

Topic: New offense of "possession of a controlled substance
trace amount" as minor misdemeanor or unclassified misdemeanor

_____ moved to amend as follows:

1 In line 16 of the title, delete "and"; after "2925.111"
2 insert ", and 2925.112"

3 In line 35, delete "and"; after "2925.111" insert ", and
4 2925.112"

5 In line 90, delete "or" and insert an underlined comma;
6 after "2925.111" insert ", or 2925.112"

7 In line 261, after "2925.111," insert "2925.112,"

8 In line 557, delete "or" and insert an underlined comma;
9 after "2925.111" insert ", or 2925.112"

10 In line 2816, after "2925.111" insert "or 2925.112"

11 In line 2909, after "section" insert "or under division
12 (C) (1) of section 2925.112 of the Revised Code"

13 In line 2936, after "2925.111" insert "or 2925.112"; delete
14 "other than a minor misdemeanor"

15 In line 2937, delete "violation of that section"

In line 2942, delete the second "or" and insert an underlined comma; after "2925.111" insert ", or 2925.112"

In line 3001, after "2925.111" insert "or 2925.112"

After line 3170, insert:

"Sec. 2925.112. (A) (1) Except as provided in division (B) of this section, no person shall knowingly obtain, possess, or use a controlled substance or a controlled substance analog in an amount listed in division (A) (2) of this section.

(2) Division (A) (1) of this section applies to conduct involving all of the following:

(a) If the drug involved in the conduct described in division (A) (1) of this section is any compound, mixture, preparation, or substance included in schedule I or schedule II, other than marihuana, cocaine, L.S.D., heroin, a fentanyl-related compound, hashish, a controlled substance analog, or a sexual assault-enabling drug, an amount of the drug so involved that is less than twenty-five one-thousandths of one gram;

(b) If the drug involved in the conduct described in division (A) (1) of this section is any compound, mixture, preparation, or substance included in schedule III, schedule IV, or schedule V, an amount of the drug so involved that is less than twenty-five one-thousandths of one gram;

(c) If the drug involved in the conduct described in division (A) (1) of this section is marihuana or a compound,

40 mixture, preparation, or substance containing marihuana other
41 than hashish, an amount of the drug so involved that is less
42 than twenty-five one-thousandths of one gram;

43 (d) If the drug involved in the conduct described in
44 division (A)(1) of this section is cocaine or a compound,
45 mixture, preparation, or substance containing cocaine, an amount
46 of the drug so involved that is less than twenty-five one-
47 thousandths of one gram;

48 (e) If the drug involved in the conduct described in
49 division (A)(1) of this section is L.S.D. or a compound,
50 mixture, preparation, or substance containing L.S.D., an amount
51 of the drug so involved that is less than one-fourth of one unit
52 dose of L.S.D. in solid form or is less than twenty-five one-
53 thousandths of one gram of L.S.D. in liquid concentrate, liquid
54 extract, or liquid distillate form;

55 (f) If the drug involved in the conduct described in
56 division (A)(1) of this section is heroin or a compound,
57 mixture, preparation, or substance containing heroin, an amount
58 of the drug so involved that is less than twenty-five one-
59 thousandths of one gram or one-fourth of one unit dose;

60 (g) If the drug involved in the conduct described in
61 division (A)(1) of this section is hashish or a compound,
62 mixture, preparation, or substance containing hashish, an amount

of the drug so involved that is less than twenty-five one-thousandths of one gram;

(h) If the drug involved in the conduct described in division (A)(1) of this section is a controlled substance analog or a compound, mixture, preparation, or substance containing a controlled substance analog, an amount of the drug so involved that is less than twenty-five one-thousandths of one gram.

(B) This section does not apply to any of the following, with respect to conduct involving a controlled substance or controlled substance analog of a type described in division (A)(2)(a), (b), (d), (e), (f), or (h) of this section:

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

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

(3) Any person who sells, offers for sale, prescribes, dispenses, or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman

87 species and approved for that purpose under the "Federal Food,
88 Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301,
89 as amended, and is sold, offered for sale, prescribed,
90 dispensed, or administered for that purpose in accordance with
91 that act;

92 (4) Any person who obtained the controlled substance
93 pursuant to a prescription issued by a licensed health
94 professional authorized to prescribe drugs if the prescription
95 was issued for a legitimate medical purpose and not altered,
96 forged, or obtained through deception or commission of a theft
97 offense.

98 As used in division (B)(4) of this section, "deception" and
99 "theft offense" have the same meanings as in section 2913.01 of
100 the Revised Code.

101 (C)(1) Whoever violates division (A) of this section based
102 on an amount specified in division (A)(2)(a), (b), (d), (e),
103 (f), or (h) of this section is guilty of possession of a
104 controlled substance trace amount, an unclassified misdemeanor,
105 and shall be sentenced as specified in division (C)(7) of
106 section 2925.11 of the Revised Code.

107 (2) Whoever violates division (A) of this section based on
108 an amount specified in division (A)(2)(c) or (g) of this section
109 is guilty of possession of a trace amount of marihuana or
110 hashish, a minor misdemeanor.

111 (D) If the offender is a professionally licensed person, in
112 addition to any other sanction imposed for a violation of this
113 section, the court immediately shall comply with section 2925.38
114 of the Revised Code.

115 (E) An arrest or a conviction for a violation of division
116 (A) of this section does not constitute a criminal record and
117 need not be reported by the person so arrested or found guilty
118 in response to any inquiries about the person's criminal record,
119 including any inquiries contained in any application for
120 employment, license, or other right or privilege, or made in
121 connection with the person's appearance as a witness.

122 (F) Division (B)(2) of section 2925.11 of the Revised Code
123 applies with respect to a violation of division (A) or (B) of
124 this section that is a minor drug possession offense.

125 Divisions (E), (F), and (I) of section 2925.11 of the
126 Revised Code apply with respect to a charge or conviction of, or
127 guilty plea to, a violation of division (A) of this section or a
128 sentence imposed for such a violation, except to the extent that
129 by their terms they clearly are inapplicable. Any reference in
130 divisions (E), (F), and (I) of section 2925.11 of the Revised
131 Code to a charge or conviction of, or guilty plea to, a
132 violation of that section or to a sentence imposed for a
133 violation of that section shall be construed for purposes of
134 this section as a reference to a charge or conviction of, or

guilty plea to, a violation of this section or to a sentence imposed for such a violation.

(G) If a person is charged with a violation of division (A) of this section, the court may hold the prosecution in abeyance and stay all criminal proceedings with respect to the violation if the person has not previously been convicted of or pleaded guilty to a violation of division (A) of this section or of section 2925.03, 2925.031, 2925.032, or 2925.11 of the Revised Code and if divisions (D)(1)(b) and (c) of section 2925.11 of the Revised Code apply. If the court, under this division, holds a prosecution in abeyance and stays all criminal proceedings against a person with respect to a violation, divisions (D)(2)(a) to (c) of section 2925.11 of the Revised Code apply."

In line 3884, after "2925.111," insert "2925.112,"

In line 3890, delete "or" and insert an underlined comma; after "2925.111" insert ", or 2925.112"

In line 4976, delete "or"; after "2925.111" insert ", or 2925.112"

In line 4980, delete "or"; after "2925.111" insert ", or 2925.112"

In line 5613, delete "or" and insert an underlined comma; after "2925.111" insert ", or 2925.112"

In line 5636, delete the first "or" and insert an underlined comma; after "2925.111" insert ", or 2925.112"

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159 In line 6003, delete "or" and insert an underlined comma;
160 after "2925.111" insert ", or 2925.112"

161 In line 6209, delete "or" and insert an underlined comma;
162 after "2925.111" insert ", or 2925.112"

163 In line 6240, after "2925.111," insert "2925.112,"

164 In line 6284, after "2925.111," insert "2925.112,"

165 In line 6325, delete "or" and insert an underlined comma;
166 after "2925.111" insert ", or 2925.112"

167 In line 6366, delete "or" and insert an underlined comma;
168 after "2925.111" insert ", or 2925.112"

169 In line 6402, delete "or" and insert an underlined comma;
170 after "2925.111" insert ", or 2925.112"

171 In line 6525, after "2925.111," insert "2925.112,"

172 In line 6750, delete "and" and insert an underlined comma;
173 after "2925.111" insert ", and 2925.112"

174 In line 6756, delete "and" and insert an underlined comma;
175 after "2925.111" insert ", and 2925.112"

176 In line 6883, delete "or"; after "2925.111" insert ", or
177 2925.112"

178 In line 6884, delete "or" and insert an underlined comma;
179 after "2925.111" insert ", or 2925.112"

180 In line 7014, delete "or" and insert an underlined comma;
181 after "2925.111" insert ", or 2925.112"

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182 In line 7181, delete "or"; after "2925.111" insert ", or
183 2925.112"

184 In line 7336, delete the first "or" and insert an
185 underlined comma; after "2925.111" insert ", or 2925.112"

186 In line 7560, delete "or" and insert an underlined comma;
187 after "2925.111" insert ", or 2925.112"

188 In line 7759, delete "or" and insert an underlined comma;
189 after "2925.111" insert ", or 2925.112"

190 In line 9215, after "2925.111," insert "2925.112,"

191 In line 9366, delete "or" and insert an underlined comma;
192 after "2925.111" insert ", or 2925.112"

193 In line 9402, delete "or"; after "2925.111" insert ", or
194 2925.112"

195 In line 9467, after "2925.111" insert "or 2925.112"

196 In line 10200, delete "or" and insert an underlined comma;
197 after "2925.111" insert ", or 2925.112"

198 In line 10342, delete "or" and insert an underlined comma;
199 after "2925.111" insert ", or 2925.112"

200 In line 10512, delete "or" and insert an underlined comma;
201 after "2925.111" insert ", or 2925.112"

202 In line 11448, after "2925.111" insert "or 2925.112"

203 In line 11593, delete "or" and insert an underlined comma;
204 after "2925.111" insert ", or 2925.112"

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205 In line 11731, delete "or" and insert an underlined comma;
206 after "2925.111" insert ", or 2925.112"

207 In line 11826, delete "or" and insert an underlined comma;
208 after "2925.111" insert ", or 2925.112"

209 In line 12407, delete "or" and insert an underlined comma;
210 after "2925.111" insert ", or 2925.112"

211 In line 12570, after "2925.111," insert "2925.112,"

212 In line 12741, delete "or"; after "2925.111" insert ", or
213 2925.112"

214 In line 12919, after "2925.111," insert "2925.112,"

215 In line 13129, after "2925.111," insert "2925.112,"

216 In line 13513, delete "or" and insert an underlined comma

217 In line 13514, after "2925.111" insert ", or 2925.112"

218 In line 13791, after "2925.111," insert "2925.112,"

219 In line 13866, after "2925.111," insert "2925.112,"

220 In line 14266, delete "or" and insert an underlined comma;
221 after "2925.111" insert ", or 2925.112"

222 In line 14325, delete "or" and insert an underlined comma;
223 after "2925.111" insert ", or 2925.112"

224 In line 15062, delete "or" and insert an underlined comma;
225 after "2925.111" insert ", or 2925.112"

226 In line 15136, after "2925.111," insert "2925.112,"

227 In line 16271, delete "or" and insert an underlined comma;
228 after "2925.111" insert ", or 2925.112"

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229 In line 16302, after "2925.111," insert "2925.112,"
230 In line 16346, after "2925.111," insert "2925.112,"
231 In line 16387, delete "or" and insert an underlined comma;
232 after "2925.111" insert ", or 2925.112"
233 In line 16428, delete "or" and insert an underlined comma;
234 after "2925.111" insert ", or 2925.112"
235 In line 16464, delete "or" and insert an underlined comma;
236 after "2925.111" insert ", or 2925.112"
237 In line 16587, after "2925.111," insert "2925.112,"

238 The motion was _____ agreed to.