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Am. Sub. S. B. No. 55

Senator Gavarone

**Cosponsors: Senators Fedor, O'Brien, Coley, Brenner, Hackett, Hoagland, Huffman, S., McColley, Roegner, Rulli, Schaffer, Schuring, Terhar, Uecker, Wilson
Representatives Butler, Cupp, Manning, D., Smith, T., Abrams, Baldrige, Carruthers, Cross, Ghanbari, Holmes, A., Jones, LaRe, Lipps, McClain, Merrin, Plummer, Roemer, Rogers, Seitz, Stein, Wiggam, Wilkin**

A BILL

To amend sections 2925.01, 2925.03, 3701.99, 1
3707.99, and 3709.99 of the Revised Code to 2
enhance penalties for certain drug trafficking 3
offenses committed in the vicinity of a 4
substance addiction services provider, to modify 5
penalties for violations of public health orders 6
related to a pandemic, and to designate certain 7
provisions as the "Relapse Reduction Act." 8

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

Section 1. That sections 2925.01, 2925.03, 3701.99, 9
3707.99, and 3709.99 of the Revised Code be amended to read as 10
follows: 11

Sec. 2925.01. As used in this chapter: 12

(A) "Administer," "controlled substance," "controlled 13
substance analog," "dispense," "distribute," "hypodermic," 14
"manufacturer," "official written order," "person," 15

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

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

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

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

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

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

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

(c) An amount equal to or exceeding thirty grams or ten 41
unit doses of a compound, mixture, preparation, or substance 42
that is or contains any amount of a schedule I hallucinogen 43
other than tetrahydrocannabinol or lysergic acid amide, or a 44

schedule I stimulant or depressant; 45

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

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

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

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

(2) An amount equal to or exceeding one hundred twenty 71
grams or thirty times the maximum daily dose in the usual dose 72
range specified in a standard pharmaceutical reference manual of 73

a compound, mixture, preparation, or substance that is or 74
contains any amount of a schedule III or IV substance other than 75
an anabolic steroid or a schedule III opiate or opium 76
derivative; 77

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

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

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

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

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

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

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

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

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

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

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

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

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

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

which it is sold or offered for sale. 187

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

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

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

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

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

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

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

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

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

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

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

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

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

4713. of the Revised Code;	274
(9) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious intravenous sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	275 276 277 278 279 280
(10) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;	281 282 283 284 285
(11) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	286 287 288 289
(12) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	290 291 292
(13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	293 294
(14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	295 296
(15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;	297 298 299 300
(16) A person who is authorized to practice as a physician	301

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

(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	329 330 331
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	332 333 334
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	335 336 337
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	338 339 340
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	341 342 343
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	344 345 346 347 348 349
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	350 351
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	352 353 354
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	355 356

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

methamphetamine. 413

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

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

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

(1) Fentanyl; 423

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

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

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

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

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

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

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

(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	440 441
(10) Alfentanil;	442
(11) Carfentanil;	443
(12) Remifentanil;	444
(13) Sufentanil;	445
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and	446 447
(15) A schedule I narcotic-opiate that meets the fentanyl pharmacophore requirements specified in division (A) (56) of section 3719.41 of the Revised Code, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl.	448 449 450 451 452 453
<u>(MM) An offense is "committed in the vicinity of a substance addiction services provider" if both of the following apply:</u>	454 455 456
<u>(1) The offender commits the offense on the premises of a substance addiction services provider's facility, including a facility licensed prior to June 29, 2019, under section 5119.391 of the Revised Code to provide methadone treatment or an opioid treatment program licensed on or after that date under section 5119.37 of the Revised Code, or within one thousand feet of the premises of a substance addiction services provider's facility.</u>	457 458 459 460 461 462 463
<u>(2) The offender recklessly disregards whether the offense is being committed within the vicinity described in division (MM) (1) of this section.</u>	464 465 466

(NN) "Substance addiction services provider" means an 467
agency, association, corporation or other legal entity, 468
individual, or program that provides one or more of the 469
following at a facility: 470

(1) Either alcohol addiction services, or drug addiction 471
services, or both such services that are certified by the 472
director of mental health and addiction services under section 473
5119.36 of the Revised Code; 474

(2) Recovery supports that are related to either alcohol 475
addiction services, or drug addiction services, or both such 476
services and paid for with federal, state, or local funds 477
administered by the department of mental health and addiction 478
services or a board of alcohol, drug addiction, and mental 479
health services. 480

(OO) "Premises of a substance addiction services 481
provider's facility" means the parcel of real property on which 482
any substance addiction service provider's facility is situated. 483

(PP) "Alcohol and drug addiction services" has the same 484
meaning as in section 5119.01 of the Revised Code. 485

Sec. 2925.03. (A) No person shall knowingly do any of the 486
following: 487

(1) Sell or offer to sell a controlled substance or a 488
controlled substance analog; 489

(2) Prepare for shipment, ship, transport, deliver, 490
prepare for distribution, or distribute a controlled substance 491
or a controlled substance analog, when the offender knows or has 492
reasonable cause to believe that the controlled substance or a 493
controlled substance analog is intended for sale or resale by 494
the offender or another person. 495

(B) This section does not apply to any of the following:	496
(1) Manufacturers, licensed health professionals	497
authorized to prescribe drugs, pharmacists, owners of	498
pharmacies, and other persons whose conduct is in accordance	499
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and	500
4741. of the Revised Code;	501
(2) If the offense involves an anabolic steroid, any	502
person who is conducting or participating in a research project	503
involving the use of an anabolic steroid if the project has been	504
approved by the United States food and drug administration;	505
(3) Any person who sells, offers for sale, prescribes,	506
dispenses, or administers for livestock or other nonhuman	507
species an anabolic steroid that is expressly intended for	508
administration through implants to livestock or other nonhuman	509
species and approved for that purpose under the "Federal Food,	510
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301,	511
as amended, and is sold, offered for sale, prescribed,	512
dispensed, or administered for that purpose in accordance with	513
that act.	514
(C) Whoever violates division (A) of this section is	515
guilty of one of the following:	516
(1) If the drug involved in the violation is any compound,	517
mixture, preparation, or substance included in schedule I or	518
schedule II, with the exception of marihuana, cocaine, L.S.D.,	519
heroin, any fentanyl-related compound, hashish, and any	520
controlled substance analog, whoever violates division (A) of	521
this section is guilty of aggravated trafficking in drugs. The	522
penalty for the offense shall be determined as follows:	523
(a) Except as otherwise provided in division (C) (1) (b),	524

(c), (d), (e), or (f) of this section, aggravated trafficking in 525
drugs is a felony of the fourth degree, and division (C) of 526
section 2929.13 of the Revised Code applies in determining 527
whether to impose a prison term on the offender. 528

(b) Except as otherwise provided in division (C) (1) (c), 529
(d), (e), or (f) of this section, if the offense was committed 530
in the vicinity of a school ~~or~~, in the vicinity of a juvenile, 531
or in the vicinity of a substance addiction services provider, 532
aggravated trafficking in drugs is a felony of the third degree, 533
and division (C) of section 2929.13 of the Revised Code applies 534
in determining whether to impose a prison term on the offender. 535

(c) Except as otherwise provided in this division, if the 536
amount of the drug involved equals or exceeds the bulk amount 537
but is less than five times the bulk amount, aggravated 538
trafficking in drugs is a felony of the third degree, and, 539
except as otherwise provided in this division, there is a 540
presumption for a prison term for the offense. If aggravated 541
trafficking in drugs is a felony of the third degree under this 542
division and if the offender two or more times previously has 543
been convicted of or pleaded guilty to a felony drug abuse 544
offense, the court shall impose as a mandatory prison term one 545
of the prison terms prescribed for a felony of the third degree. 546
If the amount of the drug involved is within that range and if 547
the offense was committed in the vicinity of a school ~~or~~, in the 548
vicinity of a juvenile, or in the vicinity of a substance 549
addiction services provider, aggravated trafficking in drugs is 550
a felony of the second degree, and the court shall impose as a 551
mandatory prison term one of the prison terms prescribed for a 552
felony of the second degree. 553

(d) Except as otherwise provided in this division, if the 554

amount of the drug involved equals or exceeds five times the 555
bulk amount but is less than fifty times the bulk amount, 556
aggravated trafficking in drugs is a felony of the second 557
degree, and the court shall impose as a mandatory prison term 558
one of the prison terms prescribed for a felony of the second 559
degree. If the amount of the drug involved is within that range 560
and if the offense was committed in the vicinity of a school ~~or,~~ 561
in the vicinity of a juvenile, or in the vicinity of a substance 562
addiction services provider, aggravated trafficking in drugs is 563
a felony of the first degree, and the court shall impose as a 564
mandatory prison term one of the prison terms prescribed for a 565
felony of the first degree. 566

(e) If the amount of the drug involved equals or exceeds 567
fifty times the bulk amount but is less than one hundred times 568
the bulk amount and regardless of whether the offense was 569
committed in the vicinity of a school ~~or,~~ in the vicinity of a 570
juvenile, or in the vicinity of a substance addiction services 571
provider, aggravated trafficking in drugs is a felony of the 572
first degree, and the court shall impose as a mandatory prison 573
term one of the prison terms prescribed for a felony of the 574
first degree. 575

(f) If the amount of the drug involved equals or exceeds 576
one hundred times the bulk amount and regardless of whether the 577
offense was committed in the vicinity of a school ~~or,~~ in the 578
vicinity of a juvenile, or in the vicinity of a substance 579
addiction services provider, aggravated trafficking in drugs is 580
a felony of the first degree, the offender is a major drug 581
offender, and the court shall impose as a mandatory prison term 582
the maximum prison term prescribed for a felony of the first 583
degree. 584

(2) If the drug involved in the violation is any compound, 585
mixture, preparation, or substance included in schedule III, IV, 586
or V, whoever violates division (A) of this section is guilty of 587
trafficking in drugs. The penalty for the offense shall be 588
determined as follows: 589

(a) Except as otherwise provided in division (C) (2) (b), 590
(c), (d), or (e) of this section, trafficking in drugs is a 591
felony of the fifth degree, and division (B) of section 2929.13 592
of the Revised Code applies in determining whether to impose a 593
prison term on the offender. 594

(b) Except as otherwise provided in division (C) (2) (c), 595
(d), or (e) of this section, if the offense was committed in the 596
vicinity of a school or in the vicinity of a juvenile, 597
trafficking in drugs is a felony of the fourth degree, and 598
division (C) of section 2929.13 of the Revised Code applies in 599
determining whether to impose a prison term on the offender. 600

(c) Except as otherwise provided in this division, if the 601
amount of the drug involved equals or exceeds the bulk amount 602
but is less than five times the bulk amount, trafficking in 603
drugs is a felony of the fourth degree, and division (B) of 604
section 2929.13 of the Revised Code applies in determining 605
whether to impose a prison term for the offense. If the amount 606
of the drug involved is within that range and if the offense was 607
committed in the vicinity of a school or in the vicinity of a 608
juvenile, trafficking in drugs is a felony of the third degree, 609
and there is a presumption for a prison term for the offense. 610

(d) Except as otherwise provided in this division, if the 611
amount of the drug involved equals or exceeds five times the 612
bulk amount but is less than fifty times the bulk amount, 613
trafficking in drugs is a felony of the third degree, and there 614

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

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

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

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

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

juvenile, trafficking in marihuana is a felony of the fourth 645
degree, and division (B) of section 2929.13 of the Revised Code 646
applies in determining whether to impose a prison term on the 647
offender. 648

(c) Except as otherwise provided in this division, if the 649
amount of the drug involved equals or exceeds two hundred grams 650
but is less than one thousand grams, trafficking in marihuana is 651
a felony of the fourth degree, and division (B) of section 652
2929.13 of the Revised Code applies in determining whether to 653
impose a prison term on the offender. If the amount of the drug 654
involved is within that range and if the offense was committed 655
in the vicinity of a school or in the vicinity of a juvenile, 656
trafficking in marihuana is a felony of the third degree, and 657
division (C) of section 2929.13 of the Revised Code applies in 658
determining whether to impose a prison term on the offender. 659

(d) Except as otherwise provided in this division, if the 660
amount of the drug involved equals or exceeds one thousand grams 661
but is less than five thousand grams, trafficking in marihuana 662
is a felony of the third degree, and division (C) of section 663
2929.13 of the Revised Code applies in determining whether to 664
impose a prison term on the offender. If the amount of the drug 665
involved is within that range and if the offense was committed 666
in the vicinity of a school or in the vicinity of a juvenile, 667
trafficking in marihuana is a felony of the second degree, and 668
there is a presumption that a prison term shall be imposed for 669
the offense. 670

(e) Except as otherwise provided in this division, if the 671
amount of the drug involved equals or exceeds five thousand 672
grams but is less than twenty thousand grams, trafficking in 673
marihuana is a felony of the third degree, and there is a 674

presumption that a prison term shall be imposed for the offense. 675
If the amount of the drug involved is within that range and if 676
the offense was committed in the vicinity of a school or in the 677
vicinity of a juvenile, trafficking in marihuana is a felony of 678
the second degree, and there is a presumption that a prison term 679
shall be imposed for the offense. 680

(f) Except as otherwise provided in this division, if the 681
amount of the drug involved equals or exceeds twenty thousand 682
grams but is less than forty thousand grams, trafficking in 683
marihuana is a felony of the second degree, and the court shall 684
impose a mandatory prison term of five, six, seven, or eight 685
years. If the amount of the drug involved is within that range 686
and if the offense was committed in the vicinity of a school or 687
in the vicinity of a juvenile, trafficking in marihuana is a 688
felony of the first degree, and the court shall impose as a 689
mandatory prison term the maximum prison term prescribed for a 690
felony of the first degree. 691

(g) Except as otherwise provided in this division, if the 692
amount of the drug involved equals or exceeds forty thousand 693
grams, trafficking in marihuana is a felony of the second 694
degree, and the court shall impose as a mandatory prison term 695
the maximum prison term prescribed for a felony of the second 696
degree. If the amount of the drug involved equals or exceeds 697
forty thousand grams and if the offense was committed in the 698
vicinity of a school or in the vicinity of a juvenile, 699
trafficking in marihuana is a felony of the first degree, and 700
the court shall impose as a mandatory prison term the maximum 701
prison term prescribed for a felony of the first degree. 702

(h) Except as otherwise provided in this division, if the 703
offense involves a gift of twenty grams or less of marihuana, 704

trafficking in marihuana is a minor misdemeanor upon a first 705
offense and a misdemeanor of the third degree upon a subsequent 706
offense. If the offense involves a gift of twenty grams or less 707
of marihuana and if the offense was committed in the vicinity of 708
a school or in the vicinity of a juvenile, trafficking in 709
marihuana is a misdemeanor of the third degree. 710

(4) If the drug involved in the violation is cocaine or a 711
compound, mixture, preparation, or substance containing cocaine, 712
whoever violates division (A) of this section is guilty of 713
trafficking in cocaine. The penalty for the offense shall be 714
determined as follows: 715

(a) Except as otherwise provided in division (C) (4) (b), 716
(c), (d), (e), (f), or (g) of this section, trafficking in 717
cocaine is a felony of the fifth degree, and division (B) of 718
section 2929.13 of the Revised Code applies in determining 719
whether to impose a prison term on the offender. 720

(b) Except as otherwise provided in division (C) (4) (c), 721
(d), (e), (f), or (g) of this section, if the offense was 722
committed in the vicinity of a school ~~or~~, in the vicinity of a 723
juvenile, or in the vicinity of a substance addiction services 724
provider, trafficking in cocaine is a felony of the fourth 725
degree, and division (C) of section 2929.13 of the Revised Code 726
applies in determining whether to impose a prison term on the 727
offender. 728

(c) Except as otherwise provided in this division, if the 729
amount of the drug involved equals or exceeds five grams but is 730
less than ten grams of cocaine, trafficking in cocaine is a 731
felony of the fourth degree, and division (B) of section 2929.13 732
of the Revised Code applies in determining whether to impose a 733
prison term for the offense. If the amount of the drug involved 734

is within that range and if the offense was committed in the 735
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 736
the vicinity of a substance addiction services provider, 737
trafficking in cocaine is a felony of the third degree, and 738
there is a presumption for a prison term for the offense. 739

(d) Except as otherwise provided in this division, if the 740
amount of the drug involved equals or exceeds ten grams but is 741
less than twenty grams of cocaine, trafficking in cocaine is a 742
felony of the third degree, and, except as otherwise provided in 743
this division, there is a presumption for a prison term for the 744
offense. If trafficking in cocaine is a felony of the third 745
degree under this division and if the offender two or more times 746
previously has been convicted of or pleaded guilty to a felony 747
drug abuse offense, the court shall impose as a mandatory prison 748
term one of the prison terms prescribed for a felony of the 749
third degree. If the amount of the drug involved is within that 750
range and if the offense was committed in the vicinity of a 751
school ~~or~~, in the vicinity of a juvenile, or in the vicinity of 752
a substance addiction services provider, trafficking in cocaine 753
is a felony of the second degree, and the court shall impose as 754
a mandatory prison term one of the prison terms prescribed for a 755
felony of the second degree. 756

(e) Except as otherwise provided in this division, if the 757
amount of the drug involved equals or exceeds twenty grams but 758
is less than twenty-seven grams of cocaine, trafficking in 759
cocaine is a felony of the second degree, and the court shall 760
impose as a mandatory prison term one of the prison terms 761
prescribed for a felony of the second degree. If the amount of 762
the drug involved is within that range and if the offense was 763
committed in the vicinity of a school ~~or~~, in the vicinity of a 764
juvenile, or in the vicinity of a substance addiction services 765

provider, trafficking in cocaine is a felony of the first 766
degree, and the court shall impose as a mandatory prison term 767
one of the prison terms prescribed for a felony of the first 768
degree. 769

(f) If the amount of the drug involved equals or exceeds 770
twenty-seven grams but is less than one hundred grams of cocaine 771
and regardless of whether the offense was committed in the 772
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 773
the vicinity of a substance addiction services provider, 774
trafficking in cocaine is a felony of the first degree, and the 775
court shall impose as a mandatory prison term one of the prison 776
terms prescribed for a felony of the first degree. 777

(g) If the amount of the drug involved equals or exceeds 778
one hundred grams of cocaine and regardless of whether the 779
offense was committed in the vicinity of a school ~~or~~, in the 780
vicinity of a juvenile, or in the vicinity of a substance 781
addiction services provider, trafficking in cocaine is a felony 782
of the first degree, the offender is a major drug offender, and 783
the court shall impose as a mandatory prison term the maximum 784
prison term prescribed for a felony of the first degree. 785

(5) If the drug involved in the violation is L.S.D. or a 786
compound, mixture, preparation, or substance containing L.S.D., 787
whoever violates division (A) of this section is guilty of 788
trafficking in L.S.D. The penalty for the offense shall be 789
determined as follows: 790

(a) Except as otherwise provided in division (C) (5) (b), 791
(c), (d), (e), (f), or (g) of this section, trafficking in 792
L.S.D. is a felony of the fifth degree, and division (B) of 793
section 2929.13 of the Revised Code applies in determining 794
whether to impose a prison term on the offender. 795

(b) Except as otherwise provided in division (C) (5) (c), 796
(d), (e), (f), or (g) of this section, if the offense was 797
committed in the vicinity of a school ~~or~~, in the vicinity of a 798
juvenile, or in the vicinity of a substance addiction services 799
provider, trafficking in L.S.D. is a felony of the fourth 800
degree, and division (C) of section 2929.13 of the Revised Code 801
applies in determining whether to impose a prison term on the 802
offender. 803

(c) Except as otherwise provided in this division, if the 804
amount of the drug involved equals or exceeds ten unit doses but 805
is less than fifty unit doses of L.S.D. in a solid form or 806
equals or exceeds one gram but is less than five grams of L.S.D. 807
in a liquid concentrate, liquid extract, or liquid distillate 808
form, trafficking in L.S.D. is a felony of the fourth degree, 809
and division (B) of section 2929.13 of the Revised Code applies 810
in determining whether to impose a prison term for the offense. 811
If the amount of the drug involved is within that range and if 812
the offense was committed in the vicinity of a school ~~or~~, in the 813
vicinity of a juvenile, or in the vicinity of a substance 814
addiction services provider, trafficking in L.S.D. is a felony 815
of the third degree, and there is a presumption for a prison 816
term for the offense. 817

(d) Except as otherwise provided in this division, if the 818
amount of the drug involved equals or exceeds fifty unit doses 819
but is less than two hundred fifty unit doses of L.S.D. in a 820
solid form or equals or exceeds five grams but is less than 821
twenty-five grams of L.S.D. in a liquid concentrate, liquid 822
extract, or liquid distillate form, trafficking in L.S.D. is a 823
felony of the third degree, and, except as otherwise provided in 824
this division, there is a presumption for a prison term for the 825
offense. If trafficking in L.S.D. is a felony of the third 826

degree under this division and if the offender two or more times 827
previously has been convicted of or pleaded guilty to a felony 828
drug abuse offense, the court shall impose as a mandatory prison 829
term one of the prison terms prescribed for a felony of the 830
third degree. If the amount of the drug involved is within that 831
range and if the offense was committed in the vicinity of a 832
school ~~or~~, in the vicinity of a juvenile, or in the vicinity of 833
a substance addiction services provider, trafficking in L.S.D. 834
is a felony of the second degree, and the court shall impose as 835
a mandatory prison term one of the prison terms prescribed for a 836
felony of the second degree. 837

(e) Except as otherwise provided in this division, if the 838
amount of the drug involved equals or exceeds two hundred fifty 839
unit doses but is less than one thousand unit doses of L.S.D. in 840
a solid form or equals or exceeds twenty-five grams but is less 841
than one hundred grams of L.S.D. in a liquid concentrate, liquid 842
extract, or liquid distillate form, trafficking in L.S.D. is a 843
felony of the second degree, and the court shall impose as a 844
mandatory prison term one of the prison terms prescribed for a 845
felony of the second degree. If the amount of the drug involved 846
is within that range and if the offense was committed in the 847
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 848
the vicinity of a substance addiction services provider, 849
trafficking in L.S.D. is a felony of the first degree, and the 850
court shall impose as a mandatory prison term one of the prison 851
terms prescribed for a felony of the first degree. 852

(f) If the amount of the drug involved equals or exceeds 853
one thousand unit doses but is less than five thousand unit 854
doses of L.S.D. in a solid form or equals or exceeds one hundred 855
grams but is less than five hundred grams of L.S.D. in a liquid 856
concentrate, liquid extract, or liquid distillate form and 857

regardless of whether the offense was committed in the vicinity 858
of a school ~~or~~, in the vicinity of a juvenile, or in the 859
vicinity of a substance addiction services provider, trafficking 860
in L.S.D. is a felony of the first degree, and the court shall 861
impose as a mandatory prison term one of the prison terms 862
prescribed for a felony of the first degree. 863

(g) If the amount of the drug involved equals or exceeds 864
five thousand unit doses of L.S.D. in a solid form or equals or 865
exceeds five hundred grams of L.S.D. in a liquid concentrate, 866
liquid extract, or liquid distillate form and regardless of 867
whether the offense was committed in the vicinity of a school 868
 ~~or~~, in the vicinity of a juvenile, or in the vicinity of a 869
substance addiction services provider, trafficking in L.S.D. is 870
a felony of the first degree, the offender is a major drug 871
offender, and the court shall impose as a mandatory prison term 872
the maximum prison term prescribed for a felony of the first 873
degree. 874

(6) If the drug involved in the violation is heroin or a 875
compound, mixture, preparation, or substance containing heroin, 876
whoever violates division (A) of this section is guilty of 877
trafficking in heroin. The penalty for the offense shall be 878
determined as follows: 879

(a) Except as otherwise provided in division (C) (6) (b), 880
(c), (d), (e), (f), or (g) of this section, trafficking in 881
heroin is a felony of the fifth degree, and division (B) of 882
section 2929.13 of the Revised Code applies in determining 883
whether to impose a prison term on the offender. 884

(b) Except as otherwise provided in division (C) (6) (c), 885
(d), (e), (f), or (g) of this section, if the offense was 886
committed in the vicinity of a school ~~or~~, in the vicinity of a 887

juvenile, or in the vicinity of a substance addiction services 888
provider, trafficking in heroin is a felony of the fourth 889
degree, and division (C) of section 2929.13 of the Revised Code 890
applies in determining whether to impose a prison term on the 891
offender. 892

(c) Except as otherwise provided in this division, if the 893
amount of the drug involved equals or exceeds ten unit doses but 894
is less than fifty unit doses or equals or exceeds one gram but 895
is less than five grams, trafficking in heroin is a felony of 896
the fourth degree, and division (B) of section 2929.13 of the 897
Revised Code applies in determining whether to impose a prison 898
term for the offense. If the amount of the drug involved is 899
within that range and if the offense was committed in the 900
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 901
the vicinity of a substance addiction services provider, 902
trafficking in heroin is a felony of the third degree, and there 903
is a presumption for a prison term for the offense. 904

(d) Except as otherwise provided in this division, if the 905
amount of the drug involved equals or exceeds fifty unit doses 906
but is less than one hundred unit doses or equals or exceeds 907
five grams but is less than ten grams, trafficking in heroin is 908
a felony of the third degree, and there is a presumption for a 909
prison term for the offense. If the amount of the drug involved 910
is within that range and if the offense was committed in the 911
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 912
the vicinity of a substance addiction services provider, 913
trafficking in heroin is a felony of the second degree, and 914
there is a presumption for a prison term for the offense. 915

(e) Except as otherwise provided in this division, if the 916
amount of the drug involved equals or exceeds one hundred unit 917

doses but is less than five hundred unit doses or equals or 918
exceeds ten grams but is less than fifty grams, trafficking in 919
heroin is a felony of the second degree, and the court shall 920
impose as a mandatory prison term one of the prison terms 921
prescribed for a felony of the second degree. If the amount of 922
the drug involved is within that range and if the offense was 923
committed in the vicinity of a school ~~or~~, in the vicinity of a 924
juvenile, or in the vicinity of a substance addiction services 925
provider, trafficking in heroin is a felony of the first degree, 926
and the court shall impose as a mandatory prison term one of the 927
prison terms prescribed for a felony of the first degree. 928

(f) If the amount of the drug involved equals or exceeds 929
five hundred unit doses but is less than one thousand unit doses 930
or equals or exceeds fifty grams but is less than one hundred 931
grams and regardless of whether the offense was committed in the 932
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 933
the vicinity of a substance addiction services provider, 934
trafficking in heroin is a felony of the first degree, and the 935
court shall impose as a mandatory prison term one of the prison 936
terms prescribed for a felony of the first degree. 937

(g) If the amount of the drug involved equals or exceeds 938
one thousand unit doses or equals or exceeds one hundred grams 939
and regardless of whether the offense was committed in the 940
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 941
the vicinity of a substance addiction services provider, 942
trafficking in heroin is a felony of the first degree, the 943
offender is a major drug offender, and the court shall impose as 944
a mandatory prison term the maximum prison term prescribed for a 945
felony of the first degree. 946

(7) If the drug involved in the violation is hashish or a 947

compound, mixture, preparation, or substance containing hashish, 948
whoever violates division (A) of this section is guilty of 949
trafficking in hashish. The penalty for the offense shall be 950
determined as follows: 951

(a) Except as otherwise provided in division (C) (7) (b), 952
(c), (d), (e), (f), or (g) of this section, trafficking in 953
hashish is a felony of the fifth degree, and division (B) of 954
section 2929.13 of the Revised Code applies in determining 955
whether to impose a prison term on the offender. 956

(b) Except as otherwise provided in division (C) (7) (c), 957
(d), (e), (f), or (g) of this section, if the offense was 958
committed in the vicinity of a school ~~or~~, in the vicinity of a 959
juvenile, or in the vicinity of a substance addiction services 960
provider, trafficking in hashish is a felony of the fourth 961
degree, and division (B) of section 2929.13 of the Revised Code 962
applies in determining whether to impose a prison term on the 963
offender. 964

(c) Except as otherwise provided in this division, if the 965
amount of the drug involved equals or exceeds ten grams but is 966
less than fifty grams of hashish in a solid form or equals or 967
exceeds two grams but is less than ten grams of hashish in a 968
liquid concentrate, liquid extract, or liquid distillate form, 969
trafficking in hashish is a felony of the fourth degree, and 970
division (B) of section 2929.13 of the Revised Code applies in 971
determining whether to impose a prison term on the offender. If 972
the amount of the drug involved is within that range and if the 973
offense was committed in the vicinity of a school ~~or~~, in the 974
vicinity of a juvenile, or in the vicinity of a substance 975
addiction services provider, trafficking in hashish is a felony 976
of the third degree, and division (C) of section 2929.13 of the 977

Revised Code applies in determining whether to impose a prison 978
term on the offender. 979

(d) Except as otherwise provided in this division, if the 980
amount of the drug involved equals or exceeds fifty grams but is 981
less than two hundred fifty grams of hashish in a solid form or 982
equals or exceeds ten grams but is less than fifty grams of 983
hashish in a liquid concentrate, liquid extract, or liquid 984
distillate form, trafficking in hashish is a felony of the third 985
degree, and division (C) of section 2929.13 of the Revised Code 986
applies in determining whether to impose a prison term on the 987
offender. If the amount of the drug involved is within that 988
range and if the offense was committed in the vicinity of a 989
school ~~or~~, in the vicinity of a juvenile, or in the vicinity of 990
a substance addiction services provider, trafficking in hashish 991
is a felony of the second degree, and there is a presumption 992
that a prison term shall be imposed for the offense. 993

(e) Except as otherwise provided in this division, if the 994
amount of the drug involved equals or exceeds two hundred fifty 995
grams but is less than one thousand grams of hashish in a solid 996
form or equals or exceeds fifty grams but is less than two 997
hundred grams of hashish in a liquid concentrate, liquid 998
extract, or liquid distillate form, trafficking in hashish is a 999
felony of the third degree, and there is a presumption that a 1000
prison term shall be imposed for the offense. If the amount of 1001
the drug involved is within that range and if the offense was 1002
committed in the vicinity of a school ~~or~~, in the vicinity of a 1003
juvenile, or in the vicinity of a substance addiction services 1004
provider, trafficking in hashish is a felony of the second 1005
degree, and there is a presumption that a prison term shall be 1006
imposed for the offense. 1007

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

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

the first degree. 1039

(8) If the drug involved in the violation is a controlled 1040
substance analog or compound, mixture, preparation, or substance 1041
that contains a controlled substance analog, whoever violates 1042
division (A) of this section is guilty of trafficking in a 1043
controlled substance analog. The penalty for the offense shall 1044
be determined as follows: 1045

(a) Except as otherwise provided in division (C) (8) (b), 1046
(c), (d), (e), (f), or (g) of this section, trafficking in a 1047
controlled substance analog is a felony of the fifth degree, and 1048
division (C) of section 2929.13 of the Revised Code applies in 1049
determining whether to impose a prison term on the offender. 1050

(b) Except as otherwise provided in division (C) (8) (c), 1051
(d), (e), (f), or (g) of this section, if the offense was 1052
committed in the vicinity of a school ~~or~~, in the vicinity of a 1053
juvenile, or in the vicinity of a substance addiction services 1054
provider, trafficking in a controlled substance analog is a 1055
felony of the fourth degree, and division (C) of section 2929.13 1056
of the Revised Code applies in determining whether to impose a 1057
prison term on the offender. 1058

(c) Except as otherwise provided in this division, if the 1059
amount of the drug involved equals or exceeds ten grams but is 1060
less than twenty grams, trafficking in a controlled substance 1061
analog is a felony of the fourth degree, and division (B) of 1062
section 2929.13 of the Revised Code applies in determining 1063
whether to impose a prison term for the offense. If the amount 1064
of the drug involved is within that range and if the offense was 1065
committed in the vicinity of a school ~~or~~, in the vicinity of a 1066
juvenile, or in the vicinity of a substance addiction services 1067
provider, trafficking in a controlled substance analog is a 1068

felony of the third degree, and there is a presumption for a 1069
prison term for the offense. 1070

(d) Except as otherwise provided in this division, if the 1071
amount of the drug involved equals or exceeds twenty grams but 1072
is less than thirty grams, trafficking in a controlled substance 1073
analog is a felony of the third degree, and there is a 1074
presumption for a prison term for the offense. If the amount of 1075
the drug involved is within that range and if the offense was 1076
committed in the vicinity of a school ~~or~~, in the vicinity of a 1077
juvenile, or in the vicinity of a substance addiction services 1078
provider, trafficking in a controlled substance analog is a 1079
felony of the second degree, and there is a presumption for a 1080
prison term for the offense. 1081

(e) Except as otherwise provided in this division, if the 1082
amount of the drug involved equals or exceeds thirty grams but 1083
is less than forty grams, trafficking in a controlled substance 1084
analog is a felony of the second degree, and the court shall 1085
impose as a mandatory prison term one of the prison terms 1086
prescribed for a felony of the second degree. If the amount of 1087
the drug involved is within that range and if the offense was 1088
committed in the vicinity of a school ~~or~~, in the vicinity of a 1089
juvenile, or in the vicinity of a substance addiction services 1090
provider, trafficking in a controlled substance analog is a 1091
felony of the first degree, and the court shall impose as a 1092
mandatory prison term one of the prison terms prescribed for a 1093
felony of the first degree. 1094

(f) If the amount of the drug involved equals or exceeds 1095
forty grams but is less than fifty grams and regardless of 1096
whether the offense was committed in the vicinity of a school 1097
 ~~or~~, in the vicinity of a juvenile, or in the vicinity of a 1098

substance addiction services provider, trafficking in a 1099
controlled substance analog is a felony of the first degree, and 1100
the court shall impose as a mandatory prison term one of the 1101
prison terms prescribed for a felony of the first degree. 1102

(g) If the amount of the drug involved equals or exceeds 1103
fifty grams and regardless of whether the offense was committed 1104
in the vicinity of a school ~~or,~~ in the vicinity of a juvenile, 1105
or in the vicinity of a substance addiction services provider, 1106
trafficking in a controlled substance analog is a felony of the 1107
first degree, the offender is a major drug offender, and the 1108
court shall impose as a mandatory prison term the maximum prison 1109
term prescribed for a felony of the first degree. 1110

(9) If the drug involved in the violation is a fentanyl- 1111
related compound or a compound, mixture, preparation, or 1112
substance containing a fentanyl-related compound and division 1113
(C)(10)(a) of this section does not apply to the drug involved, 1114
whoever violates division (A) of this section is guilty of 1115
trafficking in a fentanyl-related compound. The penalty for the 1116
offense shall be determined as follows: 1117

(a) Except as otherwise provided in division (C)(9)(b), 1118
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1119
a fentanyl-related compound is a felony of the fifth degree, and 1120
division (B) of section 2929.13 of the Revised Code applies in 1121
determining whether to impose a prison term on the offender. 1122

(b) Except as otherwise provided in division (C)(9)(c), 1123
(d), (e), (f), (g), or (h) of this section, if the offense was 1124
committed in the vicinity of a school ~~or,~~ in the vicinity of a 1125
juvenile, or in the vicinity of a substance addiction services 1126
provider, trafficking in a fentanyl-related compound is a felony 1127
of the fourth degree, and division (C) of section 2929.13 of the 1128

Revised Code applies in determining whether to impose a prison 1129
term on the offender. 1130

(c) Except as otherwise provided in this division, if the 1131
amount of the drug involved equals or exceeds ten unit doses but 1132
is less than fifty unit doses or equals or exceeds one gram but 1133
is less than five grams, trafficking in a fentanyl-related 1134
compound is a felony of the fourth degree, and division (B) of 1135
section 2929.13 of the Revised Code applies in determining 1136
whether to impose a prison term for the offense. If the amount 1137
of the drug involved is within that range and if the offense was 1138
committed in the vicinity of a school ~~or~~, in the vicinity of a 1139
juvenile, or in the vicinity of a substance addiction services 1140
provider, trafficking in a fentanyl-related compound is a felony 1141
of the third degree, and there is a presumption for a prison 1142
term for the offense. 1143

(d) Except as otherwise provided in this division, if the 1144
amount of the drug involved equals or exceeds fifty unit doses 1145
but is less than one hundred unit doses or equals or exceeds 1146
five grams but is less than ten grams, trafficking in a 1147
fentanyl-related compound is a felony of the third degree, and 1148
there is a presumption for a prison term for the offense. If the 1149
amount of the drug involved is within that range and if the 1150
offense was committed in the vicinity of a school ~~or~~, in the 1151
vicinity of a juvenile, or in the vicinity of a substance 1152
addiction services provider, trafficking in a fentanyl-related 1153
compound is a felony of the second degree, and there is a 1154
presumption for a prison term for the offense. 1155

(e) Except as otherwise provided in this division, if the 1156
amount of the drug involved equals or exceeds one hundred unit 1157
doses but is less than two hundred unit doses or equals or 1158

exceeds ten grams but is less than twenty grams, trafficking in 1159
a fentanyl-related compound is a felony of the second degree, 1160
and the court shall impose as a mandatory prison term one of the 1161
prison terms prescribed for a felony of the second degree. If 1162
the amount of the drug involved is within that range and if the 1163
offense was committed in the vicinity of a school ~~or~~, in the 1164
vicinity of a juvenile, or in the vicinity of a substance 1165
addiction services provider, trafficking in a fentanyl-related 1166
compound is a felony of the first degree, and the court shall 1167
impose as a mandatory prison term one of the prison terms 1168
prescribed for a felony of the first degree. 1169

(f) If the amount of the drug involved equals or exceeds 1170
two hundred unit doses but is less than five hundred unit doses 1171
or equals or exceeds twenty grams but is less than fifty grams 1172
and regardless of whether the offense was committed in the 1173
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 1174
the vicinity of a substance addiction services provider, 1175
trafficking in a fentanyl-related compound is a felony of the 1176
first degree, and the court shall impose as a mandatory prison 1177
term one of the prison terms prescribed for a felony of the 1178
first degree. 1179

(g) If the amount of the drug involved equals or exceeds 1180
five hundred unit doses but is less than one thousand unit doses 1181
or equals or exceeds fifty grams but is less than one hundred 1182
grams and regardless of whether the offense was committed in the 1183
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 1184
the vicinity of a substance addiction services provider, 1185
trafficking in a fentanyl-related compound is a felony of the 1186
first degree, and the court shall impose as a mandatory prison 1187
term the maximum prison term prescribed for a felony of the 1188
first degree. 1189

(h) If the amount of the drug involved equals or exceeds 1190
one thousand unit doses or equals or exceeds one hundred grams 1191
and regardless of whether the offense was committed in the 1192
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 1193
the vicinity of a substance addiction services provider, 1194
trafficking in a fentanyl-related compound is a felony of the 1195
first degree, the offender is a major drug offender, and the 1196
court shall impose as a mandatory prison term the maximum prison 1197
term prescribed for a felony of the first degree. 1198

(10) If the drug involved in the violation is a compound, 1199
mixture, preparation, or substance that is a combination of a 1200
fentanyl-related compound and marihuana, one of the following 1201
applies: 1202

(a) Except as otherwise provided in division (C) (10) (b) of 1203
this section, the offender is guilty of trafficking in marihuana 1204
and shall be punished under division (C) (3) of this section. The 1205
offender is not guilty of trafficking in a fentanyl-related 1206
compound and shall not be charged with, convicted of, or 1207
punished under division (C) (9) of this section for trafficking 1208
in a fentanyl-related compound. 1209

(b) If the offender knows or has reason to know that the 1210
compound, mixture, preparation, or substance that is the drug 1211
involved contains a fentanyl-related compound, the offender is 1212
guilty of trafficking in a fentanyl-related compound and shall 1213
be punished under division (C) (9) of this section. 1214

(D) In addition to any prison term authorized or required 1215
by division (C) of this section and sections 2929.13 and 2929.14 1216
of the Revised Code, and in addition to any other sanction 1217
imposed for the offense under this section or sections 2929.11 1218
to 2929.18 of the Revised Code, the court that sentences an 1219

offender who is convicted of or pleads guilty to a violation of 1220
division (A) of this section may suspend the driver's or 1221
commercial driver's license or permit of the offender in 1222
accordance with division (G) of this section. However, if the 1223
offender pleaded guilty to or was convicted of a violation of 1224
section 4511.19 of the Revised Code or a substantially similar 1225
municipal ordinance or the law of another state or the United 1226
States arising out of the same set of circumstances as the 1227
violation, the court shall suspend the offender's driver's or 1228
commercial driver's license or permit in accordance with 1229
division (G) of this section. If applicable, the court also 1230
shall do the following: 1231

(1) If the violation of division (A) of this section is a 1232
felony of the first, second, or third degree, the court shall 1233
impose upon the offender the mandatory fine specified for the 1234
offense under division (B)(1) of section 2929.18 of the Revised 1235
Code unless, as specified in that division, the court determines 1236
that the offender is indigent. Except as otherwise provided in 1237
division (H)(1) of this section, a mandatory fine or any other 1238
fine imposed for a violation of this section is subject to 1239
division (F) of this section. If a person is charged with a 1240
violation of this section that is a felony of the first, second, 1241
or third degree, posts bail, and forfeits the bail, the clerk of 1242
the court shall pay the forfeited bail pursuant to divisions (D) 1243
(1) and (F) of this section, as if the forfeited bail was a fine 1244
imposed for a violation of this section. If any amount of the 1245
forfeited bail remains after that payment and if a fine is 1246
imposed under division (H)(1) of this section, the clerk of the 1247
court shall pay the remaining amount of the forfeited bail 1248
pursuant to divisions (H)(2) and (3) of this section, as if that 1249
remaining amount was a fine imposed under division (H)(1) of 1250

this section. 1251

(2) If the offender is a professionally licensed person, 1252
the court immediately shall comply with section 2925.38 of the 1253
Revised Code. 1254

(E) When a person is charged with the sale of or offer to 1255
sell a bulk amount or a multiple of a bulk amount of a 1256
controlled substance, the jury, or the court trying the accused, 1257
shall determine the amount of the controlled substance involved 1258
at the time of the offense and, if a guilty verdict is returned, 1259
shall return the findings as part of the verdict. In any such 1260
case, it is unnecessary to find and return the exact amount of 1261
the controlled substance involved, and it is sufficient if the 1262
finding and return is to the effect that the amount of the 1263
controlled substance involved is the requisite amount, or that 1264
the amount of the controlled substance involved is less than the 1265
requisite amount. 1266

(F) (1) Notwithstanding any contrary provision of section 1267
3719.21 of the Revised Code and except as provided in division 1268
(H) of this section, the clerk of the court shall pay any 1269
mandatory fine imposed pursuant to division (D) (1) of this 1270
section and any fine other than a mandatory fine that is imposed 1271
for a violation of this section pursuant to division (A) or (B) 1272
(5) of section 2929.18 of the Revised Code to the county, 1273
township, municipal corporation, park district, as created 1274
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1275
state law enforcement agencies in this state that primarily were 1276
responsible for or involved in making the arrest of, and in 1277
prosecuting, the offender. However, the clerk shall not pay a 1278
mandatory fine so imposed to a law enforcement agency unless the 1279
agency has adopted a written internal control policy under 1280

division (F) (2) of this section that addresses the use of the 1281
fine moneys that it receives. Each agency shall use the 1282
mandatory fines so paid to subsidize the agency's law 1283
enforcement efforts that pertain to drug offenses, in accordance 1284
with the written internal control policy adopted by the 1285
recipient agency under division (F) (2) of this section. 1286

(2) Prior to receiving any fine moneys under division (F) 1287
(1) of this section or division (B) of section 2925.42 of the 1288
Revised Code, a law enforcement agency shall adopt a written 1289
internal control policy that addresses the agency's use and 1290
disposition of all fine moneys so received and that provides for 1291
the keeping of detailed financial records of the receipts of 1292
those fine moneys, the general types of expenditures made out of 1293
those fine moneys, and the specific amount of each general type 1294
of expenditure. The policy shall not provide for or permit the 1295
identification of any specific expenditure that is made in an 1296
ongoing investigation. All financial records of the receipts of 1297
those fine moneys, the general types of expenditures made out of 1298
those fine moneys, and the specific amount of each general type 1299
of expenditure by an agency are public records open for 1300
inspection under section 149.43 of the Revised Code. 1301
Additionally, a written internal control policy adopted under 1302
this division is such a public record, and the agency that 1303
adopted it shall comply with it. 1304

(3) As used in division (F) of this section: 1305

(a) "Law enforcement agencies" includes, but is not 1306
limited to, the state board of pharmacy and the office of a 1307
prosecutor. 1308

(b) "Prosecutor" has the same meaning as in section 1309
2935.01 of the Revised Code. 1310

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

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

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

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

and 2929.14 of the Revised Code, in addition to any other 1341
penalty or sanction imposed for the offense under this section 1342
or sections 2929.11 to 2929.18 of the Revised Code, and in 1343
addition to the forfeiture of property in connection with the 1344
offense as prescribed in Chapter 2981. of the Revised Code, the 1345
court that sentences an offender who is convicted of or pleads 1346
guilty to a violation of division (A) of this section may impose 1347
upon the offender an additional fine specified for the offense 1348
in division (B) (4) of section 2929.18 of the Revised Code. A 1349
fine imposed under division (H) (1) of this section is not 1350
subject to division (F) of this section and shall be used solely 1351
for the support of one or more eligible community addiction 1352
services providers in accordance with divisions (H) (2) and (3) 1353
of this section. 1354

(2) The court that imposes a fine under division (H) (1) of 1355
this section shall specify in the judgment that imposes the fine 1356
one or more eligible community addiction services providers for 1357
the support of which the fine money is to be used. No community 1358
addiction services provider shall receive or use money paid or 1359
collected in satisfaction of a fine imposed under division (H) 1360
(1) of this section unless the services provider is specified in 1361
the judgment that imposes the fine. No community addiction 1362
services provider shall be specified in the judgment unless the 1363
services provider is an eligible community addiction services 1364
provider and, except as otherwise provided in division (H) (2) of 1365
this section, unless the services provider is located in the 1366
county in which the court that imposes the fine is located or in 1367
a county that is immediately contiguous to the county in which 1368
that court is located. If no eligible community addiction 1369
services provider is located in any of those counties, the 1370
judgment may specify an eligible community addiction services 1371

provider that is located anywhere within this state. 1372

(3) Notwithstanding any contrary provision of section 1373
3719.21 of the Revised Code, the clerk of the court shall pay 1374
any fine imposed under division (H)(1) of this section to the 1375
eligible community addiction services provider specified 1376
pursuant to division (H)(2) of this section in the judgment. The 1377
eligible community addiction services provider that receives the 1378
fine moneys shall use the moneys only for the alcohol and drug 1379
addiction services identified in the application for 1380
certification of services under section 5119.36 of the Revised 1381
Code or in the application for a license under section 5119.37 1382
of the Revised Code filed with the department of mental health 1383
and addiction services by the community addiction services 1384
provider specified in the judgment. 1385

(4) Each community addiction services provider that 1386
receives in a calendar year any fine moneys under division (H) 1387
(3) of this section shall file an annual report covering that 1388
calendar year with the court of common pleas and the board of 1389
county commissioners of the county in which the services 1390
provider is located, with the court of common pleas and the 1391
board of county commissioners of each county from which the 1392
services provider received the moneys if that county is 1393
different from the county in which the services provider is 1394
located, and with the attorney general. The community addiction 1395
services provider shall file the report no later than the first 1396
day of March in the calendar year following the calendar year in 1397
which the services provider received the fine moneys. The report 1398
shall include statistics on the number of persons served by the 1399
community addiction services provider, identify the types of 1400
alcohol and drug addiction services provided to those persons, 1401
and include a specific accounting of the purposes for which the 1402

fine moneys received were used. No information contained in the 1403
report shall identify, or enable a person to determine the 1404
identity of, any person served by the community addiction 1405
services provider. Each report received by a court of common 1406
pleas, a board of county commissioners, or the attorney general 1407
is a public record open for inspection under section 149.43 of 1408
the Revised Code. 1409

(5) As used in divisions (H) (1) to (5) of this section: 1410

(a) "Community addiction services provider" and "alcohol 1411
and drug addiction services" have the same meanings as in 1412
section 5119.01 of the Revised Code. 1413

(b) "Eligible community addiction services provider" means 1414
a community addiction services provider, including a community 1415
addiction services provider that operates an opioid treatment 1416
program licensed under section 5119.37 of the Revised Code. 1417

(I) As used in this section, "drug" includes any substance 1418
that is represented to be a drug. 1419

(J) It is an affirmative defense to a charge of 1420
trafficking in a controlled substance analog under division (C) 1421
(8) of this section that the person charged with violating that 1422
offense sold or offered to sell, or prepared for shipment, 1423
shipped, transported, delivered, prepared for distribution, or 1424
distributed an item described in division (HH) (2) (a), (b), or 1425
(c) of section 3719.01 of the Revised Code. 1426

Sec. 3701.99. (A) Whoever violates division (C) of section 1427
3701.23, division (C) of section 3701.232, division (C) of 1428
section 3701.24, division (D) (2) of section 3701.262, or 1429
sections 3701.46 to 3701.55 of the Revised Code is guilty of a 1430
minor misdemeanor on a first offense; on each subsequent 1431

offense, the person is guilty of a misdemeanor of the fourth degree. 1432
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(B) Whoever violates section 3701.82 of the Revised Code is guilty of a misdemeanor of the first degree. 1434
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(C) ~~Whoever~~ Subject to division (D) of this section, ~~whoever~~ violates section 3701.352 or 3701.81 of the Revised Code is guilty of a misdemeanor of the second degree. 1436
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(D) Whoever violates any rule adopted or order issued by the director of health or department of health as described in section 3701.352 of the Revised Code that relates to a pandemic shall receive a warning on a first offense and on each subsequent offense shall be fined in an amount not to exceed the maximum amount specified in section 2929.28 of the Revised Code for a minor misdemeanor. 1439
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Sec. 3707.99. (A) Whoever violates section 3707.03 of the Revised Code, unless good and sufficient reason therefor is shown, is guilty of a minor misdemeanor. 1446
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(B) ~~Whoever~~ Subject to division (C) of this section, ~~whoever~~ violates division (B) of section 3707.06 or section 3707.48 of the Revised Code is guilty of a minor misdemeanor on a first offense; on each subsequent offense, the person is guilty of a misdemeanor of the fourth degree. 1449
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(C) In the event the board of health of a city or general health district adopts a rule or issues an order under Chapter 3707. of the Revised Code that relates to a pandemic, whoever violates the rule or order shall receive a warning on a first offense and on each subsequent offense shall be fined in an amount not to exceed one hundred dollars. 1454
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Sec. 3709.99. (A) ~~Whoever~~ Except as provided in division 1460

(C) of this section, whoever violates section 3709.20, 3709.21, 1461
or 3709.22 of the Revised Code or any order or regulation of the 1462
board of health of a city or general health district adopted in 1463
pursuance of those sections, or whoever interferes with the 1464
execution of an order or regulation of that nature by a member 1465
of the board or person authorized by the board, shall be fined 1466
not more than one hundred dollars or imprisoned not more than 1467
ninety days, or both. No person shall be imprisoned for the 1468
first offense, and the prosecution shall always be for a first 1469
offense unless the affidavit upon which the prosecution is 1470
instituted contains the allegation that the offense is a 1471
subsequent offense. 1472

(B) Except in case of an emergency endangering the public 1473
health caused by an epidemic, an infectious or a communicable 1474
disease, or a disaster emergency condition or event, no 1475
prosecution for a violation of any regulation or order adopted 1476
pursuant to section 3709.20, 3709.21, or 3709.22 of the Revised 1477
Code shall take place until twenty days after the board of 1478
health of a city or general health district has notified the 1479
person subject to the regulation or order of the specific 1480
violation alleged. Any person notified by the board of a 1481
violation of any regulation or order of that nature may file an 1482
action for declaratory judgment pursuant to Chapter 2721. of the 1483
Revised Code to have determined whether the regulation or order 1484
is unreasonable or unlawful. No prosecution of that nature shall 1485
be commenced when, within the twenty-day period described in 1486
this division, the violation has been corrected. No prosecution 1487
of that nature shall be commenced until a declaratory judgment 1488
of that nature has been given. 1489

(C) In the event the board of health of a city or general 1490
health district adopts a rule or issues an order under section 1491

3709.20, 3709.21, or 3709.22 of the Revised Code that relates to 1492
a pandemic, whoever violates the rule or order shall receive a 1493
warning for a first offense and for each subsequent offense 1494
shall be fined in an amount not to exceed one hundred dollars. 1495

Section 2. That existing sections 2925.01, 2925.03, 1496
3701.99, 3707.99, and 3709.99 of the Revised Code are hereby 1497
repealed. 1498

Section 3. The General Assembly, applying the principle 1499
stated in division (B) of section 1.52 of the Revised Code that 1500
amendments are to be harmonized if reasonably capable of 1501
simultaneous operation, finds that the following sections, 1502
presented in this act as composites of the sections as amended 1503
by the acts indicated, are the resulting versions of the 1504
sections in effect prior to the effective date of the sections 1505
as presented in this act: 1506

Section 2925.01 of the Revised Code as amended by both Am. 1507
Sub. H.B. 49 and Am. Sub. S.B. 1 of the 132nd General Assembly. 1508

Section 2925.03 of the Revised Code as amended by both Am. 1509
Sub. H.B. 111 and Am. Sub. S.B. 1 of the 132nd General Assembly. 1510

Section 4. Sections 2925.01 and 2925.03 of the Revised 1511
Code, as amended by this act, shall be known as the "Relapse 1512
Reduction Act." 1513