

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 301

Senator Blessing

A BILL

To amend sections 2923.01, 2925.02, 2925.03, 1
2925.04, 2925.041, 2925.05, 2925.11, 2925.12, 2
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 3
2925.31, 2925.32, 2925.36, 2925.37, 3123.56, 4
3123.58, 3321.13, 3321.191, 4503.20, 4507.212, 5
4509.101, 4509.37, 4509.67, 4510.101, 4510.111, 6
and 4510.17 and to repeal section 4510.32 of the 7
Revised Code to make changes to the laws 8
governing driver's license suspensions for 9
certain drug offenses and failure to pay child 10
support and to the laws governing penalties for 11
failure to provide proof of financial 12
responsibility. 13

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

Section 1. That sections 2923.01, 2925.02, 2925.03, 14
2925.04, 2925.041, 2925.05, 2925.11, 2925.12, 2925.13, 2925.14, 15
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, 2925.37, 16
3123.56, 3123.58, 3321.13, 3321.191, 4503.20, 4507.212, 17
4509.101, 4509.37, 4509.67, 4510.101, 4510.111, and 4510.17 of 18
the Revised Code be amended to read as follows: 19

Sec. 2923.01. (A) No person, with purpose to commit or to 20
promote or facilitate the commission of aggravated murder, 21
murder, kidnapping, abduction, compelling prostitution, 22
promoting prostitution, trafficking in persons, aggravated 23
arson, arson, aggravated robbery, robbery, aggravated burglary, 24
burglary, trespassing in a habitation when a person is present 25
or likely to be present, engaging in a pattern of corrupt 26
activity, corrupting another with drugs, a felony drug 27
trafficking, manufacturing, processing, or possession offense, 28
theft of drugs, or illegal processing of drug documents, the 29
commission of a felony offense of unauthorized use of a vehicle, 30
illegally transmitting multiple commercial electronic mail 31
messages or unauthorized access of a computer in violation of 32
section 2923.421 of the Revised Code, or the commission of a 33
violation of any provision of Chapter 3734. of the Revised Code, 34
other than section 3734.18 of the Revised Code, that relates to 35
hazardous wastes, shall do either of the following: 36

(1) With another person or persons, plan or aid in 37
planning the commission of any of the specified offenses; 38

(2) Agree with another person or persons that one or more 39
of them will engage in conduct that facilitates the commission 40
of any of the specified offenses. 41

(B) No person shall be convicted of conspiracy unless a 42
substantial overt act in furtherance of the conspiracy is 43
alleged and proved to have been done by the accused or a person 44
with whom the accused conspired, subsequent to the accused's 45
entrance into the conspiracy. For purposes of this section, an 46
overt act is substantial when it is of a character that 47
manifests a purpose on the part of the actor that the object of 48
the conspiracy should be completed. 49

(C) When the offender knows or has reasonable cause to believe that a person with whom the offender conspires also has conspired or is conspiring with another to commit the same offense, the offender is guilty of conspiring with that other person, even though the other person's identity may be unknown to the offender.

(D) It is no defense to a charge under this section that, in retrospect, commission of the offense that was the object of the conspiracy was impossible under the circumstances.

(E) A conspiracy terminates when the offense or offenses that are its objects are committed or when it is abandoned by all conspirators. In the absence of abandonment, it is no defense to a charge under this section that no offense that was the object of the conspiracy was committed.

(F) A person who conspires to commit more than one offense is guilty of only one conspiracy, when the offenses are the object of the same agreement or continuous conspiratorial relationship.

(G) When a person is convicted of committing or attempting to commit a specific offense or of complicity in the commission of or attempt to commit the specific offense, the person shall not be convicted of conspiracy involving the same offense.

(H) (1) No person shall be convicted of conspiracy upon the testimony of a person with whom the defendant conspired, unsupported by other evidence.

(2) If a person with whom the defendant allegedly has conspired testifies against the defendant in a case in which the defendant is charged with conspiracy and if the testimony is supported by other evidence, the court, when it charges the

jury, shall state substantially the following: 79

"The testimony of an accomplice that is supported by other 80
evidence does not become inadmissible because of the 81
accomplice's complicity, moral turpitude, or self-interest, but 82
the admitted or claimed complicity of a witness may affect the 83
witness' credibility and make the witness' testimony subject to 84
grave suspicion, and require that it be weighed with great 85
caution. 86

It is for you, as jurors, in the light of all the facts 87
presented to you from the witness stand, to evaluate such 88
testimony and to determine its quality and worth or its lack of 89
quality and worth." 90

(3) "Conspiracy," as used in division (H)(1) of this 91
section, does not include any conspiracy that results in an 92
attempt to commit an offense or in the commission of an offense. 93

(I) The following are affirmative defenses to a charge of 94
conspiracy: 95

(1) After conspiring to commit an offense, the actor 96
thwarted the success of the conspiracy under circumstances 97
manifesting a complete and voluntary renunciation of the actor's 98
criminal purpose. 99

(2) After conspiring to commit an offense, the actor 100
abandoned the conspiracy prior to the commission of or attempt 101
to commit any offense that was the object of the conspiracy, 102
either by advising all other conspirators of the actor's 103
abandonment, or by informing any law enforcement authority of 104
the existence of the conspiracy and of the actor's participation 105
in the conspiracy. 106

(J) Whoever violates this section is guilty of conspiracy, 107

which is one of the following:	108
(1) A felony of the first degree, when one of the objects	109
of the conspiracy is aggravated murder, murder, or an offense	110
for which the maximum penalty is imprisonment for life;	111
(2) A felony of the next lesser degree than the most	112
serious offense that is the object of the conspiracy, when the	113
most serious offense that is the object of the conspiracy is a	114
felony of the first, second, third, or fourth degree;	115
(3) A felony punishable by a fine of not more than twenty-	116
five thousand dollars or imprisonment for not more than eighteen	117
months, or both, when the offense that is the object of the	118
conspiracy is a violation of any provision of Chapter 3734. of	119
the Revised Code, other than section 3734.18 of the Revised	120
Code, that relates to hazardous wastes;	121
(4) A misdemeanor of the first degree, when the most	122
serious offense that is the object of the conspiracy is a felony	123
of the fifth degree.	124
(K) This section does not define a separate conspiracy	125
offense or penalty where conspiracy is defined as an offense by	126
one or more sections of the Revised Code, other than this	127
section. In such a case, however:	128
(1) With respect to the offense specified as the object of	129
the conspiracy in the other section or sections, division (A) of	130
this section defines the voluntary act or acts and culpable	131
mental state necessary to constitute the conspiracy;	132
(2) Divisions (B) to (I) of this section are incorporated	133
by reference in the conspiracy offense defined by the other	134
section or sections of the Revised Code.	135

(L) (1) In addition to the penalties that otherwise are 136
imposed for conspiracy, a person who is found guilty of 137
conspiracy to engage in a pattern of corrupt activity is subject 138
to divisions (B) (2) and (3) of section 2923.32, division (A) of 139
section 2981.04, and division (D) of section 2981.06 of the 140
Revised Code. 141

(2) If a person is convicted of or pleads guilty to 142
conspiracy and if the most serious offense that is the object of 143
the conspiracy is a felony drug trafficking, manufacturing, 144
processing, or possession offense, in addition to the penalties 145
or sanctions that may be imposed for the conspiracy under 146
division (J) (2) or (4) of this section and Chapter 2929. of the 147
Revised Code, both of the following apply: 148

(a) The provisions of divisions (D) ~~and (F) and (G)~~ of 149
section 2925.03, division (D) of section 2925.04, division (D) 150
of section 2925.05, division (D) of section 2925.06, and 151
division (E) of section 2925.11 of the Revised Code that pertain 152
to mandatory and additional fines, ~~driver's or commercial~~ 153
~~driver's license or permit suspensions,~~ and professionally 154
licensed persons and that would apply under the appropriate 155
provisions of those divisions to a person who is convicted of or 156
pleads guilty to the felony drug trafficking, manufacturing, 157
processing, or possession offense that is the most serious 158
offense that is the basis of the conspiracy shall apply to the 159
person who is convicted of or pleads guilty to the conspiracy as 160
if the person had been convicted of or pleaded guilty to the 161
felony drug trafficking, manufacturing, processing, or 162
possession offense that is the most serious offense that is the 163
basis of the conspiracy. 164

(b) The court that imposes sentence upon the person who is 165

convicted of or pleads guilty to the conspiracy shall comply 166
with the provisions identified as being applicable under 167
division (L) (2) of this section, in addition to any other 168
penalty or sanction that it imposes for the conspiracy under 169
division (J) (2) or (4) of this section and Chapter 2929. of the 170
Revised Code. 171

(M) As used in this section: 172

(1) "Felony drug trafficking, manufacturing, processing, 173
or possession offense" means any of the following that is a 174
felony: 175

(a) A violation of section 2925.03, 2925.04, 2925.05, or 176
2925.06 of the Revised Code; 177

(b) A violation of section 2925.11 of the Revised Code 178
that is not a minor drug possession offense. 179

(2) "Minor drug possession offense" has the same meaning 180
as in section 2925.01 of the Revised Code. 181

Sec. 2925.02. (A) No person shall knowingly do any of the 182
following: 183

(1) By force, threat, or deception, administer to another 184
or induce or cause another to use a controlled substance; 185

(2) By any means, administer or furnish to another or 186
induce or cause another to use a controlled substance with 187
purpose to cause serious physical harm to the other person, or 188
with purpose to cause the other person to become drug dependent; 189

(3) By any means, administer or furnish to another or 190
induce or cause another to use a controlled substance, and 191
thereby cause serious physical harm to the other person, or 192
cause the other person to become drug dependent; 193

(4) By any means, do any of the following:	194
(a) Furnish or administer a controlled substance to a juvenile who is at least two years the offender's junior, when the offender knows the age of the juvenile or is reckless in that regard;	195 196 197 198
(b) Induce or cause a juvenile who is at least two years the offender's junior to use a controlled substance, when the offender knows the age of the juvenile or is reckless in that regard;	199 200 201 202
(c) Induce or cause a juvenile who is at least two years the offender's junior to commit a felony drug abuse offense, when the offender knows the age of the juvenile or is reckless in that regard;	203 204 205 206
(d) Use a juvenile, whether or not the offender knows the age of the juvenile, to perform any surveillance activity that is intended to prevent the detection of the offender or any other person in the commission of a felony drug abuse offense or to prevent the arrest of the offender or any other person for the commission of a felony drug abuse offense.	207 208 209 210 211 212
(5) By any means, furnish or administer a controlled substance to a pregnant woman or induce or cause a pregnant woman to use a controlled substance, when the offender knows that the woman is pregnant or is reckless in that regard.	213 214 215 216
(B) Division (A) (1), (3), (4), or (5) of this section does not apply to manufacturers, wholesalers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code.	217 218 219 220 221 222

(C) Whoever violates this section is guilty of corrupting 223
another with drugs. The penalty for the offense shall be 224
determined as follows: 225

(1) If the offense is a violation of division (A) (1), (2), 226
(3), or (4) of this section and the drug involved is any 227
compound, mixture, preparation, or substance included in 228
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 229
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 230
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 231
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 232
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 233
offender shall be punished as follows: 234

(a) Except as otherwise provided in division (C) (1) (b) of 235
this section, corrupting another with drugs committed in those 236
circumstances is a felony of the second degree and, subject to 237
division (E) of this section, the court shall impose as a 238
mandatory prison term a second degree felony mandatory prison 239
term. 240

(b) If the offense was committed in the vicinity of a 241
school, corrupting another with drugs committed in those 242
circumstances is a felony of the first degree, and, subject to 243
division (E) of this section, the court shall impose as a 244
mandatory prison term a first degree felony mandatory prison 245
term. 246

(2) If the offense is a violation of division (A) (1), (2), 247
(3), or (4) of this section and the drug involved is any 248
compound, mixture, preparation, or substance included in 249
schedule III, IV, or V, the offender shall be punished as 250
follows: 251

(a) Except as otherwise provided in division (C) (2) (b) of 252
this section, corrupting another with drugs committed in those 253
circumstances is a felony of the second degree and there is a 254
presumption for a prison term for the offense. 255

(b) If the offense was committed in the vicinity of a 256
school, corrupting another with drugs committed in those 257
circumstances is a felony of the second degree and the court 258
shall impose as a mandatory prison term a second degree felony 259
mandatory prison term. 260

(3) If the offense is a violation of division (A) (1), (2), 261
(3), or (4) of this section and the drug involved is marihuana, 262
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 263
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 264
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 265
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 266
offender shall be punished as follows: 267

(a) Except as otherwise provided in division (C) (3) (b) of 268
this section, corrupting another with drugs committed in those 269
circumstances is a felony of the fourth degree and division (C) 270
of section 2929.13 of the Revised Code applies in determining 271
whether to impose a prison term on the offender. 272

(b) If the offense was committed in the vicinity of a 273
school, corrupting another with drugs committed in those 274
circumstances is a felony of the third degree and division (C) 275
of section 2929.13 of the Revised Code applies in determining 276
whether to impose a prison term on the offender. 277

(4) If the offense is a violation of division (A) (5) of 278
this section and the drug involved is any compound, mixture, 279
preparation, or substance included in schedule I or II, with the 280

exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 281
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 282
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 283
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 284
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 285
felony of the first degree and, subject to division (E) of this 286
section, the court shall impose as a mandatory prison term a 287
first degree felony mandatory prison term. 288

(5) If the offense is a violation of division (A) (5) of 289
this section and the drug involved is any compound, mixture, 290
preparation, or substance included in schedule III, IV, or V, 291
corrupting another with drugs is a felony of the second degree 292
and the court shall impose as a mandatory prison term a second 293
degree felony mandatory prison term. 294

(6) If the offense is a violation of division (A) (5) of 295
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 296
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 297
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 298
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 299
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 300
corrupting another with drugs is a felony of the third degree 301
and division (C) of section 2929.13 of the Revised Code applies 302
in determining whether to impose a prison term on the offender. 303

(D) In addition to any prison term authorized or required 304
by division (C) or (E) of this section and sections 2929.13 and 305
2929.14 of the Revised Code and in addition to any other 306
sanction imposed for the offense under this section or sections 307
2929.11 to 2929.18 of the Revised Code, the court that sentences 308
an offender who is convicted of or pleads guilty to a violation 309
of division (A) of this section, when the violation is a felony 310

of the first degree, may suspend for not more than five years 311
the offender's driver's or commercial driver's license or 312
permit. However, if the offender pleaded guilty to or was 313
convicted of a violation of section 4511.19 of the Revised Code 314
or a substantially similar municipal ordinance or the law of 315
another state or the United States arising out of the same set 316
of circumstances as the first degree felony violation, the court 317
shall suspend the offender's driver's or commercial driver's 318
license or permit for not more than five years. The court also 319
shall do all of the following that are applicable regarding the 320
offender: 321

(1) (a) If the violation is a felony of the first, second, 322
or third degree, the court shall impose upon the offender the 323
mandatory fine specified for the offense under division (B) (1) 324
of section 2929.18 of the Revised Code unless, as specified in 325
that division, the court determines that the offender is 326
indigent. 327

(b) Notwithstanding any contrary provision of section 328
3719.21 of the Revised Code, any mandatory fine imposed pursuant 329
to division (D) (1) (a) of this section and any fine imposed for a 330
violation of this section pursuant to division (A) of section 331
2929.18 of the Revised Code shall be paid by the clerk of the 332
court in accordance with and subject to the requirements of, and 333
shall be used as specified in, division (F) of section 2925.03 334
of the Revised Code. 335

(c) If a person is charged with any violation of this 336
section that is a felony of the first, second, or third degree, 337
posts bail, and forfeits the bail, the forfeited bail shall be 338
paid by the clerk of the court pursuant to division (D) (1) (b) of 339
this section as if it were a fine imposed for a violation of 340

this section. 341

(2) If the offender is a professionally licensed person, 342
in addition to any other sanction imposed for a violation of 343
this section, the court immediately shall comply with section 344
2925.38 of the Revised Code. 345

(E) Notwithstanding the prison term otherwise authorized 346
or required for the offense under division (C) of this section 347
and sections 2929.13 and 2929.14 of the Revised Code, if the 348
violation of division (A) of this section involves the sale, 349
offer to sell, or possession of a schedule I or II controlled 350
substance, with the exception of marihuana, 1-Pentyl-3-(1- 351
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 352
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 353
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 354
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 355
if the court imposing sentence upon the offender finds that the 356
offender as a result of the violation is a major drug offender 357
and is guilty of a specification of the type described in 358
division (A) of section 2941.1410 of the Revised Code, the 359
court, in lieu of the prison term that otherwise is authorized 360
or required, shall impose upon the offender the mandatory prison 361
term specified in division (B) (3) (a) of section 2929.14 of the 362
Revised Code. 363

(F) (1) If the sentencing court suspends the offender's 364
driver's or commercial driver's license or permit under division 365
(D) of this section, the offender, at any time after the 366
expiration of two years from the day on which the offender's 367
sentence was imposed or from the day on which the offender 368
finally was released from a prison term under the sentence, 369
whichever is later, may file a motion with the sentencing court 370

requesting termination of the suspension. Upon the filing of the 371
motion and the court's finding of good cause for the 372
determination, the court may terminate the suspension. 373

(2) Any offender who received a mandatory suspension of 374
the offender's driver's or commercial driver's license or permit 375
under this section prior to September 13, 2016, may file a 376
motion with the sentencing court requesting the termination of 377
the suspension. However, an offender who pleaded guilty to or 378
was convicted of a violation of section 4511.19 of the Revised 379
Code or a substantially similar municipal ordinance or law of 380
another state or the United States that arose out of the same 381
set of circumstances as the violation for which the offender's 382
license or permit was suspended under this section shall not 383
file such a motion. 384

Upon the filing of a motion under division (F)(2) of this 385
section, the sentencing court, in its discretion, may terminate 386
the suspension. 387

Sec. 2925.03. (A) No person shall knowingly do any of the 388
following: 389

(1) Sell or offer to sell a controlled substance or a 390
controlled substance analog; 391

(2) Prepare for shipment, ship, transport, deliver, 392
prepare for distribution, or distribute a controlled substance 393
or a controlled substance analog, when the offender knows or has 394
reasonable cause to believe that the controlled substance or a 395
controlled substance analog is intended for sale or resale by 396
the offender or another person. 397

(B) This section does not apply to any of the following: 398

(1) Manufacturers, licensed health professionals 399

authorized to prescribe drugs, pharmacists, owners of 400
pharmacies, and other persons whose conduct is in accordance 401
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 402
4741. of the Revised Code; 403

(2) If the offense involves an anabolic steroid, any 404
person who is conducting or participating in a research project 405
involving the use of an anabolic steroid if the project has been 406
approved by the United States food and drug administration; 407

(3) Any person who sells, offers for sale, prescribes, 408
dispenses, or administers for livestock or other nonhuman 409
species an anabolic steroid that is expressly intended for 410
administration through implants to livestock or other nonhuman 411
species and approved for that purpose under the "Federal Food, 412
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 413
as amended, and is sold, offered for sale, prescribed, 414
dispensed, or administered for that purpose in accordance with 415
that act. 416

(C) Whoever violates division (A) of this section is 417
guilty of one of the following: 418

(1) If the drug involved in the violation is any compound, 419
mixture, preparation, or substance included in schedule I or 420
schedule II, with the exception of marihuana, cocaine, L.S.D., 421
heroin, any fentanyl-related compound, hashish, and any 422
controlled substance analog, whoever violates division (A) of 423
this section is guilty of aggravated trafficking in drugs. The 424
penalty for the offense shall be determined as follows: 425

(a) Except as otherwise provided in division (C) (1) (b), 426
(c), (d), (e), or (f) of this section, aggravated trafficking in 427
drugs is a felony of the fourth degree, and division (C) of 428

section 2929.13 of the Revised Code applies in determining 429
whether to impose a prison term on the offender. 430

(b) Except as otherwise provided in division (C)(1)(c), 431
(d), (e), or (f) of this section, if the offense was committed 432
in the vicinity of a school or in the vicinity of a juvenile, 433
aggravated trafficking in drugs is a felony of the third degree, 434
and division (C) of section 2929.13 of the Revised Code applies 435
in determining whether to impose a prison term on the offender. 436

(c) Except as otherwise provided in this division, if the 437
amount of the drug involved equals or exceeds the bulk amount 438
but is less than five times the bulk amount, aggravated 439
trafficking in drugs is a felony of the third degree, and, 440
except as otherwise provided in this division, there is a 441
presumption for a prison term for the offense. If aggravated 442
trafficking in drugs is a felony of the third degree under this 443
division and if the offender two or more times previously has 444
been convicted of or pleaded guilty to a felony drug abuse 445
offense, the court shall impose as a mandatory prison term one 446
of the prison terms prescribed for a felony of the third degree. 447
If the amount of the drug involved is within that range and if 448
the offense was committed in the vicinity of a school or in the 449
vicinity of a juvenile, aggravated trafficking in drugs is a 450
felony of the second degree, and the court shall impose as a 451
mandatory prison term a second degree felony mandatory prison 452
term. 453

(d) Except as otherwise provided in this division, if the 454
amount of the drug involved equals or exceeds five times the 455
bulk amount but is less than fifty times the bulk amount, 456
aggravated trafficking in drugs is a felony of the second 457
degree, and the court shall impose as a mandatory prison term a 458

second degree felony mandatory prison term. If the amount of the 459
drug involved is within that range and if the offense was 460
committed in the vicinity of a school or in the vicinity of a 461
juvenile, aggravated trafficking in drugs is a felony of the 462
first degree, and the court shall impose as a mandatory prison 463
term a first degree felony mandatory prison term. 464

(e) If the amount of the drug involved equals or exceeds 465
fifty times the bulk amount but is less than one hundred times 466
the bulk amount and regardless of whether the offense was 467
committed in the vicinity of a school or in the vicinity of a 468
juvenile, aggravated trafficking in drugs is a felony of the 469
first degree, and the court shall impose as a mandatory prison 470
term a first degree felony mandatory prison term. 471

(f) If the amount of the drug involved equals or exceeds 472
one hundred times the bulk amount and regardless of whether the 473
offense was committed in the vicinity of a school or in the 474
vicinity of a juvenile, aggravated trafficking in drugs is a 475
felony of the first degree, the offender is a major drug 476
offender, and the court shall impose as a mandatory prison term 477
a maximum first degree felony mandatory prison term. 478

(2) If the drug involved in the violation is any compound, 479
mixture, preparation, or substance included in schedule III, IV, 480
or V, whoever violates division (A) of this section is guilty of 481
trafficking in drugs. The penalty for the offense shall be 482
determined as follows: 483

(a) Except as otherwise provided in division (C) (2) (b), 484
(c), (d), or (e) of this section, trafficking in drugs is a 485
felony of the fifth degree, and division (B) of section 2929.13 486
of the Revised Code applies in determining whether to impose a 487
prison term on the offender. 488

(b) Except as otherwise provided in division (C) (2) (c), 489
(d), or (e) of this section, if the offense was committed in the 490
vicinity of a school or in the vicinity of a juvenile, 491
trafficking in drugs is a felony of the fourth degree, and 492
division (C) of section 2929.13 of the Revised Code applies in 493
determining whether to impose a prison term on the offender. 494

(c) Except as otherwise provided in this division, if the 495
amount of the drug involved equals or exceeds the bulk amount 496
but is less than five times the bulk amount, trafficking in 497
drugs is a felony of the fourth degree, and division (B) of 498
section 2929.13 of the Revised Code applies in determining 499
whether to impose a prison term for the offense. If the amount 500
of the drug involved is within that range and if the offense was 501
committed in the vicinity of a school or in the vicinity of a 502
juvenile, trafficking in drugs is a felony of the third degree, 503
and there is a presumption for a prison term for the offense. 504

(d) Except as otherwise provided in this division, if the 505
amount of the drug involved equals or exceeds five times the 506
bulk amount but is less than fifty times the bulk amount, 507
trafficking in drugs is a felony of the third degree, and there 508
is a presumption for a prison term for the offense. If the 509
amount of the drug involved is within that range and if the 510
offense was committed in the vicinity of a school or in the 511
vicinity of a juvenile, trafficking in drugs is a felony of the 512
second degree, and there is a presumption for a prison term for 513
the offense. 514

(e) Except as otherwise provided in this division, if the 515
amount of the drug involved equals or exceeds fifty times the 516
bulk amount, trafficking in drugs is a felony of the second 517
degree, and the court shall impose as a mandatory prison term a 518

second degree felony mandatory prison term. If the amount of the 519
drug involved equals or exceeds fifty times the bulk amount and 520
if the offense was committed in the vicinity of a school or in 521
the vicinity of a juvenile, trafficking in drugs is a felony of 522
the first degree, and the court shall impose as a mandatory 523
prison term a first degree felony mandatory prison term. 524

(3) If the drug involved in the violation is marihuana or 525
a compound, mixture, preparation, or substance containing 526
marihuana other than hashish, whoever violates division (A) of 527
this section is guilty of trafficking in marihuana. The penalty 528
for the offense shall be determined as follows: 529

(a) Except as otherwise provided in division (C) (3) (b), 530
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 531
marihuana is a felony of the fifth degree, and division (B) of 532
section 2929.13 of the Revised Code applies in determining 533
whether to impose a prison term on the offender. 534

(b) Except as otherwise provided in division (C) (3) (c), 535
(d), (e), (f), (g), or (h) of this section, if the offense was 536
committed in the vicinity of a school or in the vicinity of a 537
juvenile, trafficking in marihuana is a felony of the fourth 538
degree, and division (B) of section 2929.13 of the Revised Code 539
applies in determining whether to impose a prison term on the 540
offender. 541

(c) Except as otherwise provided in this division, if the 542
amount of the drug involved equals or exceeds two hundred grams 543
but is less than one thousand grams, trafficking in marihuana is 544
a felony of the fourth degree, and division (B) of section 545
2929.13 of the Revised Code applies in determining whether to 546
impose a prison term on the offender. If the amount of the drug 547
involved is within that range and if the offense was committed 548

in the vicinity of a school or in the vicinity of a juvenile, 549
trafficking in marihuana is a felony of the third degree, and 550
division (C) of section 2929.13 of the Revised Code applies in 551
determining whether to impose a prison term on the offender. 552

(d) Except as otherwise provided in this division, if the 553
amount of the drug involved equals or exceeds one thousand grams 554
but is less than five thousand grams, trafficking in marihuana 555
is a felony of the third degree, and division (C) of section 556
2929.13 of the Revised Code applies in determining whether to 557
impose a prison term on the offender. If the amount of the drug 558
involved is within that range and if the offense was committed 559
in the vicinity of a school or in the vicinity of a juvenile, 560
trafficking in marihuana is a felony of the second degree, and 561
there is a presumption that a prison term shall be imposed for 562
the offense. 563

(e) Except as otherwise provided in this division, if the 564
amount of the drug involved equals or exceeds five thousand 565
grams but is less than twenty thousand grams, trafficking in 566
marihuana is a felony of the third degree, and there is a 567
presumption that a prison term shall be imposed for the offense. 568
If the amount of the drug involved is within that range and if 569
the offense was committed in the vicinity of a school or in the 570
vicinity of a juvenile, trafficking in marihuana is a felony of 571
the second degree, and there is a presumption that a prison term 572
shall be imposed for the offense. 573

(f) Except as otherwise provided in this division, if the 574
amount of the drug involved equals or exceeds twenty thousand 575
grams but is less than forty thousand grams, trafficking in 576
marihuana is a felony of the second degree, and the court shall 577
impose as a mandatory prison term a second degree felony 578

mandatory prison term of five, six, seven, or eight years. If 579
the amount of the drug involved is within that range and if the 580
offense was committed in the vicinity of a school or in the 581
vicinity of a juvenile, trafficking in marihuana is a felony of 582
the first degree, and the court shall impose as a mandatory 583
prison term a maximum first degree felony mandatory prison term. 584

(g) Except as otherwise provided in this division, if the 585
amount of the drug involved equals or exceeds forty thousand 586
grams, trafficking in marihuana is a felony of the second 587
degree, and the court shall impose as a mandatory prison term a 588
maximum second degree felony mandatory prison term. If the 589
amount of the drug involved equals or exceeds forty thousand 590
grams and if the offense was committed in the vicinity of a 591
school or in the vicinity of a juvenile, trafficking in 592
marihuana is a felony of the first degree, and the court shall 593
impose as a mandatory prison term a maximum first degree felony 594
mandatory prison term. 595

(h) Except as otherwise provided in this division, if the 596
offense involves a gift of twenty grams or less of marihuana, 597
trafficking in marihuana is a minor misdemeanor upon a first 598
offense and a misdemeanor of the third degree upon a subsequent 599
offense. If the offense involves a gift of twenty grams or less 600
of marihuana and if the offense was committed in the vicinity of 601
a school or in the vicinity of a juvenile, trafficking in 602
marihuana is a misdemeanor of the third degree. 603

(4) If the drug involved in the violation is cocaine or a 604
compound, mixture, preparation, or substance containing cocaine, 605
whoever violates division (A) of this section is guilty of 606
trafficking in cocaine. The penalty for the offense shall be 607
determined as follows: 608

(a) Except as otherwise provided in division (C) (4) (b), 609
(c), (d), (e), (f), or (g) of this section, trafficking in 610
cocaine is a felony of the fifth degree, and division (B) of 611
section 2929.13 of the Revised Code applies in determining 612
whether to impose a prison term on the offender. 613

(b) Except as otherwise provided in division (C) (4) (c), 614
(d), (e), (f), or (g) of this section, if the offense was 615
committed in the vicinity of a school or in the vicinity of a 616
juvenile, trafficking in cocaine is a felony of the fourth 617
degree, and division (C) of section 2929.13 of the Revised Code 618
applies in determining whether to impose a prison term on the 619
offender. 620

(c) Except as otherwise provided in this division, if the 621
amount of the drug involved equals or exceeds five grams but is 622
less than ten grams of cocaine, trafficking in cocaine is a 623
felony of the fourth degree, and division (B) of section 2929.13 624
of the Revised Code applies in determining whether to impose a 625
prison term for the offense. If the amount of the drug involved 626
is within that range and if the offense was committed in the 627
vicinity of a school or in the vicinity of a juvenile, 628
trafficking in cocaine is a felony of the third degree, and 629
there is a presumption for a prison term for the offense. 630

(d) Except as otherwise provided in this division, if the 631
amount of the drug involved equals or exceeds ten grams but is 632
less than twenty grams of cocaine, trafficking in cocaine is a 633
felony of the third degree, and, except as otherwise provided in 634
this division, there is a presumption for a prison term for the 635
offense. If trafficking in cocaine is a felony of the third 636
degree under this division and if the offender two or more times 637
previously has been convicted of or pleaded guilty to a felony 638

drug abuse offense, the court shall impose as a mandatory prison 639
term one of the prison terms prescribed for a felony of the 640
third degree. If the amount of the drug involved is within that 641
range and if the offense was committed in the vicinity of a 642
school or in the vicinity of a juvenile, trafficking in cocaine 643
is a felony of the second degree, and the court shall impose as 644
a mandatory prison term a second degree felony mandatory prison 645
term. 646

(e) Except as otherwise provided in this division, if the 647
amount of the drug involved equals or exceeds twenty grams but 648
is less than twenty-seven grams of cocaine, trafficking in 649
cocaine is a felony of the second degree, and the court shall 650
impose as a mandatory prison term a second degree felony 651
mandatory prison term. If the amount of the drug involved is 652
within that range and if the offense was committed in the 653
vicinity of a school or in the vicinity of a juvenile, 654
trafficking in cocaine is a felony of the first degree, and the 655
court shall impose as a mandatory prison term a first degree 656
felony mandatory prison term. 657

(f) If the amount of the drug involved equals or exceeds 658
twenty-seven grams but is less than one hundred grams of cocaine 659
and regardless of whether the offense was committed in the 660
vicinity of a school or in the vicinity of a juvenile, 661
trafficking in cocaine is a felony of the first degree, and the 662
court shall impose as a mandatory prison term a first degree 663
felony mandatory prison term. 664

(g) If the amount of the drug involved equals or exceeds 665
one hundred grams of cocaine and regardless of whether the 666
offense was committed in the vicinity of a school or in the 667
vicinity of a juvenile, trafficking in cocaine is a felony of 668

the first degree, the offender is a major drug offender, and the 669
court shall impose as a mandatory prison term a maximum first 670
degree felony mandatory prison term. 671

(5) If the drug involved in the violation is L.S.D. or a 672
compound, mixture, preparation, or substance containing L.S.D., 673
whoever violates division (A) of this section is guilty of 674
trafficking in L.S.D. The penalty for the offense shall be 675
determined as follows: 676

(a) Except as otherwise provided in division (C) (5) (b), 677
(c), (d), (e), (f), or (g) of this section, trafficking in 678
L.S.D. is a felony of the fifth degree, and division (B) of 679
section 2929.13 of the Revised Code applies in determining 680
whether to impose a prison term on the offender. 681

(b) Except as otherwise provided in division (C) (5) (c), 682
(d), (e), (f), or (g) of this section, if the offense was 683
committed in the vicinity of a school or in the vicinity of a 684
juvenile, trafficking in L.S.D. is a felony of the fourth 685
degree, and division (C) of section 2929.13 of the Revised Code 686
applies in determining whether to impose a prison term on the 687
offender. 688

(c) Except as otherwise provided in this division, if the 689
amount of the drug involved equals or exceeds ten unit doses but 690
is less than fifty unit doses of L.S.D. in a solid form or 691
equals or exceeds one gram but is less than five grams of L.S.D. 692
in a liquid concentrate, liquid extract, or liquid distillate 693
form, trafficking in L.S.D. is a felony of the fourth degree, 694
and division (B) of section 2929.13 of the Revised Code applies 695
in determining whether to impose a prison term for the offense. 696
If the amount of the drug involved is within that range and if 697
the offense was committed in the vicinity of a school or in the 698

vicinity of a juvenile, trafficking in L.S.D. is a felony of the 699
third degree, and there is a presumption for a prison term for 700
the offense. 701

(d) Except as otherwise provided in this division, if the 702
amount of the drug involved equals or exceeds fifty unit doses 703
but is less than two hundred fifty unit doses of L.S.D. in a 704
solid form or equals or exceeds five grams but is less than 705
twenty-five grams of L.S.D. in a liquid concentrate, liquid 706
extract, or liquid distillate form, trafficking in L.S.D. is a 707
felony of the third degree, and, except as otherwise provided in 708
this division, there is a presumption for a prison term for the 709
offense. If trafficking in L.S.D. is a felony of the third 710
degree under this division and if the offender two or more times 711
previously has been convicted of or pleaded guilty to a felony 712
drug abuse offense, the court shall impose as a mandatory prison 713
term one of the prison terms prescribed for a felony of the 714
third degree. If the amount of the drug involved is within that 715
range and if the offense was committed in the vicinity of a 716
school or in the vicinity of a juvenile, trafficking in L.S.D. 717
is a felony of the second degree, and the court shall impose as 718
a mandatory prison term a second degree felony mandatory prison 719
term. 720

(e) Except as otherwise provided in this division, if the 721
amount of the drug involved equals or exceeds two hundred fifty 722
unit doses but is less than one thousand unit doses of L.S.D. in 723
a solid form or equals or exceeds twenty-five grams but is less 724
than one hundred grams of L.S.D. in a liquid concentrate, liquid 725
extract, or liquid distillate form, trafficking in L.S.D. is a 726
felony of the second degree, and the court shall impose as a 727
mandatory prison term a second degree felony mandatory prison 728
term. If the amount of the drug involved is within that range 729

and if the offense was committed in the vicinity of a school or 730
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 731
of the first degree, and the court shall impose as a mandatory 732
prison term a first degree felony mandatory prison term. 733

(f) If the amount of the drug involved equals or exceeds 734
one thousand unit doses but is less than five thousand unit 735
doses of L.S.D. in a solid form or equals or exceeds one hundred 736
grams but is less than five hundred grams of L.S.D. in a liquid 737
concentrate, liquid extract, or liquid distillate form and 738
regardless of whether the offense was committed in the vicinity 739
of a school or in the vicinity of a juvenile, trafficking in 740
L.S.D. is a felony of the first degree, and the court shall 741
impose as a mandatory prison term a first degree felony 742
mandatory prison term. 743

(g) If the amount of the drug involved equals or exceeds 744
five thousand unit doses of L.S.D. in a solid form or equals or 745
exceeds five hundred grams of L.S.D. in a liquid concentrate, 746
liquid extract, or liquid distillate form and regardless of 747
whether the offense was committed in the vicinity of a school or 748
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 749
of the first degree, the offender is a major drug offender, and 750
the court shall impose as a mandatory prison term a maximum 751
first degree felony mandatory prison term. 752

(6) If the drug involved in the violation is heroin or a 753
compound, mixture, preparation, or substance containing heroin, 754
whoever violates division (A) of this section is guilty of 755
trafficking in heroin. The penalty for the offense shall be 756
determined as follows: 757

(a) Except as otherwise provided in division (C) (6) (b), 758
(c), (d), (e), (f), or (g) of this section, trafficking in 759

heroin is a felony of the fifth degree, and division (B) of 760
section 2929.13 of the Revised Code applies in determining 761
whether to impose a prison term on the offender. 762

(b) Except as otherwise provided in division (C) (6) (c), 763
(d), (e), (f), or (g) of this section, if the offense was 764
committed in the vicinity of a school or in the vicinity of a 765
juvenile, trafficking in heroin is a felony of the fourth 766
degree, and division (C) of section 2929.13 of the Revised Code 767
applies in determining whether to impose a prison term on the 768
offender. 769

(c) Except as otherwise provided in this division, if the 770
amount of the drug involved equals or exceeds ten unit doses but 771
is less than fifty unit doses or equals or exceeds one gram but 772
is less than five grams, trafficking in heroin is a felony of 773
the fourth degree, and division (B) of section 2929.13 of the 774
Revised Code applies in determining whether to impose a prison 775
term for the offense. If the amount of the drug involved is 776
within that range and if the offense was committed in the 777
vicinity of a school or in the vicinity of a juvenile, 778
trafficking in heroin is a felony of the third degree, and there 779
is a presumption for a prison term for the offense. 780

(d) Except as otherwise provided in this division, if the 781
amount of the drug involved equals or exceeds fifty unit doses 782
but is less than one hundred unit doses or equals or exceeds 783
five grams but is less than ten grams, trafficking in heroin is 784
a felony of the third degree, and there is a presumption for a 785
prison term for the offense. If the amount of the drug involved 786
is within that range and if the offense was committed in the 787
vicinity of a school or in the vicinity of a juvenile, 788
trafficking in heroin is a felony of the second degree, and 789

there is a presumption for a prison term for the offense. 790

(e) Except as otherwise provided in this division, if the 791
amount of the drug involved equals or exceeds one hundred unit 792
doses but is less than five hundred unit doses or equals or 793
exceeds ten grams but is less than fifty grams, trafficking in 794
heroin is a felony of the second degree, and the court shall 795
impose as a mandatory prison term a second degree felony 796
mandatory prison term. If the amount of the drug involved is 797
within that range and if the offense was committed in the 798
vicinity of a school or in the vicinity of a juvenile, 799
trafficking in heroin is a felony of the first degree, and the 800
court shall impose as a mandatory prison term a first degree 801
felony mandatory prison term. 802

(f) If the amount of the drug involved equals or exceeds 803
five hundred unit doses but is less than one thousand unit doses 804
or equals or exceeds fifty grams but is less than one hundred 805
grams and regardless of whether the offense was committed in the 806
vicinity of a school or in the vicinity of a juvenile, 807
trafficking in heroin is a felony of the first degree, and the 808
court shall impose as a mandatory prison term a first degree 809
felony mandatory prison term. 810

(g) If the amount of the drug involved equals or exceeds 811
one thousand unit doses or equals or exceeds one hundred grams 812
and regardless of whether the offense was committed in the 813
vicinity of a school or in the vicinity of a juvenile, 814
trafficking in heroin is a felony of the first degree, the 815
offender is a major drug offender, and the court shall impose as 816
a mandatory prison term a maximum first degree felony mandatory 817
prison term. 818

(7) If the drug involved in the violation is hashish or a 819

compound, mixture, preparation, or substance containing hashish, 820
whoever violates division (A) of this section is guilty of 821
trafficking in hashish. The penalty for the offense shall be 822
determined as follows: 823

(a) Except as otherwise provided in division (C) (7) (b), 824
(c), (d), (e), (f), or (g) of this section, trafficking in 825
hashish is a felony of the fifth degree, and division (B) of 826
section 2929.13 of the Revised Code applies in determining 827
whether to impose a prison term on the offender. 828

(b) Except as otherwise provided in division (C) (7) (c), 829
(d), (e), (f), or (g) of this section, if the offense was 830
committed in the vicinity of a school or in the vicinity of a 831
juvenile, trafficking in hashish is a felony of the fourth 832
degree, and division (B) of section 2929.13 of the Revised Code 833
applies in determining whether to impose a prison term on the 834
offender. 835

(c) Except as otherwise provided in this division, if the 836
amount of the drug involved equals or exceeds ten grams but is 837
less than fifty grams of hashish in a solid form or equals or 838
exceeds two grams but is less than ten grams of hashish in a 839
liquid concentrate, liquid extract, or liquid distillate form, 840
trafficking in hashish is a felony of the fourth degree, and 841
division (B) of section 2929.13 of the Revised Code applies in 842
determining whether to impose a prison term on the offender. If 843
the amount of the drug involved is within that range and if the 844
offense was committed in the vicinity of a school or in the 845
vicinity of a juvenile, trafficking in hashish is a felony of 846
the third degree, and division (C) of section 2929.13 of the 847
Revised Code applies in determining whether to impose a prison 848
term on the offender. 849

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

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred fifty grams but is less than one thousand grams of hashish in a solid form or equals or exceeds fifty grams but is less than two hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(f) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less than two thousand grams of hashish in a solid form or equals or exceeds two hundred grams but is less than four hundred grams of hashish in a liquid concentrate, liquid

extract, or liquid distillate form, trafficking in hashish is a 881
felony of the second degree, and the court shall impose as a 882
mandatory prison term a second degree felony mandatory prison 883
term of five, six, seven, or eight years. If the amount of the 884
drug involved is within that range and if the offense was 885
committed in the vicinity of a school or in the vicinity of a 886
juvenile, trafficking in hashish is a felony of the first 887
degree, and the court shall impose as a mandatory prison term a 888
maximum first degree felony mandatory prison term. 889

(g) Except as otherwise provided in this division, if the 890
amount of the drug involved equals or exceeds two thousand grams 891
of hashish in a solid form or equals or exceeds four hundred 892
grams of hashish in a liquid concentrate, liquid extract, or 893
liquid distillate form, trafficking in hashish is a felony of 894
the second degree, and the court shall impose as a mandatory 895
prison term a maximum second degree felony mandatory prison 896
term. If the amount of the drug involved equals or exceeds two 897
thousand grams of hashish in a solid form or equals or exceeds 898
four hundred grams of hashish in a liquid concentrate, liquid 899
extract, or liquid distillate form and if the offense was 900
committed in the vicinity of a school or in the vicinity of a 901
juvenile, trafficking in hashish is a felony of the first 902
degree, and the court shall impose as a mandatory prison term a 903
maximum first degree felony mandatory prison term. 904

(8) If the drug involved in the violation is a controlled 905
substance analog or compound, mixture, preparation, or substance 906
that contains a controlled substance analog, whoever violates 907
division (A) of this section is guilty of trafficking in a 908
controlled substance analog. The penalty for the offense shall 909
be determined as follows: 910

(a) Except as otherwise provided in division (C) (8) (b), 911
(c), (d), (e), (f), or (g) of this section, trafficking in a 912
controlled substance analog is a felony of the fifth degree, and 913
division (C) of section 2929.13 of the Revised Code applies in 914
determining whether to impose a prison term on the offender. 915

(b) Except as otherwise provided in division (C) (8) (c), 916
(d), (e), (f), or (g) of this section, if the offense was 917
committed in the vicinity of a school or in the vicinity of a 918
juvenile, trafficking in a controlled substance analog is a 919
felony of the fourth degree, and division (C) of section 2929.13 920
of the Revised Code applies in determining whether to impose a 921
prison term on the offender. 922

(c) Except as otherwise provided in this division, if the 923
amount of the drug involved equals or exceeds ten grams but is 924
less than twenty grams, trafficking in a controlled substance 925
analog is a felony of the fourth degree, and division (B) of 926
section 2929.13 of the Revised Code applies in determining 927
whether to impose a prison term for the offense. If the amount 928
of the drug involved is within that range and if the offense was 929
committed in the vicinity of a school or in the vicinity of a 930
juvenile, trafficking in a controlled substance analog is a 931
felony of the third degree, and there is a presumption for a 932
prison term for the offense. 933

(d) Except as otherwise provided in this division, if the 934
amount of the drug involved equals or exceeds twenty grams but 935
is less than thirty grams, trafficking in a controlled substance 936
analog is a felony of the third degree, and there is a 937
presumption for a prison term for the offense. If the amount of 938
the drug involved is within that range and if the offense was 939
committed in the vicinity of a school or in the vicinity of a 940

juvenile, trafficking in a controlled substance analog is a 941
felony of the second degree, and there is a presumption for a 942
prison term for the offense. 943

(e) Except as otherwise provided in this division, if the 944
amount of the drug involved equals or exceeds thirty grams but 945
is less than forty grams, trafficking in a controlled substance 946
analog is a felony of the second degree, and the court shall 947
impose as a mandatory prison term a second degree felony 948
mandatory prison term. If the amount of the drug involved is 949
within that range and if the offense was committed in the 950
vicinity of a school or in the vicinity of a juvenile, 951
trafficking in a controlled substance analog is a felony of the 952
first degree, and the court shall impose as a mandatory prison 953
term a first degree felony mandatory prison term. 954

(f) If the amount of the drug involved equals or exceeds 955
forty grams but is less than fifty grams and regardless of 956
whether the offense was committed in the vicinity of a school or 957
in the vicinity of a juvenile, trafficking in a controlled 958
substance analog is a felony of the first degree, and the court 959
shall impose as a mandatory prison term a first degree felony 960
mandatory prison term. 961

(g) If the amount of the drug involved equals or exceeds 962
fifty grams and regardless of whether the offense was committed 963
in the vicinity of a school or in the vicinity of a juvenile, 964
trafficking in a controlled substance analog is a felony of the 965
first degree, the offender is a major drug offender, and the 966
court shall impose as a mandatory prison term a maximum first 967
degree felony mandatory prison term. 968

(9) If the drug involved in the violation is a fentanyl- 969
related compound or a compound, mixture, preparation, or 970

substance containing a fentanyl-related compound and division 971
(C) (10) (a) of this section does not apply to the drug involved, 972
whoever violates division (A) of this section is guilty of 973
trafficking in a fentanyl-related compound. The penalty for the 974
offense shall be determined as follows: 975

(a) Except as otherwise provided in division (C) (9) (b), 976
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 977
a fentanyl-related compound is a felony of the fifth degree, and 978
division (B) of section 2929.13 of the Revised Code applies in 979
determining whether to impose a prison term on the offender. 980

(b) Except as otherwise provided in division (C) (9) (c), 981
(d), (e), (f), (g), or (h) of this section, if the offense was 982
committed in the vicinity of a school or in the vicinity of a 983
juvenile, trafficking in a fentanyl-related compound is a felony 984
of the fourth degree, and division (C) of section 2929.13 of the 985
Revised Code applies in determining whether to impose a prison 986
term on the offender. 987

(c) Except as otherwise provided in this division, if the 988
amount of the drug involved equals or exceeds ten unit doses but 989
is less than fifty unit doses or equals or exceeds one gram but 990
is less than five grams, trafficking in a fentanyl-related 991
compound is a felony of the fourth degree, and division (B) of 992
section 2929.13 of the Revised Code applies in determining 993
whether to impose a prison term for the offense. If the amount 994
of the drug involved is within that range and if the offense was 995
committed in the vicinity of a school or in the vicinity of a 996
juvenile, trafficking in a fentanyl-related compound is a felony 997
of the third degree, and there is a presumption for a prison 998
term for the offense. 999

(d) Except as otherwise provided in this division, if the 1000

amount of the drug involved equals or exceeds fifty unit doses 1001
but is less than one hundred unit doses or equals or exceeds 1002
five grams but is less than ten grams, trafficking in a 1003
fentanyl-related compound is a felony of the third degree, and 1004
there is a presumption for a prison term for the offense. If the 1005
amount of the drug involved is within that range and if the 1006
offense was committed in the vicinity of a school or in the 1007
vicinity of a juvenile, trafficking in a fentanyl-related 1008
compound is a felony of the second degree, and there is a 1009
presumption for a prison term for the offense. 1010

(e) Except as otherwise provided in this division, if the 1011
amount of the drug involved equals or exceeds one hundred unit 1012
doses but is less than two hundred unit doses or equals or 1013
exceeds ten grams but is less than twenty grams, trafficking in 1014
a fentanyl-related compound is a felony of the second degree, 1015
and the court shall impose as a mandatory prison term one of the 1016
prison terms prescribed for a felony of the second degree. If 1017
the amount of the drug involved is within that range and if the 1018
offense was committed in the vicinity of a school or in the 1019
vicinity of a juvenile, trafficking in a fentanyl-related 1020
compound is a felony of the first degree, and the court shall 1021
impose as a mandatory prison term one of the prison terms 1022
prescribed for a felony of the first degree. 1023

(f) If the amount of the drug involved equals or exceeds 1024
two hundred unit doses but is less than five hundred unit doses 1025
or equals or exceeds twenty grams but is less than fifty grams 1026
and regardless of whether the offense was committed in the 1027
vicinity of a school or in the vicinity of a juvenile, 1028
trafficking in a fentanyl-related compound is a felony of the 1029
first degree, and the court shall impose as a mandatory prison 1030
term one of the prison terms prescribed for a felony of the 1031

first degree. 1032

(g) If the amount of the drug involved equals or exceeds 1033
five hundred unit doses but is less than one thousand unit doses 1034
or equals or exceeds fifty grams but is less than one hundred 1035
grams and regardless of whether the offense was committed in the 1036
vicinity of a school or in the vicinity of a juvenile, 1037
trafficking in a fentanyl-related compound is a felony of the 1038
first degree, and the court shall impose as a mandatory prison 1039
term the maximum prison term prescribed for a felony of the 1040
first degree. 1041

(h) If the amount of the drug involved equals or exceeds 1042
one thousand unit doses or equals or exceeds one hundred grams 1043
and regardless of whether the offense was committed in the 1044
vicinity of a school or in the vicinity of a juvenile, 1045
trafficking in a fentanyl-related compound is a felony of the 1046
first degree, the offender is a major drug offender, and the 1047
court shall impose as a mandatory prison term the maximum prison 1048
term prescribed for a felony of the first degree. 1049

(10) If the drug involved in the violation is a compound, 1050
mixture, preparation, or substance that is a combination of a 1051
fentanyl-related compound and marihuana, one of the following 1052
applies: 1053

(a) Except as otherwise provided in division (C) (10) (b) of 1054
this section, the offender is guilty of trafficking in marihuana 1055
and shall be punished under division (C) (3) of this section. The 1056
offender is not guilty of trafficking in a fentanyl-related 1057
compound and shall not be charged with, convicted of, or 1058
punished under division (C) (9) of this section for trafficking 1059
in a fentanyl-related compound. 1060

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

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

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

division (F) of this section. If a person is charged with a 1092
violation of this section that is a felony of the first, second, 1093
or third degree, posts bail, and forfeits the bail, the clerk of 1094
the court shall pay the forfeited bail pursuant to divisions (D) 1095
(1) and (F) of this section, as if the forfeited bail was a fine 1096
imposed for a violation of this section. If any amount of the 1097
forfeited bail remains after that payment and if a fine is 1098
imposed under division (H) (1) of this section, the clerk of the 1099
court shall pay the remaining amount of the forfeited bail 1100
pursuant to divisions (H) (2) and (3) of this section, as if that 1101
remaining amount was a fine imposed under division (H) (1) of 1102
this section. 1103

(2) If the offender is a professionally licensed person, 1104
the court immediately shall comply with section 2925.38 of the 1105
Revised Code. 1106

(E) When a person is charged with the sale of or offer to 1107
sell a bulk amount or a multiple of a bulk amount of a 1108
controlled substance, the jury, or the court trying the accused, 1109
shall determine the amount of the controlled substance involved 1110
at the time of the offense and, if a guilty verdict is returned, 1111
shall return the findings as part of the verdict. In any such 1112
case, it is unnecessary to find and return the exact amount of 1113
the controlled substance involved, and it is sufficient if the 1114
finding and return is to the effect that the amount of the 1115
controlled substance involved is the requisite amount, or that 1116
the amount of the controlled substance involved is less than the 1117
requisite amount. 1118

(F) (1) Notwithstanding any contrary provision of section 1119
3719.21 of the Revised Code and except as provided in division 1120
(H) of this section, the clerk of the court shall pay any 1121

mandatory fine imposed pursuant to division (D) (1) of this 1122
section and any fine other than a mandatory fine that is imposed 1123
for a violation of this section pursuant to division (A) or (B) 1124
(5) of section 2929.18 of the Revised Code to the county, 1125
township, municipal corporation, park district, as created 1126
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1127
state law enforcement agencies in this state that primarily were 1128
responsible for or involved in making the arrest of, and in 1129
prosecuting, the offender. However, the clerk shall not pay a 1130
mandatory fine so imposed to a law enforcement agency unless the 1131
agency has adopted a written internal control policy under 1132
division (F) (2) of this section that addresses the use of the 1133
fine moneys that it receives. Each agency shall use the 1134
mandatory fines so paid to subsidize the agency's law 1135
enforcement efforts that pertain to drug offenses, in accordance 1136
with the written internal control policy adopted by the 1137
recipient agency under division (F) (2) of this section. 1138

(2) Prior to receiving any fine moneys under division (F) 1139
(1) of this section or division (B) of section 2925.42 of the 1140
Revised Code, a law enforcement agency shall adopt a written 1141
internal control policy that addresses the agency's use and 1142
disposition of all fine moneys so received and that provides for 1143
the keeping of detailed financial records of the receipts of 1144
those fine moneys, the general types of expenditures made out of 1145
those fine moneys, and the specific amount of each general type 1146
of expenditure. The policy shall not provide for or permit the 1147
identification of any specific expenditure that is made in an 1148
ongoing investigation. All financial records of the receipts of 1149
those fine moneys, the general types of expenditures made out of 1150
those fine moneys, and the specific amount of each general type 1151
of expenditure by an agency are public records open for 1152

inspection under section 149.43 of the Revised Code. 1153
Additionally, a written internal control policy adopted under 1154
this division is such a public record, and the agency that 1155
adopted it shall comply with it. 1156

(3) As used in division (F) of this section: 1157

(a) "Law enforcement agencies" includes, but is not 1158
limited to, the state board of pharmacy and the office of a 1159
prosecutor. 1160

(b) "Prosecutor" has the same meaning as in section 1161
2935.01 of the Revised Code. 1162

(G) (1) If the sentencing court suspends the offender's 1163
driver's or commercial driver's license or permit under division 1164
(D) of this section or any other provision of this chapter, the 1165
court shall suspend the license, by order, for not more than 1166
five years. If an offender's driver's or commercial driver's 1167
license or permit is suspended pursuant to this division, the 1168
offender, at any time after the expiration of two years from the 1169
day on which the offender's sentence was imposed or from the day 1170
on which the offender finally was released from a prison term 1171
under the sentence, whichever is later, may file a motion with 1172
the sentencing court requesting termination of the suspension; 1173
upon the filing of such a motion and the court's finding of good 1174
cause for the termination, the court may terminate the 1175
suspension. 1176

(2) Any offender who received a mandatory suspension of 1177
the offender's driver's or commercial driver's license or permit 1178
under this section prior to September 13, 2016, may file a 1179
motion with the sentencing court requesting the termination of 1180
the suspension. However, an offender who pleaded guilty to or 1181

was convicted of a violation of section 4511.19 of the Revised 1182
Code or a substantially similar municipal ordinance or law of 1183
another state or the United States that arose out of the same 1184
set of circumstances as the violation for which the offender's 1185
license or permit was suspended under this section shall not 1186
file such a motion. 1187

Upon the filing of a motion under division (G) (2) of this 1188
section, the sentencing court, in its discretion, may terminate 1189
the suspension. 1190

(H) (1) In addition to any prison term authorized or 1191
required by division (C) of this section and sections 2929.13 1192
and 2929.14 of the Revised Code, in addition to any other 1193
penalty or sanction imposed for the offense under this section 1194
or sections 2929.11 to 2929.18 of the Revised Code, and in 1195
addition to the forfeiture of property in connection with the 1196
offense as prescribed in Chapter 2981. of the Revised Code, the 1197
court that sentences an offender who is convicted of or pleads 1198
guilty to a violation of division (A) of this section may impose 1199
upon the offender an additional fine specified for the offense 1200
in division (B) (4) of section 2929.18 of the Revised Code. A 1201
fine imposed under division (H) (1) of this section is not 1202
subject to division (F) of this section and shall be used solely 1203
for the support of one or more eligible community addiction 1204
services providers in accordance with divisions (H) (2) and (3) 1205
of this section. 1206

(2) The court that imposes a fine under division (H) (1) of 1207
this section shall specify in the judgment that imposes the fine 1208
one or more eligible community addiction services providers for 1209
the support of which the fine money is to be used. No community 1210
addiction services provider shall receive or use money paid or 1211

collected in satisfaction of a fine imposed under division (H) 1212
(1) of this section unless the services provider is specified in 1213
the judgment that imposes the fine. No community addiction 1214
services provider shall be specified in the judgment unless the 1215
services provider is an eligible community addiction services 1216
provider and, except as otherwise provided in division (H) (2) of 1217
this section, unless the services provider is located in the 1218
county in which the court that imposes the fine is located or in 1219
a county that is immediately contiguous to the county in which 1220
that court is located. If no eligible community addiction 1221
services provider is located in any of those counties, the 1222
judgment may specify an eligible community addiction services 1223
provider that is located anywhere within this state. 1224

(3) Notwithstanding any contrary provision of section 1225
3719.21 of the Revised Code, the clerk of the court shall pay 1226
any fine imposed under division (H) (1) of this section to the 1227
eligible community addiction services provider specified 1228
pursuant to division (H) (2) of this section in the judgment. The 1229
eligible community addiction services provider that receives the 1230
fine moneys shall use the moneys only for the alcohol and drug 1231
addiction services identified in the application for 1232
certification of services under section 5119.36 of the Revised 1233
Code or in the application for a license under section 5119.37 1234
of the Revised Code filed with the department of mental health 1235
and addiction services by the community addiction services 1236
provider specified in the judgment. 1237

(4) Each community addiction services provider that 1238
receives in a calendar year any fine moneys under division (H) 1239
(3) of this section shall file an annual report covering that 1240
calendar year with the court of common pleas and the board of 1241
county commissioners of the county in which the services 1242

provider is located, with the court of common pleas and the 1243
board of county commissioners of each county from which the 1244
services provider received the moneys if that county is 1245
different from the county in which the services provider is 1246
located, and with the attorney general. The community addiction 1247
services provider shall file the report no later than the first 1248
day of March in the calendar year following the calendar year in 1249
which the services provider received the fine moneys. The report 1250
shall include statistics on the number of persons served by the 1251
community addiction services provider, identify the types of 1252
alcohol and drug addiction services provided to those persons, 1253
and include a specific accounting of the purposes for which the 1254
fine moneys received were used. No information contained in the 1255
report shall identify, or enable a person to determine the 1256
identity of, any person served by the community addiction 1257
services provider. Each report received by a court of common 1258
pleas, a board of county commissioners, or the attorney general 1259
is a public record open for inspection under section 149.43 of 1260
the Revised Code. 1261

(5) As used in divisions (H) (1) to (5) of this section: 1262

(a) "Community addiction services provider" and "alcohol 1263
and drug addiction services" have the same meanings as in 1264
section 5119.01 of the Revised Code. 1265

(b) "Eligible community addiction services provider" means 1266
a community addiction services provider, including a community 1267
addiction services provider that operates an opioid treatment 1268
program licensed under section 5119.37 of the Revised Code. 1269

(I) As used in this section, "drug" includes any substance 1270
that is represented to be a drug. 1271

(J) It is an affirmative defense to a charge of 1272
trafficking in a controlled substance analog under division (C) 1273
(8) of this section that the person charged with violating that 1274
offense sold or offered to sell, or prepared for shipment, 1275
shipped, transported, delivered, prepared for distribution, or 1276
distributed one of the following items that are excluded from 1277
the meaning of "controlled substance analog" under section 1278
3719.01 of the Revised Code: 1279

(1) A controlled substance; 1280

(2) Any substance for which there is an approved new drug 1281
application; 1282

(3) With respect to a particular person, any substance if 1283
an exemption is in effect for investigational use for that 1284
person pursuant to federal law to the extent that conduct with 1285
respect to that substance is pursuant to that exemption. 1286

Sec. 2925.04. (A) No person shall knowingly cultivate 1287
marihuana or knowingly manufacture or otherwise engage in any 1288
part of the production of a controlled substance. 1289

(B) This section does not apply to any person listed in 1290
division (B) (1), (2), or (3) of section 2925.03 of the Revised 1291
Code to the extent and under the circumstances described in 1292
those divisions. 1293

(C) (1) Whoever commits a violation of division (A) of this 1294
section that involves any drug other than marihuana is guilty of 1295
illegal manufacture of drugs, and whoever commits a violation of 1296
division (A) of this section that involves marihuana is guilty 1297
of illegal cultivation of marihuana. 1298

(2) Except as otherwise provided in this division, if the 1299
drug involved in the violation of division (A) of this section 1300

is any compound, mixture, preparation, or substance included in 1301
schedule I or II, with the exception of methamphetamine or 1302
marihuana, illegal manufacture of drugs is a felony of the 1303
second degree, and, subject to division (E) of this section, the 1304
court shall impose as a mandatory prison term a second degree 1305
felony mandatory prison term. 1306

If the drug involved in the violation is any compound, 1307
mixture, preparation, or substance included in schedule I or II, 1308
with the exception of methamphetamine or marihuana, and if the 1309
offense was committed in the vicinity of a juvenile or in the 1310
vicinity of a school, illegal manufacture of drugs is a felony 1311
of the first degree, and, subject to division (E) of this 1312
section, the court shall impose as a mandatory prison term a 1313
first degree felony mandatory prison term. 1314

(3) If the drug involved in the violation of division (A) 1315
of this section is methamphetamine, the penalty for the 1316
violation shall be determined as follows: 1317

(a) Except as otherwise provided in division (C) (3) (b) of 1318
this section, if the drug involved in the violation is 1319
methamphetamine, illegal manufacture of drugs is a felony of the 1320
second degree, and, subject to division (E) of this section, the 1321
court shall impose a mandatory prison term on the offender 1322
determined in accordance with this division. Except as otherwise 1323
provided in this division, the court shall impose as a mandatory 1324
prison term a second degree felony mandatory prison term that is 1325
not less than three years. If the offender previously has been 1326
convicted of or pleaded guilty to a violation of division (A) of 1327
this section, a violation of division (B) (6) of section 2919.22 1328
of the Revised Code, or a violation of division (A) of section 1329
2925.041 of the Revised Code, the court shall impose as a 1330

mandatory prison term a second degree felony mandatory prison 1331
term that is not less than five years. 1332

(b) If the drug involved in the violation is 1333
methamphetamine and if the offense was committed in the vicinity 1334
of a juvenile, in the vicinity of a school, or on public 1335
premises, illegal manufacture of drugs is a felony of the first 1336
degree, and, subject to division (E) of this section, the court 1337
shall impose a mandatory prison term on the offender determined 1338
in accordance with this division. Except as otherwise provided 1339
in this division, the court shall impose as a mandatory prison 1340
term a first degree felony mandatory prison term that is not 1341
less than four years. If the offender previously has been 1342
convicted of or pleaded guilty to a violation of division (A) of 1343
this section, a violation of division (B) (6) of section 2919.22 1344
of the Revised Code, or a violation of division (A) of section 1345
2925.041 of the Revised Code, the court shall impose as a 1346
mandatory prison term a first degree felony mandatory prison 1347
term that is not less than five years. 1348

(4) If the drug involved in the violation of division (A) 1349
of this section is any compound, mixture, preparation, or 1350
substance included in schedule III, IV, or V, illegal 1351
manufacture of drugs is a felony of the third degree or, if the 1352
offense was committed in the vicinity of a school or in the 1353
vicinity of a juvenile, a felony of the second degree, and there 1354
is a presumption for a prison term for the offense. 1355

(5) If the drug involved in the violation is marihuana, 1356
the penalty for the offense shall be determined as follows: 1357

(a) Except as otherwise provided in division (C) (5) (b), 1358
(c), (d), (e), or (f) of this section, illegal cultivation of 1359
marihuana is a minor misdemeanor or, if the offense was 1360

committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the fourth degree.

(b) If the amount of marihuana involved equals or exceeds one hundred grams but is less than two hundred grams, illegal cultivation of marihuana is a misdemeanor of the fourth degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the third degree.

(c) If the amount of marihuana involved equals or exceeds two hundred grams but is less than one thousand grams, illegal cultivation of marihuana is a felony of the fifth degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(d) If the amount of marihuana involved equals or exceeds one thousand grams but is less than five thousand grams, illegal cultivation of marihuana is a felony of the third degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a felony of the second degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(e) If the amount of marihuana involved equals or exceeds five thousand grams but is less than twenty thousand grams, illegal cultivation of marihuana is a felony of the third degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a felony of the second degree, and there is a presumption for a prison term for the offense.

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

amount of marihuana involved equals or exceeds twenty thousand 1390
grams, illegal cultivation of marihuana is a felony of the 1391
second degree, and the court shall impose as a mandatory prison 1392
term a maximum second degree felony mandatory prison term. If 1393
the amount of the drug involved equals or exceeds twenty 1394
thousand grams and if the offense was committed in the vicinity 1395
of a school or in the vicinity of a juvenile, illegal 1396
cultivation of marihuana is a felony of the first degree, and 1397
the court shall impose as a mandatory prison term a maximum 1398
first degree felony mandatory prison term. 1399

(D) In addition to any prison term authorized or required 1400
by division (C) or (E) of this section and sections 2929.13 and 1401
2929.14 of the Revised Code and in addition to any other 1402
sanction imposed for the offense under this section or sections 1403
2929.11 to 2929.18 of the Revised Code, the court that sentences 1404
an offender who is convicted of or pleads guilty to a violation 1405
of division (A) of this section, when the violation is a felony 1406
of the first degree, may suspend the offender's driver's or 1407
commercial driver's license or permit in accordance with 1408
division (G) of section 2925.03 of the Revised Code. However, if 1409
the offender pleaded guilty to or was convicted of a violation 1410
of section 4511.19 of the Revised Code or a substantially 1411
similar municipal ordinance or the law of another state or the 1412
United States arising out of the same set of circumstances as 1413
the first degree felony violation, the court shall suspend the 1414
offender's driver's or commercial driver's license or permit in 1415
accordance with division (G) of section 2925.03 of the Revised 1416
Code. If applicable, the court also shall do the following: 1417

(1) If the violation of division (A) of this section is a 1418
felony of the first, second, or third degree, the court shall 1419
impose upon the offender the mandatory fine specified for the 1420

offense under division (B) (1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. The clerk of the court shall pay a mandatory fine or other fine imposed for a violation of this section pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code. If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk shall pay the forfeited bail as if the forfeited bail were a fine imposed for a violation of this section.

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

(E) Notwithstanding the prison term otherwise authorized or required for the offense under division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, if the violation of division (A) of this section involves the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and if the court imposing sentence upon the offender finds that the offender as a result of the violation is a major drug offender and is guilty of a specification of the type described in division (A) of section 2941.1410 of the Revised Code, the court, in lieu of the prison term otherwise authorized or required, shall impose upon the offender the mandatory prison term specified in division (B) (3) of section 2929.14 of the Revised Code.

(F) It is an affirmative defense, as provided in section

2901.05 of the Revised Code, to a charge under this section for 1451
a fifth degree felony violation of illegal cultivation of 1452
marihuana that the marihuana that gave rise to the charge is in 1453
an amount, is in a form, is prepared, compounded, or mixed with 1454
substances that are not controlled substances in a manner, or is 1455
possessed or cultivated under any other circumstances that 1456
indicate that the marihuana was solely for personal use. 1457

Notwithstanding any contrary provision of division (F) of 1458
this section, if, in accordance with section 2901.05 of the 1459
Revised Code, a person who is charged with a violation of 1460
illegal cultivation of marihuana that is a felony of the fifth 1461
degree sustains the burden of going forward with evidence of and 1462
establishes by a preponderance of the evidence the affirmative 1463
defense described in this division, the person may be prosecuted 1464
for and may be convicted of or plead guilty to a misdemeanor 1465
violation of illegal cultivation of marihuana. 1466

(G) Arrest or conviction for a minor misdemeanor violation 1467
of this section does not constitute a criminal record and need 1468
not be reported by the person so arrested or convicted in 1469
response to any inquiries about the person's criminal record, 1470
including any inquiries contained in an application for 1471
employment, a license, or any other right or privilege or made 1472
in connection with the person's appearance as a witness. 1473

(H) (1) If the sentencing court suspends the offender's 1474
driver's or commercial driver's license or permit under this 1475
section in accordance with division (G) of section 2925.03 of 1476
the Revised Code, the offender may request termination of, and 1477
the court may terminate, the suspension of the offender in 1478
accordance with that division. 1479

(2) Any offender who received a mandatory suspension of 1480

the offender's driver's or commercial driver's license or permit 1481
under this section prior to September 13, 2016, may file a 1482
motion with the sentencing court requesting the termination of 1483
the suspension. However, an offender who pleaded guilty to or 1484
was convicted of a violation of section 4511.19 of the Revised 1485
Code or a substantially similar municipal ordinance or law of 1486
another state or the United States that arose out of the same 1487
set of circumstances as the violation for which the offender's 1488
license or permit was suspended under this section shall not 1489
file such a motion. 1490

Upon the filing of a motion under division (H) (2) of this 1491
section, the sentencing court, in its discretion, may terminate 1492
the suspension. 1493

Sec. 2925.041. (A) No person shall knowingly assemble or 1494
possess one or more chemicals that may be used to manufacture a 1495
controlled substance in schedule I or II with the intent to 1496
manufacture a controlled substance in schedule I or II in 1497
violation of section 2925.04 of the Revised Code. 1498

(B) In a prosecution under this section, it is not 1499
necessary to allege or prove that the offender assembled or 1500
possessed all chemicals necessary to manufacture a controlled 1501
substance in schedule I or II. The assembly or possession of a 1502
single chemical that may be used in the manufacture of a 1503
controlled substance in schedule I or II, with the intent to 1504
manufacture a controlled substance in either schedule, is 1505
sufficient to violate this section. 1506

(C) Whoever violates this section is guilty of illegal 1507
assembly or possession of chemicals for the manufacture of 1508
drugs. Except as otherwise provided in this division, illegal 1509
assembly or possession of chemicals for the manufacture of drugs 1510

is a felony of the third degree, and, except as otherwise 1511
provided in division (C) (1) or (2) of this section, division (C) 1512
of section 2929.13 of the Revised Code applies in determining 1513
whether to impose a prison term on the offender. If the offense 1514
was committed in the vicinity of a juvenile or in the vicinity 1515
of a school, illegal assembly or possession of chemicals for the 1516
manufacture of drugs is a felony of the second degree, and, 1517
except as otherwise provided in division (C) (1) or (2) of this 1518
section, division (C) of section 2929.13 of the Revised Code 1519
applies in determining whether to impose a prison term on the 1520
offender. If the violation of division (A) of this section is a 1521
felony of the third degree under this division and if the 1522
chemical or chemicals assembled or possessed in violation of 1523
division (A) of this section may be used to manufacture 1524
methamphetamine, there either is a presumption for a prison term 1525
for the offense or the court shall impose a mandatory prison 1526
term on the offender, determined as follows: 1527

(1) Except as otherwise provided in this division, there 1528
is a presumption for a prison term for the offense. If the 1529
offender two or more times previously has been convicted of or 1530
pleaded guilty to a felony drug abuse offense, except as 1531
otherwise provided in this division, the court shall impose as a 1532
mandatory prison term one of the prison terms prescribed for a 1533
felony of the third degree that is not less than two years. If 1534
the offender two or more times previously has been convicted of 1535
or pleaded guilty to a felony drug abuse offense and if at least 1536
one of those previous convictions or guilty pleas was to a 1537
violation of division (A) of this section, a violation of 1538
division (B) (6) of section 2919.22 of the Revised Code, or a 1539
violation of division (A) of section 2925.04 of the Revised 1540
Code, the court shall impose as a mandatory prison term one of 1541

the prison terms prescribed for a felony of the third degree 1542
that is not less than five years. 1543

(2) If the violation of division (A) of this section is a 1544
felony of the second degree under division (C) of this section 1545
and the chemical or chemicals assembled or possessed in 1546
committing the violation may be used to manufacture 1547
methamphetamine, the court shall impose as a mandatory prison 1548
term a second degree felony mandatory prison term that is not 1549
less than three years. If the violation of division (A) of this 1550
section is a felony of the second degree under division (C) of 1551
this section, if the chemical or chemicals assembled or 1552
possessed in committing the violation may be used to manufacture 1553
methamphetamine, and if the offender previously has been 1554
convicted of or pleaded guilty to a violation of division (A) of 1555
this section, a violation of division (B) (6) of section 2919.22 1556
of the Revised Code, or a violation of division (A) of section 1557
2925.04 of the Revised Code, the court shall impose as a 1558
mandatory prison term a second degree felony mandatory prison 1559
term that is not less than five years. 1560

(D) In addition to any prison term authorized by division 1561
(C) of this section and sections 2929.13 and 2929.14 of the 1562
Revised Code and in addition to any other sanction imposed for 1563
the offense under this section or sections 2929.11 to 2929.18 of 1564
the Revised Code, the court that sentences an offender who is 1565
convicted of or pleads guilty to a violation of this section, 1566
when the violation is a felony of the second degree, may suspend 1567
the offender's driver's or commercial driver's license or permit 1568
in accordance with division (G) of section 2925.03 of the 1569
Revised Code. However, if the offender pleaded guilty to or was 1570
convicted of a violation of section 4511.19 of the Revised Code 1571
or a substantially similar municipal ordinance or the law of 1572

another state or the United States arising out of the same set 1573
of circumstances as the second degree felony violation, the 1574
court shall suspend the offender's driver's or commercial 1575
driver's license or permit in accordance with division (G) of 1576
section 2925.03 of the Revised Code. If applicable, the court 1577
also shall do the following: 1578

(1) The court shall impose upon the offender the mandatory 1579
fine specified for the offense under division (B) (1) of section 1580
2929.18 of the Revised Code unless, as specified in that 1581
division, the court determines that the offender is indigent. 1582
The clerk of the court shall pay a mandatory fine or other fine 1583
imposed for a violation of this section under division (A) of 1584
section 2929.18 of the Revised Code in accordance with and 1585
subject to the requirements of division (F) of section 2925.03 1586
of the Revised Code. The agency that receives the fine shall use 1587
the fine as specified in division (F) of section 2925.03 of the 1588
Revised Code. If a person charged with a violation of this 1589
section posts bail and forfeits the bail, the clerk shall pay 1590
the forfeited bail as if the forfeited bail were a fine imposed 1591
for a violation of this section. 1592

(2) If the offender is a professionally licensed person or 1593
a person who has been admitted to the bar by order of the 1594
supreme court in compliance with its prescribed and published 1595
rules, the court shall comply with section 2925.38 of the 1596
Revised Code. 1597

(E) (1) If the sentencing court suspends the offender's 1598
driver's or commercial driver's license or permit under this 1599
section in accordance with division (G) of section 2925.03 of 1600
the Revised Code, the offender may request termination of, and 1601
the court may terminate, the suspension of the offender in 1602

accordance with that division. 1603

(2) Any offender who received a mandatory suspension of 1604
the offender's driver's or commercial driver's license or permit 1605
under this section prior to September 13, 2016, may file a 1606
motion with the sentencing court requesting the termination of 1607
the suspension. However, an offender who pleaded guilty to or 1608
was convicted of a violation of section 4511.19 of the Revised 1609
Code or a substantially similar municipal ordinance or law of 1610
another state or the United States that arose out of the same 1611
set of circumstances as the violation for which the offender's 1612
license or permit was suspended under this section shall not 1613
file such a motion. 1614

Upon the filing of a motion under division (E)(2) of this 1615
section, the sentencing court, in its discretion, may terminate 1616
the suspension. 1617

Sec. 2925.05. (A) No person shall knowingly provide money 1618
or other items of value to another person with the purpose that 1619
the recipient of the money or items of value use them to obtain 1620
any controlled substance for the purpose of violating section 1621
2925.04 of the Revised Code or for the purpose of selling or 1622
offering to sell the controlled substance in the following 1623
amount: 1624

(1) If the drug to be sold or offered for sale is any 1625
compound, mixture, preparation, or substance included in 1626
schedule I or II, with the exception of marihuana, cocaine, 1627
L.S.D., heroin, any fentanyl-related compound, and hashish, or 1628
schedule III, IV, or V, an amount of the drug that equals or 1629
exceeds the bulk amount of the drug; 1630

(2) If the drug to be sold or offered for sale is 1631

marihuana or a compound, mixture, preparation, or substance 1632
other than hashish containing marihuana, an amount of the 1633
marihuana that equals or exceeds two hundred grams; 1634

(3) If the drug to be sold or offered for sale is cocaine 1635
or a compound, mixture, preparation, or substance containing 1636
cocaine, an amount of the cocaine that equals or exceeds five 1637
grams; 1638

(4) If the drug to be sold or offered for sale is L.S.D. 1639
or a compound, mixture, preparation, or substance containing 1640
L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 1641
doses if the L.S.D. is in a solid form or equals or exceeds one 1642
gram if the L.S.D. is in a liquid concentrate, liquid extract, 1643
or liquid distillate form; 1644

(5) If the drug to be sold or offered for sale is heroin 1645
or a fentanyl-related compound, or a compound, mixture, 1646
preparation, or substance containing heroin or a fentanyl- 1647
related compound, an amount that equals or exceeds ten unit 1648
doses or equals or exceeds one gram; 1649

(6) If the drug to be sold or offered for sale is hashish 1650
or a compound, mixture, preparation, or substance containing 1651
hashish, an amount of the hashish that equals or exceeds ten 1652
grams if the hashish is in a solid form or equals or exceeds two 1653
grams if the hashish is in a liquid concentrate, liquid extract, 1654
or liquid distillate form. 1655

(B) This section does not apply to any person listed in 1656
division (B)(1), (2), or (3) of section 2925.03 of the Revised 1657
Code to the extent and under the circumstances described in 1658
those divisions. 1659

(C)(1) If the drug involved in the violation is any 1660

compound, mixture, preparation, or substance included in 1661
schedule I or II, with the exception of marihuana, whoever 1662
violates division (A) of this section is guilty of aggravated 1663
funding of drug trafficking, a felony of the first degree, and, 1664
subject to division (E) of this section, the court shall impose 1665
as a mandatory prison term a first degree felony mandatory 1666
prison term. 1667

(2) If the drug involved in the violation is any compound, 1668
mixture, preparation, or substance included in schedule III, IV, 1669
or V, whoever violates division (A) of this section is guilty of 1670
funding of drug trafficking, a felony of the second degree, and 1671
the court shall impose as a mandatory prison term a second 1672
degree felony mandatory prison term. 1673

(3) If the drug involved in the violation is marihuana, 1674
whoever violates division (A) of this section is guilty of 1675
funding of marihuana trafficking, a felony of the third degree, 1676
and, except as otherwise provided in this division, there is a 1677
presumption for a prison term for the offense. If funding of 1678
marihuana trafficking is a felony of the third degree under this 1679
division and if the offender two or more times previously has 1680
been convicted of or pleaded guilty to a felony drug abuse 1681
offense, the court shall impose as a mandatory prison term one 1682
of the prison terms prescribed for a felony of the third degree. 1683

(D) In addition to any prison term authorized or required 1684
by division (C) or (E) of this section and sections 2929.13 and 1685
2929.14 of the Revised Code and in addition to any other 1686
sanction imposed for the offense under this section or sections 1687
2929.11 to 2929.18 of the Revised Code, the court that sentences 1688
an offender who is convicted of or pleads guilty to a violation 1689
of division (A) of this section, when the violation is a felony 1690

of the first degree, may suspend the offender's driver's or 1691
commercial driver's license or permit in accordance with 1692
division (G) of section 2925.03 of the Revised Code. However, if 1693
the offender pleaded guilty to or was convicted of a violation 1694
of section 4511.19 of the Revised Code or a substantially 1695
similar municipal ordinance or the law of another state or the 1696
United States arising out of the same set of circumstances as 1697
the first degree felony violation, the court shall suspend the 1698
offender's driver's or commercial driver's license or permit in 1699
accordance with division (G) of section 2925.03 of the Revised 1700
Code. If applicable, the court also shall do the following: 1701

(1) The court shall impose the mandatory fine specified 1702
for the offense under division (B) (1) of section 2929.18 of the 1703
Revised Code unless, as specified in that division, the court 1704
determines that the offender is indigent. The clerk of the court 1705
shall pay a mandatory fine or other fine imposed for a violation 1706
of this section pursuant to division (A) of section 2929.18 of 1707
the Revised Code in accordance with and subject to the 1708
requirements of division (F) of section 2925.03 of the Revised 1709
Code. The agency that receives the fine shall use the fine in 1710
accordance with division (F) of section 2925.03 of the Revised 1711
Code. If a person is charged with a violation of this section, 1712
posts bail, and forfeits the bail, the forfeited bail shall be 1713
paid as if the forfeited bail were a fine imposed for a 1714
violation of this section. 1715

(2) If the offender is a professionally licensed person, 1716
the court immediately shall comply with section 2925.38 of the 1717
Revised Code. 1718

(E) Notwithstanding the prison term otherwise authorized 1719
or required for the offense under division (C) of this section 1720

and sections 2929.13 and 2929.14 of the Revised Code, if the 1721
violation of division (A) of this section involves the sale, 1722
offer to sell, or possession of a schedule I or II controlled 1723
substance, with the exception of marihuana, one of the following 1724
applies: 1725

(1) If the drug involved in the violation is a fentanyl- 1726
related compound, the offense is a felony of the first degree, 1727
the offender is a major drug offender, and the court shall 1728
impose as a mandatory prison term the maximum prison term 1729
prescribed for a felony of the first degree. 1730

(2) If division (E)(1) of this section does not apply and 1731
the court imposing sentence upon the offender finds that the 1732
offender as a result of the violation is a major drug offender 1733
and is guilty of a specification of the type described in 1734
division (A) of section 2941.1410 of the Revised Code, the 1735
court, in lieu of the prison term otherwise authorized or 1736
required, shall impose upon the offender the mandatory prison 1737
term specified in division (B)(3) of section 2929.14 of the 1738
Revised Code. 1739

(F)(1) If the sentencing court suspends the offender's 1740
driver's or commercial driver's license or permit under this 1741
section in accordance with division (G) of section 2925.03 of 1742
the Revised Code, the offender may request termination of, and 1743
the court may terminate, the suspension in accordance with that 1744
division. 1745

(2) Any offender who received a mandatory suspension of 1746
the offender's driver's or commercial driver's license or permit 1747
under this section prior to September 13, 2016, may file a 1748
motion with the sentencing court requesting the termination of 1749
the suspension. However, an offender who pleaded guilty to or 1750

was convicted of a violation of section 4511.19 of the Revised 1751
Code or a substantially similar municipal ordinance or law of 1752
another state or the United States that arose out of the same 1753
set of circumstances as the violation for which the offender's 1754
license or permit was suspended under this section shall not 1755
file such a motion. 1756

Upon the filing of a motion under division (F)(2) of this 1757
section, the sentencing court, in its discretion, may terminate 1758
the suspension. 1759

Sec. 2925.11. (A) No person shall knowingly obtain, 1760
possess, or use a controlled substance or a controlled substance 1761
analog. 1762

(B)(1) This section does not apply to any of the 1763
following: 1764

(a) Manufacturers, licensed health professionals 1765
authorized to prescribe drugs, pharmacists, owners of 1766
pharmacies, and other persons whose conduct was in accordance 1767
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1768
4741. of the Revised Code; 1769

(b) If the offense involves an anabolic steroid, any 1770
person who is conducting or participating in a research project 1771
involving the use of an anabolic steroid if the project has been 1772
approved by the United States food and drug administration; 1773

(c) Any person who sells, offers for sale, prescribes, 1774
dispenses, or administers for livestock or other nonhuman 1775
species an anabolic steroid that is expressly intended for 1776
administration through implants to livestock or other nonhuman 1777
species and approved for that purpose under the "Federal Food, 1778
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1779

as amended, and is sold, offered for sale, prescribed, 1780
dispensed, or administered for that purpose in accordance with 1781
that act; 1782

(d) Any person who obtained the controlled substance 1783
pursuant to a prescription issued by a licensed health 1784
professional authorized to prescribe drugs if the prescription 1785
was issued for a legitimate medical purpose and not altered, 1786
forged, or obtained through deception or commission of a theft 1787
offense. 1788

As used in division (B) (1) (d) of this section, "deception" 1789
and "theft offense" have the same meanings as in section 2913.01 1790
of the Revised Code. 1791

(2) (a) As used in division (B) (2) of this section: 1792

(i) "Community addiction services provider" has the same 1793
meaning as in section 5119.01 of the Revised Code. 1794

(ii) "Community control sanction" and "drug treatment 1795
program" have the same meanings as in section 2929.01 of the 1796
Revised Code. 1797

(iii) "Health care facility" has the same meaning as in 1798
section 2919.16 of the Revised Code. 1799

(iv) "Minor drug possession offense" means a violation of 1800
this section that is a misdemeanor or a felony of the fifth 1801
degree. 1802

(v) "Post-release control sanction" has the same meaning 1803
as in section 2967.28 of the Revised Code. 1804

(vi) "Peace officer" has the same meaning as in section 1805
2935.01 of the Revised Code. 1806

(vii) "Public agency" has the same meaning as in section 1807
2930.01 of the Revised Code. 1808

(viii) "Qualified individual" means a person who is not on 1809
community control or post-release control and is a person acting 1810
in good faith who seeks or obtains medical assistance for 1811
another person who is experiencing a drug overdose, a person who 1812
experiences a drug overdose and who seeks medical assistance for 1813
that overdose, or a person who is the subject of another person 1814
seeking or obtaining medical assistance for that overdose as 1815
described in division (B) (2) (b) of this section. 1816

(ix) "Seek or obtain medical assistance" includes, but is 1817
not limited to making a 9-1-1 call, contacting in person or by 1818
telephone call an on-duty peace officer, or transporting or 1819
presenting a person to a health care facility. 1820

(b) Subject to division (B) (2) (f) of this section, a 1821
qualified individual shall not be arrested, charged, prosecuted, 1822
convicted, or penalized pursuant to this chapter for a minor 1823
drug possession offense if all of the following apply: 1824

(i) The evidence of the obtaining, possession, or use of 1825
the controlled substance or controlled substance analog that 1826
would be the basis of the offense was obtained as a result of 1827
the qualified individual seeking the medical assistance or 1828
experiencing an overdose and needing medical assistance. 1829

(ii) Subject to division (B) (2) (g) of this section, within 1830
thirty days after seeking or obtaining the medical assistance, 1831
the qualified individual seeks and obtains a screening and 1832
receives a referral for treatment from a community addiction 1833
services provider or a properly credentialed addiction treatment 1834
professional. 1835

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

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

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

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

(d) If a person is found to be in violation of any post-
release control sanction and if the violation is a result of
either of the following, the court or the parole board shall
first consider ordering the person's participation or continued
participation in a drug treatment program or mitigating the
penalty specified in section 2929.141 or 2967.28 of the Revised

Code, whichever is applicable, after which the court or the 1866
parole board has the discretion either to order the person's 1867
participation or continued participation in a drug treatment 1868
program or to impose the penalty with the mitigating factor 1869
specified in either of those applicable sections: 1870

(i) Seeking or obtaining medical assistance in good faith 1871
for another person who is experiencing a drug overdose; 1872

(ii) Experiencing a drug overdose and seeking medical 1873
assistance for that emergency or being the subject of another 1874
person seeking or obtaining medical assistance for that overdose 1875
as described in division (B) (2) (b) of this section. 1876

(e) Nothing in division (B) (2) (b) of this section shall be 1877
construed to do any of the following: 1878

(i) Limit the admissibility of any evidence in connection 1879
with the investigation or prosecution of a crime with regards to 1880
a defendant who does not qualify for the protections of division 1881
(B) (2) (b) of this section or with regards to any crime other 1882
than a minor drug possession offense committed by a person who 1883
qualifies for protection pursuant to division (B) (2) (b) of this 1884
section for a minor drug possession offense; 1885

(ii) Limit any seizure of evidence or contraband otherwise 1886
permitted by law; 1887

(iii) Limit or abridge the authority of a peace officer to 1888
detain or take into custody a person in the course of an 1889
investigation or to effectuate an arrest for any offense except 1890
as provided in that division; 1891

(iv) Limit, modify, or remove any immunity from liability 1892
available pursuant to law in effect prior to September 13, 2016, 1893
to any public agency or to an employee of any public agency. 1894

(f) Division (B) (2) (b) of this section does not apply to 1895
any person who twice previously has been granted an immunity 1896
under division (B) (2) (b) of this section. No person shall be 1897
granted an immunity under division (B) (2) (b) of this section 1898
more than two times. 1899

(g) Nothing in this section shall compel any qualified 1900
individual to disclose protected health information in a way 1901
that conflicts with the requirements of the "Health Insurance 1902
Portability and Accountability Act of 1996," 104 Pub. L. No. 1903
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 1904
regulations promulgated by the United States department of 1905
health and human services to implement the act or the 1906
requirements of 42 C.F.R. Part 2. 1907

(C) Whoever violates division (A) of this section is 1908
guilty of one of the following: 1909

(1) If the drug involved in the violation is a compound, 1910
mixture, preparation, or substance included in schedule I or II, 1911
with the exception of marihuana, cocaine, L.S.D., heroin, any 1912
fentanyl-related compound, hashish, and any controlled substance 1913
analog, whoever violates division (A) of this section is guilty 1914
of aggravated possession of drugs. The penalty for the offense 1915
shall be determined as follows: 1916

(a) Except as otherwise provided in division (C) (1) (b), 1917
(c), (d), or (e) of this section, aggravated possession of drugs 1918
is a felony of the fifth degree, and division (B) of section 1919
2929.13 of the Revised Code applies in determining whether to 1920
impose a prison term on the offender. 1921

(b) If the amount of the drug involved equals or exceeds 1922
the bulk amount but is less than five times the bulk amount, 1923

aggravated possession of drugs is a felony of the third degree, 1924
and there is a presumption for a prison term for the offense. 1925

(c) If the amount of the drug involved equals or exceeds 1926
five times the bulk amount but is less than fifty times the bulk 1927
amount, aggravated possession of drugs is a felony of the second 1928
degree, and the court shall impose as a mandatory prison term a 1929
second degree felony mandatory prison term. 1930

(d) If the amount of the drug involved equals or exceeds 1931
fifty times the bulk amount but is less than one hundred times 1932
the bulk amount, aggravated possession of drugs is a felony of 1933
the first degree, and the court shall impose as a mandatory 1934
prison term a first degree felony mandatory prison term. 1935

(e) If the amount of the drug involved equals or exceeds 1936
one hundred times the bulk amount, aggravated possession of 1937
drugs is a felony of the first degree, the offender is a major 1938
drug offender, and the court shall impose as a mandatory prison 1939
term a maximum first degree felony mandatory prison term. 1940

(2) If the drug involved in the violation is a compound, 1941
mixture, preparation, or substance included in schedule III, IV, 1942
or V, whoever violates division (A) of this section is guilty of 1943
possession of drugs. The penalty for the offense shall be 1944
determined as follows: 1945

(a) Except as otherwise provided in division (C) (2) (b), 1946
(c), or (d) of this section, possession of drugs is a 1947
misdemeanor of the first degree or, if the offender previously 1948
has been convicted of a drug abuse offense, a felony of the 1949
fifth degree. 1950

(b) If the amount of the drug involved equals or exceeds 1951
the bulk amount but is less than five times the bulk amount, 1952

possession of drugs is a felony of the fourth degree, and 1953
division (C) of section 2929.13 of the Revised Code applies in 1954
determining whether to impose a prison term on the offender. 1955

(c) If the amount of the drug involved equals or exceeds 1956
five times the bulk amount but is less than fifty times the bulk 1957
amount, possession of drugs is a felony of the third degree, and 1958
there is a presumption for a prison term for the offense. 1959

(d) If the amount of the drug involved equals or exceeds 1960
fifty times the bulk amount, possession of drugs is a felony of 1961
the second degree, and the court shall impose upon the offender 1962
as a mandatory prison term a second degree felony mandatory 1963
prison term. 1964

(3) If the drug involved in the violation is marihuana or 1965
a compound, mixture, preparation, or substance containing 1966
marihuana other than hashish, whoever violates division (A) of 1967
this section is guilty of possession of marihuana. The penalty 1968
for the offense shall be determined as follows: 1969

(a) Except as otherwise provided in division (C) (3) (b), 1970
(c), (d), (e), (f), or (g) of this section, possession of 1971
marihuana is a minor misdemeanor. 1972

(b) If the amount of the drug involved equals or exceeds 1973
one hundred grams but is less than two hundred grams, possession 1974
of marihuana is a misdemeanor of the fourth degree. 1975

(c) If the amount of the drug involved equals or exceeds 1976
two hundred grams but is less than one thousand grams, 1977
possession of marihuana is a felony of the fifth degree, and 1978
division (B) of section 2929.13 of the Revised Code applies in 1979
determining whether to impose a prison term on the offender. 1980

(d) If the amount of the drug involved equals or exceeds 1981

one thousand grams but is less than five thousand grams, 1982
possession of marihuana is a felony of the third degree, and 1983
division (C) of section 2929.13 of the Revised Code applies in 1984
determining whether to impose a prison term on the offender. 1985

(e) If the amount of the drug involved equals or exceeds 1986
five thousand grams but is less than twenty thousand grams, 1987
possession of marihuana is a felony of the third degree, and 1988
there is a presumption that a prison term shall be imposed for 1989
the offense. 1990

(f) If the amount of the drug involved equals or exceeds 1991
twenty thousand grams but is less than forty thousand grams, 1992
possession of marihuana is a felony of the second degree, and 1993
the court shall impose as a mandatory prison term a second 1994
degree felony mandatory prison term of five, six, seven, or 1995
eight years. 1996

(g) If the amount of the drug involved equals or exceeds 1997
forty thousand grams, possession of marihuana is a felony of the 1998
second degree, and the court shall impose as a mandatory prison 1999
term a maximum second degree felony mandatory prison term. 2000

(4) If the drug involved in the violation is cocaine or a 2001
compound, mixture, preparation, or substance containing cocaine, 2002
whoever violates division (A) of this section is guilty of 2003
possession of cocaine. The penalty for the offense shall be 2004
determined as follows: 2005

(a) Except as otherwise provided in division (C) (4) (b), 2006
(c), (d), (e), or (f) of this section, possession of cocaine is 2007
a felony of the fifth degree, and division (B) of section 2008
2929.13 of the Revised Code applies in determining whether to 2009
impose a prison term on the offender. 2010

(b) If the amount of the drug involved equals or exceeds 2011
five grams but is less than ten grams of cocaine, possession of 2012
cocaine is a felony of the fourth degree, and division (B) of 2013
section 2929.13 of the Revised Code applies in determining 2014
whether to impose a prison term on the offender. 2015

(c) If the amount of the drug involved equals or exceeds 2016
ten grams but is less than twenty grams of cocaine, possession 2017
of cocaine is a felony of the third degree, and, except as 2018
otherwise provided in this division, there is a presumption for 2019
a prison term for the offense. If possession of cocaine is a 2020
felony of the third degree under this division and if the 2021
offender two or more times previously has been convicted of or 2022
pleaded guilty to a felony drug abuse offense, the court shall 2023
impose as a mandatory prison term one of the prison terms 2024
prescribed for a felony of the third degree. 2025

(d) If the amount of the drug involved equals or exceeds 2026
twenty grams but is less than twenty-seven grams of cocaine, 2027
possession of cocaine is a felony of the second degree, and the 2028
court shall impose as a mandatory prison term a second degree 2029
felony mandatory prison term. 2030

(e) If the amount of the drug involved equals or exceeds 2031
twenty-seven grams but is less than one hundred grams of 2032
cocaine, possession of cocaine is a felony of the first degree, 2033
and the court shall impose as a mandatory prison term a first 2034
degree felony mandatory prison term. 2035

(f) If the amount of the drug involved equals or exceeds 2036
one hundred grams of cocaine, possession of cocaine is a felony 2037
of the first degree, the offender is a major drug offender, and 2038
the court shall impose as a mandatory prison term a maximum 2039
first degree felony mandatory prison term. 2040

(5) If the drug involved in the violation is L.S.D., 2041
whoever violates division (A) of this section is guilty of 2042
possession of L.S.D. The penalty for the offense shall be 2043
determined as follows: 2044

(a) Except as otherwise provided in division (C) (5) (b), 2045
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 2046
felony of the fifth degree, and division (B) of section 2929.13 2047
of the Revised Code applies in determining whether to impose a 2048
prison term on the offender. 2049

(b) If the amount of L.S.D. involved equals or exceeds ten 2050
unit doses but is less than fifty unit doses of L.S.D. in a 2051
solid form or equals or exceeds one gram but is less than five 2052
grams of L.S.D. in a liquid concentrate, liquid extract, or 2053
liquid distillate form, possession of L.S.D. is a felony of the 2054
fourth degree, and division (C) of section 2929.13 of the 2055
Revised Code applies in determining whether to impose a prison 2056
term on the offender. 2057

(c) If the amount of L.S.D. involved equals or exceeds 2058
fifty unit doses, but is less than two hundred fifty unit doses 2059
of L.S.D. in a solid form or equals or exceeds five grams but is 2060
less than twenty-five grams of L.S.D. in a liquid concentrate, 2061
liquid extract, or liquid distillate form, possession of L.S.D. 2062
is a felony of the third degree, and there is a presumption for 2063
a prison term for the offense. 2064

(d) If the amount of L.S.D. involved equals or exceeds two 2065
hundred fifty unit doses but is less than one thousand unit 2066
doses of L.S.D. in a solid form or equals or exceeds twenty-five 2067
grams but is less than one hundred grams of L.S.D. in a liquid 2068
concentrate, liquid extract, or liquid distillate form, 2069
possession of L.S.D. is a felony of the second degree, and the 2070

court shall impose as a mandatory prison term a second degree 2071
felony mandatory prison term. 2072

(e) If the amount of L.S.D. involved equals or exceeds one 2073
thousand unit doses but is less than five thousand unit doses of 2074
L.S.D. in a solid form or equals or exceeds one hundred grams 2075
but is less than five hundred grams of L.S.D. in a liquid 2076
concentrate, liquid extract, or liquid distillate form, 2077
possession of L.S.D. is a felony of the first degree, and the 2078
court shall impose as a mandatory prison term a first degree 2079
felony mandatory prison term. 2080

(f) If the amount of L.S.D. involved equals or exceeds 2081
five thousand unit doses of L.S.D. in a solid form or equals or 2082
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2083
liquid extract, or liquid distillate form, possession of L.S.D. 2084
is a felony of the first degree, the offender is a major drug 2085
offender, and the court shall impose as a mandatory prison term 2086
a maximum first degree felony mandatory prison term. 2087

(6) If the drug involved in the violation is heroin or a 2088
compound, mixture, preparation, or substance containing heroin, 2089
whoever violates division (A) of this section is guilty of 2090
possession of heroin. The penalty for the offense shall be 2091
determined as follows: 2092

(a) Except as otherwise provided in division (C) (6) (b), 2093
(c), (d), (e), or (f) of this section, possession of heroin is a 2094
felony of the fifth degree, and division (B) of section 2929.13 2095
of the Revised Code applies in determining whether to impose a 2096
prison term on the offender. 2097

(b) If the amount of the drug involved equals or exceeds 2098
ten unit doses but is less than fifty unit doses or equals or 2099

exceeds one gram but is less than five grams, possession of 2100
heroin is a felony of the fourth degree, and division (C) of 2101
section 2929.13 of the Revised Code applies in determining 2102
whether to impose a prison term on the offender. 2103

(c) If the amount of the drug involved equals or exceeds 2104
fifty unit doses but is less than one hundred unit doses or 2105
equals or exceeds five grams but is less than ten grams, 2106
possession of heroin is a felony of the third degree, and there 2107
is a presumption for a prison term for the offense. 2108

(d) If the amount of the drug involved equals or exceeds 2109
one hundred unit doses but is less than five hundred unit doses 2110
or equals or exceeds ten grams but is less than fifty grams, 2111
possession of heroin is a felony of the second degree, and the 2112
court shall impose as a mandatory prison term a second degree 2113
felony mandatory prison term. 2114

(e) If the amount of the drug involved equals or exceeds 2115
five hundred unit doses but is less than one thousand unit doses 2116
or equals or exceeds fifty grams but is less than one hundred 2117
grams, possession of heroin is a felony of the first degree, and 2118
the court shall impose as a mandatory prison term a first degree 2119
felony mandatory prison term. 2120

(f) If the amount of the drug involved equals or exceeds 2121
one thousand unit doses or equals or exceeds one hundred grams, 2122
possession of heroin is a felony of the first degree, the 2123
offender is a major drug offender, and the court shall impose as 2124
a mandatory prison term a maximum first degree felony mandatory 2125
prison term. 2126

(7) If the drug involved in the violation is hashish or a 2127
compound, mixture, preparation, or substance containing hashish, 2128

whoever violates division (A) of this section is guilty of 2129
possession of hashish. The penalty for the offense shall be 2130
determined as follows: 2131

(a) Except as otherwise provided in division (C) (7) (b), 2132
(c), (d), (e), (f), or (g) of this section, possession of 2133
hashish is a minor misdemeanor. 2134

(b) If the amount of the drug involved equals or exceeds 2135
five grams but is less than ten grams of hashish in a solid form 2136
or equals or exceeds one gram but is less than two grams of 2137
hashish in a liquid concentrate, liquid extract, or liquid 2138
distillate form, possession of hashish is a misdemeanor of the 2139
fourth degree. 2140

(c) If the amount of the drug involved equals or exceeds 2141
ten grams but is less than fifty grams of hashish in a solid 2142
form or equals or exceeds two grams but is less than ten grams 2143
of hashish in a liquid concentrate, liquid extract, or liquid 2144
distillate form, possession of hashish is a felony of the fifth 2145
degree, and division (B) of section 2929.13 of the Revised Code 2146
applies in determining whether to impose a prison term on the 2147
offender. 2148

(d) If the amount of the drug involved equals or exceeds 2149
fifty grams but is less than two hundred fifty grams of hashish 2150
in a solid form or equals or exceeds ten grams but is less than 2151
fifty grams of hashish in a liquid concentrate, liquid extract, 2152
or liquid distillate form, possession of hashish is a felony of 2153
the third degree, and division (C) of section 2929.13 of the 2154
Revised Code applies in determining whether to impose a prison 2155
term on the offender. 2156

(e) If the amount of the drug involved equals or exceeds 2157

two hundred fifty grams but is less than one thousand grams of 2158
hashish in a solid form or equals or exceeds fifty grams but is 2159
less than two hundred grams of hashish in a liquid concentrate, 2160
liquid extract, or liquid distillate form, possession of hashish 2161
is a felony of the third degree, and there is a presumption that 2162
a prison term shall be imposed for the offense. 2163

(f) If the amount of the drug involved equals or exceeds 2164
one thousand grams but is less than two thousand grams of 2165
hashish in a solid form or equals or exceeds two hundred grams 2166
but is less than four hundred grams of hashish in a liquid 2167
concentrate, liquid extract, or liquid distillate form, 2168
possession of hashish is a felony of the second degree, and the 2169
court shall impose as a mandatory prison term a second degree 2170
felony mandatory prison term of five, six, seven, or eight 2171
years. 2172

(g) If the amount of the drug involved equals or exceeds 2173
two thousand grams of hashish in a solid form or equals or 2174
exceeds four hundred grams of hashish in a liquid concentrate, 2175
liquid extract, or liquid distillate form, possession of hashish 2176
is a felony of the second degree, and the court shall impose as 2177
a mandatory prison term a maximum second degree felony mandatory 2178
prison term. 2179

(8) If the drug involved is a controlled substance analog 2180
or compound, mixture, preparation, or substance that contains a 2181
controlled substance analog, whoever violates division (A) of 2182
this section is guilty of possession of a controlled substance 2183
analog. The penalty for the offense shall be determined as 2184
follows: 2185

(a) Except as otherwise provided in division (C) (8) (b), 2186
(c), (d), (e), or (f) of this section, possession of a 2187

controlled substance analog is a felony of the fifth degree, and 2188
division (B) of section 2929.13 of the Revised Code applies in 2189
determining whether to impose a prison term on the offender. 2190

(b) If the amount of the drug involved equals or exceeds 2191
ten grams but is less than twenty grams, possession of a 2192
controlled substance analog is a felony of the fourth degree, 2193
and there is a presumption for a prison term for the offense. 2194

(c) If the amount of the drug involved equals or exceeds 2195
twenty grams but is less than thirty grams, possession of a 2196
controlled substance analog is a felony of the third degree, and 2197
there is a presumption for a prison term for the offense. 2198

(d) If the amount of the drug involved equals or exceeds 2199
thirty grams but is less than forty grams, possession of a 2200
controlled substance analog is a felony of the second degree, 2201
and the court shall impose as a mandatory prison term a second 2202
degree felony mandatory prison term. 2203

(e) If the amount of the drug involved equals or exceeds 2204
forty grams but is less than fifty grams, possession of a 2205
controlled substance analog is a felony of the first degree, and 2206
the court shall impose as a mandatory prison term a first degree 2207
felony mandatory prison term. 2208

(f) If the amount of the drug involved equals or exceeds 2209
fifty grams, possession of a controlled substance analog is a 2210
felony of the first degree, the offender is a major drug 2211
offender, and the court shall impose as a mandatory prison term 2212
a maximum first degree felony mandatory prison term. 2213

(9) If the drug involved in the violation is a compound, 2214
mixture, preparation, or substance that is a combination of a 2215
fentanyl-related compound and marihuana, one of the following 2216

applies: 2217

(a) Except as otherwise provided in division (C) (9) (b) of 2218
this section, the offender is guilty of possession of marihuana 2219
and shall be punished as provided in division (C) (3) of this 2220
section. Except as otherwise provided in division (C) (9) (b) of 2221
this section, the offender is not guilty of possession of a 2222
fentanyl-related compound under division (C) (11) of this section 2223
and shall not be charged with, convicted of, or punished under 2224
division (C) (11) of this section for possession of a fentanyl- 2225
related compound. 2226

(b) If the offender knows or has reason to know that the 2227
compound, mixture, preparation, or substance that is the drug 2228
involved contains a fentanyl-related compound, the offender is 2229
guilty of possession of a fentanyl-related compound and shall be 2230
punished under division (C) (11) of this section. 2231

(10) If the drug involved in the violation is a compound, 2232
mixture, preparation, or substance that is a combination of a 2233
fentanyl-related compound and any schedule III, schedule IV, or 2234
schedule V controlled substance that is not a fentanyl-related 2235
compound, one of the following applies: 2236

(a) Except as otherwise provided in division (C) (10) (b) of 2237
this section, the offender is guilty of possession of drugs and 2238
shall be punished as provided in division (C) (2) of this 2239
section. Except as otherwise provided in division (C) (10) (b) of 2240
this section, the offender is not guilty of possession of a 2241
fentanyl-related compound under division (C) (11) of this section 2242
and shall not be charged with, convicted of, or punished under 2243
division (C) (11) of this section for possession of a fentanyl- 2244
related compound. 2245

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

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

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

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

(c) If the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams,

possession of a fentanyl-related compound is a felony of the 2276
third degree, and there is a presumption for a prison term for 2277
the offense. 2278

(d) If the amount of the drug involved equals or exceeds 2279
one hundred unit doses but is less than two hundred unit doses 2280
or equals or exceeds ten grams but is less than twenty grams, 2281
possession of a fentanyl-related compound is a felony of the 2282
second degree, and the court shall impose as a mandatory prison 2283
term one of the prison terms prescribed for a felony of the 2284
second degree. 2285

(e) If the amount of the drug involved equals or exceeds 2286
two hundred unit doses but is less than five hundred unit doses 2287
or equals or exceeds twenty grams but is less than fifty grams, 2288
possession of a fentanyl-related compound is a felony of the 2289
first degree, and the court shall impose as a mandatory prison 2290
term one of the prison terms prescribed for a felony of the 2291
first degree. 2292

(f) If the amount of the drug involved equals or exceeds 2293
five hundred unit doses but is less than one thousand unit doses 2294
or equals or exceeds fifty grams but is less than one hundred 2295
grams, possession of a fentanyl-related compound is a felony of 2296
the first degree, and the court shall impose as a mandatory 2297
prison term the maximum prison term prescribed for a felony of 2298
the first degree. 2299

(g) If the amount of the drug involved equals or exceeds 2300
one thousand unit doses or equals or exceeds one hundred grams, 2301
possession of a fentanyl-related compound is a felony of the 2302
first degree, the offender is a major drug offender, and the 2303
court shall impose as a mandatory prison term the maximum prison 2304
term prescribed for a felony of the first degree. 2305

(D) Arrest or conviction for a minor misdemeanor violation 2306
of this section does not constitute a criminal record and need 2307
not be reported by the person so arrested or convicted in 2308
response to any inquiries about the person's criminal record, 2309
including any inquiries contained in any application for 2310
employment, license, or other right or privilege, or made in 2311
connection with the person's appearance as a witness. 2312

(E) In addition to any prison term or jail term authorized 2313
or required by division (C) of this section and sections 2314
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2315
Code and in addition to any other sanction that is imposed for 2316
the offense under this section, sections 2929.11 to 2929.18, or 2317
sections 2929.21 to 2929.28 of the Revised Code, the court that 2318
sentences an offender who is convicted of or pleads guilty to a 2319
violation of division (A) of this section, if the violation is a 2320
felony of the first degree, may suspend the offender's driver's 2321
or commercial driver's license or permit for not more than five 2322
years. However, if the offender pleaded guilty to or was 2323
convicted of a violation of section 4511.19 of the Revised Code 2324
or a substantially similar municipal ordinance or the law of 2325
another state or the United States arising out of the same set 2326
of circumstances as the first degree felony violation, the court 2327
shall suspend the offender's driver's or commercial driver's 2328
license or permit for not more than five years. If applicable, 2329
the court also shall do the following: 2330

(1) (a) If the violation is a felony of the first, second, 2331
or third degree, the court shall impose upon the offender the 2332
mandatory fine specified for the offense under division (B) (1) 2333
of section 2929.18 of the Revised Code unless, as specified in 2334
that division, the court determines that the offender is 2335
indigent. 2336

(b) Notwithstanding any contrary provision of section 2337
3719.21 of the Revised Code, the clerk of the court shall pay a 2338
mandatory fine or other fine imposed for a violation of this 2339
section pursuant to division (A) of section 2929.18 of the 2340
Revised Code in accordance with and subject to the requirements 2341
of division (F) of section 2925.03 of the Revised Code. The 2342
agency that receives the fine shall use the fine as specified in 2343
division (F) of section 2925.03 of the Revised Code. 2344

(c) If a person is charged with a violation of this 2345
section that is a felony of the first, second, or third degree, 2346
posts bail, and forfeits the bail, the clerk shall pay the 2347
forfeited bail pursuant to division (E)(1)(b) of this section as 2348
if it were a mandatory fine imposed under division (E)(1)(a) of 2349
this section. 2350

(2) If the offender is a professionally licensed person, 2351
in addition to any other sanction imposed for a violation of 2352
this section, the court immediately shall comply with section 2353
2925.38 of the Revised Code. 2354

(F) It is an affirmative defense, as provided in section 2355
2901.05 of the Revised Code, to a charge of a fourth degree 2356
felony violation under this section that the controlled 2357
substance that gave rise to the charge is in an amount, is in a 2358
form, is prepared, compounded, or mixed with substances that are 2359
not controlled substances in a manner, or is possessed under any 2360
other circumstances, that indicate that the substance was 2361
possessed solely for personal use. Notwithstanding any contrary 2362
provision of this section, if, in accordance with section 2363
2901.05 of the Revised Code, an accused who is charged with a 2364
fourth degree felony violation of division (C)(2), (4), (5), or 2365
(6) of this section sustains the burden of going forward with 2366

evidence of and establishes by a preponderance of the evidence 2367
the affirmative defense described in this division, the accused 2368
may be prosecuted for and may plead guilty to or be convicted of 2369
a misdemeanor violation of division (C) (2) of this section or a 2370
fifth degree felony violation of division (C) (4), (5), or (6) of 2371
this section respectively. 2372

(G) When a person is charged with possessing a bulk amount 2373
or multiple of a bulk amount, division (E) of section 2925.03 of 2374
the Revised Code applies regarding the determination of the 2375
amount of the controlled substance involved at the time of the 2376
offense. 2377

(H) It is an affirmative defense to a charge of possession 2378
of a controlled substance analog under division (C) (8) of this 2379
section that the person charged with violating that offense 2380
obtained, possessed, or used one of the following items that are 2381
excluded from the meaning of "controlled substance analog" under 2382
section 3719.01 of the Revised Code: 2383

(1) A controlled substance; 2384

(2) Any substance for which there is an approved new drug 2385
application; 2386

(3) With respect to a particular person, any substance if 2387
an exemption is in effect for investigational use for that 2388
person pursuant to federal law to the extent that conduct with 2389
respect to that substance is pursuant to that exemption. 2390

(I) Any offender who received a mandatory suspension of 2391
the offender's driver's or commercial driver's license or permit 2392
under this section prior to September 13, 2016, may file a 2393
motion with the sentencing court requesting the termination of 2394
the suspension. However, an offender who pleaded guilty to or 2395

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

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

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

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

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

(D) (1) ~~In addition to any other sanction imposed upon an~~ 2425
~~offender for a violation of this section, the court may suspend~~ 2426
~~for not more than five years the offender's driver's or~~ 2427
~~commercial driver's license or permit. However, if the offender~~ 2428
~~pleaded guilty to or was convicted of a violation of section~~ 2429
~~4511.19 of the Revised Code or a substantially similar municipal~~ 2430
~~ordinance or the law of another state or the United States~~ 2431
~~arising out of the same set of circumstances as the violation,~~ 2432
~~the court shall suspend the offender's driver's or commercial~~ 2433
~~driver's license or permit for not more than five years. If the~~ 2434
offender is a professionally licensed person, in addition to any 2435
other sanction imposed for a violation of this section, the 2436
court immediately shall comply with section 2925.38 of the 2437
Revised Code. 2438

(2) Any offender who received a ~~mandatory~~ suspension of 2439
the offender's driver's or commercial driver's license or permit 2440
under this section prior to the ~~effective date of this amendment~~ 2441
effective date of this amendment may file a motion with the 2442
sentencing court requesting the termination of the suspension. 2443
However, an offender who pleaded guilty to or was convicted of a 2444
violation of section 4511.19 of the Revised Code or a 2445
substantially similar municipal ordinance or law of another 2446
state or the United States that arose out of the same set of 2447
circumstances as the violation for which the offender's license 2448
or permit was suspended under this section shall not file such a 2449
motion. 2450

Upon the filing of a motion under division (D) (2) of this 2451
section, the sentencing court, in its discretion, may terminate 2452
the suspension. 2453

Sec. 2925.13. (A) No person who is the owner, operator, or 2454

person in charge of a locomotive, watercraft, aircraft, or other 2455
vehicle, as defined in division (A) of section 4501.01 of the 2456
Revised Code, shall knowingly permit the vehicle to be used for 2457
the commission of a felony drug abuse offense. 2458

(B) No person who is the owner, lessee, or occupant, or 2459
who has custody, control, or supervision, of premises or real 2460
estate, including vacant land, shall knowingly permit the 2461
premises or real estate, including vacant land, to be used for 2462
the commission of a felony drug abuse offense by another person. 2463

(C) (1) Whoever violates this section is guilty of 2464
permitting drug abuse. 2465

(2) Except as provided in division (C) (3) of this section, 2466
permitting drug abuse is a misdemeanor of the first degree. 2467

(3) Permitting drug abuse is a felony of the fifth degree, 2468
and division (C) of section 2929.13 of the Revised Code applies 2469
in determining whether to impose a prison term on the offender, 2470
if either of the following applies: 2471

(a) The felony drug abuse offense in question is a 2472
violation of section 2925.02, 2925.03, or 2925.04 of the Revised 2473
Code. 2474

(b) The felony drug abuse offense in question is a 2475
violation of section 2925.041 of the Revised Code and the 2476
offender had actual knowledge, at the time the offender 2477
permitted the vehicle, premises, or real estate to be used as 2478
described in division (A) or (B) of this section, that the 2479
person who assembled or possessed the chemicals in question in 2480
violation of section 2925.041 of the Revised Code had assembled 2481
or possessed them with the intent to manufacture a controlled 2482
substance in schedule I or II in violation of section 2925.04 of 2483

the Revised Code. 2484

(D) (1) In addition to any prison term authorized or 2485
required by division (C) of this section and sections 2929.13 2486
and 2929.14 of the Revised Code and in addition to any other 2487
sanction imposed for the offense under this section or sections 2488
2929.11 to 2929.18 of the Revised Code, the court that sentences 2489
a person who is convicted of or pleads guilty to a violation of 2490
division (A) of this section, when the violation is a felony of 2491
the fifth degree, may suspend for not more than five years the 2492
offender's driver's or commercial driver's license or permit. 2493
However, if the offender pleaded guilty to or was convicted of a 2494
violation of section 4511.19 of the Revised Code or a 2495
substantially similar municipal ordinance or the law of another 2496
state or the United States arising out of the same set of 2497
circumstances as the fifth degree felony violation, the court 2498
shall suspend the offender's driver's or commercial driver's 2499
license or permit for not more than five years. 2500

If the offender is a professionally licensed person, in 2501
addition to any other sanction imposed for a violation of this 2502
section, the court immediately shall comply with section 2925.38 2503
of the Revised Code. 2504

(2) Any offender who received a mandatory suspension of 2505
the offender's driver's or commercial driver's license or permit 2506
under this section prior to September 13, 2016, may file a 2507
motion with the sentencing court requesting the termination of 2508
the suspension. However, an offender who pleaded guilty to or 2509
was convicted of a violation of section 4511.19 of the Revised 2510
Code or a substantially similar municipal ordinance or law of 2511
another state or the United States that arose out of the same 2512
set of circumstances as the violation for which the offender's 2513

license or permit was suspended under this section shall not 2514
file such a motion. 2515

Upon the filing of a motion under division (D) (2) of this 2516
section, the sentencing court, in its discretion, may terminate 2517
the suspension. 2518

(E) Notwithstanding any contrary provision of section 2519
3719.21 of the Revised Code, the clerk of the court shall pay a 2520
fine imposed for a violation of this section pursuant to 2521
division (A) of section 2929.18 of the Revised Code in 2522
accordance with and subject to the requirements of division (F) 2523
of section 2925.03 of the Revised Code. The agency that receives 2524
the fine shall use the fine as specified in division (F) of 2525
section 2925.03 of the Revised Code. 2526

(F) Any premises or real estate that is permitted to be 2527
used in violation of division (B) of this section constitutes a 2528
nuisance subject to abatement pursuant to Chapter 3767. of the 2529
Revised Code. 2530

Sec. 2925.14. (A) As used in this section, "drug 2531
paraphernalia" means any equipment, product, or material of any 2532
kind that is used by the offender, intended by the offender for 2533
use, or designed for use, in propagating, cultivating, growing, 2534
harvesting, manufacturing, compounding, converting, producing, 2535
processing, preparing, testing, analyzing, packaging, 2536
repackaging, storing, containing, concealing, injecting, 2537
ingesting, inhaling, or otherwise introducing into the human 2538
body, a controlled substance in violation of this chapter. "Drug 2539
paraphernalia" includes, but is not limited to, any of the 2540
following equipment, products, or materials that are used by the 2541
offender, intended by the offender for use, or designed by the 2542
offender for use, in any of the following manners: 2543

(1) A kit for propagating, cultivating, growing, or harvesting any species of a plant that is a controlled substance or from which a controlled substance can be derived;	2544 2545 2546
(2) A kit for manufacturing, compounding, converting, producing, processing, or preparing a controlled substance;	2547 2548
(3) Any object, instrument, or device for manufacturing, compounding, converting, producing, processing, or preparing methamphetamine;	2549 2550 2551
(4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance;	2552 2553
(5) Testing equipment for identifying, or analyzing the strength, effectiveness, or purity of, a controlled substance;	2554 2555
(6) A scale or balance for weighing or measuring a controlled substance;	2556 2557
(7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance;	2558 2559 2560
(8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana;	2561 2562
(9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance;	2563 2564
(10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance;	2565 2566
(11) A container or device for storing or concealing a controlled substance;	2567 2568
(12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human	2569 2570

body; 2571

(13) An object, instrument, or device for ingesting, 2572
inhaling, or otherwise introducing into the human body, 2573
marihuana, cocaine, hashish, or hashish oil, such as a metal, 2574
wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or 2575
without a screen, permanent screen, hashish head, or punctured 2576
metal bowl; water pipe; carburetion tube or device; smoking or 2577
carburetion mask; roach clip or similar object used to hold 2578
burning material, such as a marihuana cigarette, that has become 2579
too small or too short to be held in the hand; miniature cocaine 2580
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric 2581
pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 2582

(B) In determining if any equipment, product, or material 2583
is drug paraphernalia, a court or law enforcement officer shall 2584
consider, in addition to other relevant factors, the following: 2585

(1) Any statement by the owner, or by anyone in control, 2586
of the equipment, product, or material, concerning its use; 2587

(2) The proximity in time or space of the equipment, 2588
product, or material, or of the act relating to the equipment, 2589
product, or material, to a violation of any provision of this 2590
chapter; 2591

(3) The proximity of the equipment, product, or material 2592
to any controlled substance; 2593

(4) The existence of any residue of a controlled substance 2594
on the equipment, product, or material; 2595

(5) Direct or circumstantial evidence of the intent of the 2596
owner, or of anyone in control, of the equipment, product, or 2597
material, to deliver it to any person whom the owner or person 2598
in control of the equipment, product, or material knows intends 2599

to use the object to facilitate a violation of any provision of 2600
this chapter. A finding that the owner, or anyone in control, of 2601
the equipment, product, or material, is not guilty of a 2602
violation of any other provision of this chapter does not 2603
prevent a finding that the equipment, product, or material was 2604
intended or designed by the offender for use as drug 2605
paraphernalia. 2606

(6) Any oral or written instruction provided with the 2607
equipment, product, or material concerning its use; 2608

(7) Any descriptive material accompanying the equipment, 2609
product, or material and explaining or depicting its use; 2610

(8) National or local advertising concerning the use of 2611
the equipment, product, or material; 2612

(9) The manner and circumstances in which the equipment, 2613
product, or material is displayed for sale; 2614

(10) Direct or circumstantial evidence of the ratio of the 2615
sales of the equipment, product, or material to the total sales 2616
of the business enterprise; 2617

(11) The existence and scope of legitimate uses of the 2618
equipment, product, or material in the community; 2619

(12) Expert testimony concerning the use of the equipment, 2620
product, or material. 2621

(C) (1) Subject to division (D) (2) of this section, no 2622
person shall knowingly use, or possess with purpose to use, drug 2623
paraphernalia. 2624

(2) No person shall knowingly sell, or possess or 2625
manufacture with purpose to sell, drug paraphernalia, if the 2626
person knows or reasonably should know that the equipment, 2627

product, or material will be used as drug paraphernalia. 2628

(3) No person shall place an advertisement in any 2629
newspaper, magazine, handbill, or other publication that is 2630
published and printed and circulates primarily within this 2631
state, if the person knows that the purpose of the advertisement 2632
is to promote the illegal sale in this state of the equipment, 2633
product, or material that the offender intended or designed for 2634
use as drug paraphernalia. 2635

(D) (1) This section does not apply to manufacturers, 2636
licensed health professionals authorized to prescribe drugs, 2637
pharmacists, owners of pharmacies, and other persons whose 2638
conduct is in accordance with Chapters 3719., 4715., 4723., 2639
4729., 4730., 4731., and 4741. of the Revised Code. This section 2640
shall not be construed to prohibit the possession or use of a 2641
hypodermic as authorized by section 3719.172 of the Revised 2642
Code. 2643

(2) Division (C) (1) of this section does not apply to a 2644
person's use, or possession with purpose to use, any drug 2645
paraphernalia that is equipment, a product, or material of any 2646
kind that is used by the person, intended by the person for use, 2647
or designed for use in storing, containing, concealing, 2648
injecting, ingesting, inhaling, or otherwise introducing into 2649
the human body marihuana. 2650

(E) Notwithstanding Chapter 2981. of the Revised Code, any 2651
drug paraphernalia that was used, possessed, sold, or 2652
manufactured in a violation of this section shall be seized, 2653
after a conviction for that violation shall be forfeited, and 2654
upon forfeiture shall be disposed of pursuant to division (B) of 2655
section 2981.12 of the Revised Code. 2656

(F) (1) Whoever violates division (C) (1) of this section is 2657
guilty of illegal use or possession of drug paraphernalia, a 2658
misdemeanor of the fourth degree. 2659

(2) Except as provided in division (F) (3) of this section, 2660
whoever violates division (C) (2) of this section is guilty of 2661
dealing in drug paraphernalia, a misdemeanor of the second 2662
degree. 2663

(3) Whoever violates division (C) (2) of this section by 2664
selling drug paraphernalia to a juvenile is guilty of selling 2665
drug paraphernalia to juveniles, a misdemeanor of the first 2666
degree. 2667

(4) Whoever violates division (C) (3) of this section is 2668
guilty of illegal advertising of drug paraphernalia, a 2669
misdemeanor of the second degree. 2670

~~(G) (1) In addition to any other sanction imposed upon an 2671
offender for a violation of this section, the court may suspend 2672
for not more than five years the offender's driver's or 2673
commercial driver's license or permit. However, if the offender 2674
pleaded guilty to or was convicted of a violation of section 2675
4511.19 of the Revised Code or a substantially similar municipal 2676
ordinance or the law of another state or the United States 2677
arising out of the same set of circumstances as the violation, 2678
the court shall suspend the offender's driver's or commercial 2679
driver's license or permit for not more than five years. If the 2680
offender is a professionally licensed person, in addition to any 2681
other sanction imposed for a violation of this section, the 2682
court immediately shall comply with section 2925.38 of the 2683
Revised Code. 2684~~

(2) Any offender who received a ~~mandatory~~ suspension of 2685

the offender's driver's or commercial driver's license or permit 2686
under this section prior to the ~~effective date of this~~ 2687
~~amendment~~ effective date of this amendment may file a motion with 2688
the sentencing court requesting the termination of the 2689
suspension. However, an offender who pleaded guilty to or was 2690
convicted of a violation of section 4511.19 of the Revised Code 2691
or a substantially similar municipal ordinance or law of another 2692
state or the United States that arose out of the same set of 2693
circumstances as the violation for which the offender's license 2694
or permit was suspended under this section shall not file such a 2695
motion. 2696

Upon the filing of a motion under division (G) (2) of this 2697
section, the sentencing court, in its discretion, may terminate 2698
the suspension. 2699

Sec. 2925.141. (A) As used in this section, "drug 2700
paraphernalia" has the same meaning as in section 2925.14 of the 2701
Revised Code. 2702

(B) In determining if any equipment, product, or material 2703
is drug paraphernalia, a court or law enforcement officer shall 2704
consider, in addition to other relevant factors, all factors 2705
identified in division (B) of section 2925.14 of the Revised 2706
Code. 2707

(C) No person shall knowingly use, or possess with purpose 2708
to use, any drug paraphernalia that is equipment, a product, or 2709
material of any kind that is used by the person, intended by the 2710
person for use, or designed for use in storing, containing, 2711
concealing, injecting, ingesting, inhaling, or otherwise 2712
introducing into the human body marihuana. 2713

(D) This section does not apply to any person identified 2714

in division (D) (1) of section 2925.14 of the Revised Code, and 2715
it shall not be construed to prohibit the possession or use of a 2716
hypodermic as authorized by section 3719.172 of the Revised 2717
Code. 2718

(E) Division (E) of section 2925.14 of the Revised Code 2719
applies with respect to any drug paraphernalia that was used or 2720
possessed in violation of this section. 2721

(F) Whoever violates division (C) of this section is 2722
guilty of illegal use or possession of marihuana drug 2723
paraphernalia, a minor misdemeanor. 2724

(G) (1) ~~In addition to any other sanction imposed upon an~~ 2725
~~offender for a violation of this section, the court may suspend~~ 2726
~~for not more than five years the offender's driver's or~~ 2727
~~commercial driver's license or permit. However, if the offender~~ 2728
~~pleaded guilty to or was convicted of a violation of section~~ 2729
~~4511.19 of the Revised Code or a substantially similar municipal~~ 2730
~~ordinance or the law of another state or the United States~~ 2731
~~arising out of the same set of circumstances as the violation,~~ 2732
~~the court shall suspend the offender's driver's or commercial~~ 2733
~~driver's license or permit for not more than five years. If the~~ 2734
offender is a professionally licensed person, in addition to any 2735
other sanction imposed for a violation of this section, the 2736
court immediately shall comply with section 2925.38 of the 2737
Revised Code. 2738

(2) Any offender who received a ~~mandatory~~ suspension of 2739
the offender's driver's or commercial driver's license or permit 2740
under this section prior to the ~~effective date of this~~ 2741
~~amendment~~ effective date of this amendment may file a motion with 2742
the sentencing court requesting the termination of the 2743
suspension. However, an offender who pleaded guilty to or was 2744

convicted of a violation of section 4511.19 of the Revised Code 2745
or a substantially similar municipal ordinance or law of another 2746
state or the United States that arose out of the same set of 2747
circumstances as the violation for which the offender's license 2748
or permit was suspended under this section shall not file such a 2749
motion. 2750

Upon the filing of a motion under division (G) (2) of this 2751
section, the sentencing court, in its discretion, may terminate 2752
the suspension. 2753

Sec. 2925.22. (A) No person, by deception, shall procure 2754
the administration of, a prescription for, or the dispensing of, 2755
a dangerous drug or shall possess an uncompleted preprinted 2756
prescription blank used for writing a prescription for a 2757
dangerous drug. 2758

(B) Whoever violates this section is guilty of deception 2759
to obtain a dangerous drug. The penalty for the offense shall be 2760
determined as follows: 2761

(1) If the person possesses an uncompleted preprinted 2762
prescription blank used for writing a prescription for a 2763
dangerous drug or if the drug involved is a dangerous drug, 2764
except as otherwise provided in division (B) (2) or (3) of this 2765
section, deception to obtain a dangerous drug is a felony of the 2766
fifth degree or, if the offender previously has been convicted 2767
of or pleaded guilty to a drug abuse offense, a felony of the 2768
fourth degree. Division (C) of section 2929.13 of the Revised 2769
Code applies in determining whether to impose a prison term on 2770
the offender pursuant to this division. 2771

(2) If the drug involved is a compound, mixture, 2772
preparation, or substance included in schedule I or II, with the 2773

exception of marihuana, the penalty for deception to obtain 2774
drugs is one of the following: 2775

(a) Except as otherwise provided in division (B) (2) (b), 2776
(c), or (d) of this section, it is a felony of the fourth 2777
degree, and division (C) of section 2929.13 of the Revised Code 2778
applies in determining whether to impose a prison term on the 2779
offender. 2780

(b) If the amount of the drug involved equals or exceeds 2781
the bulk amount but is less than five times the bulk amount, or 2782
if the amount of the drug involved that could be obtained 2783
pursuant to the prescription would equal or exceed the bulk 2784
amount but would be less than five times the bulk amount, it is 2785
a felony of the third degree, and there is a presumption for a 2786
prison term for the offense. 2787

(c) If the amount of the drug involved equals or exceeds 2788
five times the bulk amount but is less than fifty times the bulk 2789
amount, or if the amount of the drug involved that could be 2790
obtained pursuant to the prescription would equal or exceed five 2791
times the bulk amount but would be less than fifty times the 2792
bulk amount, it is a felony of the second degree, and there is a 2793
presumption for a prison term for the offense. 2794

(d) If the amount of the drug involved equals or exceeds 2795
fifty times the bulk amount, or if the amount of the drug 2796
involved that could be obtained pursuant to the prescription 2797
would equal or exceed fifty times the bulk amount, it is a 2798
felony of the first degree, and there is a presumption for a 2799
prison term for the offense. 2800

(3) If the drug involved is a compound, mixture, 2801
preparation, or substance included in schedule III, IV, or V or 2802

is marihuana, the penalty for deception to obtain a dangerous 2803
drug is one of the following: 2804

(a) Except as otherwise provided in division (B) (3) (b), 2805
(c), or (d) of this section, it is a felony of the fifth degree, 2806
and division (C) of section 2929.13 of the Revised Code applies 2807
in determining whether to impose a prison term on the offender. 2808

(b) If the amount of the drug involved equals or exceeds 2809
the bulk amount but is less than five times the bulk amount, or 2810
if the amount of the drug involved that could be obtained 2811
pursuant to the prescription would equal or exceed the bulk 2812
amount but would be less than five times the bulk amount, it is 2813
a felony of the fourth degree, and division (C) of section 2814
2929.13 of the Revised Code applies in determining whether to 2815
impose a prison term on the offender. 2816

(c) If the amount of the drug involved equals or exceeds 2817
five times the bulk amount but is less than fifty times the bulk 2818
amount, or if the amount of the drug involved that could be 2819
obtained pursuant to the prescription would equal or exceed five 2820
times the bulk amount but would be less than fifty times the 2821
bulk amount, it is a felony of the third degree, and there is a 2822
presumption for a prison term for the offense. 2823

(d) If the amount of the drug involved equals or exceeds 2824
fifty times the bulk amount, or if the amount of the drug 2825
involved that could be obtained pursuant to the prescription 2826
would equal or exceed fifty times the bulk amount, it is a 2827
felony of the second degree, and there is a presumption for a 2828
prison term for the offense. 2829

(C) (1) In addition to any prison term authorized or 2830
required by division (B) of this section and sections 2929.13 2831

and 2929.14 of the Revised Code and in addition to any other 2832
sanction imposed for the offense under this section or sections 2833
2929.11 to 2929.18 of the Revised Code, the court that sentences 2834
an offender who is convicted of or pleads guilty to a violation 2835
of division (A) of this section, when the violation is a felony 2836
of the first degree, may suspend for not more than five years 2837
the offender's driver's or commercial driver's license or 2838
permit. However, if the offender pleaded guilty to or was 2839
convicted of a violation of section 4511.19 of the Revised Code 2840
or a substantially similar municipal ordinance or the law of 2841
another state or the United States arising out of the same set 2842
of circumstances as the first degree felony violation, the court 2843
shall suspend the offender's driver's or commercial driver's 2844
license or permit for not more than five years. 2845

If the offender is a professionally licensed person, in 2846
addition to any other sanction imposed for a violation of this 2847
section, the court immediately shall comply with section 2925.38 2848
of the Revised Code. 2849

(2) Any offender who received a mandatory suspension of 2850
the offender's driver's or commercial driver's license or permit 2851
under this section prior to ~~the effective date of this amendment~~ 2852
September 13, 2016, may file a motion with the sentencing court 2853
requesting the termination of the suspension. However, an 2854
offender who pleaded guilty to or was convicted of a violation 2855
of section 4511.19 of the Revised Code or a substantially 2856
similar municipal ordinance or law of another state or the 2857
United States that arose out of the same set of circumstances as 2858
the violation for which the offender's license or permit was 2859
suspended under this section shall not file such a motion. 2860

Upon the filing of a motion under division (C) (2) of this 2861

section, the sentencing court, in its discretion, may terminate 2862
the suspension. 2863

(D) Notwithstanding any contrary provision of section 2864
3719.21 of the Revised Code, the clerk of the court shall pay a 2865
fine imposed for a violation of this section pursuant to 2866
division (A) of section 2929.18 of the Revised Code in 2867
accordance with and subject to the requirements of division (F) 2868
of section 2925.03 of the Revised Code. The agency that receives 2869
the fine shall use the fine as specified in division (F) of 2870
section 2925.03 of the Revised Code. 2871

Sec. 2925.23. (A) No person shall knowingly make a false 2872
statement in any prescription, order, report, or record required 2873
by Chapter 3719. or 4729. of the Revised Code. 2874

(B) No person shall intentionally make, utter, or sell, or 2875
knowingly possess any of the following that is a false or 2876
forged: 2877

(1) Prescription; 2878

(2) Uncompleted preprinted prescription blank used for 2879
writing a prescription; 2880

(3) Official written order; 2881

(4) License for a terminal distributor of dangerous drugs, 2882
as defined in section 4729.01 of the Revised Code; 2883

(5) License for a manufacturer of dangerous drugs, 2884
outsourcing facility, third-party logistics provider, repackager 2885
of dangerous drugs, or wholesale distributor of dangerous drugs, 2886
as defined in section 4729.01 of the Revised Code. 2887

(C) No person, by theft as defined in section 2913.02 of 2888
the Revised Code, shall acquire any of the following: 2889

(1) A prescription;	2890
(2) An uncompleted preprinted prescription blank used for writing a prescription;	2891 2892
(3) An official written order;	2893
(4) A blank official written order;	2894
(5) A license or blank license for a terminal distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code;	2895 2896 2897
(6) A license or blank license for a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code.	2898 2899 2900 2901 2902
(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs.	2903 2904 2905
(E) Divisions (A) and (D) of this section do not apply to licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code.	2906 2907 2908 2909 2910
(F) Whoever violates this section is guilty of illegal processing of drug documents. If the offender violates division (B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this section, illegal processing of drug documents is a felony of the fifth degree. If the offender violates division (A), division (B) (1) or (3), division (C) (1) or (3), or division (D) of this section, the penalty for illegal processing of drug documents	2911 2912 2913 2914 2915 2916 2917

shall be determined as follows: 2918

(1) If the drug involved is a compound, mixture, 2919
preparation, or substance included in schedule I or II, with the 2920
exception of marihuana, illegal processing of drug documents is 2921
a felony of the fourth degree, and division (C) of section 2922
2929.13 of the Revised Code applies in determining whether to 2923
impose a prison term on the offender. 2924

(2) If the drug involved is a dangerous drug or a 2925
compound, mixture, preparation, or substance included in 2926
schedule III, IV, or V or is marihuana, illegal processing of 2927
drug documents is a felony of the fifth degree, and division (C) 2928
of section 2929.13 of the Revised Code applies in determining 2929
whether to impose a prison term on the offender. 2930

(G) (1) In addition to any prison term authorized or 2931
required by division (F) of this section and sections 2929.13 2932
and 2929.14 of the Revised Code and in addition to any other 2933
sanction imposed for the offense under this section or sections 2934
2929.11 to 2929.18 of the Revised Code, the court that sentences 2935
an offender who is convicted of or pleads guilty to any 2936
violation of divisions (A) to (D) of this section, when the 2937
violation is a felony of the fourth degree, may suspend for not 2938
more than five years the offender's driver's or commercial 2939
driver's license or permit. However, if the offender pleaded 2940
guilty to or was convicted of a violation of section 4511.19 of 2941
the Revised Code or a substantially similar municipal ordinance 2942
or the law of another state or the United States arising out of 2943
the same set of circumstances as the fourth degree felony 2944
violation, the court shall suspend the offender's driver's or 2945
commercial driver's license or permit for not more than five 2946
years. 2947

If the offender is a professionally licensed person, in 2948
addition to any other sanction imposed for a violation of this 2949
section, the court immediately shall comply with section 2925.38 2950
of the Revised Code. 2951

(2) Any offender who received a mandatory suspension of 2952
the offender's driver's or commercial driver's license or permit 2953
under this section prior to September 13, 2016, may file a 2954
motion with the sentencing court requesting the termination of 2955
the suspension. However, an offender who pleaded guilty to or 2956
was convicted of a violation of section 4511.19 of the Revised 2957
Code or a substantially similar municipal ordinance or law of 2958
another state or the United States that arose out of the same 2959
set of circumstances as the violation for which the offender's 2960
license or permit was suspended under this section shall not 2961
file such a motion. 2962

Upon the filing of a motion under division (G)(2) of this 2963
section, the sentencing court, in its discretion, may terminate 2964
the suspension. 2965

(H) Notwithstanding any contrary provision of section 2966
3719.21 of the Revised Code, the clerk of court shall pay a fine 2967
imposed for a violation of this section pursuant to division (A) 2968
of section 2929.18 of the Revised Code in accordance with and 2969
subject to the requirements of division (F) of section 2925.03 2970
of the Revised Code. The agency that receives the fine shall use 2971
the fine as specified in division (F) of section 2925.03 of the 2972
Revised Code. 2973

Sec. 2925.31. (A) Except for lawful research, clinical, 2974
medical, dental, or veterinary purposes, no person, with purpose 2975
to induce intoxication or similar physiological effects, shall 2976
obtain, possess, or use a harmful intoxicant. 2977

(B) Whoever violates this section is guilty of abusing 2978
harmful intoxicants, a misdemeanor of the first degree. If the 2979
offender previously has been convicted of a drug abuse offense, 2980
abusing harmful intoxicants is a felony of the fifth degree. 2981

(C) (1) In addition to any other sanction imposed upon an 2982
offender for a violation of this section, if the violation of 2983
this section is a felony of the fifth degree, the court may 2984
suspend for not more than five years the offender's driver's or 2985
commercial driver's license or permit. However, if the offender 2986
pleaded guilty to or was convicted of a violation of section 2987
4511.19 of the Revised Code or a substantially similar municipal 2988
ordinance or the law of another state or the United States 2989
arising out of the same set of circumstances as the fifth degree 2990
felony violation, the court shall suspend the offender's 2991
driver's or commercial driver's license or permit for not more 2992
than five years. ~~If-~~ 2993

If the offender is a professionally licensed person, in 2994
addition to any other sanction imposed for a violation of this 2995
section, the court immediately shall comply with section 2925.38 2996
of the Revised Code. 2997

(2) Any offender who received a mandatory suspension of 2998
the offender's driver's or commercial driver's license or permit 2999
under this section prior to ~~the effective date of this amendment~~ 3000
September 13, 2016, may file a motion with the sentencing court 3001
requesting the termination of the suspension. However, an 3002
offender who pleaded guilty to or was convicted of a violation 3003
of section 4511.19 of the Revised Code or a substantially 3004
similar municipal ordinance or law of another state or the 3005
United States that arose out of the same set of circumstances as 3006
the violation for which the offender's license or permit was 3007

suspended under this section shall not file such a motion. 3008

Upon the filing of a motion under division (C) (2) of this 3009
section, the sentencing court, in its discretion, may terminate 3010
the suspension. 3011

Sec. 2925.32. (A) Divisions (A) (1) and (2) of this section 3012
do not apply to the dispensing or distributing of nitrous oxide. 3013

(1) No person shall knowingly dispense or distribute a 3014
harmful intoxicant to a person age eighteen or older if the 3015
person who dispenses or distributes it knows or has reason to 3016
believe that the harmful intoxicant will be used in violation of 3017
section 2925.31 of the Revised Code. 3018

(2) No person shall knowingly dispense or distribute a 3019
harmful intoxicant to a person under age eighteen if the person 3020
who dispenses or distributes it knows or has reason to believe 3021
that the harmful intoxicant will be used in violation of section 3022
2925.31 of the Revised Code. Division (A) (2) of this section 3023
does not prohibit either of the following: 3024

(a) Dispensing or distributing a harmful intoxicant to a 3025
person under age eighteen if a written order from the juvenile's 3026
parent or guardian is provided to the dispenser or distributor; 3027

(b) Dispensing or distributing gasoline or diesel fuel to 3028
a person under age eighteen if the dispenser or distributor does 3029
not know or have reason to believe the product will be used in 3030
violation of section 2925.31 of the Revised Code. Division (A) 3031
(2) (a) of this section does not require a person to obtain a 3032
written order from the parent or guardian of a person under age 3033
eighteen in order to distribute or dispense gasoline or diesel 3034
fuel to the person. 3035

(B) (1) No person shall knowingly dispense or distribute 3036

nitrous oxide to a person age twenty-one or older if the person 3037
who dispenses or distributes it knows or has reason to believe 3038
the nitrous oxide will be used in violation of section 2925.31 3039
of the Revised Code. 3040

(2) Except for lawful medical, dental, or clinical 3041
purposes, no person shall knowingly dispense or distribute 3042
nitrous oxide to a person under age twenty-one. 3043

(3) No person, at the time a cartridge of nitrous oxide is 3044
sold to another person, shall sell a device that allows the 3045
purchaser to inhale nitrous oxide from cartridges or to hold 3046
nitrous oxide released from cartridges for purposes of 3047
inhalation. The sale of any such device constitutes a rebuttable 3048
presumption that the person knew or had reason to believe that 3049
the purchaser intended to abuse the nitrous oxide. 3050

(4) No person who dispenses or distributes nitrous oxide 3051
in cartridges shall fail to comply with either of the following: 3052

(a) The record-keeping requirements established under 3053
division (F) of this section; 3054

(b) The labeling and transaction identification 3055
requirements established under division (G) of this section. 3056

(C) This section does not apply to products used in 3057
making, fabricating, assembling, transporting, or constructing a 3058
product or structure by manual labor or machinery for sale or 3059
lease to another person, or to the mining, refining, or 3060
processing of natural deposits. 3061

(D) (1) (a) Whoever violates division (A) (1) or (2) or 3062
division (B) (1), (2), or (3) of this section is guilty of 3063
trafficking in harmful intoxicants, a felony of the fifth 3064
degree. If the offender previously has been convicted of a drug 3065

abuse offense, trafficking in harmful intoxicants is a felony of 3066
the fourth degree. ~~In~~ 3067

In addition to any other sanction imposed upon an offender 3068
for trafficking in harmful intoxicants, when the violation is a 3069
felony of the fourth degree, the court may suspend for not more 3070
than five years the offender's driver's or commercial driver's 3071
license or permit. However, if the offender pleaded guilty to or 3072
was convicted of a violation of section 4511.19 of the Revised 3073
Code or a substantially similar municipal ordinance or the law 3074
of another state or the United States arising out of the same 3075
set of circumstances as the fourth degree felony violation, the 3076
court shall suspend the offender's driver's or commercial 3077
driver's license or permit for not more than five years. ~~If~~ 3078

If the offender is a professionally licensed person, in 3079
addition to any other sanction imposed for trafficking in 3080
harmful intoxicants, the court immediately shall comply with 3081
section 2925.38 of the Revised Code. 3082

(b) Any offender who received a mandatory suspension of 3083
the offender's driver's or commercial driver's license or permit 3084
under this section prior to ~~the effective date of this amendment~~ 3085
September 13, 2016, may file a motion with the sentencing court 3086
requesting the termination of the suspension. However, an 3087
offender who pleaded guilty to or was convicted of a violation 3088
of section 4511.19 of the Revised Code or a substantially 3089
similar municipal ordinance or law of another state or the 3090
United States that arose out of the same set of circumstances as 3091
the violation for which the offender's license or permit was 3092
suspended under this section shall not file such a motion. 3093

Upon the filing of a motion under division (D) (1) (b) of 3094
this section, the sentencing court, in its discretion, may 3095

terminate the suspension. 3096

(2) Whoever violates division (B) (4) (a) or (b) of this 3097
section is guilty of improperly dispensing or distributing 3098
nitrous oxide, a misdemeanor of the fourth degree. 3099

(E) It is an affirmative defense to a charge of a 3100
violation of division (A) (2) or (B) (2) of this section that: 3101

(1) An individual exhibited to the defendant or an officer 3102
or employee of the defendant, for purposes of establishing the 3103
individual's age, a driver's license or permit issued by this 3104
state, a commercial driver's license or permit issued by this 3105
state, an identification card issued pursuant to section 4507.50 3106
of the Revised Code, for another document that purports to be a 3107
license, permit, or identification card described in this 3108
division; 3109

(2) The document exhibited appeared to be a genuine, 3110
unaltered document, to pertain to the individual, and to 3111
establish the individual's age; 3112

(3) The defendant or the officer or employee of the 3113
defendant otherwise did not have reasonable cause to believe 3114
that the individual was under the age represented. 3115

(F) Beginning July 1, 2001, a person who dispenses or 3116
distributes nitrous oxide shall record each transaction 3117
involving the dispensing or distributing of the nitrous oxide on 3118
a separate card. The person shall require the purchaser to sign 3119
the card and provide a complete residence address. The person 3120
dispensing or distributing the nitrous oxide shall sign and date 3121
the card. The person shall retain the card recording a 3122
transaction for one year from the date of the transaction. The 3123
person shall maintain the cards at the person's business address 3124

and make them available during normal business hours for 3125
inspection and copying by officers or employees of the state 3126
board of pharmacy or of other law enforcement agencies of this 3127
state or the United States that are authorized to investigate 3128
violations of Chapter 2925., 3719., or 4729. of the Revised Code 3129
or the federal drug abuse control laws. 3130

The cards used to record each transaction shall inform the 3131
purchaser of the following: 3132

(1) That nitrous oxide cartridges are to be used only for 3133
purposes of preparing food; 3134

(2) That inhalation of nitrous oxide can have dangerous 3135
health effects; 3136

(3) That it is a violation of state law to distribute or 3137
dispense cartridges of nitrous oxide to any person under age 3138
twenty-one, punishable as a felony of the fifth degree. 3139

(G) (1) Each cartridge of nitrous oxide dispensed or 3140
distributed in this state shall bear the following printed 3141
warning: 3142

"Nitrous oxide cartridges are to be used only for purposes 3143
of preparing food. Nitrous oxide cartridges may not be sold to 3144
persons under age twenty-one. Do not inhale contents. Misuse can 3145
be dangerous to your health." 3146

(2) Each time a person dispenses or distributes one or 3147
more cartridges of nitrous oxide, the person shall mark the 3148
packaging containing the cartridges with a label or other device 3149
that identifies the person who dispensed or distributed the 3150
nitrous oxide and the person's business address. 3151

Sec. 2925.36. (A) No person shall knowingly furnish 3152

another a sample drug. 3153

(B) Division (A) of this section does not apply to 3154
manufacturers, wholesalers, pharmacists, owners of pharmacies, 3155
licensed health professionals authorized to prescribe drugs, and 3156
other persons whose conduct is in accordance with Chapters 3157
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 3158
the Revised Code. 3159

(C) (1) Whoever violates this section is guilty of illegal 3160
dispensing of drug samples. 3161

(2) If the drug involved in the offense is a compound, 3162
mixture, preparation, or substance included in schedule I or II, 3163
with the exception of marihuana, the penalty for the offense 3164
shall be determined as follows: 3165

(a) Except as otherwise provided in division (C) (2) (b) of 3166
this section, illegal dispensing of drug samples is a felony of 3167
the fifth degree, and, subject to division (E) of this section, 3168
division (C) of section 2929.13 of the Revised Code applies in 3169
determining whether to impose a prison term on the offender. 3170

(b) If the offense was committed in the vicinity of a 3171
school or in the vicinity of a juvenile, illegal dispensing of 3172
drug samples is a felony of the fourth degree, and, subject to 3173
division (E) of this section, division (C) of section 2929.13 of 3174
the Revised Code applies in determining whether to impose a 3175
prison term on the offender. 3176

(3) If the drug involved in the offense is a dangerous 3177
drug or a compound, mixture, preparation, or substance included 3178
in schedule III, IV, or V, or is marihuana, the penalty for the 3179
offense shall be determined as follows: 3180

(a) Except as otherwise provided in division (C) (3) (b) of 3181

this section, illegal dispensing of drug samples is a 3182
misdemeanor of the second degree. 3183

(b) If the offense was committed in the vicinity of a 3184
school or in the vicinity of a juvenile, illegal dispensing of 3185
drug samples is a misdemeanor of the first degree. 3186

(D) (1) In addition to any prison term authorized or 3187
required by division (C) or (E) of this section and sections 3188
2929.13 and 2929.14 of the Revised Code and in addition to any 3189
other sanction imposed for the offense under this section or 3190
sections 2929.11 to 2929.18 of the Revised Code, the court that 3191
sentences an offender who is convicted of or pleads guilty to a 3192
violation of division (A) of this section, when the violation is 3193
a felony of the fourth degree, may suspend for not more than 3194
five years the offender's driver's or commercial driver's 3195
license or permit. However, if the offender pleaded guilty to or 3196
was convicted of a violation of section 4511.19 of the Revised 3197
Code or a substantially similar municipal ordinance or the law 3198
of another state or the United States arising out of the same 3199
set of circumstances as the fourth degree felony violation, the 3200
court shall suspend the offender's driver's or commercial 3201
driver's license or permit for not more than five years. 3202

If the offender is a professionally licensed person, in 3203
addition to any other sanction imposed for a violation of this 3204
section, the court immediately shall comply with section 2925.38 3205
of the Revised Code. 3206

(2) Any offender who received a mandatory suspension of 3207
the offender's driver's or commercial driver's license or permit 3208
under this section prior to September 13, 2016, may file a 3209
motion with the sentencing court requesting the termination of 3210
the suspension. However, an offender who pleaded guilty to or 3211

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

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

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

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

Sec. 2925.37. (A) No person shall knowingly possess any 3242
counterfeit controlled substance. 3243

(B) No person shall knowingly make, sell, offer to sell, 3244
or deliver any substance that the person knows is a counterfeit 3245
controlled substance. 3246

(C) No person shall make, possess, sell, offer to sell, or 3247
deliver any punch, die, plate, stone, or other device knowing or 3248
having reason to know that it will be used to print or reproduce 3249
a trademark, trade name, or other identifying mark upon a 3250
counterfeit controlled substance. 3251

(D) No person shall sell, offer to sell, give, or deliver 3252
any counterfeit controlled substance to a juvenile. 3253

(E) No person shall directly or indirectly represent a 3254
counterfeit controlled substance as a controlled substance by 3255
describing its effects as the physical or psychological effects 3256
associated with use of a controlled substance. 3257

(F) No person shall directly or indirectly falsely 3258
represent or advertise a counterfeit controlled substance as a 3259
controlled substance. As used in this division, "advertise" 3260
means engaging in "advertisement," as defined in section 3715.01 3261
of the Revised Code. 3262

(G) Whoever violates division (A) of this section is 3263
guilty of possession of counterfeit controlled substances, a 3264
misdemeanor of the first degree. 3265

(H) Whoever violates division (B) or (C) of this section 3266
is guilty of trafficking in counterfeit controlled substances. 3267
Except as otherwise provided in this division, trafficking in 3268
counterfeit controlled substances is a felony of the fifth 3269
degree, and division (C) of section 2929.13 of the Revised Code 3270

applies in determining whether to impose a prison term on the 3271
offender. If the offense was committed in the vicinity of a 3272
school or in the vicinity of a juvenile, trafficking in 3273
counterfeit controlled substances is a felony of the fourth 3274
degree, and division (C) of section 2929.13 of the Revised Code 3275
applies in determining whether to impose a prison term on the 3276
offender. 3277

(I) Whoever violates division (D) of this section is 3278
guilty of aggravated trafficking in counterfeit controlled 3279
substances. Except as otherwise provided in this division, 3280
aggravated trafficking in counterfeit controlled substances is a 3281
felony of the fourth degree, and division (C) of section 2929.13 3282
of the Revised Code applies in determining whether to impose a 3283
prison term on the offender. 3284

(J) Whoever violates division (E) of this section is 3285
guilty of promoting and encouraging drug abuse. Except as 3286
otherwise provided in this division, promoting and encouraging 3287
drug abuse is a felony of the fifth degree, and division (C) of 3288
section 2929.13 of the Revised Code applies in determining 3289
whether to impose a prison term on the offender. If the offense 3290
was committed in the vicinity of a school or in the vicinity of 3291
a juvenile, promoting and encouraging drug abuse is a felony of 3292
the fourth degree, and division (C) of section 2929.13 of the 3293
Revised Code applies in determining whether to impose a prison 3294
term on the offender. 3295

(K) Whoever violates division (F) of this section is 3296
guilty of fraudulent drug advertising. Except as otherwise 3297
provided in this division, fraudulent drug advertising is a 3298
felony of the fifth degree, and division (C) of section 2929.13 3299
of the Revised Code applies in determining whether to impose a 3300

prison term on the offender. If the offense was committed in the vicinity of a school or in the vicinity of a juvenile, fraudulent drug advertising is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(L) (1) In addition to any prison term authorized or required by divisions (H) to (K) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (B), (C), (D), (E), or (F) of this section, when the violation is a felony of the fourth degree, may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the fourth degree felony violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.

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

(2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to ~~the effective date of this amendment~~ September 13, 2016 may file a motion with the sentencing court

requesting the termination of the suspension. However, an 3331
offender who pleaded guilty to or was convicted of a violation 3332
of section 4511.19 of the Revised Code or a substantially 3333
similar municipal ordinance or law of another state or the 3334
United States that arose out of the same set of circumstances as 3335
the violation for which the offender's license or permit was 3336
suspended under this section shall not file such a motion. 3337

Upon the filing of a motion under division (L) (2) of this 3338
section, the sentencing court, in its discretion, may terminate 3339
the suspension. 3340

(M) Notwithstanding any contrary provision of section 3341
3719.21 of the Revised Code, the clerk of the court shall pay a 3342
fine imposed for a violation of this section pursuant to 3343
division (A) of section 2929.18 of the Revised Code in 3344
accordance with and subject to the requirements of division (F) 3345
of section 2925.03 of the Revised Code. The agency that receives 3346
the fine shall use the fine as specified in division (F) of 3347
section 2925.03 of the Revised Code. 3348

Sec. 3123.56. A child support enforcement agency that sent 3349
a notice under section 3123.54 of the Revised Code of an 3350
individual's default under a child support order shall send to 3351
the registrar of motor vehicles a notice that the individual is 3352
not in default if it determines that the individual is not in 3353
default or any of the following occurs: 3354

(A) The individual makes full payment to the office of 3355
child support or, pursuant to sections 3125.27 to 3125.30 of the 3356
Revised Code, to the child support enforcement agency of the 3357
arrearage as of the date the payment is made. 3358

(B) If division (A) of this section is not possible, the 3359

individual has presented to the agency sufficient evidence of 3360
current employment or of an account in a financial institution, 3361
the agency has confirmed the individual's employment or the 3362
existence of the account, and an appropriate withholding or 3363
deduction notice described in section 3121.03 of the Revised 3364
Code has been issued to collect current support and any 3365
arrearage due under the child support order that was in default. 3366

(C) If divisions (A) and (B) of this section are not 3367
possible, the individual presents evidence to the agency 3368
sufficient to establish ~~that the~~ either one of the following: 3369

(1) The individual is unable to work due to circumstances 3370
beyond the individual's control. 3371

(2) The imposition of a suspension on the individual's 3372
driver's license or commercial driver's license, motorcycle 3373
operator's license or endorsement, or temporary instruction 3374
permit or commercial driver's temporary instruction permit would 3375
effectively prevent the individual from paying child support or 3376
any arrearage due under the child support order that was in 3377
default. 3378

(D) If divisions (A), (B), and (C) of this section are not 3379
possible, the individual enters into and complies with a written 3380
agreement with the agency that requires the obligor to comply 3381
with either of the following: 3382

(1) A family support program administered or approved by 3383
the agency; 3384

(2) A program to establish compliance with a seek work 3385
order issued pursuant to section ~~3123.03~~ 3121.03 of the Revised 3386
Code. 3387

(E) If divisions (A), (B), (C), and (D) of this section 3388

are not possible, the individual pays the balance of the total 3389
monthly obligation due for the ninety-day period preceding the 3390
date the agency sent the notice described in section 3123.55 of 3391
the Revised Code. 3392

The agency shall send the notice under this section not 3393
later than seven days after it determines the individual is not 3394
in default or that any of the circumstances specified in this 3395
section has occurred. 3396

Sec. 3123.58. (A) On receipt of a notice pursuant to 3397
section 3123.54 of the Revised Code, the registrar of motor 3398
vehicles shall determine whether the individual named in the 3399
notice holds or has applied for a driver's license or commercial 3400
driver's license, motorcycle operator's license or endorsement, 3401
or temporary instruction permit or commercial driver's temporary 3402
instruction permit. If the registrar determines that the 3403
individual holds or has applied for a license, permit, or 3404
endorsement and the individual is the individual named in the 3405
notice and does not receive a notice pursuant to section 3123.56 3406
or 3123.57 of the Revised Code, the registrar immediately shall 3407
provide notice of the determination to each deputy registrar. 3408
The registrar or a deputy registrar may not issue to the 3409
individual a driver's or commercial driver's license, motorcycle 3410
operator's license or endorsement, or temporary instruction 3411
permit or commercial driver's temporary instruction permit and 3412
may not renew for the individual a driver's or commercial 3413
driver's license, motorcycle operator's license or endorsement, 3414
or commercial driver's temporary instruction permit. The 3415
registrar or a deputy registrar also shall impose a class F 3416
suspension of the license, permit, or endorsement held by the 3417
individual under division (B) (6) of section 4510.02 of the 3418
Revised Code. 3419

(B) (1) A court may grant an individual whose license, 3420
permit, or endorsement is suspended under this section limited 3421
driving privileges in accordance with division (B) of section 3422
4510.021 of the Revised Code pursuant to a ~~request made during~~ 3423
~~an action for contempt initiated under section 2705.031 of the~~ 3424
~~Revised Code~~ petition by that individual for limited driving 3425
privileges. Prior to granting privileges under this division, 3426
the court shall request the ~~accused~~ individual to provide the 3427
court with a recent noncertified copy of a driver's abstract 3428
from the registrar of motor vehicles ~~and shall request the child-~~ 3429
~~support enforcement agency that issued the notice pursuant to~~ 3430
~~section 3123.54 of the Revised Code relative to the individual~~ 3431
~~to advise the court, either in person through a representative~~ 3432
~~testifying at a hearing or through a written document, the~~ 3433
~~position of the agency relative to the issue of the granting of~~ 3434
~~privileges to the individual. The court, in determining whether~~ 3435
~~to grant the individual privileges under this division, shall~~ 3436
~~take into consideration the position of the agency, but the~~ 3437
~~court is not bound by the position of the agency.~~ 3438

(2) A court that grants limited driving privileges to a 3439
person under division (B) (1) of this section shall deliver to 3440
the person a permit card, in a form to be prescribed by the 3441
court, setting forth the date on which the limited privileges 3442
will become effective, the purposes for which the person may 3443
drive, the times and places at which the person may drive, and 3444
any other conditions imposed upon the person's use of a motor 3445
vehicle. 3446

(3) The court immediately shall notify the registrar, in 3447
writing, of a grant of limited driving privileges under division 3448
(B) (1) of this section. The notification shall specify the date 3449
on which the limited driving privileges will become effective, 3450

the purposes for which the person may drive, and any other 3451
conditions imposed upon the person's use of a motor vehicle. 3452

(C) If a person who has been granted limited driving 3453
privileges under division (B)(1) of this section is convicted 3454
of, pleads guilty to, or is adjudicated in juvenile court of 3455
having committed a violation of Chapter 4510. of the Revised 3456
Code or any similar municipal ordinance during the period of 3457
which the person was granted limited driving privileges, the 3458
person's limited driving privileges shall be suspended 3459
immediately pending a reinstatement hearing. 3460

Sec. 3321.13. (A) Whenever any child of compulsory school 3461
age withdraws from school the teacher of that child shall 3462
ascertain the reason for withdrawal. The fact of the withdrawal 3463
and the reason for it shall be immediately transmitted by the 3464
teacher to the superintendent of the city, local, or exempted 3465
village school district. If the child who has withdrawn from 3466
school has done so because of change of residence, the next 3467
residence shall be ascertained and shall be included in the 3468
notice thus transmitted. The superintendent shall thereupon 3469
forward a card showing the essential facts regarding the child 3470
and stating the place of the child's new residence to the 3471
superintendent of schools of the district to which the child has 3472
moved. 3473

The superintendent of public instruction may prescribe the 3474
forms to be used in the operation of this division. 3475

(B) (1) Upon receipt of information that a child of 3476
compulsory school age has withdrawn from school for a reason 3477
other than because of change of residence and is not enrolled in 3478
and attending in accordance with school policy an approved 3479
program to obtain a diploma or its equivalent, the 3480

superintendent shall notify ~~the registrar of motor vehicles and~~ 3481
the juvenile judge of the county in which the district is 3482
located of the withdrawal and failure to enroll in and attend an 3483
approved program to obtain a diploma or its equivalent. A 3484
notification to ~~the registrar required by this division shall be~~ 3485
~~given in the manner the registrar by rule requires and a~~ 3486
~~notification to the juvenile judge required by this division~~ 3487
shall be given in writing. Each notification shall be given 3488
within two weeks after the withdrawal and failure to enroll in 3489
and attend an approved program or its equivalent. 3490

(2) The board of education of a school district may adopt 3491
a resolution providing that the provisions of division (B) (2) of 3492
this section apply within the district. The provisions of 3493
division (B) (2) of this section do not apply within any school 3494
district, and no superintendent of a school district shall send 3495
a notification of the type described in division (B) (2) of this 3496
section to ~~the registrar of motor vehicles or the juvenile judge~~ 3497
of the county in which the district is located, unless the board 3498
of education of the district has adopted such a resolution. If 3499
the board of education of a school district adopts a resolution 3500
providing that the provisions of division (B) (2) of this section 3501
apply within the district, and if the superintendent of schools 3502
of that district receives information that, during any semester 3503
or term, a child of compulsory school age has been absent 3504
without legitimate excuse from the school the child is supposed 3505
to attend for more than sixty consecutive hours in a single 3506
month or for at least ninety hours in a school year, the 3507
superintendent shall notify the child and the child's parent, 3508
guardian, or custodian, in writing, that the information has 3509
been provided to the superintendent, ~~that as a result of that~~ 3510
~~information the child's temporary instruction permit or driver's~~ 3511

~~license will be suspended or the opportunity to obtain such a~~ 3512
~~permit or license will be denied,~~ and that the child and the 3513
child's parent, guardian, or custodian may appear in person at a 3514
scheduled date, time, and place before the superintendent or a 3515
designee to challenge the information provided to the 3516
superintendent. 3517

The notification to the child and the child's parent, 3518
guardian, or custodian required by division (B) (2) of this 3519
section shall set forth the information received by the 3520
superintendent and shall inform the child and the child's 3521
parent, guardian, or custodian of the scheduled date, time, and 3522
place of the appearance that they may have before the 3523
superintendent or a designee. The date scheduled for the 3524
appearance shall be no earlier than three and no later than five 3525
days after the notification is given, provided that an extension 3526
may be granted upon request of the child or the child's parent, 3527
guardian, or custodian. If an extension is granted, the 3528
superintendent shall schedule a new date, time, and place for 3529
the appearance and shall inform the child and the child's 3530
parent, guardian, or custodian of the new date, time, and place. 3531

If the child and the child's parent, guardian, or 3532
custodian do not appear before the superintendent or a designee 3533
on the scheduled date and at the scheduled time and place, or if 3534
the child and the child's parent, guardian, or custodian appear 3535
before the superintendent or a designee on the scheduled date 3536
and at the scheduled time and place but the superintendent or a 3537
designee determines that the information the superintendent 3538
received indicating that, during the semester or term, the child 3539
had been absent without legitimate excuse from the school the 3540
child was supposed to attend for more than sixty consecutive 3541
hours or for at least ninety total hours, the superintendent 3542

shall notify ~~the registrar of motor vehicles and the~~ juvenile 3543
judge of the county in which the district is located that the 3544
child has been absent for that period of time and that the child 3545
does not have any legitimate excuse for the habitual absence. A 3546
notification to ~~the registrar required by this division shall be~~ 3547
~~given in the manner the registrar by rule requires and a~~ 3548
~~notification to the juvenile judge required by this division~~ 3549
shall be given in writing. Each notification shall be given 3550
within two weeks after the receipt of the information of the 3551
habitual absence from school without legitimate excuse, or, if 3552
the child and the child's parent, guardian, or custodian appear 3553
before the superintendent or a designee to challenge the 3554
information, within two weeks after the appearance. 3555

For purposes of division (B) (2) of this section, a 3556
legitimate excuse for absence from school includes, but is not 3557
limited to, the fact that the child in question has enrolled in 3558
another school or school district in this or another state, the 3559
fact that the child in question was excused from attendance for 3560
any of the reasons specified in section 3321.04 of the Revised 3561
Code, or the fact that the child in question has received an age 3562
and schooling certificate in accordance with section 3331.01 of 3563
the Revised Code. 3564

(3) Whenever a pupil is suspended or expelled from school 3565
pursuant to section 3313.66 of the Revised Code and the reason 3566
for the suspension or expulsion is the use or possession of 3567
alcohol, a drug of abuse, or alcohol and a drug of abuse, the 3568
superintendent of schools of that district may notify ~~the~~ 3569
~~registrar and the juvenile judge of the county in which the~~ 3570
district is located of such suspension or expulsion. Any such 3571
notification of suspension or expulsion shall be given to ~~the~~ 3572
~~registrar, in the manner the registrar by rule requires and~~ 3573

~~shall be given to~~ the juvenile judge in writing. The 3574
notifications shall be given within two weeks after the 3575
suspension or expulsion. 3576

(4) Whenever a pupil is suspended, expelled, removed, or 3577
permanently excluded from a school for misconduct included in a 3578
policy that the board of education of a city, exempted village, 3579
or local school district has adopted under division (A) of 3580
section 3313.661 of the Revised Code, and the misconduct 3581
involves a firearm or a knife or other weapon as defined in that 3582
policy, the superintendent of schools of that district shall 3583
notify ~~the registrar and~~ the juvenile judge of the county in 3584
which the district is located of the suspension, expulsion, 3585
removal, or permanent exclusion. The notification shall be given 3586
to ~~the registrar in the manner the registrar, by rule, requires~~ 3587
~~and shall be given to~~ the juvenile judge in writing. The 3588
notifications shall be given within two weeks after the 3589
suspension, expulsion, removal, or permanent exclusion. 3590

(C) A notification of withdrawal, habitual absence without 3591
legitimate excuse, suspension, or expulsion given to ~~the~~ 3592
~~registrar or~~ a juvenile judge under division (B) (1), (2), (3), 3593
or (4) of this section shall contain the name, address, date of 3594
birth, school, and school district of the child. If the 3595
superintendent finds, after giving a notification of withdrawal, 3596
habitual absence without legitimate excuse, suspension, or 3597
expulsion ~~to the registrar and~~ the juvenile judge under division 3598
(B) (1), (2), (3), or (4) of this section, that the notification 3599
was given in error, the superintendent immediately shall notify 3600
~~the registrar and~~ the juvenile judge of that fact. 3601

Sec. 3321.191. (A) Effective beginning with the 2017-2018 3602
school year, the board of education of each city, exempted 3603

village, local, joint vocational, and cooperative education 3604
school district and the governing board of each educational 3605
service center shall adopt a new or amended policy to guide 3606
employees of the school district or service center in addressing 3607
and ameliorating student absences. In developing the policy, the 3608
appropriate board shall consult with the judge of the juvenile 3609
court of the county or counties in which the district or service 3610
center is located, with the parents, guardians, or other persons 3611
having care of the pupils attending school in the district, and 3612
with appropriate state and local agencies. 3613

(B) The policy developed under division (A) of this 3614
section shall include as an intervention strategy all of the 3615
following actions, if applicable: 3616

(1) Providing a truancy intervention plan for any student 3617
who is excessively absent from school, as described in the first 3618
paragraph of division (C) of this section; 3619

(2) Providing counseling for an habitual truant; 3620

(3) Requesting or requiring a parent, guardian, or other 3621
person having care of an habitual truant to attend parental 3622
involvement programs, including programs adopted under section 3623
3313.472 or 3313.663 of the Revised Code; 3624

(4) Requesting or requiring a parent, guardian, or other 3625
person having care of an habitual truant to attend truancy 3626
prevention mediation programs; 3627

~~(5) Notification of the registrar of motor vehicles under 3628
section 3321.13 of the Revised Code;~~ 3629

~~(6) Taking legal action under section 2919.222, 3321.20, 3630
or 3321.38 of the Revised Code. 3631~~

(C) (1) In the event that a child of compulsory school age 3632
is absent with a nonmedical excuse or without legitimate excuse 3633
from the public school the child is supposed to attend for 3634
thirty-eight or more hours in one school month, or sixty-five or 3635
more hours in a school year, the attendance officer of that 3636
school shall notify the child's parent, guardian, or custodian 3637
of the child's absences, in writing, within seven days after the 3638
date after the absence that triggered the notice requirement. At 3639
the time notice is given, the school also may take any 3640
appropriate action as an intervention strategy contained in the 3641
policy developed by the board pursuant to division (A) of this 3642
section. 3643

(2) (a) If the absences of a student surpass the threshold 3644
for an habitual truant as set forth in section 2151.011 of the 3645
Revised Code, the principal or chief administrator of the school 3646
or the superintendent of the school district shall assign the 3647
student to an absence intervention team. Within fourteen school 3648
days after the assignment of a student to an absence 3649
intervention team, the team shall develop an intervention plan 3650
for that student in an effort to reduce or eliminate further 3651
absences. Each intervention plan shall vary based on the 3652
individual needs of the student, but the plan shall state that 3653
the attendance officer shall file a complaint not later than 3654
sixty-one days after the date the plan was implemented, if the 3655
child has refused to participate in, or failed to make 3656
satisfactory progress on, the intervention plan or an 3657
alternative to adjudication under division (C) (2) (b) of section 3658
3321.191 of the Revised Code. Within seven days after the 3659
development of the plan, the school district or school shall 3660
make reasonable efforts to provide the student's parent, 3661
guardian, custodian, guardian ad litem, or temporary custodian 3662

with written notice of the plan. 3663

(b) As part of the absence intervention plan described in 3664
division (C)(2) of this section, the school district or school, 3665
in its discretion, may contact the appropriate juvenile court 3666
and ask to have a student informally enrolled in any alternative 3667
to adjudication described in division (G) of section 2151.27 of 3668
the Revised Code. If the school district or school chooses to 3669
have students informally enrolled in an alternative to 3670
adjudication, the school district or school shall develop a 3671
written policy regarding the use of, and selection process for, 3672
offering alternatives to adjudication to ensure fairness. 3673

(c) The superintendent of each school district, or the 3674
superintendent's designee, shall establish an absence 3675
intervention team for the district to be used by any schools of 3676
the district that do not establish their own absence 3677
intervention team as permitted under division (C)(2)(d) of this 3678
section. Membership of each absence intervention team may vary 3679
based on the needs of each individual student but shall include 3680
a representative from the child's school district or school, 3681
another representative from the child's school district or 3682
school who knows the child, and the child's parent or parent's 3683
designee, or the child's guardian, custodian, guardian ad litem, 3684
or temporary custodian. The team also may include a school 3685
psychologist, counselor, social worker, or representative of a 3686
public or nonprofit agency designed to assist students and their 3687
families in reducing absences. 3688

(d) The principal or chief administrator of each school 3689
may establish an absence intervention team or series of teams to 3690
be used in lieu of the district team established pursuant to 3691
division (C)(2)(c) of this section. Membership of each absence 3692

intervention team may vary based on the needs of each individual 3693
student but shall include a representative from the child's 3694
school district or school, another representative from the 3695
child's school district or school who knows the child, and the 3696
child's parent or parent's designee, or the child's guardian, 3697
custodian, guardian ad litem, or temporary custodian. The team 3698
also may include a school psychologist, counselor, social 3699
worker, or representative of a public or nonprofit agency 3700
designed to assist students and their families in reducing 3701
absences. 3702

(e) A superintendent, as described in division (C) (2) (c) 3703
of this section, or principal or chief administrator, as 3704
described in division (C) (2) (d) of this section, shall select 3705
the members of an absence intervention team within seven school 3706
days of the triggering event described in division (C) (2) (a) of 3707
this section. The superintendent, principal, or chief 3708
administrator, within the same period of seven school days, 3709
shall make at least three meaningful, good faith attempts to 3710
secure the participation of the student's parent, guardian, 3711
custodian, guardian ad litem, or temporary custodian on that 3712
team. If the student's parent responds to any of those attempts, 3713
but is unable to participate for any reason, the representative 3714
of the school district shall inform the parent of the parent's 3715
right to appear by designee. If seven school days elapse and the 3716
student's parent, guardian, custodian, guardian ad litem, or 3717
temporary custodian fails to respond to the attempts to secure 3718
participation, the school district or school shall do both of 3719
the following: 3720

(i) Investigate whether the failure to respond triggers 3721
mandatory reporting to the public children services agency for 3722
the county in which the child resides in the manner described in 3723

section 2151.421 of the Revised Code; 3724

(ii) Instruct the absence intervention team to develop an 3725
intervention plan for the child notwithstanding the absence of 3726
the child's parent, guardian, custodian, guardian ad litem, or 3727
temporary custodian. 3728

(f) In the event that a student becomes habitually truant 3729
within twenty-one school days prior to the last day of 3730
instruction of a school year, the school district or school may, 3731
in its discretion, assign one school official to work with the 3732
child's parent, guardian, custodian, guardian ad litem, or 3733
temporary custodian to develop an absence intervention plan 3734
during the summer. If the school district or school selects this 3735
method, the plan shall be implemented not later than seven days 3736
prior to the first day of instruction of the next school year. 3737
In the alternative, the school district or school may toll the 3738
time periods to accommodate for the summer months and reconvene 3739
the absence intervention process upon the first day of 3740
instruction of the next school year. 3741

(3) For purposes of divisions (C) (2) (c) and (d) of this 3742
section, the state board of education shall develop a format for 3743
parental permission to ensure compliance with the "Family 3744
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 3745
U.S.C. 1232g, as amended, and any regulations promulgated under 3746
that act, and section 3319.321 of the Revised Code. 3747

(D) Each school district or school may consult or partner 3748
with public and nonprofit agencies to provide assistance as 3749
appropriate to students and their families in reducing absences. 3750

(E) Beginning with the 2017-2018 school year, each school 3751
district shall report to the department of education, as soon as 3752

practicable, and in a format and manner determined by the 3753
department, any of the following occurrences: 3754

(1) When a notice required by division (C)(1) of this 3755
section is submitted to a parent, guardian, or custodian; 3756

(2) When a child of compulsory school age has been absent 3757
without legitimate excuse from the public school the child is 3758
supposed to attend for thirty or more consecutive hours, forty- 3759
two or more hours in one school month, or seventy-two or more 3760
hours in a school year; 3761

(3) When a child of compulsory school age who has been 3762
adjudicated an unruly child for being an habitual truant 3763
violates the court order regarding that adjudication; 3764

(4) When an absence intervention plan has been implemented 3765
for a child under this section. 3766

(F) Nothing in this section shall be construed to limit 3767
the duty or authority of a district board of education or 3768
governing body of an educational service center to develop other 3769
policies related to truancy or to limit the duty or authority of 3770
any employee of the school district or service center to respond 3771
to pupil truancy. However, a board shall be subject to the 3772
prohibition against suspending, expelling, or otherwise 3773
preventing a student from attending school for excessive 3774
absences as prescribed by section 3313.668 of the Revised Code. 3775

Sec. 4503.20. (A) As used in this section: 3776

(1) "Dealer engaged in the business of leasing motor 3777
vehicles" means any person engaged in the business of regularly 3778
making available, offering to make available, or arranging for 3779
another person to use a motor vehicle pursuant to a bailment, 3780
lease, or other contractual arrangement. 3781

(2) "Motor vehicle" has the meaning set forth in section 3782
4509.01 of the Revised Code. 3783

(B) An application for the registration of a motor vehicle 3784
shall contain a statement, to be signed by the applicant either 3785
manually or by electronic signature, that does all of the 3786
following: 3787

(1) States that the applicant maintains, or has maintained 3788
on the applicant's behalf, proof of financial responsibility at 3789
the time of application, and will not operate a motor vehicle in 3790
this state, unless the applicant maintains, with respect to that 3791
motor vehicle or the operation of such vehicle, proof of 3792
financial responsibility; 3793

(2) Contains a brief summary of the purposes and operation 3794
of section 4509.101 of the Revised Code, the rights and duties 3795
of the applicant under that section, and the penalties for 3796
violation of that section; 3797

(3) Warns the applicant that the financial responsibility 3798
law does not prevent the possibility that the applicant may be 3799
involved in an accident with an owner or operator of a motor 3800
vehicle who is without proof of financial responsibility. 3801

(C) (1) A person who purchases any motor vehicle from a 3802
licensed motor vehicle dealer who agrees to make application for 3803
registration of the motor vehicle on behalf of the purchaser 3804
shall sign statements that comply with divisions (B) and (F) of 3805
this section. The dealer shall submit the statements to the 3806
deputy registrar where the dealer has agreed to make application 3807
for registration on behalf of the person. 3808

(2) In the case of a person who leases any motor vehicle 3809
from a dealer engaged in the business of leasing motor vehicles 3810

who agrees to make application for registration of the motor 3811
vehicle on behalf of the lessee, the person shall sign a 3812
statement that complies with division (B) of this section, and 3813
the dealer shall do either of the following: 3814

(a) Submit the statement signed by the person to the 3815
deputy registrar where the dealer has agreed to make application 3816
for registration on behalf of the person; 3817

(b) Sign and submit a statement to the deputy registrar 3818
that certifies that a statement has been signed and filed with 3819
the dealer or incorporated into the lease. 3820

The dealer shall submit to the registrar or deputy 3821
registrar to whom the dealer submits the application for 3822
registration a statement signed by the person that complies with 3823
division (F) of this section. 3824

(D) The registrar of motor vehicles shall prescribe the 3825
form of the statements required under divisions (B), (C), and 3826
(F) of this section, and the manner or manners in which the 3827
statements required under divisions (B) and (F) of this section 3828
shall be presented to the applicant. Any statement that is 3829
required under divisions (B), (C), and (F) of this section shall 3830
be designed to enable the applicant to retain a copy of it. 3831

(E) Nothing within this section shall be construed to 3832
excuse a violation of section 4509.101 of the Revised Code. A 3833
motor vehicle dealer who makes application for the registration 3834
of a motor vehicle on behalf of the purchaser or lessee of the 3835
motor vehicle is not liable in damages in any civil action on 3836
account of the act of making such application for registration 3837
or the content of any such application for registration. 3838

(F) In addition to the statements required by divisions 3839

(B) and (C) of this section, a person who makes application for registration of a motor vehicle shall be furnished with a form that lists in plain language all the possible penalties to which a person could be subject for a violation of the financial responsibility law, including driver's license suspensions, and all fees, including nonvoluntary compliance and reinstatement fees, ~~and vehicle immobilization or impoundment~~. The person shall read the form and either manually or by electronic signature sign the form, which shall be submitted along with the application for registration as provided in this section. The form shall be retained by the registrar or deputy registrar who issues the motor vehicle registration or the registrar's or deputy registrar's successor for a period of two years from the date of issuance of the registration.

(G) Upon the registration of a motor vehicle, the owner of the motor vehicle is deemed to have agreed to the production of proof of financial responsibility by the owner or the operator of the motor vehicle, upon the request of a peace officer or state highway patrol trooper made in accordance with division (D) (2) of section 4509.101 of the Revised Code.

(H) The registrar shall adopt rules governing the renewal of motor vehicle registrations by electronic means and the completion and submission of statements that comply with divisions (B) and (F) of this section. The registrar shall adopt the rules prescribed by this division in accordance with Chapter 119. of the Revised Code.

Sec. 4507.212. (A) As used in this section, "motor vehicle" has the same meaning as in section 4509.01 of the Revised Code.

(B) An application for a driver's, commercial driver's,

restricted, or probationary license, or renewal of such license 3870
shall contain a statement, to be signed by the applicant, that 3871
does all of the following: 3872

(1) States that the applicant maintains, or has maintained 3873
on ~~his~~ the applicant's behalf, proof of financial responsibility 3874
at the time of application, and will not operate a motor vehicle 3875
in this state, unless ~~he~~ the applicant maintains, or has 3876
maintained on ~~his~~ the applicant's behalf, proof of financial 3877
responsibility; 3878

(2) Contains a brief summary of the purposes and operation 3879
of section 4509.101 of the Revised Code, the rights and duties 3880
of the applicant under that section, and the penalties for 3881
violation of that section; 3882

(3) Warns the applicant that the financial responsibility 3883
law does not prevent the possibility that the applicant may be 3884
involved in an accident with an owner or operator of a motor 3885
vehicle who is without proof of financial responsibility. 3886

(C) The registrar of motor vehicles shall prescribe the 3887
form of the statement, and the manner in which the statement 3888
shall be presented to the applicant. The statement shall be 3889
designed to enable the applicant to retain a copy of it. 3890

(D) Nothing within this section shall be construed to 3891
excuse a violation of section 4509.101 of the Revised Code. 3892

(E) At the time a person submits an application for a 3893
driver's, commercial driver's, restricted, or probationary 3894
license, or renewal of such a license, the applicant also shall 3895
be furnished with a form that lists in plain language all the 3896
possible penalties to which the applicant could be subject for a 3897
violation of the financial responsibility law, including 3898

driver's license suspensions, and all fees, including 3899
nonvoluntary compliance and reinstatement fees, ~~and vehicle~~ 3900
~~immobilization or impoundment~~. The applicant shall sign the 3901
form, which shall be submitted along with the application. The 3902
form shall be retained by the registrar or deputy registrar who 3903
issues the license or renewal or ~~his~~ the registrar's or deputy 3904
registrar's successor for a period of two years from the date of 3905
issuance of the license or renewal. The registrar shall 3906
prescribe the manner in which the form shall be presented to the 3907
applicant, and the format of the form, which shall be such that 3908
the applicant can retain a copy of it. 3909

Sec. 4509.101. (A) (1) No person shall operate, or permit 3910
the operation of, a motor vehicle in this state, unless proof of 3911
financial responsibility is maintained continuously throughout 3912
the registration period with respect to that vehicle, or, in the 3913
case of a driver who is not the owner, with respect to that 3914
driver's operation of that vehicle. 3915

(2) Whoever violates division (A) (1) of this section shall 3916
be subject to the following civil penalties: 3917

(a) Subject to divisions (A) (2) (b) and (c) of this 3918
section, a class (F) suspension of the person's driver's 3919
license, commercial driver's license, temporary instruction 3920
permit, probationary license, or nonresident operating privilege 3921
for the period of time specified in division (B) (6) of section 3922
4510.02 of the Revised Code and impoundment of the person's 3923
license. The court may grant limited driving privileges to the 3924
person, but only if the person presents proof of financial 3925
responsibility and is enrolled in a reinstatement fee payment 3926
plan pursuant to section 4510.10 of the Revised Code. 3927

(b) If, within ~~five years~~ one year of the violation, the 3928

person's operating privileges are again suspended and the 3929
person's license again is impounded for a violation of division 3930
(A) (1) of this section, a class C suspension of the person's 3931
driver's license, commercial driver's license, temporary 3932
instruction permit, probationary license, or nonresident 3933
operating privilege for the period of time specified in division 3934
(B) (3) of section 4510.02 of the Revised Code. The court may 3935
grant limited driving privileges to the person only if the 3936
person presents proof of financial responsibility and has 3937
complied with division (A) (5) of this section, and no court may 3938
grant limited driving privileges for the first fifteen days of 3939
the suspension. 3940

(c) If, within ~~five years~~one year of the violation, the 3941
person's operating privileges are suspended and the person's 3942
license is impounded two or more times for a violation of 3943
division (A) (1) of this section, a class B suspension of the 3944
person's driver's license, commercial driver's license, 3945
temporary instruction permit, probationary license, or 3946
nonresident operating privilege for the period of time specified 3947
in division (B) (2) of section 4510.02 of the Revised Code. The 3948
court may grant limited driving privileges to the person only if 3949
the person presents proof of financial responsibility and has 3950
complied with division (A) (5) of this section, except that no 3951
court may grant limited driving privileges for the first thirty 3952
days of the suspension. 3953

~~(d) In addition to the suspension of an owner's license 3954
under division (A) (2) (a), (b), or (c) of this section, the 3955
suspension of the rights of the owner to register the motor- 3956
vehicle and the impoundment of the owner's certificate of 3957
registration and license plates until the owner complies with 3958
division (A) (5) of this section. 3959~~

The clerk of court shall waive the cost of filing a petition for limited driving privileges if, pursuant to section 2323.311 of the Revised Code, the petitioner applies to be qualified as an indigent litigant and the court approves the application.

(3) A person to whom this state has issued a certificate of registration for a motor vehicle or a license to operate a motor vehicle or who is determined to have operated any motor vehicle or permitted the operation in this state of a motor vehicle owned by the person shall be required to verify the existence of proof of financial responsibility covering the operation of the motor vehicle or the person's operation of the motor vehicle under either of the following circumstances:

(a) The person or a motor vehicle owned by the person is involved in a traffic accident that requires the filing of an accident report under section 4509.06 of the Revised Code.

(b) The person receives a traffic ticket indicating that proof of the maintenance of financial responsibility was not produced upon the request of a peace officer or state highway patrol trooper made in accordance with division (D) (2) of this section.

(4) An order of the registrar that suspends ~~and impounds a license or registration, or both,~~ shall state the date on or before which the person is required to surrender the person's ~~license or certificate of registration and license plates.~~ The person is deemed to have surrendered the ~~license or certificate of registration and license plates,~~ in compliance with the order, if the person does either of the following:

(a) On or before the date specified in the order,

personally delivers the license ~~or certificate of registration~~ 3989
~~and license plates~~, or causes the delivery of the ~~items~~ license, 3990
to the registrar; 3991

(b) Mails the license ~~or certificate of registration and~~ 3992
~~license plates~~ to the registrar in an envelope or container 3993
bearing a postmark showing a date no later than the date 3994
specified in the order. 3995

(5) Except as provided in division (L) of this section, 3996
the registrar shall not restore any operating privileges ~~or~~ 3997
~~registration rights~~ suspended under this section, return any 3998
license, ~~certificate of registration, or license plates~~ 3999
~~impounded surrendered~~ under this section, ~~or reissue license~~ 4000
~~plates under section 4503.232 of the Revised Code, if the~~ 4001
~~registrar destroyed the impounded license plates under that~~ 4002
~~section, or reissue a license under section 4510.52 of the~~ 4003
Revised Code, if the registrar destroyed the suspended license 4004
under that section, unless the rights are not subject to 4005
suspension or revocation under any other law and unless the 4006
person, in addition to complying with all other conditions 4007
required by law for reinstatement of the operating privileges ~~or~~ 4008
~~registration rights~~, complies with all of the following: 4009

(a) Pays to the registrar or an eligible deputy registrar 4010
a financial responsibility reinstatement fee of one hundred 4011
dollars for the first violation of division (A)(1) of this 4012
section, three hundred dollars for a second violation of that 4013
division, and six hundred dollars for a third or subsequent 4014
violation of that division; 4015

(b) If the person has not voluntarily surrendered the 4016
license, ~~certificate, or license plates~~ in compliance with the 4017
order, pays to the registrar or an eligible deputy registrar a 4018

financial responsibility nonvoluntary compliance fee in an 4019
amount, not to exceed fifty dollars, determined by the 4020
registrar; 4021

(c) Files and continuously maintains proof of financial 4022
responsibility under sections 4509.44 to 4509.65 of the Revised 4023
Code; 4024

(d) Pays a deputy registrar a service fee of ten dollars 4025
to compensate the deputy registrar for services performed under 4026
this section. The deputy registrar shall retain eight dollars of 4027
the service fee and shall transmit the reinstatement fee, any 4028
nonvoluntary compliance fee, and two dollars of the service fee 4029
to the registrar in the manner the registrar shall determine. 4030

(B) (1) Every party required to file an accident report 4031
under section 4509.06 of the Revised Code also shall include 4032
with the report a document described in division (G) (1) (a) of 4033
this section or shall present proof of financial responsibility 4034
through use of an electronic wireless communications device as 4035
permitted by division (G) (1) (b) of this section. 4036

If the registrar determines, within forty-five days after 4037
the report is filed, that an operator or owner has violated 4038
division (A) (1) of this section, the registrar shall do all of 4039
the following: 4040

~~(a) Order the impoundment, with respect to the motor 4041
vehicle involved, required under division (A) (2) (d) of this 4042
section, of the certificate of registration and license plates 4043
of any owner who has violated division (A) (1) of this section;~~ 4044

~~(b) Order the suspension required under division (A) (2) 4045
(a), (b), or (c) of this section of the license of any operator 4046
or owner who has violated division (A) (1) of this section;~~ 4047

~~(e)-(b)~~ Record the name and address of the person whose 4048
~~certificate of registration and license plates have been~~ 4049
~~impounded or are under an order of impoundment, or whose license~~ 4050
has been suspended or is under an order of suspension, ~~the~~ 4051
serial number of the person's license, ~~the serial numbers of the~~ 4052
~~person's certificate of registration and license plates,~~ and 4053
the person's social security account number, if assigned, or, 4054
where the motor vehicle that is the subject of the violation is 4055
used for hire or principally in connection with any established 4056
business, the person's federal taxpayer identification number. 4057
The information shall be recorded in such a manner that it 4058
becomes a part of the person's permanent record, and assists the 4059
registrar in monitoring compliance with the orders of suspension 4060
~~or impoundment.~~ 4061

~~(d)-(c)~~ Send written notification to every person to whom 4062
the order pertains, at the person's last known address as shown 4063
on the records of the bureau. The person, within ten days after 4064
the date of the mailing of the notification, shall surrender to 4065
the registrar, in a manner set forth in division (A) (4) of this 4066
section, ~~any certificate of registration and registration plates~~ 4067
~~under an order of impoundment, or any license under an order of~~ 4068
suspension. 4069

(2) The registrar shall issue any order under division (B) 4070
(1) of this section without a hearing. Any person adversely 4071
affected by the order, within ten days after the issuance of the 4072
order, may request an administrative hearing before the 4073
registrar, who shall provide the person with an opportunity for 4074
a hearing in accordance with this paragraph. A request for a 4075
hearing does not operate as a suspension of the order. The scope 4076
of the hearing shall be limited to whether the person in fact 4077
demonstrated to the registrar proof of financial responsibility 4078

in accordance with this section. The registrar shall determine 4079
the date, time, and place of any hearing, provided that the 4080
hearing shall be held, and an order issued or findings made, 4081
within thirty days after the registrar receives a request for a 4082
hearing. If requested by the person in writing, the registrar 4083
may designate as the place of hearing the county seat of the 4084
county in which the person resides or a place within fifty miles 4085
of the person's residence. The person shall pay the cost of the 4086
hearing before the registrar, if the registrar's order of 4087
suspension ~~or impoundment~~ is upheld. 4088

(C) Any order of suspension ~~or impoundment~~ issued under 4089
this section or division (B) of section 4509.37 of the Revised 4090
Code may be terminated at any time if the registrar determines 4091
upon a showing of proof of financial responsibility that the 4092
operator or owner of the motor vehicle was in compliance with 4093
division (A)(1) of this section at the time of the traffic 4094
offense, motor vehicle inspection, or accident that resulted in 4095
the order against the person. A determination may be made 4096
without a hearing. This division does not apply unless the 4097
person shows good cause for the person's failure to present 4098
satisfactory proof of financial responsibility to the registrar 4099
prior to the issuance of the order. 4100

(D) (1) (a) For the purpose of enforcing this section, every 4101
peace officer is deemed an agent of the registrar. 4102

(b) Any peace officer who, in the performance of the peace 4103
officer's duties as authorized by law, becomes aware of a person 4104
whose license is under an order of suspension, ~~or whose~~ 4105
~~certificate of registration and license plates are under an~~ 4106
~~order of impoundment,~~ pursuant to this section, may confiscate 4107
the license, ~~certificate of registration, and license plates,~~ 4108

and return ~~them~~it to the registrar. 4109

(2) A peace officer shall request the owner or operator of 4110
a motor vehicle to produce proof of financial responsibility in 4111
a manner described in division (G) of this section at the time 4112
the peace officer acts to enforce the traffic laws of this state 4113
and during motor vehicle inspections conducted pursuant to 4114
section 4513.02 of the Revised Code. 4115

(3) A peace officer shall indicate on every traffic ticket 4116
whether the person receiving the traffic ticket produced proof 4117
of the maintenance of financial responsibility in response to 4118
the officer's request under division (D) (2) of this section. The 4119
peace officer shall inform every person who receives a traffic 4120
ticket and who has failed to produce proof of the maintenance of 4121
financial responsibility that the person must submit proof to 4122
the traffic violations bureau with any payment of a fine and 4123
costs for the ticketed violation or, if the person is to appear 4124
in court for the violation, the person must submit proof to the 4125
court. 4126

(4) (a) If a person who has failed to produce proof of the 4127
maintenance of financial responsibility appears in court for a 4128
ticketed violation, the court may permit the defendant to 4129
present evidence of proof of financial responsibility to the 4130
court at such time and in such manner as the court determines to 4131
be necessary or appropriate. In a manner prescribed by the 4132
registrar, the clerk of courts shall provide the registrar with 4133
the identity of any person who fails to submit proof of the 4134
maintenance of financial responsibility pursuant to division (D) 4135
(3) of this section. 4136

(b) If a person who has failed to produce proof of the 4137
maintenance of financial responsibility also fails to submit 4138

that proof to the traffic violations bureau with payment of a 4139
fine and costs for the ticketed violation, the traffic 4140
violations bureau, in a manner prescribed by the registrar, 4141
shall notify the registrar of the identity of that person. 4142

(5) (a) Upon receiving notice from a clerk of courts or 4143
traffic violations bureau pursuant to division (D) (4) of this 4144
section, the registrar shall order the suspension of the license 4145
of the person required under division (A) (2) (a), (b), or (c) of 4146
this section ~~and the impoundment of the person's certificate of~~ 4147
~~registration and license plates required under division (A) (2)~~ 4148
~~(d) of this section~~, effective thirty days after the date of the 4149
mailing of notification. The registrar also shall notify the 4150
person that the person must present the registrar with proof of 4151
financial responsibility in accordance with this section, 4152
surrender to the registrar the person's ~~certificate of~~ 4153
~~registration, license plates, and license~~, or submit a statement 4154
subject to section 2921.13 of the Revised Code that the person 4155
did not operate or permit the operation of the motor vehicle at 4156
the time of the offense. Notification shall be in writing and 4157
shall be sent to the person at the person's last known address 4158
as shown on the records of the bureau of motor vehicles. The 4159
person, within fifteen days after the date of the mailing of 4160
notification, shall present proof of financial responsibility, 4161
surrender the ~~certificate of registration, license plates, and~~ 4162
license to the registrar in a manner set forth in division (A) 4163
(4) of this section, or submit the statement required under this 4164
section together with other information the person considers 4165
appropriate. 4166

If the registrar does not receive proof or the person does 4167
not surrender the ~~certificate of registration, license plates,~~ 4168
~~and license~~, in accordance with this division, the registrar 4169

shall permit the order for the suspension of the license of the 4170
person ~~and the impoundment of the person's certificate of~~ 4171
~~registration and license plates~~ to take effect. 4172

(b) In the case of a person who presents, within the 4173
fifteen-day period, proof of financial responsibility, the 4174
registrar shall terminate the order of suspension ~~and the~~ 4175
~~impoundment of the registration and license plates required~~ 4176
~~under division (A) (2) (d) of this section~~ and shall send written 4177
notification to the person, at the person's last known address 4178
as shown on the records of the bureau. 4179

(c) Any person adversely affected by the order of the 4180
registrar under division (D) (5) (a) or (b) of this section, 4181
within ten days after the issuance of the order, may request an 4182
administrative hearing before the registrar, who shall provide 4183
the person with an opportunity for a hearing in accordance with 4184
this paragraph. A request for a hearing does not operate as a 4185
suspension of the order. The scope of the hearing shall be 4186
limited to whether, at the time of the hearing, the person 4187
presents proof of financial responsibility covering the vehicle 4188
and whether the person is eligible for an exemption in 4189
accordance with this section or any rule adopted under it. The 4190
registrar shall determine the date, time, and place of any 4191
hearing; provided, that the hearing shall be held, and an order 4192
issued or findings made, within thirty days after the registrar 4193
receives a request for a hearing. If requested by the person in 4194
writing, the registrar may designate as the place of hearing the 4195
county seat of the county in which the person resides or a place 4196
within fifty miles of the person's residence. Such person shall 4197
pay the cost of the hearing before the registrar, if the 4198
registrar's order of suspension ~~or impoundment~~ under division 4199
(D) (5) (a) or (b) of this section is upheld. 4200

(6) A peace officer may charge an owner or operator of a motor vehicle with a violation of section 4510.16 of the Revised Code when the owner or operator fails to show proof of the maintenance of financial responsibility pursuant to a peace officer's request under division (D) (2) of this section, if a check of the owner or operator's driving record indicates that the owner or operator, at the time of the operation of the motor vehicle, is required to file and maintain proof of financial responsibility under section 4509.45 of the Revised Code for a previous violation of this chapter.

(7) Any forms used by law enforcement agencies in administering this section shall be prescribed, supplied, and paid for by the registrar.

(8) No peace officer, law enforcement agency employing a peace officer, or political subdivision or governmental agency that employs a peace officer shall be liable in a civil action for damages or loss to persons arising out of the performance of any duty required or authorized by this section.

(9) As used in this section, "peace officer" has the meaning set forth in section 2935.01 of the Revised Code.

(E) All fees, except court costs, fees paid to a deputy registrar, and those portions of the financial responsibility reinstatement fees as otherwise specified in this division, collected under this section shall be paid into the state treasury to the credit of the public safety - highway purposes fund established in section 4501.06 of the Revised Code and used to cover costs incurred by the bureau in the administration of this section and sections 4503.20, 4507.212, and 4509.81 of the Revised Code, and by any law enforcement agency employing any peace officer who returns any license, ~~certificate of~~

~~registration, and license plates~~ to the registrar pursuant to 4231
division (C) of this section. 4232

Of each financial responsibility reinstatement fee the 4233
registrar collects pursuant to division (A) (5) (a) of this 4234
section or receives from a deputy registrar under division (A) 4235
(5) (d) of this section, the registrar shall deposit twenty-five 4236
dollars of each one-hundred-dollar reinstatement fee, fifty 4237
dollars of each three-hundred-dollar reinstatement fee, and one 4238
hundred dollars of each six-hundred-dollar reinstatement fee 4239
into the state treasury to the credit of the indigent defense 4240
support fund created by section 120.08 of the Revised Code. 4241

(F) Chapter 119. of the Revised Code applies to this 4242
section only to the extent that any provision in that chapter is 4243
not clearly inconsistent with this section. 4244

(G) (1) (a) The registrar, court, traffic violations bureau, 4245
or peace officer may require proof of financial responsibility 4246
to be demonstrated by use of a standard form prescribed by the 4247
registrar. If the use of a standard form is not required, a 4248
person may demonstrate proof of financial responsibility under 4249
this section by presenting to the traffic violations bureau, 4250
court, registrar, or peace officer any of the following 4251
documents or a copy of the documents: 4252

(i) A financial responsibility identification card as 4253
provided in section 4509.103 of the Revised Code; 4254

(ii) A certificate of proof of financial responsibility on 4255
a form provided and approved by the registrar for the filing of 4256
an accident report required to be filed under section 4509.06 of 4257
the Revised Code; 4258

(iii) A policy of liability insurance, a declaration page 4259

of a policy of liability insurance, or liability bond, if the 4260
policy or bond complies with section 4509.20 or sections 4509.49 4261
to 4509.61 of the Revised Code; 4262

(iv) A bond or certification of the issuance of a bond as 4263
provided in section 4509.59 of the Revised Code; 4264

(v) A certificate of deposit of money or securities as 4265
provided in section 4509.62 of the Revised Code; 4266

(vi) A certificate of self-insurance as provided in 4267
section 4509.72 of the Revised Code. 4268

(b) A person also may present proof of financial 4269
responsibility under this section to the traffic violations 4270
bureau, court, registrar, or peace officer through use of an 4271
electronic wireless communications device as specified under 4272
section 4509.103 of the Revised Code. 4273

(2) If a person fails to demonstrate proof of financial 4274
responsibility in a manner described in division (G)(1) of this 4275
section, the person may demonstrate proof of financial 4276
responsibility under this section by any other method that the 4277
court or the bureau, by reason of circumstances in a particular 4278
case, may consider appropriate. 4279

(3) A motor carrier certificated by the interstate 4280
commerce commission or by the public utilities commission may 4281
demonstrate proof of financial responsibility by providing a 4282
statement designating the motor carrier's operating authority 4283
and averring that the insurance coverage required by the 4284
certificating authority is in full force and effect. 4285

(4) (a) A finding by the registrar or court that a person 4286
is covered by proof of financial responsibility in the form of 4287
an insurance policy or surety bond is not binding upon the named 4288

insurer or surety or any of its officers, employees, agents, or 4289
representatives and has no legal effect except for the purpose 4290
of administering this section. 4291

(b) The preparation and delivery of a financial 4292
responsibility identification card or any other document 4293
authorized to be used as proof of financial responsibility and 4294
the generation and delivery of proof of financial responsibility 4295
to an electronic wireless communications device that is 4296
displayed on the device as text or images does not do any of the 4297
following: 4298

(i) Create any liability or estoppel against an insurer or 4299
surety, or any of its officers, employees, agents, or 4300
representatives; 4301

(ii) Constitute an admission of the existence of, or of 4302
any liability or coverage under, any policy or bond; 4303

(iii) Waive any defenses or counterclaims available to an 4304
insurer, surety, agent, employee, or representative in an action 4305
commenced by an insured or third-party claimant upon a cause of 4306
action alleged to have arisen under an insurance policy or 4307
surety bond or by reason of the preparation and delivery of a 4308
document for use as proof of financial responsibility or the 4309
generation and delivery of proof of financial responsibility to 4310
an electronic wireless communications device. 4311

(c) Whenever it is determined by a final judgment in a 4312
judicial proceeding that an insurer or surety, which has been 4313
named on a document or displayed on an electronic wireless 4314
communications device accepted by a court or the registrar as 4315
proof of financial responsibility covering the operation of a 4316
motor vehicle at the time of an accident or offense, is not 4317

liable to pay a judgment for injuries or damages resulting from 4318
such operation, the registrar, notwithstanding any previous 4319
contrary finding, shall forthwith suspend the operating 4320
privileges and registration rights of the person against whom 4321
the judgment was rendered as provided in division (A) (2) of this 4322
section. 4323

(H) In order for any document or display of text or images 4324
on an electronic wireless communications device described in 4325
division (G) (1) of this section to be used for the demonstration 4326
of proof of financial responsibility under this section, the 4327
document or words or images shall state the name of the insured 4328
or obligor, the name of the insurer or surety company, and the 4329
effective and expiration dates of the financial responsibility, 4330
and designate by explicit description or by appropriate 4331
reference all motor vehicles covered which may include a 4332
reference to fleet insurance coverage. 4333

(I) For purposes of this section, "owner" does not include 4334
a licensed motor vehicle leasing dealer as defined in section 4335
4517.01 of the Revised Code, but does include a motor vehicle 4336
renting dealer as defined in section 4549.65 of the Revised 4337
Code. Nothing in this section or in section 4509.51 of the 4338
Revised Code shall be construed to prohibit a motor vehicle 4339
renting dealer from entering into a contractual agreement with a 4340
person whereby the person renting the motor vehicle agrees to be 4341
solely responsible for maintaining proof of financial 4342
responsibility, in accordance with this section, with respect to 4343
the operation, maintenance, or use of the motor vehicle during 4344
the period of the motor vehicle's rental. 4345

(J) The purpose of this section is to require the 4346
maintenance of proof of financial responsibility with respect to 4347

the operation of motor vehicles on the highways of this state, 4348
so as to minimize those situations in which persons are not 4349
compensated for injuries and damages sustained in motor vehicle 4350
accidents. The general assembly finds that this section contains 4351
reasonable civil penalties and procedures for achieving this 4352
purpose. 4353

(K) Nothing in this section shall be construed to be 4354
subject to section 4509.78 of the Revised Code. 4355

(L) (1) The registrar may terminate any suspension imposed 4356
under this section and not require the owner to comply with 4357
divisions (A) (5) (a), (b), and (c) of this section if the 4358
registrar with or without a hearing determines that the owner of 4359
the vehicle has established by clear and convincing evidence 4360
that all of the following apply: 4361

(a) The owner customarily maintains proof of financial 4362
responsibility. 4363

(b) Proof of financial responsibility was not in effect 4364
for the vehicle on the date in question for one of the following 4365
reasons: 4366

(i) The vehicle was inoperable. 4367

(ii) The vehicle is operated only seasonally, and the date 4368
in question was outside the season of operation. 4369

(iii) A person other than the vehicle owner or driver was 4370
at fault for the lapse of proof of financial responsibility 4371
through no fault of the owner or driver. 4372

(iv) The lapse of proof of financial responsibility was 4373
caused by excusable neglect under circumstances that are not 4374
likely to recur and do not suggest a purpose to evade the 4375

requirements of this chapter. 4376

(2) The registrar may grant an owner or driver relief for 4377
a reason specified in division (L) (1) (b) (iii) or (iv) of this 4378
section only if the owner or driver has not previously been 4379
granted relief under division (L) (1) (b) (iii) or (iv) of this 4380
section. 4381

(M) The registrar shall adopt rules in accordance with 4382
Chapter 119. of the Revised Code that are necessary to 4383
administer and enforce this section. The rules shall include 4384
~~procedures for the surrender of license plates upon failure to~~ 4385
~~maintain proof of financial responsibility and provisions~~ 4386
relating to ~~reinstatement of registration rights,~~ acceptable 4387
forms of proof of financial responsibility, the use of an 4388
electronic wireless communications device to present proof of 4389
financial responsibility, and verification of the existence of 4390
financial responsibility during the period of registration. 4391

(N) (1) When a person utilizes an electronic wireless 4392
communications device to present proof of financial 4393
responsibility, only the evidence of financial responsibility 4394
displayed on the device shall be viewed by the registrar, peace 4395
officer, employee or official of the traffic violations bureau, 4396
or the court. No other content of the device shall be viewed for 4397
purposes of obtaining proof of financial responsibility. 4398

(2) When a person provides an electronic wireless 4399
communications device to the registrar, a peace officer, an 4400
employee or official of a traffic violations bureau, or the 4401
court, the person assumes the risk of any resulting damage to 4402
the device unless the registrar, peace officer, employee, or 4403
official, or court personnel purposely, knowingly, or recklessly 4404
commits an action that results in damage to the device. 4405

Sec. 4509.37. (A) The registrar of motor vehicles upon 4406
receipt of a certified copy of a judgment, shall impose a class 4407
F suspension for the period of time specified in division (B) (6) 4408
of section 4510.02 of the Revised Code of the license ~~and~~ 4409
~~registration~~ and any nonresident's operating privilege of any 4410
person against whom such judgment was rendered, except as 4411
provided in sections 4509.01 to 4509.78 of the Revised Code. 4412

Such certified copy of a judgment shall include the last 4413
known address, the social security number, if known, and the 4414
operator's license number, of the judgment debtor. 4415

(B) The registrar shall also impose the civil penalties 4416
specified in division (A) (2) of section 4509.101 of the Revised 4417
Code unless either of the following applies: 4418

(1) The judgment debtor presents proof of financial 4419
responsibility to the registrar proving that the judgment debtor 4420
was covered, at the time of the motor vehicle accident out of 4421
which the cause of action arose, by proof of financial 4422
responsibility in compliance with section 4509.101 of the 4423
Revised Code. 4424

(2) The judgment debtor proves to the registrar that the 4425
judgment debtor's ~~registration and~~ license ~~have~~ has been 4426
previously suspended under section 4509.101 of the Revised Code 4427
by reason of the judgment debtor's failure to prove that the 4428
judgment debtor was covered, at the time of the motor vehicle 4429
accident out of which the cause of action arose, by proof of 4430
financial responsibility. 4431

Sec. 4509.67. (A) The registrar of motor vehicles shall, 4432
upon request, consent to the immediate cancellation of any bond 4433
or certificate of insurance, or shall direct and the treasurer 4434

of state shall return to the person entitled any money or 4435
securities deposited under sections 4509.01 to 4509.78 of the 4436
Revised Code, as proof of financial responsibility, or the 4437
registrar shall waive the requirement of filing proof, in any of 4438
the following events: 4439

(1) At any time after three years from the date such proof 4440
was required when, during the three years preceding the request, 4441
the registrar has not received record of a conviction or bail 4442
forfeiture which would require or permit the suspension or 4443
revocation of the license, ~~registration~~ or nonresident's 4444
operating privilege of the person by or for whom such proof was 4445
furnished ~~and the person's motor vehicle registration has not~~ 4446
~~been suspended for a violation of section 4509.101 of the~~ 4447
~~Revised Code;~~ 4448

(2) In the event of the death of the person on whose 4449
behalf such proof was filed or the permanent incapacity of such 4450
person to operate a motor vehicle; 4451

(3) In the event the person who has given proof surrenders 4452
his the person's license ~~and registration~~ to the registrar. 4453

(B) The registrar shall not consent to the cancellation of 4454
any bond or the return of any money or securities if any action 4455
for damages upon a liability covered by such proof is pending, 4456
or any judgment upon any such liability is unsatisfied, or in 4457
the event the person who has filed such bond or deposited such 4458
money or securities has within two years immediately preceding 4459
such request been involved as a driver or owner in any ~~motor-~~ 4460
~~vehicle~~ motor vehicle accident resulting in injury to the person 4461
or property of others. An affidavit of the applicant as to the 4462
nonexistence of such facts, or that he the applicant has been 4463
released from all liability, or has been finally adjudicated not 4464

liable, for such injury may be accepted as evidence thereof in 4465
the absence of evidence to the contrary in the records of the 4466
registrar. 4467

(C) Whenever any person whose proof has been canceled or 4468
returned under division (A) (3) of this section applies for a 4469
license ~~or registration~~ within a period of three years from the 4470
date proof was originally required, any such application shall 4471
be refused unless the applicant re-establishes proof of 4472
financial responsibility for the remainder of the three-year 4473
period. 4474

Sec. 4510.101. As used in sections 4510.101 to ~~4510.107~~ 4475
4510.108 of the Revised Code: 4476

(A) "Eligible offense" means an offense under any of the 4477
following Revised Code sections if the offense, an essential 4478
element of the offense, the basis of the charge, or any 4479
underlying offense did not involve alcohol, a drug of abuse, 4480
combination thereof, or a deadly weapon: 2151.354, 2152.19, 4481
2152.21, 2913.02, 4507.20, 4509.101, 4509.17, 4509.24, 4509.40, 4482
4510.037, 4510.05, 4510.06, 4510.15, 4510.22, 4510.23, 4510.31, 4483
~~4510.32~~, 4511.203, 4511.205, 4511.251, 4511.75, 4549.02, 4484
4549.021, and 5743.99. 4485

(B) "Deadly weapon" has the same meaning as in section 4486
2923.11 of the Revised Code. 4487

(C) "Drug of abuse" has the same meaning as in section 4488
4511.181 of the Revised Code. 4489

(D) "Complete amnesty" means a waiver of reinstatement 4490
fees. 4491

(E) "Driver's license or permit" does not include a 4492
commercial driver's license or permit. 4493

(F) "Indigent" means a person who is a participant in any	4494
of the following programs:	4495
(1) The supplemental nutrition assistance program	4496
administered by the department of job and family services	4497
pursuant to section 5101.54 of the Revised Code;	4498
(2) The medicaid program pursuant to Chapter 5163. of the	4499
Revised Code;	4500
(3) The Ohio works first program administered by the	4501
department of job and family services pursuant to section	4502
5107.10 of the Revised Code;	4503
(4) The supplemental security income program pursuant to	4504
20 C.F.R. 416.1100;	4505
(5) The United States department of veterans affairs	4506
pension benefit program pursuant to 38 U.S.C. 1521.	4507
(G) "Permanent driver's license reinstatement fee debt	4508
reduction and amnesty program" or "program" means the program	4509
established in section 4510.102 of the Revised Code and	4510
administered by the director of public safety.	4511
Sec. 4510.111. (A) No person shall operate any motor	4512
vehicle upon a highway or any public or private property used by	4513
the public for purposes of vehicular travel or parking in this	4514
state whose driver's or commercial driver's license has been	4515
suspended pursuant to section 2151.354, 2151.87 , 2935.27,	4516
3123.58, 4301.99, 4510.032, 4510.22, or 4510.33 of the Revised	4517
Code.	4518
(B) Upon the request or motion of the prosecuting	4519
authority, a noncertified copy of the law enforcement automated	4520
data system report or a noncertified copy of a record of the	4521

registrar of motor vehicles that shows the name, date of birth, 4522
and social security number of a person charged with a violation 4523
of division (A) of this section may be admitted into evidence as 4524
prima-facie evidence that the license of the person was under 4525
suspension at the time of the alleged violation of division (A) 4526
of this section. The person charged with a violation of division 4527
(A) of this section may offer evidence to rebut this prima-facie 4528
evidence. 4529

(C) Whoever violates division (A) of this section is 4530
guilty of driving under suspension, and shall be punished as 4531
provided in division (C) (1) or (2) of this section. 4532

(1) Except as otherwise provided in division (C) (2) of 4533
this section, the offense is an unclassified misdemeanor. The 4534
offender shall be sentenced pursuant to sections 2929.21 to 4535
2929.28 of the Revised Code, except that the offender shall not 4536
be sentenced to a jail term; the offender shall not be sentenced 4537
to a community residential sanction pursuant to section 2929.26 4538
of the Revised Code; notwithstanding division (A) (2) (a) of 4539
section 2929.28 of the Revised Code, the offender may be fined 4540
up to one thousand dollars; and, notwithstanding division (A) (3) 4541
of section 2929.27 of the Revised Code, the offender may be 4542
ordered pursuant to division (C) of that section to serve a term 4543
of community service of up to five hundred hours. The failure of 4544
an offender to complete a term of community service imposed by 4545
the court may be punished as indirect criminal contempt under 4546
division (A) of section 2705.02 of the Revised Code that may be 4547
filed in the underlying case. 4548

(2) If, within three years of the offense, the offender 4549
previously was convicted of or pleaded guilty to two or more 4550
violations of division (A) of this section, or any combination 4551

of two or more violations of division (A) of this section or 4552
section 4510.11 or 4510.16 of the Revised Code, or a 4553
substantially equivalent municipal ordinance, the offense is a 4554
misdemeanor of the fourth degree, and the offender shall provide 4555
the court with proof of financial responsibility as defined in 4556
section 4509.01 of the Revised Code. If the offender fails to 4557
provide that proof of financial responsibility, then in addition 4558
to any other penalties provided by law, the court may order 4559
restitution pursuant to section 2929.28 of the Revised Code in 4560
an amount not exceeding five thousand dollars for any economic 4561
loss arising from an accident or collision that was the direct 4562
and proximate result of the offender's operation of the vehicle 4563
before, during, or after committing the offense for which the 4564
offender is sentenced under this section. 4565

Sec. 4510.17. (A) The registrar of motor vehicles shall 4566
impose a class D suspension of the person's driver's license, 4567
commercial driver's license, temporary instruction permit, 4568
probationary license, or nonresident operating privilege for the 4569
period of time specified in division (B) (4) of section 4510.02 4570
of the Revised Code on any person who is a resident of this 4571
state and is convicted of or pleads guilty to a violation of a 4572
statute of any other state or any federal statute that is 4573
substantially similar to section 2925.02, 2925.03, 2925.04, 4574
2925.041, 2925.05, 2925.06, 2925.11, ~~2925.12,~~ 2925.13, ~~2925.14,~~ 4575
~~2925.141,~~ 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 4576
2925.37 of the Revised Code and the person's license, permit, or 4577
privilege is authorized or is required to be suspended had the 4578
offense occurred in this state. Upon receipt of a report from a 4579
court, court clerk, or other official of any other state or from 4580
any federal authority that a resident of this state was 4581
convicted of or pleaded guilty to an offense described in this 4582

division, the registrar shall send a notice by regular first 4583
class mail to the person, at the person's last known address as 4584
shown in the records of the bureau of motor vehicles, informing 4585
the person of the suspension, that the suspension will take 4586
effect twenty-one days from the date of the notice, and that, if 4587
the person wishes to appeal the suspension or denial, the person 4588
must file a notice of appeal within twenty-one days of the date 4589
of the notice requesting a hearing on the matter. If the person 4590
requests a hearing, the registrar shall hold the hearing not 4591
more than forty days after receipt by the registrar of the 4592
notice of appeal. The filing of a notice of appeal does not stay 4593
the operation of the suspension that must be imposed pursuant to 4594
this division. The scope of the hearing shall be limited to 4595
whether the person actually was convicted of or pleaded guilty 4596
to the offense for which the suspension is to be imposed. 4597

The suspension the registrar is required to impose under 4598
this division shall end either on the last day of the class D 4599
suspension period or of the suspension of the person's 4600
nonresident operating privilege imposed by the state or federal 4601
court, whichever is earlier. 4602

The registrar shall subscribe to or otherwise participate 4603
in any information system or register, or enter into reciprocal 4604
and mutual agreements with other states and federal authorities, 4605
in order to facilitate the exchange of information with other 4606
states and the United States government regarding persons who 4607
plead guilty to or are convicted of offenses described in this 4608
division and therefore are subject to the suspension or denial 4609
described in this division. 4610

(B) The registrar shall impose a class D suspension of the 4611
person's driver's license, commercial driver's license, 4612

temporary instruction permit, probationary license, or 4613
nonresident operating privilege for the period of time specified 4614
in division (B) (4) of section 4510.02 of the Revised Code on any 4615
person who is a resident of this state and is convicted of or 4616
pleads guilty to a violation of a statute of any other state or 4617
a municipal ordinance of a municipal corporation located in any 4618
other state that is substantially similar to section 4511.19 of 4619
the Revised Code. Upon receipt of a report from another state 4620
made pursuant to section 4510.61 of the Revised Code indicating 4621
that a resident of this state was convicted of or pleaded guilty 4622
to an offense described in this division, the registrar shall 4623
send a notice by regular first class mail to the person, at the 4624
person's last known address as shown in the records of the 4625
bureau of motor vehicles, informing the person of the 4626
suspension, that the suspension or denial will take effect 4627
twenty-one days from the date of the notice, and that, if the 4628
person wishes to appeal the suspension, the person must file a 4629
notice of appeal within twenty-one days of the date of the 4630
notice requesting a hearing on the matter. If the person 4631
requests a hearing, the registrar shall hold the hearing not 4632
more than forty days after receipt by the registrar of the 4633
notice of appeal. The filing of a notice of appeal does not stay 4634
the operation of the suspension that must be imposed pursuant to 4635
this division. The scope of the hearing shall be limited to 4636
whether the person actually was convicted of or pleaded guilty 4637
to the offense for which the suspension is to be imposed. 4638

The suspension the registrar is required to impose under 4639
this division shall end either on the last day of the class D 4640
suspension period or of the suspension of the person's 4641
nonresident operating privilege imposed by the state or federal 4642
court, whichever is earlier. 4643

(C) The registrar shall impose a class D suspension of the 4644
child's driver's license, commercial driver's license, temporary 4645
instruction permit, or nonresident operating privilege for the 4646
period of time specified in division (B) (4) of section 4510.02 4647
of the Revised Code on any child who is a resident of this state 4648
and is convicted of or pleads guilty to a violation of a statute 4649
of any other state or any federal statute that is substantially 4650
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 4651
2925.06, 2925.11, ~~2925.12~~, 2925.13, ~~2925.14~~, ~~2925.141~~, 2925.22, 4652
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 4653
Code and the person's license, permit, or privilege is 4654
authorized or is required to be suspended had the offense 4655
occurred in this state. Upon receipt of a report from a court, 4656
court clerk, or other official of any other state or from any 4657
federal authority that a child who is a resident of this state 4658
was convicted of or pleaded guilty to an offense described in 4659
this division, the registrar shall send a notice by regular 4660
first class mail to the child, at the child's last known address 4661
as shown in the records of the bureau of motor vehicles, 4662
informing the child of the suspension, that the suspension or 4663
denial will take effect twenty-one days from the date of the 4664
notice, and that, if the child wishes to appeal the suspension, 4665
the child must file a notice of appeal within twenty-one days of 4666
the date of the notice requesting a hearing on the matter. If 4667
the child requests a hearing, the registrar shall hold the 4668
hearing not more than forty days after receipt by the registrar 4669
of the notice of appeal. The filing of a notice of appeal does 4670
not stay the operation of the suspension that must be imposed 4671
pursuant to this division. The scope of the hearing shall be 4672
limited to whether the child actually was convicted of or 4673
pleaded guilty to the offense for which the suspension is to be 4674
imposed. 4675

The suspension the registrar is required to impose under 4676
this division shall end either on the last day of the class D 4677
suspension period or of the suspension of the child's 4678
nonresident operating privilege imposed by the state or federal 4679
court, whichever is earlier. If the child is a resident of this 4680
state who is sixteen years of age or older and does not have a 4681
current, valid Ohio driver's or commercial driver's license or 4682
permit, the notice shall inform the child that the child will be 4683
denied issuance of a driver's or commercial driver's license or 4684
permit for six months beginning on the date of the notice. If 4685
the child has not attained the age of sixteen years on the date 4686
of the notice, the notice shall inform the child that the period 4687
of denial of six months shall commence on the date the child 4688
attains the age of sixteen years. 4689

The registrar shall subscribe to or otherwise participate 4690
in any information system or register, or enter into reciprocal 4691
and mutual agreements with other states and federal authorities, 4692
in order to facilitate the exchange of information with other 4693
states and the United States government regarding children who 4694
are residents of this state and plead guilty to or are convicted 4695
of offenses described in this division and therefore are subject 4696
to the suspension or denial described in this division. 4697

(D) The registrar shall impose a class D suspension of the 4698
child's driver's license, commercial driver's license, temporary 4699
instruction permit, probationary license, or nonresident 4700
operating privilege for the period of time specified in division 4701
(B) (4) of section 4510.02 of the Revised Code on any child who 4702
is a resident of this state and is convicted of or pleads guilty 4703
to a violation of a statute of any other state or a municipal 4704
ordinance of a municipal corporation located in any other state 4705
that is substantially similar to section 4511.19 of the Revised 4706

Code. Upon receipt of a report from another state made pursuant 4707
to section 4510.61 of the Revised Code indicating that a child 4708
who is a resident of this state was convicted of or pleaded 4709
guilty to an offense described in this division, the registrar 4710
shall send a notice by regular first class mail to the child, at 4711
the child's last known address as shown in the records of the 4712
bureau of motor vehicles, informing the child of the suspension, 4713
that the suspension will take effect twenty-one days from the 4714
date of the notice, and that, if the child wishes to appeal the 4715
suspension, the child must file a notice of appeal within 4716
twenty-one days of the date of the notice requesting a hearing 4717
on the matter. If the child requests a hearing, the registrar 4718
shall hold the hearing not more than forty days after receipt by 4719
the registrar of the notice of appeal. The filing of a notice of 4720
appeal does not stay the operation of the suspension that must 4721
be imposed pursuant to this division. The scope of the hearing 4722
shall be limited to whether the child actually was convicted of 4723
or pleaded guilty to the offense for which the suspension is to 4724
be imposed. 4725

The suspension the registrar is required to impose under 4726
this division shall end either on the last day of the class D 4727
suspension period or of the suspension of the child's 4728
nonresident operating privilege imposed by the state or federal 4729
court, whichever is earlier. If the child is a resident of this 4730
state who is sixteen years of age or older and does not have a 4731
current, valid Ohio driver's or commercial driver's license or 4732
permit, the notice shall inform the child that the child will be 4733
denied issuance of a driver's or commercial driver's license or 4734
permit for six months beginning on the date of the notice. If 4735
the child has not attained the age of sixteen years on the date 4736
of the notice, the notice shall inform the child that the period 4737

of denial of six months shall commence on the date the child 4738
attains the age of sixteen years. 4739

(E) (1) Any person whose license or permit has been 4740
suspended pursuant to this section may file a petition in the 4741
municipal or county court, or in case the person is under 4742
eighteen years of age, the juvenile court, in whose jurisdiction 4743
the person resides, requesting limited driving privileges and 4744
agreeing to pay the cost of the proceedings. Except as provided 4745
in division (E) (2) or (3) of this section, the judge may grant 4746
the person limited driving privileges during the period during 4747
which the suspension otherwise would be imposed for any of the 4748
purposes set forth in division (A) of section 4510.021 of the 4749
Revised Code. 4750

(2) No judge shall grant limited driving privileges for 4751
employment as a driver of a commercial motor vehicle to any 4752
person who would be disqualified from operating a commercial 4753
motor vehicle under section 4506.16 of the Revised Code if the 4754
violation had occurred in this state. Further, no judge shall 4755
grant limited driving privileges during any of the following 4756
periods of time: 4757

(a) The first fifteen days of a suspension under division 4758
(B) or (D) of this section, if the person has not been convicted 4759
within ten years of the date of the offense giving rise to the 4760
suspension under this section of a violation of any of the 4761
following: 4762

(i) Section 4511.19 of the Revised Code, or a municipal 4763
ordinance relating to operating a vehicle while under the 4764
influence of alcohol, a drug of abuse, or alcohol and a drug of 4765
abuse; 4766

(ii) A municipal ordinance relating to operating a motor vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine;

(iii) Section 2903.04 of the Revised Code in a case in which the person was subject to the sanctions described in division (D) of that section;

(iv) Division (A) (1) of section 2903.06 or division (A) (1) of section 2903.08 of the Revised Code or a municipal ordinance that is substantially similar to either of those divisions;

(v) Division (A) (2), (3), or (4) of section 2903.06, division (A) (2) of section 2903.08, or as it existed prior to March 23, 2000, section 2903.07 of the Revised Code, or a municipal ordinance that is substantially similar to any of those divisions or that former section, in a case in which the jury or judge found that the person was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse.

(b) The first thirty days of a suspension under division (B) or (D) of this section, if the person has been convicted one time within ten years of the date of the offense giving rise to the suspension under this section of any violation identified in division (E) (1) (a) of this section.

(c) The first one hundred eighty days of a suspension under division (B) or (D) of this section, if the person has been convicted two times within ten years of the date of the offense giving rise to the suspension under this section of any violation identified in division (E) (1) (a) of this section.

(3) No limited driving privileges may be granted if the person has been convicted three or more times within five years

of the date of the offense giving rise to a suspension under 4796
division (B) or (D) of this section of any violation identified 4797
in division (E) (1) (a) of this section. 4798

(4) In accordance with section 4510.022 of the Revised 4799
Code, a person may petition for, and a judge may grant, 4800
unlimited driving privileges with a certified ignition interlock 4801
device during the period of suspension imposed under division 4802
(B) or (D) of this section to a person described in division (E) 4803
(2) (a) of this section. 4804

(5) If a person petitions for limited driving privileges 4805
under division (E) (1) of this section or unlimited driving 4806
privileges with a certified ignition interlock device as 4807
provided in division (E) (4) of this section, the registrar shall 4808
be represented by the county prosecutor of the county in which 4809
the person resides if the petition is filed in a juvenile court 4810
or county court, except that if the person resides within a city 4811
or village that is located within the jurisdiction of the county 4812
in which the petition is filed, the city director of law or 4813
village solicitor of that city or village shall represent the 4814
registrar. If the petition is filed in a municipal court, the 4815
registrar shall be represented as provided in section 1901.34 of 4816
the Revised Code. 4817

(6) (a) In issuing an order granting limited driving 4818
privileges under division (E) (1) of this section, the court may 4819
impose any condition it considers reasonable and necessary to 4820
limit the use of a vehicle by the person. The court shall 4821
deliver to the person a copy of the order setting forth the 4822
time, place, and other conditions limiting the person's use of a 4823
motor vehicle. Unless division (E) (6) (b) of this section 4824
applies, the grant of limited driving privileges shall be 4825

conditioned upon the person's having the order in the person's possession at all times during which the person is operating a vehicle.

(b) If, under the order, the court requires the use of an immobilizing or disabling device as a condition of the grant of limited or unlimited driving privileges, the person shall present to the registrar or to a deputy registrar the copy of the order granting limited driving privileges and a certificate affirming the installation of an immobilizing or disabling device that is in a form established by the director of public safety and is signed by the person who installed the device. Upon presentation of the order and the certificate to the registrar or a deputy registrar, the registrar or deputy registrar shall issue to the offender a restricted license, unless the offender's driver's or commercial driver's license or permit is suspended under any other provision of law and limited driving privileges have not been granted with regard to that suspension. A restricted license issued under this division shall be identical to an Ohio driver's license, except that it shall have printed on its face a statement that the offender is prohibited from operating any motor vehicle that is not equipped with an immobilizing or disabling device in violation of the order.

(7) (a) Unless division (E) (7) (b) applies, a person granted limited driving privileges who operates a vehicle for other than limited purposes, in violation of any condition imposed by the court or without having the order in the person's possession, is guilty of a violation of section 4510.11 of the Revised Code.

(b) No person who has been granted limited or unlimited driving privileges under division (E) of this section subject to

an immobilizing or disabling device order shall operate a motor 4856
vehicle prior to obtaining a restricted license. Any person who 4857
violates this prohibition is subject to the penalties prescribed 4858
in section 4510.14 of the Revised Code. 4859

(c) The offenses established under division (E) (7) of this 4860
section are strict liability offenses and section 2901.20 of the 4861
Revised Code does not apply. 4862

(F) The provisions of division (A) (8) of section 4510.13 4863
of the Revised Code apply to a person who has been granted 4864
limited or unlimited driving privileges with a certified 4865
ignition interlock device under this section and who either 4866
commits an ignition interlock device violation as defined under 4867
section 4510.46 of the Revised Code or operates a motor vehicle 4868
that is not equipped with a certified ignition interlock device. 4869

(G) Any person whose license or permit has been suspended 4870
under division (A) or (C) of this section may file a petition in 4871
the municipal or county court, or in case the person is under 4872
eighteen years of age, the juvenile court, in whose jurisdiction 4873
the person resides, requesting the termination of the suspension 4874
and agreeing to pay the cost of the proceedings. If the court, 4875
in its discretion, determines that a termination of the 4876
suspension is appropriate, the court shall issue an order to the 4877
registrar to terminate the suspension. Upon receiving such an 4878
order, the registrar shall reinstate the license. 4879

(H) As used in divisions (C) and (D) of this section: 4880

(1) "Child" means a person who is under the age of 4881
eighteen years, except that any person who violates a statute or 4882
ordinance described in division (C) or (D) of this section prior 4883
to attaining eighteen years of age shall be deemed a "child" 4884

irrespective of the person's age at the time the complaint or 4885
other equivalent document is filed in the other state or a 4886
hearing, trial, or other proceeding is held in the other state 4887
on the complaint or other equivalent document, and irrespective 4888
of the person's age when the period of license suspension or 4889
denial prescribed in division (C) or (D) of this section is 4890
imposed. 4891

(2) "Is convicted of or pleads guilty to" means, as it 4892
relates to a child who is a resident of this state, that in a 4893
proceeding conducted in a state or federal court located in 4894
another state for a violation of a statute or ordinance 4895
described in division (C) or (D) of this section, the result of 4896
the proceeding is any of the following: 4897

(a) Under the laws that govern the proceedings of the 4898
court, the child is adjudicated to be or admits to being a 4899
delinquent child or a juvenile traffic offender for a violation 4900
described in division (C) or (D) of this section that would be a 4901
crime if committed by an adult; 4902

(b) Under the laws that govern the proceedings of the 4903
court, the child is convicted of or pleads guilty to a violation 4904
described in division (C) or (D) of this section; 4905

(c) Under the laws that govern the proceedings of the 4906
court, irrespective of the terminology utilized in those laws, 4907
the result of the court's proceedings is the functional 4908
equivalent of division (H) (2) (a) or (b) of this section. 4909

Section 2. That existing sections 2923.01, 2925.02, 4910
2925.03, 2925.04, 2925.041, 2925.05, 2925.11, 2925.12, 2925.13, 4911
2925.14, 2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, 4912
2925.37, 3123.56, 3123.58, 3321.13, 3321.191, 4503.20, 4507.212, 4913

4509.101, 4509.37, 4509.67, 4510.101, 4510.111, and 4510.17 of 4914
the Revised Code are hereby repealed. 4915

Section 3. That section 4510.32 of the Revised Code is 4916
hereby repealed. 4917

Section 4. (A) An offender who received a suspension of 4918
the offender's temporary instruction permit or driver's license 4919
or a denial of the opportunity to obtain a permit or license 4920
under section 4510.32 of the Revised Code, as it existed prior 4921
to the effective date of this section, may file a motion with 4922
the juvenile court in whose jurisdiction the offender resides 4923
requesting the termination of the suspension or denial. 4924

(B) Upon the filing of a motion under this section, the 4925
juvenile court, in its discretion, may order the registrar of 4926
motor vehicles to terminate the suspension or terminate the 4927
denial of the opportunity to obtain a permit or license. If so 4928
ordered, the registrar shall do all of the following: 4929

(1) Cancel the record created for the offender regarding 4930
the suspension or denial of the offender's opportunity to obtain 4931
a permit or license; 4932

(2) Terminate the suspension of the offender's permit or 4933
license or the denial of the offender's opportunity to obtain a 4934
permit or license; 4935

(3) Return the driver's license or permit to the offender 4936
or reissue the offender's license or permit under section 4937
4510.52 of the Revised Code, if the registrar destroyed the 4938
suspended license or permit under that section. 4939

Section 5. The General Assembly, applying the principle 4940
stated in division (B) of section 1.52 of the Revised Code that 4941
amendments are to be harmonized if reasonably capable of 4942

simultaneous operation, finds that the following sections, 4943
presented in this act as composites of the sections as amended 4944
by the acts indicated, are the resulting versions of the 4945
sections in effect prior to the effective date of the sections 4946
as presented in this act: 4947

Section 2925.02 of the Revised Code as amended by both 4948
S.B. 1 and S.B. 201 of the 132nd General Assembly. 4949

Section 2925.03 of the Revised Code as amended by H.B. 4950
111, S.B. 1, S.B. 201, and S.B. 229, all of the 132nd General 4951
Assembly. 4952

Section 2925.04 of the Revised Code as amended by both 4953
S.B. 1 and S.B. 201 of the 132nd General Assembly. 4954

Section 2925.05 of the Revised Code as amended by both 4955
S.B. 1 and S.B. 201 of the 132nd General Assembly. 4956

Section 2925.11 of the Revised Code as amended by S.B. 1, 4957
S.B. 201, and S.B. 229, all of the 132nd General Assembly. 4958

Section 4509.101 of the Revised Code as amended by both 4959
H.B. 62 and H.B. 158 of the 133rd General Assembly. 4960

Section 4510.17 of the Revised Code as amended by both 4961
H.B. 388 and S.B. 204 of the 131st General Assembly. 4962