

Sub. S. B. No. 95  
As Passed by the Senate

\_\_\_\_\_ moved to amend as follows:

In line 1 of the title, after "sections" insert "2305.234, 2305.41, 1  
2305.42, 2305.43, 2305.44, 2305.45, 2305.48, 2305.49, 2305.51, 2925.01, 2  
2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2925.36, 2925.55, 3  
2925.56, 2929.42, 3701.048, 3701.74, 3709.161, 3715.50, 3715.501, 4  
3715.502, 3715.503, 3715.872, 3719.06, 3719.064, 3719.121, 3719.13, 5  
3719.81, 4729.01,"; delete "and" and insert "4729.51,"; after "4729.921" 6  
insert ", 4731.051, 4731.07, 4731.071, 4731.22, 4731.224, 4731.24, 7  
4731.25, 4731.251, 4734.99, 4743.09, 4765.51, 4769.01, 4776.01, 5123.47, 8  
5164.95, and 5903.12" 9

In line 2 of the title, delete the second "and" and insert ",,"; 10  
after "4729.554" insert ", 4772.01, 4772.02, 4772.03, 4772.04, 4772.041, 11  
4772.05, 4772.06, 4772.07, 4772.08, 4772.081, 4772.082, 4772.09, 4772.091, 12  
4772.092, 4772.10, 4772.11, 4772.12, 4772.13, 4772.14, 4772.15, 4772.19, 13  
4772.20, 4772.201, 4772.202, 4772.203, 4772.21, 4772.22, 4772.23, 4772.24, 14  
4772.25, 4772.26, 4772.27, 4772.28, and 4772.99" 15

In line 5 of the title, after "law" insert "and to license certified 16  
mental health assistants" 17



In line 6, after "sections" insert "2305.234, 2305.41, 2305.42, 18  
2305.43, 2305.44, 2305.45, 2305.48, 2305.49, 2305.51, 2925.01, 2925.02, 19  
2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2925.36, 2925.55, 2925.56, 20  
2929.42, 3701.048, 3701.74, 3709.161, 3715.50, 3715.501, 3715.502, 21  
3715.503, 3715.872, 3719.06, 3719.064, 3719.121, 3719.13, 3719.81, 22  
4729.01,"; delete "and" and insert "4729.51,"; after "4729.921" insert ", 23  
4731.051, 4731.07, 4731.071, 4731.22, 4731.224, 4731.24, 4731.25, 24  
4731.251, 4734.99, 4743.09, 4765.51, 4769.01, 4776.01, 5123.47, 5164.95, 25  
and 5903.12" 26

In line 7, delete the second "and" and insert ","; after "4729.554" 27  
insert ", 4772.01, 4772.02, 4772.03, 4772.04, 4772.041, 4772.05, 4772.06, 28  
4772.07, 4772.08, 4772.081, 4772.082, 4772.09, 4772.091, 4772.092, 29  
4772.10, 4772.11, 4772.12, 4772.13, 4772.14, 4772.15, 4772.19, 4772.20, 30  
4772.201, 4772.202, 4772.203, 4772.21, 4772.22, 4772.23, 4772.24, 4772.25, 31  
4772.26, 4772.27, 4772.28, and 4772.99" 32

After line 8, insert: 33

**"Sec. 2305.234.** (A) As used in this section: 34

(1) "Chiropractic claim," "medical claim," and "optometric 35  
claim" have the same meanings as in section 2305.113 of the 36  
Revised Code. 37

(2) "Dental claim" has the same meaning as in section 38  
2305.113 of the Revised Code, except that it does not include 39  
any claim arising out of a dental operation or any derivative 40  
claim for relief that arises out of a dental operation. 41

(3) "Governmental health care program" has the same 42  
meaning as in section 4731.65 of the Revised Code. 43

(4) "Health care facility or location" means a hospital, 44

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

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

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

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

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

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

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

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

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

(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	73 74
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	75 76
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	77 78
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code;	79 80 81
(l) Respiratory care professionals licensed under Chapter 4761. of the Revised Code;	82 83
(m) Speech-language pathologists and audiologists licensed under Chapter 4753. of the Revised Code;	84 85
(n) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, and marriage and family therapists, licensed under Chapter 4757. of the Revised Code;	86 87 88 89 90
(o) Psychologists licensed under Chapter 4732. of the Revised Code;	91 92
(p) Independent chemical dependency counselors-clinical supervisors, independent chemical dependency counselors, chemical dependency counselors III, and chemical dependency counselors II, licensed under Chapter 4758. of the Revised Code, and chemical dependency counselor assistants, prevention consultants, prevention specialists, prevention specialist assistants, and registered applicants, certified under that chapter;	93 94 95 96 97 98 99 100

(g) Certified mental health assistants licensed under 101  
Chapter 4772. of the Revised Code. 102

(6) "Health care worker" means a person other than a 103  
health care professional who provides medical, dental, or other 104  
health-related care or treatment under the direction of a health 105  
care professional with the authority to direct that individual's 106  
activities, including medical technicians, medical assistants, 107  
dental assistants, orderlies, aides, and individuals acting in 108  
similar capacities. 109

(7) "Indigent and uninsured person" means a person who 110  
meets both of the following requirements: 111

(a) Relative to being indigent, the person's income is not 112  
greater than two hundred per cent of the federal poverty line, 113  
as defined by the United States office of management and budget 114  
and revised in accordance with section 673(2) of the "Omnibus 115  
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 116  
9902, as amended, except in any case in which division (A) (7) (b) 117  
(iii) of this section includes a person whose income is greater 118  
than two hundred per cent of the federal poverty line. 119

(b) Relative to being uninsured, one of the following 120  
applies: 121

(i) The person is not a policyholder, certificate holder, 122  
insured, contract holder, subscriber, enrollee, member, 123  
beneficiary, or other covered individual under a health 124  
insurance or health care policy, contract, or plan. 125

(ii) The person is a policyholder, certificate holder, 126  
insured, contract holder, subscriber, enrollee, member, 127  
beneficiary, or other covered individual under a health 128  
insurance or health care policy, contract, or plan, but the 129

insurer, policy, contract, or plan denies coverage or is the 130  
subject of insolvency or bankruptcy proceedings in any 131  
jurisdiction. 132

(iii) Until June 30, 2019, the person is eligible for the 133  
medicaid program or is a medicaid recipient. 134

(iv) Except as provided in division (A) (7) (b) (iii) of this 135  
section, the person is not eligible for or a recipient, 136  
enrollee, or beneficiary of any governmental health care 137  
program. 138

(8) "Nonprofit health care referral organization" means an 139  
entity that is not operated for profit and refers patients to, 140  
or arranges for the provision of, health-related diagnosis, 141  
care, or treatment by a health care professional or health care 142  
worker. 143

(9) "Operation" means any procedure that involves cutting 144  
or otherwise infiltrating human tissue by mechanical means, 145  
including surgery, laser surgery, ionizing radiation, 146  
therapeutic ultrasound, or the removal of intraocular foreign 147  
bodies. "Operation" does not include the administration of 148  
medication by injection, unless the injection is administered in 149  
conjunction with a procedure infiltrating human tissue by 150  
mechanical means other than the administration of medicine by 151  
injection. "Operation" does not include routine dental 152  
restorative procedures, the scaling of teeth, or extractions of 153  
teeth that are not impacted. 154

(10) "Tort action" means a civil action for damages for 155  
injury, death, or loss to person or property other than a civil 156  
action for damages for a breach of contract or another agreement 157  
between persons or government entities. 158

(11) "Volunteer" means an individual who provides any 159  
medical, dental, or other health-care related diagnosis, care, 160  
or treatment without the expectation of receiving and without 161  
receipt of any compensation or other form of remuneration from 162  
an indigent and uninsured person, another person on behalf of an 163  
indigent and uninsured person, any health care facility or 164  
location, any nonprofit health care referral organization, or 165  
any other person or government entity. 166

(12) "Community control sanction" has the same meaning as 167  
in section 2929.01 of the Revised Code. 168

(13) "Deep sedation" means a drug-induced depression of 169  
consciousness during which a patient cannot be easily aroused 170  
but responds purposefully following repeated or painful 171  
stimulation, a patient's ability to independently maintain 172  
ventilatory function may be impaired, a patient may require 173  
assistance in maintaining a patent airway and spontaneous 174  
ventilation may be inadequate, and cardiovascular function is 175  
usually maintained. 176

(14) "General anesthesia" means a drug-induced loss of 177  
consciousness during which a patient is not arousable, even by 178  
painful stimulation, the ability to independently maintain 179  
ventilatory function is often impaired, a patient often requires 180  
assistance in maintaining a patent airway, positive pressure 181  
ventilation may be required because of depressed spontaneous 182  
ventilation or drug-induced depression of neuromuscular 183  
function, and cardiovascular function may be impaired. 184

(B)(1) Subject to divisions (F) and (G)(3) of this 185  
section, a health care professional who is a volunteer and 186  
complies with division (B)(2) of this section is not liable in 187  
damages to any person or government entity in a tort or other 188

civil action, including an action on a medical, dental,	189
chiropractic, optometric, or other health-related claim, for	190
injury, death, or loss to person or property that allegedly	191
arises from an action or omission of the volunteer in the	192
provision to an indigent and uninsured person of medical,	193
dental, or other health-related diagnosis, care, or treatment,	194
including the provision of samples of medicine and other medical	195
products, unless the action or omission constitutes willful or	196
wanton misconduct.	197
(2) To qualify for the immunity described in division (B)	198
(1) of this section, a health care professional shall do all of	199
the following prior to providing diagnosis, care, or treatment:	200
(a) Determine, in good faith, that the indigent and	201
uninsured person is mentally capable of giving informed consent	202
to the provision of the diagnosis, care, or treatment and is not	203
subject to duress or under undue influence;	204
(b) Inform the person of the provisions of this section,	205
including notifying the person that, by giving informed consent	206
to the provision of the diagnosis, care, or treatment, the	207
person cannot hold the health care professional liable for	208
damages in a tort or other civil action, including an action on	209
a medical, dental, chiropractic, optometric, or other health-	210
related claim, unless the action or omission of the health care	211
professional constitutes willful or wanton misconduct;	212
(c) Obtain the informed consent of the person and a	213
written waiver, signed by the person or by another individual on	214
behalf of and in the presence of the person, that states that	215
the person is mentally competent to give informed consent and,	216
without being subject to duress or under undue influence, gives	217
informed consent to the provision of the diagnosis, care, or	218



treatment subject to the provisions of this section. A written 219  
waiver under division (B) (2) (c) of this section shall state 220  
clearly and in conspicuous type that the person or other 221  
individual who signs the waiver is signing it with full 222  
knowledge that, by giving informed consent to the provision of 223  
the diagnosis, care, or treatment, the person cannot bring a 224  
tort or other civil action, including an action on a medical, 225  
dental, chiropractic, optometric, or other health-related claim, 226  
against the health care professional unless the action or 227  
omission of the health care professional constitutes willful or 228  
wanton misconduct. 229

(3) A physician or podiatrist who is not covered by 230  
medical malpractice insurance, but complies with division (B) (2) 231  
of this section, is not required to comply with division (A) of 232  
section 4731.143 of the Revised Code. 233

(C) Subject to divisions (F) and (G) (3) of this section, 234  
health care workers who are volunteers are not liable in damages 235  
to any person or government entity in a tort or other civil 236  
action, including an action upon a medical, dental, 237  
chiropractic, optometric, or other health-related claim, for 238  
injury, death, or loss to person or property that allegedly 239  
arises from an action or omission of the health care worker in 240  
the provision to an indigent and uninsured person of medical, 241  
dental, or other health-related diagnosis, care, or treatment, 242  
unless the action or omission constitutes willful or wanton 243  
misconduct. 244

(D) Subject to divisions (F) and (G) (3) of this section, a 245  
nonprofit health care referral organization is not liable in 246  
damages to any person or government entity in a tort or other 247  
civil action, including an action on a medical, dental, 248

chiropractic, optometric, or other health-related claim, for 249  
injury, death, or loss to person or property that allegedly 250  
arises from an action or omission of the nonprofit health care 251  
referral organization in referring indigent and uninsured 252  
persons to, or arranging for the provision of, medical, dental, 253  
or other health-related diagnosis, care, or treatment by a 254  
health care professional described in division (B) (1) of this 255  
section or a health care worker described in division (C) of 256  
this section, unless the action or omission constitutes willful 257  
or wanton misconduct. 258

(E) Subject to divisions (F) and (G) (3) of this section 259  
and to the extent that the registration requirements of section 260  
3701.071 of the Revised Code apply, a health care facility or 261  
location associated with a health care professional described in 262  
division (B) (1) of this section, a health care worker described 263  
in division (C) of this section, or a nonprofit health care 264  
referral organization described in division (D) of this section 265  
is not liable in damages to any person or government entity in a 266  
tort or other civil action, including an action on a medical, 267  
dental, chiropractic, optometric, or other health-related claim, 268  
for injury, death, or loss to person or property that allegedly 269  
arises from an action or omission of the health care 270  
professional or worker or nonprofit health care referral 271  
organization relative to the medical, dental, or other health- 272  
related diagnosis, care, or treatment provided to an indigent 273  
and uninsured person on behalf of or at the health care facility 274  
or location, unless the action or omission constitutes willful 275  
or wanton misconduct. 276

(F) (1) Except as provided in division (F) (2) of this 277  
section, the immunities provided by divisions (B), (C), (D), and 278  
(E) of this section are not available to a health care 279

professional, health care worker, nonprofit health care referral	280
organization, or health care facility or location if, at the	281
time of an alleged injury, death, or loss to person or property,	282
the health care professionals or health care workers involved	283
are providing one of the following:	284
(a) Any medical, dental, or other health-related	285
diagnosis, care, or treatment pursuant to a community service	286
work order entered by a court under division (B) of section	287
2951.02 of the Revised Code or imposed by a court as a community	288
control sanction;	289
(b) Performance of an operation to which any one of the	290
following applies:	291
(i) The operation requires the administration of deep	292
sedation or general anesthesia.	293
(ii) The operation is a procedure that is not typically	294
performed in an office.	295
(iii) The individual involved is a health care	296
professional, and the operation is beyond the scope of practice	297
or the education, training, and competence, as applicable, of	298
the health care professional.	299
(c) Delivery of a baby or any other purposeful termination	300
of a human pregnancy.	301
(2) Division (F) (1) of this section does not apply when a	302
health care professional or health care worker provides medical,	303
dental, or other health-related diagnosis, care, or treatment	304
that is necessary to preserve the life of a person in a medical	305
emergency.	306
(G) (1) This section does not create a new cause of action	307

or substantive legal right against a health care professional, 308  
health care worker, nonprofit health care referral organization, 309  
or health care facility or location. 310

(2) This section does not affect any immunities from civil 311  
liability or defenses established by another section of the 312  
Revised Code or available at common law to which a health care 313  
professional, health care worker, nonprofit health care referral 314  
organization, or health care facility or location may be 315  
entitled in connection with the provision of emergency or other 316  
medical, dental, or other health-related diagnosis, care, or 317  
treatment. 318

(3) This section does not grant an immunity from tort or 319  
other civil liability to a health care professional, health care 320  
worker, nonprofit health care referral organization, or health 321  
care facility or location for actions that are outside the scope 322  
of authority of health care professionals or health care 323  
workers. 324

In the case of the diagnosis, care, or treatment of an 325  
indigent and uninsured person who is eligible for the medicaid 326  
program or is a medicaid recipient, this section grants an 327  
immunity from tort or other civil liability only if the person's 328  
diagnosis, care, or treatment is provided in a free clinic, as 329  
defined in section 3701.071 of the Revised Code. 330

(4) This section does not affect any legal responsibility 331  
of a health care professional, health care worker, or nonprofit 332  
health care referral organization to comply with any applicable 333  
law of this state or rule of an agency of this state. 334

(5) This section does not affect any legal responsibility 335  
of a health care facility or location to comply with any 336

applicable law of this state, rule of an agency of this state, 337  
or local code, ordinance, or regulation that pertains to or 338  
regulates building, housing, air pollution, water pollution, 339  
sanitation, health, fire, zoning, or safety. 340

**Sec. 2305.41.** As used in sections 2305.41 to 2305.49 of 341  
the Revised Code: 342

(A) ~~"Disabled condition" means the condition of being~~ 343  
~~unconscious, semiconscious, incoherent, or otherwise~~ 344  
~~incapacitated to communicate.~~ 345

~~(B) "Disabled person" means a person in a disabled~~ 346  
~~condition.~~ 347

~~(C) "Certified nurse practitioner," "clinical nurse~~ 348  
~~specialist," and "registered nurse" have the same meanings as in~~ 349  
~~section 4723.01 of the Revised Code.~~ 350

(B) "Emergency medical service provider" means an 351  
individual who holds a current, valid certificate issued under 352  
section 4765.30 of the Revised Code to practice as an emergency 353  
medical technician-basic, emergency medical technician- 354  
intermediate, emergency medical technician-paramedic, or first 355  
responder. 356

(C) "Emergency symbol" means the caduceus inscribed within 357  
a six-barred cross used by the American medical association to 358  
denote emergency information. 359

(D) "Health care practitioner" means a physician, 360  
physician assistant, certified nurse practitioner, clinical 361  
nurse specialist, or registered nurse. 362

(E) "Identifying device" means an identifying bracelet, 363  
necklace, metal tag, chain, other piece of jewelry, or similar 364

device ~~bearing~~ that meets either or both of the following: 365

(1) Bears the emergency symbol and ~~the medical~~ information 366  
needed in an emergency; 367

(2) Contains on its front or back side a bar code or quick 368  
response code that may be scanned to determine medical 369  
information needed in an emergency. 370

~~(E)~~ (F) "Identification card" means any card containing 371  
the holder's name, type of medical condition, physician's name, 372  
and other medical information. "Identification card" does not 373  
include any license or permit issued pursuant to Chapter 4507. 374  
of the Revised Code. 375

~~(F) "Medical practitioner"~~ (G) "Incapacitated condition" 376  
means the condition of being unconscious, semiconscious, 377  
incoherent, or otherwise incapacitated to communicate. 378

(H) "Incapacitated person" means a person in an 379  
incapacitated condition. 380

(I) "Physician" means an individual authorized under 381  
Chapter 4731. of the Revised Code to practice medicine and 382  
surgery or osteopathic medicine and surgery. 383

~~(G) "Paramedic" has the meaning given in section 4765.01~~ 384

(J) "Physician assistant" means an individual licensed under 385  
Chapter 4730. of the Revised Code to practice as a physician 386  
assistant. 387

**Sec. 2305.42.** (A) A person who has epilepsy, diabetes, a 388  
cardiac condition, or any other type of illness, whether 389  
physical or mental, that causes temporary blackouts, 390  
semiconscious periods, or complete unconsciousness, or who has a 391  
condition requiring specific medication or medical treatment, is 392

allergic to certain medications or items used in medical 393  
treatment, wears contact lenses, has religious objections to 394  
certain forms of medication or medical treatment, or is unable 395  
to communicate coherently or effectively in the English 396  
language, is authorized and encouraged to wear an identifying 397  
device. 398

(B) Any person may carry an identification card. 399

(C) By wearing an identifying device, a person gives 400  
consent for any emergency medical service provider, health care 401  
practitioner, or law enforcement officer ~~or medical practitioner~~ 402  
who finds the person in ~~a disabled~~ an incapacitated condition to 403  
~~make do either or both of the following:~~ 404

(1) Make a reasonable search of the person's clothing or 405  
other effects for an identification card; 406

(2) Scan the person's identifying device, if it contains a 407  
bar code or quick response code. 408

**Sec. 2305.43.** (A) A law enforcement officer who finds an 409  
incapacitated person shall make a diligent effort to determine 410  
whether ~~any disabled~~ the person ~~the officer finds is an~~ 411  
~~epileptic or a diabetic, or has some other type of a physical or~~ 412  
mental illness that would cause the incapacitated condition. 413  
Whenever feasible, this effort shall be made before the person 414  
is charged with a crime or taken to a place of detention. 415

(B) In seeking to determine whether ~~a disabled~~ an 416  
incapacitated person has an illness, a law enforcement officer 417  
may make a prompt and reasonable search for an identifying 418  
device and ~~an identification card and examine them for emergency~~ 419  
~~information.~~ The law enforcement officer may not search for an 420  
identifying device or ~~an~~ identification card in a manner or to 421

an extent that would appear to a reasonable person in the 422  
circumstances to cause an unreasonable risk of worsening the 423  
~~disabled-incapacitated~~ person's condition. 424

If an identifying device or identification card is found, 425  
the law enforcement officer may scan or examine it for emergency 426  
information. In doing so, the law enforcement officer may 427  
inspect both sides of the device or card. 428

(C) A law enforcement officer who finds a ~~disabled-an~~ 429  
incapacitated person without an identifying device or 430  
identification card is not relieved of the duty to that person 431  
to make a diligent effort to ascertain the existence of any 432  
illness causing the ~~disabled-incapacitated~~ condition. 433

(D) A cause of action against a law enforcement officer 434  
does not arise from the officer making a reasonable search of 435  
the ~~disabled-incapacitated~~ person to locate an identifying 436  
device or identification card, even though the person is not 437  
wearing an identifying device or carrying an identification 438  
card. 439

(E) A law enforcement officer who determines or has reason 440  
to believe that a ~~disabled-an~~ incapacitated person has an 441  
illness causing the person's condition shall promptly notify the 442  
person's physician, if practicable. If the officer is unable to 443  
ascertain the physician's identity or to communicate with the 444  
physician, the officer shall make a reasonable effort to cause 445  
the ~~disabled-incapacitated~~ person to be transported immediately 446  
to a ~~medical~~ health care practitioner or ~~to a~~ facility where 447  
medical treatment is available. If the officer believes it 448  
unduly dangerous to move the ~~disabled-incapacitated~~ person, the 449  
officer shall make a reasonable effort to obtain the assistance 450  
of a ~~medical-an~~ emergency medical service provider or health 451



care practitioner. 452

**Sec. 2305.44.** (A) ~~A medical practitioner or a trained~~ 453  
~~paramedic, in discharging his duty to a disabled person whom he~~ 454  
~~has undertaken to examine or treat, shall~~ When examining or 455  
treating an incapacitated person, an emergency medical service 456  
provider or health care practitioner may make a prompt and 457  
reasonable search for an identifying device or identification 458  
card ~~and~~. If found, the emergency medical service provider or 459  
health care practitioner may scan or examine them it for 460  
emergency information, including by inspecting both sides of the 461  
identifying device or identification card. 462

(B) A cause of action against ~~a medical practitioner or a~~ 463  
~~trained paramedic~~ an emergency medical service provider or 464  
health care practitioner does not arise from ~~his~~ making a 465  
reasonable search of ~~a disabled~~ an incapacitated person to 466  
locate an identifying device or identification card, even though 467  
the person is not wearing an identifying device or carrying an 468  
identification card. 469

**Sec. 2305.45.** (A) A person, other than ~~a~~ an emergency 470  
medical service provider, health care practitioner, or law 471  
enforcement officer, ~~medical practitioner, or a trained~~ 472  
~~paramedic,~~ who finds ~~a disabled~~ an incapacitated person shall 473  
make a reasonable effort to notify ~~a~~ an emergency medical 474  
service provider, health care practitioner, or law enforcement 475  
officer or medical practitioner. If ~~a~~ an emergency medical 476  
service provider, health care practitioner, or law enforcement 477  
officer or medical practitioner is not present, a person who 478  
finds ~~a disabled~~ an incapacitated person may do either or both 479  
of the following: 480

(1) Make a reasonable search for an identifying device; 481

(2) If the identifying device is found, ~~make~~ do all of the 482  
following: 483

(a) Inspect both sides of the identifying device; 484

(b) Scan the identifying device, if it contains a bar code 485  
or quick response code; 486

(c) Make a reasonable search for an identification card 487  
and, if found, inspect both sides of the card. 488

If a device or card is located, the person making the 489  
search shall attempt promptly to bring the device or card and 490  
its contents to the attention of ~~a~~ an emergency medical service 491  
provider, health care practitioner, or law enforcement officer- 492  
~~or medical practitioner.~~ 493

(B) A cause of action does not arise from a reasonable 494  
search to locate an identifying device or identification card as 495  
authorized by division (A) of this section. 496

**Sec. 2305.48.** Sections 2305.41 to 2305.49 of the Revised 497  
Code shall be so applied and construed as to effectuate its 498  
general purpose to make uniform among the states the law with 499  
respect to duties to ~~disabled~~ incapacitated persons. 500

**Sec. 2305.49.** Sections 2305.41 to 2305.49 of the Revised 501  
Code may be cited as the "~~uniform duties to disabled persons-~~ 502  
~~act~~ Uniform Duties to Incapacitated Persons Act." 503

**Sec. 2305.51.** (A) (1) As used in this section: 504

(a) "Civil Rights" has the same meaning as in section 505  
5122.301 of the Revised Code. 506

(b) "Mental health client or patient" means an individual 507  
who is receiving mental health services from a mental health 508

professional or organization. 509

(c) "Mental health organization" means an organization 510  
that engages one or more mental health professionals to provide 511  
mental health services to one or more mental health clients or 512  
patients. 513

(d) "Mental health professional" means an individual who 514  
is licensed, certified, or registered under the Revised Code, or 515  
otherwise authorized in this state, to provide mental health 516  
services for compensation, remuneration, or other personal gain. 517

(e) "Mental health service" means a service provided to an 518  
individual or group of individuals involving the application of 519  
medical, psychiatric, psychological, professional counseling, 520  
social work, marriage and family therapy, or nursing principles 521  
or procedures to either of the following: 522

(i) The assessment, diagnosis, prevention, treatment, or 523  
amelioration of mental, emotional, psychiatric, psychological, 524  
or psychosocial disorders or diseases, as described in the most 525  
recent edition of the diagnostic and statistical manual of 526  
mental disorders published by the American psychiatric 527  
association; 528

(ii) The assessment or improvement of mental, emotional, 529  
psychiatric, psychological, or psychosocial adjustment or 530  
functioning, regardless of whether there is a diagnosable, pre- 531  
existing disorder or disease. 532

(f) "Knowledgeable person" means an individual who has 533  
reason to believe that a mental health client or patient has the 534  
intent and ability to carry out an explicit threat of inflicting 535  
imminent and serious physical harm to or causing the death of a 536  
clearly identifiable potential victim or victims and who is 537

either an immediate family member of the client or patient or an individual who otherwise personally knows the client or patient. 538  
539

(g) "Advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code. 540  
541

(h) "Hospital" has the same meaning as in section 2305.25 of the Revised Code. 542  
543

(i) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 544  
545  
546

(j) "Physician assistant" has the same meaning as in section 4730.01 of the Revised Code. 547  
548

(k) "Certified mental health assistant" has the same meaning as in section 4772.01 of the Revised Code. 549  
550

(2) For the purpose of this section, in the case of a threat to a readily identifiable structure, "clearly identifiable potential victim" includes any potential occupant of the structure. 551  
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(B) A mental health professional or mental health organization may be held liable in damages in a civil action, or may be made subject to disciplinary action by an entity with licensing or other regulatory authority over the professional or organization, for serious physical harm or death resulting from failing to predict, warn of, or take precautions to provide protection from the violent behavior of a mental health client or patient, only if the client or patient or a knowledgeable person has communicated to the professional or organization an explicit threat of inflicting imminent and serious physical harm to or causing the death of one or more clearly identifiable 555  
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potential victims, the professional or organization has reason 566  
to believe that the client or patient has the intent and ability 567  
to carry out the threat, and the professional or organization 568  
fails to take one or more of the following actions in a timely 569  
manner: 570

(1) Exercise any authority the professional or 571  
organization possesses to hospitalize the client or patient on 572  
an emergency basis pursuant to section 5122.10 of the Revised 573  
Code; 574

(2) Exercise any authority the professional or 575  
organization possesses to have the client or patient 576  
involuntarily or voluntarily hospitalized under Chapter 5122. of 577  
the Revised Code; 578

(3) Establish and undertake a documented treatment plan 579  
that is reasonably calculated, according to appropriate 580  
standards of professional practice, to eliminate the possibility 581  
that the client or patient will carry out the threat, and, 582  
concurrent with establishing and undertaking the treatment plan, 583  
initiate arrangements for a second opinion risk assessment 584  
through a management consultation about the treatment plan with, 585  
in the case of a mental health organization, the clinical 586  
director of the organization, or, in the case of a mental health 587  
professional who is not acting as part of a mental health 588  
organization, any mental health professional who is licensed to 589  
engage in independent practice; 590

(4) Communicate to a law enforcement agency with 591  
jurisdiction in the area where each potential victim resides, 592  
where a structure threatened by a mental health client or 593  
patient is located, or where the mental health client or patient 594  
resides, and if feasible, communicate to each potential victim 595

or a potential victim's parent or guardian if the potential 596  
victim is a minor or has been adjudicated incompetent, all of 597  
the following information: 598

(a) The nature of the threat; 599

(b) The identity of the mental health client or patient 600  
making the threat; 601

(c) The identity of each potential victim of the threat. 602

(C) All of the following apply when a mental health 603  
professional or organization takes one or more of the actions 604  
set forth in divisions (B) (1) to (4) of this section: 605

(1) The mental health professional or organization shall 606  
consider each of the alternatives set forth and shall document 607  
the reasons for choosing or rejecting each alternative. 608

(2) The mental health professional or organization may 609  
give special consideration to those alternatives which, 610  
consistent with public safety, would least abridge the rights of 611  
the mental health client or patient established under the 612  
Revised Code, including the rights specified in sections 5122.27 613  
to 5122.31 of the Revised Code. 614

(3) The mental health professional or organization is not 615  
required to take an action that, in the exercise of reasonable 616  
professional judgment, would physically endanger the 617  
professional or organization, increase the danger to a potential 618  
victim, or increase the danger to the mental health client or 619  
patient. 620

(4) The mental health professional or organization is not 621  
liable in damages in a civil action, and shall not be made 622  
subject to disciplinary action by any entity with licensing or 623

other regulatory authority over the professional or 624  
organization, for disclosing any confidential information about 625  
a mental health client or patient that is disclosed for the 626  
purpose of taking any of the actions. 627

(D) Notwithstanding any other provision of the Revised 628  
Code, a physician, physician assistant, advanced practice 629  
registered nurse, certified mental health assistant, or hospital 630  
is not liable in damages in a civil action, and shall not be 631  
made subject to disciplinary action by any entity with licensing 632  
or other regulatory authority, for doing either of the 633  
following: 634

(1) Failing to discharge or to allow a patient to leave 635  
the facility if the physician, physician assistant, advanced 636  
practice registered nurse, certified mental health assistant, or 637  
hospital believes in the good faith exercise of professional 638  
medical, advanced practice registered nursing, ~~or~~ physician 639  
assistant, or certified mental health assistant judgment 640  
according to appropriate standards of professional practice that 641  
the patient has a mental health condition that threatens the 642  
safety of the patient or others; 643

(2) Discharging a patient whom the physician, physician 644  
assistant, advanced practice registered nurse, certified mental 645  
health assistant, or hospital believes in the good faith 646  
exercise of professional medical, advanced practice registered 647  
nursing, ~~or~~ physician assistant, or certified mental health 648  
assistant judgment according to appropriate standards of 649  
professional practice not to have a mental health condition that 650  
threatens the safety of the patient or others. 651

(E) The immunities from civil liability and disciplinary 652  
action conferred by this section are in addition to and not in 653

limitation of any immunity conferred on a mental health 654  
professional or organization or on a physician, physician 655  
assistant, advanced practice registered nurse, certified mental 656  
health assistant, or hospital by any other section of the 657  
Revised Code or by judicial precedent. 658

(F) This section does not affect the civil rights of a 659  
mental health client or patient under Ohio or federal law. 660

**Sec. 2925.01.** As used in this chapter: 661

(A) "Administer," "controlled substance," "controlled 662  
substance analog," "dispense," "distribute," "hypodermic," 663  
"manufacturer," "official written order," "person," 664  
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 665  
"schedule III," "schedule IV," "schedule V," and "wholesaler" 666  
have the same meanings as in section 3719.01 of the Revised 667  
Code. 668

(B) "Drug of abuse" and "person with a drug dependency" 669  
have the same meanings as in section 3719.011 of the Revised 670  
Code. 671

(C) "Drug," "dangerous drug," "licensed health 672  
professional authorized to prescribe drugs," and "prescription" 673  
have the same meanings as in section 4729.01 of the Revised 674  
Code. 675

(D) "Bulk amount" of a controlled substance means any of 676  
the following: 677

(1) For any compound, mixture, preparation, or substance 678  
included in schedule I, schedule II, or schedule III, with the 679  
exception of any controlled substance analog, marihuana, 680  
cocaine, L.S.D., heroin, any fentanyl-related compound, and 681



hashish and except as provided in division (D) (2), (5), or (6)	682
of this section, whichever of the following is applicable:	683
(a) An amount equal to or exceeding ten grams or twenty-	684
five unit doses of a compound, mixture, preparation, or	685
substance that is or contains any amount of a schedule I opiate	686
or opium derivative;	687
(b) An amount equal to or exceeding ten grams of a	688
compound, mixture, preparation, or substance that is or contains	689
any amount of raw or gum opium;	690
(c) An amount equal to or exceeding thirty grams or ten	691
unit doses of a compound, mixture, preparation, or substance	692
that is or contains any amount of a schedule I hallucinogen	693
other than tetrahydrocannabinol or lysergic acid amide, or a	694
schedule I stimulant or depressant;	695
(d) An amount equal to or exceeding twenty grams or five	696
times the maximum daily dose in the usual dose range specified	697
in a standard pharmaceutical reference manual of a compound,	698
mixture, preparation, or substance that is or contains any	699
amount of a schedule II opiate or opium derivative;	700
(e) An amount equal to or exceeding five grams or ten unit	701
doses of a compound, mixture, preparation, or substance that is	702
or contains any amount of phencyclidine;	703
(f) An amount equal to or exceeding one hundred twenty	704
grams or thirty times the maximum daily dose in the usual dose	705
range specified in a standard pharmaceutical reference manual of	706
a compound, mixture, preparation, or substance that is or	707
contains any amount of a schedule II stimulant that is in a	708
final dosage form manufactured by a person authorized by the	709
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21	710

U.S.C.A. 301, as amended, and the federal drug abuse control 711  
laws, as defined in section 3719.01 of the Revised Code, that is 712  
or contains any amount of a schedule II depressant substance or 713  
a schedule II hallucinogenic substance; 714

(g) An amount equal to or exceeding three grams of a 715  
compound, mixture, preparation, or substance that is or contains 716  
any amount of a schedule II stimulant, or any of its salts or 717  
isomers, that is not in a final dosage form manufactured by a 718  
person authorized by the Federal Food, Drug, and Cosmetic Act 719  
and the federal drug abuse control laws. 720

(2) An amount equal to or exceeding one hundred twenty 721  
grams or thirty times the maximum daily dose in the usual dose 722  
range specified in a standard pharmaceutical reference manual of 723  
a compound, mixture, preparation, or substance that is or 724  
contains any amount of a schedule III or IV substance other than 725  
an anabolic steroid or a schedule III opiate or opium 726  
derivative; 727

(3) An amount equal to or exceeding twenty grams or five 728  
times the maximum daily dose in the usual dose range specified 729  
in a standard pharmaceutical reference manual of a compound, 730  
mixture, preparation, or substance that is or contains any 731  
amount of a schedule III opiate or opium derivative; 732

(4) An amount equal to or exceeding two hundred fifty 733  
milliliters or two hundred fifty grams of a compound, mixture, 734  
preparation, or substance that is or contains any amount of a 735  
schedule V substance; 736

(5) An amount equal to or exceeding two hundred solid 737  
dosage units, sixteen grams, or sixteen milliliters of a 738  
compound, mixture, preparation, or substance that is or contains 739

any amount of a schedule III anabolic steroid; 740

(6) For any compound, mixture, preparation, or substance 741  
that is a combination of a fentanyl-related compound and any 742  
other compound, mixture, preparation, or substance included in 743  
schedule III, schedule IV, or schedule V, if the defendant is 744  
charged with a violation of section 2925.11 of the Revised Code 745  
and the sentencing provisions set forth in divisions (C) (10) (b) 746  
and (C) (11) of that section will not apply regarding the 747  
defendant and the violation, the bulk amount of the controlled 748  
substance for purposes of the violation is the amount specified 749  
in division (D) (1), (2), (3), (4), or (5) of this section for 750  
the other schedule III, IV, or V controlled substance that is 751  
combined with the fentanyl-related compound. 752

(E) "Unit dose" means an amount or unit of a compound, 753  
mixture, or preparation containing a controlled substance that 754  
is separately identifiable and in a form that indicates that it 755  
is the amount or unit by which the controlled substance is 756  
separately administered to or taken by an individual. 757

(F) "Cultivate" includes planting, watering, fertilizing, 758  
or tilling. 759

(G) "Drug abuse offense" means any of the following: 760

(1) A violation of division (A) of section 2913.02 that 761  
constitutes theft of drugs, or a violation of section 2925.02, 762  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 763  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 764  
or 2925.37 of the Revised Code; 765

(2) A violation of an existing or former law of this or 766  
any other state or of the United States that is substantially 767  
equivalent to any section listed in division (G) (1) of this 768

section; 769

(3) An offense under an existing or former law of this or 770  
any other state, or of the United States, of which planting, 771  
cultivating, harvesting, processing, making, manufacturing, 772  
producing, shipping, transporting, delivering, acquiring, 773  
possessing, storing, distributing, dispensing, selling, inducing 774  
another to use, administering to another, using, or otherwise 775  
dealing with a controlled substance is an element; 776

(4) A conspiracy to commit, attempt to commit, or 777  
complicity in committing or attempting to commit any offense 778  
under division (G) (1), (2), or (3) of this section. 779

(H) "Felony drug abuse offense" means any drug abuse 780  
offense that would constitute a felony under the laws of this 781  
state, any other state, or the United States. 782

(I) "Harmful intoxicant" does not include beer or 783  
intoxicating liquor but means any of the following: 784

(1) Any compound, mixture, preparation, or substance the 785  
gas, fumes, or vapor of which when inhaled can induce 786  
intoxication, excitement, giddiness, irrational behavior, 787  
depression, stupefaction, paralysis, unconsciousness, 788  
asphyxiation, or other harmful physiological effects, and 789  
includes, but is not limited to, any of the following: 790

(a) Any volatile organic solvent, plastic cement, model 791  
cement, fingernail polish remover, lacquer thinner, cleaning 792  
fluid, gasoline, or other preparation containing a volatile 793  
organic solvent; 794

(b) Any aerosol propellant; 795

(c) Any fluorocarbon refrigerant; 796

(d) Any anesthetic gas.	797
(2) Gamma Butyrolactone;	798
(3) 1,4 Butanediol.	799
(J) "Manufacture" means to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.	800 801 802 803 804 805
(K) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.	806 807 808 809
(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.	810 811 812 813 814 815
(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the state board of pharmacy.	816 817 818
(N) "Juvenile" means a person under eighteen years of age.	819
(O) "Counterfeit controlled substance" means any of the following:	820 821
(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark,	822 823 824

trade name, or identifying mark;	825
(2) Any unmarked or unlabeled substance that is	826
represented to be a controlled substance manufactured,	827
processed, packed, or distributed by a person other than the	828
person that manufactured, processed, packed, or distributed it;	829
(3) Any substance that is represented to be a controlled	830
substance but is not a controlled substance or is a different	831
controlled substance;	832
(4) Any substance other than a controlled substance that a	833
reasonable person would believe to be a controlled substance	834
because of its similarity in shape, size, and color, or its	835
markings, labeling, packaging, distribution, or the price for	836
which it is sold or offered for sale.	837
(P) An offense is "committed in the vicinity of a school"	838
if the offender commits the offense on school premises, in a	839
school building, or within one thousand feet of the boundaries	840
of any school premises, regardless of whether the offender knows	841
the offense is being committed on school premises, in a school	842
building, or within one thousand feet of the boundaries of any	843
school premises.	844
(Q) "School" means any school operated by a board of	845
education, any community school established under Chapter 3314.	846
of the Revised Code, or any nonpublic school for which the	847
director of education and workforce prescribes minimum standards	848
under section 3301.07 of the Revised Code, whether or not any	849
instruction, extracurricular activities, or training provided by	850
the school is being conducted at the time a criminal offense is	851
committed.	852
(R) "School premises" means either of the following:	853

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

(2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the governing body of a nonpublic school for which the director of education and workforce prescribes minimum standards under section 3301.07 of the Revised Code and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.

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

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

(U) "Certified grievance committee" means a duly constituted and organized committee of the Ohio state bar association or of one or more local bar associations of the state of Ohio that complies with the criteria set forth in Rule

V, section 6 of the Rules for the Government of the Bar of Ohio.	884
(V) "Professional license" means any license, permit,	885
certificate, registration, qualification, admission, temporary	886
license, temporary permit, temporary certificate, or temporary	887
registration that is described in divisions (W) (1) to (37) of	888
this section and that qualifies a person as a professionally	889
licensed person.	890
(W) "Professionally licensed person" means any of the	891
following:	892
(1) A person who has received a certificate or temporary	893
certificate as a certified public accountant or who has	894
registered as a public accountant under Chapter 4701. of the	895
Revised Code and who holds an Ohio permit issued under that	896
chapter;	897
(2) A person who holds a certificate of qualification to	898
practice architecture issued or renewed and registered under	899
Chapter 4703. of the Revised Code;	900
(3) A person who is registered as a landscape architect	901
under Chapter 4703. of the Revised Code or who holds a permit as	902
a landscape architect issued under that chapter;	903
(4) A person licensed under Chapter 4707. of the Revised	904
Code;	905
(5) A person who has been issued a barber's license,	906
barber instructor's license, assistant barber instructor's	907
license, or independent contractor's license under Chapter 4709.	908
of the Revised Code;	909
(6) A person licensed and regulated to engage in the	910
business of a debt pooling company by a legislative authority,	911



under authority of Chapter 4710. of the Revised Code;	912
(7) A person who has been issued a cosmetologist's	913
license, hair designer's license, manicurist's license,	914
esthetician's license, natural hair stylist's license, advanced	915
license to practice cosmetology, advanced license to practice	916
hair design, advanced license to practice manicuring, advanced	917
license to practice esthetics, advanced license to practice	918
natural hair styling, cosmetology instructor's license, hair	919
design instructor's license, manicurist instructor's license,	920
esthetics instructor's license, natural hair style instructor's	921
license, independent contractor's license, or tanning facility	922
permit under Chapter 4713. of the Revised Code;	923
(8) A person who has been issued a license to practice	924
dentistry, a general anesthesia permit, a conscious sedation	925
permit, a limited resident's license, a limited teaching	926
license, a dental hygienist's license, or a dental hygienist's	927
teacher's certificate under Chapter 4715. of the Revised Code;	928
(9) A person who has been issued an embalmer's license, a	929
funeral director's license, a funeral home license, or a	930
crematory license, or who has been registered for an embalmer's	931
or funeral director's apprenticeship under Chapter 4717. of the	932
Revised Code;	933
(10) A person who has been licensed as a registered nurse	934
or practical nurse, or who has been issued a certificate for the	935
practice of nurse-midwifery under Chapter 4723. of the Revised	936
Code;	937
(11) A person who has been licensed to practice optometry	938
or to engage in optical dispensing under Chapter 4725. of the	939
Revised Code;	940

(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	941 942
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	943 944
(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;	945 946 947 948
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;	949 950 951 952 953
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	954 955
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	956 957 958 959 960
(18) A person licensed as a psychologist, independent school psychologist, or school psychologist under Chapter 4732. of the Revised Code;	961 962 963
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	964 965 966
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	967 968

(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	969 970
(22) A person registered as a registered environmental health specialist under Chapter 3776. of the Revised Code;	971 972
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	973 974
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	975 976
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	977 978
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	979 980 981 982
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	983 984 985
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	986 987 988
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	989 990
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	991 992 993
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the	994 995

Revised Code;	996
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	997 998 999 1000 1001 1002
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	1003 1004
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	1005 1006 1007
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	1008 1009
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	1010 1011
(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules;	1012 1013 1014
<u>(38) A person who has been issued a license to practice as a certified mental health assistant under Chapter 4772. of the Revised Code.</u>	1015 1016 1017
(X) "Cocaine" means any of the following:	1018
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	1019 1020
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer,	1021 1022

or derivative of ecgonine, or a salt of an isomer or derivative 1023  
of ecgonine; 1024

(3) A salt, compound, derivative, or preparation of a 1025  
substance identified in division (X)(1) or (2) of this section 1026  
that is chemically equivalent to or identical with any of those 1027  
substances, except that the substances shall not include 1028  
decocainized coca leaves or extraction of coca leaves if the 1029  
extractions do not contain cocaine or ecgonine. 1030

(Y) "L.S.D." means lysergic acid diethylamide. 1031

(Z) "Hashish" means a resin or a preparation of a resin to 1032  
which both of the following apply: 1033

(1) It is contained in or derived from any part of the 1034  
plant of the genus cannabis, whether in solid form or in a 1035  
liquid concentrate, liquid extract, or liquid distillate form. 1036

(2) It has a delta-9 tetrahydrocannabinol concentration of 1037  
more than three-tenths per cent. 1038

"Hashish" does not include a hemp byproduct in the 1039  
possession of a licensed hemp processor under Chapter 928. of 1040  
the Revised Code, provided that the hemp byproduct is being 1041  
produced, stored, and disposed of in accordance with rules 1042  
adopted under section 928.03 of the Revised Code. 1043

(AA) "Marihuana" has the same meaning as in section 1044  
3719.01 of the Revised Code, except that it does not include 1045  
hashish. 1046

(BB) An offense is "committed in the vicinity of a 1047  
juvenile" if the offender commits the offense within one hundred 1048  
feet of a juvenile or within the view of a juvenile, regardless 1049  
of whether the offender knows the age of the juvenile, whether 1050

the offender knows the offense is being committed within one 1051  
hundred feet of or within view of the juvenile, or whether the 1052  
juvenile actually views the commission of the offense. 1053

(CC) "Presumption for a prison term" or "presumption that 1054  
a prison term shall be imposed" means a presumption, as 1055  
described in division (D) of section 2929.13 of the Revised 1056  
Code, that a prison term is a necessary sanction for a felony in 1057  
order to comply with the purposes and principles of sentencing 1058  
under section 2929.11 of the Revised Code. 1059

(DD) "Major drug offender" has the same meaning as in 1060  
section 2929.01 of the Revised Code. 1061

(EE) "Minor drug possession offense" means either of the 1062  
following: 1063

(1) A violation of section 2925.11 of the Revised Code as 1064  
it existed prior to July 1, 1996; 1065

(2) A violation of section 2925.11 of the Revised Code as 1066  
it exists on and after July 1, 1996, that is a misdemeanor or a 1067  
felony of the fifth degree. 1068

(FF) "Mandatory prison term" has the same meaning as in 1069  
section 2929.01 of the Revised Code. 1070

(GG) "Adulterate" means to cause a drug to be adulterated 1071  
as described in section 3715.63 of the Revised Code. 1072

(HH) "Public premises" means any hotel, restaurant, 1073  
tavern, store, arena, hall, or other place of public 1074  
accommodation, business, amusement, or resort. 1075

(II) "Methamphetamine" means methamphetamine, any salt, 1076  
isomer, or salt of an isomer of methamphetamine, or any 1077  
compound, mixture, preparation, or substance containing 1078

methamphetamine or any salt, isomer, or salt of an isomer of	1079
methamphetamine.	1080
(JJ) "Deception" has the same meaning as in section	1081
2913.01 of the Revised Code.	1082
(KK) "Fentanyl-related compound" means any of the	1083
following:	1084
(1) Fentanyl;	1085
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-	1086
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-	1087
phenylethyl)-4-(N-propanilido) piperidine);	1088
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-	1089
thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	1090
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-	1091
piperidinyl] -N-phenylpropanamide);	1092
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-	1093
hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-	1094
phenylpropanamide);	1095
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-	1096
piperidyl]-N- phenylpropanamide);	1097
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-	1098
(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	1099
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-	1100
phenethyl)-4- piperidinyl]propanamide;	1101
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-	1102
piperidinyl]- propanamide;	1103
(10) Alfentanil;	1104

(11) Carfentanil;	1105
(12) Remifentanil;	1106
(13) Sufentanil;	1107
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and	1108 1109
(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:	1110 1111 1112 1113 1114 1115 1116
(a) A chemical scaffold consisting of both of the following:	1117 1118
(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;	1119 1120
(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.	1121 1122 1123
(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;	1124 1125 1126
(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and	1127 1128
(d) The compound has not been approved for medical use by the United States food and drug administration.	1129 1130
(LL) "First degree felony mandatory prison term" means one	1131



of the definite prison terms prescribed in division (A) (1) (b) of 1132  
section 2929.14 of the Revised Code for a felony of the first 1133  
degree, except that if the violation for which sentence is being 1134  
imposed is committed on or after March 22, 2019, it means one of 1135  
the minimum prison terms prescribed in division (A) (1) (a) of 1136  
that section for a felony of the first degree. 1137

(MM) "Second degree felony mandatory prison term" means 1138  
one of the definite prison terms prescribed in division (A) (2) 1139  
(b) of section 2929.14 of the Revised Code for a felony of the 1140  
second degree, except that if the violation for which sentence 1141  
is being imposed is committed on or after March 22, 2019, it 1142  
means one of the minimum prison terms prescribed in division (A) 1143  
(2) (a) of that section for a felony of the second degree. 1144

(NN) "Maximum first degree felony mandatory prison term" 1145  
means the maximum definite prison term prescribed in division 1146  
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 1147  
the first degree, except that if the violation for which 1148  
sentence is being imposed is committed on or after March 22, 1149  
2019, it means the longest minimum prison term prescribed in 1150  
division (A) (1) (a) of that section for a felony of the first 1151  
degree. 1152

(OO) "Maximum second degree felony mandatory prison term" 1153  
means the maximum definite prison term prescribed in division 1154  
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 1155  
the second degree, except that if the violation for which 1156  
sentence is being imposed is committed on or after March 22, 1157  
2019, it means the longest minimum prison term prescribed in 1158  
division (A) (2) (a) of that section for a felony of the second 1159  
degree. 1160

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 1161

as in section 928.01 of the Revised Code. 1162

(QQ) An offense is "committed in the vicinity of a 1163  
substance addiction services provider or a recovering addict" if 1164  
either of the following apply: 1165

(1) The offender commits the offense on the premises of a 1166  
substance addiction services provider's facility, including a 1167  
facility licensed prior to June 29, 2019, under section 5119.391 1168  
of the Revised Code to provide methadone treatment or an opioid 1169  
treatment program licensed on or after that date under section 1170  
5119.37 of the Revised Code, or within five hundred feet of the 1171  
premises of a substance addiction services provider's facility 1172  
and the offender knows or should know that the offense is being 1173  
committed within the vicinity of the substance addiction 1174  
services provider's facility. 1175

(2) The offender sells, offers to sell, delivers, or 1176  
distributes the controlled substance or controlled substance 1177  
analog to a person who is receiving treatment at the time of the 1178  
commission of the offense, or received treatment within thirty 1179  
days prior to the commission of the offense, from a substance 1180  
addiction services provider and the offender knows that the 1181  
person is receiving or received that treatment. 1182

(RR) "Substance addiction services provider" means an 1183  
agency, association, corporation or other legal entity, 1184  
individual, or program that provides one or more of the 1185  
following at a facility: 1186

(1) Either alcohol addiction services, or drug addiction 1187  
services, or both such services that are certified by the 1188  
director of mental health and addiction services under section 1189  
5119.36 of the Revised Code; 1190

(2) Recovery supports that are related to either alcohol 1191  
addiction services, or drug addiction services, or both such 1192  
services and paid for with federal, state, or local funds 1193  
administered by the department of mental health and addiction 1194  
services or a board of alcohol, drug addiction, and mental 1195  
health services. 1196

(SS) "Premises of a substance addiction services 1197  
provider's facility" means the parcel of real property on which 1198  
any substance addiction service provider's facility is situated. 1199

(TT) "Alcohol and drug addiction services" has the same 1200  
meaning as in section 5119.01 of the Revised Code. 1201

**Sec. 2925.02.** (A) No person shall knowingly do any of the 1202  
following: 1203

(1) By force, threat, or deception, administer to another 1204  
or induce or cause another to use a controlled substance; 1205

(2) By any means, administer or furnish to another or 1206  
induce or cause another to use a controlled substance with 1207  
purpose to cause serious physical harm to the other person, or 1208  
with purpose to cause the other person to become a person with 1209  
drug dependency; 1210

(3) By any means, administer or furnish to another or 1211  
induce or cause another to use a controlled substance, and 1212  
thereby cause serious physical harm to the other person, or 1213  
cause the other person to become a person with drug dependency; 1214

(4) By any means, do any of the following: 1215

(a) Furnish or administer a controlled substance to a 1216  
juvenile who is at least two years the offender's junior, when 1217  
the offender knows the age of the juvenile or is reckless in 1218

that regard;	1219
(b) Induce or cause a juvenile who is at least two years	1220
the offender's junior to use a controlled substance, when the	1221
offender knows the age of the juvenile or is reckless in that	1222
regard;	1223
(c) Induce or cause a juvenile who is at least two years	1224
the offender's junior to commit a felony drug abuse offense,	1225
when the offender knows the age of the juvenile or is reckless	1226
in that regard;	1227
(d) Use a juvenile, whether or not the offender knows the	1228
age of the juvenile, to perform any surveillance activity that	1229
is intended to prevent the detection of the offender or any	1230
other person in the commission of a felony drug abuse offense or	1231
to prevent the arrest of the offender or any other person for	1232
the commission of a felony drug abuse offense.	1233
(5) By any means, furnish or administer a controlled	1234
substance to a pregnant woman or induce or cause a pregnant	1235
woman to use a controlled substance, when the offender knows	1236
that the woman is pregnant or is reckless in that regard.	1237
(B) Division (A) (1), (3), (4), or (5) of this section does	1238
not apply to manufacturers, wholesalers, licensed health	1239
professionals authorized to prescribe drugs, pharmacists, owners	1240
of pharmacies, and other persons whose conduct is in accordance	1241
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., <del>and</del>	1242
4741., <u>and 4772.</u> of the Revised Code.	1243
(C) Whoever violates this section is guilty of corrupting	1244
another with drugs. The penalty for the offense shall be	1245
determined as follows:	1246

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

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

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

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

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

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

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

(a) Except as otherwise provided in division (C) (3) (b) of this section, corrupting another with drugs committed in those circumstances 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.

(b) If the offense was committed in the vicinity of a school, corrupting another with drugs committed in those circumstances 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.

(4) If the offense is a violation of division (A) (5) of this section and the drug involved is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a

felony of the first degree and, subject to division (E) of this section, the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

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

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

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

set of circumstances as the violation, the court shall suspend 1337  
the offender's driver's or commercial driver's license or permit 1338  
for not more than five years. The court also shall do all of the 1339  
following that are applicable regarding the offender: 1340

(1) (a) If the violation is a felony of the first, second, 1341  
or third degree, the court shall impose upon the offender the 1342  
mandatory fine specified for the offense under division (B) (1) 1343  
of section 2929.18 of the Revised Code unless, as specified in 1344  
that division, the court determines that the offender is 1345  
indigent. 1346

(b) Notwithstanding any contrary provision of section 1347  
3719.21 of the Revised Code, any mandatory fine imposed pursuant 1348  
to division (D) (1) (a) of this section and any fine imposed for a 1349  
violation of this section pursuant to division (A) of section 1350  
2929.18 of the Revised Code shall be paid by the clerk of the 1351  
court in accordance with and subject to the requirements of, and 1352  
shall be used as specified in, division (F) of section 2925.03 1353  
of the Revised Code. 1354

(c) If a person is charged with any violation of this 1355  
section that is a felony of the first, second, or third degree, 1356  
posts bail, and forfeits the bail, the forfeited bail shall be 1357  
paid by the clerk of the court pursuant to division (D) (1) (b) of 1358  
this section as if it were a fine imposed for a violation of 1359  
this section. 1360

(2) If the offender is a professionally licensed person, 1361  
in addition to any other sanction imposed for a violation of 1362  
this section, the court immediately shall comply with section 1363  
2925.38 of the Revised Code. 1364

(E) Notwithstanding the prison term otherwise authorized 1365



or required for the offense under division (C) of this section 1366  
and sections 2929.13 and 2929.14 of the Revised Code, if the 1367  
violation of division (A) of this section involves the sale, 1368  
offer to sell, or possession of a schedule I or II controlled 1369  
substance, with the exception of marihuana, 1-Pentyl-3-(1- 1370  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 1371  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1372  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 1373  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 1374  
if the court imposing sentence upon the offender finds that the 1375  
offender as a result of the violation is a major drug offender 1376  
and is guilty of a specification of the type described in 1377  
division (A) of section 2941.1410 of the Revised Code, the 1378  
court, in lieu of the prison term that otherwise is authorized 1379  
or required, shall impose upon the offender the mandatory prison 1380  
term specified in division (B) (3) (a) of section 2929.14 of the 1381  
Revised Code. 1382

(F) (1) If the sentencing court suspends the offender's 1383  
driver's or commercial driver's license or permit under division 1384  
(D) of this section, the offender, at any time after the 1385  
expiration of two years from the day on which the offender's 1386  
sentence was imposed or from the day on which the offender 1387  
finally was released from a prison term under the sentence, 1388  
whichever is later, may file a motion with the sentencing court 1389  
requesting termination of the suspension. Upon the filing of the 1390  
motion and the court's finding of good cause for the 1391  
determination, the court may terminate the suspension. 1392

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

the suspension. However, an offender who pleaded guilty to or  
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 (F)(2) of this  
section, the sentencing court, in its discretion, may terminate  
the suspension.

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

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

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

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

(1) Manufacturers, licensed health professionals  
authorized to prescribe drugs, pharmacists, owners of  
pharmacies, and other persons whose conduct is in accordance  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., ~~and~~  
4741., and 4772. of the Revised Code;

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

involving the use of an anabolic steroid if the project has been 1425  
approved by the United States food and drug administration; 1426

(3) Any person who sells, offers for sale, prescribes, 1427  
dispenses, or administers for livestock or other nonhuman 1428  
species an anabolic steroid that is expressly intended for 1429  
administration through implants to livestock or other nonhuman 1430  
species and approved for that purpose under the "Federal Food, 1431  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1432  
as amended, and is sold, offered for sale, prescribed, 1433  
dispensed, or administered for that purpose in accordance with 1434  
that act. 1435

(C) Whoever violates division (A) of this section is 1436  
guilty of one of the following: 1437

(1) If the drug involved in the violation is any compound, 1438  
mixture, preparation, or substance included in schedule I or 1439  
schedule II, with the exception of marihuana, cocaine, L.S.D., 1440  
heroin, any fentanyl-related compound, hashish, and any 1441  
controlled substance analog, whoever violates division (A) of 1442  
this section is guilty of aggravated trafficking in drugs. The 1443  
penalty for the offense shall be determined as follows: 1444

(a) Except as otherwise provided in division (C) (1) (b), 1445  
(c), (d), (e), or (f) of this section, aggravated trafficking in 1446  
drugs is a felony of the fourth degree, and division (C) of 1447  
section 2929.13 of the Revised Code applies in determining 1448  
whether to impose a prison term on the offender. 1449

(b) Except as otherwise provided in division (C) (1) (c), 1450  
(d), (e), or (f) of this section, if the offense was committed 1451  
in the vicinity of a school, in the vicinity of a juvenile, or 1452  
in the vicinity of a substance addiction services provider or a 1453

recovering addict, aggravated trafficking in drugs is a felony 1454  
of the third degree, and division (C) of section 2929.13 of the 1455  
Revised Code applies in determining whether to impose a prison 1456  
term on the offender. 1457

(c) Except as otherwise provided in this division, if the 1458  
amount of the drug involved equals or exceeds the bulk amount 1459  
but is less than five times the bulk amount, aggravated 1460  
trafficking in drugs is a felony of the third degree, and, 1461  
except as otherwise provided in this division, there is a 1462  
presumption for a prison term for the offense. If aggravated 1463  
trafficking in drugs is a felony of the third degree under this 1464  
division and if the offender two or more times previously has 1465  
been convicted of or pleaded guilty to a felony drug abuse 1466  
offense, the court shall impose as a mandatory prison term one 1467  
of the prison terms prescribed for a felony of the third degree. 1468  
If the amount of the drug involved is within that range and if 1469  
the offense was committed in the vicinity of a school, in the 1470  
vicinity of a juvenile, or in the vicinity of a substance 1471  
addiction services provider or a recovering addict, aggravated 1472  
trafficking in drugs is a felony of the second degree, and the 1473  
court shall impose as a mandatory prison term a second degree 1474  
felony mandatory prison term. 1475

(d) Except as otherwise provided in this division, if the 1476  
amount of the drug involved equals or exceeds five times the 1477  
bulk amount but is less than fifty times the bulk amount, 1478  
aggravated trafficking in drugs is a felony of the second 1479  
degree, and the court shall impose as a mandatory prison term a 1480  
second degree felony mandatory prison term. If the amount of the 1481  
drug involved is within that range and if the offense was 1482  
committed in the vicinity of a school, in the vicinity of a 1483  
juvenile, or in the vicinity of a substance addiction services 1484

provider or a recovering addict, aggravated trafficking in drugs 1485  
is a felony of the first degree, and the court shall impose as a 1486  
mandatory prison term a first degree felony mandatory prison 1487  
term. 1488

(e) If the amount of the drug involved equals or exceeds 1489  
fifty times the bulk amount but is less than one hundred times 1490  
the bulk amount and regardless of whether the offense was 1491  
committed in the vicinity of a school, in the vicinity of a 1492  
juvenile, or in the vicinity of a substance addiction services 1493  
provider or a recovering addict, aggravated trafficking in drugs 1494  
is a felony of the first degree, and the court shall impose as a 1495  
mandatory prison term a first degree felony mandatory prison 1496  
term. 1497

(f) If the amount of the drug involved equals or exceeds 1498  
one hundred times the bulk amount and regardless of whether the 1499  
offense was committed in the vicinity of a school, in the 1500  
vicinity of a juvenile, or in the vicinity of a substance 1501  
addiction services provider or a recovering addict, aggravated 1502  
trafficking in drugs is a felony of the first degree, the 1503  
offender is a major drug offender, and the court shall impose as 1504  
a mandatory prison term a maximum first degree felony mandatory 1505  
prison term. 1506

(2) If the drug involved in the violation is any compound, 1507  
mixture, preparation, or substance included in schedule III, IV, 1508  
or V, whoever violates division (A) of this section is guilty of 1509  
trafficking in drugs. The penalty for the offense shall be 1510  
determined as follows: 1511

(a) Except as otherwise provided in division (C) (2) (b), 1512  
(c), (d), or (e) of this section, trafficking in drugs is a 1513  
felony of the fifth degree, and division (B) of section 2929.13 1514

of the Revised Code applies in determining whether to impose a 1515  
prison term on the offender. 1516

(b) Except as otherwise provided in division (C) (2) (c), 1517  
(d), or (e) of this section, if the offense was committed in the 1518  
vicinity of a school or in the vicinity of a juvenile, 1519  
trafficking in drugs is a felony of the fourth degree, and 1520  
division (C) of section 2929.13 of the Revised Code applies in 1521  
determining whether to impose a prison term on the offender. 1522

(c) Except as otherwise provided in this division, if the 1523  
amount of the drug involved equals or exceeds the bulk amount 1524  
but is less than five times the bulk amount, trafficking in 1525  
drugs is a felony of the fourth degree, and division (B) of 1526  
section 2929.13 of the Revised Code applies in determining 1527  
whether to impose a prison term for the offense. If the amount 1528  
of the drug involved is within that range and if the offense was 1529  
committed in the vicinity of a school or in the vicinity of a 1530  
juvenile, trafficking in drugs is a felony of the third degree, 1531  
and there is a presumption for a prison term for the offense. 1532

(d) Except as otherwise provided in this division, if the 1533  
amount of the drug involved equals or exceeds five times the 1534  
bulk amount but is less than fifty times the bulk amount, 1535  
trafficking in drugs is a felony of the third degree, and there 1536  
is a presumption for a prison term for the offense. If the 1537  
amount of the drug involved is within that range and if the 1538  
offense was committed in the vicinity of a school or in the 1539  
vicinity of a juvenile, trafficking in drugs is a felony of the 1540  
second degree, and there is a presumption for a prison term for 1541  
the offense. 1542

(e) Except as otherwise provided in this division, if the 1543  
amount of the drug involved equals or exceeds fifty times the 1544

bulk amount, trafficking in drugs is a felony of the second 1545  
degree, and the court shall impose as a mandatory prison term a 1546  
second degree felony mandatory prison term. If the amount of the 1547  
drug involved equals or exceeds fifty times the bulk amount and 1548  
if the offense was committed in the vicinity of a school or in 1549  
the vicinity of a juvenile, trafficking in drugs is a felony of 1550  
the first degree, and the court shall impose as a mandatory 1551  
prison term a first degree felony mandatory prison term. 1552

(3) If the drug involved in the violation is marihuana or 1553  
a compound, mixture, preparation, or substance containing 1554  
marihuana other than hashish, whoever violates division (A) of 1555  
this section is guilty of trafficking in marihuana. The penalty 1556  
for the offense shall be determined as follows: 1557

(a) Except as otherwise provided in division (C) (3) (b), 1558  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1559  
marihuana is a felony of the fifth degree, and division (B) of 1560  
section 2929.13 of the Revised Code applies in determining 1561  
whether to impose a prison term on the offender. 1562

(b) Except as otherwise provided in division (C) (3) (c), 1563  
(d), (e), (f), (g), or (h) of this section, if the offense was 1564  
committed in the vicinity of a school or in the vicinity of a 1565  
juvenile, trafficking in marihuana is a felony of the fourth 1566  
degree, and division (B) of section 2929.13 of the Revised Code 1567  
applies in determining whether to impose a prison term on the 1568  
offender. 1569

(c) Except as otherwise provided in this division, if the 1570  
amount of the drug involved equals or exceeds two hundred grams 1571  
but is less than one thousand grams, trafficking in marihuana is 1572  
a felony of the fourth degree, and division (B) of section 1573  
2929.13 of the Revised Code applies in determining whether to 1574

impose a prison term on the offender. If the amount of the drug 1575  
involved is within that range and if the offense was committed 1576  
in the vicinity of a school or in the vicinity of a juvenile, 1577  
trafficking in marihuana is a felony of the third degree, and 1578  
division (C) of section 2929.13 of the Revised Code applies in 1579  
determining whether to impose a prison term on the offender. 1580

(d) Except as otherwise provided in this division, if the 1581  
amount of the drug involved equals or exceeds one thousand grams 1582  
but is less than five thousand grams, trafficking in marihuana 1583  
is a felony of the third degree, and division (C) of section 1584  
2929.13 of the Revised Code applies in determining whether to 1585  
impose a prison term on the offender. If the amount of the drug 1586  
involved is within that range and if the offense was committed 1587  
in the vicinity of a school or in the vicinity of a juvenile, 1588  
trafficking in marihuana is a felony of the second degree, and 1589  
there is a presumption that a prison term shall be imposed for 1590  
the offense. 1591

(e) Except as otherwise provided in this division, if the 1592  
amount of the drug involved equals or exceeds five thousand 1593  
grams but is less than twenty thousand grams, trafficking in 1594  
marihuana is a felony of the third degree, and there is a 1595  
presumption that a prison term shall be imposed for the offense. 1596  
If the amount of the drug involved is within that range and if 1597  
the offense was committed in the vicinity of a school or in the 1598  
vicinity of a juvenile, trafficking in marihuana is a felony of 1599  
the second degree, and there is a presumption that a prison term 1600  
shall be imposed for the offense. 1601

(f) Except as otherwise provided in this division, if the 1602  
amount of the drug involved equals or exceeds twenty thousand 1603  
grams but is less than forty thousand grams, trafficking in 1604



marihuana is a felony of the second degree, and the court shall 1605  
impose as a mandatory prison term a second degree felony 1606  
mandatory prison term of five, six, seven, or eight years. If 1607  
the amount of the drug involved is within that range and if the 1608  
offense was committed in the vicinity of a school or in the 1609  
vicinity of a juvenile, trafficking in marihuana is a felony of 1610  
the first degree, and the court shall impose as a mandatory 1611  
prison term a maximum first degree felony mandatory prison term. 1612

(g) Except as otherwise provided in this division, if the 1613  
amount of the drug involved equals or exceeds forty thousand 1614  
grams, trafficking in marihuana is a felony of the second 1615  
degree, and the court shall impose as a mandatory prison term a 1616  
maximum second degree felony mandatory prison term. If the 1617  
amount of the drug involved equals or exceeds forty thousand 1618  
grams and if the offense was committed in the vicinity of a 1619  
school or in the vicinity of a juvenile, trafficking in 1620  
marihuana is a felony of the first degree, and the court shall 1621  
impose as a mandatory prison term a maximum first degree felony 1622  
mandatory prison term. 1623

(h) Except as otherwise provided in this division, if the 1624  
offense involves a gift of twenty grams or less of marihuana, 1625  
trafficking in marihuana is a minor misdemeanor upon a first 1626  
offense and a misdemeanor of the third degree upon a subsequent 1627  
offense. If the offense involves a gift of twenty grams or less 1628  
of marihuana and if the offense was committed in the vicinity of 1629  
a school or in the vicinity of a juvenile, trafficking in 1630  
marihuana is a misdemeanor of the third degree. 1631

(4) If the drug involved in the violation is cocaine or a 1632  
compound, mixture, preparation, or substance containing cocaine, 1633  
whoever violates division (A) of this section is guilty of 1634

trafficking in cocaine. The penalty for the offense shall be 1635  
determined as follows: 1636

(a) Except as otherwise provided in division (C) (4) (b), 1637  
(c), (d), (e), (f), or (g) of this section, trafficking in 1638  
cocaine is a felony of the fifth degree, and division (B) of 1639  
section 2929.13 of the Revised Code applies in determining 1640  
whether to impose a prison term on the offender. 1641

(b) Except as otherwise provided in division (C) (4) (c), 1642  
(d), (e), (f), or (g) of this section, if the offense was 1643  
committed in the vicinity of a school, in the vicinity of a 1644  
juvenile, or in the vicinity of a substance addiction services 1645  
provider or a recovering addict, trafficking in cocaine is a 1646  
felony of the fourth degree, and division (C) of section 2929.13 1647  
of the Revised Code applies in determining whether to impose a 1648  
prison term on the offender. 1649

(c) Except as otherwise provided in this division, if the 1650  
amount of the drug involved equals or exceeds five grams but is 1651  
less than ten grams of cocaine, trafficking in cocaine is a 1652  
felony of the fourth degree, and division (B) of section 2929.13 1653  
of the Revised Code applies in determining whether to impose a 1654  
prison term for the offense. If the amount of the drug involved 1655  
is within that range and if the offense was committed in the 1656  
vicinity of a school, in the vicinity of a juvenile, or in the 1657  
vicinity of a substance addiction services provider or a 1658  
recovering addict, trafficking in cocaine is a felony of the 1659  
third degree, and there is a presumption for a prison term for 1660  
the offense. 1661

(d) Except as otherwise provided in this division, if the 1662  
amount of the drug involved equals or exceeds ten grams but is 1663  
less than twenty grams of cocaine, trafficking in cocaine is a 1664

felony of the third degree, and, except as otherwise provided in 1665  
this division, there is a presumption for a prison term for the 1666  
offense. If trafficking in cocaine is a felony of the third 1667  
degree under this division and if the offender two or more times 1668  
previously has been convicted of or pleaded guilty to a felony 1669  
drug abuse offense, the court shall impose as a mandatory prison 1670  
term one of the prison terms prescribed for a felony of the 1671  
third degree. If the amount of the drug involved is within that 1672  
range and if the offense was committed in the vicinity of a 1673  
school, in the vicinity of a juvenile, or in the vicinity of a 1674  
substance addiction services provider or a recovering addict, 1675  
trafficking in cocaine is a felony of the second degree, and the 1676  
court shall impose as a mandatory prison term a second degree 1677  
felony mandatory prison term. 1678

(e) Except as otherwise provided in this division, if the 1679  
amount of the drug involved equals or exceeds twenty grams but 1680  
is less than twenty-seven grams of cocaine, trafficking in 1681  
cocaine is a felony of the second degree, and the court shall 1682  
impose as a mandatory prison term a second degree felony 1683  
mandatory prison term. If the amount of the drug involved is 1684  
within that range and if the offense was committed in the 1685  
vicinity of a school, in the vicinity of a juvenile, or in the 1686  
vicinity of a substance addiction services provider or a 1687  
recovering addict, trafficking in cocaine is a felony of the 1688  
first degree, and the court shall impose as a mandatory prison 1689  
term a first degree felony mandatory prison term. 1690

(f) If the amount of the drug involved equals or exceeds 1691  
twenty-seven grams but is less than one hundred grams of cocaine 1692  
and regardless of whether the offense was committed in the 1693  
vicinity of a school, in the vicinity of a juvenile, or in the 1694  
vicinity of a substance addiction services provider or a 1695

recovering addict, trafficking in cocaine is a felony of the 1696  
first degree, and the court shall impose as a mandatory prison 1697  
term a first degree felony mandatory prison term. 1698

(g) If the amount of the drug involved equals or exceeds 1699  
one hundred grams of cocaine and regardless of whether the 1700  
offense was committed in the vicinity of a school, in the 1701  
vicinity of a juvenile, or in the vicinity of a substance 1702  
addiction services provider or a recovering addict, trafficking 1703  
in cocaine is a felony of the first degree, the offender is a 1704  
major drug offender, and the court shall impose as a mandatory 1705  
prison term a maximum first degree felony mandatory prison term. 1706

(5) If the drug involved in the violation is L.S.D. or a 1707  
compound, mixture, preparation, or substance containing L.S.D., 1708  
whoever violates division (A) of this section is guilty of 1709  
trafficking in L.S.D. The penalty for the offense shall be 1710  
determined as follows: 1711

(a) Except as otherwise provided in division (C) (5) (b), 1712  
(c), (d), (e), (f), or (g) of this section, trafficking in 1713  
L.S.D. is a felony of the fifth degree, and division (B) of 1714  
section 2929.13 of the Revised Code applies in determining 1715  
whether to impose a prison term on the offender. 1716

(b) Except as otherwise provided in division (C) (5) (c), 1717  
(d), (e), (f), or (g) of this section, if the offense was 1718  
committed in the vicinity of a school, in the vicinity of a 1719  
juvenile, or in the vicinity of a substance addiction services 1720  
provider or a recovering addict, trafficking in L.S.D. is a 1721  
felony of the fourth degree, and division (C) of section 2929.13 1722  
of the Revised Code applies in determining whether to impose a 1723  
prison term on the offender. 1724

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

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

trafficking in L.S.D. is a felony of the second degree, and the 1756  
court shall impose as a mandatory prison term a second degree 1757  
felony mandatory prison term. 1758

(e) Except as otherwise provided in this division, if the 1759  
amount of the drug involved equals or exceeds two hundred fifty 1760  
unit doses but is less than one thousand unit doses of L.S.D. in 1761  
a solid form or equals or exceeds twenty-five grams but is less 1762  
than one hundred grams of L.S.D. in a liquid concentrate, liquid 1763  
extract, or liquid distillate form, trafficking in L.S.D. is a 1764  
felony of the second degree, and the court shall impose as a 1765  
mandatory prison term a second degree felony mandatory prison 1766  
term. If the amount of the drug involved is within that range 1767  
and if the offense was committed in the vicinity of a school, in 1768  
the vicinity of a juvenile, or in the vicinity of a substance 1769  
addiction services provider or a recovering addict, trafficking 1770  
in L.S.D. is a felony of the first degree, and the court shall 1771  
impose as a mandatory prison term a first degree felony 1772  
mandatory prison term. 1773

(f) If the amount of the drug involved equals or exceeds 1774  
one thousand unit doses but is less than five thousand unit 1775  
doses of L.S.D. in a solid form or equals or exceeds one hundred 1776  
grams but is less than five hundred grams of L.S.D. in a liquid 1777  
concentrate, liquid extract, or liquid distillate form and 1778  
regardless of whether the offense was committed in the vicinity 1779  
of a school, in the vicinity of a juvenile, or in the vicinity 1780  
of a substance addiction services provider or a recovering 1781  
addict, trafficking in L.S.D. is a felony of the first degree, 1782  
and the court shall impose as a mandatory prison term a first 1783  
degree felony mandatory prison term. 1784

(g) If the amount of the drug involved equals or exceeds 1785

five thousand unit doses of L.S.D. in a solid form or equals or 1786  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1787  
liquid extract, or liquid distillate form and regardless of 1788  
whether the offense was committed in the vicinity of a school, 1789  
in the vicinity of a juvenile, or in the vicinity of a substance 1790  
addiction services provider or a recovering addict, trafficking 1791  
in L.S.D. is a felony of the first degree, the offender is a 1792  
major drug offender, and the court shall impose as a mandatory 1793  
prison term a maximum first degree felony mandatory prison term. 1794

(6) If the drug involved in the violation is heroin or a 1795  
compound, mixture, preparation, or substance containing heroin, 1796  
whoever violates division (A) of this section is guilty of 1797  
trafficking in heroin. The penalty for the offense shall be 1798  
determined as follows: 1799

(a) Except as otherwise provided in division (C) (6) (b), 1800  
(c), (d), (e), (f), or (g) of this section, trafficking in 1801  
heroin is a felony of the fifth degree, and division (B) of 1802  
section 2929.13 of the Revised Code applies in determining 1803  
whether to impose a prison term on the offender. 1804

(b) Except as otherwise provided in division (C) (6) (c), 1805  
(d), (e), (f), or (g) of this section, if the offense was 1806  
committed in the vicinity of a school, in the vicinity of a 1807  
juvenile, or in the vicinity of a substance addiction services 1808  
provider or a recovering addict, trafficking in heroin is a 1809  
felony of the fourth degree, and division (C) of section 2929.13 1810  
of the Revised Code applies in determining whether to impose a 1811  
prison term on the offender. 1812

(c) Except as otherwise provided in this division, if the 1813  
amount of the drug involved equals or exceeds ten unit doses but 1814  
is less than fifty unit doses or equals or exceeds one gram but 1815

is less than five grams, trafficking in heroin is a felony of 1816  
the fourth degree, and division (B) of section 2929.13 of the 1817  
Revised Code applies in determining whether to impose a prison 1818  
term for the offense. If the amount of the drug involved is 1819  
within that range and if the offense was committed in the 1820  
vicinity of a school, in the vicinity of a juvenile, or in the 1821  
vicinity of a substance addiction services provider or a 1822  
recovering addict, trafficking in heroin is a felony of the 1823  
third degree, and there is a presumption for a prison term for 1824  
the offense. 1825

(d) Except as otherwise provided in this division, if the 1826  
amount of the drug involved equals or exceeds fifty unit doses 1827  
but is less than one hundred unit doses or equals or exceeds 1828  
five grams but is less than ten grams, trafficking in heroin is 1829  
a felony of the third degree, and there is a presumption for a 1830  
prison term for the offense. If the amount of the drug involved 1831  
is within that range and if the offense was committed in the 1832  
vicinity of a school, in the vicinity of a juvenile, or in the 1833  
vicinity of a substance addiction services provider or a 1834  
recovering addict, trafficking in heroin is a felony of the 1835  
second degree, and there is a presumption for a prison term for 1836  
the offense. 1837

(e) Except as otherwise provided in this division, if the 1838  
amount of the drug involved equals or exceeds one hundred unit 1839  
doses but is less than five hundred unit doses or equals or 1840  
exceeds ten grams but is less than fifty grams, trafficking in 1841  
heroin is a felony of the second degree, and the court shall 1842  
impose as a mandatory prison term a second degree felony 1843  
mandatory prison term. If the amount of the drug involved is 1844  
within that range and if the offense was committed in the 1845  
vicinity of a school, in the vicinity of a juvenile, or in the 1846



vicinity of a substance addiction services provider or a 1847  
recovering addict, trafficking in heroin is a felony of the 1848  
first degree, and the court shall impose as a mandatory prison 1849  
term a first degree felony mandatory prison term. 1850

(f) If the amount of the drug involved equals or exceeds 1851  
five hundred unit doses but is less than one thousand unit doses 1852  
or equals or exceeds fifty grams but is less than one hundred 1853  
grams and regardless of whether the offense was committed in the 1854  
vicinity of a school, in the vicinity of a juvenile, or in the 1855  
vicinity of a substance addiction services provider or a 1856  
recovering addict, trafficking in heroin is a felony of the 1857  
first degree, and the court shall impose as a mandatory prison 1858  
term a first degree felony mandatory prison term. 1859

(g) If the amount of the drug involved equals or exceeds 1860  
one thousand unit doses or equals or exceeds one hundred grams 1861  
and regardless of whether the offense was committed in the 1862  
vicinity of a school, in the vicinity of a juvenile, or in the 1863  
vicinity of a substance addiction services provider or a 1864  
recovering addict, trafficking in heroin is a felony of the 1865  
first degree, the offender is a major drug offender, and the 1866  
court shall impose as a mandatory prison term a maximum first 1867  
degree felony mandatory prison term. 1868

(7) If the drug involved in the violation is hashish or a 1869  
compound, mixture, preparation, or substance containing hashish, 1870  
whoever violates division (A) of this section is guilty of 1871  
trafficking in hashish. The penalty for the offense shall be 1872  
determined as follows: 1873

(a) Except as otherwise provided in division (C) (7) (b), 1874  
(c), (d), (e), (f), or (g) of this section, trafficking in 1875  
hashish is a felony of the fifth degree, and division (B) of 1876

section 2929.13 of the Revised Code applies in determining 1877  
whether to impose a prison term on the offender. 1878

(b) Except as otherwise provided in division (C) (7) (c), 1879  
(d), (e), (f), or (g) of this section, if the offense was 1880  
committed in the vicinity of a school, in the vicinity of a 1881  
juvenile, or in the vicinity of a substance addiction services 1882  
provider or a recovering addict, trafficking in hashish is a 1883  
felony of the fourth degree, and division (B) of section 2929.13 1884  
of the Revised Code applies in determining whether to impose a 1885  
prison term on the offender. 1886

(c) Except as otherwise provided in this division, if the 1887  
amount of the drug involved equals or exceeds ten grams but is 1888  
less than fifty grams of hashish in a solid form or equals or 1889  
exceeds two grams but is less than ten grams of hashish in a 1890  
liquid concentrate, liquid extract, or liquid distillate form, 1891  
trafficking in hashish is a felony of the fourth degree, and 1892  
division (B) of section 2929.13 of the Revised Code applies in 1893  
determining whether to impose a prison term on the offender. If 1894  
the amount of the drug involved is within that range and if the 1895  
offense was committed in the vicinity of a school, in the 1896  
vicinity of a juvenile, or in the vicinity of a substance 1897  
addiction services provider or a recovering addict, trafficking 1898  
in hashish is a felony of the third degree, and division (C) of 1899  
section 2929.13 of the Revised Code applies in determining 1900  
whether to impose a prison term on the offender. 1901

(d) Except as otherwise provided in this division, if the 1902  
amount of the drug involved equals or exceeds fifty grams but is 1903  
less than two hundred fifty grams of hashish in a solid form or 1904  
equals or exceeds ten grams but is less than fifty grams of 1905  
hashish in a liquid concentrate, liquid extract, or liquid 1906

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, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, 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, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, 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 felony of the second degree, and the court shall impose as a

mandatory prison term a second degree felony mandatory prison 1938  
term of five, six, seven, or eight years. If the amount of the 1939  
drug involved is within that range and if the offense was 1940  
committed in the vicinity of a school, in the vicinity of a 1941  
juvenile, or in the vicinity of a substance addiction services 1942  
provider or a recovering addict, trafficking in hashish is a 1943  
felony of the first degree, and the court shall impose as a 1944  
mandatory prison term a maximum first degree felony mandatory 1945  
prison term. 1946

(g) Except as otherwise provided in this division, if the 1947  
amount of the drug involved equals or exceeds two thousand grams 1948  
of hashish in a solid form or equals or exceeds four hundred 1949  
grams of hashish in a liquid concentrate, liquid extract, or 1950  
liquid distillate form, trafficking in hashish is a felony of 1951  
the second degree, and the court shall impose as a mandatory 1952  
prison term a maximum second degree felony mandatory prison 1953  
term. If the amount of the drug involved equals or exceeds two 1954  
thousand grams of hashish in a solid form or equals or exceeds 1955  
four hundred grams of hashish in a liquid concentrate, liquid 1956  
extract, or liquid distillate form and if the offense was 1957  
committed in the vicinity of a school, in the vicinity of a 1958  
juvenile, or in the vicinity of a substance addiction services 1959  
provider or a recovering addict, trafficking in hashish is a 1960  
felony of the first degree, and the court shall impose as a 1961  
mandatory prison term a maximum first degree felony mandatory 1962  
prison term. 1963

(8) If the drug involved in the violation is a controlled 1964  
substance analog or compound, mixture, preparation, or substance 1965  
that contains a controlled substance analog, whoever violates 1966  
division (A) of this section is guilty of trafficking in a 1967  
controlled substance analog. The penalty for the offense shall 1968

be determined as follows:	1969
(a) Except as otherwise provided in division (C) (8) (b),	1970
(c), (d), (e), (f), or (g) of this section, trafficking in a	1971
controlled substance analog is a felony of the fifth degree, and	1972
division (C) of section 2929.13 of the Revised Code applies in	1973
determining whether to impose a prison term on the offender.	1974
(b) Except as otherwise provided in division (C) (8) (c),	1975
(d), (e), (f), or (g) of this section, if the offense was	1976
committed in the vicinity of a school, in the vicinity of a	1977
juvenile, or in the vicinity of a substance addiction services	1978
provider or a recovering addict, trafficking in a controlled	1979
substance analog is a felony of the fourth degree, and division	1980
(C) of section 2929.13 of the Revised Code applies in	1981
determining whether to impose a prison term on the offender.	1982
(c) Except as otherwise provided in this division, if the	1983
amount of the drug involved equals or exceeds ten grams but is	1984
less than twenty grams, trafficking in a controlled substance	1985
analog is a felony of the fourth degree, and division (B) of	1986
section 2929.13 of the Revised Code applies in determining	1987
whether to impose a prison term for the offense. If the amount	1988
of the drug involved is within that range and if the offense was	1989
committed in the vicinity of a school, in the vicinity of a	1990
juvenile, or in the vicinity of a substance addiction services	1991
provider or a recovering addict, trafficking in a controlled	1992
substance analog is a felony of the third degree, and there is a	1993
presumption for a prison term for the offense.	1994
(d) Except as otherwise provided in this division, if the	1995
amount of the drug involved equals or exceeds twenty grams but	1996
is less than thirty grams, trafficking in a controlled substance	1997
analog is a felony of the third degree, and there is a	1998

presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, trafficking in a controlled substance analog is a felony of the second degree, and there is a presumption for a prison term for the offense.

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

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

(g) If the amount of the drug involved equals or exceeds fifty grams and regardless of whether the offense was committed

in the vicinity of a school, in the vicinity of a juvenile, or 2029  
in the vicinity of a substance addiction services provider or a 2030  
recovering addict, trafficking in a controlled substance analog 2031  
is a felony of the first degree, the offender is a major drug 2032  
offender, and the court shall impose as a mandatory prison term 2033  
a maximum first degree felony mandatory prison term. 2034

(9) If the drug involved in the violation is a fentanyl- 2035  
related compound or a compound, mixture, preparation, or 2036  
substance containing a fentanyl-related compound and division 2037  
(C) (10) (a) of this section does not apply to the drug involved, 2038  
whoever violates division (A) of this section is guilty of 2039  
trafficking in a fentanyl-related compound. The penalty for the 2040  
offense shall be determined as follows: 2041

(a) Except as otherwise provided in division (C) (9) (b), 2042  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 2043  
a fentanyl-related compound is a felony of the fifth degree, and 2044  
division (B) of section 2929.13 of the Revised Code applies in 2045  
determining whether to impose a prison term on the offender. 2046

(b) Except as otherwise provided in division (C) (9) (c), 2047  
(d), (e), (f), (g), or (h) of this section, if the offense was 2048  
committed in the vicinity of a school, in the vicinity of a 2049  
juvenile, or in the vicinity of a substance addiction services 2050  
provider or a recovering addict, trafficking in a fentanyl- 2051  
related compound is a felony of the fourth degree, and division 2052  
(C) of section 2929.13 of the Revised Code applies in 2053  
determining whether to impose a prison term on the offender. 2054

(c) Except as otherwise provided in this division, if the 2055  
amount of the drug involved equals or exceeds ten unit doses but 2056  
is less than fifty unit doses or equals or exceeds one gram but 2057  
is less than five grams, trafficking in a fentanyl-related 2058

compound is a felony of the fourth degree, and division (B) of 2059  
section 2929.13 of the Revised Code applies in determining 2060  
whether to impose a prison term for the offense. If the amount 2061  
of the drug involved is within that range and if the offense was 2062  
committed in the vicinity of a school, in the vicinity of a 2063  
juvenile, or in the vicinity of a substance addiction services 2064  
provider or a recovering addict, trafficking in a fentanyl- 2065  
related compound is a felony of the third degree, and there is a 2066  
presumption for a prison term for the offense. 2067

(d) Except as otherwise provided in this division, if the 2068  
amount of the drug involved equals or exceeds fifty unit doses 2069  
but is less than one hundred unit doses or equals or exceeds 2070  
five grams but is less than ten grams, trafficking in a 2071  
fentanyl-related compound is a felony of the third degree, and 2072  
there is a presumption for a prison term for the offense. If the 2073  
amount of the drug involved is within that range and if the 2074  
offense was committed in the vicinity of a school, in the 2075  
vicinity of a juvenile, or in the vicinity of a substance 2076  
addiction services provider or a recovering addict, trafficking 2077  
in a fentanyl-related compound is a felony of the second degree, 2078  
and there is a presumption for a prison term for the offense. 2079

(e) Except as otherwise provided in this division, if the 2080  
amount of the drug involved equals or exceeds one hundred unit 2081  
doses but is less than two hundred unit doses or equals or 2082  
exceeds ten grams but is less than twenty grams, trafficking in 2083  
a fentanyl-related compound is a felony of the second degree, 2084  
and the court shall impose as a mandatory prison term one of the 2085  
prison terms prescribed for a felony of the second degree. If 2086  
the amount of the drug involved is within that range and if the 2087  
offense was committed in the vicinity of a school, in the 2088  
vicinity of a juvenile, or in the vicinity of a substance 2089



addiction services provider or a recovering addict, trafficking 2090  
in a fentanyl-related compound is a felony of the first degree, 2091  
and the court shall impose as a mandatory prison term one of the 2092  
prison terms prescribed for a felony of the first degree. 2093

(f) If the amount of the drug involved equals or exceeds 2094  
two hundred unit doses but is less than five hundred unit doses 2095  
or equals or exceeds twenty grams but is less than fifty grams 2096  
and regardless of whether the offense was committed in the 2097  
vicinity of a school, in the vicinity of a juvenile, or in the 2098  
vicinity of a substance addiction services provider or a 2099  
recovering addict, trafficking in a fentanyl-related compound is 2100  
a felony of the first degree, and the court shall impose as a 2101  
mandatory prison term one of the prison terms prescribed for a 2102  
felony of the first degree. 2103

(g) If the amount of the drug involved equals or exceeds 2104  
five hundred unit doses but is less than one thousand unit doses 2105  
or equals or exceeds fifty grams but is less than one hundred 2106  
grams and regardless of whether the offense was committed in the 2107  
vicinity of a school, in the vicinity of a juvenile, or in the 2108  
vicinity of a substance addiction services provider or a 2109  
recovering addict, trafficking in a fentanyl-related compound is 2110  
a felony of the first degree, and the court shall impose as a 2111  
mandatory prison term the maximum prison term prescribed for a 2112  
felony of the first degree. 2113

(h) If the amount of the drug involved equals or exceeds 2114  
one thousand unit doses or equals or exceeds one hundred grams 2115  
and regardless of whether the offense was committed in the 2116  
vicinity of a school, in the vicinity of a juvenile, or in the 2117  
vicinity of a substance addiction services provider or a 2118  
recovering addict, trafficking in a fentanyl-related compound is 2119

a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

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

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

(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 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 2150  
municipal ordinance or the law of another state or the United 2151  
States arising out of the same set of circumstances as the 2152  
violation, the court shall suspend the offender's driver's or 2153  
commercial driver's license or permit in accordance with 2154  
division (G) of this section. If applicable, the court also 2155  
shall do the following: 2156

(1) If the violation of division (A) of this section is a 2157  
felony of the first, second, or third degree, the court shall 2158  
impose upon the offender the mandatory fine specified for the 2159  
offense under division (B) (1) of section 2929.18 of the Revised 2160  
Code unless, as specified in that division, the court determines 2161  
that the offender is indigent. Except as otherwise provided in 2162  
division (H) (1) of this section, a mandatory fine or any other 2163  
fine imposed for a violation of this section is subject to 2164  
division (F) of this section. If a person is charged with a 2165  
violation of this section that is a felony of the first, second, 2166  
or third degree, posts bail, and forfeits the bail, the clerk of 2167  
the court shall pay the forfeited bail pursuant to divisions (D) 2168  
(1) and (F) of this section, as if the forfeited bail was a fine 2169  
imposed for a violation of this section. If any amount of the 2170  
forfeited bail remains after that payment and if a fine is 2171  
imposed under division (H) (1) of this section, the clerk of the 2172  
court shall pay the remaining amount of the forfeited bail 2173  
pursuant to divisions (H) (2) and (3) of this section, as if that 2174  
remaining amount was a fine imposed under division (H) (1) of 2175  
this section. 2176

(2) If the offender is a professionally licensed person, 2177  
the court immediately shall comply with section 2925.38 of the 2178  
Revised Code. 2179

(E) When a person is charged with the sale of or offer to 2180  
sell a bulk amount or a multiple of a bulk amount of a 2181  
controlled substance, the jury, or the court trying the accused, 2182  
shall determine the amount of the controlled substance involved 2183  
at the time of the offense and, if a guilty verdict is returned, 2184  
shall return the findings as part of the verdict. In any such 2185  
case, it is unnecessary to find and return the exact amount of 2186  
the controlled substance involved, and it is sufficient if the 2187  
finding and return is to the effect that the amount of the 2188  
controlled substance involved is the requisite amount, or that 2189  
the amount of the controlled substance involved is less than the 2190  
requisite amount. 2191

(F) (1) Notwithstanding any contrary provision of section 2192  
3719.21 of the Revised Code and except as provided in division 2193  
(H) of this section, the clerk of the court shall pay any 2194  
mandatory fine imposed pursuant to division (D) (1) of this 2195  
section and any fine other than a mandatory fine that is imposed 2196  
for a violation of this section pursuant to division (A) or (B) 2197  
(5) of section 2929.18 of the Revised Code to the county, 2198  
township, municipal corporation, park district, as created 2199  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 2200  
state law enforcement agencies in this state that primarily were 2201  
responsible for or involved in making the arrest of, and in 2202  
prosecuting, the offender. However, the clerk shall not pay a 2203  
mandatory fine so imposed to a law enforcement agency unless the 2204  
agency has adopted a written internal control policy under 2205  
division (F) (2) of this section that addresses the use of the 2206  
fine moneys that it receives. Each agency shall use the 2207  
mandatory fines so paid to subsidize the agency's law 2208  
enforcement efforts that pertain to drug offenses, in accordance 2209  
with the written internal control policy adopted by the 2210

recipient agency under division (F) (2) of this section. 2211

(2) Prior to receiving any fine moneys under division (F) 2212  
(1) of this section or division (B) of section 2925.42 of the 2213  
Revised Code, a law enforcement agency shall adopt a written 2214  
internal control policy that addresses the agency's use and 2215  
disposition of all fine moneys so received and that provides for 2216  
the keeping of detailed financial records of the receipts of 2217  
those fine moneys, the general types of expenditures made out of 2218  
those fine moneys, and the specific amount of each general type 2219  
of expenditure. The policy shall not provide for or permit the 2220  
identification of any specific expenditure that is made in an 2221  
ongoing investigation. All financial records of the receipts of 2222  
those fine moneys, the general types of expenditures made out of 2223  
those fine moneys, and the specific amount of each general type 2224  
of expenditure by an agency are public records open for 2225  
inspection under section 149.43 of the Revised Code. 2226  
Additionally, a written internal control policy adopted under 2227  
this division is such a public record, and the agency that 2228  
adopted it shall comply with it. 2229

(3) As used in division (F) of this section: 2230

(a) "Law enforcement agencies" includes, but is not 2231  
limited to, the state board of pharmacy and the office of a 2232  
prosecutor. 2233

(b) "Prosecutor" has the same meaning as in section 2234  
2935.01 of the Revised Code. 2235

(G) (1) If the sentencing court suspends the offender's 2236  
driver's or commercial driver's license or permit under division 2237  
(D) of this section or any other provision of this chapter, the 2238  
court shall suspend the license, by order, for not more than 2239

five years. If an offender's driver's or commercial driver's license or permit is suspended pursuant to this division, the offender, at any time after the expiration of two years from the day on which the offender's sentence was imposed or from the day on which the offender finally was released from a prison term under the sentence, whichever is later, may file a motion with the sentencing court requesting termination of the suspension; upon the filing of such a motion and the court's finding of good cause for the termination, the court may terminate the suspension.

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

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

(H) (1) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, in addition to any other penalty or sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, and in addition to the forfeiture of property in connection with the

offense as prescribed in Chapter 2981. of the Revised Code, the 2270  
court that sentences an offender who is convicted of or pleads 2271  
guilty to a violation of division (A) of this section may impose 2272  
upon the offender an additional fine specified for the offense 2273  
in division (B) (4) of section 2929.18 of the Revised Code. A 2274  
fine imposed under division (H) (1) of this section is not 2275  
subject to division (F) of this section and shall be used solely 2276  
for the support of one or more eligible community addiction 2277  
services providers in accordance with divisions (H) (2) and (3) 2278  
of this section. 2279

(2) The court that imposes a fine under division (H) (1) of 2280  
this section shall specify in the judgment that imposes the fine 2281  
one or more eligible community addiction services providers for 2282  
the support of which the fine money is to be used. No community 2283  
addiction services provider shall receive or use money paid or 2284  
collected in satisfaction of a fine imposed under division (H) 2285  
(1) of this section unless the services provider is specified in 2286  
the judgment that imposes the fine. No community addiction 2287  
services provider shall be specified in the judgment unless the 2288  
services provider is an eligible community addiction services 2289  
provider and, except as otherwise provided in division (H) (2) of 2290  
this section, unless the services provider is located in the 2291  
county in which the court that imposes the fine is located or in 2292  
a county that is immediately contiguous to the county in which 2293  
that court is located. If no eligible community addiction 2294  
services provider is located in any of those counties, the 2295  
judgment may specify an eligible community addiction services 2296  
provider that is located anywhere within this state. 2297

(3) Notwithstanding any contrary provision of section 2298  
3719.21 of the Revised Code, the clerk of the court shall pay 2299  
any fine imposed under division (H) (1) of this section to the 2300

eligible community addiction services provider specified 2301  
pursuant to division (H) (2) of this section in the judgment. The 2302  
eligible community addiction services provider that receives the 2303  
fine moneys shall use the moneys only for the alcohol and drug 2304  
addiction services identified in the application for 2305  
certification of services under section 5119.36 of the Revised 2306  
Code or in the application for a license under section 5119.37 2307  
of the Revised Code filed with the department of mental health 2308  
and addiction services by the community addiction services 2309  
provider specified in the judgment. 2310

(4) Each community addiction services provider that 2311  
receives in a calendar year any fine moneys under division (H) 2312  
(3) of this section shall file an annual report covering that 2313  
calendar year with the court of common pleas and the board of 2314  
county commissioners of the county in which the services 2315  
provider is located, with the court of common pleas and the 2316  
board of county commissioners of each county from which the 2317  
services provider received the moneys if that county is 2318  
different from the county in which the services provider is 2319  
located, and with the attorney general. The community addiction 2320  
services provider shall file the report no later than the first 2321  
day of March in the calendar year following the calendar year in 2322  
which the services provider received the fine moneys. The report 2323  
shall include statistics on the number of persons served by the 2324  
community addiction services provider, identify the types of 2325  
alcohol and drug addiction services provided to those persons, 2326  
and include a specific accounting of the purposes for which the 2327  
fine moneys received were used. No information contained in the 2328  
report shall identify, or enable a person to determine the 2329  
identity of, any person served by the community addiction 2330  
services provider. Each report received by a court of common 2331



pleas, a board of county commissioners, or the attorney general 2332  
is a public record open for inspection under section 149.43 of 2333  
the Revised Code. 2334

(5) As used in divisions (H) (1) to (5) of this section: 2335

(a) "Community addiction services provider" and "alcohol 2336  
and drug addiction services" have the same meanings as in 2337  
section 5119.01 of the Revised Code. 2338

(b) "Eligible community addiction services provider" means 2339  
a community addiction services provider, including a community 2340  
addiction services provider that operates an opioid treatment 2341  
program licensed under section 5119.37 of the Revised Code. 2342

(I) As used in this section, "drug" includes any substance 2343  
that is represented to be a drug. 2344

(J) It is an affirmative defense to a charge of 2345  
trafficking in a controlled substance analog under division (C) 2346  
(8) of this section that the person charged with violating that 2347  
offense sold or offered to sell, or prepared for shipment, 2348  
shipped, transported, delivered, prepared for distribution, or 2349  
distributed one of the following items that are excluded from 2350  
the meaning of "controlled substance analog" under section 2351  
3719.01 of the Revised Code: 2352

(1) A controlled substance; 2353

(2) Any substance for which there is an approved new drug 2354  
application; 2355

(3) With respect to a particular person, any substance if 2356  
an exemption is in effect for investigational use for that 2357  
person pursuant to federal law to the extent that conduct with 2358  
respect to that substance is pursuant to that exemption. 2359

**Sec. 2925.11.** (A) No person shall knowingly obtain, 2360  
possess, or use a controlled substance or a controlled substance 2361  
analog. 2362

(B) (1) This section does not apply to any of the 2363  
following: 2364

(a) Manufacturers, licensed health professionals 2365  
authorized to prescribe drugs, pharmacists, owners of 2366  
pharmacies, and other persons whose conduct was in accordance 2367  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., ~~and~~ 2368  
4741., and 4772. of the Revised Code; 2369

(b) If the offense involves an anabolic steroid, any 2370  
person who is conducting or participating in a research project 2371  
involving the use of an anabolic steroid if the project has been 2372  
approved by the United States food and drug administration; 2373

(c) Any person who sells, offers for sale, prescribes, 2374  
dispenses, or administers for livestock or other nonhuman 2375  
species an anabolic steroid that is expressly intended for 2376  
administration through implants to livestock or other nonhuman 2377  
species and approved for that purpose under the "Federal Food, 2378  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 2379  
as amended, and is sold, offered for sale, prescribed, 2380  
dispensed, or administered for that purpose in accordance with 2381  
that act; 2382

(d) Any person who obtained the controlled substance 2383  
pursuant to a prescription issued by a licensed health 2384  
professional authorized to prescribe drugs if the prescription 2385  
was issued for a legitimate medical purpose and not altered, 2386  
forged, or obtained through deception or commission of a theft 2387  
offense. 2388

As used in division (B) (1) (d) of this section, "deception"	2389
and "theft offense" have the same meanings as in section 2913.01	2390
of the Revised Code.	2391
(2) (a) As used in division (B) (2) of this section:	2392
(i) "Community addiction services provider" has the same	2393
meaning as in section 5119.01 of the Revised Code.	2394
(ii) "Community control sanction" has the same meaning as	2395
in section 2929.01 of the Revised Code.	2396
(iii) "Health care facility" has the same meaning as in	2397
section 2919.16 of the Revised Code.	2398
(iv) "Minor drug possession offense" means a violation of	2399
this section that is a misdemeanor or a felony of the fifth	2400
degree.	2401
(v) "Post-release control sanction" has the same meaning	2402
as in section 2967.28 of the Revised Code.	2403
(vi) "Peace officer" has the same meaning as in section	2404
2935.01 of the Revised Code.	2405
(vii) "Public agency" has the same meaning as in section	2406
2930.01 of the Revised Code.	2407
(viii) "Qualified individual" means a person who is acting	2408
in good faith who seeks or obtains medical assistance for	2409
another person who is experiencing a drug overdose, a person who	2410
experiences a drug overdose and who seeks medical assistance for	2411
that overdose, or a person who is the subject of another person	2412
seeking or obtaining medical assistance for that overdose as	2413
described in division (B) (2) (b) of this section.	2414
(ix) "Seek or obtain medical assistance" includes, but is	2415

not limited to making a 9-1-1 call, contacting in person or by 2416  
telephone call an on-duty peace officer, or transporting or 2417  
presenting a person to a health care facility. 2418

(b) Subject to division (B) (2) (e) of this section, a 2419  
qualified individual shall not be arrested, charged, prosecuted, 2420  
convicted, or penalized pursuant to this chapter for a minor 2421  
drug possession offense or a violation of section 2925.12, 2422  
division (C) (1) of section 2925.14, or section 2925.141 of the 2423  
Revised Code if all of the following apply: 2424

(i) The evidence of the obtaining, possession, or use of 2425  
the controlled substance or controlled substance analog, drug 2426  
abuse instruments, or drug paraphernalia that would be the basis 2427  
of the offense was obtained as a result of the qualified 2428  
individual seeking the medical assistance or experiencing an 2429  
overdose and needing medical assistance. 2430

(ii) Subject to division (B) (2) (f) of this section, within 2431  
thirty days after seeking or obtaining the medical assistance, 2432  
the qualified individual seeks and obtains a screening and 2433  
receives a referral for treatment from a community addiction 2434  
services provider or a properly credentialed addiction treatment 2435  
professional. 2436

(iii) Subject to division (B) (2) (f) of this section, the 2437  
qualified individual who obtains a screening and receives a 2438  
referral for treatment under division (B) (2) (b) (ii) of this 2439  
section, upon the request of any prosecuting attorney, submits 2440  
documentation to the prosecuting attorney that verifies that the 2441  
qualified individual satisfied the requirements of that 2442  
division. The documentation shall be limited to the date and 2443  
time of the screening obtained and referral received. 2444

(c) If a person who is serving a community control 2445  
sanction or is under a sanction on post-release control acts 2446  
pursuant to division (B) (2) (b) of this section, then division 2447  
(B) of section 2929.141, division (B) (2) of section 2929.15, 2448  
division (D) (3) of section 2929.25, or division (F) (3) of 2449  
section 2967.28 of the Revised Code applies to the person with 2450  
respect to any violation of the sanction or post-release control 2451  
sanction based on a minor drug possession offense, as defined in 2452  
section 2925.11 of the Revised Code, or a violation of section 2453  
2925.12, division (C) (1) of section 2925.14, or section 2925.141 2454  
of the Revised Code. 2455

(d) Nothing in division (B) (2) (b) of this section shall be 2456  
construed to do any of the following: 2457

(i) Limit the admissibility of any evidence in connection 2458  
with the investigation or prosecution of a crime with regards to 2459  
a defendant who does not qualify for the protections of division 2460  
(B) (2) (b) of this section or with regards to any crime other 2461  
than a minor drug possession offense or a violation of section 2462  
2925.12, division (C) (1) of section 2925.14, or section 2925.141 2463  
of the Revised Code committed by a person who qualifies for 2464  
protection pursuant to division (B) (2) (b) of this section; 2465

(ii) Limit any seizure of evidence or contraband otherwise 2466  
permitted by law; 2467

(iii) Limit or abridge the authority of a peace officer to 2468  
detain or take into custody a person in the course of an 2469  
investigation or to effectuate an arrest for any offense except 2470  
as provided in that division; 2471

(iv) Limit, modify, or remove any immunity from liability 2472  
available pursuant to law in effect prior to September 13, 2016, 2473

to any public agency or to an employee of any public agency. 2474

(e) Division (B) (2) (b) of this section does not apply to 2475  
any person who twice previously has been granted an immunity 2476  
under division (B) (2) (b) of this section. No person shall be 2477  
granted an immunity under division (B) (2) (b) of this section 2478  
more than two times. 2479

(f) Nothing in this section shall compel any qualified 2480  
individual to disclose protected health information in a way 2481  
that conflicts with the requirements of the "Health Insurance 2482  
Portability and Accountability Act of 1996," 104 Pub. L. No. 2483  
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 2484  
regulations promulgated by the United States department of 2485  
health and human services to implement the act or the 2486  
requirements of 42 C.F.R. Part 2. 2487

(C) Whoever violates division (A) of this section is 2488  
guilty of one of the following: 2489

(1) If the drug involved in the violation is a compound, 2490  
mixture, preparation, or substance included in schedule I or II, 2491  
with the exception of marihuana, cocaine, L.S.D., heroin, any 2492  
fentanyl-related compound, hashish, and any controlled substance 2493  
analog, whoever violates division (A) of this section is guilty 2494  
of aggravated possession of drugs. The penalty for the offense 2495  
shall be determined as follows: 2496

(a) Except as otherwise provided in division (C) (1) (b), 2497  
(c), (d), or (e) of this section, aggravated possession of drugs 2498  
is a felony of the fifth degree, and division (B) of section 2499  
2929.13 of the Revised Code applies in determining whether to 2500  
impose a prison term on the offender. 2501

(b) If the amount of the drug involved equals or exceeds 2502

the bulk amount but is less than five times the bulk amount, 2503  
aggravated possession of drugs is a felony of the third degree, 2504  
and there is a presumption for a prison term for the offense. 2505

(c) If the amount of the drug involved equals or exceeds 2506  
five times the bulk amount but is less than fifty times the bulk 2507  
amount, aggravated possession of drugs is a felony of the second 2508  
degree, and the court shall impose as a mandatory prison term a 2509  
second degree felony mandatory prison term. 2510

(d) If the amount of the drug involved equals or exceeds 2511  
fifty times the bulk amount but is less than one hundred times 2512  
the bulk amount, aggravated possession of drugs is a felony of 2513  
the first degree, and the court shall impose as a mandatory 2514  
prison term a first degree felony mandatory prison term. 2515

(e) If the amount of the drug involved equals or exceeds 2516  
one hundred times the bulk amount, aggravated possession of 2517  
drugs is a felony of the first degree, the offender is a major 2518  
drug offender, and the court shall impose as a mandatory prison 2519  
term a maximum first degree felony mandatory prison term. 2520

(2) If the drug involved in the violation is a compound, 2521  
mixture, preparation, or substance included in schedule III, IV, 2522  
or V, whoever violates division (A) of this section is guilty of 2523  
possession of drugs. The penalty for the offense shall be 2524  
determined as follows: 2525

(a) Except as otherwise provided in division (C) (2) (b), 2526  
(c), or (d) of this section, possession of drugs is a 2527  
misdemeanor of the first degree or, if the offender previously 2528  
has been convicted of a drug abuse offense, a felony of the 2529  
fifth degree. 2530

(b) If the amount of the drug involved equals or exceeds 2531

the bulk amount but is less than five times the bulk amount, 2532  
possession of drugs is a felony of the fourth degree, and 2533  
division (C) of section 2929.13 of the Revised Code applies in 2534  
determining whether to impose a prison term on the offender. 2535

(c) If the amount of the drug involved equals or exceeds 2536  
five times the bulk amount but is less than fifty times the bulk 2537  
amount, possession of drugs is a felony of the third degree, and 2538  
there is a presumption for a prison term for the offense. 2539

(d) If the amount of the drug involved equals or exceeds 2540  
fifty times the bulk amount, possession of drugs is a felony of 2541  
the second degree, and the court shall impose upon the offender 2542  
as a mandatory prison term a second degree felony mandatory 2543  
prison term. 2544

(3) If the drug involved in the violation is marihuana or 2545  
a compound, mixture, preparation, or substance containing 2546  
marihuana other than hashish, whoever violates division (A) of 2547  
this section is guilty of possession of marihuana. The penalty 2548  
for the offense shall be determined as follows: 2549

(a) Except as otherwise provided in division (C) (3) (b), 2550  
(c), (d), (e), (f), or (g) of this section, possession of 2551  
marihuana is a minor misdemeanor. 2552

(b) If the amount of the drug involved equals or exceeds 2553  
one hundred grams but is less than two hundred grams, possession 2554  
of marihuana is a misdemeanor of the fourth degree. 2555

(c) If the amount of the drug involved equals or exceeds 2556  
two hundred grams but is less than one thousand grams, 2557  
possession of marihuana is a felony of the fifth degree, and 2558  
division (B) of section 2929.13 of the Revised Code applies in 2559  
determining whether to impose a prison term on the offender. 2560



(d) If the amount of the drug involved equals or exceeds 2561  
one thousand grams but is less than five thousand grams, 2562  
possession of marihuana is a felony of the third degree, and 2563  
division (C) of section 2929.13 of the Revised Code applies in 2564  
determining whether to impose a prison term on the offender. 2565

(e) If the amount of the drug involved equals or exceeds 2566  
five thousand grams but is less than twenty thousand grams, 2567  
possession of marihuana is a felony of the third degree, and 2568  
there is a presumption that a prison term shall be imposed for 2569  
the offense. 2570

(f) If the amount of the drug involved equals or exceeds 2571  
twenty thousand grams but is less than forty thousand grams, 2572  
possession of marihuana is a felony of the second degree, and 2573  
the court shall impose as a mandatory prison term a second 2574  
degree felony mandatory prison term of five, six, seven, or 2575  
eight years. 2576

(g) If the amount of the drug involved equals or exceeds 2577  
forty thousand grams, possession of marihuana is a felony of the 2578  
second degree, and the court shall impose as a mandatory prison 2579  
term a maximum second degree felony mandatory prison term. 2580

(4) If the drug involved in the violation is cocaine or a 2581  
compound, mixture, preparation, or substance containing cocaine, 2582  
whoever violates division (A) of this section is guilty of 2583  
possession of cocaine. The penalty for the offense shall be 2584  
determined as follows: 2585

(a) Except as otherwise provided in division (C) (4) (b), 2586  
(c), (d), (e), or (f) of this section, possession of cocaine is 2587  
a felony of the fifth degree, and division (B) of section 2588  
2929.13 of the Revised Code applies in determining whether to 2589

impose a prison term on the offender. 2590

(b) If the amount of the drug involved equals or exceeds 2591  
five grams but is less than ten grams of cocaine, possession of 2592  
cocaine is a felony of the fourth degree, and division (B) of 2593  
section 2929.13 of the Revised Code applies in determining 2594  
whether to impose a prison term on the offender. 2595

(c) If the amount of the drug involved equals or exceeds 2596  
ten grams but is less than twenty grams of cocaine, possession 2597  
of cocaine is a felony of the third degree, and, except as 2598  
otherwise provided in this division, there is a presumption for 2599  
a prison term for the offense. If possession of cocaine is a 2600  
felony of the third degree under this division and if the 2601  
offender two or more times previously has been convicted of or 2602  
pleaded guilty to a felony drug abuse offense, the court shall 2603  
impose as a mandatory prison term one of the prison terms 2604  
prescribed for a felony of the third degree. 2605

(d) If the amount of the drug involved equals or exceeds 2606  
twenty grams but is less than twenty-seven grams of cocaine, 2607  
possession of cocaine is a felony of the second degree, and the 2608  
court shall impose as a mandatory prison term a second degree 2609  
felony mandatory prison term. 2610

(e) If the amount of the drug involved equals or exceeds 2611  
twenty-seven grams but is less than one hundred grams of 2612  
cocaine, possession of cocaine is a felony of the first degree, 2613  
and the court shall impose as a mandatory prison term a first 2614  
degree felony mandatory prison term. 2615

(f) If the amount of the drug involved equals or exceeds 2616  
one hundred grams of cocaine, possession of cocaine is a felony 2617  
of the first degree, the offender is a major drug offender, and 2618

the court shall impose as a mandatory prison term a maximum 2619  
first degree felony mandatory prison term. 2620

(5) If the drug involved in the violation is L.S.D., 2621  
whoever violates division (A) of this section is guilty of 2622  
possession of L.S.D. The penalty for the offense shall be 2623  
determined as follows: 2624

(a) Except as otherwise provided in division (C) (5) (b), 2625  
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 2626  
felony of the fifth degree, and division (B) of section 2929.13 2627  
of the Revised Code applies in determining whether to impose a 2628  
prison term on the offender. 2629

(b) If the amount of L.S.D. involved equals or exceeds ten 2630  
unit doses but is less than fifty unit doses of L.S.D. in a 2631  
solid form or equals or exceeds one gram but is less than five 2632  
grams of L.S.D. in a liquid concentrate, liquid extract, or 2633  
liquid distillate form, possession of L.S.D. is a felony of the 2634  
fourth degree, and division (C) of section 2929.13 of the 2635  
Revised Code applies in determining whether to impose a prison 2636  
term on the offender. 2637

(c) If the amount of L.S.D. involved equals or exceeds 2638  
fifty unit doses, but is less than two hundred fifty unit doses 2639  
of L.S.D. in a solid form or equals or exceeds five grams but is 2640  
less than twenty-five grams of L.S.D. in a liquid concentrate, 2641  
liquid extract, or liquid distillate form, possession of L.S.D. 2642  
is a felony of the third degree, and there is a presumption for 2643  
a prison term for the offense. 2644

(d) If the amount of L.S.D. involved equals or exceeds two 2645  
hundred fifty unit doses but is less than one thousand unit 2646  
doses of L.S.D. in a solid form or equals or exceeds twenty-five 2647

grams but is less than one hundred grams of L.S.D. in a liquid  
concentrate, liquid extract, or liquid distillate form,  
possession of L.S.D. is a felony of the second degree, and the  
court shall impose as a mandatory prison term a second degree  
felony mandatory prison term.

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

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

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

(a) Except as otherwise provided in division (C) (6) (b),  
(c), (d), (e), or (f) of this section, possession of heroin 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 2678  
ten unit doses but is less than fifty unit doses or equals or 2679  
exceeds one gram but is less than five grams, possession of 2680  
heroin is a felony of the fourth degree, and division (C) of 2681  
section 2929.13 of the Revised Code applies in determining 2682  
whether to impose a prison term on the offender. 2683

(c) If the amount of the drug involved equals or exceeds 2684  
fifty unit doses but is less than one hundred unit doses or 2685  
equals or exceeds five grams but is less than ten grams, 2686  
possession of heroin is a felony of the third degree, and there 2687  
is a presumption for a prison term for the offense. 2688

(d) If the amount of the drug involved equals or exceeds 2689  
one hundred unit doses but is less than five hundred unit doses 2690  
or equals or exceeds ten grams but is less than fifty grams, 2691  
possession of heroin is a felony of the second degree, and the 2692  
court shall impose as a mandatory prison term a second degree 2693  
felony mandatory prison term. 2694

(e) If the amount of the drug involved equals or exceeds 2695  
five hundred unit doses but is less than one thousand unit doses 2696  
or equals or exceeds fifty grams but is less than one hundred 2697  
grams, possession of heroin is a felony of the first degree, and 2698  
the court shall impose as a mandatory prison term a first degree 2699  
felony mandatory prison term. 2700

(f) If the amount of the drug involved equals or exceeds 2701  
one thousand unit doses or equals or exceeds one hundred grams, 2702  
possession of heroin is a felony of the first degree, the 2703  
offender is a major drug offender, and the court shall impose as 2704  
a mandatory prison term a maximum first degree felony mandatory 2705  
prison term. 2706

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

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

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

(c) If the amount of the drug involved equals or exceeds ten grams but is less than fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish 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.

(d) 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, possession of 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.

(e) If the amount of the drug involved equals or exceeds 2737  
two hundred fifty grams but is less than one thousand grams of 2738  
hashish in a solid form or equals or exceeds fifty grams but is 2739  
less than two hundred grams of hashish in a liquid concentrate, 2740  
liquid extract, or liquid distillate form, possession of hashish 2741  
is a felony of the third degree, and there is a presumption that 2742  
a prison term shall be imposed for the offense. 2743

(f) If the amount of the drug involved equals or exceeds 2744  
one thousand grams but is less than two thousand grams of 2745  
hashish in a solid form or equals or exceeds two hundred grams 2746  
but is less than four hundred grams of hashish in a liquid 2747  
concentrate, liquid extract, or liquid distillate form, 2748  
possession of hashish is a felony of the second degree, and the 2749  
court shall impose as a mandatory prison term a second degree 2750  
felony mandatory prison term of five, six, seven, or eight 2751  
years. 2752

(g) If the amount of the drug involved equals or exceeds 2753  
two thousand grams of hashish in a solid form or equals or 2754  
exceeds four hundred grams of hashish in a liquid concentrate, 2755  
liquid extract, or liquid distillate form, possession of hashish 2756  
is a felony of the second degree, and the court shall impose as 2757  
a mandatory prison term a maximum second degree felony mandatory 2758  
prison term. 2759

(8) If the drug involved is a controlled substance analog 2760  
or compound, mixture, preparation, or substance that contains a 2761  
controlled substance analog, whoever violates division (A) of 2762  
this section is guilty of possession of a controlled substance 2763  
analog. The penalty for the offense shall be determined as 2764  
follows: 2765

(a) Except as otherwise provided in division (C) (8) (b), 2766

(c), (d), (e), or (f) of this section, possession of a controlled substance analog 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 grams but is less than twenty grams, possession of a controlled substance analog is a felony of the fourth degree, and there is a presumption for a prison term for the offense.

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

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

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

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

(9) If the drug involved in the violation is a compound, mixture, preparation, or substance that is a combination of a



fentanyl-related compound and marihuana, one of the following 2796  
applies: 2797

(a) Except as otherwise provided in division (C) (9) (b) of 2798  
this section, the offender is guilty of possession of marihuana 2799  
and shall be punished as provided in division (C) (3) of this 2800  
section. Except as otherwise provided in division (C) (9) (b) of 2801  
this section, the offender is not guilty of possession of a 2802  
fentanyl-related compound under division (C) (11) of this section 2803  
and shall not be charged with, convicted of, or punished under 2804  
division (C) (11) of this section for possession of a fentanyl- 2805  
related compound. 2806

(b) If the offender knows or has reason to know that the 2807  
compound, mixture, preparation, or substance that is the drug 2808  
involved contains a fentanyl-related compound, the offender is 2809  
guilty of possession of a fentanyl-related compound and shall be 2810  
punished under division (C) (11) of this section. 2811

(10) If the drug involved in the violation is a compound, 2812  
mixture, preparation, or substance that is a combination of a 2813  
fentanyl-related compound and any schedule III, schedule IV, or 2814  
schedule V controlled substance that is not a fentanyl-related 2815  
compound, one of the following applies: 2816

(a) Except as otherwise provided in division (C) (10) (b) of 2817  
this section, the offender is guilty of possession of drugs and 2818  
shall be punished as provided in division (C) (2) of this 2819  
section. Except as otherwise provided in division (C) (10) (b) of 2820  
this section, the offender is not guilty of possession of a 2821  
fentanyl-related compound under division (C) (11) of this section 2822  
and shall not be charged with, convicted of, or punished under 2823  
division (C) (11) of this section for possession of a fentanyl- 2824  
related compound. 2825

(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 2856  
third degree, and there is a presumption for a prison term for 2857  
the offense. 2858

(d) If the amount of the drug involved equals or exceeds 2859  
one hundred unit doses but is less than two hundred unit doses 2860  
or equals or exceeds ten grams but is less than twenty grams, 2861  
possession of a fentanyl-related compound is a felony of the 2862  
second degree, and the court shall impose as a mandatory prison 2863  
term one of the prison terms prescribed for a felony of the 2864  
second degree. 2865

(e) If the amount of the drug involved equals or exceeds 2866  
two hundred unit doses but is less than five hundred unit doses 2867  
or equals or exceeds twenty grams but is less than fifty grams, 2868  
possession of a fentanyl-related compound is a felony of the 2869  
first degree, and the court shall impose as a mandatory prison 2870  
term one of the prison terms prescribed for a felony of the 2871  
first degree. 2872

(f) If the amount of the drug involved equals or exceeds 2873  
five hundred unit doses but is less than one thousand unit doses 2874  
or equals or exceeds fifty grams but is less than one hundred 2875  
grams, possession of a fentanyl-related compound is a felony of 2876  
the first degree, and the court shall impose as a mandatory 2877  
prison term the maximum prison term prescribed for a felony of 2878  
the first degree. 2879

(g) If the amount of the drug involved equals or exceeds 2880  
one thousand unit doses or equals or exceeds one hundred grams, 2881  
possession of a fentanyl-related compound is a felony of the 2882  
first degree, the offender is a major drug offender, and the 2883  
court shall impose as a mandatory prison term the maximum prison 2884  
term prescribed for a felony of the first degree. 2885

(D) Arrest or conviction for a minor misdemeanor violation 2886  
of this section does not constitute a criminal record and need 2887  
not be reported by the person so arrested or convicted in 2888  
response to any inquiries about the person's criminal record, 2889  
including any inquiries contained in any application for 2890  
employment, license, or other right or privilege, or made in 2891  
connection with the person's appearance as a witness. 2892

(E) In addition to any prison term or jail term authorized 2893  
or required by division (C) of this section and sections 2894  
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2895  
Code and in addition to any other sanction that is imposed for 2896  
the offense under this section, sections 2929.11 to 2929.18, or 2897  
sections 2929.21 to 2929.28 of the Revised Code, the court that 2898  
sentences an offender who is convicted of or pleads guilty to a 2899  
violation of division (A) of this section may suspend the 2900  
offender's driver's or commercial driver's license or permit for 2901  
not more than five years. However, if the offender pleaded 2902  
guilty to or was convicted of a violation of section 4511.19 of 2903  
the Revised Code or a substantially similar municipal ordinance 2904  
or the law of another state or the United States arising out of 2905  
the same set of circumstances as the violation, the court shall 2906  
suspend the offender's driver's or commercial driver's license 2907  
or permit for not more than five years. If applicable, the court 2908  
also shall do the following: 2909

(1) (a) If the violation is a felony of the first, second, 2910  
or third degree, the court shall impose upon the offender the 2911  
mandatory fine specified for the offense under division (B) (1) 2912  
of section 2929.18 of the Revised Code unless, as specified in 2913  
that division, the court determines that the offender is 2914  
indigent. 2915

(b) Notwithstanding any contrary provision of section 2916  
3719.21 of the Revised Code, the clerk of the court shall pay a 2917  
mandatory fine or other fine imposed for a violation of this 2918  
section pursuant to division (A) of section 2929.18 of the 2919  
Revised Code in accordance with and subject to the requirements 2920  
of division (F) of section 2925.03 of the Revised Code. The 2921  
agency that receives the fine shall use the fine as specified in 2922  
division (F) of section 2925.03 of the Revised Code. 2923

(c) If a person is charged with a violation of this 2924  
section that is a felony of the first, second, or third degree, 2925  
posts bail, and forfeits the bail, the clerk shall pay the 2926  
forfeited bail pursuant to division (E) (1) (b) of this section as 2927  
if it were a mandatory fine imposed under division (E) (1) (a) of 2928  
this section. 2929

(2) If the offender is a professionally licensed person, 2930  
in addition to any other sanction imposed for a violation of 2931  
this section, the court immediately shall comply with section 2932  
2925.38 of the Revised Code. 2933

(F) It is an affirmative defense, as provided in section 2934  
2901.05 of the Revised Code, to a charge of a fourth degree 2935  
felony violation under this section that the controlled 2936  
substance that gave rise to the charge is in an amount, is in a 2937  
form, is prepared, compounded, or mixed with substances that are 2938  
not controlled substances in a manner, or is possessed under any 2939  
other circumstances, that indicate that the substance was 2940  
possessed solely for personal use. Notwithstanding any contrary 2941  
provision of this section, if, in accordance with section 2942  
2901.05 of the Revised Code, an accused who is charged with a 2943  
fourth degree felony violation of division (C) (2), (4), (5), or 2944  
(6) of this section sustains the burden of going forward with 2945

evidence of and establishes by a preponderance of the evidence 2946  
the affirmative defense described in this division, the accused 2947  
may be prosecuted for and may plead guilty to or be convicted of 2948  
a misdemeanor violation of division (C) (2) of this section or a 2949  
fifth degree felony violation of division (C) (4), (5), or (6) of 2950  
this section respectively. 2951

(G) When a person is charged with possessing a bulk amount 2952  
or multiple of a bulk amount, division (E) of section 2925.03 of 2953  
the Revised Code applies regarding the determination of the 2954  
amount of the controlled substance involved at the time of the 2955  
offense. 2956

(H) It is an affirmative defense to a charge of possession 2957  
of a controlled substance analog under division (C) (8) of this 2958  
section that the person charged with violating that offense 2959  
obtained, possessed, or used one of the following items that are 2960  
excluded from the meaning of "controlled substance analog" under 2961  
section 3719.01 of the Revised Code: 2962

(1) A controlled substance; 2963

(2) Any substance for which there is an approved new drug 2964  
application; 2965

(3) With respect to a particular person, any substance if 2966  
an exemption is in effect for investigational use for that 2967  
person pursuant to federal law to the extent that conduct with 2968  
respect to that substance is pursuant to that exemption. 2969

(I) Any offender who received a mandatory suspension of 2970  
the offender's driver's or commercial driver's license or permit 2971  
under this section prior to September 13, 2016, may file a 2972  
motion with the sentencing court requesting the termination of 2973  
the suspension. However, an offender who pleaded guilty to or 2974

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) (1) 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.~~, and 4772. of the Revised Code.

(2) Division (B) (2) of section 2925.11 of the Revised Code applies with respect to a violation of this section when a person seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person experiences a drug overdose and seeks medical assistance for that overdose, or a person is the subject of another person seeking or obtaining

medical assistance for that overdose. 3005

(C) Whoever violates this section is guilty of possessing 3006  
drug abuse instruments, a misdemeanor of the second degree. If 3007  
the offender previously has been convicted of a drug abuse 3008  
offense, a violation of this section is a misdemeanor of the 3009  
first degree. 3010

(D) (1) In addition to any other sanction imposed upon an 3011  
offender for a violation of this section, the court may suspend 3012  
for not more than five years the offender's driver's or 3013  
commercial driver's license or permit. However, if the offender 3014  
pleaded guilty to or was convicted of a violation of section 3015  
4511.19 of the Revised Code or a substantially similar municipal 3016  
ordinance or the law of another state or the United States 3017  
arising out of the same set of circumstances as the violation, 3018  
the court shall suspend the offender's driver's or commercial 3019  
driver's license or permit for not more than five years. If the 3020  
offender is a professionally licensed person, in addition to any 3021  
other sanction imposed for a violation of this section, the 3022  
court immediately shall comply with section 2925.38 of the 3023  
Revised Code. 3024

(2) Any offender who received a mandatory suspension of 3025  
the offender's driver's or commercial driver's license or permit 3026  
under this section prior to September 13, 2016, may file a 3027  
motion with the sentencing court requesting the termination of 3028  
the suspension. However, an offender who pleaded guilty to or 3029  
was convicted of a violation of section 4511.19 of the Revised 3030  
Code or a substantially similar municipal ordinance or law of 3031  
another state or the United States that arose out of the same 3032  
set of circumstances as the violation for which the offender's 3033  
license or permit was suspended under this section shall not 3034



file such a motion. 3035

Upon the filing of a motion under division (D)(2) of this 3036  
section, the sentencing court, in its discretion, may terminate 3037  
the suspension. 3038

**Sec. 2925.14.** (A) As used in this section, "drug 3039  
paraphernalia" means any equipment, product, or material of any 3040  
kind that is used by the offender, intended by the offender for 3041  
use, or designed for use, in propagating, cultivating, growing, 3042  
harvesting, manufacturing, compounding, converting, producing, 3043  
processing, preparing, testing, analyzing, packaging, 3044  
repackaging, storing, containing, concealing, injecting, 3045  
ingesting, inhaling, or otherwise introducing into the human 3046  
body, a controlled substance in violation of this chapter. "Drug 3047  
paraphernalia" includes, but is not limited to, any of the 3048  
following equipment, products, or materials that are used by the 3049  
offender, intended by the offender for use, or designed by the 3050  
offender for use, in any of the following manners: 3051

(1) A kit for propagating, cultivating, growing, or 3052  
harvesting any species of a plant that is a controlled substance 3053  
or from which a controlled substance can be derived; 3054

(2) A kit for manufacturing, compounding, converting, 3055  
producing, processing, or preparing a controlled substance; 3056

(3) Any object, instrument, or device for manufacturing, 3057  
compounding, converting, producing, processing, or preparing 3058  
methamphetamine; 3059

(4) An isomerization device for increasing the potency of 3060  
any species of a plant that is a controlled substance; 3061

(5) Testing equipment for identifying, or analyzing the 3062

strength, effectiveness, or purity of, a controlled substance,	3063
except for those exempted in division (D)(4) of this section;	3064
(6) A scale or balance for weighing or measuring a	3065
controlled substance;	3066
(7) A diluent or adulterant, such as quinine	3067
hydrochloride, mannitol, mannite, dextrose, or lactose, for	3068
cutting a controlled substance;	3069
(8) A separation gin or sifter for removing twigs and	3070
seeds from, or otherwise cleaning or refining, marihuana;	3071
(9) A blender, bowl, container, spoon, or mixing device	3072
for compounding a controlled substance;	3073
(10) A capsule, balloon, envelope, or container for	3074
packaging small quantities of a controlled substance;	3075
(11) A container or device for storing or concealing a	3076
controlled substance;	3077
(12) A hypodermic syringe, needle, or instrument for	3078
parenterally injecting a controlled substance into the human	3079
body;	3080
(13) An object, instrument, or device for ingesting,	3081
inhaling, or otherwise introducing into the human body,	3082
marihuana, cocaine, hashish, or hashish oil, such as a metal,	3083
wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or	3084
without a screen, permanent screen, hashish head, or punctured	3085
metal bowl; water pipe; carburetion tube or device; smoking or	3086
carburetion mask; roach clip or similar object used to hold	3087
burning material, such as a marihuana cigarette, that has become	3088
too small or too short to be held in the hand; miniature cocaine	3089
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric	3090

pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 3091

(B) In determining if any equipment, product, or material 3092  
is drug paraphernalia, a court or law enforcement officer shall 3093  
consider, in addition to other relevant factors, the following: 3094

(1) Any statement by the owner, or by anyone in control, 3095  
of the equipment, product, or material, concerning its use; 3096

(2) The proximity in time or space of the equipment, 3097  
product, or material, or of the act relating to the equipment, 3098  
product, or material, to a violation of any provision of this 3099  
chapter; 3100

(3) The proximity of the equipment, product, or material 3101  
to any controlled substance; 3102

(4) The existence of any residue of a controlled substance 3103  
on the equipment, product, or material; 3104

(5) Direct or circumstantial evidence of the intent of the 3105  
owner, or of anyone in control, of the equipment, product, or 3106  
material, to deliver it to any person whom the owner or person 3107  
in control of the equipment, product, or material knows intends 3108  
to use the object to facilitate a violation of any provision of 3109  
this chapter. A finding that the owner, or anyone in control, of 3110  
the equipment, product, or material, is not guilty of a 3111  
violation of any other provision of this chapter does not 3112  
prevent a finding that the equipment, product, or material was 3113  
intended or designed by the offender for use as drug 3114  
paraphernalia. 3115

(6) Any oral or written instruction provided with the 3116  
equipment, product, or material concerning its use; 3117

(7) Any descriptive material accompanying the equipment, 3118

product, or material and explaining or depicting its use;	3119
(8) National or local advertising concerning the use of the equipment, product, or material;	3120 3121
(9) The manner and circumstances in which the equipment, product, or material is displayed for sale;	3122 3123
(10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product, or material to the total sales of the business enterprise;	3124 3125 3126
(11) The existence and scope of legitimate uses of the equipment, product, or material in the community;	3127 3128
(12) Expert testimony concerning the use of the equipment, product, or material.	3129 3130
(C) (1) Subject to divisions (D) (2), (3), and (4) of this section, no person shall knowingly use, or possess with purpose to use, drug paraphernalia.	3131 3132 3133
(2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product, or material will be used as drug paraphernalia.	3134 3135 3136 3137
(3) No person shall place an advertisement in any newspaper, magazine, handbill, or other publication that is published and printed and circulates primarily within this state, if the person knows that the purpose of the advertisement is to promote the illegal sale in this state of the equipment, product, or material that the offender intended or designed for use as drug paraphernalia.	3138 3139 3140 3141 3142 3143 3144
(D) (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs,	3145 3146

pharmacists, owners of pharmacies, and other persons whose 3147  
conduct is in accordance with Chapters 3719., 4715., 4723., 3148  
4729., 4730., 4731., ~~and 4741.~~, and 4772. of the Revised Code. 3149  
This section shall not be construed to prohibit the possession 3150  
or use of a hypodermic as authorized by section 3719.172 of the 3151  
Revised Code. 3152

(2) Division (C) (1) of this section does not apply to a 3153  
person's use, or possession with purpose to use, any drug 3154  
paraphernalia that is equipment, a product, or material of any 3155  
kind that is used by the person, intended by the person for use, 3156  
or designed for use in storing, containing, concealing, 3157  
injecting, ingesting, inhaling, or otherwise introducing into 3158  
the human body marihuana. 3159

(3) Division (B) (2) of section 2925.11 of the Revised Code 3160  
applies with respect to a violation of division (C) (1) of this 3161  
section when a person seeks or obtains medical assistance for 3162  
another person who is experiencing a drug overdose, a person 3163  
experiences a drug overdose and seeks medical assistance for 3164  
that overdose, or a person is the subject of another person 3165  
seeking or obtaining medical assistance for that overdose. 3166

(4) Division (C) (1) of this section does not apply to a 3167  
person's use, or possession with purpose to use, any drug 3168  
testing strips to determine the presence of fentanyl or a 3169  
fentanyl-related compound. 3170

(E) Notwithstanding Chapter 2981. of the Revised Code, any 3171  
drug paraphernalia that was used, possessed, sold, or 3172  
manufactured in a violation of this section shall be seized, 3173  
after a conviction for that violation shall be forfeited, and 3174  
upon forfeiture shall be disposed of pursuant to division (B) of 3175  
section 2981.12 of the Revised Code. 3176

(F) (1) Whoever violates division (C) (1) of this section is	3177
guilty of illegal use or possession of drug paraphernalia, a	3178
misdemeanor of the fourth degree.	3179
(2) Except as provided in division (F) (3) of this section,	3180
whoever violates division (C) (2) of this section is guilty of	3181
dealing in drug paraphernalia, a misdemeanor of the second	3182
degree.	3183
(3) Whoever violates division (C) (2) of this section by	3184
selling drug paraphernalia to a juvenile is guilty of selling	3185
drug paraphernalia to juveniles, a misdemeanor of the first	3186
degree.	3187
(4) Whoever violates division (C) (3) of this section is	3188
guilty of illegal advertising of drug paraphernalia, a	3189
misdemeanor of the second degree.	3190
(G) (1) In addition to any other sanction imposed upon an	3191
offender for a violation of this section, the court may suspend	3192
for not more than five years the offender's driver's or	3193
commercial driver's license or permit. However, if the offender	3194
pleaded guilty to or was convicted of a violation of section	3195
4511.19 of the Revised Code or a substantially similar municipal	3196
ordinance or the law of another state or the United States	3197
arising out of the same set of circumstances as the violation,	3198
the court shall suspend the offender's driver's or commercial	3199
driver's license or permit for not more than five years. If the	3200
offender is a professionally licensed person, in addition to any	3201
other sanction imposed for a violation of this section, the	3202
court immediately shall comply with section 2925.38 of the	3203
Revised Code.	3204
(2) Any offender who received a mandatory suspension of	3205

the offender's driver's or commercial driver's license or permit 3206  
under this section prior to September 13, 2016, may file a 3207  
motion with the sentencing court requesting the termination of 3208  
the suspension. However, an offender who pleaded guilty to or 3209  
was convicted of a violation of section 4511.19 of the Revised 3210  
Code or a substantially similar municipal ordinance or law of 3211  
another state or the United States that arose out of the same 3212  
set of circumstances as the violation for which the offender's 3213  
license or permit was suspended under this section shall not 3214  
file such a motion. 3215

Upon the filing of a motion under division (G)(2) of this 3216  
section, the sentencing court, in its discretion, may terminate 3217  
the suspension. 3218

**Sec. 2925.23.** (A) No person shall knowingly make a false 3219  
statement in any prescription, order, report, or record required 3220  
by Chapter 3719. or 4729. of the Revised Code. 3221

(B) No person shall intentionally make, utter, or sell, or 3222  
knowingly possess any of the following that is a false or 3223  
forged: 3224

(1) Prescription; 3225

(2) Uncompleted preprinted prescription blank used for 3226  
writing a prescription; 3227

(3) Official written order; 3228

(4) License for a terminal distributor of dangerous drugs, 3229  
as defined in section 4729.01 of the Revised Code; 3230

(5) License for a manufacturer of dangerous drugs, 3231  
outsourcing facility, third-party logistics provider, repackager 3232  
of dangerous drugs, or wholesale distributor of dangerous drugs, 3233

as defined in section 4729.01 of the Revised Code.	3234
(C) No person, by theft as defined in section 2913.02 of the Revised Code, shall acquire any of the following:	3235
	3236
(1) A prescription;	3237
(2) An uncompleted preprinted prescription blank used for writing a prescription;	3238
	3239
(3) An official written order;	3240
(4) A blank official written order;	3241
(5) A license or blank license for a terminal distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code;	3242
	3243
	3244
(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.	3245
	3246
	3247
	3248
	3249
(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs.	3250
	3251
	3252
(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., <del>and 4741., 4772.</del> of the Revised Code.	3253
	3254
	3255
	3256
	3257
	3258
(F) Whoever violates this section is guilty of illegal processing of drug documents. If the offender violates division	3259
	3260



(B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this 3261  
section, illegal processing of drug documents is a felony of the 3262  
fifth degree. If the offender violates division (A), division 3263  
(B) (1) or (3), division (C) (1) or (3), or division (D) of this 3264  
section, the penalty for illegal processing of drug documents 3265  
shall be determined as follows: 3266

(1) If the drug involved is a compound, mixture, 3267  
preparation, or substance included in schedule I or II, with the 3268  
exception of marihuana, illegal processing of drug documents is 3269  
a felony of the fourth degree, and division (C) of section 3270  
2929.13 of the Revised Code applies in determining whether to 3271  
impose a prison term on the offender. 3272

(2) If the drug involved is a dangerous drug or a 3273  
compound, mixture, preparation, or substance included in 3274  
schedule III, IV, or V or is marihuana, illegal processing of 3275  
drug documents is a felony of the fifth degree, and division (C) 3276  
of section 2929.13 of the Revised Code applies in determining 3277  
whether to impose a prison term on the offender. 3278

(G) (1) In addition to any prison term authorized or 3279  
required by division (F) of this section and sections 2929.13 3280  
and 2929.14 of the Revised Code and in addition to any other 3281  
sanction imposed for the offense under this section or sections 3282  
2929.11 to 2929.18 of the Revised Code, the court that sentences 3283  
an offender who is convicted of or pleads guilty to any 3284  
violation of divisions (A) to (D) of this section may suspend 3285  
for not more than five years the offender's driver's or 3286  
commercial driver's license or permit. However, if the offender 3287  
pleaded guilty to or was convicted of a violation of section 3288  
4511.19 of the Revised Code or a substantially similar municipal 3289  
ordinance or the law of another state or the United States 3290

arising out of the same set of circumstances as the violation, 3291  
the court shall suspend the offender's driver's or commercial 3292  
driver's license or permit for not more than five years. 3293

If the offender is a professionally licensed person, in 3294  
addition to any other sanction imposed for a violation of this 3295  
section, the court immediately shall comply with section 2925.38 3296  
of the Revised Code. 3297

(2) Any offender who received a mandatory suspension of 3298  
the offender's driver's or commercial driver's license or permit 3299  
under this section prior to September 13, 2016, may file a 3300  
motion with the sentencing court requesting the termination of 3301  
the suspension. However, an offender who pleaded guilty to or 3302  
was convicted of a violation of section 4511.19 of the Revised 3303  
Code or a substantially similar municipal ordinance or law of 3304  
another state or the United States that arose out of the same 3305  
set of circumstances as the violation for which the offender's 3306  
license or permit was suspended under this section shall not 3307  
file such a motion. 3308

Upon the filing of a motion under division (G) (2) of this 3309  
section, the sentencing court, in its discretion, may terminate 3310  
the suspension. 3311

(H) Notwithstanding any contrary provision of section 3312  
3719.21 of the Revised Code, the clerk of court shall pay a fine 3313  
imposed for a violation of this section pursuant to division (A) 3314  
of section 2929.18 of the Revised Code in accordance with and 3315  
subject to the requirements of division (F) of section 2925.03 3316  
of the Revised Code. The agency that receives the fine shall use 3317  
the fine as specified in division (F) of section 2925.03 of the 3318  
Revised Code. 3319

**Sec. 2925.36.** (A) No person shall knowingly furnish 3320  
another a sample drug. 3321

(B) Division (A) of this section does not apply to 3322  
manufacturers, wholesalers, pharmacists, owners of pharmacies, 3323  
licensed health professionals authorized to prescribe drugs, and 3324  
other persons whose conduct is in accordance with Chapters 3325  
3719., 4715., 4723., 4725., 4729., 4730., 4731., ~~and 4741.~~, and  
4772. of the Revised Code. 3326  
3327

(C) (1) Whoever violates this section is guilty of illegal 3328  
dispensing of drug samples. 3329

(2) If the drug involved in the offense is a compound, 3330  
mixture, preparation, or substance included in schedule I or II, 3331  
with the exception of marihuana, the penalty for the offense 3332  
shall be determined as follows: 3333

(a) Except as otherwise provided in division (C) (2) (b) of 3334  
this section, illegal dispensing of drug samples is a felony of 3335  
the fifth degree, and, subject to division (E) of this section, 3336  
division (C) of section 2929.13 of the Revised Code applies in 3337  
determining whether to impose a prison term on the offender. 3338

(b) If the offense was committed in the vicinity of a 3339  
school or in the vicinity of a juvenile, illegal dispensing of 3340  
drug samples is a felony of the fourth degree, and, subject to 3341  
division (E) of this section, division (C) of section 2929.13 of 3342  
the Revised Code applies in determining whether to impose a 3343  
prison term on the offender. 3344

(3) If the drug involved in the offense is a dangerous 3345  
drug or a compound, mixture, preparation, or substance included 3346  
in schedule III, IV, or V, or is marihuana, the penalty for the 3347  
offense shall be determined as follows: 3348

(a) Except as otherwise provided in division (C) (3) (b) of 3349  
this section, illegal dispensing of drug samples is a 3350  
misdemeanor of the second degree. 3351

(b) If the offense was committed in the vicinity of a 3352  
school or in the vicinity of a juvenile, illegal dispensing of 3353  
drug samples is a misdemeanor of the first degree. 3354

(D) (1) In addition to any prison term authorized or 3355  
required by division (C) or (E) of this section and sections 3356  
2929.13 and 2929.14 of the Revised Code and in addition to any 3357  
other sanction imposed for the offense under this section or 3358  
sections 2929.11 to 2929.18 of the Revised Code, the court that 3359  
sentences an offender who is convicted of or pleads guilty to a 3360  
violation of division (A) of this section may suspend for not 3361  
more than five years the offender's driver's or commercial 3362  
driver's license or permit. However, if the offender pleaded 3363  
guilty to or was convicted of a violation of section 4511.19 of 3364  
the Revised Code or a substantially similar municipal ordinance 3365  
or the law of another state or the United States arising out of 3366  
the same set of circumstances as the violation, the court shall 3367  
suspend the offender's driver's or commercial driver's license 3368  
or permit for not more than five years. 3369

If the offender is a professionally licensed person, in 3370  
addition to any other sanction imposed for a violation of this 3371  
section, the court immediately shall comply with section 2925.38 3372  
of the Revised Code. 3373

(2) Any offender who received a mandatory suspension of 3374  
the offender's driver's or commercial driver's license or permit 3375  
under this section prior to September 13, 2016, may file a 3376  
motion with the sentencing court requesting the termination of 3377  
the suspension. However, an offender who pleaded guilty to or 3378

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.

<b>Sec. 2925.55.</b> (A) As used in sections 2925.55 to 2925.58	3409
of the Revised Code:	3410
(1) "Consumer product" means any food or drink that is	3411
consumed or used by humans and any drug, including a drug that	3412
may be provided legally only pursuant to a prescription, that is	3413
intended to be consumed or used by humans.	3414
(2) "Terminal distributor of dangerous drugs" has the same	3415
meaning as in section 4729.01 of the Revised Code.	3416
(3) "Pseudoephedrine" means any material, compound,	3417
mixture, or preparation that contains any quantity of	3418
pseudoephedrine, any of its salts, optical isomers, or salts of	3419
optical isomers.	3420
(4) "Pseudoephedrine product" means a consumer product	3421
that contains pseudoephedrine.	3422
(5) "Retailer" means a place of business that offers	3423
consumer products for sale to the general public.	3424
(6) "Single-ingredient preparation" means a compound,	3425
mixture, preparation, or substance that contains a single active	3426
ingredient.	3427
(7) "Ephedrine" means any material, compound, mixture, or	3428
preparation that contains any quantity of ephedrine, any of its	3429
salts, optical isomers, or salts of optical isomers.	3430
(8) "Ephedrine product" means a consumer product that	3431
contains ephedrine.	3432
(B) (1) No individual shall knowingly purchase, receive, or	3433
otherwise acquire an amount of pseudoephedrine product or	3434
ephedrine product that is greater than either of the following	3435
unless the pseudoephedrine product or ephedrine product is	3436

dispensed by a pharmacist pursuant to a valid prescription 3437  
issued by a licensed health professional authorized to prescribe 3438  
drugs and the conduct of the pharmacist and the licensed health 3439  
professional authorized to prescribe drugs is in accordance with 3440  
Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or~~4741., or  
4772. of the Revised Code: 3441  
3442

(a) Three and six tenths grams within a period of a single 3443  
day; 3444

(b) Nine grams within a period of thirty consecutive days. 3445

The limits specified in divisions (B) (1) (a) and (b) of 3446  
this section apply to the total amount of base pseudoephedrine 3447  
or base ephedrine in the pseudoephedrine product or ephedrine 3448  
product, respectively. The limits do not apply to the product's 3449  
overall weight. 3450

(2) It is not a violation of division (B) (1) of this 3451  
section for an individual to receive or accept more than an 3452  
amount of pseudoephedrine product or ephedrine product specified 3453  
in division (B) (1) (a) or (b) of this section if the individual 3454  
is an employee of a retailer or terminal distributor of 3455  
dangerous drugs, and the employee receives or accepts from the 3456  
retailer or terminal distributor of dangerous drugs the 3457  
pseudoephedrine product or ephedrine product in a sealed 3458  
container in connection with manufacturing, warehousing, 3459  
placement, stocking, bagging, loading, or unloading of the 3460  
product. 3461

(C) (1) No individual under eighteen years of age shall 3462  
knowingly purchase, receive, or otherwise acquire a 3463  
pseudoephedrine product or ephedrine product unless the 3464  
pseudoephedrine product or ephedrine product is dispensed by a 3465

pharmacist pursuant to a valid prescription issued by a licensed 3466  
health professional authorized to prescribe drugs and the 3467  
conduct of the pharmacist and the licensed health professional 3468  
authorized to prescribe drugs is in accordance with Chapter 3469  
3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~, or 4772. of 3470  
the Revised Code. 3471

(2) Division (C)(1) of this section does not apply to an 3472  
individual under eighteen years of age who purchases, receives, 3473  
or otherwise acquires a pseudoephedrine product or ephedrine 3474  
product from any of the following: 3475

(a) A licensed health professional authorized to prescribe 3476  
drugs or pharmacist who dispenses, sells, or otherwise provides 3477  
the pseudoephedrine product or ephedrine product to that 3478  
individual and whose conduct is in accordance with Chapter 3479  
3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~, or 4772. of 3480  
the Revised Code; 3481

(b) A parent or guardian of that individual who provides 3482  
the pseudoephedrine product or ephedrine product to the 3483  
individual; 3484

(c) A person, as authorized by that individual's parent or 3485  
guardian, who dispenses, sells, or otherwise provides the 3486  
pseudoephedrine product or ephedrine product to the individual; 3487

(d) A retailer or terminal distributor of dangerous drugs 3488  
who provides the pseudoephedrine product or ephedrine product to 3489  
that individual if the individual is an employee of the retailer 3490  
or terminal distributor of dangerous drugs and the individual 3491  
receives or accepts from the retailer or terminal distributor of 3492  
dangerous drugs the pseudoephedrine product or ephedrine product 3493  
in a sealed container in connection with manufacturing, 3494



warehousing, placement, stocking, bagging, loading, or unloading	3495
of the product.	3496
(D) No individual under eighteen years of age shall	3497
knowingly show or give false information concerning the	3498
individual's name, age, or other identification for the purpose	3499
of purchasing, receiving, or otherwise acquiring a	3500
pseudoephedrine product or ephedrine product.	3501
(E) No individual shall knowingly fail to comply with the	3502
requirements of division (B) of section 3715.051 of the Revised	3503
Code.	3504
(F) Whoever violates division (B) (1) of this section is	3505
guilty of unlawful purchase of a pseudoephedrine product or	3506
ephedrine product, a misdemeanor of the first degree.	3507
(G) Whoever violates division (C) (1) of this section is	3508
guilty of underage purchase of a pseudoephedrine product or	3509
ephedrine product, a delinquent act that would be a misdemeanor	3510
of the fourth degree if it could be committed by an adult.	3511
(H) Whoever violates division (D) of this section is	3512
guilty of using false information to purchase a pseudoephedrine	3513
product or ephedrine product, a delinquent act that would be a	3514
misdemeanor of the first degree if it could be committed by an	3515
adult.	3516
(I) Whoever violates division (E) of this section is	3517
guilty of improper purchase of a pseudoephedrine product or	3518
ephedrine product, a misdemeanor of the fourth degree.	3519
<b>Sec. 2925.56.</b> (A) (1) Except as provided in division (A)	3520
(2) of this section, no retailer or terminal distributor of	3521
dangerous drugs or an employee of a retailer or terminal	3522

distributor of dangerous drugs shall knowingly sell, offer to 3523  
sell, hold for sale, deliver, or otherwise provide to any 3524  
individual an amount of pseudoephedrine product or ephedrine 3525  
product that is greater than either of the following: 3526

(a) Three and ~~sixtenths~~ six-tenths grams within a period 3527  
of a single day; 3528

(b) Nine grams within a period of thirty consecutive days. 3529

The maximum amounts specified in divisions (A) (1) (a) and 3530  
(b) of this section apply to the total amount of base 3531  
pseudoephedrine or base ephedrine in the pseudoephedrine product 3532  
or ephedrine product, respectively. The maximum amounts do not 3533  
apply to the product's overall weight. 3534

(2) (a) Division (A) (1) of this section does not apply to 3535  
any quantity of pseudoephedrine product or ephedrine product 3536  
dispensed by a pharmacist pursuant to a valid prescription 3537  
issued by a licensed health professional authorized to prescribe 3538  
drugs if the conduct of the pharmacist and the licensed health 3539  
professional authorized to prescribe drugs is in accordance with 3540  
Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or~~ 4741., or 3541  
4772. of the Revised Code. 3542

(b) It is not a violation of division (A) (1) of this 3543  
section for a retailer, terminal distributor of dangerous drugs, 3544  
or employee of either to provide to an individual more than an 3545  
amount of pseudoephedrine product or ephedrine product specified 3546  
in division (A) (1) (a) or (b) of this section under either of the 3547  
following circumstances: 3548

(i) The individual is an employee of the retailer or 3549  
terminal distributor of dangerous drugs, and the employee 3550  
receives or accepts from the retailer, terminal distributor of 3551

dangerous drugs, or employee the pseudoephedrine product or 3552  
ephedrine product in a sealed container in connection with 3553  
manufacturing, warehousing, placement, stocking, bagging, 3554  
loading, or unloading of the product; 3555

(ii) A stop-sale alert is generated after the submission 3556  
of information to the national precursor log exchange under the 3557  
conditions described in division (A) (2) of section 3715.052 of 3558  
the Revised Code. 3559

(B) (1) Except as provided in division (B) (2) of this 3560  
section, no retailer or terminal distributor of dangerous drugs 3561  
or an employee of a retailer or terminal distributor of 3562  
dangerous drugs shall sell, offer to sell, hold for sale, 3563  
deliver, or otherwise provide a pseudoephedrine product or 3564  
ephedrine product to an individual who is under eighteen years 3565  
of age. 3566

(2) Division (B) (1) of this section does not apply to any 3567  
of the following: 3568

(a) A licensed health professional authorized to prescribe 3569  
drugs or pharmacist who dispenses, sells, or otherwise provides 3570  
a pseudoephedrine product or ephedrine product to an individual 3571  
under eighteen years of age and whose conduct is in accordance 3572  
with Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~ 3573  
or 4772. of the Revised Code; 3574

(b) A parent or guardian of an individual under eighteen 3575  
years of age who provides a pseudoephedrine product or ephedrine 3576  
product to the individual; 3577

(c) A person who, as authorized by the individual's parent 3578  
or guardian, dispenses, sells, or otherwise provides a 3579  
pseudoephedrine product or ephedrine product to an individual 3580

under eighteen years of age;	3581
(d) The provision by a retailer, terminal distributor of	3582
dangerous drugs, or employee of either of a pseudoephedrine	3583
product or ephedrine product in a sealed container to an	3584
employee of the retailer or terminal distributor of dangerous	3585
drugs who is under eighteen years of age in connection with	3586
manufacturing, warehousing, placement, stocking, bagging,	3587
loading, or unloading of the product.	3588
(C) No retailer or terminal distributor of dangerous drugs	3589
shall fail to comply with the requirements of division (A) of	3590
section 3715.051 or division (A) (2) of section 3715.052 of the	3591
Revised Code.	3592
(D) No retailer or terminal distributor of dangerous drugs	3593
shall fail to comply with the requirements of division (A) (1) of	3594
section 3715.052 of the Revised Code.	3595
(E) Whoever violates division (A) (1) of this section is	3596
guilty of unlawfully selling a pseudoephedrine product or	3597
ephedrine product, a misdemeanor of the first degree.	3598
(F) Whoever violates division (B) (1) of this section is	3599
guilty of unlawfully selling a pseudoephedrine product or	3600
ephedrine product to a minor, a misdemeanor of the fourth	3601
degree.	3602
(G) Whoever violates division (C) of this section is	3603
guilty of improper sale of a pseudoephedrine product or	3604
ephedrine product, a misdemeanor of the second degree.	3605
(H) Whoever violates division (D) of this section is	3606
guilty of failing to submit information to the national	3607
precursor log exchange, a misdemeanor for which the offender	3608

shall be fined not more than one thousand dollars per violation. 3609

**Sec. 2929.42.** (A) The prosecutor in any case against any 3610  
person licensed, certified, registered, or otherwise authorized 3611  
to practice under Chapter 3719., 4715., 4723., 4729., 4730., 3612  
4731., 4734., ~~or 4741.~~ or 4772. of the Revised Code shall 3613  
notify the appropriate licensing board, on forms provided by the 3614  
board, of any of the following regarding the person: 3615

(1) A plea of guilty to, or a conviction of, a felony, or 3616  
a court order dismissing a felony charge on technical or 3617  
procedural grounds; 3618

(2) A plea of guilty to, or a conviction of, a misdemeanor 3619  
committed in the course of practice or in the course of 3620  
business, or a court order dismissing such a misdemeanor charge 3621  
on technical or procedural grounds; 3622

(3) A plea of guilty to, or a conviction of, a misdemeanor 3623  
involving moral turpitude, or a court order dismissing such a 3624  
charge on technical or procedural grounds. 3625

(B) The report required by division (A) of this section 3626  
shall include the name and address of the person, the nature of 3627  
the offense, and certified copies of court entries in the 3628  
action. 3629

**Sec. 3701.048.** (A) As used in this section: 3630

(1) "Board of health" means the board of health of a city 3631  
or general health district or the authority having the duties of 3632  
a board of health under section 3709.05 of the Revised Code. 3633

(2) "Controlled substance" has the same meaning as in 3634  
section 3719.01 of the Revised Code. 3635

(3) "Drug," "dangerous drug," and "licensed health 3636

professional authorized to prescribe drugs" have the same 3637  
meanings as in section 4729.01 of the Revised Code. 3638

(4) "Registered volunteer" has the same meaning as in 3639  
section 5502.281 of the Revised Code. 3640

(B) In consultation with the appropriate professional 3641  
regulatory boards of this state, the director of health shall 3642  
develop one or more protocols that authorize the following 3643  
individuals to administer, deliver, or distribute drugs, other 3644  
than schedule II and III controlled substances, during a period 3645  
of time described in division (E) of this section, 3646  
notwithstanding any statute or rule that otherwise prohibits or 3647  
restricts the administration, delivery, or distribution of drugs 3648  
by those individuals: 3649

(1) A physician authorized under Chapter 4731. of the 3650  
Revised Code to practice medicine and surgery, osteopathic 3651  
medicine and surgery, or podiatric medicine and surgery; 3652

(2) A physician assistant licensed under Chapter 4730. of 3653  
the Revised Code; 3654

(3) A dentist or dental hygienist licensed under Chapter 3655  
4715. of the Revised Code; 3656

(4) A registered nurse licensed under Chapter 4723. of the 3657  
Revised Code, including an advanced practice registered nurse, 3658  
as defined in section 4723.01 of the Revised Code; 3659

(5) A licensed practical nurse licensed under Chapter 3660  
4723. of the Revised Code; 3661

(6) An optometrist licensed under Chapter 4725. of the 3662  
Revised Code; 3663

(7) A pharmacist or pharmacy intern licensed under Chapter 3664

4729. of the Revised Code;	3665
(8) A respiratory care professional licensed under Chapter	3666
4761. of the Revised Code;	3667
(9) An emergency medical technician-basic, emergency	3668
medical technician-intermediate, or emergency medical	3669
technician-paramedic who holds a certificate to practice issued	3670
under Chapter 4765. of the Revised Code;	3671
(10) A veterinarian licensed under Chapter 4741. of the	3672
Revised Code;	3673
<u>(11) A certified mental health assistant licensed under</u>	3674
<u>Chapter 4772. of the Revised Code.</u>	3675
(C) In consultation with the executive director of the	3676
emergency management agency, the director of health shall	3677
develop one or more protocols that authorize employees of boards	3678
of health and registered volunteers to deliver or distribute	3679
drugs, other than schedule II and III controlled substances,	3680
during a period of time described in division (E) of this	3681
section, notwithstanding any statute or rule that otherwise	3682
prohibits or restricts the delivery or distribution of drugs by	3683
those individuals.	3684
(D) In consultation with the state board of pharmacy, the	3685
director of health shall develop one or more protocols that	3686
authorize pharmacists and pharmacy interns to dispense, during a	3687
period of time described in division (E) of this section,	3688
limited quantities of dangerous drugs, other than schedule II	3689
and III controlled substances, without a written, oral, or	3690
electronic prescription from a licensed health professional	3691
authorized to prescribe drugs or without a record of a	3692
prescription, notwithstanding any statute or rule that otherwise	3693

prohibits or restricts the dispensing of drugs without a 3694  
prescription or record of a prescription. 3695

(E) On the governor's declaration of an emergency that 3696  
affects the public health, the director of health may issue an 3697  
order to implement one or more of the protocols developed 3698  
pursuant to division (B), (C), or (D) of this section. At a 3699  
minimum, the director's order shall identify the one or more 3700  
protocols to be implemented and the period of time during which 3701  
the one or more protocols are to be effective. 3702

(F) (1) An individual who administers, delivers, 3703  
distributes, or dispenses a drug or dangerous drug in accordance 3704  
with one or more of the protocols implemented under division (E) 3705  
of this section is not liable for damages in any civil action 3706  
unless the individual's acts or omissions in performing those 3707  
activities constitute willful or wanton misconduct. 3708

(2) An individual who administers, delivers, distributes, 3709  
or dispenses a drug or dangerous drug in accordance with one or 3710  
more of the protocols implemented under division (E) of this 3711  
section is not subject to criminal prosecution or professional 3712  
disciplinary action under any chapter in Title XLVII of the 3713  
Revised Code. 3714

**Sec. 3701.74.** (A) As used in this section and section 3715  
3701.741 of the Revised Code: 3716

(1) "Ambulatory care facility" means a facility that 3717  
provides medical, diagnostic, or surgical treatment to patients 3718  
who do not require hospitalization, including a dialysis center, 3719  
ambulatory surgical facility, cardiac catheterization facility, 3720  
diagnostic imaging center, extracorporeal shock wave lithotripsy 3721  
center, home health agency, inpatient hospice, birthing center, 3722



radiation therapy center, emergency facility, and an urgent care center. "Ambulatory care facility" does not include the private office of a physician or dentist, whether the office is for an individual or group practice.	3723 3724 3725 3726
(2) "Chiropractor" means an individual licensed under Chapter 4734. of the Revised Code to practice chiropractic.	3727 3728
(3) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.	3729 3730 3731
(4) "Health care practitioner" means all of the following:	3732
(a) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	3733 3734
(b) A registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	3735 3736
(c) An optometrist licensed under Chapter 4725. of the Revised Code;	3737 3738
(d) A dispensing optician, spectacle dispensing optician, or spectacle-contact lens dispensing optician licensed under Chapter 4725. of the Revised Code;	3739 3740 3741
(e) A pharmacist licensed under Chapter 4729. of the Revised Code;	3742 3743
(f) A physician;	3744
(g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	3745 3746
(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	3747 3748

(i) A psychologist licensed under Chapter 4732. of the Revised Code;	3749 3750
(j) A chiropractor;	3751
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	3752 3753
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	3754 3755
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	3756 3757
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	3758 3759
(o) A licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	3760 3761 3762 3763 3764
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	3765 3766
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	3767 3768
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code;	3769 3770 3771 3772
<u>(s) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.</u>	3773 3774
(5) "Health care provider" means a hospital, ambulatory	3775

care facility, long-term care facility, pharmacy, emergency 3776  
facility, or health care practitioner. 3777

(6) "Hospital" has the same meaning as in section 3727.01 3778  
of the Revised Code. 3779

(7) "Long-term care facility" means a nursing home, 3780  
residential care facility, or home for the aging, as those terms 3781  
are defined in section 3721.01 of the Revised Code; a 3782  
residential facility licensed under section 5119.34 of the 3783  
Revised Code that provides accommodations, supervision, and 3784  
personal care services for three to sixteen unrelated adults; a 3785  
nursing facility, as defined in section 5165.01 of the Revised 3786  
Code; a skilled nursing facility, as defined in section 5165.01 3787  
of the Revised Code; and an intermediate care facility for 3788  
individuals with intellectual disabilities, as defined in 3789  
section 5124.01 of the Revised Code. 3790

(8) "Medical record" means data in any form that pertains 3791  
to a patient's medical history, diagnosis, prognosis, or medical 3792  
condition and that is generated and maintained by a health care 3793  
provider in the process of the patient's health care treatment. 3794

(9) "Medical records company" means a person who stores, 3795  
locates, or copies medical records for a health care provider, 3796  
or is compensated for doing so by a health care provider, and 3797  
charges a fee for providing medical records to a patient or 3798  
patient's representative. 3799

(10) "Patient" means either of the following: 3800

(a) An individual who received health care treatment from 3801  
a health care provider; 3802

(b) A guardian, as defined in section 1337.11 of the 3803

Revised Code, of an individual described in division (A) (10) (a) 3804  
of this section. 3805

(11) "Patient's personal representative" means a minor 3806  
patient's parent or other person acting in loco parentis, a 3807  
court-appointed guardian, or a person with durable power of 3808  
attorney for health care for a patient, the executor or 3809  
administrator of the patient's estate, or the person responsible 3810  
for the patient's estate if it is not to be probated. "Patient's 3811  
personal representative" does not include an insurer authorized 3812  
under Title XXXIX of the Revised Code to do the business of 3813  
sickness and accident insurance in this state, a health insuring 3814  
corporation holding a certificate of authority under Chapter 3815  
1751. of the Revised Code, or any other person not named in this 3816  
division. 3817

(12) "Pharmacy" has the same meaning as in section 4729.01 3818  
of the Revised Code. 3819

(13) "Physician" means a person authorized under Chapter 3820  
4731. of the Revised Code to practice medicine and surgery, 3821  
osteopathic medicine and surgery, or podiatric medicine and 3822  
surgery. 3823

(14) "Authorized person" means a person to whom a patient 3824  
has given written authorization to act on the patient's behalf 3825  
regarding the patient's medical record. 3826

(B) A patient, a patient's personal representative, or an 3827  
authorized person who wishes to examine or obtain a copy of part 3828  
or all of a medical record shall submit to the health care 3829  
provider a written request signed by the patient, personal 3830  
representative, or authorized person dated not more than one 3831  
year before the date on which it is submitted. The request shall 3832

indicate whether the copy is to be sent to the requestor, 3833  
physician or chiropractor, or held for the requestor at the 3834  
office of the health care provider. Within a reasonable time 3835  
after receiving a request that meets the requirements of this 3836  
division and includes sufficient information to identify the 3837  
record requested, a health care provider that has the patient's 3838  
medical records shall permit the patient to examine the record 3839  
during regular business hours without charge or, on request, 3840  
shall provide a copy of the record in accordance with section 3841  
3701.741 of the Revised Code, except that if a physician, 3842  
psychologist, licensed professional clinical counselor, licensed 3843  
professional counselor, independent social worker, social 3844  
worker, independent marriage and family therapist, marriage and 3845  
family therapist, or chiropractor who has treated the patient 3846  
determines for clearly stated treatment reasons that disclosure 3847  
of the requested record is likely to have an adverse effect on 3848  
the patient, the health care provider shall provide the record 3849  
to a physician, psychologist, licensed professional clinical 3850  
counselor, licensed professional counselor, independent social 3851  
worker, social worker, independent marriage and family 3852  
therapist, marriage and family therapist, or chiropractor 3853  
designated by the patient. The health care provider shall take 3854  
reasonable steps to establish the identity of the person making 3855  
the request to examine or obtain a copy of the patient's record. 3856

(C) If a health care provider fails to furnish a medical 3857  
record as required by division (B) of this section, the patient, 3858  
personal representative, or authorized person who requested the 3859  
record may bring a civil action to enforce the patient's right 3860  
of access to the record. 3861

(D) (1) This section does not apply to medical records 3862  
whose release is covered by section 173.20 or 3721.13 of the 3863

Revised Code, by Chapter 1347., 5119., or 5122. of the Revised 3864  
Code, by 42 C.F.R. part 2, "Confidentiality of Alcohol and Drug 3865  
Abuse Patient Records," or by 42 C.F.R. 483.10. 3866

(2) Nothing in this section is intended to supersede the 3867  
confidentiality provisions of sections 2305.24, 2305.25, 3868  
2305.251, and 2305.252 of the Revised Code. 3869

**Sec. 3709.161.** (A) The board of health of a city or 3870  
general health district may procure a policy or policies of 3871  
insurance insuring the members of the board, the health 3872  
commissioner, and the employees of the board against liability 3873  
on account of damage or injury to persons and property resulting 3874  
from any act or omission that occurs in the individual's 3875  
official capacity as a member or employee of the board or 3876  
resulting solely out of such membership or employment. 3877

(B) (1) As used in this division, "health care 3878  
professional" means all of the following: 3879

(a) A dentist or dental hygienist licensed under Chapter 3880  
4715. of the Revised Code; 3881

(b) A registered nurse or licensed practical nurse 3882  
licensed under Chapter 4723. of the Revised Code; 3883

(c) A person licensed under Chapter 4729. of the Revised 3884  
Code to practice as a pharmacist; 3885

(d) A person authorized under Chapter 4730. of the Revised 3886  
Code to practice as a physician assistant; 3887

(e) A person authorized under Chapter 4731. of the Revised 3888  
Code to practice medicine and surgery, osteopathic medicine and 3889  
surgery, or podiatry; 3890

(f) A psychologist licensed under Chapter 4732. of the 3891

Revised Code;	3892
(g) A veterinarian licensed under Chapter 4741. of the	3893
Revised Code;	3894
(h) A speech-language pathologist or audiologist licensed	3895
under Chapter 4753. of the Revised Code;	3896
(i) An occupational therapist, physical therapist,	3897
physical therapist assistant, or athletic trainer licensed under	3898
Chapter 4755. of the Revised Code;	3899
(j) A licensed professional clinical counselor, licensed	3900
professional counselor, independent social worker, or social	3901
worker licensed under Chapter 4757. of the Revised Code;	3902
(k) A dietitian licensed under Chapter 4759. of the	3903
Revised Code;	3904
<u>(l) A certified mental health assistant licensed under</u>	3905
<u>Chapter 4772. of the Revised Code.</u>	3906
(2) The board of health of a city or general health	3907
district may purchase liability insurance for a health care	3908
professional with whom the board contracts for the provision of	3909
health care services against liability on account of damage or	3910
injury to persons and property arising from the health care	3911
professional's performance of services under the contract. The	3912
policy shall be purchased from an insurance company licensed to	3913
do business in this state, if such a policy is available from	3914
such a company. The board of health of a city or general health	3915
district shall report the cost of the liability insurance policy	3916
and subsequent increases in the cost to the director of health	3917
on a form prescribed by the director.	3918
<b>Sec. 3715.50.</b> (A) As used in this section and in sections	3919

3715.501 to 3715.505 of the Revised Code:	3920
(1) "Advanced practice registered nurse" means an individual who holds a current, valid license issued under Chapter 4723. of the Revised Code and is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner.	3921 3922 3923 3924 3925
(2) "Overdose reversal drug" has the same meaning as in section 4729.01 of the Revised Code.	3926 3927
(3) "Pharmacist" means an individual licensed under Chapter 4729. of the Revised Code to practice as a pharmacist.	3928 3929
(4) "Pharmacy intern" means an individual licensed under Chapter 4729. of the Revised Code to practice as a pharmacy intern.	3930 3931 3932
(5) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.	3933 3934 3935 3936
(6) "Physician assistant" means an individual who is licensed under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority.	3937 3938 3939 3940
<u>(7) "Certified mental health assistant" means an individual who is licensed under Chapter 4772. of the Revised Code and has been granted physician-delegated prescriptive authority.</u>	3941 3942 3943 3944
(B) Notwithstanding any conflicting provision of the Revised Code, any person or government entity may purchase, possess, distribute, dispense, personally furnish, sell, or	3945 3946 3947



otherwise obtain or provide an overdose reversal drug, which 3948  
includes any instrument or device used to administer the drug, 3949  
if all of the following conditions are met: 3950

(1) The overdose reversal drug is in its original 3951  
manufacturer's packaging. 3952

(2) The overdose reversal drug's packaging contains the 3953  
manufacturer's instructions for use. 3954

(3) The overdose reversal drug is stored in accordance 3955  
with the manufacturer's or distributor's instructions. 3956

(C) In addition to actions authorized by division (B) of 3957  
this section, any person or government entity may obtain and 3958  
maintain a supply of an overdose reversal drug for either or 3959  
both of the following purposes: for use in an emergency 3960  
situation and for distribution through an automated mechanism. 3961

(1) In the case of a supply of an overdose reversal drug 3962  
obtained and maintained for use in an emergency situation, a 3963  
person or government entity shall do all of the following: 3964

(a) Provide to any individual who accesses the supply 3965  
instructions regarding emergency administration of the drug, 3966  
including a specific instruction to summon emergency services as 3967  
necessary; 3968

(b) Establish a process for replacing within a reasonable 3969  
time period any overdose reversal drug that has been accessed; 3970

(c) Store the overdose reversal drug in accordance with 3971  
the manufacturer's or distributor's instructions. 3972

(2) In the case of a supply of an overdose reversal drug 3973  
obtained and maintained for distribution through an automated 3974  
mechanism, a person or government entity shall do all of the 3975

following:	3976
(a) Ensure that the mechanism is securely fastened to a permanent structure or is of an appropriate size and weight to reasonably prevent it from being removed from its intended location;	3977 3978 3979 3980
(b) Provide to any individual who accesses the supply instructions regarding emergency administration of the drug, including a specific instruction to summon emergency services as necessary;	3981 3982 3983 3984
(c) Develop a process for monitoring and replenishing the supply maintained in the automated mechanism;	3985 3986
(d) Store the overdose reversal drug in accordance with the manufacturer's or distributor's instructions.	3987 3988
(D) If the authority granted by division (B) or (C) of this section is exercised in good faith, the following immunities apply:	3989 3990 3991
(1) The person or government entity exercising the authority is not subject to administrative action or criminal prosecution and is not liable for damages in a civil action for injury, death, or loss to person or property for an act or omission that arises from exercising that authority.	3992 3993 3994 3995 3996
(2) After an overdose reversal drug has been dispensed or personally furnished, the person or government entity is not liable for or subject to any of the following for any act or omission of the individual to whom the drug is dispensed or personally furnished: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.	3997 3998 3999 4000 4001 4002
(E) (1) This section does not affect any other authority to	4003

issue a prescription for, or personally furnish a supply of, an overdose reversal drug. 4004  
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(2) This section does not eliminate, limit, or reduce any other immunity or defense that a person or government entity may be entitled to under section 9.86, Chapter 2744., section 4765.49, or any other provision of the Revised Code or the common law of this state. 4006  
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**Sec. 3715.501.** (A) Notwithstanding any conflicting provision of the Revised Code or of any rule adopted by the state board of pharmacy, state medical board, or board of nursing, both of the following apply: 4011  
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(1) A physician, physician assistant, ~~or~~ advanced practice registered nurse, or certified mental health assistant may issue a prescription for an overdose reversal drug, or personally furnish a supply of the drug, without having examined the individual to whom it may be administered. The physician, physician assistant, ~~or~~ advanced practice registered nurse, or certified mental health assistant exercising this authority shall provide, to the individual receiving the prescription or supply, instructions regarding the emergency administration of the drug, including a specific instruction to summon emergency services as necessary. 4015  
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(2) In the event that a prescription for an overdose reversal drug does not include the name of the individual to whom the drug may be administered, a pharmacist or pharmacy intern may dispense the drug to the individual who received the prescription. 4026  
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(B) (1) A physician, physician assistant, ~~or~~ advanced practice registered nurse, or certified mental health assistant 4031  
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who in good faith exercises the authority conferred by division 4033  
(A) (1) of this section is not liable for or subject to any of 4034  
the following for any act or omission of the individual to whom 4035  
a prescription for an overdose reversal drug is issued or the 4036  
supply of such a drug is furnished: damages in any civil action, 4037  
prosecution in any criminal proceeding, or professional 4038  
disciplinary action. 4039

(2) A pharmacist or pharmacy intern who in good faith 4040  
exercises the authority conferred by division (A) (2) of this 4041  
section is not liable for or subject to any of the following: 4042  
damages in any civil action, prosecution in any criminal 4043  
proceeding, or professional disciplinary action. 4044

**Sec. 3715.502.** (A) A physician, physician assistant, ~~or~~ 4045  
advanced practice registered nurse, or certified mental health 4046  
assistant may authorize one or more pharmacists and any of the 4047  
pharmacy interns supervised by the one or more pharmacists to 4048  
use a protocol developed pursuant to rules adopted under this 4049  
section for the purpose of dispensing overdose reversal drugs. 4050  
If use of the protocol has been authorized, a pharmacist or 4051  
pharmacy intern may dispense overdose reversal drugs without a 4052  
prescription to either of the following in accordance with that 4053  
protocol: 4054

(1) An individual who there is reason to believe is 4055  
experiencing or at risk of experiencing an opioid-related 4056  
overdose; 4057

(2) A family member, friend, or other individual in a 4058  
position to assist an individual who there is reason to believe 4059  
is at risk of experiencing an opioid-related overdose. 4060

(B) A pharmacist or pharmacy intern who dispenses overdose 4061

reversal drugs under this section shall instruct the individual 4062  
to whom the drugs are dispensed to summon emergency services as 4063  
soon as practicable either before or after administering the 4064  
drugs. 4065

(C) A pharmacist may document on a prescription form the 4066  
dispensing of overdose reversal drugs by the pharmacist or a 4067  
pharmacy intern supervised by the pharmacist. The form may be 4068  
assigned a number for recordkeeping purposes. 4069

(D) This section does not affect the authority of a 4070  
pharmacist or pharmacy intern to fill or refill a prescription 4071  
for overdose reversal drugs. 4072

(E) A physician, physician assistant, ~~or~~ advanced practice 4073  
registered nurse, or certified mental health assistant who in 4074  
good faith authorizes a pharmacist or pharmacy intern to 4075  
dispense overdose reversal drugs without a prescription, as 4076  
provided in this section, is not liable for or subject to any of 4077  
the following for any act or omission of the individual to whom 4078  
the drugs are dispensed: damages in any civil action, 4079  
prosecution in any criminal proceeding, or professional 4080  
disciplinary action. 4081

A pharmacist or pharmacy intern authorized under this 4082  
section to dispense overdose reversal drugs without a 4083  
prescription who does so in good faith is not liable for or 4084  
subject to any of the following for any act or omission of the 4085  
individual to whom the drugs are dispensed: damages in any civil 4086  
action, prosecution in any criminal proceeding, or professional 4087  
disciplinary action. 4088

(F) The state board of pharmacy, after consulting with the 4089  
state medical board and board of nursing, shall adopt rules to 4090

implement this section. The rules shall specify a protocol under 4091  
which pharmacists or pharmacy interns may dispense overdose 4092  
reversal drugs without a prescription. 4093

All rules adopted under this section shall be adopted in 4094  
accordance with Chapter 119. of the Revised Code. 4095

(G) (1) The state board of pharmacy shall develop a program 4096  
to educate all of the following about the authority of a 4097  
pharmacist or pharmacy intern to dispense overdose reversal 4098  
drugs without a prescription: 4099

(a) Holders of licenses issued under Chapter 4729. of the 4100  
Revised Code that engage in the sale or dispensing of overdose 4101  
reversal drugs pursuant to this section; 4102

(b) Registered pharmacy technicians, certified pharmacy 4103  
technicians, and pharmacy technician trainees registered under 4104  
Chapter 4729. of the Revised Code who engage in the sale of 4105  
overdose reversal drugs pursuant to this section; 4106

(c) Individuals who are not licensed or registered under 4107  
Chapter 4729. of the Revised Code but are employed by license 4108  
holders described in division (G) (1) (a) of this section. 4109

(2) As part of the program, the board also shall educate 4110  
the license holders, pharmacy technicians, and employees 4111  
described in division (G) (1) of this section about maintaining 4112  
an adequate supply of overdose reversal drugs and methods for 4113  
determining a pharmacy's stock of such drugs. 4114

(3) The board may use its web site to share information 4115  
under the program. 4116

**Sec. 3715.503.** (A) In addition to the actions authorized 4117  
by section 3715.50 of the Revised Code and subject to division 4118

(B) of this section, a physician, physician assistant, ~~or~~ 4119  
advanced practice registered nurse, or certified mental health 4120  
assistant may elect to establish a protocol authorizing any 4121  
individual to personally furnish a supply of an overdose 4122  
reversal drug to another individual pursuant to the protocol. A 4123  
person authorized to personally furnish an overdose reversal 4124  
drug pursuant to the protocol may do so without having examined 4125  
the individual to whom the drug may be administered. 4126

(B) A protocol established by a physician, physician 4127  
assistant, ~~or~~ advanced practice registered nurse, or certified 4128  
mental health assistant for purposes of this section shall 4129  
include all of the following: 4130

(1) Any limitations to be applied concerning the 4131  
individuals to whom the overdose reversal drug may be personally 4132  
furnished; 4133

(2) The overdose reversal drug dosage that may be 4134  
personally furnished and any variation in the dosage based on 4135  
circumstances specified in the protocol; 4136

(3) Any labeling, storage, recordkeeping, and 4137  
administrative requirements; 4138

(4) Training requirements that must be met before a person 4139  
will be authorized to personally furnish overdose reversal 4140  
drugs; 4141

(5) Any instructions or training that the authorized 4142  
person must provide to an individual to whom an overdose 4143  
reversal drug is personally furnished. 4144

(C) A physician, physician assistant, ~~or~~ advanced practice 4145  
registered nurse, or certified mental health assistant who in 4146

good faith authorizes an individual to personally furnish a 4147  
supply of an overdose reversal drug in accordance with a 4148  
protocol established under this section, and an individual who 4149  
in good faith personally furnishes a supply under that 4150  
authority, is not liable for or subject to any of the following 4151  
for any act or omission of the individual to whom the overdose 4152  
reversal drug is personally furnished: damages in any civil 4153  
action, prosecution in any criminal proceeding, or professional 4154  
disciplinary action. 4155

**Sec. 3715.872.** (A) As used in this section, "health care 4156  
professional" means any of the following who provide medical, 4157  
dental, or other health-related diagnosis, care, or treatment: 4158

(1) Individuals authorized under Chapter 4731. of the 4159  
Revised Code to practice medicine and surgery, osteopathic 4160  
medicine and surgery, or podiatric medicine and surgery; 4161

(2) Registered nurses and licensed practical nurses 4162  
licensed under Chapter 4723. of the Revised Code; 4163

(3) Physician assistants licensed under Chapter 4730. of 4164  
the Revised Code; 4165

(4) Dentists and dental hygienists licensed under Chapter 4166  
4715. of the Revised Code; 4167

(5) Optometrists licensed under Chapter 4725. of the 4168  
Revised Code; 4169

(6) Pharmacists licensed under Chapter 4729. of the 4170  
Revised Code; 4171

(7) Certified mental health assistants licensed under 4172  
Chapter 4772. of the Revised Code. 4173

(B) For matters related to activities conducted under the 4174



drug repository program, all of the following apply: 4175

(1) A pharmacy, drug manufacturer, health care facility, 4176  
or other person or government entity that donates or gives drugs 4177  
to the program, and any person or government entity that 4178  
facilitates the donation or gift, shall not be subject to 4179  
liability in tort or other civil action for injury, death, or 4180  
loss to person or property. 4181

(2) A pharmacy, hospital, or nonprofit clinic that accepts 4182  
or distributes drugs under the program shall not be subject to 4183  
liability in tort or other civil action for injury, death, or 4184  
loss to person or property, unless an action or omission of the 4185  
pharmacy, hospital, or nonprofit clinic constitutes willful and 4186  
wanton misconduct. 4187

(3) A health care professional who accepts, dispenses, or 4188  
personally furnishes drugs under the program on behalf of a 4189  
pharmacy, hospital, or nonprofit clinic participating in the 4190  
program, and the pharmacy, hospital, or nonprofit clinic that 4191  
employs or otherwise uses the services of the health care 4192  
professional, shall not be subject to liability in tort or other 4193  
civil action for injury, death, or loss to person or property, 4194  
unless an action or omission of the health care professional, 4195  
pharmacy, hospital, or nonprofit clinic constitutes willful and 4196  
wanton misconduct. 4197

(4) The state board of pharmacy shall not be subject to 4198  
liability in tort or other civil action for injury, death, or 4199  
loss to person or property, unless an action or omission of the 4200  
board constitutes willful and wanton misconduct. 4201

(5) In addition to the civil immunity granted under 4202  
division (B)(1) of this section, a pharmacy, drug manufacturer, 4203

health care facility, or other person or government entity that 4204  
donates or gives drugs to the program, and any person or 4205  
government entity that facilitates the donation or gift, shall 4206  
not be subject to criminal prosecution for matters related to 4207  
activities that it conducts or another party conducts under the 4208  
program, unless an action or omission of the party that donates, 4209  
gives, or facilitates the donation or gift of the drugs does not 4210  
comply with the provisions of this chapter or the rules adopted 4211  
under it. 4212

(6) In the case of a drug manufacturer, the immunities 4213  
from civil liability and criminal prosecution granted to another 4214  
party under divisions (B) (1) and (5) of this section extend to 4215  
the manufacturer when any drug it manufactures is the subject of 4216  
an activity conducted under the program. This extension of 4217  
immunities includes, but is not limited to, immunity from 4218  
liability or prosecution for failure to transfer or communicate 4219  
product or consumer information or the expiration date of a drug 4220  
that is donated or given. 4221

**Sec. 3719.06.** (A) (1) A licensed health professional 4222  
authorized to prescribe drugs, if acting in the course of 4223  
professional practice, in accordance with the laws regulating 4224  
the professional's practice, and in accordance with rules 4225  
adopted by the state board of pharmacy, may, except as provided 4226  
in division (A) (2) ~~or~~, (3), or (4) of this section, do the 4227  
following: 4228

(a) Prescribe schedule II, III, IV, and V controlled 4229  
substances; 4230

(b) Administer or personally furnish to patients schedule 4231  
II, III, IV, and V controlled substances; 4232

(c) Cause schedule II, III, IV, and V controlled substances to be administered under the prescriber's direction and supervision.	4233 4234 4235
(2) A licensed health professional authorized to prescribe drugs who is a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner is subject to both of the following:	4236 4237 4238 4239
(a) A schedule II controlled substance may be prescribed only in accordance with division (C) of section 4723.481 of the Revised Code.	4240 4241 4242
(b) No schedule II controlled substance shall be personally furnished to any patient.	4243 4244
(3) A licensed health professional authorized to prescribe drugs who is a physician assistant is subject to all of the following:	4245 4246 4247
(a) A controlled substance may be prescribed or personally furnished only if it is included in the physician-delegated prescriptive authority granted to the physician assistant in accordance with Chapter 4730. of the Revised Code.	4248 4249 4250 4251
(b) A schedule II controlled substance may be prescribed only in accordance with division (B) (4) of section 4730.41 and section 4730.411 of the Revised Code.	4252 4253 4254
(c) No schedule II controlled substance shall be personally furnished to any patient.	4255 4256
<u>(4) A licensed health professional authorized to prescribe drugs who is a certified mental health assistant is subject to both of the following:</u>	4257 4258 4259
<u>(a) A controlled substance may be prescribed or personally</u>	4260

furnished only in accordance with sections 4772.12 and 4772.13 4261  
of the Revised Code. 4262

(b) No schedule II controlled substance shall be 4263  
personally furnished to any patient. 4264

(B) No licensed health professional authorized to 4265  
prescribe drugs shall prescribe, administer, or personally 4266  
furnish a schedule III anabolic steroid for the purpose of human 4267  
muscle building or enhancing human athletic performance and no 4268  
pharmacist shall dispense a schedule III anabolic steroid for 4269  
either purpose, unless it has been approved for that purpose 4270  
under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 4271  
(1938), 21 U.S.C.A. 301, as amended. 4272

(C) When issuing a prescription for a schedule II 4273  
controlled substance, a licensed health professional authorized 4274  
to prescribe drugs shall do so only upon an electronic 4275  
prescription, except that the prescriber may issue a written 4276  
prescription if any of the following apply: 4277

(1) A temporary technical, electrical, or broadband 4278  
failure occurs preventing the prescriber from issuing an 4279  
electronic prescription. 4280

(2) The prescription is issued for a nursing home resident 4281  
or hospice care patient. 4282

(3) The prescriber is employed by or under contract with 4283  
the same entity that operates the pharmacy. 4284

(4) The prescriber determines that an electronic 4285  
prescription cannot be issued in a timely manner and the 4286  
patient's medical condition is at risk. 4287

(5) The prescriber issues the prescription from a health 4288

care facility, which may include an emergency department, and 4289  
reasonably determines that an electronic prescription would be 4290  
impractical for the patient or would cause a delay that may 4291  
adversely impact the patient's medical condition. 4292

(6) The prescriber issues per year not more than fifty 4293  
prescriptions for schedule II controlled substances. 4294

(7) The prescriber is a veterinarian licensed under 4295  
Chapter 4741. of the Revised Code. 4296

(D) Each written or electronic prescription for a 4297  
controlled substance shall be properly executed, dated, and 4298  
signed by the prescriber on the day when issued and shall bear 4299  
the full name and address of the person for whom, or the owner 4300  
of the animal for which, the controlled substance is prescribed 4301  
and the full name, address, and registry number under the 4302  
federal drug abuse control laws of the prescriber. If the 4303  
prescription is for an animal, it shall state the species of the 4304  
animal for which the controlled substance is prescribed. 4305

**Sec. 3719.064.** (A) As used in this section: 4306

(1) "Medication-assisted treatment" has the same meaning 4307  
as in section 340.01 of the Revised Code. 4308

(2) "Prescriber" means any of the following: 4309

(a) An advanced practice registered nurse who holds a 4310  
current, valid license issued under Chapter 4723. of the Revised 4311  
Code and is designated as a clinical nurse specialist, certified 4312  
nurse-midwife, or certified nurse practitioner; 4313

(b) A physician authorized under Chapter 4731. of the 4314  
Revised Code to practice medicine and surgery or osteopathic 4315  
medicine and surgery; 4316

(c) A physician assistant who is licensed under Chapter 4317  
4730. of the Revised Code, holds a valid prescriber number 4318  
issued by the state medical board, and has been granted 4319  
physician-delegated prescriptive authority; 4320

(d) A certified mental health assistant who is licensed 4321  
under Chapter 4772. of the Revised Code and has been granted 4322  
physician-delegated prescriptive authority by the physician 4323  
supervising the certified mental health assistant. 4324

(3) "Qualifying practitioner" has the same meaning as in 4325  
section 303(g) (2) (G) (iii) of the "Controlled Substances Act of 4326  
1970," 21 U.S.C. 823(g) (2) (G) (iii), as amended. 4327

(B) Before initiating medication-assisted treatment, a 4328  
prescriber shall give the patient or the patient's 4329  
representative information about all drugs approved by the 4330  
United States food and drug administration for use in 4331  
medication-assisted treatment. The information must be provided 4332  
both orally and in writing. The prescriber or the prescriber's 4333  
delegate shall note in the patient's medical record when this 4334  
information was provided and make the record available to 4335  
employees of the board of nursing or state medical board on 4336  
their request. 4337

If the prescriber is not a qualifying practitioner and the 4338  
patient's choice is opioid treatment and the prescriber 4339  
determines that such treatment is clinically appropriate and 4340  
meets generally accepted standards of medicine, the prescriber 4341  
shall refer the patient to an opioid treatment program licensed 4342  
under section 5119.37 of the Revised Code or a qualifying 4343  
practitioner. The prescriber or the prescriber's delegate shall 4344  
make a notation in the patient's medical record naming the 4345  
program or practitioner to whom the patient was referred and 4346

specifying when the referral was made. 4347

**Sec. 3719.121.** (A) Except as otherwise provided in 4348  
section 4723.28, 4723.35, 4730.25, 4731.22, 4734.39, ~~or~~4734.41, 4349  
or 4772.20 of the Revised Code, the license, certificate, or 4350  
registration of any dentist, chiropractor, physician, 4351  
podiatrist, registered nurse, advanced practice registered 4352  
nurse, licensed practical nurse, physician assistant, 4353  
pharmacist, pharmacy intern, pharmacy technician trainee, 4354  
registered pharmacy technician, certified pharmacy technician, 4355  
optometrist, ~~or~~veterinarian, or certified mental health 4356  
assistant who is or becomes addicted to the use of controlled 4357  
substances shall be suspended by the board that authorized the 4358  
person's license, certificate, or registration until the person 4359  
offers satisfactory proof to the board that the person no longer 4360  
is addicted to the use of controlled substances. 4361

(B) If the board under which a person has been issued a 4362  
license, certificate, or evidence of registration determines 4363  
that there is clear and convincing evidence that continuation of 4364  
the person's professional practice or method of administering, 4365  
prescribing, preparing, distributing, dispensing, or personally 4366  
furnishing controlled substances or other dangerous drugs 4367  
presents a danger of immediate and serious harm to others, the 4368  
board may suspend the person's license, certificate, or 4369  
registration without a hearing. Except as otherwise provided in 4370  
sections 4715.30, 4723.281, 4729.16, 4730.25, 4731.22, ~~and~~ 4371  
4734.36, and 4772.20 of the Revised Code, the board shall follow 4372  
the procedure for suspension without a prior hearing in section 4373  
119.07 of the Revised Code. The suspension shall remain in 4374  
effect, unless removed by the board, until the board's final 4375  
adjudication order becomes effective, except that if the board 4376  
does not issue its final adjudication order within ninety days 4377

after the hearing, the suspension shall be void on the ninety- 4378  
first day after the hearing. 4379

(C) On receiving notification pursuant to section 2929.42 4380  
or 3719.12 of the Revised Code, the board under which a person 4381  
has been issued a license, certificate, or evidence of 4382  
registration immediately shall suspend the license, certificate, 4383  
or registration of that person on a plea of guilty to, a finding 4384  
by a jury or court of the person's guilt of, or conviction of a 4385  
felony drug abuse offense; a finding by a court of the person's 4386  
eligibility for intervention in lieu of conviction; a plea of 4387  
guilty to, or a finding by a jury or court of the person's guilt 4388  
of, or the person's conviction of an offense in another 4389  
jurisdiction that is essentially the same as a felony drug abuse 4390  
offense; or a finding by a court of the person's eligibility for 4391  
treatment or intervention in lieu of conviction in another 4392  
jurisdiction. The board shall notify the holder of the license, 4393  
certificate, or registration of the suspension, which shall 4394  
remain in effect until the board holds an adjudicatory hearing 4395  
under Chapter 119. of the Revised Code. 4396

**Sec. 3719.13.** Prescriptions, orders, and records, 4397  
required by Chapter 3719. of the Revised Code, and stocks of 4398  
dangerous drugs and controlled substances, shall be open for 4399  
inspection only to federal, state, county, and municipal 4400  
officers, and employees of the state board of pharmacy whose 4401  
duty it is to enforce the laws of this state or of the United 4402  
States relating to controlled substances. Such prescriptions, 4403  
orders, records, and stocks shall be open for inspection by 4404  
employees of the state medical board for purposes of enforcing 4405  
Chapters 4730. ~~and~~, 4731., and 4772. of the Revised Code, 4406  
employees of the board of nursing for purposes of enforcing 4407  
Chapter 4723. of the Revised Code, and employees of the 4408



department of mental health and addiction services for purposes 4409  
of section 5119.37 of the Revised Code. No person having 4410  
knowledge of any such prescription, order, or record shall 4411  
divulge such knowledge, except in connection with a prosecution 4412  
or proceeding in court or before a licensing or registration 4413  
board or officer, to which prosecution or proceeding the person 4414  
to whom such prescriptions, orders, or records relate is a 4415  
party. 4416

**Sec. 3719.81.** (A) As used in this section, "sample drug" 4417  
has the same meaning as in section 2925.01 of the Revised Code. 4418

(B) A person may furnish another a sample drug, if all of 4419  
the following apply: 4420

(1) The sample drug is furnished free of charge by a 4421  
manufacturer, manufacturer's representative, or wholesale dealer 4422  
in pharmaceuticals to a licensed health professional authorized 4423  
to prescribe drugs, or is furnished free of charge by such a 4424  
professional to a patient for use as medication; 4425

(2) The sample drug is in the original container in which 4426  
it was placed by the manufacturer, and the container is plainly 4427  
marked as a sample; 4428

(3) Prior to its being furnished, the sample drug has been 4429  
stored under the proper conditions to prevent its deterioration 4430  
or contamination; 4431

(4) If the sample drug is of a type which deteriorates 4432  
with time, the sample container is plainly marked with the date 4433  
beyond which the sample drug is unsafe to use, and the date has 4434  
not expired on the sample furnished. Compliance with the 4435  
labeling requirements of the "Federal Food, Drug, and Cosmetic 4436  
Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, shall 4437

be deemed compliance with this section. 4438

(5) The sample drug is distributed, stored, or discarded 4439  
in such a way that the sample drug may not be acquired or used 4440  
by any unauthorized person, or by any person, including a child, 4441  
for whom it may present a health or safety hazard. 4442

(C) Division (B) of this section does not do any of the 4443  
following: 4444

(1) Apply to or restrict the furnishing of any sample of a 4445  
nonnarcotic substance if the substance may, under the "Federal 4446  
Food, Drug, and Cosmetic Act" and under the laws of this state, 4447  
otherwise be lawfully sold over the counter without a 4448  
prescription; 4449

(2) Authorize a licensed health professional authorized to 4450  
prescribe drugs who is a clinical nurse specialist, certified 4451  
nurse-midwife, certified nurse practitioner, optometrist, ~~or~~ 4452  
physician assistant, or certified mental health assistant to 4453  
furnish a sample drug that is not a drug the professional is 4454  
authorized to prescribe. 4455

(3) Prohibit a licensed health professional authorized to 4456  
prescribe drugs, manufacturer of dangerous drugs, wholesale 4457  
distributor of dangerous drugs, or representative of a 4458  
manufacturer of dangerous drugs from furnishing a sample drug to 4459  
a charitable pharmacy in accordance with section 3719.811 of the 4460  
Revised Code. 4461

(4) Prohibit a pharmacist working, whether or not for 4462  
compensation, in a charitable pharmacy from dispensing a sample 4463  
drug to a person in accordance with section 3719.811 of the 4464  
Revised Code. 4465

(D) The state board of pharmacy shall, in accordance with 4466  
Chapter 119. of the Revised Code, adopt rules as necessary to 4467  
give effect to this section." 4468  
After line 12, insert: 4469

**"Sec. 4729.01.** As used in this chapter: 4470

(A) "Pharmacy," except when used in a context that refers 4471  
to the practice of pharmacy, means any area, room, rooms, place 4472  
of business, department, or portion of any of the foregoing 4473  
where the practice of pharmacy is conducted. 4474

(B) "Practice of pharmacy" means providing pharmacist care 4475  
requiring specialized knowledge, judgment, and skill derived 4476  
from the principles of biological, chemical, behavioral, social, 4477  
pharmaceutical, and clinical sciences. As used in this division, 4478  
"pharmacist care" includes the following: 4479

(1) Interpreting prescriptions; 4480

(2) Dispensing drugs and drug therapy related devices; 4481

(3) Compounding drugs; 4482

(4) Counseling individuals with regard to their drug 4483  
therapy, recommending drug therapy related devices, and 4484  
assisting in the selection of drugs and appliances for treatment 4485  
of common diseases and injuries and providing instruction in the 4486  
proper use of the drugs and appliances; 4487

(5) Performing drug regimen reviews with individuals by 4488  
discussing all of the drugs that the individual is taking and 4489  
explaining the interactions of the drugs; 4490

(6) Performing drug utilization reviews with licensed 4491  
health professionals authorized to prescribe drugs when the 4492

pharmacist determines that an individual with a prescription has	4493
a drug regimen that warrants additional discussion with the	4494
prescriber;	4495
(7) Advising an individual and the health care	4496
professionals treating an individual with regard to the	4497
individual's drug therapy;	4498
(8) Acting pursuant to a consult agreement, if an	4499
agreement has been established;	4500
(9) Engaging in the administration of immunizations to the	4501
extent authorized by section 4729.41 of the Revised Code;	4502
(10) Engaging in the administration of drugs to the extent	4503
authorized by section 4729.45 of the Revised Code.	4504
(C) "Compounding" means the preparation, mixing,	4505
assembling, packaging, and labeling of one or more drugs in any	4506
of the following circumstances:	4507
(1) Pursuant to a prescription issued by a licensed health	4508
professional authorized to prescribe drugs;	4509
(2) Pursuant to the modification of a prescription made in	4510
accordance with a consult agreement;	4511
(3) As an incident to research, teaching activities, or	4512
chemical analysis;	4513
(4) In anticipation of orders for drugs pursuant to	4514
prescriptions, based on routine, regularly observed dispensing	4515
patterns;	4516
(5) Pursuant to a request made by a licensed health	4517
professional authorized to prescribe drugs for a drug that is to	4518
be used by the professional for the purpose of direct	4519

administration to patients in the course of the professional's 4520  
practice, if all of the following apply: 4521

(a) At the time the request is made, the drug is not 4522  
commercially available regardless of the reason that the drug is 4523  
not available, including the absence of a manufacturer for the 4524  
drug or the lack of a readily available supply of the drug from 4525  
a manufacturer. 4526

(b) A limited quantity of the drug is compounded and 4527  
provided to the professional. 4528

(c) The drug is compounded and provided to the 4529  
professional as an occasional exception to the normal practice 4530  
of dispensing drugs pursuant to patient-specific prescriptions. 4531

(D) "Consult agreement" means an agreement that has been 4532  
entered into under section 4729.39 of the Revised Code. 4533

(E) "Drug" means: 4534

(1) Any article recognized in the United States 4535  
pharmacopoeia and national formulary, or any supplement to them, 4536  
intended for use in the diagnosis, cure, mitigation, treatment, 4537  
or prevention of disease in humans or animals; 4538

(2) Any other article intended for use in the diagnosis, 4539  
cure, mitigation, treatment, or prevention of disease in humans 4540  
or animals; 4541

(3) Any article, other than food, intended to affect the 4542  
structure or any function of the body of humans or animals; 4543

(4) Any article intended for use as a component of any 4544  
article specified in division (E) (1), (2), or (3) of this 4545  
section; but does not include devices or their components, 4546  
parts, or accessories. 4547

"Drug" does not include "hemp" or a "hemp product" as  
those terms are defined in section 928.01 of the Revised Code. 4548  
4549

(F) "Dangerous drug" means any of the following: 4550

(1) Any drug to which either of the following applies: 4551

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 4552  
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 4553  
required to bear a label containing the legend "Caution: Federal 4554  
law prohibits dispensing without prescription" or "Caution: 4555  
Federal law restricts this drug to use by or on the order of a 4556  
licensed veterinarian" or any similar restrictive statement, or 4557  
the drug may be dispensed only upon a prescription; 4558

(b) Under Chapter 3715. or 3719. of the Revised Code, the 4559  
drug may be dispensed only upon a prescription. 4560

(2) Any drug that contains a schedule V controlled 4561  
substance and that is exempt from Chapter 3719. of the Revised 4562  
Code or to which that chapter does not apply; 4563

(3) Any drug intended for administration by injection into 4564  
the human body other than through a natural orifice of the human 4565  
body; 4566

(4) Any drug that is a biological product, as defined in 4567  
section 3715.01 of the Revised Code. 4568

(G) "Federal drug abuse control laws" has the same meaning 4569  
as in section 3719.01 of the Revised Code. 4570

(H) "Prescription" means all of the following: 4571

(1) A written, electronic, or oral order for drugs or 4572  
combinations or mixtures of drugs to be used by a particular 4573  
individual or for treating a particular animal, issued by a 4574

licensed health professional authorized to prescribe drugs; 4575

(2) For purposes of sections 4723.4810, 4729.282, 4576  
4730.432, and 4731.93 of the Revised Code, a written, 4577  
electronic, or oral order for a drug to treat chlamydia, 4578  
gonorrhoea, or trichomoniasis issued to and in the name of a 4579  
patient who is not the intended user of the drug but is the 4580  
sexual partner of the intended user; 4581

(3) For purposes of sections 3313.7110, 3313.7111, 4582  
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4583  
4731.96, and 5101.76 of the Revised Code, a written, electronic, 4584  
or oral order for an epinephrine autoinjector issued to and in 4585  
the name of a school, school district, or camp; 4586

(4) For purposes of Chapter 3728. and sections 4723.483, 4587  
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 4588  
electronic, or oral order for an epinephrine autoinjector issued 4589  
to and in the name of a qualified entity, as defined in section 4590  
3728.01 of the Revised Code; 4591

(5) For purposes of sections 3313.7115, 3313.7116, 4592  
3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and 4593  
5101.78 of the Revised Code, a written, electronic, or oral 4594  
order for injectable or nasally administered glucagon in the 4595  
name of a school, school district, or camp. 4596

(I) "Licensed health professional authorized to prescribe 4597  
drugs" or "prescriber" means an individual who is authorized by 4598  
law to prescribe drugs or dangerous drugs or drug therapy 4599  
related devices in the course of the individual's professional 4600  
practice, including only the following: 4601

(1) A dentist licensed under Chapter 4715. of the Revised 4602  
Code; 4603

(2) A clinical nurse specialist, certified nurse-midwife, 4604  
or certified nurse practitioner who holds a current, valid 4605  
license issued under Chapter 4723. of the Revised Code to 4606  
practice nursing as an advanced practice registered nurse; 4607

(3) A certified registered nurse anesthetist who holds a 4608  
current, valid license issued under Chapter 4723. of the Revised 4609  
Code to practice nursing as an advanced practice registered 4610  
nurse, but only to the extent of the nurse's authority under 4611  
sections 4723.43 and 4723.434 of the Revised Code; 4612

(4) An optometrist licensed under Chapter 4725. of the 4613  
Revised Code to practice optometry; 4614

(5) A physician authorized under Chapter 4731. of the 4615  
Revised Code to practice medicine and surgery, osteopathic 4616  
medicine and surgery, or podiatric medicine and surgery; 4617

(6) A physician assistant who holds a license to practice 4618  
as a physician assistant issued under Chapter 4730. of the 4619  
Revised Code, holds a valid prescriber number issued by the 4620  
state medical board, and has been granted physician-delegated 4621  
prescriptive authority; 4622

(7) A veterinarian licensed under Chapter 4741. of the 4623  
Revised Code; 4624

(8) A certified mental health assistant licensed under 4625  
Chapter 4772. of the Revised Code who has been granted 4626  
physician-delegated prescriptive authority by the physician 4627  
supervising the certified mental health assistant. 4628

(J) "Sale" or "sell" includes any transaction made by any 4629  
person, whether as principal proprietor, agent, or employee, to 4630  
do or offer to do any of the following: deliver, distribute, 4631



broker, exchange, gift or otherwise give away, or transfer, 4632  
whether the transfer is by passage of title, physical movement, 4633  
or both. 4634

(K) "Wholesale sale" and "sale at wholesale" mean any sale 4635  
in which the purpose of the purchaser is to resell the article 4636  
purchased or received by the purchaser. 4637

(L) "Retail sale" and "sale at retail" mean any sale other 4638  
than a wholesale sale or sale at wholesale. 4639

(M) "Retail seller" means any person that sells any 4640  
dangerous drug to consumers without assuming control over and 4641  
responsibility for its administration. Mere advice or 4642  
instructions regarding administration do not constitute control 4643  
or establish responsibility. 4644

(N) "Price information" means the price charged for a 4645  
prescription for a particular drug product and, in an easily 4646  
understandable manner, all of the following: 4647

(1) The proprietary name of the drug product; 4648

(2) The established (generic) name of the drug product; 4649

(3) The strength of the drug product if the product 4650  
contains a single active ingredient or if the drug product 4651  
contains more than one active ingredient and a relevant strength 4652  
can be associated with the product without indicating each 4653  
active ingredient. The established name and quantity of each 4654  
active ingredient are required if such a relevant strength 4655  
cannot be so associated with a drug product containing more than 4656  
one ingredient. 4657

(4) The dosage form; 4658

(5) The price charged for a specific quantity of the drug 4659

product. The stated price shall include all charges to the consumer, including, but not limited to, the cost of the drug product, professional fees, handling fees, if any, and a statement identifying professional services routinely furnished by the pharmacy. Any mailing fees and delivery fees may be stated separately without repetition. The information shall not be false or misleading.

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

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

(Q) "Terminal distributor of dangerous drugs" or "terminal distributor" means a person who is engaged in the sale of dangerous drugs at retail, or any person, other than a manufacturer, repackager, outsourcing facility, third-party logistics provider, wholesale distributor, or pharmacist, who has possession, custody, or control of dangerous drugs for any purpose other than for that person's own use and consumption. "Terminal distributor" includes pharmacies, hospitals, nursing homes, and laboratories and all other persons who procure dangerous drugs for sale or other distribution by or under the supervision of a pharmacist, licensed health professional authorized to prescribe drugs, or other person authorized by the state board of pharmacy.

(R) "Promote to the public" means disseminating a

representation to the public in any manner or by any means, 4690  
other than by labeling, for the purpose of inducing, or that is 4691  
likely to induce, directly or indirectly, the purchase of a 4692  
dangerous drug at retail. 4693

(S) "Person" includes any individual, partnership, 4694  
association, limited liability company, or corporation, the 4695  
state, any political subdivision of the state, and any district, 4696  
department, or agency of the state or its political 4697  
subdivisions. 4698

(T) (1) "Animal shelter" means a facility operated by a 4699  
humane society or any society organized under Chapter 1717. of 4700  
the Revised Code or a dog pound operated pursuant to Chapter 4701  
955. of the Revised Code. 4702

(2) "County dog warden" means a dog warden or deputy dog 4703  
warden appointed or employed under section 955.12 of the Revised 4704  
Code. 4705

(U) "Food" has the same meaning as in section 3715.01 of 4706  
the Revised Code. 4707

(V) "Pain management clinic" has the same meaning as in 4708  
section 4731.054 of the Revised Code. 4709

(W) "Investigational drug or product" means a drug or 4710  
product that has successfully completed phase one of the United 4711  
States food and drug administration clinical trials and remains 4712  
under clinical trial, but has not been approved for general use 4713  
by the United States food and drug administration. 4714

"Investigational drug or product" does not include controlled 4715  
substances in schedule I, as defined in section 3719.01 of the 4716  
Revised Code. 4717

(X) "Product," when used in reference to an 4718  
investigational drug or product, means a biological product, 4719  
other than a drug, that is made from a natural human, animal, or 4720  
microorganism source and is intended to treat a disease or 4721  
medical condition. 4722

(Y) "Third-party logistics provider" means a person that 4723  
provides or coordinates warehousing or other logistics services 4724  
pertaining to dangerous drugs including distribution, on behalf 4725  
of a manufacturer, wholesale distributor, or terminal 4726  
distributor of dangerous drugs, but does not take ownership of 4727  
the drugs or have responsibility to direct the sale or 4728  
disposition of the drugs. 4729

(Z) "Repackager of dangerous drugs" or "repackager" means 4730  
a person that repacks and relabels dangerous drugs for sale or 4731  
distribution. 4732

(AA) "Outsourcing facility" means a facility that is 4733  
engaged in the compounding and sale of sterile drugs and is 4734  
registered as an outsourcing facility with the United States 4735  
food and drug administration. 4736

(BB) "Laboratory" means a laboratory licensed under this 4737  
chapter as a terminal distributor of dangerous drugs and 4738  
entrusted to have custody of any of the following drugs and to 4739  
use the drugs for scientific and clinical purposes and for 4740  
purposes of instruction: dangerous drugs that are not controlled 4741  
substances, as defined in section 3719.01 of the Revised Code; 4742  
dangerous drugs that are controlled substances, as defined in 4743  
that section; and controlled substances in schedule I, as 4744  
defined in that section. 4745

(CC) "Overdose reversal drug" means both of the following: 4746

(1) Naloxone; 4747

(2) Any other drug that the state board of pharmacy, 4748  
through rules adopted in accordance with Chapter 119. of the 4749  
Revised Code, designates as a drug that is approved by the 4750  
federal food and drug administration for the reversal of a known 4751  
or suspected opioid-related overdose." 4752

After line 151, insert: 4753

**"Sec. 4729.51.** (A) No person other than a licensed 4754  
manufacturer of dangerous drugs, outsourcing facility, third- 4755  
party logistics provider, repackager of dangerous drugs, or 4756  
wholesale distributor of dangerous drugs shall possess for sale, 4757  
sell, distribute, or deliver, at wholesale, dangerous drugs or 4758  
investigational drugs or products, except as follows: 4759

(1) A licensed terminal distributor of dangerous drugs 4760  
that is a pharmacy may make occasional sales of dangerous drugs 4761  
or investigational drugs or products at wholesale. 4762

(2) A licensed terminal distributor of dangerous drugs 4763  
having more than one licensed location may transfer or deliver 4764  
dangerous drugs from one licensed location to another licensed 4765  
location owned by the terminal distributor if the license issued 4766  
for each location is in effect at the time of the transfer or 4767  
delivery. 4768

(3) A licensed terminal distributor of dangerous drugs 4769  
that is not a pharmacy may make occasional sales of the 4770  
following at wholesale: 4771

(a) Overdose reversal drugs; 4772

(b) Dangerous drugs if the drugs being sold are in 4773  
shortage, as defined in rules adopted under section 4729.26 of 4774

the Revised Code;	4775
(c) Dangerous drugs other than those described in	4776
divisions (A) (3) (a) and (b) of this section or investigational	4777
drugs or products if authorized by rules adopted under section	4778
4729.26 of the Revised Code.	4779
(B) No licensed manufacturer, outsourcing facility, third-	4780
party logistics provider, repackager, or wholesale distributor	4781
shall possess for sale, sell, or distribute, at wholesale,	4782
dangerous drugs or investigational drugs or products to any	4783
person other than the following:	4784
(1) Subject to division (D) of this section, a licensed	4785
terminal distributor of dangerous drugs;	4786
(2) Subject to division (C) of this section, any person	4787
exempt from licensure as a terminal distributor of dangerous	4788
drugs under section 4729.541 of the Revised Code;	4789
(3) A licensed manufacturer, outsourcing facility, third-	4790
party logistics provider, repackager, or wholesale distributor;	4791
(4) A terminal distributor, manufacturer, outsourcing	4792
facility, third-party logistics provider, repackager, or	4793
wholesale distributor that is located in another state, is not	4794
engaged in the sale of dangerous drugs within this state, and is	4795
actively licensed to engage in the sale of dangerous drugs by	4796
the state in which the distributor conducts business.	4797
(C) No licensed manufacturer, outsourcing facility, third-	4798
party logistics provider, repackager, or wholesale distributor	4799
shall possess for sale, sell, or distribute, at wholesale,	4800
dangerous drugs or investigational drugs or products to either	4801
of the following:	4802

(1) A prescriber who is employed by a pain management clinic that is not licensed as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code; 4803  
4804  
4805  
4806

(2) A business entity described in division (A) (2) or (3) of section 4729.541 of the Revised Code that is, or is operating, a pain management clinic without a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code. 4807  
4808  
4809  
4810  
4811  
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(D) No licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor shall possess dangerous drugs or investigational drugs or products for sale at wholesale, or sell or distribute such drugs at wholesale, to a licensed terminal distributor of dangerous drugs, except as follows: 4813  
4814  
4815  
4816  
4817  
4818

(1) In the case of a terminal distributor with a category II license, only dangerous drugs in category II, as defined in division (A) (1) of section 4729.54 of the Revised Code; 4819  
4820  
4821

(2) In the case of a terminal distributor with a category III license, dangerous drugs in category II and category III, as defined in divisions (A) (1) and (2) of section 4729.54 of the Revised Code; 4822  
4823  
4824  
4825

(3) In the case of a terminal distributor with a limited category II or III license, only the dangerous drugs specified in the license. 4826  
4827  
4828

(E) (1) Except as provided in division (E) (2) of this section, no person shall do any of the following: 4829  
4830

(a) Sell or distribute, at retail, dangerous drugs;	4831
(b) Possess for sale, at retail, dangerous drugs;	4832
(c) Possess dangerous drugs.	4833
(2) (a) Divisions (E) (1) (a), (b), and (c) of this section do not apply to any of the following:	4834 4835
(i) A licensed terminal distributor of dangerous drugs;	4836
(ii) A person who possesses, or possesses for sale or sells, at retail, a dangerous drug in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., <del>and 4741.</del> <u>and</u> <u>4772.</u> of the Revised Code;	4837 4838 4839 4840
(iii) Any of the persons identified in divisions (A) (1) to (5) and (18) of section 4729.541 of the Revised Code, but only to the extent specified in that section.	4841 4842 4843
(b) Division (E) (1) (c) of this section does not apply to any of the following:	4844 4845
(i) A licensed manufacturer, outsourcing facility, third- party logistics provider, repackager, or wholesale distributor;	4846 4847
(ii) Any of the persons identified in divisions (A) (6) to (16) of section 4729.541 of the Revised Code, but only to the extent specified in that section.	4848 4849 4850
(F) No licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code shall purchase dangerous drugs or investigational drugs or products from any person other than a licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor, except as follows:	4851 4852 4853 4854 4855 4856 4857



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

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

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

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

(I) Notwithstanding anything to the contrary in this section, the board of education of a city, local, exempted village, or joint vocational school district may distribute epinephrine autoinjectors for use in accordance with section 3313.7110 of the Revised Code, may distribute inhalers for use

in accordance with section 3313.7113 of the Revised Code, and 4888  
may distribute injectable or nasally administered glucagon for 4889  
use in accordance with section 3313.7115 of the Revised Code." 4890

In line 257, delete the second "the" 4891

After line 416, insert: 4892

**"Sec. 4731.051.** The state medical board shall adopt rules 4893  
in accordance with Chapter 119. of the Revised Code establishing 4894  
universal blood and body fluid precautions that shall be used by 4895  
each person who performs exposure prone invasive procedures and 4896  
is authorized to practice by this chapter or Chapter 4730., 4897  
4759., 4760., 4761., 4762., 4772., or 4774. of the Revised Code. 4898  
The rules shall define and establish requirements for universal 4899  
blood and body fluid precautions that include the following: 4900

(A) Appropriate use of hand washing; 4901

(B) Disinfection and sterilization of equipment; 4902

(C) Handling and disposal of needles and other sharp 4903  
instruments; 4904

(D) Wearing and disposal of gloves and other protective 4905  
garments and devices. 4906

**Sec. 4731.07.** (A) The state medical board shall keep a 4907  
record of its proceedings. The minutes of a meeting of the board 4908  
shall, on approval by the board, constitute an official record 4909  
of its proceedings. 4910

(B) The board shall keep a register of applicants for 4911  
licenses and certificates issued under this chapter; licenses 4912  
issued under Chapters 4730., 4760., 4762., 4772., 4774., and 4913  
4778.; and licenses and limited permits issued under Chapters 4914  
4759. and 4761. of the Revised Code. The register shall show the 4915

name of the applicant and whether the applicant was granted or 4916  
refused the license, certificate, or limited permit being 4917  
sought. 4918

With respect to applicants to practice medicine and 4919  
surgery or osteopathic medicine and surgery, the register shall 4920  
show the name of the institution that granted the applicant the 4921  
degree of doctor of medicine or osteopathic medicine. With 4922  
respect to applicants to practice respiratory care, the register 4923  
shall show the addresses of the person's last known place of 4924  
business, the effective date and identification number of the 4925  
license or limited permit, and, if applicable, the name and 4926  
location of the institution that granted the person's degree or 4927  
certificate of completion of respiratory care educational 4928  
requirements and the date the degree or certificate of 4929  
completion was issued. 4930

(C) The books and records of the board shall be prima- 4931  
facie evidence of matters therein contained. 4932

**Sec. 4731.071.** The state medical board shall develop and 4933  
publish on its internet web site a directory containing the 4934  
names of, and business address for, all persons who hold 4935  
current, valid certificates or licenses issued by the board 4936  
under this chapter or Chapter 4730., 4759., 4760., 4761., 4762., 4937  
4772., 4774., or 4778. of the Revised Code. Except as provided 4938  
in section 4731.10 of the Revised Code, the directory shall be 4939  
the sole source for verifying that a person holds a current, 4940  
valid certificate or license issued by the board. 4941

**Sec. 4731.22.** (A) The state medical board, by an 4942  
affirmative vote of not fewer than six of its members, may 4943  
limit, revoke, or suspend a license or certificate to practice 4944  
or certificate to recommend, refuse to grant a license or 4945

certificate, refuse to renew a license or certificate, refuse to 4946  
reinstate a license or certificate, or reprimand or place on 4947  
probation the holder of a license or certificate if the 4948  
individual applying for or holding the license or certificate is 4949  
found by the board to have committed fraud during the 4950  
administration of the examination for a license or certificate 4951  
to practice or to have committed fraud, misrepresentation, or 4952  
deception in applying for, renewing, or securing any license or 4953  
certificate to practice or certificate to recommend issued by 4954  
the board. 4955

(B) Except as provided in division (P) of this section, 4956  
the board, by an affirmative vote of not fewer than six members, 4957  
shall, to the extent permitted by law, limit, revoke, or suspend 4958  
a license or certificate to practice or certificate to 4959  
recommend, refuse to issue a license or certificate, refuse to 4960  
renew a license or certificate, refuse to reinstate a license or 4961  
certificate, or reprimand or place on probation the holder of a 4962  
license or certificate for one or more of the following reasons: 4963

(1) Permitting one's name or one's license or certificate 4964  
to practice to be used by a person, group, or corporation when 4965  
the individual concerned is not actually directing the treatment 4966  
given; 4967

(2) Failure to maintain minimal standards applicable to 4968  
the selection or administration of drugs, or failure to employ 4969  
acceptable scientific methods in the selection of drugs or other 4970  
modalities for treatment of disease; 4971

(3) Except as provided in section 4731.97 of the Revised 4972  
Code, selling, giving away, personally furnishing, prescribing, 4973  
or administering drugs for other than legal and legitimate 4974  
therapeutic purposes or a plea of guilty to, a judicial finding 4975

of guilt of, or a judicial finding of eligibility for 4976  
intervention in lieu of conviction of, a violation of any 4977  
federal or state law regulating the possession, distribution, or 4978  
use of any drug; 4979

(4) Willfully betraying a professional confidence. 4980

For purposes of this division, "willfully betraying a 4981  
professional confidence" does not include providing any 4982  
information, documents, or reports under sections 307.621 to 4983  
307.629 of the Revised Code to a child fatality review board; 4984  
does not include providing any information, documents, or 4985  
reports under sections 307.631 to 307.6410 of the Revised Code 4986  
to a drug overdose fatality review committee, a suicide fatality 4987  
review committee, or hybrid drug overdose fatality and suicide 4988  
fatality review committee; does not include providing any 4989  
information, documents, or reports under sections 307.651 to 4990  
307.659 of the Revised Code to a domestic violence fatality 4991  
review board; does not include providing any information, 4992  
documents, or reports to the director of health pursuant to 4993  
guidelines established under section 3701.70 of the Revised 4994  
Code; does not include written notice to a mental health 4995  
professional under section 4731.62 of the Revised Code; and does 4996  
not include the making of a report of an employee's use of a 4997  
drug of abuse, or a report of a condition of an employee other 4998  
than one involving the use of a drug of abuse, to the employer 4999  
of the employee as described in division (B) of section 2305.33 5000  
of the Revised Code. Nothing in this division affects the 5001  
immunity from civil liability conferred by section 2305.33 or 5002  
4731.62 of the Revised Code upon a physician who makes a report 5003  
in accordance with section 2305.33 or notifies a mental health 5004  
professional in accordance with section 4731.62 of the Revised 5005  
Code. As used in this division, "employee," "employer," and 5006

"physician" have the same meanings as in section 2305.33 of the Revised Code. 5007  
5008

(5) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any license or certificate to practice issued by the board. 5009  
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5011  
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As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. 5016  
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(6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established; 5024  
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(7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured; 5028  
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(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 5032  
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(9) A plea of guilty to, a judicial finding of guilt of, 5035

or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	5036 5037
(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	5038 5039 5040
(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	5041 5042 5043 5044
(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	5045 5046 5047
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	5048 5049 5050
(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	5051 5052 5053
(15) Violation of the conditions of limitation placed by the board upon a license or certificate to practice;	5054 5055
(16) Failure to pay license renewal fees specified in this chapter;	5056 5057
(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;	5058 5059 5060 5061 5062
(18) Subject to section 4731.226 of the Revised Code,	5063

violation of any provision of a code of ethics of the American 5064  
medical association, the American osteopathic association, the 5065  
American podiatric medical association, or any other national 5066  
professional organizations that the board specifies by rule. The 5067  
state medical board shall obtain and keep on file current copies 5068  
of the codes of ethics of the various national professional 5069  
organizations. The individual whose license or certificate is 5070  
being suspended or revoked shall not be found to have violated 5071  
any provision of a code of ethics of an organization not 5072  
appropriate to the individual's profession. 5073

For purposes of this division, a "provision of a code of 5074  
ethics of a national professional organization" does not include 5075  
any provision that would preclude the making of a report by a 5076  
physician of an employee's use of a drug of abuse, or of a 5077  
condition of an employee other than one involving the use of a 5078  
drug of abuse, to the employer of the employee as described in 5079  
division (B) of section 2305.33 of the Revised Code. Nothing in 5080  
this division affects the immunity from civil liability 5081  
conferred by that section upon a physician who makes either type 5082  
of report in accordance with division (B) of that section. As 5083  
used in this division, "employee," "employer," and "physician" 5084  
have the same meanings as in section 2305.33 of the Revised 5085  
Code. 5086

(19) Inability to practice according to acceptable and 5087  
prevailing standards of care by reason of mental illness or 5088  
physical illness, including, but not limited to, physical 5089  
deterioration that adversely affects cognitive, motor, or 5090  
perceptive skills. 5091

In enforcing this division, the board, upon a showing of a 5092  
possible violation, shall refer any individual who is authorized 5093



to practice by this chapter or who has submitted an application 5094  
pursuant to this chapter to the monitoring organization that 5095  
conducts the confidential monitoring program established under 5096  
section 4731.25 of the Revised Code. The board also may compel 5097  
the individual to submit to a mental examination, physical 5098  
examination, including an HIV test, or both a mental and a 5099  
physical examination. The expense of the examination is the 5100  
responsibility of the individual compelled to be examined. 5101  
Failure to submit to a mental or physical examination or consent 5102  
to an HIV test ordered by the board constitutes an admission of 5103  
the allegations against the individual unless the failure is due 5104  
to circumstances beyond the individual's control, and a default 5105  
and final order may be entered without the taking of testimony 5106  
or presentation of evidence. If the board finds an individual 5107  
unable to practice because of the reasons set forth in this 5108  
division, the board shall require the individual to submit to 5109  
care, counseling, or treatment by physicians approved or 5110  
designated by the board, as a condition for initial, continued, 5111  
reinstated, or renewed authority to practice. An individual 5112  
affected under this division shall be afforded an opportunity to 5113  
demonstrate to the board the ability to resume practice in 5114  
compliance with acceptable and prevailing standards under the 5115  
provisions of the individual's license or certificate. For the 5116  
purpose of this division, any individual who applies for or 5117  
receives a license or certificate to practice under this chapter 5118  
accepts the privilege of practicing in this state and, by so 5119  
doing, shall be deemed to have given consent to submit to a 5120  
mental or physical examination when directed to do so in writing 5121  
by the board, and to have waived all objections to the 5122  
admissibility of testimony or examination reports that 5123  
constitute a privileged communication. 5124

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

This division does not apply to a violation or attempted violation of, assisting in or abetting the violation of, or a conspiracy to violate, any provision of this chapter or any rule adopted by the board that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

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

(22) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to

practice; acceptance of an individual's license surrender; 5155  
denial of a license; refusal to renew or reinstate a license; 5156  
imposition of probation; or issuance of an order of censure or 5157  
other reprimand; 5158

(23) The violation of section 2919.12 of the Revised Code 5159  
or the performance or inducement of an abortion upon a pregnant 5160  
woman with actual knowledge that the conditions specified in 5161  
division (B) of section 2317.56 of the Revised Code have not 5162  
been satisfied or with a heedless indifference as to whether 5163  
those conditions have been satisfied, unless an affirmative 5164  
defense as specified in division (H)(2) of that section would 5165  
apply in a civil action authorized by division (H)(1) of that 5166  
section; 5167

(24) The revocation, suspension, restriction, reduction, 5168  
or termination of clinical privileges by the United States 5169  
department of defense or department of veterans affairs or the 5170  
termination or suspension of a certificate of registration to 5171  
prescribe drugs by the drug enforcement administration of the 5172  
United States department of justice; 5173

(25) Termination or suspension from participation in the 5174  
medicare or medicaid programs by the department of health and 5175  
human services or other responsible agency; 5176

(26) Impairment of ability to practice according to 5177  
acceptable and prevailing standards of care because of substance 5178  
use disorder or excessive use or abuse of drugs, alcohol, or 5179  
other substances that may impair ability to practice. 5180

For the purposes of this division, any individual 5181  
authorized to practice by this chapter accepts the privilege of 5182  
practicing in this state subject to supervision by the board. By 5183

filing an application for or holding a license or certificate to 5184  
practice under this chapter, an individual shall be deemed to 5185  
have given consent to submit to a mental or physical examination 5186  
when ordered to do so by the board in writing, and to have 5187  
waived all objections to the admissibility of testimony or 5188  
examination reports that constitute privileged communications. 5189

If it has reason to believe that any individual authorized 5190  
to practice by this chapter or any applicant for licensure or 5191  
certification to practice suffers such impairment, the board 5192  
shall refer the individual to the monitoring organization that 5193  
conducts the confidential monitoring program established under 5194  
section 4731.25 of the Revised Code. The board also may compel 5195  
the individual to submit to a mental or physical examination, or 5196  
both. The expense of the examination is the responsibility of 5197  
the individual compelled to be examined. Any mental or physical 5198  
examination required under this division shall be undertaken by 5199  
a treatment provider or physician who is qualified to conduct 5200  
the examination and who is approved under section 4731.251 of 5201  
the Revised Code. 5202

Failure to submit to a mental or physical examination 5203  
ordered by the board constitutes an admission of the allegations 5204  
against the individual unless the failure is due to 5205  
circumstances beyond the individual's control, and a default and 5206  
final order may be entered without the taking of testimony or 5207  
presentation of evidence. If the board determines that the 5208  
individual's ability to practice is impaired, the board shall 5209  
suspend the individual's license or certificate or deny the 5210  
individual's application and shall require the individual, as a 5211  
condition for initial, continued, reinstated, or renewed 5212  
licensure or certification to practice, to submit to treatment. 5213

Before being eligible to apply for reinstatement of a 5214  
license or certificate suspended under this division, the 5215  
impaired practitioner shall demonstrate to the board the ability 5216  
to resume practice in compliance with acceptable and prevailing 5217  
standards of care under the provisions of the practitioner's 5218  
license or certificate. The demonstration shall include, but 5219  
shall not be limited to, the following: 5220

(a) Certification from a treatment provider approved under 5221  
section 4731.251 of the Revised Code that the individual has 5222  
successfully completed any required inpatient treatment; 5223

(b) Evidence of continuing full compliance with an 5224  
aftercare contract or consent agreement; 5225

(c) Two written reports indicating that the individual's 5226  
ability to practice has been assessed and that the individual 5227  
has been found capable of practicing according to acceptable and 5228  
prevailing standards of care. The reports shall be made by 5229  
individuals or providers approved by the board for making the 5230  
assessments and shall describe the basis for their 5231  
determination. 5232

The board may reinstate a license or certificate suspended 5233  
under this division after that demonstration and after the 5234  
individual has entered into a written consent agreement. 5235

When the impaired practitioner resumes practice, the board 5236  
shall require continued monitoring of the individual. The 5237  
monitoring shall include, but not be limited to, compliance with 5238  
the written consent agreement entered into before reinstatement 5239  
or with conditions imposed by board order after a hearing, and, 5240  
upon termination of the consent agreement, submission to the 5241  
board for at least two years of annual written progress reports 5242

made under penalty of perjury stating whether the individual has	5243
maintained sobriety.	5244
(27) A second or subsequent violation of section 4731.66	5245
or 4731.69 of the Revised Code;	5246
(28) Except as provided in division (N) of this section:	5247
(a) Waiving the payment of all or any part of a deductible	5248
or copayment that a patient, pursuant to a health insurance or	5249
health care policy, contract, or plan that covers the	5250
individual's services, otherwise would be required to pay if the	5251
waiver is used as an enticement to a patient or group of	5252
patients to receive health care services from that individual;	5253
(b) Advertising that the individual will waive the payment	5254
of all or any part of a deductible or copayment that a patient,	5255
pursuant to a health insurance or health care policy, contract,	5256
or plan that covers the individual's services, otherwise would	5257
be required to pay.	5258
(29) Failure to use universal blood and body fluid	5259
precautions established by rules adopted under section 4731.051	5260
of the Revised Code;	5261
(30) Failure to provide notice to, and receive	5262
acknowledgment of the notice from, a patient when required by	5263
section 4731.143 of the Revised Code prior to providing	5264
nonemergency professional services, or failure to maintain that	5265
notice in the patient's medical record;	5266
(31) Failure of a physician supervising a physician	5267
assistant to maintain supervision in accordance with the	5268
requirements of Chapter 4730. of the Revised Code and the rules	5269
adopted under that chapter;	5270

(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist,	5271
certified nurse-midwife, or certified nurse practitioner with	5272
whom the physician or podiatrist is in collaboration pursuant to	5273
section 4731.27 of the Revised Code or failure to fulfill the	5274
responsibilities of collaboration after entering into a standard	5275
care arrangement;	5276
	5277
(33) Failure to comply with the terms of a consult	5278
agreement entered into with a pharmacist pursuant to section	5279
4729.39 of the Revised Code;	5280
(34) Failure to cooperate in an investigation conducted by	5281
the board under division (F) of this section, including failure	5282
to comply with a subpoena or order issued by the board or	5283
failure to answer truthfully a question presented by the board	5284
in an investigative interview, an investigative office	5285
conference, at a deposition, or in written interrogatories,	5286
except that failure to cooperate with an investigation shall not	5287
constitute grounds for discipline under this section if a court	5288
of competent jurisdiction has issued an order that either	5289
quashes a subpoena or permits the individual to withhold the	5290
testimony or evidence in issue;	5291
(35) Failure to supervise an anesthesiologist assistant in	5292
accordance with Chapter 4760. of the Revised Code and the	5293
board's rules for supervision of an anesthesiologist assistant;	5294
(36) Assisting suicide, as defined in section 3795.01 of	5295
the Revised Code;	5296
(37) Failure to comply with the requirements of section	5297
2317.561 of the Revised Code;	5298
(38) Failure to supervise a radiologist assistant in	5299

accordance with Chapter 4774. of the Revised Code and the	5300
board's rules for supervision of radiologist assistants;	5301
(39) Performing or inducing an abortion at an office or	5302
facility with knowledge that the office or facility fails to	5303
post the notice required under section 3701.791 of the Revised	5304
Code;	5305
(40) Failure to comply with the standards and procedures	5306
established in rules under section 4731.054 of the Revised Code	5307
for the operation of or the provision of care at a pain	5308
management clinic;	5309
(41) Failure to comply with the standards and procedures	5310
established in rules under section 4731.054 of the Revised Code	5311
for providing supervision, direction, and control of individuals	5312
at a pain management clinic;	5313
(42) Failure to comply with the requirements of section	5314
4729.79 or 4731.055 of the Revised Code, unless the state board	5315
of pharmacy no longer maintains a drug database pursuant to	5316
section 4729.75 of the Revised Code;	5317
(43) Failure to comply with the requirements of section	5318
2919.171, 2919.202, or 2919.203 of the Revised Code or failure	5319
to submit to the department of health in accordance with a court	5320
order a complete report as described in section 2919.171 or	5321
2919.202 of the Revised Code;	5322
(44) Practicing at a facility that is subject to licensure	5323
as a category III terminal distributor of dangerous drugs with a	5324
pain management clinic classification unless the person	5325
operating the facility has obtained and maintains the license	5326
with the classification;	5327



(45) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;	5328 5329 5330 5331
(46) Failure to comply with any of the requirements regarding making or maintaining medical records or documents described in division (A) of section 2919.192, division (C) of section 2919.193, division (B) of section 2919.195, or division (A) of section 2919.196 of the Revised Code;	5332 5333 5334 5335 5336
(47) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;	5337 5338 5339 5340
(48) Failure to comply with the requirements of section 4731.30 of the Revised Code or rules adopted under section 4731.301 of the Revised Code when recommending treatment with medical marijuana;	5341 5342 5343 5344
(49) A pattern of continuous or repeated violations of division (E) (2) or (3) of section 3963.02 of the Revised Code;	5345 5346
(50) Failure to fulfill the responsibilities of a collaboration agreement entered into with an athletic trainer as described in section 4755.621 of the Revised Code;	5347 5348 5349
(51) Failure to take the steps specified in section 4731.911 of the Revised Code following an abortion or attempted abortion in an ambulatory surgical facility or other location that is not a hospital when a child is born alive;	5350 5351 5352 5353
<u>(52) Failure of a physician supervising a certified mental health assistant to maintain supervision in accordance with the</u>	5354 5355

requirements of Chapter 4772. of the Revised Code and the rules 5356  
adopted under that chapter. 5357

(C) Disciplinary actions taken by the board under 5358  
divisions (A) and (B) of this section shall be taken pursuant to 5359  
an adjudication under Chapter 119. of the Revised Code, except 5360  
that in lieu of an adjudication, the board may enter into a 5361  
consent agreement with an individual to resolve an allegation of 5362  
a violation of this chapter or any rule adopted under it. A 5363  
consent agreement, when ratified by an affirmative vote of not 5364  
fewer than six members of the board, shall constitute the 5365  
findings and order of the board with respect to the matter 5366  
addressed in the agreement. If the board refuses to ratify a 5367  
consent agreement, the admissions and findings contained in the 5368  
consent agreement shall be of no force or effect. 5369

A telephone conference call may be utilized for 5370  
ratification of a consent agreement that revokes or suspends an 5371  
individual's license or certificate to practice or certificate 5372  
to recommend. The telephone conference call shall be considered 5373  
a special meeting under division (F) of section 121.22 of the 5374  
Revised Code. 5375

If the board takes disciplinary action against an 5376  
individual under division (B) of this section for a second or 5377  
subsequent plea of guilty to, or judicial finding of guilt of, a 5378  
violation of section 2919.123 or 2919.124 of the Revised Code, 5379  
the disciplinary action shall consist of a suspension of the 5380  
individual's license or certificate to practice for a period of 5381  
at least one year or, if determined appropriate by the board, a 5382  
more serious sanction involving the individual's license or 5383  
certificate to practice. Any consent agreement entered into 5384  
under this division with an individual that pertains to a second 5385

or subsequent plea of guilty to, or judicial finding of guilt 5386  
of, a violation of that section shall provide for a suspension 5387  
of the individual's license or certificate to practice for a 5388  
period of at least one year or, if determined appropriate by the 5389  
board, a more serious sanction involving the individual's 5390  
license or certificate to practice. 5391

(D) For purposes of divisions (B) (10), (12), and (14) of 5392  
this section, the commission of the act may be established by a 5393  
finding by the board, pursuant to an adjudication under Chapter 5394  
119. of the Revised Code, that the individual committed the act. 5395  
The board does not have jurisdiction under those divisions if 5396  
the trial court renders a final judgment in the individual's 5397  
favor and that judgment is based upon an adjudication on the 5398  
merits. The board has jurisdiction under those divisions if the 5399  
trial court issues an order of dismissal upon technical or 5400  
procedural grounds. 5401

(E) The sealing or expungement of conviction records by 5402  
any court shall have no effect upon a prior board order entered 5403  
under this section or upon the board's jurisdiction to take 5404  
action under this section if, based upon a plea of guilty, a 5405  
judicial finding of guilt, or a judicial finding of eligibility 5406  
for intervention in lieu of conviction, the board issued a 5407  
notice of opportunity for a hearing prior to the court's order 5408  
to seal or expunge the records. The board shall not be required 5409  
to seal, expunge, destroy, redact, or otherwise modify its 5410  
records to reflect the court's sealing of conviction records. 5411

(F) (1) The board shall investigate evidence that appears 5412  
to show that a person has violated any provision of this chapter 5413  
or any rule adopted under it. Any person may report to the board 5414  
in a signed writing any information that the person may have 5415

that appears to show a violation of any provision of this 5416  
chapter or any rule adopted under it. In the absence of bad 5417  
faith, any person who reports information of that nature or who 5418  
testifies before the board in any adjudication conducted under 5419  
Chapter 119. of the Revised Code shall not be liable in damages 5420  
in a civil action as a result of the report or testimony. Each 5421  
complaint or allegation of a violation received by the board 5422  
shall be assigned a case number and shall be recorded by the 5423  
board. 5424

(2) Investigations of alleged violations of this chapter 5425  
or any rule adopted under it shall be supervised by the 5426  
supervising member elected by the board in accordance with 5427  
section 4731.02 of the Revised Code and by the secretary as 5428  
provided in section 4731.39 of the Revised Code. The president 5429  
may designate another member of the board to supervise the 5430  
investigation in place of the supervising member. No member of 5431  
the board who supervises the investigation of a case shall 5432  
participate in further adjudication of the case. 5433

(3) In investigating a possible violation of this chapter 5434  
or any rule adopted under this chapter, or in conducting an 5435  
inspection under division (E) of section 4731.054 of the Revised 5436  
Code, the board may question witnesses, conduct interviews, 5437  
administer oaths, order the taking of depositions, inspect and 5438  
copy any books, accounts, papers, records, or documents, issue 5439  
subpoenas, and compel the attendance of witnesses and production 5440  
of books, accounts, papers, records, documents, and testimony, 5441  
except that a subpoena for patient record information shall not 5442  
be issued without consultation with the attorney general's 5443  
office and approval of the secretary of the board. 5444

(a) Before issuance of a subpoena for patient record 5445

information, the secretary shall determine whether there is 5446  
probable cause to believe that the complaint filed alleges a 5447  
violation of this chapter or any rule adopted under it and that 5448  
the records sought are relevant to the alleged violation and 5449  
material to the investigation. The subpoena may apply only to 5450  
records that cover a reasonable period of time surrounding the 5451  
alleged violation. 5452

(b) On failure to comply with any subpoena issued by the 5453  
board and after reasonable notice to the person being 5454  
subpoenaed, the board may move for an order compelling the 5455  
production of persons or records pursuant to the Rules of Civil 5456  
Procedure. 5457

(c) A subpoena issued by the board may be served by a 5458  
sheriff, the sheriff's deputy, or a board employee or agent 5459  
designated by the board. Service of a subpoena issued by the 5460  
board may be made by delivering a copy of the subpoena to the 5461  
person named therein, reading it to the person, or leaving it at 5462  
the person's usual place of residence, usual place of business, 5463  
or address on file with the board. When serving a subpoena to an 5464  
applicant for or the holder of a license or certificate issued 5465  
under this chapter, service of the subpoena may be made by 5466  
certified mail, return receipt requested, and the subpoena shall 5467  
be deemed served on the date delivery is made or the date the 5468  
person refuses to accept delivery. If the person being served 5469  
refuses to accept the subpoena or is not located, service may be 5470  
made to an attorney who notifies the board that the attorney is 5471  
representing the person. 5472

(d) A sheriff's deputy who serves a subpoena shall receive 5473  
the same fees as a sheriff. Each witness who appears before the 5474  
board in obedience to a subpoena shall receive the fees and 5475

mileage provided for under section 119.094 of the Revised Code. 5476

(4) All hearings, investigations, and inspections of the 5477  
board shall be considered civil actions for the purposes of 5478  
section 2305.252 of the Revised Code. 5479

(5) A report required to be submitted to the board under 5480  
this chapter, a complaint, or information received by the board 5481  
pursuant to an investigation or pursuant to an inspection under 5482  
division (E) of section 4731.054 of the Revised Code is 5483  
confidential and not subject to discovery in any civil action. 5484

The board shall conduct all investigations or inspections 5485  
and proceedings in a manner that protects the confidentiality of 5486  
patients and persons who file complaints with the board. The 5487  
board shall not make public the names or any other identifying 5488  
information about patients or complainants unless proper consent 5489  
is given or, in the case of a patient, a waiver of the patient 5490  
privilege exists under division (B) of section 2317.02 of the 5491  
Revised Code, except that consent or a waiver of that nature is 5492  
not required if the board possesses reliable and substantial 5493  
evidence that no bona fide physician-patient relationship 5494  
exists. 5495

The board may share any information it receives pursuant 5496  
to an investigation or inspection, including patient records and 5497  
patient record information, with law enforcement agencies, other 5498  
licensing boards, and other governmental agencies that are 5499  
prosecuting, adjudicating, or investigating alleged violations 5500  
of statutes or administrative rules. An agency or board that 5501  
receives the information shall comply with the same requirements 5502  
regarding confidentiality as those with which the state medical 5503  
board must comply, notwithstanding any conflicting provision of 5504  
the Revised Code or procedure of the agency or board that 5505

applies when it is dealing with other information in its 5506  
possession. In a judicial proceeding, the information may be 5507  
admitted into evidence only in accordance with the Rules of 5508  
Evidence, but the court shall require that appropriate measures 5509  
are taken to ensure that confidentiality is maintained with 5510  
respect to any part of the information that contains names or 5511  
other identifying information about patients or complainants 5512  
whose confidentiality was protected by the state medical board 5513  
when the information was in the board's possession. Measures to 5514  
ensure confidentiality that may be taken by the court include 5515  
sealing its records or deleting specific information from its 5516  
records. 5517

(6) On a quarterly basis, the board shall prepare a report 5518  
that documents the disposition of all cases during the preceding 5519  
three months. The report shall contain the following information 5520  
for each case with which the board has completed its activities: 5521

(a) The case number assigned to the complaint or alleged 5522  
violation; 5523

(b) The type of license or certificate to practice, if 5524  
any, held by the individual against whom the complaint is 5525  
directed; 5526

(c) A description of the allegations contained in the 5527  
complaint; 5528

(d) The disposition of the case. 5529

The report shall state how many cases are still pending 5530  
and shall be prepared in a manner that protects the identity of 5531  
each person involved in each case. The report shall be a public 5532  
record under section 149.43 of the Revised Code. 5533

(G) If the secretary and supervising member determine both 5534  
of the following, they may recommend that the board suspend an 5535  
individual's license or certificate to practice or certificate 5536  
to recommend without a prior hearing: 5537

(1) That there is clear and convincing evidence that an 5538  
individual has violated division (B) of this section; 5539

(2) That the individual's continued practice presents a 5540  
danger of immediate and serious harm to the public. 5541

Written allegations shall be prepared for consideration by 5542  
the board. The board, upon review of those allegations and by an 5543  
affirmative vote of not fewer than six of its members, excluding 5544  
the secretary and supervising member, may suspend a license or 5545  
certificate without a prior hearing. A telephone conference call 5546  
may be utilized for reviewing the allegations and taking the 5547  
vote on the summary suspension. 5548

The board shall serve a written order of suspension in 5549  
accordance with sections 119.05 and 119.07 of the Revised Code. 5550  
The order shall not be subject to suspension by the court during 5551  
pendency of any appeal filed under section 119.12 of the Revised 5552  
Code. If the individual subject to the summary suspension 5553  
requests an adjudicatory hearing by the board, the date set for 5554  
the hearing shall be within fifteen days, but not earlier than 5555  
seven days, after the individual requests the hearing, unless 5556  
otherwise agreed to by both the board and the individual. 5557

Any summary suspension imposed under this division shall 5558  
remain in effect, unless reversed on appeal, until a final 5559  
adjudicative order issued by the board pursuant to this section 5560  
and Chapter 119. of the Revised Code becomes effective. The 5561  
board shall issue its final adjudicative order within seventy- 5562



five days after completion of its hearing. A failure to issue 5563  
the order within seventy-five days shall result in dissolution 5564  
of the summary suspension order but shall not invalidate any 5565  
subsequent, final adjudicative order. 5566

(H) If the board takes action under division (B) (9), (11), 5567  
or (13) of this section and the judicial finding of guilt, 5568  
guilty plea, or judicial finding of eligibility for intervention 5569  
in lieu of conviction is overturned on appeal, upon exhaustion 5570  
of the criminal appeal, a petition for reconsideration of the 5571  
order may be filed with the board along with appropriate court 5572  
documents. Upon receipt of a petition of that nature and 5573  
supporting court documents, the board shall reinstate the 5574  
individual's license or certificate to practice. The board may 5575  
then hold an adjudication under Chapter 119. of the Revised Code 5576  
to determine whether the individual committed the act in 5577  
question. Notice of an opportunity for a hearing shall be given 5578  
in accordance with Chapter 119. of the Revised Code. If the 5579  
board finds, pursuant to an adjudication held under this 5580  
division, that the individual committed the act or if no hearing 5581  
is requested, the board may order any of the sanctions 5582  
identified under division (B) of this section. 5583

(I) The license or certificate to practice issued to an 5584  
individual under this chapter and the individual's practice in 5585  
this state are automatically suspended as of the date of the 5586  
individual's second or subsequent plea of guilty to, or judicial 5587  
finding of guilt of, a violation of section 2919.123 or 2919.124 5588  
of the Revised Code. In addition, the license or certificate to 5589  
practice or certificate to recommend issued to an individual 5590  
under this chapter and the individual's practice in this state 5591  
are automatically suspended as of the date the individual pleads 5592  
guilty to, is found by a judge or jury to be guilty of, or is 5593

subject to a judicial finding of eligibility for intervention in 5594  
lieu of conviction in this state or treatment or intervention in 5595  
lieu of conviction in another jurisdiction for any of the 5596  
following criminal offenses in this state or a substantially 5597  
equivalent criminal offense in another jurisdiction: aggravated 5598  
murder, murder, voluntary manslaughter, felonious assault, 5599  
kidnapping, rape, sexual battery, gross sexual imposition, 5600  
aggravated arson, aggravated robbery, or aggravated burglary. 5601  
Continued practice after suspension shall be considered 5602  
practicing without a license or certificate. 5603

The board shall notify the individual subject to the 5604  
suspension in accordance with sections 119.05 and 119.07 of the 5605  
Revised Code. If an individual whose license or certificate is 5606  
automatically suspended under this division fails to make a 5607  
timely request for an adjudication under Chapter 119. of the 5608  
Revised Code, the board shall do whichever of the following is 5609  
applicable: 5610

(1) If the automatic suspension under this division is for 5611  
a second or subsequent plea of guilty to, or judicial finding of 5612  
guilt of, a violation of section 2919.123 or 2919.124 of the 5613  
Revised Code, the board shall enter an order suspending the 5614  
individual's license or certificate to practice for a period of 5615  
at least one year or, if determined appropriate by the board, 5616  
imposing a more serious sanction involving the individual's 5617  
license or certificate to practice. 5618

(2) In all circumstances in which division (I)(1) of this 5619  
section does not apply, enter a final order permanently revoking 5620  
the individual's license or certificate to practice. 5621

(J) If the board is required by Chapter 119. of the 5622  
Revised Code to give notice of an opportunity for a hearing and 5623

if the individual subject to the notice does not timely request 5624  
a hearing in accordance with section 119.07 of the Revised Code, 5625  
the board is not required to hold a hearing, but may adopt, by 5626  
an affirmative vote of not fewer than six of its members, a 5627  
final order that contains the board's findings. In that final 5628  
order, the board may order any of the sanctions identified under 5629  
division (A) or (B) of this section. 5630

(K) Any action taken by the board under division (B) of 5631  
this section resulting in a suspension from practice shall be 5632  
accompanied by a written statement of the conditions under which 5633  
the individual's license or certificate to practice may be 5634  
reinstated. The board shall adopt rules governing conditions to 5635  
be imposed for reinstatement. Reinstatement of a license or 5636  
certificate suspended pursuant to division (B) of this section 5637  
requires an affirmative vote of not fewer than six members of 5638  
the board. 5639

(L) When the board refuses to grant or issue a license or 5640  
certificate to practice to an applicant, revokes an individual's 5641  
license or certificate to practice, refuses to renew an 5642  
individual's license or certificate to practice, or refuses to 5643  
reinstatement an individual's license or certificate to practice, 5644  
the board may specify that its action is permanent. An 5645  
individual subject to a permanent action taken by the board is 5646  
forever thereafter ineligible to hold a license or certificate 5647  
to practice and the board shall not accept an application for 5648  
reinstatement of the license or certificate or for issuance of a 5649  
new license or certificate. 5650

(M) Notwithstanding any other provision of the Revised 5651  
Code, all of the following apply: 5652

(1) The surrender of a license or certificate issued under 5653

this chapter shall not be effective unless or until accepted by 5654  
the board. A telephone conference call may be utilized for 5655  
acceptance of the surrender of an individual's license or 5656  
certificate to practice. The telephone conference call shall be 5657  
considered a special meeting under division (F) of section 5658  
121.22 of the Revised Code. Reinstatement of a license or 5659  
certificate surrendered to the board requires an affirmative 5660  
vote of not fewer than six members of the board. 5661

(2) An application for a license or certificate made under 5662  
the provisions of this chapter may not be withdrawn without 5663  
approval of the board. 5664

(3) Failure by an individual to renew a license or 5665  
certificate to practice in accordance with this chapter or a 5666  
certificate to recommend in accordance with rules adopted under 5667  
section 4731.301 of the Revised Code does not remove or limit 5668  
the board's jurisdiction to take any disciplinary action under 5669  
this section against the individual. 5670

(4) The placement of an individual's license on retired 5671  
status, as described in section 4731.283 of the Revised Code, 5672  
does not remove or limit the board's jurisdiction to take any 5673  
disciplinary action against the individual with regard to the 5674  
license as it existed before being placed on retired status. 5675

(5) At the request of the board, a license or certificate 5676  
holder shall immediately surrender to the board a license or 5677  
certificate that the board has suspended, revoked, or 5678  
permanently revoked. 5679

(N) Sanctions shall not be imposed under division (B) (28) 5680  
of this section against any person who waives deductibles and 5681  
copayments as follows: 5682

(1) In compliance with the health benefit plan that 5683  
expressly allows such a practice. Waiver of the deductibles or 5684  
copayments shall be made only with the full knowledge and 5685  
consent of the plan purchaser, payer, and third-party 5686  
administrator. Documentation of the consent shall be made 5687  
available to the board upon request. 5688

(2) For professional services rendered to any other person 5689  
authorized to practice pursuant to this chapter, to the extent 5690  
allowed by this chapter and rules adopted by the board. 5691

(O) Under the board's investigative duties described in 5692  
this section and subject to division (F) of this section, the 5693  
board shall develop and implement a quality intervention program 5694  
designed to improve through remedial education the clinical and 5695  
communication skills of individuals authorized under this 5696  
chapter to practice medicine and surgery, osteopathic medicine 5697  
and surgery, and podiatric medicine and surgery. In developing 5698  
and implementing the quality intervention program, the board may 5699  
do all of the following: 5700

(1) Offer in appropriate cases as determined by the board 5701  
an educational and assessment program pursuant to an 5702  
investigation the board conducts under this section; 5703

(2) Select providers of educational and assessment 5704  
services, including a quality intervention program panel of case 5705  
reviewers; 5706

(3) Make referrals to educational and assessment service 5707  
providers and approve individual educational programs 5708  
recommended by those providers. The board shall monitor the 5709  
progress of each individual undertaking a recommended individual 5710  
educational program. 5711

(4) Determine what constitutes successful completion of an individual educational program and require further monitoring of the individual who completed the program or other action that the board determines to be appropriate;

(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program.

An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program.

(P) The board shall not refuse to issue a license to an applicant because of a conviction, plea of guilty, judicial finding of guilt, judicial finding of eligibility for intervention in lieu of conviction, or the commission of an act that constitutes a criminal offense, unless the refusal is in accordance with section 9.79 of the Revised Code.

**Sec. 4731.224.** (A) Within sixty days after the imposition of any formal disciplinary action taken by any health care facility, including a hospital, health care facility operated by a health insuring corporation, ambulatory surgical center, or similar facility, against any individual holding a valid license or certificate to practice issued pursuant to this chapter, the chief administrator or executive officer of the facility shall report to the state medical board the name of the individual, the action taken by the facility, and a summary of the underlying facts leading to the action taken. Upon request, the board shall be provided certified copies of the patient records that were the basis for the facility's action. Prior to release to the board, the summary shall be approved by the peer review committee that reviewed the case or by the governing board of

the facility. As used in this division, "formal disciplinary action" means any action resulting in the revocation, restriction, reduction, or termination of clinical privileges for violations of professional ethics, or for reasons of medical incompetence or medical malpractice. "Formal disciplinary action" includes a summary action, an action that takes effect notwithstanding any appeal rights that may exist, and an action that results in an individual surrendering clinical privileges while under investigation and during proceedings regarding the action being taken or in return for not being investigated or having proceedings held. "Formal disciplinary action" does not include any action taken for the sole reason of failure to maintain records on a timely basis or failure to attend staff or section meetings.

The filing or nonfiling of a report with the board, investigation by the board, or any disciplinary action taken by the board, shall not preclude any action by a health care facility to suspend, restrict, or revoke the individual's clinical privileges.

In the absence of fraud or bad faith, no individual or entity that provides patient records to the board shall be liable in damages to any person as a result of providing the records.

(B) (1) Except as provided in division (B) (2) of this section, if any individual authorized to practice under this chapter or any professional association or society of such individuals believes that a violation of any provision of this chapter, Chapter 4730., 4759., 4760., 4761., 4762., 4772., 4774., or 4778. of the Revised Code, or any rule of the board has occurred, the individual, association, or society shall

report to the board the information upon which the belief is based. 5772  
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(2) If any individual authorized to practice under this chapter or any professional association or society of such individuals believes that a violation of division (B) (19) or (26) of section 4731.22 of the Revised Code has occurred, the individual, association, or society shall report the information upon which the belief is based to the monitoring organization conducting the confidential monitoring program established under section 4731.25 of the Revised Code. If any such report is made to the board, it shall be referred to the monitoring organization unless the board is aware that the individual who is the subject of the report does not meet the program eligibility requirements of section 4731.252 of the Revised Code. 5774  
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(C) Any professional association or society composed primarily of doctors of medicine and surgery, doctors of osteopathic medicine and surgery, doctors of podiatric medicine and surgery, or practitioners of limited branches of medicine that suspends or revokes an individual's membership for violations of professional ethics, or for reasons of professional incompetence or professional malpractice, within sixty days after a final decision shall report to the board, on forms prescribed and provided by the board, the name of the individual, the action taken by the professional organization, and a summary of the underlying facts leading to the action taken. 5787  
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The filing of a report with the board or decision not to file a report, investigation by the board, or any disciplinary action taken by the board, does not preclude a professional 5799  
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organization from taking disciplinary action against an 5802  
individual. 5803

(D) Any insurer providing professional liability insurance 5804  
to an individual authorized to practice under this chapter, or 5805  
any other entity that seeks to indemnify the professional 5806  
liability of such an individual, shall notify the board within 5807  
thirty days after the final disposition of any written claim for 5808  
damages where such disposition results in a payment exceeding 5809  
twenty-five thousand dollars. The notice shall contain the 5810  
following information: 5811

(1) The name and address of the person submitting the 5812  
notification; 5813

(2) The name and address of the insured who is the subject 5814  
of the claim; 5815

(3) The name of the person filing the written claim; 5816

(4) The date of final disposition; 5817

(5) If applicable, the identity of the court in which the 5818  
final disposition of the claim took place. 5819

(E) The board may investigate possible violations of this 5820  
chapter or the rules adopted under it that are brought to its 5821  
attention as a result of the reporting requirements of this 5822  
section, except that the board shall conduct an investigation if 5823  
a possible violation involves repeated malpractice. As used in 5824  
this division, "repeated malpractice" means three or more claims 5825  
for medical malpractice within the previous five-year period, 5826  
each resulting in a judgment or settlement in excess of twenty- 5827  
five thousand dollars in favor of the claimant, and each 5828  
involving negligent conduct by the practicing individual. 5829

(F) All summaries, reports, and records received and 5830  
maintained by the board pursuant to this section shall be held 5831  
in confidence and shall not be subject to discovery or 5832  
introduction in evidence in any federal or state civil action 5833  
involving a health care professional or facility arising out of 5834  
matters that are the subject of the reporting required by this 5835  
section. The board may use the information obtained only as the 5836  
basis for an investigation, as evidence in a disciplinary 5837  
hearing against an individual whose practice is regulated under 5838  
this chapter, or in any subsequent trial or appeal of a board 5839  
action or order. 5840

The board may disclose the summaries and reports it 5841  
receives under this section only to health care facility 5842  
committees within or outside this state that are involved in 5843  
credentialing or recredentialing the individual or in reviewing 5844  
the individual's clinical privileges. The board shall indicate 5845  
whether or not the information has been verified. Information 5846  
transmitted by the board shall be subject to the same 5847  
confidentiality provisions as when maintained by the board. 5848

(G) Except for reports filed by an individual pursuant to 5849  
division (B) of this section, the board shall send a copy of any 5850  
reports or summaries it receives pursuant to this section to the 5851  
individual who is the subject of the reports or summaries. The 5852  
individual shall have the right to file a statement with the 5853  
board concerning the correctness or relevance of the 5854  
information. The statement shall at all times accompany that 5855  
part of the record in contention. 5856

(H) An individual or entity that, pursuant to this 5857  
section, reports to the board, reports to the monitoring 5858  
organization described in section 4731.25 of the Revised Code, 5859

or refers an impaired practitioner to a treatment provider 5860  
approved by the board under section 4731.251 of the Revised Code 5861  
shall not be subject to suit for civil damages as a result of 5862  
the report, referral, or provision of the information. 5863

(I) In the absence of fraud or bad faith, no professional 5864  
association or society of individuals authorized to practice 5865  
under this chapter that sponsors a committee or program to 5866  
provide peer assistance to practitioners with substance abuse 5867  
problems, no representative or agent of such a committee or 5868  
program, no representative or agent of the monitoring 5869  
organization described in section 4731.25 of the Revised Code, 5870  
and no member of the state medical board shall be held liable in 5871  
damages to any person by reason of actions taken to refer a 5872  
practitioner to a treatment provider approved under section 5873  
4731.251 of the Revised Code for examination or treatment. 5874

**Sec. 4731.24.** Except as provided in sections 4731.281 and 5875  
4731.40 of the Revised Code, all receipts of the state medical 5876  
board, from any source, shall be deposited in the state 5877  
treasury. The funds shall be deposited to the credit of the 5878  
state medical board operating fund, which is hereby created. 5879  
Except as provided in sections 4730.252, 4731.225, 4731.24, 5880  
4759.071, 4760.133, 4761.091, 4762.133, 4772.203, 4774.133, and 5881  
4778.141 of the Revised Code, all funds deposited into the state 5882  
treasury under this section shall be used solely for the 5883  
administration and enforcement of this chapter and Chapters 5884  
4730., 4759., 4760., 4761., 4762., 4772., 4774., and 4778. of 5885  
the Revised Code by the board. 5886

**Sec. 4731.25.** (A) As used in this section and in sections 5887  
4731.251 to 4731.255 of the Revised Code: 5888

(1) "Applicant" means an individual who has applied under 5889

Chapter 4730., 4731., 4759., 4760., 4761., 4762., 4772., 4774., 5890  
or 4778. of the Revised Code for a license, training or other 5891  
certificate, limited permit, or other authority to practice as 5892  
any one of the following practitioners: a physician assistant, 5893  
physician, podiatrist, limited branch of medicine practitioner, 5894  
dietitian, anesthesiologist assistant, respiratory care 5895  
professional, acupuncturist, certified mental health assistant, 5896  
radiologist assistant, or genetic counselor. "Applicant" may 5897  
include an individual who has been granted authority by the 5898  
state medical board to practice as one type of practitioner, but 5899  
has applied for authority to practice as another type of 5900  
practitioner. 5901

(2) "Impaired" or "impairment" means either or both of the 5902  
following: 5903

(a) Impairment of ability to practice as described in 5904  
division (B) (5) of section 4730.25, division (B) (26) of section 5905  
4731.22, division (A) (18) of section 4759.07, division (B) (6) of 5906  
section 4760.13, division (A) (18) of section 4761.09, division 5907  
(B) (6) of section 4762.13, division (B) (6) of section 4772.20, 5908  
division (B) (6) of section 4774.13, or division (B) (6) of 5909  
section 4778.14 of the Revised Code; 5910

(b) Inability to practice as described in division (B) (4) 5911  
of section 4730.25, division (B) (19) of section 4731.22, 5912  
division (A) (14) of section 4759.07, division (B) (5) of section 5913  
4760.13, division (A) (14) of section 4761.09, division (B) (5) of 5914  
section 4762.13, division (B) (5) of section 4774.13, or division 5915  
(B) (5) of section 4778.14 of the Revised Code. 5916

(3) "Practitioner" means any of the following: 5917

(a) An individual authorized under this chapter to 5918

practice medicine and surgery, osteopathic medicine and surgery,	5919
podiatric medicine and surgery, or a limited branch of medicine;	5920
(b) An individual licensed under Chapter 4730. of the	5921
Revised Code to practice as a physician assistant;	5922
(c) An individual authorized under Chapter 4759. of the	5923
Revised Code to practice as a dietitian;	5924
(d) An individual authorized under Chapter 4760. of the	5925
Revised Code to practice as an anesthesiologist assistant;	5926
(e) An individual authorized under Chapter 4761. of the	5927
Revised Code to practice respiratory care;	5928
(f) An individual licensed under Chapter 4762. of the	5929
Revised Code to practice as an acupuncturist;	5930
(g) <u>An individual licensed under Chapter 4772. of the</u>	5931
<u>Revised Code to practice as a certified mental health assistant;</u>	5932
<u>(h)</u> An individual licensed under Chapter 4774. of the	5933
Revised Code to practice as a radiologist assistant;	5934
<del>(h)</del> <u>(i)</u> An individual licensed under Chapter 4778. of the	5935
Revised Code to practice as a genetic counselor.	5936
(B) The state medical board shall establish a	5937
confidential, nondisciplinary program for the evaluation and	5938
treatment of practitioners and applicants who are, or may be,	5939
impaired and also meet the eligibility conditions described in	5940
section 4731.252 or 4731.253 of the Revised Code. The program	5941
shall be known as the confidential monitoring program.	5942
The board shall contract with a monitoring organization to	5943
conduct the program and perform monitoring services. To be	5944
qualified to contract with the board, an organization shall meet	5945

all of the following requirements:	5946
(1) Be a professionals health program sponsored by one or more professional associations or societies of practitioners;	5947 5948
(2) Be organized as a not-for-profit entity and exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code;	5949 5950 5951
(3) Contract with or employ a medical director who is authorized under this chapter to practice medicine and surgery or osteopathic medicine and surgery and specializes or has training and expertise in addiction medicine;	5952 5953 5954 5955
(4) Contract with or employ licensed health care professionals necessary for the organization's operation.	5956 5957
(C) The monitoring organization shall do all of the following pursuant to the contract:	5958 5959
(1) Receive from the board a referral regarding an applicant or receive any report of suspected practitioner impairment from any source, including from the board;	5960 5961 5962
(2) Notify a practitioner who is the subject of a report received under division (C)(1) of this section that the report has been made and that the practitioner may be eligible to participate in the program conducted under this section;	5963 5964 5965 5966
(3) Provide a practitioner who is the subject of a report received under division (C)(1) of this section with the list of approved evaluators and treatment providers prepared and updated as described in section 4731.251 of the Revised Code;	5967 5968 5969 5970
(4) Determine whether a practitioner reported or applicant referred to the monitoring organization is eligible to participate in the program, which in the case of an applicant	5971 5972 5973

may include evaluating records as described in division (E) (1)	5974
(d) of this section, and notify the practitioner or applicant of	5975
the determination;	5976
(5) In the case of a practitioner reported by a treatment	5977
provider, notify the treatment provider of the eligibility	5978
determination;	5979
(6) Report to the board any practitioner or applicant who	5980
is determined ineligible to participate in the program;	5981
(7) Refer an eligible practitioner who chooses to	5982
participate in the program for evaluation by an evaluator	5983
approved by the monitoring organization, unless the report	5984
received by the monitoring organization was made by an approved	5985
evaluator and the practitioner has already been evaluated;	5986
(8) Monitor the evaluation of an eligible practitioner;	5987
(9) Refer an eligible practitioner who chooses to	5988
participate in the program to a treatment provider approved by	5989
the monitoring organization;	5990
(10) Establish, in consultation with the treatment	5991
provider to which a practitioner is referred, the terms and	5992
conditions with which the practitioner must comply for continued	5993
participation in and successful completion of the program;	5994
(11) Report to the board any practitioner who does not	5995
complete evaluation or treatment or does not comply with any of	5996
the terms and conditions established by the monitoring	5997
organization and the treatment provider;	5998
(12) Perform any other activities specified in the	5999
contract with the board or that the monitoring organization	6000
considers necessary to comply with this section and sections	6001

4731.251 to 4731.255 of the Revised Code. 6002

(D) The monitoring organization shall not disclose to the 6003  
board the name of a practitioner or applicant or any records 6004  
relating to a practitioner or applicant, unless any of the 6005  
following occurs: 6006

(1) The practitioner or applicant is determined to be 6007  
ineligible to participate in the program. 6008

(2) The practitioner or applicant requests the disclosure. 6009

(3) The practitioner or applicant is unwilling or unable 6010  
to complete or comply with any part of the program, including 6011  
evaluation, treatment, or monitoring. 6012

(4) The practitioner or applicant presents an imminent 6013  
danger to oneself or the public, as a result of the 6014  
practitioner's or applicant's impairment. 6015

(5) The practitioner's impairment has not been 6016  
substantially alleviated by participation in the program. 6017

(E) (1) The monitoring organization shall develop 6018  
procedures governing each of the following: 6019

(a) Receiving reports of practitioner impairment; 6020

(b) Notifying practitioners of reports and eligibility 6021  
determinations; 6022

(c) Receiving applicant referrals as described in section 6023  
4731.253 of the Revised Code; 6024

(d) Evaluating records of referred applicants, in 6025  
particular records from other jurisdictions regarding prior 6026  
treatment for impairment or current or continued monitoring; 6027



(e) Notifying applicants of eligibility determinations;	6028
(f) Referring eligible practitioners for evaluation or treatment;	6029 6030
(g) Establishing individualized treatment plans for eligible practitioners, as recommended by treatment providers;	6031 6032
(h) Establishing individualized terms and conditions with which eligible practitioners or applicants must comply for continued participation in and successful completion of the program.	6033 6034 6035 6036
(2) The monitoring organization, in consultation with the board, shall develop procedures governing each of the following:	6037 6038
(a) Providing reports to the board on a periodic basis on the total number of practitioners or applicants participating in the program, without disclosing the names or records of any program participants other than those about whom reports are required by this section;	6039 6040 6041 6042 6043
(b) Reporting to the board any practitioner or applicant who due to impairment presents an imminent danger to oneself or the public;	6044 6045 6046
(c) Reporting to the board any practitioner or applicant who is unwilling or unable to complete or comply with any part of the program, including evaluation, treatment, or monitoring;	6047 6048 6049
(d) Reporting to the board any practitioner or applicant whose impairment was not substantially alleviated by participation in the program.	6050 6051 6052
<b>Sec. 4731.251.</b> (A) In addition to the duties described in section 4731.25 of the Revised Code, the monitoring organization shall conduct a review of individuals and entities providing	6053 6054 6055

impairment evaluation and treatment services to determine which should be approved as evaluators and treatment providers by the organization. The individuals and entities may include those with experience providing evaluation and treatment services as part of a professionals health program sponsored by one or more professional associations or societies of practitioners. The monitoring organization shall conduct its review in accordance with criteria developed under this section.

Following its review, the monitoring organization shall grant or deny approval to evaluators and treatment providers, which may include physicians and facilities. The monitoring organization shall prepare a list of evaluators approved to serve under the program and a list of treatment providers approved to serve under the program or as described in division (B) (5) of section 4730.25, division (B) (26) of section 4731.22, division (A) (18) of section 4759.07, division (B) (6) of section 4760.13, division (A) (18) of section 4761.09, division (B) (6) of section 4762.13, division (B) (6) of section 4772.20, division (B) (6) of section 4774.13, or division (B) (6) of section 4778.14 of the Revised Code.

In accordance with criteria developed under this section, the monitoring organization shall periodically review and update the list of approved evaluators and treatment providers, including by examining evaluator and treatment provider outcomes and operations. As part of its periodic review, the organization may approve additional evaluators or treatment providers and add them to the list. The organization also may withdraw approval for evaluators and treatment providers. Such additions and withdrawals shall be reflected in the list.

(B) The monitoring organization and state medical board

together shall develop criteria and procedures for the review 6086  
and approval of impairment evaluators and treatment providers. 6087  
The criteria and procedures shall address reviews conducted on a 6088  
periodic basis, including the examination of approved evaluator 6089  
and treatment provider outcomes and operations. 6090

(C) Separate from the confidential monitoring program 6091  
established under section 4731.25 of the Revised Code, the board 6092  
may contract with the monitoring organization to assist the 6093  
board in monitoring impaired practitioners who are subject to 6094  
formal disciplinary action by the board. 6095

(D) Any practitioner who is evaluated or treated as part 6096  
of the confidential monitoring program, who enters into a 6097  
participation agreement with the monitoring organization, or who 6098  
is treated by an approved treatment provider shall be deemed to 6099  
have waived any confidentiality requirements that would 6100  
otherwise prevent the monitoring organization or treatment 6101  
provider from making reports required under sections 4731.25 to 6102  
4731.255 of the Revised Code. 6103

**Sec. 4734.99.** (A) Whoever violates section 4734.14 or 6104  
4734.141 of the Revised Code is guilty of a felony of the fifth 6105  
degree on a first offense, unless the offender previously has 6106  
been convicted of or has pleaded guilty to a violation of 6107  
section 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 6108  
2913.40, 2913.47, 2913.48, 2913.51, 2921.13, 4715.09, 4723.03, 6109  
4725.02, 4725.41, 4729.27, 4729.28, 4729.36, 4729.51, 4729.61, 6110  
4730.02, 4731.41, 4731.43, 4731.46, 4731.47, 4731.60, 4732.21, 6111  
4741.18, 4741.19, 4755.48, 4757.02, 4759.02, 4761.10, 4772.02, 6112  
or 4773.02 of the Revised Code or an offense under an existing 6113  
or former law of this state, another state, or the United States 6114  
that is or was substantially equivalent to a violation of any of 6115

those sections, in which case the offender is guilty of a felony 6116  
of the fourth degree. For each subsequent offense, the offender 6117  
is guilty of a felony of the fourth degree. 6118

(B) Whoever violates section 4734.161 of the Revised Code 6119  
is guilty of a misdemeanor of the first degree. 6120

(C) Whoever violates division (A), (B), (C), or (D) of 6121  
section 4734.32 of the Revised Code is guilty of a minor 6122  
misdemeanor on a first offense; on each subsequent offense, the 6123  
person is guilty of a misdemeanor of the fourth degree, except 6124  
that an individual guilty of a subsequent offense shall not be 6125  
subject to imprisonment, but to a fine alone of up to one 6126  
thousand dollars for each offense. 6127

**Sec. 4743.09.** (A) As used in this section: 6128

(1) "Durable medical equipment" means a type of equipment, 6129  
such as a remote monitoring device utilized by a physician, 6130  
physician assistant, or advanced practice registered nurse in 6131  
accordance with this section, that can withstand repeated use, 6132  
is primarily and customarily used to serve a medical purpose, 6133  
and generally is not useful to a person in the absence of 6134  
illness or injury and, in addition, includes repair and 6135  
replacement parts for the equipment. 6136

(2) "Facility fee" means any fee charged or billed for 6137  
telehealth services provided in a facility that is intended to 6138  
compensate the facility for its operational expenses and is 6139  
separate and distinct from a professional fee. 6140

(3) "Health care professional" means: 6141

(a) An advanced practice registered nurse, as defined in 6142  
section 4723.01 of the Revised Code; 6143

(b) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry;	6144 6145
(c) A pharmacist licensed under Chapter 4729. of the Revised Code;	6146 6147
(d) A physician assistant licensed under Chapter 4730. of the Revised Code;	6148 6149
(e) A physician licensed under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	6150 6151 6152
(f) A psychologist, independent school psychologist, or school psychologist licensed under Chapter 4732. of the Revised Code;	6153 6154 6155
(g) A chiropractor licensed under Chapter 4734. of the Revised Code;	6156 6157
(h) An audiologist or speech-language pathologist licensed under Chapter 4753. of the Revised Code;	6158 6159
(i) An occupational therapist or physical therapist licensed under Chapter 4755. of the Revised Code;	6160 6161
(j) An occupational therapy assistant or physical therapist assistant licensed under Chapter 4755. of the Revised Code;	6162 6163 6164
(k) A professional clinical counselor, independent social worker, independent marriage and family therapist, art therapist, or music therapist licensed under Chapter 4757. of the Revised Code;	6165 6166 6167 6168
(l) An independent chemical dependency counselor licensed under Chapter 4758. of the Revised Code;	6169 6170

(m) A dietitian licensed under Chapter 4759. of the Revised Code;	6171 6172
(n) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	6173 6174
(o) A genetic counselor licensed under Chapter 4778. of the Revised Code;	6175 6176
(p) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code;	6177 6178
<u>(q) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.</u>	6179 6180
(4) "Health care professional licensing board" means any of the following:	6181 6182
(a) The board of nursing;	6183
(b) The state vision professionals board;	6184
(c) The state board of pharmacy;	6185
(d) The state medical board;	6186
(e) The state board of psychology;	6187
(f) The state chiropractic board;	6188
(g) The state speech and hearing professionals board;	6189
(h) The Ohio occupational therapy, physical therapy, and athletic trainers board;	6190 6191
(i) The counselor, social worker, and marriage and family therapist board;	6192 6193
(j) The chemical dependency professionals board.	6194
(5) "Health plan issuer" has the same meaning as in	6195

section 3922.01 of the Revised Code. 6196

(6) "Telehealth services" means health care services 6197  
provided through the use of information and communication 6198  
technology by a health care professional, within the 6199  
professional's scope of practice, who is located at a site other 6200  
than the site where either of the following is located: 6201

(a) The patient receiving the services; 6202

(b) Another health care professional with whom the 6203  
provider of the services is consulting regarding the patient. 6204

(B) (1) Each health care professional licensing board shall 6205  
permit a health care professional under its jurisdiction to 6206  
provide the professional's services as telehealth services in 6207  
accordance with this section. Subject to division (B) (2) of this 6208  
section, a board may adopt any rules it considers necessary to 6209  
implement this section. All rules adopted under this section 6210  
shall be adopted in accordance with Chapter 119. of the Revised 6211  
Code. Any such rules adopted by a board are not subject to the 6212  
requirements of division (F) of section 121.95 of the Revised 6213  
Code. 6214

(2) (a) Except as provided in division (B) (2) (b) of this 6215  
section, the rules adopted by a health care professional 6216  
licensing board under this section shall establish a standard of 6217  
care for telehealth services that is equal to the standard of 6218  
care for in-person services. 6219

(b) Subject to division (B) (2) (c) of this section, a board 6220  
may require an initial in-person visit prior to prescribing a 6221  
schedule II controlled substance to a new patient, equivalent to 6222  
applicable state and federal requirements. 6223

(c) (i) A board shall not require an initial in-person 6224  
visit for a new patient whose medical record indicates that the 6225  
patient is receiving hospice or palliative care, who is 6226  
receiving medication-assisted treatment or any other medication 6227  
for opioid-use disorder, who is a patient with a mental health 6228  
condition, or who, as determined by the clinical judgment of a 6229  
health care professional, is in an emergency situation. 6230

(ii) Notwithstanding division (B) of section 3796.01 of 6231  
the Revised Code, medical marijuana shall not be considered a 6232  
schedule II controlled substance. 6233

(C) With respect to the provision of telehealth services, 6234  
all of the following apply: 6235

(1) A health care professional may use synchronous or 6236  
asynchronous technology to provide telehealth services to a 6237  
patient during an initial visit if the appropriate standard of 6238  
care for an initial visit is satisfied. 6239

(2) A health care professional may deny a patient 6240  
telehealth services and, instead, require the patient to undergo 6241  
an in-person visit. 6242

(3) When providing telehealth services in accordance with 6243  
this section, a health care professional shall comply with all 6244  
requirements under state and federal law regarding the 6245  
protection of patient information. A health care professional 6246  
shall ensure that any username or password information and any 6247  
electronic communications between the professional and a patient 6248  
are securely transmitted and stored. 6249

(4) A health care professional may use synchronous or 6250  
asynchronous technology to provide telehealth services to a 6251  
patient during an annual visit if the appropriate standard of 6252



care for an annual visit is satisfied. 6253

(5) In the case of a health care professional who is a 6254  
physician, physician assistant, or advanced practice registered 6255  
nurse, both of the following apply: 6256

(a) The professional may provide telehealth services to a 6257  
patient located outside of this state if permitted by the laws 6258  
of the state in which the patient is located. 6259

(b) The professional may provide telehealth services 6260  
through the use of medical devices that enable remote 6261  
monitoring, including such activities as monitoring a patient's 6262  
blood pressure, heart rate, or glucose level. 6263

(D) When a patient has consented to receiving telehealth 6264  
services, the health care professional who provides those 6265  
services is not liable in damages under any claim made on the 6266  
basis that the services do not meet the same standard of care 6267  
that would apply if the services were provided in-person. 6268

(E) (1) A health care professional providing telehealth 6269  
services shall not charge a patient or a health plan issuer 6270  
covering telehealth services under section 3902.30 of the 6271  
Revised Code any of the following: a facility fee, an 6272  
origination fee, or any fee associated with the cost of the 6273  
equipment used at the provider site to provide telehealth 6274  
services. 6275

A health care professional providing telehealth services 6276  
may charge a health plan issuer for durable medical equipment 6277  
used at a patient or client site. 6278

(2) A health care professional may negotiate with a health 6279  
plan issuer to establish a reimbursement rate for fees 6280

associated with the administrative costs incurred in providing 6281  
telehealth services as long as a patient is not responsible for 6282  
any portion of the fee. 6283

(3) A health care professional providing telehealth 6284  
services shall obtain a patient's consent before billing for the 6285  
cost of providing the services, but the requirement to do so 6286  
applies only once. 6287

(F) Nothing in this section limits or otherwise affects 6288  
any other provision of the Revised Code that requires a health 6289  
care professional who is not a physician to practice under the 6290  
supervision of, in collaboration with, in consultation with, or 6291  
pursuant to the referral of another health care professional. 6292

(G) It is the intent of the general assembly, through the 6293  
amendments to this section, to expand access to and investment 6294  
in telehealth services in this state in congruence with the 6295  
expansion and investment in telehealth services made during the 6296  
COVID-19 pandemic. 6297

**Sec. 4765.51.** Nothing in this chapter prevents or 6298  
restricts the practice, services, or activities of any 6299  
registered nurse practicing within the scope of the registered 6300  
nurse's practice. 6301

Nothing in this chapter prevents or restricts the 6302  
practice, services, or activities of any physician assistant 6303  
practicing in accordance with a supervision agreement entered 6304  
into under section 4730.19 of the Revised Code, including, if 6305  
applicable, the policies of the health care facility in which 6306  
the physician assistant is practicing. 6307

Nothing in this chapter prevents or restricts the 6308  
practice, services, or activities of any certified mental health 6309

assistant practicing in accordance with a supervision agreement 6310  
entered into under section 4772.10 of the Revised Code. 6311

**Sec. 4769.01.** As used in this chapter: 6312

(A) "Medicare" means the program established by Title 6313  
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 6314  
U.S.C.A. 301, as amended. 6315

(B) "Balance billing" means charging or collecting from a 6316  
medicare beneficiary an amount in excess of the medicare 6317  
reimbursement rate for medicare-covered services or supplies 6318  
provided to a medicare beneficiary, except when medicare is the 6319  
secondary insurer. When medicare is the secondary insurer, the 6320  
health care practitioner may pursue full reimbursement under the 6321  
terms and conditions of the primary coverage and, if applicable, 6322  
the charge allowed under the terms and conditions of the 6323  
appropriate provider contract, from the primary insurer, but the 6324  
medicare beneficiary cannot be balance billed above the medicare 6325  
reimbursement rate for a medicare-covered service or supply. 6326  
"Balance billing" does not include charging or collecting 6327  
deductibles or coinsurance required by the program. 6328

(C) "Health care practitioner" means all of the following: 6329

(1) A dentist or dental hygienist licensed under Chapter 6330  
4715. of the Revised Code; 6331

(2) A registered or licensed practical nurse licensed 6332  
under Chapter 4723. of the Revised Code; 6333

(3) An optometrist licensed under Chapter 4725. of the 6334  
Revised Code; 6335

(4) A dispensing optician, spectacle dispensing optician, 6336  
or spectacle-contact lens dispensing optician licensed under 6337

Chapter 4725. of the Revised Code;	6338
(5) A pharmacist licensed under Chapter 4729. of the Revised Code;	6339 6340
(6) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;	6341 6342 6343
(7) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	6344 6345
(8) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	6346 6347
(9) A psychologist licensed under Chapter 4732. of the Revised Code;	6348 6349
(10) A chiropractor licensed under Chapter 4734. of the Revised Code;	6350 6351
(11) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	6352 6353
(12) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	6354 6355
(13) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	6356 6357
(14) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	6358 6359
(15) A licensed professional clinical counselor, licensed professional counselor, social worker, or independent social worker licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	6360 6361 6362 6363

(16) A dietitian licensed under Chapter 4759. of the Revised Code;	6364 6365
(17) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	6366 6367
(18) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code;	6368 6369 6370 6371
<u>(19) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.</u>	6372 6373
<b><u>Sec. 4772.01. As used in this chapter:</u></b>	6374
<u>(A) "Certified mental health assistant" means an individual who, under physician supervision, provides mental health care by engaging in any of the activities authorized under section 4772.09 of the Revised Code.</u>	6375 6376 6377 6378
<u>(B) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.</u>	6379 6380
<u>(C) "Drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.</u>	6381 6382 6383
<u>(D) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.</u>	6384 6385
<u>(E) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.</u>	6386 6387 6388
<b><u>Sec. 4772.02. (A) No person shall hold that person out as being able to function as a certified mental health assistant,</u></b>	6389 6390

or use any words or letters indicating or implying that the 6391  
person is a certified mental health assistant, without a 6392  
current, valid license to practice as a certified mental health 6393  
assistant issued pursuant to this chapter. 6394

(B) No person shall practice as a certified mental health 6395  
assistant without the supervision, control, and direction of a 6396  
physician. 6397

(C) No person shall practice as a certified mental health 6398  
assistant without having entered into a supervision agreement 6399  
with a supervising physician under section 4772.10 of the 6400  
Revised Code. 6401

(D) No person acting as the supervising physician of a 6402  
certified mental health assistant shall authorize the certified 6403  
mental health assistant to perform services if either of the 6404  
following is the case: 6405

(1) The services are not within the physician's normal 6406  
course of practice and expertise. 6407

(2) The services are inconsistent with the supervision 6408  
agreement under which the certified mental health assistant is 6409  
being supervised. 6410

(E) No person shall advertise to provide services as a 6411  
certified mental health assistant, except for the purpose of 6412  
seeking employment. 6413

(F) No person practicing as a certified mental health 6414  
assistant shall fail to wear at all times when on duty a 6415  
placard, plate, or other device identifying that person as a 6416  
"certified mental health assistant." 6417

**Sec. 4772.03.** Nothing in this chapter shall: 6418

(A) Be construed to affect or interfere with the 6419  
performance of duties of any medical personnel who are either of 6420  
the following: 6421

(1) In active service in the army, navy, coast guard, 6422  
marine corps, air force, public health service, or marine 6423  
hospital service of the United States while so serving; 6424

(2) Employed by the veterans administration of the United 6425  
States while so employed. 6426

(B) Prevent any person from performing any of the services 6427  
a certified mental health assistant may be authorized to 6428  
perform, if the person's professional scope of practice 6429  
established under any other chapter of the Revised Code 6430  
authorizes the person to perform the services; 6431

(C) Prohibit a physician from delegating responsibilities 6432  
to any nurse or other qualified person who does not hold a 6433  
license to practice as a certified mental health assistant, 6434  
provided that the nurse or other qualified person is not held 6435  
out to be a certified mental health assistant; 6436

(D) Be construed as authorizing a certified mental health 6437  
assistant independently to order or direct the execution of 6438  
procedures or techniques by a registered nurse or licensed 6439  
practical nurse in the care and treatment of a person in any 6440  
setting, except to the extent that the certified mental health 6441  
assistant is authorized to do so by a physician who is 6442  
responsible for supervising the certified mental health 6443  
assistant. 6444

**Sec. 4772.04.** (A) An individual seeking a license to 6445  
practice as a certified mental health assistant shall file with 6446  
the state medical board a written application on a form 6447

prescribed and supplied by the board. The application shall 6448  
include all the information the board considers necessary to 6449  
process the application, including evidence satisfactory to the 6450  
board that the applicant meets the requirements specified in 6451  
division (B) of this section. 6452

At the time an application is submitted, the applicant 6453  
shall pay the board the application fee specified by the board 6454  
in rules adopted under section 4772.19 of the Revised Code. No 6455  
part of the fee shall be returned. 6456

(B) To be eligible to receive a license to practice as a 6457  
certified mental health assistant, an applicant shall meet all 6458  
of the following requirements: 6459

(1) Be at least eighteen years of age; 6460

(2) Hold a bachelor's degree in any field of study 6461  
obtained from an accredited educational institution; 6462

(3) Meet either of the following additional educational 6463  
requirements: 6464

(a) Hold a master's or higher degree obtained from a 6465  
certified mental health assistant program, as described in 6466  
section 4772.05 of the Revised Code; 6467

(b) Meet both of the following requirements: 6468

(i) Hold a diploma from a medical school or osteopathic 6469  
medical school that, at the time the diploma was issued, was a 6470  
medical school accredited by the liaison committee on medical 6471  
education or an osteopathic medical school accredited by the 6472  
American osteopathic association; 6473

(ii) Have completed twelve months of coursework from a 6474  
certified mental health assistant program, as described in 6475



section 4772.05 of the Revised Code. 6476

(C) The board shall review all applications received under this section. Not later than sixty days after receiving an application the board considers to be complete, the board shall determine whether the applicant meets the requirements to receive a license to practice as a certified mental health assistant. 6477  
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**Sec. 4772.041.** In addition to any other eligibility requirement set forth in this chapter, each applicant for a license to practice as a certified mental health assistant shall comply with sections 4776.01 to 4776.04 of the Revised Code. 6483  
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**Sec. 4772.05.** (A) To constitute a certified mental health assistant program for purposes of section 4772.04 of the Revised Code, an education program approved by the chancellor of higher education shall be at least thirty credit hours of graduate coursework that includes courses in each of the following areas: 6487  
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(1) Psychiatric diagnoses included in the diagnostic and statistical manual of mental disorders published by the American psychiatric association; 6492  
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(2) Laboratory studies used in diagnosing or managing psychiatric conditions; 6495  
6496

(3) Medical conditions that mimic or present as psychiatric conditions; 6497  
6498

(4) Medical conditions associated with psychiatric conditions or treatment; 6499  
6500

(5) Psychopharmacology, including treatment of psychiatric conditions, interactions, and recognition and management of drug side effects and complications; 6501  
6502  
6503

<u>(6) Psychosocial interventions;</u>	6504
<u>(7) Conducting suicide and homicide risk assessments;</u>	6505
<u>(8) Forensic issues in psychiatry;</u>	6506
<u>(9) Basic behavioral health counseling;</u>	6507
<u>(10) Clinical experiences in inpatient psychiatric units,</u>	6508
<u>outpatient mental health clinics, psychiatric consultation and</u>	6509
<u>liaison services, and addiction services.</u>	6510
<u>(B) The chancellor of higher education, in the process of</u>	6511
<u>approving or disapproving the certified mental health assistant</u>	6512
<u>program, shall consider feedback and recommendations from the</u>	6513
<u>advisory committee created pursuant to division (C) of this</u>	6514
<u>section.</u>	6515
<u>(C) (1) An advisory committee on certified mental health</u>	6516
<u>assistant programs is created within the state medical board.</u>	6517
<u>The committee shall consist of five members appointed by the</u>	6518
<u>board's executive director. The following organizations may</u>	6519
<u>recommend appointments to the executive director for</u>	6520
<u>consideration:</u>	6521
<u>(a) Ohio state medical association;</u>	6522
<u>(b) Northeast Ohio medical university;</u>	6523
<u>(c) Ohio psychiatric physicians association.</u>	6524
<u>(2) The executive director shall appoint initial members</u>	6525
<u>and fill vacancies after considering the recommendations the</u>	6526
<u>executive director receives. If the executive director does not</u>	6527
<u>receive any recommendations or receives an insufficient number</u>	6528
<u>of recommendations, the executive director shall appoint members</u>	6529
<u>and fill vacancies on the executive director's own advice.</u>	6530

Initial appointments to the committee shall be made not 6531  
later than sixty days after the effective date of this section. 6532  
Subject to division (C) (4) of this section regarding the 6533  
duration of the committee, all of the following apply: 6534

(a) Of the initial appointments described in division (C) 6535  
(1) of this section, two shall be for terms of one year and 6536  
three shall be for terms of two years. Thereafter, terms shall 6537  
be for two years, with each term ending on the same day of the 6538  
same month as did the term that it succeeds. 6539

(b) Members may be reappointed; 6540

(c) Vacancies shall be filled in the same manner as 6541  
appointments; 6542

(d) When the term of any member expires, a successor shall 6543  
be appointed in the same manner as the initial appointment. Any 6544  
member appointed to fill a vacancy occurring prior to the 6545  
expiration of the term for which the member's predecessor was 6546  
appointed holds office for the remainder of that term. 6547

(e) A member shall continue in office subsequent to the 6548  
expiration date of the member's term until the member's 6549  
successor takes office or until a period of sixty days has 6550  
elapsed, whichever occurs first. 6551

(3) The committee shall organize by selecting a 6552  
chairperson from among its members. The committee may select a 6553  
new chairperson at any time. Three members constitute a quorum 6554  
for the transaction of official business. Meetings may be 6555  
conducted by virtual means, at the discretion of the 6556  
chairperson. Notwithstanding division (C) of section 121.22 of 6557  
the Revised Code, a committee member who attends a meeting by 6558  
virtual means is considered present in person at the meeting, 6559

may vote at the meeting, and is counted for purposes of 6560  
determining whether a quorum is present at the meeting. 6561

Members shall serve without compensation but receive 6562  
payment for their actual and necessary expenses incurred in the 6563  
performance of their official duties. The expenses shall be paid 6564  
by the board. 6565

(4) The committee shall advise the board and the 6566  
department of higher education regarding certified mental health 6567  
assistant programs until such time that there is a national 6568  
accrediting body for certified mental health assistants. Until 6569  
there is a national accrediting body, the committee, in 6570  
providing feedback and recommendations, shall reference the 6571  
physician assistant accrediting standards from the accreditation 6572  
review commission on education for the physician assistant. Once 6573  
there is a national accrediting body, the committee ceases to 6574  
exist. 6575

**Sec. 4772.06.** If the state medical board determines under 6576  
section 4772.04 of the Revised Code that an applicant meets the 6577  
requirements for a license to practice as a certified mental 6578  
health assistant, the secretary of the board shall register the 6579  
applicant as a certified mental health assistant and issue to 6580  
the applicant a license to practice as a certified mental health 6581  
assistant. The license shall be valid for a two-year period 6582  
unless revoked or suspended, shall expire on the date that is 6583  
two years after the date of issuance, and may be renewed for 6584  
additional two-year periods in accordance with section 4772.08 6585  
of the Revised Code. 6586

**Sec. 4772.07.** On application by the holder of a license to 6587  
practice as a certified mental health assistant, the state 6588  
medical board shall issue a duplicate license to replace one 6589

that is missing or damaged, to reflect a name change, or for any 6590  
other reasonable cause. The fee for a duplicate license is 6591  
thirty-five dollars. 6592

**Sec. 4772.08.** (A) An individual seeking to renew a license 6593  
to practice as a certified mental health assistant shall, on or 6594  
before the license's expiration date, apply to the state medical 6595  
board for renewal. The board shall provide renewal notices to 6596  
license holders at least one month prior to the expiration date. 6597

Renewal applications shall be submitted to the board in a 6598  
manner prescribed by the board. Each application shall be 6599  
accompanied by a biennial renewal fee specified by the board in 6600  
rules adopted under section 4772.19 of the Revised Code. 6601

The applicant shall report any criminal offense that 6602  
constitutes grounds for refusing to issue a license under 6603  
section 4772.20 of the Revised Code to which the applicant has 6604  
pleaded guilty, of which the applicant has been found guilty, or 6605  
for which the applicant has been found eligible for intervention 6606  
in lieu of conviction, since last signing an application for a 6607  
license to practice as a certified mental health assistant. 6608

(B) To be eligible for renewal, a certified mental health 6609  
assistant shall certify to the board that the assistant has 6610  
complied with the renewal eligibility requirements established 6611  
under section 4772.081 of the Revised Code that pertain to the 6612  
applicant. 6613

(C) If an applicant submits a renewal application that the 6614  
board considers to be complete and qualifies for renewal 6615  
pursuant to division (B) of this section, the board shall issue 6616  
to the applicant a renewed license to practice as a certified 6617  
mental health assistant. 6618

(D) The board may require a random sample of license holders to submit materials documenting that the continuing education requirements of section 4772.081 of the Revised Code, and any other continuing education required by the board's rules, have been satisfied. 6619  
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Division (D) of this section does not limit the board's authority to conduct investigations pursuant to section 4772.20 of the Revised Code. 6624  
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(E) A license that is not renewed on or before its expiration date is automatically suspended on its expiration date, subject to the provisions of section 119.06 of the Revised Code specifying that an applicant who appropriately files a renewal application is not required to discontinue practicing merely because the board has failed to act on the application. 6627  
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If a license has been suspended pursuant to this division for two years or less, the board shall reinstate the license upon an applicant's submission of a renewal application, the biennial renewal fee, and the applicable monetary penalty. The penalty for reinstatement is fifty dollars. 6633  
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If a license has been suspended pursuant to this division for more than two years, it may be restored. Subject to section 4772.082 of the Revised Code, the board may restore the license upon an applicant's submission of a restoration application, the biennial renewal fee, the applicable monetary penalty, and compliance with sections 4776.01 to 4776.04 of the Revised Code. The board shall not restore a license unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a certificate issued pursuant to section 4772.06 of the Revised Code. The penalty for restoration is one hundred dollars. 6638  
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(F) (1) If, through a random sample conducted under 6649  
division (D) of this section or any other means, the board finds 6650  
that an individual who certified completion of the continuing 6651  
education required to renew, reinstate, or restore a license to 6652  
practice did not complete the requisite continuing medical 6653  
education, the board may do either of the following: 6654

(a) Take disciplinary action against the individual under 6655  
section 4772.20 of the Revised Code, impose a civil penalty, or 6656  
both; 6657

(b) Permit the individual to agree in writing to complete 6658  
the continuing medical education and pay a civil penalty. 6659

(2) The board's finding in any disciplinary action taken 6660  
under division (F) (1) (a) of this section shall be made pursuant 6661  
to an adjudication under Chapter 119. of the Revised Code and by 6662  
an affirmative vote of not fewer than six of its members. 6663

(3) A civil penalty imposed under division (F) (1) (a) of 6664  
this section or paid under division (F) (1) (b) of this section 6665  
shall be in an amount specified by the board of not more than 6666  
five thousand dollars. The board shall deposit civil penalties 6667  
in accordance with section 4731.24 of the Revised Code. 6668

**Sec. 4772.081. (A) To be eligible for renewal of a license** 6669  
**to practice as a certified mental health assistant, an applicant** 6670  
**who has been granted physician-delegated prescriptive authority** 6671  
**by the physician supervising the certified mental health** 6672  
**assistant is subject to both of the following:** 6673

(1) The applicant shall complete every two years at least 6674  
twelve hours of continuing education in pharmacology obtained 6675  
through a program or course approved by the state medical board 6676  
or a person the board has authorized to approve continuing 6677

pharmacology education programs and courses. Except as provided 6678  
in section 5903.12 of the Revised Code, the continuing education 6679  
shall be completed not later than the date on which the 6680  
applicant's license expires. 6681

(2) (a) Except as provided in division (A) (2) (b) of this 6682  
section, in the case of an applicant who prescribes opioid 6683  
analgesics or benzodiazepines, as defined in section 3719.01 of 6684  
the Revised Code, the applicant shall certify to the board 6685  
whether the applicant has been granted access to the drug 6686  
database. 6687

(b) The requirement described in division (A) (2) (a) of 6688  
this section does not apply if any of the following is the case: 6689

(i) The state board of pharmacy notifies the state medical 6690  
board pursuant to section 4729.861 of the Revised Code that the 6691  
applicant has been restricted from obtaining further information 6692  
from the drug database. 6693

(ii) The state board of pharmacy no longer maintains the 6694  
drug database. 6695

(iii) The applicant does not practice as a certified 6696  
mental health assistant in this state. 6697

(c) If an applicant certifies to the state medical board 6698  
that the applicant has been granted access to the drug database 6699  
and the board finds through an audit or other means that the 6700  
applicant has not been granted access, the board may take action 6701  
under section 4772.20 of the Revised Code. 6702

(B) The state medical board shall provide for pro rata 6703  
reductions by month of the number of hours of continuing 6704  
education in pharmacology that is required to be completed for 6705



certified mental health assistants who have been disabled due to 6706  
illness or accident or have been absent from the country. The 6707  
board shall adopt rules, in accordance with Chapter 119. of the 6708  
Revised Code, as necessary to implement this division. 6709

(C) The continuing education required by this section is 6710  
in addition to any other continuing education required by the 6711  
board's rules. 6712

(D) If the board chooses to authorize persons to approve 6713  
continuing pharmacology education programs and courses, it shall 6714  
establish standards for granting that authority and grant the 6715  
authority in accordance with the standards. 6716

**Sec. 4772.082.** (A) This section applies to both of the 6717  
following: 6718

(1) An applicant seeking restoration of a license issued 6719  
under this chapter that has been in a suspended or inactive 6720  
state for any cause for more than two years; 6721

(2) An applicant seeking issuance of a license pursuant to 6722  
this chapter who for more than two years has not been practicing 6723  
as a certified mental health assistant as either of the 6724  
following: 6725

(a) An active practitioner; 6726

(b) A student in an academic program as described in 6727  
section 4772.04 of the Revised Code. 6728

(B) Before issuing a license to an applicant subject to 6729  
this section or restoring a license to good standing for an 6730  
applicant subject to this section, the state medical board may 6731  
impose terms and conditions including any one or more of the 6732  
following: 6733

(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice; 6734  
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(2) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training; 6737  
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(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing evaluations and procedures in a manner that meets the minimal standards of care; 6739  
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(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions; 6744  
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(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders; 6746  
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(6) Restricting or limiting the extent, scope, or type of practice of the applicant. 6750  
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The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity. The board shall not issue or restore a license under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 6752  
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**Sec. 4772.09.** A license to practice as a certified mental health assistant issued under this chapter authorizes the holder to practice as a certified mental health assistant as follows: 6757  
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(A) The certified mental health assistant shall practice only under the supervision, control, and direction of a 6760  
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physician with whom the certified mental health assistant has 6762  
entered into a supervision agreement under section 4772.10 of 6763  
the Revised Code. 6764

(B) The certified mental health assistant shall practice 6765  
in accordance with the supervision agreement entered into with 6766  
the physician who is responsible for supervising the certified 6767  
mental health assistant. 6768

(C) Subject to division (D) of this section, a certified 6769  
mental health assistant licensed under this chapter may perform 6770  
any of the following services authorized by the supervising 6771  
physician that are part of the supervising physician's normal 6772  
course of practice and expertise: 6773

(1) Ordering diagnostic, therapeutic, and other medical 6774  
services as appropriate based on a patient's diagnosis that has 6775  
been made in accordance with division (D) of this section; 6776

(2) Ordering, prescribing, personally furnishing, and 6777  
administering drugs and medical devices in accordance with 6778  
sections 4772.12 to 4772.15 of the Revised Code; 6779

(3) Ordering occupational therapy or referring a patient 6780  
to an occupational therapist for occupational therapy, if 6781  
related to a diagnosis that has been made in accordance with 6782  
division (D) of this section; 6783

(4) Referring a patient to emergency medical services for 6784  
acute safety concerns, provided the certified mental health 6785  
assistant consults with the assistant's supervising physician as 6786  
soon as possible thereafter. 6787

(D) A certified mental health assistant shall not do any 6788  
of the following: 6789

<u>(1) Make an initial diagnosis;</u>	6790
<u>(2) Treat a patient for any diagnosis or condition not found in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association, or a similar publication if designated by the board;</u>	6791 6792 6793 6794 6795
<u>(3) Engage in electroconvulsive therapy, transcranial magnetic stimulation, or any other intervention designated as invasive by the board's rules.</u>	6796 6797 6798
<b><u>Sec. 4772.091.</u></b> <u>A certified mental health assistant may provide telehealth services in accordance with section 4743.09 of the Revised Code.</u>	6799 6800 6801
<b><u>Sec. 4772.092.</u></b> <u>(A) Acting pursuant to a supervision agreement, a certified mental health assistant may delegate performance of a task to implement a patient's plan of care or, if the conditions in division (C) of this section are met, may delegate administration of a drug. Subject to division (D) of section 4772.03 of the Revised Code, delegation may be to any person. The certified mental health assistant must be physically present at the location where the task is performed or the drug administered.</u>	6802 6803 6804 6805 6806 6807 6808 6809 6810
<u>(B) Prior to delegating a task or administration of a drug, a certified mental health assistant shall determine that the task or drug is appropriate for the patient and the person to whom the delegation is to be made may safely perform the task or administer the drug.</u>	6811 6812 6813 6814 6815
<u>(C) A certified mental health assistant may delegate administration of a drug only if all of the following conditions are met:</u>	6816 6817 6818

(1) The certified mental health assistant has been granted physician-delegated prescriptive authority by the physician supervising the certified mental health assistant and is authorized to prescribe the drug. 6819  
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(2) The drug is not a controlled substance. 6823

(3) The drug will not be administered intravenously. 6824

(4) The drug will not be administered in a hospital inpatient care unit, as defined in section 3727.50 of the Revised Code; a hospital emergency department; a freestanding emergency department; or an ambulatory surgical facility licensed under section 3702.30 of the Revised Code. 6825  
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(D) A person not otherwise authorized to administer a drug or perform a specific task may do so in accordance with a certified mental health assistant's delegation under this section. 6830  
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**Sec. 4772.10.** (A) Before initiating supervision of one or more certified mental health assistants licensed under this chapter, a physician shall enter into a supervision agreement with each certified mental health assistant who will be supervised. A supervision agreement may apply to one or more certified mental health assistants, but, except as provided in division (B)(5) of this section, may apply to not more than one physician. The supervision agreement shall specify that the physician agrees to supervise the certified mental health assistant and the certified mental health assistant agrees to practice under that physician's supervision. 6834  
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The agreement shall clearly state that the supervising physician is legally responsible and assumes legal liability for the services provided by the certified mental health assistant. 6845  
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The agreement shall be signed by the physician and the certified mental health assistant. 6848  
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(B) A supervision agreement shall include terms that specify all of the following: 6850  
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(1) The responsibilities to be fulfilled by the physician in supervising the certified mental health assistant; 6852  
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(2) The responsibilities to be fulfilled by the certified mental health assistant when performing services under the physician's supervision; 6854  
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(3) Any limitations on the responsibilities to be fulfilled by the certified mental health assistant; 6857  
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(4) The circumstances under which the certified mental health assistant is required to refer a patient to the supervising physician; 6859  
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(5) If the supervising physician chooses to designate physicians to act as alternate supervising physicians, the names, business addresses, and business telephone numbers of the physicians who have agreed to act in that capacity. 6862  
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(C) A supervision agreement may be amended to modify the responsibilities of one or more certified mental health assistants or to include one or more additional certified mental health assistants. 6866  
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(D) The supervising physician who entered into a supervision agreement shall retain a copy of the agreement in the records maintained by the supervising physician. Each certified mental health assistant who entered into the supervision agreement shall retain a copy of the agreement in the records maintained by the certified mental health assistant. 6870  
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(E) (1) If the board finds, through a review conducted 6876  
under this section or through any other means, any of the 6877  
following, the board may take disciplinary action against the 6878  
individual under section 4731.22 or 4772.20 of the Revised Code, 6879  
impose a civil penalty, or both: 6880

(a) That a certified mental health assistant has practiced 6881  
in a manner that departs from, or fails to conform to, the terms 6882  
of a supervision agreement entered into under this section; 6883

(b) That a physician has supervised a certified mental 6884  
health assistant in a manner that departs from, or fails to 6885  
conform to, the terms of a supervision agreement entered into 6886  
under this section; 6887

(c) That a physician or certified mental health assistant 6888  
failed to comply with division (A) or (B) of this section. 6889

(2) If the board finds, through a review conducted under 6890  
this section or through any other means, that a physician or 6891  
certified mental health assistant failed to comply with division 6892  
(D) of this section, the board may do either of the following: 6893

(a) Take disciplinary action against the individual under 6894  
section 4731.22 or 4772.20 of the Revised Code, impose a civil 6895  
penalty, or both; 6896

(b) Permit the individual to agree in writing to update 6897  
the records to comply with division (D) of this section and pay 6898  
a civil penalty. 6899

(3) The board's finding in any disciplinary action taken 6900  
under division (E) of this section shall be made pursuant to an 6901  
adjudication conducted under Chapter 119. of the Revised Code. 6902

(4) A civil penalty imposed under division (E) (1) or (2) 6903

(a) of this section or paid under division (E) (2) (b) of this 6904  
section shall be in an amount specified by the board of not more 6905  
than five thousand dollars and shall be deposited in accordance 6906  
with section 4731.24 of the Revised Code. 6907

**Sec. 4772.11.** (A) The supervising physician of a certified 6908  
mental health assistant exercises supervision, control, and 6909  
direction of the certified mental health assistant. A certified 6910  
mental health assistant may practice in any setting within which 6911  
the supervising physician has supervision, control, and 6912  
direction of the certified mental health assistant. 6913

In supervising a certified mental health assistant, all of 6914  
the following apply: 6915

(1) (a) Except as provided in division (A) (1) (b) of this 6916  
section, the supervising physician shall be continuously 6917  
available for direct communication with the certified mental 6918  
health assistant by either of the following means: 6919

(i) Being physically present at the location where the 6920  
certified mental health assistant is practicing; 6921

(ii) Being readily available to the certified mental 6922  
health assistant through some means of telecommunication and 6923  
being in a location that is a distance from the location where 6924  
the certified mental health assistant is practicing that 6925  
reasonably allows the physician to assure proper care of 6926  
patients. 6927

(b) During the first one thousand hours of a certified 6928  
mental health assistant's practice, including any exercise of 6929  
prescriptive authority, the supervising physician shall be 6930  
continuously available for direct communication with the 6931  
certified mental health assistant only by being physically 6932



present at the location where the certified mental health 6933  
assistant is practicing. This division does not require that the 6934  
supervising physician be in the same room as the certified 6935  
mental health assistant. 6936

(2) Prior to a certified mental health assistant providing 6937  
services to a patient, the supervising physician must have 6938  
evaluated the patient and diagnosed the patient with a diagnosis 6939  
or condition found in the most recent edition of the diagnostic 6940  
and statistical manual of mental disorders published by the 6941  
American psychiatric association, or a similar publication if 6942  
designated by the state medical board. 6943

(3) (a) After the initial diagnosis, the supervising 6944  
physician shall personally and actively review the certified 6945  
mental health assistant's professional activities, on not less 6946  
than a weekly basis. 6947

(b) (i) Except as provided in division (A) (3) (b) (ii) of 6948  
this section, the supervising physician must reevaluate the 6949  
patient not less than every two years, and sooner if there is a 6950  
significant change in the patient's condition or possible change 6951  
in the patient's diagnosis. 6952

(ii) The supervising physician shall reevaluate a patient 6953  
annually if the patient has been prescribed by a certified 6954  
mental health assistant, in accordance with section 4772.13 of 6955  
the Revised Code, a controlled substance related to a diagnosis 6956  
or condition found in the most recent edition of the diagnostic 6957  
and statistical manual of mental disorders published by the 6958  
American psychiatric association, or a similar publication if 6959  
designated by the board. 6960

(4) The supervising physician shall comply with the 6961

quality assurance standards established by the board in rules 6962  
adopted pursuant to section 4772.19 of the Revised Code. The 6963  
supervising physician may perform other quality assurance 6964  
activities that the supervising physician considers to be 6965  
appropriate. 6966

(5) The supervising physician shall regularly perform any 6967  
other reviews of the certified mental health assistant that the 6968  
supervising physician considers necessary. 6969

(B) A physician may enter into supervision agreements with 6970  
any number of certified mental health assistants, but the 6971  
physician may not supervise more than five certified mental 6972  
health assistants at any one time. A certified mental health 6973  
assistant may enter into supervision agreements with any number 6974  
of supervising physicians. 6975

(C) A supervising physician may authorize a certified 6976  
mental health assistant to perform a service only if the 6977  
physician is satisfied that the certified mental health 6978  
assistant is capable of competently performing the service. A 6979  
supervising physician shall not authorize a certified mental 6980  
health assistant to perform any service that is beyond the 6981  
physician's or the certified mental health assistant's normal 6982  
course of practice and expertise. 6983

(D) Each time a certified mental health assistant writes a 6984  
medical order, including prescriptions written in the exercise 6985  
of physician-delegated prescriptive authority, the certified 6986  
mental health assistant shall sign the form on which the order 6987  
is written and record on the form the time and date that the 6988  
order is written. 6989

(E) When performing authorized services, a certified 6990

mental health assistant acts as the agent of the certified 6991  
mental health assistant's supervising physician. The supervising 6992  
physician is legally responsible and assumes legal liability for 6993  
the services provided by the certified mental health assistant. 6994

The physician is not responsible or liable for any 6995  
services provided by the certified mental health assistant after 6996  
their supervision agreement expires or is terminated. 6997

**Sec. 4772.12.** (A) A license issued by the state medical 6998  
board under section 4772.06 of the Revised Code authorizes the 6999  
license holder to prescribe and personally furnish drugs and 7000  
therapeutic devices in the exercise of physician-delegated 7001  
prescriptive authority. 7002

(B) In exercising physician-delegated prescriptive 7003  
authority, a certified mental health assistant is subject to 7004  
section 4772.13 of the Revised Code and all of the following: 7005

(1) The certified mental health assistant shall exercise 7006  
physician-delegated prescriptive authority only to the extent 7007  
that the physician supervising the certified mental health 7008  
assistant has granted that authority. 7009

(2) (a) The certified mental health assistant shall comply 7010  
with all conditions placed on the physician-delegated 7011  
prescriptive authority, as specified by the supervising 7012  
physician who is supervising the certified mental health 7013  
assistant in the exercise of physician-delegated prescriptive 7014  
authority. If conditions are placed on that authority, the 7015  
supervising physician shall maintain a written record of the 7016  
conditions and make the record available to the state medical 7017  
board on request. 7018

(b) The conditions that a supervising physician may place 7019

on the physician-delegated prescriptive authority granted to a 7020  
certified mental health assistant include the following: 7021

(i) Identification by class and specific generic 7022  
nomenclature of drugs and therapeutic devices that the physician 7023  
chooses not to permit the certified mental health assistant to 7024  
prescribe; 7025

(ii) Limitations on the dosage units or refills that the 7026  
certified mental health assistant is authorized to prescribe; 7027

(iii) Specification of circumstances under which the 7028  
certified mental health assistant is required to refer patients 7029  
to the supervising physician or another physician when 7030  
exercising physician-delegated prescriptive authority; 7031

(iv) Responsibilities to be fulfilled by the physician in 7032  
supervising the certified mental health assistant that are not 7033  
otherwise specified in the supervision agreement or otherwise 7034  
required by this chapter. 7035

(3) If the certified mental health assistant possesses 7036  
physician-delegated prescriptive authority for controlled 7037  
substances, both of the following apply: 7038

(a) The certified mental health assistant shall register 7039  
with the federal drug enforcement administration. 7040

(b) The certified mental health assistant shall comply 7041  
with section 4772.13 of the Revised Code. 7042

(4) If the certified mental health assistant possesses 7043  
physician-delegated prescriptive authority to prescribe for a 7044  
minor an opioid analgesic, as those terms are defined in 7045  
sections 3719.01 and 3719.061 of the Revised Code, respectively, 7046  
the certified mental health assistant shall comply with section 7047

3719.061 of the Revised Code. 7048

(C) A certified mental health assistant shall not 7049  
prescribe any drug in violation of state or federal law. 7050

**Sec. 4772.13.** (A) Subject to division (B) of this section, 7051  
a certified mental health assistant may prescribe to a patient a 7052  
controlled substance only if the controlled substance is one of 7053  
the following: 7054

(1) Buprenorphine, but only for a patient that is actively 7055  
engaged in opioid use disorder treatment; 7056

(2) A benzodiazepine, but only in the following 7057  
circumstances: 7058

(a) For a patient diagnosed by the supervising physician 7059  
as having a chronic anxiety disorder; 7060

(b) For a patient with acute anxiety or agitation, but 7061  
only in an amount indicated for a period not to exceed seven 7062  
days. 7063

(3) A stimulant that has been approved by the federal food 7064  
and drug administration for the treatment of attention deficit 7065  
hyperactivity disorder, but only if the supervising physician 7066  
has diagnosed the patient with, or confirmed the patient's 7067  
diagnosis of, attention deficit hyper activity disorder. 7068

(B) Except as provided in division (C) of this section, a 7069  
certified mental health assistant licensed under this chapter 7070  
who has been granted physician-delegated prescriptive authority 7071  
by the physician supervising the certified mental health 7072  
assistant shall comply with all of the following as conditions 7073  
of prescribing a controlled substance identified in division (A) 7074  
of this section as part of a patient's course of treatment for a 7075

particular condition: 7076

(1) Before initially prescribing the drug, the certified 7077  
mental health assistant or the certified mental health 7078  
assistant's delegate shall request from the drug database a 7079  
report of information related to the patient that covers at 7080  
least the twelve months immediately preceding the date of the 7081  
request. If the certified mental health assistant practices 7082  
primarily in a county of this state that adjoins another state, 7083  
the certified mental health assistant or delegate also shall 7084  
request a report of any information available in the drug 7085  
database that pertains to prescriptions issued or drugs 7086  
furnished to the patient in the state adjoining that county. 7087

(2) If the patient's course of treatment for the condition 7088  
continues for more than ninety days after the initial report is 7089  
requested, the certified mental health assistant or delegate 7090  
shall make periodic requests for reports of information from the 7091  
drug database until the course of treatment has ended. The 7092  
requests shall be made at intervals not exceeding ninety days, 7093  
determined according to the date the initial request was made. 7094  
The request shall be made in the same manner provided in 7095  
division (B)(1) of this section for requesting the initial 7096  
report of information from the drug database. 7097

(3) On receipt of a report under division (B)(1) or (2) of 7098  
this section, the certified mental health assistant shall assess 7099  
the information in the report. The certified mental health 7100  
assistant shall document in the patient's record that the report 7101  
was received and the information was assessed. 7102

(C) Division (B) of this section does not apply in any of 7103  
the following circumstances: 7104

(1) A drug database report regarding the patient is not available, in which case the certified mental health assistant shall document in the patient's record the reason that the report is not available. 7105  
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(2) The drug is prescribed in an amount indicated for a period not to exceed seven days. 7109  
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(3) The drug is prescribed to a hospice patient in a hospice care program, as those terms are defined in section 3712.01 of the Revised Code, or any other patient diagnosed as terminally ill. 7111  
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(4) The drug is prescribed for administration in a hospital, nursing home, or residential care facility. 7115  
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(5) If the state board of pharmacy no longer maintains the drug database. 7117  
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(D) The state medical board shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including both of the following: 7119  
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(1) Standards and procedures to be followed by a certified mental health assistant who has been granted physician-delegated prescriptive authority regarding the review of patient information available through the drug database under division (A) (5) of section 4729.80 of the Revised Code. 7122  
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The rules adopted under this division do not apply if the state board of pharmacy no longer maintains the drug database. 7127  
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(2) Standards and procedures to be followed by a certified mental health assistant in the use of buprenorphine for use in medication-assisted treatment, including regarding detoxification, relapse prevention, patient assessment, 7129  
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individual treatment planning, counseling and recovery supports, 7133  
diversion control, and other topics selected by the board after 7134  
considering best practices in medication-assisted treatment. 7135

The board may apply the rules to all circumstances in 7136  
which a certified mental health assistant prescribes drugs for 7137  
use in medication-assisted treatment or limit the application of 7138  
the rules to prescriptions for medication-assisted treatment 7139  
issued for patients being treated in office-based practices or 7140  
other practice types or locations specified by the board. 7141

The rules adopted under this division shall be consistent 7142  
with this chapter and, to the extent consistent with this 7143  
chapter, rules adopted under sections 4723.51, 4730.55, and 7144  
4731.056 of the Revised Code. 7145

**Sec. 4772.14.** (A) A certified mental health assistant who 7146  
has been granted physician-delegated prescriptive authority by 7147  
the physician supervising the certified mental health assistant 7148  
may personally furnish to a patient samples of drugs and 7149  
therapeutic devices that are included in the certified mental 7150  
health assistant's physician-delegated prescriptive authority, 7151  
subject to all of the following: 7152

(1) The amount of the sample furnished shall not exceed a 7153  
seventy-two-hour supply, except when the minimum available 7154  
quantity of the sample is packaged in an amount that is greater 7155  
than a seventy-two-hour supply, in which case the certified 7156  
mental health assistant may furnish the sample in the package 7157  
amount. 7158

(2) No charge may be imposed for the sample or for 7159  
furnishing it. 7160

(3) Samples of controlled substances may not be personally 7161



furnished. 7162

(B) A certified mental health assistant who has been 7163  
granted physician-delegated prescriptive authority by the 7164  
physician supervising the certified mental health assistant may 7165  
personally furnish to a patient a complete or partial supply of 7166  
the drugs and therapeutic devices that are included in the 7167  
certified mental health assistant's physician-delegated 7168  
prescriptive authority, subject to all of the following: 7169

(1) The certified mental health assistant shall not 7170  
furnish the drugs and devices in locations other than the 7171  
following: 7172

(a) A health department operated by the board of health of 7173  
a city or general health district or the authority having the 7174  
duties of a board of health under section 3709.05 of the Revised 7175  
Code; 7176

(b) A federally funded comprehensive primary care clinic; 7177

(c) A nonprofit health care clinic or program; 7178

(d) An employer-based clinic that provides health care 7179  
services to the employer's employees. 7180

(2) The certified mental health assistant shall comply 7181  
with all standards and procedures for personally furnishing 7182  
supplies of drugs and devices, as established in rules adopted 7183  
under this section. 7184

(3) Complete or partial supplies of controlled substances 7185  
may not be personally furnished. 7186

(C) The state medical board shall adopt rules establishing 7187  
standards and procedures to be followed by a certified mental 7188  
health assistant in personally furnishing samples of drugs or 7189

complete or partial supplies of drugs to patients under this 7190  
section. Rules adopted under this section shall be adopted in 7191  
accordance with Chapter 119. of the Revised Code. 7192

**Sec. 4772.15.** (A) As used in this section, "community 7193  
addiction services provider" has the same meaning as in section 7194  
5119.01 of the Revised Code. 7195

(B) A certified mental health assistant shall comply with 7196  
section 3719.064 of the Revised Code and rules adopted under 7197  
section 4772.13 of the Revised Code when treating a patient with 7198  
medication-assisted treatment or proposing to initiate such 7199  
treatment. 7200

(C) A certified mental health assistant who fails to 7201  
comply with this section shall treat not more than thirty 7202  
patients at any one time with medication-assisted treatment even 7203  
if the facility or location at which the treatment is provided 7204  
is either of the following: 7205

(1) Exempted by divisions (B)(2)(a) to (d) or (i) of 7206  
section 4729.553 of the Revised Code from being required to 7207  
possess a category III terminal distributor of dangerous drugs 7208  
license with an office-based opioid treatment classification; 7209

(2) A community addiction services provider that provides 7210  
alcohol and drug addiction services that are certified by the 7211  
department of mental health and addiction services under section 7212  
5119.36 of the Revised Code. 7213

**Sec. 4772.19.** (A) The state medical board shall adopt 7214  
rules in accordance with Chapter 119. of the Revised Code to 7215  
implement and administer this chapter. 7216

(B) The rules adopted under this section shall include all 7217

<u>of the following:</u>	7218
<u>(1) Standards and procedures for issuing and renewing licenses to practice as a certified mental health assistant;</u>	7219
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<u>(2) Application fees for an initial or renewed license;</u>	7221
<u>(3) Rules governing physician-delegated prescriptive authority for certified mental health assistants;</u>	7222
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<u>(4) Rules establishing quality assurance standards for certified mental health assistants, including a process to be used for all of the following:</u>	7224
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	7226
<u>(a) Routine review by the supervising physician of selected patient record entries made by the certified mental health assistant and selected medical orders issued by the certified mental health assistant;</u>	7227
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<u>(b) Discussion of complex cases;</u>	7231
<u>(c) Discussion of new medical developments relevant to the practice of the supervising physician and certified mental health assistant;</u>	7232
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<u>(d) Performance of any other quality assurance activities the board considers necessary.</u>	7235
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<u>(5) Any other standards and procedures the board considers necessary to govern the practice of certified mental health assistants, the supervisory relationship between certified mental health assistants and supervising physicians, and the administration and enforcement of this chapter.</u>	7237
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<u>Sec. 4772.20. (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a license to practice as a certified mental</u>	7242
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health assistant to an individual found by the board to have 7245  
committed fraud, misrepresentation, or deception in applying for 7246  
or securing the license. 7247

(B) The board, by an affirmative vote of not fewer than 7248  
six members, shall, except as provided in division (C) of this 7249  
section, and to the extent permitted by law, limit, revoke, or 7250  
suspend an individual's license to practice as a certified 7251  
mental health assistant, refuse to issue a license to an 7252  
applicant, refuse to renew a license, refuse to reinstate a 7253  
license, or reprimand or place on probation the holder of a 7254  
license for any of the following reasons: 7255

(1) Permitting the holder's name or license to be used by 7256  
another person; 7257

(2) Failure to comply with the requirements of this 7258  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 7259  
by the board; 7260

(3) Violating or attempting to violate, directly or 7261  
indirectly, or assisting in or abetting the violation of, or 7262  
conspiring to violate, any provision of this chapter, Chapter 7263  
4731. of the Revised Code, or the rules adopted by the board; 7264

(4) A departure from, or failure to conform to, minimal 7265  
standards of care of similar practitioners under the same or 7266  
similar circumstances whether or not actual injury to the 7267  
patient is established; 7268

(5) Inability to practice according to acceptable and 7269  
prevailing standards of care by reason of mental illness or 7270  
physical illness, including physical deterioration that 7271  
adversely affects cognitive, motor, or perceptive skills; 7272

<u>(6) Impairment of ability to practice according to</u>	7273
<u>acceptable and prevailing standards of care because of habitual</u>	7274
<u>or excessive use or abuse of drugs, alcohol, or other substances</u>	7275
<u>that impair ability to practice;</u>	7276
<u>(7) Willfully betraying a professional confidence;</u>	7277
<u>(8) Making a false, fraudulent, deceptive, or misleading</u>	7278
<u>statement in securing or attempting to secure a license to</u>	7279
<u>practice as a certified mental health assistant.</u>	7280
<u>As used in this division, "false, fraudulent, deceptive,</u>	7281
<u>or misleading statement" means a statement that includes a</u>	7282
<u>misrepresentation of fact, is likely to mislead or deceive</u>	7283
<u>because of a failure to disclose material facts, is intended or</u>	7284
<u>is likely to create false or unjustified expectations of</u>	7285
<u>favorable results, or includes representations or implications</u>	7286
<u>that in reasonable probability will cause an ordinarily prudent</u>	7287
<u>person to misunderstand or be deceived.</u>	7288
<u>(9) The obtaining of, or attempting to obtain, money or a</u>	7289
<u>thing of value by fraudulent misrepresentations in the course of</u>	7290
<u>practice;</u>	7291
<u>(10) A plea of guilty to, a judicial finding of guilt of,</u>	7292
<u>or a judicial finding of eligibility for intervention in lieu of</u>	7293
<u>conviction for, a felony;</u>	7294
<u>(11) Commission of an act that constitutes a felony in</u>	7295
<u>this state, regardless of the jurisdiction in which the act was</u>	7296
<u>committed;</u>	7297
<u>(12) A plea of guilty to, a judicial finding of guilt of,</u>	7298
<u>or a judicial finding of eligibility for intervention in lieu of</u>	7299
<u>conviction for, a misdemeanor committed in the course of</u>	7300

<u>practice;</u>	7301
<u>(13) A plea of guilty to, a judicial finding of guilt of,</u>	7302
<u>or a judicial finding of eligibility for intervention in lieu of</u>	7303
<u>conviction for, a misdemeanor involving moral turpitude;</u>	7304
<u>(14) Commission of an act in the course of practice that</u>	7305
<u>constitutes a misdemeanor in this state, regardless of the</u>	7306
<u>jurisdiction in which the act was committed;</u>	7307
<u>(15) Commission of an act involving moral turpitude that</u>	7308
<u>constitutes a misdemeanor in this state, regardless of the</u>	7309
<u>jurisdiction in which the act was committed;</u>	7310
<u>(16) A plea of guilty to, a judicial finding of guilt of,</u>	7311
<u>or a judicial finding of eligibility for intervention in lieu of</u>	7312
<u>conviction for violating any state or federal law regulating the</u>	7313
<u>possession, distribution, or use of any drug, including</u>	7314
<u>trafficking in drugs;</u>	7315
<u>(17) Any of the following actions taken by the state</u>	7316
<u>agency responsible for regulating the practice of certified</u>	7317
<u>mental health assistants in another jurisdiction, for any reason</u>	7318
<u>other than the nonpayment of fees: the limitation, revocation,</u>	7319
<u>or suspension of an individual's license to practice; acceptance</u>	7320
<u>of an individual's license surrender; denial of a license;</u>	7321
<u>refusal to renew or reinstate a license; imposition of</u>	7322
<u>probation; or issuance of an order of censure or other</u>	7323
<u>reprimand;</u>	7324
<u>(18) Violation of the conditions placed by the board on a</u>	7325
<u>license to practice as a certified mental health assistant;</u>	7326
<u>(19) Failure to use universal blood and body fluid</u>	7327
<u>precautions established by rules adopted under section 4731.051</u>	7328

<u>of the Revised Code;</u>	7329
<u>(20) Failure to cooperate in an investigation conducted by the board under section 4772.21 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;</u>	7330 7331 7332 7333 7334 7335 7336 7337 7338 7339
<u>(21) Failure to practice in accordance with the supervising physician's supervision agreement with the certified mental health assistant;</u>	7340 7341 7342
<u>(22) Administering drugs for purposes other than those authorized under this chapter;</u>	7343 7344
<u>(23) Failure to comply with section 4772.13 of the Revised Code, unless the board no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;</u>	7345 7346 7347
<u>(24) Assisting suicide, as defined in section 3795.01 of the Revised Code.</u>	7348 7349
<u>(C) The board shall not refuse to issue a license to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code.</u>	7350 7351 7352 7353 7354
<u>(D) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to</u>	7355 7356

an adjudication under Chapter 119. of the Revised Code, except 7357  
that in lieu of an adjudication, the board may enter into a 7358  
consent agreement with a certified mental health assistant or 7359  
applicant to resolve an allegation of a violation of this 7360  
chapter or any rule adopted under it. A consent agreement, when 7361  
ratified by an affirmative vote of not fewer than six members of 7362  
the board, shall constitute the findings and order of the board 7363  
with respect to the matter addressed in the agreement. If the 7364  
board refuses to ratify a consent agreement, the admissions and 7365  
findings contained in the consent agreement shall be of no force 7366  
or effect. 7367

(E) For purposes of divisions (B) (11), (14), and (15) of 7368  
this section, the commission of the act may be established by a 7369  
finding by the board, pursuant to an adjudication under Chapter 7370  
119. of the Revised Code, that the applicant or license holder 7371  
committed the act in question. The board shall have no 7372  
jurisdiction under these divisions in cases where the trial 7373  
court renders a final judgment in the license holder's favor and 7374  
that judgment is based upon an adjudication on the merits. The 7375  
board shall have jurisdiction under these divisions in cases 7376  
where the trial court issues an order of dismissal on technical 7377  
or procedural grounds. 7378

(F) The sealing or expungement of conviction records by 7379  
any court shall have no effect on a prior board order entered 7380  
under the provisions of this section or on the board's 7381  
jurisdiction to take action under the provisions of this section 7382  
if, based upon a plea of guilty, a judicial finding of guilt, or 7383  
a judicial finding of eligibility for intervention in lieu of 7384  
conviction, the board issued a notice of opportunity for a 7385  
hearing prior to the court's order to seal or expunge the 7386  
records. The board shall not be required to seal, destroy, 7387



redact, or otherwise modify its records to reflect the court's 7388  
sealing or expungement of conviction records. 7389

(G) For purposes of this division, any individual who 7390  
holds a license to practice as a certified mental health 7391  
assistant issued under this chapter, or applies for a license, 7392  
shall be deemed to have given consent to submit to a mental or 7393  
physical examination when directed to do so in writing by the 7394  
board and to have waived all objections to the admissibility of 7395  
testimony or examination reports that constitute a privileged 7396  
communication. 7397

(1) In enforcing division (B) (5) of this section, the 7398  
board, on a showing of a possible violation, may compel any 7399  
individual who holds a license to practice as a certified mental 7400  
health assistant issued under this chapter or who has applied 7401  
for a license to submit to a mental or physical examination, or 7402  
both. A physical examination may include an HIV test. The 7403  
expense of the examination is the responsibility of the 7404  
individual compelled to be examined. Failure to submit to a 7405  
mental or physical examination or consent to an HIV test ordered 7406  
by the board constitutes an admission of the allegations against 7407  
the individual unless the failure is due to circumstances beyond 7408  
the individual's control, and a default and final order may be 7409  
entered without the taking of testimony or presentation of 7410  
evidence. If the board finds a certified mental health assistant 7411  
unable to practice because of the reasons set forth in division 7412  
(B) (5) of this section, the board shall require the certified 7413  
mental health assistant to submit to care, counseling, or 7414  
treatment by physicians approved or designated by the board, as 7415  
a condition for an initial, continued, reinstated, or renewed 7416  
license. An individual affected by this division shall be 7417  
afforded an opportunity to demonstrate to the board the ability 7418

to resume practicing in compliance with acceptable and 7419  
prevailing standards of care. 7420

(2) For purposes of division (B)(6) of this section, if 7421  
the board has reason to believe that any individual who holds a 7422  
license to practice as a certified mental health assistant 7423  
issued under this chapter or any applicant for a license suffers 7424  
such impairment, the board may compel the individual to submit 7425  
to a mental or physical examination, or both. The expense of the 7426  
examination is the responsibility of the individual compelled to 7427  
be examined. Any mental or physical examination required under 7428  
this division shall be undertaken by a treatment provider or 7429  
physician qualified to conduct such examination and chosen by 7430  
the board. 7431

Failure to submit to a mental or physical examination 7432  
ordered by the board constitutes an admission of the allegations 7433  
against the individual unless the failure is due to 7434  
circumstances beyond the individual's control, and a default and 7435  
final order may be entered without the taking of testimony or 7436  
presentation of evidence. If the board determines that the 7437  
individual's ability to practice is impaired, the board shall 7438  
suspend the individual's license or deny the individual's 7439  
application and shall require the individual, as a condition for 7440  
an initial, continued, reinstated, or renewed license to 7441  
practice, to submit to treatment. 7442

Before being eligible to apply for reinstatement of a 7443  
license suspended under this division, the certified mental 7444  
health assistant shall demonstrate to the board the ability to 7445  
resume practice in compliance with acceptable and prevailing 7446  
standards of care. The demonstration shall include the 7447  
following: 7448

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment; 7449  
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(b) Evidence of continuing full compliance with an aftercare contract or consent agreement; 7452  
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(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination. 7454  
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The board may reinstate a license suspended under this division after such demonstration and after the individual has entered into a written consent agreement. 7461  
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When the impaired certified mental health assistant resumes practice, the board shall require continued monitoring of the certified mental health assistant. The monitoring shall include monitoring of compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, on termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the certified mental health assistant has maintained sobriety. 7464  
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(H) If the secretary and supervising member determine that there is clear and convincing evidence that a certified mental health assistant has violated division (B) of this section and that the individual's continued practice presents a danger of 7474  
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immediate and serious harm to the public, they may recommend 7478  
that the board suspend the individual's license to practice 7479  
without a prior hearing. Written allegations shall be prepared 7480  
for consideration by the board. 7481

The board, on review of the allegations and by an 7482  
affirmative vote of not fewer than six of its members, excluding 7483  
the secretary and supervising member, may suspend a license 7484  
without a prior hearing. A telephone conference call may be 7485  
utilized for reviewing the allegations and taking the vote on 7486  
the summary suspension. 7487

The board shall issue a written order of suspension by 7488  
certified mail or in person in accordance with section 119.07 of 7489  
the Revised Code. The order shall not be subject to suspension 7490  
by the court during pendency of any appeal filed under section 7491  
119.12 of the Revised Code. If the certified mental health 7492  
assistant requests an adjudicatory hearing by the board, the 7493  
date set for the hearing shall be within fifteen days, but not 7494  
earlier than seven days, after the certified mental health 7495  
assistant requests the hearing, unless otherwise agreed to by 7496  
both the board and the license holder. 7497

A summary suspension imposed under this division shall 7498  
remain in effect, unless reversed on appeal, until a final 7499  
adjudicative order issued by the board pursuant to this section 7500  
and Chapter 119. of the Revised Code becomes effective. The 7501  
board shall issue its final adjudicative order within sixty days 7502  
after completion of its hearing. Failure to issue the order 7503  
within sixty days shall result in dissolution of the summary 7504  
suspension order, but shall not invalidate any subsequent, final 7505  
adjudicative order. 7506

(I) If the board takes action under division (B) (10), 7507

(12), or (13) of this section, and the judicial finding of 7508  
guilt, guilty plea, or judicial finding of eligibility for 7509  
intervention in lieu of conviction is overturned on appeal, on 7510  
exhaustion of the criminal appeal, a petition for 7511  
reconsideration of the order may be filed with the board along 7512  
with appropriate court documents. On receipt of a petition and 7513  
supporting court documents, the board shall reinstate the 7514  
license to practice as a certified mental health assistant. The 7515  
board may then hold an adjudication under Chapter 119. of the 7516  
Revised Code to determine whether the individual committed the 7517  
act in question. Notice of opportunity for hearing shall be 7518  
given in accordance with Chapter 119. of the Revised Code. If 7519  
the board finds, pursuant to an adjudication held under this 7520  
division, that the individual committed the act, or if no 7521  
hearing is requested, it may order any of the sanctions 7522  
specified in division (B) of this section. 7523

(J) The license to practice of a certified mental health 7524  
assistant and the assistant's practice in this state are 7525  
automatically suspended as of the date the certified mental 7526  
health assistant pleads guilty to, is found by a judge or jury 7527  
to be guilty of, or is subject to a judicial finding of 7528  
eligibility for intervention in lieu of conviction in this state 7529  
or treatment of intervention in lieu of conviction in another 7530  
jurisdiction for any of the following criminal offenses in this 7531  
state or a substantially equivalent criminal offense in another 7532  
jurisdiction: aggravated murder, murder, voluntary manslaughter, 7533  
felonious assault, kidnapping, rape, sexual battery, gross 7534  
sexual imposition, aggravated arson, aggravated robbery, or 7535  
aggravated burglary. Continued practice after the suspension 7536  
shall be considered practicing without a license. 7537

The board shall notify the individual subject to the 7538

suspension by certified mail or in person in accordance with 7539  
section 119.07 of the Revised Code. If an individual whose 7540  
license is suspended under this division fails to make a timely 7541  
request for an adjudication under Chapter 119. of the Revised 7542  
Code, the board shall enter a final order permanently revoking 7543  
the individual's license. 7544

(K) In any instance in which the board is required by 7545  
Chapter 119. of the Revised Code to give notice of opportunity 7546  
for hearing and the individual subject to the notice does not 7547  
timely request a hearing in accordance with section 119.07 of 7548  
the Revised Code, the board is not required to hold a hearing, 7549  
but may adopt, by an affirmative vote of not fewer than six of 7550  
its members, a final order that contains the board's findings. 7551  
In the final order, the board may order any of the sanctions 7552  
identified under division (A) or (B) of this section. 7553

(L) Any action taken by the board under division (B) of 7554  
this section resulting in a suspension shall be accompanied by a 7555  
written statement of the conditions under which the certified 7556  
mental health assistant's license may be reinstated. The board 7557  
shall adopt rules in accordance with Chapter 119. of the Revised 7558  
Code governing conditions to be imposed for reinstatement. 7559  
Reinstatement of a license suspended pursuant to division (B) of 7560  
this section requires an affirmative vote of not fewer than six 7561  
members of the board. 7562

(M) When the board refuses to grant or issue a license to 7563  
practice as a certified mental health assistant to an applicant, 7564  
revokes an individual's license, refuses to renew an 7565  
individual's license, or refuses to reinstate an individual's 7566  
license, the board may specify that its action is permanent. An 7567  
individual subject to a permanent action taken by the board is 7568

forever thereafter ineligible to hold a license to practice as a certified mental health assistant and the board shall not accept an application for reinstatement of the license or for issuance of a new license. 7569  
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(N) Notwithstanding any other provision of the Revised Code, all of the following apply: 7573  
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(1) The surrender of a license to practice as a certified mental health assistant issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board. 7575  
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(2) An application made under this chapter for a license to practice may not be withdrawn without approval of the board. 7580  
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(3) Failure by an individual to renew a license to practice in accordance with section 4772.08 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual. 7582  
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**Sec. 4772.201.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state medical board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license to practice as a certified mental health assistant issued under this chapter. 7586  
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**Sec. 4772.202.** If the state medical board has reason to believe that any person who has been granted a license to practice as a certified mental health assistant under this chapter is mentally ill or mentally incompetent, it may file in the probate court of the county in which the person has a legal residence an affidavit in the form prescribed in section 5122.11 7592  
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of the Revised Code and signed by the board secretary or a 7598  
member of the board secretary's staff, whereupon the same 7599  
proceedings shall be had as provided in Chapter 5122. of the 7600  
Revised Code. The attorney general may represent the board in 7601  
any proceeding commenced under this section. 7602

If any person who has been granted a license is adjudged 7603  
by a probate court to be mentally ill or mentally incompetent, 7604  
the person's license shall be automatically suspended until the 7605  
person has filed with the state medical board a certified copy 7606  
of an adjudication by a probate court of the person's subsequent 7607  
restoration to competency or has submitted to the board proof, 7608  
satisfactory to the board, that the person has been discharged 7609  
as having a restoration to competency in the manner and form 7610  
provided in section 5122.38 of the Revised Code. The judge of 7611  
the probate court shall forthwith notify the state medical board 7612  
of an adjudication of mental illness or mental incompetence, and 7613  
shall note any suspension of a license in the margin of the 7614  
court's record of such license. 7615

**Sec. 4772.203.** (A) (1) If a certified mental health 7616  
assistant violates any section of this chapter or any rule 7617  
adopted under this chapter, the state medical board may, 7618  
pursuant to an adjudication under Chapter 119. of the Revised 7619  
Code and an affirmative vote of not fewer than six of its 7620  
members, impose a civil penalty. The amount of the civil penalty 7621  
shall be determined by the board in accordance with the 7622  
guidelines adopted under division (A) (2) of this section. The 7623  
civil penalty may be in addition to any other action the board 7624  
may take under section 4772.20 of the Revised Code. 7625

(2) The board shall adopt and may amend guidelines 7626  
regarding the amounts of civil penalties to be imposed under 7627



this section. Adoption or amendment of the guidelines requires 7628  
the approval of not fewer than six board members. 7629

Under the guidelines, no civil penalty amount shall exceed 7630  
twenty thousand dollars. 7631

(B) Amounts received from payment of civil penalties 7632  
imposed under this section shall be deposited by the board in 7633  
accordance with section 4731.24 of the Revised Code. Amounts 7634  
received from payment of civil penalties imposed for violations 7635  
of division (B)(6) of section 4772.20 of the Revised Code shall 7636  
be used by the board solely for investigations, enforcement, and 7637  
compliance monitoring. 7638

**Sec. 4772.21.** (A) The state medical board shall 7639  
investigate evidence that appears to show that any person has 7640  
violated this chapter or the rules adopted under it. Any person 7641  
may report to the board in a signed writing any information the 7642  
person has that appears to show a violation of any provision of 7643  
this chapter or the rules adopted under it. In the absence of 7644  
bad faith, a person who reports such information or testifies 7645  
before the board in an adjudication conducted under Chapter 119. 7646  
of the Revised Code shall not be liable for civil damages as a 7647  
result of reporting the information or providing testimony. Each 7648  
complaint or allegation of a violation received by the board 7649  
shall be assigned a case number and be recorded by the board. 7650

(B) Investigations of alleged violations of this chapter 7651  
or rules adopted under it shall be supervised by the supervising 7652  
member elected by the board in accordance with section 4731.02 7653  
of the Revised Code and by the secretary as provided in section 7654  
4772.24 of the Revised Code. The board's president may designate 7655  
another member of the board to supervise the investigation in 7656  
place of the supervising member. A member of the board who 7657

supervises the investigation of a case shall not participate in 7658  
further adjudication of the case. 7659

(C) In investigating a possible violation of this chapter 7660  
or the rules adopted under it, the board may administer oaths, 7661  
order the taking of depositions, issue subpoenas, and compel the 7662  
attendance of witnesses and production of books, accounts, 7663  
papers, records, documents, and testimony, except that a 7664  
subpoena for patient record information shall not be issued 7665  
without consultation with the attorney general's office and 7666  
approval of the secretary and supervising member of the board. 7667  
Before issuance of a subpoena for patient record information, 7668  
the secretary and supervising member shall determine whether 7669  
there is probable cause to believe that the complaint filed 7670  
alleges a violation of this chapter or the rules adopted under 7671  
it and that the records sought are relevant to the alleged 7672  
violation and material to the investigation. The subpoena may 7673  
apply only to records that cover a reasonable period of time 7674  
surrounding the alleged violation. 7675

On failure to comply with any subpoena issued by the board 7676  
and after reasonable notice to the person being subpoenaed, the 7677  
board may move for an order compelling the production of persons 7678  
or records pursuant to the Rules of Civil Procedure. 7679

A subpoena issued by the board may be served by a sheriff, 7680  
the sheriff's deputy, or a board employee designated by the 7681  
board. Service of a subpoena issued by the board may be made by 7682  
delivering a copy of the subpoena to the person named therein, 7683  
reading it to the person, or leaving it at the person's usual 7684  
place of residence. When the person being served is a certified 7685  
mental health assistant, service of the subpoena may be made by 7686  
certified mail, restricted delivery, return receipt requested, 7687

and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery. 7688  
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A sheriff's deputy who serves a subpoena shall receive the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for witnesses in civil cases in the courts of common pleas. 7690  
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(D) All hearings and investigations of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code. 7695  
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(E) Information received by the board pursuant to an investigation is confidential and not subject to discovery in any civil action. 7698  
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The board shall conduct all investigations and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given. 7701  
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The board may share any information it receives pursuant to an investigation, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state medical board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its 7706  
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possession. In a judicial proceeding, the information may be 7717  
admitted into evidence only in accordance with the Rules of 7718  
Evidence, but the court shall require that appropriate measures 7719  
are taken to ensure that confidentiality is maintained with 7720  
respect to any part of the information that contains names or 7721  
other identifying information about patients or complainants 7722  
whose confidentiality was protected by the state medical board 7723  
when the information was in the board's possession. Measures to 7724  
ensure confidentiality that may be taken by the court include 7725  
sealing its records or deleting specific information from its 7726  
records. 7727

(F) On a quarterly basis, the board shall prepare a report 7728  
that documents the disposition of all cases during the preceding 7729  
three months. The report shall contain the following information 7730  
for each case with which the board has completed its activities: 7731

(1) The case number assigned to the complaint or alleged 7732  
violation; 7733

(2) The type of license, if any, held by the individual 7734  
against whom the complaint is directed; 7735

(3) A description of the allegations contained in the 7736  
complaint; 7737

(4) The disposition of the case. 7738

The report shall state how many cases are still pending, 7739  
and shall be prepared in a manner that protects the identity of 7740  
each person involved in each case. The report is a public record 7741  
for purposes of section 149.43 of the Revised Code. 7742

**Sec. 4772.22.** (A) As used in this section, "prosecutor" 7743  
has the same meaning as in section 2935.01 of the Revised Code. 7744

(B) Whenever any person holding a valid license to practice as a certified mental health assistant issued under this chapter pleads guilty to, is subject to a judicial finding of guilt of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction for a violation of Chapter 2907., 2925., or 3719. of the Revised Code or of any substantively comparable ordinance of a municipal corporation in connection with the person's practice, the prosecutor in the case, on forms prescribed and provided by the state medical board, shall promptly notify the board of the conviction. Within thirty days of receipt of that information, the board shall initiate action in accordance with Chapter 119. of the Revised Code to determine whether to suspend or revoke the license under section 4772.20 of the Revised Code. 7745  
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(C) The prosecutor in any case against any person holding a valid license issued under this chapter, on forms prescribed and provided by the state medical board, shall notify the board of any of the following: 7759  
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(1) A plea of guilty to, a finding of guilt by a jury or court of, or judicial finding of eligibility for intervention in lieu of conviction for a felony, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a felony charge; 7763  
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(2) A plea of guilty to, a finding of guilt by a jury or court of, or judicial finding of eligibility for intervention in lieu of conviction for a misdemeanor committed in the course of practice, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor, if the alleged act was committed in the course of practice; 7768  
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(3) A plea of guilty to, a finding of guilt by a jury or court of, or judicial finding of eligibility for intervention in lieu of conviction for a misdemeanor involving moral turpitude, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor involving moral turpitude. 7775  
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The report shall include the name and address of the license holder, the nature of the offense for which the action was taken, and the certified court documents recording the action. 7781  
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**Sec. 4772.23.** (A) Within sixty days after the imposition of any formal disciplinary action taken by any health care facility, including a hospital, health care facility operated by a health insuring corporation, ambulatory surgical facility, or similar facility, against any individual holding a valid license to practice as a certified mental health assistant, the chief administrator or executive officer of the facility shall report to the state medical board the name of the individual, the action taken by the facility, and a summary of the underlying facts leading to the action taken. On request, the board shall be provided certified copies of the patient records that were the basis for the facility's action. Prior to release to the board, the summary shall be approved by the peer review committee that reviewed the case or by the governing board of the facility. 7785  
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The filing of a report with the board or decision not to file a report, investigation by the board, or any disciplinary action taken by the board, does not preclude a health care facility from taking disciplinary action against a certified mental health assistant. 7800  
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In the absence of fraud or bad faith, no individual or 7805  
entity that provides patient records to the board shall be 7806  
liable in damages to any person as a result of providing the 7807  
records. 7808

(B) (1) Except as provided in division (B) (2) of this 7809  
section, a certified mental health assistant, professional 7810  
association or society of certified mental health assistants, 7811  
physician, or professional association or society of physicians 7812  
that believes a violation of any provision of this chapter, 7813  
Chapter 4731. of the Revised Code, or rule of the board has 7814  
occurred shall report to the board the information on which the 7815  
belief is based. 7816

(2) A certified mental health assistant, professional 7817  
association or society of certified mental health assistants, 7818  
physician, or professional association or society of physicians 7819  
that believes a violation of division (B) (6) of section 4772.20 7820  
of the Revised Code has occurred shall report the information 7821  
upon which the belief is based to the monitoring organization 7822  
conducting the program established by the board under section 7823  
4731.251 of the Revised Code. If any such report is made to the 7824  
board, it shall be referred to the monitoring organization 7825  
unless the board is aware that the individual who is the subject 7826  
of the report does not meet the program eligibility requirements 7827  
of section 4731.252 of the Revised Code. 7828

(C) Any professional association or society composed 7829  
primarily of certified mental health assistants that suspends or 7830  
revokes an individual's membership for violations of 7831  
professional ethics, or for reasons of professional incompetence 7832  
or professional malpractice, within sixty days after a final 7833  
decision, shall report to the board, on forms prescribed and 7834

provided by the board, the name of the individual, the action 7835  
taken by the professional organization, and a summary of the 7836  
underlying facts leading to the action taken. 7837

The filing of a report with the board or decision not to 7838  
file a report, investigation by the board, or any disciplinary 7839  
action taken by the board, does not preclude a professional 7840  
organization from taking disciplinary action against a certified 7841  
mental health assistant. 7842

(D) Any insurer providing professional liability insurance 7843  
to any person holding a valid license to practice as a certified 7844  
mental health assistant or any other entity that seeks to 7845  
indemnify the professional liability of a certified mental 7846  
health assistant shall notify the board within thirty days after 7847  
the final disposition of any written claim for damages where 7848  
such disposition results in a payment exceeding twenty-five 7849  
thousand dollars. The notice shall contain the following 7850  
information: 7851

(1) The name and address of the person submitting the 7852  
notification; 7853

(2) The name and address of the insured who is the subject 7854  
of the claim; 7855

(3) The name of the person filing the written claim; 7856

(4) The date of final disposition; 7857

(5) If applicable, the identity of the court in which the 7858  
final disposition of the claim took place. 7859

(E) The board may investigate possible violations of this 7860  
chapter or the rules adopted under it that are brought to its 7861  
attention as a result of the reporting requirements of this 7862



section, except that the board shall conduct an investigation if 7863  
a possible violation involves repeated malpractice. As used in 7864  
this division, "repeated malpractice" means three or more claims 7865  
for malpractice within the previous five-year period, each 7866  
resulting in a judgment or settlement in excess of twenty-five 7867  
thousand dollars in favor of the claimant, and each involving 7868  
negligent conduct by the certified mental health assistant. 7869

(F) All summaries, reports, and records received and 7870  
maintained by the board pursuant to this section shall be held 7871  
in confidence and shall not be subject to discovery or 7872  
introduction in evidence in any federal or state civil action 7873  
involving a certified mental health assistant, supervising 7874  
physician, or health care facility arising out of matters that 7875  
are the subject of the reporting required by this section. The 7876  
board may use the information obtained only as the basis for an 7877  
investigation, as evidence in a disciplinary hearing against a 7878  
certified mental health assistant or supervising physician, or 7879  
in any subsequent trial or appeal of a board action or order. 7880

The board may disclose the summaries and reports it 7881  
receives under this section only to health care facility 7882  
committees within or outside this state that are involved in 7883  
credentialing or recredentialing a certified mental health 7884  
assistant or supervising physician, if applicable, or reviewing 7885  
their privilege to practice within a particular facility. The 7886  
board shall indicate whether or not the information has been 7887  
verified. Information transmitted by the board shall be subject 7888  
to the same confidentiality provisions as when maintained by the 7889  
board. 7890

(G) Except for reports filed by an individual pursuant to 7891  
division (B) of this section, the board shall send a copy of any 7892

reports or summaries it receives pursuant to this section to the 7893  
certified mental health assistant. The certified mental health 7894  
assistant shall have the right to file a statement with the 7895  
board concerning the correctness or relevance of the 7896  
information. The statement shall at all times accompany that 7897  
part of the record in contention. 7898

(H) An individual or entity that reports to the board, 7899  
reports to the monitoring organization described in section 7900  
4731.251 of the Revised Code, or refers an impaired certified 7901  
mental health assistant to a treatment provider approved by the 7902  
board under section 4731.25 of the Revised Code shall not be 7903  
subject to suit for civil damages as a result of the report, 7904  
referral, or provision of the information. 7905

(I) In the absence of fraud or bad faith, a professional 7906  
association or society of certified mental health assistants 7907  
that sponsors a committee or program to provide peer assistance 7908  
to a certified mental health assistant with substance abuse 7909  
problems, a representative or agent of such a committee or 7910  
program, a representative or agent of the monitoring 7911  
organization described in section 4731.251 of the Revised Code, 7912  
and a member of the state medical board shall not be held liable 7913  
in damages to any person by reason of actions taken to refer a 7914  
certified mental health assistant to a treatment provider 7915  
approved under section 4731.25 of the Revised Code for 7916  
examination or treatment. 7917

**Sec. 4772.24.** The secretary of the state medical board 7918  
shall enforce the laws relating to the practice of certified 7919  
mental health assistants. If the secretary has knowledge or 7920  
notice of a violation of this chapter or the rules adopted under 7921  
it, the secretary shall investigate the matter, and, upon 7922

probable cause appearing, file a complaint and prosecute the 7923  
offender. When requested by the secretary, the prosecuting 7924  
attorney of the proper county shall take charge of and conduct 7925  
the prosecution. 7926

**Sec. 4772.25.** The attorney general, the prosecuting 7927  
attorney of any county in which the offense was committed or the 7928  
offender resides, the state medical board, or any other person 7929  
having knowledge of a person engaged either directly or by 7930  
complicity in practicing as a certified mental health assistant 7931  
without having first obtained under this chapter a license to 7932  
practice as a certified mental health assistant, may, in 7933  
accordance with provisions of the Revised Code governing 7934  
injunctions, maintain an action in the name of the state to 7935  
enjoin any person from engaging either directly or by complicity 7936  
in unlawfully practicing as a certified mental health assistant 7937  
by applying for an injunction in any court of competent 7938  
jurisdiction. 7939

Prior to application for an injunction, the secretary of 7940  
the state medical board shall notify the person allegedly 7941  
engaged either directly or by complicity in the unlawful 7942  
practice by registered mail that the secretary has received 7943  
information indicating that this person is so engaged. The 7944  
person shall answer the secretary within thirty days showing 7945  
that the person is either properly licensed for the stated 7946  
activity or that the person is not in violation of this chapter. 7947  
If the answer is not forthcoming within thirty days after notice 7948  
by the secretary, the secretary shall request that the attorney 7949  
general, the prosecuting attorney of the county in which the 7950  
offense was committed or the offender resides, or the state 7951  
medical board proceed as authorized in this section. 7952

Upon the filing of a verified petition in court, the court shall conduct a hearing on the petition and shall give the same preference to this proceeding as is given all proceedings under Chapter 119. of the Revised Code, irrespective of the position of the proceeding on the calendar of the court.

Injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this chapter.

**Sec. 4772.26.** The state medical board, subject to the approval of the controlling board, may establish fees in excess of the amounts specified in this chapter, except that the fees may not exceed the specified amounts by more than fifty per cent.

All fees, penalties, and other funds received by the board under this chapter shall be deposited in accordance with section 4731.24 of the Revised Code.

**Sec. 4772.27.** In the absence of fraud or bad faith, the state medical board, a current or former board member, an agent of the board, a person formally requested by the board to be the board's representative, or an employee of the board shall not be held liable in damages to any person as the result of any act, omission, proceeding, conduct, or decision related to official duties undertaken or performed pursuant to this chapter. If any such person asks to be defended by the state against any claim or action arising out of any act, omission, proceeding, conduct, or decision related to the person's official duties, and if the request is made in writing at a reasonable time before trial and the person requesting defense cooperates in good faith in the defense of the claim or action, the state shall provide and pay for the person's defense and shall pay any resulting judgment,

compromise, or settlement. At no time shall the state pay any 7983  
part of a claim or judgment that is for punitive or exemplary 7984  
damages. 7985

**Sec. 4772.28.** The state medical board shall comply with 7986  
section 4776.20 of the Revised Code. 7987

**Sec. 4772.99.** (A) Whoever violates section 4772.02 of the 7988  
Revised Code is guilty of a misdemeanor of the first degree on a 7989  
first offense; on each subsequent offense, the person is guilty 7990  
of a felony of the fourth degree. 7991

(B) Whoever violates division (A), (B), (C), or (D) of 7992  
section 4772.23 of the Revised Code is guilty of a minor 7993  
misdemeanor on a first offense; on each subsequent offense the 7994  
person is guilty of a misdemeanor of the fourth degree, except 7995  
that an individual guilty of a subsequent offense shall not be 7996  
subject to imprisonment, but to a fine alone of up to one 7997  
thousand dollars for each offense. 7998

**Sec. 4776.01.** As used in this chapter: 7999

(A) "License" means an authorization evidenced by a 8000  
license, certificate, registration, permit, card, or other 8001  
authority that is issued or conferred by a licensing agency to a 8002  
licensee or to an applicant for an initial license by which the 8003  
licensee or initial license applicant has or claims the 8004  
privilege to engage in a profession, occupation, or occupational 8005  
activity, or, except in the case of the state dental board, to 8006  
have control of and operate certain specific equipment, 8007  
machinery, or premises, over which the licensing agency has 8008  
jurisdiction. 8009

(B) Except as provided in section 4776.20 of the Revised 8010  
Code, "licensee" means the person to whom the license is issued 8011

by a licensing agency. "Licensee" includes a person who, for 8012  
purposes of section 3796.13 of the Revised Code, has complied 8013  
with sections 4776.01 to 4776.04 of the Revised Code and has 8014  
been determined by the division of marijuana control, as the 8015  
applicable licensing agency, to meet the requirements for 8016  
employment. 8017

(C) Except as provided in section 4776.20 of the Revised 8018  
Code, "licensing agency" means any of the following: 8019

(1) The board authorized by Chapters 4701., 4717., 4725., 8020  
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 8021  
4753., 4755., 4757., 4759., 4760., 4761., 4762., 4772., 4774., 8022  
4778., 4779., and 4783. of the Revised Code to issue a license 8023  
to engage in a specific profession, occupation, or occupational 8024  
activity, or to have charge of and operate certain specific 8025  
equipment, machinery, or premises. 8026

(2) The state dental board, relative to its authority to 8027  
issue a license pursuant to section 4715.12, 4715.16, 4715.21, 8028  
or 4715.27 of the Revised Code; 8029

(3) The division of marijuana control, relative to its 8030  
authority under Chapter 3796. of the Revised Code and any rules 8031  
adopted under that chapter with respect to a person who is 8032  
subject to section 3796.13 of the Revised Code; 8033

(4) The director of agriculture, relative to the 8034  
director's authority to issue licenses under Chapter 928. of the 8035  
Revised Code. 8036

(D) "Applicant for an initial license" includes persons 8037  
seeking a license for the first time and persons seeking a 8038  
license by reciprocity, endorsement, or similar manner of a 8039  
license issued in another state. "Applicant for an initial 8040

license" also includes a person who, for purposes of section 8041  
3796.13 of the Revised Code, is required to comply with sections 8042  
4776.01 to 4776.04 of the Revised Code. 8043

(E) "Applicant for a restored license" includes persons 8044  
seeking restoration of a license under section 4730.14, 4730.28, 8045  
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 8046  
4761.06, 4761.061, 4762.06, 4762.061, 4772.08, 4772.082, 8047  
4774.06, 4774.061, 4778.07, or 4778.071 of the Revised Code. 8048  
"Applicant for a restored license" does not include a person 8049  
seeking restoration of a license under section 4751.33 of the 8050  
Revised Code. 8051

(F) "Criminal records check" has the same meaning as in 8052  
section 109.572 of the Revised Code. 8053

**Sec. 5123.47.** (A) As used in this section: 8054

(1) "In-home care" means the supportive services provided 8055  
within the home of an individual with a developmental disability 8056  
who receives funding for the services through a county board of 8057  
developmental disabilities, including any recipient of 8058  
residential services funded as home and community-based 8059  
services, family support services provided under section 5126.11 8060  
of the Revised Code, or supported living provided in accordance 8061  
with sections 5126.41 to 5126.47 of the Revised Code. "In-home 8062  
care" includes care that is provided outside an individual's 8063  
home in places incidental to the home, and while traveling to 8064  
places incidental to the home, except that "in-home care" does 8065  
not include care provided in the facilities of a county board of 8066  
developmental disabilities or care provided in schools. 8067

(2) "Parent" means either parent of a child, including an 8068  
adoptive parent but not a foster parent. 8069

(3) "Unlicensed in-home care worker" means an individual	8070
who provides in-home care but is not a health care professional.	8071
(4) "Family member" means a parent, sibling, spouse, son,	8072
daughter, grandparent, aunt, uncle, cousin, or guardian of the	8073
individual with a developmental disability if the individual	8074
with a developmental disability lives with the person and is	8075
dependent on the person to the extent that, if the supports were	8076
withdrawn, another living arrangement would have to be found.	8077
(5) "Health care professional" means any of the following:	8078
(a) A dentist who holds a valid license issued under	8079
Chapter 4715. of the Revised Code;	8080
(b) A registered or licensed practical nurse who holds a	8081
valid license issued under Chapter 4723. of the Revised Code;	8082
(c) An optometrist who holds a valid license issued under	8083
Chapter 4725. of the Revised Code;	8084
(d) A pharmacist who holds a valid license issued under	8085
Chapter 4729. of the Revised Code;	8086
(e) A person who holds a valid license or certificate	8087
issued under Chapter 4731. of the Revised Code to practice	8088
medicine and surgery, osteopathic medicine and surgery,	8089
podiatric medicine and surgery, or a limited brand of medicine;	8090
(f) A physician assistant who holds a valid license issued	8091
under Chapter 4730. of the Revised Code;	8092
(g) An occupational therapist or occupational therapy	8093
assistant or a physical therapist or physical therapist	8094
assistant who holds a valid license issued under Chapter 4755.	8095
of the Revised Code;	8096



(h) A respiratory care professional who holds a valid license issued under Chapter 4761. of the Revised Code; 8097  
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(i) A certified mental health assistant who holds a valid license issued under Chapter 4772. of the Revised Code. 8099  
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(6) "Health care task" means a task that is prescribed, ordered, delegated, or otherwise directed by a health care professional acting within the scope of the professional's practice. "Health care task" includes the administration of oral and topical prescribed medications; administration of nutrition and medications through gastrostomy and jejunostomy tubes that are stable and labeled; administration of oxygen and metered dose inhaled medications; administration of insulin through subcutaneous injections, inhalation, and insulin pumps; and administration of prescribed medications for the treatment of metabolic glyceimic disorders through subcutaneous injections. 8101  
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(B) Except as provided in division (E) of this section, a family member of an individual with a developmental disability may authorize an unlicensed in-home care worker to perform health care tasks as part of the in-home care the worker provides to the individual, if all of the following apply: 8112  
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(1) The family member is the primary supervisor of the care. 8117  
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(2) The unlicensed in-home care worker has been selected by the family member or the individual receiving care and is under the direct supervision of the family member. 8119  
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(3) The unlicensed in-home care worker is providing the care through an employment or other arrangement entered into directly with the family member and is not otherwise employed by or under contract with a person or government entity to provide 8122  
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services to individuals with developmental disabilities.	8126
(4) The health care task is completed in accordance with standard, written instructions.	8127 8128
(5) Performance of the health care task requires no judgment based on specialized health care knowledge or expertise.	8129 8130 8131
(6) The outcome of the health care task is reasonably predictable.	8132 8133
(7) Performance of the health care task requires no complex observation of the individual receiving the care.	8134 8135
(8) Improper performance of the health care task will result in only minimal complications that are not life-threatening.	8136 8137 8138
(C) A family member shall obtain a prescription, if applicable, and written instructions from a health care professional for the care to be provided to the individual. The family member shall authorize the unlicensed in-home care worker to provide the care by preparing a written document granting the authority. The family member shall provide the unlicensed in-home care worker with appropriate training and written instructions in accordance with the instructions obtained from the health care professional. The family member or a health care professional shall be available to communicate with the unlicensed in-home care worker either in person or by telecommunication while the in-home care worker performs a health care task.	8139 8140 8141 8142 8143 8144 8145 8146 8147 8148 8149 8150 8151
(D) A family member who authorizes an unlicensed in-home care worker to administer oral and topical prescribed	8152 8153

medications or perform other health care tasks retains full 8154  
responsibility for the health and safety of the individual 8155  
receiving the care and for ensuring that the worker provides the 8156  
care appropriately and safely. No entity that funds or monitors 8157  
the provision of in-home care may be held liable for the results 8158  
of the care provided under this section by an unlicensed in-home 8159  
care worker, including such entities as the county board of 8160  
developmental disabilities and the department of developmental 8161  
disabilities. 8162

An unlicensed in-home care worker who is authorized under 8163  
this section by a family member to provide care to an individual 8164  
may not be held liable for any injury caused in providing the 8165  
care, unless the worker provides the care in a manner that is 8166  
not in accordance with the training and instructions received or 8167  
the worker acts in a manner that constitutes willful or wanton 8168  
misconduct. 8169

(E) A county board of developmental disabilities may 8170  
evaluate the authority granted by a family member under this 8171  
section to an unlicensed in-home care worker at any time it 8172  
considers necessary and shall evaluate the authority on receipt 8173  
of a complaint. If the board determines that a family member has 8174  
acted in a manner that is inappropriate for the health and 8175  
safety of the individual receiving the care, the authorization 8176  
granted by the family member to an unlicensed in-home care 8177  
worker is void, and the family member may not authorize other 8178  
unlicensed in-home care workers to provide the care. In making 8179  
such a determination, the board shall use appropriately licensed 8180  
health care professionals and shall provide the family member an 8181  
opportunity to file a complaint under section 5126.06 of the 8182  
Revised Code. 8183

**Sec. 5164.95.** (A) As used in this section, "telehealth service" means a health care service delivered to a patient through the use of interactive audio, video, or other telecommunications or electronic technology from a site other than the site where the patient is located.

(B) The department of medicaid shall establish standards for medicaid payments for health care services the department determines are appropriate to be covered by the medicaid program when provided as telehealth services. The standards shall be established in rules adopted under section 5164.02 of the Revised Code.

In accordance with section 5162.021 of the Revised Code, the medicaid director shall adopt rules authorizing the directors of other state agencies to adopt rules regarding the medicaid coverage of telehealth services under programs administered by the other state agencies. Any such rules adopted by the medicaid director or the directors of other state agencies are not subject to the requirements of division (F) of section 121.95 of the Revised Code.

(C) (1) To the extent permitted under rules adopted under section 5164.02 of the Revised Code and applicable federal law, the following practitioners are eligible to provide telehealth services covered pursuant to this section:

(a) A physician licensed under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;

(b) A psychologist, independent school psychologist, or school psychologist licensed under Chapter 4732. of the Revised Code;

(c) A physician assistant licensed under Chapter 4730. of the Revised Code;	8213 8214
(d) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner licensed under Chapter 4723. of the Revised Code;	8215 8216 8217
(e) An independent social worker, independent marriage and family therapist, or professional clinical counselor licensed under Chapter 4757. of the Revised Code;	8218 8219 8220
(f) An independent chemical dependency counselor licensed under Chapter 4758. of the Revised Code;	8221 8222
(g) A supervised practitioner or supervised trainee;	8223
(h) An audiologist or speech-language pathologist licensed under Chapter 4753. of the Revised Code;	8224 8225
(i) An audiology aide or speech-language pathology aide, as defined in section 4753.072 of the Revised Code, or an individual holding a conditional license under section 4753.071 of the Revised Code;	8226 8227 8228 8229
(j) An occupational therapist or physical therapist licensed under Chapter 4755. of the Revised Code;	8230 8231
(k) An occupational therapy assistant or physical therapist assistant licensed under Chapter 4755. of the Revised Code.	8232 8233 8234
(l) A dietitian licensed under Chapter 4759. of the Revised Code;	8235 8236
(m) A chiropractor licensed under Chapter 4734. of the Revised Code;	8237 8238
(n) A pharmacist licensed under Chapter 4729. of the	8239

Revised Code;	8240
(o) A genetic counselor licensed under Chapter 4778. of the Revised Code;	8241 8242
(p) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry;	8243 8244
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	8245 8246
(r) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code;	8247 8248
(s) A practitioner who provides services through a medicaid school program;	8249 8250
(t) Subject to section 5119.368 of the Revised Code, a practitioner authorized to provide services and supports certified under section 5119.36 of the Revised Code through a community mental health services provider or community addiction services provider;	8251 8252 8253 8254 8255
(u) <u>A certified mental health assistant licensed under Chapter 4772. of the Revised Code;</u>	8256 8257
(v) <u>Any other practitioner the medicaid director considers eligible to provide telehealth services.</u>	8258 8259
(2) In accordance with division (B) of this section and to the extent permitted under rules adopted under section 5164.02 of the Revised Code and applicable federal law, the following provider types are eligible to submit claims for medicaid payments for providing telehealth services:	8260 8261 8262 8263 8264
(a) Any practitioner described in division (C) (1) of this section, except for those described in divisions (C) (1) (g), (i),	8265 8266

and (k) of this section;	8267
(b) A professional medical group;	8268
(c) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	8269 8270 8271
(d) A rural health clinic;	8272
(e) An ambulatory health care clinic;	8273
(f) An outpatient hospital;	8274
(g) A medicaid school program;	8275
(h) Subject to section 5119.368 of the Revised Code, a community mental health services provider or community addiction services provider that offers services and supports certified under section 5119.36 of the Revised Code;	8276 8277 8278 8279
(i) Any other provider type the medicaid director considers eligible to submit the claims for payment.	8280 8281
(D) (1) When providing telehealth services under this section, a practitioner shall comply with all requirements under state and federal law regarding the protection of patient information. A practitioner shall ensure that any username or password information and any electronic communications between the practitioner and a patient are securely transmitted and stored.	8282 8283 8284 8285 8286 8287 8288
(2) When providing telehealth services under this section, every practitioner site shall have access to the medical records of the patient at the time telehealth services are provided.	8289 8290 8291
<b>Sec. 5903.12.</b> (A) As used in this section:	8292

"Continuing education" means continuing education required of a licensee by law and includes, but is not limited to, the continuing education required of licensees under sections 3737.881, 3776.07, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282, 4734.25, 4735.141, 4741.16, 4741.19, 4751.24, 4751.25, 4755.63, 4757.33, 4759.06, 4761.06, ~~and 4763.07~~, and 4772.081 of the Revised Code.

"Reporting period" means the period of time during which a licensee must complete the number of hours of continuing education required of the licensee by law.

(B) A licensee may submit an application to a licensing agency, stating that the licensee requires an extension of the current reporting period because the licensee has served on active duty during the current or a prior reporting period. The licensee shall submit proper documentation certifying the active duty service and the length of that active duty service. Upon receiving the application and proper documentation, the licensing agency shall extend the current reporting period by an amount of time equal to the total number of months that the licensee spent on active duty during the current reporting period. For purposes of this division, any portion of a month served on active duty shall be considered one full month."

In line 417, after "sections" insert "2305.234, 2305.41, 2305.42, 2305.43, 2305.44, 2305.45, 2305.48, 2305.49, 2305.51, 2925.01, 2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2925.36, 2925.55, 2925.56, 2929.42, 3701.048, 3701.74, 3709.161, 3715.50, 3715.501, 3715.502, 3715.503, 3715.872, 3719.06, 3719.064, 3719.121, 3719.13, 3719.81, 4729.01,"; delete "and" and insert "4729.51,"

In line 418, after "4729.921" insert ", 4731.051, 4731.07, 4731.071,



4731.22, 4731.224, 4731.24, 4731.25, 4731.251, 4734.99, 4743.09, 4765.51, 8323  
4769.01, 4776.01, 5123.47, 5164.95, and 5903.12" 8324

After line 425, insert: 8325

**"Section 4.** The Medicaid Director shall submit a request 8326  
to the United States Centers for Medicare and Medicaid Services 8327  
for a Medicaid waiver to allow services provided by a certified 8328  
mental health assistant, as authorized by Chapter 4772. of the 8329  
Revised Code, to be paid by the Medicaid program. 8330

**Section 5.** Sections 2305.41, 2305.42, 2305.43, 2305.44, 8331  
2305.45, 2305.48, and 2305.49 of the Revised Code, as amended by 8332  
this act, shall be known as Paige's Law. 8333

**Section 6.** The General Assembly, applying the principle 8334  
stated in division (B) of section 1.52 of the Revised Code that 8335  
amendments are to be harmonized if reasonably capable of 8336  
simultaneous operation, finds that the following sections, 8337  
presented in this act as composites of the sections as amended 8338  
by the acts indicated, are the resulting versions of the 8339  
sections in effect prior to the effective date of the sections 8340  
as presented in this act: 8341

Section 3719.121 of the Revised Code as amended by both 8342  
H.B. 216 and S.B. 319 of the 131st General Assembly. 8343

Section 4729.01 of the Revised Code as amended by H.B. 509 8344  
and H.B. 558 of the 134th General Assembly." 8345

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

8346

**Certified mental health assistants**

8347

R.C. 2305.234, 2305.51, 2925.01, 2925.02, 2925.03, 8348  
2925.11, 2925.12, 2925.14, 2925.23, 2925.36, 2925.55, 2925.56, 8349  
2929.42, 3701.048, 3701.74, 3709.161, 3715.50, 3715.501, 8350  
3715.502, 3715.503, 3715.872, 3719.06, 3719.064, 3719.121, 8351  
3719.13, 3719.81, 4729.01, 4729.51, 4731.051, 4731.07, 4731.071, 8352  
4731.22, 4731.224, 4731.24, 4731.25, 4731.251, 4734.99, 4743.09, 8353  
4765.51, 4769.01, 4772.01, 4772.02, 4772.03, 4772.04, 4772.041, 8354  
4772.05, 4772.06, 4772.07, 4772.08, 4772.081, 4772.082, 4772.09, 8355  
4772.091, 4772.092, 4772.10, 4772.11, 4772.12, 4772.13, 4772.14, 8356  
4772.15, 4772.19, 4772.20, 4772.201, 4772.202, 4772.203, 8357  
4772.21, 4772.22, 4772.23, 4772.24, 4772.25, 4772.26, 4772.27, 8358  
4772.28, 4772.99, 4776.01, 5123.47, 5164.95, and 5903.12 8359

Establishes licensure by the State Medical Board for 8360  
certified mental health assistants (CMHAs). 8361

Authorizes CMHAs to provide mental health care under the 8362  
supervision, control, and direction of a physician with whom the 8363  
CMHA has entered into a supervision agreement. 8364

Authorizes CMHAs to prescribe and personally furnish drugs 8365  
and therapeutic devices in the exercise of physician-delegated 8366  
prescriptive authority, including certain identified controlled 8367  
substances. 8368

Specifies application procedures including education 8369  
requirements, renewal procedures, and continuing education 8370  
requirements for CMHAs. 8371

Establishes within the Medical Board an advisory committee 8372  
to advise the Board and the Department of Higher Education 8373

regarding CMHA education programs.	8374
Authorizes the Medical Board to discipline CMHAs in a manner similar to that of other Board licensees.	8375 8376
Prohibits an individual from claiming to be able to function as a CMHA if that individual does not hold a CMHA license, and imposes criminal penalties for violations of that and other related prohibitions.	8377 8378 8379 8380
<b>Medical identifying devices - Paige's Law</b>	8381
<b>R.C. 2305.41 to 2305.45, 2305.48, and 2305.49</b>	8382
Modifies the law governing the use of medical identifying devices, including by (1) recognizing devices containing bar or quick response codes that may be scanned to obtain medical information in an emergency and (2) authorizing law enforcement officers, emergency medical service providers, health care practitioners, and others to scan such devices in emergencies.	8383 8384 8385 8386 8387 8388
Designates these provisions as "Paige's Law."	8389
<b>Technical correction</b>	8390
<b>R.C. 4729.554</b>	8391
Removes a duplicated word.	8392