

As Reported by the Senate Judiciary Committee

132nd General Assembly

Regular Session

2017-2018

Sub. H. B. No. 296

Representative Gavarone

Cosponsors: Representatives Wiggam, Riedel, Lipps, Smith, R., Ryan, Sprague, Schuring, Butler, Cupp, Arndt, Carfagna, Kick, LaTourette, Patton, Manning, Rezabek, Lang, Anielski, Antani, Antonio, Faber, Ginter, Green, Greenspan, Hambley, Hughes, Johnson, Koehler, Landis, Lanese, Leland, Miller, Perales, Reineke, Rogers, Romanchuk, Schaffer, Scherer, Slaby, Stein, Sweeney, West, Wilkin, Young

A BILL

To amend sections 2925.01 and 2925.03 of the Revised Code to enhance penalties for certain drug trafficking offenses committed in the vicinity of a community addiction services provider and to amend the version of section 2925.03 of the Revised Code that is scheduled to take effect June 29, 2019, to continue the provisions of this act on and after that effective date.

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

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

Sec. 2925.01. As used in this chapter:

(A) "Administer," "controlled substance," "controlled substance analog," "dispense," "distribute," "hypodermic,"

"manufacturer," "official written order," "person," 15
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 16
"schedule III," "schedule IV," "schedule V," and "wholesaler" 17
have the same meanings as in section 3719.01 of the Revised 18
Code. 19

(B) "Drug dependent person" and "drug of abuse" have the 20
same meanings as in section 3719.011 of the Revised Code. 21

(C) "Drug," "dangerous drug," "licensed health 22
professional authorized to prescribe drugs," and "prescription" 23
have the same meanings as in section 4729.01 of the Revised 24
Code. 25

(D) "Bulk amount" of a controlled substance means any of 26
the following: 27

(1) For any compound, mixture, preparation, or substance 28
included in schedule I, schedule II, or schedule III, with the 29
exception of any controlled substance analog, marihuana, 30
cocaine, L.S.D., heroin, any fentanyl-related compound, and 31
hashish and except as provided in division (D) (2), (5), or (6) 32
of this section, whichever of the following is applicable: 33

(a) An amount equal to or exceeding ten grams or twenty- 34
five unit doses of a compound, mixture, preparation, or 35
substance that is or contains any amount of a schedule I opiate 36
or opium derivative; 37

(b) An amount equal to or exceeding ten grams of a 38
compound, mixture, preparation, or substance that is or contains 39
any amount of raw or gum opium; 40

(c) An amount equal to or exceeding thirty grams or ten 41
unit doses of a compound, mixture, preparation, or substance 42
that is or contains any amount of a schedule I hallucinogen 43

other than tetrahydrocannabinol or lysergic acid amide, or a 44
schedule I stimulant or depressant; 45

(d) An amount equal to or exceeding twenty grams or five 46
times the maximum daily dose in the usual dose range specified 47
in a standard pharmaceutical reference manual of a compound, 48
mixture, preparation, or substance that is or contains any 49
amount of a schedule II opiate or opium derivative; 50

(e) An amount equal to or exceeding five grams or ten unit 51
doses of a compound, mixture, preparation, or substance that is 52
or contains any amount of phencyclidine; 53

(f) An amount equal to or exceeding one hundred twenty 54
grams or thirty times the maximum daily dose in the usual dose 55
range specified in a standard pharmaceutical reference manual of 56
a compound, mixture, preparation, or substance that is or 57
contains any amount of a schedule II stimulant that is in a 58
final dosage form manufactured by a person authorized by the 59
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 60
U.S.C.A. 301, as amended, and the federal drug abuse control 61
laws, as defined in section 3719.01 of the Revised Code, that is 62
or contains any amount of a schedule II depressant substance or 63
a schedule II hallucinogenic substance; 64

(g) An amount equal to or exceeding three grams of a 65
compound, mixture, preparation, or substance that is or contains 66
any amount of a schedule II stimulant, or any of its salts or 67
isomers, that is not in a final dosage form manufactured by a 68
person authorized by the Federal Food, Drug, and Cosmetic Act 69
and the federal drug abuse control laws. 70

(2) An amount equal to or exceeding one hundred twenty 71
grams or thirty times the maximum daily dose in the usual dose 72

range specified in a standard pharmaceutical reference manual of 73
a compound, mixture, preparation, or substance that is or 74
contains any amount of a schedule III or IV substance other than 75
an anabolic steroid or a schedule III opiate or opium 76
derivative; 77

(3) An amount equal to or exceeding twenty grams or five 78
times the maximum daily dose in the usual dose range specified 79
in a standard pharmaceutical reference manual of a compound, 80
mixture, preparation, or substance that is or contains any 81
amount of a schedule III opiate or opium derivative; 82

(4) An amount equal to or exceeding two hundred fifty 83
milliliters or two hundred fifty grams of a compound, mixture, 84
preparation, or substance that is or contains any amount of a 85
schedule V substance; 86

(5) An amount equal to or exceeding two hundred solid 87
dosage units, sixteen grams, or sixteen milliliters of a 88
compound, mixture, preparation, or substance that is or contains 89
any amount of a schedule III anabolic steroid; 90

(6) For any compound, mixture, preparation, or substance 91
that is a combination of a fentanyl-related compound and any 92
other compound, mixture, preparation, or substance included in 93
schedule III, schedule IV, or schedule V, if the defendant is 94
charged with a violation of section 2925.11 of the Revised Code 95
and the sentencing provisions set forth in divisions (C)(10)(b) 96
and (C)(11) of that section will not apply regarding the 97
defendant and the violation, the bulk amount of the controlled 98
substance for purposes of the violation is the amount specified 99
in division (D)(1), (2), (3), (4), or (5) of this section for 100
the other schedule III, IV, or V controlled substance that is 101
combined with the fentanyl-related compound. 102

(E) "Unit dose" means an amount or unit of a compound, 103
mixture, or preparation containing a controlled substance that 104
is separately identifiable and in a form that indicates that it 105
is the amount or unit by which the controlled substance is 106
separately administered to or taken by an individual. 107

(F) "Cultivate" includes planting, watering, fertilizing, 108
or tilling. 109

(G) "Drug abuse offense" means any of the following: 110

(1) A violation of division (A) of section 2913.02 that 111
constitutes theft of drugs, or a violation of section 2925.02, 112
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 113
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 114
or 2925.37 of the Revised Code; 115

(2) A violation of an existing or former law of this or 116
any other state or of the United States that is substantially 117
equivalent to any section listed in division (G) (1) of this 118
section; 119

(3) An offense under an existing or former law of this or 120
any other state, or of the United States, of which planting, 121
cultivating, harvesting, processing, making, manufacturing, 122
producing, shipping, transporting, delivering, acquiring, 123
possessing, storing, distributing, dispensing, selling, inducing 124
another to use, administering to another, using, or otherwise 125
dealing with a controlled substance is an element; 126

(4) A conspiracy to commit, attempt to commit, or 127
complicity in committing or attempting to commit any offense 128
under division (G) (1), (2), or (3) of this section. 129

(H) "Felony drug abuse offense" means any drug abuse 130
offense that would constitute a felony under the laws of this 131

state, any other state, or the United States.	132
(I) "Harmful intoxicant" does not include beer or	133
intoxicating liquor but means any of the following:	134
(1) Any compound, mixture, preparation, or substance the	135
gas, fumes, or vapor of which when inhaled can induce	136
intoxication, excitement, giddiness, irrational behavior,	137
depression, stupefaction, paralysis, unconsciousness,	138
asphyxiation, or other harmful physiological effects, and	139
includes, but is not limited to, any of the following:	140
(a) Any volatile organic solvent, plastic cement, model	141
cement, fingernail polish remover, lacquer thinner, cleaning	142
fluid, gasoline, or other preparation containing a volatile	143
organic solvent;	144
(b) Any aerosol propellant;	145
(c) Any fluorocarbon refrigerant;	146
(d) Any anesthetic gas.	147
(2) Gamma Butyrolactone;	148
(3) 1,4 Butanediol.	149
(J) "Manufacture" means to plant, cultivate, harvest,	150
process, make, prepare, or otherwise engage in any part of the	151
production of a drug, by propagation, extraction, chemical	152
synthesis, or compounding, or any combination of the same, and	153
includes packaging, repackaging, labeling, and other activities	154
incident to production.	155
(K) "Possess" or "possession" means having control over a	156
thing or substance, but may not be inferred solely from mere	157
access to the thing or substance through ownership or occupation	158

of the premises upon which the thing or substance is found.	159
(L) "Sample drug" means a drug or pharmaceutical	160
preparation that would be hazardous to health or safety if used	161
without the supervision of a licensed health professional	162
authorized to prescribe drugs, or a drug of abuse, and that, at	163
one time, had been placed in a container plainly marked as a	164
sample by a manufacturer.	165
(M) "Standard pharmaceutical reference manual" means the	166
current edition, with cumulative changes if any, of references	167
that are approved by the state board of pharmacy.	168
(N) "Juvenile" means a person under eighteen years of age.	169
(O) "Counterfeit controlled substance" means any of the	170
following:	171
(1) Any drug that bears, or whose container or label	172
bears, a trademark, trade name, or other identifying mark used	173
without authorization of the owner of rights to that trademark,	174
trade name, or identifying mark;	175
(2) Any unmarked or unlabeled substance that is	176
represented to be a controlled substance manufactured,	177
processed, packed, or distributed by a person other than the	178
person that manufactured, processed, packed, or distributed it;	179
(3) Any substance that is represented to be a controlled	180
substance but is not a controlled substance or is a different	181
controlled substance;	182
(4) Any substance other than a controlled substance that a	183
reasonable person would believe to be a controlled substance	184
because of its similarity in shape, size, and color, or its	185
markings, labeling, packaging, distribution, or the price for	186

which it is sold or offered for sale. 187

(P) An offense is "committed in the vicinity of a school" 188
if the offender commits the offense on school premises, in a 189
school building, or within one thousand feet of the boundaries 190
of any school premises, regardless of whether the offender knows 191
the offense is being committed on school premises, in a school 192
building, or within one thousand feet of the boundaries of any 193
school premises. 194

(Q) "School" means any school operated by a board of 195
education, any community school established under Chapter 3314. 196
of the Revised Code, or any nonpublic school for which the state 197
board of education prescribes minimum standards under section 198
3301.07 of the Revised Code, whether or not any instruction, 199
extracurricular activities, or training provided by the school 200
is being conducted at the time a criminal offense is committed. 201

(R) "School premises" means either of the following: 202

(1) The parcel of real property on which any school is 203
situated, whether or not any instruction, extracurricular 204
activities, or training provided by the school is being 205
conducted on the premises at the time a criminal offense is 206
committed; 207

(2) Any other parcel of real property that is owned or 208
leased by a board of education of a school, the governing 209
authority of a community school established under Chapter 3314. 210
of the Revised Code, or the governing body of a nonpublic school 211
for which the state board of education prescribes minimum 212
standards under section 3301.07 of the Revised Code and on which 213
some of the instruction, extracurricular activities, or training 214
of the school is conducted, whether or not any instruction, 215

extracurricular activities, or training provided by the school 216
is being conducted on the parcel of real property at the time a 217
criminal offense is committed. 218

(S) "School building" means any building in which any of 219
the instruction, extracurricular activities, or training 220
provided by a school is conducted, whether or not any 221
instruction, extracurricular activities, or training provided by 222
the school is being conducted in the school building at the time 223
a criminal offense is committed. 224

(T) "Disciplinary counsel" means the disciplinary counsel 225
appointed by the board of commissioners on grievances and 226
discipline of the supreme court under the Rules for the 227
Government of the Bar of Ohio. 228

(U) "Certified grievance committee" means a duly 229
constituted and organized committee of the Ohio state bar 230
association or of one or more local bar associations of the 231
state of Ohio that complies with the criteria set forth in Rule 232
V, section 6 of the Rules for the Government of the Bar of Ohio. 233

(V) "Professional license" means any license, permit, 234
certificate, registration, qualification, admission, temporary 235
license, temporary permit, temporary certificate, or temporary 236
registration that is described in divisions (W)(1) to (36) of 237
this section and that qualifies a person as a professionally 238
licensed person. 239

(W) "Professionally licensed person" means any of the 240
following: 241

(1) A person who has obtained a license as a manufacturer 242
of controlled substances or a wholesaler of controlled 243
substances under Chapter 3719. of the Revised Code; 244

(2) A person who has received a certificate or temporary	245
certificate as a certified public accountant or who has	246
registered as a public accountant under Chapter 4701. of the	247
Revised Code and who holds an Ohio permit issued under that	248
chapter;	249
(3) A person who holds a certificate of qualification to	250
practice architecture issued or renewed and registered under	251
Chapter 4703. of the Revised Code;	252
(4) A person who is registered as a landscape architect	253
under Chapter 4703. of the Revised Code or who holds a permit as	254
a landscape architect issued under that chapter;	255
(5) A person licensed under Chapter 4707. of the Revised	256
Code;	257
(6) A person who has been issued a certificate of	258
registration as a registered barber under Chapter 4709. of the	259
Revised Code;	260
(7) A person licensed and regulated to engage in the	261
business of a debt pooling company by a legislative authority,	262
under authority of Chapter 4710. of the Revised Code;	263
(8) A person who has been issued a cosmetologist's	264
license, hair designer's license, manicurist's license,	265
esthetician's license, natural hair stylist's license, advanced	266
cosmetologist's license, advanced hair designer's license,	267
advanced manicurist's license, advanced esthetician's license,	268
advanced natural hair stylist's license, cosmetology	269
instructor's license, hair design instructor's license,	270
manicurist instructor's license, esthetics instructor's license,	271
natural hair style instructor's license, independent	272
contractor's license, or tanning facility permit under Chapter	273

4713. of the Revised Code;	274
(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;	275 276 277 278 279 280
(10) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;	281 282 283 284 285
(11) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	286 287 288 289
(12) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	290 291 292
(13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	293 294
(14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	295 296
(15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;	297 298 299 300
(16) A person who is authorized to practice as a physician	301

assistant under Chapter 4730. of the Revised Code;	302
(17) A person who has been issued a license to practice	303
medicine and surgery, osteopathic medicine and surgery, or	304
podiatric medicine and surgery under Chapter 4731. of the	305
Revised Code or has been issued a certificate to practice a	306
limited branch of medicine under that chapter;	307
(18) A person licensed as a psychologist or school	308
psychologist under Chapter 4732. of the Revised Code;	309
(19) A person registered to practice the profession of	310
engineering or surveying under Chapter 4733. of the Revised	311
Code;	312
(20) A person who has been issued a license to practice	313
chiropractic under Chapter 4734. of the Revised Code;	314
(21) A person licensed to act as a real estate broker or	315
real estate salesperson under Chapter 4735. of the Revised Code;	316
(22) A person registered as a registered sanitarian under	317
Chapter 4736. of the Revised Code;	318
(23) A person licensed to operate or maintain a junkyard	319
under Chapter 4737. of the Revised Code;	320
(24) A person who has been issued a motor vehicle salvage	321
dealer's license under Chapter 4738. of the Revised Code;	322
(25) A person who has been licensed to act as a steam	323
engineer under Chapter 4739. of the Revised Code;	324
(26) A person who has been issued a license or temporary	325
permit to practice veterinary medicine or any of its branches,	326
or who is registered as a graduate animal technician under	327
Chapter 4741. of the Revised Code;	328

(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;	329 330 331
(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;	332 333 334
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	335 336 337
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	338 339 340
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	341 342 343
(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;	344 345 346 347 348 349
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	350 351
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	352 353 354
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	355 356

(36) A person who has been admitted to the bar by order of 357
the supreme court in compliance with its prescribed and 358
published rules. 359

(X) "Cocaine" means any of the following: 360

(1) A cocaine salt, isomer, or derivative, a salt of a 361
cocaine isomer or derivative, or the base form of cocaine; 362

(2) Coca leaves or a salt, compound, derivative, or 363
preparation of coca leaves, including ecgonine, a salt, isomer, 364
or derivative of ecgonine, or a salt of an isomer or derivative 365
of ecgonine; 366

(3) A salt, compound, derivative, or preparation of a 367
substance identified in division (X) (1) or (2) of this section 368
that is chemically equivalent to or identical with any of those 369
substances, except that the substances shall not include 370
decocainized coca leaves or extraction of coca leaves if the 371
extractions do not contain cocaine or ecgonine. 372

(Y) "L.S.D." means lysergic acid diethylamide. 373

(Z) "Hashish" means the resin or a preparation of the 374
resin contained in marihuana, whether in solid form or in a 375
liquid concentrate, liquid extract, or liquid distillate form. 376

(AA) "Marihuana" has the same meaning as in section 377
3719.01 of the Revised Code, except that it does not include 378
hashish. 379

(BB) An offense is "committed in the vicinity of a 380
juvenile" if the offender commits the offense within one hundred 381
feet of a juvenile or within the view of a juvenile, regardless 382
of whether the offender knows the age of the juvenile, whether 383
the offender knows the offense is being committed within one 384

hundred feet of or within view of the juvenile, or whether the 385
juvenile actually views the commission of the offense. 386

(CC) "Presumption for a prison term" or "presumption that 387
a prison term shall be imposed" means a presumption, as 388
described in division (D) of section 2929.13 of the Revised 389
Code, that a prison term is a necessary sanction for a felony in 390
order to comply with the purposes and principles of sentencing 391
under section 2929.11 of the Revised Code. 392

(DD) "Major drug offender" has the same meaning as in 393
section 2929.01 of the Revised Code. 394

(EE) "Minor drug possession offense" means either of the 395
following: 396

(1) A violation of section 2925.11 of the Revised Code as 397
it existed prior to July 1, 1996; 398

(2) A violation of section 2925.11 of the Revised Code as 399
it exists on and after July 1, 1996, that is a misdemeanor or a 400
felony of the fifth degree. 401

(FF) "Mandatory prison term" has the same meaning as in 402
section 2929.01 of the Revised Code. 403

(GG) "Adulterate" means to cause a drug to be adulterated 404
as described in section 3715.63 of the Revised Code. 405

(HH) "Public premises" means any hotel, restaurant, 406
tavern, store, arena, hall, or other place of public 407
accommodation, business, amusement, or resort. 408

(II) "Methamphetamine" means methamphetamine, any salt, 409
isomer, or salt of an isomer of methamphetamine, or any 410
compound, mixture, preparation, or substance containing 411
methamphetamine or any salt, isomer, or salt of an isomer of 412

methamphetamine. 413

(JJ) "Lawful prescription" means a prescription that is 414
issued for a legitimate medical purpose by a licensed health 415
professional authorized to prescribe drugs, that is not altered 416
or forged, and that was not obtained by means of deception or by 417
the commission of any theft offense. 418

(KK) "Deception" and "theft offense" have the same 419
meanings as in section 2913.01 of the Revised Code. 420

(LL) "Fentanyl-related compound" means any of the 421
following: 422

(1) Fentanyl; 423

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 424
phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2- 425
phenylethyl)-4-(N-propanilido) piperidine); 426

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2- 427
thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide); 428

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- 429
piperidinyl]-N-phenylpropanamide); 430

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- 431
hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N- 432
phenylpropanamide); 433

(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4- 434
piperidyl]-N- phenylpropanamide); 435

(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]- 436
4-piperidinyl]-N-phenylpropanamide); 437

(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2- 438
phenethyl)-4-piperidinyl]propanamide; 439

(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	440 441
(10) Alfentanil;	442
(11) Carfentanil;	443
(12) Remifentanil;	444
(13) Sufentanil;	445
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and	446 447
(15) A schedule I narcotic-opiate that meets the fentanyl pharmacophore requirements specified in division (A) (56) of section 3719.41 of the Revised Code, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl.	448 449 450 451 452 453
<u>(MM) An offense is "committed in the vicinity of a community addiction services provider" if the offender commits the offense on the premises of a community addiction services provider, including a facility licensed to provide methadone treatment under section 5119.391 of the Revised Code, or within one thousand feet of a community addiction services provider, when the offender recklessly disregards whether the offense is being committed within that vicinity.</u>	454 455 456 457 458 459 460 461
<u>(NN) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.</u>	462 463
Sec. 2925.03. (A) No person shall knowingly do any of the following:	464 465
(1) Sell or offer to sell a controlled substance or a	466

controlled substance analog;	467
(2) Prepare for shipment, ship, transport, deliver,	468
prepare for distribution, or distribute a controlled substance	469
or a controlled substance analog, when the offender knows or has	470
reasonable cause to believe that the controlled substance or a	471
controlled substance analog is intended for sale or resale by	472
the offender or another person.	473
(B) This section does not apply to any of the following:	474
(1) Manufacturers, licensed health professionals	475
authorized to prescribe drugs, pharmacists, owners of	476
pharmacies, and other persons whose conduct is in accordance	477
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and	478
4741. of the Revised Code;	479
(2) If the offense involves an anabolic steroid, any	480
person who is conducting or participating in a research project	481
involving the use of an anabolic steroid if the project has been	482
approved by the United States food and drug administration;	483
(3) Any person who sells, offers for sale, prescribes,	484
dispenses, or administers for livestock or other nonhuman	485
species an anabolic steroid that is expressly intended for	486
administration through implants to livestock or other nonhuman	487
species and approved for that purpose under the "Federal Food,	488
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301,	489
as amended, and is sold, offered for sale, prescribed,	490
dispensed, or administered for that purpose in accordance with	491
that act.	492
(C) Whoever violates division (A) of this section is	493
guilty of one of the following:	494
(1) If the drug involved in the violation is any compound,	495

mixture, preparation, or substance included in schedule I or 496
schedule II, with the exception of marihuana, cocaine, L.S.D., 497
heroin, any fentanyl-related compound, hashish, and any 498
controlled substance analog, whoever violates division (A) of 499
this section is guilty of aggravated trafficking in drugs. The 500
penalty for the offense shall be determined as follows: 501

(a) Except as otherwise provided in division (C) (1) (b), 502
(c), (d), (e), or (f) of this section, aggravated trafficking in 503
drugs is a felony of the fourth degree, and division (C) of 504
section 2929.13 of the Revised Code applies in determining 505
whether to impose a prison term on the offender. 506

(b) Except as otherwise provided in division (C) (1) (c), 507
(d), (e), or (f) of this section, if the offense was committed 508
in the vicinity of a school ~~or~~, in the vicinity of a juvenile, 509
or in the vicinity of a community addiction services provider, 510
aggravated trafficking in drugs is a felony of the third degree, 511
and division (C) of section 2929.13 of the Revised Code applies 512
in determining whether to impose a prison term on the offender. 513

(c) Except as otherwise provided in this division, if the 514
amount of the drug involved equals or exceeds the bulk amount 515
but is less than five times the bulk amount, aggravated 516
trafficking in drugs is a felony of the third degree, and, 517
except as otherwise provided in this division, there is a 518
presumption for a prison term for the offense. If aggravated 519
trafficking in drugs is a felony of the third degree under this 520
division and if the offender two or more times previously has 521
been convicted of or pleaded guilty to a felony drug abuse 522
offense, the court shall impose as a mandatory prison term one 523
of the prison terms prescribed for a felony of the third degree. 524
If the amount of the drug involved is within that range and if 525

the offense was committed in the vicinity of a school ~~or,~~ in the 526
vicinity of a juvenile, or in the vicinity of a community 527
addiction services provider, aggravated trafficking in drugs is 528
a felony of the second degree, and the court shall impose as a 529
mandatory prison term one of the prison terms prescribed for a 530
felony of the second degree. 531

(d) Except as otherwise provided in this division, if the 532
amount of the drug involved equals or exceeds five times the 533
bulk amount but is less than fifty times the bulk amount, 534
aggravated trafficking in drugs is a felony of the second 535
degree, and the court shall impose as a mandatory prison term 536
one of the prison terms prescribed for a felony of the second 537
degree. If the amount of the drug involved is within that range 538
and if the offense was committed in the vicinity of a school ~~or,~~ 539
in the vicinity of a juvenile, or in the vicinity of a community 540
addiction services provider, aggravated trafficking in drugs is 541
a felony of the first degree, and the court shall impose as a 542
mandatory prison term one of the prison terms prescribed for a 543
felony of the first degree. 544

(e) If the amount of the drug involved equals or exceeds 545
fifty times the bulk amount but is less than one hundred times 546
the bulk amount and regardless of whether the offense was 547
committed in the vicinity of a school ~~or,~~ in the vicinity of a 548
juvenile, or in the vicinity of a community addiction services 549
provider, aggravated trafficking in drugs is a felony of the 550
first degree, and the court shall impose as a mandatory prison 551
term one of the prison terms prescribed for a felony of the 552
first degree. 553

(f) If the amount of the drug involved equals or exceeds 554
one hundred times the bulk amount and regardless of whether the 555

offense was committed in the vicinity of a school ~~or~~, in the 556
vicinity of a juvenile, or in the vicinity of a community 557
addiction services provider, aggravated trafficking in drugs is 558
a felony of the first degree, the offender is a major drug 559
offender, and the court shall impose as a mandatory prison term 560
the maximum prison term prescribed for a felony of the first 561
degree. 562

(2) If the drug involved in the violation is any compound, 563
mixture, preparation, or substance included in schedule III, IV, 564
or V, whoever violates division (A) of this section is guilty of 565
trafficking in drugs. The penalty for the offense shall be 566
determined as follows: 567

(a) Except as otherwise provided in division (C) (2) (b), 568
(c), (d), or (e) of this section, trafficking in drugs is a 569
felony of the fifth degree, and division (B) of section 2929.13 570
of the Revised Code applies in determining whether to impose a 571
prison term on the offender. 572

(b) Except as otherwise provided in division (C) (2) (c), 573
(d), or (e) of this section, if the offense was committed in the 574
vicinity of a school or in the vicinity of a juvenile, 575
trafficking in drugs is a felony of the fourth degree, and 576
division (C) of section 2929.13 of the Revised Code applies in 577
determining whether to impose a prison term on the offender. 578

(c) Except as otherwise provided in this division, if the 579
amount of the drug involved equals or exceeds the bulk amount 580
but is less than five times the bulk amount, trafficking in 581
drugs is a felony of the fourth degree, and division (B) of 582
section 2929.13 of the Revised Code applies in determining 583
whether to impose a prison term for the offense. If the amount 584
of the drug involved is within that range and if the offense was 585

committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the third degree, and there is a presumption for a prison term for the offense.

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

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

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

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

(c), (d), (e), (f), (g), or (h) of this section, trafficking in 616
marihuana is a felony of the fifth degree, and division (B) of 617
section 2929.13 of the Revised Code applies in determining 618
whether to impose a prison term on the offender. 619

(b) Except as otherwise provided in division (C)(3)(c), 620
(d), (e), (f), (g), or (h) of this section, if the offense was 621
committed in the vicinity of a school or in the vicinity of a 622
juvenile, trafficking in marihuana is a felony of the fourth 623
degree, and division (B) of section 2929.13 of the Revised Code 624
applies in determining whether to impose a prison term on the 625
offender. 626

(c) Except as otherwise provided in this division, if the 627
amount of the drug involved equals or exceeds two hundred grams 628
but is less than one thousand grams, trafficking in marihuana is 629
a felony of the fourth degree, and division (B) of section 630
2929.13 of the Revised Code applies in determining whether to 631
impose a prison term on the offender. If the amount of the drug 632
involved is within that range and if the offense was committed 633
in the vicinity of a school or in the vicinity of a juvenile, 634
trafficking in marihuana is a felony of the third degree, and 635
division (C) of section 2929.13 of the Revised Code applies in 636
determining whether to impose a prison term on the offender. 637

(d) Except as otherwise provided in this division, if the 638
amount of the drug involved equals or exceeds one thousand grams 639
but is less than five thousand grams, trafficking in marihuana 640
is a felony of the third degree, and division (C) of section 641
2929.13 of the Revised Code applies in determining whether to 642
impose a prison term on the offender. If the amount of the drug 643
involved is within that range and if the offense was committed 644
in the vicinity of a school or in the vicinity of a juvenile, 645

trafficking in marihuana is a felony of the second degree, and 646
there is a presumption that a prison term shall be imposed for 647
the offense. 648

(e) Except as otherwise provided in this division, if the 649
amount of the drug involved equals or exceeds five thousand 650
grams but is less than twenty thousand grams, trafficking in 651
marihuana is a felony of the third degree, and there is a 652
presumption that a prison term shall be imposed for the offense. 653
If the amount of the drug involved is within that range and if 654
the offense was committed in the vicinity of a school or in the 655
vicinity of a juvenile, trafficking in marihuana is a felony of 656
the second degree, and there is a presumption that a prison term 657
shall be imposed for the offense. 658

(f) Except as otherwise provided in this division, if the 659
amount of the drug involved equals or exceeds twenty thousand 660
grams but is less than forty thousand grams, trafficking in 661
marihuana is a felony of the second degree, and the court shall 662
impose a mandatory prison term of five, six, seven, or eight 663
years. If the amount of the drug involved is within that range 664
and if the offense was committed in the vicinity of a school or 665
in the vicinity of a juvenile, trafficking in marihuana is a 666
felony of the first degree, and the court shall impose as a 667
mandatory prison term the maximum prison term prescribed for a 668
felony of the first degree. 669

(g) Except as otherwise provided in this division, if the 670
amount of the drug involved equals or exceeds forty thousand 671
grams, trafficking in marihuana is a felony of the second 672
degree, and the court shall impose as a mandatory prison term 673
the maximum prison term prescribed for a felony of the second 674
degree. If the amount of the drug involved equals or exceeds 675

forty thousand grams and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

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

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

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

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

offender. 706

(c) Except as otherwise provided in this division, if the 707
amount of the drug involved equals or exceeds five grams but is 708
less than ten grams of cocaine, trafficking in cocaine is a 709
felony of the fourth degree, and division (B) of section 2929.13 710
of the Revised Code applies in determining whether to impose a 711
prison term for the offense. If the amount of the drug involved 712
is within that range and if the offense was committed in the 713
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 714
the vicinity of a community addiction services provider, 715
trafficking in cocaine is a felony of the third degree, and 716
there is a presumption for a prison term for the offense. 717

(d) Except as otherwise provided in this division, if the 718
amount of the drug involved equals or exceeds ten grams but is 719
less than twenty grams of cocaine, trafficking in cocaine is a 720
felony of the third degree, and, except as otherwise provided in 721
this division, there is a presumption for a prison term for the 722
offense. If trafficking in cocaine is a felony of the third 723
degree under this division and if the offender two or more times 724
previously has been convicted of or pleaded guilty to a felony 725
drug abuse offense, the court shall impose as a mandatory prison 726
term one of the prison terms prescribed for a felony of the 727
third degree. If the amount of the drug involved is within that 728
range and if the offense was committed in the vicinity of a 729
school ~~or~~, in the vicinity of a juvenile, or in the vicinity of 730
a community addiction services provider, trafficking in cocaine 731
is a felony of the second degree, and the court shall impose as 732
a mandatory prison term one of the prison terms prescribed for a 733
felony of the second degree. 734

(e) Except as otherwise provided in this division, if the 735

amount of the drug involved equals or exceeds twenty grams but 736
is less than twenty-seven grams of cocaine, trafficking in 737
cocaine is a felony of the second degree, and the court shall 738
impose as a mandatory prison term one of the prison terms 739
prescribed for a felony of the second degree. If the amount of 740
the drug involved is within that range and if the offense was 741
committed in the vicinity of a school ~~or~~, in the vicinity of a 742
juvenile, or in the vicinity of a community addiction services 743
provider, trafficking in cocaine is a felony of the first 744
degree, and the court shall impose as a mandatory prison term 745
one of the prison terms prescribed for a felony of the first 746
degree. 747

(f) If the amount of the drug involved equals or exceeds 748
twenty-seven grams but is less than one hundred grams of cocaine 749
and regardless of whether the offense was committed in the 750
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 751
the vicinity of a community addiction services provider, 752
trafficking in cocaine is a felony of the first degree, and the 753
court shall impose as a mandatory prison term one of the prison 754
terms prescribed for a felony of the first degree. 755

(g) If the amount of the drug involved equals or exceeds 756
one hundred grams of cocaine and regardless of whether the 757
offense was committed in the vicinity of a school ~~or~~, in the 758
vicinity of a juvenile, or in the vicinity of a community 759
addiction services provider, trafficking in cocaine is a felony 760
of the first degree, the offender is a major drug offender, and 761
the court shall impose as a mandatory prison term the maximum 762
prison term prescribed for a felony of the first degree. 763

(5) If the drug involved in the violation is L.S.D. or a 764
compound, mixture, preparation, or substance containing L.S.D., 765

whoever violates division (A) of this section is guilty of 766
trafficking in L.S.D. The penalty for the offense shall be 767
determined as follows: 768

(a) Except as otherwise provided in division (C) (5) (b), 769
(c), (d), (e), (f), or (g) of this section, trafficking in 770
L.S.D. is a felony of the fifth degree, and division (B) of 771
section 2929.13 of the Revised Code applies in determining 772
whether to impose a prison term on the offender. 773

(b) Except as otherwise provided in division (C) (5) (c), 774
(d), (e), (f), or (g) of this section, if the offense was 775
committed in the vicinity of a school ~~or~~, in the vicinity of a 776
juvenile, or in the vicinity of a community addiction services 777
provider, trafficking in L.S.D. is a felony of the fourth 778
degree, and division (C) of section 2929.13 of the Revised Code 779
applies in determining whether to impose a prison term on the 780
offender. 781

(c) Except as otherwise provided in this division, if the 782
amount of the drug involved equals or exceeds ten unit doses but 783
is less than fifty unit doses of L.S.D. in a solid form or 784
equals or exceeds one gram but is less than five grams of L.S.D. 785
in a liquid concentrate, liquid extract, or liquid distillate 786
form, trafficking in L.S.D. is a felony of the fourth degree, 787
and division (B) of section 2929.13 of the Revised Code applies 788
in determining whether to impose a prison term for the offense. 789
If the amount of the drug involved is within that range and if 790
the offense was committed in the vicinity of a school ~~or~~, in the 791
vicinity of a juvenile, or in the vicinity of a community 792
addiction services provider, trafficking in L.S.D. is a felony 793
of the third degree, and there is a presumption for a prison 794
term for the offense. 795

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than two hundred fifty unit doses of L.S.D. in a solid form or equals or exceeds five grams but is less than twenty-five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If trafficking in L.S.D. is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school ~~or~~, in the vicinity of a juvenile, or in the vicinity of a community addiction services provider, trafficking in L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

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

the vicinity of a community addiction services provider, 827
trafficking in L.S.D. is a felony of the first degree, and the 828
court shall impose as a mandatory prison term one of the prison 829
terms prescribed for a felony of the first degree. 830

(f) If the amount of the drug involved equals or exceeds 831
one thousand unit doses but is less than five thousand unit 832
doses of L.S.D. in a solid form or equals or exceeds one hundred 833
grams but is less than five hundred grams of L.S.D. in a liquid 834
concentrate, liquid extract, or liquid distillate form and 835
regardless of whether the offense was committed in the vicinity 836
of a school ~~or~~, in the vicinity of a juvenile, or in the 837
vicinity of a community addiction services provider, trafficking 838
in L.S.D. is a felony of the first degree, and the court shall 839
impose as a mandatory prison term one of the prison terms 840
prescribed for a felony of the first degree. 841

(g) If the amount of the drug involved equals or exceeds 842
five thousand unit doses of L.S.D. in a solid form or equals or 843
exceeds five hundred grams of L.S.D. in a liquid concentrate, 844
liquid extract, or liquid distillate form and regardless of 845
whether the offense was committed in the vicinity of a school 846
~~or~~, in the vicinity of a juvenile, or in the vicinity of a 847
community addiction services provider, trafficking in L.S.D. is 848
a felony of the first degree, the offender is a major drug 849
offender, and the court shall impose as a mandatory prison term 850
the maximum prison term prescribed for a felony of the first 851
degree. 852

(6) If the drug involved in the violation is heroin or a 853
compound, mixture, preparation, or substance containing heroin, 854
whoever violates division (A) of this section is guilty of 855
trafficking in heroin. The penalty for the offense shall be 856

determined as follows: 857

(a) Except as otherwise provided in division (C) (6) (b), 858
(c), (d), (e), (f), or (g) of this section, trafficking in 859
heroin is a felony of the fifth degree, and division (B) of 860
section 2929.13 of the Revised Code applies in determining 861
whether to impose a prison term on the offender. 862

(b) Except as otherwise provided in division (C) (6) (c), 863
(d), (e), (f), or (g) of this section, if the offense was 864
committed in the vicinity of a school ~~or~~, in the vicinity of a 865
juvenile, or in the vicinity of a community addiction services 866
provider, trafficking in heroin is a felony of the fourth 867
degree, and division (C) of section 2929.13 of the Revised Code 868
applies in determining whether to impose a prison term on the 869
offender. 870

(c) Except as otherwise provided in this division, if the 871
amount of the drug involved equals or exceeds ten unit doses but 872
is less than fifty unit doses or equals or exceeds one gram but 873
is less than five grams, trafficking in heroin is a felony of 874
the fourth degree, and division (B) of section 2929.13 of the 875
Revised Code applies in determining whether to impose a prison 876
term for the offense. If the amount of the drug involved is 877
within that range and if the offense was committed in the 878
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 879
the vicinity of a community addiction services provider, 880
trafficking in heroin is a felony of the third degree, and there 881
is a presumption for a prison term for the offense. 882

(d) Except as otherwise provided in this division, if the 883
amount of the drug involved equals or exceeds fifty unit doses 884
but is less than one hundred unit doses or equals or exceeds 885
five grams but is less than ten grams, trafficking in heroin is 886

a felony of the third degree, and there is a presumption for a 887
prison term for the offense. If the amount of the drug involved 888
is within that range and if the offense was committed in the 889
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 890
the vicinity of a community addiction services provider, 891
trafficking in heroin is a felony of the second degree, and 892
there is a presumption for a prison term for the offense. 893

(e) Except as otherwise provided in this division, if the 894
amount of the drug involved equals or exceeds one hundred unit 895
doses but is less than five hundred unit doses or equals or 896
exceeds ten grams but is less than fifty grams, trafficking in 897
heroin is a felony of the second degree, and the court shall 898
impose as a mandatory prison term one of the prison terms 899
prescribed for a felony of the second degree. If the amount of 900
the drug involved is within that range and if the offense was 901
committed in the vicinity of a school ~~or~~, in the vicinity of a 902
juvenile, or in the vicinity of a community addiction services 903
provider, trafficking in heroin is a felony of the first degree, 904
and the court shall impose as a mandatory prison term one of the 905
prison terms prescribed for a felony of the first degree. 906

(f) If the amount of the drug involved equals or exceeds 907
five hundred unit doses but is less than one thousand unit doses 908
or equals or exceeds fifty grams but is less than one hundred 909
grams and regardless of whether the offense was committed in the 910
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 911
the vicinity of a community addiction services provider, 912
trafficking in heroin is a felony of the first degree, and the 913
court shall impose as a mandatory prison term one of the prison 914
terms prescribed for a felony of the first degree. 915

(g) If the amount of the drug involved equals or exceeds 916

one thousand unit doses or equals or exceeds one hundred grams 917
and regardless of whether the offense was committed in the 918
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 919
the vicinity of a community addiction services provider, 920
trafficking in heroin is a felony of the first degree, the 921
offender is a major drug offender, and the court shall impose as 922
a mandatory prison term the maximum prison term prescribed for a 923
felony of the first degree. 924

(7) If the drug involved in the violation is hashish or a 925
compound, mixture, preparation, or substance containing hashish, 926
whoever violates division (A) of this section is guilty of 927
trafficking in hashish. The penalty for the offense shall be 928
determined as follows: 929

(a) Except as otherwise provided in division (C) (7) (b), 930
(c), (d), (e), (f), or (g) of this section, trafficking in 931
hashish is a felony of the fifth degree, and division (B) of 932
section 2929.13 of the Revised Code applies in determining 933
whether to impose a prison term on the offender. 934

(b) Except as otherwise provided in division (C) (7) (c), 935
(d), (e), (f), or (g) of this section, if the offense was 936
committed in the vicinity of a school ~~or~~, in the vicinity of a 937
juvenile, or in the vicinity of a community addiction services 938
provider, trafficking in hashish is a felony of the fourth 939
degree, and division (B) of section 2929.13 of the Revised Code 940
applies in determining whether to impose a prison term on the 941
offender. 942

(c) Except as otherwise provided in this division, if the 943
amount of the drug involved equals or exceeds ten grams but is 944
less than fifty grams of hashish in a solid form or equals or 945
exceeds two grams but is less than ten grams of hashish in a 946

liquid concentrate, liquid extract, or liquid distillate form, 947
trafficking in hashish is a felony of the fourth degree, and 948
division (B) of section 2929.13 of the Revised Code applies in 949
determining whether to impose a prison term on the offender. If 950
the amount of the drug involved is within that range and if the 951
offense was committed in the vicinity of a school ~~or~~, in the 952
vicinity of a juvenile, or in the vicinity of a community 953
addiction services provider, trafficking in hashish is a felony 954
of the third degree, and division (C) of section 2929.13 of the 955
Revised Code applies in determining whether to impose a prison 956
term on the offender. 957

(d) Except as otherwise provided in this division, if the 958
amount of the drug involved equals or exceeds fifty grams but is 959
less than two hundred fifty grams of hashish in a solid form or 960
equals or exceeds ten grams but is less than fifty grams of 961
hashish in a liquid concentrate, liquid extract, or liquid 962
distillate form, trafficking in hashish is a felony of the third 963
degree, and division (C) of section 2929.13 of the Revised Code 964
applies in determining whether to impose a prison term on the 965
offender. If the amount of the drug involved is within that 966
range and if the offense was committed in the vicinity of a 967
school ~~or~~, in the vicinity of a juvenile, or in the vicinity of 968
a community addiction services provider, trafficking in hashish 969
is a felony of the second degree, and there is a presumption 970
that a prison term shall be imposed for the offense. 971

(e) Except as otherwise provided in this division, if the 972
amount of the drug involved equals or exceeds two hundred fifty 973
grams but is less than one thousand grams of hashish in a solid 974
form or equals or exceeds fifty grams but is less than two 975
hundred grams of hashish in a liquid concentrate, liquid 976
extract, or liquid distillate form, trafficking in hashish is a 977

felony of the third degree, and there is a presumption that a 978
prison term shall be imposed for the offense. If the amount of 979
the drug involved is within that range and if the offense was 980
committed in the vicinity of a school ~~or~~, in the vicinity of a 981
juvenile, or in the vicinity of a community addiction services 982
provider, trafficking in hashish is a felony of the second 983
degree, and there is a presumption that a prison term shall be 984
imposed for the offense. 985

(f) Except as otherwise provided in this division, if the 986
amount of the drug involved equals or exceeds one thousand grams 987
but is less than two thousand grams of hashish in a solid form 988
or equals or exceeds two hundred grams but is less than four 989
hundred grams of hashish in a liquid concentrate, liquid 990
extract, or liquid distillate form, trafficking in hashish is a 991
felony of the second degree, and the court shall impose a 992
mandatory prison term of five, six, seven, or eight years. If 993
the amount of the drug involved is within that range and if the 994
offense was committed in the vicinity of a school ~~or~~, in the 995
vicinity of a juvenile, or in the vicinity of a community 996
addiction services provider, trafficking in hashish is a felony 997
of the first degree, and the court shall impose as a mandatory 998
prison term the maximum prison term prescribed for a felony of 999
the first degree. 1000

(g) Except as otherwise provided in this division, if the 1001
amount of the drug involved equals or exceeds two thousand grams 1002
of hashish in a solid form or equals or exceeds four hundred 1003
grams of hashish in a liquid concentrate, liquid extract, or 1004
liquid distillate form, trafficking in hashish is a felony of 1005
the second degree, and the court shall impose as a mandatory 1006
prison term the maximum prison term prescribed for a felony of 1007
the second degree. If the amount of the drug involved equals or 1008

exceeds two thousand grams of hashish in a solid form or equals 1009
or exceeds four hundred grams of hashish in a liquid 1010
concentrate, liquid extract, or liquid distillate form and if 1011
the offense was committed in the vicinity of a school ~~or~~, in the 1012
vicinity of a juvenile, or in the vicinity of a community 1013
addiction services provider, trafficking in hashish is a felony 1014
of the first degree, and the court shall impose as a mandatory 1015
prison term the maximum prison term prescribed for a felony of 1016
the first degree. 1017

(8) If the drug involved in the violation is a controlled 1018
substance analog or compound, mixture, preparation, or substance 1019
that contains a controlled substance analog, whoever violates 1020
division (A) of this section is guilty of trafficking in a 1021
controlled substance analog. The penalty for the offense shall 1022
be determined as follows: 1023

(a) Except as otherwise provided in division (C) (8) (b), 1024
(c), (d), (e), (f), or (g) of this section, trafficking in a 1025
controlled substance analog is a felony of the fifth degree, and 1026
division (C) of section 2929.13 of the Revised Code applies in 1027
determining whether to impose a prison term on the offender. 1028

(b) Except as otherwise provided in division (C) (8) (c), 1029
(d), (e), (f), or (g) of this section, if the offense was 1030
committed in the vicinity of a school ~~or~~, in the vicinity of a 1031
juvenile, or in the vicinity of a community addiction services 1032
provider, trafficking in a controlled substance analog is a 1033
felony of the fourth degree, and division (C) of section 2929.13 1034
of the Revised Code applies in determining whether to impose a 1035
prison term on the offender. 1036

(c) Except as otherwise provided in this division, if the 1037
amount of the drug involved equals or exceeds ten grams but is 1038

less than twenty grams, trafficking in a controlled substance 1039
analog is a felony of the fourth degree, and division (B) of 1040
section 2929.13 of the Revised Code applies in determining 1041
whether to impose a prison term for the offense. If the amount 1042
of the drug involved is within that range and if the offense was 1043
committed in the vicinity of a school ~~or~~, in the vicinity of a 1044
juvenile, or in the vicinity of a community addiction services 1045
provider, trafficking in a controlled substance analog is a 1046
felony of the third degree, and there is a presumption for a 1047
prison term for the offense. 1048

(d) Except as otherwise provided in this division, if the 1049
amount of the drug involved equals or exceeds twenty grams but 1050
is less than thirty grams, trafficking in a controlled substance 1051
analog is a felony of the third degree, and there is a 1052
presumption for a prison term for the offense. If the amount of 1053
the drug involved is within that range and if the offense was 1054
committed in the vicinity of a school ~~or~~, in the vicinity of a 1055
juvenile, or in the vicinity of a community addiction services 1056
provider, trafficking in a controlled substance analog is a 1057
felony of the second degree, and there is a presumption for a 1058
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 thirty grams but 1061
is less than forty grams, trafficking in a controlled substance 1062
analog is a felony of the second degree, and the court shall 1063
impose as a mandatory prison term one of the prison terms 1064
prescribed for a felony of the second degree. If the amount of 1065
the drug involved is within that range and if the offense was 1066
committed in the vicinity of a school ~~or~~, in the vicinity of a 1067
juvenile, or in the vicinity of a community addiction services 1068
provider, trafficking in a controlled substance analog is a 1069

felony of the first degree, and the court shall impose as a 1070
mandatory prison term one of the prison terms prescribed for a 1071
felony of the first degree. 1072

(f) If the amount of the drug involved equals or exceeds 1073
forty grams but is less than fifty grams and regardless of 1074
whether the offense was committed in the vicinity of a school 1075
~~or~~, in the vicinity of a juvenile, or in the vicinity of a 1076
community addiction services provider, trafficking in a 1077
controlled substance analog is a felony of the first degree, and 1078
the court shall impose as a mandatory prison term one of the 1079
prison terms prescribed for a felony of the first degree. 1080

(g) If the amount of the drug involved equals or exceeds 1081
fifty grams and regardless of whether the offense was committed 1082
in the vicinity of a school~~or~~, in the vicinity of a juvenile, 1083
or in the vicinity of a community addiction services provider, 1084
trafficking in a controlled substance analog is a felony of the 1085
first degree, the offender is a major drug offender, and the 1086
court shall impose as a mandatory prison term the maximum prison 1087
term prescribed for a felony of the first degree. 1088

(9) If the drug involved in the violation is a fentanyl- 1089
related compound or a compound, mixture, preparation, or 1090
substance containing a fentanyl-related compound and division 1091
(C)(10)(a) of this section does not apply to the drug involved, 1092
whoever violates division (A) of this section is guilty of 1093
trafficking in a fentanyl-related compound. The penalty for the 1094
offense shall be determined as follows: 1095

(a) Except as otherwise provided in division (C)(9)(b), 1096
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1097
a fentanyl-related compound is a felony of the fifth degree, and 1098
division (B) of section 2929.13 of the Revised Code applies in 1099

determining whether to impose a prison term on the offender. 1100

(b) Except as otherwise provided in division (C) (9) (c), 1101
(d), (e), (f), (g), or (h) of this section, if the offense was 1102
committed in the vicinity of a school ~~or~~, in the vicinity of a 1103
juvenile, or in the vicinity of a community addiction services 1104
provider, trafficking in a fentanyl-related compound is a felony 1105
of the fourth degree, and division (C) of section 2929.13 of the 1106
Revised Code applies in determining whether to impose a prison 1107
term on the offender. 1108

(c) Except as otherwise provided in this division, if the 1109
amount of the drug involved equals or exceeds ten unit doses but 1110
is less than fifty unit doses or equals or exceeds one gram but 1111
is less than five grams, trafficking in a fentanyl-related 1112
compound is a felony of the fourth degree, and division (B) of 1113
section 2929.13 of the Revised Code applies in determining 1114
whether to impose a prison term for the offense. If the amount 1115
of the drug involved is within that range and if the offense was 1116
committed in the vicinity of a school ~~or~~, in the vicinity of a 1117
juvenile, or in the vicinity of a community addiction services 1118
provider, trafficking in a fentanyl-related compound is a felony 1119
of the third degree, and there is a presumption for a prison 1120
term for the offense. 1121

(d) Except as otherwise provided in this division, if the 1122
amount of the drug involved equals or exceeds fifty unit doses 1123
but is less than one hundred unit doses or equals or exceeds 1124
five grams but is less than ten grams, trafficking in a 1125
fentanyl-related compound is a felony of the third degree, and 1126
there is a presumption for a prison term for the offense. If the 1127
amount of the drug involved is within that range and if the 1128
offense was committed in the vicinity of a school ~~or~~, in the 1129

vicinity of a juvenile, or in the vicinity of a community 1130
addiction services provider, trafficking in a fentanyl-related 1131
compound is a felony of the second degree, and there is a 1132
presumption for a prison term for the offense. 1133

(e) Except as otherwise provided in this division, if the 1134
amount of the drug involved equals or exceeds one hundred unit 1135
doses but is less than two hundred unit doses or equals or 1136
exceeds ten grams but is less than twenty grams, trafficking in 1137
a fentanyl-related compound is a felony of the second degree, 1138
and the court shall impose as a mandatory prison term one of the 1139
prison terms prescribed for a felony of the second degree. If 1140
the amount of the drug involved is within that range and if the 1141
offense was committed in the vicinity of a school-~~or,~~ in the 1142
vicinity of a juvenile, or in the vicinity of a community 1143
addiction services provider, trafficking in a fentanyl-related 1144
compound is a felony of the first degree, and the court shall 1145
impose as a mandatory prison term one of the prison terms 1146
prescribed for a felony of the first degree. 1147

(f) If the amount of the drug involved equals or exceeds 1148
two hundred unit doses but is less than five hundred unit doses 1149
or equals or exceeds twenty grams but is less than fifty grams 1150
and regardless of whether the offense was committed in the 1151
vicinity of a school-~~or,~~ in the vicinity of a juvenile, or in 1152
the vicinity of a community addiction services provider, 1153
trafficking in a fentanyl-related compound is a felony of the 1154
first degree, and the court shall impose as a mandatory prison 1155
term one of the prison terms prescribed for a felony of the 1156
first degree. 1157

(g) If the amount of the drug involved equals or exceeds 1158
five hundred unit doses but is less than one thousand unit doses 1159

or equals or exceeds fifty grams but is less than one hundred 1160
grams and regardless of whether the offense was committed in the 1161
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 1162
the vicinity of a community addiction services provider, 1163
trafficking in a fentanyl-related compound is a felony of the 1164
first degree, and the court shall impose as a mandatory prison 1165
term the maximum prison term prescribed for a felony of the 1166
first degree. 1167

(h) If the amount of the drug involved equals or exceeds 1168
one thousand unit doses or equals or exceeds one hundred grams 1169
and regardless of whether the offense was committed in the 1170
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 1171
the vicinity of a community addiction services provider, 1172
trafficking in a fentanyl-related compound is a felony of the 1173
first degree, the offender is a major drug offender, and the 1174
court shall impose as a mandatory prison term the maximum prison 1175
term prescribed for a felony of the first degree. 1176

(10) If the drug involved in the violation is a compound, 1177
mixture, preparation, or substance that is a combination of a 1178
fentanyl-related compound and marihuana, one of the following 1179
applies: 1180

(a) Except as otherwise provided in division (C) (10) (b) of 1181
this section, the offender is guilty of trafficking in marihuana 1182
and shall be punished under division (C) (3) of this section. The 1183
offender is not guilty of trafficking in a fentanyl-related 1184
compound and shall not be charged with, convicted of, or 1185
punished under division (C) (9) of this section for trafficking 1186
in a fentanyl-related compound. 1187

(b) If the offender knows or has reason to know that the 1188
compound, mixture, preparation, or substance that is the drug 1189

involved contains a fentanyl-related compound, the offender is 1190
guilty of trafficking in a fentanyl-related compound and shall 1191
be punished under division (C) (9) of this section. 1192

(D) In addition to any prison term authorized or required 1193
by division (C) of this section and sections 2929.13 and 2929.14 1194
of the Revised Code, and in addition to any other sanction 1195
imposed for the offense under this section or sections 2929.11 1196
to 2929.18 of the Revised Code, the court that sentences an 1197
offender who is convicted of or pleads guilty to a violation of 1198
division (A) of this section may suspend the driver's or 1199
commercial driver's license or permit of the offender in 1200
accordance with division (G) of this section. However, if the 1201
offender pleaded guilty to or was convicted of a violation of 1202
section 4511.19 of the Revised Code or a substantially similar 1203
municipal ordinance or the law of another state or the United 1204
States arising out of the same set of circumstances as the 1205
violation, the court shall suspend the offender's driver's or 1206
commercial driver's license or permit in accordance with 1207
division (G) of this section. If applicable, the court also 1208
shall do the following: 1209

(1) If the violation of division (A) of this section is a 1210
felony of the first, second, or third degree, the court shall 1211
impose upon the offender the mandatory fine specified for the 1212
offense under division (B) (1) of section 2929.18 of the Revised 1213
Code unless, as specified in that division, the court determines 1214
that the offender is indigent. Except as otherwise provided in 1215
division (H) (1) of this section, a mandatory fine or any other 1216
fine imposed for a violation of this section is subject to 1217
division (F) of this section. If a person is charged with a 1218
violation of this section that is a felony of the first, second, 1219
or third degree, posts bail, and forfeits the bail, the clerk of 1220

the court shall pay the forfeited bail pursuant to divisions (D) 1221
(1) and (F) of this section, as if the forfeited bail was a fine 1222
imposed for a violation of this section. If any amount of the 1223
forfeited bail remains after that payment and if a fine is 1224
imposed under division (H) (1) of this section, the clerk of the 1225
court shall pay the remaining amount of the forfeited bail 1226
pursuant to divisions (H) (2) and (3) of this section, as if that 1227
remaining amount was a fine imposed under division (H) (1) of 1228
this section. 1229

(2) If the offender is a professionally licensed person, 1230
the court immediately shall comply with section 2925.38 of the 1231
Revised Code. 1232

(E) When a person is charged with the sale of or offer to 1233
sell a bulk amount or a multiple of a bulk amount of a 1234
controlled substance, the jury, or the court trying the accused, 1235
shall determine the amount of the controlled substance involved 1236
at the time of the offense and, if a guilty verdict is returned, 1237
shall return the findings as part of the verdict. In any such 1238
case, it is unnecessary to find and return the exact amount of 1239
the controlled substance involved, and it is sufficient if the 1240
finding and return is to the effect that the amount of the 1241
controlled substance involved is the requisite amount, or that 1242
the amount of the controlled substance involved is less than the 1243
requisite amount. 1244

(F) (1) Notwithstanding any contrary provision of section 1245
3719.21 of the Revised Code and except as provided in division 1246
(H) of this section, the clerk of the court shall pay any 1247
mandatory fine imposed pursuant to division (D) (1) of this 1248
section and any fine other than a mandatory fine that is imposed 1249
for a violation of this section pursuant to division (A) or (B) 1250

(5) of section 2929.18 of the Revised Code to the county, 1251
township, municipal corporation, park district, as created 1252
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1253
state law enforcement agencies in this state that primarily were 1254
responsible for or involved in making the arrest of, and in 1255
prosecuting, the offender. However, the clerk shall not pay a 1256
mandatory fine so imposed to a law enforcement agency unless the 1257
agency has adopted a written internal control policy under 1258
division (F) (2) of this section that addresses the use of the 1259
fine moneys that it receives. Each agency shall use the 1260
mandatory fines so paid to subsidize the agency's law 1261
enforcement efforts that pertain to drug offenses, in accordance 1262
with the written internal control policy adopted by the 1263
recipient agency under division (F) (2) of this section. 1264

(2) Prior to receiving any fine moneys under division (F) 1265
(1) of this section or division (B) of section 2925.42 of the 1266
Revised Code, a law enforcement agency shall adopt a written 1267
internal control policy that addresses the agency's use and 1268
disposition of all fine moneys so received and that provides for 1269
the keeping of detailed financial records of the receipts of 1270
those fine moneys, the general types of expenditures made out of 1271
those fine moneys, and the specific amount of each general type 1272
of expenditure. The policy shall not provide for or permit the 1273
identification of any specific expenditure that is made in an 1274
ongoing investigation. All financial records of the receipts of 1275
those fine moneys, the general types of expenditures made out of 1276
those fine moneys, and the specific amount of each general type 1277
of expenditure by an agency are public records open for 1278
inspection under section 149.43 of the Revised Code. 1279
Additionally, a written internal control policy adopted under 1280
this division is such a public record, and the agency that 1281

adopted it shall comply with it. 1282

(3) As used in division (F) of this section: 1283

(a) "Law enforcement agencies" includes, but is not 1284
limited to, the state board of pharmacy and the office of a 1285
prosecutor. 1286

(b) "Prosecutor" has the same meaning as in section 1287
2935.01 of the Revised Code. 1288

(G)(1) If the sentencing court suspends the offender's 1289
driver's or commercial driver's license or permit under division 1290
(D) of this section or any other provision of this chapter, the 1291
court shall suspend the license, by order, for not more than 1292
five years. If an offender's driver's or commercial driver's 1293
license or permit is suspended pursuant to this division, the 1294
offender, at any time after the expiration of two years from the 1295
day on which the offender's sentence was imposed or from the day 1296
on which the offender finally was released from a prison term 1297
under the sentence, whichever is later, may file a motion with 1298
the sentencing court requesting termination of the suspension; 1299
upon the filing of such a motion and the court's finding of good 1300
cause for the termination, the court may terminate the 1301
suspension. 1302

(2) Any offender who received a mandatory suspension of 1303
the offender's driver's or commercial driver's license or permit 1304
under this section prior to September 13, 2016, may file a 1305
motion with the sentencing court requesting the termination of 1306
the suspension. However, an offender who pleaded guilty to or 1307
was convicted of a violation of section 4511.19 of the Revised 1308
Code or a substantially similar municipal ordinance or law of 1309
another state or the United States that arose out of the same 1310

set of circumstances as the violation for which the offender's 1311
license or permit was suspended under this section shall not 1312
file such a motion. 1313

Upon the filing of a motion under division (G) (2) of this 1314
section, the sentencing court, in its discretion, may terminate 1315
the suspension. 1316

(H) (1) In addition to any prison term authorized or 1317
required by division (C) of this section and sections 2929.13 1318
and 2929.14 of the Revised Code, in addition to any other 1319
penalty or sanction imposed for the offense under this section 1320
or sections 2929.11 to 2929.18 of the Revised Code, and in 1321
addition to the forfeiture of property in connection with the 1322
offense as prescribed in Chapter 2981. of the Revised Code, the 1323
court that sentences an offender who is convicted of or pleads 1324
guilty to a violation of division (A) of this section may impose 1325
upon the offender an additional fine specified for the offense 1326
in division (B) (4) of section 2929.18 of the Revised Code. A 1327
fine imposed under division (H) (1) of this section is not 1328
subject to division (F) of this section and shall be used solely 1329
for the support of one or more eligible community addiction 1330
services providers in accordance with divisions (H) (2) and (3) 1331
of this section. 1332

(2) The court that imposes a fine under division (H) (1) of 1333
this section shall specify in the judgment that imposes the fine 1334
one or more eligible community addiction services providers for 1335
the support of which the fine money is to be used. No community 1336
addiction services provider shall receive or use money paid or 1337
collected in satisfaction of a fine imposed under division (H) 1338
(1) of this section unless the services provider is specified in 1339
the judgment that imposes the fine. No community addiction 1340

services provider shall be specified in the judgment unless the 1341
services provider is an eligible community addiction services 1342
provider and, except as otherwise provided in division (H) (2) of 1343
this section, unless the services provider is located in the 1344
county in which the court that imposes the fine is located or in 1345
a county that is immediately contiguous to the county in which 1346
that court is located. If no eligible community addiction 1347
services provider is located in any of those counties, the 1348
judgment may specify an eligible community addiction services 1349
provider that is located anywhere within this state. 1350

(3) Notwithstanding any contrary provision of section 1351
3719.21 of the Revised Code, the clerk of the court shall pay 1352
any fine imposed under division (H) (1) of this section to the 1353
eligible community addiction services provider specified 1354
pursuant to division (H) (2) of this section in the judgment. The 1355
eligible community addiction services provider that receives the 1356
fine moneys shall use the moneys only for the alcohol and drug 1357
addiction services identified in the application for 1358
certification of services under section 5119.36 of the Revised 1359
Code or in the application for a license under section 5119.391 1360
of the Revised Code filed with the department of mental health 1361
and addiction services by the community addiction services 1362
provider specified in the judgment. 1363

(4) Each community addiction services provider that 1364
receives in a calendar year any fine moneys under division (H) 1365
(3) of this section shall file an annual report covering that 1366
calendar year with the court of common pleas and the board of 1367
county commissioners of the county in which the services 1368
provider is located, with the court of common pleas and the 1369
board of county commissioners of each county from which the 1370
services provider received the moneys if that county is 1371

different from the county in which the services provider is 1372
located, and with the attorney general. The community addiction 1373
services provider shall file the report no later than the first 1374
day of March in the calendar year following the calendar year in 1375
which the services provider received the fine moneys. The report 1376
shall include statistics on the number of persons served by the 1377
community addiction services provider, identify the types of 1378
alcohol and drug addiction services provided to those persons, 1379
and include a specific accounting of the purposes for which the 1380
fine moneys received were used. No information contained in the 1381
report shall identify, or enable a person to determine the 1382
identity of, any person served by the community addiction 1383
services provider. Each report received by a court of common 1384
pleas, a board of county commissioners, or the attorney general 1385
is a public record open for inspection under section 149.43 of 1386
the Revised Code. 1387

(5) As used in divisions (H) (1) to (5) of this section: 1388

(a) "Community addiction services provider" and "alcohol 1389
and drug addiction services" have the same meanings as in 1390
section 5119.01 of the Revised Code. 1391

(b) "Eligible community addiction services provider" means 1392
a community addiction services provider, as defined in section 1393
5119.01 of the Revised Code, or a community addiction services 1394
provider that maintains a methadone treatment program licensed 1395
under section 5119.391 of the Revised Code. 1396

(I) As used in this section, "drug" includes any substance 1397
that is represented to be a drug. 1398

(J) It is an affirmative defense to a charge of 1399
trafficking in a controlled substance analog under division (C) 1400

(8) of this section that the person charged with violating that 1401
offense sold or offered to sell, or prepared for shipment, 1402
shipped, transported, delivered, prepared for distribution, or 1403
distributed an item described in division (HH) (2) (a), (b), or 1404
(c) of section 3719.01 of the Revised Code. 1405

Section 2. That existing sections 2925.01 and 2925.03 of 1406
the Revised Code are hereby repealed. 1407

Section 3. Section 2925.01 of the Revised Code is 1408
presented in Section 1 of this act as a composite of the section 1409
as amended by both Am. Sub. H.B. 49 and Am. Sub. S.B. 1 of the 1410
132nd General Assembly. The General Assembly, applying the 1411
principle stated in division (B) of section 1.52 of the Revised 1412
Code that amendments are to be harmonized if reasonably capable 1413
of simultaneous operation, finds that the composite is the 1414
resulting version of the section in effect prior to the 1415
effective date of the section as presented in this act. 1416

Section 4. That the version of section 2925.03 of the 1417
Revised Code that is scheduled to take effect June 29, 2019, be 1418
amended to read as follows: 1419

Sec. 2925.03. (A) No person shall knowingly do any of the 1420
following: 1421

(1) Sell or offer to sell a controlled substance or a 1422
controlled substance analog; 1423

(2) Prepare for shipment, ship, transport, deliver, 1424
prepare for distribution, or distribute a controlled substance 1425
or a controlled substance analog, when the offender knows or has 1426
reasonable cause to believe that the controlled substance or a 1427
controlled substance analog is intended for sale or resale by 1428
the offender or another person. 1429

(B) This section does not apply to any of the following:	1430
(1) Manufacturers, licensed health professionals	1431
authorized to prescribe drugs, pharmacists, owners of	1432
pharmacies, and other persons whose conduct is in accordance	1433
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and	1434
4741. of the Revised Code;	1435
(2) If the offense involves an anabolic steroid, any	1436
person who is conducting or participating in a research project	1437
involving the use of an anabolic steroid if the project has been	1438
approved by the United States food and drug administration;	1439
(3) Any person who sells, offers for sale, prescribes,	1440
dispenses, or administers for livestock or other nonhuman	1441
species an anabolic steroid that is expressly intended for	1442
administration through implants to livestock or other nonhuman	1443
species and approved for that purpose under the "Federal Food,	1444
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301,	1445
as amended, and is sold, offered for sale, prescribed,	1446
dispensed, or administered for that purpose in accordance with	1447
that act.	1448
(C) Whoever violates division (A) of this section is	1449
guilty of one of the following:	1450
(1) If the drug involved in the violation is any compound,	1451
mixture, preparation, or substance included in schedule I or	1452
schedule II, with the exception of marihuana, cocaine, L.S.D.,	1453
heroin, any fentanyl-related compound, hashish, and any	1454
controlled substance analog, whoever violates division (A) of	1455
this section is guilty of aggravated trafficking in drugs. The	1456
penalty for the offense shall be determined as follows:	1457
(a) Except as otherwise provided in division (C) (1) (b),	1458

(c), (d), (e), or (f) of this section, aggravated trafficking in 1459
drugs is a felony of the fourth degree, and division (C) of 1460
section 2929.13 of the Revised Code applies in determining 1461
whether to impose a prison term on the offender. 1462

(b) Except as otherwise provided in division (C)(1)(c), 1463
(d), (e), or (f) of this section, if the offense was committed 1464
in the vicinity of a school ~~or~~, in the vicinity of a juvenile, 1465
or in the vicinity of a community addiction services provider, 1466
aggravated trafficking in drugs is a felony of the third degree, 1467
and division (C) of section 2929.13 of the Revised Code applies 1468
in determining whether to impose a prison term on the offender. 1469

(c) Except as otherwise provided in this division, if the 1470
amount of the drug involved equals or exceeds the bulk amount 1471
but is less than five times the bulk amount, aggravated 1472
trafficking in drugs is a felony of the third degree, and, 1473
except as otherwise provided in this division, there is a 1474
presumption for a prison term for the offense. If aggravated 1475
trafficking in drugs is a felony of the third degree under this 1476
division and if the offender two or more times previously has 1477
been convicted of or pleaded guilty to a felony drug abuse 1478
offense, the court shall impose as a mandatory prison term one 1479
of the prison terms prescribed for a felony of the third degree. 1480
If the amount of the drug involved is within that range and if 1481
the offense was committed in the vicinity of a school ~~or~~, in the 1482
vicinity of a juvenile, or in the vicinity of a community 1483
addiction services provider, aggravated trafficking in drugs is 1484
a felony of the second degree, and the court shall impose as a 1485
mandatory prison term one of the prison terms prescribed for a 1486
felony of the second degree. 1487

(d) Except as otherwise provided in this division, if the 1488

amount of the drug involved equals or exceeds five times the 1489
bulk amount but is less than fifty times the bulk amount, 1490
aggravated trafficking in drugs is a felony of the second 1491
degree, and the court shall impose as a mandatory prison term 1492
one of the prison terms prescribed for a felony of the second 1493
degree. If the amount of the drug involved is within that range 1494
and if the offense was committed in the vicinity of a school ~~or,~~ 1495
in the vicinity of a juvenile, or in the vicinity of a community 1496
addiction services provider, aggravated trafficking in drugs is 1497
a felony of the first degree, and the court shall impose as a 1498
mandatory prison term one of the prison terms prescribed for a 1499
felony of the first degree. 1500

(e) If the amount of the drug involved equals or exceeds 1501
fifty times the bulk amount but is less than one hundred times 1502
the bulk amount and regardless of whether the offense was 1503
committed in the vicinity of a school ~~or,~~ in the vicinity of a 1504
juvenile, or in the vicinity of a community addiction services 1505
provider, aggravated trafficking in drugs is a felony of the 1506
first degree, and the court shall impose as a mandatory prison 1507
term one of the prison terms prescribed for a felony of the 1508
first degree. 1509

(f) If the amount of the drug involved equals or exceeds 1510
one hundred times the bulk amount and regardless of whether the 1511
offense was committed in the vicinity of a school ~~or,~~ in the 1512
vicinity of a juvenile, or in the vicinity of a community 1513
addiction services provider, aggravated trafficking in drugs is 1514
a felony of the first degree, the offender is a major drug 1515
offender, and the court shall impose as a mandatory prison term 1516
the maximum prison term prescribed for a felony of the first 1517
degree. 1518

(2) If the drug involved in the violation is any compound, 1519
mixture, preparation, or substance included in schedule III, IV, 1520
or V, whoever violates division (A) of this section is guilty of 1521
trafficking in drugs. The penalty for the offense shall be 1522
determined as follows: 1523

(a) Except as otherwise provided in division (C) (2) (b), 1524
(c), (d), or (e) of this section, trafficking in drugs is a 1525
felony of the fifth degree, and division (B) of section 2929.13 1526
of the Revised Code applies in determining whether to impose a 1527
prison term on the offender. 1528

(b) Except as otherwise provided in division (C) (2) (c), 1529
(d), or (e) of this section, if the offense was committed in the 1530
vicinity of a school or in the vicinity of a juvenile, 1531
trafficking in drugs is a felony of the fourth degree, and 1532
division (C) of section 2929.13 of the Revised Code applies in 1533
determining whether to impose a prison term on the offender. 1534

(c) Except as otherwise provided in this division, if the 1535
amount of the drug involved equals or exceeds the bulk amount 1536
but is less than five times the bulk amount, trafficking in 1537
drugs is a felony of the fourth degree, and division (B) of 1538
section 2929.13 of the Revised Code applies in determining 1539
whether to impose a prison term for the offense. If the amount 1540
of the drug involved is within that range and if the offense was 1541
committed in the vicinity of a school or in the vicinity of a 1542
juvenile, trafficking in drugs is a felony of the third degree, 1543
and there is a presumption for a prison term for the offense. 1544

(d) Except as otherwise provided in this division, if the 1545
amount of the drug involved equals or exceeds five times the 1546
bulk amount but is less than fifty times the bulk amount, 1547
trafficking in drugs is a felony of the third degree, and there 1548

is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the second degree, and there is a presumption for a prison term for the offense.

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

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

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

(b) Except as otherwise provided in division (C) (3) (c), (d), (e), (f), (g), or (h) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a

juvenile, trafficking in marihuana is a felony of the fourth 1579
degree, and division (B) of section 2929.13 of the Revised Code 1580
applies in determining whether to impose a prison term on the 1581
offender. 1582

(c) Except as otherwise provided in this division, if the 1583
amount of the drug involved equals or exceeds two hundred grams 1584
but is less than one thousand grams, trafficking in marihuana is 1585
a felony of the fourth degree, and division (B) of section 1586
2929.13 of the Revised Code applies in determining whether to 1587
impose a prison term on the offender. If the amount of the drug 1588
involved is within that range and if the offense was committed 1589
in the vicinity of a school or in the vicinity of a juvenile, 1590
trafficking in marihuana is a felony of the third degree, and 1591
division (C) of section 2929.13 of the Revised Code applies in 1592
determining whether to impose a prison term on the offender. 1593

(d) Except as otherwise provided in this division, if the 1594
amount of the drug involved equals or exceeds one thousand grams 1595
but is less than five thousand grams, trafficking in marihuana 1596
is a felony of the third degree, and division (C) of section 1597
2929.13 of the Revised Code applies in determining whether to 1598
impose a prison term on the offender. If the amount of the drug 1599
involved is within that range and if the offense was committed 1600
in the vicinity of a school or in the vicinity of a juvenile, 1601
trafficking in marihuana is a felony of the second degree, and 1602
there is a presumption that a prison term shall be imposed for 1603
the offense. 1604

(e) Except as otherwise provided in this division, if the 1605
amount of the drug involved equals or exceeds five thousand 1606
grams but is less than twenty thousand grams, trafficking in 1607
marihuana is a felony of the third degree, and there is a 1608

presumption that a prison term shall be imposed for the offense. 1609
If the amount of the drug involved is within that range and if 1610
the offense was committed in the vicinity of a school or in the 1611
vicinity of a juvenile, trafficking in marihuana is a felony of 1612
the second degree, and there is a presumption that a prison term 1613
shall be imposed for the offense. 1614

(f) Except as otherwise provided in this division, if the 1615
amount of the drug involved equals or exceeds twenty thousand 1616
grams but is less than forty thousand grams, trafficking in 1617
marihuana is a felony of the second degree, and the court shall 1618
impose a mandatory prison term of five, six, seven, or eight 1619
years. If the amount of the drug involved is within that range 1620
and if the offense was committed in the vicinity of a school or 1621
in the vicinity of a juvenile, trafficking in marihuana is a 1622
felony of the first degree, and the court shall impose as a 1623
mandatory prison term the maximum prison term prescribed for a 1624
felony of the first degree. 1625

(g) Except as otherwise provided in this division, if the 1626
amount of the drug involved equals or exceeds forty thousand 1627
grams, trafficking in marihuana is a felony of the second 1628
degree, and the court shall impose as a mandatory prison term 1629
the maximum prison term prescribed for a felony of the second 1630
degree. If the amount of the drug involved equals or exceeds 1631
forty thousand grams and if the offense was committed in the 1632
vicinity of a school or in the vicinity of a juvenile, 1633
trafficking in marihuana is a felony of the first degree, and 1634
the court shall impose as a mandatory prison term the maximum 1635
prison term prescribed for a felony of the first degree. 1636

(h) Except as otherwise provided in this division, if the 1637
offense involves a gift of twenty grams or less of marihuana, 1638

trafficking in marihuana is a minor misdemeanor upon a first 1639
offense and a misdemeanor of the third degree upon a subsequent 1640
offense. If the offense involves a gift of twenty grams or less 1641
of marihuana and if the offense was committed in the vicinity of 1642
a school or in the vicinity of a juvenile, trafficking in 1643
marihuana is a misdemeanor of the third degree. 1644

(4) If the drug involved in the violation is cocaine or a 1645
compound, mixture, preparation, or substance containing cocaine, 1646
whoever violates division (A) of this section is guilty of 1647
trafficking in cocaine. The penalty for the offense shall be 1648
determined as follows: 1649

(a) Except as otherwise provided in division (C) (4) (b), 1650
(c), (d), (e), (f), or (g) of this section, trafficking in 1651
cocaine is a felony of the fifth degree, and division (B) of 1652
section 2929.13 of the Revised Code applies in determining 1653
whether to impose a prison term on the offender. 1654

(b) Except as otherwise provided in division (C) (4) (c), 1655
(d), (e), (f), or (g) of this section, if the offense was 1656
committed in the vicinity of a school ~~or~~, in the vicinity of a 1657
juvenile, or in the vicinity of a community addiction services 1658
provider, trafficking in cocaine is a felony of the fourth 1659
degree, and division (C) of section 2929.13 of the Revised Code 1660
applies in determining whether to impose a prison term on the 1661
offender. 1662

(c) Except as otherwise provided in this division, if the 1663
amount of the drug involved equals or exceeds five grams but is 1664
less than ten grams of cocaine, trafficking in cocaine is a 1665
felony of the fourth degree, and division (B) of section 2929.13 1666
of the Revised Code applies in determining whether to impose a 1667
prison term for the offense. If the amount of the drug involved 1668

is within that range and if the offense was committed in the 1669
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 1670
the vicinity of a community addiction services provider, 1671
trafficking in cocaine is a felony of the third degree, and 1672
there is a presumption for a prison term for the offense. 1673

(d) Except as otherwise provided in this division, if the 1674
amount of the drug involved equals or exceeds ten grams but is 1675
less than twenty grams of cocaine, trafficking in cocaine is a 1676
felony of the third degree, and, except as otherwise provided in 1677
this division, there is a presumption for a prison term for the 1678
offense. If trafficking in cocaine is a felony of the third 1679
degree under this division and if the offender two or more times 1680
previously has been convicted of or pleaded guilty to a felony 1681
drug abuse offense, the court shall impose as a mandatory prison 1682
term one of the prison terms prescribed for a felony of the 1683
third degree. If the amount of the drug involved is within that 1684
range and if the offense was committed in the vicinity of a 1685
school ~~or~~, in the vicinity of a juvenile, or in the vicinity of 1686
a community addiction services provider, trafficking in cocaine 1687
is a felony of the second degree, and the court shall impose as 1688
a mandatory prison term one of the prison terms prescribed for a 1689
felony of the second degree. 1690

(e) Except as otherwise provided in this division, if the 1691
amount of the drug involved equals or exceeds twenty grams but 1692
is less than twenty-seven grams of cocaine, trafficking in 1693
cocaine is a felony of the second degree, and the court shall 1694
impose as a mandatory prison term one of the prison terms 1695
prescribed for a felony of the second degree. If the amount of 1696
the drug involved is within that range and if the offense was 1697
committed in the vicinity of a school ~~or~~, in the vicinity of a 1698
juvenile, or in the vicinity of a community addiction services 1699

provider, trafficking in cocaine is a felony of the first 1700
degree, and the court shall impose as a mandatory prison term 1701
one of the prison terms prescribed for a felony of the first 1702
degree. 1703

(f) If the amount of the drug involved equals or exceeds 1704
twenty-seven grams but is less than one hundred grams of cocaine 1705
and regardless of whether the offense was committed in the 1706
vicinity of a school-~~or~~, in the vicinity of a juvenile, or in 1707
the vicinity of a community addiction services provider, 1708
trafficking in cocaine is a felony of the first degree, and the 1709
court shall impose as a mandatory prison term one of the prison 1710
terms prescribed for a felony of the first degree. 1711

(g) If the amount of the drug involved equals or exceeds 1712
one hundred grams of cocaine and regardless of whether the 1713
offense was committed in the vicinity of a school-~~or~~, in the 1714
vicinity of a juvenile, or in the vicinity of a community 1715
addiction services provider, trafficking in cocaine is a felony 1716
of the first degree, the offender is a major drug offender, and 1717
the court shall impose as a mandatory prison term the maximum 1718
prison term prescribed for a felony of the first degree. 1719

(5) If the drug involved in the violation is L.S.D. or a 1720
compound, mixture, preparation, or substance containing L.S.D., 1721
whoever violates division (A) of this section is guilty of 1722
trafficking in L.S.D. The penalty for the offense shall be 1723
determined as follows: 1724

(a) Except as otherwise provided in division (C) (5) (b), 1725
(c), (d), (e), (f), or (g) of this section, trafficking in 1726
L.S.D. is a felony of the fifth degree, and division (B) of 1727
section 2929.13 of the Revised Code applies in determining 1728
whether to impose a prison term on the offender. 1729

(b) Except as otherwise provided in division (C) (5) (c), 1730
(d), (e), (f), or (g) of this section, if the offense was 1731
committed in the vicinity of a school ~~or~~, in the vicinity of a 1732
juvenile, or in the vicinity of a community addiction services 1733
provider, trafficking in L.S.D. is a felony of the fourth 1734
degree, and division (C) of section 2929.13 of the Revised Code 1735
applies in determining whether to impose a prison term on the 1736
offender. 1737

(c) Except as otherwise provided in this division, if the 1738
amount of the drug involved equals or exceeds ten unit doses but 1739
is less than fifty unit doses of L.S.D. in a solid form or 1740
equals or exceeds one gram but is less than five grams of L.S.D. 1741
in a liquid concentrate, liquid extract, or liquid distillate 1742
form, trafficking in L.S.D. is a felony of the fourth degree, 1743
and division (B) of section 2929.13 of the Revised Code applies 1744
in determining whether to impose a prison term for the offense. 1745
If the amount of the drug involved is within that range and if 1746
the offense was committed in the vicinity of a school ~~or~~, in the 1747
vicinity of a juvenile, or in the vicinity of a community 1748
addiction services provider, trafficking in L.S.D. is a felony 1749
of the third degree, and there is a presumption for a prison 1750
term for the offense. 1751

(d) Except as otherwise provided in this division, if the 1752
amount of the drug involved equals or exceeds fifty unit doses 1753
but is less than two hundred fifty unit doses of L.S.D. in a 1754
solid form or equals or exceeds five grams but is less than 1755
twenty-five grams of L.S.D. in a liquid concentrate, liquid 1756
extract, or liquid distillate form, trafficking in L.S.D. is a 1757
felony of the third degree, and, except as otherwise provided in 1758
this division, there is a presumption for a prison term for the 1759
offense. If trafficking in L.S.D. is a felony of the third 1760

degree under this division and if the offender two or more times 1761
previously has been convicted of or pleaded guilty to a felony 1762
drug abuse offense, the court shall impose as a mandatory prison 1763
term one of the prison terms prescribed for a felony of the 1764
third degree. If the amount of the drug involved is within that 1765
range and if the offense was committed in the vicinity of a 1766
school ~~or~~, in the vicinity of a juvenile, or in the vicinity of 1767
a community addiction services provider, trafficking in L.S.D. 1768
is a felony of the second degree, and the court shall impose as 1769
a mandatory prison term one of the prison terms prescribed for a 1770
felony of the second degree. 1771

(e) Except as otherwise provided in this division, if the 1772
amount of the drug involved equals or exceeds two hundred fifty 1773
unit doses but is less than one thousand unit doses of L.S.D. in 1774
a solid form or equals or exceeds twenty-five grams but is less 1775
than one hundred grams of L.S.D. in a liquid concentrate, liquid 1776
extract, or liquid distillate form, trafficking in L.S.D. is a 1777
felony of the second degree, and the court shall impose as a 1778
mandatory prison term one of the prison terms prescribed for a 1779
felony of the second degree. If the amount of the drug involved 1780
is within that range and if the offense was committed in the 1781
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 1782
the vicinity of a community addiction services provider, 1783
trafficking in L.S.D. is a felony of the first degree, and the 1784
court shall impose as a mandatory prison term one of the prison 1785
terms prescribed for a felony of the first degree. 1786

(f) If the amount of the drug involved equals or exceeds 1787
one thousand unit doses but is less than five thousand unit 1788
doses of L.S.D. in a solid form or equals or exceeds one hundred 1789
grams but is less than five hundred grams of L.S.D. in a liquid 1790
concentrate, liquid extract, or liquid distillate form and 1791

regardless of whether the offense was committed in the vicinity 1792
of a school ~~or~~, in the vicinity of a juvenile, or in the 1793
vicinity of a community addiction services provider, trafficking 1794
in L.S.D. is a felony of the first degree, and the court shall 1795
impose as a mandatory prison term one of the prison terms 1796
prescribed for a felony of the first degree. 1797

(g) If the amount of the drug involved equals or exceeds 1798
five thousand unit doses of L.S.D. in a solid form or equals or 1799
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1800
liquid extract, or liquid distillate form and regardless of 1801
whether the offense was committed in the vicinity of a school 1802
 ~~or~~, in the vicinity of a juvenile, or in the vicinity of a 1803
community addiction services provider, trafficking in L.S.D. is 1804
a felony of the first degree, the offender is a major drug 1805
offender, and the court shall impose as a mandatory prison term 1806
the maximum prison term prescribed for a felony of the first 1807
degree. 1808

(6) If the drug involved in the violation is heroin or a 1809
compound, mixture, preparation, or substance containing heroin, 1810
whoever violates division (A) of this section is guilty of 1811
trafficking in heroin. The penalty for the offense shall be 1812
determined as follows: 1813

(a) Except as otherwise provided in division (C) (6) (b), 1814
(c), (d), (e), (f), or (g) of this section, trafficking in 1815
heroin is a felony of the fifth degree, and division (B) of 1816
section 2929.13 of the Revised Code applies in determining 1817
whether to impose a prison term on the offender. 1818

(b) Except as otherwise provided in division (C) (6) (c), 1819
(d), (e), (f), or (g) of this section, if the offense was 1820
committed in the vicinity of a school ~~or~~, in the vicinity of a 1821

juvenile, or in the vicinity of a community addiction services 1822
provider, trafficking in heroin is a felony of the fourth 1823
degree, and division (C) of section 2929.13 of the Revised Code 1824
applies in determining whether to impose a prison term on the 1825
offender. 1826

(c) Except as otherwise provided in this division, if the 1827
amount of the drug involved equals or exceeds ten unit doses but 1828
is less than fifty unit doses or equals or exceeds one gram but 1829
is less than five grams, trafficking in heroin is a felony of 1830
the fourth degree, and division (B) of section 2929.13 of the 1831
Revised Code applies in determining whether to impose a prison 1832
term for the offense. If the amount of the drug involved is 1833
within that range and if the offense was committed in the 1834
vicinity of a school-~~or,~~ in the vicinity of a juvenile, or in 1835
the vicinity of a community addiction services provider, 1836
trafficking in heroin is a felony of the third degree, and there 1837
is a presumption for a prison term for the offense. 1838

(d) Except as otherwise provided in this division, if the 1839
amount of the drug involved equals or exceeds fifty unit doses 1840
but is less than one hundred unit doses or equals or exceeds 1841
five grams but is less than ten grams, trafficking in heroin is 1842
a felony of the third degree, and there is a presumption for a 1843
prison term for the offense. If the amount of the drug involved 1844
is within that range and if the offense was committed in the 1845
vicinity of a school-~~or,~~ in the vicinity of a juvenile, or in 1846
the vicinity of a community addiction services provider, 1847
trafficking in heroin is a felony of the second degree, and 1848
there is a presumption for a prison term for the offense. 1849

(e) Except as otherwise provided in this division, if the 1850
amount of the drug involved equals or exceeds one hundred unit 1851

doses but is less than five hundred unit doses or equals or 1852
exceeds ten grams but is less than fifty grams, trafficking in 1853
heroin is a felony of the second degree, and the court shall 1854
impose as a mandatory prison term one of the prison terms 1855
prescribed for a felony of the second degree. If the amount of 1856
the drug involved is within that range and if the offense was 1857
committed in the vicinity of a school ~~or~~, in the vicinity of a 1858
juvenile, or in the vicinity of a community addiction services 1859
provider, trafficking in heroin is a felony of the first degree, 1860
and the court shall impose as a mandatory prison term one of the 1861
prison terms prescribed for a felony of the first degree. 1862

(f) If the amount of the drug involved equals or exceeds 1863
five hundred unit doses but is less than one thousand unit doses 1864
or equals or exceeds fifty grams but is less than one hundred 1865
grams and regardless of whether the offense was committed in the 1866
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 1867
the vicinity of a community addiction services provider, 1868
trafficking in heroin is a felony of the first degree, and the 1869
court shall impose as a mandatory prison term one of the prison 1870
terms prescribed for a felony of the first degree. 1871

(g) If the amount of the drug involved equals or exceeds 1872
one thousand unit doses or equals or exceeds one hundred grams 1873
and regardless of whether the offense was committed in the 1874
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 1875
the vicinity of a community addiction services provider, 1876
trafficking in heroin is a felony of the first degree, the 1877
offender is a major drug offender, and the court shall impose as 1878
a mandatory prison term the maximum prison term prescribed for a 1879
felony of the first degree. 1880

(7) If the drug involved in the violation is hashish or a 1881

compound, mixture, preparation, or substance containing hashish, 1882
whoever violates division (A) of this section is guilty of 1883
trafficking in hashish. The penalty for the offense shall be 1884
determined as follows: 1885

(a) Except as otherwise provided in division (C) (7) (b), 1886
(c), (d), (e), (f), or (g) of this section, trafficking in 1887
hashish is a felony of the fifth degree, and division (B) of 1888
section 2929.13 of the Revised Code applies in determining 1889
whether to impose a prison term on the offender. 1890

(b) Except as otherwise provided in division (C) (7) (c), 1891
(d), (e), (f), or (g) of this section, if the offense was 1892
committed in the vicinity of a school ~~or~~, in the vicinity of a 1893
juvenile, or in the vicinity of a community addiction services 1894
provider, trafficking in hashish is a felony of the fourth 1895
degree, and division (B) of section 2929.13 of the Revised Code 1896
applies in determining whether to impose a prison term on the 1897
offender. 1898

(c) Except as otherwise provided in this division, if the 1899
amount of the drug involved equals or exceeds ten grams but is 1900
less than fifty grams of hashish in a solid form or equals or 1901
exceeds two grams but is less than ten grams of hashish in a 1902
liquid concentrate, liquid extract, or liquid distillate form, 1903
trafficking in hashish is a felony of the fourth degree, and 1904
division (B) of section 2929.13 of the Revised Code applies in 1905
determining whether to impose a prison term on the offender. If 1906
the amount of the drug involved is within that range and if the 1907
offense was committed in the vicinity of a school ~~or~~, in the 1908
vicinity of a juvenile, or in the vicinity of a community 1909
addiction services provider, trafficking in hashish is a felony 1910
of the third degree, and division (C) of section 2929.13 of the 1911

Revised Code applies in determining whether to impose a prison term on the offender. 1912
1913

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty grams but is less than two hundred fifty grams of hashish in a solid form or equals or exceeds ten grams but is less than fifty grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school ~~or~~, in the vicinity of a juvenile, or in the vicinity of a community addiction services provider, trafficking in hashish is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense. 1914
1915
1916
1917
1918
1919
1920
1921
1922
1923
1924
1925
1926
1927

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred fifty grams but is less than one thousand grams of hashish in a solid form or equals or exceeds fifty grams but is less than two hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school ~~or~~, in the vicinity of a juvenile, or in the vicinity of a community addiction services provider, trafficking in hashish is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense. 1928
1929
1930
1931
1932
1933
1934
1935
1936
1937
1938
1939
1940
1941

(f) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less than two thousand grams of hashish in a solid form or equals or exceeds two hundred grams but is less than four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the second degree, and the court shall impose a mandatory prison term of five, six, seven, or eight years. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school ~~or~~, in the vicinity of a juvenile, or in the vicinity of a community addiction services provider, trafficking in hashish is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(g) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two thousand grams of hashish in a solid form or equals or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the second degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the second degree. If the amount of the drug involved equals or exceeds two thousand grams of hashish in a solid form or equals or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form and if the offense was committed in the vicinity of a school ~~or~~, in the vicinity of a juvenile, or in the vicinity of a community addiction services provider, trafficking in hashish is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of

the first degree. 1973

(8) If the drug involved in the violation is a controlled 1974
substance analog or compound, mixture, preparation, or substance 1975
that contains a controlled substance analog, whoever violates 1976
division (A) of this section is guilty of trafficking in a 1977
controlled substance analog. The penalty for the offense shall 1978
be determined as follows: 1979

(a) Except as otherwise provided in division (C) (8) (b), 1980
(c), (d), (e), (f), or (g) of this section, trafficking in a 1981
controlled substance analog is a felony of the fifth degree, and 1982
division (C) of section 2929.13 of the Revised Code applies in 1983
determining whether to impose a prison term on the offender. 1984

(b) Except as otherwise provided in division (C) (8) (c), 1985
(d), (e), (f), or (g) of this section, if the offense was 1986
committed in the vicinity of a school ~~or~~, in the vicinity of a 1987
juvenile, or in the vicinity of a community addiction services 1988
provider, trafficking in a controlled substance analog is a 1989
felony of the fourth degree, and division (C) of section 2929.13 1990
of the Revised Code applies in determining whether to impose a 1991
prison term on the offender. 1992

(c) Except as otherwise provided in this division, if the 1993
amount of the drug involved equals or exceeds ten grams but is 1994
less than twenty grams, trafficking in a controlled substance 1995
analog is a felony of the fourth degree, and division (B) of 1996
section 2929.13 of the Revised Code applies in determining 1997
whether to impose a prison term for the offense. If the amount 1998
of the drug involved is within that range and if the offense was 1999
committed in the vicinity of a school ~~or~~, in the vicinity of a 2000
juvenile, or in the vicinity of a community addiction services 2001
provider, trafficking in a controlled substance analog is a 2002

felony of the third degree, and there is a presumption for a 2003
prison term for the offense. 2004

(d) Except as otherwise provided in this division, if the 2005
amount of the drug involved equals or exceeds twenty grams but 2006
is less than thirty grams, trafficking in a controlled substance 2007
analog is a felony of the third degree, and there is a 2008
presumption for a prison term for the offense. If the amount of 2009
the drug involved is within that range and if the offense was 2010
committed in the vicinity of a school ~~or~~, in the vicinity of a 2011
juvenile, or in the vicinity of a community addiction services 2012
provider, trafficking in a controlled substance analog is a 2013
felony of the second degree, and there is a presumption for a 2014
prison term for the offense. 2015

(e) Except as otherwise provided in this division, if the 2016
amount of the drug involved equals or exceeds thirty grams but 2017
is less than forty grams, trafficking in a controlled substance 2018
analog is a felony of the second degree, and the court shall 2019
impose as a mandatory prison term one of the prison terms 2020
prescribed for a felony of the second degree. If the amount of 2021
the drug involved is within that range and if the offense was 2022
committed in the vicinity of a school ~~or~~, in the vicinity of a 2023
juvenile, or in the vicinity of a community addiction services 2024
provider, trafficking in a controlled substance analog is a 2025
felony of the first degree, and the court shall impose as a 2026
mandatory prison term one of the prison terms prescribed for a 2027
felony of the first degree. 2028

(f) If the amount of the drug involved equals or exceeds 2029
forty grams but is less than fifty grams and regardless of 2030
whether the offense was committed in the vicinity of a school 2031
 ~~or~~, in the vicinity of a juvenile, or in the vicinity of a 2032

community addiction services provider, trafficking in a 2033
controlled substance analog is a felony of the first degree, and 2034
the court shall impose as a mandatory prison term one of the 2035
prison terms prescribed for a felony of the first degree. 2036

(g) If the amount of the drug involved equals or exceeds 2037
fifty grams and regardless of whether the offense was committed 2038
in the vicinity of a school ~~or,~~ in the vicinity of a juvenile, 2039
or in the vicinity of a community addiction services provider, 2040
trafficking in a controlled substance analog is a felony of the 2041
first degree, the offender is a major drug offender, and the 2042
court shall impose as a mandatory prison term the maximum prison 2043
term prescribed for a felony of the first degree. 2044

(9) If the drug involved in the violation is a fentanyl- 2045
related compound or a compound, mixture, preparation, or 2046
substance containing a fentanyl-related compound and division 2047
(C)(10)(a) of this section does not apply to the drug involved, 2048
whoever violates division (A) of this section is guilty of 2049
trafficking in a fentanyl-related compound. The penalty for the 2050
offense shall be determined as follows: 2051

(a) Except as otherwise provided in division (C)(9)(b), 2052
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 2053
a fentanyl-related compound is a felony of the fifth degree, and 2054
division (B) of section 2929.13 of the Revised Code applies in 2055
determining whether to impose a prison term on the offender. 2056

(b) Except as otherwise provided in division (C)(9)(c), 2057
(d), (e), (f), (g), or (h) of this section, if the offense was 2058
committed in the vicinity of a school ~~or,~~ in the vicinity of a 2059
juvenile, or in the vicinity of a community addiction services 2060
provider, trafficking in a fentanyl-related compound is a felony 2061
of the fourth degree, and division (C) of section 2929.13 of the 2062

Revised Code applies in determining whether to impose a prison term on the offender. 2063
2064

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, trafficking in a fentanyl-related compound is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school ~~or~~, in the vicinity of a juvenile, or in the vicinity of a community addiction services provider, trafficking in a fentanyl-related compound is a felony of the third degree, and there is a presumption for a prison term for the offense. 2065
2066
2067
2068
2069
2070
2071
2072
2073
2074
2075
2076
2077

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, trafficking in a fentanyl-related compound is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school ~~or~~, in the vicinity of a juvenile, or in the vicinity of a community addiction services provider, trafficking in a fentanyl-related compound is a felony of the second degree, and there is a presumption for a prison term for the offense. 2078
2079
2080
2081
2082
2083
2084
2085
2086
2087
2088
2089

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one hundred unit doses but is less than two hundred unit doses or equals or 2090
2091
2092

exceeds ten grams but is less than twenty grams, trafficking in 2093
a fentanyl-related compound is a felony of the second degree, 2094
and the court shall impose as a mandatory prison term one of the 2095
prison terms prescribed for a felony of the second degree. If 2096
the amount of the drug involved is within that range and if the 2097
offense was committed in the vicinity of a school ~~or~~, in the 2098
vicinity of a juvenile, or in the vicinity of a community 2099
addiction services provider, trafficking in a fentanyl-related 2100
compound is a felony of the first degree, and the court shall 2101
impose as a mandatory prison term one of the prison terms 2102
prescribed for a felony of the first degree. 2103

(f) If the amount of the drug involved equals or exceeds 2104
two hundred unit doses but is less than five hundred unit doses 2105
or equals or exceeds twenty grams but is less than fifty grams 2106
and regardless of whether the offense was committed in the 2107
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 2108
the vicinity of a community addiction services provider, 2109
trafficking in a fentanyl-related compound is a felony of the 2110
first degree, and the court shall impose as a mandatory prison 2111
term one of the prison terms prescribed for a felony of the 2112
first degree. 2113

(g) If the amount of the drug involved equals or exceeds 2114
five hundred unit doses but is less than one thousand unit doses 2115
or equals or exceeds fifty grams but is less than one hundred 2116
grams and regardless of whether the offense was committed in the 2117
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 2118
the vicinity of a community addiction services provider, 2119
trafficking in a fentanyl-related compound is a felony of the 2120
first degree, and the court shall impose as a mandatory prison 2121
term the maximum prison term prescribed for a felony of the 2122
first degree. 2123

(h) If the amount of the drug involved equals or exceeds 2124
one thousand unit doses or equals or exceeds one hundred grams 2125
and regardless of whether the offense was committed in the 2126
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 2127
the vicinity of a community addiction services provider, 2128
trafficking in a fentanyl-related compound is a felony of the 2129
first degree, the offender is a major drug offender, and the 2130
court shall impose as a mandatory prison term the maximum prison 2131
term prescribed for a felony of the first degree. 2132

(10) If the drug involved in the violation is a compound, 2133
mixture, preparation, or substance that is a combination of a 2134
fentanyl-related compound and marihuana, one of the following 2135
applies: 2136

(a) Except as otherwise provided in division (C) (10) (b) of 2137
this section, the offender is guilty of trafficking in marihuana 2138
and shall be punished under division (C) (3) of this section. The 2139
offender is not guilty of trafficking in a fentanyl-related 2140
compound and shall not be charged with, convicted of, or 2141
punished under division (C) (9) of this section for trafficking 2142
in a fentanyl-related compound. 2143

(b) If the offender knows or has reason to know that the 2144
compound, mixture, preparation, or substance that is the drug 2145
involved contains a fentanyl-related compound, the offender is 2146
guilty of trafficking in a fentanyl-related compound and shall 2147
be punished under division (C) (9) of this section. 2148

(D) In addition to any prison term authorized or required 2149
by division (C) of this section and sections 2929.13 and 2929.14 2150
of the Revised Code, and in addition to any other sanction 2151
imposed for the offense under this section or sections 2929.11 2152
to 2929.18 of the Revised Code, the court that sentences an 2153

offender who is convicted of or pleads guilty to a violation of 2154
division (A) of this section may suspend the driver's or 2155
commercial driver's license or permit of the offender in 2156
accordance with division (G) of this section. However, if the 2157
offender pleaded guilty to or was convicted of a violation of 2158
section 4511.19 of the Revised Code or a substantially similar 2159
municipal ordinance or the law of another state or the United 2160
States arising out of the same set of circumstances as the 2161
violation, the court shall suspend the offender's driver's or 2162
commercial driver's license or permit in accordance with 2163
division (G) of this section. If applicable, the court also 2164
shall do the following: 2165

(1) If the violation of division (A) of this section is a 2166
felony of the first, second, or third degree, the court shall 2167
impose upon the offender the mandatory fine specified for the 2168
offense under division (B)(1) of section 2929.18 of the Revised 2169
Code unless, as specified in that division, the court determines 2170
that the offender is indigent. Except as otherwise provided in 2171
division (H)(1) of this section, a mandatory fine or any other 2172
fine imposed for a violation of this section is subject to 2173
division (F) of this section. If a person is charged with a 2174
violation of this section that is a felony of the first, second, 2175
or third degree, posts bail, and forfeits the bail, the clerk of 2176
the court shall pay the forfeited bail pursuant to divisions (D) 2177
(1) and (F) of this section, as if the forfeited bail was a fine 2178
imposed for a violation of this section. If any amount of the 2179
forfeited bail remains after that payment and if a fine is 2180
imposed under division (H)(1) of this section, the clerk of the 2181
court shall pay the remaining amount of the forfeited bail 2182
pursuant to divisions (H)(2) and (3) of this section, as if that 2183
remaining amount was a fine imposed under division (H)(1) of 2184

this section. 2185

(2) If the offender is a professionally licensed person, 2186
the court immediately shall comply with section 2925.38 of the 2187
Revised Code. 2188

(E) When a person is charged with the sale of or offer to 2189
sell a bulk amount or a multiple of a bulk amount of a 2190
controlled substance, the jury, or the court trying the accused, 2191
shall determine the amount of the controlled substance involved 2192
at the time of the offense and, if a guilty verdict is returned, 2193
shall return the findings as part of the verdict. In any such 2194
case, it is unnecessary to find and return the exact amount of 2195
the controlled substance involved, and it is sufficient if the 2196
finding and return is to the effect that the amount of the 2197
controlled substance involved is the requisite amount, or that 2198
the amount of the controlled substance involved is less than the 2199
requisite amount. 2200

(F) (1) Notwithstanding any contrary provision of section 2201
3719.21 of the Revised Code and except as provided in division 2202
(H) of this section, the clerk of the court shall pay any 2203
mandatory fine imposed pursuant to division (D) (1) of this 2204
section and any fine other than a mandatory fine that is imposed 2205
for a violation of this section pursuant to division (A) or (B) 2206
(5) of section 2929.18 of the Revised Code to the county, 2207
township, municipal corporation, park district, as created 2208
pursuant to section 511.18 or 1545.04 of the Revised Code, or 2209
state law enforcement agencies in this state that primarily were 2210
responsible for or involved in making the arrest of, and in 2211
prosecuting, the offender. However, the clerk shall not pay a 2212
mandatory fine so imposed to a law enforcement agency unless the 2213
agency has adopted a written internal control policy under 2214

division (F) (2) of this section that addresses the use of the 2215
fine moneys that it receives. Each agency shall use the 2216
mandatory fines so paid to subsidize the agency's law 2217
enforcement efforts that pertain to drug offenses, in accordance 2218
with the written internal control policy adopted by the 2219
recipient agency under division (F) (2) of this section. 2220

(2) Prior to receiving any fine moneys under division (F) 2221
(1) of this section or division (B) of section 2925.42 of the 2222
Revised Code, a law enforcement agency shall adopt a written 2223
internal control policy that addresses the agency's use and 2224
disposition of all fine moneys so received and that provides for 2225
the keeping of detailed financial records of the receipts of 2226
those fine moneys, the general types of expenditures made out of 2227
those fine moneys, and the specific amount of each general type 2228
of expenditure. The policy shall not provide for or permit the 2229
identification of any specific expenditure that is made in an 2230
ongoing investigation. All financial records of the receipts of 2231
those fine moneys, the general types of expenditures made out of 2232
those fine moneys, and the specific amount of each general type 2233
of expenditure by an agency are public records open for 2234
inspection under section 149.43 of the Revised Code. 2235
Additionally, a written internal control policy adopted under 2236
this division is such a public record, and the agency that 2237
adopted it shall comply with it. 2238

(3) As used in division (F) of this section: 2239

(a) "Law enforcement agencies" includes, but is not 2240
limited to, the state board of pharmacy and the office of a 2241
prosecutor. 2242

(b) "Prosecutor" has the same meaning as in section 2243
2935.01 of the Revised Code. 2244

(G) (1) If the sentencing court suspends the offender's 2245
driver's or commercial driver's license or permit under division 2246
(D) of this section or any other provision of this chapter, the 2247
court shall suspend the license, by order, for not more than 2248
five years. If an offender's driver's or commercial driver's 2249
license or permit is suspended pursuant to this division, the 2250
offender, at any time after the expiration of two years from the 2251
day on which the offender's sentence was imposed or from the day 2252
on which the offender finally was released from a prison term 2253
under the sentence, whichever is later, may file a motion with 2254
the sentencing court requesting termination of the suspension; 2255
upon the filing of such a motion and the court's finding of good 2256
cause for the termination, the court may terminate the 2257
suspension. 2258

(2) Any offender who received a mandatory suspension of 2259
the offender's driver's or commercial driver's license or permit 2260
under this section prior to September 13, 2016, may file a 2261
motion with the sentencing court requesting the termination of 2262
the suspension. However, an offender who pleaded guilty to or 2263
was convicted of a violation of section 4511.19 of the Revised 2264
Code or a substantially similar municipal ordinance or law of 2265
another state or the United States that arose out of the same 2266
set of circumstances as the violation for which the offender's 2267
license or permit was suspended under this section shall not 2268
file such a motion. 2269

Upon the filing of a motion under division (G) (2) of this 2270
section, the sentencing court, in its discretion, may terminate 2271
the suspension. 2272

(H) (1) In addition to any prison term authorized or 2273
required by division (C) of this section and sections 2929.13 2274

and 2929.14 of the Revised Code, in addition to any other 2275
penalty or sanction imposed for the offense under this section 2276
or sections 2929.11 to 2929.18 of the Revised Code, and in 2277
addition to the forfeiture of property in connection with the 2278
offense as prescribed in Chapter 2981. of the Revised Code, the 2279
court that sentences an offender who is convicted of or pleads 2280
guilty to a violation of division (A) of this section may impose 2281
upon the offender an additional fine specified for the offense 2282
in division (B) (4) of section 2929.18 of the Revised Code. A 2283
fine imposed under division (H) (1) of this section is not 2284
subject to division (F) of this section and shall be used solely 2285
for the support of one or more eligible community addiction 2286
services providers in accordance with divisions (H) (2) and (3) 2287
of this section. 2288

(2) The court that imposes a fine under division (H) (1) of 2289
this section shall specify in the judgment that imposes the fine 2290
one or more eligible community addiction services providers for 2291
the support of which the fine money is to be used. No community 2292
addiction services provider shall receive or use money paid or 2293
collected in satisfaction of a fine imposed under division (H) 2294
(1) of this section unless the services provider is specified in 2295
the judgment that imposes the fine. No community addiction 2296
services provider shall be specified in the judgment unless the 2297
services provider is an eligible community addiction services 2298
provider and, except as otherwise provided in division (H) (2) of 2299
this section, unless the services provider is located in the 2300
county in which the court that imposes the fine is located or in 2301
a county that is immediately contiguous to the county in which 2302
that court is located. If no eligible community addiction 2303
services provider is located in any of those counties, the 2304
judgment may specify an eligible community addiction services 2305

provider that is located anywhere within this state. 2306

(3) Notwithstanding any contrary provision of section 2307
3719.21 of the Revised Code, the clerk of the court shall pay 2308
any fine imposed under division (H)(1) of this section to the 2309
eligible community addiction services provider specified 2310
pursuant to division (H)(2) of this section in the judgment. The 2311
eligible community addiction services provider that receives the 2312
fine moneys shall use the moneys only for the alcohol and drug 2313
addiction services identified in the application for 2314
certification of services under section 5119.36 of the Revised 2315
Code or in the application for a license under section 5119.37 2316
of the Revised Code filed with the department of mental health 2317
and addiction services by the community addiction services 2318
provider specified in the judgment. 2319

(4) Each community addiction services provider that 2320
receives in a calendar year any fine moneys under division (H) 2321
(3) of this section shall file an annual report covering that 2322
calendar year with the court of common pleas and the board of 2323
county commissioners of the county in which the services 2324
provider is located, with the court of common pleas and the 2325
board of county commissioners of each county from which the 2326
services provider received the moneys if that county is 2327
different from the county in which the services provider is 2328
located, and with the attorney general. The community addiction 2329
services provider shall file the report no later than the first 2330
day of March in the calendar year following the calendar year in 2331
which the services provider received the fine moneys. The report 2332
shall include statistics on the number of persons served by the 2333
community addiction services provider, identify the types of 2334
alcohol and drug addiction services provided to those persons, 2335
and include a specific accounting of the purposes for which the 2336

fine moneys received were used. No information contained in the 2337
report shall identify, or enable a person to determine the 2338
identity of, any person served by the community addiction 2339
services provider. Each report received by a court of common 2340
pleas, a board of county commissioners, or the attorney general 2341
is a public record open for inspection under section 149.43 of 2342
the Revised Code. 2343

(5) As used in divisions (H) (1) to (5) of this section: 2344

(a) "Community addiction services provider" and "alcohol 2345
and drug addiction services" have the same meanings as in 2346
section 5119.01 of the Revised Code. 2347

(b) "Eligible community addiction services provider" means 2348
a community addiction services provider, including a community 2349
addiction services provider that operates an opioid treatment 2350
program licensed under section 5119.37 of the Revised Code. 2351

(I) As used in this section, "drug" includes any substance 2352
that is represented to be a drug. 2353

(J) It is an affirmative defense to a charge of 2354
trafficking in a controlled substance analog under division (C) 2355
(8) of this section that the person charged with violating that 2356
offense sold or offered to sell, or prepared for shipment, 2357
shipped, transported, delivered, prepared for distribution, or 2358
distributed an item described in division (HH) (2) (a), (b), or 2359
(c) of section 3719.01 of the Revised Code. 2360

Section 5. That the existing version of section 2925.03 of 2361
the Revised Code that is scheduled to take effect June 29, 2019, 2362
is hereby repealed. 2363

Section 6. Sections 4 and 5 of this act shall take effect 2364
June 29, 2019. 2365

Section 7. Section 2925.03 of the Revised Code is 2366
presented in Section 4 of this act as a composite of the section 2367
as amended by both Am. Sub. H.B. 111 and Am. Sub. S.B. 1 of the 2368
132nd General Assembly. The General Assembly, applying the 2369
principle stated in division (B) of section 1.52 of the Revised 2370
Code that amendments are to be harmonized if reasonably capable 2371
of simultaneous operation, finds that the composite is the 2372
resulting version of the section in effect prior to the 2373
effective date of the section as presented in this act. 2374