

As Passed by the Senate

131st General Assembly

Regular Session

2015-2016

Sub. S. B. No. 237

Senator LaRose

Cosponsors: Senators Burke, Bacon, Hackett, Eklund, Balderson, Beagle, Faber, Gardner, Hite, Hottinger, Hughes, Jones, Manning, Oelslager, Patton, Peterson, Seitz, Uecker

A BILL

To amend sections 2925.01, 2925.02, 2925.03, 1
2925.04, 2925.05, 2925.11, 2925.13, 2925.36, 2
2929.01, 2929.14, 2941.1410, 3719.41, 3719.99, 3
and 4729.99 of the Revised Code to increase 4
penalties for drug trafficking violations, drug 5
possession violations, and aggravated funding of 6
drug trafficking when the drug involved in the 7
offense is a fentanyl-related compound, to 8
revise the manner of determining sentence for 9
certain violations of the offense of permitting 10
drug abuse, and to add lisdexamfetamine to the 11
list of schedule II controlled substances. 12

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

Section 1. That sections 2925.01, 2925.02, 2925.03, 13
2925.04, 2925.05, 2925.11, 2925.13, 2925.36, 2929.01, 2929.14, 14
2941.1410, 3719.41, 3719.99, and 4729.99 of the Revised Code be 15
amended to read as follows: 16

Sec. 2925.01. As used in this chapter: 17

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

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

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

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

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

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

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

(c) An amount equal to or exceeding thirty grams or ten

unit doses of a compound, mixture, preparation, or substance 47
that is or contains any amount of a schedule I hallucinogen 48
other than tetrahydrocannabinol or lysergic acid amide, or a 49
schedule I stimulant or depressant; 50

(d) An amount equal to or exceeding twenty grams or five 51
times the maximum daily dose in the usual dose range specified 52
in a standard pharmaceutical reference manual of a compound, 53
mixture, preparation, or substance that is or contains any 54
amount of a schedule II opiate or opium derivative; 55

(e) An amount equal to or exceeding five grams or ten unit 56
doses of a compound, mixture, preparation, or substance that is 57
or contains any amount of phencyclidine; 58

(f) An amount equal to or exceeding one hundred twenty 59
grams or thirty times the maximum daily dose in the usual dose 60
range specified in a standard pharmaceutical reference manual of 61
a compound, mixture, preparation, or substance that is or 62
contains any amount of a schedule II stimulant that is in a 63
final dosage form manufactured by a person authorized by the 64
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 65
U.S.C.A. 301, as amended, and the federal drug abuse control 66
laws, as defined in section 3719.01 of the Revised Code, that is 67
or contains any amount of a schedule II depressant substance or 68
a schedule II hallucinogenic substance; 69

(g) An amount equal to or exceeding three grams of a 70
compound, mixture, preparation, or substance that is or contains 71
any amount of a schedule II stimulant, or any of its salts or 72
isomers, that is not in a final dosage form manufactured by a 73
person authorized by the Federal Food, Drug, and Cosmetic Act 74
and the federal drug abuse control laws. 75

(2) An amount equal to or exceeding one hundred twenty 76
grams or thirty times the maximum daily dose in the usual dose 77
range specified in a standard pharmaceutical reference manual of 78
a compound, mixture, preparation, or substance that is or 79
contains any amount of a schedule III or IV substance other than 80
an anabolic steroid or a schedule III opiate or opium 81
derivative; 82

(3) An amount equal to or exceeding twenty grams or five 83
times the maximum daily dose in the usual dose range specified 84
in a standard pharmaceutical reference manual of a compound, 85
mixture, preparation, or substance that is or contains any 86
amount of a schedule III opiate or opium derivative; 87

(4) An amount equal to or exceeding two hundred fifty 88
milliliters or two hundred fifty grams of a compound, mixture, 89
preparation, or substance that is or contains any amount of a 90
schedule V substance; 91

(5) An amount equal to or exceeding two hundred solid 92
dosage units, sixteen grams, or sixteen milliliters of a 93
compound, mixture, preparation, or substance that is or contains 94
any amount of a schedule III anabolic steroid. 95

(E) "Unit dose" means an amount or unit of a compound, 96
mixture, or preparation containing a controlled substance that 97
is separately identifiable and in a form that indicates that it 98
is the amount or unit by which the controlled substance is 99
separately administered to or taken by an individual. 100

(F) "Cultivate" includes planting, watering, fertilizing, 101
or tilling. 102

(G) "Drug abuse offense" means any of the following: 103

(1) A violation of division (A) of section 2913.02 that 104

constitutes theft of drugs, or a violation of section 2925.02, 105
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 106
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 107
or 2925.37 of the Revised Code; 108

(2) A violation of an existing or former law of this or 109
any other state or of the United States that is substantially 110
equivalent to any section listed in division (G) (1) of this 111
section; 112

(3) An offense under an existing or former law of this or 113
any other state, or of the United States, of which planting, 114
cultivating, harvesting, processing, making, manufacturing, 115
producing, shipping, transporting, delivering, acquiring, 116
possessing, storing, distributing, dispensing, selling, inducing 117
another to use, administering to another, using, or otherwise 118
dealing with a controlled substance is an element; 119

(4) A conspiracy to commit, attempt to commit, or 120
complicity in committing or attempting to commit any offense 121
under division (G) (1), (2), or (3) of this section. 122

(H) "Felony drug abuse offense" means any drug abuse 123
offense that would constitute a felony under the laws of this 124
state, any other state, or the United States. 125

(I) "Harmful intoxicant" does not include beer or 126
intoxicating liquor but means any of the following: 127

(1) Any compound, mixture, preparation, or substance the 128
gas, fumes, or vapor of which when inhaled can induce 129
intoxication, excitement, giddiness, irrational behavior, 130
depression, stupefaction, paralysis, unconsciousness, 131
asphyxiation, or other harmful physiological effects, and 132
includes, but is not limited to, any of the following: 133

(a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;	134 135 136 137
(b) Any aerosol propellant;	138
(c) Any fluorocarbon refrigerant;	139
(d) Any anesthetic gas.	140
(2) Gamma Butyrolactone;	141
(3) 1,4 Butanediol.	142
(J) "Manufacture" means to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.	143 144 145 146 147 148
(K) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.	149 150 151 152
(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.	153 154 155 156 157 158
(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the state board of pharmacy.	159 160 161

(N) "Juvenile" means a person under eighteen years of age.	162
(O) "Counterfeit controlled substance" means any of the following:	163 164
(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;	165 166 167 168
(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;	169 170 171 172
(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;	173 174 175
(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.	176 177 178 179 180
(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.	181 182 183 184 185 186 187
(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	188 189 190

board of education prescribes minimum standards under section 191
3301.07 of the Revised Code, whether or not any instruction, 192
extracurricular activities, or training provided by the school 193
is being conducted at the time a criminal offense is committed. 194

(R) "School premises" means either of the following: 195

(1) The parcel of real property on which any school is 196
situated, whether or not any instruction, extracurricular 197
activities, or training provided by the school is being 198
conducted on the premises at the time a criminal offense is 199
committed; 200

(2) Any other parcel of real property that is owned or 201
leased by a board of education of a school, the governing 202
authority of a community school established under Chapter 3314. 203
of the Revised Code, or the governing body of a nonpublic school 204
for which the state board of education prescribes minimum 205
standards under section 3301.07 of the Revised Code and on which 206
some of the instruction, extracurricular activities, or training 207
of the school is conducted, whether or not any instruction, 208
extracurricular activities, or training provided by the school 209
is being conducted on the parcel of real property at the time a 210
criminal offense is committed. 211

(S) "School building" means any building in which any of 212
the instruction, extracurricular activities, or training 213
provided by a school is conducted, whether or not any 214
instruction, extracurricular activities, or training provided by 215
the school is being conducted in the school building at the time 216
a criminal offense is committed. 217

(T) "Disciplinary counsel" means the disciplinary counsel 218
appointed by the board of commissioners on grievances and 219

discipline of the supreme court under the Rules for the 220
Government of the Bar of Ohio. 221

(U) "Certified grievance committee" means a duly 222
constituted and organized committee of the Ohio state bar 223
association or of one or more local bar associations of the 224
state of Ohio that complies with the criteria set forth in Rule 225
V, section 6 of the Rules for the Government of the Bar of Ohio. 226

(V) "Professional license" means any license, permit, 227
certificate, registration, qualification, admission, temporary 228
license, temporary permit, temporary certificate, or temporary 229
registration that is described in divisions (W) (1) to (36) of 230
this section and that qualifies a person as a professionally 231
licensed person. 232

(W) "Professionally licensed person" means any of the 233
following: 234

(1) A person who has obtained a license as a manufacturer 235
of controlled substances or a wholesaler of controlled 236
substances under Chapter 3719. of the Revised Code; 237

(2) A person who has received a certificate or temporary 238
certificate as a certified public accountant or who has 239
registered as a public accountant under Chapter 4701. of the 240
Revised Code and who holds an Ohio permit issued under that 241
chapter; 242

(3) A person who holds a certificate of qualification to 243
practice architecture issued or renewed and registered under 244
Chapter 4703. of the Revised Code; 245

(4) A person who is registered as a landscape architect 246
under Chapter 4703. of the Revised Code or who holds a permit as 247
a landscape architect issued under that chapter; 248

(5) A person licensed under Chapter 4707. of the Revised Code;	249 250
(6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	251 252 253
(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;	254 255 256
(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;	257 258 259 260 261 262 263 264 265 266 267
(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 hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	268 269 270 271 272 273
(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	274 275 276 277

Revised Code;	278
(11) A person who has been licensed as a registered nurse	279
or practical nurse, or who has been issued a certificate for the	280
practice of nurse-midwifery under Chapter 4723. of the Revised	281
Code;	282
(12) A person who has been licensed to practice optometry	283
or to engage in optical dispensing under Chapter 4725. of the	284
Revised Code;	285
(13) A person licensed to act as a pawnbroker under	286
Chapter 4727. of the Revised Code;	287
(14) A person licensed to act as a precious metals dealer	288
under Chapter 4728. of the Revised Code;	289
(15) A person licensed as a pharmacist, a pharmacy intern,	290
a wholesale distributor of dangerous drugs, or a terminal	291
distributor of dangerous drugs under Chapter 4729. of the	292
Revised Code;	293
(16) A person who is authorized to practice as a physician	294
assistant under Chapter 4730. of the Revised Code;	295
(17) A person who has been issued a certificate to	296
practice medicine and surgery, osteopathic medicine and surgery,	297
a limited branch of medicine, or podiatry under Chapter 4731. of	298
the Revised Code;	299
(18) A person licensed as a psychologist or school	300
psychologist under Chapter 4732. of the Revised Code;	301
(19) A person registered to practice the profession of	302
engineering or surveying under Chapter 4733. of the Revised	303
Code;	304

(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	305 306
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	307 308
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	309 310
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	311 312
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	313 314
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	315 316
(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;	317 318 319 320
(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;	321 322 323
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	324 325 326
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	327 328 329
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised	330 331

Code;	332
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	333 334 335
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	336 337 338 339 340 341
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	342 343
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	344 345 346
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	347 348
(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	349 350 351
(X) "Cocaine" means any of the following:	352
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	353 354
(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;	355 356 357 358

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

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

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

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

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

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

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

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

following:	388
(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;	389 390
(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree.	391 392 393
(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	394 395
(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	396 397
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	398 399 400
(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.	401 402 403 404 405
(JJ) "Lawful prescription" means a prescription that is issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense.	406 407 408 409 410
(KK) "Deception" and "theft offense" have the same meanings as in section 2913.01 of the Revised Code.	411 412
<u>(LL) "Fentanyl-related compound" means any of the following:</u>	413 414

<u>(1) Fentanyl;</u>	415
<u>(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);</u>	416 417 418
<u>(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N- phenylpropanamide);</u>	419 420
<u>(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N- phenylpropanamide);</u>	421 422
<u>(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);</u>	423 424 425
<u>(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);</u>	426 427
<u>(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N- phenylpropanamide);</u>	428 429
<u>(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;</u>	430 431
<u>(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;</u>	432 433
<u>(10) Alfentanil;</u>	434
<u>(11) Carfentanil;</u>	435
<u>(12) Remifentanil;</u>	436
<u>(13) Sufentanil;</u>	437
<u>(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and</u>	438 439
<u>(15) A schedule I narcotic-opiate that meets the fentanyl</u>	440

pharmacophore requirements specified in division (A) (56) of 441
section 3719.41 of the Revised Code, including acetylfentanyl, 442
furanylfentanyl, valerylfentanyl, butyrylfentanyl, 443
isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para- 444
fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl. 445

Sec. 2925.02. (A) No person shall knowingly do any of the 446
following: 447

(1) By force, threat, or deception, administer to another 448
or induce or cause another to use a controlled substance; 449

(2) By any means, administer or furnish to another or 450
induce or cause another to use a controlled substance with 451
purpose to cause serious physical harm to the other person, or 452
with purpose to cause the other person to become drug dependent; 453

(3) By any means, administer or furnish to another or 454
induce or cause another to use a controlled substance, and 455
thereby cause serious physical harm to the other person, or 456
cause the other person to become drug dependent; 457

(4) By any means, do any of the following: 458

(a) Furnish or administer a controlled substance to a 459
juvenile who is at least two years the offender's junior, when 460
the offender knows the age of the juvenile or is reckless in 461
that regard; 462

(b) Induce or cause a juvenile who is at least two years 463
the offender's junior to use a controlled substance, when the 464
offender knows the age of the juvenile or is reckless in that 465
regard; 466

(c) Induce or cause a juvenile who is at least two years 467
the offender's junior to commit a felony drug abuse offense, 468

when the offender knows the age of the juvenile or is reckless 469
in that regard; 470

(d) Use a juvenile, whether or not the offender knows the 471
age of the juvenile, to perform any surveillance activity that 472
is intended to prevent the detection of the offender or any 473
other person in the commission of a felony drug abuse offense or 474
to prevent the arrest of the offender or any other person for 475
the commission of a felony drug abuse offense. 476

(5) By any means, furnish or administer a controlled 477
substance to a pregnant woman or induce or cause a pregnant 478
woman to use a controlled substance, when the offender knows 479
that the woman is pregnant or is reckless in that regard. 480

(B) Division (A) (1), (3), (4), or (5) of this section does 481
not apply to manufacturers, wholesalers, licensed health 482
professionals authorized to prescribe drugs, pharmacists, owners 483
of pharmacies, and other persons whose conduct is in accordance 484
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 485
4741. of the Revised Code. 486

(C) Whoever violates this section is guilty of corrupting 487
another with drugs. The penalty for the offense shall be 488
determined as follows: 489

(1) If the offense is a violation of division (A) (1), (2), 490
(3), or (4) of this section and the drug involved is any 491
compound, mixture, preparation, or substance included in 492
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 493
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 494
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 495
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 496
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 497

offender shall be punished as follows: 498

(a) Except as otherwise provided in division (C) (1) (b) of 499
this section, corrupting another with drugs committed in those 500
circumstances is a felony of the second degree and, subject to 501
division (E) of this section, the court shall impose as a 502
mandatory prison term one of the prison terms prescribed for a 503
felony of the second degree. 504

(b) If the offense was committed in the vicinity of a 505
school, corrupting another with drugs committed in those 506
circumstances is a felony of the first degree, and, subject to 507
division (E) of this section, the court shall impose as a 508
mandatory prison term one of the prison terms prescribed for a 509
felony of the first degree. 510

(2) If the offense is a violation of division (A) (1), (2), 511
(3), or (4) of this section and the drug involved is any 512
compound, mixture, preparation, or substance included in 513
schedule III, IV, or V, the offender shall be punished as 514
follows: 515

(a) Except as otherwise provided in division (C) (2) (b) of 516
this section, corrupting another with drugs committed in those 517
circumstances is a felony of the second degree and there is a 518
presumption for a prison term for the offense. 519

(b) If the offense was committed in the vicinity of a 520
school, corrupting another with drugs committed in those 521
circumstances is a felony of the second degree and the court 522
shall impose as a mandatory prison term one of the prison terms 523
prescribed for a felony of the second degree. 524

(3) If the offense is a violation of division (A) (1), (2), 525
(3), or (4) of this section and the drug involved is marihuana, 526

1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 527
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 528
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 529
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 530
offender shall be punished as follows: 531

(a) Except as otherwise provided in division (C) (3) (b) of 532
this section, corrupting another with drugs committed in those 533
circumstances is a felony of the fourth degree and division (C) 534
of section 2929.13 of the Revised Code applies in determining 535
whether to impose a prison term on the offender. 536

(b) If the offense was committed in the vicinity of a 537
school, corrupting another with drugs committed in those 538
circumstances is a felony of the third degree and division (C) 539
of section 2929.13 of the Revised Code applies in determining 540
whether to impose a prison term on the offender. 541

(4) If the offense is a violation of division (A) (5) of 542
this section and the drug involved is any compound, mixture, 543
preparation, or substance included in schedule I or II, with the 544
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 545
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 546
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 547
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 548
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 549
felony of the first degree and, subject to division (E) of this 550
section, the court shall impose as a mandatory prison term one 551
of the prison terms prescribed for a felony of the first degree. 552

(5) If the offense is a violation of division (A) (5) of 553
this section and the drug involved is any compound, mixture, 554
preparation, or substance included in schedule III, IV, or V, 555
corrupting another with drugs is a felony of the second degree 556

and the court shall impose as a mandatory prison term one of the 557
prison terms prescribed for a felony of the second degree. 558

(6) If the offense is a violation of division (A) (5) of 559
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 560
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 561
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 562
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 563
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 564
corrupting another with drugs is a felony of the third degree 565
and division (C) of section 2929.13 of the Revised Code applies 566
in determining whether to impose a prison term on the offender. 567

(D) In addition to any prison term authorized or required 568
by division (C) or (E) of this section and sections 2929.13 and 569
2929.14 of the Revised Code and in addition to any other 570
sanction imposed for the offense under this section or sections 571
2929.11 to 2929.18 of the Revised Code, the court that sentences 572
an offender who is convicted of or pleads guilty to a violation 573
of division (A) of this section may suspend for not more than 574
five years the offender's driver's or commercial driver's 575
license or permit. However, if the offender pleaded guilty to or 576
was convicted of a violation of section 4511.19 of the Revised 577
Code or a substantially similar municipal ordinance or the law 578
of another state or the United States arising out of the same 579
set of circumstances as the violation, the court shall suspend 580
the offender's driver's or commercial driver's license or permit 581
for not more than five years. The court also shall do all of the 582
following that are applicable regarding the offender: 583

(1) (a) If the violation is a felony of the first, second, 584
or third degree, the court shall impose upon the offender the 585
mandatory fine specified for the offense under division (B) (1) 586

of section 2929.18 of the Revised Code unless, as specified in 587
that division, the court determines that the offender is 588
indigent. 589

(b) Notwithstanding any contrary provision of section 590
3719.21 of the Revised Code, any mandatory fine imposed pursuant 591
to division (D) (1) (a) of this section and any fine imposed for a 592
violation of this section pursuant to division (A) of section 593
2929.18 of the Revised Code shall be paid by the clerk of the 594
court in accordance with and subject to the requirements of, and 595
shall be used as specified in, division (F) of section 2925.03 596
of the Revised Code. 597

(c) If a person is charged with any violation of this 598
section that is a felony of the first, second, or third degree, 599
posts bail, and forfeits the bail, the forfeited bail shall be 600
paid by the clerk of the court pursuant to division (D) (1) (b) of 601
this section as if it were a fine imposed for a violation of 602
this section. 603

(2) If the offender is a professionally licensed person, 604
in addition to any other sanction imposed for a violation of 605
this section, the court immediately shall comply with section 606
2925.38 of the Revised Code. 607

(E) Notwithstanding the prison term otherwise authorized 608
or required for the offense under division (C) of this section 609
and sections 2929.13 and 2929.14 of the Revised Code, if the 610
violation of division (A) of this section involves the sale, 611
offer to sell, or possession of a schedule I or II controlled 612
substance, with the exception of marihuana, 1-Pentyl-3-(1- 613
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 614
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 615
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 616

(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 617
if the court imposing sentence upon the offender finds that the 618
offender as a result of the violation is a major drug offender 619
and is guilty of a specification of the type described in 620
division (A) of section 2941.1410 of the Revised Code, the 621
court, in lieu of the prison term that otherwise is authorized 622
or required, shall impose upon the offender the mandatory prison 623
term specified in division (B) (3) (a) of section 2929.14 of the 624
Revised Code. 625

(F) (1) If the sentencing court suspends the offender's 626
driver's or commercial driver's license or permit under division 627
(D) of this section, the offender, at any time after the 628
expiration of two years from the day on which the offender's 629
sentence was imposed or from the day on which the offender 630
finally was released from a prison term under the sentence, 631
whichever is later, may file a motion with the sentencing court 632
requesting termination of the suspension. Upon the filing of the 633
motion and the court's finding of good cause for the 634
determination, the court may terminate the suspension. 635

(2) Any offender who received a mandatory suspension of 636
the offender's driver's or commercial driver's license or permit 637
under this section prior to ~~the effective date of this amendment~~ 638
September 13, 2016, may file a motion with the sentencing court 639
requesting the termination of the suspension. However, an 640
offender who pleaded guilty to or was convicted of a violation 641
of section 4511.19 of the Revised Code or a substantially 642
similar municipal ordinance or law of another state or the 643
United States that arose out of the same set of circumstances as 644
the violation for which the offender's license or permit was 645
suspended under this section shall not file such a motion. 646

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

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

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

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

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

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

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

(3) Any person who sells, offers for sale, prescribes, dispenses, or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301,

as amended, and is sold, offered for sale, prescribed, 676
dispensed, or administered for that purpose in accordance with 677
that act. 678

(C) Whoever violates division (A) of this section is 679
guilty of one of the following: 680

(1) If the drug involved in the violation is any compound, 681
mixture, preparation, or substance included in schedule I or 682
schedule II, with the exception of marihuana, cocaine, L.S.D., 683
heroin, any fentanyl-related compound, hashish, and any 684
controlled substance ~~analog~~ analog, whoever violates division 685
(A) of this section is guilty of aggravated trafficking in 686
drugs. The penalty for the offense shall be determined as 687
follows: 688

(a) Except as otherwise provided in division (C) (1) (b), 689
(c), (d), (e), or (f) of this section, aggravated trafficking in 690
drugs is a felony of the fourth degree, and division (C) of 691
section 2929.13 of the Revised Code applies in determining 692
whether to impose a prison term on the offender. 693

(b) Except as otherwise provided in division (C) (1) (c), 694
(d), (e), or (f) of this section, if the offense was committed 695
in the vicinity of a school or in the vicinity of a juvenile, 696
aggravated trafficking in drugs is a felony of the third degree, 697
and division (C) of section 2929.13 of the Revised Code applies 698
in determining whether to impose a prison term on the offender. 699

(c) Except as otherwise provided in this division, if the 700
amount of the drug involved equals or exceeds the bulk amount 701
but is less than five times the bulk amount, aggravated 702
trafficking in drugs is a felony of the third degree, and, 703
except as otherwise provided in this division, there is a 704

presumption for a prison term for the offense. If aggravated 705
trafficking in drugs is a felony of the third degree under this 706
division and if the offender two or more times previously has 707
been convicted of or pleaded guilty to a felony drug abuse 708
offense, the court shall impose as a mandatory prison term one 709
of the prison terms prescribed for a felony of the third degree. 710
If the amount of the drug involved is within that range and if 711
the offense was committed in the vicinity of a school or in the 712
vicinity of a juvenile, aggravated trafficking in drugs is a 713
felony of the second degree, and the court shall impose as a 714
mandatory prison term one of the prison terms prescribed for a 715
felony of the second degree. 716

(d) Except as otherwise provided in this division, if the 717
amount of the drug involved equals or exceeds five times the 718
bulk amount but is less than fifty times the bulk amount, 719
aggravated trafficking in drugs is a felony of the second 720
degree, and the court shall impose as a mandatory prison term 721
one of the prison terms prescribed for a felony of the second 722
degree. If the amount of the drug involved is within that range 723
and if the offense was committed in the vicinity of a school or 724
in the vicinity of a juvenile, aggravated trafficking in drugs 725
is a felony of the first degree, and the court shall impose as a 726
mandatory prison term one of the prison terms prescribed for a 727
felony of the first degree. 728

(e) If the amount of the drug involved equals or exceeds 729
fifty times the bulk amount but is less than one hundred times 730
the bulk amount and regardless of whether the offense was 731
committed in the vicinity of a school or in the vicinity of a 732
juvenile, aggravated trafficking in drugs is a felony of the 733
first degree, and the court shall impose as a mandatory prison 734
term one of the prison terms prescribed for a felony of the 735

first degree. 736

(f) If the amount of the drug involved equals or exceeds 737
one hundred times the bulk amount and regardless of whether the 738
offense was committed in the vicinity of a school or in the 739
vicinity of a juvenile, aggravated trafficking in drugs is a 740
felony of the first degree, the offender is a major drug 741
offender, and the court shall impose as a mandatory prison term 742
the maximum prison term prescribed for a felony of the first 743
degree. 744

(2) If the drug involved in the violation is any compound, 745
mixture, preparation, or substance included in schedule III, IV, 746
or V, whoever violates division (A) of this section is guilty of 747
trafficking in drugs. The penalty for the offense shall be 748
determined as follows: 749

(a) Except as otherwise provided in division (C) (2) (b), 750
(c), (d), or (e) of this section, trafficking in drugs is a 751
felony of the fifth degree, and division (B) of section 2929.13 752
of the Revised Code applies in determining whether to impose a 753
prison term on the offender. 754

(b) Except as otherwise provided in division (C) (2) (c), 755
(d), or (e) of this section, if the offense was committed in the 756
vicinity of a school or in the vicinity of a juvenile, 757
trafficking in drugs is a felony of the fourth degree, and 758
division (C) of section 2929.13 of the Revised Code applies in 759
determining whether to impose a prison term on the offender. 760

(c) Except as otherwise provided in this division, if the 761
amount of the drug involved equals or exceeds the bulk amount 762
but is less than five times the bulk amount, trafficking in 763
drugs is a felony of the fourth degree, and division (B) of 764

section 2929.13 of the Revised Code applies in determining 765
whether to impose a prison term for the offense. If the amount 766
of the drug involved is within that range and if the offense was 767
committed in the vicinity of a school or in the vicinity of a 768
juvenile, trafficking in drugs is a felony of the third degree, 769
and there is a presumption for a prison term for the offense. 770

(d) Except as otherwise provided in this division, if the 771
amount of the drug involved equals or exceeds five times the 772
bulk amount but is less than fifty times the bulk amount, 773
trafficking in drugs is a felony of the third degree, and there 774
is a presumption for a prison term for the offense. If the 775
amount of the drug involved is within that range and if the 776
offense was committed in the vicinity of a school or in the 777
vicinity of a juvenile, trafficking in drugs is a felony of the 778
second degree, and there is a presumption for a prison term for 779
the offense. 780

(e) Except as otherwise provided in this division, if the 781
amount of the drug involved equals or exceeds fifty times the 782
bulk amount, trafficking in drugs is a felony of the second 783
degree, and the court shall impose as a mandatory prison term 784
one of the prison terms prescribed for a felony of the second 785
degree. If the amount of the drug involved equals or exceeds 786
fifty times the bulk amount and if the offense was committed in 787
the vicinity of a school or in the vicinity of a juvenile, 788
trafficking in drugs is a felony of the first degree, and the 789
court shall impose as a mandatory prison term one of the prison 790
terms prescribed for a felony of the first degree. 791

(3) If the drug involved in the violation is marihuana or 792
a compound, mixture, preparation, or substance containing 793
marihuana other than hashish, whoever violates division (A) of 794

this section is guilty of trafficking in marihuana. The penalty 795
for the offense shall be determined as follows: 796

(a) Except as otherwise provided in division (C) (3) (b), 797
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 798
marihuana is a felony of the fifth degree, and division (B) of 799
section 2929.13 of the Revised Code applies in determining 800
whether to impose a prison term on the offender. 801

(b) Except as otherwise provided in division (C) (3) (c), 802
(d), (e), (f), (g), or (h) of this section, if the offense was 803
committed in the vicinity of a school or in the vicinity of a 804
juvenile, trafficking in marihuana is a felony of the fourth 805
degree, and division (B) of section 2929.13 of the Revised Code 806
applies in determining whether to impose a prison term on the 807
offender. 808

(c) Except as otherwise provided in this division, if the 809
amount of the drug involved equals or exceeds two hundred grams 810
but is less than one thousand grams, trafficking in marihuana is 811
a felony of the fourth degree, and division (B) of section 812
2929.13 of the Revised Code applies in determining whether to 813
impose a prison term on the offender. If the amount of the drug 814
involved is within that range and if the offense was committed 815
in the vicinity of a school or in the vicinity of a juvenile, 816
trafficking in marihuana is a felony of the third degree, and 817
division (C) of section 2929.13 of the Revised Code applies in 818
determining whether to impose a prison term on the offender. 819

(d) Except as otherwise provided in this division, if the 820
amount of the drug involved equals or exceeds one thousand grams 821
but is less than five thousand grams, trafficking in marihuana 822
is a felony of the third degree, and division (C) of section 823
2929.13 of the Revised Code applies in determining whether to 824

impose a prison term on the offender. If the amount of the drug 825
involved is within that range and if the offense was committed 826
in the vicinity of a school or in the vicinity of a juvenile, 827
trafficking in marihuana is a felony of the second degree, and 828
there is a presumption that a prison term shall be imposed for 829
the offense. 830

(e) Except as otherwise provided in this division, if the 831
amount of the drug involved equals or exceeds five thousand 832
grams but is less than twenty thousand grams, trafficking in 833
marihuana is a felony of the third degree, and there is a 834
presumption that a prison term shall be imposed for the offense. 835
If the amount of the drug involved is within that range and if 836
the offense was committed in the vicinity of a school or in the 837
vicinity of a juvenile, trafficking in marihuana is a felony of 838
the second degree, and there is a presumption that a prison term 839
shall be imposed for the offense. 840

(f) Except as otherwise provided in this division, if the 841
amount of the drug involved equals or exceeds twenty thousand 842
grams but is less than forty thousand grams, trafficking in 843
marihuana is a felony of the second degree, and the court shall 844
impose a mandatory prison term of five, six, seven, or eight 845
years. If the amount of the drug involved is within that range 846
and if the offense was committed in the vicinity of a school or 847
in the vicinity of a juvenile, trafficking in marihuana is a 848
felony of the first degree, and the court shall impose as a 849
mandatory prison term the maximum prison term prescribed for a 850
felony of the first degree. 851

(g) Except as otherwise provided in this division, if the 852
amount of the drug involved equals or exceeds forty thousand 853
grams, trafficking in marihuana is a felony of the second 854

degree, and the court shall impose as a mandatory prison term 855
the maximum prison term prescribed for a felony of the second 856
degree. If the amount of the drug involved equals or exceeds 857
forty thousand grams and if the offense was committed in the 858
vicinity of a school or in the vicinity of a juvenile, 859
trafficking in marihuana is a felony of the first degree, and 860
the court shall impose as a mandatory prison term the maximum 861
prison term prescribed for a felony of the first degree. 862

(h) Except as otherwise provided in this division, if the 863
offense involves a gift of twenty grams or less of marihuana, 864
trafficking in marihuana is a minor misdemeanor upon a first 865
offense and a misdemeanor of the third degree upon a subsequent 866
offense. If the offense involves a gift of twenty grams or less 867
of marihuana and if the offense was committed in the vicinity of 868
a school or in the vicinity of a juvenile, trafficking in 869
marihuana is a misdemeanor of the third degree. 870

(4) If the drug involved in the violation is cocaine or a 871
compound, mixture, preparation, or substance containing cocaine, 872
whoever violates division (A) of this section is guilty of 873
trafficking in cocaine. The penalty for the offense shall be 874
determined as follows: 875

(a) Except as otherwise provided in division (C) (4) (b), 876
(c), (d), (e), (f), or (g) of this section, trafficking in 877
cocaine is a felony of the fifth degree, and division (B) of 878
section 2929.13 of the Revised Code applies in determining 879
whether to impose a prison term on the offender. 880

(b) Except as otherwise provided in division (C) (4) (c), 881
(d), (e), (f), or (g) of this section, if the offense was 882
committed in the vicinity of a school or in the vicinity of a 883
juvenile, trafficking in cocaine is a felony of the fourth 884

degree, and division (C) of section 2929.13 of the Revised Code 885
applies in determining whether to impose a prison term on the 886
offender. 887

(c) Except as otherwise provided in this division, if the 888
amount of the drug involved equals or exceeds five grams but is 889
less than ten grams of cocaine, trafficking in cocaine is a 890
felony of the fourth degree, and division (B) of section 2929.13 891
of the Revised Code applies in determining whether to impose a 892
prison term for the offense. If the amount of the drug involved 893
is within that range and if the offense was committed in the 894
vicinity of a school or in the vicinity of a juvenile, 895
trafficking in cocaine is a felony of the third degree, and 896
there is a presumption for a prison term for the offense. 897

(d) Except as otherwise provided in this division, if the 898
amount of the drug involved equals or exceeds ten grams but is 899
less than twenty grams of cocaine, trafficking in cocaine is a 900
felony of the third degree, and, except as otherwise provided in 901
this division, there is a presumption for a prison term for the 902
offense. If trafficking in cocaine is a felony of the third 903
degree under this division and if the offender two or more times 904
previously has been convicted of or pleaded guilty to a felony 905
drug abuse offense, the court shall impose as a mandatory prison 906
term one of the prison terms prescribed for a felony of the 907
third degree. If the amount of the drug involved is within that 908
range and if the offense was committed in the vicinity of a 909
school or in the vicinity of a juvenile, trafficking in cocaine 910
is a felony of the second degree, and the court shall impose as 911
a mandatory prison term one of the prison terms prescribed for a 912
felony of the second degree. 913

(e) Except as otherwise provided in this division, if the 914

amount of the drug involved equals or exceeds twenty grams but 915
is less than twenty-seven grams of cocaine, trafficking in 916
cocaine is a felony of the second degree, and the court shall 917
impose as a mandatory prison term one of the prison terms 918
prescribed for a felony of the second degree. If the amount of 919
the drug involved is within that range and if the offense was 920
committed in the vicinity of a school or in the vicinity of a 921
juvenile, trafficking in cocaine is a felony of the first 922
degree, and the court shall impose as a mandatory prison term 923
one of the prison terms prescribed for a felony of the first 924
degree. 925

(f) If the amount of the drug involved equals or exceeds 926
twenty-seven grams but is less than one hundred grams of cocaine 927
and regardless of whether the offense was committed in the 928
vicinity of a school or in the vicinity of a juvenile, 929
trafficking in cocaine is a felony of the first degree, and the 930
court shall impose as a mandatory prison term one of the prison 931
terms prescribed for a felony of the first degree. 932

(g) If the amount of the drug involved equals or exceeds 933
one hundred grams of cocaine and regardless of whether the 934
offense was committed in the vicinity of a school or in the 935
vicinity of a juvenile, trafficking in cocaine is a felony of 936
the first degree, the offender is a major drug offender, and the 937
court shall impose as a mandatory prison term the maximum prison 938
term prescribed for a felony of the first degree. 939

(5) If the drug involved in the violation is L.S.D. or a 940
compound, mixture, preparation, or substance containing L.S.D., 941
whoever violates division (A) of this section is guilty of 942
trafficking in L.S.D. The penalty for the offense shall be 943
determined as follows: 944

(a) Except as otherwise provided in division (C) (5) (b), 945
(c), (d), (e), (f), or (g) of this section, trafficking in 946
L.S.D. is a felony of the fifth degree, and division (B) of 947
section 2929.13 of the Revised Code applies in determining 948
whether to impose a prison term on the offender. 949

(b) Except as otherwise provided in division (C) (5) (c), 950
(d), (e), (f), or (g) of this section, if the offense was 951
committed in the vicinity of a school or in the vicinity of a 952
juvenile, trafficking in L.S.D. is a felony of the fourth 953
degree, and division (C) of section 2929.13 of the Revised Code 954
applies in determining whether to impose a prison term on the 955
offender. 956

(c) Except as otherwise provided in this division, if the 957
amount of the drug involved equals or exceeds ten unit doses but 958
is less than fifty unit doses of L.S.D. in a solid form or 959
equals or exceeds one gram but is less than five grams of L.S.D. 960
in a liquid concentrate, liquid extract, or liquid distillate 961
form, trafficking in L.S.D. is a felony of the fourth degree, 962
and division (B) of section 2929.13 of the Revised Code applies 963
in determining whether to impose a prison term for the offense. 964
If the amount of the drug involved is within that range and if 965
the offense was committed in the vicinity of a school or in the 966
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 967
third degree, and there is a presumption for a prison term for 968
the offense. 969

(d) Except as otherwise provided in this division, if the 970
amount of the drug involved equals or exceeds fifty unit doses 971
but is less than two hundred fifty unit doses of L.S.D. in a 972
solid form or equals or exceeds five grams but is less than 973
twenty-five grams of L.S.D. in a liquid concentrate, liquid 974

extract, or liquid distillate form, trafficking in L.S.D. is a 975
felony of the third degree, and, except as otherwise provided in 976
this division, there is a presumption for a prison term for the 977
offense. If trafficking in L.S.D. is a felony of the third 978
degree under this division and if the offender two or more times 979
previously has been convicted of or pleaded guilty to a felony 980
drug abuse offense, the court shall impose as a mandatory prison 981
term one of the prison terms prescribed for a felony of the 982
third degree. If the amount of the drug involved is within that 983
range and if the offense was committed in the vicinity of a 984
school or in the vicinity of a juvenile, trafficking in L.S.D. 985
is a felony of the second degree, and the court shall impose as 986
a mandatory prison term one of the prison terms prescribed for a 987
felony of the second degree. 988

(e) Except as otherwise provided in this division, if the 989
amount of the drug involved equals or exceeds two hundred fifty 990
unit doses but is less than one thousand unit doses of L.S.D. in 991
a solid form or equals or exceeds twenty-five grams but is less 992
than one hundred grams of L.S.D. in a liquid concentrate, liquid 993
extract, or liquid distillate form, trafficking in L.S.D. is a 994
felony of the second degree, and the court shall impose as a 995
mandatory prison term one of the prison terms prescribed for a 996
felony of the second degree. If the amount of the drug involved 997
is within that range and if the offense was committed in the 998
vicinity of a school or in the vicinity of a juvenile, 999
trafficking in L.S.D. is a felony of the first degree, and the 1000
court shall impose as a mandatory prison term one of the prison 1001
terms prescribed for a felony of the first degree. 1002

(f) If the amount of the drug involved equals or exceeds 1003
one thousand unit doses but is less than five thousand unit 1004
doses of L.S.D. in a solid form or equals or exceeds one hundred 1005

grams but is less than five hundred grams of L.S.D. in a liquid 1006
concentrate, liquid extract, or liquid distillate form and 1007
regardless of whether the offense was committed in the vicinity 1008
of a school or in the vicinity of a juvenile, trafficking in 1009
L.S.D. is a felony of the first degree, and the court shall 1010
impose as a mandatory prison term one of the prison terms 1011
prescribed for a felony of the first degree. 1012

(g) If the amount of the drug involved equals or exceeds 1013
five thousand unit doses of L.S.D. in a solid form or equals or 1014
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1015
liquid extract, or liquid distillate form and regardless of 1016
whether the offense was committed in the vicinity of a school or 1017
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 1018
of the first degree, the offender is a major drug offender, and 1019
the court shall impose as a mandatory prison term the maximum 1020
prison term prescribed for a felony of the first degree. 1021

(6) If the drug involved in the violation is heroin or a 1022
compound, mixture, preparation, or substance containing heroin, 1023
whoever violates division (A) of this section is guilty of 1024
trafficking in heroin. The penalty for the offense shall be 1025
determined as follows: 1026

(a) Except as otherwise provided in division (C) (6) (b), 1027
(c), (d), (e), (f), or (g) of this section, trafficking in 1028
heroin is a felony of the fifth degree, and division (B) of 1029
section 2929.13 of the Revised Code applies in determining 1030
whether to impose a prison term on the offender. 1031

(b) Except as otherwise provided in division (C) (6) (c), 1032
(d), (e), (f), or (g) of this section, if the offense was 1033
committed in the vicinity of a school or in the vicinity of a 1034
juvenile, trafficking in heroin is a felony of the fourth 1035

degree, and division (C) of section 2929.13 of the Revised Code 1036
applies in determining whether to impose a prison term on the 1037
offender. 1038

(c) Except as otherwise provided in this division, if the 1039
amount of the drug involved equals or exceeds ten unit doses but 1040
is less than fifty unit doses or equals or exceeds one gram but 1041
is less than five grams, trafficking in heroin is a felony of 1042
the fourth degree, and division (B) of section 2929.13 of the 1043
Revised Code applies in determining whether to impose a prison 1044
term for the offense. If the amount of the drug involved is 1045
within that range and if the offense was committed in the 1046
vicinity of a school or in the vicinity of a juvenile, 1047
trafficking in heroin is a felony of the third degree, and there 1048
is a presumption for a prison term for the offense. 1049

(d) Except as otherwise provided in this division, if the 1050
amount of the drug involved equals or exceeds fifty unit doses 1051
but is less than one hundred unit doses or equals or exceeds 1052
five grams but is less than ten grams, trafficking in heroin is 1053
a felony of the third degree, and there is a presumption for a 1054
prison term for the offense. If the amount of the drug involved 1055
is within that range and if the offense was committed in the 1056
vicinity of a school or in the vicinity of a juvenile, 1057
trafficking in heroin is a felony of the second degree, and 1058
there is a presumption for a prison term for the offense. 1059

(e) Except as otherwise provided in this division, if the 1060
amount of the drug involved equals or exceeds one hundred unit 1061
doses but is less than five hundred unit doses or equals or 1062
exceeds ten grams but is less than fifty grams, trafficking in 1063
heroin is a felony of the second degree, and the court shall 1064
impose as a mandatory prison term one of the prison terms 1065

prescribed for a felony of the second degree. If the amount of 1066
the drug involved is within that range and if the offense was 1067
committed in the vicinity of a school or in the vicinity of a 1068
juvenile, trafficking in heroin is a felony of the first degree, 1069
and the court shall impose as a mandatory prison term one of the 1070
prison terms prescribed for a felony of the first degree. 1071

(f) If the amount of the drug involved equals or exceeds 1072
five hundred unit doses but is less than one thousand unit doses 1073
or equals or exceeds fifty grams but is less than one hundred 1074
grams and regardless of whether the offense was committed in the 1075
vicinity of a school or in the vicinity of a juvenile, 1076
trafficking in heroin is a felony of the first degree, and the 1077
court shall impose as a mandatory prison term one of the prison 1078
terms prescribed for a felony of the first degree. 1079

(g) If the amount of the drug involved equals or exceeds 1080
one thousand unit doses or equals or exceeds one hundred grams 1081
and regardless of whether the offense was committed in the 1082
vicinity of a school or in the vicinity of a juvenile, 1083
trafficking in heroin is a felony of the first degree, the 1084
offender is a major drug offender, and the court shall impose as 1085
a mandatory prison term the maximum prison term prescribed for a 1086
felony of the first degree. 1087

(7) If the drug involved in the violation is hashish or a 1088
compound, mixture, preparation, or substance containing hashish, 1089
whoever violates division (A) of this section is guilty of 1090
trafficking in hashish. The penalty for the offense shall be 1091
determined as follows: 1092

(a) Except as otherwise provided in division (C) (7) (b), 1093
(c), (d), (e), (f), or (g) of this section, trafficking in 1094
hashish is a felony of the fifth degree, and division (B) of 1095

section 2929.13 of the Revised Code applies in determining 1096
whether to impose a prison term on the offender. 1097

(b) Except as otherwise provided in division (C) (7) (c), 1098
(d), (e), (f), or (g) of this section, if the offense was 1099
committed in the vicinity of a school or in the vicinity of a 1100
juvenile, trafficking in hashish is a felony of the fourth 1101
degree, and division (B) of section 2929.13 of the Revised Code 1102
applies in determining whether to impose a prison term on the 1103
offender. 1104

(c) Except as otherwise provided in this division, if the 1105
amount of the drug involved equals or exceeds ten grams but is 1106
less than fifty grams of hashish in a solid form or equals or 1107
exceeds two grams but is less than ten grams of hashish in a 1108
liquid concentrate, liquid extract, or liquid distillate form, 1109
trafficking in hashish is a felony of the fourth degree, and 1110
division (B) of section 2929.13 of the Revised Code applies in 1111
determining whether to impose a prison term on the offender. If 1112
the amount of the drug involved is within that range and if the 1113
offense was committed in the vicinity of a school or in the 1114
vicinity of a juvenile, trafficking in hashish is a felony of 1115
the third degree, and division (C) of section 2929.13 of the 1116
Revised Code applies in determining whether to impose a prison 1117
term on the offender. 1118

(d) Except as otherwise provided in this division, if the 1119
amount of the drug involved equals or exceeds fifty grams but is 1120
less than two hundred fifty grams of hashish in a solid form or 1121
equals or exceeds ten grams but is less than fifty grams of 1122
hashish in a liquid concentrate, liquid extract, or liquid 1123
distillate form, trafficking in hashish is a felony of the third 1124
degree, and division (C) of section 2929.13 of the Revised Code 1125

applies in determining whether to impose a prison term on the 1126
offender. If the amount of the drug involved is within that 1127
range and if the offense was committed in the vicinity of a 1128
school or in the vicinity of a juvenile, trafficking in hashish 1129
is a felony of the second degree, and there is a presumption 1130
that a prison term shall be imposed for the offense. 1131

(e) Except as otherwise provided in this division, if the 1132
amount of the drug involved equals or exceeds two hundred fifty 1133
grams but is less than one thousand grams of hashish in a solid 1134
form or equals or exceeds fifty grams but is less than two 1135
hundred grams of hashish in a liquid concentrate, liquid 1136
extract, or liquid distillate form, trafficking in hashish is a 1137
felony of the third degree, and there is a presumption that a 1138
prison term shall be imposed for the offense. If the amount of 1139
the drug involved is within that range and if the offense was 1140
committed in the vicinity of a school or in the vicinity of a 1141
juvenile, trafficking in hashish is a felony of the second 1142
degree, and there is a presumption that a prison term shall be 1143
imposed for the offense. 1144

(f) Except as otherwise provided in this division, if the 1145
amount of the drug involved equals or exceeds one thousand grams 1146
but is less than two thousand grams of hashish in a solid form 1147
or equals or exceeds two hundred grams but is less than four 1148
hundred grams of hashish in a liquid concentrate, liquid 1149
extract, or liquid distillate form, trafficking in hashish is a 1150
felony of the second degree, and the court shall impose a 1151
mandatory prison term of five, six, seven, or eight years. If 1152
the amount of the drug involved is within that range and if the 1153
offense was committed in the vicinity of a school or in the 1154
vicinity of a juvenile, trafficking in hashish is a felony of 1155
the first degree, and the court shall impose as a mandatory 1156

prison term the maximum prison term prescribed for a felony of 1157
the first degree. 1158

(g) Except as otherwise provided in this division, if the 1159
amount of the drug involved equals or exceeds two thousand grams 1160
of hashish in a solid form or equals or exceeds four hundred 1161
grams of hashish in a liquid concentrate, liquid extract, or 1162
liquid distillate form, trafficking in hashish is a felony of 1163
the second degree, and the court shall impose as a mandatory 1164
prison term the maximum prison term prescribed for a felony of 1165
the second degree. If the amount of the drug involved equals or 1166
exceeds two thousand grams of hashish in a solid form or equals 1167
or exceeds four hundred grams of hashish in a liquid 1168
concentrate, liquid extract, or liquid distillate form and if 1169
the offense was committed in the vicinity of a school or in the 1170
vicinity of a juvenile, trafficking in hashish is a felony of 1171
the first degree, and the court shall impose as a mandatory 1172
prison term the maximum prison term prescribed for a felony of 1173
the first degree. 1174

(8) If the drug involved in the violation is a controlled 1175
substance analog or compound, mixture, preparation, or substance 1176
that contains a controlled substance analog, whoever violates 1177
division (A) of this section is guilty of trafficking in a 1178
controlled substance analog. The penalty for the offense shall 1179
be determined as follows: 1180

(a) Except as otherwise provided in division (C) (8) (b), 1181
(c), (d), (e), (f), or (g) of this section, trafficking in a 1182
controlled substance analog is a felony of the fifth degree, and 1183
division (C) of section 2929.13 of the Revised Code applies in 1184
determining whether to impose a prison term on the offender. 1185

(b) Except as otherwise provided in division (C) (8) (c), 1186

(d), (e), (f), or (g) of this section, if the offense was 1187
committed in the vicinity of a school or in the vicinity of a 1188
juvenile, trafficking in a controlled substance analog is a 1189
felony of the fourth degree, and division (C) of section 2929.13 1190
of the Revised Code applies in determining whether to impose a 1191
prison term on the offender. 1192

(c) Except as otherwise provided in this division, if the 1193
amount of the drug involved equals or exceeds ten grams but is 1194
less than twenty grams, trafficking in a controlled substance 1195
analog is a felony of the fourth degree, and division (B) of 1196
section 2929.13 of the Revised Code applies in determining 1197
whether to impose a prison term for the offense. If the amount 1198
of the drug involved is within that range and if the offense was 1199
committed in the vicinity of a school or in the vicinity of a 1200
juvenile, trafficking in a controlled substance analog is a 1201
felony of the third degree, and there is a presumption for a 1202
prison term for the offense. 1203

(d) Except as otherwise provided in this division, if the 1204
amount of the drug involved equals or exceeds twenty grams but 1205
is less than thirty grams, trafficking in a controlled substance 1206
analog is a felony of the third degree, and there is a 1207
presumption for a prison term for the offense. If the amount of 1208
the drug involved is within that range and if the offense was 1209
committed in the vicinity of a school or in the vicinity of a 1210
juvenile, trafficking in a controlled substance analog is a 1211
felony of the second degree, and there is a presumption for a 1212
prison term for the offense. 1213

(e) Except as otherwise provided in this division, if the 1214
amount of the drug involved equals or exceeds thirty grams but 1215
is less than forty grams, trafficking in a controlled substance 1216

analog is a felony of the second degree, and the court shall 1217
impose as a mandatory prison term one of the prison terms 1218
prescribed for a felony of the second degree. If the amount of 1219
the drug involved is within that range and if the offense was 1220
committed in the vicinity of a school or in the vicinity of a 1221
juvenile, trafficking in a controlled substance analog is a 1222
felony of the first degree, and the court shall impose as a 1223
mandatory prison term one of the prison terms prescribed for a 1224
felony of the first degree. 1225

(f) If the amount of the drug involved equals or exceeds 1226
forty grams but is less than fifty grams and regardless of 1227
whether the offense was committed in the vicinity of a school or 1228
in the vicinity of a juvenile, trafficking in a controlled 1229
substance analog is a felony of the first degree, and the court 1230
shall impose as a mandatory prison term one of the prison terms 1231
prescribed for a felony of the first degree. 1232

(g) If the amount of the drug involved equals or exceeds 1233
fifty grams and regardless of whether the offense was committed 1234
in the vicinity of a school or in the vicinity of a juvenile, 1235
trafficking in a controlled substance analog is a felony of the 1236
first degree, the offender is a major drug offender, and the 1237
court shall impose as a mandatory prison term the maximum prison 1238
term prescribed for a felony of the first degree. 1239

(9) If the drug involved in the violation is a fentanyl- 1240
related compound or a compound, mixture, preparation, or 1241
substance containing a fentanyl-related compound, whoever 1242
violates division (A) of this section is guilty of trafficking 1243
in a fentanyl-related compound. The penalty for the offense 1244
shall be determined as follows: 1245

(a) Except as otherwise provided in division (C) (9) (b), 1246

(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1247
a fentanyl-related compound is a felony of the fifth degree, and 1248
division (B) of section 2929.13 of the Revised Code applies in 1249
determining whether to impose a prison term on the offender. 1250

(b) Except as otherwise provided in division (C) (9) (c), 1251
(d), (e), (f), (g), or (h) of this section, if the offense was 1252
committed in the vicinity of a school or in the vicinity of a 1253
juvenile, trafficking in a fentanyl-related compound is a felony 1254
of the fourth degree, and division (C) of section 2929.13 of the 1255
Revised Code applies in determining whether to impose a prison 1256
term on the offender. 1257

(c) Except as otherwise provided in this division, if the 1258
amount of the drug involved equals or exceeds ten unit doses but 1259
is less than fifty unit doses or equals or exceeds one gram but 1260
is less than five grams, trafficking in a fentanyl-related 1261
compound is a felony of the fourth degree, and division (B) of 1262
section 2929.13 of the Revised Code applies in determining 1263
whether to impose a prison term for the offense. If the amount 1264
of the drug involved is within that range and if the offense was 1265
committed in the vicinity of a school or in the vicinity of a 1266
juvenile, trafficking in a fentanyl-related compound is a felony 1267
of the third degree, and there is a presumption for a prison 1268
term for the offense. 1269

(d) Except as otherwise provided in this division, if the 1270
amount of the drug involved equals or exceeds fifty unit doses 1271
but is less than one hundred unit doses or equals or exceeds 1272
five grams but is less than ten grams, trafficking in a 1273
fentanyl-related compound is a felony of the third degree, and 1274
there is a presumption for a prison term for the offense. If the 1275
amount of the drug involved is within that range and if the 1276

offense was committed in the vicinity of a school or in the 1277
vicinity of a juvenile, trafficking in a fentanyl-related 1278
compound is a felony of the second degree, and there is a 1279
presumption for a prison term for the offense. 1280

(e) Except as otherwise provided in this division, if the 1281
amount of the drug involved equals or exceeds one hundred unit 1282
doses but is less than two hundred unit doses or equals or 1283
exceeds ten grams but is less than twenty grams, trafficking in 1284
a fentanyl-related compound is a felony of the second degree, 1285
and the court shall impose as a mandatory prison term one of the 1286
prison terms prescribed for a felony of the second degree. If 1287
the amount of the drug involved is within that range and if the 1288
offense was committed in the vicinity of a school or in the 1289
vicinity of a juvenile, trafficking in a fentanyl-related 1290
compound is a felony of the first degree, and the court shall 1291
impose as a mandatory prison term one of the prison terms 1292
prescribed for a felony of the first degree. 1293

(f) If the amount of the drug involved equals or exceeds 1294
two hundred unit doses but is less than five hundred unit doses 1295
or equals or exceeds twenty grams but is less than fifty grams 1296
and regardless of whether the offense was committed in the 1297
vicinity of a school or in the vicinity of a juvenile, 1298
trafficking in a fentanyl-related compound is a felony of the 1299
first degree, and the court shall impose as a mandatory prison 1300
term one of the prison terms prescribed for a felony of the 1301
first degree. 1302

(g) If the amount of the drug involved equals or exceeds 1303
five hundred unit doses but is less than one thousand unit doses 1304
or equals or exceeds fifty grams but is less than one hundred 1305
grams and regardless of whether the offense was committed in the 1306

vicinity of a school or in the vicinity of a juvenile, 1307
trafficking in a fentanyl-related compound is a felony of the 1308
first degree, and the court shall impose as a mandatory prison 1309
term the maximum prison term prescribed for a felony of the 1310
first degree. 1311

(h) If the amount of the drug involved equals or exceeds 1312
one thousand unit doses or equals or exceeds one hundred grams 1313
and regardless of whether the offense was committed in the 1314
vicinity of a school or in the vicinity of a juvenile, 1315
trafficking in a fentanyl-related compound is a felony of the 1316
first degree, the offender is a major drug offender, and the 1317
court shall impose as a mandatory prison term the maximum prison 1318
term prescribed for a felony of the first degree. 1319

(D) In addition to any prison term authorized or required 1320
by division (C) of this section and sections 2929.13 and 2929.14 1321
of the Revised Code, and in addition to any other sanction 1322
imposed for the offense under this section or sections 2929.11 1323
to 2929.18 of the Revised Code, the court that sentences an 1324
offender who is convicted of or pleads guilty to a violation of 1325
division (A) of this section may suspend the driver's or 1326
commercial driver's license or permit of the offender in 1327
accordance with division (G) of this section. However, if the 1328
offender pleaded guilty to or was convicted of a violation of 1329
section 4511.19 of the Revised Code or a substantially similar 1330
municipal ordinance or the law of another state or the United 1331
States arising out of the same set of circumstances as the 1332
violation, the court shall suspend the offender's driver's or 1333
commercial driver's license or permit in accordance with 1334
division (G) of this section. If applicable, the court also 1335
shall do the following: 1336

(1) If the violation of division (A) of this section is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B) (1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. Except as otherwise provided in division (H) (1) of this section, a mandatory fine or any other fine imposed for a violation of this section is subject to division (F) of this section. If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk of the court shall pay the forfeited bail pursuant to divisions (D) (1) and (F) of this section, as if the forfeited bail was a fine imposed for a violation of this section. If any amount of the forfeited bail remains after that payment and if a fine is imposed under division (H) (1) of this section, the clerk of the court shall pay the remaining amount of the forfeited bail pursuant to divisions (H) (2) and (3) of this section, as if that remaining amount was a fine imposed under division (H) (1) of this section.

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

(E) When a person is charged with the sale of or offer to sell a bulk amount or a multiple of a bulk amount of a controlled substance, the jury, or the court trying the accused, shall determine the amount of the controlled substance involved at the time of the offense and, if a guilty verdict is returned, shall return the findings as part of the verdict. In any such case, it is unnecessary to find and return the exact amount of the controlled substance involved, and it is sufficient if the

finding and return is to the effect that the amount of the 1368
controlled substance involved is the requisite amount, or that 1369
the amount of the controlled substance involved is less than the 1370
requisite amount. 1371

(F) (1) Notwithstanding any contrary provision of section 1372
3719.21 of the Revised Code and except as provided in division 1373
(H) of this section, the clerk of the court shall pay any 1374
mandatory fine imposed pursuant to division (D) (1) of this 1375
section and any fine other than a mandatory fine that is imposed 1376
for a violation of this section pursuant to division (A) or (B) 1377
(5) of section 2929.18 of the Revised Code to the county, 1378
township, municipal corporation, park district, as created 1379
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1380
state law enforcement agencies in this state that primarily were 1381
responsible for or involved in making the arrest of, and in 1382
prosecuting, the offender. However, the clerk shall not pay a 1383
mandatory fine so imposed to a law enforcement agency unless the 1384
agency has adopted a written internal control policy under 1385
division (F) (2) of this section that addresses the use of the 1386
fine moneys that it receives. Each agency shall use the 1387
mandatory fines so paid to subsidize the agency's law 1388
enforcement efforts that pertain to drug offenses, in accordance 1389
with the written internal control policy adopted by the 1390
recipient agency under division (F) (2) of this section. 1391

(2) Prior to receiving any fine moneys under division (F) 1392
(1) of this section or division (B) of section 2925.42 of the 1393
Revised Code, a law enforcement agency shall adopt a written 1394
internal control policy that addresses the agency's use and 1395
disposition of all fine moneys so received and that provides for 1396
the keeping of detailed financial records of the receipts of 1397
those fine moneys, the general types of expenditures made out of 1398

those fine moneys, and the specific amount of each general type 1399
of expenditure. The policy shall not provide for or permit the 1400
identification of any specific expenditure that is made in an 1401
ongoing investigation. All financial records of the receipts of 1402
those fine moneys, the general types of expenditures made out of 1403
those fine moneys, and the specific amount of each general type 1404
of expenditure by an agency are public records open for 1405
inspection under section 149.43 of the Revised Code. 1406
Additionally, a written internal control policy adopted under 1407
this division is such a public record, and the agency that 1408
adopted it shall comply with it. 1409

(3) As used in division (F) of this section: 1410

(a) "Law enforcement agencies" includes, but is not 1411
limited to, the state board of pharmacy and the office of a 1412
prosecutor. 1413

(b) "Prosecutor" has the same meaning as in section 1414
2935.01 of the Revised Code. 1415

(G) (1) If the sentencing court suspends the offender's 1416
driver's or commercial driver's license or permit under division 1417
(D) of this section or any other provision of this chapter, the 1418
court shall suspend the license, by order, for not more than 1419
five years. If an offender's driver's or commercial driver's 1420
license or permit is suspended pursuant to this division, the 1421
offender, at any time after the expiration of two years from the 1422
day on which the offender's sentence was imposed or from the day 1423
on which the offender finally was released from a prison term 1424
under the sentence, whichever is later, may file a motion with 1425
the sentencing court requesting termination of the suspension; 1426
upon the filing of such a motion and the court's finding of good 1427
cause for the termination, the court may terminate the 1428

suspension. 1429

(2) Any offender who received a mandatory suspension of 1430
the offender's driver's or commercial driver's license or permit 1431
under this section prior to ~~the effective date of this amendment~~ 1432
September 13, 2016, may file a motion with the sentencing court 1433
requesting the termination of the suspension. However, an 1434
offender who pleaded guilty to or was convicted of a violation 1435
of section 4511.19 of the Revised Code or a substantially 1436
similar municipal ordinance or law of another state or the 1437
United States that arose out of the same set of circumstances as 1438
the violation for which the offender's license or permit was 1439
suspended under this section shall not file such a motion. 1440

Upon the filing of a motion under division (G)(2) of this 1441
section, the sentencing court, in its discretion, may terminate 1442
the suspension. 1443

(H)(1) In addition to any prison term authorized or 1444
required by division (C) of this section and sections 2929.13 1445
and 2929.14 of the Revised Code, in addition to any other 1446
penalty or sanction imposed for the offense under this section 1447
or sections 2929.11 to 2929.18 of the Revised Code, and in 1448
addition to the forfeiture of property in connection with the 1449
offense as prescribed in Chapter 2981. of the Revised Code, the 1450
court that sentences an offender who is convicted of or pleads 1451
guilty to a violation of division (A) of this section may impose 1452
upon the offender an additional fine specified for the offense 1453
in division (B)(4) of section 2929.18 of the Revised Code. A 1454
fine imposed under division (H)(1) of this section is not 1455
subject to division (F) of this section and shall be used solely 1456
for the support of one or more eligible community addiction 1457
services providers in accordance with divisions (H)(2) and (3) 1458

of this section. 1459

(2) The court that imposes a fine under division (H) (1) of 1460
this section shall specify in the judgment that imposes the fine 1461
one or more eligible community addiction services providers for 1462
the support of which the fine money is to be used. No community 1463
addiction services provider shall receive or use money paid or 1464
collected in satisfaction of a fine imposed under division (H) 1465
(1) of this section unless the services provider is specified in 1466
the judgment that imposes the fine. No community addiction 1467
services provider shall be specified in the judgment unless the 1468
services provider is an eligible community addiction services 1469
provider and, except as otherwise provided in division (H) (2) of 1470
this section, unless the services provider is located in the 1471
county in which the court that imposes the fine is located or in 1472
a county that is immediately contiguous to the county in which 1473
that court is located. If no eligible community addiction 1474
services provider is located in any of those counties, the 1475
judgment may specify an eligible community addiction services 1476
provider that is located anywhere within this state. 1477

(3) Notwithstanding any contrary provision of section 1478
3719.21 of the Revised Code, the clerk of the court shall pay 1479
any fine imposed under division (H) (1) of this section to the 1480
eligible community addiction services provider specified 1481
pursuant to division (H) (2) of this section in the judgment. The 1482
eligible community addiction services provider that receives the 1483
fine moneys shall use the moneys only for the alcohol and drug 1484
addiction services identified in the application for 1485
certification of services under section 5119.36 of the Revised 1486
Code or in the application for a license under section 5119.391 1487
of the Revised Code filed with the department of mental health 1488
and addiction services by the community addiction services 1489

provider specified in the judgment. 1490

(4) Each community addiction services provider that 1491
receives in a calendar year any fine moneys under division (H) 1492
(3) of this section shall file an annual report covering that 1493
calendar year with the court of common pleas and the board of 1494
county commissioners of the county in which the services 1495
provider is located, with the court of common pleas and the 1496
board of county commissioners of each county from which the 1497
services provider received the moneys if that county is 1498
different from the county in which the services provider is 1499
located, and with the attorney general. The community addiction 1500
services provider shall file the report no later than the first 1501
day of March in the calendar year following the calendar year in 1502
which the services provider received the fine moneys. The report 1503
shall include statistics on the number of persons served by the 1504
community addiction services provider, identify the types of 1505
alcohol and drug addiction services provided to those persons, 1506
and include a specific accounting of the purposes for which the 1507
fine moneys received were used. No information contained in the 1508
report shall identify, or enable a person to determine the 1509
identity of, any person served by the community addiction 1510
services provider. Each report received by a court of common 1511
pleas, a board of county commissioners, or the attorney general 1512
is a public record open for inspection under section 149.43 of 1513
the Revised Code. 1514

(5) As used in divisions (H) (1) to (5) of this section: 1515

(a) "Community addiction services provider" and "alcohol 1516
and drug addiction services" have the same meanings as in 1517
section 5119.01 of the Revised Code. 1518

(b) "Eligible community addiction services provider" means 1519

a community addiction services provider, as defined in section 1520
5119.01 of the Revised Code, or a community addiction services 1521
provider that maintains a methadone treatment program licensed 1522
under section 5119.391 of the Revised Code. 1523

(I) As used in this section, "drug" includes any substance 1524
that is represented to be a drug. 1525

(J) It is an affirmative defense to a charge of 1526
trafficking in a controlled substance analog under division (C) 1527
(8) of this section that the person charged with violating that 1528
offense sold or offered to sell, or prepared for shipment, 1529
shipped, transported, delivered, prepared for distribution, or 1530
distributed an item described in division (HH) (2) (a), (b), or 1531
(c) of section 3719.01 of the Revised Code. 1532

Sec. 2925.04. (A) No person shall knowingly cultivate 1533
marihuana or knowingly manufacture or otherwise engage in any 1534
part of the production of a controlled substance. 1535

(B) This section does not apply to any person listed in 1536
division (B) (1), (2), or (3) of section 2925.03 of the Revised 1537
Code to the extent and under the circumstances described in 1538
those divisions. 1539

(C) (1) Whoever commits a violation of division (A) of this 1540
section that involves any drug other than marihuana is guilty of 1541
illegal manufacture of drugs, and whoever commits a violation of 1542
division (A) of this section that involves marihuana is guilty 1543
of illegal cultivation of marihuana. 1544

(2) Except as otherwise provided in this division, if the 1545
drug involved in the violation of division (A) of this section 1546
is any compound, mixture, preparation, or substance included in 1547
schedule I or II, with the exception of methamphetamine or 1548

marihuana, illegal manufacture of drugs is a felony of the 1549
second degree, and, subject to division (E) of this section, the 1550
court shall impose as a mandatory prison term one of the prison 1551
terms prescribed for a felony of the second degree. 1552

If the drug involved in the violation is any compound, 1553
mixture, preparation, or substance included in schedule I or II, 1554
with the exception of methamphetamine or marihuana, and if the 1555
offense was committed in the vicinity of a juvenile or in the 1556
vicinity of a school, illegal manufacture of drugs is a felony 1557
of the first degree, and, subject to division (E) of this 1558
section, the court shall impose as a mandatory prison term one 1559
of the prison terms prescribed for a felony of the first degree. 1560

(3) If the drug involved in the violation of division (A) 1561
of this section is methamphetamine, the penalty for the 1562
violation shall be determined as follows: 1563

(a) Except as otherwise provided in division (C) (3) (b) of 1564
this section, if the drug involved in the violation is 1565
methamphetamine, illegal manufacture of drugs is a felony of the 1566
second degree, and, subject to division (E) of this section, the 1567
court shall impose a mandatory prison term on the offender 1568
determined in accordance with this division. Except as otherwise 1569
provided in this division, the court shall impose as a mandatory 1570
prison term one of the prison terms prescribed for a felony of 1571
the second degree that is not less than three years. If the 1572
offender previously has been convicted of or pleaded guilty to a 1573
violation of division (A) of this section, a violation of 1574
division (B) (6) of section 2919.22 of the Revised Code, or a 1575
violation of division (A) of section 2925.041 of the Revised 1576
Code, the court shall impose as a mandatory prison term one of 1577
the prison terms prescribed for a felony of the second degree 1578

that is not less than five years. 1579

(b) If the drug involved in the violation is 1580
methamphetamine and if the offense was committed in the vicinity 1581
of a juvenile, in the vicinity of a school, or on public 1582
premises, illegal manufacture of drugs is a felony of the first 1583
degree, and, subject to division (E) of this section, the court 1584
shall impose a mandatory prison term on the offender determined 1585
in accordance with this division. Except as otherwise provided 1586
in this division, the court shall impose as a mandatory prison 1587
term one of the prison terms prescribed for a felony of the 1588
first degree that is not less than four years. If the offender 1589
previously has been convicted of or pleaded guilty to a 1590
violation of division (A) of this section, a violation of 1591
division (B) (6) of section 2919.22 of the Revised Code, or a 1592
violation of division (A) of section 2925.041 of the Revised 1593
Code, the court shall impose as a mandatory prison term one of 1594
the prison terms prescribed for a felony of the first degree 1595
that is not less than five years. 1596

(4) If the drug involved in the violation of division (A) 1597
of this section is any compound, mixture, preparation, or 1598
substance included in schedule III, IV, or V, illegal 1599
manufacture of drugs is a felony of the third degree or, if the 1600
offense was committed in the vicinity of a school or in the 1601
vicinity of a juvenile, a felony of the second degree, and there 1602
is a presumption for a prison term for the offense. 1603

(5) If the drug involved in the violation is marihuana, 1604
the penalty for the offense shall be determined as follows: 1605

(a) Except as otherwise provided in division (C) (5) (b), 1606
(c), (d), (e), or (f) of this section, illegal cultivation of 1607
marihuana is a minor misdemeanor or, if the offense was 1608

committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the fourth degree. 1609
1610

(b) If the amount of marihuana involved equals or exceeds one hundred grams but is less than two hundred grams, illegal cultivation of marihuana is a misdemeanor of the fourth degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the third degree. 1611
1612
1613
1614
1615
1616

(c) If the amount of marihuana involved equals or exceeds two hundred grams but is less than one thousand grams, illegal cultivation of marihuana is a felony of the fifth degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, 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. 1617
1618
1619
1620
1621
1622
1623

(d) If the amount of marihuana involved equals or exceeds one thousand grams but is less than five thousand grams, illegal cultivation of marihuana is a felony of the third degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a felony of the second degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 1624
1625
1626
1627
1628
1629
1630

(e) If the amount of marihuana involved equals or exceeds five thousand grams but is less than twenty thousand grams, illegal cultivation of marihuana is a felony of the third degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a felony of the second degree, and there is a presumption for a prison term for the offense. 1631
1632
1633
1634
1635
1636

(f) Except as otherwise provided in this division, if the 1637

amount of marihuana involved equals or exceeds twenty thousand 1638
grams, illegal cultivation of marihuana is a felony of the 1639
second degree, and the court shall impose as a mandatory prison 1640
term the maximum prison term prescribed for a felony of the 1641
second degree. If the amount of the drug involved equals or 1642
exceeds twenty thousand grams and if the offense was committed 1643
in the vicinity of a school or in the vicinity of a juvenile, 1644
illegal cultivation of marihuana is a felony of the first 1645
degree, and the court shall impose as a mandatory prison term 1646
the maximum prison term prescribed for a felony of the first 1647
degree. 1648

(D) In addition to any prison term authorized or required 1649
by division (C) or (E) of this section and sections 2929.13 and 1650
2929.14 of the Revised Code and in addition to any other 1651
sanction imposed for the offense under this section or sections 1652
2929.11 to 2929.18 of the Revised Code, the court that sentences 1653
an offender who is convicted of or pleads guilty to a violation 1654
of division (A) of this section may suspend the offender's 1655
driver's or commercial driver's license or permit in accordance 1656
with division (G) of section 2925.03 of the Revised Code. 1657
However, if the offender pleaded guilty to or was convicted of a 1658
violation of section 4511.19 of the Revised Code or a 1659
substantially similar municipal ordinance or the law of another 1660
state or the United States arising out of the same set of 1661
circumstances as the violation, the court shall suspend the 1662
offender's driver's or commercial driver's license or permit in 1663
accordance with division (G) of section 2925.03 of the Revised 1664
Code. If applicable, the court also shall do the following: 1665

(1) If the violation of division (A) of this section is a 1666
felony of the first, second, or third degree, the court shall 1667
impose upon the offender the mandatory fine specified for the 1668

offense under division (B) (1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. The clerk of the court shall pay a mandatory fine or other fine imposed for a violation of this section pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code. If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk shall pay the forfeited bail as if the forfeited bail were a fine imposed for a violation of this section.

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

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

(F) It is an affirmative defense, as provided in section

2901.05 of the Revised Code, to a charge under this section for 1699
a fifth degree felony violation of illegal cultivation of 1700
marihuana that the marihuana that gave rise to the charge is in 1701
an amount, is in a form, is prepared, compounded, or mixed with 1702
substances that are not controlled substances in a manner, or is 1703
possessed or cultivated under any other circumstances that 1704
indicate that the marihuana was solely for personal use. 1705

Notwithstanding any contrary provision of division (F) of 1706
this section, if, in accordance with section 2901.05 of the 1707
Revised Code, a person who is charged with a violation of 1708
illegal cultivation of marihuana that is a felony of the fifth 1709
degree sustains the burden of going forward with evidence of and 1710
establishes by a preponderance of the evidence the affirmative 1711
defense described in this division, the person may be prosecuted 1712
for and may be convicted of or plead guilty to a misdemeanor 1713
violation of illegal cultivation of marihuana. 1714

(G) Arrest or conviction for a minor misdemeanor violation 1715
of this section does not constitute a criminal record and need 1716
not be reported by the person so arrested or convicted in 1717
response to any inquiries about the person's criminal record, 1718
including any inquiries contained in an application for 1719
employment, a license, or any other right or privilege or made 1720
in connection with the person's appearance as a witness. 1721

(H) (1) If the sentencing court suspends the offender's 1722
driver's or commercial driver's license or permit under this 1723
section in accordance with division (G) of section 2925.03 of 1724
the Revised Code, the offender may request termination of, and 1725
the court may terminate, the suspension of the offender in 1726
accordance with that division. 1727

(2) Any offender who received a mandatory suspension of 1728

the offender's driver's or commercial driver's license or permit 1729
under this section prior to ~~the effective date of this amendment~~ 1730
September 13, 2016, may file a motion with the sentencing court 1731
requesting the termination of the suspension. However, an 1732
offender who pleaded guilty to or was convicted of a violation 1733
of section 4511.19 of the Revised Code or a substantially 1734
similar municipal ordinance or law of another state or the 1735
United States that arose out of the same set of circumstances as 1736
the violation for which the offender's license or permit was 1737
suspended under this section shall not file such a motion. 1738

Upon the filing of a motion under division (H) (2) of this 1739
section, the sentencing court, in its discretion, may terminate 1740
the suspension. 1741

Sec. 2925.05. (A) No person shall knowingly provide money 1742
or other items of value to another person with the purpose that 1743
the recipient of the money or items of value use them to obtain 1744
any controlled substance for the purpose of violating section 1745
2925.04 of the Revised Code or for the purpose of selling or 1746
offering to sell the controlled substance in the following 1747
amount: 1748

(1) If the drug to be sold or offered for sale is any 1749
compound, mixture, preparation, or substance included in 1750
schedule I or II, with the exception of marihuana, cocaine, 1751
L.S.D., heroin, any fentanyl-related compound, and hashish, or 1752
schedule III, IV, or V, an amount of the drug that equals or 1753
exceeds the bulk amount of the drug; 1754

(2) If the drug to be sold or offered for sale is 1755
marihuana or a compound, mixture, preparation, or substance 1756
other than hashish containing marihuana, an amount of the 1757
marihuana that equals or exceeds two hundred grams; 1758

(3) If the drug to be sold or offered for sale is cocaine 1759
or a compound, mixture, preparation, or substance containing 1760
cocaine, an amount of the cocaine that equals or exceeds five 1761
grams; 1762

(4) If the drug to be sold or offered for sale is L.S.D. 1763
or a compound, mixture, preparation, or substance containing 1764
L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 1765
doses if the L.S.D. is in a solid form or equals or exceeds one 1766
gram if the L.S.D. is in a liquid concentrate, liquid extract, 1767
or liquid distillate form; 1768

(5) If the drug to be sold or offered for sale is heroin 1769
or a fentanyl-related compound, or a compound, mixture, 1770
preparation, or substance containing heroin or a fentanyl- 1771
related compound, an amount ~~of the heroin~~ that equals or exceeds 1772
ten unit doses or equals or exceeds one gram; 1773

(6) If the drug to be sold or offered for sale is hashish 1774
or a compound, mixture, preparation, or substance containing 1775
hashish, an amount of the hashish that equals or exceeds ten 1776
grams if the hashish is in a solid form or equals or exceeds two 1777
grams if the hashish is in a liquid concentrate, liquid extract, 1778
or liquid distillate form. 1779

(B) This section does not apply to any person listed in 1780
division (B) (1), (2), or (3) of section 2925.03 of the Revised 1781
Code to the extent and under the circumstances described in 1782
those divisions. 1783

(C) (1) If the drug involved in the violation is any 1784
compound, mixture, preparation, or substance included in 1785
schedule I or II, with the exception of marihuana, whoever 1786
violates division (A) of this section is guilty of aggravated 1787

funding of drug trafficking, a felony of the first degree, and, 1788
subject to division (E) of this section, the court shall impose 1789
as a mandatory prison term one of the prison terms prescribed 1790
for a felony of the first degree. 1791

(2) If the drug involved in the violation is any compound, 1792
mixture, preparation, or substance included in schedule III, IV, 1793
or V, whoever violates division (A) of this section is guilty of 1794
funding of drug trafficking, a felony of the second degree, and 1795
the court shall impose as a mandatory prison term one of the 1796
prison terms prescribed for a felony of the second degree. 1797

(3) If the drug involved in the violation is marihuana, 1798
whoever violates division (A) of this section is guilty of 1799
funding of marihuana trafficking, a felony of the third degree, 1800
and, except as otherwise provided in this division, there is a 1801
presumption for a prison term for the offense. If funding of 1802
marihuana trafficking is a felony of the third degree under this 1803
division and if the offender two or more times previously has 1804
been convicted of or pleaded guilty to a felony drug abuse 1805
offense, the court shall impose as a mandatory prison term one 1806
of the prison terms prescribed for a felony of the third degree. 1807

(D) In addition to any prison term authorized or required 1808
by division (C) or (E) of this section and sections 2929.13 and 1809
2929.14 of the Revised Code and in addition to any other 1810
sanction imposed for the offense under this section or sections 1811
2929.11 to 2929.18 of the Revised Code, the court that sentences 1812
an offender who is convicted of or pleads guilty to a violation 1813
of division (A) of this section may suspend the offender's 1814
driver's or commercial driver's license or permit in accordance 1815
with division (G) of section 2925.03 of the Revised Code. 1816
However, if the offender pleaded guilty to or was convicted of a 1817

violation of section 4511.19 of the Revised Code or a 1818
substantially similar municipal ordinance or the law of another 1819
state or the United States arising out of the same set of 1820
circumstances as the violation, the court shall suspend the 1821
offender's driver's or commercial driver's license or permit in 1822
accordance with division (G) of section 2925.03 of the Revised 1823
Code. If applicable, the court also shall do the following: 1824

(1) The court shall impose the mandatory fine specified 1825
for the offense under division (B) (1) of section 2929.18 of the 1826
Revised Code unless, as specified in that division, the court 1827
determines that the offender is indigent. The clerk of the court 1828
shall pay a mandatory fine or other fine imposed for a violation 1829
of this section pursuant to division (A) of section 2929.18 of 1830
the Revised Code in accordance with and subject to the 1831
requirements of division (F) of section 2925.03 of the Revised 1832
Code. The agency that receives the fine shall use the fine in 1833
accordance with division (F) of section 2925.03 of the Revised 1834
Code. If a person is charged with a violation of this section, 1835
posts bail, and forfeits the bail, the forfeited bail shall be 1836
paid as if the forfeited bail were a fine imposed for a 1837
violation of this section. 1838

(2) If the offender is a professionally licensed person, 1839
the court immediately shall comply with section 2925.38 of the 1840
Revised Code. 1841

(E) Notwithstanding the prison term otherwise authorized 1842
or required for the offense under division (C) of this section 1843
and sections 2929.13 and 2929.14 of the Revised Code, if the 1844
violation of division (A) of this section involves the sale, 1845
offer to sell, or possession of a schedule I or II controlled 1846
substance, with the exception of marihuana, ~~and if one of the~~ 1847

following applies: 1848

(1) If the drug involved in the violation is a fentanyl- 1849
related compound, the offense is a felony of the first degree, 1850
the offender is a major drug offender, and the court shall 1851
impose as a mandatory prison term the maximum prison term 1852
prescribed for a felony of the first degree. 1853

(2) If division (E)(1) of this section does not apply and 1854
the court imposing sentence upon the offender finds that the 1855
offender as a result of the violation is a major drug offender 1856
and is guilty of a specification of the type described in 1857
division (A) of section 2941.1410 of the Revised Code, the 1858
court, in lieu of the prison term otherwise authorized or 1859
required, shall impose upon the offender the mandatory prison 1860
term specified in division (B)(3) of section 2929.14 of the 1861
Revised Code. 1862

(F)(1) If the sentencing court suspends the offender's 1863
driver's or commercial driver's license or permit under this 1864
section in accordance with division (G) of section 2925.03 of 1865
the Revised Code, the offender may request termination of, and 1866
the court may terminate, the suspension in accordance with that 1867
division. 1868

(2) Any offender who received a mandatory suspension of 1869
the offender's driver's or commercial driver's license or permit 1870
under this section prior to ~~the effective date of this amendment~~ 1871
September 13, 2016, may file a motion with the sentencing court 1872
requesting the termination of the suspension. However, an 1873
offender who pleaded guilty to or was convicted of a violation 1874
of section 4511.19 of the Revised Code or a substantially 1875
similar municipal ordinance or law of another state or the 1876
United States that arose out of the same set of circumstances as 1877

the violation for which the offender's license or permit was 1878
suspended under this section shall not file such a motion. 1879

Upon the filing of a motion under division (F) (2) of this 1880
section, the sentencing court, in its discretion, may terminate 1881
the suspension. 1882

Sec. 2925.11. (A) No person shall knowingly obtain, 1883
possess, or use a controlled substance or a controlled substance 1884
analog. 1885

(B) (1) This section does not apply to any of the 1886
following: 1887

(a) Manufacturers, licensed health professionals 1888
authorized to prescribe drugs, pharmacists, owners of 1889
pharmacies, and other persons whose conduct was in accordance 1890
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1891
4741. of the Revised Code; 1892

(b) If the offense involves an anabolic steroid, any 1893
person who is conducting or participating in a research project 1894
involving the use of an anabolic steroid if the project has been 1895
approved by the United States food and drug administration; 1896

(c) Any person who sells, offers for sale, prescribes, 1897
dispenses, or administers for livestock or other nonhuman 1898
species an anabolic steroid that is expressly intended for 1899
administration through implants to livestock or other nonhuman 1900
species and approved for that purpose under the "Federal Food, 1901
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1902
as amended, and is sold, offered for sale, prescribed, 1903
dispensed, or administered for that purpose in accordance with 1904
that act; 1905

(d) Any person who obtained the controlled substance 1906

pursuant to a lawful prescription issued by a licensed health professional authorized to prescribe drugs. 1907
1908

(2) (a) As used in division (B) (2) of this section: 1909

(i) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code. 1910
1911

(ii) "Community control sanction" and "drug treatment program" have the same meanings as in section 2929.01 of the Revised Code. 1912
1913
1914

(iii) "Health care facility" has the same meaning as in section 2919.16 of the Revised Code. 1915
1916

(iv) "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree. 1917
1918
1919

(v) "Post-release control sanction" has the same meaning as in section 2967.28 of the Revised Code. 1920
1921

(vi) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 1922
1923

(vii) "Public agency" has the same meaning as in section 2930.01 of the Revised Code. 1924
1925

(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. 1926
1927
1928
1929
1930
1931
1932
1933

(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.

(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:

(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 experiencing an overdose and needing medical assistance.

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

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

(c) If a person is found to be in violation of any community control sanction and if the violation is a result of

either of the following, the court shall first consider ordering 1963
the person's participation or continued participation in a drug 1964
treatment program or mitigating the penalty specified in section 1965
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 1966
applicable, after which the court has the discretion either to 1967
order the person's participation or continued participation in a 1968
drug treatment program or to impose the penalty with the 1969
mitigating factor specified in any of those applicable sections: 1970

(i) Seeking or obtaining medical assistance in good faith 1971
for another person who is experiencing a drug overdose; 1972

(ii) Experiencing a drug overdose and seeking medical 1973
assistance for that overdose or being the subject of another 1974
person seeking or obtaining medical assistance for that overdose 1975
as described in division (B) (2) (b) of this section. 1976

(d) If a person is found to be in violation of any post- 1977
release control sanction and if the violation is a result of 1978
either of the following, the court or the parole board shall 1979
first consider ordering the person's participation or continued 1980
participation in a drug treatment program or mitigating the 1981
penalty specified in section 2929.141 or 2967.28 of the Revised 1982
Code, whichever is applicable, after which the court or the 1983
parole board has the discretion either to order the person's 1984
participation or continued participation in a drug treatment 1985
program or to impose the penalty with the mitigating factor 1986
specified in either of those applicable sections: 1987

(i) Seeking or obtaining medical assistance in good faith 1988
for another person who is experiencing a drug overdose; 1989

(ii) Experiencing a drug overdose and seeking medical 1990
assistance for that emergency or being the subject of another 1991

person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section.	1992 1993
(e) Nothing in division (B) (2) (b) of this section shall be construed to do any of the following:	1994 1995
(i) Limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regards to a defendant who does not qualify for the protections of division (B) (2) (b) of this section or with regards to any crime other than a minor drug possession offense committed by a person who qualifies for protection pursuant to division (B) (2) (b) of this section for a minor drug possession offense;	1996 1997 1998 1999 2000 2001 2002
(ii) Limit any seizure of evidence or contraband otherwise permitted by law;	2003 2004
(iii) Limit or abridge the authority of a peace officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in that division;	2005 2006 2007 2008
(iv) Limit, modify, or remove any immunity from liability available pursuant to law in effect prior to the effective date of this amendment <u>September 13, 2016,</u> to any public agency or to an employee of any public agency.	2009 2010 2011 2012
(f) Division (B) (2) (b) of this section does not apply to any person who twice previously has been granted an immunity under division (B) (2) (b) of this section. No person shall be granted an immunity under division (B) (2) (b) of this section more than two times.	2013 2014 2015 2016 2017
(g) Nothing in this section shall compel any qualified individual to disclose protected health information in a way that conflicts with the requirements of the "Health Insurance	2018 2019 2020

Portability and Accountability Act of 1996," 104 Pub. L. No. 2021
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 2022
regulations promulgated by the United States department of 2023
health and human services to implement the act or the 2024
requirements of 42 C.F.R. Part 2. 2025

(C) Whoever violates division (A) of this section is 2026
guilty of one of the following: 2027

(1) If the drug involved in the violation is a compound, 2028
mixture, preparation, or substance included in schedule I or II, 2029
with the exception of marihuana, cocaine, L.S.D., heroin, any 2030
fentanyl-related compound, hashish, and any controlled substance 2031
~~analogs~~ analog, whoever violates division (A) of this section is 2032
guilty of aggravated possession of drugs. The penalty for the 2033
offense shall be determined as follows: 2034

(a) Except as otherwise provided in division (C) (1) (b), 2035
(c), (d), or (e) of this section, aggravated possession of drugs 2036
is a felony of the fifth degree, and division (B) of section 2037
2929.13 of the Revised Code applies in determining whether to 2038
impose a prison term on the offender. 2039

(b) If the amount of the drug involved equals or exceeds 2040
the bulk amount but is less than five times the bulk amount, 2041
aggravated possession of drugs is a felony of the third degree, 2042
and there is a presumption for a prison term for the offense. 2043

(c) If the amount of the drug involved equals or exceeds 2044
five times the bulk amount but is less than fifty times the bulk 2045
amount, aggravated possession of drugs is a felony of the second 2046
degree, and the court shall impose as a mandatory prison term 2047
one of the prison terms prescribed for a felony of the second 2048
degree. 2049

(d) If the amount of the drug involved equals or exceeds 2050
fifty times the bulk amount but is less than one hundred times 2051
the bulk amount, aggravated possession of drugs is a felony of 2052
the first degree, and the court shall impose as a mandatory 2053
prison term one of the prison terms prescribed for a felony of 2054
the first degree. 2055

(e) If the amount of the drug involved equals or exceeds 2056
one hundred times the bulk amount, aggravated possession of 2057
drugs is a felony of the first degree, the offender is a major 2058
drug offender, and the court shall impose as a mandatory prison 2059
term the maximum prison term prescribed for a felony of the 2060
first degree. 2061

(2) If the drug involved in the violation is a compound, 2062
mixture, preparation, or substance included in schedule III, IV, 2063
or V, whoever violates division (A) of this section is guilty of 2064
possession of drugs. The penalty for the offense shall be 2065
determined as follows: 2066

(a) Except as otherwise provided in division (C) (2) (b), 2067
(c), or (d) of this section, possession of drugs is a 2068
misdemeanor of the first degree or, if the offender previously 2069
has been convicted of a drug abuse offense, a felony of the 2070
fifth degree. 2071

(b) If the amount of the drug involved equals or exceeds 2072
the bulk amount but is less than five times the bulk amount, 2073
possession of drugs is a felony of the fourth degree, and 2074
division (C) of section 2929.13 of the Revised Code applies in 2075
determining whether to impose a prison term on the offender. 2076

(c) If the amount of the drug involved equals or exceeds 2077
five times the bulk amount but is less than fifty times the bulk 2078

amount, possession of drugs is a felony of the third degree, and 2079
there is a presumption for a prison term for the offense. 2080

(d) If the amount of the drug involved equals or exceeds 2081
fifty times the bulk amount, possession of drugs is a felony of 2082
the second degree, and the court shall impose upon the offender 2083
as a mandatory prison term one of the prison terms prescribed 2084
for a felony of the second degree. 2085

(3) If the drug involved in the violation is marihuana or 2086
a compound, mixture, preparation, or substance containing 2087
marihuana other than hashish, whoever violates division (A) of 2088
this section is guilty of possession of marihuana. The penalty 2089
for the offense shall be determined as follows: 2090

(a) Except as otherwise provided in division (C) (3) (b), 2091
(c), (d), (e), (f), or (g) of this section, possession of 2092
marihuana is a minor misdemeanor. 2093

(b) If the amount of the drug involved equals or exceeds 2094
one hundred grams but is less than two hundred grams, possession 2095
of marihuana is a misdemeanor of the fourth degree. 2096

(c) If the amount of the drug involved equals or exceeds 2097
two hundred grams but is less than one thousand grams, 2098
possession of marihuana is a felony of the fifth degree, and 2099
division (B) of section 2929.13 of the Revised Code applies in 2100
determining whether to impose a prison term on the offender. 2101

(d) If the amount of the drug involved equals or exceeds 2102
one thousand grams but is less than five thousand grams, 2103
possession of marihuana is a felony of the third degree, and 2104
division (C) of section 2929.13 of the Revised Code applies in 2105
determining whether to impose a prison term on the offender. 2106

(e) If the amount of the drug involved equals or exceeds 2107

five thousand grams but is less than twenty thousand grams, 2108
possession of marihuana is a felony of the third degree, and 2109
there is a presumption that a prison term shall be imposed for 2110
the offense. 2111

(f) If the amount of the drug involved equals or exceeds 2112
twenty thousand grams but is less than forty thousand grams, 2113
possession of marihuana is a felony of the second degree, and 2114
the court shall impose a mandatory prison term of five, six, 2115
seven, or eight years. 2116

(g) If the amount of the drug involved equals or exceeds 2117
forty thousand grams, possession of marihuana is a felony of the 2118
second degree, and the court shall impose as a mandatory prison 2119
term the maximum prison term prescribed for a felony of the 2120
second degree. 2121

(4) If the drug involved in the violation is cocaine or a 2122
compound, mixture, preparation, or substance containing cocaine, 2123
whoever violates division (A) of this section is guilty of 2124
possession of cocaine. The penalty for the offense shall be 2125
determined as follows: 2126

(a) Except as otherwise provided in division (C) (4) (b), 2127
(c), (d), (e), or (f) of this section, possession of cocaine is 2128
a felony of the fifth degree, and division (B) of section 2129
2929.13 of the Revised Code applies in determining whether to 2130
impose a prison term on the offender. 2131

(b) If the amount of the drug involved equals or exceeds 2132
five grams but is less than ten grams of cocaine, possession of 2133
cocaine is a felony of the fourth degree, and division (B) of 2134
section 2929.13 of the Revised Code applies in determining 2135
whether to impose a prison term on the offender. 2136

(c) If the amount of the drug involved equals or exceeds 2137
ten grams but is less than twenty grams of cocaine, possession 2138
of cocaine is a felony of the third degree, and, except as 2139
otherwise provided in this division, there is a presumption for 2140
a prison term for the offense. If possession of cocaine is a 2141
felony of the third degree under this division and if the 2142
offender two or more times previously has been convicted of or 2143
pleaded guilty to a felony drug abuse offense, the court shall 2144
impose as a mandatory prison term one of the prison terms 2145
prescribed for a felony of the third degree. 2146

(d) If the amount of the drug involved equals or exceeds 2147
twenty grams but is less than twenty-seven grams of cocaine, 2148
possession of cocaine is a felony of the second degree, and the 2149
court shall impose as a mandatory prison term one of the prison 2150
terms prescribed for a felony of the second degree. 2151

(e) If the amount of the drug involved equals or exceeds 2152
twenty-seven grams but is less than one hundred grams of 2153
cocaine, possession of cocaine is a felony of the first degree, 2154
and the court shall impose as a mandatory prison term one of the 2155
prison terms prescribed for a felony of the first degree. 2156

(f) If the amount of the drug involved equals or exceeds 2157
one hundred grams of cocaine, possession of cocaine is a felony 2158
of the first degree, the offender is a major drug offender, and 2159
the court shall impose as a mandatory prison term the maximum 2160
prison term prescribed for a felony of the first degree. 2161

(5) If the drug involved in the violation is L.S.D., 2162
whoever violates division (A) of this section is guilty of 2163
possession of L.S.D. The penalty for the offense shall be 2164
determined as follows: 2165

(a) Except as otherwise provided in division (C) (5) (b), 2166
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 2167
felony of the fifth degree, and division (B) of section 2929.13 2168
of the Revised Code applies in determining whether to impose a 2169
prison term on the offender. 2170

(b) If the amount of L.S.D. involved equals or exceeds ten 2171
unit doses but is less than fifty unit doses of L.S.D. in a 2172
solid form or equals or exceeds one gram but is less than five 2173
grams of L.S.D. in a liquid concentrate, liquid extract, or 2174
liquid distillate form, possession of L.S.D. is a felony of the 2175
fourth degree, and division (C) of section 2929.13 of the 2176
Revised Code applies in determining whether to impose a prison 2177
term on the offender. 2178

(c) If the amount of L.S.D. involved equals or exceeds 2179
fifty unit doses, but is less than two hundred fifty unit doses 2180
of L.S.D. in a solid form or equals or exceeds five grams but is 2181
less than twenty-five grams of L.S.D. in a liquid concentrate, 2182
liquid extract, or liquid distillate form, possession of L.S.D. 2183
is a felony of the third degree, and there is a presumption for 2184
a prison term for the offense. 2185

(d) If the amount of L.S.D. involved equals or exceeds two 2186
hundred fifty unit doses but is less than one thousand unit 2187
doses of L.S.D. in a solid form or equals or exceeds twenty-five 2188
grams but is less than one hundred grams of L.S.D. in a liquid 2189
concentrate, liquid extract, or liquid distillate form, 2190
possession of L.S.D. is a felony of the second degree, and the 2191
court shall impose as a mandatory prison term one of the prison 2192
terms prescribed for a felony of the second degree. 2193

(e) If the amount of L.S.D. involved equals or exceeds one 2194
thousand unit doses but is less than five thousand unit doses of 2195

L.S.D. in a solid form or equals or exceeds one hundred grams 2196
but is less than five hundred grams of L.S.D. in a liquid 2197
concentrate, liquid extract, or liquid distillate form, 2198
possession of L.S.D. is a felony of the first degree, and the 2199
court shall impose as a mandatory prison term one of the prison 2200
terms prescribed for a felony of the first degree. 2201

(f) If the amount of L.S.D. involved equals or exceeds 2202
five thousand unit doses of L.S.D. in a solid form or equals or 2203
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2204
liquid extract, or liquid distillate form, possession of L.S.D. 2205
is a felony of the first degree, the offender is a major drug 2206
offender, and the court shall impose as a mandatory prison term 2207
the maximum prison term prescribed for a felony of the first 2208
degree. 2209

(6) If the drug involved in the violation is heroin or a 2210
compound, mixture, preparation, or substance containing heroin, 2211
whoever violates division (A) of this section is guilty of 2212
possession of heroin. The penalty for the offense shall be 2213
determined as follows: 2214

(a) Except as otherwise provided in division (C) (6) (b), 2215
(c), (d), (e), or (f) of this section, possession of heroin is a 2216
felony of the fifth degree, and division (B) of section 2929.13 2217
of the Revised Code applies in determining whether to impose a 2218
prison term on the offender. 2219

(b) If the amount of the drug involved equals or exceeds 2220
ten unit doses but is less than fifty unit doses or equals or 2221
exceeds one gram but is less than five grams, possession of 2222
heroin is a felony of the fourth degree, and division (C) of 2223
section 2929.13 of the Revised Code applies in determining 2224
whether to impose a prison term on the offender. 2225

(c) If the amount of the drug involved equals or exceeds 2226
fifty unit doses but is less than one hundred unit doses or 2227
equals or exceeds five grams but is less than ten grams, 2228
possession of heroin is a felony of the third degree, and there 2229
is a presumption for a prison term for the offense. 2230

(d) If the amount of the drug involved equals or exceeds 2231
one hundred unit doses but is less than five hundred unit doses 2232
or equals or exceeds ten grams but is less than fifty grams, 2233
possession of heroin is a felony of the second degree, and the 2234
court shall impose as a mandatory prison term one of the prison 2235
terms prescribed for a felony of the second degree. 2236

(e) If the amount of the drug involved equals or exceeds 2237
five hundred unit doses but is less than one thousand unit doses 2238
or equals or exceeds fifty grams but is less than one hundred 2239
grams, possession of heroin is a felony of the first degree, and 2240
the court shall impose as a mandatory prison term one of the 2241
prison terms prescribed for a felony of the first degree. 2242

(f) If the amount of the drug involved equals or exceeds 2243
one thousand unit doses or equals or exceeds one hundred grams, 2244
possession of heroin is a felony of the first degree, the 2245
offender is a major drug offender, and the court shall impose as 2246
a mandatory prison term the maximum prison term prescribed for a 2247
felony of the first degree. 2248

(7) If the drug involved in the violation is hashish or a 2249
compound, mixture, preparation, or substance containing hashish, 2250
whoever violates division (A) of this section is guilty of 2251
possession of hashish. The penalty for the offense shall be 2252
determined as follows: 2253

(a) Except as otherwise provided in division (C) (7) (b), 2254

(c), (d), (e), (f), or (g) of this section, possession of 2255
hashish is a minor misdemeanor. 2256

(b) If the amount of the drug involved equals or exceeds 2257
five grams but is less than ten grams of hashish in a solid form 2258
or equals or exceeds one gram but is less than two grams of 2259
hashish in a liquid concentrate, liquid extract, or liquid 2260
distillate form, possession of hashish is a misdemeanor of the 2261
fourth degree. 2262

(c) If the amount of the drug involved equals or exceeds 2263
ten grams but is less than fifty grams of hashish in a solid 2264
form or equals or exceeds two grams but is less than ten grams 2265
of hashish in a liquid concentrate, liquid extract, or liquid 2266
distillate form, possession of hashish is a felony of the fifth 2267
degree, and division (B) of section 2929.13 of the Revised Code 2268
applies in determining whether to impose a prison term on the 2269
offender. 2270

(d) If the amount of the drug involved equals or exceeds 2271
fifty grams but is less than two hundred fifty grams of hashish 2272
in a solid form or equals or exceeds ten grams but is less than 2273
fifty grams of hashish in a liquid concentrate, liquid extract, 2274
or liquid distillate form, possession of hashish is a felony of 2275
the third degree, and division (C) of section 2929.13 of the 2276
Revised Code applies in determining whether to impose a prison 2277
term on the offender. 2278

(e) If the amount of the drug involved equals or exceeds 2279
two hundred fifty grams but is less than one thousand grams of 2280
hashish in a solid form or equals or exceeds fifty grams but is 2281
less than two hundred grams of hashish in a liquid concentrate, 2282
liquid extract, or liquid distillate form, possession of hashish 2283
is a felony of the third degree, and there is a presumption that 2284

a prison term shall be imposed for the offense. 2285

(f) If the amount of the drug involved equals or exceeds 2286
one thousand grams but is less than two thousand grams of 2287
hashish in a solid form or equals or exceeds two hundred grams 2288
but is less than four hundred grams of hashish in a liquid 2289
concentrate, liquid extract, or liquid distillate form, 2290
possession of hashish is a felony of the second degree, and the 2291
court shall impose a mandatory prison term of five, six, seven, 2292
or eight years. 2293

(g) If the amount of the drug involved equals or exceeds 2294
two thousand grams of hashish in a solid form or equals or 2295
exceeds four hundred grams of hashish in a liquid concentrate, 2296
liquid extract, or liquid distillate form, possession of hashish 2297
is a felony of the second degree, and the court shall impose as 2298
a mandatory prison term the maximum prison term prescribed for a 2299
felony of the second degree. 2300

(8) If the drug involved is a controlled substance analog 2301
or compound, mixture, preparation, or substance that contains a 2302
controlled substance analog, whoever violates division (A) of 2303
this section is guilty of possession of a controlled substance 2304
analog. The penalty for the offense shall be determined as 2305
follows: 2306

(a) Except as otherwise provided in division (C) (8) (b), 2307
(c), (d), (e), or (f) of this section, possession of a 2308
controlled substance analog is a felony of the fifth degree, and 2309
division (B) of section 2929.13 of the Revised Code applies in 2310
determining whether to impose a prison term on the offender. 2311

(b) If the amount of the drug involved equals or exceeds 2312
ten grams but is less than twenty grams, possession of a 2313

controlled substance analog is a felony of the fourth degree, 2314
and there is a presumption for a prison term for the offense. 2315

(c) If the amount of the drug involved equals or exceeds 2316
twenty grams but is less than thirty grams, possession of a 2317
controlled substance analog is a felony of the third degree, and 2318
there is a presumption for a prison term for the offense. 2319

(d) If the amount of the drug involved equals or exceeds 2320
thirty grams but is less than forty grams, possession of a 2321
controlled substance analog is a felony of the second degree, 2322
and the court shall impose as a mandatory prison term one of the 2323
prison terms prescribed for a felony of the second degree. 2324

(e) If the amount of the drug involved equals or exceeds 2325
forty grams but is less than fifty grams, possession of a 2326
controlled substance analog is a felony of the first degree, and 2327
the court shall impose as a mandatory prison term one of the 2328
prison terms prescribed for a felony of the first degree. 2329

(f) If the amount of the drug involved equals or exceeds 2330
fifty grams, possession of a controlled substance analog is a 2331
felony of the first degree, the offender is a major drug 2332
offender, and the court shall impose as a mandatory prison term 2333
the maximum prison term prescribed for a felony of the first 2334
degree. 2335

(9) If the drug involved in the violation is a fentanyl- 2336
related compound, or a compound, mixture, preparation, or 2337
substance containing a fentanyl-related compound, whoever 2338
violates division (A) of this section is guilty of possession of 2339
a fentanyl-related compound. The penalty for the offense shall 2340
be determined as follows: 2341

(a) Except as otherwise provided in division (C) (9) (b), 2342

(c), (d), (e), (f), or (g) of this section, possession of a 2343
fentanyl-related compound is a felony of the fifth degree, and 2344
division (B) of section 2929.13 of the Revised Code applies in 2345
determining whether to impose a prison term on the offender. 2346

(b) If the amount of the drug involved equals or exceeds 2347
ten unit doses but is less than fifty unit doses or equals or 2348
exceeds one gram but is less than five grams, possession of a 2349
fentanyl-related compound is a felony of the fourth degree, and 2350
division (C) of section 2929.13 of the Revised Code applies in 2351
determining whether to impose a prison term on the offender. 2352

(c) If the amount of the drug involved equals or exceeds 2353
fifty unit doses but is less than one hundred unit doses or 2354
equals or exceeds five grams but is less than ten grams, 2355
possession of a fentanyl-related compound is a felony of the 2356
third degree, and there is a presumption for a prison term for 2357
the offense. 2358

(d) If the amount of the drug involved equals or exceeds 2359
one hundred unit doses but is less than two hundred unit doses 2360
or equals or exceeds ten grams but is less than twenty grams, 2361
possession of a fentanyl-related compound is a felony of the 2362
second degree, and the court shall impose as a mandatory prison 2363
term one of the prison terms prescribed for a felony of the 2364
second degree. 2365

(e) If the amount of the drug involved equals or exceeds 2366
two hundred unit doses but is less than five hundred unit doses 2367
or equals or exceeds twenty grams but is less than fifty grams, 2368
possession of a fentanyl-related compound is a felony of the 2369
first degree, and the court shall impose as a mandatory prison 2370
term one of the prison terms prescribed for a felony of the 2371
first degree. 2372

(f) If the amount of the drug involved equals or exceeds 2373
five hundred unit doses but is less than one thousand unit doses 2374
or equals or exceeds fifty grams but is less than one hundred 2375
grams, possession of a fentanyl-related compound is a felony of 2376
the first degree, and the court shall impose the mandatory 2377
maximum prison term. 2378

(g) If the amount of the drug involved equals or exceeds 2379
one thousand unit doses or equals or exceeds one hundred grams, 2380
possession of a fentanyl-related compound is a felony of the 2381
first degree, the offender is a major drug offender, and the 2382
court shall impose as a mandatory prison term the maximum prison 2383
term prescribed for a felony of the first degree. 2384

(D) Arrest or conviction for a minor misdemeanor violation 2385
of this section does not constitute a criminal record and need 2386
not be reported by the person so arrested or convicted in 2387
response to any inquiries about the person's criminal record, 2388
including any inquiries contained in any application for 2389
employment, license, or other right or privilege, or made in 2390
connection with the person's appearance as a witness. 2391

(E) In addition to any prison term or jail term authorized 2392
or required by division (C) of this section and sections 2393
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2394
Code and in addition to any other sanction that is imposed for 2395
the offense under this section, sections 2929.11 to 2929.18, or 2396
sections 2929.21 to 2929.28 of the Revised Code, the court that 2397
sentences an offender who is convicted of or pleads guilty to a 2398
violation of division (A) of this section may suspend the 2399
offender's driver's or commercial driver's license or permit for 2400
not more than five years. However, if the offender pleaded 2401
guilty to or was convicted of a violation of section 4511.19 of 2402

the Revised Code or a substantially similar municipal ordinance 2403
or the law of another state or the United States arising out of 2404
the same set of circumstances as the violation, the court shall 2405
suspend the offender's driver's or commercial driver's license 2406
or permit for not more than five years. If applicable, the court 2407
also shall do the following: 2408

(1) (a) If the violation is a felony of the first, second, 2409
or third degree, the court shall impose upon the offender the 2410
mandatory fine specified for the offense under division (B) (1) 2411
of section 2929.18 of the Revised Code unless, as specified in 2412
that division, the court determines that the offender is 2413
indigent. 2414

(b) Notwithstanding any contrary provision of section 2415
3719.21 of the Revised Code, the clerk of the court shall pay a 2416
mandatory fine or other fine imposed for a violation of this 2417
section pursuant to division (A) of section 2929.18 of the 2418
Revised Code in accordance with and subject to the requirements 2419
of division (F) of section 2925.03 of the Revised Code. The 2420
agency that receives the fine shall use the fine as specified in 2421
division (F) of section 2925.03 of the Revised Code. 2422

(c) If a person is charged with a violation of this 2423
section that is a felony of the first, second, or third degree, 2424
posts bail, and forfeits the bail, the clerk shall pay the 2425
forfeited bail pursuant to division (E) (1) (b) of this section as 2426
if it were a mandatory fine imposed under division (E) (1) (a) of 2427
this section. 2428

(2) If the offender is a professionally licensed person, 2429
in addition to any other sanction imposed for a violation of 2430
this section, the court immediately shall comply with section 2431
2925.38 of the Revised Code. 2432

(F) It is an affirmative defense, as provided in section 2433
2901.05 of the Revised Code, to a charge of a fourth degree 2434
felony violation under this section that the controlled 2435
substance that gave rise to the charge is in an amount, is in a 2436
form, is prepared, compounded, or mixed with substances that are 2437
not controlled substances in a manner, or is possessed under any 2438
other circumstances, that indicate that the substance was 2439
possessed solely for personal use. Notwithstanding any contrary 2440
provision of this section, if, in accordance with section 2441
2901.05 of the Revised Code, an accused who is charged with a 2442
fourth degree felony violation of division (C) (2), (4), (5), or 2443
(6) of this section sustains the burden of going forward with 2444
evidence of and establishes by a preponderance of the evidence 2445
the affirmative defense described in this division, the accused 2446
may be prosecuted for and may plead guilty to or be convicted of 2447
a misdemeanor violation of division (C) (2) of this section or a 2448
fifth degree felony violation of division (C) (4), (5), or (6) of 2449
this section respectively. 2450

(G) When a person is charged with possessing a bulk amount 2451
or multiple of a bulk amount, division (E) of section 2925.03 of 2452
the Revised Code applies regarding the determination of the 2453
amount of the controlled substance involved at the time of the 2454
offense. 2455

(H) It is an affirmative defense to a charge of possession 2456
of a controlled substance analog under division (C) (8) of this 2457
section that the person charged with violating that offense 2458
obtained, possessed, or used an item described in division (HH) 2459
(2) (a), (b), or (c) of section 3719.01 of the Revised Code. 2460

(I) Any offender who received a mandatory suspension of 2461
the offender's driver's or commercial driver's license or permit 2462

under this section prior to ~~the effective date of this amendment~~ 2463
September 13, 2016, may file a motion with the sentencing court 2464
requesting the termination of the suspension. However, an 2465
offender who pleaded guilty to or was convicted of a violation 2466
of section 4511.19 of the Revised Code or a substantially 2467
similar municipal ordinance or law of another state or the 2468
United States that arose out of the same set of circumstances as 2469
the violation for which the offender's license or permit was 2470
suspended under this section shall not file such a motion. 2471

Upon the filing of a motion under division (I) of this 2472
section, the sentencing court, in its discretion, may terminate 2473
the suspension. 2474

Sec. 2925.13. (A) No person who is the owner, operator, or 2475
person in charge of a locomotive, watercraft, aircraft, or other 2476
vehicle, as defined in division (A) of section 4501.01 of the 2477
Revised Code, shall knowingly permit the vehicle to be used for 2478
the commission of a felony drug abuse offense. 2479

(B) No person who is the owner, lessee, or occupant, or 2480
who has custody, control, or supervision, of premises or real 2481
estate, including vacant land, shall knowingly permit the 2482
premises or real estate, including vacant land, to be used for 2483
the commission of a felony drug abuse offense by another person. 2484

(C) (1) Whoever violates this section is guilty of 2485
permitting drug abuse. 2486

(2) Except as provided in division (C) (3) of this section, 2487
permitting drug abuse is a misdemeanor of the first degree. 2488

(3) Permitting drug abuse is a felony of the fifth degree, 2489
and division (C) of section 2929.13 of the Revised Code applies 2490
in determining whether to impose a prison term on the offender, 2491

if ~~the~~ either of the following applies: 2492

(a) The felony drug abuse offense in question is a 2493
violation of section 2925.02 ~~or~~, 2925.03, or 2925.04 of the 2494
Revised Code. 2495

(b) The felony drug abuse offense in question is a 2496
violation of section 2925.041 of the Revised Code and the 2497
offender had actual knowledge, at the time the offender 2498
permitted the vehicle, premises, or real estate to be used as 2499
described in division (A) or (B) of this section, that the 2500
person who assembled or possessed the chemicals in question in 2501
violation of section 2925.041 of the Revised Code had assembled 2502
or possessed them with the intent to manufacture a controlled 2503
substance in schedule I or II in violation of section 2925.04 of 2504
the Revised Code. 2505

(D) (1) In addition to any prison term authorized or 2506
required by division (C) of this section and sections 2929.13 2507
and 2929.14 of the Revised Code and in addition to any other 2508
sanction imposed for the offense under this section or sections 2509
2929.11 to 2929.18 of the Revised Code, the court that sentences 2510
a person who is convicted of or pleads guilty to a violation of 2511
division (A) of this section may suspend for not more than five 2512
years the offender's driver's or commercial driver's license or 2513
permit. However, if the offender pleaded guilty to or was 2514
convicted of a violation of section 4511.19 of the Revised Code 2515
or a substantially similar municipal ordinance or the law of 2516
another state or the United States arising out of the same set 2517
of circumstances as the violation, the court shall suspend the 2518
offender's driver's or commercial driver's license or permit for 2519
not more than five years. 2520

If the offender is a professionally licensed person, in 2521

addition to any other sanction imposed for a violation of this 2522
section, the court immediately shall comply with section 2925.38 2523
of the Revised Code. 2524

(2) Any offender who received a mandatory suspension of 2525
the offender's driver's or commercial driver's license or permit 2526
under this section prior to ~~the effective date of this amendment~~ 2527
September 13, 2016, may file a motion with the sentencing court 2528
requesting the termination of the suspension. However, an 2529
offender who pleaded guilty to or was convicted of a violation 2530
of section 4511.19 of the Revised Code or a substantially 2531
similar municipal ordinance or law of another state or the 2532
United States that arose out of the same set of circumstances as 2533
the violation for which the offender's license or permit was 2534
suspended under this section shall not file such a motion. 2535

Upon the filing of a motion under division (D) (2) of this 2536
section, the sentencing court, in its discretion, may terminate 2537
the suspension. 2538

(E) Notwithstanding any contrary provision of section 2539
3719.21 of the Revised Code, the clerk of the court shall pay a 2540
fine imposed for a violation of this section pursuant to 2541
division (A) of section 2929.18 of the Revised Code in 2542
accordance with and subject to the requirements of division (F) 2543
of section 2925.03 of the Revised Code. The agency that receives 2544
the fine shall use the fine as specified in division (F) of 2545
section 2925.03 of the Revised Code. 2546

(F) Any premises or real estate that is permitted to be 2547
used in violation of division (B) of this section constitutes a 2548
nuisance subject to abatement pursuant to Chapter 3767. of the 2549
Revised Code. 2550

Sec. 2925.36. (A) No person shall knowingly furnish 2551
another a sample drug. 2552

(B) Division (A) of this section does not apply to 2553
manufacturers, wholesalers, pharmacists, owners of pharmacies, 2554
licensed health professionals authorized to prescribe drugs, and 2555
other persons whose conduct is in accordance with Chapters 2556
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 2557
the Revised Code. 2558

(C) (1) Whoever violates this section is guilty of illegal 2559
dispensing of drug samples. 2560

(2) If the drug involved in the offense is a compound, 2561
mixture, preparation, or substance included in schedule I or II, 2562
with the exception of marihuana, the penalty for the offense 2563
shall be determined as follows: 2564

(a) Except as otherwise provided in division (C) (2) (b) of 2565
this section, illegal dispensing of drug samples is a felony of 2566
the fifth degree, and, subject to division (E) of this section, 2567
division (C) of section 2929.13 of the Revised Code applies in 2568
determining whether to impose a prison term on the offender. 2569

(b) If the offense was committed in the vicinity of a 2570
school or in the vicinity of a juvenile, illegal dispensing of 2571
drug samples is a felony of the fourth degree, and, subject to 2572
division (E) of this section, division (C) of section 2929.13 of 2573
the Revised Code applies in determining whether to impose a 2574
prison term on the offender. 2575

(3) If the drug involved in the offense is a dangerous 2576
drug or a compound, mixture, preparation, or substance included 2577
in schedule III, IV, or V, or is marihuana, the penalty for the 2578
offense shall be determined as follows: 2579

(a) Except as otherwise provided in division (C) (3) (b) of 2580
this section, illegal dispensing of drug samples is a 2581
misdemeanor of the second degree. 2582

(b) If the offense was committed in the vicinity of a 2583
school or in the vicinity of a juvenile, illegal dispensing of 2584
drug samples is a misdemeanor of the first degree. 2585

(D) (1) In addition to any prison term authorized or 2586
required by division (C) or (E) of this section and sections 2587
2929.13 and 2929.14 of the Revised Code and in addition to any 2588
other sanction imposed for the offense under this section or 2589
sections 2929.11 to 2929.18 of the Revised Code, the court that 2590
sentences an offender who is convicted of or pleads guilty to a 2591
violation of division (A) of this section may suspend for not 2592
more than five years the offender's driver's or commercial 2593
driver's license or permit. However, if the offender pleaded 2594
guilty to or was convicted of a violation of section 4511.19 of 2595
the Revised Code or a substantially similar municipal ordinance 2596
or the law of another state or the United States arising out of 2597
the same set of circumstances as the violation, the court shall 2598
suspend the offender's driver's or commercial driver's license 2599
or permit for not more than five years. 2600

If the offender is a professionally licensed person, in 2601
addition to any other sanction imposed for a violation of this 2602
section, the court immediately shall comply with section 2925.38 2603
of the Revised Code. 2604

(2) Any offender who received a mandatory suspension of 2605
the offender's driver's or commercial driver's license or permit 2606
under this section prior to ~~the effective date of this amendment~~ 2607
September 13, 2016, may file a motion with the sentencing court 2608
requesting the termination of the suspension. However, an 2609

offender who pleaded guilty to or was convicted of a violation 2610
of section 4511.19 of the Revised Code or a substantially 2611
similar municipal ordinance or law of another state or the 2612
United States that arose out of the same set of circumstances as 2613
the violation for which the offender's license or permit was 2614
suspended under this section shall not file such a motion. 2615

Upon the filing of a motion under division (D) (2) of this 2616
section, the sentencing court, in its discretion, may terminate 2617
the suspension. 2618

(E) Notwithstanding the prison term authorized or required 2619
by division (C) of this section and sections 2929.13 and 2929.14 2620
of the Revised Code, if the violation of division (A) of this 2621
section involves the sale, offer to sell, or possession of a 2622
schedule I or II controlled substance, with the exception of 2623
marihuana, and if the court imposing sentence upon the offender 2624
finds that the offender as a result of the violation is a major 2625
drug offender and is guilty of a specification of the type 2626
described in division (A) of section 2941.1410 of the Revised 2627
Code, the court, in lieu of the prison term otherwise authorized 2628
or required, shall impose upon the offender the mandatory prison 2629
term specified in division (B) (3) (a) of section 2929.14 of the 2630
Revised Code. 2631

(F) Notwithstanding any contrary provision of section 2632
3719.21 of the Revised Code, the clerk of the court shall pay a 2633
fine imposed for a violation of this section pursuant to 2634
division (A) of section 2929.18 of the Revised Code in 2635
accordance with and subject to the requirements of division (F) 2636
of section 2925.03 of the Revised Code. The agency that receives 2637
the fine shall use the fine as specified in division (F) of 2638
section 2925.03 of the Revised Code. 2639

Sec. 2929.01. As used in this chapter:	2640
(A) (1) "Alternative residential facility" means, subject to division (A) (2) of this section, any facility other than an offender's home or residence in which an offender is assigned to live and that satisfies all of the following criteria:	2641 2642 2643 2644
(a) It provides programs through which the offender may seek or maintain employment or may receive education, training, treatment, or habilitation.	2645 2646 2647
(b) It has received the appropriate license or certificate for any specialized education, training, treatment, habilitation, or other service that it provides from the government agency that is responsible for licensing or certifying that type of education, training, treatment, habilitation, or service.	2648 2649 2650 2651 2652 2653
(2) "Alternative residential facility" does not include a community-based correctional facility, jail, halfway house, or prison.	2654 2655 2656
(B) "Basic probation supervision" means a requirement that the offender maintain contact with a person appointed to supervise the offender in accordance with sanctions imposed by the court or imposed by the parole board pursuant to section 2967.28 of the Revised Code. "Basic probation supervision" includes basic parole supervision and basic post-release control supervision.	2657 2658 2659 2660 2661 2662 2663
(C) "Cocaine," " <u>fentanyl-related compound</u> ," "hashish," "L.S.D.," and "unit dose" have the same meanings as in section 2925.01 of the Revised Code.	2664 2665 2666
(D) "Community-based correctional facility" means a community-based correctional facility and program or district	2667 2668

community-based correctional facility and program developed 2669
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 2670

(E) "Community control sanction" means a sanction that is 2671
not a prison term and that is described in section 2929.15, 2672
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 2673
that is not a jail term and that is described in section 2674
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 2675
control sanction" includes probation if the sentence involved 2676
was imposed for a felony that was committed prior to July 1, 2677
1996, or if the sentence involved was imposed for a misdemeanor 2678
that was committed prior to January 1, 2004. 2679

(F) "Controlled substance," "marihuana," "schedule I," and 2680
"schedule II" have the same meanings as in section 3719.01 of 2681
the Revised Code. 2682

(G) "Curfew" means a requirement that an offender during a 2683
specified period of time be at a designated place. 2684

(H) "Day reporting" means a sanction pursuant to which an 2685
offender is required each day to report to and leave a center or 2686
other approved reporting location at specified times in order to 2687
participate in work, education or training, treatment, and other 2688
approved programs at the center or outside the center. 2689

(I) "Deadly weapon" has the same meaning as in section 2690
2923.11 of the Revised Code. 2691

(J) "Drug and alcohol use monitoring" means a program 2692
under which an offender agrees to submit to random chemical 2693
analysis of the offender's blood, breath, or urine to determine 2694
whether the offender has ingested any alcohol or other drugs. 2695

(K) "Drug treatment program" means any program under which 2696
a person undergoes assessment and treatment designed to reduce 2697

or completely eliminate the person's physical or emotional 2698
reliance upon alcohol, another drug, or alcohol and another drug 2699
and under which the person may be required to receive assessment 2700
and treatment on an outpatient basis or may be required to 2701
reside at a facility other than the person's home or residence 2702
while undergoing assessment and treatment. 2703

(L) "Economic loss" means any economic detriment suffered 2704
by a victim as a direct and proximate result of the commission 2705
of an offense and includes any loss of income due to lost time 2706
at work because of any injury caused to the victim, and any 2707
property loss, medical cost, or funeral expense incurred as a 2708
result of the commission of the offense. "Economic loss" does 2709
not include non-economic loss or any punitive or exemplary 2710
damages. 2711

(M) "Education or training" includes study at, or in 2712
conjunction with a program offered by, a university, college, or 2713
technical college or vocational study and also includes the 2714
completion of primary school, secondary school, and literacy 2715
curricula or their equivalent. 2716

(N) "Firearm" has the same meaning as in section 2923.11 2717
of the Revised Code. 2718

(O) "Halfway house" means a facility licensed by the 2719
division of parole and community services of the department of 2720
rehabilitation and correction pursuant to section 2967.14 of the 2721
Revised Code as a suitable facility for the care and treatment 2722
of adult offenders. 2723

(P) "House arrest" means a period of confinement of an 2724
offender that is in the offender's home or in other premises 2725
specified by the sentencing court or by the parole board 2726

pursuant to section 2967.28 of the Revised Code and during which 2727
all of the following apply: 2728

(1) The offender is required to remain in the offender's 2729
home or other specified premises for the specified period of 2730
confinement, except for periods of time during which the 2731
offender is at the offender's place of employment or at other 2732
premises as authorized by the sentencing court or by the parole 2733
board. 2734

(2) The offender is required to report periodically to a 2735
person designated by the court or parole board. 2736

(3) The offender is subject to any other restrictions and 2737
requirements that may be imposed by the sentencing court or by 2738
the parole board. 2739

(Q) "Intensive probation supervision" means a requirement 2740
that an offender maintain frequent contact with a person 2741
appointed by the court, or by the parole board pursuant to 2742
section 2967.28 of the Revised Code, to supervise the offender 2743
while the offender is seeking or maintaining necessary 2744
employment and participating in training, education, and 2745
treatment programs as required in the court's or parole board's 2746
order. "Intensive probation supervision" includes intensive 2747
parole supervision and intensive post-release control 2748
supervision. 2749

(R) "Jail" means a jail, workhouse, minimum security jail, 2750
or other residential facility used for the confinement of 2751
alleged or convicted offenders that is operated by a political 2752
subdivision or a combination of political subdivisions of this 2753
state. 2754

(S) "Jail term" means the term in a jail that a sentencing 2755

court imposes or is authorized to impose pursuant to section 2756
2929.24 or 2929.25 of the Revised Code or pursuant to any other 2757
provision of the Revised Code that authorizes a term in a jail 2758
for a misdemeanor conviction. 2759

(T) "Mandatory jail term" means the term in a jail that a 2760
sentencing court is required to impose pursuant to division (G) 2761
of section 1547.99 of the Revised Code, division (E) of section 2762
2903.06 or division (D) of section 2903.08 of the Revised Code, 2763
division (E) or (G) of section 2929.24 of the Revised Code, 2764
division (B) of section 4510.14 of the Revised Code, or division 2765
(G) of section 4511.19 of the Revised Code or pursuant to any 2766
other provision of the Revised Code that requires a term in a 2767
jail for a misdemeanor conviction. 2768

(U) "Delinquent child" has the same meaning as in section 2769
2152.02 of the Revised Code. 2770

(V) "License violation report" means a report that is made 2771
by a sentencing court, or by the parole board pursuant to 2772
section 2967.28 of the Revised Code, to the regulatory or 2773
licensing board or agency that issued an offender a professional 2774
license or a license or permit to do business in this state and 2775
that specifies that the offender has been convicted of or 2776
pleaded guilty to an offense that may violate the conditions 2777
under which the offender's professional license or license or 2778
permit to do business in this state was granted or an offense 2779
for which the offender's professional license or license or 2780
permit to do business in this state may be revoked or suspended. 2781

(W) "Major drug offender" means an offender who is 2782
convicted of or pleads guilty to the possession of, sale of, or 2783
offer to sell any drug, compound, mixture, preparation, or 2784
substance that consists of or contains at least one thousand 2785

grams of hashish; at least one hundred grams of cocaine; at 2786
least one thousand unit doses or one hundred grams of heroin; at 2787
least five thousand unit doses of L.S.D. or five hundred grams 2788
of L.S.D. in a liquid concentrate, liquid extract, or liquid 2789
distillate form; at least fifty grams of a controlled substance 2790
analog; at least one thousand unit doses or one hundred grams of 2791
a fentanyl-related compound; or at least one hundred times the 2792
amount of any other schedule I or II controlled substance other 2793
than marihuana that is necessary to commit a felony of the third 2794
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 2795
of the Revised Code that is based on the possession of, sale of, 2796
or offer to sell the controlled substance. 2797

(X) "Mandatory prison term" means any of the following: 2798

(1) Subject to division (X) (2) of this section, the term 2799
in prison that must be imposed for the offenses or circumstances 2800
set forth in divisions (F) (1) to (8) or (F) (12) to (18) of 2801
section 2929.13 and division (B) of section 2929.14 of the 2802
Revised Code. Except as provided in sections 2925.02, 2925.03, 2803
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 2804
maximum or another specific term is required under section 2805
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 2806
described in this division may be any prison term authorized for 2807
the level of offense. 2808

(2) The term of sixty or one hundred twenty days in prison 2809
that a sentencing court is required to impose for a third or 2810
fourth degree felony OVI offense pursuant to division (G) (2) of 2811
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 2812
of the Revised Code or the term of one, two, three, four, or 2813
five years in prison that a sentencing court is required to 2814
impose pursuant to division (G) (2) of section 2929.13 of the 2815

Revised Code.	2816
(3) The term in prison imposed pursuant to division (A) of section 2971.03 of the Revised Code for the offenses and in the circumstances described in division (F)(11) of section 2929.13 of the Revised Code or pursuant to division (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code and that term as modified or terminated pursuant to section 2971.05 of the Revised Code.	2817 2818 2819 2820 2821 2822 2823
(Y) "Monitored time" means a period of time during which an offender continues to be under the control of the sentencing court or parole board, subject to no conditions other than leading a law-abiding life.	2824 2825 2826 2827
(Z) "Offender" means a person who, in this state, is convicted of or pleads guilty to a felony or a misdemeanor.	2828 2829
(AA) "Prison" means a residential facility used for the confinement of convicted felony offenders that is under the control of the department of rehabilitation and correction but does not include a violation sanction center operated under authority of section 2967.141 of the Revised Code.	2830 2831 2832 2833 2834
(BB) "Prison term" includes either of the following sanctions for an offender:	2835 2836
(1) A stated prison term;	2837
(2) A term in a prison shortened by, or with the approval of, the sentencing court pursuant to section 2929.143, 2929.20, 2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code.	2838 2839 2840
(CC) "Repeat violent offender" means a person about whom both of the following apply:	2841 2842
(1) The person is being sentenced for committing or for	2843

complicity in committing any of the following: 2844

(a) Aggravated murder, murder, any felony of the first or 2845
second degree that is an offense of violence, or an attempt to 2846
commit any of these offenses if the attempt is a felony of the 2847
first or second degree; 2848

(b) An offense under an existing or former law of this 2849
state, another state, or the United States that is or was 2850
substantially equivalent to an offense described in division 2851
(CC) (1) (a) of this section. 2852

(2) The person previously was convicted of or pleaded 2853
guilty to an offense described in division (CC) (1) (a) or (b) of 2854
this section. 2855

(DD) "Sanction" means any penalty imposed upon an offender 2856
who is convicted of or pleads guilty to an offense, as 2857
punishment for the offense. "Sanction" includes any sanction 2858
imposed pursuant to any provision of sections 2929.14 to 2929.18 2859
or 2929.24 to 2929.28 of the Revised Code. 2860

(EE) "Sentence" means the sanction or combination of 2861
sanctions imposed by the sentencing court on an offender who is 2862
convicted of or pleads guilty to an offense. 2863

(FF) "Stated prison term" means the prison term, mandatory 2864
prison term, or combination of all prison terms and mandatory 2865
prison terms imposed by the sentencing court pursuant to section 2866
2929.14, 2929.142, or 2971.03 of the Revised Code or under 2867
section 2919.25 of the Revised Code. "Stated prison term" 2868
includes any credit received by the offender for time spent in 2869
jail awaiting trial, sentencing, or transfer to prison for the 2870
offense and any time spent under house arrest or house arrest 2871
with electronic monitoring imposed after earning credits 2872

pursuant to section 2967.193 of the Revised Code. If an offender 2873
is serving a prison term as a risk reduction sentence under 2874
sections 2929.143 and 5120.036 of the Revised Code, "stated 2875
prison term" includes any period of time by which the prison 2876
term imposed upon the offender is shortened by the offender's 2877
successful completion of all assessment and treatment or 2878
programming pursuant to those sections. 2879

(GG) "Victim-offender mediation" means a reconciliation or 2880
mediation program that involves an offender and the victim of 2881
the offense committed by the offender and that includes a 2882
meeting in which the offender and the victim may discuss the 2883
offense, discuss restitution, and consider other sanctions for 2884
the offense. 2885

(HH) "Fourth degree felony OVI offense" means a violation 2886
of division (A) of section 4511.19 of the Revised Code that, 2887
under division (G) of that section, is a felony of the fourth 2888
degree. 2889

(II) "Mandatory term of local incarceration" means the 2890
term of sixty or one hundred twenty days in a jail, a community- 2891
based correctional facility, a halfway house, or an alternative 2892
residential facility that a sentencing court may impose upon a 2893
person who is convicted of or pleads guilty to a fourth degree 2894
felony OVI offense pursuant to division (G)(1) of section 2895
2929.13 of the Revised Code and division (G)(1)(d) or (e) of 2896
section 4511.19 of the Revised Code. 2897

(JJ) "Designated homicide, assault, or kidnapping 2898
offense," "violent sex offense," "sexual motivation 2899
specification," "sexually violent offense," "sexually violent 2900
predator," and "sexually violent predator specification" have 2901
the same meanings as in section 2971.01 of the Revised Code. 2902

(KK) "Sexually oriented offense," "child-victim oriented offense," and "tier III sex offender/child-victim offender" have the same meanings as in section 2950.01 of the Revised Code.

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

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

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

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

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

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

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

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

(TT) "Electronic monitoring" means monitoring through the

use of an electronic monitoring device. 2931

(UU) "Electronic monitoring device" means any of the 2932
following: 2933

(1) Any device that can be operated by electrical or 2934
battery power and that conforms with all of the following: 2935

(a) The device has a transmitter that can be attached to a 2936
person, that will transmit a specified signal to a receiver of 2937
the type described in division (UU) (1) (b) of this section if the 2938
transmitter is removed from the person, turned off, or altered 2939
in any manner without prior court approval in relation to 2940
electronic monitoring or without prior approval of the 2941
department of rehabilitation and correction in relation to the 2942
use of an electronic monitoring device for an inmate on 2943
transitional control or otherwise is tampered with, that can 2944
transmit continuously and periodically a signal to that receiver 2945
when the person is within a specified distance from the 2946
receiver, and that can transmit an appropriate signal to that 2947
receiver if the person to whom it is attached travels a 2948
specified distance from that receiver. 2949

(b) The device has a receiver that can receive 2950
continuously the signals transmitted by a transmitter of the 2951
type described in division (UU) (1) (a) of this section, can 2952
transmit continuously those signals by a wireless or landline 2953
telephone connection to a central monitoring computer of the 2954
type described in division (UU) (1) (c) of this section, and can 2955
transmit continuously an appropriate signal to that central 2956
monitoring computer if the device has been turned off or altered 2957
without prior court approval or otherwise tampered with. The 2958
device is designed specifically for use in electronic 2959
monitoring, is not a converted wireless phone or another 2960

tracking device that is clearly not designed for electronic 2961
monitoring, and provides a means of text-based or voice 2962
communication with the person. 2963

(c) The device has a central monitoring computer that can 2964
receive continuously the signals transmitted by a wireless or 2965
landline telephone connection by a receiver of the type 2966
described in division (UU) (1) (b) of this section and can monitor 2967
continuously the person to whom an electronic monitoring device 2968
of the type described in division (UU) (1) (a) of this section is 2969
attached. 2970

(2) Any device that is not a device of the type described 2971
in division (UU) (1) of this section and that conforms with all 2972
of the following: 2973

(a) The device includes a transmitter and receiver that 2974
can monitor and determine the location of a subject person at 2975
any time, or at a designated point in time, through the use of a 2976
central monitoring computer or through other electronic means. 2977

(b) The device includes a transmitter and receiver that 2978
can determine at any time, or at a designated point in time, 2979
through the use of a central monitoring computer or other 2980
electronic means the fact that the transmitter is turned off or 2981
altered in any manner without prior approval of the court in 2982
relation to the electronic monitoring or without prior approval 2983
of the department of rehabilitation and correction in relation 2984
to the use of an electronic monitoring device for an inmate on 2985
transitional control or otherwise is tampered with. 2986

(3) Any type of technology that can adequately track or 2987
determine the location of a subject person at any time and that 2988
is approved by the director of rehabilitation and correction, 2989

including, but not limited to, any satellite technology, voice 2990
tracking system, or retinal scanning system that is so approved. 2991

(VV) "Non-economic loss" means nonpecuniary harm suffered 2992
by a victim of an offense as a result of or related to the 2993
commission of the offense, including, but not limited to, pain 2994
and suffering; loss of society, consortium, companionship, care, 2995
assistance, attention, protection, advice, guidance, counsel, 2996
instruction, training, or education; mental anguish; and any 2997
other intangible loss. 2998

(WW) "Prosecutor" has the same meaning as in section 2999
2935.01 of the Revised Code. 3000

(XX) "Continuous alcohol monitoring" means the ability to 3001
automatically test and periodically transmit alcohol consumption 3002
levels and tamper attempts at least every hour, regardless of 3003
the location of the person who is being monitored. 3004

(YY) A person is "adjudicated a sexually violent predator" 3005
if the person is convicted of or pleads guilty to a violent sex 3006
offense and also is convicted of or pleads guilty to a sexually 3007
violent predator specification that was included in the 3008
indictment, count in the indictment, or information charging 3009
that violent sex offense or if the person is convicted of or 3010
pleads guilty to a designated homicide, assault, or kidnapping 3011
offense and also is convicted of or pleads guilty to both a 3012
sexual motivation specification and a sexually violent predator 3013
specification that were included in the indictment, count in the 3014
indictment, or information charging that designated homicide, 3015
assault, or kidnapping offense. 3016

(ZZ) An offense is "committed in proximity to a school" if 3017
the offender commits the offense in a school safety zone or 3018

within five hundred feet of any school building or the 3019
boundaries of any school premises, regardless of whether the 3020
offender knows the offense is being committed in a school safety 3021
zone or within five hundred feet of any school building or the 3022
boundaries of any school premises. 3023

(AAA) "Human trafficking" means a scheme or plan to which 3024
all of the following apply: 3025

(1) Its object is one or more of the following: 3026

(a) To subject a victim or victims to involuntary 3027
servitude, as defined in section 2905.31 of the Revised Code or 3028
to compel a victim or victims to engage in sexual activity for 3029
hire, to engage in a performance that is obscene, sexually 3030
oriented, or nudity oriented, or to be a model or participant in 3031
the production of material that is obscene, sexually oriented, 3032
or nudity oriented; 3033

(b) To facilitate, encourage, or recruit a victim who is 3034
less than sixteen years of age or is a person with a 3035
developmental disability, or victims who are less than sixteen 3036
years of age or are persons with developmental disabilities, for 3037
any purpose listed in divisions (A) (2) (a) to (c) of section 3038
2905.32 of the Revised Code; 3039

(c) To facilitate, encourage, or recruit a victim who is 3040
sixteen or seventeen years of age, or victims who are sixteen or 3041
seventeen years of age, for any purpose listed in divisions (A) 3042
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 3043
circumstances described in division (A) (5), (6), (7), (8), (9), 3044
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 3045
apply with respect to the person engaging in the conduct and the 3046
victim or victims. 3047

(2) It involves at least two felony offenses, whether or 3048
not there has been a prior conviction for any of the felony 3049
offenses, to which all of the following apply: 3050

(a) Each of the felony offenses is a violation of section 3051
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 3052
division (A) (1) or (2) of section 2907.323, or division (B) (1), 3053
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 3054
is a violation of a law of any state other than this state that 3055
is substantially similar to any of the sections or divisions of 3056
the Revised Code identified in this division. 3057

(b) At least one of the felony offenses was committed in 3058
this state. 3059

(c) The felony offenses are related to the same scheme or 3060
plan and are not isolated instances. 3061

(BBB) "Material," "nudity," "obscene," "performance," and 3062
"sexual activity" have the same meanings as in section 2907.01 3063
of the Revised Code. 3064

(CCC) "Material that is obscene, sexually oriented, or 3065
nudity oriented" means any material that is obscene, that shows 3066
a person participating or engaging in sexual activity, 3067
masturbation, or bestiality, or that shows a person in a state 3068
of nudity. 3069

(DDD) "Performance that is obscene, sexually oriented, or 3070
nudity oriented" means any performance that is obscene, that 3071
shows a person participating or engaging in sexual activity, 3072
masturbation, or bestiality, or that shows a person in a state 3073
of nudity. 3074

Sec. 2929.14. (A) Except as provided in division (B) (1), 3075
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 3076

(E), (G), (H), (J), or (K) of this section or in division (D) (6) 3077
of section 2919.25 of the Revised Code and except in relation to 3078
an offense for which a sentence of death or life imprisonment is 3079
to be imposed, if the court imposing a sentence upon an offender 3080
for a felony elects or is required to impose a prison term on 3081
the offender pursuant to this chapter, the court shall impose a 3082
definite prison term that shall be one of the following: 3083

(1) For a felony of the first degree, the prison term 3084
shall be three, four, five, six, seven, eight, nine, ten, or 3085
eleven years. 3086

(2) For a felony of the second degree, the prison term 3087
shall be two, three, four, five, six, seven, or eight years. 3088

(3) (a) For a felony of the third degree that is a 3089
violation of section 2903.06, 2903.08, 2907.03, 2907.04, or 3090
2907.05 of the Revised Code or that is a violation of section 3091
2911.02 or 2911.12 of the Revised Code if the offender 3092
previously has been convicted of or pleaded guilty in two or 3093
more separate proceedings to two or more violations of section 3094
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 3095
prison term shall be twelve, eighteen, twenty-four, thirty, 3096
thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 3097

(b) For a felony of the third degree that is not an 3098
offense for which division (A) (3) (a) of this section applies, 3099
the prison term shall be nine, twelve, eighteen, twenty-four, 3100
thirty, or thirty-six months. 3101

(4) For a felony of the fourth degree, the prison term 3102
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 3103
fourteen, fifteen, sixteen, seventeen, or eighteen months. 3104

(5) For a felony of the fifth degree, the prison term 3105

shall be six, seven, eight, nine, ten, eleven, or twelve months. 3106

(B) (1) (a) Except as provided in division (B) (1) (e) of this 3107
section, if an offender who is convicted of or pleads guilty to 3108
a felony also is convicted of or pleads guilty to a 3109
specification of the type described in section 2941.141, 3110
2941.144, or 2941.145 of the Revised Code, the court shall 3111
impose on the offender one of the following prison terms: 3112

(i) A prison term of six years if the specification is of 3113
the type described in division (A) of section 2941.144 of the 3114
Revised Code that charges the offender with having a firearm 3115
that is an automatic firearm or that was equipped with a firearm 3116
muffler or suppressor on or about the offender's person or under 3117
the offender's control while committing the offense; 3118

(ii) A prison term of three years if the specification is 3119
of the type described in division (A) of section 2941.145 of the 3120
Revised Code that charges the offender with having a firearm on 3121
or about the offender's person or under the offender's control 3122
while committing the offense and displaying the firearm, 3123
brandishing the firearm, indicating that the offender possessed 3124
the firearm, or using it to facilitate the offense; 3125

(iii) A prison term of one year if the specification is of 3126
the type described in division (A) of section 2941.141 of the 3127
Revised Code that charges the offender with having a firearm on 3128
or about the offender's person or under the offender's control 3129
while committing the offense; 3130

(iv) A prison term of nine years if the specification is 3131
of the type described in division (D) of section 2941.144 of the 3132
Revised Code that charges the offender with having a firearm 3133
that is an automatic firearm or that was equipped with a firearm 3134

muffler or suppressor on or about the offender's person or under 3135
the offender's control while committing the offense and 3136
specifies that the offender previously has been convicted of or 3137
pleaded guilty to a specification of the type described in 3138
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 3139
the Revised Code; 3140

(v) A prison term of fifty-four months if the 3141
specification is of the type described in division (D) of 3142
section 2941.145 of the Revised Code that charges the offender 3143
with having a firearm on or about the offender's person or under 3144
the offender's control while committing the offense and 3145
displaying the firearm, brandishing the firearm, indicating that 3146
the offender possessed the firearm, or using the firearm to 3147
facilitate the offense and that the offender previously has been 3148
convicted of or pleaded guilty to a specification of the type 3149
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 3150
2941.1412 of the Revised Code; 3151

(vi) A prison term of eighteen months if the specification 3152
is of the type described in division (D) of section 2941.141 of 3153
the Revised Code that charges the offender with having a firearm 3154
on or about the offender's person or under the offender's 3155
control while committing the offense and that the offender 3156
previously has been convicted of or pleaded guilty to a 3157
specification of the type described in section 2941.141, 3158
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 3159

(b) If a court imposes a prison term on an offender under 3160
division (B) (1) (a) of this section, the prison term shall not be 3161
reduced pursuant to section 2967.19, section 2929.20, section 3162
2967.193, or any other provision of Chapter 2967. or Chapter 3163
5120. of the Revised Code. Except as provided in division (B) (1) 3164

(g) of this section, a court shall not impose more than one 3165
prison term on an offender under division (B) (1) (a) of this 3166
section for felonies committed as part of the same act or 3167
transaction. 3168

(c) (i) Except as provided in division (B) (1) (e) of this 3169
section, if an offender who is convicted of or pleads guilty to 3170
a violation of section 2923.161 of the Revised Code or to a 3171
felony that includes, as an essential element, purposely or 3172
knowingly causing or attempting to cause the death of or 3173
physical harm to another, also is convicted of or pleads guilty 3174
to a specification of the type described in division (A) of 3175
section 2941.146 of the Revised Code that charges the offender 3176
with committing the offense by discharging a firearm from a 3177
motor vehicle other than a manufactured home, the court, after 3178
imposing a prison term on the offender for the violation of 3179
section 2923.161 of the Revised Code or for the other felony 3180
offense under division (A), (B) (2), or (B) (3) of this section, 3181
shall impose an additional prison term of five years upon the 3182
offender that shall not be reduced pursuant to section 2929.20, 3183
section 2967.19, section 2967.193, or any other provision of 3184
Chapter 2967. or Chapter 5120. of the Revised Code. 3185

(ii) Except as provided in division (B) (1) (e) of this 3186
section, if an offender who is convicted of or pleads guilty to 3187
a violation of section 2923.161 of the Revised Code or to a 3188
felony that includes, as an essential element, purposely or 3189
knowingly causing or attempting to cause the death of or 3190
physical harm to another, also is convicted of or pleads guilty 3191
to a specification of the type described in division (C) of 3192
section 2941.146 of the Revised Code that charges the offender 3193
with committing the offense by discharging a firearm from a 3194
motor vehicle other than a manufactured home and that the 3195

offender previously has been convicted of or pleaded guilty to a 3196
specification of the type described in section 2941.141, 3197
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 3198
the court, after imposing a prison term on the offender for the 3199
violation of section 2923.161 of the Revised Code or for the 3200
other felony offense under division (A), (B) (2), or (3) of this 3201
section, shall impose an additional prison term of ninety months 3202
upon the offender that shall not be reduced pursuant to section 3203
2929.20, 2967.19, 2967.193, or any other provision of Chapter 3204
2967. or Chapter 5120. of the Revised Code. 3205

(iii) A court shall not impose more than one additional 3206
prison term on an offender under division (B) (1) (c) of this 3207
section for felonies committed as part of the same act or 3208
transaction. If a court imposes an additional prison term on an 3209
offender under division (B) (1) (c) of this section relative to an 3210
offense, the court also shall impose a prison term under 3211
division (B) (1) (a) of this section relative to the same offense, 3212
provided the criteria specified in that division for imposing an 3213
additional prison term are satisfied relative to the offender 3214
and the offense. 3215

(d) If an offender who is convicted of or pleads guilty to 3216
an offense of violence that is a felony also is convicted of or 3217
pleads guilty to a specification of the type described in 3218
section 2941.1411 of the Revised Code that charges the offender 3219
with wearing or carrying body armor while committing the felony 3220
offense of violence, the court shall impose on the offender a 3221
prison term of two years. The prison term so imposed, subject to 3222
divisions (C) to (I) of section 2967.19 of the Revised Code, 3223
shall not be reduced pursuant to section 2929.20, section 3224
2967.19, section 2967.193, or any other provision of Chapter 3225
2967. or Chapter 5120. of the Revised Code. A court shall not 3226

impose more than one prison term on an offender under division 3227
(B) (1) (d) of this section for felonies committed as part of the 3228
same act or transaction. If a court imposes an additional prison 3229
term under division (B) (1) (a) or (c) of this section, the court 3230
is not precluded from imposing an additional prison term under 3231
division (B) (1) (d) of this section. 3232

(e) The court shall not impose any of the prison terms 3233
described in division (B) (1) (a) of this section or any of the 3234
additional prison terms described in division (B) (1) (c) of this 3235
section upon an offender for a violation of section 2923.12 or 3236
2923.123 of the Revised Code. The court shall not impose any of 3237
the prison terms described in division (B) (1) (a) or (b) of this 3238
section upon an offender for a violation of section 2923.122 3239
that involves a deadly weapon that is a firearm other than a 3240
dangerous ordnance, section 2923.16, or section 2923.121 of the 3241
Revised Code. The court shall not impose any of the prison terms 3242
described in division (B) (1) (a) of this section or any of the 3243
additional prison terms described in division (B) (1) (c) of this 3244
section upon an offender for a violation of section 2923.13 of 3245
the Revised Code unless all of the following apply: 3246

(i) The offender previously has been convicted of 3247
aggravated murder, murder, or any felony of the first or second 3248
degree. 3249

(ii) Less than five years have passed since the offender 3250
was released from prison or post-release control, whichever is 3251
later, for the prior offense. 3252

(f) (i) If an offender is convicted of or pleads guilty to 3253
a felony that includes, as an essential element, causing or 3254
attempting to cause the death of or physical harm to another and 3255
also is convicted of or pleads guilty to a specification of the 3256

type described in division (A) of section 2941.1412 of the Revised Code that charges the offender with committing the offense by discharging a firearm at a peace officer as defined in section 2935.01 of the Revised Code or a corrections officer, as defined in section 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the felony offense under division (A), (B) (2), or (B) (3) of this section, shall impose an additional prison term of seven years upon the offender that shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code.

(ii) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element, causing or attempting to cause the death of or physical harm to another and also is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1412 of the Revised Code that charges the offender with committing the offense by discharging a firearm at a peace officer, as defined in section 2935.01 of the Revised Code, or a corrections officer, as defined in section 2941.1412 of the Revised Code, and that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the felony offense under division (A), (B) (2), or (3) of this section, shall impose an additional prison term of one hundred twenty-six months upon the offender that shall not be reduced pursuant to section 2929.20, 2967.19, 2967.193, or any other provision of Chapter 2967. or 5120. of the Revised Code.

(iii) If an offender is convicted of or pleads guilty to

two or more felonies that include, as an essential element, 3288
causing or attempting to cause the death or physical harm to 3289
another and also is convicted of or pleads guilty to a 3290
specification of the type described under division (B) (1) (f) of 3291
this section in connection with two or more of the felonies of 3292
which the offender is convicted or to which the offender pleads 3293
guilty, the sentencing court shall impose on the offender the 3294
prison term specified under division (B) (1) (f) of this section 3295
for each of two of the specifications of which the offender is 3296
convicted or to which the offender pleads guilty and, in its 3297
discretion, also may impose on the offender the prison term 3298
specified under that division for any or all of the remaining 3299
specifications. If a court imposes an additional prison term on 3300
an offender under division (B) (1) (f) of this section relative to 3301
an offense, the court shall not impose a prison term under 3302
division (B) (1) (a) or (c) of this section relative to the same 3303
offense. 3304

(g) If an offender is convicted of or pleads guilty to two 3305
or more felonies, if one or more of those felonies are 3306
aggravated murder, murder, attempted aggravated murder, 3307
attempted murder, aggravated robbery, felonious assault, or 3308
rape, and if the offender is convicted of or pleads guilty to a 3309
specification of the type described under division (B) (1) (a) of 3310
this section in connection with two or more of the felonies, the 3311
sentencing court shall impose on the offender the prison term 3312
specified under division (B) (1) (a) of this section for each of 3313
the two most serious specifications of which the offender is 3314
convicted or to which the offender pleads guilty and, in its 3315
discretion, also may impose on the offender the prison term 3316
specified under that division for any or all of the remaining 3317
specifications. 3318

(2) (a) If division (B) (2) (b) of this section does not 3319
apply, the court may impose on an offender, in addition to the 3320
longest prison term authorized or required for the offense, an 3321
additional definite prison term of one, two, three, four, five, 3322
six, seven, eight, nine, or ten years if all of the following 3323
criteria are met: 3324

(i) The offender is convicted of or pleads guilty to a 3325
specification of the type described in section 2941.149 of the 3326
Revised Code that the offender is a repeat violent offender. 3327

(ii) The offense of which the offender currently is 3328
convicted or to which the offender currently pleads guilty is 3329
aggravated murder and the court does not impose a sentence of 3330
death or life imprisonment without parole, murder, terrorism and 3331
the court does not impose a sentence of life imprisonment 3332
without parole, any felony of the first degree that is an 3333
offense of violence and the court does not impose a sentence of 3334
life imprisonment without parole, or any felony of the second 3335
degree that is an offense of violence and the trier of fact 3336
finds that the offense involved an attempt to cause or a threat 3337
to cause serious physical harm to a person or resulted in 3338
serious physical harm to a person. 3339

(iii) The court imposes the longest prison term for the 3340
offense that is not life imprisonment without parole. 3341

(iv) The court finds that the prison terms imposed 3342
pursuant to division (B) (2) (a) (iii) of this section and, if 3343
applicable, division (B) (1) or (3) of this section are 3344
inadequate to punish the offender and protect the public from 3345
future crime, because the applicable factors under section 3346
2929.12 of the Revised Code indicating a greater likelihood of 3347
recidivism outweigh the applicable factors under that section 3348

indicating a lesser likelihood of recidivism. 3349

(v) The court finds that the prison terms imposed pursuant 3350
to division (B) (2) (a) (iii) of this section and, if applicable, 3351
division (B) (1) or (3) of this section are demeaning to the 3352
seriousness of the offense, because one or more of the factors 3353
under section 2929.12 of the Revised Code indicating that the 3354
offender's conduct is more serious than conduct normally 3355
constituting the offense are present, and they outweigh the 3356
applicable factors under that section indicating that the 3357
offender's conduct is less serious than conduct normally 3358
constituting the offense. 3359

(b) The court shall impose on an offender the longest 3360
prison term authorized or required for the offense and shall 3361
impose on the offender an additional definite prison term of 3362
one, two, three, four, five, six, seven, eight, nine, or ten 3363
years if all of the following criteria are met: 3364

(i) The offender is convicted of or pleads guilty to a 3365
specification of the type described in section 2941.149 of the 3366
Revised Code that the offender is a repeat violent offender. 3367

(ii) The offender within the preceding twenty years has 3368
been convicted of or pleaded guilty to three or more offenses 3369
described in division (CC) (1) of section 2929.01 of the Revised 3370
Code, including all offenses described in that division of which 3371
the offender is convicted or to which the offender pleads guilty 3372
in the current prosecution and all offenses described in that 3373
division of which the offender previously has been convicted or 3374
to which the offender previously pleaded guilty, whether 3375
prosecuted together or separately. 3376

(iii) The offense or offenses of which the offender 3377

currently is convicted or to which the offender currently pleads 3378
guilty is aggravated murder and the court does not impose a 3379
sentence of death or life imprisonment without parole, murder, 3380
terrorism and the court does not impose a sentence of life 3381
imprisonment without parole, any felony of the first degree that 3382
is an offense of violence and the court does not impose a 3383
sentence of life imprisonment without parole, or any felony of 3384
the second degree that is an offense of violence and the trier 3385
of fact finds that the offense involved an attempt to cause or a 3386
threat to cause serious physical harm to a person or resulted in 3387
serious physical harm to a person. 3388

(c) For purposes of division (B) (2) (b) of this section, 3389
two or more offenses committed at the same time or as part of 3390
the same act or event shall be considered one offense, and that 3391
one offense shall be the offense with the greatest penalty. 3392

(d) A sentence imposed under division (B) (2) (a) or (b) of 3393
this section shall not be reduced pursuant to section 2929.20, 3394
section 2967.19, or section 2967.193, or any other provision of 3395
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 3396
shall serve an additional prison term imposed under this section 3397
consecutively to and prior to the prison term imposed for the 3398
underlying offense. 3399

(e) When imposing a sentence pursuant to division (B) (2) 3400
(a) or (b) of this section, the court shall state its findings 3401
explaining the imposed sentence. 3402

(3) Except when an offender commits a violation of section 3403
2903.01 or 2907.02 of the Revised Code and the penalty imposed 3404
for the violation is life imprisonment or commits a violation of 3405
section 2903.02 of the Revised Code, if the offender commits a 3406
violation of section 2925.03 or 2925.11 of the Revised Code and 3407

that section classifies the offender as a major drug offender, 3408
if the offender commits a violation of section 2925.05 of the 3409
Revised Code and division (E)(1) of that section classifies the 3410
offender as a major drug offender, if the offender commits a 3411
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 3412
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 3413
division (C) or (D) of section 3719.172, division (C) of section 3414
4729.51, or division (J) of section 4729.54 of the Revised Code 3415
that includes the sale, offer to sell, or possession of a 3416
schedule I or II controlled substance, with the exception of 3417
marihuana, and the court imposing sentence upon the offender 3418
finds that the offender is guilty of a specification of the type 3419
described in division (A) of section 2941.1410 of the Revised 3420
Code charging that the offender is a major drug offender, if the 3421
court imposing sentence upon an offender for a felony finds that 3422
the offender is guilty of corrupt activity with the most serious 3423
offense in the pattern of corrupt activity being a felony of the 3424
first degree, or if the offender is guilty of an attempted 3425
violation of section 2907.02 of the Revised Code and, had the 3426
offender completed the violation of section 2907.02 of the 3427
Revised Code that was attempted, the offender would have been 3428
subject to a sentence of life imprisonment or life imprisonment 3429
without parole for the violation of section 2907.02 of the 3430
Revised Code, the court shall impose upon the offender for the 3431
felony violation a mandatory prison term of the maximum prison 3432
term prescribed for a felony of the first degree that, subject 3433
to divisions (C) to (I) of section 2967.19 of the Revised Code, 3434
cannot be reduced pursuant to section 2929.20, section 2967.19, 3435
or any other provision of Chapter 2967. or 5120. of the Revised 3436
Code. 3437

(4) If the offender is being sentenced for a third or 3438

fourth degree felony OVI offense under division (G) (2) of 3439
section 2929.13 of the Revised Code, the sentencing court shall 3440
impose upon the offender a mandatory prison term in accordance 3441
with that division. In addition to the mandatory prison term, if 3442
the offender is being sentenced for a fourth degree felony OVI 3443
offense, the court, notwithstanding division (A) (4) of this 3444
section, may sentence the offender to a definite prison term of 3445
not less than six months and not more than thirty months, and if 3446
the offender is being sentenced for a third degree felony OVI 3447
offense, the sentencing court may sentence the offender to an 3448
additional prison term of any duration specified in division (A) 3449
(3) of this section. In either case, the additional prison term 3450
imposed shall be reduced by the sixty or one hundred twenty days 3451
imposed upon the offender as the mandatory prison term. The 3452
total of the additional prison term imposed under division (B) 3453
(4) of this section plus the sixty or one hundred twenty days 3454
imposed as the mandatory prison term shall equal a definite term 3455
in the range of six months to thirty months for a fourth degree 3456
felony OVI offense and shall equal one of the authorized prison 3457
terms specified in division (A) (3) of this section for a third 3458
degree felony OVI offense. If the court imposes an additional 3459
prison term under division (B) (4) of this section, the offender 3460
shall serve the additional prison term after the offender has 3461
served the mandatory prison term required for the offense. In 3462
addition to the mandatory prison term or mandatory and 3463
additional prison term imposed as described in division (B) (4) 3464
of this section, the court also may sentence the offender to a 3465
community control sanction under section 2929.16 or 2929.17 of 3466
the Revised Code, but the offender shall serve all of the prison 3467
terms so imposed prior to serving the community control 3468
sanction. 3469

If the offender is being sentenced for a fourth degree 3470
felony OVI offense under division (G) (1) of section 2929.13 of 3471
the Revised Code and the court imposes a mandatory term of local 3472
incarceration, the court may impose a prison term as described 3473
in division (A) (1) of that section. 3474

(5) If an offender is convicted of or pleads guilty to a 3475
violation of division (A) (1) or (2) of section 2903.06 of the 3476
Revised Code and also is convicted of or pleads guilty to a 3477
specification of the type described in section 2941.1414 of the 3478
Revised Code that charges that the victim of the offense is a 3479
peace officer, as defined in section 2935.01 of the Revised 3480
Code, or an investigator of the bureau of criminal 3481
identification and investigation, as defined in section 2903.11 3482
of the Revised Code, the court shall impose on the offender a 3483
prison term of five years. If a court imposes a prison term on 3484
an offender under division (B) (5) of this section, the prison 3485
term, subject to divisions (C) to (I) of section 2967.19 of the 3486
Revised Code, shall not be reduced pursuant to section 2929.20, 3487
section 2967.19, section 2967.193, or any other provision of 3488
Chapter 2967. or Chapter 5120. of the Revised Code. A court 3489
shall not impose more than one prison term on an offender under 3490
division (B) (5) of this section for felonies committed as part 3491
of the same act. 3492

(6) If an offender is convicted of or pleads guilty to a 3493
violation of division (A) (1) or (2) of section 2903.06 of the 3494
Revised Code and also is convicted of or pleads guilty to a 3495
specification of the type described in section 2941.1415 of the 3496
Revised Code that charges that the offender previously has been 3497
convicted of or pleaded guilty to three or more violations of 3498
division (A) or (B) of section 4511.19 of the Revised Code or an 3499
equivalent offense, as defined in section 2941.1415 of the 3500

Revised Code, or three or more violations of any combination of 3501
those divisions and offenses, the court shall impose on the 3502
offender a prison term of three years. If a court imposes a 3503
prison term on an offender under division (B) (6) of this 3504
section, the prison term, subject to divisions (C) to (I) of 3505
section 2967.19 of the Revised Code, shall not be reduced 3506
pursuant to section 2929.20, section 2967.19, section 2967.193, 3507
or any other provision of Chapter 2967. or Chapter 5120. of the 3508
Revised Code. A court shall not impose more than one prison term 3509
on an offender under division (B) (6) of this section for 3510
felonies committed as part of the same act. 3511

(7) (a) If an offender is convicted of or pleads guilty to 3512
a felony violation of section 2905.01, 2905.02, 2907.21, 3513
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 3514
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 3515
the Revised Code and also is convicted of or pleads guilty to a 3516
specification of the type described in section 2941.1422 of the 3517
Revised Code that charges that the offender knowingly committed 3518
the offense in furtherance of human trafficking, the court shall 3519
impose on the offender a mandatory prison term that is one of 3520
the following: 3521

(i) If the offense is a felony of the first degree, a 3522
definite prison term of not less than five years and not greater 3523
than ten years; 3524

(ii) If the offense is a felony of the second or third 3525
degree, a definite prison term of not less than three years and 3526
not greater than the maximum prison term allowed for the offense 3527
by division (A) of section 2929.14 of the Revised Code; 3528

(iii) If the offense is a felony of the fourth or fifth 3529
degree, a definite prison term that is the maximum prison term 3530

allowed for the offense by division (A) of section 2929.14 of the Revised Code. 3531
3532

(b) Subject to divisions (C) to (I) of section 2967.19 of the Revised Code, the prison term imposed under division (B) (7) (a) of this section shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (7) (a) of this section for felonies committed as part of the same act, scheme, or plan. 3533
3534
3535
3536
3537
3538
3539
3540

(8) If an offender is convicted of or pleads guilty to a felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1423 of the Revised Code that charges that the victim of the violation was a woman whom the offender knew was pregnant at the time of the violation, notwithstanding the range of prison terms prescribed in division (A) of this section for felonies of the same degree as the violation, the court shall impose on the offender a mandatory prison term that is either a definite prison term of six months or one of the prison terms prescribed in section 2929.14 of the Revised Code for felonies of the same degree as the violation. 3541
3542
3543
3544
3545
3546
3547
3548
3549
3550
3551
3552
3553

(9) If an offender is convicted of or pleads guilty to a felony violation of section 2925.03, 2925.05, or 2925.11 of the Revised Code, if the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound, and if the offender also is convicted of or pleads guilty to a specification of the type described in division (B) of section 3554
3555
3556
3557
3558
3559
3560

2941.1410 of the Revised Code that charges that the offender is 3561
a major drug offender, in addition to any other penalty imposed 3562
for the violation, the court shall impose on the offender a 3563
mandatory prison term of three, four, five, six, seven, or eight 3564
years. If a court imposes a prison term on an offender under 3565
division (B) (9) of this section, the prison term, subject to 3566
divisions (C) to (I) of section 2967.19 of the Revised Code, 3567
shall not be reduced pursuant to section 2929.20, 2967.19, or 3568
2967.193, or any other provision of Chapter 2967. or 5120. of 3569
the Revised Code. A court shall not impose more than one prison 3570
term on an offender under division (B) (9) of this section for 3571
felonies committed as part of the same act. 3572

(C) (1) (a) Subject to division (C) (1) (b) of this section, 3573
if a mandatory prison term is imposed upon an offender pursuant 3574
to division (B) (1) (a) of this section for having a firearm on or 3575
about the offender's person or under the offender's control 3576
while committing a felony, if a mandatory prison term is imposed 3577
upon an offender pursuant to division (B) (1) (c) of this section 3578
for committing a felony specified in that division by 3579
discharging a firearm from a motor vehicle, or if both types of 3580
mandatory prison terms are imposed, the offender shall serve any 3581
mandatory prison term imposed under either division 3582
consecutively to any other mandatory prison term imposed under 3583
either division or under division (B) (1) (d) of this section, 3584
consecutively to and prior to any prison term imposed for the 3585
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 3586
this section or any other section of the Revised Code, and 3587
consecutively to any other prison term or mandatory prison term 3588
previously or subsequently imposed upon the offender. 3589

(b) If a mandatory prison term is imposed upon an offender 3590
pursuant to division (B) (1) (d) of this section for wearing or 3591

carrying body armor while committing an offense of violence that 3592
is a felony, the offender shall serve the mandatory term so 3593
imposed consecutively to any other mandatory prison term imposed 3594
under that division or under division (B) (1) (a) or (c) of this 3595
section, consecutively to and prior to any prison term imposed 3596
for the underlying felony under division (A), (B) (2), or (B) (3) 3597
of this section or any other section of the Revised Code, and 3598
consecutively to any other prison term or mandatory prison term 3599
previously or subsequently imposed upon the offender. 3600

(c) If a mandatory prison term is imposed upon an offender 3601
pursuant to division (B) (1) (f) of this section, the offender 3602
shall serve the mandatory prison term so imposed consecutively 3603
to and prior to any prison term imposed for the underlying 3604
felony under division (A), (B) (2), or (B) (3) of this section or 3605
any other section of the Revised Code, and consecutively to any 3606
other prison term or mandatory prison term previously or 3607
subsequently imposed upon the offender. 3608

(d) If a mandatory prison term is imposed upon an offender 3609
pursuant to division (B) (7) or (8) of this section, the offender 3610
shall serve the mandatory prison term so imposed consecutively 3611
to any other mandatory prison term imposed under that division 3612
or under any other provision of law and consecutively to any 3613
other prison term or mandatory prison term previously or 3614
subsequently imposed upon the offender. 3615

(e) If a mandatory prison term is imposed upon an offender 3616
pursuant to division (B) (9) of this section, the offender shall 3617
serve the mandatory prison term consecutively to any other 3618
mandatory prison term imposed under that division, consecutively 3619
to and prior to any prison term imposed for the underlying 3620
felony, and consecutively to any other prison term or mandatory 3621

prison term previously or subsequently imposed upon the 3622
offender. 3623

(2) If an offender who is an inmate in a jail, prison, or 3624
other residential detention facility violates section 2917.02, 3625
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 3626
(2) of section 2921.34 of the Revised Code, if an offender who 3627
is under detention at a detention facility commits a felony 3628
violation of section 2923.131 of the Revised Code, or if an 3629
offender who is an inmate in a jail, prison, or other 3630
residential detention facility or is under detention at a 3631
detention facility commits another felony while the offender is 3632
an escapee in violation of division (A) (1) or (2) of section 3633
2921.34 of the Revised Code, any prison term imposed upon the 3634
offender for one of those violations shall be served by the 3635
offender consecutively to the prison term or term of 3636
imprisonment the offender was serving when the offender 3637
committed that offense and to any other prison term previously 3638
or subsequently imposed upon the offender. 3639

(3) If a prison term is imposed for a violation of 3640
division (B) of section 2911.01 of the Revised Code, a violation 3641
of division (A) of section 2913.02 of the Revised Code in which 3642
the stolen property is a firearm or dangerous ordnance, or a 3643
felony violation of division (B) of section 2921.331 of the 3644
Revised Code, the offender shall serve that prison term 3645
consecutively to any other prison term or mandatory prison term 3646
previously or subsequently imposed upon the offender. 3647

(4) If multiple prison terms are imposed on an offender 3648
for convictions of multiple offenses, the court may require the 3649
offender to serve the prison terms consecutively if the court 3650
finds that the consecutive service is necessary to protect the 3651

public from future crime or to punish the offender and that 3652
consecutive sentences are not disproportionate to the 3653
seriousness of the offender's conduct and to the danger the 3654
offender poses to the public, and if the court also finds any of 3655
the following: 3656

(a) The offender committed one or more of the multiple 3657
offenses while the offender was awaiting trial or sentencing, 3658
was under a sanction imposed pursuant to section 2929.16, 3659
2929.17, or 2929.18 of the Revised Code, or was under post- 3660
release control for a prior offense. 3661

(b) At least two of the multiple offenses were committed 3662
as part of one or more courses of conduct, and the harm caused 3663
by two or more of the multiple offenses so committed was so 3664
great or unusual that no single prison term for any of the 3665
offenses committed as part of any of the courses of conduct 3666
adequately reflects the seriousness of the offender's conduct. 3667

(c) The offender's history of criminal conduct 3668
demonstrates that consecutive sentences are necessary to protect 3669
the public from future crime by the offender. 3670

(5) If a mandatory prison term is imposed upon an offender 3671
pursuant to division (B) (5) or (6) of this section, the offender 3672
shall serve the mandatory prison term consecutively to and prior 3673
to any prison term imposed for the underlying violation of 3674
division (A) (1) or (2) of section 2903.06 of the Revised Code 3675
pursuant to division (A) of this section or section 2929.142 of 3676
the Revised Code. If a mandatory prison term is imposed upon an 3677
offender pursuant to division (B) (5) of this section, and if a 3678
mandatory prison term also is imposed upon the offender pursuant 3679
to division (B) (6) of this section in relation to the same 3680
violation, the offender shall serve the mandatory prison term 3681

imposed pursuant to division (B) (5) of this section 3682
consecutively to and prior to the mandatory prison term imposed 3683
pursuant to division (B) (6) of this section and consecutively to 3684
and prior to any prison term imposed for the underlying 3685
violation of division (A) (1) or (2) of section 2903.06 of the 3686
Revised Code pursuant to division (A) of this section or section 3687
2929.142 of the Revised Code. 3688

(6) Any prison term imposed for a violation of section 3689
2903.04 of the Revised Code that is based on a violation of 3690
section 2925.03, 2925.05, or 2925.11 of the Revised Code shall 3691
run consecutively to any prison term imposed for the violation 3692
of section 2925.03, 2925.05, or 2925.11 of the Revised Code. 3693

(7) When consecutive prison terms are imposed pursuant to 3694
division (C) (1), (2), (3), (4), ~~or~~ (5), or (6) or division (H) 3695
(1) or (2) of this section, the term to be served is the 3696
aggregate of all of the terms so imposed. 3697

(D) (1) If a court imposes a prison term for a felony of 3698
the first degree, for a felony of the second degree, for a 3699
felony sex offense, or for a felony of the third degree that is 3700
not a felony sex offense and in the commission of which the 3701
offender caused or threatened to cause physical harm to a 3702
person, it shall include in the sentence a requirement that the 3703
offender be subject to a period of post-release control after 3704
the offender's release from imprisonment, in accordance with 3705
that division. If a court imposes a sentence including a prison 3706
term of a type described in this division on or after July 11, 3707
2006, the failure of a court to include a post-release control 3708
requirement in the sentence pursuant to this division does not 3709
negate, limit, or otherwise affect the mandatory period of post- 3710
release control that is required for the offender under division 3711

(B) of section 2967.28 of the Revised Code. Section 2929.191 of 3712
the Revised Code applies if, prior to July 11, 2006, a court 3713
imposed a sentence including a prison term of a type described 3714
in this division and failed to include in the sentence pursuant 3715
to this division a statement regarding post-release control. 3716

(2) If a court imposes a prison term for a felony of the 3717
third, fourth, or fifth degree that is not subject to division 3718
(D) (1) of this section, it shall include in the sentence a 3719
requirement that the offender be subject to a period of post- 3720
release control after the offender's release from imprisonment, 3721
in accordance with that division, if the parole board determines 3722
that a period of post-release control is necessary. Section 3723
2929.191 of the Revised Code applies if, prior to July 11, 2006, 3724
a court imposed a sentence including a prison term of a type 3725
described in this division and failed to include in the sentence 3726
pursuant to this division a statement regarding post-release 3727
control. 3728

(E) The court shall impose sentence upon the offender in 3729
accordance with section 2971.03 of the Revised Code, and Chapter 3730
2971. of the Revised Code applies regarding the prison term or 3731
term of life imprisonment without parole imposed upon the 3732
offender and the service of that term of imprisonment if any of 3733
the following apply: 3734

(1) A person is convicted of or pleads guilty to a violent 3735
sex offense or a designated homicide, assault, or kidnapping 3736
offense, and, in relation to that offense, the offender is 3737
adjudicated a sexually violent predator. 3738

(2) A person is convicted of or pleads guilty to a 3739
violation of division (A) (1) (b) of section 2907.02 of the 3740
Revised Code committed on or after January 2, 2007, and either 3741

the court does not impose a sentence of life without parole when 3742
authorized pursuant to division (B) of section 2907.02 of the 3743
Revised Code, or division (B) of section 2907.02 of the Revised 3744
Code provides that the court shall not sentence the offender 3745
pursuant to section 2971.03 of the Revised Code. 3746

(3) A person is convicted of or pleads guilty to attempted 3747
rape committed on or after January 2, 2007, and a specification 3748
of the type described in section 2941.1418, 2941.1419, or 3749
2941.1420 of the Revised Code. 3750

(4) A person is convicted of or pleads guilty to a 3751
violation of section 2905.01 of the Revised Code committed on or 3752
after January 1, 2008, and that section requires the court to 3753
sentence the offender pursuant to section 2971.03 of the Revised 3754
Code. 3755

(5) A person is convicted of or pleads guilty to 3756
aggravated murder committed on or after January 1, 2008, and 3757
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 3758
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 3759
(d) of section 2929.03, or division (A) or (B) of section 3760
2929.06 of the Revised Code requires the court to sentence the 3761
offender pursuant to division (B) (3) of section 2971.03 of the 3762
Revised Code. 3763

(6) A person is convicted of or pleads guilty to murder 3764
committed on or after January 1, 2008, and division (B) (2) of 3765
section 2929.02 of the Revised Code requires the court to 3766
sentence the offender pursuant to section 2971.03 of the Revised 3767
Code. 3768

(F) If a person who has been convicted of or pleaded 3769
guilty to a felony is sentenced to a prison term or term of 3770

imprisonment under this section, sections 2929.02 to 2929.06 of 3771
the Revised Code, section 2929.142 of the Revised Code, section 3772
2971.03 of the Revised Code, or any other provision of law, 3773
section 5120.163 of the Revised Code applies regarding the 3774
person while the person is confined in a state correctional 3775
institution. 3776

(G) If an offender who is convicted of or pleads guilty to 3777
a felony that is an offense of violence also is convicted of or 3778
pleads guilty to a specification of the type described in 3779
section 2941.142 of the Revised Code that charges the offender 3780
with having committed the felony while participating in a 3781
criminal gang, the court shall impose upon the offender an 3782
additional prison term of one, two, or three years. 3783

(H) (1) If an offender who is convicted of or pleads guilty 3784
to aggravated murder, murder, or a felony of the first, second, 3785
or third degree that is an offense of violence also is convicted 3786
of or pleads guilty to a specification of the type described in 3787
section 2941.143 of the Revised Code that charges the offender 3788
with having committed the offense in a school safety zone or 3789
towards a person in a school safety zone, the court shall impose 3790
upon the offender an additional prison term of two years. The 3791
offender shall serve the additional two years consecutively to 3792
and prior to the prison term imposed for the underlying offense. 3793

(2) (a) If an offender is convicted of or pleads guilty to 3794
a felony violation of section 2907.22, 2907.24, 2907.241, or 3795
2907.25 of the Revised Code and to a specification of the type 3796
described in section 2941.1421 of the Revised Code and if the 3797
court imposes a prison term on the offender for the felony 3798
violation, the court may impose upon the offender an additional 3799
prison term as follows: 3800

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

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

(b) In lieu of imposing an additional prison term under division (H) (2) (a) of this section, the court may directly impose on the offender a sanction that requires the offender to wear a real-time processing, continual tracking electronic monitoring device during the period of time specified by the court. The period of time specified by the court shall equal the duration of an additional prison term that the court could have imposed upon the offender under division (H) (2) (a) of this section. A sanction imposed under this division shall commence on the date specified by the court, provided that the sanction shall not commence until after the offender has served the prison term imposed for the felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 of the Revised Code and any residential sanction imposed for the violation under section 2929.16 of the Revised Code. A sanction imposed under this division shall be considered to be a community control sanction for purposes of section 2929.15 of the Revised Code, and all provisions of the Revised Code that pertain to community control sanctions shall apply to a sanction imposed under this division, except to the extent that they would by their nature be clearly

inapplicable. The offender shall pay all costs associated with a 3832
sanction imposed under this division, including the cost of the 3833
use of the monitoring device. 3834

(I) At the time of sentencing, the court may recommend the 3835
offender for placement in a program of shock incarceration under 3836
section 5120.031 of the Revised Code or for placement in an 3837
intensive program prison under section 5120.032 of the Revised 3838
Code, disapprove placement of the offender in a program of shock 3839
incarceration or an intensive program prison of that nature, or 3840
make no recommendation on placement of the offender. In no case 3841
shall the department of rehabilitation and correction place the 3842
offender in a program or prison of that nature unless the 3843
department determines as specified in section 5120.031 or 3844
5120.032 of the Revised Code, whichever is applicable, that the 3845
offender is eligible for the placement. 3846

If the court disapproves placement of the offender in a 3847
program or prison of that nature, the department of 3848
rehabilitation and correction shall not place the offender in 3849
any program of shock incarceration or intensive program prison. 3850

If the court recommends placement of the offender in a 3851
program of shock incarceration or in an intensive program 3852
prison, and if the offender is subsequently placed in the 3853
recommended program or prison, the department shall notify the 3854
court of the placement and shall include with the notice a brief 3855
description of the placement. 3856

If the court recommends placement of the offender in a 3857
program of shock incarceration or in an intensive program prison 3858
and the department does not subsequently place the offender in 3859
the recommended program or prison, the department shall send a 3860
notice to the court indicating why the offender was not placed 3861

in the recommended program or prison. 3862

If the court does not make a recommendation under this 3863
division with respect to an offender and if the department 3864
determines as specified in section 5120.031 or 5120.032 of the 3865
Revised Code, whichever is applicable, that the offender is 3866
eligible for placement in a program or prison of that nature, 3867
the department shall screen the offender and determine if there 3868
is an available program of shock incarceration or an intensive 3869
program prison for which the offender is suited. If there is an 3870
available program of shock incarceration or an intensive program 3871
prison for which the offender is suited, the department shall 3872
notify the court of the proposed placement of the offender as 3873
specified in section 5120.031 or 5120.032 of the Revised Code 3874
and shall include with the notice a brief description of the 3875
placement. The court shall have ten days from receipt of the 3876
notice to disapprove the placement. 3877

(J) If a person is convicted of or pleads guilty to 3878
aggravated vehicular homicide in violation of division (A) (1) of 3879
section 2903.06 of the Revised Code and division (B) (2) (c) of 3880
that section applies, the person shall be sentenced pursuant to 3881
section 2929.142 of the Revised Code. 3882

(K) (1) The court shall impose an additional mandatory 3883
prison term of two, three, four, five, six, seven, eight, nine, 3884
ten, or eleven years on an offender who is convicted of or 3885
pleads guilty to a violent felony offense if the offender also 3886
is convicted of or pleads guilty to a specification of the type 3887
described in section 2941.1424 of the Revised Code that charges 3888
that the offender is a violent career criminal and had a firearm 3889
on or about the offender's person or under the offender's 3890
control while committing the presently charged violent felony 3891

offense and displayed or brandished the firearm, indicated that 3892
the offender possessed a firearm, or used the firearm to 3893
facilitate the offense. The offender shall serve the prison term 3894
imposed under this division consecutively to and prior to the 3895
prison term imposed for the underlying offense. The prison term 3896
shall not be reduced pursuant to section 2929.20 or 2967.19 or 3897
any other provision of Chapter 2967. or 5120. of the Revised 3898
Code. A court may not impose more than one sentence under 3899
division (B) (2) (a) of this section and this division for acts 3900
committed as part of the same act or transaction. 3901

(2) As used in division (K) (1) of this section, "violent 3902
career criminal" and "violent felony offense" have the same 3903
meanings as in section 2923.132 of the Revised Code. 3904

Sec. 2941.1410. (A) Except as provided in sections 2925.03 3905
and 2925.11 and division (E) (1) of section 2925.05 of the 3906
Revised Code, the determination by a court that an offender is a 3907
major drug offender is precluded unless the indictment, count in 3908
the indictment, or information charging the offender specifies 3909
that the offender is a major drug offender. The specification 3910
shall be stated at the end of the body of the indictment, count, 3911
or information, and shall be stated in substantially the 3912
following form: 3913

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 3914
Grand Jurors (or insert the person's or prosecuting attorney's 3915
name when appropriate) further find and specify that (set forth 3916
that the offender is a major drug offender)." 3917

(B) Imposition of a three, four, five, six, seven, or 3918
eight-year mandatory prison term upon an offender under division 3919
(B) (9) of section 2929.14 of the Revised Code, pursuant to 3920
determination by a court that an offender is a major drug 3921

offender, is precluded unless the indictment, count in the 3922
indictment, or information charging the offender with the 3923
violation of section 2925.03, 2925.05, or 2925.11 of the Revised 3924
Code specifies that the offender is a major drug offender and 3925
that the drug involved in the violation is a fentanyl-related 3926
compound or a compound, mixture, preparation, or substance 3927
containing a fentanyl-related compound. The specification shall 3928
be stated at the end of the body of the indictment, count, or 3929
information, and shall be stated in substantially the following 3930
form: 3931

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 3932
Grand Jurors (or insert the person's or prosecuting attorney's 3933
name when appropriate) further find and specify that (set forth 3934
that the offender is a major drug offender and the drug involved 3935
in the violation is a fentanyl-related compound or a compound, 3936
mixture, preparation, or substance containing a fentanyl-related 3937
compound)." 3938

(C) The court shall determine the issue of whether an 3939
offender is a major drug offender. 3940

~~(C)~~ (D) As used in this section, "major drug offender" has 3941
the same meaning as in section 2929.01 of the Revised Code. 3942

Sec. 3719.41. Controlled substance schedules I, II, III, 3943
IV, and V are hereby established, which schedules include the 3944
following, subject to amendment pursuant to section 3719.43 or 3945
3719.44 of the Revised Code. 3946

SCHEDULE I 3947

(A) Narcotics-opiates 3948

Any of the following opiates, including their isomers, 3949
esters, ethers, salts, and salts of isomers, esters, and ethers, 3950

unless specifically excepted under federal drug abuse control	3951
laws, whenever the existence of these isomers, esters, ethers,	3952
and salts is possible within the specific chemical designation:	3953
(1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-	3954
phenethyl)-4-piperidinyl]-N-phenylacetamide);	3955
(2) Acetylmethadol;	3956
(3) Allylprodine;	3957
(4) Alphacetylmethadol (except levo-alphacetylmethadol,	3958
also known as levo-alpha-acetylmethadol, levomethadyl acetate,	3959
or LAAM);	3960
(5) Alphameprodine;	3961
(6) Alphamethadol;	3962
(7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-	3963
phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-	3964
phenylethyl)-4-(N-propanilido) piperidine);	3965
(8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-	3966
thienyl)ethyl-4-piperidinyl]-N- phenylpropanamide);	3967
(9) Benzethidine;	3968
(10) Betacetylmethadol;	3969
(11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-	3970
piperidinyl]-N- phenylpropanamide);	3971
(12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-	3972
hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-	3973
phenylpropanamide);	3974
(13) Betameprodine;	3975
(14) Betamethadol;	3976

(15) Betaprodine;	3977
(16) Clonitazene;	3978
(17) Dextromoramide;	3979
(18) Diampromide;	3980
(19) Diethylthiambutene;	3981
(20) Difenoxin;	3982
(21) Dimenoxadol;	3983
(22) Dimepheptanol;	3984
(23) Dimethylthiambutene;	3985
(24) Dioxaphetyl butyrate;	3986
(25) Dipipanone;	3987
(26) Ethylmethylthiambutene;	3988
(27) Etonitazene;	3989
(28) Etoxeridine;	3990
(29) Furethidine;	3991
(30) Hydroxypethidine;	3992
(31) Ketobemidone;	3993
(32) Levomoramide;	3994
(33) Levophenacymorphan;	3995
(34) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	3996
(35) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N- phenylpropanamide);	3998
	3999

(36) Morpheridine;	4000
(37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);	4001
(38) Noracymethadol;	4002
(39) Norlevorphanol;	4003
(40) Normethadone;	4004
(41) Norpipanone;	4005
(42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;	4006 4007
(43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine;	4008
(44) Phenadoxone;	4009
(45) Phenampromide;	4010
(46) Phenomorphan;	4011
(47) Phenoperidine;	4012
(48) Piritramide;	4013
(49) Proheptazine;	4014
(50) Properidine;	4015
(51) Propiram;	4016
(52) Racemoramide;	4017
(53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	4018 4019
(54) Tilidine;	4020
(55) Trimeperidine.	4021
<u>(56) Except as otherwise provided in this section, any</u>	4022

compound that meets all of the following fentanyl pharmacophore 4023
requirements to bind at the mu receptor, as identified by a 4024
report from an established forensic laboratory: 4025

(a) A chemical scaffold consisting of both of the 4026
following: 4027

(i) A five, six, or seven member ring structure containing 4028
a nitrogen, whether or not further substituted; 4029

(ii) An attached nitrogen to the ring, whether or not that 4030
nitrogen is enclosed in a ring structure, including an attached 4031
aromatic ring or other lipophilic group to that nitrogen; 4032

(b) A polar functional group attached to the chemical 4033
scaffold, including but not limited to, a hydroxyl, ketone, 4034
amide, or ester; 4035

(c) An alkyl or aryl substitution off the ring nitrogen of 4036
the chemical scaffold; and 4037

(d) The compound has not been approved for medical use by 4038
the United States food and drug administration. 4039

(B) Narcotics-opium derivatives 4040

Any of the following opium derivatives, including their 4041
salts, isomers, and salts of isomers, unless specifically 4042
excepted under federal drug abuse control laws, whenever the 4043
existence of these salts, isomers, and salts of isomers is 4044
possible within the specific chemical designation: 4045

(1) Acetorphine; 4046

(2) Acetyldihydrocodeine; 4047

(3) Benzylmorphine; 4048

(4) Codeine methylbromide; 4049

(5) Codeine-n-oxide;	4050
(6) Cyprenorphine;	4051
(7) Desomorphine;	4052
(8) Dihydromorphine;	4053
(9) Drotebanol;	4054
(10) Etorphine (except hydrochloride salt);	4055
(11) Heroin;	4056
(12) Hydromorphenol;	4057
(13) Methyldesorphine;	4058
(14) Methyldihydromorphine;	4059
(15) Morphine methylbromide;	4060
(16) Morphine methylsulfonate;	4061
(17) Morphine-n-oxide;	4062
(18) Myrophine;	4063
(19) Nicocodeine;	4064
(20) Nicomorphine;	4065
(21) Normorphine;	4066
(22) Pholcodine;	4067
(23) Thebacon.	4068
(C) Hallucinogens	4069
Any material, compound, mixture, or preparation that	4070
contains any quantity of the following hallucinogenic	4071
substances, including their salts, isomers, and salts of	4072

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);

(10) 3,4-methylenedioxyamphetamine (MDMA);	4100
(11) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);	4101 4102 4103
(12) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine and N-hydroxy MDA);	4104 4105 4106
(13) 3,4,5-trimethoxy amphetamine;	4107
(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);	4108 4109 4110 4111
(15) Diethyltryptamine (some trade or other names: N, N-diethyltryptamine; DET);	4112 4113
(16) Dimethyltryptamine (some trade or other names: DMT);	4114
(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);	4115 4116 4117
(18) Lysergic acid diethylamide;	4118
(19) Marihuana;	4119
(20) Mescaline;	4120
(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);	4121 4122 4123
(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	4124 4125 4126

from any part of that plant, and every compound, manufacture,	4127
salts, derivative, mixture, or preparation of that plant, its	4128
seeds, or its extracts);	4129
(23) N-ethyl-3-piperidyl benzilate;	4130
(24) N-methyl-3-piperidyl benzilate;	4131
(25) Psilocybin;	4132
(26) Psilocyn;	4133
(27) Tetrahydrocannabinols (synthetic equivalents of the	4134
substances contained in the plant, or in the resinous	4135
extractives of Cannabis, sp. and/or synthetic substances,	4136
derivatives, and their isomers with similar chemical structure	4137
and pharmacological activity such as the following: delta-1-cis	4138
or trans tetrahydrocannabinol, and their optical isomers; delta-	4139
6-cis or trans tetrahydrocannabinol, and their optical isomers;	4140
delta-3,4-cis or trans tetrahydrocannabinol, and its optical	4141
isomers. (Since nomenclature of these substances is not	4142
internationally standardized, compounds of these structures,	4143
regardless of numerical designation of atomic positions, are	4144
covered.);	4145
(28) Ethylamine analog of phencyclidine (some trade or	4146
other names: N-ethyl-1-phenylcyclohexylamine; (1-	4147
phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine;	4148
cyclohexamine; PCE);	4149
(29) Pyrrolidine analog of phencyclidine (some trade or	4150
other names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP);	4151
(30) Thiophene analog of phencyclidine (some trade or	4152
other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl	4153
analog of phencyclidine; TPCP; TCP);	4154

(31) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;	4155
(32) Hashish;	4156
(33) Salvia divinorum;	4157
(34) Salvinorin A;	4158
(35) (1-pentylindol-3-yl)-(2,2,3,3- tetramethylcyclopropyl)methanone (UR-144);	4159 4160
(36) 1-pentyl-3-(1-adamantoyl)indole (AB-001);	4161
(37) N-adamantyl-1-pentylindole-3-carboxamide;	4162
(38) N-adamantyl-1-pentylindazole-3-carboxamide (AKB48);	4163
(39) 2-ethylamino-2-(3-methoxyphenyl)cyclohexanone (methoxetamine);	4164 4165
(40) N,N-diallyl-5-methoxytryptamine (5MeO-DALT);	4166
(41) [1-(5-fluoropentylindol-3-yl)]-(2,2,3,3- tetramethylcyclopropyl)methanone (5-fluoropentyl-UR-144; XLR11);	4167 4168
(42) [1-(5-chloropentylindol-3-yl)]-(2,2,3,3- tetramethylcyclopropyl)methanone (5-chloropentyl-UR-144);	4169 4170
(43) [1-(5-bromopentylindol-3-yl)]-(2,2,3,3- tetramethylcyclopropyl)methanone (5-bromopentyl-UR-144);	4171 4172
(44) {1-[2-(4-morpholinyl)ethyl]indol-3-yl}-(2,2,3,3- tetramethylcyclopropyl)methanone (A-796,260);	4173 4174
(45) 1-[(N-methylpiperidin-2-yl)methyl]-3-(1- adamantoyl)indole (AM1248);	4175 4176
(46) N-adamantyl-1-(5-fluoropentylindole)-3-carboxamide;	4177
(47) 5-(2-aminopropyl)benzofuran (5-APB);	4178

(48) 6-(2-aminopropyl)benzofuran (6-APB);	4179
(49) 5-(2-aminopropyl)-2,3-dihydrobenzofuran (5-APDB);	4180
(50) 6-(2-aminopropyl)-2,3-dihydrobenzofuran (6-APDB);	4181
(51) Benzothiophenylcyclohexylpiperidine (BTCP);	4182
(52) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);	4183
(53) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);	4184
(54) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);	4185
(55) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);	4186
(56) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C- T-2);	4187 4188
(57) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);	4189 4190
(58) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);	4191
(59) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);	4192
(60) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C- P);	4193 4194
(61) 4-methoxymethamphetamine (PMMA);	4195
(62) 5,6 - Methylenedioxy-2-aminoindane (MDAI);	4196
(63) 5-iodo-2-aminoindane (5-IAI);	4197
(64) 2-(4-iodo-2,5-dimethoxyphenyl)-N- [(2- methoxyphenyl)methyl]ethanamine (25I-NBOMe);	4198 4199
(65) Diphenylprolinol (diphenyl(pyrrolidin-2-yl)methanol, D2PM);	4200 4201
(66) Desoxypipradrol (2-benzhydrylpiperidine);	4202

(67) Synthetic cannabinoids - unless specifically excepted 4203
or unless listed in another schedule, any material, compound, 4204
mixture, or preparation that contains any quantity of a 4205
synthetic cannabinoid found to be in any of the following 4206
chemical groups or any of those groups which contain any 4207
synthetic cannabinoid salts, isomers, or salts of isomers, 4208
whenever the existence of such salts, isomers, or salts of 4209
isomers is possible within the specific chemical groups: 4210

(a) Naphthoylindoles: any compound containing a 3-(1- 4211
naphthoyl)indole structure with or without substitution at the 4212
nitrogen atom of the indole ring by an alkyl, haloalkyl, 4213
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4214
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4215
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4216
or 2-(4-morpholinyl)ethyl group, whether or not further 4217
substituted on the indole ring to any extent or whether or not 4218
substituted on the naphthyl group to any extent. 4219
Naphthoylindoles include, but are not limited to, 1-[2-(4- 4220
morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); 1-(5- 4221
fluoropentyl)-3-(1-naphthoyl)indole (AM2201), 1-pentyl-3-(1- 4222
naphthoyl)indole (JWH-018), and 1-butyl-3-(1-naphthoyl)indole 4223
(JWH-073). 4224

(b) Naphthylmethylindoles: any compound containing a 1H- 4225
indol-3-yl-(1-naphthyl)methane structure with or without 4226
substitution at the nitrogen atom of the indole ring by an 4227
alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 4228
(N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin- 4229
2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3- 4230
morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or 4231
not further substituted on the indole ring to any extent or 4232
whether or not substituted on the naphthyl group to any extent. 4233

Naphthylmethylindoles include, but are not limited to, (1-
4234
penty lindol-3-yl) (1-naphthyl)methane (JWH-175). 4235

(c) Naphthoylpyrroles: any compound containing a 3-(1-
4236
naphthoyl)pyrrole structure with or without substitution at the
4237
nitrogen atom of the pyrrole ring by an alkyl, haloalkyl,
4238
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-
4239
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl,
4240
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl,
4241
or 2-(4-morpholinyl)ethyl group, whether or not further
4242
substituted on the pyrrole ring to any extent or whether or not
4243
substituted on the naphthyl group to any extent. 4244
Naphthoylpyrroles include, but are not limited to, 1-hexyl-2-
4245
phenyl-4-(1-naphthoyl)pyrrole (JWH-147). 4246

(d) Naphthylmethylindenes: any compound containing a
4247
naphthylmethylideneindene structure with or without substitution
4248
at the 3-position of the indene ring by an alkyl, haloalkyl,
4249
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-
4250
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl,
4251
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl,
4252
or 2-(4-morpholinyl)ethyl group, whether or not further
4253
substituted on the indene group to any extent or whether or not
4254
substituted on the naphthyl group to any extent. 4255
Naphthylmethylindenes include, but are not limited to, (1-[(3-
4256
penty l)-1H-inden-1-ylidene)methyl]naphthalene (JWH-176). 4257

(e) Phenylacetylindoles: any compound containing a 3-
4258
phenylacetylindole structure with or without substitution at the
4259
nitrogen atom of the indole ring by an alkyl, haloalkyl,
4260
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-
4261
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl,
4262
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl,
4263

or 2-(4-morpholinyl)ethyl group, whether or not further 4264
substituted on the indole ring to any extent or whether or not 4265
substituted on the phenyl group to any extent. 4266

Phenylacetylindoles include, but are not limited to, 1-pentyl-3- 4267
(2-methoxyphenylacetyl)indole (JWH-250), and 1-(2- 4268
cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8); 1- 4269
pentyl-3-(2-chlorophenylacetyl)indole (JWH-203). 4270

(f) Cyclohexylphenols: any compound containing a 2-(3- 4271
hydroxycyclohexyl)phenol structure with or without substitution 4272
at the 5-position of the phenolic ring by an alkyl, haloalkyl, 4273
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4274
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4275
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4276
or 2-(4-morpholinyl)ethyl group, whether or not further 4277
substituted on the cyclohexyl group to any extent. 4278

Cyclohexylphenols include, but are not limited to, 5-(1,1- 4279
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (some 4280
trade or other names: CP-47,497) and 5-(1,1-dimethyloctyl)-2- 4281
[(1R,3S)-3-hydroxycyclohexyl]-phenol (some trade or other names: 4282
cannabicyclohexanol; CP-47,497 C8 homologue). 4283

(g) Benzoylindoles: any compound containing a 3-(1- 4284
benzoyl)indole structure with or without substitution at the 4285
nitrogen atom of the indole ring by an alkyl, haloalkyl, 4286
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4287
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4288
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl 4289
or 2-(4-morpholinyl)ethyl group, whether or not further 4290
substituted on the indole ring to any extent or whether or not 4291
substituted on the phenyl group to any extent. Benzoylindoles 4292
include, but are not limited to, 1-pentyl-3-(4- 4293
methoxybenzoyl)indole (RCS-4), 1-[2-(4-morpholinyl)ethyl]-2- 4294

methyl-3-(4-methoxybenzoyl)indole (Pravadoline or WIN 48, 098).	4295
(D) Depressants	4296
Any material, compound, mixture, or preparation that	4297
contains any quantity of the following substances having a	4298
depressant effect on the central nervous system, including their	4299
salts, isomers, and salts of isomers, unless specifically	4300
excepted under federal drug abuse control laws, whenever the	4301
existence of these salts, isomers, and salts of isomers is	4302
possible within the specific chemical designation:	4303
(1) Mecloqualone;	4304
(2) Methaqualone.	4305
(E) Stimulants	4306
Unless specifically excepted or unless listed in another	4307
schedule, any material, compound, mixture, or preparation that	4308
contains any quantity of the following substances having a	4309
stimulant effect on the central nervous system, including their	4310
salts, isomers, and salts of isomers:	4311
(1) Aminorex (some other names: aminoxaphen; 2-amino-5-	4312
phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine);	4313
(2) Fenethylline;	4314
(3) (+/-)cis-4-methylaminorex ((+/-)cis-4,5-dihydro-4-	4315
methyl-5-phenyl-2-oxazolamine);	4316
(4) N-ethylamphetamine;	4317
(5) N,N-dimethylamphetamine (also known as N,N-alpha-	4318
trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine);	4319
(6) N-methyl-1-(thiophen-2-yl) propan-2-amine	4320
(Methiopropamine);	4321

(7) Substituted cathinones - any compound except bupropion 4322
or compounds listed under a different schedule, structurally 4323
derived from 2-aminopropan-1-one by substitution at the 1- 4324
position with either phenyl, naphthyl, or thiophene ring 4325
systems, whether or not the compound is further modified in any 4326
of the following ways: 4327

(a) By substitution in the ring system to any extent with 4328
alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide 4329
substituents, whether or not further substituted in the ring 4330
system by one or more other univalent substituents; 4331

(b) By substitution at the 3-position with an acyclic 4332
alkyl substituent; 4333

(c) By substitution at the 2-amino nitrogen atom with 4334
alkyl, dialkyl, benzyl, or methoxybenzyl groups; 4335

(d) By inclusion of the 2-amino nitrogen atom in a cyclic 4336
structure. 4337

Examples of substituted cathinones include, but are not 4338
limited to, methyldone (3,4-methylenedioxy-methcathinone), MDPV 4339
(3,4-methylenedioxy-pyrovalerone), mephedrone (4- 4340
methyldone), 4-methoxymethcathinone, 4- 4341
fluoromethcathinone, 3-fluoromethcathinone, Pentadone (2- 4342
(methylamino)-1-phenyl-1-pentanone), pentylone (1-(1,3- 4343
benzodioxol-5-yl)-2-(methylamino)-1-pentanone), 2-(1- 4344
pyrrolidinyl)-1-(4-methylphenyl)-1-propanone, alpha-PVP (1- 4345
phenyl-2-(1-pyrrolidinyl)-1-pentanone), cathinone (2-amino-1- 4346
phenyl-1-propanone), and methcathinone (2-(methylamino)- 4347
propylphenone). 4348

SCHEDULE II 4349

(A) Narcotics-opium and opium derivatives 4350

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

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

- (a) Raw opium;
- (b) Opium extracts;
- (c) Opium fluid extracts;
- (d) Powdered opium;
- (e) Granulated opium;
- (f) Tincture of opium;
- (g) Codeine;
- (h) Ethylmorphine;
- (i) Etorphine hydrochloride;
- (j) Hydrocodone;
- (k) Hydromorphone;
- (l) Metopon;
- (m) Morphine;
- (n) Oxycodone;

(o) Oxymorphone;	4376
(p) Thebaine.	4377
(2) Any salt, compound, derivative, or preparation thereof	4378
that is chemically equivalent to or identical with any of the	4379
substances referred to in division (A) (1) of this schedule,	4380
except that these substances shall not include the isoquinoline	4381
alkaloids of opium;	4382
(3) Opium poppy and poppy straw;	4383
(4) Coca leaves and any salt, compound, derivative, or	4384
preparation of coca leaves (including cocaine and ecgonine,	4385
their salts, isomers, and derivatives, and salts of those	4386
isomers and derivatives), and any salt, compound, derivative, or	4387
preparation thereof that is chemically equivalent to or	4388
identical with any of these substances, except that the	4389
substances shall not include decocainized coca leaves or	4390
extraction of coca leaves, which extractions do not contain	4391
cocaine or ecgonine;	4392
(5) Concentrate of poppy straw (the crude extract of poppy	4393
straw in either liquid, solid, or powder form that contains the	4394
phenanthrene alkaloids of the opium poppy).	4395
(B) Narcotics-opiates	4396
Unless specifically excepted under federal drug abuse	4397
control laws or unless listed in another schedule, any of the	4398
following opiates, including their isomers, esters, ethers,	4399
salts, and salts of isomers, esters, and ethers, whenever the	4400
existence of these isomers, esters, ethers, and salts is	4401
possible within the specific chemical designation, but excluding	4402
dextrorphan and levopropoxyphene:	4403

(1) Alfentanil;	4404
(2) Alphaprodine;	4405
(3) Anileridine;	4406
(4) Bezitramide;	4407
(5) Bulk dextropropoxyphene (non-dosage forms);	4408
(6) Carfentanil;	4409
(7) Dihydrocodeine;	4410
(8) Diphenoxylate;	4411
(9) Fentanyl;	4412
(10) Isomethadone;	4413
(11) Levo-alpha-acetylmethadol (some other names: levo- alpha-acetylmethadol; levomethadyl acetate; LAAM);	4414 4415
(12) Levomethorphan;	4416
(13) Levorphanol;	4417
(14) Metazocine;	4418
(15) Methadone;	4419
(16) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4- diphenyl butane;	4420 4421
(17) Moramide-intermediate, 2-methyl-3-morpholino-1,1- diphenylpropane-carboxylic acid;	4422 4423
(18) Pethidine (meperidine);	4424
(19) Pethidine-intermediate-A, 4-cyano-1-methyl-4- phenylpiperidine;	4425 4426
(20) Pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-	4427

carboxylate;	4428
(21) Pethidine-intermediate-C, 1-methyl-4-	4429
phenylpiperidine-4-carboxylic acid;	4430
(22) Phenazocine;	4431
(23) Piminodine;	4432
(24) Racemethorphan;	4433
(25) Racemorphan;	4434
(26) Remifentanil;	4435
(27) Sufentanil.	4436
(C) Stimulants	4437
Unless specifically excepted under federal drug abuse	4438
control laws or unless listed in another schedule, any material,	4439
compound, mixture, or preparation that contains any quantity of	4440
the following substances having a stimulant effect on the	4441
central nervous system:	4442
(1) Amphetamine, its salts, its optical isomers, and salts	4443
of its optical isomers;	4444
(2) Methamphetamine, its salts, its isomers, and salts of	4445
its isomers;	4446
(3) Methylphenidate;	4447
(4) Phenmetrazine and its salts;	4448
<u>(5) Lisdexamfetamine, its salts, isomers, and salts of its</u>	4449
<u>isomers.</u>	4450
(D) Depressants	4451
Unless specifically excepted under federal drug abuse	4452

control laws or unless listed in another schedule, any material,	4453
compound, mixture, or preparation that contains any quantity of	4454
the following substances having a depressant effect on the	4455
central nervous system, including their salts, isomers, and	4456
salts of isomers, whenever the existence of these salts,	4457
isomers, and salts of isomers is possible within the specific	4458
chemical designation:	4459
(1) Amobarbital;	4460
(2) Gamma-hydroxy-butyrate;	4461
(3) Glutethimide;	4462
(4) Pentobarbital;	4463
(5) Phencyclidine (some trade or other names: 1-(1-	4464
phenylcyclohexyl)piperidine; PCP);	4465
(6) Secobarbital;	4466
(7) 1-aminophenylcyclohexane and all N-mono-substituted	4467
and/or all N-N-disubstituted analogs including, but not limited	4468
to, the following:	4469
(a) 1-phenylcyclohexylamine;	4470
(b) (1-phenylcyclohexyl) methylamine;	4471
(c) (1-phenylcyclohexyl) dimethylamine;	4472
(d) (1-phenylcyclohexyl) methylethylamine;	4473
(e) (1-phenylcyclohexyl) isopropylamine;	4474
(f) 1-(1-phenylcyclohexyl) morpholine.	4475
(E) Hallucinogenic substances	4476
(1) Nabilone (another name for nabilone: (+)-trans-3-(1,1-	4477

dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one). 4478
4479

(F) Immediate precursors 4480

Unless specifically excepted under federal drug abuse 4481
control laws or unless listed in another schedule, any material, 4482
compound, mixture, or preparation that contains any quantity of 4483
the following substances: 4484

(1) Immediate precursor to amphetamine and 4485
methamphetamine: 4486

(a) Phenylacetone (some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone); 4487
4488

(2) Immediate precursors to phencyclidine (PCP): 4489

(a) 1-phenylcyclohexylamine; 4490

(b) 1-piperidinocyclohexanecarbonitrile (PCC). 4491

SCHEDULE III 4492

(A) Stimulants 4493

Unless specifically excepted under federal drug abuse 4494
control laws or unless listed in another schedule, any material, 4495
compound, mixture, or preparation that contains any quantity of 4496
the following substances having a stimulant effect on the 4497
central nervous system, including their salts, their optical 4498
isomers, position isomers, or geometric isomers, and salts of 4499
these isomers, whenever the existence of these salts, isomers, 4500
and salts of isomers is possible within the specific chemical 4501
designation: 4502

(1) All stimulant compounds, mixtures, and preparations 4503
included in schedule III pursuant to the federal drug abuse 4504

control laws and regulations adopted under those laws;	4505
(2) Benzphetamine;	4506
(3) Chlorphentermine;	4507
(4) Clortermine;	4508
(5) Phendimetrazine.	4509
(B) Depressants	4510
Unless specifically excepted under federal drug abuse	4511
control laws or unless listed in another schedule, any material,	4512
compound, mixture, or preparation that contains any quantity of	4513
the following substances having a depressant effect on the	4514
central nervous system:	4515
(1) Any compound, mixture, or preparation containing	4516
amobarbital, secobarbital, pentobarbital, or any salt of any of	4517
these drugs, and one or more other active medicinal ingredients	4518
that are not listed in any schedule;	4519
(2) Any suppository dosage form containing amobarbital,	4520
secobarbital, pentobarbital, or any salt of any of these drugs	4521
and approved by the food and drug administration for marketing	4522
only as a suppository;	4523
(3) Any substance that contains any quantity of a	4524
derivative of barbituric acid or any salt of a derivative of	4525
barbituric acid;	4526
(4) Chlorhexadol;	4527
(5) Ketamine, its salts, isomers, and salts of isomers	4528
(some other names for ketamine: (+/-)-2-(2-chlorophenyl)-2-	4529
(methylamino)-cyclohexanone);	4530
(6) Lysergic acid;	4531

(7) Lysergic acid amide;	4532
(8) Methyprylon;	4533
(9) Sulfondiethylmethane;	4534
(10) Sulfonethylmethane;	4535
(11) Sulfonmethane;	4536
(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).	4537 4538 4539 4540 4541 4542 4543
(C) Narcotic antidotes	4544
(1) Nalorphine.	4545
(D) Narcotics-narcotic preparations	4546
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:	4547 4548 4549 4550 4551 4552
(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;	4553 4554 4555
(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	4556 4557 4558

amounts; 4559

(3) Not more than 300 milligrams of dihydrocodeinone per 4560
100 milliliters or not more than 15 milligrams per dosage unit, 4561
with a fourfold or greater quantity of an isoquinoline alkaloid 4562
of opium; 4563

(4) Not more than 300 milligrams of dihydrocodeinone per 4564
100 milliliters or not more than 15 milligrams per dosage unit, 4565
with one or more active, nonnarcotic ingredients in recognized 4566
therapeutic amounts; 4567

(5) Not more than 1.8 grams of dihydrocodeine per 100 4568
milliliters or not more than 90 milligrams per dosage unit, with 4569
one or more active, nonnarcotic ingredients in recognized 4570
therapeutic amounts; 4571

(6) Not more than 300 milligrams of ethylmorphine per 100 4572
milliliters or not more than 15 milligrams per dosage unit, with 4573
one or more active, nonnarcotic ingredients in recognized 4574
therapeutic amounts; 4575

(7) Not more than 500 milligrams of opium per 100 4576
milliliters or per 100 grams or not more than 25 milligrams per 4577
dosage unit, with one or more active, nonnarcotic ingredients in 4578
recognized therapeutic amounts; 4579

(8) Not more than 50 milligrams of morphine per 100 4580
milliliters or per 100 grams, with one or more active, 4581
nonnarcotic ingredients in recognized therapeutic amounts. 4582

(E) Anabolic steroids 4583

Unless specifically excepted under federal drug abuse 4584
control laws or unless listed in another schedule, any material, 4585
compound, mixture, or preparation that contains any quantity of 4586

the following substances, including their salts, esters, 4587
isomers, and salts of esters and isomers, whenever the existence 4588
of these salts, esters, and isomers is possible within the 4589
specific chemical designation: 4590

(1) Anabolic steroids. Except as otherwise provided in 4591
division (E)(1) of schedule III, "anabolic steroids" means any 4592
drug or hormonal substance that is chemically and 4593
pharmacologically related to testosterone (other than estrogens, 4594
progestins, and corticosteroids) and that promotes muscle 4595
growth. "Anabolic steroids" does not include an anabolic steroid 4596
that is expressly intended for administration through implants 4597
to cattle or other nonhuman species and that has been approved 4598
by the United States secretary of health and human services for 4599
that administration, unless a person prescribes, dispenses, or 4600
distributes this type of anabolic steroid for human use. 4601
"Anabolic steroid" includes, but is not limited to, the 4602
following: 4603

- (a) Boldenone; 4604
- (b) Chlorotestosterone (4-chlortestosterone); 4605
- (c) Clostebol; 4606
- (d) Dehydrochlormethyltestosterone; 4607
- (e) Dihydrotestosterone (4-dihydrotestosterone); 4608
- (f) Drostanolone; 4609
- (g) Ethylestrenol; 4610
- (h) Fluoxymesterone; 4611
- (i) Formebolone (formebolone); 4612
- (j) Mesterolone; 4613

(k) Methandienone;	4614
(l) Methandranone;	4615
(m) Methandriol;	4616
(n) Methandrostenolone;	4617
(o) Methenolone;	4618
(p) Methyltestosterone;	4619
(q) Mibolerone;	4620
(r) Nandrolone;	4621
(s) Norethandrolone;	4622
(t) Oxandrolone;	4623
(u) Oxymesterone;	4624
(v) Oxymetholone;	4625
(w) Stanolone;	4626
(x) Stanozolol;	4627
(y) Testolactone;	4628
(z) Testosterone;	4629
(aa) Trenbolone;	4630
(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.	4631 4632 4633 4634
(F) Hallucinogenic substances	4635
(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug	4636 4637

administration approved drug product (some other names for 4638
dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro- 6,6,9-trimethyl- 4639
3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-)-delta-9-(trans)- 4640
tetrahydrocannabinol). 4641

SCHEDULE IV 4642

(A) Narcotic drugs 4643

Unless specifically excepted by federal drug abuse control 4644
laws or unless listed in another schedule, any material, 4645
compound, mixture, or preparation that contains any of the 4646
following narcotic drugs, or their salts calculated as the free 4647
anhydrous base or alkaloid, in limited quantities as set forth 4648
below: 4649

(1) Not more than one milligram of difenoxin and not less 4650
than 25 micrograms of atropine sulfate per dosage unit; 4651

(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2- 4652
diphenyl-3-methyl-2- propionoxybutane) [final dosage forms]. 4653

(B) Depressants 4654

Unless specifically excepted under federal drug abuse 4655
control laws or unless listed in another schedule, any material, 4656
compound, mixture, or preparation that contains any quantity of 4657
the following substances, including their salts, isomers, and 4658
salts of isomers, whenever the existence of these salts, 4659
isomers, and salts of isomers is possible within the specific 4660
chemical designation: 4661

(1) Alprazolam; 4662

(2) Barbital; 4663

(3) Bromazepam; 4664

(4) Camazepam;	4665
(5) Chloral betaine;	4666
(6) Chloral hydrate;	4667
(7) Chlordiazepoxide;	4668
(8) Clobazam;	4669
(9) Clonazepam;	4670
(10) Clorazepate;	4671
(11) Clotiazepam;	4672
(12) Cloxazolam;	4673
(13) Delorazepam;	4674
(14) Diazepam;	4675
(15) Estazolam;	4676
(16) Ethchlorvynol;	4677
(17) Ethinamate;	4678
(18) Ethyl loflazepate;	4679
(19) Fludiazepam;	4680
(20) Flunitrazepam;	4681
(21) Flurazepam;	4682
(22) Halazepam;	4683
(23) Haloxazolam;	4684
(24) Ketazolam;	4685
(25) Loprazolam;	4686

(26) Lorazepam;	4687
(27) Lormetazepam;	4688
(28) Mebutamate;	4689
(29) Medazepam;	4690
(30) Meprobamate;	4691
(31) Methohexital;	4692
(32) Methylphenobarbital (mephobarbital);	4693
(33) Midazolam;	4694
(34) Nimetazepam;	4695
(35) Nitrazepam;	4696
(36) Nordiazepam;	4697
(37) Oxazepam;	4698
(38) Oxazolam;	4699
(39) Paraldehyde;	4700
(40) Petrichloral;	4701
(41) Phenobarbital;	4702
(42) Pinazepam;	4703
(43) Prazepam;	4704
(44) Quazepam;	4705
(45) Temazepam;	4706
(46) Tetrazepam;	4707
(47) Triazolam;	4708

(48) Zaleplon;	4709
(49) Zolpidem.	4710
(C) Fenfluramine	4711
Any material, compound, mixture, or preparation that	4712
contains any quantity of the following substances, including	4713
their salts, their optical isomers, position isomers, or	4714
geometric isomers, and salts of these isomers, whenever the	4715
existence of these salts, isomers, and salts of isomers is	4716
possible within the specific chemical designation:	4717
(1) Fenfluramine.	4718
(D) Stimulants	4719
Unless specifically excepted under federal drug abuse	4720
control laws or unless listed in another schedule, any material,	4721
compound, mixture, or preparation that contains any quantity of	4722
the following substances having a stimulant effect on the	4723
central nervous system, including their salts, their optical	4724
isomers, position isomers, or geometric isomers, and salts of	4725
these isomers, whenever the existence of these salts, isomers,	4726
and salts of isomers is possible within the specific chemical	4727
designation:	4728
(1) Cathine ((+)-norpseudoephedrine);	4729
(2) Diethylpropion;	4730
(3) Fencamfamin;	4731
(4) Fenproporex;	4732
(5) Mazindol;	4733
(6) Mefenorex;	4734

(7) Modafinil;	4735
(8) Pemoline (including organometallic complexes and chelates thereof);	4736 4737
(9) Phentermine;	4738
(10) Pipradrol;	4739
(11) Sibutramine;	4740
(12) SPA [(-)-1-dimethylamino-1,2-diphenylethane].	4741
(E) Other substances	4742
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:	4743 4744 4745 4746
(1) Pentazocine;	4747
(2) Butorphanol (including its optical isomers).	4748
SCHEDULE V	4749
(A) Narcotic drugs	4750
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:	4751 4752 4753 4754
(1) Buprenorphine.	4755
(B) Narcotics-narcotic preparations	4756
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	4757 4758 4759

as the free anhydrous base or alkaloid, in limited quantities as 4760
set forth below, and that includes one or more nonnarcotic 4761
active medicinal ingredients in sufficient proportion to confer 4762
upon the compound, mixture, or preparation valuable medicinal 4763
qualities other than those possessed by narcotic drugs alone: 4764

(1) Not more than 200 milligrams of codeine per 100 4765
milliliters or per 100 grams; 4766

(2) Not more than 100 milligrams of dihydrocodeine per 100 4767
milliliters or per 100 grams; 4768

(3) Not more than 100 milligrams of ethylmorphine per 100 4769
milliliters or per 100 grams; 4770

(4) Not more than 2.5 milligrams of diphenoxylate and not 4771
less than 25 micrograms of atropine sulfate per dosage unit; 4772

(5) Not more than 100 milligrams of opium per 100 4773
milliliters or per 100 grams; 4774

(6) Not more than 0.5 milligram of difenoxin and not less 4775
than 25 micrograms of atropine sulfate per dosage unit. 4776

(C) Stimulants 4777

Unless specifically exempted or excluded under federal 4778
drug abuse control laws or unless listed in another schedule, 4779
any material, compound, mixture, or preparation that contains 4780
any quantity of the following substances having a stimulant 4781
effect on the central nervous system, including their salts, 4782
isomers, and salts of isomers: 4783

(1) Ephedrine, except as provided in division (K) of 4784
section 3719.44 of the Revised Code; 4785

(2) Pyrovalerone. 4786

Sec. 3719.99. (A) Whoever violates section 3719.16 or 4787
3719.161 of the Revised Code is guilty of a felony of the fifth 4788
degree. If the offender previously has been convicted of a 4789
violation of section 3719.16 or 3719.161 of the Revised Code or 4790
a drug abuse offense, a violation of section 3719.16 or 3719.161 4791
of the Revised Code is a felony of the fourth degree. If the 4792
violation involves the sale, offer to sell, or possession of a 4793
schedule I or II controlled substance, with the exception of 4794
marihuana, and if the offender, as a result of the violation, is 4795
a major drug offender, division (D) of this section applies. 4796

(B) Whoever violates division (C) or (D) of section 4797
3719.172 of the Revised Code is guilty of a felony of the fifth 4798
degree. If the offender previously has been convicted of a 4799
violation of division (C) or (D) of section 3719.172 of the 4800
Revised Code or a drug abuse offense, a violation of division 4801
(C) or (D) of section 3719.172 of the Revised Code is a felony 4802
of the fourth degree. If the violation involves the sale, offer 4803
to sell, or possession of a schedule I or II controlled 4804
substance, with the exception of marihuana, and if the offender, 4805
as a result of the violation, is a major drug offender, division 4806
(D) of this section applies. 4807

(C) Whoever violates section 3719.07 or 3719.08 of the 4808
Revised Code is guilty of a misdemeanor of the first degree. If 4809
the offender previously has been convicted of a violation of 4810
section 3719.07 or 3719.08 of the Revised Code or a drug abuse 4811
offense, a violation of section 3719.07 or 3719.08 of the 4812
Revised Code is a felony of the fifth degree. If the violation 4813
involves the sale, offer to sell, or possession of a schedule I 4814
or II controlled substance, with the exception of marihuana, and 4815
if the offender, as a result of the violation, is a major drug 4816
offender, division (D) of this section applies. 4817

(D) (1) If an offender is convicted of or pleads guilty to 4818
a felony violation of section 3719.07, 3719.08, 3719.16, or 4819
3719.161 or of division (C) or (D) of section 3719.172 of the 4820
Revised Code, if the violation involves the sale, offer to sell, 4821
or possession of a schedule I or II controlled substance, with 4822
the exception of marihuana, and if the court imposing sentence 4823
upon the offender finds that the offender as a result of the 4824
violation is a major drug offender and is guilty of a 4825
specification of the type described in division (A) of section 4826
2941.1410 of the Revised Code, the court, in lieu of the prison 4827
term authorized or required by division (A), (B), or (C) of this 4828
section and sections 2929.13 and 2929.14 of the Revised Code and 4829
in addition to any other sanction imposed for the offense under 4830
sections 2929.11 to 2929.18 of the Revised Code, shall impose 4831
upon the offender, in accordance with division (B) (3) (a) of 4832
section 2929.14 of the Revised Code, the mandatory prison term 4833
specified in that division and may impose an additional prison 4834
term under division (B) (3) (b) of that section. 4835

(2) Notwithstanding any contrary provision of section 4836
3719.21 of the Revised Code, the clerk of the court shall pay 4837
any fine imposed for a felony violation of section 3719.07, 4838
3719.08, 3719.16, or 3719.161 or of division (C) or (D) of 4839
section 3719.172 of the Revised Code pursuant to division (A) of 4840
section 2929.18 of the Revised Code in accordance with and 4841
subject to the requirements of division (F) of section 2925.03 4842
of the Revised Code. The agency that receives the fine shall use 4843
the fine as specified in division (F) of section 2925.03 of the 4844
Revised Code. 4845

(E) Whoever violates section 3719.05, 3719.06, 3719.13, or 4846
3719.31 or division (B) of section 3719.172 of the Revised Code 4847
is guilty of a misdemeanor of the third degree. If the offender 4848

previously has been convicted of a violation of section 3719.05, 4849
3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 4850
of the Revised Code or a drug abuse offense, a violation of 4851
section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of 4852
section 3719.172 of the Revised Code is a misdemeanor of the 4853
first degree. 4854

(F) Whoever violates section 3719.30 of the Revised Code 4855
is guilty of a misdemeanor of the fourth degree. If the offender 4856
previously has been convicted of a violation of section 3719.30 4857
of the Revised Code or a drug abuse offense, a violation of 4858
section 3719.30 of the Revised Code is a misdemeanor of the 4859
third degree. 4860

(G) Whoever violates section 3719.32 or 3719.33 of the 4861
Revised Code is guilty of a minor misdemeanor. 4862

(H) Whoever violates division (K) (2) (b) of section 3719.44 4863
of the Revised Code is guilty of a felony of the fifth degree. 4864

(I) Whoever violates division (K) (2) (c) of section 3719.44 4865
of the Revised Code is guilty of a misdemeanor of the second 4866
degree. 4867

(J) As used in this section, "major drug offender" has the 4868
same meaning as in section 2929.01 of the Revised Code. 4869

Sec. 4729.99. (A) Whoever violates section 4729.16, 4870
division (A) or (B) of section 4729.38, or section 4729.57 of 4871
the Revised Code is guilty of a minor misdemeanor. Each day's 4872
violation constitutes a separate offense. 4873

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 4874
of the Revised Code is guilty of a misdemeanor of the third 4875
degree. Each day's violation constitutes a separate offense. If 4876
the offender previously has been convicted of or pleaded guilty 4877

to a violation of this chapter, that person is guilty of a 4878
misdemeanor of the second degree. 4879

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 4880
of the Revised Code is guilty of a misdemeanor. 4881

(D) Whoever violates division (A), (B), (D), or (E) of 4882
section 4729.51 of the Revised Code is guilty of a misdemeanor 4883
of the first degree. 4884

(E) (1) Whoever violates section 4729.37, division (C) (2) 4885
of section 4729.51, division (J) of section 4729.54, or section 4886
4729.61 of the Revised Code is guilty of a felony of the fifth 4887
degree. If the offender previously has been convicted of or 4888
pleaded guilty to a violation of this chapter or a violation of 4889
Chapter 2925. or 3719. of the Revised Code, that person is 4890
guilty of a felony of the fourth degree. 4891

(2) If an offender is convicted of or pleads guilty to a 4892
violation of section 4729.37, division (C) of section 4729.51, 4893
division (J) of section 4729.54, or section 4729.61 of the 4894
Revised Code, if the violation involves the sale, offer to sell, 4895
or possession of a schedule I or II controlled substance, with 4896
the exception of marihuana, and if the court imposing sentence 4897
upon the offender finds that the offender as a result of the 4898
violation is a major drug offender, as defined in section 4899
2929.01 of the Revised Code, and is guilty of a specification of 4900
the type described in division (A) of section 2941.1410 of the 4901
Revised Code, the court, in lieu of the prison term authorized 4902
or required by division (E) (1) of this section and sections 4903
2929.13 and 2929.14 of the Revised Code and in addition to any 4904
other sanction imposed for the offense under sections 2929.11 to 4905
2929.18 of the Revised Code, shall impose upon the offender, in 4906
accordance with division (B) (3) of section 2929.14 of the 4907

Revised Code, the mandatory prison term specified in that 4908
division. 4909

(3) Notwithstanding any contrary provision of section 4910
3719.21 of the Revised Code, the clerk of court shall pay any 4911
fine imposed for a violation of section 4729.37, division (C) of 4912
section 4729.51, division (J) of section 4729.54, or section 4913
4729.61 of the Revised Code pursuant to division (A) of section 4914
2929.18 of the Revised Code in accordance with and subject to 4915
the requirements of division (F) of section 2925.03 of the 4916
Revised Code. The agency that receives the fine shall use the 4917
fine as specified in division (F) of section 2925.03 of the 4918
Revised Code. 4919

(F) Whoever violates section 4729.531 of the Revised Code 4920
or any rule adopted thereunder or section 4729.532 of the 4921
Revised Code is guilty of a misdemeanor of the first degree. 4922

(G) Whoever violates division (C) (1) of section 4729.51 of 4923
the Revised Code is guilty of a felony of the fourth degree. If 4924
the offender has previously been convicted of or pleaded guilty 4925
to a violation of this chapter, or of a violation of Chapter 4926
2925. or 3719. of the Revised Code, that person is guilty of a 4927
felony of the third degree. 4928

(H) Whoever violates division (C) (3) of section 4729.51 of 4929
the Revised Code is guilty of a misdemeanor of the first degree. 4930
If the offender has previously been convicted of or pleaded 4931
guilty to a violation of this chapter, or of a violation of 4932
Chapter 2925. or 3719. of the Revised Code, that person is 4933
guilty of a felony of the fifth degree. 4934

(I) (1) Whoever violates division (B) of section 4729.42 of 4935
the Revised Code is guilty of unauthorized pharmacy-related drug 4936

conduct. Except as otherwise provided in this section, 4937
unauthorized pharmacy-related drug conduct is a misdemeanor of 4938
the second degree. If the offender previously has been convicted 4939
of or pleaded guilty to a violation of division (B), (C), (D), 4940
or (E) of that section, unauthorized pharmacy-related drug 4941
conduct is a misdemeanor of the first degree on a second offense 4942
and a felony of the fifth degree on a third or subsequent 4943
offense. 4944

(2) Whoever violates division (C) or (D) of section 4945
4729.42 of the Revised Code is guilty of permitting unauthorized 4946
pharmacy-related drug conduct. Except as otherwise provided in 4947
this section, permitting unauthorized pharmacy-related drug 4948
conduct is a misdemeanor of the second degree. If the offender 4949
previously has been convicted of or pleaded guilty to a 4950
violation of division (B), (C), (D), or (E) of that section, 4951
permitting unauthorized pharmacy-related drug conduct is a 4952
misdemeanor of the first degree on a second offense and a felony 4953
of the fifth degree on a third or subsequent offense. 4954

(3) Whoever violates division (E) of section 4729.42 of 4955
the Revised Code is guilty of the offense of falsification under 4956
section 2921.13 of the Revised Code. In addition to any other 4957
sanction imposed for the violation, the offender is forever 4958
disqualified from engaging in any activity specified in division 4959
(B) (1), (2), or (3) of section 4729.42 of the Revised Code and 4960
from performing any function as a health care professional or 4961
health care worker. As used in this division, "health care 4962
professional" and "health care worker" have the same meanings as 4963
in section 2305.234 of the Revised Code. 4964

(4) Notwithstanding any contrary provision of section 4965
3719.21 of the Revised Code or any other provision of law that 4966

governs the distribution of fines, the clerk of the court shall 4967
pay any fine imposed pursuant to division (I) (1), (2), or (3) of 4968
this section to the state board of pharmacy if the board has 4969
adopted a written internal control policy under division (F) (2) 4970
of section 2925.03 of the Revised Code that addresses fine 4971
moneys that it receives under Chapter 2925. of the Revised Code 4972
and if the policy also addresses fine moneys paid under this 4973
division. The state board of pharmacy shall use the fines so 4974
paid in accordance with the written internal control policy to 4975
subsidize the board's law enforcement efforts that pertain to 4976
drug offenses. 4977

(J) (1) Whoever violates division (A) (1) of section 4729.86 4978
of the Revised Code is guilty of a misdemeanor of the third 4979
degree. If the offender has previously been convicted of or 4980
pleaded guilty to a violation of division (A) (1), (2), or (3) of 4981
section 4729.86 of the Revised Code, that person is guilty of a 4982
misdemeanor of the first degree. 4983

(2) Whoever violates division (A) (2) of section 4729.86 of 4984
the Revised Code is guilty of a misdemeanor of the first degree. 4985
If the offender has previously been convicted of or pleaded 4986
guilty to a violation of division (A) (1), (2), or (3) of section 4987
4729.86 of the Revised Code, that person is guilty of a felony 4988
of the fifth degree. 4989

(3) Whoever violates division (A) (3) of section 4729.86 of 4990
the Revised Code is guilty of a felony of the fifth degree. If 4991
the offender has previously been convicted of or pleaded guilty 4992
to a violation of division (A) (1), (2), or (3) of section 4993
4729.86 of the Revised Code, that person is guilty of a felony 4994
of the fourth degree. 4995

(K) A person who violates division (C) of section 4729.552 4996

of the Revised Code is guilty of a misdemeanor of the first 4997
degree. If the person previously has been convicted of or 4998
pleaded guilty to a violation of division (C) of section 4999
4729.552 of the Revised Code, that person is guilty of a felony 5000
of the fifth degree. 5001

Section 2. That existing sections 2925.01, 2925.02, 5002
2925.03, 2925.04, 2925.05, 2925.11, 2925.13, 2925.36, 2929.01, 5003
2929.14, 2941.1410, 3719.41, 3719.99, and 4729.99 of the Revised 5004
Code are hereby repealed. 5005

Section 3. Section 2925.03 of the Revised Code is 5006
presented in this act as a composite of the section as amended 5007
by Am. Sub. H.B. 64, H.B. 171, and Sub. S.B. 204, all of the 5008
131st General Assembly. The General Assembly, applying the 5009
principle stated in division (B) of section 1.52 of the Revised 5010
Code that amendments are to be harmonized if reasonably capable 5011
of simultaneous operation, finds that the composite is the 5012
resulting version of the section in effect prior to the 5013
effective date of the section as presented in this act. 5014

Section 2925.11 of the Revised Code is presented in this 5015
act as a composite of the section as amended by Sub. H.B. 110, 5016
H.B. 171, and Sub. S.B. 204, all of the 131st General Assembly. 5017
The General Assembly, applying the principle stated in division 5018
(B) of section 1.52 of the Revised Code that amendments are to 5019
be harmonized if reasonably capable of simultaneous operation, 5020
finds that the composite is the resulting version of the section 5021
in effect prior to the effective date of the section as 5022
presented in this act. 5023

Section 2929.01 of the Revised Code is presented in this 5024
act as a composite of the section as amended by both Sub. H.B. 5025
158 and H.B. 171 of the 131st General Assembly. The General 5026

Assembly, applying the principle stated in division (B) of 5027
section 1.52 of the Revised Code that amendments are to be 5028
harmonized if reasonably capable of simultaneous operation, 5029
finds that the composite is the resulting version of the section 5030
in effect prior to the effective date of the section as 5031
presented in this act. 5032