

**As Reported by the House Health Committee**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. S. B. No. 229**

**Senator Eklund**

**Cosponsors: Senators Lehner, Beagle, Hackett, Brown, Burke, Dolan, Hoagland, Kunze, LaRose, Manning, O'Brien, Schiavoni, Tavares, Terhar, Thomas, Wilson, Yuko Representatives Huffman, Johnson**

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**A BILL**

To amend sections 109.572, 109.71, 119.03, 149.43, 1  
149.45, 1751.68, 2907.02, 2907.05, 2925.01, 2  
2925.09, 2925.11, 2925.23, 2925.34, 3313.752, 3  
3345.41, 3707.50, 3709.01, 3719.01, 3719.04, 4  
3719.05, 3719.06, 3719.061, 3719.07, 3719.09, 5  
3719.12, 3719.40, 3719.41, 3719.43, 3719.44, 6  
3719.811, 3796.01, 3923.602, 4729.01, 4729.04, 7  
4729.19, 4729.46, 4729.51, 4729.52, 4729.53, 8  
4729.54, 4729.55, 4729.553, 4729.69, 4729.90, 9  
4731.97, 4765.06, 5164.34, and 5164.7511, to 10  
enact sections 3709.011, 3709.42, 3719.45, and 11  
4729.691, and to repeal section 4730.51 of the 12  
Revised Code to modify the laws pertaining to 13  
regulation of controlled substances; to make 14  
other changes in the laws administered by or 15  
related to the State Board of Pharmacy; to 16  
authorize the use of credit cards and alternate 17  
titles by boards of health; to modify the 18  
authority of the State Board of Emergency 19  
Medical, Fire, and Transportation Services to 20  
transmit data; to modify the web site 21  
information maintained by the State Medical 22

Board; and to permit Medicaid providers to 23  
employ certain persons despite criminal records 24  
check requirements; to amend the version of 25  
section 2925.03 of the Revised Code that is 26  
scheduled to take effect June 29, 2019, and to 27  
amend section 3719.41 of the Revised Code on the 28  
date that is twelve months after the effective 29  
date of this act. 30

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

**Section 1.** That sections 109.572, 109.71, 119.03, 149.43, 31  
149.45, 1751.68, 2907.02, 2907.05, 2925.01, 2925.09, 2925.11, 32  
2925.23, 2925.34, 3313.752, 3345.41, 3707.50, 3709.01, 3719.01, 33  
3719.04, 3719.05, 3719.06, 3719.061, 3719.07, 3719.09, 3719.12, 34  
3719.40, 3719.41, 3719.43, 3719.44, 3719.811, 3796.01, 3923.602, 35  
4729.01, 4729.04, 4729.19, 4729.46, 4729.51, 4729.52, 4729.53, 36  
4729.54, 4729.55, 4729.553, 4729.69, 4729.90, 4731.97, 4765.06, 37  
5164.34, and 5164.7511 be amended and sections 3709.011, 38  
3709.42, 3719.45, and 4729.691 of the Revised Code be enacted to 39  
read as follows: 40

**Sec. 109.572.** (A) (1) Upon receipt of a request pursuant to 41  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 42  
Code, a completed form prescribed pursuant to division (C) (1) of 43  
this section, and a set of fingerprint impressions obtained in 44  
the manner described in division (C) (2) of this section, the 45  
superintendent of the bureau of criminal identification and 46  
investigation shall conduct a criminal records check in the 47  
manner described in division (B) of this section to determine 48  
whether any information exists that indicates that the person 49

who is the subject of the request previously has been convicted 50  
of or pleaded guilty to any of the following: 51

(a) A violation of section 2903.01, 2903.02, 2903.03, 52  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 53  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 54  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 55  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 56  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 57  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 58  
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 59  
sexual penetration in violation of former section 2907.12 of the 60  
Revised Code, a violation of section 2905.04 of the Revised Code 61  
as it existed prior to July 1, 1996, a violation of section 62  
2919.23 of the Revised Code that would have been a violation of 63  
section 2905.04 of the Revised Code as it existed prior to July 64  
1, 1996, had the violation been committed prior to that date, or 65  
a violation of section 2925.11 of the Revised Code that is not a 66  
minor drug possession offense; 67

(b) A violation of an existing or former law of this 68  
state, any other state, or the United States that is 69  
substantially equivalent to any of the offenses listed in 70  
division (A) (1) (a) of this section; 71

(c) If the request is made pursuant to section 3319.39 of 72  
the Revised Code for an applicant who is a teacher, any offense 73  
specified in section 3319.31 of the Revised Code. 74

(2) On receipt of a request pursuant to section 3712.09 or 75  
3721.121 of the Revised Code, a completed form prescribed 76  
pursuant to division (C) (1) of this section, and a set of 77  
fingerprint impressions obtained in the manner described in 78  
division (C) (2) of this section, the superintendent of the 79

bureau of criminal identification and investigation shall 80  
conduct a criminal records check with respect to any person who 81  
has applied for employment in a position for which a criminal 82  
records check is required by those sections. The superintendent 83  
shall conduct the criminal records check in the manner described 84  
in division (B) of this section to determine whether any 85  
information exists that indicates that the person who is the 86  
subject of the request previously has been convicted of or 87  
pleaded guilty to any of the following: 88

(a) A violation of section 2903.01, 2903.02, 2903.03, 89  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 90  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 91  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 92  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 93  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 94  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 95  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 96  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 97

(b) An existing or former law of this state, any other 98  
state, or the United States that is substantially equivalent to 99  
any of the offenses listed in division (A)(2)(a) of this 100  
section. 101

(3) On receipt of a request pursuant to section 173.27, 102  
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 103  
5123.081, or 5123.169 of the Revised Code, a completed form 104  
prescribed pursuant to division (C)(1) of this section, and a 105  
set of fingerprint impressions obtained in the manner described 106  
in division (C)(2) of this section, the superintendent of the 107  
bureau of criminal identification and investigation shall 108  
conduct a criminal records check of the person for whom the 109

request is made. The superintendent shall conduct the criminal 110  
records check in the manner described in division (B) of this 111  
section to determine whether any information exists that 112  
indicates that the person who is the subject of the request 113  
previously has been convicted of, has pleaded guilty to, or 114  
(except in the case of a request pursuant to section 5164.34, 115  
5164.341, or 5164.342 of the Revised Code) has been found 116  
eligible for intervention in lieu of conviction for any of the 117  
following, regardless of the date of the conviction, the date of 118  
entry of the guilty plea, or (except in the case of a request 119  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 120  
Revised Code) the date the person was found eligible for 121  
intervention in lieu of conviction: 122

(a) A violation of section 959.13, 959.131, 2903.01, 123  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 124  
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 125  
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 126  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 127  
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 128  
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 129  
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 130  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 131  
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 132  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 133  
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 134  
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 135  
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 136  
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 137  
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 138  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 139  
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 140

2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;	141
(b) Felonious sexual penetration in violation of former	142
section 2907.12 of the Revised Code;	143
(c) A violation of section 2905.04 of the Revised Code as	144
it existed prior to July 1, 1996;	145
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	146
the Revised Code when the underlying offense that is the object	147
of the conspiracy, attempt, or complicity is one of the offenses	148
listed in divisions (A) (3) (a) to (c) of this section;	149
(e) A violation of an existing or former municipal	150
ordinance or law of this state, any other state, or the United	151
States that is substantially equivalent to any of the offenses	152
listed in divisions (A) (3) (a) to (d) of this section.	153
(4) On receipt of a request pursuant to section 2151.86 of	154
the Revised Code, a completed form prescribed pursuant to	155
division (C) (1) of this section, and a set of fingerprint	156
impressions obtained in the manner described in division (C) (2)	157
of this section, the superintendent of the bureau of criminal	158
identification and investigation shall conduct a criminal	159
records check in the manner described in division (B) of this	160
section to determine whether any information exists that	161
indicates that the person who is the subject of the request	162
previously has been convicted of or pleaded guilty to any of the	163
following:	164
(a) A violation of section 959.13, 2903.01, 2903.02,	165
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16,	166
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05,	167
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	168
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32,	169

2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 170  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 171  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 172  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 173  
2927.12, or 3716.11 of the Revised Code, a violation of section 174  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 175  
a violation of section 2919.23 of the Revised Code that would 176  
have been a violation of section 2905.04 of the Revised Code as 177  
it existed prior to July 1, 1996, had the violation been 178  
committed prior to that date, a violation of section 2925.11 of 179  
the Revised Code that is not a minor drug possession offense, 180  
two or more OVI or OVUAC violations committed within the three 181  
years immediately preceding the submission of the application or 182  
petition that is the basis of the request, or felonious sexual 183  
penetration in violation of former section 2907.12 of the 184  
Revised Code; 185

(b) A violation of an existing or former law of this 186  
state, any other state, or the United States that is 187  
substantially equivalent to any of the offenses listed in 188  
division (A) (4) (a) of this section. 189

(5) Upon receipt of a request pursuant to section 5104.013 190  
of the Revised Code, a completed form prescribed pursuant to 191  
division (C) (1) of this section, and a set of fingerprint 192  
impressions obtained in the manner described in division (C) (2) 193  
of this section, the superintendent of the bureau of criminal 194  
identification and investigation shall conduct a criminal 195  
records check in the manner described in division (B) of this 196  
section to determine whether any information exists that 197  
indicates that the person who is the subject of the request has 198  
been convicted of or pleaded guilty to any of the following: 199

(a) A violation of section 2151.421, 2903.01, 2903.02, 200  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 201  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 202  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 203  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 204  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 205  
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 206  
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 207  
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 208  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 209  
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 210  
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 211  
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 212  
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 213  
3716.11 of the Revised Code, felonious sexual penetration in 214  
violation of former section 2907.12 of the Revised Code, a 215  
violation of section 2905.04 of the Revised Code as it existed 216  
prior to July 1, 1996, a violation of section 2919.23 of the 217  
Revised Code that would have been a violation of section 2905.04 218  
of the Revised Code as it existed prior to July 1, 1996, had the 219  
violation been committed prior to that date, a violation of 220  
section 2925.11 of the Revised Code that is not a minor drug 221  
possession offense, a violation of section 2923.02 or 2923.03 of 222  
the Revised Code that relates to a crime specified in this 223  
division, or a second violation of section 4511.19 of the 224  
Revised Code within five years of the date of application for 225  
licensure or certification. 226

(b) A violation of an existing or former law of this 227  
state, any other state, or the United States that is 228  
substantially equivalent to any of the offenses or violations 229  
described in division (A) (5) (a) of this section. 230

(6) Upon receipt of a request pursuant to section 5153.111 231  
of the Revised Code, a completed form prescribed pursuant to 232  
division (C)(1) of this section, and a set of fingerprint 233  
impressions obtained in the manner described in division (C)(2) 234  
of this section, the superintendent of the bureau of criminal 235  
identification and investigation shall conduct a criminal 236  
records check in the manner described in division (B) of this 237  
section to determine whether any information exists that 238  
indicates that the person who is the subject of the request 239  
previously has been convicted of or pleaded guilty to any of the 240  
following: 241

(a) A violation of section 2903.01, 2903.02, 2903.03, 242  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 243  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 244  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 245  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 246  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 247  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 248  
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 249  
Code, felonious sexual penetration in violation of former 250  
section 2907.12 of the Revised Code, a violation of section 251  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 252  
a violation of section 2919.23 of the Revised Code that would 253  
have been a violation of section 2905.04 of the Revised Code as 254  
it existed prior to July 1, 1996, had the violation been 255  
committed prior to that date, or a violation of section 2925.11 256  
of the Revised Code that is not a minor drug possession offense; 257

(b) A violation of an existing or former law of this 258  
state, any other state, or the United States that is 259  
substantially equivalent to any of the offenses listed in 260  
division (A)(6)(a) of this section. 261

(7) On receipt of a request for a criminal records check 262  
from an individual pursuant to section 4749.03 or 4749.06 of the 263  
Revised Code, accompanied by a completed copy of the form 264  
prescribed in division (C)(1) of this section and a set of 265  
fingerprint impressions obtained in a manner described in 266  
division (C)(2) of this section, the superintendent of the 267  
bureau of criminal identification and investigation shall 268  
conduct a criminal records check in the manner described in 269  
division (B) of this section to determine whether any 270  
information exists indicating that the person who is the subject 271  
of the request has been convicted of or pleaded guilty to a 272  
felony in this state or in any other state. If the individual 273  
indicates that a firearm will be carried in the course of 274  
business, the superintendent shall require information from the 275  
federal bureau of investigation as described in division (B)(2) 276  
of this section. Subject to division (F) of this section, the 277  
superintendent shall report the findings of the criminal records 278  
check and any information the federal bureau of investigation 279  
provides to the director of public safety. 280

(8) On receipt of a request pursuant to section 1321.37, 281  
1321.53, or 4763.05 of the Revised Code, a completed form 282  
prescribed pursuant to division (C)(1) of this section, and a 283  
set of fingerprint impressions obtained in the manner described 284  
in division (C)(2) of this section, the superintendent of the 285  
bureau of criminal identification and investigation shall 286  
conduct a criminal records check with respect to any person who 287  
has applied for a license, permit, or certification from the 288  
department of commerce or a division in the department. The 289  
superintendent shall conduct the criminal records check in the 290  
manner described in division (B) of this section to determine 291  
whether any information exists that indicates that the person 292

who is the subject of the request previously has been convicted 293  
of or pleaded guilty to any of the following: a violation of 294  
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 295  
Revised Code; any other criminal offense involving theft, 296  
receiving stolen property, embezzlement, forgery, fraud, passing 297  
bad checks, money laundering, or drug trafficking, or any 298  
criminal offense involving money or securities, as set forth in 299  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 300  
the Revised Code; or any existing or former law of this state, 301  
any other state, or the United States that is substantially 302  
equivalent to those offenses. 303

(9) On receipt of a request for a criminal records check 304  
from the treasurer of state under section 113.041 of the Revised 305  
Code or from an individual under section 4701.08, 4715.101, 306  
4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 307  
4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 308  
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 309  
4734.202, 4740.061, 4741.10, 4747.051, 4753.061, 4755.70, 310  
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 311  
4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 312  
4779.091, or 4783.04 of the Revised Code, accompanied by a 313  
completed form prescribed under division (C)(1) of this section 314  
and a set of fingerprint impressions obtained in the manner 315  
described in division (C)(2) of this section, the superintendent 316  
of the bureau of criminal identification and investigation shall 317  
conduct a criminal records check in the manner described in 318  
division (B) of this section to determine whether any 319  
information exists that indicates that the person who is the 320  
subject of the request has been convicted of or pleaded guilty 321  
to any criminal offense in this state or any other state. 322  
Subject to division (F) of this section, the superintendent 323

shall send the results of a check requested under section 324  
113.041 of the Revised Code to the treasurer of state and shall 325  
send the results of a check requested under any of the other 326  
listed sections to the licensing board specified by the 327  
individual in the request. 328

(10) On receipt of a request pursuant to section 1121.23, 329  
1315.141, 1733.47, or 1761.26 of the Revised Code, a completed 330  
form prescribed pursuant to division (C) (1) of this section, and 331  
a set of fingerprint impressions obtained in the manner 332  
described in division (C) (2) of this section, the superintendent 333  
of the bureau of criminal identification and investigation shall 334  
conduct a criminal records check in the manner described in 335  
division (B) of this section to determine whether any 336  
information exists that indicates that the person who is the 337  
subject of the request previously has been convicted of or 338  
pleaded guilty to any criminal offense under any existing or 339  
former law of this state, any other state, or the United States. 340

(11) On receipt of a request for a criminal records check 341  
from an appointing or licensing authority under section 3772.07 342  
of the Revised Code, a completed form prescribed under division 343  
(C) (1) of this section, and a set of fingerprint impressions 344  
obtained in the manner prescribed in division (C) (2) of this 345  
section, the superintendent of the bureau of criminal 346  
identification and investigation shall conduct a criminal 347  
records check in the manner described in division (B) of this 348  
section to determine whether any information exists that 349  
indicates that the person who is the subject of the request 350  
previously has been convicted of or pleaded guilty or no contest 351  
to any offense under any existing or former law of this state, 352  
any other state, or the United States that is a disqualifying 353  
offense as defined in section 3772.07 of the Revised Code or 354

substantially equivalent to such an offense. 355

(12) On receipt of a request pursuant to section 2151.33 356  
or 2151.412 of the Revised Code, a completed form prescribed 357  
pursuant to division (C)(1) of this section, and a set of 358  
fingerprint impressions obtained in the manner described in 359  
division (C)(2) of this section, the superintendent of the 360  
bureau of criminal identification and investigation shall 361  
conduct a criminal records check with respect to any person for 362  
whom a criminal records check is required under that section. 363  
The superintendent shall conduct the criminal records check in 364  
the manner described in division (B) of this section to 365  
determine whether any information exists that indicates that the 366  
person who is the subject of the request previously has been 367  
convicted of or pleaded guilty to any of the following: 368

(a) A violation of section 2903.01, 2903.02, 2903.03, 369  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 370  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 371  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 372  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 373  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 374  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 375  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 376  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 377

(b) An existing or former law of this state, any other 378  
state, or the United States that is substantially equivalent to 379  
any of the offenses listed in division (A)(12)(a) of this 380  
section. 381

(13) On receipt of a request pursuant to section 3796.12 382  
of the Revised Code, a completed form prescribed pursuant to 383  
division (C)(1) of this section, and a set of fingerprint 384

impressions obtained in a manner described in division (C) (2) of 385  
this section, the superintendent of the bureau of criminal 386  
identification and investigation shall conduct a criminal 387  
records check in the manner described in division (B) of this 388  
section to determine whether any information exists that 389  
indicates that the person who is the subject of the request 390  
previously has been convicted of or pleaded guilty to the 391  
following: 392

(a) A disqualifying offense as specified in rules adopted 393  
under division (B) (2) (b) of section 3796.03 of the Revised Code 394  
if the person who is the subject of the request is an 395  
administrator or other person responsible for the daily 396  
operation of, or an owner or prospective owner, officer or 397  
prospective officer, or board member or prospective board member 398  
of, an entity seeking a license from the department of commerce 399  
under Chapter 3796. of the Revised Code; 400

(b) A disqualifying offense as specified in rules adopted 401  
under division (B) (2) (b) of section 3796.04 of the Revised Code 402  
if the person who is the subject of the request is an 403  
administrator or other person responsible for the daily 404  
operation of, or an owner or prospective owner, officer or 405  
prospective officer, or board member or prospective board member 406  
of, an entity seeking a license from the state board of pharmacy 407  
under Chapter 3796. of the Revised Code. 408

(14) On receipt of a request required by section 3796.13 409  
of the Revised Code, a completed form prescribed pursuant to 410  
division (C) (1) of this section, and a set of fingerprint 411  
impressions obtained in a manner described in division (C) (2) of 412  
this section, the superintendent of the bureau of criminal 413  
identification and investigation shall conduct a criminal 414

records check in the manner described in division (B) of this 415  
section to determine whether any information exists that 416  
indicates that the person who is the subject of the request 417  
previously has been convicted of or pleaded guilty to the 418  
following: 419

(a) A disqualifying offense as specified in rules adopted 420  
under division (B) (8) (a) of section 3796.03 of the Revised Code 421  
if the person who is the subject of the request is seeking 422  
employment with an entity licensed by the department of commerce 423  
under Chapter 3796. of the Revised Code; 424

(b) A disqualifying offense as specified in rules adopted 425  
under division (B) (14) (a) of section 3796.04 of the Revised Code 426  
if the person who is the subject of the request is seeking 427  
employment with an entity licensed by the state board of 428  
pharmacy under Chapter 3796. of the Revised Code. 429

(15) On receipt of a request pursuant to section 4768.06 430  
of the Revised Code, a completed form prescribed under division 431  
(C) (1) of this section, and a set of fingerprint impressions 432  
obtained in the manner described in division (C) (2) of this 433  
section, the superintendent of the bureau of criminal 434  
identification and investigation shall conduct a criminal 435  
records check in the manner described in division (B) of this 436  
section to determine whether any information exists indicating 437  
that the person who is the subject of the request has been 438  
convicted of or pleaded guilty to a felony in this state or in 439  
any other state. 440

(B) Subject to division (F) of this section, the 441  
superintendent shall conduct any criminal records check to be 442  
conducted under this section as follows: 443

(1) The superintendent shall review or cause to be 444  
reviewed any relevant information gathered and compiled by the 445  
bureau under division (A) of section 109.57 of the Revised Code 446  
that relates to the person who is the subject of the criminal 447  
records check, including, if the criminal records check was 448  
requested under section 113.041, 121.08, 173.27, 173.38, 449  
173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 450  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 451  
3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 452  
4729.92, 4749.03, 4749.06, 4763.05, 4768.06, 5104.013, 5164.34, 453  
5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of the 454  
Revised Code, any relevant information contained in records that 455  
have been sealed under section 2953.32 of the Revised Code; 456

(2) If the request received by the superintendent asks for 457  
information from the federal bureau of investigation, the 458  
superintendent shall request from the federal bureau of 459  
investigation any information it has with respect to the person 460  
who is the subject of the criminal records check, including 461  
fingerprint-based checks of national crime information databases 462  
as described in 42 U.S.C. 671 if the request is made pursuant to 463  
section 2151.86 or 5104.013 of the Revised Code or if any other 464  
Revised Code section requires fingerprint-based checks of that 465  
nature, and shall review or cause to be reviewed any information 466  
the superintendent receives from that bureau. If a request under 467  
section 3319.39 of the Revised Code asks only for information 468  
from the federal bureau of investigation, the superintendent 469  
shall not conduct the review prescribed by division (B) (1) of 470  
this section. 471

(3) The superintendent or the superintendent's designee 472  
may request criminal history records from other states or the 473  
federal government pursuant to the national crime prevention and 474

privacy compact set forth in section 109.571 of the Revised Code. 475  
476

(4) The superintendent shall include in the results of the criminal records check a list or description of the offenses listed or described in division (A) (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), or (15) of this section, whichever division requires the superintendent to conduct the criminal records check. The superintendent shall exclude from the results any information the dissemination of which is prohibited by federal law. 477  
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(5) The superintendent shall send the results of the criminal records check to the person to whom it is to be sent not later than the following number of days after the date the superintendent receives the request for the criminal records check, the completed form prescribed under division (C) (1) of this section, and the set of fingerprint impressions obtained in the manner described in division (C) (2) of this section: 485  
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(a) If the superintendent is required by division (A) of this section (other than division (A) (3) of this section) to conduct the criminal records check, thirty; 492  
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(b) If the superintendent is required by division (A) (3) of this section to conduct the criminal records check, sixty. 495  
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(C) (1) The superintendent shall prescribe a form to obtain the information necessary to conduct a criminal records check from any person for whom a criminal records check is to be conducted under this section. The form that the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats. 497  
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(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is to be conducted under this section. Any person for whom a records check is to be conducted under this section shall obtain the fingerprint impressions at a county sheriff's office, municipal police department, or any other entity with the ability to make fingerprint impressions on the standard impression sheets prescribed by the superintendent. The office, department, or entity may charge the person a reasonable fee for making the impressions. The standard impression sheets the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(3) Subject to division (D) of this section, the superintendent shall prescribe and charge a reasonable fee for providing a criminal records check under this section. The person requesting the criminal records check shall pay the fee prescribed pursuant to this division. In the case of a request under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the fee shall be paid in the manner specified in that section.

(4) The superintendent of the bureau of criminal identification and investigation may prescribe methods of forwarding fingerprint impressions and information necessary to conduct a criminal records check, which methods shall include, but not be limited to, an electronic method.

(D) The results of a criminal records check conducted under this section, other than a criminal records check specified in division (A)(7) of this section, are valid for the person who is the subject of the criminal records check for a

period of one year from the date upon which the superintendent 534  
completes the criminal records check. If during that period the 535  
superintendent receives another request for a criminal records 536  
check to be conducted under this section for that person, the 537  
superintendent shall provide the results from the previous 538  
criminal records check of the person at a lower fee than the fee 539  
prescribed for the initial criminal records check. 540

(E) When the superintendent receives a request for 541  
information from a registered private provider, the 542  
superintendent shall proceed as if the request was received from 543  
a school district board of education under section 3319.39 of 544  
the Revised Code. The superintendent shall apply division (A) (1) 545  
(c) of this section to any such request for an applicant who is 546  
a teacher. 547

(F) (1) Subject to division (F) (2) of this section, all 548  
information regarding the results of a criminal records check 549  
conducted under this section that the superintendent reports or 550  
sends under division (A) (7) or (9) of this section to the 551  
director of public safety, the treasurer of state, or the 552  
person, board, or entity that made the request for the criminal 553  
records check shall relate to the conviction of the subject 554  
person, or the subject person's plea of guilty to, a criminal 555  
offense. 556

(2) Division (F) (1) of this section does not limit, 557  
restrict, or preclude the superintendent's release of 558  
information that relates to the arrest of a person who is 559  
eighteen years of age or older, to an adjudication of a child as 560  
a delinquent child, or to a criminal conviction of a person 561  
under eighteen years of age in circumstances in which a release 562  
of that nature is authorized under division (E) (2), (3), or (4) 563

of section 109.57 of the Revised Code pursuant to a rule adopted 564  
under division (E) (1) of that section. 565

(G) As used in this section: 566

(1) "Criminal records check" means any criminal records 567  
check conducted by the superintendent of the bureau of criminal 568  
identification and investigation in accordance with division (B) 569  
of this section. 570

(2) "Minor drug possession offense" has the same meaning 571  
as in section 2925.01 of the Revised Code. 572

(3) "OVI or OVUAC violation" means a violation of section 573  
4511.19 of the Revised Code or a violation of an existing or 574  
former law of this state, any other state, or the United States 575  
that is substantially equivalent to section 4511.19 of the 576  
Revised Code. 577

(4) "Registered private provider" means a nonpublic school 578  
or entity registered with the superintendent of public 579  
instruction under section 3310.41 of the Revised Code to 580  
participate in the autism scholarship program or section 3310.58 581  
of the Revised Code to participate in the Jon Peterson special 582  
needs scholarship program. 583

**Sec. 109.71.** There is hereby created in the office of the 584  
attorney general the Ohio peace officer training commission. The 585  
commission shall consist of nine members appointed by the 586  
governor with the advice and consent of the senate and selected 587  
as follows: one member representing the public; two members who 588  
are incumbent sheriffs; two members who are incumbent chiefs of 589  
police; one member from the bureau of criminal identification 590  
and investigation; one member from the state highway patrol; one 591  
member who is the special agent in charge of a field office of 592

the federal bureau of investigation in this state; and one 593  
member from the department of education, trade and industrial 594  
education services, law enforcement training. 595

This section does not confer any arrest authority or any 596  
ability or authority to detain a person, write or issue any 597  
citation, or provide any disposition alternative, as granted 598  
under Chapter 2935. of the Revised Code. 599

Pursuant to division (A) (9) of section 101.82 of the 600  
Revised Code, the commission is exempt from the requirements of 601  
sections 101.82 to 101.87 of the Revised Code. 602

As used in sections 109.71 to 109.801 of the Revised Code: 603

(A) "Peace officer" means: 604

(1) A deputy sheriff, marshal, deputy marshal, member of 605  
the organized police department of a township or municipal 606  
corporation, member of a township police district or joint 607  
police district police force, member of a police force employed 608  
by a metropolitan housing authority under division (D) of 609  
section 3735.31 of the Revised Code, or township constable, who 610  
is commissioned and employed as a peace officer by a political 611  
subdivision of this state or by a metropolitan housing 612  
authority, and whose primary duties are to preserve the peace, 613  
to protect life and property, and to enforce the laws of this 614  
state, ordinances of a municipal corporation, resolutions of a 615  
township, or regulations of a board of county commissioners or 616  
board of township trustees, or any of those laws, ordinances, 617  
resolutions, or regulations; 618

(2) A police officer who is employed by a railroad company 619  
and appointed and commissioned by the secretary of state 620  
pursuant to sections 4973.17 to 4973.22 of the Revised Code; 621

- (3) Employees of the department of taxation engaged in the enforcement of Chapter 5743. of the Revised Code and designated by the tax commissioner for peace officer training for purposes of the delegation of investigation powers under section 5743.45 of the Revised Code; 622  
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- (4) An undercover drug agent; 627
- (5) Enforcement agents of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code; 628  
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- (6) An employee of the department of natural resources who is a natural resources law enforcement staff officer designated pursuant to section 1501.013, a natural resources officer appointed pursuant to section 1501.24, a forest-fire investigator appointed pursuant to section 1503.09, or a wildlife officer designated pursuant to section 1531.13 of the Revised Code; 631  
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- (7) An employee of a park district who is designated pursuant to section 511.232 or 1545.13 of the Revised Code; 638  
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- (8) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code; 640  
641
- (9) A police officer who is employed by a hospital that employs and maintains its own proprietary police department or security department, and who is appointed and commissioned by the secretary of state pursuant to sections 4973.17 to 4973.22 of the Revised Code; 642  
643  
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646
- (10) Veterans' homes police officers designated under section 5907.02 of the Revised Code; 647  
648
- (11) A police officer who is employed by a qualified 649

nonprofit corporation police department pursuant to section	650
1702.80 of the Revised Code;	651
(12) A state university law enforcement officer appointed	652
under section 3345.04 of the Revised Code or a person serving as	653
a state university law enforcement officer on a permanent basis	654
on June 19, 1978, who has been awarded a certificate by the	655
executive director of the Ohio peace officer training commission	656
attesting to the person's satisfactory completion of an approved	657
state, county, municipal, or department of natural resources	658
peace officer basic training program;	659
(13) A special police officer employed by the department	660
of mental health and addiction services pursuant to section	661
5119.08 of the Revised Code or the department of developmental	662
disabilities pursuant to section 5123.13 of the Revised Code;	663
(14) A member of a campus police department appointed	664
under section 1713.50 of the Revised Code;	665
(15) A member of a police force employed by a regional	666
transit authority under division (Y) of section 306.35 of the	667
Revised Code;	668
(16) Investigators appointed by the auditor of state	669
pursuant to section 117.091 of the Revised Code and engaged in	670
the enforcement of Chapter 117. of the Revised Code;	671
(17) A special police officer designated by the	672
superintendent of the state highway patrol pursuant to section	673
5503.09 of the Revised Code or a person who was serving as a	674
special police officer pursuant to that section on a permanent	675
basis on October 21, 1997, and who has been awarded a	676
certificate by the executive director of the Ohio peace officer	677
training commission attesting to the person's satisfactory	678

completion of an approved state, county, municipal, or 679  
department of natural resources peace officer basic training 680  
program; 681

(18) A special police officer employed by a port authority 682  
under section 4582.04 or 4582.28 of the Revised Code or a person 683  
serving as a special police officer employed by a port authority 684  
on a permanent basis on May 17, 2000, who has been awarded a 685  
certificate by the executive director of the Ohio peace officer 686  
training commission attesting to the person's satisfactory 687  
completion of an approved state, county, municipal, or 688  
department of natural resources peace officer basic training 689  
program; 690

(19) A special police officer employed by a municipal 691  
corporation who has been awarded a certificate by the executive 692  
director of the Ohio peace officer training commission for 693  
satisfactory completion of an approved peace officer basic 694  
training program and who is employed on a permanent basis on or 695  
after March 19, 2003, at a municipal airport, or other municipal 696  
air navigation facility, that has scheduled operations, as 697  
defined in section 119.3 of Title 14 of the Code of Federal 698  
Regulations, 14 C.F.R. 119.3, as amended, and that is required 699  
to be under a security program and is governed by aviation 700  
security rules of the transportation security administration of 701  
the United States department of transportation as provided in 702  
Parts 1542. and 1544. of Title 49 of the Code of Federal 703  
Regulations, as amended; 704

(20) A police officer who is employed by an owner or 705  
operator of an amusement park that has an average yearly 706  
attendance in excess of six hundred thousand guests and that 707  
employs and maintains its own proprietary police department or 708

security department, and who is appointed and commissioned by a 709  
judge of the appropriate municipal court or county court 710  
pursuant to section 4973.17 of the Revised Code; 711

(21) A police officer who is employed by a bank, savings 712  
and loan association, savings bank, credit union, or association 713  
of banks, savings and loan associations, savings banks, or 714  
credit unions, who has been appointed and commissioned by the 715  
secretary of state pursuant to sections 4973.17 to 4973.22 of 716  
the Revised Code, and who has been awarded a certificate by the 717  
executive director of the Ohio peace officer training commission 718  
attesting to the person's satisfactory completion of a state, 719  
county, municipal, or department of natural resources peace 720  
officer basic training program; 721

(22) An investigator, as defined in section 109.541 of the 722  
Revised Code, of the bureau of criminal identification and 723  
investigation who is commissioned by the superintendent of the 724  
bureau as a special agent for the purpose of assisting law 725  
enforcement officers or providing emergency assistance to peace 726  
officers pursuant to authority granted under that section; 727

(23) A state fire marshal law enforcement officer 728  
appointed under section 3737.22 of the Revised Code or a person 729  
serving as a state fire marshal law enforcement officer on a 730  
permanent basis on or after July 1, 1982, who has been awarded a 731  
certificate by the executive director of the Ohio peace officer 732  
training commission attesting to the person's satisfactory 733  
completion of an approved state, county, municipal, or 734  
department of natural resources peace officer basic training 735  
program; 736

(24) A gaming agent employed under section 3772.03 of the 737  
Revised Code; 738

<u>(25) An employee of the state board of pharmacy designated</u>	739
<u>by the executive director of the board pursuant to section</u>	740
<u>4729.04 of the Revised Code to investigate violations of</u>	741
<u>Chapters 2925., 3715., 3719., 3796., 4729., and 4752. of the</u>	742
<u>Revised Code and rules adopted thereunder.</u>	743
(B) "Undercover drug agent" has the same meaning as in	744
division (B) (2) of section 109.79 of the Revised Code.	745
(C) "Crisis intervention training" means training in the	746
use of interpersonal and communication skills to most	747
effectively and sensitively interview victims of rape.	748
(D) "Missing children" has the same meaning as in section	749
2901.30 of the Revised Code.	750
(E) "Tactical medical professional" means an EMT, EMT-	751
basic, AEMT, EMT-I, paramedic, nurse, or physician who is	752
trained and certified in a nationally recognized tactical	753
medical training program that is equivalent to "tactical combat	754
casualty care" (TCCC) and "tactical emergency medical support"	755
(TEMS) and who functions in the tactical or austere environment	756
while attached to a law enforcement agency of either this state	757
or a political subdivision of this state.	758
(F) "EMT-basic," "EMT-I," and "paramedic" have the same	759
meanings as in section 4765.01 of the Revised Code and "EMT" and	760
"AEMT" have the same meanings as in section 4765.011 of the	761
Revised Code.	762
(G) "Nurse" means any of the following:	763
(1) Any person who is licensed to practice nursing as a	764
registered nurse by the board of nursing;	765
(2) Any certified nurse practitioner, clinical nurse	766

specialist, certified registered nurse anesthetist, or certified 767  
nurse-midwife who holds a certificate of authority issued by the 768  
board of nursing under Chapter 4723. of the Revised Code; 769

(3) Any person who is licensed to practice nursing as a 770  
licensed practical nurse by the board of nursing pursuant to 771  
Chapter 4723. of the Revised Code. 772

(H) "Physician" means a person who is licensed pursuant to 773  
Chapter 4731. of the Revised Code to practice medicine and 774  
surgery or osteopathic medicine and surgery. 775

**Sec. 119.03.** In the adoption, amendment, or rescission of 776  
any rule, an agency shall comply with the following procedure: 777

(A) Reasonable public notice shall be given in the 778  
register of Ohio at least thirty days prior to the date set for 779  
a hearing, in the form the agency determines. The agency shall 780  
file copies of the public notice under division (B) of this 781  
section. (The agency gives public notice in the register of Ohio 782  
when the public notice is published in the register under that 783  
division.) 784

The public notice shall include: 785

(1) A statement of the agency's intention to consider 786  
adopting, amending, or rescinding a rule; 787

(2) A synopsis of the proposed rule, amendment, or rule to 788  
be rescinded or a general statement of the subject matter to 789  
which the proposed rule, amendment, or rescission relates; 790

(3) A statement of the reason or purpose for adopting, 791  
amending, or rescinding the rule; 792

(4) The date, time, and place of a hearing on the proposed 793  
action, which shall be not earlier than the thirty-first nor 794

later than the fortieth day after the proposed rule, amendment, 795  
or rescission is filed under division (B) of this section. 796

In addition to public notice given in the register of 797  
Ohio, the agency may give whatever other notice it reasonably 798  
considers necessary to ensure notice constructively is given to 799  
all persons who are subject to or affected by the proposed rule, 800  
amendment, or rescission. 801

The agency shall provide a copy of the public notice 802  
required under division (A) of this section to any person who 803  
requests it and pays a reasonable fee, not to exceed the cost of 804  
copying and mailing. 805

(B) The full text of the proposed rule, amendment, or rule 806  
to be rescinded, accompanied by the public notice required under 807  
division (A) of this section, shall be filed in electronic form 808  
with the secretary of state and with the director of the 809  
legislative service commission. (If in compliance with this 810  
division an agency files more than one proposed rule, amendment, 811  
or rescission at the same time, and has prepared a public notice 812  
under division (A) of this section that applies to more than one 813  
of the proposed rules, amendments, or rescissions, the agency 814  
shall file only one notice with the secretary of state and with 815  
the director for all of the proposed rules, amendments, or 816  
rescissions to which the notice applies.) The proposed rule, 817  
amendment, or rescission and public notice shall be filed as 818  
required by this division at least sixty-five days prior to the 819  
date on which the agency, in accordance with division (E) of 820  
this section, issues an order adopting the proposed rule, 821  
amendment, or rescission. 822

If the proposed rule, amendment, or rescission 823  
incorporates a text or other material by reference, the agency 824

shall comply with sections 121.71 to 121.76 of the Revised Code. 825

The proposed rule, amendment, or rescission shall be 826  
available for at least thirty days prior to the date of the 827  
hearing at the office of the agency in printed or other legible 828  
form without charge to any person affected by the proposal. 829  
Failure to furnish such text to any person requesting it shall 830  
not invalidate any action of the agency in connection therewith. 831

If the agency files a revision in the text of the proposed 832  
rule, amendment, or rescission, it shall also promptly file the 833  
full text of the proposed rule, amendment, or rescission in its 834  
revised form in electronic form with the secretary of state and 835  
with the director of the legislative service commission. 836

The agency shall file the rule summary and fiscal analysis 837  
prepared under section 127.18 of the Revised Code in electronic 838  
form along with a proposed rule, amendment, or rescission or 839  
proposed rule, amendment, or rescission in revised form that is 840  
filed with the secretary of state or the director of the 841  
legislative service commission. 842

The agency shall file the hearing report relating to a 843  
proposed rule, amendment, or rescission in electronic form with 844  
the secretary of state and the director of the legislative 845  
service commission at the same time the agency files the hearing 846  
report with the joint committee on agency rule review. 847

The director of the legislative service commission shall 848  
publish in the register of Ohio the full text of the original 849  
and each revised version of a proposed rule, amendment, or 850  
rescission; the full text of a public notice; the full text of a 851  
rule summary and fiscal analysis; and the full text of a hearing 852  
report that is filed with the director under this division. 853

(C) When an agency files a proposed rule, amendment, or rescission under division (B) of this section, it also shall file in electronic form with the joint committee on agency rule review the full text of the proposed rule, amendment, or rule to be rescinded in the same form and the public notice required under division (A) of this section. (If in compliance with this division an agency files more than one proposed rule, amendment, or rescission at the same time, and has given a public notice under division (A) of this section that applies to more than one of the proposed rules, amendments, or rescissions, the agency shall file only one notice with the joint committee for all of the proposed rules, amendments, or rescissions to which the notice applies.) The proposed rule, amendment, or rescission is subject to legislative review and invalidation under sections 106.02, 106.021, and 106.022 of the Revised Code. If the agency makes a revision in a proposed rule, amendment, or rescission after it is filed with the joint committee, the agency promptly shall file the full text of the proposed rule, amendment, or rescission in its revised form in electronic form with the joint committee.

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

If a proposed rule, amendment, or rescission has an adverse impact on businesses, the agency also shall file the business impact analysis, any recommendations received from the common sense initiative office, and the agency's memorandum of response, if any, in electronic form along with the proposed rule, amendment, or rescission, or along with the proposed rule,

amendment, or rescission in revised form, that is filed under 885  
this division. 886

The agency shall file the hearing report in electronic 887  
form with the joint committee before the joint committee holds 888  
its public hearing on the proposed rule, amendment, or 889  
rescission. The filing of a hearing report does not constitute a 890  
revision of the proposed rule, amendment, or rescission to which 891  
the hearing report relates. 892

If the proposed rule, amendment, or rescission requires 893  
liability insurance, a bond, or any other financial 894  
responsibility instrument as a condition of licensure, the 895  
agency shall conduct a diligent search to determine if the 896  
liability insurance, bond, or other financial responsibility 897  
instrument is readily available in the amounts required as a 898  
condition of licensure, and shall certify to the joint committee 899  
that the search was conducted. 900

A proposed rule, amendment, or rescission that is subject 901  
to legislative review under this division may not be adopted 902  
under division (E) of this section or filed in final form under 903  
section 119.04 of the Revised Code unless the proposed rule, 904  
amendment, or rescission has been filed with the joint committee 905  
on agency rule review under this division and the time for 906  
legislative review of the proposed rule, amendment, or 907  
rescission has expired without adoption of a concurrent 908  
resolution to invalidate the proposed rule, amendment, or 909  
rescission. 910

This division does not apply to: 911

(1) An emergency rule, amendment, or rescission; 912

(2) A proposed rule, amendment, or rescission that must be 913

adopted verbatim by an agency pursuant to federal law or rule, 914  
to become effective within sixty days of adoption, in order to 915  
continue the operation of a federally reimbursed program in this 916  
state, so long as the proposed rule contains both of the 917  
following: 918

(a) A statement that it is proposed for the purpose of 919  
complying with a federal law or rule; 920

(b) A citation to the federal law or rule that requires 921  
verbatim compliance. 922

(3) A proposed rule, amendment, or rescission that, as set 923  
forth in section 3719.41 of the Revised Code, must be adopted by 924  
the state board of pharmacy pursuant to federal law or rule, to 925  
become effective within sixty days of adoption, so long as the 926  
proposed rule contains a statement that it is proposed for the 927  
purpose of complying with federal law or rule. 928

If a rule or amendment is exempt from legislative review 929  
under division (C) (2) of this section, and if the federal law or 930  
rule pursuant to which the rule or amendment was adopted 931  
expires, is repealed or rescinded, or otherwise terminates, the 932  
rule or amendment, or its rescission, is thereafter subject to 933  
legislative review under division (C) of this section. 934

(D) On the date and at the time and place designated in 935  
the notice, the agency shall conduct a public hearing at which 936  
any person affected by the proposed action of the agency may 937  
appear and be heard in person, by the person's attorney, or 938  
both, may present the person's position, arguments, or 939  
contentions, orally or in writing, offer and examine witnesses, 940  
and present evidence tending to show that the proposed rule, 941  
amendment, or rescission, if adopted or effectuated, will be 942

unreasonable or unlawful. An agency may permit persons affected 943  
by the proposed rule, amendment, or rescission to present their 944  
positions, arguments, or contentions in writing, not only at the 945  
hearing, but also for a reasonable period before, after, or both 946  
before and after the hearing. A person who presents a position 947  
or arguments or contentions in writing before or after the 948  
hearing is not required to appear at the hearing. 949

At the hearing, the testimony shall be recorded. Such 950  
record shall be made at the expense of the agency. The agency is 951  
required to transcribe a record that is not sight readable only 952  
if a person requests transcription of all or part of the record 953  
and agrees to reimburse the agency for the costs of the 954  
transcription. An agency may require the person to pay in 955  
advance all or part of the cost of the transcription. 956

In any hearing under this section the agency may 957  
administer oaths or affirmations. 958

The agency shall consider the positions, arguments, or 959  
contentions presented at, or before or after, the hearing. The 960  
agency shall prepare a hearing summary of the positions, 961  
arguments, or contentions, and of the issues raised by the 962  
positions, arguments, or contentions. The agency then shall 963  
prepare a hearing report explaining, with regard to each issue, 964  
how it is reflected in the rule, amendment, or rescission. If an 965  
issue is not reflected in the rule, amendment, or rescission, 966  
the hearing report shall explain why the issue is not reflected. 967  
The agency shall include the hearing summary in the hearing 968  
report as an appendix thereto. And, in the hearing report, the 969  
agency shall identify the proposed rule, amendment, or 970  
rescission to which the hearing report relates. 971

(E) After divisions (A), (B), (C), and (D) of this section 972

have been complied with, and when the time for legislative 973  
review under sections 106.02, 106.022, and 106.023 of the 974  
Revised Code has expired without adoption of a concurrent 975  
resolution to invalidate the proposed rule, amendment, or 976  
rescission, the agency may issue an order adopting the proposed 977  
rule or the proposed amendment or rescission of the rule, 978  
consistent with the synopsis or general statement included in 979  
the public notice. At that time the agency shall designate the 980  
effective date of the rule, amendment, or rescission, which 981  
shall not be earlier than the tenth day after the rule, 982  
amendment, or rescission has been filed in its final form as 983  
provided in section 119.04 of the Revised Code. 984

(F) Prior to the effective date of a rule, amendment, or 985  
rescission, the agency shall make a reasonable effort to inform 986  
those affected by the rule, amendment, or rescission and to have 987  
available for distribution to those requesting it the full text 988  
of the rule as adopted or as amended. 989

(G) (1) If the governor, upon the request of an agency, 990  
determines that an emergency requires the immediate adoption, 991  
amendment, or rescission of a rule, the governor shall issue an 992  
order, the text of which shall be filed in electronic form with 993  
the agency, the secretary of state, the director of the 994  
legislative service commission, and the joint committee on 995  
agency rule review, that the procedure prescribed by this 996  
section with respect to the adoption, amendment, or rescission 997  
of a specified rule is suspended. The agency may then adopt 998  
immediately the emergency rule, amendment, or rescission and it 999  
becomes effective on the date the rule, amendment, or 1000  
rescission, in final form and in compliance with division (A) (2) 1001  
of section 119.04 of the Revised Code, is filed in electronic 1002  
form with the secretary of state, the director of the 1003

legislative service commission, and the joint committee on 1004  
agency rule review. The director shall publish the full text of 1005  
the emergency rule, amendment, or rescission in the register of 1006  
Ohio. 1007

~~The~~ Except as provided in division (G) (2) of this section, 1008  
the emergency rule, amendment, or rescission shall become 1009  
invalid at the end of the one hundred twentieth day it is in 1010  
effect. Prior to that date the agency may adopt the emergency 1011  
rule, amendment, or rescission as a nonemergency rule, 1012  
amendment, or rescission by complying with the procedure 1013  
prescribed by this section for the adoption, amendment, and 1014  
rescission of nonemergency rules. The agency shall not use the 1015  
procedure of ~~this~~ division (G) (1) of this section to readopt the 1016  
emergency rule, amendment, or rescission so that, upon the 1017  
emergency rule, amendment, or rescission becoming invalid under 1018  
~~this~~ division (G) (1) of this section, the emergency rule, 1019  
amendment, or rescission will continue in effect without 1020  
interruption for another one-hundred-twenty-day period, except 1021  
when section 106.02 of the Revised Code prevents the agency from 1022  
adopting the emergency rule, amendment, or rescission as a 1023  
nonemergency rule, amendment, or rescission within the one- 1024  
hundred-twenty-day period. 1025

~~This division~~ Division (G) (1) of this section does not 1026  
apply to the adoption of any emergency rule, amendment, or 1027  
rescission by the tax commissioner under division (C) (2) of 1028  
section 5117.02 of the Revised Code. 1029

(2) An emergency rule or amendment adding a substance to a 1030  
controlled substance schedule shall become invalid at the end of 1031  
the one hundred eightieth day it is in effect. Prior to that 1032  
date, the state board of pharmacy may adopt the emergency rule 1033

or amendment as a nonemergency rule or amendment by complying 1034  
with the procedure prescribed by this section for adoption and 1035  
amendment of nonemergency rules. The board shall not use the 1036  
procedure of division (G) (1) of this section to readopt the 1037  
emergency rule or amendment so that, upon the emergency rule or 1038  
amendment becoming invalid under division (G) (2) of this 1039  
section, the emergency rule or amendment will continue in effect 1040  
beyond the one-hundred-eighty-day period. 1041

(H) Rules adopted by an authority within the department of 1042  
job and family services for the administration or enforcement of 1043  
Chapter 4141. of the Revised Code or of the department of 1044  
taxation shall be effective without a hearing as provided by 1045  
this section if the statutes pertaining to such agency 1046  
specifically give a right of appeal to the board of tax appeals 1047  
or to a higher authority within the agency or to a court, and 1048  
also give the appellant a right to a hearing on such appeal. 1049  
This division does not apply to the adoption of any rule, 1050  
amendment, or rescission by the tax commissioner under division 1051  
(C) (1) or (2) of section 5117.02 of the Revised Code, or deny 1052  
the right to file an action for declaratory judgment as provided 1053  
in Chapter 2721. of the Revised Code from the decision of the 1054  
board of tax appeals or of the higher authority within such 1055  
agency. 1056

**Sec. 149.43.** (A) As used in this section: 1057

(1) "Public record" means records kept by any public 1058  
office, including, but not limited to, state, county, city, 1059  
village, township, and school district units, and records 1060  
pertaining to the delivery of educational services by an 1061  
alternative school in this state kept by the nonprofit or for- 1062  
profit entity operating the alternative school pursuant to 1063

section 3313.533 of the Revised Code. "Public record" does not	1064
mean any of the following:	1065
(a) Medical records;	1066
(b) Records pertaining to probation and parole proceedings	1067
or to proceedings related to the imposition of community control	1068
sanctions and post-release control sanctions;	1069
(c) Records pertaining to actions under section 2151.85	1070
and division (C) of section 2919.121 of the Revised Code and to	1071
appeals of actions arising under those sections;	1072
(d) Records pertaining to adoption proceedings, including	1073
the contents of an adoption file maintained by the department of	1074
health under sections 3705.12 to 3705.124 of the Revised Code;	1075
(e) Information in a record contained in the putative	1076
father registry established by section 3107.062 of the Revised	1077
Code, regardless of whether the information is held by the	1078
department of job and family services or, pursuant to section	1079
3111.69 of the Revised Code, the office of child support in the	1080
department or a child support enforcement agency;	1081
(f) Records specified in division (A) of section 3107.52	1082
of the Revised Code;	1083
(g) Trial preparation records;	1084
(h) Confidential law enforcement investigatory records;	1085
(i) Records containing information that is confidential	1086
under section 2710.03 or 4112.05 of the Revised Code;	1087
(j) DNA records stored in the DNA database pursuant to	1088
section 109.573 of the Revised Code;	1089
(k) Inmate records released by the department of	1090

rehabilitation and correction to the department of youth	1091
services or a court of record pursuant to division (E) of	1092
section 5120.21 of the Revised Code;	1093
(1) Records maintained by the department of youth services	1094
pertaining to children in its custody released by the department	1095
of youth services to the department of rehabilitation and	1096
correction pursuant to section 5139.05 of the Revised Code;	1097
(m) Intellectual property records;	1098
(n) Donor profile records;	1099
(o) Records maintained by the department of job and family	1100
services pursuant to section 3121.894 of the Revised Code;	1101
(p) Peace officer, parole officer, probation officer,	1102
bailiff, prosecuting attorney, assistant prosecuting attorney,	1103
correctional employee, community-based correctional facility	1104
employee, youth services employee, firefighter, EMT, <u>medical</u>	1105
<u>director or member of a cooperating physician advisory board of</u>	1106
<u>an emergency medical service organization, state board of</u>	1107
<u>pharmacy employee,</u> investigator of the bureau of criminal	1108
identification and investigation, or federal law enforcement	1109
officer residential and familial information;	1110
(q) In the case of a county hospital operated pursuant to	1111
Chapter 339. of the Revised Code or a municipal hospital	1112
operated pursuant to Chapter 749. of the Revised Code,	1113
information that constitutes a trade secret, as defined in	1114
section 1333.61 of the Revised Code;	1115
(r) Information pertaining to the recreational activities	1116
of a person under the age of eighteen;	1117
(s) In the case of a child fatality review board acting	1118

under sections 307.621 to 307.629 of the Revised Code or a 1119  
review conducted pursuant to guidelines established by the 1120  
director of health under section 3701.70 of the Revised Code, 1121  
records provided to the board or director, statements made by 1122  
board members during meetings of the board or by persons 1123  
participating in the director's review, and all work products of 1124  
the board or director, and in the case of a child fatality 1125  
review board, child fatality review data submitted by the board 1126  
to the department of health or a national child death review 1127  
database, other than the report prepared pursuant to division 1128  
(A) of section 307.626 of the Revised Code; 1129

(t) Records provided to and statements made by the 1130  
executive director of a public children services agency or a 1131  
prosecuting attorney acting pursuant to section 5153.171 of the 1132  
Revised Code other than the information released under that 1133  
section; 1134

(u) Test materials, examinations, or evaluation tools used 1135  
in an examination for licensure as a nursing home administrator 1136  
that the board of executives of long-term services and supports 1137  
administers under section 4751.04 of the Revised Code or 1138  
contracts under that section with a private or government entity 1139  
to administer; 1140

(v) Records the release of which is prohibited by state or 1141  
federal law; 1142

(w) Proprietary information of or relating to any person 1143  
that is submitted to or compiled by the Ohio venture capital 1144  
authority created under section 150.01 of the Revised Code; 1145

(x) Financial statements and data any person submits for 1146  
any purpose to the Ohio housing finance agency or the 1147

controlling board in connection with applying for, receiving, or 1148  
accounting for financial assistance from the agency, and 1149  
information that identifies any individual who benefits directly 1150  
or indirectly from financial assistance from the agency; 1151

(y) Records listed in section 5101.29 of the Revised Code; 1152

(z) Discharges recorded with a county recorder under 1153  
section 317.24 of the Revised Code, as specified in division (B) 1154  
(2) of that section; 1155

(aa) Usage information including names and addresses of 1156  
specific residential and commercial customers of a municipally 1157  
owned or operated public utility; 1158

(bb) Records described in division (C) of section 187.04 1159  
of the Revised Code that are not designated to be made available 1160  
to the public as provided in that division; 1161

(cc) Information and records that are made confidential, 1162  
privileged, and not subject to disclosure under divisions (B) 1163  
and (C) of section 2949.221 of the Revised Code; 1164

(dd) Personal information, as defined in section 149.45 of 1165  
the Revised Code; 1166

(ee) The confidential name, address, and other personally 1167  
identifiable information of a program participant in the address 1168  
confidentiality program established under sections 111.41 to 1169  
111.47 of the Revised Code, including the contents of any 1170  
application for absent voter's ballots, absent voter's ballot 1171  
identification envelope statement of voter, or provisional 1172  
ballot affirmation completed by a program participant who has a 1173  
confidential voter registration record, and records or portions 1174  
of records pertaining to that program that identify the number 1175  
of program participants that reside within a precinct, ward, 1176

township, municipal corporation, county, or any other geographic 1177  
area smaller than the state. As used in this division, 1178  
"confidential address" and "program participant" have the 1179  
meaning defined in section 111.41 of the Revised Code. 1180

(ff) Orders for active military service of an individual 1181  
serving or with previous service in the armed forces of the 1182  
United States, including a reserve component, or the Ohio 1183  
organized militia, except that, such order becomes a public 1184  
record on the day that is fifteen years after the published date 1185  
or effective date of the call to order; 1186

(gg) The name, address, contact information, or other 1187  
personal information of an individual who is less than eighteen 1188  
years of age that is included in any record related to a traffic 1189  
accident involving a school vehicle in which the individual was 1190  
an occupant at the time of the accident; 1191

(hh) Protected health information, as defined in 45 C.F.R. 1192  
160.103, that is in a claim for payment for a health care 1193  
product, service, or procedure, as well as any other health 1194  
claims data in another document that reveals the identity of an 1195  
individual who is the subject of the data or could be used to 1196  
reveal that individual's identity. 1197

(2) "Confidential law enforcement investigatory record" 1198  
means any record that pertains to a law enforcement matter of a 1199  
criminal, quasi-criminal, civil, or administrative nature, but 1200  
only to the extent that the release of the record would create a 1201  
high probability of disclosure of any of the following: 1202

(a) The identity of a suspect who has not been charged 1203  
with the offense to which the record pertains, or of an 1204  
information source or witness to whom confidentiality has been 1205

reasonably promised; 1206

(b) Information provided by an information source or 1207  
witness to whom confidentiality has been reasonably promised, 1208  
which information would reasonably tend to disclose the source's 1209  
or witness's identity; 1210

(c) Specific confidential investigatory techniques or 1211  
procedures or specific investigatory work product; 1212

(d) Information that would endanger the life or physical 1213  
safety of law enforcement personnel, a crime victim, a witness, 1214  
or a confidential information source. 1215

(3) "Medical record" means any document or combination of 1216  
documents, except births, deaths, and the fact of admission to 1217  
or discharge from a hospital, that pertains to the medical 1218  
history, diagnosis, prognosis, or medical condition of a patient 1219  
and that is generated and maintained in the process of medical 1220  
treatment. 1221

(4) "Trial preparation record" means any record that 1222  
contains information that is specifically compiled in reasonable 1223  
anticipation of, or in defense of, a civil or criminal action or 1224  
proceeding, including the independent thought processes and 1225  
personal trial preparation of an attorney. 1226

(5) "Intellectual property record" means a record, other 1227  
than a financial or administrative record, that is produced or 1228  
collected by or for faculty or staff of a state institution of 1229  
higher learning in the conduct of or as a result of study or 1230  
research on an educational, commercial, scientific, artistic, 1231  
technical, or scholarly issue, regardless of whether the study 1232  
or research was sponsored by the institution alone or in 1233  
conjunction with a governmental body or private concern, and 1234

that has not been publicly released, published, or patented. 1235

(6) "Donor profile record" means all records about donors 1236  
or potential donors to a public institution of higher education 1237  
except the names and reported addresses of the actual donors and 1238  
the date, amount, and conditions of the actual donation. 1239

(7) "Peace officer, parole officer, probation officer, 1240  
bailiff, prosecuting attorney, assistant prosecuting attorney, 1241  
correctional employee, community-based correctional facility 1242  
employee, youth services employee, firefighter, EMT, medical 1243  
director or member of a cooperating physician advisory board of 1244  
an emergency medical service organization, state board of 1245  
pharmacy employee, investigator of the bureau of criminal 1246  
identification and investigation, or federal law enforcement 1247  
officer residential and familial information" means any 1248  
information that discloses any of the following about a peace 1249  
officer, parole officer, probation officer, bailiff, prosecuting 1250  
attorney, assistant prosecuting attorney, correctional employee, 1251  
community-based correctional facility employee, youth services 1252  
employee, firefighter, EMT, medical director or member of a 1253  
cooperating physician advisory board of an emergency medical 1254  
service organization, state board of pharmacy employee, 1255  
investigator of the bureau of criminal identification and 1256  
investigation, or federal law enforcement officer: 1257

(a) The address of the actual personal residence of a 1258  
peace officer, parole officer, probation officer, bailiff, 1259  
assistant prosecuting attorney, correctional employee, 1260  
community-based correctional facility employee, youth services 1261  
employee, firefighter, EMT, medical director or member of a 1262  
cooperating physician advisory board of an emergency medical 1263  
service organization, state board of pharmacy employee, an 1264

investigator of the bureau of criminal identification and 1265  
investigation, or federal law enforcement officer, except for 1266  
the state or political subdivision in which the peace officer, 1267  
parole officer, probation officer, bailiff, assistant 1268  
prosecuting attorney, correctional employee, community-based 1269  
correctional facility employee, youth services employee, 1270  
firefighter, EMT, medical director or member of a cooperating 1271  
physician advisory board of an emergency medical service 1272  
organization, state board of pharmacy employee, investigator of 1273  
the bureau of criminal identification and investigation, or 1274  
federal law enforcement officer resides; 1275

(b) Information compiled from referral to or participation 1276  
in an employee assistance program; 1277

(c) The social security number, the residential telephone 1278  
number, any bank account, debit card, charge card, or credit 1279  
card number, or the emergency telephone number of, or any 1280  
medical information pertaining to, a peace officer, parole 1281  
officer, probation officer, bailiff, prosecuting attorney, 1282  
assistant prosecuting attorney, correctional employee, 1283  
community-based correctional facility employee, youth services 1284  
employee, firefighter, EMT, medical director or member of a 1285  
cooperating physician advisory board of an emergency medical 1286  
service organization, state board of pharmacy employee, 1287  
investigator of the bureau of criminal identification and 1288  
investigation, or federal law enforcement officer; 1289

(d) The name of any beneficiary of employment benefits, 1290  
including, but not limited to, life insurance benefits, provided 1291  
to a peace officer, parole officer, probation officer, bailiff, 1292  
prosecuting attorney, assistant prosecuting attorney, 1293  
correctional employee, community-based correctional facility 1294

employee, youth services employee, firefighter, EMT, medical 1295  
director or member of a cooperating physician advisory board of 1296  
an emergency medical service organization, state board of 1297  
pharmacy employee, investigator of the bureau of criminal 1298  
identification and investigation, or federal law enforcement 1299  
officer by the peace officer's, parole officer's, probation 1300  
officer's, bailiff's, prosecuting attorney's, assistant 1301  
prosecuting attorney's, correctional employee's, community-based 1302  
correctional facility employee's, youth services employee's, 1303  
firefighter's, EMT's, medical director or member of a 1304  
cooperating physician advisory board of an emergency medical 1305  
service organization's, state board of pharmacy employee's, 1306  
investigator of the bureau of criminal identification and 1307  
investigation's, or federal law enforcement officer's employer; 1308

(e) The identity and amount of any charitable or 1309  
employment benefit deduction made by the peace officer's, parole 1310  
officer's, probation officer's, bailiff's, prosecuting 1311  
attorney's, assistant prosecuting attorney's, correctional 1312  
employee's, community-based correctional facility employee's, 1313  
youth services employee's, firefighter's, EMT's, medical 1314  
director or member of a cooperating physician advisory board of 1315  
an emergency medical service organization's, state board of 1316  
pharmacy employee's, investigator of the bureau of criminal 1317  
identification and investigation's, or federal law enforcement 1318  
officer's employer from the peace officer's, parole officer's, 1319  
probation officer's, bailiff's, prosecuting attorney's, 1320  
assistant prosecuting attorney's, correctional employee's, 1321  
community-based correctional facility employee's, youth services 1322  
employee's, firefighter's, EMT's, medical director or member of 1323  
a cooperating physician advisory board of an emergency medical 1324  
service organization's, state board of pharmacy employee's, 1325

investigator of the bureau of criminal identification and 1326  
investigation's, or federal law enforcement officer's 1327  
compensation unless the amount of the deduction is required by 1328  
state or federal law; 1329

(f) The name, the residential address, the name of the 1330  
employer, the address of the employer, the social security 1331  
number, the residential telephone number, any bank account, 1332  
debit card, charge card, or credit card number, or the emergency 1333  
telephone number of the spouse, a former spouse, or any child of 1334  
a peace officer, parole officer, probation officer, bailiff, 1335  
prosecuting attorney, assistant prosecuting attorney, 1336  
correctional employee, community-based correctional facility 1337  
employee, youth services employee, firefighter, EMT, medical 1338  
director or member of a cooperating physician advisory board of 1339  
an emergency medical service organization, state board of 1340  
pharmacy employee, investigator of the bureau of criminal 1341  
identification and investigation, or federal law enforcement 1342  
officer; 1343

(g) A photograph of a peace officer who holds a position 1344  
or has an assignment that may include undercover or plain 1345  
clothes positions or assignments as determined by the peace 1346  
officer's appointing authority. 1347

As used in divisions (A) (7) and (B) (9) of this section, 1348  
"peace officer" has the same meaning as in section 109.71 of the 1349  
Revised Code and also includes the superintendent and troopers 1350  
of the state highway patrol; it does not include the sheriff of 1351  
a county or a supervisory employee who, in the absence of the 1352  
sheriff, is authorized to stand in for, exercise the authority 1353  
of, and perform the duties of the sheriff. 1354

As used in divisions (A) (7) and (B) (9) of this section, 1355

"correctional employee" means any employee of the department of rehabilitation and correction who in the course of performing the employee's job duties has or has had contact with inmates and persons under supervision.

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

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

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

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

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

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

pertains to the recreational activities of a person under the 1385  
age of eighteen years, and that discloses any of the following: 1386

(a) The address or telephone number of a person under the 1387  
age of eighteen or the address or telephone number of that 1388  
person's parent, guardian, custodian, or emergency contact 1389  
person; 1390

(b) The social security number, birth date, or 1391  
photographic image of a person under the age of eighteen; 1392

(c) Any medical record, history, or information pertaining 1393  
to a person under the age of eighteen; 1394

(d) Any additional information sought or required about a 1395  
person under the age of eighteen for the purpose of allowing 1396  
that person to participate in any recreational activity 1397  
conducted or sponsored by a public office or to use or obtain 1398  
admission privileges to any recreational facility owned or 1399  
operated by a public office. 1400

(9) "Community control sanction" has the same meaning as 1401  
in section 2929.01 of the Revised Code. 1402

(10) "Post-release control sanction" has the same meaning 1403  
as in section 2967.01 of the Revised Code. 1404

(11) "Redaction" means obscuring or deleting any 1405  
information that is exempt from the duty to permit public 1406  
inspection or copying from an item that otherwise meets the 1407  
definition of a "record" in section 149.011 of the Revised Code. 1408

(12) "Designee," "elected official," and "future official" 1409  
have the same meanings as in section 109.43 of the Revised Code. 1410

(B) (1) Upon request and subject to division (B) (8) of this 1411  
section, all public records responsive to the request shall be 1412

promptly prepared and made available for inspection to any 1413  
person at all reasonable times during regular business hours. 1414  
Subject to division (B) (8) of this section, upon request, a 1415  
public office or person responsible for public records shall 1416  
make copies of the requested public record available at cost and 1417  
within a reasonable period of time. If a public record contains 1418  
information that is exempt from the duty to permit public 1419  
inspection or to copy the public record, the public office or 1420  
the person responsible for the public record shall make 1421  
available all of the information within the public record that 1422  
is not exempt. When making that public record available for 1423  
public inspection or copying that public record, the public 1424  
office or the person responsible for the public record shall 1425  
notify the requester of any redaction or make the redaction 1426  
plainly visible. A redaction shall be deemed a denial of a 1427  
request to inspect or copy the redacted information, except if 1428  
federal or state law authorizes or requires a public office to 1429  
make the redaction. 1430

(2) To facilitate broader access to public records, a 1431  
public office or the person responsible for public records shall 1432  
organize and maintain public records in a manner that they can 1433  
be made available for inspection or copying in accordance with 1434  
division (B) of this section. A public office also shall have 1435  
available a copy of its current records retention schedule at a 1436  
location readily available to the public. If a requester makes 1437  
an ambiguous or overly broad request or has difficulty in making 1438  
a request for copies or inspection of public records under this 1439  
section such that the public office or the person responsible 1440  
for the requested public record cannot reasonably identify what 1441  
public records are being requested, the public office or the 1442  
person responsible for the requested public record may deny the 1443

request but shall provide the requester with an opportunity to 1444  
revise the request by informing the requester of the manner in 1445  
which records are maintained by the public office and accessed 1446  
in the ordinary course of the public office's or person's 1447  
duties. 1448

(3) If a request is ultimately denied, in part or in 1449  
whole, the public office or the person responsible for the 1450  
requested public record shall provide the requester with an 1451  
explanation, including legal authority, setting forth why the 1452  
request was denied. If the initial request was provided in 1453  
writing, the explanation also shall be provided to the requester 1454  
in writing. The explanation shall not preclude the public office 1455  
or the person responsible for the requested public record from 1456  
relying upon additional reasons or legal authority in defending 1457  
an action commenced under division (C) of this section. 1458

(4) Unless specifically required or authorized by state or 1459  
federal law or in accordance with division (B) of this section, 1460  
no public office or person responsible for public records may 1461  
limit or condition the availability of public records by 1462  
requiring disclosure of the requester's identity or the intended 1463  
use of the requested public record. Any requirement that the 1464  
requester disclose the requester's identity or the intended use 1465  
of the requested public record constitutes a denial of the 1466  
request. 1467

(5) A public office or person responsible for public 1468  
records may ask a requester to make the request in writing, may 1469  
ask for the requester's identity, and may inquire about the 1470  
intended use of the information requested, but may do so only 1471  
after disclosing to the requester that a written request is not 1472  
mandatory and that the requester may decline to reveal the 1473

requester's identity or the intended use and when a written 1474  
request or disclosure of the identity or intended use would 1475  
benefit the requester by enhancing the ability of the public 1476  
office or person responsible for public records to identify, 1477  
locate, or deliver the public records sought by the requester. 1478

(6) If any person chooses to obtain a copy of a public 1479  
record in accordance with division (B) of this section, the 1480  
public office or person responsible for the public record may 1481  
require that person to pay in advance the cost involved in 1482  
providing the copy of the public record in accordance with the 1483  
choice made by the person seeking the copy under this division. 1484  
The public office or the person responsible for the public 1485  
record shall permit that person to choose to have the public 1486  
record duplicated upon paper, upon the same medium upon which 1487  
the public office or person responsible for the public record 1488  
keeps it, or upon any other medium upon which the public office 1489  
or person responsible for the public record determines that it 1490  
reasonably can be duplicated as an integral part of the normal 1491  
operations of the public office or person responsible for the 1492  
public record. When the person seeking the copy makes a choice 1493  
under this division, the public office or person responsible for 1494  
the public record shall provide a copy of it in accordance with 1495  
the choice made by the person seeking the copy. Nothing in this 1496  
section requires a public office or person responsible for the 1497  
public record to allow the person seeking a copy of the public 1498  
record to make the copies of the public record. 1499

(7) (a) Upon a request made in accordance with division (B) 1500  
of this section and subject to division (B) (6) of this section, 1501  
a public office or person responsible for public records shall 1502  
transmit a copy of a public record to any person by United 1503  
States mail or by any other means of delivery or transmission 1504

within a reasonable period of time after receiving the request 1505  
for the copy. The public office or person responsible for the 1506  
public record may require the person making the request to pay 1507  
in advance the cost of postage if the copy is transmitted by 1508  
United States mail or the cost of delivery if the copy is 1509  
transmitted other than by United States mail, and to pay in 1510  
advance the costs incurred for other supplies used in the 1511  
mailing, delivery, or transmission. 1512

(b) Any public office may adopt a policy and procedures 1513  
that it will follow in transmitting, within a reasonable period 1514  
of time after receiving a request, copies of public records by 1515  
United States mail or by any other means of delivery or 1516  
transmission pursuant to division (B) (7) of this section. A 1517  
public office that adopts a policy and procedures under division 1518  
(B) (7) of this section shall comply with them in performing its 1519  
duties under that division. 1520

(c) In any policy and procedures adopted under division 1521  
(B) (7) of this section: 1522

(i) A public office may limit the number of records 1523  
requested by a person that the office will physically deliver by 1524  
United States mail or by another delivery service to ten per 1525  
month, unless the person certifies to the office in writing that 1526  
the person does not intend to use or forward the requested 1527  
records, or the information contained in them, for commercial 1528  
purposes; 1529

(ii) A public office that chooses to provide some or all 1530  
of its public records on a web site that is fully accessible to 1531  
and searchable by members of the public at all times, other than 1532  
during acts of God outside the public office's control or 1533  
maintenance, and that charges no fee to search, access, 1534

download, or otherwise receive records provided on the web site, 1535  
may limit to ten per month the number of records requested by a 1536  
person that the office will deliver in a digital format, unless 1537  
the requested records are not provided on the web site and 1538  
unless the person certifies to the office in writing that the 1539  
person does not intend to use or forward the requested records, 1540  
or the information contained in them, for commercial purposes. 1541

(iii) For purposes of division (B) (7) of this section, 1542  
"commercial" shall be narrowly construed and does not include 1543  
reporting or gathering news, reporting or gathering information 1544  
to assist citizen oversight or understanding of the operation or 1545  
activities of government, or nonprofit educational research. 1546

(8) A public office or person responsible for public 1547  
records is not required to permit a person who is incarcerated 1548  
pursuant to a criminal conviction or a juvenile adjudication to 1549  
inspect or to obtain a copy of any public record concerning a 1550  
criminal investigation or prosecution or concerning what would 1551  
be a criminal investigation or prosecution if the subject of the 1552  
investigation or prosecution were an adult, unless the request 1553  
to inspect or to obtain a copy of the record is for the purpose 1554  
of acquiring information that is subject to release as a public 1555  
record under this section and the judge who imposed the sentence 1556  
or made the adjudication with respect to the person, or the 1557  
judge's successor in office, finds that the information sought 1558  
in the public record is necessary to support what appears to be 1559  
a justiciable claim of the person. 1560

(9) (a) Upon written request made and signed by a 1561  
journalist on or after December 16, 1999, a public office, or 1562  
person responsible for public records, having custody of the 1563  
records of the agency employing a specified peace officer, 1564

parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, medical director or member of a cooperating physician advisory board of an emergency medical service organization, state board of pharmacy employee, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer shall disclose to the journalist the address of the actual personal residence of the peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, medical director or member of a cooperating physician advisory board of an emergency medical service organization, state board of pharmacy employee, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer and, if the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, community-based correctional facility employee's, youth services employee's, firefighter's, EMT's, medical director or member of a cooperating physician advisory board of an emergency medical service organization's, state board of pharmacy employee's, investigator of the bureau of criminal identification and investigation's, or federal law enforcement officer's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, community-based correctional facility employee's, youth services employee's, firefighter's, EMT's, medical

director or member of a cooperating physician advisory board of 1597  
an emergency medical service organization's, state board of 1598  
pharmacy employee's, investigator of the bureau of criminal 1599  
identification and investigation's, or federal law enforcement 1600  
officer's spouse, former spouse, or child. The request shall 1601  
include the journalist's name and title and the name and address 1602  
of the journalist's employer and shall state that disclosure of 1603  
the information sought would be in the public interest. 1604

(b) Division (B) (9) (a) of this section also applies to 1605  
journalist requests for: 1606

(i) Customer information maintained by a municipally owned 1607  
or operated public utility, other than social security numbers 1608  
and any private financial information such as credit reports, 1609  
payment methods, credit card numbers, and bank account 1610  
information; 1611

(ii) Information about minors involved in a school vehicle 1612  
accident as provided in division (A) (1) (gg) of this section, 1613  
other than personal information as defined in section 149.45 of 1614  
the Revised Code. 1615

(c) As used in division (B) (9) of this section, 1616  
"journalist" means a person engaged in, connected with, or 1617  
employed by any news medium, including a newspaper, magazine, 1618  
press association, news agency, or wire service, a radio or 1619  
television station, or a similar medium, for the purpose of 1620  
gathering, processing, transmitting, compiling, editing, or 1621  
disseminating information for the general public. 1622

(C) (1) If a person allegedly is aggrieved by the failure 1623  
of a public office or the person responsible for public records 1624  
to promptly prepare a public record and to make it available to 1625

the person for inspection in accordance with division (B) of 1626  
this section or by any other failure of a public office or the 1627  
person responsible for public records to comply with an 1628  
obligation in accordance with division (B) of this section, the 1629  
person allegedly aggrieved may do only one of the following, and 1630  
not both: 1631

(a) File a complaint with the clerk of the court of claims 1632  
or the clerk of the court of common pleas under section 2743.75 1633  
of the Revised Code; 1634

(b) Commence a mandamus action to obtain a judgment that 1635  
orders the public office or the person responsible for the 1636  
public record to comply with division (B) of this section, that 1637  
awards court costs and reasonable attorney's fees to the person 1638  
that instituted the mandamus action, and, if applicable, that 1639  
includes an order fixing statutory damages under division (C) (2) 1640  
of this section. The mandamus action may be commenced in the 1641  
court of common pleas of the county in which division (B) of 1642  
this section allegedly was not complied with, in the supreme 1643  
court pursuant to its original jurisdiction under Section 2 of 1644  
Article IV, Ohio Constitution, or in the court of appeals for 1645  
the appellate district in which division (B) of this section 1646  
allegedly was not complied with pursuant to its original 1647  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1648

(2) If a requester transmits a written request by hand 1649  
delivery, electronic submission, or certified mail to inspect or 1650  
receive copies of any public record in a manner that fairly 1651  
describes the public record or class of public records to the 1652  
public office or person responsible for the requested public 1653  
records, except as otherwise provided in this section, the 1654  
requester shall be entitled to recover the amount of statutory 1655

damages set forth in this division if a court determines that 1656  
the public office or the person responsible for public records 1657  
failed to comply with an obligation in accordance with division 1658  
(B) of this section. 1659

The amount of statutory damages shall be fixed at one 1660  
hundred dollars for each business day during which the public 1661  
office or person responsible for the requested public records 1662  
failed to comply with an obligation in accordance with division 1663  
(B) of this section, beginning with the day on which the 1664  
requester files a mandamus action to recover statutory damages, 1665  
up to a maximum of one thousand dollars. The award of statutory 1666  
damages shall not be construed as a penalty, but as compensation 1667  
for injury arising from lost use of the requested information. 1668  
The existence of this injury shall be conclusively presumed. The 1669  
award of statutory damages shall be in addition to all other 1670  
remedies authorized by this section. 1671

The court may reduce an award of statutory damages or not 1672  
award statutory damages if the court determines both of the 1673  
following: 1674

(a) That, based on the ordinary application of statutory 1675  
law and case law as it existed at the time of the conduct or 1676  
threatened conduct of the public office or person responsible 1677  
for the requested public records that allegedly constitutes a 1678  
failure to comply with an obligation in accordance with division 1679  
(B) of this section and that was the basis of the mandamus 1680  
action, a well-informed public office or person responsible for 1681  
the requested public records reasonably would believe that the 1682  
conduct or threatened conduct of the public office or person 1683  
responsible for the requested public records did not constitute 1684  
a failure to comply with an obligation in accordance with 1685

division (B) of this section; 1686

(b) That a well-informed public office or person 1687  
responsible for the requested public records reasonably would 1688  
believe that the conduct or threatened conduct of the public 1689  
office or person responsible for the requested public records 1690  
would serve the public policy that underlies the authority that 1691  
is asserted as permitting that conduct or threatened conduct. 1692

(3) In a mandamus action filed under division (C) (1) of 1693  
this section, the following apply: 1694

(a) (i) If the court orders the public office or the person 1695  
responsible for the public record to comply with division (B) of 1696  
this section, the court shall determine and award to the relator 1697  
all court costs, which shall be construed as remedial and not 1698  
punitive. 1699

(ii) If the court makes a determination described in 1700  
division (C) (3) (b) (iii) of this section, the court shall 1701  
determine and award to the relator all court costs, which shall 1702  
be construed as remedial and not punitive. 1703

(b) If the court renders a judgment that orders the public 1704  
office or the person responsible for the public record to comply 1705  
with division (B) of this section or if the court determines any 1706  
of the following, the court may award reasonable attorney's fees 1707  
to the relator, subject to the provisions of division (C) (4) of 1708  
this section: 1709

(i) The public office or the person responsible for the 1710  
public records failed to respond affirmatively or negatively to 1711  
the public records request in accordance with the time allowed 1712  
under division (B) of this section. 1713

(ii) The public office or the person responsible for the 1714

public records promised to permit the relator to inspect or 1715  
receive copies of the public records requested within a 1716  
specified period of time but failed to fulfill that promise 1717  
within that specified period of time. 1718

(iii) The public office or the person responsible for the 1719  
public records acted in bad faith when the office or person 1720  
voluntarily made the public records available to the relator for 1721  
the first time after the relator commenced the mandamus action, 1722  
but before the court issued any order concluding whether or not 1723  
the public office or person was required to comply with division 1724  
(B) of this section. No discovery may be conducted on the issue 1725  
of the alleged bad faith of the public office or person 1726  
responsible for the public records. This division shall not be 1727  
construed as creating a presumption that the public office or 1728  
the person responsible for the public records acted in bad faith 1729  
when the office or person voluntarily made the public records 1730  
available to the relator for the first time after the relator 1731  
commenced the mandamus action, but before the court issued any 1732  
order described in this division. 1733

(c) The court shall not award attorney's fees to the 1734  
relator if the court determines both of the following: 1735

(i) That, based on the ordinary application of statutory 1736  
law and case law as it existed at the time of the conduct or 1737  
threatened conduct of the public office or person responsible 1738  
for the requested public records that allegedly constitutes a 1739  
failure to comply with an obligation in accordance with division 1740  
(B) of this section and that was the basis of the mandamus 1741  
action, a well-informed public office or person responsible for 1742  
the requested public records reasonably would believe that the 1743  
conduct or threatened conduct of the public office or person 1744

responsible for the requested public records did not constitute 1745  
a failure to comply with an obligation in accordance with 1746  
division (B) of this section; 1747

(ii) That a well-informed public office or person 1748  
responsible for the requested public records reasonably would 1749  
believe that the conduct or threatened conduct of the public 1750  
office or person responsible for the requested public records 1751  
would serve the public policy that underlies the authority that 1752  
is asserted as permitting that conduct or threatened conduct. 1753

(4) All of the following apply to any award of reasonable 1754  
attorney's fees awarded under division (C) (3) (b) of this 1755  
section: 1756

(a) The fees shall be construed as remedial and not 1757  
punitive. 1758

(b) The fees awarded shall not exceed the total of the 1759  
reasonable attorney's fees incurred before the public record was 1760  
made available to the relator and the fees described in division 1761  
(C) (4) (c) of this section. 1762

(c) Reasonable attorney's fees shall include reasonable 1763  
fees incurred to produce proof of the reasonableness and amount 1764  
of the fees and to otherwise litigate entitlement to the fees. 1765

(d) The court may reduce the amount of fees awarded if the 1766  
court determines that, given the factual circumstances involved 1767  
with the specific public records request, an alternative means 1768  
should have been pursued to more effectively and efficiently 1769  
resolve the dispute that was subject to the mandamus action 1770  
filed under division (C) (1) of this section. 1771

(5) If the court does not issue a writ of mandamus under 1772  
division (C) of this section and the court determines at that 1773

time that the bringing of the mandamus action was frivolous 1774  
conduct as defined in division (A) of section 2323.51 of the 1775  
Revised Code, the court may award to the public office all court 1776  
costs, expenses, and reasonable attorney's fees, as determined 1777  
by the court. 1778

(D) Chapter 1347. of the Revised Code does not limit the 1779  
provisions of this section. 1780

(E) (1) To ensure that all employees of public offices are 1781  
appropriately educated about a public office's obligations under 1782  
division (B) of this section, all elected officials or their 1783  
appropriate designees shall attend training approved by the 1784  
attorney general as provided in section 109.43 of the Revised 1785  
Code. A future official may satisfy the requirements of this 1786  
division by attending the training before taking office, 1787  
provided that the future official may not send a designee in the 1788  
future official's place. 1789

(2) All public offices shall adopt a public records policy 1790  
in compliance with this section for responding to public records 1791  
requests. In adopting a public records policy under this 1792  
division, a public office may obtain guidance from the model 1793  
public records policy developed and provided to the public 1794  
office by the attorney general under section 109.43 of the 1795  
Revised Code. Except as otherwise provided in this section, the 1796  
policy may not limit the number of public records that the 1797  
public office will make available to a single person, may not 1798  
limit the number of public records that it will make available 1799  
during a fixed period of time, and may not establish a fixed 1800  
period of time before it will respond to a request for 1801  
inspection or copying of public records, unless that period is 1802  
less than eight hours. 1803

The public office shall distribute the public records 1804  
policy adopted by the public office under this division to the 1805  
employee of the public office who is the records custodian or 1806  
records manager or otherwise has custody of the records of that 1807  
office. The public office shall require that employee to 1808  
acknowledge receipt of the copy of the public records policy. 1809  
The public office shall create a poster that describes its 1810  
public records policy and shall post the poster in a conspicuous 1811  
place in the public office and in all locations where the public 1812  
office has branch offices. The public office may post its public 1813  
records policy on the internet web site of the public office if 1814  
the public office maintains an internet web site. A public 1815  
office that has established a manual or handbook of its general 1816  
policies and procedures for all employees of the public office 1817  
shall include the public records policy of the public office in 1818  
the manual or handbook. 1819

(F) (1) The bureau of motor vehicles may adopt rules 1820  
pursuant to Chapter 119. of the Revised Code to reasonably limit 1821  
the number of bulk commercial special extraction requests made 1822  
by a person for the same records or for updated records during a 1823  
calendar year. The rules may include provisions for charges to 1824  
be made for bulk commercial special extraction requests for the 1825  
actual cost of the bureau, plus special extraction costs, plus 1826  
ten per cent. The bureau may charge for expenses for redacting 1827  
information, the release of which is prohibited by law. 1828

(2) As used in division (F) (1) of this section: 1829

(a) "Actual cost" means the cost of depleted supplies, 1830  
records storage media costs, actual mailing and alternative 1831  
delivery costs, or other transmitting costs, and any direct 1832  
equipment operating and maintenance costs, including actual 1833

costs paid to private contractors for copying services. 1834

(b) "Bulk commercial special extraction request" means a 1835  
request for copies of a record for information in a format other 1836  
than the format already available, or information that cannot be 1837  
extracted without examination of all items in a records series, 1838  
class of records, or database by a person who intends to use or 1839  
forward the copies for surveys, marketing, solicitation, or 1840  
resale for commercial purposes. "Bulk commercial special 1841  
extraction request" does not include a request by a person who 1842  
gives assurance to the bureau that the person making the request 1843  
does not intend to use or forward the requested copies for 1844  
surveys, marketing, solicitation, or resale for commercial 1845  
purposes. 1846

(c) "Commercial" means profit-seeking production, buying, 1847  
or selling of any good, service, or other product. 1848

(d) "Special extraction costs" means the cost of the time 1849  
spent by the lowest paid employee competent to perform the task, 1850  
the actual amount paid to outside private contractors employed 1851  
by the bureau, or the actual cost incurred to create computer 1852  
programs to make the special extraction. "Special extraction 1853  
costs" include any charges paid to a public agency for computer 1854  
or records services. 1855

(3) For purposes of divisions (F) (1) and (2) of this 1856  
section, "surveys, marketing, solicitation, or resale for 1857  
commercial purposes" shall be narrowly construed and does not 1858  
include reporting or gathering news, reporting or gathering 1859  
information to assist citizen oversight or understanding of the 1860  
operation or activities of government, or nonprofit educational 1861  
research. 1862

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

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

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

(a) An individual's social security number;

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

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

(d) An individual's checking account number, savings account number, credit card number, or debit card number;

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

(2) "Public record" and "peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, medical director or member of a cooperating physician advisory board of an emergency medical service organization, state board of pharmacy employee,

investigator of the bureau of criminal identification and 1891  
investigation, or federal law enforcement officer residential 1892  
and familial information" have the same meanings as in section 1893  
149.43 of the Revised Code. 1894

(3) "Truncate" means to redact all but the last four 1895  
digits of an individual's social security number. 1896

(B) (1) No public office or person responsible for a public 1897  
office's public records shall make available to the general 1898  
public on the internet any document that contains an 1899  
individual's social security number without otherwise redacting, 1900  
encrypting, or truncating the social security number. 1901

(2) A public office or person responsible for a public 1902  
office's public records that prior to October 17, 2011, made 1903  
available to the general public on the internet any document 1904  
that contains an individual's social security number shall 1905  
redact, encrypt, or truncate the social security number from 1906  
that document. 1907

(3) Divisions (B) (1) and (2) of this section do not apply 1908  
to documents that are only accessible through the internet with 1909  
a password. 1910

(C) (1) An individual may request that a public office or a 1911  
person responsible for a public office's public records redact 1912  
personal information of that individual from any record made 1913  
available to the general public on the internet. An individual 1914  
who makes a request for redaction pursuant to this division 1915  
shall make the request in writing on a form developed by the 1916  
attorney general and shall specify the personal information to 1917  
be redacted and provide any information that identifies the 1918  
location of that personal information within a document that 1919

contains that personal information. 1920

(2) Upon receiving a request for a redaction pursuant to 1921  
division (C)(1) of this section, a public office or a person 1922  
responsible for a public office's public records shall act 1923  
within five business days in accordance with the request to 1924  
redact the personal information of the individual from any 1925  
record made available to the general public on the internet, if 1926  
practicable. If a redaction is not practicable, the public 1927  
office or person responsible for the public office's public 1928  
records shall verbally or in writing within five business days 1929  
after receiving the written request explain to the individual 1930  
why the redaction is impracticable. 1931

(3) The attorney general shall develop a form to be used 1932  
by an individual to request a redaction pursuant to division (C) 1933  
(1) of this section. The form shall include a place to provide 1934  
any information that identifies the location of the personal 1935  
information to be redacted. 1936

(D) (1) A peace officer, parole officer, probation officer, 1937  
bailiff, prosecuting attorney, assistant prosecuting attorney, 1938  
correctional employee, youth services employee, firefighter, 1939  
EMT, medical director or member of a cooperating physician 1940  
advisory board of an emergency medical service organization, 1941  
state board of pharmacy employee, investigator of the bureau of 1942  
criminal identification and investigation, or federal law 1943  
enforcement officer may request that a public office other than 1944  
a county auditor or a person responsible for the public records 1945  
of a public office other than a county auditor redact the 1946  
address of the person making the request from any record made 1947  
available to the general public on the internet that includes 1948  
peace officer, parole officer, probation officer, bailiff, 1949

prosecuting attorney, assistant prosecuting attorney, 1950  
correctional employee, youth services employee, firefighter, 1951  
EMT, medical director or member of a cooperating physician 1952  
advisory board of an emergency medical service organization, 1953  
state board of pharmacy employee, investigator of the bureau of 1954  
criminal identification and investigation, or federal law 1955  
enforcement officer residential and familial information of the 1956  
person making the request. A person who makes a request for a 1957  
redaction pursuant to this division shall make the request in 1958  
writing and on a form developed by the attorney general. 1959

(2) Upon receiving a written request for a redaction 1960  
pursuant to division (D)(1) of this section, a public office 1961  
other than a county auditor or a person responsible for the 1962  
public records of a public office other than a county auditor 1963  
shall act within five business days in accordance with the 1964  
request to redact the address of the peace officer, parole 1965  
officer, probation officer, bailiff, prosecuting attorney, 1966  
assistant prosecuting attorney, correctional employee, youth 1967  
services employee, firefighter, EMT, medical director or member 1968  
of a cooperating physician advisory board of an emergency 1969  
medical service organization, state board of pharmacy employee, 1970  
investigator of the bureau of criminal identification and 1971  
investigation, or federal law enforcement officer making the 1972  
request from any record made available to the general public on 1973  
the internet that includes peace officer, parole officer, 1974  
probation officer, bailiff, prosecuting attorney, assistant 1975  
prosecuting attorney, correctional employee, youth services 1976  
employee, firefighter, EMT, medical director or member of a 1977  
cooperating physician advisory board of an emergency medical 1978  
service organization, state board of pharmacy employee, 1979  
investigator of the bureau of criminal identification and 1980

investigation, or federal law enforcement officer residential 1981  
and familial information of the person making the request, if 1982  
practicable. If a redaction is not practicable, the public 1983  
office or person responsible for the public office's public 1984  
records shall verbally or in writing within five business days 1985  
after receiving the written request explain to the peace 1986  
officer, parole officer, probation officer, bailiff, prosecuting 1987  
attorney, assistant prosecuting attorney, correctional employee, 1988  
youth services employee, firefighter, EMT, medical director or 1989  
member of a cooperating physician advisory board of an emergency 1990  
medical service organization, state board of pharmacy employee, 1991  
investigator of the bureau of criminal identification and 1992  
investigation, or federal law enforcement officer why the 1993  
redaction is impracticable. 1994

(3) Except as provided in this section and section 319.28 1995  
of the Revised Code, a public office other than an employer of a 1996  
peace officer, parole officer, probation officer, bailiff, 1997  
prosecuting attorney, assistant prosecuting attorney, 1998  
correctional employee, youth services employee, firefighter, 1999  
EMT, medical director or member of a cooperating physician 2000  
advisory board of an emergency medical service organization, 2001  
state board of pharmacy employee, investigator of the bureau of 2002  
criminal identification and investigation, or federal law 2003  
enforcement officer or a person responsible for the public 2004  
records of the employer is not required to redact the 2005  
residential and familial information of the peace officer, 2006  
parole officer, probation officer, bailiff, prosecuting 2007  
attorney, assistant prosecuting attorney, correctional employee, 2008  
youth services employee, firefighter, EMT, medical director or 2009  
member of a cooperating physician advisory board of an emergency 2010  
medical service organization, state board of pharmacy employee, 2011

investigator of the bureau of criminal identification and 2012  
investigation, or federal law enforcement officer from other 2013  
records maintained by the public office. 2014

(4) The attorney general shall develop a form to be used 2015  
by a peace officer, parole officer, probation officer, bailiff, 2016  
prosecuting attorney, assistant prosecuting attorney, 2017  
correctional employee, youth services employee, firefighter, 2018  
EMT, medical director or member of a cooperating physician 2019  
advisory board of an emergency medical service organization, 2020  
state board of pharmacy employee, investigator of the bureau of 2021  
criminal identification and investigation, or federal law 2022  
enforcement officer to request a redaction pursuant to division 2023  
(D) (1) of this section. The form shall include a place to 2024  
provide any information that identifies the location of the 2025  
address of a peace officer, parole officer, probation officer, 2026  
bailiff, prosecuting attorney, assistant prosecuting attorney, 2027  
correctional employee, youth services employee, firefighter, 2028  
EMT, medical director or member of a cooperating physician 2029  
advisory board of an emergency medical service organization, 2030  
state board of pharmacy employee, investigator of the bureau of 2031  
criminal identification and investigation, or federal law 2032  
enforcement officer to be redacted. 2033

(E) (1) If a public office or a person responsible for a 2034  
public office's public records becomes aware that an electronic 2035  
record of that public office that is made available to the 2036  
general public on the internet contains an individual's social 2037  
security number that was mistakenly not redacted, encrypted, or 2038  
truncated as required by division (B) (1) or (2) of this section, 2039  
the public office or person responsible for the public office's 2040  
public records shall redact, encrypt, or truncate the 2041  
individual's social security number within a reasonable period 2042

of time. 2043

(2) A public office or a person responsible for a public 2044  
office's public records is not liable in damages in a civil 2045  
action for any harm an individual allegedly sustains as a result 2046  
of the inclusion of that individual's personal information on 2047  
any record made available to the general public on the internet 2048  
or any harm a peace officer, parole officer, probation officer, 2049  
bailiff, prosecuting attorney, assistant prosecuting attorney, 2050  
correctional employee, youth services employee, firefighter, 2051  
EMT, medical director or member of a cooperating physician 2052  
advisory board of an emergency medical service organization, 2053  
state board of pharmacy employee, investigator of the bureau of 2054  
criminal identification and investigation, or federal law 2055  
enforcement officer sustains as a result of the inclusion of the 2056  
address of the peace officer, parole officer, probation officer, 2057  
bailiff, prosecuting attorney, assistant prosecuting attorney, 2058  
correctional employee, youth services employee, firefighter, 2059  
EMT, medical director or member of a cooperating physician 2060  
advisory board of an emergency medical service organization, 2061  
state board of pharmacy employee, investigator of the bureau of 2062  
criminal identification and investigation, or federal law 2063  
enforcement officer on any record made available to the general 2064  
public on the internet in violation of this section unless the 2065  
public office or person responsible for the public office's 2066  
public records acted with malicious purpose, in bad faith, or in 2067  
a wanton or reckless manner or division (A) (6) (a) or (c) of 2068  
section 2744.03 of the Revised Code applies. 2069

**Sec. 1751.68.** (A) As used in this section: 2070

(1) "Cost-sharing" means the cost to an enrollee under an 2071  
individual or group health insuring corporation policy, 2072

contract, or agreement according to any coverage limit, 2073  
copayment, coinsurance, deductible, or other out-of-pocket 2074  
expense requirements imposed by the policy, contract, or 2075  
agreement. 2076

(2) "Drug" has the same meaning as in section 4729.01 of 2077  
the Revised Code. 2078

(3) "Medication synchronization" means a pharmacy service 2079  
that synchronizes the filling or refilling of prescriptions in a 2080  
manner that allows the dispensed drugs to be obtained on the 2081  
same date each month. 2082

(4) "Prescriber" has the same meaning as in section 2083  
4729.01 of the Revised Code. 2084

(5) "Prescription" means a written, electronic, or oral 2085  
order issued by a prescriber for drugs or combinations or 2086  
mixtures of drugs to be used by a particular individual. 2087

(B) Notwithstanding section 3901.71 of the Revised Code, 2088  
each health insuring corporation policy, contract, or agreement 2089  
that provides prescription drug coverage shall provide for 2090  
medication synchronization for an enrollee if all of the 2091  
following conditions are met: 2092

(1) The enrollee elects to participate in medication 2093  
synchronization; 2094

(2) The enrollee, the prescriber, and a pharmacist at a 2095  
network pharmacy agree that medication synchronization is in the 2096  
best interest of the enrollee; 2097

(3) The prescription drug to be included in the medication 2098  
synchronization meets the requirements of division (C) of this 2099  
section. 2100

(C) To be eligible for inclusion in medication	2101
synchronization for an enrollee, a prescription drug must meet	2102
all of the following requirements:	2103
(1) Be covered by the policy, contract, or agreement;	2104
(2) Be prescribed for the treatment and management of a	2105
chronic disease or condition and be subject to refills;	2106
(3) Satisfy all relevant prior authorization criteria;	2107
(4) Not have quantity limits, dose optimization criteria,	2108
or other requirements that would be violated if synchronized;	2109
(5) Not have special handling or sourcing needs, as	2110
determined by the policy, contract, or agreement, that require a	2111
single, designated pharmacy to fill or refill the prescription;	2112
(6) Be formulated so that the quantity or amount dispensed	2113
can be effectively divided in order to achieve synchronization;	2114
(7) Not be a schedule II controlled substance, <del>opiate</del>	2115
<u>opioid analgesic</u> , or benzodiazepine, as those terms are defined	2116
in section 3719.01 of the Revised Code.	2117
(D) (1) To provide for medication synchronization under	2118
division (B) of this section, a policy, contract, or agreement	2119
shall authorize coverage of a prescription drug subject to	2120
medication synchronization when the drug is dispensed in a	2121
quantity or amount that is less than a thirty-day supply.	2122
(2) The requirement of division (D) (1) of this section	2123
applies only once for each prescription drug subject to	2124
medication synchronization for the same enrollee, except when	2125
either of the following occurs:	2126
(a) The prescriber changes the dosage or frequency of	2127

administration of the prescription drug subject to medication	2128
synchronization.	2129
(b) The prescriber prescribes a different drug.	2130
(E) (1) A policy, contract, or agreement that provides for	2131
medication synchronization under division (B) of this section	2132
shall permit and apply a prorated daily cost-sharing rate for a	2133
supply of a prescription drug subject to medication	2134
synchronization that is dispensed at a network pharmacy.	2135
(2) Division (E) (1) of this section does not require a	2136
policy, contract, or agreement to waive any cost-sharing	2137
requirement in its entirety.	2138
(F) A policy, contract, or agreement that provides for	2139
medication synchronization under division (B) of this section	2140
shall not use payment structures that incorporate dispensing	2141
fees that are determined by calculating the days' supply of	2142
drugs dispensed. Dispensing fees shall be based exclusively on	2143
the total number of prescriptions that are filled or refilled.	2144
(G) This section does not require a health insuring	2145
corporation to provide to a network pharmacy or a pharmacist at	2146
a network pharmacy any monetary or other financial incentive for	2147
the purpose of encouraging the pharmacy or pharmacist to	2148
recommend medication synchronization to an enrollee.	2149
<b>Sec. 2907.02.</b> (A) (1) No person shall engage in sexual	2150
conduct with another who is not the spouse of the offender or	2151
who is the spouse of the offender but is living separate and	2152
apart from the offender, when any of the following applies:	2153
(a) For the purpose of preventing resistance, the offender	2154
substantially impairs the other person's judgment or control by	2155
administering any drug, intoxicant, or controlled substance to	2156

the other person surreptitiously or by force, threat of force, 2157  
or deception. 2158

(b) The other person is less than thirteen years of age, 2159  
whether or not the offender knows the age of the other person. 2160

(c) The other person's ability to resist or consent is 2161  
substantially impaired because of a mental or physical condition 2162  
or because of advanced age, and the offender knows or has 2163  
reasonable cause to believe that the other person's ability to 2164  
resist or consent is substantially impaired because of a mental 2165  
or physical condition or because of advanced age. 2166

(2) No person shall engage in sexual conduct with another 2167  
when the offender purposely compels the other person to submit 2168  
by force or threat of force. 2169

(B) Whoever violates this section is guilty of rape, a 2170  
felony of the first degree. If the offender under division (A) 2171  
(1) (a) of this section substantially impairs the other person's 2172  
judgment or control by administering any controlled substance 2173  
~~described~~, as defined in section 3719.41-3719.01 of the Revised 2174  
Code, to the other person surreptitiously or by force, threat of 2175  
force, or deception, the prison term imposed upon the offender 2176  
shall be one of the prison terms prescribed for a felony of the 2177  
first degree in section 2929.14 of the Revised Code that is not 2178  
less than five years. Except as otherwise provided in this 2179  
division, notwithstanding sections 2929.11 to 2929.14 of the 2180  
Revised Code, an offender under division (A) (1) (b) of this 2181  
section shall be sentenced to a prison term or term of life 2182  
imprisonment pursuant to section 2971.03 of the Revised Code. If 2183  
an offender is convicted of or pleads guilty to a violation of 2184  
division (A) (1) (b) of this section, if the offender was less 2185  
than sixteen years of age at the time the offender committed the 2186

violation of that division, and if the offender during or 2187  
immediately after the commission of the offense did not cause 2188  
serious physical harm to the victim, the victim was ten years of 2189  
age or older at the time of the commission of the violation, and 2190  
the offender has not previously been convicted of or pleaded 2191  
guilty to a violation of this section or a substantially similar 2192  
existing or former law of this state, another state, or the 2193  
United States, the court shall not sentence the offender to a 2194  
prison term or term of life imprisonment pursuant to section 2195  
2971.03 of the Revised Code, and instead the court shall 2196  
sentence the offender as otherwise provided in this division. If 2197  
an offender under division (A) (1) (b) of this section previously 2198  
has been convicted of or pleaded guilty to violating division 2199  
(A) (1) (b) of this section or to violating an existing or former 2200  
law of this state, another state, or the United States that is 2201  
substantially similar to division (A) (1) (b) of this section, if 2202  
the offender during or immediately after the commission of the 2203  
offense caused serious physical harm to the victim, or if the 2204  
victim under division (A) (1) (b) of this section is less than ten 2205  
years of age, in lieu of sentencing the offender to a prison 2206  
term or term of life imprisonment pursuant to section 2971.03 of 2207  
the Revised Code, the court may impose upon the offender a term 2208  
of life without parole. If the court imposes a term of life 2209  
without parole pursuant to this division, division (F) of 2210  
section 2971.03 of the Revised Code applies, and the offender 2211  
automatically is classified a tier III sex offender/child-victim 2212  
offender, as described in that division. 2213

(C) A victim need not prove physical resistance to the 2214  
offender in prosecutions under this section. 2215

(D) Evidence of specific instances of the victim's sexual 2216  
activity, opinion evidence of the victim's sexual activity, and 2217

reputation evidence of the victim's sexual activity shall not be 2218  
admitted under this section unless it involves evidence of the 2219  
origin of semen, pregnancy, or disease, or the victim's past 2220  
sexual activity with the offender, and only to the extent that 2221  
the court finds that the evidence is material to a fact at issue 2222  
in the case and that its inflammatory or prejudicial nature does 2223  
not outweigh its probative value. 2224

Evidence of specific instances of the defendant's sexual 2225  
activity, opinion evidence of the defendant's sexual activity, 2226  
and reputation evidence of the defendant's sexual activity shall 2227  
not be admitted under this section unless it involves evidence 2228  
of the origin of semen, pregnancy, or disease, the defendant's 2229  
past sexual activity with the victim, or is admissible against 2230  
the defendant under section 2945.59 of the Revised Code, and 2231  
only to the extent that the court finds that the evidence is 2232  
material to a fact at issue in the case and that its 2233  
inflammatory or prejudicial nature does not outweigh its 2234  
probative value. 2235

(E) Prior to taking testimony or receiving evidence of any 2236  
sexual activity of the victim or the defendant in a proceeding 2237  
under this section, the court shall resolve the admissibility of 2238  
the proposed evidence in a hearing in chambers, which shall be 2239  
held at or before preliminary hearing and not less than three 2240  
days before trial, or for good cause shown during the trial. 2241

(F) Upon approval by the court, the victim may be 2242  
represented by counsel in any hearing in chambers or other 2243  
proceeding to resolve the admissibility of evidence. If the 2244  
victim is indigent or otherwise is unable to obtain the services 2245  
of counsel, the court, upon request, may appoint counsel to 2246  
represent the victim without cost to the victim. 2247

(G) It is not a defense to a charge under division (A) (2) 2248  
of this section that the offender and the victim were married or 2249  
were cohabiting at the time of the commission of the offense. 2250

**Sec. 2907.05.** (A) No person shall have sexual contact with 2251  
another, not the spouse of the offender; cause another, not the 2252  
spouse of the offender, to have sexual contact with the 2253  
offender; or cause two or more other persons to have sexual 2254  
contact when any of the following applies: 2255

(1) The offender purposely compels the other person, or 2256  
one of the other persons, to submit by force or threat of force. 2257

(2) For the purpose of preventing resistance, the offender 2258  
substantially impairs the judgment or control of the other 2259  
person or of one of the other persons by administering any drug, 2260  
intoxicant, or controlled substance to the other person 2261  
surreptitiously or by force, threat of force, or deception. 2262

(3) The offender knows that the judgment or control of the 2263  
other person or of one of the other persons is substantially 2264  
impaired as a result of the influence of any drug or intoxicant 2265  
administered to the other person with the other person's consent 2266  
for the purpose of any kind of medical or dental examination, 2267  
treatment, or surgery. 2268

(4) The other person, or one of the other persons, is less 2269  
than thirteen years of age, whether or not the offender knows 2270  
the age of that person. 2271

(5) The ability of the other person to resist or consent 2272  
or the ability of one of the other persons to resist or consent 2273  
is substantially impaired because of a mental or physical 2274  
condition or because of advanced age, and the offender knows or 2275  
has reasonable cause to believe that the ability to resist or 2276

consent of the other person or of one of the other persons is 2277  
substantially impaired because of a mental or physical condition 2278  
or because of advanced age. 2279

(B) No person shall knowingly touch the genitalia of 2280  
another, when the touching is not through clothing, the other 2281  
person is less than twelve years of age, whether or not the 2282  
offender knows the age of that person, and the touching is done 2283  
with an intent to abuse, humiliate, harass, degrade, or arouse 2284  
or gratify the sexual desire of any person. 2285

(C) Whoever violates this section is guilty of gross 2286  
sexual imposition. 2287

(1) Except as otherwise provided in this section, gross 2288  
sexual imposition committed in violation of division (A) (1), 2289  
(2), (3), or (5) of this section is a felony of the fourth 2290  
degree. If the offender under division (A) (2) of this section 2291  
substantially impairs the judgment or control of the other 2292  
person or one of the other persons by administering any 2293  
controlled substance ~~described~~, as defined in section ~~3719.41~~ 2294  
3719.01 of the Revised Code, to the person surreptitiously or by 2295  
force, threat of force, or deception, gross sexual imposition 2296  
committed in violation of division (A) (2) of this section is a 2297  
felony of the third degree. 2298

(2) Gross sexual imposition committed in violation of 2299  
division (A) (4) or (B) of this section is a felony of the third 2300  
degree. Except as otherwise provided in this division, for gross 2301  
sexual imposition committed in violation of division (A) (4) or 2302  
(B) of this section there is a presumption that a prison term 2303  
shall be imposed for the offense. The court shall impose on an 2304  
offender convicted of gross sexual imposition in violation of 2305  
division (A) (4) or (B) of this section a mandatory prison term 2306

equal to one of the prison terms prescribed in section 2929.14 2307  
of the Revised Code for a felony of the third degree if either 2308  
of the following applies: 2309

(a) Evidence other than the testimony of the victim was 2310  
admitted in the case corroborating the violation; 2311

(b) The offender previously was convicted of or pleaded 2312  
guilty to a violation of this section, rape, the former offense 2313  
of felonious sexual penetration, or sexual battery, and the 2314  
victim of the previous offense was less than thirteen years of 2315  
age. 2316

(D) A victim need not prove physical resistance to the 2317  
offender in prosecutions under this section. 2318

(E) Evidence of specific instances of the victim's sexual 2319  
activity, opinion evidence of the victim's sexual activity, and 2320  
reputation evidence of the victim's sexual activity shall not be 2321  
admitted under this section unless it involves evidence of the 2322  
origin of semen, pregnancy, or disease, or the victim's past 2323  
sexual activity with the offender, and only to the extent that 2324  
the court finds that the evidence is material to a fact at issue 2325  
in the case and that its inflammatory or prejudicial nature does 2326  
not outweigh its probative value. 2327

Evidence of specific instances of the defendant's sexual 2328  
activity, opinion evidence of the defendant's sexual activity, 2329  
and reputation evidence of the defendant's sexual activity shall 2330  
not be admitted under this section unless it involves evidence 2331  
of the origin of semen, pregnancy, or disease, the defendant's 2332  
past sexual activity with the victim, or is admissible against 2333  
the defendant under section 2945.59 of the Revised Code, and 2334  
only to the extent that the court finds that the evidence is 2335

material to a fact at issue in the case and that its 2336  
inflammatory or prejudicial nature does not outweigh its 2337  
probative value. 2338

(F) Prior to taking testimony or receiving evidence of any 2339  
sexual activity of the victim or the defendant in a proceeding 2340  
under this section, the court shall resolve the admissibility of 2341  
the proposed evidence in a hearing in chambers, which shall be 2342  
held at or before preliminary hearing and not less than three 2343  
days before trial, or for good cause shown during the trial. 2344

(G) Upon approval by the court, the victim may be 2345  
represented by counsel in any hearing in chambers or other 2346  
proceeding to resolve the admissibility of evidence. If the 2347  
victim is indigent or otherwise is unable to obtain the services 2348  
of counsel, the court, upon request, may appoint counsel to 2349  
represent the victim without cost to the victim. 2350

**Sec. 2925.01.** As used in this chapter: 2351

(A) "Administer," "controlled substance," "controlled 2352  
substance analog," "dispense," "distribute," "hypodermic," 2353  
"manufacturer," "official written order," "person," 2354  
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 2355  
"schedule III," "schedule IV," "schedule V," and "wholesaler" 2356  
have the same meanings as in section 3719.01 of the Revised 2357  
Code. 2358

(B) "Drug dependent person" and "drug of abuse" have the 2359  
same meanings as in section 3719.011 of the Revised Code. 2360

(C) "Drug," "dangerous drug," "licensed health 2361  
professional authorized to prescribe drugs," and "prescription" 2362  
have the same meanings as in section 4729.01 of the Revised 2363  
Code. 2364

(D) "Bulk amount" of a controlled substance means any of	2365
the following:	2366
(1) For any compound, mixture, preparation, or substance	2367
included in schedule I, schedule II, or schedule III, with the	2368
exception of any controlled substance analog, marihuana,	2369
cocaine, L.S.D., heroin, any fentanyl-related compound, and	2370
hashish and except as provided in division (D) (2), (5), or (6)	2371
of this section, whichever of the following is applicable:	2372
(a) An amount equal to or exceeding ten grams or twenty-	2373
five unit doses of a compound, mixture, preparation, or	2374
substance that is or contains any amount of a schedule I opiate	2375
or opium derivative;	2376
(b) An amount equal to or exceeding ten grams of a	2377
compound, mixture, preparation, or substance that is or contains	2378
any amount of raw or gum opium;	2379
(c) An amount equal to or exceeding thirty grams or ten	2380
unit doses of a compound, mixture, preparation, or substance	2381
that is or contains any amount of a schedule I hallucinogen	2382
other than tetrahydrocannabinol or lysergic acid amide, or a	2383
schedule I stimulant or depressant;	2384
(d) An amount equal to or exceeding twenty grams or five	2385
times the maximum daily dose in the usual dose range specified	2386
in a standard pharmaceutical reference manual of a compound,	2387
mixture, preparation, or substance that is or contains any	2388
amount of a schedule II opiate or opium derivative;	2389
(e) An amount equal to or exceeding five grams or ten unit	2390
doses of a compound, mixture, preparation, or substance that is	2391
or contains any amount of phencyclidine;	2392
(f) An amount equal to or exceeding one hundred twenty	2393

grams or thirty times the maximum daily dose in the usual dose 2394  
range specified in a standard pharmaceutical reference manual of 2395  
a compound, mixture, preparation, or substance that is or 2396  
contains any amount of a schedule II stimulant that is in a 2397  
final dosage form manufactured by a person authorized by the 2398  
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 2399  
U.S.C.A. 301, as amended, and the federal drug abuse control 2400  
laws, as defined in section 3719.01 of the Revised Code, that is 2401  
or contains any amount of a schedule II depressant substance or 2402  
a schedule II hallucinogenic substance; 2403

(g) An amount equal to or exceeding three grams of a 2404  
compound, mixture, preparation, or substance that is or contains 2405  
any amount of a schedule II stimulant, or any of its salts or 2406  
isomers, that is not in a final dosage form manufactured by a 2407  
person authorized by the Federal Food, Drug, and Cosmetic Act 2408  
and the federal drug abuse control laws. 2409

(2) An amount equal to or exceeding one hundred twenty 2410  
grams or thirty times the maximum daily dose in the usual dose 2411  
range specified in a standard pharmaceutical reference manual of 2412  
a compound, mixture, preparation, or substance that is or 2413  
contains any amount of a schedule III or IV substance other than 2414  
an anabolic steroid or a schedule III opiate or opium 2415  
derivative; 2416

(3) An amount equal to or exceeding twenty grams or five 2417  
times the maximum daily dose in the usual dose range specified 2418  
in a standard pharmaceutical reference manual of a compound, 2419  
mixture, preparation, or substance that is or contains any 2420  
amount of a schedule III opiate or opium derivative; 2421

(4) An amount equal to or exceeding two hundred fifty 2422  
milliliters or two hundred fifty grams of a compound, mixture, 2423

preparation, or substance that is or contains any amount of a 2424  
schedule V substance; 2425

(5) An amount equal to or exceeding two hundred solid 2426  
dosage units, sixteen grams, or sixteen milliliters of a 2427  
compound, mixture, preparation, or substance that is or contains 2428  
any amount of a schedule III anabolic steroid; 2429

(6) For any compound, mixture, preparation, or substance 2430  
that is a combination of a fentanyl-related compound and any 2431  
other compound, mixture, preparation, or substance included in 2432  
schedule III, schedule IV, or schedule V, if the defendant is 2433  
charged with a violation of section 2925.11 of the Revised Code 2434  
and the sentencing provisions set forth in divisions (C) (10) (b) 2435  
and (C) (11) of that section will not apply regarding the 2436  
defendant and the violation, the bulk amount of the controlled 2437  
substance for purposes of the violation is the amount specified 2438  
in division (D) (1), (2), (3), (4), or (5) of this section for 2439  
the other schedule III, IV, or V controlled substance that is 2440  
combined with the fentanyl-related compound. 2441

(E) "Unit dose" means an amount or unit of a compound, 2442  
mixture, or preparation containing a controlled substance that 2443  
is separately identifiable and in a form that indicates that it 2444  
is the amount or unit by which the controlled substance is 2445  
separately administered to or taken by an individual. 2446

(F) "Cultivate" includes planting, watering, fertilizing, 2447  
or tilling. 2448

(G) "Drug abuse offense" means any of the following: 2449

(1) A violation of division (A) of section 2913.02 that 2450  
constitutes theft of drugs, or a violation of section 2925.02, 2451  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2452

2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2453  
or 2925.37 of the Revised Code; 2454

(2) A violation of an existing or former law of this or 2455  
any other state or of the United States that is substantially 2456  
equivalent to any section listed in division (G)(1) of this 2457  
section; 2458

(3) An offense under an existing or former law of this or 2459  
any other state, or of the United States, of which planting, 2460  
cultivating, harvesting, processing, making, manufacturing, 2461  
producing, shipping, transporting, delivering, acquiring, 2462  
possessing, storing, distributing, dispensing, selling, inducing 2463  
another to use, administering to another, using, or otherwise 2464  
dealing with a controlled substance is an element; 2465

(4) A conspiracy to commit, attempt to commit, or 2466  
complicity in committing or attempting to commit any offense 2467  
under division (G)(1), (2), or (3) of this section. 2468

(H) "Felony drug abuse offense" means any drug abuse 2469  
offense that would constitute a felony under the laws of this 2470  
state, any other state, or the United States. 2471

(I) "Harmful intoxicant" does not include beer or 2472  
intoxicating liquor but means any of the following: 2473

(1) Any compound, mixture, preparation, or substance the 2474  
gas, fumes, or vapor of which when inhaled can induce 2475  
intoxication, excitement, giddiness, irrational behavior, 2476  
depression, stupefaction, paralysis, unconsciousness, 2477  
asphyxiation, or other harmful physiological effects, and 2478  
includes, but is not limited to, any of the following: 2479

(a) Any volatile organic solvent, plastic cement, model 2480  
cement, fingernail polish remover, lacquer thinner, cleaning 2481

fluid, gasoline, or other preparation containing a volatile	2482
organic solvent;	2483
(b) Any aerosol propellant;	2484
(c) Any fluorocarbon refrigerant;	2485
(d) Any anesthetic gas.	2486
(2) Gamma Butyrolactone;	2487
(3) 1,4 Butanediol.	2488
(J) "Manufacture" means to plant, cultivate, harvest,	2489
process, make, prepare, or otherwise engage in any part of the	2490
production of a drug, by propagation, extraction, chemical	2491
synthesis, or compounding, or any combination of the same, and	2492
includes packaging, repackaging, labeling, and other activities	2493
incident to production.	2494
(K) "Possess" or "possession" means having control over a	2495
thing or substance, but may not be inferred solely from mere	2496
access to the thing or substance through ownership or occupation	2497
of the premises upon which the thing or substance is found.	2498
(L) "Sample drug" means a drug or pharmaceutical	2499
preparation that would be hazardous to health or safety if used	2500
without the supervision of a licensed health professional	2501
authorized to prescribe drugs, or a drug of abuse, and that, at	2502
one time, had been placed in a container plainly marked as a	2503
sample by a manufacturer.	2504
(M) "Standard pharmaceutical reference manual" means the	2505
current edition, with cumulative changes if any, of references	2506
that are approved by the state board of pharmacy.	2507
(N) "Juvenile" means a person under eighteen years of age.	2508

- (O) "Counterfeit controlled substance" means any of the following: 2509  
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- (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; 2511  
2512  
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- (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; 2515  
2516  
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- (3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance; 2519  
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- (4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale. 2522  
2523  
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- (P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises. 2527  
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- (Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the state board of education prescribes minimum standards under section 2534  
2535  
2536  
2537

3301.07 of the Revised Code, whether or not any instruction, 2538  
extracurricular activities, or training provided by the school 2539  
is being conducted at the time a criminal offense is committed. 2540

(R) "School premises" means either of the following: 2541

(1) The parcel of real property on which any school is 2542  
situated, whether or not any instruction, extracurricular 2543  
activities, or training provided by the school is being 2544  
conducted on the premises at the time a criminal offense is 2545  
committed; 2546

(2) Any other parcel of real property that is owned or 2547  
leased by a board of education of a school, the governing 2548  
authority of a community school established under Chapter 3314. 2549  
of the Revised Code, or the governing body of a nonpublic school 2550  
for which the state board of education prescribes minimum 2551  
standards under section 3301.07 of the Revised Code and on which 2552  
some of the instruction, extracurricular activities, or training 2553  
of the school is conducted, whether or not any instruction, 2554  
extracurricular activities, or training provided by the school 2555  
is being conducted on the parcel of real property at the time a 2556  
criminal offense is committed. 2557

(S) "School building" means any building in which any of 2558  
the instruction, extracurricular activities, or training 2559  
provided by a school is conducted, whether or not any 2560  
instruction, extracurricular activities, or training provided by 2561  
the school is being conducted in the school building at the time 2562  
a criminal offense is committed. 2563

(T) "Disciplinary counsel" means the disciplinary counsel 2564  
appointed by the board of commissioners on grievances and 2565  
discipline of the supreme court under the Rules for the 2566

Government of the Bar of Ohio. 2567

(U) "Certified grievance committee" means a duly 2568  
constituted and organized committee of the Ohio state bar 2569  
association or of one or more local bar associations of the 2570  
state of Ohio that complies with the criteria set forth in Rule 2571  
V, section 6 of the Rules for the Government of the Bar of Ohio. 2572

(V) "Professional license" means any license, permit, 2573  
certificate, registration, qualification, admission, temporary 2574  
license, temporary permit, temporary certificate, or temporary 2575  
registration that is described in divisions (W) (1) to (36) of 2576  
this section and that qualifies a person as a professionally 2577  
licensed person. 2578

(W) "Professionally licensed person" means any of the 2579  
following: 2580

~~(1) A person who has obtained a license as a manufacturer-~~ 2581  
~~of controlled substances or a wholesaler of controlled~~ 2582  
~~substances under Chapter 3719. of the Revised Code;~~ 2583

~~(2)~~ A person who has received a certificate or temporary 2584  
certificate as a certified public accountant or who has 2585  
registered as a public accountant under Chapter 4701. of the 2586  
Revised Code and who holds an Ohio permit issued under that 2587  
chapter; 2588

~~(3)~~ (2) A person who holds a certificate of qualification 2589  
to practice architecture issued or renewed and registered under 2590  
Chapter 4703. of the Revised Code; 2591

~~(4)~~ (3) A person who is registered as a landscape 2592  
architect under Chapter 4703. of the Revised Code or who holds a 2593  
permit as a landscape architect issued under that chapter; 2594

<del>(5)</del> <u>(4)</u> A person licensed under Chapter 4707. of the Revised Code;	2595 2596
<del>(6)</del> <u>(5)</u> A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	2597 2598 2599
<del>(7)</del> <u>(6)</u> A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	2600 2601 2602
<del>(8)</del> <u>(7)</u> A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	2603 2604 2605 2606 2607 2608 2609 2610 2611 2612 2613
<del>(9)</del> <u>(8)</u> A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious intravenous sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	2614 2615 2616 2617 2618 2619
<del>(10)</del> <u>(9)</u> A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter	2620 2621 2622 2623

4717. of the Revised Code;	2624
<del>(11)</del> -(10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	2625 2626 2627 2628
<del>(12)</del> -(11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	2629 2630 2631
<del>(13)</del> -(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	2632 2633
<del>(14)</del> -(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	2634 2635
<del>(15)</del> -(14) A person licensed <u>under Chapter 4729. of the Revised Code</u> as a pharmacist, <del>a or pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs</del> <u>or registered under Chapter 4729. of the Revised Code that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;</u>	2636 2637 2638 2639 2640 2641
(15) <u>A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;</u>	2642 2643 2644 2645 2646
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	2647 2648
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the	2649 2650 2651

Revised Code or has been issued a certificate to practice a	2652
limited branch of medicine under that chapter;	2653
(18) A person licensed as a psychologist or school	2654
psychologist under Chapter 4732. of the Revised Code;	2655
(19) A person registered to practice the profession of	2656
engineering or surveying under Chapter 4733. of the Revised	2657
Code;	2658
(20) A person who has been issued a license to practice	2659
chiropractic under Chapter 4734. of the Revised Code;	2660
(21) A person licensed to act as a real estate broker or	2661
real estate salesperson under Chapter 4735. of the Revised Code;	2662
(22) A person registered as a registered sanitarian under	2663
Chapter 4736. of the Revised Code;	2664
(23) A person licensed to operate or maintain a junkyard	2665
under Chapter 4737. of the Revised Code;	2666
(24) A person who has been issued a motor vehicle salvage	2667
dealer's license under Chapter 4738. of the Revised Code;	2668
(25) A person who has been licensed to act as a steam	2669
engineer under Chapter 4739. of the Revised Code;	2670
(26) A person who has been issued a license or temporary	2671
permit to practice veterinary medicine or any of its branches,	2672
or who is registered as a graduate animal technician under	2673
Chapter 4741. of the Revised Code;	2674
(27) A person who has been issued a hearing aid dealer's	2675
or fitter's license or trainee permit under Chapter 4747. of the	2676
Revised Code;	2677
(28) A person who has been issued a class A, class B, or	2678

class C license or who has been registered as an investigator or	2679
security guard employee under Chapter 4749. of the Revised Code;	2680
(29) A person licensed and registered to practice as a	2681
nursing home administrator under Chapter 4751. of the Revised	2682
Code;	2683
(30) A person licensed to practice as a speech-language	2684
pathologist or audiologist under Chapter 4753. of the Revised	2685
Code;	2686
(31) A person issued a license as an occupational	2687
therapist or physical therapist under Chapter 4755. of the	2688
Revised Code;	2689
(32) A person who is licensed as a licensed professional	2690
clinical counselor, licensed professional counselor, social	2691
worker, independent social worker, independent marriage and	2692
family therapist, or marriage and family therapist, or	2693
registered as a social work assistant under Chapter 4757. of the	2694
Revised Code;	2695
(33) A person issued a license to practice dietetics under	2696
Chapter 4759. of the Revised Code;	2697
(34) A person who has been issued a license or limited	2698
permit to practice respiratory therapy under Chapter 4761. of	2699
the Revised Code;	2700
(35) A person who has been issued a real estate appraiser	2701
certificate under Chapter 4763. of the Revised Code;	2702
(36) A person who has been admitted to the bar by order of	2703
the supreme court in compliance with its prescribed and	2704
published rules.	2705
(X) "Cocaine" means any of the following:	2706

(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	2707 2708
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	2709 2710 2711 2712
(3) A salt, compound, derivative, or preparation of a substance identified in division (X) (1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	2713 2714 2715 2716 2717 2718
(Y) "L.S.D." means lysergic acid diethylamide.	2719
(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	2720 2721 2722
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	2723 2724 2725
(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.	2726 2727 2728 2729 2730 2731 2732
(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	2733 2734 2735

Code, that a prison term is a necessary sanction for a felony in 2736  
order to comply with the purposes and principles of sentencing 2737  
under section 2929.11 of the Revised Code. 2738

(DD) "Major drug offender" has the same meaning as in 2739  
section 2929.01 of the Revised Code. 2740

(EE) "Minor drug possession offense" means either of the 2741  
following: 2742

(1) A violation of section 2925.11 of the Revised Code as 2743  
it existed prior to July 1, 1996; 2744

(2) A violation of section 2925.11 of the Revised Code as 2745  
it exists on and after July 1, 1996, that is a misdemeanor or a 2746  
felony of the fifth degree. 2747

(FF) "Mandatory prison term" has the same meaning as in 2748  
section 2929.01 of the Revised Code. 2749

(GG) "Adulterate" means to cause a drug to be adulterated 2750  
as described in section 3715.63 of the Revised Code. 2751

(HH) "Public premises" means any hotel, restaurant, 2752  
tavern, store, arena, hall, or other place of public 2753  
accommodation, business, amusement, or resort. 2754

(II) "Methamphetamine" means methamphetamine, any salt, 2755  
isomer, or salt of an isomer of methamphetamine, or any 2756  
compound, mixture, preparation, or substance containing 2757  
methamphetamine or any salt, isomer, or salt of an isomer of 2758  
methamphetamine. 2759

(JJ) ~~"Lawful prescription" means a prescription that is~~ 2760  
~~issued for a legitimate medical purpose by a licensed health~~ 2761  
~~professional authorized to prescribe drugs, that is not altered~~ 2762  
~~or forged, and that was not obtained by means of deception or by~~ 2763

<del>the commission of any theft offense.</del>	2764
<del>(KK) "Deception" and "theft offense" have</del> <u>has</u> the same	2765
<del>meanings meaning</del> as in section 2913.01 of the Revised Code.	2766
<del>(LL)</del> <u>(KK)</u> "Fentanyl-related compound" means any of the	2767
following:	2768
(1) Fentanyl;	2769
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-	2770
phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-	2771
phenylethyl)-4-(N-propanilido) piperidine);	2772
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-	2773
thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);	2774
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-	2775
piperidinyl]-N-phenylpropanamide);	2776
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-	2777
hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-	2778
phenylpropanamide);	2779
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-	2780
piperidyl]-N- phenylpropanamide);	2781
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-	2782
4-piperidinyl]-N-phenylpropanamide);	2783
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-	2784
phenethyl)-4-piperidinyl]propanamide;	2785
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-	2786
piperidinyl]-propanamide;	2787
(10) Alfentanil;	2788
(11) Carfentanil;	2789

(12) Remifentanil;	2790
(13) Sufentanil;	2791
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and	2792 2793
(15) <del>A schedule I narcotic opiate</del> <u>Any compound</u> that meets	2794
<u>all of the following fentanyl pharmacophore requirements</u>	2795
<del>specified in division (A) (56) of section 3719.41 of the Revised Code to bind at the mu receptor, as identified by a report from</del>	2796 2797
<u>an established forensic laboratory, including acetylfentanyl,</u>	2798
<u>furanylfentanyl, valerylfentanyl, butyrylfentanyl,</u>	2799
<u>isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-</u>	2800
<u>fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl;</u>	2801
<u>(a) A chemical scaffold consisting of both of the</u>	2802
<u>following:</u>	2803
<u>(i) A five, six, or seven member ring structure containing</u>	2804
<u>a nitrogen, whether or not further substituted;</u>	2805
<u>(ii) An attached nitrogen to the ring, whether or not that</u>	2806
<u>nitrogen is enclosed in a ring structure, including an attached</u>	2807
<u>aromatic ring or other lipophilic group to that nitrogen.</u>	2808
<u>(b) A polar functional group attached to the chemical</u>	2809
<u>scaffold, including but not limited to a hydroxyl, ketone,</u>	2810
<u>amide, or ester;</u>	2811
<u>(c) An alkyl or aryl substitution off the ring nitrogen of</u>	2812
<u>the chemical scaffold; and</u>	2813
<u>(d) The compound has not been approved for medical use by</u>	2814
<u>the United States food and drug administration.</u>	2815
<b>Sec. 2925.09.</b> (A) No person shall administer, dispense,	2816

distribute, manufacture, possess, sell, or use any drug, other 2817  
than a controlled substance, that is not approved by the United 2818  
States food and drug administration, or the United States 2819  
department of agriculture, unless one of the following applies: 2820

(1) The United States food and drug administration has 2821  
approved an application for investigational use in accordance 2822  
with the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 2823  
(1938), 21 U.S.C.A. 301, as amended, and the drug is used only 2824  
for the approved investigational use; 2825

(2) The United States department of agriculture has 2826  
approved an application for investigational use in accordance 2827  
with the federal "Virus-Serum-Toxin Act," 37 Stat. 832 (1913), 2828  
21 U.S.C.A. 151, as amended, and the drug is used only for the 2829  
approved investigational use; 2830

(3) A licensed health professional authorized to prescribe 2831  
drugs, other than a veterinarian, prescribes or combines two or 2832  
more drugs as a single product for medical purposes; 2833

(4) A pharmacist, pursuant to a prescription, compounds 2834  
and dispenses two or more drugs as a single product for medical 2835  
purposes. 2836

(B) (1) As used in this division, "dangerous drug," 2837  
"prescription," "sale at retail," "manufacturer of dangerous 2838  
drugs," "outsourcing facility," "third-party logistics 2839  
provider," "repackager of dangerous drugs," "wholesale 2840  
distributor of dangerous drugs," and "terminal distributor of 2841  
dangerous drugs," have the same meanings as in section 4729.01 2842  
of the Revised Code. 2843

(2) Except as provided in division (B) (3) of this section, 2844  
no person shall administer, dispense, distribute, manufacture, 2845

possess, sell, or use any dangerous drug to or for livestock or 2846  
any animal that is generally used for food or in the production 2847  
of food, unless the drug is prescribed by a licensed 2848  
veterinarian by prescription or other written order and the drug 2849  
is used in accordance with the veterinarian's order or 2850  
direction. 2851

(3) Division (B) (2) of this section does not apply to a 2852  
~~registered licensed manufacturer of dangerous drugs, outsourcing~~ 2853  
~~facility, third-party logistics provider, repackager of~~ 2854  
~~dangerous drugs,~~ wholesale distributor of dangerous drugs, a 2855  
~~licensed or~~ terminal distributor of dangerous drugs, or to a 2856  
person who possesses, possesses for sale, or sells, at retail, a 2857  
drug in accordance with Chapters 3719., 4729., or 4741. of the 2858  
Revised Code. 2859

(C) Whoever violates division (A) or (B) (2) of this 2860  
section is guilty of a felony of the fifth degree on a first 2861  
offense and of a felony of the fourth degree on each subsequent 2862  
offense. 2863

**Sec. 2925.11.** (A) No person shall knowingly obtain, 2864  
possess, or use a controlled substance or a controlled substance 2865  
analog. 2866

(B) (1) This section does not apply to any of the 2867  
following: 2868

(a) Manufacturers, licensed health professionals 2869  
authorized to prescribe drugs, pharmacists, owners of 2870  
pharmacies, and other persons whose conduct was in accordance 2871  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 2872  
4741. of the Revised Code; 2873

(b) If the offense involves an anabolic steroid, any 2874

person who is conducting or participating in a research project 2875  
involving the use of an anabolic steroid if the project has been 2876  
approved by the United States food and drug administration; 2877

(c) Any person who sells, offers for sale, prescribes, 2878  
dispenses, or administers for livestock or other nonhuman 2879  
species an anabolic steroid that is expressly intended for 2880  
administration through implants to livestock or other nonhuman 2881  
species and approved for that purpose under the "Federal Food, 2882  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 2883  
as amended, and is sold, offered for sale, prescribed, 2884  
dispensed, or administered for that purpose in accordance with 2885  
that act; 2886

(d) Any person who obtained the controlled substance 2887  
pursuant to a ~~lawful~~ prescription issued by a licensed health 2888  
professional authorized to prescribe drugs if the prescription 2889  
was issued for a legitimate medical purpose and not altered, 2890  
forged, or obtained through deception or commission of a theft 2891  
offense. 2892

As used in division (B) (1) (d) of this section, "deception" 2893  
and "theft offense" have the same meanings as in section 2913.01 2894  
of the Revised Code. 2895

(2) (a) As used in division (B) (2) of this section: 2896

(i) "Community addiction services provider" has the same 2897  
meaning as in section 5119.01 of the Revised Code. 2898

(ii) "Community control sanction" and "drug treatment 2899  
program" have the same meanings as in section 2929.01 of the 2900  
Revised Code. 2901

(iii) "Health care facility" has the same meaning as in 2902  
section 2919.16 of the Revised Code. 2903

(iv) "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree. 2904  
2905  
2906

(v) "Post-release control sanction" has the same meaning as in section 2967.28 of the Revised Code. 2907  
2908

(vi) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 2909  
2910

(vii) "Public agency" has the same meaning as in section 2930.01 of the Revised Code. 2911  
2912

(viii) "Qualified individual" means a person who is not on community control or post-release control and is a person acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section. 2913  
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(ix) "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility. 2921  
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(b) Subject to division (B) (2) (f) of this section, a qualified individual shall not be arrested, charged, prosecuted, convicted, or penalized pursuant to this chapter for a minor drug possession offense if all of the following apply: 2925  
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(i) The evidence of the obtaining, possession, or use of the controlled substance or controlled substance analog that would be the basis of the offense was obtained as a result of the qualified individual seeking the medical assistance or 2929  
2930  
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2932

experiencing an overdose and needing medical assistance. 2933

(ii) Subject to division (B) (2) (g) of this section, within 2934  
thirty days after seeking or obtaining the medical assistance, 2935  
the qualified individual seeks and obtains a screening and 2936  
receives a referral for treatment from a community addiction 2937  
services provider or a properly credentialed addiction treatment 2938  
professional. 2939

(iii) Subject to division (B) (2) (g) of this section, the 2940  
qualified individual who obtains a screening and receives a 2941  
referral for treatment under division (B) (2) (b) (ii) of this 2942  
section, upon the request of any prosecuting attorney, submits 2943  
documentation to the prosecuting attorney that verifies that the 2944  
qualified individual satisfied the requirements of that 2945  
division. The documentation shall be limited to the date and 2946  
time of the screening obtained and referral received. 2947

(c) If a person is found to be in violation of any 2948  
community control sanction and if the violation is a result of 2949  
either of the following, the court shall first consider ordering 2950  
the person's participation or continued participation in a drug 2951  
treatment program or mitigating the penalty specified in section 2952  
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 2953  
applicable, after which the court has the discretion either to 2954  
order the person's participation or continued participation in a 2955  
drug treatment program or to impose the penalty with the 2956  
mitigating factor specified in any of those applicable sections: 2957

(i) Seeking or obtaining medical assistance in good faith 2958  
for another person who is experiencing a drug overdose; 2959

(ii) Experiencing a drug overdose and seeking medical 2960  
assistance for that overdose or being the subject of another 2961

person seeking or obtaining medical assistance for that overdose 2962  
as described in division (B) (2) (b) of this section. 2963

(d) If a person is found to be in violation of any post- 2964  
release control sanction and if the violation is a result of 2965  
either of the following, the court or the parole board shall 2966  
first consider ordering the person's participation or continued 2967  
participation in a drug treatment program or mitigating the 2968  
penalty specified in section 2929.141 or 2967.28 of the Revised 2969  
Code, whichever is applicable, after which the court or the 2970  
parole board has the discretion either to order the person's 2971  
participation or continued participation in a drug treatment 2972  
program or to impose the penalty with the mitigating factor 2973  
specified in either of those applicable sections: 2974

(i) Seeking or obtaining medical assistance in good faith 2975  
for another person who is experiencing a drug overdose; 2976

(ii) Experiencing a drug overdose and seeking medical 2977  
assistance for that emergency or being the subject of another 2978  
person seeking or obtaining medical assistance for that overdose 2979  
as described in division (B) (2) (b) of this section. 2980

(e) Nothing in division (B) (2) (b) of this section shall be 2981  
construed to do any of the following: 2982

(i) Limit the admissibility of any evidence in connection 2983  
with the investigation or prosecution of a crime with regards to 2984  
a defendant who does not qualify for the protections of division 2985  
(B) (2) (b) of this section or with regards to any crime other 2986  
than a minor drug possession offense committed by a person who 2987  
qualifies for protection pursuant to division (B) (2) (b) of this 2988  
section for a minor drug possession offense; 2989

(ii) Limit any seizure of evidence or contraband otherwise 2990

permitted by law; 2991

(iii) Limit or abridge the authority of a peace officer to 2992  
detain or take into custody a person in the course of an 2993  
investigation or to effectuate an arrest for any offense except 2994  
as provided in that division; 2995

(iv) Limit, modify, or remove any immunity from liability 2996  
available pursuant to law in effect prior to September 13, 2016, 2997  
to any public agency or to an employee of any public agency. 2998

(f) Division (B) (2) (b) of this section does not apply to 2999  
any person who twice previously has been granted an immunity 3000  
under division (B) (2) (b) of this section. No person shall be 3001  
granted an immunity under division (B) (2) (b) of this section 3002  
more than two times. 3003

(g) Nothing in this section shall compel any qualified 3004  
individual to disclose protected health information in a way 3005  
that conflicts with the requirements of the "Health Insurance 3006  
Portability and Accountability Act of 1996," 104 Pub. L. No. 3007  
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 3008  
regulations promulgated by the United States department of 3009  
health and human services to implement the act or the 3010  
requirements of 42 C.F.R. Part 2. 3011

(C) Whoever violates division (A) of this section is 3012  
guilty of one of the following: 3013

(1) If the drug involved in the violation is a compound, 3014  
mixture, preparation, or substance included in schedule I or II, 3015  
with the exception of marihuana, cocaine, L.S.D., heroin, any 3016  
fentanyl-related compound, hashish, and any controlled substance 3017  
analog, whoever violates division (A) of this section is guilty 3018  
of aggravated possession of drugs. The penalty for the offense 3019

shall be determined as follows: 3020

(a) Except as otherwise provided in division (C) (1) (b), 3021  
(c), (d), or (e) of this section, aggravated possession of drugs 3022  
is a felony of the fifth degree, and division (B) of section 3023  
2929.13 of the Revised Code applies in determining whether to 3024  
impose a prison term on the offender. 3025

(b) If the amount of the drug involved equals or exceeds 3026  
the bulk amount but is less than five times the bulk amount, 3027  
aggravated possession of drugs is a felony of the third degree, 3028  
and there is a presumption for a prison term for the offense. 3029

(c) If the amount of the drug involved equals or exceeds 3030  
five times the bulk amount but is less than fifty times the bulk 3031  
amount, aggravated possession of drugs is a felony of the second 3032  
degree, and the court shall impose as a mandatory prison term 3033  
one of the prison terms prescribed for a felony of the second 3034  
degree. 3035

(d) If the amount of the drug involved equals or exceeds 3036  
fifty times the bulk amount but is less than one hundred times 3037  
the bulk amount, aggravated possession of drugs is a felony of 3038  
the first degree, and the court shall impose as a mandatory 3039  
prison term one of the prison terms prescribed for a felony of 3040  
the first degree. 3041

(e) If the amount of the drug involved equals or exceeds 3042  
one hundred times the bulk amount, aggravated possession of 3043  
drugs is a felony of the first degree, the offender is a major 3044  
drug offender, and the court shall impose as a mandatory prison 3045  
term the maximum prison term prescribed for a felony of the 3046  
first degree. 3047

(2) If the drug involved in the violation is a compound, 3048

mixture, preparation, or substance included in schedule III, IV, 3049  
or V, whoever violates division (A) of this section is guilty of 3050  
possession of drugs. The penalty for the offense shall be 3051  
determined as follows: 3052

(a) Except as otherwise provided in division (C) (2) (b), 3053  
(c), or (d) of this section, possession of drugs is a 3054  
misdemeanor of the first degree or, if the offender previously 3055  
has been convicted of a drug abuse offense, a felony of the 3056  
fifth degree. 3057

(b) If the amount of the drug involved equals or exceeds 3058  
the bulk amount but is less than five times the bulk amount, 3059  
possession of drugs is a felony of the fourth degree, and 3060  
division (C) of section 2929.13 of the Revised Code applies in 3061  
determining whether to impose a prison term on the offender. 3062

(c) If the amount of the drug involved equals or exceeds 3063  
five times the bulk amount but is less than fifty times the bulk 3064  
amount, possession of drugs is a felony of the third degree, and 3065  
there is a presumption for a prison term for the offense. 3066

(d) If the amount of the drug involved equals or exceeds 3067  
fifty times the bulk amount, possession of drugs is a felony of 3068  
the second degree, and the court shall impose upon the offender 3069  
as a mandatory prison term one of the prison terms prescribed 3070  
for a felony of the second degree. 3071

(3) If the drug involved in the violation is marihuana or 3072  
a compound, mixture, preparation, or substance containing 3073  
marihuana other than hashish, whoever violates division (A) of 3074  
this section is guilty of possession of marihuana. The penalty 3075  
for the offense shall be determined as follows: 3076

(a) Except as otherwise provided in division (C) (3) (b), 3077

(c), (d), (e), (f), or (g) of this section, possession of 3078  
marihuana is a minor misdemeanor. 3079

(b) If the amount of the drug involved equals or exceeds 3080  
one hundred grams but is less than two hundred grams, possession 3081  
of marihuana is a misdemeanor of the fourth degree. 3082

(c) If the amount of the drug involved equals or exceeds 3083  
two hundred grams but is less than one thousand grams, 3084  
possession of marihuana is a felony of the fifth degree, and 3085  
division (B) of section 2929.13 of the Revised Code applies in 3086  
determining whether to impose a prison term on the offender. 3087

(d) If the amount of the drug involved equals or exceeds 3088  
one thousand grams but is less than five thousand grams, 3089  
possession of marihuana is a felony of the third degree, and 3090  
division (C) of section 2929.13 of the Revised Code applies in 3091  
determining whether to impose a prison term on the offender. 3092

(e) If the amount of the drug involved equals or exceeds 3093  
five thousand grams but is less than twenty thousand grams, 3094  
possession of marihuana is a felony of the third degree, and 3095  
there is a presumption that a prison term shall be imposed for 3096  
the offense. 3097

(f) If the amount of the drug involved equals or exceeds 3098  
twenty thousand grams but is less than forty thousand grams, 3099  
possession of marihuana is a felony of the second degree, and 3100  
the court shall impose a mandatory prison term of five, six, 3101  
seven, or eight years. 3102

(g) If the amount of the drug involved equals or exceeds 3103  
forty thousand grams, possession of marihuana is a felony of the 3104  
second degree, and the court shall impose as a mandatory prison 3105  
term the maximum prison term prescribed for a felony of the 3106

second degree. 3107

(4) If the drug involved in the violation is cocaine or a 3108  
compound, mixture, preparation, or substance containing cocaine, 3109  
whoever violates division (A) of this section is guilty of 3110  
possession of cocaine. The penalty for the offense shall be 3111  
determined as follows: 3112

(a) Except as otherwise provided in division (C) (4) (b), 3113  
(c), (d), (e), or (f) of this section, possession of cocaine is 3114  
a felony of the fifth degree, and division (B) of section 3115  
2929.13 of the Revised Code applies in determining whether to 3116  
impose a prison term on the offender. 3117

(b) If the amount of the drug involved equals or exceeds 3118  
five grams but is less than ten grams of cocaine, possession of 3119  
cocaine is a felony of the fourth degree, and division (B) of 3120  
section 2929.13 of the Revised Code applies in determining 3121  
whether to impose a prison term on the offender. 3122

(c) If the amount of the drug involved equals or exceeds 3123  
ten grams but is less than twenty grams of cocaine, possession 3124  
of cocaine is a felony of the third degree, and, except as 3125  
otherwise provided in this division, there is a presumption for 3126  
a prison term for the offense. If possession of cocaine is a 3127  
felony of the third degree under this division and if the 3128  
offender two or more times previously has been convicted of or 3129  
pleaded guilty to a felony drug abuse offense, the court shall 3130  
impose as a mandatory prison term one of the prison terms 3131  
prescribed for a felony of the third degree. 3132

(d) If the amount of the drug involved equals or exceeds 3133  
twenty grams but is less than twenty-seven grams of cocaine, 3134  
possession of cocaine is a felony of the second degree, and the 3135

court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. 3136  
3137

(e) If the amount of the drug involved equals or exceeds 3138  
twenty-seven grams but is less than one hundred grams of 3139  
cocaine, possession of cocaine is a felony of the first degree, 3140  
and the court shall impose as a mandatory prison term one of the 3141  
prison terms prescribed for a felony of the first degree. 3142

(f) If the amount of the drug involved equals or exceeds 3143  
one hundred grams of cocaine, possession of cocaine is a felony 3144  
of the first degree, the offender is a major drug offender, and 3145  
the court shall impose as a mandatory prison term the maximum 3146  
prison term prescribed for a felony of the first degree. 3147

(5) If the drug involved in the violation is L.S.D., 3148  
whoever violates division (A) of this section is guilty of 3149  
possession of L.S.D. The penalty for the offense shall be 3150  
determined as follows: 3151

(a) Except as otherwise provided in division (C) (5) (b), 3152  
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 3153  
felony of the fifth degree, and division (B) of section 2929.13 3154  
of the Revised Code applies in determining whether to impose a 3155  
prison term on the offender. 3156

(b) If the amount of L.S.D. involved equals or exceeds ten 3157  
unit doses but is less than fifty unit doses of L.S.D. in a 3158  
solid form or equals or exceeds one gram but is less than five 3159  
grams of L.S.D. in a liquid concentrate, liquid extract, or 3160  
liquid distillate form, possession of L.S.D. is a felony of the 3161  
fourth degree, and division (C) of section 2929.13 of the 3162  
Revised Code applies in determining whether to impose a prison 3163  
term on the offender. 3164

(c) If the amount of L.S.D. involved equals or exceeds 3165  
fifty unit doses, but is less than two hundred fifty unit doses 3166  
of L.S.D. in a solid form or equals or exceeds five grams but is 3167  
less than twenty-five grams of L.S.D. in a liquid concentrate, 3168  
liquid extract, or liquid distillate form, possession of L.S.D. 3169  
is a felony of the third degree, and there is a presumption for 3170  
a prison term for the offense. 3171

(d) If the amount of L.S.D. involved equals or exceeds two 3172  
hundred fifty unit doses but is less than one thousand unit 3173  
doses of L.S.D. in a solid form or equals or exceeds twenty-five 3174  
grams but is less than one hundred grams of L.S.D. in a liquid 3175  
concentrate, liquid extract, or liquid distillate form, 3176  
possession of L.S.D. is a felony of the second degree, and the 3177  
court shall impose as a mandatory prison term one of the prison 3178  
terms prescribed for a felony of the second degree. 3179

(e) If the amount of L.S.D. involved equals or exceeds one 3180  
thousand unit doses but is less than five thousand unit doses of 3181  
L.S.D. in a solid form or equals or exceeds one hundred grams 3182  
but is less than five hundred grams of L.S.D. in a liquid 3183  
concentrate, liquid extract, or liquid distillate form, 3184  
possession of L.S.D. is a felony of the first degree, and the 3185  
court shall impose as a mandatory prison term one of the prison 3186  
terms prescribed for a felony of the first degree. 3187

(f) If the amount of L.S.D. involved equals or exceeds 3188  
five thousand unit doses of L.S.D. in a solid form or equals or 3189  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 3190  
liquid extract, or liquid distillate form, possession of L.S.D. 3191  
is a felony of the first degree, the offender is a major drug 3192  
offender, and the court shall impose as a mandatory prison term 3193  
the maximum prison term prescribed for a felony of the first 3194

degree. 3195

(6) If the drug involved in the violation is heroin or a 3196  
compound, mixture, preparation, or substance containing heroin, 3197  
whoever violates division (A) of this section is guilty of 3198  
possession of heroin. The penalty for the offense shall be 3199  
determined as follows: 3200

(a) Except as otherwise provided in division (C) (6) (b), 3201  
(c), (d), (e), or (f) of this section, possession of heroin is a 3202  
felony of the fifth degree, and division (B) of section 2929.13 3203  
of the Revised Code applies in determining whether to impose a 3204  
prison term on the offender. 3205

(b) If the amount of the drug involved equals or exceeds 3206  
ten unit doses but is less than fifty unit doses or equals or 3207  
exceeds one gram but is less than five grams, possession of 3208  
heroin is a felony of the fourth degree, and division (C) of 3209  
section 2929.13 of the Revised Code applies in determining 3210  
whether to impose a prison term on the offender. 3211

(c) If the amount of the drug involved equals or exceeds 3212  
fifty unit doses but is less than one hundred unit doses or 3213  
equals or exceeds five grams but is less than ten grams, 3214  
possession of heroin is a felony of the third degree, and there 3215  
is a presumption for a prison term for the offense. 3216

(d) If the amount of the drug involved equals or exceeds 3217  
one hundred unit doses but is less than five hundred unit doses 3218  
or equals or exceeds ten grams but is less than fifty grams, 3219  
possession of heroin is a felony of the second degree, and the 3220  
court shall impose as a mandatory prison term one of the prison 3221  
terms prescribed for a felony of the second degree. 3222

(e) If the amount of the drug involved equals or exceeds 3223

five hundred unit doses but is less than one thousand unit doses 3224  
or equals or exceeds fifty grams but is less than one hundred 3225  
grams, possession of heroin is a felony of the first degree, and 3226  
the court shall impose as a mandatory prison term one of the 3227  
prison terms prescribed for a felony of the first degree. 3228

(f) If the amount of the drug involved equals or exceeds 3229  
one thousand unit doses or equals or exceeds one hundred grams, 3230  
possession of heroin is a felony of the first degree, the 3231  
offender is a major drug offender, and the court shall impose as 3232  
a mandatory prison term the maximum prison term prescribed for a 3233  
felony of the first degree. 3234

(7) If the drug involved in the violation is hashish or a 3235  
compound, mixture, preparation, or substance containing hashish, 3236  
whoever violates division (A) of this section is guilty of 3237  
possession of hashish. The penalty for the offense shall be 3238  
determined as follows: 3239

(a) Except as otherwise provided in division (C) (7) (b), 3240  
(c), (d), (e), (f), or (g) of this section, possession of 3241  
hashish is a minor misdemeanor. 3242

(b) If the amount of the drug involved equals or exceeds 3243  
five grams but is less than ten grams of hashish in a solid form 3244  
or equals or exceeds one gram but is less than two grams of 3245  
hashish in a liquid concentrate, liquid extract, or liquid 3246  
distillate form, possession of hashish is a misdemeanor of the 3247  
fourth degree. 3248

(c) If the amount of the drug involved equals or exceeds 3249  
ten grams but is less than fifty grams of hashish in a solid 3250  
form or equals or exceeds two grams but is less than ten grams 3251  
of hashish in a liquid concentrate, liquid extract, or liquid 3252

distillate form, possession of hashish is a felony of the fifth 3253  
degree, and division (B) of section 2929.13 of the Revised Code 3254  
applies in determining whether to impose a prison term on the 3255  
offender. 3256

(d) If the amount of the drug involved equals or exceeds 3257  
fifty grams but is less than two hundred fifty grams of hashish 3258  
in a solid form or equals or exceeds ten grams but is less than 3259  
fifty grams of hashish in a liquid concentrate, liquid extract, 3260  
or liquid distillate form, possession of hashish is a felony of 3261  
the third degree, and division (C) of section 2929.13 of the 3262  
Revised Code applies in determining whether to impose a prison 3263  
term on the offender. 3264

(e) If the amount of the drug involved equals or exceeds 3265  
two hundred fifty grams but is less than one thousand grams of 3266  
hashish in a solid form or equals or exceeds fifty grams but is 3267  
less than two hundred grams of hashish in a liquid concentrate, 3268  
liquid extract, or liquid distillate form, possession of hashish 3269  
is a felony of the third degree, and there is a presumption that 3270  
a prison term shall be imposed for the offense. 3271

(f) If the amount of the drug involved equals or exceeds 3272  
one thousand grams but is less than two thousand grams of 3273  
hashish in a solid form or equals or exceeds two hundred grams 3274  
but is less than four hundred grams of hashish in a liquid 3275  
concentrate, liquid extract, or liquid distillate form, 3276  
possession of hashish is a felony of the second degree, and the 3277  
court shall impose a mandatory prison term of five, six, seven, 3278  
or eight years. 3279

(g) If the amount of the drug involved equals or exceeds 3280  
two thousand grams of hashish in a solid form or equals or 3281  
exceeds four hundred grams of hashish in a liquid concentrate, 3282

liquid extract, or liquid distillate form, possession of hashish 3283  
is a felony of the second degree, and the court shall impose as 3284  
a mandatory prison term the maximum prison term prescribed for a 3285  
felony of the second degree. 3286

(8) If the drug involved is a controlled substance analog 3287  
or compound, mixture, preparation, or substance that contains a 3288  
controlled substance analog, whoever violates division (A) of 3289  
this section is guilty of possession of a controlled substance 3290  
analog. The penalty for the offense shall be determined as 3291  
follows: 3292

(a) Except as otherwise provided in division (C) (8) (b), 3293  
(c), (d), (e), or (f) of this section, possession of a 3294  
controlled substance analog is a felony of the fifth degree, and 3295  
division (B) of section 2929.13 of the Revised Code applies in 3296  
determining whether to impose a prison term on the offender. 3297

(b) If the amount of the drug involved equals or exceeds 3298  
ten grams but is less than twenty grams, possession of a 3299  
controlled substance analog is a felony of the fourth degree, 3300  
and there is a presumption for a prison term for the offense. 3301

(c) If the amount of the drug involved equals or exceeds 3302  
twenty grams but is less than thirty grams, possession of a 3303  
controlled substance analog is a felony of the third degree, and 3304  
there is a presumption for a prison term for the offense. 3305

(d) If the amount of the drug involved equals or exceeds 3306  
thirty grams but is less than forty grams, possession of a 3307  
controlled substance analog is a felony of the second degree, 3308  
and the court shall impose as a mandatory prison term one of the 3309  
prison terms prescribed for a felony of the second degree. 3310

(e) If the amount of the drug involved equals or exceeds 3311

forty grams but is less than fifty grams, possession of a 3312  
controlled substance analog is a felony of the first degree, and 3313  
the court shall impose as a mandatory prison term one of the 3314  
prison terms prescribed for a felony of the first degree. 3315

(f) If the amount of the drug involved equals or exceeds 3316  
fifty grams, possession of a controlled substance analog is a 3317  
felony of the first degree, the offender is a major drug 3318  
offender, and the court shall impose as a mandatory prison term 3319  
the maximum prison term prescribed for a felony of the first 3320  
degree. 3321

(9) If the drug involved in the violation is a compound, 3322  
mixture, preparation, or substance that is a combination of a 3323  
fentanyl-related compound and marihuana, one of the following 3324  
applies: 3325

(a) Except as otherwise provided in division (C) (9) (b) of 3326  
this section, the offender is guilty of possession of marihuana 3327  
and shall be punished as provided in division (C) (3) of this 3328  
section. Except as otherwise provided in division (C) (9) (b) of 3329  
this section, the offender is not guilty of possession of a 3330  
fentanyl-related compound under division (C) (11) of this section 3331  
and shall not be charged with, convicted of, or punished under 3332  
division (C) (11) of this section for possession of a fentanyl- 3333  
related compound. 3334

(b) If the offender knows or has reason to know that the 3335  
compound, mixture, preparation, or substance that is the drug 3336  
involved contains a fentanyl-related compound, the offender is 3337  
guilty of possession of a fentanyl-related compound and shall be 3338  
punished under division (C) (11) of this section. 3339

(10) If the drug involved in the violation is a compound, 3340

mixture, preparation, or substance that is a combination of a 3341  
fentanyl-related compound and any schedule III, schedule IV, or 3342  
schedule V controlled substance that is not a fentanyl-related 3343  
compound, one of the following applies: 3344

(a) Except as otherwise provided in division (C)(10)(b) of 3345  
this section, the offender is guilty of possession of drugs and 3346  
shall be punished as provided in division (C)(2) of this 3347  
section. Except as otherwise provided in division (C)(10)(b) of 3348  
this section, the offender is not guilty of possession of a 3349  
fentanyl-related compound under division (C)(11) of this section 3350  
and shall not be charged with, convicted of, or punished under 3351  
division (C)(11) of this section for possession of a fentanyl- 3352  
related compound. 3353

(b) If the offender knows or has reason to know that the 3354  
compound, mixture, preparation, or substance that is the drug 3355  
involved contains a fentanyl-related compound, the offender is 3356  
guilty of possession of a fentanyl-related compound and shall be 3357  
punished under division (C)(11) of this section. 3358

(11) If the drug involved in the violation is a fentanyl- 3359  
related compound and neither division (C)(9)(a) nor division (C) 3360  
(10)(a) of this section applies to the drug involved, or is a 3361  
compound, mixture, preparation, or substance that contains a 3362  
fentanyl-related compound or is a combination of a fentanyl- 3363  
related compound and any other controlled substance and neither 3364  
division (C)(9)(a) nor division (C)(10)(a) of this section 3365  
applies to the drug involved, whoever violates division (A) of 3366  
this section is guilty of possession of a fentanyl-related 3367  
compound. The penalty for the offense shall be determined as 3368  
follows: 3369

(a) Except as otherwise provided in division (C)(11)(b), 3370

(c), (d), (e), (f), or (g) of this section, possession of a 3371  
fentanyl-related compound is a felony of the fifth degree, and 3372  
division (B) of section 2929.13 of the Revised Code applies in 3373  
determining whether to impose a prison term on the offender. 3374

(b) If the amount of the drug involved equals or exceeds 3375  
ten unit doses but is less than fifty unit doses or equals or 3376  
exceeds one gram but is less than five grams, possession of a 3377  
fentanyl-related compound is a felony of the fourth degree, and 3378  
division (C) of section 2929.13 of the Revised Code applies in 3379  
determining whether to impose a prison term on the offender. 3380

(c) If the amount of the drug involved equals or exceeds 3381  
fifty unit doses but is less than one hundred unit doses or 3382  
equals or exceeds five grams but is less than ten grams, 3383  
possession of a fentanyl-related compound is a felony of the 3384  
third degree, and there is a presumption for a prison term for 3385  
the offense. 3386

(d) If the amount of the drug involved equals or exceeds 3387  
one hundred unit doses but is less than two hundred unit doses 3388  
or equals or exceeds ten grams but is less than twenty grams, 3389  
possession of a fentanyl-related compound is a felony of the 3390  
second degree, and the court shall impose as a mandatory prison 3391  
term one of the prison terms prescribed for a felony of the 3392  
second degree. 3393

(e) If the amount of the drug involved equals or exceeds 3394  
two hundred unit doses but is less than five hundred unit doses 3395  
or equals or exceeds twenty grams but is less than fifty grams, 3396  
possession of a fentanyl-related compound is a felony of the 3397  
first degree, and the court shall impose as a mandatory prison 3398  
term one of the prison terms prescribed for a felony of the 3399  
first degree. 3400

(f) If the amount of the drug involved equals or exceeds 3401  
five hundred unit doses but is less than one thousand unit doses 3402  
or equals or exceeds fifty grams but is less than one hundred 3403  
grams, possession of a fentanyl-related compound is a felony of 3404  
the first degree, and the court shall impose as a mandatory 3405  
prison term the maximum prison term prescribed for a felony of 3406  
the first degree. 3407

(g) If the amount of the drug involved equals or exceeds 3408  
one thousand unit doses or equals or exceeds one hundred grams, 3409  
possession of a fentanyl-related compound is a felony of the 3410  
first degree, the offender is a major drug offender, and the 3411  
court shall impose as a mandatory prison term the maximum prison 3412  
term prescribed for a felony of the first degree. 3413

(D) Arrest or conviction for a minor misdemeanor violation 3414  
of this section does not constitute a criminal record and need 3415  
not be reported by the person so arrested or convicted in 3416  
response to any inquiries about the person's criminal record, 3417  
including any inquiries contained in any application for 3418  
employment, license, or other right or privilege, or made in 3419  
connection with the person's appearance as a witness. 3420

(E) In addition to any prison term or jail term authorized 3421  
or required by division (C) of this section and sections 3422  
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 3423  
Code and in addition to any other sanction that is imposed for 3424  
the offense under this section, sections 2929.11 to 2929.18, or 3425  
sections 2929.21 to 2929.28 of the Revised Code, the court that 3426  
sentences an offender who is convicted of or pleads guilty to a 3427  
violation of division (A) of this section may suspend the 3428  
offender's driver's or commercial driver's license or permit for 3429  
not more than five years. However, if the offender pleaded 3430

guilty to or was convicted of a violation of section 4511.19 of 3431  
the Revised Code or a substantially similar municipal ordinance 3432  
or the law of another state or the United States arising out of 3433  
the same set of circumstances as the violation, the court shall 3434  
suspend the offender's driver's or commercial driver's license 3435  
or permit for not more than five years. If applicable, the court 3436  
also shall do the following: 3437

(1) (a) If the violation is a felony of the first, second, 3438  
or third degree, the court shall impose upon the offender the 3439  
mandatory fine specified for the offense under division (B) (1) 3440  
of section 2929.18 of the Revised Code unless, as specified in 3441  
that division, the court determines that the offender is 3442  
indigent. 3443

(b) Notwithstanding any contrary provision of section 3444  
3719.21 of the Revised Code, the clerk of the court shall pay a 3445  
mandatory fine or other fine imposed for a violation of this 3446  
section pursuant to division (A) of section 2929.18 of the 3447  
Revised Code in accordance with and subject to the requirements 3448  
of division (F) of section 2925.03 of the Revised Code. The 3449  
agency that receives the fine shall use the fine as specified in 3450  
division (F) of section 2925.03 of the Revised Code. 3451

(c) If a person is charged with a violation of this 3452  
section that is a felony of the first, second, or third degree, 3453  
posts bail, and forfeits the bail, the clerk shall pay the 3454  
forfeited bail pursuant to division (E) (1) (b) of this section as 3455  
if it were a mandatory fine imposed under division (E) (1) (a) of 3456  
this section. 3457

(2) If the offender is a professionally licensed person, 3458  
in addition to any other sanction imposed for a violation of 3459  
this section, the court immediately shall comply with section 3460

2925.38 of the Revised Code. 3461

(F) It is an affirmative defense, as provided in section 3462  
2901.05 of the Revised Code, to a charge of a fourth degree 3463  
felony violation under this section that the controlled 3464  
substance that gave rise to the charge is in an amount, is in a 3465  
form, is prepared, compounded, or mixed with substances that are 3466  
not controlled substances in a manner, or is possessed under any 3467  
other circumstances, that indicate that the substance was 3468  
possessed solely for personal use. Notwithstanding any contrary 3469  
provision of this section, if, in accordance with section 3470  
2901.05 of the Revised Code, an accused who is charged with a 3471  
fourth degree felony violation of division (C) (2), (4), (5), or 3472  
(6) of this section sustains the burden of going forward with 3473  
evidence of and establishes by a preponderance of the evidence 3474  
the affirmative defense described in this division, the accused 3475  
may be prosecuted for and may plead guilty to or be convicted of 3476  
a misdemeanor violation of division (C) (2) of this section or a 3477  
fifth degree felony violation of division (C) (4), (5), or (6) of 3478  
this section respectively. 3479

(G) When a person is charged with possessing a bulk amount 3480  
or multiple of a bulk amount, division (E) of section 2925.03 of 3481  
the Revised Code applies regarding the determination of the 3482  
amount of the controlled substance involved at the time of the 3483  
offense. 3484

(H) It is an affirmative defense to a charge of possession 3485  
of a controlled substance analog under division (C) (8) of this 3486  
section that the person charged with violating that offense 3487  
obtained, possessed, or used ~~an item described in division (HH)~~ 3488  
~~(2) (a), (b), or (c) of one of the following items that are~~ 3489  
excluded from the meaning of "controlled substance analog" under 3490

section 3719.01 of the Revised Code:	3491
<u>(1) A controlled substance;</u>	3492
<u>(2) Any substance for which there is an approved new drug application;</u>	3493 3494
<u>(3) 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.</u>	3495 3496 3497 3498
(I) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.	3499 3500 3501 3502 3503 3504 3505 3506 3507 3508 3509
Upon the filing of a motion under division (I) of this section, the sentencing court, in its discretion, may terminate the suspension.	3510 3511 3512
<b>Sec. 2925.23.</b> (A) No person shall knowingly make a false statement in any prescription, order, report, or record required by Chapter 3719. or 4729. of the Revised Code.	3513 3514 3515
(B) No person shall intentionally make, utter, or sell, or knowingly possess any of the following that is a false or forged:	3516 3517 3518

(1) Prescription;	3519
(2) Uncompleted preprinted prescription blank used for writing a prescription;	3520 3521
(3) Official written order;	3522
(4) License for a terminal distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code;	3523 3524
(5) License for a <u>manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or</u> wholesale distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code.	3525 3526 3527 3528
(C) No person, by theft as defined in section 2913.02 of the Revised Code, shall acquire any of the following:	3529 3530
(1) A prescription;	3531
(2) An uncompleted preprinted prescription blank used for writing a prescription;	3532 3533
(3) An official written order;	3534
(4) A blank official written order;	3535
(5) A license or blank license for a terminal distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code;	3536 3537 3538
(6) A license or blank license for a <u>manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or</u> wholesale distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code.	3539 3540 3541 3542 3543
(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous	3544 3545

drugs. 3546

(E) Divisions (A) and (D) of this section do not apply to 3547  
licensed health professionals authorized to prescribe drugs, 3548  
pharmacists, owners of pharmacies, and other persons whose 3549  
conduct is in accordance with Chapters 3719., 4715., 4723., 3550  
4725., 4729., 4730., 4731., and 4741. of the Revised Code. 3551

(F) Whoever violates this section is guilty of illegal 3552  
processing of drug documents. If the offender violates division 3553  
(B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this 3554  
section, illegal processing of drug documents is a felony of the 3555  
fifth degree. If the offender violates division (A), division 3556  
(B) (1) or (3), division (C) (1) or (3), or division (D) of this 3557  
section, the penalty for illegal processing of drug documents 3558  
shall be determined as follows: 3559

(1) If the drug involved is a compound, mixture, 3560  
preparation, or substance included in schedule I or II, with the 3561  
exception of marihuana, illegal processing of drug documents is 3562  
a felony of the fourth degree, and division (C) of section 3563  
2929.13 of the Revised Code applies in determining whether to 3564  
impose a prison term on the offender. 3565

(2) If the drug involved is a dangerous drug or a 3566  
compound, mixture, preparation, or substance included in 3567  
schedule III, IV, or V or is marihuana, illegal processing of 3568  
drug documents is a felony of the fifth degree, and division (C) 3569  
of section 2929.13 of the Revised Code applies in determining 3570  
whether to impose a prison term on the offender. 3571

(G) (1) In addition to any prison term authorized or 3572  
required by division (F) of this section and sections 2929.13 3573  
and 2929.14 of the Revised Code and in addition to any other 3574

sanction imposed for the offense under this section or sections 3575  
2929.11 to 2929.18 of the Revised Code, the court that sentences 3576  
an offender who is convicted of or pleads guilty to any 3577  
violation of divisions (A) to (D) of this section may suspend 3578  
for not more than five years the offender's driver's or 3579  
commercial driver's license or permit. However, if the offender 3580  
pleaded guilty to or was convicted of a violation of section 3581  
4511.19 of the Revised Code or a substantially similar municipal 3582  
ordinance or the law of another state or the United States 3583  
arising out of the same set of circumstances as the violation, 3584  
the court shall suspend the offender's driver's or commercial 3585  
driver's license or permit for not more than five years. 3586

If the offender is a professionally licensed person, in 3587  
addition to any other sanction imposed for a violation of this 3588  
section, the court immediately shall comply with section 2925.38 3589  
of the Revised Code. 3590

(2) Any offender who received a mandatory suspension of 3591  
the offender's driver's or commercial driver's license or permit 3592  
under this section prior to September 13, 2016, may file a 3593  
motion with the sentencing court requesting the termination of 3594  
the suspension. However, an offender who pleaded guilty to or 3595  
was convicted of a violation of section 4511.19 of the Revised 3596  
Code or a substantially similar municipal ordinance or law of 3597  
another state or the United States that arose out of the same 3598  
set of circumstances as the violation for which the offender's 3599  
license or permit was suspended under this section shall not 3600  
file such a motion. 3601

Upon the filing of a motion under division (G)(2) of this 3602  
section, the sentencing court, in its discretion, may terminate 3603  
the suspension. 3604

(H) Notwithstanding any contrary provision of section 3605  
3719.21 of the Revised Code, the clerk of court shall pay a fine 3606  
imposed for a violation of this section pursuant to division (A) 3607  
of section 2929.18 of the Revised Code in accordance with and 3608  
subject to the requirements of division (F) of section 2925.03 3609  
of the Revised Code. The agency that receives the fine shall use 3610  
the fine as specified in division (F) of section 2925.03 of the 3611  
Revised Code. 3612

**Sec. 2925.34.** (A) As used in this section: 3613

(1) "Pure caffeine product" means, subject to division (A) 3614  
(2) of this section, a product that consists solely or primarily 3615  
of caffeine and is manufactured into a crystalline, liquid, or 3616  
powdered form. 3617

(2) "Pure caffeine product" does not include any of the 3618  
following that contains caffeine and is formulated, 3619  
manufactured, and labeled in accordance with the laws and 3620  
regulations enforced by the United States Food and Drug 3621  
Administration: 3622

(a) Coffee, tea, any soft drink, any energy drink, or any 3623  
other caffeine-containing beverage; 3624

(b) Any energy product. 3625

(B) Except as provided in division (C) of this section, no 3626  
person shall knowingly sell or offer for sale a pure caffeine 3627  
product. 3628

(C) Division (B) of this section does not prohibit a 3629  
person from selling or offering for sale any product 3630  
manufactured in a unit-dose form such as a pill, tablet, or 3631  
caplet, but only if each unit dose of the product contains not 3632  
more than two hundred fifty milligrams of caffeine. 3633

(D) Nothing in this section prohibits either of the 3634  
following: 3635

(1) Possession of a product described in division (C) of 3636  
this section; 3637

(2) Possession of a pure caffeine product by any of the 3638  
following: 3639

(a) A food processing establishment, as defined in section 3640  
3715.021 of the Revised Code; 3641

(b) A manufacturer of a drug that is available without a 3642  
prescription; 3643

(c) A laboratory that holds a current, valid category III 3644  
terminal distributor of dangerous drugs license issued by the 3645  
state board of pharmacy under section 4729.54 of the Revised 3646  
Code; 3647

~~(d) A laboratory, as defined in section 3719.01 of the~~ 3648  
~~Revised Code;~~ 3649

~~(e)~~ A laboratory of any agency or department of this state 3650  
that performs testing, analysis, and other laboratory services 3651  
on behalf of the state; 3652

~~(f)~~ (e) A postal or delivery service that transports or 3653  
delivers a pure caffeine product to an entity specified in 3654  
divisions (D) (2) (a) to ~~(e)~~ (d) of this section. 3655

(E) Whoever violates division (B) of this section is 3656  
guilty of illegal sale of pure caffeine, a minor misdemeanor on 3657  
a first offense and a misdemeanor of the third degree on each 3658  
subsequent offense. 3659

**Sec. 3313.752.** As used in this section, "anabolic steroid" 3660

~~has the same meaning~~ means a controlled substance, as defined in 3661  
section 3719.41-3719.01 of the Revised Code, that is designated 3662  
as an anabolic steroid. 3663

The board of education of each city, local, exempted 3664  
village, and joint vocational school district shall require the 3665  
following warning to be conspicuously posted in the locker rooms 3666  
of each of the district's school buildings that includes any 3667  
grade higher than sixth grade: 3668

"Warning: improper use of anabolic steroids may cause 3669  
serious or fatal health problems, such as heart disease, stroke, 3670  
cancer, growth deformities, infertility, personality changes, 3671  
severe acne, and baldness. Possession, sale, or use of anabolic 3672  
steroids without a valid prescription is a crime punishable by a 3673  
fine and imprisonment." 3674

**Sec. 3345.41.** (A) As used in this section: 3675

(1) "Anabolic steroid" ~~has the same meaning~~ means a 3676  
controlled substance, as defined in section 3719.41-3719.01 of 3677  
the Revised Code, that is designated as an anabolic steroid. 3678

(2) "State university or college" has the same meaning as 3679  
in section 3345.32 of the Revised Code. 3680

(B) The board of trustees of each state university or 3681  
college shall require the following warning to be conspicuously 3682  
posted in locker rooms of recreational and athletic facilities 3683  
operated by the state university or college for use by students: 3684

"Warning: improper use of anabolic steroids may cause 3685  
serious or fatal health problems, such as heart disease, stroke, 3686  
cancer, growth deformities, infertility, personality changes, 3687  
severe acne, and baldness. Possession, sale, or use of anabolic 3688  
steroids without a valid prescription is a crime punishable by a 3689

fine and imprisonment." 3690

**Sec. 3707.50.** (A) As used in this section: 3691

(1) "Anabolic steroid" ~~has the same meaning~~ means a 3692  
controlled substance, as defined in section 3719.41-3719.01 of 3693  
the Revised Code, that is designated as an anabolic steroid. 3694

(2) "Athletic facility" means both of the following: 3695

(a) A privately owned athletic training, exercise, or 3696  
sports facility or stadium that is open to the public; 3697

(b) A publicly owned sports facility or stadium. 3698

(B) The following warning shall be conspicuously posted in 3699  
each locker room of every athletic facility: 3700

"Warning: improper use of anabolic steroids may cause 3701  
serious or fatal health problems, such as heart disease, stroke, 3702  
cancer, growth deformities, infertility, personality changes, 3703  
severe acne, and baldness. Possession, sale, or use of anabolic 3704  
steroids without a valid prescription is a crime punishable by a 3705  
fine and imprisonment." 3706

(C) No privately owned athletic facility shall fail to 3707  
post the warning required by this section. 3708

(D) Any person who violates division (C) of this section 3709  
is guilty of a misdemeanor of the fourth degree. 3710

**Sec. 3709.01.** The state shall be divided into health 3711  
districts. Each city constitutes a ~~health district and shall be~~ 3712  
~~known as a "city health district."~~ 3713

The townships and villages in each county shall be 3714  
combined into a ~~health district and shall be known as a "general~~ 3715  
health district." 3716

As provided for in sections 3709.051, 3709.07, and 3709.10 3717  
of the Revised Code, there may be a union of two or more general 3718  
health districts, a union of two or more city health districts 3719  
to form a single city health district, or a union of a general 3720  
health district and one or more city health districts located 3721  
within or partially within such general health district. 3722

Sec. 3709.011. A board of health of a city or general 3723  
health district or the authority having the duties of a board of 3724  
health under section 3709.05 of the Revised Code may select the 3725  
titles it uses to refer to itself, the health district it 3726  
represents, or any health facility or other entity it operates. 3727  
The titles may include any terms selected by the board or 3728  
authority, including the term "public health." 3729

Sec. 3709.42. (A) As used in this section: 3730

(1) "Board of health" means a board of health of a city or 3731  
general health district or the authority having the duties of a 3732  
board of health under section 3709.05 of the Revised Code. 3733

(2) "Credit card account" means any bank-issued credit 3734  
card account, store-issued credit card account, financial 3735  
institution-issued credit card account, financial depository- 3736  
issued credit card account, affinity credit card account, or any 3737  
other card account allowing the holder to purchase goods or 3738  
services on credit or to transact with the account, and any 3739  
debit or gift card account related to the receipt of grant 3740  
moneys. "Credit card account" does not include a procurement 3741  
card account, gasoline or telephone credit card account, or any 3742  
other card account where merchant category codes are in place as 3743  
a system of control for use of the card account. 3744

(B) A board of health may authorize an officer or employee 3745

of the board to use a credit card account held by the board. Not 3746  
later than three months after the effective date of this 3747  
section, a board of health that holds a credit card account on 3748  
the effective date of this section shall adopt a written policy 3749  
for the use of credit card accounts. Otherwise, a board of 3750  
health shall adopt a written policy before first holding a 3751  
credit card account. 3752

The policy shall include provisions addressing all of the 3753  
following: 3754

(1) The officers, positions, or appointees authorized to 3755  
use a credit card account; 3756

(2) The types of expenses for which a credit card account 3757  
may be used; 3758

(3) The procedure for acquisition, use, and management of 3759  
a credit card account and presentation instruments related to 3760  
the account including cards and checks; 3761

(4) The procedure for submitting itemized receipts to the 3762  
fiscal officer or the fiscal officer's designee; 3763

(5) The procedure for credit card issuance, credit card 3764  
reissuance, credit card cancellation, and the process for 3765  
reporting lost or stolen credit cards; 3766

(6) The credit card account's maximum credit limit or 3767  
limits; 3768

(7) The actions or omissions by an officer or employee 3769  
that qualify as misuse of a credit card account. 3770

(C) The name of the board of health shall appear on each 3771  
presentation instrument related to the account including cards 3772  
and checks. 3773

(D) If the fiscal officer of the board of health does not 3774  
retain general possession and control of the credit card account 3775  
and presentation instruments related to the account including 3776  
cards and checks, the board of health shall appoint a compliance 3777  
officer to perform the duties enumerated under division (E) of 3778  
this section. The compliance officer may not use a credit card 3779  
account and may not authorize an officer or employee to use a 3780  
credit card account. The fiscal officer is not eligible for 3781  
appointment as compliance officer. 3782

(E) The compliance officer and the board of health, at 3783  
least quarterly, shall review the number of cards and accounts 3784  
issued, the number of active cards and accounts issued, the 3785  
cards' and accounts' expiration dates, and the cards' and 3786  
accounts' credit limits. 3787

(F) If the fiscal officer retains general possession and 3788  
control of the credit card account and presentation instruments 3789  
related to the account including cards and checks, and the board 3790  
of health authorizes an officer or employee to use a credit 3791  
card, the fiscal officer may use a system to sign out credit 3792  
cards to authorized users. The officer or employee is liable in 3793  
person and upon any official bond the officer or employee has 3794  
given to the board of health to reimburse the health fund of the 3795  
city or general health district the amount for which the member 3796  
or employee does not provide itemized receipts in accordance 3797  
with the policy described in division (B) of this section. 3798

(G) The use of a credit card account for expenses beyond 3799  
those authorized by the board of health constitutes misuse of a 3800  
credit card account. An officer or employee or a public servant 3801  
as defined under section 2921.01 of the Revised Code who 3802  
knowingly misuses a credit card account held by the board of 3803

health violates section 2913.21 of the Revised Code. 3804

(H) The fiscal officer or the fiscal officer's designee 3805  
annually shall file a report with the board of health detailing 3806  
all rewards received based on the use of the board's credit card 3807  
account. 3808

**Sec. 3719.01.** As used in this chapter: 3809

(A) "Administer" means the direct application of a drug, 3810  
whether by injection, inhalation, ingestion, or any other means 3811  
to a person or an animal. 3812

(B) "Drug enforcement administration" means the drug 3813  
enforcement administration of the United States department of 3814  
justice or its successor agency. 3815

(C) "Controlled substance" means a drug, compound, 3816  
mixture, preparation, or substance included in schedule I, II, 3817  
III, IV, or V. 3818

(D) "Dangerous drug" has the same meaning as in section 3819  
4729.01 of the Revised Code. 3820

(E) "Dispense" means to sell, leave with, give away, 3821  
dispose of, or deliver. 3822

(F) "Distribute" means to deal in, ship, transport, or 3823  
deliver but does not include administering or dispensing a drug. 3824

(G) "Drug" has the same meaning as in section 4729.01 of 3825  
the Revised Code. 3826

(H) "Drug abuse offense," and "felony drug abuse offense," 3827  
~~"cocaine," and "hashish"~~ have the same meanings as in section 3828  
2925.01 of the Revised Code. 3829

(I) "Federal drug abuse control laws" means the 3830

"Comprehensive Drug Abuse Prevention and Control Act of 1970," 3831  
84 Stat. 1242, 21 U.S.C. 801, as amended. 3832

(J) ~~"Hospital" means an institution for the care and~~ 3833  
~~treatment of the sick and injured that is certified by a~~ 3834  
facility registered as a hospital with the department of health 3835  
~~and approved by the state board of pharmacy as proper to be~~ 3836  
~~entrusted with the custody of controlled substances and the~~ 3837  
~~professional use of controlled substances under section 3701.07~~ 3838  
of the Revised Code. 3839

(K) "Hypodermic" means a hypodermic syringe or needle, or 3840  
other instrument or device for the injection of medication. 3841

(L) ~~"Isomer," except as otherwise expressly stated, means~~ 3842  
~~the optical isomer.~~ 3843

~~(M) "Laboratory" means a laboratory approved by the state~~ 3844  
~~board of pharmacy as proper to be entrusted with the custody of~~ 3845  
~~controlled substances and the use of controlled substances for~~ 3846  
~~scientific and clinical purposes and for purposes of~~ 3847  
~~instruction.~~ 3848

~~(N)~~ "Manufacturer" means a person who manufactures a 3849  
controlled substance, as "manufacture" is defined in section 3850  
3715.01 of the Revised Code, and includes a "manufacturer of 3851  
dangerous drugs" as defined in section 4729.01 of the Revised 3852  
Code. 3853

~~(O)~~ (M) "Marihuana" means all parts of a plant of the 3854  
genus cannabis, whether growing or not; the seeds of a plant of 3855  
that type; the resin extracted from a part of a plant of that 3856  
type; and every compound, manufacture, salt, derivative, 3857  
mixture, or preparation of a plant of that type or of its seeds 3858  
or resin. "Marihuana" does not include the mature stalks of the 3859

plant, fiber produced from the stalks, oils or cake made from 3860  
the seeds of the plant, or any other compound, manufacture, 3861  
salt, derivative, mixture, or preparation of the mature stalks, 3862  
except the resin extracted from the mature stalks, fiber, oil or 3863  
cake, or the sterilized seed of the plant that is incapable of 3864  
germination. 3865

~~(P)~~(N) "Narcotic drugs" means coca leaves, opium, 3866  
isonipecaine, amidone, isoamidone, ketobemidone, as defined in 3867  
this division, and every substance not chemically distinguished 3868  
from them and every drug, other than cannabis, that may be 3869  
included in the meaning of "narcotic drug" under the federal 3870  
drug abuse control laws. As used in this division: 3871

(1) "Coca leaves" includes cocaine and any compound, 3872  
manufacture, salt, derivative, mixture, or preparation of coca 3873  
leaves, except derivatives of coca leaves, that does not contain 3874  
cocaine, ecgonine, or substances from which cocaine or ecgonine 3875  
may be synthesized or made. 3876

(2) "Isonipecaine" means any substance identified 3877  
chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid 3878  
ethyl ester, or any salt thereof, by whatever trade name 3879  
designated. 3880

(3) "Amidone" means any substance identified chemically as 3881  
4-4-diphenyl-6-dimethylamino-heptanone-3, or any salt thereof, 3882  
by whatever trade name designated. 3883

(4) "Isoamidone" means any substance identified chemically 3884  
as 4-4-diphenyl-5-methyl-6-dimethylamino-hexanone-3, or any salt 3885  
thereof, by whatever trade name designated. 3886

(5) "Ketobemidone" means any substance identified 3887  
chemically as 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl 3888

ketone hydrochloride, or any salt thereof, by whatever trade name designated. 3889  
3890

~~(Q)~~ (6) "Cocaine" has the same meaning as in section 2925.01 of the Revised Code. 3891  
3892

(O) "Official written order" means an order written on a form provided for that purpose by the director of the United States drug enforcement administration, under any laws of the United States making provision for the order, if the order forms are authorized and required by federal law. 3893  
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~~(R)~~ "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. "Opiate" does not include, unless specifically designated as controlled under section 3719.41 of the Revised Code, the dextrorotatory isomer of 3-methoxy N-methylmorphinan and its salts (dextro-methorphan). "Opiate" does include its racemic and levoratory forms. 3898  
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~~(S)~~ "Opium poppy" means the plant of the species *papaver somniferum* L., except its seeds. 3906  
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~~(T)~~ (P) "Person" means any individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership, association, or other legal entity. 3908  
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~~(U)~~ (Q) "Pharmacist" means a person licensed under Chapter 4729. of the Revised Code to engage in the practice of pharmacy. 3911  
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~~(V)~~ (R) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code. 3913  
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~~(W)~~ (S) "Poison" means any drug, chemical, or preparation likely to be deleterious or destructive to adult human life in 3915  
3916

quantities of four grams or less. 3917

~~(X) "Poppy straw" means all parts, except the seeds, of  
the opium poppy, after mowing. 3918  
3919~~

~~(Y) (T) "Licensed health professional authorized to  
prescribe drugs," "prescriber," and "prescription" have the same  
meanings as in section 4729.01 of the Revised Code. 3920  
3921  
3922~~

~~(Z) "Registry number" means the number assigned to each  
person registered under the federal drug abuse control laws. 3923  
3924~~

~~(AA) (U) "Sale" includes delivery, barter, exchange,  
transfer, or gift, or offer thereof, and each transaction of  
those natures made by any person, whether as principal,  
proprietor, agent, servant, or employee. 3925  
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~~(BB) (V) "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 by rule adopted under section 3719.41 of the Revised  
Code, as amended pursuant to section 3719.43 or 3719.44 of the  
Revised Code, or as established by emergency rule adopted under  
section 3719.45 of the Revised Code. 3929  
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~~(CC) (W) "Wholesaler" means a person who, on official  
written orders other than prescriptions, supplies controlled  
substances that the person has not manufactured, produced, or  
prepared personally and includes a "wholesale distributor of  
dangerous drugs" as defined in section 4729.01 of the Revised  
Code. 3936  
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~~(DD) (X) "Animal shelter" means a facility operated by a  
humane society or any society organized under Chapter 1717. of  
the Revised Code or a dog pound operated pursuant to Chapter  
955. of the Revised Code. 3942  
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3945~~

~~(EE)~~ (Y) "Terminal distributor of dangerous drugs" has the 3946  
same meaning as in section 4729.01 of the Revised Code. 3947

~~(FF)~~ "Category III license" means a license issued to a 3948  
~~terminal distributor of dangerous drugs as set forth in section~~ 3949  
~~4729.54 of the Revised Code.~~ 3950

~~(GG)~~ "Prosecutor" has the same meaning as in section 3951  
~~2935.01 of the Revised Code.~~ 3952

~~(HH)~~ (Z) (1) "Controlled substance analog" means, except as 3953  
provided in division ~~(HH)~~ (Z) (2) of this section, a substance to 3954  
which both of the following apply: 3955

(a) The chemical structure of the substance is 3956  
substantially similar to the structure of a controlled substance 3957  
in schedule I or II. 3958

(b) One of the following applies regarding the substance: 3959

(i) The substance has a stimulant, depressant, or 3960  
hallucinogenic effect on the central nervous system that is 3961  
substantially similar to or greater than the stimulant, 3962  
depressant, or hallucinogenic effect on the central nervous 3963  
system of a controlled substance in schedule I or II. 3964

(ii) With respect to a particular person, that person 3965  
represents or intends the substance to have a stimulant, 3966  
depressant, or hallucinogenic effect on the central nervous 3967  
system that is substantially similar to or greater than the 3968  
stimulant, depressant, or hallucinogenic effect on the central 3969  
nervous system of a controlled substance in schedule I or II. 3970

(2) "Controlled substance analog" does not include any of 3971  
the following: 3972

(a) A controlled substance; 3973

(b) Any substance for which there is an approved new drug application; 3974  
3975

(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; 3976  
3977  
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(d) Any substance to the extent it is not intended for human consumption before the exemption described in division ~~(HH)~~ (Z) (2) (b) of this section takes effect with respect to that substance. 3980  
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~~(II)~~ (AA) "Benzodiazepine" means a controlled substance that has United States food and drug administration approved labeling indicating that it is a benzodiazepine, benzodiazepine derivative, triazolobenzodiazepine, or triazolobenzodiazepine derivative, including the following drugs and their varying salt forms or chemical congeners: alprazolam, chlordiazepoxide hydrochloride, clobazam, clonazepam, clorazepate, diazepam, estazolam, flurazepam hydrochloride, lorazepam, midazolam, oxazepam, quazepam, temazepam, and triazolam. 3984  
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~~(JJ)~~ (BB) "Opioid analgesic" means a controlled substance that has analgesic pharmacologic activity at the opioid receptors of the central nervous system, including the following drugs and their varying salt forms or chemical congeners: buprenorphine, butorphanol, codeine (including acetaminophen and other combination products), dihydrocodeine, fentanyl, hydrocodone (including acetaminophen combination products), hydromorphone, meperidine, methadone, morphine sulfate, oxycodone (including acetaminophen, aspirin, and other combination products), oxymorphone, tapentadol, and tramadol. 3993  
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~~(KK) "Emergency facility" means a hospital emergency department or any other facility that provides emergency care.~~ 4003  
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(CC) "Outsourcing facility," "repackager of dangerous drugs," and "third-party logistics provider" have the same meanings as in section 4729.01 of the Revised Code. 4005  
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**Sec. 3719.04.** (A) A person identified in division (B) (1) 4008  
(a) of section 4729.52 of the Revised Code who holds a category 4009  
III license under that section may sell at wholesale controlled 4010  
substances to any of the following persons and subject to the 4011  
following conditions: 4012

(1) To another person who holds a category III license 4013  
issued under section ~~4729.50~~ 4729.52 of the Revised Code, or to 4014  
a terminal distributor of dangerous drugs ~~having with~~ a category 4015  
III license issued under section 4729.54 of the Revised Code; 4016

(2) To a person in the employ of the United States 4017  
government or of any state, territorial, district, county, 4018  
municipal, or insular government, purchasing, receiving, 4019  
possessing, or dispensing controlled substances by reason of 4020  
official duties; 4021

(3) To a master of a ship or a person in charge of any 4022  
aircraft upon which no physician is regularly employed, for the 4023  
actual medical needs of persons on board the ship or aircraft, 4024  
when not in port; provided such controlled substances shall be 4025  
sold to the master of the ship or person in charge of the 4026  
aircraft only in pursuance of a special official written order 4027  
approved by a commissioned medical officer or acting assistant 4028  
surgeon of the United States public health service; 4029

(4) To a person in a foreign country, if the federal drug 4030  
abuse control laws are complied with. 4031

(B) An official written order for any schedule II 4032  
controlled substances shall ~~be signed in triplicate by the~~ 4033  
~~person giving the order or by the person's authorized agent. The~~ 4034  
~~original shall be presented to the person who sells or dispenses~~ 4035  
~~the schedule II controlled substances named in the order and, if~~ 4036  
~~that person accepts the order, each party to the transaction~~ 4037  
~~shall preserve the party's copy of the order for a period of~~ 4038  
~~three~~ comply with all requirements of the federal drug abuse 4039  
control laws and rules adopted by the state board of pharmacy. 4040  
Except as provided in section 3719.05 of the Revised Code or as 4041  
otherwise specified in rules adopted by the board, each party 4042  
engaged in the sale of schedule II controlled substances shall 4043  
maintain all records relating to the order for a period of five 4044  
years in such a way as to be readily accessible for inspection 4045  
by any public officer or employee engaged in the enforcement of 4046  
~~Chapter 3719. of the Revised Code~~ this chapter. Compliance with 4047  
~~the federal drug abuse control laws, respecting the requirements~~ 4048  
~~governing the use of a special official written order~~ 4049  
~~constitutes compliance with this division.~~ 4050

**Sec. 3719.05.** (A) A pharmacist may dispense controlled 4051  
substances to any person upon a prescription issued in 4052  
accordance with section 3719.06 of the Revised Code. When 4053  
dispensing controlled substances, a pharmacist shall act in 4054  
accordance with rules adopted by the state board of pharmacy and 4055  
in accordance with the following: 4056

(1) The prescription shall be retained on file by the 4057  
owner of the pharmacy in which it is filled for a period of 4058  
three years, so as to be readily accessible for inspection by 4059  
any public officer or employee engaged in the enforcement of 4060  
Chapter 2925., 3719., or 4729. of the Revised Code. 4061

(2) Each oral prescription shall be recorded by the pharmacist and the record shall show the name and address of the patient for whom, or of the owner of the animal for which the controlled substance is dispensed, the full name, address, and registry number under the federal drug abuse control laws of the prescriber, the name of the controlled substance dispensed, the amount dispensed, and the date when dispensed. The record shall be retained on file by the owner of the pharmacy in which it is filled for a period of three years.

(3) A schedule II controlled substance shall be dispensed only upon a written or electronic prescription, except that it may be dispensed upon an oral prescription in emergency situations as provided in the federal drug abuse control laws.

(4) A prescription for a schedule II controlled substance shall not be refilled.

(5) Prescriptions for schedule III and IV controlled substances may be refilled not more than five times in a six-month period from the date the prescription is given by a prescriber.

(B) The legal owner of any stock of schedule II controlled substances in a pharmacy, upon discontinuance of dealing in those drugs, may sell the stock to a manufacturer, wholesaler, or owner of a pharmacy registered under the federal drug abuse control laws pursuant to an official written order.

**Sec. 3719.06.** (A) (1) A licensed health professional authorized to prescribe drugs, if acting in the course of professional practice, in accordance with the laws regulating the professional's practice, and in accordance with rules adopted by the state board of pharmacy, may, except as provided

in division (A) (2) or (3) of this section, do the following: 4091

(a) Prescribe schedule II, III, IV, and V controlled 4092  
substances; 4093

(b) Administer or personally furnish to patients schedule 4094  
II, III, IV, and V controlled substances; 4095

(c) Cause schedule II, III, IV, and V controlled 4096  
substances to be administered under the prescriber's direction 4097  
and supervision. 4098

(2) A licensed health professional authorized to prescribe 4099  
drugs who is a clinical nurse specialist, certified nurse- 4100  
midwife, or certified nurse practitioner is subject to both of 4101  
the following: 4102

(a) A schedule II controlled substance may be prescribed 4103  
only in accordance with division (C) of section 4723.481 of the 4104  
Revised Code. 4105

(b) No schedule II controlled substance shall be 4106  
personally furnished to any patient. 4107

(3) A licensed health professional authorized to prescribe 4108  
drugs who is a physician assistant is subject to all of the 4109  
following: 4110

(a) A controlled substance may be prescribed or personally 4111  
furnished only if it is included in the physician-delegated 4112  
prescriptive authority granted to the physician assistant in 4113  
accordance with Chapter 4730. of the Revised Code. 4114

(b) A schedule II controlled substance may be prescribed 4115  
only in accordance with division (B) (4) of section 4730.41 and 4116  
section 4730.411 of the Revised Code. 4117

(c) No schedule II controlled substance shall be 4118  
personally furnished to any patient. 4119

(B) No licensed health professional authorized to 4120  
prescribe drugs shall prescribe, administer, or personally 4121  
furnish a schedule III anabolic steroid for the purpose of human 4122  
muscle building or enhancing human athletic performance and no 4123  
pharmacist shall dispense a schedule III anabolic steroid for 4124  
either purpose, unless it has been approved for that purpose 4125  
under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 4126  
(1938), 21 U.S.C.A. 301, as amended. 4127

(C) Each written or electronic prescription for a 4128  
controlled substance shall be properly executed, dated, and 4129  
signed by the prescriber on the day when issued and shall bear 4130  
the full name and address of the person for whom, or the owner 4131  
of the animal for which, the controlled substance is prescribed 4132  
and the full name, address, and registry number under the 4133  
federal drug abuse control laws of the prescriber. If the 4134  
prescription is for an animal, it shall state the species of the 4135  
animal for which the controlled substance is prescribed. 4136

**Sec. 3719.061.** (A) (1) As used in this section: 4137

(a) "Another adult authorized to consent to the minor's 4138  
medical treatment" means an adult to whom a minor's parent or 4139  
guardian has given written authorization to consent to the 4140  
minor's medical treatment. 4141

(b) "Emergency facility" means a hospital emergency 4142  
department or any other facility that provides emergency care. 4143

(c) "Medical emergency" means a situation that in a 4144  
prescriber's good faith medical judgment creates an immediate 4145  
threat of serious risk to the life or physical health of a 4146

minor. 4147

~~(e)~~ (d) "Minor" means an individual under eighteen years 4148  
of age who is not emancipated. 4149

(2) For purposes of this section, an individual under 4150  
eighteen years of age is emancipated only if the individual has 4151  
married, has entered the armed services of the United States, 4152  
has become employed and self-sustaining, or otherwise has become 4153  
independent from the care and control of the individual's 4154  
parent, guardian, or custodian. 4155

(B) Except as provided in division (C) of this section, 4156  
before issuing for a minor the first prescription in a single 4157  
course of treatment for an opioid analgesic, regardless of 4158  
whether the dosage is modified during that course of treatment, 4159  
a prescriber shall do all of the following: 4160

(1) As part of the prescriber's examination of the minor, 4161  
assess whether the minor has ever suffered, or is currently 4162  
suffering, from mental health or substance abuse disorders and 4163  
whether the minor has taken or is currently taking prescription 4164  
drugs for treatment of those disorders; 4165

(2) Discuss with the minor and the minor's parent, 4166  
guardian, or another adult authorized to consent to the minor's 4167  
medical treatment all of the following: 4168

(a) The risks of addiction and overdose associated with 4169  
opioid analgesics; 4170

(b) The increased risk of addiction to controlled 4171  
substances of individuals suffering from both mental health and 4172  
substance abuse disorders; 4173

(c) The dangers of taking opioid analgesics with 4174

benzodiazepines, alcohol, or other central nervous system 4175  
depressants; 4176

(d) Any other information in the patient counseling 4177  
information section of the labeling for the opioid analgesic 4178  
required under 21 C.F.R. 201.57(c)(18). 4179

(3) Obtain written consent for the prescription from the 4180  
minor's parent, guardian, or, subject to division (E) of this 4181  
section, another adult authorized to consent to the minor's 4182  
medical treatment. 4183

The prescriber shall record the consent on a form, which 4184  
shall be known as the "Start Talking!" consent form. The form 4185  
shall be separate from any other document the prescriber uses to 4186  
obtain informed consent for other treatment provided to the 4187  
minor. The form shall contain all of the following: 4188

(a) The name and quantity of the opioid analgesic being 4189  
prescribed and the amount of the initial dose; 4190

(b) A statement indicating that a controlled substance is 4191  
a drug or other substance that the United States drug 4192  
enforcement administration has identified as having a potential 4193  
for abuse; 4194

(c) A statement certifying that the prescriber discussed 4195  
with the minor and the minor's parent, guardian, or another 4196  
adult authorized to consent to the minor's medical treatment the 4197  
matters described in division (B)(2) of this section; 4198

(d) The number of refills, if any, authorized by the 4199  
prescription; 4200

(e) The signature of the minor's parent, guardian, or 4201  
another adult authorized to consent to the minor's medical 4202

treatment and the date of signing. 4203

(C) (1) The requirements ~~in~~ of division (B) of this section 4204  
do not apply if the minor's treatment with an opioid analgesic 4205  
meets any of the following criteria: 4206

(a) The treatment is associated with or incident to a 4207  
medical emergency. 4208

(b) The treatment is associated with or incident to 4209  
surgery, regardless of whether the surgery is performed on an 4210  
inpatient or outpatient basis. 4211

(c) In the prescriber's professional judgment, fulfilling 4212  
the requirements of division (B) of this section with respect to 4213  
the minor's treatment would be a detriment to the minor's health 4214  
or safety. 4215

(d) Except as provided in division (D) of this section, 4216  
the treatment is rendered in a hospital, emergency facility, 4217  
ambulatory surgical facility, nursing home, pediatric respite 4218  
care program, residential care facility, freestanding 4219  
rehabilitation facility, or similar institutional facility. 4220

(2) The requirements ~~in~~ of division (B) of this section do 4221  
not apply to a prescription for an opioid analgesic that a 4222  
prescriber issues to a minor at the time of discharge from a 4223  
facility or other location described in division (C) (1) (d) of 4224  
this section. 4225

(D) The exemption in division (C) (1) (d) of this section 4226  
does not apply to treatment rendered in a prescriber's office 4227  
that is located on the premises of or adjacent to a facility or 4228  
other location described in that division. 4229

(E) If the individual who signs the consent form required 4230

by division (B) (3) of this section is another adult authorized 4231  
to consent to the minor's medical treatment, the prescriber 4232  
shall prescribe not more than a single, seventy-two-hour supply 4233  
and indicate on the prescription the quantity that is to be 4234  
dispensed pursuant to the prescription. 4235

(F) A signed "Start Talking!" consent form obtained under 4236  
this section shall be maintained in the minor's medical record. 4237

**Sec. 3719.07.** (A) As used in this section, "description" 4238  
means the dosage form, strength, and quantity, and the brand 4239  
name, if any, or the generic name, of a drug or controlled 4240  
substance. 4241

(B) (1) Every licensed health professional authorized to 4242  
prescribe drugs shall keep a record of all controlled substances 4243  
received and a record of all controlled substances administered, 4244  
dispensed, or used other than by prescription. Every other 4245  
person, except a pharmacist or a manufacturer, wholesaler, or 4246  
other person licensed under section 4729.52 of the Revised Code, 4247  
who is authorized to purchase and use controlled substances 4248  
shall keep a record of all controlled substances purchased and 4249  
used other than by prescription. The records shall be kept in 4250  
accordance with division (C) (1) of this section. 4251

(2) Manufacturers, wholesalers, and other persons licensed 4252  
under section 4729.52 of the Revised Code shall keep records of 4253  
all controlled substances compounded, mixed, cultivated, grown, 4254  
or by any other process produced or prepared by them, and of all 4255  
controlled substances received or sold by them. The records 4256  
shall be kept in accordance with division (C) (2) of this 4257  
section. 4258

(3) Every ~~category III~~ terminal distributor of dangerous 4259

drugs with a category III license issued under section 4729.54 4260  
of the Revised Code shall keep records of all controlled 4261  
substances received or sold. The records shall be kept in 4262  
accordance with division (C) (3) of this section. 4263

(4) Every person who sells or purchases for resale 4264  
schedule V controlled substances exempted by section 3719.15 of 4265  
the Revised Code shall keep a record showing the quantities and 4266  
kinds thereof received or sold. The records shall be kept in 4267  
accordance with divisions (C) (1), (2), and (3) of this section. 4268

(C) (1) The records required by divisions (B) (1) and (4) of 4269  
this section shall contain the following: 4270

(a) The description of all controlled substances received, 4271  
the name and address of the person from whom received, and the 4272  
date of receipt; 4273

(b) The description of controlled substances administered, 4274  
dispensed, purchased, sold, or used; the date of administering, 4275  
dispensing, purchasing, selling, or using; the name and address 4276  
of the person to whom, or for whose use, or the owner and 4277  
species of the animal for which the controlled substance was 4278  
administered, dispensed, purchased, sold, or used. 4279

(2) The records required by divisions (B) (2) and (4) of 4280  
this section shall contain the following: 4281

(a) The description of all controlled substances produced 4282  
or prepared, the name and address of the person from whom 4283  
received, and the date of receipt; 4284

(b) The description of controlled substances sold, the 4285  
name and address of each person to whom a controlled substance 4286  
is sold, the amount of the controlled substance sold to each 4287  
person, and the date it was sold. 4288

(3) The records required by divisions (B) (3) and (4) of 4289  
this section shall contain the following: 4290

(a) The description of controlled substances received, the 4291  
name and address of the person from whom controlled substances 4292  
are received, and the date of receipt; 4293

(b) The name and place of residence of each person to whom 4294  
controlled substances, including those otherwise exempted by 4295  
section 3719.15 of the Revised Code, are sold, the description 4296  
of the controlled substances sold to each person, and the date 4297  
the controlled substances are sold to each person. 4298

(D) Every record required by this section shall be kept 4299  
for a period of three-five years, unless otherwise specified in 4300  
rules adopted by the state board of pharmacy. 4301

The keeping of a record required by or under the federal 4302  
drug abuse control laws, containing substantially the same 4303  
information as specified in this section, constitutes compliance 4304  
with this section. 4305

Every person who purchases for resale or who sells 4306  
controlled substance preparations exempted by section 3719.15 of 4307  
the Revised Code shall keep the record required by or under the 4308  
federal drug abuse control laws. 4309

**Sec. 3719.09.** Possession or control of controlled 4310  
substances is authorized in the following instances and subject 4311  
to the following conditions: 4312

(A) Possession of controlled substances in the course of 4313  
business by a manufacturer, wholesaler, outsourcing facility, 4314  
third-party logistics provider, repackager of dangerous drugs, 4315  
licensed health professional authorized to prescribe drugs, 4316  
pharmacist, ~~category III~~ terminal distributor of dangerous drugs 4317

with a category III license issued under section 4729.54 of the 4318  
Revised Code, or other person authorized to possess controlled 4319  
substances under this chapter or Chapter 4729. of the Revised 4320  
Code; 4321

(B) Possession by any person of any schedule V narcotic 4322  
drug exempted under section 3719.15 of the Revised Code, where 4323  
the quantity of the drug does not exceed one hundred thirty 4324  
milligrams of opium, thirty-two and five-tenths milligrams of 4325  
morphine or any of its salts, two hundred sixty milligrams of 4326  
codeine or any of its salts, one hundred thirty milligrams of 4327  
dihydrocodeine or any of its salts, or thirty-two and five- 4328  
tenths milligrams of ethylmorphine or any of its salts, or, in 4329  
the case of any other schedule V controlled substance or any 4330  
combination of narcotic drugs, where the quantity does not 4331  
exceed in pharmacologic potency any one of the drugs named above 4332  
in the quantity stated; 4333

(C) ~~Possession~~ As used in this division, "deception" and 4334  
"theft offense" have the same meanings as in section 2913.01 of 4335  
the Revised Code. 4336

Possession by any person of any controlled substance that 4337  
the person obtained pursuant to a prescription issued by a 4338  
licensed health professional authorized to prescribe drugs or 4339  
that was obtained for the person pursuant to a prescription 4340  
issued by a prescriber, when ~~the~~ all of the following apply: 4341

(1) The prescription is issued for a legitimate medical 4342  
purpose; 4343

(2) The prescription is not altered or forged and was not 4344  
obtained through deception or commission of a theft offense; 4345

(3) The drug is in a container regardless of whether the 4346

container is the original container in which the drug was 4347  
dispensed to that person directly or indirectly by a pharmacist 4348  
or personally furnished to that person by the prescriber~~7~~. 4349

(D) Possession in the course of business of combination 4350  
drugs that contain pentobarbital and at least one noncontrolled 4351  
substance active ingredient, in a manufactured dosage form, the 4352  
only indication of which is for euthanizing animals, or other 4353  
substance that the state veterinary medical licensing board and 4354  
the state board of pharmacy both approve under division (A) of 4355  
section 4729.532 of the Revised Code, by an agent or employee of 4356  
an animal shelter who is authorized by the licensure of the 4357  
animal shelter with the state board of pharmacy to purchase and 4358  
possess the drug solely for use as specified in that section. As 4359  
used in this division, "in the course of business" means 4360  
possession or use at an establishment described in a license 4361  
issued under section 4729.54 of the Revised Code, or outside 4362  
that establishment when necessary because of a risk to the 4363  
health or safety of any person, provided that the substance is 4364  
in a quantity no greater than reasonably could be used to 4365  
alleviate the risk, is in the original manufacturer's container, 4366  
and is returned to the establishment as soon as possible after 4367  
the risk has passed. 4368

**Sec. 3719.12.** ~~Unless~~ As used in this section, "prosecutor" 4369  
has the same meaning as in section 2935.01 of the Revised Code. 4370

Unless a report has been made pursuant to section 2929.42 4371  
of the Revised Code, on the conviction of a manufacturer, 4372  
wholesaler, outsourcing facility, third-party logistics 4373  
provider, repackager of dangerous drugs, terminal distributor of 4374  
dangerous drugs, pharmacist, pharmacy intern, registered 4375  
pharmacy technician, certified pharmacy technician, pharmacy 4376

technician trainee, dentist, chiropractor, physician, 4377  
podiatrist, registered nurse, licensed practical nurse, 4378  
physician assistant, optometrist, or veterinarian of the 4379  
violation of this chapter or Chapter 2925. of the Revised Code, 4380  
the prosecutor in the case promptly shall report the conviction 4381  
to the board that licensed, certified, or registered the person 4382  
to practice or to carry on business. The responsible board shall 4383  
provide forms to the prosecutor. Within thirty days of the 4384  
receipt of this information, the board shall initiate action in 4385  
accordance with Chapter 119. of the Revised Code to determine 4386  
whether to suspend or revoke the person's license, certificate, 4387  
or registration. 4388

**Sec. 3719.40.** The controlled substances included or to be 4389  
included in the schedules in established by rule adopted under 4390  
section 3719.41 or 3719.45 of the Revised Code are included by 4391  
whatever official, common, usual, chemical, or trade name 4392  
designated. 4393

**Sec. 3719.41.** Controlled substance schedules I, II, III, 4394  
IV, and V are hereby established, which schedules include the 4395  
following, subject to amendment pursuant to section 3719.43 or 4396  
3719.44 of the Revised Code. 4397

SCHEDULE I 4398

(A) Narcotics-opiates 4399

Any of the following opiates, including their isomers, 4400  
esters, ethers, salts, and salts of isomers, esters, and ethers, 4401  
unless specifically excepted under federal drug abuse control 4402  
laws, whenever the existence of these isomers, esters, ethers, 4403  
and salts is possible within the specific chemical designation: 4404

(1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2- 4405

phenethyl)-4-piperidinyl]-N-phenylacetamide);	4406
(2) Acetylmethadol;	4407
(3) Allylprodine;	4408
(4) Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);	4409 4410 4411
(5) Alphameprodine;	4412
(6) Alphamethadol;	4413
(7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2- phenylethyl)-4-(N-propanilido) piperidine);	4414 4415 4416
(8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2- thienyl)ethyl-4-piperidinyl]-N- phenylpropanamide);	4417 4418
(9) Benzethidine;	4419
(10) Betacetylmethadol;	4420
(11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- piperidinyl]-N- phenylpropanamide);	4421 4422
(12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N- phenylpropanamide);	4423 4424 4425
(13) Betameprodine;	4426
(14) Betamethadol;	4427
(15) Betaprodine;	4428
(16) Clonitazene;	4429
(17) Dextromoramide;	4430

(18) Diampromide;	4431
(19) Diethylthiambutene;	4432
(20) Difenoquin;	4433
(21) Dimenoxadol;	4434
(22) Dimepheptanol;	4435
(23) Dimethylthiambutene;	4436
(24) Dioxaphetyl butyrate;	4437
(25) Dipipanone;	4438
(26) Ethylmethylthiambutene;	4439
(27) Etonitazene;	4440
(28) Etoxadoline;	4441
(29) Furethidine;	4442
(30) Hydroxypethidine;	4443
(31) Ketobemidone;	4444
(32) Levomoramide;	4445
(33) Levophenacetylmorphan;	4446
(34) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);	4447 4448
(35) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	4449 4450
(36) Morpheridine;	4451
(37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);	4452
(38) Noracymethadol;	4453

(39) Norlevorphanol;	4454
(40) Normethadone;	4455
(41) Norpipanone;	4456
(42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;	4457
	4458
(43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine;	4459
(44) Phenadoxone;	4460
(45) Phenampromide;	4461
(46) Phenomorphan;	4462
(47) Phenoperidine;	4463
(48) Piritramide;	4464
(49) Proheptazine;	4465
(50) Properidine;	4466
(51) Propiram;	4467
(52) Racemoramide;	4468
(53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	4469
	4470
(54) Tilidine;	4471
(55) Trimeperidine.	4472
(56) Except as otherwise provided in this section, any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory:	4473
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	4476
(a) A chemical scaffold consisting of both of the	4477

following:	4478
(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;	4479 4480
(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen;	4481 4482 4483
(b) A polar functional group attached to the chemical scaffold, including but not limited to, a hydroxyl, ketone, amide, or ester;	4484 4485 4486
(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and	4487 4488
(d) The compound has not been approved for medical use by the United States food and drug administration.	4489 4490
(B) Narcotics-opium derivatives	4491
Any of the following opium derivatives, including their salts, isomers, and salts of isomers, unless specifically excepted under federal drug abuse control laws, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:	4492 4493 4494 4495 4496
(1) Acetorphine;	4497
(2) Acetyldihydrocodeine;	4498
(3) Benzylmorphine;	4499
(4) Codeine methylbromide;	4500
(5) Codeine-n-oxide;	4501
(6) Cyprenorphine;	4502
(7) Desomorphine;	4503

(8) Dihydromorphine;	4504
(9) Drotebanol;	4505
(10) Etorphine (except hydrochloride salt);	4506
(11) Heroin;	4507
(12) Hydromorphinol;	4508
(13) Methyldesorphine;	4509
(14) Methyldihydromorphine;	4510
(15) Morphine methylbromide;	4511
(16) Morphine methylsulfonate;	4512
(17) Morphine-n-oxide;	4513
(18) Myrophine;	4514
(19) Nicocodeine;	4515
(20) Nicomorphine;	4516
(21) Normorphine;	4517
(22) Pholcodine;	4518
(23) Thebacon.	4519
(C) Hallucinogens	4520
Any material, compound, mixture, or preparation that	4521
contains any quantity of the following hallucinogenic	4522
substances, including their salts, isomers, and salts of	4523
isomers, unless specifically excepted under federal drug abuse	4524
control laws, whenever the existence of these salts, isomers,	4525
and salts of isomers is possible within the specific chemical	4526
designation. For the purposes of this division only, "isomer"	4527

includes the optical isomers, position isomers, and geometric isomers.	4528
	4529
(1) Alpha-ethyltryptamine (some trade or other names: etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; alpha-ET; and AET);	4530
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	4532
(2) 4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA);	4533
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	4535
(3) 4-bromo-2,5-dimethoxyphenethylamine (some trade or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB; 2C-B, Nexus);	4536
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	4538
(4) 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);	4539
	4540
(5) 2,5-dimethoxy-4-ethylamphetamine (some trade or other names: DOET);	4541
	4542
(6) 4-methoxyamphetamine (some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA);	4543
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(7) 5-methoxy-3,4-methylenedioxy-amphetamine;	4546
(8) 4-methyl-2,5-dimethoxy-amphetamine (some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM" and "STP");	4547
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(9) 3,4-methylenedioxy amphetamine (MDA);	4550
(10) 3,4-methylenedioxymethamphetamine (MDMA);	4551
(11) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);	4552
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- (12) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine and N-hydroxy MDA); 4555  
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- (13) 3,4,5-trimethoxy amphetamine; 4558
- (14) Bufotenine (some trade or other names: 3-(beta-dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine; mappine); 4559  
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- (15) Diethyltryptamine (some trade or other names: N, N-diethyltryptamine; DET); 4563  
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- (16) Dimethyltryptamine (some trade or other names: DMT); 4565
- (17) Ibogaine (some trade or other names: 7-ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido[1',2':1,2] azepino [5, 4-b] indole; tabernanthe iboga); 4566  
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- (18) Lysergic acid diethylamide; 4569
- (19) Marihuana; 4570
- (20) Mescaline; 4571
- (21) Parahexyl (some trade or other names: 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; synhexyl); 4572  
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- (22) Peyote (meaning all parts of the plant presently classified botanically as "Lophophora williamsii Lemaire," whether growing or not, the seeds of that plant, any extract from any part of that plant, and every compound, manufacture, salts, derivative, mixture, or preparation of that plant, its seeds, or its extracts); 4575  
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- (23) N-ethyl-3-piperidyl benzilate; 4581

(24) N-methyl-3-piperidyl benzilate;	4582
(25) Psilocybin;	4583
(26) Psilocyn;	4584
(27) Tetrahydrocannabinols (synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: delta-1-cis or trans tetrahydrocannabinol, and their optical isomers; delta-6-cis or trans tetrahydrocannabinol, and their optical isomers; delta-3,4-cis or trans tetrahydrocannabinol, and its optical isomers. (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions, are covered.));	4585 4586 4587 4588 4589 4590 4591 4592 4593 4594 4595 4596
(28) Ethylamine analog of phencyclidine (some trade or other names: N-ethyl-1-phenylcyclohexylamine; (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE);	4597 4598 4599 4600
(29) Pyrrolidine analog of phencyclidine (some trade or other names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP);	4601 4602
(30) Thiophene analog of phencyclidine (some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP);	4603 4604 4605
(31) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;	4606
(32) Hashish;	4607
(33) Salvia divinorum;	4608

(34) Salvinorin A;	4609
(35) (1-pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144);	4610 4611
(36) 1-pentyl-3-(1-adamantoyl)indole (AB-001);	4612
(37) N-adamantyl-1-pentylindole-3-carboxamide;	4613
(38) N-adamantyl-1-pentylindazole-3-carboxamide (AKB48);	4614
(39) 2-ethylamino-2-(3-methoxyphenyl)cyclohexanone (methoxetamine);	4615 4616
(40) N,N-diallyl-5-methoxytryptamine (5MeO-DALT);	4617
(41) [1-(5-fluoropentylindol-3-yl)]-(2,2,3,3-tetramethylcyclopropyl)methanone (5-fluoropentyl-UR-144; XLR11);	4618 4619
(42) [1-(5-chloropentylindol-3-yl)]-(2,2,3,3-tetramethylcyclopropyl)methanone (5-chloropentyl-UR-144);	4620 4621
(43) [1-(5-bromopentylindol-3-yl)]-(2,2,3,3-tetramethylcyclopropyl)methanone (5-bromopentyl-UR-144);	4622 4623
(44) {1-[2-(4-morpholinyl)ethyl]indol-3-yl}-(2,2,3,3-tetramethylcyclopropyl)methanone (A-796,260);	4624 4625
(45) 1-[(N-methylpiperidin-2-yl)methyl]-3-(1-adamantoyl)indole (AM1248);	4626 4627
(46) N-adamantyl-1-(5-fluoropentylindole)-3-carboxamide;	4628
(47) 5-(2-aminopropyl)benzofuran (5-APB);	4629
(48) 6-(2-aminopropyl)benzofuran (6-APB);	4630
(49) 5-(2-aminopropyl)-2,3-dihydrobenzofuran (5-APDB);	4631
(50) 6-(2-aminopropyl)-2,3-dihydrobenzofuran (6-APDB);	4632

(51) Benzothiophenylcyclohexylpiperidine (BTCF);	4633
(52) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);	4634
(53) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);	4635
(54) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);	4636
(55) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);	4637
(56) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);	4638 4639
(57) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);	4640 4641
(58) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);	4642
(59) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);	4643
(60) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);	4644 4645
(61) 4-methoxymethamphetamine (PMMA);	4646
(62) 5,6 - Methylenedioxy-2-aminoindane (MDAI);	4647
(63) 5-iodo-2-aminoindane (5-IAI);	4648
(64) 2-(4-iodo-2,5-dimethoxyphenyl)-N- [(2-methoxyphenyl)methyl]ethanamine (25I-NBOMe);	4649 4650
(65) Diphenylprolinol (diphenyl(pyrrolidin-2-yl)methanol, D2PM);	4651 4652
(66) Desoxypipradrol (2-benzhydrylpiperidine);	4653
(67) Synthetic cannabinoids - unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of a synthetic cannabinoid found to be in any of the following	4654 4655 4656 4657

chemical groups or any of those groups which contain any 4658  
synthetic cannabinoid salts, isomers, or salts of isomers, 4659  
whenever the existence of such salts, isomers, or salts of 4660  
isomers is possible within the specific chemical groups: 4661

(a) Naphthoylindoles: any compound containing a 3-(1- 4662  
naphthoyl)indole structure with or without substitution at the 4663  
nitrogen atom of the indole ring by an alkyl, haloalkyl, 4664  
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4665  
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4666  
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4667  
or 2-(4-morpholinyl)ethyl group, whether or not further 4668  
substituted on the indole ring to any extent or whether or not 4669  
substituted on the naphthyl group to any extent. 4670  
Naphthoylindoles include, but are not limited to, 1-[2-(4- 4671  
morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); 1-(5- 4672  
fluoropentyl)-3-(1-naphthoyl)indole (AM2201), 1-pentyl-3-(1- 4673  
naphthoyl)indole (JWH-018), and 1-butyl-3-(1-naphthoyl)indole 4674  
(JWH-073). 4675

(b) Naphthylmethylindoles: any compound containing a 1H- 4676  
indol-3-yl-(1-naphthyl)methane structure with or without 4677  
substitution at the nitrogen atom of the indole ring by an 4678  
alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 4679  
(N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin- 4680  
2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3- 4681  
morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or 4682  
not further substituted on the indole ring to any extent or 4683  
whether or not substituted on the naphthyl group to any extent. 4684  
Naphthylmethylindoles include, but are not limited to, (1- 4685  
pentylindol-3-yl)(1-naphthyl)methane (JWH-175). 4686

(c) Naphthoylpyrroles: any compound containing a 3-(1- 4687

naphthoyl)pyrrole structure with or without substitution at the 4688  
nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, 4689  
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4690  
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4691  
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4692  
or 2-(4-morpholinyl)ethyl group, whether or not further 4693  
substituted on the pyrrole ring to any extent or whether or not 4694  
substituted on the naphthyl group to any extent. 4695  
Naphthoylpyrroles include, but are not limited to, 1-hexyl-2- 4696  
phenyl-4-(1-naphthoyl)pyrrole (JWH-147). 4697

(d) Naphthylmethylindenes: any compound containing a 4698  
naphthylmethylideneindene structure with or without substitution 4699  
at the 3-position of the indene ring by an alkyl, haloalkyl, 4700  
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4701  
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4702  
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4703  
or 2-(4-morpholinyl)ethyl group, whether or not further 4704  
substituted on the indene group to any extent or whether or not 4705  
substituted on the naphthyl group to any extent. 4706  
Naphthylmethylindenes include, but are not limited to, (1-[(3- 4707  
pentyl)-1H-inden-1-ylidene)methyl]naphthalene (JWH-176). 4708

(e) Phenylacetylindoles: any compound containing a 3- 4709  
phenylacetylindole structure with or without substitution at the 4710  
nitrogen atom of the indole ring by an alkyl, haloalkyl, 4711  
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4712  
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4713  
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4714  
or 2-(4-morpholinyl)ethyl group, whether or not further 4715  
substituted on the indole ring to any extent or whether or not 4716  
substituted on the phenyl group to any extent. 4717  
Phenylacetylindoles include, but are not limited to, 1-pentyl-3- 4718

(2-methoxyphenylacetyl)indole (JWH-250), and 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8); 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203). 4719  
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(f) Cyclohexylphenols: any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with or without substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the cyclohexyl group to any extent. 4722  
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Cyclohexylphenols include, but are not limited to, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (some trade or other names: CP-47,497) and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (some trade or other names: cannabicyclohexanol; CP-47,497 C8 homologue). 4730  
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(g) Benzoylindoles: any compound containing a 3-(1-benzoyl)indole structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent or whether or not substituted on the phenyl group to any extent. Benzoylindoles include, but are not limited to, 1-pentyl-3-(4-methoxybenzoyl)indole (RCS-4), 1-[2-(4-morpholinyl)ethyl]-2-methyl-3-(4-methoxybenzoyl)indole (Pravadoline or WIN 48, 098). 4735  
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(D) Depressants 4747

Any material, compound, mixture, or preparation that 4748

contains any quantity of the following substances having a 4749  
depressant effect on the central nervous system, including their 4750  
salts, isomers, and salts of isomers, unless specifically 4751  
excepted under federal drug abuse control laws, whenever the 4752  
existence of these salts, isomers, and salts of isomers is 4753  
possible within the specific chemical designation: 4754

(1) Mecloqualone; 4755

(2) Methaqualone. 4756

(E) Stimulants 4757

Unless specifically excepted or unless listed in another 4758  
schedule, any material, compound, mixture, or preparation that 4759  
contains any quantity of the following substances having a 4760  
stimulant effect on the central nervous system, including their 4761  
salts, isomers, and salts of isomers: 4762

(1) Aminorex (some other names: aminoxaphen; 2-amino-5- 4763  
phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine); 4764

(2) Fenethylline; 4765

(3) (+/-)cis-4-methylaminorex ((+/-)cis-4,5-dihydro-4- 4766  
methyl-5-phenyl-2-oxazolamine); 4767

(4) N-ethylamphetamine; 4768

(5) N,N-dimethylamphetamine (also known as N,N-alpha- 4769  
trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine); 4770

(6) N-methyl-1-(thiophen-2-yl) propan-2-amine 4771  
(Methiopropamine); 4772

(7) Substituted cathinones - any compound except bupropion 4773  
or compounds listed under a different schedule, structurally 4774  
derived from 2-aminopropan-1-one by substitution at the 1- 4775

position with either phenyl, naphthyl, or thiophene ring 4776  
systems, whether or not the compound is further modified in any 4777  
of the following ways: 4778

(a) By substitution in the ring system to any extent with 4779  
alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or halide 4780  
substituents, whether or not further substituted in the ring 4781  
system by one or more other univalent substituents; 4782

(b) By substitution at the 3-position with an acyclic 4783  
alkyl substituent; 4784

(c) By substitution at the 2-amino nitrogen atom with 4785  
alkyl, dialkyl, benzyl, or methoxybenzyl groups; 4786

(d) By inclusion of the 2-amino nitrogen atom in a cyclic 4787  
structure. 4788

Examples of substituted cathinones include, but are not 4789  
limited to, methydone (3,4-methylenedioxy-methcathinone), MDPV 4790  
(3,4-methylenedioxy-pyrovalerone), mephedrone (4- 4791  
methylethcathinone), 4-methoxymethcathinone, 4- 4792  
fluoromethcathinone, 3-fluoromethcathinone, Pentedrone (2- 4793  
(methylamino)-1-phenyl-1-pentanone), pentylone (1-(1,3- 4794  
benzodioxol-5-yl)-2-(methylamino)-1-pentanone), 2-(1- 4795  
pyrrolidinyl)-1-(4-methylphenyl)-1-propanone, alpha-PVP (1- 4796  
phenyl-2-(1-pyrrolidinyl)-1-pentanone), cathinone (2-amino-1- 4797  
phenyl-1-propanone), and methcathinone (2-(methylamino)- 4798  
propiofenone). 4799

SCHEDULE II 4800

(A) Narcotics-opium and opium derivatives 4801

Unless specifically excepted under federal drug abuse 4802  
control laws or unless listed in another schedule, any of the 4803

following substances whether produced directly or indirectly by 4804  
extraction from substances of vegetable origin, independently by 4805  
means of chemical synthesis, or by a combination of extraction 4806  
and chemical synthesis: 4807

(1) Opium and opiate, and any salt, compound, derivative, 4808  
or preparation of opium or opiate, excluding apomorphine, 4809  
thebaine-derived butorphanol, dextrorphan, nalbuphine, 4810  
nalmefene, naloxone, and naltrexone, and their respective salts, 4811  
but including the following: 4812

- (a) Raw opium; 4813
- (b) Opium extracts; 4814
- (c) Opium fluid extracts; 4815
- (d) Powdered opium; 4816
- (e) Granulated opium; 4817
- (f) Tincture of opium; 4818
- (g) Codeine; 4819
- (h) Ethylmorphine; 4820
- (i) Etorphine hydrochloride; 4821
- (j) Hydrocodone; 4822
- (k) Hydromorphone; 4823
- (l) Metopon; 4824
- (m) Morphine; 4825
- (n) Oxycodone; 4826
- (o) Oxymorphone; 4827

(p) Thebaine.	4828
(2) Any salt, compound, derivative, or preparation thereof that is chemically equivalent to or identical with any of the substances referred to in division (A) (1) of this schedule, except that these substances shall not include the isoquinoline alkaloids of opium;	4829 4830 4831 4832 4833
(3) Opium poppy and poppy straw;	4834
(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves (including cocaine and ecgonine, their salts, isomers, and derivatives, and salts of those isomers and derivatives), and any salt, compound, derivative, or preparation thereof that is chemically equivalent to or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine;	4835 4836 4837 4838 4839 4840 4841 4842 4843
(5) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid, or powder form that contains the phenanthrene alkaloids of the opium poppy).	4844 4845 4846
(B) Narcotics-opiates	4847
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation, but excluding dextrorphan and levopropoxyphene:	4848 4849 4850 4851 4852 4853 4854
(1) Alfentanil;	4855

(2) Alphaprodine;	4856
(3) Anileridine;	4857
(4) Bezitramide;	4858
(5) Bulk dextropropoxyphene (non-dosage forms);	4859
(6) Carfentanil;	4860
(7) Dihydrocodeine;	4861
(8) Diphenoxylate;	4862
(9) Fentanyl;	4863
(10) Isomethadone;	4864
(11) Levo-alpha-acetylmethadol (some other names: levo- alpha-acetylmethadol; levomethadyl acetate; LAAM);	4865 4866
(12) Levomethorphan;	4867
(13) Levorphanol;	4868
(14) Metazocine;	4869
(15) Methadone;	4870
(16) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4- diphenyl butane;	4871 4872
(17) Moramide-intermediate, 2-methyl-3-morpholino-1,1- diphenylpropane-carboxylic acid;	4873 4874
(18) Pethidine (meperidine);	4875
(19) Pethidine-intermediate-A, 4-cyano-1-methyl-4- phenylpiperidine;	4876 4877
(20) Pethidine-intermediate-B, ethyl-4-phenylpiperidine-4- carboxylate;	4878 4879

(21) Pethidine-intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;	4880
	4881
(22) Phenazocine;	4882
(23) Piminodine;	4883
(24) Racemethorphan;	4884
(25) Racemorphan;	4885
(26) Remifentanil;	4886
(27) Sufentanil.	4887
(C) Stimulants	4888
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system:	4889
	4890
	4891
	4892
	4893
(1) Amphetamine, its salts, its optical isomers, and salts of its optical isomers;	4894
	4895
(2) Methamphetamine, its salts, its isomers, and salts of its isomers;	4896
	4897
(3) Methylphenidate;	4898
(4) Phenmetrazine and its salts;	4899
(5) Lisdexamfetamine, its salts, isomers, and salts of its isomers.	4900
	4901
(D) Depressants	4902
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material,	4903
	4904

compound, mixture, or preparation that contains any quantity of 4905  
the following substances having a depressant effect on the 4906  
central nervous system, including their salts, isomers, and 4907  
salts of isomers, whenever the existence of these salts, 4908  
isomers, and salts of isomers is possible within the specific 4909  
chemical designation: 4910

(1) Amobarbital; 4911

(2) Gamma-hydroxy-butyrate; 4912

(3) Glutethimide; 4913

(4) Pentobarbital; 4914

(5) Phencyclidine (some trade or other names: 1-(1- 4915  
phenylcyclohexyl)piperidine; PCP); 4916

(6) Secobarbital; 4917

(7) 1-aminophenylcyclohexane and all N-mono-substituted 4918  
and/or all N-N-disubstituted analogs including, but not limited 4919  
to, the following: 4920

(a) 1-phenylcyclohexylamine; 4921

(b) (1-phenylcyclohexyl) methylamine; 4922

(c) (1-phenylcyclohexyl) dimethylamine; 4923

(d) (1-phenylcyclohexyl) methylethylamine; 4924

(e) (1-phenylcyclohexyl) isopropylamine; 4925

(f) 1-(1-phenylcyclohexyl) morpholine. 4926

(E) Hallucinogenic substances 4927

(1) Nabilone (another name for nabilone: (+)-trans-3-(1,1- 4928  
dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1- hydroxy-6,6- 4929

dimethyl-9H-dibenzo[b,d]pyran-9-one).	4930
(F) Immediate precursors	4931
Unless specifically excepted under federal drug abuse	4932
control laws or unless listed in another schedule, any material,	4933
compound, mixture, or preparation that contains any quantity of	4934
the following substances:	4935
(1) Immediate precursor to amphetamine and	4936
methamphetamine:	4937
(a) Phenylacetone (some trade or other names: phenyl-2-	4938
propanone; P2P; benzyl methyl ketone; methyl benzyl ketone);	4939
(2) Immediate precursors to phencyclidine (PCP):	4940
(a) 1-phenylcyclohexylamine;	4941
(b) 1-piperidinocyclohexanecarbonitrile (PCC).	4942
SCHEDULE III	4943
(A) Stimulants	4944
Unless specifically excepted under federal drug abuse	4945
control laws or unless listed in another schedule, any material,	4946
compound, mixture, or preparation that contains any quantity of	4947
the following substances having a stimulant effect on the	4948
central nervous system, including their salts, their optical	4949
isomers, position isomers, or geometric isomers, and salts of	4950
these isomers, whenever the existence of these salts, isomers,	4951
and salts of isomers is possible within the specific chemical	4952
designation:	4953
(1) All stimulant compounds, mixtures, and preparations	4954
included in schedule III pursuant to the federal drug abuse	4955
control laws and regulations adopted under those laws;	4956

(2) Benzphetamine;	4957
(3) Chlorphentermine;	4958
(4) Clortermine;	4959
(5) Phendimetrazine.	4960
(B) Depressants	4961
Unless specifically excepted under federal drug abuse	4962
control laws or unless listed in another schedule, any material,	4963
compound, mixture, or preparation that contains any quantity of	4964
the following substances having a depressant effect on the	4965
central nervous system:	4966
(1) Any compound, mixture, or preparation containing	4967
amobarbital, secobarbital, pentobarbital, or any salt of any of	4968
these drugs, and one or more other active medicinal ingredients	4969
that are not listed in any schedule;	4970
(2) Any suppository dosage form containing amobarbital,	4971
secobarbital, pentobarbital, or any salt of any of these drugs	4972
and approved by the food and drug administration for marketing	4973
only as a suppository;	4974
(3) Any substance that contains any quantity of a	4975
derivative of barbituric acid or any salt of a derivative of	4976
barbituric acid;	4977
(4) Chlorhexadol;	4978
(5) Ketamine, its salts, isomers, and salts of isomers	4979
(some other names for ketamine: (+/-)-2-(2-chlorophenyl)-2-	4980
(methylamino)-cyclohexanone);	4981
(6) Lysergic acid;	4982
(7) Lysergic acid amide;	4983

(8) Methypylon;	4984
(9) Sulfondiethylmethane;	4985
(10) Sulfonethylmethane;	4986
(11) Sulfonmethane;	4987
(12) Tiletamine, zolazepam, or any salt of tiletamine or zolazepam (some trade or other names for a tiletamine-zolazepam combination product: Telazol); (some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone); (some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3, 4-e][1,4]-diazepin-7(1H)-one; flupyrazapon).	4988 4989 4990 4991 4992 4993 4994
(C) Narcotic antidotes	4995
(1) Nalorphine.	4996
(D) Narcotics-narcotic preparations	4997
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:	4998 4999 5000 5001 5002 5003
(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;	5004 5005 5006
(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;	5007 5008 5009 5010

(3) Not more than 300 milligrams of dihydrocodeinone per 5011  
100 milliliters or not more than 15 milligrams per dosage unit, 5012  
with a fourfold or greater quantity of an isoquinoline alkaloid 5013  
of opium; 5014

(4) Not more than 300 milligrams of dihydrocodeinone per 5015  
100 milliliters or not more than 15 milligrams per dosage unit, 5016  
with one or more active, nonnarcotic ingredients in recognized 5017  
therapeutic amounts; 5018

(5) Not more than 1.8 grams of dihydrocodeine per 100 5019  
milliliters or not more than 90 milligrams per dosage unit, with 5020  
one or more active, nonnarcotic ingredients in recognized 5021  
therapeutic amounts; 5022

(6) Not more than 300 milligrams of ethylmorphine per 100 5023  
milliliters or not more than 15 milligrams per dosage unit, with 5024  
one or more active, nonnarcotic ingredients in recognized 5025  
therapeutic amounts; 5026

(7) Not more than 500 milligrams of opium per 100 5027  
milliliters or per 100 grams or not more than 25 milligrams per 5028  
dosage unit, with one or more active, nonnarcotic ingredients in 5029  
recognized therapeutic amounts; 5030

(8) Not more than 50 milligrams of morphine per 100 5031  
milliliters or per 100 grams, with one or more active, 5032  
nonnarcotic ingredients in recognized therapeutic amounts. 5033

(E) Anabolic steroids 5034

Unless specifically excepted under federal drug abuse 5035  
control laws or unless listed in another schedule, any material, 5036  
compound, mixture, or preparation that contains any quantity of 5037  
the following substances, including their salts, esters, 5038  
isomers, and salts of esters and isomers, whenever the existence 5039

of these salts, esters, and isomers is possible within the 5040  
specific chemical designation: 5041

(1) Anabolic steroids. Except as otherwise provided in 5042  
division (E)(1) of schedule III, "anabolic steroids" means any 5043  
drug or hormonal substance that is chemically and 5044  
pharmacologically related to testosterone (other than estrogens, 5045  
progestins, and corticosteroids) and that promotes muscle 5046  
growth. "Anabolic steroids" does not include an anabolic steroid 5047  
that is expressly intended for administration through implants 5048  
to cattle or other nonhuman species and that has been approved 5049  
by the United States secretary of health and human services for 5050  
that administration, unless a person prescribes, dispenses, or 5051  
distributes this type of anabolic steroid for human use. 5052  
"Anabolic steroid" includes, but is not limited to, the 5053  
following: 5054

- (a) Boldenone; 5055
- (b) Chlorotestosterone (4-chlortestosterone); 5056
- (c) Clostebol; 5057
- (d) Dehydrochlormethyltestosterone; 5058
- (e) Dihydrotestosterone (4-dihydrotestosterone); 5059
- (f) Drostanolone; 5060
- (g) Ethylestrenol; 5061
- (h) Fluoxymesterone; 5062
- (i) Formebolone (formebolone); 5063
- (j) Mesterolone; 5064
- (k) Methandienone; 5065

(l) Methandranone;	5066
(m) Methandriol;	5067
(n) Methandrostenolone;	5068
(o) Methenolone;	5069
(p) Methyltestosterone;	5070
(q) Mibolerone;	5071
(r) Nandrolone;	5072
(s) Norethandrolone;	5073
(t) Oxandrolone;	5074
(u) Oxymesterone;	5075
(v) Oxymetholone;	5076
(w) Stanolone;	5077
(x) Stanozolol;	5078
(y) Testolactone;	5079
(z) Testosterone;	5080
(aa) Trenbolone;	5081
(bb) Any salt, ester, isomer, or salt of an ester or isomer of a drug or hormonal substance described or listed in division (E) (1) of schedule III if the salt, ester, or isomer promotes muscle growth.	5082 5083 5084 5085
(F) Hallucinogenic substances	5086
(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration approved drug product (some other names for	5087 5088 5089

dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro- 6,6,9-trimethyl- 5090  
3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-)-delta-9-(trans)- 5091  
tetrahydrocannabinol). 5092

SCHEDULE IV 5093

(A) Narcotic drugs 5094

Unless specifically excepted by federal drug abuse control 5095  
laws or unless listed in another schedule, any material, 5096  
compound, mixture, or preparation that contains any of the 5097  
following narcotic drugs, or their salts calculated as the free 5098  
anhydrous base or alkaloid, in limited quantities as set forth 5099  
below: 5100

(1) Not more than one milligram of difenoxin and not less 5101  
than 25 micrograms of atropine sulfate per dosage unit; 5102

(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2- 5103  
diphenyl-3-methyl-2- propionoxybutane)[final dosage forms]. 5104

(B) Depressants 5105

Unless specifically excepted under federal drug abuse 5106  
control laws or unless listed in another schedule, any material, 5107  
compound, mixture, or preparation that contains any quantity of 5108  
the following substances, including their salts, isomers, and 5109  
salts of isomers, whenever the existence of these salts, 5110  
isomers, and salts of isomers is possible within the specific 5111  
chemical designation: 5112

(1) Alprazolam; 5113

(2) Barbital; 5114

(3) Bromazepam; 5115

(4) Camazepam; 5116

(5) Chloral betaine;	5117
(6) Chloral hydrate;	5118
(7) Chlordiazepoxide;	5119
(8) Clobazam;	5120
(9) Clonazepam;	5121
(10) Clorazepate;	5122
(11) Clotiazepam;	5123
(12) Cloxazolam;	5124
(13) Delorazepam;	5125
(14) Diazepam;	5126
(15) Estazolam;	5127
(16) Ethchlorvynol;	5128
(17) Ethinamate;	5129
(18) Ethyl loflazepate;	5130
(19) Fludiazepam;	5131
(20) Flunitrazepam;	5132
(21) Flurazepam;	5133
(22) Halazepam;	5134
(23) Haloxazolam;	5135
(24) Ketazolam;	5136
(25) Loprazolam;	5137
(26) Lorazepam;	5138

(27) Lormetazepam;	5139
(28) Mebutamate;	5140
(29) Medazepam;	5141
(30) Meprobamate;	5142
(31) Methohexital;	5143
(32) Methylphenobarbital (mephobarbital);	5144
(33) Midazolam;	5145
(34) Nimetazepam;	5146
(35) Nitrazepam;	5147
(36) Nordiazepam;	5148
(37) Oxazepam;	5149
(38) Oxazolam;	5150
(39) Paraldehyde;	5151
(40) Petrichloral;	5152
(41) Phenobarbital;	5153
(42) Pinazepam;	5154
(43) Prazepam;	5155
(44) Quazepam;	5156
(45) Temazepam;	5157
(46) Tetrazepam;	5158
(47) Triazolam;	5159
(48) Zaleplon;	5160

(49) Zolpidem.	5161
(C) Fenfluramine	5162
Any material, compound, mixture, or preparation that	5163
contains any quantity of the following substances, including	5164
their salts, their optical isomers, position isomers, or	5165
geometric isomers, and salts of these isomers, whenever the	5166
existence of these salts, isomers, and salts of isomers is	5167
possible within the specific chemical designation:	5168
(1) Fenfluramine.	5169
(D) Stimulants	5170
Unless specifically excepted under federal drug abuse	5171
control laws or unless listed in another schedule, any material,	5172
compound, mixture, or preparation that contains any quantity of	5173
the following substances having a stimulant effect on the	5174
central nervous system, including their salts, their optical	5175
isomers, position isomers, or geometric isomers, and salts of	5176
these isomers, whenever the existence of these salts, isomers,	5177
and salts of isomers is possible within the specific chemical	5178
designation:	5179
(1) Cathine ((+)-norpseudoephedrine);	5180
(2) Diethylpropion;	5181
(3) Fencamfamin;	5182
(4) Fenproporex;	5183
(5) Mazindol;	5184
(6) Mefenorex;	5185
(7) Modafinil;	5186

(8) Pemoline (including organometallic complexes and chelates thereof);	5187 5188
(9) Phentermine;	5189
(10) Pipradrol;	5190
(11) Sibutramine;	5191
(12) SPA [(-)-1-dimethylamino-1,2-diphenylethane].	5192
(E) Other substances	5193

Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including their salts:

- |  |                              |
|--|------------------------------|
| (1) Pentazocine;                                 | 5194<br>5195<br>5196<br>5197 |
| (2) Butorphanol (including its optical isomers). | 5198<br>5199                 |

SCHEDULE V 5200

- |                    |      |
|--------------------|------|
| (A) Narcotic drugs | 5201 |
|--------------------|------|

Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, and their salts, as set forth below:

- |                                     |                              |
|-------------------------------------|------------------------------|
| (1) Buprenorphine.                  | 5202<br>5203<br>5204<br>5205 |
| (B) Narcotics-narcotic preparations | 5206<br>5207                 |

Narcotic drugs containing non-narcotic active medicinal ingredients. Any compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, and that includes one or more nonnarcotic

active medicinal ingredients in sufficient proportion to confer	5213
upon the compound, mixture, or preparation valuable medicinal	5214
qualities other than those possessed by narcotic drugs alone:	5215
(1) Not more than 200 milligrams of codeine per 100	5216
milliliters or per 100 grams;	5217
(2) Not more than 100 milligrams of dihydrocodeine per 100	5218
milliliters or per 100 grams;	5219
(3) Not more than 100 milligrams of ethylmorphine per 100	5220
milliliters or per 100 grams;	5221
(4) Not more than 2.5 milligrams of diphenoxylate and not	5222
less than 25 micrograms of atropine sulfate per dosage unit;	5223
(5) Not more than 100 milligrams of opium per 100	5224
milliliters or per 100 grams;	5225
(6) Not more than 0.5 milligram of difenoxin and not less	5226
than 25 micrograms of atropine sulfate per dosage unit.	5227
(C) Stimulants	5228
Unless specifically exempted or excluded under federal	5229
drug abuse control laws or unless listed in another schedule,	5230
any material, compound, mixture, or preparation that contains	5231
any quantity of the following substances having a stimulant	5232
effect on the central nervous system, including their salts,	5233
isomers, and salts of isomers:	5234
(1) Ephedrine, except as provided in division (K) of	5235
section 3719.44 of the Revised Code;	5236
(2) Pyrovalerone.	5237
<u>(D) Approved cannabidiol drugs</u>	5238
<u>Unless specifically exempted or excluded under federal</u>	5239

drug abuse control laws or unless listed in another schedule, 5240  
any drug product in finished dosage formulation that has been 5241  
approved by the United States food and drug administration that 5242  
contains cannabidiol (2-[1R-3-methyl-6R-(1-methylethenyl)-2- 5243  
cyclohexen-1-yl]-5-pentyl-1,3-benzenediol) derived from cannabis 5244  
and not more than 0.1 per cent (w/w) residual 5245  
tetrahydrocannabinols. 5246

**Sec. 3719.43.** When congress or, pursuant to the federal 5247  
drug abuse control laws, the attorney general of the United 5248  
States adds a compound, mixture, preparation, or substance to a 5249  
schedule of the federal drug abuse control laws, transfers any 5250  
of the same between one schedule of the federal drug abuse 5251  
control laws to another, or removes a compound, mixture, 5252  
preparation, or substance from the schedules of the federal drug 5253  
abuse control laws, then such addition, transfer, or removal is 5254  
automatically effected in the corresponding schedule or 5255  
schedules ~~in~~ established by rule adopted under section 3719.41 5256  
of the Revised Code, subject to amendment pursuant to section 5257  
3719.44 of the Revised Code. 5258

The state board of pharmacy shall incorporate the 5259  
addition, transfer, or removal into or from the schedules in its 5260  
next update of the schedules under section 3719.41 of the 5261  
Revised Code. 5262

**Sec. 3719.44.** (A) Pursuant to this section, and by rule 5263  
adopted in accordance with Chapter 119. of the Revised Code, the 5264  
state board of pharmacy may do any of the following with respect 5265  
to schedules I, II, III, IV, and V established ~~in~~ by rule 5266  
adopted under section 3719.41 of the Revised Code: 5267

(1) Add a previously unscheduled compound, mixture, 5268  
preparation, or substance to any schedule; 5269

(2) Transfer a compound, mixture, preparation, or substance from one schedule to another, provided the transfer does 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;

(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.

(B) In making a determination to add, remove, or transfer pursuant to division (A) of this section, the board shall consider the following:

(1) The actual or relative potential for abuse;

(2) The scientific evidence of the pharmacological effect of the substance, if known;

(3) The state of current scientific knowledge regarding the substance;

(4) The history and current pattern of abuse;

(5) The scope, duration, and significance of abuse;

(6) The risk to the public health;

(7) The potential of the substance to produce psychic or physiological dependence liability;

(8) Whether the substance is an immediate precursor.

(C) The board may add or transfer a compound, mixture, 5297  
preparation, or substance to schedule I when it appears that 5298  
there is a high potential for abuse, that it has no accepted 5299  
medical use in treatment in this state, or that it lacks 5300  
accepted safety for use in treatment under medical supervision. 5301

(D) The board may add or transfer a compound, mixture, 5302  
preparation, or substance to schedule II when it appears that 5303  
there is a high potential for abuse, that it has a currently 5304  
accepted medical use in treatment in this state, or currently 5305  
accepted medical use in treatment with severe restrictions, and 5306  
that its abuse may lead to severe physical or severe 5307  
psychological dependence. 5308

(E) The board may add or transfer a compound, mixture, 5309  
preparation, or substance to schedule III when it appears that 5310  
there is a potential for abuse less than the substances included 5311  
in schedules I and II, that it has a currently accepted medical 5312  
use in treatment in this state, and that its abuse may lead to 5313  
moderate or low physical or high psychological dependence. 5314

(F) The board may add or transfer a compound, mixture, 5315  
preparation, or substance to schedule IV when it appears that it 5316  
has a low potential for abuse relative to substances included in 5317  
schedule III, that it has a currently accepted medical use in 5318  
treatment in this state, and that its abuse may lead to limited 5319  
physical or psychological dependence relative to the substances 5320  
included in schedule III. 5321

(G) The board may add or transfer a compound, mixture, 5322  
preparation, or substance to schedule V when it appears that it 5323  
has lower potential for abuse than substances included in 5324  
schedule IV, that it has currently accepted medical use in 5325  
treatment in this state, and that its abuse may lead to limited 5326

physical or psychological dependence relative to substances 5327  
included in schedule IV. 5328

(H) Even though a compound, mixture, preparation, or 5329  
substance does not otherwise meet the criteria in this section 5330  
for adding or transferring it to a schedule, the board may 5331  
nevertheless add or transfer it to a schedule as an immediate 5332  
precursor when all of the following apply: 5333

(1) It is the principal compound used, or produced 5334  
primarily for use, in the manufacture of a controlled substance. 5335

(2) It is an immediate chemical intermediary used or 5336  
likely to be used in the manufacture of such a controlled 5337  
substance. 5338

(3) Its control is necessary to prevent, curtail, or limit 5339  
the manufacture of the scheduled compound, mixture, preparation, 5340  
or substance of which it is the immediate precursor. 5341

(I) Authority to control under this section does not 5342  
extend to distilled spirits, wine, or beer, as those terms are 5343  
defined or used in Chapter 4301. of the Revised Code. 5344

(J) Authority to control under this section does not 5345  
extend to any nonnarcotic substance if the substance may, under 5346  
the Federal Food, Drug, and Cosmetic Act and the laws of this 5347  
state, be lawfully sold over the counter without a prescription. 5348  
If a pattern of abuse develops for any nonnarcotic drug sold 5349  
over the counter, the board may, by rule adopted in accordance 5350  
with Chapter 119. of the Revised Code, after a public hearing 5351  
and a documented study to determine that the substance actually 5352  
meets the criteria listed in division (B) of this section, place 5353  
the abused substance on a controlled substance schedule. 5354

(K) (1) A drug product containing ephedrine that is known 5355

as one of the following and is in the form specified shall not	5356
be considered a schedule V controlled substance:	5357
(a) Amesec capsules;	5358
(b) Bronitin tablets;	5359
(c) Bronkotabs;	5360
(d) Bronkolixir;	5361
(e) Bronkaid tablets;	5362
(f) Efedron nasal jelly;	5363
(g) Guiaphed elixir;	5364
(h) Haysma;	5365
(i) Pazo hemorrhoid ointment and suppositories;	5366
(j) Primatene "M" formula tablets;	5367
(k) Primatene "P" formula tablets;	5368
(l) Tedrigen tablets;	5369
(m) Tedral tablets, suspension and elixir;	5370
(n) T.E.P.;	5371
(o) Vatronol nose drops.	5372
(2) (a) A product containing ephedrine shall not be	5373
considered a controlled substance if the product is a food	5374
product or dietary supplement that meets all of the following	5375
criteria:	5376
(i) It contains, per dosage unit or serving, not more than	5377
the lesser of twenty-five milligrams of ephedrine alkaloids or	5378
the maximum amount of ephedrine alkaloids provided in applicable	5379

regulations adopted by the United States food and drug 5380  
administration, and no other controlled substance. 5381

(ii) It contains no hydrochloride or sulfate salts of 5382  
ephedrine alkaloids. 5383

(iii) It is packaged with a prominent label securely 5384  
affixed to each package that states all of the following: the 5385  
amount in milligrams of ephedrine in a serving or dosage unit; 5386  
the amount of the food product or dietary supplement that 5387  
constitutes a serving or dosage unit; that the maximum 5388  
recommended dosage of ephedrine for a healthy adult human is the 5389  
lesser of one hundred milligrams in a twenty-four-hour period 5390  
for not more than twelve weeks or the maximum recommended dosage 5391  
or period of use provided in applicable regulations adopted by 5392  
the United States food and drug administration; and that 5393  
improper use of the product may be hazardous to a person's 5394  
health. 5395

(b) (i) Subject to division (K) (2) (b) (ii) of this section, 5396  
no person shall dispense, sell, or otherwise give a product 5397  
described in division (K) (2) (a) of this section to any 5398  
individual under eighteen years of age. 5399

(ii) Division (K) (2) (b) (i) of this section does not apply 5400  
to a physician or pharmacist who dispenses, sells, or otherwise 5401  
gives a product described in division (K) (2) (a) of this section 5402  
to an individual under eighteen years of age, to a parent or 5403  
guardian of an individual under eighteen years of age who 5404  
dispenses, sells, or otherwise gives a product of that nature to 5405  
the individual under eighteen years of age, or to a person who, 5406  
as authorized by the individual's parent or legal guardian, 5407  
dispenses, sells, or otherwise gives a product of that nature to 5408  
an individual under eighteen years of age. 5409

(c) No person in the course of selling, offering for sale, 5410  
or otherwise distributing a product described in division (K) (2) 5411  
(a) of this section shall advertise or represent in any manner 5412  
that the product causes euphoria, ecstasy, a "buzz" or "high," 5413  
or an altered mental state; heightens sexual performance; or, 5414  
because it contains ephedrine alkaloids, increased muscle mass. 5415

(3) A drug product that contains the isomer 5416  
pseudoephedrine, or any of its salts, optical isomers, or salts 5417  
of optical isomers, shall not be considered a controlled 5418  
substance if the drug product is labeled in a manner consistent 5419  
with federal law or with the product's over-the-counter 5420  
tentative final monograph or final monograph issued by the 5421  
United States food and drug administration. 5422

(4) At the request of any person, the board may except any 5423  
product containing ephedrine not described in division (K) (1) or 5424  
(2) of this section or any class of products containing 5425  
ephedrine from being included as a schedule V controlled 5426  
substance if it determines that the product or class of products 5427  
does not contain any other controlled substance. The board shall 5428  
make the determination in accordance with this section and by 5429  
rule adopted in accordance with Chapter 119. of the Revised 5430  
Code. 5431

(L) If the board adds, transfers, or removes a compound, 5432  
mixture, preparation, or substance to or from a schedule 5433  
pursuant to division (A), (B), (C), (D), (E), (F), (G), or (H) 5434  
of this section, the board shall incorporate the addition, 5435  
transfer, or removal into the schedules in its next update of 5436  
the schedules under division (B) of section 3719.41 of the 5437  
Revised Code. 5438

(M) As used in this section: 5439

(1) "Food" has the same meaning as in section 3715.01 of the Revised Code. 5440  
5441

(2) "Dietary supplement" has the same meaning as in the 5442  
"Federal Food, Drug, and Cosmetic Act," 108 Stat. 4327 (1994), 5443  
21 U.S.C.A. 321 (ff), as amended. 5444

(3) "Ephedrine alkaloids" means ephedrine, 5445  
pseudoephedrine, norephedrine, norpseudoephedrine, 5446  
methylephedrine, and methylpseudoephedrine. 5447

Sec. 3719.45. (A) (1) The state board of pharmacy, by 5448  
emergency rule adopted in accordance with division (G) of 5449  
section 119.03 of the Revised Code, shall add a previously 5450  
unscheduled compound, mixture, preparation, or substance to 5451  
schedule I if the board determines that the compound, mixture, 5452  
preparation, or substance has no accepted medical use in 5453  
treatment in this state and poses an imminent hazard to the 5454  
public health, safety, or welfare. 5455

(2) In determining whether a previously unscheduled 5456  
compound, mixture, preparation, or substance poses an imminent 5457  
hazard to the public health, safety, or welfare, the board shall 5458  
consider all of the following with respect to the compound, 5459  
mixture, preparation, or substance: 5460

(a) Its actual or relative potential for abuse; 5461

(b) The scope, duration, and significance of that abuse; 5462

(c) The risk it poses to the public health. 5463

(B) If the board determines that a compound, mixture, 5464  
preparation, or substance meets the criteria specified in 5465  
division (A) of this section, the board shall determine whether 5466  
to issue a resolution requesting that the governor issue an 5467

order pursuant to division (G) of section 119.03 of the Revised Code. If a resolution is issued, the resolution shall include the full text of the proposed emergency rule and the reasons for the board's determination that the compound, mixture, preparation, or substance meets the criteria specified in division (A) of this section. 5468  
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(C) The board may utilize a telephone conference call to make the determinations set forth in divisions (A) and (B) of this section. 5474  
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(D) An emergency rule adopted under this section takes effect as provided in division (G) of section 119.03 of the Revised Code. 5477  
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5479

(E) Authority to control under this section does not extend to any of the following: 5480  
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(1) Distilled spirits, wine, or beer, as those terms are defined or used in Chapter 4301. of the Revised Code; 5482  
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(2) Dangerous drugs approved by the United States food and drug administration; 5484  
5485

(3) Any drug approved by the United States food and drug administration to be lawfully sold over the counter without a prescription. 5486  
5487  
5488

**Sec. 3719.811.** (A) As used in this section: 5489

(1) "Charitable pharmacy" means a pharmacy that meets all of the following requirements: 5490  
5491

(a) Holds a terminal distributor of dangerous drugs license under section 4729.54 of the Revised Code. 5492  
5493

(b) Is exempt from federal taxation pursuant to 26 U.S.C. 5494

501(a) and (c) (3).	5495
(c) Is not a hospital <del>as defined in section 3727.01 of the Revised Code.</del>	5496 5497
(2) "Prescription" has the same meaning as in section 4729.01 of the Revised Code.	5498 5499
(3) "Sample drug" has the same meaning as in section 2925.01 of the Revised Code.	5500 5501
(B) A manufacturer of dangerous drugs or wholesale distributor of dangerous drugs may furnish a sample drug to a charitable pharmacy if all of the following apply:	5502 5503 5504
(1) The sample drug is in the original container in which it was placed by its manufacturer and the container is plainly marked as a sample.	5505 5506 5507
(2) Prior to its being furnished, the sample drug has been stored under the proper conditions to prevent its deterioration or contamination.	5508 5509 5510
(3) If the sample drug is of a type that deteriorates with time, the container in which the sample drug is stored is plainly marked with the date beyond which the sample drug is unsafe to use, and the date has not expired on the sample drug furnished. Compliance with the labeling requirements of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, as amended, constitutes compliance with division (B) (3) of this section.	5511 5512 5513 5514 5515 5516 5517 5518
(4) The sample drug is distributed, stored, or discarded in such a way that the sample drug may not be acquired or used by any unauthorized person, or by any person, including a child, for whom it may present a health or safety hazard.	5519 5520 5521 5522

(5) The sample drug is furnished free of charge.	5523
(6) The sample drug is not a controlled substance.	5524
(C) A representative of a manufacturer of dangerous drugs	5525
or a licensed health professional authorized to prescribe drugs	5526
may furnish a sample drug to a charitable pharmacy if all of the	5527
following apply:	5528
(1) <del>The state board of pharmacy has</del> <u>Rules have been</u>	5529
adopted rules under division (F) of this section <del>to that</del> permit	5530
such a representative or health professional to furnish a sample	5531
drug to a charitable pharmacy.	5532
(2) The representative or health professional complies	5533
with standards and procedures established in rules adopted under	5534
division (F) of this section.	5535
(3) The requirements <del>in of</del> <u>divisions</u> (B) (1) to (6) of this	5536
section are satisfied.	5537
(D) A pharmacist working, whether or not for compensation,	5538
in a charitable pharmacy may dispense a sample drug to a person	5539
if all of the following apply:	5540
(1) The person to whom the sample drug is dispensed is	5541
eligible for the sample drug under standards established by the	5542
body responsible for the charitable pharmacy's general	5543
management.	5544
(2) The person to whom the sample is dispensed presents to	5545
the pharmacist a valid prescription for the sample drug.	5546
(3) The sample drug is dispensed free of charge.	5547
(4) The requirements <del>in of</del> <u>divisions</u> (B) (1) to (4) and (6)	5548
of this section are satisfied.	5549

(E) Divisions (B), (C), and (D) of this section do not do 5550  
either of the following: 5551

(1) Apply to or restrict the furnishing of any sample of a 5552  
nonnarcotic substance if the substance may, under the "Federal 5553  
Food, Drug, and Cosmetic Act" and under the law of this state, 5554  
otherwise be lawfully sold over the counter without a 5555  
prescription. 5556

(2) Authorize a pharmacist working, whether or not for 5557  
compensation, in a charitable pharmacy to dispense a sample drug 5558  
that the charitable pharmacy is unauthorized to possess, have 5559  
custody or control of, or distribute. 5560

(F) The state board of pharmacy shall, in accordance with 5561  
Chapter 119. of the Revised Code, adopt rules as necessary to 5562  
give effect to this section. The rules may permit 5563  
representatives of manufacturers of dangerous drugs or licensed 5564  
health professionals authorized to prescribe drugs to furnish 5565  
sample drugs to charitable pharmacies under this section. If 5566  
they do so, the rules shall establish standards and procedures 5567  
for the representatives or health professionals to furnish the 5568  
sample drugs. 5569

**Sec. 3796.01.** (A) As used in this chapter: 5570

(1) "Marijuana" means marihuana as defined in section 5571  
3719.01 of the Revised Code. 5572

(2) "Medical marijuana" means marijuana that is 5573  
cultivated, processed, dispensed, tested, possessed, or used for 5574  
a medical purpose. 5575

(3) "Academic medical center" has the same meaning as in 5576  
section 4731.297 of the Revised Code. 5577

(4) "Drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.	5578 5579 5580
(5) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	5581 5582 5583
(6) "Qualifying medical condition" means any of the following:	5584 5585
(a) Acquired immune deficiency syndrome;	5586
(b) Alzheimer's disease;	5587
(c) Amyotrophic lateral sclerosis;	5588
(d) Cancer;	5589
(e) Chronic traumatic encephalopathy;	5590
(f) Crohn's disease;	5591
(g) Epilepsy or another seizure disorder;	5592
(h) Fibromyalgia;	5593
(i) Glaucoma;	5594
(j) Hepatitis C;	5595
(k) Inflammatory bowel disease;	5596
(l) Multiple sclerosis;	5597
(m) Pain that is either of the following:	5598
(i) Chronic and severe;	5599
(ii) Intractable.	5600
(n) Parkinson's disease;	5601

(o) Positive status for HIV;	5602
(p) Post-traumatic stress disorder;	5603
(q) Sickle cell anemia;	5604
(r) Spinal cord disease or injury;	5605
(s) Tourette's syndrome;	5606
(t) Traumatic brain injury;	5607
(u) Ulcerative colitis;	5608
(v) Any other disease or condition added by the state medical board under section 4731.302 of the Revised Code.	5609 5610
(7) "State university" has the same meaning as in section 3345.011 of the Revised Code.	5611 5612
(B) Notwithstanding <del>section 3719.41</del> <u>any conflicting</u> <u>provision of Chapter 3719.</u> of the Revised Code <u>or the rules</u> <u>adopted under it</u> , for purposes of this chapter, medical marijuana is a schedule II controlled substance.	5613 5614 5615 5616
<b>Sec. 3923.602.</b> (A) As used in this section:	5617
(1) "Cost-sharing" means the cost to an insured under a policy of sickness and accident insurance or a public employee benefit plan according to any coverage limit, copayment, coinsurance, deductible, or other out-of-pocket expense requirements imposed by the policy or plan.	5618 5619 5620 5621 5622
(2) "Drug" has the same meaning as in section 4729.01 of the Revised Code.	5623 5624
(3) "Medication synchronization" means a pharmacy service that synchronizes the filling or refilling of prescriptions in a manner that allows the dispensed drugs to be obtained on the	5625 5626 5627

same date each month. 5628

(4) "Prescriber" has the same meaning as in section 5629  
4729.01 of the Revised Code. 5630

(5) "Prescription" means a written, electronic, or oral 5631  
order issued by a prescriber for drugs or combinations or 5632  
mixtures of drugs to be used by a particular individual. 5633

(B) Notwithstanding section 3901.71 of the Revised Code, 5634  
each policy of sickness and accident insurance that provides 5635  
prescription drug coverage and each public employee benefit plan 5636  
that provides prescription drug coverage shall provide for 5637  
medication synchronization for an insured if all of the 5638  
following conditions are met: 5639

(1) The insured elects to participate in medication 5640  
synchronization; 5641

(2) The insured, the prescriber, and a pharmacist at a 5642  
network pharmacy agree that medication synchronization is in the 5643  
best interest of the insured; 5644

(3) The prescription drug to be included in the medication 5645  
synchronization meets the requirements of division (C) of this 5646  
section. 5647

(C) To be eligible for inclusion in medication 5648  
synchronization for an insured, a prescription drug must meet 5649  
all of the following requirements: 5650

(1) Be covered by the policy or plan; 5651

(2) Be prescribed for the treatment and management of a 5652  
chronic disease or condition and be subject to refills; 5653

(3) Satisfy all relevant prior authorization criteria; 5654

- (4) Not have quantity limits, dose optimization criteria, 5655  
or other requirements that would be violated if synchronized; 5656
- (5) Not have special handling or sourcing needs, as 5657  
determined by the policy or plan, that require a single, 5658  
designated pharmacy to fill or refill the prescription; 5659
- (6) Be formulated so that the quantity or amount dispensed 5660  
can be effectively divided in order to achieve synchronization; 5661
- (7) Not be a schedule II controlled substance, ~~opiate~~ 5662  
opioid analgesic, or benzodiazepine, as those terms are defined 5663  
in section 3719.01 of the Revised Code. 5664
- (D) (1) To provide for medication synchronization under 5665  
division (B) of this section, a policy or plan shall authorize 5666  
coverage of a prescription drug subject to medication 5667  
synchronization when the drug is dispensed in a quantity or 5668  
amount that is less than a thirty-day supply. 5669
- (2) The requirement of division (D) (1) of this section 5670  
applies only once for each prescription drug subject to 5671  
medication synchronization for the same insured, except when 5672  
either of the following occurs: 5673
- (a) The prescriber changes the dosage or frequency of 5674  
administration of the prescription drug subject to medication 5675  
synchronization. 5676
- (b) The prescriber prescribes a different drug. 5677
- (E) (1) A policy or plan that provides for medication 5678  
synchronization under division (B) of this section shall permit 5679  
and apply a prorated daily cost-sharing rate for a supply of a 5680  
prescription drug subject to medication synchronization that is 5681  
dispensed at a network pharmacy. 5682

(2) Division (E) (1) of this section does not require a 5683  
policy or plan to waive any cost-sharing requirements in its 5684  
entirety. 5685

(F) A policy or plan that provides for medication 5686  
synchronization under division (B) of this section shall not use 5687  
payment structures that incorporate dispensing fees that are 5688  
determined by calculating the days' supply of drugs dispensed. 5689  
Dispensing fees shall be based exclusively on the total number 5690  
of prescriptions that are filled or refilled. 5691

(G) This section does not require a sickness and accident 5692  
insurer or public employee benefit plan to provide to a network 5693  
pharmacy or a pharmacist at a network pharmacy any monetary or 5694  
other financial incentive for the purpose of encouraging the 5695  
pharmacy or pharmacist to recommend medication synchronization 5696  
to an insured. 5697

**Sec. 4729.01.** As used in this chapter: 5698

(A) "Pharmacy," except when used in a context that refers 5699  
to the practice of pharmacy, means any area, room, rooms, place 5700  
of business, department, or portion of any of the foregoing 5701  
where the practice of pharmacy is conducted. 5702

(B) "Practice of pharmacy" means providing pharmacist care 5703  
requiring specialized knowledge, judgment, and skill derived 5704  
from the principles of biological, chemical, behavioral, social, 5705  
pharmaceutical, and clinical sciences. As used in this division, 5706  
"pharmacist care" includes the following: 5707

(1) Interpreting prescriptions; 5708

(2) Dispensing drugs and drug therapy related devices; 5709

(3) Compounding drugs; 5710

- (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 proper use of the drugs and appliances;
- (5) Performing drug regimen reviews with individuals by discussing all of the drugs that the individual is taking and explaining the interactions of the drugs;
- (6) Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the pharmacist determines that an individual with a prescription has a drug regimen that warrants additional discussion with the prescriber;
- (7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;
- (8) Acting pursuant to a consult agreement with one or more physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, if an agreement has been established;
- (9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;
- (10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.
- (C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:
- (1) Pursuant to a prescription issued by a licensed health

professional authorized to prescribe drugs;	5739
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	5740 5741
(3) As an incident to research, teaching activities, or chemical analysis;	5742 5743
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	5744 5745 5746
(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply:	5747 5748 5749 5750 5751
(a) At the time the request is made, the drug is not commercially available regardless of the reason that the drug is not available, including the absence of a manufacturer for the drug or the lack of a readily available supply of the drug from a manufacturer.	5752 5753 5754 5755 5756
(b) A limited quantity of the drug is compounded and provided to the professional.	5757 5758
(c) The drug is compounded and provided to the professional as an occasional exception to the normal practice of dispensing drugs pursuant to patient-specific prescriptions.	5759 5760 5761
(D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code.	5762 5763
(E) "Drug" means:	5764
(1) Any article recognized in the United States	5765

pharmacopoeia and national formulary, or any supplement to them, 5766  
intended for use in the diagnosis, cure, mitigation, treatment, 5767  
or prevention of disease in humans or animals; 5768

(2) Any other article intended for use in the diagnosis, 5769  
cure, mitigation, treatment, or prevention of disease in humans 5770  
or animals; 5771

(3) Any article, other than food, intended to affect the 5772  
structure or any function of the body of humans or animals; 5773

(4) Any article intended for use as a component of any 5774  
article specified in division (E) (1), (2), or (3) of this 5775  
section; but does not include devices or their components, 5776  
parts, or accessories. 5777

(F) "Dangerous drug" means any of the following: 5778

(1) Any drug to which either of the following applies: 5779

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 5780  
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 5781  
required to bear a label containing the legend "Caution: Federal 5782  
law prohibits dispensing without prescription" or "Caution: 5783  
Federal law restricts this drug to use by or on the order of a 5784  
licensed veterinarian" or any similar restrictive statement, or 5785  
the drug may be dispensed only upon a prescription; 5786

(b) Under Chapter 3715. or 3719. of the Revised Code, the 5787  
drug may be dispensed only upon a prescription. 5788

(2) Any drug that contains a schedule V controlled 5789  
substance and that is exempt from Chapter 3719. of the Revised 5790  
Code or to which that chapter does not apply; 5791

(3) Any drug intended for administration by injection into 5792  
the human body other than through a natural orifice of the human 5793

body;	5794
(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code.	5795 5796
(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.	5797 5798
(H) "Prescription" means all of the following:	5799
(1) A written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs;	5800 5801 5802 5803
(2) For purposes of sections 2925.61, 4723.488, 4729.44, 4730.431, and 4731.94 of the Revised Code, a written, electronic, or oral order for naloxone issued to and in the name of a family member, friend, or other individual in a position to assist an individual who there is reason to believe is at risk of experiencing an opioid-related overdose.	5804 5805 5806 5807 5808 5809
(3) For purposes of sections 4723.4810, 4729.282, 4730.432, and 4731.93 of the Revised Code, a written, electronic, or oral order for a drug to treat chlamydia, gonorrhea, or trichomoniasis issued to and in the name of a patient who is not the intended user of the drug but is the sexual partner of the intended user;	5810 5811 5812 5813 5814 5815
(4) For purposes of sections 3313.7110, 3313.7111, 3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4731.96, and 5101.76 of the Revised Code, a written, electronic, or oral order for an epinephrine autoinjector issued to and in the name of a school, school district, or camp;	5816 5817 5818 5819 5820
(5) For purposes of Chapter 3728. and sections 4723.483,	5821

4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 5822  
electronic, or oral order for an epinephrine autoinjector issued 5823  
to and in the name of a qualified entity, as defined in section 5824  
3728.01 of the Revised Code. 5825

(I) "Licensed health professional authorized to prescribe 5826  
drugs" or "prescriber" means an individual who is authorized by 5827  
law to prescribe drugs or dangerous drugs or drug therapy 5828  
related devices in the course of the individual's professional 5829  
practice, including only the following: 5830

(1) A dentist licensed under Chapter 4715. of the Revised 5831  
Code; 5832

(2) A clinical nurse specialist, certified nurse-midwife, 5833  
or certified nurse practitioner who holds a current, valid 5834  
license to practice nursing as an advanced practice registered 5835  
nurse issued under Chapter 4723. of the Revised Code; 5836

(3) An optometrist licensed under Chapter 4725. of the 5837  
Revised Code to practice optometry under a therapeutic 5838  
pharmaceutical agents certificate; 5839

(4) A physician authorized under Chapter 4731. of the 5840  
Revised Code to practice medicine and surgery, osteopathic 5841  
medicine and surgery, or podiatric medicine and surgery; 5842

(5) A physician assistant who holds a license to practice 5843  
as a physician assistant issued under Chapter 4730. of the 5844  
Revised Code, holds a valid prescriber number issued by the 5845  
state medical board, and has been granted physician-delegated 5846  
prescriptive authority; 5847

(6) A veterinarian licensed under Chapter 4741. of the 5848  
Revised Code. 5849

(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, or both.

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

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

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

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

(1) The proprietary name of the drug product;

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

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

(4) The dosage form;	5879
(5) The price charged for a specific quantity of the drug product. The stated price shall include all charges to the consumer, including, but not limited to, the cost of the drug product, professional fees, handling fees, if any, and a statement identifying professional services routinely furnished by the pharmacy. Any mailing fees and delivery fees may be stated separately without repetition. The information shall not be false or misleading.	5880 5881 5882 5883 5884 5885 5886 5887
(O) "Wholesale distributor of dangerous drugs" or "wholesale distributor" means a person engaged in the sale of dangerous drugs at wholesale and includes any agent or employee of such a person authorized by the person to engage in the sale of dangerous drugs at wholesale.	5888 5889 5890 5891 5892
(P) "Manufacturer of dangerous drugs" or "manufacturer" means a person, other than a pharmacist or prescriber, who manufactures dangerous drugs and who is engaged in the sale of those dangerous drugs.	5893 5894 5895 5896
(Q) "Terminal distributor of dangerous drugs" or "terminal distributor" means a person who is engaged in the sale of dangerous drugs at retail, or any person, other than a manufacturer, repackager, outsourcing facility, third-party logistics provider, wholesale distributor, or pharmacist, who has possession, custody, or control of dangerous drugs for any purpose other than for that person's own use and consumption. "Terminal distributor" includes pharmacies, hospitals, nursing homes, and laboratories and all other persons who procure dangerous drugs for sale or other distribution by or under the supervision of a pharmacist <del>or</del> , <u>licensed health professional authorized to prescribe drugs, or other person authorized by the</u>	5897 5898 5899 5900 5901 5902 5903 5904 5905 5906 5907 5908

state board of pharmacy. 5909

(R) "Promote to the public" means disseminating a 5910  
representation to the public in any manner or by any means, 5911  
other than by labeling, for the purpose of inducing, or that is 5912  
likely to induce, directly or indirectly, the purchase of a 5913  
dangerous drug at retail. 5914

(S) "Person" includes any individual, partnership, 5915  
association, limited liability company, or corporation, the 5916  
state, any political subdivision of the state, and any district, 5917  
department, or agency of the state or its political 5918  
subdivisions. 5919

(T) "Animal shelter" means a facility operated by a humane 5920  
society or any society organized under Chapter 1717. of the 5921  
Revised Code or a dog pound operated pursuant to Chapter 955. of 5922  
the Revised Code. 5923

(U) "Food" has the same meaning as in section 3715.01 of 5924  
the Revised Code. 5925

(V) "Pain management clinic" has the same meaning as in 5926  
section 4731.054 of the Revised Code. 5927

(W) "Investigational drug or product" means a drug or 5928  
product that has successfully completed phase one of the United 5929  
States food and drug administration clinical trials and remains 5930  
under clinical trial, but has not been approved for general use 5931  
by the United States food and drug administration. 5932  
"Investigational drug or product" does not include controlled 5933  
substances in schedule I, as ~~established pursuant to~~ defined in 5934  
section ~~3719.41-3719.01~~ of the Revised Code, ~~and as amended.~~ 5935

(X) "Product," when used in reference to an 5936  
investigational drug or product, means a biological product, 5937

other than a drug, that is made from a natural human, animal, or 5938  
microorganism source and is intended to treat a disease or 5939  
medical condition. 5940

(Y) "Third-party logistics provider" means a person that 5941  
provides or coordinates warehousing or other logistics services 5942  
pertaining to dangerous drugs including distribution, on behalf 5943  
of a manufacturer, wholesale distributor, or terminal 5944  
distributor of dangerous drugs, but does not take ownership of 5945  
the drugs or have responsibility to direct the sale or 5946  
disposition of the drugs. 5947

(Z) "Repackager of dangerous drugs" or "repackager" means 5948  
a person that repacks and relabels dangerous drugs for sale or 5949  
distribution. 5950

(AA) "Outsourcing facility" means a facility that is 5951  
engaged in the compounding and sale of sterile drugs and is 5952  
registered as an outsourcing facility with the United States 5953  
food and drug administration. 5954

(BB) "Laboratory" means a laboratory licensed under this 5955  
chapter as a terminal distributor of dangerous drugs and 5956  
entrusted to have custody of any of the following drugs and to 5957  
use the drugs for scientific and clinical purposes and for 5958  
purposes of instruction: dangerous drugs that are not controlled 5959  
substances, as defined in section 3719.01 of the Revised Code; 5960  
dangerous drugs that are controlled substances, as defined in 5961  
that section; and controlled substances in schedule I, as 5962  
defined in that section. 5963

**Sec. 4729.04.** ~~(A) The~~ All of the following apply with 5964  
respect to the executive director of the state board of 5965  
pharmacy: 5966

(A) The executive director is the chief administrative officer of the board. 5967  
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(B) The executive director is an appointing authority, as defined in section 124.01 of the Revised Code, and may appoint employees necessary to carry out the board's functions. 5969  
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~~(1)~~ (C) The executive director, with the board's approval, may prescribe rules for the conduct of board employees, the performance of its business, and the custody, use, and preservation of its records, papers, books, documents, and property. 5972  
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~~(2)~~ (D) The executive director shall carry out ~~his~~ official duties as an appointing authority subject to internal management rules adopted by the board. 5977  
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~~(3)~~ (E) The executive director shall give a blanket bond to the state covering all employees of the agency in the sum of twenty-five thousand dollars, conditioned for the faithful discharge of the duties of their offices. 5980  
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(F) For purposes of division (A) (25) of section 109.71 of the Revised Code, the executive director shall designate employees of the board to investigate violations of Chapters 2925., 3715., 3719., 3796., 4729., and 4752. of the Revised Code and rules adopted thereunder. 5984  
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**Sec. 4729.19.** Notwithstanding division (B) (4) of section 2317.02 of the Revised Code, a pharmacist, pharmacy intern, pharmacy technician trainee, registered pharmacy technician, certified pharmacy technician, ~~licensed~~ terminal distributor of dangerous drugs, ~~or registered manufacturer of dangerous drugs,~~ outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs 5989  
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shall cooperate with federal, state, and local government 5996  
investigations and shall divulge all relevant information when 5997  
requested by a government agency. 5998

**Sec. 4729.46.** (A) As used in this section, "opioid 5999  
analgesic," ~~has~~ "schedule III," "schedule IV," and "schedule V" 6000  
have the same ~~meaning~~ meanings as in section 3719.01 of the 6001  
Revised Code. 6002

(B) Except as provided in division (C) of this section or 6003  
in any rules adopted under ~~division (D) of this section~~, all of 6004  
the following apply with respect to a prescription for an opioid 6005  
analgesic to be used by an individual on an outpatient basis: 6006

(1) A pharmacist, ~~pharmacy intern shall not dispense, or~~ 6007  
~~and a terminal distributor of dangerous drugs~~ shall not dispense 6008  
~~or sell~~, the opioid analgesic in an amount that exceeds a 6009  
ninety-day supply, as determined according to the prescription's 6010  
directions for use of the drug, regardless of whether the 6011  
prescription was issued for a greater amount. 6012

(2) Except as provided in division (B) (3) of this section, 6013  
a pharmacist, ~~pharmacy intern, or terminal distributor of~~ 6014  
~~dangerous drugs~~ shall not dispense ~~or sell~~ the opioid analgesic 6015  
if more than fourteen days have elapsed since the prescription 6016  
was issued. 6017

(3) (a) A pharmacist may dispense the opioid analgesic 6018  
after more than fourteen days have elapsed since the 6019  
prescription was issued if, on the date the prescription was 6020  
issued, the prescriber issued only one prescription for the drug 6021  
to the patient and both of the following apply: 6022

(i) The prescriber provided written instructions on the 6023  
prescription specifying the earliest date on which the 6024

prescription may be filled. 6025

(ii) Not more than fourteen days have elapsed since the 6026  
date described in division (B) (3) (a) (i) of this section. 6027

(b) A pharmacist, pharmacy intern, or terminal distributor 6028  
of dangerous drugs may dispense or sell the opioid analgesic 6029  
after more than fourteen days have elapsed since the 6030  
prescription was issued if all of the following apply: 6031

(a) The prescription is one of multiple prescriptions 6032  
for the drug issued by a single prescriber to the patient on a 6033  
single day. 6034

(b) and all of the following apply: 6035

(i) When combined, the prescriptions do not authorize the 6036  
patient to receive an amount that exceeds a ninety-day supply of 6037  
the drug, as determined according to the prescriptions' 6038  
directions for use of the drug. 6039

(e) (ii) The prescriber has provided written instructions 6040  
on the prescription indicating specifying the earliest date on 6041  
which the prescription may be filled. 6042

(d) (iii) Not more than fourteen days have elapsed since 6043  
the date described in division (B) (3) (e) (b) (ii) of this 6044  
section. 6045

(c) A pharmacist may dispense the opioid analgesic by 6046  
refilling the prescription for the opioid analgesic after more 6047  
than fourteen days have elapsed since the prescription was 6048  
issued if the opioid analgesic is included in schedule III, IV, 6049  
or V, as defined in section 3719.01 of the Revised Code. 6050

(d) If the prescription for the opioid analgesic was 6051  
partially filled within the applicable fourteen-day period 6052

described in division (B) (2), (B) (3) (a), or (B) (3) (b) of this 6053  
section, a pharmacist may dispense the remaining amount of the 6054  
opioid analgesic after more than fourteen days have elapsed 6055  
since the prescription was issued. 6056

(C) Division (B) of this section does not apply ~~when a~~ 6057  
~~pharmacist, pharmacy intern, or terminal distributor of~~ 6058  
~~dangerous drugs dispenses or sells an~~ in either of the following 6059  
circumstances: 6060

(1) When an opioid analgesic is to be delivered outside of 6061  
this state by mail, parcel post, or common carrier to a patient 6062  
who resides outside ~~of~~ this state; 6063

(2) When an opioid analgesic is to be used as part of an 6064  
individual's treatment for opioid dependence or addiction. 6065

(D) The state board of pharmacy may adopt rules 6066  
establishing an amount that is less than the ninety-day supply 6067  
described in division (B) (1) of this section or a period that is 6068  
less than the fourteen-day ~~period~~ periods described in ~~division~~ 6069  
divisions (B) (2), (B) (3) (a), and (B) (3) (b) of this section. The 6070  
rules shall be adopted in accordance with Chapter 119. of the 6071  
Revised Code. 6072

**Sec. 4729.51.** (A) No person other than a licensed 6073  
manufacturer of dangerous drugs, outsourcing facility, third- 6074  
party logistics provider, repackager of dangerous drugs, or 6075  
wholesale distributor of dangerous drugs shall possess for sale, 6076  
sell, distribute, or deliver, at wholesale, dangerous drugs or 6077  
investigational drugs or products, except as follows: 6078

(1) A licensed terminal distributor of dangerous drugs 6079  
that is a pharmacy may make occasional sales of dangerous drugs 6080  
or investigational drugs or products at wholesale. 6081

(2) A licensed terminal distributor of dangerous drugs 6082  
having more than one licensed location may transfer or deliver 6083  
dangerous drugs from one licensed location to another licensed 6084  
location owned by the terminal distributor if the license issued 6085  
for each location is in effect at the time of the transfer or 6086  
delivery. 6087

(3) A licensed terminal distributor of dangerous drugs 6088  
that is not a pharmacy may make occasional sales of naloxone at 6089  
wholesale. 6090

(4) A licensed terminal distributor of dangerous drugs 6091  
that is not a pharmacy may make occasional sales of dangerous 6092  
drugs at wholesale if the drugs being sold are in shortage, as 6093  
defined in rules adopted by the state board of pharmacy under 6094  
section 4729.26 of the Revised Code. 6095

(B) No licensed manufacturer, outsourcing facility, third- 6096  
party logistics provider, repackager, or wholesale distributor 6097  
shall possess for sale, sell, or distribute, at wholesale, 6098  
dangerous drugs or investigational drugs or products to any 6099  
person other than the following: 6100

(1) Subject to division (D) of this section, a licensed 6101  
terminal distributor of dangerous drugs; 6102

(2) Subject to division (C) of this section, any person 6103  
exempt from licensure as a terminal distributor of dangerous 6104  
drugs under section 4729.541 of the Revised Code; 6105

(3) A licensed manufacturer, outsourcing facility, third- 6106  
party logistics provider, repackager, or wholesale distributor; 6107

(4) A terminal distributor, manufacturer, outsourcing 6108  
facility, third-party logistics provider, repackager, or 6109  
wholesale distributor that is located in another state, is not 6110

engaged in the sale of dangerous drugs within this state, and is 6111  
actively licensed to engage in the sale of dangerous drugs by 6112  
the state in which the distributor conducts business. 6113

(C) No licensed manufacturer, outsourcing facility, third- 6114  
party logistics provider, repackager, or wholesale distributor 6115  
shall possess for sale, sell, or distribute, at wholesale, 6116  
dangerous drugs or investigational drugs or products to either 6117  
of the following: 6118

(1) A prescriber who is employed by either of the 6119  
following: 6120

(a) A pain management clinic that is not licensed as a 6121  
terminal distributor of dangerous drugs with a pain management 6122  
clinic classification issued under section 4729.552 of the 6123  
Revised Code; 6124

(b) A facility, clinic, or other location that provides 6125  
office-based opioid treatment but is not licensed as a terminal 6126  
distributor of dangerous drugs with an office-based opioid 6127  
treatment classification issued under section 4729.553 of the 6128  
Revised Code if such a license is required by that section. 6129

(2) A business entity described in division (A) (2) or (3) 6130  
of section 4729.541 of the Revised Code that is, or is 6131  
operating, either of the following: 6132

(a) A pain management clinic without a license as a 6133  
terminal distributor of dangerous drugs with a pain management 6134  
clinic classification issued under section 4729.552 of the 6135  
Revised Code; 6136

(b) A facility, clinic, or other location that provides 6137  
office-based opioid treatment without a license as a terminal 6138  
distributor of dangerous drugs with an office-based opioid 6139

treatment classification issued under section 4729.553 of the Revised Code if such a license is required by that section.

(D) No licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor shall possess dangerous drugs or investigational drugs or products for sale at wholesale, or sell or distribute such drugs at wholesale, to a licensed terminal distributor of dangerous drugs, except as follows:

(1) In the case of a terminal distributor with a category II license, only dangerous drugs in category II, as defined in division (A)(1) of section 4729.54 of the Revised Code;

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

(3) In the case of a terminal distributor with a limited category II or III license, only the dangerous drugs specified in the license.

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

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

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

(c) Possess dangerous drugs.

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

(i) A licensed terminal distributor of dangerous drugs;

(ii) A person who possesses, or possesses for sale or

sells, at retail, a dangerous drug in accordance with Chapters 6167  
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 6168  
the Revised Code; 6169

(iii) Any of the persons identified in divisions (A) (1) to 6170  
(5) and (13) of section 4729.541 of the Revised Code, but only 6171  
to the extent specified in that section. 6172

(b) Division (E) (1) (c) of this section does not apply to 6173  
any of the following: 6174

(i) A licensed manufacturer, outsourcing facility, third- 6175  
party logistics provider, repackager, or wholesale distributor; 6176

(ii) Any of the persons identified in divisions (A) (6) to 6177  
(12) of section 4729.541 of the Revised Code, but only to the 6178  
extent specified in that section. 6179

(F) No licensed terminal distributor of dangerous drugs or 6180  
person that is exempt from licensure under section 4729.541 of 6181  
the Revised Code shall purchase dangerous drugs or 6182  
investigational drugs or products from any person other than a 6183  
licensed manufacturer, outsourcing facility, third-party 6184  
logistics provider, repackager, or wholesale distributor, except 6185  
as follows: 6186

(1) A licensed terminal distributor of dangerous drugs or 6187  
person that is exempt from licensure under section 4729.541 of 6188  
the Revised Code may make occasional purchases of dangerous 6189  
drugs or investigational drugs or products that are sold in 6190  
accordance with division (A) (1) or (3) of this section. 6191

(2) A licensed terminal distributor of dangerous drugs 6192  
having more than one licensed location may transfer or deliver 6193  
dangerous drugs or investigational drugs or products from one 6194  
licensed location to another licensed location if the license 6195

issued for each location is in effect at the time of the 6196  
transfer or delivery. 6197

(G) No licensed terminal distributor of dangerous drugs 6198  
shall engage in the retail sale or other distribution of 6199  
dangerous drugs or investigational drugs or products or maintain 6200  
possession, custody, or control of dangerous drugs or 6201  
investigational drugs or products for any purpose other than the 6202  
distributor's personal use or consumption, at any establishment 6203  
or place other than that or those described in the license 6204  
issued by the ~~state board of pharmacy~~ to such terminal 6205  
distributor. 6206

(H) Nothing in this section shall be construed to 6207  
interfere with the performance of official duties by any law 6208  
enforcement official authorized by municipal, county, state, or 6209  
federal law to collect samples of any drug, regardless of its 6210  
nature or in whose possession it may be. 6211

(I) Notwithstanding anything to the contrary in this 6212  
section, the board of education of a city, local, exempted 6213  
village, or joint vocational school district may distribute 6214  
epinephrine autoinjectors for use in accordance with section 6215  
3313.7110 of the Revised Code and may distribute inhalers for 6216  
use in accordance with section 3313.7113 of the Revised Code. 6217

**Sec. 4729.52.** (A) As used in this section: 6218

(1) "Category II" means any dangerous drug that is not 6219  
included in category III. 6220

(2) "Category III" means any controlled substance that is 6221  
contained in schedule I, II, III, IV, or V. 6222

(3) "Schedule I," "schedule II," "schedule III," "schedule 6223  
IV," and "schedule V" ~~mean controlled substance schedules I, II,~~ 6224

~~III, IV, and V, respectively, as established pursuant to section~~ 6225  
~~3719.41 of the Revised Code and as amended~~ have the same 6226  
meanings as in section 3719.01 of the Revised Code. 6227

(B) (1) (a) The state board of pharmacy shall license the 6228  
following persons: 6229

(i) Wholesale distributors of dangerous drugs; 6230

(ii) Manufacturers of dangerous drugs; 6231

(iii) Outsourcing facilities; 6232

(iv) Third-party logistics providers; 6233

(v) Repackagers of dangerous drugs. 6234

(b) There shall be two categories for the licenses 6235  
identified in division (B) (1) (a) of this section. The categories 6236  
are as follows: 6237

(i) Category II license. A person who obtains this license 6238  
may possess, have custody or control of, and distribute, only 6239  
the dangerous drugs described in category II. 6240

(ii) Category III license. A person who obtains this 6241  
license may possess, have custody or control of, and distribute, 6242  
the dangerous drugs described in category II and category III. 6243

(c) The board may adopt rules under section 4729.26 of the 6244  
Revised Code to create classification types of any license 6245  
issued pursuant to this section. Persons who meet the 6246  
definitions of the classification types shall comply with all 6247  
requirements for the specific license classification specified 6248  
in rule. 6249

(C) A person seeking a license identified in division (B) 6250  
(1) (a) of this section shall file with the executive director of 6251

the board a verified application containing such information as 6252  
the board requires of the applicant relative to the licensure 6253  
qualifications set forth in section 4729.53 of the Revised Code 6254  
and the rules adopted under that section. 6255

The board shall license as a category II or category III 6256  
manufacturer, outsourcing facility, third-party logistics 6257  
provider, repackager, or wholesale distributor each applicant 6258  
who has paid the required license fee, if the board determines 6259  
that the applicant meets the licensure qualifications set forth 6260  
in section 4729.53 of the Revised Code and the rules adopted 6261  
under that section. 6262

(D) The board may issue to a person who does not reside in 6263  
this state a license identified in division (B) (1) (a) of this 6264  
section if the person pays the required licensure fee and meets 6265  
either of the following: 6266

(1) Possesses a current and valid manufacturer, 6267  
outsourcing facility, third-party logistics provider, 6268  
repackager, or wholesale distributor license, or its equivalent, 6269  
issued by another state in which that person is physically 6270  
located, but only if that state has qualifications for licensure 6271  
comparable to the licensure requirements in this state; 6272

(2) Meets the requirements set forth by the board for 6273  
issuance of a license identified in division (B) (1) (a) of this 6274  
section, as verified by a state, federal, or other entity 6275  
recognized by the board to perform such verification. 6276

(E) All licenses issued or renewed pursuant to this 6277  
section are effective for a period specified by the board in 6278  
rules adopted under section 4729.26 of the Revised Code. The 6279  
effective period for an initial or renewed license shall not 6280

exceed twenty-four months unless the board extends the period in 6281  
rules to adjust license renewal schedules. A license shall be 6282  
renewed by the board pursuant to this section, the standard 6283  
renewal procedure of Chapter 4745. of the Revised Code, and 6284  
rules adopted by the board under section 4729.26 of the Revised 6285  
Code. A person seeking to renew a license shall submit an 6286  
application for renewal and pay the required renewal fee before 6287  
the date specified in the rules adopted by the board. 6288

(F) Each license issued under this section shall describe 6289  
not more than one establishment or place where the license 6290  
holder may engage in the activities authorized by the license. 6291  
No license shall authorize or permit the person named therein to 6292  
engage in the sale or distribution of drugs at wholesale or to 6293  
maintain possession, custody, or control of dangerous drugs for 6294  
any purpose other than for the licensee's own use and 6295  
consumption at any establishment or place other than that 6296  
described in the license. 6297

(G) (1) (a) The category II license fee is one thousand nine 6298  
hundred dollars and shall accompany each application for 6299  
licensure. The license renewal fee is one thousand nine hundred 6300  
dollars and shall accompany each renewal application. 6301

(b) The category III license fee is two thousand dollars 6302  
and shall accompany each application for licensure. The license 6303  
renewal fee is two thousand dollars and shall accompany each 6304  
renewal application. 6305

(c) (i) Subject to division (G) (1) (c) (ii) of this section, 6306  
a license issued pursuant to this section that has not been 6307  
renewed by the date specified in rules adopted by the board may 6308  
be reinstated upon payment of the renewal fee and a penalty of 6309  
three hundred dollars. 6310

(ii) If a complete application for renewal has not been 6311  
submitted by the sixty-first day after the renewal date 6312  
specified in rules adopted by the board, the license is 6313  
considered void and cannot be renewed, but the license holder 6314  
may reapply for licensure. 6315

(2) Renewal fees and penalties assessed under division (G) 6316  
(1) of this section shall not be returned if the applicant fails 6317  
to qualify for renewal. 6318

(3) A person licensed pursuant to this section that fails 6319  
to renew licensure in accordance with this section and rules 6320  
adopted by the board is prohibited from engaging in 6321  
manufacturing, repackaging, compounding, or distributing as a 6322  
third-party logistics provider or wholesale distributor until a 6323  
valid license is issued by the board. 6324

(H) Holding a license issued pursuant to this section 6325  
subjects the holder and the holder's agents and employees to the 6326  
jurisdiction of the board and to the laws of this state for the 6327  
purpose of the enforcement of this chapter and the rules of the 6328  
board. However, the filing of an application for licensure under 6329  
this section by or on behalf of any person, or the issuance of a 6330  
license pursuant to this section to or on behalf of any person, 6331  
shall not of itself constitute evidence that the person is doing 6332  
business within this state. 6333

(I) The board may enter into agreements with other states, 6334  
federal agencies, and other entities to exchange information 6335  
concerning licensing and inspection of any manufacturer, 6336  
outsourcing facility, third-party logistics provider, 6337  
repackager, or wholesale distributor located within or outside 6338  
this state and to investigate alleged violations of the laws and 6339  
rules governing distribution of drugs by such persons. Any 6340

information received pursuant to such an agreement is subject to 6341  
the same confidentiality requirements applicable to the agency 6342  
or entity from which it was received and shall not be released 6343  
without prior authorization from that agency or entity. Any 6344  
information received is also subject to section 4729.23 of the 6345  
Revised Code. 6346

**Sec. 4729.53.** (A) The state board of pharmacy shall not 6347  
license any person as a manufacturer of dangerous drugs, 6348  
outsourcing facility, third-party logistics provider, repackager 6349  
of dangerous drugs, or wholesale distributor of dangerous drugs 6350  
unless the applicant for licensure furnishes satisfactory proof 6351  
to the board that ~~the applicant meets~~ all of the following 6352  
conditions are met: 6353

(1) If the applicant has committed acts that the board 6354  
finds violate any federal, state, or local law, regulation, or 6355  
rule relating to drug samples, manufacturing, compounding, 6356  
repackaging, wholesale or retail drug distribution, or 6357  
distribution of dangerous drugs, including controlled 6358  
substances, or constitute a felony, or if a federal, state, or 6359  
local governmental entity has suspended or revoked any current 6360  
or prior license of the applicant for the manufacture, 6361  
compounding, repackaging, distribution, or sale of any dangerous 6362  
drugs, including controlled substances, the applicant, to the 6363  
satisfaction of the board, assures that the applicant has in 6364  
place adequate safeguards to prevent the recurrence of any such 6365  
violations. 6366

(2) The applicant's past experience in the manufacture, 6367  
compounding, repackaging, or distribution of dangerous drugs, 6368  
including controlled substances, is acceptable to the board. 6369

(3) The applicant is properly equipped as to land, 6370

buildings, equipment, and personnel to properly carry on its 6371  
business, including providing adequate security for and proper 6372  
storage conditions and handling for dangerous drugs, and is 6373  
complying with the requirements under this chapter and the rules 6374  
adopted pursuant thereto for maintaining and making available 6375  
records to properly identified board officials and federal, 6376  
state, and local law enforcement agencies. 6377

(4) Personnel employed by the applicant have the 6378  
appropriate education or experience, as determined by the board, 6379  
to assume responsibility for positions related to compliance 6380  
with this chapter and the rules adopted pursuant thereto. 6381

(5) The applicant has designated the name and address of a 6382  
person to whom communications from the board may be directed and 6383  
upon whom the notices and citations provided for in section 6384  
4729.56 of the Revised Code may be served. 6385

(6) Adequate safeguards are assured to prevent the sale of 6386  
dangerous drugs other than in accordance with section 4729.51 of 6387  
the Revised Code. 6388

(7) Any With respect to criminal records checks, the 6389  
applicant has done both of the following and the board has 6390  
decided that the results of the criminal records checks do not 6391  
make the applicant ineligible for a license issued pursuant to 6392  
section 4729.52 of the Revised Code: 6393

(a) Complied with sections 4776.01 to 4776.04 of the 6394  
Revised Code; 6395

(b) Required any person who is seeking to serve as the 6396  
responsible person on the license, who has an ownership 6397  
interest, or who is a corporate officer, as set forth in rules 6398  
adopted under division (C) of this section, to submit to a 6399

criminal records check in accordance with section 4776.02 of the 6400  
Revised Code and send the results of the criminal records check 6401  
directly to the board. 6402

(8) The applicant meets any other requirement or 6403  
qualification the board, by rule adopted ~~in accordance with~~ 6404  
~~Chapter 119. of the Revised Code~~ under division (C) of this 6405  
section, considers relevant to and consistent with the public 6406  
safety and health. 6407

(B) In addition to the causes described in section 4729.56 6408  
of the Revised Code for refusing to grant or renew a license, 6409  
the board may refuse to grant or renew a license if the board 6410  
determines that the granting of the license or its renewal is 6411  
not in the public interest. 6412

(C) The board shall adopt rules in accordance with Chapter 6413  
119. of the Revised Code that do all of the following: 6414

(1) For purposes of division (A) (7) (b) of this section, 6415  
define "responsible person" and specify the persons with 6416  
ownership interests and the corporate officers who are required 6417  
to submit to criminal records checks; 6418

(2) For purposes of division (A) (8) of this section, 6419  
specify other requirements or qualifications, if any, that an 6420  
applicant must meet to receive a license; 6421

(3) Address any other matter the board considers 6422  
appropriate to implement this section. 6423

**Sec. 4729.54.** (A) As used in this section: 6424

(1) "Category II" means any dangerous drug that is not 6425  
included in category III. 6426

(2) "Category III" means any controlled substance that is 6427

contained in schedule I, II, III, IV, or V. 6428

(3) "Emergency medical service organization" has the same 6429  
meaning as in section 4765.01 of the Revised Code. 6430

(4) "Emergency medical service organization satellite" 6431  
means a location where dangerous drugs are stored that is 6432  
separate from, but associated with, the headquarters of an 6433  
emergency medical service organization. "Emergency medical 6434  
service organization satellite" does not include the units under 6435  
the control of the emergency medical service organization. 6436

(5) "Person" includes an emergency medical service 6437  
organization or an emergency medical service organization 6438  
satellite. 6439

~~(5)-(6) "Schedule I," "schedule II," "schedule III,"~~ 6440  
~~"schedule IV," and "schedule V" mean controlled substance~~ 6441  
~~schedules I, II, III, IV, and V, respectively, as established~~ 6442  
~~pursuant to section 3719.41 of the Revised Code and as amended~~ 6443  
~~have the same meanings as in section 3719.01 of the Revised~~ 6444  
~~Code.~~ 6445

(B) (1) A person seeking to be licensed as a terminal 6446  
distributor of dangerous drugs shall file with the executive 6447  
director of the state board of pharmacy a verified application. 6448  
After it is filed, the application may not be withdrawn without 6449  
approval of the board. 6450

(2) An application shall contain all the following that 6451  
apply in the applicant's case: 6452

(a) Information that the board requires relative to the 6453  
qualifications of a terminal distributor of dangerous drugs set 6454  
forth in section 4729.55 of the Revised Code; 6455

(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~~ divisions (C) (1) and (2) of this section, and if the person is an emergency medical service organization satellite, the information required under division (D) of this section;

(e) Except ~~for~~ with respect to the units under the control of 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 the board, compliance with division (A) of section 4729.552 of the Revised Code;

(g) If the application pertains to a facility, clinic, or other location described in division (B) of section 4729.553 of the Revised Code that must hold a category III terminal distributor of dangerous drugs license with an office-based

opioid treatment classification, information that demonstrates, 6485  
to the satisfaction of the board, compliance with division (C) 6486  
of that section. 6487

(C) (1) Each emergency medical service organization that 6488  
applies for a terminal distributor of dangerous drugs license 6489  
shall submit with its application all of the following: 6490

(a) A copy of its standing orders or protocol, which 6491  
orders or protocol shall be signed by a physician; 6492

(b) A list of the dangerous drugs that the units under its 6493  
control may carry, expressed in standard dose units, which shall 6494  
be signed by a physician; 6495

(c) A list of the personnel employed or used by the 6496  
organization to provide emergency medical services in accordance 6497  
with Chapter 4765. of the Revised Code. 6498

In accordance with Chapter 119. of the Revised Code, the 6499  
board shall adopt rules specifying when an emergency medical 6500  
service organization that is licensed as a terminal distributor 6501  
must notify the board of any changes in its documentation 6502  
submitted pursuant to division (C) (1) of this section. 6503

(2) An emergency medical service organization seeking to 6504  
be licensed as a terminal distributor of dangerous drugs shall 6505  
list in its application for licensure the following additional 6506  
information: 6507

(a) The units under its control that the organization 6508  
determines will possess dangerous drugs for the purpose of 6509  
administering emergency medical services in accordance with 6510  
Chapter 4765. of the Revised Code; 6511

(b) With respect to each such unit, whether the dangerous 6512

drugs that the organization determines the unit will possess are 6513  
in category II or III. 6514

~~(2)~~ (3) An emergency medical service organization that is 6515  
licensed as a terminal distributor of dangerous drugs shall file 6516  
a new application for such licensure if there is any change in 6517  
the number, or location of, any of its units or if there is any 6518  
change in the category of the dangerous drugs that any unit will 6519  
possess. 6520

~~(3)~~ (4) A unit listed in an application for licensure 6521  
pursuant to division (C) ~~(1)~~ (2) of this section may obtain the 6522  
dangerous drugs it is authorized to possess from its emergency 6523  
medical service organization or, on a replacement basis, from a 6524  
hospital pharmacy. If units will obtain dangerous drugs from a 6525  
hospital pharmacy, the organization shall file, and maintain in 6526  
current form, the following items with the pharmacist who is 6527  
responsible for the hospital's terminal distributor of dangerous 6528  
drugs license: 6529

(a) A copy of its standing orders or protocol; 6530

(b) A list of the personnel employed or used by the 6531  
organization to provide emergency medical services in accordance 6532  
with Chapter 4765. of the Revised Code, who are authorized to 6533  
possess the drugs, which list also shall indicate the personnel 6534  
who are authorized to administer the drugs. 6535

(D) Each emergency medical service organization satellite 6536  
that applies for a terminal distributor of dangerous drugs 6537  
license shall submit with its application all of the following: 6538

~~(1) A copy of its standing orders or protocol, which 6539  
orders or protocol shall be signed by a physician; 6540~~

~~(2) A list of the dangerous drugs that its units may 6541~~

~~carry, expressed in standard dose units, which shall be signed  
by a physician;~~ 6542  
6543

~~(3) A list of the personnel employed or used by the  
organization to provide emergency medical services in accordance  
with Chapter 4765. of the Revised Code.~~ 6544  
6545  
6546

~~In information that the board requires to be submitted  
with the application, as specified in rules the board shall  
adopt in accordance with Chapter 119. of the Revised Code, the  
board shall adopt rules specifying when an emergency medical  
service organization that is licensed as a terminal distributor  
must notify the board of any changes in its documentation  
submitted pursuant to division (D) of this section.~~ 6547  
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(E) There shall be four categories of terminal distributor  
of dangerous drugs licenses. The categories are as follows: 6554  
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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. 6556  
6557  
6558

(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. 6559  
6560  
6561  
6562

(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. 6563  
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(4) Limited category III license. A person who obtains 6570

this license may possess, have custody or control of, and 6571  
distribute only the dangerous drugs described in category II or 6572  
category III that were listed in the application for licensure. 6573

(F) Except for an application made on behalf of an animal 6574  
shelter, if an applicant for a limited category II license or 6575  
limited category III license intends to administer dangerous 6576  
drugs to a person or animal, the applicant shall submit, with 6577  
the application, a copy of its protocol or standing orders. The 6578  
protocol or orders shall be signed by a licensed health 6579  
professional authorized to prescribe drugs, specify the 6580  
dangerous drugs to be administered, and list personnel who are 6581  
authorized to administer the dangerous drugs in accordance with 6582  
federal law or the law of this state. An application made on 6583  
behalf of an animal shelter shall include a list of the 6584  
dangerous drugs to be administered to animals and the personnel 6585  
who are authorized to administer the drugs to animals in 6586  
accordance with section 4729.532 of the Revised Code. 6587

In accordance with Chapter 119. of the Revised Code, the 6588  
board shall adopt rules specifying when a licensee must notify 6589  
the board of any changes in its documentation submitted pursuant 6590  
to this division. 6591

(G) (1) ~~Except as provided in division (G) (2) of this~~ 6592  
~~section, each~~ Each applicant for licensure as a terminal 6593  
distributor of dangerous drugs shall submit, with the 6594  
application, a license fee ~~determined as follows. The amount~~ 6595  
assessed shall not be returned to the applicant if the applicant 6596  
fails to qualify for the license. 6597

(2) The following fees apply under division (G) (1) of this 6598  
section: 6599

(a) ~~For~~ Except as provided in division (G) (2) (b) of this section: 6600  
6601

(i) Three hundred twenty dollars for a category II or limited category II license, ~~the fee is three hundred twenty dollars.~~ 6602  
6603  
6604

~~(b) For:~~ 6605

(ii) Four hundred forty dollars for a category III license, including a license with a pain management clinic classification issued under section 4729.552 of the Revised Code, or a limited category III license, ~~four hundred forty dollars.~~ 6606  
6607  
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6609  
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~~(2) (a) Except as provided in division (G) (2) (b) of this section, for a~~ (b) One hundred twenty dollars for all of the following: 6611  
6612  
6613

(i) A person who is required to hold a license as a terminal distributor of dangerous drugs pursuant to division (D) of section 4729.541 of the Revised Code, ~~the fee is one hundred twenty dollars.~~ 6614  
6615  
6616  
6617

~~(b) For a:~~ 6618

(ii) A professional association, corporation, partnership, or limited liability company organized for the purpose of practicing veterinary medicine, ~~the fee is one hundred twenty dollars~~ that is not included in division (G) (2) (b) (i) of this section; 6619  
6620  
6621  
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6623

(iii) An emergency medical service organization satellite. 6624

~~(3) Fees assessed under divisions (G) (1) and (2) of this section shall not be returned if the applicant fails to qualify for the license.~~ 6625  
6626  
6627

(H) (1) The board shall issue a terminal distributor of 6628  
dangerous drugs license to each person who submits an 6629  
application for such licensure in accordance with this section, 6630  
pays the required license fee, is determined by the board to 6631  
meet the requirements set forth in section 4729.55 of the 6632  
Revised Code, and satisfies any other applicable requirements of 6633  
this section. 6634

(2) The license ~~of a person other than an emergency~~ 6635  
~~medical service organization~~ shall describe the one 6636  
establishment or place at which the licensee may engage in the 6637  
sale or other distribution of dangerous drugs at retail and 6638  
maintain possession, custody, or control of dangerous drugs for 6639  
purposes other than the licensee's own use or consumption. The 6640  
one establishment or place shall be that which is identified in 6641  
the application for licensure. 6642

No such license shall authorize or permit the terminal 6643  
distributor of dangerous drugs named in it to engage in the sale 6644  
or other distribution of dangerous drugs at retail or to 6645  
maintain possession, custody, or control of dangerous drugs for 6646  
any purpose other than the distributor's own use or consumption, 6647  
at any establishment or place other than that described in the 6648  
license, except that an agent or employee of an animal shelter 6649  
may possess and use dangerous drugs in the course of business as 6650  
provided in division (D) of section 4729.532 of the Revised 6651  
Code. 6652

(3) The license of an emergency medical service 6653  
organization shall cover the organization's headquarters and, in 6654  
addition, shall cover and describe all the units of the 6655  
organization listed in its application for licensure. 6656

(I) (1) All licenses issued or renewed pursuant to this 6657

section shall be effective for a period specified by the board 6658  
in rules adopted under section 4729.26 of the Revised Code. The 6659  
effective period for an initial or renewed license shall not 6660  
exceed twenty-four months unless the board extends the period in 6661  
rules to adjust license renewal schedules. A license shall be 6662  
renewed by the board according to the provisions of this 6663  
section, the standard renewal procedure of Chapter 4745. of the 6664  
Revised Code, and rules adopted by the board under section 6665  
4729.26 of the Revised Code. A person seeking to renew a license 6666  
shall submit an application for renewal and pay the required fee 6667  
on or before the date specified in the rules adopted by the 6668  
board. The fee required for the renewal of a license shall be 6669  
the same as the license fee paid under division (G) of this 6670  
section. 6671

(2) (a) Subject to division (I) (2) (b) of this section, a 6672  
license that has not been renewed by the date specified in rules 6673  
adopted by the board may be reinstated only upon payment of the 6674  
required renewal fee and a penalty fee of one hundred ten 6675  
dollars. 6676

(b) If an application for renewal has not been submitted 6677  
by the sixty-first day after the renewal date specified in rules 6678  
adopted by the board, the license is considered void and cannot 6679  
be renewed, but the license holder may reapply for licensure. 6680

(3) A terminal distributor of dangerous drugs that fails 6681  
to renew licensure in accordance with this section and rules 6682  
adopted by the board is prohibited from engaging in the retail 6683  
sale, possession, or distribution of dangerous drugs until a 6684  
valid license is issued by the board. 6685

(J) (1) ~~No emergency medical service organization that is~~ 6686  
~~licensed as a terminal distributor of dangerous drugs shall fail~~ 6687

~~to comply with division (C) (2) or (3) of this section.~~ 6688

~~(2)~~ No emergency medical service organization that is 6689  
licensed as a terminal distributor of dangerous drugs shall fail 6690  
to comply with division ~~(D)~~ (C) (1), (3), or (4) of this section. 6691

~~(3)~~ (2) No licensed terminal distributor of dangerous 6692  
drugs shall possess, have custody or control of, or distribute 6693  
dangerous drugs that the terminal distributor is not entitled to 6694  
possess, have custody or control of, or distribute by virtue of 6695  
its category of licensure. 6696

~~(4)~~ (3) No licensee that is required by division (F) of 6697  
this section to notify the board of changes in its protocol or 6698  
standing orders, or in personnel, shall fail to comply with that 6699  
division. 6700

(K) The board may enter into agreements with other states, 6701  
federal agencies, and other entities to exchange information 6702  
concerning licensing and inspection of terminal distributors of 6703  
dangerous drugs located within or outside this state and to 6704  
investigate alleged violations of the laws and rules governing 6705  
distribution of drugs by terminal distributors. Any information 6706  
received pursuant to such an agreement is subject to the same 6707  
confidentiality requirements applicable to the agency or entity 6708  
from which it was received and shall not be released without 6709  
prior authorization from that agency or entity. 6710

**Sec. 4729.55.** No license shall be issued to an applicant 6711  
for licensure as a terminal distributor of dangerous drugs 6712  
unless the applicant has furnished satisfactory proof to the 6713  
state board of pharmacy that: 6714

(A) The applicant is equipped as to land, buildings, and 6715  
equipment to properly carry on the business of a terminal 6716

distributor of dangerous drugs within the category of licensure 6717  
approved by the board. 6718

(B) A pharmacist, licensed health professional authorized 6719  
to prescribe drugs, other person authorized by the board, animal 6720  
shelter licensed ~~with the state board of pharmacy~~ under section 6721  
4729.531 of the Revised Code, or ~~a laboratory as defined in~~ 6722  
~~section 3719.01 of the Revised Code~~ will maintain supervision 6723  
and control over the possession and custody of dangerous drugs 6724  
and controlled substances that may be acquired by or on behalf 6725  
of the applicant. 6726

(C) Adequate safeguards are assured to prevent the sale or 6727  
other distribution of dangerous drugs by any person other than a 6728  
pharmacist or licensed health professional authorized to 6729  
prescribe drugs. 6730

(D) Adequate safeguards are assured that the applicant 6731  
will carry on the business of a terminal distributor of 6732  
dangerous drugs in a manner that allows pharmacists and pharmacy 6733  
interns employed by the terminal distributor to practice 6734  
pharmacy in a safe and effective manner. 6735

(E) If the applicant, or any agent or employee of the 6736  
applicant, has been found guilty of violating section 4729.51 of 6737  
the Revised Code, the "Federal Food, Drug, and Cosmetic Act," 52 6738  
Stat. 1040 (1938), 21 U.S.C.A. 301, the federal drug abuse 6739  
control laws, Chapter 2925., 3715., 3719., or 4729. of the 6740  
Revised Code, or any rule of the board, adequate safeguards are 6741  
assured to prevent the recurrence of the violation. 6742

(F) In the case of an applicant who is a food processor or 6743  
retail seller of food, the applicant will maintain supervision 6744  
and control over the possession and custody of nitrous oxide. 6745

(G) In the case of an applicant who is a retail seller of oxygen in original packages labeled as required by the "Federal Food, Drug, and Cosmetic Act," the applicant will maintain supervision and control over the possession, custody, and retail sale of the oxygen.

(H) If the application is made on behalf of an animal shelter, at least one of the agents or employees of the animal shelter is certified in compliance with section 4729.532 of the Revised Code.

(I) In the case of an applicant who is a retail seller of peritoneal dialysis solutions in original packages labeled as required by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, the applicant will maintain supervision and control over the possession, custody, and retail sale of the peritoneal dialysis solutions.

(J) In the case of an applicant who is a pain management clinic, the applicant meets the requirements to receive a license with a pain management clinic classification issued under section 4729.552 of the Revised Code.

(K) In the case of an applicant who is operating a facility, clinic, or other location described in division (B) of section 4729.553 of the Revised Code that must hold a category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification, the applicant meets the requirements to receive that license with that classification.

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

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

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

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

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

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

(a) A hospital;

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

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

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

(e) A facility that holds a category III terminal distributor of dangerous drugs license in accordance with section 4729.54 of the Revised Code for the purpose of treating

drug dependence or addiction as part of an opioid treatment 6803  
program and is the subject of a current, valid certification 6804  
from the substance abuse and mental health services 6805  
administration of the United States department of health and 6806  
human services pursuant to 42 C.F.R. 8.11; 6807

(f) A program or facility that ~~is licensed or certified~~ 6808  
holds a license or certification issued by the department of 6809  
mental health and addiction services under Chapter 5119. of the 6810  
Revised Code if the license or certification is approved by the 6811  
state board of pharmacy; 6812

(g) A federally qualified health center or federally 6813  
qualified health center look-alike, as defined in section 6814  
3701.047 of the Revised Code; 6815

(h) A state or local correctional facility, as defined in 6816  
section 5163.45 of the Revised Code; 6817

(i) Any other facility specified in rules adopted under 6818  
this section. 6819

(C) To be eligible to receive a license as a category III 6820  
terminal distributor of dangerous drugs with an office-based 6821  
opioid treatment classification, an applicant shall submit 6822  
evidence satisfactory to the state board of pharmacy that the 6823  
applicant's office-based opioid treatment will be operated in 6824  
accordance with the requirements specified in division (D) of 6825  
this section and that the applicant meets any other applicable 6826  
requirements of this chapter. 6827

If the board determines that an applicant meets all of the 6828  
requirements, the board shall issue to the applicant a license 6829  
as a category III terminal distributor of dangerous drugs with 6830  
an office-based opioid treatment classification. 6831

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

(1) Be in control of a facility that is owned and operated solely by one or more physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, unless the state board of pharmacy ~~has exempted the holder from~~ waives this requirement for the holder;

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

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

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

(5) Ensure that no a person is not employed who has previously been by the facility if the person, within the ten years immediately preceding the date the person applied for employment, was convicted of, or pleaded guilty to, either of the following, unless the state board of pharmacy permits the person to be employed by waiving this requirement for the facility:

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

(b) A felony drug offense, as defined in section 2925.01 of the Revised Code.

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

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

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

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

**Sec. 4729.69.** (A) (1) The state board of pharmacy, in collaboration with the director of mental health and addiction services and attorney general, shall establish and administer a drug take-back program under which drugs are collected from the community by participating entities for the purpose of

destruction or disposal of the drugs.	6890
<u>(2) Each of the following may participate in the program:</u>	6891
<u>(a) A law enforcement agency;</u>	6892
<u>(b) Any registrant authorized by the federal drug</u>	6893
<u>enforcement administration to be a collector pursuant to 21</u>	6894
<u>C.F.R. 1317.40;</u>	6895
<u>(c) Any other entity specified by the board in rule.</u>	6896
(B) The program shall be established and administered in	6897
such a manner that it does both of the following:	6898
(1) Complies with any state or federal laws regarding the	6899
collection, destruction, or disposal of drugs;	6900
(2) Maintains the confidentiality of individuals who	6901
submit or otherwise provide drugs under the program.	6902
(C) In consultation with the director of mental health and	6903
addiction services and attorney general, the board shall adopt	6904
rules governing the program. The rules shall be adopted in	6905
accordance with Chapter 119. of the Revised Code. In adopting	6906
the rules, the board shall specify all of the following:	6907
(1) The entities that may participate;	6908
(2) Guidelines and responsibilities for accepting drugs by	6909
participating entities;	6910
(3) Drugs that may be collected;	6911
(4) Record-keeping requirements;	6912
(5) Proper methods to destroy unused drugs;	6913
(6) Privacy protocols and security standards;	6914

- (7) Drug transportation procedures; 6915
- (8) The schedule, duration, and frequency of the 6916  
collections of drugs, ~~except that the first collection shall~~ 6917  
~~occur not later than one year after May 20, 2011;~~ 6918
- (9) Any other standards and procedures the board considers 6919  
necessary for purposes of governing the program. 6920
- (D) In accordance with state and federal law, the board 6921  
may adopt rules to allow an entity participating in the program 6922  
to return any unused drugs to the pharmacy that originally 6923  
dispensed the drug. The rules shall include procedures to be 6924  
followed to maintain the confidentiality of the person for whom 6925  
the drug was dispensed. 6926
- (E) Rules adopted under this section may not do any of the 6927  
following: 6928
- (1) Require any entity to establish, fund, or operate a 6929  
drug take-back program; 6930
- (2) Establish any new licensing requirement or fee to 6931  
participate in the program; 6932
- (3) Require any entity to compile data on drugs collected; 6933
- (4) Limit the authority of an entity to collect controlled 6934  
substances in accordance with federal law. 6935
- (F) The board may compile data on the amount and type of 6936  
drugs collected under the program. For purposes of this 6937  
division, the board may cooperate with a public or private 6938  
entity in obtaining assistance in the compilation of data. An 6939  
entity providing the assistance shall not be reimbursed under 6940  
the program for any costs incurred in providing the assistance. 6941

(G) If the board compiles data under division (F) of this section, the board shall submit a report to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly. The report, to the extent possible, shall include the following information:

~~(1) Total total weight of drugs collected, both with and without packaging;~~

~~(2) The weight of controlled substances;~~

~~(3) The amount of all of the following as a per cent of total drugs collected:~~

~~(a) Controlled substances;~~

~~(b) Brand name drugs;~~

~~(c) Generic drugs;~~

~~(d) Prescription drugs;~~

~~(e) Non-prescription drugs.~~

~~(4) The amount of vitamins, herbal supplements, and personal care products collected;~~

~~(5) If provided by the person who submitted or otherwise donated drugs to the program, the reasons why the drugs were returned or unused.~~

(H) No entity is required to participate in a drug take-back program established under this section, and no entity shall be subject to civil liability or professional disciplinary action for declining to participate.

(I) The board may accept grants, gifts, or donations for purposes of the program. Money received under this division shall be deposited into the drug take-back program fund

established under section 109.90 of the Revised Code. 6969

(J) An ordinance, resolution, or other law that is adopted 6970  
by a municipal corporation or other political subdivision on or 6971  
after the effective date of this amendment and regulates the 6972  
collection of drugs for destruction or disposal shall comply 6973  
with division (E) of this section. 6974

**Sec. 4729.691.** (A) The state board of pharmacy shall make 6975  
available on its internet web site information regarding the 6976  
drug take-back program established under section 4729.69 of the 6977  
Revised Code. The information shall include all of the 6978  
following: 6979

(1) A description of the drugs eligible for collection by 6980  
participating entities; 6981

(2) A description of available options for collection, 6982  
including take-back events and collection by receptacle or mail; 6983

(3) A directory of participating entities, including the 6984  
address, telephone number, and hours of operation for each 6985  
entity; 6986

(4) A list of take-back events, including the date, time, 6987  
and location for each event. 6988

(B) The board may engage in other activities designed to 6989  
promote public awareness of the drug take-back program. 6990

**Sec. 4729.90.** (A) As used in this section, "responsible 6991  
person" has the same meaning as in rules adopted by the state 6992  
board of pharmacy under section 4729.26 of the Revised Code. 6993

(B) (1) An applicant for registration as a registered 6994  
pharmacy technician shall: 6995

(a) Be at least eighteen years of age;	6996
(b) Possess a high school diploma or a certificate of high school equivalence or have been employed continuously since prior to April 8, 2009, as a pharmacy technician without a high school diploma or certificate of high school equivalence;	6997 6998 6999 7000
(c) Be of good moral character, as defined in rules adopted by the state board of pharmacy under section 4729.26 of the Revised Code;	7001 7002 7003
(d) Except as provided in division (D) of this section, comply with sections 4776.01 to 4776.04 of the Revised Code;	7004 7005
(e) Except as provided in division (E) (1) of this section, <del>obtain from a pharmacy's responsible person an attestation that the applicant has</del> <u>have</u> successfully completed education and training that meets the requirements established by the board in rules adopted under section 4729.94 of the Revised Code.	7006 7007 7008 7009 7010
(2) An applicant for registration as a certified pharmacy technician shall:	7011
(a) Comply with divisions (B) (1) (a), (c), and (d) of this section;	7012 7013 7014
(b) Possess a high school diploma or a certificate of high school equivalence;	7015 7016
(c) Except as provided in division (E) (2) of this section, <del>obtain from a pharmacy's responsible person an attestation that the applicant has</del> <u>have</u> successfully completed education and training that meets the requirements established by the board in rules adopted under section 4729.94 of the Revised Code;	7017 7018 7019 7020 7021
(d) Have a current pharmacy technician certification from an organization that has been recognized by the board.	7022 7023

(C) A pharmacist or pharmacy intern whose license has been 7024  
denied, revoked, suspended, or otherwise restricted by the board 7025  
shall not be registered as a registered pharmacy technician or 7026  
certified pharmacy technician. 7027

(D) Until the date that is two years after ~~the effective~~ 7028  
~~date of this section~~ April 6, 2017, an applicant for 7029  
registration as a registered pharmacy technician or certified 7030  
pharmacy technician who meets the requirements to be a qualified 7031  
pharmacy technician under section 4729.42 of the Revised Code, 7032  
as it existed immediately prior to the effective date of section 7033  
4729.95 of the Revised Code, may, instead of complying with 7034  
division (B) (1) (d) of this section, authorize the superintendent 7035  
of the bureau of criminal identification and investigation to 7036  
make the results of a criminal records check of the applicant 7037  
available to the state board of pharmacy. The criminal records 7038  
check must have been conducted not earlier than twenty-four 7039  
months before the date of the application for registration. 7040

(E) (1) Until the date that is two years after ~~the~~ 7041  
~~effective date of this section~~ April 6, 2017, an applicant for 7042  
registration as a registered pharmacy technician who meets the 7043  
requirements to be a qualified pharmacy technician under section 7044  
4729.42 of the Revised Code, as it existed immediately prior to 7045  
the effective date of section 4729.95 of the Revised Code, may, 7046  
instead of complying with division (B) (1) (e) of this section, 7047  
submit an attestation from a pharmacy's responsible person that 7048  
the applicant has completed a pharmacy technician training 7049  
program that is of appropriate breadth and depth to clearly 7050  
address the competencies for a technician to safely and 7051  
effectively work in that particular setting and includes 7052  
instruction in all of the following: 7053

(a) Packaging and labeling drugs;	7054
(b) Pharmacy terminology;	7055
(c) Basic drug information;	7056
(d) Basic calculations;	7057
(e) Quality control procedures;	7058
(f) State and federal statutes, rules, and regulations regarding pharmacy technician duties, pharmacist duties, pharmacy intern duties, prescription or drug order processing procedures, non-sterile drug compounding, drug record-keeping requirements, patient confidentiality, security requirements, and storage requirements.	7059 7060 7061 7062 7063 7064
(2) Until the date that is two years after <del>the effective date of this section</del> <u>April 6, 2017</u> , an applicant for registration as a certified pharmacy technician who meets the requirements to be a qualified pharmacy technician under section 4729.42 of the Revised Code, as it existed immediately prior to the effective date of section 4729.95 of the Revised Code, may, instead of complying with division (B) (2) (c) of this section, submit an attestation from a pharmacy's responsible person that the applicant has completed a pharmacy technician training program that is of appropriate breadth and depth to clearly address the competencies for a technician to safely and effectively work in that particular setting and includes instruction in all of the following:	7065 7066 7067 7068 7069 7070 7071 7072 7073 7074 7075 7076 7077
(a) The topics listed in divisions (E) (1) (a) to (f) of this section;	7078 7079
(b) Sterile drug compounding;	7080
(c) Preparing and mixing intravenous drugs to be injected	7081

into a human being. 7082

**Sec. 4731.97.** (A) As used in this section: 7083

(1) "Investigational drug, product, or device" means a 7084  
drug, product, or device that has successfully completed phase 7085  
one of United States food and drug administration clinical 7086  
trials and remains under clinical investigation, but has not 7087  
been approved for general use by the United States food and drug 7088  
administration. "Investigational drug, product, or device" does 7089  
not include controlled substances in schedule I, as ~~established~~ 7090  
~~pursuant to defined in section 3719.41-3719.01~~ of the Revised 7091  
Code, ~~and as amended~~. 7092

(2) "Drug" has the same meaning as in section 4729.01 of 7093  
the Revised Code. 7094

(3) "Product" means a biological product, other than a 7095  
drug, that is made from a natural human, animal, or 7096  
microorganism source and is intended to treat a disease or 7097  
medical condition. 7098

(4) "Device" means a medical device that is intended for 7099  
use in the diagnosis or treatment of a disease or medical 7100  
condition. 7101

(5) "Physician" means an individual authorized by this 7102  
chapter to practice medicine and surgery or osteopathic medicine 7103  
and surgery. 7104

(6) "Terminal condition" means any of the following 7105  
conditions, if irreversible, incurable, and untreatable through 7106  
a method of treatment approved by the United States food and 7107  
drug administration: 7108

(a) A progressive form of cancer; 7109

(b) A progressive neurological disorder; 7110

(c) A progressive musculoskeletal disorder; 7111

(d) A condition that, based on reasonable medical 7112  
standards and a reasonable degree of medical certainty, appears 7113  
likely to cause death within a period of time that is relatively 7114  
short but does not exceed twelve months. 7115

(7) "Treating physician" means the physician primarily 7116  
responsible for providing medical care and treating an eligible 7117  
patient's terminal condition. "Treating physician" does not 7118  
include the patient's primary care physician unless that 7119  
physician is treating the patient's terminal condition and no 7120  
other physician is primarily responsible for treating the 7121  
terminal condition. The patient may have more than one treating 7122  
physician. 7123

(B) (1) Subject to division (B) (2) of this section, an 7124  
individual is an eligible patient if all of the following 7125  
conditions are met: 7126

(a) The individual has a terminal condition, as determined 7127  
by the individual's treating physician and by one other 7128  
physician who has examined the individual. 7129

(b) The individual, as determined by the individual's 7130  
treating physician, has considered all treatment options for the 7131  
terminal condition that are approved by the United States food 7132  
and drug administration and determined that there are no 7133  
satisfactory or comparable approved treatments and that the risk 7134  
from the investigational drug, product, or device is no greater 7135  
than the probable risk from not treating the terminal condition. 7136

(c) The individual's treating physician recommends the use 7137  
of the investigational drug, product, or device as a last option 7138

available for the individual, attests that it represents the 7139  
individual's best chance at survival, and agrees to either 7140  
administer or personally furnish it or has issued a prescription 7141  
to the individual for the investigational drug, product, or 7142  
device. 7143

(d) The treating physician includes documentation in the 7144  
patient's medical record that all of the foregoing conditions 7145  
have been met. 7146

(2) An individual who meets the requirements of division 7147  
(B)(1) of this section is not an eligible patient if a clinical 7148  
trial using the investigational drug, product, or device is 7149  
actively being conducted within one hundred miles of the 7150  
individual's residence, unless the individual applied for 7151  
participation but was denied access to that clinical trial. 7152

(C)(1) A treating physician may treat an eligible patient 7153  
with an investigational drug, product, or device after securing 7154  
the patient's informed consent in a signed statement. If the 7155  
patient is a minor or lacks the capacity to consent, the 7156  
informed consent must be obtained from a parent, guardian, or 7157  
other person legally responsible for the patient. 7158

(2) To secure informed consent, the treating physician 7159  
must do all of the following: 7160

(a) On a form based on the template created by the state 7161  
medical board under division (I) of this section, record all of 7162  
the following: 7163

(i) An explanation of the approved treatment options for 7164  
the terminal condition from which the patient suffers; 7165

(ii) The specific proposed investigational drug, product, 7166  
or device; 7167

(iii) The potentially best and worst outcomes of using the 7168  
investigational drug, product, or device with a realistic 7169  
description of the most likely outcome, including that there is 7170  
no proof of efficacy and that it is possible new, unanticipated, 7171  
different, or worse symptoms might result, and that death could 7172  
be hastened by the investigational drug, product, or device; 7173

(iv) An explanation that the manufacturer of the 7174  
investigational drug, product, or device may hold the patient 7175  
liable for all expenses that arise from the patient's use of the 7176  
investigational drug, product, or device; 7177

(v) An explanation that any health insurance or government 7178  
program that covers the individual may not include coverage of 7179  
any charges by the treating physician or another health care 7180  
provider for any care or treatment resulting from the patient's 7181  
use of the investigational drug, product, or device; 7182

(vi) A statement explaining that the manufacturer of the 7183  
investigational drug, product, or device, the pharmacy or other 7184  
distributor of the drug, and the patient's treating physician or 7185  
administering hospital are not liable for or subject to any of 7186  
the following for an act or omission related to providing, 7187  
distributing, or treating with, an investigational drug, 7188  
product, or device, unless the act or omission constitutes 7189  
willful or wanton misconduct: damages in any civil action, 7190  
prosecution in any criminal proceeding, or professional 7191  
disciplinary action. 7192

(b) Have the individual giving consent sign the form in 7193  
the conscious presence of a competent witness; 7194

(c) Have the witness also sign the form and attest that 7195  
the individual giving consent appeared to do all of the 7196

following: 7197

(i) Concur with the treating physician in believing that 7198  
all approved treatment options would be unlikely to prolong the 7199  
patient's life; 7200

(ii) Understand the risks involved with using the 7201  
investigational drug, product, or device; 7202

(iii) Willingly desire to use the investigational drug, 7203  
product, or device to treat the terminal condition. 7204

(3) An eligible patient, or the patient's parent, 7205  
guardian, or other person legally responsible for the patient, 7206  
may revoke consent to treatment with an investigational drug, 7207  
product, or device at any time and in any manner that 7208  
communicates the revocation. 7209

(D) (1) Except for actions constituting willful or wanton 7210  
misconduct, a treating physician who recommends or treats an 7211  
eligible patient with an investigational drug, product, or 7212  
device in compliance with this section is not liable for or 7213  
subject to any of the following for an action or omission 7214  
related to treatment with the investigational drug, product, or 7215  
device: damages in any civil action, prosecution in any criminal 7216  
proceeding, or professional disciplinary action. 7217

(2) This section does not create a new cause of action or 7218  
substantive legal right against a treating physician or hospital 7219  
related to a physician's not recommending the use of an 7220  
investigational drug, product, or device. 7221

(E) An official, employee, or agent of this state shall 7222  
not, solely because an investigational drug, product, or device 7223  
has not been approved for general use by the United States food 7224  
and drug administration, prevent or attempt to prevent access by 7225

an eligible patient or eligible patient's treating physician to 7226  
an investigational drug, product, or device that is being 7227  
provided or is to be provided in accordance with this section or 7228  
section 4729.89 of the Revised Code. 7229

(F) If an eligible patient dies while being treated with 7230  
an investigational drug, product, or device and there are any 7231  
outstanding costs related to treating the patient, the patient's 7232  
estate, devisees, and heirs shall not be held liable by any 7233  
person or government entity for those costs. 7234

(G) Nothing in this section requires a health care 7235  
insurer, the medicaid program or any other government health 7236  
care program, or any other entity that offers health care 7237  
benefits to provide coverage for the costs incurred from the use 7238  
of any investigational drug, product, or device. 7239

(H) Nothing in this section condones, authorizes, or 7240  
approves of assisted suicide, as defined in section 3795.01 of 7241  
the Revised Code, or any action that is considered mercy killing 7242  
or euthanasia. 7243

(I) As soon as practicable after ~~the effective date of~~ 7244  
~~this section~~ April 6, 2017, the state medical board shall create 7245  
a template of the form to be used by a treating physician to 7246  
secure a patient's informed consent under division (C) (2) of 7247  
this section and make the template available to physicians and 7248  
hospitals. 7249

**Sec. 4765.06.** (A) The state board of emergency medical, 7250  
fire, and transportation services shall establish an emergency 7251  
medical services incidence reporting system for the collection 7252  
of information regarding the delivery of emergency medical 7253  
services in this state and the frequency at which the services 7254

are provided. All emergency medical service organizations shall 7255  
submit to the board any information that the board determines is 7256  
necessary for maintaining the incidence reporting system. 7257

(B) The board shall establish a state trauma registry to 7258  
be used for the collection of information regarding the care of 7259  
adult and pediatric trauma victims in this state. The registry 7260  
shall provide for the reporting of adult and pediatric trauma- 7261  
related deaths, identification of adult and pediatric trauma 7262  
patients, monitoring of adult and pediatric trauma patient care 7263  
data, determination of the total amount of uncompensated adult 7264  
and pediatric trauma care provided annually by each facility 7265  
that provides care to trauma victims, and collection of any 7266  
other information specified by the board. All persons designated 7267  
by the board shall submit to the board any information it 7268  
determines is necessary for maintaining the state trauma 7269  
registry. At the request of the board any state agency 7270  
possessing information regarding adult or pediatric trauma care 7271  
shall provide the information to the board. The board shall 7272  
maintain the state trauma registry in accordance with rules 7273  
adopted under section 4765.11 of the Revised Code. 7274

Rules relating to the state trauma registry adopted under 7275  
this section and section 4765.11 of the Revised Code shall not 7276  
prohibit the operation of other trauma registries and may 7277  
provide for the reporting of information to the state trauma 7278  
registry by or through other trauma registries in a manner 7279  
consistent with information otherwise reported to the state 7280  
trauma registry. Other trauma registries may report aggregate 7281  
information to the state trauma registry, provided the 7282  
information can be matched to the person that reported it. 7283  
Information maintained by another trauma registry and reported 7284  
to the state trauma registry in lieu of being reported directly 7285

to the state trauma registry is a public record and shall be 7286  
maintained, made available to the public, held in confidence, 7287  
risk adjusted, and not subject to discovery or introduction into 7288  
evidence in a civil action as provided in section 149.43 of the 7289  
Revised Code and this section. Any person who provides, 7290  
maintains, or risk adjusts such information shall comply with 7291  
this section and rules adopted under it in performing that 7292  
function and has the same immunities with respect to that 7293  
function as a person who performs that function with respect to 7294  
the state trauma registry. 7295

(C) The board and any employee or contractor of the board 7296  
or the department of public safety shall not make public 7297  
information it receives under Chapter 4765. of the Revised Code 7298  
that identifies or would tend to identify a specific recipient 7299  
of emergency medical services or adult or pediatric trauma care. 7300

(D) Not later than two years after November 3, 2000, the 7301  
board shall adopt and implement rules under section 4765.11 of 7302  
the Revised Code that provide written standards and procedures 7303  
for risk adjustment of information received by the board under 7304  
Chapter 4765. of the Revised Code. The rules shall be developed 7305  
in consultation with appropriate medical, hospital, and 7306  
emergency medical service organizations and may provide for risk 7307  
adjustment by a contractor of the board. Except as provided in 7308  
division (G) or (H) of this section, before risk adjustment 7309  
standards and procedures are implemented, no member of the board 7310  
and no employee or contractor of the board or the department of 7311  
public safety shall make public information received by the 7312  
board under Chapter 4765. of the Revised Code that identifies or 7313  
would tend to identify a specific provider of emergency medical 7314  
services or adult or pediatric trauma care. Except as provided 7315  
in division (G) or (H) of this section, after risk adjustment 7316

standards and procedures are implemented, the board shall make 7317  
public such information only on a risk adjusted basis. 7318

(E) The board shall adopt rules under section 4765.11 of 7319  
the Revised Code that specify procedures for ensuring the 7320  
confidentiality of information that is not to be made public 7321  
under this section. The rules shall specify the circumstances in 7322  
which deliberations of the persons performing risk adjustment 7323  
functions under this section are not open to the public and 7324  
records of those deliberations are maintained in confidence. 7325  
Nothing in this section prohibits the board from making public 7326  
statistical information that does not identify or tend to 7327  
identify a specific recipient or provider of emergency medical 7328  
services or adult or pediatric trauma care. 7329

(F) No provider that furnishes information to the board 7330  
with respect to any patient the provider examined or treated 7331  
shall, because of this furnishing, be deemed liable in damages 7332  
to any person or be held to answer for betrayal of a 7333  
professional confidence in the absence of willful or wanton 7334  
misconduct. No such information shall be subject to introduction 7335  
in evidence in any civil action against the provider. No 7336  
provider that furnishes information to the board shall be liable 7337  
for the misuse or improper release of the information by the 7338  
board or any other person. 7339

No person who performs risk adjustment functions under 7340  
this section shall, because of performing such functions, be 7341  
held liable in a civil action for betrayal of professional 7342  
confidence or otherwise in the absence of willful or wanton 7343  
misconduct. 7344

(G) ~~The board may transmit~~ In the case of data that 7345  
identifies or tends to identify a specific recipient or provider 7346

of emergency medical services care and has not been risk- 7347  
adjusted from the emergency medical services incident reporting 7348  
system, the board may transmit the data directly to the national 7349  
emergency medical services information system, or another 7350  
electronic information system if all of the following conditions 7351  
are met: 7352

(1) The federal agency or entity administering the 7353  
information system collects, stores, and organizes data for 7354  
research and monitoring purposes. 7355

(2) The board transmits the data pursuant to a written 7356  
contract between the board and ~~the federal agency that~~ 7357  
~~administers the national emergency medical services or entity~~ 7358  
administering the information system, which shall ensure. 7359

(3) The contract provides that, to the maximum extent 7360  
permitted by federal law ~~that such,~~ the agency or entity shall 7361  
use ~~such the~~ data solely for inclusion in the ~~national emergency~~ 7362  
~~medical services~~ information system and shall not disclose ~~such~~ 7363  
the data to the public, through legal discovery, a freedom of 7364  
information request, or otherwise, in a manner that identifies 7365  
or tends to identify a specific recipient or provider of 7366  
emergency medical services care. 7367

(H) In the case of data that identifies or tends to 7368  
identify a specific trauma care recipient or provider and has 7369  
not been risk-adjusted from the state trauma registry, the board 7370  
may transmit the data directly to the national trauma data bank 7371  
or another electronic information system if all of the following 7372  
conditions are met: 7373

(1) The entity administering the data bank or information 7374  
system collects, stores, and organizes data for research and 7375

monitoring purposes. 7376

(2) The board transmits the data pursuant to a written contract between the board and entity. 7377  
7378

(3) The contract provides that, to the maximum extent permitted by federal law, the entity shall use the data solely for inclusion in the data bank or information system and shall not disclose the data to the public, through legal discovery, a freedom of information request, or otherwise, in a manner that identifies or tends to identify a specific trauma care recipient or provider. 7379  
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**Sec. 5164.34.** (A) As used in this section: 7386

(1) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 7387  
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(2) "Disqualifying offense" means any of the offenses listed or described in divisions (A) (3) (a) to (e) of section 109.572 of the Revised Code. 7389  
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(3) "Owner" means a person who has an ownership interest in a medicaid provider in an amount designated in rules authorized by this section. 7392  
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(4) "Person subject to the criminal records check requirement" means the following: 7395  
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(a) A medicaid provider who is notified under division (E) (1) of this section that the provider is subject to a criminal records check; 7397  
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(b) An owner or prospective owner, officer or prospective officer, or board member or prospective board member of a medicaid provider if, pursuant to division (E) (1) (a) of this section, the owner or prospective owner, officer or prospective 7400  
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officer, or board member or prospective board member is 7404  
specified in information given to the provider under division 7405  
(E) (1) of this section; 7406

(c) An employee or prospective employee of a medicaid 7407  
provider if both of the following apply: 7408

(i) The employee or prospective employee is specified, 7409  
pursuant to division (E) (1) (b) of this section, in information 7410  
given to the provider under division (E) (1) of this section. 7411

(ii) The provider is not prohibited by division (D) (3) (b) 7412  
of this section from employing the employee or prospective 7413  
employee. 7414

(5) "Responsible entity" means the following: 7415

(a) With respect to a criminal records check required 7416  
under this section for a medicaid provider, the department of 7417  
medicaid or the department's designee; 7418

(b) With respect to a criminal records check required 7419  
under this section for an owner or prospective owner, officer or 7420  
prospective officer, board member or prospective board member, 7421  
or employee or prospective employee of a medicaid provider, the 7422  
provider. 7423

(B) This section does not apply to any of the following: 7424

(1) An individual who is subject to a criminal records 7425  
check under section 3712.09, 3721.121, 5123.081, or 5123.169 of 7426  
the Revised Code; 7427

(2) An individual who is subject to a database review or 7428  
criminal records check under section 173.38, 173.381, 3701.881, 7429  
or 5164.342 of the Revised Code; 7430

(3) An individual who is an applicant or independent provider, both as defined in section 5164.341 of the Revised Code. 7431  
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(C) The department of medicaid may do any of the following: 7434  
7435

(1) Require that any medicaid provider submit to a criminal records check as a condition of obtaining or maintaining a provider agreement; 7436  
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(2) Require that any medicaid provider require an owner or prospective owner, officer or prospective officer, or board member or prospective board member of the provider submit to a criminal records check as a condition of being an owner, officer, or board member of the provider; 7439  
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(3) Require that any medicaid provider do the following: 7444

(a) If so required by rules authorized by this section, determine pursuant to a database review conducted under division (F)(1)(a) of this section whether any employee or prospective employee of the provider is included in a database; 7445  
7446  
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7448

(b) Unless the provider is prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee, require the employee or prospective employee to submit to a criminal records check as a condition of being an employee of the provider. 7449  
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(D)(1) The department or the department's designee shall deny or terminate a medicaid provider's provider agreement if the provider is a person subject to the criminal records check requirement and either of the following applies: 7454  
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7457

(a) The provider fails to obtain the criminal records 7458

check after being given the information specified in division 7459  
(G) (1) of this section. 7460

(b) Except as provided in rules authorized by this 7461  
section, the provider is found by the criminal records check to 7462  
have been convicted of or have pleaded guilty to a disqualifying 7463  
offense, regardless of the date of the conviction or the date of 7464  
entry of the guilty plea. 7465

(2) No medicaid provider shall permit a person to be an 7466  
owner, officer, or board member of the provider if the person is 7467  
a person subject to the criminal records check requirement and 7468  
either of the following applies: 7469

(a) The person fails to obtain the criminal records check 7470  
after being given the information specified in division (G) (1) 7471  
of this section. 7472

(b) Except as provided in rules authorized by this 7473  
section, the person is found by the criminal records check to 7474  
have been convicted of or have pleaded guilty to a disqualifying 7475  
offense, regardless of the date of the conviction or the date of 7476  
entry of the guilty plea. 7477

(3) ~~No~~ Except as provided in division (I) of this section, 7478  
no medicaid provider shall employ a person if any of the 7479  
following apply: 7480

(a) The person has been excluded from being a medicaid 7481  
provider, a medicare provider, or provider for any other federal 7482  
health care program. 7483

(b) If the person is subject to a database review 7484  
conducted under division (F) (1) (a) of this section, the person 7485  
is found by the database review to be included in a database and 7486  
the rules authorized by this section regarding the database 7487

review prohibit the provider from employing a person included in the database. 7488  
7489

(c) If the person is a person subject to the criminal records check requirement, either of the following applies: 7490  
7491

(i) The person fails to obtain the criminal records check after being given the information specified in division (G) (1) of this section. 7492  
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(ii) Except as provided in rules authorized by this section, the person is found by the criminal records check to have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the conviction or the date of entry of the guilty plea. 7495  
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(E) (1) The department or the department's designee shall inform each medicaid provider whether the provider is subject to a criminal records check. For providers with valid provider agreements, the information shall be given at times designated in rules authorized by this section. For providers applying to be medicaid providers, the information shall be given at the time of initial application. When the information is given, the department or the department's designee shall specify the following: 7500  
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(a) Which of the provider's owners or prospective owners, officers or prospective officers, or board members or prospective board members are subject to a criminal records check; 7509  
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(b) Which of the provider's employees or prospective employees are subject to division (C) (3) of this section. 7513  
7514

(2) At times designated in rules authorized by this section, a medicaid provider that is a person subject to the 7515  
7516

criminal records check requirement shall do the following: 7517

(a) Inform each person specified under division (E) (1) (a) 7518  
of this section that the person is required to submit to a 7519  
criminal records check as a condition of being an owner, 7520  
officer, or board member of the provider; 7521

(b) Inform each person specified under division (E) (1) (b) 7522  
of this section that the person is subject to division (C) (3) of 7523  
this section. 7524

(F) (1) If a medicaid provider is a person subject to the 7525  
criminal records check requirement, the department or the 7526  
department's designee shall require the conduct of a criminal 7527  
records check by the superintendent of the bureau of criminal 7528  
identification and investigation. A medicaid provider shall 7529  
require the conduct of a criminal records check by the 7530  
superintendent with respect to each of the persons specified 7531  
under division (E) (1) (a) of this section. With respect to each 7532  
employee and prospective employee specified under division (E) 7533  
(1) (b) of this section, a medicaid provider shall do the 7534  
following: 7535

(a) If rules authorized by this section require the 7536  
provider to conduct a database review to determine whether the 7537  
employee or prospective employee is included in a database, 7538  
conduct the database review in accordance with the rules; 7539

(b) Unless the provider is prohibited by division (D) (3) 7540  
(b) of this section from employing the employee or prospective 7541  
employee, require the conduct of a criminal records check of the 7542  
employee or prospective employee by the superintendent. 7543

(2) If a person subject to the criminal records check 7544  
requirement does not present proof of having been a resident of 7545

this state for the five-year period immediately prior to the 7546  
date the criminal records check is requested or provide evidence 7547  
that within that five-year period the superintendent has 7548  
requested information about the person from the federal bureau 7549  
of investigation in a criminal records check, the responsible 7550  
entity shall require the person to request that the 7551  
superintendent obtain information from the federal bureau of 7552  
investigation as part of the criminal records check of the 7553  
person. Even if the person presents proof of having been a 7554  
resident of this state for the five-year period, the responsible 7555  
entity may require that the person request that the 7556  
superintendent obtain information from the federal bureau of 7557  
investigation and include it in the criminal records check of 7558  
the person. 7559

(G) Criminal records checks required by this section shall 7560  
be obtained as follows: 7561

(1) The responsible entity shall provide each person 7562  
subject to the criminal records check requirement information 7563  
about accessing and completing the form prescribed pursuant to 7564  
division (C) (1) of section 109.572 of the Revised Code and the 7565  
standard impression sheet prescribed pursuant to division (C) (2) 7566  
of that section. 7567

(2) The person subject to the criminal records check 7568  
requirement shall submit the required form and one complete set 7569  
of the person's fingerprint impressions directly to the 7570  
superintendent for purposes of conducting the criminal records 7571  
check using the applicable methods prescribed by division (C) of 7572  
section 109.572 of the Revised Code. The person shall pay all 7573  
fees associated with obtaining the criminal records check. 7574

(3) The superintendent shall conduct the criminal records 7575

check in accordance with section 109.572 of the Revised Code. 7576  
The person subject to the criminal records check requirement 7577  
shall instruct the superintendent to submit the report of the 7578  
criminal records check directly to the responsible entity. If 7579  
the department or the department's designee is not the 7580  
responsible entity, the department or designee may require the 7581  
responsible entity to submit the report to the department or 7582  
designee. 7583

(H) (1) A medicaid provider may employ conditionally a 7584  
person for whom a criminal records check is required by this 7585  
section prior to obtaining the results of the criminal records 7586  
check if both of the following apply: 7587

(a) The provider is not prohibited by division (D) (3) (b) 7588  
of this section from employing the person. 7589

(b) The person submits a request for the criminal records 7590  
check not later than five business days after the person begins 7591  
conditional employment. 7592

(2) ~~A~~ Except as provided in division (I) of this section, 7593  
a medicaid provider that employs a person conditionally under 7594  
division (H) (1) of this section shall terminate the person's 7595  
employment if ~~the~~ either of the following apply: 7596

(a) The results of the criminal records check request are 7597  
not obtained within the period ending sixty days after the date 7598  
the request is made. 7599

(b) Regardless of when the results of the criminal records 7600  
check are obtained, ~~if~~ the results indicate that the person has 7601  
been convicted of or has pleaded guilty to a disqualifying 7602  
offense, ~~the provider shall terminate the person's employment~~ 7603  
unless circumstances specified in rules authorized by this 7604

section exist that permit the provider to employ the person and 7605  
the provider chooses to employ the person. 7606

(I) A medicaid provider may choose to employ a person who 7607  
the provider would be prohibited by division (D)(3) of this 7608  
section from employing or would be required by division (H)(2) 7609  
of this section to terminate the person's employment if the 7610  
provider does not submit any medicaid claims for any services 7611  
the person provides. 7612

(J) The report of a criminal records check conducted 7613  
pursuant to this section is not a public record for the purposes 7614  
of section 149.43 of the Revised Code and shall not be made 7615  
available to any person other than the following: 7616

(1) The person who is the subject of the criminal records 7617  
check or the person's representative; 7618

(2) The medicaid director and the staff of the department 7619  
who are involved in the administration of the medicaid program; 7620

(3) The department's designee; 7621

(4) The medicaid provider who required the person who is 7622  
the subject of the criminal records check to submit to the 7623  
criminal records check; 7624

(5) An individual receiving or deciding whether to 7625  
receive, from the subject of the criminal records check, home 7626  
and community-based services available under the medicaid state 7627  
plan; 7628

(6) A court, hearing officer, or other necessary 7629  
individual involved in a case dealing with any of the following: 7630

(a) The denial or termination of a provider agreement; 7631

(b) A person's denial of employment, termination of 7632  
employment, or employment or unemployment benefits; 7633

(c) A civil or criminal action regarding the medicaid 7634  
program. 7635

~~(J)~~ (K) The medicaid director may adopt rules under 7636  
section 5164.02 of the Revised Code to implement this section. 7637  
If the director adopts such rules, the rules shall designate the 7638  
times at which a criminal records check must be conducted under 7639  
this section. The rules may do any of the following: 7640

(1) Designate the categories of persons who are subject to 7641  
a criminal records check under this section; 7642

(2) Specify circumstances under which the department or 7643  
the department's designee may continue a provider agreement or 7644  
issue a provider agreement when the medicaid provider is found 7645  
by a criminal records check to have been convicted of or 7646  
pleaded guilty to, ~~or been found eligible for intervention in~~ 7647  
~~lieu of conviction for~~ a disqualifying offense; 7648

(3) Specify circumstances under which a medicaid provider 7649  
may permit a person to be an employee, owner, officer, or board 7650  
member of the provider when the person is found by a criminal 7651  
records check conducted pursuant to this section to have been 7652  
convicted of or have pleaded guilty to a disqualifying offense; 7653

(4) Specify all of the following: 7654

(a) The circumstances under which a database review must 7655  
be conducted under division (F) (1) (a) of this section to 7656  
determine whether an employee or prospective employee of a 7657  
medicaid provider is included in a database; 7658

(b) The procedures for conducting the database review; 7659

(c) The databases that are to be checked; 7660

(d) The circumstances under which, except as provided in 7661  
division (I) of this section, a medicaid provider is prohibited 7662  
from employing a person who is found by the database review to 7663  
be included in a database. 7664

**Sec. 5164.7511.** (A) As used in this section: 7665

(1) "Cost-sharing" means any cost-sharing requirements 7666  
instituted for the medicaid program under section 5162.20 of the 7667  
Revised Code. 7668

(2) "Medication synchronization" means a pharmacy service 7669  
that synchronizes the filling or refilling of prescriptions in a 7670  
manner that allows the dispensed drugs to be obtained on the 7671  
same date each month. 7672

(3) "Prescriber" has the same meaning as in section 7673  
4729.01 of the Revised Code. 7674

(B) With respect to coverage of prescribed drugs, the 7675  
medicaid program shall provide for medication synchronization 7676  
for a medicaid recipient if all of the following conditions are 7677  
met: 7678

(1) The recipient elects to participate in medication 7679  
synchronization. 7680

(2) The recipient, the prescriber, and a pharmacist at a 7681  
pharmacy participating in the medicaid program agree that 7682  
medication synchronization is in the best interest of the 7683  
recipient. 7684

(3) The prescribed drug to be included in the medication 7685  
synchronization meets the requirements of division (C) of this 7686  
section. 7687

(C) To be eligible for inclusion in medication	7688
synchronization for a medicaid recipient, a prescribed drug must	7689
meet all of the following requirements:	7690
(1) Be covered by the medicaid program;	7691
(2) Be prescribed for the treatment and management of a	7692
chronic disease or condition and be subject to refills;	7693
(3) Satisfy all relevant prior authorization criteria;	7694
(4) Not have quantity limits, dose optimization criteria,	7695
or other requirements that would be violated if synchronized;	7696
(5) Not have special handling or sourcing needs, as	7697
determined by the medicaid program, that require a single,	7698
designated pharmacy to fill or refill the prescription;	7699
(6) Be formulated so that the quantity or amount dispensed	7700
can be effectively divided in order to achieve synchronization;	7701
(7) Not be a schedule II controlled substance, <del>opiate</del>	7702
<u>opioid analgesic</u> , or benzodiazepine, as those terms are defined	7703
in section 3719.01 of the Revised Code.	7704
(D) (1) To provide for medication synchronization under	7705
division (B) of this section, the medicaid program shall	7706
authorize coverage of a prescribed drug subject to medication	7707
synchronization when the drug is dispensed in a quantity or	7708
amount that is less than a thirty-day supply.	7709
(2) The requirement of division (D) (1) of this section	7710
applies only once for each prescribed drug subject to medication	7711
synchronization for the same medicaid recipient, except when	7712
either of the following occurs:	7713
(a) The prescriber changes the dosage or frequency of	7714

administration of the prescribed drug subject to medication 7715  
synchronization. 7716

(b) The prescriber prescribes a different drug. 7717

(E) (1) In providing for medication synchronization under 7718  
division (B) of this section, the medicaid program shall apply a 7719  
prorated daily cost-sharing rate for a supply of a prescribed 7720  
drug subject to medication synchronization that is dispensed at 7721  
a pharmacy participating in the program. 7722

(2) Division (E) (1) of this section does not require the 7723  
medicaid program to waive any cost-sharing requirement in its 7724  
entirety. 7725

(F) In providing for medication synchronization under 7726  
division (B) of this section, the medicaid program shall not use 7727  
payment structures that incorporate dispensing fees that are 7728  
determined by calculating the days' supply of drugs dispensed. 7729  
Dispensing fees shall be based exclusively on the total number 7730  
of prescriptions that are filled or refilled. 7731

(G) This section does not require the medicaid program to 7732  
provide to a pharmacy participating in the program or a 7733  
pharmacist at a participating pharmacy any monetary or other 7734  
financial incentive for the purpose of encouraging the pharmacy 7735  
or pharmacist to recommend medication synchronization to a 7736  
medicaid recipient. 7737

**Section 2.** That existing sections 109.572, 109.71, 119.03, 7738  
149.43, 149.45, 1751.68, 2907.02, 2907.05, 2925.01, 2925.09, 7739  
2925.11, 2925.23, 2925.34, 3313.752, 3345.41, 3707.50, 3709.01, 7740  
3719.01, 3719.04, 3719.05, 3719.06, 3719.061, 3719.07, 3719.09, 7741  
3719.12, 3719.40, 3719.41, 3719.43, 3719.44, 3719.811, 3796.01, 7742  
3923.602, 4729.01, 4729.04, 4729.19, 4729.46, 4729.51, 4729.52, 7743

4729.53, 4729.54, 4729.55, 4729.553, 4729.69, 4729.90, 4731.97, 7744  
4765.06, 5164.34, and 5164.7511 and section 4730.51 of the 7745  
Revised Code are hereby repealed. 7746

**Section 3.** That the version of section 2925.03 of the 7747  
Revised Code that is scheduled to take effect June 29, 2019, be 7748  
amended to read as follows: 7749

**Sec. 2925.03.** (A) No person shall knowingly do any of the 7750  
following: 7751

(1) Sell or offer to sell a controlled substance or a 7752  
controlled substance analog; 7753

(2) Prepare for shipment, ship, transport, deliver, 7754  
prepare for distribution, or distribute a controlled substance 7755  
or a controlled substance analog, when the offender knows or has 7756  
reasonable cause to believe that the controlled substance or a 7757  
controlled substance analog is intended for sale or resale by 7758  
the offender or another person. 7759

(B) This section does not apply to any of the following: 7760

(1) Manufacturers, licensed health professionals 7761  
authorized to prescribe drugs, pharmacists, owners of 7762  
pharmacies, and other persons whose conduct is in accordance 7763  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 7764  
4741. of the Revised Code; 7765

(2) If the offense involves an anabolic steroid, any 7766  
person who is conducting or participating in a research project 7767  
involving the use of an anabolic steroid if the project has been 7768  
approved by the United States food and drug administration; 7769

(3) Any person who sells, offers for sale, prescribes, 7770  
dispenses, or administers for livestock or other nonhuman 7771

species an anabolic steroid that is expressly intended for 7772  
administration through implants to livestock or other nonhuman 7773  
species and approved for that purpose under the "Federal Food, 7774  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 7775  
as amended, and is sold, offered for sale, prescribed, 7776  
dispensed, or administered for that purpose in accordance with 7777  
that act. 7778

(C) Whoever violates division (A) of this section is 7779  
guilty of one of the following: 7780

(1) If the drug involved in the violation is any compound, 7781  
mixture, preparation, or substance included in schedule I or 7782  
schedule II, with the exception of marihuana, cocaine, L.S.D., 7783  
heroin, any fentanyl-related compound, hashish, and any 7784  
controlled substance analog, whoever violates division (A) of 7785  
this section is guilty of aggravated trafficking in drugs. The 7786  
penalty for the offense shall be determined as follows: 7787

(a) Except as otherwise provided in division (C) (1) (b), 7788  
(c), (d), (e), or (f) of this section, aggravated trafficking in 7789  
drugs is a felony of the fourth degree, and division (C) of 7790  
section 2929.13 of the Revised Code applies in determining 7791  
whether to impose a prison term on the offender. 7792

(b) Except as otherwise provided in division (C) (1) (c), 7793  
(d), (e), or (f) of this section, if the offense was committed 7794  
in the vicinity of a school or in the vicinity of a juvenile, 7795  
aggravated trafficking in drugs is a felony of the third degree, 7796  
and division (C) of section 2929.13 of the Revised Code applies 7797  
in determining whether to impose a prison term on the offender. 7798

(c) Except as otherwise provided in this division, if the 7799  
amount of the drug involved equals or exceeds the bulk amount 7800

but is less than five times the bulk amount, aggravated 7801  
trafficking in drugs is a felony of the third degree, and, 7802  
except as otherwise provided in this division, there is a 7803  
presumption for a prison term for the offense. If aggravated 7804  
trafficking in drugs is a felony of the third degree under this 7805  
division and if the offender two or more times previously has 7806  
been convicted of or pleaded guilty to a felony drug abuse 7807  
offense, the court shall impose as a mandatory prison term one 7808  
of the prison terms prescribed for a felony of the third degree. 7809  
If the amount of the drug involved is within that range and if 7810  
the offense was committed in the vicinity of a school or in the 7811  
vicinity of a juvenile, aggravated trafficking in drugs is a 7812  
felony of the second degree, and the court shall impose as a 7813  
mandatory prison term one of the prison terms prescribed for a 7814  
felony of the second degree. 7815

(d) Except as otherwise provided in this division, if the 7816  
amount of the drug involved equals or exceeds five times the 7817  
bulk amount but is less than fifty times the bulk amount, 7818  
aggravated trafficking in drugs is a felony of the second 7819  
degree, and the court shall impose as a mandatory prison term 7820  
one of the prison terms prescribed for a felony of the second 7821  
degree. If the amount of the drug involved is within that range 7822  
and if the offense was committed in the vicinity of a school or 7823  
in the vicinity of a juvenile, aggravated trafficking in drugs 7824  
is a felony of the first degree, and the court shall impose as a 7825  
mandatory prison term one of the prison terms prescribed for a 7826  
felony of the first degree. 7827

(e) If the amount of the drug involved equals or exceeds 7828  
fifty times the bulk amount but is less than one hundred times 7829  
the bulk amount and regardless of whether the offense was 7830  
committed in the vicinity of a school or in the vicinity of a 7831

juvenile, aggravated trafficking in drugs is a felony of the 7832  
first degree, and the court shall impose as a mandatory prison 7833  
term one of the prison terms prescribed for a felony of the 7834  
first degree. 7835

(f) If the amount of the drug involved equals or exceeds 7836  
one hundred times the bulk amount and regardless of whether the 7837  
offense was committed in the vicinity of a school or in the 7838  
vicinity of a juvenile, aggravated trafficking in drugs is a 7839  
felony of the first degree, the offender is a major drug 7840  
offender, and the court shall impose as a mandatory prison term 7841  
the maximum prison term prescribed for a felony of the first 7842  
degree. 7843

(2) If the drug involved in the violation is any compound, 7844  
mixture, preparation, or substance included in schedule III, IV, 7845  
or V, whoever violates division (A) of this section is guilty of 7846  
trafficking in drugs. The penalty for the offense shall be 7847  
determined as follows: 7848

(a) Except as otherwise provided in division (C) (2) (b), 7849  
(c), (d), or (e) of this section, trafficking in drugs is a 7850  
felony of the fifth degree, and division (B) of section 2929.13 7851  
of the Revised Code applies in determining whether to impose a 7852  
prison term on the offender. 7853

(b) Except as otherwise provided in division (C) (2) (c), 7854  
(d), or (e) of this section, if the offense was committed in the 7855  
vicinity of a school or in the vicinity of a juvenile, 7856  
trafficking in drugs is a felony of the fourth degree, and 7857  
division (C) of section 2929.13 of the Revised Code applies in 7858  
determining whether to impose a prison term on the offender. 7859

(c) Except as otherwise provided in this division, if the 7860

amount of the drug involved equals or exceeds the bulk amount 7861  
but is less than five times the bulk amount, trafficking in 7862  
drugs is a felony of the fourth degree, and division (B) of 7863  
section 2929.13 of the Revised Code applies in determining 7864  
whether to impose a prison term for the offense. If the amount 7865  
of the drug involved is within that range and if the offense was 7866  
committed in the vicinity of a school or in the vicinity of a 7867  
juvenile, trafficking in drugs is a felony of the third degree, 7868  
and there is a presumption for a prison term for the offense. 7869

(d) Except as otherwise provided in this division, if the 7870  
amount of the drug involved equals or exceeds five times the 7871  
bulk amount but is less than fifty times the bulk amount, 7872  
trafficking in drugs is a felony of the third degree, and there 7873  
is a presumption for a prison term for the offense. If the 7874  
amount of the drug involved is within that range and if the 7875  
offense was committed in the vicinity of a school or in the 7876  
vicinity of a juvenile, trafficking in drugs is a felony of the 7877  
second degree, and there is a presumption for a prison term for 7878  
the offense. 7879

(e) Except as otherwise provided in this division, if the 7880  
amount of the drug involved equals or exceeds fifty times the 7881  
bulk amount, trafficking in drugs is a felony of the second 7882  
degree, and the court shall impose as a mandatory prison term 7883  
one of the prison terms prescribed for a felony of the second 7884  
degree. If the amount of the drug involved equals or exceeds 7885  
fifty times the bulk amount and if the offense was committed in 7886  
the vicinity of a school or in the vicinity of a juvenile, 7887  
trafficking in drugs is a felony of the first degree, and the 7888  
court shall impose as a mandatory prison term one of the prison 7889  
terms prescribed for a felony of the first degree. 7890

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

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

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

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

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

but is less than five thousand grams, trafficking in marihuana 7921  
is a felony of the third degree, and division (C) of section 7922  
2929.13 of the Revised Code applies in determining whether to 7923  
impose a prison term on the offender. If the amount of the drug 7924  
involved is within that range and if the offense was committed 7925  
in the vicinity of a school or in the vicinity of a juvenile, 7926  
trafficking in marihuana is a felony of the second degree, and 7927  
there is a presumption that a prison term shall be imposed for 7928  
the offense. 7929

(e) Except as otherwise provided in this division, if the 7930  
amount of the drug involved equals or exceeds five thousand 7931  
grams but is less than twenty thousand grams, trafficking in 7932  
marihuana is a felony of the third degree, and there is a 7933  
presumption that a prison term shall be imposed for the offense. 7934  
If the amount of the drug involved is within that range and if 7935  
the offense was committed in the vicinity of a school or in the 7936  
vicinity of a juvenile, trafficking in marihuana is a felony of 7937  
the second degree, and there is a presumption that a prison term 7938  
shall be imposed for the offense. 7939

(f) Except as otherwise provided in this division, if the 7940  
amount of the drug involved equals or exceeds twenty thousand 7941  
grams but is less than forty thousand grams, trafficking in 7942  
marihuana is a felony of the second degree, and the court shall 7943  
impose a mandatory prison term of five, six, seven, or eight 7944  
years. If the amount of the drug involved is within that range 7945  
and if the offense was committed in the vicinity of a school or 7946  
in the vicinity of a juvenile, trafficking in marihuana is a 7947  
felony of the first degree, and the court shall impose as a 7948  
mandatory prison term the maximum prison term prescribed for a 7949  
felony of the first degree. 7950

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

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

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

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

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

(d), (e), (f), or (g) of this section, if the offense was 7981  
committed in the vicinity of a school or in the vicinity of a 7982  
juvenile, trafficking in cocaine is a felony of the fourth 7983  
degree, and division (C) of section 2929.13 of the Revised Code 7984  
applies in determining whether to impose a prison term on the 7985  
offender. 7986

(c) Except as otherwise provided in this division, if the 7987  
amount of the drug involved equals or exceeds five grams but is 7988  
less than ten grams of cocaine, trafficking in cocaine is a 7989  
felony of the fourth degree, and division (B) of section 2929.13 7990  
of the Revised Code applies in determining whether to impose a 7991  
prison term for the offense. If the amount of the drug involved 7992  
is within that range and if the offense was committed in the 7993  
vicinity of a school or in the vicinity of a juvenile, 7994  
trafficking in cocaine is a felony of the third degree, and 7995  
there is a presumption for a prison term for the offense. 7996

(d) Except as otherwise provided in this division, if the 7997  
amount of the drug involved equals or exceeds ten grams but is 7998  
less than twenty grams of cocaine, trafficking in cocaine is a 7999  
felony of the third degree, and, except as otherwise provided in 8000  
this division, there is a presumption for a prison term for the 8001  
offense. If trafficking in cocaine is a felony of the third 8002  
degree under this division and if the offender two or more times 8003  
previously has been convicted of or pleaded guilty to a felony 8004  
drug abuse offense, the court shall impose as a mandatory prison 8005  
term one of the prison terms prescribed for a felony of the 8006  
third degree. If the amount of the drug involved is within that 8007  
range and if the offense was committed in the vicinity of a 8008  
school or in the vicinity of a juvenile, trafficking in cocaine 8009  
is a felony of the second degree, and the court shall impose as 8010  
a mandatory prison term one of the prison terms prescribed for a 8011

felony of the second degree. 8012

(e) Except as otherwise provided in this division, if the 8013  
amount of the drug involved equals or exceeds twenty grams but 8014  
is less than twenty-seven grams of cocaine, trafficking in 8015  
cocaine is a felony of the second degree, and the court shall 8016  
impose as a mandatory prison term one of the prison terms 8017  
prescribed for a felony of the second degree. If the amount of 8018  
the drug involved is within that range and if the offense was 8019  
committed in the vicinity of a school or in the vicinity of a 8020  
juvenile, trafficking in cocaine is a felony of the first 8021  
degree, and the court shall impose as a mandatory prison term 8022  
one of the prison terms prescribed for a felony of the first 8023  
degree. 8024

(f) If the amount of the drug involved equals or exceeds 8025  
twenty-seven grams but is less than one hundred grams of cocaine 8026  
and regardless of whether the offense was committed in the 8027  
vicinity of a school or in the vicinity of a juvenile, 8028  
trafficking in cocaine is a felony of the first degree, and the 8029  
court shall impose as a mandatory prison term one of the prison 8030  
terms prescribed for a felony of the first degree. 8031

(g) If the amount of the drug involved equals or exceeds 8032  
one hundred grams of cocaine and regardless of whether the 8033  
offense was committed in the vicinity of a school or in the 8034  
vicinity of a juvenile, trafficking in cocaine is a felony of 8035  
the first degree, the offender is a major drug offender, and the 8036  
court shall impose as a mandatory prison term the maximum prison 8037  
term prescribed for a felony of the first degree. 8038

(5) If the drug involved in the violation is L.S.D. or a 8039  
compound, mixture, preparation, or substance containing L.S.D., 8040  
whoever violates division (A) of this section is guilty of 8041

trafficking in L.S.D. The penalty for the offense shall be 8042  
determined as follows: 8043

(a) Except as otherwise provided in division (C) (5) (b), 8044  
(c), (d), (e), (f), or (g) of this section, trafficking in 8045  
L.S.D. is a felony of the fifth degree, and division (B) of 8046  
section 2929.13 of the Revised Code applies in determining 8047  
whether to impose a prison term on the offender. 8048

(b) Except as otherwise provided in division (C) (5) (c), 8049  
(d), (e), (f), or (g) of this section, if the offense was 8050  
committed in the vicinity of a school or in the vicinity of a 8051  
juvenile, trafficking in L.S.D. is a felony of the fourth 8052  
degree, and division (C) of section 2929.13 of the Revised Code 8053  
applies in determining whether to impose a prison term on the 8054  
offender. 8055

(c) Except as otherwise provided in this division, if the 8056  
amount of the drug involved equals or exceeds ten unit doses but 8057  
is less than fifty unit doses of L.S.D. in a solid form or 8058  
equals or exceeds one gram but is less than five grams of L.S.D. 8059  
in a liquid concentrate, liquid extract, or liquid distillate 8060  
form, trafficking in L.S.D. is a felony of the fourth degree, 8061  
and division (B) of section 2929.13 of the Revised Code applies 8062  
in determining whether to impose a prison term for the offense. 8063  
If the amount of the drug involved is within that range and if 8064  
the offense was committed in the vicinity of a school or in the 8065  
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 8066  
third degree, and there is a presumption for a prison term for 8067  
the offense. 8068

(d) Except as otherwise provided in this division, if the 8069  
amount of the drug involved equals or exceeds fifty unit doses 8070  
but is less than two hundred fifty unit doses of L.S.D. in a 8071

solid form or equals or exceeds five grams but is less than 8072  
twenty-five grams of L.S.D. in a liquid concentrate, liquid 8073  
extract, or liquid distillate form, trafficking in L.S.D. is a 8074  
felony of the third degree, and, except as otherwise provided in 8075  
this division, there is a presumption for a prison term for the 8076  
offense. If trafficking in L.S.D. is a felony of the third 8077  
degree under this division and if the offender two or more times 8078  
previously has been convicted of or pleaded guilty to a felony 8079  
drug abuse offense, the court shall impose as a mandatory prison 8080  
term one of the prison terms prescribed for a felony of the 8081  
third degree. If the amount of the drug involved is within that 8082  
range and if the offense was committed in the vicinity of a 8083  
school or in the vicinity of a juvenile, trafficking in L.S.D. 8084  
is a felony of the second degree, and the court shall impose as 8085  
a mandatory prison term one of the prison terms prescribed for a 8086  
felony of the second degree. 8087

(e) Except as otherwise provided in this division, if the 8088  
amount of the drug involved equals or exceeds two hundred fifty 8089  
unit doses but is less than one thousand unit doses of L.S.D. in 8090  
a solid form or equals or exceeds twenty-five grams but is less 8091  
than one hundred grams of L.S.D. in a liquid concentrate, liquid 8092  
extract, or liquid distillate form, trafficking in L.S.D. is a 8093  
felony of the second degree, and the court shall impose as a 8094  
mandatory prison term one of the prison terms prescribed for a 8095  
felony of the second degree. If the amount of the drug involved 8096  
is within that range and if the offense was committed in the 8097  
vicinity of a school or in the vicinity of a juvenile, 8098  
trafficking in L.S.D. is a felony of the first degree, and the 8099  
court shall impose as a mandatory prison term one of the prison 8100  
terms prescribed for a felony of the first degree. 8101

(f) If the amount of the drug involved equals or exceeds 8102

one thousand unit doses but is less than five thousand unit 8103  
doses of L.S.D. in a solid form or equals or exceeds one hundred 8104  
grams but is less than five hundred grams of L.S.D. in a liquid 8105  
concentrate, liquid extract, or liquid distillate form and 8106  
regardless of whether the offense was committed in the vicinity 8107  
of a school or in the vicinity of a juvenile, trafficking in 8108  
L.S.D. is a felony of the first degree, and the court shall 8109  
impose as a mandatory prison term one of the prison terms 8110  
prescribed for a felony of the first degree. 8111

(g) If the amount of the drug involved equals or exceeds 8112  
five thousand unit doses of L.S.D. in a solid form or equals or 8113  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 8114  
liquid extract, or liquid distillate form and regardless of 8115  
whether the offense was committed in the vicinity of a school or 8116  
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 8117  
of the first degree, the offender is a major drug offender, and 8118  
the court shall impose as a mandatory prison term the maximum 8119  
prison term prescribed for a felony of the first degree. 8120

(6) If the drug involved in the violation is heroin or a 8121  
compound, mixture, preparation, or substance containing heroin, 8122  
whoever violates division (A) of this section is guilty of 8123  
trafficking in heroin. The penalty for the offense shall be 8124  
determined as follows: 8125

(a) Except as otherwise provided in division (C) (6) (b), 8126  
(c), (d), (e), (f), or (g) of this section, trafficking in 8127  
heroin is a felony of the fifth degree, and division (B) of 8128  
section 2929.13 of the Revised Code applies in determining 8129  
whether to impose a prison term on the offender. 8130

(b) Except as otherwise provided in division (C) (6) (c), 8131  
(d), (e), (f), or (g) of this section, if the offense was 8132

committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

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

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

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, trafficking in

heroin is a felony of the second degree, and the court shall 8163  
impose as a mandatory prison term one of the prison terms 8164  
prescribed for a felony of the second degree. If the amount of 8165  
the drug involved is within that range and if the offense was 8166  
committed in the vicinity of a school or in the vicinity of a 8167  
juvenile, trafficking in heroin is a felony of the first degree, 8168  
and the court shall impose as a mandatory prison term one of the 8169  
prison terms prescribed for a felony of the first degree. 8170

(f) If the amount of the drug involved equals or exceeds 8171  
five hundred unit doses but is less than one thousand unit doses 8172  
or equals or exceeds fifty grams but is less than one hundred 8173  
grams and regardless of whether the offense was committed in the 8174  
vicinity of a school or in the vicinity of a juvenile, 8175  
trafficking in heroin is a felony of the first degree, and the 8176  
court shall impose as a mandatory prison term one of the prison 8177  
terms prescribed for a felony of the first degree. 8178

(g) If the amount of the drug involved equals or exceeds 8179  
one thousand unit doses or equals or exceeds one hundred grams 8180  
and regardless of whether the offense was committed in the 8181  
vicinity of a school or in the vicinity of a juvenile, 8182  
trafficking in heroin is a felony of the first degree, the 8183  
offender is a major drug offender, and the court shall impose as 8184  
a mandatory prison term the maximum prison term prescribed for a 8185  
felony of the first degree. 8186

(7) If the drug involved in the violation is hashish or a 8187  
compound, mixture, preparation, or substance containing hashish, 8188  
whoever violates division (A) of this section is guilty of 8189  
trafficking in hashish. The penalty for the offense shall be 8190  
determined as follows: 8191

(a) Except as otherwise provided in division (C) (7) (b), 8192

(c), (d), (e), (f), or (g) of this section, trafficking in 8193  
hashish is a felony of the fifth degree, and division (B) of 8194  
section 2929.13 of the Revised Code applies in determining 8195  
whether to impose a prison term on the offender. 8196

(b) Except as otherwise provided in division (C) (7) (c), 8197  
(d), (e), (f), or (g) of this section, if the offense was 8198  
committed in the vicinity of a school or in the vicinity of a 8199  
juvenile, trafficking in hashish is a felony of the fourth 8200  
degree, and division (B) of section 2929.13 of the Revised Code 8201  
applies in determining whether to impose a prison term on the 8202  
offender. 8203

(c) Except as otherwise provided in this division, if the 8204  
amount of the drug involved equals or exceeds ten grams but is 8205  
less than fifty grams of hashish in a solid form or equals or 8206  
exceeds two grams but is less than ten grams of hashish in a 8207  
liquid concentrate, liquid extract, or liquid distillate form, 8208  
trafficking in hashish is a felony of the fourth degree, and 8209  
division (B) of section 2929.13 of the Revised Code applies in 8210  
determining whether to impose a prison term on the offender. If 8211  
the amount of the drug involved is within that range and if the 8212  
offense was committed in the vicinity of a school or in the 8213  
vicinity of a juvenile, trafficking in hashish is a felony of 8214  
the third degree, and division (C) of section 2929.13 of the 8215  
Revised Code applies in determining whether to impose a prison 8216  
term on the offender. 8217

(d) Except as otherwise provided in this division, if the 8218  
amount of the drug involved equals or exceeds fifty grams but is 8219  
less than two hundred fifty grams of hashish in a solid form or 8220  
equals or exceeds ten grams but is less than fifty grams of 8221  
hashish in a liquid concentrate, liquid extract, or liquid 8222

distillate form, trafficking in hashish is a felony of the third 8223  
degree, and division (C) of section 2929.13 of the Revised Code 8224  
applies in determining whether to impose a prison term on the 8225  
offender. If the amount of the drug involved is within that 8226  
range and if the offense was committed in the vicinity of a 8227  
school or in the vicinity of a juvenile, trafficking in hashish 8228  
is a felony of the second degree, and there is a presumption 8229  
that a prison term shall be imposed for the offense. 8230

(e) Except as otherwise provided in this division, if the 8231  
amount of the drug involved equals or exceeds two hundred fifty 8232  
grams but is less than one thousand grams of hashish in a solid 8233  
form or equals or exceeds fifty grams but is less than two 8234  
hundred grams of hashish in a liquid concentrate, liquid 8235  
extract, or liquid distillate form, trafficking in hashish is a 8236  
felony of the third degree, and there is a presumption that a 8237  
prison term shall be imposed for the offense. If the amount of 8238  
the drug involved is within that range and if the offense was 8239  
committed in the vicinity of a school or in the vicinity of a 8240  
juvenile, trafficking in hashish is a felony of the second 8241  
degree, and there is a presumption that a prison term shall be 8242  
imposed for the offense. 8243

(f) Except as otherwise provided in this division, if the 8244  
amount of the drug involved equals or exceeds one thousand grams 8245  
but is less than two thousand grams of hashish in a solid form 8246  
or equals or exceeds two hundred grams but is less than four 8247  
hundred grams of hashish in a liquid concentrate, liquid 8248  
extract, or liquid distillate form, trafficking in hashish is a 8249  
felony of the second degree, and the court shall impose a 8250  
mandatory prison term of five, six, seven, or eight years. If 8251  
the amount of the drug involved is within that range and if the 8252  
offense was committed in the vicinity of a school or in the 8253

vicinity of a juvenile, trafficking in hashish is a felony of 8254  
the first degree, and the court shall impose as a mandatory 8255  
prison term the maximum prison term prescribed for a felony of 8256  
the first degree. 8257

(g) Except as otherwise provided in this division, if the 8258  
amount of the drug involved equals or exceeds two thousand grams 8259  
of hashish in a solid form or equals or exceeds four hundred 8260  
grams of hashish in a liquid concentrate, liquid extract, or 8261  
liquid distillate form, trafficking in hashish is a felony of 8262  
the second degree, and the court shall impose as a mandatory 8263  
prison term the maximum prison term prescribed for a felony of 8264  
the second degree. If the amount of the drug involved equals or 8265  
exceeds two thousand grams of hashish in a solid form or equals 8266  
or exceeds four hundred grams of hashish in a liquid 8267  
concentrate, liquid extract, or liquid distillate form and if 8268  
the offense was committed in the vicinity of a school or in the 8269  
vicinity of a juvenile, trafficking in hashish is a felony of 8270  
the first degree, and the court shall impose as a mandatory 8271  
prison term the maximum prison term prescribed for a felony of 8272  
the first degree. 8273

(8) If the drug involved in the violation is a controlled 8274  
substance analog or compound, mixture, preparation, or substance 8275  
that contains a controlled substance analog, whoever violates 8276  
division (A) of this section is guilty of trafficking in a 8277  
controlled substance analog. The penalty for the offense shall 8278  
be determined as follows: 8279

(a) Except as otherwise provided in division (C) (8) (b), 8280  
(c), (d), (e), (f), or (g) of this section, trafficking in a 8281  
controlled substance analog is a felony of the fifth degree, and 8282  
division (C) of section 2929.13 of the Revised Code applies in 8283

determining whether to impose a prison term on the offender. 8284

(b) Except as otherwise provided in division (C) (8) (c), 8285  
(d), (e), (f), or (g) of this section, if the offense was 8286  
committed in the vicinity of a school or in the vicinity of a 8287  
juvenile, trafficking in a controlled substance analog is a 8288  
felony of the fourth degree, and division (C) of section 2929.13 8289  
of the Revised Code applies in determining whether to impose a 8290  
prison term on the offender. 8291

(c) Except as otherwise provided in this division, if the 8292  
amount of the drug involved equals or exceeds ten grams but is 8293  
less than twenty grams, trafficking in a controlled substance 8294  
analog is a felony of the fourth degree, and division (B) of 8295  
section 2929.13 of the Revised Code applies in determining 8296  
whether to impose a prison term for the offense. If the amount 8297  
of the drug involved is within that range and if the offense was 8298  
committed in the vicinity of a school or in the vicinity of a 8299  
juvenile, trafficking in a controlled substance analog is a 8300  
felony of the third degree, and there is a presumption for a 8301  
prison term for the offense. 8302

(d) Except as otherwise provided in this division, if the 8303  
amount of the drug involved equals or exceeds twenty grams but 8304  
is less than thirty grams, trafficking in a controlled substance 8305  
analog is a felony of the third degree, and there is a 8306  
presumption for a prison term for the offense. If the amount of 8307  
the drug involved is within that range and if the offense was 8308  
committed in the vicinity of a school or in the vicinity of a 8309  
juvenile, trafficking in a controlled substance analog is a 8310  
felony of the second degree, and there is a presumption for a 8311  
prison term for the offense. 8312

(e) Except as otherwise provided in this division, if the 8313

amount of the drug involved equals or exceeds thirty grams but 8314  
is less than forty grams, trafficking in a controlled substance 8315  
analog is a felony of the second degree, and the court shall 8316  
impose as a mandatory prison term one of the prison terms 8317  
prescribed for a felony of the second degree. If the amount of 8318  
the drug involved is within that range and if the offense was 8319  
committed in the vicinity of a school or in the vicinity of a 8320  
juvenile, trafficking in a controlled substance analog is a 8321  
felony of the first degree, and the court shall impose as a 8322  
mandatory prison term one of the prison terms prescribed for a 8323  
felony of the first degree. 8324

(f) If the amount of the drug involved equals or exceeds 8325  
forty grams but is less than fifty grams and regardless of 8326  
whether the offense was committed in the vicinity of a school or 8327  
in the vicinity of a juvenile, trafficking in a controlled 8328  
substance analog is a felony of the first degree, and the court 8329  
shall impose as a mandatory prison term one of the prison terms 8330  
prescribed for a felony of the first degree. 8331

(g) If the amount of the drug involved equals or exceeds 8332  
fifty grams and regardless of whether the offense was committed 8333  
in the vicinity of a school or in the vicinity of a juvenile, 8334  
trafficking in a controlled substance analog is a felony of the 8335  
first degree, the offender is a major drug offender, and the 8336  
court shall impose as a mandatory prison term the maximum prison 8337  
term prescribed for a felony of the first degree. 8338

(9) If the drug involved in the violation is a fentanyl- 8339  
related compound or a compound, mixture, preparation, or 8340  
substance containing a fentanyl-related compound and division 8341  
(C) (10) (a) of this section does not apply to the drug involved, 8342  
whoever violates division (A) of this section is guilty of 8343

trafficking in a fentanyl-related compound. The penalty for the 8344  
offense shall be determined as follows: 8345

(a) Except as otherwise provided in division (C) (9) (b), 8346  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 8347  
a fentanyl-related compound is a felony of the fifth degree, and 8348  
division (B) of section 2929.13 of the Revised Code applies in 8349  
determining whether to impose a prison term on the offender. 8350

(b) Except as otherwise provided in division (C) (9) (c), 8351  
(d), (e), (f), (g), or (h) of this section, if the offense was 8352  
committed in the vicinity of a school or in the vicinity of a 8353  
juvenile, trafficking in a fentanyl-related compound is a felony 8354  
of the fourth degree, and division (C) of section 2929.13 of the 8355  
Revised Code applies in determining whether to impose a prison 8356  
term on the offender. 8357

(c) Except as otherwise provided in this division, if the 8358  
amount of the drug involved equals or exceeds ten unit doses but 8359  
is less than fifty unit doses or equals or exceeds one gram but 8360  
is less than five grams, trafficking in a fentanyl-related 8361  
compound is a felony of the fourth degree, and division (B) of 8362  
section 2929.13 of the Revised Code applies in determining 8363  
whether to impose a prison term for the offense. If the amount 8364  
of the drug involved is within that range and if the offense was 8365  
committed in the vicinity of a school or in the vicinity of a 8366  
juvenile, trafficking in a fentanyl-related compound is a felony 8367  
of the third degree, and there is a presumption for a prison 8368  
term for the offense. 8369

(d) Except as otherwise provided in this division, if the 8370  
amount of the drug involved equals or exceeds fifty unit doses 8371  
but is less than one hundred unit doses or equals or exceeds 8372  
five grams but is less than ten grams, trafficking in a 8373

fentanyl-related compound is a felony of the third degree, and 8374  
there is a presumption for a prison term for the offense. If the 8375  
amount of the drug involved is within that range and if the 8376  
offense was committed in the vicinity of a school or in the 8377  
vicinity of a juvenile, trafficking in a fentanyl-related 8378  
compound is a felony of the second degree, and there is a 8379  
presumption for a prison term for the offense. 8380

(e) Except as otherwise provided in this division, if the 8381  
amount of the drug involved equals or exceeds one hundred unit 8382  
doses but is less than two hundred unit doses or equals or 8383  
exceeds ten grams but is less than twenty grams, trafficking in 8384  
a fentanyl-related compound is a felony of the second degree, 8385  
and the court shall impose as a mandatory prison term one of the 8386  
prison terms prescribed for a felony of the second degree. If 8387  
the amount of the drug involved is within that range and if the 8388  
offense was committed in the vicinity of a school or in the 8389  
vicinity of a juvenile, trafficking in a fentanyl-related 8390  
compound is a felony of the first degree, and the court shall 8391  
impose as a mandatory prison term one of the prison terms 8392  
prescribed for a felony of the first degree. 8393

(f) If the amount of the drug involved equals or exceeds 8394  
two hundred unit doses but is less than five hundred unit doses 8395  
or equals or exceeds twenty grams but is less than fifty grams 8396  
and regardless of whether the offense was committed in the 8397  
vicinity of a school or in the vicinity of a juvenile, 8398  
trafficking in a fentanyl-related compound is a felony of the 8399  
first degree, and the court shall impose as a mandatory prison 8400  
term one of the prison terms prescribed for a felony of the 8401  
first degree. 8402

(g) If the amount of the drug involved equals or exceeds 8403

five hundred unit doses but is less than one thousand unit doses 8404  
or equals or exceeds fifty grams but is less than one hundred 8405  
grams and regardless of whether the offense was committed in the 8406  
vicinity of a school or in the vicinity of a juvenile, 8407  
trafficking in a fentanyl-related compound is a felony of the 8408  
first degree, and the court shall impose as a mandatory prison 8409  
term the maximum prison term prescribed for a felony of the 8410  
first degree. 8411

(h) If the amount of the drug involved equals or exceeds 8412  
one thousand unit doses or equals or exceeds one hundred grams 8413  
and regardless of whether the offense was committed in the 8414  
vicinity of a school or in the vicinity of a juvenile, 8415  
trafficking in a fentanyl-related compound is a felony of the 8416  
first degree, the offender is a major drug offender, and the 8417  
court shall impose as a mandatory prison term the maximum prison 8418  
term prescribed for a felony of the first degree. 8419

(10) If the drug involved in the violation is a compound, 8420  
mixture, preparation, or substance that is a combination of a 8421  
fentanyl-related compound and marihuana, one of the following 8422  
applies: 8423

(a) Except as otherwise provided in division (C) (10) (b) of 8424  
this section, the offender is guilty of trafficking in marihuana 8425  
and shall be punished under division (C) (3) of this section. The 8426  
offender is not guilty of trafficking in a fentanyl-related 8427  
compound and shall not be charged with, convicted of, or 8428  
punished under division (C) (9) of this section for trafficking 8429  
in a fentanyl-related compound. 8430

(b) If the offender knows or has reason to know that the 8431  
compound, mixture, preparation, or substance that is the drug 8432  
involved contains a fentanyl-related compound, the offender is 8433

guilty of trafficking in a fentanyl-related compound and shall 8434  
be punished under division (C) (9) of this section. 8435

(D) In addition to any prison term authorized or required 8436  
by division (C) of this section and sections 2929.13 and 2929.14 8437  
of the Revised Code, and in addition to any other sanction 8438  
imposed for the offense under this section or sections 2929.11 8439  
to 2929.18 of the Revised Code, the court that sentences an 8440  
offender who is convicted of or pleads guilty to a violation of 8441  
division (A) of this section may suspend the driver's or 8442  
commercial driver's license or permit of the offender in 8443  
accordance with division (G) of this section. However, if the 8444  
offender pleaded guilty to or was convicted of a violation of 8445  
section 4511.19 of the Revised Code or a substantially similar 8446  
municipal ordinance or the law of another state or the United 8447  
States arising out of the same set of circumstances as the 8448  
violation, the court shall suspend the offender's driver's or 8449  
commercial driver's license or permit in accordance with 8450  
division (G) of this section. If applicable, the court also 8451  
shall do the following: 8452

(1) If the violation of division (A) of this section is a 8453  
felony of the first, second, or third degree, the court shall 8454  
impose upon the offender the mandatory fine specified for the 8455  
offense under division (B) (1) of section 2929.18 of the Revised 8456  
Code unless, as specified in that division, the court determines 8457  
that the offender is indigent. Except as otherwise provided in 8458  
division (H) (1) of this section, a mandatory fine or any other 8459  
fine imposed for a violation of this section is subject to 8460  
division (F) of this section. If a person is charged with a 8461  
violation of this section that is a felony of the first, second, 8462  
or third degree, posts bail, and forfeits the bail, the clerk of 8463  
the court shall pay the forfeited bail pursuant to divisions (D) 8464

(1) and (F) of this section, as if the forfeited bail was a fine 8465  
imposed for a violation of this section. If any amount of the 8466  
forfeited bail remains after that payment and if a fine is 8467  
imposed under division (H) (1) of this section, the clerk of the 8468  
court shall pay the remaining amount of the forfeited bail 8469  
pursuant to divisions (H) (2) and (3) of this section, as if that 8470  
remaining amount was a fine imposed under division (H) (1) of 8471  
this section. 8472

(2) If the offender is a professionally licensed person, 8473  
the court immediately shall comply with section 2925.38 of the 8474  
Revised Code. 8475

(E) When a person is charged with the sale of or offer to 8476  
sell a bulk amount or a multiple of a bulk amount of a 8477  
controlled substance, the jury, or the court trying the accused, 8478  
shall determine the amount of the controlled substance involved 8479  
at the time of the offense and, if a guilty verdict is returned, 8480  
shall return the findings as part of the verdict. In any such 8481  
case, it is unnecessary to find and return the exact amount of 8482  
the controlled substance involved, and it is sufficient if the 8483  
finding and return is to the effect that the amount of the 8484  
controlled substance involved is the requisite amount, or that 8485  
the amount of the controlled substance involved is less than the 8486  
requisite amount. 8487

(F) (1) Notwithstanding any contrary provision of section 8488  
3719.21 of the Revised Code and except as provided in division 8489  
(H) of this section, the clerk of the court shall pay any 8490  
mandatory fine imposed pursuant to division (D) (1) of this 8491  
section and any fine other than a mandatory fine that is imposed 8492  
for a violation of this section pursuant to division (A) or (B) 8493  
(5) of section 2929.18 of the Revised Code to the county, 8494

township, municipal corporation, park district, as created 8495  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 8496  
state law enforcement agencies in this state that primarily were 8497  
responsible for or involved in making the arrest of, and in 8498  
prosecuting, the offender. However, the clerk shall not pay a 8499  
mandatory fine so imposed to a law enforcement agency unless the 8500  
agency has adopted a written internal control policy under 8501  
division (F) (2) of this section that addresses the use of the 8502  
fine moneys that it receives. Each agency shall use the 8503  
mandatory fines so paid to subsidize the agency's law 8504  
enforcement efforts that pertain to drug offenses, in accordance 8505  
with the written internal control policy adopted by the 8506  
recipient agency under division (F) (2) of this section. 8507

(2) Prior to receiving any fine moneys under division (F) 8508  
(1) of this section or division (B) of section 2925.42 of the 8509  
Revised Code, a law enforcement agency shall adopt a written 8510  
internal control policy that addresses the agency's use and 8511  
disposition of all fine moneys so received and that provides for 8512  
the keeping of detailed financial records of the receipts of 8513  
those fine moneys, the general types of expenditures made out of 8514  
those fine moneys, and the specific amount of each general type 8515  
of expenditure. The policy shall not provide for or permit the 8516  
identification of any specific expenditure that is made in an 8517  
ongoing investigation. All financial records of the receipts of 8518  
those fine moneys, the general types of expenditures made out of 8519  
those fine moneys, and the specific amount of each general type 8520  
of expenditure by an agency are public records open for 8521  
inspection under section 149.43 of the Revised Code. 8522  
Additionally, a written internal control policy adopted under 8523  
this division is such a public record, and the agency that 8524  
adopted it shall comply with it. 8525

(3) As used in division (F) of this section:	8526
(a) "Law enforcement agencies" includes, but is not limited to, the state board of pharmacy and the office of a prosecutor.	8527 8528 8529
(b) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.	8530 8531
(G) (1) If the sentencing court suspends the offender's driver's or commercial driver's license or permit under division (D) of this section or any other provision of this chapter, the court shall suspend the license, by order, for not more than five years. If an offender's driver's or commercial driver's license or permit is suspended pursuant to this division, the offender, at any time after the expiration of two years from the day on which the offender's sentence was imposed or from the day on which the offender finally was released from a prison term under the sentence, whichever is later, may file a motion with the sentencing court requesting termination of the suspension; upon the filing of such a motion and the court's finding of good cause for the termination, the court may terminate the suspension.	8532 8533 8534 8535 8536 8537 8538 8539 8540 8541 8542 8543 8544 8545
(2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not	8546 8547 8548 8549 8550 8551 8552 8553 8554 8555

file such a motion. 8556

Upon the filing of a motion under division (G) (2) of this 8557  
section, the sentencing court, in its discretion, may terminate 8558  
the suspension. 8559

(H) (1) In addition to any prison term authorized or 8560  
required by division (C) of this section and sections 2929.13 8561  
and 2929.14 of the Revised Code, in addition to any other 8562  
penalty or sanction imposed for the offense under this section 8563  
or sections 2929.11 to 2929.18 of the Revised Code, and in 8564  
addition to the forfeiture of property in connection with the 8565  
offense as prescribed in Chapter 2981. of the Revised Code, the 8566  
court that sentences an offender who is convicted of or pleads 8567  
guilty to a violation of division (A) of this section may impose 8568  
upon the offender an additional fine specified for the offense 8569  
in division (B) (4) of section 2929.18 of the Revised Code. A 8570  
fine imposed under division (H) (1) of this section is not 8571  
subject to division (F) of this section and shall be used solely 8572  
for the support of one or more eligible community addiction 8573  
services providers in accordance with divisions (H) (2) and (3) 8574  
of this section. 8575

(2) The court that imposes a fine under division (H) (1) of 8576  
this section shall specify in the judgment that imposes the fine 8577  
one or more eligible community addiction services providers for 8578  
the support of which the fine money is to be used. No community 8579  
addiction services provider shall receive or use money paid or 8580  
collected in satisfaction of a fine imposed under division (H) 8581  
(1) of this section unless the services provider is specified in 8582  
the judgment that imposes the fine. No community addiction 8583  
services provider shall be specified in the judgment unless the 8584  
services provider is an eligible community addiction services 8585

provider and, except as otherwise provided in division (H) (2) of 8586  
this section, unless the services provider is located in the 8587  
county in which the court that imposes the fine is located or in 8588  
a county that is immediately contiguous to the county in which 8589  
that court is located. If no eligible community addiction 8590  
services provider is located in any of those counties, the 8591  
judgment may specify an eligible community addiction services 8592  
provider that is located anywhere within this state. 8593

(3) Notwithstanding any contrary provision of section 8594  
3719.21 of the Revised Code, the clerk of the court shall pay 8595  
any fine imposed under division (H) (1) of this section to the 8596  
eligible community addiction services provider specified 8597  
pursuant to division (H) (2) of this section in the judgment. The 8598  
eligible community addiction services provider that receives the 8599  
fine moneys shall use the moneys only for the alcohol and drug 8600  
addiction services identified in the application for 8601  
certification of services under section 5119.36 of the Revised 8602  
Code or in the application for a license under section 5119.37 8603  
of the Revised Code filed with the department of mental health 8604  
and addiction services by the community addiction services 8605  
provider specified in the judgment. 8606

(4) Each community addiction services provider that 8607  
receives in a calendar year any fine moneys under division (H) 8608  
(3) of this section shall file an annual report covering that 8609  
calendar year with the court of common pleas and the board of 8610  
county commissioners of the county in which the services 8611  
provider is located, with the court of common pleas and the 8612  
board of county commissioners of each county from which the 8613  
services provider received the moneys if that county is 8614  
different from the county in which the services provider is 8615  
located, and with the attorney general. The community addiction 8616

services provider shall file the report no later than the first 8617  
day of March in the calendar year following the calendar year in 8618  
which the services provider received the fine moneys. The report 8619  
shall include statistics on the number of persons served by the 8620  
community addiction services provider, identify the types of 8621  
alcohol and drug addiction services provided to those persons, 8622  
and include a specific accounting of the purposes for which the 8623  
fine moneys received were used. No information contained in the 8624  
report shall identify, or enable a person to determine the 8625  
identity of, any person served by the community addiction 8626  
services provider. Each report received by a court of common 8627  
pleas, a board of county commissioners, or the attorney general 8628  
is a public record open for inspection under section 149.43 of 8629  
the Revised Code. 8630

(5) As used in divisions (H) (1) to (5) of this section: 8631

(a) "Community addiction services provider" and "alcohol 8632  
and drug addiction services" have the same meanings as in 8633  
section 5119.01 of the Revised Code. 8634

(b) "Eligible community addiction services provider" means 8635  
a community addiction services provider, including a community 8636  
addiction services provider that operates an opioid treatment 8637  
program licensed under section 5119.37 of the Revised Code. 8638

(I) As used in this section, "drug" includes any substance 8639  
that is represented to be a drug. 8640

(J) It is an affirmative defense to a charge of 8641  
trafficking in a controlled substance analog under division (C) 8642  
(8) of this section that the person charged with violating that 8643  
offense sold or offered to sell, or prepared for shipment, 8644  
shipped, transported, delivered, prepared for distribution, or 8645

~~distributed an item described in division (HH) (2) (a), (b), or~~ 8646  
~~(c) of one of the following items that are excluded from the~~ 8647  
~~meaning of "controlled substance analog" under section 3719.01~~ 8648  
~~of the Revised Code;~~ 8649

(1) A controlled substance; 8650

(2) Any substance for which there is an approved new drug 8651  
application; 8652

(3) With respect to a particular person, any substance if 8653  
an exemption is in effect for investigational use for that 8654  
person pursuant to federal law to the extent that conduct with 8655  
respect to that substance is pursuant to that exemption. 8656

**Section 4.** That the existing version of section 2925.03 of 8657  
the Revised Code that is scheduled to take effect June 29, 2019, 8658  
is hereby repealed. 8659

**Section 5.** Sections 3 and 4 of this act take effect June 8660  
29, 2019. 8661

**Section 6.** That section 3719.41 of the Revised Code be 8662  
amended to read as follows: 8663

**Sec. 3719.41.** ~~Controlled substance schedules I, II, III,~~ 8664  
~~IV, and V are hereby established, which schedules include the~~ 8665  
~~following, subject to amendment pursuant to section 3719.43 or~~ 8666  
~~3719.44 of the Revised Code.~~ 8667

~~SCHEDULE I~~ 8668

~~(A) Narcotics opiates~~ 8669

~~Any of the following opiates, including their isomers,~~ 8670  
~~esters, ethers, salts, and salts of isomers, esters, and ethers,~~ 8671  
~~unless specifically excepted under federal drug abuse control~~ 8672

<del>laws, whenever the existence of these isomers, esters, ethers,</del>	8673
<del>and salts is possible within the specific chemical designation;</del>	8674
<del>(1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);</del>	8675
	8676
<del>(2) Acetylmethadol;</del>	8677
<del>(3) Allylprodine;</del>	8678
<del>(4) Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);</del>	8679
	8680
	8681
<del>(5) Alphameprodine;</del>	8682
<del>(6) Alphamethadol;</del>	8683
<del>(7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]-propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)piperidine);</del>	8684
	8685
	8686
<del>(8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);</del>	8687
	8688
<del>(9) Benzethidine;</del>	8689
<del>(10) Betacetylmethadol;</del>	8690
<del>(11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);</del>	8691
	8692
<del>(12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);</del>	8693
	8694
	8695
<del>(13) Betameprodine;</del>	8696
<del>(14) Betamethadol;</del>	8697

<del>(15) Betaprodine;</del>	8698
<del>(16) Clonitazene;</del>	8699
<del>(17) Dextromoramide;</del>	8700
<del>(18) Diampromide;</del>	8701
<del>(19) Diethylthiambutene;</del>	8702
<del>(20) Difenoquin;</del>	8703
<del>(21) Dimenoxadol;</del>	8704
<del>(22) Dimopheptanol;</del>	8705
<del>(23) Dimethylthiambutene;</del>	8706
<del>(24) Dioxaphetyl butyrate;</del>	8707
<del>(25) Dipipanone;</del>	8708
<del>(26) Ethylmethylthiambutene;</del>	8709
<del>(27) Etonitazene;</del>	8710
<del>(28) Etoxadoline;</del>	8711
<del>(29) Furethidine;</del>	8712
<del>(30) Hydroxypethidine;</del>	8713
<del>(31) Ketobemidone;</del>	8714
<del>(32) Levomoramide;</del>	8715
<del>(33) Levophenacetylmorphan;</del>	8716
<del>(34) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);</del>	8717
<del>(35) 3-methylthiofentanyl (N-[3-methyl-1-(2-(thienyl)ethyl)-4-piperidinyl]-N-phenylpropanamide);</del>	8718
	8719
	8720

<del>(36) Morpheridine;</del>	8721
<del>(37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);</del>	8722
<del>(38) Noracymethadol;</del>	8723
<del>(39) Norlevorphanol;</del>	8724
<del>(40) Normethadone;</del>	8725
<del>(41) Norpipanone;</del>	8726
<del>(42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide);</del>	8727 8728
<del>(43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);</del>	8729
<del>(44) Phenadoxone;</del>	8730
<del>(45) Phenampromide;</del>	8731
<del>(46) Phenomorphan;</del>	8732
<del>(47) Phenoperidine;</del>	8733
<del>(48) Piritramide;</del>	8734
<del>(49) Proheptazine;</del>	8735
<del>(50) Properidine;</del>	8736
<del>(51) Propiram;</del>	8737
<del>(52) Racemoramide;</del>	8738
<del>(53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]propanamide);</del>	8739 8740
<del>(54) Tilidine;</del>	8741
<del>(55) Trimeperidine.</del>	8742
<del>(56) Except as otherwise provided in this section, any-</del>	8743

~~compound that meets all of the following fentanyl pharmacophore- 8744  
requirements to bind at the mu receptor, as identified by a 8745  
report from an established forensic laboratory. 8746~~

~~(a) A chemical scaffold consisting of both of the 8747  
following: 8748~~

~~(i) A five, six, or seven member ring structure containing 8749  
a nitrogen, whether or not further substituted; 8750~~

~~(ii) An attached nitrogen to the ring, whether or not that 8751  
nitrogen is enclosed in a ring structure, including an attached 8752  
aromatic ring or other lipophilic group to that nitrogen; 8753~~

~~(b) A polar functional group attached to the chemical 8754  
scaffold, including but not limited to, a hydroxyl, ketone, 8755  
amide, or ester; 8756~~

~~(c) An alkyl or aryl substitution off the ring nitrogen of 8757  
the chemical scaffold; and 8758~~

~~(d) The compound has not been approved for medical use by 8759  
the United States food and drug administration. 8760~~

~~(B) Narcotics opium derivatives 8761~~

~~Any of the following opium derivatives, including their 8762  
salts, isomers, and salts of isomers, unless specifically 8763  
excepted under federal drug abuse control laws, whenever the 8764  
existence of these salts, isomers, and salts of isomers is 8765  
possible within the specific chemical designation: 8766~~

~~(1) Acetorphine; 8767~~

~~(2) Acetyldihydrocodeine; 8768~~

~~(3) Benzylmorphine; 8769~~

~~(4) Codeine methylbromide; 8770~~

<del>(5) Codeine n-oxide;</del>	8771
<del>(6) Cyprenorphine;</del>	8772
<del>(7) Desomorphine;</del>	8773
<del>(8) Dihydromorphine;</del>	8774
<del>(9) Drotebanol;</del>	8775
<del>(10) Etorphine (except hydrochloride salt);</del>	8776
<del>(11) Heroin;</del>	8777
<del>(12) Hydromorphenol;</del>	8778
<del>(13) Methyldesorphine;</del>	8779
<del>(14) Methyldihydromorphine;</del>	8780
<del>(15) Morphine methylbromide;</del>	8781
<del>(16) Morphine methylsulfonate;</del>	8782
<del>(17) Morphine n-oxide;</del>	8783
<del>(18) Myrophine;</del>	8784
<del>(19) Nicocodeine;</del>	8785
<del>(20) Nicomorphine;</del>	8786
<del>(21) Normorphine;</del>	8787
<del>(22) Pholcodine;</del>	8788
<del>(23) Thebacon.</del>	8789
<del>(C) Hallucinogens</del>	8790
<del>Any material, compound, mixture, or preparation that</del>	8791
<del>contains any quantity of the following hallucinogenic</del>	8792
<del>substances, including their salts, isomers, and salts of</del>	8793

~~isomers, unless specifically excepted under federal drug abuse control laws, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation. For the purposes of this division only, "isomer" includes the optical isomers, position isomers, and geometric isomers.~~

~~(1) Alpha ethyltryptamine (some trade or other names: etryptamine; Monase; alpha ethyl 1H indole 3 ethanamine; 3-(2-aminobutyl) indole; alpha ET; and AET);~~

~~(2) 4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA);~~

~~(3) 4-bromo-2,5-dimethoxyphenethylamine (some trade or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB; 2C-B, Nexus);~~

~~(4) 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);~~

~~(5) 2,5-dimethoxy-4-ethylamphetamine (some trade or other names: DOET);~~

~~(6) 4-methoxyamphetamine (some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA);~~

~~(7) 5-methoxy-3,4-methylenedioxy-amphetamine;~~

~~(8) 4-methyl-2,5-dimethoxy-amphetamine (some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM" and "STP");~~

~~(9) 3,4-methylenedioxy-amphetamine (MDA);~~

<del>(10) 3,4-methylenedioxyamphetamine (MDMA);</del>	8821
<del>(11) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4-(methylenedioxy)phenethylamine, N-ethyl-MDA, MDE, MDEA);</del>	8822 8823 8824
<del>(12) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4-(methylenedioxy)phenethylamine and N-hydroxy MDA);</del>	8825 8826 8827
<del>(13) 3,4,5-trimethoxyamphetamine;</del>	8828
<del>(14) Bufotenine (some trade or other names: 3-(beta-dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N,N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine);</del>	8829 8830 8831 8832
<del>(15) Diethyltryptamine (some trade or other names: N,N-diethyltryptamine; DET);</del>	8833 8834
<del>(16) Dimethyltryptamine (some trade or other names: DMT);</del>	8835
<del>(17) Ibogaine (some trade or other names: 7-ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido[1',2':1,2]-azepino[5,4-b]indole; tabernanthe iboga);</del>	8836 8837 8838
<del>(18) Lysergic acid diethylamide;</del>	8839
<del>(19) Marihuana;</del>	8840
<del>(20) Mescaline;</del>	8841
<del>(21) Parahexyl (some trade or other names: 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; synhexyl);</del>	8842 8843 8844
<del>(22) Peyote (meaning all parts of the plant presently classified botanically as "Lophophora williamsii Lemaire," whether growing or not, the seeds of that plant, any extract</del>	8845 8846 8847

<del>from any part of that plant, and every compound, manufacture,</del>	8848
<del>salts, derivative, mixture, or preparation of that plant, its</del>	8849
<del>seeds, or its extracts);</del>	8850
<del>(23) N-ethyl-3-piperidyl benzilate;</del>	8851
<del>(24) N-methyl-3-piperidyl benzilate;</del>	8852
<del>(25) Psilocybin;</del>	8853
<del>(26) Psilocyn;</del>	8854
<del>(27) Tetrahydrocannabinols (synthetic equivalents of the</del>	8855
<del>substances contained in the plant, or in the resinous</del>	8856
<del>extractives of Cannabis, sp. and/or synthetic substances,</del>	8857
<del>derivatives, and their isomers with similar chemical structure</del>	8858
<del>and pharmacological activity such as the following: delta-1-cis</del>	8859
<del>or trans tetrahydrocannabinol, and their optical isomers; delta-</del>	8860
<del>6-cis or trans tetrahydrocannabinol, and their optical isomers;</del>	8861
<del>delta-3,4-cis or trans tetrahydrocannabinol, and its optical</del>	8862
<del>isomers. (Since nomenclature of these substances is not</del>	8863
<del>internationally standardized, compounds of these structures,</del>	8864
<del>regardless of numerical designation of atomic positions, are</del>	8865
<del>covered.);</del>	8866
<del>(28) Ethylamine analog of phencyclidine (some trade or</del>	8867
<del>other names: N-ethyl-1-phenylecyclohexylamine; (1-</del>	8868
<del>phenylecyclohexyl)ethylamine; N-(1-phenylecyclohexyl)ethylamine;</del>	8869
<del>cyclohexamine; PCE);</del>	8870
<del>(29) Pyrrolidine analog of phencyclidine (some trade or</del>	8871
<del>other names: 1-(1-phenylecyclohexyl)pyrrolidine; PCPy; PHP);</del>	8872
<del>(30) Thiophene analog of phencyclidine (some trade or</del>	8873
<del>other names: 1-[1-(2-thienyl)cyclohexyl]piperidine; 2-thienyl-</del>	8874
<del>analog of phencyclidine; TPCP; TCP);</del>	8875

<del>(31) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;</del>	8876
<del>(32) Hashish;</del>	8877
<del>(33) Salvia divinorum;</del>	8878
<del>(34) Salvinorin A;</del>	8879
<del>(35) (1-pentylindol-3-yl)-(2,2,3,3-</del> <del>tetramethylcyclopropyl)methanone (UR-144);</del>	8880 8881
<del>(36) 1-pentyl-3-(1-adamantoyl)indole (AB-001);</del>	8882
<del>(37) N-adamantyl-1-pentylindole-3-carboxamide;</del>	8883
<del>(38) N-adamantyl-1-pentylindazole-3-carboxamide (AKB48);</del>	8884
<del>(39) 2-ethylamino-2-(3-methoxyphenyl)cyclohexanone-</del> <del>(methoxetamine);</del>	8885 8886
<del>(40) N,N-diallyl-5-methoxytryptamine (5MeO-DALT);</del>	8887
<del>(41) [1-(5-fluoropentylindol-3-yl)]-(2,2,3,3-</del> <del>tetramethylcyclopropyl)methanone (5-fluoropentyl-UR-144; XLR11);</del>	8888 8889
<del>(42) [1-(5-chloropentylindol-3-yl)]-(2,2,3,3-</del> <del>tetramethylcyclopropyl)methanone (5-chloropentyl-UR-144);</del>	8890 8891
<del>(43) [1-(5-bromopentylindol-3-yl)]-(2,2,3,3-</del> <del>tetramethylcyclopropyl)methanone (5-bromopentyl-UR-144);</del>	8892 8893
<del>(44) [1-[2-(4-morpholinyl)ethyl]indol-3-yl]-(2,2,3,3-</del> <del>tetramethylcyclopropyl)methanone (A-796,260);</del>	8894 8895
<del>(45) 1-[(N-methylpiperidin-2-yl)methyl]-3-(1-</del> <del>adamantoyl)indole (AM1248);</del>	8896 8897
<del>(46) N-adamantyl-1-(5-fluoropentylindole)-3-carboxamide;</del>	8898
<del>(47) 5-(2-aminopropyl)benzofuran (5-APB);</del>	8899

<del>(48) 6-(2-aminopropyl)benzofuran (6-APB);</del>	8900
<del>(49) 5-(2-aminopropyl)-2,3-dihydrobenzofuran (5-APDB);</del>	8901
<del>(50) 6-(2-aminopropyl)-2,3-dihydrobenzofuran (6-APDB);</del>	8902
<del>(51) Benzothiophenylecyclohexylpiperidine (BTCP);</del>	8903
<del>(52) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);</del>	8904
<del>(53) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);</del>	8905
<del>(54) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);</del>	8906
<del>(55) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);</del>	8907
<del>(56) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);</del>	8908 8909
<del>(57) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);</del>	8910 8911
<del>(58) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);</del>	8912
<del>(59) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);</del>	8913
<del>(60) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);</del>	8914 8915
<del>(61) 4-methoxymethamphetamine (PMMA);</del>	8916
<del>(62) 5,6-Methylenedioxy-2-aminoindane (MDAI);</del>	8917
<del>(63) 5-iodo-2-aminoindane (5-IAI);</del>	8918
<del>(64) 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (25I-NBOMe);</del>	8919 8920
<del>(65) Diphenylprolinol (diphenyl(pyrrolidin-2-yl)methanol, D2PM);</del>	8921 8922
<del>(66) Desoxypipradrol (2-benzhydrylpiperidine);</del>	8923

~~(67) Synthetic cannabinoids—unless specifically excepted— 8924  
or unless listed in another schedule, any material, compound, 8925  
mixture, or preparation that contains any quantity of a 8926  
synthetic cannabinoid found to be in any of the following— 8927  
chemical groups or any of those groups which contain any 8928  
synthetic cannabinoid salts, isomers, or salts of isomers, 8929  
whenever the existence of such salts, isomers, or salts of 8930  
isomers is possible within the specific chemical groups: 8931~~

~~(a) Naphthoylindoles: any compound containing a 3-(1- 8932  
naphthoyl)indole structure with or without substitution at the 8933  
nitrogen atom of the indole ring by an alkyl, haloalkyl, 8934  
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 8935  
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 8936  
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 8937  
or 2-(4-morpholinyl)ethyl group, whether or not further 8938  
substituted on the indole ring to any extent or whether or not 8939  
substituted on the naphthyl group to any extent. 8940  
Naphthoylindoles include, but are not limited to, 1-[2-(4- 8941  
morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); 1-(5- 8942  
fluoropentyl)-3-(1-naphthoyl)indole (AM2201), 1-pentyl-3-(1- 8943  
naphthoyl)indole (JWH-018), and 1-butyl-3-(1-naphthoyl)indole 8944  
(JWH-073). 8945~~

~~(b) Naphthylmethylindoles: any compound containing a 1H- 8946  
indol-3-yl-(1-naphthyl)methane structure with or without 8947  
substitution at the nitrogen atom of the indole ring by an 8948  
alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 8949  
(N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin- 8950  
2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3- 8951  
morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or 8952  
not further substituted on the indole ring to any extent or 8953  
whether or not substituted on the naphthyl group to any extent. 8954~~

~~Naphthylmethylindoles include, but are not limited to, (1-  
8955  
penty lindol-3-yl) (1-naphthyl)methane (JWH-175).  
8956~~

~~(c) Naphthoylpyrroles: any compound containing a 3-(1-  
8957  
naphthoyl)pyrrole structure with or without substitution at the  
8958  
nitrogen atom of the pyrrole ring by an alkyl, haloalkyl,  
8959  
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-  
8960  
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl,  
8961  
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl,  
8962  
or 2-(4-morpholinyl)ethyl group, whether or not further  
8963  
substituted on the pyrrole ring to any extent or whether or not  
8964  
substituted on the naphthyl group to any extent.  
8965  
Naphthoylpyrroles include, but are not limited to, 1-hexyl-2-  
8966  
phenyl-4-(1-naphthoyl)pyrrole (JWH-147).  
8967~~

~~(d) Naphthylmethylindenes: any compound containing a  
8968  
naphthylmethylideneindene structure with or without substitution  
8969  
at the 3 position of the indene ring by an alkyl, haloalkyl,  
8970  
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-  
8971  
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl,  
8972  
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl,  
8973  
or 2-(4-morpholinyl)ethyl group, whether or not further  
8974  
substituted on the indene group to any extent or whether or not  
8975  
substituted on the naphthyl group to any extent.  
8976  
Naphthylmethylindenes include, but are not limited to, (1-[(3-  
8977  
pentyl)-1H-inden-1-ylidene)methyl]naphthalene (JWH-176).  
8978~~

~~(e) Phenylacetylindoles: any compound containing a 3-  
8979  
phenylacetylindole structure with or without substitution at the  
8980  
nitrogen atom of the indole ring by an alkyl, haloalkyl,  
8981  
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-  
8982  
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl,  
8983  
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl,  
8984~~

~~or 2-(4-morpholinyl)ethyl group, whether or not further  
substituted on the indole ring to any extent or whether or not  
substituted on the phenyl group to any extent.~~

~~Phenylacetylindoles include, but are not limited to, 1-pentyl-3-  
(2-methoxyphenylacetyl)indole (JWH-250), and 1-(2-  
cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8); 1-  
pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).~~

~~(f) Cyclohexylphenols: any compound containing a 2-(3-  
hydroxycyclohexyl)phenol structure with or without substitution  
at the 5-position of the phenolic ring by an alkyl, haloalkyl,  
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-  
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl,  
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl,  
or 2-(4-morpholinyl)ethyl group, whether or not further  
substituted on the cyclohexyl group to any extent.~~

~~Cyclohexylphenols include, but are not limited to, 5-(1,1-  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]phenol (some  
trade or other names: CP-47,497) and 5-(1,1-dimethyloctyl)-2-  
[(1R,3S)-3-hydroxycyclohexyl]phenol (some trade or other names:  
cannabicyclohexanol; CP-47,497 C8 homologue).~~

~~(g) Benzoylindoles: any compound containing a 3-(1-  
benzoyl)indole structure with or without substitution at the  
nitrogen atom of the indole ring by an alkyl, haloalkyl,  
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-  
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl,  
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl  
or 2-(4-morpholinyl)ethyl group, whether or not further  
substituted on the indole ring to any extent or whether or not  
substituted on the phenyl group to any extent. Benzoylindoles  
include, but are not limited to, 1-pentyl-3-(4-  
methoxybenzoyl)indole (RCS-4), 1-[2-(4-morpholinyl)ethyl]-2-~~

<del>methyl 3-(4-methoxybenzoyl)indole (Pravadoline or WIN 48,098).</del>	9016
<del>(D) Depressants</del>	9017
<del>Any material, compound, mixture, or preparation that</del>	9018
<del>contains any quantity of the following substances having a</del>	9019
<del>depressant effect on the central nervous system, including their</del>	9020
<del>salts, isomers, and salts of isomers, unless specifically</del>	9021
<del>excepted under federal drug abuse control laws, whenever the</del>	9022
<del>existence of these salts, isomers, and salts of isomers is</del>	9023
<del>possible within the specific chemical designation:</del>	9024
<del>(1) Mecloqualone;</del>	9025
<del>(2) Methaqualone.</del>	9026
<del>(E) Stimulants</del>	9027
<del>Unless specifically excepted or unless listed in another</del>	9028
<del>schedule, any material, compound, mixture, or preparation that</del>	9029
<del>contains any quantity of the following substances having a</del>	9030
<del>stimulant effect on the central nervous system, including their</del>	9031
<del>salts, isomers, and salts of isomers:</del>	9032
<del>(1) Aminorex (some other names: aminoxaphen; 2-amino-5-</del>	9033
<del>phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine);</del>	9034
<del>(2) Fenethylline;</del>	9035
<del>(3) (+/-)-cis-4-methylaminorex ((+/-)-cis-4,5-dihydro-4-</del>	9036
<del>methyl-5-phenyl-2-oxazolamine);</del>	9037
<del>(4) N-ethylamphetamine;</del>	9038
<del>(5) N,N-dimethylamphetamine (also known as N,N-alpha-</del>	9039
<del>trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine);</del>	9040
<del>(6) N-methyl-1-(thiophen-2-yl)propan-2-amine</del>	9041
<del>(Methiopropamine);</del>	9042

~~(7) Substituted cathinones—any compound except bupropion— 9043  
or compounds listed under a different schedule, structurally 9044  
derived from 2-aminopropan-1-one by substitution at the 1- 9045  
position with either phenyl, naphthyl, or thiophene ring- 9046  
systems, whether or not the compound is further modified in any- 9047  
of the following ways: 9048~~

~~(a) By substitution in the ring system to any extent with- 9049  
alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide- 9050  
substituents, whether or not further substituted in the ring- 9051  
system by one or more other univalent substituents; 9052~~

~~(b) By substitution at the 3-position with an acyclic- 9053  
alkyl substituent; 9054~~

~~(c) By substitution at the 2-amino nitrogen atom with- 9055  
alkyl, dialkyl, benzyl, or methoxybenzyl groups; 9056~~

~~(d) By inclusion of the 2-amino nitrogen atom in a cyclic- 9057  
structure. 9058~~

~~Examples of substituted cathinones include, but are not 9059  
limited to, methydone (3,4-methylenedioxy-methcathinone), MDPV- 9060  
(3,4-methylenedioxy-pyrovalerone), mephedrone (4- 9061  
methylmethcathinone), 4-methoxymethcathinone, 4- 9062  
fluoromethcathinone, 3-fluoromethcathinone, Pentedrone (2- 9063  
(methylamino)-1-phenyl-1-pentanone), pentylone (1-(1,3- 9064  
benzodioxol-5-yl)-2-(methylamino)-1-pentanone), 2-(1- 9065  
pyrrolidinyl)-1-(4-methylphenyl)-1-propanone, alpha-PVP (1- 9066  
phenyl-2-(1-pyrrolidinyl)-1-pentanone), cathinone (2-amino-1- 9067  
phenyl-1-propanone), and methcathinone (2-(methylamino)- 9068  
propiofenone). 9069~~

~~SCHEDULE II— 9070~~

~~(A) Narcotics—opium and opium derivatives 9071~~

~~Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:~~ 9072  
9073  
9074  
9075  
9076  
9077

~~(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, thebaine derived butorphanol, dextrorphan, nalbuphine, nalmeffene, naloxone, and naltrexone, and their respective salts, but including the following:~~ 9078  
9079  
9080  
9081  
9082

- ~~(a) Raw opium;~~ 9083
- ~~(b) Opium extracts;~~ 9084
- ~~(c) Opium fluid extracts;~~ 9085
- ~~(d) Powdered opium;~~ 9086
- ~~(e) Granulated opium;~~ 9087
- ~~(f) Tincture of opium;~~ 9088
- ~~(g) Codeine;~~ 9089
- ~~(h) Ethylmorphine;~~ 9090
- ~~(i) Etorphine hydrochloride;~~ 9091
- ~~(j) Hydrocodone;~~ 9092
- ~~(k) Hydromorphone;~~ 9093
- ~~(l) Metopon;~~ 9094
- ~~(m) Morphine;~~ 9095
- ~~(n) Oxycodone;~~ 9096

<del>(o) Oxymorphone;</del>	9097
<del>(p) Thebaine.</del>	9098
<del>(2) Any salt, compound, derivative, or preparation thereof that is chemically equivalent to or identical with any of the substances referred to in division (A) (1) of this schedule, except that these substances shall not include the isoquinoline alkaloids of opium;</del>	9099 9100 9101 9102 9103
<del>(3) Opium poppy and poppy straw;</del>	9104
<del>(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves (including cocaine and ecgonine, their salts, isomers, and derivatives, and salts of those isomers and derivatives), and any salt, compound, derivative, or preparation thereof that is chemically equivalent to or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine;</del>	9105 9106 9107 9108 9109 9110 9111 9112 9113
<del>(5) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid, or powder form that contains the phenanthrene alkaloids of the opium poppy).</del>	9114 9115 9116
<del>(B) Narcotics opiates</del>	9117
<del>Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation, but excluding dextrorphan and levopropoxyphene:</del>	9118 9119 9120 9121 9122 9123 9124

<del>(1) Alfentanil;</del>	9125
<del>(2) Alphaprodine;</del>	9126
<del>(3) Anileridine;</del>	9127
<del>(4) Bezitramide;</del>	9128
<del>(5) Bulk dextropropoxyphene (non-dosage forms);</del>	9129
<del>(6) Carfentanil;</del>	9130
<del>(7) Dihydrocodeine;</del>	9131
<del>(8) Diphenoxylate;</del>	9132
<del>(9) Fentanyl;</del>	9133
<del>(10) Isomethadone;</del>	9134
<del>(11) Levo-alphaacetylmethadol (some other names: levo-alpha acetylmethadol; levomethadyl acetate; LAAM);</del>	9135 9136
<del>(12) Levomethorphan;</del>	9137
<del>(13) Levorphanol;</del>	9138
<del>(14) Metazocine;</del>	9139
<del>(15) Methadone;</del>	9140
<del>(16) Methadone intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane;</del>	9141 9142
<del>(17) Moramide intermediate, 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid;</del>	9143 9144
<del>(18) Pethidine (meperidine);</del>	9145
<del>(19) Pethidine intermediate A, 4-cyano-1-methyl-4-phenylpiperidine;</del>	9146 9147
<del>(20) Pethidine intermediate B, ethyl-4-phenylpiperidine-4-</del>	9148

<del>carboxylate;</del>	9149
<del>(21) Pethidine intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;</del>	9150
<del>(22) Phenazocine;</del>	9151
<del>(23) Piminodine;</del>	9152
<del>(24) Racemethorphan;</del>	9153
<del>(25) Racemorphan;</del>	9154
<del>(26) Remifentanil;</del>	9155
<del>(27) Sufentanil.</del>	9156
<del>(C) Stimulants</del>	9157
<del>Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system:</del>	9158
<del>(1) Amphetamine, its salts, its optical isomers, and salts of its optical isomers;</del>	9159
<del>(2) Methamphetamine, its salts, its isomers, and salts of its isomers;</del>	9160
<del>(3) Methylphenidate;</del>	9161
<del>(4) Phenmetrazine and its salts;</del>	9162
<del>(5) Lisdexamfetamine, its salts, isomers, and salts of its isomers.</del>	9163
<del>(D) Depressants</del>	9164
<del>Unless specifically excepted under federal drug abuse</del>	9165
	9166
	9167
	9168
	9169
	9170
	9171
	9172
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<del>control laws or unless listed in another schedule, any material,</del>	9174
<del>compound, mixture, or preparation that contains any quantity of</del>	9175
<del>the following substances having a depressant effect on the</del>	9176
<del>central nervous system, including their salts, isomers, and</del>	9177
<del>salts of isomers, whenever the existence of these salts,</del>	9178
<del>isomers, and salts of isomers is possible within the specific</del>	9179
<del>chemical designation:</del>	9180
<del>(1) Amobarbital;</del>	9181
<del>(2) Gamma hydroxy butyrate;</del>	9182
<del>(3) Glutethimide;</del>	9183
<del>(4) Pentobarbital;</del>	9184
<del>(5) Phencyclidine (some trade or other names: 1-(1-</del>	9185
<del>phenylecyclohexyl)piperidine; PCP);</del>	9186
<del>(6) Secobarbital;</del>	9187
<del>(7) 1-aminophenylecyclohexane and all N-mono-substituted</del>	9188
<del>and/or all N-N-disubstituted analogs including, but not limited</del>	9189
<del>to, the following:</del>	9190
<del>(a) 1-phenylecyclohexylamine;</del>	9191
<del>(b) (1-phenylecyclohexyl)-methylamine;</del>	9192
<del>(c) (1-phenylecyclohexyl)-dimethylamine;</del>	9193
<del>(d) (1-phenylecyclohexyl)-methylethylamine;</del>	9194
<del>(e) (1-phenylecyclohexyl)-isopropylamine;</del>	9195
<del>(f) 1-(1-phenylecyclohexyl)-morpholine.</del>	9196
<del>(E) Hallucinogenic substances</del>	9197
<del>(1) Nabilone (another name for nabilone: (+)-trans-3-(1,1-</del>	9198

<del>dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-</del>	9199
<del>dimethyl-9H-dibenzo[b,d]pyran-9-one).</del>	9200
<del>(F) Immediate precursors</del>	9201
<del>Unless specifically excepted under federal drug abuse-</del>	9202
<del>control laws or unless listed in another schedule, any material,</del>	9203
<del>compound, mixture, or preparation that contains any quantity of-</del>	9204
<del>the following substances:</del>	9205
<del>(1) Immediate precursor to amphetamine and-</del>	9206
<del>methamphetamine:</del>	9207
<del>(a) Phenylacetone (some trade or other names: phenyl 2-</del>	9208
<del>propanone; P2P; benzyl methyl ketone; methyl benzyl ketone);</del>	9209
<del>(2) Immediate precursors to phenacyclidine (PCP):</del>	9210
<del>(a) 1-phenylecyclohexylamine;</del>	9211
<del>(b) 1-piperidinocyclohexanecarbonitrile (PCC).</del>	9212
<del>SCHEDULE III-</del>	9213
<del>(A) Stimulants</del>	9214
<del>Unless specifically excepted under federal drug abuse-</del>	9215
<del>control laws or unless listed in another schedule, any material,</del>	9216
<del>compound, mixture, or preparation that contains any quantity of-</del>	9217
<del>the following substances having a stimulant effect on the-</del>	9218
<del>central nervous system, including their salts, their optical-</del>	9219
<del>isomers, position isomers, or geometric isomers, and salts of-</del>	9220
<del>these isomers, whenever the existence of these salts, isomers,</del>	9221
<del>and salts of isomers is possible within the specific chemical-</del>	9222
<del>designation:</del>	9223
<del>(1) All stimulant compounds, mixtures, and preparations-</del>	9224
<del>included in schedule III pursuant to the federal drug abuse-</del>	9225

<del>control laws and regulations adopted under those laws;</del>	9226
<del>(2) Benzphetamine;</del>	9227
<del>(3) Chlorphentermine;</del>	9228
<del>(4) Clortermine;</del>	9229
<del>(5) Phendimetrazine.</del>	9230
<del>(B) Depressants</del>	9231
<del>Unless specifically excepted under federal drug abuse</del>	9232
<del>control laws or unless listed in another schedule, any material,</del>	9233
<del>compound, mixture, or preparation that contains any quantity of</del>	9234
<del>the following substances having a depressant effect on the</del>	9235
<del>central nervous system:</del>	9236
<del>(1) Any compound, mixture, or preparation containing</del>	9237
<del>amobarbital, secobarbital, pentobarbital, or any salt of any of</del>	9238
<del>these drugs, and one or more other active medicinal ingredients</del>	9239
<del>that are not listed in any schedule;</del>	9240
<del>(2) Any suppository dosage form containing amobarbital,</del>	9241
<del>secobarbital, pentobarbital, or any salt of any of these drugs</del>	9242
<del>and approved by the food and drug administration for marketing</del>	9243
<del>only as a suppository;</del>	9244
<del>(3) Any substance that contains any quantity of a</del>	9245
<del>derivative of barbituric acid or any salt of a derivative of</del>	9246
<del>barbituric acid;</del>	9247
<del>(4) Chlorhexadol;</del>	9248
<del>(5) Ketamine, its salts, isomers, and salts of isomers</del>	9249
<del>(some other names for ketamine: (+/-)-2-(2-chlorophenyl)-2-</del>	9250
<del>(methylamino) cyclohexanone);</del>	9251
<del>(6) Lysergic acid;</del>	9252

<del>(7) Lysergic acid amide;</del>	9253
<del>(8) Methyprylon;</del>	9254
<del>(9) Sulfondiethylmethane;</del>	9255
<del>(10) Sulfonethylmethane;</del>	9256
<del>(11) Sulfonmethane;</del>	9257
<del>(12) Tiletamine, zolazepam, or any salt of tiletamine or zolazepam (some trade or other names for a tiletamine zolazepam combination product: Telazol); (some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone); (some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo [3,4-e][1,4]-diazepin-7(1H)-one; flupyrazapon).</del>	9258
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	9264
<del>(C) Narcotic antidotes</del>	9265
<del>(1) Nalorphine.</del>	9266
<del>(D) Narcotics narcotic preparations</del>	9267
<del>Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:</del>	9268
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<del>(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;</del>	9274
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<del>(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic</del>	9277
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<del>amounts;</del>	9280
<del>(3) Not more than 300 milligrams of dihydrocodeinone per</del>	9281
<del>100 milliliters or not more than 15 milligrams per dosage unit,</del>	9282
<del>with a fourfold or greater quantity of an isoquinoline alkaloid</del>	9283
<del>of opium;</del>	9284
<del>(4) Not more than 300 milligrams of dihydrocodeinone per</del>	9285
<del>100 milliliters or not more than 15 milligrams per dosage unit,</del>	9286
<del>with one or more active, nonnarcotic ingredients in recognized</del>	9287
<del>therapeutic amounts;</del>	9288
<del>(5) Not more than 1.8 grams of dihydrocodeine per 100</del>	9289
<del>milliliters or not more than 90 milligrams per dosage unit, with</del>	9290
<del>one or more active, nonnarcotic ingredients in recognized</del>	9291
<del>therapeutic amounts;</del>	9292
<del>(6) Not more than 300 milligrams of ethylmorphine per 100</del>	9293
<del>milliliters or not more than 15 milligrams per dosage unit, with</del>	9294
<del>one or more active, nonnarcotic ingredients in recognized</del>	9295
<del>therapeutic amounts;</del>	9296
<del>(7) Not more than 500 milligrams of opium per 100</del>	9297
<del>milliliters or per 100 grams or not more than 25 milligrams per</del>	9298
<del>dosage unit, with one or more active, nonnarcotic ingredients in</del>	9299
<del>recognized therapeutic amounts;</del>	9300
<del>(8) Not more than 50 milligrams of morphine per 100</del>	9301
<del>milliliters or per 100 grams, with one or more active,</del>	9302
<del>nonnarcotic ingredients in recognized therapeutic amounts.</del>	9303
<del>(E) Anabolic steroids</del>	9304
<del>Unless specifically excepted under federal drug abuse</del>	9305
<del>control laws or unless listed in another schedule, any material,</del>	9306
<del>compound, mixture, or preparation that contains any quantity of</del>	9307

~~the following substances, including their salts, esters, isomers, and salts of esters and isomers, whenever the existence of these salts, esters, and isomers is possible within the specific chemical designation:~~ 9308  
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~~(1) Anabolic steroids. Except as otherwise provided in division (E) (1) of schedule III, "anabolic steroids" means any drug or hormonal substance that is chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) and that promotes muscle growth. "Anabolic steroids" does not include an anabolic steroid that is expressly intended for administration through implants to cattle or other nonhuman species and that has been approved by the United States secretary of health and human services for that administration, unless a person prescribes, dispenses, or distributes this type of anabolic steroid for human use. "Anabolic steroid" includes, but is not limited to, the following:~~ 9312  
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- ~~(a) Boldenone;~~ 9325
- ~~(b) Chlorotestosterone (4-chlorotestosterone);~~ 9326
- ~~(c) Clostebol;~~ 9327
- ~~(d) Dehydrochlormethyltestosterone;~~ 9328
- ~~(e) Dihydrotestosterone (4-dihydrotestosterone);~~ 9329
- ~~(f) Drostanolone;~~ 9330
- ~~(g) Ethylestrenol;~~ 9331
- ~~(h) Fluoxymesterone;~~ 9332
- ~~(i) Formebolone (formebolone);~~ 9333
- ~~(j) Mesterolone;~~ 9334

<del>(k) Methandienone;</del>	9335
<del>(l) Methandranone;</del>	9336
<del>(m) Methandriol;</del>	9337
<del>(n) Methandrostenolone;</del>	9338
<del>(o) Methenolone;</del>	9339
<del>(p) Methyltestosterone;</del>	9340
<del>(q) Mibolerone;</del>	9341
<del>(r) Nandrolone;</del>	9342
<del>(s) Norethandrolone;</del>	9343
<del>(t) Oxandrolone;</del>	9344
<del>(u) Oxymesterone;</del>	9345
<del>(v) Oxymetholone;</del>	9346
<del>(w) Stanolone;</del>	9347
<del>(x) Stanozolol;</del>	9348
<del>(y) Testolactone;</del>	9349
<del>(z) Testosterone;</del>	9350
<del>(aa) Trenbolone;</del>	9351
<del>(bb) Any salt, ester, isomer, or salt of an ester or</del>	9352
<del>isomer of a drug or hormonal substance described or listed in</del>	9353
<del>division (E) (1) of schedule III if the salt, ester, or isomer</del>	9354
<del>promotes muscle growth.</del>	9355
<del>(F) Hallucinogenic substances</del>	9356
<del>(1) Dronabinol (synthetic) in sesame oil and encapsulated</del>	9357
<del>in a soft gelatin capsule in a United States food and drug</del>	9358

~~administration approved drug product (some other names for~~ 9359  
~~dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-~~ 9360  
~~3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-)-delta-9-(trans)-~~ 9361  
~~tetrahydrocannabinol).~~ 9362

~~SCHEDULE IV~~ 9363

~~(A) Narcotic drugs~~ 9364

~~Unless specifically excepted by federal drug abuse control~~ 9365  
~~laws or unless listed in another schedule, any material,~~ 9366  
~~compound, mixture, or preparation that contains any of the~~ 9367  
~~following narcotic drugs, or their salts calculated as the free-~~ 9368  
~~anhydrous base or alkaloid, in limited quantities as set forth~~ 9369  
~~below:~~ 9370

~~(1) Not more than one milligram of difenoxin and not less~~ 9371  
~~than 25 micrograms of atropine sulfate per dosage unit;~~ 9372

~~(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-~~ 9373  
~~diphenyl-3-methyl-2-propionoxybutane) [final dosage forms].~~ 9374

~~(B) Depressants~~ 9375

~~Unless specifically excepted under federal drug abuse~~ 9376  
~~control laws or unless listed in another schedule, any material,~~ 9377  
~~compound, mixture, or preparation that contains any quantity of~~ 9378  
~~the following substances, including their salts, isomers, and~~ 9379  
~~salts of isomers, whenever the existence of these salts,~~ 9380  
~~isomers, and salts of isomers is possible within the specific~~ 9381  
~~chemical designation:~~ 9382

~~(1) Alprazolam;~~ 9383

~~(2) Barbital;~~ 9384

~~(3) Bromazepam;~~ 9385

<del>(4) Camazepam,</del>	9386
<del>(5) Chloral betaine,</del>	9387
<del>(6) Chloral hydrate,</del>	9388
<del>(7) Chlordiazepoxide,</del>	9389
<del>(8) Clobazam,</del>	9390
<del>(9) Clonazepam,</del>	9391
<del>(10) Clorazepate,</del>	9392
<del>(11) Clotiazepam,</del>	9393
<del>(12) Cloxazolam,</del>	9394
<del>(13) Delorazepam,</del>	9395
<del>(14) Diazepam,</del>	9396
<del>(15) Estazolam,</del>	9397
<del>(16) Ethchlorvynol,</del>	9398
<del>(17) Ethinamate,</del>	9399
<del>(18) Ethyl loflazepate,</del>	9400
<del>(19) Fludiazepam,</del>	9401
<del>(20) Flunitrazepam,</del>	9402
<del>(21) Flurazepam,</del>	9403
<del>(22) Halazepam,</del>	9404
<del>(23) Haloxazolam,</del>	9405
<del>(24) Ketazolam,</del>	9406
<del>(25) Loprazolam,</del>	9407

<del>(26) Lorazepam;</del>	9408
<del>(27) Lormetazepam;</del>	9409
<del>(28) Mebutamate;</del>	9410
<del>(29) Medazepam;</del>	9411
<del>(30) Meprobamate;</del>	9412
<del>(31) Methohexital;</del>	9413
<del>(32) Methylphenobarbital (mephobarbital);</del>	9414
<del>(33) Midazolam;</del>	9415
<del>(34) Nimetazepam;</del>	9416
<del>(35) Nitrazepam;</del>	9417
<del>(36) Nordiazepam;</del>	9418
<del>(37) Oxazepam;</del>	9419
<del>(38) Oxazolam;</del>	9420
<del>(39) Paraldehyde;</del>	9421
<del>(40) Petrichloral;</del>	9422
<del>(41) Phenobarbital;</del>	9423
<del>(42) Pinazepam;</del>	9424
<del>(43) Prazepam;</del>	9425
<del>(44) Quazepam;</del>	9426
<del>(45) Temazepam;</del>	9427
<del>(46) Tetrazepam;</del>	9428
<del>(47) Triazolam;</del>	9429

<del>(48) Zaleplon;</del>	9430
<del>(49) Zolpidem.</del>	9431
<del>(C) Fenfluramine</del>	9432
<del>Any material, compound, mixture, or preparation that</del>	9433
<del>contains any quantity of the following substances, including</del>	9434
<del>their salts, their optical isomers, position isomers, or</del>	9435
<del>geometric isomers, and salts of these isomers, whenever the</del>	9436
<del>existence of these salts, isomers, and salts of isomers is</del>	9437
<del>possible within the specific chemical designation:</del>	9438
<del>(1) Fenfluramine.</del>	9439
<del>(D) Stimulants</del>	9440
<del>Unless specifically excepted under federal drug abuse</del>	9441
<del>control laws or unless listed in another schedule, any material,</del>	9442
<del>compound, mixture, or preparation that contains any quantity of</del>	9443
<del>the following substances having a stimulant effect on the</del>	9444
<del>central nervous system, including their salts, their optical</del>	9445
<del>isomers, position isomers, or geometric isomers, and salts of</del>	9446
<del>these isomers, whenever the existence of these salts, isomers,</del>	9447
<del>and salts of isomers is possible within the specific chemical</del>	9448
<del>designation:</del>	9449
<del>(1) Cathine ((+)-norpseudoephedrine);</del>	9450
<del>(2) Diethylpropion;</del>	9451
<del>(3) Fencamfamin;</del>	9452
<del>(4) Fenproporex;</del>	9453
<del>(5) Mazindol;</del>	9454
<del>(6) Mefenorex;</del>	9455

<del>(7) Modafinil;</del>	9456
<del>(8) Pemoline (including organometallic complexes and chelates thereof);</del>	9457 9458
<del>(9) Phentermine;</del>	9459
<del>(10) Pipradrol;</del>	9460
<del>(11) Sibutramine;</del>	9461
<del>(12) SPA [(-)-1-dimethylamino-1,2-diphenylethane].</del>	9462
<del>(E) Other substances</del>	9463
<del>Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including their salts:</del>	9464 9465 9466 9467
<del>(1) Pentazocine;</del>	9468
<del>(2) Butorphanol (including its optical isomers).</del>	9469
<del>SCHEDULE V</del>	9470
<del>(A) Narcotic drugs</del>	9471
<del>Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, and their salts, as set forth below:</del>	9472 9473 9474 9475
<del>(1) Buprenorphine.</del>	9476
<del>(B) Narcotics narcotic preparations</del>	9477
<del>Narcotic drugs containing non-narcotic active medicinal ingredients. Any compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated</del>	9478 9479 9480

~~as the free anhydrous base or alkaloid, in limited quantities as set forth below, and that includes one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by narcotic drugs alone:~~

~~(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;~~

~~(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;~~

~~(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;~~

~~(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;~~

~~(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;~~

~~(6) Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.~~

~~(C) Stimulants~~

~~Unless specifically exempted or excluded under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers, and salts of isomers:~~

~~(1) Ephedrine, except as provided in division (K) of section 3719.44 of the Revised Code;~~

~~(2) Pyrovalerone.~~

~~(D) Approved cannabidiol drugs~~ 9508

~~Unless specifically exempted or excluded under federal~~ 9509  
~~drug abuse control laws or unless listed in another schedule,~~ 9510  
~~any drug product in finished dosage formulation that has been~~ 9511  
~~approved by the United States food and drug administration that~~ 9512  
~~contains cannabidiol (2-[1R-3-methyl-6R-(1-methylethenyl)-2-~~ 9513  
~~cyclohexen-1-yl]-5-pentyl-1,3-benzenediol) derived from cannabis~~ 9514  
~~and not more than 0.1 per cent (w/w) residual~~ 9515  
~~tetrahydrocannabinols.~~ 9516

(A) For purposes of administration, 9516  
enforcement, and regulation of the manufacture, distribution, 9517  
dispensing, and possession of controlled substances, the state 9518  
board of pharmacy shall adopt rules in accordance with Chapter 9519  
119. of the Revised Code establishing schedule I, schedule II, 9520  
schedule III, schedule IV, and schedule V incorporating the five 9521  
schedules of controlled substances under the federal drug abuse 9522  
control laws. 9523

The board may include in the schedules any compound, 9524  
mixture, preparation, or substance that was included in the 9525  
schedules immediately prior to the effective date of this 9526  
amendment, as long as the inclusion does not have the effect of 9527  
providing less stringent control of the compound, mixture, 9528  
preparation, or substance than is provided under the federal 9529  
drug abuse control laws or regulations adopted under those laws. 9530

(B) Except as provided in section 3719.45 of the Revised 9531  
Code, the board periodically shall update the schedules by rule 9532  
adopted in accordance with Chapter 119. of the Revised Code to 9533  
correspond to any change in the federal drug abuse control laws 9534  
or regulations adopted under those laws, any addition, transfer, 9535  
or removal by congress or the attorney general of the United 9536  
States as described in section 3719.43 of the Revised Code, and 9537

any addition, transfer, or removal by the board by rule adopted 9538  
under section 3719.44 of the Revised Code. 9539

**Section 7.** That existing section 3719.41 of the Revised 9540  
Code is hereby repealed. 9541

**Section 8.** Sections 6 and 7 of this act take effect on the 9542  
date that is twelve months after the effective date of this act. 9543

**Section 9.** The State Board of Pharmacy shall adopt rules 9544  
establishing controlled substance schedules as anticipated by 9545  
the amendment by this act of section 3719.41 of the Revised Code 9546  
that is to take effect on the date that is twelve months after 9547  
the effective date of this act, as provided in Sections 6, 7, 9548  
and 8 of this act. The rules shall be adopted in accordance with 9549  
Chapter 119. of the Revised Code. In adopting the rules, the 9550  
Board is not subject to business review under sections 121.81, 9551  
121.82, and 121.83 of the Revised Code. 9552

The Board shall complete the rulemaking process so that 9553  
the rules take effect on the date that is twelve months after 9554  
the effective date of this act. 9555

**Section 10.** As used in the versions of sections 2907.02, 9556  
2907.05, 3313.752, 3345.41, 3707.50, 3719.01, 3719.40, 3796.01, 9557  
4729.01, and 4731.97 of the Revised Code that are in effect 9558  
prior to the date that is twelve months after the effective date 9559  
of this act, "controlled substance" and "schedule I" include any 9560  
compound, mixture, preparation, or substance added to schedule I 9561  
by the State Board of Pharmacy through the adoption of emergency 9562  
rules under section 3719.45 of the Revised Code, as enacted by 9563  
this act. 9564

**Section 11.** With respect to the effective dates of the 9565  
amendment, enactment, and repeal of sections of the Revised 9566

Code, as provided in Sections 1 and 2 of this act, all of the 9567  
following apply: 9568

(A) The following take effect at the earliest time 9569  
permitted by law: 9570

(1) The amendment of sections 109.572, 109.71, 149.43, 9571  
149.45, 2925.01, 2925.09, 2925.11, 2925.23, 3709.01, 3719.04, 9572  
3719.05, 3719.06, 3719.07, 3719.09, 3719.41, 4729.04, 4729.19, 9573  
4729.46, 4729.51, 4729.53, 4729.54, 4729.553, 4729.69, 4729.90, 9574  
4765.06, and 5164.34 of the Revised Code; 9575

(2) The enactment of sections 3709.011, 3709.42, 3719.45, 9576  
and 4729.691 of the Revised Code; 9577

(3) The repeal of section 4730.51 of the Revised Code. 9578

(B) The following take effect on the date that is twelve 9579  
months after the effective date of this act: the amendment of 9580  
sections 119.03, 1751.68, 2907.02, 2907.05, 2925.34, 3313.752, 9581  
3345.41, 3707.50, 3719.01, 3719.061, 3719.12, 3719.40, 3719.43, 9582  
3719.44, 3719.811, 3796.01, 3923.602, 4729.01, 4729.52, 4729.55, 9583  
4731.97, and 5164.7511 of the Revised Code. 9584

**Section 12.** The General Assembly, applying the principle 9585  
stated in division (B) of section 1.52 of the Revised Code that 9586  
amendments are to be harmonized if reasonably capable of 9587  
simultaneous operation, finds that the following sections, 9588  
presented in this act as composites of the sections as amended 9589  
by the acts indicated, are the resulting versions of the 9590  
sections in effect prior to the effective date of the sections 9591  
as presented in this act: 9592

Section 109.572 of the Revised Code as amended by Am. Sub. 9593  
H.B. 49, Sub. H.B. 199, and Sub. H.B. 213, all of the 132nd 9594  
General Assembly. 9595

Section 149.43 of the Revised Code as amended by Am. Sub.	9596
H.B. 8, Sub. H.B. 34, and Sub. H.B. 312, all of the 132nd	9597
General Assembly.	9598
Section 149.45 of the Revised Code as amended by both Sub.	9599
H.B. 317 and Sub. H.B. 359 of the 131st General Assembly.	9600
Section 2925.01 of the Revised Code as amended by both Am.	9601
Sub. H.B. 49 and Am. Sub. S.B. 1 of the 132nd General Assembly.	9602
Section 2925.03 of the Revised Code as amended by both Am.	9603
Sub. H.B. 111 and Am. Sub. S.B. 1 of the 132nd General Assembly.	9604