

As Reported by the House Criminal Justice Committee

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Sub. S. B. No. 25

Senator Gavarone

Cosponsors: Senators Manning, Fedor, Blessing, Cirino, Dolan, Hackett, Hottinger, Johnson, Reineke, Romanchuk, Rulli, Schaffer, Schuring, Thomas, Wilson, Yuko Representative Schmidt

A BILL

To amend sections 2925.01 and 2925.03 and to enact 1
section 5.248 of the Revised Code to enhance 2
penalties for certain drug trafficking offenses 3
committed in the vicinity of a substance 4
addiction services provider or a recovering 5
addict, to designate April as "Sexual Assault 6
Prevention Awareness Month," and to name the 7
act's provisions the Relapse Reduction Act. 8

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

Section 1. That sections 2925.01 and 2925.03 be amended 9
and section 5.248 of the Revised Code be enacted to read as 10
follows: 11

Sec. 5.248. The month of April is designated as "Sexual 12
Assault Prevention Awareness Month" to increase public awareness 13
about preventing sexual assault. 14

Sec. 2925.01. As used in this chapter: 15

(A) "Administer," "controlled substance," "controlled 16

substance analog," "dispense," "distribute," "hypodermic," 17
"manufacturer," "official written order," "person," 18
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 19
"schedule III," "schedule IV," "schedule V," and "wholesaler" 20
have the same meanings as in section 3719.01 of the Revised 21
Code. 22

(B) "Drug dependent person" and "drug of abuse" have the 23
same meanings as in section 3719.011 of the Revised Code. 24

(C) "Drug," "dangerous drug," "licensed health 25
professional authorized to prescribe drugs," and "prescription" 26
have the same meanings as in section 4729.01 of the Revised 27
Code. 28

(D) "Bulk amount" of a controlled substance means any of 29
the following: 30

(1) For any compound, mixture, preparation, or substance 31
included in schedule I, schedule II, or schedule III, with the 32
exception of any controlled substance analog, marihuana, 33
cocaine, L.S.D., heroin, any fentanyl-related compound, and 34
hashish and except as provided in division (D) (2), (5), or (6) 35
of this section, whichever of the following is applicable: 36

(a) An amount equal to or exceeding ten grams or twenty- 37
five unit doses of a compound, mixture, preparation, or 38
substance that is or contains any amount of a schedule I opiate 39
or opium derivative; 40

(b) An amount equal to or exceeding ten grams of a 41
compound, mixture, preparation, or substance that is or contains 42
any amount of raw or gum opium; 43

(c) An amount equal to or exceeding thirty grams or ten 44
unit doses of a compound, mixture, preparation, or substance 45

that is or contains any amount of a schedule I hallucinogen 46
other than tetrahydrocannabinol or lysergic acid amide, or a 47
schedule I stimulant or depressant; 48

(d) An amount equal to or exceeding twenty grams or five 49
times the maximum daily dose in the usual dose range specified 50
in a standard pharmaceutical reference manual of a compound, 51
mixture, preparation, or substance that is or contains any 52
amount of a schedule II opiate or opium derivative; 53

(e) An amount equal to or exceeding five grams or ten unit 54
doses of a compound, mixture, preparation, or substance that is 55
or contains any amount of phencyclidine; 56

(f) An amount equal to or exceeding one hundred twenty 57
grams or thirty times the maximum daily dose in the usual dose 58
range specified in a standard pharmaceutical reference manual of 59
a compound, mixture, preparation, or substance that is or 60
contains any amount of a schedule II stimulant that is in a 61
final dosage form manufactured by a person authorized by the 62
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 63
U.S.C.A. 301, as amended, and the federal drug abuse control 64
laws, as defined in section 3719.01 of the Revised Code, that is 65
or contains any amount of a schedule II depressant substance or 66
a schedule II hallucinogenic substance; 67

(g) An amount equal to or exceeding three grams of a 68
compound, mixture, preparation, or substance that is or contains 69
any amount of a schedule II stimulant, or any of its salts or 70
isomers, that is not in a final dosage form manufactured by a 71
person authorized by the Federal Food, Drug, and Cosmetic Act 72
and the federal drug abuse control laws. 73

(2) An amount equal to or exceeding one hundred twenty 74

grams or thirty times the maximum daily dose in the usual dose 75
range specified in a standard pharmaceutical reference manual of 76
a compound, mixture, preparation, or substance that is or 77
contains any amount of a schedule III or IV substance other than 78
an anabolic steroid or a schedule III opiate or opium 79
derivative; 80

(3) An amount equal to or exceeding twenty grams or five 81
times the maximum daily dose in the usual dose range specified 82
in a standard pharmaceutical reference manual of a compound, 83
mixture, preparation, or substance that is or contains any 84
amount of a schedule III opiate or opium derivative; 85

(4) An amount equal to or exceeding two hundred fifty 86
milliliters or two hundred fifty grams of a compound, mixture, 87
preparation, or substance that is or contains any amount of a 88
schedule V substance; 89

(5) An amount equal to or exceeding two hundred solid 90
dosage units, sixteen grams, or sixteen milliliters of a 91
compound, mixture, preparation, or substance that is or contains 92
any amount of a schedule III anabolic steroid; 93

(6) For any compound, mixture, preparation, or substance 94
that is a combination of a fentanyl-related compound and any 95
other compound, mixture, preparation, or substance included in 96
schedule III, schedule IV, or schedule V, if the defendant is 97
charged with a violation of section 2925.11 of the Revised Code 98
and the sentencing provisions set forth in divisions (C)(10)(b) 99
and (C)(11) of that section will not apply regarding the 100
defendant and the violation, the bulk amount of the controlled 101
substance for purposes of the violation is the amount specified 102
in division (D)(1), (2), (3), (4), or (5) of this section for 103
the other schedule III, IV, or V controlled substance that is 104

combined with the fentanyl-related compound. 105

(E) "Unit dose" means an amount or unit of a compound, 106
mixture, or preparation containing a controlled substance that 107
is separately identifiable and in a form that indicates that it 108
is the amount or unit by which the controlled substance is 109
separately administered to or taken by an individual. 110

(F) "Cultivate" includes planting, watering, fertilizing, 111
or tilling. 112

(G) "Drug abuse offense" means any of the following: 113

(1) A violation of division (A) of section 2913.02 that 114
constitutes theft of drugs, or a violation of section 2925.02, 115
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 116
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 117
or 2925.37 of the Revised Code; 118

(2) A violation of an existing or former law of this or 119
any other state or of the United States that is substantially 120
equivalent to any section listed in division (G)(1) of this 121
section; 122

(3) An offense under an existing or former law of this or 123
any other state, or of the United States, of which planting, 124
cultivating, harvesting, processing, making, manufacturing, 125
producing, shipping, transporting, delivering, acquiring, 126
possessing, storing, distributing, dispensing, selling, inducing 127
another to use, administering to another, using, or otherwise 128
dealing with a controlled substance is an element; 129

(4) A conspiracy to commit, attempt to commit, or 130
complicity in committing or attempting to commit any offense 131
under division (G)(1), (2), or (3) of this section. 132

(H) "Felony drug abuse offense" means any drug abuse	133
offense that would constitute a felony under the laws of this	134
state, any other state, or the United States.	135
(I) "Harmful intoxicant" does not include beer or	136
intoxicating liquor but means any of the following:	137
(1) Any compound, mixture, preparation, or substance the	138
gas, fumes, or vapor of which when inhaled can induce	139
intoxication, excitement, giddiness, irrational behavior,	140
depression, stupefaction, paralysis, unconsciousness,	141
asphyxiation, or other harmful physiological effects, and	142
includes, but is not limited to, any of the following:	143
(a) Any volatile organic solvent, plastic cement, model	144
cement, fingernail polish remover, lacquer thinner, cleaning	145
fluid, gasoline, or other preparation containing a volatile	146
organic solvent;	147
(b) Any aerosol propellant;	148
(c) Any fluorocarbon refrigerant;	149
(d) Any anesthetic gas.	150
(2) Gamma Butyrolactone;	151
(3) 1,4 Butanediol.	152
(J) "Manufacture" means to plant, cultivate, harvest,	153
process, make, prepare, or otherwise engage in any part of the	154
production of a drug, by propagation, extraction, chemical	155
synthesis, or compounding, or any combination of the same, and	156
includes packaging, repackaging, labeling, and other activities	157
incident to production.	158
(K) "Possess" or "possession" means having control over a	159

thing or substance, but may not be inferred solely from mere 160
access to the thing or substance through ownership or occupation 161
of the premises upon which the thing or substance is found. 162

(L) "Sample drug" means a drug or pharmaceutical 163
preparation that would be hazardous to health or safety if used 164
without the supervision of a licensed health professional 165
authorized to prescribe drugs, or a drug of abuse, and that, at 166
one time, had been placed in a container plainly marked as a 167
sample by a manufacturer. 168

(M) "Standard pharmaceutical reference manual" means the 169
current edition, with cumulative changes if any, of references 170
that are approved by the state board of pharmacy. 171

(N) "Juvenile" means a person under eighteen years of age. 172

(O) "Counterfeit controlled substance" means any of the 173
following: 174

(1) Any drug that bears, or whose container or label 175
bears, a trademark, trade name, or other identifying mark used 176
without authorization of the owner of rights to that trademark, 177
trade name, or identifying mark; 178

(2) Any unmarked or unlabeled substance that is 179
represented to be a controlled substance manufactured, 180
processed, packed, or distributed by a person other than the 181
person that manufactured, processed, packed, or distributed it; 182

(3) Any substance that is represented to be a controlled 183
substance but is not a controlled substance or is a different 184
controlled substance; 185

(4) Any substance other than a controlled substance that a 186
reasonable person would believe to be a controlled substance 187

because of its similarity in shape, size, and color, or its 188
markings, labeling, packaging, distribution, or the price for 189
which it is sold or offered for sale. 190

(P) An offense is "committed in the vicinity of a school" 191
if the offender commits the offense on school premises, in a 192
school building, or within one thousand feet of the boundaries 193
of any school premises, regardless of whether the offender knows 194
the offense is being committed on school premises, in a school 195
building, or within one thousand feet of the boundaries of any 196
school premises. 197

(Q) "School" means any school operated by a board of 198
education, any community school established under Chapter 3314. 199
of the Revised Code, or any nonpublic school for which the state 200
board of education prescribes minimum standards under section 201
3301.07 of the Revised Code, whether or not any instruction, 202
extracurricular activities, or training provided by the school 203
is being conducted at the time a criminal offense is committed. 204

(R) "School premises" means either of the following: 205

(1) The parcel of real property on which any school is 206
situated, whether or not any instruction, extracurricular 207
activities, or training provided by the school is being 208
conducted on the premises at the time a criminal offense is 209
committed; 210

(2) Any other parcel of real property that is owned or 211
leased by a board of education of a school, the governing 212
authority of a community school established under Chapter 3314. 213
of the Revised Code, or the governing body of a nonpublic school 214
for which the state board of education prescribes minimum 215
standards under section 3301.07 of the Revised Code and on which 216

some of the instruction, extracurricular activities, or training 217
of the school is conducted, whether or not any instruction, 218
extracurricular activities, or training provided by the school 219
is being conducted on the parcel of real property at the time a 220
criminal offense is committed. 221

(S) "School building" means any building in which any of 222
the instruction, extracurricular activities, or training 223
provided by a school is conducted, whether or not any 224
instruction, extracurricular activities, or training provided by 225
the school is being conducted in the school building at the time 226
a criminal offense is committed. 227

(T) "Disciplinary counsel" means the disciplinary counsel 228
appointed by the board of commissioners on grievances and 229
discipline of the supreme court under the Rules for the 230
Government of the Bar of Ohio. 231

(U) "Certified grievance committee" means a duly 232
constituted and organized committee of the Ohio state bar 233
association or of one or more local bar associations of the 234
state of Ohio that complies with the criteria set forth in Rule 235
V, section 6 of the Rules for the Government of the Bar of Ohio. 236

(V) "Professional license" means any license, permit, 237
certificate, registration, qualification, admission, temporary 238
license, temporary permit, temporary certificate, or temporary 239
registration that is described in divisions (W) (1) to (37) of 240
this section and that qualifies a person as a professionally 241
licensed person. 242

(W) "Professionally licensed person" means any of the 243
following: 244

(1) A person who has received a certificate or temporary 245

certificate as a certified public accountant or who has	246
registered as a public accountant under Chapter 4701. of the	247
Revised Code and who holds an Ohio permit issued under that	248
chapter;	249
(2) A person who holds a certificate of qualification to	250
practice architecture issued or renewed and registered under	251
Chapter 4703. of the Revised Code;	252
(3) A person who is registered as a landscape architect	253
under Chapter 4703. of the Revised Code or who holds a permit as	254
a landscape architect issued under that chapter;	255
(4) A person licensed under Chapter 4707. of the Revised	256
Code;	257
(5) A person who has been issued a certificate of	258
registration as a registered barber under Chapter 4709. of the	259
Revised Code;	260
(6) A person licensed and regulated to engage in the	261
business of a debt pooling company by a legislative authority,	262
under authority of Chapter 4710. of the Revised Code;	263
(7) A person who has been issued a cosmetologist's	264
license, hair designer's license, manicurist's license,	265
esthetician's license, natural hair stylist's license, advanced	266
cosmetologist's license, advanced hair designer's license,	267
advanced manicurist's license, advanced esthetician's license,	268
advanced natural hair stylist's license, cosmetology	269
instructor's license, hair design instructor's license,	270
manicurist instructor's license, esthetics instructor's license,	271
natural hair style instructor's license, independent	272
contractor's license, or tanning facility permit under Chapter	273
4713. of the Revised Code;	274

(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	275 276 277 278 279
(9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;	280 281 282 283 284
(10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	285 286 287 288
(11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	289 290 291
(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	292 293
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	294 295
(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;	296 297 298 299
(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	300 301 302 303

distributor of dangerous drugs;	304
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	305 306
(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;	307 308 309 310 311
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	312 313
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	314 315 316
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	317 318
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	319 320
(22) A person registered as a registered environmental health specialist under Chapter 4736. of the Revised Code;	321 322
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	323 324
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	325 326
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	327 328
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches,	329 330

or who is registered as a graduate animal technician under	331
Chapter 4741. of the Revised Code;	332
(27) A person who has been issued a hearing aid dealer's	333
or fitter's license or trainee permit under Chapter 4747. of the	334
Revised Code;	335
(28) A person who has been issued a class A, class B, or	336
class C license or who has been registered as an investigator or	337
security guard employee under Chapter 4749. of the Revised Code;	338
(29) A person licensed to practice as a nursing home	339
administrator under Chapter 4751. of the Revised Code;	340
(30) A person licensed to practice as a speech-language	341
pathologist or audiologist under Chapter 4753. of the Revised	342
Code;	343
(31) A person issued a license as an occupational	344
therapist or physical therapist under Chapter 4755. of the	345
Revised Code;	346
(32) A person who is licensed as a licensed professional	347
clinical counselor, licensed professional counselor, social	348
worker, independent social worker, independent marriage and	349
family therapist, or marriage and family therapist, or	350
registered as a social work assistant under Chapter 4757. of the	351
Revised Code;	352
(33) A person issued a license to practice dietetics under	353
Chapter 4759. of the Revised Code;	354
(34) A person who has been issued a license or limited	355
permit to practice respiratory therapy under Chapter 4761. of	356
the Revised Code;	357
(35) A person who has been issued a real estate appraiser	358

certificate under Chapter 4763. of the Revised Code;	359
(36) A person who has been issued a home inspector license	360
under Chapter 4764. of the Revised Code;	361
(37) A person who has been admitted to the bar by order of	362
the supreme court in compliance with its prescribed and	363
published rules.	364
(X) "Cocaine" means any of the following:	365
(1) A cocaine salt, isomer, or derivative, a salt of a	366
cocaine isomer or derivative, or the base form of cocaine;	367
(2) Coca leaves or a salt, compound, derivative, or	368
preparation of coca leaves, including ecgonine, a salt, isomer,	369
or derivative of ecgonine, or a salt of an isomer or derivative	370
of ecgonine;	371
(3) A salt, compound, derivative, or preparation of a	372
substance identified in division (X)(1) or (2) of this section	373
that is chemically equivalent to or identical with any of those	374
substances, except that the substances shall not include	375
decocainized coca leaves or extraction of coca leaves if the	376
extractions do not contain cocaine or ecgonine.	377
(Y) "L.S.D." means lysergic acid diethylamide.	378
(Z) "Hashish" means a resin or a preparation of a resin to	379
which both of the following apply:	380
(1) It is contained in or derived from any part of the	381
plant of the genus cannabis, whether in solid form or in a	382
liquid concentrate, liquid extract, or liquid distillate form.	383
(2) It has a delta-9 tetrahydrocannabinol concentration of	384
more than three-tenths per cent.	385

"Hashish" does not include a hemp byproduct in the 386
possession of a licensed hemp processor under Chapter 928. of 387
the Revised Code, provided that the hemp byproduct is being 388
produced, stored, and disposed of in accordance with rules 389
adopted under section 928.03 of the Revised Code. 390

(AA) "Marihuana" has the same meaning as in section 391
3719.01 of the Revised Code, except that it does not include 392
hashish. 393

(BB) An offense is "committed in the vicinity of a 394
juvenile" if the offender commits the offense within one hundred 395
feet of a juvenile or within the view of a juvenile, regardless 396
of whether the offender knows the age of the juvenile, whether 397
the offender knows the offense is being committed within one 398
hundred feet of or within view of the juvenile, or whether the 399
juvenile actually views the commission of the offense. 400

(CC) "Presumption for a prison term" or "presumption that 401
a prison term shall be imposed" means a presumption, as 402
described in division (D) of section 2929.13 of the Revised 403
Code, that a prison term is a necessary sanction for a felony in 404
order to comply with the purposes and principles of sentencing 405
under section 2929.11 of the Revised Code. 406

(DD) "Major drug offender" has the same meaning as in 407
section 2929.01 of the Revised Code. 408

(EE) "Minor drug possession offense" means either of the 409
following: 410

(1) A violation of section 2925.11 of the Revised Code as 411
it existed prior to July 1, 1996; 412

(2) A violation of section 2925.11 of the Revised Code as 413
it exists on and after July 1, 1996, that is a misdemeanor or a 414

felony of the fifth degree.	415
(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	416 417
(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	418 419
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	420 421 422
(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.	423 424 425 426 427
(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.	428 429
(KK) "Fentanyl-related compound" means any of the following:	430 431
(1) Fentanyl;	432
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	433 434 435
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	436 437
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);	438 439
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-	440 441

phenylpropanamide);	442
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);	443
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(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	445
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(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide);	447
	448
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);	449
	450
(10) Alfentanil;	451
(11) Carfentanil;	452
(12) Remifentanil;	453
(13) Sufentanil;	454
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and	455
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(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:	457
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(a) A chemical scaffold consisting of both of the following:	464
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(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;	466
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(ii) An attached nitrogen to the ring, whether or not that 468
nitrogen is enclosed in a ring structure, including an attached 469
aromatic ring or other lipophilic group to that nitrogen. 470

(b) A polar functional group attached to the chemical 471
scaffold, including but not limited to a hydroxyl, ketone, 472
amide, or ester; 473

(c) An alkyl or aryl substitution off the ring nitrogen of 474
the chemical scaffold; and 475

(d) The compound has not been approved for medical use by 476
the United States food and drug administration. 477

(LL) "First degree felony mandatory prison term" means one 478
of the definite prison terms prescribed in division (A) (1) (b) of 479
section 2929.14 of the Revised Code for a felony of the first 480
degree, except that if the violation for which sentence is being 481
imposed is committed on or after March 22, 2019, it means one of 482
the minimum prison terms prescribed in division (A) (1) (a) of 483
that section for a felony of the first degree. 484

(MM) "Second degree felony mandatory prison term" means 485
one of the definite prison terms prescribed in division (A) (2) 486
(b) of section 2929.14 of the Revised Code for a felony of the 487
second degree, except that if the violation for which sentence 488
is being imposed is committed on or after March 22, 2019, it 489
means one of the minimum prison terms prescribed in division (A) 490
(2) (a) of that section for a felony of the second degree. 491

(NN) "Maximum first degree felony mandatory prison term" 492
means the maximum definite prison term prescribed in division 493
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 494
the first degree, except that if the violation for which 495
sentence is being imposed is committed on or after March 22, 496

2019, it means the longest minimum prison term prescribed in 497
division (A) (1) (a) of that section for a felony of the first 498
degree. 499

(OO) "Maximum second degree felony mandatory prison term" 500
means the maximum definite prison term prescribed in division 501
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 502
the second degree, except that if the violation for which 503
sentence is being imposed is committed on or after March 22, 504
2019, it means the longest minimum prison term prescribed in 505
division (A) (2) (a) of that section for a felony of the second 506
degree. 507

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 508
as in section 928.01 of the Revised Code. 509

(QQ) An offense is "committed in the vicinity of a 510
substance addiction services provider or a recovering addict" if 511
either of the following apply: 512

(1) The offender commits the offense on the premises of a 513
substance addiction services provider's facility, including a 514
facility licensed prior to June 29, 2019, under section 5119.391 515
of the Revised Code to provide methadone treatment or an opioid 516
treatment program licensed on or after that date under section 517
5119.37 of the Revised Code, or within five hundred feet of the 518
premises of a substance addiction services provider's facility 519
and the offender knows or should know that the offense is being 520
committed within the vicinity of the substance addiction 521
services provider's facility. 522

(2) The offender sells, offers to sell, delivers, or 523
distributes the controlled substance or controlled substance 524
analog to a person who is receiving treatment at the time of the 525

commission of the offense, or received treatment within thirty 526
days prior to the commission of the offense, from a substance 527
addiction services provider and the offender knows that the 528
person is receiving or received that treatment. 529

(RR) "Substance addiction services provider" means an 530
agency, association, corporation or other legal entity, 531
individual, or program that provides one or more of the 532
following at a facility: 533

(1) Either alcohol addiction services, or drug addiction 534
services, or both such services that are certified by the 535
director of mental health and addiction services under section 536
5119.36 of the Revised Code; 537

(2) Recovery supports that are related to either alcohol 538
addiction services, or drug addiction services, or both such 539
services and paid for with federal, state, or local funds 540
administered by the department of mental health and addiction 541
services or a board of alcohol, drug addiction, and mental 542
health services. 543

(SS) "Premises of a substance addiction services 544
provider's facility" means the parcel of real property on which 545
any substance addiction service provider's facility is situated. 546

(TT) "Alcohol and drug addiction services" has the same 547
meaning as in section 5119.01 of the Revised Code. 548

Sec. 2925.03. (A) No person shall knowingly do any of the 549
following: 550

(1) Sell or offer to sell a controlled substance or a 551
controlled substance analog; 552

(2) Prepare for shipment, ship, transport, deliver, 553

prepare for distribution, or distribute a controlled substance 554
or a controlled substance analog, when the offender knows or has 555
reasonable cause to believe that the controlled substance or a 556
controlled substance analog is intended for sale or resale by 557
the offender or another person. 558

(B) This section does not apply to any of the following: 559

(1) Manufacturers, licensed health professionals 560
authorized to prescribe drugs, pharmacists, owners of 561
pharmacies, and other persons whose conduct is in accordance 562
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 563
4741. of the Revised Code; 564

(2) If the offense involves an anabolic steroid, any 565
person who is conducting or participating in a research project 566
involving the use of an anabolic steroid if the project has been 567
approved by the United States food and drug administration; 568

(3) Any person who sells, offers for sale, prescribes, 569
dispenses, or administers for livestock or other nonhuman 570
species an anabolic steroid that is expressly intended for 571
administration through implants to livestock or other nonhuman 572
species and approved for that purpose under the "Federal Food, 573
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 574
as amended, and is sold, offered for sale, prescribed, 575
dispensed, or administered for that purpose in accordance with 576
that act. 577

(C) Whoever violates division (A) of this section is 578
guilty of one of the following: 579

(1) If the drug involved in the violation is any compound, 580
mixture, preparation, or substance included in schedule I or 581
schedule II, with the exception of marihuana, cocaine, L.S.D., 582

heroin, any fentanyl-related compound, hashish, and any 583
controlled substance analog, whoever violates division (A) of 584
this section is guilty of aggravated trafficking in drugs. The 585
penalty for the offense shall be determined as follows: 586

(a) Except as otherwise provided in division (C) (1) (b), 587
(c), (d), (e), or (f) of this section, aggravated trafficking in 588
drugs is a felony of the fourth degree, and division (C) of 589
section 2929.13 of the Revised Code applies in determining 590
whether to impose a prison term on the offender. 591

(b) Except as otherwise provided in division (C) (1) (c), 592
(d), (e), or (f) of this section, if the offense was committed 593
in the vicinity of a school ~~or~~, in the vicinity of a juvenile, 594
or in the vicinity of a substance addiction services provider or 595
a recovering addict, aggravated trafficking in drugs is a felony 596
of the third degree, and division (C) of section 2929.13 of the 597
Revised Code applies in determining whether to impose a prison 598
term on the offender. 599

(c) Except as otherwise provided in this division, if the 600
amount of the drug involved equals or exceeds the bulk amount 601
but is less than five times the bulk amount, aggravated 602
trafficking in drugs is a felony of the third degree, and, 603
except as otherwise provided in this division, there is a 604
presumption for a prison term for the offense. If aggravated 605
trafficking in drugs is a felony of the third degree under this 606
division and if the offender two or more times previously has 607
been convicted of or pleaded guilty to a felony drug abuse 608
offense, the court shall impose as a mandatory prison term one 609
of the prison terms prescribed for a felony of the third degree. 610
If the amount of the drug involved is within that range and if 611
the offense was committed in the vicinity of a school ~~or~~, in the 612

vicinity of a juvenile, or in the vicinity of a substance 613
addiction services provider or a recovering addict, aggravated 614
trafficking in drugs is a felony of the second degree, and the 615
court shall impose as a mandatory prison term a second degree 616
felony mandatory prison term. 617

(d) Except as otherwise provided in this division, if the 618
amount of the drug involved equals or exceeds five times the 619
bulk amount but is less than fifty times the bulk amount, 620
aggravated trafficking in drugs is a felony of the second 621
degree, and the court shall impose as a mandatory prison term a 622
second degree felony mandatory prison term. If the amount of the 623
drug involved is within that range and if the offense was 624
committed in the vicinity of a school ~~or,~~ in the vicinity of a 625
juvenile, or in the vicinity of a substance addiction services 626
provider or a recovering addict, aggravated trafficking in drugs 627
is a felony of the first degree, and the court shall impose as a 628
mandatory prison term a first degree felony mandatory prison 629
term. 630

(e) If the amount of the drug involved equals or exceeds 631
fifty times the bulk amount but is less than one hundred times 632
the bulk amount and regardless of whether the offense was 633
committed in the vicinity of a school ~~or,~~ in the vicinity of a 634
juvenile, or in the vicinity of a substance addiction services 635
provider or a recovering addict, aggravated trafficking in drugs 636
is a felony of the first degree, and the court shall impose as a 637
mandatory prison term a first degree felony mandatory prison 638
term. 639

(f) If the amount of the drug involved equals or exceeds 640
one hundred times the bulk amount and regardless of whether the 641
offense was committed in the vicinity of a school ~~or,~~ in the 642

vicinity of a juvenile, or in the vicinity of a substance 643
addiction services provider or a recovering addict, aggravated 644
trafficking in drugs is a felony of the first degree, the 645
offender is a major drug offender, and the court shall impose as 646
a mandatory prison term a maximum first degree felony mandatory 647
prison term. 648

(2) If the drug involved in the violation is any compound, 649
mixture, preparation, or substance included in schedule III, IV, 650
or V, whoever violates division (A) of this section is guilty of 651
trafficking in drugs. The penalty for the offense shall be 652
determined as follows: 653

(a) Except as otherwise provided in division (C) (2) (b), 654
(c), (d), or (e) of this section, trafficking in drugs is a 655
felony of the fifth degree, and division (B) of section 2929.13 656
of the Revised Code applies in determining whether to impose a 657
prison term on the offender. 658

(b) Except as otherwise provided in division (C) (2) (c), 659
(d), or (e) of this section, if the offense was committed in the 660
vicinity of a school or in the vicinity of a juvenile, 661
trafficking in drugs is a felony of the fourth degree, and 662
division (C) of section 2929.13 of the Revised Code applies in 663
determining whether to impose a prison term on the offender. 664

(c) Except as otherwise provided in this division, if the 665
amount of the drug involved equals or exceeds the bulk amount 666
but is less than five times the bulk amount, trafficking in 667
drugs is a felony of the fourth degree, and division (B) of 668
section 2929.13 of the Revised Code applies in determining 669
whether to impose a prison term for the offense. If the amount 670
of the drug involved is within that range and if the offense was 671
committed in the vicinity of a school or in the vicinity of a 672

juvenile, trafficking in drugs is a felony of the third degree, 673
and there is a presumption for a prison term for the offense. 674

(d) Except as otherwise provided in this division, if the 675
amount of the drug involved equals or exceeds five times the 676
bulk amount but is less than fifty times the bulk amount, 677
trafficking in drugs is a felony of the third degree, and there 678
is a presumption for a prison term for the offense. If the 679
amount of the drug involved is within that range and if the 680
offense was committed in the vicinity of a school or in the 681
vicinity of a juvenile, trafficking in drugs is a felony of the 682
second degree, and there is a presumption for a prison term for 683
the offense. 684

(e) Except as otherwise provided in this division, if the 685
amount of the drug involved equals or exceeds fifty times the 686
bulk amount, trafficking in drugs is a felony of the second 687
degree, and the court shall impose as a mandatory prison term a 688
second degree felony mandatory prison term. If the amount of the 689
drug involved equals or exceeds fifty times the bulk amount and 690
if the offense was committed in the vicinity of a school or in 691
the vicinity of a juvenile, trafficking in drugs is a felony of 692
the first degree, and the court shall impose as a mandatory 693
prison term a first degree felony mandatory prison term. 694

(3) If the drug involved in the violation is marihuana or 695
a compound, mixture, preparation, or substance containing 696
marihuana other than hashish, whoever violates division (A) of 697
this section is guilty of trafficking in marihuana. The penalty 698
for the offense shall be determined as follows: 699

(a) Except as otherwise provided in division (C) (3) (b), 700
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 701
marihuana is a felony of the fifth degree, and division (B) of 702

section 2929.13 of the Revised Code applies in determining 703
whether to impose a prison term on the offender. 704

(b) Except as otherwise provided in division (C) (3) (c), 705
(d), (e), (f), (g), or (h) of this section, if the offense was 706
committed in the vicinity of a school or in the vicinity of a 707
juvenile, trafficking in marihuana is a felony of the fourth 708
degree, and division (B) of section 2929.13 of the Revised Code 709
applies in determining whether to impose a prison term on the 710
offender. 711

(c) Except as otherwise provided in this division, if the 712
amount of the drug involved equals or exceeds two hundred grams 713
but is less than one thousand grams, trafficking in marihuana is 714
a felony of the fourth degree, and division (B) of section 715
2929.13 of the Revised Code applies in determining whether to 716
impose a prison term on the offender. If the amount of the drug 717
involved is within that range and if the offense was committed 718
in the vicinity of a school or in the vicinity of a juvenile, 719
trafficking in marihuana is a felony of the third degree, and 720
division (C) of section 2929.13 of the Revised Code applies in 721
determining whether to impose a prison term on the offender. 722

(d) Except as otherwise provided in this division, if the 723
amount of the drug involved equals or exceeds one thousand grams 724
but is less than five thousand grams, trafficking in marihuana 725
is a felony of the third degree, and division (C) of section 726
2929.13 of the Revised Code applies in determining whether to 727
impose a prison term on the offender. If the amount of the drug 728
involved is within that range and if the offense was committed 729
in the vicinity of a school or in the vicinity of a juvenile, 730
trafficking in marihuana is a felony of the second degree, and 731
there is a presumption that a prison term shall be imposed for 732

the offense. 733

(e) Except as otherwise provided in this division, if the 734
amount of the drug involved equals or exceeds five thousand 735
grams but is less than twenty thousand grams, trafficking in 736
marihuana is a felony of the third degree, and there is a 737
presumption that a prison term shall be imposed for the offense. 738
If the amount of the drug involved is within that range and if 739
the offense was committed in the vicinity of a school or in the 740
vicinity of a juvenile, trafficking in marihuana is a felony of 741
the second degree, and there is a presumption that a prison term 742
shall be imposed for the offense. 743

(f) Except as otherwise provided in this division, if the 744
amount of the drug involved equals or exceeds twenty thousand 745
grams but is less than forty thousand grams, trafficking in 746
marihuana is a felony of the second degree, and the court shall 747
impose as a mandatory prison term a second degree felony 748
mandatory prison term of five, six, seven, or eight years. If 749
the amount of the drug involved is within that range and if the 750
offense was committed in the vicinity of a school or in the 751
vicinity of a juvenile, trafficking in marihuana is a felony of 752
the first degree, and the court shall impose as a mandatory 753
prison term a maximum first degree felony mandatory prison term. 754

(g) Except as otherwise provided in this division, if the 755
amount of the drug involved equals or exceeds forty thousand 756
grams, trafficking in marihuana is a felony of the second 757
degree, and the court shall impose as a mandatory prison term a 758
maximum second degree felony mandatory prison term. If the 759
amount of the drug involved equals or exceeds forty thousand 760
grams and if the offense was committed in the vicinity of a 761
school or in the vicinity of a juvenile, trafficking in 762

marihuana is a felony of the first degree, and the court shall 763
impose as a mandatory prison term a maximum first degree felony 764
mandatory prison term. 765

(h) Except as otherwise provided in this division, if the 766
offense involves a gift of twenty grams or less of marihuana, 767
trafficking in marihuana is a minor misdemeanor upon a first 768
offense and a misdemeanor of the third degree upon a subsequent 769
offense. If the offense involves a gift of twenty grams or less 770
of marihuana and if the offense was committed in the vicinity of 771
a school or in the vicinity of a juvenile, trafficking in 772
marihuana is a misdemeanor of the third degree. 773

(4) If the drug involved in the violation is cocaine or a 774
compound, mixture, preparation, or substance containing cocaine, 775
whoever violates division (A) of this section is guilty of 776
trafficking in cocaine. The penalty for the offense shall be 777
determined as follows: 778

(a) Except as otherwise provided in division (C) (4) (b), 779
(c), (d), (e), (f), or (g) of this section, trafficking in 780
cocaine is a felony of the fifth degree, and division (B) of 781
section 2929.13 of the Revised Code applies in determining 782
whether to impose a prison term on the offender. 783

(b) Except as otherwise provided in division (C) (4) (c), 784
(d), (e), (f), or (g) of this section, if the offense was 785
committed in the vicinity of a school ~~or~~, in the vicinity of a 786
juvenile, or in the vicinity of a substance addiction services 787
provider or a recovering addict, trafficking in cocaine is a 788
felony of the fourth degree, and division (C) of section 2929.13 789
of the Revised Code applies in determining whether to impose a 790
prison term on the offender. 791

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

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than twenty grams of cocaine, trafficking in cocaine 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 cocaine is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school ~~or,~~ in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, 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.

(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 823
cocaine is a felony of the second degree, and the court shall 824
impose as a mandatory prison term a second degree felony 825
mandatory prison term. If the amount of the drug involved is 826
within that range and if the offense was committed in the 827
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 828
the vicinity of a substance addiction services provider or a 829
recovering addict, trafficking in cocaine is a felony of the 830
first degree, and the court shall impose as a mandatory prison 831
term a first degree felony mandatory prison term. 832

(f) If the amount of the drug involved equals or exceeds 833
twenty-seven grams but is less than one hundred grams of cocaine 834
and regardless of whether the offense was committed in the 835
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 836
the vicinity of a substance addiction services provider or a 837
recovering addict, trafficking in cocaine is a felony of the 838
first degree, and the court shall impose as a mandatory prison 839
term a first degree felony mandatory prison term. 840

(g) If the amount of the drug involved equals or exceeds 841
one hundred grams of cocaine and regardless of whether the 842
offense was committed in the vicinity of a school ~~or~~, in the 843
vicinity of a juvenile, or in the vicinity of a substance 844
addiction services provider or a recovering addict, trafficking 845
in cocaine is a felony of the first degree, the offender is a 846
major drug offender, and the court shall impose as a mandatory 847
prison term a maximum first degree felony mandatory prison term. 848

(5) If the drug involved in the violation is L.S.D. or a 849
compound, mixture, preparation, or substance containing L.S.D., 850
whoever violates division (A) of this section is guilty of 851
trafficking in L.S.D. The penalty for the offense shall be 852

determined as follows: 853

(a) Except as otherwise provided in division (C) (5) (b), 854
(c), (d), (e), (f), or (g) of this section, trafficking in 855
L.S.D. is a felony of the fifth degree, and division (B) of 856
section 2929.13 of the Revised Code applies in determining 857
whether to impose a prison term on the offender. 858

(b) Except as otherwise provided in division (C) (5) (c), 859
(d), (e), (f), or (g) of this section, if the offense was 860
committed in the vicinity of a school ~~or~~, in the vicinity of a 861
juvenile, or in the vicinity of a substance addiction services 862
provider or a recovering addict, trafficking in L.S.D. is a 863
felony of the fourth degree, and division (C) of section 2929.13 864
of the Revised Code applies in determining whether to impose a 865
prison term on the offender. 866

(c) Except as otherwise provided in this division, if the 867
amount of the drug involved equals or exceeds ten unit doses but 868
is less than fifty unit doses of L.S.D. in a solid form or 869
equals or exceeds one gram but is less than five grams of L.S.D. 870
in a liquid concentrate, liquid extract, or liquid distillate 871
form, trafficking in L.S.D. is a felony of the fourth degree, 872
and division (B) of section 2929.13 of the Revised Code applies 873
in determining whether to impose a prison term for the offense. 874
If the amount of the drug involved is within that range and if 875
the offense was committed in the vicinity of a school ~~or~~, in the 876
vicinity of a juvenile, or in the vicinity of a substance 877
addiction services provider or a recovering addict, trafficking 878
in L.S.D. is a felony of the third degree, and there is a 879
presumption for a prison term for the offense. 880

(d) Except as otherwise provided in this division, if the 881
amount of the drug involved equals or exceeds fifty unit doses 882

but is less than two hundred fifty unit doses of L.S.D. in a 883
solid form or equals or exceeds five grams but is less than 884
twenty-five grams of L.S.D. in a liquid concentrate, liquid 885
extract, or liquid distillate form, trafficking in L.S.D. is a 886
felony of the third degree, and, except as otherwise provided in 887
this division, there is a presumption for a prison term for the 888
offense. If trafficking in L.S.D. is a felony of the third 889
degree under this division and if the offender two or more times 890
previously has been convicted of or pleaded guilty to a felony 891
drug abuse offense, the court shall impose as a mandatory prison 892
term one of the prison terms prescribed for a felony of the 893
third degree. If the amount of the drug involved is within that 894
range and if the offense was committed in the vicinity of a 895
school ~~or,~~ in the vicinity of a juvenile, or in the vicinity of 896
a substance addiction services provider or a recovering addict, 897
trafficking in L.S.D. is a felony of the second degree, and the 898
court shall impose as a mandatory prison term a second degree 899
felony mandatory prison term. 900

(e) Except as otherwise provided in this division, if the 901
amount of the drug involved equals or exceeds two hundred fifty 902
unit doses but is less than one thousand unit doses of L.S.D. in 903
a solid form or equals or exceeds twenty-five grams but is less 904
than one hundred grams of L.S.D. in a liquid concentrate, liquid 905
extract, or liquid distillate form, trafficking in L.S.D. is a 906
felony of the second degree, and the court shall impose as a 907
mandatory prison term a second degree felony mandatory prison 908
term. If the amount of the drug involved is within that range 909
and if the offense was committed in the vicinity of a school ~~or,~~ 910
in the vicinity of a juvenile, or in the vicinity of a substance 911
addiction services provider or a recovering addict, trafficking 912
in L.S.D. is a felony of the first degree, and the court shall 913

impose as a mandatory prison term a first degree felony 914
mandatory prison term. 915

(f) If the amount of the drug involved equals or exceeds 916
one thousand unit doses but is less than five thousand unit 917
doses of L.S.D. in a solid form or equals or exceeds one hundred 918
grams but is less than five hundred grams of L.S.D. in a liquid 919
concentrate, liquid extract, or liquid distillate form and 920
regardless of whether the offense was committed in the vicinity 921
of a school ~~or,~~ in the vicinity of a juvenile, or in the 922
vicinity of a substance addiction services provider or a 923
recovering addict, trafficking in L.S.D. is a felony of the 924
first degree, and the court shall impose as a mandatory prison 925
term a first degree felony mandatory prison term. 926

(g) If the amount of the drug involved equals or exceeds 927
five thousand unit doses of L.S.D. in a solid form or equals or 928
exceeds five hundred grams of L.S.D. in a liquid concentrate, 929
liquid extract, or liquid distillate form and regardless of 930
whether the offense was committed in the vicinity of a school 931
~~or,~~ in the vicinity of a juvenile, or in the vicinity of a 932
substance addiction services provider or a recovering addict, 933
trafficking in L.S.D. is a felony of the first degree, the 934
offender is a major drug offender, and the court shall impose as 935
a mandatory prison term a maximum first degree felony mandatory 936
prison term. 937

(6) If the drug involved in the violation is heroin or a 938
compound, mixture, preparation, or substance containing heroin, 939
whoever violates division (A) of this section is guilty of 940
trafficking in heroin. The penalty for the offense shall be 941
determined as follows: 942

(a) Except as otherwise provided in division (C) (6) (b), 943

(c), (d), (e), (f), or (g) of this section, trafficking in 944
heroin is a felony of the fifth degree, and division (B) of 945
section 2929.13 of the Revised Code applies in determining 946
whether to impose a prison term on the offender. 947

(b) Except as otherwise provided in division (C) (6) (c), 948
(d), (e), (f), or (g) of this section, if the offense was 949
committed in the vicinity of a school ~~or~~, in the vicinity of a 950
juvenile, or in the vicinity of a substance addiction services 951
provider or a recovering addict, trafficking in heroin is a 952
felony of the fourth degree, and division (C) of section 2929.13 953
of the Revised Code applies in determining whether to impose a 954
prison term on the offender. 955

(c) Except as otherwise provided in this division, if the 956
amount of the drug involved equals or exceeds ten unit doses but 957
is less than fifty unit doses or equals or exceeds one gram but 958
is less than five grams, trafficking in heroin is a felony of 959
the fourth degree, and division (B) of section 2929.13 of the 960
Revised Code applies in determining whether to impose a prison 961
term for the offense. If the amount of the drug involved is 962
within that range and if the offense was committed in the 963
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 964
the vicinity of a substance addiction services provider or a 965
recovering addict, trafficking in heroin is a felony of the 966
third degree, and there is a presumption for a prison term for 967
the offense. 968

(d) Except as otherwise provided in this division, if the 969
amount of the drug involved equals or exceeds fifty unit doses 970
but is less than one hundred unit doses or equals or exceeds 971
five grams but is less than ten grams, trafficking in heroin is 972
a felony of the third degree, and there is a presumption for a 973

prison term for the offense. If the amount of the drug involved 974
is within that range and if the offense was committed in the 975
vicinity of a school~~or,~~ in the vicinity of a juvenile, or in 976
the vicinity of a substance addiction services provider or a 977
recovering addict, trafficking in heroin is a felony of the 978
second degree, and there is a presumption for a prison term for 979
the offense. 980

(e) Except as otherwise provided in this division, if the 981
amount of the drug involved equals or exceeds one hundred unit 982
doses but is less than five hundred unit doses or equals or 983
exceeds ten grams but is less than fifty grams, trafficking in 984
heroin is a felony of the second degree, and the court shall 985
impose as a mandatory prison term a second degree felony 986
mandatory prison term. If the amount of the drug involved is 987
within that range and if the offense was committed in the 988
vicinity of a school~~or,~~ in the vicinity of a juvenile, or in 989
the vicinity of a substance addiction services provider or a 990
recovering addict, trafficking in heroin is a felony of the 991
first degree, and the court shall impose as a mandatory prison 992
term a first degree felony mandatory prison term. 993

(f) If the amount of the drug involved equals or exceeds 994
five hundred unit doses but is less than one thousand unit doses 995
or equals or exceeds fifty grams but is less than one hundred 996
grams and regardless of whether the offense was committed in the 997
vicinity of a school~~or,~~ in the vicinity of a juvenile, or in 998
the vicinity of a substance addiction services provider or a 999
recovering addict, trafficking in heroin is a felony of the 1000
first degree, and the court shall impose as a mandatory prison 1001
term a first degree felony mandatory prison term. 1002

(g) If the amount of the drug involved equals or exceeds 1003

one thousand unit doses or equals or exceeds one hundred grams 1004
and regardless of whether the offense was committed in the 1005
vicinity of a school ~~or,~~ in the vicinity of a juvenile, or in 1006
the vicinity of a substance addiction services provider or a 1007
recovering addict, trafficking in heroin is a felony of the 1008
first degree, the offender is a major drug offender, and the 1009
court shall impose as a mandatory prison term a maximum first 1010
degree felony mandatory prison term. 1011

(7) If the drug involved in the violation is hashish or a 1012
compound, mixture, preparation, or substance containing hashish, 1013
whoever violates division (A) of this section is guilty of 1014
trafficking in hashish. The penalty for the offense shall be 1015
determined as follows: 1016

(a) Except as otherwise provided in division (C) (7) (b), 1017
(c), (d), (e), (f), or (g) of this section, trafficking in 1018
hashish is a felony of the fifth degree, and division (B) of 1019
section 2929.13 of the Revised Code applies in determining 1020
whether to impose a prison term on the offender. 1021

(b) Except as otherwise provided in division (C) (7) (c), 1022
(d), (e), (f), or (g) of this section, if the offense was 1023
committed in the vicinity of a school ~~or,~~ in the vicinity of a 1024
juvenile, or in the vicinity of a substance addiction services 1025
provider or a recovering addict, trafficking in hashish is a 1026
felony of the fourth degree, and division (B) of section 2929.13 1027
of the Revised Code applies in determining whether to impose a 1028
prison term on the offender. 1029

(c) Except as otherwise provided in this division, if the 1030
amount of the drug involved equals or exceeds ten grams but is 1031
less than fifty grams of hashish in a solid form or equals or 1032
exceeds two grams but is less than ten grams of hashish in a 1033

liquid concentrate, liquid extract, or liquid distillate form, 1034
trafficking in hashish is a felony of the fourth degree, and 1035
division (B) of section 2929.13 of the Revised Code applies in 1036
determining whether to impose a prison term on the offender. If 1037
the amount of the drug involved is within that range and if the 1038
offense was committed in the vicinity of a school~~or,~~ in the 1039
vicinity of a juvenile, or in the vicinity of a substance 1040
addiction services provider or a recovering addict, trafficking 1041
in hashish is a felony of the third degree, and division (C) of 1042
section 2929.13 of the Revised Code applies in determining 1043
whether to impose a prison term on the offender. 1044

(d) Except as otherwise provided in this division, if the 1045
amount of the drug involved equals or exceeds fifty grams but is 1046
less than two hundred fifty grams of hashish in a solid form or 1047
equals or exceeds ten grams but is less than fifty grams of 1048
hashish in a liquid concentrate, liquid extract, or liquid 1049
distillate form, trafficking in hashish is a felony of the third 1050
degree, and division (C) of section 2929.13 of the Revised Code 1051
applies in determining whether to impose a prison term on the 1052
offender. If the amount of the drug involved is within that 1053
range and if the offense was committed in the vicinity of a 1054
school~~or,~~ in the vicinity of a juvenile, or in the vicinity of 1055
a substance addiction services provider or a recovering addict, 1056
trafficking in hashish is a felony of the second degree, and 1057
there is a presumption that a prison term shall be imposed for 1058
the offense. 1059

(e) Except as otherwise provided in this division, if the 1060
amount of the drug involved equals or exceeds two hundred fifty 1061
grams but is less than one thousand grams of hashish in a solid 1062
form or equals or exceeds fifty grams but is less than two 1063
hundred grams of hashish in a liquid concentrate, liquid 1064

extract, or liquid distillate form, trafficking in hashish is a 1065
felony of the third degree, and there is a presumption that a 1066
prison term shall be imposed for the offense. If the amount of 1067
the drug involved is within that range and if the offense was 1068
committed in the vicinity of a school ~~or~~, in the vicinity of a 1069
juvenile, or in the vicinity of a substance addiction services 1070
provider or a recovering addict, trafficking in hashish is a 1071
felony of the second degree, and there is a presumption that a 1072
prison term shall be imposed for the offense. 1073

(f) Except as otherwise provided in this division, if the 1074
amount of the drug involved equals or exceeds one thousand grams 1075
but is less than two thousand grams of hashish in a solid form 1076
or equals or exceeds two hundred grams but is less than four 1077
hundred grams of hashish in a liquid concentrate, liquid 1078
extract, or liquid distillate form, trafficking in hashish is a 1079
felony of the second degree, and the court shall impose as a 1080
mandatory prison term a second degree felony mandatory prison 1081
term of five, six, seven, or eight years. If the amount of the 1082
drug involved is within that range and if the offense was 1083
committed in the vicinity of a school ~~or~~, in the vicinity of a 1084
juvenile, or in the vicinity of a substance addiction services 1085
provider or a recovering addict, trafficking in hashish is a 1086
felony of the first degree, and the court shall impose as a 1087
mandatory prison term a maximum first degree felony mandatory 1088
prison term. 1089

(g) Except as otherwise provided in this division, if the 1090
amount of the drug involved equals or exceeds two thousand grams 1091
of hashish in a solid form or equals or exceeds four hundred 1092
grams of hashish in a liquid concentrate, liquid extract, or 1093
liquid distillate form, trafficking in hashish is a felony of 1094
the second degree, and the court shall impose as a mandatory 1095

prison term a maximum second degree felony mandatory prison 1096
term. If the amount of the drug involved equals or exceeds two 1097
thousand grams of hashish in a solid form or equals or exceeds 1098
four hundred grams of hashish in a liquid concentrate, liquid 1099
extract, or liquid distillate form and if the offense was 1100
committed in the vicinity of a school ~~or,~~ in the vicinity of a 1101
juvenile, or in the vicinity of a substance addiction services 1102
provider or a recovering addict, trafficking in hashish is a 1103
felony of the first degree, and the court shall impose as a 1104
mandatory prison term a maximum first degree felony mandatory 1105
prison term. 1106

(8) If the drug involved in the violation is a controlled 1107
substance analog or compound, mixture, preparation, or substance 1108
that contains a controlled substance analog, whoever violates 1109
division (A) of this section is guilty of trafficking in a 1110
controlled substance analog. The penalty for the offense shall 1111
be determined as follows: 1112

(a) Except as otherwise provided in division (C) (8) (b), 1113
(c), (d), (e), (f), or (g) of this section, trafficking in a 1114
controlled substance analog is a felony of the fifth degree, and 1115
division (C) of section 2929.13 of the Revised Code applies in 1116
determining whether to impose a prison term on the offender. 1117

(b) Except as otherwise provided in division (C) (8) (c), 1118
(d), (e), (f), or (g) of this section, if the offense was 1119
committed in the vicinity of a school ~~or,~~ in the vicinity of a 1120
juvenile, or in the vicinity of a substance addiction services 1121
provider or a recovering addict, trafficking in a controlled 1122
substance analog is a felony of the fourth degree, and division 1123
(C) of section 2929.13 of the Revised Code applies in 1124
determining whether to impose a prison term on the offender. 1125

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

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

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds thirty grams but is less than forty grams, trafficking in a controlled substance analog 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 ~~or,~~ in the vicinity of a juvenile, or in

the vicinity of a substance addiction services provider or a 1157
recovering addict, trafficking in a controlled substance analog 1158
is a felony of the first degree, and the court shall impose as a 1159
mandatory prison term a first degree felony mandatory prison 1160
term. 1161

(f) If the amount of the drug involved equals or exceeds 1162
forty grams but is less than fifty grams and regardless of 1163
whether the offense was committed in the vicinity of a school 1164
~~or,~~ in the vicinity of a juvenile, or in the vicinity of a 1165
substance addiction services provider or a recovering addict, 1166
trafficking in a controlled substance analog is a felony of the 1167
first degree, and the court shall impose as a mandatory prison 1168
term a first degree felony mandatory prison term. 1169

(g) If the amount of the drug involved equals or exceeds 1170
fifty grams and regardless of whether the offense was committed 1171
in the vicinity of a school ~~or,~~ in the vicinity of a juvenile, 1172
or in the vicinity of a substance addiction services provider or 1173
a recovering addict, trafficking in a controlled substance 1174
analog is a felony of the first degree, the offender is a major 1175
drug offender, and the court shall impose as a mandatory prison 1176
term a maximum first degree felony mandatory prison term. 1177

(9) If the drug involved in the violation is a fentanyl- 1178
related compound or a compound, mixture, preparation, or 1179
substance containing a fentanyl-related compound and division 1180
(C) (10) (a) of this section does not apply to the drug involved, 1181
whoever violates division (A) of this section is guilty of 1182
trafficking in a fentanyl-related compound. The penalty for the 1183
offense shall be determined as follows: 1184

(a) Except as otherwise provided in division (C) (9) (b), 1185
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1186

a fentanyl-related compound is a felony of the fifth degree, and 1187
division (B) of section 2929.13 of the Revised Code applies in 1188
determining whether to impose a prison term on the offender. 1189

(b) Except as otherwise provided in division (C) (9) (c), 1190
(d), (e), (f), (g), or (h) of this section, if the offense was 1191
committed in the vicinity of a school ~~or~~, in the vicinity of a 1192
juvenile, or in the vicinity of a substance addiction services 1193
provider or a recovering addict, trafficking in a fentanyl- 1194
related compound is a felony of the fourth degree, and division 1195
(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 ten unit doses but 1199
is less than fifty unit doses or equals or exceeds one gram but 1200
is less than five grams, trafficking in a fentanyl-related 1201
compound is a felony of the fourth degree, and division (B) of 1202
section 2929.13 of the Revised Code applies in determining 1203
whether to impose a prison term for the offense. If the amount 1204
of the drug involved is within that range and if the offense was 1205
committed in the vicinity of a school ~~or~~, in the vicinity of a 1206
juvenile, or in the vicinity of a substance addiction services 1207
provider or a recovering addict, trafficking in a fentanyl- 1208
related compound is a felony of the third degree, and there is a 1209
presumption for a prison term for the offense. 1210

(d) Except as otherwise provided in this division, if the 1211
amount of the drug involved equals or exceeds fifty unit doses 1212
but is less than one hundred unit doses or equals or exceeds 1213
five grams but is less than ten grams, trafficking in a 1214
fentanyl-related compound is a felony of the third degree, and 1215
there is a presumption for a prison term for the offense. If the 1216

amount of the drug involved is within that range and if the 1217
offense was committed in the vicinity of a school ~~or,~~ in the 1218
vicinity of a juvenile, or in the vicinity of a substance 1219
addiction services provider or a recovering addict, trafficking 1220
in a fentanyl-related compound is a felony of the second degree, 1221
and there is a presumption for a prison term for the offense. 1222

(e) Except as otherwise provided in this division, if the 1223
amount of the drug involved equals or exceeds one hundred unit 1224
doses but is less than two hundred unit doses or equals or 1225
exceeds ten grams but is less than twenty grams, trafficking in 1226
a fentanyl-related compound is a felony of the second degree, 1227
and the court shall impose as a mandatory prison term one of the 1228
prison terms prescribed for a felony of the second degree. If 1229
the amount of the drug involved is within that range and if the 1230
offense was committed in the vicinity of a school ~~or,~~ in the 1231
vicinity of a juvenile, or in the vicinity of a substance 1232
addiction services provider or a recovering addict, trafficking 1233
in a fentanyl-related compound is a felony of the first degree, 1234
and the court shall impose as a mandatory prison term one of the 1235
prison terms prescribed for a felony of the first degree. 1236

(f) If the amount of the drug involved equals or exceeds 1237
two hundred unit doses but is less than five hundred unit doses 1238
or equals or exceeds twenty grams but is less than fifty grams 1239
and regardless of whether the offense was committed in the 1240
vicinity of a school ~~or,~~ in the vicinity of a juvenile, or in 1241
the vicinity of a substance addiction services provider or a 1242
recovering addict, trafficking in a fentanyl-related compound is 1243
a felony of the first degree, and the court shall impose as a 1244
mandatory prison term one of the prison terms prescribed for a 1245
felony of the first degree. 1246

(g) If the amount of the drug involved equals or exceeds 1247
five hundred unit doses but is less than one thousand unit doses 1248
or equals or exceeds fifty grams but is less than one hundred 1249
grams and regardless of whether the offense was committed in the 1250
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 1251
the vicinity of a substance addiction services provider or a 1252
recovering addict, trafficking in a fentanyl-related compound is 1253
a felony of the first degree, and the court shall impose as a 1254
mandatory prison term the maximum prison term prescribed for a 1255
felony of the first degree. 1256

(h) If the amount of the drug involved equals or exceeds 1257
one thousand unit doses or equals or exceeds one hundred grams 1258
and regardless of whether the offense was committed in the 1259
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 1260
the vicinity of a substance addiction services provider or a 1261
recovering addict, trafficking in a fentanyl-related compound is 1262
a felony of the first degree, the offender is a major drug 1263
offender, and the court shall impose as a mandatory prison term 1264
the maximum prison term prescribed for a felony of the first 1265
degree. 1266

(10) If the drug involved in the violation is a compound, 1267
mixture, preparation, or substance that is a combination of a 1268
fentanyl-related compound and marihuana, one of the following 1269
applies: 1270

(a) Except as otherwise provided in division (C) (10) (b) of 1271
this section, the offender is guilty of trafficking in marihuana 1272
and shall be punished under division (C) (3) of this section. The 1273
offender is not guilty of trafficking in a fentanyl-related 1274
compound and shall not be charged with, convicted of, or 1275
punished under division (C) (9) of this section for trafficking 1276

in a fentanyl-related compound. 1277

(b) If the offender knows or has reason to know that the 1278
compound, mixture, preparation, or substance that is the drug 1279
involved contains a fentanyl-related compound, the offender is 1280
guilty of trafficking in a fentanyl-related compound and shall 1281
be punished under division (C) (9) of this section. 1282

(D) In addition to any prison term authorized or required 1283
by division (C) of this section and sections 2929.13 and 2929.14 1284
of the Revised Code, and in addition to any other sanction 1285
imposed for the offense under this section or sections 2929.11 1286
to 2929.18 of the Revised Code, the court that sentences an 1287
offender who is convicted of or pleads guilty to a violation of 1288
division (A) of this section may suspend the driver's or 1289
commercial driver's license or permit of the offender in 1290
accordance with division (G) of this section. However, if the 1291
offender pleaded guilty to or was convicted of a violation of 1292
section 4511.19 of the Revised Code or a substantially similar 1293
municipal ordinance or the law of another state or the United 1294
States arising out of the same set of circumstances as the 1295
violation, the court shall suspend the offender's driver's or 1296
commercial driver's license or permit in accordance with 1297
division (G) of this section. If applicable, the court also 1298
shall do the following: 1299

(1) If the violation of division (A) of this section is a 1300
felony of the first, second, or third degree, the court shall 1301
impose upon the offender the mandatory fine specified for the 1302
offense under division (B) (1) of section 2929.18 of the Revised 1303
Code unless, as specified in that division, the court determines 1304
that the offender is indigent. Except as otherwise provided in 1305
division (H) (1) of this section, a mandatory fine or any other 1306

fine imposed for a violation of this section is subject to 1307
division (F) of this section. If a person is charged with a 1308
violation of this section that is a felony of the first, second, 1309
or third degree, posts bail, and forfeits the bail, the clerk of 1310
the court shall pay the forfeited bail pursuant to divisions (D) 1311
(1) and (F) of this section, as if the forfeited bail was a fine 1312
imposed for a violation of this section. If any amount of the 1313
forfeited bail remains after that payment and if a fine is 1314
imposed under division (H) (1) of this section, the clerk of the 1315
court shall pay the remaining amount of the forfeited bail 1316
pursuant to divisions (H) (2) and (3) of this section, as if that 1317
remaining amount was a fine imposed under division (H) (1) of 1318
this section. 1319

(2) If the offender is a professionally licensed person, 1320
the court immediately shall comply with section 2925.38 of the 1321
Revised Code. 1322

(E) When a person is charged with the sale of or offer to 1323
sell a bulk amount or a multiple of a bulk amount of a 1324
controlled substance, the jury, or the court trying the accused, 1325
shall determine the amount of the controlled substance involved 1326
at the time of the offense and, if a guilty verdict is returned, 1327
shall return the findings as part of the verdict. In any such 1328
case, it is unnecessary to find and return the exact amount of 1329
the controlled substance involved, and it is sufficient if the 1330
finding and return is to the effect that the amount of the 1331
controlled substance involved is the requisite amount, or that 1332
the amount of the controlled substance involved is less than the 1333
requisite amount. 1334

(F) (1) Notwithstanding any contrary provision of section 1335
3719.21 of the Revised Code and except as provided in division 1336

(H) of this section, the clerk of the court shall pay any 1337
mandatory fine imposed pursuant to division (D)(1) of this 1338
section and any fine other than a mandatory fine that is imposed 1339
for a violation of this section pursuant to division (A) or (B) 1340
(5) of section 2929.18 of the Revised Code to the county, 1341
township, municipal corporation, park district, as created 1342
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1343
state law enforcement agencies in this state that primarily were 1344
responsible for or involved in making the arrest of, and in 1345
prosecuting, the offender. However, the clerk shall not pay a 1346
mandatory fine so imposed to a law enforcement agency unless the 1347
agency has adopted a written internal control policy under 1348
division (F)(2) of this section that addresses the use of the 1349
fine moneys that it receives. Each agency shall use the 1350
mandatory fines so paid to subsidize the agency's law 1351
enforcement efforts that pertain to drug offenses, in accordance 1352
with the written internal control policy adopted by the 1353
recipient agency under division (F)(2) of this section. 1354

(2) Prior to receiving any fine moneys under division (F) 1355
(1) of this section or division (B) of section 2925.42 of the 1356
Revised Code, a law enforcement agency shall adopt a written 1357
internal control policy that addresses the agency's use and 1358
disposition of all fine moneys so received and that provides for 1359
the keeping of detailed financial records of the receipts of 1360
those fine moneys, the general types of expenditures made out of 1361
those fine moneys, and the specific amount of each general type 1362
of expenditure. The policy shall not provide for or permit the 1363
identification of any specific expenditure that is made in an 1364
ongoing investigation. All financial records of the receipts of 1365
those fine moneys, the general types of expenditures made out of 1366
those fine moneys, and the specific amount of each general type 1367

of expenditure by an agency are public records open for 1368
inspection under section 149.43 of the Revised Code. 1369
Additionally, a written internal control policy adopted under 1370
this division is such a public record, and the agency that 1371
adopted it shall comply with it. 1372

(3) As used in division (F) of this section: 1373

(a) "Law enforcement agencies" includes, but is not 1374
limited to, the state board of pharmacy and the office of a 1375
prosecutor. 1376

(b) "Prosecutor" has the same meaning as in section 1377
2935.01 of the Revised Code. 1378

(G) (1) If the sentencing court suspends the offender's 1379
driver's or commercial driver's license or permit under division 1380
(D) of this section or any other provision of this chapter, the 1381
court shall suspend the license, by order, for not more than 1382
five years. If an offender's driver's or commercial driver's 1383
license or permit is suspended pursuant to this division, the 1384
offender, at any time after the expiration of two years from the 1385
day on which the offender's sentence was imposed or from the day 1386
on which the offender finally was released from a prison term 1387
under the sentence, whichever is later, may file a motion with 1388
the sentencing court requesting termination of the suspension; 1389
upon the filing of such a motion and the court's finding of good 1390
cause for the termination, the court may terminate the 1391
suspension. 1392

(2) Any offender who received a mandatory suspension of 1393
the offender's driver's or commercial driver's license or permit 1394
under this section prior to September 13, 2016, may file a 1395
motion with the sentencing court requesting the termination of 1396

the suspension. However, an offender who pleaded guilty to or 1397
was convicted of a violation of section 4511.19 of the Revised 1398
Code or a substantially similar municipal ordinance or law of 1399
another state or the United States that arose out of the same 1400
set of circumstances as the violation for which the offender's 1401
license or permit was suspended under this section shall not 1402
file such a motion. 1403

Upon the filing of a motion under division (G) (2) of this 1404
section, the sentencing court, in its discretion, may terminate 1405
the suspension. 1406

(H) (1) In addition to any prison term authorized or 1407
required by division (C) of this section and sections 2929.13 1408
and 2929.14 of the Revised Code, in addition to any other 1409
penalty or sanction imposed for the offense under this section 1410
or sections 2929.11 to 2929.18 of the Revised Code, and in 1411
addition to the forfeiture of property in connection with the 1412
offense as prescribed in Chapter 2981. of the Revised Code, the 1413
court that sentences an offender who is convicted of or pleads 1414
guilty to a violation of division (A) of this section may impose 1415
upon the offender an additional fine specified for the offense 1416
in division (B) (4) of section 2929.18 of the Revised Code. A 1417
fine imposed under division (H) (1) of this section is not 1418
subject to division (F) of this section and shall be used solely 1419
for the support of one or more eligible community addiction 1420
services providers in accordance with divisions (H) (2) and (3) 1421
of this section. 1422

(2) The court that imposes a fine under division (H) (1) of 1423
this section shall specify in the judgment that imposes the fine 1424
one or more eligible community addiction services providers for 1425
the support of which the fine money is to be used. No community 1426

addiction services provider shall receive or use money paid or 1427
collected in satisfaction of a fine imposed under division (H) 1428
(1) of this section unless the services provider is specified in 1429
the judgment that imposes the fine. No community addiction 1430
services provider shall be specified in the judgment unless the 1431
services provider is an eligible community addiction services 1432
provider and, except as otherwise provided in division (H) (2) of 1433
this section, unless the services provider is located in the 1434
county in which the court that imposes the fine is located or in 1435
a county that is immediately contiguous to the county in which 1436
that court is located. If no eligible community addiction 1437
services provider is located in any of those counties, the 1438
judgment may specify an eligible community addiction services 1439
provider that is located anywhere within this state. 1440

(3) Notwithstanding any contrary provision of section 1441
3719.21 of the Revised Code, the clerk of the court shall pay 1442
any fine imposed under division (H) (1) of this section to the 1443
eligible community addiction services provider specified 1444
pursuant to division (H) (2) of this section in the judgment. The 1445
eligible community addiction services provider that receives the 1446
fine moneys shall use the moneys only for the alcohol and drug 1447
addiction services identified in the application for 1448
certification of services under section 5119.36 of the Revised 1449
Code or in the application for a license under section 5119.37 1450
of the Revised Code filed with the department of mental health 1451
and addiction services by the community addiction services 1452
provider specified in the judgment. 1453

(4) Each community addiction services provider that 1454
receives in a calendar year any fine moneys under division (H) 1455
(3) of this section shall file an annual report covering that 1456
calendar year with the court of common pleas and the board of 1457

county commissioners of the county in which the services 1458
provider is located, with the court of common pleas and the 1459
board of county commissioners of each county from which the 1460
services provider received the moneys if that county is 1461
different from the county in which the services provider is 1462
located, and with the attorney general. The community addiction 1463
services provider shall file the report no later than the first 1464
day of March in the calendar year following the calendar year in 1465
which the services provider received the fine moneys. The report 1466
shall include statistics on the number of persons served by the 1467
community addiction services provider, identify the types of 1468
alcohol and drug addiction services provided to those persons, 1469
and include a specific accounting of the purposes for which the 1470
fine moneys received were used. No information contained in the 1471
report shall identify, or enable a person to determine the 1472
identity of, any person served by the community addiction 1473
services provider. Each report received by a court of common 1474
pleas, a board of county commissioners, or the attorney general 1475
is a public record open for inspection under section 149.43 of 1476
the Revised Code. 1477

(5) As used in divisions (H) (1) to (5) of this section: 1478

(a) "Community addiction services provider" and "alcohol 1479
and drug addiction services" have the same meanings as in 1480
section 5119.01 of the Revised Code. 1481

(b) "Eligible community addiction services provider" means 1482
a community addiction services provider, including a community 1483
addiction services provider that operates an opioid treatment 1484
program licensed under section 5119.37 of the Revised Code. 1485

(I) As used in this section, "drug" includes any substance 1486
that is represented to be a drug. 1487

(J) It is an affirmative defense to a charge of 1488
trafficking in a controlled substance analog under division (C) 1489
(8) of this section that the person charged with violating that 1490
offense sold or offered to sell, or prepared for shipment, 1491
shipped, transported, delivered, prepared for distribution, or 1492
distributed one of the following items that are excluded from 1493
the meaning of "controlled substance analog" under section 1494
3719.01 of the Revised Code: 1495

(1) A controlled substance; 1496

(2) Any substance for which there is an approved new drug 1497
application; 1498

(3) With respect to a particular person, any substance if 1499
an exemption is in effect for investigational use for that 1500
person pursuant to federal law to the extent that conduct with 1501
respect to that substance is pursuant to that exemption. 1502

Section 2. That existing sections 2925.01 and 2925.03 of 1503
the Revised Code are hereby repealed. 1504

Section 3. This act shall be known as the Relapse 1505
Reduction Act. 1506

Section 4. The General Assembly, applying the principle 1507
stated in division (B) of section 1.52 of the Revised Code that 1508
amendments are to be harmonized if reasonably capable of 1509
simultaneous operation, finds that the following sections, 1510
presented in this act as composites of the sections as amended 1511
by the acts indicated, are the resulting versions of the 1512
sections in effect prior to the effective date of the sections 1513
as presented in this act: 1514

Section 2925.01 of the Revised Code as amended by both 1515
H.B. 341 and H.B. 442 of the 133rd General Assembly. 1516

Section 2925.03 of the Revised Code as amended by H.B.	1517
111, S.B. 1, S.B. 201, and S.B. 229, all of the 132nd General	1518
Assembly.	1519