

As Reported by the House Criminal Justice Committee

133rd General Assembly

Regular Session

2019-2020

Sub. S. B. No. 55

Senator Gavarone

**Cosponsors: Senators Fedor, O'Brien, Coley, Brenner, Hackett, Hoagland, Huffman, S., McColley, Roegner, Rulli, Schaffer, Schuring, Terhar, Uecker, Wilson
Representatives Butler, Cupp, Manning, D., Smith, T.**

A BILL

To amend sections 2925.01 and 2925.03 of the 1
Revised Code to enhance penalties for certain 2
drug trafficking offenses committed in the 3
vicinity of a substance addiction services 4
provider and to name the act's provisions the 5
"Relapse Reduction Act." 6

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

Section 1. That sections 2925.01 and 2925.03 of the 7
Revised Code be amended to read as follows: 8

Sec. 2925.01. As used in this chapter: 9

(A) "Administer," "controlled substance," "controlled 10
substance analog," "dispense," "distribute," "hypodermic," 11
"manufacturer," "official written order," "person," 12
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 13
"schedule III," "schedule IV," "schedule V," and "wholesaler" 14
have the same meanings as in section 3719.01 of the Revised 15
Code. 16

(B) "Drug dependent person" and "drug of abuse" have the 17
same meanings as in section 3719.011 of the Revised Code. 18

(C) "Drug," "dangerous drug," "licensed health 19
professional authorized to prescribe drugs," and "prescription" 20
have the same meanings as in section 4729.01 of the Revised 21
Code. 22

(D) "Bulk amount" of a controlled substance means any of 23
the following: 24

(1) For any compound, mixture, preparation, or substance 25
included in schedule I, schedule II, or schedule III, with the 26
exception of any controlled substance analog, marihuana, 27
cocaine, L.S.D., heroin, any fentanyl-related compound, and 28
hashish and except as provided in division (D)(2), (5), or (6) 29
of this section, whichever of the following is applicable: 30

(a) An amount equal to or exceeding ten grams or twenty- 31
five unit doses of a compound, mixture, preparation, or 32
substance that is or contains any amount of a schedule I opiate 33
or opium derivative; 34

(b) An amount equal to or exceeding ten grams of a 35
compound, mixture, preparation, or substance that is or contains 36
any amount of raw or gum opium; 37

(c) An amount equal to or exceeding thirty grams or ten 38
unit doses of a compound, mixture, preparation, or substance 39
that is or contains any amount of a schedule I hallucinogen 40
other than tetrahydrocannabinol or lysergic acid amide, or a 41
schedule I stimulant or depressant; 42

(d) An amount equal to or exceeding twenty grams or five 43
times the maximum daily dose in the usual dose range specified 44
in a standard pharmaceutical reference manual of a compound, 45

mixture, preparation, or substance that is or contains any 46
amount of a schedule II opiate or opium derivative; 47

(e) An amount equal to or exceeding five grams or ten unit 48
doses of a compound, mixture, preparation, or substance that is 49
or contains any amount of phencyclidine; 50

(f) An amount equal to or exceeding one hundred twenty 51
grams or thirty times the maximum daily dose in the usual dose 52
range specified in a standard pharmaceutical reference manual of 53
a compound, mixture, preparation, or substance that is or 54
contains any amount of a schedule II stimulant that is in a 55
final dosage form manufactured by a person authorized by the 56
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 57
U.S.C.A. 301, as amended, and the federal drug abuse control 58
laws, as defined in section 3719.01 of the Revised Code, that is 59
or contains any amount of a schedule II depressant substance or 60
a schedule II hallucinogenic substance; 61

(g) An amount equal to or exceeding three grams of a 62
compound, mixture, preparation, or substance that is or contains 63
any amount of a schedule II stimulant, or any of its salts or 64
isomers, that is not in a final dosage form manufactured by a 65
person authorized by the Federal Food, Drug, and Cosmetic Act 66
and the federal drug abuse control laws. 67

(2) An amount equal to or exceeding one hundred twenty 68
grams or thirty times the maximum daily dose in the usual dose 69
range specified in a standard pharmaceutical reference manual of 70
a compound, mixture, preparation, or substance that is or 71
contains any amount of a schedule III or IV substance other than 72
an anabolic steroid or a schedule III opiate or opium 73
derivative; 74

(3) An amount equal to or exceeding twenty grams or five 75
times the maximum daily dose in the usual dose range specified 76
in a standard pharmaceutical reference manual of a compound, 77
mixture, preparation, or substance that is or contains any 78
amount of a schedule III opiate or opium derivative; 79

(4) An amount equal to or exceeding two hundred fifty 80
milliliters or two hundred fifty grams of a compound, mixture, 81
preparation, or substance that is or contains any amount of a 82
schedule V substance; 83

(5) An amount equal to or exceeding two hundred solid 84
dosage units, sixteen grams, or sixteen milliliters of a 85
compound, mixture, preparation, or substance that is or contains 86
any amount of a schedule III anabolic steroid; 87

(6) For any compound, mixture, preparation, or substance 88
that is a combination of a fentanyl-related compound and any 89
other compound, mixture, preparation, or substance included in 90
schedule III, schedule IV, or schedule V, if the defendant is 91
charged with a violation of section 2925.11 of the Revised Code 92
and the sentencing provisions set forth in divisions (C)(10)(b) 93
and (C)(11) of that section will not apply regarding the 94
defendant and the violation, the bulk amount of the controlled 95
substance for purposes of the violation is the amount specified 96
in division (D)(1), (2), (3), (4), or (5) of this section for 97
the other schedule III, IV, or V controlled substance that is 98
combined with the fentanyl-related compound. 99

(E) "Unit dose" means an amount or unit of a compound, 100
mixture, or preparation containing a controlled substance that 101
is separately identifiable and in a form that indicates that it 102
is the amount or unit by which the controlled substance is 103
separately administered to or taken by an individual. 104

(F) "Cultivate" includes planting, watering, fertilizing,	105
or tilling.	106
(G) "Drug abuse offense" means any of the following:	107
(1) A violation of division (A) of section 2913.02 that	108
constitutes theft of drugs, or a violation of section 2925.02,	109
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12,	110
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36,	111
or 2925.37 of the Revised Code;	112
(2) A violation of an existing or former law of this or	113
any other state or of the United States that is substantially	114
equivalent to any section listed in division (G) (1) of this	115
section;	116
(3) An offense under an existing or former law of this or	117
any other state, or of the United States, of which planting,	118
cultivating, harvesting, processing, making, manufacturing,	119
producing, shipping, transporting, delivering, acquiring,	120
possessing, storing, distributing, dispensing, selling, inducing	121
another to use, administering to another, using, or otherwise	122
dealing with a controlled substance is an element;	123
(4) A conspiracy to commit, attempt to commit, or	124
complicity in committing or attempting to commit any offense	125
under division (G) (1), (2), or (3) of this section.	126
(H) "Felony drug abuse offense" means any drug abuse	127
offense that would constitute a felony under the laws of this	128
state, any other state, or the United States.	129
(I) "Harmful intoxicant" does not include beer or	130
intoxicating liquor but means any of the following:	131
(1) Any compound, mixture, preparation, or substance the	132

gas, fumes, or vapor of which when inhaled can induce	133
intoxication, excitement, giddiness, irrational behavior,	134
depression, stupefaction, paralysis, unconsciousness,	135
asphyxiation, or other harmful physiological effects, and	136
includes, but is not limited to, any of the following:	137
(a) Any volatile organic solvent, plastic cement, model	138
cement, fingernail polish remover, lacquer thinner, cleaning	139
fluid, gasoline, or other preparation containing a volatile	140
organic solvent;	141
(b) Any aerosol propellant;	142
(c) Any fluorocarbon refrigerant;	143
(d) Any anesthetic gas.	144
(2) Gamma Butyrolactone;	145
(3) 1,4 Butanediol.	146
(J) "Manufacture" means to plant, cultivate, harvest,	147
process, make, prepare, or otherwise engage in any part of the	148
production of a drug, by propagation, extraction, chemical	149
synthesis, or compounding, or any combination of the same, and	150
includes packaging, repackaging, labeling, and other activities	151
incident to production.	152
(K) "Possess" or "possession" means having control over a	153
thing or substance, but may not be inferred solely from mere	154
access to the thing or substance through ownership or occupation	155
of the premises upon which the thing or substance is found.	156
(L) "Sample drug" means a drug or pharmaceutical	157
preparation that would be hazardous to health or safety if used	158
without the supervision of a licensed health professional	159
authorized to prescribe drugs, or a drug of abuse, and that, at	160

one time, had been placed in a container plainly marked as a 161
sample by a manufacturer. 162

(M) "Standard pharmaceutical reference manual" means the 163
current edition, with cumulative changes if any, of references 164
that are approved by the state board of pharmacy. 165

(N) "Juvenile" means a person under eighteen years of age. 166

(O) "Counterfeit controlled substance" means any of the 167
following: 168

(1) Any drug that bears, or whose container or label 169
bears, a trademark, trade name, or other identifying mark used 170
without authorization of the owner of rights to that trademark, 171
trade name, or identifying mark; 172

(2) Any unmarked or unlabeled substance that is 173
represented to be a controlled substance manufactured, 174
processed, packed, or distributed by a person other than the 175
person that manufactured, processed, packed, or distributed it; 176

(3) Any substance that is represented to be a controlled 177
substance but is not a controlled substance or is a different 178
controlled substance; 179

(4) Any substance other than a controlled substance that a 180
reasonable person would believe to be a controlled substance 181
because of its similarity in shape, size, and color, or its 182
markings, labeling, packaging, distribution, or the price for 183
which it is sold or offered for sale. 184

(P) An offense is "committed in the vicinity of a school" 185
if the offender commits the offense on school premises, in a 186
school building, or within one thousand feet of the boundaries 187
of any school premises, regardless of whether the offender knows 188

the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.

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

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

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

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

(S) "School building" means any building in which any of the instruction, extracurricular activities, or training

provided by a school is conducted, whether or not any 218
instruction, extracurricular activities, or training provided by 219
the school is being conducted in the school building at the time 220
a criminal offense is committed. 221

(T) "Disciplinary counsel" means the disciplinary counsel 222
appointed by the board of commissioners on grievances and 223
discipline of the supreme court under the Rules for the 224
Government of the Bar of Ohio. 225

(U) "Certified grievance committee" means a duly 226
constituted and organized committee of the Ohio state bar 227
association or of one or more local bar associations of the 228
state of Ohio that complies with the criteria set forth in Rule 229
V, section 6 of the Rules for the Government of the Bar of Ohio. 230

(V) "Professional license" means any license, permit, 231
certificate, registration, qualification, admission, temporary 232
license, temporary permit, temporary certificate, or temporary 233
registration that is described in divisions (W)(1) to (36) of 234
this section and that qualifies a person as a professionally 235
licensed person. 236

(W) "Professionally licensed person" means any of the 237
following: 238

(1) A person who has obtained a license as a manufacturer 239
of controlled substances or a wholesaler of controlled 240
substances under Chapter 3719. of the Revised Code; 241

(2) A person who has received a certificate or temporary 242
certificate as a certified public accountant or who has 243
registered as a public accountant under Chapter 4701. of the 244
Revised Code and who holds an Ohio permit issued under that 245
chapter; 246

(3) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;	247 248 249
(4) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;	250 251 252
(5) A person licensed under Chapter 4707. of the Revised Code;	253 254
(6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	255 256 257
(7) 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;	258 259 260
(8) 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;	261 262 263 264 265 266 267 268 269 270 271
(9) 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	272 273 274 275

hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	276 277
(10) 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 4717. of the Revised Code;	278 279 280 281 282
(11) 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;	283 284 285 286
(12) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	287 288 289
(13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	290 291
(14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	292 293
(15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;	294 295 296 297
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	298 299
(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 Revised Code or has been issued a certificate to practice a	300 301 302 303

limited branch of medicine under that chapter;	304
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	305 306
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	307 308 309
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	310 311
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	312 313
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	314 315
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	316 317
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	318 319
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	320 321
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	322 323 324 325
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	326 327 328
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or	329 330

security guard employee under Chapter 4749. of the Revised Code;	331
(29) A person licensed and registered to practice as a	332
nursing home administrator under Chapter 4751. of the Revised	333
Code;	334
(30) A person licensed to practice as a speech-language	335
pathologist or audiologist under Chapter 4753. of the Revised	336
Code;	337
(31) A person issued a license as an occupational	338
therapist or physical therapist under Chapter 4755. of the	339
Revised Code;	340
(32) A person who is licensed as a licensed professional	341
clinical counselor, licensed professional counselor, social	342
worker, independent social worker, independent marriage and	343
family therapist, or marriage and family therapist, or	344
registered as a social work assistant under Chapter 4757. of the	345
Revised Code;	346
(33) A person issued a license to practice dietetics under	347
Chapter 4759. of the Revised Code;	348
(34) A person who has been issued a license or limited	349
permit to practice respiratory therapy under Chapter 4761. of	350
the Revised Code;	351
(35) A person who has been issued a real estate appraiser	352
certificate under Chapter 4763. of the Revised Code;	353
(36) A person who has been admitted to the bar by order of	354
the supreme court in compliance with its prescribed and	355
published rules.	356
(X) "Cocaine" means any of the following:	357

(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	358 359
(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;	360 361 362 363
(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.	364 365 366 367 368 369
(Y) "L.S.D." means lysergic acid diethylamide.	370
(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.	371 372 373
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	374 375 376
(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.	377 378 379 380 381 382 383
(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	384 385 386

Code, that a prison term is a necessary sanction for a felony in 387
order to comply with the purposes and principles of sentencing 388
under section 2929.11 of the Revised Code. 389

(DD) "Major drug offender" has the same meaning as in 390
section 2929.01 of the Revised Code. 391

(EE) "Minor drug possession offense" means either of the 392
following: 393

(1) A violation of section 2925.11 of the Revised Code as 394
it existed prior to July 1, 1996; 395

(2) A violation of section 2925.11 of the Revised Code as 396
it exists on and after July 1, 1996, that is a misdemeanor or a 397
felony of the fifth degree. 398

(FF) "Mandatory prison term" has the same meaning as in 399
section 2929.01 of the Revised Code. 400

(GG) "Adulterate" means to cause a drug to be adulterated 401
as described in section 3715.63 of the Revised Code. 402

(HH) "Public premises" means any hotel, restaurant, 403
tavern, store, arena, hall, or other place of public 404
accommodation, business, amusement, or resort. 405

(II) "Methamphetamine" means methamphetamine, any salt, 406
isomer, or salt of an isomer of methamphetamine, or any 407
compound, mixture, preparation, or substance containing 408
methamphetamine or any salt, isomer, or salt of an isomer of 409
methamphetamine. 410

(JJ) "Lawful prescription" means a prescription that is 411
issued for a legitimate medical purpose by a licensed health 412
professional authorized to prescribe drugs, that is not altered 413
or forged, and that was not obtained by means of deception or by 414

the commission of any theft offense.	415
(KK) "Deception" and "theft offense" have the same meanings as in section 2913.01 of the Revised Code.	416 417
(LL) "Fentanyl-related compound" means any of the following:	418 419
(1) Fentanyl;	420
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	421 422 423
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);	424 425
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N-phenylpropanamide);	426 427
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	428 429 430
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);	431 432
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	433 434
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;	435 436
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	437 438
(10) Alfentanil;	439
(11) Carfentanil;	440

- (12) Remifentanil; 441
- (13) Sufentanil; 442
- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and 443
444
- (15) A schedule I narcotic-opiate that meets the fentanyl 445
pharmacophore requirements specified in division (A) (56) of 446
section 3719.41 of the Revised Code, including acetylfentanyl, 447
furanylfentanyl, valerylfentanyl, butyrylfentanyl, 448
isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para- 449
fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl. 450
- (MM) An offense is "committed in the vicinity of a 451
substance addiction services provider" if both of the following 452
apply: 453
- (1) The offender commits the offense on the premises of a 454
substance addiction services provider's facility, including a 455
facility licensed prior to June 29, 2019, under section 5119.391 456
of the Revised Code to provide methadone treatment or an opioid 457
treatment program licensed on or after that date under section 458
5119.37 of the Revised Code, or within one thousand feet of the 459
premises of a substance addiction services provider's facility. 460
- (2) The offender recklessly disregards whether the offense 461
is being committed within the vicinity described in division 462
(MM) (1) of this section. 463
- (NN) "Substance addiction services provider" means an 464
agency, association, corporation or other legal entity, 465
individual, or program that provides one or more of the 466
following at a facility: 467
- (1) Either alcohol addiction services, or drug addiction 468

services, or both such services that are certified by the 469
director of mental health and addiction services under section 470
5119.36 of the Revised Code; 471

(2) Recovery supports that are related to either alcohol 472
addiction services, or drug addiction services, or both such 473
services and paid for with federal, state, or local funds 474
administered by the department of mental health and addiction 475
services or a board of alcohol, drug addiction, and mental 476
health services. 477

(OO) "Premises of a substance addiction services 478
provider's facility" means the parcel of real property on which 479
any substance addiction service provider's facility is situated. 480

(PP) "Alcohol and drug addiction services" has the same 481
meaning as in section 5119.01 of the Revised Code. 482

Sec. 2925.03. (A) No person shall knowingly do any of the 483
following: 484

(1) Sell or offer to sell a controlled substance or a 485
controlled substance analog; 486

(2) Prepare for shipment, ship, transport, deliver, 487
prepare for distribution, or distribute a controlled substance 488
or a controlled substance analog, when the offender knows or has 489
reasonable cause to believe that the controlled substance or a 490
controlled substance analog is intended for sale or resale by 491
the offender or another person. 492

(B) This section does not apply to any of the following: 493

(1) Manufacturers, licensed health professionals 494
authorized to prescribe drugs, pharmacists, owners of 495
pharmacies, and other persons whose conduct is in accordance 496

with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 497
4741. of the Revised Code; 498

(2) If the offense involves an anabolic steroid, any 499
person who is conducting or participating in a research project 500
involving the use of an anabolic steroid if the project has been 501
approved by the United States food and drug administration; 502

(3) Any person who sells, offers for sale, prescribes, 503
dispenses, or administers for livestock or other nonhuman 504
species an anabolic steroid that is expressly intended for 505
administration through implants to livestock or other nonhuman 506
species and approved for that purpose under the "Federal Food, 507
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 508
as amended, and is sold, offered for sale, prescribed, 509
dispensed, or administered for that purpose in accordance with 510
that act. 511

(C) Whoever violates division (A) of this section is 512
guilty of one of the following: 513

(1) If the drug involved in the violation is any compound, 514
mixture, preparation, or substance included in schedule I or 515
schedule II, with the exception of marihuana, cocaine, L.S.D., 516
heroin, any fentanyl-related compound, hashish, and any 517
controlled substance analog, whoever violates division (A) of 518
this section is guilty of aggravated trafficking in drugs. The 519
penalty for the offense shall be determined as follows: 520

(a) Except as otherwise provided in division (C) (1) (b), 521
(c), (d), (e), or (f) of this section, aggravated trafficking in 522
drugs is a felony of the fourth degree, and division (C) of 523
section 2929.13 of the Revised Code applies in determining 524
whether to impose a prison term on the offender. 525

(b) Except as otherwise provided in division (C) (1) (c), 526
(d), (e), or (f) of this section, if the offense was committed 527
in the vicinity of a school ~~or~~, in the vicinity of a juvenile, 528
or in the vicinity of a substance addiction services provider, 529
aggravated trafficking in drugs is a felony of the third degree, 530
and division (C) of section 2929.13 of the Revised Code applies 531
in determining whether to impose a prison term on the offender. 532

(c) Except as otherwise provided in this division, if the 533
amount of the drug involved equals or exceeds the bulk amount 534
but is less than five times the bulk amount, aggravated 535
trafficking in drugs is a felony of the third degree, and, 536
except as otherwise provided in this division, there is a 537
presumption for a prison term for the offense. If aggravated 538
trafficking in drugs is a felony of the third degree under this 539
division and if the offender two or more times previously has 540
been convicted of or pleaded guilty to a felony drug abuse 541
offense, the court shall impose as a mandatory prison term one 542
of the prison terms prescribed for a felony of the third degree. 543
If the amount of the drug involved is within that range and if 544
the offense was committed in the vicinity of a school ~~or~~, in the 545
vicinity of a juvenile, or in the vicinity of a substance 546
addiction services provider, aggravated trafficking in drugs is 547
a felony of the second degree, and the court shall impose as a 548
mandatory prison term one of the prison terms prescribed for a 549
felony of the second degree. 550

(d) Except as otherwise provided in this division, if the 551
amount of the drug involved equals or exceeds five times the 552
bulk amount but is less than fifty times the bulk amount, 553
aggravated trafficking in drugs is a felony of the second 554
degree, and the court shall impose as a mandatory prison term 555
one of the prison terms prescribed for a felony of the second 556

degree. If the amount of the drug involved is within that range 557
and if the offense was committed in the vicinity of a school ~~or,~~ 558
in the vicinity of a juvenile, or in the vicinity of a substance 559
addiction services provider, aggravated trafficking in drugs is 560
a felony of the first degree, and the court shall impose as a 561
mandatory prison term one of the prison terms prescribed for a 562
felony of the first degree. 563

(e) If the amount of the drug involved equals or exceeds 564
fifty times the bulk amount but is less than one hundred times 565
the bulk amount and regardless of whether the offense was 566
committed in the vicinity of a school ~~or,~~ in the vicinity of a 567
juvenile, or in the vicinity of a substance addiction services 568
provider, aggravated trafficking in drugs is a felony of the 569
first degree, and the court shall impose as a mandatory prison 570
term one of the prison terms prescribed for a felony of the 571
first degree. 572

(f) If the amount of the drug involved equals or exceeds 573
one hundred times the bulk amount and regardless of whether the 574
offense was committed in the vicinity of a school ~~or,~~ in the 575
vicinity of a juvenile, or in the vicinity of a substance 576
addiction services provider, aggravated trafficking in drugs is 577
a felony of the first degree, the offender is a major drug 578
offender, and the court shall impose as a mandatory prison term 579
the maximum prison term prescribed for a felony of the first 580
degree. 581

(2) If the drug involved in the violation is any compound, 582
mixture, preparation, or substance included in schedule III, IV, 583
or V, whoever violates division (A) of this section is guilty of 584
trafficking in drugs. The penalty for the offense shall be 585
determined as follows: 586

(a) Except as otherwise provided in division (C) (2) (b), 587
(c), (d), or (e) of this section, trafficking in drugs is a 588
felony of the fifth degree, and division (B) of section 2929.13 589
of the Revised Code applies in determining whether to impose a 590
prison term on the offender. 591

(b) Except as otherwise provided in division (C) (2) (c), 592
(d), or (e) of this section, if the offense was committed in the 593
vicinity of a school or in the vicinity of a juvenile, 594
trafficking in drugs is a felony of the fourth degree, and 595
division (C) of section 2929.13 of the Revised Code applies in 596
determining whether to impose a prison term on the offender. 597

(c) Except as otherwise provided in this division, if the 598
amount of the drug involved equals or exceeds the bulk amount 599
but is less than five times the bulk amount, trafficking in 600
drugs is a felony of the fourth degree, and division (B) of 601
section 2929.13 of the Revised Code applies in determining 602
whether to impose a prison term for the offense. If the amount 603
of the drug involved is within that range and if the offense was 604
committed in the vicinity of a school or in the vicinity of a 605
juvenile, trafficking in drugs is a felony of the third degree, 606
and there is a presumption for a prison term for the offense. 607

(d) Except as otherwise provided in this division, if the 608
amount of the drug involved equals or exceeds five times the 609
bulk amount but is less than fifty times the bulk amount, 610
trafficking in drugs is a felony of the third degree, and there 611
is a presumption for a prison term for the offense. If the 612
amount of the drug involved is within that range and if the 613
offense was committed in the vicinity of a school or in the 614
vicinity of a juvenile, trafficking in drugs is a felony of the 615
second degree, and there is a presumption for a prison term for 616

the offense. 617

(e) Except as otherwise provided in this division, if the 618
amount of the drug involved equals or exceeds fifty times the 619
bulk amount, trafficking in drugs is a felony of the second 620
degree, and the court shall impose as a mandatory prison term 621
one of the prison terms prescribed for a felony of the second 622
degree. If the amount of the drug involved equals or exceeds 623
fifty times the bulk amount and if the offense was committed in 624
the vicinity of a school or in the vicinity of a juvenile, 625
trafficking in drugs is a felony of the first degree, and the 626
court shall impose as a mandatory prison term one of the prison 627
terms prescribed for a felony of the first degree. 628

(3) If the drug involved in the violation is marihuana or 629
a compound, mixture, preparation, or substance containing 630
marihuana other than hashish, whoever violates division (A) of 631
this section is guilty of trafficking in marihuana. The penalty 632
for the offense shall be determined as follows: 633

(a) Except as otherwise provided in division (C) (3) (b), 634
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 635
marihuana is a felony of the fifth degree, and division (B) of 636
section 2929.13 of the Revised Code applies in determining 637
whether to impose a prison term on the offender. 638

(b) Except as otherwise provided in division (C) (3) (c), 639
(d), (e), (f), (g), or (h) of this section, if the offense was 640
committed in the vicinity of a school or in the vicinity of a 641
juvenile, trafficking in marihuana is a felony of the fourth 642
degree, and division (B) of section 2929.13 of the Revised Code 643
applies in determining whether to impose a prison term on the 644
offender. 645

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

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

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

shall be imposed for the offense. 677

(f) Except as otherwise provided in this division, if the 678
amount of the drug involved equals or exceeds twenty thousand 679
grams but is less than forty thousand grams, trafficking in 680
marihuana is a felony of the second degree, and the court shall 681
impose a mandatory prison term of five, six, seven, or eight 682
years. If the amount of the drug involved is within that range 683
and if the offense was committed in the vicinity of a school or 684
in the vicinity of a juvenile, trafficking in marihuana is a 685
felony of the first degree, and the court shall impose as a 686
mandatory prison term the maximum prison term prescribed for a 687
felony of the first degree. 688

(g) Except as otherwise provided in this division, if the 689
amount of the drug involved equals or exceeds forty thousand 690
grams, trafficking in marihuana is a felony of the second 691
degree, and the court shall impose as a mandatory prison term 692
the maximum prison term prescribed for a felony of the second 693
degree. If the amount of the drug involved equals or exceeds 694
forty thousand grams and if the offense was committed in the 695
vicinity of a school or in the vicinity of a juvenile, 696
trafficking in marihuana is a felony of the first degree, and 697
the court shall impose as a mandatory prison term the maximum 698
prison term prescribed for a felony of the first degree. 699

(h) Except as otherwise provided in this division, if the 700
offense involves a gift of twenty grams or less of marihuana, 701
trafficking in marihuana is a minor misdemeanor upon a first 702
offense and a misdemeanor of the third degree upon a subsequent 703
offense. If the offense involves a gift of twenty grams or less 704
of marihuana and if the offense was committed in the vicinity of 705
a school or in the vicinity of a juvenile, trafficking in 706

marihuana is a misdemeanor of the third degree. 707

(4) If the drug involved in the violation is cocaine or a 708
compound, mixture, preparation, or substance containing cocaine, 709
whoever violates division (A) of this section is guilty of 710
trafficking in cocaine. The penalty for the offense shall be 711
determined as follows: 712

(a) Except as otherwise provided in division (C) (4) (b), 713
(c), (d), (e), (f), or (g) of this section, trafficking in 714
cocaine is a felony of the fifth degree, and division (B) of 715
section 2929.13 of the Revised Code applies in determining 716
whether to impose a prison term on the offender. 717

(b) Except as otherwise provided in division (C) (4) (c), 718
(d), (e), (f), or (g) of this section, if the offense was 719
committed in the vicinity of a school ~~or~~, in the vicinity of a 720
juvenile, or in the vicinity of a substance addiction services 721
provider, trafficking in cocaine is a felony of the fourth 722
degree, and division (C) of section 2929.13 of the Revised Code 723
applies in determining whether to impose a prison term on the 724
offender. 725

(c) Except as otherwise provided in this division, if the 726
amount of the drug involved equals or exceeds five grams but is 727
less than ten grams of cocaine, trafficking in cocaine is a 728
felony of the fourth degree, and division (B) of section 2929.13 729
of the Revised Code applies in determining whether to impose a 730
prison term for the offense. If the amount of the drug involved 731
is within that range and if the offense was committed in the 732
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 733
the vicinity of a substance addiction services provider, 734
trafficking in cocaine is a felony of the third degree, and 735
there is a presumption for a prison term for the offense. 736

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

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but is less than twenty-seven grams of cocaine, trafficking in cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. 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, or in the vicinity of a substance addiction services provider, trafficking in cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds

twenty-seven grams but is less than one hundred grams of cocaine 768
and regardless of whether the offense was committed in the 769
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 770
the vicinity of a substance addiction services provider, 771
trafficking in cocaine is a felony of the first degree, and the 772
court shall impose as a mandatory prison term one of the prison 773
terms prescribed for a felony of the first degree. 774

(g) If the amount of the drug involved equals or exceeds 775
one hundred grams of cocaine and regardless of whether the 776
offense was committed in the vicinity of a school ~~or~~, in the 777
vicinity of a juvenile, or in the vicinity of a substance 778
addiction services provider, trafficking in cocaine is a felony 779
of the first degree, the offender is a major drug offender, and 780
the court shall impose as a mandatory prison term the maximum 781
prison term prescribed for a felony of the first degree. 782

(5) If the drug involved in the violation is L.S.D. or a 783
compound, mixture, preparation, or substance containing L.S.D., 784
whoever violates division (A) of this section is guilty of 785
trafficking in L.S.D. The penalty for the offense shall be 786
determined as follows: 787

(a) Except as otherwise provided in division (C) (5) (b), 788
(c), (d), (e), (f), or (g) of this section, trafficking in 789
L.S.D. is a felony of the fifth degree, and division (B) of 790
section 2929.13 of the Revised Code applies in determining 791
whether to impose a prison term on the offender. 792

(b) Except as otherwise provided in division (C) (5) (c), 793
(d), (e), (f), or (g) of this section, if the offense was 794
committed in the vicinity of a school ~~or~~, in the vicinity of a 795
juvenile, or in the vicinity of a substance addiction services 796
provider, trafficking in L.S.D. is a felony of the fourth 797

degree, and division (C) of section 2929.13 of the Revised Code 798
applies in determining whether to impose a prison term on the 799
offender. 800

(c) Except as otherwise provided in this division, if the 801
amount of the drug involved equals or exceeds ten unit doses but 802
is less than fifty unit doses of L.S.D. in a solid form or 803
equals or exceeds one gram but is less than five grams of L.S.D. 804
in a liquid concentrate, liquid extract, or liquid distillate 805
form, trafficking in L.S.D. is a felony of the fourth degree, 806
and division (B) of section 2929.13 of the Revised Code applies 807
in determining whether to impose a prison term for the offense. 808
If the amount of the drug involved is within that range and if 809
the offense was committed in the vicinity of a school ~~or~~, in the 810
vicinity of a juvenile, or in the vicinity of a substance 811
addiction services provider, trafficking in L.S.D. is a felony 812
of the third degree, and there is a presumption for a prison 813
term for the offense. 814

(d) Except as otherwise provided in this division, if the 815
amount of the drug involved equals or exceeds fifty unit doses 816
but is less than two hundred fifty unit doses of L.S.D. in a 817
solid form or equals or exceeds five grams but is less than 818
twenty-five grams of L.S.D. in a liquid concentrate, liquid 819
extract, or liquid distillate form, trafficking in L.S.D. is a 820
felony of the third degree, and, except as otherwise provided in 821
this division, there is a presumption for a prison term for the 822
offense. If trafficking in L.S.D. is a felony of the third 823
degree under this division and if the offender two or more times 824
previously has been convicted of or pleaded guilty to a felony 825
drug abuse offense, the court shall impose as a mandatory prison 826
term one of the prison terms prescribed for a felony of the 827
third degree. If the amount of the drug involved is within that 828

range and if the offense was committed in the vicinity of a 829
school ~~or~~, in the vicinity of a juvenile, or in the vicinity of 830
a substance addiction services provider, trafficking in L.S.D. 831
is a felony of the second degree, and the court shall impose as 832
a mandatory prison term one of the prison terms prescribed for a 833
felony of the second degree. 834

(e) Except as otherwise provided in this division, if the 835
amount of the drug involved equals or exceeds two hundred fifty 836
unit doses but is less than one thousand unit doses of L.S.D. in 837
a solid form or equals or exceeds twenty-five grams but is less 838
than one hundred grams of L.S.D. in a liquid concentrate, liquid 839
extract, or liquid distillate form, trafficking in L.S.D. is a 840
felony of the second degree, and the court shall impose as a 841
mandatory prison term one of the prison terms prescribed for a 842
felony of the second degree. If the amount of the drug involved 843
is within that range and if the offense was committed in the 844
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 845
the vicinity of a substance addiction services provider, 846
trafficking in L.S.D. is a felony of the first degree, and the 847
court shall impose as a mandatory prison term one of the prison 848
terms prescribed for a felony of the first degree. 849

(f) If the amount of the drug involved equals or exceeds 850
one thousand unit doses but is less than five thousand unit 851
doses of L.S.D. in a solid form or equals or exceeds one hundred 852
grams but is less than five hundred grams of L.S.D. in a liquid 853
concentrate, liquid extract, or liquid distillate form and 854
regardless of whether the offense was committed in the vicinity 855
of a school ~~or~~, in the vicinity of a juvenile, or in the 856
vicinity of a substance addiction services provider, trafficking 857
in L.S.D. is a felony of the first degree, and the court shall 858
impose as a mandatory prison term one of the prison terms 859

prescribed for a felony of the first degree. 860

(g) If the amount of the drug involved equals or exceeds 861
five thousand unit doses of L.S.D. in a solid form or equals or 862
exceeds five hundred grams of L.S.D. in a liquid concentrate, 863
liquid extract, or liquid distillate form and regardless of 864
whether the offense was committed in the vicinity of a school 865
~~or~~, in the vicinity of a juvenile, or in the vicinity of a 866
substance addiction services provider, trafficking in L.S.D. is 867
a felony of the first degree, the offender is a major drug 868
offender, and the court shall impose as a mandatory prison term 869
the maximum prison term prescribed for a felony of the first 870
degree. 871

(6) If the drug involved in the violation is heroin or a 872
compound, mixture, preparation, or substance containing heroin, 873
whoever violates division (A) of this section is guilty of 874
trafficking in heroin. The penalty for the offense shall be 875
determined as follows: 876

(a) Except as otherwise provided in division (C) (6) (b), 877
(c), (d), (e), (f), or (g) of this section, trafficking in 878
heroin is a felony of the fifth degree, and division (B) of 879
section 2929.13 of the Revised Code applies in determining 880
whether to impose a prison term on the offender. 881

(b) Except as otherwise provided in division (C) (6) (c), 882
(d), (e), (f), or (g) of this section, if the offense was 883
committed in the vicinity of a school~~or~~, in the vicinity of a 884
juvenile, or in the vicinity of a substance addiction services 885
provider, trafficking in heroin is a felony of the fourth 886
degree, and division (C) of section 2929.13 of the Revised Code 887
applies in determining whether to impose a prison term on the 888
offender. 889

(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, or in the vicinity of a substance addiction services provider, 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, or in the vicinity of a substance addiction services provider, trafficking in heroin is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, trafficking in heroin is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was

committed in the vicinity of a school ~~or~~, in the vicinity of a 921
juvenile, or in the vicinity of a substance addiction services 922
provider, trafficking in heroin is a felony of the first degree, 923
and the court shall impose as a mandatory prison term one of the 924
prison terms prescribed for a felony of the first degree. 925

(f) If the amount of the drug involved equals or exceeds 926
five hundred unit doses but is less than one thousand unit doses 927
or equals or exceeds fifty grams but is less than one hundred 928
grams and regardless of whether the offense was committed in the 929
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 930
the vicinity of a substance addiction services provider, 931
trafficking in heroin is a felony of the first degree, and the 932
court shall impose as a mandatory prison term one of the prison 933
terms prescribed for a felony of the first degree. 934

(g) If the amount of the drug involved equals or exceeds 935
one thousand unit doses or equals or exceeds one hundred grams 936
and regardless of whether the offense was committed in the 937
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 938
the vicinity of a substance addiction services provider, 939
trafficking in heroin is a felony of the first degree, the 940
offender is a major drug offender, and the court shall impose as 941
a mandatory prison term the maximum prison term prescribed for a 942
felony of the first degree. 943

(7) If the drug involved in the violation is hashish or a 944
compound, mixture, preparation, or substance containing hashish, 945
whoever violates division (A) of this section is guilty of 946
trafficking in hashish. The penalty for the offense shall be 947
determined as follows: 948

(a) Except as otherwise provided in division (C) (7) (b), 949
(c), (d), (e), (f), or (g) of this section, trafficking in 950

hashish is a felony of the fifth degree, and division (B) of 951
section 2929.13 of the Revised Code applies in determining 952
whether to impose a prison term on the offender. 953

(b) Except as otherwise provided in division (C) (7) (c), 954
(d), (e), (f), or (g) of this section, if the offense was 955
committed in the vicinity of a school ~~or~~, in the vicinity of a 956
juvenile, or in the vicinity of a substance addiction services 957
provider, trafficking in hashish is a felony of the fourth 958
degree, and division (B) of section 2929.13 of the Revised Code 959
applies in determining whether to impose a prison term on the 960
offender. 961

(c) Except as otherwise provided in this division, if the 962
amount of the drug involved equals or exceeds ten grams but is 963
less than fifty grams of hashish in a solid form or equals or 964
exceeds two grams but is less than ten grams of hashish in a 965
liquid concentrate, liquid extract, or liquid distillate form, 966
trafficking in hashish is a felony of the fourth degree, and 967
division (B) of section 2929.13 of the Revised Code applies in 968
determining whether to impose a prison term on the offender. If 969
the amount of the drug involved is within that range and if the 970
offense was committed in the vicinity of a school ~~or~~, in the 971
vicinity of a juvenile, or in the vicinity of a substance 972
addiction services provider, trafficking in hashish is a felony 973
of the third degree, and division (C) of section 2929.13 of the 974
Revised Code applies in determining whether to impose a prison 975
term on the offender. 976

(d) Except as otherwise provided in this division, if the 977
amount of the drug involved equals or exceeds fifty grams but is 978
less than two hundred fifty grams of hashish in a solid form or 979
equals or exceeds ten grams but is less than fifty grams of 980

hashish in a liquid concentrate, liquid extract, or liquid 981
distillate form, trafficking in hashish is a felony of the third 982
degree, and division (C) of section 2929.13 of the Revised Code 983
applies in determining whether to impose a prison term on the 984
offender. If the amount of the drug involved is within that 985
range and if the offense was committed in the vicinity of a 986
school ~~or~~, in the vicinity of a juvenile, or in the vicinity of 987
a substance addiction services provider, trafficking in hashish 988
is a felony of the second degree, and there is a presumption 989
that a prison term shall be imposed for the offense. 990

(e) Except as otherwise provided in this division, if the 991
amount of the drug involved equals or exceeds two hundred fifty 992
grams but is less than one thousand grams of hashish in a solid 993
form or equals or exceeds fifty grams but is less than two 994
hundred grams of hashish in a liquid concentrate, liquid 995
extract, or liquid distillate form, trafficking in hashish is a 996
felony of the third degree, and there is a presumption that a 997
prison term shall be imposed for the offense. If the amount of 998
the drug involved is within that range and if the offense was 999
committed in the vicinity of a school ~~or~~, in the vicinity of a 1000
juvenile, or in the vicinity of a substance addiction services 1001
provider, trafficking in hashish is a felony of the second 1002
degree, and there is a presumption that a prison term shall be 1003
imposed for the offense. 1004

(f) Except as otherwise provided in this division, if the 1005
amount of the drug involved equals or exceeds one thousand grams 1006
but is less than two thousand grams of hashish in a solid form 1007
or equals or exceeds two hundred grams but is less than four 1008
hundred grams of hashish in a liquid concentrate, liquid 1009
extract, or liquid distillate form, trafficking in hashish is a 1010
felony of the second degree, and the court shall impose a 1011

mandatory prison term of five, six, seven, or eight years. If 1012
the amount of the drug involved is within that range and if the 1013
offense was committed in the vicinity of a school ~~or~~, in the 1014
vicinity of a juvenile, or in the vicinity of a substance 1015
addiction services provider, trafficking in hashish is a felony 1016
of the first degree, and the court shall impose as a mandatory 1017
prison term the maximum prison term prescribed for a felony of 1018
the first degree. 1019

(g) Except as otherwise provided in this division, if the 1020
amount of the drug involved equals or exceeds two thousand grams 1021
of hashish in a solid form or equals or exceeds four hundred 1022
grams of hashish in a liquid concentrate, liquid extract, or 1023
liquid distillate form, trafficking in hashish is a felony of 1024
the second degree, and the court shall impose as a mandatory 1025
prison term the maximum prison term prescribed for a felony of 1026
the second degree. If the amount of the drug involved equals or 1027
exceeds two thousand grams of hashish in a solid form or equals 1028
or exceeds four hundred grams of hashish in a liquid 1029
concentrate, liquid extract, or liquid distillate form and if 1030
the offense was committed in the vicinity of a school ~~or~~, in the 1031
vicinity of a juvenile, or in the vicinity of a substance 1032
addiction services provider, trafficking in hashish is a felony 1033
of the first degree, and the court shall impose as a mandatory 1034
prison term the maximum prison term prescribed for a felony of 1035
the first degree. 1036

(8) If the drug involved in the violation is a controlled 1037
substance analog or compound, mixture, preparation, or substance 1038
that contains a controlled substance analog, whoever violates 1039
division (A) of this section is guilty of trafficking in a 1040
controlled substance analog. The penalty for the offense shall 1041
be determined as follows: 1042

(a) Except as otherwise provided in division (C) (8) (b), 1043
(c), (d), (e), (f), or (g) of this section, trafficking in a 1044
controlled substance analog is a felony of the fifth degree, and 1045
division (C) of section 2929.13 of the Revised Code applies in 1046
determining whether to impose a prison term on the offender. 1047

(b) Except as otherwise provided in division (C) (8) (c), 1048
(d), (e), (f), or (g) of this section, if the offense was 1049
committed in the vicinity of a school ~~or~~, in the vicinity of a 1050
juvenile, or in the vicinity of a substance addiction services 1051
provider, trafficking in a controlled substance analog is a 1052
felony of the fourth degree, and division (C) of section 2929.13 1053
of the Revised Code applies in determining whether to impose a 1054
prison term on the offender. 1055

(c) Except as otherwise provided in this division, if the 1056
amount of the drug involved equals or exceeds ten grams but is 1057
less than twenty grams, trafficking in a controlled substance 1058
analog is a felony of the fourth degree, and division (B) of 1059
section 2929.13 of the Revised Code applies in determining 1060
whether to impose a prison term for the offense. If the amount 1061
of the drug involved is within that range and if the offense was 1062
committed in the vicinity of a school ~~or~~, in the vicinity of a 1063
juvenile, or in the vicinity of a substance addiction services 1064
provider, trafficking in a controlled substance analog is a 1065
felony of the third degree, and there is a presumption for a 1066
prison term for the offense. 1067

(d) Except as otherwise provided in this division, if the 1068
amount of the drug involved equals or exceeds twenty grams but 1069
is less than thirty grams, trafficking in a controlled substance 1070
analog is a felony of the third degree, and there is a 1071
presumption for a prison term for the offense. If the amount of 1072

the drug involved is within that range and if the offense was 1073
committed in the vicinity of a school ~~or~~, in the vicinity of a 1074
juvenile, or in the vicinity of a substance addiction services 1075
provider, trafficking in a controlled substance analog is a 1076
felony of the second degree, and there is a presumption for a 1077
prison term for the offense. 1078

(e) Except as otherwise provided in this division, if the 1079
amount of the drug involved equals or exceeds thirty grams but 1080
is less than forty grams, trafficking in a controlled substance 1081
analog is a felony of the second degree, and the court shall 1082
impose as a mandatory prison term one of the prison terms 1083
prescribed for a felony of the second degree. If the amount of 1084
the drug involved is within that range and if the offense was 1085
committed in the vicinity of a school ~~or~~, in the vicinity of a 1086
juvenile, or in the vicinity of a substance addiction services 1087
provider, trafficking in a controlled substance analog is a 1088
felony of the first degree, and the court shall impose as a 1089
mandatory prison term one of the prison terms prescribed for a 1090
felony of the first degree. 1091

(f) If the amount of the drug involved equals or exceeds 1092
forty grams but is less than fifty grams and regardless of 1093
whether the offense was committed in the vicinity of a school 1094
~~or~~, in the vicinity of a juvenile, or in the vicinity of a 1095
substance addiction services provider, trafficking in a 1096
controlled substance analog is a felony of the first degree, and 1097
the court shall impose as a mandatory prison term one of the 1098
prison terms prescribed for a felony of the first degree. 1099

(g) If the amount of the drug involved equals or exceeds 1100
fifty grams and regardless of whether the offense was committed 1101
in the vicinity of a school ~~or~~, in the vicinity of a juvenile, 1102

or in the vicinity of a substance addiction services provider, 1103
trafficking in a controlled substance analog is a felony of the 1104
first degree, the offender is a major drug offender, and the 1105
court shall impose as a mandatory prison term the maximum prison 1106
term prescribed for a felony of the first degree. 1107

(9) If the drug involved in the violation is a fentanyl- 1108
related compound or a compound, mixture, preparation, or 1109
substance containing a fentanyl-related compound and division 1110
(C) (10) (a) of this section does not apply to the drug involved, 1111
whoever violates division (A) of this section is guilty of 1112
trafficking in a fentanyl-related compound. The penalty for the 1113
offense shall be determined as follows: 1114

(a) Except as otherwise provided in division (C) (9) (b), 1115
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1116
a fentanyl-related compound is a felony of the fifth degree, and 1117
division (B) of section 2929.13 of the Revised Code applies in 1118
determining whether to impose a prison term on the offender. 1119

(b) Except as otherwise provided in division (C) (9) (c), 1120
(d), (e), (f), (g), or (h) of this section, if the offense was 1121
committed in the vicinity of a school ~~or~~, in the vicinity of a 1122
juvenile, or in the vicinity of a substance addiction services 1123
provider, trafficking in a fentanyl-related compound is a felony 1124
of the fourth degree, and division (C) of section 2929.13 of the 1125
Revised Code applies in determining whether to impose a prison 1126
term on the offender. 1127

(c) Except as otherwise provided in this division, if the 1128
amount of the drug involved equals or exceeds ten unit doses but 1129
is less than fifty unit doses or equals or exceeds one gram but 1130
is less than five grams, trafficking in a fentanyl-related 1131
compound is a felony of the fourth degree, and division (B) of 1132

section 2929.13 of the Revised Code applies in determining 1133
whether to impose a prison term for the offense. If the amount 1134
of the drug involved is within that range and if the offense was 1135
committed in the vicinity of a school ~~or~~, in the vicinity of a 1136
juvenile, or in the vicinity of a substance addiction services 1137
provider, trafficking in a fentanyl-related compound is a felony 1138
of the third degree, and there is a presumption for a prison 1139
term for the offense. 1140

(d) Except as otherwise provided in this division, if the 1141
amount of the drug involved equals or exceeds fifty unit doses 1142
but is less than one hundred unit doses or equals or exceeds 1143
five grams but is less than ten grams, trafficking in a 1144
fentanyl-related compound is a felony of the third degree, and 1145
there is a presumption for a prison term for the offense. If the 1146
amount of the drug involved is within that range and if the 1147
offense was committed in the vicinity of a school ~~or~~, in the 1148
vicinity of a juvenile, or in the vicinity of a substance 1149
addiction services provider, trafficking in a fentanyl-related 1150
compound is a felony of the second degree, and there is a 1151
presumption for a prison term for the offense. 1152

(e) Except as otherwise provided in this division, if the 1153
amount of the drug involved equals or exceeds one hundred unit 1154
doses but is less than two hundred unit doses or equals or 1155
exceeds ten grams but is less than twenty grams, trafficking in 1156
a fentanyl-related compound is a felony of the second degree, 1157
and the court shall impose as a mandatory prison term one of the 1158
prison terms prescribed for a felony of the second degree. If 1159
the amount of the drug involved is within that range and if the 1160
offense was committed in the vicinity of a school ~~or~~, in the 1161
vicinity of a juvenile, or in the vicinity of a substance 1162
addiction services provider, trafficking in a fentanyl-related 1163

compound is a felony of the first degree, and the court shall 1164
impose as a mandatory prison term one of the prison terms 1165
prescribed for a felony of the first degree. 1166

(f) If the amount of the drug involved equals or exceeds 1167
two hundred unit doses but is less than five hundred unit doses 1168
or equals or exceeds twenty grams but is less than fifty grams 1169
and regardless of whether the offense was committed in the 1170
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 1171
the vicinity of a substance addiction services provider, 1172
trafficking in a fentanyl-related compound is a felony of the 1173
first degree, and the court shall impose as a mandatory prison 1174
term one of the prison terms prescribed for a felony of the 1175
first degree. 1176

(g) If the amount of the drug involved equals or exceeds 1177
five hundred unit doses but is less than one thousand unit doses 1178
or equals or exceeds fifty grams but is less than one hundred 1179
grams and regardless of whether the offense was committed in the 1180
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 1181
the vicinity of a substance addiction services provider, 1182
trafficking in a fentanyl-related compound is a felony of the 1183
first degree, and the court shall impose as a mandatory prison 1184
term the maximum prison term prescribed for a felony of the 1185
first degree. 1186

(h) If the amount of the drug involved equals or exceeds 1187
one thousand unit doses or equals or exceeds one hundred grams 1188
and regardless of whether the offense was committed in the 1189
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 1190
the vicinity of a substance addiction services provider, 1191
trafficking in a fentanyl-related compound is a felony of the 1192
first degree, the offender is a major drug offender, and the 1193

court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree. 1194
1195

(10) If the drug involved in the violation is a compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and marihuana, one of the following applies: 1196
1197
1198
1199

(a) Except as otherwise provided in division (C) (10) (b) of this section, the offender is guilty of trafficking in marihuana and shall be punished under division (C) (3) of this section. The offender is not guilty of trafficking in a fentanyl-related compound and shall not be charged with, convicted of, or punished under division (C) (9) of this section for trafficking in a fentanyl-related compound. 1200
1201
1202
1203
1204
1205
1206

(b) If the offender knows or has reason to know that the compound, mixture, preparation, or substance that is the drug involved contains a fentanyl-related compound, the offender is guilty of trafficking in a fentanyl-related compound and shall be punished under division (C) (9) of this section. 1207
1208
1209
1210
1211

(D) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may suspend the driver's or commercial driver's license or permit of the offender in accordance with division (G) of this section. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United 1212
1213
1214
1215
1216
1217
1218
1219
1220
1221
1222
1223

States arising out of the same set of circumstances as the 1224
violation, the court shall suspend the offender's driver's or 1225
commercial driver's license or permit in accordance with 1226
division (G) of this section. If applicable, the court also 1227
shall do the following: 1228

(1) If the violation of division (A) of this section is a 1229
felony of the first, second, or third degree, the court shall 1230
impose upon the offender the mandatory fine specified for the 1231
offense under division (B) (1) of section 2929.18 of the Revised 1232
Code unless, as specified in that division, the court determines 1233
that the offender is indigent. Except as otherwise provided in 1234
division (H) (1) of this section, a mandatory fine or any other 1235
fine imposed for a violation of this section is subject to 1236
division (F) of this section. If a person is charged with a 1237
violation of this section that is a felony of the first, second, 1238
or third degree, posts bail, and forfeits the bail, the clerk of 1239
the court shall pay the forfeited bail pursuant to divisions (D) 1240
(1) and (F) of this section, as if the forfeited bail was a fine 1241
imposed for a violation of this section. If any amount of the 1242
forfeited bail remains after that payment and if a fine is 1243
imposed under division (H) (1) of this section, the clerk of the 1244
court shall pay the remaining amount of the forfeited bail 1245
pursuant to divisions (H) (2) and (3) of this section, as if that 1246
remaining amount was a fine imposed under division (H) (1) of 1247
this section. 1248

(2) If the offender is a professionally licensed person, 1249
the court immediately shall comply with section 2925.38 of the 1250
Revised Code. 1251

(E) When a person is charged with the sale of or offer to 1252
sell a bulk amount or a multiple of a bulk amount of a 1253

controlled substance, the jury, or the court trying the accused, 1254
shall determine the amount of the controlled substance involved 1255
at the time of the offense and, if a guilty verdict is returned, 1256
shall return the findings as part of the verdict. In any such 1257
case, it is unnecessary to find and return the exact amount of 1258
the controlled substance involved, and it is sufficient if the 1259
finding and return is to the effect that the amount of the 1260
controlled substance involved is the requisite amount, or that 1261
the amount of the controlled substance involved is less than the 1262
requisite amount. 1263

(F) (1) Notwithstanding any contrary provision of section 1264
3719.21 of the Revised Code and except as provided in division 1265
(H) of this section, the clerk of the court shall pay any 1266
mandatory fine imposed pursuant to division (D) (1) of this 1267
section and any fine other than a mandatory fine that is imposed 1268
for a violation of this section pursuant to division (A) or (B) 1269
(5) of section 2929.18 of the Revised Code to the county, 1270
township, municipal corporation, park district, as created 1271
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1272
state law enforcement agencies in this state that primarily were 1273
responsible for or involved in making the arrest of, and in 1274
prosecuting, the offender. However, the clerk shall not pay a 1275
mandatory fine so imposed to a law enforcement agency unless the 1276
agency has adopted a written internal control policy under 1277
division (F) (2) of this section that addresses the use of the 1278
fine moneys that it receives. Each agency shall use the 1279
mandatory fines so paid to subsidize the agency's law 1280
enforcement efforts that pertain to drug offenses, in accordance 1281
with the written internal control policy adopted by the 1282
recipient agency under division (F) (2) of this section. 1283

(2) Prior to receiving any fine moneys under division (F) 1284

(1) of this section or division (B) of section 2925.42 of the Revised Code, a law enforcement agency shall adopt a written internal control policy that addresses the agency's use and disposition of all fine moneys so received and that provides for the keeping of detailed financial records of the receipts of those fine moneys, the general types of expenditures made out of those fine moneys, and the specific amount of each general type of expenditure. The policy shall not provide for or permit the identification of any specific expenditure that is made in an ongoing investigation. All financial records of the receipts of those fine moneys, the general types of expenditures made out of those fine moneys, and the specific amount of each general type of expenditure by an agency are public records open for inspection under section 149.43 of the Revised Code. Additionally, a written internal control policy adopted under this division is such a public record, and the agency that adopted it shall comply with it.

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

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

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

(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 1315
on which the offender finally was released from a prison term 1316
under the sentence, whichever is later, may file a motion with 1317
the sentencing court requesting termination of the suspension; 1318
upon the filing of such a motion and the court's finding of good 1319
cause for the termination, the court may terminate the 1320
suspension. 1321

(2) Any offender who received a mandatory suspension of 1322
the offender's driver's or commercial driver's license or permit 1323
under this section prior to September 13, 2016, may file a 1324
motion with the sentencing court requesting the termination of 1325
the suspension. However, an offender who pleaded guilty to or 1326
was convicted of a violation of section 4511.19 of the Revised 1327
Code or a substantially similar municipal ordinance or law of 1328
another state or the United States that arose out of the same 1329
set of circumstances as the violation for which the offender's 1330
license or permit was suspended under this section shall not 1331
file such a motion. 1332

Upon the filing of a motion under division (G) (2) of this 1333
section, the sentencing court, in its discretion, may terminate 1334
the suspension. 1335

(H) (1) In addition to any prison term authorized or 1336
required by division (C) of this section and sections 2929.13 1337
and 2929.14 of the Revised Code, in addition to any other 1338
penalty or sanction imposed for the offense under this section 1339
or sections 2929.11 to 2929.18 of the Revised Code, and in 1340
addition to the forfeiture of property in connection with the 1341
offense as prescribed in Chapter 2981. of the Revised Code, the 1342
court that sentences an offender who is convicted of or pleads 1343
guilty to a violation of division (A) of this section may impose 1344

upon the offender an additional fine specified for the offense 1345
in division (B) (4) of section 2929.18 of the Revised Code. A 1346
fine imposed under division (H) (1) of this section is not 1347
subject to division (F) of this section and shall be used solely 1348
for the support of one or more eligible community addiction 1349
services providers in accordance with divisions (H) (2) and (3) 1350
of this section. 1351

(2) The court that imposes a fine under division (H) (1) of 1352
this section shall specify in the judgment that imposes the fine 1353
one or more eligible community addiction services providers for 1354
the support of which the fine money is to be used. No community 1355
addiction services provider shall receive or use money paid or 1356
collected in satisfaction of a fine imposed under division (H) 1357
(1) of this section unless the services provider is specified in 1358
the judgment that imposes the fine. No community addiction 1359
services provider shall be specified in the judgment unless the 1360
services provider is an eligible community addiction services 1361
provider and, except as otherwise provided in division (H) (2) of 1362
this section, unless the services provider is located in the 1363
county in which the court that imposes the fine is located or in 1364
a county that is immediately contiguous to the county in which 1365
that court is located. If no eligible community addiction 1366
services provider is located in any of those counties, the 1367
judgment may specify an eligible community addiction services 1368
provider that is located anywhere within this state. 1369

(3) Notwithstanding any contrary provision of section 1370
3719.21 of the Revised Code, the clerk of the court shall pay 1371
any fine imposed under division (H) (1) of this section to the 1372
eligible community addiction services provider specified 1373
pursuant to division (H) (2) of this section in the judgment. The 1374
eligible community addiction services provider that receives the 1375

fine moneys shall use the moneys only for the alcohol and drug 1376
addiction services identified in the application for 1377
certification of services under section 5119.36 of the Revised 1378
Code or in the application for a license under section 5119.37 1379
of the Revised Code filed with the department of mental health 1380
and addiction services by the community addiction services 1381
provider specified in the judgment. 1382

(4) Each community addiction services provider that 1383
receives in a calendar year any fine moneys under division (H) 1384
(3) of this section shall file an annual report covering that 1385
calendar year with the court of common pleas and the board of 1386
county commissioners of the county in which the services 1387
provider is located, with the court of common pleas and the 1388
board of county commissioners of each county from which the 1389
services provider received the moneys if that county is 1390
different from the county in which the services provider is 1391
located, and with the attorney general. The community addiction 1392
services provider shall file the report no later than the first 1393
day of March in the calendar year following the calendar year in 1394
which the services provider received the fine moneys. The report 1395
shall include statistics on the number of persons served by the 1396
community addiction services provider, identify the types of 1397
alcohol and drug addiction services provided to those persons, 1398
and include a specific accounting of the purposes for which the 1399
fine moneys received were used. No information contained in the 1400
report shall identify, or enable a person to determine the 1401
identity of, any person served by the community addiction 1402
services provider. Each report received by a court of common 1403
pleas, a board of county commissioners, or the attorney general 1404
is a public record open for inspection under section 149.43 of 1405
the Revised Code. 1406

(5) As used in divisions (H) (1) to (5) of this section:	1407
(a) "Community addiction services provider" and "alcohol and drug addiction services" have the same meanings as in section 5119.01 of the Revised Code.	1408 1409 1410
(b) "Eligible community addiction services provider" means a community addiction services provider, including a community addiction services provider that operates an opioid treatment program licensed under section 5119.37 of the Revised Code.	1411 1412 1413 1414
(I) As used in this section, "drug" includes any substance that is represented to be a drug.	1415 1416
(J) It is an affirmative defense to a charge of trafficking in a controlled substance analog under division (C) (8) of this section that the person charged with violating that offense sold or offered to sell, or prepared for shipment, shipped, transported, delivered, prepared for distribution, or distributed an item described in division (HH) (2) (a), (b), or (c) of section 3719.01 of the Revised Code.	1417 1418 1419 1420 1421 1422 1423
Section 2. That existing sections 2925.01 and 2925.03 of the Revised Code are hereby repealed.	1424 1425
Section 3. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:	1426 1427 1428 1429 1430 1431 1432 1433
Section 2925.01 of the Revised Code as amended by both Am. Sub. H.B. 49 and Am. Sub. S.B. 1 of the 132nd General Assembly.	1434 1435

Section 2925.03 of the Revised Code as amended by both Am.	1436
Sub. H.B. 111 and Am. Sub. S.B. 1 of the 132nd General Assembly.	1437
Section 4. This act shall be known as the "Relapse	1438
Reduction Act."	1439