

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 714**

**Representatives Young, T., John**

**Cosponsor: Representative Addison**



**A BILL**

To amend sections 2305.234, 2925.01, 2925.02, 1  
2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2  
2925.36, 2925.55, 2925.56, 2929.42, 3701.048, 3  
3701.74, 3715.872, 3719.06, 3719.121, 3719.13, 4  
3719.81, 4729.01, 4729.51, 4731.22, 4731.251, 5  
4743.09, 4755.48, 4761.01, 4761.03, 4761.032, 6  
4761.06, 4761.061, 4761.07, 4761.09, 4761.13, 7  
4761.14, 4761.17, 4761.30, 4761.99, 4765.51, 8  
4769.01, 5123.47, 5164.95, and 5903.12; to 9  
amend, for the purpose of adopting a new section 10  
number as indicated in parentheses, section 11  
4761.30 (4761.25); and to enact new section 12  
4761.30 and sections 4761.033, 4761.20, 4761.21, 13  
4761.301, 4761.31, 4761.32, 4761.33, 4761.34, 14  
4761.35, 4761.36, 4761.37, 4761.38, 4761.381, 15  
4761.39, 4761.40, 4761.41, 4761.43, 4761.44, 16  
4761.45, and 4761.48 of the Revised Code to 17  
license advanced practice respiratory therapists 18  
and to amend the version of section 4761.01 of 19  
the Revised Code that is scheduled to take 20  
effect September 30, 2024, to continue the 21  
change on and after that date. 22

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

**Section 1.** That sections 2305.234, 2925.01, 2925.02, 23  
2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2925.36, 2925.55, 24  
2925.56, 2929.42, 3701.048, 3701.74, 3715.872, 3719.06, 25  
3719.121, 3719.13, 3719.81, 4729.01, 4729.51, 4731.22, 4731.251, 26  
4743.09, 4755.48, 4761.01, 4761.03, 4761.032, 4761.06, 4761.061, 27  
4761.07, 4761.09, 4761.13, 4761.14, 4761.17, 4761.30, 4761.99, 28  
4765.51, 4769.01, 5123.47, 5164.95, and 5903.12 be amended; 29  
section 4761.30 (4761.25) be amended for the purpose of adopting 30  
a new section number as indicated in parentheses; and new 31  
section 4761.30 and sections 4761.033, 4761.20, 4761.21, 32  
4761.301, 4761.31, 4761.32, 4761.33, 4761.34, 4761.35, 4761.36, 33  
4761.37, 4761.38, 4761.381, 4761.39, 4761.40, 4761.41, 4761.43, 34  
4761.44, 4761.45, and 4761.48 of the Revised Code be enacted to 35  
read as follows: 36

**Sec. 2305.234.** (A) As used in this section: 37

(1) "Chiropractic claim," "medical claim," and "optometric 38  
claim" have the same meanings as in section 2305.113 of the 39  
Revised Code. 40

(2) "Dental claim" has the same meaning as in section 41  
2305.113 of the Revised Code, except that it does not include 42  
any claim arising out of a dental operation or any derivative 43  
claim for relief that arises out of a dental operation. 44

(3) "Governmental health care program" has the same 45  
meaning as in section 4731.65 of the Revised Code. 46

(4) "Health care facility or location" means a hospital, 47  
clinic, ambulatory surgical facility, office of a health care 48

professional or associated group of health care professionals, 49  
training institution for health care professionals, a free 50  
clinic or other nonprofit shelter or health care facility as 51  
those terms are defined in section 3701.071 of the Revised Code, 52  
or any other place where medical, dental, or other health- 53  
related diagnosis, care, or treatment is provided to a person. 54

(5) "Health care professional" means any of the following 55  
who provide medical, dental, or other health-related diagnosis, 56  
care, or treatment: 57

(a) Physicians authorized under Chapter 4731. of the 58  
Revised Code to practice medicine and surgery or osteopathic 59  
medicine and surgery; 60

(b) Advanced practice registered nurses, registered 61  
nurses, and licensed practical nurses licensed under Chapter 62  
4723. of the Revised Code; 63

(c) Physician assistants authorized to practice under 64  
Chapter 4730. of the Revised Code; 65

(d) Dentists and dental hygienists licensed under Chapter 66  
4715. of the Revised Code; 67

(e) Physical therapists, physical therapist assistants, 68  
occupational therapists, occupational therapy assistants, and 69  
athletic trainers licensed under Chapter 4755. of the Revised 70  
Code; 71

(f) Chiropractors licensed under Chapter 4734. of the 72  
Revised Code; 73

(g) Optometrists licensed under Chapter 4725. of the 74  
Revised Code; 75

(h) Podiatrists authorized under Chapter 4731. of the 76

Revised Code to practice podiatry;	77
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	78 79
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	80 81
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code;	82 83 84
(l) Respiratory care professionals <u>and advanced practice respiratory therapists</u> licensed under Chapter 4761. of the Revised Code;	85 86 87
(m) Speech-language pathologists and audiologists licensed under Chapter 4753. of the Revised Code;	88 89
(n) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, and marriage and family therapists, licensed under Chapter 4757. of the Revised Code;	90 91 92 93 94
(o) Psychologists licensed under Chapter 4732. of the Revised Code;	95 96
(p) Independent chemical dependency counselors-clinical supervisors, independent chemical dependency counselors, chemical dependency counselors III, and chemical dependency counselors II, licensed under Chapter 4758. of the Revised Code, and chemical dependency counselor assistants, prevention consultants, prevention specialists, prevention specialist assistants, and registered applicants, certified under that chapter.	97 98 99 100 101 102 103 104

(6) "Health care worker" means a person other than a health care professional who provides medical, dental, or other health-related care or treatment under the direction of a health care professional with the authority to direct that individual's activities, including medical technicians, medical assistants, dental assistants, orderlies, aides, and individuals acting in similar capacities.

(7) "Indigent and uninsured person" means a person who meets both of the following requirements:

(a) Relative to being indigent, the person's income is not greater than two hundred per cent of the federal poverty line, as defined by the United States office of management and budget and revised in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, except in any case in which division (A) (7) (b) (iii) of this section includes a person whose income is greater than two hundred per cent of the federal poverty line.

(b) Relative to being uninsured, one of the following applies:

(i) The person is not a policyholder, certificate holder, insured, contract holder, subscriber, enrollee, member, beneficiary, or other covered individual under a health insurance or health care policy, contract, or plan.

(ii) The person is a policyholder, certificate holder, insured, contract holder, subscriber, enrollee, member, beneficiary, or other covered individual under a health insurance or health care policy, contract, or plan, but the insurer, policy, contract, or plan denies coverage or is the subject of insolvency or bankruptcy proceedings in any

jurisdiction.	134
(iii) Until June 30, 2019, the person is eligible for the medicaid program or is a medicaid recipient.	135 136
(iv) Except as provided in division (A)(7)(b)(iii) of this section, the person is not eligible for or a recipient, enrollee, or beneficiary of any governmental health care program.	137 138 139 140
(8) "Nonprofit health care referral organization" means an entity that is not operated for profit and refers patients to, or arranges for the provision of, health-related diagnosis, care, or treatment by a health care professional or health care worker.	141 142 143 144 145
(9) "Operation" means any procedure that involves cutting or otherwise infiltrating human tissue by mechanical means, including surgery, laser surgery, ionizing radiation, therapeutic ultrasound, or the removal of intraocular foreign bodies. "Operation" does not include the administration of medication by injection, unless the injection is administered in conjunction with a procedure infiltrating human tissue by mechanical means other than the administration of medicine by injection. "Operation" does not include routine dental restorative procedures, the scaling of teeth, or extractions of teeth that are not impacted.	146 147 148 149 150 151 152 153 154 155 156
(10) "Tort action" means a civil action for damages for injury, death, or loss to person or property other than a civil action for damages for a breach of contract or another agreement between persons or government entities.	157 158 159 160
(11) "Volunteer" means an individual who provides any medical, dental, or other health-care related diagnosis, care,	161 162

or treatment without the expectation of receiving and without 163  
receipt of any compensation or other form of remuneration from 164  
an indigent and uninsured person, another person on behalf of an 165  
indigent and uninsured person, any health care facility or 166  
location, any nonprofit health care referral organization, or 167  
any other person or government entity. 168

(12) "Community control sanction" has the same meaning as 169  
in section 2929.01 of the Revised Code. 170

(13) "Deep sedation" means a drug-induced depression of 171  
consciousness during which a patient cannot be easily aroused 172  
but responds purposefully following repeated or painful 173  
stimulation, a patient's ability to independently maintain 174  
ventilatory function may be impaired, a patient may require 175  
assistance in maintaining a patent airway and spontaneous 176  
ventilation may be inadequate, and cardiovascular function is 177  
usually maintained. 178

(14) "General anesthesia" means a drug-induced loss of 179  
consciousness during which a patient is not arousable, even by 180  
painful stimulation, the ability to independently maintain 181  
ventilatory function is often impaired, a patient often requires 182  
assistance in maintaining a patent airway, positive pressure 183  
ventilation may be required because of depressed spontaneous 184  
ventilation or drug-induced depression of neuromuscular 185  
function, and cardiovascular function may be impaired. 186

(B) (1) Subject to divisions (F) and (G) (3) of this 187  
section, a health care professional who is a volunteer and 188  
complies with division (B) (2) of this section is not liable in 189  
damages to any person or government entity in a tort or other 190  
civil action, including an action on a medical, dental, 191  
chiropractic, optometric, or other health-related claim, for 192

injury, death, or loss to person or property that allegedly 193  
arises from an action or omission of the volunteer in the 194  
provision to an indigent and uninsured person of medical, 195  
dental, or other health-related diagnosis, care, or treatment, 196  
including the provision of samples of medicine and other medical 197  
products, unless the action or omission constitutes willful or 198  
wanton misconduct. 199

(2) To qualify for the immunity described in division (B) 200  
(1) of this section, a health care professional shall do all of 201  
the following prior to providing diagnosis, care, or treatment: 202

(a) Determine, in good faith, that the indigent and 203  
uninsured person is mentally capable of giving informed consent 204  
to the provision of the diagnosis, care, or treatment and is not 205  
subject to duress or under undue influence; 206

(b) Inform the person of the provisions of this section, 207  
including notifying the person that, by giving informed consent 208  
to the provision of the diagnosis, care, or treatment, the 209  
person cannot hold the health care professional liable for 210  
damages in a tort or other civil action, including an action on 211  
a medical, dental, chiropractic, optometric, or other health- 212  
related claim, unless the action or omission of the health care 213  
professional constitutes willful or wanton misconduct; 214

(c) Obtain the informed consent of the person and a 215  
written waiver, signed by the person or by another individual on 216  
behalf of and in the presence of the person, that states that 217  
the person is mentally competent to give informed consent and, 218  
without being subject to duress or under undue influence, gives 219  
informed consent to the provision of the diagnosis, care, or 220  
treatment subject to the provisions of this section. A written 221  
waiver under division (B) (2) (c) of this section shall state 222



clearly and in conspicuous type that the person or other 223  
individual who signs the waiver is signing it with full 224  
knowledge that, by giving informed consent to the provision of 225  
the diagnosis, care, or treatment, the person cannot bring a 226  
tort or other civil action, including an action on a medical, 227  
dental, chiropractic, optometric, or other health-related claim, 228  
against the health care professional unless the action or 229  
omission of the health care professional constitutes willful or 230  
wanton misconduct. 231

(3) A physician or podiatrist who is not covered by 232  
medical malpractice insurance, but complies with division (B) (2) 233  
of this section, is not required to comply with division (A) of 234  
section 4731.143 of the Revised Code. 235

(C) Subject to divisions (F) and (G) (3) of this section, 236  
health care workers who are volunteers are not liable in damages 237  
to any person or government entity in a tort or other civil 238  
action, including an action upon a medical, dental, 239  
chiropractic, optometric, or other health-related claim, for 240  
injury, death, or loss to person or property that allegedly 241  
arises from an action or omission of the health care worker in 242  
the provision to an indigent and uninsured person of medical, 243  
dental, or other health-related diagnosis, care, or treatment, 244  
unless the action or omission constitutes willful or wanton 245  
misconduct. 246

(D) Subject to divisions (F) and (G) (3) of this section, a 247  
nonprofit health care referral organization is not liable in 248  
damages to any person or government entity in a tort or other 249  
civil action, including an action on a medical, dental, 250  
chiropractic, optometric, or other health-related claim, for 251  
injury, death, or loss to person or property that allegedly 252

arises from an action or omission of the nonprofit health care 253  
referral organization in referring indigent and uninsured 254  
persons to, or arranging for the provision of, medical, dental, 255  
or other health-related diagnosis, care, or treatment by a 256  
health care professional described in division (B) (1) of this 257  
section or a health care worker described in division (C) of 258  
this section, unless the action or omission constitutes willful 259  
or wanton misconduct. 260

(E) Subject to divisions (F) and (G) (3) of this section 261  
and to the extent that the registration requirements of section 262  
3701.071 of the Revised Code apply, a health care facility or 263  
location associated with a health care professional described in 264  
division (B) (1) of this section, a health care worker described 265  
in division (C) of this section, or a nonprofit health care 266  
referral organization described in division (D) of this section 267  
is not liable in damages to any person or government entity in a 268  
tort or other civil action, including an action on a medical, 269  
dental, chiropractic, optometric, or other health-related claim, 270  
for injury, death, or loss to person or property that allegedly 271  
arises from an action or omission of the health care 272  
professional or worker or nonprofit health care referral 273  
organization relative to the medical, dental, or other health- 274  
related diagnosis, care, or treatment provided to an indigent 275  
and uninsured person on behalf of or at the health care facility 276  
or location, unless the action or omission constitutes willful 277  
or wanton misconduct. 278

(F) (1) Except as provided in division (F) (2) of this 279  
section, the immunities provided by divisions (B), (C), (D), and 280  
(E) of this section are not available to a health care 281  
professional, health care worker, nonprofit health care referral 282  
organization, or health care facility or location if, at the 283

time of an alleged injury, death, or loss to person or property,	284
the health care professionals or health care workers involved	285
are providing one of the following:	286
(a) Any medical, dental, or other health-related	287
diagnosis, care, or treatment pursuant to a community service	288
work order entered by a court under division (B) of section	289
2951.02 of the Revised Code or imposed by a court as a community	290
control sanction;	291
(b) Performance of an operation to which any one of the	292
following applies:	293
(i) The operation requires the administration of deep	294
sedation or general anesthesia.	295
(ii) The operation is a procedure that is not typically	296
performed in an office.	297
(iii) The individual involved is a health care	298
professional, and the operation is beyond the scope of practice	299
or the education, training, and competence, as applicable, of	300
the health care professional.	301
(c) Delivery of a baby or any other purposeful termination	302
of a human pregnancy.	303
(2) Division (F) (1) of this section does not apply when a	304
health care professional or health care worker provides medical,	305
dental, or other health-related diagnosis, care, or treatment	306
that is necessary to preserve the life of a person in a medical	307
emergency.	308
(G) (1) This section does not create a new cause of action	309
or substantive legal right against a health care professional,	310
health care worker, nonprofit health care referral organization,	311

or health care facility or location. 312

(2) This section does not affect any immunities from civil 313  
liability or defenses established by another section of the 314  
Revised Code or available at common law to which a health care 315  
professional, health care worker, nonprofit health care referral 316  
organization, or health care facility or location may be 317  
entitled in connection with the provision of emergency or other 318  
medical, dental, or other health-related diagnosis, care, or 319  
treatment. 320

(3) This section does not grant an immunity from tort or 321  
other civil liability to a health care professional, health care 322  
worker, nonprofit health care referral organization, or health 323  
care facility or location for actions that are outside the scope 324  
of authority of health care professionals or health care 325  
workers. 326

In the case of the diagnosis, care, or treatment of an 327  
indigent and uninsured person who is eligible for the medicaid 328  
program or is a medicaid recipient, this section grants an 329  
immunity from tort or other civil liability only if the person's 330  
diagnosis, care, or treatment is provided in a free clinic, as 331  
defined in section 3701.071 of the Revised Code. 332

(4) This section does not affect any legal responsibility 333  
of a health care professional, health care worker, or nonprofit 334  
health care referral organization to comply with any applicable 335  
law of this state or rule of an agency of this state. 336

(5) This section does not affect any legal responsibility 337  
of a health care facility or location to comply with any 338  
applicable law of this state, rule of an agency of this state, 339  
or local code, ordinance, or regulation that pertains to or 340

regulates building, housing, air pollution, water pollution, 341  
sanitation, health, fire, zoning, or safety. 342

**Sec. 2925.01.** As used in this chapter: 343

(A) "Administer," "controlled substance," "controlled 344  
substance analog," "dispense," "distribute," "hypodermic," 345  
"manufacturer," "official written order," "person," 346  
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 347  
"schedule III," "schedule IV," "schedule V," and "wholesaler" 348  
have the same meanings as in section 3719.01 of the Revised 349  
Code. 350

(B) "Drug dependent person" and "drug of abuse" have the 351  
same meanings as in section 3719.011 of the Revised Code. 352

(C) "Drug," "dangerous drug," "licensed health 353  
professional authorized to prescribe drugs," and "prescription" 354  
have the same meanings as in section 4729.01 of the Revised 355  
Code. 356

(D) "Bulk amount" of a controlled substance means any of 357  
the following: 358

(1) For any compound, mixture, preparation, or substance 359  
included in schedule I, schedule II, or schedule III, with the 360  
exception of any controlled substance analog, marihuana, 361  
cocaine, L.S.D., heroin, any fentanyl-related compound, and 362  
hashish and except as provided in division (D) (2), (5), or (6) 363  
of this section, whichever of the following is applicable: 364

(a) An amount equal to or exceeding ten grams or twenty- 365  
five unit doses of a compound, mixture, preparation, or 366  
substance that is or contains any amount of a schedule I opiate 367  
or opium derivative; 368

(b) An amount equal to or exceeding ten grams of a	369
compound, mixture, preparation, or substance that is or contains	370
any amount of raw or gum opium;	371
(c) An amount equal to or exceeding thirty grams or ten	372
unit doses of a compound, mixture, preparation, or substance	373
that is or contains any amount of a schedule I hallucinogen	374
other than tetrahydrocannabinol or lysergic acid amide, or a	375
schedule I stimulant or depressant;	376
(d) An amount equal to or exceeding twenty grams or five	377
times the maximum daily dose in the usual dose range specified	378
in a standard pharmaceutical reference manual of a compound,	379
mixture, preparation, or substance that is or contains any	380
amount of a schedule II opiate or opium derivative;	381
(e) An amount equal to or exceeding five grams or ten unit	382
doses of a compound, mixture, preparation, or substance that is	383
or contains any amount of phencyclidine;	384
(f) An amount equal to or exceeding one hundred twenty	385
grams or thirty times the maximum daily dose in the usual dose	386
range specified in a standard pharmaceutical reference manual of	387
a compound, mixture, preparation, or substance that is or	388
contains any amount of a schedule II stimulant that is in a	389
final dosage form manufactured by a person authorized by the	390
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21	391
U.S.C.A. 301, as amended, and the federal drug abuse control	392
laws, as defined in section 3719.01 of the Revised Code, that is	393
or contains any amount of a schedule II depressant substance or	394
a schedule II hallucinogenic substance;	395
(g) An amount equal to or exceeding three grams of a	396
compound, mixture, preparation, or substance that is or contains	397

any amount of a schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act and the federal drug abuse control laws.

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

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

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

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

(6) For any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any other compound, mixture, preparation, or substance included in schedule III, schedule IV, or schedule V, if the defendant is charged with a violation of section 2925.11 of the Revised Code

and the sentencing provisions set forth in divisions (C) (10) (b) 427  
and (C) (11) of that section will not apply regarding the 428  
defendant and the violation, the bulk amount of the controlled 429  
substance for purposes of the violation is the amount specified 430  
in division (D) (1), (2), (3), (4), or (5) of this section for 431  
the other schedule III, IV, or V controlled substance that is 432  
combined with the fentanyl-related compound. 433

(E) "Unit dose" means an amount or unit of a compound, 434  
mixture, or preparation containing a controlled substance that 435  
is separately identifiable and in a form that indicates that it 436  
is the amount or unit by which the controlled substance is 437  
separately administered to or taken by an individual. 438

(F) "Cultivate" includes planting, watering, fertilizing, 439  
or tilling. 440

(G) "Drug abuse offense" means any of the following: 441

(1) A violation of division (A) of section 2913.02 that 442  
constitutes theft of drugs, or a violation of section 2925.02, 443  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 444  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 445  
or 2925.37 of the Revised Code; 446

(2) A violation of an existing or former law of this or 447  
any other state or of the United States that is substantially 448  
equivalent to any section listed in division (G) (1) of this 449  
section; 450

(3) An offense under an existing or former law of this or 451  
any other state, or of the United States, of which planting, 452  
cultivating, harvesting, processing, making, manufacturing, 453  
producing, shipping, transporting, delivering, acquiring, 454  
possessing, storing, distributing, dispensing, selling, inducing 455



another to use, administering to another, using, or otherwise	456
dealing with a controlled substance is an element;	457
(4) A conspiracy to commit, attempt to commit, or	458
complicity in committing or attempting to commit any offense	459
under division (G) (1), (2), or (3) of this section.	460
(H) "Felony drug abuse offense" means any drug abuse	461
offense that would constitute a felony under the laws of this	462
state, any other state, or the United States.	463
(I) "Harmful intoxicant" does not include beer or	464
intoxicating liquor but means any of the following:	465
(1) Any compound, mixture, preparation, or substance the	466
gas, fumes, or vapor of which when inhaled can induce	467
intoxication, excitement, giddiness, irrational behavior,	468
depression, stupefaction, paralysis, unconsciousness,	469
asphyxiation, or other harmful physiological effects, and	470
includes, but is not limited to, any of the following:	471
(a) Any volatile organic solvent, plastic cement, model	472
cement, fingernail polish remover, lacquer thinner, cleaning	473
fluid, gasoline, or other preparation containing a volatile	474
organic solvent;	475
(b) Any aerosol propellant;	476
(c) Any fluorocarbon refrigerant;	477
(d) Any anesthetic gas.	478
(2) Gamma Butyrolactone;	479
(3) 1,4 Butanediol.	480
(J) "Manufacture" means to plant, cultivate, harvest,	481
process, make, prepare, or otherwise engage in any part of the	482

production of a drug, by propagation, extraction, chemical 483  
synthesis, or compounding, or any combination of the same, and 484  
includes packaging, repackaging, labeling, and other activities 485  
incident to production. 486

(K) "Possess" or "possession" means having control over a 487  
thing or substance, but may not be inferred solely from mere 488  
access to the thing or substance through ownership or occupation 489  
of the premises upon which the thing or substance is found. 490

(L) "Sample drug" means a drug or pharmaceutical 491  
preparation that would be hazardous to health or safety if used 492  
without the supervision of a licensed health professional 493  
authorized to prescribe drugs, or a drug of abuse, and that, at 494  
one time, had been placed in a container plainly marked as a 495  
sample by a manufacturer. 496

(M) "Standard pharmaceutical reference manual" means the 497  
current edition, with cumulative changes if any, of references 498  
that are approved by the state board of pharmacy. 499

(N) "Juvenile" means a person under eighteen years of age. 500

(O) "Counterfeit controlled substance" means any of the 501  
following: 502

(1) Any drug that bears, or whose container or label 503  
bears, a trademark, trade name, or other identifying mark used 504  
without authorization of the owner of rights to that trademark, 505  
trade name, or identifying mark; 506

(2) Any unmarked or unlabeled substance that is 507  
represented to be a controlled substance manufactured, 508  
processed, packed, or distributed by a person other than the 509  
person that manufactured, processed, packed, or distributed it; 510

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;

(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.

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

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

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

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

(2) Any other parcel of real property that is owned or

leased by a board of education of a school, the governing 540  
authority of a community school established under Chapter 3314. 541  
of the Revised Code, or the governing body of a nonpublic school 542  
for which the state board of education prescribes minimum 543  
standards under section 3301.07 of the Revised Code and on which 544  
some of the instruction, extracurricular activities, or training 545  
of the school is conducted, whether or not any instruction, 546  
extracurricular activities, or training provided by the school 547  
is being conducted on the parcel of real property at the time a 548  
criminal offense is committed. 549

(S) "School building" means any building in which any of 550  
the instruction, extracurricular activities, or training 551  
provided by a school is conducted, whether or not any 552  
instruction, extracurricular activities, or training provided by 553  
the school is being conducted in the school building at the time 554  
a criminal offense is committed. 555

(T) "Disciplinary counsel" means the disciplinary counsel 556  
appointed by the board of commissioners on grievances and 557  
discipline of the supreme court under the Rules for the 558  
Government of the Bar of Ohio. 559

(U) "Certified grievance committee" means a duly 560  
constituted and organized committee of the Ohio state bar 561  
association or of one or more local bar associations of the 562  
state of Ohio that complies with the criteria set forth in Rule 563  
V, section 6 of the Rules for the Government of the Bar of Ohio. 564

(V) "Professional license" means any license, permit, 565  
certificate, registration, qualification, admission, temporary 566  
license, temporary permit, temporary certificate, or temporary 567  
registration that is described in divisions (W) (1) to (37) of 568  
this section and that qualifies a person as a professionally 569

licensed person.	570
(W) "Professionally licensed person" means any of the following:	571
	572
(1) 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;	573
	574
	575
	576
	577
(2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;	578
	579
	580
(3) 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;	581
	582
	583
(4) A person licensed under Chapter 4707. of the Revised Code;	584
	585
(5) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	586
	587
	588
(6) 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;	589
	590
	591
(7) 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	592
	593
	594
	595
	596
	597

instructor's license, hair design instructor's license, 598  
manicurist instructor's license, esthetics instructor's license, 599  
natural hair style instructor's license, independent 600  
contractor's license, or tanning facility permit under Chapter 601  
4713. of the Revised Code; 602

(8) A person who has been issued a license to practice 603  
dentistry, a general anesthesia permit, a conscious sedation 604  
permit, a limited resident's license, a limited teaching 605  
license, a dental hygienist's license, or a dental hygienist's 606  
teacher's certificate under Chapter 4715. of the Revised Code; 607

(9) A person who has been issued an embalmer's license, a 608  
funeral director's license, a funeral home license, or a 609  
crematory license, or who has been registered for an embalmer's 610  
or funeral director's apprenticeship under Chapter 4717. of the 611  
Revised Code; 612

(10) A person who has been licensed as a registered nurse 613  
or practical nurse, or who has been issued a certificate for the 614  
practice of nurse-midwifery under Chapter 4723. of the Revised 615  
Code; 616

(11) A person who has been licensed to practice optometry 617  
or to engage in optical dispensing under Chapter 4725. of the 618  
Revised Code; 619

(12) A person licensed to act as a pawnbroker under 620  
Chapter 4727. of the Revised Code; 621

(13) A person licensed to act as a precious metals dealer 622  
under Chapter 4728. of the Revised Code; 623

(14) A person licensed under Chapter 4729. of the Revised 624  
Code as a pharmacist or pharmacy intern or registered under that 625  
chapter as a registered pharmacy technician, certified pharmacy 626

technician, or pharmacy technician trainee;	627
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;	628 629 630 631 632
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	633 634
(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;	635 636 637 638 639
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	640 641
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	642 643 644
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	645 646
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	647 648
(22) A person registered as a registered environmental health specialist under Chapter 4736. of the Revised Code;	649 650
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	651 652
(24) A person who has been issued a motor vehicle salvage	653

dealer's license under Chapter 4738. of the Revised Code;	654
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	655 656
(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;	657 658 659 660
(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;	661 662 663
(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;	664 665 666
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	667 668
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	669 670 671
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	672 673 674
(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;	675 676 677 678 679 680
(33) A person issued a license to practice dietetics under	681



Chapter 4759. of the Revised Code;	682
(34) A person who has been issued a license or limited	683
permit to practice respiratory therapy <u>or a license to practice</u>	684
<u>as an advanced practice respiratory therapist</u> under Chapter	685
4761. of the Revised Code;	686
(35) A person who has been issued a real estate appraiser	687
certificate under Chapter 4763. of the Revised Code;	688
(36) A person who has been issued a home inspector license	689
under Chapter 4764. of the Revised Code;	690
(37) A person who has been admitted to the bar by order of	691
the supreme court in compliance with its prescribed and	692
published rules.	693
(X) "Cocaine" means any of the following:	694
(1) A cocaine salt, isomer, or derivative, a salt of a	695
cocaine isomer or derivative, or the base form of cocaine;	696
(2) Coca leaves or a salt, compound, derivative, or	697
preparation of coca leaves, including ecgonine, a salt, isomer,	698
or derivative of ecgonine, or a salt of an isomer or derivative	699
of ecgonine;	700
(3) A salt, compound, derivative, or preparation of a	701
substance identified in division (X)(1) or (2) of this section	702
that is chemically equivalent to or identical with any of those	703
substances, except that the substances shall not include	704
decocainized coca leaves or extraction of coca leaves if the	705
extractions do not contain cocaine or ecgonine.	706
(Y) "L.S.D." means lysergic acid diethylamide.	707
(Z) "Hashish" means a resin or a preparation of a resin to	708

which both of the following apply: 709

(1) It is contained in or derived from any part of the 710  
plant of the genus cannabis, whether in solid form or in a 711  
liquid concentrate, liquid extract, or liquid distillate form. 712

(2) It has a delta-9 tetrahydrocannabinol concentration of 713  
more than three-tenths per cent. 714

"Hashish" does not include a hemp byproduct in the 715  
possession of a licensed hemp processor under Chapter 928. of 716  
the Revised Code, provided that the hemp byproduct is being 717  
produced, stored, and disposed of in accordance with rules 718  
adopted under section 928.03 of the Revised Code. 719

(AA) "Marihuana" has the same meaning as in section 720  
3719.01 of the Revised Code, except that it does not include 721  
hashish. 722

(BB) An offense is "committed in the vicinity of a 723  
juvenile" if the offender commits the offense within one hundred 724  
feet of a juvenile or within the view of a juvenile, regardless 725  
of whether the offender knows the age of the juvenile, whether 726  
the offender knows the offense is being committed within one 727  
hundred feet of or within view of the juvenile, or whether the 728  
juvenile actually views the commission of the offense. 729

(CC) "Presumption for a prison term" or "presumption that 730  
a prison term shall be imposed" means a presumption, as 731  
described in division (D) of section 2929.13 of the Revised 732  
Code, that a prison term is a necessary sanction for a felony in 733  
order to comply with the purposes and principles of sentencing 734  
under section 2929.11 of the Revised Code. 735

(DD) "Major drug offender" has the same meaning as in 736  
section 2929.01 of the Revised Code. 737

(EE) "Minor drug possession offense" means either of the following:	738 739
(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;	740 741
(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree.	742 743 744
(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	745 746
(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	747 748
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	749 750 751
(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.	752 753 754 755 756
(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.	757 758
(KK) "Fentanyl-related compound" means any of the following:	759 760
(1) Fentanyl;	761
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	762 763 764

- (3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide); 765  
766
- (4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl)-N-phenylpropanamide); 767  
768
- (5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide); 769  
770  
771
- (6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide); 772  
773
- (7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide); 774  
775
- (8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide; 776  
777
- (9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide; 778  
779
- (10) Alfentanil; 780
- (11) Carfentanil; 781
- (12) Remifentanil; 782
- (13) Sufentanil; 783
- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and 784  
785
- (15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as 786  
787  
identified by a report from an established forensic laboratory, 788  
789  
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 790  
791  
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-

fluorofentanyl:	792
(a) A chemical scaffold consisting of both of the	793
following:	794
(i) A five, six, or seven member ring structure containing	795
a nitrogen, whether or not further substituted;	796
(ii) An attached nitrogen to the ring, whether or not that	797
nitrogen is enclosed in a ring structure, including an attached	798
aromatic ring or other lipophilic group to that nitrogen.	799
(b) A polar functional group attached to the chemical	800
scaffold, including but not limited to a hydroxyl, ketone,	801
amide, or ester;	802
(c) An alkyl or aryl substitution off the ring nitrogen of	803
the chemical scaffold; and	804
(d) The compound has not been approved for medical use by	805
the United States food and drug administration.	806
(LL) "First degree felony mandatory prison term" means one	807
of the definite prison terms prescribed in division (A) (1) (b) of	808
section 2929.14 of the Revised Code for a felony of the first	809
degree, except that if the violation for which sentence is being	810
imposed is committed on or after March 22, 2019, it means one of	811
the minimum prison terms prescribed in division (A) (1) (a) of	812
that section for a felony of the first degree.	813
(MM) "Second degree felony mandatory prison term" means	814
one of the definite prison terms prescribed in division (A) (2)	815
(b) of section 2929.14 of the Revised Code for a felony of the	816
second degree, except that if the violation for which sentence	817
is being imposed is committed on or after March 22, 2019, it	818
means one of the minimum prison terms prescribed in division (A)	819

(2) (a) of that section for a felony of the second degree. 820

(NN) "Maximum first degree felony mandatory prison term" 821  
means the maximum definite prison term prescribed in division 822  
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 823  
the first degree, except that if the violation for which 824  
sentence is being imposed is committed on or after March 22, 825  
2019, it means the longest minimum prison term prescribed in 826  
division (A) (1) (a) of that section for a felony of the first 827  
degree. 828

(OO) "Maximum second degree felony mandatory prison term" 829  
means the maximum definite prison term prescribed in division 830  
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 831  
the second degree, except that if the violation for which 832  
sentence is being imposed is committed on or after March 22, 833  
2019, it means the longest minimum prison term prescribed in 834  
division (A) (2) (a) of that section for a felony of the second 835  
degree. 836

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 837  
as in section 928.01 of the Revised Code. 838

(QQ) An offense is "committed in the vicinity of a 839  
substance addiction services provider or a recovering addict" if 840  
either of the following apply: 841

(1) The offender commits the offense on the premises of a 842  
substance addiction services provider's facility, including a 843  
facility licensed prior to June 29, 2019, under section 5119.391 844  
of the Revised Code to provide methadone treatment or an opioid 845  
treatment program licensed on or after that date under section 846  
5119.37 of the Revised Code, or within five hundred feet of the 847  
premises of a substance addiction services provider's facility 848

and the offender knows or should know that the offense is being 849  
committed within the vicinity of the substance addiction 850  
services provider's facility. 851

(2) The offender sells, offers to sell, delivers, or 852  
distributes the controlled substance or controlled substance 853  
analog to a person who is receiving treatment at the time of the 854  
commission of the offense, or received treatment within thirty 855  
days prior to the commission of the offense, from a substance 856  
addiction services provider and the offender knows that the 857  
person is receiving or received that treatment. 858

(RR) "Substance addiction services provider" means an 859  
agency, association, corporation or other legal entity, 860  
individual, or program that provides one or more of the 861  
following at a facility: 862

(1) Either alcohol addiction services, or drug addiction 863  
services, or both such services that are certified by the 864  
director of mental health and addiction services under section 865  
5119.36 of the Revised Code; 866

(2) Recovery supports that are related to either alcohol 867  
addiction services, or drug addiction services, or both such 868  
services and paid for with federal, state, or local funds 869  
administered by the department of mental health and addiction 870  
services or a board of alcohol, drug addiction, and mental 871  
health services. 872

(SS) "Premises of a substance addiction services 873  
provider's facility" means the parcel of real property on which 874  
any substance addiction service provider's facility is situated. 875

(TT) "Alcohol and drug addiction services" has the same 876  
meaning as in section 5119.01 of the Revised Code. 877

**Sec. 2925.02.** (A) No person shall knowingly do any of the 878  
following: 879

(1) By force, threat, or deception, administer to another 880  
or induce or cause another to use a controlled substance; 881

(2) By any means, administer or furnish to another or 882  
induce or cause another to use a controlled substance with 883  
purpose to cause serious physical harm to the other person, or 884  
with purpose to cause the other person to become drug dependent; 885

(3) By any means, administer or furnish to another or 886  
induce or cause another to use a controlled substance, and 887  
thereby cause serious physical harm to the other person, or 888  
cause the other person to become drug dependent; 889

(4) By any means, do any of the following: 890

(a) Furnish or administer a controlled substance to a 891  
juvenile who is at least two years the offender's junior, when 892  
the offender knows the age of the juvenile or is reckless in 893  
that regard; 894

(b) Induce or cause a juvenile who is at least two years 895  
the offender's junior to use a controlled substance, when the 896  
offender knows the age of the juvenile or is reckless in that 897  
regard; 898

(c) Induce or cause a juvenile who is at least two years 899  
the offender's junior to commit a felony drug abuse offense, 900  
when the offender knows the age of the juvenile or is reckless 901  
in that regard; 902

(d) Use a juvenile, whether or not the offender knows the 903  
age of the juvenile, to perform any surveillance activity that 904  
is intended to prevent the detection of the offender or any 905



other person in the commission of a felony drug abuse offense or 906  
to prevent the arrest of the offender or any other person for 907  
the commission of a felony drug abuse offense. 908

(5) By any means, furnish or administer a controlled 909  
substance to a pregnant woman or induce or cause a pregnant 910  
woman to use a controlled substance, when the offender knows 911  
that the woman is pregnant or is reckless in that regard. 912

(B) Division (A) (1), (3), (4), or (5) of this section does 913  
not apply to manufacturers, wholesalers, licensed health 914  
professionals authorized to prescribe drugs, pharmacists, owners 915  
of pharmacies, and other persons whose conduct is in accordance 916  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., ~~and~~ 917  
4741., and 4761. of the Revised Code. 918

(C) Whoever violates this section is guilty of corrupting 919  
another with drugs. The penalty for the offense shall be 920  
determined as follows: 921

(1) If the offense is a violation of division (A) (1), (2), 922  
(3), or (4) of this section and the drug involved is any 923  
compound, mixture, preparation, or substance included in 924  
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 925  
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 926  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 927  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 928  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 929  
offender shall be punished as follows: 930

(a) Except as otherwise provided in division (C) (1) (b) of 931  
this section, corrupting another with drugs committed in those 932  
circumstances is a felony of the second degree and, subject to 933  
division (E) of this section, the court shall impose as a 934

mandatory prison term a second degree felony mandatory prison 935  
term. 936

(b) If the offense was committed in the vicinity of a 937  
school, corrupting another with drugs committed in those 938  
circumstances is a felony of the first degree, and, subject to 939  
division (E) of this section, the court shall impose as a 940  
mandatory prison term a first degree felony mandatory prison 941  
term. 942

(2) If the offense is a violation of division (A) (1), (2), 943  
(3), or (4) of this section and the drug involved is any 944  
compound, mixture, preparation, or substance included in 945  
schedule III, IV, or V, the offender shall be punished as 946  
follows: 947

(a) Except as otherwise provided in division (C) (2) (b) of 948  
this section, corrupting another with drugs committed in those 949  
circumstances is a felony of the second degree and there is a 950  
presumption for a prison term for the offense. 951

(b) If the offense was committed in the vicinity of a 952  
school, corrupting another with drugs committed in those 953  
circumstances is a felony of the second degree and the court 954  
shall impose as a mandatory prison term a second degree felony 955  
mandatory prison term. 956

(3) If the offense is a violation of division (A) (1), (2), 957  
(3), or (4) of this section and the drug involved is marihuana, 958  
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 959  
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 960  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 961  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 962  
offender shall be punished as follows: 963

(a) Except as otherwise provided in division (C) (3) (b) of 964  
this section, corrupting another with drugs committed in those 965  
circumstances is a felony of the fourth degree and division (C) 966  
of section 2929.13 of the Revised Code applies in determining 967  
whether to impose a prison term on the offender. 968

(b) If the offense was committed in the vicinity of a 969  
school, corrupting another with drugs committed in those 970  
circumstances is a felony of the third degree and division (C) 971  
of section 2929.13 of the Revised Code applies in determining 972  
whether to impose a prison term on the offender. 973

(4) If the offense is a violation of division (A) (5) of 974  
this section and the drug involved is any compound, mixture, 975  
preparation, or substance included in schedule I or II, with the 976  
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 977  
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 978  
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 979  
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 980  
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 981  
felony of the first degree and, subject to division (E) of this 982  
section, the court shall impose as a mandatory prison term a 983  
first degree felony mandatory prison term. 984

(5) If the offense is a violation of division (A) (5) of 985  
this section and the drug involved is any compound, mixture, 986  
preparation, or substance included in schedule III, IV, or V, 987  
corrupting another with drugs is a felony of the second degree 988  
and the court shall impose as a mandatory prison term a second 989  
degree felony mandatory prison term. 990

(6) If the offense is a violation of division (A) (5) of 991  
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 992  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 993

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

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

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

(b) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, any mandatory fine imposed pursuant

to division (D) (1) (a) of this section and any fine imposed for a 1024  
violation of this section pursuant to division (A) of section 1025  
2929.18 of the Revised Code shall be paid by the clerk of the 1026  
court in accordance with and subject to the requirements of, and 1027  
shall be used as specified in, division (F) of section 2925.03 1028  
of the Revised Code. 1029

(c) If a person is charged with any violation of this 1030  
section that is a felony of the first, second, or third degree, 1031  
posts bail, and forfeits the bail, the forfeited bail shall be 1032  
paid by the clerk of the court pursuant to division (D) (1) (b) of 1033  
this section as if it were a fine imposed for a violation of 1034  
this section. 1035

(2) If the offender is a professionally licensed person, 1036  
in addition to any other sanction imposed for a violation of 1037  
this section, the court immediately shall comply with section 1038  
2925.38 of the Revised Code. 1039

(E) Notwithstanding the prison term otherwise authorized 1040  
or required for the offense under division (C) of this section 1041  
and sections 2929.13 and 2929.14 of the Revised Code, if the 1042  
violation of division (A) of this section involves the sale, 1043  
offer to sell, or possession of a schedule I or II controlled 1044  
substance, with the exception of marihuana, 1-Pentyl-3-(1- 1045  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 1046  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1047  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 1048  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 1049  
if the court imposing sentence upon the offender finds that the 1050  
offender as a result of the violation is a major drug offender 1051  
and is guilty of a specification of the type described in 1052  
division (A) of section 2941.1410 of the Revised Code, the 1053

court, in lieu of the prison term that otherwise is authorized 1054  
or required, shall impose upon the offender the mandatory prison 1055  
term specified in division (B) (3) (a) of section 2929.14 of the 1056  
Revised Code. 1057

(F) (1) If the sentencing court suspends the offender's 1058  
driver's or commercial driver's license or permit under division 1059  
(D) of this section, the offender, at any time after the 1060  
expiration of two years from the day on which the offender's 1061  
sentence was imposed or from the day on which the offender 1062  
finally was released from a prison term under the sentence, 1063  
whichever is later, may file a motion with the sentencing court 1064  
requesting termination of the suspension. Upon the filing of the 1065  
motion and the court's finding of good cause for the 1066  
determination, the court may terminate the suspension. 1067

(2) Any offender who received a mandatory suspension of 1068  
the offender's driver's or commercial driver's license or permit 1069  
under this section prior to September 13, 2016, may file a 1070  
motion with the sentencing court requesting the termination of 1071  
the suspension. However, an offender who pleaded guilty to or 1072  
was convicted of a violation of section 4511.19 of the Revised 1073  
Code or a substantially similar municipal ordinance or law of 1074  
another state or the United States that arose out of the same 1075  
set of circumstances as the violation for which the offender's 1076  
license or permit was suspended under this section shall not 1077  
file such a motion. 1078

Upon the filing of a motion under division (F) (2) of this 1079  
section, the sentencing court, in its discretion, may terminate 1080  
the suspension. 1081

**Sec. 2925.03.** (A) No person shall knowingly do any of the 1082  
following: 1083

- (1) Sell or offer to sell a controlled substance or a controlled substance analog; 1084  
1085
- (2) Prepare for shipment, ship, transport, deliver, prepare for distribution, or distribute a controlled substance or a controlled substance analog, when the offender knows or has reasonable cause to believe that the controlled substance or a controlled substance analog is intended for sale or resale by the offender or another person. 1086  
1087  
1088  
1089  
1090  
1091
- (B) This section does not apply to any of the following: 1092
- (1) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., ~~and~~ 4741., and 4761. of the Revised Code; 1093  
1094  
1095  
1096  
1097
- (2) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States food and drug administration; 1098  
1099  
1100  
1101
- (3) Any person who sells, offers for sale, prescribes, dispenses, or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed, or administered for that purpose in accordance with that act. 1102  
1103  
1104  
1105  
1106  
1107  
1108  
1109  
1110
- (C) Whoever violates division (A) of this section is guilty of one of the following: 1111  
1112

(1) If the drug involved in the violation is any compound, 1113  
mixture, preparation, or substance included in schedule I or 1114  
schedule II, with the exception of marihuana, cocaine, L.S.D., 1115  
heroin, any fentanyl-related compound, hashish, and any 1116  
controlled substance analog, whoever violates division (A) of 1117  
this section is guilty of aggravated trafficking in drugs. The 1118  
penalty for the offense shall be determined as follows: 1119

(a) Except as otherwise provided in division (C) (1) (b), 1120  
(c), (d), (e), or (f) of this section, aggravated trafficking in 1121  
drugs is a felony of the fourth degree, and division (C) of 1122  
section 2929.13 of the Revised Code applies in determining 1123  
whether to impose a prison term on the offender. 1124

(b) Except as otherwise provided in division (C) (1) (c), 1125  
(d), (e), or (f) of this section, if the offense was committed 1126  
in the vicinity of a school, in the vicinity of a juvenile, or 1127  
in the vicinity of a substance addiction services provider or a 1128  
recovering addict, aggravated trafficking in drugs is a felony 1129  
of the third degree, and division (C) of section 2929.13 of the 1130  
Revised Code applies in determining whether to impose a prison 1131  
term on the offender. 1132

(c) Except as otherwise provided in this division, if the 1133  
amount of the drug involved equals or exceeds the bulk amount 1134  
but is less than five times the bulk amount, aggravated 1135  
trafficking in drugs is a felony of the third degree, and, 1136  
except as otherwise provided in this division, there is a 1137  
presumption for a prison term for the offense. If aggravated 1138  
trafficking in drugs is a felony of the third degree under this 1139  
division and if the offender two or more times previously has 1140  
been convicted of or pleaded guilty to a felony drug abuse 1141  
offense, the court shall impose as a mandatory prison term one 1142



of the prison terms prescribed for a felony of the third degree. 1143  
If the amount of the drug involved is within that range and if 1144  
the offense was committed in the vicinity of a school, in the 1145  
vicinity of a juvenile, or in the vicinity of a substance 1146  
addiction services provider or a recovering addict, aggravated 1147  
trafficking in drugs is a felony of the second degree, and the 1148  
court shall impose as a mandatory prison term a second degree 1149  
felony mandatory prison term. 1150

(d) Except as otherwise provided in this division, if the 1151  
amount of the drug involved equals or exceeds five times the 1152  
bulk amount but is less than fifty times the bulk amount, 1153  
aggravated trafficking in drugs is a felony of the second 1154  
degree, and the court shall impose as a mandatory prison term a 1155  
second degree felony mandatory prison term. If the amount of the 1156  
drug involved is within that range and if the offense was 1157  
committed in the vicinity of a school, in the vicinity of a 1158  
juvenile, or in the vicinity of a substance addiction services 1159  
provider or a recovering addict, aggravated trafficking in drugs 1160  
is a felony of the first degree, and the court shall impose as a 1161  
mandatory prison term a first degree felony mandatory prison 1162  
term. 1163

(e) If the amount of the drug involved equals or exceeds 1164  
fifty times the bulk amount but is less than one hundred times 1165  
the bulk amount and regardless of whether the offense was 1166  
committed in the vicinity of a school, in the vicinity of a 1167  
juvenile, or in the vicinity of a substance addiction services 1168  
provider or a recovering addict, aggravated trafficking in drugs 1169  
is a felony of the first degree, and the court shall impose as a 1170  
mandatory prison term a first degree felony mandatory prison 1171  
term. 1172

(f) If the amount of the drug involved equals or exceeds 1173  
one hundred times the bulk amount and regardless of whether the 1174  
offense was committed in the vicinity of a school, in the 1175  
vicinity of a juvenile, or in the vicinity of a substance 1176  
addiction services provider or a recovering addict, aggravated 1177  
trafficking in drugs is a felony of the first degree, the 1178  
offender is a major drug offender, and the court shall impose as 1179  
a mandatory prison term a maximum first degree felony mandatory 1180  
prison term. 1181

(2) If the drug involved in the violation is any compound, 1182  
mixture, preparation, or substance included in schedule III, IV, 1183  
or V, whoever violates division (A) of this section is guilty of 1184  
trafficking in drugs. The penalty for the offense shall be 1185  
determined as follows: 1186

(a) Except as otherwise provided in division (C) (2) (b), 1187  
(c), (d), or (e) of this section, trafficking in drugs is a 1188  
felony of the fifth degree, and division (B) of section 2929.13 1189  
of the Revised Code applies in determining whether to impose a 1190  
prison term on the offender. 1191

(b) Except as otherwise provided in division (C) (2) (c), 1192  
(d), or (e) of this section, if the offense was committed in the 1193  
vicinity of a school or in the vicinity of a juvenile, 1194  
trafficking in drugs is a felony of the fourth degree, and 1195  
division (C) of section 2929.13 of the Revised Code applies in 1196  
determining whether to impose a prison term on the offender. 1197

(c) Except as otherwise provided in this division, if the 1198  
amount of the drug involved equals or exceeds the bulk amount 1199  
but is less than five times the bulk amount, trafficking in 1200  
drugs is a felony of the fourth degree, and division (B) of 1201  
section 2929.13 of the Revised Code applies in determining 1202

whether to impose a prison term for the offense. If the amount 1203  
of the drug involved is within that range and if the offense was 1204  
committed in the vicinity of a school or in the vicinity of a 1205  
juvenile, trafficking in drugs is a felony of the third degree, 1206  
and there is a presumption for a prison term for the offense. 1207

(d) Except as otherwise provided in this division, if the 1208  
amount of the drug involved equals or exceeds five times the 1209  
bulk amount but is less than fifty times the bulk amount, 1210  
trafficking in drugs is a felony of the third degree, and there 1211  
is a presumption for a prison term for the offense. If the 1212  
amount of the drug involved is within that range and if the 1213  
offense was committed in the vicinity of a school or in the 1214  
vicinity of a juvenile, trafficking in drugs is a felony of the 1215  
second degree, and there is a presumption for a prison term for 1216  
the offense. 1217

(e) Except as otherwise provided in this division, if the 1218  
amount of the drug involved equals or exceeds fifty times the 1219  
bulk amount, trafficking in drugs is a felony of the second 1220  
degree, and the court shall impose as a mandatory prison term a 1221  
second degree felony mandatory prison term. If the amount of the 1222  
drug involved equals or exceeds fifty times the bulk amount and 1223  
if the offense was committed in the vicinity of a school or in 1224  
the vicinity of a juvenile, trafficking in drugs is a felony of 1225  
the first degree, and the court shall impose as a mandatory 1226  
prison term a first degree felony mandatory prison term. 1227

(3) If the drug involved in the violation is marihuana or 1228  
a compound, mixture, preparation, or substance containing 1229  
marihuana other than hashish, whoever violates division (A) of 1230  
this section is guilty of trafficking in marihuana. The penalty 1231  
for the offense shall be determined as follows: 1232

(a) Except as otherwise provided in division (C) (3) (b), 1233  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1234  
marihuana is a felony of the fifth degree, and division (B) of 1235  
section 2929.13 of the Revised Code applies in determining 1236  
whether to impose a prison term on the offender. 1237

(b) Except as otherwise provided in division (C) (3) (c), 1238  
(d), (e), (f), (g), or (h) of this section, if the offense was 1239  
committed in the vicinity of a school or in the vicinity of a 1240  
juvenile, trafficking in marihuana is a felony of the fourth 1241  
degree, and division (B) of section 2929.13 of the Revised Code 1242  
applies in determining whether to impose a prison term on the 1243  
offender. 1244

(c) Except as otherwise provided in this division, if the 1245  
amount of the drug involved equals or exceeds two hundred grams 1246  
but is less than one thousand grams, trafficking in marihuana is 1247  
a felony of the fourth degree, and division (B) of section 1248  
2929.13 of the Revised Code applies in determining whether to 1249  
impose a prison term on the offender. If the amount of the drug 1250  
involved is within that range and if the offense was committed 1251  
in the vicinity of a school or in the vicinity of a juvenile, 1252  
trafficking in marihuana is a felony of the third degree, and 1253  
division (C) of section 2929.13 of the Revised Code applies in 1254  
determining whether to impose a prison term on the offender. 1255

(d) Except as otherwise provided in this division, if the 1256  
amount of the drug involved equals or exceeds one thousand grams 1257  
but is less than five thousand grams, trafficking in marihuana 1258  
is a felony of the third degree, and division (C) of section 1259  
2929.13 of the Revised Code applies in determining whether to 1260  
impose a prison term on the offender. If the amount of the drug 1261  
involved is within that range and if the offense was committed 1262

in the vicinity of a school or in the vicinity of a juvenile, 1263  
trafficking in marihuana is a felony of the second degree, and 1264  
there is a presumption that a prison term shall be imposed for 1265  
the offense. 1266

(e) Except as otherwise provided in this division, if the 1267  
amount of the drug involved equals or exceeds five thousand 1268  
grams but is less than twenty thousand grams, trafficking in 1269  
marihuana is a felony of the third degree, and there is a 1270  
presumption that a prison term shall be imposed for the offense. 1271  
If the amount of the drug involved is within that range and if 1272  
the offense was committed in the vicinity of a school or in the 1273  
vicinity of a juvenile, trafficking in marihuana is a felony of 1274  
the second degree, and there is a presumption that a prison term 1275  
shall be imposed for the offense. 1276

(f) Except as otherwise provided in this division, if the 1277  
amount of the drug involved equals or exceeds twenty thousand 1278  
grams but is less than forty thousand grams, trafficking in 1279  
marihuana is a felony of the second degree, and the court shall 1280  
impose as a mandatory prison term a second degree felony 1281  
mandatory prison term of five, six, seven, or eight years. If 1282  
the amount of the drug involved is within that range and if the 1283  
offense was committed in the vicinity of a school or in the 1284  
vicinity of a juvenile, trafficking in marihuana is a felony of 1285  
the first degree, and the court shall impose as a mandatory 1286  
prison term a maximum first degree felony mandatory prison term. 1287

(g) Except as otherwise provided in this division, if the 1288  
amount of the drug involved equals or exceeds forty thousand 1289  
grams, trafficking in marihuana is a felony of the second 1290  
degree, and the court shall impose as a mandatory prison term a 1291  
maximum second degree felony mandatory prison term. If the 1292

amount of the drug involved equals or exceeds forty thousand 1293  
grams and if the offense was committed in the vicinity of a 1294  
school or in the vicinity of a juvenile, trafficking in 1295  
marihuana is a felony of the first degree, and the court shall 1296  
impose as a mandatory prison term a maximum first degree felony 1297  
mandatory prison term. 1298

(h) Except as otherwise provided in this division, if the 1299  
offense involves a gift of twenty grams or less of marihuana, 1300  
trafficking in marihuana is a minor misdemeanor upon a first 1301  
offense and a misdemeanor of the third degree upon a subsequent 1302  
offense. If the offense involves a gift of twenty grams or less 1303  
of marihuana and if the offense was committed in the vicinity of 1304  
a school or in the vicinity of a juvenile, trafficking in 1305  
marihuana is a misdemeanor of the third degree. 1306

(4) If the drug involved in the violation is cocaine or a 1307  
compound, mixture, preparation, or substance containing cocaine, 1308  
whoever violates division (A) of this section is guilty of 1309  
trafficking in cocaine. The penalty for the offense shall be 1310  
determined as follows: 1311

(a) Except as otherwise provided in division (C) (4) (b), 1312  
(c), (d), (e), (f), or (g) of this section, trafficking in 1313  
cocaine is a felony of the fifth degree, and division (B) of 1314  
section 2929.13 of the Revised Code applies in determining 1315  
whether to impose a prison term on the offender. 1316

(b) Except as otherwise provided in division (C) (4) (c), 1317  
(d), (e), (f), or (g) of this section, if the offense was 1318  
committed in the vicinity of a school, in the vicinity of a 1319  
juvenile, or in the vicinity of a substance addiction services 1320  
provider or a recovering addict, trafficking in cocaine is a 1321  
felony of the fourth degree, and division (C) of section 2929.13 1322

of the Revised Code applies in determining whether to impose a 1323  
prison term on the offender. 1324

(c) Except as otherwise provided in this division, if the 1325  
amount of the drug involved equals or exceeds five grams but is 1326  
less than ten grams of cocaine, trafficking in cocaine is a 1327  
felony of the fourth degree, and division (B) of section 2929.13 1328  
of the Revised Code applies in determining whether to impose a 1329  
prison term for the offense. If the amount of the drug involved 1330  
is within that range and if the offense was committed in the 1331  
vicinity of a school, in the vicinity of a juvenile, or in the 1332  
vicinity of a substance addiction services provider or a 1333  
recovering addict, trafficking in cocaine is a felony of the 1334  
third degree, and there is a presumption for a prison term for 1335  
the offense. 1336

(d) Except as otherwise provided in this division, if the 1337  
amount of the drug involved equals or exceeds ten grams but is 1338  
less than twenty grams of cocaine, trafficking in cocaine is a 1339  
felony of the third degree, and, except as otherwise provided in 1340  
this division, there is a presumption for a prison term for the 1341  
offense. If trafficking in cocaine is a felony of the third 1342  
degree under this division and if the offender two or more times 1343  
previously has been convicted of or pleaded guilty to a felony 1344  
drug abuse offense, the court shall impose as a mandatory prison 1345  
term one of the prison terms prescribed for a felony of the 1346  
third degree. If the amount of the drug involved is within that 1347  
range and if the offense was committed in the vicinity of a 1348  
school, in the vicinity of a juvenile, or in the vicinity of a 1349  
substance addiction services provider or a recovering addict, 1350  
trafficking in cocaine is a felony of the second degree, and the 1351  
court shall impose as a mandatory prison term a second degree 1352  
felony mandatory prison term. 1353

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but is less than twenty-seven grams of cocaine, trafficking in cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, trafficking in cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(f) If the amount of the drug involved equals or exceeds twenty-seven grams but is less than one hundred grams of cocaine and regardless of whether the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, trafficking in cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(g) If the amount of the drug involved equals or exceeds one hundred grams of cocaine and regardless of whether the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, trafficking in cocaine is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.

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



whoever violates division (A) of this section is guilty of 1384  
trafficking in L.S.D. The penalty for the offense shall be 1385  
determined as follows: 1386

(a) Except as otherwise provided in division (C) (5) (b), 1387  
(c), (d), (e), (f), or (g) of this section, trafficking in 1388  
L.S.D. is a felony of the fifth degree, and division (B) of 1389  
section 2929.13 of the Revised Code applies in determining 1390  
whether to impose a prison term on the offender. 1391

(b) Except as otherwise provided in division (C) (5) (c), 1392  
(d), (e), (f), or (g) of this section, if the offense was 1393  
committed in the vicinity of a school, in the vicinity of a 1394  
juvenile, or in the vicinity of a substance addiction services 1395  
provider or a recovering addict, trafficking in L.S.D. is a 1396  
felony of the fourth degree, and division (C) of section 2929.13 1397  
of the Revised Code applies in determining whether to impose a 1398  
prison term on the offender. 1399

(c) Except as otherwise provided in this division, if the 1400  
amount of the drug involved equals or exceeds ten unit doses but 1401  
is less than fifty unit doses of L.S.D. in a solid form or 1402  
equals or exceeds one gram but is less than five grams of L.S.D. 1403  
in a liquid concentrate, liquid extract, or liquid distillate 1404  
form, trafficking in L.S.D. is a felony of the fourth degree, 1405  
and division (B) of section 2929.13 of the Revised Code applies 1406  
in determining whether to impose a prison term for the offense. 1407  
If the amount of the drug involved is within that range and if 1408  
the offense was committed in the vicinity of a school, in the 1409  
vicinity of a juvenile, or in the vicinity of a substance 1410  
addiction services provider or a recovering addict, trafficking 1411  
in L.S.D. is a felony of the third degree, and there is a 1412  
presumption for a prison term for the offense. 1413

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

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

addiction services provider or a recovering addict, trafficking 1445  
in L.S.D. is a felony of the first degree, and the court shall 1446  
impose as a mandatory prison term a first degree felony 1447  
mandatory prison term. 1448

(f) If the amount of the drug involved equals or exceeds 1449  
one thousand unit doses but is less than five thousand unit 1450  
doses of L.S.D. in a solid form or equals or exceeds one hundred 1451  
grams but is less than five hundred grams of L.S.D. in a liquid 1452  
concentrate, liquid extract, or liquid distillate form and 1453  
regardless of whether the offense was committed in the vicinity 1454  
of a school, in the vicinity of a juvenile, or in the vicinity 1455  
of a substance addiction services provider or a recovering 1456  
addict, trafficking in L.S.D. is a felony of the first degree, 1457  
and the court shall impose as a mandatory prison term a first 1458  
degree felony mandatory prison term. 1459

(g) If the amount of the drug involved equals or exceeds 1460  
five thousand unit doses of L.S.D. in a solid form or equals or 1461  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1462  
liquid extract, or liquid distillate form and regardless of 1463  
whether the offense was committed in the vicinity of a school, 1464  
in the vicinity of a juvenile, or in the vicinity of a substance 1465  
addiction services provider or a recovering addict, trafficking 1466  
in L.S.D. is a felony of the first degree, the offender is a 1467  
major drug offender, and the court shall impose as a mandatory 1468  
prison term a maximum first degree felony mandatory prison term. 1469

(6) If the drug involved in the violation is heroin or a 1470  
compound, mixture, preparation, or substance containing heroin, 1471  
whoever violates division (A) of this section is guilty of 1472  
trafficking in heroin. The penalty for the offense shall be 1473  
determined as follows: 1474

(a) Except as otherwise provided in division (C) (6) (b), 1475  
(c), (d), (e), (f), or (g) of this section, trafficking in 1476  
heroin is a felony of the fifth degree, and division (B) of 1477  
section 2929.13 of the Revised Code applies in determining 1478  
whether to impose a prison term on the offender. 1479

(b) Except as otherwise provided in division (C) (6) (c), 1480  
(d), (e), (f), or (g) of this section, if the offense was 1481  
committed in the vicinity of a school, in the vicinity of a 1482  
juvenile, or in the vicinity of a substance addiction services 1483  
provider or a recovering addict, trafficking in heroin is a 1484  
felony of the fourth degree, and division (C) of section 2929.13 1485  
of the Revised Code applies in determining whether to impose a 1486  
prison term on the offender. 1487

(c) Except as otherwise provided in this division, if the 1488  
amount of the drug involved equals or exceeds ten unit doses but 1489  
is less than fifty unit doses or equals or exceeds one gram but 1490  
is less than five grams, trafficking in heroin is a felony of 1491  
the fourth degree, and division (B) of section 2929.13 of the 1492  
Revised Code applies in determining whether to impose a prison 1493  
term for the offense. If the amount of the drug involved is 1494  
within that range and if the offense was committed in the 1495  
vicinity of a school, in the vicinity of a juvenile, or in the 1496  
vicinity of a substance addiction services provider or a 1497  
recovering addict, trafficking in heroin is a felony of the 1498  
third degree, and there is a presumption for a prison term for 1499  
the offense. 1500

(d) Except as otherwise provided in this division, if the 1501  
amount of the drug involved equals or exceeds fifty unit doses 1502  
but is less than one hundred unit doses or equals or exceeds 1503  
five grams but is less than ten grams, trafficking in heroin is 1504

a felony of the third degree, and there is a presumption for a 1505  
prison term for the offense. If the amount of the drug involved 1506  
is within that range and if the offense was committed in the 1507  
vicinity of a school, in the vicinity of a juvenile, or in the 1508  
vicinity of a substance addiction services provider or a 1509  
recovering addict, trafficking in heroin is a felony of the 1510  
second degree, and there is a presumption for a prison term for 1511  
the offense. 1512

(e) Except as otherwise provided in this division, if the 1513  
amount of the drug involved equals or exceeds one hundred unit 1514  
doses but is less than five hundred unit doses or equals or 1515  
exceeds ten grams but is less than fifty grams, trafficking in 1516  
heroin is a felony of the second degree, and the court shall 1517  
impose as a mandatory prison term a second degree felony 1518  
mandatory prison term. If the amount of the drug involved is 1519  
within that range and if the offense was committed in the 1520  
vicinity of a school, in the vicinity of a juvenile, or in the 1521  
vicinity of a substance addiction services provider or a 1522  
recovering addict, trafficking in heroin is a felony of the 1523  
first degree, and the court shall impose as a mandatory prison 1524  
term a first degree felony mandatory prison term. 1525

(f) If the amount of the drug involved equals or exceeds 1526  
five hundred unit doses but is less than one thousand unit doses 1527  
or equals or exceeds fifty grams but is less than one hundred 1528  
grams and regardless of whether the offense was committed in the 1529  
vicinity of a school, in the vicinity of a juvenile, or in the 1530  
vicinity of a substance addiction services provider or a 1531  
recovering addict, trafficking in heroin is a felony of the 1532  
first degree, and the court shall impose as a mandatory prison 1533  
term a first degree felony mandatory prison term. 1534

(g) If the amount of the drug involved equals or exceeds 1535  
one thousand unit doses or equals or exceeds one hundred grams 1536  
and regardless of whether the offense was committed in the 1537  
vicinity of a school, in the vicinity of a juvenile, or in the 1538  
vicinity of a substance addiction services provider or a 1539  
recovering addict, trafficking in heroin is a felony of the 1540  
first degree, the offender is a major drug offender, and the 1541  
court shall impose as a mandatory prison term a maximum first 1542  
degree felony mandatory prison term. 1543

(7) If the drug involved in the violation is hashish or a 1544  
compound, mixture, preparation, or substance containing hashish, 1545  
whoever violates division (A) of this section is guilty of 1546  
trafficking in hashish. The penalty for the offense shall be 1547  
determined as follows: 1548

(a) Except as otherwise provided in division (C) (7) (b), 1549  
(c), (d), (e), (f), or (g) of this section, trafficking in 1550  
hashish is a felony of the fifth degree, and division (B) of 1551  
section 2929.13 of the Revised Code applies in determining 1552  
whether to impose a prison term on the offender. 1553

(b) Except as otherwise provided in division (C) (7) (c), 1554  
(d), (e), (f), or (g) of this section, if the offense was 1555  
committed in the vicinity of a school, in the vicinity of a 1556  
juvenile, or in the vicinity of a substance addiction services 1557  
provider or a recovering addict, trafficking in hashish is a 1558  
felony of the fourth degree, and division (B) of section 2929.13 1559  
of the Revised Code applies in determining whether to impose a 1560  
prison term on the offender. 1561

(c) Except as otherwise provided in this division, if the 1562  
amount of the drug involved equals or exceeds ten grams but is 1563  
less than fifty grams of hashish in a solid form or equals or 1564

exceeds two grams but is less than ten grams of hashish in a 1565  
liquid concentrate, liquid extract, or liquid distillate form, 1566  
trafficking in hashish is a felony of the fourth degree, and 1567  
division (B) of section 2929.13 of the Revised Code applies in 1568  
determining whether to impose a prison term on the offender. If 1569  
the amount of the drug involved is within that range and if the 1570  
offense was committed in the vicinity of a school, in the 1571  
vicinity of a juvenile, or in the vicinity of a substance 1572  
addiction services provider or a recovering addict, trafficking 1573  
in hashish is a felony of the third degree, and division (C) of 1574  
section 2929.13 of the Revised Code applies in determining 1575  
whether to impose a prison term on the offender. 1576

(d) Except as otherwise provided in this division, if the 1577  
amount of the drug involved equals or exceeds fifty grams but is 1578  
less than two hundred fifty grams of hashish in a solid form or 1579  
equals or exceeds ten grams but is less than fifty grams of 1580  
hashish in a liquid concentrate, liquid extract, or liquid 1581  
distillate form, trafficking in hashish is a felony of the third 1582  
degree, and division (C) of section 2929.13 of the Revised Code 1583  
applies in determining whether to impose a prison term on the 1584  
offender. If the amount of the drug involved is within that 1585  
range and if the offense was committed in the vicinity of a 1586  
school, in the vicinity of a juvenile, or in the vicinity of a 1587  
substance addiction services provider or a recovering addict, 1588  
trafficking in hashish is a felony of the second degree, and 1589  
there is a presumption that a prison term shall be imposed for 1590  
the offense. 1591

(e) Except as otherwise provided in this division, if the 1592  
amount of the drug involved equals or exceeds two hundred fifty 1593  
grams but is less than one thousand grams of hashish in a solid 1594  
form or equals or exceeds fifty grams but is less than two 1595

hundred grams of hashish in a liquid concentrate, liquid 1596  
extract, or liquid distillate form, trafficking in hashish is a 1597  
felony of the third degree, and there is a presumption that a 1598  
prison term shall be imposed for the offense. If the amount of 1599  
the drug involved is within that range and if the offense was 1600  
committed in the vicinity of a school, in the vicinity of a 1601  
juvenile, or in the vicinity of a substance addiction services 1602  
provider or a recovering addict, trafficking in hashish is a 1603  
felony of the second degree, and there is a presumption that a 1604  
prison term shall be imposed for the offense. 1605

(f) Except as otherwise provided in this division, if the 1606  
amount of the drug involved equals or exceeds one thousand grams 1607  
but is less than two thousand grams of hashish in a solid form 1608  
or equals or exceeds two hundred grams but is less than four 1609  
hundred grams of hashish in a liquid concentrate, liquid 1610  
extract, or liquid distillate form, trafficking in hashish is a 1611  
felony of the second degree, and the court shall impose as a 1612  
mandatory prison term a second degree felony mandatory prison 1613  
term of five, six, seven, or eight years. If the amount of the 1614  
drug involved is within that range and if the offense was 1615  
committed in the vicinity of a school, in the vicinity of a 1616  
juvenile, or in the vicinity of a substance addiction services 1617  
provider or a recovering addict, trafficking in hashish is a 1618  
felony of the first degree, and the court shall impose as a 1619  
mandatory prison term a maximum first degree felony mandatory 1620  
prison term. 1621

(g) Except as otherwise provided in this division, if the 1622  
amount of the drug involved equals or exceeds two thousand grams 1623  
of hashish in a solid form or equals or exceeds four hundred 1624  
grams of hashish in a liquid concentrate, liquid extract, or 1625  
liquid distillate form, trafficking in hashish is a felony of 1626



the second degree, and the court shall impose as a mandatory 1627  
prison term a maximum second degree felony mandatory prison 1628  
term. If the amount of the drug involved equals or exceeds two 1629  
thousand grams of hashish in a solid form or equals or exceeds 1630  
four hundred grams of hashish in a liquid concentrate, liquid 1631  
extract, or liquid distillate form and if the offense was 1632  
committed in the vicinity of a school, in the vicinity of a 1633  
juvenile, or in the vicinity of a substance addiction services 1634  
provider or a recovering addict, trafficking in hashish is a 1635  
felony of the first degree, and the court shall impose as a 1636  
mandatory prison term a maximum first degree felony mandatory 1637  
prison term. 1638

(8) If the drug involved in the violation is a controlled 1639  
substance analog or compound, mixture, preparation, or substance 1640  
that contains a controlled substance analog, whoever violates 1641  
division (A) of this section is guilty of trafficking in a 1642  
controlled substance analog. The penalty for the offense shall 1643  
be determined as follows: 1644

(a) Except as otherwise provided in division (C) (8) (b), 1645  
(c), (d), (e), (f), or (g) of this section, trafficking in a 1646  
controlled substance analog is a felony of the fifth degree, and 1647  
division (C) of section 2929.13 of the Revised Code applies in 1648  
determining whether to impose a prison term on the offender. 1649

(b) Except as otherwise provided in division (C) (8) (c), 1650  
(d), (e), (f), or (g) of this section, if the offense was 1651  
committed in the vicinity of a school, in the vicinity of a 1652  
juvenile, or in the vicinity of a substance addiction services 1653  
provider or a recovering addict, trafficking in a controlled 1654  
substance analog is a felony of the fourth degree, and division 1655  
(C) of section 2929.13 of the Revised Code applies in 1656

determining whether to impose a prison term on the offender. 1657

(c) Except as otherwise provided in this division, if the 1658  
amount of the drug involved equals or exceeds ten grams but is 1659  
less than twenty grams, trafficking in a controlled substance 1660  
analog is a felony of the fourth degree, and division (B) of 1661  
section 2929.13 of the Revised Code applies in determining 1662  
whether to impose a prison term for the offense. If the amount 1663  
of the drug involved is within that range and if the offense was 1664  
committed in the vicinity of a school, in the vicinity of a 1665  
juvenile, or in the vicinity of a substance addiction services 1666  
provider or a recovering addict, trafficking in a controlled 1667  
substance analog is a felony of the third degree, and there is a 1668  
presumption for a prison term for the offense. 1669

(d) Except as otherwise provided in this division, if the 1670  
amount of the drug involved equals or exceeds twenty grams but 1671  
is less than thirty grams, trafficking in a controlled substance 1672  
analog is a felony of the third degree, and there is a 1673  
presumption for a prison term for the offense. If the amount of 1674  
the drug involved is within that range and if the offense was 1675  
committed in the vicinity of a school, in the vicinity of a 1676  
juvenile, or in the vicinity of a substance addiction services 1677  
provider or a recovering addict, trafficking in a controlled 1678  
substance analog is a felony of the second degree, and there is 1679  
a presumption for a prison term for the offense. 1680

(e) Except as otherwise provided in this division, if the 1681  
amount of the drug involved equals or exceeds thirty grams but 1682  
is less than forty grams, trafficking in a controlled substance 1683  
analog is a felony of the second degree, and the court shall 1684  
impose as a mandatory prison term a second degree felony 1685  
mandatory prison term. If the amount of the drug involved is 1686

within that range and if the offense was committed in the 1687  
vicinity of a school, in the vicinity of a juvenile, or in the 1688  
vicinity of a substance addiction services provider or a 1689  
recovering addict, trafficking in a controlled substance analog 1690  
is a felony of the first degree, and the court shall impose as a 1691  
mandatory prison term a first degree felony mandatory prison 1692  
term. 1693

(f) If the amount of the drug involved equals or exceeds 1694  
forty grams but is less than fifty grams and regardless of 1695  
whether the offense was committed in the vicinity of a school, 1696  
in the vicinity of a juvenile, or in the vicinity of a substance 1697  
addiction services provider or a recovering addict, trafficking 1698  
in a controlled substance analog is a felony of the first 1699  
degree, and the court shall impose as a mandatory prison term a 1700  
first degree felony mandatory prison term. 1701

(g) If the amount of the drug involved equals or exceeds 1702  
fifty grams and regardless of whether the offense was committed 1703  
in the vicinity of a school, in the vicinity of a juvenile, or 1704  
in the vicinity of a substance addiction services provider or a 1705  
recovering addict, trafficking in a controlled substance analog 1706  
is a felony of the first degree, the offender is a major drug 1707  
offender, and the court shall impose as a mandatory prison term 1708  
a maximum first degree felony mandatory prison term. 1709

(9) If the drug involved in the violation is a fentanyl- 1710  
related compound or a compound, mixture, preparation, or 1711  
substance containing a fentanyl-related compound and division 1712  
(C) (10) (a) of this section does not apply to the drug involved, 1713  
whoever violates division (A) of this section is guilty of 1714  
trafficking in a fentanyl-related compound. The penalty for the 1715  
offense shall be determined as follows: 1716

(a) Except as otherwise provided in division (C) (9) (b), 1717  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1718  
a fentanyl-related compound is a felony of the fifth degree, and 1719  
division (B) of section 2929.13 of the Revised Code applies in 1720  
determining whether to impose a prison term on the offender. 1721

(b) Except as otherwise provided in division (C) (9) (c), 1722  
(d), (e), (f), (g), or (h) of this section, if the offense was 1723  
committed in the vicinity of a school, in the vicinity of a 1724  
juvenile, or in the vicinity of a substance addiction services 1725  
provider or a recovering addict, trafficking in a fentanyl- 1726  
related compound is a felony of the fourth degree, and division 1727  
(C) of section 2929.13 of the Revised Code applies in 1728  
determining whether to impose a prison term on the offender. 1729

(c) Except as otherwise provided in this division, if the 1730  
amount of the drug involved equals or exceeds ten unit doses but 1731  
is less than fifty unit doses or equals or exceeds one gram but 1732  
is less than five grams, trafficking in a fentanyl-related 1733  
compound is a felony of the fourth degree, and division (B) of 1734  
section 2929.13 of the Revised Code applies in determining 1735  
whether to impose a prison term for the offense. If the amount 1736  
of the drug involved is within that range and if the offense was 1737  
committed in the vicinity of a school, in the vicinity of a 1738  
juvenile, or in the vicinity of a substance addiction services 1739  
provider or a recovering addict, trafficking in a fentanyl- 1740  
related compound is a felony of the third degree, and there is a 1741  
presumption for a prison term for the offense. 1742

(d) Except as otherwise provided in this division, if the 1743  
amount of the drug involved equals or exceeds fifty unit doses 1744  
but is less than one hundred unit doses or equals or exceeds 1745  
five grams but is less than ten grams, trafficking in a 1746

fentanyl-related compound is a felony of the third degree, and 1747  
there is a presumption for a prison term for the offense. If the 1748  
amount of the drug involved is within that range and if the 1749  
offense was committed in the vicinity of a school, in the 1750  
vicinity of a juvenile, or in the vicinity of a substance 1751  
addiction services provider or a recovering addict, trafficking 1752  
in a fentanyl-related compound is a felony of the second degree, 1753  
and there is a presumption for a prison term for the offense. 1754

(e) Except as otherwise provided in this division, if the 1755  
amount of the drug involved equals or exceeds one hundred unit 1756  
doses but is less than two hundred unit doses or equals or 1757  
exceeds ten grams but is less than twenty grams, trafficking in 1758  
a fentanyl-related compound is a felony of the second degree, 1759  
and the court shall impose as a mandatory prison term one of the 1760  
prison terms prescribed for a felony of the second degree. If 1761  
the amount of the drug involved is within that range and if the 1762  
offense was committed in the vicinity of a school, in the 1763  
vicinity of a juvenile, or in the vicinity of a substance 1764  
addiction services provider or a recovering addict, trafficking 1765  
in a fentanyl-related compound is a felony of the first degree, 1766  
and the court shall impose as a mandatory prison term one of the 1767  
prison terms prescribed for a felony of the first degree. 1768

(f) If the amount of the drug involved equals or exceeds 1769  
two hundred unit doses but is less than five hundred unit doses 1770  
or equals or exceeds twenty grams but is less than fifty grams 1771  
and regardless of whether the offense was committed in the 1772  
vicinity of a school, in the vicinity of a juvenile, or in the 1773  
vicinity of a substance addiction services provider or a 1774  
recovering addict, trafficking in a fentanyl-related compound is 1775  
a felony of the first degree, and the court shall impose as a 1776  
mandatory prison term one of the prison terms prescribed for a 1777

felony of the first degree. 1778

(g) If the amount of the drug involved equals or exceeds 1779  
five hundred unit doses but is less than one thousand unit doses 1780  
or equals or exceeds fifty grams but is less than one hundred 1781  
grams and regardless of whether the offense was committed in the 1782  
vicinity of a school, in the vicinity of a juvenile, or in the 1783  
vicinity of a substance addiction services provider or a 1784  
recovering addict, trafficking in a fentanyl-related compound is 1785  
a felony of the first degree, and the court shall impose as a 1786  
mandatory prison term the maximum prison term prescribed for a 1787  
felony of the first degree. 1788

(h) If the amount of the drug involved equals or exceeds 1789  
one thousand unit doses or equals or exceeds one hundred grams 1790  
and regardless of whether the offense was committed in the 1791  
vicinity of a school, in the vicinity of a juvenile, or in the 1792  
vicinity of a substance addiction services provider or a 1793  
recovering addict, trafficking in a fentanyl-related compound is 1794  
a felony of the first degree, the offender is a major drug 1795  
offender, and the court shall impose as a mandatory prison term 1796  
the maximum prison term prescribed for a felony of the first 1797  
degree. 1798

(10) If the drug involved in the violation is a compound, 1799  
mixture, preparation, or substance that is a combination of a 1800  
fentanyl-related compound and marihuana, one of the following 1801  
applies: 1802

(a) Except as otherwise provided in division (C) (10) (b) of 1803  
this section, the offender is guilty of trafficking in marihuana 1804  
and shall be punished under division (C) (3) of this section. The 1805  
offender is not guilty of trafficking in a fentanyl-related 1806  
compound and shall not be charged with, convicted of, or 1807

punished under division (C) (9) of this section for trafficking 1808  
in a fentanyl-related compound. 1809

(b) If the offender knows or has reason to know that the 1810  
compound, mixture, preparation, or substance that is the drug 1811  
involved contains a fentanyl-related compound, the offender is 1812  
guilty of trafficking in a fentanyl-related compound and shall 1813  
be punished under division (C) (9) of this section. 1814

(D) In addition to any prison term authorized or required 1815  
by division (C) of this section and sections 2929.13 and 2929.14 1816  
of the Revised Code, and in addition to any other sanction 1817  
imposed for the offense under this section or sections 2929.11 1818  
to 2929.18 of the Revised Code, the court that sentences an 1819  
offender who is convicted of or pleads guilty to a violation of 1820  
division (A) of this section may suspend the driver's or 1821  
commercial driver's license or permit of the offender in 1822  
accordance with division (G) of this section. However, if the 1823  
offender pleaded guilty to or was convicted of a violation of 1824  
section 4511.19 of the Revised Code or a substantially similar 1825  
municipal ordinance or the law of another state or the United 1826  
States arising out of the same set of circumstances as the 1827  
violation, the court shall suspend the offender's driver's or 1828  
commercial driver's license or permit in accordance with 1829  
division (G) of this section. If applicable, the court also 1830  
shall do the following: 1831

(1) If the violation of division (A) of this section is a 1832  
felony of the first, second, or third degree, the court shall 1833  
impose upon the offender the mandatory fine specified for the 1834  
offense under division (B) (1) of section 2929.18 of the Revised 1835  
Code unless, as specified in that division, the court determines 1836  
that the offender is indigent. Except as otherwise provided in 1837

division (H) (1) of this section, a mandatory fine or any other 1838  
fine imposed for a violation of this section is subject to 1839  
division (F) of this section. If a person is charged with a 1840  
violation of this section that is a felony of the first, second, 1841  
or third degree, posts bail, and forfeits the bail, the clerk of 1842  
the court shall pay the forfeited bail pursuant to divisions (D) 1843  
(1) and (F) of this section, as if the forfeited bail was a fine 1844  
imposed for a violation of this section. If any amount of the 1845  
forfeited bail remains after that payment and if a fine is 1846  
imposed under division (H) (1) of this section, the clerk of the 1847  
court shall pay the remaining amount of the forfeited bail 1848  
pursuant to divisions (H) (2) and (3) of this section, as if that 1849  
remaining amount was a fine imposed under division (H) (1) of 1850  
this section. 1851

(2) If the offender is a professionally licensed person, 1852  
the court immediately shall comply with section 2925.38 of the 1853  
Revised Code. 1854

(E) When a person is charged with the sale of or offer to 1855  
sell a bulk amount or a multiple of a bulk amount of a 1856  
controlled substance, the jury, or the court trying the accused, 1857  
shall determine the amount of the controlled substance involved 1858  
at the time of the offense and, if a guilty verdict is returned, 1859  
shall return the findings as part of the verdict. In any such 1860  
case, it is unnecessary to find and return the exact amount of 1861  
the controlled substance involved, and it is sufficient if the 1862  
finding and return is to the effect that the amount of the 1863  
controlled substance involved is the requisite amount, or that 1864  
the amount of the controlled substance involved is less than the 1865  
requisite amount. 1866

(F) (1) Notwithstanding any contrary provision of section 1867



3719.21 of the Revised Code and except as provided in division 1868  
(H) of this section, the clerk of the court shall pay any 1869  
mandatory fine imposed pursuant to division (D)(1) of this 1870  
section and any fine other than a mandatory fine that is imposed 1871  
for a violation of this section pursuant to division (A) or (B) 1872  
(5) of section 2929.18 of the Revised Code to the county, 1873  
township, municipal corporation, park district, as created 1874  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1875  
state law enforcement agencies in this state that primarily were 1876  
responsible for or involved in making the arrest of, and in 1877  
prosecuting, the offender. However, the clerk shall not pay a 1878  
mandatory fine so imposed to a law enforcement agency unless the 1879  
agency has adopted a written internal control policy under 1880  
division (F)(2) of this section that addresses the use of the 1881  
fine moneys that it receives. Each agency shall use the 1882  
mandatory fines so paid to subsidize the agency's law 1883  
enforcement efforts that pertain to drug offenses, in accordance 1884  
with the written internal control policy adopted by the 1885  
recipient agency under division (F)(2) of this section. 1886

(2) Prior to receiving any fine moneys under division (F) 1887  
(1) of this section or division (B) of section 2925.42 of the 1888  
Revised Code, a law enforcement agency shall adopt a written 1889  
internal control policy that addresses the agency's use and 1890  
disposition of all fine moneys so received and that provides for 1891  
the keeping of detailed financial records of the receipts of 1892  
those fine moneys, the general types of expenditures made out of 1893  
those fine moneys, and the specific amount of each general type 1894  
of expenditure. The policy shall not provide for or permit the 1895  
identification of any specific expenditure that is made in an 1896  
ongoing investigation. All financial records of the receipts of 1897  
those fine moneys, the general types of expenditures made out of 1898

those fine moneys, and the specific amount of each general type 1899  
of expenditure by an agency are public records open for 1900  
inspection under section 149.43 of the Revised Code. 1901  
Additionally, a written internal control policy adopted under 1902  
this division is such a public record, and the agency that 1903  
adopted it shall comply with it. 1904

(3) As used in division (F) of this section: 1905

(a) "Law enforcement agencies" includes, but is not 1906  
limited to, the state board of pharmacy and the office of a 1907  
prosecutor. 1908

(b) "Prosecutor" has the same meaning as in section 1909  
2935.01 of the Revised Code. 1910

(G) (1) If the sentencing court suspends the offender's 1911  
driver's or commercial driver's license or permit under division 1912  
(D) of this section or any other provision of this chapter, the 1913  
court shall suspend the license, by order, for not more than 1914  
five years. If an offender's driver's or commercial driver's 1915  
license or permit is suspended pursuant to this division, the 1916  
offender, at any time after the expiration of two years from the 1917  
day on which the offender's sentence was imposed or from the day 1918  
on which the offender finally was released from a prison term 1919  
under the sentence, whichever is later, may file a motion with 1920  
the sentencing court requesting termination of the suspension; 1921  
upon the filing of such a motion and the court's finding of good 1922  
cause for the termination, the court may terminate the 1923  
suspension. 1924

(2) Any offender who received a mandatory suspension of 1925  
the offender's driver's or commercial driver's license or permit 1926  
under this section prior to September 13, 2016, may file a 1927

motion with the sentencing court requesting the termination of 1928  
the suspension. However, an offender who pleaded guilty to or 1929  
was convicted of a violation of section 4511.19 of the Revised 1930  
Code or a substantially similar municipal ordinance or law of 1931  
another state or the United States that arose out of the same 1932  
set of circumstances as the violation for which the offender's 1933  
license or permit was suspended under this section shall not 1934  
file such a motion. 1935

Upon the filing of a motion under division (G) (2) of this 1936  
section, the sentencing court, in its discretion, may terminate 1937  
the suspension. 1938

(H) (1) In addition to any prison term authorized or 1939  
required by division (C) of this section and sections 2929.13 1940  
and 2929.14 of the Revised Code, in addition to any other 1941  
penalty or sanction imposed for the offense under this section 1942  
or sections 2929.11 to 2929.18 of the Revised Code, and in 1943  
addition to the forfeiture of property in connection with the 1944  
offense as prescribed in Chapter 2981. of the Revised Code, the 1945  
court that sentences an offender who is convicted of or pleads 1946  
guilty to a violation of division (A) of this section may impose 1947  
upon the offender an additional fine specified for the offense 1948  
in division (B) (4) of section 2929.18 of the Revised Code. A 1949  
fine imposed under division (H) (1) of this section is not 1950  
subject to division (F) of this section and shall be used solely 1951  
for the support of one or more eligible community addiction 1952  
services providers in accordance with divisions (H) (2) and (3) 1953  
of this section. 1954

(2) The court that imposes a fine under division (H) (1) of 1955  
this section shall specify in the judgment that imposes the fine 1956  
one or more eligible community addiction services providers for 1957

the support of which the fine money is to be used. No community 1958  
addiction services provider shall receive or use money paid or 1959  
collected in satisfaction of a fine imposed under division (H) 1960  
(1) of this section unless the services provider is specified in 1961  
the judgment that imposes the fine. No community addiction 1962  
services provider shall be specified in the judgment unless the 1963  
services provider is an eligible community addiction services 1964  
provider and, except as otherwise provided in division (H) (2) of 1965  
this section, unless the services provider is located in the 1966  
county in which the court that imposes the fine is located or in 1967  
a county that is immediately contiguous to the county in which 1968  
that court is located. If no eligible community addiction 1969  
services provider is located in any of those counties, the 1970  
judgment may specify an eligible community addiction services 1971  
provider that is located anywhere within this state. 1972

(3) Notwithstanding any contrary provision of section 1973  
3719.21 of the Revised Code, the clerk of the court shall pay 1974  
any fine imposed under division (H) (1) of this section to the 1975  
eligible community addiction services provider specified 1976  
pursuant to division (H) (2) of this section in the judgment. The 1977  
eligible community addiction services provider that receives the 1978  
fine moneys shall use the moneys only for the alcohol and drug 1979  
addiction services identified in the application for 1980  
certification of services under section 5119.36 of the Revised 1981  
Code or in the application for a license under section 5119.37 1982  
of the Revised Code filed with the department of mental health 1983  
and addiction services by the community addiction services 1984  
provider specified in the judgment. 1985

(4) Each community addiction services provider that 1986  
receives in a calendar year any fine moneys under division (H) 1987  
(3) of this section shall file an annual report covering that 1988

calendar year with the court of common pleas and the board of 1989  
county commissioners of the county in which the services 1990  
provider is located, with the court of common pleas and the 1991  
board of county commissioners of each county from which the 1992  
services provider received the moneys if that county is 1993  
different from the county in which the services provider is 1994  
located, and with the attorney general. The community addiction 1995  
services provider shall file the report no later than the first 1996  
day of March in the calendar year following the calendar year in 1997  
which the services provider received the fine moneys. The report 1998  
shall include statistics on the number of persons served by the 1999  
community addiction services provider, identify the types of 2000  
alcohol and drug addiction services provided to those persons, 2001  
and include a specific accounting of the purposes for which the 2002  
fine moneys received were used. No information contained in the 2003  
report shall identify, or enable a person to determine the 2004  
identity of, any person served by the community addiction 2005  
services provider. Each report received by a court of common 2006  
pleas, a board of county commissioners, or the attorney general 2007  
is a public record open for inspection under section 149.43 of 2008  
the Revised Code. 2009

(5) As used in divisions (H) (1) to (5) of this section: 2010

(a) "Community addiction services provider" and "alcohol 2011  
and drug addiction services" have the same meanings as in 2012  
section 5119.01 of the Revised Code. 2013

(b) "Eligible community addiction services provider" means 2014  
a community addiction services provider, including a community 2015  
addiction services provider that operates an opioid treatment 2016  
program licensed under section 5119.37 of the Revised Code. 2017

(I) As used in this section, "drug" includes any substance 2018

that is represented to be a drug. 2019

(J) It is an affirmative defense to a charge of 2020  
trafficking in a controlled substance analog under division (C) 2021  
(8) of this section that the person charged with violating that 2022  
offense sold or offered to sell, or prepared for shipment, 2023  
shipped, transported, delivered, prepared for distribution, or 2024  
distributed one of the following items that are excluded from 2025  
the meaning of "controlled substance analog" under section 2026  
3719.01 of the Revised Code: 2027

(1) A controlled substance; 2028

(2) Any substance for which there is an approved new drug 2029  
application; 2030

(3) With respect to a particular person, any substance if 2031  
an exemption is in effect for investigational use for that 2032  
person pursuant to federal law to the extent that conduct with 2033  
respect to that substance is pursuant to that exemption. 2034

**Sec. 2925.11.** (A) No person shall knowingly obtain, 2035  
possess, or use a controlled substance or a controlled substance 2036  
analog. 2037

(B) (1) This section does not apply to any of the 2038  
following: 2039

(a) Manufacturers, licensed health professionals 2040  
authorized to prescribe drugs, pharmacists, owners of 2041  
pharmacies, and other persons whose conduct was in accordance 2042  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., ~~and~~ 2043  
4741., and 4761. of the Revised Code; 2044

(b) If the offense involves an anabolic steroid, any 2045  
person who is conducting or participating in a research project 2046

involving the use of an anabolic steroid if the project has been 2047  
approved by the United States food and drug administration; 2048

(c) Any person who sells, offers for sale, prescribes, 2049  
dispenses, or administers for livestock or other nonhuman 2050  
species an anabolic steroid that is expressly intended for 2051  
administration through implants to livestock or other nonhuman 2052  
species and approved for that purpose under the "Federal Food, 2053  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 2054  
as amended, and is sold, offered for sale, prescribed, 2055  
dispensed, or administered for that purpose in accordance with 2056  
that act; 2057

(d) Any person who obtained the controlled substance 2058  
pursuant to a prescription issued by a licensed health 2059  
professional authorized to prescribe drugs if the prescription 2060  
was issued for a legitimate medical purpose and not altered, 2061  
forged, or obtained through deception or commission of a theft 2062  
offense. 2063

As used in division (B) (1) (d) of this section, "deception" 2064  
and "theft offense" have the same meanings as in section 2913.01 2065  
of the Revised Code. 2066

(2) (a) As used in division (B) (2) of this section: 2067

(i) "Community addiction services provider" has the same 2068  
meaning as in section 5119.01 of the Revised Code. 2069

(ii) "Community control sanction" and "drug treatment 2070  
program" have the same meanings as in section 2929.01 of the 2071  
Revised Code. 2072

(iii) "Health care facility" has the same meaning as in 2073  
section 2919.16 of the Revised Code. 2074

(iv) "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree. 2075  
2076  
2077

(v) "Post-release control sanction" has the same meaning as in section 2967.28 of the Revised Code. 2078  
2079

(vi) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 2080  
2081

(vii) "Public agency" has the same meaning as in section 2930.01 of the Revised Code. 2082  
2083

(viii) "Qualified individual" means a person who is not on community control or post-release control and is a person acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section. 2084  
2085  
2086  
2087  
2088  
2089  
2090  
2091

(ix) "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility. 2092  
2093  
2094  
2095

(b) Subject to division (B) (2) (f) of this section, a qualified individual shall not be arrested, charged, prosecuted, convicted, or penalized pursuant to this chapter for a minor drug possession offense if all of the following apply: 2096  
2097  
2098  
2099

(i) The evidence of the obtaining, possession, or use of the controlled substance or controlled substance analog that would be the basis of the offense was obtained as a result of the qualified individual seeking the medical assistance or 2100  
2101  
2102  
2103



experiencing an overdose and needing medical assistance. 2104

(ii) Subject to division (B)(2)(g) of this section, within 2105  
thirty days after seeking or obtaining the medical assistance, 2106  
the qualified individual seeks and obtains a screening and 2107  
receives a referral for treatment from a community addiction 2108  
services provider or a properly credentialed addiction treatment 2109  
professional. 2110

(iii) Subject to division (B)(2)(g) of this section, the 2111  
qualified individual who obtains a screening and receives a 2112  
referral for treatment under division (B)(2)(b)(ii) of this 2113  
section, upon the request of any prosecuting attorney, submits 2114  
documentation to the prosecuting attorney that verifies that the 2115  
qualified individual satisfied the requirements of that 2116  
division. The documentation shall be limited to the date and 2117  
time of the screening obtained and referral received. 2118

(c) If a person is found to be in violation of any 2119  
community control sanction and if the violation is a result of 2120  
either of the following, the court shall first consider ordering 2121  
the person's participation or continued participation in a drug 2122  
treatment program or mitigating the penalty specified in section 2123  
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 2124  
applicable, after which the court has the discretion either to 2125  
order the person's participation or continued participation in a 2126  
drug treatment program or to impose the penalty with the 2127  
mitigating factor specified in any of those applicable sections: 2128

(i) Seeking or obtaining medical assistance in good faith 2129  
for another person who is experiencing a drug overdose; 2130

(ii) Experiencing a drug overdose and seeking medical 2131  
assistance for that overdose or being the subject of another 2132

person seeking or obtaining medical assistance for that overdose 2133  
as described in division (B) (2) (b) of this section. 2134

(d) If a person is found to be in violation of any post- 2135  
release control sanction and if the violation is a result of 2136  
either of the following, the court or the parole board shall 2137  
first consider ordering the person's participation or continued 2138  
participation in a drug treatment program or mitigating the 2139  
penalty specified in section 2929.141 or 2967.28 of the Revised 2140  
Code, whichever is applicable, after which the court or the 2141  
parole board has the discretion either to order the person's 2142  
participation or continued participation in a drug treatment 2143  
program or to impose the penalty with the mitigating factor 2144  
specified in either of those applicable sections: 2145

(i) Seeking or obtaining medical assistance in good faith 2146  
for another person who is experiencing a drug overdose; 2147

(ii) Experiencing a drug overdose and seeking medical 2148  
assistance for that emergency or being the subject of another 2149  
person seeking or obtaining medical assistance for that overdose 2150  
as described in division (B) (2) (b) of this section. 2151

(e) Nothing in division (B) (2) (b) of this section shall be 2152  
construed to do any of the following: 2153

(i) Limit the admissibility of any evidence in connection 2154  
with the investigation or prosecution of a crime with regards to 2155  
a defendant who does not qualify for the protections of division 2156  
(B) (2) (b) of this section or with regards to any crime other 2157  
than a minor drug possession offense committed by a person who 2158  
qualifies for protection pursuant to division (B) (2) (b) of this 2159  
section for a minor drug possession offense; 2160

(ii) Limit any seizure of evidence or contraband otherwise 2161

permitted by law; 2162

(iii) Limit or abridge the authority of a peace officer to 2163  
detain or take into custody a person in the course of an 2164  
investigation or to effectuate an arrest for any offense except 2165  
as provided in that division; 2166

(iv) Limit, modify, or remove any immunity from liability 2167  
available pursuant to law in effect prior to September 13, 2016, 2168  
to any public agency or to an employee of any public agency. 2169

(f) Division (B) (2) (b) of this section does not apply to 2170  
any person who twice previously has been granted an immunity 2171  
under division (B) (2) (b) of this section. No person shall be 2172  
granted an immunity under division (B) (2) (b) of this section 2173  
more than two times. 2174

(g) Nothing in this section shall compel any qualified 2175  
individual to disclose protected health information in a way 2176  
that conflicts with the requirements of the "Health Insurance 2177  
Portability and Accountability Act of 1996," 104 Pub. L. No. 2178  
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 2179  
regulations promulgated by the United States department of 2180  
health and human services to implement the act or the 2181  
requirements of 42 C.F.R. Part 2. 2182

(C) Whoever violates division (A) of this section is 2183  
guilty of one of the following: 2184

(1) If the drug involved in the violation is a compound, 2185  
mixture, preparation, or substance included in schedule I or II, 2186  
with the exception of marihuana, cocaine, L.S.D., heroin, any 2187  
fentanyl-related compound, hashish, and any controlled substance 2188  
analog, whoever violates division (A) of this section is guilty 2189  
of aggravated possession of drugs. The penalty for the offense 2190

shall be determined as follows: 2191

(a) Except as otherwise provided in division (C) (1) (b), 2192  
(c), (d), or (e) of this section, aggravated possession of drugs 2193  
is a felony of the fifth degree, and division (B) of section 2194  
2929.13 of the Revised Code applies in determining whether to 2195  
impose a prison term on the offender. 2196

(b) If the amount of the drug involved equals or exceeds 2197  
the bulk amount but is less than five times the bulk amount, 2198  
aggravated possession of drugs is a felony of the third degree, 2199  
and there is a presumption for a prison term for the offense. 2200

(c) If the amount of the drug involved equals or exceeds 2201  
five times the bulk amount but is less than fifty times the bulk 2202  
amount, aggravated possession of drugs is a felony of the second 2203  
degree, and the court shall impose as a mandatory prison term a 2204  
second degree felony mandatory prison term. 2205

(d) If the amount of the drug involved equals or exceeds 2206  
fifty times the bulk amount but is less than one hundred times 2207  
the bulk amount, aggravated possession of drugs is a felony of 2208  
the first degree, and the court shall impose as a mandatory 2209  
prison term a first degree felony mandatory prison term. 2210

(e) If the amount of the drug involved equals or exceeds 2211  
one hundred times the bulk amount, aggravated possession of 2212  
drugs is a felony of the first degree, the offender is a major 2213  
drug offender, and the court shall impose as a mandatory prison 2214  
term a maximum first degree felony mandatory prison term. 2215

(2) If the drug involved in the violation is a compound, 2216  
mixture, preparation, or substance included in schedule III, IV, 2217  
or V, whoever violates division (A) of this section is guilty of 2218  
possession of drugs. The penalty for the offense shall be 2219

determined as follows: 2220

(a) Except as otherwise provided in division (C) (2) (b), 2221  
(c), or (d) of this section, possession of drugs is a 2222  
misdemeanor of the first degree or, if the offender previously 2223  
has been convicted of a drug abuse offense, a felony of the 2224  
fifth degree. 2225

(b) If the amount of the drug involved equals or exceeds 2226  
the bulk amount but is less than five times the bulk amount, 2227  
possession of drugs is a felony of the fourth degree, and 2228  
division (C) of section 2929.13 of the Revised Code applies in 2229  
determining whether to impose a prison term on the offender. 2230

(c) If the amount of the drug involved equals or exceeds 2231  
five times the bulk amount but is less than fifty times the bulk 2232  
amount, possession of drugs is a felony of the third degree, and 2233  
there is a presumption for a prison term for the offense. 2234

(d) If the amount of the drug involved equals or exceeds 2235  
fifty times the bulk amount, possession of drugs is a felony of 2236  
the second degree, and the court shall impose upon the offender 2237  
as a mandatory prison term a second degree felony mandatory 2238  
prison term. 2239

(3) If the drug involved in the violation is marihuana or 2240  
a compound, mixture, preparation, or substance containing 2241  
marihuana other than hashish, whoever violates division (A) of 2242  
this section is guilty of possession of marihuana. The penalty 2243  
for the offense shall be determined as follows: 2244

(a) Except as otherwise provided in division (C) (3) (b), 2245  
(c), (d), (e), (f), or (g) of this section, possession of 2246  
marihuana is a minor misdemeanor. 2247

(b) If the amount of the drug involved equals or exceeds 2248

one hundred grams but is less than two hundred grams, possession 2249  
of marihuana is a misdemeanor of the fourth degree. 2250

(c) If the amount of the drug involved equals or exceeds 2251  
two hundred grams but is less than one thousand grams, 2252  
possession of marihuana is a felony of the fifth degree, and 2253  
division (B) of section 2929.13 of the Revised Code applies in 2254  
determining whether to impose a prison term on the offender. 2255

(d) If the amount of the drug involved equals or exceeds 2256  
one thousand grams but is less than five thousand grams, 2257  
possession of marihuana is a felony of the third degree, and 2258  
division (C) of section 2929.13 of the Revised Code applies in 2259  
determining whether to impose a prison term on the offender. 2260

(e) If the amount of the drug involved equals or exceeds 2261  
five thousand grams but is less than twenty thousand grams, 2262  
possession of marihuana is a felony of the third degree, and 2263  
there is a presumption that a prison term shall be imposed for 2264  
the offense. 2265

(f) If the amount of the drug involved equals or exceeds 2266  
twenty thousand grams but is less than forty thousand grams, 2267  
possession of marihuana is a felony of the second degree, and 2268  
the court shall impose as a mandatory prison term a second 2269  
degree felony mandatory prison term of five, six, seven, or 2270  
eight years. 2271

(g) If the amount of the drug involved equals or exceeds 2272  
forty thousand grams, possession of marihuana is a felony of the 2273  
second degree, and the court shall impose as a mandatory prison 2274  
term a maximum second degree felony mandatory prison term. 2275

(4) If the drug involved in the violation is cocaine or a 2276  
compound, mixture, preparation, or substance containing cocaine, 2277

whoever violates division (A) of this section is guilty of 2278  
possession of cocaine. The penalty for the offense shall be 2279  
determined as follows: 2280

(a) Except as otherwise provided in division (C) (4) (b), 2281  
(c), (d), (e), or (f) of this section, possession of cocaine is 2282  
a felony of the fifth degree, and division (B) of section 2283  
2929.13 of the Revised Code applies in determining whether to 2284  
impose a prison term on the offender. 2285

(b) If the amount of the drug involved equals or exceeds 2286  
five grams but is less than ten grams of cocaine, possession of 2287  
cocaine is a felony of the fourth degree, and division (B) of 2288  
section 2929.13 of the Revised Code applies in determining 2289  
whether to impose a prison term on the offender. 2290

(c) If the amount of the drug involved equals or exceeds 2291  
ten grams but is less than twenty grams of cocaine, possession 2292  
of cocaine is a felony of the third degree, and, except as 2293  
otherwise provided in this division, there is a presumption for 2294  
a prison term for the offense. If possession of cocaine is a 2295  
felony of the third degree under this division and if the 2296  
offender two or more times previously has been convicted of or 2297  
pleaded guilty to a felony drug abuse offense, the court shall 2298  
impose as a mandatory prison term one of the prison terms 2299  
prescribed for a felony of the third degree. 2300

(d) If the amount of the drug involved equals or exceeds 2301  
twenty grams but is less than twenty-seven grams of cocaine, 2302  
possession of cocaine is a felony of the second degree, and the 2303  
court shall impose as a mandatory prison term a second degree 2304  
felony mandatory prison term. 2305

(e) If the amount of the drug involved equals or exceeds 2306

twenty-seven grams but is less than one hundred grams of 2307  
cocaine, possession of cocaine is a felony of the first degree, 2308  
and the court shall impose as a mandatory prison term a first 2309  
degree felony mandatory prison term. 2310

(f) If the amount of the drug involved equals or exceeds 2311  
one hundred grams of cocaine, possession of cocaine is a felony 2312  
of the first degree, the offender is a major drug offender, and 2313  
the court shall impose as a mandatory prison term a maximum 2314  
first degree felony mandatory prison term. 2315

(5) If the drug involved in the violation is L.S.D., 2316  
whoever violates division (A) of this section is guilty of 2317  
possession of L.S.D. The penalty for the offense shall be 2318  
determined as follows: 2319

(a) Except as otherwise provided in division (C) (5) (b), 2320  
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 2321  
felony of the fifth degree, and division (B) of section 2929.13 2322  
of the Revised Code applies in determining whether to impose a 2323  
prison term on the offender. 2324

(b) If the amount of L.S.D. involved equals or exceeds ten 2325  
unit doses but is less than fifty unit doses of L.S.D. in a 2326  
solid form or equals or exceeds one gram but is less than five 2327  
grams of L.S.D. in a liquid concentrate, liquid extract, or 2328  
liquid distillate form, possession of L.S.D. is a felony of the 2329  
fourth degree, and division (C) of section 2929.13 of the 2330  
Revised Code applies in determining whether to impose a prison 2331  
term on the offender. 2332

(c) If the amount of L.S.D. involved equals or exceeds 2333  
fifty unit doses, but is less than two hundred fifty unit doses 2334  
of L.S.D. in a solid form or equals or exceeds five grams but is 2335



less than twenty-five grams of L.S.D. in a liquid concentrate, 2336  
liquid extract, or liquid distillate form, possession of L.S.D. 2337  
is a felony of the third degree, and there is a presumption for 2338  
a prison term for the offense. 2339

(d) If the amount of L.S.D. involved equals or exceeds two 2340  
hundred fifty unit doses but is less than one thousand unit 2341  
doses of L.S.D. in a solid form or equals or exceeds twenty-five 2342  
grams but is less than one hundred grams of L.S.D. in a liquid 2343  
concentrate, liquid extract, or liquid distillate form, 2344  
possession of L.S.D. is a felony of the second degree, and the 2345  
court shall impose as a mandatory prison term a second degree 2346  
felony mandatory prison term. 2347

(e) If the amount of L.S.D. involved equals or exceeds one 2348  
thousand unit doses but is less than five thousand unit doses of 2349  
L.S.D. in a solid form or equals or exceeds one hundred grams 2350  
but is less than five hundred grams of L.S.D. in a liquid 2351  
concentrate, liquid extract, or liquid distillate form, 2352  
possession of L.S.D. is a felony of the first degree, and the 2353  
court shall impose as a mandatory prison term a first degree 2354  
felony mandatory prison term. 2355

(f) If the amount of L.S.D. involved equals or exceeds 2356  
five thousand unit doses of L.S.D. in a solid form or equals or 2357  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2358  
liquid extract, or liquid distillate form, possession of L.S.D. 2359  
is a felony of the first degree, the offender is a major drug 2360  
offender, and the court shall impose as a mandatory prison term 2361  
a maximum first degree felony mandatory prison term. 2362

(6) If the drug involved in the violation is heroin or a 2363  
compound, mixture, preparation, or substance containing heroin, 2364  
whoever violates division (A) of this section is guilty of 2365

possession of heroin. The penalty for the offense shall be 2366  
determined as follows: 2367

(a) Except as otherwise provided in division (C) (6) (b), 2368  
(c), (d), (e), or (f) of this section, possession of heroin is a 2369  
felony of the fifth degree, and division (B) of section 2929.13 2370  
of the Revised Code applies in determining whether to impose a 2371  
prison term on the offender. 2372

(b) If the amount of the drug involved equals or exceeds 2373  
ten unit doses but is less than fifty unit doses or equals or 2374  
exceeds one gram but is less than five grams, possession of 2375  
heroin is a felony of the fourth degree, and division (C) of 2376  
section 2929.13 of the Revised Code applies in determining 2377  
whether to impose a prison term on the offender. 2378

(c) If the amount of the drug involved equals or exceeds 2379  
fifty unit doses but is less than one hundred unit doses or 2380  
equals or exceeds five grams but is less than ten grams, 2381  
possession of heroin is a felony of the third degree, and there 2382  
is a presumption for a prison term for the offense. 2383

(d) If the amount of the drug involved equals or exceeds 2384  
one hundred unit doses but is less than five hundred unit doses 2385  
or equals or exceeds ten grams but is less than fifty grams, 2386  
possession of heroin is a felony of the second degree, and the 2387  
court shall impose as a mandatory prison term a second degree 2388  
felony mandatory prison term. 2389

(e) If the amount of the drug involved equals or exceeds 2390  
five hundred unit doses but is less than one thousand unit doses 2391  
or equals or exceeds fifty grams but is less than one hundred 2392  
grams, possession of heroin is a felony of the first degree, and 2393  
the court shall impose as a mandatory prison term a first degree 2394

felony mandatory prison term. 2395

(f) If the amount of the drug involved equals or exceeds 2396  
one thousand unit doses or equals or exceeds one hundred grams, 2397  
possession of heroin is a felony of the first degree, the 2398  
offender is a major drug offender, and the court shall impose as 2399  
a mandatory prison term a maximum first degree felony mandatory 2400  
prison term. 2401

(7) If the drug involved in the violation is hashish or a 2402  
compound, mixture, preparation, or substance containing hashish, 2403  
whoever violates division (A) of this section is guilty of 2404  
possession of hashish. The penalty for the offense shall be 2405  
determined as follows: 2406

(a) Except as otherwise provided in division (C) (7) (b), 2407  
(c), (d), (e), (f), or (g) of this section, possession of 2408  
hashish is a minor misdemeanor. 2409

(b) If the amount of the drug involved equals or exceeds 2410  
five grams but is less than ten grams of hashish in a solid form 2411  
or equals or exceeds one gram but is less than two grams of 2412  
hashish in a liquid concentrate, liquid extract, or liquid 2413  
distillate form, possession of hashish is a misdemeanor of the 2414  
fourth degree. 2415

(c) If the amount of the drug involved equals or exceeds 2416  
ten grams but is less than fifty grams of hashish in a solid 2417  
form or equals or exceeds two grams but is less than ten grams 2418  
of hashish in a liquid concentrate, liquid extract, or liquid 2419  
distillate form, possession of hashish is a felony of the fifth 2420  
degree, and division (B) of section 2929.13 of the Revised Code 2421  
applies in determining whether to impose a prison term on the 2422  
offender. 2423

(d) If the amount of the drug involved equals or exceeds 2424  
fifty grams but is less than two hundred fifty grams of hashish 2425  
in a solid form or equals or exceeds ten grams but is less than 2426  
fifty grams of hashish in a liquid concentrate, liquid extract, 2427  
or liquid distillate form, possession of hashish is a felony of 2428  
the third degree, and division (C) of section 2929.13 of the 2429  
Revised Code applies in determining whether to impose a prison 2430  
term on the offender. 2431

(e) If the amount of the drug involved equals or exceeds 2432  
two hundred fifty grams but is less than one thousand grams of 2433  
hashish in a solid form or equals or exceeds fifty grams but is 2434  
less than two hundred grams of hashish in a liquid concentrate, 2435  
liquid extract, or liquid distillate form, possession of hashish 2436  
is a felony of the third degree, and there is a presumption that 2437  
a prison term shall be imposed for the offense. 2438

(f) If the amount of the drug involved equals or exceeds 2439  
one thousand grams but is less than two thousand grams of 2440  
hashish in a solid form or equals or exceeds two hundred grams 2441  
but is less than four hundred grams of hashish in a liquid 2442  
concentrate, liquid extract, or liquid distillate form, 2443  
possession of hashish is a felony of the second degree, and the 2444  
court shall impose as a mandatory prison term a second degree 2445  
felony mandatory prison term of five, six, seven, or eight 2446  
years. 2447

(g) If the amount of the drug involved equals or exceeds 2448  
two thousand grams of hashish in a solid form or equals or 2449  
exceeds four hundred grams of hashish in a liquid concentrate, 2450  
liquid extract, or liquid distillate form, possession of hashish 2451  
is a felony of the second degree, and the court shall impose as 2452  
a mandatory prison term a maximum second degree felony mandatory 2453

prison term. 2454

(8) If the drug involved is a controlled substance analog 2455  
or compound, mixture, preparation, or substance that contains a 2456  
controlled substance analog, whoever violates division (A) of 2457  
this section is guilty of possession of a controlled substance 2458  
analog. The penalty for the offense shall be determined as 2459  
follows: 2460

(a) Except as otherwise provided in division (C) (8) (b), 2461  
(c), (d), (e), or (f) of this section, possession of a 2462  
controlled substance analog is a felony of the fifth degree, and 2463  
division (B) of section 2929.13 of the Revised Code applies in 2464  
determining whether to impose a prison term on the offender. 2465

(b) If the amount of the drug involved equals or exceeds 2466  
ten grams but is less than twenty grams, possession of a 2467  
controlled substance analog is a felony of the fourth degree, 2468  
and there is a presumption for a prison term for the offense. 2469

(c) If the amount of the drug involved equals or exceeds 2470  
twenty grams but is less than thirty grams, possession of a 2471  
controlled substance analog is a felony of the third degree, and 2472  
there is a presumption for a prison term for the offense. 2473

(d) If the amount of the drug involved equals or exceeds 2474  
thirty grams but is less than forty grams, possession of a 2475  
controlled substance analog is a felony of the second degree, 2476  
and the court shall impose as a mandatory prison term a second 2477  
degree felony mandatory prison term. 2478

(e) If the amount of the drug involved equals or exceeds 2479  
forty grams but is less than fifty grams, possession of a 2480  
controlled substance analog is a felony of the first degree, and 2481  
the court shall impose as a mandatory prison term a first degree 2482

felony mandatory prison term. 2483

(f) If the amount of the drug involved equals or exceeds 2484  
fifty grams, possession of a controlled substance analog is a 2485  
felony of the first degree, the offender is a major drug 2486  
offender, and the court shall impose as a mandatory prison term 2487  
a maximum first degree felony mandatory prison term. 2488

(9) If the drug involved in the violation is a compound, 2489  
mixture, preparation, or substance that is a combination of a 2490  
fentanyl-related compound and marihuana, one of the following 2491  
applies: 2492

(a) Except as otherwise provided in division (C) (9) (b) of 2493  
this section, the offender is guilty of possession of marihuana 2494  
and shall be punished as provided in division (C) (3) of this 2495  
section. Except as otherwise provided in division (C) (9) (b) of 2496  
this section, the offender is not guilty of possession of a 2497  
fentanyl-related compound under division (C) (11) of this section 2498  
and shall not be charged with, convicted of, or punished under 2499  
division (C) (11) of this section for possession of a fentanyl- 2500  
related compound. 2501

(b) If the offender knows or has reason to know that the 2502  
compound, mixture, preparation, or substance that is the drug 2503  
involved contains a fentanyl-related compound, the offender is 2504  
guilty of possession of a fentanyl-related compound and shall be 2505  
punished under division (C) (11) of this section. 2506

(10) If the drug involved in the violation is a compound, 2507  
mixture, preparation, or substance that is a combination of a 2508  
fentanyl-related compound and any schedule III, schedule IV, or 2509  
schedule V controlled substance that is not a fentanyl-related 2510  
compound, one of the following applies: 2511

(a) Except as otherwise provided in division (C) (10) (b) of 2512  
this section, the offender is guilty of possession of drugs and 2513  
shall be punished as provided in division (C) (2) of this 2514  
section. Except as otherwise provided in division (C) (10) (b) of 2515  
this section, the offender is not guilty of possession of a 2516  
fentanyl-related compound under division (C) (11) of this section 2517  
and shall not be charged with, convicted of, or punished under 2518  
division (C) (11) of this section for possession of a fentanyl- 2519  
related compound. 2520

(b) If the offender knows or has reason to know that the 2521  
compound, mixture, preparation, or substance that is the drug 2522  
involved contains a fentanyl-related compound, the offender is 2523  
guilty of possession of a fentanyl-related compound and shall be 2524  
punished under division (C) (11) of this section. 2525

(11) If the drug involved in the violation is a fentanyl- 2526  
related compound and neither division (C) (9) (a) nor division (C) 2527  
(10) (a) of this section applies to the drug involved, or is a 2528  
compound, mixture, preparation, or substance that contains a 2529  
fentanyl-related compound or is a combination of a fentanyl- 2530  
related compound and any other controlled substance and neither 2531  
division (C) (9) (a) nor division (C) (10) (a) of this section 2532  
applies to the drug involved, whoever violates division (A) of 2533  
this section is guilty of possession of a fentanyl-related 2534  
compound. The penalty for the offense shall be determined as 2535  
follows: 2536

(a) Except as otherwise provided in division (C) (11) (b), 2537  
(c), (d), (e), (f), or (g) of this section, possession of a 2538  
fentanyl-related compound is a felony of the fifth degree, and 2539  
division (B) of section 2929.13 of the Revised Code applies in 2540  
determining whether to impose a prison term on the offender. 2541

(b) If the amount of the drug involved equals or exceeds 2542  
ten unit doses but is less than fifty unit doses or equals or 2543  
exceeds one gram but is less than five grams, possession of a 2544  
fentanyl-related compound is a felony of the fourth degree, and 2545  
division (C) of section 2929.13 of the Revised Code applies in 2546  
determining whether to impose a prison term on the offender. 2547

(c) If the amount of the drug involved equals or exceeds 2548  
fifty unit doses but is less than one hundred unit doses or 2549  
equals or exceeds five grams but is less than ten grams, 2550  
possession of a fentanyl-related compound is a felony of the 2551  
third degree, and there is a presumption for a prison term for 2552  
the offense. 2553

(d) If the amount of the drug involved equals or exceeds 2554  
one hundred unit doses but is less than two hundred unit doses 2555  
or equals or exceeds ten grams but is less than twenty grams, 2556  
possession of a fentanyl-related compound is a felony of the 2557  
second degree, and the court shall impose as a mandatory prison 2558  
term one of the prison terms prescribed for a felony of the 2559  
second degree. 2560

(e) If the amount of the drug involved equals or exceeds 2561  
two hundred unit doses but is less than five hundred unit doses 2562  
or equals or exceeds twenty grams but is less than fifty grams, 2563  
possession of a fentanyl-related compound is a felony of the 2564  
first degree, and the court shall impose as a mandatory prison 2565  
term one of the prison terms prescribed for a felony of the 2566  
first degree. 2567

(f) If the amount of the drug involved equals or exceeds 2568  
five hundred unit doses but is less than one thousand unit doses 2569  
or equals or exceeds fifty grams but is less than one hundred 2570  
grams, possession of a fentanyl-related compound is a felony of 2571



the first degree, and the court shall impose as a mandatory 2572  
prison term the maximum prison term prescribed for a felony of 2573  
the first degree. 2574

(g) If the amount of the drug involved equals or exceeds 2575  
one thousand unit doses or equals or exceeds one hundred grams, 2576  
possession of a fentanyl-related compound is a felony of the 2577  
first degree, the offender is a major drug offender, and the 2578  
court shall impose as a mandatory prison term the maximum prison 2579  
term prescribed for a felony of the first degree. 2580

(D) Arrest or conviction for a minor misdemeanor violation 2581  
of this section does not constitute a criminal record and need 2582  
not be reported by the person so arrested or convicted in 2583  
response to any inquiries about the person's criminal record, 2584  
including any inquiries contained in any application for 2585  
employment, license, or other right or privilege, or made in 2586  
connection with the person's appearance as a witness. 2587

(E) In addition to any prison term or jail term authorized 2588  
or required by division (C) of this section and sections 2589  
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2590  
Code and in addition to any other sanction that is imposed for 2591  
the offense under this section, sections 2929.11 to 2929.18, or 2592  
sections 2929.21 to 2929.28 of the Revised Code, the court that 2593  
sentences an offender who is convicted of or pleads guilty to a 2594  
violation of division (A) of this section may suspend the 2595  
offender's driver's or commercial driver's license or permit for 2596  
not more than five years. However, if the offender pleaded 2597  
guilty to or was convicted of a violation of section 4511.19 of 2598  
the Revised Code or a substantially similar municipal ordinance 2599  
or the law of another state or the United States arising out of 2600  
the same set of circumstances as the violation, the court shall 2601

suspend the offender's driver's or commercial driver's license 2602  
or permit for not more than five years. If applicable, the court 2603  
also shall do the following: 2604

(1) (a) If the violation is a felony of the first, second, 2605  
or third degree, the court shall impose upon the offender the 2606  
mandatory fine specified for the offense under division (B) (1) 2607  
of section 2929.18 of the Revised Code unless, as specified in 2608  
that division, the court determines that the offender is 2609  
indigent. 2610

(b) Notwithstanding any contrary provision of section 2611  
3719.21 of the Revised Code, the clerk of the court shall pay a 2612  
mandatory fine or other fine imposed for a violation of this 2613  
section pursuant to division (A) of section 2929.18 of the 2614  
Revised Code in accordance with and subject to the requirements 2615  
of division (F) of section 2925.03 of the Revised Code. The 2616  
agency that receives the fine shall use the fine as specified in 2617  
division (F) of section 2925.03 of the Revised Code. 2618

(c) If a person is charged with a violation of this 2619  
section that is a felony of the first, second, or third degree, 2620  
posts bail, and forfeits the bail, the clerk shall pay the 2621  
forfeited bail pursuant to division (E) (1) (b) of this section as 2622  
if it were a mandatory fine imposed under division (E) (1) (a) of 2623  
this section. 2624

(2) If the offender is a professionally licensed person, 2625  
in addition to any other sanction imposed for a violation of 2626  
this section, the court immediately shall comply with section 2627  
2925.38 of the Revised Code. 2628

(F) It is an affirmative defense, as provided in section 2629  
2901.05 of the Revised Code, to a charge of a fourth degree 2630

felony violation under this section that the controlled 2631  
substance that gave rise to the charge is in an amount, is in a 2632  
form, is prepared, compounded, or mixed with substances that are 2633  
not controlled substances in a manner, or is possessed under any 2634  
other circumstances, that indicate that the substance was 2635  
possessed solely for personal use. Notwithstanding any contrary 2636  
provision of this section, if, in accordance with section 2637  
2901.05 of the Revised Code, an accused who is charged with a 2638  
fourth degree felony violation of division (C) (2), (4), (5), or 2639  
(6) of this section sustains the burden of going forward with 2640  
evidence of and establishes by a preponderance of the evidence 2641  
the affirmative defense described in this division, the accused 2642  
may be prosecuted for and may plead guilty to or be convicted of 2643  
a misdemeanor violation of division (C) (2) of this section or a 2644  
fifth degree felony violation of division (C) (4), (5), or (6) of 2645  
this section respectively. 2646

(G) When a person is charged with possessing a bulk amount 2647  
or multiple of a bulk amount, division (E) of section 2925.03 of 2648  
the Revised Code applies regarding the determination of the 2649  
amount of the controlled substance involved at the time of the 2650  
offense. 2651

(H) It is an affirmative defense to a charge of possession 2652  
of a controlled substance analog under division (C) (8) of this 2653  
section that the person charged with violating that offense 2654  
obtained, possessed, or used one of the following items that are 2655  
excluded from the meaning of "controlled substance analog" under 2656  
section 3719.01 of the Revised Code: 2657

(1) A controlled substance; 2658

(2) Any substance for which there is an approved new drug 2659  
application; 2660

(3) With respect to a particular person, any substance if 2661  
an exemption is in effect for investigational use for that 2662  
person pursuant to federal law to the extent that conduct with 2663  
respect to that substance is pursuant to that exemption. 2664

(I) Any offender who received a mandatory suspension of 2665  
the offender's driver's or commercial driver's license or permit 2666  
under this section prior to September 13, 2016, may file a 2667  
motion with the sentencing court requesting the termination of 2668  
the suspension. However, an offender who pleaded guilty to or 2669  
was convicted of a violation of section 4511.19 of the Revised 2670  
Code or a substantially similar municipal ordinance or law of 2671  
another state or the United States that arose out of the same 2672  
set of circumstances as the violation for which the offender's 2673  
license or permit was suspended under this section shall not 2674  
file such a motion. 2675

Upon the filing of a motion under division (I) of this 2676  
section, the sentencing court, in its discretion, may terminate 2677  
the suspension. 2678

**Sec. 2925.12.** (A) No person shall knowingly make, obtain, 2679  
possess, or use any instrument, article, or thing the customary 2680  
and primary purpose of which is for the administration or use of 2681  
a dangerous drug, other than marihuana, when the instrument 2682  
involved is a hypodermic or syringe, whether or not of crude or 2683  
extemporized manufacture or assembly, and the instrument, 2684  
article, or thing involved has been used by the offender to 2685  
unlawfully administer or use a dangerous drug, other than 2686  
marihuana, or to prepare a dangerous drug, other than marihuana, 2687  
for unlawful administration or use. 2688

(B) This section does not apply to manufacturers, licensed 2689  
health professionals authorized to prescribe drugs, pharmacists, 2690

owners of pharmacies, and other persons whose conduct was in 2691  
accordance with Chapters 3719., 4715., 4723., 4729., 4730., 2692  
4731., ~~and 4741.~~, and 4761. of the Revised Code. 2693

(C) Whoever violates this section is guilty of possessing 2694  
drug abuse instruments, a misdemeanor of the second degree. If 2695  
the offender previously has been convicted of a drug abuse 2696  
offense, a violation of this section is a misdemeanor of the 2697  
first degree. 2698

(D) (1) In addition to any other sanction imposed upon an 2699  
offender for a violation of this section, the court may suspend 2700  
for not more than five years the offender's driver's or 2701  
commercial driver's license or permit. However, if the offender 2702  
pleaded guilty to or was convicted of a violation of section 2703  
4511.19 of the Revised Code or a substantially similar municipal 2704  
ordinance or the law of another state or the United States 2705  
arising out of the same set of circumstances as the violation, 2706  
the court shall suspend the offender's driver's or commercial 2707  
driver's license or permit for not more than five years. If the 2708  
offender is a professionally licensed person, in addition to any 2709  
other sanction imposed for a violation of this section, the 2710  
court immediately shall comply with section 2925.38 of the 2711  
Revised Code. 2712

(2) Any offender who received a mandatory suspension of 2713  
the offender's driver's or commercial driver's license or permit 2714  
under this section prior to ~~the effective date of this amendment~~ 2715  
September 13, 2016, may file a motion with the sentencing court 2716  
requesting the termination of the suspension. However, an 2717  
offender who pleaded guilty to or was convicted of a violation 2718  
of section 4511.19 of the Revised Code or a substantially 2719  
similar municipal ordinance or law of another state or the 2720

United States that arose out of the same set of circumstances as 2721  
the violation for which the offender's license or permit was 2722  
suspended under this section shall not file such a motion. 2723

Upon the filing of a motion under division (D)(2) of this 2724  
section, the sentencing court, in its discretion, may terminate 2725  
the suspension. 2726

**Sec. 2925.14.** (A) As used in this section, "drug 2727  
paraphernalia" means any equipment, product, or material of any 2728  
kind that is used by the offender, intended by the offender for 2729  
use, or designed for use, in propagating, cultivating, growing, 2730  
harvesting, manufacturing, compounding, converting, producing, 2731  
processing, preparing, testing, analyzing, packaging, 2732  
repackaging, storing, containing, concealing, injecting, 2733  
ingesting, inhaling, or otherwise introducing into the human 2734  
body, a controlled substance in violation of this chapter. "Drug 2735  
paraphernalia" includes, but is not limited to, any of the 2736  
following equipment, products, or materials that are used by the 2737  
offender, intended by the offender for use, or designed by the 2738  
offender for use, in any of the following manners: 2739

(1) A kit for propagating, cultivating, growing, or 2740  
harvesting any species of a plant that is a controlled substance 2741  
or from which a controlled substance can be derived; 2742

(2) A kit for manufacturing, compounding, converting, 2743  
producing, processing, or preparing a controlled substance; 2744

(3) Any object, instrument, or device for manufacturing, 2745  
compounding, converting, producing, processing, or preparing 2746  
methamphetamine; 2747

(4) An isomerization device for increasing the potency of 2748  
any species of a plant that is a controlled substance; 2749

(5) Testing equipment for identifying, or analyzing the strength, effectiveness, or purity of, a controlled substance;	2750 2751
(6) A scale or balance for weighing or measuring a controlled substance;	2752 2753
(7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance;	2754 2755 2756
(8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana;	2757 2758
(9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance;	2759 2760
(10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance;	2761 2762
(11) A container or device for storing or concealing a controlled substance;	2763 2764
(12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body;	2765 2766 2767
(13) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, marihuana, cocaine, hashish, or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or without a screen, permanent screen, hashish head, or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric	2768 2769 2770 2771 2772 2773 2774 2775 2776 2777

pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 2778

(B) In determining if any equipment, product, or material 2779  
is drug paraphernalia, a court or law enforcement officer shall 2780  
consider, in addition to other relevant factors, the following: 2781

(1) Any statement by the owner, or by anyone in control, 2782  
of the equipment, product, or material, concerning its use; 2783

(2) The proximity in time or space of the equipment, 2784  
product, or material, or of the act relating to the equipment, 2785  
product, or material, to a violation of any provision of this 2786  
chapter; 2787

(3) The proximity of the equipment, product, or material 2788  
to any controlled substance; 2789

(4) The existence of any residue of a controlled substance 2790  
on the equipment, product, or material; 2791

(5) Direct or circumstantial evidence of the intent of the 2792  
owner, or of anyone in control, of the equipment, product, or 2793  
material, to deliver it to any person whom the owner or person 2794  
in control of the equipment, product, or material knows intends 2795  
to use the object to facilitate a violation of any provision of 2796  
this chapter. A finding that the owner, or anyone in control, of 2797  
the equipment, product, or material, is not guilty of a 2798  
violation of any other provision of this chapter does not 2799  
prevent a finding that the equipment, product, or material was 2800  
intended or designed by the offender for use as drug 2801  
paraphernalia. 2802

(6) Any oral or written instruction provided with the 2803  
equipment, product, or material concerning its use; 2804

(7) Any descriptive material accompanying the equipment, 2805



product, or material and explaining or depicting its use;	2806
(8) National or local advertising concerning the use of the equipment, product, or material;	2807 2808
(9) The manner and circumstances in which the equipment, product, or material is displayed for sale;	2809 2810
(10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product, or material to the total sales of the business enterprise;	2811 2812 2813
(11) The existence and scope of legitimate uses of the equipment, product, or material in the community;	2814 2815
(12) Expert testimony concerning the use of the equipment, product, or material.	2816 2817
(C) (1) Subject to division (D) (2) of this section, no person shall knowingly use, or possess with purpose to use, drug paraphernalia.	2818 2819 2820
(2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product, or material will be used as drug paraphernalia.	2821 2822 2823 2824
(3) No person shall place an advertisement in any newspaper, magazine, handbill, or other publication that is published and printed and circulates primarily within this state, if the person knows that the purpose of the advertisement is to promote the illegal sale in this state of the equipment, product, or material that the offender intended or designed for use as drug paraphernalia.	2825 2826 2827 2828 2829 2830 2831
(D) (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs,	2832 2833

pharmacists, owners of pharmacies, and other persons whose 2834  
conduct is in accordance with Chapters 3719., 4715., 4723., 2835  
4729., 4730., 4731., ~~and 4741.~~ and 4761. of the Revised Code. 2836  
This section shall not be construed to prohibit the possession 2837  
or use of a hypodermic as authorized by section 3719.172 of the 2838  
Revised Code. 2839

(2) Division (C)(1) of this section does not apply to a 2840  
person's use, or possession with purpose to use, any drug 2841  
paraphernalia that is equipment, a product, or material of any 2842  
kind that is used by the person, intended by the person for use, 2843  
or designed for use in storing, containing, concealing, 2844  
injecting, ingesting, inhaling, or otherwise introducing into 2845  
the human body marihuana. 2846

(E) Notwithstanding Chapter 2981. of the Revised Code, any 2847  
drug paraphernalia that was used, possessed, sold, or 2848  
manufactured in a violation of this section shall be seized, 2849  
after a conviction for that violation shall be forfeited, and 2850  
upon forfeiture shall be disposed of pursuant to division (B) of 2851  
section 2981.12 of the Revised Code. 2852

(F)(1) Whoever violates division (C)(1) of this section is 2853  
guilty of illegal use or possession of drug paraphernalia, a 2854  
misdemeanor of the fourth degree. 2855

(2) Except as provided in division (F)(3) of this section, 2856  
whoever violates division (C)(2) of this section is guilty of 2857  
dealing in drug paraphernalia, a misdemeanor of the second 2858  
degree. 2859

(3) Whoever violates division (C)(2) of this section by 2860  
selling drug paraphernalia to a juvenile is guilty of selling 2861  
drug paraphernalia to juveniles, a misdemeanor of the first 2862

degree. 2863

(4) Whoever violates division (C) (3) of this section is 2864  
guilty of illegal advertising of drug paraphernalia, a 2865  
misdemeanor of the second degree. 2866

(G) (1) In addition to any other sanction imposed upon an 2867  
offender for a violation of this section, the court may suspend 2868  
for not more than five years the offender's driver's or 2869  
commercial driver's license or permit. However, if the offender 2870  
pleaded guilty to or was convicted of a violation of section 2871  
4511.19 of the Revised Code or a substantially similar municipal 2872  
ordinance or the law of another state or the United States 2873  
arising out of the same set of circumstances as the violation, 2874  
the court shall suspend the offender's driver's or commercial 2875  
driver's license or permit for not more than five years. If the 2876  
offender is a professionally licensed person, in addition to any 2877  
other sanction imposed for a violation of this section, the 2878  
court immediately shall comply with section 2925.38 of the 2879  
Revised Code. 2880

(2) Any offender who received a mandatory suspension of 2881  
the offender's driver's or commercial driver's license or permit 2882  
under this section prior to ~~the effective date of this amendment~~ 2883  
September 13, 2016, may file a motion with the sentencing court 2884  
requesting the termination of the suspension. However, an 2885  
offender who pleaded guilty to or was convicted of a violation 2886  
of section 4511.19 of the Revised Code or a substantially 2887  
similar municipal ordinance or law of another state or the 2888  
United States that arose out of the same set of circumstances as 2889  
the violation for which the offender's license or permit was 2890  
suspended under this section shall not file such a motion. 2891

Upon the filing of a motion under division (G) (2) of this 2892

section, the sentencing court, in its discretion, may terminate	2893
the suspension.	2894
<b>Sec. 2925.23.</b> (A) No person shall knowingly make a false	2895
statement in any prescription, order, report, or record required	2896
by Chapter 3719. or 4729. of the Revised Code.	2897
(B) No person shall intentionally make, utter, or sell, or	2898
knowingly possess any of the following that is a false or	2899
forged:	2900
(1) Prescription;	2901
(2) Uncompleted preprinted prescription blank used for	2902
writing a prescription;	2903
(3) Official written order;	2904
(4) License for a terminal distributor of dangerous drugs,	2905
as defined in section 4729.01 of the Revised Code;	2906
(5) License for a manufacturer of dangerous drugs,	2907
outsourcing facility, third-party logistics provider, repackager	2908
of dangerous drugs, or wholesale distributor of dangerous drugs,	2909
as defined in section 4729.01 of the Revised Code.	2910
(C) No person, by theft as defined in section 2913.02 of	2911
the Revised Code, shall acquire any of the following:	2912
(1) A prescription;	2913
(2) An uncompleted preprinted prescription blank used for	2914
writing a prescription;	2915
(3) An official written order;	2916
(4) A blank official written order;	2917
(5) A license or blank license for a terminal distributor	2918

of dangerous drugs, as defined in section 4729.01 of the Revised Code; 2919  
2920

(6) A license or blank license for a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code. 2921  
2922  
2923  
2924  
2925

(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs. 2926  
2927  
2928

(E) Divisions (A) and (D) of this section do not apply to licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., ~~and 4741.~~ and 4761. of the Revised Code. 2929  
2930  
2931  
2932  
2933  
2934

(F) Whoever violates this section is guilty of illegal processing of drug documents. If the offender violates division (B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this section, illegal processing of drug documents is a felony of the fifth degree. If the offender violates division (A), division (B) (1) or (3), division (C) (1) or (3), or division (D) of this section, the penalty for illegal processing of drug documents shall be determined as follows: 2935  
2936  
2937  
2938  
2939  
2940  
2941  
2942

(1) If the drug involved is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, illegal processing of drug documents is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to 2943  
2944  
2945  
2946  
2947

impose a prison term on the offender. 2948

(2) If the drug involved is a dangerous drug or a 2949  
compound, mixture, preparation, or substance included in 2950  
schedule III, IV, or V or is marihuana, illegal processing of 2951  
drug documents is a felony of the fifth degree, and division (C) 2952  
of section 2929.13 of the Revised Code applies in determining 2953  
whether to impose a prison term on the offender. 2954

(G) (1) In addition to any prison term authorized or 2955  
required by division (F) of this section and sections 2929.13 2956  
and 2929.14 of the Revised Code and in addition to any other 2957  
sanction imposed for the offense under this section or sections 2958  
2929.11 to 2929.18 of the Revised Code, the court that sentences 2959  
an offender who is convicted of or pleads guilty to any 2960  
violation of divisions (A) to (D) of this section may suspend 2961  
for not more than five years the offender's driver's or 2962  
commercial driver's license or permit. However, if the offender 2963  
pleaded guilty to or was convicted of a violation of section 2964  
4511.19 of the Revised Code or a substantially similar municipal 2965  
ordinance or the law of another state or the United States 2966  
arising out of the same set of circumstances as the violation, 2967  
the court shall suspend the offender's driver's or commercial 2968  
driver's license or permit for not more than five years. 2969

If the offender is a professionally licensed person, in 2970  
addition to any other sanction imposed for a violation of this 2971  
section, the court immediately shall comply with section 2925.38 2972  
of the Revised Code. 2973

(2) Any offender who received a mandatory suspension of 2974  
the offender's driver's or commercial driver's license or permit 2975  
under this section prior to September 13, 2016, may file a 2976  
motion with the sentencing court requesting the termination of 2977

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

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

(B) Division (A) of this section does not apply to  
manufacturers, wholesalers, pharmacists, owners of pharmacies,  
licensed health professionals authorized to prescribe drugs, and  
other persons whose conduct is in accordance with Chapters  
3719., 4715., 4723., 4725., 4729., 4730., 4731., ~~and 4741.~~, and  
4761. of the Revised Code.

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

(2) If the drug involved in the offense is a compound,

mixture, preparation, or substance included in schedule I or II, 3007  
with the exception of marihuana, the penalty for the offense 3008  
shall be determined as follows: 3009

(a) Except as otherwise provided in division (C) (2) (b) of 3010  
this section, illegal dispensing of drug samples is a felony of 3011  
the fifth degree, and, subject to division (E) of this section, 3012  
division (C) of section 2929.13 of the Revised Code applies in 3013  
determining whether to impose a prison term on the offender. 3014

(b) If the offense was committed in the vicinity of a 3015  
school or in the vicinity of a juvenile, illegal dispensing of 3016  
drug samples is a felony of the fourth degree, and, subject to 3017  
division (E) of this section, division (C) of section 2929.13 of 3018  
the Revised Code applies in determining whether to impose a 3019  
prison term on the offender. 3020

(3) If the drug involved in the offense is a dangerous 3021  
drug or a compound, mixture, preparation, or substance included 3022  
in schedule III, IV, or V, or is marihuana, the penalty for the 3023  
offense shall be determined as follows: 3024

(a) Except as otherwise provided in division (C) (3) (b) of 3025  
this section, illegal dispensing of drug samples is a 3026  
misdemeanor of the second degree. 3027

(b) If the offense was committed in the vicinity of a 3028  
school or in the vicinity of a juvenile, illegal dispensing of 3029  
drug samples is a misdemeanor of the first degree. 3030

(D) (1) In addition to any prison term authorized or 3031  
required by division (C) or (E) of this section and sections 3032  
2929.13 and 2929.14 of the Revised Code and in addition to any 3033  
other sanction imposed for the offense under this section or 3034  
sections 2929.11 to 2929.18 of the Revised Code, the court that 3035



sentences an offender who is convicted of or pleads guilty to a 3036  
violation of division (A) of this section may suspend for not 3037  
more than five years the offender's driver's or commercial 3038  
driver's license or permit. However, if the offender pleaded 3039  
guilty to or was convicted of a violation of section 4511.19 of 3040  
the Revised Code or a substantially similar municipal ordinance 3041  
or the law of another state or the United States arising out of 3042  
the same set of circumstances as the violation, the court shall 3043  
suspend the offender's driver's or commercial driver's license 3044  
or permit for not more than five years. 3045

If the offender is a professionally licensed person, in 3046  
addition to any other sanction imposed for a violation of this 3047  
section, the court immediately shall comply with section 2925.38 3048  
of the Revised Code. 3049

(2) Any offender who received a mandatory suspension of 3050  
the offender's driver's or commercial driver's license or permit 3051  
under this section prior to September 13, 2016, may file a 3052  
motion with the sentencing court requesting the termination of 3053  
the suspension. However, an offender who pleaded guilty to or 3054  
was convicted of a violation of section 4511.19 of the Revised 3055  
Code or a substantially similar municipal ordinance or law of 3056  
another state or the United States that arose out of the same 3057  
set of circumstances as the violation for which the offender's 3058  
license or permit was suspended under this section shall not 3059  
file such a motion. 3060

Upon the filing of a motion under division (D) (2) of this 3061  
section, the sentencing court, in its discretion, may terminate 3062  
the suspension. 3063

(E) Notwithstanding the prison term authorized or required 3064  
by division (C) of this section and sections 2929.13 and 2929.14 3065

of the Revised Code, if the violation of division (A) of this 3066  
section involves the sale, offer to sell, or possession of a 3067  
schedule I or II controlled substance, with the exception of 3068  
marihuana, and if the court imposing sentence upon the offender 3069  
finds that the offender as a result of the violation is a major 3070  
drug offender and is guilty of a specification of the type 3071  
described in division (A) of section 2941.1410 of the Revised 3072  
Code, the court, in lieu of the prison term otherwise authorized 3073  
or required, shall impose upon the offender the mandatory prison 3074  
term specified in division (B) (3) (a) of section 2929.14 of the 3075  
Revised Code. 3076

(F) Notwithstanding any contrary provision of section 3077  
3719.21 of the Revised Code, the clerk of the court shall pay a 3078  
fine imposed for a violation of this section pursuant to 3079  
division (A) of section 2929.18 of the Revised Code in 3080  
accordance with and subject to the requirements of division (F) 3081  
of section 2925.03 of the Revised Code. The agency that receives 3082  
the fine shall use the fine as specified in division (F) of 3083  
section 2925.03 of the Revised Code. 3084

**Sec. 2925.55.** (A) As used in sections 2925.55 to 2925.58 3085  
of the Revised Code: 3086

(1) "Consumer product" means any food or drink that is 3087  
consumed or used by humans and any drug, including a drug that 3088  
may be provided legally only pursuant to a prescription, that is 3089  
intended to be consumed or used by humans. 3090

(2) "Terminal distributor of dangerous drugs" has the same 3091  
meaning as in section 4729.01 of the Revised Code. 3092

(3) "Pseudoephedrine" means any material, compound, 3093  
mixture, or preparation that contains any quantity of 3094

pseudoephedrine, any of its salts, optical isomers, or salts of 3095  
optical isomers. 3096

(4) "Pseudoephedrine product" means a consumer product 3097  
that contains pseudoephedrine. 3098

(5) "Retailer" means a place of business that offers 3099  
consumer products for sale to the general public. 3100

(6) "Single-ingredient preparation" means a compound, 3101  
mixture, preparation, or substance that contains a single active 3102  
ingredient. 3103

(7) "Ephedrine" means any material, compound, mixture, or 3104  
preparation that contains any quantity of ephedrine, any of its 3105  
salts, optical isomers, or salts of optical isomers. 3106

(8) "Ephedrine product" means a consumer product that 3107  
contains ephedrine. 3108

(B) (1) No individual shall knowingly purchase, receive, or 3109  
otherwise acquire an amount of pseudoephedrine product or 3110  
ephedrine product that is greater than either of the following 3111  
unless the pseudoephedrine product or ephedrine product is 3112  
dispensed by a pharmacist pursuant to a valid prescription 3113  
issued by a licensed health professional authorized to prescribe 3114  
drugs and the conduct of the pharmacist and the licensed health 3115  
professional authorized to prescribe drugs is in accordance with 3116  
Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or~~ 4741., or 3117  
4761. of the Revised Code: 3118

(a) Three and six tenths grams within a period of a single 3119  
day; 3120

(b) Nine grams within a period of thirty consecutive days. 3121

The limits specified in divisions (B) (1) (a) and (b) of 3122

this section apply to the total amount of base pseudoephedrine 3123  
or base ephedrine in the pseudoephedrine product or ephedrine 3124  
product, respectively. The limits do not apply to the product's 3125  
overall weight. 3126

(2) It is not a violation of division (B)(1) of this 3127  
section for an individual to receive or accept more than an 3128  
amount of pseudoephedrine product or ephedrine product specified 3129  
in division (B)(1)(a) or (b) of this section if the individual 3130  
is an employee of a retailer or terminal distributor of 3131  
dangerous drugs, and the employee receives or accepts from the 3132  
retailer or terminal distributor of dangerous drugs the 3133  
pseudoephedrine product or ephedrine product in a sealed 3134  
container in connection with manufacturing, warehousing, 3135  
placement, stocking, bagging, loading, or unloading of the 3136  
product. 3137

(C)(1) No individual under eighteen years of age shall 3138  
knowingly purchase, receive, or otherwise acquire a 3139  
pseudoephedrine product or ephedrine product unless the 3140  
pseudoephedrine product or ephedrine product is dispensed by a 3141  
pharmacist pursuant to a valid prescription issued by a licensed 3142  
health professional authorized to prescribe drugs and the 3143  
conduct of the pharmacist and the licensed health professional 3144  
authorized to prescribe drugs is in accordance with Chapter 3145  
3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~, or 4761. of 3146  
the Revised Code. 3147

(2) Division (C)(1) of this section does not apply to an 3148  
individual under eighteen years of age who purchases, receives, 3149  
or otherwise acquires a pseudoephedrine product or ephedrine 3150  
product from any of the following: 3151

(a) A licensed health professional authorized to prescribe 3152

drugs or pharmacist who dispenses, sells, or otherwise provides 3153  
the pseudoephedrine product or ephedrine product to that 3154  
individual and whose conduct is in accordance with Chapter 3155  
3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~, or 4761. of 3156  
the Revised Code; 3157

(b) A parent or guardian of that individual who provides 3158  
the pseudoephedrine product or ephedrine product to the 3159  
individual; 3160

(c) A person, as authorized by that individual's parent or 3161  
guardian, who dispenses, sells, or otherwise provides the 3162  
pseudoephedrine product or ephedrine product to the individual; 3163

(d) A retailer or terminal distributor of dangerous drugs 3164  
who provides the pseudoephedrine product or ephedrine product to 3165  
that individual if the individual is an employee of the retailer 3166  
or terminal distributor of dangerous drugs and the individual 3167  
receives or accepts from the retailer or terminal distributor of 3168  
dangerous drugs the pseudoephedrine product or ephedrine product 3169  
in a sealed container in connection with manufacturing, 3170  
warehousing, placement, stocking, bagging, loading, or unloading 3171  
of the product. 3172

(D) No individual under eighteen years of age shall 3173  
knowingly show or give false information concerning the 3174  
individual's name, age, or other identification for the purpose 3175  
of purchasing, receiving, or otherwise acquiring a 3176  
pseudoephedrine product or ephedrine product. 3177

(E) No individual shall knowingly fail to comply with the 3178  
requirements of division (B) of section 3715.051 of the Revised 3179  
Code. 3180

(F) Whoever violates division (B) (1) of this section is 3181

guilty of unlawful purchase of a pseudoephedrine product or ephedrine product, a misdemeanor of the first degree.	3182 3183
(G) Whoever violates division (C) (1) of this section is guilty of underage purchase of a pseudoephedrine product or ephedrine product, a delinquent act that would be a misdemeanor of the fourth degree if it could be committed by an adult.	3184 3185 3186 3187
(H) Whoever violates division (D) of this section is guilty of using false information to purchase a pseudoephedrine product or ephedrine product, a delinquent act that would be a misdemeanor of the first degree if it could be committed by an adult.	3188 3189 3190 3191 3192
(I) Whoever violates division (E) of this section is guilty of improper purchase of a pseudoephedrine product or ephedrine product, a misdemeanor of the fourth degree.	3193 3194 3195
<b>Sec. 2925.56.</b> (A) (1) Except as provided in division (A) (2) of this section, no retailer or terminal distributor of dangerous drugs or an employee of a retailer or terminal distributor of dangerous drugs shall knowingly sell, offer to sell, hold for sale, deliver, or otherwise provide to any individual an amount of pseudoephedrine product or ephedrine product that is greater than either of the following:	3196 3197 3198 3199 3200 3201 3202
(a) Three and six-tenths grams within a period of a single day;	3203 3204
(b) Nine grams within a period of thirty consecutive days.	3205
The maximum amounts specified in divisions (A) (1) (a) and (b) of this section apply to the total amount of base pseudoephedrine or base ephedrine in the pseudoephedrine product or ephedrine product, respectively. The maximum amounts do not apply to the product's overall weight.	3206 3207 3208 3209 3210

(2) (a) Division (A) (1) of this section does not apply to 3211  
any quantity of pseudoephedrine product or ephedrine product 3212  
dispensed by a pharmacist pursuant to a valid prescription 3213  
issued by a licensed health professional authorized to prescribe 3214  
drugs if the conduct of the pharmacist and the licensed health 3215  
professional authorized to prescribe drugs is in accordance with 3216  
Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~, or 3217  
4761. of the Revised Code. 3218

(b) It is not a violation of division (A) (1) of this 3219  
section for a retailer, terminal distributor of dangerous drugs, 3220  
or employee of either to provide to an individual more than an 3221  
amount of pseudoephedrine product or ephedrine product specified 3222  
in division (A) (1) (a) or (b) of this section under either of the 3223  
following circumstances: 3224

(i) The individual is an employee of the retailer or 3225  
terminal distributor of dangerous drugs, and the employee 3226  
receives or accepts from the retailer, terminal distributor of 3227  
dangerous drugs, or employee the pseudoephedrine product or 3228  
ephedrine product in a sealed container in connection with 3229  
manufacturing, warehousing, placement, stocking, bagging, 3230  
loading, or unloading of the product; 3231

(ii) A stop-sale alert is generated after the submission 3232  
of information to the national precursor log exchange under the 3233  
conditions described in division (A) (2) of section 3715.052 of 3234  
the Revised Code. 3235

(B) (1) Except as provided in division (B) (2) of this 3236  
section, no retailer or terminal distributor of dangerous drugs 3237  
or an employee of a retailer or terminal distributor of 3238  
dangerous drugs shall sell, offer to sell, hold for sale, 3239  
deliver, or otherwise provide a pseudoephedrine product or 3240

ephedrine product to an individual who is under eighteen years 3241  
of age. 3242

(2) Division (B)(1) of this section does not apply to any 3243  
of the following: 3244

(a) A licensed health professional authorized to prescribe 3245  
drugs or pharmacist who dispenses, sells, or otherwise provides 3246  
a pseudoephedrine product or ephedrine product to an individual 3247  
under eighteen years of age and whose conduct is in accordance 3248  
with Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~ 3249  
or 4761. of the Revised Code; 3250

(b) A parent or guardian of an individual under eighteen 3251  
years of age who provides a pseudoephedrine product or ephedrine 3252  
product to the individual; 3253

(c) A person who, as authorized by the individual's parent 3254  
or guardian, dispenses, sells, or otherwise provides a 3255  
pseudoephedrine product or ephedrine product to an individual 3256  
under eighteen years of age; 3257

(d) The provision by a retailer, terminal distributor of 3258  
dangerous drugs, or employee of either of a pseudoephedrine 3259  
product or ephedrine product in a sealed container to an 3260  
employee of the retailer or terminal distributor of dangerous 3261  
drugs who is under eighteen years of age in connection with 3262  
manufacturing, warehousing, placement, stocking, bagging, 3263  
loading, or unloading of the product. 3264

(C) No retailer or terminal distributor of dangerous drugs 3265  
shall fail to comply with the requirements of division (A) of 3266  
section 3715.051 or division (A)(2) of section 3715.052 of the 3267  
Revised Code. 3268

(D) No retailer or terminal distributor of dangerous drugs 3269



shall fail to comply with the requirements of division (A) (1) of 3270  
section 3715.052 of the Revised Code. 3271

(E) Whoever violates division (A) (1) of this section is 3272  
guilty of unlawfully selling a pseudoephedrine product or 3273  
ephedrine product, a misdemeanor of the first degree. 3274

(F) Whoever violates division (B) (1) of this section is 3275  
guilty of unlawfully selling a pseudoephedrine product or 3276  
ephedrine product to a minor, a misdemeanor of the fourth 3277  
degree. 3278

(G) Whoever violates division (C) of this section is 3279  
guilty of improper sale of a pseudoephedrine product or 3280  
ephedrine product, a misdemeanor of the second degree. 3281

(H) Whoever violates division (D) of this section is 3282  
guilty of failing to submit information to the national 3283  
precursor log exchange, a misdemeanor for which the offender 3284  
shall be fined not more than one thousand dollars per violation. 3285

**Sec. 2929.42.** (A) The prosecutor in any case against any 3286  
person licensed, certified, registered, or otherwise authorized 3287  
to practice under Chapter 3719., 4715., 4723., 4729., 4730., 3288  
4731., 4734., ~~or 4741.~~ or 4761. of the Revised Code shall 3289  
notify the appropriate licensing board, on forms provided by the 3290  
board, of any of the following regarding the person: 3291

(1) A plea of guilty to, or a conviction of, a felony, or 3292  
a court order dismissing a felony charge on technical or 3293  
procedural grounds; 3294

(2) A plea of guilty to, or a conviction of, a misdemeanor 3295  
committed in the course of practice or in the course of 3296  
business, or a court order dismissing such a misdemeanor charge 3297  
on technical or procedural grounds; 3298

(3) A plea of guilty to, or a conviction of, a misdemeanor involving moral turpitude, or a court order dismissing such a charge on technical or procedural grounds.

(B) The report required by division (A) of this section shall include the name and address of the person, the nature of the offense, and certified copies of court entries in the action.

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

(1) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.

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

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

(4) "Registered volunteer" has the same meaning as in section 5502.281 of the Revised Code.

(B) In consultation with the appropriate professional regulatory boards of this state, the director of health shall develop one or more protocols that authorize the following individuals to administer, deliver, or distribute drugs, other than schedule II and III controlled substances, during a period of time described in division (E) of this section, notwithstanding any statute or rule that otherwise prohibits or restricts the administration, delivery, or distribution of drugs by those individuals:

(1) A physician authorized under Chapter 4731. of the

Revised Code to practice medicine and surgery, osteopathic	3327
medicine and surgery, or podiatric medicine and surgery;	3328
(2) A physician assistant licensed under Chapter 4730. of	3329
the Revised Code;	3330
(3) A dentist or dental hygienist licensed under Chapter	3331
4715. of the Revised Code;	3332
(4) A registered nurse licensed under Chapter 4723. of the	3333
Revised Code, including an advanced practice registered nurse,	3334
as defined in section 4723.01 of the Revised Code;	3335
(5) A licensed practical nurse licensed under Chapter	3336
4723. of the Revised Code;	3337
(6) An optometrist licensed under Chapter 4725. of the	3338
Revised Code;	3339
(7) A pharmacist or pharmacy intern licensed under Chapter	3340
4729. of the Revised Code;	3341
(8) A respiratory care professional <u>or advanced practice</u>	3342
<u>respiratory therapist</u> licensed under Chapter 4761. of the	3343
Revised Code;	3344
(9) An emergency medical technician-basic, emergency	3345
medical technician-intermediate, or emergency medical	3346
technician-paramedic who holds a certificate to practice issued	3347
under Chapter 4765. of the Revised Code;	3348
(10) A veterinarian licensed under Chapter 4741. of the	3349
Revised Code.	3350
(C) In consultation with the executive director of the	3351
emergency management agency, the director of health shall	3352
develop one or more protocols that authorize employees of boards	3353

of health and registered volunteers to deliver or distribute 3354  
drugs, other than schedule II and III controlled substances, 3355  
during a period of time described in division (E) of this 3356  
section, notwithstanding any statute or rule that otherwise 3357  
prohibits or restricts the delivery or distribution of drugs by 3358  
those individuals. 3359

(D) In consultation with the state board of pharmacy, the 3360  
director of health shall develop one or more protocols that 3361  
authorize pharmacists and pharmacy interns to dispense, during a 3362  
period of time described in division (E) of this section, 3363  
limited quantities of dangerous drugs, other than schedule II 3364  
and III controlled substances, without a written, oral, or 3365  
electronic prescription from a licensed health professional 3366  
authorized to prescribe drugs or without a record of a 3367  
prescription, notwithstanding any statute or rule that otherwise 3368  
prohibits or restricts the dispensing of drugs without a 3369  
prescription or record of a prescription. 3370

(E) On the governor's declaration of an emergency that 3371  
affects the public health, the director of health may issue an 3372  
order to implement one or more of the protocols developed 3373  
pursuant to division (B), (C), or (D) of this section. At a 3374  
minimum, the director's order shall identify the one or more 3375  
protocols to be implemented and the period of time during which 3376  
the one or more protocols are to be effective. 3377

(F) (1) An individual who administers, delivers, 3378  
distributes, or dispenses a drug or dangerous drug in accordance 3379  
with one or more of the protocols implemented under division (E) 3380  
of this section is not liable for damages in any civil action 3381  
unless the individual's acts or omissions in performing those 3382  
activities constitute willful or wanton misconduct. 3383

(2) An individual who administers, delivers, distributes, 3384  
or dispenses a drug or dangerous drug in accordance with one or 3385  
more of the protocols implemented under division (E) of this 3386  
section is not subject to criminal prosecution or professional 3387  
disciplinary action under any chapter in Title XLVII of the 3388  
Revised Code. 3389

**Sec. 3701.74.** (A) As used in this section and section 3390  
3701.741 of the Revised Code: 3391

(1) "Ambulatory care facility" means a facility that 3392  
provides medical, diagnostic, or surgical treatment to patients 3393  
who do not require hospitalization, including a dialysis center, 3394  
ambulatory surgical facility, cardiac catheterization facility, 3395  
diagnostic imaging center, extracorporeal shock wave lithotripsy 3396  
center, home health agency, inpatient hospice, birthing center, 3397  
radiation therapy center, emergency facility, and an urgent care 3398  
center. "Ambulatory care facility" does not include the private 3399  
office of a physician or dentist, whether the office is for an 3400  
individual or group practice. 3401

(2) "Chiropractor" means an individual licensed under 3402  
Chapter 4734. of the Revised Code to practice chiropractic. 3403

(3) "Emergency facility" means a hospital emergency 3404  
department or any other facility that provides emergency medical 3405  
services. 3406

(4) "Health care practitioner" means all of the following: 3407

(a) A dentist or dental hygienist licensed under Chapter 3408  
4715. of the Revised Code; 3409

(b) A registered or licensed practical nurse licensed 3410  
under Chapter 4723. of the Revised Code; 3411

(c) An optometrist licensed under Chapter 4725. of the Revised Code;	3412 3413
(d) A dispensing optician, spectacle dispensing optician, contact lens dispensing optician, or spectacle-contact lens dispensing optician licensed under Chapter 4725. of the Revised Code;	3414 3415 3416 3417
(e) A pharmacist licensed under Chapter 4729. of the Revised Code;	3418 3419
(f) A physician;	3420
(g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	3421 3422
(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	3423 3424
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	3425 3426
(j) A chiropractor;	3427
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	3428 3429
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	3430 3431
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	3432 3433
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	3434 3435
(o) A licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage	3436 3437 3438

and family therapist licensed, or a social work assistant 3439  
registered, under Chapter 4757. of the Revised Code; 3440

(p) A dietitian licensed under Chapter 4759. of the 3441  
Revised Code; 3442

(q) A respiratory care professional or advanced practice 3443  
respiratory therapist licensed under Chapter 4761. of the 3444  
Revised Code; 3445

(r) An emergency medical technician-basic, emergency 3446  
medical technician-intermediate, or emergency medical 3447  
technician-paramedic certified under Chapter 4765. of the 3448  
Revised Code. 3449

(5) "Health care provider" means a hospital, ambulatory 3450  
care facility, long-term care facility, pharmacy, emergency 3451  
facility, or health care practitioner. 3452

(6) "Hospital" has the same meaning as in section 3727.01 3453  
of the Revised Code. 3454

(7) "Long-term care facility" means a nursing home, 3455  
residential care facility, or home for the aging, as those terms 3456  
are defined in section 3721.01 of the Revised Code; a 3457  
residential facility licensed under section 5119.34 of the 3458  
Revised Code that provides accommodations, supervision, and 3459  
personal care services for three to sixteen unrelated adults; a 3460  
nursing facility, as defined in section 5165.01 of the Revised 3461  
Code; a skilled nursing facility, as defined in section 5165.01 3462  
of the Revised Code; and an intermediate care facility for 3463  
individuals with intellectual disabilities, as defined in 3464  
section 5124.01 of the Revised Code. 3465

(8) "Medical record" means data in any form that pertains 3466  
to a patient's medical history, diagnosis, prognosis, or medical 3467

condition and that is generated and maintained by a health care provider in the process of the patient's health care treatment. 3468  
3469

(9) "Medical records company" means a person who stores, locates, or copies medical records for a health care provider, or is compensated for doing so by a health care provider, and charges a fee for providing medical records to a patient or patient's representative. 3470  
3471  
3472  
3473  
3474

(10) "Patient" means either of the following: 3475

(a) An individual who received health care treatment from a health care provider; 3476  
3477

(b) A guardian, as defined in section 1337.11 of the Revised Code, of an individual described in division (A) (10) (a) of this section. 3478  
3479  
3480

(11) "Patient's personal representative" means a minor patient's parent or other person acting in loco parentis, a court-appointed guardian, or a person with durable power of attorney for health care for a patient, the executor or administrator of the patient's estate, or the person responsible for the patient's estate if it is not to be probated. "Patient's personal representative" does not include an insurer authorized under Title XXXIX of the Revised Code to do the business of sickness and accident insurance in this state, a health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code, or any other person not named in this division. 3481  
3482  
3483  
3484  
3485  
3486  
3487  
3488  
3489  
3490  
3491  
3492

(12) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code. 3493  
3494

(13) "Physician" means a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, 3495  
3496



osteopathic medicine and surgery, or podiatric medicine and 3497  
surgery. 3498

(14) "Authorized person" means a person to whom a patient 3499  
has given written authorization to act on the patient's behalf 3500  
regarding the patient's medical record. 3501

(B) A patient, a patient's personal representative, or an 3502  
authorized person who wishes to examine or obtain a copy of part 3503  
or all of a medical record shall submit to the health care 3504  
provider a written request signed by the patient, personal 3505  
representative, or authorized person dated not more than one 3506  
year before the date on which it is submitted. The request shall 3507  
indicate whether the copy is to be sent to the requestor, 3508  
physician or chiropractor, or held for the requestor at the 3509  
office of the health care provider. Within a reasonable time 3510  
after receiving a request that meets the requirements of this 3511  
division and includes sufficient information to identify the 3512  
record requested, a health care provider that has the patient's 3513  
medical records shall permit the patient to examine the record 3514  
during regular business hours without charge or, on request, 3515  
shall provide a copy of the record in accordance with section 3516  
3701.741 of the Revised Code, except that if a physician, 3517  
psychologist, licensed professional clinical counselor, licensed 3518  
professional counselor, independent social worker, social 3519  
worker, independent marriage and family therapist, marriage and 3520  
family therapist, or chiropractor who has treated the patient 3521  
determines for clearly stated treatment reasons that disclosure 3522  
of the requested record is likely to have an adverse effect on 3523  
the patient, the health care provider shall provide the record 3524  
to a physician, psychologist, licensed professional clinical 3525  
counselor, licensed professional counselor, independent social 3526  
worker, social worker, independent marriage and family 3527

therapist, marriage and family therapist, or chiropractor 3528  
designated by the patient. The health care provider shall take 3529  
reasonable steps to establish the identity of the person making 3530  
the request to examine or obtain a copy of the patient's record. 3531

(C) If a health care provider fails to furnish a medical 3532  
record as required by division (B) of this section, the patient, 3533  
personal representative, or authorized person who requested the 3534  
record may bring a civil action to enforce the patient's right 3535  
of access to the record. 3536

(D) (1) This section does not apply to medical records 3537  
whose release is covered by section 173.20 or 3721.13 of the 3538  
Revised Code, by Chapter 1347., 5119., or 5122. of the Revised 3539  
Code, by 42 C.F.R. part 2, "Confidentiality of Alcohol and Drug 3540  
Abuse Patient Records," or by 42 C.F.R. 483.10. 3541

(2) Nothing in this section is intended to supersede the 3542  
confidentiality provisions of sections 2305.24, 2305.25, 3543  
2305.251, and 2305.252 of the Revised Code. 3544

**Sec. 3715.872.** (A) As used in this section, "health care 3545  
professional" means any of the following who provide medical, 3546  
dental, or other health-related diagnosis, care, or treatment: 3547

(1) Individuals authorized under Chapter 4731. of the 3548  
Revised Code to practice medicine and surgery, osteopathic 3549  
medicine and surgery, or podiatric medicine and surgery; 3550

(2) Registered nurses and licensed practical nurses 3551  
licensed under Chapter 4723. of the Revised Code; 3552

(3) Physician assistants authorized to practice under 3553  
Chapter 4730. of the Revised Code; 3554

(4) Dentists and dental hygienists licensed under Chapter 3555

4715. of the Revised Code;	3556
(5) Optometrists licensed under Chapter 4725. of the Revised Code;	3557 3558
(6) Pharmacists licensed under Chapter 4729. of the Revised Code;	3559 3560
<u>(7) Advanced practice respiratory therapists licensed under Chapter 4761. of the Revised Code.</u>	3561 3562
(B) For matters related to donating, giving, accepting, or dispensing drugs under the drug repository program, all of the following apply:	3563 3564 3565
(1) Any person, including a pharmacy, drug manufacturer, or health care facility, or any government entity that donates or gives drugs to the drug repository program shall not be subject to liability in tort or other civil action for injury, death, or loss to person or property.	3566 3567 3568 3569 3570
(2) A pharmacy, hospital, or nonprofit clinic that accepts or dispenses drugs under the program shall not be subject to liability in tort or other civil action for injury, death, or loss to person or property, unless an action or omission of the pharmacy, hospital, or nonprofit clinic constitutes willful and wanton misconduct.	3571 3572 3573 3574 3575 3576
(3) A health care professional who accepts or dispenses drugs under the program on behalf of a pharmacy, hospital, or nonprofit clinic, and the pharmacy, hospital, or nonprofit clinic that employs or otherwise uses the services of the health care professional, shall not be subject to liability in tort or other civil action for injury, death, or loss to person or property, unless an action or omission of the health care professional, pharmacy, hospital, or nonprofit clinic	3577 3578 3579 3580 3581 3582 3583 3584

constitutes willful and wanton misconduct. 3585

(4) The state board of pharmacy and the director of health 3586  
shall not be subject to liability in tort or other civil action 3587  
for injury, death, or loss to person or property, unless an 3588  
action or omission of the board or director constitutes willful 3589  
and wanton misconduct. 3590

(C) In addition to the immunity granted under division (B) 3591  
(1) of this section, any person, including a pharmacy, drug 3592  
manufacturer, or health care facility, and any government entity 3593  
that donates or gives drugs to the program shall not be subject 3594  
to criminal prosecution for the donation, giving, acceptance, or 3595  
dispensing of drugs under the program, unless an action or 3596  
omission of the person or government entity does not comply with 3597  
the provisions of this chapter or the rules adopted under it. 3598

(D) In the case of a drug manufacturer, the immunities 3599  
granted under divisions (B)(1) and (C) of this section apply 3600  
with respect to any drug manufactured by the drug manufacturer 3601  
that is donated or given by any person or government entity 3602  
under the program, including but not limited to liability for 3603  
failure to transfer or communicate product or consumer 3604  
information or the expiration date of the drug donated or given. 3605

**Sec. 3719.06.** (A) (1) A licensed health professional 3606  
authorized to prescribe drugs, if acting in the course of 3607  
professional practice, in accordance with the laws regulating 3608  
the professional's practice, and in accordance with rules 3609  
adopted by the state board of pharmacy, may, except as provided 3610  
in division (A) (2) ~~or~~, (3), or (4) of this section, do the 3611  
following: 3612

(a) Prescribe schedule II, III, IV, and V controlled 3613

substances; 3614

(b) Administer or personally furnish to patients schedule 3615  
II, III, IV, and V controlled substances; 3616

(c) Cause schedule II, III, IV, and V controlled 3617  
substances to be administered under the prescriber's direction 3618  
and supervision. 3619

(2) A licensed health professional authorized to prescribe 3620  
drugs who is a clinical nurse specialist, certified nurse- 3621  
midwife, or certified nurse practitioner is subject to both of 3622  
the following: 3623

(a) A schedule II controlled substance may be prescribed 3624  
only in accordance with division (C) of section 4723.481 of the 3625  
Revised Code. 3626

(b) No schedule II controlled substance shall be 3627  
personally furnished to any patient. 3628

(3) A licensed health professional authorized to prescribe 3629  
drugs who is a physician assistant is subject to all of the 3630  
following: 3631

(a) A controlled substance may be prescribed or personally 3632  
furnished only if it is included in the physician-delegated 3633  
prescriptive authority granted to the physician assistant in 3634  
accordance with Chapter 4730. of the Revised Code. 3635

(b) A schedule II controlled substance may be prescribed 3636  
only in accordance with division (B) (4) of section 4730.41 and 3637  
section 4730.411 of the Revised Code. 3638

(c) No schedule II controlled substance shall be 3639  
personally furnished to any patient. 3640

(4) A licensed health professional authorized to prescribe 3641  
drugs who is an advanced practice respiratory therapist is 3642  
subject to both of the following: 3643

(a) A controlled substance may be prescribed only if both 3644  
of the following conditions are met: 3645

(i) The controlled substance is to be used by the patient 3646  
in the health care facility in which the advanced practice 3647  
respiratory therapist is practicing. 3648

(ii) The controlled substance is included in the 3649  
physician-delegated prescriptive authority granted to the 3650  
advanced practice respiratory therapist in accordance with 3651  
Chapter 4761. of the Revised Code. 3652

(b) No controlled substance shall be personally furnished 3653  
to any patient. 3654

(B) No licensed health professional authorized to 3655  
prescribe drugs shall prescribe, administer, or personally 3656  
furnish a schedule III anabolic steroid for the purpose of human 3657  
muscle building or enhancing human athletic performance and no 3658  
pharmacist shall dispense a schedule III anabolic steroid for 3659  
either purpose, unless it has been approved for that purpose 3660  
under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 3661  
(1938), 21 U.S.C.A. 301, as amended. 3662

(C) When issuing a prescription for a schedule II 3663  
controlled substance, a licensed health professional authorized 3664  
to prescribe drugs shall do so only upon an electronic 3665  
prescription, except that the prescriber may issue a written 3666  
prescription if any of the following apply: 3667

(1) A temporary technical, electrical, or broadband 3668  
failure occurs preventing the prescriber from issuing an 3669

electronic prescription. 3670

(2) The prescription is issued for a nursing home resident 3671  
or hospice care patient. 3672

(3) The prescriber is employed by or under contract with 3673  
the same entity that operates the pharmacy. 3674

(4) The prescriber determines that an electronic 3675  
prescription cannot be issued in a timely manner and the 3676  
patient's medical condition is at risk. 3677

(5) The prescriber issues the prescription from a health 3678  
care facility, which may include an emergency department, and 3679  
reasonably determines that an electronic prescription would be 3680  
impractical for the patient or would cause a delay that may 3681  
adversely impact the patient's medical condition. 3682

(6) The prescriber issues per year not more than fifty 3683  
prescriptions for schedule II controlled substances. 3684

(7) The prescriber is a veterinarian licensed under 3685  
Chapter 4741. of the Revised Code. 3686

(D) Each written or electronic prescription for a 3687  
controlled substance shall be properly executed, dated, and 3688  
signed by the prescriber on the day when issued and shall bear 3689  
the full name and address of the person for whom, or the owner 3690  
of the animal for which, the controlled substance is prescribed 3691  
and the full name, address, and registry number under the 3692  
federal drug abuse control laws of the prescriber. If the 3693  
prescription is for an animal, it shall state the species of the 3694  
animal for which the controlled substance is prescribed. 3695

**Sec. 3719.121.** (A) Except as otherwise provided in section 3696  
4723.28, 4723.35, 4730.25, 4731.22, 4734.39, ~~or~~ 4734.41, or 3697

4761.09 of the Revised Code, the license, certificate, or 3698  
registration of any dentist, chiropractor, physician, 3699  
podiatrist, registered nurse, advanced practice registered 3700  
nurse, licensed practical nurse, physician assistant, advanced 3701  
practice respiratory therapist, pharmacist, pharmacy intern, 3702  
pharmacy technician trainee, registered pharmacy technician, 3703  
certified pharmacy technician, optometrist, or veterinarian who 3704  
is or becomes addicted to the use of controlled substances shall 3705  
be suspended by the board that authorized the person's license, 3706  
certificate, or registration until the person offers 3707  
satisfactory proof to the board that the person no longer is 3708  
addicted to the use of controlled substances. 3709

(B) If the board under which a person has been issued a 3710  
license, certificate, or evidence of registration determines 3711  
that there is clear and convincing evidence that continuation of 3712  
the person's professional practice or method of administering, 3713  
prescribing, preparing, distributing, dispensing, or personally 3714  
furnishing controlled substances or other dangerous drugs 3715  
presents a danger of immediate and serious harm to others, the 3716  
board may suspend the person's license, certificate, or 3717  
registration without a hearing. Except as otherwise provided in 3718  
sections 4715.30, 4723.281, 4729.16, 4730.25, 4731.22, ~~and~~ 3719  
4734.36, and 4761.09 of the Revised Code, the board shall follow 3720  
the procedure for suspension without a prior hearing in section 3721  
119.07 of the Revised Code. The suspension shall remain in 3722  
effect, unless removed by the board, until the board's final 3723  
adjudication order becomes effective, except that if the board 3724  
does not issue its final adjudication order within ninety days 3725  
after the hearing, the suspension shall be void on the ninety- 3726  
first day after the hearing. 3727

(C) On receiving notification pursuant to section 2929.42 3728



or 3719.12 of the Revised Code, the board under which a person 3729  
has been issued a license, certificate, or evidence of 3730  
registration immediately shall suspend the license, certificate, 3731  
or registration of that person on a plea of guilty to, a finding 3732  
by a jury or court of the person's guilt of, or conviction of a 3733  
felony drug abuse offense; a finding by a court of the person's 3734  
eligibility for intervention in lieu of conviction; a plea of 3735  
guilty to, or a finding by a jury or court of the person's guilt 3736  
of, or the person's conviction of an offense in another 3737  
jurisdiction that is essentially the same as a felony drug abuse 3738  
offense; or a finding by a court of the person's eligibility for 3739  
treatment or intervention in lieu of conviction in another 3740  
jurisdiction. The board shall notify the holder of the license, 3741  
certificate, or registration of the suspension, which shall 3742  
remain in effect until the board holds an adjudicatory hearing 3743  
under Chapter 119. of the Revised Code. 3744

**Sec. 3719.13.** Prescriptions, orders, and records, required 3745  
by Chapter 3719. of the Revised Code, and stocks of dangerous 3746  
drugs and controlled substances, shall be open for inspection 3747  
only to federal, state, county, and municipal officers, and 3748  
employees of the state board of pharmacy whose duty it is to 3749  
enforce the laws of this state or of the United States relating 3750  
to controlled substances. Such prescriptions, orders, records, 3751  
and stocks shall be open for inspection by employees of the 3752  
state medical board for purposes of enforcing Chapters 4730. ~~and~~ 3753  
4731., and 4761. of the Revised Code, employees of the board of 3754  
nursing for purposes of enforcing Chapter 4723. of the Revised 3755  
Code, and employees of the department of mental health and 3756  
addiction services for purposes of section 5119.37 of the 3757  
Revised Code. No person having knowledge of any such 3758  
prescription, order, or record shall divulge such knowledge, 3759

except in connection with a prosecution or proceeding in court 3760  
or before a licensing or registration board or officer, to which 3761  
prosecution or proceeding the person to whom such prescriptions, 3762  
orders, or records relate is a party. 3763

**Sec. 3719.81.** (A) As used in this section, "sample drug" 3764  
has the same meaning as in section 2925.01 of the Revised Code. 3765

(B) A person may furnish another a sample drug, if all of 3766  
the following apply: 3767

(1) The sample drug is furnished free of charge by a 3768  
manufacturer, manufacturer's representative, or wholesale dealer 3769  
in pharmaceuticals to a licensed health professional authorized 3770  
to prescribe drugs, other than an advanced practice respiratory 3771  
therapist, or is furnished free of charge by ~~such a professional~~ 3772  
the prescriber who received the sample drug to a patient for use 3773  
as medication; 3774

(2) The sample drug is in the original container in which 3775  
it was placed by the manufacturer, and the container is plainly 3776  
marked as a sample; 3777

(3) Prior to its being furnished, the sample drug has been 3778  
stored under the proper conditions to prevent its deterioration 3779  
or contamination; 3780

(4) If the sample drug is of a type which deteriorates 3781  
with time, the sample container is plainly marked with the date 3782  
beyond which the sample drug is unsafe to use, and the date has 3783  
not expired on the sample furnished. Compliance with the 3784  
labeling requirements of the "Federal Food, Drug, and Cosmetic 3785  
Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, shall 3786  
be deemed compliance with this section. 3787

(5) The sample drug is distributed, stored, or discarded 3788

in such a way that the sample drug may not be acquired or used 3789  
by any unauthorized person, or by any person, including a child, 3790  
for whom it may present a health or safety hazard. 3791

(C) Division (B) of this section does not do any of the 3792  
following: 3793

(1) Apply to or restrict the furnishing of any sample of a 3794  
nonnarcotic substance if the substance may, under the "Federal 3795  
Food, Drug, and Cosmetic Act" and under the laws of this state, 3796  
otherwise be lawfully sold over the counter without a 3797  
prescription; 3798

(2) Authorize a ~~licensed health professional authorized to~~ 3799  
~~prescribe drugs~~ prescriber who is a clinical nurse specialist, 3800  
certified nurse-midwife, certified nurse practitioner, 3801  
optometrist, or physician assistant to furnish a sample drug 3802  
that is not a drug the ~~professional~~ prescriber is authorized to 3803  
prescribe. 3804

(3) Prohibit a ~~licensed health professional authorized to~~ 3805  
~~prescribe drugs~~ prescriber, manufacturer of dangerous drugs, 3806  
wholesale distributor of dangerous drugs, or representative of a 3807  
manufacturer of dangerous drugs from furnishing a sample drug to 3808  
a charitable pharmacy in accordance with section 3719.811 of the 3809  
Revised Code. 3810

(4) Prohibit a pharmacist working, whether or not for 3811  
compensation, in a charitable pharmacy from dispensing a sample 3812  
drug to a person in accordance with section 3719.811 of the 3813  
Revised Code. 3814

(D) The state board of pharmacy shall, in accordance with 3815  
Chapter 119. of the Revised Code, adopt rules as necessary to 3816  
give effect to this section. 3817

<b>Sec. 4729.01.</b> As used in this chapter:	3818
(A) "Pharmacy," except when used in a context that refers to the practice of pharmacy, means any area, room, rooms, place of business, department, or portion of any of the foregoing where the practice of pharmacy is conducted.	3819 3820 3821 3822
(B) "Practice of pharmacy" means providing pharmacist care requiring specialized knowledge, judgment, and skill derived from the principles of biological, chemical, behavioral, social, pharmaceutical, and clinical sciences. As used in this division, "pharmacist care" includes the following:	3823 3824 3825 3826 3827
(1) Interpreting prescriptions;	3828
(2) Dispensing drugs and drug therapy related devices;	3829
(3) Compounding drugs;	3830
(4) Counseling individuals with regard to their drug therapy, recommending drug therapy related devices, and assisting in the selection of drugs and appliances for treatment of common diseases and injuries and providing instruction in the proper use of the drugs and appliances;	3831 3832 3833 3834 3835
(5) Performing drug regimen reviews with individuals by discussing all of the drugs that the individual is taking and explaining the interactions of the drugs;	3836 3837 3838
(6) Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the pharmacist determines that an individual with a prescription has a drug regimen that warrants additional discussion with the prescriber;	3839 3840 3841 3842 3843
(7) Advising an individual and the health care professionals treating an individual with regard to the	3844 3845

individual's drug therapy; 3846

(8) Acting pursuant to a consult agreement, if an 3847  
agreement has been established; 3848

(9) Engaging in the administration of immunizations to the 3849  
extent authorized by section 4729.41 of the Revised Code; 3850

(10) Engaging in the administration of drugs to the extent 3851  
authorized by section 4729.45 of the Revised Code. 3852

(C) "Compounding" means the preparation, mixing, 3853  
assembling, packaging, and labeling of one or more drugs in any 3854  
of the following circumstances: 3855

(1) Pursuant to a prescription issued by a licensed health 3856  
professional authorized to prescribe drugs; 3857

(2) Pursuant to the modification of a prescription made in 3858  
accordance with a consult agreement; 3859

(3) As an incident to research, teaching activities, or 3860  
chemical analysis; 3861

(4) In anticipation of orders for drugs pursuant to 3862  
prescriptions, based on routine, regularly observed dispensing 3863  
patterns; 3864

(5) Pursuant to a request made by a licensed health 3865  
professional authorized to prescribe drugs for a drug that is to 3866  
be used by the professional for the purpose of direct 3867  
administration to patients in the course of the professional's 3868  
practice, if all of the following apply: 3869

(a) At the time the request is made, the drug is not 3870  
commercially available regardless of the reason that the drug is 3871  
not available, including the absence of a manufacturer for the 3872

drug or the lack of a readily available supply of the drug from a manufacturer.	3873 3874
(b) A limited quantity of the drug is compounded and provided to the professional.	3875 3876
(c) The drug is compounded and provided to the professional as an occasional exception to the normal practice of dispensing drugs pursuant to patient-specific prescriptions.	3877 3878 3879
(D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code.	3880 3881
(E) "Drug" means:	3882
(1) Any article recognized in the United States pharmacopoeia and national formulary, or any supplement to them, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	3883 3884 3885 3886
(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	3887 3888 3889
(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;	3890 3891
(4) Any article intended for use as a component of any article specified in division (E) (1), (2), or (3) of this section; but does not include devices or their components, parts, or accessories.	3892 3893 3894 3895
"Drug" does not include "hemp" or a "hemp product" as those terms are defined in section 928.01 of the Revised Code.	3896 3897
(F) "Dangerous drug" means any of the following:	3898
(1) Any drug to which either of the following applies:	3899

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 3900  
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 3901  
required to bear a label containing the legend "Caution: Federal 3902  
law prohibits dispensing without prescription" or "Caution: 3903  
Federal law restricts this drug to use by or on the order of a 3904  
licensed veterinarian" or any similar restrictive statement, or 3905  
the drug may be dispensed only upon a prescription; 3906

(b) Under Chapter 3715. or 3719. of the Revised Code, the 3907  
drug may be dispensed only upon a prescription. 3908

(2) Any drug that contains a schedule V controlled 3909  
substance and that is exempt from Chapter 3719. of the Revised 3910  
Code or to which that chapter does not apply; 3911

(3) Any drug intended for administration by injection into 3912  
the human body other than through a natural orifice of the human 3913  
body; 3914

(4) Any drug that is a biological product, as defined in 3915  
section 3715.01 of the Revised Code. 3916

(G) "Federal drug abuse control laws" has the same meaning 3917  
as in section 3719.01 of the Revised Code. 3918

(H) "Prescription" means all of the following: 3919

(1) A written, electronic, or oral order for drugs or 3920  
combinations or mixtures of drugs to be used by a particular 3921  
individual or for treating a particular animal, issued by a 3922  
licensed health professional authorized to prescribe drugs; 3923

(2) For purposes of sections 2925.61, 4723.484, 4730.434, 3924  
and 4731.94 of the Revised Code, a written, electronic, or oral 3925  
order for an overdose reversal drug issued to and in the name of 3926  
a family member, friend, or other individual in a position to 3927

assist an individual who there is reason to believe is at risk 3928  
of experiencing an opioid-related overdose. 3929

(3) For purposes of section 4729.44 of the Revised Code, a 3930  
written, electronic, or oral order for an overdose reversal drug 3931  
issued to and in the name of either of the following: 3932

(a) An individual who there is reason to believe is at 3933  
risk of experiencing an opioid-related overdose; 3934

(b) A family member, friend, or other individual in a 3935  
position to assist an individual who there is reason to believe 3936  
is at risk of experiencing an opioid-related overdose. 3937

(4) For purposes of sections 4723.4810, 4729.282, 3938  
4730.432, and 4731.93 of the Revised Code, a written, 3939  
electronic, or oral order for a drug to treat chlamydia, 3940  
gonorrhea, or trichomoniasis issued to and in the name of a 3941  
patient who is not the intended user of the drug but is the 3942  
sexual partner of the intended user; 3943

(5) For purposes of sections 3313.7110, 3313.7111, 3944  
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 3945  
4731.96, and 5101.76 of the Revised Code, a written, electronic, 3946  
or oral order for an epinephrine autoinjector issued to and in 3947  
the name of a school, school district, or camp; 3948

(6) For purposes of Chapter 3728. and sections 4723.483, 3949  
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 3950  
electronic, or oral order for an epinephrine autoinjector issued 3951  
to and in the name of a qualified entity, as defined in section 3952  
3728.01 of the Revised Code; 3953

(7) For purposes of sections 3313.7115, 3313.7116, 3954  
3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and 3955  
5101.78 of the Revised Code, a written, electronic, or oral 3956



order for injectable or nasally administered glucagon in the 3957  
name of a school, school district, or camp. 3958

(I) "Licensed health professional authorized to prescribe 3959  
drugs" or "prescriber" means an individual who is authorized by 3960  
law to prescribe drugs or dangerous drugs or drug therapy 3961  
related devices in the course of the individual's professional 3962  
practice, including only the following: 3963

(1) A dentist licensed under Chapter 4715. of the Revised 3964  
Code; 3965

(2) A clinical nurse specialist, certified nurse-midwife, 3966  
or certified nurse practitioner who holds a current, valid 3967  
license issued under Chapter 4723. of the Revised Code to 3968  
practice nursing as an advanced practice registered nurse; 3969

(3) A certified registered nurse anesthetist who holds a 3970  
current, valid license issued under Chapter 4723. of the Revised 3971  
Code to practice nursing as an advanced practice registered 3972  
nurse, but only to the extent of the nurse's authority under 3973  
sections 4723.43 and 4723.434 of the Revised Code; 3974

(4) An optometrist licensed under Chapter 4725. of the 3975  
Revised Code to practice optometry under a therapeutic 3976  
pharmaceutical agents certificate; 3977

(5) A physician authorized under Chapter 4731. of the 3978  
Revised Code to practice medicine and surgery, osteopathic 3979  
medicine and surgery, or podiatric medicine and surgery; 3980

(6) A physician assistant who holds a license to practice 3981  
as a physician assistant issued under Chapter 4730. of the 3982  
Revised Code, holds a valid prescriber number issued by the 3983  
state medical board, and has been granted physician-delegated 3984  
prescriptive authority; 3985

(7) A veterinarian licensed under Chapter 4741. of the Revised Code;	3986
	3987
<u>(8) An advanced practice respiratory therapist who holds a license to practice as an advanced practice respiratory therapist issued under Chapter 4761. of the Revised Code and has been granted physician-delegated prescriptive authority.</u>	3988
	3989
	3990
	3991
(J) "Sale" or "sell" includes any transaction made by any person, whether as principal proprietor, agent, or employee, to do or offer to do any of the following: deliver, distribute, broker, exchange, gift or otherwise give away, or transfer, whether the transfer is by passage of title, physical movement, or both.	3992
	3993
	3994
	3995
	3996
	3997
(K) "Wholesale sale" and "sale at wholesale" mean any sale in which the purpose of the purchaser is to resell the article purchased or received by the purchaser.	3998
	3999
	4000
(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.	4001
	4002
(M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control or establish responsibility.	4003
	4004
	4005
	4006
	4007
(N) "Price information" means the price charged for a prescription for a particular drug product and, in an easily understandable manner, all of the following:	4008
	4009
	4010
(1) The proprietary name of the drug product;	4011
(2) The established (generic) name of the drug product;	4012
(3) The strength of the drug product if the product	4013

contains a single active ingredient or if the drug product 4014  
contains more than one active ingredient and a relevant strength 4015  
can be associated with the product without indicating each 4016  
active ingredient. The established name and quantity of each 4017  
active ingredient are required if such a relevant strength 4018  
cannot be so associated with a drug product containing more than 4019  
one ingredient. 4020

(4) The dosage form; 4021

(5) The price charged for a specific quantity of the drug 4022  
product. The stated price shall include all charges to the 4023  
consumer, including, but not limited to, the cost of the drug 4024  
product, professional fees, handling fees, if any, and a 4025  
statement identifying professional services routinely furnished 4026  
by the pharmacy. Any mailing fees and delivery fees may be 4027  
stated separately without repetition. The information shall not 4028  
be false or misleading. 4029

(O) "Wholesale distributor of dangerous drugs" or 4030  
"wholesale distributor" means a person engaged in the sale of 4031  
dangerous drugs at wholesale and includes any agent or employee 4032  
of such a person authorized by the person to engage in the sale 4033  
of dangerous drugs at wholesale. 4034

(P) "Manufacturer of dangerous drugs" or "manufacturer" 4035  
means a person, other than a pharmacist or prescriber, who 4036  
manufactures dangerous drugs and who is engaged in the sale of 4037  
those dangerous drugs. 4038

(Q) "Terminal distributor of dangerous drugs" or "terminal 4039  
distributor" means a person who is engaged in the sale of 4040  
dangerous drugs at retail, or any person, other than a 4041  
manufacturer, repackager, outsourcing facility, third-party 4042

logistics provider, wholesale distributor, or pharmacist, who 4043  
has possession, custody, or control of dangerous drugs for any 4044  
purpose other than for that person's own use and consumption. 4045  
"Terminal distributor" includes pharmacies, hospitals, nursing 4046  
homes, and laboratories and all other persons who procure 4047  
dangerous drugs for sale or other distribution by or under the 4048  
supervision of a pharmacist, licensed health professional 4049  
authorized to prescribe drugs, or other person authorized by the 4050  
state board of pharmacy. 4051

(R) "Promote to the public" means disseminating a 4052  
representation to the public in any manner or by any means, 4053  
other than by labeling, for the purpose of inducing, or that is 4054  
likely to induce, directly or indirectly, the purchase of a 4055  
dangerous drug at retail. 4056

(S) "Person" includes any individual, partnership, 4057  
association, limited liability company, or corporation, the 4058  
state, any political subdivision of the state, and any district, 4059  
department, or agency of the state or its political 4060  
subdivisions. 4061

(T) (1) "Animal shelter" means a facility operated by a 4062  
humane society or any society organized under Chapter 1717. of 4063  
the Revised Code or a dog pound operated pursuant to Chapter 4064  
955. of the Revised Code. 4065

(2) "County dog warden" means a dog warden or deputy dog 4066  
warden appointed or employed under section 955.12 of the Revised 4067  
Code. 4068

(U) "Food" has the same meaning as in section 3715.01 of 4069  
the Revised Code. 4070

(V) "Pain management clinic" has the same meaning as in 4071

section 4731.054 of the Revised Code. 4072

(W) "Investigational drug or product" means a drug or 4073  
product that has successfully completed phase one of the United 4074  
States food and drug administration clinical trials and remains 4075  
under clinical trial, but has not been approved for general use 4076  
by the United States food and drug administration. 4077  
"Investigational drug or product" does not include controlled 4078  
substances in schedule I, as defined in section 3719.01 of the 4079  
Revised Code. 4080

(X) "Product," when used in reference to an 4081  
investigational drug or product, means a biological product, 4082  
other than a drug, that is made from a natural human, animal, or 4083  
microorganism source and is intended to treat a disease or 4084  
medical condition. 4085

(Y) "Third-party logistics provider" means a person that 4086  
provides or coordinates warehousing or other logistics services 4087  
pertaining to dangerous drugs including distribution, on behalf 4088  
of a manufacturer, wholesale distributor, or terminal 4089  
distributor of dangerous drugs, but does not take ownership of 4090  
the drugs or have responsibility to direct the sale or 4091  
disposition of the drugs. 4092

(Z) "Repackager of dangerous drugs" or "repackager" means 4093  
a person that repacks and relabels dangerous drugs for sale or 4094  
distribution. 4095

(AA) "Outsourcing facility" means a facility that is 4096  
engaged in the compounding and sale of sterile drugs and is 4097  
registered as an outsourcing facility with the United States 4098  
food and drug administration. 4099

(BB) "Laboratory" means a laboratory licensed under this 4100

chapter as a terminal distributor of dangerous drugs and 4101  
entrusted to have custody of any of the following drugs and to 4102  
use the drugs for scientific and clinical purposes and for 4103  
purposes of instruction: dangerous drugs that are not controlled 4104  
substances, as defined in section 3719.01 of the Revised Code; 4105  
dangerous drugs that are controlled substances, as defined in 4106  
that section; and controlled substances in schedule I, as 4107  
defined in that section. 4108

(CC) "Overdose reversal drug" means both of the following: 4109

(1) Naloxone; 4110

(2) Any other drug that the state board of pharmacy, 4111  
through rules adopted in accordance with Chapter 119. of the 4112  
Revised Code, designates as a drug that is approved by the 4113  
federal food and drug administration for the reversal of a known 4114  
or suspected opioid-related overdose. 4115

**Sec. 4729.51.** (A) No person other than a licensed 4116  
manufacturer of dangerous drugs, outsourcing facility, third- 4117  
party logistics provider, repackager of dangerous drugs, or 4118  
wholesale distributor of dangerous drugs shall possess for sale, 4119  
sell, distribute, or deliver, at wholesale, dangerous drugs or 4120  
investigational drugs or products, except as follows: 4121

(1) A licensed terminal distributor of dangerous drugs 4122  
that is a pharmacy may make occasional sales of dangerous drugs 4123  
or investigational drugs or products at wholesale. 4124

(2) A licensed terminal distributor of dangerous drugs 4125  
having more than one licensed location may transfer or deliver 4126  
dangerous drugs from one licensed location to another licensed 4127  
location owned by the terminal distributor if the license issued 4128  
for each location is in effect at the time of the transfer or 4129

delivery.	4130
(3) A licensed terminal distributor of dangerous drugs	4131
that is not a pharmacy may make occasional sales of the	4132
following at wholesale:	4133
(a) Overdose reversal drugs;	4134
(b) Dangerous drugs if the drugs being sold are in	4135
shortage, as defined in rules adopted under section 4729.26 of	4136
the Revised Code;	4137
(c) Dangerous drugs other than those described in	4138
divisions (A) (3) (a) and (b) of this section or investigational	4139
drugs or products if authorized by rules adopted under section	4140
4729.26 of the Revised Code.	4141
(B) No licensed manufacturer, outsourcing facility, third-	4142
party logistics provider, repackager, or wholesale distributor	4143
shall possess for sale, sell, or distribute, at wholesale,	4144
dangerous drugs or investigational drugs or products to any	4145
person other than the following:	4146
(1) Subject to division (D) of this section, a licensed	4147
terminal distributor of dangerous drugs;	4148
(2) Subject to division (C) of this section, any person	4149
exempt from licensure as a terminal distributor of dangerous	4150
drugs under section 4729.541 of the Revised Code;	4151
(3) A licensed manufacturer, outsourcing facility, third-	4152
party logistics provider, repackager, or wholesale distributor;	4153
(4) A terminal distributor, manufacturer, outsourcing	4154
facility, third-party logistics provider, repackager, or	4155
wholesale distributor that is located in another state, is not	4156
engaged in the sale of dangerous drugs within this state, and is	4157

actively licensed to engage in the sale of dangerous drugs by 4158  
the state in which the distributor conducts business. 4159

(C) No licensed manufacturer, outsourcing facility, third- 4160  
party logistics provider, repackager, or wholesale distributor 4161  
shall possess for sale, sell, or distribute, at wholesale, 4162  
dangerous drugs or investigational drugs or products to either 4163  
of the following: 4164

(1) A prescriber who is employed by either of the 4165  
following: 4166

(a) A pain management clinic that is not licensed as a 4167  
terminal distributor of dangerous drugs with a pain management 4168  
clinic classification issued under section 4729.552 of the 4169  
Revised Code; 4170

(b) A facility, clinic, or other location that provides 4171  
office-based opioid treatment but is not licensed as a terminal 4172  
distributor of dangerous drugs with an office-based opioid 4173  
treatment classification issued under section 4729.553 of the 4174  
Revised Code if such a license is required by that section. 4175

(2) A business entity described in division (A) (2) or (3) 4176  
of section 4729.541 of the Revised Code that is, or is 4177  
operating, either of the following: 4178

(a) A pain management clinic without a license as a 4179  
terminal distributor of dangerous drugs with a pain management 4180  
clinic classification issued under section 4729.552 of the 4181  
Revised Code; 4182

(b) A facility, clinic, or other location that provides 4183  
office-based opioid treatment without a license as a terminal 4184  
distributor of dangerous drugs with an office-based opioid 4185  
treatment classification issued under section 4729.553 of the 4186



Revised Code if such a license is required by that section. 4187

(D) No licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor shall possess dangerous drugs or investigational drugs or products for sale at wholesale, or sell or distribute such drugs at wholesale, to a licensed terminal distributor of dangerous drugs, except as follows: 4188

(1) In the case of a terminal distributor with a category II license, only dangerous drugs in category II, as defined in division (A)(1) of section 4729.54 of the Revised Code; 4189

(2) In the case of a terminal distributor with a category III license, dangerous drugs in category II and category III, as defined in divisions (A)(1) and (2) of section 4729.54 of the Revised Code; 4190

(3) In the case of a terminal distributor with a limited category II or III license, only the dangerous drugs specified in the license. 4191

(E)(1) Except as provided in division (E)(2) of this section, no person shall do any of the following: 4192

(a) Sell or distribute, at retail, dangerous drugs; 4193

(b) Possess for sale, at retail, dangerous drugs; 4194

(c) Possess dangerous drugs. 4195

(2)(a) Divisions (E)(1)(a), (b), and (c) of this section do not apply to any of the following: 4196

(i) A licensed terminal distributor of dangerous drugs; 4197

(ii) A person who possesses, or possesses for sale or sells, at retail, a dangerous drug in accordance with Chapters 4198

4199

4200

4201

4202

4203

4204

4205

4206

4207

4208

4209

4210

4211

4212

4213

3719., 4715., 4723., 4725., 4729., 4730., 4731., ~~and 4741.~~, and 4214  
4761. of the Revised Code; 4215

(iii) Any of the persons identified in divisions (A) (1) to 4216  
(5) and (13) of section 4729.541 of the Revised Code, but only 4217  
to the extent specified in that section. 4218

(b) Division (E) (1) (c) of this section does not apply to 4219  
any of the following: 4220

(i) A licensed manufacturer, outsourcing facility, third- 4221  
party logistics provider, repackager, or wholesale distributor; 4222

(ii) Any of the persons identified in divisions (A) (6) to 4223  
(12) of section 4729.541 of the Revised Code, but only to the 4224  
extent specified in that section. 4225

(F) No licensed terminal distributor of dangerous drugs or 4226  
person that is exempt from licensure under section 4729.541 of 4227  
the Revised Code shall purchase dangerous drugs or 4228  
investigational drugs or products from any person other than a 4229  
licensed manufacturer, outsourcing facility, third-party 4230  
logistics provider, repackager, or wholesale distributor, except 4231  
as follows: 4232

(1) A licensed terminal distributor of dangerous drugs or 4233  
person that is exempt from licensure under section 4729.541 of 4234  
the Revised Code may make occasional purchases of dangerous 4235  
drugs or investigational drugs or products that are sold in 4236  
accordance with division (A) (1) or (3) of this section. 4237

(2) A licensed terminal distributor of dangerous drugs 4238  
having more than one licensed location may transfer or deliver 4239  
dangerous drugs or investigational drugs or products from one 4240  
licensed location to another licensed location if the license 4241  
issued for each location is in effect at the time of the 4242

transfer or delivery. 4243

(G) No licensed terminal distributor of dangerous drugs 4244  
shall engage in the retail sale or other distribution of 4245  
dangerous drugs or investigational drugs or products or maintain 4246  
possession, custody, or control of dangerous drugs or 4247  
investigational drugs or products for any purpose other than the 4248  
distributor's personal use or consumption, at any establishment 4249  
or place other than that or those described in the license 4250  
issued by the state board of pharmacy to such terminal 4251  
distributor. 4252

(H) Nothing in this section shall be construed to 4253  
interfere with the performance of official duties by any law 4254  
enforcement official authorized by municipal, county, state, or 4255  
federal law to collect samples of any drug, regardless of its 4256  
nature or in whose possession it may be. 4257

(I) Notwithstanding anything to the contrary in this 4258  
section, the board of education of a city, local, exempted 4259  
village, or joint vocational school district may distribute 4260  
epinephrine autoinjectors for use in accordance with section 4261  
3313.7110 of the Revised Code, may distribute inhalers for use 4262  
in accordance with section 3313.7113 of the Revised Code, and 4263  
may distribute injectable or nasally administered glucagon for 4264  
use in accordance with section 3313.7115 of the Revised Code. 4265

**Sec. 4731.22.** (A) The state medical board, by an 4266  
affirmative vote of not fewer than six of its members, may 4267  
limit, revoke, or suspend a license or certificate to practice 4268  
or certificate to recommend, refuse to grant a license or 4269  
certificate, refuse to renew a license or certificate, refuse to 4270  
reinstate a license or certificate, or reprimand or place on 4271  
probation the holder of a license or certificate if the 4272

individual applying for or holding the license or certificate is 4273  
found by the board to have committed fraud during the 4274  
administration of the examination for a license or certificate 4275  
to practice or to have committed fraud, misrepresentation, or 4276  
deception in applying for, renewing, or securing any license or 4277  
certificate to practice or certificate to recommend issued by 4278  
the board. 4279

(B) Except as provided in division (P) of this section, 4280  
the board, by an affirmative vote of not fewer than six members, 4281  
shall, to the extent permitted by law, limit, revoke, or suspend 4282  
a license or certificate to practice or certificate to 4283  
recommend, refuse to issue a license or certificate, refuse to 4284  
renew a license or certificate, refuse to reinstate a license or 4285  
certificate, or reprimand or place on probation the holder of a 4286  
license or certificate for one or more of the following reasons: 4287

(1) Permitting one's name or one's license or certificate 4288  
to practice to be used by a person, group, or corporation when 4289  
the individual concerned is not actually directing the treatment 4290  
given; 4291

(2) Failure to maintain minimal standards applicable to 4292  
the selection or administration of drugs, or failure to employ 4293  
acceptable scientific methods in the selection of drugs or other 4294  
modalities for treatment of disease; 4295

(3) Except as provided in section 4731.97 of the Revised 4296  
Code, selling, giving away, personally furnishing, prescribing, 4297  
or administering drugs for other than legal and legitimate 4298  
therapeutic purposes or a plea of guilty to, a judicial finding 4299  
of guilt of, or a judicial finding of eligibility for 4300  
intervention in lieu of conviction of, a violation of any 4301  
federal or state law regulating the possession, distribution, or 4302

use of any drug; 4303

(4) Willfully betraying a professional confidence. 4304

For purposes of this division, "willfully betraying a 4305  
professional confidence" does not include providing any 4306  
information, documents, or reports under sections 307.621 to 4307  
307.629 of the Revised Code to a child fatality review board; 4308  
does not include providing any information, documents, or 4309  
reports under sections 307.631 to 307.6410 of the Revised Code 4310  
to a drug overdose fatality review committee, a suicide fatality 4311  
review committee, or hybrid drug overdose fatality and suicide 4312  
fatality review committee; does not include providing any 4313  
information, documents, or reports to the director of health 4314  
pursuant to guidelines established under section 3701.70 of the 4315  
Revised Code; does not include written notice to a mental health 4316  
professional under section 4731.62 of the Revised Code; and does 4317  
not include the making of a report of an employee's use of a 4318  
drug of abuse, or a report of a condition of an employee other 4319  
than one involving the use of a drug of abuse, to the employer 4320  
of the employee as described in division (B) of section 2305.33 4321  
of the Revised Code. Nothing in this division affects the 4322  
immunity from civil liability conferred by section 2305.33 or 4323  
4731.62 of the Revised Code upon a physician who makes a report 4324  
in accordance with section 2305.33 or notifies a mental health 4325  
professional in accordance with section 4731.62 of the Revised 4326  
Code. As used in this division, "employee," "employer," and 4327  
"physician" have the same meanings as in section 2305.33 of the 4328  
Revised Code. 4329

(5) Making a false, fraudulent, deceptive, or misleading 4330  
statement in the solicitation of or advertising for patients; in 4331  
relation to the practice of medicine and surgery, osteopathic 4332

medicine and surgery, podiatric medicine and surgery, or a 4333  
limited branch of medicine; or in securing or attempting to 4334  
secure any license or certificate to practice issued by the 4335  
board. 4336

As used in this division, "false, fraudulent, deceptive, 4337  
or misleading statement" means a statement that includes a 4338  
misrepresentation of fact, is likely to mislead or deceive 4339  
because of a failure to disclose material facts, is intended or 4340  
is likely to create false or unjustified expectations of 4341  
favorable results, or includes representations or implications 4342  
that in reasonable probability will cause an ordinarily prudent 4343  
person to misunderstand or be deceived. 4344

(6) A departure from, or the failure to conform to, 4345  
minimal standards of care of similar practitioners under the 4346  
same or similar circumstances, whether or not actual injury to a 4347  
patient is established; 4348

(7) Representing, with the purpose of obtaining 4349  
compensation or other advantage as personal gain or for any 4350  
other person, that an incurable disease or injury, or other 4351  
incurable condition, can be permanently cured; 4352

(8) The obtaining of, or attempting to obtain, money or 4353  
anything of value by fraudulent misrepresentations in the course 4354  
of practice; 4355

(9) A plea of guilty to, a judicial finding of guilt of, 4356  
or a judicial finding of eligibility for intervention in lieu of 4357  
conviction for, a felony; 4358

(10) Commission of an act that constitutes a felony in 4359  
this state, regardless of the jurisdiction in which the act was 4360  
committed; 4361

(11) A plea of guilty to, a judicial finding of guilt of, 4362  
or a judicial finding of eligibility for intervention in lieu of 4363  
conviction for, a misdemeanor committed in the course of 4364  
practice; 4365

(12) Commission of an act in the course of practice that 4366  
constitutes a misdemeanor in this state, regardless of the 4367  
jurisdiction in which the act was committed; 4368

(13) A plea of guilty to, a judicial finding of guilt of, 4369  
or a judicial finding of eligibility for intervention in lieu of 4370  
conviction for, a misdemeanor involving moral turpitude; 4371

(14) Commission of an act involving moral turpitude that 4372  
constitutes a misdemeanor in this state, regardless of the 4373  
jurisdiction in which the act was committed; 4374

(15) Violation of the conditions of limitation placed by 4375  
the board upon a license or certificate to practice; 4376

(16) Failure to pay license renewal fees specified in this 4377  
chapter; 4378

(17) Except as authorized in section 4731.31 of the 4379  
Revised Code, engaging in the division of fees for referral of 4380  
patients, or the receiving of a thing of value in return for a 4381  
specific referral of a patient to utilize a particular service 4382  
or business; 4383

(18) Subject to section 4731.226 of the Revised Code, 4384  
violation of any provision of a code of ethics of the American 4385  
medical association, the American osteopathic association, the 4386  
American podiatric medical association, or any other national 4387  
professional organizations that the board specifies by rule. The 4388  
state medical board shall obtain and keep on file current copies 4389  
of the codes of ethics of the various national professional 4390

organizations. The individual whose license or certificate is 4391  
being suspended or revoked shall not be found to have violated 4392  
any provision of a code of ethics of an organization not 4393  
appropriate to the individual's profession. 4394

For purposes of this division, a "provision of a code of 4395  
ethics of a national professional organization" does not include 4396  
any provision that would preclude the making of a report by a 4397  
physician of an employee's use of a drug of abuse, or of a 4398  
condition of an employee other than one involving the use of a 4399  
drug of abuse, to the employer of the employee as described in 4400  
division (B) of section 2305.33 of the Revised Code. Nothing in 4401  
this division affects the immunity from civil liability 4402  
conferred by that section upon a physician who makes either type 4403  
of report in accordance with division (B) of that section. As 4404  
used in this division, "employee," "employer," and "physician" 4405  
have the same meanings as in section 2305.33 of the Revised 4406  
Code. 4407

(19) Inability to practice according to acceptable and 4408  
prevailing standards of care by reason of mental illness or 4409  
physical illness, including, but not limited to, physical 4410  
deterioration that adversely affects cognitive, motor, or 4411  
perceptive skills. 4412

In enforcing this division, the board, upon a showing of a 4413  
possible violation, may compel any individual authorized to 4414  
practice by this chapter or who has submitted an application 4415  
pursuant to this chapter to submit to a mental examination, 4416  
physical examination, including an HIV test, or both a mental 4417  
and a physical examination. The expense of the examination is 4418  
the responsibility of the individual compelled to be examined. 4419  
Failure to submit to a mental or physical examination or consent 4420



to an HIV test ordered by the board constitutes an admission of 4421  
the allegations against the individual unless the failure is due 4422  
to circumstances beyond the individual's control, and a default 4423  
and final order may be entered without the taking of testimony 4424  
or presentation of evidence. If the board finds an individual 4425  
unable to practice because of the reasons set forth in this 4426  
division, the board shall require the individual to submit to 4427  
care, counseling, or treatment by physicians approved or 4428  
designated by the board, as a condition for initial, continued, 4429  
reinstated, or renewed authority to practice. An individual 4430  
affected under this division shall be afforded an opportunity to 4431  
demonstrate to the board the ability to resume practice in 4432  
compliance with acceptable and prevailing standards under the 4433  
provisions of the individual's license or certificate. For the 4434  
purpose of this division, any individual who applies for or 4435  
receives a license or certificate to practice under this chapter 4436  
accepts the privilege of practicing in this state and, by so 4437  
doing, shall be deemed to have given consent to submit to a 4438  
mental or physical examination when directed to do so in writing 4439  
by the board, and to have waived all objections to the 4440  
admissibility of testimony or examination reports that 4441  
constitute a privileged communication. 4442

(20) Except as provided in division (F) (1) (b) of section 4443  
4731.282 of the Revised Code or when civil penalties are imposed 4444  
under section 4731.225 of the Revised Code, and subject to 4445  
section 4731.226 of the Revised Code, violating or attempting to 4446  
violate, directly or indirectly, or assisting in or abetting the 4447  
violation of, or conspiring to violate, any provisions of this 4448  
chapter or any rule promulgated by the board. 4449

This division does not apply to a violation or attempted 4450  
violation of, assisting in or abetting the violation of, or a 4451

conspiracy to violate, any provision of this chapter or any rule 4452  
adopted by the board that would preclude the making of a report 4453  
by a physician of an employee's use of a drug of abuse, or of a 4454  
condition of an employee other than one involving the use of a 4455  
drug of abuse, to the employer of the employee as described in 4456  
division (B) of section 2305.33 of the Revised Code. Nothing in 4457  
this division affects the immunity from civil liability 4458  
conferred by that section upon a physician who makes either type 4459  
of report in accordance with division (B) of that section. As 4460  
used in this division, "employee," "employer," and "physician" 4461  
have the same meanings as in section 2305.33 of the Revised 4462  
Code. 4463

(21) The violation of section 3701.79 of the Revised Code 4464  
or of any abortion rule adopted by the director of health 4465  
pursuant to section 3701.341 of the Revised Code; 4466

(22) Any of the following actions taken by an agency 4467  
responsible for authorizing, certifying, or regulating an 4468  
individual to practice a health care occupation or provide 4469  
health care services in this state or another jurisdiction, for 4470  
any reason other than the nonpayment of fees: the limitation, 4471  
revocation, or suspension of an individual's license to 4472  
practice; acceptance of an individual's license surrender; 4473  
denial of a license; refusal to renew or reinstate a license; 4474  
imposition of probation; or issuance of an order of censure or 4475  
other reprimand; 4476

(23) The violation of section 2919.12 of the Revised Code 4477  
or the performance or inducement of an abortion upon a pregnant 4478  
woman with actual knowledge that the conditions specified in 4479  
division (B) of section 2317.56 of the Revised Code have not 4480  
been satisfied or with a heedless indifference as to whether 4481

those conditions have been satisfied, unless an affirmative 4482  
defense as specified in division (H) (2) of that section would 4483  
apply in a civil action authorized by division (H) (1) of that 4484  
section; 4485

(24) The revocation, suspension, restriction, reduction, 4486  
or termination of clinical privileges by the United States 4487  
department of defense or department of veterans affairs or the 4488  
termination or suspension of a certificate of registration to 4489  
prescribe drugs by the drug enforcement administration of the 4490  
United States department of justice; 4491

(25) Termination or suspension from participation in the 4492  
medicare or medicaid programs by the department of health and 4493  
human services or other responsible agency; 4494

(26) Impairment of ability to practice according to 4495  
acceptable and prevailing standards of care because of habitual 4496  
or excessive use or abuse of drugs, alcohol, or other substances 4497  
that impair ability to practice. 4498

For the purposes of this division, any individual 4499  
authorized to practice by this chapter accepts the privilege of 4500  
practicing in this state subject to supervision by the board. By 4501  
filing an application for or holding a license or certificate to 4502  
practice under this chapter, an individual shall be deemed to 4503  
have given consent to submit to a mental or physical examination 4504  
when ordered to do so by the board in writing, and to have 4505  
waived all objections to the admissibility of testimony or 4506  
examination reports that constitute privileged communications. 4507

If it has reason to believe that any individual authorized 4508  
to practice by this chapter or any applicant for licensure or 4509  
certification to practice suffers such impairment, the board may 4510

compel the individual to submit to a mental or physical 4511  
examination, or both. The expense of the examination is the 4512  
responsibility of the individual compelled to be examined. Any 4513  
mental or physical examination required under this division 4514  
shall be undertaken by a treatment provider or physician who is 4515  
qualified to conduct the examination and who is chosen by the 4516  
board. 4517

Failure to submit to a mental or physical examination 4518  
ordered by the board constitutes an admission of the allegations 4519  
against the individual unless the failure is due to 4520  
circumstances beyond the individual's control, and a default and 4521  
final order may be entered without the taking of testimony or 4522  
presentation of evidence. If the board determines that the 4523  
individual's ability to practice is impaired, the board shall 4524  
suspend the individual's license or certificate or deny the 4525  
individual's application and shall require the individual, as a 4526  
condition for initial, continued, reinstated, or renewed 4527  
licensure or certification to practice, to submit to treatment. 4528

Before being eligible to apply for reinstatement of a 4529  
license or certificate suspended under this division, the 4530  
impaired practitioner shall demonstrate to the board the ability 4531  
to resume practice in compliance with acceptable and prevailing 4532  
standards of care under the provisions of the practitioner's 4533  
license or certificate. The demonstration shall include, but 4534  
shall not be limited to, the following: 4535

(a) Certification from a treatment provider approved under 4536  
section 4731.25 of the Revised Code that the individual has 4537  
successfully completed any required inpatient treatment; 4538

(b) Evidence of continuing full compliance with an 4539  
aftercare contract or consent agreement; 4540

(c) Two written reports indicating that the individual's 4541  
ability to practice has been assessed and that the individual 4542  
has been found capable of practicing according to acceptable and 4543  
prevailing standards of care. The reports shall be made by 4544  
individuals or providers approved by the board for making the 4545  
assessments and shall describe the basis for their 4546  
determination. 4547

The board may reinstate a license or certificate suspended 4548  
under this division after that demonstration and after the 4549  
individual has entered into a written consent agreement. 4550

When the impaired practitioner resumes practice, the board 4551  
shall require continued monitoring of the individual. The 4552  
monitoring shall include, but not be limited to, compliance with 4553  
the written consent agreement entered into before reinstatement 4554  
or with conditions imposed by board order after a hearing, and, 4555  
upon termination of the consent agreement, submission to the 4556  
board for at least two years of annual written progress reports 4557  
made under penalty of perjury stating whether the individual has 4558  
maintained sobriety. 4559

(27) A second or subsequent violation of section 4731.66 4560  
or 4731.69 of the Revised Code; 4561

(28) Except as provided in division (N) of this section: 4562

(a) Waiving the payment of all or any part of a deductible 4563  
or copayment that a patient, pursuant to a health insurance or 4564  
health care policy, contract, or plan that covers the 4565  
individual's services, otherwise would be required to pay if the 4566  
waiver is used as an enticement to a patient or group of 4567  
patients to receive health care services from that individual; 4568

(b) Advertising that the individual will waive the payment 4569

of all or any part of a deductible or copayment that a patient, 4570  
pursuant to a health insurance or health care policy, contract, 4571  
or plan that covers the individual's services, otherwise would 4572  
be required to pay. 4573

(29) Failure to use universal blood and body fluid 4574  
precautions established by rules adopted under section 4731.051 4575  
of the Revised Code; 4576

(30) Failure to provide notice to, and receive 4577  
acknowledgment of the notice from, a patient when required by 4578  
section 4731.143 of the Revised Code prior to providing 4579  
nonemergency professional services, or failure to maintain that 4580  
notice in the patient's medical record; 4581

(31) Failure of a physician supervising a physician 4582  
assistant to maintain supervision in accordance with the 4583  
requirements of Chapter 4730. of the Revised Code and the rules 4584  
adopted under that chapter; 4585

(32) Failure of a physician or podiatrist to enter into a 4586  
standard care arrangement with a clinical nurse specialist, 4587  
certified nurse-midwife, or certified nurse practitioner with 4588  
whom the physician or podiatrist is in collaboration pursuant to 4589  
section 4731.27 of the Revised Code or failure to fulfill the 4590  
responsibilities of collaboration after entering into a standard 4591  
care arrangement; 4592

(33) Failure to comply with the terms of a consult 4593  
agreement entered into with a pharmacist pursuant to section 4594  
4729.39 of the Revised Code; 4595

(34) Failure to cooperate in an investigation conducted by 4596  
the board under division (F) of this section, including failure 4597  
to comply with a subpoena or order issued by the board or 4598

failure to answer truthfully a question presented by the board 4599  
in an investigative interview, an investigative office 4600  
conference, at a deposition, or in written interrogatories, 4601  
except that failure to cooperate with an investigation shall not 4602  
constitute grounds for discipline under this section if a court 4603  
of competent jurisdiction has issued an order that either 4604  
quashes a subpoena or permits the individual to withhold the 4605  
testimony or evidence in issue; 4606

(35) Failure to supervise an acupuncturist in accordance 4607  
with Chapter 4762. of the Revised Code and the board's rules for 4608  
providing that supervision; 4609

(36) Failure to supervise an anesthesiologist assistant in 4610  
accordance with Chapter 4760. of the Revised Code and the 4611  
board's rules for supervision of an anesthesiologist assistant; 4612

(37) Assisting suicide, as defined in section 3795.01 of 4613  
the Revised Code; 4614

(38) Failure to comply with the requirements of section 4615  
2317.561 of the Revised Code; 4616

(39) Failure to supervise a radiologist assistant in 4617  
accordance with Chapter 4774. of the Revised Code and the 4618  
board's rules for supervision of radiologist assistants; 4619

(40) Performing or inducing an abortion at an office or 4620  
facility with knowledge that the office or facility fails to 4621  
post the notice required under section 3701.791 of the Revised 4622  
Code; 4623

(41) Failure to comply with the standards and procedures 4624  
established in rules under section 4731.054 of the Revised Code 4625  
for the operation of or the provision of care at a pain 4626  
management clinic; 4627

(42) Failure to comply with the standards and procedures 4628  
established in rules under section 4731.054 of the Revised Code 4629  
for providing supervision, direction, and control of individuals 4630  
at a pain management clinic; 4631

(43) Failure to comply with the requirements of section 4632  
4729.79 or 4731.055 of the Revised Code, unless the state board 4633  
of pharmacy no longer maintains a drug database pursuant to 4634  
section 4729.75 of the Revised Code; 4635

(44) Failure to comply with the requirements of section 4636  
2919.171, 2919.202, or 2919.203 of the Revised Code or failure 4637  
to submit to the department of health in accordance with a court 4638  
order a complete report as described in section 2919.171 or 4639  
2919.202 of the Revised Code; 4640

(45) Practicing at a facility that is subject to licensure 4641  
as a category III terminal distributor of dangerous drugs with a 4642  
pain management clinic classification unless the person 4643  
operating the facility has obtained and maintains the license 4644  
with the classification; 4645

(46) Owning a facility that is subject to licensure as a 4646  
category III terminal distributor of dangerous drugs with a pain 4647  
management clinic classification unless the facility is licensed 4648  
with the classification; 4649

(47) Failure to comply with any of the requirements 4650  
regarding making or maintaining medical records or documents 4651  
described in division (A) of section 2919.192, division (C) of 4652  
section 2919.193, division (B) of section 2919.195, or division 4653  
(A) of section 2919.196 of the Revised Code; 4654

(48) Failure to comply with the requirements in section 4655  
3719.061 of the Revised Code before issuing for a minor a 4656



prescription for an opioid analgesic, as defined in section 4657  
3719.01 of the Revised Code; 4658

(49) Failure to comply with the requirements of section 4659  
4731.30 of the Revised Code or rules adopted under section 4660  
4731.301 of the Revised Code when recommending treatment with 4661  
medical marijuana; 4662

(50) Practicing at a facility, clinic, or other location 4663  
that is subject to licensure as a category III terminal 4664  
distributor of dangerous drugs with an office-based opioid 4665  
treatment classification unless the person operating that place 4666  
has obtained and maintains the license with the classification; 4667

(51) Owning a facility, clinic, or other location that is 4668  
subject to licensure as a category III terminal distributor of 4669  
dangerous drugs with an office-based opioid treatment 4670  
classification unless that place is licensed with the 4671  
classification; 4672

(52) A pattern of continuous or repeated violations of 4673  
division (E) (2) or (3) of section 3963.02 of the Revised Code; 4674

(53) Failure to fulfill the responsibilities of a 4675  
collaboration agreement entered into with an athletic trainer as 4676  
described in section 4755.621 of the Revised Code; 4677

(54) Failure to take the steps specified in section 4678  
4731.911 of the Revised Code following an abortion or attempted 4679  
abortion in an ambulatory surgical facility or other location 4680  
that is not a hospital when a child is born alive; 4681

(55) Failure of a physician supervising an advanced 4682  
practice respiratory therapist to maintain supervision in 4683  
accordance with the requirements of Chapter 4761. of the Revised 4684  
Code and rules adopted under that chapter. 4685

(C) Disciplinary actions taken by the board under 4686  
divisions (A) and (B) of this section shall be taken pursuant to 4687  
an adjudication under Chapter 119. of the Revised Code, except 4688  
that in lieu of an adjudication, the board may enter into a 4689  
consent agreement with an individual to resolve an allegation of 4690  
a violation of this chapter or any rule adopted under it. A 4691  
consent agreement, when ratified by an affirmative vote of not 4692  
fewer than six members of the board, shall constitute the 4693  
findings and order of the board with respect to the matter 4694  
addressed in the agreement. If the board refuses to ratify a 4695  
consent agreement, the admissions and findings contained in the 4696  
consent agreement shall be of no force or effect. 4697

A telephone conference call may be utilized for 4698  
ratification of a consent agreement that revokes or suspends an 4699  
individual's license or certificate to practice or certificate 4700  
to recommend. The telephone conference call shall be considered 4701  
a special meeting under division (F) of section 121.22 of the 4702  
Revised Code. 4703

If the board takes disciplinary action against an 4704  
individual under division (B) of this section for a second or 4705  
subsequent plea of guilty to, or judicial finding of guilt of, a 4706  
violation of section 2919.123 or 2919.124 of the Revised Code, 4707  
the disciplinary action shall consist of a suspension of the 4708  
individual's license or certificate to practice for a period of 4709  
at least one year or, if determined appropriate by the board, a 4710  
more serious sanction involving the individual's license or 4711  
certificate to practice. Any consent agreement entered into 4712  
under this division with an individual that pertains to a second 4713  
or subsequent plea of guilty to, or judicial finding of guilt 4714  
of, a violation of that section shall provide for a suspension 4715  
of the individual's license or certificate to practice for a 4716

period of at least one year or, if determined appropriate by the 4717  
board, a more serious sanction involving the individual's 4718  
license or certificate to practice. 4719

(D) For purposes of divisions (B) (10), (12), and (14) of 4720  
this section, the commission of the act may be established by a 4721  
finding by the board, pursuant to an adjudication under Chapter 4722  
119. of the Revised Code, that the individual committed the act. 4723  
The board does not have jurisdiction under those divisions if 4724  
the trial court renders a final judgment in the individual's 4725  
favor and that judgment is based upon an adjudication on the 4726  
merits. The board has jurisdiction under those divisions if the 4727  
trial court issues an order of dismissal upon technical or 4728  
procedural grounds. 4729

(E) The sealing of conviction records by any court shall 4730  
have no effect upon a prior board order entered under this 4731  
section or upon the board's jurisdiction to take action under 4732  
this section if, based upon a plea of guilty, a judicial finding 4733  
of guilt, or a judicial finding of eligibility for intervention 4734  
in lieu of conviction, the board issued a notice of opportunity 4735  
for a hearing prior to the court's order to seal the records. 4736  
The board shall not be required to seal, destroy, redact, or 4737  
otherwise modify its records to reflect the court's sealing of 4738  
conviction records. 4739

(F) (1) The board shall investigate evidence that appears 4740  
to show that a person has violated any provision of this chapter 4741  
or any rule adopted under it. Any person may report to the board 4742  
in a signed writing any information that the person may have 4743  
that appears to show a violation of any provision of this 4744  
chapter or any rule adopted under it. In the absence of bad 4745  
faith, any person who reports information of that nature or who 4746

testifies before the board in any adjudication conducted under 4747  
Chapter 119. of the Revised Code shall not be liable in damages 4748  
in a civil action as a result of the report or testimony. Each 4749  
complaint or allegation of a violation received by the board 4750  
shall be assigned a case number and shall be recorded by the 4751  
board. 4752

(2) Investigations of alleged violations of this chapter 4753  
or any rule adopted under it shall be supervised by the 4754  
supervising member elected by the board in accordance with 4755  
section 4731.02 of the Revised Code and by the secretary as 4756  
provided in section 4731.39 of the Revised Code. The president 4757  
may designate another member of the board to supervise the 4758  
investigation in place of the supervising member. No member of 4759  
the board who supervises the investigation of a case shall 4760  
participate in further adjudication of the case. 4761

(3) In investigating a possible violation of this chapter 4762  
or any rule adopted under this chapter, or in conducting an 4763  
inspection under division (E) of section 4731.054 of the Revised 4764  
Code, the board may question witnesses, conduct interviews, 4765  
administer oaths, order the taking of depositions, inspect and 4766  
copy any books, accounts, papers, records, or documents, issue 4767  
subpoenas, and compel the attendance of witnesses and production 4768  
of books, accounts, papers, records, documents, and testimony, 4769  
except that a subpoena for patient record information shall not 4770  
be issued without consultation with the attorney general's 4771  
office and approval of the secretary and supervising member of 4772  
the board. 4773

(a) Before issuance of a subpoena for patient record 4774  
information, the secretary and supervising member shall 4775  
determine whether there is probable cause to believe that the 4776

complaint filed alleges a violation of this chapter or any rule 4777  
adopted under it and that the records sought are relevant to the 4778  
alleged violation and material to the investigation. The 4779  
subpoena may apply only to records that cover a reasonable 4780  
period of time surrounding the alleged violation. 4781

(b) On failure to comply with any subpoena issued by the 4782  
board and after reasonable notice to the person being 4783  
subpoenaed, the board may move for an order compelling the 4784  
production of persons or records pursuant to the Rules of Civil 4785  
Procedure. 4786

(c) A subpoena issued by the board may be served by a 4787  
sheriff, the sheriff's deputy, or a board employee or agent 4788  
designated by the board. Service of a subpoena issued by the 4789  
board may be made by delivering a copy of the subpoena to the 4790  
person named therein, reading it to the person, or leaving it at 4791  
the person's usual place of residence, usual place of business, 4792  
or address on file with the board. When serving a subpoena to an 4793  
applicant for or the holder of a license or certificate issued 4794  
under this chapter, service of the subpoena may be made by 4795  
certified mail, return receipt requested, and the subpoena shall 4796  
be deemed served on the date delivery is made or the date the 4797  
person refuses to accept delivery. If the person being served 4798  
refuses to accept the subpoena or is not located, service may be 4799  
made to an attorney who notifies the board that the attorney is 4800  
representing the person. 4801

(d) A sheriff's deputy who serves a subpoena shall receive 4802  
the same fees as a sheriff. Each witness who appears before the 4803  
board in obedience to a subpoena shall receive the fees and 4804  
mileage provided for under section 119.094 of the Revised Code. 4805

(4) All hearings, investigations, and inspections of the 4806

board shall be considered civil actions for the purposes of 4807  
section 2305.252 of the Revised Code. 4808

(5) A report required to be submitted to the board under 4809  
this chapter, a complaint, or information received by the board 4810  
pursuant to an investigation or pursuant to an inspection under 4811  
division (E) of section 4731.054 of the Revised Code is 4812  
confidential and not subject to discovery in any civil action. 4813

The board shall conduct all investigations or inspections 4814  
and proceedings in a manner that protects the confidentiality of 4815  
patients and persons who file complaints with the board. The 4816  
board shall not make public the names or any other identifying 4817  
information about patients or complainants unless proper consent 4818  
is given or, in the case of a patient, a waiver of the patient 4819  
privilege exists under division (B) of section 2317.02 of the 4820  
Revised Code, except that consent or a waiver of that nature is 4821  
not required if the board possesses reliable and substantial 4822  
evidence that no bona fide physician-patient relationship 4823  
exists. 4824

The board may share any information it receives pursuant 4825  
to an investigation or inspection, including patient records and 4826  
patient record information, with law enforcement agencies, other 4827  
licensing boards, and other governmental agencies that are 4828  
prosecuting, adjudicating, or investigating alleged violations 4829  
of statutes or administrative rules. An agency or board that 4830  
receives the information shall comply with the same requirements 4831  
regarding confidentiality as those with which the state medical 4832  
board must comply, notwithstanding any conflicting provision of 4833  
the Revised Code or procedure of the agency or board that 4834  
applies when it is dealing with other information in its 4835  
possession. In a judicial proceeding, the information may be 4836

admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state medical board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

(6) On a quarterly basis, the board shall prepare a report that documents the disposition of all cases during the preceding three months. The report shall contain the following information for each case with which the board has completed its activities:

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

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

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

(d) The disposition of the case.

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

(G) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license or certificate to practice or certificate

to recommend without a prior hearing: 4866

(1) That there is clear and convincing evidence that an 4867  
individual has violated division (B) of this section; 4868

(2) That the individual's continued practice presents a 4869  
danger of immediate and serious harm to the public. 4870

Written allegations shall be prepared for consideration by 4871  
the board. The board, upon review of those allegations and by an 4872  
affirmative vote of not fewer than six of its members, excluding 4873  
the secretary and supervising member, may suspend a license or 4874  
certificate without a prior hearing. A telephone conference call 4875  
may be utilized for reviewing the allegations and taking the 4876  
vote on the summary suspension. 4877

The board shall issue a written order of suspension by 4878  
certified mail or in person in accordance with section 119.07 of 4879  
the Revised Code. The order shall not be subject to suspension 4880  
by the court during pendency of any appeal filed under section 4881  
119.12 of the Revised Code. If the individual subject to the 4882  
summary suspension requests an adjudicatory hearing by the 4883  
board, the date set for the hearing shall be within fifteen 4884  
days, but not earlier than seven days, after the individual 4885  
requests the hearing, unless otherwise agreed to by both the 4886  
board and the individual. 4887

Any summary suspension imposed under this division shall 4888  
remain in effect, unless reversed on appeal, until a final 4889  
adjudicative order issued by the board pursuant to this section 4890  
and Chapter 119. of the Revised Code becomes effective. The 4891  
board shall issue its final adjudicative order within seventy- 4892  
five days after completion of its hearing. A failure to issue 4893  
the order within seventy-five days shall result in dissolution 4894



of the summary suspension order but shall not invalidate any 4895  
subsequent, final adjudicative order. 4896

(H) If the board takes action under division (B) (9), (11), 4897  
or (13) of this section and the judicial finding of guilt, 4898  
guilty plea, or judicial finding of eligibility for intervention 4899  
in lieu of conviction is overturned on appeal, upon exhaustion 4900  
of the criminal appeal, a petition for reconsideration of the 4901  
order may be filed with the board along with appropriate court 4902  
documents. Upon receipt of a petition of that nature and 4903  
supporting court documents, the board shall reinstate the 4904  
individual's license or certificate to practice. The board may 4905  
then hold an adjudication under Chapter 119. of the Revised Code 4906  
to determine whether the individual committed the act in 4907  
question. Notice of an opportunity for a hearing shall be given 4908  
in accordance with Chapter 119. of the Revised Code. If the 4909  
board finds, pursuant to an adjudication held under this 4910  
division, that the individual committed the act or if no hearing 4911  
is requested, the board may order any of the sanctions 4912  
identified under division (B) of this section. 4913

(I) The license or certificate to practice issued to an 4914  
individual under this chapter and the individual's practice in 4915  
this state are automatically suspended as of the date of the 4916  
individual's second or subsequent plea of guilty to, or judicial 4917  
finding of guilt of, a violation of section 2919.123 or 2919.124 4918  
of the Revised Code. In addition, the license or certificate to 4919  
practice or certificate to recommend issued to an individual 4920  
under this chapter and the individual's practice in this state 4921  
are automatically suspended as of the date the individual pleads 4922  
guilty to, is found by a judge or jury to be guilty of, or is 4923  
subject to a judicial finding of eligibility for intervention in 4924  
lieu of conviction in this state or treatment or intervention in 4925

lieu of conviction in another jurisdiction for any of the 4926  
following criminal offenses in this state or a substantially 4927  
equivalent criminal offense in another jurisdiction: aggravated 4928  
murder, murder, voluntary manslaughter, felonious assault, 4929  
kidnapping, rape, sexual battery, gross sexual imposition, 4930  
aggravated arson, aggravated robbery, or aggravated burglary. 4931  
Continued practice after suspension shall be considered 4932  
practicing without a license or certificate. 4933

The board shall notify the individual subject to the 4934  
suspension by certified mail or in person in accordance with 4935  
section 119.07 of the Revised Code. If an individual whose 4936  
license or certificate is automatically suspended under this 4937  
division fails to make a timely request for an adjudication 4938  
under Chapter 119. of the Revised Code, the board shall do 4939  
whichever of the following is applicable: 4940

(1) If the automatic suspension under this division is for 4941  
a second or subsequent plea of guilty to, or judicial finding of 4942  
guilt of, a violation of section 2919.123 or 2919.124 of the 4943  
Revised Code, the board shall enter an order suspending the 4944  
individual's license or certificate to practice for a period of 4945  
at least one year or, if determined appropriate by the board, 4946  
imposing a more serious sanction involving the individual's 4947  
license or certificate to practice. 4948

(2) In all circumstances in which division (I)(1) of this 4949  
section does not apply, enter a final order permanently revoking 4950  
the individual's license or certificate to practice. 4951

(J) If the board is required by Chapter 119. of the 4952  
Revised Code to give notice of an opportunity for a hearing and 4953  
if the individual subject to the notice does not timely request 4954  
a hearing in accordance with section 119.07 of the Revised Code, 4955

the board is not required to hold a hearing, but may adopt, by 4956  
an affirmative vote of not fewer than six of its members, a 4957  
final order that contains the board's findings. In that final 4958  
order, the board may order any of the sanctions identified under 4959  
division (A) or (B) of this section. 4960

(K) Any action taken by the board under division (B) of 4961  
this section resulting in a suspension from practice shall be 4962  
accompanied by a written statement of the conditions under which 4963  
the individual's license or certificate to practice may be 4964  
reinstated. The board shall adopt rules governing conditions to 4965  
be imposed for reinstatement. Reinstatement of a license or 4966  
certificate suspended pursuant to division (B) of this section 4967  
requires an affirmative vote of not fewer than six members of 4968  
the board. 4969

(L) When the board refuses to grant or issue a license or 4970  
certificate to practice to an applicant, revokes an individual's 4971  
license or certificate to practice, refuses to renew an 4972  
individual's license or certificate to practice, or refuses to 4973  
reinstate an individual's license or certificate to practice, 4974  
the board may specify that its action is permanent. An 4975  
individual subject to a permanent action taken by the board is 4976  
forever thereafter ineligible to hold a license or certificate 4977  
to practice and the board shall not accept an application for 4978  
reinstatement of the license or certificate or for issuance of a 4979  
new license or certificate. 4980

(M) Notwithstanding any other provision of the Revised 4981  
Code, all of the following apply: 4982

(1) The surrender of a license or certificate issued under 4983  
this chapter shall not be effective unless or until accepted by 4984  
the board. A telephone conference call may be utilized for 4985

acceptance of the surrender of an individual's license or 4986  
certificate to practice. The telephone conference call shall be 4987  
considered a special meeting under division (F) of section 4988  
121.22 of the Revised Code. Reinstatement of a license or 4989  
certificate surrendered to the board requires an affirmative 4990  
vote of not fewer than six members of the board. 4991

(2) An application for a license or certificate made under 4992  
the provisions of this chapter may not be withdrawn without 4993  
approval of the board. 4994

(3) Failure by an individual to renew a license or 4995  
certificate to practice in accordance with this chapter or a 4996  
certificate to recommend in accordance with rules adopted under 4997  
section 4731.301 of the Revised Code shall not remove or limit 4998  
the board's jurisdiction to take any disciplinary action under 4999  
this section against the individual. 5000

(4) At the request of the board, a license or certificate 5001  
holder shall immediately surrender to the board a license or 5002  
certificate that the board has suspended, revoked, or 5003  
permanently revoked. 5004

(N) Sanctions shall not be imposed under division (B) (28) 5005  
of this section against any person who waives deductibles and 5006  
copayments as follows: 5007

(1) In compliance with the health benefit plan that 5008  
expressly allows such a practice. Waiver of the deductibles or 5009  
copayments shall be made only with the full knowledge and 5010  
consent of the plan purchaser, payer, and third-party 5011  
administrator. Documentation of the consent shall be made 5012  
available to the board upon request. 5013

(2) For professional services rendered to any other person 5014

authorized to practice pursuant to this chapter, to the extent 5015  
allowed by this chapter and rules adopted by the board. 5016

(O) Under the board's investigative duties described in 5017  
this section and subject to division (F) of this section, the 5018  
board shall develop and implement a quality intervention program 5019  
designed to improve through remedial education the clinical and 5020  
communication skills of individuals authorized under this 5021  
chapter to practice medicine and surgery, osteopathic medicine 5022  
and surgery, and podiatric medicine and surgery. In developing 5023  
and implementing the quality intervention program, the board may 5024  
do all of the following: 5025

(1) Offer in appropriate cases as determined by the board 5026  
an educational and assessment program pursuant to an 5027  
investigation the board conducts under this section; 5028

(2) Select providers of educational and assessment 5029  
services, including a quality intervention program panel of case 5030  
reviewers; 5031

(3) Make referrals to educational and assessment service 5032  
providers and approve individual educational programs 5033  
recommended by those providers. The board shall monitor the 5034  
progress of each individual undertaking a recommended individual 5035  
educational program. 5036

(4) Determine what constitutes successful completion of an 5037  
individual educational program and require further monitoring of 5038  
the individual who completed the program or other action that 5039  
the board determines to be appropriate; 5040

(5) Adopt rules in accordance with Chapter 119. of the 5041  
Revised Code to further implement the quality intervention 5042  
program. 5043

An individual who participates in an individual 5044  
educational program pursuant to this division shall pay the 5045  
financial obligations arising from that educational program. 5046

(P) The board shall not refuse to issue a license to an 5047  
applicant because of a conviction, plea of guilty, judicial 5048  
finding of guilt, judicial finding of eligibility for 5049  
intervention in lieu of conviction, or the commission of an act 5050  
that constitutes a criminal offense, unless the refusal is in 5051  
accordance with section 9.79 of the Revised Code. 5052

**Sec. 4731.251.** (A) As used in this section and in sections 5053  
4731.252 to 4731.254 of the Revised Code: 5054

(1) "Applicant" means an individual who has applied under 5055  
Chapter 4730., 4731., 4759., 4760., 4761., 4762., 4774., or 5056  
4778. of the Revised Code for a license, training or other 5057  
certificate, limited permit, or other authority to practice as 5058  
any one of the following practitioners: a physician assistant, 5059  
physician, podiatrist, limited branch of medicine practitioner, 5060  
dietitian, anesthesiologist assistant, respiratory care 5061  
professional, advanced practice respiratory therapist, 5062  
acupuncturist, radiologist assistant, or genetic counselor. 5063  
"Applicant" may include an individual who has been granted 5064  
authority by the state medical board to practice as one type of 5065  
practitioner, but has applied for authority to practice as 5066  
another type of practitioner. 5067

(2) "Impaired" or "impairment" has the same meaning as in 5068  
division (B) (5) of section 4730.25, division (B) (26) of section 5069  
4731.22, division (A) (18) of section 4759.07, division (B) (6) of 5070  
section 4760.13, division (A) (18) of section 4761.09, division 5071  
(B) (6) of section 4762.13, division (B) (6) of section 4774.13, 5072  
or division (B) (6) of section 4778.14 of the Revised Code. 5073

(3) "Practitioner" means any of the following:	5074
(a) An individual authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine;	5075 5076 5077
(b) An individual licensed under Chapter 4730. of the Revised Code to practice as a physician assistant;	5078 5079
(c) An individual authorized under Chapter 4759. of the Revised Code to practice as a dietitian;	5080 5081
(d) An individual authorized under Chapter 4760. of the Revised Code to practice as an anesthesiologist assistant;	5082 5083
(e) An individual authorized under Chapter 4761. of the Revised Code to practice respiratory care <u>or to practice as an advanced practice respiratory therapist;</u>	5084 5085 5086
(f) An individual authorized under Chapter 4762. of the Revised Code to practice as an acupuncturist;	5087 5088
(g) An individual authorized under Chapter 4774. of the Revised Code to practice as a radiologist assistant;	5089 5090
(h) An individual licensed under Chapter 4778. of the Revised Code to practice as a genetic counselor.	5091 5092
(B) The state medical board shall establish a confidential program for the treatment of impaired practitioners and applicants, which shall be known as the one-bite program. The board shall contract with one organization to conduct the program and perform monitoring services.	5093 5094 5095 5096 5097
To be qualified to contract with the board under this section, an organization must meet all of the following requirements:	5098 5099 5100

(1) Be sponsored by one or more professional associations	5101
or societies of practitioners;	5102
(2) Be organized as a not-for-profit entity and exempt	5103
from federal income taxation under subsection 501(c)(3) of the	5104
Internal Revenue Code;	5105
(3) Contract with or employ to serve as the organization's	5106
medical director an individual who is authorized under this	5107
chapter to practice medicine and surgery or osteopathic medicine	5108
and surgery and specializes or has training and expertise in	5109
addiction medicine;	5110
(4) Contract with or employ one or more of the following	5111
as necessary for the organization's operation:	5112
(a) An individual licensed under Chapter 4758. of the	5113
Revised Code as an independent chemical dependency counselor-	5114
clinical supervisor, independent chemical dependency counselor,	5115
chemical dependency counselor III, or chemical dependency	5116
counselor II;	5117
(b) An individual licensed under Chapter 4757. of the	5118
Revised Code as an independent social worker, social worker,	5119
licensed professional clinical counselor, or licensed	5120
professional counselor;	5121
(c) An individual licensed under Chapter 4732. of the	5122
Revised Code as a psychologist.	5123
(C) The monitoring organization shall do all of the	5124
following pursuant to the contract:	5125
(1) Receive any report of suspected practitioner	5126
impairment, including a report made under division (B)(2) of	5127
section 4730.32, division (B)(2) of section 4731.224, section	5128



4759.13, division (B) (2) of section 4760.16, section 4761.19, 5129  
division (B) (2) of section 4762.16, division (B) (2) of section 5130  
4774.16, or section 4778.17 of the Revised Code; 5131

(2) Notify a practitioner who is the subject of a report 5132  
received under division (C) (1) of this section that the report 5133  
has been made and that the practitioner may be eligible to 5134  
participate in the program conducted under this section; 5135

(3) Receive from the board a referral regarding an 5136  
applicant, as described in section 4731.253 of the Revised Code; 5137

(4) Evaluate the records of an applicant who is the 5138  
subject of a referral received under division (C) (3) of this 5139  
section, in particular records from another jurisdiction 5140  
regarding the applicant's prior treatment for impairment or 5141  
current monitoring; 5142

(5) Determine whether a practitioner reported or applicant 5143  
referred to the monitoring organization is eligible to 5144  
participate in the program and notify the practitioner or 5145  
applicant of the determination; 5146

(6) In the case of a practitioner reported by a treatment 5147  
provider, notify the treatment provider of the eligibility 5148  
determination; 5149

(7) Report to the board any practitioner or applicant who 5150  
is determined ineligible to participate in the program; 5151

(8) Refer an eligible practitioner who chooses to 5152  
participate in the program for evaluation by a treatment 5153  
provider approved by the board under section 4731.25 of the 5154  
Revised Code, unless the report received by the monitoring 5155  
organization was made by an approved treatment provider and the 5156  
practitioner has already been evaluated by the treatment 5157

provider;	5158
(9) Monitor the evaluation of an eligible practitioner;	5159
(10) Refer an eligible practitioner who chooses to participate in the program to a treatment provider approved by the board under section 4731.25 of the Revised Code;	5160 5161 5162
(11) Establish, in consultation with the treatment provider to which a practitioner is referred, the terms and conditions with which the practitioner must comply for continued participation in and successful completion of the program;	5163 5164 5165 5166
(12) Report to the board any practitioner who does not complete evaluation or treatment or does not comply with any of the terms and conditions established by the monitoring organization and the treatment provider;	5167 5168 5169 5170
(13) Perform any other activities specified in the contract with the board or that the monitoring organization considers necessary to comply with this section and sections 4731.252 to 4731.254 of the Revised Code.	5171 5172 5173 5174
(D) The monitoring organization shall not disclose to the board the name of a practitioner or applicant or any records relating to a practitioner or applicant, unless any of the following occurs:	5175 5176 5177 5178
(1) The practitioner or applicant is determined to be ineligible to participate in the program.	5179 5180
(2) The practitioner or applicant requests the disclosure.	5181
(3) The practitioner or applicant is unwilling or unable to complete or comply with any part of the program, including evaluation, treatment, or monitoring.	5182 5183 5184

(4) The practitioner or applicant presents an imminent 5185  
danger to the public or to the practitioner, as a result of the 5186  
practitioner's or applicant's impairment. 5187

(5) The practitioner has relapsed or the practitioner's 5188  
impairment has not been substantially alleviated by 5189  
participation in the program. 5190

(E) (1) The monitoring organization shall develop 5191  
procedures governing each of the following: 5192

(a) Receiving reports of practitioner impairment; 5193

(b) Notifying practitioners of reports and eligibility 5194  
determinations; 5195

(c) Receiving applicant referrals as described in section 5196  
4731.253 of the Revised Code; 5197

(d) Evaluating records of referred applicants, in 5198  
particular records from other jurisdictions regarding prior 5199  
treatment for impairment or continued monitoring; 5200

(e) Notifying applicants of eligibility determinations; 5201

(f) Referring eligible practitioners for evaluation or 5202  
treatment; 5203

(g) Establishing individualized treatment plans for 5204  
eligible practitioners, as recommended by treatment providers; 5205

(h) Establishing individualized terms and conditions with 5206  
which eligible practitioners or applicants must comply for 5207  
continued participation in and successful completion of the 5208  
program. 5209

(2) The monitoring organization, in consultation with the 5210  
board, shall develop procedures governing each of the following: 5211

(a) Providing reports to the board on a periodic basis on 5212  
the total number of practitioners or applicants participating in 5213  
the program, without disclosing the names or records of any 5214  
program participants other than those about whom reports are 5215  
required by this section; 5216

(b) Reporting to the board any practitioner or applicant 5217  
who due to impairment presents an imminent danger to the public 5218  
or to the practitioner or applicant; 5219

(c) Reporting to the board any practitioner or applicant 5220  
who is unwilling or unable to complete or comply with any part 5221  
of the program, including evaluation, treatment, or monitoring; 5222

(d) Reporting to the board any practitioner or applicant 5223  
whose impairment was not substantially alleviated by 5224  
participation in the program or who has relapsed. 5225

(F) The board may adopt any rules it considers necessary 5226  
to implement this section and sections 4731.252 to 4731.254 of 5227  
the Revised Code, including rules regarding the monitoring 5228  
organization and treatment providers that provide treatment to 5229  
practitioners referred by the monitoring organization. Any such 5230  
rules shall be adopted in accordance with Chapter 119. of the 5231  
Revised Code. 5232

**Sec. 4743.09.** (A) As used in this section: 5233

(1) "Durable medical equipment" means a type of equipment, 5234  
such as a remote monitoring device utilized by a physician, 5235  
physician assistant, or advanced practice registered nurse in 5236  
accordance with this section, that can withstand repeated use, 5237  
is primarily and customarily used to serve a medical purpose, 5238  
and generally is not useful to a person in the absence of 5239  
illness or injury and, in addition, includes repair and 5240

replacement parts for the equipment.	5241
(2) "Facility fee" means any fee charged or billed for telehealth services provided in a facility that is intended to compensate the facility for its operational expenses and is separate and distinct from a professional fee.	5242 5243 5244 5245
(3) "Health care professional" means:	5246
(a) An advanced practice registered nurse, as defined in section 4723.01 of the Revised Code;	5247 5248
(b) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry under a therapeutic pharmaceutical agents certificate;	5249 5250 5251
(c) A pharmacist licensed under Chapter 4729. of the Revised Code;	5252 5253
(d) A physician assistant licensed under Chapter 4730. of the Revised Code;	5254 5255
(e) A physician licensed under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	5256 5257 5258
(f) A psychologist or school psychologist licensed under Chapter 4732. of the Revised Code or under rules adopted in accordance with sections 3301.07 and 3319.22 of the Revised Code;	5259 5260 5261 5262
(g) A chiropractor licensed under Chapter 4734. of the Revised Code;	5263 5264
(h) An audiologist or speech-language pathologist licensed under Chapter 4753. of the Revised Code;	5265 5266
(i) An occupational therapist or physical therapist	5267

licensed under Chapter 4755. of the Revised Code;	5268
(j) An occupational therapy assistant or physical therapist assistant licensed under Chapter 4755. of the Revised Code;	5269 5270 5271
(k) A professional clinical counselor, independent social worker, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code;	5272 5273 5274
(l) An independent chemical dependency counselor licensed under Chapter 4758. of the Revised Code;	5275 5276
(m) A dietitian licensed under Chapter 4759. of the Revised Code;	5277 5278
(n) A respiratory care professional <u>or advanced practice respiratory therapist</u> licensed under Chapter 4761. of the Revised Code;	5279 5280 5281
(o) A genetic counselor licensed under Chapter 4778. of the Revised Code;	5282 5283
(p) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code.	5284 5285
(4) "Health care professional licensing board" means any of the following:	5286 5287
(a) The board of nursing;	5288
(b) The state vision professionals board;	5289
(c) The state board of pharmacy;	5290
(d) The state medical board;	5291
(e) The state board of psychology;	5292
(f) The state board of education with respect to the	5293

licensure of school psychologists;	5294
(g) The state chiropractic board;	5295
(h) The state speech and hearing professionals board;	5296
(i) The Ohio occupational therapy, physical therapy, and athletic trainers board;	5297 5298
(j) The counselor, social worker, and marriage and family therapist board;	5299 5300
(k) The chemical dependency professionals board.	5301
(5) "Health plan issuer" has the same meaning as in section 3922.01 of the Revised Code.	5302 5303
(6) "Telehealth services" means health care services provided through the use of information and communication technology by a health care professional, within the professional's scope of practice, who is located at a site other than the site where either of the following is located:	5304 5305 5306 5307 5308
(a) The patient receiving the services;	5309
(b) Another health care professional with whom the provider of the services is consulting regarding the patient.	5310 5311
(B) (1) Each health care professional licensing board shall permit a health care professional under its jurisdiction to provide the professional's services as telehealth services in accordance with this section. Subject to division (B) (2) of this section, a board may adopt any rules it considers necessary to implement this section. All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. Any such rules adopted by a board are not subject to the requirements of division (F) of section 121.95 of the Revised	5312 5313 5314 5315 5316 5317 5318 5319 5320

Code. 5321

(2) (a) Except as provided in division (B) (2) (b) of this 5322  
section, the rules adopted by a health care professional 5323  
licensing board under this section shall establish a standard of 5324  
care for telehealth services that is equal to the standard of 5325  
care for in-person services. 5326

(b) Subject to division (B) (2) (c) of this section, a board 5327  
may require an initial in-person visit prior to prescribing a 5328  
schedule II controlled substance to a new patient, equivalent to 5329  
applicable state and federal requirements. 5330

(c) (i) A board shall not require an initial in-person 5331  
visit for a new patient whose medical record indicates that the 5332  
patient is receiving hospice or palliative care, who is 5333  
receiving medication-assisted treatment or any other medication 5334  
for opioid-use disorder, who is a patient with a mental health 5335  
condition, or who, as determined by the clinical judgment of a 5336  
health care professional, is in an emergency situation. 5337

(ii) Notwithstanding division (B) of section 3796.01 of 5338  
the Revised Code, medical marijuana shall not be considered a 5339  
schedule II controlled substance. 5340

(C) With respect to the provision of telehealth services, 5341  
all of the following apply: 5342

(1) A health care professional may use synchronous or 5343  
asynchronous technology to provide telehealth services to a 5344  
patient during an initial visit if the appropriate standard of 5345  
care for an initial visit is satisfied. 5346

(2) A health care professional may deny a patient 5347  
telehealth services and, instead, require the patient to undergo 5348  
an in-person visit. 5349



(3) When providing telehealth services in accordance with 5350  
this section, a health care professional shall comply with all 5351  
requirements under state and federal law regarding the 5352  
protection of patient information. A health care professional 5353  
shall ensure that any username or password information and any 5354  
electronic communications between the professional and a patient 5355  
are securely transmitted and stored. 5356

(4) A health care professional may use synchronous or 5357  
asynchronous technology to provide telehealth services to a 5358  
patient during an annual visit if the appropriate standard of 5359  
care for an annual visit is satisfied. 5360

(5) In the case of a health care professional who is a 5361  
physician, physician assistant, or advanced practice registered 5362  
nurse, both of the following apply: 5363

(a) The professional may provide telehealth services to a 5364  
patient located outside of this state if permitted by the laws 5365  
of the state in which the patient is located. 5366

(b) The professional may provide telehealth services 5367  
through the use of medical devices that enable remote 5368  
monitoring, including such activities as monitoring a patient's 5369  
blood pressure, heart rate, or glucose level. 5370

(D) When a patient has consented to receiving telehealth 5371  
services, the health care professional who provides those 5372  
services is not liable in damages under any claim made on the 5373  
basis that the services do not meet the same standard of care 5374  
that would apply if the services were provided in-person. 5375

(E) (1) A health care professional providing telehealth 5376  
services shall not charge a patient or a health plan issuer 5377  
covering telehealth services under section 3902.30 of the 5378

Revised Code any of the following: a facility fee, an 5379  
origination fee, or any fee associated with the cost of the 5380  
equipment used at the provider site to provide telehealth 5381  
services. 5382

A health care professional providing telehealth services 5383  
may charge a health plan issuer for durable medical equipment 5384  
used at a patient or client site. 5385

(2) A health care professional may negotiate with a health 5386  
plan issuer to establish a reimbursement rate for fees 5387  
associated with the administrative costs incurred in providing 5388  
telehealth services as long as a patient is not responsible for 5389  
any portion of the fee. 5390

(3) A health care professional providing telehealth 5391  
services shall obtain a patient's consent before billing for the 5392  
cost of providing the services, but the requirement to do so 5393  
applies only once. 5394

(F) Nothing in this section limits or otherwise affects 5395  
any other provision of the Revised Code that requires a health 5396  
care professional who is not a physician to practice under the 5397  
supervision of, in collaboration with, in consultation with, or 5398  
pursuant to the referral of another health care professional. 5399

(G) It is the intent of the general assembly, through the 5400  
amendments to this section, to expand access to and investment 5401  
in telehealth services in this state in congruence with the 5402  
expansion and investment in telehealth services made during the 5403  
COVID-19 pandemic. 5404

**Sec. 4755.48.** (A) No person shall employ fraud or 5405  
deception in applying for or securing a license to practice 5406  
physical therapy or to be a physical therapist assistant. 5407

(B) No person shall practice or in any way imply or claim 5408  
to the public by words, actions, or the use of letters as 5409  
described in division (C) of this section to be able to practice 5410  
physical therapy or to provide physical therapy services, 5411  
including practice as a physical therapist assistant, unless the 5412  
person holds a valid license under sections 4755.40 to 4755.56 5413  
of the Revised Code or except for submission of claims as 5414  
provided in section 4755.56 of the Revised Code. 5415

(C) No person shall use the words or letters, physical 5416  
therapist, physical therapy, physical therapy services, 5417  
physiotherapist, physiotherapy, physiotherapy services, licensed 5418  
physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., 5419  
D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical 5420  
therapist assistant, physical therapy technician, licensed 5421  
physical therapist assistant, L.P.T.A., R.P.T.A., or any other 5422  
letters, words, abbreviations, or insignia, indicating or 5423  
implying that the person is a physical therapist or physical 5424  
therapist assistant without a valid license under sections 5425  
4755.40 to 4755.56 of the Revised Code. 5426

(D) No person who practices physical therapy or assists in 5427  
the provision of physical therapy treatments under the 5428  
supervision of a physical therapist shall fail to display the 5429  
person's current license granted under sections 4755.40 to 5430  
4755.56 of the Revised Code in a conspicuous location in the 5431  
place where the person spends the major part of the person's 5432  
time so engaged. 5433

(E) Nothing in sections 4755.40 to 4755.56 of the Revised 5434  
Code shall affect or interfere with the performance of the 5435  
duties of any physical therapist or physical therapist assistant 5436  
in active service in the army, navy, coast guard, marine corps, 5437

air force, public health service, or marine hospital service of 5438  
the United States, while so serving. 5439

(F) Nothing in sections 4755.40 to 4755.56 of the Revised 5440  
Code shall prevent or restrict the activities or services of a 5441  
person pursuing a course of study leading to a degree in 5442  
physical therapy in an accredited or approved educational 5443  
program if the activities or services constitute a part of a 5444  
supervised course of study and the person is designated by a 5445  
title that clearly indicates the person's status as a student. 5446

(G) (1) Subject to division (G) (2) of this section, nothing 5447  
in sections 4755.40 to 4755.56 of the Revised Code shall prevent 5448  
or restrict the activities or services of any person who holds a 5449  
current, unrestricted license to practice physical therapy in 5450  
another state when that person, pursuant to contract or 5451  
employment with an athletic team located in the state in which 5452  
the person holds the license, provides physical therapy to any 5453  
of the following while the team is traveling to or from or 5454  
participating in a sporting event in this state: 5455

(a) A member of the athletic team; 5456

(b) A member of the athletic team's coaching, 5457  
communications, equipment, or sports medicine staff; 5458

(c) A member of a band or cheerleading squad accompanying 5459  
the athletic team; 5460

(d) The athletic team's mascot. 5461

(2) In providing physical therapy pursuant to division (G) 5462  
(1) of this section, the person shall not do either of the 5463  
following: 5464

(a) Provide physical therapy at a health care facility; 5465

(b) Provide physical therapy for more than sixty days in a calendar year. 5466  
5467

(3) The limitations described in divisions (G) (1) and (2) of this section do not apply to a person who is practicing in accordance with the compact privilege granted by this state through the "Physical Therapy Licensure Compact" entered into under section 4755.57 of the Revised Code. 5468  
5469  
5470  
5471  
5472

(H) (1) Except as provided in division (H) (2) of this section and subject to division (I) of this section, no person shall practice physical therapy other than on the prescription of, or the referral of a patient by, a person who is licensed in this or another state to do at least one of the following: 5473  
5474  
5475  
5476  
5477

(a) Practice medicine and surgery, chiropractic, dentistry, osteopathic medicine and surgery, podiatric medicine and surgery; 5478  
5479  
5480

(b) Practice as a physician assistant; 5481

(c) Practice nursing as an advanced practice registered nurse; 5482  
5483

(d) Practice as an advanced practice respiratory therapist. 5484  
5485

(2) The prohibition in division (H) (1) of this section on practicing physical therapy other than on the prescription of, or the referral of a patient by, any of the persons described in that division does not apply if either of the following applies to the person: 5486  
5487  
5488  
5489  
5490

(a) The person holds a master's or doctorate degree from a professional physical therapy program that is accredited by a national physical therapy accreditation agency approved by the 5491  
5492  
5493

physical therapy section of the Ohio occupational therapy, 5494  
physical therapy, and athletic trainers board. 5495

(b) On or before December 31, 2004, the person has 5496  
completed at least two years of practical experience as a 5497  
licensed physical therapist. 5498

(I) To be authorized to prescribe physical therapy or 5499  
refer a patient to a physical therapist for physical therapy, a 5500  
person described in division (H) (1) of this section must be in 5501  
good standing with the relevant licensing board in this state or 5502  
the state in which the person is licensed and must act only 5503  
within the person's scope of practice. 5504

(J) In the prosecution of any person for violation of 5505  
division (B) or (C) of this section, it is not necessary to 5506  
allege or prove want of a valid license to practice physical 5507  
therapy or to practice as a physical therapist assistant, but 5508  
such matters shall be a matter of defense to be established by 5509  
the accused. 5510

**Sec. 4761.01.** As used in this chapter: 5511

(A) "Respiratory care" means rendering or offering to 5512  
render to individuals, groups, organizations, or the public any 5513  
service involving the evaluation of cardiopulmonary function, 5514  
the treatment of cardiopulmonary impairment, the assessment of 5515  
treatment effectiveness, and the care of patients with 5516  
deficiencies and abnormalities associated with the 5517  
cardiopulmonary system. The practice of respiratory care 5518  
includes: 5519

(1) Obtaining, analyzing, testing, measuring, and 5520  
monitoring blood and gas samples in the determination of 5521  
cardiopulmonary parameters and related physiologic data, 5522

including flows, pressures, and volumes, and the use of	5523
equipment employed for this purpose;	5524
(2) Administering, monitoring, recording the results of,	5525
and instructing in the use of medical gases, aerosols, and	5526
bronchopulmonary hygiene techniques, including drainage,	5527
aspiration, and sampling, and applying, maintaining, and	5528
instructing in the use of artificial airways, ventilators, and	5529
other life support equipment employed in the treatment of	5530
cardiopulmonary impairment and provided in collaboration with	5531
other licensed health care professionals responsible for	5532
providing care;	5533
(3) Performing cardiopulmonary resuscitation and	5534
respiratory rehabilitation techniques;	5535
(4) Administering medications for the testing or treatment	5536
of cardiopulmonary impairment.	5537
(B) "Respiratory care professional" means a person who is	5538
licensed under this chapter to practice the full range of	5539
services described in division (A) of this section.	5540
(C) "Physician" means an individual authorized under	5541
Chapter 4731. of the Revised Code to practice medicine and	5542
surgery or osteopathic medicine and surgery.	5543
(D) "Registered nurse" means an individual licensed under	5544
Chapter 4723. of the Revised Code to engage in the practice of	5545
nursing as a registered nurse.	5546
(E) "Hospital" means a facility that <del>meets the operating</del>	5547
<del>standards of</del> <u>is registered with the department of health under</u>	5548
section <del>3727.02-3701.07</del> <u>of the Revised Code.</u>	5549
(F) "Nursing facility" has the same meaning as in section	5550

5165.01 of the Revised Code. 5551

(G) "Advanced practice registered nurse" has the same 5552  
meaning as in section 4723.01 of the Revised Code. 5553

(H) "Physician assistant" means an individual who holds a 5554  
valid license to practice as a physician assistant issued under 5555  
Chapter 4730. of the Revised Code. 5556

(I) "Advanced practice respiratory therapist" means an 5557  
individual who holds a current, valid license issued under this 5558  
chapter that authorizes the practice of respiratory care as an 5559  
advanced practice respiratory therapist. 5560

(J) "Practice of respiratory care as an advanced practice 5561  
respiratory therapist" means the performance of services 5562  
delegated by a supervising physician to an advanced practice 5563  
respiratory therapist in the diagnosis and treatment of patients 5564  
with cardiopulmonary diseases or conditions, including 5565  
prescribing, ordering, and administering drugs and medical 5566  
devices. 5567

(K) "Health care facility" means any of the following: 5568

(1) A hospital; 5569

(2) A site where a medical practice is operated and 5570  
provides direct patient care; 5571

(3) An entity owned or controlled, in whole or in part, by 5572  
a hospital or by an entity that owns or controls, in whole or in 5573  
part, one or more hospitals; 5574

(4) Any other facility designated by the state medical 5575  
board in rules adopted pursuant to division (B) of section 5576  
4761.36 of the Revised Code. 5577



**Sec. 4761.03.** (A) The state medical board shall regulate 5578  
the practice of respiratory care in this state and the persons 5579  
to whom the board issues licenses and limited permits under this 5580  
chapter. Rules adopted under this chapter that deal with the 5581  
provision of respiratory care in a hospital, other than rules 5582  
regulating the issuance of licenses or limited permits, shall be 5583  
consistent with the conditions for participation under medicare, 5584  
Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 5585  
42 U.S.C.A. 1395, as amended, and with the respiratory care 5586  
accreditation standards of the joint commission or the American 5587  
osteopathic association. 5588

(B) The board shall adopt, and may rescind or amend, rules 5589  
in accordance with Chapter 119. of the Revised Code to carry out 5590  
the purposes of this chapter, including rules prescribing the 5591  
following: 5592

(1) The form and manner for filing applications under 5593  
sections 4761.05 and 4761.06 of the Revised Code; 5594

(2) Standards for the approval of examinations and 5595  
reexaminations administered by national organizations for 5596  
licensure, license renewal, and license reinstatement; 5597

(3) Standards for the approval of educational programs 5598  
required to qualify for licensure and approval of continuing 5599  
education programs required for license renewal; 5600

(4) Continuing education courses and the number of hour 5601  
requirements necessary for license renewal under section 4761.06 5602  
of the Revised Code, including rules providing for pro rata 5603  
reductions by month of the number of hours of continuing 5604  
education that must be completed for license holders who are in 5605  
their first renewal period, have been disabled by illness or 5606

accident, or have been absent from the country;	5607
(5) Procedures for the issuance and renewal of licenses	5608
and limited permits, including the duties that may be fulfilled	5609
by the board's executive director and other board employees;	5610
(6) Procedures for the limitation, suspension, and	5611
revocation of licenses and limited permits, the refusal to	5612
issue, renew, or reinstate licenses and limited permits, and the	5613
imposition of a reprimand or probation under section 4761.09 of	5614
the Revised Code;	5615
(7) Standards of ethical conduct for the practice of	5616
respiratory care;	5617
(8) The respiratory care tasks that may be performed by an	5618
individual practicing as a polysomnographic technologist	5619
pursuant to division (B) (3) of section 4761.10 of the Revised	5620
Code;	5621
(9) Requirements for criminal records checks of applicants	5622
under section 4776.03 of the Revised Code.	5623
(C) The board shall determine the sufficiency of an	5624
applicant's qualifications for admission to the licensing	5625
examination or a reexamination, and for the issuance or renewal	5626
of a license or limited permit.	5627
(D) The board shall determine the respiratory care	5628
educational programs that are acceptable for fulfilling the	5629
requirements of division (A) of section 4761.04 of the Revised	5630
Code.	5631
(E) (1) The board shall investigate evidence that appears	5632
to show that a person has violated any provision of this chapter	5633
or any rule adopted under it. Any person may report to the board	5634

in a signed writing any information that the person may have 5635  
that appears to show a violation of any provision of this 5636  
chapter or any rule adopted under it. In the absence of bad 5637  
faith, any person who reports information of that nature or who 5638  
testifies before the board in any adjudication conducted under 5639  
Chapter 119. of the Revised Code shall not be liable in damages 5640  
in a civil action as a result of the report or testimony. Each 5641  
complaint or allegation of a violation received by the board 5642  
shall be assigned a case number and shall be recorded by the 5643  
board. 5644

(2) Investigations of alleged violations of this chapter 5645  
or any rule adopted under it shall be supervised by the 5646  
supervising member elected by the board in accordance with 5647  
section 4731.02 of the Revised Code and by the secretary as 5648  
provided in section 4761.012 of the Revised Code. The president 5649  
may designate another member of the board to supervise the 5650  
investigation in place of the supervising member. No member of 5651  
the board who supervises the investigation of a case shall 5652  
participate in further adjudication of the case. 5653

(3) In investigating a possible violation of this chapter 5654  
or any rule adopted under it, the board may issue subpoenas, 5655  
administer oaths, question witnesses, conduct interviews, order 5656  
the taking of depositions, inspect and copy any books, accounts, 5657  
papers, records, or documents, and compel the attendance of 5658  
witnesses and production of books, accounts, papers, records, 5659  
documents, and testimony, except that a subpoena for patient 5660  
record information shall not be issued without consultation with 5661  
the attorney general's office and approval of the secretary and 5662  
supervising member of the board. 5663

Before issuance of a subpoena for patient record 5664

information, the secretary and supervising member shall 5665  
determine whether there is probable cause to believe that the 5666  
complaint filed alleges a violation of this chapter or any rule 5667  
adopted under it and that the records sought are relevant to the 5668  
alleged violation and material to the investigation. The 5669  
subpoena may apply only to records that cover a reasonable 5670  
period of time surrounding the alleged violation. 5671

On failure to comply with any subpoena issued by the board 5672  
and after reasonable notice to the person being subpoenaed, the 5673  
board may move for an order compelling the production of persons 5674  
or records pursuant to the Rules of Civil Procedure. 5675

A subpoena issued by the board may be served by a sheriff, 5676  
the sheriff's deputy, or a board employee or agent designated by 5677  
the board. Service of a subpoena issued by the board may be made 5678  
by delivering a copy of the subpoena to the person named 5679  
therein, reading it to the person, or leaving it at the person's 5680  
usual place of residence, usual place of business, or address on 5681  
file with the board. When serving a subpoena to an applicant for 5682  
or the holder of a license or limited permit issued under this 5683  
chapter, service of the subpoena may be made by certified mail, 5684  
return receipt requested, and the subpoena shall be deemed 5685  
served on the date delivery is made or the date the person 5686  
refuses to accept delivery. If the person being served refuses 5687  
to accept the subpoena or is not located, service may be made to 5688  
an attorney who notifies the board that the attorney is 5689  
representing the person. 5690

A sheriff's deputy who serves a subpoena shall receive the 5691  
same fees as a sheriff. Each witness who appears before the 5692  
board in obedience to a subpoena shall receive the fees and 5693  
mileage provided for under section 119.094 of the Revised Code. 5694

(4) In an investigation involving the practice or supervision of an advanced practice respiratory therapist pursuant to the policies of a health care facility, the board may require that the health care facility provide any information the board considers necessary to identify either or both of the following: 5695  
5696  
5697  
5698  
5699  
5700

(a) The facility's policies for the practice of advanced practice respiratory therapists within the facility; 5701  
5702

(b) The services that the facility has authorized a particular advanced practice respiratory therapist to provide for the facility. 5703  
5704  
5705

(5) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code. 5706  
5707  
5708

~~(5)~~ (6) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation is confidential and not subject to discovery in any civil action. 5709  
5710  
5711  
5712

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given. 5713  
5714  
5715  
5716  
5717  
5718

The board may share any information it receives pursuant to an investigation or inspection, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations 5719  
5720  
5721  
5722  
5723

of statutes or administrative rules. An agency or board that 5724  
receives the information shall comply with the same requirements 5725  
regarding confidentiality as those with which the state medical 5726  
board must comply, notwithstanding any conflicting provision of 5727  
the Revised Code or procedure of the agency or board that 5728  
applies when it is dealing with other information in its 5729  
possession. In a judicial proceeding, the information may be 5730  
admitted into evidence only in accordance with the Rules of 5731  
Evidence, but the court shall require that appropriate measures 5732  
are taken to ensure that confidentiality is maintained with 5733  
respect to any part of the information that contains names or 5734  
other identifying information about patients or complainants 5735  
whose confidentiality was protected by the state medical board 5736  
when the information was in the board's possession. Measures to 5737  
ensure confidentiality that may be taken by the court include 5738  
sealing its records or deleting specific information from its 5739  
records. 5740

~~(6)~~ (7) On a quarterly basis, the board shall prepare a 5741  
report that documents the disposition of all cases during the 5742  
preceding three months. The report shall contain the following 5743  
information for each case with which the board has completed its 5744  
activities: 5745

(a) The case number assigned to the complaint or alleged 5746  
violation; 5747

(b) The type of license or limited permit, if any, held by 5748  
the individual against whom the complaint is directed; 5749

(c) A description of the allegations contained in the 5750  
complaint; 5751

(d) The disposition of the case. 5752

The report shall state how many cases are still pending 5753  
and shall be prepared in a manner that protects the identity of 5754  
each person involved in each case. The report shall be a public 5755  
record under section 149.43 of the Revised Code. 5756

(F) The board shall keep records of its proceedings and do 5757  
other things as are necessary and proper to carry out and 5758  
enforce the provisions of this chapter. 5759

(G) The board shall maintain and publish on its internet 5760  
web site all of the following: 5761

(1) The requirements for the issuance of licenses and 5762  
limited permits under this chapter and rules adopted by the 5763  
board; 5764

(2) A list of the names and locations of the institutions 5765  
that each year granted degrees or certificates of completion in 5766  
respiratory care. 5767

**Sec. 4761.032.** (A) The state medical board shall appoint a 5768  
respiratory care advisory council for the purpose of advising 5769  
the board on issues relating to the practice of respiratory 5770  
care. The advisory council shall consist of not more than ~~seven-~~ 5771  
nine individuals knowledgeable in the area of respiratory care. 5772

A majority of the council members shall be individuals 5773  
licensed under this chapter who are actively engaged in the 5774  
practice of respiratory care. The board shall include all of the 5775  
following on the council: 5776

(1) One physician who is a member of the state medical 5777  
board; 5778

(2) One physician who has clinical training and experience 5779  
in pulmonary disease, and one physician who is a supervising 5780

physician of an advanced practice respiratory therapist. 5781

The Ohio state medical association, or its successor 5782  
organization, may nominate not more than three individuals for 5783  
consideration by the board in appointing the physician members 5784  
described in division (A)(2) of this section. 5785

(3) One advanced practice respiratory therapist; 5786

(4) One individual who is not affiliated with any health 5787  
care profession, who shall be appointed to represent the 5788  
interest of consumers. 5789

The Ohio society for respiratory care, or its successor 5790  
organization, may nominate not more than three individuals for 5791  
consideration by the board in appointing any member of the 5792  
council other than the members described in divisions (A)(1) and 5793  
(2) of this section. 5794

~~The Ohio state medical association, or its successor~~ 5795  
~~organization, may nominate not more than three individuals for~~ 5796  
~~consideration by the board in appointing the physician member~~ 5797  
~~described in division (A)(2) of this section.~~ 5798

~~The Ohio society for respiratory care, or its successor~~ 5799  
~~organization, may nominate not more than three individuals for~~ 5800  
~~consideration by the board in appointing any member of the~~ 5801  
~~council other than the physician members described in divisions~~ 5802  
~~(A)(1) and (2) of this section.~~ 5803

(B) Not later than ninety days after January 21, 2018, the 5804  
board shall make initial appointments to the council. Initial 5805  
members shall serve terms of office of one, two, or three years, 5806  
as selected by the board. Thereafter, terms of office shall be 5807  
for three years, with each term ending on the same day of the 5808  
same month as the term that it succeeds. A council member shall 5809



continue in office subsequent to the expiration date of the 5810  
member's term until a successor is appointed and takes office, 5811  
or until a period of sixty days has elapsed, whichever occurs 5812  
first. Each council member shall hold office from the date of 5813  
appointment until the end of the term for which the member was 5814  
appointed. 5815

(C) Members shall serve without compensation, but shall be 5816  
reimbursed for actual and necessary expenses incurred in 5817  
performing their official duties. 5818

(D) The council shall meet at least four times each year 5819  
and at such other times as may be necessary to carry out its 5820  
responsibilities. 5821

(E) The council may submit to the board recommendations 5822  
concerning all of the following: 5823

(1) Requirements for issuing a license to practice as a 5824  
respiratory care professional or as an advanced practice 5825  
respiratory therapist and requirements for issuing a permit to 5826  
practice as a limited permit holder, including the educational 5827  
and experience requirements that must be met to receive the 5828  
license or permit; 5829

(2) Existing and proposed rules pertaining to ~~the practice~~ 5830  
~~of respiratory care and~~ the administration and enforcement of 5831  
this chapter, including rules pertaining to the practice of 5832  
respiratory care by respiratory care professionals, the practice 5833  
of holders of limited permits issued under this chapter, the 5834  
practice of respiratory care as advanced practice respiratory 5835  
therapists, and the supervisory relationship between advanced 5836  
practice respiratory therapists and supervising physicians; 5837

(3) Standards for the approval of educational programs 5838

required to qualify for licensure and continuing education 5839  
programs for licensure renewal; 5840

(4) Standards for the approval of examinations and re- 5841  
examinations administered by national organizations for 5842  
licensure, license renewal, and license reinstatement; 5843

(5) Policies related to the issuance and renewal of 5844  
licenses and limited permits; 5845

~~(5)-(6) Fees for the issuance and renewal of a license to~~ 5846  
~~practice respiratory care as a licensee or as a licenses and~~ 5847  
~~limited permit holder permits;~~ 5848

~~(6)-(7) Standards of practice and ethical conduct in the~~ 5849  
practice of respiratory care; 5850

~~(7)-(8) The safe and effective practice of respiratory~~ 5851  
care, including scope of practice and minimal standards of care; 5852

(9) Any issue the board asks the council to consider. 5853

(F) In addition to the matters that are required to be 5854  
reviewed under division (E) of this section, the council may 5855  
review, and may submit to the board recommendations concerning, 5856  
quality assurance activities to be performed by a supervising 5857  
physician and advanced practice respiratory therapist under a 5858  
quality assurance system established pursuant to division (F) of 5859  
section 4761.39 of the Revised Code. 5860

(G) The board may permit meetings of the council to 5861  
include the use of interactive videoconferencing, 5862  
teleconferencing, or both if all of the following requirements 5863  
are met: 5864

(1) The meeting location is open and accessible to the 5865  
public. 5866

(2) Each council member is permitted to choose whether the member attends in person or through the use of the meeting's videoconferencing or teleconferencing. 5867  
5868  
5869

(3) Any meeting-related materials available before the meeting are sent to each council member by electronic mail, facsimile, or United States mail, or are hand-delivered. 5870  
5871  
5872

(4) If interactive videoconferencing is used, there is a clear video and audio connection that enables all participants at the meeting location to see and hear each council member. 5873  
5874  
5875

(5) If teleconferencing is used, there is a clear audio connection that enables all participants at the meeting location to hear each council member. 5876  
5877  
5878

(6) A roll call vote is recorded for each vote taken. 5879

(7) The meeting minutes specify for each member whether the member attended by videoconference, teleconference, or in person. 5880  
5881  
5882

**Sec. 4761.033.** In addition to rules that are specifically required or authorized by this chapter to be adopted, the state medical board may adopt any other rules necessary to govern the practice of advanced practice respiratory therapists, the supervisory relationship between advanced practice respiratory therapists and supervising physicians, and the administration and enforcement of this chapter. Rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. 5883  
5884  
5885  
5886  
5887  
5888  
5889  
5890  
5891

**Sec. 4761.06.** (A) Each license to practice respiratory care shall expire on the date that is two years after the date of issuance and may be renewed for additional two-year periods. Each limited permit to practice respiratory care shall be 5892  
5893  
5894  
5895

renewed annually. Each person seeking to renew a license or 5896  
limited permit to practice respiratory care shall apply to the 5897  
state medical board in a manner prescribed by the board. 5898  
Licenses and limited permits shall be renewed in accordance with 5899  
the standard renewal procedure of Chapter 4745. of the Revised 5900  
Code. The board shall renew a license if the holder pays the 5901  
license renewal fee prescribed under section 4761.07 of the 5902  
Revised Code and certifies that the holder has completed the 5903  
continuing education or reexamination requirements of division 5904  
(B) of this section. 5905

At least one month before a license expires, the board 5906  
shall provide to the license holder a renewal notice. Failure of 5907  
any license holder to receive a notice of renewal from the board 5908  
shall not excuse the holder from the requirements contained in 5909  
this section. Each license holder shall give notice to the board 5910  
of a change in the holder's residence address, business address, 5911  
or electronic mail address not later than thirty days after the 5912  
change occurs. 5913

The board shall renew a limited permit if the holder pays 5914  
the limited permit renewal fee prescribed under section 4761.07 5915  
of the Revised Code and does either of the following: 5916

(1) If the limited permit was issued on the basis of 5917  
division (B) (1) (a) of section 4761.05 of the Revised Code, 5918  
certifies that the holder is enrolled and in good standing in an 5919  
educational program that meets the requirements of division (A) 5920  
(1) of section 4761.04 of the Revised Code or has graduated from 5921  
such a program; 5922

(2) If the limited permit was issued on the basis of 5923  
division (B) (1) (b) of section 4761.05 of the Revised Code, 5924  
certifies that the applicant is employed as a provider of 5925

respiratory care under the supervision of a respiratory care professional. 5926  
5927

(B) On or before the annual renewal date, the holder of a limited permit issued under division (B)(1)(b) of section 4761.05 of the Revised Code shall certify to the board that the holder has satisfactorily completed the number of hours of continuing education required by the board, which shall not be less than three nor more than ten hours of continuing education acceptable to the board. 5928  
5929  
5930  
5931  
5932  
5933  
5934

~~On~~ Subject to division (C) of section 4761.32 of the Revised Code, on or before the date a license expires, a license holder shall certify to the board that the license holder has satisfactorily completed the number of hours of continuing education required by the board, which shall be not less than six nor more than twenty hours of continuing education acceptable to the board, or has passed a reexamination in accordance with the board's renewal requirements. 5935  
5936  
5937  
5938  
5939  
5940  
5941  
5942

(C) (1) A license to practice respiratory care that is not renewed on or before its expiration date is automatically suspended on its expiration date. Continued practice after suspension shall be considered as practicing in violation of section 4761.10 of the Revised Code. 5943  
5944  
5945  
5946  
5947

(2) If a license has been suspended pursuant to division (C) (1) of this section for two years or less, it may be reinstated. The board shall reinstate the license upon the applicant's submission of a complete renewal application and payment of a reinstatement fee of one hundred dollars. 5948  
5949  
5950  
5951  
5952

If a license has been suspended pursuant to division (C) (1) of this section for more than two years, it may be restored. 5953  
5954

Subject to section 4761.061 of the Revised Code, the board may 5955  
restore the license upon an applicant's submission of a complete 5956  
restoration application and a restoration fee of one hundred 5957  
twenty-five dollars and compliance with sections 4776.01 to 5958  
4776.04 of the Revised Code. The board shall not restore a 5959  
license unless the board, in its discretion, decides that the 5960  
results of the criminal records check do not make the applicant 5961  
ineligible for a license issued pursuant to division (A) of this 5962  
section. 5963

(D) (1) The board may require a random sample of limited 5964  
permit holders to submit materials documenting that the holder 5965  
has completed the number of hours of continuing education as 5966  
described in division (B) of this section. 5967

(2) The board may require a random sample of license 5968  
holders to submit materials documenting that the holder has 5969  
completed the number of hours of continuing education as 5970  
described in division (B) of this section or has passed a 5971  
reexamination. 5972

(3) Division (D) (1) or (2) of this section does not limit 5973  
the board's authority to conduct investigations pursuant to 5974  
section 4731.22 of the Revised Code. 5975

(E) (1) If, through a random sample conducted under 5976  
division (D) of this section or any other means, the board finds 5977  
that an individual who certified passing the reexamination or 5978  
completion of the number of hours and type of continuing 5979  
education required to renew, reinstate, or restore a limited 5980  
permit or license did not pass the reexamination or complete the 5981  
requisite continuing education, the board may do either of the 5982  
following: 5983

(a) Take disciplinary action against the individual under section 4761.09 of the Revised Code, impose a civil penalty, or both; 5984  
5985  
5986

(b) Permit the individual to agree in writing to pass the reexamination or complete the continuing education and pay a civil penalty. 5987  
5988  
5989

(2) The board's finding in any disciplinary action taken under division (E) (1) (a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members. 5990  
5991  
5992  
5993

(3) A civil penalty imposed under division (E) (1) (a) of this section or paid under division (E) (1) (b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code. 5994  
5995  
5996  
5997  
5998

**Sec. 4761.061.** (A) This section applies to both of the following: 5999  
6000

(1) An applicant seeking restoration of a license issued under this chapter that has been in a suspended or inactive state for any cause for more than two years; 6001  
6002  
6003

(2) An applicant seeking issuance of a license pursuant to this chapter who for more than two years has not been engaged in the practice of respiratory care or advanced practice respiratory care as either of the following: 6004  
6005  
6006  
6007

(a) An active practitioner; 6008

(b) A student in an educational program as described in section 4761.04 or 4761.30 of the Revised Code. 6009  
6010

(B) Before issuing a license to an applicant subject to 6011

this section or restoring a license to good standing for an 6012  
applicant subject to this section, the state medical board may 6013  
impose terms and conditions including any one or more of the 6014  
following: 6015

(1) Requiring the applicant to pass an oral or written 6016  
examination, or both, to determine the applicant's present 6017  
fitness to resume practice; 6018

(2) Requiring the applicant to obtain additional training 6019  
and to pass an examination upon completion of such training; 6020

(3) Requiring an assessment of the applicant's physical 6021  
skills for purposes of determining whether the applicant's 6022  
coordination, fine motor skills, and dexterity are sufficient 6023  
for performing evaluations and procedures in a manner that meets 6024  
the minimal standards of care; 6025

(4) Requiring an assessment of the applicant's skills in 6026  
recognizing and understanding diseases and conditions; 6027

(5) Requiring the applicant to undergo a comprehensive 6028  
physical examination, which may include an assessment of 6029  
physical abilities, evaluation of sensory capabilities, or 6030  
screening for the presence of neurological disorders; 6031

(6) Restricting or limiting the extent, scope, or type of 6032  
practice of the applicant. 6033

The board shall consider the moral background and the 6034  
activities of the applicant during the period of suspension or 6035  
inactivity. The board shall not issue or restore a license under 6036  
this section unless the applicant complies with sections 4776.01 6037  
to 4776.04 of the Revised Code. 6038

**Sec. 4761.07.** (A) The state medical board shall charge any 6039



license applicant or holder who is to take an examination 6040  
required under division (A) (2) of section 4761.04 or a 6041  
reexamination required under division (B) of section 4761.06 of 6042  
the Revised Code for license renewal or under section 4761.09 of 6043  
the Revised Code for license reinstatement, a nonrefundable 6044  
examination fee, not to exceed the amount necessary to cover the 6045  
expense of administering the examination. The license applicant 6046  
or holder shall pay the fee at the time of application for 6047  
licensure or renewal. 6048

(B) The board shall establish the following additional 6049  
nonrefundable fees and penalty: 6050

(1) ~~An~~ For an initial license to practice respiratory 6051  
care, a fee of seventy-five dollars; 6052

(2) ~~A~~ For renewal of a license to practice respiratory 6053  
care, a biennial license-renewal fee of seventy-five dollars; 6054

(3) A limited permit fee of twenty dollars; 6055

(4) A limited permit renewal fee of ten dollars; 6056

(5) For an initial license to practice respiratory care as 6057  
an advanced practice respiratory therapist, a fee to be 6058  
determined by the board in an amount not to exceed one hundred 6059  
seventy-five dollars; 6060

(6) For renewal of a license to practice respiratory care 6061  
as an advanced practice respiratory therapist renewal, a 6062  
biennial renewal fee to be determined by the board in an amount 6063  
not to exceed one hundred twenty-five dollars; 6064

(7) A duplicate license or limited permit fee of thirty- 6065  
five dollars; 6066

~~(6)-(8)~~ In the case of a person holding a license issued 6067

under this chapter, a license verification fee of fifty dollars. 6068

(C) Notwithstanding division (B) (4) of this section, after 6069  
the third renewal of a limited permit that meets the exception 6070  
in division (B) (3) of section 4761.05 of the Revised Code, the 6071  
limited permit renewal fee shall be thirty-five dollars. 6072

(D) All fees received by the board shall be deposited into 6073  
the state treasury to the credit of the state medical board 6074  
operating fund pursuant to section 4731.24 of the Revised Code. 6075

**Sec. 4761.09.** (A) The state medical board, by an 6076  
affirmative vote of not fewer than six members, shall, except as 6077  
provided in division (B) of this section, and to the extent 6078  
permitted by law, limit, revoke, or suspend an individual's 6079  
license or limited permit, refuse to issue a license or limited 6080  
permit to an individual, refuse to renew a license or limited 6081  
permit, refuse to reinstate a license or limited permit, or 6082  
reprimand or place on probation the holder of a license or 6083  
limited permit for one or more of the following reasons: 6084

(1) A plea of guilty to, a judicial finding of guilt of, 6085  
or a judicial finding of eligibility for intervention in lieu of 6086  
conviction for, a felony; 6087

(2) Commission of an act that constitutes a felony in this 6088  
state, regardless of the jurisdiction in which the act was 6089  
committed; 6090

(3) A plea of guilty to, a judicial finding of guilt of, 6091  
or a judicial finding of eligibility for intervention in lieu of 6092  
conviction for, a misdemeanor committed in the course of 6093  
practice; 6094

(4) Commission of an act in the course of practice that 6095  
constitutes a misdemeanor in this state, regardless of the 6096

jurisdiction in which the act was committed; 6097

(5) A plea of guilty to, a judicial finding of guilt of, 6098  
or a judicial finding of eligibility for intervention in lieu of 6099  
conviction for, a misdemeanor involving moral turpitude; 6100

(6) Commission of an act involving moral turpitude that 6101  
constitutes a misdemeanor in this state, regardless of the 6102  
jurisdiction in which the act was committed; 6103

(7) Except when civil penalties are imposed under section 6104  
4761.091 of the Revised Code, violating or attempting to 6105  
violate, directly or indirectly, or assisting in or abetting the 6106  
violation of, or conspiring to violate, any provision of this 6107  
chapter or the rules adopted by the board; 6108

(8) Making a false, fraudulent, deceptive, or misleading 6109  
statement in ~~the~~soliciting or advertising for employment, in 6110  
connection with any solicitation of or advertising for 6111  
patients~~+~~, in relation to the practice of respiratory care~~+~~ or 6112  
advanced practice respiratory care, or in securing or attempting 6113  
to secure any license or permit issued by the board under this 6114  
chapter. 6115

As used in division (A) (8) of this section, "false, 6116  
fraudulent, deceptive, or misleading statement" means a 6117  
statement that includes a misrepresentation of fact, is likely 6118  
to mislead or deceive because of a failure to disclose material 6119  
facts, is intended or is likely to create false or unjustified 6120  
expectations of favorable results, or includes representations 6121  
or implications that in reasonable probability will cause an 6122  
ordinarily prudent person to misunderstand or be deceived. 6123

(9) Committing fraud during the administration of the 6124  
examination for a license to practice or committing fraud, 6125

- misrepresentation, or deception in applying for, renewing, or 6126  
securing any license or permit issued by the board; 6127
- (10) A departure from, or failure to conform to, minimal 6128  
standards of care of similar practitioners under the same or 6129  
similar circumstances, whether or not actual injury to a patient 6130  
is established; 6131
- (11) Violating the standards of ethical conduct adopted by 6132  
the board, in the practice of respiratory care or advanced 6133  
practice respiratory care; 6134
- (12) The obtaining of, or attempting to obtain, money or 6135  
anything of value by fraudulent misrepresentations in the course 6136  
of practice; 6137
- (13) Violation of the conditions of limitation placed by 6138  
the board upon a license or permit; 6139
- (14) Inability to practice according to acceptable and 6140  
prevailing standards of care by reason of mental illness or 6141  
physical illness, including physical deterioration that 6142  
adversely affects cognitive, motor, or perceptive skills; 6143
- (15) Any of the following actions taken by an agency 6144  
responsible for authorizing, certifying, or regulating an 6145  
individual to practice a health care occupation or provide 6146  
health care services in this state or another jurisdiction, for 6147  
any reason other than the nonpayment of fees: the limitation, 6148  
revocation, or suspension of an individual's license; acceptance 6149  
of an individual's license surrender; denial of a license; 6150  
refusal to renew or reinstate a license; imposition of 6151  
probation; or issuance of an order of censure or other 6152  
reprimand; 6153
- (16) The revocation, suspension, restriction, reduction, 6154

or termination of practice privileges by the United States 6155  
department of defense or department of veterans affairs; 6156

(17) Termination or suspension from participation in the 6157  
medicare or medicaid programs by the department of health and 6158  
human services or other responsible agency for any act or acts 6159  
that also would constitute a violation of division (A) (10), 6160  
(12), or (14) of this section; 6161

(18) Impairment of ability to practice according to 6162  
acceptable and prevailing standards of care because of habitual 6163  
or excessive use or abuse of drugs, alcohol, or other substances 6164  
that impair ability to practice; 6165

(19) Failure to cooperate in an investigation conducted by 6166  
the board under division (E) of section 4761.03 of the Revised 6167  
Code, including failure to comply with a subpoena or order 6168  
issued by the board or failure to answer truthfully a question 6169  
presented by the board in an investigative interview, an 6170  
investigative office conference, at a deposition, or in written 6171  
interrogatories, except that failure to cooperate with an 6172  
investigation shall not constitute grounds for discipline under 6173  
this section if a court of competent jurisdiction has issued an 6174  
order that either quashes a subpoena or permits the individual 6175  
to withhold the testimony or evidence in issue; 6176

(20) Practicing in an area of respiratory care or advanced 6177  
practice respiratory care for which the person is clearly 6178  
untrained or incompetent or practicing in a manner that 6179  
conflicts with section 4761.17 or 4761.36 of the Revised Code; 6180

(21) Employing, directing, or supervising a person who is 6181  
not authorized to practice respiratory care under this chapter 6182  
in the performance of respiratory care procedures; 6183

(22) Misrepresenting educational attainments or authorized functions for the purpose of obtaining some benefit related to the practice of respiratory care or advanced practice respiratory care;

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

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

(25) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

(26) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;

(27) Failure to practice in accordance with the supervising physician's supervision agreement with the advanced practice respiratory therapist, including the policies of the health care facility in which the supervising physician and advanced practice respiratory therapist are practicing;

(28) Administering drugs for purposes other than those authorized under this chapter;

(29) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;

<u>(30) Willfully betraying a professional confidence;</u>	6213
<u>(31) Failure to use universal blood and body fluid</u>	6214
<u>precautions established by rules adopted under section 4731.051</u>	6215
<u>of the Revised Code;</u>	6216
<u>(32) Having the individual's qualification to practice</u>	6217
<u>advanced practice respiratory care from an organization that is</u>	6218
<u>recognized by the board expire, lapse, or otherwise fail to be</u>	6219
<u>active.</u>	6220
Disciplinary actions taken by the board under division (A)	6221
of this section shall be taken pursuant to an adjudication under	6222
Chapter 119. of the Revised Code, except that in lieu of an	6223
adjudication, the board may enter into a consent agreement with	6224
an individual to resolve an allegation of a violation of this	6225
chapter or any rule adopted under it. A consent agreement, when	6226
ratified by an affirmative vote of not fewer than six members of	6227
the board, shall constitute the findings and order of the board	6228
with respect to the matter addressed in the agreement. If the	6229
board refuses to ratify a consent agreement, the admissions and	6230
findings contained in the consent agreement shall be of no	6231
effect.	6232
A telephone conference call may be utilized for	6233
ratification of a consent agreement that revokes or suspends an	6234
individual's license or permit. The telephone conference call	6235
shall be considered a special meeting under division (F) of	6236
section 121.22 of the Revised Code.	6237
(B) The board shall not refuse to issue a license or	6238
limited permit to an applicant because of a plea of guilty to, a	6239
judicial finding of guilt of, or a judicial finding of	6240
eligibility for intervention in lieu of conviction for an	6241

offense unless the refusal is in accordance with section 9.79 of 6242  
the Revised Code. 6243

(C) Any action taken by the board under division (A) of 6244  
this section resulting in a suspension from practice shall be 6245  
accompanied by a written statement of the conditions under which 6246  
the individual's license or permit may be reinstated. The board 6247  
shall adopt rules governing conditions to be imposed for 6248  
reinstatement. Reinstatement of a license or permit suspended 6249  
pursuant to division (A) of this section requires an affirmative 6250  
vote of not fewer than six members of the board. 6251

(D) When the board refuses to grant or issue a license or 6252  
permit to an applicant, revokes an individual's license or 6253  
permit, refuses to renew an individual's license or permit, or 6254  
refuses to reinstate an individual's license or permit, the 6255  
board may specify that its action is permanent. An individual 6256  
subject to a permanent action taken by the board is forever 6257  
thereafter ineligible to hold a license or permit and the board 6258  
shall not accept an application for reinstatement of the license 6259  
or permit or for issuance of a new license or permit. 6260

(E) If the board is required by Chapter 119. of the 6261  
Revised Code to give notice of an opportunity for a hearing and 6262  
if the individual subject to the notice does not timely request 6263  
a hearing in accordance with section 119.07 of the Revised Code, 6264  
the board is not required to hold a hearing, but may adopt, by 6265  
an affirmative vote of not fewer than six of its members, a 6266  
final order that contains the board's findings. In the final 6267  
order, the board may order any of the sanctions identified under 6268  
division (A) of this section. 6269

(F) In enforcing division (A) (14) of this section, the 6270  
board, upon a showing of a possible violation, may compel any 6271



individual authorized to practice by this chapter or who has 6272  
submitted an application pursuant to this chapter to submit to a 6273  
mental examination, physical examination, including an HIV test, 6274  
or both a mental and a physical examination. The expense of the 6275  
examination is the responsibility of the individual compelled to 6276  
be examined. Failure to submit to a mental or physical 6277  
examination or consent to an HIV test ordered by the board 6278  
constitutes an admission of the allegations against the 6279  
individual unless the failure is due to circumstances beyond the 6280  
individual's control, and a default and final order may be 6281  
entered without the taking of testimony or presentation of 6282  
evidence. If the board finds an individual unable to practice 6283  
because of the reasons set forth in division (A)(14) of this 6284  
section, the board shall require the individual to submit to 6285  
care, counseling, or treatment by physicians approved or 6286  
designated by the board, as a condition for initial, continued, 6287  
reinstated, or renewed authority to practice. An individual 6288  
affected under this division shall be afforded an opportunity to 6289  
demonstrate to the board the ability to resume practice in 6290  
compliance with acceptable and prevailing standards under the 6291  
provisions of the individual's license or permit. For the 6292  
purpose of division (A)(14) of this section, any individual who 6293  
applies for or receives a license or permit to practice under 6294  
this chapter accepts the privilege of practicing in this state 6295  
and, by so doing, shall be deemed to have given consent to 6296  
submit to a mental or physical examination when directed to do 6297  
so in writing by the board, and to have waived all objections to 6298  
the admissibility of testimony or examination reports that 6299  
constitute a privileged communication. 6300

(G) For the purposes of division (A)(18) of this section, 6301  
any individual authorized to practice by this chapter accepts 6302

the privilege of practicing in this state subject to supervision 6303  
by the board. By filing an application for or holding a license 6304  
or permit under this chapter, an individual shall be deemed to 6305  
have given consent to submit to a mental or physical examination 6306  
when ordered to do so by the board in writing, and to have 6307  
waived all objections to the admissibility of testimony or 6308  
examination reports that constitute privileged communications. 6309

If it has reason to believe that any individual authorized 6310  
to practice by this chapter or any applicant for a license or 6311  
permit suffers such impairment, the board may compel the 6312  
individual to submit to a mental or physical examination, or 6313  
both. The expense of the examination is the responsibility of 6314  
the individual compelled to be examined. Any mental or physical 6315  
examination required under this division shall be undertaken by 6316  
a treatment provider or physician who is qualified to conduct 6317  
the examination and who is chosen by the board. 6318

Failure to submit to a mental or physical examination 6319  
ordered by the board constitutes an admission of the allegations 6320  
against the individual unless the failure is due to 6321  
circumstances beyond the individual's control, and a default and 6322  
final order may be entered without the taking of testimony or 6323  
presentation of evidence. If the board determines that the 6324  
individual's ability to practice is impaired, the board shall 6325  
suspend the individual's license or permit or deny the 6326  
individual's application and shall require the individual, as a 6327  
condition for an initial, continued, reinstated, or renewed 6328  
license or permit, to submit to treatment. 6329

Before being eligible to apply for reinstatement of a 6330  
license or permit suspended under this division, the impaired 6331  
practitioner shall demonstrate to the board the ability to 6332

resume practice in compliance with acceptable and prevailing 6333  
standards of care under the provisions of the practitioner's 6334  
license or permit. The demonstration shall include, but shall 6335  
not be limited to, the following: 6336

(1) Certification from a treatment provider approved under 6337  
section 4731.25 of the Revised Code that the individual has 6338  
successfully completed any required inpatient treatment; 6339

(2) Evidence of continuing full compliance with an 6340  
aftercare contract or consent agreement; 6341

(3) Two written reports indicating that the individual's 6342  
ability to practice has been assessed and that the individual 6343  
has been found capable of practicing according to acceptable and 6344  
prevailing standards of care. The reports shall be made by 6345  
individuals or providers approved by the board for making the 6346  
assessments and shall describe the basis for their 6347  
determination. 6348

The board may reinstate a license or permit suspended 6349  
under this division after that demonstration and after the 6350  
individual has entered into a written consent agreement. 6351

When the impaired practitioner resumes practice, the board 6352  
shall require continued monitoring of the individual. The 6353  
monitoring shall include, but not be limited to, compliance with 6354  
the written consent agreement entered into before reinstatement 6355  
or with conditions imposed by board order after a hearing, and, 6356  
upon termination of the consent agreement, submission to the 6357  
board for at least two years of annual written progress reports 6358  
made under penalty of perjury stating whether the individual has 6359  
maintained sobriety. 6360

(H) If the secretary and supervising member determine both 6361

of the following, they may recommend that the board suspend an individual's license or permit without a prior hearing:

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

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

Written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license or permit without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

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

Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within seventy-five days after completion of its hearing. A failure to issue

the order within seventy-five days shall result in dissolution 6391  
of the summary suspension order but shall not invalidate any 6392  
subsequent, final adjudicative order. 6393

(I) For purposes of divisions (A) (2), (4), and (6) of this 6394  
section, the commission of the act may be established by a 6395  
finding by the board, pursuant to an adjudication under Chapter 6396  
119. of the Revised Code, that the individual committed the act. 6397  
The board does not have jurisdiction under those divisions if 6398  
the trial court renders a final judgment in the individual's 6399  
favor and that judgment is based upon an adjudication on the 6400  
merits. The board has jurisdiction under those divisions if the 6401  
trial court issues an order of dismissal upon technical or 6402  
procedural grounds. 6403

(J) The sealing of conviction records by any court shall 6404  
have no effect upon a prior board order entered under this 6405  
section or upon the board's jurisdiction to take action under 6406  
this section if, based upon a plea of guilty, a judicial finding 6407  
of guilt, or a judicial finding of eligibility for intervention 6408  
in lieu of conviction, the board issued a notice of opportunity 6409  
for a hearing prior to the court's order to seal the records. 6410  
The board shall not be required to seal, destroy, redact, or 6411  
otherwise modify its records to reflect the court's sealing of 6412  
conviction records. 6413

(K) If the board takes action under division (A) (1), (3), 6414  
or (5) of this section, and the judicial finding of guilt, 6415  
guilty plea, or judicial finding of eligibility for intervention 6416  
in lieu of conviction is overturned on appeal, upon exhaustion 6417  
of the criminal appeal, a petition for reconsideration of the 6418  
order may be filed with the board along with appropriate court 6419  
documents. Upon receipt of a petition for reconsideration and 6420

supporting court documents, the board shall reinstate the 6421  
individual's license or permit. The board may then hold an 6422  
adjudication under Chapter 119. of the Revised Code to determine 6423  
whether the individual committed the act in question. Notice of 6424  
an opportunity for a hearing shall be given in accordance with 6425  
Chapter 119. of the Revised Code. If the board finds, pursuant 6426  
to an adjudication held under this division, that the individual 6427  
committed the act or if no hearing is requested, the board may 6428  
order any of the sanctions identified under division (A) of this 6429  
section. 6430

(L) The license or permit issued to an individual under 6431  
this chapter and the individual's practice in this state are 6432  
automatically suspended as of the date the individual pleads 6433  
guilty to, is found by a judge or jury to be guilty of, or is 6434  
subject to a judicial finding of eligibility for intervention in 6435  
lieu of conviction in this state or treatment or intervention in 6436  
lieu of conviction in another jurisdiction for any of the 6437  
following criminal offenses in this state or a substantially 6438  
equivalent criminal offense in another jurisdiction: aggravated 6439  
murder, murder, voluntary manslaughter, felonious assault, 6440  
kidnapping, rape, sexual battery, gross sexual imposition, 6441  
aggravated arson, aggravated robbery, or aggravated burglary. 6442  
Continued practice after suspension shall be considered 6443  
practicing without a license or permit. 6444

The board shall notify the individual subject to the 6445  
suspension by certified mail or in person in accordance with 6446  
section 119.07 of the Revised Code. If an individual whose 6447  
license or permit is automatically suspended under this division 6448  
fails to make a timely request for an adjudication under Chapter 6449  
119. of the Revised Code, the board shall enter a final order 6450  
permanently revoking the individual's license or permit. 6451

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

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

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

(3) Failure by an individual to renew a license or permit in accordance with this chapter shall not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.

(4) At the request of the board, a license or permit holder shall immediately surrender to the board a license or permit that the board has suspended, revoked, or permanently revoked.

**Sec. 4761.13.** (A) As used in this section, "prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(B) The prosecutor in any case against any respiratory care professional, advanced practice respiratory therapist, or ~~an~~ individual holding a limited permit issued under this chapter shall promptly notify the state medical board of any of the following:

(1) A plea of guilty to, or a finding of guilt by a jury  
or court of, a felony, or a case in which the trial court issues  
an order of dismissal upon technical or procedural grounds of a  
felony charge;

(2) A plea of guilty to, or a finding of guilt by a jury  
or court of, a misdemeanor committed in the course of practice,  
or a case in which the trial court issues an order of dismissal  
upon technical or procedural grounds of a charge of a  
misdemeanor, if the alleged act was committed in the course of  
practice;

(3) A plea of guilty to, or a finding of guilt by a jury  
or court of, a misdemeanor involving moral turpitude, or a case  
in which the trial court issues an order of dismissal upon  
technical or procedural grounds of a charge of a misdemeanor  
involving moral turpitude.

(C) The report shall include the name and address of the  
respiratory care professional, advanced practice respiratory  
therapist, or person holding a limited permit, the nature of the  
offense for which the action was taken, and the certified court  
documents recording the action. The board may prescribe and  
provide forms for prosecutors to make reports under this  
section. The form may be the same as the form required to be  
provided under section 2929.42 of the Revised Code.

**Sec. 4761.14.** An employer that disciplines or terminates  
the employment of a respiratory care professional, advanced  
practice respiratory therapist, or individual holding a limited  
permit issued under this chapter because of conduct that would  
be grounds for disciplinary action under section 4761.09 of the  
Revised Code shall, not later than sixty days after the  
discipline or termination, report the action to the state



medical board. The report shall state the name of the 6511  
respiratory care professional, advanced practice respiratory 6512  
therapist, or individual holding the limited permit and the 6513  
reason the employer took the action. If an employer fails to 6514  
report to the board, the board may seek an order from the 6515  
Franklin county court of common pleas, or any other court of 6516  
competent jurisdiction, compelling submission of the report. 6517

**Sec. 4761.17.** All of the following apply to the practice 6518  
of respiratory care by a person who holds a license or limited 6519  
permit issued under this chapter: 6520

(A) The person shall practice only pursuant to a 6521  
prescription or other order for respiratory care issued by any 6522  
of the following: 6523

(1) A physician; 6524

(2) A clinical nurse specialist, certified nurse-midwife, 6525  
or certified nurse practitioner who holds a current, valid 6526  
license issued under Chapter 4723. of the Revised Code to 6527  
practice nursing as an advanced practice registered nurse and 6528  
has entered into a standard care arrangement with a physician; 6529

(3) A certified registered nurse anesthetist who holds a 6530  
current, valid license issued under Chapter 4723. of the Revised 6531  
Code to practice nursing as an advanced practice registered 6532  
nurse and acts in compliance with sections 4723.43, 4723.433, 6533  
and 4723.434 of the Revised Code; 6534

(4) A physician assistant who holds a valid prescriber 6535  
number issued by the state medical board, has been granted 6536  
physician-delegated prescriptive authority, and has entered into 6537  
a supervision agreement that allows the physician assistant to 6538  
prescribe or order respiratory care services; 6539

(5) An advanced practice respiratory therapist who has 6540  
been granted physician-delegated prescriptive authority and has 6541  
entered into a supervision agreement that allows the advanced 6542  
practice respiratory therapist to prescribe and order 6543  
respiratory care services. 6544

(B) The person shall practice only under the supervision 6545  
of any of the following: 6546

(1) A physician; 6547

(2) A certified nurse practitioner, certified nurse- 6548  
midwife, or clinical nurse specialist; 6549

(3) A physician assistant who is authorized to prescribe 6550  
or order respiratory care services as provided in division (A) 6551

(4) of this section; 6552

(4) An advanced practice respiratory therapist who is 6553  
authorized to prescribe or order respiratory care services as 6554  
provided in division (A) (5) of this section. 6555

(C) (1) When practicing under the prescription or order of 6556  
a certified nurse practitioner, certified nurse midwife, or 6557  
clinical nurse specialist or under the supervision of such a 6558  
nurse, the person's administration of medication that requires a 6559  
prescription is limited to the drugs that the nurse is 6560  
authorized to prescribe pursuant to section 4723.481 of the 6561  
Revised Code. 6562

(2) When practicing under the order of a certified 6563  
registered nurse anesthetist, the person's administration of 6564  
medication is limited to the drugs that the nurse is authorized 6565  
to order or direct the person to administer, as provided in 6566  
sections 4723.43, 4723.433, and 4723.434 of the Revised Code. 6567

(3) When practicing under the prescription or order of a physician assistant or under the supervision of a physician assistant, the person's administration of medication that requires a prescription is limited to the drugs that the physician assistant is authorized to prescribe pursuant to the physician assistant's physician-delegated prescriptive authority.

(4) When practicing under the prescription or order of an advanced practice respiratory therapist or under the supervision of an advanced practice respiratory therapist, the person's administration of medication that requires a prescription is limited to the drugs that an advanced practice respiratory therapist is authorized to prescribe pursuant to the advanced practice respiratory therapist's physician-delegated prescriptive authority.

Sec. 4761.20. If the state medical board has reason to believe that any person who has been granted a license or limited permit under this chapter is mentally ill or mentally incompetent, it may file in the probate court of the county in which such person has a legal residence an affidavit in the form prescribed in section 5122.11 of the Revised Code and signed by the board secretary or a member of the secretary's staff, whereupon the same proceedings shall be had as provided in Chapter 5122. of the Revised Code. The attorney general may represent the board in any proceeding commenced under this section.

If the license holder or limited permit holder is adjudged by a probate court to be mentally ill or mentally incompetent, the individual's license or limited permit shall be automatically suspended until the individual has filed with the

board a certified copy of an adjudication by a probate court of 6598  
being restored to competency or has submitted to the board 6599  
proof, satisfactory to the board, of having been discharged as 6600  
being restored to competency in the manner and form provided in 6601  
section 5122.38 of the Revised Code. The judge of the court 6602  
shall immediately notify the board of an adjudication of 6603  
incompetence and note any suspension of a license in the margin 6604  
of the court's record of the license. 6605

Sec. 4761.21. In the absence of fraud or bad faith, the 6606  
state medical board, the board's respiratory care advisory 6607  
council, a current or former board or council member, an agent 6608  
of the board or council, a person formally requested by the 6609  
board to be the board's representative or by the council to be 6610  
the council's representative, or an employee of the board or 6611  
council shall not be held liable in damages to any person as the 6612  
result of any act, omission, proceeding, conduct, or decision 6613  
related to official duties undertaken or performed pursuant to 6614  
this chapter. If any such person requests to be defended by the 6615  
state against any claim or action arising out of any act, 6616  
omission, proceeding, conduct, or decision related to the 6617  
person's official duties, and if the request is made in writing 6618  
at a reasonable time before trial and the person requesting 6619  
defense cooperates in good faith in the defense of the claim or 6620  
action, the state shall provide and pay for the person's defense 6621  
and shall pay any resulting judgment, compromise, or settlement. 6622  
At no time shall the state pay any part of a claim or judgment 6623  
that is for punitive or exemplary damages. 6624

Sec. ~~4761.30~~ 4761.25. A respiratory care professional or 6625  
advanced practice respiratory therapist may provide telehealth 6626  
services in accordance with section 4743.09 of the Revised Code. 6627

Sec. 4761.30. (A) An individual seeking an initial license 6628  
to practice as an advanced practice respiratory therapist shall 6629  
file with the state medical board a written application on a 6630  
form prescribed and supplied by the board. The application shall 6631  
be accompanied by the initial license fee determined by the 6632  
board. The board shall deposit the fees in accordance with 6633  
section 4731.24 of the Revised Code. 6634

(B) To be eligible for licensure as an advanced practice 6635  
respiratory therapist, the individual's application must show, 6636  
to the satisfaction of the board, all of the following: 6637

(1) That the individual is of good moral character; 6638

(2) That the individual has been issued a license to 6639  
practice respiratory care under section 4761.05 of the Revised 6640  
Code; 6641

(3) That the individual has successfully completed the 6642  
requirements of a master's or doctoral educational program 6643  
approved by the board that includes instruction in the 6644  
pathophysiology, symptomatology, differential diagnosis, disease 6645  
management including the use and prescription of pharmacologic 6646  
and nonpharmacologic interventions, health promotion and disease 6647  
prevention of cardiopulmonary disease; 6648

(4) That the individual has passed an examination approved 6649  
under rules adopted by the board that tests the applicant's 6650  
knowledge of the biomedical and clinical sciences relating to 6651  
advanced respiratory therapy theory and practice, professional 6652  
skills and assessment, management and follow-up for 6653  
cardiopulmonary disease, and such other subjects as the board 6654  
considers useful in determining fitness to practice; 6655

(5) That the individual holds an active qualification to 6656

practice advanced practice respiratory care from an organization 6657  
that is recognized by the board. 6658

**Sec. 4761.301.** An advanced practice respiratory therapist 6659  
who fails to maintain an active qualification to practice 6660  
advanced practice respiratory care from an organization that is 6661  
recognized by the state medical board shall notify the board not 6662  
later than fourteen days after the qualification is no longer 6663  
active. 6664

**Sec. 4761.31.** (A) The state medical board shall review 6665  
each application for a license to practice as an advanced 6666  
practice respiratory therapist received under section 4761.30 of 6667  
the Revised Code. Not later than sixty days after receiving a 6668  
complete application, the board shall determine whether the 6669  
applicant meets the requirements to receive the license, as 6670  
specified in section 4761.30 of the Revised Code. 6671

(B) If the board determines that an applicant meets the 6672  
requirements to receive the license, the secretary of the board 6673  
shall register the applicant as an advanced practice respiratory 6674  
therapist and issue to the applicant a license to practice as an 6675  
advanced practice respiratory therapist. 6676

**Sec. 4761.32.** (A) A license to practice as an advanced 6677  
practice respiratory therapist shall be valid for a two-year 6678  
period unless revoked or suspended. The license shall expire on 6679  
the date that is two years after the date of issuance and may be 6680  
renewed for additional two-year periods in accordance with this 6681  
section. A person seeking to renew a license shall apply to the 6682  
state medical board for renewal prior to the license's 6683  
expiration date. The board shall provide renewal notices to 6684  
license holders at least one month prior to the expiration date. 6685

Applications shall be submitted to the board in a manner 6686  
prescribed by the board. Each application shall be accompanied 6687  
by the biennial renewal fee determined by the board. The board 6688  
shall deposit the fees in accordance with section 4731.24 of the 6689  
Revised Code. 6690

The applicant shall report any criminal offense that 6691  
constitutes grounds for refusing to issue a license to practice 6692  
under section 4761.09 of the Revised Code to which the applicant 6693  
has pleaded guilty, of which the applicant has been found 6694  
guilty, or for which the applicant has been found eligible for 6695  
intervention in lieu of conviction, since last signing an 6696  
application for a license to practice as an advanced practice 6697  
respiratory therapist. 6698

(B) To be eligible for renewal of a license, an applicant 6699  
is subject to both of the following: 6700

(1) The applicant must certify to the board that the 6701  
applicant has maintained an active qualification to practice 6702  
advanced practice respiratory care from an organization that is 6703  
recognized by the board. 6704

(2) The applicant must comply with the renewal eligibility 6705  
requirements established under section 4761.48 of the Revised 6706  
Code that pertain to the applicant. 6707

(C) If an applicant submits a complete renewal application 6708  
and qualifies for renewal pursuant to division (B) of this 6709  
section, the board shall issue to the applicant a renewed 6710  
license to practice as an advanced practice respiratory 6711  
therapist. 6712

Completion of the continuing education required for an 6713  
advanced practice respiratory therapist to maintain an active 6714

qualification to practice advanced practice respiratory care 6715  
from an organization that is recognized by the board shall 6716  
constitute satisfactory completion of continuing education or 6717  
reexamination requirements for renewal of a license to practice 6718  
respiratory care as set forth in division (B) of section 4761.06 6719  
of the Revised Code. 6720

(D) The board may require a random sample of advanced 6721  
practice respiratory therapists to submit materials documenting 6722  
both of the following: 6723

(1) Maintenance of an active qualification to practice 6724  
advanced practice respiratory care from an organization that is 6725  
recognized by the board. 6726

(2) Completion of the continuing education in pharmacology 6727  
required by section 4761.48 of the Revised Code. 6728

Division (D) of this section does not limit the board's 6729  
authority to conduct investigations pursuant to section 4761.09 6730  
of the Revised Code. 6731

(E) (1) A license to practice that is not renewed on or 6732  
before its expiration date is automatically suspended on its 6733  
expiration date. Continued practice after suspension of the 6734  
license shall be considered as practicing in violation of 6735  
section 4761.33 of the Revised Code. 6736

(2) If an advanced practice respiratory therapist's 6737  
license to practice as a respiratory care professional is 6738  
classified as inactive for any cause, the advanced practice 6739  
respiratory therapist's license to practice respiratory care as 6740  
an advanced practice respiratory therapist is automatically 6741  
classified as inactive while the license to practice as a 6742  
respiratory care professional remains inactive. If either 6743



license held by an advanced practice respiratory therapist is 6744  
revoked under this chapter, the other license is automatically 6745  
revoked. If either license is suspended under this chapter, 6746  
including for failure to renew under this section or section 6747  
4761.06 of the Revised Code, the other license is automatically 6748  
suspended while the suspension remains in effect. 6749

(F) If a license has been suspended pursuant to division 6750  
(E) of this section for two years or less, it may be reinstated. 6751  
The board shall reinstate a license suspended for failure to 6752  
renew upon an applicant's submission of a renewal application, 6753  
the biennial renewal fee, and any applicable monetary penalty. 6754

If a license has been suspended pursuant to division (E) 6755  
of this section for more than two years, it may be restored. In 6756  
accordance with section 4761.061 of the Revised Code, the board 6757  
may restore a license suspended for failure to renew upon an 6758  
applicant's submission of a restoration application, the 6759  
biennial renewal fee, and any applicable monetary penalty, and 6760  
compliance with sections 4776.01 to 4776.04 of the Revised Code. 6761  
The board shall not restore to an applicant a license to 6762  
practice as an advanced practice respiratory therapist unless 6763  
the board, in its discretion, decides that the results of the 6764  
criminal records check do not make the applicant ineligible for 6765  
a license issued pursuant to section 4761.31 of the Revised 6766  
Code. 6767

The penalty for reinstatement shall be fifty dollars and 6768  
the penalty for restoration shall be one hundred dollars. The 6769  
board shall deposit penalties in accordance with section 4731.24 6770  
of the Revised Code. 6771

(G) (1) If, through a random sample conducted under 6772  
division (D) of this section or any other means, the board finds 6773

that an individual who certified maintenance of an active 6774  
qualification or completion of continuing education in 6775  
pharmacology required to renew, reinstate, or restore a license 6776  
to practice did not complete the requisite maintenance or 6777  
continuing education, the board may do either of the following: 6778

(a) Take disciplinary action against the individual under 6779  
section 4761.09 of the Revised Code, impose a civil penalty, or 6780  
both; 6781

(b) Permit the individual to agree in writing to re- 6782  
establish an active qualification or complete the continuing 6783  
education and pay a civil penalty. 6784

(2) The board's finding in any disciplinary action taken 6785  
under division (G) (1) (a) of this section shall be made pursuant 6786  
to an adjudication under Chapter 119. of the Revised Code and by 6787  
an affirmative vote of not fewer than six of its members. 6788

(3) A civil penalty imposed under division (G) (1) (a) of 6789  
this section or paid under division (G) (1) (b) of this section 6790  
shall be in an amount specified by the board of not more than 6791  
five thousand dollars. The board shall deposit civil penalties 6792  
in accordance with section 4731.24 of the Revised Code. 6793

**Sec. 4761.33.** (A) No person shall hold that person out as 6794  
being able to function as an advanced practice respiratory 6795  
therapist, or use any words or letters indicating or implying 6796  
that the person is an advanced practice respiratory therapist, 6797  
without a current, valid license to practice as an advanced 6798  
practice respiratory therapist issued under this chapter. 6799

(B) No person shall practice as an advanced practice 6800  
respiratory therapist without the supervision, control, and 6801  
direction of a supervising physician who specializes in 6802

pulmonology, anesthesiology, critical care, or sleep medicine. 6803

(C) No person shall practice as an advanced practice  
respiratory therapist without having entered into a supervision  
agreement with a supervising physician under section 4761.37 of  
the Revised Code. 6804  
6805  
6806  
6807

(D) No person acting as the supervising physician of an  
advanced practice respiratory therapist shall authorize the  
advanced practice respiratory therapist to perform services if  
either of the following is the case: 6808  
6809  
6810  
6811

(1) The services are not within the physician's normal  
course of practice and expertise; 6812  
6813

(2) The services are inconsistent with the supervision  
agreement under which the advanced practice respiratory  
therapist is being supervised, including the policies of the  
health care facility in which the physician and the advanced  
practice respiratory therapist are practicing. 6814  
6815  
6816  
6817  
6818

(E) No person practicing as an advanced practice  
respiratory therapist shall perform general anesthesia,  
monitored anesthesia care, regional anesthesia, or neuraxial  
anesthesia. 6819  
6820  
6821  
6822

(F) No person shall advertise to provide services as an  
advanced practice respiratory therapist, except for the purpose  
of seeking employment. 6823  
6824  
6825

(G) No person practicing as an advanced practice  
respiratory therapist shall fail to wear at all times when on  
duty a placard, plate, or other device identifying that person  
as an advanced practice respiratory therapist. 6826  
6827  
6828  
6829

(H) No person practicing as an advanced practice 6830

respiratory therapist shall prescribe controlled substances to 6831  
be used by an individual outside of the health care facility in 6832  
which the advanced practice respiratory therapist is practicing. 6833

(I) Division (A) of this section does not apply to a 6834  
person who meets all of the following conditions: 6835

(1) The person holds in good standing a valid license or 6836  
other form of authority to practice as an advanced practice 6837  
respiratory therapist issued by another state. 6838

(2) The person is practicing as a volunteer without 6839  
remuneration during a charitable event that lasts not more than 6840  
seven days. 6841

(3) The medical care provided by the person will be 6842  
supervised by the medical director of the charitable event or by 6843  
another physician. 6844

When a person meets the conditions of this division, the 6845  
person shall be deemed to hold, during the course of the 6846  
charitable event, a license to practice as an advanced practice 6847  
respiratory therapist from the state medical board and shall be 6848  
subject to the provisions of this chapter authorizing the board 6849  
to take disciplinary action against a license holder. Not less 6850  
than seven calendar days before the first day of the charitable 6851  
event, the person or the event's organizer shall notify the 6852  
board of the person's intent to practice as an advanced practice 6853  
respiratory therapist at the event. During the course of the 6854  
charitable event, the person's scope of practice is limited to 6855  
the procedures that an advanced practice respiratory therapist 6856  
licensed under this chapter is authorized to perform unless the 6857  
person's scope of practice in the other state is more 6858  
restrictive than in this state. If the latter is the case, the 6859

person's scope of practice is limited to the procedures that an 6860  
advanced practice respiratory therapist in the other state may 6861  
perform. 6862

**Sec. 4761.34.** Nothing in this chapter shall: 6863

(A) Be construed to affect or interfere with the 6864  
performance of duties of any medical personnel who are either of 6865  
the following: 6866

(1) In active service in the army, navy, coast guard, 6867  
marine corps, air force, public health service, or marine 6868  
hospital service of the United States while so serving; 6869

(2) Employed by the veterans administration of the United 6870  
States while so employed. 6871

(B) Prevent any person from performing any of the services 6872  
an advanced practice respiratory therapist may be authorized to 6873  
perform, if the person's professional scope of practice 6874  
established under any other chapter of the Revised Code 6875  
authorizes the person to perform the services; 6876

(C) Prohibit a physician from delegating responsibilities 6877  
to any nurse or other qualified person who does not hold a 6878  
license to practice as an advanced practice respiratory 6879  
therapist, provided that the individual does not hold the 6880  
individual out to be an advanced practice respiratory therapist; 6881

(D) Be construed as authorizing an advanced practice 6882  
respiratory therapist independently to order or direct the 6883  
execution of procedures or techniques by a registered nurse or 6884  
licensed practical nurse in the care and treatment of a person, 6885  
except to the extent that an advanced practice respiratory 6886  
therapist is authorized to do so by a physician who is 6887  
responsible for supervising the advanced practice respiratory 6888

therapist and the policies of the health care facility in which 6889  
the advanced practice respiratory therapist is practicing. 6890

**Sec. 4761.35.** (A) As used in this section: 6891

(1) "Disaster" means any imminent threat or actual 6892  
occurrence of widespread or severe damage to or loss of 6893  
property, personal hardship or injury, or loss of life that 6894  
results from any natural phenomenon or act of a human. 6895

(2) "Emergency" means an occurrence or event that poses an 6896  
imminent threat to the health or life of a human. 6897

(B) Nothing in this chapter prohibits any of the following 6898  
individuals from providing medical care, to the extent the 6899  
individual is able, in response to a need for medical care 6900  
precipitated by a disaster or emergency: 6901

(1) An individual who holds a license to practice as an 6902  
advanced practice respiratory therapist issued under this 6903  
chapter; 6904

(2) An individual licensed or authorized to practice as an 6905  
advanced practice respiratory therapist in another state; 6906

(3) An individual employed as an advanced practice 6907  
respiratory therapist by an agency, office, or other 6908  
instrumentality of the federal government. 6909

(C) For purposes of the medical care provided by an 6910  
advanced practice respiratory therapist pursuant to division (B) 6911  
(1) of this section, both of the following apply notwithstanding 6912  
any supervision requirement of this chapter to the contrary: 6913

(1) The physician who supervises the advanced practice 6914  
respiratory therapist pursuant to a supervision agreement 6915  
entered into under section 4761.37 of the Revised Code is not 6916

required to meet the supervision requirements established under  
this chapter.

6917  
6918

(2) The physician designated as the medical director of  
the disaster or emergency may supervise the medical care  
provided by the advanced practice respiratory therapist.

6919  
6920  
6921

**Sec. 4761.36.** (A) A license to practice as an advanced  
practice respiratory therapist issued under this chapter  
authorizes the holder to practice as an advanced practice  
respiratory therapist as follows:

6922  
6923  
6924  
6925

(1) The advanced practice respiratory therapist shall  
practice only under the supervision, control, and direction of a  
physician with whom the advanced practice respiratory therapist  
has entered into a supervision agreement under section 4761.37  
of the Revised Code.

6926  
6927  
6928  
6929  
6930

(2) The advanced practice respiratory therapist shall  
practice in accordance with the supervision agreement entered  
into with the physician who is responsible for supervising the  
advanced practice respiratory therapist, including the policies  
of the health care facility in which the advanced practice  
respiratory therapist is practicing.

6931  
6932  
6933  
6934  
6935  
6936

(B) The state medical board may adopt rules designating  
facilities to be included as health care facilities that are in  
addition to the facilities specified in divisions (K) (1), (2),  
and (3) of section 4761.01 of the Revised Code. Any rules  
adopted shall be adopted in accordance with Chapter 119. of the  
Revised Code.

6937  
6938  
6939  
6940  
6941  
6942

**Sec. 4761.37.** (A) Before initiating supervision of an  
advanced practice respiratory therapist, a physician shall enter  
into a supervision agreement with the advanced practice

6943  
6944  
6945

respiratory therapist who will be supervised. A supervision 6946  
agreement may not apply to more than one advanced practice 6947  
respiratory therapist. Only a physician who specializes in one 6948  
or more of the following areas is authorized to enter into a 6949  
supervision agreement with an advanced practice respiratory 6950  
therapist under this section: pulmonology, anesthesiology, 6951  
critical care, or sleep medicine. 6952

The supervision agreement shall specify that the physician 6953  
agrees to supervise the advanced practice respiratory therapist 6954  
and the advanced practice respiratory therapist agrees to 6955  
practice under that physician's supervision. The supervision 6956  
agreement shall clearly state that the supervising physician is 6957  
legally responsible and assumes legal liability for the services 6958  
provided by the advanced practice respiratory therapist. The 6959  
agreement shall be signed by the physician and the advanced 6960  
practice respiratory therapist. 6961

(B) A supervision agreement shall include all of the 6962  
following: 6963

(1) Terms that require the advanced practice respiratory 6964  
therapist to practice in accordance with the policies of the 6965  
health care facility in which the advanced practice respiratory 6966  
therapist is practicing; 6967

(2) Any limitations on the responsibilities to be 6968  
fulfilled by the advanced practice respiratory therapist; 6969

(3) The circumstances under which the advanced practice 6970  
respiratory therapist is required to refer a patient to the 6971  
supervising physician; 6972

(4) If the supervising physician chooses to designate 6973  
physicians to act as alternate supervising physicians, the 6974



names, business addresses, and business telephone numbers of the 6975  
physicians who have agreed to act in that capacity. 6976

(C) The supervising physician who entered into a 6977  
supervision agreement shall retain a copy of the agreement in 6978  
the records maintained by the supervising physician. Each 6979  
advanced practice respiratory therapist who entered into the 6980  
supervision agreement shall retain a copy of the agreement in 6981  
the records maintained by the advanced practice respiratory 6982  
therapist. 6983

(D) (1) If the board finds, through a review conducted 6984  
under this section or through any other means, any of the 6985  
following, the board may take disciplinary action against the 6986  
individual under section 4731.22 or 4761.09 of the Revised Code, 6987  
impose a civil penalty, or both: 6988

(a) That an advanced practice respiratory therapist has 6989  
practiced in a manner that departs from, or fails to conform to, 6990  
the terms of a supervision agreement entered into under this 6991  
section; 6992

(b) That a physician has supervised an advanced practice 6993  
respiratory therapist in a manner that departs from, or fails to 6994  
conform to, the terms of a supervision agreement entered into 6995  
under this section; 6996

(c) That a physician or an advanced practice respiratory 6997  
therapist failed to comply with division (A) or (B) of this 6998  
section. 6999

(2) If the board finds, through a review conducted under 7000  
this section or through any other means, that a physician or 7001  
advanced practice respiratory therapist failed to comply with 7002  
division (C) of this section, the board may do either of the 7003

following: 7004

(a) Take disciplinary action against the individual under section 4731.22 or 4761.09 of the Revised Code, impose a civil penalty, or both; 7005  
7006  
7007

(b) Permit the individual to agree in writing to update the records to comply with division (C) of this section and pay a civil penalty. 7008  
7009  
7010

(3) The board's finding in any disciplinary action taken under division (D) of this section shall be made pursuant to an adjudication conducted under Chapter 119. of the Revised Code. 7011  
7012  
7013

(4) A civil penalty imposed under division (D) (1) or (2) (a) of this section or paid under division (D) (2) (b) of this section shall be in an amount specified by the board of not more than five thousand dollars and shall be deposited in accordance with section 4731.24 of the Revised Code. 7014  
7015  
7016  
7017  
7018

**Sec. 4761.38.** (A) An advanced practice respiratory therapist licensed under this chapter may perform any of the following services authorized by the supervising physician that are part of the supervising physician's normal course of practice and expertise: 7019  
7020  
7021  
7022  
7023

(1) Ordering diagnostic, therapeutic, and other medical services; 7024  
7025

(2) Prescribing physical therapy or referring a patient to a physical therapist for physical therapy; 7026  
7027

(3) Ordering occupational therapy or referring a patient to an occupational therapist for occupational therapy; 7028  
7029

(4) If the advanced practice respiratory therapist has been granted physician-delegated prescriptive authority, 7030  
7031

ordering, prescribing, and administering drugs and medical 7032  
devices; 7033

(5) Any other services that are part of the supervising 7034  
physician's normal course of practice and expertise. 7035

(B) The services an advanced practice respiratory 7036  
therapist may provide under the policies of a health care 7037  
facility are limited to the services the facility authorizes the 7038  
advanced practice respiratory therapist to provide for the 7039  
facility. A facility shall not authorize an advanced practice 7040  
respiratory therapist to perform a service that is prohibited 7041  
under this chapter. A physician who is supervising an advanced 7042  
practice respiratory therapist within a health care facility may 7043  
impose limitations on the advanced practice respiratory 7044  
therapist's practice that are in addition to any limitations 7045  
applicable under the policies of the facility. 7046

**Sec. 4761.381.** (A) Acting pursuant to a supervision 7047  
agreement, an advanced practice respiratory therapist may 7048  
delegate performance of a task to implement a patient's plan of 7049  
care or, if the conditions in division (C) of this section are 7050  
met, may delegate administration of a drug. Subject to division 7051  
(D) of section 4761.34 of the Revised Code, delegation may be to 7052  
any person. The advanced practice respiratory therapist must be 7053  
physically present at the location where the task is performed 7054  
or the drug administered. 7055

(B) Prior to delegating a task or administration of a 7056  
drug, an advanced practice respiratory therapist shall determine 7057  
that the task or drug is appropriate for the patient and the 7058  
person to whom the delegation is to be made may safely perform 7059  
the task or administer the drug. 7060

(C) An advanced practice respiratory therapist may 7061  
delegate administration of a drug only if all of the following 7062  
conditions are met: 7063

(1) The advanced practice respiratory therapist has been 7064  
granted physician-delegated prescriptive authority and is 7065  
authorized to prescribe the drug. 7066

(2) The drug is not a controlled substance. 7067

(3) The drug will not be administered intravenously. 7068

(4) The drug will not be administered in a hospital 7069  
inpatient care unit, as defined in section 3727.50 of the 7070  
Revised Code; a hospital emergency department; a freestanding 7071  
emergency department; or an ambulatory surgical facility 7072  
licensed under section 3702.30 of the Revised Code. 7073

(D) A person not otherwise authorized to administer a drug 7074  
or perform a specific task may do so in accordance with an 7075  
advanced practice respiratory therapist's delegation under this 7076  
section. 7077

**Sec. 4761.39.** (A) The supervising physician of an advanced 7078  
practice respiratory therapist exercises supervision, control, 7079  
and direction of the advanced practice respiratory therapist. An 7080  
advanced practice respiratory therapist may practice in any 7081  
health care facility within which the supervising physician has 7082  
supervision, control, and direction of the advanced practice 7083  
respiratory therapist. 7084

In supervising an advanced practice respiratory therapist, 7085  
all of the following apply: 7086

(1) The supervising physician shall be continuously 7087  
available for direct communication with the advanced practice 7088

respiratory therapist by either of the following means: 7089

(a) Being physically present at the location where the 7090  
advanced practice respiratory therapist is practicing; 7091

(b) Being readily available to the advanced practice 7092  
respiratory therapist through some means of telecommunication 7093  
and being in a location that is a distance from the location 7094  
where the advanced practice respiratory therapist is practicing 7095  
that reasonably allows the physician to assure proper care of 7096  
patients. 7097

(2) The supervising physician shall personally and 7098  
actively review the advanced practice respiratory therapist's 7099  
professional activities. 7100

(3) The supervising physician shall ensure that the 7101  
quality assurance system established pursuant to division (F) of 7102  
this section is implemented and maintained. 7103

(4) The supervising physician shall regularly perform any 7104  
other reviews of the advanced practice respiratory therapist 7105  
that the supervising physician considers necessary. 7106

(B) A physician may enter into supervision agreements with 7107  
any number of advanced practice respiratory therapists, but the 7108  
physician may not supervise more than five advanced practice 7109  
respiratory therapists at any one time. An advanced practice 7110  
respiratory therapist may enter into supervision agreements with 7111  
any number of supervising physicians. 7112

(C) A supervising physician may authorize an advanced 7113  
practice respiratory therapist to perform a service only if the 7114  
physician is satisfied that the advanced practice respiratory 7115  
therapist is capable of competently performing the service. A 7116  
supervising physician shall not authorize an advanced practice 7117

respiratory therapist to perform any service that is beyond the 7118  
physician's or the advanced practice respiratory therapist's 7119  
normal course of practice and expertise. 7120

(D) In the case of a health care facility with an 7121  
emergency department, the supervising physician may, on 7122  
occasion, send the advanced practice respiratory therapist to 7123  
the facility's emergency department to assess a patient. In 7124  
supervising the advanced practice respiratory therapist's 7125  
assessment of the patient, the supervising physician shall 7126  
determine the appropriate level of supervision in compliance 7127  
with the requirements of divisions (A) to (C) of this section, 7128  
except that the supervising physician must be available to go to 7129  
the emergency department to personally evaluate the patient and, 7130  
at the request of an emergency department physician, the 7131  
supervising physician shall go to the emergency department to 7132  
personally evaluate the patient. 7133

(E) Each time an advanced practice respiratory therapist 7134  
writes a medical order, including prescriptions written in the 7135  
exercise of physician-delegated prescriptive authority, the 7136  
advanced practice respiratory therapist shall sign the form on 7137  
which the order is written and record on the form the time and 7138  
date that the order is written. 7139

(F) (1) The supervising physician of an advanced practice 7140  
respiratory therapist shall establish a quality assurance system 7141  
to be used in supervising the advanced practice respiratory 7142  
therapist. All or part of the system may be applied to other 7143  
advanced practice respiratory therapists who are supervised by 7144  
the supervising physician. The system shall be developed in 7145  
consultation with each advanced practice respiratory therapist 7146  
to be supervised by the physician. 7147

(2) In establishing the quality assurance system, the supervising physician shall describe a process to be used for all of the following: 7148  
7149  
7150

(a) Routine review by the physician of selected patient record entries made by the advanced practice respiratory therapist and selected medical orders issued by the advanced practice respiratory therapist; 7151  
7152  
7153  
7154

(b) Discussion of complex cases; 7155

(c) Discussion of new medical developments relevant to the practice of the physician and advanced practice respiratory therapist; 7156  
7157  
7158

(d) Performance of any quality assurance activities required in rules adopted by the state medical board pursuant to any recommendations made by the respiratory care advisory council under section 4761.032 of the Revised Code; 7159  
7160  
7161  
7162

(e) Performance of any other quality assurance activities that the supervising physician considers to be appropriate. 7163  
7164

(3) The supervising physician and advanced practice respiratory therapist shall keep records of their quality assurance activities. On request, the records shall be made available to the board. 7165  
7166  
7167  
7168

**Sec. 4761.40.** (A) When performing authorized services, an advanced practice respiratory therapist acts as the agent of the advanced practice respiratory therapist's supervising physician. The supervising physician is legally responsible and assumes legal liability for the services provided by the advanced practice respiratory therapist. 7169  
7170  
7171  
7172  
7173  
7174

The physician is not responsible or liable for any 7175

services provided by the advanced practice respiratory therapist 7176  
after their supervision agreement expires or is terminated. 7177

(B) When a health care facility permits advanced practice 7178  
respiratory therapists to practice within that facility or any 7179  
other health care facility under its control, the health care 7180  
facility shall make reasonable efforts to explain to each 7181  
individual who may work with a particular advanced practice 7182  
respiratory therapist the scope of that advanced practice 7183  
respiratory therapist's practice within the facility. The 7184  
appropriate credentialing body within the health care facility 7185  
shall provide, on request of an individual practicing in the 7186  
facility with an advanced practice respiratory therapist, a copy 7187  
of the facility's policies on the practice of advanced practice 7188  
respiratory therapists within the facility and a copy of each 7189  
supervision agreement applicable to the advanced practice 7190  
respiratory therapist. 7191

An individual who follows the orders of an advanced 7192  
practice respiratory therapist practicing in a health care 7193  
facility is not subject to disciplinary action by any 7194  
administrative agency that governs that individual's conduct and 7195  
is not liable in damages in a civil action for injury, death, or 7196  
loss to person or property resulting from the individual's acts 7197  
or omissions in the performance of any procedure, treatment, or 7198  
other health care service if the individual reasonably believed 7199  
that the advanced practice respiratory therapist was acting 7200  
within the proper scope of practice or was relaying medical 7201  
orders from a supervising physician, unless the act or omission 7202  
constitutes willful or wanton misconduct. 7203

**Sec. 4761.41.** A license issued by the state medical board 7204  
under section 4761.31 of the Revised Code authorizes the license 7205



holder to exercise physician-delegated prescriptive authority. 7206  
The board shall issue a prescriber number to each advanced 7207  
practice respiratory therapist licensed under this chapter. 7208

**Sec. 4761.43.** The state medical board shall adopt rules 7209  
governing physician-delegated prescriptive authority for 7210  
advanced practice respiratory therapists. The rules shall be 7211  
adopted in accordance with Chapter 119. of the Revised Code and 7212  
shall establish, at a minimum, requirements regarding the 7213  
pharmacology courses that an advanced practice respiratory 7214  
therapist is required to complete. 7215

**Sec. 4761.44.** (A) An advanced practice respiratory 7216  
therapist is authorized to prescribe drugs and therapeutic 7217  
devices in the exercise of physician-delegated prescriptive 7218  
authority. 7219

(B) In exercising physician-delegated prescriptive 7220  
authority, an advanced practice respiratory therapist is subject 7221  
to all of the following: 7222

(1) The advanced practice respiratory therapist's 7223  
physician-delegated prescriptive authority shall not include the 7224  
authority to do either of the following: 7225

(a) Prescribe a controlled substance to be used by an 7226  
individual outside of the health care facility in which the 7227  
advanced practice respiratory therapist is practicing; 7228

(b) Personally furnish any drug. 7229

(2) The advanced practice respiratory therapist shall 7230  
exercise physician-delegated prescriptive authority only to the 7231  
extent that the physician supervising the advanced practice 7232  
respiratory therapist has granted that authority. 7233

(3) The advanced practice respiratory therapist shall 7234  
comply with all conditions placed on the physician-delegated 7235  
prescriptive authority, as specified by the supervising 7236  
physician who is supervising the advanced practice respiratory 7237  
therapist in the exercise of physician-delegated prescriptive 7238  
authority. 7239

(C) An advanced practice respiratory therapist shall not 7240  
prescribe any drug in violation of state or federal law. 7241

**Sec. 4761.45.** (A) In granting physician-delegated 7242  
prescriptive authority to a particular advanced practice 7243  
respiratory therapist, the supervising physician shall supervise 7244  
the advanced practice respiratory therapist in accordance with 7245  
both of the following: 7246

(1) The supervision requirements specified in section 7247  
4761.39 of the Revised Code; 7248

(2) The supervision agreement entered into with the 7249  
advanced practice respiratory therapist under section 4761.37 of 7250  
the Revised Code, including the policies of the health care 7251  
facility in which the physician and advanced practice 7252  
respiratory therapist are practicing. 7253

(B) (1) The supervising physician of an advanced practice 7254  
respiratory therapist may place conditions on the physician- 7255  
delegated prescriptive authority granted to the advanced 7256  
practice respiratory therapist. If conditions are placed on that 7257  
authority, the supervising physician shall maintain a written 7258  
record of the conditions and make the record available to the 7259  
state medical board on request. 7260

(2) The conditions that a supervising physician may place 7261  
on the physician-delegated prescriptive authority granted to an 7262

<u>advanced practice respiratory therapist include the following:</u>	7263
<u>(a) Identification by class and specific generic</u>	7264
<u>nomenclature of drugs and therapeutic devices that the physician</u>	7265
<u>chooses not to permit the advanced practice respiratory</u>	7266
<u>therapist to prescribe;</u>	7267
<u>(b) Limitations on the dosage units or refills that the</u>	7268
<u>advanced practice respiratory therapist is authorized to</u>	7269
<u>prescribe;</u>	7270
<u>(c) Specification of circumstances under which the</u>	7271
<u>advanced practice respiratory therapist is required to refer</u>	7272
<u>patients to the supervising physician or another physician when</u>	7273
<u>exercising physician-delegated prescriptive authority;</u>	7274
<u>(d) Responsibilities to be fulfilled by the physician in</u>	7275
<u>supervising the advanced practice respiratory therapist that are</u>	7276
<u>not otherwise specified in the supervision agreement or</u>	7277
<u>otherwise required by this chapter.</u>	7278
<u>Sec. 4761.48. (A) To be eligible for renewal of a license</u>	7279
<u>to practice as an advanced practice respiratory therapist, an</u>	7280
<u>applicant who has been granted physician-delegated prescriptive</u>	7281
<u>authority shall complete every two years at least twelve hours</u>	7282
<u>of continuing education in pharmacology obtained through a</u>	7283
<u>program or course approved by the state medical board or a</u>	7284
<u>person the board has authorized to approve continuing</u>	7285
<u>pharmacology education programs and courses. Except as provided</u>	7286
<u>in section 5903.12 of the Revised Code, the continuing education</u>	7287
<u>shall be completed not later than the date on which the</u>	7288
<u>applicant's license expires.</u>	7289
<u>(B) The state medical board shall provide for pro rata</u>	7290
<u>reductions by month of the number of hours of continuing</u>	7291

education in pharmacology that is required to be completed for 7292  
advanced practice respiratory therapists who have been disabled 7293  
due to illness or accident or have been absent from the country. 7294  
The board shall adopt rules, in accordance with Chapter 119. of 7295  
the Revised Code, as necessary to implement this division. 7296

(C) The continuing education required by this section is 7297  
in addition to the requirement of section 4761.32 of the Revised 7298  
Code to maintain an active qualification to practice advanced 7299  
practice respiratory care from an organization that is 7300  
recognized by the state medical board. 7301

(D) If the state medical board chooses to authorize 7302  
persons to approve continuing pharmacology education programs 7303  
and courses, the board shall establish standards for granting 7304  
that authority and grant the authority in accordance with the 7305  
standards. 7306

**Sec. 4761.99.** Whoever violates division (A) of section 7307  
4761.10 of the Revised Code is guilty of a minor misdemeanor on 7308  
a first offense. On a second offense, the person is guilty of a 7309  
misdemeanor of the fourth degree. On each subsequent offense, 7310  
the person is guilty of a misdemeanor of the first degree. 7311

Whoever violates section 4761.33 of the Revised Code is 7312  
guilty of a misdemeanor of the first degree on a first offense. 7313  
On each subsequent offense, the person is guilty of a felony of 7314  
the fourth degree. 7315

**Sec. 4765.51.** Nothing in this chapter prevents or 7316  
restricts the practice, services, or activities of any 7317  
registered nurse practicing within the scope of the registered 7318  
nurse's practice. 7319

Nothing in this chapter prevents or restricts the 7320

practice, services, or activities of any physician assistant 7321  
practicing in accordance with a supervision agreement entered 7322  
into under section 4730.19 of the Revised Code, including, if 7323  
applicable, the policies of the health care facility in which 7324  
the physician assistant is practicing. 7325

Nothing in this chapter prevents or restricts the 7326  
practice, services, or activities of any advanced practice 7327  
respiratory therapist practicing in accordance with a 7328  
supervision agreement entered into under section 4761.37 of the 7329  
Revised Code, including the policies of the health care facility 7330  
in which the advanced practice respiratory therapist is 7331  
practicing. 7332

**Sec. 4769.01.** As used in this chapter: 7333

(A) "Medicare" means the program established by Title 7334  
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 7335  
U.S.C.A. 301, as amended. 7336

(B) "Balance billing" means charging or collecting from a 7337  
medicare beneficiary an amount in excess of the medicare 7338  
reimbursement rate for medicare-covered services or supplies 7339  
provided to a medicare beneficiary, except when medicare is the 7340  
secondary insurer. When medicare is the secondary insurer, the 7341  
health care practitioner may pursue full reimbursement under the 7342  
terms and conditions of the primary coverage and, if applicable, 7343  
the charge allowed under the terms and conditions of the 7344  
appropriate provider contract, from the primary insurer, but the 7345  
medicare beneficiary cannot be balance billed above the medicare 7346  
reimbursement rate for a medicare-covered service or supply. 7347  
"Balance billing" does not include charging or collecting 7348  
deductibles or coinsurance required by the program. 7349

(C) "Health care practitioner" means all of the following:	7350
(1) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	7351 7352
(2) A registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	7353 7354
(3) An optometrist licensed under Chapter 4725. of the Revised Code;	7355 7356
(4) A dispensing optician, spectacle dispensing optician, contact lens dispensing optician, or spectacle-contact lens dispensing optician licensed under Chapter 4725. of the Revised Code;	7357 7358 7359 7360
(5) A pharmacist licensed under Chapter 4729. of the Revised Code;	7361 7362
(6) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;	7363 7364 7365
(7) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	7366 7367
(8) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	7368 7369
(9) A psychologist licensed under Chapter 4732. of the Revised Code;	7370 7371
(10) A chiropractor licensed under Chapter 4734. of the Revised Code;	7372 7373
(11) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	7374 7375
(12) A speech-language pathologist or audiologist licensed	7376

under Chapter 4753. of the Revised Code;	7377
(13) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	7378 7379
(14) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	7380 7381
(15) A licensed professional clinical counselor, licensed professional counselor, social worker, or independent social worker licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	7382 7383 7384 7385
(16) A dietitian licensed under Chapter 4759. of the Revised Code;	7386 7387
(17) A respiratory care professional <u>or advanced practice respiratory therapist</u> licensed under Chapter 4761. of the Revised Code;	7388 7389 7390
(18) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.	7391 7392 7393 7394
<b>Sec. 5123.47.</b> (A) As used in this section:	7395
(1) "In-home care" means the supportive services provided within the home of an individual with a developmental disability who receives funding for the services through a county board of developmental disabilities, including any recipient of residential services funded as home and community-based services, family support services provided under section 5126.11 of the Revised Code, or supported living provided in accordance with sections 5126.41 to 5126.47 of the Revised Code. "In-home care" includes care that is provided outside an individual's	7396 7397 7398 7399 7400 7401 7402 7403 7404

home in places incidental to the home, and while traveling to 7405  
places incidental to the home, except that "in-home care" does 7406  
not include care provided in the facilities of a county board of 7407  
developmental disabilities or care provided in schools. 7408

(2) "Parent" means either parent of a child, including an 7409  
adoptive parent but not a foster parent. 7410

(3) "Unlicensed in-home care worker" means an individual 7411  
who provides in-home care but is not a health care professional. 7412

(4) "Family member" means a parent, sibling, spouse, son, 7413  
daughter, grandparent, aunt, uncle, cousin, or guardian of the 7414  
individual with a developmental disability if the individual 7415  
with a developmental disability lives with the person and is 7416  
dependent on the person to the extent that, if the supports were 7417  
withdrawn, another living arrangement would have to be found. 7418

(5) "Health care professional" means any of the following: 7419

(a) A dentist who holds a valid license issued under 7420  
Chapter 4715. of the Revised Code; 7421

(b) A registered or licensed practical nurse who holds a 7422  
valid license issued under Chapter 4723. of the Revised Code; 7423

(c) An optometrist who holds a valid license issued under 7424  
Chapter 4725. of the Revised Code; 7425

(d) A pharmacist who holds a valid license issued under 7426  
Chapter 4729. of the Revised Code; 7427

(e) A person who holds a valid license or certificate 7428  
issued under Chapter 4731. of the Revised Code to practice 7429  
medicine and surgery, osteopathic medicine and surgery, 7430  
podiatric medicine and surgery, or a limited brand of medicine; 7431



(f) A physician assistant who holds a valid license issued under Chapter 4730. of the Revised Code;	7432 7433
(g) An occupational therapist or occupational therapy assistant or a physical therapist or physical therapist assistant who holds a valid license issued under Chapter 4755. of the Revised Code;	7434 7435 7436 7437
(h) A respiratory care professional <u>or advanced practice respiratory therapist</u> who holds a valid license issued under Chapter 4761. of the Revised Code.	7438 7439 7440
(6) "Health care task" means a task that is prescribed, ordered, delegated, or otherwise directed by a health care professional acting within the scope of the professional's practice. "Health care task" includes the administration of oral and topical prescribed medications; administration of nutrition and medications through gastrostomy and jejunostomy tubes that are stable and labeled; administration of oxygen and metered dose inhaled medications; administration of insulin through subcutaneous injections, inhalation, and insulin pumps; and administration of prescribed medications for the treatment of metabolic glycemc disorders through subcutaneous injections.	7441 7442 7443 7444 7445 7446 7447 7448 7449 7450 7451
(B) Except as provided in division (E) of this section, a family member of an individual with a developmental disability may authorize an unlicensed in-home care worker to perform health care tasks as part of the in-home care the worker provides to the individual, if all of the following apply:	7452 7453 7454 7455 7456
(1) The family member is the primary supervisor of the care.	7457 7458
(2) The unlicensed in-home care worker has been selected by the family member or the individual receiving care and is	7459 7460

under the direct supervision of the family member. 7461

(3) The unlicensed in-home care worker is providing the 7462  
care through an employment or other arrangement entered into 7463  
directly with the family member and is not otherwise employed by 7464  
or under contract with a person or government entity to provide 7465  
services to individuals with developmental disabilities. 7466

(4) The health care task is completed in accordance with 7467  
standard, written instructions. 7468

(5) Performance of the health care task requires no 7469  
judgment based on specialized health care knowledge or 7470  
expertise. 7471

(6) The outcome of the health care task is reasonably 7472  
predictable. 7473

(7) Performance of the health care task requires no 7474  
complex observation of the individual receiving the care. 7475

(8) Improper performance of the health care task will 7476  
result in only minimal complications that are not life- 7477  
threatening. 7478

(C) A family member shall obtain a prescription, if 7479  
applicable, and written instructions from a health care 7480  
professional for the care to be provided to the individual. The 7481  
family member shall authorize the unlicensed in-home care worker 7482  
to provide the care by preparing a written document granting the 7483  
authority. The family member shall provide the unlicensed in- 7484  
home care worker with appropriate training and written 7485  
instructions in accordance with the instructions obtained from 7486  
the health care professional. The family member or a health care 7487  
professional shall be available to communicate with the 7488  
unlicensed in-home care worker either in person or by 7489

telecommunication while the in-home care worker performs a 7490  
health care task. 7491

(D) A family member who authorizes an unlicensed in-home 7492  
care worker to administer oral and topical prescribed 7493  
medications or perform other health care tasks retains full 7494  
responsibility for the health and safety of the individual 7495  
receiving the care and for ensuring that the worker provides the 7496  
care appropriately and safely. No entity that funds or monitors 7497  
the provision of in-home care may be held liable for the results 7498  
of the care provided under this section by an unlicensed in-home 7499  
care worker, including such entities as the county board of 7500  
developmental disabilities and the department of developmental 7501  
disabilities. 7502

An unlicensed in-home care worker who is authorized under 7503  
this section by a family member to provide care to an individual 7504  
may not be held liable for any injury caused in providing the 7505  
care, unless the worker provides the care in a manner that is 7506  
not in accordance with the training and instructions received or 7507  
the worker acts in a manner that constitutes willful or wanton 7508  
misconduct. 7509

(E) A county board of developmental disabilities may 7510  
evaluate the authority granted by a family member under this 7511  
section to an unlicensed in-home care worker at any time it 7512  
considers necessary and shall evaluate the authority on receipt 7513  
of a complaint. If the board determines that a family member has 7514  
acted in a manner that is inappropriate for the health and 7515  
safety of the individual receiving the care, the authorization 7516  
granted by the family member to an unlicensed in-home care 7517  
worker is void, and the family member may not authorize other 7518  
unlicensed in-home care workers to provide the care. In making 7519

such a determination, the board shall use appropriately licensed 7520  
health care professionals and shall provide the family member an 7521  
opportunity to file a complaint under section 5126.06 of the 7522  
Revised Code. 7523

**Sec. 5164.95.** (A) As used in this section, "telehealth 7524  
service" means a health care service delivered to a patient 7525  
through the use of interactive audio, video, or other 7526  
telecommunications or electronic technology from a site other 7527  
than the site where the patient is located. 7528

(B) The department of medicaid shall establish standards 7529  
for medicaid payments for health care services the department 7530  
determines are appropriate to be covered by the medicaid program 7531  
when provided as telehealth services. The standards shall be 7532  
established in rules adopted under section 5164.02 of the 7533  
Revised Code. 7534

In accordance with section 5162.021 of the Revised Code, 7535  
the medicaid director shall adopt rules authorizing the 7536  
directors of other state agencies to adopt rules regarding the 7537  
medicaid coverage of telehealth services under programs 7538  
administered by the other state agencies. Any such rules adopted 7539  
by the medicaid director or the directors of other state 7540  
agencies are not subject to the requirements of division (F) of 7541  
section 121.95 of the Revised Code. 7542

(C) (1) To the extent permitted under rules adopted under 7543  
section 5164.02 of the Revised Code and applicable federal law, 7544  
the following practitioners are eligible to provide telehealth 7545  
services covered pursuant to this section: 7546

(a) A physician licensed under Chapter 4731. of the 7547  
Revised Code to practice medicine and surgery, osteopathic 7548

medicine and surgery, or podiatric medicine and surgery; 7549

(b) A psychologist or school psychologist licensed under 7550  
Chapter 4732. of the Revised Code or under rules adopted in 7551  
accordance with sections 3301.07 and 3319.22 of the Revised 7552  
Code; 7553

(c) A physician assistant licensed under Chapter 4730. of 7554  
the Revised Code; 7555

(d) A clinical nurse specialist, certified nurse-midwife, 7556  
or certified nurse practitioner licensed under Chapter 4723. of 7557  
the Revised Code; 7558

(e) An independent social worker, independent marriage and 7559  
family therapist, or professional clinical counselor licensed 7560  
under Chapter 4757. of the Revised Code; 7561

(f) An independent chemical dependency counselor licensed 7562  
under Chapter 4758. of the Revised Code; 7563

(g) A supervised practitioner or supervised trainee; 7564

(h) An audiologist or speech-language pathologist licensed 7565  
under Chapter 4753. of the Revised Code; 7566

(i) An audiology aide or speech-language pathology aide, 7567  
as defined in section 4753.072 of the Revised Code, or an 7568  
individual holding a conditional license under section 4753.071 7569  
of the Revised Code; 7570

(j) An occupational therapist or physical therapist 7571  
licensed under Chapter 4755. of the Revised Code; 7572

(k) An occupational therapy assistant or physical 7573  
therapist assistant licensed under Chapter 4755. of the Revised 7574  
Code. 7575

(l) A dietitian licensed under Chapter 4759. of the Revised Code;	7576 7577
(m) A chiropractor licensed under Chapter 4734. of the Revised Code;	7578 7579
(n) A pharmacist licensed under Chapter 4729. of the Revised Code;	7580 7581
(o) A genetic counselor licensed under Chapter 4778. of the Revised Code;	7582 7583
(p) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry under a therapeutic pharmaceutical agents certificate;	7584 7585 7586
(q) A respiratory care professional <u>or advanced practice respiratory therapist</u> licensed under Chapter 4761. of the Revised Code;	7587 7588 7589
(r) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code;	7590 7591
(s) A practitioner who provides services through a medicaid school program;	7592 7593
(t) Subject to section 5119.368 of the Revised Code, a practitioner authorized to provide services and supports certified under section 5119.36 of the Revised Code through a community mental health services provider or community addiction services provider;	7594 7595 7596 7597 7598
(u) Any other practitioner the medicaid director considers eligible to provide telehealth services.	7599 7600
(2) In accordance with division (B) of this section and to the extent permitted under rules adopted under section 5164.02	7601 7602

of the Revised Code and applicable federal law, the following 7603  
provider types are eligible to submit claims for medicaid 7604  
payments for providing telehealth services: 7605

(a) Any practitioner described in division (C)(1) of this 7606  
section, except for those described in divisions (C)(1)(g), (i), 7607  
and (k) of this section; 7608

(b) A professional medical group; 7609

(c) A federally qualified health center or federally 7610  
qualified health center look-alike, as defined in section 7611  
3701.047 of the Revised Code; 7612

(d) A rural health clinic; 7613

(e) An ambulatory health care clinic; 7614

(f) An outpatient hospital; 7615

(g) A medicaid school program; 7616

(h) Subject to section 5119.368 of the Revised Code, a 7617  
community mental health services provider or community addiction 7618  
services provider that offers services and supports certified 7619  
under section 5119.36 of the Revised Code; 7620

(i) Any other provider type the medicaid director 7621  
considers eligible to submit the claims for payment. 7622

(D)(1) When providing telehealth services under this 7623  
section, a practitioner shall comply with all requirements under 7624  
state and federal law regarding the protection of patient 7625  
information. A practitioner shall ensure that any username or 7626  
password information and any electronic communications between 7627  
the practitioner and a patient are securely transmitted and 7628  
stored. 7629

(2) When providing telehealth services under this section, 7630  
every practitioner site shall have access to the medical records 7631  
of the patient at the time telehealth services are provided. 7632

**Sec. 5903.12.** (A) As used in this section: 7633

"Continuing education" means continuing education required 7634  
of a licensee by law and includes, but is not limited to, the 7635  
continuing education required of licensees under sections 7636  
3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 7637  
4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282, 4734.25, 7638  
4735.141, 4736.11, 4741.16, 4741.19, 4751.24, 4751.25, 4755.63, 7639  
4757.33, 4759.06, 4761.06, 4761.48, and 4763.07 of the Revised 7640  
Code. 7641

"Reporting period" means the period of time during which a 7642  
licensee must complete the number of hours of continuing 7643  
education required of the licensee by law. 7644

(B) A licensee may submit an application to a licensing 7645  
agency, stating that the licensee requires an extension of the 7646  
current reporting period because the licensee has served on 7647  
active duty during the current or a prior reporting period. The 7648  
licensee shall submit proper documentation certifying the active 7649  
duty service and the length of that active duty service. Upon 7650  
receiving the application and proper documentation, the 7651  
licensing agency shall extend the current reporting period by an 7652  
amount of time equal to the total number of months that the 7653  
licensee spent on active duty during the current reporting 7654  
period. For purposes of this division, any portion of a month 7655  
served on active duty shall be considered one full month. 7656

**Section 2.** That existing sections 2305.234, 2925.01, 7657  
2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2925.36, 7658



2925.55, 2925.56, 2929.42, 3701.048, 3701.74, 3715.872, 3719.06, 7659  
3719.121, 3719.13, 3719.81, 4729.01, 4729.51, 4731.22, 4731.251, 7660  
4743.09, 4755.48, 4761.01, 4761.03, 4761.032, 4761.06, 4761.061, 7661  
4761.07, 4761.09, 4761.13, 4761.14, 4761.17, 4761.30, 4761.99, 7662  
4765.51, 4769.01, 5123.47, 5164.95, and 5903.12 of the Revised 7663  
Code are hereby repealed. 7664

**Section 3.** That the version of section 4761.01 of the 7665  
Revised Code that is scheduled to take effect September 30, 7666  
2024, be amended to read as follows: 7667

**Sec. 4761.01.** As used in this chapter: 7668

(A) "Respiratory care" means rendering or offering to 7669  
render to individuals, groups, organizations, or the public any 7670  
service involving the evaluation of cardiopulmonary function, 7671  
the treatment of cardiopulmonary impairment, the assessment of 7672  
treatment effectiveness, and the care of patients with 7673  
deficiencies and abnormalities associated with the 7674  
cardiopulmonary system. The practice of respiratory care 7675  
includes: 7676

(1) Obtaining, analyzing, testing, measuring, and 7677  
monitoring blood and gas samples in the determination of 7678  
cardiopulmonary parameters and related physiologic data, 7679  
including flows, pressures, and volumes, and the use of 7680  
equipment employed for this purpose; 7681

(2) Administering, monitoring, recording the results of, 7682  
and instructing in the use of medical gases, aerosols, and 7683  
bronchopulmonary hygiene techniques, including drainage, 7684  
aspiration, and sampling, and applying, maintaining, and 7685  
instructing in the use of artificial airways, ventilators, and 7686  
other life support equipment employed in the treatment of 7687

cardiopulmonary impairment and provided in collaboration with 7688  
other licensed health care professionals responsible for 7689  
providing care; 7690

(3) Performing cardiopulmonary resuscitation and 7691  
respiratory rehabilitation techniques; 7692

(4) Administering medications for the testing or treatment 7693  
of cardiopulmonary impairment. 7694

(B) "Respiratory care professional" means a person who is 7695  
licensed under this chapter to practice the full range of 7696  
services described in division (A) of this section. 7697

(C) "Physician" means an individual authorized under 7698  
Chapter 4731. of the Revised Code to practice medicine and 7699  
surgery or osteopathic medicine and surgery. 7700

(D) "Registered nurse" means an individual licensed under 7701  
Chapter 4723. of the Revised Code to engage in the practice of 7702  
nursing as a registered nurse. 7703

(E) "Hospital" has the same meaning as in section 3722.01 7704  
of the Revised Code. 7705

(F) "Nursing facility" has the same meaning as in section 7706  
5165.01 of the Revised Code. 7707

(G) "Advanced practice registered nurse" has the same 7708  
meaning as in section 4723.01 of the Revised Code. 7709

(H) "Physician assistant" means an individual who holds a 7710  
valid license to practice as a physician assistant issued under 7711  
Chapter 4730. of the Revised Code. 7712

(I) "Advanced practice respiratory therapist" means an 7713  
individual who holds a current, valid license issued under this 7714

chapter that authorizes the practice of respiratory care as an 7715  
advanced practice respiratory therapist. 7716

(J) "Practice of respiratory care as an advanced practice 7717  
respiratory therapist" means the performance of services 7718  
delegated by a supervising physician to an advanced practice 7719  
respiratory therapist in the diagnosis and treatment of patients 7720  
with cardiopulmonary diseases or conditions, including 7721  
prescribing, ordering, and administering drugs and medical 7722  
devices. 7723

(K) "Health care facility" means any of the following: 7724

(1) A hospital; 7725

(2) A site where a medical practice is operated and 7726  
provides direct patient care; 7727

(3) An entity owned or controlled, in whole or in part, by 7728  
a hospital or by an entity that owns or controls, in whole or in 7729  
part, one or more hospitals; 7730

(4) Any other facility designated by the state medical 7731  
board in rules adopted pursuant to division (B) of section 7732  
4761.36 of the Revised Code. 7733

**Section 4.** That the existing version of section 4761.01 of 7734  
the Revised Code that is scheduled to take effect September 30, 7735  
2024, is hereby repealed. 7736

**Section 5.** Sections 3 and 4 of this act take effect 7737  
September 30, 2024. 7738

**Section 6.** The General Assembly, applying the principle 7739  
stated in division (B) of section 1.52 of the Revised Code that 7740  
amendments are to be harmonized if reasonably capable of 7741  
simultaneous operation, finds that the following sections, 7742

presented in this act as composites of the sections as amended 7743  
by the acts indicated, are the resulting versions of the 7744  
sections in effect prior to the effective date of the sections 7745  
as presented in this act: 7746

Section 2925.02 of the Revised Code as amended by both 7747  
S.B. 1 and S.B. 201 of the 132nd General Assembly. 7748

Section 2925.11 of the Revised Code as amended by S.B. 1, 7749  
S.B. 201, and S.B. 229, all of the 132nd General Assembly. 7750

Section 3701.74 of the Revised Code as amended by both 7751  
H.B. 232 and H.B. 483 of the 130th General Assembly. 7752

Section 3719.121 of the Revised Code as amended by both 7753  
H.B. 216 and S.B. 319 of the 131st General Assembly. 7754