

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

H. B. No. 323

**Representative Manning, D.
Cosponsor: Representative Seitz**

A BILL

To amend sections 2925.02, 2925.03, 2925.11, 1
2925.12, 2925.14, 2925.23, 2925.36, 3701.048, 2
3715.872, 3719.06, 3719.12, 3719.121, 3719.81, 3
3795.01, 4723.01, 4729.01, 4729.51, 4731.054, 4
4731.22, 4732.01, 4732.02, 4732.17, 4732.20, 5
4732.99, and 5123.47 and to enact sections 6
4732.40, 4732.401, 4732.41, 4732.411, 4732.42, 7
4732.43, 4732.431, 4732.44, 4732.45, 4732.46, 8
4732.50, 4732.501, 4732.502, and 4732.503 of the 9
Revised Code to authorize certain psychologists 10
to prescribe drugs and therapeutic devices as 11
part of the practice of psychology. 12

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

Section 1. That sections 2925.02, 2925.03, 2925.11, 13
2925.12, 2925.14, 2925.23, 2925.36, 3701.048, 3715.872, 3719.06, 14
3719.12, 3719.121, 3719.81, 3795.01, 4723.01, 4729.01, 4729.51, 15
4731.054, 4731.22, 4732.01, 4732.02, 4732.17, 4732.20, 4732.99, 16
and 5123.47 be amended and sections 4732.40, 4732.401, 4732.41, 17
4732.411, 4732.42, 4732.43, 4732.431, 4732.44, 4732.45, 4732.46, 18
4732.50, 4732.501, 4732.502, and 4732.503 of the Revised Code be 19

enacted to read as follows: 20

Sec. 2925.02. (A) No person shall knowingly do any of the 21
following: 22

(1) By force, threat, or deception, administer to another 23
or induce or cause another to use a controlled substance; 24

(2) By any means, administer or furnish to another or 25
induce or cause another to use a controlled substance with 26
purpose to cause serious physical harm to the other person, or 27
with purpose to cause the other person to become drug dependent; 28

(3) By any means, administer or furnish to another or 29
induce or cause another to use a controlled substance, and 30
thereby cause serious physical harm to the other person, or 31
cause the other person to become drug dependent; 32

(4) By any means, do any of the following: 33

(a) Furnish or administer a controlled substance to a 34
juvenile who is at least two years the offender's junior, when 35
the offender knows the age of the juvenile or is reckless in 36
that regard; 37

(b) Induce or cause a juvenile who is at least two years 38
the offender's junior to use a controlled substance, when the 39
offender knows the age of the juvenile or is reckless in that 40
regard; 41

(c) Induce or cause a juvenile who is at least two years 42
the offender's junior to commit a felony drug abuse offense, 43
when the offender knows the age of the juvenile or is reckless 44
in that regard; 45

(d) Use a juvenile, whether or not the offender knows the 46
age of the juvenile, to perform any surveillance activity that 47

is intended to prevent the detection of the offender or any 48
other person in the commission of a felony drug abuse offense or 49
to prevent the arrest of the offender or any other person for 50
the commission of a felony drug abuse offense. 51

(5) By any means, furnish or administer a controlled 52
substance to a pregnant woman or induce or cause a pregnant 53
woman to use a controlled substance, when the offender knows 54
that the woman is pregnant or is reckless in that regard. 55

(B) Division (A) (1), (3), (4), or (5) of this section does 56
not apply to manufacturers, wholesalers, licensed health 57
professionals authorized to prescribe drugs, pharmacists, owners 58
of pharmacies, and other persons whose conduct is in accordance 59
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., 4732., 60
and 4741. of the Revised Code. 61

(C) Whoever violates this section is guilty of corrupting 62
another with drugs. The penalty for the offense shall be 63
determined as follows: 64

(1) If the offense is a violation of division (A) (1), (2), 65
(3), or (4) of this section and the drug involved is any 66
compound, mixture, preparation, or substance included in 67
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 68
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 69
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 70
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 71
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 72
offender shall be punished as follows: 73

(a) Except as otherwise provided in division (C) (1) (b) of 74
this section, corrupting another with drugs committed in those 75
circumstances is a felony of the second degree and, subject to 76

division (E) of this section, the court shall impose as a 77
mandatory prison term a second degree felony mandatory prison 78
term. 79

(b) If the offense was committed in the vicinity of a 80
school, corrupting another with drugs committed in those 81
circumstances is a felony of the first degree, and, subject to 82
division (E) of this section, the court shall impose as a 83
mandatory prison term a first degree felony mandatory prison 84
term. 85

(2) If the offense is a violation of division (A) (1), (2), 86
(3), or (4) of this section and the drug involved is any 87
compound, mixture, preparation, or substance included in 88
schedule III, IV, or V, the offender shall be punished as 89
follows: 90

(a) Except as otherwise provided in division (C) (2) (b) of 91
this section, corrupting another with drugs committed in those 92
circumstances is a felony of the second degree and there is a 93
presumption for a prison term for the offense. 94

(b) If the offense was committed in the vicinity of a 95
school, corrupting another with drugs committed in those 96
circumstances is a felony of the second degree and the court 97
shall impose as a mandatory prison term a second degree felony 98
mandatory prison term. 99

(3) If the offense is a violation of division (A) (1), (2), 100
(3), or (4) of this section and the drug involved is marihuana, 101
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 102
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 103
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 104
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 105

offender shall be punished as follows: 106

(a) Except as otherwise provided in division (C) (3) (b) of 107
this section, corrupting another with drugs committed in those 108
circumstances is a felony of the fourth degree and division (C) 109
of section 2929.13 of the Revised Code applies in determining 110
whether to impose a prison term on the offender. 111

(b) If the offense was committed in the vicinity of a 112
school, corrupting another with drugs committed in those 113
circumstances is a felony of the third degree and division (C) 114
of section 2929.13 of the Revised Code applies in determining 115
whether to impose a prison term on the offender. 116

(4) If the offense is a violation of division (A) (5) of 117
this section and the drug involved is any compound, mixture, 118
preparation, or substance included in schedule I or II, with the 119
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 120
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 121
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 122
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 123
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 124
felony of the first degree and, subject to division (E) of this 125
section, the court shall impose as a mandatory prison term a 126
first degree felony mandatory prison term. 127

(5) If the offense is a violation of division (A) (5) of 128
this section and the drug involved is any compound, mixture, 129
preparation, or substance included in schedule III, IV, or V, 130
corrupting another with drugs is a felony of the second degree 131
and the court shall impose as a mandatory prison term a second 132
degree felony mandatory prison term. 133

(6) If the offense is a violation of division (A) (5) of 134

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

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

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

(b) Notwithstanding any contrary provision of section 165
3719.21 of the Revised Code, any mandatory fine imposed pursuant 166
to division (D) (1) (a) of this section and any fine imposed for a 167
violation of this section pursuant to division (A) of section 168
2929.18 of the Revised Code shall be paid by the clerk of the 169
court in accordance with and subject to the requirements of, and 170
shall be used as specified in, division (F) of section 2925.03 171
of the Revised Code. 172

(c) If a person is charged with any violation of this 173
section that is a felony of the first, second, or third degree, 174
posts bail, and forfeits the bail, the forfeited bail shall be 175
paid by the clerk of the court pursuant to division (D) (1) (b) of 176
this section as if it were a fine imposed for a violation of 177
this section. 178

(2) If the offender is a professionally licensed person, 179
in addition to any other sanction imposed for a violation of 180
this section, the court immediately shall comply with section 181
2925.38 of the Revised Code. 182

(E) Notwithstanding the prison term otherwise authorized 183
or required for the offense under division (C) of this section 184
and sections 2929.13 and 2929.14 of the Revised Code, if the 185
violation of division (A) of this section involves the sale, 186
offer to sell, or possession of a schedule I or II controlled 187
substance, with the exception of marihuana, 1-Pentyl-3-(1- 188
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 189
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 190
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 191
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 192
if the court imposing sentence upon the offender finds that the 193
offender as a result of the violation is a major drug offender 194

and is guilty of a specification of the type described in 195
division (A) of section 2941.1410 of the Revised Code, the 196
court, in lieu of the prison term that otherwise is authorized 197
or required, shall impose upon the offender the mandatory prison 198
term specified in division (B) (3) (a) of section 2929.14 of the 199
Revised Code. 200

(F) (1) If the sentencing court suspends the offender's 201
driver's or commercial driver's license or permit under division 202
(D) of this section, the offender, at any time after the 203
expiration of two years from the day on which the offender's 204
sentence was imposed or from the day on which the offender 205
finally was released from a prison term under the sentence, 206
whichever is later, may file a motion with the sentencing court 207
requesting termination of the suspension. Upon the filing of the 208
motion and the court's finding of good cause for the 209
determination, the court may terminate the suspension. 210

(2) Any offender who received a mandatory suspension of 211
the offender's driver's or commercial driver's license or permit 212
under this section prior to September 13, 2016, may file a 213
motion with the sentencing court requesting the termination of 214
the suspension. However, an offender who pleaded guilty to or 215
was convicted of a violation of section 4511.19 of the Revised 216
Code or a substantially similar municipal ordinance or law of 217
another state or the United States that arose out of the same 218
set of circumstances as the violation for which the offender's 219
license or permit was suspended under this section shall not 220
file such a motion. 221

Upon the filing of a motion under division (F) (2) of this 222
section, the sentencing court, in its discretion, may terminate 223
the suspension. 224

Sec. 2925.03. (A) No person shall knowingly do any of the	225
following:	226
(1) Sell or offer to sell a controlled substance or a	227
controlled substance analog;	228
(2) Prepare for shipment, ship, transport, deliver,	229
prepare for distribution, or distribute a controlled substance	230
or a controlled substance analog, when the offender knows or has	231
reasonable cause to believe that the controlled substance or a	232
controlled substance analog is intended for sale or resale by	233
the offender or another person.	234
(B) This section does not apply to any of the following:	235
(1) Manufacturers, licensed health professionals	236
authorized to prescribe drugs, pharmacists, owners of	237
pharmacies, and other persons whose conduct is in accordance	238
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., <u>4732.,</u>	239
and 4741. of the Revised Code;	240
(2) If the offense involves an anabolic steroid, any	241
person who is conducting or participating in a research project	242
involving the use of an anabolic steroid if the project has been	243
approved by the United States food and drug administration;	244
(3) Any person who sells, offers for sale, prescribes,	245
dispenses, or administers for livestock or other nonhuman	246
species an anabolic steroid that is expressly intended for	247
administration through implants to livestock or other nonhuman	248
species and approved for that purpose under the "Federal Food,	249
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301,	250
as amended, and is sold, offered for sale, prescribed,	251
dispensed, or administered for that purpose in accordance with	252
that act.	253

(C) Whoever violates division (A) of this section is	254
guilty of one of the following:	255
(1) If the drug involved in the violation is any compound,	256
mixture, preparation, or substance included in schedule I or	257
schedule II, with the exception of marihuana, cocaine, L.S.D.,	258
heroin, any fentanyl-related compound, hashish, and any	259
controlled substance analog, whoever violates division (A) of	260
this section is guilty of aggravated trafficking in drugs. The	261
penalty for the offense shall be determined as follows:	262
(a) Except as otherwise provided in division (C) (1) (b),	263
(c), (d), (e), or (f) of this section, aggravated trafficking in	264
drugs is a felony of the fourth degree, and division (C) of	265
section 2929.13 of the Revised Code applies in determining	266
whether to impose a prison term on the offender.	267
(b) Except as otherwise provided in division (C) (1) (c),	268
(d), (e), or (f) of this section, if the offense was committed	269
in the vicinity of a school or in the vicinity of a juvenile,	270
aggravated trafficking in drugs is a felony of the third degree,	271
and division (C) of section 2929.13 of the Revised Code applies	272
in determining whether to impose a prison term on the offender.	273
(c) Except as otherwise provided in this division, if the	274
amount of the drug involved equals or exceeds the bulk amount	275
but is less than five times the bulk amount, aggravated	276
trafficking in drugs is a felony of the third degree, and,	277
except as otherwise provided in this division, there is a	278
presumption for a prison term for the offense. If aggravated	279
trafficking in drugs is a felony of the third degree under this	280
division and if the offender two or more times previously has	281
been convicted of or pleaded guilty to a felony drug abuse	282
offense, the court shall impose as a mandatory prison term one	283

of the prison terms prescribed for a felony of the third degree. 284
If the amount of the drug involved is within that range and if 285
the offense was committed in the vicinity of a school or in the 286
vicinity of a juvenile, aggravated trafficking in drugs is a 287
felony of the second degree, and the court shall impose as a 288
mandatory prison term a second degree felony mandatory prison 289
term. 290

(d) Except as otherwise provided in this division, if the 291
amount of the drug involved equals or exceeds five times the 292
bulk amount but is less than fifty times the bulk amount, 293
aggravated trafficking in drugs is a felony of the second 294
degree, and the court shall impose as a mandatory prison term a 295
second degree felony mandatory prison term. If the amount of the 296
drug involved is within that range and if the offense was 297
committed in the vicinity of a school or in the vicinity of a 298
juvenile, aggravated trafficking in drugs is a felony of the 299
first degree, and the court shall impose as a mandatory prison 300
term a first degree felony mandatory prison term. 301

(e) If the amount of the drug involved equals or exceeds 302
fifty times the bulk amount but is less than one hundred times 303
the bulk amount and regardless of whether the offense was 304
committed in the vicinity of a school or in the vicinity of a 305
juvenile, aggravated trafficking in drugs is a felony of the 306
first degree, and the court shall impose as a mandatory prison 307
term a first degree felony mandatory prison term. 308

(f) If the amount of the drug involved equals or exceeds 309
one hundred times the bulk amount and regardless of whether the 310
offense was committed in the vicinity of a school or in the 311
vicinity of a juvenile, aggravated trafficking in drugs is a 312
felony of the first degree, the offender is a major drug 313

offender, and the court shall impose as a mandatory prison term 314
a maximum first degree felony mandatory prison term. 315

(2) If the drug involved in the violation is any compound, 316
mixture, preparation, or substance included in schedule III, IV, 317
or V, whoever violates division (A) of this section is guilty of 318
trafficking in drugs. The penalty for the offense shall be 319
determined as follows: 320

(a) Except as otherwise provided in division (C) (2) (b), 321
(c), (d), or (e) of this section, trafficking in drugs is a 322
felony of the fifth degree, and division (B) of section 2929.13 323
of the Revised Code applies in determining whether to impose a 324
prison term on the offender. 325

(b) Except as otherwise provided in division (C) (2) (c), 326
(d), or (e) of this section, if the offense was committed in the 327
vicinity of a school or in the vicinity of a juvenile, 328
trafficking in drugs is a felony of the fourth degree, and 329
division (C) of section 2929.13 of the Revised Code applies in 330
determining whether to impose a prison term on the offender. 331

(c) Except as otherwise provided in this division, if the 332
amount of the drug involved equals or exceeds the bulk amount 333
but is less than five times the bulk amount, trafficking in 334
drugs is a felony of the fourth degree, and division (B) of 335
section 2929.13 of the Revised Code applies in determining 336
whether to impose a prison term for the offense. If the amount 337
of the drug involved is within that range and if the offense was 338
committed in the vicinity of a school or in the vicinity of a 339
juvenile, trafficking in drugs is a felony of the third degree, 340
and there is a presumption for a prison term for the offense. 341

(d) Except as otherwise provided in this division, if the 342

amount of the drug involved equals or exceeds five times the 343
bulk amount but is less than fifty times the bulk amount, 344
trafficking in drugs is a felony of the third degree, and there 345
is a presumption for a prison term for the offense. If the 346
amount of the drug involved is within that range and if the 347
offense was committed in the vicinity of a school or in the 348
vicinity of a juvenile, trafficking in drugs is a felony of the 349
second degree, and there is a presumption for a prison term for 350
the offense. 351

(e) Except as otherwise provided in this division, if the 352
amount of the drug involved equals or exceeds fifty times the 353
bulk amount, trafficking in drugs is a felony of the second 354
degree, and the court shall impose as a mandatory prison term a 355
second degree felony mandatory prison term. If the amount of the 356
drug involved equals or exceeds fifty times the bulk amount and 357
if the offense was committed in the vicinity of a school or in 358
the vicinity of a juvenile, trafficking in drugs is a felony of 359
the first degree, and the court shall impose as a mandatory 360
prison term a first degree felony mandatory prison term. 361

(3) If the drug involved in the violation is marihuana or 362
a compound, mixture, preparation, or substance containing 363
marihuana other than hashish, whoever violates division (A) of 364
this section is guilty of trafficking in marihuana. The penalty 365
for the offense shall be determined as follows: 366

(a) Except as otherwise provided in division (C) (3) (b), 367
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 368
marihuana is a felony of the fifth degree, and division (B) of 369
section 2929.13 of the Revised Code applies in determining 370
whether to impose a prison term on the offender. 371

(b) Except as otherwise provided in division (C) (3) (c), 372

(d), (e), (f), (g), or (h) of this section, if the offense was 373
committed in the vicinity of a school or in the vicinity of a 374
juvenile, trafficking in marihuana is a felony of the fourth 375
degree, and division (B) of section 2929.13 of the Revised Code 376
applies in determining whether to impose a prison term on the 377
offender. 378

(c) Except as otherwise provided in this division, if the 379
amount of the drug involved equals or exceeds two hundred grams 380
but is less than one thousand grams, trafficking in marihuana is 381
a felony of the fourth degree, and division (B) of section 382
2929.13 of the Revised Code applies in determining whether to 383
impose a prison term on the offender. If the amount of the drug 384
involved is within that range and if the offense was committed 385
in the vicinity of a school or in the vicinity of a juvenile, 386
trafficking in marihuana is a felony of the third degree, and 387
division (C) of section 2929.13 of the Revised Code applies in 388
determining whether to impose a prison term on the offender. 389

(d) Except as otherwise provided in this division, if the 390
amount of the drug involved equals or exceeds one thousand grams 391
but is less than five thousand grams, trafficking in marihuana 392
is a felony of the third degree, and division (C) of section 393
2929.13 of the Revised Code applies in determining whether to 394
impose a prison term on the offender. If the amount of the drug 395
involved is within that range and if the offense was committed 396
in the vicinity of a school or in the vicinity of a juvenile, 397
trafficking in marihuana is a felony of the second degree, and 398
there is a presumption that a prison term shall be imposed for 399
the offense. 400

(e) Except as otherwise provided in this division, if the 401
amount of the drug involved equals or exceeds five thousand 402

grams but is less than twenty thousand grams, trafficking in 403
marihuana is a felony of the third degree, and there is a 404
presumption that a prison term shall be imposed for the offense. 405
If the amount of the drug involved is within that range and if 406
the offense was committed in the vicinity of a school or in the 407
vicinity of a juvenile, trafficking in marihuana is a felony of 408
the second degree, and there is a presumption that a prison term 409
shall be imposed for the offense. 410

(f) Except as otherwise provided in this division, if the 411
amount of the drug involved equals or exceeds twenty thousand 412
grams but is less than forty thousand grams, trafficking in 413
marihuana is a felony of the second degree, and the court shall 414
impose as a mandatory prison term a second degree felony 415
mandatory prison term of five, six, seven, or eight years. If 416
the amount of the drug involved is within that range and if the 417
offense was committed in the vicinity of a school or in the 418
vicinity of a juvenile, trafficking in marihuana is a felony of 419
the first degree, and the court shall impose as a mandatory 420
prison term a maximum first degree felony mandatory prison term. 421

(g) Except as otherwise provided in this division, if the 422
amount of the drug involved equals or exceeds forty thousand 423
grams, trafficking in marihuana is a felony of the second 424
degree, and the court shall impose as a mandatory prison term a 425
maximum second degree felony mandatory prison term. If the 426
amount of the drug involved equals or exceeds forty thousand 427
grams and if the offense was committed in the vicinity of a 428
school or in the vicinity of a juvenile, trafficking in 429
marihuana is a felony of the first degree, and the court shall 430
impose as a mandatory prison term a maximum first degree felony 431
mandatory prison term. 432

(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, 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.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five grams but is less than ten grams of cocaine, trafficking in cocaine 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 463
is within that range and if the offense was committed in the 464
vicinity of a school or in the vicinity of a juvenile, 465
trafficking in cocaine is a felony of the third degree, and 466
there is a presumption for a prison term for the offense. 467

(d) Except as otherwise provided in this division, if the 468
amount of the drug involved equals or exceeds ten grams but is 469
less than twenty grams of cocaine, trafficking in cocaine is a 470
felony of the third degree, and, except as otherwise provided in 471
this division, there is a presumption for a prison term for the 472
offense. If trafficking in cocaine is a felony of the third 473
degree under this division and if the offender two or more times 474
previously has been convicted of or pleaded guilty to a felony 475
drug abuse offense, the court shall impose as a mandatory prison 476
term one of the prison terms prescribed for a felony of the 477
third degree. If the amount of the drug involved is within that 478
range and if the offense was committed in the vicinity of a 479
school or in the vicinity of a juvenile, trafficking in cocaine 480
is a felony of the second degree, and the court shall impose as 481
a mandatory prison term a second degree felony mandatory prison 482
term. 483

(e) Except as otherwise provided in this division, if the 484
amount of the drug involved equals or exceeds twenty grams but 485
is less than twenty-seven grams of cocaine, trafficking in 486
cocaine is a felony of the second degree, and the court shall 487
impose as a mandatory prison term a second degree felony 488
mandatory prison term. If the amount of the drug involved is 489
within that range and if the offense was committed in the 490
vicinity of a school or in the vicinity of a juvenile, 491
trafficking in cocaine is a felony of the first degree, and the 492
court shall impose as a mandatory prison term a first degree 493

felony mandatory prison term. 494

(f) If the amount of the drug involved equals or exceeds 495
twenty-seven grams but is less than one hundred grams of cocaine 496
and regardless of whether the offense was committed in the 497
vicinity of a school or in the vicinity of a juvenile, 498
trafficking in cocaine is a felony of the first degree, and the 499
court shall impose as a mandatory prison term a first degree 500
felony mandatory prison term. 501

(g) If the amount of the drug involved equals or exceeds 502
one hundred grams of cocaine and regardless of whether the 503
offense was committed in the vicinity of a school or in the 504
vicinity of a juvenile, trafficking in cocaine is a felony of 505
the first degree, the offender is a major drug offender, and the 506
court shall impose as a mandatory prison term a maximum first 507
degree felony mandatory prison term. 508

(5) If the drug involved in the violation is L.S.D. or a 509
compound, mixture, preparation, or substance containing L.S.D., 510
whoever violates division (A) of this section is guilty of 511
trafficking in L.S.D. The penalty for the offense shall be 512
determined as follows: 513

(a) Except as otherwise provided in division (C) (5) (b), 514
(c), (d), (e), (f), or (g) of this section, trafficking in 515
L.S.D. is a felony of the fifth degree, and division (B) of 516
section 2929.13 of the Revised Code applies in determining 517
whether to impose a prison term on the offender. 518

(b) Except as otherwise provided in division (C) (5) (c), 519
(d), (e), (f), or (g) of this section, if the offense was 520
committed in the vicinity of a school or in the vicinity of a 521
juvenile, trafficking in L.S.D. is a felony of the fourth 522

degree, and division (C) of section 2929.13 of the Revised Code 523
applies in determining whether to impose a prison term on the 524
offender. 525

(c) Except as otherwise provided in this division, if the 526
amount of the drug involved equals or exceeds ten unit doses but 527
is less than fifty unit doses of L.S.D. in a solid form or 528
equals or exceeds one gram but is less than five grams of L.S.D. 529
in a liquid concentrate, liquid extract, or liquid distillate 530
form, trafficking in L.S.D. is a felony of the fourth degree, 531
and division (B) of section 2929.13 of the Revised Code applies 532
in determining whether to impose a prison term for the offense. 533
If the amount of the drug involved is within that range and if 534
the offense was committed in the vicinity of a school or in the 535
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 536
third degree, and there is a presumption for a prison term for 537
the offense. 538

(d) Except as otherwise provided in this division, if the 539
amount of the drug involved equals or exceeds fifty unit doses 540
but is less than two hundred fifty unit doses of L.S.D. in a 541
solid form or equals or exceeds five grams but is less than 542
twenty-five grams of L.S.D. in a liquid concentrate, liquid 543
extract, or liquid distillate form, trafficking in L.S.D. is a 544
felony of the third degree, and, except as otherwise provided in 545
this division, there is a presumption for a prison term for the 546
offense. If trafficking in L.S.D. is a felony of the third 547
degree under this division and if the offender two or more times 548
previously has been convicted of or pleaded guilty to a felony 549
drug abuse offense, the court shall impose as a mandatory prison 550
term one of the prison terms prescribed for a felony of the 551
third degree. If the amount of the drug involved is within that 552
range and if the offense was committed in the vicinity of a 553

school or in the vicinity of a juvenile, trafficking in L.S.D. 554
is a felony of the second degree, and the court shall impose as 555
a mandatory prison term a second degree felony mandatory prison 556
term. 557

(e) Except as otherwise provided in this division, if the 558
amount of the drug involved equals or exceeds two hundred fifty 559
unit doses but is less than one thousand unit doses of L.S.D. in 560
a solid form or equals or exceeds twenty-five grams but is less 561
than one hundred grams of L.S.D. in a liquid concentrate, liquid 562
extract, or liquid distillate form, trafficking in L.S.D. is a 563
felony of the second degree, and the court shall impose as a 564
mandatory prison term a second degree felony mandatory prison 565
term. If the amount of the drug involved is within that range 566
and if the offense was committed in the vicinity of a school or 567
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 568
of the first degree, and the court shall impose as a mandatory 569
prison term a first degree felony mandatory prison term. 570

(f) If the amount of the drug involved equals or exceeds 571
one thousand unit doses but is less than five thousand unit 572
doses of L.S.D. in a solid form or equals or exceeds one hundred 573
grams but is less than five hundred grams of L.S.D. in a liquid 574
concentrate, liquid extract, or liquid distillate form and 575
regardless of whether the offense was committed in the vicinity 576
of a school or in the vicinity of a juvenile, trafficking in 577
L.S.D. is a felony of the first degree, and the court shall 578
impose as a mandatory prison term a first degree felony 579
mandatory prison term. 580

(g) If the amount of the drug involved equals or exceeds 581
five thousand unit doses of L.S.D. in a solid form or equals or 582
exceeds five hundred grams of L.S.D. in a liquid concentrate, 583

liquid extract, or liquid distillate form and regardless of 584
whether the offense was committed in the vicinity of a school or 585
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 586
of the first degree, the offender is a major drug offender, and 587
the court shall impose as a mandatory prison term a maximum 588
first degree felony mandatory prison term. 589

(6) If the drug involved in the violation is heroin or a 590
compound, mixture, preparation, or substance containing heroin, 591
whoever violates division (A) of this section is guilty of 592
trafficking in heroin. The penalty for the offense shall be 593
determined as follows: 594

(a) Except as otherwise provided in division (C) (6) (b), 595
(c), (d), (e), (f), or (g) of this section, trafficking in 596
heroin is a felony of the fifth degree, and division (B) of 597
section 2929.13 of the Revised Code applies in determining 598
whether to impose a prison term on the offender. 599

(b) Except as otherwise provided in division (C) (6) (c), 600
(d), (e), (f), or (g) of this section, if the offense was 601
committed in the vicinity of a school or in the vicinity of a 602
juvenile, trafficking in heroin is a felony of the fourth 603
degree, and division (C) of section 2929.13 of the Revised Code 604
applies in determining whether to impose a prison term on the 605
offender. 606

(c) Except as otherwise provided in this division, if the 607
amount of the drug involved equals or exceeds ten unit doses but 608
is less than fifty unit doses or equals or exceeds one gram but 609
is less than five grams, trafficking in heroin is a felony of 610
the fourth degree, and division (B) of section 2929.13 of the 611
Revised Code applies in determining whether to impose a prison 612
term for the offense. If the amount of the drug involved is 613

within that range and if the offense was committed in the 614
vicinity of a school or in the vicinity of a juvenile, 615
trafficking in heroin is a felony of the third degree, and there 616
is a presumption for a prison term for the offense. 617

(d) Except as otherwise provided in this division, if the 618
amount of the drug involved equals or exceeds fifty unit doses 619
but is less than one hundred unit doses or equals or exceeds 620
five grams but is less than ten grams, trafficking in heroin is 621
a felony of the third degree, and there is a presumption for a 622
prison term for the offense. If the amount of the drug involved 623
is within that range and if the offense was committed in the 624
vicinity of a school or in the vicinity of a juvenile, 625
trafficking in heroin is a felony of the second degree, and 626
there is a presumption for a prison term for the offense. 627

(e) Except as otherwise provided in this division, if the 628
amount of the drug involved equals or exceeds one hundred unit 629
doses but is less than five hundred unit doses or equals or 630
exceeds ten grams but is less than fifty grams, trafficking in 631
heroin is a felony of the second degree, and the court shall 632
impose as a mandatory prison term a second degree felony 633
mandatory prison term. If the amount of the drug involved is 634
within that range and if the offense was committed in the 635
vicinity of a school or in the vicinity of a juvenile, 636
trafficking in heroin is a felony of the first degree, and the 637
court shall impose as a mandatory prison term a first degree 638
felony mandatory prison term. 639

(f) If the amount of the drug involved equals or exceeds 640
five hundred unit doses but is less than one thousand unit doses 641
or equals or exceeds fifty grams but is less than one hundred 642
grams and regardless of whether the offense was committed in the 643

vicinity of a school or in the vicinity of a juvenile, 644
trafficking in heroin is a felony of the first degree, and the 645
court shall impose as a mandatory prison term a first degree 646
felony mandatory prison term. 647

(g) If the amount of the drug involved equals or exceeds 648
one thousand unit doses or equals or exceeds one hundred grams 649
and regardless of whether the offense was committed in the 650
vicinity of a school or in the vicinity of a juvenile, 651
trafficking in heroin is a felony of the first degree, the 652
offender is a major drug offender, and the court shall impose as 653
a mandatory prison term a maximum first degree felony mandatory 654
prison term. 655

(7) If the drug involved in the violation is hashish or a 656
compound, mixture, preparation, or substance containing hashish, 657
whoever violates division (A) of this section is guilty of 658
trafficking in hashish. The penalty for the offense shall be 659
determined as follows: 660

(a) Except as otherwise provided in division (C) (7) (b), 661
(c), (d), (e), (f), or (g) of this section, trafficking in 662
hashish is a felony of the fifth degree, and division (B) of 663
section 2929.13 of the Revised Code applies in determining 664
whether to impose a prison term on the offender. 665

(b) Except as otherwise provided in division (C) (7) (c), 666
(d), (e), (f), or (g) of this section, if the offense was 667
committed in the vicinity of a school or in the vicinity of a 668
juvenile, trafficking in hashish is a felony of the fourth 669
degree, and division (B) of section 2929.13 of the Revised Code 670
applies in determining whether to impose a prison term on the 671
offender. 672

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

(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, 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.

(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 704
extract, or liquid distillate form, trafficking in hashish is a 705
felony of the third degree, and there is a presumption that a 706
prison term shall be imposed for the offense. If the amount of 707
the drug involved is within that range and if the offense was 708
committed in the vicinity of a school or in the vicinity of a 709
juvenile, trafficking in hashish is a felony of the second 710
degree, and there is a presumption that a prison term shall be 711
imposed for the offense. 712

(f) Except as otherwise provided in this division, if the 713
amount of the drug involved equals or exceeds one thousand grams 714
but is less than two thousand grams of hashish in a solid form 715
or equals or exceeds two hundred grams but is less than four 716
hundred grams of hashish in a liquid concentrate, liquid 717
extract, or liquid distillate form, trafficking in hashish is a 718
felony of the second degree, and the court shall impose as a 719
mandatory prison term a second degree felony mandatory prison 720
term of five, six, seven, or eight years. If the amount of the 721
drug involved is within that range and if the offense was 722
committed in the vicinity of a school or in the vicinity of a 723
juvenile, trafficking in hashish is a felony of the first 724
degree, and the court shall impose as a mandatory prison term a 725
maximum first degree felony mandatory prison term. 726

(g) Except as otherwise provided in this division, if the 727
amount of the drug involved equals or exceeds two thousand grams 728
of hashish in a solid form or equals or exceeds four hundred 729
grams of hashish in a liquid concentrate, liquid extract, or 730
liquid distillate form, trafficking in hashish is a felony of 731
the second degree, and the court shall impose as a mandatory 732
prison term a maximum second degree felony mandatory prison 733
term. If the amount of the drug involved equals or exceeds two 734

thousand grams of hashish in a solid form or equals or exceeds 735
four hundred grams of hashish in a liquid concentrate, liquid 736
extract, or liquid distillate form and if the offense was 737
committed in the vicinity of a school or in the vicinity of a 738
juvenile, trafficking in hashish is a felony of the first 739
degree, and the court shall impose as a mandatory prison term a 740
maximum first degree felony mandatory prison term. 741

(8) If the drug involved in the violation is a controlled 742
substance analog or compound, mixture, preparation, or substance 743
that contains a controlled substance analog, whoever violates 744
division (A) of this section is guilty of trafficking in a 745
controlled substance analog. The penalty for the offense shall 746
be determined as follows: 747

(a) Except as otherwise provided in division (C) (8) (b), 748
(c), (d), (e), (f), or (g) of this section, trafficking in a 749
controlled substance analog is a felony of the fifth degree, and 750
division (C) of section 2929.13 of the Revised Code applies in 751
determining whether to impose a prison term on the offender. 752

(b) Except as otherwise provided in division (C) (8) (c), 753
(d), (e), (f), or (g) of this section, if the offense was 754
committed in the vicinity of a school or in the vicinity of a 755
juvenile, trafficking in a controlled substance analog is a 756
felony of the fourth degree, and division (C) of section 2929.13 757
of the Revised Code applies in determining whether to impose a 758
prison term on the offender. 759

(c) Except as otherwise provided in this division, if the 760
amount of the drug involved equals or exceeds ten grams but is 761
less than twenty grams, trafficking in a controlled substance 762
analog is a felony of the fourth degree, and division (B) of 763
section 2929.13 of the Revised Code applies in determining 764

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

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

(e) Except as otherwise provided in this division, if the 781
amount of the drug involved equals or exceeds thirty grams but 782
is less than forty grams, trafficking in a controlled substance 783
analog is a felony of the second degree, and the court shall 784
impose as a mandatory prison term a second degree felony 785
mandatory prison term. If the amount of the drug involved is 786
within that range and if the offense was committed in the 787
vicinity of a school or in the vicinity of a juvenile, 788
trafficking in a controlled substance analog is a felony of the 789
first degree, and the court shall impose as a mandatory prison 790
term a first degree felony mandatory prison term. 791

(f) If the amount of the drug involved equals or exceeds 792
forty grams but is less than fifty grams and regardless of 793
whether the offense was committed in the vicinity of a school or 794

in the vicinity of a juvenile, trafficking in a controlled 795
substance analog is a felony of the first degree, and the court 796
shall impose as a mandatory prison term a first degree felony 797
mandatory prison term. 798

(g) If the amount of the drug involved equals or exceeds 799
fifty grams and regardless of whether the offense was committed 800
in the vicinity of a school or in the vicinity of a juvenile, 801
trafficking in a controlled substance analog is a felony of the 802
first degree, the offender is a major drug offender, and the 803
court shall impose as a mandatory prison term a maximum first 804
degree felony mandatory prison term. 805

(9) If the drug involved in the violation is a fentanyl- 806
related compound or a compound, mixture, preparation, or 807
substance containing a fentanyl-related compound and division 808
(C) (10) (a) of this section does not apply to the drug involved, 809
whoever violates division (A) of this section is guilty of 810
trafficking in a fentanyl-related compound. The penalty for the 811
offense shall be determined as follows: 812

(a) Except as otherwise provided in division (C) (9) (b), 813
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 814
a fentanyl-related compound is a felony of the fifth degree, and 815
division (B) of section 2929.13 of the Revised Code applies in 816
determining whether to impose a prison term on the offender. 817

(b) Except as otherwise provided in division (C) (9) (c), 818
(d), (e), (f), (g), or (h) of this section, if the offense was 819
committed in the vicinity of a school or in the vicinity of a 820
juvenile, trafficking in a fentanyl-related compound is a felony 821
of the fourth degree, and division (C) of section 2929.13 of the 822
Revised Code applies in determining whether to impose a prison 823
term on the offender. 824

(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, 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.

(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, 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.

(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 exceeds ten grams but is less than twenty grams, trafficking in a fentanyl-related compound 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 856
vicinity of a juvenile, trafficking in a fentanyl-related 857
compound is a felony of the first degree, and the court shall 858
impose as a mandatory prison term one of the prison terms 859
prescribed for a felony of the first degree. 860

(f) If the amount of the drug involved equals or exceeds 861
two hundred unit doses but is less than five hundred unit doses 862
or equals or exceeds twenty grams but is less than fifty grams 863
and regardless of whether the offense was committed in the 864
vicinity of a school or in the vicinity of a juvenile, 865
trafficking in a fentanyl-related compound is a felony of the 866
first degree, and the court shall impose as a mandatory prison 867
term one of the prison terms prescribed for a felony of the 868
first degree. 869

(g) If the amount of the drug involved equals or exceeds 870
five hundred unit doses but is less than one thousand unit doses 871
or equals or exceeds fifty grams but is less than one hundred 872
grams and regardless of whether the offense was committed in the 873
vicinity of a school or in the vicinity of a juvenile, 874
trafficking in a fentanyl-related compound is a felony of the 875
first degree, and the court shall impose as a mandatory prison 876
term the maximum prison term prescribed for a felony of the 877
first degree. 878

(h) If the amount of the drug involved equals or exceeds 879
one thousand unit doses or equals or exceeds one hundred grams 880
and regardless of whether the offense was committed in the 881
vicinity of a school or in the vicinity of a juvenile, 882
trafficking in a fentanyl-related compound is a felony of the 883
first degree, the offender is a major drug offender, and the 884
court shall impose as a mandatory prison term the maximum prison 885

term prescribed for a felony of the first degree. 886

(10) If the drug involved in the violation is a compound, 887
mixture, preparation, or substance that is a combination of a 888
fentanyl-related compound and marihuana, one of the following 889
applies: 890

(a) Except as otherwise provided in division (C)(10)(b) of 891
this section, the offender is guilty of trafficking in marihuana 892
and shall be punished under division (C)(3) of this section. The 893
offender is not guilty of trafficking in a fentanyl-related 894
compound and shall not be charged with, convicted of, or 895
punished under division (C)(9) of this section for trafficking 896
in a fentanyl-related compound. 897

(b) If the offender knows or has reason to know that the 898
compound, mixture, preparation, or substance that is the drug 899
involved contains a fentanyl-related compound, the offender is 900
guilty of trafficking in a fentanyl-related compound and shall 901
be punished under division (C)(9) of this section. 902

(D) In addition to any prison term authorized or required 903
by division (C) of this section and sections 2929.13 and 2929.14 904
of the Revised Code, and in addition to any other sanction 905
imposed for the offense under this section or sections 2929.11 906
to 2929.18 of the Revised Code, the court that sentences an 907
offender who is convicted of or pleads guilty to a violation of 908
division (A) of this section may suspend the driver's or 909
commercial driver's license or permit of the offender in 910
accordance with division (G) of this section. However, if the 911
offender pleaded guilty to or was convicted of a violation of 912
section 4511.19 of the Revised Code or a substantially similar 913
municipal ordinance or the law of another state or the United 914
States arising out of the same set of circumstances as the 915

violation, the court shall suspend the offender's driver's or 916
commercial driver's license or permit in accordance with 917
division (G) of this section. If applicable, the court also 918
shall do the following: 919

(1) If the violation of division (A) of this section is a 920
felony of the first, second, or third degree, the court shall 921
impose upon the offender the mandatory fine specified for the 922
offense under division (B)(1) of section 2929.18 of the Revised 923
Code unless, as specified in that division, the court determines 924
that the offender is indigent. Except as otherwise provided in 925
division (H)(1) of this section, a mandatory fine or any other 926
fine imposed for a violation of this section is subject to 927
division (F) of this section. If a person is charged with a 928
violation of this section that is a felony of the first, second, 929
or third degree, posts bail, and forfeits the bail, the clerk of 930
the court shall pay the forfeited bail pursuant to divisions (D) 931
(1) and (F) of this section, as if the forfeited bail was a fine 932
imposed for a violation of this section. If any amount of the 933
forfeited bail remains after that payment and if a fine is 934
imposed under division (H)(1) of this section, the clerk of the 935
court shall pay the remaining amount of the forfeited bail 936
pursuant to divisions (H)(2) and (3) of this section, as if that 937
remaining amount was a fine imposed under division (H)(1) of 938
this section. 939

(2) If the offender is a professionally licensed person, 940
the court immediately shall comply with section 2925.38 of the 941
Revised Code. 942

(E) When a person is charged with the sale of or offer to 943
sell a bulk amount or a multiple of a bulk amount of a 944
controlled substance, the jury, or the court trying the accused, 945

shall determine the amount of the controlled substance involved 946
at the time of the offense and, if a guilty verdict is returned, 947
shall return the findings as part of the verdict. In any such 948
case, it is unnecessary to find and return the exact amount of 949
the controlled substance involved, and it is sufficient if the 950
finding and return is to the effect that the amount of the 951
controlled substance involved is the requisite amount, or that 952
the amount of the controlled substance involved is less than the 953
requisite amount. 954

(F) (1) Notwithstanding any contrary provision of section 955
3719.21 of the Revised Code and except as provided in division 956
(H) of this section, the clerk of the court shall pay any 957
mandatory fine imposed pursuant to division (D) (1) of this 958
section and any fine other than a mandatory fine that is imposed 959
for a violation of this section pursuant to division (A) or (B) 960
(5) of section 2929.18 of the Revised Code to the county, 961
township, municipal corporation, park district, as created 962
pursuant to section 511.18 or 1545.04 of the Revised Code, or 963
state law enforcement agencies in this state that primarily were 964
responsible for or involved in making the arrest of, and in 965
prosecuting, the offender. However, the clerk shall not pay a 966
mandatory fine so imposed to a law enforcement agency unless the 967
agency has adopted a written internal control policy under 968
division (F) (2) of this section that addresses the use of the 969
fine moneys that it receives. Each agency shall use the 970
mandatory fines so paid to subsidize the agency's law 971
enforcement efforts that pertain to drug offenses, in accordance 972
with the written internal control policy adopted by the 973
recipient agency under division (F) (2) of this section. 974

(2) Prior to receiving any fine moneys under division (F) 975
(1) of this section or division (B) of section 2925.42 of the 976

Revised Code, a law enforcement agency shall adopt a written 977
internal control policy that addresses the agency's use and 978
disposition of all fine moneys so received and that provides for 979
the keeping of detailed financial records of the receipts of 980
those fine moneys, the general types of expenditures made out of 981
those fine moneys, and the specific amount of each general type 982
of expenditure. The policy shall not provide for or permit the 983
identification of any specific expenditure that is made in an 984
ongoing investigation. All financial records of the receipts of 985
those fine moneys, the general types of expenditures made out of 986
those fine moneys, and the specific amount of each general type 987
of expenditure by an agency are public records open for 988
inspection under section 149.43 of the Revised Code. 989
Additionally, a written internal control policy adopted under 990
this division is such a public record, and the agency that 991
adopted it shall comply with it. 992

(3) As used in division (F) of this section: 993

(a) "Law enforcement agencies" includes, but is not 994
limited to, the state board of pharmacy and the office of a 995
prosecutor. 996

(b) "Prosecutor" has the same meaning as in section 997
2935.01 of the Revised Code. 998

(G) (1) If the sentencing court suspends the offender's 999
driver's or commercial driver's license or permit under division 1000
(D) of this section or any other provision of this chapter, the 1001
court shall suspend the license, by order, for not more than 1002
five years. If an offender's driver's or commercial driver's 1003
license or permit is suspended pursuant to this division, the 1004
offender, at any time after the expiration of two years from the 1005
day on which the offender's sentence was imposed or from the day 1006

on which the offender finally was released from a prison term 1007
under the sentence, whichever is later, may file a motion with 1008
the sentencing court requesting termination of the suspension; 1009
upon the filing of such a motion and the court's finding of good 1010
cause for the termination, the court may terminate the 1011
suspension. 1012

(2) Any offender who received a mandatory suspension of 1013
the offender's driver's or commercial driver's license or permit 1014
under this section prior to September 13, 2016, may file a 1015
motion with the sentencing court requesting the termination of 1016
the suspension. However, an offender who pleaded guilty to or 1017
was convicted of a violation of section 4511.19 of the Revised 1018
Code or a substantially similar municipal ordinance or law of 1019
another state or the United States that arose out of the same 1020
set of circumstances as the violation for which the offender's 1021
license or permit was suspended under this section shall not 1022
file such a motion. 1023

Upon the filing of a motion under division (G)(2) of this 1024
section, the sentencing court, in its discretion, may terminate 1025
the suspension. 1026

(H)(1) In addition to any prison term authorized or 1027
required by division (C) of this section and sections 2929.13 1028
and 2929.14 of the Revised Code, in addition to any other 1029
penalty or sanction imposed for the offense under this section 1030
or sections 2929.11 to 2929.18 of the Revised Code, and in 1031
addition to the forfeiture of property in connection with the 1032
offense as prescribed in Chapter 2981. of the Revised Code, the 1033
court that sentences an offender who is convicted of or pleads 1034
guilty to a violation of division (A) of this section may impose 1035
upon the offender an additional fine specified for the offense 1036

in division (B) (4) of section 2929.18 of the Revised Code. A 1037
fine imposed under division (H) (1) of this section is not 1038
subject to division (F) of this section and shall be used solely 1039
for the support of one or more eligible community addiction 1040
services providers in accordance with divisions (H) (2) and (3) 1041
of this section. 1042

(2) The court that imposes a fine under division (H) (1) of 1043
this section shall specify in the judgment that imposes the fine 1044
one or more eligible community addiction services providers for 1045
the support of which the fine money is to be used. No community 1046
addiction services provider shall receive or use money paid or 1047
collected in satisfaction of a fine imposed under division (H) 1048
(1) of this section unless the services provider is specified in 1049
the judgment that imposes the fine. No community addiction 1050
services provider shall be specified in the judgment unless the 1051
services provider is an eligible community addiction services 1052
provider and, except as otherwise provided in division (H) (2) of 1053
this section, unless the services provider is located in the 1054
county in which the court that imposes the fine is located or in 1055
a county that is immediately contiguous to the county in which 1056
that court is located. If no eligible community addiction 1057
services provider is located in any of those counties, the 1058
judgment may specify an eligible community addiction services 1059
provider that is located anywhere within this state. 1060

(3) Notwithstanding any contrary provision of section 1061
3719.21 of the Revised Code, the clerk of the court shall pay 1062
any fine imposed under division (H) (1) of this section to the 1063
eligible community addiction services provider specified 1064
pursuant to division (H) (2) of this section in the judgment. The 1065
eligible community addiction services provider that receives the 1066
fine moneys shall use the moneys only for the alcohol and drug 1067

addiction services identified in the application for 1068
certification of services under section 5119.36 of the Revised 1069
Code or in the application for a license under section 5119.37 1070
of the Revised Code filed with the department of mental health 1071
and addiction services by the community addiction services 1072
provider specified in the judgment. 1073

(4) Each community addiction services provider that 1074
receives in a calendar year any fine moneys under division (H) 1075
(3) of this section shall file an annual report covering that 1076
calendar year with the court of common pleas and the board of 1077
county commissioners of the county in which the services 1078
provider is located, with the court of common pleas and the 1079
board of county commissioners of each county from which the 1080
services provider received the moneys if that county is 1081
different from the county in which the services provider is 1082
located, and with the attorney general. The community addiction 1083
services provider shall file the report no later than the first 1084
day of March in the calendar year following the calendar year in 1085
which the services provider received the fine moneys. The report 1086
shall include statistics on the number of persons served by the 1087
community addiction services provider, identify the types of 1088
alcohol and drug addiction services provided to those persons, 1089
and include a specific accounting of the purposes for which the 1090
fine moneys received were used. No information contained in the 1091
report shall identify, or enable a person to determine the 1092
identity of, any person served by the community addiction 1093
services provider. Each report received by a court of common 1094
pleas, a board of county commissioners, or the attorney general 1095
is a public record open for inspection under section 149.43 of 1096
the Revised Code. 1097

(5) As used in divisions (H) (1) to (5) of this section: 1098

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

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

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

(J) It is an affirmative defense to a charge of trafficking in a controlled substance analog under division (C) (8) of this section that the person charged with violating that offense sold or offered to sell, or prepared for shipment, shipped, transported, delivered, prepared for distribution, or distributed one of the following items that are excluded from the meaning of "controlled substance analog" under section 3719.01 of the Revised Code:

(1) A controlled substance;

(2) Any substance for which there is an approved new drug application;

(3) With respect to a particular person, any substance if an exemption is in effect for investigational use for that person pursuant to federal law to the extent that conduct with respect to that substance is pursuant to that exemption.

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

(B) (1) This section does not apply to any of the

following: 1127

(a) Manufacturers, licensed health professionals 1128
authorized to prescribe drugs, pharmacists, owners of 1129
pharmacies, and other persons whose conduct was in accordance 1130
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., 4732., 1131
and 4741. of the Revised Code; 1132

(b) If the offense involves an anabolic steroid, any 1133
person who is conducting or participating in a research project 1134
involving the use of an anabolic steroid if the project has been 1135
approved by the United States food and drug administration; 1136

(c) Any person who sells, offers for sale, prescribes, 1137
dispenses, or administers for livestock or other nonhuman 1138
species an anabolic steroid that is expressly intended for 1139
administration through implants to livestock or other nonhuman 1140
species and approved for that purpose under the "Federal Food, 1141
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1142
as amended, and is sold, offered for sale, prescribed, 1143
dispensed, or administered for that purpose in accordance with 1144
that act; 1145

(d) Any person who obtained the controlled substance 1146
pursuant to a prescription issued by a licensed health 1147
professional authorized to prescribe drugs if the prescription 1148
was issued for a legitimate medical purpose and not altered, 1149
forged, or obtained through deception or commission of a theft 1150
offense. 1151

As used in division (B) (1) (d) of this section, "deception" 1152
and "theft offense" have the same meanings as in section 2913.01 1153
of the Revised Code. 1154

(2) (a) As used in division (B) (2) of this section: 1155

- (i) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code. 1156
1157
- (ii) "Community control sanction" and "drug treatment program" have the same meanings as in section 2929.01 of the Revised Code. 1158
1159
1160
- (iii) "Health care facility" has the same meaning as in section 2919.16 of the Revised Code. 1161
1162
- (iv) "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree. 1163
1164
1165
- (v) "Post-release control sanction" has the same meaning as in section 2967.28 of the Revised Code. 1166
1167
- (vi) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 1168
1169
- (vii) "Public agency" has the same meaning as in section 2930.01 of the Revised Code. 1170
1171
- (viii) "Qualified individual" means a person who is not on community control or post-release control and is a person acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section. 1172
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- (ix) "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility. 1180
1181
1182
1183

(b) Subject to division (B) (2) (f) of this section, a 1184
qualified individual shall not be arrested, charged, prosecuted, 1185
convicted, or penalized pursuant to this chapter for a minor 1186
drug possession offense if all of the following apply: 1187

(i) The evidence of the obtaining, possession, or use of 1188
the controlled substance or controlled substance analog that 1189
would be the basis of the offense was obtained as a result of 1190
the qualified individual seeking the medical assistance or 1191
experiencing an overdose and needing medical assistance. 1192

(ii) Subject to division (B) (2) (g) of this section, within 1193
thirty days after seeking or obtaining the medical assistance, 1194
the qualified individual seeks and obtains a screening and 1195
receives a referral for treatment from a community addiction 1196
services provider or a properly credentialed addiction treatment 1197
professional. 1198

(iii) Subject to division (B) (2) (g) of this section, the 1199
qualified individual who obtains a screening and receives a 1200
referral for treatment under division (B) (2) (b) (ii) of this 1201
section, upon the request of any prosecuting attorney, submits 1202
documentation to the prosecuting attorney that verifies that the 1203
qualified individual satisfied the requirements of that 1204
division. The documentation shall be limited to the date and 1205
time of the screening obtained and referral received. 1206

(c) If a person is found to be in violation of any 1207
community control sanction and if the violation is a result of 1208
either of the following, the court shall first consider ordering 1209
the person's participation or continued participation in a drug 1210
treatment program or mitigating the penalty specified in section 1211
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 1212
applicable, after which the court has the discretion either to 1213

order the person's participation or continued participation in a 1214
drug treatment program or to impose the penalty with the 1215
mitigating factor specified in any of those applicable sections: 1216

(i) Seeking or obtaining medical assistance in good faith 1217
for another person who is experiencing a drug overdose; 1218

(ii) Experiencing a drug overdose and seeking medical 1219
assistance for that overdose or being the subject of another 1220
person seeking or obtaining medical assistance for that overdose 1221
as described in division (B) (2) (b) of this section. 1222

(d) If a person is found to be in violation of any post- 1223
release control sanction and if the violation is a result of 1224
either of the following, the court or the parole board shall 1225
first consider ordering the person's participation or continued 1226
participation in a drug treatment program or mitigating the 1227
penalty specified in section 2929.141 or 2967.28 of the Revised 1228
Code, whichever is applicable, after which the court or the 1229
parole board has the discretion either to order the person's 1230
participation or continued participation in a drug treatment 1231
program or to impose the penalty with the mitigating factor 1232
specified in either of those applicable sections: 1233

(i) Seeking or obtaining medical assistance in good faith 1234
for another person who is experiencing a drug overdose; 1235

(ii) Experiencing a drug overdose and seeking medical 1236
assistance for that emergency or being the subject of another 1237
person seeking or obtaining medical assistance for that overdose 1238
as described in division (B) (2) (b) of this section. 1239

(e) Nothing in division (B) (2) (b) of this section shall be 1240
construed to do any of the following: 1241

(i) Limit the admissibility of any evidence in connection 1242

with the investigation or prosecution of a crime with regards to 1243
a defendant who does not qualify for the protections of division 1244
(B) (2) (b) of this section or with regards to any crime other 1245
than a minor drug possession offense committed by a person who 1246
qualifies for protection pursuant to division (B) (2) (b) of this 1247
section for a minor drug possession offense; 1248

(ii) Limit any seizure of evidence or contraband otherwise 1249
permitted by law; 1250

(iii) Limit or abridge the authority of a peace officer to 1251
detain or take into custody a person in the course of an 1252
investigation or to effectuate an arrest for any offense except 1253
as provided in that division; 1254

(iv) Limit, modify, or remove any immunity from liability 1255
available pursuant to law in effect prior to September 13, 2016, 1256
to any public agency or to an employee of any public agency. 1257

(f) Division (B) (2) (b) of this section does not apply to 1258
any person who twice previously has been granted an immunity 1259
under division (B) (2) (b) of this section. No person shall be 1260
granted an immunity under division (B) (2) (b) of this section 1261
more than two times. 1262

(g) Nothing in this section shall compel any qualified 1263
individual to disclose protected health information in a way 1264
that conflicts with the requirements of the "Health Insurance 1265
Portability and Accountability Act of 1996," 104 Pub. L. No. 1266
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 1267
regulations promulgated by the United States department of 1268
health and human services to implement the act or the 1269
requirements of 42 C.F.R. Part 2. 1270

(C) Whoever violates division (A) of this section is 1271

guilty of one of the following: 1272

(1) If the drug involved in the violation is a compound, 1273
mixture, preparation, or substance included in schedule I or II, 1274
with the exception of marihuana, cocaine, L.S.D., heroin, any 1275
fentanyl-related compound, hashish, and any controlled substance 1276
analog, whoever violates division (A) of this section is guilty 1277
of aggravated possession of drugs. The penalty for the offense 1278
shall be determined as follows: 1279

(a) Except as otherwise provided in division (C) (1) (b), 1280
(c), (d), or (e) of this section, aggravated possession of drugs 1281
is a felony of the fifth degree, and division (B) of section 1282
2929.13 of the Revised Code applies in determining whether to 1283
impose a prison term on the offender. 1284

(b) If the amount of the drug involved equals or exceeds 1285
the bulk amount but is less than five times the bulk amount, 1286
aggravated possession of drugs is a felony of the third degree, 1287
and there is a presumption for a prison term for the offense. 1288

(c) If the amount of the drug involved equals or exceeds 1289
five times the bulk amount but is less than fifty times the bulk 1290
amount, aggravated possession of drugs is a felony of the second 1291
degree, and the court shall impose as a mandatory prison term a 1292
second degree felony mandatory prison term. 1293

(d) If the amount of the drug involved equals or exceeds 1294
fifty times the bulk amount but is less than one hundred times 1295
the bulk amount, aggravated possession of drugs is a felony of 1296
the first degree, and the court shall impose as a mandatory 1297
prison term a first degree felony mandatory prison term. 1298

(e) If the amount of the drug involved equals or exceeds 1299
one hundred times the bulk amount, aggravated possession of 1300

drugs is a felony of the first degree, the offender is a major 1301
drug offender, and the court shall impose as a mandatory prison 1302
term a maximum first degree felony mandatory prison term. 1303

(2) If the drug involved in the violation is a compound, 1304
mixture, preparation, or substance included in schedule III, IV, 1305
or V, whoever violates division (A) of this section is guilty of 1306
possession of drugs. The penalty for the offense shall be 1307
determined as follows: 1308

(a) Except as otherwise provided in division (C) (2) (b), 1309
(c), or (d) of this section, possession of drugs is a 1310
misdemeanor of the first degree or, if the offender previously 1311
has been convicted of a drug abuse offense, a felony of the 1312
fifth degree. 1313

(b) If the amount of the drug involved equals or exceeds 1314
the bulk amount but is less than five times the bulk amount, 1315
possession of drugs is a felony of the fourth degree, and 1316
division (C) of section 2929.13 of the Revised Code applies in 1317
determining whether to impose a prison term on the offender. 1318

(c) If the amount of the drug involved equals or exceeds 1319
five times the bulk amount but is less than fifty times the bulk 1320
amount, possession of drugs is a felony of the third degree, and 1321
there is a presumption for a prison term for the offense. 1322

(d) If the amount of the drug involved equals or exceeds 1323
fifty times the bulk amount, possession of drugs is a felony of 1324
the second degree, and the court shall impose upon the offender 1325
as a mandatory prison term a second degree felony mandatory 1326
prison term. 1327

(3) If the drug involved in the violation is marihuana or 1328
a compound, mixture, preparation, or substance containing 1329

marihuana other than hashish, whoever violates division (A) of 1330
this section is guilty of possession of marihuana. The penalty 1331
for the offense shall be determined as follows: 1332

(a) Except as otherwise provided in division (C) (3) (b), 1333
(c), (d), (e), (f), or (g) of this section, possession of 1334
marihuana is a minor misdemeanor. 1335

(b) If the amount of the drug involved equals or exceeds 1336
one hundred grams but is less than two hundred grams, possession 1337
of marihuana is a misdemeanor of the fourth degree. 1338

(c) If the amount of the drug involved equals or exceeds 1339
two hundred grams but is less than one thousand grams, 1340
possession of marihuana is a felony of the fifth degree, and 1341
division (B) of section 2929.13 of the Revised Code applies in 1342
determining whether to impose a prison term on the offender. 1343

(d) If the amount of the drug involved equals or exceeds 1344
one thousand grams but is less than five thousand grams, 1345
possession of marihuana is a felony of the third degree, and 1346
division (C) of section 2929.13 of the Revised Code applies in 1347
determining whether to impose a prison term on the offender. 1348

(e) If the amount of the drug involved equals or exceeds 1349
five thousand grams but is less than twenty thousand grams, 1350
possession of marihuana is a felony of the third degree, and 1351
there is a presumption that a prison term shall be imposed for 1352
the offense. 1353

(f) If the amount of the drug involved equals or exceeds 1354
twenty thousand grams but is less than forty thousand grams, 1355
possession of marihuana is a felony of the second degree, and 1356
the court shall impose as a mandatory prison term a second 1357
degree felony mandatory prison term of five, six, seven, or 1358

eight years. 1359

(g) If the amount of the drug involved equals or exceeds 1360
forty thousand grams, possession of marihuana is a felony of the 1361
second degree, and the court shall impose as a mandatory prison 1362
term a maximum second degree felony mandatory prison term. 1363

(4) If the drug involved in the violation is cocaine or a 1364
compound, mixture, preparation, or substance containing cocaine, 1365
whoever violates division (A) of this section is guilty of 1366
possession of cocaine. The penalty for the offense shall be 1367
determined as follows: 1368

(a) Except as otherwise provided in division (C) (4) (b), 1369
(c), (d), (e), or (f) of this section, possession of cocaine is 1370
a felony of the fifth degree, and division (B) of section 1371
2929.13 of the Revised Code applies in determining whether to 1372
impose a prison term on the offender. 1373

(b) If the amount of the drug involved equals or exceeds 1374
five grams but is less than ten grams of cocaine, possession of 1375
cocaine is a felony of the fourth degree, and division (B) of 1376
section 2929.13 of the Revised Code applies in determining 1377
whether to impose a prison term on the offender. 1378

(c) If the amount of the drug involved equals or exceeds 1379
ten grams but is less than twenty grams of cocaine, possession 1380
of cocaine is a felony of the third degree, and, except as 1381
otherwise provided in this division, there is a presumption for 1382
a prison term for the offense. If possession of cocaine is a 1383
felony of the third degree under this division and if the 1384
offender two or more times previously has been convicted of or 1385
pleaded guilty to a felony drug abuse offense, the court shall 1386
impose as a mandatory prison term one of the prison terms 1387

prescribed for a felony of the third degree. 1388

(d) If the amount of the drug involved equals or exceeds 1389
twenty grams but is less than twenty-seven grams of cocaine, 1390
possession of cocaine is a felony of the second degree, and the 1391
court shall impose as a mandatory prison term a second degree 1392
felony mandatory prison term. 1393

(e) If the amount of the drug involved equals or exceeds 1394
twenty-seven grams but is less than one hundred grams of 1395
cocaine, possession of cocaine is a felony of the first degree, 1396
and the court shall impose as a mandatory prison term a first 1397
degree felony mandatory prison term. 1398

(f) If the amount of the drug involved equals or exceeds 1399
one hundred grams of cocaine, possession of cocaine is a felony 1400
of the first degree, the offender is a major drug offender, and 1401
the court shall impose as a mandatory prison term a maximum 1402
first degree felony mandatory prison term. 1403

(5) If the drug involved in the violation is L.S.D., 1404
whoever violates division (A) of this section is guilty of 1405
possession of L.S.D. The penalty for the offense shall be 1406
determined as follows: 1407

(a) Except as otherwise provided in division (C) (5) (b), 1408
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 1409
felony of the fifth degree, and division (B) of section 2929.13 1410
of the Revised Code applies in determining whether to impose a 1411
prison term on the offender. 1412

(b) If the amount of L.S.D. involved equals or exceeds ten 1413
unit doses but is less than fifty unit doses of L.S.D. in a 1414
solid form or equals or exceeds one gram but is less than five 1415
grams of L.S.D. in a liquid concentrate, liquid extract, or 1416

liquid distillate form, possession of L.S.D. is a felony of the 1417
fourth degree, and division (C) of section 2929.13 of the 1418
Revised Code applies in determining whether to impose a prison 1419
term on the offender. 1420

(c) If the amount of L.S.D. involved equals or exceeds 1421
fifty unit doses, but is less than two hundred fifty unit doses 1422
of L.S.D. in a solid form or equals or exceeds five grams but is 1423
less than twenty-five grams of L.S.D. in a liquid concentrate, 1424
liquid extract, or liquid distillate form, possession of L.S.D. 1425
is a felony of the third degree, and there is a presumption for 1426
a prison term for the offense. 1427

(d) If the amount of L.S.D. involved equals or exceeds two 1428
hundred fifty unit doses but is less than one thousand unit 1429
doses of L.S.D. in a solid form or equals or exceeds twenty-five 1430
grams but is less than one hundred grams of L.S.D. in a liquid 1431
concentrate, liquid extract, or liquid distillate form, 1432
possession of L.S.D. is a felony of the second degree, and the 1433
court shall impose as a mandatory prison term a second degree 1434
felony mandatory prison term. 1435

(e) If the amount of L.S.D. involved equals or exceeds one 1436
thousand unit doses but is less than five thousand unit doses of 1437
L.S.D. in a solid form or equals or exceeds one hundred grams 1438
but is less than five hundred grams of L.S.D. in a liquid 1439
concentrate, liquid extract, or liquid distillate form, 1440
possession of L.S.D. is a felony of the first degree, and the 1441
court shall impose as a mandatory prison term a first degree 1442
felony mandatory prison term. 1443

(f) If the amount of L.S.D. involved equals or exceeds 1444
five thousand unit doses of L.S.D. in a solid form or equals or 1445
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1446

liquid extract, or liquid distillate form, possession of L.S.D. 1447
is a felony of the first degree, the offender is a major drug 1448
offender, and the court shall impose as a mandatory prison term 1449
a maximum first degree felony mandatory prison term. 1450

(6) If the drug involved in the violation is heroin or a 1451
compound, mixture, preparation, or substance containing heroin, 1452
whoever violates division (A) of this section is guilty of 1453
possession of heroin. The penalty for the offense shall be 1454
determined as follows: 1455

(a) Except as otherwise provided in division (C) (6) (b), 1456
(c), (d), (e), or (f) of this section, possession of heroin is a 1457
felony of the fifth degree, and division (B) of section 2929.13 1458
of the Revised Code applies in determining whether to impose a 1459
prison term on the offender. 1460

(b) If the amount of the drug involved equals or exceeds 1461
ten unit doses but is less than fifty unit doses or equals or 1462
exceeds one gram but is less than five grams, possession of 1463
heroin is a felony of the fourth degree, and division (C) of 1464
section 2929.13 of the Revised Code applies in determining 1465
whether to impose a prison term on the offender. 1466

(c) If the amount of the drug involved equals or exceeds 1467
fifty unit doses but is less than one hundred unit doses or 1468
equals or exceeds five grams but is less than ten grams, 1469
possession of heroin is a felony of the third degree, and there 1470
is a presumption for a prison term for the offense. 1471

(d) If the amount of the drug involved equals or exceeds 1472
one hundred unit doses but is less than five hundred unit doses 1473
or equals or exceeds ten grams but is less than fifty grams, 1474
possession of heroin is a felony of the second degree, and the 1475

court shall impose as a mandatory prison term a second degree 1476
felony mandatory prison term. 1477

(e) If the amount of the drug involved equals or exceeds 1478
five hundred unit doses but is less than one thousand unit doses 1479
or equals or exceeds fifty grams but is less than one hundred 1480
grams, possession of heroin is a felony of the first degree, and 1481
the court shall impose as a mandatory prison term a first degree 1482
felony mandatory prison term. 1483

(f) If the amount of the drug involved equals or exceeds 1484
one thousand unit doses or equals or exceeds one hundred grams, 1485
possession of heroin is a felony of the first degree, the 1486
offender is a major drug offender, and the court shall impose as 1487
a mandatory prison term a maximum first degree felony mandatory 1488
prison term. 1489

(7) If the drug involved in the violation is hashish or a 1490
compound, mixture, preparation, or substance containing hashish, 1491
whoever violates division (A) of this section is guilty of 1492
possession of hashish. The penalty for the offense shall be 1493
determined as follows: 1494

(a) Except as otherwise provided in division (C) (7) (b), 1495
(c), (d), (e), (f), or (g) of this section, possession of 1496
hashish is a minor misdemeanor. 1497

(b) If the amount of the drug involved equals or exceeds 1498
five grams but is less than ten grams of hashish in a solid form 1499
or equals or exceeds one gram but is less than two grams of 1500
hashish in a liquid concentrate, liquid extract, or liquid 1501
distillate form, possession of hashish is a misdemeanor of the 1502
fourth degree. 1503

(c) If the amount of the drug involved equals or exceeds 1504

ten grams but is less than fifty grams of hashish in a solid 1505
form or equals or exceeds two grams but is less than ten grams 1506
of hashish in a liquid concentrate, liquid extract, or liquid 1507
distillate form, possession of hashish is a felony of the fifth 1508
degree, and division (B) of section 2929.13 of the Revised Code 1509
applies in determining whether to impose a prison term on the 1510
offender. 1511

(d) If the amount of the drug involved equals or exceeds 1512
fifty grams but is less than two hundred fifty grams of hashish 1513
in a solid form or equals or exceeds ten grams but is less than 1514
fifty grams of hashish in a liquid concentrate, liquid extract, 1515
or liquid distillate form, possession of hashish is a felony of 1516
the third degree, and division (C) of section 2929.13 of the 1517
Revised Code applies in determining whether to impose a prison 1518
term on the offender. 1519

(e) If the amount of the drug involved equals or exceeds 1520
two hundred fifty grams but is less than one thousand grams of 1521
hashish in a solid form or equals or exceeds fifty grams but is 1522
less than two hundred grams of hashish in a liquid concentrate, 1523
liquid extract, or liquid distillate form, possession of hashish 1524
is a felony of the third degree, and there is a presumption that 1525
a prison term shall be imposed for the offense. 1526

(f) If the amount of the drug involved equals or exceeds 1527
one thousand grams but is less than two thousand grams of 1528
hashish in a solid form or equals or exceeds two hundred grams 1529
but is less than four hundred grams of hashish in a liquid 1530
concentrate, liquid extract, or liquid distillate form, 1531
possession of hashish is a felony of the second degree, and the 1532
court shall impose as a mandatory prison term a second degree 1533
felony mandatory prison term of five, six, seven, or eight 1534

years. 1535

(g) If the amount of the drug involved equals or exceeds 1536
two thousand grams of hashish in a solid form or equals or 1537
exceeds four hundred grams of hashish in a liquid concentrate, 1538
liquid extract, or liquid distillate form, possession of hashish 1539
is a felony of the second degree, and the court shall impose as 1540
a mandatory prison term a maximum second degree felony mandatory 1541
prison term. 1542

(8) If the drug involved is a controlled substance analog 1543
or compound, mixture, preparation, or substance that contains a 1544
controlled substance analog, whoever violates division (A) of 1545
this section is guilty of possession of a controlled substance 1546
analog. The penalty for the offense shall be determined as 1547
follows: 1548

(a) Except as otherwise provided in division (C) (8) (b), 1549
(c), (d), (e), or (f) of this section, possession of a 1550
controlled substance analog is a felony of the fifth degree, and 1551
division (B) of section 2929.13 of the Revised Code applies in 1552
determining whether to impose a prison term on the offender. 1553

(b) If the amount of the drug involved equals or exceeds 1554
ten grams but is less than twenty grams, possession of a 1555
controlled substance analog is a felony of the fourth degree, 1556
and there is a presumption for a prison term for the offense. 1557

(c) If the amount of the drug involved equals or exceeds 1558
twenty grams but is less than thirty grams, possession of a 1559
controlled substance analog is a felony of the third degree, and 1560
there is a presumption for a prison term for the offense. 1561

(d) If the amount of the drug involved equals or exceeds 1562
thirty grams but is less than forty grams, possession of a 1563

controlled substance analog is a felony of the second degree, 1564
and the court shall impose as a mandatory prison term a second 1565
degree felony mandatory prison term. 1566

(e) If the amount of the drug involved equals or exceeds 1567
forty grams but is less than fifty grams, possession of a 1568
controlled substance analog is a felony of the first degree, and 1569
the court shall impose as a mandatory prison term a first degree 1570
felony mandatory prison term. 1571

(f) If the amount of the drug involved equals or exceeds 1572
fifty grams, possession of a controlled substance analog is a 1573
felony of the first degree, the offender is a major drug 1574
offender, and the court shall impose as a mandatory prison term 1575
a maximum first degree felony mandatory prison term. 1576

(9) If the drug involved in the violation is a compound, 1577
mixture, preparation, or substance that is a combination of a 1578
fentanyl-related compound and marihuana, one of the following 1579
applies: 1580

(a) Except as otherwise provided in division (C) (9) (b) of 1581
this section, the offender is guilty of possession of marihuana 1582
and shall be punished as provided in division (C) (3) of this 1583
section. Except as otherwise provided in division (C) (9) (b) of 1584
this section, the offender is not guilty of possession of a 1585
fentanyl-related compound under division (C) (11) of this section 1586
and shall not be charged with, convicted of, or punished under 1587
division (C) (11) of this section for possession of a fentanyl- 1588
related compound. 1589

(b) If the offender knows or has reason to know that the 1590
compound, mixture, preparation, or substance that is the drug 1591
involved contains a fentanyl-related compound, the offender is 1592

guilty of possession of a fentanyl-related compound and shall be 1593
punished under division (C) (11) of this section. 1594

(10) If the drug involved in the violation is a compound, 1595
mixture, preparation, or substance that is a combination of a 1596
fentanyl-related compound and any schedule III, schedule IV, or 1597
schedule V controlled substance that is not a fentanyl-related 1598
compound, one of the following applies: 1599

(a) Except as otherwise provided in division (C) (10) (b) of 1600
this section, the offender is guilty of possession of drugs and 1601
shall be punished as provided in division (C) (2) of this 1602
section. Except as otherwise provided in division (C) (10) (b) of 1603
this section, the offender is not guilty of possession of a 1604
fentanyl-related compound under division (C) (11) of this section 1605
and shall not be charged with, convicted of, or punished under 1606
division (C) (11) of this section for possession of a fentanyl- 1607
related compound. 1608

(b) If the offender knows or has reason to know that the 1609
compound, mixture, preparation, or substance that is the drug 1610
involved contains a fentanyl-related compound, the offender is 1611
guilty of possession of a fentanyl-related compound and shall be 1612
punished under division (C) (11) of this section. 1613

(11) If the drug involved in the violation is a fentanyl- 1614
related compound and neither division (C) (9) (a) nor division (C) 1615
(10) (a) of this section applies to the drug involved, or is a 1616
compound, mixture, preparation, or substance that contains a 1617
fentanyl-related compound or is a combination of a fentanyl- 1618
related compound and any other controlled substance and neither 1619
division (C) (9) (a) nor division (C) (10) (a) of this section 1620
applies to the drug involved, whoever violates division (A) of 1621
this section is guilty of possession of a fentanyl-related 1622

compound. The penalty for the offense shall be determined as 1623
follows: 1624

(a) Except as otherwise provided in division (C) (11) (b), 1625
(c), (d), (e), (f), or (g) of this section, possession of a 1626
fentanyl-related compound is a felony of the fifth degree, and 1627
division (B) of section 2929.13 of the Revised Code applies in 1628
determining whether to impose a prison term on the offender. 1629

(b) If the amount of the drug involved equals or exceeds 1630
ten unit doses but is less than fifty unit doses or equals or 1631
exceeds one gram but is less than five grams, possession of a 1632
fentanyl-related compound is a felony of the fourth degree, and 1633
division (C) of section 2929.13 of the Revised Code applies in 1634
determining whether to impose a prison term on the offender. 1635

(c) If the amount of the drug involved equals or exceeds 1636
fifty unit doses but is less than one hundred unit doses or 1637
equals or exceeds five grams but is less than ten grams, 1638
possession of a fentanyl-related compound is a felony of the 1639
third degree, and there is a presumption for a prison term for 1640
the offense. 1641

(d) If the amount of the drug involved equals or exceeds 1642
one hundred unit doses but is less than two hundred unit doses 1643
or equals or exceeds ten grams but is less than twenty grams, 1644
possession of a fentanyl-related compound is a felony of the 1645
second degree, and the court shall impose as a mandatory prison 1646
term one of the prison terms prescribed for a felony of the 1647
second degree. 1648

(e) If the amount of the drug involved equals or exceeds 1649
two hundred unit doses but is less than five hundred unit doses 1650
or equals or exceeds twenty grams but is less than fifty grams, 1651

possession of a fentanyl-related compound is a felony of the 1652
first degree, and the court shall impose as a mandatory prison 1653
term one of the prison terms prescribed for a felony of the 1654
first degree. 1655

(f) If the amount of the drug involved equals or exceeds 1656
five hundred unit doses but is less than one thousand unit doses 1657
or equals or exceeds fifty grams but is less than one hundred 1658
grams, possession of a fentanyl-related compound is a felony of 1659
the first degree, and the court shall impose as a mandatory 1660
prison term the maximum prison term prescribed for a felony of 1661
the first degree. 1662

(g) If the amount of the drug involved equals or exceeds 1663
one thousand unit doses or equals or exceeds one hundred grams, 1664
possession of a fentanyl-related compound is a felony of the 1665
first degree, the offender is a major drug offender, and the 1666
court shall impose as a mandatory prison term the maximum prison 1667
term prescribed for a felony of the first degree. 1668

(D) Arrest or conviction for a minor misdemeanor violation 1669
of this section does not constitute a criminal record and need 1670
not be reported by the person so arrested or convicted in 1671
response to any inquiries about the person's criminal record, 1672
including any inquiries contained in any application for 1673
employment, license, or other right or privilege, or made in 1674
connection with the person's appearance as a witness. 1675

(E) In addition to any prison term or jail term authorized 1676
or required by division (C) of this section and sections 1677
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 1678
Code and in addition to any other sanction that is imposed for 1679
the offense under this section, sections 2929.11 to 2929.18, or 1680
sections 2929.21 to 2929.28 of the Revised Code, the court that 1681

sentences an offender who is convicted of or pleads guilty to a 1682
violation of division (A) of this section may suspend the 1683
offender's driver's or commercial driver's license or permit for 1684
not more than five years. However, if the offender pleaded 1685
guilty to or was convicted of a violation of section 4511.19 of 1686
the Revised Code or a substantially similar municipal ordinance 1687
or the law of another state or the United States arising out of 1688
the same set of circumstances as the violation, the court shall 1689
suspend the offender's driver's or commercial driver's license 1690
or permit for not more than five years. If applicable, the court 1691
also shall do the following: 1692

(1) (a) If the violation is a felony of the first, second, 1693
or third degree, the court shall impose upon the offender the 1694
mandatory fine specified for the offense under division (B) (1) 1695
of section 2929.18 of the Revised Code unless, as specified in 1696
that division, the court determines that the offender is 1697
indigent. 1698

(b) Notwithstanding any contrary provision of section 1699
3719.21 of the Revised Code, the clerk of the court shall pay a 1700
mandatory fine or other fine imposed for a violation of this 1701
section pursuant to division (A) of section 2929.18 of the 1702
Revised Code in accordance with and subject to the requirements 1703
of division (F) of section 2925.03 of the Revised Code. The 1704
agency that receives the fine shall use the fine as specified in 1705
division (F) of section 2925.03 of the Revised Code. 1706

(c) If a person is charged with a violation of this 1707
section that is a felony of the first, second, or third degree, 1708
posts bail, and forfeits the bail, the clerk shall pay the 1709
forfeited bail pursuant to division (E) (1) (b) of this section as 1710
if it were a mandatory fine imposed under division (E) (1) (a) of 1711

this section. 1712

(2) If the offender is a professionally licensed person, 1713
in addition to any other sanction imposed for a violation of 1714
this section, the court immediately shall comply with section 1715
2925.38 of the Revised Code. 1716

(F) It is an affirmative defense, as provided in section 1717
2901.05 of the Revised Code, to a charge of a fourth degree 1718
felony violation under this section that the controlled 1719
substance that gave rise to the charge is in an amount, is in a 1720
form, is prepared, compounded, or mixed with substances that are 1721
not controlled substances in a manner, or is possessed under any 1722
other circumstances, that indicate that the substance was 1723
possessed solely for personal use. Notwithstanding any contrary 1724
provision of this section, if, in accordance with section 1725
2901.05 of the Revised Code, an accused who is charged with a 1726
fourth degree felony violation of division (C) (2), (4), (5), or 1727
(6) of this section sustains the burden of going forward with 1728
evidence of and establishes by a preponderance of the evidence 1729
the affirmative defense described in this division, the accused 1730
may be prosecuted for and may plead guilty to or be convicted of 1731
a misdemeanor violation of division (C) (2) of this section or a 1732
fifth degree felony violation of division (C) (4), (5), or (6) of 1733
this section respectively. 1734

(G) When a person is charged with possessing a bulk amount 1735
or multiple of a bulk amount, division (E) of section 2925.03 of 1736
the Revised Code applies regarding the determination of the 1737
amount of the controlled substance involved at the time of the 1738
offense. 1739

(H) It is an affirmative defense to a charge of possession 1740
of a controlled substance analog under division (C) (8) of this 1741

section that the person charged with violating that offense 1742
obtained, possessed, or used one of the following items that are 1743
excluded from the meaning of "controlled substance analog" under 1744
section 3719.01 of the Revised Code: 1745

(1) A controlled substance; 1746

(2) Any substance for which there is an approved new drug 1747
application; 1748

(3) With respect to a particular person, any substance if 1749
an exemption is in effect for investigational use for that 1750
person pursuant to federal law to the extent that conduct with 1751
respect to that substance is pursuant to that exemption. 1752

(I) Any offender who received a mandatory suspension of 1753
the offender's driver's or commercial driver's license or permit 1754
under this section prior to September 13, 2016, may file a 1755
motion with the sentencing court requesting the termination of 1756
the suspension. However, an offender who pleaded guilty to or 1757
was convicted of a violation of section 4511.19 of the Revised 1758
Code or a substantially similar municipal ordinance or law of 1759
another state or the United States that arose out of the same 1760
set of circumstances as the violation for which the offender's 1761
license or permit was suspended under this section shall not 1762
file such a motion. 1763

Upon the filing of a motion under division (I) of this 1764
section, the sentencing court, in its discretion, may terminate 1765
the suspension. 1766

Sec. 2925.12. (A) No person shall knowingly make, obtain, 1767
possess, or use any instrument, article, or thing the customary 1768
and primary purpose of which is for the administration or use of 1769
a dangerous drug, other than marihuana, when the instrument 1770

involved is a hypodermic or syringe, whether or not of crude or 1771
extemporized manufacture or assembly, and the instrument, 1772
article, or thing involved has been used by the offender to 1773
unlawfully administer or use a dangerous drug, other than 1774
marihuana, or to prepare a dangerous drug, other than marihuana, 1775
for unlawful administration or use. 1776

(B) This section does not apply to manufacturers, licensed 1777
health professionals authorized to prescribe drugs, pharmacists, 1778
owners of pharmacies, and other persons whose conduct was in 1779
accordance with Chapters 3719., 4715., 4723., 4729., 4730., 1780
4731., 4732., and 4741. of the Revised Code. 1781

(C) Whoever violates this section is guilty of possessing 1782
drug abuse instruments, a misdemeanor of the second degree. If 1783
the offender previously has been convicted of a drug abuse 1784
offense, a violation of this section is a misdemeanor of the 1785
first degree. 1786

(D) (1) In addition to any other sanction imposed upon an 1787
offender for a violation of this section, the court may suspend 1788
for not more than five years the offender's driver's or 1789
commercial driver's license or permit. However, if the offender 1790
pleaded guilty to or was convicted of a violation of section 1791
4511.19 of the Revised Code or a substantially similar municipal 1792
ordinance or the law of another state or the United States 1793
arising out of the same set of circumstances as the violation, 1794
the court shall suspend the offender's driver's or commercial 1795
driver's license or permit for not more than five years. If the 1796
offender is a professionally licensed person, in addition to any 1797
other sanction imposed for a violation of this section, the 1798
court immediately shall comply with section 2925.38 of the 1799
Revised Code. 1800

(2) Any offender who received a mandatory suspension of 1801
the offender's driver's or commercial driver's license or permit 1802
under this section prior to ~~the effective date of this amendment~~ 1803
September 13, 2016, may file a motion with the sentencing court 1804
requesting the termination of the suspension. However, an 1805
offender who pleaded guilty to or was convicted of a violation 1806
of section 4511.19 of the Revised Code or a substantially 1807
similar municipal ordinance or law of another state or the 1808
United States that arose out of the same set of circumstances as 1809
the violation for which the offender's license or permit was 1810
suspended under this section shall not file such a motion. 1811

Upon the filing of a motion under division (D)(2) of this 1812
section, the sentencing court, in its discretion, may terminate 1813
the suspension. 1814

Sec. 2925.14. (A) As used in this section, "drug 1815
paraphernalia" means any equipment, product, or material of any 1816
kind that is used by the offender, intended by the offender for 1817
use, or designed for use, in propagating, cultivating, growing, 1818
harvesting, manufacturing, compounding, converting, producing, 1819
processing, preparing, testing, analyzing, packaging, 1820
repackaging, storing, containing, concealing, injecting, 1821
ingesting, inhaling, or otherwise introducing into the human 1822
body, a controlled substance in violation of this chapter. "Drug 1823
paraphernalia" includes, but is not limited to, any of the 1824
following equipment, products, or materials that are used by the 1825
offender, intended by the offender for use, or designed by the 1826
offender for use, in any of the following manners: 1827

(1) A kit for propagating, cultivating, growing, or 1828
harvesting any species of a plant that is a controlled substance 1829
or from which a controlled substance can be derived; 1830

- (2) A kit for manufacturing, compounding, converting, producing, processing, or preparing a controlled substance; 1831
1832
- (3) Any object, instrument, or device for manufacturing, compounding, converting, producing, processing, or preparing methamphetamine; 1833
1834
1835
- (4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance; 1836
1837
- (5) Testing equipment for identifying, or analyzing the strength, effectiveness, or purity of, a controlled substance; 1838
1839
- (6) A scale or balance for weighing or measuring a controlled substance; 1840
1841
- (7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance; 1842
1843
1844
- (8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana; 1845
1846
- (9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance; 1847
1848
- (10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance; 1849
1850
- (11) A container or device for storing or concealing a controlled substance; 1851
1852
- (12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body; 1853
1854
1855
- (13) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, 1856
1857

marihuana, cocaine, hashish, or hashish oil, such as a metal, 1858
wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or 1859
without a screen, permanent screen, hashish head, or punctured 1860
metal bowl; water pipe; carburetion tube or device; smoking or 1861
carburetion mask; roach clip or similar object used to hold 1862
burning material, such as a marihuana cigarette, that has become 1863
too small or too short to be held in the hand; miniature cocaine 1864
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric 1865
pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 1866

(B) In determining if any equipment, product, or material 1867
is drug paraphernalia, a court or law enforcement officer shall 1868
consider, in addition to other relevant factors, the following: 1869

(1) Any statement by the owner, or by anyone in control, 1870
of the equipment, product, or material, concerning its use; 1871

(2) The proximity in time or space of the equipment, 1872
product, or material, or of the act relating to the equipment, 1873
product, or material, to a violation of any provision of this 1874
chapter; 1875

(3) The proximity of the equipment, product, or material 1876
to any controlled substance; 1877

(4) The existence of any residue of a controlled substance 1878
on the equipment, product, or material; 1879

(5) Direct or circumstantial evidence of the intent of the 1880
owner, or of anyone in control, of the equipment, product, or 1881
material, to deliver it to any person whom the owner or person 1882
in control of the equipment, product, or material knows intends 1883
to use the object to facilitate a violation of any provision of 1884
this chapter. A finding that the owner, or anyone in control, of 1885
the equipment, product, or material, is not guilty of a 1886

violation of any other provision of this chapter does not	1887
prevent a finding that the equipment, product, or material was	1888
intended or designed by the offender for use as drug	1889
paraphernalia.	1890
(6) Any oral or written instruction provided with the	1891
equipment, product, or material concerning its use;	1892
(7) Any descriptive material accompanying the equipment,	1893
product, or material and explaining or depicting its use;	1894
(8) National or local advertising concerning the use of	1895
the equipment, product, or material;	1896
(9) The manner and circumstances in which the equipment,	1897
product, or material is displayed for sale;	1898
(10) Direct or circumstantial evidence of the ratio of the	1899
sales of the equipment, product, or material to the total sales	1900
of the business enterprise;	1901
(11) The existence and scope of legitimate uses of the	1902
equipment, product, or material in the community;	1903
(12) Expert testimony concerning the use of the equipment,	1904
product, or material.	1905
(C) (1) Subject to division (D) (2) of this section, no	1906
person shall knowingly use, or possess with purpose to use, drug	1907
paraphernalia.	1908
(2) No person shall knowingly sell, or possess or	1909
manufacture with purpose to sell, drug paraphernalia, if the	1910
person knows or reasonably should know that the equipment,	1911
product, or material will be used as drug paraphernalia.	1912
(3) No person shall place an advertisement in any	1913

newspaper, magazine, handbill, or other publication that is 1914
published and printed and circulates primarily within this 1915
state, if the person knows that the purpose of the advertisement 1916
is to promote the illegal sale in this state of the equipment, 1917
product, or material that the offender intended or designed for 1918
use as drug paraphernalia. 1919

(D) (1) This section does not apply to manufacturers, 1920
licensed health professionals authorized to prescribe drugs, 1921
pharmacists, owners of pharmacies, and other persons whose 1922
conduct is in accordance with Chapters 3719., 4715., 4723., 1923
4729., 4730., 4731., 4732., and 4741. of the Revised Code. This 1924
section shall not be construed to prohibit the possession or use 1925
of a hypodermic as authorized by section 3719.172 of the Revised 1926
Code. 1927

(2) Division (C) (1) of this section does not apply to a 1928
person's use, or possession with purpose to use, any drug 1929
paraphernalia that is equipment, a product, or material of any 1930
kind that is used by the person, intended by the person for use, 1931
or designed for use in storing, containing, concealing, 1932
injecting, ingesting, inhaling, or otherwise introducing into 1933
the human body marihuana. 1934

(E) Notwithstanding Chapter 2981. of the Revised Code, any 1935
drug paraphernalia that was used, possessed, sold, or 1936
manufactured in a violation of this section shall be seized, 1937
after a conviction for that violation shall be forfeited, and 1938
upon forfeiture shall be disposed of pursuant to division (B) of 1939
section 2981.12 of the Revised Code. 1940

(F) (1) Whoever violates division (C) (1) of this section is 1941
guilty of illegal use or possession of drug paraphernalia, a 1942
misdemeanor of the fourth degree. 1943

(2) Except as provided in division (F) (3) of this section, 1944
whoever violates division (C) (2) of this section is guilty of 1945
dealing in drug paraphernalia, a misdemeanor of the second 1946
degree. 1947

(3) Whoever violates division (C) (2) of this section by 1948
selling drug paraphernalia to a juvenile is guilty of selling 1949
drug paraphernalia to juveniles, a misdemeanor of the first 1950
degree. 1951

(4) Whoever violates division (C) (3) of this section is 1952
guilty of illegal advertising of drug paraphernalia, a 1953
misdemeanor of the second degree. 1954

(G) (1) In addition to any other sanction imposed upon an 1955
offender for a violation of this section, the court may suspend 1956
for not more than five years the offender's driver's or 1957
commercial driver's license or permit. However, if the offender 1958
pleaded guilty to or was convicted of a violation of section 1959
4511.19 of the Revised Code or a substantially similar municipal 1960
ordinance or the law of another state or the United States 1961
arising out of the same set of circumstances as the violation, 1962
the court shall suspend the offender's driver's or commercial 1963
driver's license or permit for not more than five years. If the 1964
offender is a professionally licensed person, in addition to any 1965
other sanction imposed for a violation of this section, the 1966
court immediately shall comply with section 2925.38 of the 1967
Revised Code. 1968

(2) Any offender who received a mandatory suspension of 1969
the offender's driver's or commercial driver's license or permit 1970
under this section prior to ~~the effective date of this amendment~~ 1971
September 13, 2016, may file a motion with the sentencing court 1972
requesting the termination of the suspension. However, an 1973

offender who pleaded guilty to or was convicted of a violation 1974
of section 4511.19 of the Revised Code or a substantially 1975
similar municipal ordinance or law of another state or the 1976
United States that arose out of the same set of circumstances as 1977
the violation for which the offender's license or permit was 1978
suspended under this section shall not file such a motion. 1979

Upon the filing of a motion under division (G) (2) of this 1980
section, the sentencing court, in its discretion, may terminate 1981
the suspension. 1982

Sec. 2925.23. (A) No person shall knowingly make a false 1983
statement in any prescription, order, report, or record required 1984
by Chapter 3719. or 4729. of the Revised Code. 1985

(B) No person shall intentionally make, utter, or sell, or 1986
knowingly possess any of the following that is a false or 1987
forged: 1988

(1) Prescription; 1989

(2) Uncompleted preprinted prescription blank used for 1990
writing a prescription; 1991

(3) Official written order; 1992

(4) License for a terminal distributor of dangerous drugs, 1993
as defined in section 4729.01 of the Revised Code; 1994

(5) License for a manufacturer of dangerous drugs, 1995
outsourcing facility, third-party logistics provider, repackager 1996
of dangerous drugs, or wholesale distributor of dangerous drugs, 1997
as defined in section 4729.01 of the Revised Code. 1998

(C) No person, by theft as defined in section 2913.02 of 1999
the Revised Code, shall acquire any of the following: 2000

(1) A prescription;	2001
(2) An uncompleted preprinted prescription blank used for writing a prescription;	2002 2003
(3) An official written order;	2004
(4) A blank official written order;	2005
(5) A license or blank license for a terminal distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code;	2006 2007 2008
(6) A license or blank license for a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code.	2009 2010 2011 2012 2013
(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs.	2014 2015 2016
(E) Divisions (A) and (D) of this section do not apply to licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., <u>4732.</u> , and 4741. of the Revised Code.	2017 2018 2019 2020 2021 2022
(F) Whoever violates this section is guilty of illegal processing of drug documents. If the offender violates division (B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this section, illegal processing of drug documents is a felony of the fifth degree. If the offender violates division (A), division (B) (1) or (3), division (C) (1) or (3), or division (D) of this	2023 2024 2025 2026 2027 2028

section, the penalty for illegal processing of drug documents 2029
shall be determined as follows: 2030

(1) If the drug involved is a compound, mixture, 2031
preparation, or substance included in schedule I or II, with the 2032
exception of marihuana, illegal processing of drug documents is 2033
a felony of the fourth degree, and division (C) of section 2034
2929.13 of the Revised Code applies in determining whether to 2035
impose a prison term on the offender. 2036

(2) If the drug involved is a dangerous drug or a 2037
compound, mixture, preparation, or substance included in 2038
schedule III, IV, or V or is marihuana, illegal processing of 2039
drug documents is a felony of the fifth degree, and division (C) 2040
of section 2929.13 of the Revised Code applies in determining 2041
whether to impose a prison term on the offender. 2042

(G) (1) In addition to any prison term authorized or 2043
required by division (F) of this section and sections 2929.13 2044
and 2929.14 of the Revised Code and in addition to any other 2045
sanction imposed for the offense under this section or sections 2046
2929.11 to 2929.18 of the Revised Code, the court that sentences 2047
an offender who is convicted of or pleads guilty to any 2048
violation of divisions (A) to (D) of this section may suspend 2049
for not more than five years the offender's driver's or 2050
commercial driver's license or permit. However, if the offender 2051
pleaded guilty to or was convicted of a violation of section 2052
4511.19 of the Revised Code or a substantially similar municipal 2053
ordinance or the law of another state or the United States 2054
arising out of the same set of circumstances as the violation, 2055
the court shall suspend the offender's driver's or commercial 2056
driver's license or permit for not more than five years. 2057

If the offender is a professionally licensed person, in 2058

addition to any other sanction imposed for a violation of this 2059
section, the court immediately shall comply with section 2925.38 2060
of the Revised Code. 2061

(2) Any offender who received a mandatory suspension of 2062
the offender's driver's or commercial driver's license or permit 2063
under this section prior to September 13, 2016, may file a 2064
motion with the sentencing court requesting the termination of 2065
the suspension. However, an offender who pleaded guilty to or 2066
was convicted of a violation of section 4511.19 of the Revised 2067
Code or a substantially similar municipal ordinance or law of 2068
another state or the United States that arose out of the same 2069
set of circumstances as the violation for which the offender's 2070
license or permit was suspended under this section shall not 2071
file such a motion. 2072

Upon the filing of a motion under division (G) (2) of this 2073
section, the sentencing court, in its discretion, may terminate 2074
the suspension. 2075

(H) Notwithstanding any contrary provision of section 2076
3719.21 of the Revised Code, the clerk of court shall pay a fine 2077
imposed for a violation of this section pursuant to division (A) 2078
of section 2929.18 of the Revised Code in accordance with and 2079
subject to the requirements of division (F) of section 2925.03 2080
of the Revised Code. The agency that receives the fine shall use 2081
the fine as specified in division (F) of section 2925.03 of the 2082
Revised Code. 2083

Sec. 2925.36. (A) No person shall knowingly furnish 2084
another a sample drug. 2085

(B) Division (A) of this section does not apply to 2086
manufacturers, wholesalers, pharmacists, owners of pharmacies, 2087

licensed health professionals authorized to prescribe drugs, and 2088
other persons whose conduct is in accordance with Chapters 2089
3719., 4715., 4723., 4725., 4729., 4730., 4731., 4732., and 2090
4741. of the Revised Code. 2091

(C) (1) Whoever violates this section is guilty of illegal 2092
dispensing of drug samples. 2093

(2) If the drug involved in the offense is a compound, 2094
mixture, preparation, or substance included in schedule I or II, 2095
with the exception of marihuana, the penalty for the offense 2096
shall be determined as follows: 2097

(a) Except as otherwise provided in division (C) (2) (b) of 2098
this section, illegal dispensing of drug samples is a felony of 2099
the fifth degree, and, subject to division (E) of this section, 2100
division (C) of section 2929.13 of the Revised Code applies in 2101
determining whether to impose a prison term on the offender. 2102

(b) If the offense was committed in the vicinity of a 2103
school or in the vicinity of a juvenile, illegal dispensing of 2104
drug samples is a felony of the fourth degree, and, subject to 2105
division (E) of this section, division (C) of section 2929.13 of 2106
the Revised Code applies in determining whether to impose a 2107
prison term on the offender. 2108

(3) If the drug involved in the offense is a dangerous 2109
drug or a compound, mixture, preparation, or substance included 2110
in schedule III, IV, or V, or is marihuana, the penalty for the 2111
offense shall be determined as follows: 2112

(a) Except as otherwise provided in division (C) (3) (b) of 2113
this section, illegal dispensing of drug samples is a 2114
misdemeanor of the second degree. 2115

(b) If the offense was committed in the vicinity of a 2116

school or in the vicinity of a juvenile, illegal dispensing of 2117
drug samples is a misdemeanor of the first degree. 2118

(D) (1) In addition to any prison term authorized or 2119
required by division (C) or (E) of this section and sections 2120
2929.13 and 2929.14 of the Revised Code and in addition to any 2121
other sanction imposed for the offense under this section or 2122
sections 2929.11 to 2929.18 of the Revised Code, the court that 2123
sentences an offender who is convicted of or pleads guilty to a 2124
violation of division (A) of this section may suspend for not 2125
more than five years the offender's driver's or commercial 2126
driver's license or permit. However, if the offender pleaded 2127
guilty to or was convicted of a violation of section 4511.19 of 2128
the Revised Code or a substantially similar municipal ordinance 2129
or the law of another state or the United States arising out of 2130
the same set of circumstances as the violation, the court shall 2131
suspend the offender's driver's or commercial driver's license 2132
or permit for not more than five years. 2133

If the offender is a professionally licensed person, in 2134
addition to any other sanction imposed for a violation of this 2135
section, the court immediately shall comply with section 2925.38 2136
of the Revised Code. 2137

(2) Any offender who received a mandatory suspension of 2138
the offender's driver's or commercial driver's license or permit 2139
under this section prior to September 13, 2016, may file a 2140
motion with the sentencing court requesting the termination of 2141
the suspension. However, an offender who pleaded guilty to or 2142
was convicted of a violation of section 4511.19 of the Revised 2143
Code or a substantially similar municipal ordinance or law of 2144
another state or the United States that arose out of the same 2145
set of circumstances as the violation for which the offender's 2146

license or permit was suspended under this section shall not 2147
file such a motion. 2148

Upon the filing of a motion under division (D) (2) of this 2149
section, the sentencing court, in its discretion, may terminate 2150
the suspension. 2151

(E) Notwithstanding the prison term authorized or required 2152
by division (C) of this section and sections 2929.13 and 2929.14 2153
of the Revised Code, if the violation of division (A) of this 2154
section involves the sale, offer to sell, or possession of a 2155
schedule I or II controlled substance, with the exception of 2156
marihuana, and if the court imposing sentence upon the offender 2157
finds that the offender as a result of the violation is a major 2158
drug offender and is guilty of a specification of the type 2159
described in division (A) of section 2941.1410 of the Revised 2160
Code, the court, in lieu of the prison term otherwise authorized 2161
or required, shall impose upon the offender the mandatory prison 2162
term specified in division (B) (3) (a) of section 2929.14 of the 2163
Revised Code. 2164

(F) Notwithstanding any contrary provision of section 2165
3719.21 of the Revised Code, the clerk of the court shall pay a 2166
fine imposed for a violation of this section pursuant to 2167
division (A) of section 2929.18 of the Revised Code in 2168
accordance with and subject to the requirements of division (F) 2169
of section 2925.03 of the Revised Code. The agency that receives 2170
the fine shall use the fine as specified in division (F) of 2171
section 2925.03 of the Revised Code. 2172

Sec. 3701.048. (A) As used in this section: 2173

(1) "Board of health" means the board of health of a city 2174
or general health district or the authority having the duties of 2175

a board of health under section 3709.05 of the Revised Code.	2176
(2) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.	2177 2178
(3) "Drug," "dangerous drug," and "licensed health professional authorized to prescribe drugs" have the same meanings as in section 4729.01 of the Revised Code.	2179 2180 2181
(4) "Registered volunteer" has the same meaning as in section 5502.281 of the Revised Code.	2182 2183
(B) In consultation with the appropriate professional regulatory boards of this state, the director of health shall develop one or more protocols that authorize the following individuals to administer, deliver, or distribute drugs, other than schedule II and III controlled substances, during a period of time described in division (E) of this section, notwithstanding any statute or rule that otherwise prohibits or restricts the administration, delivery, or distribution of drugs by those individuals:	2184 2185 2186 2187 2188 2189 2190 2191 2192
(1) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	2193 2194 2195
(2) A physician assistant licensed under Chapter 4730. of the Revised Code;	2196 2197
(3) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	2198 2199
(4) A registered nurse licensed under Chapter 4723. of the Revised Code, including an advanced practice registered nurse, as defined in section 4723.01 of the Revised Code;	2200 2201 2202
(5) A licensed practical nurse licensed under Chapter	2203

4723. of the Revised Code;	2204
(6) An optometrist licensed under Chapter 4725. of the Revised Code;	2205 2206
(7) A pharmacist or pharmacy intern licensed under Chapter 4729. of the Revised Code;	2207 2208
(8) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	2209 2210
(9) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic who holds a certificate to practice issued under Chapter 4765. of the Revised Code;	2211 2212 2213 2214
(10) A veterinarian licensed under Chapter 4741. of the Revised Code;	2215 2216
<u>(11) A psychologist who holds a certificate to prescribe issued under section 4732.40 of the Revised Code.</u>	2217 2218
(C) In consultation with the executive director of the emergency management agency, the director of health shall develop one or more protocols that authorize employees of boards of health and registered volunteers to deliver or distribute drugs, other than schedule II and III controlled substances, during a period of time described in division (E) of this section, notwithstanding any statute or rule that otherwise prohibits or restricts the delivery or distribution of drugs by those individuals.	2219 2220 2221 2222 2223 2224 2225 2226 2227
(D) In consultation with the state board of pharmacy, the director of health shall develop one or more protocols that authorize pharmacists and pharmacy interns to dispense, during a period of time described in division (E) of this section,	2228 2229 2230 2231

limited quantities of dangerous drugs, other than schedule II 2232
and III controlled substances, without a written, oral, or 2233
electronic prescription from a licensed health professional 2234
authorized to prescribe drugs or without a record of a 2235
prescription, notwithstanding any statute or rule that otherwise 2236
prohibits or restricts the dispensing of drugs without a 2237
prescription or record of a prescription. 2238

(E) On the governor's declaration of an emergency that 2239
affects the public health, the director of health may issue an 2240
order to implement one or more of the protocols developed 2241
pursuant to division (B), (C), or (D) of this section. At a 2242
minimum, the director's order shall identify the one or more 2243
protocols to be implemented and the period of time during which 2244
the one or more protocols are to be effective. 2245

(F) (1) An individual who administers, delivers, 2246
distributes, or dispenses a drug or dangerous drug in accordance 2247
with one or more of the protocols implemented under division (E) 2248
of this section is not liable for damages in any civil action 2249
unless the individual's acts or omissions in performing those 2250
activities constitute willful or wanton misconduct. 2251

(2) An individual who administers, delivers, distributes, 2252
or dispenses a drug or dangerous drug in accordance with one or 2253
more of the protocols implemented under division (E) of this 2254
section is not subject to criminal prosecution or professional 2255
disciplinary action under any chapter in Title XLVII of the 2256
Revised Code. 2257

Sec. 3715.872. (A) As used in this section, "health care 2258
professional" means any of the following who provide medical, 2259
dental, or other health-related diagnosis, care, or treatment: 2260

(1) Individuals authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	2261 2262 2263
(2) Registered nurses and licensed practical nurses licensed under Chapter 4723. of the Revised Code;	2264 2265
(3) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;	2266 2267
(4) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;	2268 2269
(5) Optometrists licensed under Chapter 4725. of the Revised Code;	2270 2271
(6) Pharmacists licensed under Chapter 4729. of the Revised Code;	2272 2273
<u>(7) Psychologists who hold a certificate to prescribe issued under section 4732.40 of the Revised Code.</u>	2274 2275
(B) For matters related to donating, giving, accepting, or dispensing drugs under the drug repository program, all of the following apply:	2276 2277 2278
(1) Any person, including a pharmacy, drug manufacturer, or health care facility, or any government entity that donates or gives drugs to the drug repository program shall not be subject to liability in tort or other civil action for injury, death, or loss to person or property.	2279 2280 2281 2282 2283
(2) A pharmacy, hospital, or nonprofit clinic that accepts or dispenses drugs under the program shall not be subject to liability in tort or other civil action for injury, death, or loss to person or property, unless an action or omission of the pharmacy, hospital, or nonprofit clinic constitutes willful and	2284 2285 2286 2287 2288

wanton misconduct. 2289

(3) A health care professional who accepts or dispenses 2290
drugs under the program on behalf of a pharmacy, hospital, or 2291
nonprofit clinic, and the pharmacy, hospital, or nonprofit 2292
clinic that employs or otherwise uses the services of the health 2293
care professional, shall not be subject to liability in tort or 2294
other civil action for injury, death, or loss to person or 2295
property, unless an action or omission of the health care 2296
professional, pharmacy, hospital, or nonprofit clinic 2297
constitutes willful and wanton misconduct. 2298

(4) The state board of pharmacy and the director of health 2299
shall not be subject to liability in tort or other civil action 2300
for injury, death, or loss to person or property, unless an 2301
action or omission of the board or director constitutes willful 2302
and wanton misconduct. 2303

(C) In addition to the immunity granted under division (B) 2304
(1) of this section, any person, including a pharmacy, drug 2305
manufacturer, or health care facility, and any government entity 2306
that donates or gives drugs to the program shall not be subject 2307
to criminal prosecution for the donation, giving, acceptance, or 2308
dispensing of drugs under the program, unless an action or 2309
omission of the person or government entity does not comply with 2310
the provisions of this chapter or the rules adopted under it. 2311

(D) In the case of a drug manufacturer, the immunities 2312
granted under divisions (B) (1) and (C) of this section apply 2313
with respect to any drug manufactured by the drug manufacturer 2314
that is donated or given by any person or government entity 2315
under the program, including but not limited to liability for 2316
failure to transfer or communicate product or consumer 2317
information or the expiration date of the drug donated or given. 2318

Sec. 3719.06. (A) (1) A licensed health professional 2319
authorized to prescribe drugs, if acting in the course of 2320
professional practice, in accordance with the laws regulating 2321
the professional's practice, and in accordance with rules 2322
adopted by the state board of pharmacy, may, except as provided 2323
in ~~division~~ divisions (A) (2) ~~or (3)~~ to (4) of this section, do 2324
the following: 2325

(a) Prescribe schedule II, III, IV, and V controlled 2326
substances; 2327

(b) Administer or personally furnish to patients schedule 2328
II, III, IV, and V controlled substances; 2329

(c) Cause schedule II, III, IV, and V controlled 2330
substances to be administered under the prescriber's direction 2331
and supervision. 2332

(2) A licensed health professional authorized to prescribe 2333
drugs who is a clinical nurse specialist, certified nurse- 2334
midwife, or certified nurse practitioner is subject to both of 2335
the following: 2336

(a) A schedule II controlled substance may be prescribed 2337
only in accordance with division (C) of section 4723.481 of the 2338
Revised Code. 2339

(b) No schedule II controlled substance shall be 2340
personally furnished to any patient. 2341

(3) A licensed health professional authorized to prescribe 2342
drugs who is a physician assistant is subject to all of the 2343
following: 2344

(a) A controlled substance may be prescribed or personally 2345
furnished only if it is included in the physician-delegated 2346

prescriptive authority granted to the physician assistant in 2347
accordance with Chapter 4730. of the Revised Code. 2348

(b) A schedule II controlled substance may be prescribed 2349
only in accordance with division (B)(4) of section 4730.41 and 2350
section 4730.411 of the Revised Code. 2351

(c) No schedule II controlled substance shall be 2352
personally furnished to any patient. 2353

(4) A licensed health professional authorized to prescribe 2354
drugs who is a psychologist may prescribe, personally furnish, 2355
or administer a controlled substance only if it is not listed on 2356
the exclusionary formulary established in rules adopted under 2357
section 4732.46 of the Revised Code. 2358

(B) No licensed health professional authorized to 2359
prescribe drugs shall prescribe, administer, or personally 2360
furnish a schedule III anabolic steroid for the purpose of human 2361
muscle building or enhancing human athletic performance and no 2362
pharmacist shall dispense a schedule III anabolic steroid for 2363
either purpose, unless it has been approved for that purpose 2364
under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 2365
(1938), 21 U.S.C.A. 301, as amended. 2366

(C) Each written or electronic prescription for a 2367
controlled substance shall be properly executed, dated, and 2368
signed by the prescriber on the day when issued and shall bear 2369
the full name and address of the person for whom, or the owner 2370
of the animal for which, the controlled substance is prescribed 2371
and the full name, address, and registry number under the 2372
federal drug abuse control laws of the prescriber. If the 2373
prescription is for an animal, it shall state the species of the 2374
animal for which the controlled substance is prescribed. 2375

Sec. 3719.12. As used in this section, "prosecutor" has 2376
the same meaning as in section 2935.01 of the Revised Code. 2377

Unless a report has been made pursuant to section 2929.42 2378
of the Revised Code, on the conviction of a manufacturer, 2379
wholesaler, outsourcing facility, third-party logistics 2380
provider, repackager of dangerous drugs, terminal distributor of 2381
dangerous drugs, pharmacist, pharmacy intern, registered 2382
pharmacy technician, certified pharmacy technician, pharmacy 2383
technician trainee, dentist, chiropractor, physician, 2384
podiatrist, registered nurse, licensed practical nurse, 2385
physician assistant, psychologist, optometrist, or veterinarian 2386
of the violation of this chapter or Chapter 2925. of the Revised 2387
Code, the prosecutor in the case promptly shall report the 2388
conviction to the board that licensed, certified, or registered 2389
the person to practice or to carry on business. The responsible 2390
board shall provide forms to the prosecutor. Within thirty days 2391
of the receipt of this information, the board shall initiate 2392
action in accordance with Chapter 119. of the Revised Code to 2393
determine whether to suspend or revoke the person's license, 2394
certificate, or registration. 2395

Sec. 3719.121. (A) Except as otherwise provided in section 2396
4723.28, 4723.35, 4730.25, 4731.22, 4732.17, 4734.39, or 4734.41 2397
of the Revised Code, the license, certificate, or registration 2398
of any dentist, chiropractor, physician, podiatrist, registered 2399
nurse, advanced practice registered nurse, licensed practical 2400
nurse, physician assistant, pharmacist, pharmacy intern, 2401
pharmacy technician trainee, registered pharmacy technician, 2402
certified pharmacy technician, psychologist, optometrist, or 2403
veterinarian who is or becomes addicted to the use of controlled 2404
substances shall be suspended by the board that authorized the 2405
person's license, certificate, or registration until the person 2406

offers satisfactory proof to the board that the person no longer 2407
is addicted to the use of controlled substances. 2408

(B) If the board under which a person has been issued a 2409
license, certificate, or evidence of registration determines 2410
that there is clear and convincing evidence that continuation of 2411
the person's professional practice or method of administering, 2412
prescribing, preparing, distributing, dispensing, or personally 2413
furnishing controlled substances or other dangerous drugs 2414
presents a danger of immediate and serious harm to others, the 2415
board may suspend the person's license, certificate, or 2416
registration without a hearing. Except as otherwise provided in 2417
sections 4715.30, 4723.281, 4729.16, 4730.25, 4731.22, 4732.17, 2418
and 4734.36 of the Revised Code, the board shall follow the 2419
procedure for suspension without a prior hearing in section 2420
119.07 of the Revised Code. The suspension shall remain in 2421
effect, unless removed by the board, until the board's final 2422
adjudication order becomes effective, except that if the board 2423
does not issue its final adjudication order within ninety days 2424
after the hearing, the suspension shall be void on the ninety- 2425
first day after the hearing. 2426

(C) On receiving notification pursuant to section 2929.42 2427
or 3719.12 of the Revised Code, the board under which a person 2428
has been issued a license, certificate, or evidence of 2429
registration immediately shall suspend the license, certificate, 2430
or registration of that person on a plea of guilty to, a finding 2431
by a jury or court of the person's guilt of, or conviction of a 2432
felony drug abuse offense; a finding by a court of the person's 2433
eligibility for intervention in lieu of conviction; a plea of 2434
guilty to, or a finding by a jury or court of the person's guilt 2435
of, or the person's conviction of an offense in another 2436
jurisdiction that is essentially the same as a felony drug abuse 2437

offense; or a finding by a court of the person's eligibility for 2438
treatment or intervention in lieu of conviction in another 2439
jurisdiction. The board shall notify the holder of the license, 2440
certificate, or registration of the suspension, which shall 2441
remain in effect until the board holds an adjudicatory hearing 2442
under Chapter 119. of the Revised Code. 2443

Sec. 3719.81. (A) As used in this section, "sample drug" 2444
has the same meaning as in section 2925.01 of the Revised Code. 2445

(B) A person may furnish another a sample drug, if all of 2446
the following apply: 2447

(1) The sample drug is furnished free of charge by a 2448
manufacturer, manufacturer's representative, or wholesale dealer 2449
in pharmaceuticals to a licensed health professional authorized 2450
to prescribe drugs, or is furnished free of charge by such a 2451
professional to a patient for use as medication; 2452

(2) The sample drug is in the original container in which 2453
it was placed by the manufacturer, and the container is plainly 2454
marked as a sample; 2455

(3) Prior to its being furnished, the sample drug has been 2456
stored under the proper conditions to prevent its deterioration 2457
or contamination; 2458

(4) If the sample drug is of a type which deteriorates 2459
with time, the sample container is plainly marked with the date 2460
beyond which the sample drug is unsafe to use, and the date has 2461
not expired on the sample furnished. Compliance with the 2462
labeling requirements of the "Federal Food, Drug, and Cosmetic 2463
Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, shall 2464
be deemed compliance with this section. 2465

(5) The sample drug is distributed, stored, or discarded 2466

in such a way that the sample drug may not be acquired or used 2467
by any unauthorized person, or by any person, including a child, 2468
for whom it may present a health or safety hazard. 2469

(C) Division (B) of this section does not do any of the 2470
following: 2471

(1) Apply to or restrict the furnishing of any sample of a 2472
nonnarcotic substance if the substance may, under the "Federal 2473
Food, Drug, and Cosmetic Act" and under the laws of this state, 2474
otherwise be lawfully sold over the counter without a 2475
prescription; 2476

(2) Authorize a licensed health professional authorized to 2477
prescribe drugs who is a clinical nurse specialist, certified 2478
nurse-midwife, certified nurse practitioner, optometrist, ~~or~~ 2479
physician assistant, or psychologist to furnish a sample drug 2480
that is not a drug the professional is authorized to prescribe. 2481

(3) Prohibit a licensed health professional authorized to 2482
prescribe drugs, manufacturer of dangerous drugs, wholesale 2483
distributor of dangerous drugs, or representative of a 2484
manufacturer of dangerous drugs from furnishing a sample drug to 2485
a charitable pharmacy in accordance with section 3719.811 of the 2486
Revised Code. 2487

(4) Prohibit a pharmacist working, whether or not for 2488
compensation, in a charitable pharmacy from dispensing a sample 2489
drug to a person in accordance with section 3719.811 of the 2490
Revised Code. 2491

(D) The state board of pharmacy shall, in accordance with 2492
Chapter 119. of the Revised Code, adopt rules as necessary to 2493
give effect to this section. 2494

Sec. 3795.01. As used in sections 3795.01, 3795.02, and 2495

3795.03 of the Revised Code:	2496
(A) "Assist suicide" or "assisting suicide" means	2497
knowingly doing either of the following, with the purpose of	2498
helping another person to commit or attempt suicide:	2499
(1) Providing the physical means by which the person	2500
commits or attempts to commit suicide;	2501
(2) Participating in a physical act by which the person	2502
commits or attempts to commit suicide.	2503
(B) "Certified nurse practitioner," "certified nurse-	2504
midwife," and "clinical nurse specialist" have the same meanings	2505
as in section 4723.01 of the Revised Code.	2506
(C) "CPR" has the same meaning as in section 2133.21 of	2507
the Revised Code.	2508
(D) "Health care" means any care, treatment, service, or	2509
procedure to maintain, diagnose, or treat a person's physical or	2510
mental condition.	2511
(E) "Health care decision" means informed consent, refusal	2512
to give informed consent, or withdrawal of informed consent to	2513
health care.	2514
(F) "Health care facility" means any of the following:	2515
(1) A hospital;	2516
(2) A hospice care program or pediatric respite care	2517
program as defined in section 3712.01 of the Revised Code;	2518
(3) A nursing home;	2519
(4) A home health agency;	2520
(5) An intermediate care facility for individuals with	2521

intellectual disabilities.	2522
(G) "Health care personnel" means physicians, nurses,	2523
physician assistants, <u>psychologists</u> , emergency medical	2524
technicians-basic, emergency medical technicians-intermediate,	2525
emergency medical technicians-paramedic, medical technicians,	2526
dietitians, other authorized persons acting under the direction	2527
of an attending physician, and administrators of health care	2528
facilities.	2529
(H) "Physician" means a person who is authorized under	2530
Chapter 4731. of the Revised Code to practice medicine and	2531
surgery or osteopathic medicine and surgery.	2532
Sec. 4723.01. As used in this chapter:	2533
(A) "Registered nurse" means an individual who holds a	2534
current, valid license issued under this chapter that authorizes	2535
the practice of nursing as a registered nurse.	2536
(B) "Practice of nursing as a registered nurse" means	2537
providing to individuals and groups nursing care requiring	2538
specialized knowledge, judgment, and skill derived from the	2539
principles of biological, physical, behavioral, social, and	2540
nursing sciences. Such nursing care includes:	2541
(1) Identifying patterns of human responses to actual or	2542
potential health problems amenable to a nursing regimen;	2543
(2) Executing a nursing regimen through the selection,	2544
performance, management, and evaluation of nursing actions;	2545
(3) Assessing health status for the purpose of providing	2546
nursing care;	2547
(4) Providing health counseling and health teaching;	2548

(5) Administering medications, treatments, and executing regimens authorized by an individual who is authorized to practice in this state and is acting within the course of the individual's professional practice;	2549 2550 2551 2552
(6) Teaching, administering, supervising, delegating, and evaluating nursing practice.	2553 2554
(C) "Nursing regimen" may include preventative, restorative, and health-promotion activities.	2555 2556
(D) "Assessing health status" means the collection of data through nursing assessment techniques, which may include interviews, observation, and physical evaluations for the purpose of providing nursing care.	2557 2558 2559 2560
(E) "Licensed practical nurse" means an individual who holds a current, valid license issued under this chapter that authorizes the practice of nursing as a licensed practical nurse.	2561 2562 2563 2564
(F) "The practice of nursing as a licensed practical nurse" means providing to individuals and groups nursing care requiring the application of basic knowledge of the biological, physical, behavioral, social, and nursing sciences at the direction of a registered nurse or any of the following who is authorized to practice in this state: a physician, physician assistant, dentist, podiatrist, optometrist, or chiropractor, <u>or</u> <u>psychologist</u> . Such nursing care includes:	2565 2566 2567 2568 2569 2570 2571 2572
(1) Observation, patient teaching, and care in a diversity of health care settings;	2573 2574
(2) Contributions to the planning, implementation, and evaluation of nursing;	2575 2576

(3) Administration of medications and treatments	2577
authorized by an individual who is authorized to practice in	2578
this state and is acting within the course of the individual's	2579
professional practice on the condition that the licensed	2580
practical nurse is authorized under section 4723.17 of the	2581
Revised Code to administer medications;	2582
(4) Administration to an adult of intravenous therapy	2583
authorized by an individual who is authorized to practice in	2584
this state and is acting within the course of the individual's	2585
professional practice, on the condition that the licensed	2586
practical nurse is authorized under section 4723.18 or 4723.181	2587
of the Revised Code to perform intravenous therapy and performs	2588
intravenous therapy only in accordance with those sections;	2589
(5) Delegation of nursing tasks as directed by a	2590
registered nurse;	2591
(6) Teaching nursing tasks to licensed practical nurses	2592
and individuals to whom the licensed practical nurse is	2593
authorized to delegate nursing tasks as directed by a registered	2594
nurse.	2595
(G) "Certified registered nurse anesthetist" means an	2596
advanced practice registered nurse who holds a current, valid	2597
license issued under this chapter and is designated as a	2598
certified registered nurse anesthetist in accordance with	2599
section 4723.42 of the Revised Code and rules adopted by the	2600
board of nursing.	2601
(H) "Clinical nurse specialist" means an advanced practice	2602
registered nurse who holds a current, valid license issued under	2603
this chapter and is designated as a clinical nurse specialist in	2604
accordance with section 4723.42 of the Revised Code and rules	2605

adopted by the board of nursing. 2606

(I) "Certified nurse-midwife" means an advanced practice 2607
registered nurse who holds a current, valid license issued under 2608
this chapter and is designated as a certified nurse-midwife in 2609
accordance with section 4723.42 of the Revised Code and rules 2610
adopted by the board of nursing. 2611

(J) "Certified nurse practitioner" means an advanced 2612
practice registered nurse who holds a current, valid license 2613
issued under this chapter and is designated as a certified nurse 2614
practitioner in accordance with section 4723.42 of the Revised 2615
Code and rules adopted by the board of nursing. 2616

(K) "Physician" means an individual authorized under 2617
Chapter 4731. of the Revised Code to practice medicine and 2618
surgery or osteopathic medicine and surgery. 2619

(L) "Collaboration" or "collaborating" means the 2620
following: 2621

(1) In the case of a clinical nurse specialist or a 2622
certified nurse practitioner, that one or more podiatrists 2623
acting within the scope of practice of podiatry in accordance 2624
with section 4731.51 of the Revised Code and with whom the nurse 2625
has entered into a standard care arrangement or one or more 2626
physicians with whom the nurse has entered into a standard care 2627
arrangement are continuously available to communicate with the 2628
clinical nurse specialist or certified nurse practitioner either 2629
in person or by electronic communication; 2630

(2) In the case of a certified nurse-midwife, that one or 2631
more physicians with whom the certified nurse-midwife has 2632
entered into a standard care arrangement are continuously 2633
available to communicate with the certified nurse-midwife either 2634

in person or by electronic communication. 2635

(M) "Supervision," as it pertains to a certified 2636
registered nurse anesthetist, means that the certified 2637
registered nurse anesthetist is under the direction of a 2638
podiatrist acting within the podiatrist's scope of practice in 2639
accordance with section 4731.51 of the Revised Code, a dentist 2640
acting within the dentist's scope of practice in accordance with 2641
Chapter 4715. of the Revised Code, or a physician, and, when 2642
administering anesthesia, the certified registered nurse 2643
anesthetist is in the immediate presence of the podiatrist, 2644
dentist, or physician. 2645

(N) "Standard care arrangement" means a written, formal 2646
guide for planning and evaluating a patient's health care that 2647
is developed by one or more collaborating physicians or 2648
podiatrists and a clinical nurse specialist, certified nurse- 2649
midwife, or certified nurse practitioner and meets the 2650
requirements of section 4723.431 of the Revised Code. 2651

(O) "Advanced practice registered nurse" means an 2652
individual who holds a current, valid license issued under this 2653
chapter that authorizes the practice of nursing as an advanced 2654
practice registered nurse and is designated as any of the 2655
following: 2656

(1) A certified registered nurse anesthetist; 2657

(2) A clinical nurse specialist; 2658

(3) A certified nurse-midwife; 2659

(4) A certified nurse practitioner. 2660

(P) "Practice of nursing as an advanced practice 2661
registered nurse" means providing to individuals and groups 2662

nursing care that requires knowledge and skill obtained from 2663
advanced formal education, training, and clinical experience. 2664
Such nursing care includes the care described in section 4723.43 2665
of the Revised Code. 2666

(Q) "Dialysis care" means the care and procedures that a 2667
dialysis technician or dialysis technician intern is authorized 2668
to provide and perform, as specified in section 4723.72 of the 2669
Revised Code. 2670

(R) "Dialysis technician" means an individual who holds a 2671
current, valid certificate to practice as a dialysis technician 2672
issued under section 4723.75 of the Revised Code. 2673

(S) "Dialysis technician intern" means an individual who 2674
holds a current, valid certificate to practice as a dialysis 2675
technician intern issued under section 4723.75 of the Revised 2676
Code. 2677

(T) "Certified community health worker" means an 2678
individual who holds a current, valid certificate as a community 2679
health worker issued under section 4723.85 of the Revised Code. 2680

(U) "Medication aide" means an individual who holds a 2681
current, valid certificate issued under this chapter that 2682
authorizes the individual to administer medication in accordance 2683
with section 4723.67 of the Revised Code; 2684

(V) "Nursing specialty" means a specialty in practice as a 2685
certified registered nurse anesthetist, clinical nurse 2686
specialist, certified nurse-midwife, or certified nurse 2687
practitioner. 2688

Sec. 4729.01. As used in this chapter: 2689

(A) "Pharmacy," except when used in a context that refers 2690

to the practice of pharmacy, means any area, room, rooms, place 2691
of business, department, or portion of any of the foregoing 2692
where the practice of pharmacy is conducted. 2693

(B) "Practice of pharmacy" means providing pharmacist care 2694
requiring specialized knowledge, judgment, and skill derived 2695
from the principles of biological, chemical, behavioral, social, 2696
pharmaceutical, and clinical sciences. As used in this division, 2697
"pharmacist care" includes the following: 2698

(1) Interpreting prescriptions; 2699

(2) Dispensing drugs and drug therapy related devices; 2700

(3) Compounding drugs; 2701

(4) Counseling individuals with regard to their drug 2702
therapy, recommending drug therapy related devices, and 2703
assisting in the selection of drugs and appliances for treatment 2704
of common diseases and injuries and providing instruction in the 2705
proper use of the drugs and appliances; 2706

(5) Performing drug regimen reviews with individuals by 2707
discussing all of the drugs that the individual is taking and 2708
explaining the interactions of the drugs; 2709

(6) Performing drug utilization reviews with licensed 2710
health professionals authorized to prescribe drugs when the 2711
pharmacist determines that an individual with a prescription has 2712
a drug regimen that warrants additional discussion with the 2713
prescriber; 2714

(7) Advising an individual and the health care 2715
professionals treating an individual with regard to the 2716
individual's drug therapy; 2717

(8) Acting pursuant to a consult agreement with one or 2718

more physicians authorized under Chapter 4731. of the Revised 2719
Code to practice medicine and surgery or osteopathic medicine 2720
and surgery, if an agreement has been established; 2721

(9) Engaging in the administration of immunizations to the 2722
extent authorized by section 4729.41 of the Revised Code; 2723

(10) Engaging in the administration of drugs to the extent 2724
authorized by section 4729.45 of the Revised Code. 2725

(C) "Compounding" means the preparation, mixing, 2726
assembling, packaging, and labeling of one or more drugs in any 2727
of the following circumstances: 2728

(1) Pursuant to a prescription issued by a licensed health 2729
professional authorized to prescribe drugs; 2730

(2) Pursuant to the modification of a prescription made in 2731
accordance with a consult agreement; 2732

(3) As an incident to research, teaching activities, or 2733
chemical analysis; 2734

(4) In anticipation of orders for drugs pursuant to 2735
prescriptions, based on routine, regularly observed dispensing 2736
patterns; 2737

(5) Pursuant to a request made by a licensed health 2738
professional authorized to prescribe drugs for a drug that is to 2739
be used by the professional for the purpose of direct 2740
administration to patients in the course of the professional's 2741
practice, if all of the following apply: 2742

(a) At the time the request is made, the drug is not 2743
commercially available regardless of the reason that the drug is 2744
not available, including the absence of a manufacturer for the 2745
drug or the lack of a readily available supply of the drug from 2746

a manufacturer.	2747
(b) A limited quantity of the drug is compounded and provided to the professional.	2748 2749
(c) The drug is compounded and provided to the professional as an occasional exception to the normal practice of dispensing drugs pursuant to patient-specific prescriptions.	2750 2751 2752
(D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code.	2753 2754
(E) "Drug" means:	2755
(1) Any article recognized in the United States pharmacopoeia and national formulary, or any supplement to them, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	2756 2757 2758 2759
(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	2760 2761 2762
(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;	2763 2764
(4) Any article intended for use as a component of any article specified in division (E) (1), (2), or (3) of this section; but does not include devices or their components, parts, or accessories.	2765 2766 2767 2768
(F) "Dangerous drug" means any of the following:	2769
(1) Any drug to which either of the following applies:	2770
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal	2771 2772 2773

law prohibits dispensing without prescription" or "Caution:
Federal law restricts this drug to use by or on the order of a
licensed veterinarian" or any similar restrictive statement, or
the drug may be dispensed only upon a prescription;

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

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

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

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

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

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

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

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

(3) For purposes of section 4729.44 of the Revised Code, a

written, electronic, or oral order for naloxone issued to and in 2802
the name of either of the following: 2803

(a) An individual who there is reason to believe is at 2804
risk of experiencing an opioid-related overdose; 2805

(b) A family member, friend, or other individual in a 2806
position to assist an individual who there is reason to believe 2807
is at risk of experiencing an opioid-related overdose. 2808

(4) For purposes of sections 4723.4810, 4729.282, 2809
4730.432, and 4731.93 of the Revised Code, a written, 2810
electronic, or oral order for a drug to treat chlamydia, 2811
gonorrhoea, or trichomoniasis issued to and in the name of a 2812
patient who is not the intended user of the drug but is the 2813
sexual partner of the intended user; 2814

(5) For purposes of sections 3313.7110, 3313.7111, 2815
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 2816
4731.96, and 5101.76 of the Revised Code, a written, electronic, 2817
or oral order for an epinephrine autoinjector issued to and in 2818
the name of a school, school district, or camp; 2819

(6) For purposes of Chapter 3728. and sections 4723.483, 2820
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 2821
electronic, or oral order for an epinephrine autoinjector issued 2822
to and in the name of a qualified entity, as defined in section 2823
3728.01 of the Revised Code. 2824

(I) "Licensed health professional authorized to prescribe 2825
drugs" or "prescriber" means an individual who is authorized by 2826
law to prescribe drugs or dangerous drugs or drug therapy 2827
related devices in the course of the individual's professional 2828
practice, including only the following: 2829

(1) A dentist licensed under Chapter 4715. of the Revised 2830

Code;	2831
(2) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code;	2832 2833 2834 2835
(3) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry under a therapeutic pharmaceutical agents certificate;	2836 2837 2838
(4) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	2839 2840 2841
(5) A physician assistant who holds a license to practice as a physician assistant issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority;	2842 2843 2844 2845 2846
(6) <u>A psychologist who holds a certificate to prescribe issued under section 4732.40 of the Revised Code;</u>	2847 2848
<u>(7)</u> A veterinarian licensed under Chapter 4741. of the Revised Code.	2849 2850
(J) "Sale" or "sell" includes any transaction made by any person, whether as principal proprietor, agent, or employee, to do or offer to do any of the following: deliver, distribute, broker, exchange, gift or otherwise give away, or transfer, whether the transfer is by passage of title, physical movement, or both.	2851 2852 2853 2854 2855 2856
(K) "Wholesale sale" and "sale at wholesale" mean any sale in which the purpose of the purchaser is to resell the article	2857 2858

purchased or received by the purchaser. 2859

(L) "Retail sale" and "sale at retail" mean any sale other 2860
than a wholesale sale or sale at wholesale. 2861

(M) "Retail seller" means any person that sells any 2862
dangerous drug to consumers without assuming control over and 2863
responsibility for its administration. Mere advice or 2864
instructions regarding administration do not constitute control 2865
or establish responsibility. 2866

(N) "Price information" means the price charged for a 2867
prescription for a particular drug product and, in an easily 2868
understandable manner, all of the following: 2869

(1) The proprietary name of the drug product; 2870

(2) The established (generic) name of the drug product; 2871

(3) The strength of the drug product if the product 2872
contains a single active ingredient or if the drug product 2873
contains more than one active ingredient and a relevant strength 2874
can be associated with the product without indicating each 2875
active ingredient. The established name and quantity of each 2876
active ingredient are required if such a relevant strength 2877
cannot be so associated with a drug product containing more than 2878
one ingredient. 2879

(4) The dosage form; 2880

(5) The price charged for a specific quantity of the drug 2881
product. The stated price shall include all charges to the 2882
consumer, including, but not limited to, the cost of the drug 2883
product, professional fees, handling fees, if any, and a 2884
statement identifying professional services routinely furnished 2885
by the pharmacy. Any mailing fees and delivery fees may be 2886

stated separately without repetition. The information shall not 2887
be false or misleading. 2888

(O) "Wholesale distributor of dangerous drugs" or 2889
"wholesale distributor" means a person engaged in the sale of 2890
dangerous drugs at wholesale and includes any agent or employee 2891
of such a person authorized by the person to engage in the sale 2892
of dangerous drugs at wholesale. 2893

(P) "Manufacturer of dangerous drugs" or "manufacturer" 2894
means a person, other than a pharmacist or prescriber, who 2895
manufactures dangerous drugs and who is engaged in the sale of 2896
those dangerous drugs. 2897

(Q) "Terminal distributor of dangerous drugs" or "terminal 2898
distributor" means a person who is engaged in the sale of 2899
dangerous drugs at retail, or any person, other than a 2900
manufacturer, repackager, outsourcing facility, third-party 2901
logistics provider, wholesale distributor, or pharmacist, who 2902
has possession, custody, or control of dangerous drugs for any 2903
purpose other than for that person's own use and consumption. 2904
"Terminal distributor" includes pharmacies, hospitals, nursing 2905
homes, and laboratories and all other persons who procure 2906
dangerous drugs for sale or other distribution by or under the 2907
supervision of a pharmacist, licensed health professional 2908
authorized to prescribe drugs, or other person authorized by the 2909
state board of pharmacy. 2910

(R) "Promote to the public" means disseminating a 2911
representation to the public in any manner or by any means, 2912
other than by labeling, for the purpose of inducing, or that is 2913
likely to induce, directly or indirectly, the purchase of a 2914
dangerous drug at retail. 2915

(S) "Person" includes any individual, partnership, 2916
association, limited liability company, or corporation, the 2917
state, any political subdivision of the state, and any district, 2918
department, or agency of the state or its political 2919
subdivisions. 2920

(T) "Animal shelter" means a facility operated by a humane 2921
society or any society organized under Chapter 1717. of the 2922
Revised Code or a dog pound operated pursuant to Chapter 955. of 2923
the Revised Code. 2924

(U) "Food" has the same meaning as in section 3715.01 of 2925
the Revised Code. 2926

(V) "Pain management clinic" has the same meaning as in 2927
section 4731.054 of the Revised Code. 2928

(W) "Investigational drug or product" means a drug or 2929
product that has successfully completed phase one of the United 2930
States food and drug administration clinical trials and remains 2931
under clinical trial, but has not been approved for general use 2932
by the United States food and drug administration. 2933
"Investigational drug or product" does not include controlled 2934
substances in schedule I, as defined in section 3719.01 of the 2935
Revised Code. 2936

(X) "Product," when used in reference to an 2937
investigational drug or product, means a biological product, 2938
other than a drug, that is made from a natural human, animal, or 2939
microorganism source and is intended to treat a disease or 2940
medical condition. 2941

(Y) "Third-party logistics provider" means a person that 2942
provides or coordinates warehousing or other logistics services 2943
pertaining to dangerous drugs including distribution, on behalf 2944

of a manufacturer, wholesale distributor, or terminal distributor of dangerous drugs, but does not take ownership of the drugs or have responsibility to direct the sale or disposition of the drugs.

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

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

(BB) "Laboratory" means a laboratory licensed under this chapter as a terminal distributor of dangerous drugs and entrusted to have custody of any of the following drugs and to use the drugs for scientific and clinical purposes and for purposes of instruction: dangerous drugs that are not controlled substances, as defined in section 3719.01 of the Revised Code; dangerous drugs that are controlled substances, as defined in that section; and controlled substances in schedule I, as defined in that section.

Sec. 4729.51. (A) No person other than a licensed manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs shall possess for sale, sell, distribute, or deliver, at wholesale, dangerous drugs or investigational drugs or products, except as follows:

(1) A licensed terminal distributor of dangerous drugs that is a pharmacy may make occasional sales of dangerous drugs or investigational drugs or products at wholesale.

(2) A licensed terminal distributor of dangerous drugs 2974
having more than one licensed location may transfer or deliver 2975
dangerous drugs from one licensed location to another licensed 2976
location owned by the terminal distributor if the license issued 2977
for each location is in effect at the time of the transfer or 2978
delivery. 2979

(3) A licensed terminal distributor of dangerous drugs 2980
that is not a pharmacy may make occasional sales of naloxone at 2981
wholesale. 2982

(4) A licensed terminal distributor of dangerous drugs 2983
that is not a pharmacy may make occasional sales of dangerous 2984
drugs at wholesale if the drugs being sold are in shortage, as 2985
defined in rules adopted by the state board of pharmacy under 2986
section 4729.26 of the Revised Code. 2987

(B) No licensed manufacturer, outsourcing facility, third- 2988
party logistics provider, repackager, or wholesale distributor 2989
shall possess for sale, sell, or distribute, at wholesale, 2990
dangerous drugs or investigational drugs or products to any 2991
person other than the following: 2992

(1) Subject to division (D) of this section, a licensed 2993
terminal distributor of dangerous drugs; 2994

(2) Subject to division (C) of this section, any person 2995
exempt from licensure as a terminal distributor of dangerous 2996
drugs under section 4729.541 of the Revised Code; 2997

(3) A licensed manufacturer, outsourcing facility, third- 2998
party logistics provider, repackager, or wholesale distributor; 2999

(4) A terminal distributor, manufacturer, outsourcing 3000
facility, third-party logistics provider, repackager, or 3001
wholesale distributor that is located in another state, is not 3002

engaged in the sale of dangerous drugs within this state, and is 3003
actively licensed to engage in the sale of dangerous drugs by 3004
the state in which the distributor conducts business. 3005

(C) No licensed manufacturer, outsourcing facility, third- 3006
party logistics provider, repackager, or wholesale distributor 3007
shall possess for sale, sell, or distribute, at wholesale, 3008
dangerous drugs or investigational drugs or products to either 3009
of the following: 3010

(1) A prescriber who is employed by either of the 3011
following: 3012

(a) A pain management clinic that is not licensed as a 3013
terminal distributor of dangerous drugs with a pain management 3014
clinic classification issued under section 4729.552 of the 3015
Revised Code; 3016

(b) A facility, clinic, or other location that provides 3017
office-based opioid treatment but is not licensed as a terminal 3018
distributor of dangerous drugs with an office-based opioid 3019
treatment classification issued under section 4729.553 of the 3020
Revised Code if such a license is required by that section. 3021

(2) A business entity described in division (A) (2) or (3) 3022
of section 4729.541 of the Revised Code that is, or is 3023
operating, either of the following: 3024

(a) A pain management clinic without a license as a 3025
terminal distributor of dangerous drugs with a pain management 3026
clinic classification issued under section 4729.552 of the 3027
Revised Code; 3028

(b) A facility, clinic, or other location that provides 3029
office-based opioid treatment without a license as a terminal 3030
distributor of dangerous drugs with an office-based opioid 3031

treatment classification issued under section 4729.553 of the Revised Code if such a license is required by that section.

(D) No licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor shall possess dangerous drugs or investigational drugs or products for sale at wholesale, or sell or distribute such drugs at wholesale, to a licensed terminal distributor of dangerous drugs, except as follows:

(1) In the case of a terminal distributor with a category II license, only dangerous drugs in category II, as defined in division (A)(1) of section 4729.54 of the Revised Code;

(2) In the case of a terminal distributor with a category III license, dangerous drugs in category II and category III, as defined in divisions (A)(1) and (2) of section 4729.54 of the Revised Code;

(3) In the case of a terminal distributor with a limited category II or III license, only the dangerous drugs specified in the license.

(E)(1) Except as provided in division (E)(2) of this section, no person shall do any of the following:

(a) Sell or distribute, at retail, dangerous drugs;

(b) Possess for sale, at retail, dangerous drugs;

(c) Possess dangerous drugs.

(2)(a) Divisions (E)(1)(a), (b), and (c) of this section do not apply to any of the following:

(i) A licensed terminal distributor of dangerous drugs;

(ii) A person who possesses, or possesses for sale or

sells, at retail, a dangerous drug in accordance with Chapters 3059
3719., 4715., 4723., 4725., 4729., 4730., 4731., 4732., and 3060
4741. of the Revised Code; 3061

(iii) Any of the persons identified in divisions (A) (1) to 3062
(5) and (13) of section 4729.541 of the Revised Code, but only 3063
to the extent specified in that section. 3064

(b) Division (E) (1) (c) of this section does not apply to 3065
any of the following: 3066

(i) A licensed manufacturer, outsourcing facility, third- 3067
party logistics provider, repackager, or wholesale distributor; 3068

(ii) Any of the persons identified in divisions (A) (6) to 3069
(12) of section 4729.541 of the Revised Code, but only to the 3070
extent specified in that section. 3071

(F) No licensed terminal distributor of dangerous drugs or 3072
person that is exempt from licensure under section 4729.541 of 3073
the Revised Code shall purchase dangerous drugs or 3074
investigational drugs or products from any person other than a 3075
licensed manufacturer, outsourcing facility, third-party 3076
logistics provider, repackager, or wholesale distributor, except 3077
as follows: 3078

(1) A licensed terminal distributor of dangerous drugs or 3079
person that is exempt from licensure under section 4729.541 of 3080
the Revised Code may make occasional purchases of dangerous 3081
drugs or investigational drugs or products that are sold in 3082
accordance with division (A) (1) or (3) of this section. 3083

(2) A licensed terminal distributor of dangerous drugs 3084
having more than one licensed location may transfer or deliver 3085
dangerous drugs or investigational drugs or products from one 3086
licensed location to another licensed location if the license 3087

issued for each location is in effect at the time of the 3088
transfer or delivery. 3089

(G) No licensed terminal distributor of dangerous drugs 3090
shall engage in the retail sale or other distribution of 3091
dangerous drugs or investigational drugs or products or maintain 3092
possession, custody, or control of dangerous drugs or 3093
investigational drugs or products for any purpose other than the 3094
distributor's personal use or consumption, at any establishment 3095
or place other than that or those described in the license 3096
issued by the board to such terminal distributor. 3097

(H) Nothing in this section shall be construed to 3098
interfere with the performance of official duties by any law 3099
enforcement official authorized by municipal, county, state, or 3100
federal law to collect samples of any drug, regardless of its 3101
nature or in whose possession it may be. 3102

(I) Notwithstanding anything to the contrary in this 3103
section, the board of education of a city, local, exempted 3104
village, or joint vocational school district may distribute 3105
epinephrine autoinjectors for use in accordance with section 3106
3313.7110 of the Revised Code and may distribute inhalers for 3107
use in accordance with section 3313.7113 of the Revised Code. 3108

Sec. 4731.054. (A) As used in this section: 3109

(1) "Chronic pain" has the same meaning as in section 3110
4731.052 of the Revised Code. 3111

(2) "Controlled substance" has the same meaning as in 3112
section 3719.01 of the Revised Code. 3113

(3) "Hospice care program" means a program licensed under 3114
Chapter 3712. of the Revised Code. 3115

(4) "Hospital" means a hospital registered with the	3116
department of health under section 3701.07 of the Revised Code.	3117
(5) "Owner" means each person included on the list	3118
maintained under division (B) (6) of section 4729.552 of the	3119
Revised Code.	3120
(6) (a) "Pain management clinic" means a facility to which	3121
both of the following apply:	3122
(i) The majority of patients of the prescribers at the	3123
facility are provided treatment for chronic pain through the use	3124
of controlled substances, tramadol, or other drugs specified in	3125
rules adopted under this section;	3126
(ii) The facility meets any other identifying criteria	3127
established in rules adopted under this section.	3128
(b) "Pain management clinic" does not include any of the	3129
following:	3130
(i) A hospital;	3131
(ii) A facility operated by a hospital for the treatment	3132
of chronic pain;	3133
(iii) A physician practice owned or controlled, in whole	3134
or in part, by a hospital or by an entity that owns or controls,	3135
in whole or in part, one or more hospitals;	3136
(iv) A school, college, university, or other educational	3137
institution or program to the extent that it provides	3138
instruction to individuals preparing to practice as physicians,	3139
podiatrists, dentists, nurses, physician assistants,	3140
<u>psychologists</u> , <u>optometrists</u> , or veterinarians or any affiliated	3141
facility to the extent that it participates in the provision of	3142
that instruction;	3143

(v) A hospice care program with respect to its hospice patients;	3144 3145
(vi) A hospice care program with respect to its provision of palliative care in an inpatient facility or unit to patients who are not hospice patients, as authorized by section 3712.10 of the Revised Code, but only in the case of those palliative care patients who have a life-threatening illness;	3146 3147 3148 3149 3150
(vii) A palliative care inpatient facility or unit that does not admit hospice patients and is not otherwise excluded as a pain management clinic under division (A) (6) (b) of this section, but only in the case of those palliative care patients who have a life-threatening illness;	3151 3152 3153 3154 3155
(viii) An ambulatory surgical facility licensed under section 3702.30 of the Revised Code;	3156 3157
(ix) An interdisciplinary pain rehabilitation program with three-year accreditation from the commission on accreditation of rehabilitation facilities;	3158 3159 3160
(x) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;	3161 3162 3163
(xi) A facility conducting only clinical research that may use controlled substances in studies approved by a hospital-based institutional review board or an institutional review board accredited by the association for the accreditation of human research protection programs.	3164 3165 3166 3167 3168
(7) "Physician" means an individual authorized under this chapter to practice medicine and surgery or osteopathic medicine and surgery.	3169 3170 3171

(8) "Prescriber" has the same meaning as in section	3172
4729.01 of the Revised Code.	3173
(B) Each owner shall supervise, control, and direct the	3174
activities of each individual, including an employee, volunteer,	3175
or individual under contract, who provides treatment of chronic	3176
pain at the pain management clinic or is associated with the	3177
provision of that treatment. The supervision, control, and	3178
direction shall be provided in accordance with rules adopted	3179
under this section.	3180
(C) The state medical board shall adopt rules in	3181
accordance with Chapter 119. of the Revised Code that establish	3182
all of the following:	3183
(1) Standards and procedures for the operation of a pain	3184
management clinic;	3185
(2) Standards and procedures to be followed by a physician	3186
who provides care at a pain management clinic;	3187
(3) For purposes of division (A) (5) (a) (i) of this section,	3188
the other drugs used to treat chronic pain that identify a	3189
facility as a pain management clinic;	3190
(4) For purposes of division (A) (5) (a) (ii) of this	3191
section, the other criteria that identify a facility as a pain	3192
management clinic;	3193
(5) For purposes of division (B) of this section,	3194
standards and procedures to be followed by an owner in providing	3195
supervision, direction, and control of individuals at a pain	3196
management clinic.	3197
(D) The board may impose a fine of not more than twenty	3198
thousand dollars on a physician who fails to comply with rules	3199

adopted under this section. The fine may be in addition to or in 3200
lieu of any other action that may be taken under section 4731.22 3201
of the Revised Code. The board shall deposit any amounts 3202
received under this division in accordance with section 4731.24 3203
of the Revised Code. 3204

(E) (1) The board may inspect either of the following as 3205
the board determines necessary to ensure compliance with this 3206
chapter and any rules adopted under it regarding pain management 3207
clinics: 3208

(a) A pain management clinic; 3209

(b) A facility or physician practice that the board 3210
suspects is operating as a pain management clinic in violation 3211
of this chapter. 3212

(2) The board's inspection shall be conducted in 3213
accordance with division (F) of section 4731.22 of the Revised 3214
Code. 3215

(3) Before conducting an on-site inspection, the board 3216
shall provide notice to the owner or other person in charge of 3217
the facility or physician practice, except that the board is not 3218
required to provide the notice if, in the judgment of the board, 3219
the notice would jeopardize an investigation being conducted by 3220
the board. 3221

Sec. 4731.22. (A) The state medical board, by an 3222
affirmative vote of not fewer than six of its members, may 3223
limit, revoke, or suspend a license or certificate to practice 3224
or certificate to recommend, refuse to grant a license or 3225
certificate, refuse to renew a license or certificate, refuse to 3226
reinstate a license or certificate, or reprimand or place on 3227
probation the holder of a license or certificate if the 3228

individual applying for or holding the license or certificate is 3229
found by the board to have committed fraud during the 3230
administration of the examination for a license or certificate 3231
to practice or to have committed fraud, misrepresentation, or 3232
deception in applying for, renewing, or securing any license or 3233
certificate to practice or certificate to recommend issued by 3234
the board. 3235

(B) The board, by an affirmative vote of not fewer than 3236
six members, shall, to the extent permitted by law, limit, 3237
revoke, or suspend a license or certificate to practice or 3238
certificate to recommend, refuse to issue a license or 3239
certificate, refuse to renew a license or certificate, refuse to 3240
reinstate a license or certificate, or reprimand or place on 3241
probation the holder of a license or certificate for one or more 3242
of the following reasons: 3243

(1) Permitting one's name or one's license or certificate 3244
to practice to be used by a person, group, or corporation when 3245
the individual concerned is not actually directing the treatment 3246
given; 3247

(2) Failure to maintain minimal standards applicable to 3248
the selection or administration of drugs, or failure to employ 3249
acceptable scientific methods in the selection of drugs or other 3250
modalities for treatment of disease; 3251

(3) Except as provided in section 4731.97 of the Revised 3252
Code, selling, giving away, personally furnishing, prescribing, 3253
or administering drugs for other than legal and legitimate 3254
therapeutic purposes or a plea of guilty to, a judicial finding 3255
of guilt of, or a judicial finding of eligibility for 3256
intervention in lieu of conviction of, a violation of any 3257
federal or state law regulating the possession, distribution, or 3258

use of any drug;	3259
(4) Willfully betraying a professional confidence.	3260
For purposes of this division, "willfully betraying a professional confidence" does not include providing any information, documents, or reports under sections 307.621 to 307.629 of the Revised Code to a child fatality review board; does not include providing any information, documents, or reports to the director of health pursuant to guidelines established under section 3701.70 of the Revised Code; does not include written notice to a mental health professional under section 4731.62 of the Revised Code; and does not include the making of a report of an employee's use of a drug of abuse, or a report of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by section 2305.33 or 4731.62 of the Revised Code upon a physician who makes a report in accordance with section 2305.33 or notifies a mental health professional in accordance with section 4731.62 of the Revised Code. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.	3261 3262 3263 3264 3265 3266 3267 3268 3269 3270 3271 3272 3273 3274 3275 3276 3277 3278 3279 3280
(5) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any license or certificate to practice issued by the board.	3281 3282 3283 3284 3285 3286 3287
As used in this division, "false, fraudulent, deceptive,	3288

or misleading statement" means a statement that includes a 3289
misrepresentation of fact, is likely to mislead or deceive 3290
because of a failure to disclose material facts, is intended or 3291
is likely to create false or unjustified expectations of 3292
favorable results, or includes representations or implications 3293
that in reasonable probability will cause an ordinarily prudent 3294
person to misunderstand or be deceived. 3295

(6) A departure from, or the failure to conform to, 3296
minimal standards of care of similar practitioners under the 3297
same or similar circumstances, whether or not actual injury to a 3298
patient is established; 3299

(7) Representing, with the purpose of obtaining 3300
compensation or other advantage as personal gain or for any 3301
other person, that an incurable disease or injury, or other 3302
incurable condition, can be permanently cured; 3303

(8) The obtaining of, or attempting to obtain, money or 3304
anything of value by fraudulent misrepresentations in the course 3305
of practice; 3306

(9) A plea of guilty to, a judicial finding of guilt of, 3307
or a judicial finding of eligibility for intervention in lieu of 3308
conviction for, a felony; 3309

(10) Commission of an act that constitutes a felony in 3310
this state, regardless of the jurisdiction in which the act was 3311
committed; 3312

(11) A plea of guilty to, a judicial finding of guilt of, 3313
or a judicial finding of eligibility for intervention in lieu of 3314
conviction for, a misdemeanor committed in the course of 3315
practice; 3316

(12) Commission of an act in the course of practice that 3317

constitutes a misdemeanor in this state, regardless of the 3318
jurisdiction in which the act was committed; 3319

(13) A plea of guilty to, a judicial finding of guilt of, 3320
or a judicial finding of eligibility for intervention in lieu of 3321
conviction for, a misdemeanor involving moral turpitude; 3322

(14) Commission of an act involving moral turpitude that 3323
constitutes a misdemeanor in this state, regardless of the 3324
jurisdiction in which the act was committed; 3325

(15) Violation of the conditions of limitation placed by 3326
the board upon a license or certificate to practice; 3327

(16) Failure to pay license renewal fees specified in this 3328
chapter; 3329

(17) Except as authorized in section 4731.31 of the 3330
Revised Code, engaging in the division of fees for referral of 3331
patients, or the receiving of a thing of value in return for a 3332
specific referral of a patient to utilize a particular service 3333
or business; 3334

(18) Subject to section 4731.226 of the Revised Code, 3335
violation of any provision of a code of ethics of the American 3336
medical association, the American osteopathic association, the 3337
American podiatric medical association, or any other national 3338
professional organizations that the board specifies by rule. The 3339
state medical board shall obtain and keep on file current copies 3340
of the codes of ethics of the various national professional 3341
organizations. The individual whose license or certificate is 3342
being suspended or revoked shall not be found to have violated 3343
any provision of a code of ethics of an organization not 3344
appropriate to the individual's profession. 3345

For purposes of this division, a "provision of a code of 3346

ethics of a national professional organization" does not include 3347
any provision that would preclude the making of a report by a 3348
physician of an employee's use of a drug of abuse, or of a 3349
condition of an employee other than one involving the use of a 3350
drug of abuse, to the employer of the employee as described in 3351
division (B) of section 2305.33 of the Revised Code. Nothing in 3352
this division affects the immunity from civil liability 3353
conferred by that section upon a physician who makes either type 3354
of report in accordance with division (B) of that section. As 3355
used in this division, "employee," "employer," and "physician" 3356
have the same meanings as in section 2305.33 of the Revised 3357
Code. 3358

(19) Inability to practice according to acceptable and 3359
prevailing standards of care by reason of mental illness or 3360
physical illness, including, but not limited to, physical 3361
deterioration that adversely affects cognitive, motor, or 3362
perceptive skills. 3363

In enforcing this division, the board, upon a showing of a 3364
possible violation, may compel any individual authorized to 3365
practice by this chapter or who has submitted an application 3366
pursuant to this chapter to submit to a mental examination, 3367
physical examination, including an HIV test, or both a mental 3368
and a physical examination. The expense of the examination is 3369
the responsibility of the individual compelled to be examined. 3370
Failure to submit to a mental or physical examination or consent 3371
to an HIV test ordered by the board constitutes an admission of 3372
the allegations against the individual unless the failure is due 3373
to circumstances beyond the individual's control, and a default 3374
and final order may be entered without the taking of testimony 3375
or presentation of evidence. If the board finds an individual 3376
unable to practice because of the reasons set forth in this 3377

division, the board shall require the individual to submit to 3378
care, counseling, or treatment by physicians approved or 3379
designated by the board, as a condition for initial, continued, 3380
reinstated, or renewed authority to practice. An individual 3381
affected under this division shall be afforded an opportunity to 3382
demonstrate to the board the ability to resume practice in 3383
compliance with acceptable and prevailing standards under the 3384
provisions of the individual's license or certificate. For the 3385
purpose of this division, any individual who applies for or 3386
receives a license or certificate to practice under this chapter 3387
accepts the privilege of practicing in this state and, by so 3388
doing, shall be deemed to have given consent to submit to a 3389
mental or physical examination when directed to do so in writing 3390
by the board, and to have waived all objections to the 3391
admissibility of testimony or examination reports that 3392
constitute a privileged communication. 3393

(20) Except as provided in division (F) (1) (b) of section 3394
4731.282 of the Revised Code or when civil penalties are imposed 3395
under section 4731.225 of the Revised Code, and subject to 3396
section 4731.226 of the Revised Code, violating or attempting to 3397
violate, directly or indirectly, or assisting in or abetting the 3398
violation of, or conspiring to violate, any provisions of this 3399
chapter or any rule promulgated by the board. 3400

This division does not apply to a violation or attempted 3401
violation of, assisting in or abetting the violation of, or a 3402
conspiracy to violate, any provision of this chapter or any rule 3403
adopted by the board that would preclude the making of a report 3404
by a physician of an employee's use of a drug of abuse, or of a 3405
condition of an employee other than one involving the use of a 3406
drug of abuse, to the employer of the employee as described in 3407
division (B) of section 2305.33 of the Revised Code. Nothing in 3408

this division affects the immunity from civil liability 3409
conferred by that section upon a physician who makes either type 3410
of report in accordance with division (B) of that section. As 3411
used in this division, "employee," "employer," and "physician" 3412
have the same meanings as in section 2305.33 of the Revised 3413
Code. 3414

(21) The violation of section 3701.79 of the Revised Code 3415
or of any abortion rule adopted by the director of health 3416
pursuant to section 3701.341 of the Revised Code; 3417

(22) Any of the following actions taken by an agency 3418
responsible for authorizing, certifying, or regulating an 3419
individual to practice a health care occupation or provide 3420
health care services in this state or another jurisdiction, for 3421
any reason other than the nonpayment of fees: the limitation, 3422
revocation, or suspension of an individual's license to 3423
practice; acceptance of an individual's license surrender; 3424
denial of a license; refusal to renew or reinstate a license; 3425
imposition of probation; or issuance of an order of censure or 3426
other reprimand; 3427

(23) The violation of section 2919.12 of the Revised Code 3428
or the performance or inducement of an abortion upon a pregnant 3429
woman with actual knowledge that the conditions specified in 3430
division (B) of section 2317.56 of the Revised Code have not 3431
been satisfied or with a heedless indifference as to whether 3432
those conditions have been satisfied, unless an affirmative 3433
defense as specified in division (H)(2) of that section would 3434
apply in a civil action authorized by division (H)(1) of that 3435
section; 3436

(24) The revocation, suspension, restriction, reduction, 3437
or termination of clinical privileges by the United States 3438

department of defense or department of veterans affairs or the 3439
termination or suspension of a certificate of registration to 3440
prescribe drugs by the drug enforcement administration of the 3441
United States department of justice; 3442

(25) Termination or suspension from participation in the 3443
medicare or medicaid programs by the department of health and 3444
human services or other responsible agency; 3445

(26) Impairment of ability to practice according to 3446
acceptable and prevailing standards of care because of habitual 3447
or excessive use or abuse of drugs, alcohol, or other substances 3448
that impair ability to practice. 3449

For the purposes of this division, any individual 3450
authorized to practice by this chapter accepts the privilege of 3451
practicing in this state subject to supervision by the board. By 3452
filing an application for or holding a license or certificate to 3453
practice under this chapter, an individual shall be deemed to 3454
have given consent to submit to a mental or physical examination 3455
when ordered to do so by the board in writing, and to have 3456
waived all objections to the admissibility of testimony or 3457
examination reports that constitute privileged communications. 3458

If it has reason to believe that any individual authorized 3459
to practice by this chapter or any applicant for licensure or 3460
certification to practice suffers such impairment, the board may 3461
compel the individual to submit to a mental or physical 3462
examination, or both. The expense of the examination is the 3463
responsibility of the individual compelled to be examined. Any 3464
mental or physical examination required under this division 3465
shall be undertaken by a treatment provider or physician who is 3466
qualified to conduct the examination and who is chosen by the 3467
board. 3468

Failure to submit to a mental or physical examination 3469
ordered by the board constitutes an admission of the allegations 3470
against the individual unless the failure is due to 3471
circumstances beyond the individual's control, and a default and 3472
final order may be entered without the taking of testimony or 3473
presentation of evidence. If the board determines that the 3474
individual's ability to practice is impaired, the board shall 3475
suspend the individual's license or certificate or deny the 3476
individual's application and shall require the individual, as a 3477
condition for initial, continued, reinstated, or renewed 3478
licensure or certification to practice, to submit to treatment. 3479

Before being eligible to apply for reinstatement of a 3480
license or certificate suspended under this division, the 3481
impaired practitioner shall demonstrate to the board the ability 3482
to resume practice in compliance with acceptable and prevailing 3483
standards of care under the provisions of the practitioner's 3484
license or certificate. The demonstration shall include, but 3485
shall not be limited to, the following: 3486

(a) Certification from a treatment provider approved under 3487
section 4731.25 of the Revised Code that the individual has 3488
successfully completed any required inpatient treatment; 3489

(b) Evidence of continuing full compliance with an 3490
aftercare contract or consent agreement; 3491

(c) Two written reports indicating that the individual's 3492
ability to practice has been assessed and that the individual 3493
has been found capable of practicing according to acceptable and 3494
prevailing standards of care. The reports shall be made by 3495
individuals or providers approved by the board for making the 3496
assessments and shall describe the basis for their 3497
determination. 3498

The board may reinstate a license or certificate suspended 3499
under this division after that demonstration and after the 3500
individual has entered into a written consent agreement. 3501

When the impaired practitioner resumes practice, the board 3502
shall require continued monitoring of the individual. The 3503
monitoring shall include, but not be limited to, compliance with 3504
the written consent agreement entered into before reinstatement 3505
or with conditions imposed by board order after a hearing, and, 3506
upon termination of the consent agreement, submission to the 3507
board for at least two years of annual written progress reports 3508
made under penalty of perjury stating whether the individual has 3509
maintained sobriety. 3510

(27) A second or subsequent violation of section 4731.66 3511
or 4731.69 of the Revised Code; 3512

(28) Except as provided in division (N) of this section: 3513

(a) Waiving the payment of all or any part of a deductible 3514
or copayment that a patient, pursuant to a health insurance or 3515
health care policy, contract, or plan that covers the 3516
individual's services, otherwise would be required to pay if the 3517
waiver is used as an enticement to a patient or group of 3518
patients to receive health care services from that individual; 3519

(b) Advertising that the individual will waive the payment 3520
of all or any part of a deductible or copayment that a patient, 3521
pursuant to a health insurance or health care policy, contract, 3522
or plan that covers the individual's services, otherwise would 3523
be required to pay. 3524

(29) Failure to use universal blood and body fluid 3525
precautions established by rules adopted under section 4731.051 3526
of the Revised Code; 3527

(30) Failure to provide notice to, and receive 3528
acknowledgment of the notice from, a patient when required by 3529
section 4731.143 of the Revised Code prior to providing 3530
nonemergency professional services, or failure to maintain that 3531
notice in the patient's medical record; 3532

(31) Failure of a physician supervising a physician 3533
assistant to maintain supervision in accordance with the 3534
requirements of Chapter 4730. of the Revised Code and the rules 3535
adopted under that chapter; 3536

(32) Failure of a physician or podiatrist to enter into a 3537
standard care arrangement with a clinical nurse specialist, 3538
certified nurse-midwife, or certified nurse practitioner with 3539
whom the physician or podiatrist is in collaboration pursuant to 3540
section 4731.27 of the Revised Code or failure to fulfill the 3541
responsibilities of collaboration after entering into a standard 3542
care arrangement; 3543

(33) Failure to comply with the terms of a consult 3544
agreement entered into with a pharmacist pursuant to section 3545
4729.39 of the Revised Code; 3546

(34) Failure to cooperate in an investigation conducted by 3547
the board under division (F) of this section, including failure 3548
to comply with a subpoena or order issued by the board or 3549
failure to answer truthfully a question presented by the board 3550
in an investigative interview, an investigative office 3551
conference, at a deposition, or in written interrogatories, 3552
except that failure to cooperate with an investigation shall not 3553
constitute grounds for discipline under this section if a court 3554
of competent jurisdiction has issued an order that either 3555
quashes a subpoena or permits the individual to withhold the 3556
testimony or evidence in issue; 3557

(35) Failure to supervise an oriental medicine practitioner or acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;	3558 3559 3560 3561
(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	3562 3563 3564
(37) Assisting suicide, as defined in section 3795.01 of the Revised Code;	3565 3566
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	3567 3568
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	3569 3570 3571
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	3572 3573 3574 3575
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	3576 3577 3578 3579
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	3580 3581 3582 3583
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board	3584 3585

of pharmacy no longer maintains a drug database pursuant to 3586
section 4729.75 of the Revised Code; 3587

(44) Failure to comply with the requirements of section 3588
2919.171, 2919.202, or 2919.203 of the Revised Code or failure 3589
to submit to the department of health in accordance with a court 3590
order a complete report as described in section 2919.171 or 3591
2919.202 of the Revised Code; 3592

(45) Practicing at a facility that is subject to licensure 3593
as a category III terminal distributor of dangerous drugs with a 3594
pain management clinic classification unless the person 3595
operating the facility has obtained and maintains the license 3596
with the classification; 3597

(46) Owning a facility that is subject to licensure as a 3598
category III terminal distributor of dangerous drugs with a pain 3599
management clinic classification unless the facility is licensed 3600
with the classification; 3601

(47) Failure to comply with any of the requirements 3602
regarding making or maintaining medical records or documents 3603
described in division (A) of section 2919.192, division (C) of 3604
section 2919.193, division (B) of section 2919.195, or division 3605
(A) of section 2919.196 of the Revised Code; 3606

(48) Failure to comply with the requirements in section 3607
3719.061 of the Revised Code before issuing for a minor a 3608
prescription for an opioid analgesic, as defined in section 3609
3719.01 of the Revised Code; 3610

(49) Failure to comply with the requirements of section 3611
4731.30 of the Revised Code or rules adopted under section 3612
4731.301 of the Revised Code when recommending treatment with 3613
medical marijuana; 3614

(50) Practicing at a facility, clinic, or other location 3615
that is subject to licensure as a category III terminal 3616
distributor of dangerous drugs with an office-based opioid 3617
treatment classification unless the person operating that place 3618
has obtained and maintains the license with the classification; 3619

(51) Owning a facility, clinic, or other location that is 3620
subject to licensure as a category III terminal distributor of 3621
dangerous drugs with an office-based opioid treatment 3622
classification unless that place is licensed with the 3623
classification; 3624

(52) A pattern of continuous or repeated violations of 3625
division (E) (2) or (3) of section 3963.02 of the Revised Code; 3626

(53) Failure of a physician to enter into a collaborative 3627
agreement with a psychologist holding a certificate to prescribe 3628
issued under section 4732.40 of the Revised Code with whom the 3629
physician collaborates in the prescribing component of the 3630
psychologist's practice pursuant to section 4732.431 of the 3631
Revised Code or failure to fulfill the responsibilities of 3632
collaboration after entering into the agreement. 3633

(C) Disciplinary actions taken by the board under 3634
divisions (A) and (B) of this section shall be taken pursuant to 3635
an adjudication under Chapter 119. of the Revised Code, except 3636
that in lieu of an adjudication, the board may enter into a 3637
consent agreement with an individual to resolve an allegation of 3638
a violation of this chapter or any rule adopted under it. A 3639
consent agreement, when ratified by an affirmative vote of not 3640
fewer than six members of the board, shall constitute the 3641
findings and order of the board with respect to the matter 3642
addressed in the agreement. If the board refuses to ratify a 3643
consent agreement, the admissions and findings contained in the 3644

consent agreement shall be of no force or effect. 3645

A telephone conference call may be utilized for 3646
ratification of a consent agreement that revokes or suspends an 3647
individual's license or certificate to practice or certificate 3648
to recommend. The telephone conference call shall be considered 3649
a special meeting under division (F) of section 121.22 of the 3650
Revised Code. 3651

If the board takes disciplinary action against an 3652
individual under division (B) of this section for a second or 3653
subsequent plea of guilty to, or judicial finding of guilt of, a 3654
violation of section 2919.123 of the Revised Code, the 3655
disciplinary action shall consist of a suspension of the 3656
individual's license or certificate to practice for a period of 3657
at least one year or, if determined appropriate by the board, a 3658
more serious sanction involving the individual's license or 3659
certificate to practice. Any consent agreement entered into 3660
under this division with an individual that pertains to a second 3661
or subsequent plea of guilty to, or judicial finding of guilt 3662
of, a violation of that section shall provide for a suspension 3663
of the individual's license or certificate to practice for a 3664
period of at least one year or, if determined appropriate by the 3665
board, a more serious sanction involving the individual's 3666
license or certificate to practice. 3667

(D) For purposes of divisions (B) (10), (12), and (14) of 3668
this section, the commission of the act may be established by a 3669
finding by the board, pursuant to an adjudication under Chapter 3670
119. of the Revised Code, that the individual committed the act. 3671
The board does not have jurisdiction under those divisions if 3672
the trial court renders a final judgment in the individual's 3673
favor and that judgment is based upon an adjudication on the 3674

merits. The board has jurisdiction under those divisions if the 3675
trial court issues an order of dismissal upon technical or 3676
procedural grounds. 3677

(E) The sealing of conviction records by any court shall 3678
have no effect upon a prior board order entered under this 3679
section or upon the board's jurisdiction to take action under 3680
this section if, based upon a plea of guilty, a judicial finding 3681
of guilt, or a judicial finding of eligibility for intervention 3682
in lieu of conviction, the board issued a notice of opportunity 3683
for a hearing prior to the court's order to seal the records. 3684
The board shall not be required to seal, destroy, redact, or 3685
otherwise modify its records to reflect the court's sealing of 3686
conviction records. 3687

(F) (1) The board shall investigate evidence that appears 3688
to show that a person has violated any provision of this chapter 3689
or any rule adopted under it. Any person may report to the board 3690
in a signed writing any information that the person may have 3691
that appears to show a violation of any provision of this 3692
chapter or any rule adopted under it. In the absence of bad 3693
faith, any person who reports information of that nature or who 3694
testifies before the board in any adjudication conducted under 3695
Chapter 119. of the Revised Code shall not be liable in damages 3696
in a civil action as a result of the report or testimony. Each 3697
complaint or allegation of a violation received by the board 3698
shall be assigned a case number and shall be recorded by the 3699
board. 3700

(2) Investigations of alleged violations of this chapter 3701
or any rule adopted under it shall be supervised by the 3702
supervising member elected by the board in accordance with 3703
section 4731.02 of the Revised Code and by the secretary as 3704

provided in section 4731.39 of the Revised Code. The president 3705
may designate another member of the board to supervise the 3706
investigation in place of the supervising member. No member of 3707
the board who supervises the investigation of a case shall 3708
participate in further adjudication of the case. 3709

(3) In investigating a possible violation of this chapter 3710
or any rule adopted under this chapter, or in conducting an 3711
inspection under division (E) of section 4731.054 of the Revised 3712
Code, the board may question witnesses, conduct interviews, 3713
administer oaths, order the taking of depositions, inspect and 3714
copy any books, accounts, papers, records, or documents, issue 3715
subpoenas, and compel the attendance of witnesses and production 3716
of books, accounts, papers, records, documents, and testimony, 3717
except that a subpoena for patient record information shall not 3718
be issued without consultation with the attorney general's 3719
office and approval of the secretary and supervising member of 3720
the board. 3721

(a) Before issuance of a subpoena for patient record 3722
information, the secretary and supervising member shall 3723
determine whether there is probable cause to believe that the 3724
complaint filed alleges a violation of this chapter or any rule 3725
adopted under it and that the records sought are relevant to the 3726
alleged violation and material to the investigation. The 3727
subpoena may apply only to records that cover a reasonable 3728
period of time surrounding the alleged violation. 3729

(b) On failure to comply with any subpoena issued by the 3730
board and after reasonable notice to the person being 3731
subpoenaed, the board may move for an order compelling the 3732
production of persons or records pursuant to the Rules of Civil 3733
Procedure. 3734

(c) A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee or agent designated by the board. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the person's usual place of residence, usual place of business, or address on file with the board. When serving a subpoena to an applicant for or the holder of a license or certificate issued under this chapter, service of the subpoena may be made by certified mail, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery. If the person being served refuses to accept the subpoena or is not located, service may be made to an attorney who notifies the board that the attorney is representing the person.

(d) A sheriff's deputy who serves a subpoena shall receive the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation or pursuant to an inspection under division (E) of section 4731.054 of the Revised Code is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The

board shall not make public the names or any other identifying 3765
information about patients or complainants unless proper consent 3766
is given or, in the case of a patient, a waiver of the patient 3767
privilege exists under division (B) of section 2317.02 of the 3768
Revised Code, except that consent or a waiver of that nature is 3769
not required if the board possesses reliable and substantial 3770
evidence that no bona fide physician-patient relationship 3771
exists. 3772

The board may share any information it receives pursuant 3773
to an investigation or inspection, including patient records and 3774
patient record information, with law enforcement agencies, other 3775
licensing boards, and other governmental agencies that are 3776
prosecuting, adjudicating, or investigating alleged violations 3777
of statutes or administrative rules. An agency or board that 3778
receives the information shall comply with the same requirements 3779
regarding confidentiality as those with which the state medical 3780
board must comply, notwithstanding any conflicting provision of 3781
the Revised Code or procedure of the agency or board that 3782
applies when it is dealing with other information in its 3783
possession. In a judicial proceeding, the information may be 3784
admitted into evidence only in accordance with the Rules of 3785
Evidence, but the court shall require that appropriate measures 3786
are taken to ensure that confidentiality is maintained with 3787
respect to any part of the information that contains names or 3788
other identifying information about patients or complainants 3789
whose confidentiality was protected by the state medical board 3790
when the information was in the board's possession. Measures to 3791
ensure confidentiality that may be taken by the court include 3792
sealing its records or deleting specific information from its 3793
records. 3794

(6) On a quarterly basis, the board shall prepare a report 3795

that documents the disposition of all cases during the preceding 3796
three months. The report shall contain the following information 3797
for each case with which the board has completed its activities: 3798

(a) The case number assigned to the complaint or alleged 3799
violation; 3800

(b) The type of license or certificate to practice, if 3801
any, held by the individual against whom the complaint is 3802
directed; 3803

(c) A description of the allegations contained in the 3804
complaint; 3805

(d) The disposition of the case. 3806

The report shall state how many cases are still pending 3807
and shall be prepared in a manner that protects the identity of 3808
each person involved in each case. The report shall be a public 3809
record under section 149.43 of the Revised Code. 3810

(G) If the secretary and supervising member determine both 3811
of the following, they may recommend that the board suspend an 3812
individual's license or certificate to practice or certificate 3813
to recommend without a prior hearing: 3814

(1) That there is clear and convincing evidence that an 3815
individual has violated division (B) of this section; 3816

(2) That the individual's continued practice presents a 3817
danger of immediate and serious harm to the public. 3818

Written allegations shall be prepared for consideration by 3819
the board. The board, upon review of those allegations and by an 3820
affirmative vote of not fewer than six of its members, excluding 3821
the secretary and supervising member, may suspend a license or 3822
certificate without a prior hearing. A telephone conference call 3823

may be utilized for reviewing the allegations and taking the 3824
vote on the summary suspension. 3825

The board shall issue a written order of suspension by 3826
certified mail or in person in accordance with section 119.07 of 3827
the Revised Code. The order shall not be subject to suspension 3828
by the court during pendency of any appeal filed under section 3829
119.12 of the Revised Code. If the individual subject to the 3830
summary suspension requests an adjudicatory hearing by the 3831
board, the date set for the hearing shall be within fifteen 3832
days, but not earlier than seven days, after the individual 3833
requests the hearing, unless otherwise agreed to by both the 3834
board and the individual. 3835

Any summary suspension imposed under this division shall 3836
remain in effect, unless reversed on appeal, until a final 3837
adjudicative order issued by the board pursuant to this section 3838
and Chapter 119. of the Revised Code becomes effective. The 3839
board shall issue its final adjudicative order within seventy- 3840
five days after completion of its hearing. A failure to issue 3841
the order within seventy-five days shall result in dissolution 3842
of the summary suspension order but shall not invalidate any 3843
subsequent, final adjudicative order. 3844

(H) If the board takes action under division (B) (9), (11), 3845
or (13) of this section and the judicial finding of guilt, 3846
guilty plea, or judicial finding of eligibility for intervention 3847
in lieu of conviction is overturned on appeal, upon exhaustion 3848
of the criminal appeal, a petition for reconsideration of the 3849
order may be filed with the board along with appropriate court 3850
documents. Upon receipt of a petition of that nature and 3851
supporting court documents, the board shall reinstate the 3852
individual's license or certificate to practice. The board may 3853

then hold an adjudication under Chapter 119. of the Revised Code 3854
to determine whether the individual committed the act in 3855
question. Notice of an opportunity for a hearing shall be given 3856
in accordance with Chapter 119. of the Revised Code. If the 3857
board finds, pursuant to an adjudication held under this 3858
division, that the individual committed the act or if no hearing 3859
is requested, the board may order any of the sanctions 3860
identified under division (B) of this section. 3861

(I) The license or certificate to practice issued to an 3862
individual under this chapter and the individual's practice in 3863
this state are automatically suspended as of the date of the 3864
individual's second or subsequent plea of guilty to, or judicial 3865
finding of guilt of, a violation of section 2919.123 of the 3866
Revised Code. In addition, the license or certificate to 3867
practice or certificate to recommend issued to an individual 3868
under this chapter and the individual's practice in this state 3869
are automatically suspended as of the date the individual pleads 3870
guilty to, is found by a judge or jury to be guilty of, or is 3871
subject to a judicial finding of eligibility for intervention in 3872
lieu of conviction in this state or treatment or intervention in 3873
lieu of conviction in another jurisdiction for any of the 3874
following criminal offenses in this state or a substantially 3875
equivalent criminal offense in another jurisdiction: aggravated 3876
murder, murder, voluntary manslaughter, felonious assault, 3877
kidnapping, rape, sexual battery, gross sexual imposition, 3878
aggravated arson, aggravated robbery, or aggravated burglary. 3879
Continued practice after suspension shall be considered 3880
practicing without a license or certificate. 3881

The board shall notify the individual subject to the 3882
suspension by certified mail or in person in accordance with 3883
section 119.07 of the Revised Code. If an individual whose 3884

license or certificate is automatically suspended under this 3885
division fails to make a timely request for an adjudication 3886
under Chapter 119. of the Revised Code, the board shall do 3887
whichever of the following is applicable: 3888

(1) If the automatic suspension under this division is for 3889
a second or subsequent plea of guilty to, or judicial finding of 3890
guilt of, a violation of section 2919.123 of the Revised Code, 3891
the board shall enter an order suspending the individual's 3892
license or certificate to practice for a period of at least one 3893
year or, if determined appropriate by the board, imposing a more 3894
serious sanction involving the individual's license or 3895
certificate to practice. 3896

(2) In all circumstances in which division (I)(1) of this 3897
section does not apply, enter a final order permanently revoking 3898
the individual's license or certificate to practice. 3899

(J) If the board is required by Chapter 119. of the 3900
Revised Code to give notice of an opportunity for a hearing and 3901
if the individual subject to the notice does not timely request 3902
a hearing in accordance with section 119.07 of the Revised Code, 3903
the board is not required to hold a hearing, but may adopt, by 3904
an affirmative vote of not fewer than six of its members, a 3905
final order that contains the board's findings. In that final 3906
order, the board may order any of the sanctions identified under 3907
division (A) or (B) of this section. 3908

(K) Any action taken by the board under division (B) of 3909
this section resulting in a suspension from practice shall be 3910
accompanied by a written statement of the conditions under which 3911
the individual's license or certificate to practice may be 3912
reinstated. The board shall adopt rules governing conditions to 3913
be imposed for reinstatement. Reinstatement of a license or 3914

certificate suspended pursuant to division (B) of this section 3915
requires an affirmative vote of not fewer than six members of 3916
the board. 3917

(L) When the board refuses to grant or issue a license or 3918
certificate to practice to an applicant, revokes an individual's 3919
license or certificate to practice, refuses to renew an 3920
individual's license or certificate to practice, or refuses to 3921
reinstate an individual's license or certificate to practice, 3922
the board may specify that its action is permanent. An 3923
individual subject to a permanent action taken by the board is 3924
forever thereafter ineligible to hold a license or certificate 3925
to practice and the board shall not accept an application for 3926
reinstatement of the license or certificate or for issuance of a 3927
new license or certificate. 3928

(M) Notwithstanding any other provision of the Revised 3929
Code, all of the following apply: 3930

(1) The surrender of a license or certificate issued under 3931
this chapter shall not be effective unless or until accepted by 3932
the board. A telephone conference call may be utilized for 3933
acceptance of the surrender of an individual's license or 3934
certificate to practice. The telephone conference call shall be 3935
considered a special meeting under division (F) of section 3936
121.22 of the Revised Code. Reinstatement of a license or 3937
certificate surrendered to the board requires an affirmative 3938
vote of not fewer than six members of the board. 3939

(2) An application for a license or certificate made under 3940
the provisions of this chapter may not be withdrawn without 3941
approval of the board. 3942

(3) Failure by an individual to renew a license or 3943

certificate to practice in accordance with this chapter or a 3944
certificate to recommend in accordance with rules adopted under 3945
section 4731.301 of the Revised Code shall not remove or limit 3946
the board's jurisdiction to take any disciplinary action under 3947
this section against the individual. 3948

(4) At the request of the board, a license or certificate 3949
holder shall immediately surrender to the board a license or 3950
certificate that the board has suspended, revoked, or 3951
permanently revoked. 3952

(N) Sanctions shall not be imposed under division (B) (28) 3953
of this section against any person who waives deductibles and 3954
copayments as follows: 3955

(1) In compliance with the health benefit plan that 3956
expressly allows such a practice. Waiver of the deductibles or 3957
copayments shall be made only with the full knowledge and 3958
consent of the plan purchaser, payer, and third-party 3959
administrator. Documentation of the consent shall be made 3960
available to the board upon request. 3961

(2) For professional services rendered to any other person 3962
authorized to practice pursuant to this chapter, to the extent 3963
allowed by this chapter and rules adopted by the board. 3964

(O) Under the board's investigative duties described in 3965
this section and subject to division (F) of this section, the 3966
board shall develop and implement a quality intervention program 3967
designed to improve through remedial education the clinical and 3968
communication skills of individuals authorized under this 3969
chapter to practice medicine and surgery, osteopathic medicine 3970
and surgery, and podiatric medicine and surgery. In developing 3971
and implementing the quality intervention program, the board may 3972

do all of the following: 3973

(1) Offer in appropriate cases as determined by the board 3974
an educational and assessment program pursuant to an 3975
investigation the board conducts under this section; 3976

(2) Select providers of educational and assessment 3977
services, including a quality intervention program panel of case 3978
reviewers; 3979

(3) Make referrals to educational and assessment service 3980
providers and approve individual educational programs 3981
recommended by those providers. The board shall monitor the 3982
progress of each individual undertaking a recommended individual 3983
educational program. 3984

(4) Determine what constitutes successful completion of an 3985
individual educational program and require further monitoring of 3986
the individual who completed the program or other action that 3987
the board determines to be appropriate; 3988

(5) Adopt rules in accordance with Chapter 119. of the 3989
Revised Code to further implement the quality intervention 3990
program. 3991

An individual who participates in an individual 3992
educational program pursuant to this division shall pay the 3993
financial obligations arising from that educational program. 3994

Sec. 4732.01. As used in this chapter: 3995

(A) "Psychologist" means any person who holds self out to 3996
the public by any title or description of services incorporating 3997
the words "psychologic," "psychological," "psychologist," 3998
"psychology," or any other terms that imply the person is 3999
trained, experienced, or an expert in the field of psychology. 4000

(B) "The practice of psychology" means rendering or 4001
offering to render to individuals, groups, organizations, or the 4002
public any service involving the application of psychological 4003
procedures to assessment, diagnosis, prevention, treatment, or 4004
amelioration of psychological problems or emotional or mental 4005
disorders of individuals or groups; to clinical 4006
psychopharmacology; or to the assessment or improvement of 4007
psychological adjustment or functioning of individuals or 4008
groups, whether or not there is a diagnosable pre-existing 4009
psychological problem. ~~Practice~~ "The practice of psychology" 4010
includes the practice of school psychology. For a psychologist 4011
who holds a certificate to prescribe issued under section 4012
4732.40 of the Revised Code, "the practice of psychology" 4013
includes the authority to engage in the activities specified in 4014
section 4732.43 of the Revised Code and clinical 4015
psychopharmacology. 4016

For purposes of this chapter, teaching or research shall 4017
not be regarded as the practice of psychology, even when dealing 4018
with psychological subject matter, provided it does not 4019
otherwise involve the professional practice of psychology in 4020
which an individual's welfare is directly affected by the 4021
application of psychological procedures. 4022

(C) "Psychological procedures" include but are not 4023
restricted to application of principles, methods, or procedures 4024
of understanding, predicting, or influencing behavior, such as 4025
the principles pertaining to learning, conditioning, perception, 4026
motivation, thinking, emotions, or interpersonal relationships; 4027
the methods or procedures of verbal interaction, interviewing, 4028
counseling, behavior modification, environmental manipulation, 4029
group process, psychological psychotherapy, or hypnosis; and the 4030
methods or procedures of administering or interpreting tests of 4031

mental abilities, aptitudes, interests, attitudes, personality 4032
characteristics, emotions, or motivation. 4033

(D) "School psychologist" means any person who holds self 4034
out to the public by any title or description of services 4035
incorporating the words "school psychologist" or "school 4036
psychology," or who holds self out to be trained, experienced, 4037
or an expert in the practice of school psychology. 4038

(E) "Practice of school psychology" means rendering or 4039
offering to render to individuals, groups, organizations, or the 4040
public any of the following services: 4041

(1) Evaluation, diagnosis, or test interpretation limited 4042
to assessment of intellectual ability, learning patterns, 4043
achievement, motivation, behavior, or personality factors 4044
directly related to learning problems; 4045

(2) Intervention services, including counseling, for 4046
children or adults for amelioration or prevention of 4047
educationally related learning problems, including emotional and 4048
behavioral aspects of such problems; 4049

(3) Psychological, educational, or vocational consultation 4050
or direct educational services. This does not include industrial 4051
consultation or counseling services to clients undergoing 4052
vocational rehabilitation. 4053

(F) "Licensed psychologist" means an individual holding a 4054
current, valid license to practice psychology issued under 4055
section 4732.12 or 4732.15 of the Revised Code. 4056

(G) "School psychologist licensed by the state board of 4057
psychology" means an individual holding a current, valid license 4058
to practice school psychology issued under section 4732.12 or 4059
4732.15 of the Revised Code. 4060

(H) "School psychologist licensed by the state board of education" means an individual holding a current, valid school psychologist license issued under rules adopted under section 3319.22 of the Revised Code. 4061
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(I) "Mental health professional" and "mental health service" have the same meanings as in section 2305.51 of the Revised Code. 4065
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(J) "Telepsychology" means the practice of psychology or school psychology by distance communication technology, including telephone, electronic mail, internet-based communications, and video conferencing. 4068
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(K) "Benzodiazepine" and "controlled substance" have the same meanings as in section 3719.01 of the Revised Code. 4072
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(L) "Drug" and "prescription" have the same meanings as in section 4729.01 of the Revised Code. 4074
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(M) "Collaboration" or "collaborating" means that one or more physicians with whom a psychologist holding a certificate to prescribe issued under section 4732.40 of the Revised Code has entered into a collaborative agreement are continuously available to communicate with the psychologist either in person or by telephone, video conferencing, or other electronic means. 4076
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(N) "Collaborative agreement" means a written, formal guide for planning and evaluating the prescribing component of a psychologist's practice that is developed by one or more physicians and the psychologist holding a certificate to prescribe issued under section 4732.40 of the Revised Code and that meets the requirements of section 4732.431 of the Revised Code. 4082
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(O) "Physician" means an individual authorized under 4089

Chapter 4731. of the Revised Code to practice medicine and 4090
surgery or osteopathic medicine and surgery. 4091

Sec. 4732.02. The governor, with the advice and consent of 4092
the senate, shall appoint a state board of psychology consisting 4093
of nine persons who are citizens of the United States and 4094
residents of this state. ~~Three~~ Two members shall be patient 4095
advocates who are not mental health professionals ~~and who either~~ 4096
~~are parents or other relatives of a person who has received or~~ 4097
~~is receiving mental health services or are representatives of~~ 4098
~~organizations that represent persons who have received or are~~ 4099
~~receiving mental health services. At least one patient advocate~~ 4100
~~member shall be,~~ with one being a parent or other relative of a 4101
mental health service recipient, ~~and at least one patient~~ 4102
~~advocate member shall be~~ the other being a representative of an 4103
organization representing mental health service recipients. One 4104
member shall be a physician. Each of the remaining six members 4105
shall be ~~a licensed psychologist~~ psychologists or ~~a school~~ 4106
~~psychologist~~ psychologists licensed by the state board of 4107
psychology. ~~Terms~~ Of the psychologist members, one shall, 4108
beginning not later than one year after the effective date of 4109
this amendment, hold a certificate to prescribe issued under 4110
this chapter. 4111

Terms of office for all members shall be for five years, 4112
commencing on the sixth day of October and ending on the fifth 4113
day of October. Each member shall hold office from the date of 4114
appointment until the end of the term for which the member was 4115
appointed. Any member appointed to fill a vacancy occurring 4116
prior to the expiration of the term for which the member's 4117
predecessor was appointed shall hold office for the remainder of 4118
such term. Any member shall continue in office subsequent to the 4119
expiration date of the member's term until the member's 4120

successor takes office, or until a period of sixty days has 4121
elapsed, whichever occurs first. No person shall be appointed to 4122
more than two five-year terms in succession. ~~The~~ 4123

The licensed psychologist and licensed school psychologist 4124
members of the board shall be so chosen that they represent the 4125
diverse fields of specialization and practice in the profession 4126
of psychology and the profession of school psychology. The 4127
governor may make such appointments from lists submitted 4128
annually by the Ohio psychological association, the Ohio school 4129
psychologists association, and the Ohio association of black 4130
psychologists. ~~A~~ The governor, in appointing the physician 4131
member, may consult with the state medical board as the governor 4132
considers necessary. 4133

A vacancy in an unexpired term shall be filled in the same 4134
manner as the original appointment. 4135

The governor may remove any member for malfeasance, 4136
misfeasance, or nonfeasance after a hearing in accordance with 4137
Chapter 119. of the Revised Code. The governor shall remove, 4138
after a hearing in accordance with Chapter 119. of the Revised 4139
Code, any member who has been convicted of or pleaded guilty to 4140
the commission of a felony offense under any law of this state, 4141
another state, or the United States. No person may be appointed 4142
to the board who has been convicted of or pleaded guilty to a 4143
felony offense under any law of this state, another state, or 4144
the United States. 4145

Sec. 4732.17. (A) Subject to division (F) of this section, 4146
the state board of psychology may take any of the actions 4147
specified in division (C) of this section against an applicant 4148
for or a person who holds a license issued under this chapter on 4149
any of the following grounds as applicable: 4150

- (1) Conviction, including a plea of guilty or no contest, 4151
of a felony, or of any offense involving moral turpitude, in a 4152
court of this or any other state or in a federal court; 4153
- (2) A judicial finding of eligibility for intervention in 4154
lieu of conviction for a felony or any offense involving moral 4155
turpitude in a court of this or any other state or in a federal 4156
court; 4157
- (3) Using fraud or deceit in the procurement of the 4158
license to practice psychology or school psychology or knowingly 4159
assisting another in the procurement of such a license through 4160
fraud or deceit; 4161
- (4) Accepting commissions or rebates or other forms of 4162
remuneration for referring persons to other professionals; 4163
- (5) Willful, unauthorized communication of information 4164
received in professional confidence; 4165
- (6) Being negligent in the practice of psychology or 4166
school psychology; 4167
- (7) Inability to practice according to acceptable and 4168
prevailing standards of care by reason of a mental, emotional, 4169
physiological, or pharmacological condition or substance abuse; 4170
- (8) Subject to section 4732.28 of the Revised Code, 4171
violating any rule of professional conduct promulgated by the 4172
board; 4173
- (9) Practicing in an area of psychology for which the 4174
person is clearly untrained or incompetent; 4175
- (10) An adjudication by a court, as provided in section 4176
5122.301 of the Revised Code, that the person is incompetent for 4177
the purpose of holding the license. Such person may have the 4178

person's license issued or restored only upon determination by a 4179
court that the person is competent for the purpose of holding 4180
the license and upon the decision by the board that such license 4181
be issued or restored. The board may require an examination 4182
prior to such issuance or restoration. 4183

(11) Waiving the payment of all or any part of a 4184
deductible or copayment that a patient, pursuant to a health 4185
insurance or health care policy, contract, or plan that covers 4186
psychological services, would otherwise be required to pay if 4187
the waiver is used as an enticement to a patient or group of 4188
patients to receive health care services from that provider; 4189

(12) Advertising that the person will waive the payment of 4190
all or any part of a deductible or copayment that a patient, 4191
pursuant to a health insurance or health care policy, contract, 4192
or plan that covers psychological services, would otherwise be 4193
required to pay; 4194

(13) Any of the following actions taken by the agency 4195
responsible for authorizing or certifying the person to practice 4196
or regulating the person's practice of a health care occupation 4197
or provision of health care services in this state or another 4198
jurisdiction, as evidenced by a certified copy of that agency's 4199
records and findings for any reason other than the nonpayment of 4200
fees: 4201

(a) Limitation, revocation, or suspension of the person's 4202
license to practice; 4203

(b) Acceptance of the person's license surrender; 4204

(c) Denial of a license to the person; 4205

(d) Refuse to renew or reinstate the person's license; 4206

(e) Imposition of probation on the person;	4207
(f) Issuance of an order of censure or other reprimand against the person;	4208 4209
(g) Other negative action or finding against the person about which information is available to the public.	4210 4211
(14) Offering or rendering psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;	4212 4213 4214 4215
(15) Offering or rendering psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code;	4216 4217 4218
(16) Unless the person is a school psychologist licensed by the state board of education:	4219 4220
(a) Offering or rendering school psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;	4221 4222 4223 4224
(b) Offering or rendering school psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code.	4225 4226 4227
(17) Violating any adjudication order or consent agreement adopted by the board;	4228 4229
(18) Failure to submit to mental, cognitive, substance abuse, or medical evaluations, or a combination of these evaluations, ordered by the board under division (E) of this section;	4230 4231 4232 4233

(19) Selling, giving away, or administering drugs or 4234
therapeutic devices for other than legal and legitimate 4235
therapeutic purposes; or conviction of, a plea of guilty to, a 4236
judicial finding of guilt of, a judicial finding of guilt 4237
resulting from a plea of no contest to, or a judicial finding of 4238
eligibility for a pretrial diversion or similar program or for 4239
intervention in lieu of conviction for, violating any municipal, 4240
state, county, or federal drug law; 4241

(20) The suspension or termination of employment by the 4242
department of defense or veterans affairs of the United States 4243
for any act that violates or would violate this chapter; 4244

(21) In the case of a psychologist who holds a certificate 4245
to prescribe issued under section 4732.40 of the Revised Code, 4246
failure to prescribe, personally furnish, or administer drugs 4247
and therapeutic devices in accordance with section 4732.43 of 4248
the Revised Code; 4249

(22) Prescribing any drug or device to perform or induce 4250
an abortion, or otherwise performing or inducing an abortion; 4251

(23) Assisting suicide, as defined in section 3795.01 of 4252
the Revised Code; 4253

(24) Failure to comply with section 4732.45 of the Revised 4254
Code, unless the state board of pharmacy no longer maintains a 4255
drug database pursuant to section 4729.75 of the Revised Code. 4256

(B) Notwithstanding divisions (A) (11) and (12) of this 4257
section, sanctions shall not be imposed against any license 4258
holder who waives deductibles and copayments: 4259

(1) In compliance with the health benefit plan that 4260
expressly allows such a practice. Waiver of the deductibles or 4261
copays shall be made only with the full knowledge and consent of 4262

the plan purchaser, payer, and third-party administrator. Such 4263
consent shall be made available to the board upon request. 4264

(2) For professional services rendered to any other person 4265
licensed pursuant to this chapter to the extent allowed by this 4266
chapter and the rules of the board. 4267

(C) For any of the reasons specified in division (A) of 4268
this section, the board may do one or more of the following: 4269

(1) Refuse to issue a license to an applicant; 4270

(2) Issue a reprimand to a license holder; 4271

(3) Suspend the license of a license holder; 4272

(4) Revoke the license of a license holder; 4273

(5) Limit or restrict the areas of practice of an 4274
applicant or a license holder; 4275

(6) Require mental, substance abuse, or physical 4276
evaluations, or any combination of these evaluations, of an 4277
applicant or a license holder; 4278

(7) Require remedial education and training of an 4279
applicant or a license holder. 4280

(D) When it revokes the license of a license holder under 4281
division (C) (4) of this section, the board may specify that the 4282
revocation is permanent. An individual subject to permanent 4283
revocation is forever thereafter ineligible to hold a license, 4284
and the board shall not accept an application for reinstatement 4285
of the license or issuance of a new license. 4286

(E) When the board issues a notice of opportunity for a 4287
hearing on the basis of division (A) (7) of this section, the 4288
supervising member of the board, with cause and upon 4289

consultation with the board's executive director and the board's 4290
legal counsel, may compel the applicant or license holder to 4291
submit to mental, cognitive, substance abuse, or medical 4292
evaluations, or a combination of these evaluations, by a person 4293
or persons selected by the board. Notice shall be given to the 4294
applicant or license holder in writing signed by the supervising 4295
member, the executive director, and the board's legal counsel. 4296
The applicant or license holder is deemed to have given consent 4297
to submit to these evaluations and to have waived all objections 4298
to the admissibility of testimony or evaluation reports that 4299
constitute a privileged communication. The expense of the 4300
evaluation or evaluations shall be the responsibility of the 4301
applicant or license holder who is evaluated. 4302

(F) Before the board may take action under this section, 4303
written charges shall be filed with the board by the secretary 4304
and a hearing shall be had thereon in accordance with Chapter 4305
119. of the Revised Code, except as follows: 4306

(1) On receipt of a complaint that any of the grounds 4307
listed in division (A) of this section exist, the state board of 4308
psychology may suspend a license issued under this chapter prior 4309
to holding a hearing in accordance with Chapter 119. of the 4310
Revised Code if it determines, based on the complaint, that 4311
there is an immediate threat to the public. A telephone 4312
conference call may be used to conduct an emergency meeting for 4313
review of the matter by a quorum of the board, taking the vote, 4314
and memorializing the action in the minutes of the meeting. 4315

After suspending a license pursuant to division (F)(1) of 4316
this section, the board shall notify the license holder of the 4317
suspension in accordance with section 119.07 of the Revised 4318
Code. If the individual whose license is suspended fails to make 4319

a timely request for an adjudication under Chapter 119. of the 4320
Revised Code, the board shall enter a final order permanently 4321
revoking the license. 4322

(2) The board shall adopt rules establishing a case 4323
management schedule for pre-hearing procedures by the hearing 4324
examiner or presiding board member. The schedule shall include 4325
applicable deadlines related to the hearing process, including 4326
all of the following: 4327

(a) The date of the hearing; 4328

(b) The date for the disclosure of witnesses and exhibits; 4329

(c) The date for the disclosure of the identity of expert 4330
witnesses and the exchange of written reports; 4331

(d) The deadline for submitting a request for the issuance 4332
of a subpoena for the hearing as provided under Chapter 119. of 4333
the Revised Code and division (F) (4) of this section. 4334

(3) Either party to the hearing may submit a written 4335
request to the other party for a list of witnesses and copies of 4336
documents intended to be introduced at the hearing. The request 4337
shall be in writing and shall be served not less than thirty- 4338
seven days prior to the hearing, unless the hearing officer or 4339
presiding board member grants an extension of time to make the 4340
request. Not later than thirty days before the hearing, the 4341
responding party shall provide the requested list of witnesses, 4342
summary of their testimony, and copies of documents to the 4343
requesting party, unless the hearing officer or presiding board 4344
member grants an extension. Failure to timely provide a list or 4345
copies requested in accordance with this section may, at the 4346
discretion of the hearing officer or presiding board member, 4347
result in exclusion from the hearing of the witnesses, 4348

testimony, or documents. 4349

(4) In addition to subpoenas for the production of books, 4350
records, and papers requested under Chapter 119. of the Revised 4351
Code, either party may ask the board to issue a subpoena for the 4352
production of other tangible items. 4353

The person subject to a subpoena for the production of 4354
books, records, papers, or other tangible items shall respond to 4355
the subpoena at least twenty days prior to the date of the 4356
hearing. If a person fails to respond to a subpoena issued by 4357
the board, after providing reasonable notice to the person, the 4358
board, the hearing officer, or both may proceed with enforcement 4359
of the subpoena pursuant to section 119.09 of the Revised Code. 4360

Sec. 4732.20. (A) This chapter does not authorize any 4361
person to engage in any of the acts which are regarded as 4362
practicing medicine under section 4731.34 of the Revised Code. 4363
In order to make provision for the diagnosis and treatment of 4364
medical problems, a licensed psychologist engaging in 4365
psychological psychotherapy with clients shall maintain a 4366
consultative relationship with a physician licensed to practice 4367
medicine by this state. The practice of psychology, the practice 4368
of school psychology, or the use of psychological procedures 4369
does not include the diagnosis or correction of optical defects 4370
or conditions through the utilization of optical principles, 4371
including optical devices or orthoptics. 4372

(B) A psychologist who holds a certificate to prescribe 4373
issued under section 4732.40 of the Revised Code is authorized 4374
to prescribe, personally furnish, and administer any drug or 4375
therapeutic device other than one listed on the exclusionary 4376
formulary established in rules adopted under section 4732.46 of 4377
the Revised Code. The certificate holder is also authorized to 4378

perform the associated activities described in divisions (B) and 4379
(C) of section 4732.43 of the Revised Code. 4380

Sec. 4732.40. (A) A psychologist seeking authority to 4381
prescribe, personally furnish, or administer drugs and 4382
therapeutic devices shall file with the state board of 4383
psychology a written application for a certificate to prescribe 4384
on a form developed and supplied by the board. The application 4385
shall include all of the following: 4386

(1) The applicant's name, residential address, business 4387
address, if any, electronic mail address, telephone number, and 4388
social security number; 4389

(2) Evidence of holding a valid license to practice as a 4390
psychologist issued under section 4732.12 of the Revised Code 4391
or, if the applicant exclusively practices in a facility 4392
operated by the United States department of veterans affairs, 4393
evidence of holding a valid license, certificate, or 4394
registration required to practice as a psychologist in another 4395
United States jurisdiction; 4396

(3) Evidence of receiving an earned doctoral degree 4397
described in division (B) (3) (a) or (b) of section 4732.10 of the 4398
Revised Code; 4399

(4) Except as provided in section 4732.401 of the Revised 4400
Code, evidence of receiving an earned master's degree in 4401
psychopharmacology from an institution accredited or recognized 4402
by a national or regional accrediting agency; 4403

(5) Except as provided in section 4732.401 of the Revised 4404
Code, evidence of having completed a course of study from an 4405
institution accredited or recognized by a national or regional 4406
accrediting agency in at least six of the following subjects: 4407

general biology, cellular biology, microbiology, chemistry, 4408
biochemistry, human physiology, human anatomy, and genetics. 4409

An applicant may have completed the courses of study as an 4410
undergraduate, graduate, or postgraduate student, including 4411
through online courses or other distance-learning means. 4412

(6) Proof of eligibility to receive a certificate to 4413
prescribe by meeting the requirements specified in division (A) 4414
or (B) of section 4732.41 of the Revised Code. 4415

An applicant who seeks the certificate by meeting the 4416
requirements specified in division (A) of section 4732.41 of the 4417
Revised Code shall submit the documentation issued under 4418
division (C) of section 4732.411 of the Revised Code as proof of 4419
satisfying the period of clinical supervision required by 4420
division (A)(1) of section 4732.41 of the Revised Code. 4421

(7) Payment of a fee of fifty dollars; 4422

(8) Any other information the board requires. 4423

(B) The board shall review all applications received. The 4424
board shall issue a certificate to prescribe to an applicant if 4425
the applicant submits a complete application, the board 4426
determines that the applicant meets the requirements for a 4427
certificate to prescribe, and the applicant has demonstrated all 4428
of the following clinical competencies: 4429

(1) Physical examination and mental status evaluation: The 4430
applicant is able to execute a comprehensive and focused 4431
physical examination and mental status evaluation on patients of 4432
various developmental stages and backgrounds using appropriate 4433
instruments. 4434

(2) Review of systems: The applicant has knowledge 4435

regarding, and is able to systematically describe, the process 4436
of integrating information learned from patient reports, signs, 4437
symptoms, and reviews of major body systems while recognizing 4438
normal developmental variations among patients. 4439

(3) Medical history interview and documentation: The 4440
applicant is able to systematically conduct a patient or parent 4441
and caregiver clinical interview, produce a patient's medical, 4442
surgical, psychiatric, and medical history in the context of the 4443
patient's family and cultural history, and communicate findings 4444
orally and in writing. 4445

(4) Assessment: The applicant is able to order and 4446
interpret appropriate tests (e.g., psychometric, laboratory, and 4447
radiological) for the purposes of making a differential 4448
diagnosis and monitoring therapeutic and adverse effects of 4449
treatment. 4450

(5) Differential diagnosis: The applicant can use 4451
appropriate processes, including established diagnostic criteria 4452
from the most recent version of the diagnostic and statistical 4453
manual of mental disorders published by the American psychiatric 4454
association, to determine primary and alternate diagnoses. 4455

(6) Integrated treatment planning: The applicant is able 4456
to identify and select, using all available data, the most 4457
appropriate treatment alternatives, including medication, 4458
psychosocial, and combined treatments, and to sequence treatment 4459
within the larger biopsychosocial context. 4460

(7) Consultation and cooperation: The applicant 4461
understands the parameters of the role of a prescribing 4462
psychologist and is able to work with other professionals in an 4463
advisory or cooperative manner to treat a patient. 4464

(8) Treatment management: The applicant is able to apply, monitor, and modify, as needed, treatments and to issue valid and complete prescriptions. 4465
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Sec. 4732.401. Until the date that is five years after the effective date of this section, the state board of psychology shall issue a certificate to prescribe to an applicant who does not satisfy the requirements of divisions (A) (4) and (5) of section 4732.40 of the Revised Code, as long as the applicant satisfies all other requirements described in sections 4732.40 and 4732.41 of the Revised Code. 4468
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Each holder of a certificate received pursuant to this section shall submit to the board by the date that is five years after the effective date of this section evidence of satisfying the requirements of divisions (A) (4) and (5) of section 4732.40 of the Revised Code. If the holder of such a certificate fails to submit the evidence by that date, the certificate shall lapse. The board shall not reinstate or restore the certificate unless the holder of the certificate submits the evidence. 4475
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Sec. 4732.41. (A) Except as provided in division (B) of this section, to be eligible to receive a certificate to prescribe under section 4732.40 of the Revised Code, an applicant shall meet both of the following requirements: 4483
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(1) Complete a period of clinical supervision in the psychopharmacological treatment of diverse patient populations that meets the requirements specified in section 4732.411 of the Revised Code; 4487
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(2) Pass the psychopharmacology examination for psychologists offered by the association of state and provincial psychology boards. 4491
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(B) An applicant who is authorized to prescribe dangerous drugs, as defined in section 4729.01 of the Revised Code, in any branch of the armed forces of the United States is eligible to receive a certificate to prescribe under section 4732.40 of the Revised Code. 4494
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Sec. 4732.411. (A) A period of clinical supervision required by division (A) (1) of section 4732.41 of the Revised Code shall meet the following requirements: 4499
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(1) Consist of at least seven hundred clinical hours of training, with the first three hundred fifty hours of training under the supervision of a psychiatrist and the remaining hours under the supervision of a psychiatrist or other physician; 4502
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(2) Subject to division (B) of this section, be documented in a written supervision plan; 4506
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(3) Be conducted in a manner that helps the certificate applicant achieve the clinical competencies specified in division (B) of section 4732.40 of the Revised Code. 4508
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(B) A written supervision plan described in division (A) (2) of this section shall contain provisions that do all of the following: 4511
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(1) Require the certificate applicant to consult with a physician regarding the medication management of each patient described in division (A) (3) of this section, with the physician maintaining independent authority to select appropriate medication and having the responsibility to issue any prescription; 4514
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(2) Require the physician to provide direct, on-site supervision of the certificate applicant's practice at least one time during each calendar month of the period of clinical 4520
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supervision; 4523

(3) Require the physician to be available, either in 4524
person or by telephone, videoconferencing, or other electronic 4525
means, for consultation with the certificate applicant any time 4526
the applicant treats a patient described in division (A) (3) of 4527
this section; 4528

(4) Require the physician to maintain a monthly record of 4529
the prescriber's supervisory activities for the relevant month, 4530
signed by both parties. 4531

(C) On a certificate applicant's successful completion of 4532
the period of clinical supervision, the physician who supervised 4533
the applicant's period of clinical supervision shall issue to 4534
the applicant a signed document attesting to the successful 4535
completion. 4536

Sec. 4732.42. (A) A certificate to prescribe issued under 4537
section 4732.40 of the Revised Code is valid for two years, 4538
unless otherwise provided in rules adopted under section 4732.46 4539
of the Revised Code or earlier suspended or revoked by the state 4540
board of psychology. The board shall renew certificates to 4541
prescribe according to procedures and a renewal schedule 4542
established in rules adopted under section 4732.46 of the 4543
Revised Code. 4544

(B) The board may renew a certificate to prescribe if the 4545
holder submits to the board all of the following: 4546

(1) Evidence of having completed during the previous two 4547
years at least twenty-four contact hours of continuing education 4548
in psychopharmacology or, if the certificate has been held for 4549
less than a full renewal period, the number of hours required by 4550
the board in rules adopted under section 4732.46 of the Revised 4551

Code. The requirement to complete continuing education in 4552
psychopharmacology is in addition to the requirement to complete 4553
continuing education under section 4732.141 of the Revised Code. 4554

(2) The fee required for renewal of a certificate to 4555
prescribe as specified in rules adopted under section 4732.46 of 4556
the Revised Code; 4557

(3) Any additional information the board requires pursuant 4558
to rules adopted under section 4732.46 of the Revised Code. 4559

(C) (1) Except as provided in division (C) (2) of this 4560
section, in the case of a certificate holder seeking renewal who 4561
prescribes benzodiazepines or controlled substances approved by 4562
the United States food and drug administration to treat 4563
behavioral health conditions, the holder shall certify to the 4564
board whether the holder has been granted access to the drug 4565
database established and maintained by the state board of 4566
pharmacy pursuant to section 4729.75 of the Revised Code. 4567

(2) Division (C) (1) of this section does not apply if any 4568
of the following is the case: 4569

(a) The state board of pharmacy notifies the state board 4570
of psychology pursuant to section 4729.861 of the Revised Code 4571
that the certificate holder has been restricted from obtaining 4572
further information from the drug database. 4573

(b) The state board of pharmacy no longer maintains the 4574
drug database. 4575

(c) The certificate holder does not practice psychology in 4576
this state. 4577

(3) If a certificate holder certifies to the state board 4578
of psychology that the holder has been granted access to the 4579

drug database and the board finds through an audit or other 4580
means that the holder has not been granted access, the board may 4581
take action under section 4732.17 of the Revised Code. 4582

(D) If a psychologist holds a certificate to prescribe 4583
issued under section 4732.40 of the Revised Code and the 4584
psychologist's license issued under section 4732.12 of the 4585
Revised Code expires for failure to renew under section 4732.14 4586
of the Revised Code, the psychologist's certificate to prescribe 4587
is automatically suspended until the license is reinstated. If 4588
the license is revoked or suspended under section 4732.17 of the 4589
Revised Code, the certificate to prescribe is automatically 4590
revoked or suspended, as applicable. If a limitation or 4591
restriction is placed on the license under section 4732.17 of 4592
the Revised Code, the same limitation or restriction is placed 4593
on the psychologist's certificate to prescribe while the license 4594
remains limited or restricted. 4595

Sec. 4732.43. A certificate to prescribe issued under 4596
section 4732.40 of the Revised Code entitles the certificate 4597
holder to engage in the activities described in divisions (A) to 4598
(D) of this section in collaboration with one or more 4599
physicians. 4600

(A) A certificate holder may prescribe, personally 4601
furnish, and administer any drug or therapeutic device other 4602
than one listed on the exclusionary formulary established in 4603
rules adopted under section 4732.46 of the Revised Code. 4604

(B) A certificate holder may order laboratory tests and 4605
procedures that the certificate holder believes are necessary to 4606
safely prescribe, personally furnish, or administer the drugs 4607
and therapeutic devices described in division (A) of this 4608
section. 4609

(C) A certificate holder may issue an order that directs 4610
either of the following to administer a drug or therapeutic 4611
device described in division (A) of this section to a patient 4612
who is under the certificate holder's care: 4613

(1) A registered nurse; 4614

(2) A licensed practical nurse who is authorized under 4615
section 4723.17 of the Revised Code to administer medications. 4616

Sec. 4732.431. (A) The holder of a certificate to 4617
prescribe issued under section 4732.40 of the Revised Code may 4618
prescribe only in accordance with a collaborative agreement 4619
entered into with each physician with whom the holder 4620
collaborates. A copy of the agreement shall be retained on file 4621
at the location in which the holder practices. Prior approval of 4622
the agreement by the state board of psychology or state medical 4623
board is not required, but each board may periodically review it 4624
for compliance with this section. 4625

A certificate holder may enter into a collaborative 4626
agreement with one or more physicians. A physician shall not 4627
enter into collaborative agreements with more than three 4628
certificate holders at any one time. A certificate holder shall 4629
inform each collaborating physician of any other collaborative 4630
agreements the holder has entered into with other physicians and 4631
shall provide the collaborating physician a copy of each 4632
agreement. 4633

A certificate holder shall submit to the state board of 4634
psychology the name and business address of each collaborating 4635
physician. The holder shall notify the board of any additions or 4636
deletions to the holder's collaborating physicians. The notice 4637
must be provided not later than thirty days after the change 4638

takes effect. 4639

(B) A collaborative agreement shall be in writing and shall contain all of the following: 4640
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(1) A process for the certificate holder to obtain a consultation with or referral to a collaborating physician; 4642
4643

(2) A plan for coverage in instances of emergency or planned absence of either the certificate holder or a collaborating physician that provides the means whereby a physician is available for emergency assistance; 4644
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(3) The process for resolution of disagreements regarding prescribing practices between the certificate holder and a collaborating physician; 4648
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(4) Any other criteria required by rule of the board adopted pursuant to section 4732.46 of the Revised Code. 4651
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(C) A physician shall do all of the following for each certificate holder with whom the physician collaborates and has entered into a collaborative agreement: 4653
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(1) Review on a routine basis the certificate holder's orders for medication, therapeutic devices, laboratory tests, and procedures; 4656
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(2) Consult with the certificate holder in person at least once a month to address the holder's prescribing practices as part of the holder's clinical care and treatment and to review such practices and care for safety and quality; 4659
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(3) Collaborate with the certificate holder as described in section 4732.43 of the Revised Code. 4663
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(D) If either a certificate holder or physician terminates 4665

the collaboration between the holder and physician before their collaborative agreement expires, both of the following apply: 4666
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(1) The individual who terminated the agreement must give the other individual written or electronic notice of the termination. 4668
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(2) Once the individual receives the termination notice, the individual must notify the state board of psychology of the termination as soon as practicable by submitting to the board a copy of the termination notice. 4671
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(E) (1) This section does not prohibit a certificate holder from performing any of the actions authorized by section 4732.43 of the Revised Code. 4675
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(2) This section does not require an employment relationship between a certificate holder and physician. 4678
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(3) This section does not prohibit a certificate holder from accepting payment or reimbursement from a third party. 4680
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Sec. 4732.44. No psychologist shall prescribe, personally furnish, or administer a drug or therapeutic device unless the psychologist holds a valid certificate to prescribe issued under section 4732.40 of the Revised Code. 4682
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No psychologist who holds a certificate to prescribe shall prescribe, personally furnish, or administer a drug or therapeutic device that is listed on the exclusionary formulary established in rules adopted under section 4732.46 of the Revised Code. 4686
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Sec. 4732.45. (A) As used in this section, "drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code. 4691
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(B) Except as provided in divisions (C) and (E) of this 4694
section, a psychologist holding a certificate to prescribe 4695
issued under section 4732.40 of the Revised Code shall comply 4696
with all of the following as conditions of prescribing a drug 4697
that is a benzodiazepine or controlled substance approved by the 4698
United States food and drug administration to treat a behavioral 4699
health condition as part of a patient's course of treatment for 4700
a particular condition: 4701

(1) Before initially prescribing the drug, the 4702
psychologist or the psychologist's delegate shall request from 4703
the drug database a report of information related to the patient 4704
that covers at least the twelve months immediately preceding the 4705
date of the request. If the psychologist practices primarily in 4706
a county of this state that adjoins another state, the 4707
psychologist or delegate also shall request a report of any 4708
information available in the drug database that pertains to 4709
prescriptions issued or drugs furnished to the patient in the 4710
state adjoining that county. 4711

(2) If the patient's course of treatment for the condition 4712
continues for more than ninety days after the initial report is 4713
requested, the psychologist or delegate shall make periodic 4714
requests for reports of information from the drug database until 4715
the course of treatment has ended. The requests shall be made at 4716
intervals not exceeding ninety days, determined according to the 4717
date the initial request was made. The request shall be made in 4718
the same manner provided in division (B)(1) of this section for 4719
requesting the initial report of information from the drug 4720
database. 4721

(3) On receipt of a report under division (B)(1) or (2) of 4722
this section, the psychologist shall assess the information in 4723

the report. The psychologist shall document in the patient's 4724
record that the report was received and the information was 4725
assessed. 4726

(C) Division (B) of this section does not apply in any of 4727
the following circumstances: 4728

(1) A drug database report regarding the patient is not 4729
available, in which case the psychologist shall document in the 4730
patient's record the reason that the report is not available. 4731

(2) The drug is prescribed in an amount indicated for a 4732
period not to exceed seven days. 4733

(3) The drug is prescribed for the treatment of cancer or 4734
another condition associated with cancer. 4735

(4) The drug is prescribed to a hospice patient in a 4736
hospice care program, as those terms are defined in section 4737
3712.01 of the Revised Code, or to any other patient diagnosed 4738
as terminally ill. 4739

(5) The drug is prescribed for administration in a 4740
hospital, nursing home, or residential care facility. 4741

(D) The state board of psychology may adopt rules that 4742
establish standards and procedures to be followed by a 4743
psychologist holding a certificate to prescribe issued under 4744
section 4732.40 of the Revised Code regarding the review of 4745
patient information available through the drug database under 4746
division (A) (5) of section 4729.80 of the Revised Code. The 4747
rules shall be adopted in accordance with Chapter 119. of the 4748
Revised Code. 4749

(E) This section and any rules adopted under it do not 4750
apply if the state board of pharmacy no longer maintains the 4751

drug database. 4752

Sec. 4732.46. (A) The state board of psychology shall 4753
adopt rules to administer and enforce sections 4732.40 to 4754
4732.45 of the Revised Code. 4755

(B) The board shall adopt rules that are consistent with a 4756
recommended exclusionary formulary the board receives from the 4757
committee on psychopharmacology pursuant to section 4732.502 of 4758
the Revised Code. After reviewing a formulary submitted by the 4759
committee, the board may either adopt the formulary as a rule or 4760
ask the committee to reconsider and resubmit the formulary. The 4761
board shall not adopt any rule that does not conform to a 4762
formulary developed by the committee. 4763

The exclusionary formulary shall permit the prescribing of 4764
oral and long-acting opioid antagonists in accordance with the 4765
national practice guideline for the use of medications in the 4766
treatment of addiction involving opioid use developed by the 4767
American society of addiction medicine, as well as any 4768
applicable state guidelines. The formulary shall not permit the 4769
prescribing or furnishing of any of the following: 4770

(1) Controlled substances, except those that are 4771
benzodiazepines or are approved by the United States food and 4772
drug administration to treat a behavioral health condition; 4773

(2) A drug or device to perform or induce an abortion; 4774

(3) A drug or device prohibited by federal or state law. 4775

(C) In addition to the rules described in division (B) of 4776
this section, the board shall adopt rules under this section 4777
that establish or specify all of the following: 4778

(1) For purposes of division (A) of section 4732.42 of the 4779

Revised Code, procedures and a schedule for renewing a 4780
certificate to prescribe; 4781

(2) For purposes of division (B)(1) of section 4732.42 of 4782
the Revised Code, the number of hours of continuing education a 4783
certificate holder must complete if the certificate has been 4784
held for less than a full renewal period; 4785

(3) For purposes of division (B)(2) of section 4732.42 of 4786
the Revised Code, the fee required to renew a certificate to 4787
prescribe; 4788

(4) For purposes of division (B)(3) of section 4732.42 of 4789
the Revised Code, any additional information the board requires 4790
to renew a certificate to prescribe; 4791

(5) For purposes of division (B) of section 4732.431 of 4792
the Revised Code, any additional criteria the board requires to 4793
be addressed in a written collaborative agreement. 4794

(D) All rules adopted under this section shall be adopted 4795
in accordance with Chapter 119. of the Revised Code. 4796

Sec. 4732.50. (A) There is hereby created the committee on 4797
psychopharmacology. The committee shall consist of the following 4798
members: 4799

(1) Subject to division (C) of this section, four 4800
psychologists nominated by the Ohio psychological association or 4801
its successor organization who possess a certificate to 4802
prescribe; 4803

(2) Three physicians nominated by the Ohio state medical 4804
association or its successor organization; 4805

(3) One pharmacist nominated by the Ohio pharmacists 4806
association or its successor organization. 4807

(B) The state board of psychology shall appoint the 4808
members who are psychologists, the state medical board shall 4809
appoint the members who are physicians, and the state board of 4810
pharmacy shall appoint the member who is a pharmacist. 4811

(C) Initial appointments to the committee shall be made 4812
not later than sixty days after the effective date of this 4813
section. Of the initial appointments the state board of 4814
psychology must make, two shall be for a term of one year and 4815
two shall be for terms of two years. These initial members shall 4816
be exempt from the requirement to possess a certificate to 4817
prescribe, but must possess a master's degree in clinical 4818
psychopharmacology from an educational institution approved by 4819
the board and have passed the psychopharmacology examination for 4820
psychologists offered by the association of state and provincial 4821
psychology boards. Of the initial appointments the state medical 4822
board must make, one shall be for a term of one year and two 4823
shall be for terms of two years. The initial appointment made by 4824
the state board of pharmacy shall be for a term of two years. 4825
Thereafter, terms shall be for two years, with each term ending 4826
on the same day of the same month as did the term that it 4827
succeeds. Vacancies shall be filled in the same manner as 4828
appointments. 4829

When the term of any member expires, a successor shall be 4830
appointed in the same manner as the initial appointment. Any 4831
member appointed to fill a vacancy occurring prior to the 4832
expiration of the term for which the member's predecessor was 4833
appointed shall hold office for the remainder of that term. A 4834
member shall continue in office subsequent to the expiration 4835
date of the member's term until the member's successor takes 4836
office or until a period of sixty days has elapsed, whichever 4837
occurs first. A member may be reappointed for one additional 4838

term only. 4839

Sec. 4732.501. (A) The committee on psychopharmacology 4840
shall organize by selecting a chairperson from among its members 4841
who are psychologists. The committee may select a new 4842
chairperson at any time. 4843

(B) The committee may transact official business if at 4844
least five members of the committee are present. The pharmacist 4845
member may participate in any meeting of the committee, but 4846
shall not be included as a voting member. In the event of a tie 4847
vote, the chairperson of the committee shall notify the state 4848
board of psychology of the tie. The board shall cast the 4849
deciding vote following a meeting of the board. 4850

(C) Members shall serve without compensation but shall 4851
receive payment for their actual and necessary expenses incurred 4852
in the performance of their official duties. The expenses shall 4853
be paid by the state board of psychology. 4854

(D) The committee shall meet every six months beginning 4855
not later than six months after the effective date of this 4856
section. 4857

Sec. 4732.502. The committee on psychopharmacology shall 4858
develop a recommended exclusionary formulary that specifies the 4859
drugs and therapeutic devices that a psychologist cannot 4860
prescribe, personally furnish, or administer pursuant to a 4861
certificate to prescribe issued under section 4732.40 of the 4862
Revised Code. A recommended exclusionary formulary shall not 4863
permit the prescribing, furnishing, or administration of any 4864
drug or device prohibited by federal or state law. 4865

The committee shall submit a recommended exclusionary 4866
formulary to the state board of psychology at least twice each 4867

year for the board's approval. At the board's request, the 4868
committee shall reconsider a recommended exclusionary formulary 4869
it has submitted and resubmit the recommended exclusionary 4870
formulary to the board accordingly. 4871

Sec. 4732.503. The state board of psychology shall make an 4872
annual edition of the exclusionary formulary established in 4873
rules adopted under section 4732.46 of the Revised Code 4874
available to the public by electronic means. As soon as 4875
practicable after any revision of the formulary becomes 4876
effective, the board shall make the revision available to the 4877
public by electronic means. 4878

Sec. 4732.99. Whoever violates section 4732.21 or 4732.44 4879
of the Revised Code shall be fined not less than one hundred 4880
dollars nor more than five hundred dollars or imprisoned for not 4881
less than six months nor more than one year, or both. Each 4882
violation shall be a separate offense. 4883

Sec. 5123.47. (A) As used in this section: 4884

(1) "In-home care" means the supportive services provided 4885
within the home of an individual with a developmental disability 4886
who receives funding for the services through a county board of 4887
developmental disabilities, including any recipient of 4888
residential services funded as home and community-based 4889
services, family support services provided under section 5126.11 4890
of the Revised Code, or supported living provided in accordance 4891
with sections 5126.41 to 5126.47 of the Revised Code. "In-home 4892
care" includes care that is provided outside an individual's 4893
home in places incidental to the home, and while traveling to 4894
places incidental to the home, except that "in-home care" does 4895
not include care provided in the facilities of a county board of 4896
developmental disabilities or care provided in schools. 4897

- (2) "Parent" means either parent of a child, including an adoptive parent but not a foster parent. 4898
4899
- (3) "Unlicensed in-home care worker" means an individual who provides in-home care but is not a health care professional. 4900
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- (4) "Family member" means a parent, sibling, spouse, son, daughter, grandparent, aunt, uncle, cousin, or guardian of the individual with a developmental disability if the individual with a developmental disability lives with the person and is dependent on the person to the extent that, if the supports were withdrawn, another living arrangement would have to be found. 4902
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- (5) "Health care professional" means any of the following: 4908
- (a) A dentist who holds a valid license issued under Chapter 4715. of the Revised Code; 4909
4910
- (b) A registered or licensed practical nurse who holds a valid license issued under Chapter 4723. of the Revised Code; 4911
4912
- (c) An optometrist who holds a valid license issued under Chapter 4725. of the Revised Code; 4913
4914
- (d) A pharmacist who holds a valid license issued under Chapter 4729. of the Revised Code; 4915
4916
- (e) A person who holds a valid license or certificate issued under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited brand of medicine; 4917
4918
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4920
- (f) A physician assistant who holds a valid license issued under Chapter 4730. of the Revised Code; 4921
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- (g) A psychologist who holds a certificate to prescribe issued under section 4732.40 of the Revised Code; 4923
4924

(h) An occupational therapist or occupational therapy 4925
assistant or a physical therapist or physical therapist 4926
assistant who holds a valid license issued under Chapter 4755. 4927
of the Revised Code; 4928

~~(h)~~(i) A respiratory care professional who holds a valid 4929
license issued under Chapter 4761. of the Revised Code. 4930

(6) "Health care task" means a task that is prescribed, 4931
ordered, delegated, or otherwise directed by a health care 4932
professional acting within the scope of the professional's 4933
practice. "Health care task" includes the administration of oral 4934
and topical prescribed medications; administration of nutrition 4935
and medications through gastrostomy and jejunostomy tubes that 4936
are stable and labeled; administration of oxygen and metered 4937
dose inhaled medications; administration of insulin through 4938
subcutaneous injections, inhalation, and insulin pumps; and 4939
administration of prescribed medications for the treatment of 4940
metabolic glycemc disorders through subcutaneous injections. 4941

(B) Except as provided in division (E) of this section, a 4942
family member of an individual with a developmental disability 4943
may authorize an unlicensed in-home care worker to perform 4944
health care tasks as part of the in-home care the worker 4945
provides to the individual, if all of the following apply: 4946

(1) The family member is the primary supervisor of the 4947
care. 4948

(2) The unlicensed in-home care worker has been selected 4949
by the family member or the individual receiving care and is 4950
under the direct supervision of the family member. 4951

(3) The unlicensed in-home care worker is providing the 4952
care through an employment or other arrangement entered into 4953

directly with the family member and is not otherwise employed by 4954
or under contract with a person or government entity to provide 4955
services to individuals with developmental disabilities. 4956

(4) The health care task is completed in accordance with 4957
standard, written instructions. 4958

(5) Performance of the health care task requires no 4959
judgment based on specialized health care knowledge or 4960
expertise. 4961

(6) The outcome of the health care task is reasonably 4962
predictable. 4963

(7) Performance of the health care task requires no 4964
complex observation of the individual receiving the care. 4965

(8) Improper performance of the health care task will 4966
result in only minimal complications that are not life- 4967
threatening. 4968

(C) A family member shall obtain a prescription, if 4969
applicable, and written instructions from a health care 4970
professional for the care to be provided to the individual. The 4971
family member shall authorize the unlicensed in-home care worker 4972
to provide the care by preparing a written document granting the 4973
authority. The family member shall provide the unlicensed in- 4974
home care worker with appropriate training and written 4975
instructions in accordance with the instructions obtained from 4976
the health care professional. The family member or a health care 4977
professional shall be available to communicate with the 4978
unlicensed in-home care worker either in person or by 4979
telecommunication while the in-home care worker performs a 4980
health care task. 4981

(D) A family member who authorizes an unlicensed in-home 4982

care worker to administer oral and topical prescribed 4983
medications or perform other health care tasks retains full 4984
responsibility for the health and safety of the individual 4985
receiving the care and for ensuring that the worker provides the 4986
care appropriately and safely. No entity that funds or monitors 4987
the provision of in-home care may be held liable for the results 4988
of the care provided under this section by an unlicensed in-home 4989
care worker, including such entities as the county board of 4990
developmental disabilities and the department of developmental 4991
disabilities. 4992

An unlicensed in-home care worker who is authorized under 4993
this section by a family member to provide care to an individual 4994
may not be held liable for any injury caused in providing the 4995
care, unless the worker provides the care in a manner that is 4996
not in accordance with the training and instructions received or 4997
the worker acts in a manner that constitutes willful or wanton 4998
misconduct. 4999

(E) A county board of developmental disabilities may 5000
evaluate the authority granted by a family member under this 5001
section to an unlicensed in-home care worker at any time it 5002
considers necessary and shall evaluate the authority on receipt 5003
of a complaint. If the board determines that a family member has 5004
acted in a manner that is inappropriate for the health and 5005
safety of the individual receiving the care, the authorization 5006
granted by the family member to an unlicensed in-home care 5007
worker is void, and the family member may not authorize other 5008
unlicensed in-home care workers to provide the care. In making 5009
such a determination, the board shall use appropriately licensed 5010
health care professionals and shall provide the family member an 5011
opportunity to file a complaint under section 5126.06 of the 5012
Revised Code. 5013

Section 2. That existing sections 2925.02, 2925.03, 5014
2925.11, 2925.12, 2925.14, 2925.23, 2925.36, 3701.048, 3715.872, 5015
3719.06, 3719.12, 3719.121, 3719.81, 3795.01, 4723.01, 4729.01, 5016
4729.51, 4731.054, 4731.22, 4732.01, 4732.02, 4732.17, 4732.20, 5017
4732.99, and 5123.47 of the Revised Code are hereby repealed. 5018

Section 3. The General Assembly, applying the principle 5019
stated in division (B) of section 1.52 of the Revised Code that 5020
amendments are to be harmonized if reasonably capable of 5021
simultaneous operation, finds that the following sections, 5022
presented in this act as composites of the sections as amended 5023
by the acts indicated, are the resulting versions of the 5024
sections in effect prior to the effective date of the sections 5025
as presented in this act: 5026

Section 2925.02 of the Revised Code as amended by both Am. 5027
Sub. S.B. 1 and Am. Sub. S.B. 201 of the 132nd General Assembly. 5028

Section 2925.03 of the Revised Code as amended by Am. Sub. 5029
H.B. 111, Am. Sub. S.B. 1, Am. Sub. S.B. 201, and Sub. S.B. 229, 5030
all of the 132nd General Assembly. 5031

Section 2925.11 of the Revised Code as amended by Am. Sub. 5032
S.B. 1, Am. Sub. S.B. 201, and Sub. S.B. 229, all of the 132nd 5033
General Assembly. 5034

Section 3719.121 of the Revised Code as amended by both 5035
Sub. H.B. 216 and Sub. S.B. 319 of the 131st General Assembly. 5036

Section 4729.01 of the Revised Code as amended by both 5037
Sub. S.B. 119 and Sub. S.B. 229 of the 132nd General Assembly. 5038