of the Revised Code. 2520

(W) "Poison" means any drug, chemical, or preparation 2521
likely to be deleterious or destructive to adult human life in 2522
quantities of four grams or less. 2523

(X) "Poppy straw" means all parts, except the seeds, of 2524
the opium poppy, after mowing. 2525

(Y) "Licensed health professional authorized to prescribe 2526
drugs," "prescriber," and "prescription" have the same meanings 2527
as in section 4729.01 of the Revised Code. 2528

(Z) "Registry number" means the number assigned to each 2529
person registered under the federal drug abuse control laws. 2530

(AA) "Sale" includes delivery, barter, exchange, transfer, 2531
or gift, or offer thereof, and each transaction of those natures 2532
made by any person, whether as principal, proprietor, agent, 2533
servant, or employee. 2534

(BB) "Schedule I," "schedule II," "schedule III," 2535
"schedule IV," and "schedule V" mean controlled substance 2536
schedules I, II, III, IV, and V, respectively, as established 2537
~~pursuant to~~ by rule adopted under section 3719.41 of the Revised 2538
Code, as amended pursuant to section 3719.43 or 3719.44 of the 2539
Revised Code, or as established by emergency rule adopted under 2540
section 3719.45 of the Revised Code. 2541

(CC) "Wholesaler" means a person who, on official written 2542
orders other than prescriptions, supplies controlled substances 2543
that the person has not manufactured, produced, or prepared 2544
personally and includes a "wholesale distributor of dangerous 2545
drugs" as defined in section 4729.01 of the Revised Code. 2546

(DD) "Animal shelter" means a facility operated by a 2547
humane society or any society organized under Chapter 1717. of 2548
the Revised Code or a dog pound operated pursuant to Chapter 2549
955. of the Revised Code. 2550

(EE) "Terminal distributor of dangerous drugs" has the 2551
same meaning as in section 4729.01 of the Revised Code. 2552

(FF) "Category III license" means a license issued to a 2553
terminal distributor of dangerous drugs as set forth in section 2554
4729.54 of the Revised Code. 2555

(GG) "Prosecutor" has the same meaning as in section 2556
2935.01 of the Revised Code. 2557

(HH) (1) "Controlled substance analog" means, except as 2558
provided in division (HH) (2) of this section, a substance to 2559
which both of the following apply: 2560

(a) The chemical structure of the substance is 2561
substantially similar to the structure of a controlled substance 2562
in schedule I or II. 2563

(b) One of the following applies regarding the substance:	2564
(i) The substance has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II.	2565 2566 2567 2568 2569
(ii) With respect to a particular person, that person represents or intends the substance to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II.	2570 2571 2572 2573 2574 2575
(2) "Controlled substance analog" does not include any of the following:	2576 2577
(a) A controlled substance;	2578
(b) Any substance for which there is an approved new drug application;	2579 2580
(c) With respect to a particular person, any substance if an exemption is in effect for investigational use for that person pursuant to federal law to the extent that conduct with respect to that substance is pursuant to that exemption;	2581 2582 2583 2584
(d) Any substance to the extent it is not intended for human consumption before the exemption described in division (HH) (2) (b) of this section takes effect with respect to that substance.	2585 2586 2587 2588
(II) "Benzodiazepine" means a controlled substance that has United States food and drug administration approved labeling indicating that it is a benzodiazepine, benzodiazepine	2589 2590 2591

derivative, triazolobenzodiazepine, or triazolobenzodiazepine 2592
derivative, including the following drugs and their varying salt 2593
forms or chemical congeners: alprazolam, chlordiazepoxide 2594
hydrochloride, clobazam, clonazepam, clorazepate, diazepam, 2595
estazolam, flurazepam hydrochloride, lorazepam, midazolam, 2596
oxazepam, quazepam, temazepam, and triazolam. 2597

(JJ) "Opioid analgesic" means a controlled substance that 2598
has analgesic pharmacologic activity at the opioid receptors of 2599
the central nervous system, including the following drugs and 2600
their varying salt forms or chemical congeners: buprenorphine, 2601
butorphanol, codeine (including acetaminophen and other 2602
combination products), dihydrocodeine, fentanyl, hydrocodone 2603
(including acetaminophen combination products), hydromorphone, 2604
meperidine, methadone, morphine sulfate, oxycodone (including 2605
acetaminophen, aspirin, and other combination products), 2606
oxymorphone, tapentadol, and tramadol. 2607

(KK) "Emergency facility" means a hospital emergency 2608
department or any other facility that provides emergency care. 2609

Sec. 3719.09. Possession or control of controlled 2610
substances is authorized in the following instances and subject 2611
to the following conditions: 2612

(A) Possession of controlled substances in the course of 2613
business by a manufacturer, wholesaler, licensed health 2614
professional authorized to prescribe drugs, pharmacist, category 2615
III terminal distributor of dangerous drugs, or other person 2616
authorized to possess controlled substances under this chapter 2617
or Chapter 4729. of the Revised Code; 2618

(B) Possession by any person of any schedule V narcotic 2619
drug exempted under section 3719.15 of the Revised Code, where 2620

the quantity of the drug does not exceed one hundred thirty 2621
milligrams of opium, thirty-two and five-tenths milligrams of 2622
morphine or any of its salts, two hundred sixty milligrams of 2623
codeine or any of its salts, one hundred thirty milligrams of 2624
dihydrocodeine or any of its salts, or thirty-two and five- 2625
tenths milligrams of ethylmorphine or any of its salts, or, in 2626
the case of any other schedule V controlled substance or any 2627
combination of narcotic drugs, where the quantity does not 2628
exceed in pharmacologic potency any one of the drugs named above 2629
in the quantity stated; 2630

(C) ~~Possession~~ As used in this division, "deception" and 2631
"theft offense" have the same meanings as in section 2913.01 of 2632
the Revised Code. 2633

Possession by any person of any controlled substance that 2634
the person obtained pursuant to a prescription issued by a 2635
licensed health professional authorized to prescribe drugs or 2636
that was obtained for the person pursuant to a prescription 2637
issued by a prescriber, when ~~the~~ all of the following apply: 2638

(1) The prescription is issued for a legitimate medical 2639
purpose; 2640

(2) The prescription is not altered or forged and was not 2641
obtained through deception or commission of a theft offense; 2642

(3) The drug is in a container regardless of whether the 2643
container is the original container in which the drug was 2644
dispensed to that person directly or indirectly by a pharmacist 2645
or personally furnished to that person by the prescriber~~;~~ 2646

(D) Possession in the course of business of combination 2647
drugs that contain pentobarbital and at least one noncontrolled 2648
substance active ingredient, in a manufactured dosage form, the 2649

only indication of which is for euthanizing animals, or other 2650
substance that the state veterinary medical licensing board and 2651
the state board of pharmacy both approve under division (A) of 2652
section 4729.532 of the Revised Code, by an agent or employee of 2653
an animal shelter who is authorized by the licensure of the 2654
animal shelter with the state board of pharmacy to purchase and 2655
possess the drug solely for use as specified in that section. As 2656
used in this division, "in the course of business" means 2657
possession or use at an establishment described in a license 2658
issued under section 4729.54 of the Revised Code, or outside 2659
that establishment when necessary because of a risk to the 2660
health or safety of any person, provided that the substance is 2661
in a quantity no greater than reasonably could be used to 2662
alleviate the risk, is in the original manufacturer's container, 2663
and is returned to the establishment as soon as possible after 2664
the risk has passed. 2665

Sec. 3719.40. The controlled substances included or to be 2666
included in the schedules ~~in~~ established by rule adopted under 2667
section 3719.41 or 3719.45 of the Revised Code are included by 2668
whatever official, common, usual, chemical, or trade name 2669
designated. 2670

Sec. 3719.41. (A) For purposes of administration, 2671
enforcement, and regulation of the manufacture, distribution, 2672
dispensing, and possession of controlled substances, not later 2673
than one year after the effective date of this section, the 2674
state board of pharmacy shall adopt rules in accordance with 2675
Chapter 119. of the Revised Code establishing schedule I, 2676
schedule II, schedule III, schedule IV, and schedule V 2677
incorporating the five schedules of controlled substances under 2678
the federal drug abuse control laws. 2679

The board may include in the schedules any compound, 2680
mixture, preparation, or substance that was included in the 2681
schedules immediately prior to the day that is one year after 2682
the effective date of this section, as long as the inclusion 2683
does not have the effect of providing less stringent control of 2684
the compound, mixture, preparation, or substance than is 2685
provided under the federal drug abuse control laws or 2686
regulations adopted under those laws. 2687

(B) Except as provided in section 3719.45 of the Revised 2688
Code, the board periodically shall update the schedules by rule 2689
adopted in accordance with Chapter 119. of the Revised Code to 2690
correspond to any change in the federal drug abuse control laws 2691
or regulations adopted under those laws, any addition, transfer, 2692
or removal by congress or the attorney general of the United 2693
States as described in section 3719.43 of the Revised Code, and 2694
any addition, transfer, or removal by the board by rule adopted 2695
under section 3719.44 of the Revised Code. 2696

(C) Until the board adopts rules under division (A) of 2697
this section establishing schedules I, II, III, IV, and V and 2698
those rules take effect, both of the following apply: 2699

(1) Schedules I, II, III, IV, and V as they existed in 2700
section 3719.41 of the Revised Code immediately prior to the 2701
effective date of this section, as amended under sections 2702
3719.43 and 3719.44 of the Revised Code, continue to apply; 2703

(2) The amendments made to sections 119.03, 2907.02, 2704
2907.05, 3313.752, 3345.41, 3707.50, 3719.01, 3719.40, 3719.43, 2705
3719.44, 3796.01, 4729.01, 4729.52, 4729.54, and 4731.97 of the 2706
Revised Code by ...B... of the 132nd general assembly do not 2707
apply and the sections as they existed immediately prior to the 2708
effective date of this section continue to apply. 2709

Sec. 3719.43. When congress or, pursuant to the federal 2710
drug abuse control laws, the attorney general of the United 2711
States adds a compound, mixture, preparation, or substance to a 2712
schedule of the federal drug abuse control laws, transfers any 2713
of the same between one schedule of the federal drug abuse 2714
control laws to another, or removes a compound, mixture, 2715
preparation, or substance from the schedules of the federal drug 2716
abuse control laws, then such addition, transfer, or removal is 2717
automatically effected in the corresponding schedule or 2718
schedules ~~in~~ established by rule adopted under section 3719.41 2719
of the Revised Code, subject to amendment pursuant to section 2720
3719.44 of the Revised Code. 2721

The state board of pharmacy shall incorporate the 2722
addition, transfer, or removal into or from the schedules in its 2723
next update of the schedules under section 3719.41 of the 2724
Revised Code. 2725

Sec. 3719.44. (A) Pursuant to this section, and by rule 2726
adopted in accordance with Chapter 119. of the Revised Code, the 2727
state board of pharmacy may do any of the following with respect 2728
to schedules I, II, III, IV, and V established ~~in~~ by rule 2729
adopted under section 3719.41 of the Revised Code: 2730

(1) Add a previously unscheduled compound, mixture, 2731
preparation, or substance to any schedule; 2732

(2) Transfer a compound, mixture, preparation, or 2733
substance from one schedule to another, provided the transfer 2734
does not have the effect under this chapter of providing less 2735
stringent control of the compound, mixture, preparation, or 2736
substance than is provided under the federal drug abuse control 2737
laws; 2738

(3) Remove a compound, mixture, preparation, or substance from the schedules where the board had previously added the compound, mixture, preparation, or substance to the schedules, provided that the removal shall not have the effect under this chapter of providing less stringent control of the compound, mixture, preparation, or substance than is provided under the federal drug abuse control laws.	2739 2740 2741 2742 2743 2744 2745
(B) In making a determination to add, remove, or transfer pursuant to division (A) of this section, the board shall consider the following:	2746 2747 2748
(1) The actual or relative potential for abuse;	2749
(2) The scientific evidence of the pharmacological effect of the substance, if known;	2750 2751
(3) The state of current scientific knowledge regarding the substance;	2752 2753
(4) The history and current pattern of abuse;	2754
(5) The scope, duration, and significance of abuse;	2755
(6) The risk to the public health;	2756
(7) The potential of the substance to produce psychic or physiological dependence liability;	2757 2758
(8) Whether the substance is an immediate precursor.	2759
(C) The board may add or transfer a compound, mixture, preparation, or substance to schedule I when it appears that there is a high potential for abuse, that it has no accepted medical use in treatment in this state, or that it lacks accepted safety for use in treatment under medical supervision.	2760 2761 2762 2763 2764
(D) The board may add or transfer a compound, mixture,	2765

preparation, or substance to schedule II when it appears that 2766
there is a high potential for abuse, that it has a currently 2767
accepted medical use in treatment in this state, or currently 2768
accepted medical use in treatment with severe restrictions, and 2769
that its abuse may lead to severe physical or severe 2770
psychological dependence. 2771

(E) The board may add or transfer a compound, mixture, 2772
preparation, or substance to schedule III when it appears that 2773
there is a potential for abuse less than the substances included 2774
in schedules I and II, that it has a currently accepted medical 2775
use in treatment in this state, and that its abuse may lead to 2776
moderate or low physical or high psychological dependence. 2777

(F) The board may add or transfer a compound, mixture, 2778
preparation, or substance to schedule IV when it appears that it 2779
has a low potential for abuse relative to substances included in 2780
schedule III, that it has a currently accepted medical use in 2781
treatment in this state, and that its abuse may lead to limited 2782
physical or psychological dependence relative to the substances 2783
included in schedule III. 2784

(G) The board may add or transfer a compound, mixture, 2785
preparation, or substance to schedule V when it appears that it 2786
has lower potential for abuse than substances included in 2787
schedule IV, that it has currently accepted medical use in 2788
treatment in this state, and that its abuse may lead to limited 2789
physical or psychological dependence relative to substances 2790
included in schedule IV. 2791

(H) Even though a compound, mixture, preparation, or 2792
substance does not otherwise meet the criteria in this section 2793
for adding or transferring it to a schedule, the board may 2794
nevertheless add or transfer it to a schedule as an immediate 2795

precursor when all of the following apply:	2796
(1) It is the principal compound used, or produced primarily for use, in the manufacture of a controlled substance.	2797 2798
(2) It is an immediate chemical intermediary used or likely to be used in the manufacture of such a controlled substance.	2799 2800 2801
(3) Its control is necessary to prevent, curtail, or limit the manufacture of the scheduled compound, mixture, preparation, or substance of which it is the immediate precursor.	2802 2803 2804
(I) Authority to control under this section does not extend to distilled spirits, wine, or beer, as those terms are defined or used in Chapter 4301. of the Revised Code.	2805 2806 2807
(J) Authority to control under this section does not extend to any nonnarcotic substance if the substance may, under the Federal Food, Drug, and Cosmetic Act and the laws of this state, be lawfully sold over the counter without a prescription. If a pattern of abuse develops for any nonnarcotic drug sold over the counter, the board may, by rule adopted in accordance with Chapter 119. of the Revised Code, after a public hearing and a documented study to determine that the substance actually meets the criteria listed in division (B) of this section, place the abused substance on a controlled substance schedule.	2808 2809 2810 2811 2812 2813 2814 2815 2816 2817
(K) (1) A drug product containing ephedrine that is known as one of the following and is in the form specified shall not be considered a schedule V controlled substance:	2818 2819 2820
(a) Amesec capsules;	2821
(b) Bronitin tablets;	2822
(c) Bronkotabs;	2823

(d) Bronkolixir;	2824
(e) Bronkaid tablets;	2825
(f) Efedron nasal jelly;	2826
(g) Guiaphed elixir;	2827
(h) Haysma;	2828
(i) Pazo hemorrhoid ointment and suppositories;	2829
(j) Primatene "M" formula tablets;	2830
(k) Primatene "P" formula tablets;	2831
(l) Tedrigen tablets;	2832
(m) Tedral tablets, suspension and elixir;	2833
(n) T.E.P.;	2834
(o) Vatronol nose drops.	2835
(2) (a) A product containing ephedrine shall not be	2836
considered a controlled substance if the product is a food	2837
product or dietary supplement that meets all of the following	2838
criteria:	2839
(i) It contains, per dosage unit or serving, not more than	2840
the lesser of twenty-five milligrams of ephedrine alkaloids or	2841
the maximum amount of ephedrine alkaloids provided in applicable	2842
regulations adopted by the United States food and drug	2843
administration, and no other controlled substance.	2844
(ii) It contains no hydrochloride or sulfate salts of	2845
ephedrine alkaloids.	2846
(iii) It is packaged with a prominent label securely	2847
affixed to each package that states all of the following: the	2848

amount in milligrams of ephedrine in a serving or dosage unit; 2849
the amount of the food product or dietary supplement that 2850
constitutes a serving or dosage unit; that the maximum 2851
recommended dosage of ephedrine for a healthy adult human is the 2852
lesser of one hundred milligrams in a twenty-four-hour period 2853
for not more than twelve weeks or the maximum recommended dosage 2854
or period of use provided in applicable regulations adopted by 2855
the United States food and drug administration; and that 2856
improper use of the product may be hazardous to a person's 2857
health. 2858

(b) (i) Subject to division (K) (2) (b) (ii) of this section, 2859
no person shall dispense, sell, or otherwise give a product 2860
described in division (K) (2) (a) of this section to any 2861
individual under eighteen years of age. 2862

(ii) Division (K) (2) (b) (i) of this section does not apply 2863
to a physician or pharmacist who dispenses, sells, or otherwise 2864
gives a product described in division (K) (2) (a) of this section 2865
to an individual under eighteen years of age, to a parent or 2866
guardian of an individual under eighteen years of age who 2867
dispenses, sells, or otherwise gives a product of that nature to 2868
the individual under eighteen years of age, or to a person who, 2869
as authorized by the individual's parent or legal guardian, 2870
dispenses, sells, or otherwise gives a product of that nature to 2871
an individual under eighteen years of age. 2872

(c) No person in the course of selling, offering for sale, 2873
or otherwise distributing a product described in division (K) (2) 2874
(a) of this section shall advertise or represent in any manner 2875
that the product causes euphoria, ecstasy, a "buzz" or "high," 2876
or an altered mental state; heightens sexual performance; or, 2877
because it contains ephedrine alkaloids, increased muscle mass. 2878

(3) A drug product that contains the isomer 2879
pseudoephedrine, or any of its salts, optical isomers, or salts 2880
of optical isomers, shall not be considered a controlled 2881
substance if the drug product is labeled in a manner consistent 2882
with federal law or with the product's over-the-counter 2883
tentative final monograph or final monograph issued by the 2884
United States food and drug administration. 2885

(4) At the request of any person, the board may except any 2886
product containing ephedrine not described in division (K) (1) or 2887
(2) of this section or any class of products containing 2888
ephedrine from being included as a schedule V controlled 2889
substance if it determines that the product or class of products 2890
does not contain any other controlled substance. The board shall 2891
make the determination in accordance with this section and by 2892
rule adopted in accordance with Chapter 119. of the Revised 2893
Code. 2894

(L) If the board adds, transfers, or removes a compound, 2895
mixture, preparation, or substance to or from a schedule 2896
pursuant to division (A), (B), (C), (D), (E), (F), (G), or (H) 2897
of this section, the board shall incorporate the addition, 2898
transfer, or removal into the schedules in its next update of 2899
the schedules under division (C) of section 3719.41 of the 2900
Revised Code. 2901

(M) As used in this section: 2902

(1) "Food" has the same meaning as in section 3715.01 of 2903
the Revised Code. 2904

(2) "Dietary supplement" has the same meaning as in the 2905
"Federal Food, Drug, and Cosmetic Act," 108 Stat. 4327 (1994), 2906
21 U.S.C.A. 321 (ff), as amended. 2907

(3) "Ephedrine alkaloids" means ephedrine, 2908
pseudoephedrine, norephedrine, norpseudoephedrine, 2909
methylephedrine, and methylpseudoephedrine. 2910

Sec. 3719.45. (A)(1) The state board of pharmacy, by 2911
emergency rule adopted in accordance with division (G) of 2912
section 119.03 of the Revised Code, shall add a previously 2913
unscheduled compound, mixture, preparation, or substance to 2914
schedule I, as established by rule adopted under section 3719.41 2915
of the Revised Code, if the board determines that the compound, 2916
mixture, preparation, or substance has no accepted medical use 2917
in treatment in this state and poses an imminent hazard to the 2918
public health, safety, or welfare. 2919

(2) In determining whether a previously unscheduled 2920
compound, mixture, preparation, or substance poses an imminent 2921
hazard to the public health, safety, or welfare, the board shall 2922
consider all of the following with respect to the compound, 2923
mixture, preparation, or substance: 2924

(a) Its actual or relative potential for abuse; 2925

(b) The scope, duration, and significance of that abuse; 2926

(c) The risk it poses to the public health. 2927

(B)(1) If the board determines that a compound, mixture, 2928
preparation, or substance meets the criteria specified in 2929
division (A) of this section, the board shall issue a resolution 2930
requesting that the governor issue an order pursuant to division 2931
(G) of section 119.03 of the Revised Code. The resolution shall 2932
include the full text of the proposed emergency rule and the 2933
reasons for the board's determination that the compound, 2934
mixture, preparation, or substance meets the criteria specified 2935
in division (A) of this section. 2936

(2) The board may utilize a telephone conference call in making the determination that the criteria specified in division (A) of this section have been met. 2937
2938
2939

(C) An emergency rule adopted under this section takes effect as provided in division (G) of section 119.03 of the Revised Code. 2940
2941
2942

(D) Authority to control under this section does not extend to any of the following: 2943
2944

(1) Distilled spirits, wine, or beer, as those terms are defined or used in Chapter 4301. of the Revised Code; 2945
2946

(2) Dangerous drugs or prescription drugs approved by the United States food and drug administration; 2947
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(3) Any drug approved by the United States food and drug administration to be lawfully sold over the counter. 2949
2950

Sec. 3796.01. (A) As used in this chapter: 2951

(1) "Marijuana" means marihuana as defined in section 3719.01 of the Revised Code. 2952
2953

(2) "Medical marijuana" means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose. 2954
2955
2956

(3) "Academic medical center" has the same meaning as in section 4731.297 of the Revised Code. 2957
2958

(4) "Drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code. 2959
2960
2961

(5) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and 2962
2963

surgery or osteopathic medicine and surgery.	2964
(6) "Qualifying medical condition" means any of the following:	2965
	2966
(a) Acquired immune deficiency syndrome;	2967
(b) Alzheimer's disease;	2968
(c) Amyotrophic lateral sclerosis;	2969
(d) Cancer;	2970
(e) Chronic traumatic encephalopathy;	2971
(f) Crohn's disease;	2972
(g) Epilepsy or another seizure disorder;	2973
(h) Fibromyalgia;	2974
(i) Glaucoma;	2975
(j) Hepatitis C;	2976
(k) Inflammatory bowel disease;	2977
(l) Multiple sclerosis;	2978
(m) Pain that is either of the following:	2979
(i) Chronic and severe;	2980
(ii) Intractable.	2981
(n) Parkinson's disease;	2982
(o) Positive status for HIV;	2983
(p) Post-traumatic stress disorder;	2984
(q) Sickle cell anemia;	2985
(r) Spinal cord disease or injury;	2986

(s) Tourette's syndrome;	2987
(t) Traumatic brain injury;	2988
(u) Ulcerative colitis;	2989
(v) Any other disease or condition added by the state medical board under section 4731.302 of the Revised Code.	2990 2991
(7) "State university" has the same meaning as in section 3345.011 of the Revised Code.	2992 2993
(B) Notwithstanding <u>any rule adopted under</u> section 3719.41 <u>or 3719.45</u> of the Revised Code, for purposes of this chapter, medical marijuana is a schedule II controlled substance.	2994 2995 2996
Sec. 4729.01. As used in this chapter:	2997
(A) "Pharmacy," except when used in a context that refers to the practice of pharmacy, means any area, room, rooms, place of business, department, or portion of any of the foregoing where the practice of pharmacy is conducted.	2998 2999 3000 3001
(B) "Practice of pharmacy" means providing pharmacist care requiring specialized knowledge, judgment, and skill derived from the principles of biological, chemical, behavioral, social, pharmaceutical, and clinical sciences. As used in this division, "pharmacist care" includes the following:	3002 3003 3004 3005 3006
(1) Interpreting prescriptions;	3007
(2) Dispensing drugs and drug therapy related devices;	3008
(3) Compounding drugs;	3009
(4) Counseling individuals with regard to their drug therapy, recommending drug therapy related devices, and assisting in the selection of drugs and appliances for treatment of common diseases and injuries and providing instruction in the	3010 3011 3012 3013

proper use of the drugs and appliances;	3014
(5) Performing drug regimen reviews with individuals by	3015
discussing all of the drugs that the individual is taking and	3016
explaining the interactions of the drugs;	3017
(6) Performing drug utilization reviews with licensed	3018
health professionals authorized to prescribe drugs when the	3019
pharmacist determines that an individual with a prescription has	3020
a drug regimen that warrants additional discussion with the	3021
prescriber;	3022
(7) Advising an individual and the health care	3023
professionals treating an individual with regard to the	3024
individual's drug therapy;	3025
(8) Acting pursuant to a consult agreement with one or	3026
more physicians authorized under Chapter 4731. of the Revised	3027
Code to practice medicine and surgery or osteopathic medicine	3028
and surgery, if an agreement has been established;	3029
(9) Engaging in the administration of immunizations to the	3030
extent authorized by section 4729.41 of the Revised Code;	3031
(10) Engaging in the administration of drugs to the extent	3032
authorized by section 4729.45 of the Revised Code.	3033
(C) "Compounding" means the preparation, mixing,	3034
assembling, packaging, and labeling of one or more drugs in any	3035
of the following circumstances:	3036
(1) Pursuant to a prescription issued by a licensed health	3037
professional authorized to prescribe drugs;	3038
(2) Pursuant to the modification of a prescription made in	3039
accordance with a consult agreement;	3040

(3) As an incident to research, teaching activities, or 3041
chemical analysis; 3042

(4) In anticipation of orders for drugs pursuant to 3043
prescriptions, based on routine, regularly observed dispensing 3044
patterns; 3045

(5) Pursuant to a request made by a licensed health 3046
professional authorized to prescribe drugs for a drug that is to 3047
be used by the professional for the purpose of direct 3048
administration to patients in the course of the professional's 3049
practice, if all of the following apply: 3050

(a) At the time the request is made, the drug is not 3051
commercially available regardless of the reason that the drug is 3052
not available, including the absence of a manufacturer for the 3053
drug or the lack of a readily available supply of the drug from 3054
a manufacturer. 3055

(b) A limited quantity of the drug is compounded and 3056
provided to the professional. 3057

(c) The drug is compounded and provided to the 3058
professional as an occasional exception to the normal practice 3059
of dispensing drugs pursuant to patient-specific prescriptions. 3060

(D) "Consult agreement" means an agreement that has been 3061
entered into under section 4729.39 of the Revised Code. 3062

(E) "Drug" means: 3063

(1) Any article recognized in the United States 3064
pharmacopoeia and national formulary, or any supplement to them, 3065
intended for use in the diagnosis, cure, mitigation, treatment, 3066
or prevention of disease in humans or animals; 3067

(2) Any other article intended for use in the diagnosis, 3068

cure, mitigation, treatment, or prevention of disease in humans 3069
or animals; 3070

(3) Any article, other than food, intended to affect the 3071
structure or any function of the body of humans or animals; 3072

(4) Any article intended for use as a component of any 3073
article specified in division (E) (1), (2), or (3) of this 3074
section; but does not include devices or their components, 3075
parts, or accessories. 3076

(F) "Dangerous drug" means any of the following: 3077

(1) Any drug to which either of the following applies: 3078

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 3079
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 3080
required to bear a label containing the legend "Caution: Federal 3081
law prohibits dispensing without prescription" or "Caution: 3082
Federal law restricts this drug to use by or on the order of a 3083
licensed veterinarian" or any similar restrictive statement, or 3084
the drug may be dispensed only upon a prescription; 3085

(b) Under Chapter 3715. or 3719. of the Revised Code, the 3086
drug may be dispensed only upon a prescription. 3087

(2) Any drug that contains a schedule V controlled 3088
substance and that is exempt from Chapter 3719. of the Revised 3089
Code or to which that chapter does not apply; 3090

(3) Any drug intended for administration by injection into 3091
the human body other than through a natural orifice of the human 3092
body; 3093

(4) Any drug that is a biological product, as defined in 3094
section 3715.01 of the Revised Code. 3095

(G) "Federal drug abuse control laws" has the same meaning 3096
as in section 3719.01 of the Revised Code. 3097

(H) "Prescription" means all of the following: 3098

(1) A written, electronic, or oral order for drugs or 3099
combinations or mixtures of drugs to be used by a particular 3100
individual or for treating a particular animal, issued by a 3101
licensed health professional authorized to prescribe drugs; 3102

(2) For purposes of sections 2925.61, 4723.488, 4729.44, 3103
4730.431, and 4731.94 of the Revised Code, a written, 3104
electronic, or oral order for naloxone issued to and in the name 3105
of a family member, friend, or other individual in a position to 3106
assist an individual who there is reason to believe is at risk 3107
of experiencing an opioid-related overdose. 3108

(3) For purposes of sections 4723.4810, 4729.282, 3109
4730.432, and 4731.93 of the Revised Code, a written, 3110
electronic, or oral order for a drug to treat chlamydia, 3111
gonorrhoea, or trichomoniasis issued to and in the name of a 3112
patient who is not the intended user of the drug but is the 3113
sexual partner of the intended user; 3114

(4) For purposes of sections 3313.7110, 3313.7111, 3115
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 3116
4731.96, and 5101.76 of the Revised Code, a written, electronic, 3117
or oral order for an epinephrine autoinjector issued to and in 3118
the name of a school, school district, or camp; 3119

(5) For purposes of Chapter 3728. and sections 4723.483, 3120
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 3121
electronic, or oral order for an epinephrine autoinjector issued 3122
to and in the name of a qualified entity, as defined in section 3123
3728.01 of the Revised Code. 3124

(I) "Licensed health professional authorized to prescribe drugs" or "prescriber" means an individual who is authorized by law to prescribe drugs or dangerous drugs or drug therapy related devices in the course of the individual's professional practice, including only the following:	3125 3126 3127 3128 3129
(1) A dentist licensed under Chapter 4715. of the Revised Code;	3130 3131
(2) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code;	3132 3133 3134 3135
(3) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry under a therapeutic pharmaceutical agents certificate;	3136 3137 3138
(4) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	3139 3140 3141
(5) A physician assistant who holds a license to practice as a physician assistant issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority;	3142 3143 3144 3145 3146
(6) A veterinarian licensed under Chapter 4741. of the Revised Code.	3147 3148
(J) "Sale" or "sell" includes any transaction made by any person, whether as principal proprietor, agent, or employee, to do or offer to do any of the following: deliver, distribute, broker, exchange, gift or otherwise give away, or transfer, whether the transfer is by passage of title, physical movement,	3149 3150 3151 3152 3153

or both. 3154

(K) "Wholesale sale" and "sale at wholesale" mean any sale 3155
in which the purpose of the purchaser is to resell the article 3156
purchased or received by the purchaser. 3157

(L) "Retail sale" and "sale at retail" mean any sale other 3158
than a wholesale sale or sale at wholesale. 3159

(M) "Retail seller" means any person that sells any 3160
dangerous drug to consumers without assuming control over and 3161
responsibility for its administration. Mere advice or 3162
instructions regarding administration do not constitute control 3163
or establish responsibility. 3164

(N) "Price information" means the price charged for a 3165
prescription for a particular drug product and, in an easily 3166
understandable manner, all of the following: 3167

(1) The proprietary name of the drug product; 3168

(2) The established (generic) name of the drug product; 3169

(3) The strength of the drug product if the product 3170
contains a single active ingredient or if the drug product 3171
contains more than one active ingredient and a relevant strength 3172
can be associated with the product without indicating each 3173
active ingredient. The established name and quantity of each 3174
active ingredient are required if such a relevant strength 3175
cannot be so associated with a drug product containing more than 3176
one ingredient. 3177

(4) The dosage form; 3178

(5) The price charged for a specific quantity of the drug 3179
product. The stated price shall include all charges to the 3180
consumer, including, but not limited to, the cost of the drug 3181

product, professional fees, handling fees, if any, and a 3182
statement identifying professional services routinely furnished 3183
by the pharmacy. Any mailing fees and delivery fees may be 3184
stated separately without repetition. The information shall not 3185
be false or misleading. 3186

(O) "Wholesale distributor of dangerous drugs" or 3187
"wholesale distributor" means a person engaged in the sale of 3188
dangerous drugs at wholesale and includes any agent or employee 3189
of such a person authorized by the person to engage in the sale 3190
of dangerous drugs at wholesale. 3191

(P) "Manufacturer of dangerous drugs" or "manufacturer" 3192
means a person, other than a pharmacist or prescriber, who 3193
manufactures dangerous drugs and who is engaged in the sale of 3194
those dangerous drugs. 3195

(Q) "Terminal distributor of dangerous drugs" or "terminal 3196
distributor" means a person who is engaged in the sale of 3197
dangerous drugs at retail, or any person, other than a 3198
manufacturer, repackager, outsourcing facility, third-party 3199
logistics provider, wholesale distributor, or pharmacist, who 3200
has possession, custody, or control of dangerous drugs for any 3201
purpose other than for that person's own use and consumption. 3202
"Terminal distributor" includes pharmacies, hospitals, nursing 3203
homes, and laboratories and all other persons who procure 3204
dangerous drugs for sale or other distribution by or under the 3205
supervision of a pharmacist or licensed health professional 3206
authorized to prescribe drugs. 3207

(R) "Promote to the public" means disseminating a 3208
representation to the public in any manner or by any means, 3209
other than by labeling, for the purpose of inducing, or that is 3210
likely to induce, directly or indirectly, the purchase of a 3211

dangerous drug at retail. 3212

(S) "Person" includes any individual, partnership, 3213
association, limited liability company, or corporation, the 3214
state, any political subdivision of the state, and any district, 3215
department, or agency of the state or its political 3216
subdivisions. 3217

(T) "Animal shelter" means a facility operated by a humane 3218
society or any society organized under Chapter 1717. of the 3219
Revised Code or a dog pound operated pursuant to Chapter 955. of 3220
the Revised Code. 3221

(U) "Food" has the same meaning as in section 3715.01 of 3222
the Revised Code. 3223

(V) "Pain management clinic" has the same meaning as in 3224
section 4731.054 of the Revised Code. 3225

(W) "Investigational drug or product" means a drug or 3226
product that has successfully completed phase one of the United 3227
States food and drug administration clinical trials and remains 3228
under clinical trial, but has not been approved for general use 3229
by the United States food and drug administration. 3230
"Investigational drug or product" does not include controlled 3231
substances in schedule I, as established ~~pursuant to by rule~~ 3232
adopted under section 3719.41 or 3719.45 of the Revised Code, 3233
and as amended. 3234

(X) "Product," when used in reference to an 3235
investigational drug or product, means a biological product, 3236
other than a drug, that is made from a natural human, animal, or 3237
microorganism source and is intended to treat a disease or 3238
medical condition. 3239

(Y) "Third-party logistics provider" means a person that 3240

provides or coordinates warehousing or other logistics services 3241
pertaining to dangerous drugs including distribution, on behalf 3242
of a manufacturer, wholesale distributor, or terminal 3243
distributor of dangerous drugs, but does not take ownership of 3244
the drugs or have responsibility to direct the sale or 3245
disposition of the drugs. 3246

(Z) "Repackager of dangerous drugs" or "repackager" means 3247
a person that repacks and relabels dangerous drugs for sale or 3248
distribution. 3249

(AA) "Outsourcing facility" means a facility that is 3250
engaged in the compounding and sale of sterile drugs and is 3251
registered as an outsourcing facility with the United States 3252
food and drug administration. 3253

Sec. 4729.28. ~~No~~ (A) As used in this section, "dispense" 3254
has the meaning specified by the state board of pharmacy in 3255
rules adopted under section 4729.26 of the Revised Code. 3256

(B) (1) Except as provided in division (B) (2) of this 3257
section, no person who is not a pharmacist or a pharmacy intern 3258
under the personal supervision of a pharmacist shall compound, 3259
~~dispense,~~ or sell dangerous drugs or otherwise engage in the 3260
practice of pharmacy. 3261

(2) Except as provided in sections 3701.048 and 4729.44 of 3262
the Revised Code or rules adopted by the board under section 3263
4729.26 of the Revised Code, no person who is not a pharmacist 3264
may dispense dangerous drugs. 3265

Sec. 4729.43. (A) As used in this section: 3266

(1) "Home health agency" has the same meaning as in 3267
section 3701.881 of the Revised Code. 3268

(2) "Hospice care program" and "hospice patient" have the 3269
same meanings as in section 3712.01 of the Revised Code. 3270

(B) With regard to a dangerous drug that is indicated for 3271
the treatment of cancer or a cancer-related illness, must be 3272
administered intravenously or by subcutaneous injection, and 3273
cannot reasonably be self-administered by the patient to whom 3274
the drug is prescribed or by an individual assisting the patient 3275
with the self-administration, a pharmacist or pharmacy intern 3276
shall not ~~dispense the drug by delivering~~ deliver the drug 3277
directly to any of the following or ~~causing~~ cause the drug to be 3278
delivered directly to any of the following: 3279

(1) The patient; 3280

(2) The patient's representative, which may include the 3281
patient's guardian or a family member or friend of the patient; 3282

(3) The patient's private residence unless any of the 3283
following is the case: 3284

(a) The patient's private residence is a nursing home, 3285
residential care facility, rehabilitation facility, or similar 3286
institutional facility or health care facility. 3287

(b) If the patient is an adult and a hospice patient or 3288
client of a home health agency, the patient, the licensed health 3289
professional authorized to prescribe drugs who prescribed the 3290
drug to the patient, or an employee or agent of the prescriber 3291
has notified the pharmacist or pharmacy intern that the patient 3292
is a hospice patient or client of a home health agency and an 3293
employee or agent of the hospice care program or home health 3294
agency will be administering the drug to the patient. 3295

(c) If the patient is a minor and a hospice patient or 3296
client of a home health agency, either of the following has 3297

notified the pharmacist or pharmacy intern that the patient is a 3298
client of a home health agency and an employee or agent of the 3299
hospice care program or home health agency will be administering 3300
the drug to the patient: 3301

(i) The licensed health professional authorized to 3302
prescribe drugs who prescribed the drug to the patient or an 3303
employee or agent of the prescriber; 3304

(ii) The parent, guardian, or other person who has care or 3305
charge of the patient and is authorized to consent to medical 3306
treatment on behalf of the patient. 3307

Sec. 4729.46. (A) As used in this section, "opioid 3308
analgesic," ~~has~~ "schedule III," "schedule IV," and "schedule V" 3309
have the same meaning ~~meanings~~ as in section 3719.01 of the 3310
Revised Code. 3311

(B) Except as provided in division (C) of this section or 3312
in any rules adopted under ~~division (D) of~~ this section, all of 3313
the following apply with respect to a prescription for an opioid 3314
analgesic to be used by an individual on an outpatient basis: 3315

(1) A pharmacist, ~~pharmacy intern shall not dispense,~~ or 3316
~~and a terminal distributor of dangerous drugs shall not dispense~~ 3317
~~or sell,~~ the opioid analgesic in an amount that exceeds a 3318
ninety-day supply, as determined according to the prescription's 3319
directions for use of the drug, regardless of whether the 3320
prescription was issued for a greater amount. 3321

(2) Except as provided in division (B)(3) of this section, 3322
a pharmacist, ~~pharmacy intern,~~ or terminal distributor ~~of~~ 3323
~~dangerous drugs~~ shall not dispense or sell the opioid analgesic 3324
if more than fourteen days have elapsed since the prescription 3325
was issued. 3326

(3) (a) A pharmacist or terminal distributor may dispense 3327
or sell the opioid analgesic after more than fourteen days have 3328
elapsed since the prescription was issued if, on the date the 3329
prescription was issued, the prescriber issued only one 3330
prescription for the drug to the patient and both of the 3331
following apply: 3332

(i) The prescriber provided written instructions on the 3333
prescription specifying the earliest date on which the 3334
prescription may be filled. 3335

(ii) Not more than fourteen days have elapsed since the 3336
date described in division (B) (3) (a) (i) of this section. 3337

(b) A pharmacist, ~~pharmacy intern,~~ or terminal distributor 3338
~~of dangerous drugs~~ may dispense or sell the opioid analgesic 3339
after more than fourteen days have elapsed since the 3340
prescription was issued if ~~all of the following apply:~~ 3341

~~(a) The the prescription is one of multiple prescriptions~~ 3342
~~for the drug issued by a single prescriber to the patient on a~~ 3343
~~single day.~~ 3344

~~(b)~~ and all of the following apply: 3345

(i) When combined, the prescriptions do not authorize the 3346
patient to receive an amount that exceeds a ninety-day supply of 3347
the drug, as determined according to the prescriptions' 3348
directions for use of the drug. 3349

~~(e)~~ (ii) The prescriber has provided written instructions 3350
on the prescription ~~indicating~~ specifying the earliest date on 3351
which the prescription may be filled. 3352

~~(d)~~ (iii) Not more than fourteen days have elapsed since 3353
the date described in division (B) (3) ~~(e)~~ (b) (ii) of this 3354

section. 3355

(c) A pharmacist or terminal distributor may dispense or 3356
sell the opioid analgesic by refilling the prescription for the 3357
opioid analgesic after more than fourteen days have elapsed 3358
since the prescription was issued if the opioid analgesic is 3359
included in schedule III, IV, or V. 3360

(d) If the prescription for the opioid analgesic was 3361
partially filled within the applicable fourteen-day period 3362
described in division (B) (2), (B) (3) (a), or (B) (3) (b) of this 3363
section, a pharmacist or terminal distributor may dispense or 3364
sell the remaining amount of the opioid analgesic after more 3365
than fourteen days have elapsed since the prescription was 3366
issued. 3367

(C) Division (B) of this section does not apply ~~when a~~ 3368
~~pharmacist, pharmacy intern, or terminal distributor of~~ 3369
~~dangerous drugs dispenses or sells an~~ in either of the following 3370
circumstances: 3371

(1) When an opioid analgesic is to be delivered outside of 3372
this state by mail, parcel post, or common carrier to a patient 3373
who resides outside of this state; 3374

(2) When an opioid analgesic is to be used as part of an 3375
individual's treatment for opioid dependence or addiction. 3376

(D) The state board of pharmacy may adopt rules 3377
establishing an amount that is less than the ninety-day supply 3378
described in division (B) (1) of this section or a period that is 3379
less than the fourteen-day ~~period~~ periods described in ~~division~~ 3380
divisions (B) (2), (B) (3) (a), and (B) (3) (b) of this section. The 3381
rules shall be adopted in accordance with Chapter 119. of the 3382
Revised Code. 3383

Sec. 4729.52. (A) As used in this section:	3384
(1) "Category II" means any dangerous drug that is not included in category III.	3385 3386
(2) "Category III" means any controlled substance that is contained in schedule I, II, III, IV, or V.	3387 3388
(3) "Schedule I," "schedule II," "schedule III," "schedule IV," and "schedule V" mean controlled substance schedules I, II, III, IV, and V, respectively, as established pursuant to section 3719.41 of the Revised Code and as amended <u>have the same meanings as in section 3719.01 of the Revised Code.</u>	3389 3390 3391 3392 3393
(B) (1) (a) The state board of pharmacy shall license the following persons:	3394 3395
(i) Wholesale distributors of dangerous drugs;	3396
(ii) Manufacturers of dangerous drugs;	3397
(iii) Outsourcing facilities;	3398
(iv) Third-party logistics providers;	3399
(v) Repackagers of dangerous drugs.	3400
(b) There shall be two categories for the licenses identified in division (B) (1) (a) of this section. The categories are as follows:	3401 3402 3403
(i) Category II license. A person who obtains this license may possess, have custody or control of, and distribute, only the dangerous drugs described in category II.	3404 3405 3406
(ii) Category III license. A person who obtains this license may possess, have custody or control of, and distribute, the dangerous drugs described in category II and category III.	3407 3408 3409

(c) The board may adopt rules under section 4729.26 of the Revised Code to create classification types of any license issued pursuant to this section. Persons who meet the definitions of the classification types shall comply with all requirements for the specific license classification specified in rule.

(C) A person seeking a license identified in division (B) (1) (a) of this section shall file with the executive director of the board a verified application containing such information as the board requires of the applicant relative to the licensure qualifications set forth in section 4729.53 of the Revised Code and the rules adopted under that section.

The board shall license as a category II or category III manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor each applicant who has paid the required license fee, if the board determines that the applicant meets the licensure qualifications set forth in section 4729.53 of the Revised Code and the rules adopted under that section.

(D) The board may issue to a person who does not reside in this state a license identified in division (B) (1) (a) of this section if the person pays the required licensure fee and meets either of the following:

(1) Possesses a current and valid manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor license, or its equivalent, issued by another state in which that person is physically located, but only if that state has qualifications for licensure comparable to the licensure requirements in this state;

(2) Meets the requirements set forth by the board for 3439
issuance of a license identified in division (B) (1) (a) of this 3440
section, as verified by a state, federal, or other entity 3441
recognized by the board to perform such verification. 3442

(E) All licenses issued or renewed pursuant to this 3443
section are effective for a period specified by the board in 3444
rules adopted under section 4729.26 of the Revised Code. The 3445
effective period for an initial or renewed license shall not 3446
exceed twenty-four months unless the board extends the period in 3447
rules to adjust license renewal schedules. A license shall be 3448
renewed by the board pursuant to this section, the standard 3449
renewal procedure of Chapter 4745. of the Revised Code, and 3450
rules adopted by the board under section 4729.26 of the Revised 3451
Code. A person seeking to renew a license shall submit an 3452
application for renewal and pay the required renewal fee before 3453
the date specified in the rules adopted by the board. 3454

(F) Each license issued under this section shall describe 3455
not more than one establishment or place where the license 3456
holder may engage in the activities authorized by the license. 3457
No license shall authorize or permit the person named therein to 3458
engage in the sale or distribution of drugs at wholesale or to 3459
maintain possession, custody, or control of dangerous drugs for 3460
any purpose other than for the licensee's own use and 3461
consumption at any establishment or place other than that 3462
described in the license. 3463

(G) (1) (a) The category II license fee is one thousand nine 3464
hundred dollars and shall accompany each application for 3465
licensure. The license renewal fee is one thousand nine hundred 3466
dollars and shall accompany each renewal application. 3467

(b) The category III license fee is two thousand dollars 3468

and shall accompany each application for licensure. The license 3469
renewal fee is two thousand dollars and shall accompany each 3470
renewal application. 3471

(c) (i) Subject to division (G) (1) (c) (ii) of this section, 3472
a license issued pursuant to this section that has not been 3473
renewed by the date specified in rules adopted by the board may 3474
be reinstated upon payment of the renewal fee and a penalty of 3475
three hundred dollars. 3476

(ii) If a complete application for renewal has not been 3477
submitted by the sixty-first day after the renewal date 3478
specified in rules adopted by the board, the license is 3479
considered void and cannot be renewed, but the license holder 3480
may reapply for licensure. 3481

(2) Renewal fees and penalties assessed under division (G) 3482
(1) of this section shall not be returned if the applicant fails 3483
to qualify for renewal. 3484

(3) A person licensed pursuant to this section that fails 3485
to renew licensure in accordance with this section and rules 3486
adopted by the board is prohibited from engaging in 3487
manufacturing, repackaging, compounding, or distributing as a 3488
third-party logistics provider or wholesale distributor until a 3489
valid license is issued by the board. 3490

(H) Holding a license issued pursuant to this section 3491
subjects the holder and the holder's agents and employees to the 3492
jurisdiction of the board and to the laws of this state for the 3493
purpose of the enforcement of this chapter and the rules of the 3494
board. However, the filing of an application for licensure under 3495
this section by or on behalf of any person, or the issuance of a 3496
license pursuant to this section to or on behalf of any person, 3497

shall not of itself constitute evidence that the person is doing 3498
business within this state. 3499

(I) The board may enter into agreements with other states, 3500
federal agencies, and other entities to exchange information 3501
concerning licensing and inspection of any manufacturer, 3502
outsourcing facility, third-party logistics provider, 3503
repackager, or wholesale distributor located within or outside 3504
this state and to investigate alleged violations of the laws and 3505
rules governing distribution of drugs by such persons. Any 3506
information received pursuant to such an agreement is subject to 3507
the same confidentiality requirements applicable to the agency 3508
or entity from which it was received and shall not be released 3509
without prior authorization from that agency or entity. Any 3510
information received is also subject to section 4729.23 of the 3511
Revised Code. 3512

Sec. 4729.54. (A) As used in this section: 3513

(1) "Category II" means any dangerous drug that is not 3514
included in category III. 3515

(2) "Category III" means any controlled substance that is 3516
contained in schedule I, II, III, IV, or V. 3517

(3) "Emergency medical service organization" has the same 3518
meaning as in section 4765.01 of the Revised Code. 3519

(4) "Person" includes an emergency medical service 3520
organization. 3521

(5) "Schedule I," "schedule II," "schedule III," "schedule 3522
IV," and "schedule V" ~~mean controlled substance schedules I, II,~~ 3523
~~III, IV, and V, respectively, as established pursuant to section~~ 3524
~~3719.41 of the Revised Code and as amended~~ have the same 3525
meanings as in section 3719.01 of the Revised Code. 3526

(B) (1) A person seeking to be licensed as a terminal distributor of dangerous drugs shall file with the executive director of the state board of pharmacy a verified application. After it is filed, the application may not be withdrawn without approval of the board.

(2) An application shall contain all the following that apply in the applicant's case:

(a) Information that the board requires relative to the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code;

(b) A statement as to whether the person is seeking to be licensed as a category II, category III, limited category II, or limited category III terminal distributor of dangerous drugs;

(c) If the person is seeking to be licensed as a limited category II or limited category III terminal distributor of dangerous drugs, a list of the dangerous drugs that the person is seeking to possess, have custody or control of, and distribute, which list shall also specify the purpose for which those drugs will be used and their source;

(d) If the person is an emergency medical service organization, the information that is specified in division (C) (1) of this section;

(e) Except for an emergency medical service organization, the identity of the one establishment or place at which the person intends to engage in the sale or other distribution of dangerous drugs at retail, and maintain possession, custody, or control of dangerous drugs for purposes other than the person's own use or consumption;

(f) If the application pertains to a pain management

clinic, information that demonstrates, to the satisfaction of 3556
the board, compliance with division (A) of section 4729.552 of 3557
the Revised Code; 3558

(g) If the application pertains to a facility, clinic, or 3559
other location described in division (B) of section 4729.553 of 3560
the Revised Code that must hold a category III terminal 3561
distributor of dangerous drugs license with an office-based 3562
opioid treatment classification, information that demonstrates, 3563
to the satisfaction of the board, compliance with division (C) 3564
of that section. 3565

(C) (1) An emergency medical service organization seeking 3566
to be licensed as a terminal distributor of dangerous drugs 3567
shall list in its application for licensure the following 3568
additional information: 3569

(a) The units under its control that the organization 3570
determines will possess dangerous drugs for the purpose of 3571
administering emergency medical services in accordance with 3572
Chapter 4765. of the Revised Code; 3573

(b) With respect to each such unit, whether the dangerous 3574
drugs that the organization determines the unit will possess are 3575
in category II or III. 3576

(2) An emergency medical service organization that is 3577
licensed as a terminal distributor of dangerous drugs shall file 3578
a new application for such licensure if there is any change in 3579
the number, or location of, any of its units or any change in 3580
the category of the dangerous drugs that any unit will possess. 3581

(3) A unit listed in an application for licensure pursuant 3582
to division (C) (1) of this section may obtain the dangerous 3583
drugs it is authorized to possess from its emergency medical 3584

service organization or, on a replacement basis, from a hospital 3585
pharmacy. If units will obtain dangerous drugs from a hospital 3586
pharmacy, the organization shall file, and maintain in current 3587
form, the following items with the pharmacist who is responsible 3588
for the hospital's terminal distributor of dangerous drugs 3589
license: 3590

(a) A copy of its standing orders or protocol; 3591

(b) A list of the personnel employed or used by the 3592
organization to provide emergency medical services in accordance 3593
with Chapter 4765. of the Revised Code, who are authorized to 3594
possess the drugs, which list also shall indicate the personnel 3595
who are authorized to administer the drugs. 3596

(D) Each emergency medical service organization that 3597
applies for a terminal distributor of dangerous drugs license 3598
shall submit with its application the following: 3599

(1) A copy of its standing orders or protocol, which 3600
orders or protocol shall be signed by a physician; 3601

(2) A list of the dangerous drugs that its units may 3602
carry, expressed in standard dose units, which shall be signed 3603
by a physician; 3604

(3) A list of the personnel employed or used by the 3605
organization to provide emergency medical services in accordance 3606
with Chapter 4765. of the Revised Code. 3607

In accordance with Chapter 119. of the Revised Code, the 3608
board shall adopt rules specifying when an emergency medical 3609
service organization that is licensed as a terminal distributor 3610
must notify the board of any changes in its documentation 3611
submitted pursuant to division (D) of this section. 3612

(E) There shall be four categories of terminal distributor of dangerous drugs licenses. The categories are as follows: 3613
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(1) Category II license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category II. 3615
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(2) Limited category II license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category II that were listed in the application for licensure. 3618
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(3) Category III license, which may include a pain management clinic classification issued under section 4729.552 of the Revised Code. A person who obtains this license may possess, have custody or control of, and distribute the dangerous drugs described in category II and category III. If the license includes a pain management clinic classification, the person may operate a pain management clinic. 3622
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(4) Limited category III license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category II or category III that were listed in the application for licensure. 3629
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(F) Except for an application made on behalf of an animal shelter, if an applicant for a limited category II license or limited category III license intends to administer dangerous drugs to a person or animal, the applicant shall submit, with the application, a copy of its protocol or standing orders. The protocol or orders shall be signed by a licensed health professional authorized to prescribe drugs, specify the dangerous drugs to be administered, and list personnel who are authorized to administer the dangerous drugs in accordance with 3633
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federal law or the law of this state. An application made on 3642
behalf of an animal shelter shall include a list of the 3643
dangerous drugs to be administered to animals and the personnel 3644
who are authorized to administer the drugs to animals in 3645
accordance with section 4729.532 of the Revised Code. 3646

In accordance with Chapter 119. of the Revised Code, the 3647
board shall adopt rules specifying when a licensee must notify 3648
the board of any changes in its documentation submitted pursuant 3649
to this division. 3650

(G) (1) Except as provided in division (G) (2) of this 3651
section, each applicant for licensure as a terminal distributor 3652
of dangerous drugs shall submit, with the application, a license 3653
fee determined as follows: 3654

(a) For a category II or limited category II license, the 3655
fee is three hundred twenty dollars. 3656

(b) For a category III license, including a license with a 3657
pain management clinic classification issued under section 3658
4729.552 of the Revised Code, or a limited category III license, 3659
four hundred forty dollars. 3660

(2) (a) Except as provided in division (G) (2) (b) of this 3661
section, for a person who is required to hold a license as a 3662
terminal distributor of dangerous drugs pursuant to division (D) 3663
of section 4729.541 of the Revised Code, the fee is one hundred 3664
twenty dollars. 3665

(b) For a professional association, corporation, 3666
partnership, or limited liability company organized for the 3667
purpose of practicing veterinary medicine, the fee is one 3668
hundred twenty dollars. 3669

(3) Fees assessed under divisions (G) (1) and (2) of this 3670

section shall not be returned if the applicant fails to qualify 3671
for the license. 3672

(H) (1) The board shall issue a terminal distributor of 3673
dangerous drugs license to each person who submits an 3674
application for such licensure in accordance with this section, 3675
pays the required license fee, is determined by the board to 3676
meet the requirements set forth in section 4729.55 of the 3677
Revised Code, and satisfies any other applicable requirements of 3678
this section. 3679

(2) The license of a person other than an emergency 3680
medical service organization shall describe the one 3681
establishment or place at which the licensee may engage in the 3682
sale or other distribution of dangerous drugs at retail and 3683
maintain possession, custody, or control of dangerous drugs for 3684
purposes other than the licensee's own use or consumption. The 3685
one establishment or place shall be that which is identified in 3686
the application for licensure. 3687

No such license shall authorize or permit the terminal 3688
distributor of dangerous drugs named in it to engage in the sale 3689
or other distribution of dangerous drugs at retail or to 3690
maintain possession, custody, or control of dangerous drugs for 3691
any purpose other than the distributor's own use or consumption, 3692
at any establishment or place other than that described in the 3693
license, except that an agent or employee of an animal shelter 3694
may possess and use dangerous drugs in the course of business as 3695
provided in division (D) of section 4729.532 of the Revised 3696
Code. 3697

(3) The license of an emergency medical service 3698
organization shall cover and describe all the units of the 3699
organization listed in its application for licensure. 3700

(I) (1) All licenses issued or renewed pursuant to this 3701
section shall be effective for a period specified by the board 3702
in rules adopted under section 4729.26 of the Revised Code. The 3703
effective period for an initial or renewed license shall not 3704
exceed twenty-four months unless the board extends the period in 3705
rules to adjust license renewal schedules. A license shall be 3706
renewed by the board according to the provisions of this 3707
section, the standard renewal procedure of Chapter 4745. of the 3708
Revised Code, and rules adopted by the board under section 3709
4729.26 of the Revised Code. A person seeking to renew a license 3710
shall submit an application for renewal and pay the required fee 3711
on or before the date specified in the rules adopted by the 3712
board. The fee required for the renewal of a license shall be 3713
the same as the license fee paid under division (G) of this 3714
section. 3715

(2) (a) Subject to division (I) (2) (b) of this section, a 3716
license that has not been renewed by the date specified in rules 3717
adopted by the board may be reinstated only upon payment of the 3718
required renewal fee and a penalty fee of one hundred ten 3719
dollars. 3720

(b) If an application for renewal has not been submitted 3721
by the sixty-first day after the renewal date specified in rules 3722
adopted by the board, the license is considered void and cannot 3723
be renewed, but the license holder may reapply for licensure. 3724

(3) A terminal distributor of dangerous drugs that fails 3725
to renew licensure in accordance with this section and rules 3726
adopted by the board is prohibited from engaging in the retail 3727
sale, possession, or distribution of dangerous drugs until a 3728
valid license is issued by the board. 3729

(J) (1) No emergency medical service organization that is 3730

licensed as a terminal distributor of dangerous drugs shall fail 3731
to comply with division (C) (2) or (3) of this section. 3732

(2) No emergency medical service organization that is 3733
licensed as a terminal distributor of dangerous drugs shall fail 3734
to comply with division (D) of this section. 3735

(3) No licensed terminal distributor of dangerous drugs 3736
shall possess, have custody or control of, or distribute 3737
dangerous drugs that the terminal distributor is not entitled to 3738
possess, have custody or control of, or distribute by virtue of 3739
its category of licensure. 3740

(4) No licensee that is required by division (F) of this 3741
section to notify the board of changes in its protocol or 3742
standing orders, or in personnel, shall fail to comply with that 3743
division. 3744

(K) The board may enter into agreements with other states, 3745
federal agencies, and other entities to exchange information 3746
concerning licensing and inspection of terminal distributors of 3747
dangerous drugs located within or outside this state and to 3748
investigate alleged violations of the laws and rules governing 3749
distribution of drugs by terminal distributors. Any information 3750
received pursuant to such an agreement is subject to the same 3751
confidentiality requirements applicable to the agency or entity 3752
from which it was received and shall not be released without 3753
prior authorization from that agency or entity. 3754

Sec. 4729.553. (A) As used in this section: 3755

(1) "Controlled substance" has the same meaning as in 3756
section 3719.01 of the Revised Code. 3757

(2) "Hospital" means a hospital registered with the 3758
department of health under section 3701.07 of the Revised Code. 3759

(3) "Office-based opioid treatment" means the treatment of 3760
opioid dependence or addiction using a controlled substance. 3761

(B) (1) Except as provided in division (B) (2) of this 3762
section, no person shall knowingly operate a facility, clinic, 3763
or other location where a prescriber provides office-based 3764
opioid treatment to more than thirty patients or that meets any 3765
other identifying criteria established in rules adopted under 3766
~~division (C) of this section~~ without holding a category III 3767
terminal distributor of dangerous drugs license with an office- 3768
based opioid treatment classification. 3769

(2) Division (B) (1) of this section does not apply to any 3770
of the following: 3771

(a) A hospital; 3772

(b) A facility for the treatment of opioid dependence or 3773
addiction that is operated by a hospital; 3774

(c) A physician practice owned or controlled, in whole or 3775
in part, by a hospital or by an entity that owns or controls, in 3776
whole or in part, one or more hospitals; 3777

(d) A facility that conducts only clinical research and 3778
uses controlled substances in studies approved by a hospital- 3779
based institutional review board or an institutional review 3780
board that is accredited by the association for the 3781
accreditation of human research protection programs, inc.; 3782

(e) A facility that holds a category III terminal 3783
distributor of dangerous drugs license in accordance with 3784
section 4729.54 of the Revised Code for the purpose of treating 3785
drug dependence or addiction as part of an opioid treatment 3786
program and is the subject of a current, valid certification 3787
from the substance abuse and mental health services 3788

administration of the United States department of health and 3789
human services pursuant to 42 C.F.R. 8.11; 3790

(f) A program or facility that ~~is licensed or certified by~~ 3791
possesses a license or certification from the department of 3792
mental health and addiction services under Chapter 5119. of the 3793
Revised Code that is approved by the state board of pharmacy; 3794

(g) A federally qualified health center, as defined in 3795
section 3701.047 of the Revised Code; 3796

(h) A state or local correctional facility, as defined in 3797
section 5163.45 of the Revised Code; 3798

(i) Any other facility specified in rules adopted under 3799
this section. 3800

(C) To be eligible to receive a license as a category III 3801
terminal distributor of dangerous drugs with an office-based 3802
opioid treatment classification, an applicant shall submit 3803
evidence satisfactory to the state board of pharmacy that the 3804
applicant's office-based opioid treatment will be operated in 3805
accordance with the requirements specified in division (D) of 3806
this section and that the applicant meets any other applicable 3807
requirements of this chapter. 3808

If the board determines that an applicant meets all of the 3809
requirements, the board shall issue to the applicant a license 3810
as a category III terminal distributor of dangerous drugs with 3811
an office-based opioid treatment classification. 3812

(D) The holder of a category III terminal distributor 3813
license with an office-based opioid treatment classification 3814
shall do all of the following: 3815

(1) Be in control of a facility that is owned and operated 3816

solely by one or more physicians authorized under Chapter 4731. 3817
of the Revised Code to practice medicine and surgery or 3818
osteopathic medicine and surgery, unless the state board of 3819
pharmacy ~~has exempted the holder from~~ waives this requirement 3820
for the holder; 3821

(2) Comply with the requirements for conducting office- 3822
based opioid treatment, as established by the state medical 3823
board in rules adopted under section 4731.056 of the Revised 3824
Code; 3825

(3) Require any person with ownership of the facility to 3826
submit to a criminal records check in accordance with section 3827
4776.02 of the Revised Code and send the results of the criminal 3828
records check directly to the state board of pharmacy for review 3829
and decision under section 4729.071 of the Revised Code; 3830

(4) Require ~~all employees of each person employed by or~~ 3831
seeking employment with the facility to submit to a criminal 3832
records check in accordance with section 4776.02 of the Revised 3833
Code ~~and;~~ 3834

(5) Unless the state board of pharmacy waives this 3835
requirement, ensure that ~~no a person is not employed who has~~ 3836
previously been by the facility if the person, within the ten 3837
years immediately preceding the date the person applied for 3838
employment, was convicted of, or pleaded guilty to, either of 3839
the following: 3840

(a) A theft offense, described in division (K) (3) of 3841
section 2913.01 of the Revised Code, that would constitute a 3842
felony under the laws of this state, any other state, or the 3843
United States; 3844

(b) A felony drug offense, as defined in section 2925.01 3845

of the Revised Code. 3846

~~(5)~~ (6) Maintain a list of each person with ownership of 3847
the facility and notify the state board of pharmacy of any 3848
change to that list. 3849

(E) No person subject to licensure as a category III 3850
terminal distributor of dangerous drugs with an office-based 3851
opioid treatment classification shall knowingly fail to remain 3852
in compliance with the requirements of division (D) of this 3853
section and any other applicable requirements of this chapter. 3854

(F) The state board of pharmacy may impose a fine of not 3855
more than five thousand dollars on a person who violates 3856
division (B) or (E) of this section. A separate fine may be 3857
imposed for each day the violation continues. In imposing the 3858
fine, the board's actions shall be taken in accordance with 3859
Chapter 119. of the Revised Code. 3860

(G) The state board of pharmacy shall adopt rules as it 3861
considers necessary to implement and administer this section. 3862
The rules shall be adopted in accordance with Chapter 119. of 3863
the Revised Code. 3864

Sec. 4731.97. (A) As used in this section: 3865

(1) "Investigational drug, product, or device" means a 3866
drug, product, or device that has successfully completed phase 3867
one of United States food and drug administration clinical 3868
trials and remains under clinical investigation, but has not 3869
been approved for general use by the United States food and drug 3870
administration. "Investigational drug, product, or device" does 3871
not include controlled substances in schedule I, as established 3872
~~pursuant to by rule adopted under~~ section 3719.41 or 3719.45 of 3873
the Revised Code, and as amended. 3874

(2) "Drug" has the same meaning as in section 4729.01 of the Revised Code.	3875 3876
(3) "Product" means a biological product, other than a drug, that is made from a natural human, animal, or microorganism source and is intended to treat a disease or medical condition.	3877 3878 3879 3880
(4) "Device" means a medical device that is intended for use in the diagnosis or treatment of a disease or medical condition.	3881 3882 3883
(5) "Physician" means an individual authorized by this chapter to practice medicine and surgery or osteopathic medicine and surgery.	3884 3885 3886
(6) "Terminal condition" means any of the following conditions, if irreversible, incurable, and untreatable through a method of treatment approved by the United States food and drug administration:	3887 3888 3889 3890
(a) A progressive form of cancer;	3891
(b) A progressive neurological disorder;	3892
(c) A progressive musculoskeletal disorder;	3893
(d) A condition that, based on reasonable medical standards and a reasonable degree of medical certainty, appears likely to cause death within a period of time that is relatively short but does not exceed twelve months.	3894 3895 3896 3897
(7) "Treating physician" means the physician primarily responsible for providing medical care and treating an eligible patient's terminal condition. "Treating physician" does not include the patient's primary care physician unless that physician is treating the patient's terminal condition and no	3898 3899 3900 3901 3902

other physician is primarily responsible for treating the 3903
terminal condition. The patient may have more than one treating 3904
physician. 3905

(B) (1) Subject to division (B) (2) of this section, an 3906
individual is an eligible patient if all of the following 3907
conditions are met: 3908

(a) The individual has a terminal condition, as determined 3909
by the individual's treating physician and by one other 3910
physician who has examined the individual. 3911

(b) The individual, as determined by the individual's 3912
treating physician, has considered all treatment options for the 3913
terminal condition that are approved by the United States food 3914
and drug administration and determined that there are no 3915
satisfactory or comparable approved treatments and that the risk 3916
from the investigational drug, product, or device is no greater 3917
than the probable risk from not treating the terminal condition. 3918

(c) The individual's treating physician recommends the use 3919
of the investigational drug, product, or device as a last option 3920
available for the individual, attests that it represents the 3921
individual's best chance at survival, and agrees to either 3922
administer or personally furnish it or has issued a prescription 3923
to the individual for the investigational drug, product, or 3924
device. 3925

(d) The treating physician includes documentation in the 3926
patient's medical record that all of the foregoing conditions 3927
have been met. 3928

(2) An individual who meets the requirements of division 3929
(B) (1) of this section is not an eligible patient if a clinical 3930
trial using the investigational drug, product, or device is 3931

actively being conducted within one hundred miles of the 3932
individual's residence, unless the individual applied for 3933
participation but was denied access to that clinical trial. 3934

(C) (1) A treating physician may treat an eligible patient 3935
with an investigational drug, product, or device after securing 3936
the patient's informed consent in a signed statement. If the 3937
patient is a minor or lacks the capacity to consent, the 3938
informed consent must be obtained from a parent, guardian, or 3939
other person legally responsible for the patient. 3940

(2) To secure informed consent, the treating physician 3941
must do all of the following: 3942

(a) On a form based on the template created by the state 3943
medical board under division (I) of this section, record all of 3944
the following: 3945

(i) An explanation of the approved treatment options for 3946
the terminal condition from which the patient suffers; 3947

(ii) The specific proposed investigational drug, product, 3948
or device; 3949

(iii) The potentially best and worst outcomes of using the 3950
investigational drug, product, or device with a realistic 3951
description of the most likely outcome, including that there is 3952
no proof of efficacy and that it is possible new, unanticipated, 3953
different, or worse symptoms might result, and that death could 3954
be hastened by the investigational drug, product, or device; 3955

(iv) An explanation that the manufacturer of the 3956
investigational drug, product, or device may hold the patient 3957
liable for all expenses that arise from the patient's use of the 3958
investigational drug, product, or device; 3959

(v) An explanation that any health insurance or government program that covers the individual may not include coverage of any charges by the treating physician or another health care provider for any care or treatment resulting from the patient's use of the investigational drug, product, or device;

(vi) A statement explaining that the manufacturer of the investigational drug, product, or device, the pharmacy or other distributor of the drug, and the patient's treating physician or administering hospital are not liable for or subject to any of the following for an act or omission related to providing, distributing, or treating with, an investigational drug, product, or device, unless the act or omission constitutes willful or wanton misconduct: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.

(b) Have the individual giving consent sign the form in the conscious presence of a competent witness;

(c) Have the witness also sign the form and attest that the individual giving consent appeared to do all of the following:

(i) Concur with the treating physician in believing that all approved treatment options would be unlikely to prolong the patient's life;

(ii) Understand the risks involved with using the investigational drug, product, or device;

(iii) Willingly desire to use the investigational drug, product, or device to treat the terminal condition.

(3) An eligible patient, or the patient's parent, guardian, or other person legally responsible for the patient,

may revoke consent to treatment with an investigational drug, 3989
product, or device at any time and in any manner that 3990
communicates the revocation. 3991

(D) (1) Except for actions constituting willful or wanton 3992
misconduct, a treating physician who recommends or treats an 3993
eligible patient with an investigational drug, product, or 3994
device in compliance with this section is not liable for or 3995
subject to any of the following for an action or omission 3996
related to treatment with the investigational drug, product, or 3997
device: damages in any civil action, prosecution in any criminal 3998
proceeding, or professional disciplinary action. 3999

(2) This section does not create a new cause of action or 4000
substantive legal right against a treating physician or hospital 4001
related to a physician's not recommending the use of an 4002
investigational drug, product, or device. 4003

(E) An official, employee, or agent of this state shall 4004
not, solely because an investigational drug, product, or device 4005
has not been approved for general use by the United States food 4006
and drug administration, prevent or attempt to prevent access by 4007
an eligible patient or eligible patient's treating physician to 4008
an investigational drug, product, or device that is being 4009
provided or is to be provided in accordance with this section or 4010
section 4729.89 of the Revised Code. 4011

(F) If an eligible patient dies while being treated with 4012
an investigational drug, product, or device and there are any 4013
outstanding costs related to treating the patient, the patient's 4014
estate, devisees, and heirs shall not be held liable by any 4015
person or government entity for those costs. 4016

(G) Nothing in this section requires a health care 4017

insurer, the medicaid program or any other government health 4018
care program, or any other entity that offers health care 4019
benefits to provide coverage for the costs incurred from the use 4020
of any investigational drug, product, or device. 4021

(H) Nothing in this section condones, authorizes, or 4022
approves of assisted suicide, as defined in section 3795.01 of 4023
the Revised Code, or any action that is considered mercy killing 4024
or euthanasia. 4025

(I) As soon as practicable after ~~the effective date of~~ 4026
~~this section~~ April 6, 2017, the state medical board shall create 4027
a template of the form to be used by a treating physician to 4028
secure a patient's informed consent under division (C)(2) of 4029
this section and make the template available to physicians and 4030
hospitals. 4031

Section 2. That existing sections 119.03, 149.43, 149.45, 4032
2907.02, 2907.05, 2925.01, 2925.11, 3313.752, 3345.41, 3707.50, 4033
3719.01, 3719.09, 3719.40, 3719.43, 3719.44, 3796.01, 4729.01, 4034
4729.28, 4729.43, 4729.46, 4729.52, 4729.54, 4729.553, and 4035
4731.97 and section 3719.41 of the Revised Code are hereby 4036
repealed. 4037

Section 3. Section 149.45 of the Revised Code is presented 4038
in this act as a composite of the section as amended by both 4039
Sub. H.B. 317 and Sub. H.B. 359 of the 131st General Assembly. 4040
The General Assembly, applying the principle stated in division 4041
(B) of section 1.52 of the Revised Code that amendments are to 4042
be harmonized if reasonably capable of simultaneous operation, 4043
finds that the composite is the resulting version of the section 4044
in effect prior to the effective date of the section as 4045
presented in this act. 4046

Section 2925.11 of the Revised Code is presented in this 4047
act as a composite of the section as amended by Sub. H.B. 110, 4048
H.B. 171, and Sub. S.B. 204, all of the 131st General Assembly. 4049
The General Assembly, applying the principle stated in division 4050
(B) of section 1.52 of the Revised Code that amendments are to 4051
be harmonized if reasonably capable of simultaneous operation, 4052
finds that the composite is the resulting version of the section 4053
in effect prior to the effective date of the section as 4054
presented in this act. 4055